

# Upper Columbia Basin Environmental Collaborative

## December 2, 2024

### Written feedback submission on Columbia River Treaty (CRT) Agreement-in-Principle (AIP)

The Upper Columbia Basin Environmental Collaborative (UCBEC) is a partnership of Canadian environmental voices from the Upper Columbia Basin. We represent provincial, regional and local environmental organizations, supported by scientific, technical and policy experts. Current members include BC Nature, Living Lakes Canada, Wildsight (Regional), Yellowstone to Yukon Conservation Initiative, Wildsight Revelstoke and Friends of Kootenay Lake Stewardship Society. Fifteen additional environmental organizations in the Basin have also pledged their support for our objectives. UCBEC members and supporters represent thousands of individuals from across the Canadian Columbia Basin.

The following points summarize UCBEC's feedback on the CRT AIP according to the topic areas outlined in BC's written submission guidelines. It should be noted that some of our most significant concerns fall outside the designated topic areas and are provided under the General Comments section. Further comments and a detailed analysis in relation to UCBEC's 2020 Discussion Paper are attached in a separate document. That attachment includes comments on issues that may not fit into the scope of the international treaty but must be addressed in ongoing domestic implementation.

### General Comments

- Modify Treaty preamble to balance the purposes of hydropower, flood control and ecosystem function. The following example is provided as suitable text for conveying these revised treaty purposes (key additions to the original are highlighted in bold, minor deletions are not shown):

#### **The Columbia Treaty**

*Treaty between Canada and the United States of America relating to Cooperative Development of the Water Resources of The Columbia River Basin **and the Restoration and Enhancement of Ecosystem Function in the Basin***

The Governments of Canada and the United States of America

Recognizing that their peoples have, for many generations, lived together and cooperated with one another in many aspects of their national enterprises, for the greater wealth and happiness of their respective nations, and

Recognizing that the Columbia River Basin, as a part of the territory of both countries, contains **aquatic, riparian and terrestrial ecosystems of immeasurable value, as well as** water resources that are capable of contributing greatly to the economic growth and strength and to the general welfare of the two nations, and

Being desirous of achieving the development **and conservation** of those resources in a manner that **minimizes negative impacts to the basin's ecosystems and** contributes to the economic progress of both countries and to the welfare of their peoples, and

Recognizing that the greatest benefit to each country can be secured by cooperative measures **to maintain, restore and enhance ecosystem health and function in the basin, and** for hydroelectric power generation and flood control, **all of** which will make possible other benefits as well.

Have agreed as follows:

#### **ARTICLE I**

Etc.....

## **General Comments (continued)**

- Modify text throughout the entire Treaty to be consistent with and supportive of the principles and vision captured in the Treaty preamble proposed above (*i.e.*, the need to balance ecosystem function with power generation and flood control as Treaty purposes), specifically including Treaty Article XV and Annexes A7 and A8.
- The Treaty should be modified to require that Treaty Entities of both countries, the Permanent Engineering Board (PEB) and other levels of Treaty governance (including the Operating Committee) include members with ecosystem-function mandates and expertise. Notably, Article XV currently limits each country to only two PEB members, which may be inadequate. The PEB should also be renamed to reflect this expanded scope.
- Establish an adaptive management body that includes First Nations, Tribal and appropriate scientific membership, appropriate basin local government representatives and relevant non-government organizations.
- Terms of reference for the adaptive management body (previous bullet) should include a review of projections and potential impacts of climate change and development of a program of active adaptive management for the entire Columbia Basin focused on ensuring that reservoir integration and management are resilient to climate change, and coordinated in a manner that will maintain or enhance environmental values.
- Recommendations from adaptive management body (previous bullets) should feed directly into Treaty decision-making and not be restricted to an advisory role.
- Requirements and, if possible, tools and resources should be added into the Treaty itself for public consultation on Treaty implementation and management. Transparency of the Treaty and its implementation should be increased by requiring ongoing publication and effective distribution of related educational materials.

## **Flood-Risk Management (FRM)**

- We are pleased with the decrease in pre-planned flood storage in Canadian reservoirs and the potentially improved cooperation regarding Kootenay Lake flooding.
- An implementation plan is needed for Called-Up flood storage that ensures minimal negative impacts to environmental values in Canada and provides fair compensation when accessed.
- We ask that you ensure that prerequisites for Called-Up FRM are stringent and financial payments are appropriate.
- We request that Canada, through the negotiations and implementation of Called-Up FRM requirements, pressure the U.S. to expand effective use of lower Columbia floodplains to reduce U.S. dependence on Canadian flood storage (*i.e.*, protect or move infrastructure that is on the floodplains).

## **Canadian Flexibility**

- We are pleased with the increased flexibility for Canadian storage and the new opportunities for developing Specified Operations, both of which create potential for environmental benefits in Canada.

## **Hydropower and Transmission**

- No comments.

## **Compensation**

- We are pleased with both the annual compensation for pre-planned FRM and the annual compensation for auxiliary U.S. benefits.
- It is important to ensure fair compensation be provided for Called-Upon FRM.
- The method for determining the Canadian Entitlement and the annual size of the entitlement are significantly altered from the original Treaty (approaching a 40-50% reduction according to available BC Government data); there should be transparency around how these changes came about and how they will affect electrical power availability in BC, planning for ecosystem restoration in reservoirs and climate change mitigation goals.
- While this may ultimately be left for domestic consideration, the treaty would ideally include language ensuring that financial resources are available to support environmental needs.

## **Kootenay/Kootenai Transboundary Coordination**

- We are pleased with establishment of the Kootenay/Kootenai Transboundary Collaborative Workgroup (KTCW), however clarity around the geographic scope of its mandate would be helpful and would preferably include the whole watershed.
- The KTCW terms of reference should specifically include options to improve ecosystem function in Kootenay Lake, Kootenay and Duncan Rivers, and associated wetlands.
- The KTCW terms of reference should include exploration of FRW scenarios for Duncan and Koocanusa reservoirs.
- The KTCW terms of reference should include a robust process for public input on Kootenay basin issues.

## **Joint Ecosystem and Indigenous and Tribal Cultural Values Body (JEB)**

- We are pleased with the establishment of the JEB.
- Outcomes from the JEB to Entities and elsewhere should be elevated such that JEB recommendations are not strictly advisory, with JEB members directly involved in integrating JEB recommendations into Treaty decision making.

## **Salmon Reintroduction**

- We are pleased with commitments to support ongoing transboundary coordination on salmon reintroduction.
- Firm commitments by U.S. are needed that ensure that Canadian augmentation flows for fish will be effectively utilized to maximize fisheries benefits.
- A comprehensive assessment is needed of climate change risks to salmon reintroduction and options and limitations for risk mitigation.