



To: U.S. Entity

Re: Comments on U.S. Entity Cover Letter and Working Draft Recommendations for Columbia River Treaty Review (dated 6-27-13)

Via E-Mail: [treatyreview@bpa.gov](mailto:treatyreview@bpa.gov)

Dear U.S. Entity Treaty Review staff,

Founded in 1985, WaterWatch is a non-profit river conservation organization dedicated to the protection and restoration of natural flows in Oregon's rivers. We work to ensure that enough water is protected in Oregon's rivers to sustain fish, wildlife, recreation and other public uses of Oregon's rivers, lakes and streams. We also work for balanced water laws and policies. WaterWatch has members across Oregon and throughout the United States who care deeply about our rivers, their inhabitants and the effects of water laws and policies on these resources.

WaterWatch is excited about the opportunities presented by the updating/renegotiation of the Columbia River Treaty between the U.S. and Canada. Thank you for the opportunity to review and comment on the U.S. Entity Cover Letter and Working Draft Recommendations.

The U.S.-Canada Columbia River Treaty has provided a foundation for use of the Columbia and Snake Rivers since 1964. The Treaty has generated substantial benefits to U.S. and Canadian people in hydro power production and flood control. It has also imposed wrenching costs upon Columbia Basin Indian Tribes and First Nations, upon salmon and other native species, and upon the ecosystems that support life and livelihood for all who depend on this great watershed.

The challenge for both nations is three-fold. Any new Treaty must:

- broaden the Treaty's benefits beyond hydropower production and flood control;
- redress its injustices to the Columbia Basin's native people, salmon, and the ecosystem; and
- provide a framework to help people in the Northwest and British Columbia respond to the unprecedented impacts of climate change on our waters and lives.

The old Treaty helped both nations jointly harness the Columbia and Snake with dams and reservoirs. Benefits have inured to both nations. But, the shared current and future interests of the region demand that Canada and the United States modernize the Treaty. A new Treaty must help both nations jointly arm the Columbia and Snake watersheds with resilience and health for the century of climate change that is upon us.

Unfortunately, the U.S. negotiating position proposed in the Working Draft is not in the best interests of the Pacific Northwest's environment, economy, and people. In particular, the Working Draft is far too oriented toward maintaining the status quo for hydropower and flood control functions. Such

recommendations cannot adequately modernize the Columbia River Treaty to meet present and future realities and challenges.

It is critical that the U.S. adopt a position that a modernized Treaty incorporate ecosystem-based function as a co-equal purpose to power generation and flood control. Moreover, ecosystem function cannot simply equate to current operations to meet the Endangered Species Act requirements, but must embrace the ecological resilience necessary to restore native species and effectively adapt to the changing hydrology of the Columbia watershed caused by global climate change.

To modernize the Columbia River Treaty to serve today's and tomorrow's Northwest, we support the following fundamental changes to the old Treaty that are missing or insufficiently addressed in the U.S. Entity's working draft of regional recommendations:

1. First, ecosystem-based function should become a co-equal purpose of the new Treaty, joining power production and flood control. Restoring the Columbia River's ecosystem, beyond current efforts, will require adjustments to our systems of flood control and hydropower generation. Priorities for the new Treaty should include adequate water at the right times of year to restore ecosystem-based function, providing a more natural hydrograph for the Columbia and providing the streamflows needed by migratory fish in the river.

2. Second, a modernized treaty must establish a framework to restore imperiled native species and fish passage throughout the Columbia River basin, including the upper Columbia and the headwaters of its tributaries. Improved fish passage and ecosystem restoration will be part of the shared benefits between the US and Canada of an updated treaty. A new treaty should develop a joint program for Columbia River ecological restoration with Canada, including evaluation and prioritized implementation of dam passage to restore salmon and other extirpated or imperiled native species to the upper Columbia and other headwaters within the basin.

3. Third, power production under a modernized treaty must account for and promote development of non-carbon energy sources in the Northwest, including conservation and renewable resources, consistent with the region's goals as stated in the NWPCC's Sixth Power Plan. Any new Treaty should expand the Hydropower Production purpose of the Treaty to Power Production, thus integrating the energy purpose more effectively with flood control and ecosystem function, and incentivizing energy efficiency and clean renewable sources in the Northwest, as called for in the Northwest Power and Conservation Council's Sixth Power Plan. Energy efficiency and new renewables are the dominant growth areas in Northwest energy supplies. Any new treaty should acknowledge this.

4. Fourth, flood risk management must be amended in the U.S. portion of the basin. Under the current treaty the U.S. will no longer receive Canadian flood control storage after 2024. We must therefore recalibrate the flood risk management purpose of the Treaty to incorporate flexibility (including higher flood triggers), improve forecasting science, and flood plain analysis and protocols (for example, no new development in flood plains). This will provide the benefit of limiting need for expensive "called upon" storage in Canada while freeing water for instream ecosystem needs. What constitutes "acceptable flood risk" must be closely and publicly examined—not a mere rolling over of the status quo.

In fact, updated flood risk management is a key to incorporating ecosystem function and maintaining acceptable levels of hydropower generation. The U.S. must re-assess the flood risk trigger of 450,000 cfs at The Dalles, in terms of its impacts on downstream communities and reservoir storage management. Science-based assessment of actual impacts in Portland, Vancouver and other communities must drive this process. It is not acceptable (and we believe inaccurate) for the Corps to assert that it cannot review these matters absent an act of Congress.

5. Fifth, climate change will cause profound changes in Columbia River basin hydrology. A modernized treaty must create an adaptive process for joint Canadian and U.S. responses to climate change as integral component of treaty implementation.

6. Sixth, new implementation mechanisms are needed. The process should include a third agency or sovereign in the U.S. Entity, co-equal to the current two agencies, for both negotiations on and implementation of the Treaty. Just as Bonneville Power and the Army Corps represent power production and flood control respectively, the joint 15 Columbia Basin Tribes, along with appropriate federal agencies such as U.S. Fish and Wildlife Service, NOAA Fisheries, and the Environmental Protection Agency, should be co-managers of ecosystem-based function.

7. Seventh, the treaty should address legitimate concerns about over allocation of the waters of the Columbia by basin states in the United States. The Treaty should include mechanisms to ensure that Columbia River water allocation and management in basin states is consistent with sustainable ecosystem based function of the river. New projects should not undermine existing protections for streamflows or fish in the river or result in further over allocation of the waters of the basin.

Thank you again for the opportunity to provide these comments. Please do not hesitate to contact WaterWatch of Oregon if we can provide additional information.

For rivers,

A handwritten signature in blue ink, appearing to read 'JD', is positioned above the typed name and title.

John DeVoe  
Executive Director