

Renewal of Columbia River Treaty Could Open Pandora's Box

By Steve Stuebner

Idaho Soil and Water Conservation Commission

This year, Canadian authorities and the U.S. Department of State are considering the possibility of renewing the Columbia River Treaty, a long-held agreement that provides flood control benefits for Washington and Oregon communities on the banks of the Columbia River and hydropower benefits in the Pacific Northwest.

If the treaty is renewed, both Canadian and United States interests are discussing the possibility of broadening the scope of the agreement to include issues such as "ecosystem-based function," expanding flood-control operations, and other issues that Idaho legislators and Idaho Water Users Association officials find troubling.

But Jim Yost, an Idaho member of the Northwest Power and Conservation Council, said the U.S. recommendations for renewing the treaty have been narrowed to the point where he does not see any threats to Idaho water rights or existing reservoir operations.

"I don't think there are realistically serious threats to Idaho water in this particular discussion," Yost said in an interview. "Whenever you open up a treaty, there's always the potential risk."

But after negotiations with Native American tribes, the Bonneville Power Administration

(BPA) and the U.S. Army Corps of Engineers, those risks appear to be minimal, Yost said.

The 2014 Idaho Legislature passed a measure, House Joint

Memorial No. 10 (HJM 10), sponsored by Rep. Gayle Batt, R-Wilder, that expresses concerns to Congress and the U.S. Department of State about the

potential pitfalls of expanding the scope of the treaty. "There's huge implications if they go that direction," Batt said.

Norm Semanko, executive di-



rector and general counsel of the Idaho Water Users Association, testified before the U.S. Senate Committee on Energy and Natural Resources in November 2013, expressing similar concerns.

"The purpose of the Columbia River Treaty is to reduce impacts from flooding and to increase power production," Semanko said. "The U.S. has proposed 'modernizing' the treaty to include ecosystem-based function as a third primary purpose of the treaty, while recognizing other additional elements such as future water supply, recreation and navigation needs. Irrigation is another important, authorized purpose, which should be expressly recognized in the final regional recommendation to the U.S. Department of State.

"Ecosystem-based function should not receive greater recognition or stature under the treaty than ... the other long-authorized purposes in the basin, including irrigation, water supply, recreation and navigation," he said.

BACKGROUND

The Columbia River Treaty has been in effect since 1964. Flood control services were initially prepaid to Canada through 2024, at which time the treaty automatically continues as is, or can be renewed or cancelled. A ten-year notice (mid-September 2014) must be given if either the US or Canada wish to renew or cancel the treaty. If no notice is given the current pre-paid system converts to a "called upon" process where the US must request Canada's assistance with flood control as needed, and pays for services as they are delivered.

After the treaty was signed originally, it authorized the construction of three dams in Canada (Mica, Duncan and Keenleyside)

and one in Montana (Libby Dam) to provide flood-control for communities along the Columbia River in Washington and Oregon, while also providing more hydroelectric power capacity to the region. Altogether, the Canadian dams provide 15.5 million acre-feet of water storage. Libby Dam provides another 5 million acre-feet of storage. One acre-foot is equivalent to a football field or one acre of land flooded to the depth of one foot.

The hydropower from the three Canadian dam projects provides approximately 483 average megawatts of electricity, an amount that provides enough power to heat 280,000 homes. That power was sold to a consortium of utilities in the United States in the mid-1960s for \$254 million.

When the dams were completed, the U.S. paid Canada \$64.4 million for 50 percent of the present value of the expected benefits of flood-control along the lower Columbia River from 1968 to 2024.

Discussions on the terms of renewing the Columbia River Treaty have been going on for months. The Army Corps of Engineers and the BPA are leading the planning efforts for the United States.

Yost said it was the Native American tribes that came up with the concept of adding "ecosystem-based function" as a third element to the treaty negotiations, while many vested interests opposed that approach.

"We already have many environmental laws that address those issues," Batt said.

"The obvious lack of any regional consensus regarding the inclusion of ecosystem-based function as a third primary purpose

of the treaty suggests strongly that flood control and power production should remain the primary purposes of the treaty," Semanko said in his testimony to the U.S. Senate. "At the same time, it is appropriate to recognize ecosystem-based function as one of the important elements of a modernized treaty, or additional purposes authorized in the Columbia River Basin, as evidenced by the ongoing implementation of the Endangered Species Act and other environmental laws.

"However, ecosystem-based function should not receive greater recognition or stature under the treaty than ... other long-authorized purposes in the basin, including irrigation, water supply, recreation and navigation."

Originally, some of the discus-

sions about ecosystem-based function did include expanding flood control operations to all of the dams and reservoirs in the Pacific Northwest, including those in Idaho, but the tribes eventually agreed to limiting flood control to eight projects that already provide that function, Yost said. Those projects include the four projects authorized by the treaty, as well as Dworshak, Brownlee, and Grand Coulee. If the treaty is to be modified to include other hydro projects on the Snake River, that modification would require congressional approval, he said.

flow augmentation for salmon and steelhead was discussed region-wide at one point, but the tribes agreed to narrow that objective to additional water and change in the timing of releases

See COLUMBIA RIVER p. 35

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COLUMBIA BASIN

Continued from page 15

out of hydro projects in Canada.

The Legislature's HJM 10 says if all of the dams and reservoirs in the Columbia Basin were used for "system-wide flood control before Canadian reservoirs are called upon to provide any flood-control space," that could have a "devastating impact on irrigation project reservoir supplies in Idaho." That's because a number of the large dams and reservoirs in southern Idaho are dedicated to storing irrigation water as a higher priority than flood control.

HJM 10 also mentions that in some circles, enhancing the ecosystem-function of the Columbia Basin could include restoring salmon and steelhead above Hells Canyon Dam and above Dworkshak Dam. Yost said those projects are now off the table, but the tribes want to restore salmon and steelhead above Grand Coulee Dam, which was completed in 1942 with no fish-passage measures.

Yost, Batt and Semanko said it wouldn't be appropriate to extend the treaty to include ecosystem functions in the Snake River Basin in Idaho. Many federal and state actions already address these issues, they said. Idaho Power Co. invests millions in its fish and wildlife programs, and the BPA, Army Corps and U.S. Fish and Wildlife Service have invested billions in fish and wildlife programs throughout the Columbia and Snake basins.

Several million of the BPA funds have been invested by the Governor's Office of Species Conservation in fish and wildlife habitat improvement projects in the Upper Salmon River Basin and the Clearwater Basin.

In addition, the Idaho Soil and Water Conservation Commission and its conservation partners have invested \$17 million in voluntary conservation projects on 90,000 acres of private land since 1990 in the Snake River Basin to address natural resources issues on farm and ranchlands. The Conservation Commission's share of that investment is about \$6.5 million.

Teri Murrison, administrator of the Conservation Commission, said those investments show that the state and private landowners care about the health of the ecosystems in the Snake River Basin and will continue to make more improvements as time goes on. "We're doing our share, via voluntary conservation, to improve the water, the land and the wildlife," she said.

How all of these issues shake out will be determined by discussions and negotiations between now and mid-September. "We're looking to set up a four-state meeting with the BPA in terms of where we go from here," Yost said.

"Because Idaho's water rights, water-storage projects and many other issues hang in the balance, we hope that the treaty negotiations will focus on the original intent -- flood control and hydropower," Murrison said, echoing the thoughts conveyed to the U.S. Department of State by Yost and Gov. Butch Otter.



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