



August 9, 2013

Elliot Mainzer
Chairman, U.S. Entity
Bonneville Power Administration

Via e-mail to: treatyreview@bpa.gov

Colonel John Kem
Member, U.S. Entity
Army Corps of Engineers

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

Dear Mr. Mainzer and Col. Kem:

Sierra Club is one of the oldest, largest, and most influential grassroots environmental organizations in the United States with 2.1 million members and supporters. Sierra Club has chapters in each of the seven states on the U.S. side of the Columbia River watershed. The updating of the Columbia River Treaty (CRT) between the U.S. and Canada provides exciting opportunities, and we want to thank you for the opportunity to 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 great benefits to U.S. and Canadian people in hydropower production and flood control. It has also imposed wrenching costs upon Columbia Basin Tribes and First Nations, upon thousands of people forced from their homes by the Treaty dams, upon salmon and other native species, and upon the ecosystems that support life and livelihood for all who depend on this great watershed.

The United States and Canada will shortly be re-negotiating the Treaty. The challenge for both nations is three-fold:

1. broaden the Treaty's benefits beyond hydropower production and flood control to include ecosystem-based function;
2. redress its injustices to the Columbia Basin's native people, salmon, and the ecosystem; and
3. provide a new treaty framework that is permanent and flexible to help people in the Northwest and British Columbia respond to the unprecedented impacts of climate change on rivers and aquifers, and the human and wildlife communities that depend on water.

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 prepare the Columbia and Snake watersheds with resilience and health for the century of climate change that is upon us.

Sierra Club is concerned that the U.S. Entity released the working draft for comment before the Iteration 3 results were completed, and integrated into the working draft's recommendations. Throughout the stakeholder and the public outreach process, the U.S. Entity has stated that Iteration 3 studies would address and incorporate the critical regional concerns of "ecosystem health, water supply and quality, climate change, cultural resources, recreation, navigation, irrigation, and other needs of river, that were not looked at in either the Phase 1 or Supplemental studies..." U.S. Entity Supplemental Report and Executive Summary, September 2010, at 49.

Without the benefit of Iteration 3 studies, the working draft lacks the critical information and analysis which would have synthesized the prior review work of the U.S. Entity. Without that critical information and analysis, the working draft is premature. It is not enough that, after the Iteration 3 analysis is completed, the US Entity may issue a "final" draft recommendation in September. The premature release of the June working draft is likely to effectively predetermine outcomes. Premature release also denies the public meaningful review without full vetting and integration of the Iteration 3 results. The region is much more likely to coalesce around a regional recommendation that incorporates Iteration 3 results, once they are released and digested, and that better informs the public of its options for the future of the Columbia River basin, and the Pacific Northwest.

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

- (1) Ecosystem-based function should become a co-equal purpose of the new CRT, joining power production and flood control. While Sierra Club recognizes that the phrase "ecosystem-based function" appear in the Working Draft, the words mean little unless made operational and a co-equal third purpose. Restoring the Columbia River's ecosystem, beyond current efforts, will require adjustments to our systems of flood control and hydropower generation. Moreover, water to restore ecosystem-based function must come before any new consumptive water appropriations.
- (2) A modernized CRT must establish a framework to restore extirpated 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, if done correctly, will result in jobs and other economic benefits from sports, commercial and tribal fishing – and will be part of the shared benefits between the United States and Canada of an updated treaty.
- (3) 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 Northwest Power and Conservation Council's *Sixth Northwest Conservation and Electric Power Plan*. Energy efficiency and new renewables are the dominant growth areas in the region's energy supplies. Based on expanded power production model, the United States and Canada should re-evaluate the division of surplus power generation between the two nations.
- (4) Flood risk management must be amended in the U.S. portion of the basin. Under the current CRT the United States will no longer automatically receive Canadian flood control storage, starting in 2024. We must therefore re-examine flood risk to incorporate flexibility (including higher flood triggers), improved forecasting science, and limiting future development in flood plains. Such a re-examination will limit the need for purchasing expensive "called upon" storage from 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.

(5) Climate change will present profound changes in Columbia River Basin hydrology. A modernized CRT must create an adaptive process for joint Canadian and U.S. responses to climate change as integral component of Treaty implementation. The United States and Canada should coordinate to make climate change science, planning, management and response an explicit component of Treaty implementation.

(6) New implementation mechanisms are needed. Just as the Bonneville Power Administration and the U.S. Army Corps of Engineers represent power production and flood control respectively, the joint Tribes, along with appropriate federal agencies such as U.S. Fish and Wildlife Service, National Oceanic and Atmospheric Administration - Fisheries, and the Environmental Protection Agency, should be co-managers of ecosystem-based function. For the upcoming negotiations and revised-Treaty implementation, the United States should expand the U.S. Entity by adding a co-equal third agency with ecosystem focus and responsibility (such as the U.S. Fish and Wildlife Service) as well as full participation for the Tribes that recognizes their sovereignty. We also support the formation of a transboundary river basin commission in a format that is able to comprehensively represent regional interests and solutions.

In closing, we note that the United States negotiating position proposed in the Working Draft from the Bonneville Power Administration and Army Corps of Engineers is not yet fully in the best interests of the Northwest and British Columbia environment, economy, and people. The Working Draft as currently written will not adequately modernize the Columbia River Treaty for our present and future realities and challenges. We request substantial changes as outlined in this letter.

Respectfully submitted,

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