

## MEETING SUMMARY

### Columbia Basin Regional Advisory Committee

#### Meeting #9

**April 15<sup>th</sup> – 16<sup>th</sup>, 2019 – Copper Point Resort, Invermere, BC**

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#### INTRODUCTION

The Columbia Basin Regional Advisory Committee (CBRAC) met for its 9th meeting April 15 – 16, 2019. This was CBRAC's first time meeting in Invermere, B.C., near the headwaters of the Columbia River.

25 members attended this meeting, along with the Lead Negotiator for the Canadian Columbia River Treaty negotiating team, and representatives from BC Hydro, Fortis BC, Columbia Basin Trust, and local, provincial and federal governments.

The following is a summary of the presentations and discussions that occurred at the meeting. The agenda, list of attendees and presentations can be found on the CBRAC website [engage.gov.bc.ca/columbiarivertreaty/columbia-basin-regional-advisory-committee](https://engage.gov.bc.ca/columbiarivertreaty/columbia-basin-regional-advisory-committee).

On the morning of April 15<sup>th</sup>, CBRAC members attended a tour of a piece of conservation property on the east side of Columbia Lake, known as Lot 48, where they learned about the ecological restoration efforts being conducted.

During the two days of meetings, CBRAC had informative updates from Global Affairs Canada and the BC Government on Treaty negotiations; presentations from BC Hydro on Basin hydroelectric operations, and CBRAC members on Treaty impacts to the Kinbasket and Kooecanusa areas; and an update from the Local Governments' Committee on their work refining their recommendations to government on the Treaty.

Key discussions during this meeting focused on the 2019 Columbia River Treaty Engagement Plan, addressing community interests, acknowledging what was lost when the Treaty dams were created, and CBRAC priorities for 2019-2020.

The following summary is based on notes taken during the meeting, as well as written comments from participants. Though not everything was captured verbatim, these notes are meant to reflect the spirit of the discussion.

## DAY 1: APRIL 15, 2019



### TOUR OF COLUMBIA LAKE CONSERVATION AREA – LOT 48

The morning of April 15, CBRAC attended a tour of conservation property on the east side of Columbia Lake, near Fairmont Hot Springs. The 315-acre property, known as 'Lot 48', was purchased by the Nature Conservancy of Canada (NCC), with support from the Columbia Basin Trust (CBT) and a number of other funders, as part of an overall initiative to help conserve ecologically significant lands throughout the Columbia Basin. Representatives from NCC and CBT led the tour and spoke about the ecological restoration efforts being conducted on the property. Representatives of the Akisqnuq First Nation and the Shuswap Band also joined the tour to provide information on the historical and cultural significance of this land to Indigenous people.

## SESSIONS

### COLUMBIA RIVER TREATY UPDATE

*Sylvain Fabi, Lead Negotiator for the Canadian Columbia River Treaty Negotiating Team, Global Affairs Canada, and Kathy Eichenberger, Executive Director, B.C. Columbia River Treaty Team.*

- The sixth round of negotiations were held April 10 – 11, in Victoria B.C.
- Katrine Conroy, Minister Responsible for the Treaty, welcomed both negotiating teams and shared opening remarks at the beginning of the negotiation session.
- Minister Conroy highlighted the need for equitable sharing of benefits between Canada and the U.S. She also emphasized the impacts experienced by the Canadian Basin.
- During negotiations, the teams continued working to find common ground on flood risk management and hydro power coordination.
- The negotiating teams decided to conduct intersessional technical work on flood risk management and hydro power to support the progress of negotiations.
- Canada delivered a detailed presentation on other benefits to the U.S. that are not considered in the current Treaty, such as navigation, recreation, irrigation and fisheries.
- It is important to Canada and B.C. that these other benefits are included in a modernized Treaty.
- Canada also presented on the topic of adaptive management, a process to ensure the Treaty has the ability to adapt to changing societal and indigenous values, new science and technology, and climate change.
- The next round of negotiations will take place in Washington D.C. on June 19th and 20th, 2019.

#### UPDATE:

- The Federal government announced on April 26, 2019 that Canadian Columbia Basin Indigenous Nations will be participating as observers at Canada-U.S. negotiations.
- The Province of British Columbia, Government of Canada & Indigenous Nations have been working closely since February 2018 to collaborate on developing negotiating positions and options.

### COLUMBIA RIVER TREATY 2019 ENGAGEMENT PLAN

*Brooke McMurchy, BC Columbia River Treaty Team*

[View presentation here.](#)

- The goals guiding B.C.'s engagement work are:
  - To ensure Canadian Columbia Basin residents feel engaged and heard throughout the Columbia River Treaty negotiation process, and see their input reflected in a modernized Treaty;
  - To make progress on issues raised by Columbia Basin residents;
  - To increase public understanding about the Treaty; and

- To encourage support and understanding from U.S. stakeholders on Canada/B.C.'s interests.
- B.C. has hired a staff member to lead the work on addressing issues raised by Basin residents.
- B.C. will continue engaging with CBRAC, the Local Governments' Committee, and citizens of the Basin throughout negotiations.
- Updates on each round of negotiations will continue to be shared via the Province's Treaty website <https://engage.gov.bc.ca/columbiarivertreaty>, Facebook, Twitter, and through the quarterly newsletter <https://engage.gov.bc.ca/columbiarivertreaty/sign-up>.

## IMPROVING ECOSYSTEM FUNCTION IN THE CANADIAN COLUMBIA BASIN

**Greg Utzig**, *Kutenai Nature Investigations Ltd, Technical Advisor, Upper Columbia Environmental Collaborative (UCBEC)*

[View presentation and discussion paper here.](#)

- Greg Utzig presented a discussion paper, written by the Upper Columbia Basin Environmental Collaborative (UCBEC) on improving ecosystem function in the Columbia Basin.
- The purpose of the paper is to present potential revised goals associated with dam operations to improve environmental values in Canada's Columbia Basin.
- Recommendations:
  - Add ecosystem function as a third and equal purpose of the Treaty.
  - Adjust the Treaty governance to ensure equal and effective representation of ecosystem function objectives
  - Build the flexibility into the Treaty
  - Increase coordination between U.S. and Canada regarding operations on the Kootenay System, including Libby Dam.
  - Increase funding for restoration/compensation projects
- CBRAC was asked to assess how supportive they were of the recommendations, and to identify further information they needed to better understand the recommendations. CBRAC was notionally supportive of the recommendations but wanted more information on the issues. Results of the breakout discussion are on the next page.
- Greg also presented on the concept of adaptive management, a "structured, iterative process of learning, monitoring and adapting management in the face of uncertainty."
- UCBEC launched a website with further resources <http://www.kootenayresilience.org>
- It was acknowledged that Columbia Basin Indigenous Nations are currently leading work on defining ecosystem goals, objectives and performance measures. The plan is to connect that work with others, including UCBEC, to ensure an inclusive, aligned process.

## **BREAKOUT DISCUSSION: RECOMMENDATIONS FROM UCBECDISCUSSION PAPER**

### **Recommendation 1: Add Ecosystem Function as a third and equal primary purpose of the CRT.**

#### *Comments*

- **Priority ranking:** Low - 0      Medium - 2      High - 12      Don't Know - 3
- Need more information on what ecosystem function means
- Where do economic and social factors come in?
- How is the value of ecosystems determined, especially compared to the value of power and flood control
- Need to figure out how to place First Nation values as a key aspect of ecosystem functioning

### **Recommendation 2: Ensure equal and effective representation of Ecosystem Function objectives in all dam operations and related decision-making.**

#### *Comments*

- **Priority ranking:** Low - 0      Medium - 5      High - 11      Don't Know – 3
- What does equal mean?
- Include First Nations in governance discussions
- Questioned what would be excluded to include this? (e.g. trade offs)
- Must include all reservoirs – must be system wide

### **Recommendation 3: Increase operational flexibility for all the dams in the upper Columbia and Kootenay systems to allow for experimentation under an “active adaptive management” program to explore changes that will restore and/or enhance terrestrial, wetland and stream ecosystems and habitats within reservoir footprints and river reaches downstream of dams (including peaking impacts). Experimental implementation of the Mid-Arrow third scenario provides a starting point for such exploration.**

#### *Comments*

- **Priority ranking:** Low - 0      Medium - 3      High - 7      Don't Know - 0
- Some interest expressed to look at upstream and downstream effects.
- More input from BC Hydro operations is requested
- More information about other reservoirs and scenarios requested
- Some noted that flexibility is the most important part of this

**Recommendation 4: Explore greater coordination between the US and Canada regarding operations on the Kootenay River system, including the Libby Dam, with a focus on increasing ecosystem function throughout the system.**

*Comments*

- **Priority ranking:** Low - 0      Medium - 0      High - 11      Don't Know – 2
- Other operators input (i.e. FortisBC) is requested
- Suggested a need for dispute resolution mechanism
- Detailed information about Libby Dam coordination is required
- Suggested to expand communication to include ecosystem function (not just flood control)

**Recommendation 5: Significantly increase secure long-term funding to the Columbia Basin Fish and Wildlife Compensation Program and other ecosystem programs like the Creston Valley Wildlife Management Area to enhance and expand ecosystem restoration and environmental impact mitigation activities in the Upper Columbia Basin.**

*Comments*

- **Priority ranking:** Low - 0      Medium - 0      High - 5      Don't Know – 0
- Question where funding would come from
- Some commented that the FWCP is the wrong group for this
- Suggestion to provide funding to First Nations for this work
- Potential expansion to Kooacanusa

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**DAY 2. APRIL 16, 2019**

**LOCAL GOVERNMENTS' COMMITTEE UPDATE**

*Linda Worley, Chair and Stan Doehle, Vice-Chair*

- Linda Worley is the new Chair of the CRT Local Governments' Committee (LGC), and Stan Doehle is the new Vice-Chair.
- Both acknowledged the good work of the outgoing Chair and Vice-Chair, Deb Kozak and Karen Hamling. They also acknowledged Cindy Pearce, LGC Executive Director for her ongoing support of the LGC.
- There are now many new members to the LGC as a result of last fall's municipal elections. It is a priority to educate these new members on CRT topics.
- The LGC is updating their Recommendations to the provincial and federal government regarding the Treaty.
- The LGC originally prepared these Recommendations in December 2013 in response to the Columbia River Treaty-related interests and issues raised by Columbia River Basin residents in Canada. They were based on currently-available information.

- The Recommendations were submitted to the provincial and federal governments for incorporation into decisions regarding the future of the Treaty.
- Since then, the Committee has been monitoring the B.C., Canadian and U.S. Treaty-related processes and has been directly involved when appropriate.
- The updated Recommendations will provide new information on some sections of the 2013 recommendations.
- LGC will be at a number of upcoming conferences: Regulated Rivers (May 8 – 9 in Nelson), One River, Ethics Matter (May 30 – 31 in Castlegar) and the Columbia Basin Transboundary Conference (Sept 12 – 14 in Kimberly).



## BC HYDRO OPERATIONS UPDATE

*Darren Sherbot, Manager, Operations Planning Generation Resource Management, BC Hydro*

[View presentation here.](#)

- Reviewed past and projected Columbia Basin reservoir levels, along with an explanation of conditions that have affected hydroelectric operations.
- Over the last year, operations have been impacted by an elevated flood risk in 2018 on Kootenay Lake, a dry, hot summer and record forest fires, a major gas line failure in Northern BC (October 2018), a record cold February 2019, and seasonally lower reservoir levels this spring.

- BC Hydro continues to monitor conditions throughout the province and manage operations to meet B.C.'s electricity needs, meet requirements of agreements like the Columbia River Treaty, and manage to stakeholder objectives under BC Hydro Water Plans.
- This spring's Snow Pack and associated Water Supply Forecast (Feb to Sep), is marginally below average as of April. Issues associated with spring flood risk are unlikely to emerge. However, this is expected to result in lower than average reservoir levels for most basins across the summer and fall.
- BC Hydro will be holding regional hydro operations update meetings throughout the Columbia Basin in May and June.
- To receive weekly reservoir level updates, email [daye.hopp@bchydro.com](mailto:daye.hopp@bchydro.com)

## COMMUNITY MEETING ACTION REQUESTS

*Brooke McMurchy, BC Columbia River Treaty Team*

[View presentation here.](#)

- This session reviewed key interests that were raised during the Province's 2018 Community Meetings and differentiated between issues that could be addressed within the Treaty and those that could be addressed domestically (i.e. outside the Treaty.)
- Some of the issues raised during the 2018 meetings included: the need for ecosystem restoration, more stable reservoir levels, Indigenous participation in negotiations, supporting and enhancing the agriculture sector, and fair compensation for those impacted by Treaty operations.<sup>1</sup>
- CBRAC was asked to review the key issues and add comments, or other issues that they felt were missing. The results of this breakout session are below.
- Some of CBRAC's additional comments included: re-evaluate the Fish and Wildlife Compensation Program; need for strict rules about building on flood plains; and water quality should be considered as a Treaty and domestic matter.
- The Province is assessing community issues to see where and how progress can be made.

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<sup>1</sup> A summary report of all issues raised at the 2018 Community Meetings is available on the B.C. CRT website. <https://engage.gov.bc.ca/columbiarivertreaty/2018-community-meetings>



## **BREAKOUT DISCUSSION: REVIEWING COMMUNITY INPUT**

CBRAC was asked to add their comments to the feedback received from the public so far – was anything missing? Did they have further points to add? Their comments were organized by region, and into issues that were Treaty-related, and those that were domestic (e.g. could be addressed outside the Treaty).

### **General Comments, Treaty**

- Salmon reintroduction must be priority – affects all aspects of the basin
- Protect critical infrastructure
- Protect salmon
- A review of the Fish and Wildlife Compensation Program (FWCP) is needed
- Water quality should be considered/address as BOTH a treaty and a domestic matter

### **General Comments, Domestic**

- FWCP needs re-evaluation; manage this through CBT
- Very strict rules around building on flood plains is needed. Long term plan to move/compensate people off flood plains after, during, and before flood events.
- More regular community communications from the treaty table
- Create an enhanced wider based affected area community trust fund, with increased funding through CBT, BCH to address the needs of our affected communities.

### **Duncan**

- Domestic - add power generation

### **Kootenay**

- Domestic - engage with Kootenay Lake Partnership

### **Arrow**

- Treaty:
  - More flexibility to allow for ecosystem function management
- Domestic:
  - Education opportunities – school programs
  - Historical signage re: former towns/settlements that were flooded; located at boat launches.

### **Lower Columbia**

- Treaty:
  - Regarding Friday/Saturday flow changes: could these changes be made at a different time, e.g.: Tues/Wed, in order to mitigate recreation impacts?
  - Empower communities to develop visuals/videos on impacts (e.g.: Edgewood example)
  - Below the confluence of Columbia and Kootenay, there may be consideration of Keenlyside effects. However, the Kootenay also adds a level of impact to the lower Columbia.
- Domestic:
  - Discourage/phase out development in flood plains

- On world class fishing river, large fluctuations prevent any boat launches from being funded – there is only 1 between Trail and Castlegar and has been sold to private owner by Province/Hydro

### **Kinbasket**

- Treaty:
  - Reduce flooding top reservoir elevations – restore ecosystems
  - Consideration given for compensation to:
    - a.) volume of water used each year
    - b.) volume of water that is never removed (e.g.: Kinbasket, Revelstoke)
- Domestic:
  - Consider nutrients that were removed due to dam operations and resulting ecosystem impacts
  - More recreation access development at the Valemound-end too!
  - More education about Kinbasket with those familiar with the area
  - Prior to conducting community engagement conduct an info-blitz informing residents before the meeting
  - Preserve and enhance wetlands that survive flooding (e.g.: Valemound peat lands)
  - Kinbasket needs a new governance model
  - Geothermal resources?
  - Non-treaty recreation use plan, thus determining the use of land/water for users i.e.: motorized only here at this time of year, etc.
  - Also, recreation across from Revelstoke side
  - Recreation: managed facility for campers/users

### **Koocanusa**

- Treaty:
  - Stable reservoir levels
  - Can the International Joint Commission be involved with cross-border issues?
  - What Libby operational changes are required to restore EF?
  - Add ecosystem function management to Treaty and non-Treaty operations at Libby
  - Water Quality (esp. selenium) should be considered/address as BOTH a Treaty and a domestic matter
- Domestic:
  - Do an ecosystem function study on the Koocanusa reservoir with funding by the FWCP

## **KINBASKET RESERVOIR IMPACTS AND RECOMMENDATIONS**

*Randy Priest, CBRAC Member and resident of the City of Golden*

[View presentation and summary paper here.](#)

- Randy Priest expanded on the CRT-related issues in the Kinbasket region.
- He described the Kinbasket Reservoir area before Mica Dam was created – an interior rainforest, home to many different species of plants and animals.
- Impacts to the area as a result of dam operations include flooded forests and animal habitat. Randy especially highlighted the loss of habitat for migrating birds.

- Randy proposed 2 ways to enhance the area – creating a Provincial recreational site and increase funding to the area for ecosystem restoration.
- He suggests that effected municipal and aboriginal governments be involved in developing and participating in restoration efforts.

## **KOOCANUSA AGRICULTURE SECTOR IMPACTS AND RECOMMENDATIONS**

*Pam Turyk, CBRAC Member and resident of Baynes Lake*

[View summary paper here.](#)

- During the Province’s 2018 Community Meeting in Jaffray, a number of participants spoke passionately to the need to recognize and act upon the impacts to agriculture as a result of the Libby Dam and the CRT.
- The Province invited further feedback from the community, and so a subsequent meeting was held with interested participants from Koochanusa agricultural community, to generate specific actions that would support and sustain the agricultural sector in the Basin.
- Pam described the six main themes of impacts that emerged from this meeting, and recommendations on how to address them.
- Impact themes included: loss of land for agriculture; reduction in availability of water for crop irrigation; increased tourism causing impacts to land; impacts of legislation on agriculture; decline in agricultural industry and lack of interest from young people to engage in agricultural work within the region; and loss of the intangible – the loss of identity.
- Recommendations for how to address these impacts included: funding and programs to support agriculture sector; a water sustainability plan for the Koochanusa Reservoir; government commitment to support projects designed to mitigate tourism impacts on agriculture land; change regulations and laws that hinder agricultural development; support for succession planning; and provide opportunities for people who are affected to share their story.



## **BREAKOUT DISCUSSION: ACKNOWLEDGING WHAT WAS LOST WHEN THE TREATY DAMS WERE CREATED**

[View the full breakout session notes here.](#)

- One of the key themes raised during the 2018 community meetings was the need to “acknowledge what was lost when the dams were created.”
- CBRAC was asked to consider this, and brainstorm how can this acknowledgement be done, and who does the acknowledgement need to come from?
- Some of the thoughts included: an apology by Federal government, BC Government and/or BC Hydro; provide historical exhibit(s) in local museums and local historical churches; publish stories from those who have been impacted by the Treaty; and provide education on the Treaty in grade schools.
- The Province will continue to explore what meaningful acknowledgement looks like to Columbia Basin communities and will seek to enable that acknowledgement.

## **CBRAC PRIORITIES FOR 2019-2020**

- CBRAC brainstormed topics they felt the committee should focus on in 2019 and 2020.
- Many members felt CBRAC should continue to discuss, learn about or receive updates on the status of Columbia River Treaty negotiations; Indigenous perspectives on the Treaty; Water Use Plans; salmon reintroduction to the Upper Columbia River; ecosystem impacts and enhancements; BC Hydro operations; and climate change projections and what they mean for the Basin.
- Some members requested a conference call to get a better sense of how some topics have been addressed so far, and whether they should continue to be a priority.
- The Province will distribute a synthesized list for CBRAC to vote on by the end of May.



## **CLOSING COMMENTS**

- It was very educational and inspiring.
- I find it interesting to hear from Ktunaxa neighbours.
- I appreciate Nathan Matthew [former Chief of the Simpcw First Nation] being here today.
- It was good to be here and experience this meeting in person rather than in a conference call.
- We tell our stories, and we are a part of one big story.
- I hope we will be able to see changes that we want to see.
- We have equal opportunity to provide our opinion and you [the negotiators] listen to us.
- I could see progress in understanding of concepts and ability to have a meaningful discussion.
- I learned more in these two days more than I was learning in two weeks on my own.
- We have a powerful group of people here representing different groups.
- I appreciate the update about the Treaty.
- The first years on this committee I tried to understand and learn. Since the negotiations started, I feel that we are giving back now. I feel that we are contributing to the negotiations. These meetings in person are worth more than any conference calls.
- I really appreciate that CBRAC meetings take place in different place and different field trips every time.
- I think it would be good to have some formal recognition for people who are leaving this committee.