



# COLUMBIA RIVER TREATY

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## 2019 COMMUNITY MEETINGS SUMMARY REPORT



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# 1 | Introduction



In October and November 2019, the Province of British Columbia (B.C.) hosted 12 community meetings throughout the Canadian Columbia River Basin (Basin) to provide an update on negotiations between Canada and the United States (U.S.) on modernizing the Columbia River Treaty (Treaty), and work that has been done over the past year to address key Treaty-related community interests. These meetings built on the cross-Basin sessions held in 2018<sup>1</sup> and are a continuation of the Province's public engagement on the Treaty that began in 2012<sup>2</sup>. This report summarizes the content shared and input received at the 2019 meetings.

The Treaty, ratified by Canada and the U.S. in 1964, was created to manage flood risk and enable hydropower generation on the Columbia River. Four dams were built as part of the Treaty: the Duncan, Hugh L. Keenleyside and Mica dams in B.C., Canada, and the Libby Dam in Montana, U.S. The filling of these dams' reservoirs flooded large sections of fertile valley bottom land and resulted in the displacement of over 2,000 people and inundation of more than a dozen communities<sup>3</sup>.

There was a lack of consultation with Basin residents and Indigenous Nations when the Treaty was first negotiated, and feelings of hurt and anger remain to this day. The Province is committed to ensuring that this time, as B.C., Canada and the U.S. seek to modernize the Treaty, the people of the Basin are meaningfully consulted, kept informed, and understand how their input is reflected in the Treaty negotiations.

Basin-wide community meetings are one of the ways the Province meets its commitment to ensuring the people of the Basin are meaningfully consulted, kept informed, and understand how their input is reflected in the Treaty modernization negotiations. In 2012, the Province conducted government-to-government consultation with Basin Indigenous Nations and in-depth engagement with Basin communities to identify their Treaty-related interests. The meetings held in 2018, the year that B.C., Canada and the U.S. began discussions about modernizing the Treaty, sought further input from Basin residents on which issues they felt should be top priorities during negotiations.

The Province returned to Basin communities in 2019 to share progress made over the past year. These sessions focused on: the negotiations themselves; work being led by Columbia Basin Indigenous Nations to address ecosystem health; and efforts underway by the Province's Columbia River Treaty Team (B.C. Treaty Team) to address some of the key interests raised by Basin citizens throughout the Province's public consultation. The Columbia River Treaty Local Governments' Committee also introduced revisions to their recommendations to government and invited feedback.

Participants at these meetings appreciated being able to engage directly with members of the Canadian negotiating team and representatives of Columbia Basin Indigenous Nations. There was a keen desire to hear more detail about what is being deliberated at the negotiating table, but also an understanding that those discussions are confidential. Residents were pleased to see the in-depth involvement of the Ktunaxa, Secwepemc and Syilx/Okanagan Nations

1 <https://engage.gov.bc.ca/columbiarivertreaty/2018-community-meetings/>

2 <https://engage.gov.bc.ca/columbiarivertreaty/publicsessions/>

3 <https://engage.gov.bc.ca/app/uploads/sites/6/2012/07/A-Review-of-the-Range-of-Impacts-and-Benefits-of-the-Columbia-River-Treaty6.pdf>

in Treaty negotiations, and their leadership on ecosystem and salmon reintroduction work. Community members were glad to see the work moving forward. They were supportive of efforts made by the Province to address some of the key community concerns and were eager to see further progress.

Attendees were curious to know how flood control, hydropower and ecosystems will be incorporated in a modernized Treaty, and whether benefits to U.S. irrigation, navigation, recreation and fisheries resulting from Treaty flows will also be accounted for. They emphasized the need for reduced reservoir fluctuations, fair compensation for impacted communities and a community and/or local government role in Treaty governance. The specific issues raised at each meeting are described in Section 4.0.

The Province will continue engaging with Basin residents throughout Treaty negotiations and will host further public meetings when there is substantive information to share.



## 2 | Background



In 1964, Canada and the U.S. ratified the Columbia River Treaty, a transboundary water management agreement. The impetus for the Treaty was the flood of 1948, which devastated the City of Vanport in Oregon and cost many lives, along with growing power demand in the Pacific Northwest. In exchange for providing flood control and for an equal share of the incremental U.S. downstream power benefits, Canada agreed to build three dams – Duncan, Hugh L. Keenleyside and Mica – in B.C., and allowed the U.S. to build a fourth dam, the Libby Dam, that flooded into Canada. The Canadian facilities vastly reduced flood risk in B.C. and the U.S. The Treaty also enabled the construction of new hydroelectric projects in the B.C. portion of the Columbia Basin. Today Columbia Basin generation facilities provide approximately half of BC Hydro’s power generation. In addition, Treaty power operations allow for the production of significantly more electricity at U.S. hydropower facilities.

The Canada-British Columbia Agreement (1963) allocated most Treaty rights, benefits and obligations to the Province. Although this agreement retains Canada’s constitutional jurisdiction for international treaties, it requires Canada to obtain the agreement of the Province of B.C. before amending or terminating the Treaty.

The U.S. prepaid Canada \$64 million for 60 years to provide assured flood control operations that resulted in reduced flood damage and increased safety for U.S. citizens. The U.S. also committed in the Treaty to paying Canada half of the potential power that could be produced in the U.S. because of the new flow regimes made possible by the Treaty co-ordination.

The Treaty reservoirs inundated 110,000 hectares (270,000 acres) of Canadian ecosystems, displaced more than 2,000 people<sup>4</sup> and impacted Indigenous food systems and cultural practices. Transportation, farming, tourism and forestry activities were also impacted.

Consultation with Indigenous Nations and the public at the time the Treaty was developed could be considered inadequate to non-existent by today’s standards, and feelings of hurt remain to this day. It is a priority for the Province to ensure that, this time, residents, communities and Indigenous Nations are engaged, cultural perspectives are incorporated, and people understand how their input is reflected in the Treaty negotiations.

The Treaty has no end date, but either Canada or the United States can unilaterally terminate the agreement from September 2024 onwards, provided at least 10 years’ notice is given. This ability to terminate the Treaty, and the changing flood-control provisions that will occur post-2024, whether the Treaty is terminated or not, prompted both countries to undertake reviews of the Treaty to determine its future. These reviews occurred between 2011 and 2014.

After completing their respective reviews, both Canada and the U.S. decided to move forward with negotiating a modernized Treaty. Negotiations between the countries began in May 2018.

<sup>4</sup> <https://engage.gov.bc.ca/app/uploads/sites/6/2012/07/A-Review-of-the-Range-of-Impacts-and-Benefits-of-the-Columbia-River-Treaty6.pdf>

## 2.1 CANADA-U.S. NEGOTIATIONS

Canada's negotiating team is led by Global Affairs Canada and has representation from other federal departments, the Province of B.C., BC Hydro, and Columbia Basin Indigenous Nations<sup>5</sup> as official observers. The U.S. team is led by the Department of State, and has representation from the Bonneville Power Administration, United States Army Corps of Engineers, Department of Interior and the National Oceanic and Atmospheric Administration.

At the time of publishing, there have been nine rounds of negotiations in locations alternating between Canada and the U.S. Meetings occur over two days, and have been held in Washington, D.C., Nelson, B.C., Portland, Oregon, Vancouver, B.C., Victoria, B.C., and ʔaq'am (near Cranbrook, B.C.)

Since the process to revisit the Treaty began, Canada and the U.S. have been exchanging information and building a stronger understanding of their respective interests. They have discussed a range of topics, including flood-risk management, hydroelectric power, ecosystems, adaptive management, enhanced co-ordination of the Libby Dam, and other benefits to the U.S. that are not considered in the current Treaty, such as navigation, recreation, irrigation and fisheries. At the ninth round of talks, in March 2020, negotiators entered a new phase, and began presenting each other with more specific thoughts on the issues.

The negotiations have no end date. Canada, B.C. and the Indigenous Nations will continue working towards the goal of creating a modernized Treaty that shares benefits equitably between Canada and the U.S.

## 2.2 COLUMBIA RIVER TREATY REVIEW AND PREPARING FOR NEGOTIATIONS

In 2011, the Province initiated a Treaty Review process to evaluate whether it was in B.C.'s best interest to terminate the Treaty, continue it as is, or whether Canada and B.C. should seek improvements to the Treaty through negotiations with the U.S.

In 2012 and 2013, the Province conducted its extensive review, including in-depth public engagement<sup>6</sup>, Indigenous Nations government-to-government consultation, and technical analysis, all of which informed the B.C. Decision and Guiding Principles<sup>7</sup>, released in 2014. The B.C. Decision was to continue the Treaty and seek improvements within its existing framework. This position is supported by Canada, and has since informed its mandate for negotiating the Treaty with the U.S.

After the B.C. Decision was released in 2014, B.C. and Canada worked closely together, in consultation with Indigenous Nations and local governments, to prepare for negotiations with the U.S.

The Province engages with the scientific community, non-governmental organizations, consultants and other provincial and federal agencies to conduct studies that inform Canada's positions and options. In addition, B.C., Canada and local government representatives attend conferences on both sides of the border to get a better sense of the issues that may arise at the negotiating table.

Elected officials in the Basin have been involved since the beginning of the Treaty Review through the Columbia River Treaty Local Governments' Committee<sup>8</sup> (LGC) and continue to work with B.C. and Canada to ensure the interests of Basin residents and local governments are considered at the negotiating table.

The Columbia Basin Regional Advisory Committee<sup>9</sup> (CBRAC) was formed in 2014 and has since provided a Basin-wide forum to bring forward community interests, help inform domestic hydroelectric operations in the Columbia Basin, and advise on potential future improvements to the Treaty. The Province and Canada continue to work with the LGC and CBRAC to ensure the needs of the Basin inform Canadian negotiating positions.

The relationship between Canada, B.C. and Columbia Basin Indigenous Nations has grown stronger, most notably since early 2018, as a result of the dedication from all parties to collectively determine the Nations' involvement in the Treaty negotiations. Through this process, the Ktunaxa, Secwepemc and Syilx/Okanagan Nations have become

<sup>5</sup> Columbia Basin Indigenous Nations are the Ktunaxa Nation, Secwepemc Nation and Syilx/Okanagan Nation

<sup>6</sup> <https://engage.gov.bc.ca/columbiarivertreaty/publicsessions/>

<sup>7</sup> <https://engage.gov.bc.ca/columbiarivertreaty/bc-decision/>

<sup>8</sup> [http://akblg.ca/columbia\\_river\\_treaty.html](http://akblg.ca/columbia_river_treaty.html)

<sup>9</sup> <https://engage.gov.bc.ca/columbiarivertreaty/columbia-basin-regional-advisory-committee/>



an integral part of the Canadian negotiating team and are leading some of the studies that inform Canadian negotiating positions. See Section 2.3 for further context.

When Canada and the U.S. began negotiations on the Treaty in 2018, the Province returned to the Basin communities that were previously consulted as part of the Treaty Review to: provide an update on Canada-U.S. discussions; review key issues gathered during the 2012-2013 Public Consultation; highlight how those issues are guiding Canada and B.C.'s negotiating positions; and seek further input from the public on refining key issues and priorities.<sup>10</sup>

The community meetings held in 2019 shifted the focus from seeking input to sharing progress that had been made, in an effort to keep the public informed through every stage of the Treaty modernization process. Participants were encouraged to ask questions and provide feedback on what they heard.

## 2.3 INDIGENOUS NATIONS

The provincial Crown has a legal duty to consult potentially affected Indigenous Nations when decisions by the Crown may impact Aboriginal rights and title, which are protected under the Canadian Constitution. In addition, B.C. has developed the "Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples"<sup>11</sup>, which affirm B.C.'s desire to achieve a government-to-government relationship based on respect, recognition and exercise of Aboriginal rights and title and to the reconciliation of Aboriginal and Crown titles and jurisdictions. In November 2019, the provincial government passed legislation<sup>12</sup> to implement the United Nations Declaration on the Rights of Indigenous Peoples<sup>13</sup>, which the Truth and Reconciliation Commission of Canada<sup>14</sup> confirms as the framework for reconciliation.

Columbia Basin Indigenous Nations are the Ktunaxa Nation, Secwepemc Nation, and Syilx/Okanagan Nation.

The interests of the Sinixt people are being conveyed through U.S. consultation with the Confederated Tribes of the Colville Reservation. The B.C. government respects the Court of Appeal for British Columbia's judgment in the Desautels case, which confirmed the Lakes Division of the Confederated Colville Tribes (CCT), direct descendants of the Sinixt, hold Aboriginal rights in the Arrow Lakes region. As the CCT are U.S. tribes, they are being consulted by the U.S. Department of State on the Treaty negotiations.

When the Treaty was established more than half a century ago, governments of the day had a vastly different attitude towards Indigenous people than today. As a result, Indigenous Nations were not consulted during the Treaty development, and Aboriginal rights and title were not considered. From 2012 to 2017, the Province consulted separately with the Ktunaxa, Secwepemc and Syilx/Okanagan Nations, and then together with the three Nations and the Government of Canada, not just to meet its constitutional obligations, but also from a desire to understand and address Indigenous Nations' interests.

The process evolved and, in February 2018, prior to the launch of Canada-U.S. negotiations regarding the Treaty, B.C. and Canada began working closely with Columbia Basin Indigenous Nations to collaborate on defining their involvement during the negotiation process, and to seek their input into negotiation objectives, options and positions. That collaboration was formalized through a Negotiations Framework Agreement, developed collectively by the Ktunaxa, Secwepemc, and Syilx/Okanagan Nations, and the governments of Canada and B.C., and signed by leadership from the five parties. Then, in April 2019, the Government of Canada went a step further and announced that representatives of the Ktunaxa, Secwepemc, and Syilx/Okanagan Nations would participate as official observers at the Canada-U.S. Treaty negotiations. Since then, Indigenous Nations have been present in the negotiating room and are full participants in caucus meetings with Canada and B.C. during negotiating sessions. They are also full participants in preparatory meetings with Canada and B.C. before each round of negotiations and debrief meetings after each round of negotiations.

<sup>10</sup> <https://engage.gov.bc.ca/columbiarivertreaty/2018-community-meetings/>

<sup>11</sup> <https://www2.gov.bc.ca/gov/content/governments/indigenous-people/new-relationship/about-the-ten-principles>

<sup>12</sup> <https://www.leg.bc.ca/parliamentary-business/legislation-debates-proceedings/41st-parliament/4th-session/bills/first-reading/gov41-1>

<sup>13</sup> [https://www.un.org/esa/socdev/unpfii/documents/DRIPS\\_en.pdf](https://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf)

<sup>14</sup> <https://www.rcaanc-cirnac.gc.ca/eng/1450124405592/1529106060525>

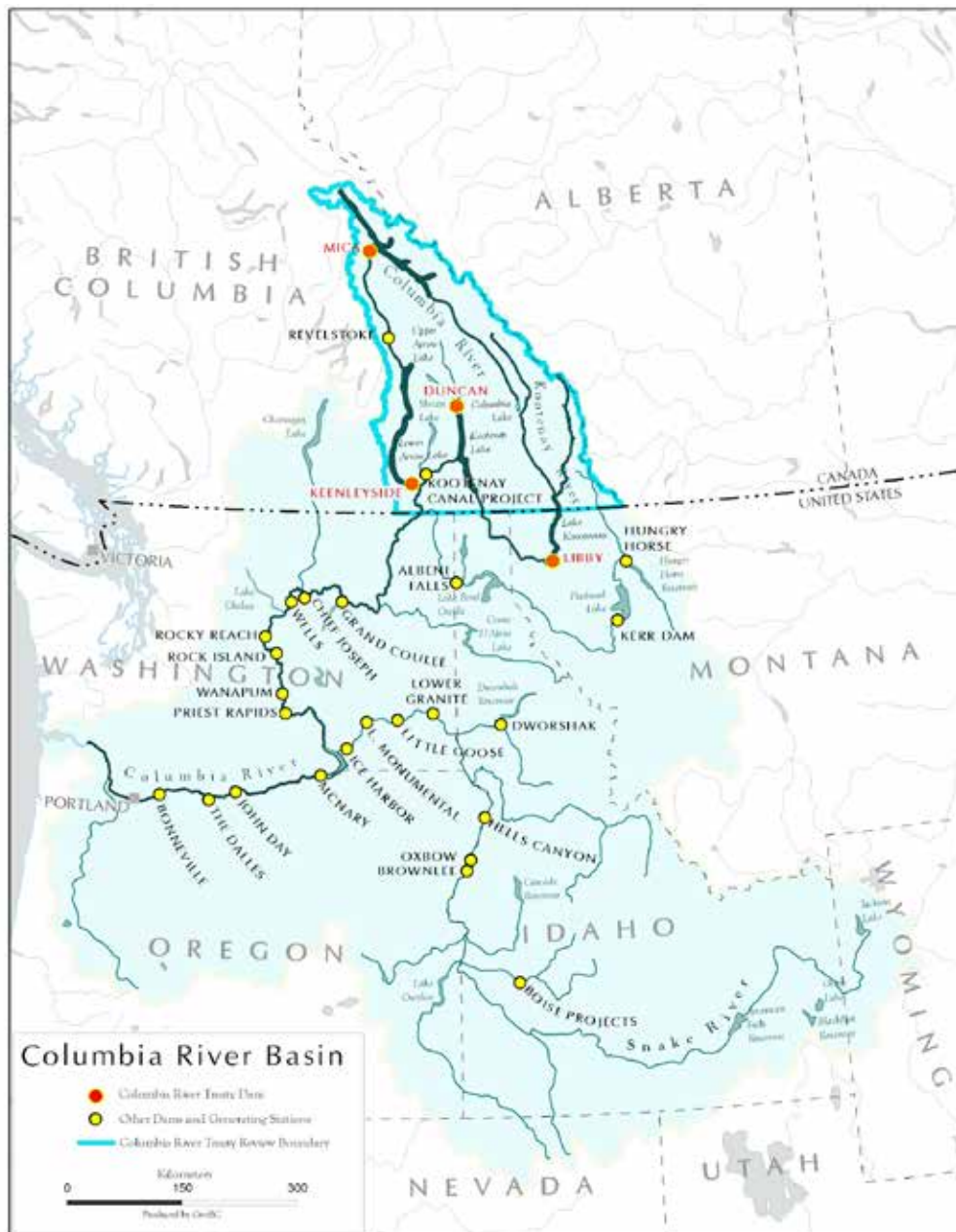
In addition to their role in the negotiation process, the Indigenous Nations have also been leading work on enhancing Basin ecosystems, and the process to explore reintroducing salmon to the Upper Columbia River. Both these initiatives were the subject of presentations and discussion during the 2019 community meetings.

Both B.C. and Canada are committed to seeking to obtain Indigenous Nations' free, prior and informed consent on the outcome of Treaty negotiations, consistent with each government's commitment to reconciliation, and adoption of the United Nations Declaration on the Rights of Indigenous Peoples.

## 2.4 COLUMBIA RIVER BASIN

### 2.4.1 MAP

The maps below show the Treaty Review boundary in Canada and the rest of the Columbia Basin in the U.S., along with Treaty dams, major non-Treaty dams, Treaty reservoirs and communities.





## 2.4.2 POPULATION

There are approximately 160,000 residents in the Canadian Columbia River Basin area .



## 3 | 2019 Community Meetings

In October and November 2019, the B.C. Treaty Team hosted 12 community meetings throughout the Columbia Basin to continue its engagement with residents as Treaty negotiations between Canada and the U.S. progress.

The meetings were intended to:

1. **RETURN** to communities visited during the 2018 Columbia River Treaty Community Meetings and the 2012-2013 Columbia River Treaty Review Public Consultation;
2. **PROVIDE** an update on the status of Columbia River Treaty negotiations between B.C., Canada and the U.S.;
3. **PROVIDE** an update on the Local Governments' Committee Draft Recommendations to the provincial and federal governments on Treaty-related issues;
4. **DESCRIBE** work being led by Columbia Basin Indigenous Nations to address ecosystem function and explore salmon reintroduction to the Upper Columbia River;
5. **DESCRIBE** progress being made by the Province to address community interests related to the Treaty;
6. **SEEK** feedback and answer questions on these topics; and
7. **SHARE** how to stay informed on Treaty negotiations and Treaty-related projects.

The Province contracted a Columbia Basin-based audio/visual company to enhance accessibility of these meetings. The contractor managed sound and video at each venue, ensuring attendees could see, hear and engage with presenters effectively. This included providing and operating audio/visual equipment, connecting remote presenters from Ottawa and Victoria via web-conferencing, and facilitating a livestream of the meeting in Genelle.

### 3.1 MEETING ATTENDANCE

The community meetings were advertised in local print and online publications; on the Province's Treaty website, Facebook page and Twitter feed; through posters at key locations in each community; and by email to a range of organizations and stakeholder groups. The Province also issued a news release in advance of the meetings and Katrine Conroy, Minister Responsible for the Treaty, did several media interviews to help raise awareness of the meetings. Members of the Local Governments' Committee and the Columbia Basin Regional Advisory Committee passed invitations along through their networks. Results from the meeting evaluation forms showed that most meeting attendees heard about the meetings from their local newspapers and through Facebook.



## ATTENDANCE BY LOCATION (Numbers do not include presenters or government staff)

DATE	LOCATION	PARTICIPANTS
October 7	Revelstoke	32
October 10	Valemount	19
October 22	Cranbrook	23
October 23	Jaffray	36
October 24	Creston	12
October 29	Golden	22
October 30	Invermere	19
November 12	Genelle	41 (31 in person; 10 via livestream)
November 13	Nelson	47
November 26	Meadow Creek	25
November 27	Nakusp	50
November 28	Fauquier	25
<b>TOTAL</b>		<b>351</b>

A greater number of young people attended these meetings compared to past public consultation sessions. Instructors from Selkirk College encouraged students' participation at the Nelson session. Alumni of the Wildsight Columbia River Field School<sup>15</sup> were also present at a number of these meetings.

The 2019 meetings were also notable in that one of the meetings was streamed live on YouTube, so that anyone who was unable to attend in person could still watch in real time. Both the full Nelson meeting and Minister Katrine Conroy's opening remarks from the Genelle meeting have been posted on the Province of B.C.'s YouTube channel.<sup>16</sup>

### 3.2 FORMAT OF PUBLIC MEETINGS

The 2019 Community Meetings were hosted by the B.C. Treaty Team and included presentations from members of the Canadian negotiating delegation, Canadian Columbia Basin Indigenous Nations, the Columbia River Treaty Local Governments' Committee and the B.C. Treaty Team.

The meetings began with an acknowledgement from the Province of the traditional territory of Indigenous Nations,

on whose land these meetings were being held, followed by an official welcome from a member of the Ktunaxa, Secwepemc or Syilx/Okanagan Nation.

Representatives from the Columbia River Treaty Local Governments' Committee also welcomed meeting participants to the local area, then outlined the role of the Committee and its activities since the Committee was formed in 2011. They reviewed their draft updated recommendations to the Province and Canada on the Treaty, with an invitation to meeting attendees to provide feedback on these recommendations.

Global Affairs Canada was represented by Canada's Chief Negotiator for the Treaty, as well as officials from the negotiating team in Ottawa, who joined each meeting by video to provide an update on negotiations, hear Basin citizens' input and answer questions in real time. B.C.'s lead negotiator added the Province's perspective, in person at some meetings and by video at others, and Columbia Basin Indigenous Nations representatives shared their thoughts on the negotiations, in particular the significance of their involvement as official observers.

<sup>15</sup> <https://wildsight.ca/programs/crfs/>

<sup>16</sup> <https://www.youtube.com/user/ProvinceofBC/search?query=columbia+river+treaty>



The meetings carried on with an update on the Indigenous-led work to address ecosystems in the Basin and explore the feasibility of reintroducing salmon to the Upper Columbia River. Participants were asked for their feedback on this work, either during the meetings when time allowed, or after the fact via a survey.

The final session of the evening featured a presentation by the Province on the work being done to address Treaty-related community interests.

A more detailed description of each presentation is in Section 3.3. Each presentation was followed by a question-and-answer period. Specific issues and questions raised during each meeting are captured in Section 4.0. Section 4.0 also lists the presenters at each meeting, as they varied based on date and location.

### 3.3 PRESENTATIONS

This section provides a description of presentations that were made at all 12 of the 2019 community meetings. Questions and issues raised in response to these presentations were unique to each community and are detailed in Section 4.0. Presenters varied by location and are also listed in Section 4.0.

All PowerPoint slides and materials used during the community sessions are posted on the B.C. Treaty website: <https://engage.gov.bc.ca/columbiarivertreaty/2019-community-meetings/>

#### 3.3.1 COLUMBIA RIVER TREATY LOCAL GOVERNMENTS' COMMITTEE UPDATE

[See presentation here](#)

A member of the Local Governments' Committee provided this presentation, which began with an explanation of the Committee's role – to ensure the interests of Canadian Columbia Basin residents and local governments are included in discussions about the future of the Treaty – and a recap of some of its activities since forming in 2011. The member then invited feedback on the Committee's draft updated recommendations to the Government of Canada and the Province of B.C. concerning the Treaty negotiation process and the content of a modernized Treaty, as well as Treaty-related matters that can be resolved domestically. The Committee has invited the Province and BC Hydro to

collaborate with local governments, the Columbia Basin Trust and others, to identify and implement solutions to the domestic issues. The updated Draft Recommendations can be found on the Local Governments' Committee website: [https://akblg.ca/columbia\\_river\\_treaty.html](https://akblg.ca/columbia_river_treaty.html).

**UPDATE:** The feedback period for the Draft Recommendations closed in early December 2019. The Committee is now considering feedback it received to finalize updating their recommendations in 2020.

#### 3.3.2 COLUMBIA RIVER TREATY NEGOTIATIONS UPDATE, INCLUDING INDIGENOUS NATIONS' PERSPECTIVES

Global Affairs Canada, represented by Canada's Chief Negotiator and members of his negotiating team, joined each session by video to provide an update on Canada-U.S. Treaty discussions and to answer questions in real time. B.C.'s lead negotiator added the Province's perspective, and Columbia Basin Indigenous Nations representatives shared their thoughts on, and experiences with, the negotiations, in particular the significance of their involvement as official observers.

The negotiators explained that, to date, Canada and the U.S. have been focused on sharing information and working towards a common understanding of each country's interests. Topics that have been discussed during negotiations have included not only the Treaty's original objectives of flood-risk management and power generation, but also ecosystems, adaptive management, Libby Dam co-ordination and accounting for other Treaty benefits to the U.S. that are not included in the current agreement.

The negotiators also said that the input Basin citizens have been sharing since 2012<sup>17</sup> has been guiding the Canadian team's negotiating positions.

Representatives of the Columbia Basin Indigenous Nations who have taken part in the negotiation sessions described their role in the negotiation process as "observers plus." They explained that representatives of the Ktunaxa, Secwepemc, and Syilx/Okanagan Nations are present in the negotiating room and are full participants in caucus meetings with Canada and B.C. during negotiating sessions.

<sup>17</sup> 2012 was when the Province of B.C. began its public consultation on the Treaty.

They are also full participants in preparatory meetings with Canada and B.C. before each round of negotiations and debrief meetings after each round.

The Indigenous Nations representatives described how their interests in the Treaty are similar to those of Basin communities. They spoke of how Indigenous Nations and Basin communities alike were ignored when the Treaty was originally created. They also characterized the approach during negotiations as seeking the best agreement for the Basin as a whole and explained how all Basin people share an interest in a healthy environment and protection from floods.

They reflected on the evolution of their role – from Indigenous voices not being heard when the Treaty was signed in 1964, to now having a clear role in the process and a seat at the table. At the eighth round of negotiations in ʔaq'am, in September 2019, Indigenous Nations representatives delivered two presentations on behalf of Canada to the U.S. negotiators: one on ecosystem themes, goals and objectives in the Canadian Columbia River Basin, and another on the collaboration between Indigenous, provincial and federal governments to explore the feasibility of reintroducing salmon to the Upper Columbia River – as the Canadian portion of the Columbia River is called in these processes.

All speakers described how cohesive the Canadian negotiating team is, and how valuable the Indigenous Nations' involvement has been. They all mentioned highlights from the past year: Indigenous Nations joining the negotiation process as observers; the formalized collaboration under the Negotiation Framework Agreement; the historic letter of agreement among the federal and provincial governments, and the Ktunaxa, Secwepemc and Syilx/Okanagan Nations to continue working towards reintroduction of salmon to the Upper Columbia River; and B.C. being the first Canadian province to put the United Nations Declaration on the Rights of Indigenous Peoples into action, through the provincial Declaration on the Rights of Indigenous Peoples Act.

Negotiators reiterated that, as discussions with the U.S. progress, they will continue to make it clear that Basin interests, including ecosystems, are promoted. They will seek a modernized Treaty that provides benefits on both

sides of the border and, for Canada, that means that benefits that are evident in the Basin and the province.

### 3.3.3 UPPER COLUMBIA SALMON UPDATE

#### [See presentation here](#)

An Indigenous Nation representative made this presentation and began by describing the Treaty's impact on salmon in the Upper Columbia River. Next, the presentation detailed the timeline that led to the 2019 Letter of Agreement<sup>18</sup> to explore salmon reintroduction into the Canadian portion of the Columbia River Basin, which was signed by the Ktunaxa, Secwepemc and Syilx/Okanagan Nations, and the governments of Canada and B.C. This Letter of Agreement also recognizes the concurrent work that Indigenous Nations have been undertaking (e.g. the Syilx/Okanagan Chinook Restoration Program; the Ktunaxa Nation Council and Okanagan Nation Alliance Transboundary Reach Chinook habitat suitability work and other initiatives.) The presentation explained that the letter of agreement represents a three-year commitment to explore the feasibility of salmon reintroduction, with funding provided by the Columbia Basin Trust, B.C. and Canada.

This portion of the meeting concluded with details of what the next steps will be. Under the Letter of Agreement, the parties will:

- Develop a strategic direction and five-year work plan, including responsibilities, timelines, budgets, and funding strategy;
- Develop an innovative organizational structure that is Indigenous-led and guided by the United Nations Declaration on the Rights of Indigenous Peoples;
- Include Indigenous knowledge, heritage, and cultural values;
- Design and implement a communications plan;
- Continue to nurture and develop relationships/partnerships in Canada and the U.S.; and
- Identify options and assess their feasibility, including risks and benefits.

.....  
<sup>18</sup> <https://engage.gov.bc.ca/app/uploads/sites/6/2019/12/SALMON-LETTER-OF-AGREEMENT.pdf>

### 3.3.4 TOWARDS INTEGRATING ECOSYSTEM FUNCTION IN THE COLUMBIA RIVER TREATY

[See presentation here](#)

This presentation began with an explanation from one of the Indigenous Nations representatives of what ecosystems mean to the Ktunaxa, Secwepemc and Syilx/Okanagan Nations in terms of their culture, heritage and practices, understanding the common theme that the First Peoples are part of the ecosystem and are inextricably linked – what is done to water, air and land is done to us; in order for us to be healthy, we must ensure that healthy ecosystems are restored. This was followed by information on how the Treaty impacts B.C. ecosystems and a recounting of the widespread support from Indigenous Nations, local governments, scientists and the general public to include ecosystem function in a modernized Treaty. Next came a detailed look at the ecosystem research being led by Canadian Basin Indigenous Nations, as well as preliminary goals and objectives for a healthy ecosystem. The key goals are:

- Improved ecosystem function to support Indigenous cultures (including responsibility, access and uses) and Basin resident values;
- Flexibility in reservoir operations to facilitate active adaptive management; and
- Reservoir operations that balance the achievement of the range of ecosystem function objectives.

The presentation concluded with an explanation of the need for flexibility in the Treaty and a discussion of next steps. After this presentation, audience members were asked to give feedback regarding the ecosystem work; for example, whether they thought the work was going in the right direction and whether there was anything missing – this feedback could also be provided through an online survey. A summary of the feedback is included in Section 5.0 of this report.

### 3.3.5 ADDRESSING COMMUNITY INTERESTS

Throughout the Province's public engagement on the Treaty, Basin residents shared how implementation of the Treaty impacted Columbia Basin people, communities, the economy and the environment. They raised concerns about specific Treaty-related issues in their communities and, in some cases, suggestions for how those issues could be addressed. While some aspects, such as enhancing Basin ecosystems and reducing reservoir fluctuations,

may have the potential to be addressed within the Treaty, others can be approached domestically. For issues that may have domestic solutions, the Province of B.C. has begun exploring possible opportunities, and shared progress on this work at the 2019 community meetings.

### COLUMBIA RIVER TREATY HERITAGE PROJECT

[See presentation here](#)

One of the key messages heard from Basin residents, especially throughout the 2018 community meetings, is the need to acknowledge what has been lost as a result of the Treaty dams and enhance what remains. At each of the 2019 community meetings, the B.C. Treaty Team presented information about one of the ways they are seeking to make that acknowledgement: through the Columbia River Treaty Heritage Project (CRT Heritage Project).

The vision for the CRT Heritage Project is a touring route linking a series of information stops at key locations throughout the Columbia Basin. The information stops will communicate Indigenous and non-Indigenous place-based stories of impacts and losses due to Treaty implementation. Basin communities will be consulted and will decide which stories they want to include in the project, and how those stories will be expressed. This proposed project will be community-driven, with extensive consultation planned to take place in 2021.

Direction for the project is provided by the CRT Heritage Project Steering Committee, which is composed of Columbia Basin heritage and tourism professionals, Indigenous Nations representatives, a local government representative and staff from B.C. government heritage, tourism and development agencies.

Once the touring route is established, promotional materials and a social media presence, including a website, will be developed to support the project. A marketing campaign will be launched, focusing initially on B.C. residents. Later marketing could expand to Alberta and U.S. states impacted by the Treaty.

At the 2019 community meetings, the Province noted the project is still in the very early stages. In early 2020, the Steering Committee hired a consultant with strong Basin connections to develop an initial project plan. To develop the plan, the consultant team contacted a wide range of Basin stakeholders through an email survey and telephone calls to gauge support for the project and interest in participating.



Feedback on the CRT Heritage Project has been positive. Basin residents emphasize that the stories in the project need to be created and written by locals. There is Indigenous Nations support for telling the little-known stories of the impacts of the implementation of the Treaty to Basin Indigenous peoples and communities. The Province will continue to provide updates on this project to the Local Governments' Committee, the Columbia Basin Regional Advisory Committee, and to the public, as progress is made.

#### **OTHER COMMUNITY INTEREST PROJECTS UNDERWAY**

The Province is exploring domestic solutions for several other issues raised by Basin residents. Early details of the following efforts were shared at some of the 2019 community meetings, when time allowed, and people indicated an interest in hearing some of the details.

#### **SUPPORT FOR BASIN AGRICULTURE**

The Province is conducting an analysis of existing support mechanisms for Basin ranchers and farmers. At the 2019 Community Meetings, the Province noted a few existing resources, including the Kootenay and Boundary Farm Advisors, which have been providing programs to better connect farmers to regional learning, opportunities and funding. Basin farmers can also receive support from other provincial agricultural programs, including: business planning and extension services; 4-H clubs, youth and educational programs; the B.C. Land Matching Program; and the Young Agrarians. The Province will continue to explore what programs exist, where there are gaps and what can be done to address those gaps.

#### **CRESTON VALLEY DIKES**

Another project is examining issues and potential solutions related to the Creston Valley dikes. Currently, the dikes are managed and maintained by four diking authorities, the Creston Valley Wildlife Management Area and the Yaqan Nukiy (Lower Kootenay Band) on the Kootenay River, and one diking authority on the Goat River. The diking authorities have identified challenges to maintaining the dikes, mainly due to funding issues. A Creston Valley dike information session was co-ordinated by the Province in October 2019 to provide information on funding and provincial policies, as well as to identify connections and opportunities. Further one-on-one consultations began in early 2020 to identify information needs, barriers, potential mitigation measures and options for co-operation going forward. Work continues in this regard. A follow-up meeting may be held in fall 2020.



#### **SUPPORT FOR BASIN ECOSYSTEM WORK**

In addition to funding the ecosystem function work led by the Columbia Basin Indigenous Nations, the Province is utilizing aerial imagery of Arrow and Kinbasket reservoirs supplied by BC Hydro to develop geospatial mapping products of both reservoirs, including digital elevation models. The data will support the research being conducted by the Indigenous Nations-led ecosystem function sub-committee which, in turn, will inform the Treaty negotiations. When completed, the Province and BC Hydro will provide the geospatial mapping products to Selkirk College for use with the Columbia River Treaty portal the College is developing as part of their Rural Open Data project <https://www.ruralopendata.ca/>.

#### **DUNCAN DAM FISH PASSAGE**

The Province is continuing to monitor work by BC Hydro and the Technical Working Group to examine upgrading or replacing the weir at Duncan Dam. A flip bucket and weir system assists passage of bull trout from the Kootenay Lake to the upper Duncan River. In 2011, the weir was damaged. Larger bull trout (> 65 cm) are still able to complete the transfer, but it is difficult for smaller fish. As of October 2019, BC Hydro is looking at cost estimates for a concrete multi-step weir, as well as looking at different options for addressing the damaged weir, including a review of fish requirements.

### **NAKUSP MARINA AND BREAKWATER**

During the 2019 community meeting in Nakusp, residents raised the issue of the Village's deteriorating breakwater and marina. Built by BC Hydro in the early 1980s and later sold to the Village, the infrastructure is now 38 years into its 25-year "design life", and in a state of considerable disrepair. In 2013, BC Hydro provided a \$100,000 grant to the Village for refurbishing the structures but, due to higher cost estimates for the repairs, the money was not spent. In March 2020, the Province provided \$30,000 to the Village to undertake engineering and preliminary work on the marina and breakwater. The Village currently has a project underway to replace a portion of the breakwater.

### **KOOCANUSA RESERVOIR WEIR FEASIBILITY STUDY**

In recent years, a number of Southeast Kootenay residents have recommended that a weir be built on Koocanusa Reservoir to manage fluctuating water levels<sup>19</sup>. The Province of B.C. is conducting a third-party independent review to assess the benefits, impacts and feasibility of a weir. The B.C. Treaty Team will work closely with interested parties and the Local Governments' Committee, in particular Stan Doehle, Area B Director with the Regional District of East Kootenay, throughout this process, and will provide an update to interested communities when the study is complete. Originally, it was expected that more information would be available in spring 2020; however, due to COVID-19, timelines have shifted, and updates are now expected in the fall of 2020.

The Province will continue to work with residents, local governments and specific interest groups on these and other domestic-solution issues and will provide updates to the public as progress is made.



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<sup>19</sup> The Koocanusa Reservoir is created by Libby Dam in Montana, which is operated by the U.S. Army Corps of Engineers for flood reduction, hydropower, recreation, and environmental stewardship.

## 4 | Community Meeting Summaries

This section provides a description of the questions and issues raised at each of the community meetings. Presenters varied by location, as listed in this section.

All PowerPoint slides and materials used during the community sessions are posted on the B.C. Treaty website: <https://engage.gov.bc.ca/columbiarivertreaty/2019-community-meetings/>

### 4.1 REVELSTOKE

October 7, 2019 – 32 people in attendance at the Revelstoke Community Centre



#### **Welcome Remarks and Facilitation –**

Brooke McMurchy, B.C. Treaty Team

**Columbia River Treaty Local Governments' Committee Update** – David Brooks-Hill, Area B Director, Columbia Shuswap Regional District

#### **Columbia River Treaty Negotiations Update**

- Stephen Gluck, Global Affairs Canada
- Kathy Eichenberger, B.C. Treaty Team
- Nathalie Allard, Ktunaxa Nation
- Shannon Goss, Syilx/Okanagan Nation

#### **Upper Columbia Salmon Update –**

Bill Green, Ktunaxa Nation

**Towards Integrating Ecosystem Function in the Columbia River Treaty** – Bill Green, Ktunaxa Nation, with Indigenous values insights by Nathalie Allard, Ktunaxa Nation, and Shannon Goss, Syilx/Okanagan Nation

#### **Columbia River Treaty Heritage Project and Addressing Community Interests**

– Ingrid Strauss, B.C. Treaty Team. At this meeting, Ingrid spoke about the Columbia River Treaty Heritage Project, Creston Valley Dikes and Duncan Dam Fish Passage.

Full descriptions of all presentations can be found in Section 3.3.

#### **TOPICS DISCUSSED AT THE OCTOBER 2019 REVELSTOKE MEETING**

The following topics, not in order of priority, were raised by attendees during the meeting:

#### **Salmon reintroduction and invasive species –**

There were questions about how the reintroduction of salmon might impact other fish species in the Columbia River, including facilitating movement of invasive species now in the Lower Columbia and what steps would be taken to mitigate any impacts. It was also asked how researchers would choose which population of salmon to reintroduce to the Upper Columbia River, and whether that population would survive up to the headwaters. Bill Green described the consideration of impacts on other fish species and mechanisms to limit movement of invasive species in his presentation. Bill said work has been done to choose the population that would be most successful in the transboundary portion of the river, and the U.S. has also done the same work, with the same results. These populations may not be the best for the more northern sections of the river. Salmon won't make it as far as the headwaters right away. Efforts will have to be made one step at a time.

#### **Environmental Assessment Review of the Columbia River Treaty**

– An attendee asked if there would be an environmental assessment review of the Treaty. Kathy Eichenberger advised that environmental assessments are for new projects so, because the Treaty is more than 55 years old, provincial and federal government staff are looking at it in a different way, with a focus on what can be done to improve it. Both Canada and B.C. feel strongly that a modernized version of the Treaty must have an ecosystem component included.



**Historical pollution and water quality** – One participant raised the question of whether water quality and historical pollution would be addressed in a modernized Treaty. Kathy Eichenberger explained that water quality is not part of the Treaty, which is focused on managing water flows of the Columbia River through the operation of dams and reservoirs. However, water quality issues in Koocanusa Reservoir and the Lower Columbia are being addressed by the government through other processes.

**Recognition of losses** – Residents at this meeting asked what will be done to address the losses experienced in the Columbia Basin as a result of the Treaty dams, for example: flooded forestry and agriculture land; cultural artifacts and Indigenous archaeological sites; displaced communities; loss in tourism and recreation opportunities and loss of ecosystems. Kathy Eichenberger stated that the B.C. Treaty Team heard residents at the meetings in 2018 emphasizing the need to ‘Recognize what was lost and enhance what remains’ and are acting on this. Ingrid Strauss of the B.C. Treaty Team explained how the Province is seeking to provide one way of acknowledging these losses through the Columbia River Treaty Heritage Project,<sup>20</sup> which proposes to create a tourism route through the Columbia Basin, highlighting stories, artifacts and sites of significance in communities impacted by the Treaty. These sites will be chosen by each community as a way to tell their story; the Revelstoke Dam Visitors Centre was mentioned as an example of a possible local site. People were curious what stories would be shared as part of this project; would they be sad stories of houses that were destroyed and fish populations that were lost, or positive stories? Ingrid explained that each community will decide what they want to tell. Public consultation on this project is expected to happen in 2021.

**Role of U.S. Tribes** – There was a question raised about the role of U.S. Tribes in the Treaty negotiations. Stephen Gluck said that U.S. negotiators meet with U.S. Tribes regarding the Treaty.

**Impacts of climate change** – A meeting participant asked whether salmon will survive with climate change. Bill Green noted that, in years with warm temperatures, there have been significant losses of sockeye salmon moving into the Okanagan River. Fortunately, chinook salmon have a higher temperature tolerance. Within the

Columbia River, if chinook and sockeye salmon are going to persist, it will be in the cooler northern sections of the river. Bill also pointed out that, if the goals of the international Paris Agreement on climate are achieved, conditions will be within the temperature tolerance for chinook salmon. If they are not achieved, there will be an impact on everything – not just salmon. Another question raised was whether keeping the Treaty dams would be economically viable. As low-carbon alternatives such as solar and geothermal become cheaper, the upper Columbia Basin area could be used for food security and regenerating forests, which become important as the climate changes. Bill explained that the current ecosystem function work looks at what can be done to achieve the biggest improvement in ecosystems overall, recognizing that there may be potentially conflicting opportunities for the future. For example, what may be good for floodplains may not be so good for kokanee. There was also a comment that reservoirs create greenhouse gas emissions, with a question about whether these were being accounted for in the ecosystem work.

**Flexibility in the Columbia River Treaty** – An attendee was curious about how flexibility would be created in the Treaty in a way that considers multiple interests, such as power generation and agriculture needs. This was followed by a discussion of the importance of creating flexibility within the Treaty, to meet multiple, sometimes competing, interests. Kathy Eichenberger confirmed that Canada, B.C. and Basin Indigenous Nations are exploring how to include increased flexibility in the Treaty for ecosystems and to manage for future unknowns (such as changing climate, power needs, and societal values), but that the mechanism for how to do that has not been determined.

**Creston Dikes** – In response to the Province’s update on the work being done to address concerns around Creston’s dike infrastructure, a participant asked where people can find out more and/or discuss diking options locally. Ingrid mentioned a website<sup>21</sup> that lists disaster mitigation programs that provide funds for diking infrastructure. Further information on dike management can be found here: <https://www2.gov.bc.ca/gov/content/environment/air-land-water/water/drought-flooding-dikes-dams/integrated-flood-hazard-management/dike-management>.

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<sup>20</sup> See Section 3.3.5 for a description of the CRT Heritage Project

<sup>21</sup> <https://www2.gov.bc.ca/gov/content/safety/emergency-preparedness-response-recovery/emergency-management-bc/bc-disaster-mitigation/flood-mitigation-funding-programs>

## 4.2 VALEMOUNT

October 10, 2019 – 19 people in attendance at the Valemount Community Hall



### **Welcome Remarks and Facilitation –**

Brooke McMurphy, B.C. Treaty Team

**Columbia River Treaty Local Governments' Committee Update** – Donnie McLean, Councillor, Village of Valemount and Linda Worley, Chair, Local Governments' Committee and Area B Director, Regional District of Kootenay Boundary

### **Columbia River Treaty Negotiations Update**

- ▶ Lyn Ponniah, Global Affairs Canada
- ▶ Kathy Eichenberger, B.C. Treaty Team
- ▶ Nathalie Allard, Ktunaxa Nation
- ▶ Shannon Goss, Syilx/Okanagan Nation

### **Upper Columbia Salmon Update –**

Cindy Pearce, Mountain Labyrinths Consulting Inc.

**Towards Integrating Ecosystem Function in the Columbia River Treaty** – Cindy Pearce, Mountain Labyrinths Consulting Inc. Indigenous values insights were provided by a recording of by Nathalie Allard, Ktunaxa Nation, and Shannon Goss, Syilx/Okanagan Nation, from the meeting in Revelstoke on October 7, 2019.

**Columbia River Treaty Heritage Project and Addressing Community Interests** – Ingrid Strauss, B.C. Treaty Team. At this meeting, Ingrid spoke about the Columbia River Treaty Heritage Project and briefly

described work in progress on Creston Valley Dikes, Basin agriculture support projects and Duncan Dam fish passage.

Full descriptions of all presentations can be found in Section 3.3.

### **TOPICS DISCUSSED AT THE OCTOBER 2019 VALEMOUNT MEETING**

The following topics, not in order of priority, were raised by attendees during the meeting:

**Hot springs and ecosystem restoration** – A long-time Valemount resident shared memories of the local hot springs and surrounding ecosystem, which are now inundated most years by Kinbasket Reservoir, and asked if there is any way the hot springs could not be lost to them. They also asked whether water from the hot springs could be used to generate energy. These questions were echoed by three other participants. Kathy Eichenberger said that the B.C Treaty Team could see if BC Hydro is able to let Valemount residents know when reservoir levels are expected to be low enough for people to access the hot springs. Regarding the potential of generating energy from the hot springs, the B.C. Treaty Team noted that there is geothermal exploration underway with permits issued by the province. Kathy noted that the Province has heard from people across the Basin about impacts to ecosystems and the losses that have been felt across the Basin as a result of the Treaty dams. She encouraged participants to stay for the presentations later in the session to learn about how those losses could be acknowledged and how ecosystems could be improved. Lyn Ponniah echoed that the stories she has heard about the impacts of the Treaty have made an impression on her and the federal members of the negotiating Team and are valued as they work to modernize the Treaty.

**Information about ecosystem studies** – A participant expressed concerns about local ecosystems, recognized that BC Hydro has been doing ecosystem studies and asked how the ongoing studies can be made available to the general public. Kathy Eichenberger explained that under the Water Use Plan there are projects that are required to be conducted by BC Hydro. The Columbia Fish and Wildlife Compensation Program also funds ecosystem studies. She committed to getting information on the studies for the Kinbasket Reservoir and make them available to the community. **UPDATE:** Water Use Plan projects for Kinbasket Reservoir are listed on the Columbia River Water Use Plan

website<sup>22</sup>. The Fish and Wildlife Compensation Program lists all its projects on its website.<sup>23</sup>

#### **Effect of Basin residents' concerns on negotiations** –

One person wondered whether Basin residents' comments have any influence on the current Treaty negotiations. Lyn Ponniah said that all comments, feedback and stories from Basin residents have an impact on the Canadian team and, as much as possible, are taken into consideration as the negotiations move forward. Kathy Eichenberger echoed that comment, saying that it is essential for the Canadian negotiating team to hear from Basin citizens directly about their concerns regarding the Treaty. The issues raised guide B.C. and Canada's negotiating positions, and hearing personal anecdotes of what the Columbia means and has meant to Basin residents help make the issues real to those who are negotiating the Treaty.

**Fluctuating reservoir water levels** – It was asked whether water levels on the Kinbasket Reservoir would continue to fluctuate under a modernized Treaty, or whether they could be stabilized. Kathy Eichenberger responded, saying it is too early to tell if reducing fluctuations on Kinbasket is the best option to meet the multitude of ecosystem, social, economic and health objectives in the Basin. Examining reservoir levels is one of many factors that will be considered as part of the ecosystem function studies. These studies are being led by Basin Indigenous Nations in collaboration with the B.C. Ministry of Forests Lands, Natural Resource Operations and Rural Development, and will need to identify objectives for each reservoir before modelling different dam operation scenarios. The key is to find out what reservoir operation(s) will enhance the multitude of values in the Basin. Kathy said that the Province will continue to share information about these studies as they progress.

**Silica sand in dust storms** – Two attendees raised health concerns around silica sand that is present in the dust storms created when Kinbasket Reservoir levels are low and the land in the draw-down zone is dry. The Valemount Marina has a silica exposure plan because of this health risk. The community has reached out to the University of Northern B.C. for help. One participant wondered about

opportunities via revegetation. Though past success has been poor because reservoir levels were high right after planting, the participant pondered if success would have been better in the last two years when the reservoir was low. Another participant stated the revegetation studies were poorly designed, that the design should incorporate local knowledge and input from a local ecosystem specialist. They asked if anything is being done to address this concern. Kathy Eichenberger said that the provincial government recognizes that silica sand is a serious issue. During the 2012-13 provincial Treaty community meetings, the community asked for a weir to be built. The option was examined with an estimated cost of \$500 million to \$1 billion dollars at that time, based on preliminary assumptions. Costs would be significantly higher today, so a weir is not being pursued. A participant noted that flooding the peatlands may be a problem with the weir. Kathy confirmed that the provincial government isn't walking away from this issue but doesn't have a definitive answer at this point. It will be examined during the scenario modelling to see if refraining from inundating the top few feet of the reservoir will recruit riparian ecosystems. Other solutions, such as planted revegetation, are also being sought.

**Salmon reintroduction** – It was asked if the current work to look at reintroducing salmon to the Upper Columbia would be like introducing an invasive species now, as salmon have been absent from these ecosystems for so long. Another asked how salmon would be nourished when existing fish are so small. Cindy said that the situation is a challenge, and that those studying salmon reintroduction are looking at the interaction with other species. A question arose about whether historically salmon inhabited the Canoe River ecosystem – and this remains unknown.

**Youth engagement** – The audience at this meeting was supportive of engaging with youth in the community. An attendee suggested that using games to catch young people's attention would be a good approach.

<sup>22</sup> [https://www.bchydro.com/toolbar/about/sustainability/conservation/water\\_use\\_planning/southern\\_interior/columbia\\_river.html](https://www.bchydro.com/toolbar/about/sustainability/conservation/water_use_planning/southern_interior/columbia_river.html).

<sup>23</sup> <http://fwcp.ca/region/columbia-region/>



### 4.3 CRANBROOK

October 22, 2019 – 23 people in attendance at the Cranbrook Public Library



#### **Welcome Remarks and Facilitation –**

Brooke McMurchy, B.C. Treaty Team

#### **Indigenous Welcome –** Nathalie Allard, Ktunaxa Nation

#### **Columbia River Treaty Local Governments’**

**Committee Update –** Stan Doehle, Vice Chair, Local Governments’ Committee and Area B Director, Regional District of East Kootenay

#### **Columbia River Treaty Negotiations Update**

- ▶ Stephen Gluck, Global Affairs Canada
- ▶ Kathy Eichenberger, B.C. Treaty Team
- ▶ Nathalie Allard, Ktunaxa Nation
- ▶ Nathan Matthew, Secwepemc Nation

#### **Upper Columbia Salmon Update –**

Bill Green, Ktunaxa Nation

#### **Towards Integrating Ecosystem Function in the**

**Columbia River Treaty –** Bill Green, Ktunaxa Nation, with Indigenous values insights by Nathalie Allard, Ktunaxa Nation, and Nathan Matthew, Secwepemc Nation

#### **Columbia River Treaty Heritage Project and**

**Addressing Community Interests –** Ingrid Strauss, B.C. Treaty Team. At this meeting, Ingrid spoke about the Columbia River Treaty Heritage Project, Duncan Dam fish passage, Basin agriculture support projects and Creston Valley dikes.

Full descriptions of all presentations can be found in Section 3.3.

### **TOPICS DISCUSSED AT THE OCTOBER 2019 CRANBROOK MEETING**

The following topics, not in order of priority, were raised by attendees during the meeting:

***Irrigation and other Treaty benefits to the U.S.*** – It was noted that the U.S. receives other benefits from the Treaty in addition to power generation and flood control, and that those benefits are not included in the original Treaty. One participant highlighted that the Treaty enhances U.S. irrigation, and asked whether Canada would seek compensation for this and other non-power and non-flood benefits. Stephen Gluck said that Canada has raised U.S. irrigation benefits at the negotiating table, as well as benefits to U.S. navigation, recreation and fisheries. Canada has also raised the negative impacts experienced in the Canadian Columbia Basin as a result of construction of Treaty dams and ongoing operations. Although it was made clear that specifics of the negotiations with the U.S. are confidential, Kathy Eichenberger said that Canada and B.C. will continue to raise these issues with the U.S. A successful outcome of these negotiations will be a modernized Treaty that shares benefits to both countries equitably.

#### ***Historical grievances for Indigenous Nations –***

An attendee asked how Canada and B.C. intend to address historical grievances with Indigenous Nations regarding the Treaty, including loss of archeological sites and habitats for fish and wildlife, as well as the loss of salmon. Kathy Eichenberger replied that Canada, B.C., and the Ktunaxa, Secwepemc, and Syilx/Okanagan Nations have signed a Negotiations Framework Agreement, which guides how all parties are working together during Treaty negotiations. This agreement includes discussions on historical grievances and benefits sharing. Salmon and related habitat losses are being addressed in the work Indigenous Nations are leading, in collaboration with the B.C. Ministry of Forests, Lands and Natural Resource Operations and Department of Fisheries and Oceans Canada, to explore feasibility of reintroducing salmon to the Upper Columbia River.

***Koocanusa Reservoir Weir feasibility*** – Over the past few years, a number of South-East Kootenay residents have recommended that a weir/dam be built on Koocanusa Reservoir to manage fluctuating water levels. Kathy Eichenberger announced at this meeting that the Province of B.C. is conducting a third-party independent review to assess the benefits, impacts and

feasibility of a weir. She stressed that it is important to have the correct information before making a decision on this option. She said the Province will work closely with interested parties and the Local Governments' Committee, in particular Stan Doehle, Area B Director with the Regional District of East Kootenay. She expected to have more information within three or four months and said the Province would return to interested communities to provide an update. Participants asked questions to confirm the timeline and who the reviewer would be as well as to encourage input from locals and consideration of downstream impacts (i.e. on the Creston dikes) of a weir.

**UPDATE:** Originally, it was expected that more information would be available in spring 2020; however, due to COVID-19, timelines have shifted, and updates are now expected in the fall of 2020.

**Cost and value of ecosystems** – One participant asked how much the ecosystem function work would cost and how it would be funded. He wondered what would happen if flows to enhance ecosystems resulted in financial losses for BC Hydro. Bill responded that this is an important question, and that one option may be the \$100-\$200 million annually of downstream benefits or Canadian Entitlement that B.C. currently receives as its share of the U.S. benefits. Nathan Matthew asked what it is worth to get a better functioning environment. He said that it is important to understand the value of the ecosystem beyond monetary terms and he encouraged participants to speak up and write down their views as there will likely be choices to be made once the research is done. He added that as part of the ecosystem function work Indigenous Nations are leading, they are looking at the positive and negative impacts of adjusting river flows, including the associated costs.

**Creston Valley Dike project** – In response to the Province's presentation on work to respond to Creston Valley dike issues, someone asked whether consideration has been given to removing the dikes altogether. Ingrid said while removal of all dikes is not being considered, the use of setbacks to create wetlands between the river and dikes in sections where this might work is part of the discussion.

**Duncan Dam power production** – A resident asked if the idea of producing power at Duncan Dam has been abandoned. Brooke McMurchy said the B.C. Treaty Team would follow up. **UPDATE:** Duncan Dam options, including power generation, are part of Columbia River Treaty Review report (2013) <sup>24</sup> by Alan Thomson.

**Duncan Dam fish ladder** – An attendee asked if a Duncan Dam fish ladder could be a model for other projects along Columbia River. The cost of replacing the weir was also raised, which Ingrid Strauss said she believed to be several millions of dollars. Bill Green added that, at the Duncan dam, it is possible for fish passage to be enabled through the bottom of the dam, which is not possible at other dams. This option might work for upstream passage, but not for downstream passage when fish are in the reservoir at the top and behind the dam.

#### 4.4 JAFFRAY

October 23, 2019 – 36 people in attendance at Jaffray Community Hall



**Welcome Remarks and Facilitation** –  
Brooke McMurchy, B.C. Treaty Team

**Indigenous Welcome** – Nathalie Allard, Ktunaxa Nation

**Columbia River Treaty Local Governments' Committee Update** – Stan Doehle, Vice Chair, Local Governments' Committee and Area B Director, Regional District of East Kootenay

<sup>24</sup> [https://engage.gov.bc.ca/app/uploads/sites/6/2012/07/High-Level-Description-and-Evaluation\\_Duncan-Dam-post-2024-and-Arrow-Reservoir-Mid-Elevation-Scenario.pdf](https://engage.gov.bc.ca/app/uploads/sites/6/2012/07/High-Level-Description-and-Evaluation_Duncan-Dam-post-2024-and-Arrow-Reservoir-Mid-Elevation-Scenario.pdf)

### **Columbia River Treaty Negotiations Update**

- ▶ Stephen Gluck, Global Affairs Canada
- ▶ Kathy Eichenberger, B.C. Treaty Team
- ▶ Nathalie Allard, Ktunaxa Nation
- ▶ Nathan Matthew, Secwepemc Nation

### **Upper Columbia Salmon Update –**

Bill Green, Ktunaxa Nation

### **Towards Integrating Ecosystem Function in the**

**Columbia River Treaty** – Bill Green, Ktunaxa Nation, with Indigenous values insights by Nathalie Allard, Ktunaxa Nation, and Nathan Matthew, Secwepemc Nation

### **Columbia River Treaty Heritage Project and**

**Addressing Community Interests** – Ingrid Strauss, B.C. Treaty Team. At this meeting, Ingrid spoke about the Columbia River Treaty Heritage Project, Basin agriculture support efforts, and the Creston Valley Dike information session.

Full descriptions of all presentations can be found in Section 3.3.

### **TOPICS DISCUSSED AT THE OCTOBER 2019 JAFFRAY MEETING**

The following topics, not in order of priority, were raised by attendees during the meeting:

**Treaty impacts on agriculture** – A number of people expressed concern about impacts experienced by the agriculture sector as a result of the Treaty. Kathy Eichenberger recalled the stories and concerns she heard at past Provincial community meetings from those connected to Basin agriculture. She particularly reflected on the theme that came out of the 2018 meeting in Jaffray – the need to acknowledge what was lost as a result of the Treaty dams and enhance what remains. She said that B.C. is exploring how that acknowledgement and enhancement could be achieved domestically, outside the Treaty. Ingrid Strauss recalled that, during previous meetings, in 2018 and in 2012/13, Columbia Basin residents highlighted a number of opportunities and challenges regarding farming in the region. She said that the B.C. Treaty Team is working with the provincial Ministry of Agriculture, Columbia Basin Trust and other entities to examine what programs and support are available for ranchers and farmers currently, where there are gaps, and what can be done to address those gaps. Ingrid also mentioned several events happening in October 2019 that support farming and ranches.

**Salmon reintroduction** – People were curious about what stopped salmon from reaching the Upper Columbia River. Bill Green explained that the Grand Coulee Dam, completed in 1942, prevented fish passage. Though the Grand Coulee dam is under U.S. jurisdiction, the Canadian government at the time was consulted before its construction and raised no concerns regarding fish passage. Participants also asked what efforts are being made to prepare the ecosystem for re-introduction of the salmon, and to prevent invasive species. Bill explained that current efforts are focused on re-establishing salmon in the Lower Columbia, above the U.S. border, where walleye and pike, which are invasive species, exist now. Attempts are being made to reduce these invasive species by unlimited recreational fisheries harvests and experiments to lower the reservoir behind Grand Coulee Dam after spawning, to kill off spawners. These efforts are underway, not only for salmon but for sturgeon as well. Nathalie Allard mentioned that there was a session on salmon reintroduction at the Columbia Basin Transboundary Conference in Kimberly, in September 2019. A summary of that session is available on the conference website. <https://transboundaryriverconference.org/>

**Koocanusa Reservoir Weir proposal** – A participant who had attended the meeting in Cranbrook the previous evening spoke about the proposed weir along the U.S. border, for the benefit of those who had not yet heard the update. Minimizing fluctuating water levels on Koocanusa Reservoir is a key interest of those in Jaffray and surrounding areas, especially those who ranch, farm or recreate on the reservoir. Kathy Eichenberger reiterated that the Province has hired a third party to conduct a study/review of the feasibility and benefits and impacts of a weir on Koocanusa Reservoir and expect to have something to report back in spring or summer 2020. **UPDATE:** Due to COVID-19, expected timing has been changed to fall 2020.

**Canadian approach to negotiations** – It was asked whether the Canadian negotiating team is being assertive when meeting with the U.S., and whether the change in the provincial government in 2017 has had any affect on that approach. Kathy Eichenberger clarified first that, in B.C., the Treaty has been a non-partisan issue, and there has been no effect on the provincial approach to negotiations due to the change in government. Second, she highlighted that there are no politicians on either country's negotiating team – the teams include expert, learned and capable negotiators, including Indigenous Nations representatives on the Canadian team. Political leaders provide feedback and will be involved in decisions down the road but are

not part of the negotiations themselves. The rapport between the Canadian and U.S. teams is collaborative and collegial. Stephen Gluck said that Canada's lead negotiator demonstrates strength when necessary, and that negotiations are conducted in an atmosphere of respect.

#### 4.5 CRESTON

October 24, 2019 – 12 people in attendance at the Creston Community Complex.



##### **Welcome Remarks and Facilitation –**

Brooke McMurchy, B.C. Treaty Team

**Indigenous Welcome** – Sandra Luke, Yaqan Nukiy (Lower Kootenay Band)

**Columbia River Treaty Local Governments' Committee Update** – Stan Doehle, Vice Chair, Local Governments' Committee and Area B Director, Regional District of East Kootenay

##### **Columbia River Treaty Negotiations Update**

- ▶ Lyn Ponniah, Global Affairs Canada
- ▶ Kathy Eichenberger, B.C. Treaty Team
- ▶ Nathalie Allard, Ktunaxa Nation

##### **Upper Columbia Salmon Update –**

Cindy Pearce, Mountain Labyrinths Consulting Inc.

**Towards Integrating Ecosystem Function in the Columbia River Treaty** – Ryan MacDonald, MacHydro, with Indigenous values insights by Nathalie Allard, Ktunaxa Nation

**Columbia River Treaty Heritage Project and Addressing Community Interests** – Ingrid Strauss, B.C. Treaty Team. At this meeting, Ingrid spoke about the Columbia River Treaty Heritage Project, Creston Dikes and work to address Basin agriculture concerns.

Full descriptions of all presentations can be found in Section 3.3.

#### **TOPICS DISCUSSED AT THE OCTOBER 2019 CRESTON MEETING**

The following topics, not in order of priority, were raised by attendees during the meeting:

**Sinixt representation** – One participant asked whether the ongoing court process related to the legal status of the Sinixt Nation, which the federal government declared extinct in 1956, was accounted for in the negotiations. Kathy Eichenberger explained that the B.C. government respects the Court of Appeal for British Columbia's recent judgment in the Desautels case, which confirmed that Lakes Division of the Confederated Colville Tribes (CCT), direct descendants of the Sinixt, hold Aboriginal rights in the Arrow Lakes region. As the CCT are a U.S. tribe, they are being consulted by the U.S. State Department on the Treaty negotiations. She noted that, as Nathalie Allard had stated earlier in this meeting, the work the regional Canadian Indigenous Nations are doing on integrating ecosystem function and cultural values in the negotiations aligns with others in the Basin and in the U.S.

**Duck Lake** – A participant wondered whether Duck Lake, just south of Kootenay Lake, is within the Treaty and what controls the water levels. Kathy responded that it is not within the Treaty, however the water flows in the Kootenay system, which are regulated in part by the Libby dam in Montana, are being discussed in the negotiations. The Libby dam was authorized by the Treaty; however, it is not included in the ongoing Treaty planning process for managing the flows from the Treaty dams that were built in Canada.

**Okanagan River and salmon** – On the subject of salmon reintroduction, a meeting attendee asked about the relationship between the Okanagan River and the Columbia River. Brooke McMurchy explained that the Okanagan River is a tributary to the Columbia River, flowing into it in Washington State below the Grand Coulee dam. She explained that, in recent years, there had been successful natural migration of salmon to the Okanagan River, and that she would seek further information on this



initiative. **UPDATE:** Interest in Okanagan salmon restoration has always been present. The population of Sockeye has survived (i.e. did not go extinct, unlike the Upper Columbia stocks) since the Grand Coulee Dam was constructed, and before that, significant commercial fisheries existed down through to the ocean. Through Indigenous Nations' prayer and annual ceremony, the salmon are called back. From a technical point of view, physical restoration activities were initiated in 2003, to include habitat improvements and access, fish passage improvements, hatchery supplementation and water management for fish-friendly flows. 2007 saw dramatic increases in the return of Sockeye, four years after the initiation of the Okanagan River Restoration Initiative. Returns have dramatically increased to high levels since, sometimes allowing for Indigenous food-fisheries and sometimes Indigenous commercial fisheries. However, the program is not immune to climate change influences, whereby in 2015 the returning adults suffered catastrophic loss (estimates of 95%) in the lower Columbia due to low flows and lethal (high) water temperatures.

**U.S. interests in salmon reintroduction** – An attendee asked what level of interest there is in the U.S. to reintroduce salmon to the Upper Columbia River, noting that the Grand Coulee Dam in Washington State is the biggest obstacle for salmon to overcome. Ryan MacDonald responded, saying there is strong interest south of the border in bringing salmon back, much of it from the U.S. Tribes. For more information about their efforts, read the Fish Passage & Reintroduction Paper, jointly produced by U.S. Columbia Basin Tribes and Canadian Columbia Basin Indigenous Nations<sup>25</sup> and subsequent Phase 1 Report.<sup>26</sup>

**Ecosystem considerations for new infrastructure projects** – A participant asked if the impacts the Treaty has had on ecosystems are considered when planning for any new infrastructure projects. Ryan MacDonald expressed that there are many provincial and federal bodies in consultation with Indigenous Nations, that are responsible for mitigating ecosystem impacts for new and existing projects.

**Impacts of reservoir evaporation** – It was asked if loss of water due to evaporation from the Treaty reservoirs is being considered as part of the ecosystem function work. Ryan noted that impacts due to evaporation could be

considered a loss, but it is not significant when compared to the volume of water in the reservoirs and the effect of dam operations, and there is nothing that can be done operationally to remedy it.

**Valuing ecosystems** – One participant encouraged negotiators to put a monetary value on ecosystems during negotiations to ensure their worth is comparable to flood control and power generation.

**Flexibility in the Treaty** – A resident voiced support for building more flexibility into the Treaty, saying it is important to ensure Canada and B.C. can adapt dam operations to future uncertainties, particularly in terms of climate change.

## 4.6 GOLDEN

October 29, 2019 – 22 people in attendance at the Golden Civic Centre.



**Welcome Remarks and Facilitation** –  
Brooke McMurchy, B.C. Treaty Team

**Indigenous Welcome** – Nathalie Allard, Ktunaxa Nation

**Columbia River Treaty Local Governments'**

**Committee Update** – Ron Oszust, Mayor, Town of Golden

**Columbia River Treaty Negotiations Update**

- Stephen Gluck, Global Affairs Canada
- Kathy Eichenberger, B.C. Treaty Team
- Nathalie Allard, Ktunaxa Nation
- Mark Thomas, Secwepemc Nation

<sup>25</sup> <https://ucut.org/fish/fish-reintroduction-u-s-canadian-upper-columbia-river/>

<sup>26</sup> <https://ucut.org/fish/restoring-salmon-upper-columbia-river-basin/>

### **Upper Columbia Salmon Update –**

Mark Thomas, Secwepemc Nation

### **Towards Integrating Ecosystem Function in the Columbia River Treaty –**

Mark Thomas, Secwepemc Nation, with further Indigenous values insights by Nathalie Allard, Ktunaxa Nation

### **Columbia River Treaty Heritage Project and Addressing Community Interests –**

Ingrid Strauss, B.C. Treaty Team. At this meeting, Ingrid spoke about the Columbia River Treaty Heritage Project, the Creston Valley Diking project and Duncan Dam fish passage. The need to explore opportunities for commercial and recreation enhancement on Kinbasket Reservoir was also discussed with meeting attendees.

Full descriptions of all presentations can be found in Section 3.3.

### **TOPICS DISCUSSED AT THE OCTOBER 2019 GOLDEN MEETING**

The following topics, not in order or priority, were raised by attendees during the meeting:

**Salmon Reintroduction** – Attendees asked a number of questions about salmon reintroduction:

- **Is there support in the U.S. to reintroduce salmon to the Upper Columbia River?** Mark Thomas confirmed that there is, especially from the U.S. Tribes who have their own plans to reintroduce salmon to the Columbia River. He explained that B.C. Columbia Basin Indigenous Nations have a relationship with U.S. Tribes and that this relationship is ongoing and is being strengthened so they can work together to bring salmon back.
- **Have any studies and/or cost analyses been conducted regarding restoring salmon to the Upper Columbia River?** Mark Thomas said that studies have been done and are ongoing, and that a staged approach is being taken. Kathy Eichenberger said that the Columbia Basin Trust, and the federal and provincial governments have each committed \$250,000 over three years to study the feasibility of restoring salmon to the Upper Columbia River. This study would be the first step for all five governments (Canada, B.C. and the three Columbia Basin Indigenous Nations) working together on this initiative. She also noted the importance of communicating with Basin communities on the project's progress.

- **What are water temperature requirements for salmon survival?** Mark Thomas said that will need to be studied, along with projected impacts of climate change salmon survival. He said the Okanagan Nation Alliance has had some success reintroducing salmon to the Okanagan River, and those studying the return of salmon in the Upper Columbia will learn from that experience. Taking an adaptive management approach is important, where one learns by doing. That learning will take time.
- **Is there a timeline for the reintroduction of salmon to the Upper Columbia River?** Mark Thomas explained that Basin Indigenous Nations, the provincial government and the federal government are developing a five-year strategic plan. There is funding in place for the next three years, and funding is expected to continue after that.
- **What impact would fluctuating reservoir levels have on salmon health and survival?** Mark Thomas said that those effects could be modelled, but ultimately the salmon will have to show us during trial runs.

### **Disappointment in timing of ecosystem studies –**

One attendee expressed frustration with how long it has taken to initiate the ecosystem studies, and the time constraints that are required now that studies have finally begun. (Twelve studies that are part of the Ecosystem Function work plan are targeted for completion in 2020.) Mark Thomas agreed, saying he believes this work should have started earlier, but also expressed it should be ongoing, even after Treaty negotiations have finished. Brooke McMurchy emphasized that adding more flexibility to a modernized Treaty would enable B.C. to assess dam operations as new information becomes available.

### **Influence of the Treaty on BC Hydro operations –**

An attendee asked how the Treaty influences BC Hydro's operational decisions. Kathy Eichenberger explained that BC Hydro must ensure that all operating decisions comply with the Treaty requirements. BC Hydro is the Canadian Entity responsible for implementing the Treaty in Canada. The Entities responsible for implementing the Treaty in the U.S., the Bonneville Power Administration and U.S. Army Corps of Engineers, must also comply with Treaty requirements.

**Treaty Governance** – An attendee asked about a proposal presented at the Columbia Basin Transboundary Conference<sup>27</sup> in Kimberly, September 2019, that suggested Canada and the U.S. establish an International River Basin Organization (IRBO) to replace or enhance the Treaty process. Kathy Eichenberger said that the Province is focused on exploring potential governance options for a modernized Treaty – one that could include roles for B.C. Columbia Basin Indigenous Nations that reflect the Province’s commitment to the United Nations Declaration of the Rights of Indigenous Peoples and input from Basin communities – and is not exploring a transboundary Basin-wide governance model at this time.

**Attention to Kinbasket Reservoir issues** – Participants voiced concerns that issues around Kinbasket Reservoir, such as impacts to ecosystems and recreation, are not currently getting enough attention. They urged the Province to include specific operating parameters in the Treaty that mitigate Kinbasket impacts. Kathy Eichenberger said that addressing ecosystem function in a modernized Treaty could help address environmental impacts, and that the Province is looking at ways to address recreation concerns outside the Treaty. She also mentioned that the Province receives input on these specific concerns through the Columbia Basin Regional Advisory Committee<sup>28</sup>, which includes two members from Golden and two representatives of the Columbia Shuswap Regional District. Brooke McMurphy emphasized that all the concerns raised at these community meetings are shared with the Canadian negotiating team and said the Province welcomes input on these issues by phone, email and social media.

**Non-Treaty Storage Agreement** – It was asked if the Non-Treaty Storage Agreement<sup>29</sup> could be included in a modernized Treaty governance scenario. Kathy Eichenberger clarified that non-Treaty storage in Kinbasket Reservoir is affected by the Treaty, and that domestic projects could meet some objectives around Kinbasket. A first step is updating information in the 2009 Kinbasket Reservoir Commercial and Recreation Opportunities Study<sup>30</sup>.

**Local Government role in Treaty governance** – Mayor Ron Oszust asked if there is a mechanism for including local government input in the governance of the Treaty, so issues associated with Kinbasket Reservoir could continue to be raised by local representatives. Kathy Eichenberger said that the current mechanism is for the Local Governments’ Committee to continue that discussion directly with the Province. The Province will start exploring future governance models for a modernized Treaty. Those models would certainly include participation of Indigenous Nations and could include a more direct role for local governments. Those discussions have not started yet, but the B.C. Treaty Team will connect with the Local Governments’ Committee when they do.

**Technical studies** – An attendee asked for more information about the technical working groups on flood-risk management and power that were part of the negotiation process. Stephen Gluck explained that these temporary working groups were created to support the negotiations by assessing each country’s data and helping understand each other’s perspectives, models, and scenarios. They were not meant to negotiate, but rather to achieve consensus on data on both sides of the Canada-U.S. border, to better inform negotiating positions and requirements. Kathy Eichenberger pointed out that there was also technical work conducted as part of the 2012-2013 Columbia River Treaty Review, which can be found on the Province’s Columbia River Treaty website<sup>31</sup>.

**Heritage Project** – In response to the presentation on the proposed Columbia River Treaty Heritage Project (see Section 3.3 for full description), attendees expressed their support by saying that their communities need a mechanism for sharing their stories, and that telling the history of the Treaty in their town had not been part of their education growing up. The Province was encouraged to involve local resources when planning and implementing the project. There was also a question about why there isn’t provincial or federal funding for this project, when the Treaty created negative community impacts. The Provincial government has dedicated staff resources to co-ordinate this project and has funded efforts to create a project plan. Future project funding will be sought from all sources.

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<sup>27</sup> <https://transboundaryriverconference.org/>

<sup>28</sup> <https://engage.gov.bc.ca/columbiarivertreaty/columbia-basin-regional-advisory-committee/>

<sup>29</sup> <https://www.bchydro.com/energy-in-bc/operations/our-facilities/columbia/ntsa.html>

<sup>30</sup> [https://issuu.com/goldenbc/docs/kinbasket\\_reservoir\\_comm-rec\\_opps\\_final\\_report](https://issuu.com/goldenbc/docs/kinbasket_reservoir_comm-rec_opps_final_report)

<sup>31</sup> <https://engage.gov.bc.ca/columbiarivertreaty/review/technical-studies/>

## 4.7 INVERMERE

October 30, 2019 – 19 people in attendance at the Columbia Valley Chamber of Commerce.



### **Welcome Remarks and Facilitation** –

Brooke McMurchy, B.C. Treaty Team

### **Indigenous Welcome** –

Chief Barb Cote, Shuswap Indian Band

### **Columbia River Treaty Local Governments’**

**Committee Update** – Stan Doehle, Vice Chair, Local Governments’ Committee and Area B Director, Regional District of East Kootenay

### **Columbia River Treaty Negotiations Update**

- ▶ Lyn Ponniah, Global Affairs Canada, Senior Policy Advisor
- ▶ Kathy Eichenberger, B.C. Treaty Team
- ▶ Nathalie Allard, Ktunaxa Nation
- ▶ Mark Thomas, Secwepemc Nation

### **Upper Columbia Salmon Update** –

Mark Thomas, Secwepemc Nation

**Towards Integrating Ecosystem Function in the Columbia River Treaty** – Mark Thomas, Secwepemc Nation and Bill Green, Ktunaxa Nation, with Indigenous values insights by Nathalie Allard, Ktunaxa Nation

**Columbia River Treaty Heritage Project and Addressing Community Interests** – Ingrid Strauss, B.C. Treaty Team. At this meeting, Ingrid spoke about the

Columbia River Treaty Heritage Project. She also listed the other domestic-solution projects the Province is working on, but did not go into detail due to time constraints.

Full descriptions of all presentations can be found in Section 3.3.

## **TOPICS DISCUSSED AT THE OCTOBER 2019 INVERMERE MEETING**

The following topics, not in order of priority, were raised by attendees during the meeting:

**U.S. and Canada’s interests in the Treaty** – Participants asked what Canada and the U.S. are hoping to get from the current Treaty negotiations. With the caveat that the details of negotiations are confidential, Kathy Eichenberger explained that the Treaty was designed for two purposes – to produce power and reduce flooding – but that Canada and B.C. are now looking to see ecosystems and Indigenous Nations’ values reflected in the Treaty. Canada and B.C. have also raised the desire for increased co-ordination of Libby Dam operations. Kathy encouraged participants to read the 2014 B.C. Decision<sup>32</sup>, as it describes what B.C. and Canada’s key interests are, which are based on public input received during the 2012 – 2013 provincial Columbia River Treaty Review. Kathy said that a key U.S. concern is flood control, which changes automatically in 2024. She pointed out that the U.S. also wants to rebalance the amount of electricity Canada receives through Treaty from sharing the downstream power benefits in the U.S., called the Canadian Entitlement, which is currently worth approximately \$120 – \$150 million per year.<sup>33</sup> Kathy stressed the importance of having a Treaty that doesn’t just address conditions as they are today, but also considers the needs of future generations.

**Negotiating team biographies** – Participants suggested posting the names and biographies of the Canada and B.C. negotiating team members on the B.C. Treaty website. Kathy Eichenberger said B.C. would share details about the negotiation team on its website. Lyn Ponniah committed to providing biographies for Global Affairs Canada members of the negotiation team.

<sup>32</sup> <https://engage.gov.bc.ca/columbiarivertreaty/bc-decision/>

<sup>33</sup> The Canadian Entitlement is half of the additional potential hydroelectric power that could be produced in the U.S. as a result of Treaty operations. It is calculated in advance using formulas included in the Treaty. The U.S. returns this power to Canada in the form of electricity at the border. Powerex, the electricity marketing and trading subsidiary of BC Hydro, sells the Canadian Entitlement at market value to either BC Hydro or utilities in Alberta or United States. Revenues from the Canadian Entitlement are paid to the Province.



**Showing strength for Canadian interests** – Concerns were raised about how influential and organized the U.S. power lobby is, and an attendee asked if the Canadian negotiating team is able to match that strength, to fight for Canadian interests. Kathy Eichenberger made it clear that there is no hostility at the negotiation table. She said that Canada’s lead negotiator shows strength if needed, but that negotiations are done with respect from both countries. Lyn Ponniah added that the Canadian negotiating team works as a team, with different members offering different areas of expertise. Regarding the interests of U.S. power groups, Kathy said that while there are views that the U.S. should provide less to Canada and B.C. by reducing or eliminating the Canadian Entitlement, Canada and B.C. believe the U.S. receives more benefits as a result of how B.C. manages river flows than are currently reflected in the sharing of benefits from the Treaty.

#### **Comparing Canada and U.S. negotiating processes**

– Kathy was asked to explain how the U.S. negotiating process differs from the process in Canada. She responded that, in Canada, the Treaty affects one province, and the population in the Canadian portion of the Columbia Basin is relatively small, making it possible to engage in in-depth public consultation. In addition, B.C. has an official role in the Treaty by way of the 1963 Agreement with Canada, which transfers most of the Treaty benefits and obligations to the Province because provinces are responsible for natural resource management. In the U.S., there are four states in the Columbia Basin with large populations, and while state and regional governments provide input to the federal government, they do not have an official role in the Treaty. Canada’s negotiating team is led by the federal government and has representation from the Province of B.C., BC Hydro and Columbia Basin Indigenous Nations observers. The U.S. team, on the other hand, is represented by federal agencies only: the Department of State, Bonneville Power Administration, United States Army Corps of Engineers, Department of Interior and the National Oceanic and Atmospheric Administration.

#### **U.S. position on including ecosystems in the Treaty**

– An attendee asked whether the U.S. negotiating team is also interested in including an ecosystem component in a modernized Treaty. Kathy Eichenberger responded that neither country has tabled a position on this issue, but both

have been sharing information on what “ecosystems” in the context of the Treaty means to them. The U.S. is mainly focused on fisheries, whereas Canada’s view is broader, and includes aquatic, riparian, and terrestrial ecosystem components, as well as consideration of anadromous fish.

**Climate change studies** – Participants asked if any modeling has been done to gauge potential impacts of climate change on Treaty reservoirs; for example, melting glaciers and reduced snowpack leading to change in reservoir water levels. Kathy Eichenberger said that BC Hydro works closely with the Pacific Institute for Climate Solutions at the University of Victoria, which provides frequently updated data on climate change projections for B.C. In addition, Indigenous Nations are studying climate change impacts on Basin ecosystems.

**Reintroduction of salmon** – Participants asked when salmon will return to the Upper Columbia River. Mark Thomas said there is no set timeline, and that it will be a phased approach, first to gauge feasibility of reintroducing salmon, then conducting trials to explore ways of bringing them back, beginning in the lower Columbia, just above the Canada-U.S. border. Participants asked which dams present the main barriers to salmon reaching the Upper Columbia. Mark said that the biggest obstacles are the Grand Coulee, Revelstoke and Mica Dams. In terms of technology to support salmon reintroduction, Mark noted that the Whooshh<sup>34</sup> fish transport system (or the salmon cannon) is one of the most innovative designs to date. He said that the Whooshh process, which transports live salmon from below a dam to the reservoir above, has a near-zero mortality rate. It was also asked if water quality is being considered as part of the salmon reintroduction work. Bill Green said that water quality is not a key concern because the U.S. portion of the Columbia River still supports salmon runs despite being more developed and populated than it is in B.C. We do not have as much water pollution to deal with in the Canadian portion of the Columbia Basin.

**Forest and habitat for animals** – Participants felt that a focus on forests and wildlife habitat was missing in the ecosystem function work and expressed that those aspects should be included since all parts of an ecosystem are connected. Bill Green said that Basin Indigenous Nations are working on those issues.

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<sup>34</sup> <https://www.whooshh.com/>

**Canoeing routes on the Columbia River** – As feedback on the Columbia River Treaty Heritage Project<sup>35</sup>, a participant suggested re-establishing traditional canoe routes along the Columbia River and also encouraged the inclusion of a bike route. The value of getting people out of cars was mentioned. Ingrid Strauss noted the importance of considering various abilities when developing the Heritage Project's touring route and that the Heritage Project is in its early stages. She emphasized that ultimately, communities will decide what the Project includes. She encouraged people to bring their ideas forward when community consultation on local projects begins, likely in 2021.

#### 4.8 GENELLE

November 12, 2019 – 31 people in attendance at Genelle Community Hall, with another 10 people watching online via livestream.



**Welcome Remarks and Facilitation** – Brooke McMurchy, B.C. Treaty Team

**Indigenous Welcome** – Nathalie Allard, Ktunaxa Nation

**Opening Remarks** – Katrine Conroy, Minister Responsible for the Columbia River Treaty

**Columbia River Treaty Local Governments' Committee Update** – Linda Worley, Chair, Local Governments' Committee and Area B Director, Regional District of Kootenay Boundary

#### **Columbia River Treaty Negotiations Update**

- Sylvain Fabi, Global Affairs Canada
- Kathy Eichenberger, B.C. Treaty Team
- Nathalie Allard, Ktunaxa Nation
- Nathan Matthew, Secwepemc Nation

**Upper Columbia Salmon Update** – Michael Zimmer, Okanagan Nation Alliance

**Towards Integrating Ecosystem Function in the Columbia River Treaty** – Michael Zimmer, Okanagan Nation, with Indigenous value insights by Nathalie Allard, Ktunaxa Nation, and Nathan Matthew, Secwepemc Nation

**Columbia River Treaty Heritage Project and Addressing Community Interests** – Ingrid Strauss, B.C. Treaty Team. At this meeting, Ingrid spoke about the Columbia River Treaty Heritage Project, the Creston Valley Dike project, Duncan Dam fish passage, and exploring opportunities for commercial and recreation enhancement on Kinbasket Reservoir. She also discussed aerial imaging of Arrow and Kinbasket Reservoirs and the Province's development of geospatial mapping products that would support Indigenous-led ecosystem function work and Selkirk College's Rural Open Data project.

Full descriptions of all presentations can be found in Section 3.3.

#### **MESSAGE FROM KATRINE CONROY, B.C. MINISTER RESPONSIBLE FOR THE COLUMBIA RIVER TREATY**

**WATCH:** Minister Katrine Conroy's opening remarks at the meeting in Genelle, B.C., November 12, 2019  
<https://www.youtube.com/watch?v=iyXtipuP99g>

Minister Conroy reflected on aspects of the history of the Treaty and how it impacted Basin communities and residents. She contrasted the approach of governments half a century ago to that of governments today, who now take a more inclusive and respectful approach. She highlighted the role of Basin Indigenous Nations, who were shut out of the process 50 years ago, but today are taking an increasingly prominent role in Treaty discussions. The minister also described various public engagement activities that have happened in recent years and how the B.C. government is continuing this process.

<sup>35</sup> See Section 3.3.5 for a description of the CRT Heritage Project

## TOPICS DISCUSSED AT THE NOVEMBER 2019 GENELLE MEETING

The following topics, not in order of priority, were raised by attendees during the meeting:

### ***Mitigating power imbalances for marginalized populations***

– It was asked how the Treaty process addresses potential power imbalances involving marginalized populations. For example, Indigenous people and people of different races, ethnicities, gender identities, sexual orientations, and abilities may be impacted by, or benefit from, the Treaty disproportionately. The Province was then asked how it is ensuring that its engagement process is inclusive of marginalized groups. Kathy Eichenberger explained that power imbalance concerns are addressed through Treaty governance and engagement. Indigenous Nations are engaged now on the Treaty negotiations team as observers. She also said that there are many ways residents can and do provide input on how Treaty operations are impacting them and their communities and what should be included in a modernized Treaty. They do this through the Columbia Basin Regional Advisory Committee<sup>36</sup> and the Columbia River Treaty Local Governments' Committee<sup>37</sup>, as well as through public meetings, at conferences, by email, phone, posted mail and social media. **UPDATE:** Kathy and Brooke McMurchy have had follow-up conversations with the audience member who raised this question to explore ways for the Province's engagement process to be more inclusive.

### ***What Canada and the U.S. receive as part of the Treaty***

– Participants asked what B.C. and Canada are exchanging with the U.S. as part of the Treaty. Kathy Eichenberger explained that the details of the current negotiations are confidential, but also that discussions have not reached the stage of exploring the specifics of what a modernized Treaty could include. In terms of the original Treaty, which was ratified in 1964, Canada is required to provide flood protection to the U.S. by building and operating three dams in B.C. (Duncan, Hugh Keenleyside and Mica). The U.S. prepaid B.C. \$64 million for 60 years of flood protection, which expires in 2024. B.C. also receives the Canadian Entitlement, which is half the potential hydroelectric power that could be generated in the U.S. as a result of Treaty dam operations. The U.S. returns this power to Canada in the form of electricity at the border.

Powerex, the electricity marketing and trading subsidiary of BC Hydro, sells the Canadian Entitlement at market value to either BC Hydro or utilities in Alberta or the U.S. It is currently worth approximately \$120-150 million annually, which goes to the Province's general revenue. Because of the Treaty, both Canada and the U.S. have benefited from reduced flood risk and increased power generation; however, Kathy said that Canada and B.C. believe the U.S. receives other benefits from the Treaty that are not accounted for in the current agreement, such as benefits to U.S. irrigation, recreation, navigation and fisheries. This is part of the current negotiations.

### ***Availability of power for local economic development***

– An attendee asked if anything has been done to ensure there is enough power for economic development in the Basin, with specific reference to Castlegar and Trail. Kathy Eichenberger said that B.C. currently has surplus power, and access to electricity has not been a problem. She noted that this was the first time she had heard this concern.

### ***Archeological impacts***

– An audience member said they had seen negative impacts from the Treaty first-hand, specifically regarding shoreline erosion damaging archeological artifacts, and asked if there are specific conditions in the Treaty to address those impacts. Kathy Eichenberger said that Canada and B.C. are very aware of the impacts to Indigenous and non-Indigenous cultural artifacts. Nathan Matthew confirmed that Indigenous Nations are working on projects that will address cultural and archeology values. Nathan said this work would include looking at how these values could be protected, as well as how they could be presented as part of the Treaty negotiations.

### ***Changes to the Treaty***

– Participants were curious to know what changes could be made to the existing Treaty. Kathy Eichenberger said this was one of the key reasons for holding these community meetings – to find out what changes Columbia Basin residents would like to see, and hear their thoughts about what a better Treaty could look like. Brooke McMurchy noted that this year's meetings are a continuation of a conversation that has been happening with Basin Indigenous Nations, local governments and citizens since the B.C. Treaty Review began in 2012. She mentioned that the community meetings in 2012, 2013 and 2018 were focused on capturing the interests

<sup>36</sup> <https://engage.gov.bc.ca/columbiarivertreaty/columbia-basin-regional-advisory-committee/>

<sup>37</sup> [http://akblg.ca/columbia\\_river\\_treaty.html](http://akblg.ca/columbia_river_treaty.html)

and concerns of Basin citizens, and that all feedback from those sessions has been captured in two reports, which are on the B.C. Treaty website.<sup>38</sup> She mentioned that the purpose of the 2019 meetings is to report back to communities on some of the issues they have raised in the past, including the desire to be kept informed during negotiations.

**Ecosystem function data gaps** – Participants asked what data gaps are the focus in the ecosystem function work. Michael Zimmer said two gaps concern fish stranding and invasive mussels. Michael also said that the Ecosystem Function subcommittee will be doing several studies that will likely lead to other gaps. Ingrid Strauss mentioned that geospatial mapping of the Arrow and Kinbasket reservoirs was being completed by the Province in support of the ecosystem function studies. A participant noted that mapping was needed for the Lower Columbia River as well.

**Lower Columbia water levels** – Some residents raised concerns about the particularly low water levels on the Columbia River, south of Castlegar, before the Canada-U.S. border (e.g. at Birchbank). Mary Anne Coules, Stakeholder Engagement Advisor with BC Hydro, explained that the flows at Birchbank include regulated discharges from the Arrow Lakes Reservoir and the Kootenay River system, as well as unregulated tributary flows on the Lower Columbia River. Columbia River flows at Birchbank were above the historically observed minimums in September and near minimum levels in October. However, within the month, there were some days in October that were above the minimum range, and some days that were below this range. Mary Anne said BC Hydro issues weekly operations updates to ensure local residents are informed about expected reservoir water levels. To subscribe to these updates, email Dayle Hopp at [dayle.hopp@bchydro.com](mailto:dayle.hopp@bchydro.com). Near real-time reservoir level data is also posted on the BC Hydro website, updated every two hours, and can be found here: <https://www.bchydro.com/energy-in-bc/operations/transmission-reservoir-data/previous-reservoir-elevations/columbia.html>

**Kootenay diversion** – Participants asked if the Canadian negotiating team has considered acting on Canada's right in the Treaty to divert some of the Kootenay River flow to

the Columbia River, which would substantially increase power production in the Canadian Columbia River system. Kathy said that the Canadian team is aware of this right but has not considered enacting it at this point.

## 4.9 NELSON

November 13, 2019 – 47 people in attendance at the Hume Hotel.

**WATCH:** The full meeting in Nelson, B.C., November 13, 2019 (note, there are two parts)  
[https://www.youtube.com/watch?v=F\\_p1YoUjV4E&t=1s](https://www.youtube.com/watch?v=F_p1YoUjV4E&t=1s)



### **Welcome Remarks and Facilitation** –

Brooke McMurchy, B.C. Treaty Team

**Indigenous Welcome** – Nathalie Allard, Ktunaxa Nation

### **Columbia River Treaty Local Governments'**

**Committee Update** – Ramona Faust, Area E Director, Regional District of Central Kootenay.

### **Columbia River Treaty Negotiations Update**

- ▶ Lyn Ponniah, Global Affairs Canada, Senior Policy Advisor
- ▶ Kathy Eichenberger, B.C. Treaty Team
- ▶ Nathalie Allard, Ktunaxa Nation, and Nathan Matthew, Secwepemc Nation
- ▶ Michael Zimmer, Okanagan Nation Alliance

<sup>38</sup> B.C. Treaty Review Public Consultation Report: [https://engage.gov.bc.ca/app/uploads/sites/6/2017/01/Columbia-River-Treaty-Review-Public-Consultation-Report-\\_March-2014.pdf](https://engage.gov.bc.ca/app/uploads/sites/6/2017/01/Columbia-River-Treaty-Review-Public-Consultation-Report-_March-2014.pdf)  
2018 B.C. Treaty Community Meetings Report: [https://engage.gov.bc.ca/app/uploads/sites/6/2018/12/6482\\_Columbia-River-Treaty-Public-Engagement\\_Report\\_Draft3.pdf](https://engage.gov.bc.ca/app/uploads/sites/6/2018/12/6482_Columbia-River-Treaty-Public-Engagement_Report_Draft3.pdf)



### **Upper Columbia Salmon Update –**

Michael Zimmer, Okanagan Nation Alliance

### **Towards Integrating Ecosystem Function in the Columbia River Treaty –**

Michael Zimmer, Okanagan Nation Alliance, with Indigenous values insights by Nathalie Allard, Ktunaxa Nation, and Nathan Matthew, Secwepemc Nation

### **Columbia River Treaty Heritage Project and Addressing Community Interests –**

Ingrid Strauss, B.C. Treaty Team. At this meeting, Ingrid spoke about the Columbia River Treaty Heritage Project and listed the other projects the Province is working on. She also provided details about the Province's development of geospatial mapping products to support Indigenous-led ecosystem function work and Selkirk College's Rural Open Data project, using BC Hydro's 2019 aerial images of Arrow and Kinbasket Reservoirs.

Full descriptions of all presentations can be found in Section 3.3.

## **TOPICS DISCUSSED AT THE NOVEMBER 2019 NELSON MEETING**

The following topics, not in order of priority, were raised by attendees during the meeting:

**Tone of negotiations** – Participants asked what the general tone of Treaty negotiations has been and if discussions were “heating up”. Lyn Ponniah said that the negotiations to date had been focused on exchanging information and data, and trying to understand each others’ views and concerns. She characterized the tone as cordial and said that it was currently about trying to understand what each country would like to see in the Treaty. Lyn said it will get tougher as things move forward, but that the two sides have established a good foundation. Kathy Eichenberger noted that the Treaty discussions are not a “win-lose” situation. She pointed out that Canada’s collaboration with the United States on the Treaty stretches back for 55 years and that everyone wants that collaboration to continue.

**Flood control changes in 2024** – Participants asked what discussions have occurred around the 2024 flood control deadline, whereby, if no new agreement is reached, flood control protections for the U.S. switch to a more

ad hoc “called upon” model. Kathy Eichenberger said that both countries are aware of the 2024 date, but cannot reveal what has been discussed because the details of negotiations, including Canada and B.C.’s negotiating positions, are confidential. Kathy acknowledged that this can be frustrating for interested members of the public; however, she committed that once they are able, negotiators will present options for a modernized Treaty to the public for feedback.

**Sinixt representation** – An audience member asked why the Sinixt people do not have an “authentic voice” in the Treaty negotiations. Kathy Eichenberger explained that the B.C. government respects the Court of Appeal for British Columbia’s recent judgment in the Desautels case, which confirmed the Lakes Division of the Confederated Colville Tribes (CCT), direct descendants of the Sinixt, hold Aboriginal rights in the Arrow Lakes region. As the CCT are a U.S. tribe, they are being consulted by the U.S. Department of State on the Treaty negotiations.

**Points of conflict in negotiations** – Participants asked what “sticking points” are expected to come up as the negotiations go forward. Kathy Eichenberger said that the 2014 B.C. Decision<sup>39</sup> outlines the issues that are important to B.C. and Canada, and that the American equivalent is the U.S. Regional Recommendation<sup>40</sup> to their Department of State. She suggested that the best way to predict potential dissonance is to compare the two documents in terms of what each country’s priorities and goals are. She said that B.C. and Canada would like to have more input in the management of the Libby Dam, and also noted that, through the Treaty, the U.S. receives benefits beyond flood control and power generation, such as benefits to irrigation, recreation, fisheries and navigation, which are not currently accounted for in the sharing of benefits. She said Canada and B.C. feel those benefits should be shared equitably with Canada. She also noted that the two countries have different perspectives about ecosystems in relation to the Treaty. All that being said, Kathy emphasized that so far, Canada and the U.S. have appreciated each other’s interests, and she sees the process continuing in the same good faith to work towards an agreement.

**Canadian Entitlement** – On the subject of potential “sticking points” in negotiations, participants asked about the Canadian Entitlement, highlighting the fact that some

<sup>39</sup> <https://engage.gov.bc.ca/columbiarivertreaty/bc-decision/>

<sup>40</sup> <https://www.bpa.gov/Projects/Initiatives/crt/CRT-Regional-Recommendation-eFINAL.pdf>

stakeholders in the U.S. feel the Canadian Entitlement is too high. Kathy Eichenberger said that, from the Canadian negotiating team's perspective, they focus on what they hear from the U.S. officials who are responsible for the Treaty negotiations. Lyn Ponniah said that, even though there are strong U.S. views that the Canadian Entitlement was too high when the Treaty was first negotiated, the Canadian negotiating team agrees that Canada will not accept a modernized Treaty if it has insufficient value from a Canadian perspective. She clarified that "value" doesn't just mean money but includes the needs and concerns from Indigenous Nations and residents about ecosystems, salmon reintroduction and considering the impacts of climate change.

**Ecosystem function** – Participants asked if ecosystem function will really be part of a modernized Treaty. Lyn Ponniah confirmed that including ecosystems in a modernized Treaty is a core position for Canada. Kathy Eichenberger echoed this, saying there will be no agreement if ecosystems are not addressed.

#### **U.S. Tribes' position on ecosystem function objectives**

– Noting that the goals and objectives outlined in the ecosystem function presentation were put forward by Indigenous Nations of the Canadian Columbia Basin, participants asked if those goals and objectives are endorsed by U.S. Tribes in the American portion of the Basin. Michael Zimmer said that the ecosystem goals and objectives would be discussed with U.S. Tribes at the Lake Roosevelt Forum Conference<sup>41</sup> the following week. Michael also confirmed that one of the guiding documents to the Salmon Letter of Agreement was a joint Fish Passage and Reintroduction paper (2015)<sup>42</sup> developed between the 15 Tribes and bands in the U.S. and the three Canadian Indigenous Nations. In that paper, there is a multi-phased approach to salmon reintroduction that they all collaborated on.

**Whooshh (salmon cannon) system** – Participants asked if the Whooshh system<sup>43</sup> is effective at transporting fish over a dam, and if it damages the salmon. Michael Zimmer confirmed that extensive studies have been done and the effect on salmon almost zero. He explained that the "salmon cannon" technology keeps the fish wet while

they are being transported. The fish come out the other end, as if they are coming out of a natural obstruction, and swim. He encouraged the audience to watch videos on YouTube<sup>44</sup> that demonstrate the system in action. He noted that, in addition to the salmon cannon, there are a number of other fish passage technologies available, like trap and haul, fish ladders, and fish lifts. Whooshh is one tool that shows significant promise.

#### **4.10 MEADOW CREEK**

November 26, 2019 – 25 people in attendance at the Lardeau Valley Community Hall.



#### **Welcome Remarks and Facilitation –**

Brooke McMurchy, B.C. Treaty Team

#### **Indigenous Welcome –**

Leon Louis, Syilx/Okanagan Nation

#### **Columbia River Treaty Local Governments'**

**Committee Update** – Aimee Watson, Area D Director, and Chair, Regional District of Central Kootenay

#### **Columbia River Treaty Negotiations Update**

- ▶ Lyn Ponniah, Global Affairs Canada
- ▶ Kathy Eichenberger, B.C. Treaty Team
- ▶ Nathalie Allard, Ktunaxa Nation

<sup>41</sup> <https://lrf.org/conference-presentations/2019/flipbook/mobile/index.html>

<sup>42</sup> <https://ucut.org/fish/fish-reintroduction-u-s-canadian-upper-columbia-river/>

<sup>43</sup> <https://www.whooshh.com/>

<sup>44</sup> <https://www.youtube.com/user/WhooshhInnovations/playlists>

### ***Upper Columbia Salmon Update –***

Michael Zimmer, Okanagan Nation Alliance

### ***Towards Integrating Ecosystem Function in the Columbia River Treaty –***

Michael Zimmer, Okanagan Nation Alliance, with Indigenous value insights by Nathalie Allard, Ktunaxa Nation, and Leon Louis, Syilx/Okanagan Nation

### ***Columbia River Treaty Heritage Project and Addressing Community Interests –***

Ingrid Strauss, B.C. Treaty Team. At this meeting, Ingrid spoke about the Columbia River Treaty Heritage Project and listed other projects the Province is working on, but did not have time to go into detail.

Full descriptions of all presentations can be found in Section 3.3.

## **TOPICS DISCUSSED AT THE NOVEMBER 2019 MEADOW CREEK MEETING**

The following topics, not in order of priority, were raised by attendees during the meeting:

***Indigenous Nations’ observer status*** – Participants asked for clarity around the Indigenous Nations’ role as observers during Canada-U.S. negotiations. Kathy Eichenberger explained that, during negotiating sessions, the official observers sit in the meeting room with the rest of Canadian delegation. She said that while the talks with the U.S. are taking place, there is a protocol that the lead negotiator, Sylvain Fabi, is the “voice” of the Canadian team at that table. Kathy also explained that during the negotiating sessions there is a caucus time where the Canada and U.S. delegations each go to their own separate rooms for confidential discussions. She said the Indigenous Nations are full participants in the Canadian caucus sessions; there is no difference between Indigenous Nations observers and other members of the team – everyone has a say. Lyn Ponniah said she considered the Indigenous Nations to be expert advisors, but also noted that the Indigenous Nations themselves would be in a better position to answer questions about their role. Nathalie Allard confirmed that the Indigenous Nations’ role is meaningful, and their voices are being heard. She explained that the Negotiations Framework Agreement has been drafted by all five governments (Canada, B.C., and the Ktunaxa, Secwepemc and Syilx/Okanagan Nations) to guide how they will work together during the Treaty negotiations. She said that Indigenous Nations lead the ecosystem work.

Nathalie noted that the Ktunaxa Nation hosted the ninth round of negotiations in the Ktunaxa community of ʔaq’am.

### ***Indigenous perspectives included negotiations –***

Leon Louis, a Syilx/Okanagan Nation Knowledge Keeper, described how Indigenous people consider all aspects of an ecosystem – land, water, plants and animals – to be one, and said that when we learn how to take care of nature, we take care of ourselves. Leon said Indigenous people know how to take care of the land. He said it’s not right for Indigenous Nations to be described as bystanders at the Treaty negotiations. Indigenous Nations need to be at the table with their voice for the land, animals, and plants. “We are part of the land, we need to be recognized and have a voice,” Leon said. “We need to take care of this land for ourselves, our children and grandchildren. We don’t just think about ourselves. We’ve been doing this since the beginning of time. We think for seven generations. We have to learn to work together – to sit at that table because our knowledge is important.”

Lyn Ponniah responded by confirming that by no means are the Indigenous Nations not being given the opportunity to speak (see notes above notes on “Indigenous Nations’ observer status”). At the last round of negotiations, the Indigenous Nations observers made very significant presentations on ecosystems and salmon reintroduction. The Indigenous Nations representatives are well received by both U.S. and Canadian delegations. Lyn said she takes what Leon said to heart. The Canadian negotiators are approaching Treaty discussions with the lens of sustainability – a modernized Treaty would lead to healthier ecosystems now and into the future.

Kathy Eichenberger said that B.C. and Canada are enriched by working closely with the Indigenous Nations. All five governments will need to agree on what a modernized Treaty will include. She said the work on ecosystem function that will be presented later in this meeting talks to all the things Leon has spoken to and includes consideration of cultural values.

Nathalie Allard explained that there is a Negotiations Framework Agreement, developed collaboratively among all five governments, which lays out how Canada, B.C. and the three Nations will work together throughout negotiations. When it comes to ecosystem function work, the Indigenous Nations do take it seriously. Indigenous voices are being heard. The Ktunaxa, Secwepemc and Syilx/Okanagan Nations have been involved in negotiation preparatory meetings since the fifth round of negotiations,

and it is very meaningful. The Ktunaxa Nation hosted the eighth round of negotiations in ʔaq'am and hope other communities will be able to host in the future.

#### **Negotiation agendas and community input** –

Participants asked who sets the agenda for Treaty negotiation sessions and how community input is represented. Lyn Ponniah said that the governments of Canada and the U.S. work together to establish agendas and discussion topics. Once these topics are established in advance of each negotiating session, Global Affairs Canada meets with representatives of the B.C. government, Indigenous Nations and BC Hydro, to formulate Canadian positioning on and/or discuss each issue on the agenda.

Kathy Eichenberger added that the Canadian negotiating team has been clear on what they want to discuss with the U.S., based on what has come from community input. For example, ecosystems and Libby Dam co-ordination are two important topics, in addition to flood control and hydro power. She noted that Canada and the U.S. have been sharing information in order to understand each other's interests, but have not started exchanging specific negotiating positions. She explained that, to date, it had been a matter of laying out the groundwork and finding common ground between the two countries. Brooke McMurchy noted that the 2014 B.C. Decision<sup>45</sup> provides further insights about the Canadian negotiating team's guiding principles.

**American public engagement process** – Participants asked how the U.S. engages with the public about the Treaty. Lyn Ponniah explained that the U.S. negotiating team has regular consultations with U.S. Tribes and does visit the region to hear input from the public. Kathy Eichenberger said that, two or three times a year, the U.S. government holds town hall meetings in the American portion of the Columbia Basin, during which their negotiating team gives an update, then citizens and representatives of stakeholder groups make statements. She noted that two U.S. government representatives attended B.C.'s recent community meeting in Genelle.

**Duncan Reservoir** – Participants asked if research plans exist regarding the effects of Duncan Reservoir draw-down on fish habitat. Michael Zimmer said the Indigenous

Nations team is looking at information on this, in order to identify where gaps exist. Michael noted that there is already a lot of information on this available online, including in the Duncan Dam water-use plan<sup>46</sup> and through the Fish and Wildlife Compensation Program<sup>47</sup>. Brooke McMurchy noted that much of the ecosystem function work is ongoing, and that more information would be shared as the work progresses.

**Water-use plan studies** – Participants asked about the accuracy of the studies on which water-use plans (WUPs) are based. They asked about the data used for those reports and whether a third-party review is possible. Michael Zimmer said there is shared concern about the lack of third-party review of WUP studies. Currently, they are only reviewed within BC Hydro by staff subject-matter experts. An example of this is the Lower Duncan River kokanee spawning assessments and Okanagan Nation Alliance being part of the study there and having those discussions. Michael said we will see what is forthcoming out of the Indigenous-led ecosystem function case studies, which include mainstem Columbia River ecosystem function, such as the Lower Duncan River.

**Nutrients for fish in Kootenay Lake** – A participant raised concerns about changes in fish size and population numbers in Kootenay Lake. He said the fluctuating water levels from Duncan Dam cause issues for kokanee and bull trout. When water is held back in the Duncan Reservoir, nutrients are being prevented from reaching Kootenay Lake. The participant asked whether it is feasible to release water from the top of Duncan Reservoir to benefit fish in Kootenay Lake. Nathalie Allard responded, saying that questions like these will be explored in the Ecosystem Function work being led by Indigenous Nations.

**Indigenous Nations' recommendations** – A participant said that the health of the Columbia River and its ecosystems is not just a B.C. problem or a U.S. problem, but a global problem. They asked how confident the Indigenous Nations are that their recommendations on salmon reintroduction and ecosystem function will be implemented. Michael Zimmer said that Indigenous Nations want their salmon back, and there is momentum, initiative and support for this work. There are efforts happening currently. The Confederated Tribes of the

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<sup>45</sup> <https://engage.gov.bc.ca/columbiarivertreaty/bc-decision/>

<sup>46</sup> [https://www.bchydro.com/toolbar/about/sustainability/conservation/water\\_use\\_planning/southern\\_interior/duncan\\_dam.html](https://www.bchydro.com/toolbar/about/sustainability/conservation/water_use_planning/southern_interior/duncan_dam.html)

<sup>47</sup> <http://fwcp.ca/region/columbia-region/>



Colville Reservation lifted 60 adult chinook salmon above Grande Coulee Dam in 2018, where they were free to swim into Canada. There was a successful field trial, conducted at Chief Joseph Dam, of the Whooshh technology. The Okanagan Nation Alliance has piloted the Fish In Schools (FinS) program<sup>48</sup> for children to rear salmon in their classrooms then release them in the transboundary reach in Castlegar. Last year, 400-500 kids released salmon. Reintroducing salmon poses a potential disease risk to existing fish, which is being looked at. Habitat changes are also being looked at. Preliminary work suggests there is a lot of habitat for salmon in the Upper Columbia River. These studies are ongoing. Nathalie Allard said that the ecosystem subcommittee is looking at goals and objectives that will feed into performance measures for a healthy ecosystem, and that the subcommittee reports to the Negotiation Advisory Team. She said both Canada and B.C. are committed to including ecosystems as part of a modernized Treaty. Further to that, there is multi-year provincial funding dedicated to implementing the ecosystem function work. She also noted that the Indigenous Nations are signatory to a Negotiation Framework Agreement, along with Canada and B.C.

**Reconciliation and respect for Indigenous Nations' voices** – A participant asked Leon Louis if he truly feels respected, heard and seen in this process. Beyond that, does he find that non-Indigenous people in Canada are taking reconciliation seriously? In response to the latter question, Leon responded by saying yes, in some ways and no in most ways. "Reconciliation is not Indigenous people reconciling with non-Indigenous people, but the other way around. It is about recognizing that Indigenous people were here before, we have not signed a treaty and this is unceded territory. There is a long way to go, but it is important that we are starting. It is important to teach the history in schools about how Indigenous people have been treated, what we've been through. Working together is important. When we work together, we can accomplish many things. It's not for us to reconcile, it's for the rest of society to recognize what they have done."

The questioner asked Leon what his opinion on the Whooshh system is, and what solutions are best for the Earth and for humans. Leon said that the ideal would be to put a fish ladder in. "We believe in respecting everything, that salmon feeds everything, which is why we want to

have the salmon come back. They were here long before we were here. They are here to take care of us, to feed us, and the land."

#### 4.11 NAKUSP

November 27, 2019 – 50 people in attendance at the Nakusp Arena and Community Hall.



#### **Welcome Remarks and Facilitation** –

Brooke McMurchy, B.C. Treaty Team

#### **Indigenous Welcome** –

Leon Louis, Syilx/Okanagan Nation

#### **Opening Remarks** –

Tom Zeleznik, Mayor, Village of Nakusp

#### **Columbia River Treaty Local Governments'**

**Committee Update** – Ron Oszust, Mayor, Town of Golden

#### **Columbia River Treaty Update**

- ▶ Sylvain Fabi, Global Affairs Canada
- ▶ Kathy Eichenberger, B.C. Treaty Team
- ▶ Nathalie Allard, Ktunaxa Nation

#### **Upper Columbia Salmon Update** –

Michael Zimmer, Okanagan Nation Alliance

#### **Towards Integrating Ecosystem Function in the Columbia River Treaty** –

Michael Zimmer, Okanagan Nation Alliance with Indigenous value insights by Nathalie Allard, Ktunaxa Nation, and Leon Luis, Syilx/Okanagan Nation

<sup>48</sup> <https://www.syilx.org/events/fish-in-schools-fins/>

**Columbia River Treaty Heritage Project and Addressing Community Interests** – Ingrid Strauss, B.C. Treaty Team. At this meeting, Ingrid spoke about the Columbia River Treaty Heritage Project and shared information about Duncan Dam fish passage and efforts to support the Basin agriculture sector.

Full descriptions of all presentations can be found in Section 3.3.

## **TOPICS DISCUSSED AT THE NOVEMBER 2019 NAKUSP MEETING**

The following topics, not in order of priority, were raised by attendees during the meeting:

**Lack of public understanding** – Participants expressed concern that a large portion of the general public does not seem to know about, or understand, the Treaty or regional hydro operations. They said there isn't much information about the Treaty. Kathy Eichenberger said she shared that disappointment, adding that it's not a regional issue; it's an issue across the Province. Kathy noted that half of BC Hydro's power is generated by dams in the Columbia Basin, and many people don't know this. She noted that there is no shortage of information available to those who are interested. The B.C. Treaty website is a great repository for historical information, and current updates on negotiations and engagement. There are a number of other excellent resources listed on the site. To generate interest and raise awareness, the B.C. government reaches out to the media regularly, often with limited uptake, shares information on Facebook and Twitter and through its newsletter, and discusses the Treaty in a wide variety of Canadian and U.S. forums, where there has been some coverage. The Province engages regularly with the Local Governments' Committee, Columbia Basin Regional Advisory Committee and with interested Basin citizens through these meetings. Columbia Basin Trust has also run initiatives in the past to raise awareness about the Treaty. The Province welcomes other ideas for how to generate public interest. Brooke McMurchy noted that the Province has recently seen an increase in interest from youth and is focusing on growing connections with young people in particular. The B.C. Treaty Team will also connect with BC Hydro to see if more information about the Treaty can be provided at the Revelstoke Dam interpretive centre.

## **Fair compensation for impacted communities** –

Participants expressed frustration that compensation from the Treaty is not being distributed fairly to regions affected by the Treaty. Kathy Eichenberger said this is something the B.C. Treaty Team hears, especially from smaller communities. She said that some of these concerns are addressed through the Columbia Basin Trust Community Initiatives and Affected Areas Programs.<sup>49</sup> She said the B.C. Treaty Team has encouraged Basin residents and communities to submit proposals of what fair compensation would look like. Who would it go to and what would be done with it? The Province is working on some of the ideas they have received<sup>50</sup> and welcomes others. Brooke McMurchy added that the Canadian negotiation team is committed to seeking equitable sharing of benefits between Canada and the U.S. in a modernized Treaty.

**Impacts on Nakusp** – A long-time resident expressed, with frustration, that Nakusp has been the most impacted by the Treaty and least supported, highlighting that Nakusp was flooded (by the creation of the Arrow Lakes Reservoir) whereas some other areas that receive funding from the Columbia Basin Trust were not. He also stated the local environment was 'wiped out', especially beavers, martens and birds, but there is funding for caribou and frogs. He described the limited financial compensation he received for his land and trapline. This attendee raised a number of other concerns, including: lack of government funded internet service in Nakusp; lack of updated infrastructure for BC Hydro smart meters; the need for a kokanee spawning channel in Burton; sawmills needing access to three-phase power; and, instead of the long-promised bridge at Needles, the need to build a dam at Arrow Park, and a highway across the dam to Shelter Bay and Grand Forks.

Overall, this resident felt that Nakusp had been impacted more than other parts of the Canadian Columbia Basin, but that not enough of the provincial government's focus and compensation (such as Columbia Basin Trust funding) was directed to Nakusp. Kathy Eichenberger acknowledged that this attendee had covered a number of items where there is need for improvement, and that those comments would be relayed to the Minister Responsible for the Treaty, Katrine Conroy, who is also the Minister Responsible for the Columbia Basin Trust. Kathy said she is hopeful that

<sup>49</sup> <https://ourtrust.org/grants-and-programs-directory/cipaap/>

<sup>50</sup> See Addressing Community Interests in Section 3.3

the next time the Province hosts a community meeting in Nakusp, some progress will have been made to address the concerns. It is worth noting that some others in the audience did not support building a bridge and improving road access to Nakusp. They want to keep Nakusp small and remote.

**U.S. irrigation** – A participant noted that while flood control and power generation were the original reasons for the Treaty, the water is used for irrigation and other purposes in the U.S., and asked if this is being addressed in the negotiations. Kathy Eichenberger said that Canada is aware of the other benefits the U.S. enjoys from the Treaty, including using flows for irrigation, navigation, recreation and fisheries, and feels that those benefits should be shared equitably with Canada. Kathy also noted that Canada wants ecosystems to be included in a modernized Treaty.

**Called-upon flood control and reservoir levels** –

An attendee asked for information about reservoir levels and called-upon flood control. Kathy Eichenberger explained that, under the Treaty, the called-upon flood control provision comes into effect in 2024 at the expiration of the 60-year Assured Flood Control, and remains in effect as long as the Treaty dams exist, even if the Treaty is terminated, unless another Flood Risk Management agreement is reached. The called-upon operating regime is more ad hoc: it would require the U.S. to make “effective use” of their reservoirs, drafting them more deeply and more frequently, prior to “calling upon” Canada for additional storage to prevent damaging floods, which the Treaty requires Canada to provide, with compensation for economic impacts. She added that reservoir levels are also impacted by water flow requirements for power production in the U.S. In the negotiations, Kathy stated, they are seeking improvements in reservoir levels to meet local needs, such as for recreation in the summer and log boom transport.

**Termination of the Treaty** – An attendee asked what would happen if the Treaty is terminated. Sylvain Fabi explained that, if the U.S. or Canada decide to terminate the Treaty, they would need to give 10 years’ written notice. At the conclusion of those 10 years, Canada/B.C. would still be obligated to provide flood protection via the called-upon regime (see previous note), which is much less reliable than the current co-ordinated process. Also, Canada/B.C. would no longer receive the downstream power benefits

(Canadian Entitlement) from the U.S., but would be able to manage water levels for domestic needs.

**Nakusp representation** – The Mayor of Nakusp asked how the Village of Nakusp is represented in the current Treaty discussions. Brooke McMurchy said that Janet Spicer and Cedra Eichenauer represent Nakusp’s interests as members on the Columbia Basin Regional Advisory Committee, and from 2014 to 2017, the former Mayor of Nakusp, Karen Hamling, was the Vice-Chair on the Local Governments’ Committee; both committees have direct contact with the Canadian negotiating team. In addition, all comments received by Nakusp residents during these community meetings are included in public engagement reports that are reviewed by the negotiating team. Ron Oszust clarified that the Regional District of Central Kootenay appoints representatives from this area to the Local Governments’ Committee.

**Salmon reintroduction** – Following the Upper Columbia Salmon Update and Ecosystem Function presentations, an attendee asked how far up the Columbia River salmon are expected to return, as a result of this work. Michael Zimmer said the goal is to eventually bring salmon back to the headwaters. People also asked if there will be sufficient nutrients for salmon along the way, stating that the river is now a series of fluctuating reservoirs instead of a naturally flowing river, and that a lot of the nutrients that existed before the dams were created have been washed away. Michael responded that salmon are packages of nutrients themselves. When they spawn, they die, left for other animals to feed on. Whatever is not eaten, decomposes and provides nutrients for the surrounding ecosystem. The system takes care of itself. There is currently a nutrient supplementation program in place, implemented by the Fish & Wildlife Compensation Program, which attempts to address nutrients lost (sunken into the sediments) within the Arrow Reservoir setting. If it is found through the feasibility studies that modifications to current nutrient additions are needed to support salmon in the early stages of reintroduction, there are ways to adapt the current program.

**Nutrient Restoration for fish in Arrow Lakes Reservoir**

– An attendee noted that they saw a truck on the Upper Arrow Lake Ferry emptying fertilizer into the reservoir, and was curious what program that was part of. Michael Zimmer said that the Fish and Wildlife Compensation Program includes the Arrow Lakes Nutrient Restoration

Program,<sup>51</sup> which addresses the nutrient losses in the Arrow Lakes Reservoir, a result of the construction of the Mica and Revelstoke dams, with a bottom-up approach. It sees the addition of nitrogen and phosphorus, in the form of liquid agricultural-grade fertilizer, to support phytoplankton populations that are suitable for the production of Daphnia, a main food source for Kokanee.

Another attendee pointed out that, as reservoir levels go down, mudflats are created and there isn't any food left for fish to eat. Michael thanked the audience member for raising this issue and said that it will need to be captured in the ecosystem function gap studies.

**Arrow Lakes hatchery** – An attendee asked why the Hill Creek hatchery at the north end of Arrow Lakes was closed. Michael Zimmer noted that the facility had been operated by the Fish and Wildlife Compensation program. Brooke McMurchy said she would look into this question and report back. **UPDATE:** The hatchery ran from 1983 to about 2000 to produce Bull Trout and Rainbow Trout. It was discontinued due to a number of issues; however, the assumption that led to the hatchery experiment (that fish populations were mainly limited by spawning habitat and juvenile production) appears to be incorrect, based on more years of data. Arrow Lakes Reservoir still has a substantial amount of spawning and rearing habitat, and adult populations appear to be more limited by the productivity of the reservoir than the amount of remaining spawning habitat. There is currently a nutrient restoration program on Arrow Lakes Reservoir to address the productivity issue, and the outdoor spawning channel at Hill Creek is still in operation.

**Sturgeon** – An attendee asked whether there are efforts in place to support sturgeon populations. The person shared the example of sturgeon spawning areas being at risk because eggs are washed away when water is released from the Revelstoke dam. Michael Zimmer explained that the Upper Columbia White Sturgeon Recovery Initiative<sup>52</sup>, an international body, has been assessing sturgeon recruitment failure. The group is aware of the spawning area below Revelstoke Dam. Habitat improvement progress is taking place, which has transitioned to letting sturgeon spawn naturally. Those involved in the Recovery Initiative are trying to determine why it has not been successful. It is an ongoing process with many unknowns. Subsequently,

monitoring of spawning events below Revelstoke Dam is happening annually. Any eggs collected (by drift nets) are transferred to a hatchery, and when reared to a large enough size (~200 g), are released back into the system, near Shelter Bay.

**Lack of new information** – One resident expressed frustration at feeling like they had not heard any new or specific information about the Treaty at this meeting. Brooke McMurchy acknowledged the frustration but noted that the work on the Treaty is very complex and will take time, and that these community meetings were meant to give an 'in progress report'. She also explained that, because of confidentiality issues surrounding the negotiations, there are limits to what can be shared. She said that the ecosystem work is in its infancy, and more information will be available as progress is made. She emphasized that there have been important milestones reached since the last time the Province held community meetings in 2018, such as Indigenous Nations' becoming observers at negotiations, initial work to explore salmon reintroduction and enhance Basin ecosystems, and efforts to acknowledge what has been lost in the Basin as a result of the Treaty dams. All these issues have been raised by Basin residents as essential components of a modernized Treaty process, and the Province remains committed to sharing information and answering questions about those issues, and others, as developments are made.

**Creating a timeline for Ecosystem Function work** – An attendee recognized the significant work that has gone into defining goals and objectives for a healthy ecosystem, and suggested creating a graphical timeline to give people a visual sense of what stage the process is in, and what the end goal is. Michael Zimmer acknowledged the idea and said he would take it to the ecosystem function group for consideration.

**Hiring youth for special projects** – In response to the Columbia River Treaty Heritage Project presentation, an attendee suggested that local youth should be hired for project development and/or implementation. They noted that youth are leaving the area because of the lack of employment opportunities, and that hiring them for special projects would help keep them local.

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<sup>51</sup> <http://fwcp.ca/project/adding-nutrients-to-arrow-lakes-reservoir/>

<sup>52</sup> <http://www.uppercolumbiasturgeon.org/>



**Agricultural land and Bill 52** – Participants raised concerns about the 2018 Agricultural Land Commission Amendment Act<sup>53</sup>, saying it creates significant barriers to alternative uses of land within the Agricultural Land Reserve that is suitable for farming. They recognized that this is not a Treaty issue, but that if the Province wants to help increase support to local residents, they should address the challenges this Act creates. Ingrid Strauss said the B.C. Treaty Team is working with the Ministry of Agriculture, along with other agencies, to identify gaps in agricultural support, and will research further.

**Duncan Dam power generation** – An attendee suggested adding power generation to Duncan Dam. Ingrid Strauss said that the Columbia Power Corporation did a feasibility study and the costs out-weighted the benefits at that time.

**Nakusp Marina and Breakwater** – When sharing what the Province is doing to address key Treaty-related community interests, Ingrid Strauss mentioned she would be joining an economic development meeting arranged by the Village staff and Richard Toperczner, Regional Economic Operations Manager with the Ministry of Forests, Lands, Natural Resource Operations and Rural Development, in order to discuss concerns around the Nakusp Marina and Breakwater. There was great interest from the audience to hear more about this, and an insistence that Mayor Tom Zeleznick attend that meeting as well.

**UPDATE:** a meeting was held the next day, with Mayor Zeleznick in attendance. Further discussions followed, and in March 2020, the Ministry of Energy, Mines and Petroleum Resources provided \$30,000 to the Village of Nakusp to undertake engineering and preliminary work to address the deterioration of the marina and breakwater. The Village undertook this work in spring 2020 and construction on the first phase of breakwater replacement is expected in summer 2020.

## 4.12 FAUQUIER

November 28, 2019 – 25 people in attendance at the Fauquier Community Hall.



**Welcome Remarks and Facilitation** – Brooke McMurchy, B.C. Treaty Team

**Indigenous Welcome** – Leon Louis, Syilx/Okanagan Nation

**Columbia River Treaty Local Governments' Committee Update** – Ron Oszust, Mayor, Town of Golden

**Columbia River Treaty Update**

- ▶ Stephen Gluck, Global Affairs Canada
- ▶ Kathy Eichenberger, B.C. Treaty Team
- ▶ Nathalie Allard, Ktunaxa Nation

**Upper Columbia Salmon Update** – Michael Zimmer, Okanagan Nation Alliance

**Towards Integrating Ecosystem Function in the Columbia River Treaty** – Michael Zimmer, Okanagan Nation Alliance with Indigenous value insights by Nathalie Allard, Ktunaxa Nation, and Leon Louis, Syilx/Okanagan Nation

**Columbia River Treaty Heritage Project and Addressing Community Interests** – Ingrid Strauss, B.C. Treaty Team. At this meeting, Ingrid spoke about the Columbia River Treaty Heritage Project and listed the other projects the Province is working on, but did not go into detail due to time constraints.

Full descriptions of all presentations can be found in Section 3.3.

<sup>53</sup> <https://www.leg.bc.ca/parliamentary-business/legislation-debates-proceedings/41st-parliament/3rd-session/bills/first-reading/gov52-1>

## TOPICS DISCUSSED AT THE NOVEMBER 2019 FAUQUIER MEETING

The following topics, not in order of priority, were raised by attendees during the meeting:

**Canadian Entitlement** – A participant asked how much weight is being put on the Canadian Entitlement during Canada-U.S. negotiations over all other values in the Basin that are so important. Kathy Eichenberger said that, while the Canadian Entitlement is an important part of negotiations, the B.C. Minister Responsible for the Treaty, Katrine Conroy, has been clear that there will not be a modernized Treaty unless ecosystems are addressed. Kathy also reiterated that the details of negotiations are confidential, but assured those in the room that the Canadian negotiating team is aware of the breadth of values in the Basin, and is committed to negotiating a modernized Treaty that supports as many of those values as possible.

**Whooshh system** – An attendee asked for more details on the Whooshh fish transportation technology. Michael Zimmer said that it is one of the most feasible options for fish passage. He attended a successful test run at Chief Joseph Dam, the first major barrier to salmon as they travel up the Columbia River from the Pacific Ocean. He said the process seems to work well, with fish arriving in good health after being transported through the system.<sup>54</sup>

**Optimum depth for salmon spawning** – An attendee asked what the optimum depth is for kokanee salmon spawning. Michael Zimmer said that the BC Hydro Water Use Planning “soft constraint” elevation level for Arrow Lakes Reservoir<sup>55</sup> is 434 meters, for multiple reasons, including access for kokanee to spawning streams in August through September. He said more work is required to determine what is “optimal”, and that the Ecosystem Function subcommittee is finding that it depends on tributary size/flow, and gradient in the drawdown zone.

## **Ecosystem studies informing negotiations** –

An attendee asked whether the ecosystem function work will be completed in time to inform current Canada-U.S. negotiations. Brooke McMurchy said that a number of studies intended to inform Canadian negotiating positions are expected to be finished by summer of 2020. She also said that Canada and B.C. are pressing to increase flexibility in a modernized Treaty so that river operations can be reassessed and adapted over time, as more information becomes available from, for example, the ongoing study of ecosystems.

**Funding for salmon reintroduction** – Attendees asked how efforts to reintroduce salmon to the Upper Columbia River will be funded, by whom, and how long that commitment is for. In particular, they asked if BC Hydro is obligated to help fund the initiative, and expressed that the U.S. should contribute funding, since the Chief Joseph and Grand Coulee dams are the main barriers to salmon reaching Canada.

Brooke McMurchy said that a three-year commitment was made in July 2019 by the Ktunaxa, Secwepemc, Syilx/Okanagan Nations, and the governments of Canada and B.C., to collaboratively explore the feasibility of salmon reintroduction. The Ministry of Forests, Lands, Natural Resource Operations and Rural Development, Fisheries and Oceans Canada, and the Columbia Basin Trust have each committed \$250,000/year for three years, equalling \$750,000/year for a total of \$2.25 million over three years. Future funding is expected, as there is a strong commitment from all five governments to see this through. Brooke said that salmon reintroduction had been raised at the Treaty negotiating table, but at this stage, there is no commitment from the U.S. to finance efforts. U.S. Tribes are funding their own feasibility and test works for Chief Joseph Dam and Grand Coulee Dam fish passage and are conducting ceremonial releases above both dams.

Michael Zimmer said he is unsure of BC Hydro’s obligations, but that its Columbia Operations Fisheries Advisory Committee meets regularly and discusses fisheries issues on Columbia River. They are well aware of efforts to bring salmon back. Michael shared details of other efforts to test salmon survival in the Upper Columbia, including the Confederated Tribes of the Colville Reservation

<sup>54</sup> <https://www.whooshh.com/>

<sup>55</sup> <https://www.bchydro.com/content/dam/BCHydro/customer-portal/documents/corporate/environment-sustainability/water-use-planning/southern-interior/columbia-wup-arrow-5-year-review-factsheet-2014-02-01.pdf>

releasing adult salmon above Grand Coulee dam. Michael encouraged participants to read the reports on fish passage and reintroduction, prepared by the Upper Columbia United Tribes in collaboration with Canadian Indigenous Nations.<sup>56</sup>

### ***Salmon impacts on other Columbia River fisheries***

– Although supportive of bringing salmon back to the Upper Columbia River, one participant voiced concern that returning salmon could further impact already depleted fisheries in Arrow Lakes. Michael Zimmer said that the Fish and Wildlife Compensation Program is monitoring the causes of resident fish population declines. Ecosystem responses (risks/benefits) from salmon reintroduction are part of the Ecosystem Function Case Study on that topic.

### ***Storing more water in Canadian reservoirs –***

An attendee raised concerns about how climate change is impacting the U.S. portion of the Basin – namely that temperatures are rising, making it difficult for salmon to survive – and how some U.S. stakeholders may want more (cold) water stored in Canadian reservoirs in the spring, so it can be released in the summer/fall to combat these impacts. They were concerned this would lead to more frequent and deeper water level fluctuations in the Canadian Basin, especially on Arrow Lakes Reservoir in the summer. Brooke McMurchy said that reservoir levels are a significant consideration in the negotiation process, as is climate change.



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<sup>56</sup> <https://ucut.org/fish/restoring-salmon-upper-columbia-river-basin/>

## 5 | Feedback on Ecosystem Function Work

Meeting participants were invited to provide input on how well the current ecosystem function work met their expectations and whether there are any gaps, as well as offer specific comments on the draft goals and objectives. Feedback was invited through verbal discussion at the meeting or in writing by a feedback form. The feedback form was also accessible online via Survey Monkey.

There were many comments of appreciation for the leadership of Indigenous Nations in the ecosystem function and salmon reintroduction work, and for the presentations from Indigenous representatives.

The primary feedback during the discussions included:

- Support for integrating ecosystem function into the Treaty.
- Curiosity about whether U.S Tribes, residents and governments are receptive to salmon recovery and integrating ecosystem function into the Treaty.
- Many questions about salmon recovery biology, options and risks and a few about sturgeon as well as local and migratory birds.
- Concerns about how climate change is being accounted for in both salmon recovery and the ecosystem function work-in-progress.
- Importance of forest health to water systems, particularly as the climate changes.
- Questions about how to access information on BC Hydro's environmental studies, BC Hydro's roles in the work-in-progress, funding sources for the ecosystem function work and specific environmental programs such as a spawning channel at Burton and the lake fertilization program.
- Desire for more information about the ecosystem function studies and timelines.
- Disappointment that the salmon recovery and ecosystem function work-in-progress is so preliminary, that more has not already been achieved.
- Mixed comments about the amount and complexity of information in the presentations – some of appreciation and some calling for simpler, less technical language.

Participants were invited to provide feedback on the presentation. Below is the participant response to the question:

How well do you think the meeting provided an update on the ongoing study of ecosystems in the Columbia Basin?

VERY POORLY	POORLY	WELL	VERY WELL	UNSURE
3%	7%	44%	38%	8%

Sixty-five individuals provided feedback via the feedback form, with 11 using the online survey. Responses to the questions are summarized below<sup>57</sup>:

### 1. GENERALLY, IS THIS WORK-IN-PROGRESS WHAT YOU WERE HOPING TO SEE FOR ECOSYSTEMS IN THE TREATY?

- YES – 82%
- NO – 18%

### 2. HOW WOULD YOU DESCRIBE THE WORK IN PROGRESS?

- Good for a work in progress – 54%
- Needs some revisions – 24%
- Don't know enough to comment/other – 16%
- Needs major revisions 6% (3 individuals)

*Comments:*

- Many positive comments about the process – 'genuine effort', 'highly complex understanding', 'scientific and traditional Indigenous views (included)', 'a lot of knowledge presented', 'very clear and specific', 'appropriate sources of information and knowledge', 'sensible', 'right people engaged' and 'covers the major issues I see'.
- Some disappointment that the work wasn't further along – that research was still needed, and concerns about whether the 'overall picture was getting enough attention' with the focus on specific tasks.
- A couple of suggestions to simplify the language, with slides that are easier to read.

<sup>57</sup> Percentages are the portion of respondents to each question



### 3. HAS ANYTHING BEEN MISSED?

- YES – 18 responses/28% of all survey respondents

#### *Comments:*

- Respondents wanted more specific ecological information about: climate change impacts and implications for restoration; impacts to Kinbasket Reservoir, Arrow Reservoir and the Columbia River generally, and how this limits restoration opportunities; the implications of forest practices on water systems; importance of re-establishing wetlands, backwaters and shallow water areas; bird species; water pollution impacts; nutrient availability for fish fry; revegetation options; innovative alternatives.
- More information about Indigenous interests in B.C. and the U.S. was emphasized.
- Adding ecosystem function goals to the management of the Non-Treaty Storage Agreement was suggested, as well as shifting the current soft constraints for Arrow Reservoir to binding requirements.
- The importance of flexibility to test currently unknown flows for ecosystem function purposes was raised.
- In terms of the process, respondents wanted more information on timelines, the project team (to establish their credibility), the final steps in the process, more focus on hearing from locals and better funding.

### 4. KNOWLEDGE OF LOCAL ECOSYSTEMS:

- Not much – 3%
- Some – 48%
- High – 43%
- Very high – 5%

### 5. GENERAL COMMENTS:

- Several comments about salmon reintroduction, including questions about specific tools, the importance of salmon to ecosystems and the desire for a timeline for recovery.
- A specific request was made for a simple chart showing the ecosystems historically, today and in the future potentially, with restoration.
- There was encouragement to focus on the intrinsic value of ecosystems, conditions as they exist today – not historically, and opportunities for impromptu tests during unusual fluctuations in reservoir levels.

The survey invited comments specifically on the draft Treaty ecosystem function goals and objectives. Six responses suggested very minor revisions.



## 6 | General Feedback



Feedback forms were circulated at each meeting to capture attendees' input on the information shared and the meeting format. Approximately 35% of the forms were filled out and returned to meeting organizers. Many valuable comments were provided that will help the Province shape its future engagement sessions and methods.

Several key themes emerged from the feedback forms. Meeting participants:

- appreciated members of the Canadian negotiating team joining by video to answer questions in real time;
- welcomed hearing from Indigenous Nations, and supported seeing their participation in the negotiation process, and ecosystem and salmon reintroduction work;
- would have liked to hear more detail on what is being negotiated, but understood that much of the information is confidential, or hasn't been discussed at this stage in negotiations;
- would have liked more information shared about the Treaty and its history;
- are eager to see further advancements in addressing community issues; and
- appreciated being kept informed and engaged as negotiations progress.

Some attendees said they would have appreciated more opportunity for discussion at these sessions, to provide input, and to move around.

## 7 | Conclusion

The 2019 community meetings provided a valuable opportunity for the B.C. Treaty Team, federal negotiators, Indigenous Nations and the Local Governments' Committee to connect directly with Columbia Basin residents. They were also an interactive way for citizens to learn about progress being made on addressing ecosystem enhancement, salmon reintroduction, and other community interests that have been raised throughout B.C.'s public engagement on the Treaty.

The meetings confirmed that interested Basin citizens want to stay informed as Treaty negotiations progress, and that they are eager to understand how a modernized Treaty will reflect their interests. They are generally supportive of the work done to date, and look forward to more progress on negotiations, ecosystems, salmon reintroduction and addressing other community interests. People who attended the meetings appreciated hearing directly from those negotiating the Treaty and working on the initiatives presented. They were pleased to see the in-depth involvement of Ktunaxa, Secwepemc and Syilx/Okanagan Nations in Treaty negotiations, and their leadership on ecosystem and salmon reintroduction work. The agenda for this series of meetings was full, sometimes leaving little time for audience participation. Attendees voiced their preference for more group discussion and opportunities for input at future sessions, as had been offered at the 2012/13 and 2018 public Treaty meetings.

The Province acknowledges that the perspectives of Basin residents who shared their views with the B.C. Treaty Team during these meetings do not necessarily reflect the perspectives of the entire Canadian Columbia Basin

population. That being said, the people who took the time and made the commitment to share their views, must be listened to. Though each community has its own specific interests and concerns regarding the Treaty, there were common themes that emerged. Residents want to see:

- reduced reservoir fluctuations;
- fair compensation for impacted communities;
- support for the agriculture sector;
- a community or local government role in Treaty governance;
- continued work led by Indigenous Nations to address ecosystems and salmon reintroduction;
- more Basin residents, especially youth, understanding the Treaty and advocating for Basin interests; and
- an equitable share of benefits for B.C. in a modernized Treaty.

These themes are consistent with those that have been raised by residents throughout the Province's Treaty engagement.

The comments and discussions from the 2019 community meetings have made the provincial and federal governments, Indigenous Nations, and the Local Governments' Committee better able to reflect the viewpoints of Basin residents as the Canada-U.S. negotiations to modernize the Treaty move forward.

The results of these meetings have been shared with Global Affairs Canada, and Canadian Basin interests continue to inform negotiating positions developed by Canada, B.C. and Indigenous Nations.

## 8 | Next Steps

As negotiations proceed, the Province will continue to engage with Basin residents on the Treaty. There will also be an increased effort to connect with youth by working with Basin colleges, school districts and organizations dedicated to supporting the Basin's young people.

The Province will return to the Basin for another round of public meetings when there is substantive progress or new developments from negotiations to share. If there is a need to connect with Basin citizens on specific Treaty-related matters before meeting restrictions related to COVID-19 subside, the B.C. Treaty Team will look at ways of doing that remotely, ensuring an inclusive process.

In the meantime, the B.C. Treaty Team maintains contact with the Minister Responsible for the Treaty, Honourable Katrine Conroy, the Local Governments' Committee, and the Columbia Basin Regional Advisory Committee when there is news to share and issues to discuss.

Updates on the Treaty will continue to be shared through the B.C. Columbia River Treaty website, Facebook, Twitter, and through its newsletter. Questions and comments are welcomed by phone or email.

To sign up for the newsletter, visit <https://engage.gov.bc.ca/columbiarivertreaty/sign-up/>





## 9 | Providing Feedback



The Province wants to make sure this report reflects what was said at these meetings. If you have questions, notice something missing, or would like to share further comments on Treaty issues that are not captured in this report, please send them to the B.C. Treaty Team via:

**EMAIL:** [columbiarivertreaty@gov.bc.ca](mailto:columbiarivertreaty@gov.bc.ca)

**PHONE:** 1 778 698-7277

**MAIL:** Columbia River Treaty Team  
Ministry of Energy, Mines and  
Petroleum Resources,  
PO Box 9314 Stn Prov Govt, Victoria BC  
V8W 9N1; or

You can message the B.C. Treaty Team through the Columbia River Treaty Facebook page.

