

MEETING SUMMARY

Columbia Basin Regional Advisory Committee Meeting

September 29, 2022 12pm – 1:30pm Pacific Time/1pm - 2:30pm MT

The Columbia Basin Regional Advisory Committee (CBRAC) met on September 29, 2022 by webinar to hear updates on the Canada-U.S. Columbia River Treaty (CRT) negotiations and efforts to integrate socio-economic performance measures into CRT dam operation scenario modelling, and to follow up on items raised during the committee's May 2022 meeting in Valemount, B.C.

The meeting began with an acknowledgement of the territories of the Ktunaxa, Secwepemc, *Syilx* and Sinixt peoples that span the Columbia Basin. Nathan Matthew of the Secwepemc Nation shared an opening prayer and acknowledged that the following day, September 30, would be the National Day for Truth and Reconciliation and Orange Shirt Day.

Update on Round 13 of Canada-U.S. Columbia River Treaty Negotiations

Representatives on the Canadian Columbia River Treaty Negotiation Delegation:

Lyn Ponniah, Global Affairs Canada, Kathy Eichenberger, Province of B.C., Nathan Matthew, Secwepemc Nation, Jay Johnson, Syilx Okanagan Nation, and Bill Green, Ktunaxa Nation.

Sylvain Fabi, Canada's Chief Negotiator for the Columbia River Treaty was regrettably unable to attend due to an unavoidable conflict.

The 13th round of CRT negotiations between Canada and the U.S. took place in Richmond, B.C. on August 10-11 and was the first time the teams had met in person since March 2020. Over the two days, negotiators reviewed proposals developed by each country, which covered the range of Treaty modernization objectives, including Canadian flexibility, flood risk management, power coordination and co-operation on ecosystems.

Since this round, the Canadian negotiating team, which includes representatives from Canada, B.C. and the Ktunaxa, Secwepemc and *Syilx* Okanagan Nations, has continued collaborating on developing and refining negotiating positions that will benefit the B.C. portion of the Columbia Basin. The CRT modelling initiative¹ is progressing and results are starting to inform these discussions.

The next round of negotiations is scheduled for October 4 -5 in Spokane, Washington and will be followed by a binational workshop focused on ecosystems and Indigenous and Tribal cultural values. The workshop will bring together participants from the Canadian and American CRT negotiating teams, Columbia Basin Indigenous Nations and Tribes in the U.S., government agencies and other organizations to enhance the exchange of technical information and shared experiences related to ecosystems, Indigenous cultural values, management of river operations

¹ An initiative to model and examine scenarios for how the Canadian CRT dams could be operated differently to meet objectives for ecosystems, Indigenous cultural values, flood-risk management, hydro power, and socio-economic interests, such as tourism, recreation and agriculture.

for fish, and restoring salmon to the Upper Columbia River Basin. The workshop will inform future discussions on how to improve coordination on these issues to benefit ecosystems and people on both sides of the border.

Socio-economic Performance Measures Update

Cindy Pearce, Columbia River Treaty Local Governments Committee

Cindy shared an update on the process being led by the CRT Local Governments Committee (LGC) to integrate performance measures for socio-economic interests into the CRT dam operation scenario modelling. Visit the [LGC website](#) to learn more about this initiative.

Over the past year, CBRAC and LGC members provided significant input into the process of identifying potential socio-economic performance measures through a series of webinars, by email and phone calls. Cindy and researcher Lauren Rethoret, from Selkirk Innovates, have been following up with CBRAC and LGC members to answer questions and make sure their concerns or interests are understood correctly by the Socio-Economic Integration Team. The Team is in the process of bringing on another researcher from Selkirk College, Tracy Harvey of Selkirk Innovates, to build capacity in this work.

Revised performance measures are expected to be sent to CBRAC for review in October, after which they will go to the LGC for approval and then to the public for review. This work continues to expand the Socio-Economic Integration Team's understanding of local interests and ensure they are accurately reflected in the CRT scenario modelling.

Process for Raising Issues within CBRAC

Brooke McMurchy, B.C. Columbia River Treaty Team and CBRAC Steering Committee

At the CBRAC meeting in Valemount last May, two CBRAC members drafted a motion they hoped to gain CBRAC's support on. (See the next section for an update on this issue). The raising of this motion indicated to the CBRAC Steering Committee (SC) that there is no formal process in place for CBRAC members to raise issues with the rest of the committee. The SC agreed there needs to be a clear process developed with CBRAC members, so there is a common understanding of how to raise issues in an inclusive, effective and transparent way.

The following process was drafted by the SC and presented to CBRAC for input during this meeting. It was emailed to CBRAC afterwards, with a request for feedback by October 24, 2022. Once finalized, this process will be added to the CBRAC Terms of Reference.

“CBRAC members wishing to raise an issue with the rest of CBRAC, either to gain the committee's support or for any other reason, can contact any member of the CBRAC Steering Committee and ask that the issue be added to the agenda for the next CBRAC meeting.

The Secretariat will work with the member(s) who made the request to ensure the issue and the reason for raising it with CBRAC and any responses requested from CBRAC are well defined.”

Dredging Grohman Narrows

Lawrence Pillion, BC Hydro

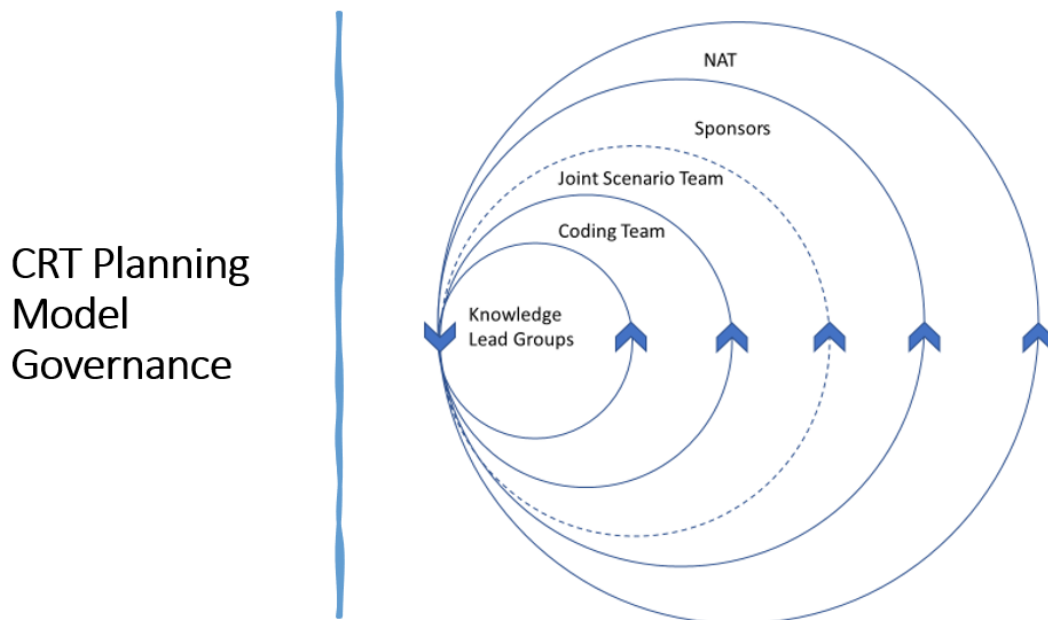
During CBRAC's meeting in Valemount last May, two members drafted a motion asking for CBRAC's support to request that BC Hydro reconsiders dredging Grohman Narrows as a way to prevent potential flooding along Kootenay Lake. BC Hydro representatives have since connected with the members to better understand their request and to explain that BC Hydro went through an extensive process in 2013-14 to explore the feasibility of, and gauge local support for, dredging Grohman Narrows. BC Hydro is coordinating a presentation for CBRAC by one of the engineers that was involved in this project to summarize the process and results, and answer questions.

Distinguishing between Different Governance Contexts Raised During the CBRAC Valemount Meeting

Kathy Eichenberger, B.C. Columbia River Treaty Team

The concept of governance was raised in two different contexts during CBRAC's meeting last May. Kathy provided a review of each to help clarify possible confusion.

CRT Planning Model Governance



The CRT Planning Model is the process of developing scenarios for different ways of operating CRT dams to meet objectives for ecosystems, Indigenous cultural values and socio-economic interests.

The concentric circles governance model was proposed by the *Syilx* Okanagan Nation.

Knowledge Groups: Experts in specific areas – e.g. fisheries, Indigenous cultural values, recreation etc. – determine objectives for particular interests, and performance measures to indicate when objectives have been achieved. CBRAC has been enlisted to provide advice on objectives and performance measures for ecosystem function and socio-economic interests.

Coding Team: The knowledge groups share the objectives and performance measures with the coding team, who enters them into the computerized model. Scenarios can then be developed and assessed to determine whether certain objectives can be achieved or not. The coding team will go back to the knowledge groups if more information is needed to successfully use performance measures in the model.

Joint Steering Team: The scenarios are assessed by the Joint Steering Team, which is comprised of representatives from Columbia Basin Indigenous Nations, local governments, B.C. and Canada. They explore different ways of operating the CRT dams that would lead to clear improvements compared to how they are being operated today.

Currently, the modelling process primarily includes interaction between these three groups.

Sponsors: When potentially promising scenarios have been developed, the Joint Steering Team will share them with the sponsors, which are representatives of the five governments, to determine what needs to be recommended to, or asked of, the Negotiation Advisory Team.

Negotiation Advisory Team (NAT): The NAT is a higher level of governance which also includes representatives from Canada, B.C. and the Ktunaxa, Secwepemc and *Syilx* Okanagan Nations. It was formed under the CRT Negotiations Framework Agreement, which is signed by Canada, B.C. and the three Indigenous Nations. The NAT is the primary forum for the five governments to share information and develop and refine negotiating positions and strategies. The NAT advises the Canadian CRT negotiating team.

Potential Future Domestic CRT Governance

In Valemount, governance was also raised in the context of exploring potential options for Indigenous Nations, local governments, and residents to have a voice in future domestic decisions related to Columbia River Treaty planning.

One of Canada's key goals for successfully negotiating a modernized Treaty with the U.S. is to gain more flexibility for how Canada operates its CRT dams in order to meet domestic objectives for ecosystems, Indigenous cultural values and socio-economic interests. "Potential future domestic CRT governance" refers to exploring how decisions are made about what to do with the additional operational flexibility.

One of the fundamental principles in this process is that proposed domestic governance options should be consistent with the *United Nations Declaration on the Rights of Indigenous Peoples*.

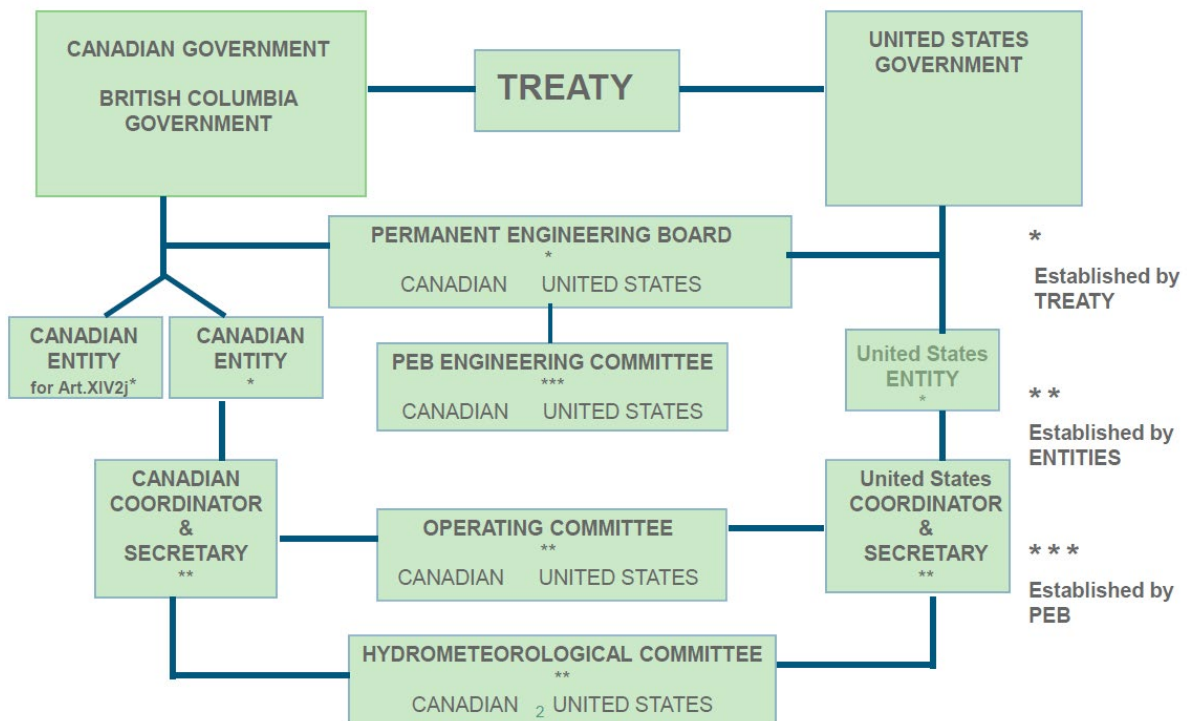
In Valemount, CBRAC members discussed how they see the committee playing a role in future domestic CRT governance. This followed an initial brainstorm held by Zoom in March 2022. The results of both discussions will be circulated for CBRAC’s review before being sent to the CRT Domestic Governance Steering Committee – a sub-committee of the NAT.

Current Columbia River Treaty Governance Structure

In comparison to the contexts previously described, the diagram below outlines the current governance structure for the Treaty. CBRAC received a presentation on this in February 2020. The [notes from that webinar](#) describe the different roles and responsibilities for each agency.

There has been no discussion to date about whether this governance structure will or could change in a modernized Treaty. That said, there are discussions happening on the Canadian side about which organizations and interests are represented as part of the decision-making bodies.

Columbia River Treaty - Organization



Reflecting on CBRAC's Advisory Role

Brooke McMurchy, B.C. Columbia River Treaty Team and CBRAC Steering Committee

During CBRAC's discussion about their role in potential future domestic CRT governance options, there were a number of suggestions and comments about the need for CBRAC to be an advisory body. The CBRAC Steering Committee thought it would be helpful to review CBRAC's current advisory role and the ways CBRAC has provided advice since it began in 2014.

CBRAC's advisory role is outlined in two sections of the [CBRAC Terms of Reference](#):

Under *Principles*

- **Advice** – CBRAC members will provide **advice on modernization of the CRT to federal and provincial negotiators involved in Canada-U.S. CRT negotiations, and to BC Hydro on matters that are regionally important and that should be taken into consideration in BC Hydro's operation planning.** Subject to confidentiality requirements, negotiators will provide updates, feedback and dialogue with CBRAC during the CRT negotiation process. BC Hydro will take this advice under consideration when balancing multiple interests in operations planning and provide feedback on its ability to accommodate the advice in operations.

Under *Duties*

- **Advise BC Hydro on matters that are regionally important and that should be taken into consideration in BC Hydro's operation planning.** BC Hydro will take this advice under consideration when balancing multiple interests and provide feedback on its ability to accommodate the advice in operations; and
- Become familiar with the Columbia River Treaty and related activities in Canada and the U.S. and **provide input and advice on potential future changes and improvements to the CRT.**

The committee has exercised its advisory role many times since its inception in 2014. Key decision-makers are often present at meetings to hear input first-hand.

Through meeting discussions and written input, CBRAC has provided advice on:

- Public engagement opportunities and education needs;
- Columbia Basin community interests related to the CRT;
- How to acknowledge what was lost when CRT dams were created;
- Mid-elevation Arrow Lakes scenarios study;
- Ecosystem function goals and objectives;
- CRT Local Governments Committee recommendations; and,
- Socio-economic interests related to the CRT.

CBRAC was also encouraged to provide input on BC Hydro's draft 2021 Integrated Resource Plan through BC Hydro's public process.

CBRAC members were asked to reflect on the committee's current advisory role, and, when thinking of CBRAC's potential role in future domestic CRT governance, ask themselves:

1. Does 'advisory body' mean something different to you than what CBRAC is currently doing?
2. Do you see CBRAC providing advice on decisions about potential future domestic CRT operations in a different way?