

IN THE HOUSE OF REPRESENTATIVES

HOUSE JOINT MEMORIAL NO. 11

BY RESOURCES AND CONSERVATION COMMITTEE

A JOINT MEMORIAL

1
2 TO THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CON-
3 GRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE
4 STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

5 We, your Memorialists, the House of Representatives and the Sen-
6 ate of the State of Idaho assembled in the Second Regular Session of the
7 Sixty-fourth Idaho Legislature, do hereby respectfully represent that:

8 WHEREAS, since it was implemented in 1964, the Columbia River Treaty has
9 provided for a coordinated management of the Columbia River to reduce flood-
10 ing impacts and increase power generation throughout the Columbia River
11 Basin; and

12 WHEREAS, the treaty provides that either the United States or Canada may
13 terminate the treaty by providing written notice at least 10 years in advance
14 of termination; and

15 WHEREAS, the U.S. and Canadian entities previously reviewed the treaty
16 and determined that the treaty should be modified; and

17 WHEREAS, on December 7, 2017, the U.S. State Department issued a press
18 release stating that the United States and Canada will begin negotiations to
19 modernize the treaty in early 2018; and

20 WHEREAS, the U.S. Entity Regional Recommendation of 2013 concluded that
21 the purposes of a "modernized" treaty should be expanded to include consid-
22 eration of "ecosystem-based function" in addition to the original flood con-
23 trol and hydropower purposes of the treaty; and

24 WHEREAS, unless otherwise agreed to, the treaty provides that, in 2024,
25 flood control operations will automatically shift from providing guaranteed
26 flood control space in Canadian reservoirs to "called upon" flood control
27 operations; and

28 WHEREAS, the U.S. and Canadian entities have provided differing inter-
29 pretations of the "called upon" flood control provisions, with the U.S. En-
30 tity asserting that "called upon" operations apply only to dams in the Co-
31 lumbia River Basin specifically authorized for "system-wide flood control,"
32 and the Canadian Entity taking the position that all U.S. storage projects in
33 the Columbia River Basin must be utilized for system-wide flood control be-
34 fore Canadian reservoirs are called upon to provide any flood control space;
35 and

36 WHEREAS, altered flood control operations could have devastating im-
37 pacts on reservoir storage and operation levels, irrigation, recreation,
38 hydropower, local flood control and other authorized purposes in Idaho; and

39 WHEREAS, the Canadian Entitlement, whereby the U.S. and Canadian enti-
40 ties share the increased power production created by coordinated river oper-
41 ations, has proven to be imbalanced in favor of Canada; and

42 WHEREAS, including ecosystem-based function in a modernized treaty
43 could have adverse impacts on existing beneficial uses of the river and cre-

1 ate greater uncertainty in a river system that is already heavily regulated;
2 and

3 WHEREAS, the Regional Recommendation fails to recognize the sub-
4 stantial investment in ecosystem-based function made by Northwest region
5 hydropower producers and their customers, including billions of dollars
6 invested in fish passage and habitat efforts and the development and imple-
7 mentation of robust environmental mitigation plans; and

8 WHEREAS, navigation should be protected, and adverse flows should not
9 impact the transportation channel or lock system operations.

10 NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Ses-
11 sion of the Sixty-fourth Idaho Legislature, the House of Representatives and
12 the Senate concurring therein, that we urge the U.S. Department of State to
13 support the following positions in negotiations with Canada regarding any
14 modification or future implementation of the Columbia River Treaty:

- 15 (1) Recognize and protect the authorized purposes and water
16 rights for storage projects in Idaho, including irrigation,
17 recreation, hydropower and local flood control;
- 18 (2) Advocate that only storage projects specifically authorized
19 by Congress for system-wide flood control may be required to
20 provide such benefits under the treaty, with no increased
21 flood control burden placed on projects in Idaho;
- 22 (3) Recognize a need to review and rebalance the Canadian
23 Entitlement;
- 24 (4) Recognize the ecosystem benefits that have already been
25 provided by storage projects in the United States pursuant
26 to the other federal laws and refrain from advocating for
27 additional ecosystem contributions from U.S. projects;
- 28 (5) Recognize that ecosystem restoration, as that term has been
29 used by some proponents of modernization, is intentionally
30 vague and if incorporated into an international treaty could
31 be used as a vehicle to override and infringe upon existing
32 federal environmental laws and usurp state sovereignty over
33 water and, therefore, require any treaty modification to
34 preserve federal environmental protection laws and state
35 water laws and reject any additional mitigation requirements;
- 36 (6) Require any treaty modification to recognize the primary
37 authority and state sovereignty of Idaho and its sister states
38 over their respective water resources;
- 39 (7) Reject any attempts through the treaty modification process
40 to incorporate the reintroduction of anadromous species above
41 Hells Canyon or Dworshak, as such efforts are outside the
42 scope of the treaty purposes; and
- 43 (8) Protect navigation so that adverse flows do not impact the
44 transportation channel or block system operations.

45 BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representa-
46 tives be, and she is hereby authorized and directed to forward a copy of this
47 Memorial to the President of the Senate and the Speaker of the House of Rep-

1 representatives of Congress, and to the congressional delegation representing
2 the State of Idaho in the Congress of the United States, the U.S. Department
3 of State, the Columbia River Treaty Negotiator, the U.S. Entity Coordinator,
4 Bonneville Power Administration and the U.S. Army Corps of Engineers.