



Memorandum

TO: People Interested in the Future of the Columbia River Basin

FROM: Universities Consortium on Columbia River Governance

SUBJECT: The Columbia River: A Sense of the Future

DATE: January 16, 2013

On behalf of the participants in four transboundary symposia focused on the future of the Columbia River Treaty, we are honored to present the attached document – *The Columbia River Basin: A Sense of the Future*.

Consistent with the standard practice in international diplomacy of preparing a “sense of the meeting,” the purpose of the attached document is to capture and present “a sense of the future” of the Columbia River Basin. This document does not represent a consensus within the basin; rather, it is intended to present the overall sense of interests and concerns with regard to the future of the transboundary river basin as captured by the Universities Consortium on Columbia River Governance during the four annual symposium and recent research initiatives.

The Universities Consortium on Columbia River Governance was created in 2008 by universities in the basin committed to facilitating transboundary dialogue, providing decision-relevant information by connecting university research to the needs and interests of constituents in the basin, and preparing future leaders by engaging students in research, education, and policy dialogues. Examples of recent research inquiries include an exploration of the legal mechanisms to modify the Columbia River Treaty¹, a situation assessment on revising and updating the Columbia River Treaty², a report on the scenario development for the Columbia River Treaty review³, research on international water law

¹ Bankes, Nigel and Barbara Cosens. *The Future of the Columbia River Treaty* (Program on Water Issues, Munk School of Global Affairs, University of Toronto. October 2012).

² Matthew McKinney, et al., “Managing Transboundary Natural Resources: An Assessment of the Need to Revise and Update the Columbia River Treaty,” *West-Northwest Journal of Environmental Law and Policy* (Summer 2010, 16): 307-350. Reprinted in Barbara Cosens, ed., *Transboundary River Governance in the Face of Uncertainty: The Columbia River Treaty* (Oregon State University Press, 2012).

and principles to sharing downstream benefits⁴, and a book, released December 2012, on transboundary river governance in the face of uncertainty⁵.

Beginning in 2009, the Universities Consortium has convened an annual symposium to inform and facilitate transboundary dialogue on the Columbia River Treaty and other issues related to the future of the basin. While these annual symposiums are unofficial and separate from the formal Columbia River Treaty review processes, they provide a unique opportunity for people and organizations from many walks of life to exchange information, build relationships, and explore alternative futures in a nonpartisan, transboundary forum.

The document – *The Columbia River: A Sense of the Future* – is being distributed to members of the Columbia Basin Network, a mailing list of individuals and organizations who have an interest in the future of the Columbia River Treaty and the on-going management of the Columbia River Basin. We encourage you to forward this memorandum and *The Columbia River: A Sense of the Future* to colleagues and officials.

For more information on the Universities Consortium, including materials associated with each of the past symposia and research initiatives, please go to www.columbiarivergovernance.org. Please let us know how the Universities Consortium can continue to provide a basin-wide, nonpartisan forum.

Sincerely,

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Barbara Cosens, University of Idaho

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Richard Paisley, University of British Columbia

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³ http://www.columbiarivergovernance.org/UI_OSU_CRT_Scenario_Development_Combined_Report_-_FINAL-1.pdf

⁴ Paisley, Richard. "Adversaries into Partnerships: International Water Law and the Equitable Sharing of Downstream Benefits." *Melb. J. Int'l L.* 3 (2002): 280.

⁵ Cosens, Barbara, ed. *The Columbia River Treaty Revisited: Transboundary River Governance in the Face of Uncertainty*, A Project of the Universities Consortium on Columbia River Governance (Oregon State University Press, 2012).



The Columbia River Basin: A Sense of the Future

Origin and Purpose

- ❖ Consistent with the standard practice in international diplomacy of preparing a “sense of the meeting,” the purpose of this document is to capture and present “a sense of the future” of the Columbia River Basin.
- ❖ Since 2009, the Universities Consortium on Columbia River Governance has convened an annual symposium on the Columbia River Treaty (CRT) and other issues related to the ongoing management of the transboundary river basin. For more information on the consortium, including materials associated with each of the past symposia, please go to www.columbiarivergovernance.org.
- ❖ This document does not represent a consensus opinion among the participants; it is intended to capture the overall sense of the four annual symposia as captured by the Universities Consortium on Columbia River Governance.
- ❖ Although the annual symposia were initially organized around the ongoing review of the CRT, the dialogue and deliberation at the symposia have increasingly expanded beyond the CRT per se to encompass broader issues of management and governance.

Governance

- ❖ Treaty Review and Reconsideration
 1. The ongoing review of the Columbia River Treaty provides an opportunity to review all aspects of Columbia River governance.
 2. Existing law in Canada and the United States provides sufficient flexibility to allow sovereigns and other stakeholders to not only review the terms and conditions of the CRT, but also to explore and seek agreement on alternative institutional arrangements for the future of Columbia River governance.
 3. Promote and enable an inclusive process that focuses on the entire Columbia River Basin.
 - a. Encourage sovereigns to inform and educate citizens throughout the transboundary river basin on the status and future of the CRT and related

issues, and to provide meaningful opportunities to engage citizens and receive their input and advice.

- b. Continue to encourage the Universities Consortium to catalyze, convene, and coordinate transboundary dialogue and research, and to track and integrate input from other parallel processes.
 - c. Provide time to allow transboundary dialogue to occur; and convene more frequent forums to facilitate informed transboundary dialogue.
4. Acknowledge and affirm aboriginal interests, needs, and rights in the Columbia River Basin. Respect the sovereignty of First Nations and Tribes in all aspects of CRT review and reconsideration, as well as ongoing management and governance of the transboundary river basin.
 5. Consider whether CRT is the most effective institutional arrangement to achieve long-term basin-wide interests, or whether some other type of transboundary platform might provide a more desirable framework.
 - a. Employ a “whole basin” perspective in planning and management of the river basin, including but not limited to flood control, hydropower, ecosystem functions, cultural values and traditions, and socio-economic interests (e.g., industry, agriculture, and recreation).
 - b. Develop a process of joint fact-finding and mutual learning for the entire basin.
 - c. Explore authorization of a temporary period for experimentation on changes in governance and river operation.

❖ Ongoing Management and Implementation

1. Create and enable a participatory, informed, and transparent process that engages all basin constituencies.
2. Provide meaningful opportunities for public information and education, as well as input and advice during the process of developing operating plans and other management decisions.
3. Expand operational decision-making and management to include broader sovereign representation, particularly Tribes and First Nations.

4. Create an interactive system of dialogue that allows decision-makers to explain how decisions are consistent (or at least not inconsistent) with the multiple needs and interests of constituents throughout the basin.
5. Establish a permanent “ecosystem function” technical team with the goal of having science and traditional ecological knowledge guide the policy.
6. Integrate mechanisms for proactive adaptive management and flexibility for mitigating climate change. Establish metrics for measuring success.
7. Include an explicit mechanism for conflict resolution.

Benefits and Obligations

❖ Hydropower

1. Revise the formula for U.S./Canada benefit sharing to reflect actual river operation.
2. Facilitate a dialogue among basin communities (both upstream and downstream), First Nations, and Tribes on strategies to allocate benefits (including, but not limited to hydropower) as well as the costs, such as exporting cheap power out of the basin.

❖ Flood Risk Management

1. Explore feasibility of alternative means to diversify flood risk management, including, but not limited to long-term planning to reconnect river to the floodplain and use of aquifer recharge.

❖ Ecosystem Functions

1. Assess the value of ecosystem functions throughout the system; seek to improve ecosystem values and functions, and integrate them into the CRT on par with other objectives.
2. Promote sustainable solutions to Seven Generations.
3. Explore the reintroduction of salmon in the Upper Columbia River Basin, movement toward a more natural hydrograph, increased fish passage, and non-Treaty dam removal.

❖ Reconciliation

1. Acknowledge and address harms to cultural resources and ecosystem function.
2. Explore all potential sources of revenue, including hydropower, to address these harms.

Universities Consortium on Columbia River Governance

❖ The Universities Consortium on Columbia River Governance:

- Convenes and facilitates a nonpartisan forum for transboundary dialogue on Columbia River governance and the Columbia River Treaty;
- Provides decision-relevant information by connecting university research to the needs and interests of constituents within the basin; and
- Inspires and prepares future leaders by engaging students in research, education, and policy dialogues.

❖ For more information on the Universities Consortium, go to www.columbiarivergovernance.org.