

IN THE HOUSE OF REPRESENTATIVES

HOUSE JOINT MEMORIAL NO. 9

BY STATE AFFAIRS COMMITTEE

A JOINT MEMORIAL

1
2 TO THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CON-
3 GRESS ASSEMBLED, THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE
4 OF IDAHO IN THE CONGRESS OF THE UNITED STATES, THE U.S. DEPARTMENT OF
5 STATE, THE U.S. ENTITY COORDINATOR, BONNEVILLE POWER ADMINISTRATION
6 AND U.S. ARMY CORPS OF ENGINEERS.

7 We, your Memorialists, the House of Representatives and the Senate of
8 the State of Idaho assembled in the Second Regular Session of the Sixty-sec-
9 ond Idaho Legislature, do hereby respectfully represent that:

10 WHEREAS, the Columbia River Treaty was signed by the United States and
11 Canada in 1961 and implemented in 1964; and

12 WHEREAS, the purpose of the treaty was to reduce impacts from flooding
13 and to increase power generation; and

14 WHEREAS, U.S. and Canadian entities are reviewing the treaty to deter-
15 mine whether portions of it should be modified or terminated in 2014; and

16 WHEREAS, there is a significant effort to fundamentally change the Co-
17 lumbia River Treaty from a pact dealing with the impacts of flood control and
18 power generation to a document that will or potentially could be used as a
19 mechanism to govern all water use in the Pacific Northwest, or at least in the
20 Columbia River drainage; and

21 WHEREAS, the Canadian entity has taken the position that, beginning in
22 2024, all U.S. storage projects in the Columbia River Basin must be utilized
23 for system-wide flood control before Canadian reservoirs are called upon to
24 provide any flood control space; and

25 WHEREAS, such a change in flood control operations could have a devas-
26 tating impact on irrigation project reservoir supplies in Idaho; and

27 WHEREAS, the U.S. entity has proposed "modernizing" the treaty to in-
28 clude ecosystem-based function as a third primary purpose of the treaty,
29 along with the original purposes of flood control and power generation; and

30 WHEREAS, elevating ecosystem-based function above other purposes,
31 including irrigation, recreation, electrical power generation and naviga-
32 tion, could have adverse impacts on existing beneficial uses of the river and
33 create greater uncertainty in a river system that is already heavily regu-
34 lated; and

35 WHEREAS, certain comments concerning modification of the treaty had
36 suggested that elevating ecosystem restoration to a primary purpose of the
37 treaty is a mechanism to facilitate reintroduction of anadromous fish into
38 the Snake River above Hells Canyon, which is beyond the proper scope of the
39 treaty and in contravention of Idaho's sovereignty over its water resources;
40 and

41 WHEREAS, the draft treaty recommendation fails to recognize the sub-
42 stantial investment in ecosystem-based function made by northwest region
43 hydropower producers and their customers, including billions of dollars

1 invested in fish protection efforts, and the development and implementation
2 of robust environmental mitigation plans; and

3 WHEREAS, certain recommendations from the Bonneville Power Adminis-
4 tration regarding treaty modification have suggested that modernizing the
5 treaty should include increasing flow augmentation, which has already been
6 resolved in the State of Idaho between the United States, the Nez Perce
7 Tribe, the State of Idaho and water users; and

8 WHEREAS, certain entities have advocated using the treaty to create a
9 "natural hydrograph" or a reduction in flood control functions in order to
10 create greater spring flooding, which is a complete contradiction to one of
11 the two primary purposes of the treaty; and

12 WHEREAS, it has been recommended that Pacific Northwest states, federal
13 agencies and tribes will create a process to allocate and manage additional
14 flows that may arise as a result of post-2024 operations, which is in con-
15 flict with Idaho's sovereignty over the process of allocating and adjudicat-
16 ing water rights in the State of Idaho; and

17 WHEREAS, navigation concerns should be protected and adverse flows
18 should not impact the transportation channel or lock system operations.

19 NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular
20 Session of the Sixty-second Idaho Legislature, the House of Representatives
21 and the Senate concurring therein, that we urge the U.S. Department of State
22 to support the following positions in negotiations with Canada regarding
23 any modification or future implementation of the Columbia River Treaty:

24 (1) Recognize and protect the value of irrigated agriculture in the United
25 States and promote additional development; (2) Advocate that only U.S.
26 projects specifically authorized by Congress for system-wide flood control
27 may be required to provide such benefits under the treaty; (3) Recognize the
28 ecosystem benefits that have already been provided by U.S. storage projects
29 pursuant to the other federal laws and refrain from advocating for addi-
30 tional ecosystem contributions from U.S. projects based on a treaty intended
31 to manage flood control in the Columbia River; (4) Recognize that ecosystem
32 restoration as that term has been used by some proponents of modernization is
33 intentionally vague and if incorporated into an international treaty could
34 be used as a vehicle to override and infringe upon existing federal environ-
35 mental laws and usurp state sovereignty over water and, therefore, require
36 any treaty modification to preserve federal environmental protection laws
37 and state water laws and reject any additional mitigation requirements;
38 (5) Require any treaty modification to recognize the primary authority and
39 state sovereignty of Idaho and its sister states over their respective water
40 resources; (6) Reject any provision that would authorize tribes and federal
41 agencies to design a process for allocation of water resources, or to require
42 flow augmentation beyond that already adopted by the State of Idaho through
43 the Nez Perce Agreement; (7) Reject any attempts through the treaty modi-
44 fication process to incorporate the reintroduction of anadromous species
45 above Hells Canyon or Dworshak, as such efforts are outside the scope of the
46 treaty purposes; and (8) Protect navigation concerns so that adverse flows do
47 not impact the transportation channel or lock system operations.

48 BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representa-
49 tives be, and she is hereby authorized and directed to forward a copy of this
50 Memorial to the President of the Senate and the Speaker of the House of Repre-

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