

Declaration on Ethics & Modernizing the Columbia River Treaty

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The Governments of the United States of America and Canada implemented the Columbia River Treaty in 1964 (Treaty) and agreed to jointly govern water resources to promote economic growth, wealth, and happiness for the citizens of the two nations. For fifty years the original treaty has only included flood control and hydroelectric power generation as international management purposes of the Columbia River. The consideration to renegotiate the Treaty currently underway is driven by the looming expiration of some flood control provisions, the ten-year time frame required for either party to withdraw from the treaty, and the societal desire to restore the Columbia River to health.

What the Treaty did not mention in 1964 is as significant today as what it did mention: the recognized and reserved rights and management authorities of the Columbia Basin tribes in the U.S. and the First Nations in Canada were ignored in the Treaty. The trust, treaty and honour obligations of the U.S. and Canada to ensure healthy, sustainable populations of salmon, sturgeon, lamprey, bull trout and other native fish and wildlife, their habitats and other cultural resources within the Columbia River Basin were not provided for in the Treaty. The tribes and First Nations were not even consulted during its negotiation.

In the U.S., the Northwest Power Act of 1980 makes fish and wildlife and power production equal obligations in running the federal system of dams and calls for protection of tribal rights. Those statutory obligations combined with trust and treaty responsibilities of the U.S. to the tribes require reconsideration of the premises of the 1964 treaty.

Today we recognize fish, wildlife, riparian habitat conditions, water quality, and water temperature as vital issues for the Treaty. All of these omissions from the current Treaty are wrong from our 21st century perspective. Renegotiation of the Treaty provides an opportunity to ensure that these concerns become additional fundamentals of our regional water management.

Climate change, not recognized as an emerging problem in 1964, also needs to be taken in to account for a modernized treaty to be useful in the new century. Climate change projections show a future with hotter and drier conditions east of the Cascade Mountains, reduced snowpack, reduced summer river flows, increased rainfall west of the Cascades, and in general a new regime that will challenge the survival of native species adapted for present habitat conditions. Climate change will impact the entire region irrespective of national borders and any treaty renewal needs to help shape and implement joint

approaches for responsibly addressing this issue and planning for resiliency and adaptation.

From an ethical perspective, the Columbia River Pastoral Letter, *The Columbia River Watershed: Caring for Creation and the Common Good*, provides a template for socially and scientifically informed ethical norms that should be considered in the renegotiation process.

Considering the Columbia Basin as a *Common Good* means that the basin constitutes a shared international habitat that is an inclusive and integrated human-ecological system, in which our stewardship responsibilities and our moral and legal obligations to native people are actively upheld. This leads to the following principles for modernizing the Treaty:

- Respect the rights, dignity and traditions of the Columbia Basin tribes and First Nations by including them in the implementation and management of the Treaty.
- Include healthy ecosystem function as an equal purpose of the Treaty.
- Achieve balance among river uses for hydroelectric power production, coordinated flood risk management, and healthy waters and flows that provide for abundant and sustainable native fish and wildlife populations.
- Develop flow and water management operations to help people, native species, and entire ecosystems withstand climate change.
- Provide for ecosystem management of the region while protecting other river uses, including tribal commercial, and tribal ceremonial and subsistence activities.
- Engage local communities in a meaningful manner that is transparent and inclusive during renegotiation and future management of the Treaty.
- Address economic and environmental justice for the poor along with other aspects of economic development.
- Restore anadromous and resident fish passage to all historical locations throughout the Columbia River basin, including Chief Joseph, Grand Coulee, Hugh Keenleyside, Brilliant, and Waneta dams.

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