Lesson 4-1

TEACH THE COLUMBIA

Mock renegotiation of the Columbia River Treaty

wildsight

Guiding questions

What is the Columbia River Treaty? Why was it created in 1964 and why is it being modernized today? Who is involved in the treaty negotiation process? What different perspectives and issues are at play? How does an international treaty negotiation work?

Learning goals

- Build familiarity with a key issue affecting the future of the Columbia River watershed
- Gain an appreciation for the process of negotiating a complex international treaty
- Practice understanding different perspectives through role playing

Materials

- Writing/typing materials for making notes and researching
- Appendix items covering roles, background information, and decision points for negotiators
- Supplementary readings package

Preparation

- Set up classroom and desks according to instructions
- Print out or have items in appendix items available for digital use.

Instructions

Total time: This lesson is in 3 parts: 90 minutes, 90 minutes, and 50 minutes

Session 1: 90 minutes

1. Introduction, overview, topic refresher. 20 minutes.

- Introduce the overall goal of this lesson and overview the flow of the sessions.
- Refresh on the purpose of the treaty, issues at play, each group participating, why it is being modernized, etc. (consult background info for the different roles, and/or this brief summary).

2. Roles, perspectives, research. 40 minutes.

- Assign roles to students, and distribute background information (printed or digital) to each group. Get groups to start thinking about what their role prioritizes, what arguments they can use to support their interests, what groups they might disagree or agree with and why.
- Have students continue researching their roles and developing their negotiating strategy. Each group should come up with 3 main points from their perspective, 2 counterarguments to the perspectives of other groups, and at least 1 question for the negotiators that will represent them.

3. Informal consultations. 30 minutes.

- Using the research done in the prior step, each external group should hold a brief meeting with the negotiators that will represent them.
- Negotiators should ensure they hear from every group they are representing.
- External groups and negotiating team members may also choose to meet with each other.

Session 2: 90 mins

1. Preparation. 10 minutes.

- Explain the flow of the debate and set up the classroom appropriately. Arrange desks into an open horseshoe with moderators at one end, negotiators at the other, and the external groups from Canada and the U.S. facing each other along the long ends.
- Groups ask any last minute questions and finalize main points.

2. Formal consultation. 15 minutes

- Each external group makes a 2 minute public speech to negotiators (with the rest of the groups listening in the audience).

3. Negotiation prep. 15 minutes.

- Canadian and U.S negotiating teams get together separately to discuss their negotiating plans.
- External groups talk amongst themselves about what they think will happen.

4. Negotiations. 30 minutes.

- Opening remarks: 2 minutes for each side (5 minutes total)
- Negotiators have 3-4 minutes per decision point to come to a consensus (20 minutes total).
- 5 minute summary of results.

5. Responses to negotiations. 20 minutes.

- Was each group satisfied with the results or not? Did everyone feel “heard” by the negotiators? Each group should weigh in.
- Group discussion: How easy or hard was it to come to a consensus on each topic?

Session 3: 50 minutes

1. Debrief as a class. 25 minutes.

- What does it feel like to be involved in a negotiation?
- What are the differences between our simulation and the real process? (See post-negotiation debrief prompt in the Appendix)
- Why is the CRT modernization important?
- How can we as citizens have a voice in the negotiations?

2. In-class opinion response. 25 minutes.

- Opinion writing piece. Each student writes or types a one page response reflecting on their experience, opinion, and any other thoughts surrounding the negotiating process and the issues at hand. Consider overlapping or complementing this with TTC lesson 4-3 (Citizen Engagement) in which students actually send an email or letter to government officials.

Curriculum links:

Science 9
Social studies 10
Social studies 11
Human Geography 12
Physical Geography 12
Earth Science 11
Environmental Science 11

Appendix:

1. Negotiator and moderator Roles (responsible for making final decisions):

- US negotiating team (representing the US State Department, Bonneville Power Administration, US Army Corps of Engineers, Department of the Interior, and National Oceanic and Atmospheric Administration) - 2 students
- Federal and provincial members of the Canadian negotiating team (representing Global Affairs Canada, Environment and Climate Change Canada, the B.C. Provincial Government, and BC Hydro) - 2 students
- Indigenous nation members of the Canadian negotiating team (Ktunaxa, Secwepemc, and Syilx Okanagan Nations) - 2 students
- OPTIONAL: Debate moderators (ensure that the debate stays on task and on time, help other groups with their research and preparation) - 2 students

2. External groups that are not directly involved in the negotiation (make their cases and debate, but do not get to make final decisions):

- 15 Tribes from the American Side of the Basin (representing the Burns Paitue, Coeur d'Alene, Confederated Salish and Kootenai, Yakama, Colville, Umatilla, Warm Springs, Cowlitz, Fort McDermitt Paiute Shoshone, Kalispel, Kootenai, Nez Perce, Shoshone Paite, Shoshone-Bannock, and Spokane tribes) - 2 students
- Upper Columbia Basin Environmental Collaborative (Canada) - 2 students
- Columbia River Treaty Local Governments Committee (Canada) - 2 students
- "Power Group" of American Utilities (US) - 2 students
- US NGO Columbia River Treaty Caucus (US) - 2 students

3. Simplified decision points: Negotiators must agree on (and other groups may offer input on) answers to the following four questions:

A. How much water storage will be provided by Canada in a modernized Treaty? How much will the US have to pay for flood protection from this storage?

Water storage by Canada simultaneously protects the U.S. from floods and helps maximize their hydropower generation.

Generally speaking, this is a tradeoff between the ecosystem interests of the upper watershed and the economic interests of the lower watershed because the more relaxed the control of river flows is, the more operating flexibility there is to manage river flows and reservoir levels to benefit ecosystems and fish populations in both the upstream and downstream portions of the watershed. This also affects other industries such as industrial barge transportation and irrigated agriculture, which rely on dependable river flows and cheap electricity.

However, it's important to note that ecosystems in the upper and lower watersheds will not necessarily benefit from the same things. For example, if Canada provides less flood water storage to the US under the treaty, that could actually harm lower watershed ecosystems if the US responds by increasing flood control operations at its own dams (as opposed to reducing flood control needs by reducing development in low lying areas and restoring floodplain ecosystems like wetlands).

The existing Columbia River Treaty requires that Canada provide 15.5 million acre-feet of water storage to serve US purposes: 7 million acre-feet at Mica Dam (this dam actually holds another 5 million acre-feet of storage that is used for purposes outside the treaty, giving it 12 million acre-feet of total storage capacity), 7.1 million acre-feet at Keenleyside and 1.4 million acre-feet at Duncan. For flood control enabled by this water storage (not counting power generation), the US pre-paid CAD$64.4 million (in 1964 dollars) for the first 60 years. With inflation, this amount would be worth nearly $550 million today, which works out to an approximate average cost of $592,000 per million acre-feet per year.

The easiest way for Canada to benefit domestic ecosystem interests by providing less flood control to the US would be for it to change the operations of Hugh Keenleyside Dam (7.1 million acre-feet). It is less clear how Canada could do this through the operations of Mica or Duncan dams without reducing its own domestic power production.

Decision parameters:

Negotiators must decide how much water storage Canada will provide to the US going forward (out of the maximum 15.5 million acre feet currently provided). They must also decide what the value of flood protection enabled by this storage will be going forward (i.e. $ per million acre-feet per year).

B. How much will the US need to pay Canada each year for downstream benefits related to power production (the "Canadian Entitlement") or other non-power values?

This has been one of the most contentious negotiating points.

By controlling the flow of the Columbia River as it leaves Canadian reservoirs and flows into the US, Canada increases the ability of the US to maximize power production at its own dams. This benefit is layered on top of the flood risk protection that this same flow management provides (described in Decision Point 1).

Under the current treaty, the US is required to give Canada half of the total extra power that the US could generate as a result of Canadian flow management. This power is known as the "Canadian Entitlement." In reality, the amount that they could generate is not the same as what they actually generate because US dam operations are also influenced by other domestic interests (that are beyond the scope of the treaty). 72.5% of the entitlement is paid by the US federal government while the remaining 27.5% is paid by utilities represented by the US Power Group.

Canada states that the Canadian Entitlement does not account for the full suite of benefits the US receives. In contrast, the US (especially the Power Group) claims that it has been overpaying for a long time. Each country supports its logic with different proposals for how the appropriate sharing of benefits through the Canadian Entitlement should be calculated. It's important to note that the Canadian Entitlement is actually not paid in money but rather in electricity which is sold to BC Hydro or into the U.S. energy market. Recently, the value of the Entitlement has been approximately CAD$120-150 million per year.

There is also tension between this interest and efforts to prioritize ecosystems because more ecologically friendly river flows tend to mean reduced ability to maximize hydropower generation. And the US utilities are insistent that their costs must come down. They are primarily focused on achieving these cost reductions by reducing the size of the Canadian Entitlement. However, environmental measures which increase the cost of dam operations or require them to spend some of their revenue on restoration projects are not welcome for this group.

Earnings from sales of the Entitlement (which, remember, is actually delivered in the form of electricity) is deposited in British Columbia's general revenue account and helps pay for its operations and services across the entire province. As a result, Canada is interested in preserving the value of this benefit, though may be willing to accept reduced compensation for downstream power benefits if other kinds of downstream benefits (primarily flood control but also including irrigation, navigation, recreation, and more) are compensated fairly in its view.

This is connected to the first decision point, because more water storage provided by Canada makes the Canadian Entitlement more valuable by making it possible for the U.S. to generate more electricity at its downstream dams.

Decision parameters:

Negotiators must decide on an "average value" per year for the Canadian Entitlement going forward. Negotiators can also choose to agree on compensation for downstream benefits other than power production and flood control like irrigation, navigation, recreation, and others.

C. What percentage of the economic benefits from hydropower production, flood control, and other river uses (described above) is each country willing to use for improving ecosystem function? Will some of this help pay for restoring salmon runs?

Tribes, Indigenous nations, and environmental groups on both sides of the border are strongly motivated to ensure that the modernized CRT elevates ecosystem health to a co-equal purpose of the treaty alongside hydropower generation and flood control.

Additionally, tribes and Indigenous nations are deeply committed to restoring salmon to blocked areas for cultural, ecological, and economic reasons. Generally speaking, environmental groups and BC's CRT Local Governments Committee are supportive of this as well, as long as it is consistent with other ecosystem health objectives and is determined to be feasible.

US utilities' Power Group are skeptical of all these proposals, as they worry it may increase their costs or constrain the flexibility of their dam operations. While the US negotiating team has vaguely expressed support for improving ecosystem values with the modernized treaty, it has not committed to doing so in a specific or concrete way. Some members of the US negotiating team (e.g. Bonneville Power Administration, US Army Corps of Engineers) also share the interests of the Power Group, as they also operate dams for power production.

The federal and provincial members of the Canaidan negotiating team have made stronger commitments to prioritizing ecosystem health in the modernized treaty (including salmon reintroduction) and are actively collaborating with Indigenous nations and others to study how this could be done.

It is not known how much it would cost to restore salmon to the upper watershed because necessary research has not yet been completed. However, preliminary research has required millions of dollars and it is safe to estimate that the full restoration project would require tens or hundreds of millions of dollars to complete.

One important consideration — with or without salmon restoration — is that money will not be enough to meaningfully improve ecosystem health if it is not accompanied by a shift in the control of river flows! So, if environmental interests are able to secure financial commitments but are not able to convince the negotiating teams to change river flows under the treaty, this money may have limited impact.

Decision parameters:

Negotiators must decide on a percentage of the overall economic value of the Treaty that each country will put toward prioritizing ecosystem function in the new treaty. Negotiators must decide whether or not any of this funding will support salmon reintroduction, alongside other ecosystem health initiatives.

D. How long will the new treaty be in place for?

The current treaty has no expiration date. However, either country can terminate it with 10 years notice. Some portions of the treaty will automatically change in 2024 (60 years after ratification) while others will continue as long as the treaty remains in force. In consideration of climate change, some have argued for either a more temporary agreement this time or a built in mechanism for adapting to changing circumstances. In contrast, others have argued for a long treaty term which would provide more long term certainty from a policy and politics standpoint.

Decision parameters:

Negotiators must decide how long the new treaty terms will be in place for. Negotiators may also choose to include periodic "revision sessions" within this time period which would allow Canada and the US to respond to changing circumstances, but should recognize that negotiations are very costly, time consuming, and can be risky if agreements are not reached.

4. Post-negotiation debrief prompts:

Discuss what students have learned about the Treaty, the negotiation process, and why it is important. What are their main takeaways from the exercise? Consider ways in which the real modernization process is different from this mock exercise. In the real process:

- Instead of a few hours spread over a few days, it took over 5 years for consultations and preparation for negotiations. As of 2022, negotiations have been ongoing for 4 years with an unknown amount of time left to finish.
- Most groups, and the general public, are not privy to what happens in negotiating session.
- Instead of just four things to decide on, there are many interlocked and extremely complicated decision points. Furthermore, the simplified "decision parameters" in this exercise are much less complicated than the real outcomes that negotiators must agree on.
- There are many more than five interested parties outside of the negotiations. There can also be significant differences of opinion within these groups. Furthermore, these groups may actually split apart to pursue their interests seperately.
- The amounts of influence and resources held by different parties are not equal.
- After the negotiations conclude, the agreement must be signed by the Canadian Prime Minister after a debate in the House of Commons, and the U.S. President once approved by Congress. If both countries' chief executives or legislative bodies choose not to sign or ratify the treaty that negotiators are recommending, the current treaty will remain in place until negotiators are able to reach a new agreement for consideration. It took over 3 years to ratify the original CRT agreement after negotiations concluded and it almost fell through due to disagreements.
- What other differences between this exercise and the real process can you identify?