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Oregon

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Oregon

Ed Bartlett
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John Hines
Montana

July 2004

MEMORANDUM

TO: Council members
FROM: Melinda Eden, Vice Chair
John Harrison, Information Officer
RE: July 16 meeting in British Columbia with the Columbia Basin Trust and related background material including 1) an agenda; 2) a CBT discussion paper on the proposed Columbia River Treaty Forum; 3) the latest draft prospectus for the 2006 transboundary watershed management conference; and 4) a news article on mercury contamination of Lake Roosevelt.

Directions:

From Spokane, go east on I-90 to Coeur d'Alene, then north on U.S. Highway 95 to Bonners Ferry (about 80 miles). Fifteen miles north of Bonners Ferry Highway 95 veers east and continues to the border crossing at Eastport, Idaho (from Bonners Ferry to Eastport is about 28 miles). The junction is well-marked. In British Columbia the highway becomes Highway 3/95. Mind your speed, as our Canadian friends say. The maximum speed limit is 100 km/hr, or 62 mph. There may be sections of 120 km/hr (74 mph), but probably not many.

Follow Highway 3/95 to Cranbrook, about 45 miles. In Cranbrook, stay on the highway and drive through town (here it's called Van Horne Street and then Cranbrook Street). At the east end of Cranbrook, the road splits. Follow the signs for Highway 95A/Kimberley. It's about 16 miles to Kimberley. Once there, turn left on Burdett Street, right on Norton Avenue, left on Gerry Sorenson Way and follow it to the hotel. There are signs for the hotel along the way. The road winds up the hillside; the Trickle Creek Marriott is at the base of the ski hill.

Schedule:

Thursday, July 15, 7:30 p.m.: CBT Chair Josh Smienk has arranged a hospitality suite at the hotel (wine, hors d'oeuvres) in Kimberley for us to meet informally with members of the CBT Board of Directors and staff.

Friday, July 16, 9 a.m. to noon: Breakfast will be served in the meeting room at the hotel. The meeting participants include the Council members and staff, CBT board members and staff, Bill Bennett (local member of the B.C. Legislative Assembly), Jim Abbott (recently re-elected member of Parliament from the Kootenay/Columbia riding), and two representatives of the Canadian consulate in Seattle.

Friday, 2 p.m. to 5 p.m.: CBT annual general meeting at the Royal Alexandra Hall in Cranbrook (it's easy to find, or we can carpool; we drive by it on our way to Kimberley).

Friday, 6:30 p.m., CBT Chair's dinner. We all are invited to attend. The CBT would like to take the opportunity to continue discussions informally. Place to be arranged.

Background:

The agenda (attached at the end of this memo) was developed by our staffs (John Harrison and Kindy Gosal, CBT Manager of Water Initiatives). Here is some background on each item -- these correspond to the agenda that follows:

1. Introductions: Josh Smienk, CBT Chair, will welcome everyone, and there will be a brief round of introductions.
2. Review of meeting objectives: Josh will review the meeting objectives.
3. Quick review of roles/mandates and interest in transboundary cooperation: Each participating group then will be invited to discuss its role and responsibilities. This is intended to be informal -- no PowerPoints, no podium. The agenda has Judi Danielson and Melinda Eden leading the discussion on behalf of the Council. The CBT would like us to take 15 minutes for this, which would allow time for questions and answers.
4. Potential area for transboundary cooperation: Josh will lead a discussion and presentations regarding the various efforts that already have been undertaken between the CBT and the Council -- whole-basin maps, environmental data sharing, and subbasin planning. The CBT also will discuss the potential for future collaboration on implementation of subbasin plans. Peter Paquet, John Harrison, Kerry Berg and Tom Dayley attended a meeting with representatives of the CBT, the Kootenai Tribe of Idaho, Montana Fish, Wildlife & Parks, Canadian First Nations, provincial ministries, and others in Creston, B.C., last February to talk about subbasin planning and future collaboration on cross-border watershed planning issues. We are prepared to review that meeting.
5. Proposal for initiating high-level political transboundary dialogue on Columbia River Treaty: The "high-level political transboundary dialogue on the Columbia River Treaty" is the key issue for this meeting for the CBT. Josh and CBT Executive Director Don Johnston raised the issue last October at our meeting in Missoula. A discussion paper written by the CBT is attached. The CBT understands that the Council does not have a role in implementing the treaty or in negotiating a new one, but believes the Council is the right agency to bring people together to discuss treaty-related issues and begin framing them for possible negotiation in 2014 and beyond. Under the treaty, that is the first year either country can give notice of its intention to either abandon the treaty or negotiate a new one. The CBT expects that Canada will give notice in 2014 and hopes to be at the table if a new treaty is negotiated.
6. Other items: There are four issues for discussion under "other items:"
Nontreaty Storage Agreement update: Mica Dam, one of the three Columbia River Treaty dams in British Columbia, was built higher than originally designed (with Canadian money) in order to increase its storage capacity by 5 million acre-feet. The United States did not pay for this additional storage space. The additional storage can be used as long as it does not interfere with Treaty water releases. In 1984, when Revelstoke Dam downstream of Mica was completed, the first Non-Treaty Storage Agreement was struck to allow variance from Treaty flows to allow Revelstoke to fill. As a result, the U.S. (BPA plus the Mid-Columbia PUDs) received about 1million acre-feet, while another 1 million acre-feet was retained by BC Hydro to be used for any commercial ("non-treaty") purpose. Neither side paid the other anything. The balance was used by BC Hydro for internal hydrosystem balancing and flexibility. The agreement was renewed in 1991, to expire June 30, 2003, together with a BPA/Mid-Columbia PUD agreement.

In 2003, Bonneville and BC Hydro, extended their agreement for a year while they negotiated toward a new agreement. The two disagreed on a variety of topics, including what and how much power should be delivered under what circumstances, who would handle transmission, and the role of the Mid-C's. Negotiations continue, but with no contract now in place. The old agreement expired at midnight on June 30, 2004, and B.C. Hydro now has full control of the 5 million acre-feet space, as long as its use does not interfere with Treaty operations. The position of the U.S. Entity (Bonneville and the Corps of Engineers) is that BC Hydro can do what it wants with the water as long as it is not released in a way that violates the dam-operating plans under the Columbia River Treaty. The CBT met with BC Hydro recently to discuss potential future uses of the nontreaty water and will provide an update at our meeting. Obviously, the termination of the agreement has implications for future U.S. access to nontreaty water for noncommercial purposes such as Biological Opinion flows.

Fourth Transboundary Ecosystem Management Conference: The Council and the CBT were among the major funders and conveners of the third conference, which took place in Spokane in late April 2002. It was a major event (attendance topped 900 on one of the days) that attracted scientists, planners, watershed groups and private landowners from throughout the Northwest and British Columbia. These conferences have been held every four years, and the location has rotated between B.C. and the U.S. each time. Planning now is under way for the 2006 event, which will be in either Castlegar (site of the 1998 conference) or Cranbrook. John Harrison has been participating on the planning team on behalf of the Council. At this meeting, the CBT would like to review the potential purposes and issues for the 2006 conference. The latest draft prospectus for the conference is attached.

Mercury contamination in Lake Roosevelt: Teck Cominco, which operates a lead and zinc smelter at Trail, has been fighting with the U.S. Environmental Protection Agency over how to assess and clean up contamination of Lake Roosevelt that resulted from decades of waste disposal into the Columbia River. The smelter is six miles north of the border. This is a water quality issue for Lake Roosevelt and thus is a matter that affects our fish and wildlife program. A recent news article is attached.

Anadromous fish reintroduction above Chief Joseph and Grand Coulee dams: Grand Coulee Dam, and later Chief Joseph, eliminated salmon and steelhead from the Canadian Columbia River mainstem and its tributaries (as well as, of course, U.S. tributaries above the dams). The CBT and First Nations are interested in seeing anadromous fish reintroduced sometime in the future, a possibility that is acknowledged in our fish and wildlife program. The CBT would like to discuss the issue generally at this meeting. There is no specific proposal.

CBT- NPCC Meeting Friday July 16th

Attending

Northwest Power and Conservation Council

- Judi Danielson Chair - Idaho
- Melinda Eden Vice Chair - Oregon
- Gene Derfler – Councilor Oregon
- Jim Kempton - Councilor Idaho
- Ed Bartlett - Councilor Montana
- Mark Walker – Director of Public Affairs

Columbia Basin Trust

- Josh Smienk, Chair Board of Directors
- Dieter Boggs, Board of Directors
- Jeannette Townsend, Board of Directors
- Evelyn Cutts, Board of Directors
- Don Johnston – Chief Executive Officer
- Kindy Gosal –Water Initiatives Manager

- John Shurts – General Counsel
- John Harrison – Information Officer
- Peter Paquet – Manager Wildlife & Resident Fish
- Stacy Horton – Staff Washington office

Invited Guests

- Jim Abbot MP
- Bill Bennett MLA
- Marvin Wodinsky – Canadian Consul General Seattle Office Seattle
- Patrick Higgins – Canadian Consulate Office Seattle

Friday July 16th 8:30 am – 12:00 PM

The objective of Fridays Agenda is to:

- Make formal introductions between the meeting participants,
- Gain a basic understanding of the roles/mandates of the various organizations
- Focus discussions on the issue of Transboundary cooperation and facilitating increased understanding and partnerships between the various organizations and people on both sides of the border.
- Discuss the idea of facilitating a high level political dialogue on the upcoming renewal/termination or re-negotiation of the Columbia River Treaty (see attachment)

The CBT and NPCC have been involved in ongoing discussions as to what concrete initiatives the two organizations may undertake to improve this Transboundary cooperation and we will examine in depth the possibility of starting to work on these initiatives.

Detailed Agenda

Time	Activity/Location	
8:30 AM – 9:00	Buffet Breakfast Marriott Trickle Creek Inn, Kimberley (In meeting Room)	
9:00 AM – 12:00 noon Meeting Chair Josh Smienk CBT	Start meeting Marriott Trickle Creek Inn, Kimberley	<ol style="list-style-type: none"> 1. <u>Introductions</u> 2. <u>Review of Meeting objectives</u> 3. <u>Quick Review of Organizational Roles/Mandates and interest in Transboundary Cooperation (10 mins each):</u> <ul style="list-style-type: none"> ✓ CBT – Josh Smienk ✓ NPCC – Judi Danielson/Melinda Eden ✓ Jim Abbott MP ✓ Bill Bennett MLA ✓ Canadian Consulate 4. <u>Potential Area for Transboundary Cooperation</u>

		<ul style="list-style-type: none"> ✓ Information sharing between CBT and NPCC as well as their partner's organizations (i.e. Main Stem Amendments with respect to Kootenai and Libby Operations, Peter Paquet work on the Habitat Data Base and other data sharing projects). ✓ Partnership on education materials (i.e. developing joint material – Columbia Basin Dams). ✓ Facilitating cross border information sharing (NPCC/CBT co hosting sub-basin planning information sessions in Canada, Transboundary Conference). ✓ Facilitating Canadian input into future sub-basin plans (Creston Meeting). <p>5. <u>Proposal for initiating High Level Political Transboundary Dialogue on Columbia River Treaty</u></p> <p>✓ See attached Draft Proposal</p> <p>6. <u>Other Items</u></p> <p>7. <u>Adjournment</u></p>
12:00 PM – 2:00 PM	Free Time	
2:00 PM – 5:00 PM	CBT AGM Royal Alexander Hall. Cranbrook BC Open to Public	15 min Presentation By NPCC
6:00 pm Reception 7:00 pm Dinner	CBT Board Dinner Trickle Creek Marriott Hotel Kimberley, BC	Informal Discussion

Columbia River Treaty Forum

Discussion Paper

This discussion paper is designed to facilitate dialogue and gauge interest in engaging in a Canada – US Transboundary Forum on the Columbia River Treaty and Columbia Basin shared management.

Roles:

The Columbia Basin Trust (CBT) and Canadian Consulate General, Seattle agree to play a convener/facilitator role in creating a forum for transboundary dialogue between Canadian organizations and US organizations around the Columbia River Treaty and related transboundary issues in the basin.

The CBT, through its relationship with the North West Power and Conservation Council, agrees to approach the Council about becoming a partner in this process to help convene appropriate US representatives to the forum. The Consulate will work in close coordination with the CBT and NPCC in this effort.

Development steps:

- CBT and Canadian Consulate to formulate discussion paper on this topic.
- CBT will provide this information to the NPCC for consideration.
- Consulate officials will attend the July 16th meeting between the CBT and NPCC in Cranbrook BC.
- Canadian Members of Parliament and MLAs will be in attendance on July 16th.
- July 16 Agenda: Brainstorm draft Forum outline.....open conversation on the need for this forum.....forum objectives..... workplan on getting the players to the table... roles of organizations...agree to dates.....finalize agreements on moving forward.
- Once a draft forum outline has been created the document will be used as a discussion piece to distribute to a wider group of potential participants/conveners of the forum.

Proposed Timeframe:

A preliminary target date of May 2005 for the Forum

Proposed Location:

Portland, Oregon – site of the US headquarters for several of the key agencies and organizations and center of US political interest in the issue.

Draft Forum Outline:

1) Proposed Objectives of the Forum

- Provide an educational forum for elected officials on the Columbia River Treaty, (history, current operations and future) with a specific emphasis on how the upcoming opportunity to terminate, renegotiate or renew the treaty will shape the economic, environmental and social future of the entire Columbia basin for generations to come.
- Provide education on the multi-faceted and multivalued nature of the water resources of the Basin with an emphasis on how these values have changed over forty years and how governments and communities are responding to these changes
- Identify the various options that could be outcomes during the renewal, renegotiation, termination of the treaty.
- Provide information that will assist the elected officials in dealing with policy issues around water in the Basin.
- Identify partnership opportunities or collaborative processes that can deal with these issues. Emphasis on transboundary approaches that are inclusive of a wide variety of groups and organizations and open and participatory in nature.

2) Target Audience

- Canadian Federal Members of Parliament
- Canadian Provincial Members of the Legislative Assembly
- US Federal Legislators
- State Governors
- State Legislators
-
- Key city, county and regional officeholders ?
- First Nations?
- Other?

3) Proposed Process/Format of the Forum

- “Elected Officials Panel” taking statements (receiving testimony) from experts/agencies and other qualified presenters. An ‘apolitical’ format requiring no formal public commitments from elected officials.
- The Proposed Model for the forum will be similar to US-style Congressional “Field Hearings” whereby political representatives can participate in the process by gathering information from a variety of expert sources on the ground and directly involved with the issues.
- One day meeting
 - Morning presentations: Basic education on the CRT (History, Current Operations, Future Options)
 - Luncheon Keynote speaker (Managing Water Systems across jurisdictions from an international perspective)
 - Afternoon presentations: “Mosaic of water use issues in the Basin”, “The complexity of managing the system and meeting current needs/values”, “What can we do better?”, “What may the future hold?”
 - Dinner session: “Loose Tie” session that allows the participants to openly discuss issues and ask questions of each other (facilitated)

4) Proposed presentation material

Note this is a very preliminary draft

Morning

- A hydrologic and geographic overview of the Columbia River Basin,
- Background information on hydro-electric development on the river prior to the Columbia River Treaty,
- The history and terms, current operations of the Columbia River Treaty itself, and the cooperative nature of the development of this bi-lateral Transboundary agreement.
- Review of the benefits derived by both nations through the Treaty over the last 40 years.
- An analysis of social, economic and environmental impacts over the past forty years.
- Potential options such as continuation, termination and renegotiation of existing conditions of the treaty
- Explore opportunities and challenges associated with each option.

Afternoon

- What we have learned about changing values around water in our region. An overview of the perspectives and values of the region in the 1960's compared to today.
- Current issues: 3 case studies will be highlighted. Columbia River Initiative Washington? Endangered Species Recovery in the US (Salmon Recovery)? Endangered Species Recovery in Canada? Current and Future Power needs in US and Canada? Increasing demands from a variety of sources (Power, Fish, Agriculture, Recreation, Domestic) for a finite supply of water? This section paints the mosaic of current issues and initiatives in the area of water.
- The Future. Given the current complex mosaic of demand on water, what are some potential processes that can be used to prepare the residents and various organizations and agencies on both sides of the border to undertake the task of re-negotiating the Columbia River Treaty? Specifically a process that includes meaningful participation by the residents and communities of the Columbia River Basin.

Evening

"Loose Tie" (facilitated)

Potential Presentations

Use the CBT CRT Options paper as a background.

CRT Operating Committee (CRT Entities)

NPCC/BPA Basin Planning Process?

Columbia River Initiative (In Washington)?

First nations: salmon?

U.S. salmon recovery?

Salmon/power/transportation/agriculture?

Future of BPA?

Other?

5) Anticipated Outcomes

- Initiate and help set terms of a clearly articulated transboundary dialogue re: CRT and the Basin well before treaty deadlines (avoid softwood and salmon mistakes).
- Help create new bilateral cooperative approach to transboundary water issues at a watershed/ecosystem level rather than traditional legalistic/treaty/political boundary approach. (Move away from IJC, not toward it)
- Build future of Basin management from the ground up, with full community and First Nations participation/buy-in.
- Create atmosphere for forward-thinking approach to future Basin water management, rather than falling back on old ideas and habits.

Breaking Down the Barriers to Ecosystem-Based Management in the Columbia River Basin

**May, 2006
Castlegar, British Columbia**

Conference Prospectus

Abstract - This Conference Prospectus provides a description of a proposal to convene a major international conference on ecosystem-based management of transboundary water, fish, and wildlife resources in the Columbia River Basin. As a follow-up to the three previous transboundary conferences, which were held in 1994, 1998, and 2002, it is proposed that this conference will be convened in May of 2006.

1.0 Introduction

The fourth in the series of transboundary conferences, ***Breaking Down the Barriers to Ecosystem-Based Management in the Columbia River Basin***, is intended to provide a major international forum for exchanging information and engaging in technical debates on a wide variety of issues related to transboundary management of water, fish, and other natural resources in the Upper Columbia River Basin. More specifically, the fourth transboundary conference will enable participants to share new information, to report on the progress that has been made on watershed planning and other ecosystem-based management initiatives, to build the partnerships needed to implement effective strategic planning processes, and to renew our shared commitment to sustainability in the Upper Columbia River Basin.

2.0 Background

In 1994, the Transboundary Group and its partners convened the Canada/United States Technical Workshop on the Upper Columbia River Basin: An International Dialogue to initiate an information-sharing process among First Nations, Native American Tribes, conservation groups, industry organizations, resource managers, policy makers, scientists and concerned citizens. Four years later, the second international workshop, Toward Ecosystem-Based Management in the Upper Columbia River Basin, was convened to develop a long-term vision for the future of this important transboundary river system and to formulate recommendations for fostering proactive aquatic resource management in the entire basin.

Building on the success of the 1994 and 1998 meetings, the Transboundary Group and its partners convened the third transboundary conference, entitled Toward Ecosystem-Based Management: Breaking Down the Barriers in the Columbia River Basin and Beyond, in 2002. In addition to providing opportunities for sharing information on a diverse array of topics related to the management of aquatic and terrestrial ecosystems, conference organizers challenged participants to identify the key barriers to implementing ecosystem-based management in the

Columbia River Basin. Some of the key barrier zones that were identified by conference participants included:

- Lack of adequate and stable funding for ecosystem management initiatives;
- Polarization of ecosystem management issues (i.e., environment vs. jobs);
- Lack of integrated, collaborative decision-making and engagement processes;
- Gaps and shortcomings in scientific data, protocols, and standards;
- Lack of leadership, stewardship, and accountability at all levels; and,
- Lack of public awareness, understanding, and support for ecosystem-based management (which is amplified by communication barriers).

To address these barriers, conference participants also offered a number of general strategies that, if further developed and implemented, would provide a basis for overcoming the most important constraints and transition toward ecosystem-based management in the Columbia River Basin. In addition, a number of conference participants provided more specific commitments for future action that would advance ecosystem-based management initiatives in the Columbia River Basin.

3.0 Conference Goals and Objectives

The conference organizers hope to achieve three primary goals by convening the fourth transboundary conference, including:

- Foster information exchange on key issues associated with management of water, fish, and wildlife resources in the Upper Columbia River Basin;
- Evaluate progress towards ecosystem-based management in the Upper Columbia River Basin; and,
- Further develop strategies for effectively breaking down the barriers to ecosystem-based management in the Upper Columbia River Basin.

In order to realize these three goals, conference planners have identified eight central conference objectives, including:

- Share information on watershed planning and related processes in Canada and the United States;
- Report on the progress that has been made on the specific commitments that were offered at the 2002 conference;
- Report progress on watershed planning processes in the Upper Columbia River Basin;
- Determine the factors that have led to the success or failure of watershed planning initiatives;
- Consult on the future of the Columbia River Treaty;
- Identify pragmatic strategies that will effectively and efficiently address the key barriers to ecosystem-based management;
- Effectively engage communities in the watershed planning and management process; and,

- Build the partnerships needed to support the implementation of ecosystem-based management in the Upper Columbia River Basin.

As such, the conference will represent an opportunity for policy makers, scientists, resource users, First Nations, tribal organizations, community groups, and concerned citizens to present information on ecosystem-based management, identify the factors that are contributing to the success of these initiatives, describe the challenges that we are facing in terms of fully implementing these programs (i.e., fragmentation of decision-making authority, scientific data and information, communication, and stakeholder relationships), and develop recommendations for further improving and coordinating these efforts in the future.

4.0 Program Focus

The Program and Agenda for the ***Breaking Down the Barriers to Ecosystem-Based Management in the Columbia River Basin*** conference will be developed cooperatively by the Steering Committee and Program Planning Committee that are assembled during the course of the project. Consistent with the structure of the earlier conferences in the series, the 2006 conference will be a three to five day event that consists of Plenary Sessions, Technical Sessions, and Work Group Sessions. The event will attract high profile speakers from both Canada and the United States. The conference will also provide opportunities for participating organizations to connect with other groups and convene meetings with their membership (i.e., technical committee meetings, council meetings, Annual Business Meetings, etc.). It is anticipated that 350 to 500 people will attend the event.

Participants at the 2002 conference indicated that a number of strategies are needed to transition toward ecosystem-based management, including increasing public outreach and education, conducting more focussed monitoring and research programs, building multistakeholder teams to create integrated subbasin management plans, incorporating local planning initiatives into broader watershed plans, and others. Considering the barrier zones and strategic priorities that were established in 2002, the following themes have been identified for consideration during the conference:

- Transboundary monitoring and management of TGP;
- Management of resident fish species;
- Jurisdiction fragmentation and approaches for advancing collaborative decision-making;
- Public outreach and education on ecosystem-based management;
- Grassroots public involvement in decision-making processes;
- First Nations treaties and natural resource management;
- The role of traditional knowledge in watershed management;
- Enhancing access to contemporary scientific information to support watershed planning;
- Formation and empowerment of watershed councils;
- Fostering the development of partnerships that support effective transboundary management (i.e., federal/state/provincial/tribal teams);
- Water use planning;
- Strategic planning to support watershed management;

- Preparation for renewal of the Columbia River Treaty;
- Evaluation of the effectiveness of subbasin level planning for fish and wildlife recovery (Lessons Learned);
- Economic and cultural considerations in ecosystem management;
- Implications of the Endangered Species Act and Species At Risk Act;
- Case studies (models) in ecosystem-based management; and,
- Building strategies for moving from planning to implementation.

5.0 Expected Outcomes

The 2002 transboundary conference provided participants with an opportunity to share information on a wide range of topics related to ecosystem-based management. In addition, key barriers to ecosystem-based management were identified as part of the overall conference agenda. Importantly, participants responded to the challenges that were identified by identifying more than 30 strategies that could be applied, both immediately and in the future. Participants also identified a number of activities that would be undertaken between 2003 and 2006 that would advance the prospect for ecosystem-based management in the Upper Columbia River Basin.

The *Breaking Down the Barriers to Ecosystem-Based Management in the Columbia River Basin* and successive conferences will build on the momentum of the 1994, 1998, and 2002 events. Some of the key anticipated outcomes of the 2006 conference include:

- Increased public awareness, understanding, and support for ecosystem-based management;
- Increased understanding of effective management processes that embrace the ecosystem approach, both within the Columbia River Basin and elsewhere;
- Enhanced access to the information and tools needed to effectively engage grassroots organizations in watershed planning and management processes;
- Clear understanding of the progress that has been made toward ecosystem-based management since 2002;
- A series of well-developed strategies for effectively addressing the key barriers that were identified in 2002; and,
- Renewal of existing connections and establishment of new partnerships that will enable the transition toward ecosystem-based management.

By engaging both decision-makers and the grassroots, we hope to build broad-based support for collaborative natural resource management and, in so doing, sow the seeds of change in the Upper Columbia River Basin.

6.0 Project Overview

The approach that was used to organize and convene the transboundary conferences in 1994, 1998, and 2002 will also be applied to this project. The key to the success of these earlier endeavours was the formation and empowerment of effective Steering and Program Planning

Committees. These committees will be responsible for completing a number of work plan tasks, including:

- Identifying participating organizations;
- Developing a prospectus for the conference;
- Establishing a Time and Place for the conference (and booking the facilities);
- Identifying key speakers and facilitators;
- Preparing and disseminating the Conference Prospectus and First Call for Papers, Second Call for Papers, and Final Call for Papers to representatives from all stakeholder groups, including First Nations, local government, provincial, and federal leaders, industry, and non-government organizations;
- Raising the funds necessary to support the organization and implementation of the event;
- Making the necessary local arrangements;
- Reviewing a wide range of watershed management processes to identify the key elements that support ecosystem-based management (i.e., identifying candidate strategies for overcoming key barriers);
- Developing the conference Agenda and Abstracts
- Convening the conference;
- Developing a proceedings report ;
- Distributing the draft report;
- Reviewing comments and finalizing the report; and,
- Publishing and distributing the report to conference participants and others.

7.0 Estimated Budget

The budget for this project is currently estimated at roughly \$180,000 US.

8.0 Potential Sponsors

As was the case for the previous conferences, access to (and ultimately the success of) the 2006 **Breaking Down the Barriers** conference will be enhanced by keeping registration fees for participants at manageable levels. Achieving this objective depends on the generosity of those organizations that understand the benefits of transitioning toward ecosystem-based management in the Upper Columbia River Basin. Some of the potential sponsors that have been identified to date include:

- B.C. Hydro;
- B.C. Water, Land, and Air Protection;
- B.C. Sustainable Development;
- Bonneville Power Administration;
- Columbia Power Corporation;
- Columbia Basin Trust;
- Environment Canada;
- Fisheries and Oceans Canada;
- Lake Roosevelt Forum;

- National Oceanic and Atmospheric Administration;
- Northwest Power and Conservation Council;
- Sustainable Fisheries Foundation;
- U.S. Environmental Protection Agency;
- U.S. Fish and Wildlife Service;
- Washington Department of Ecology;
- Washington Department of Fish and Wildlife; and
- Other Interested Organizations.

B.C. smelter dumped tons of mercury

Records show scope of river pollution

[Karen Dorn Steele](#)

Staff writer

June 20, 2004

A Trail, B.C., smelter at the center of a diplomatic dispute between the United States and Canada over Superfund cleanup has dumped tons of highly toxic mercury into the Columbia River over decades, newly obtained documents reveal.

The smelter's record of dumping millions of tons of contaminated slag has been known for years. But until now, little has been known about the extent of the smelter's mercury pollution.

An October 1981 memo from British Columbia's Ministry of the Environment describes extensive mercury releases from the Teck Cominco Ltd. smelter six miles north of the border with Washington. The memo and dozens of other documents on the big lead and zinc smelter were obtained by The Spokesman-Review under British Columbia's Freedom of Information and Protection of Privacy Act.

"Large amounts" of mercury – approximately 20 pounds a day – "have been deposited in the Columbia over many years by Cominco," the 1981 Canadian memo says. It notes that mercury in the river is a problem "due to the long time effects and strong potential for interboundary pollution."

Mark Edwards, Teck Cominco's manager for environment, safety and health, doubts the plant's releases in the early 1980s were that high. The company estimates the smelter released 9 pounds of mercury into the Columbia each day – and has since reduced releases to .07 pounds a day, Edwards said.

Calculations based on the two Canadian estimates show that between 1.6 tons and 3.6 tons of mercury were discharged to the river each year since the 1940s, when the smelter expanded for wartime production. It was built in 1896 but was much smaller at the turn of the century.

Washington state officials were surprised by the mercury numbers obtained by the newspaper. They have had only sporadic reports on mercury and other pollutants



Slag from the smelter contains heavy metals. (File/The Spokesman-Review)

discharged to the Columbia in Canada, said Flora Goldstein, director of the Washington Department of Ecology's toxics program in Spokane.

"We weren't aware of the quantities you are talking about. The province and the company have not been forthcoming about this," Goldstein said. In 1995, Ecology officials and their Canadian counterparts agreed to share more information on river spills.

Mercury is a highly toxic metal that can be inhaled, ingested or absorbed through the skin. It builds up in the tissues of fish. In sufficient doses, it can cause neurological damage to the developing brain of the human fetus, and it builds up in the breast milk of nursing mothers.

The Colville Confederated Tribes, which petitioned the U.S. Environmental Protection Agency in 1999 to study the pollution, has produced a new report that says the Trail smelter out-polluted all U.S. companies reporting discharges to American rivers and streams in the mid-1990s.

While only the "tip of the iceberg," the scope of the smelter's water pollution from 1994 to 1997 is amazing, said Valerie Lee, president and founder of Environment International Ltd., Seattle consultants to the Colvilles. Lee, an engineer and a Yale-educated lawyer, formerly prosecuted environmental cases at the U.S. Department of Justice.

"The Canadian government knew the Trail smelter was causing problems in the United States – and they did nothing. At the smelter, you have very lax standards, very frequent violations and no enforcement. In the United States, if we'd seen a pattern and practice like this, it would have been a criminal case," Lee said.

Teck Cominco's Edwards said he hadn't seen the Colville report and questioned the analysis.

"It's not necessarily a fair comparison. I doubt they are comparing apples with apples," Edwards said. "I don't have the impression that our practices were out of keeping with those of the day."

Top polluter

Teck Cominco officials are resisting a Dec. 11, 2003, EPA order to study the contamination, saying U.S. cleanup laws don't apply to them. They've offered an

alternative study that would sidestep Superfund cleanup regulations. U.S. and Canadian diplomats are discussing the standoff behind closed doors.

The Trail smelter dumped up to 13.4 million tons of heavy metals-tainted slag into the Columbia from 1896 to 1996, when Canadian regulators ordered a halt to the practice. The slag was carried downstream by the fast and free-flowing Columbia into Lake Roosevelt, the 130-mile impoundment of the river behind Grand Coulee Dam.

In July 2001, smelter operator Cominco Ltd. was merged with Teck Corp., a leading Canadian mining company, to form Teck Cominco Metals Ltd.

The Colvilles' report compares the smelter's total reported discharges of dissolved metals to the Columbia from 1994 to 1997 with discharges reported to the U.S. government's Toxic Release Inventory from U.S. companies to American surface waters in the same years. The consultants didn't analyze releases before 1994 and didn't look at airborne releases.

Teck Cominco "discharged to the Columbia River more arsenic, cadmium and lead than all U.S. companies reporting water discharges," the report says.

In 1994 and 1995, the discharges exceeded the cumulative totals for all U.S. companies for copper and zinc. Mercury discharges were less than the U.S. total, but they were equivalent to 40 percent, 20 percent and 57 percent of all the U.S. releases to water in 1995, 1996 and 1997, the report notes.

In 1997, Cominco built a new smelter at Trail that has helped reduce discharges by 99 percent. But monitoring reports show the company at times continues to exceed its Canadian permit limits for mercury and other heavy metals.

On 86 days between September 1987 and May 2001, Cominco reported spills, including 1,923 pounds of mercury. Cominco was charged twice over the spills in 1989 under Canada's Waste Management Act. It pleaded guilty and was fined \$30,000 by the Rossland Provincial Court.

Big spill

The B.C. documents from the early 1980s were obtained by the newspaper after a lengthy Canadian government review.

The documents were written in response to a huge spill of 6,300 pounds of mercury to the Columbia from March 19 to March 22, 1980, that Cominco didn't report

to authorities for five weeks. Some 15 tons of sulfuric acid also was released to the air, producing a "visible plume" on March 19, the Canadian ministry said.

The incident triggered a diplomatic protest from the United States, the documents show. After a protracted legal battle, the company was fined \$5,000 – Cominco's first fine. The province could have fined the company up to \$1 million.

"Cominco fought back hard. To that date, they'd never been convicted of any environmental offenses," said Don Skogstad, a Nelson, B.C., lawyer now in private practice who prosecuted the Cominco case for the province.

Shortly after the spill, mercury levels in Lake Roosevelt exceeded drinking water standards and mercury levels in walleye approached the Canadian safety margin of 0.5 micrograms per gram net weight, according to an October 1981 letter from Environment Canada to the B.C. Ministry of Environment.

Environment Canada urged the province to set stricter mercury discharge levels for the smelter.

That eventually happened, Edwards said.

"The contents and quantities of every (pollutant) have been systematically reduced through the permitting process," he said.

A summary report on the 1980 accident was written by R.H. Ferguson, director of pollution control for the B.C. Ministry's waste management branch. On March 19, 1980, plant workers noticed a problem with discharges from the No. 8 sulfuric acid plant's cooler stack and shut down the plant.

"When the bolts on the access manhole cover were loosened, sulphuric acid began to flow out," the report says.

It was flushed into a sewer "and eventually to the Columbia River" but wasn't tested for mercury, the report notes.

On April 18, after the company completed analysis of a routine sample taken from the sewer on March 25, an "abnormally high mercury concentration" was noted. The Columbia downstream of Trail also showed very high mercury concentrations. On April 25, Cominco finally reported the loss of an estimated 6,000 pounds of mercury to regulators.

Late notice

Ferguson recommended prosecuting Cominco for failing to comply with its 1978 discharge permit. He said the incident was caused by "a general lack of training, awareness and concern by all levels of staff within Cominco Ltd.'s Trail operations." He said it was "inexcusable" for Cominco to have cleaned out the tank without determining the composition of the material to be released to the river.

"Since the turn of the century, the Columbia River has been used by the company as a repository for a vast array of its highly contaminated wastes, sludges and accidental spills. The attitude of its employees that such discharges are legitimate and will not have adverse long-term environmental impacts on the Columbia River appears widespread," Ferguson wrote.

Carl Johnson, a B.C. regulator who formerly worked as a Cominco engineer, inspected the plant in April 1980 after the spill. In his report, he said he learned that the workers who cleaned up the sulfuric acid plant encountered "elemental mercury droplets" and had wiped them up with rags. Today, plant managers would require protective equipment and special vacuums to clean up mercury, Edwards said.

In May 1980, the U.S. State Department sent a terse diplomatic note to Canada's External Affairs Ministry. The United States "is greatly concerned that despite the known potential of mercury for causing injury to health and property, U.S. federal and state officials did not receive notice of this spill until April 25, five weeks after the incident occurred," the diplomatic note says.

The State Department asked for a full report and a technical analysis of the spill's impacts.

Canadian officials replied July 5, saying they also hadn't learned of the spill for five weeks. The same day the Canadian Department of the Environment was informed, it informed the EPA, they said.

Monitoring downstream showed an increase in mercury levels "which were nevertheless well within drinking water standards," the Canadian note said. It also said "appropriate action" was being taken.

Ferguson provided an update to the Washington Department of Ecology's John Spencer. He said mercury south of the smelter near the U.S. border "is primarily

attributable to historic discharge of slag from the metallurgical operations at Trail, rather than the recent acid cooler sludge spill."

Little information

Another B.C. official disagreed. Rick Crozier, a biologist with the environment ministry in Nelson, said the recent mercury increases in the sediments after the 1980 accident were "more than would be expected" from the slag deposits, which contain low levels of heavy metals.

In May 1980, the B.C. ministry tested fish south of the smelter. Rainbow trout tissue showed mercury levels twice Canada's .5 parts per million safety levels south of the plant. In July, further tests showed that sport fish had mercury levels under that level, but bottom-feeding squawfish had mercury levels of .79 ppm.

A year later, Canadian and U.S. officials met at Grand Coulee Dam to discuss mercury levels in Lake Roosevelt. "There appears to be little concern given to the large amounts of heavy metals which are settling on the reservoir bottom," a July 1981 Canadian government memo says.

The big mercury spill wasn't Cominco's only accident in the early 1980s. From March 1980 to October 1981, the plant also spilled 4,500 gallons of ammonia, 1,471 tons of sulfuric acid, 24 tons of phosphate and 9.5 tons of zinc into the river, according to the B.C. environment ministry. Company documents show that from 1980 to 1996, average discharges for dissolved metals were as high as 40 pounds per day of arsenic, 136 pounds of cadmium, 440 pounds of lead, 16,280 pounds a day of zinc and 9 pounds of mercury.

In October 1981, Environment Canada told the B.C. ministry that Cominco wasn't meeting its discharge limits and said "further action" was necessary. It cited the Boundary Waters Treaty with the United States, which says transnational waters "shall not be polluted on either side to the injury of the health or property on the other."

Following a July 1988 internal memo from senior toxicologist John Ward, B.C. officials debated whether to warn the public about elevated mercury levels in fish downstream of the smelter. They decided against a warning, saying people were probably safe if they only ate one meal of fish a week.

The following year, the Washington Department of Social and Health Services said more studies of Lake Roosevelt were needed because fish exceeding mercury levels had been found on the Canadian side of the border at Waneta.

Nobody had looked closely at Lake Roosevelt sediments.

Plan sidelined

A 1991-1993 report from the Columbia River Integrated Environmental Monitoring Program said water quality criteria for heavy metals, including mercury, were exceeded on the Canadian stretch of the Columbia south of the Cominco smelter. The metals concentrations were "highly variable," but were as much as 40 times greater downstream of the smelter than at any other location, the report said.

In the early 1990s, a Washington resident expressing concern about mercury in Lake Roosevelt contacted the EPA's regional office in Seattle. EPA emergency response coordinator Thor Cutler worked up a plan to investigate mercury in Lake Roosevelt sediments, but it wasn't pursued.

"It was a management call. At the time, it appeared that money was better spent on more immediate emergencies," Cutler said.

Cutler said he had "no knowledge" of Teck Cominco's pollution legacy or the amounts of mercury that the Canadian smelter was putting into the river – including the 1980 spill of 6,300 pounds.

After the 9,000-member Colville tribe petitioned EPA to determine whether Lake Roosevelt should be declared a Superfund site, EPA did a preliminary survey. In March 2003, the EPA said it had found widespread industrial pollution in sediments throughout the upper Columbia, including elevated lead levels near Northport, high mercury levels near Kettle Falls and high zinc levels near the border with Canada.

After EPA issued its unilateral order to Teck Cominco in December to start studies under U.S. Superfund standards, Cominco offered to spend up to \$13 million but maintains it's not subject to Superfund.

According to Inside EPA, a trade publication, Canadian officials are proposing a new bilateral panel to develop a cleanup plan under the Boundary Waters Treaty of 1909. A Freedom of Information Act request for the Canadian proposal was rebuffed by the State Department, which said all documents on the diplomatic talks are "predecisional" and therefore confidential.

The Canadians are awaiting a response from the U.S. government, Edwards said.

Meanwhile, the EPA is using Superfund dollars to move ahead with its own study of Lake Roosevelt and the upper Columbia, said EPA project manager Cami Grandinetti. An examination of mercury levels is part of the study, she said.

EPA has hired experts in CH2M Hill's Spokane office and will have a work plan by the fall. It will take two to four years to define the pollution problems, Grandinetti said.

Lake Roosevelt deserves a thorough Superfund study, including an analysis of Teck Cominco's airborne pollutants from its tall stacks at Trail, a second pollution pathway that hasn't been examined, said Lee, the Colville consultant.

"I have no doubt that the mercury in Lake Roosevelt is from Teck Cominco – from both pathways. Our analysis so far tells us this area is a cause for concern to tribal populations and anyone who eats more fish than folks in Iowa," Lee said.