

## **CRT Negotiator Jill Smail's Remarks for Virtual Public Listening Session April 19, 2023—As prepared**

Good evening. It's a pleasure to be here with you and to see so many familiar names on the registration list.

As the leader of the U.S. negotiating team, I would like to recognize the many Tribal leaders who have shared their views and time over the last several years. I also want to give a full-hearted thanks to the following Tribes who provided technical support through expert-advisors in our preparations, negotiating sessions, and other meetings with Canada:

1. The Coeur d'Alene Tribe;
  2. the Confederated Tribes of the Colville Reservation;
  3. the Confederated Tribes of the Umatilla Reservation;
  4. the Kootenai Tribe of Idaho; and
  5. the Spokane Tribe of Indians.
- We recognize that, in addition to the sovereign governments of the Tribes seeking to protect their resources, there are a wide range of interests in U.S. Columbia River operations.
  - We appreciate the expert information received from hydropower stakeholders, those who transport goods along these waters, those who use them for recreation, the agricultural community whose crops are sustained by these waters, and those who work so hard to ensure a sustainable environment for salmon and other aquatic life.
  - The United States has made significant investments in infrastructure that support the regional and national economy including hydropower, agriculture, recreation, and navigation.
  - We also recognize that the U.S. and Canadian economies in the Pacific Northwest are intertwined, with both countries benefitting from U.S. infrastructure investments in those sectors.

- This interconnected nature of the Basin makes it incumbent on us to work together to be good stewards of these precious resources.
- The most recent formal negotiating session took place last month in Washington, DC and the next session will take place in Kelowna, British Columbia May 16-17.
- Between sessions we meet with the Canadians virtually, sometimes in small groups working through technical issues and often with the full negotiating teams.
- In our March round, we continued to discuss managing flood risks after the Treaty regime changes in September 2024, including preplanned flood risk management.
- We discussed strengthening cooperation to support aquatic life and the biodiversity of the Columbia River Basin – as well as ongoing salmon reintroduction studies by the Upper Columbia United Tribes and their counterparts in Canada.
- We also discussed the interface between our coordinated hydropower operation and Canada’s desire for greater flexibility in Treaty dam operations.
- In all sessions and meetings, we are guided by the “2013 U.S. Entity Regional Recommendations to which many of you contributed.”
- Our goals remain: 1) to maintain a predictable and adequate level of flood risk management space in Canadian reservoirs; 2) to rebalance the Canadian Entitlement, which is the power benefit the United States sends to Canada; 3) to improve our coordination on ecosystem issues, including support for salmon migration in the Basin.

- Let me explain the flood risk management piece a bit more. In September 2024, absent an updated agreement, the United States will lose access to flood risk management space in Canadian reservoirs that is built into projected dam operations.
- This is known as preplanned flood risk management. As a reminder, half of the space, or 20 million acre feet of 40 MAF, the Corps of Engineers relies on every year is in Canada.
- Adequate pre-planned flood risk management provides both countries with greater operational predictability. This predictability enables both countries to manage more effectively for the environment and economic purposes.
- Again, the U.S. is seeking an agreement that includes preplanned flood risk management space.
- However, absent an agreement, the existing Treaty regime enables the United States to minimize flooding in the United States through real time calls on Canadian reservoirs.
- The downside to relying on real time calls for flood risk management are the unplanned operational disruptions that will impact both countries.
- Regarding rebalancing the Canadian Entitlement, which is the power benefit the United States sends to Canada: The original equations for these power benefits under the Treaty favored Canada, and this imbalance has become greater over time.
- To be sustainable over the long term, we are looking at how the power benefits achieved through coordination can be equitably shared going forward.

- Finally, the United States is seeking to improve our coordination on ecosystem issues, including strengthening flows to support salmon migration in the Basin through a long-term agreement as opposed to the year-to-year negotiation we have today.
- Since the 1990s we have been using the Treaty regime to provide one to one-and-a-half Million Acre Feet of water for salmon migration. We aim to bring greater certainty to these flows for salmon and create opportunities in the future for additional flows to benefit the ecosystem.
- We are also working with the Tribes as they continue to work on the Upper Columbia United Tribes Phase 2 Implementation Plan, exploring where there may be opportunities for transboundary collaboration on salmon reintroduction in blocked areas on the mainstem of the Columbia.
- In January, in a public statement, which was later underscored by President Biden and Prime Minister Trudeau’s meeting in March, we said the United States is seeking an “agreement in principle” in the months ahead.
- That means we believe we can get to a “meeting of the minds,” on the core issues and can use that consensus as a basis for agreement text regarding implementation beginning in September 2024.
- Going forward, we have another in-person negotiating session planned for May and then another in August, if necessary. We also have several virtual meetings planned in the interim to maintain momentum toward a modernized agreement.
- Resolving the remaining sticking points by June is ambitious, but the United States believes it is achievable.

- We have made significant progress. Although we still have some tough issues to work through, we believe the uncertainty facing both countries in 2024 will continue to motivate both countries' teams to reach a timely agreement.
- Thank you for your time and attention today and I look forward to hearing from you.