

1 SENATE RESOLUTION NO. 55
2 INTRODUCED BY M. CUFFE

3
4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF
5 MONTANA OPPOSING ARTICLE 13 OF THE COLUMBIA RIVER TREATY AND ANY RIGHT TO DIVERT
6 1,500,000 ACRE-FEET OF WATER FROM THE KOOTENAI RIVER TO THE COLUMBIA RIVER AT CANAL
7 FLATS, BRITISH COLUMBIA.

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9 WHEREAS, negotiations on the Columbia River Treaty are ongoing prior to automatic changes in the
10 release of water based on the original agreement that was ratified in 1964 and has served both the United
11 States and Canada well; and

12 WHEREAS, a new agreement is expected before September 2024.

13 WHEREAS, Article 13 of the treaty gives Canada the "right" to divert up to 1.5 million acre-feet of water
14 a year from the Kootenai River to the headwaters of the Columbia River at Canal Flats, British Columbia, about
15 100 miles above the United States border. The diversion would occur where the Kootenai is pure snowmelt
16 from the Rocky Mountains west of the Continental Divide; and

17 WHEREAS, Lake Kooconusa is the reservoir behind Libby Dam and is mostly filled by inflow from the
18 Kootenay River, as it is spelled in Canada. The Elk River, which carries a significant amount of selenium from
19 the coal mines in southeast British Columbia, enters the upper portion of Lake Kooconusa just north of the
20 international border. The diversion of 26% of pure flow would greatly increase the concentration of selenium in
21 Lake Kooconusa, most of which lies in Montana; and

22 WHEREAS, the concentration of selenium in Lake Kooconusa and the Kootenai River is a subject of
23 serious concern to both nations, Montana, and Idaho. Restrictive standards are currently in the process of
24 being established or implemented. Clearly this is of major environmental concern, even involving the
25 International Joint Commission on Boundary Waters, and any diversion would be detrimental; and

26 WHEREAS, a diversion would be devastating to terrestrial and aquatic life in and around the Columbia
27 River, the Kootenai River, and Lake Kooconusa. Losing 26% of the Kootenai River volume would lead to a
28 serious reduction in hydropower from the Libby Dam, negatively impact recreation on and around Lake

1 Kooconusa, harm fishing on the Kootenai River, and add to reproductive problems for the white sturgeon, which
2 spawn below Kootenai Falls near Libby, Montana.

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4 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF
5 THE STATE OF MONTANA:

6 That the 68th Montana Legislature, representing all citizens of Montana, requests that Article 13 and
7 the right to divert water from the Kootenai River to the Columbia River at Canal Flats be removed in the
8 modernization of the Columbia River Treaty language.

9 BE IT FURTHER RESOLVED that the Secretary of State send copies of this resolution to President
10 Joe Biden, the Montana Congressional Delegation, the United States Secretaries of the Interior and Energy, the
11 United States Army Corps of Engineers, Chief Negotiator Jill Smail at the United States Department of State,
12 Bill Leady at the Bonneville Power Administration, Governor Greg Gianforte, and Mike Milburn and Doug Grob
13 at the Northwest Power and Conservation Council.

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