

No. 7894. TREATY BETWEEN CANADA AND THE UNITED STATES OF AMERICA RELATING TO CO-OPERATIVE DEVELOPMENT OF THE WATER RESOURCES OF THE COLUMBIA RIVER BASIN. SIGNED AT WASHINGTON ON 17 JANUARY 1961¹

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT² RELATING TO THE ABOVE-MENTIONED AGREEMENT — “SPECIAL OPERATING PROGRAM FOR CANADIAN STORAGE” (WITH ANNEX). OTTAWA, 30 DECEMBER 1968 AND 26 FEBRUARY 1969

Authentic texts: English and French.

Registered by the United States of America on 3 February 1970.

I

DEPARTMENT OF EXTERNAL AFFAIRS CANADA

No. X-697

Ottawa, December 30, 1968

Excellency,

I have the honour to refer to the Treaty between Canada and the United States of America relating to the co-operative development of water resources of the Columbia River Basin signed at Washington on January 17, 1961³ which entered into force on September 16, 1964 and in particular to Article XIV.4.

The construction of the dam near the outlet of Arrow Lakes, British Columbia, under the terms of Article II.2 (b) of the Treaty, has been completed to a stage where storage to elevation 1404 feet in the Lower Arrow Lake can be operated for power purposes during the period April 1, 1968 to March 31, 1969 in conjunction with the fully operative storage near Duncan Lake, British Columbia, specified in Article II.2 (c) of the Treaty, and in accordance with the special arrangements agreed to between the United States and Canadian entities as described in the attached document entitled “Columbia River Treaty Special Operating Programme for the

¹ United Nations, *Treaty Series*, vol. 542, p. 244, and annex A in volumes 592 and 685.

² Came into force on 26 February 1969, with effect from 1 April 1968, in accordance with the provisions of the said notes.

³ United Nations, *Treaty Series*, vol. 542, p. 244.

Canadian Storage during period April 1, 1968 through June 30, 1969". Coverage of the April 1, 1969 to June 30, 1969 period for both the Duncan and Arrow Storages is included in the Special Operating Programme to bring the operation to the start of a July 1 to June 30 operating year, a period which normally includes a complete cycle of high and low river flows.

The entities have agreed that they will be free to make changes from time to time to the documents referred to in sub-paragraphs (a) to (d) inclusive of paragraph 2 of the Special Operating Programme within the framework of Article XIV of the Treaty and, similarly, to develop within this framework the Flood Control Operating Plan referred to in the final sub-paragraph of paragraph 2 of the Special Operating Programme. It is expected that the entities will have agreed to this plan by December 31, 1968.

I have the honour to propose that this Special Operating Programme, as set out in this Note and in the Annex to this Note, and the agreement of the entities in regard to the manner in which paragraph 2 of the Special Operating Programme should be interpreted as set out in this Note, be hereby made effective and be hereby confirmed by our two Governments and that the two entities be hereby empowered and charged, pursuant to Article XIV.4 of the Treaty to proceed on the basis hereinbefore stated.

I have the honour further to propose that if this proposal meets with the approval of the Government of the United States of America, this Note which, together with its attachment, is authentic in English and French, and your reply shall constitute an agreement between our two Governments relating to the Treaty, with effect from April 1, 1968.

Accept, Excellency, the renewed assurances of my highest consideration.

Mitchell SHARP

Secretary of State for External Affairs

His Excellency the Honourable Harold Francis Linder
Ambassador of the United States of America
Ottawa, Ontario

26 February 1968

COLUMBIA RIVER TREATY: SPECIAL OPERATING PROGRAM FOR CANADIAN STORAGE
DURING THE PERIOD 1 APRIL 1968 THROUGH 30 JUNE 1969

1. INTRODUCTION

Prior to 1 April 1968, the Canadian Storage is to be operated in accordance with the "Special Operating Program for the Duncan Reservoir for the Period April 30, 1967 through March 31, 1968," agreed by the Governments of Canada and the United States through an Exchange of Notes dated 8 and 18 May 1967¹.

The Arrow project will be completed sufficiently to permit closure and operation of partial storage for power purposes in the operating year 1968-69. It is scheduled to become fully operative for flood control by about 15 December 1968. The Canadian and United States Entities agree that, during the period 1 April 1968 through 30 June 1969, the Canadian Storage will be operated in accordance with this Special Operating Program; and agree that a predetermined share of downstream power benefits will be delivered to the Canadian Entity as described herein.

2. REFERENCES

The Canadian and United States Entities have agreed on the following related documents:

- (a) "Principles and Procedures for the Preparation and Use of Hydroelectric Operating Plans for Canadian Treaty Storage," dated July 25, 1967, hereinafter referred to as the "Principles and Procedures;"
- (b) "Special Operating Plan for Duncan Reservoir during the Period 1 August 1967 through 31 July 1968," dated 5 December 1967, hereinafter referred to as the "Special Operating Plan for Duncan;"
- (c) "Interim Flood Control Operating Plan for Duncan Reservoir 1967-68," dated 8 December 1967, hereinafter referred to as the "Flood Control Plan for Duncan;"
- (d) "Program for Initial Filling of Arrow Reservoir Fully Operative April 1, 1969," dated July 26, 1967, hereinafter referred to as the "Program for Initial Filling of Arrow."

¹ United Nations, *Treaty Series*, vol. 685, p. 418.

In addition, it is expected the Entities will have agreed to the Flood Control Operating Plan for Columbia River Treaty Storage by 1 September 1968, hereinafter referred to as the "Flood Control Operating Plan."

3. DUNCAN RESERVOIR

(a) *Operating Rule Curve*

For the period 1 April 1968 through 31 July 1968, the Operating Rule Curve for Duncan storage will be that developed for the Special Operating Plan for Duncan.

For the period 1 August 1968 through 30 June 1969, an Operating Rule Curve will be developed for Duncan storage in accordance with the Principles and Procedures. The Entities will agree on the Critical Rule Curve for this operating year by 1 July 1968, and on the Assured Refill Curve and the procedures to develop Variable Refill Curves by 1 September 1968.

(b) *Flood Control Operating Rules*

Flood control operating rules for the Duncan Reservoir for 1967-68 will be established in accordance with the Flood Control Plan for Duncan. The operating rules for 1968-69 will be established in accordance with the Flood Control Operating Plan.

4. ARROW RESERVOIR

On or about 1 February 1968, closure will be made of the earthfill portion of the Arrow dam and water will be diverted through the discharge works of the dam. The top elevation of the earth dam at that time will be about 1380 feet, and it is scheduled to be constructed to 1410 feet by 1 April 1968. Construction to the full crest elevation of 1459 feet is scheduled to be completed by 1 July 1968. Until the flood hazard of the 1968 flood is passed, the natural flows less any involuntary storage will be passed through the 8 low-level ports and over uncompleted rollways of the 3 sluiceways and the completed rollway of the fourth. Construction of the remaining uncompleted rollways and the control works are scheduled for completion by 15 December 1968.

When the flood hazard has passed and after consultation with the U.S. Entity, the Canadian Entity at its discretion will install stoplogs in the uncompleted sluiceways and will operate the reservoir by controlling flows through the 8 low-level ports with the objective of attaining a water surface elevation of 1404 feet in Lower Arrow Lake by 31 July 1968. If storage content to this elevation has not been attained by 31 July 1968, any fillings during August will be as agreed by the Entities.

During the 1968 flood the Canadian Entity will use its best effort to preclude adding to the flood hazard downstream from Arrow reservoir.

Arrow will become partially operative for power purposes under this Special Operating Program commencing 1 August 1968, and until 1 April 1969 will be operated for power with a storage content not to exceed that of elevation 1404 feet except as provided under subsection (e) below.

Under present scheduling, Arrow will be made fully operative for flood control in accordance with the Treaty as soon as possible and presently expected to be about 15 December 1968.

(a) *Operating Rule Curve*

For the period 1 August 1968 through 31 March 1969, an Operating Rule Curve will be developed in accordance with the Principles and Procedures. The Entities will agree on the Critical Rule Curve for this period by 1 July 1968, and on the Assured Refill Curve by 1 September 1968.

For the period 1 April 1969 through 30 June 1969, the Operating Rule Curve for Arrow storage will be the same as that developed in accordance with the Program for Initial Filling of Arrow. The Entities will agree on the requirements for this Operating Rule Curve by 1 September 1968.

(b) *Flood Control Operating Rules*

Flood control operating rules for the Arrow Reservoir for 1968-69 will be established in accordance with the Flood Control Operating Plan.

(c) *Canadian Share of Downstream Power Benefits*

As a result of the operation of Arrow Reservoir under this Special Operating Program, power benefits will result at hydroelectric plants downstream in the United States. The Entities are agreed, subject to the Arrow Reservoir being filled to elevation 1404 feet prior to 1 September 1968, that the Canadian Share of these power benefits after allowing 5 per cent transmission losses on capacity and energy to the United States — Canadian border is 158 mw of firm capacity and 86 average mw of energy during the period 1 April 1968 through 31 March 1969.

(d) *Adjustment of Canadian Share for Storage Content below elevation 1404 feet*

If the storage content of Arrow Reservoir has not reached a controlled elevation of 1404 feet in Lower Arrow Lake prior to 1 September 1968, the Canadian Share of the downstream capacity and energy benefit will, if desired by either party, be redetermined for the maximum controlled storage content attained in a manner consistent with the original determination and adjusted at 1 September 1968 to the redetermined amounts. The redetermined energy share during the period 1 September 1968 through 31 March 1969 will be further adjusted to reflect any over-delivery

made in the period 1 April through 31 August 1968; provided however, if any over-delivery in the period 1 April 1968 through 31 August 1968 was made from surplus United States energy, such over-delivery will, at the request of the Canadian Entity, be transferred at the appropriate rate to the credit of the Bonneville Power Administrator in the exchange energy account between British Columbia Hydro and Power Authority and the Bonneville Power Administrator, and will be excluded from the further adjustment described above.

(e) *Additional Energy Benefit from Storage Content above elevation 1404 feet*

If, by agreement of the Entities, controlled storage content above elevation 1404 feet has been achieved by 1 September 1968, energy in addition to the Canadian Share in amounts agreed by the Entities will be delivered to Canada.

(f) *Delivery of Canadian Share*

Commencing 1 April 1968, and continuing until 31 March 1969, the Bonneville Power Administration shall deliver at Blaine, Washington, to the B. C. Hydro and Power Authority the Canadian Share. The Canadian Share of energy shall be delivered in weekly amounts as scheduled by the B. C. Hydro and Power Authority in the amounts of 102 average mw during the period 1 April 1968 through 31 October 1968 and 86 average mw during the period 1 November 1968 through 31 March 1969. The capacity benefits will be 158 mw during the period 1 April 1968 through 31 October 1968 and 110 mw during the period 1 November 1968 through 31 March 1969. If the Canadian Share is reduced in accordance with subsection 4 (d), the delivery of the Canadian Share will be adjusted to reflect such reduction. Further exchange of the Canadian Share of energy and capacity benefits may be made as agreed by the Entities.

The wheeling charge to be paid by the B. C. Hydro and Power Authority to the Bonneville Power Administrator for delivery of the Canadian Share in each month will be 0.237 dollars (U.S.) per kilowatt multiplied by the maximum hourly rate in kilowatts at which delivery at Blaine of the Canadian Share is scheduled in that month.

(g) *Delayed Deliveries*

If deliveries of energy are delayed due to uncontrollable forces or scheduled facility outage, such deliveries shall be made at a time and at a rate agreed by the Entities.

5. OPERATIONS

During the period 1 April 1968 through 31 July 1968, the Duncan Reservoir will be operated for power purposes in accordance with the Special Operating Plan for Duncan and for flood control purposes in accordance with the Flood Control Plan for Duncan.

For the period 1 August 1968 through 30 June 1969, an Operating Rule Curve for the whole of the Canadian Treaty Storage will be prepared by combining the Operating Rule Curves for Duncan and Arrow Reservoirs and the actual operation of the whole of the Canadian Treaty Storage for power purposes will be guided by this Operating Rule Curve in accordance with Section 22 of the Principles and Procedures.

Flood control operation of the Duncan Reservoir during 1968-69 and of the Arrow Reservoir following Arrow becoming fully operative will be in accordance with the Flood Control Operating Plan.

6. APPLICABILITY OF TREATY

This document is subject to the provisions of the Treaty.

II

The American Ambassador to the Secretary of State for External Affairs of Canada

EMBASSY OF THE UNITED STATES OF AMERICA

No. 39

Ottawa, February 26, 1969

Sir:

I have the honor to refer to your Note No. X-697 of December 30, 1968, and the document attached thereto, concerning the Special Operating Programme for the Canadian storage at the projects specified in Article II (2) (c) and II (2) (b) of the 1961 Columbia River Treaty.

I wish to advise that the Government of the United States accepts the proposals set forth in your Note and agrees that your Note and attachment, together with this reply, shall constitute an agreement between our two Governments relating to the Treaty with effect from April 1, 1968.

Accept, Sir, the renewed assurances of my highest consideration.

Harold F. LINDER

The Honorable Mitchell Sharp
Secretary of State for External Affairs
Ottawa