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U.S., Mexico Sign Landmark Water-Sharing Agreement for Colorado River

By Carlos Navarro

The US and Mexico have signed a landmark agreement by which the two countries will share and manage water from the Colorado River, allowing them to better respond to drought and other environmental challenges.

In negotiating the five-year agreement, Mexico sought reassurances that it would continue to receive 1.85 billion cubic feet of water from the Colorado River annually. Therefore, the new agreement does not change the terms of the 1944 Water Treaty that sets water-sharing quotas for the Rio Grande and the Colorado River. Disagreement on perceived treaty noncompliance has created tensions between the US and Mexico in recent years.

The new agreement, announced in San Diego, California, on Nov. 20, gives the two countries more flexibility and creates a mechanism to avoid disputes. After five years, the two sides will meet to review the results and decide whether to extend the accord.

Under terms of the accord, the two countries will share in both water surpluses and shortages. During drought years in the US, less water will be sent to Mexico. In exchange, Mexico will also have the right to draw additional water beyond its 1.5 million acre-feet allocation if Lake Mead fills above a certain level.

Negotiations on the agreement—formally known as Minute 319 (Acta 319)—were led by US and Mexican representatives of the International Boundary and Water Commission (IBWC), the agency responsible for managing shared water resources and the boundary between the US and Mexico. Mexican IBWC commissioner Roberto Salmón told reporters that the two sides agreed to leave intact existing provisions in water agreements dealing with the Colorado River, the Rio Grande, and the Tijuana River. His US counterpart, Edward Drusina, said the new accord

would help authorities in both nations gain insights for future agreements to "better manage water resources on the Colorado River for decades to come."

The agreement also expands the time frame for an emergency humanitarian agreement negotiated in 2010, known as Minute 318 (Acta 318). Under that agreement, which was set to expire in 2013, Mexico would be allowed to store some of its unused water allocation in Lake Mead because of damage to its water and electrical infrastructure caused by a fairly severe earthquake in Baja California in April 2010. The magnitude 7.2 quake forced many growers in the Mexicali Valley to let thousands of hectares of land stand fallow because of a shortage of irrigation water.

The extension was granted because Mexico has had difficulties completing repairs on the damaged infrastructure. But Minute 319 goes one step further, granting Mexico about US\$21 million in US assistance to repair damaged canals and pumps and implement improvements to its irrigation system. In exchange for the aid, the US will be guaranteed about 124,000 acre-feet of water created by the new system's efficiencies.

Agreement could reduce potential conflicts

US Interior Secretary Ken Salazar described the new agreement as the most important adjustment to rules on the Colorado River since the inception of the 1944 treaty. "The Colorado River, in so many ways, makes us one people, and together we face the risk of reduced supplies in years ahead," the interior secretary said at ceremony announcing the agreement. Also present at the ceremony were José Luis Luege Tamargo, director of Mexico's Comisión Nacional del Agua (CONAGUA), and Julián Ventura, deputy secretary for North American affairs at the Secretaría de Relaciones Exteriores (SRE).

Salazar said he was hopeful that the new accord would end the water conflicts that have caused so much tension for users on both sides of the border. "More than ever, we are working together in times of drought as well as in times of abundance. We will cooperate to share, store, and conserve water as needed."

The interior secretary said the accord shows an evolution toward cooperation among all parties with a stake in the Colorado River and could represent an "international model" for other riversharing negotiations, such as those involving the Rio Grande. "We have chosen collaboration over conflict," Salazar said.

There was a similar sentiment on the Mexican side, with Luege Tamargo calling the agreement "the beginning of a new stage in water relations" between Mexico and the US.

Representatives of other agencies agreed with the comments of the US and Mexican officials. "We are not just neighbors with Mexico, we are true partners," said US Bureau of Reclamation commissioner Michael Connor. "Even though we are two separate nations, we do share one water supply," said Jeanine Jones, an official at California's Department of Water Resources. "We do have to work together to get better together."

Not everyone happy

Despite the positive comments from US and Mexican officials, however, some opposition to the agreement exists. In the US, the Imperial Irrigation District (IID), which controls legal rights to three-fourths of California's allocation of Colorado River water, refused to endorse the deal after a deadlocked vote on Nov. 16. The decision reflected resistance from the Metropolitan Water District of Southern California to the Imperial District's efforts to bank surplus water in Lake Mead.

In Mexico, the Confederación Nacional Campesina (CNC) raised concerns about the possibility that Mexico could lose control of its water resources over the period covered by Minute 319. "The [potential] loss of our water for five years would have a negative impact on the economic activity of the residents of the Mexicali Valley, since ejidos [communal farms] and communities there need this resource," local CNC leader Francisco Porras Medrano told the daily newspaper La Voz de la Frontera.

Porras Medrano said the CNC had recruited representatives from local ejidos and other agriculture interests in the area to participate in a series of meetings to discuss their concerns about the agreement. The CNC and other affected agriculture interests also plan to bring their concerns to the Baja California state government and the federal government. "In recent days, campesinos and ejido representatives have joined us in a common front to forge a strategy to defend our rights," said Medrano.

Joint investment on infrastructure a big plus

Opposition to the agreement appears to be small, however. And officials are quick to point out other benefits. Under the accord, the two countries also agreed to pursue joint projects intended to expand water and environmental infrastructure along the western border between the US and Mexico. Many of these projects will be financed through the US Environmental Protection Agency (EPA).

The agreement also includes a commitment to pursue construction of desalination plants, including a proposed facility for Playas de Rosarito. The proposed facility has drawn some opposition from environmental advocates in the US, but experts in Mexico and an official for a

binational infrastructure-funding agency are open to the facility as long as the plant is environmentally sustainable.

In addition, the agreement contains language by which both countries pledge to provide "expedited consideration" to resolving issues that may arise should an agency submit plans to build a *diversión* connected to the All-American Canal in the Imperial Valley so water could be delivered to Mexico's Colorado River-Tijuana aqueduct in an emergency.

A move by US authorities in 2006 to resurface about 80 miles (130 km) of the All-American Canal was the source of many conflicts between the two countries. The move was intended to reduce seepage in the canal that runs just north of the eastern portion of California's border with Mexico. The problem is that much of that seepage would end up as groundwater in Mexico. Despite legal challenges from Mexico and US environmental organizations, a ruling from the US Ninth Circuit Court of Appeals in 2007 allowed the canal resurfacing to proceed as scheduled.

Colorado River Delta to be restored

Environmental advocates also welcomed provisions in the new agreement to allocate some water to restore and protect the ecosystems of the Colorado River Delta in Mexico by preserving the area's wetlands. Because of extensive water usage upstream, the river often dries up before reaching the Gulf of California. The situation has endangered a number of species of wildlife in the area, including migratory waterfowl.

"It is paradoxical that the Colorado stopped running consistently through the delta at the end of the 20th century, which—according to tree-ring records—was one of the basin's wettest centuries in 1,200 years. Now dozens of animal species are endangered; the culture of the native Cocopah (the People of the River) has been devastated; the fishing industry, once sustained by shrimp and other creatures that depend on a mixture of seawater and freshwater, has withered. In place of delta tourism, the economy of the upper Gulf of California hinges on drug smuggling operations that run opposite to the dying river," Jonathan Waterman, autor of *Running Dry: A Journey From Source to Sea Down the Colorado River*, said in an opinion piece published in *The New York Times* in February of this year.

Under the agreement, the US and Mexican governments will join with environmental organizations from both countries to provide enough water, about 106,000 acre-feet, to mimic a flood event that scientists believe will ultimately help replenish the delta.

"Working together to find solutions rather than going through conflict is really exciting," said Osvel Hinojosa, director of the water and wetlands program for the Ensenada, Baja California-based organization Pronatura Noroeste, which played a key role in helping negotiate the agreement.

The various parties will continue providing set amounts of base flows to keep the delta from drying up again, at least during the five-year life of the pilot program.

This element "is very important in that it's not only the delivery of the water but a test to see how the system responds hydrologically and ecologically," Hinojosa told The San Diego Union Tribune.

Jennifer Pitt of the Environmental Defense Fund, which provided input during the negotiations, agreed that the five-year pact represents a major milestone for the effort to restore the environment of the Colorado River Delta. "Restoration will be critical to all wildlife in the Sonoran Desert, where the river is really an oasis," Pitt said. "It is also critical to the communities that have lost their connection to the river."