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## **Mexico, Environmentalists Oppose U.S. Decision to Resurface California Canal**

*by LADB Staff*

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One of the most important issues that surfaced at the Fourth Annual World Water Forum in Mexico City was the potential for escalating conflicts about water (see article in this issue of SourceMex). This dispute about water rights has already come to the forefront in bilateral relations between the US and Mexico during the last couple of decades.

At the center of the dispute is the interpretation of a 1944 Water Treaty, in which Mexico agreed to release water from the Rio Grande to farmers and communities in Texas in exchange for water from the Colorado River. Most recent disputes have involved Mexico's failure to live up to its end of the bargain, with the US insisting on payment even during years of drought (see SourceMex, 2001-04-18, 2003-07-16 and 2005-04-07).

The latest dispute involves water from the Colorado River, although there is no disagreement regarding the measurable amounts of water that the US is releasing to Mexico. The controversy centers on a decision by the US government to reinforce a portion of the 80-mi (130-km) All-American Canal, constructed in 1928 to supply water from the Colorado River to irrigate about 700 sq mi (1,813 sq km) of crops in California's Imperial Valley. The canal runs just north of the eastern portion of California's border with Mexico.

The move to reinforce 23 mi (37 km) of the canal was authorized by Congress in 1988, but the project remained stalled for many years for administrative and legal reasons (see SourceMex, 2002-04-17). Officials of California's Imperial Irrigation District estimate that rebuilding the 37-km stretch of the canal could prevent 67,000 acre-feet of seepage a year. Roughly 90% of the canal's seepage ends up in Mexico, said Enrique Villegas, environmental protection secretary for Baja California state.

### ***Move focused on urban development***

Critics say resurfacing the canal is intended to promote urban development in the US at the expense of small-scale farming and wetlands in Baja California. As part of the project, the US plans to construct a diversion channel that will send water to the San Diego metropolitan area, which will supply about 135,000 new homes.

Among those filing lawsuits in July 2005 to stop the project were the California-based environmental organizations Citizens United for Resources and the Environment and Desert Citizens Against Pollution, which claimed that reducing the water allowed to flow into Mexico from the canal would cause irreparable damage to wildlife in coastal areas of Baja California. The other major party in the lawsuits was the Consejo de Desarrollo Economico de Mexicali, which attempted to stop the project on behalf of farmers in the Mexicali Valley.

The Mexicali business council warned that paving the canal would reduce water flow into Mexico by about 72 million cubic meters per year, or about 10% of the total flows, causing irreparable damage to area farmers who grow alfalfa, cotton, onions, and other crops on about 13,000 hectares of land.

In their lawsuits, the plaintiffs claimed that by paving the canal the US government was in effect unilaterally "seizing" water intended for Mexico. They pointed to the 1944 Water Treaty, which specifies that any changes to the total allocation of water from the Colorado River to Mexico should be made through bilateral consultations.

### *US Court decision opens door for project to proceed*

The lawsuits were heard by a US District Court in Nevada, which in February of this year dismissed seven of eight counts, virtually opening the door for the project to proceed. "It is very disappointing that the judge believes the US can steal our water without due process simply because we are Mexicans," said Rene Acuna, executive director of the Mexicali council. The Mexicali business interests and farmers will get another chance to reverse the project, with another hearing scheduled on April 24 in a federal court in Las Vegas, Nevada.

The Mexican federal government and Baja California authorities have joined with the Mexicali interests in challenging the decision to pave the canal. "The US is violating terms of the 1944 water treaty, which specifies that neither the US nor Mexico can take a unilateral action that will affect both sides of the border," said federal Deputy Fernando Ulises Adame, who chairs the water resources committee (Comision de Recursos Hidraulicos) in the Chamber of Deputies.

Adame and other key members of Congress have asked President Vicente Fox's' administration to intervene in the dispute. Baja California Gov. Eugenio Elorduy Walther joined other critics in pointing out that the water diverted through paving the canal will primarily benefit an urban area. "It is unacceptable that this unilateral decision will have such negative social, environmental, and economic problems for Mexico," said Elorduy, a member of the center-right Partido Accion Nacional (PAN).

Residents of rural California are siding with their counterparts from the Mexicali Valley. In January, the city council in Calexico, California, voted to oppose the project. Supporters said the move reflected the opinion of many farmers in the Imperial Valley. "I'm a farmer and those guys are farmers," Tom Brundy told the Associated Press. "I'd hate to have it happen to me." (Sources: [www.wikipedia.org](http://www.wikipedia.org); El Universal, 02/01/06; Notimex, 02/15/06, 02/17/06; The Herald-Mexico City, 02/17/06; Reforma, 02/14/06, 02/16/06, 02/17/06, 02/22/06, 03/11/06; La Cronica de Hoy, 03/17/06; La Jornada, 03/10/06, 03/18/06; Associated Press, 02/12/06, 02/16/06, 03/13/06, 03/19/06)

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