

June 17, 2010
Ciudad Juárez, Chihuahua

Minute No. 317

**CONCEPTUAL FRAMEWORK FOR U.S.-MEXICO DISCUSSIONS ON
COLORADO RIVER COOPERATIVE ACTIONS**

The Commission met at the offices of the Mexican Section in Ciudad Juarez, Chihuahua at 10:00 a.m, on June 17, 2010 to discuss the conceptual framework for cooperative actions and mechanisms between the United States and Mexico on the Colorado River.

The Commissioners observed that Articles 10, 11 and 15 of the United States – Mexico Treaty for Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande, signed February 3, 1944, allot a portion of the Colorado River waters to Mexico and stipulate that specified deliveries shall be made by the United States. Additionally, they noted that Article 24, paragraph (a) of the Treaty specifies additional powers and duties of the Commission, including "To initiate and carry on investigations and develop plans for the works which are to be constructed or established in accordance with the provisions of this and other treaties or agreements in force between the two Governments dealing with boundaries and international waters...."

The Commissioners referred to Minute No. 242, entitled "Permanent and Definitive Solution to the International Problem of the Salinity of the Colorado River," signed August 30, 1973, which states under Resolution 6 that "the United States and Mexico shall consult with each other prior to undertaking any new development of either the surface or the groundwater resources, or undertaking substantial modifications of present developments, in its own territory in the border area that might adversely affect the other country." They also referred to Minute No. 306, entitled "Conceptual Framework for United States-Mexico Studies for Future Recommendations Concerning the Riparian and Estuarine Ecology of the Limitrophe Section of the Colorado River and its Associated Delta," signed December 12, 2000, which recognizes each country has laws and regulations concerning the preservation of riparian and estuarine system habitat that are executed by authorities that are provided such responsibility in their respective country. Pursuant to Minute No. 306, the Commission established a framework for cooperation between the United States and Mexico through the development of joint studies that include possible approaches to ensure use of water for ecological purposes in the Colorado River limitrophe reach and its associated delta, and created a forum for the exchange of information and advice among the different government and non-governmental organizations with an interest in the

affected areas. As part of this forum, a list was developed of proposed activities and projects pertaining to the Colorado River estuary and riparian ecology from the limitrophe reach down to the river delta.

The Commissioners further referred to the Joint Statement issued by the United States and Mexico on August 13, 2007, which states that the Commission should be utilized to expedite discussions to further the cooperation between the United States and Mexico on issues related to the Colorado River.

The Commissioners also referred to the Joint Declaration on Colorado River Issues signed by the U.S. Secretary of the Interior and Mexico's Ambassador on January 15, 2009, in which they applauded the efforts of the Commission "to help identify cooperative and innovative measures that both countries could implement consistent with the provisions of the 1944 Treaty to help ensure that the Colorado River is able to continue to meet the needs of both nations." They further indicated both governments' support of these efforts "to identify innovative opportunities for water conservation, storage, supply augmentation, and environmental protection, which are viewed as complementary to the mission of the Department of the Interior and the respective Mexican ministries, consistent with the provisions of the 1944 Treaty."

The Commissioners similarly noted the interest expressed by non-governmental organizations and the states in the Colorado River Basin in the United States and in Mexico to participate in a binational dialogue about Colorado River cooperative actions. The Commissioners recognized the benefit, both for the United States and Mexico, in formalizing an inclusive process that would explore initiatives and the development of cooperative actions and mechanisms that could benefit Colorado River water users in the United States and Mexico.

The Commissioners observed that during the discussions carried out under the auspices of the Commission within the context of the Colorado River joint cooperative actions between the United States and Mexico, several projects and initiatives of interest to both countries were identified by the binational Core Group, which were divided among four binational Work Groups: Water Conservation, New Water Sources, System Operations, and Environmental. The Commissioners also noted that both countries are eager to explore opportunities for binational cooperative projects that: minimize the impacts of potential Colorado River shortage conditions; generate additional volumes of water using new water sources by investing in infrastructure such as desalinization facilities; conserve water through investments in a variety of current and potential uses, including agriculture, among others; and envision the possibility of permitting Mexico to use U.S. infrastructure to store water.

In this context, the Commissioners agreed to establish a binational Consultative Council, composed of representatives of the Commission, the respective federal governments and the basin states, to facilitate consideration of the legal, administrative and

policy matters associated with these issues. The binational Consultative Council may receive assistance from the binational Core Group and any binational Work Group that it considers relevant.

The Commissioners considered that the details for any initiatives of mutual interest and those projects that implement said initiatives may be formalized in subsequent specific Minutes.

Based on the above, the Commissioners submit the following resolutions for the approval of both federal Governments:

1. The Commission shall continue to develop a conceptual and practical framework for the discussion, joint study, research and evaluation of cooperative measures that could benefit both countries. As part of this process, the Commission will establish a binational Consultative Council as described above.
2. The Commission will coordinate, through the binational Core Group and the binational Work Groups, the exploration and evaluation of potential areas of cooperation and the consideration of projects or initiatives of interest to both countries, which focus on the initial topics of water conservation, identifying new water sources, improving hydraulic and hydrologic system operations, and identifying water for environmental purposes, taking into consideration the views and recommendations of the binational Consultative Council.
3. The Commission, through the process established in this Minute, shall in particular explore opportunities for binational cooperative projects that: minimize the impacts of potential Colorado River shortage conditions; generate additional volumes of water using new water sources by investing in infrastructure such as desalination facilities; conserve water through investments in a variety of current and potential uses, including agriculture, among others; and envision the possibility of permitting Mexico to use U.S. infrastructure to store water.
4. The exploration of joint cooperative opportunities shall seek to benefit both countries, promote sustainable management of water in the Colorado River Basin, and define mechanisms under which the two countries may share the costs and the benefits of projects and initiatives that are identified, always on the understanding that any action or mechanism agreed upon shall be consistent with the objectives of the 1944 Water Treaty.
5. All activities undertaken pursuant to this Minute shall be subject to the availability of funds, resources, and corresponding personnel, as well as to applicable laws and regulations in each country.

INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO.

...4

6. This Minute shall enter into force when the Government of the United States of America and the Government of the United Mexican States have each provided written notification through its respective Section of the Commission of its approval.

The meeting was adjourned.



Edward Drusina, P.E.
United States Commissioner



Adolfo Mata
United States Section Secretary



Roberto F. Salmón Castelo
Mexican Commissioner



José de Jesús Luevano Grano
Mexican Section Secretary