

**Colorado River Delta Briefing
18 September 2007
Fort Mason – San Francisco, CA
Meeting Summary**

Introduction

A diverse group of approximately 50 people including representatives from NGOs, foundations, and government agencies from Mexico and the U.S. gathered on September 18, 2007 at Fort Mason in San Francisco to discuss conservation and restoration activities and opportunities in the Delta of the Colorado River and the Lower Colorado River the (“Delta”). The purpose of the briefing was to discuss current activities and partnerships in the Delta and to explore the suite of potential strategies and alliances for strengthening and advancing these activities (a list of speakers and participants is attached).

Mr. Juan Elvira Quesada, Secretary of Mexico’s Federal Ministry of the Environment and Natural Resources (Secretaría de Medio Ambiente y Recursos Naturales or SEMARNAT), opened the session. He indicated that the Colorado River Delta and Upper Gulf of California are important ecosystems and priority conservation areas for Mexico and President Felipe Calderon Hinojosa’s administration. President Calderon is eager to establish bi-national partnerships to carry out the range of proposed conservation and restoration actions in the Delta. Secretary Elvira’s presence and participation in this briefing is a tangible demonstration of the Mexican government’s interest in, and support for the Delta.

Importance of the Delta to the Colorado River

Dr. Exequiel Ezcurra indicated that the Delta has changed dramatically over the last two decades – from presumed “dead” to a demonstrably resilient ecosystem. Research published over the past 20 years shows that the Delta continues to support both endangered wildlife and native peoples.

On behalf of the Kwapa (“People of the River”), Mr. Colin Soto indicated that the Delta is their home and that the small amount of water that remains continues to sustain the Kwapa people — if the river dies, they will die.

Unique Partnership for Success

Mr. Gaston Luken emphasized that Mexico is undergoing a process of profound change, grappling with impacts of poverty, changing bi-national relations with the United States, and globalization. It is challenging to reconcile the need to provide jobs and promote economic prosperity with the need to maintain a healthy environment. Environmental protection and ecological sustainability are new concepts in Mexico. Previously, these objectives were seen as luxuries for wealthier nations, but increasingly Mexican society is recognizing that economic prosperity and environmental health go hand in hand. The challenge is that acting upon this realization requires time, while poor people, business investors, and elected officials want immediate results.

Mr. Luken noted that the success of the on-going restoration efforts in the Delta is due largely to binational collaboration and partnerships involving science, society, and government. Governmental authorities, NGOs, scientists, and local residents are developing and adapting a wide variety of tools for the unique circumstances of the Delta.

On-the-Ground Restoration

Conservationists and scientists from the U.S. and Mexico presented several ongoing ecological restoration efforts in both countries, all of which are community- and partnership-driven.

In the U.S., the Yuma Crossing National Heritage Area will soon complete a 500-acre restoration project in the Yuma East Wetlands, transforming what was extremely degraded habitat into valuable riparian and marsh wetland habitat. This success is now being replicated in the Limitrophe area (the stretch of the Colorado River that serves as the U.S.-Mexico border) via the Hunters Hole Restoration Pilot Project. This will restore more than 450 acres in both the U.S. and Mexico, and will address border security and community economic development as well as habitat creation. The manager of the U.S. Bureau of Reclamation's Yuma office described how pumped groundwater could support these restoration activities. This pilot will pave the way for long-term efforts to restore the entire 23-mile limitrophe reach of the Colorado.

Pronatura Noroeste, the Ecological Association of Colorado and Hardy River Users, and the Sonoran Institute described how local capacity for restoration is being developed in Mexico through small community-based restoration projects along the Colorado and Hardy rivers, totaling about 65 acres. In addition to enhancing habitat values, restoration of these sites provides multiple community benefits, including reduced trash, reduced crime, and improved recreation and eco-tourism opportunities. In Mexico, linking restoration to economic development and engaging local community members into the restoration effort is critical to ensure that restoration is sustainable over the long term.

Significant expansion of the restoration effort depends on additional funding as well as resolution of some specific legal and regulatory issues, including the concession of federal lands for restoration and the establishment of a water regulated zone, which ensures that water and land dedicated for conservation is used for such purposes. For the next two to five years, about \$2.5 million is needed to permanently acquire 5,000 acre-feet per year of water for conservation and to actively restore over 250 acres of riparian habitat and passively restore an additional 4,150 acres of riparian and wetland habitat.

Recently, a binational group of scientists and conservationists led by Dr. Karl Flessa from the University of Arizona identified opportunities to initiate restoration efforts in the Colorado River's estuary, with the goal of providing spawning habitat for shrimp, corvine, totoaba, and other estuarine species, and supporting small-scale fishing by indigenous peoples and other local fishermen. The group is developing a "mini-estuary," through the installation of culverts in an existing check dam to release freshwater into targeted areas. The research will be collecting data before and after the controlled release of water from the check dam to determine if the release

had an effect on the physical conditions of the estuary and its wildlife. This demonstration project will ultimately assist in the design of a comprehensive estuarine restoration plan.

Legal and Policy Framework

Management of the Colorado River's water resources in the United States is governed by "The Law of the River," a complex bundle of state and federal law and regulations, interstate compacts, court decisions, and international Treaties. The Law of the River is flawed both in that it allocates more Colorado River water than is available, and also in that it does not expressly include a mechanism for bi-national cooperation to deliver water to the Delta. A new legal framework proposed by the seven U.S. basin states offers a fundamental shift in U.S. management of Colorado River water in the following ways. First, it encourages coordinated reservoir management to maximize the amount of water available. Second, it proposes specific shortage-sharing guidelines that may minimize the need for emergency rationing. Third, it provides mechanisms to save water and to sell or trade this water ("Intentionally Created Surplus") to other water users who may "bank" it for multiple years in Lake Mead and use it to meet other community or conservation needs. These mechanisms have tremendous potential, if extended to Mexico in new international agreements, to mitigate shortages and create critical pulse flows for the Delta.

Hoping to capitalize on the seven basin states' agreement, Environmental Defense and the Sonoran Institute have convened an informal bi-national working group, comprised of conservation organizations, key state and local government officials, and water users, to explore opportunities to improve Colorado River management in the bi-national context, as a means to broaden the bi-national dialogue beyond the immediate need to discuss Mexico's shortage allocation. This working group will define projects that benefit stakeholders on both sides of the border, such as conservation and efficiency investments, water exchanges, coastal desalinization, and salinity management. This working group may lay the foundation for proposals for bi-national management projects, including delivery of water to the Delta, to be considered in diplomatic conversations between federal agencies in Washington, D.C. and Mexico City.

Progress has also been made to establish the necessary policy mechanisms in Mexico to support restoration of the Delta. Based on the new National Water Law in Mexico, which for the first time recognized the environment as a valid water user, these mechanisms include water trusts that may purchase and hold water rights, concessions of federal land for restoration, and water regulated zones that ensure surface and groundwater dedicated to meet environmental purposes is actually used for such purposes. Pronatura has established a water trust specifically for the Colorado River Delta, and 350 acre-feet per year have already been acquired for the trust. Land concessions (1,000 acres) are pending, and Mexico's National Water Commission (Comisión Nacional del Agua or CONAGUA) is finalizing the technical studies for a water regulated zone for the entire Colorado River basin in Mexico.

In addition, the state of Baja California has agreed that 30 percent (approximately 12,700 acre-feet per year) of the effluent from Mexicali's Las Arenitas Wastewater Treatment Plant will go to the Hardy River. This is the first time in Mexico that there has been a negotiation of this type and represents a fundamental shift in policy.

Final Remarks

Mr. Beto Bedolfe noted that not only is the Delta not dead, but the opportunities for conservation and restoration are enormous. The policy mechanisms to protect and restore the Delta are falling into place, though bi-national agreements are necessary. New constituencies are emerging that benefit economically from conservation and will support Delta restoration. Water acquisition to secure a base flow (51,000 acre-feet per year) is a top priority, but investors need to proceed carefully and progressively to prevent affecting the market and creating political backlash. A multi-pronged approach (acquisition, leasing, agricultural and municipal efficiencies, and changes in agricultural practices) is needed. Securing a base-flow for the river is achievable with \$9.5 million (at a current cost of \$185/acre-foot). In the last year in Mexico, the cost of water has risen substantially (15 percent) so there is a need to act quickly. The time is right and small investments in the Delta can have tremendous positive impacts.