SLIDES: Transboundary Solutions: A Water Trust, Policy, and Environmental Flows for the Colorado River Delta

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Transboundary Solutions

A Water Trust, Policy, and Environmental Flows for the Colorado River Delta

CU/Natural Resource Law Center
June 4, 2009

finding the ways that work
Morelos Dam:
last diversion point on the Colorado River
Transboundary Solutions

Colorado River Delta Water Trust

I – Water for the mainstem: transboundary riparian restoration

II – The Ciénega de Santa Clara: protecting a wetland and preventing an international dispute

PS: who foots the bill?
Water Trust for the Restoration of the Colorado River Delta
Conservation Priorities
in the
Colorado River Delta
Mexico and the United States
## Trust acquisitions

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<th>Total m3</th>
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Plus an additional USD $248,000 (NFWF and Packard)
Colorado River Delta Restoration: Moving forward!

• Allocation of water is feasible
• Large-scale protection of the floodplain is feasible
• Resilient ecosystem: restoration is feasible
• Beneficial for regional economy
Restoration Requires Instream Flows

- Irrigated, off-channel restoration is expensive, labor intensive
- Requires continued ‘gardening’ in absence of natural hydrologic regime
- Conservation strategy includes baseflows and pulseflows
Flows Below Morelos Dam 1950-2008

transboundary solutions
Trust to Create Delta Instream Flows

- Baseflow of 2 cms (50,000 af/year) – Trust goal to acquire in 5 years

- Occasional pulse flow of 100-200 cms for several weeks (260,000 af/year)
  - requires storage – Mexico has none
  - new policy mechanism needed
US-MX agreement?

- Room for improvement on CO River
- Surplus, All American Canal, and Drop 2 viewed by MX as problems/failures
- 2007 shortage guidelines anticipate MX participation
- Some US water users with “urgent” needs to augment supplies
- e-flows not yet addressed in delta
Binational Negotiations

• IBWC initiated 2007
• Federal and state governments, US
  LB urban wholesalers, NGOs
• Work in progress
Binational Negotiations

- Conservation in Mexico
- ‘New Water’ via desal in Mexico
- Mexican participation in shortage management
- Environmental Flows
Lake Mead Storage for Mexico?

- ‘Intentionally Created Surplus’ created in 2007 Interim Guidelines
- ICS provides for multi-year storage in Mead
- Coalition of NGOs worked to define “Conservation Before Shortage” alternative with proposed Mexican participation in ICS
- ROD limited to domestic policy but EIS contemplated Mexican ICS and opened door to negotiations
Intentionally Created Mexican Allocation?

Bank conserved Mexican water in Lake Mead for:

- Exchange with US water users
- Shortage supply for Mexico
- Occasional pulse flows for Mexico via Water Trust
On the other hand... the Yuma Desalting Plant
Colorado River

USA

MEXICO
Proposed 2009 YDP Pilot

• Under NEPA review, but US does not at present recognize need to assess or mitigate transboundary impacts

• Two key problems:
  – Harm to Cienega
  – Disruption of binational negotiations
“Fill the Hole”

• EDF and ProNatura proposed use of Water Trust to acquire some of the water needed to maintain quantity and quality of flows to Cienega

• Trust commitment conditioned on equal match from both US and MX governments

• Agreement from US and MX via IBWC
Delta Water Trust is creating solutions but who pays?

- Trust has raised significant funds from private donors as well as some from government wildlife programs
- Is that sustainable?
- Trust provides vehicle for US water users to avoid diplomatic problems and environmental harms (notwithstanding legal requirements)
- Is there a model where the beneficiary pays?