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INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO
MEXICAN SECTION

(SEAL Secretariat of Foreign Relations)

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Ciudad Juárez, Chih.
September 6, 2000

Eng. Carlos Marin
Principal Engineer
International Boundary and Water Commission
The Commons Building C, Suite 310
4171 North Mesa
El Paso, Texas 79902-1422

Dear Eng. Marin:

I refer to the Interim Criteria for the declaration of excess flows in the channel of the Colorado River, as well as to the binational technical meeting last August 31st at Las Vegas, Nevada in which we reviewed the information provided to the Mexican Section concerning the results obtained from the models for the alternatives considered in the said criteria.

In this regard, I have the pleasure of forwarding to you the comments of the National Water Commission regarding the negative impacts which the implementation of the said criteria would provoke in the area of influence in our country in the next 15 years.

1 As the Mexican delegation advised during the referenced meeting, regardless of the fact that all the alternatives guarantee the delivery of 1.5 million acre-feet in 100% of the years, the probability of the delivery to Mexico of the additional 200,000 acre-feet volume is less in all the alternatives (30-34%), compared to the historical probability of 35%. Also, the probability that there will be excesses in the Colorado River downstream of Morelos Dam on average is 18%, well below the historical average (38%). The above, considering annual flows greater than or equal to the 1,000 million cubic meters (810,714 acre-feet) per year, equivalent to an average annual flow of 30 cms (1,059 cfs).

2 The above data obtained from the simulation are higher than those which would be obtained with the models for the actual conditions (September 1, 2000).

3 Based on the above, if it is true that the agricultural users would have only a slight impact in the next 15 years (using the higher table), the greater adverse impact would be felt in the environmental conditions downstream of Morelos Dam to the Sea of Cortez.

4 It is a fact that the values in the simulation are lesser than those recorded, nevertheless, considering the last 20 years during which the two major dams were already in operation, the percentages for excess flows downstream of Morelos Dam are much greater (50%), so that the comparison should be made using these data given that they are the result of the actual system of dams on the Colorado River.

5 cont'd below The alternative which presents the highest values for frequencies and results less damaging to Mexico is the

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1: See response to Comment 11-13 regarding additional deliveries to Mexico.

2: It is unclear what this comment means by "actual conditions." Reclamation used data and models accepted as the most representative currently available.

3: The delivery of water to Mexico under all modeled condtions in this FEIS was consistent with the requirements of the Treaty. The diversion and use of such Treaty water is solely at Mexico's discretion. The delivery of excess flows to Mexico occur when flows available in the Colorado River exceeds the amount needed to meet the beneficial water needs of Lower Basin users in the United States. It is not within Reclamation's discretionary authority to make unilateral adjustments to water deliveries to the international border.

4: See response to Comment 31-8 for a discussion of the Index Sequential Method of modeling. A direct comparison with historical values is not representative, since current and projected depletions are greater than those in the past.

5: Comment noted. See response to Comment 57-158 for a discussion of the change in excess flows to Mexico.

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5 cont'd "Six State" one, with which we find: 100% lower table, 33% higher table and 18% excess flows downstream of Morelos Dam with flows greater than 1,000 million cubic meters (810,714 acre-feet) per year, equal to an average annual flow of 30 cms (1,059 cfs).

6 Based on the above, I reiterate Mexico's concern given the perspective of decreased excess flows downstream of Morelos Dam due to the fact that part of these is used to leach agricultural lands which prevents the increase in the salinity of 200,000 hectares of cultivation in the Mexicali Valley. Also, there would be very heavy negative effects on the Mexican aquifer with the quantity and quality impacts on the under river channel recharge.

7 Finally, let me reiterate to you that the Government of Mexico is not in agreement in that the proposed plan be put into practice without considering the measures that would be implemented to mitigate its impact in Mexican territory, as well as the request that the environment be considered as a user of the excess flows that are declared in the Lower Colorado River Basin.

I take this opportunity to reiterate to you the assurances of my most distinguished consideration.

Sincerely,
(Signed)
Gilberto Elizalde Hernández
Principal Engineer

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6: See response to Comment 56-16.

7: See response to Comment 56-16. Also, the U.S. Section iterates that the United States Government does not assume any obligation to mitigate for adverse impacts in Mexico. At the same time, the U.S. Section observes that the IBWC consultations with Mexico are a forum to receive comments from the Government of Mexico and provide for technical discussion to carry out, in the context of comity, joint cooperation projects in support of the Colorado River riparian ecology to the Gulf of California that would have a benefit to the US and Mexico. Reclamation is working with the IBWC through the consultation process to identify joint cooperation projects. Mechanisms that the Department of the Interior, and particularly the Bureau of Reclamation, have been working on include the Joint Declaration and the follow-up conference held October 11, 2000, in Washington, D.C. Regarding the Colorado River delta area, Reclamation is also actively participating in the Fourth Technical Work Group (Delta Task Force). It is a bi-national group working to conduct a joint baseline study of the water and natural resource conditions in the Cienega de Santa Clara and the adjoining lowermost part of the delta of the Colorado River which utilizes the resources of participating agencies in monitoring, field work, photography and data exchange.