

MINUTE NO. 291

JULY 16, 1994

SAN DIEGO, CALIFORNIA

IMPROVEMENTS TO THE CONVEYING CAPACITY OF THE INTERNATIONAL BOUNDARY SEGMENT OF THE COLORADO RIVER

The Commission met at 10:00 a.m. on July 16, 1994, in the offices of the United States Section at San Diego, California to review the conveyance capacity of the Colorado River channel in the reach from its confluence with the Gila River to its mouth at the Gulf of California and specifically to consider emergency sediment removal measures in the Morelos Dam area and establish short, medium and long term recommendations for adoption by both countries for improvements to conveying capacity in this referenced reach.

The Commissioners noted the authority in Article 13 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 for the Commission to prepare plans for flood control in the Lower Colorado River, both in the United States and Mexico, between Imperial Dam and the Gulf of California, and to report to the two governments, through a Minute, regarding the works that should be constructed, an estimate of its costs and the part of the works corresponding to each government

The Commissioners also observed that Article 20 of the 1944 Water Treaty stipulates that, "... The two Governments shall, through their respective Sections of the Commission, carry out the construction of works allotted them. For this purpose, the respective Sections of the Commission may make use of any competent public or private agencies in accordance with the laws of the respective countries...." The U.S. Commissioner advised that in the United States, the Bureau of Reclamation (USBR) of the U.S. Department of the Interior (USDOl) is the appropriate river control agency for the Colorado River and the Mexican Commissioner advised that in Mexico, the National Water Commission (CNA) of the Secretariat of Agriculture and Hydraulic Resources (SARH) is the appropriate river control agency for the Colorado River in Mexico.

At the same time, the Commissioners pointed out that the two Governments in Minute No. 217, "Clearing of the Colorado River Channel Downstream from Morelos Dam", dated November 30, 1964, established an initial vegetation clearing program for 40 miles (64 km) of the Colorado River downstream of Morelos Dam to assure conveyance, between the levees, of the design flood of 140,000 cfs (4,000 cms).

The Commissioners referred to the records of Gila River flood of 1993 noting a mean daily high of 25,000 cfs (710 cms) was registered at the Northerly International Boundary (NIB). They also referred to measurements for suspended sediment at the NIB hydrographic station, or an estimated 14,624,000 cubic yards (11,179,000 cubic meters) between January and

October 1993. They noted that this suggests an impediment to the passage of normal and flood flows in the Colorado River at Morelos Dam and contributed sediment accumulation in Mexico's intake canal.

The Mexican Commissioner noted that under these sediment conditions in the Colorado River in the Morelos Dam area, and its canal intake there is a risk that Mexico may not be able to make full use of Colorado River waters corresponding to Mexico. In view of this, both Commissioners agreed to consider the need for emergency measures to remove an amount of sediment that will permit Mexico to adequately divert waters corresponding to Mexico.

The Commissioners then noted the information of the USBR and CNA, provided to the Commission at a technical meeting held on November 15, 1993 at Morelos Dam, that each agency has sediment removal equipment operating in nearby waterways within its jurisdiction. In particular, CNA in view of the emergency situation at Morelos Dam, has contracted for the removal of 1,569,448 cubic yards (1,200,000 cubic meters) of sediment from its intake canal to accelerate this work and conclude it in an opportune manner.

The Commissioners then considered it necessary to also accelerate studies in the study reach of the Colorado River from Imperial Dam to the Gulf of California, to define flow conveyance conditions that require correction, especially sediment control, to present analyses of alternatives to correct deficiencies, to recommend work and costs corresponding to each country and recommend schedules for undertaking flood control plans contemplated by Article 13 of the 1944 Water Treaty, including operation and maintenance costs.

Based on the above considerations, the Commissioners submit the following resolutions for approval of the two Governments:

1. Regarding the emergency measures, the United States and Mexico at their respective expense, in the earliest time possible, will mobilize similar capacity equipment to carry out the work simultaneously, the sediment removal equipment operating in nearby waterways within their respective jurisdictions to perform sediment removal immediately upstream of the Morelos Dam flood control gates and downstream of the dam's intake canal diversion gates. The Government of Mexico, through the National Water Commission (CNA), has initiated and will continue the removal of sediment downstream of the diversion gates in the principal intake canal where the removal of 1,569,448 cubic yards (1,200,000 cm) of sediment has already been contracted.

2. Also, as part of the emergency work, the United States Bureau of Reclamation (USBR), acting on behalf of the United States Government will remove sediment in the Mexican part of the Colorado River from Morelos Dam to the Northerly International Boundary (NIB). Because of the above, Mexico for this time only and without setting a precedent will acquire and prepare a disposal site along the right bank of the Colorado River, immediately upstream of Morelos Dam with the understanding that the USBR initially will deposit the sediment outside the Ockerson Levee, and Mexico will prepare a site in Mexico for permanent disposal of the sediments outside the Ockerson Levee. The operational aspects will be coordinated in the field by the International Boundary and Water Commission (IBWC) representatives in Yuma, Arizona and Mexicali, Baja California and the USBR and CNA.

3. The United States Section, in the earliest time possible and no later than 90 days from the day that this Minute enters into force, will present to the Mexican Section the alternatives, developed by the proper authorities in the United States to improve the conveyance capacity of the Colorado River from the mouth of the Gila River to Morelos Dam. Such alternatives would consider sediment removal and deposit of the material in the United States and a goal of undertaking the proposed actions in the earliest time possible consistent with applicable laws in the United States.

4. The Commission, should this be necessary, will coordinate efforts such that one agency may perform the work assigned to the other in accordance with stipulations in this Minute, such that the country for whom the work is performed will fully reimburse the other agency the cost of the work undertaken by that agency. For this purpose, that agency will in advance of the work, deposit in a bank in Yuma, Arizona or Mexicali, Baja California, an amount equal to the estimated work or a line of credit in favor of the IBWC from which corresponding payments would be made through the respective Section of the Commission based on work performed.

5. Regarding the short, medium and long term measures, the IBWC shall give greater priority to the studies in the reach of the Colorado River from Imperial Dam to the Gulf of California, to define before the end of 1994, flood conveyance conditions that require correction, especially sediment control to present analyses of alternatives to correct deficiencies, to recommend work and costs corresponding to each country, and recommend schedules for undertaking the flood control plan as provided in Article 13 of the 1944 Water Treaty, including its operation and maintenance costs. Any works recommended by the Commission in such studies shall be undertaken only upon the approval of the two Governments. Such activities would be subject to appropriation of necessary funds to carry them out.

6. This Minute requires the specific approval of the two Governments and shall enter into force on the day that the two Sections notify one another of this approval.