

INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO.

Tijuana, Baja California
October 5, 2015

MINUTE NO. 320

**GENERAL FRAMEWORK FOR BINATIONAL COOPERATION ON
TRANSBOUNDARY ISSUES IN THE TIJUANA RIVER BASIN**

The Commission met at the Centro Cultural Tijuana facilities in Tijuana, Baja California at 6:00 p.m. on October 5, 2015 for the purpose of considering the general framework for binational cooperation between the United States and Mexico on transboundary issues in the Tijuana River Basin.

LEGAL CONTEXT

The Commissioners referred to Article 16 of the "United States-Mexico Treaty for Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande," dated February 3, 1944, which stipulates with respect to the Tijuana River, "In order to improve existing uses and to assure any feasible further development, the Commission shall study and investigate, and shall submit to the two Governments for their approval: ... (2) Plans for storage and flood control to promote and develop domestic, irrigation and other feasible uses of the waters of this system."

The Commissioners observed that Article 3 of the same Treaty states that joint use of international waters "shall be subject to any sanitary measures or works which may be mutually agreed upon by the two Governments, which hereby agree to give preferential attention to the solution of all border sanitation problems."

The Commissioners observed that Article 24, paragraph (a) of said Treaty specifies among the powers and duties of the Commission, "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...."

ORGANIZATION AND MANAGEMENT

The Commissioners noted that governmental and non-governmental organizations in the United States and Mexico are interested in participating in a binational dialogue to identify joint cooperative opportunities on transboundary issues in the Tijuana River Basin. In this context, they observed that several transboundary issues of common interest were identified during discussions, as was the potential for joint cooperative opportunities that could benefit residents of the Tijuana River Basin on both sides of the border.

The Commissioners considered it appropriate to establish, within the Commission framework, an inclusive process to obtain recommendations from stakeholder groups on transboundary issues in the Tijuana River Basin, and to jointly identify measures that require cooperative action to benefit the residents on both sides of the border. On this

basis, a Binational Core Group (BCG) for the Tijuana River Basin shall be established, appointed and coordinated by the Commission. To this end, the BCG shall include representatives of the Commission, federal, state, and local governments, and non-governmental organizations from both countries that are involved in matters addressed in this Minute.

Taking into consideration the prior work and advice of U.S. and Mexican stakeholder groups, the BCG will establish Binational Work Groups to assist with the formulation of recommendations regarding transboundary issues in the Tijuana River Basin. Any cooperative action or mechanism jointly identified shall be consistent with the provisions of the 1944 Water Treaty. "Jointly identified" means agreed by binational consensus in the BCG, with the concurrence of the Commission's representatives on the BCG.

ISSUES

The Commissioners noted that in the Tijuana River Basin, there are various transboundary issues that require binational coordination, including flood control, capture and beneficial use of surface and groundwater, sediment and solid waste deposition in the transboundary channels, water quality and the control of wastewater discharges, environmental protection and restoration, comprehensive and sustainable management of the basin, climate change, and civic participation, among others.

The Commissioners recognize that there are international concerns over stormwater flows that carry sediment, trash and other pollutants that threaten the Tijuana River Basin natural resources. In addition, soil in the basin naturally creates high levels of sediment contribution and is highly erodible, especially when disturbed. Rainfall carries significant sediment to the Tijuana River estuary, where runoff converges from the entire basin, including the Tijuana River and its tributaries, which are primarily located in Mexico, as well as the Cottonwood Creek (Alamar River) and Campo Creek (Tecate River), the contributing areas of which are mainly located in the United States.

The Commissioners noted that priority sites have been identified in each country where structures have been built or works have been undertaken to capture and remove sediment and solid waste, such as in Goat Canyon (Cañón de Los Laureles), Smugglers Gulch (Cañón del Matadero), and in the main channel and estuary of the Tijuana River, among others, through the efforts of the federal, state, and local governments and non-governmental organizations from both countries.

The Commissioners noted the common interest and agreed that the greatest priorities in the Tijuana River Basin are to improve sediment control, solid waste management and disposal, and water quality. The Commission recognizes that structural and non-structural control measures and pollution prevention at the source are often the best long-term and the most economically feasible solutions for improving the Tijuana River Basin. In this context, they consider it important both to develop the studies to

identify the sources and critical areas that contribute sediment and solid waste, and to implement structural and non-structural measures for their control.

The Commissioners recognized that, in addition to these priorities, it will be necessary to address other topics identified by mutual agreement.

CORE GROUP ACTIVITIES

The Commissioners considered that, to address cooperative measures related to transboundary issues in the Tijuana River Basin, including the contributions of the Binational Work Groups, the Commission shall direct the BCG to jointly undertake activities that, among others, may include the following:

1. Identify cooperative measures of mutual interest to improve the Tijuana River Basin.
2. Define the participating institutions and the parties responsible for implementation of each jointly-identified cooperative measure.
3. Propose carrying out studies, investigations, inventories, maps, and/or models in order to understand or evaluate, in a coordinated manner, matters of common interest that are jointly identified.
4. Define the short-term priorities and the projects, works or actions to be undertaken in the long term in order to implement each cooperative measure that is jointly-identified as being of mutual interest.
5. Identify the mechanisms to carry out the operation and maintenance of projects or works under the jointly-identified cooperative measures and provide for their sustainability.
6. Define the process (mechanisms, phases, steps) for implementation of each jointly-identified cooperative measure.
7. Define the estimated costs and identify potential funding sources for implementation of each jointly-identified cooperative measure. Propose the distribution of works and costs between both countries.
8. Define a process to keep the community on both sides of the border informed of each jointly-identified cooperative measure during the planning and implementation stages.
9. Establish a program that includes binational monitoring to address the priority issues of solid waste, sediment, and water quality, with the goal of:

1) evaluating the available baseline information, and 2) tracking the results of any controls that are implemented to reduce trash and sediment loading and to improve water quality in the Tijuana River Basin.

Binational coordination shall be carried out under the Commission framework; therefore the BCG shall make recommendations to the Commission regarding cooperative measures, taking into consideration the ability of participating agencies to assure the availability of funding and undertake the measures. The Commission shall determine the appropriateness of formalizing and implementing those recommendations. The Commissioners further noted that the details for implementation of any initiatives or projects recommended by the BCG, as well as the terms for the BCG and binational work groups to participate in their implementation may be formalized in subsequent specific Minutes.

RESOLUTIONS

Based on the above, the Commissioners submit the following Resolutions for the approval of the two governments:

1. Establish an inclusive process under the framework of the Commission to obtain advice and recommendations from stakeholder groups on transboundary issues in the Tijuana River Basin and coordinate the identification and implementation of cooperative measures that are jointly determined to be of common interest and benefit to residents on both sides of the border. This process will be undertaken as described in the Resolutions in this Minute.
2. To this end, establish the BCG, which shall be appointed and coordinated by the Commission to recommend jointly-identified cooperative measures to address transboundary issues in the Tijuana River Basin, taking into consideration the prior work and advice of stakeholder groups from the United States and Mexico. The Commission shall determine the appropriateness of formalizing the cooperative measures identified by the BCG.
3. The BCG shall be composed of representatives from the Commission, federal, state, and local governments, and one non-governmental representative from each country. The BCG will establish Binational Work Groups, which shall include individuals from both countries as required based on the characteristics and nature of each task and on their field of expertise.
4. The BCG shall consider as priorities to improve sediment control, solid waste management and disposal, and water quality in the Tijuana River Basin, but may also address other topics.

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5. The BCG shall design a program that includes binational monitoring to address the priority issues identified in Resolution 4 of this Minute.
6. The BCG, under the direction of the Commission, may participate in the implementation of jointly-identified cooperative measures ranging from the development of studies and evaluations to the execution of the necessary actions and works, in accordance with the terms and conditions established by the Commission for that purpose.
7. In exploring opportunities for joint coordination and cooperation, the BCG should promote those that benefit both countries and promote sustainable management of transboundary resources in the Tijuana River Basin.
8. The BCG shall identify estimated costs and benefits of the projects and initiatives that are jointly identified and recommended for implementation, and, taking into consideration the ability of participating agencies to assure the availability of funding and undertake the measures, shall propose potential funding sources and cost shares.
9. Any project, work, action or mechanism agreed upon by the Commission shall be consistent with the provisions of the 1944 Water Treaty.
10. All activities undertaken pursuant to this Minute shall be subject to the availability of funds, resources and/or financing, and corresponding personnel, as well as to applicable laws and regulations in each country.
11. This Minute shall enter into force upon notification of approval by the Government of the United States of America and the Government of the United Mexican States through the respective Section of the Commission.

The meeting was adjourned.



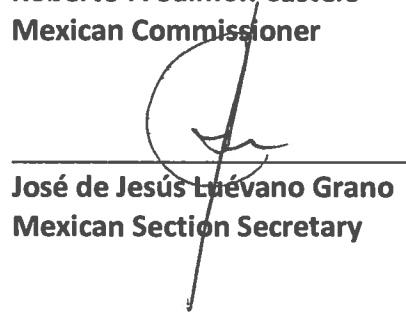
Edward Drusina
U.S. Commissioner



Sally E. Spener
U.S. Section Secretary



Roberto F. Salmón Castelo
Mexican Commissioner



José de Jesús Lévano Grano
Mexican Section Secretary