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Citation Information

Mecham, Duane, "Consideration of the Role of the U.S. Bureau of Reclamation in Transboundary Water Resource Conflict Resolution [abstract]" (2002). *Allocating and Managing Water for a Sustainable Future: Lessons from Around the World (Summer Conference, June 11-14)*.

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Duane Mecham, *Consideration of the Role of the U.S. Bureau of Reclamation in Transboundary Water Resource Conflict Resolution* [abstract], in *ALLOCATING AND MANAGING WATER FOR A SUSTAINABLE FUTURE: LESSONS FROM AROUND THE WORLD* (Natural Res. Law Ctr., Univ. of Colo. Sch. of Law 2002).

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Consideration of the Role of the U.S. Bureau of Reclamation in Transboundary Water Resource Conflict Resolution

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ABSTRACT

During the past decade, we have seen in the Western United States a significant increase in basin-wide initiatives seeking to more effectively address water resource issues, both quality and quantity. This trend, coincident with the end of the era for building large dams, grows out of the increasing awareness that water resource development and use can have significant impacts on an entire river basin's biological and riparian resources, both up- and downstream and irrespective of state, tribal or international boundaries. A non-exhaustive list of examples of governmental and other parties seeking to address transboundary water impacts:

- Bay Delta Accord (Cal-Fed), addressing Sacramento river and San Francisco Bay
- Platt River Agreement among basin states and the Interior Department
- Upper Colorado Multi-state Recovery Implementation Plan
- Columbia River Basin Forum, a governance agreement among the basin's states, several tribes and several federal departments
- Lower Colorado Multi-Species Recovery Program, a multi-state and federal effort to address survival and recovery needs of aquatic species listed under the ESA

While the impetus for developing these and other initiatives may vary, ranging from litigation over endangered species or water quality to the exponential increases in municipal water demands, a common element in that state, tribal and federal governments, each with a sovereign sphere of influence on a particular basin, invest considerable and resources into developing and using these basin-wide initiatives to collaboratively address the basin's water issues.

On the federal front, one of the federal agencies with considerable involvement in the management of water resources is the bureau of Reclamation. Although the Bureau's projects account for approximately 40 percent of water deliveries in the west, traditionally the Bureau's "horizon" has not extended far beyond its projects' boundaries. *See. e.g., MacDonnell et al., Restoring the West's Waters: Opportunities for the Bureau of Reclamation*, Natural Resources Law Center Research paper, 1995. Nonetheless, because of its role as one of the major water resource managers, the Bureau has been actively involved in most, if not all, of these basin-wide initiatives. Key questions to explore include:

- Do the Bureau's current authorities equip it to effectively participate and help in basin-wide, transboundary collaborations on water resource problems?
- Should the authorities of the bureau be increased, either on a programmatic or project basis, to permit the bureau to participate more fully and effectively?