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It Takes at Least a Minute to Protect and Restore the Colorado River Delta

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Daniel F. Luecke, Ph.D. was a Senior Scientist and Regional Director in Environmental Defense's Rocky Mountain office. As an engineer and hydrologist, Dr. Luecke worked from 1979 to 2002 to create strategies to restore wetlands and natural flows in the Colorado River basin. In the early 1980s, Dr. Luecke negotiated Environmental Defense's settlement with the Department of the Interior that created the US Bureau of Reclamation's Environmental Assessment office, which conducted the Glen Canyon flood in the spring of 1996. He worked to improve wastewater management and public health along the US-Mexico border for over ten years. Dr. Luecke and Environmental Defense's Mexican partners recently completed construction of a low-cost wastewater treatment and reuse facility in Tijuana, mostly funded by the California Coastal Conservancy.

Dr. Luecke has served on several advisory committees, including the California Department of Water Resources Technical Advisory Committee on Desalination. He is currently on the Advisory Board of the Colorado Journal of International Environmental Law and Policy and the Colorado State University Environment and Natural Resource Institute.

ABSTRACT

Because geopolitical boundaries rarely conform to geographical features, the management of transboundary rivers can pose a distinct challenge to neighboring nations and states, particularly when actions that benefit one burden the other. The Colorado River, shared by the United States and Mexico and allocated under a 1944 treaty, offers a clear example of this phenomenon. According to the treaty, Mexico receives ten percent of the average annual flow and little more water flows across the border in most years. This near absence of instream flows threatens to devastate completely the already endangered delta ecosystem, which provides rare desert wetlands habitat for a number of endangered species, including

southwest willow flycatchers, Yuma clapper rails, desert pupfish, vaquita porpoise, and totoaba fish. Predating modern environmental laws, the treaty does not address ecosystem needs.

Few transboundary river management agreements account for the environment. Among the numerous treaties, conventions, compacts, and cooperative agreements (river agreements) addressing management of rivers across borders, goals include water allocation, water quality management, and species management. While some river agreements set firm rules or standards, most establish governance institutions to oversee river management. The test, in the case of the Colorado, is the fashioning of a river agreement between the United States and Mexico that protects the delta and, at the same time recognizes the equities created by the 1944 Treaty. This paper concludes that to protect the Colorado River delta, the treaty should be amended with a minute that combines ecosystem standards, the establishment of a new governance institution, and the creation of compensation mechanisms for the reallocation of water, if needed.