13. Minutes from 2004 stakeholder meeting

Stakeholder meeting for the

## Binational Vision Project for the Tijuana River Watershed

Friday December 3, 2004

Hotel Pueblo Amigo

#### Conference Room Premier

 9:00 a.m. – 1:30 p.m.

“Resources should be managed jointly (between the U.S. and México). The Vision offers a very complete diagnostic,” Luis Cabrera, Dec., 3.

*Elsa Saxod welcomed 60 participants*

*Katherine Comer distributed a handout of the executive summary and presented a summary of the Draft Binational Vision document for the TRW.*

# Overview of the Draft Vision Document:

* Water quantity
* Water quality
* Ecosystems and Natural Resources
* Waste
* Air Quality
* Socio-economic issues

General Challenges:

* Merging of Tijuana and Tecate
* Reduction in the amount of safe, open and green areas for urban residents
* Decline in ecosystem health
* Increasing number of threatened and endangered plants and animals

The Binational Vision for the TRW is the stakeholder consensus of the current and desired conditions in the TRW. Complete versions can be found at: [http://trw.sdsu.edu](http://trw.sdsu.edu/).

Send comments to kcomer@projects.sdsu.edu by Jan 3, 2005

##### Discussion and feedback

More recommendations for watershed education and outreach are needed.

BREAK (5 min)

##### Invited Panel—How can we implement the Vision?

***Ing. Jorge Corrales from the Comisión Nacional del Agua*** *introduced the Consejos de Cuenca*

What are the different levels? The Ley de Aguas Nacional involves public participation in the administration, planning, and management of water. The levels are: *Consejos, comisiones, comités, COTAS*

What are the responsibilities of the different levels? The *consejos* have access to information such as the titles to water rights, the public register, titles of concession, assembly, and operating expenses. They can submit a complaint or “*denuncio*” if someone is breaking the law.

What are the limitations? The consejos have no legal authority, they cannot grant permits, concessions, water rights, sanctions, create *normas* (legal standard) or *reglamentos* (enforcement specifications). The major limitation is lack of political will.

How can a future *comisión de cuenca* of the TRW involve U.S. participation or input? The future *comisión* will consist of users with voting rights. The National Water Law does not contemplate the possibility of U.S participation. However, the U.S. interested parties can support and finance well-defined technical projects.

### Mr. Pete Silva from the California State Water Resources Control Board introduced California Basin Plans

What are Basin Plans? Under California’s old water pollution control act, watersheds were the unit of management starting in the 1950s. The law that mandates basin plans is the Porter-Cologne Act. The focus is on water rights and water quality.

What are the limitations? The basin plan is not an institutional tool, it is just a process tool for complying with the regulations. They describe the numerical standards for permits. Total Maximum Daily loads for water bodies or pollutant loads from point and non-point sources are examples. Legally Mexico does not have TMDLs, therefore, there are no monitoring programs similar to California’s.

How can the Basin Plan process for San Diego involve Mexican participation or input for the TRW? By creating a binational TMDL, both countries would have similar point and non-point sources pollution prevention programs, and common monitoring programs. The next steps are to convince EPA and IBWC to implement and fund a binational TMDL that would be voluntary in Mexico since there is no law mandating TMDLs yet.

***Lic. Luis Cabrera C., Consul General of Mexico in San Diego*** *discussed the Border Liaison Mechanism*

What is the BLM? The BLM was created by the Mexican Secretaría de Relaciones Exteriores and the U.S. Department of State in October 1993 as a dialogue instrument at the local level. Three levels of government participate: federal, state, and local. There are four working groups: migration, ports of entry, public safety, and the border water council.

What are the benefits?

The BLMs have contributed to better cooperation and conflict management as well as the prevention of problems. The BLM has created an atmosphere of cooperation in the Rio Bravo region, for example.

What are the limitations?

There are several agencies creating links outside the BLM. The Consul Generals need know about those relationships and facilitate cooperation among them. An *ordenamiento* is needed to create changes in the administration of the agencies.

### Mr. David Stewart, Consul General of the United States in Tijuana discussed the use of the Border Liaison Mechanism

The San Diego –Tijuana region is different from other BLMs because it very urbanized with different competencies and complications that other parts of the border. The BLM was created in 1993 because there was no way for local governments to talk to each other, and Washington, D.C. and Mexico, D.F. added authority at the local level. The concentration of the BLM is conflict resolution.

How has the Border Liaison Mechanism (BLM) helped San Diego and Tijuana in the past?

In 1998, the BLMs Border Water Council brought together the Mexico’s National Water Commission (CNA), Baja California’s CEA, Comisiones Estatales de Servicios Públicos, and IBWC-CILA to conduct a joint feasibility study on water supply needs in the region. In February 2002, a studies for the feasibility of a binational aqueduct and for supplying Tijuana with water through the San Diego delivery system were completed.

### What are the benefits?

The BLM is flexible. It can bring the three levels of government together, there are no technical discussions, you must do your technical homework first, and it allows agencies to get to know their counterpart. The BLM is a good mechanism to establish good relationships.

### How can the BLM help with the TRW planning and implementation in the future?

Mr. Stewart talked about the importance of the BLM and how it can assist the joint Vision effort. BLM does not bring money to the table, but rather brings the actors together. He looks forward to expanding the BLM to include issues in the Vision.

*Ing. Roberto Espinoza from the Comisión Internacional de Límites y Aguas discussed the IBWC-CILA mandates and minutes*

What are the IBWC-CILA minutes? Mandates are the agreements by the IBWC-CILA and supported by each nation’s laws. Minutes (a legal agreement) are created to legalize specific projects. Several minutes have been signed over the years.

### Ing. Carlos Peña from the International Boundary and Water Commission spoke on how IBWC and CILA have cooperated in the past and possibilities for the future

How IBWC and CILA have cooperated in the past to address San Diego and Tijuana water issues?

Mexico and the United States started a dialogue over an agreement to build the Southbay International Wastewater Treatment Plant. It was $2 million investment and it was built to solve a mutual problem. Minutes were created to allow that construction to happen.

Minute 310 was created to allow transfers of water through the San Diego system to Tijuana. This was water that was already entitled to Tijuana. This cooperation is positive benefit to the local community.

How can minutes help with TRW watershed planning and implementation of projects in the future?

IBWC-CILA or BWAC could convene a stakeholders’ meting in which IBWC could define its collaboration in the Vision project. Both commissioners could come to the stakeholders’ meeting to see which action items from the Vision can be implemented by the IBWC-CILA. These types of agreements take time and coordination, but there is interest in moving this process forward.

*M.C. Saúl Guzmán from the Secretaría de Medio Ambiente y Recursos Naturales discussed the Programas de Manejo de Cuenca*

What is the purpose of the program?

To determine a sustainable way to manage natural resources. One agency or actor can’t decide on policy.

What are the limitations?

Human resources and qualified personnel are needed. There is a need to design the institutional element to create a balance between social values of natural resources, economic values, and ecological sustainability.

How can the program work with the U.S. participation on ecological issues in the TRW?

Create a *ordenamianto territorial* or an *ordenimiento ecológico*. The Mexican law allows U.S. participation in these processes through the BLM. The Consejo de Cuenca del Delta del Río Colorado has a binational aspect. The monitoring networks between EPA-SEMARNAT are examples. We can create memorandums of understanding such as the one by EPA and SEMARNAT to transfer air quality monitors in Mexico to local governments so they continue with the air quality monitoring. The laws exists—there needs to be consensus in order to make binational management operational.

### Ing. Daniel Cervantes from the Comisión Estatal del Agua discussed cross-border cooperation on water issues

CEA brings together the CESPs.

How has CEA worked with California in the past?

* Industrial Pre-treatment Plan
* Courses, workshops, and training programs funded by the State of California
* Monitoring of domestic wastewater program
* Groundwater study
* Study of a desalination plant to be shared between San Diego and Tijuana
* Reuse programs for discharge into the Tijuana River
* Integrated management of aquifers is a major challenge

### Ms. Elsa Saxod, City of San Diego Office of Binational Affairs discussed informal mechanisms used by NGOs, the private sector, and local governments for cooperation across the border

Those of us living in the region need to call national attention to this region. Homeland security concerns in Washington will affect air pollution and border wait times. We need to push to implement the actions recommended in the Vision since we are far away from Mexico City and Washington, D.C. We can use the help of our consul generals and other colleagues and ask them to talk to influential persons.

### V. General Discussion

Luis Cabrera: It is very important to work jointly with institutions from both countries. Feedback is crucial and the creation of good ways to convene authorities from both side of the border (such as the BLM) is necessary to maintain good communication. Firefighters are collaborating in cases of emergency.

David Stewart: There is a binational fire council that has cooperated on many issues including a cross training conference.

The consuls general wish to move things forward. However, they lack staff. They can commit to identifying officials on both sides of the border and to support the effort.

*VI. Working groups by sector*

Participants broke into small working groups:

* Federal and State Governments
* Local Governments
* Private Sector, Businesses, and Industry
* Academia
* Non-governmental Organizations (NGOs)

The working groups listed organizations and agencies that should be included in a binational planning and implementation group for the Tijuana River Watershed Vision. There was a separate list for water quantity, water quality, air quality, ecosystems and natural resources, solid and hazardous waste, socio-economic issues, and others.

 *VII. Group leaders presented recommendations to the larger group*

These lists are very important for creating a diverse and comprehensive represenation in a future binational watershed management council or a future *consejo de cuenca.*

VII. Paul Ganster thanked the panel and the participants for their valuable contributions to the Vision project.