



The California-Mexico Border Relations Council

Annual Report 2010/2011



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Mission & Vision

The California-Mexico Border Relations Council (CMBRC), created through the passage of AB 3021 (Núñez, 2006), is the central organizational body that oversees interagency project and program collaboration along the California-Mexico border. It also serves as a representative body of the State of California whose goal is to continue to develop and enhance cross-border relations between the State and the Republic of Mexico. In addition to holding meetings and providing annual reports of its progress, the CMBRC aims to identify new Border priorities and fundable projects in the areas of infrastructure, trade, environment, health and security while supporting and maintaining existing cross-border efforts.

Welcome



Dear Honorable Members of the Legislature,

Pursuant to Assembly Bill 3021 (Núñez, Chapter 621, Statutes of 2006), I am pleased to present the annual report of the California-Mexico Border Relations Council (Council).

Created in 2006, the Council is made up of members of Governor Edmund G. Brown Jr.'s Cabinet and is tasked with coordinating the activities of state agencies that are related to cross-border programs, initiatives, projects and partnerships. The relationship between the State of California and the Republic of Mexico is integral to the future of both governments, and the California-Mexico Border Relations Council exists to build upon past successes and to work towards future collaboration at every level of our governments.

Over the past two decades, the California and Mexican economies and societies have become increasingly linked. This linkage has brought both California and Mexico opportunities and challenges, most notably in the areas of economic development, labor relations, and environmental protection. The Council is committed to working collaboratively to ensure communities on both sides of the border can tackle those challenges and seize those opportunities.

This annual report will provide background on the Council, highlight our numerous programs, and focus on activities undertaken and achievements made since the last report. As we look to the future, we hope to continue our efforts to ensure success and prosperity for both of our governments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Matthew Rodriguez', written in a cursive style.

Matthew Rodriguez

Secretary for Environmental Protection, State of California
Chairman, California-Mexico Border Relations Council

Background

In 1982 the Office of California-Mexico Affairs existed within the Technology, Trade and Commerce Agency. That agency was abolished (AB 1757, Chapter 229, Statutes of 2003) in 2003 and the duties of the agency were reassigned to various other state entities. In 2004, the California Research Bureau released a report listing California-Mexico border programs housed in over 100 state agencies, “Inventory of Mexico Related Projects Conducted by California State Agencies” (ISBN: 1-58703-195-7). Given the disparate nature of the programs and that there was no single entity coordinating the agencies, border programs and relations suffered. To fill a need for statewide oversight and coordination of multi-agency involvement with Mexico, AB 3021 (Núñez, Chapter 621, Statutes of 2006) was enacted.

AB 3021 created the California-Mexico Border Relations Council. The Council, chaired by the Secretary for Environmental Protection, is the central organizing body overseeing and collaborating on California-Mexico border issues. The Council has the potential to identify new border priorities and projects in the areas of infrastructure, trade, environment, health, and security while supporting current and ongoing activities such as the Border Governors Conference, trade missions, border workgroups, and coordinating future projects with Mexico. The Council is mandated to:

- Coordinate cross-border programs, initiatives, projects and partnerships within California state agencies.
- Establish California state agency policies for the collection and sharing of cross-border data.
- Identify and recommend changes in the law needed to achieve the goals of the Council.
- Provide an annual report of activities to the Legislature.

Members



Chair

Matthew Rodriguez
Secretary, California Environmental Protection Agency
www.calepa.ca.gov



Diana S. Dooley
Secretary, California Health & Human Services Agency
www.chhs.ca.gov



Mark Ghilarducci
Secretary, California Emergency Management Agency
www.calema.ca.gov



Brian Kelly
Acting Secretary, California Business, Transportation & Housing Agency
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Karen Ross
Secretary, California Department of Food & Agriculture
www.cdfa.ca.gov



John Laird
Secretary, California Natural Resources Agency
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Overview

The California-Mexico border region shares a rich history, a diverse culture and a significant economic relationship. The successful interactions between the State of California and the Republic of Mexico are integral to the future of both governments. The California-Mexico Border Relations Council exists to build upon past successes and work together towards future collaboration at every level of government, covering a broad array of issues.



Trade Relations

California and Mexico have worked hard to form strong trading ties. As a result, trade relations between California and Mexico have seen a measurable increase. For example, from 2009 to 2010 California exports to Mexico increased by 19.9 percent, or \$3.48 billion. Imports from Mexico to California also increased by 10.9 percent, or \$3.23 billion. In 2010, the California Chamber of Commerce reported that the total amount of goods exported from California to Mexico was approximately \$21 billion. During the same year, Mexico purchased nearly 15 percent of all California exports. Thirty percent of California exports to Mexico are technological, such as computers and transportation equipment. Conversely, Mexican companies now own an estimated \$1.2 billion of fixed assets in California.

Tourism

Tourism from Mexico has directly contributed to the California economy. The California Tourism Industry reported that in 2010 approximately 6.5 million Mexicans visited California and spent an estimated \$1.3 billion within the state, a 73 percent increase from the previous year.

Energy and the Environment

Environmental issues provide additional opportunities for collaboration between governments. In the last 15 years, Mexico's natural gas reserves have rapidly declined. Mexico's consumption of natural gas is on the rise as a result of greater use of fuel in the generation of power. If Mexico maintains this level of consumption, it will increasingly become more dependent on natural gas imports from the United States. The exploration of alternative energy sources has provided another avenue of collaboration between California and Mexico.

Currently, several wind and geothermic developments in Mexico serve or will be serving California markets. The Los Angeles Department of Water and Power has a contract with Cerro Prieto, a geothermal development near Mexicali, to import some 50 MWs of power through a Power Purchase Agreement. Also, Sempra Energy, which owns San Diego Gas and Electric, is

constructing a cross-border transmission line to bring captured wind energy from the Sierra Juárez Wind Project into the California market. Another wind energy project, La Rumorosa, which is located in Baja California, is being developed to serve the Southern California market. Benefits of such developments are not only measurable in megawatts but they are also measurable in the amount of jobs they create. According to the Brookings Institute, the “clean energy economy” has created thousands of jobs in the border states, particularly in California. Among the United States’ 100 most populated cities, San Diego ranks 21st with 22,862 jobs created due to the “clean” economy.

Agriculture

Alongside energy, tourism, and trade, both governments of California and Mexico are enriched by the sharing of agricultural goods. According to the California Department of Food and Agriculture, 2009 witnessed an unprecedented increase in agricultural trade. During that year, California agricultural exports reached \$12.4 billion, representing a 66 percent increase over the past seven years.

The continuing collaboration between the State of California and the Republic of Mexico is vital to the future and economy of both governments. The California-Mexico Border Relations Council provides a venue to work towards future collaboration at every level of government and covering a broad array of issues.

Council Highlights

The Council first convened in February 2008, and held additional meetings in 2008, 2009 and 2010.

This report will provide an update on the Council's activities for 2010 and 2011.

The February 2010 meeting discussed a variety of topics including the New River Improvement Project, the Tijuana River Valley Project and American Reinvestment and Recovery Act (ARRA) funding for the border region.

New River Improvement Project

AB 1079 (V. M. Pérez, Chapter 382, Statutes of 2009), appropriated \$800,000 for the development of the New River Improvement Project. The New River, in its present form, was created in 1905 due to a levee failure on the Colorado River that resulted in massive flooding, re-

creating the Salton Sea. Flowing north across the border from Mexicali, Mexico to the Salton Sea, the New River is considered to be one of the most polluted river systems in North America and poses numerous environmental and health hazards.



Assembly Bill 1079 requires the Council to create a strategic plan referred to as the New River Improvement Project to study, monitor, remediate and enhance the New River's water quality to protect human health and develop a river parkway suitable for public use and enjoyment. Creation of a river parkway in Calexico is also specified in Federal legislation, as part of the 2005 Safe, Accountable, Flexible, Efficient Transportation Equity Act (SAFETEA-LU Public Law 109-59). Specifically, the strategic plan is required to:

- Quantify water quality impairments and their threat to public health.
- Identify and prioritize actions to protect public health, meet water quality objectives and other environmental goals.
- Identify funding sources.
- Identify public agency roles and responsibilities for implementation.

The Council created a Technical Advisory Committee and charged it with developing a strategic plan that could be used to implement AB 1079. The committee began work on the plan in the summer of 2010 and continued with multiple internal and stakeholder interactions through the

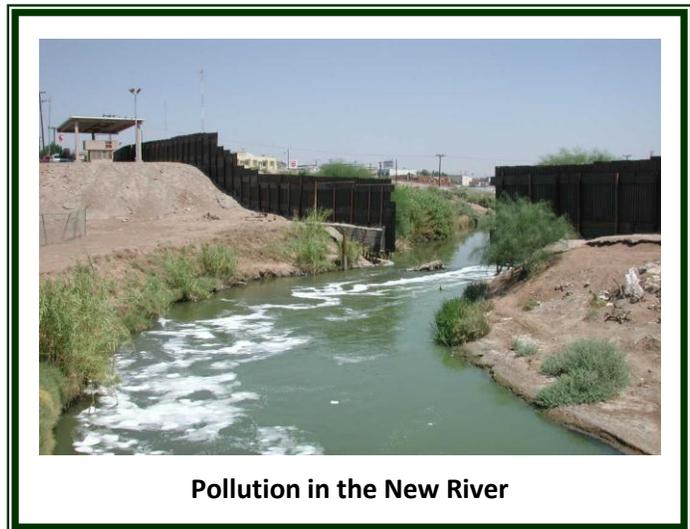
fall of 2011. The Council also developed an interagency agreement with the City of Calexico to expedite the commencement of the New River Improvement Project. A draft strategic plan was presented to the Council in 2012

Other Activities in the New River

The New River originates 20 river miles south of the border, and after crossing the border, travels 65 river miles northward through Calexico and the Imperial Valley of California before emptying into the Salton Sea. This trans-boundary river has been recognized as significantly polluted since the later 1940s. Solutions to New River contamination from untreated sewage originating in Mexico have been the topic of four International Treaty Minutes dating from 1980 to 1995.

Up until 2007, approximate 15 million gallons per day (mgd) of untreated wastewater from the City of Mexicali flowed into the New River. The untreated wastewater, which made up about 10 percent of the New River flow at the U.S. – Mexico border, posed serious public health and environmental threats both in Mexico and in the United States.

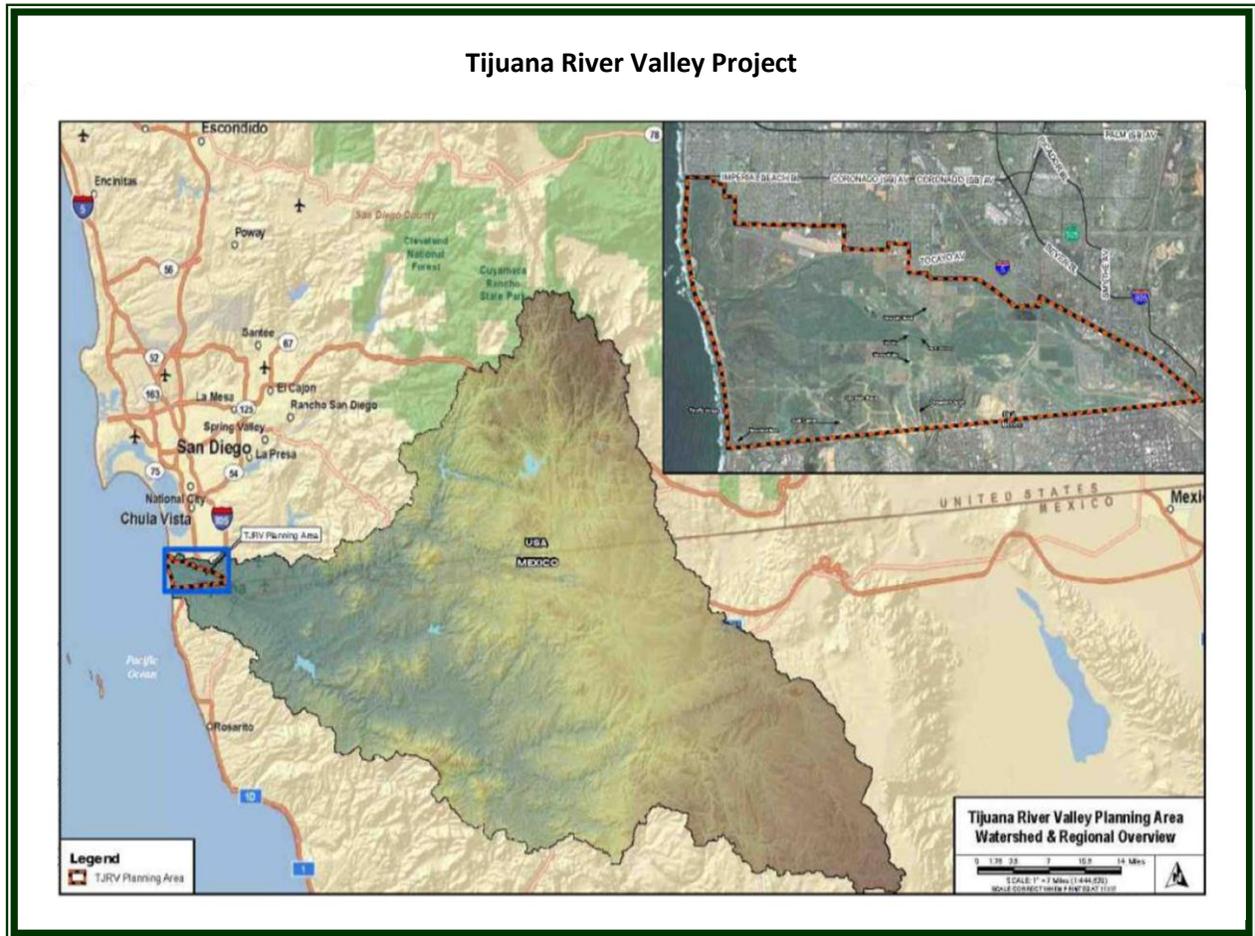
The U.S. Environmental Protection Agency (USEPA) invested \$42 million in multiple wastewater treatment projects in Mexicali, including the construction of a new wastewater treatment plant. These projects benefit an estimated 635,000 people and have removed nearly all untreated wastewater from the river. In addition, the USEPA provided over \$21 million in funding to improve wastewater treatment from U.S. communities that discharge into the New River. These cities include Brawley, Westmorland, Heber, Seeley, and Calexico.



Tijuana River Valley Project

The Tijuana River Valley Project was created as an informal collaboration of more than 30 federal, state and local agencies and non-governmental organizations from both the U.S. and Mexico to reduce the amount of sewage and garbage flowing into the Tijuana River Valley and the Pacific Ocean. The vision of the Tijuana River Valley Project is: “Tijuana River Valley free of historical trash and sediment, protected from future deposits of trash and sediment, restored to a sustained physical, chemical and biological integrity, and performing its hydrologic functions, while respecting the rights of current and future landowners and users.”

Since 2009, the project has received funding from the City of San Diego, the California Department of Parks and Recreation (State Parks), the State Coastal Conservancy, the State Water Resources Control Board (SWRCB), the California Department of Resources Recycling and Recovery (CalRecycle), and Sempra Energy.



California Border Activities

The agencies comprising the Council, along with their respective constituent boards and departments, continue to work to improve and protect health and safety, the environment, infrastructure and trade opportunities for California along the California-Mexico border. Through the work of Agreements of Cooperation and Memoranda of Understanding, many California government entities have made significant progress in these areas.

California Environmental Protection Agency (Cal/EPA)

The San Diego Regional Water Quality Control Board, in partnership with the California Natural Resources Agency and counterparts in Mexico, has established the Tijuana River Valley Recovery Team and developed a *Recovery Strategy* in 2011 to clean up the valley and restore its beneficial uses. The Recovery Team works with stakeholders, policy makers and potential funders to achieve its mission. Work done by the Recovery Team includes: cleanups of trash and sediment that are carried in across the border by the Tijuana River, building of sediment basins, piloting trash capture devices, executing ecosystem restoration activities, purchasing land, and other projects. The *Recovery Strategy* represents the work of many agencies with operational or land management authority in the Tijuana River Valley.

The Colorado River Regional Water Quality Control Board is continuing to improve water quality in the New River by monitoring and testing water samples from both side of the border and working together with local governments and community groups like the New River Committee and the New River Improvement Project Technical Advisory Committee. In partnership with U.S. and Mexican Federal, State and local agencies, the construction of the Las Arenitas Waste Water Treatment plant in Mexicali has had a significant impact in improving the water quality in the New River entering California. The Board's commitment to the partnership although not financial has been with providing technical assistance, monitoring and sampling the New River and providing laboratory analysis of the water samples. Pathogens in the river, which once numbered in the "tens of millions," have been reduced to the "tens of thousands" as a result of Las Arenitas facility. Although this does not meet California water quality standards, it is a significant improvement. As is identified in the New River Improvement Project Strategic Plan, more work remains to be done.

The Air Resources Board (ARB), with funding from USEPA, has been working since 1995 on establishing a network of thirteen air monitoring stations along the Mexico side of the border in Baja California. Through a Memorandum of Cooperation between Cal/EPA, ARB, Baja California, Secretaría de Medio Ambiente y Recursos Naturales and USEPA, in 2007 the Air Monitoring Network was transferred to Baja California's Environmental Protection Agency (SPA). The ARB, with the financial support of USEPA, and via a Memorandum of Understanding with SPA, continues to provide training laboratory analysis and certification of standards in support of the SPA Air Monitoring Network. Air quality information gathered from the air

monitoring stations helps ARB to understand the air quality across our border from the Imperial Valley and San Diego areas, as well as impacts to both countries resulting from the transport of air contamination across the U.S.-Mexico Border. Additionally, ARB conducts enforcement in the border region on an intermittent basis since the implementation of the Heavy-Duty Vehicle Inspection Program in 1991. Working in conjunction with the California Highway Patrol (CHP), in and around the designated commercial zones of Otay Mesa, Calexico and Tecate, ARB staff checks vehicles for diesel particulate filters, engine tampering, engine certification, excessive smoke, compliant transport refrigeration units, and compliance with other applicable ARB regulations.

California Department of Food and Agriculture (CDFA)

The CDFA is working collaboratively with the Mexican federal government to prevent the spreading of animal diseases and invasive species. Additionally, agreements with Mexico for pesticide residue testing have been important to the export of agricultural products from Mexico across the border into California. At the request of Baja California, the CDFA is reviewing their past agreements and looking at the possibility of continuing the partnership.

California Natural Resources Agency (Resources)

The Tijuana Estuary is managed by the State Parks and is directly impacted by the issue of trash and sediment from the Tijuana River Valley. State Parks involvement as a partner with the Tijuana River Valley Recovery Team is crucial to the *Recovery Strategy* for the cleanup and restoration of the Tijuana Estuary as it strives to rebuild the estuary into a recreation area once again. State Parks has also partnered with CalRecycle to remove trash and sediment from Tijuana River Valley basins. CalRecycle's use of satellite technology to identify, clean up and provide training to personnel along the California-Baja California Border has been critical to maintaining the safe management of waste tires.

In 2010 Cal/EPA, CDFA, Resources and the Ministry of Environment and Natural Resources of the United Mexican States, with a grant from the Border Environment Cooperation Commission, trained 160 Firefighters from Baja California to fight tire fires. In addition, the California Department of Forestry and Fire Protection has participated in the border area fire council; the California Energy Commission has played a role in helping Baja California generate power from renewables; and the California Department of Water Resources has continued efforts on habitat restoration issues in the Salton Sea. The Salton Sea Species Conservation Habitat Project has been appropriated \$5.4 million in Proposition 84 funds. Up to 3,770 acres of shallow water habitat ponds may be constructed depending upon funding availability in the future.

Business, Transportation and Housing Agency

The California Department of Transportation (Caltrans), in collaboration with federal, regional and local agencies from both the U.S. and Mexico, is working on updating the 2008 California-Baja California Border Master Plan (BMP). The BMP was the first such bi-national agreement between a U.S. and Mexican State that addresses ports of entry and transportation improvements in a single bi-national plan. The BMP's update is currently in progress with an estimated completion date of December 2013. Caltrans' efforts in improving the state's economy via trade corridors can be seen with the planning of the State Route 11 and the Otay Mesa East international port of entry.

California Health and Human Services Agency

The California Department of Public Health (CDPH) works closely with communities on both sides of the border. Working together with the Department of Health in Baja California, Mexico, the California Office of Bi-national Border Health (COBBH) has implemented programs to monitor infectious diseases such as the flu virus and other health threats to California. Outreach and training are a major focus for CDPH for border communities. With the assistance of community health worker groups the COBBH raises public awareness of diseases such as cervical cancer, and chronic diseases such as diabetes. It also provides advisories for Mexican products that are brought back across the border, such as face creams, which contain mercury. In addition, CDPH works with the Department of Pesticide Regulation and the Office of Environmental Health Hazard Assessment to provide training on pesticide illness detection and reporting. The COBBH also provides information that highlights the importance of the animal, human and environment interface and its impact on human health through "One-Border-One Health Symposiums." These services are provided by coordinating programs within CDPH, the COBBH, the U.S-Mexico Border Commission, and other border states offices along the California-Mexico Border Region.

California Emergency Management Agency (Cal EMA)

Cal EMA, in collaboration with the Border Security Worktable of the Border Governors Conference, monitors the border region cross-border law enforcement information exchange system. This system provides Mexican and U.S. law enforcement officials a formalized process for exchanging information regarding specified law enforcement matters, including the identity and status of vehicles and persons being temporarily detained in Mexico (and within the U.S.) by law enforcement.

In 2009, California and Baja California launched a pilot program to examine the efficacy of such a formal system. This pilot program was overseen by a Baja California – California working group consisting of the Baja California Secretary of Public Safety, the CHP and Cal EMA.

Emergency Management Memorandum of Understanding (MOU)

At the 2011 Border Governors Conference, nine of the ten governors or their representatives signed the bi-national Emergency Management MOU, the only state not represented was Texas. This MOU provides a legal framework for mutual aid response during emergencies between the signatories.

The MOU still requires finalization at the federal levels. The MOU is between the ten border states, however, the Mexican federal government does not allow for agreements to be made by their states with other governments, thus requiring the U.S. to bring in the U.S. State Department as the equal counterpart agency. The Council members, Health & Emergency Worktable members and Governor Representatives continue to work with Mexico's Secretaria de Gobernacion legal office and Secretaria de Relaciones Exteriores to finalize the MOU.

In addition to the Emergency Management MOU, the Health & Emergency Management worktable continues to support Bi-national emergency response plans and develop emergency communication protocols among the Border States.

Bi-National Memorandum of Understanding (MOU) between California and Baja California

California continues to support efforts of a Bi-National Memorandum of Understanding signed by Governor Arnold Schwarzenegger and Baja California Governor José Osuna Millán on October 20, 2009. This MOU builds upon cooperative efforts on the important issues in the California – Baja California border region. Specifically in the agreement, both states commit to work together in the areas of economic development, commerce, tourism, environmental protection, border crossings, security and civil protection, health, renewable energy and agriculture.

Grant Funding for Firearms Trafficking Task Force

On February 8, 2010, Cal EMA announced the release of a \$3.3 million ARRA grant to fund a new Firearms Trafficking Task Force, enabling multiple agency coordination to combat the illegal trafficking of firearms and ammunition across the California and Mexico border.

The \$3.3 million ARRA grant created a partnership task force between the California Department of Justice, the CHP, the San Diego County Sheriff's Department and the Imperial County Sheriff's Department. This task force works directly with the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives in identifying and disrupting the criminal organizations responsible for the escalating violence in Mexico. The grant period has been extended to December 31, 2012, to allow additional time to expend the remaining funds.

Human Trafficking Memorandum of Understanding (MOU)

The Border Security worktable of the Border Governors Conference has committed to adopt the recommendations in the “Bi-national Multi-state Survey on Human Trafficking Legislation and Collaboration” report presented at the 2009 Border Governors Conference. The report looks at existing and potential legislation and administrative actions on the part of key U.S.-Mexico state level government stakeholders, including the Conference of Western Attorneys General, the Border Legislative Conference and the Border Governors Conference. At the 2009 Border Governors Conference, the governors entered into an MOU to address and collaborate on reducing and combating human trafficking.

As a result of this bi-national multi-state collaboration, California currently has nine existing state-federal human trafficking task forces, made up of government and non-governmental organizations.

Border Area Chaptered Legislation 2009-2011

SJR 13 (Vargas, Resolution Chapter 96, Statutes of 2011) Cross-border transmission lines.

This measure urges the Secretary of the United States Department of Energy to reject Sempra Energy's application to construct the Energía Juárez cross-border transmission line between Mexico and California in order to preserve jobs in California, promote energy independence, and uphold California's labor and environmental laws.

AB 1079 (V. Manuel Pérez, Chapter 382, Statutes of 2009) Environment: CA-Mexico border.

This bill establishes the New River Improvement Project (NRIP) to study, monitor and enhance the water quality of the New River, in order to protect human health and develop a river parkway suitable for public use and enjoyment. The bill directs the California-Mexico Border Relations Council to develop a plan for implementing the NRIP.

SB 167 (Ducheny, Chapter 333, Statutes of 2009) Solid waste: waste tires.

The California Tire Recycling Act imposes a fee on each new tire purchased in the State. This bill requires tire fee revenues to fund the development of waste tire-related projects in the California-Mexico border region. These include education, infrastructure, cleanup, prevention, reuse, and recycling projects that address the movement of used tires from California to Mexico. Many of these tires are eventually disposed of in California.

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**For more information visit the California-Mexico Border Relations Council website at
<http://www.calepa.ca.gov/Border/CMBRC/>**