

**Calendar No. 512**

103D CONGRESS  
2D SESSION

**S. 1919**

**[Report No. 103-306]**

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**A BILL**

To improve water quality within the Rio Puerco watershed and to help restore the ecological health of the Rio Grande through the cooperative identification and implementation of best management practices which are consistent with the ecological, geological, cultural, sociological, and economic conditions in the region.

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JULY 7, 1994

Reported with amendments

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**IN THE SENATE OF THE UNITED STATES**

MARCH 10 (legislative day, FEBRUARY 22), 1994

Mr. BINGAMAN introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

JULY 7, 1994

Reported, under authority of the order of the Senate of June 27 (legislative day, June 7), 1994, by Mr. JOHNSTON, with amendments

[Omit the part struck through and insert the part printed in italic]

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**A BILL**

To improve water quality within the Rio Puerco watershed and to help restore the ecological health of the Rio Grande through the cooperative identification and implementation of best management practices which are consistent with the ecological, geological, cultural, sociological, and economic conditions in the region.

1        *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4        This Act may be cited as the “Rio Puerco Watershed  
5 Act of 1994”.

6 **SEC. 2. FINDINGS.**

7        The Congress finds that—

8            (1) over time, extensive ecological changes have  
9 occurred in the Rio Puerco watershed, including—

10            (A) erosion of agricultural and range  
11 lands;

12            (B) impairment of waters due to heavy  
13 sedimentation;

14            (C) reduced productivity of renewable re-  
15 sources;

16            (D) loss of biological diversity;

17            (E) loss of functioning riparian areas; and

18            (F) loss of available surface water;

19            (2) damage to the watershed has seriously af-  
20 fected the economic and cultural well-being of its in-  
21 habitants, including—

22            (A) loss of existing communities that were  
23 based on the land and were self-sustaining; and

24            (B) adverse effects on the traditions, cus-  
25 toms, and cultures of the affected communities;

1           (3) a healthy and sustainable ecosystem is es-  
2           sential to the long-term economic and cultural viabil-  
3           ity of the region;

4           (4) the impairment of the Rio Puerco watershed  
5           has damaged the ecological and economic well-being  
6           of the area below the junction of the Rio Puerco  
7           with the Rio Grande including—

8                   (A) disruption of ecological processes;

9                   (B) water quality impairment;

10                  (C) significant reduction in the water stor-  
11                  age capacity and life expectancy of the Ele-  
12                  phant Butte Dam and Reservoir system due to  
13                  sedimentation;

14                  (D) chronic problems of irrigation system  
15                  channel maintenance; and

16                  (E) increased risk of flooding caused by  
17                  sediment accumulation;

18           (5) the Rio Puerco is a major tributary of the  
19           Rio Grande and the coordinated implementation of  
20           ecosystem-based best management practices for the  
21           Rio Puerco system could benefit the larger Rio  
22           Grande system;

23           (6) the Rio Puerco watershed has been stressed  
24           from the loss of native vegetation, introduction of  
25           exotic species, and alteration of riparian habitat

1 which have disrupted the original dynamics of the  
2 river and disrupted natural ecological processes;

3 (7) the Rio Puerco watershed is a mosaic of  
4 private, Federal, tribal trust, and State land owner-  
5 ship with diverse, sometimes differing management  
6 objectives;

7 ~~(8) development, implementation, and monitor-~~  
8 ~~ing of an effective watershed management program~~  
9 ~~for the Rio Puerco watershed requires cooperation~~  
10 ~~among—~~

11 (A) the Bureau of Land Management;

12 (B) the Rio Puerco Watershed Committee;

13 (C) the National Forest Service;

14 (D) the Pueblos of Acoma, Isleta, Jemez,  
15 and Laguna;

16 (E) the Eastern and Canoncito Bands of  
17 the Navajo Nation;

18 (F) the Jicarilla Apache Tribe;

19 (G) the Bureau of Reclamation;

20 (H) the Geological Survey;

21 (I) the Bureau of Indian Affairs;

22 (J) the Fish and Wildlife Service;

23 (K) the Soil and Conservation Service;

24 (L) the Army Corps of Engineers;

25 (M) the National Park Service;

1           ~~(N)~~ the State of New Mexico;

2           ~~(O)~~ private landowners;

3           ~~(P)~~ local and regional governmental enti-  
4           ties;

5           ~~(Q)~~ other interested citizens; and

6           ~~(R)~~ affected local soil and water conserva-  
7           tion districts;

8           (8) *development, implementation, and monitor-*  
9           *ing of an effective watershed management program*  
10          *for the Rio Puerco watershed is best achieved through*  
11          *cooperation among affected Federal, State, local, and*  
12          *tribal entities;*

13          (9) the Secretary of the Interior, acting through  
14          the Director of the Bureau of Land Management, in  
15          consultation with the entities listed in paragraph ~~(7)~~  
16          (8), and in cooperation with the Rio Puerco Water-  
17          shed Committee, is best suited to coordinate manage-  
18          ment efforts in the Rio Puerco watershed; and

19          (10) accelerating the pace of improvement in  
20          Rio Puerco watershed on a coordinated, cooperative  
21          basis will benefit persons living in the watershed as  
22          well as downstream users on the Rio Grande.

23 **SEC. 3. MANAGEMENT PROGRAM.**

24          (a) IN GENERAL.—The Secretary of the Interior, act-  
25          ing through the Bureau of Land Management and in con-

1 sultation with the Rio Puerco Management Committee es-  
2 tablished pursuant to section 4, shall—

3 (1) establish a clearinghouse for research and  
4 information on management within ~~the Rio Puerco~~  
5 ~~watershed~~, *the area identified as the Rio Puerco*  
6 *Drainage Basin as depicted on the map entitled “The*  
7 *Rio Puerco Watershed” dated June 1994, as de-*  
8 *scribed in the attached map, including—*

9 (A) current and historical natural resource  
10 conditions; *and*

11 (B) data concerning the extent and causes  
12 of watershed impairment; ~~and~~

13 (C) ~~implementation, monitoring, and eval-~~  
14 ~~uation of best management practices initiated~~  
15 ~~within the watershed; and~~

16 (2) ~~provide support to the Rio Puerco Manage-~~  
17 ~~ment Committee to identify objectives, coordinate~~  
18 ~~implementation of best management practices, and~~  
19 ~~monitor results.~~

20 (2) *establish an inventory of best management*  
21 *practices and related monitoring activities that have*  
22 *been or may be implemented within the area identi-*  
23 *fied as the Rio Puerco Watershed Project as depicted*  
24 *on the map entitled “The Rio Puerco Watershed”*  
25 *dated June 1994; and*

1           (3) *provide support to the Rio Puerco Manage-*  
2           *ment Committee to identify objectives, monitor results*  
3           *of ongoing projects, and develop alternative watershed*  
4           *management plans for the Rio Puerco Drainage*  
5           *Basin, based on best management practices.*

6           (b) RIO PUERCO MANAGEMENT PLAN.—Not later  
7 than 2 years after the date of enactment of this Act, the  
8 Secretary, in consultation with the Rio Puerco Manage-  
9 ment Committee, ~~shall prepare a plan for the restoration~~  
10 ~~of the Rio Puerco watershed. The plan shall—~~*shall pre-*  
11 *pare a report of appropriate alternatives for the improve-*  
12 *ment of watershed conditions in the Rio Puerco Drainage*  
13 *Basin. The alternatives shall—*

14           (1) identify reasonable and appropriate goals  
15           and objectives for landowners and managers in the  
16           Rio Puerco watershed;

17           (2) describe potential alternative actions to  
18           meet the goals and objectives, including proven best  
19           management practices and costs associated with im-  
20           plementing the actions;

21           (3) recommend voluntary implementation of ap-  
22           propriate best management practices on both public  
23           and private lands;

24           (4) provide for cooperative development of man-  
25           agement guidelines for maintaining and improving

1 the ecological, cultural, and economic conditions on  
2 both public and private lands;

3 (5) provide for the development of public par-  
4 ticipation and community outreach programs that  
5 would include proposals for—

6 (A) cooperative efforts with private land-  
7 owners to encourage implementation of best  
8 management practices within the watershed;  
9 and

10 (B) involving private citizens in restoring  
11 the watershed;

12 (6) provide for the development of proposals for  
13 voluntary cooperative programs among the Rio  
14 Puerco Management Committee membership to im-  
15 plement best management practices in a coordinated,  
16 consistent, and cost-effective manner;

17 (7) provide for the encouragement and support  
18 implementation of best management practices on  
19 private lands; and

20 (8) provide for the development of proposals for  
21 a monitoring system that—

22 (A) builds upon existing data available  
23 from private, Federal, and State sources;

1 (B) provides for the coordinated collection,  
2 evaluation, and interpretation of additional data  
3 as needed or collected; and

4 (C) will provide information to—

5 (i) assess existing resource and socio-  
6 economic conditions;

7 (ii) identify priority implementation  
8 actions; and

9 (iii) assess the effectiveness of actions  
10 taken.

11 ~~(c) ADDITIONAL ASSISTANCE.—If the Secretary of~~  
12 ~~the Interior determines that employment of additional per-~~  
13 ~~sonnel is necessary to carry out this Act, the Secretary~~  
14 ~~shall, where feasible, employ individuals who reside in the~~  
15 ~~vicinity of the Rio Puerco watershed restoration area.~~

16 **SEC. 4. RIO PUERCO MANAGEMENT COMMITTEE.**

17 (a) ESTABLISHMENT.—There is established the Rio  
18 Puerco Management Committee (referred to in this sec-  
19 tion as the “Committee”).

20 (b) MEMBERSHIP.—The Committee shall be con-  
21 vened by a representative of the Bureau of Land Manage-  
22 ment, and shall include representatives from—

23 (1) the Rio Puerco Watershed Committee;

24 (2) affected tribes and pueblos;

1 (3) the National Forest Service of the Depart-  
2 ment of Agriculture;

3 (4) the Bureau of Reclamation;

4 (5) the Geological Survey;

5 (6) the Bureau of Indian Affairs;

6 (7) the Fish and Wildlife Service;

7 (8) the Army Corps of Engineers;

8 (9) the Soil and Conservation Service of the  
9 Department of Agriculture;

10 (10) the State of New Mexico, including the  
11 New Mexico Environment Department and the State  
12 Engineer;

13 (11) affected local Soil and Water Conservation  
14 Districts;

15 (12) the Elephant Butte Irrigation District;

16 (13) private landowners; and

17 (14) other interested citizens.

18 (c) DUTIES.—The Rio Puerco Management Commit-  
19 tee shall—

20 (1) advise the Secretary of the Interior, acting  
21 through the Director of the Bureau of Land Man-  
22 agement, on the development and implementation of  
23 the Rio Puerco Management Program described in  
24 section 3; and

1           (2) serve as a forum for information about ac-  
2           tivities that may affect or further the development  
3           and implementation of the best management prac-  
4           tices described in section 3.

5 **SEC. 5. REPORT.**

6           Two years after the date of enactment of this Act,  
7           and biennially thereafter, the Secretary of the Interior, in  
8           consultation with the Rio Puerco Management Committee,  
9           shall transmit to the Committee on Energy and Natural  
10          Resources of the Senate and to the Committee on Natural  
11          Resources of the House of Representatives a report  
12          containing—

13                 (1) a summary of accomplishments as outlined  
14                 in section 3; and

15                 (2) proposals for joint implementation efforts,  
16                 including funding recommendations.

17 **SEC. 6. LOWER RIO GRANDE HABITAT STUDY.**

18          ~~(a) IN GENERAL.—The Secretary of the Interior, act-~~  
19          ~~ing through the Director of the Fish and Wildlife Service~~  
20          ~~shall, in cooperation with the States of New Mexico and~~  
21          ~~Texas, conduct a study of the Rio Grande from Caballo~~  
22          ~~Lake to the Gulf of Mexico. The study shall include—~~

23                 (a) *IN GENERAL.—The Secretary of the Interior shall,*  
24                 *in cooperation with the State of New Mexico, conduct a*

1 *study of the Rio Grande from Caballo Lake to Sunland*  
2 *Park, New Mexico. The study shall include—*

3 (1) a survey of the current habitat conditions of  
4 the river and its riparian environment;

5 (2) identification of the changes in vegetation  
6 and habitat over the past 400 years and the ~~effect~~  
7 *effect* of the changes on the river and riparian area;  
8 and

9 (3) an assessment of the feasibility, benefits,  
10 and problems associated with activities to prevent  
11 further habitat loss and restoration of habitat  
12 through reintroduction or establishment of appro-  
13 priate native plant species.

14 (b) TRANSMITTAL.—Not later than ~~1 year~~ *3 years*  
15 after the date on which funds are made available to carry  
16 out this Act, the Secretary shall transmit the study au-  
17 thorized by this section to the Committee on Energy and  
18 Natural Resources of the Senate and to the Committee  
19 on Natural Resources of the House of Representatives.

20 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

21 There are authorized to be appropriated such sums  
22 as are necessary to carry out ~~this Act, and to implement~~  
23 ~~the plan prepared pursuant to section 3(b).~~ *this Act.*