

Calendar No. 60

104TH CONGRESS
1ST SESSION

S. 363**[Report No. 104-37]**

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

IN THE SENATE OF THE UNITED STATES

FEBRUARY 7 (legislative day, JANUARY 30), 1995

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

APRIL 7 (legislative day, APRIL 5), 1995

Reported by Mr. MURKOWSKI, without amendment

A BILL

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

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 1995”.

6 **SEC. 2. FINDINGS.**

7 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 communities that were based on
23 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 caused damage to the ecological and economic
6 well-being of the area below the junction of the Rio
7 Puerco 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 is best achieved
10 through cooperation among affected Federal, State,
11 local, and tribal entities;

12 (9) the Secretary of the Interior, acting through
13 the Director of the Bureau of Land Management, in
14 consultation with Federal, State, local, and tribal en-
15 tities and in cooperation with the Rio Puerco Water-
16 shed Committee, is best suited to coordinate man-
17 agement efforts in the Rio Puerco watershed; and

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

22 **SEC. 3. MANAGEMENT PROGRAM.**

23 (a) IN GENERAL.—The Secretary of the Interior, act-
24 ing through the Director of the Bureau of Land Manage-
25 ment shall—

1 (1) in consultation with the Rio Puerco Man-
2 agement Committee established by section 4—

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

9 (i) current and historical natural re-
10 source conditions; and

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

13 (B) establish an inventory of best manage-
14 ment practices and related monitoring activities
15 that have been or may be implemented within
16 the area identified as the Rio Puerco Watershed
17 Project, as depicted on the map entitled “The
18 Rio Puerco Watershed” dated June 1994; and

19 (2) provide support to the Rio Puerco Manage-
20 ment Committee to identify objectives, monitor re-
21 sults of ongoing projects, and develop alternative wa-
22 tershed management plans for the Rio Puerco
23 Drainage Basin, based on best management prac-
24 tices.

25 (b) RIO PUERCO MANAGEMENT REPORT.—

1 (1) IN GENERAL.—Not later than 2 years after
2 the date of enactment of this Act, the Secretary of
3 the Interior, in consultation with the Rio Puerco
4 Management Committee, shall prepare a report for
5 the improvement of watershed conditions in the Rio
6 Puerco Drainage Basin described in subsection
7 (a)(1).

8 (2) CONTENTS.—The report under paragraph
9 (1) shall—

10 (A) identify reasonable and appropriate
11 goals and objectives for landowners and man-
12 agers in the Rio Puerco watershed;

13 (B) describe potential alternative actions to
14 meet the goals and objectives, including proven
15 best management practices and costs associated
16 with implementing the actions;

17 (C) recommend voluntary implementation
18 of appropriate best management practices on
19 public and private lands;

20 (D) provide for cooperative development of
21 management guidelines for maintaining and im-
22 proving the ecological, cultural, and economic
23 conditions on public and private lands;

1 (E) provide for the development of public
2 participation and community outreach pro-
3 grams that would include proposals for—

4 (i) cooperative efforts with private
5 landowners to encourage implementation of
6 best management practices within the wa-
7 tershed; and

8 (ii) involvement of private citizens in
9 restoring the watershed;

10 (F) provide for the development of propos-
11 als for voluntary cooperative programs among
12 the members of the Rio Puerco Management
13 Committee to implement best management
14 practices in a coordinated, consistent, and cost-
15 effective manner;

16 (G) provide for the encouragement of, and
17 support implementation of, best management
18 practices on private lands; and

19 (H) provide for the development of propos-
20 als for a monitoring system that—

21 (i) builds on existing data available
22 from private, Federal, and State sources;

23 (ii) provides for the coordinated collec-
24 tion, evaluation, and interpretation of addi-
25 tional data as needed or collected; and

- 1 (iii) will provide information to—
2 (I) assess existing resource and
3 socioeconomic conditions;
4 (II) identify priority implementa-
5 tion actions; and
6 (III) assess the effectiveness of
7 actions taken.

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

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

12 (b) MEMBERSHIP.—The Committee shall be con-
13 vened by a representative of the Bureau of Land Manage-
14 ment and shall include representatives from—

- 15 (1) the Rio Puerco Watershed Committee;
16 (2) affected tribes and pueblos;
17 (3) the National Forest Service of the Depart-
18 ment of Agriculture;
19 (4) the Bureau of Reclamation;
20 (5) the United States Geological Survey;
21 (6) the Bureau of Indian Affairs;
22 (7) the United States Fish and Wildlife Service;
23 (8) the Army Corps of Engineers;
24 (9) the Natural Resources Conservation Service
25 of the Department of Agriculture;

1 (10) the State of New Mexico, including the
2 New Mexico Environment Department and the State
3 Engineer;

4 (11) affected local soil and water conservation
5 districts;

6 (12) the Elephant Butte Irrigation District;

7 (13) private landowners; and

8 (14) other interested citizens.

9 (c) DUTIES.—The Rio Puerco Management Commit-
10 tee shall—

11 (1) advise the Secretary of the Interior, acting
12 through the Director of the Bureau of Land Man-
13 agement, on the development and implementation of
14 the Rio Puerco Management Program described in
15 section 3; and

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

20 (d) TERMINATION.—The Committee shall terminate
21 on the date that is 10 years after the date of enactment
22 of this Act.

23 **SEC. 5. REPORT.**

24 Not later than the date that is 2 years after the date
25 of enactment of this Act, and biennially thereafter, the

1 Secretary of the Interior, in consultation with the Rio
2 Puerco Management Committee, shall transmit to the
3 Committee on Energy and Natural Resources of the Sen-
4 ate and to the Committee on Resources of the House of
5 Representatives a report containing—

6 (1) a summary of activities of the management
7 program under section 3; and

8 (2) proposals for joint implementation efforts,
9 including funding recommendations.

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

11 (a) IN GENERAL.—The Secretary of the Interior, in
12 cooperation with appropriate State agencies, shall conduct
13 a study of the Rio Grande that—

14 (1) shall cover the distance from Caballo Lake
15 to Sunland Park, New Mexico; and

16 (2) may cover a greater distance.

17 (b) CONTENTS.—The study under subsection (a)
18 shall include—

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

21 (2) identification of the changes in vegetation
22 and habitat over the past 400 years and the affect
23 of the changes on the river and riparian area; and

24 (3) an assessment of the feasibility, benefits,
25 and problems associated with activities to prevent

1 further habitat loss and to restore habitat through
2 reintroduction or establishment of appropriate native
3 plant species.

4 (c) TRANSMITTAL.—Not later than 3 years after the
5 date on which funds are made available to carry out this
6 Act, the Secretary of the Interior shall transmit the study
7 under subsection (a) to the Committee on Energy and
8 Natural Resources of the Senate and to the Committee
9 on Resources of the House of Representatives.

10 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

11 There is authorized to be appropriated to carry out
12 sections 1, 2, 3, 4, and 5 a total of \$7,500,000 for the
13 10 fiscal years beginning after the date of enactment of
14 this Act.

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Reported without amendment