

107TH CONGRESS
2^D SESSION

S. 2773

To authorize the Secretary of the Interior to cooperate with the High Plains Aquifer States in conducting a hydrogeologic characterization, mapping, modeling and monitoring program for the High Plains Aquifer, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 23, 2002

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

A BILL

To authorize the Secretary of the Interior to cooperate with the High Plains Aquifer States in conducting a hydrogeologic characterization, mapping, modeling and monitoring program for the High Plains Aquifer, 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 “High Plains Aquifer
5 Hydrogeologic Characterization, Mapping, Modeling and
6 Monitoring Act”.

1 **SEC. 2. DEFINITIONS.**

2 For the purposes of this Act:

3 (1) ASSOCIATION.—The term “Association”
4 means the Association of American State Geologists.

5 (2) DIRECTOR.—The term “Director” means
6 the Director of the United States Geological Survey.

7 (3) FEDERAL COMPONENT.—The term “Fed-
8 eral component” means the Federal component of
9 the High Plains Aquifer Comprehensive
10 Hydrogeologic Characterization, Mapping, Modeling
11 and Monitoring Program described in section 3(c).

12 (4) HIGH PLAINS AQUIFER.—The term “High
13 Plains Aquifer” is the groundwater reserve depicted
14 as Figure 1 in the United States Geological Survey
15 Professional Paper 1400–B, title “Geohydrology of
16 the High Plains Aquifer in Parts of Colorado, Kan-
17 sas, Nebraska, New Mexico, Oklahoma, South Da-
18 kota, Texas, and Wyoming.”

19 (5) HIGH PLAINS AQUIFER STATES.—The term
20 “High Plains Aquifer States” means the States of
21 Colorado, Kansas, Nebraska, New Mexico, Okla-
22 homa, South Dakota, Texas and Wyoming.

23 (6) SECRETARY.—The term “Secretary” means
24 the Secretary of the Interior.

25 (7) STATE COMPONENT.—The term “State
26 component” means the State component of the High

1 Plains Aquifer Comprehensive Hydrogeologic Char-
2 acterization, Mapping, Modeling and Monitoring
3 Program described in section 3(d).

4 **SEC. 3. ESTABLISHMENT.**

5 (a) PROGRAM.—The Secretary, working through the
6 United States Geological Survey, and in cooperation with
7 the State geological surveys and the water management
8 agencies of the High Plains Aquifer States, shall establish
9 and carry out the High Plains Aquifer Comprehensive
10 Hydrogeologic Characterization, Mapping, Modeling and
11 Monitoring Program, for the purposes of the characteriza-
12 tion, mapping, modeling, and monitoring of the High
13 Plains Aquifer. The program shall undertake on a county-
14 by-county level or at the largest scales and most detailed
15 levels determined to be appropriate on a state-by-state and
16 regional basis: (1) mapping of the hydrogeological configu-
17 ration of the High Plains Aquifer; and (2) with respect
18 to the High Plains Aquifer, analyses of the current and
19 past rates at which groundwater is being withdrawn and
20 recharged, the net rate of decrease or increase in High
21 Plains Aquifer storage, the factors controlling the rate of
22 horizontal and vertical migration of water within the High
23 Plains Aquifer, and the current and past rate of loss of
24 saturated thickness within the High Plains Aquifer. The

1 program shall also develop, as needed, regional data bases
2 and groundwater flow models.

3 (b) FUNDING.—The Secretary shall make available
4 fifty percent of the funds available pursuant to this Act
5 for use in carrying out the State component of the pro-
6 gram, as provided for by subsection (d).

7 (c) FEDERAL PROGRAM COMPONENT.—

8 (1) PRIORITIES.—The program shall include a
9 Federal component, developed in consultation with
10 the Federal Review Panel provided for by subsection
11 (e), which shall have as its priorities—

12 (A) coordinating Federal, State, and local,
13 data, maps, and models into an integrated
14 physical characterization of the High Plains Aquifer;
15

16 (B) supporting State and local activities
17 with scientific and technical specialists; and

18 (C) undertaking activities and providing
19 technical capabilities not available at the State
20 and local levels.

21 (2) INTERDISCIPLINARY STUDIES.—The Fed-
22 eral component shall include interdisciplinary studies
23 that add value to hydrogeologic characterization,
24 mapping, modeling and monitoring for the High
25 Plains Aquifer.

1 (d) STATE PROGRAM COMPONENT.—

2 (1) PRIORITIES.—The program shall include a
3 State component which shall have as its priorities
4 hydrogeologic characterization, mapping, modeling,
5 and monitoring activities in areas of the High Plains
6 Aquifer that will assist in addressing issues relating
7 to groundwater depletion and resource assessment of
8 the Aquifer. Priorities under the State component
9 shall be based upon the recommendations of State
10 panels representing a broad range of users of
11 hydrogeologic data and information, which shall be
12 appointed by the Governor of the State or the Gov-
13 ernor's designee.

14 (2) AWARDS.—Twenty percent of the Federal
15 funds available under the State component shall be
16 equally divided among the State geological surveys
17 of the High Plains Aquifer States to carry out the
18 purposes of the program provided for by this Act.
19 The remaining funds under the State component
20 shall be competitively awarded to State or local
21 agencies or entities in the High Plains Aquifer
22 States, including State geological surveys, State
23 water management agencies, institutions of higher
24 education, or consortia of such agencies or entities.
25 Such funds shall be awarded by the Director only

1 for proposals that have been recommended by the
2 State panels referred to in subsection (d)(1), sub-
3 jected to independent peer review, and given final
4 recommendation by the Federal Review Panel estab-
5 lished under subsection (e). Proposals for multi-state
6 activities must be recommended by the State panel
7 of at least one of the affected States.

8 (e) FEDERAL REVIEW PANEL.—

9 (1) ESTABLISHMENT.—There shall be estab-
10 lished a Federal Review Panel to evaluate the pro-
11 posals submitted for funding under the State compo-
12 nent under subsection (d)(2) and to recommend ap-
13 provals and levels of funding. In addition, the Fed-
14 eral Review Panel shall review and coordinate the
15 Federal component priorities under subsection
16 (c)(1), Federal interdisciplinary studies under sub-
17 section (c)(2), and the State component priorities
18 under subsection (d)(1).

19 (2) COMPOSITION AND SUPPORT.—Not later
20 than three months after the date of enactment of
21 this Act, the Secretary shall appoint to the Federal
22 Review Panel: (1) two representatives of the United
23 States Geological Survey, at least one of which shall
24 be a hydrologist or hydrogeologist; and (2) three
25 representatives of the geological surveys and water

1 management agencies of the High Plains Aquifer
2 States from lists of nominees provided by the Asso-
3 ciation and the Western States Water Council, so
4 that there is representation of both the State geo-
5 logical surveys and the State water management
6 agencies. Appointment to the Panel shall be for a
7 term of three years. The Director shall provide tech-
8 nical and administrative support to the Federal Re-
9 view Panel. Expenses for the Federal Review Panel
10 shall be paid from funds available under the Federal
11 component of the program.

12 (f) LIMITATION.—The United States Geological Sur-
13 vey shall not use any of the Federal funds to be made
14 available under the State component for any fiscal year
15 to pay indirect, servicing, or program management
16 charges. Recipients of awards granted under subsection
17 (d)(2) shall not use more than eighteen percent of the
18 Federal award amount for any fiscal year for indirect,
19 servicing, or program management charges.

20 **SEC. 4. PLAN.**

21 The Secretary, acting through the Director, shall,
22 with the participation and review of the Association, the
23 Western States Water Council, the Federal Review Panel,
24 and the State panels, prepare a plan for the High Plains
25 Aquifer Hydrogeologic Characterization, Mapping, Mod-

1 eling and Monitoring Program. The plan shall address
2 overall priorities for the program and a management
3 structure and program operations, including the role and
4 responsibilities of the United States Geological Survey and
5 the States in the program, and mechanisms for identifying
6 priorities for the Federal component and the State compo-
7 nent.

8 **SEC. 5. REPORTING REQUIREMENTS.**

9 (a) REPORT ON PROGRAM IMPLEMENTATION.—One
10 year after the date of enactment of this Act, and every
11 two years thereafter through fiscal year 2011, the Sec-
12 retary shall submit a report on the status of implementa-
13 tion of the program established by this Act to the Com-
14 mittee on Energy and Natural Resources of the Senate,
15 the Committee on Resources of the House of Representa-
16 tives, and the Governors of the High Plains Aquifer
17 States.

18 (b) REPORT ON HIGH PLAINS AQUIFER.—One year
19 after the date of enactment of this Act and every year
20 thereafter through fiscal year 2011, the Secretary shall
21 submit a report to the Committee on Energy and Natural
22 Resources of the Senate, the Committee on Resources of
23 the House of Representatives, and the Governors of the
24 High Plains Aquifer States on the status of the High

1 Plains Aquifer, including aquifer recharge rates, extrac-
2 tion rates, saturated thickness, and water table levels.

3 (c) **ROLE OF FEDERAL REVIEW PANEL.**—The Fed-
4 eral Review Panel shall be given an opportunity to review
5 and comment on the reports required by this section.

6 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

7 There are authorized to be appropriated such sums
8 as may be necessary for each of the fiscal years 2003
9 through 2011 to carry out this Act.

○