

108TH CONGRESS  
1ST SESSION

# S. 997

To authorize the Secretary of the Army to carry out critical restoration projects along the Middle Rio Grande.

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IN THE SENATE OF THE UNITED STATES

MAY 6, 2003

Mr. DOMENICI introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To authorize the Secretary of the Army to carry out critical restoration projects along the Middle Rio Grande.

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. FINDINGS.**

4       Congress finds that—

5               (1) the Middle Rio Grande bosque is—

6                       (A) a unique riparian forest located in Al-  
7                       buquerque, New Mexico;

8                       (B) the largest continuous cottonwood for-  
9                       est in the Southwest;

1 (C) 1 of the oldest continuously inhabited  
2 areas in the United States;

3 (D) home to portions of 6 pueblos; and

4 (E) a critical flyway and wintering ground  
5 for migratory birds;

6 (2) the portion of the Middle Rio Grande adja-  
7 cent to the Middle Rio Grande bosque provides  
8 water to many people in the State of New Mexico;

9 (3) the Middle Rio Grande bosque should be  
10 maintained in a manner that protects endangered  
11 species and the flow of the Middle Rio Grande while  
12 making the Middle Rio Grande bosque more acces-  
13 sible to the public;

14 (4) environmental restoration is an important  
15 part of the mission of the Corps of Engineers; and

16 (5) the Corps of Engineers should reestablish,  
17 where feasible, the hydrologic connection between  
18 the Middle Rio Grande and the Middle Rio Grande  
19 bosque to ensure the permanent healthy growth of  
20 vegetation native to the Middle Rio Grande bosque.

21 **SEC. 2. DEFINITIONS.**

22 In this Act:

23 (1) **CRITICAL RESTORATION PROJECT.**—The  
24 term “critical restoration project” means a project  
25 carried out under this Act that will produce, con-

1       sistent with Federal programs, projects, and activi-  
2       ties, immediate and substantial ecosystem restora-  
3       tion, preservation, recreation, and protection bene-  
4       fits.

5           (2) MIDDLE RIO GRANDE.—The term “Middle  
6       Rio Grande” means the portion of the Rio Grande  
7       from Cochiti Dam to the headwaters of Elephant  
8       Butte Dam, in the State of New Mexico.

9           (3) SECRETARY.—The term “Secretary” means  
10       the Secretary of the Army.

11   **SEC. 3. MIDDLE RIO GRANDE RESTORATION.**

12       (a) CRITICAL RESTORATION PROJECTS.—The Sec-  
13       retary shall carry out critical restoration projects along  
14       the Middle Rio Grande.

15       (b) PROJECT SELECTION.—

16           (1) IN GENERAL.—The Secretary may select  
17       critical restoration projects in the Middle Rio  
18       Grande based on feasibility studies.

19           (2) USE OF EXISTING STUDIES AND PLANS.—  
20       In carrying out subsection (a), the Secretary shall  
21       use, to the maximum extent practicable, studies and  
22       plans in existence on the date of enactment of this  
23       Act to identify the needs and priorities for critical  
24       restoration projects.

1 (c) LOCAL PARTICIPATION.—In carrying out this  
2 Act, the Secretary shall consult with, and consider the pri-  
3 orities of, public and private entities that are active in eco-  
4 system restoration in the Rio Grande watershed, including  
5 entities that carry out activities under—

6 (1) the Middle Rio Grande Endangered Species  
7 Act Collaborative Program; and

8 (2) the Bosque Improvement Group of the Mid-  
9 dle Rio Grande Bosque Initiative.

10 (d) COST SHARING.—

11 (1) COST-SHARING AGREEMENT.—Before car-  
12 rying out any critical restoration project under this  
13 Act, the Secretary shall enter into an agreement  
14 with the non-Federal interests that shall require the  
15 non-Federal interests—

16 (A) to pay 25 percent of the total costs of  
17 the critical restoration project;

18 (B) to provide land, easements, rights-of-  
19 way, relocations, and dredged material disposal  
20 areas necessary to carry out the critical restora-  
21 tion project;

22 (C) to pay 100 percent of the operation,  
23 maintenance, repair, replacement, and rehabili-  
24 tation costs associated with the critical restora-

1           tion project that are incurred after the date of  
2           enactment of this Act; and

3           (D) to hold the United States harmless  
4           from any claim or damage that may arise from  
5           carrying out the critical restoration project  
6           (other than any claim or damage that may arise  
7           from the negligence of the Federal Government  
8           or a contractor of the Federal Government).

9           (2) RECREATIONAL FEATURES.—

10           (A) IN GENERAL.—Any recreational fea-  
11           tures included as part of a critical restoration  
12           project shall comprise not more than 30 percent  
13           of the total project cost.

14           (B) NON-FEDERAL FUNDING.—The full  
15           cost of any recreational features included as  
16           part of a critical restoration project in excess of  
17           the amount described in subparagraph (A) shall  
18           be paid by the non-Federal interests.

19           (3) CREDIT.—The non-Federal interests shall  
20           receive credit toward the non-Federal share of the  
21           cost of design or construction activities carried out  
22           by the non-Federal interests before the execution of  
23           the project cooperation agreement if the Secretary  
24           determines that the work performed by the non-Fed-  
25           eral interest is integral to the project.

1 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

2       There are authorized to be appropriated to carry out  
3 this Act—

4           (1) \$10,000,000 for fiscal year 2004; and

5           (2) such sums as are necessary for each of fis-  
6 cal years 2005 through 2013.

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