

Calendar No. 60

104TH CONGRESS }
1st Session }

SENATE

{ REPORT
104-37

RIO PUERCO WATERSHED ACT OF 1995

APRIL 7 (legislative day APRIL 5), 1995.—Ordered to be printed

Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 363]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 363) 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, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE MEASURE

The primary purpose of S. 363 as ordered reported, is to establish the Rio Puerco Management Committee and to direct the Secretary of the Interior, in consultation with the committee, to prepare and implement a plan for the restoration of the Rio Puerco watershed in New Mexico.

BACKGROUND AND NEED

The Rio Puerco watershed, comprising over 7,000 square miles, is the largest tributary of the Rio Grande in terms of area and sediment. The Rio Puerco, which drains into the Rio Grande northwest of Albuquerque, was once known as New Mexico's breadbasket. Over time, however, expensive ecological changes have occurred in the Rio Puerco watershed, some of which have resulted in damage to the watershed that has seriously affected the economic and cultural well-being of the area's residents.

According to the Bureau of Land Management, the Rio Puerco now contributes only 6 percent of the total water volume to the Rio Grande but over 50 percent of its sediments. Accelerated, progressive soil erosion within the basin threatens not only the sustained productivity of the rangeland watershed, but also the middle Rio Grande aquatic foundation of the Mesilla Valley dependent on the Elephant Butte Reservoir.

Many area residents are concerned about their ability to maintain a traditional lifestyle with an economy which is natural resource based and dependent upon the productivity of land with multiple ownerships. The vast Rio Puerco drainage system is a mosaic of land ownership and Federal agency management, with no single agency having watershed-wide expertise and management responsibility. S. 363 constitutes an effort to bring together the numerous agencies and individuals with resource management responsibility, including Indian Pueblos, Federal and State agencies, and private citizens, in order to work together and develop a plan for an effective Rio Puerco watershed management program.

S. 363 would direct the Secretary to coordinate a management program in the Rio Puerco watershed with advice from a Rio Puerco management committee composed of the various landowners, affected Indian Pueblos, local, regional, State, and Federal government entities, and other interested citizens. The committee will prepare a management plan to identify reasonable and appropriate goals and objectives for property owners and land managers in the Rio Puerco watershed; to describe potential alternative actions to meet the goals and objectives; to recommend voluntary implementation of appropriate best management practices on both public and private lands; to provide for cooperative development of management guidelines for maintaining and improving the ecological, cultural, and economic conditions on both public and private lands; and other activities that will promote cooperation and information sharing among those that own and manage land in the Rio Puerco watershed.

LEGISLATIVE HISTORY

Senators Bingaman and Domenici introduced S. 363 on February 7, 1995.

In the 103rd Congress, similar legislation was introduced by Senator Bingaman on March 10, 1994. The Subcommittee on Public Lands, National Parks and Forests held a hearing on S. 1919 on April 21, 1994. The Bureau of Land Management testified in support of the basic purpose of S. 1919 to improve water quality but objected to the formation of a management committee. At the business meeting on June 15, 1994, the Committee on Energy and Natural Resources ordered S. 1919 to be favorably reported. The Senate passed S. 1919 on August 2, 1994.

At the business meeting on March 29, 1995, the Committee on Energy and Natural Resources ordered S. 363 favorably reported.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Committee on Energy and Natural Resources, in open business session on March 29, 1995, by a unanimous vote of a quorum

present, recommends that the Senate pass S. 363 without amendment.

The roll call vote on reporting the measure was 20 yeas, 0 nays, as follows:

YEAS	NAYS
Mr. Murkowski	
Mr. Hatfield ¹	
Mr. Domenici	
Mr. Nickles ¹	
Mr. Craig	
Mr. Campbell ¹	
Mr. Thomas ¹	
Mr. Kyl ¹	
Mr. Grams	
Mr. Jeffords ¹	
Mr. Burns ¹	
Mr. Johnston	
Mr. Bumpers	
Mr. Ford	
Mr. Bradley	
Mr. Bingaman	
Mr. Akaka	
Mr. Wellstone ¹	
Mr. Heflin ¹	
Mr. Dorgan	

¹ Indicates voted by proxy.

SECTION-BY-SECTION ANALYSIS

Section 1 entitles the bill the "Rio Puerco Watershed Act of 1995".

Section 2 contains Congressional findings.

Section 3(a) requires the Secretary of the Interior (the "Secretary") to establish a clearinghouse for research and information on management within the area identified as the Rio Puerco Drainage Basin as depicted on the referenced map. The subsection also requires the Secretary to establish an inventory of best management practices and related monitoring activities that have been or may be implemented within the area identified as the Rio Puerco Watershed Project as identified on the map. Finally, the subsection requires the Secretary to provide support to the Rio Puerco Management Committee (established in section 4) to identify objectives and develop alternative watershed management plans for the Rio Puerco Drainage Basin, based on best management practices.

Subsection (b)(1) requires the Secretary, within 2 years after the date of enactment of this Act, to prepare a report for the improvement of watershed conditions in the Rio Puerco Drainage Basin.

Subsection (b)(2) describes the contents of the report. The report shall: identify reasonable goals and objectives for landowners and managers in the Rio Puerco watershed; described potential alternative actions to meet those goals; recommend voluntary implementation of best management practices on public and private lands; provide for cooperative development of management guidelines for maintaining and improving the ecological, cultural, and

economic conditions on watershed lands; provide for the development of proposals for voluntary cooperative programs among members of the Rio Puerco Management Committee to implement best management practices in a coordinated, consistent, and cost effective manner; provide for the encouragement of, and support implementation of, best management practices on private lands; and provide for the development of proposals for a monitoring system.

Section 4(a) establishes the Rio Puerco Management Committee (the "Committee").

Subsection (b) requires that the Committee be convened by a representative of the Bureau of Land Management, and lists the various entities and organizations that must be represented on the Committee.

Subsection (c) directs the Rio Puerco Management Committee to advise the Secretary on the development and implementation of the Rio Puerco Management Program described in section 3 and serve as a forum for information about activities that may affect or further the development and implementation of the best management practices described in section 3.

Section 5 provides that the Secretary, in consultation with the management Committee, shall transmit a report, two years after the date of enactment of the Act and biennially thereafter, to the Committee on Energy and Natural Resources of the United States Senate and to the Committee on Resources of the House of Representatives. The section requires the report to contain a summary of accomplishments and proposals for joint implementation efforts, including funding recommendations.

Section 6(a) requires the Secretary to conduct a study of the Rio Grande from Caballo Lake to Sunland Park, New Mexico.

Subsection (b) describes the contents of the study as including a survey of the current habitat conditions, identification of the changes in vegetation and habitat over the past 400 years, and an assessment of the feasibility, benefits, and problems associated with activities to prevent further habitat loss and restoration of habitat through reintroduction or establishment of appropriate native plant species.

Subsection (c) directs the Secretary, within 3 years after the date on which funds are made available to carry out this Act, to transmit the study to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the House of Representatives.

Section 7 authorizes a total appropriation of \$7,500,000 for the 10 fiscal years beginning after the date of enactment of this Act.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 5, 1995.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 363, the Rio Puerco Watershed Act of 1995, as ordered reported by the Senate Committee on Energy and Natural Resources on March 29, 1995. We estimate that implementing S. 363 would cost the federal government about \$1.5 million over the next five years, assuming appropriations of the necessary funds. Because enacting S. 363 would not affect direct spending or receipts, pay-as-you-go procedures would not apply.

S. 363 would require the Bureau of Land Management (BLM) to establish a clearinghouse for research and information on watershed management within the Rio Puerco Drainage Basin in New Mexico, and to provide support for a Rio Puerco Watershed management program. Within two years of enactment, BLM would be required to prepare a report on management alternatives for the watershed area. The bill would establish a Rio Puerco Management Committee to assist BLM in these efforts. BLM would be required to submit a report on its accomplishments to the Congress within two years of enactment and biennially thereafter. Finally, the U.S. Fish and Wildlife Service (USFWS) would be required to conduct a habitat study of the lower Rio Grande River in New Mexico. S. 363 would authorize the appropriation of \$7.5 million over the 10 years after enactment for BLM to carry out certain activities authorized in the bill.

For the purposes of this estimate, CBO assumes that S. 363 would be enacted by the end of the fiscal year 1995, and that funds would be appropriated as necessary, beginning in fiscal year 1996. Based on information from BLM, we estimate that the agency would spend about \$125,000 over two years to establish the clearinghouse and to prepare the reports required by the legislation. Subsequent biennial reports would cost about \$25,000 each to complete. Ongoing management costs to maintain the clearinghouse and to provide support to the management committee would total about \$75,000 annually beginning in 1997. Based on a similar study on another part of the Rio Grande River, we estimate that the habitat study would cost USFWS about \$1 million to complete and that such costs would be incurred over a three-year period beginning in 1996.

CBO estimates that enacting S. 363 would not require state or local governments to spend additional funds.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Theresa Gullo.

Sincerely,

JUNE E. O'NEILL, *Director.*

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation

of the regulatory impact which would be incurred in carrying out S. 363. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 363, as ordered reported.

EXECUTIVE COMMUNICATIONS

On March 24, 1995, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations on S. 363. These reports had not been received at the time the report on S. 363 was filed. When these reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 363, as ordered reported.