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NEW MEXICO AQUIFER ASSESSMENT ACT OF 2007

JUNE 28, 2007.—Ordered to be printed

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

R E P O R T

[To accompany S. 324]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 324) to direct the Secretary of the Interior to conduct a study of water resources in the State of New Mexico, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of S. 324 is to direct the Secretary of the Interior to conduct a study of water resources in the State of New Mexico.

BACKGROUND AND NEED

Over the past several years, New Mexico has been in and out of drought conditions, which has caused the water level in many of its reservoirs to drop to dangerously low levels. In addition, the groundwater wells of many municipalities in the State have run dry. New Mexico is unique in its reliance on groundwater. It has a history of irrigation from artesian wells in the eastern part of the State. Moreover, approximately 90 percent of New Mexicans depend on groundwater for drinking water purposes, 77 percent of which obtain their supply exclusively from groundwater. While groundwater supplies throughout the State are coming under increasing demand due to drought, contamination, historical use, and increasing population, not enough is known about these resources to make sound decisions regarding their ongoing and future use. In particular, there is a strong need to better understand aquifer recharge rates, water quality, susceptibility to contamination, and the interaction between surface water and groundwater flows.

LEGISLATIVE HISTORY

S. 324 was introduced on January 17, 2007 by Senator Domenici for himself and Senator Bingaman, and referred to the Committee on Energy and Natural Resources. The Water and Power Subcommittee held a hearing on S. 324 on April 25, 2007. At the business meeting on May 23, 2007, the Committee on Energy and Natural Resources ordered S. 324 favorably reported.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in an open business meeting on May 23, 2007, by voice vote of a quorum present, recommends that the Senate pass S. 324.

SECTION-BY-SECTION ANALYSIS

Section 1 provides the short title.

Section 2(a) directs the Secretary of the Interior, acting through the Director of the United States Geological Survey in coordination with the State of New Mexico and other appropriate entities to conduct a study of water resources in the State, including a survey of groundwater resources, and characterization of aquifer geology.

Section 2(b) directs that the study shall include the Estancia Basin, Salt Basin, Tularosa Basin, Hueco Basin, and middle Rio Grande Basin in the State.

Section 2(c) requires that not later than 2 years after the date of enactment, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes the results of the study.

Section 2(d) authorizes the appropriation of necessary sums to carry out the Act.

COST AND BUDGETARY CONSIDERATIONS

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

JUNE 6, 2007.

Hon. JEFF BINGAMAN,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 324, the New Mexico Aquifer Assessment Act of 2007.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact are Tyler Kruzich and David Reynolds.

Sincerely,

PETER R. ORSZAG.

Enclosure.

S. 324—New Mexico Aquifer Assessment Act of 2007

Summary: S. 324 would require the United States Geological Survey (USGS) to conduct a study of water resources in five New Mexico ground water basins. Assuming appropriation of the necessary funds, CBO estimates that conducting those studies would

cost \$15 million over the 2008–2012 period. Enacting S. 324 would not affect direct spending or revenues.

The legislation contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the federal government: The estimated budgetary impact of S. 324 is shown in the following table. The costs of this legislation would fall within budget function 300 (natural resources and environment).

By fiscal year, in millions of dollars—					
	2008	2009	2010	2011	2012
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Estimated Authorization Level	6	6	3	0	0
Estimated Outlays	4	4	4	2	1

Basis of estimate: For this estimate, CBO assumes that S. 324 will be enacted before the end of 2007 and that the necessary amounts will be appropriated for each year. The bill would require USGS to study water resources in five separate New Mexico ground water basins. Based on information provided by the USGS, CBO expects the studies would begin over the next three years and be completed within five years. Using information provided by the agency, CBO estimates that carrying out the proposed studies would cost \$15 million over the 2008–2012 period, assuming appropriation of the necessary amounts.

Intergovernmental and private-sector impact: S. 324 contains no intergovernmental or private-sector mandates as defined by UMRA and would impose no costs state, local, or tribal governments.

Estimate prepared by: Federal Costs: Tyler Kruzich and David Reynolds; Impact on State, Local, and Tribal Governments: Lisa Ramirez-Branum; Impact on the Private Sector: Amy Petz.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

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. 324. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant responsibilities on private individuals and business.

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. 324.

EXECUTIVE COMMUNICATIONS

The testimony provided by the Department of the Interior at the Subcommittee hearing on S. 324 follows:

STATEMENT OF ROBERT M. HIRSCH, ASSOCIATE DIRECTOR
FOR WATER, UNITED STATES GEOLOGICAL SURVEY, U.S.
DEPARTMENT OF THE INTERIOR

Mr. Chairman and Members of the Committee, I am Dr. Robert M. Hirsch, Associate Director for Water for the U.S. Geological Survey (USGS). I thank you for the opportunity to provide the views of the Department of the Interior (Department) on S. 324, the "New Mexico Aquifer Assessment Act of 2007."

The Department agrees that the goals of the bill are commendable and the needs that could be addressed are real; however, we have concerns with this bill, including the availability of funding for the work proposed in the context of overall funding for the Administration's priorities. To ensure appropriate flexibility in budgetary management, the Administration recommends that this bill be amended to authorize rather than require the study within a statutorily prescribed timeframe. We would like to work with the committee to revise the bill to address these issues.

S. 324, THE "NEW MEXICO AQUIFER ASSESSMENT ACT OF 2007"

S. 324 directs the Secretary of the Interior, acting through the Director of the USGS, to conduct a study on ground-water resources in the State of New Mexico. The role identified for the Department in this bill is consistent with the leadership role of USGS in monitoring and assessing ground-water resources.

As the Nation's largest water, earth, and biological science and civilian mapping agency, the USGS conducts the most extensive ground-water and surface-water investigations in the Nation in conjunction with State and local partners. The USGS New Mexico Water Science Center currently operates 203 streamflow stations and routinely measures ground-water levels at 2573 well sites through cooperative programs with several Federal, State, Tribal, and local agencies. In addition to hydrologic monitoring programs, the USGS is providing hydrologic understanding to water agencies through the Cooperative Water Program by conducting several investigative projects that include describing the interaction of surface water and ground water in the Mesilla, upper Rio Hondo, and Middle Rio Grande Basins; planning geohydrologic studies in the Salt Basin; and evaluating water quality of the Rio Grande and Rio Chama. In support of all water agencies within New Mexico, USGS technical specialists actively participate on work groups and committees addressing critical New Mexico water issues. Currently, personnel are involved in the Technical Subcommittee of the Gila-San Francisco Coordinating Committee, the Española Basin Technical Advisory Group, and the Upper Rio Grande Water Operations Model Work Group.

The USGS has a long history of conducting ground-water assessments on a regional scale. In the 1980s, 25 re-

gional aquifer systems were studied in detail as part of the Regional Aquifer-System Analysis (RASA) Program, including the Southwest Alluvial basins, High Plains aquifer, and San Juan Basin in New Mexico. More recently, the Middle Rio Grande Basin was studied extensively for 6 years as a partnership among Federal, State, and local sources.

Congress directed the USGS in their fiscal year (FY) 2002 appropriation to “prepare a report to describe the scope and magnitude of the efforts needed to provide periodic assessments of the status and trends in the availability and use of freshwater resources.” We are midway through a pilot project in the Great Lakes region and a small effort in the Lower Colorado River basin to develop approaches for national assessment that began in FY 2005 as part of the USGS Ground-Water Resources Program. The approaches developed to date could be applied to New Mexico and nationwide. However, we note that a comprehensive study of a major aquifer system commonly takes 4 or more years to complete; and thus, the 2-year time frame for completing the overall study proposed by S. 324 would yield limited results.

CONCLUSION

In conclusion, the USGS concurs with the goals of S. 324. The proposed effort would help ensure long-term water supplies for the citizens, businesses, industry, and natural features of New Mexico, and the expertise of USGS is highly relevant to the tasks contemplated by the legislation. However, we are concerned with the funding requirements that accompany S. 324. We note that there are no funds in this year’s budget or the President’s FY 2008 budget to implement the legislation, and any future funding requests would have to compete with other priority projects for funds. We also note there are some ongoing efforts to address the goals of the Act. Finally, individual major aquifer studies commonly require 4 or more years to complete, and thus, the 2-year time frame for completing the overall study proposed by S. 324 would yield limited results.

Thank you, Mr. Chairman, for the opportunity to present this testimony. I will be pleased to respond to questions you and other Members of the Committee may have.

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. 324, as ordered reported.