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2d Session }

SENATE

{ REPORT
110-302

RIO PUERCO WATERSHED MANAGEMENT PROGRAM REAUTHORIZATION ACT

APRIL 10, 2008.—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. 1940]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1940) to reauthorize the Rio Puerco Watershed Management Program, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

Beginning on page 1, strike line 8 and all that follows through page 2, line 9, and insert the following:

“(a) RIO PUERCO MANAGEMENT COMMITTEE.—Section 401(b) of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 110 Stat. 4147) is amended—

“(1) in paragraph (2)—

“(A) by redesignating subparagraphs (I) through (N) as subparagraphs (J) through (O), respectively; and

“(B) by inserting after subparagraph (H) the following:

“(I) the Environmental Protection Agency;”
and

“(2) in paragraph (4), by striking “enactment of this act” and inserting “enactment of the Rio Puerco Watershed Management Program Reauthorization Act.”.

PURPOSE

The purpose of S. 1940 is to reauthorize the Rio Puerco Watershed Management Program in New Mexico for an additional ten year period, and to add the Environmental Protection Agency as a member of the Rio Puerco Management Committee.

BACKGROUND AND NEED

The Rio Puerco is the largest tributary to the Middle Rio Grande Basin. Its headwaters originate in Sandoval County, New Mexico, and the watershed encompasses approximately 4.7 million acres that flow into the Rio Grande. The Rio Puerco Basin includes nine sub-watersheds, draining portions of seven counties, west of the greater Rio Grande Basin in the northwest and west-central portions of the State. The geology of the area includes soft sedimentary strata, intruded and capped by younger volcanic rocks.

The Rio Puerco watershed is the primary source of undesirable fine sediment that is annually delivered to the Rio Grande system. According to the U.S. Geological Survey, the Rio Puerco transports one of the world's highest average annual sediment concentrations. The Corps of Engineers has noted that soil erosion within the watershed surpasses that of any other watershed in the country. The Rio Puerco is listed as a Category 1 watershed (in need of restoration) in New Mexico's Unified Watershed Assessment. Several reaches of the Rio Puerco and its tributaries are listed as impaired by the New Mexico Environment Department.

To help address this problem, Congress enacted legislation in 1996. Section 401 of Public Law 104-333 directed the Bureau of Land Management, working with a committee of Federal and State agencies, to establish a clearinghouse for research and information on management within the area, to establish an inventory of best management practices and related monitoring activities, and through the committee (referred to in the legislation as the Rio Puerco Basin Management Committee), to identify objectives, monitor results of ongoing projects, and develop alternative watershed management plans for the Rio Puerco Drainage Basin, based on best management practices.

The program was authorized to receive up to \$7.5 million in appropriations over a ten year period. That initial authorization expired in November, 2006. S. 1940 extends that authorization for an additional ten year period, at the same funding level.

LEGISLATIVE HISTORY

S. 1940 was introduced by Senators Bingaman and Domenici on August 2, 2007. The Subcommittee on Public Lands and Forests held a hearing on the bill on September 20, 2007. (S. Hrg. 110-216.)

At its business meeting on January 30, 2008, the Committee on Energy and Natural Resources ordered S. 1940 favorably reported with an amendment.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on January 30, 2008, by a voice vote of a quorum

present, recommends that the Senate pass S. 1940, if amended as described herein.

COMMITTEE AMENDMENT

During its consideration of S. 1940, the Committee adopted an amendment which clarified that the termination date of the Rio Puerco Management Committee was extended for an additional 10 years from the date of enactment of this Act, consistent with the extension of the authorization of appropriations. The amendment also made other clarifying and conforming changes.

SECTION-BY-SECTION ANALYSIS

Section 1 entitles the bill the “Rio Puerco Watershed Management Program Reauthorization Act.”

Section 2(a) amends section 401(b) of Public Law 104–333 (110 Stat. 4147) to add the Environmental Protection Agency as a member of the Rio Puerco Management Committee, and make other conforming changes. The subsection also extends the termination date for the Management Committee for an additional 10 years after the date of enactment of this Act.

Subsection (b) extends the authorization for Rio Puerco Management activities for an additional 10 years 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:

S. 1940—Rio Puerco Watershed Management Program Reauthorization Act

Summary: S. 1940 would reauthorize the Rio Puerco Management Committee (RPMC) for 10 years. The RPMC is a collaborative watershed organization. Through it, the Bureau of Land Management collaborates with state, local, and tribal governments to protect the long-term sustainability of the Rio Puerco watershed in New Mexico. The bill also would make the Environmental Protection Agency (EPA) a member of the RPMC.

CBO estimates that implementing S. 1940 would cost \$3 million over the 2008–2013 period, assuming appropriation of the necessary amounts. Enacting the bill would not affect direct spending or revenues.

S. 1940 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. 1940 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—					
	2008	2009	2010	2011	2012	2013
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Estimated Authorization Level	*	*	*	1	1	1

	By fiscal year, in millions of dollars—					
	2008	2009	2010	2011	2012	2013
Estimated Outlays	*	*	*	1	1	1

Note: * = less than \$500,000.

Basis of estimate: The Rio Puerco watershed is environmentally impaired and contributes large amounts of sediment to a portion of the Rio Grande River in New Mexico. The RPMC, comprising various federal, state, local, and tribal stakeholders, works to protect the sustainability of that watershed. The authority of the RPMC expired in November 2006, although collaborative work within the watershed area continues.

Traditionally, the majority of the funding for the work of the RPMC has come from grants provided by EP A (that would not be affected by this legislation) and the New Mexico Environment Department. BLM estimates that it has spent about \$1 million for RPMC activities over the 1997–2006 period. Based on information from BLM, CBO estimates that reauthorizing the RPMC would cost \$3 million over the 2008–2013 period to help control erosion in the watershed and reduce sediment in the river, assuming appropriation of those amounts.

Intergovernmental and private-sector impact: S. 1940 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Estimate prepared by: Federal Costs: Tyler Kruzich; Impact on State, Local, and Tribal Governments: Burke Doherty; Impact on the Private-Sector: Amy Petz.

Estimate approved by: Theresa Gullo, 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. 1940. 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. 1940, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

In accordance with paragraph 4(b) of rule XLIV of the Standing Rules of the Senate, the Committee provides the following identification of congressionally directed spending items contained in the bill, as reported:

Section: 2(b); Provision: Authorization of appropriations; Member: Sen. Bingaman.

EXECUTIVE COMMUNICATIONS

The testimony provided by the Bureau of Land Management at the September 20, 2007 subcommittee hearing on S. 1940 follows:

STATEMENT OF MICHAEL NEDD, ASSISTANT DIRECTOR, MINERAL, REALTY & RESOURCE PROTECTION, BUREAU OF LAND MANAGEMENT

Thank you for the opportunity to testify on S. 1940, the Rio Puerco Watershed Management Program Reauthorization Act. The legislation provides a 10-year reauthorization for the Rio Puerco Management Committee (RPMC), a collaborative watershed organization established by Section 401 of the Omnibus Parks and Public Lands Management Act of 1996 (P.L. 104-333). Through the collaborative processes of the RPMC, the BLM has partnered with Federal, state, and Tribal governments, private individuals, and environmental organizations, to improve management practices and protect the long-term sustainability of the watershed. The legislation also adds the Environmental Protection Agency (EPA) as a member of the RPMC, formalizing the cooperative role it has played in these efforts. The BLM strongly supports enactment of S. 1940.

The Rio Puerco Watershed, located in west-central New Mexico, contributes less than 10 percent of the water, but nearly 70 percent of the silt, to the Rio Grande north of the Elephant Butte Reservoir. According to the Corps of Engineers, soil erosion within the basin surpasses that of any other watershed in the country. The New Mexico Environment Department has classified the Rio Puerco as a Category I impaired watershed, primarily because of the high levels of sedimentation.

RPMC ACCOMPLISHMENTS

The RPMC has effectively built on initiatives begun by a locally led public-private stakeholders group based in Cuba, New Mexico. The RPMC is a collaborative watershed organization consisting of state, Federal, and Tribal entities, soil and water conservation districts, representatives of county government, residents from the rural communities within the watershed, environmental and conservation groups and the public. It is a consensus group charged with compiling data and developing best management practices to reduce erosion, increase native vegetation, and improve riparian habitat while supporting the watershed's rural, agrarian, and cultural traditions.

The RPMC and its partners received grants and awards, in part based on the diversity of entities participating and on its track record in showcasing how the watershed approach can yield measurable success. The EPA Administrator identified the RPMC as one of the winners of the 2003 Watershed Initiative grants, with an award of \$700,000. The Rio Puerco Alliance, a 501(c)(3) non-profit organization formed in 2006, received a grant of \$840,000 in August 2007 for the Targeted Watershed Restoration Initiative in Torreon Wash. Projects on which the RPMC have worked collaboratively have received 319 grants from the *New Mexico Environment Department* and the *EPA's Watershed Initiative Program*.

Among its accomplishments, the RPMC has:

- launched a community involvement initiative that started with listening sessions held in local communities and developed into a series of training and demonstration workshops on conservation practices;
- developed a Watershed Restoration Action Strategy, to address specific water quality problems.

In cooperation with the New Mexico State Highway and Transportation Department, the RPMC is redirecting the Rio Puerco from an unstable artificial 1.1 mile channel to its natural 2.2 miles of meandering channel. This project is funded through a New Mexico Environment Department Clean Water Act grant and through assistance from Sandoval County and the New Mexico Highway and Transportation Department. This project will reduce approximately 21 tons of sediment that have been lost annually since the river was diverted.

Through another New Mexico Environment Department Clean Water Act grant, the RPMC worked with private landowners in two degraded tributaries to the Rio Puerco to create a showcase water quality improvement project through erosion control, livestock grazing management, and control of undesirable vegetation.

The 1996 Act that created the RPMC authorized \$7.5 million over 10 years. The authority expired on November 12, 2006. Prior to its expiration, the RPMC used this funding to leverage grants for resource protection and has accepted in-kind contributions for on-the-ground project work.

NAVAJO YOUTH PROJECTS

In 2007, the BLM, the Navajo Water Resources Department and the State of New Mexico provided funding for on-the-ground Navajo Youth Projects in six Chapters of the Eastern Navajo Agency. Through this collaborative effort, six youth Projects have hired about 100 Navajo youth to construct erosion control structures on Tribal, BLM, and state lands within grazing allotments held by the Navajo Nation. The program also included environmental education training on the concepts of watershed management. Several leaders of the Navajo Nation have expressed their conviction that Navajo youth need this important tie back to the land.

Thank you again for the opportunity to testify on S. 1940. The collaborative nature of the Rio Puerco Management Committee has resulted in successful implementation of activities to restore and protect the watershed, and the BLM looks forward to continuing this important work. I would be glad to answer your questions.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 1940 as ordered reported, are shown as follows (existing law pro-

posed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

Public Law 104–333

(Approved November 12, 1996; 110 Stat. 4093)

AN ACT To provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

This Act may be cited as the “Omnibus Parks and Public Lands Management Act of 1996”

* * * * *

TITLE IV—RIVERS AND TRAILS

SEC. 401. RIO PUERCO WATERSHED.

(a) MANAGEMENT PROGRAM.—

* * * * *

(b) RIO PUERCO MANAGEMENT COMMITTEE.—

(1) ESTABLISHMENT.—There is established the Rio Puerco Management Committee (referred to in this section as the “Committee”).

(2) MEMBERSHIP.—The Committee shall be convened by a representative of the Bureau of Land Management and shall include representatives from—

(A) the Rio Puerco Watershed Committee;

(B) affected tribes and pueblos;

(C) the National Forest Service of the Department of Agriculture;

(D) the Bureau of Reclamation;

(E) the United States Geological Survey;

(F) the Bureau of Indian Affairs;

(G) the United States Fish and Wildlife Service;

(H) the Army Corps of Engineers;

(I) the Environmental Protection Agency;

[(I)] *(J)* the Natural Resources Conservation Service of the Department of Agriculture;

[(J)] *(K)* the State of New Mexico, including the New Mexico Environment Department of the State Engineer;

[(K)] *(L)* affected local soil and water conservation districts;

[(L)] *(M)* the Elephant Butte Irrigation District;

[(M)] *(N)* private landowners; and

[(N)] *(O)* other interested citizens.

(3) DUTIES.—The Rio Puerco Management Committee shall—

(A) advise the Secretary of the Interior, acting through the Director of the Bureau of Land Management, on the development and implementation of the Rio Puerco Management Program described in subsection (a); and

(B) serve as a forum for information about activities that may affect or further the development and implementation of the best management practices described in subsection (a).

(4) TERMINATION.—The Committee shall terminate on the date that is 10 years after the date of **enactment of this Act** *enactment of the Rio Puerco Watershed Management Program Reauthorization Act*.

* * * * *

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section a total of \$7,500,000 for the 10 fiscal years beginning after the date of **enactment of this Act** *enactment of the Rio Puerco Watershed Management Program Reauthorization Act*.