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SENATE

{ REPORT
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RIO PUERCO WATERSHED MANAGEMENT PROGRAM REAUTHORIZATION ACT

DECEMBER 4, 2018.—Ordered to be printed

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

R E P O R T

[To accompany S. 2249]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 2249) to permanently reauthorize the Rio Puerco Management Committee and the Rio Puerco Watershed Management Program, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and an amendment to the title and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Rio Puerco Watershed Management Program Reauthorization Act”.

SEC. 2. REAUTHORIZATION OF THE RIO PUERCO MANAGEMENT COMMITTEE.

Section 401(b)(4) of division I of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333; 110 Stat. 4147; 123 Stat. 1108) is amended by striking “the Omnibus Public Land Management Act of 2009” and inserting “the Rio Puerco Watershed Management Program Reauthorization Act”.

SEC. 3. REAUTHORIZATION OF THE RIO PUERCO WATERSHED MANAGEMENT PROGRAM.

Section 401(e) of division I of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 110 Stat. 4148; 123 Stat. 1108) is amended by striking “the Omnibus Public Land Management Act of 2009” and inserting “the Rio Puerco Watershed Management Program Reauthorization Act”.

2. Amend the title so as to read:

“A bill to reauthorize the Rio Puerco Management Committee and the Rio Puerco Watershed Management Program.”.

PURPOSE

The purpose of S. 2249 is to reauthorize the Rio Puerco Management Committee and the Rio Puerco Watershed Management Program.

BACKGROUND AND NEED

The 4.7 million-acre Rio Puerco watershed drains portions of seven counties in west-central New Mexico, and is the largest tributary to the Middle Rio Grande. Past land uses and natural phenomena have resulted in accelerated erosion and stream channelization in the watershed, leading the Rio Puerco to have one of the highest annual sediment loads in the world. Transportation and deposition of this sediment into the Rio Grande system causes water quality deterioration, increased sedimentation of water supply reservoirs, lost agricultural productivity, and a variety of other impacts.

In 1996, the Omnibus Parks and Public Lands Management Act (Public Law 104–333) directed the establishment of a Rio Puerco Watershed Management Program (Program) to collect and inventory best practices, establish goals and objectives for the watershed, and promote collaborative efforts involving Federal and State agencies, Tribes, non-profits, and local citizens.

Public Law 104–333 also established the Rio Puerco Management Committee (Committee) to advise the Bureau of Land Management and develop and implement best management practices. Committee membership consists of representatives from Tribes and pueblos, a number of Federal agencies, the State of New Mexico, local soil and water conservation districts, the Elephant Butte Irrigation District, and private landowners. A variety of projects designed to reduce sediment and erosion, improve vegetation and habitat, and promote public awareness and participation have been developed and continue to be implemented by the Program and the Committee.

Both the Program and the Committee were reauthorized for 10 years by the Omnibus Public Land Management Act of 2009 (Public Law 111–11). Those authorizations will expire on March 30, 2019. S. 2249 extends the authorizations for the continuation of the Program and the Committee for an additional 10 years.

LEGISLATIVE HISTORY

S. 2249 was introduced by Senators Udall and Heinrich on December 19, 2017. The Subcommittee on Public Lands, Forests, and Mining held a hearing on the bill on February 7, 2018.

Representative Lujan introduced similar legislation, H.R. 4968, in the House of Representatives on February 7, 2018.

The Senate Committee on Energy and Natural Resources met in an open business session on October 2, 2018, and ordered S. 2249 favorably reported, as amended.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on October 2, 2018, by a majority voice vote of a quorum present, recommends that the Senate pass S. 2249, if amended as described herein. Senator Risch asked to be recorded as voting no.

COMMITTEE AMENDMENT

During its consideration of S. 2249, the Committee adopted an amendment in the nature of a substitute and an amendment to the title. The substitute amendment replaced the permanent reauthorization of the Committee and Program with a 10-year reauthorization. The amendment also modified the authorization amount.

SECTION-BY-SECTION ANALYSIS

Sec. 1. Short title

Section 1 sets forth the short title.

Sec. 2. Reauthorization of the Rio Puerco Management Committee

Section 2 amends section 401(b)(4) of division I of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333) to authorize the Committee for 10 years from the Act’s enactment.

Sec. 3. Reauthorization of the Rio Puerco Watershed Management Program

Section 3 amends section 401(e) of division I of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333) to authorize appropriations for the Program for 10 years from the Act’s enactment.

COST AND BUDGETARY CONSIDERATIONS

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

S. 2249 would reauthorize the Rio Puerco Management Committee (RPMC) for 10 years. The RPMC is a collaborative watershed organization, organized and funded by the Bureau of Land Management (BLM) that works with state and local governments and other stakeholders to protect the sustainability of the Rio Puerco watershed in New Mexico. The committee’s current authority expires at the end of fiscal year 2019.

The majority of funding for projects in the Rio Puerco watershed, including those for erosion and sediment control, has been provided by the Environmental Protection Agency and the New Mexico Environment Department. The most recent major projects concluded in 2010; S. 2249 would not affect funding for those projects. BLM covers the administrative costs of the RPMC, whose members meet several times each year. Over the past few years, those costs have totaled about \$6,000 annually.

CBO estimates that the RPMC's administrative costs will continue to total a few thousand dollars per year over the 2019–2023 period; BLM does not foresee any significant new projects. Any spending would be subject to the availability of appropriated funds.

Enacting the bill would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting S. 2249 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

S. 2249 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is Jon Sperl. The estimate was reviewed by H. Samuel Papenfuss, 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. 2249. 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. 2249, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 2249 as ordered reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

EXECUTIVE COMMUNICATIONS

The testimony provided by the Department of the Interior at the February 7, 2018, hearing on S. 2249 follows:

STATEMENT OF BRIAN STEED, DEPUTY DIRECTOR FOR POLICY & PROGRAMS, BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR

Thank you for the opportunity to present the views of the Department of the Interior (Department) on S. 2249, the Rio Puerco Watershed Management Program Reauthorization Act. The Rio Puerco Management Committee has been a historically important collaborative tool for supporting rural communities and traditional uses of the pub-

lic lands. S. 2249 would permanently reauthorize the Rio Puerco Management Committee (RPMC) and the Rio Puerco Watershed Management Program. The Department recommends that the RPMC be reauthorized for a limited ten-year period.

Background

The Rio Puerco Watershed located in west central New Mexico contains the most significant tributary in the Middle Rio Grande Basin. Covering nearly 7,350 square miles, it includes 9 sub-watersheds that drain into portions of 7 counties west of the Rio Grande. Over the past half century, the Rio Puerco Watershed has become severely degraded because of accelerated erosion and high sediment loads. According to the U.S. Army Corps of Engineers, soil erosion within this watershed surpasses that of any other watershed in the country.

Established by the Omnibus Parks and Land Management Act of 1996 (Public Law 104-333) and reauthorized in 2009, the RPMC is a collaborative organization convened and facilitated by the Bureau of Land Management (BLM) that consists of State, Federal, and Tribal entities, soil and water conservation districts, representatives of county governments, residents from rural communities within the watershed, environmental and conservation groups, and the public. The purpose of the RPMC is to advise the Secretary of the Interior, acting through the BLM, on developing and implementing the Rio Puerco Management Program, also established by Public Law 104-333. As per the law, the Rio Puerco Management Program provides support to the RPMC as the RPMC collects data on the watershed, identifies best management practices, and monitors ongoing programs. Further, the RPMC acts as a forum for information about activities affecting the development and implementation of best management practices in the Rio Puerco Watershed.

Since the creation of the RMPC in 1996, the BLM has partnered with the many local groups that comprise the RMPC on projects that have improved the overall health of the watershed and have supported, educated, and even employed members of the local rural community. For example, in cooperation with the New Mexico State Highway and Transportation Department, the RPMC engaged in restoration activities that redirected the Rio Puerco from its unstable, channelized path to a meandering, natural route. Through a grant provided by the New Mexico Environment Department, the RPMC worked with private landowners on erosion control, vegetation management, and grazing management projects to improve the water quality in two degraded tributaries of the Rio Puerco Watershed. Finally, the RPMC worked with chapters of the Eastern Navajo to train participants in a summer youth program to install structures that support grazing programs.

These are just a few examples of the many projects that the RPMC has made possible in partnership with the local community, and Federal agencies like the BLM, in support of responsible multiple uses on the public lands, working landscapes, and traditional uses such as grazing. Although no new projects have been funded since 2013, the RPMC has continued to meet approximately quarterly for the last five years. In the absence of project funding, the committee's primary focus has turned to regaining participation and momentum for on-the-ground project work focused on watershed improvement.

S. 2249, Rio Puerco Watershed Management Program Reauthorization Act

S. 2249 permanently reauthorizes the Rio Puerco Watershed Management Program and the RPMC. The bill also authorizes appropriations for fiscal year 2017 and each fiscal year thereafter. The RPMC was originally authorized for a ten-year period, and was reauthorized for an additional ten years in 2009. The BLM recommends that the sponsor and the Subcommittee consider reauthorizing the committee for a limited ten-year period in this instance as well.

The BLM has appreciated the opportunity to work closely with its partners in the local community on improving the health of the Rio Puerco watershed. Although projects undertaken by the Rio Puerco Watershed Committee have been funded primarily through appropriations in the past, the Department of the Interior is currently undertaking a review of grants and cooperative agreements with outside groups and agencies, and would like to carefully evaluate the work of the RPMC in the context of this review.

Conclusion

Thank you again for the opportunity to testify on S. 2249, Rio Puerco Watershed Management Program Reauthorization Act. We appreciate the work of the sponsor on this legislation, and we look forward to collaborating with him and the Subcommittee as the bill moves through the legislative process.

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 S. 2249, as reported, are shown as follows (existing law proposed 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):

**OMNIBUS PARKS AND PUBLIC LANDS
MANAGEMENT ACT OF 1996**

Public Law 104-333, as amended by Public Law 111-11

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DIVISION I

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TITLE IV—RIVERS AND TRAILS

SEC. 401. RIO PUERCO WATERSHED.

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(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;
- (J) the Natural Resources Conservation Service of the Department of Agriculture;
- (K) the State of New Mexico, including the New Mexico Environment Department of the State Engineer;
- (L) affected local soil and water conservation districts;
- (M) the Elephant Butte Irrigation District;
- (N) private landowners; and
- (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 the [Omnibus Public Land Management Act of 2009] *the Rio Puerco Watershed Management Program Reauthorization Act*.

(c) REPORT.—Not later than the date that is 2 years after the date of enactment of this Act, and biennially thereafter, the Secretary of the Interior, in consultation with the Rio Puerco Management Committee, shall transmit to the Committee on Energy and Natural Resources of the Senate and to the Committee on Resources of the House of Representatives a report containing—

(1) a summary of activities of the management program under subsection (a); and

(2) proposals for joint implementation efforts, including funding recommendations.

(d) LOWER RIO GRANDE HABITAT STUDY.—

(1) IN GENERAL.—The Secretary of the Interior, in cooperation with appropriate State agencies, shall conduct a study of the Rio Grande that—

(A) shall cover the distance from Caballo Lake to Sunland Park, New Mexico; and

(B) may cover a greater distance.

(2) CONTENTS.—The study under paragraph (1) shall include—(A) a survey of the current habitat conditions of the river and its riparian environment;

(B) identification of the changes in vegetation and habitat over the past 400 years and the effect of the changes on the river and riparian area; and

(C) an assessment of the feasibility, benefits, and problems associated with activities to prevent further habitat loss and to restore habitat through reintroduction or establishment of appropriate native plant species.

(3) TRANSMITTAL.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary of the Interior shall transmit the study under paragraph (1) to the Committee on Energy and Natural Resources of the Senate and to the Committee on Resources of the House of Representatives.

(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 the **【Omnibus Public Land Management Act of 2009】** *Rio Puerco Watershed Management Program Reauthorization Act*.