

107TH CONGRESS  
2D SESSION

# S. 2719

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

JULY 11 (legislative day, JULY 10), 2002

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;

(C) 1 of the oldest continuously inhabited 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;

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

## 21 SEC. 2. DEFINITIONS.

22 In this Act:

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-

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.

1 study for the critical restoration project that the ac-  
2 tivities are part of the critical restoration project.

3 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

4 There are authorized to be appropriated to carry out  
5 this Act—

6 (1) \$10,000,000 for fiscal year 2003; and

7 (2) such sums as are necessary for each of fis-  
8 cal years 2004 through 2012.

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