

107TH CONGRESS
2D SESSION

S. 2719

To authorize the Secretary of the Army to carry out critical restoration projects along the Middle Rio Grande.

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

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;

1 (C) 1 of the oldest continuously inhabited
2 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;

9 (3) the Middle Rio Grande bosque should be
10 maintained in a manner that protects endangered
11 species and the flow of the Middle Rio Grande while
12 making the Middle Rio Grande bosque more acces-
13 sible to the public;

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

16 (5) the Corps of Engineers should reestablish,
17 where feasible, the hydrologic connection between
18 the Middle Rio Grande and the Middle Rio Grande
19 bosque to ensure the permanent healthy growth of
20 vegetation native to the Middle Rio Grande bosque.

21 **SEC. 2. DEFINITIONS.**

22 In this Act:

23 (1) **CRITICAL RESTORATION PROJECT.**—The
24 term “critical restoration project” means a project
25 carried out under this Act that will produce, con-

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-

tion project that are incurred after the date of enactment of this Act; and

(D) to hold the United States harmless from any claim or damage that may arise from carrying out the critical restoration project (other than any claim or damage that may arise from the negligence of the Federal Government or a contractor of the Federal Government).

(2) RECREATIONAL FEATURES.—

(A) IN GENERAL.—Any recreational features included as part of a critical restoration project shall comprise not more than 30 percent of the total project cost.

(B) NON-FEDERAL FUNDING.—The full cost of any recreational features included as part of a critical restoration project in excess of the amount described in subparagraph (A) shall be paid by the non-Federal interests.

(3) CREDIT.—The non-Federal interests shall receive credit toward the non-Federal share for any design or construction activities carried out by the non-Federal interests before the date of execution of a cost-sharing agreement for a critical restoration project if the Secretary determines in the feasibility

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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