

Congress of the United States
Washington, DC 20515

December 12, 2013

The Honorable Barbara Boxer
Chairwoman
Committee on Environment &
Public Works
United States Senate
112 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Bill Shuster
Chairman
Committee on Transportation &
Infrastructure
United States House of Representatives
2209 Rayburn House Office Building
Washington, D.C. 20515

The Honorable David Vitter
Ranking Member
Committee on Environment &
Public Works
United States Senate
516 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Nick J. Rahall
Ranking Member
Committee on Transportation &
Infrastructure
United States House of Representatives
2307 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairwoman Boxer, Chairman Shuster, Ranking Member Vitter and Ranking Member Rahall:

As the conference committee process moves forward to conference the Water Resources Reform and Development Act of 2013 (WRRDA, H.R. 3080) with the Senate passed Water Resources Development Act of 2013 (WRDA, S.601), we request your support for the inclusion of language to address priorities important to New Mexico. Traditionally, the reauthorization of the Water Resources Development Act has been an important part of addressing flood protection, improving infrastructure, and protecting the lives and property of New Mexicans. We request the acceptance of the following language into the conferenced bill:

1) **S. 601.** - Section 1003. Project Review.

This section allows the Secretary to modify the cost of an authorized project that is subject to limits set in Section 902 of WRDA 1986, for projects that are necessary to protect life and safety or property, and where the authorized project will provide benefits identified in the Chief Engineers report. There is no similar provision in H. R. 3080.

- 2) **S. 601.** - Section 1004. Future Project Authorizations.
This section allows for expedited consideration of construction authorizations for projects with completed Chief of Engineers reports and recommendation for construction submitted to Congress by Dec 31, 2018. There is no similar provision in H.R. 3080.
- 3) **S.601.** - Section 2010. Clarification of Work-In-Kind Credit Authority.
This section clarifies that costs of lands, easements, rights-of-way, relocations, and dredged material disposal sites (LERRD) in excess of a non-Federal sponsor's cost share for a specific project may be applied to another study or project with an effective date of Nov. 7, 2007. There is no similar provision in H. R. 3080.
- 4) **S. 601.** - Section 2011. Transfer of Excess Work-in-Kind Credit.
This section authorizes the Army Corps of Engineers to enter into agreements with non-Federal sponsors to transfer credits in excess of the non-Federal sponsor's cost share to other eligible projects. This would be subject to the approval of a non-Federal comprehensive plan by the Secretary. There is no similar provision in H. R. 3080.
- 5) **S. 601.** - Section 2013. Credit in Lieu of Reimbursement.
This section allows the Secretary to provide a non-Federal project sponsors with credit in lieu of reimbursement for flood damage reduction projects constructed by non-Federal sponsor prior to enactment. There is no similar provision in H. R. 3080.
- 6) **S. 601.** - Section 5004. Rio Grande Environmental Management Program.
This section extends the authorization of the Rio Grande Environmental Management Program thru 2024, and authorizes interagency agreements with the International Boundary and Water Commission. There is no similar provision in H. R. 3080. This program is critical to managing water resources in the states of New Mexico, Colorado, and Texas, as well as, all tribes and all water resource entities within the Rio Grande Basin.
- 7) **S. 601.** - Section 11004. Post-Disaster Watershed Assessments.
This section allows the Secretary to carry out watershed assessments in areas with a Presidential disaster declaration to identify recommendations to rehabilitate or improve damaged infrastructure and natural resources to reduce risks to human life and property from future disasters. There is no similar provision in H. R. 3080. This would be applicable to addressing problems arising from recent natural disasters in New Mexico and Colorado.

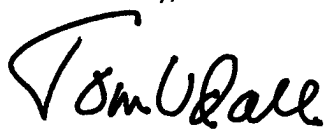
Additionally, we have an area of concern that has the potential to negatively impact several New Mexico projects. More specifically, we request modification to the following House provision:

1) **H.R. 3080.** - Section 301. Deauthorization of Inactive Projects.

This section requires the Secretary to submit report to Congress within 90 days of enactment, with a listing of all projects or separable elements of projects authorized for construction prior to WRDA 2007 for which construction was not initiated before date of enactment, or for which no funds (Federal or non-Federal) were obligated for construction during 5-year period ending on July 1, 2013. Within 180 days of the submission of this report, all listed projects will be deauthorized unless the non-Federal sponsor provides all funds necessary to complete the project or separable element. The language in the House bill may cause the deauthorization of two major projects in New Mexico (The Middle Rio Grande Project and The Rio Grande Floodway Project). We ask that you replace Section 301 of the House bill with Section 2049 in Senate bill, which requires deauthorization of projects that have received no obligations during the 5 full fiscal years preceding submission of the list.

Again, we urge that the final conferenced WRDA bill include the priorities listed above and the modification suggested. The alternative to including these provisions, as requested, will result in higher costs down the road at the local and regional levels. Thank you for your consideration and please feel free to contact our offices if you require further information.

Sincerely,



Tom Udall
United States Senator



Martin Heinrich
United States Senator



Ben Ray Luján
Member of Congress



Michelle Lujan Grisham
Member of Congress