

Draft

APPENDIX C

U.S. Army Corp of Engineers

Acequia Program

Authorizing Legislation

Draft

(Authorization Summary provided by Mr. Art Maestas, Albuquerque District, U.S. Army Corp of Engineers).

Authorization Summary

1. The project was authorized in the Water Resources Development Act of 1986 by Section 1113 subject to the requirements of Section 903(a).

Section 1113:

SEC. 1113. ACEQUIAS IRRIGATION SYSTEM.

(a)(1) The Congress finds that the irrigation ditch systems in New Mexico, known as the Acequia systems, date from the eighteenth century, and that these early engineering works have significance in the settlement and development of the western portion of the United States.

(2) The Congress, therefore, declares that the restoration and preservation of the Acequia systems has cultural and historic values to the region.

(b) Subject to section 903(a) of this Act, the Secretary is authorized and directed to undertake, without regard to economic analysis, such measures as are necessary to protect and restore the river diversion structures and associated canals attendant to the operations of the community ditch and Acequia systems in New Mexico that are declared to be a political subdivision of the State of New Mexico, at a total cost of \$53,300,000, with an estimated first Federal cost of \$40,000,000 and an estimated first non-Federal cost of \$13,300,000. The non-Federal share of any work undertaken under this section shall be 25 percent.

(c) The Secretary is further authorized and directed to consider the historic Acequia systems (community ditches) of the southwestern United States as public entities, if these systems are chartered by the respective State laws as political subdivisions of that State. This public entity status will allow the officials of these Acequia systems to enter into agreements and serve as local sponsors of water-related projects of the Secretary.

Section 903(a):

SEC. 903. GENERAL REQUIREMENTS.

(a) PROCEDURE FOR CERTAIN PROJECTS AUTHORIZED FOR CONSTRUCTION. --(1) In the case of any project authorized for construction by this Act which is specifically made subject to this subsection, no construction may be commenced until the Secretary has reviewed and commented on such project and reported thereon to the Congress, or until 90 days have passed following the receipt of the proposed plan of the project from the Chief of Engineers, whichever first occurs.

(2) The Secretary shall review and comment on--

(A) at least one-third of the project to which this subsection applies during the one-year period beginning on the date of enactment of this Act,

(B) at least two-thirds of such projects during the two-year period beginning on the date of enactment of this Act, and

(C) all of such projects during the three-year period beginning on the date of enactment of this Act.

(3) Any project to which this subsection applies on which the Secretary has not commented before the end of the 3-year period beginning on the date of enactment of this Act shall be deemed to have been approved by the Secretary for purposes of this subsection.