

**TESTIMONY TO SENATOR BINGAMAN AND SENATE ENERGY AND
NATURAL RESOURCES COMMITTEE
LAS CRUCES FIELD HEARING
S.1689
DASWCD, JOE DELK, CHAIR**

The Dona Ana Soil and Water Conservation District (DASWCD) is mandated by New Mexico law to control and prevent soil erosion, prevent flood water and sediment damage, and further the conservation and beneficial application of water. Senate Bill 1689 has serious ramifications that could directly affect this board's ability to adhere to that mandate.

The scope and breadth of DASWCD's authority span nearly the entirety of lands included in SB 1689. Included in the footprint of the proposal are scores of reclamation dams that are now in excess of 40 years of age. Many of those dams have had no maintenance in years. The DASWCD has taken an aggressive stance in addressing that problem, and if NCA and /or federal Wilderness designation hinders our ability or the ability of this community to perform maintenance and improvement strategies, a growing risk to residents downstream from those structures is imminent. What happened to Hatch, NM starting in 2005 will occur in the entirety of the watershed expanse to the north and south.

In the past several months, DASWCD has pursued the organization of a coalition of organizations that share responsibilities for matters of public health and safety. The effort was predicated on a number of things not the least of which was recent year statutory changes that have set forth requirements of upgrades on existing NM dams. The matter of such dams in Dona Ana County is made more complicated by the various ownership and delegated maintenance responsibilities. Dams that were once relied upon to protect farmlands have become protection facilities for residential development by default in that there were no other structures constructed or identified to assure the higher degree of protection necessary for downstream development.

The scope and the mix of authority and ownership make this a very complicated undertaking. The matter is complicated further by the eventual engineering and improvement requirements to bring this flood control system into a fully functional and dynamic entity that has the authority and financial capability of maintaining the proper and statutory requirements of public health and safety.

One of the early expectations is that improved flood control and monitoring system components may be necessary upslope from the river channel and the valley floors. Such a requirement along with city expansion will require moving upslope(s) to install and monitor facilities. Any restriction imposed by wilderness and or NCA access could prove to be not only unworkable, but life threatening.

The DASWCD is only one of several organizations that requested Senator Bingaman to hold this public hearing. Since our board was not invited to speak, it is imperative that

the Senate Energy and Natural Resources Committee address and resolve the following issues before any Congressional action is taken on S.1689.

- 1. The city of Las Cruces along with other villages and towns in the county will grow. It was learned even this week that Las Cruces was ranked in the top 10 small cities for retirement in all of America. Any managed growth cannot take place without knowing the limitations for controlling flood events upslope from that development. Any and all NCA designation must be designed to allow protection of citizenry from such events.**
- 2. DASWCD, in its organizational endeavor to define the scope of the noted project, has joined forces with several organizations including the Dona Ana and Sierra flood control districts, the Sierra Soil and Water Conservation District, and EBID to assure that the system improvements are comprehensive and support the mission of the collaborating organizations. Any management plan developed for an NCA must include authority to support and promote the resulting management plan of the participating organizations.**
- 3. EBID, in its critical role as manager of waters delivered from Elephant Butte, has taken on the role of managing and maintaining many of the existing flood control dams. The EBID settlement with El Paso regarding the status of flood waters compounds the requirement to incorporate any and all changes in the greater system of handling flood waters so that such waters are routed into EBID facilities for the purpose of putting such waters into beneficial use. This situation complicates and yet elevates the opportunity for this county to address what has become a new and unexpected water supply. This expands the need for the county to view any and all water sheds as the expansion of precious water supplies.**

- 4. This development places a fiduciary responsibility on the honorable Senators of the State of New Mexico to fully support this process of defining how this entire water shed system must be addressed for the opportunity to assure public safety and, at the same time, enhance the long term water supply of the county.**
- 5. All pending Wilderness and NCA designations of S.1689 must reflect the need to allow this process to occur without jeopardizing public safety and water enhancement opportunities that have developed.**

Put the Soil and Water Conservation Act here if desired