

**Legislative Bulletin.....February 24, 2004**

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**Summary of the Bills Under Consideration Today:**

Total Number of New Government Programs: 5 (one new system of three federally-funded institutes, three new demonstration projects, and one new grant authority)  
*Year to Date Prior to Today's Bills: 1*

Total Cost of Discretionary Authorizations: \$171 million over five years  
*Year to Date Prior to Today's Bills: \$10.12 billion over five years\**

Total Amount of Revenue Reductions: 0  
*Year to Date Prior to Today's Bills: \$304 million over five years*

Total Change in Mandatory Spending: 0  
*Year to Date Prior to Today's Bills: -\$277 million over five years\**

Total New State & Local Government Mandates: 0  
*Year to Date Prior to Today's Bills: 2*

Total New Private Sector Mandates: 0  
*Year to Date Prior to Today's Bills: 5*

\*Not including the costs contained in H.R. 3783, the Surface Transportation Extension Act, which passed the House on 2/11/04. A cost estimate remains unavailable.

**H.R. 2696—Southwest Forest Health and Wildfire Prevention Act (Renzi)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, February 24<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 2696 would establish three institutes to promote the use of “adaptive ecosystem management” to reduce the risk of wildfires and restore the health of forest and

woodland ecosystems in Arizona, Colorado, Idaho, Nevada, New Mexico, and Utah. The institutes could be designated at existing institutes. One institute must be in New Mexico, one must be in Colorado, and one must be at Northern Arizona University. The bill would authorize appropriations of \$15 million per fiscal year in total, and funds could not be used to build any facilities.

The term “adaptive ecosystem management” is defined in the bill as “a natural resource management process under which planning, implementation, monitoring, research, evaluation, and incorporation of new knowledge are combined into a management approach that is--

- (A) based on scientific findings and the needs of society;
- (B) treats management actions as experiments;
- (C) acknowledges the complexity of these systems and scientific uncertainty; and
- (D) uses the resulting new knowledge to modify future management methods and policy.”

The legislation would charge each institute with:

- developing, conducting research on, transferring, promoting, and monitoring restoration-based hazardous fuel reduction treatments to reduce the risk of severe wildfires and improve the health of dry forest and woodland ecosystems in the interior West;
- synthesizing and adapting scientific findings from conventional research to implement restoration-based hazardous fuel reduction treatments on a landscape scale using adaptive ecosystem management;
- translating for and transferring to affected entities any scientific and interdisciplinary knowledge about restoration-based hazardous fuel reduction treatments;
- assisting affected entities with the design of adaptive management approaches (including monitoring) for the implementation of restoration-based hazardous fuel reduction treatments; and
- providing peer-reviewed annual reports.

Each institute would have to develop an annual plan for its activities, as a condition of receiving federal funds, and would be allowed to coordinate its activities with federal agencies (including accepting federal grant funds in addition to its annual appropriation from Congress). Every five years, the Secretary of Agriculture would have to submit to Congress a status report on the institutes.

**Additional Background:** According to the “findings” in the legislation, at least 39 million acres of land in the National Forest System in the interior West (Arizona, Colorado, Idaho, Nevada, New Mexico, and Utah) are at high risk of wildfire. Furthermore, an average of 95% of the expenditures by the Forest Service for wildfire suppression during fiscal years 1990 through 1994 were made to suppress wildfires in the interior West.

The Forest Service currently maintains a Fire Systems Research and Development research division, a Fire Ecology Research and Management research division, and a Forest Operations research division. <http://www.fs.fed.us/research/vmpr.html> Members of Congress over the last several years have raised questions about the prioritizing of these research funds.

Some examples of recent Forest Service research taken from their website include:

- The Analytic Hierarchy Process and Participatory Decision-Making;
- Accounting for Ethnicity in Recreation Demand; and
- Voices from Southern Forests (exploring how “changing social, economic, attitudinal, and other voices of southerners” might affect the future of forest wildlife).

Back in July 1999, Rep. Tancredo offered an amendment to the Interior Appropriations bill (H.R. 2466, 106<sup>th</sup> Congress) to reduce the Forest Service’s Forest and Rangeland research funding by \$16.9 million to bring such funding in line with the Senate’s level. Many RSC Members voted for the Tancredo amendment: <http://clerk.house.gov/evs/1999/roll292.xml>

In explaining the decision to reduce the appropriation for Forest and Rangeland Research, the Senate Appropriations Committee wrote: “The Committee is extremely concerned that the research program has lost its focus on what should be its primary mission—forest health and productivity. As it did last year, the Committee directs the agency to increase its emphasis on forest and rangeland productivity by implementing a reduction of \$10,000,000 in programs not directly related to enhancing forest and rangeland productivity.”

**Committee Action:** On September 24, 2003, the Resources Committee marked up the bill and reported it to the full House by unanimous consent.

**Possible Concerns:** Some Members might be concerned about creating new institutes in light of renewed House-wide efforts to reduce federal spending. Further, some may support reprogramming existing research dollars from lower-priority areas to perform the work of these institutes. The Forest Service website reports that it has “about 1,000 dedicated and highly skilled employees in USDA Forest Service Research and Development.”  
<http://www.fs.fed.us/research/scientific.html>

**Cost to Taxpayers:** CBO confirms that H.R. 2696 would authorize \$15 million in FY2004 and \$75 million over the FY2004-FY2008 period.

**Does the Bill Create New Federal Programs or Rules?:** The bill would create three new federally-funded institutes.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Constitutional Authority:** The Resources Committee, in House Report 108-397, does not cite a specific clause of constitutional authority.

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**S. 714—To provide for the conveyance of a small parcel of Bureau of Land Management land in Douglas County, Oregon, to the county to improve management of and recreational access to the Oregon Dunes National Recreation Area (*Sen. Wyden*)**

**Order of Business:** The bill is scheduled for consideration on Tuesday, February 24<sup>th</sup>, under a motion to suspend the rules and pass the bill.

S. 714 passed the Senate by unanimous consent on November 24, 2003.

**Summary:** S. 714 conveys 68.8 acres of current federal land (under the jurisdiction of the Bureau of Land Management) to Douglas County, Oregon, without cost and subject to existing rights. The County would be permitted to use the land to “improve management of and recreational access to the Oregon Dunes National Recreation Area.”

**Additional Background:** The land to be conveyed to Douglas County under S. 714 includes Salmon Harbor Drive (County Road No. 251), which runs through Douglas County and is connected to Ziolkouski Beach. Off-highway vehicles drivers unload their vehicles on Salmon Harbor Drive and drive them through Ziolkouski Beach to Oregon Dunes National Recreation Area. According to the Senate committee report, these actions create a safety hazard on the main road and considerable noise in town.

The intended effect of transferring the BLM land is to move recreational traffic off Salmon Harbor Drive and out of the nearby communities. The transfer also offers a staging area for off-highway vehicles and provides improved access to the Oregon Dunes for other visitors, such as hikers and backpackers.

According to the General Services Administration, the federal government owns 49.7 percent of the land in Oregon.

**Committee Action:** S. 714 was referred to the House Committee on Resources on November 25, 2003, but was not considered. However, the Resources Committee did favorably report a similar bill to the House by voice vote in the 107<sup>th</sup> Congress.

**Administration Position:** Department of Interior testimony before the Subcommittee on Public Lands and Forests on June 4, 2003:

“The Department of the Interior supports the goals of S. 714, but would like to work with the Subcommittee on certain changes to the bill.

“Currently, the Bureau of Land Management’s (BLM) Coos Bay District administers this land, which is located just south of where the Umpqua River empties into the Pacific Ocean, near Winchester Bay, in Douglas County, Oregon. The land is bordered on the west by public lands withdrawn for the U.S. Army Corps of Engineers and on the south, by the Umpqua Lighthouse State Park and various private lands. The Umpqua Lighthouse State Park is located less than a mile from the Salmon Harbor on Winchester Bay, and the lighthouse and adjacent museum are operated and maintained by the Douglas County Parks Department and the U.S. Coast Guard. There is no other BLM-managed land in the vicinity.

“The 68.8-acre tract to be conveyed under S. 714 is isolated and difficult for the BLM to manage. It was identified in the Coos Bay District’s 1995 Resource Management Plan as suitable for disposal.

“Off-highway vehicle riders use this parcel for access to the Oregon Dunes National Recreation Area because it is one of the few free access points to the Area. Recreational access across this tract to the Oregon Dunes National Recreation Area can be managed more appropriately by Douglas County.

“However, consistent with longstanding practice, we believe that the government should receive market value for the land being transferred out of public ownership. We would also like the opportunity to work with the Subcommittee to address technical issues including: clarifications to the reversionary clause, acknowledgment of existing rights-of-way, and corrections to the map referred to section 1(a).”

**Cost to Taxpayers:** The Congressional Budget Office estimates that S. 714 will have no significant impact on the federal budget.

**Does the Bill Create New Federal Programs or Rules?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Constitutional Authority:** Senate committee reports are not required to cite constitutional authority.

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## **H.R. 2707 — Salt Cedar and Russian Olive Control Demonstration Act- *As Amended* (Rep. Pearce)**

**Order of Business:** The bill is scheduled for consideration on Tuesday, February 24, 2004, under suspension of the rules. According to the bill sponsor, H.R. 2707 will be brought up on suspension and amended by a substitute version of the bill.

**Summary:** H.R. 2707, *as amended*, requires that, within a year after funds become available, the Secretary of Agriculture in cooperation with the Secretary of the Interior, complete an assessment of “the extent of Salt Cedar and Russian Olive invasion” in the Western U.S. **The assessment, which is authorized at \$5 million**, must include water loss and determination of “the optimum control method for the various land types and land uses.”

Under the bill, the Secretaries must prepare a report to Congress identifying long-term management and funding strategies to address the invasion of Salt Cedar and Russian Olive. **The bill authorizes the Secretaries to make grants of no less than \$250,000 to “institutions of higher education” and/or “nonprofit organizations” to help in this report, and authorizes \$1 million for FY05 for these grants.** (Note: this provision was not in the version passed by the Committee.)

**The bill authorizes \$18 million a year for six years for at least three new demonstration projects** (capped at \$7 million each), to address "the deficiencies and areas for further study" regarding the invasion of Salt Cedar and Russian Olive, to be implemented through the states, or in the case of National Forest land, through the Secretary of Agriculture. The federal share of a project on private lands may not exceed 75% and an annual report is required for the duration of these projects.

**Committee Action:** The bill was introduced on July 10, 2004, and jointly referred to the Committee on Resources and the Committee on Agriculture. The Resources committee considered the bill and ordered it to be reported to the full House by unanimous consent on October 29, 2003. The Agriculture Committee did not consider the bill.

**Cost to Taxpayers:** *The bill, as amended, authorizes a total of \$114 million over 6 years* (\$5 million in FY05 for the Agriculture and Interior Departments' assessment, \$18 million a year for six years (\$108 million total) for the new demonstration projects, and \$1 million for FY05 for grants to institutes of higher education and/or nonprofit organizations). Note: the Republican Conference rules require a waiver from elected leadership for any bill exceeding \$100 million. The bill, *as introduced*, authorized \$25 million a year from FY04-07 (\$100 million total), which CBO estimated would cost \$106 million over the FY04-FY10 time period.

**Additional Information:** According to hearing testimony from the Department of Agriculture, "The genus *Tamarix* (commonly known as Salt cedar) is comprised of shrubs or trees native to arid, saline regions of Eurasia and Africa. Since the 1830s, ten species have been introduced into North America as ornamental plants and for windbreaks. Two species of Salt cedar have escaped cultivation and rapidly invaded riparian areas of the western United States. Today, Salt cedar has infested over one million acres in the western United States, consuming large quantities of water, intercepting deep water tables and interfering with natural aquatic systems. It disrupts the structure and stability of native plant communities and degrades native wildlife habitat.

"Russian olive (*Elaeagnus augustifolia*) is also a native of southern Europe and Western Asia that was first introduced in the late 1800s as an ornamental tree and windbreak. Although it is a non-native invasive species, Russian olive is a popular and hardy plant that is sold commercially for landscaping purposes. However, as its impact to native species has become evident, it has been declared a noxious species in states such as Utah, and sales have been banned in states such as Colorado. Like Salt cedar, Russian olive is a fast growing plant that can out-compete native vegetation and tax water reserves."

**Does the Bill Create New Federal Programs or Rules?:** Yes, the bill creates at least three new demonstration projects and creates a new grant authority to institutes of higher ed and/or nonprofits to study and assess Salt Cedar and Russian Olive.

**Administration Position:** In a July 24, 2003 hearing, the Deputy Chief of Programs, Legislation and Communications at the US Forest Service at the USDA testified, “**The authorized funding is not in the President’s budget** and therefore must be considered within existing resources. **The actions outlined in the bill can be achieved within existing authorities.**”

(Source: <http://resourcescommittee.house.gov/archives/108/testimony/elizabhestill0724.htm>)

The Department of the Interior testified that there are numerous efforts currently underway to address the olive and cedar issue. “Current Departmental programs and activities focus control and management efforts for tamarisk on areas with resources at risk Departmental land management operations focus significant funding for tamarisk control on refuges, national parks and monuments, and along irrigation canals under the jurisdiction of the Bureau of Reclamation.” The Interior Department representative continued, “Among other things, in FY 2003 we have funded through this initiative projects that are aimed at the eradication and control of tamarisk, Russian olive, and other invasive plants, and reclamation of impacted lands.” Regarding demonstration projects Interior testified, “the Department is currently working with our partners to develop and implement an integrated approach to management of this species” and “**the Department notes that the actions called for in HR 2707 can be achieved within existing authorities.**”

(Source: <http://resourcescommittee.house.gov/archives/108/testimony/jamestate0724.htm>)

**Possible Concerns:** Some Members might be concerned about creating new programs in light of renewed House-wide efforts to reduce federal spending. Further, some may support reprogramming existing dollars from lower-priority areas to perform the work authorized in the bill.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** H.R. 2707 contains no intergovernmental mandates or private-sector mandates.

**Constitutional Authority:** A committee report citing constitutional authority is unavailable.

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