

Union Calendar No. 190

109TH CONGRESS
1ST SESSION

H. R. 2720

[Report No. 109-341, Part I]

To further the purposes of the Reclamation Projects Authorization and Adjustment Act of 1992 by directing the Secretary of the Interior, acting through the Commissioner of Reclamation, to carry out an assessment and demonstration program to control salt cedar and Russian olive, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 26, 2005

Mr. PEARCE (for himself, Mr. OSBORNE, Mr. BONILLA, Mr. CONAWAY, Mr. HUNTER, Mr. SALAZAR, Mr. UDALL of Colorado, and Mrs. CUBIN) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

DECEMBER 13, 2005

Reported from the Committee on Resources

DECEMBER 13, 2005

Additional sponsors: Mr. UDALL of New Mexico and Ms. HERSETH

DECEMBER 13, 2005

Committee on Agriculture discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To further the purposes of the Reclamation Projects Author-

ization and Adjustment Act of 1992 by directing the Secretary of the Interior, acting through the Commissioner of Reclamation, to carry out an assessment and demonstration program to control salt cedar and Russian olive, and for other purposes.

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. SHORT TITLE.**

4 This Act may be cited as the “Salt Cedar and Rus-

5 sian Olive Control Demonstration Act”.

6 **SEC. 2. SALT CEDAR AND RUSSIAN OLIVE CONTROL DEM-**
7 **ONSTRATION PROGRAM.**

8 (a) ESTABLISHMENT.—The Secretary of the Interior
9 (referred to in this Act as the “Secretary”), acting
10 through the Commissioner of Reclamation and the Direc-
11 tor of the United States Geological Survey and in coopera-
12 tion with the Secretary of Agriculture and the Secretary
13 of Defense, shall carry out a salt cedar (*Tamarix* spp) and
14 Russian olive (*Elaeagnus angustifolia*) assessment and
15 demonstration program—

16 (1) to assess the extent of the infestation by
17 salt cedar and Russian olive trees in the western
18 United States;

19 (2) to demonstrate strategic solutions for—

20 (A) the long-term management of salt
21 cedar and Russian olive trees; and

1 (B) the reestablishment of native vegeta-
2 tion; and

3 (3) to assess economic means to dispose of bio-
4 mass created as a result of removal of salt cedar and
5 Russian olive trees.

6 (b) MEMORANDUM OF UNDERSTANDING.—As soon
7 as practicable after the date of enactment of this Act, the
8 Secretary and the Secretary of Agriculture shall enter into
9 a memorandum of understanding providing for the admin-
10 istration of the program established under subsection (a).

11 (c) ASSESSMENT.—

12 (1) IN GENERAL.—Not later than 1 year after
13 the date on which funds are made available to carry
14 out this Act, the Secretary shall complete an assess-
15 ment of the extent of salt cedar and Russian olive
16 infestation on public and private land in the western
17 United States.

18 (2) REQUIREMENTS.—In addition to describing
19 the acreage of and severity of infestation by salt
20 cedar and Russian olive trees in the western United
21 States, the assessment shall—

22 (A) consider existing research on methods
23 to control salt cedar and Russian olive trees;

1 (B) consider the feasibility of reducing
2 water consumption by salt cedar and Russian
3 olive trees;

4 (C) consider methods of and challenges as-
5 sociated with the revegetation or restoration of
6 infested land; and

7 (D) estimate the costs of destruction of
8 salt cedar and Russian olive trees, related bio-
9 mass removal, and revegetation or restoration
10 and maintenance of the infested land.

11 (3) REPORT.—

12 (A) IN GENERAL.—The Secretary shall
13 submit to the Committee on Energy and Nat-
14 ural Resources and the Committee on Agri-
15 culture, Nutrition, and Forestry of the Senate
16 and the Committee on Resources and the Com-
17 mittee on Agriculture of the House of Rep-
18 resentatives a report that includes the results of
19 the assessment conducted under paragraph (1).

20 (B) CONTENTS.—The report submitted
21 under subparagraph (A) shall identify—

22 (i) long-term management and fund-
23 ing strategies identified under subsection
24 (d) that could be implemented by Federal,
25 State, tribal, and private land managers

1 and owners to address the infestation by
2 salt cedar and Russian olive;

3 (ii) any deficiencies in the assessment
4 or areas for additional study; and

5 (iii) any field demonstrations that
6 would be useful in the effort to control salt
7 cedar and Russian olive.

8 (d) LONG-TERM MANAGEMENT STRATEGIES.—

9 (1) IN GENERAL.—The Secretary shall identify
10 and document long-term management and funding
11 strategies that—

12 (A) could be implemented by Federal,
13 State, tribal, and private land managers in ad-
14 dressing infestation by salt cedar and Russian
15 olive trees; and

16 (B) should be tested as components of
17 demonstration projects under subsection (e).

18 (2) GRANTS.—

19 (A) IN GENERAL.—The Secretary may
20 provide grants to eligible entities to provide
21 technical experience, support, and recommenda-
22 tions relating to the identification and docu-
23 mentation of long-term management and fund-
24 ing strategies under paragraph (1).

1 (B) ELIGIBLE ENTITIES.—Institutions of
2 higher education and nonprofit organizations
3 with an established background and expertise in
4 the public policy issues associated with the con-
5 trol of salt cedar and Russian olive trees shall
6 be eligible for a grant under subparagraph (A).

7 (C) MINIMUM AMOUNT.—The amount of a
8 grant provided under subparagraph (A) shall be
9 not less than \$250,000.

10 (e) DEMONSTRATION PROJECTS.—

11 (1) IN GENERAL.—Not later than 180 days
12 after the date on which funds are made available to
13 carry out this Act, the Secretary shall establish a
14 program that selects and funds not less than 5
15 projects proposed by and implemented in collabora-
16 tion with Federal agencies, units of State and local
17 government, national laboratories, Indian tribes, in-
18 stitutions of higher education, individuals, organiza-
19 tions, or soil and water conservation districts to
20 demonstrate and evaluate the most effective methods
21 of controlling salt cedar and Russian olive trees.

22 (2) PROJECT REQUIREMENTS.—The demonstra-
23 tion projects under paragraph (1) shall—

1 (A) be carried out over a time period and
2 to a scale designed to fully assess long-term
3 management strategies;

4 (B) implement salt cedar or Russian olive
5 tree control using 1 or more methods for each
6 project in order to assess the full range of con-
7 trol methods, including—

8 (i) airborne application of herbicides;

9 (ii) mechanical removal; and

10 (iii) biocontrol methods, such as the
11 use of goats or insects;

12 (C) individually or in conjunction with
13 other demonstration projects, assess the effects
14 of and obstacles to combining multiple control
15 methods and determine optimal combinations of
16 control methods;

17 (D) assess soil conditions resulting from
18 salt cedar and Russian olive tree infestation
19 and means to revitalize soils;

20 (E) define and implement appropriate final
21 vegetative states and optimal revegetation
22 methods, with preference for self-maintaining
23 vegetative states and native vegetation, and tak-
24 ing into consideration downstream impacts,
25 wildfire potential, and water savings;

1 (F) identify methods for preventing the re-
2 growth and reintroduction of salt cedar and
3 Russian olive trees;

4 (G) monitor and document any water sav-
5 ings from the control of salt cedar and Russian
6 olive trees, including impacts to both ground-
7 water and surface water;

8 (H) assess wildfire activity and manage-
9 ment strategies;

10 (I) assess changes in wildlife habitat;

11 (J) determine conditions under which re-
12 moval of biomass is appropriate (including opti-
13 mal methods for the disposal or use of bio-
14 mass); and

15 (K) assess economic and other impacts as-
16 sociated with control methods and the restora-
17 tion and maintenance of land.

18 (f) DISPOSITION OF BIOMASS.—

19 (1) IN GENERAL.—Not later than 1 year after
20 the date on which funds are made available to carry
21 out this Act, the Secretary, in cooperation with the
22 Secretary of Agriculture, shall complete an analysis
23 of economic means to use or dispose of biomass cre-
24 ated as a result of removal of salt cedar and Russian
25 olive trees.

1 (2) REQUIREMENTS.—The analysis shall—

2 (A) determine conditions under which re-
3 moval of biomass is economically viable;

4 (B) consider and build upon existing re-
5 search by the Department of Agriculture and
6 other agencies on beneficial uses of salt cedar
7 and Russian olive tree fiber; and

8 (C) consider economic development oppor-
9 tunities, including manufacture of wood prod-
10 ucts using biomass resulting from demonstra-
11 tion projects under subsection (e) as a means of
12 defraying costs of control.

13 (g) COSTS.—

14 (1) IN GENERAL.—With respect to projects and
15 activities carried out under this Act—

16 (A) the assessment under subsection (c)
17 shall be carried out at a cost of not more than
18 \$4,000,000;

19 (B) the identification and documentation
20 of long-term management strategies under sub-
21 section (d)(1) and the provision of grants under
22 subsection (d)(2) shall be carried out at a cost
23 of not more than \$2,000,000;

24 (C) each demonstration project under sub-
25 section (e) shall be carried out at a Federal cost

1 of not more than \$7,000,000 (including costs of
2 planning, design, implementation, maintenance,
3 and monitoring); and

4 (D) the analysis under subsection (f) shall
5 be carried out at a cost of not more than
6 \$3,000,000.

7 (2) COST-SHARING.—

8 (A) IN GENERAL.—The assessment under
9 subsection (c), the identification and docu-
10 mentation of long-term management strategies
11 under subsection (d), a demonstration project
12 or portion of a demonstration project under
13 subsection (e) that is carried out on Federal
14 land, and the analysis under subsection (f) shall
15 be carried out at full Federal expense.

16 (B) DEMONSTRATION PROJECTS CARRIED
17 OUT ON NON-FEDERAL LAND.—

18 (i) IN GENERAL.—The Federal share
19 of the costs of any demonstration project
20 funded under subsection (e) that is not
21 carried out on Federal land shall not ex-
22 ceed 75 percent.

23 (ii) FORM OF NON-FEDERAL
24 SHARE.—The non-Federal share of the
25 costs of a demonstration project that is not

1 carried out on Federal land may be pro-
2 vided in the form of in-kind contributions,
3 including services provided by a State
4 agency or any other public or private part-
5 ner.

6 (h) COOPERATION.—In carrying out the assessment
7 under subsection (c), the demonstration projects under
8 subsection (e), and the analysis under subsection (f), the
9 Secretary shall cooperate with and use the expertise of
10 Federal agencies and the other entities specified in sub-
11 section (e)(1) that are actively conducting research on or
12 implementing salt cedar and Russian olive tree control ac-
13 tivities.

14 (i) INDEPENDENT REVIEW.—The Secretary shall
15 subject to independent review—

16 (1) the assessment under subsection (c);
17 (2) the identification and documentation of
18 long-term management strategies under subsection
19 (d);

20 (3) the demonstration projects under subsection
21 (e); and

22 (4) the analysis under subsection (f).

23 (j) REPORTING.—

24 (1) IN GENERAL.—The Secretary shall submit
25 to Congress an annual report that describes the re-

1 sults of carrying out this Act, including a synopsis
2 of any independent review under subsection (i) and
3 details of the manner and purposes for which funds
4 are expended.

5 (2) PUBLIC ACCESS.—The Secretary shall fa-
6 cilitate public access to all information that results
7 from carrying out this Act.

8 (k) AUTHORIZATION OF APPROPRIATIONS.—

9 (1) IN GENERAL.—There are authorized to be
10 appropriated to carry out this Act—

11 (A) \$20,000,000 for fiscal year 2006; and

12 (B) \$15,000,000 for each of fiscal years
13 2007 through 2010.

14 (2) ADMINISTRATIVE COSTS.—Not more 15
15 percent of amounts made available under paragraph
16 (1) shall be used to pay the administrative costs of
17 carrying out the program established under sub-
18 section (a).

19 (l) TERMINATION OF AUTHORITY.—This Act and the
20 authority provided by this Act terminate on the date that
21 is 5 years after the date of the enactment of this Act.

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