

109TH CONGRESS
1ST SESSION

H. R. 2720

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

A BILL

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Salt Cedar and Rus-
3 sian Olive Control Demonstration Act”.

4 **SEC. 2. SALT CEDAR AND RUSSIAN OLIVE CONTROL DEM-**
5 **ONSTRATION PROGRAM.**

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

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

17 (2) to demonstrate strategic solutions for—

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

20 (B) the reestablishment of native vegeta-
21 tion; and

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

25 (b) MEMORANDUM OF UNDERSTANDING.—As soon
26 as practicable after the date of enactment of this Act, the

1 Secretary and the Secretary of Agriculture shall enter into
2 a memorandum of understanding providing for the admin-
3 istration of the program established under subsection (a).

4 (c) ASSESSMENT.—

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

11 (2) REQUIREMENTS.—In addition to describing
12 the acreage of and severity of infestation by salt
13 cedar and Russian olive trees in the western United
14 States, the assessment shall—

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

17 (B) consider the feasibility of reducing
18 water consumption by salt cedar and Russian
19 olive trees;

20 (C) consider methods of and challenges as-
21 sociated with the revegetation or restoration of
22 infested land; and

23 (D) estimate the costs of destruction of
24 salt cedar and Russian olive trees, related bio-

1 mass removal, and revegetation or restoration
2 and maintenance of the infested land.

3 (3) REPORT.—

4 (A) IN GENERAL.—The Secretary shall
5 submit to the Committee on Energy and Nat-
6 ural Resources and the Committee on Agri-
7 culture, Nutrition, and Forestry of the Senate
8 and the Committee on Resources and the Com-
9 mittee on Agriculture of the House of Rep-
10 resentatives a report that includes the results of
11 the assessment conducted under paragraph (1).

12 (B) CONTENTS.—The report submitted
13 under subparagraph (A) shall identify—

14 (i) long-term management and fund-
15 ing strategies identified under subsection
16 (d) that could be implemented by Federal,
17 State, tribal, and private land managers
18 and owners to address the infestation by
19 salt cedar and Russian olive;

20 (ii) any deficiencies in the assessment
21 or areas for additional study; and

22 (iii) any field demonstrations that
23 would be useful in the effort to control salt
24 cedar and Russian olive.

25 (d) LONG-TERM MANAGEMENT STRATEGIES.—

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

4 (A) could be implemented by Federal,
5 State, tribal, and private land managers in ad-
6 dressing infestation by salt cedar and Russian
7 olive trees; and

8 (B) should be tested as components of
9 demonstration projects under subsection (e).

10 (2) GRANTS.—

11 (A) IN GENERAL.—The Secretary may
12 provide grants to eligible entities to provide
13 technical experience, support, and recommenda-
14 tions relating to the identification and docu-
15 mentation of long-term management and fund-
16 ing strategies under paragraph (1).

17 (B) ELIGIBLE ENTITIES.—Institutions of
18 higher education and nonprofit organizations
19 with an established background and expertise in
20 the public policy issues associated with the con-
21 trol of salt cedar and Russian olive trees shall
22 be eligible for a grant under subparagraph (A).

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

1 (e) DEMONSTRATION PROJECTS.—

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

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

15 (A) be carried out over a time period and
16 to a scale designed to fully assess long-term
17 management strategies;

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

22 (i) airborne application of herbicides;

23 (ii) mechanical removal; and

24 (iii) biocontrol methods, such as the
25 use of goats or insects;

1 (C) individually or in conjunction with
2 other demonstration projects, assess the effects
3 of and obstacles to combining multiple control
4 methods and determine optimal combinations of
5 control methods;

6 (D) assess soil conditions resulting from
7 salt cedar and Russian olive tree infestation
8 and means to revitalize soils;

9 (E) define and implement appropriate final
10 vegetative states and optimal revegetation
11 methods, with preference for self-maintaining
12 vegetative states and native vegetation, and tak-
13 ing into consideration downstream impacts,
14 wildfire potential, and water savings;

15 (F) identify methods for preventing the re-
16 growth and reintroduction of salt cedar and
17 Russian olive trees;

18 (G) monitor and document any water sav-
19 ings from the control of salt cedar and Russian
20 olive trees, including impacts to both ground-
21 water and surface water;

22 (H) assess wildfire activity and manage-
23 ment strategies;

24 (I) assess changes in wildlife habitat;

1 (J) determine conditions under which re-
2 moval of biomass is appropriate (including opti-
3 mal methods for the disposal or use of bio-
4 mass); and

5 (K) assess economic and other impacts as-
6 sociated with control methods and the restora-
7 tion and maintenance of land.

8 (f) DISPOSITION OF BIOMASS.—

9 (1) IN GENERAL.—Not later than 1 year after
10 the date on which funds are made available to carry
11 out this Act, the Secretary, in cooperation with the
12 Secretary of Agriculture, shall complete an analysis
13 of economic means to use or dispose of biomass cre-
14 ated as a result of removal of salt cedar and Russian
15 olive trees.

16 (2) REQUIREMENTS.—The analysis shall—

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

19 (B) consider and build upon existing re-
20 search by the Department of Agriculture and
21 other agencies on beneficial uses of salt cedar
22 and Russian olive tree fiber; and

23 (C) consider economic development oppor-
24 tunities, including manufacture of wood prod-
25 ucts using biomass resulting from demonstra-

1 tion projects under subsection (e) as a means of
2 defraying costs of control.

3 (g) COSTS.—

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

6 (A) the assessment under subsection (c)
7 shall be carried out at a cost of not more than
8 \$4,000,000;

9 (B) the identification and documentation
10 of long-term management strategies under sub-
11 section (d)(1) and the provision of grants under
12 subsection (d)(2) shall be carried out at a cost
13 of not more than \$2,000,000;

14 (C) each demonstration project under sub-
15 section (e) shall be carried out at a Federal cost
16 of not more than \$7,000,000 (including costs of
17 planning, design, implementation, maintenance,
18 and monitoring); and

19 (D) the analysis under subsection (f) shall
20 be carried out at a cost of not more than
21 \$3,000,000.

22 (2) COST-SHARING.—

23 (A) IN GENERAL.—The assessment under
24 subsection (c), the identification and docu-
25 mentation of long-term management strategies

1 under subsection (d), a demonstration project
2 or portion of a demonstration project under
3 subsection (e) that is carried out on Federal
4 land, and the analysis under subsection (f) shall
5 be carried out at full Federal expense.

6 (B) DEMONSTRATION PROJECTS CARRIED
7 OUT ON NON-FEDERAL LAND.—

8 (i) IN GENERAL.—The Federal share
9 of the costs of any demonstration project
10 funded under subsection (e) that is not
11 carried out on Federal land shall not ex-
12 ceed 75 percent.

13 (ii) FORM OF NON-FEDERAL
14 SHARE.—The non-Federal share of the
15 costs of a demonstration project that is not
16 carried out on Federal land may be pro-
17 vided in the form of in-kind contributions,
18 including services provided by a State
19 agency or any other public or private part-
20 ner.

21 (h) COOPERATION.—In carrying out the assessment
22 under subsection (c), the demonstration projects under
23 subsection (e), and the analysis under subsection (f), the
24 Secretary shall cooperate with and use the expertise of
25 Federal agencies and the other entities specified in sub-

1 section (e)(1) that are actively conducting research on or
2 implementing salt cedar and Russian olive tree control ac-
3 tivities.

4 (i) INDEPENDENT REVIEW.—The Secretary shall
5 subject to independent review—

6 (1) the assessment under subsection (c);

7 (2) the identification and documentation of
8 long-term management strategies under subsection
9 (d);

10 (3) the demonstration projects under subsection
11 (e); and

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

13 (j) REPORTING.—

14 (1) IN GENERAL.—The Secretary shall submit
15 to Congress an annual report that describes the re-
16 sults of carrying out this Act, including a synopsis
17 of any independent review under subsection (i) and
18 details of the manner and purposes for which funds
19 are expended.

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

23 (k) AUTHORIZATION OF APPROPRIATIONS.—

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

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

2 (B) \$15,000,000 for each of fiscal years

3 2007 through 2010.

4 (2) ADMINISTRATIVE COSTS.—Not more 15
5 percent of amounts made available under paragraph

6 (1) shall be used to pay the administrative costs of

7 carrying out the program established under sub-

8 section (a).

9 (1) TERMINATION OF AUTHORITY.—This Act and the
10 authority provided by this Act terminate on the date that

11 is 5 years after the date of the enactment of this Act.

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