

SALT CEDAR AND RUSSIAN OLIVE CONTROL  
ASSESSMENT AND DEMONSTRATION ACT

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FEBRUARY 24, 2004.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

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Mr. POMBO, from the Committee on Resources,  
submitted the following

R E P O R T

[To accompany H.R. 2707]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 2707) to direct the Secretaries of the Interior and Agriculture, acting through the U.S. Forest Service, to carry out a demonstration program to assess potential water savings through control of Salt Cedar and Russian Olive on forests and public lands administered by the Department of the Interior and the U.S. Forest Service, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Salt Cedar and Russian Olive Control Assessment and Demonstration Act”.

**SEC. 2. ASSESSMENT OF SALT CEDAR AND RUSSIAN OLIVE INFESTATION IN WESTERN UNITED STATES.**

(a) **ASSESSMENT.**—Not later than one year after the date on which funds are first made available to carry out this section, the Secretary of the Interior, in consultation with the Secretary of Agriculture (in this Act referred to as the “Secretaries”), shall complete an assessment of the extent of Salt Cedar and Russian Olive invasion in the Western United States.

(b) **CONTENT.**—The assessment shall include the following:

(1) To the extent practicable, documentation of the quantity of water lost due to the infestation.

(2) Documentation of the quantity of water saved due to various control methods, including the portion of saved water that returns to surface water or groundwater supplies and at what rates.

(3) Determination of the optimum control method for the various land types and land uses.

(4) Determination of what conditions indicate the need to remove such growth and the optimal methods for disposal or use of such growth.

(5) The methods to prevent re-growth and re-introduction of these invasive species.

(c) REPORT ON ASSESSMENT.—

(1) PREPARATION AND CONTENT.—The Secretaries shall prepare a report containing the results of the assessment. The report shall identify long-term management and funding strategies that could be implemented by Federal, State, Tribal, and private land managers and owners on all land management types to address the invasion of Salt Cedar and Russian Olive. The report shall also identify deficiencies or areas for further study and where actual field demonstrations would be useful in the control effort.

(2) SUBMISSION.—The Secretaries shall submit the report to the Committee on Resources and the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry and the Committee on Energy and Natural Resources of the Senate.

(d) SUPPORT FOR IDENTIFICATION OF LONG-TERM MANAGEMENT AND FUNDING STRATEGIES.—The Secretaries may make grants to institutions of higher education or nonprofit organizations (or both) with an established background and expertise in the public policy issues associated with the control of Salt Cedar and Russian Olive to obtain technical experience, support, and recommendations related to the identification of the long-term management and funding strategies required to be included in the report under subsection (c)(1). Each grant awarded under this subsection may not be less than \$250,000.

(e) WESTERN UNITED STATES DEFINED.—In this section and section 3, the term “Western United States” refers to the States defined by the 1902 Reclamation Act (43 U.S.C. Chapter 12), which includes Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Kansas, Oklahoma, Nevada, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming.

**SEC. 3. DEMONSTRATION PROGRAM FOR CONTROL OF SALT CEDAR AND RUSSIAN OLIVE IN WESTERN STATES.**

(a) DEMONSTRATION PROJECTS.—

(1) PROJECTS REQUIRED.—Based on the results of the assessment and report in section 2, the Secretaries shall initiate a program of not fewer than three demonstration projects in the Western United States designed to address the deficiencies and areas for further study to address the invasion of Salt Cedar and Russian Olive, including the test of additional control methods, identified by the report.

(2) IMPLEMENTATION.—The Secretaries may enter into an agreement with a State in the Western United States to carry out a demonstration project. If the Secretaries select a demonstration project for implementation on National Forest System lands, the Secretary of Agriculture shall be responsible for implementation of the project.

(b) ELEMENTS OF PROJECTS.—

(1) DESIGN AND SCALE.—Each demonstration project shall be designed with integrated methods and adaptive management strategies and carried out over time frames and spatial scales large enough to accomplish the goals laid out in the report.

(2) SCIENTIFIC REVIEW.—Before being carried out, the methods and strategies proposed for each demonstration project shall be subject to review by scientific experts, including non-Federal experts, selected by the Secretaries. The Secretaries may use existing scientific review processes to the extent they comply with this requirement.

(c) PROJECT COSTS AND COST SHARING.—The total cost of each demonstration project may not exceed \$7,000,000, including the costs of planning, design, implementation, revegetation, maintenance, and monitoring. In the case of a demonstration project conducted on lands under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture, the Secretaries may accept, but not require, funds or in-kind contributions, including State agency provided services. The Federal share of the costs of any activity on private lands funded under the project shall be no more than 75 percent of the total cost of the activity.

(d) REPORTING REQUIREMENT.—During the period in which the demonstration projects are carried out, the Secretaries shall submit to the congressional committees specified in section 2(c)(2) an annual report describing—

(1) the demonstration projects;

(2) the progress made in carrying out the projects during the period covered by the report; and

(3) the costs of the projects under subsection (c).

(e) MONITORING.—Demonstration projects shall include the following:

(1) Documentation of the quantity of water saved due to various control methods, including the portion of water saved that returns to surface water or groundwater supplies and at what rates.

(2) Optimal re-vegetative states to prevent re-growth and reintroduction of Salt Cedar and Russian Olive.

(f) COOPERATION.—The Secretaries shall use the expertise of their various agencies, as well as other Federal agencies, institutions of higher education, State and local governments and political subdivisions thereof, including soil and water conservation districts, and Indian tribes, which are actively conducting assessments on or implementing Salt Cedar and Russian Olive control activities.

#### SEC. 4. RELATION TO OTHER AUTHORITY.

Nothing in this Act shall be construed to affect, or otherwise bias, the use by the Secretaries of other statutory or administrative authorities to plan or conduct Salt Cedar or Russian Olive control and eradication that is not planned or conducted under this Act.

#### SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) ASSESSMENT.—There are authorized to be appropriated to the Secretaries \$5,000,000 for fiscal year 2004 to conduct the assessment required by section 2.

(b) GRANTS.—There are authorized to be appropriated to the Secretaries \$1,000,000 for fiscal year 2004 to award as grants under section 2(d).

(c) DEMONSTRATION PROJECTS.—There are authorized to be appropriated to the Secretaries \$25,000,000 for each of the fiscal years 2005 through 2010 to carry out the program of demonstration projects under section 3.

#### Amend the title so as to read:

A bill to provide for an assessment of the extent of the invasion of Salt Cedar and Russian Olive on lands in the Western United States and efforts to date to control such invasion on public and private lands, including tribal lands, and to direct the Secretary of the Interior, in consultation with the Secretary of Agriculture, to carry out a demonstration program to address any shortcomings in current control efforts, and for other purposes.

#### PURPOSE OF THE BILL

The purpose of H.R. 2707 is to direct the Secretaries of the Interior and Agriculture, acting through the U.S. Forest Service, to carry out a demonstration program to assess potential water savings through control of Salt Cedar and Russian Olive on forests and public lands administered by the Department of the Interior and the U.S. Forest Service.

#### BACKGROUND AND NEED FOR LEGISLATION

Salt Cedar, or tamarisk, is a small deciduous invasive tree introduced to the southwestern United States from Eurasia as a stream bank stabilizer and ornamental shrub. Russian Olive commonly cohabitates with tamarisk in riparian areas. Since its introduction in the early 1800s, tamarisk has evolved into a dominant riparian tree in the low elevation stretches of the Colorado River basin. Tamarisk's pervasive stronghold on western rivers and streams is attributed to its phenomenal reproductive output (each tamarisk can spread upwards of a million seeds over multiple square miles each spring and summer) and its remarkable resilience in drought and flood.

Chief among reasons for seeking the eradication of tamarisk and Russian Olive are their substantial depleting impact on already scarce water resources in the West. According to estimates, one tamarisk can absorb as much as 300 gallons of water per day, thanks to the tree's deep and expansive root systems. Across the West, studies have shown that, in the aggregate, tamarisk may dry up to 800 billion gallons more water each year than the native cot-

tonwoods they replaced. That same study concluded that replacing tamarisk with cottonwood and other native vegetation along the Colorado River alone would save as much as 462,100 acre-feet of water annually, or 150 billion gallons.

Tamarisk's tenacity and hyper-reproductive nature has made its eradication difficult and costly for land and resource managers. Still, substantial increases in water yield potentially associated with wide-spread tamarisk eradication make this expensive and challenging enterprise worth the while, experts say. Moreover, tamarisk eradication will also reduce fire risks to resource-rich riparian areas, and improve wildlife for fish and wildlife, when native vegetation is restored.

H.R. 2707 authorizes a demonstration program through the Departments of the Interior and Agriculture to control tamarisk and Russian Olive on public lands.

#### COMMITTEE ACTION

H.R. 2707 was introduced on July 10, 2003, by Congressman Stevan Pearce (R-NM). The bill was referred to the Committee on Resources and additionally to the Committee on Agriculture. Within the Committee on Resources, the bill was referred to the Subcommittee on National Parks, Recreation, and Public Lands and the Subcommittee on Forests and Forest Health. On July 24, 2003, the Subcommittee on Forests and Forest Health held a hearing on the bill. On October 29, 2003, the Full Resources Committee met to consider the bill. Both Subcommittees were discharged from further consideration of the bill by unanimous consent. Congressman Scott McInnis (R-CO) offered an amendment in the nature of a substitute with a number of technical corrections, including clarifying that the Department of the Interior would be the lead entity in implementing the bill's tamarisk eradication program. An additional provision in the amendment established a \$1 million grant-in-aid program to non-profits and institutions of higher education to assist the Department of the Interior in crafting a long-term management plan and funding strategy focused on eradicating the invasive species, with preference given to those institutions and non-profits with a history of addressing the public policy issues surrounding tamarisk suppression. The amendment was adopted by unanimous consent. The bill, as amended, was then ordered favorably reported to the House of Representatives by unanimous consent.

#### COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

## COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to direct the Secretaries of the Interior and Agriculture, acting through the U.S. Forest Service, to carry out a demonstration program to assess potential water savings through control of Salt Cedar and Russian Olive on forests, private and public lands administered by the Department of the Interior and the U.S. Forest Service.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, December 30, 2003.*

Hon. RICHARD W. POMBO,  
*Chairman, Committee on Resources,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2707, the Salt Cedar and Russian Olive Control Assessment and Demonstration Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Megan Carroll.

Sincerely,

DOUGLAS HOLTZ-EAKIN,  
*Director.*

Enclosure.

*H.R. 2707—Salt Cedar and Russian Olive Control Assessment and Demonstration Act*

Summary: H.R. 2707 would authorize appropriations totaling \$106 million over the 2004–2010 period for a program to address the infestation of Salt Cedar and Russian Olive trees in national forests and public lands in western states. CBO estimates that the proposed program would cost \$3 million in 2004 and \$42 million over the 2004–2010 period. The bill would not affect direct spending or receipts. H.R. 2707 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform

Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 2707 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—				
	2004	2005	2006	2007	2008
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Authorization Level .....	6	25	25	25	25
Estimated Outlays .....	3	6	6	11	16

Basis of Estimate: H.R. 2707 would direct the Secretary of the Interior and the Secretary of Agriculture to assess the extent to which Salt Cedar and Russian Olive trees infested national forests and public lands in western states. The bill would authorize the appropriation of \$5 million for that assessment and \$1 million for grants to universities and nonprofit organizations to identify strategies for managing the infested lands. Based on information from the Department of the Interior and the Forest Service, CBO estimates that those activities would cost \$3 million in each of fiscal years 2004 and 2005.

In addition, H.R. 2707 would authorize the appropriation of \$25 million a year over the 2005–2010 period for grants to support projects on infested lands. Based on historical spending patterns for similar programs, CBO estimates that such grants would cost \$36 million over the 2005–2008 period, with additional spending occurring in later years.

Intergovernmental and private-sector impact: H.R. 2707 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Estimate prepared by: Federal Costs: Megan Carroll; Impact on State, Local, and Tribal Government: Marjorie Miller; Impact on the Private Sector: Cecil McPherson.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

#### COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

#### PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

#### CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

## COMMITTEE CORRESPONDENCE

U.S. HOUSE OF REPRESENTATIVES,  
 COMMITTEE ON RESOURCES,  
*Washington, DC, February 23, 2004.*

Hon. BOB GOODLATTE,  
*Chairman, Committee on Agriculture,  
 House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: I request your assistance in expediting consideration of H.R. 2707, the Salt Cedar and Russian Olive Control Demonstration Act, authored by our colleague Stevan Pearce. Mr. Pence introduced the bill on July 10, 2003, when it was referred to the Committee on Resources and additionally to the Committee on Agriculture. The Committee on Resources ordered the bill favorably reported with an amendment on October 29, 2003, by unanimous consent. I have forwarded a copy of this text to your staff, and it would be my intention to ask that this text be scheduled for Floor consideration.

Because of the limited number of days remaining in the 108th Congress and the importance of this bill to the Western United States, I ask you to allow the Committee on Agriculture to be discharged so that H.R. 2707 can be voted on when Congress reconvenes. Of course, by agreeing to this request, you are not waiving jurisdiction over the bill, nor is this action to be construed as a precedent for other, similar legislation. In addition, I would support a request from the Committee on Agriculture to be represented on any conference on H.R. 2707 or a companion Senate bill, should one become necessary. Finally, I would include this letter and any response you might have in the Committee on Resources bill report on H.R. 2707.

Thank you for your consideration of my request. I appreciate our continued excellent working relationship and look forward to working with you to see H.R. 2707 enacted soon.

Sincerely,

RICHARD W. POMBO,  
*Chairman.*

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U.S. HOUSE OF REPRESENTATIVES,  
 COMMITTEE ON AGRICULTURE,  
*Washington, DC, February 23, 2004.*

Hon. RICHARD POMBO,  
*Chairman, Committee on Resources,  
 House of Representatives,  
 Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for forwarding a draft copy of H.R. 2707, the Salt Cedar and Russian Olive Control Demonstration Act, as ordered reported by your Committee on October 29, 2003.

Under clause 1(a) of Rule X, the Committee on Agriculture has jurisdiction over bills relating to forestry in general and forest reserves other than those created from the public domain. In exercising this jurisdiction, the Committee on Agriculture has worked cooperatively in the past with your Committee regarding general matters relating to forestry.

Aware of your interest in expediting this legislation, and after conferring with Chairman Guthnecht of the Subcommittee on Department Operations, Oversight, Nutrition, and Forestry, I will be glad to waive further consideration of this measure so as to allow its timely consideration by the entire House of Representatives during the remainder of the 108th Congress.

This action is not intended to waive this Committee's jurisdiction over this matter for all purposes, and in the event of conference with the Senate is requested, I would appreciate your support in the naming of members from the Committee on Agriculture to the conference committee.

Thank you once again for the extraordinary cooperation this Congress in which our respective Committees have worked together and I look forward to working with you in the future on matters of shared jurisdiction.

Sincerely,

BOB GOODLATTE,  
*Chairman.*

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