

LAKE TAHOE RESTORATION REAUTHORIZATION ACT

SEPTEMBER 23, 2024.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. WESTERMAN, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany S. 612]

The Committee on Natural Resources, to whom was referred the bill (S. 612) to reauthorize the Lake Tahoe Restoration Act, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE LEGISLATION

The purpose of S. 612 is to reauthorize the Lake Tahoe Restoration Act, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

Lake Tahoe has long been a driver of recreation and economic growth for Nevada and California, attracting over 6.4 million visitors annually.¹ For the past several decades, the Lake Tahoe Basin has faced a confluence of threats, including insects, disease, drought, invasive species, and catastrophic wildfires. To address these challenges, the federal government, Nevada and California, local governments, and private interests have collectively invested nearly \$2 billion since 1997 to increase the Tahoe Basin’s health and resiliency.² In 2000, Congress passed the Lake Tahoe Restoration Act, which authorized \$300 million to restore the lake and surrounding basin. Congress reauthorized the bill in 2016 in the Water Infrastructure Improvements for the Nation (WIIN) Act and increased the authorization level to \$415 million. The WIIN Act also created a 10,000-acre categorical exclusion (CE) for the U.S. Forest Service (USFS) to expedite forest management projects in

¹National Forest Foundation, Lake Tahoe West Restoration Partnership, <https://www.nationalforests.org/regional-programs/california-program/laketahoewest>.

²Public Law 114–322, <https://www.congress.gov/114/plaws/publ322/PLAW-114publ322.pdf>.

the Lake Tahoe Basin Management Unit. The expedited forest treatments made possible by this CE have been literal lifesavers. In 2021, the Caldor Fire was approaching South Lake Tahoe when it reached areas treated under that special CE.³ The mega-fire, which had been moving rapidly as a crown fire, began to slow, and the 150-foot flame lengths dropped to a more manageable 15 feet when the fire entered the treatment area.⁴

The Lake Tahoe Restoration Reauthorization Act extends the period of time the \$415 million authorized in 2016 can be spent for ten additional years, until 2034. The bill also extends the authorization for cooperative authorities to enter into contracts and cooperative agreements with states and local governments to provide fuel reduction, erosion control, reforestation, Stream Environment Zone restoration, and other activities. Reauthorizing these authorities will prevent an interruption in conservation and restoration planning. The Senate passed S. 612 by unanimous consent on July 11, 2024. Representatives Mark Amodei (R–NV–2) and Kevin Kiley (R–CA–3) are leading companion legislation in the House.

COMMITTEE ACTION

S. 612 was introduced on March 1, 2023, by Sen. Cortez Masto (D–NV). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Federal Lands. The bill was also referred to the Committee on Transportation and Infrastructure, and the Committee on Agriculture. On September 18, 2024, the Subcommittee on Federal Lands held a hearing on the bill. On September 19, 2024, the Committee on Natural Resources met to consider the bill. The Subcommittee on Federal Lands was discharged from further consideration of S. 612. The bill was ordered favorably reported to the House of Representatives by unanimous consent.

HEARINGS

For the purposes of clause 3(c)(6) of House rule XIII, the following hearing was used to develop or consider this measure: hearing by the Subcommittee on Federal Lands held on September 18, 2024.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 names the bill the “Lake Tahoe Restoration Reauthorization Act”.

Section 2. Reauthorization of the Lake Tahoe Restoration Act

Section 2 reauthorizes cooperative authorities under the Lake Tahoe Restoration Act until September 30, 2034. Section 2 also extends the ability to spend \$415 million in discretionary appropriations on Lake Tahoe restoration activities from September 30, 2024, to September 30, 2034.

³Wildfire Today, “Examining how fuel treatments affected suppression of the Caldor Fire in California”, Bill Gabbert, October 8, 2021, <https://wildfiretoday.com/2021/10/08/examining-how-fuel-treatments-affected-suppression-of-the-caldor-fire-in-california/>.

⁴Wildfire Today, “Firefighters work to secure the Caldor Fire near South Lake Tahoe”, Bill Gabbert, September 2, 2021, <https://wildfiretoday.com/tag/caldor-fire/>.

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 Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. *Cost of Legislation and the Congressional Budget Act.* Pursuant to clause 3(c)(2) of House rule XIII and section 308(a) of the Congressional Budget Act of 1974, and pursuant to clause 3(c)(3) of House rule XIII and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received from the Director of the Congressional Budget Office a budgetary analysis and a cost estimate of this bill.

2. *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 reauthorize the Lake Tahoe Restoration Act, and for other purposes.

earmark statement

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

unfunded mandates reform act statement

An estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chair of the Committee shall cause such estimate to be printed in the Congressional Record upon its receipt by the Committee, if such estimate is not publicly available on the Congressional Budget Office website.

existing programs

Directed Rule Making. This bill does not contain any directed rule makings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95-220, as amended by Public Law 98-169) as relating to other programs.

applicability to legislative branch

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

LAKE TAHOE RESTORATION ACT

* * * * *

SEC. 4. ADMINISTRATION OF THE LAKE TAHOE BASIN MANAGEMENT UNIT.

(a) IN GENERAL.—The Lake Tahoe Basin Management Unit shall be administered by the Secretary in accordance with this Act and the laws applicable to the National Forest System.

(b) RELATIONSHIP TO OTHER AUTHORITY.—

(1) PRIVATE OR NON-FEDERAL LAND.—Nothing in this Act grants regulatory authority to the Secretary over private or other non-Federal land.

(2) PLANNING AGENCY.—Nothing in this Act affects or increases the authority of the Planning Agency.

(3) ACQUISITION UNDER OTHER LAW.—Nothing in this Act affects the authority of the Secretary to acquire land from willing sellers in the Lake Tahoe Basin under any other law.

(c) FOREST MANAGEMENT ACTIVITIES.—

(1) COORDINATION.—

(A) IN GENERAL.—In conducting forest management activities in the Lake Tahoe Basin Management Unit, the Secretary shall, as appropriate, coordinate with the Administrator and State and local agencies and organizations, including local fire departments and volunteer groups.

(B) GOALS.—The coordination of activities under subparagraph (A) should aim to increase efficiencies and maximize the compatibility of management practices across public property boundaries.

(2) MULTIPLE BENEFITS.—

(A) IN GENERAL.—In conducting forest management activities in the Lake Tahoe Basin Management Unit, the Secretary shall conduct the activities in a manner that—

(i) except as provided in subparagraph (B), attains multiple ecosystem benefits, including—

(I) reducing forest fuels;

(II) maintaining biological diversity;

(III) improving wetland and water quality, including in Stream Environment Zones; and

(IV) increasing resilience to changing water temperature and precipitation; and

(ii) helps achieve and maintain the environmental threshold carrying capacities established by the Planning Agency.

(B) EXCEPTION.—Notwithstanding subparagraph (A)(i), the attainment of multiple ecosystem benefits shall not be required if the Secretary determines that management for multiple ecosystem benefits would excessively increase the cost of a program in relation to the additional ecosystem benefits gained from the management activity.

(3) GROUND DISTURBANCE.—Consistent with applicable Federal law and Lake Tahoe Basin Management Unit land and resource management plan direction, the Secretary shall—

(A) establish post-program ground condition criteria for ground disturbance caused by forest management activities; and

(B) provide for monitoring to ascertain the attainment of the post-program conditions.

(4) AVAILABILITY OF CATEGORICAL EXCLUSION FOR CERTAIN FOREST MANAGEMENT PROJECTS.—A forest management activity conducted in the Lake Tahoe Basin Management Unit for the purpose of reducing forest fuels is categorically excluded from the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) if the forest management activity—

(A) notwithstanding section 423 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2009 (division E of Public Law 111–8; 123 Stat. 748), does not exceed 10,000 acres, including not more than 3,000 acres of mechanical thinning;

(B) is developed—

(i) in coordination with impacted parties, specifically including representatives of local governments, such as county supervisors or county commissioners; and

(ii) in consultation with other interested parties; and

(C) is consistent with the Lake Tahoe Basin Management Unit land and resource management plan.

(d) WITHDRAWAL OF FEDERAL LAND.—

(1) IN GENERAL.—Subject to valid existing rights and paragraph (2), the Federal land located in the Lake Tahoe Basin Management Unit is withdrawn from—

(A) all forms of entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) disposition under all laws relating to mineral and geothermal leasing.

(2) EXCEPTIONS.—A conveyance of land shall be exempt from withdrawal under this subsection if carried out under—

(A) this Act; or

(B) Public Law 96–586 (94 Stat. 3381) (commonly known as the “Santini-Burton Act”).

(e) ENVIRONMENTAL THRESHOLD CARRYING CAPACITY.—The Lake Tahoe Basin Management Unit shall support the attainment of the environmental threshold carrying capacities.

(f) COOPERATIVE AUTHORITIES.—During the [4 fiscal years following the date of enactment of the Water Resources Development Act of 2016] *period beginning on the date of enactment of this subsection and ending on the date described in section 10(a)*, the Secretary, in conjunction with land adjustment programs, may enter into contracts and cooperative agreements with States, units of local government, and other public and private entities to provide for fuel reduction, erosion control, reforestation, Stream Environment Zone restoration, and similar management activities on Federal land and non-Federal land within the programs.

* * * * *

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this Act \$415,000,000 [for a period of 7 fiscal years beginning the first fiscal year after the date of enactment of the Water Resources Development Act of 2016.], *to remain available until September 30, 2034*.

(b) EFFECT ON OTHER FUNDS.—Amounts authorized under this section and any amendments made by this Act—

(1) shall be in addition to any other amounts made available to the Secretary, the Administrator, or the Directors for expenditure in the Lake Tahoe Basin; and

(2) shall not reduce allocations for other Regions of the Forest Service, the Environmental Protection Agency, or the United States Fish and Wildlife Service.

(c) COST-SHARING REQUIREMENT.—Except as provided in subsection (d) and section 5(d)(1)(D), funds for activities carried out under section 5 shall be available for obligation on a 1-to-1 basis with funding of restoration activities in the Lake Tahoe Basin by the States of California and Nevada.

(d) RELOCATION COSTS.—Notwithstanding subsection (c), the Secretary shall provide to local utility districts two-thirds of the costs of relocating facilities in connection with—

(1) environmental restoration programs under sections 5 and 6; and

(2) erosion control programs under section 2 of Public Law 96–586 (94 Stat. 3381).

(e) SIGNAGE.—To the maximum extent practicable, a program provided assistance under this Act shall include appropriate signage at the program site that—

(1) provides information to the public on—

(A) the amount of Federal funds being provided to the program; and

(B) this Act; and

(2) displays the visual identity mark of the Environmental Improvement Program.

GLENN THOMPSON, PENNSYLVANIA,
CHAIRMAN

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WALLY MILLER, OHIO

COMMITTEE CORRESPONDENCE

U.S. House of Representatives

Committee on Agriculture

Room 1301, Longworth House Office Building

Washington, DC 20515-6001

(202) 225-2171

September 20, 2024

The Honorable Bruce Westerman, Chairman
Committee on Natural Resources
1324 Longworth House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

This letter confirms our mutual understanding regarding S. 612, the "Lake Tahoe Restoration Reauthorization Act". Thank you for collaborating with the Committee on Agriculture on the matters within our jurisdiction.

The Committee on Agriculture will forego any further consideration of this bill. However, by foregoing consideration at this time, we do not waive any jurisdiction over any subject matter contained in this or similar legislation. The Committee on Agriculture also reserves the right to seek appointment of an appropriate number of conferees should it become necessary and ask that you support such a request.

We would appreciate a response to this letter confirming this understanding with respect to S. 612 and request a copy of our letters on this matter be published in the Congressional Record during Floor consideration.

Sincerely,



Glenn "GT" Thompson
Chairman

Cc: The Honorable David Scott, Ranking Member, Committee on Agriculture
The Honorable Raul Grijalva, Ranking Member, Committee on Natural Resources
The Honorable Mike Johnson, Speaker of the House
The Honorable Jason Smith, Parliamentarian, U.S. House of Representatives

DAVID SCOTT, GEORGIA,
RANKING MEMBER

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RANKING DEMOCRAT

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DEMOCRATIC STAFF DIRECTOR

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

September 23, 2024

The Honorable Glenn "GT" Thompson
Chairman
Committee on Agriculture
U.S. House of Representatives
1301 Longworth House Office Building
Washington, D.C. 20515

Dear Chairman Thompson:

I write regarding S.612, the "Lake Tahoe Restoration Reauthorization Act." The bill was referred primarily to the Committee on Natural Resources, and additionally to the Committee on Transportation and Infrastructure, and the Committee on Agriculture, and was ordered reported by the Committee on Natural Resources on September 19, 2024.

I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on Agriculture and appreciate your willingness to forgo any further consideration of the bill. I acknowledge that the Committee on Agriculture will not formally consider S.612 and agree that the inaction of your Committee with respect to the bill does not waive any jurisdiction over the subject matter contained therein.

I am pleased to support your request to name members of the Committee on Agriculture to any conference committee to consider such provisions. I will ensure that our exchange of letters is included in the *Congressional Record* during floor consideration of the bill. I appreciate your cooperation regarding this legislation.

Sincerely,



Bruce Westerman
Chairman
Committee on Natural Resources

cc: The Honorable Mike Johnson, Speaker
The Honorable David Scott, Ranking Member, Committee on Agriculture
The Honorable Raúl Grijalva, Ranking Member, Committee on Natural Resources
The Honorable Jason Smith, Parliamentarian



Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington, DC 20515

Sam Graves
Chairman

Rick Larsen
Ranking Member

Jack Raddy, Staff Director

Katherine W. Dedrick, Deputy Staff Director

September 20, 2024

The Honorable Bruce Westerman
Chairman
Committee on Natural Resources
United States House of Representatives
1324 Longworth House Office Building
Washington, D.C. 20515

Dear Chairman Westerman:

I write to you concerning S. 612, the *Lake Tahoe Restoration Reauthorization Act*. The bill was referred primarily to the Committee on Natural Resources, with additional referrals to the Committee on Transportation and Infrastructure and Committee on Agriculture. Specifically, provisions of S. 612 fall within the Rule X jurisdiction of the Committee on Transportation and Infrastructure.

I recognize and appreciate your desire to bring this legislation before the House of Representatives in an expeditious manner, and accordingly, the Committee on Transportation and Infrastructure will forgo action on the bill. However, this is conditional on our mutual understanding that doing so will not prejudice the Committee on Transportation and Infrastructure with respect to the appointment of conferees or to any future jurisdictional claim over the subject matter contained within the bill or similar legislation that falls under the Committee on Transportation and Infrastructure's Rule X jurisdiction. Further, should a conference on the bill be necessary, I appreciate your agreement to support my request to have the Committee represented on the conference committee.

Finally, I would ask that a copy of this letter and your response acknowledging our jurisdictional interest in the bill be included in the Committee Report and *Congressional Record* during consideration of S. 612 on the House floor.

Sincerely,

Sam Graves
Chairman
Committee on Transportation
and Infrastructure

cc: The Honorable Mike Johnson, Speaker
The Honorable Rick Larsen, Ranking Member, Committee on Transportation and
Infrastructure
The Honorable Raúl Grijalva, Ranking Member, Committee on Natural Resources
The Honorable Jason Smith, Parliamentarian

BRUCE WESTERMAN OF ARKANSAS
CHAIRMAN

RAUL M. GRIJALVA OF ARIZONA
RANKING DEMOCRAT

VIVIAN MOEGLEIN
STAFF DIRECTOR

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U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

September 23, 2024

The Honorable Sam Graves
Chairman
Committee on Transportation and Infrastructure
U.S. House of Representatives
2165 Rayburn House Office Building
Washington, D.C. 20515

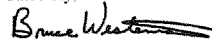
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I write regarding S.612, the "Lake Tahoe Restoration Reauthorization Act." The bill was referred primarily to the Committee on Natural Resources, and additionally to the Committee on Transportation and Infrastructure, and the Committee on Agriculture, and was ordered reported by the Committee on Natural Resources on September 19, 2024.

I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on Transportation and Infrastructure and appreciate your willingness to forgo any further consideration of the bill. I acknowledge that the Committee on Transportation and Infrastructure will not formally consider S.612 and agree that the inaction of your Committee with respect to the bill does not waive any jurisdiction over the subject matter contained therein.

I am pleased to support your request to name members of the Committee on Transportation and Infrastructure to any conference committee to consider such provisions. I will ensure that our exchange of letters is included in the *Congressional Record* during floor consideration of the bill and will include such letters in the committee report on S.612. I appreciate your cooperation regarding this legislation.

Sincerely,



Bruce Westerman
Chairman
Committee on Natural Resources

cc: The Honorable Mike Johnson, Speaker
The Honorable Rick Larsen, Ranking Member, Committee on Transportation and Infrastructure
The Honorable Raúl Grijalva, Ranking Member, Committee on Natural Resources
The Honorable Jason Smith, Parliamentarian

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<http://naturalresources.house.gov>

