

LAKE TAHOE RESTORATION ACT

SEPTEMBER 7, 2000.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 3388]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 3388) to promote environmental restoration around the Lake Tahoe basin, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Lake Tahoe Restoration Act”.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) Lake Tahoe, one of the largest, deepest, and clearest lakes in the world, has a cobalt blue color, a unique alpine setting, and remarkable water clarity, and is recognized nationally and worldwide as a natural resource of special significance;

(2) in addition to being a scenic and ecological treasure, Lake Tahoe is one of the outstanding recreational resources of the United States, offering skiing, water sports, biking, camping, and hiking to millions of visitors each year, and contributing significantly to the economies of California, Nevada, and the United States;

(3) the economy in the Lake Tahoe basin is dependent on the protection and restoration of the natural beauty and recreation opportunities in the area;

(4) Lake Tahoe is in the midst of an environmental crisis; the Lake’s water clarity has declined from a visibility level of 105 feet in 1967 to only 70 feet in 1999, and scientific estimates indicate that if the water quality at the Lake continues to degrade, Lake Tahoe will lose its famous clarity in only 30 years;

(5) sediment and algae-nourishing phosphorous and nitrogen continue to flow into the Lake from a variety of sources, including land erosion, fertilizers, air pollution, urban runoff, highway drainage, streamside erosion, land disturbance, and ground water flow;

(6) methyl tertiary butyl ether—

(A) has contaminated and closed more than $\frac{1}{3}$ of the wells in South Tahoe; and

(B) is advancing on the lake at a rate of approximately 9 feet per day; (7) destruction of wetlands, wet meadows, and stream zone habitat has compromised the Lake's ability to cleanse itself of pollutants;

(8) approximately 40 percent of the trees in the Lake Tahoe basin are either dead or dying, and the increased quantity of combustible forest fuels has significantly increased the risk of catastrophic forest fire in the Lake Tahoe basin;

(9) as the largest land manager in the Lake Tahoe basin, with 77 percent of the land, the Federal Government has a unique responsibility for restoring environmental health to Lake Tahoe;

(10) the Federal Government has a long history of environmental preservation at Lake Tahoe, including—

(A) congressional consent to the establishment of the Tahoe Regional Planning Agency in 1969 (Public Law 91-148; 83 Stat. 360) and in 1980 (Public Law 96-551; 94 Stat. 3233);

(B) the establishment of the Lake Tahoe Basin Management Unit in 1973; and

(C) the enactment of Public Law 96-586 (94 Stat. 3381) in 1980 to provide for the acquisition of environmentally sensitive land and erosion control grants;

(11) President Clinton renewed the Federal Government's commitment to Lake Tahoe in 1997 at the Lake Tahoe Presidential Forum, when he committed to increased Federal resources for environmental restoration at Lake Tahoe and established the Federal Interagency Partnership and Federal Advisory Committee to consult on natural resources issues concerning the Lake Tahoe basin;

(12) the States of California and Nevada have contributed proportionally to the effort to protect and restore Lake Tahoe, including—

(A) expenditures—

(i) exceeding \$200,000,000 by the State of California since 1980 for land acquisition, erosion control, and other environmental projects in the Lake Tahoe basin; and

(ii) exceeding \$30,000,000 by the State of Nevada since 1980 for the purposes described in clause (i); and

(B) the approval of a bond issue by voters in the State of Nevada authorizing the expenditure by that State of an additional \$20,000,000; and

(13) significant additional investment from Federal, State, local, and private sources is needed to stop the damage to Lake Tahoe and its forests, and restore the Lake Tahoe basin to ecological health.

(b) PURPOSES.—The purposes of this Act are—

(1) to enable the Forest Service to plan and implement significant new environmental restoration activities and forest management activities to address the phenomena described in paragraphs (4) through (8) of subsection (a) in the Lake Tahoe basin;

(2) to ensure that Federal, State, local, regional, tribal, and private agencies continue to work together to improve water quality and manage Federal land in the Lake Tahoe Basin Management Unit; and

(3) to provide funding to local governments for erosion and sediment control projects on non-Federal land.

SEC. 3. DEFINITIONS.

In this Act:

(1) ENVIRONMENTAL THRESHOLD CARRYING CAPACITY.—The term “environmental threshold carrying capacity” has the meaning given the term in Article II of the Tahoe Regional Planning Compact set forth in the first section of Public Law 96-551 (94 Stat. 3235).

(2) FIRE RISK REDUCTION ACTIVITY.—

(A) IN GENERAL.—The term “fire risk reduction activity” means an activity that is necessary to reduce the risk of wildfire to promote forest management and simultaneously achieve and maintain the environmental threshold carrying capacities established by the Planning Agency in a manner consistent, where applicable, with chapter 71 of the Tahoe Regional Planning Agency Code of Ordinances.

(B) INCLUDED ACTIVITIES.—The term “fire risk reduction activity” includes—

(i) prescribed burning;

(ii) mechanical treatment;

(iii) road obliteration or reconstruction; and

(iv) such other activities consistent with Forest Service practices as the Secretary determines to be appropriate.

(3) **PLANNING AGENCY.**—The term “Planning Agency” means the Tahoe Regional Planning Agency established under Public Law 91–148 (83 Stat. 360) and Public Law 96–551 (94 Stat. 3233).

(4) **PRIORITY LIST.**—The term “priority list” means the environmental restoration priority list developed under section 6.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture, acting through the Chief of the Forest Service.

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.

SEC. 5. CONSULTATION WITH PLANNING AGENCY AND OTHER ENTITIES.

(a) **IN GENERAL.**—With respect to the duties described in subsection (b), the Secretary shall consult with and seek the advice and recommendations of—

(1) the Planning Agency;

(2) the Tahoe Federal Interagency Partnership established by Executive Order No. 13057 (62 Fed. Reg. 41249) or a successor Executive order;

(3) the Lake Tahoe Basin Federal Advisory Committee established by the Secretary on December 15, 1998 (64 Fed. Reg. 2876) (until the committee is terminated);

(4) Federal representatives and all political subdivisions of the Lake Tahoe Basin Management Unit; and

(5) the Lake Tahoe Transportation and Water Quality Coalition.

(b) **DUTIES.**—The Secretary shall consult with and seek advice and recommendations from the entities described in subsection (a) with respect to—

(1) the administration of the Lake Tahoe Basin Management Unit;

(2) the development of the priority list;

(3) the promotion of consistent policies and strategies to address the Lake Tahoe basin’s environmental and recreational concerns;

(4) the coordination of the various programs, projects, and activities relating to the environment and recreation in the Lake Tahoe basin to avoid unnecessary duplication and inefficiencies of Federal, State, local, tribal, and private efforts; and

(5) the coordination of scientific resources and data, for the purpose of obtaining the best available science as a basis for decisionmaking on an ongoing basis.

SEC. 6. ENVIRONMENTAL RESTORATION PRIORITY LIST.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a priority list of potential or proposed environmental restoration projects for the Lake Tahoe basin.

(b) **DEVELOPMENT OF PRIORITY LIST.**—In developing the priority list, the Secretary shall—

(1) use the best available science, including any relevant findings and recommendations of the watershed assessment conducted by the Forest Service in the Lake Tahoe basin; and

(2) include, in order of priority, potential or proposed environmental restoration projects in the Lake Tahoe basin that—

(A) are included in or are consistent with the environmental improvement program adopted by the Planning Agency in February 1998 and amendments to the program;

(B) would help to achieve and maintain the environmental threshold carrying capacities for—

(i) air quality;

(ii) fisheries;

(iii) noise;

(iv) recreation;

(v) scenic resources;

(vi) soil conservation;

- (vii) forest health;
- (viii) water quality; and
- (ix) wildlife;
- (3) in determining the order of priority of potential and proposed environmental restoration projects under paragraph (2), the focus shall address projects (listed in no particular order) involving—
 - (A) erosion and sediment control, including the activities described in section 2(g) of Public Law 96–586 (94 Stat. 3381) (as amended by section 7);
 - (B) the acquisition of environmentally sensitive land from willing sellers under Public Law 96–586 (94 Stat. 3381) or land acquisition under any other Federal law;
 - (C) fire risk reduction activities in urban areas and urban-wildland interface areas, including high recreational use areas and urban lots acquired from willing sellers under Public Law 96–586 (94 Stat. 3381);
 - (D) cleaning up methyl tertiary butyl ether contamination; and
 - (E) the management of vehicular parking and traffic in the Lake Tahoe Basin Management Unit, especially—
 - (i) improvement of public access to the Lake Tahoe basin, including the promotion of alternatives to the private automobile;
 - (ii) the Highway 28 and 89 corridors and parking problems in the area;
 - (iii) cooperation with local public transportation systems, including—
 - (I) the Coordinated Transit System; and
 - (II) public transit systems on the north shore of Lake Tahoe.
- (c) MONITORING.—The Secretary shall provide for continuous scientific research on and monitoring of the implementation of projects on the priority list, including the status of the achievement and maintenance of environmental threshold carrying capacities.
- (d) CONSISTENCY WITH MEMORANDUM OF UNDERSTANDING.—A project on the priority list shall be conducted in accordance with the memorandum of understanding signed by the Forest Supervisor and the Planning Agency on November 10, 1989, including any amendments to the memorandum as long as the memorandum remains in effect.
- (e) REVIEW OF PRIORITY LIST.—Periodically, but not less often than every 3 years, the Secretary shall—
 - (1) review the priority list;
 - (2) consult with—
 - (A) the Tahoe Regional Planning Agency;
 - (B) interested political subdivisions; and
 - (C) the Lake Tahoe Water Quality and Transportation Coalition; and
 - (3) make any necessary changes with respect to—
 - (A) the findings of scientific research and monitoring in the Lake Tahoe basin;
 - (B) any change in an environmental threshold as determined by the Planning Agency;
 - (C) any change in general environmental conditions in the Lake Tahoe basin; and
 - (D) submit to Congress a report on any changes made.
- (f) CLEANUP OF HYDROCARBON CONTAMINATION.—
 - (1) IN GENERAL.—The Secretary shall make a payment of \$1,000,000 to the Tahoe Regional Planning Agency and the South Tahoe Public Utility District to develop and publish a plan, not later than 1 year after the date of enactment of this Act, for the prevention and cleanup of hydrocarbon contamination (including contamination with MTBE) of the surface water and ground water of the Lake Tahoe basin.
 - (2) CONSULTATION.—In developing the plan, the Tahoe Regional Planning Agency and the South Tahoe Public Utility District shall consult with the States of California and Nevada and appropriate political subdivisions.
 - (3) WILLING SELLERS.—The plan shall not include any acquisition of land or an interest in land except an acquisition from a willing seller.
- (g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, for the implementation of projects on the priority list, \$20,000,000 for the first fiscal year that begins after the date of enactment of this Act and for each of the 9 fiscal years thereafter.

SEC. 7. ENVIRONMENTAL IMPROVEMENT PAYMENTS.

Section 2 of Public Law 96–586 (94 Stat. 3381) is amended by striking subsection (g) and inserting the following:

“(g) PAYMENTS TO LOCALITIES.—

“(1) IN GENERAL.—The Secretary of Agriculture shall, to the extent and in the amount provided in advance in appropriations Acts, make annual payments to the governing bodies of each of the political subdivisions (including any public utility the service area of which includes any part of the Lake Tahoe basin), any portion of which is located in the area depicted on the final map filed under section 3(a).

“(2) USE OF PAYMENTS.—Payments under this subsection may be used—

“(A) first, for erosion control and water quality projects; and

“(B) second, unless emergency projects arise, for projects to address other threshold categories after thresholds for water quality and soil conservation have been achieved and maintained.

“(3) ELIGIBILITY FOR PAYMENTS.—

“(A) IN GENERAL.—To be eligible for a payment under this subsection, a political subdivision shall annually submit a priority list of proposed projects to the Secretary of Agriculture.

“(B) COMPONENTS OF LIST.—A priority list under subparagraph (A) shall include, for each proposed project listed—

“(i) a description of the need for the project;

“(ii) all projected costs and benefits; and

“(iii) a detailed budget.

“(C) USE OF PAYMENTS.—A payment under this subsection shall be used only to carry out a project or proposed project that is part of the environmental improvement program adopted by the Tahoe Regional Planning Agency in February 1998 and amendments to the program.

“(D) FEDERAL OBLIGATION.—All projects funded under this subsection shall be part of Federal obligation under the environmental improvement program.

“(4) DIVISION OF FUNDS.—

“(A) IN GENERAL.—The total amounts appropriated for payments under this subsection shall be allocated by the Secretary of Agriculture based on the relative need for and merits of projects proposed for payment under this section.

“(B) MINIMUM.—To the maximum extent practicable, for each fiscal year, the Secretary of Agriculture shall ensure that each political subdivision in the Lake Tahoe basin receives amounts appropriated for payments under this subsection.

“(5) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amounts authorized to be appropriated to carry out section 6 of the Lake Tahoe Restoration Act, there is authorized to be appropriated for making payments under this subsection \$10,000,000 for the first fiscal year that begins after the date of enactment of this paragraph and for each of the 9 fiscal years thereafter.”.

SEC. 8. FIRE RISK REDUCTION ACTIVITIES.

(a) IN GENERAL.—In conducting fire risk reduction activities in the Lake Tahoe basin, the Secretary shall, as appropriate, coordinate with State and local agencies and organizations, including local fire departments and volunteer groups.

(b) GROUND DISTURBANCE.—The Secretary shall, to the maximum extent practicable, minimize any ground disturbances caused by fire risk reduction activities.

SEC. 9. AVAILABILITY AND SOURCE OF FUNDS.

(a) IN GENERAL.—Funds authorized under this Act and the amendment made by this Act—

(1) shall be in addition to any other amounts available to the Secretary for expenditure in the Lake Tahoe basin; and

(2) shall not be drawn from an appropriation for any other unit of the National Forest System.

(b) MATCHING REQUIREMENT.—Except as provided in subsection (c), funds for activities under section 6 of this Act and section 2(g) of Public Law 96–586 (94 Stat. 3381) 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.

(c) RELOCATION COSTS.—The Secretary shall provide $\frac{2}{3}$ of necessary funding to local utility districts for the costs of relocating facilities in connection with environmental restoration projects under section 6 and erosion control projects under section 2 of Public Law 96–586.

(d) SOURCE OF LAND ACQUISITION FUNDS.—To the extent activities under section 6 of this Act or section 2(g) of Public Law 96–586 involve the acquisition of land or an interest in land, amounts necessary to provide for the acquisition of such land or interest may be appropriated from the land and water conservation fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16

U.S.C. 4601-5). The appropriation of funds under this subsection shall be subject to—

- (1) any overall funding limitation in effect on use of the land and water conservation fund; and
- (2) the funding limitation specified in section 6(g), in the case of acquisition carried out as part of an activity under section 6.

SEC. 10. AMENDMENT OF PUBLIC LAW 96-586.

Section 3(a) of Public Law 96-586 (94 Stat. 3383) is amended by adding at the end the following:

“(5) **WILLING SELLERS.**—Land within the Lake Tahoe Basin Management Unit subject to acquisition under this section that is owned by a private person shall be acquired only from a willing seller.”.

SEC. 11. RELATIONSHIP TO OTHER LAWS.

Nothing in this Act exempts the Secretary from the duty to comply with any applicable Federal law.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

PURPOSE OF THE BILL

The purpose of H.R. 3388 is to promote environmental restoration around the Lake Tahoe basin.

BACKGROUND AND NEED FOR LEGISLATION

Lake Tahoe is suffering from loss of water quality associated with erosion, agricultural runoff, hydrocarbon contamination, and loss of water filtering capacity due to a decrease in wetlands. Approximately 40 percent of the trees in the Lake Tahoe basin are dead or dying, adding to a potential risk of catastrophic wildfire which would further exacerbate water quality problems.

The federal government manages 77 percent of the land in the Lake Tahoe basin and therefore has a unique responsibility for protecting and maintaining the health of the ecosystem. H.R. 3388 authorizes a variety of restorative management activities, including erosion and sediment control, fire risk reduction treatments, clean-up of groundwater contaminants (including methyl tertiary butyl ether), management of vehicular parking and traffic, and acquisition of environmentally-sensitive land from willing sellers. The Committee intends that the funds needed to implement this bill are to come from appropriations specific for this purpose, and are not intended to come from other U.S. Forest Service appropriations.

COMMITTEE ACTION

H.R. 3388 was introduced on November 16, 1999, by Congressman John T. Doolittle (R-CA). The bill was referred primarily to the Committee on Resources and additionally to the Committee on Agriculture and the Committee on Transportation and Infrastructure. Within the Committee on Resources, the bill was referred to the Subcommittee on Forests and Forest Health. The Forests and Forest Health Subcommittee held a hearing on the bill on May 11, 2000. On May 16, 2000, the Subcommittee met to consider the bill. Congressman Helen Chenoweth-Hage (R-ID) offered an amendment to clarify that funds for this bill must be appropriated in advance; the amendment was agreed to by voice vote. On July 26, 2000, the Full Resources Committee met to consider the bill. Congressman Doolittle offered an amendment to clarify the source of

the funds to be used in any land acquisition. The amendment was adopted by voice vote. No further amendments were offered and the bill, as amended, was ordered reported to the House of Representatives by voice vote.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This section provides the short title for the bill, the “Lake Tahoe Restoration Act”.

Section 2. Findings and purposes

Section 2 presents the findings and purposes of the bill.

Section 3. Definitions

Section 3 defines the terms used in the bill.

Section 4. Administration of the Lake Tahoe Basin management unit

Section 4 describes the administration of the Lake Tahoe Basin Management Unit, clarifying that nothing in this bill grants the Secretary of Agriculture authority over private or non-federal land.

Section 5. Consultation with planning agency and other entities

Section 5 lists the duties which require the Secretary to consult with partners, and the partners who must be consulted.

Section 6. Environmental restoration priority list

Section 6 describes the process by which projects to be carried out under this bill will be identified, prioritized, monitored, and funded.

Section 7. Environmental improvement payments

Section 7 revises Section 2 of Public Law 96–586 (94 Stat. 3381) covering payments to localities for purposes of environmental improvements. The Secretary will make such payments only to the extent and in the amount provided in advance in appropriations acts.

Section 8. Fire risk reduction activities

Section 8 requires the Secretary to coordinate fire risk reduction activities with local officials, and to minimize any ground disturbances caused by fire risk reduction activities.

Section 9. Availability and source of funds

Section 9 describes the availability and source of funds.

Section 10. Amendment of Public Law 96–586

Section 10 amends Section 3(a) of Public Law 96–586 (94 Stat. 3383) to require willing sellers for any land purchase carried out under this bill.

Section 11. Relationship to other laws

Section 11 states that nothing in this bill exempts the Secretary from compliance with any other applicable federal law.

Section 12. Authorization of appropriations

Section 12 authorizes to be appropriated such sums as are necessary to carry out this bill.

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, and Article IV, section 3 of the Constitution of the United States grant 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. Government Reform Oversight Findings. Under clause 3(c)(4) of Rule XIII of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform on this bill.

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, August 1, 2000.

Hon. DON YOUNG,
*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. 3388, the Lake Tahoe Restoration Act.

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

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

H.R. 3388—Lake Tahoe Restoration Act

Summary: CBO estimates that implementing H.R. 3388 would cost \$132 million over the 2001–2005 period, assuming appropriation of the authorized amounts. The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. H.R. 3388 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). State and local governments might incur some costs to match the federal funds authorized by this bill, but those costs would be voluntary.

H.R. 3388 would establish a program to restore the ecological health of the Lake Tahoe basin in California and Nevada, and would authorize the appropriation of \$301 million for that purpose. The bill would require the Forest Service to develop and prioritize a list of projects to clean up and restore water quality in the basin and would authorize the appropriation of \$200 million over 10 years to carry out such projects on federal lands. The bill also would authorize the appropriation of \$101 million over 10 years for payments to local governments (including public utilities) within the Lake Tahoe basin to support similar cleanup activities on non-federal lands.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 3388 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—				
	2001	2002	2003	2004	2005
SPENDING SUBJECT TO APPROPRIATION					
Estimated authorization level	31	30	30	30	30
Estimated outlays	16	26	30	30	30

Basis of estimate: For this estimate, CBO assumes that H.R. 3388 will be enacted by the start of fiscal year 2001 and that the authorized amounts will be provided as specified by the bill. Estimates of outlays are based on historical spending patterns for similar programs.

H.R. 3388 would authorize the appropriation of \$20 million a year over the 2001–2010 period for environmental restoration projects on federal lands within the Lake Tahoe basin. Based on information from the Forest Service, we estimate that outlays for those projects would total about \$84 million over the 2001–2005 period. In addition, the bill would direct the Forest Service to make payments to local governments and public utilities to support erosion control and water quality activities on nonfederal lands and would authorize the appropriation of \$10 million a year for 10 years for that purpose. Based on information from the Forest Service, CBO estimates that such payments would total \$47 million over the 2001–2005 period. Finally, the bill would authorize the appropriation of \$1 million for a one-time payment to the Tahoe Regional Planning Agency and the South Tahoe Public Utility District to develop a plan for preventing and responding to hydrocarbon contamination of surface and ground water. Assuming appropria-

tion of that amount, we estimate that the payment would be made during fiscal year 2001.

Pay-as-you-go considerations: None.

Intergovernmental and private-sector impact: H.R. 3388 contains no intergovernmental or private-sector mandates as defined in UMRA. Local governments in the Lake Tahoe area would benefit from the payments authorized by the bill. State and local governments might incur some costs to match the federal funds, but those costs would be voluntary.

Previous CBO estimate: On July 24, 2000, CBO transmitted a cost estimate for S. 1925, similar legislation ordered reported by the Senate Committee on Energy and Natural Resources on July 13, 2000. The two bills are substantially the same, and the cost estimates are identical.

Estimate prepared by: Federal Costs: Megan Carroll; Impact on State, Local, and Tribal Governments: Marjorie Miller and Susan Van Deventer; and Impact on the Private Sector: Sarah Sitarek.

Estimate approved by: Robert A. Sunshine, 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 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 italic, existing law in which no change is proposed is shown in roman):

ACT OF DECEMBER 23, 1980

AN ACT To provide for the orderly disposal of certain Federal lands in Nevada and for the acquisition of certain other lands in the Lake Tahoe Basin, and for other purposes.

* * * * *
SEC. 2. (a) * * *

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[(g)(1) The Secretary of Agriculture is authorized and directed to make annual payments to the governing bodies of each of the political subdivisions any portion of which is located in the area depicted on the final map filed pursuant to section 3(a). Such payments may be used only for water pollution control, soil erosion mitigation, or acquisition by local government authorities of lands and interests in lands within the Lake Tahoe Basin, or for any combination of the foregoing purposes.

[(2) The total amounts appropriated for payments pursuant to this subsection shall be allocated proportionately among such political subdivisions in any fiscal year on the basis of the relative

amounts of acreage acquired under this Act in each such political subdivision.

[(3) In addition to the amounts authorized to be appropriated to carry out the provisions of section 3 of this Act, there is authorized to be appropriated for making payments under this subsection a sum equal to 15 per centum of the amount appropriated under such section 3.]

(g) PAYMENTS TO LOCALITIES.—

(1) IN GENERAL.—The Secretary of Agriculture shall, to the extent and in the amount provided in advance in appropriations Acts, make annual payments to the governing bodies of each of the political subdivisions (including any public utility the service area of which includes any part of the Lake Tahoe basin), any portion of which is located in the area depicted on the final map filed under section 3(a).

(2) USE OF PAYMENTS.—Payments under this subsection may be used—

(A) first, for erosion control and water quality projects; and

(B) second, unless emergency projects arise, for projects to address other threshold categories after thresholds for water quality and soil conservation have been achieved and maintained.

(3) ELIGIBILITY FOR PAYMENTS.—

(A) IN GENERAL.—To be eligible for a payment under this subsection, a political subdivision shall annually submit a priority list of proposed projects to the Secretary of Agriculture.

(B) COMPONENTS OF LIST.—A priority list under subparagraph (A) shall include, for each proposed project listed—

(i) a description of the need for the project;

(ii) all projected costs and benefits; and

(iii) a detailed budget.

(C) USE OF PAYMENTS.—A payment under this subsection shall be used only to carry out a project or proposed project that is part of the environmental improvement program adopted by the Tahoe Regional Planning Agency in February 1998 and amendments to the program.

(D) FEDERAL OBLIGATION.—All projects funded under this subsection shall be part of Federal obligation under the environmental improvement program.

(4) DIVISION OF FUNDS.—

(A) IN GENERAL.—The total amounts appropriated for payments under this subsection shall be allocated by the Secretary of Agriculture based on the relative need for and merits of projects proposed for payment under this section.

(B) MINIMUM.—To the maximum extent practicable, for each fiscal year, the Secretary of Agriculture shall ensure that each political subdivision in the Lake Tahoe basin receives amounts appropriated for payments under this subsection.

(5) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amounts authorized to be appropriated to carry out section 6 of the Lake Tahoe Restoration Act, there is authorized to be appropriated for making payments under this subsection \$10,000,000

for the first fiscal year that begins after the date of enactment of this paragraph and for each of the 9 fiscal years thereafter.

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SEC. 3. (a)(1) * * *

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(5) *WILLING SELLERS.*—*Land within the Lake Tahoe Basin Management Unit subject to acquisition under this section that is owned by a private person shall be acquired only from a willing seller.*

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HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, August 15, 2000.

Hon. LARRY COMBEST,
Chairman, Committee on Agriculture, Washington, DC.

DEAR MR. CHAIRMAN: I ask your help in scheduling H.R. 3388, the Lake Tahoe Restoration Act, authored Congressman John T. Doolittle, for consideration by the House of Representatives as soon as possible.

H.R. 3388 was referred primarily to the Committee on Resources and additionally to your Committee based on its jurisdiction over forestry in general, and forests reserves other than those created from the public domain. The purpose of H.R. 3388 is to enable the U.S. Forest Service to plan and implement significant new environmental restoration activities and forest management activities to address degradation of the Lake Tahoe ecosystem, including sedimentation, dead and dying trees, loss of water clarity, groundwater contamination and increased risk of catastrophic forest fires.

Because the House has less than 18 legislative days before the target adjournment, I ask that you allow the Committee on Agriculture to be discharged from further consideration of the bill. This action would not be considered as precedent for any future referrals of similar measures or seen as affecting your Committee's jurisdiction over the subject matter of the bill. Moreover, if the bill is conferenced with the Senate, I would support naming Agriculture Committee members to the conference committee.

I look forward to your response and would be pleased to include it and this letter in the report on H.R. 3388.

Sincerely,

DON YOUNG, *Chairman.*

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, August 15, 2000.

Hon. DON YOUNG,
Chairman, Committee on Resources, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for forwarding a draft copy of the Committee report to accompany H.R. 3388, a bill to promote environmental restoration around the Lake Tahoe basin, as ordered reported by your Committee.

As you are aware, the Committee on Agriculture received an additional referral of this legislation on those provisions of H.R. 3388 that fall within this Committee's jurisdiction. However, after con-

ferring with Chairman Goodlatte of the Subcommittee on Department Operations, Oversight, and Nutrition and Forestry, I would be glad to waive further consideration of this measure so as to advance its timely consideration in the House.

This action is not intended to waive this Committee's jurisdiction over this matter for all purposes, and should this legislation go to conference, I would ask you to support the Committee on Agriculture's request to be represented on any conference on this bill, or a similar measure, if one should become necessary.

Once again, I appreciate the continuing consultation between our committees on matters of shared jurisdiction.

Sincerely,

LARRY COMBEST, *Chairman.*

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, August 31, 2000.

Hon. BUD SHUSTER,
Chairman, Committee on Transportation and Infrastructure, Washington, DC.

DEAR MR. CHAIRMAN: I ask your help in scheduling H.R. 3388, the Lake Tahoe Restoration Act, authored Congressman John T. Doolittle, for consideration by the House of Representatives as soon as possible.

H.R. 3388 was referred primarily to the Committee on Resources and additionally to your Committee. The purpose of H.R. 3388 is to enable the U.S. Forest Service to plan and implement significant new environmental restoration activities and forest management activities to address degradation of the Lake Tahoe ecosystem, including sedimentation, dead and dying trees, loss of water clarity, groundwater contamination and increased risk of catastrophic forest fires.

Because the House has less than 21 legislative days before the target adjournment, I ask that you allow the Committee on Transportation and Infrastructure to be discharged from further consideration of the bill. This action would not be considered as precedent for any future referrals of similar measures or seen as affecting your Committee's jurisdiction over the subject matter of the bill. Moreover, if the bill is conferenced with the Senate, I would support naming Transportation Committee members to the conference committee.

I look forward to your response and would be pleased to include it and this letter in the report on H.R. 3388.

Sincerely,

DON YOUNG, *Chairman.*

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, September 5, 2000.

Hon. DON YOUNG,
Chairman, Committee on Resources, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 3388, the Lake Tahoe Restoration Act.

I appreciate your strong interests and those of the bill's sponsor, Rep. Doolittle, in moving this important legislation to the House Floor as soon as possible. Accordingly, I will support discharging the Committee on Transportation and Infrastructure from further consideration of the bill.

As you know, our Committee has jurisdiction over H.R. 3388's subject matter involving water pollution. This includes programs, projects, and activities relating to water quality restoration and protection generally, wetlands restoration, and prevention of surface and ground water contamination by methyl tertiary butyl ether, as well as the relationship between vehicular traffic and parking and the environmental health of the basin.

I appreciate your assurances that a decision to be discharged from further consideration of the bill should not be considered as precedent for future referrals of similar measures or as affecting the Transportation and Infrastructure Committee's subject matter jurisdiction and that you would support the appointment of conferees from the Committee should a conference with the Senate become necessary. In addition, I would appreciate your support for any clarifications or revisions that our staffs agree might be helpful or necessary and would appreciate your inclusion of this letter in any Floor debate accompanying House consideration of H.R. 3388.

I congratulate you for your leadership on H.R. 3388 and look forward to working with you and your colleagues as the legislation advances.

Sincerely,

BUD SHUSTER.

