

House Committee on Natural Resources
Rob Bishop, Chairman
Markup Memorandum

October 5, 2015

To: All Natural Resources Committee Members

From: Subcommittee on Federal Lands, Majority Staff x6-7736

Mark-Up: Markup of H.R. 3382 (Rep. Tom McClintock), To amend the Lake Tahoe Restoration Act to enhance recreational opportunities, environmental restoration activities, and forest management activities in the Lake Tahoe Basin, and for other purposes.
October 7 and 8, 2015

H.R. 3382 (McClintock, CA and Amodei, NV), “*Lake Tahoe Restoration Act Amendment of 2015.*”

Bill Summary

H.R. 3382, introduced by Representatives McClintock (CA) and Amodei (NV) would amend the Lake Tahoe Restoration Act. The Bill recognizes the Lake Tahoe Basin as a unique and majestic forest environment under threat of catastrophic wildfire. It authorizes \$8.7 million in annual supplemental funding from both appropriated dollars and receipts generated within the Basin to augment the existing forest budget. These supplemental funds would be used for active forest management to reduce the risk of catastrophic wildfire, provide for recreation improvements and staffing, and address invasive species threats, such as quagga mussels. The bill also conveys thousands of urban lots from federal ownership and in exchange, the agency would acquire several large tracts within the forest boundary in order to improve management efficiency. The bill requires increased county coordination.

Background

The Lake Tahoe Basin is an iconic setting which attracts visitors from around the world. Mark Twain called Lake Tahoe, “the fairest picture the whole earth affords.” However, the forest surrounding the lake has become overgrown and in an increasingly fire prone

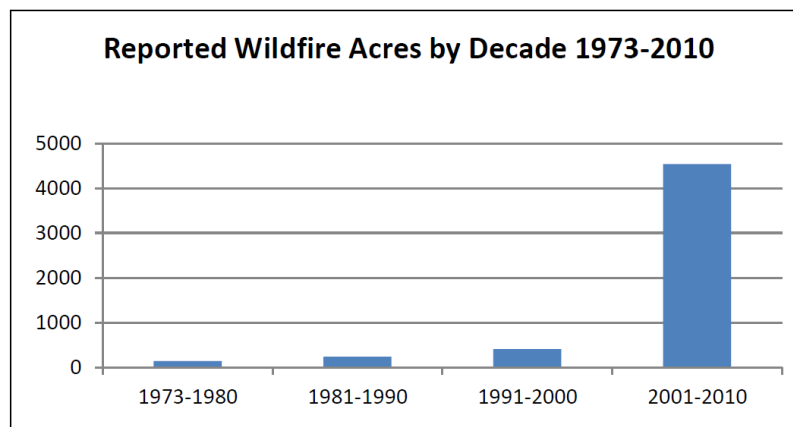


Figure 3. Wildfire acres burned in the Lake Tahoe Basin by decade (1973–2010)

state. The 2007 Angora Fire which burned 254 residence and 75 commercial buildings and 3,100 acres is an unfortunate example of the danger that lurks in the this forest.¹ As seen by the chart, the amount of acres of reported wildfire in the Lake Tahoe Basin has dramatically increased over the past decade.² Ash and debris from wildfires ultimately end up in the water, damaging the lake environment. The legislation aims to address the significant active management needed to reduce the risk of wildfire in this world class setting. Additionally, the bill seeks to enhance visitors' experience by authorizing Lake Tahoe Basin managers to focus on improving recreation opportunities.

Major Provisions of the Bill

This draft bill would:

- Provide over \$4 million annually to supplement the Forest Service's fuels reduction budget in order to reduce the risk and potential impact of wildfire.
- Identify recreation as an important part of the Forest Service's management responsibility and provide funding to support personnel, trails, and other improvements.
- Allow for the use of categorical exclusions to streamline the planning process for forestry management projects.
- Allow for the use of existing recreation and utility permit receipt amounts for recreation and non-recreation purposes as determined by local citizens and government.
- Convey thousands of small residential lots in exchange for large blocks of land within the boundaries of the National Forest. The bill requires that any additional land acquisition be a true inholding, completely surrounded by national forest land, and approved by local county government for acquisition.
- Provide supplemental funding to address the threat of aquatic invasive species in Lake Tahoe

Anticipated Amendments

A Manager's Amendment is expected which would make four changes to the bill:

1) The recreation and special use suggested funding allocation split would be calculated based on funding received from recreation and non-recreation permits. The original language called for a 50-50 split between recreation and non-recreation expenditures. However currently

¹ http://cdfdata.fire.ca.gov/incidents/incidents_details_info?incident_id=184

² p. 13, Lake Tahoe Basin Multi-Jurisdictional Fuel Reduction and Wildfire Prevention Strategy, August 2014; http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprd3812893.pdf

the fees received are mostly from recreation permits and the allocation should reflect the percentages in fees received.

2) The analysis to determine whether Tahoe Regional Planning Agency (TRPA) will authorize use of federally approved herbicides to control aquatic invasive species (AIS) would utilize a categorical exclusion to document the analysis. Specifically, a key source for AIS in Lake Tahoe comes from fourteen acres in an area known as the “Tahoe Keys.” Extensive hand removal (in an underwater, scuba gear required operation) in the area has proven very costly and ultimately ineffective. The analysis would otherwise take years to accomplish and in the interim the AIS will continue to proliferate in the Lake.

3) The authorization for the use of a CE in the original language did not have an acreage limitation. Current law allows for a 5000 acre project with 1500 acres of mechanical treatment. The amendment would expand that capability to allow for a 10,000 acre project with 3000 acres of mechanical treatment.

4) Land conveyances would carry with them existing special use permits for the duration of those agreements.

Cost

Although the bill includes an authorization, there is no direct spending.

Administration Position

The Forest Service witness commented on a discussion draft at the July 14, 2015 legislative hearing. In her testimony Leslie Weldon, Deputy Chief, said the agency was “encouraged by many of the objectives that the draft seeks to accomplish and would like to work with the Committee...” In specific comments on the draft, she indicated that the Administration was concerned that expanding scope of the categorical exclusion was “too broad”. The manager’s amendment seeks to address the Administrations concern over breadth.

Effect on Current Law (Ramseyer)

http://naturalresources.house.gov/UploadedFiles/Ramseyer_report_for_HR_3382.pdf