

106TH CONGRESS  
1ST SESSION

# S. 1192

To designate national forest land managed by the Forest Service in the Lake Tahoe Basin as the “Lake Tahoe National Scenic Forest and Recreation Area”, and to promote environmental restoration around the Lake Tahoe Basin.

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## IN THE SENATE OF THE UNITED STATES

JUNE 9, 1999

Mrs. FEINSTEIN (for herself, Mr. REID, Mrs. BOXER, and Mr. BRYAN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To designate national forest land managed by the Forest Service in the Lake Tahoe Basin as the “Lake Tahoe National Scenic Forest and Recreation Area”, and to promote environmental restoration around the Lake Tahoe Basin.

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

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Lake Tahoe Restora-  
5       tion Act”.

6       **SEC. 2. FINDINGS AND PURPOSES.**

7       (a) FINDINGS.—Congress finds that—

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

6           (2) in addition to being a scenic and ecological  
7           treasure, Lake Tahoe is one of the outstanding rec-  
8           reational resources of the United States, offering  
9           skiing, water sports, biking, camping, and hiking to  
10          millions of visitors each year, and contributing sig-  
11          nificantly to the economies of California, Nevada,  
12          and the United States;

13          (3) the economy in the Lake Tahoe Basin is de-  
14          pendent on the protection and restoration of the nat-  
15          ural beauty and recreation opportunities in the area;

16          (4) Lake Tahoe is in the midst of an environ-  
17          mental crisis; the Lake's water clarity has declined  
18          from a visibility level of 105 feet in 1967 to only 70  
19          feet in 1999, and scientific estimates indicate that if  
20          the water quality at the Lake continues to degrade,  
21          Lake Tahoe will lose its famous clarity in only 30  
22          years;

23          (5) sediment and algae-nourishing phosphorous  
24          and nitrogen continue to flow into the Lake from a  
25          variety of sources, including land erosion, fertilizers,

1 air pollution, urban runoff, highway drainage,  
2 streamside erosion, land disturbance, and ground  
3 water flow;

4 (6) destruction of wetlands, wet meadows, and  
5 stream zone habitat has compromised the Lake's  
6 ability to cleanse itself of pollutants;

7 (7) approximately 25 percent of the trees in the  
8 Lake Tahoe Basin are either dead or dying, and the  
9 increased quantity of combustible forest fuels has  
10 significantly increased the risk of catastrophic forest  
11 fire in the Lake Tahoe Basin;

12 (8) as the largest land manager in the Lake  
13 Tahoe Basin, with 77 percent of the land, the Fed-  
14 eral Government has a unique responsibility for re-  
15 storing environmental health to Lake Tahoe;

16 (9) the Federal Government has a long history  
17 of environmental preservation at Lake Tahoe,  
18 including—

19 (A) congressional consent to the establish-  
20 ment of the Tahoe Regional Planning Agency in  
21 1969 (Public Law 91–148; 83 Stat. 360) and  
22 in 1980 (Public Law 96–551; 94 Stat. 3233);

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

1 (C) the enactment of Public Law 96–586  
2 (94 Stat. 3381) in 1980 to provide for the ac-  
3 quisition of environmentally sensitive land and  
4 erosion control grants;

5 (10) President Clinton renewed the Federal  
6 Government’s commitment to Lake Tahoe in 1997  
7 at the Lake Tahoe Presidential Forum, when he  
8 committed to increased Federal resources for envi-  
9 ronmental restoration at Lake Tahoe and estab-  
10 lished the Federal Interagency Partnership and Fed-  
11 eral Advisory Committee to consult on natural re-  
12 sources issues concerning the Lake Tahoe Basin;

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

16 (A) expenditures—

17 (i) exceeding \$200,000,000 by the  
18 State of California since 1980 for land ac-  
19 quisition, erosion control, and other envi-  
20 ronmental projects in the Lake Tahoe  
21 Basin; and

22 (ii) exceeding \$30,000,000 by the  
23 State of Nevada since 1980 for the pur-  
24 poses described in clause (i); and

1 (B) the approval of a bond issue by voters  
2 in the State of Nevada authorizing the expendi-  
3 ture by that State of an additional  
4 \$20,000,000; and

5 (12) significant additional investment from  
6 Federal, State, local, and private sources is needed  
7 to stop the damage to Lake Tahoe and its forests,  
8 and restore the Lake Tahoe Basin to ecological  
9 health.

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

11 (1) to recognize Lake Tahoe’s unique national  
12 status by designating the Lake Tahoe National Sce-  
13 nic Forest and Recreation Area;

14 (2) to enable the Forest Service to plan and im-  
15 plement significant new environmental restoration  
16 activities on land surrounding Lake Tahoe;

17 (3) to ensure that Federal, State, local, re-  
18 gional, tribal, and private agencies continue to work  
19 together to improve water quality and manage Fed-  
20 eral land surrounding Lake Tahoe; and

21 (4) to provide funding to local governments for  
22 erosion and sediment control projects on non-Fed-  
23 eral land.

24 **SEC. 3. DEFINITIONS.**

25 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 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 to remove dead or dying trees;
- (iii) mechanical treatment to remove small trees or brush;
- (iv) road obliteration or reconstruction; and

1 (v) such other activities as the Sec-  
 2 retary determines to be appropriate.

3 (3) MAP.—The term “Map” means the map en-  
 4 titled “Official Map of the Lake Tahoe National  
 5 Scenic Forest and Recreation Area” and dated April  
 6 27, 1999.

7 (4) PLANNING AGENCY.—The term “Planning  
 8 Agency” means the Tahoe Regional Planning Agen-  
 9 cy established under Public Law 91–148 (83 Stat.  
 10 360) and Public Law 96–551 (94 Stat. 3233).

11 (5) PRIORITY LIST.—The term “priority list”  
 12 means the environmental restoration priority list de-  
 13 veloped under section 7.

14 (6) SCENIC FOREST AND RECREATION AREA.—  
 15 The term “Scenic Forest and Recreation Area”  
 16 means the Lake Tahoe National Scenic Forest and  
 17 Recreation Area established by section 4.

18 (7) SECRETARY.—The term “Secretary” means  
 19 the Secretary of Agriculture, acting through the  
 20 Chief of the Forest Service.

21 **SEC. 4. SCENIC FOREST AND RECREATION AREA.**

22 (a) ESTABLISHMENT.—There is established the Lake  
 23 Tahoe National Scenic Forest and Recreation Area as a  
 24 unit of the National Forest System.

1 (b) BOUNDARY.—The land in and boundaries of the  
2 Scenic Forest and Recreation Area shall be identical to  
3 the land in and boundaries of the Lake Tahoe Basin Man-  
4 agement Unit of the Forest Service, which comprises ap-  
5 proximately 158,000 acres, as generally depicted on the  
6 Map.

7 (c) AVAILABILITY OF MAP.—The Map shall be on file  
8 and available for public inspection in the Office of the  
9 Chief of the Forest Service.

10 (d) TERMINATION OF LAKE TAHOE BASIN MANAGE-  
11 MENT UNIT.—

12 (1) IN GENERAL.—The designation of the Lake  
13 Tahoe Basin Management Unit in existence on the  
14 date of enactment of this Act is terminated.

15 (2) TRANSFER.—All obligations, responsibil-  
16 ities, and management plans for the Lake Tahoe  
17 Basin Management Unit are transferred to the Sce-  
18 nic Forest and Recreation Area.

19 (3) REFERENCE TO SCENIC FOREST AND  
20 RECREATION AREA.—Any reference to the Lake  
21 Tahoe Basin Management Unit shall be deemed to  
22 be a reference to the Scenic Forest and Recreation  
23 Area.

24 (4) FUNDS.—Any funds made available for the  
25 purposes of the Lake Tahoe Basin Management



1 Unit shall be available for the purposes of the Scenic  
2 Forest and Recreation Area.

3 **SEC. 5. ADMINISTRATION OF SCENIC FOREST AND RECRE-**  
4 **ATION AREA.**

5 (a) IN GENERAL.—The Scenic Forest and Recreation  
6 Area shall be administered by the Secretary in accordance  
7 with this Act and the laws applicable to the National For-  
8 est System.

9 (b) RELATIONSHIP TO OTHER AUTHORITY.—

10 (1) PRIVATE OR NON-FEDERAL LAND.—Noth-  
11 ing in this Act confers regulatory authority on the  
12 Secretary over private or other non-Federal land.

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

16 (3) ACQUISITION UNDER OTHER LAW.—Noth-  
17 ing in this Act affects the authority of the Secretary  
18 to acquire land in the Lake Tahoe Basin under any  
19 other law.

20 **SEC. 6. CONSULTATION WITH PLANNING AGENCY AND**  
21 **OTHER ENTITIES.**

22 (a) IN GENERAL.—With respect to the duties de-  
23 scribed in subsection (b), the Secretary may, as appro-  
24 priate, consult with and seek the advice and recommenda-  
25 tions of—

1 (1) the Planning Agency;

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

5 (3) the Lake Tahoe Basin Federal Advisory  
6 Committee established by the Secretary on Decem-  
7 ber 15, 1998 (64 Fed. Reg. 2876).

8 (b) DUTIES.—The Secretary may consult with and  
9 seek advice and recommendations from the entities de-  
10 scribed in subsection (a) with respect to—

11 (1) the administration of the Scenic Forest and  
12 Recreation Area;

13 (2) the development of the priority list;

14 (3) the promotion of consistent policies and  
15 strategies to address the Lake Tahoe Basin's envi-  
16 ronmental and recreational concerns;

17 (4) the coordination of the various programs,  
18 projects, and activities relating to the environment  
19 and recreation in the Lake Tahoe Basin to avoid un-  
20 necessary duplication and inefficiencies of Federal,  
21 State, local, tribal, and private efforts; and

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

1 **SEC. 7. ENVIRONMENTAL RESTORATION PRIORITY LIST.**

2 (a) IN GENERAL.—Not later than one year after the  
3 date of enactment of this Act, the Secretary shall develop  
4 a priority list of potential or proposed environmental res-  
5 toration projects for the Scenic Forest and Recreation  
6 Area.

7 (b) DEVELOPMENT OF PRIORITY LIST.—In devel-  
8 oping the priority list, the Secretary shall—

9 (1) use the best available science, including any  
10 relevant findings and recommendations of the water-  
11 shed assessment conducted by the Forest Service in  
12 the Lake Tahoe Basin;

13 (2) include, in order of priority, potential or  
14 proposed environmental restoration projects in the  
15 Scenic Forest and Recreation Area that—

16 (A) are included in or are consistent with  
17 the environmental improvement program adopt-  
18 ed by the Planning Agency in February 1998  
19 and amendments to the program; and

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

23 (i) water quality;

24 (ii) soil conservation;

25 (iii) air quality;

26 (iv) vegetation;

- 1 (v) fisheries;
- 2 (vi) wildlife;
- 3 (vii) scenic resources;
- 4 (viii) recreation; and
- 5 (ix) noise;

6 (3) in determining the order of priority of po-  
7 tential and proposed environmental restoration  
8 projects under paragraph (2), give priority to  
9 projects involving—

10 (A) the acquisition of environmentally sen-  
11 sitive land under Public Law 96–586 (94 Stat.  
12 3381);

13 (B) erosion and sediment control, including  
14 the activities described in section 2(g) of Public  
15 Law 96–586 (94 Stat. 3381) (as amended by  
16 section 8);

17 (C) fire risk reduction activities in urban  
18 areas and urban-wildland interface areas, in-  
19 cluding urban lots acquired under Public Law  
20 96–586 (94 Stat. 3381); and

21 (D) the management of vehicular parking  
22 and traffic in the Scenic Forest and Recreation  
23 Area, especially—

24 (i) improvement of public access to  
25 the Scenic Forest and Recreation Area, in-

1 cluding the promotion of alternatives to  
2 the private automobile;  
3 (ii) the Highway 28 and 89 corridors;  
4 (iii) Forest Service concession hold-  
5 ings; and  
6 (iv) cooperation with local public  
7 transportation systems, including—  
8 (I) the Coordinated Transit Sys-  
9 tem; and  
10 (II) public transit systems on the  
11 north shore of Lake Tahoe.

12 (c) MONITORING.—The Secretary shall provide for  
13 continuous scientific research on and monitoring of the  
14 implementation of projects on the priority list, including  
15 the status of the achievement and maintenance of environ-  
16 mental threshold carrying capacities.

17 (d) CONSISTENCY WITH MEMORANDUM OF UNDER-  
18 STANDING.—A project on the priority list shall be con-  
19 ducted in accordance with the memorandum of under-  
20 standing signed by the Forest Supervisor and the Plan-  
21 ning Agency on November 10, 1989, including any amend-  
22 ments to the memorandum as long as the memorandum  
23 remains in effect.

24 (e) REVIEW OF PRIORITY LIST.—Periodically, but  
25 not less often than every 3 years, the Secretary shall re-

1 view the priority list and make any necessary changes  
 2 based on—

3 (1) the findings of scientific research and moni-  
 4 toring in the Lake Tahoe Basin;

5 (2) any change in an environmental threshold  
 6 as determined by the Planning Agency; or

7 (3) any change in general environmental condi-  
 8 tions in the Lake Tahoe Basin.

9 (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
 10 authorized to be appropriated, for the implementation of  
 11 projects on the priority list, \$20,000,000 for the first fis-  
 12 cal year that begins after the date of enactment of this  
 13 Act and for each of the 9 fiscal years thereafter.

14 **SEC. 8. EROSION CONTROL PAYMENTS.**

15 Section 2 of Public Law 96–586 (94 Stat. 3381) is  
 16 amended by striking subsection (g) and inserting the fol-  
 17 lowing:

18 “(g) PAYMENTS TO LOCALITIES.—

19 “(1) IN GENERAL.—The Secretary of Agri-  
 20 culture shall make annual payments to the gov-  
 21 erning bodies of each of the political subdivisions,  
 22 any portion of which is located in the area depicted  
 23 on the final map filed under section 3(a).

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

1           “(A) the restoration of wetland, wet mead-  
 2           ows, and stream environment zones, including  
 3           acquisition of land by the political subdivisions  
 4           for the purpose of restoration or designation of  
 5           riparian buffer zones;

6           “(B) planting and enhancing native vegeta-  
 7           tion in riparian areas;

8           “(C) restoration of fish and wildlife habi-  
 9           tat; and

10          “(D) soil conservation and erosion mitiga-  
 11          tion projects.

12          “(3) ELIGIBILITY FOR PAYMENTS.—

13               “(A) IN GENERAL.—To be eligible for a  
 14               payment under this subsection, a political sub-  
 15               division shall annually submit a priority list of  
 16               proposed projects to the Secretary of Agri-  
 17               culture.

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

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

23                   “(ii) all projected costs and benefits;  
 24                   and

25                   “(iii) a detailed budget.

1           “(C) LIMITATION ON USE OF PAY-  
2           MENTS.—A payment under this subsection shall  
3           be used only to carry out a project or proposed  
4           project that is part of the environmental im-  
5           provement program adopted by the Tahoe Re-  
6           gional Planning Agency in February 1998 and  
7           amendments to the program.

8           “(4) DIVISION OF FUNDS.—

9           “(A) IN GENERAL.—The total amounts ap-  
10          propriated for payments under this subsection  
11          shall be allocated by the Secretary of Agri-  
12          culture based on the relative need for and mer-  
13          its of erosion control projects proposed for pay-  
14          ment under this section.

15          “(B) MINIMUM.—To the maximum extent  
16          practicable, for each fiscal year, the Secretary  
17          of Agriculture shall ensure that each political  
18          subdivision in the Lake Tahoe Basin receives at  
19          least 10 percent of the total amounts appro-  
20          priated for payments under this subsection.

21          “(5) AUTHORIZATION OF APPROPRIATIONS.—In  
22          addition to the amounts authorized to be appro-  
23          priated to carry out section 3, there are authorized  
24          to be appropriated for making payments under this  
25          subsection—



1           “(A) a sum equal to 15 percent of the  
2           amount appropriated under section 3; and

3           “(B) \$10,000,000 for the first fiscal year  
4           that begins after the date of enactment of this  
5           paragraph and for each of the 9 fiscal years  
6           thereafter.”.

7   **SEC. 9. FIRE RISK REDUCTION ACTIVITIES.**

8           (a) IN GENERAL.—In conducting fire risk reduction  
9           activities in urban areas in the Lake Tahoe Basin, the  
10          Secretary shall, as appropriate, coordinate with State and  
11          local agencies and organizations, including local fire de-  
12          partments and volunteer groups.

13          (b) GROUND DISTURBANCE.—The Secretary shall, to  
14          the maximum extent practicable, minimize any ground dis-  
15          turbances caused by fire risk reduction activities.

16          (c) ROADLESS AREAS.—The Secretary shall seek to  
17          ensure that no mechanical treatment under this Act occurs  
18          in inventoried roadless areas.

19   **SEC. 10. AVAILABILITY AND SOURCE OF FUNDS.**

20          Funds authorized under this Act and the amendment  
21          made by this Act—

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

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

3 **SEC. 11. RELATIONSHIP TO OTHER LAWS.**

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

6 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

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

○