

Union Calendar No. 307

114TH CONGRESS
2^D SESSION

H. R. 3382

[Report No. 114–404, Part I]

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.

IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2015

Mr. MCCLINTOCK (for himself and Mr. AMODEI) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committees on Agriculture and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

FEBRUARY 1, 2016

Reported from the Committee on Natural Resources with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

FEBRUARY 1, 2016

The Committees on Agriculture and Transportation and Infrastructure discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on July 29, 2015]

A BILL

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.

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 (a) *SHORT TITLE.*—*This Act may be cited as the*
 5 *“Lake Tahoe Restoration Act of 2015”.*

6 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 7 *this Act is as follows:*

Sec. 1. Short title.

Sec. 2. Findings and purposes.

Sec. 3. Definitions.

Sec. 4. Improved administration of the Lake Tahoe Basin Management Unit.

Sec. 5. Authorized programs.

Sec. 6. Program performance and accountability.

Sec. 7. Technical corrections and conforming amendments.

Sec. 8. Authorization of appropriations.

Sec. 9. Land conveyances to improve management efficiencies of State and Fed-
eral lands.

Sec. 10. Modification of land acquisition authority under Santini-Burton Act
and Southern Nevada Public Land Management Act of 1998.

Sec. 11. Availability of categorical exclusion for Lake Tahoe herbicide applica-
tions to control certain aquatic weeds.

8 **SEC. 2. FINDINGS AND PURPOSES.**

9 *Section 2 of the Lake Tahoe Restoration Act (Public*
 10 *Law 106–506; 114 Stat. 2351) is amended to read as fol-*
 11 *lows:*

12 **“SEC. 2. FINDINGS AND PURPOSES.**

13 *“(a) FINDINGS.*—*Congress makes the following find-*
 14 *ings:*

15 *“(1) Lake Tahoe—*

16 *“(A) is one of the largest, deepest, and clear-*
 17 *est fresh-water lakes in the world;*

1 “(B) has a distinctive cobalt blue color, a
2 biologically diverse alpine setting, and remark-
3 able water clarity; and

4 “(C) is recognized as a natural resource of
5 special significance, so that even world-traveler
6 Mark Twain called Lake Tahoe the ‘fairest pic-
7 ture the whole earth affords’.

8 “(2) In addition to being a scenic and ecological
9 treasure, the Lake Tahoe Basin is one of the out-
10 standing recreational resources of the United States,
11 which—

12 “(A) offers skiing, water sports, biking,
13 camping, and hiking to millions of visitors each
14 year; and

15 “(B) contributes significantly to the econo-
16 mies of California, Nevada, and the United
17 States.

18 “(3) The economy in the Lake Tahoe Basin is
19 dependent on the natural beauty and recreation op-
20 portunities of Lake Tahoe and the surrounding area.

21 “(4) Forests in the Lake Tahoe Basin suffer from
22 over a century of fire damage, periodic drought, and
23 mismanagement, which have resulted in—

24 “(A) high tree density and mortality;

25 “(B) the loss of biological diversity; and

1 “(C) a large quantity of combustible forest
2 fuels, which significantly increases the threat of
3 catastrophic fire and insect infestation.

4 “(5) The establishment of several aquatic and
5 terrestrial invasive species (including perennial
6 pepperweed, milfoil, and Asian clam) threatens the
7 ecosystem of the Lake Tahoe Basin, and the likelihood
8 exists for the introduction and establishment of other
9 invasive species (such as yellow starthistle, New Zea-
10 land mud snail, Zebra mussel, and quagga mussel).

11 “(6) 75 percent of the land in the Lake Tahoe
12 Basin is administered by the Federal Government,
13 which makes it a Federal responsibility to signifi-
14 cantly contribute to the restoration of the ecological
15 health of the Lake Tahoe Basin.

16 “(b) PURPOSES.—The purposes of this Act are as fol-
17 lows:

18 “(1) To identify ways and pursue options to ex-
19 pand the environmental threshold carrying capacity
20 of the Lake Tahoe Basin.

21 “(2) To enable the Chief of the Forest Service, the
22 Director of the United States Fish and Wildlife Serv-
23 ice, and the Administrator, in cooperation with the
24 Planning Agency and the States of California and
25 Nevada, to fund, plan, and implement significant for-

1 *est management and invasive species control activities*
2 *in the Lake Tahoe Basin.*

3 “(3) *To ensure that Federal, State, local, re-*
4 *gional, tribal, and private entities continue to work*
5 *together to manage lands and forests in the Lake*
6 *Tahoe Basin.*

7 “(4) *To support local governments in the Lake*
8 *Tahoe Basin in efforts related fire risk reduction and*
9 *forest management activities.*

10 “(5) *To prioritize public recreational access to*
11 *public lands in the Lake Tahoe Basin.*

12 “(6) *To ensure that management of Federal land*
13 *and forests in the Lake Tahoe Basin is conducted*
14 *with the understanding that—*

15 “(A) *public forests are renewable assets that*
16 *should be managed, rather than neglected, and*
17 *that excess timber should be harvested to generate*
18 *continuing revenue for care of the public’s land,*
19 *in accordance with a good neighbor policy; and*

20 “(B) *the Federal Government will defer to*
21 *local communities whenever possible with regard*
22 *to land acquisition and land regulations or re-*
23 *strictions.”.*

1 **SEC. 3. DEFINITIONS.**

2 *Section 3 of the Lake Tahoe Restoration Act (Public*
 3 *Law 106–506; 114 Stat. 2353) is amended to read as fol-*
 4 *lows:*

5 **“SEC. 3. DEFINITIONS.**

6 *“In this Act:*

7 *“(1) ADMINISTRATOR.—The term ‘Adminis-*
 8 *trator’ means the Administrator of the Environ-*
 9 *mental Protection Agency.*

10 *“(2) ASSISTANT SECRETARY.—The term ‘Assist-*
 11 *ant Secretary’ means the Assistant Secretary of the*
 12 *Army for Civil Works.*

13 *“(3) CHAIR.—The term ‘Chair’ means the Chair*
 14 *of the Federal Partnership.*

15 *“(4) COMPACT.—The term ‘Compact’ means the*
 16 *Tahoe Regional Planning Compact included in the*
 17 *first section of Public Law 96–551 (94 Stat. 3233).*

18 *“(5) DIRECTORS.—The term ‘Directors’ means—*

19 *“(A) the Director of the United States Fish*
 20 *and Wildlife Service; and*

21 *“(B) the Director of the United States Geo-*
 22 *logical Survey.*

23 *“(6) ENVIRONMENTAL THRESHOLD CARRYING CA-*
 24 *PACITY.—The term ‘environmental threshold carrying*
 25 *capacity’ has the meaning given the term in article*
 26 *II of the Compact.*

1 “(7) *FEDERAL PARTNERSHIP*.—The term ‘*Federal Partnership*’ means the Lake Tahoe Federal
2 *Interagency Partnership* established by Executive
3 Order 13957 (62 *Fed. Reg.* 41249) (or a successor Ex-
4 ecutive order).
5

6 “(8) *FOREST MANAGEMENT ACTIVITY*.—The term
7 ‘*forest management activity*’ includes—

8 “(A) *prescribed burning for ecosystem*
9 *health and hazardous fuels reduction;*

10 “(B) *mechanical treatments, including for-*
11 *est thinning, sale of commercial timber and fire-*
12 *wood, and brush mastication;*

13 “(C) *management of non-native, invasive*
14 *species;*

15 “(D) *erosion control and water runoff miti-*
16 *gation on land adversely impacted by wildland*
17 *fire; and*

18 “(E) *other activities consistent with Forest*
19 *Service practices, as the Secretary determines to*
20 *be appropriate.*

21 “(9) *MAPS*.—The term ‘*Maps*’ means the maps
22 dated April 12, 2013, and entitled ‘*LTRA USFS-CA*
23 *Land Exchange/North Shore*’, ‘*USFS-CA Land Ex-*
24 *change/West Shore*’, and ‘*USFS-CA Land Exchange/*
25 *South Shore*’, which shall be on file and available for

1 *public inspection in the appropriate offices of the*
2 *Forest Service, the California Tahoe Conservancy,*
3 *and the California Department of Parks and Recre-*
4 *ation.*

5 “(10) *NATIONAL WILDLAND FIRE CODE.*—*The*
6 *term ‘national wildland fire code’ means—*

7 “(A) *the most recent publication of the Na-*
8 *tional Fire Protection Association codes num-*
9 *bered 1141, 1142, 1143, and 1144;*

10 “(B) *the most recent publication of the*
11 *International Wildland-Urban Interface Code of*
12 *the International Code Council; or*

13 “(C) *any other code that the Secretary de-*
14 *termines provides the same, or better, standards*
15 *for protection against wildland fire as a code de-*
16 *scribed in subparagraph (A) or (B).*

17 “(11) *PLANNING AGENCY.*—*The term ‘Planning*
18 *Agency’ means the Tahoe Regional Planning Agency*
19 *established under Public Law 91–148 (83 Stat. 360)*
20 *and Public Law 96–551 (94 Stat. 3233).*

21 “(12) *SECRETARY.*—*The term ‘Secretary’ means*
22 *the Secretary of Agriculture, acting through the Chief*
23 *of the Forest Service.*

1 “(13) *WATERCRAFT*.—*The term ‘watercraft’*
 2 *means motorized and non-motorized watercraft that*
 3 *are capable of harboring an invasive species.”.*

4 **SEC. 4. IMPROVED ADMINISTRATION OF THE LAKE TAHOE**
 5 ***BASIN MANAGEMENT UNIT.***

6 *Section 4 of the Lake Tahoe Restoration Act (Public*
 7 *Law 106–506; 114 Stat. 2353) is amended by adding at*
 8 *the end the following new subsections:*

9 “(c) *FOREST MANAGEMENT ACTIVITIES*.—

10 “(1) *COORDINATION*.—*For the purpose of in-*
 11 *creasing efficiencies and maximizing the compat-*
 12 *ibility of management practices across public prop-*
 13 *erty boundaries, in conducting forest management ac-*
 14 *tivities in the Lake Tahoe Basin Management Unit,*
 15 *the Secretary shall coordinate, as appropriate, with—*

16 “(A) *the Administrator;*

17 “(B) *State and local agencies; and*

18 “(C) *county governments, local govern-*
 19 *ments, and local fire departments.*

20 “(2) *MULTIPLE BENEFITS*.—*In conducting forest*
 21 *management activities in the Lake Tahoe Basin Man-*
 22 *agement Unit, the Secretary shall conduct the activi-*
 23 *ties in a manner that—*

1 “(A) except as provided in paragraph (3),
2 promotes multiple management benefits, includ-
3 ing—

4 “(i) reducing forest fuels;

5 “(ii) enhancing and seeking ways to
6 increase recreational opportunities;

7 “(iii) preserving existing and tradi-
8 tional uses;

9 “(iv) producing a sustainable yield of
10 natural resource production; and

11 “(v) allowing for economic develop-
12 ment; and

13 “(B) helps achieve, maintain, and identify
14 ways to expand the environmental threshold car-
15 rying capacities established by the Planning
16 Agency.

17 “(3) COST-BENEFIT DETERMINATION.—Notwith-
18 standing paragraph (2)(A), the promotion of multiple
19 management benefits shall not be required if the Sec-
20 retary determines that management for multiple bene-
21 fits would excessively increase the cost of a program
22 in relation to the additional benefits gained from the
23 management activity. The Secretary shall make each
24 cost-benefit determination made under this paragraph
25 publicly available.

1 “(4) *AVAILABILITY OF CATEGORICAL EXCLUSION*
2 *FOR CERTAIN FOREST MANAGEMENT PROJECTS.*—A
3 *forest management activity conducted in the Lake*
4 *Tahoe Basin Management Unit for the purpose of re-*
5 *ducing forest fuels is categorically excluded from the*
6 *requirements of the National Environmental Policy*
7 *Act of 1969 (42 U.S.C. 4331 et seq.) if the forest man-*
8 *agement activity—*

9 “(A) *notwithstanding section 423 of the De-*
10 *partment of the Interior, Environment, and Re-*
11 *lated Agencies Appropriations Act, 2009 (divi-*
12 *sion E of Public Law 111–8; 123 Stat. 748),*
13 *does not exceed 10,000 acres, including no more*
14 *than 3,000 acres of mechanical thinning;*

15 “(B) *is developed—*

16 “(i) *in coordination with impacted*
17 *parties, specifically including representa-*
18 *tives of local governments, such as county*
19 *supervisors or county commissioners; and*

20 “(ii) *in consultation with other inter-*
21 *ested parties; and*

22 “(C) *is consistent with the Lake Tahoe*
23 *Basin Management Unit land and resource*
24 *management plan.*

25 “(d) *ARBITRATION PROCESS.*—

1 “(1) *IN GENERAL.*—Any challenge to a forest
2 management activity in the Lake Tahoe Basin Man-
3 agement Unit shall be addressed using arbitration
4 consistent with this subsection.

5 “(2) *WHO MAY SEEK.*—Any person who sought
6 administrative review for the forest management ac-
7 tivity and who is not satisfied with the decision made
8 under the administrative review process may file a
9 demand for arbitration regarding the covered active
10 management project in accordance with chapter 1 of
11 title 9, United States Code. The demand for arbitra-
12 tion under paragraph (1) shall—

13 “(A) be filed not more than 15 days after
14 the date on which the administrative review de-
15 cision was issued; and

16 “(B) include a proposal describing the
17 modifications sought to the forest management
18 activity.

19 “(3) *INTERVENING PARTIES.*—Not later than 15
20 days after the date on which the demand for arbitra-
21 tion was filed, any person that submitted a public
22 comment on the forest management activity subject to
23 arbitration may intervene in the arbitration—

24 “(A) by endorsing the activity or the modi-
25 fication proposal; or

1 “(B) *by submitting a proposal to further*
2 *modify the activity.*

3 “(4) *APPOINTMENT OF ARBITRATOR.—The*
4 *United States District Court in the district in which*
5 *the forest management activity is located shall ap-*
6 *point the arbitrator to conduct the arbitration pro-*
7 *ceedings in accordance with this subsection and chap-*
8 *ter 1 of title 9, United States Code.*

9 “(5) *SELECTION OF PROPOSALS.—*

10 “(A) *IN GENERAL.—Within 30 days after*
11 *appointment under paragraph (1), the arbitrator*
12 *shall determine whether the proposal submitted*
13 *by an objector or an intervening party or the*
14 *forest management activity as approved by the*
15 *Secretary best meets the purpose and needs de-*
16 *scribed in the environmental analysis conducted,*
17 *in accordance with this Act, for the forest man-*
18 *agement activity.*

19 “(B) *MODIFICATION PROHIBITED.—The ar-*
20 *bitrator appointed under paragraph (4) may not*
21 *modify any of the proposals submitted with the*
22 *demand for arbitration or a request to intervene.*

23 “(6) *EFFECT OF DECISION.—The decision of an*
24 *arbitrator with respect to the forest management ac-*
25 *tivity—*

1 “(A) shall not be considered a major Fed-
2 eral action; and

3 “(B) shall be binding.

4 “(7) PROHIBITION ON RESTRAINING ORDERS,
5 PRELIMINARY INJUNCTIONS, AND INJUNCTIONS PEND-
6 ING APPEAL.—No restraining order, preliminary in-
7 junction, or injunction pending appeal shall be issued
8 by an appellate court of the United States with re-
9 spect to the decision of an arbitrator with respect to
10 the forest management activity.

11 “(e) ENVIRONMENTAL THRESHOLD CARRYING CAPAC-
12 ITY.—The Lake Tahoe Basin Management Unit shall sup-
13 port the attainment of the environmental threshold carrying
14 capacities and identify and pursue the means to expand
15 those capacities.

16 “(f) COOPERATIVE AUTHORITIES.—

17 “(1) IN GENERAL.—During fiscal years 2016
18 through 2020, the Secretary, in conjunction with land
19 adjustment programs, may enter into contracts and
20 cooperative agreements with States, units of local gov-
21 ernment, and other public and private entities to pro-
22 vide for fuel reduction, erosion control, reforestation,
23 and similar management activities on Federal land
24 and non-Federal land within the programs.

1 “(2) *EXTENDED DURATION OF STEWARDSHIP*
2 *CONTRACTS.*—*Notwithstanding subsection (d)(3) of*
3 *section 604 of the Healthy Forests Restoration Act of*
4 *2003 (16 U.S.C. 6591c), an agreement or contract*
5 *under such section for stewardship contracting*
6 *projects to be carried out within the Lake Tahoe*
7 *Basin Management Unit may be for a term in excess*
8 *of 10 years, but not to exceed 20 years.*

9 “(g) *COMMERCIAL PRODUCT RECEIPTS.*—

10 “(1) *RETENTION.*—*The Secretary shall retain*
11 *any commercial product receipts generated as part of*
12 *forest management activities or cooperative activities*
13 *conducted in the Lake Tahoe Basin Management Unit*
14 *under subsection (c) or (g), other than stewardship*
15 *contracts described in subsection (g)(2).*

16 “(2) *AVAILABILITY AND USE.*—*Receipts retained*
17 *under paragraph (1) shall be available to the Sec-*
18 *retary for the purpose of funding additional forest*
19 *management activities and cooperative activities, de-*
20 *veloped through a collaborative process with rep-*
21 *resentatives from local governments with jurisdiction*
22 *over lands within the Lake Tahoe Basin Management*
23 *Unit.*

24 “(3) *OBLIGATION LIMIT.*—*The obligation and ex-*
25 *penditure of receipts retained under this subsection*

1 *shall be subject to such fiscal-year limitation as may*
 2 *be specified in an Act making appropriations for the*
 3 *Forest Service for a fiscal year.”.*

4 **SEC. 5. AUTHORIZED PROGRAMS.**

5 *Section 5 of the Lake Tahoe Restoration Act (Public*
 6 *Law 106–506; 114 Stat. 2353) is amended to read as fol-*
 7 *lows:*

8 **“SEC. 5. AUTHORIZED PROGRAMS.**

9 “(a) *IN GENERAL.*—*The Secretary, the Assistant Sec-*
 10 *retary, the Directors, and the Administrator, in coordina-*
 11 *tion with the Planning Agency and the States of California*
 12 *and Nevada, may carry out or provide financial assistance*
 13 *to any program described in subsection (b) or (c).*

14 “(b) *FIRE RISK REDUCTION AND FOREST MANAGE-*
 15 *MENT.*—

16 “(1) *IN GENERAL.*—*Of the amounts appro-*
 17 *priated for a fiscal year pursuant to the authoriza-*
 18 *tion of appropriations in subsection (a) of section 12,*
 19 *as amended by section 8 of the Lake Tahoe Restora-*
 20 *tion Act of 2015, not less than \$4,400,000 shall be*
 21 *made available to the Secretary to carry out, includ-*
 22 *ing by making grants, the following programs:*

23 “(A) *The Lake Tahoe Basin Multi-Jurisdic-*
 24 *tional Fuel Reduction and Wildfire Prevention*
 25 *Strategy 10-Year Plan.*

1 “(B) Competitive grants for fuels work to be
2 awarded by the Secretary to communities that
3 have adopted national wildland fire codes to im-
4 plement the applicable portion of the plan re-
5 ferred to in subparagraph (A).

6 “(C) Restoration activities related to any
7 residual or future wildfire damage.

8 “(D) Washoe Tribe fire risk reduction and
9 forest management programs on tribal lands
10 within the Lake Tahoe Basin.

11 “(E) Development of an updated Lake
12 Tahoe Basin multijurisdictional fuel reduction
13 and wildfire prevention strategy, consistent with
14 the requirement that forest management activi-
15 ties in the Lake Tahoe Basin promote multiple
16 management benefits as described in section 4(c)
17 of this Act (as added by section 4 of the Lake
18 Tahoe Restoration Act of 2015).

19 “(F) Development of updated community
20 wildfire protection plans by local fire districts.

21 “(2) PRIORITY.—Units of local government in
22 the Lake Tahoe Basin that have dedicated funding for
23 inspections and enforcement of defensible space regu-
24 lations shall be given priority for amounts provided
25 under this subsection.

1 “(3) *COST-SHARING REQUIREMENTS.*—

2 “(A) *IN GENERAL.*—*As a condition on the*
 3 *receipt of funds, communities or local fire dis-*
 4 *tricts that receive funds under this subsection*
 5 *shall provide a 25-percent match.*

6 “(B) *FORM OF NON-FEDERAL SHARE.*—

7 “(i) *IN GENERAL.*—*The non-Federal*
 8 *share required under subparagraph (A)*
 9 *may be in the form of cash contributions or*
 10 *in-kind contributions, including providing*
 11 *labor, equipment, supplies, space, and other*
 12 *operational needs.*

13 “(ii) *CREDIT FOR CERTAIN DEDICATED*
 14 *FUNDING.*—*There shall be credited toward*
 15 *the non-Federal share required under sub-*
 16 *paragraph (A) any dedicated funding of the*
 17 *communities or local fire districts for a*
 18 *fuels reduction management program, de-*
 19 *fensible space inspections, or dooryard chip-*
 20 *ping.*

21 “(C) *DOCUMENTATION.*—*Communities and*
 22 *local fire districts shall—*

23 “(i) *maintain a record of in-kind con-*
 24 *tributions that describes—*

1 “(I) the monetary value of the in-
2 kind contributions; and

3 “(II) the manner in which the in-
4 kind contributions assist in accom-
5 plishing project goals and objectives;
6 and

7 “(ii) document in all requests for Fed-
8 eral funding, and include in the total
9 project budget, evidence of the commitment
10 to provide the non-Federal share through
11 in-kind contributions.

12 “(c) *INVASIVE SPECIES MANAGEMENT.*—

13 “(1) *IN GENERAL.*—Of the amounts appro-
14 priated for a fiscal year pursuant to the authoriza-
15 tion of appropriations in subsection (a) of section 12,
16 as amended by section 8 of the Lake Tahoe Restora-
17 tion Act of 2015, not less than \$800,000 shall be
18 transferred to the Director of the United States Fish
19 and Wildlife Service for the Aquatic Invasive Species
20 Program and for the watercraft inspections and de-
21 contaminations described in paragraph (2).

22 “(2) *DESCRIPTION OF ACTIVITIES.*—The Director
23 of the United States Fish and Wildlife Service, in co-
24 ordination with the Planning Agency, the California
25 Department of Fish and Game, and the Nevada De-

1 *partment of Wildlife, shall deploy strategies consistent*
2 *with the Lake Tahoe Aquatic Invasive Species Man-*
3 *agement Plan to prevent the introduction and spread*
4 *of aquatic invasive species into the Lake Tahoe Basin.*

5 *“(3) REQUIRED ELEMENTS OF STRATEGIES.—*
6 *The strategies referred to in paragraph (2) shall pro-*
7 *vide for the following:*

8 *“(A) Combined inspection and decon-*
9 *tamination stations shall be established in the*
10 *Lake Tahoe Basin. As provided in paragraph*
11 *(4), these stations may be operated by the States*
12 *of California and Nevada, local governments, or*
13 *private entities.*

14 *“(B) Watercraft shall not be allowed to*
15 *launch in waters of the Lake Tahoe Basin unless*
16 *the watercraft has been inspected in accordance*
17 *with the Lake Tahoe Aquatic Invasive Species*
18 *Management Plan.*

19 *“(4) CERTIFICATION.—The Planning Agency*
20 *shall certify the State of California, the State of Ne-*
21 *vada, local agencies, or private entities to perform in-*
22 *spection and decontamination activities described in*
23 *paragraph (3)(A) at locations inside or outside the*
24 *Lake Tahoe Basin if such activities are conducted in*

1 *a manner consistent with the standards established by*
2 *this subsection.*

3 “(5) *APPLICABILITY.*—*The strategies developed*
4 *under this subsection shall apply to all watercraft to*
5 *be launched on water within the Lake Tahoe Basin.*

6 “(6) *FEES.*—*An entity performing inspection*
7 *and decontamination activities described in para-*
8 *graph (3)(A) may collect fees for such activities, but*
9 *not higher than the level sufficient to cover the costs*
10 *of operation of inspection and decontamination sta-*
11 *tions under this subsection.*

12 “(7) *VIOLATIONS.*—

13 “(A) *IN GENERAL.*—*Any person that*
14 *launches or attempts to launch a watercraft not*
15 *in compliance with strategies deployed under*
16 *this subsection shall be guilty of an infraction*
17 *and shall be subject to a fine in the amount pro-*
18 *vided in title 18, United States Code.*

19 “(B) *OTHER AUTHORITIES.*—*Any fine im-*
20 *posed under this paragraph shall be separate*
21 *from penalties assessed under any other author-*
22 *ity.*

23 “(8) *LIMITATION.*—*The strategies deployed under*
24 *paragraph (2), including the specific elements re-*
25 *quired by paragraph (3), may be modified if the Sec-*

1 *retary of the Interior, in a nondelegable capacity and*
 2 *in consultation with the Planning Agency, the States*
 3 *of California and Nevada, and State and local gov-*
 4 *ernments, issues a determination that alternative*
 5 *measures will be no less effective at preventing intro-*
 6 *duction of aquatic invasive species into Lake Tahoe.*

7 *“(9) SUPPLEMENTAL AUTHORITY.—The author-*
 8 *ity under this subsection is supplemental to all ac-*
 9 *tions taken by non-Federal regulatory authorities.*

10 *“(10) SAVINGS CLAUSE.—Nothing in this title*
 11 *restricts, affects, or amends any other law or the au-*
 12 *thority of any department, instrumentality, or agency*
 13 *of the United States, or any State or political sub-*
 14 *division thereof, respecting the control of invasive spe-*
 15 *cies.”.*

16 **SEC. 6. PROGRAM PERFORMANCE AND ACCOUNTABILITY.**

17 *Section 6 of the Lake Tahoe Restoration Act (Public*
 18 *Law 106–506; 114 Stat. 2354) is amended to read as fol-*
 19 *lows:*

20 **“SEC. 6. PROGRAM PERFORMANCE AND ACCOUNTABILITY.**

21 *“(a) PROGRAM PERFORMANCE AND ACCOUNT-*
 22 *ABILITY.—*

23 *“(1) IN GENERAL.—Of the amounts appro-*
 24 *priated for a fiscal year pursuant to the authoriza-*
 25 *tion of appropriations in subsection (a) of section 12,*

1 *as amended by section 8 of the Lake Tahoe Restora-*
2 *tion Act of 2015, not less than \$150,000 shall be made*
3 *available to the Secretary to carry out this section.*

4 “(2) *PLANNING AGENCY.*—*Of the amounts made*
5 *available to the Secretary under paragraph (1), not*
6 *less than 50 percent shall be made available to the*
7 *Planning Agency to carry out the program oversight,*
8 *coordination, and outreach activities under sub-*
9 *sections (d) and (e).*

10 “(b) *CONSULTATION.*—*In carrying out this Act, the*
11 *Secretary, the Administrator, and the Directors shall, as*
12 *appropriate and in a timely manner, consult with the heads*
13 *of the Washoe Tribe, applicable Federal, State, regional,*
14 *county, and local governmental agencies, and the Lake*
15 *Tahoe Federal Advisory Committee.*

16 “(c) *CORPS OF ENGINEERS; INTERAGENCY AGREE-*
17 *MENTS.*—

18 “(1) *IN GENERAL.*—*The Assistant Secretary may*
19 *enter into interagency agreements with non-Federal*
20 *interests in the Lake Tahoe Basin to use Lake Tahoe*
21 *Partnership-Miscellaneous General Investigations*
22 *funds to provide programmatic technical assistance*
23 *for forest management or invasive species control ac-*
24 *tivities.*

25 “(2) *LOCAL COOPERATION AGREEMENTS.*—

1 “(A) *IN GENERAL.*—Before providing tech-
2 nical assistance under this section, the Assistant
3 Secretary shall enter into a local cooperation
4 agreement with a non-Federal interest to provide
5 for the technical assistance.

6 “(B) *COMPONENTS.*—The agreement entered
7 into under subparagraph (A) shall—

8 “(i) describe the nature of the technical
9 assistance;

10 “(ii) describe any legal and institu-
11 tional structures necessary to ensure the ef-
12 fective long-term viability of the end prod-
13 ucts by the non-Federal interest; and

14 “(iii) include cost-sharing provisions
15 in accordance with subparagraph (C).

16 “(C) *FEDERAL SHARE.*—

17 “(i) *IN GENERAL.*—The Federal share
18 of program costs under each local coopera-
19 tion agreement under this paragraph shall
20 be 75 percent.

21 “(ii) *FORM.*—The Federal share may
22 be in the form of reimbursements of pro-
23 gram costs.

24 “(iii) *CREDIT.*—The non-Federal in-
25 terest may receive credit toward the non-

1 *Federal share for the reasonable costs of re-*
 2 *lated technical activities completed by the*
 3 *non-Federal interest before entering into a*
 4 *local cooperation agreement with the Assist-*
 5 *ant Secretary under this paragraph.*

6 “(d) *PUBLIC OUTREACH AND EDUCATION.*—

7 “(1) *IN GENERAL.*—*The Secretary, the Adminis-*
 8 *trator, and the Directors will coordinate with the*
 9 *Planning Agency to conduct public education and*
 10 *outreach programs, including encouraging—*

11 “(A) *owners of land and residences in the*
 12 *Lake Tahoe Basin to implement defensible space;*
 13 *and*

14 “(B) *owners of land and residences in the*
 15 *Lake Tahoe Basin and visitors to the Lake*
 16 *Tahoe Basin to help prevent the introduction*
 17 *and proliferation of invasive species.*

18 “(2) *SCIENTIFIC AND TECHNICAL GUIDANCE.*—
 19 *The Director of the United States Geological Survey*
 20 *shall provide scientific and technical guidance to pub-*
 21 *lic outreach and education programs conducted under*
 22 *this subsection.*

23 “(3) *REQUIRED COORDINATION.*—*Public out-*
 24 *reach and education programs for aquatic invasive*
 25 *species under this subsection shall—*

1 “(A) be coordinated with county govern-
 2 ments in the Lake Tahoe Basin and Lake Tahoe
 3 Basin tourism and business organizations; and

4 “(B) include provisions for the programs to
 5 extend outside of the Lake Tahoe Basin.

6 “(e) *EFFECTIVENESS EVALUATING AND MONI-*
 7 *TORING.*—In carrying out this Act, the Secretary, the Ad-
 8 ministrator, and the Directors, in coordination with the
 9 Planning Agency and States of California and Nevada,
 10 shall—

11 “(1) develop and implement a plan for inte-
 12 grated monitoring, assessment, and applied research
 13 to evaluate the effectiveness programs funded under
 14 this Act; and

15 “(2) include in each program funded under this
 16 section funds for monitoring and assessment of results
 17 at the program level.”.

18 **SEC. 7. TECHNICAL CORRECTIONS AND CONFORMING**
 19 **AMENDMENTS.**

20 (a) *TECHNICAL CORRECTION.*—Section 4(b)(3) of the
 21 *Lake Tahoe Restoration Act* (Public Law 106–506; 114
 22 *Stat. 2353*) is amended by striking “basin” and inserting
 23 “Basin”.

24 (b) *RELATIONSHIP TO OTHER LAWS.*—Section 11 of
 25 the *Lake Tahoe Restoration Act* (Public Law 106–506; 114

1 *Stat. 2358) is amended by inserting “, Director, or Admin-*
 2 *istrator” after “Secretary”.*

3 *(c) TAHOE REGIONAL PLANNING COMPACT UPDATE.—*
 4 *Paragraph (c) of Article V of the Tahoe Regional Planning*
 5 *Compact included in the first section of Public Law 96–*
 6 *551 (94 Stat. 3233) is amended by inserting after “main-*
 7 *tain the regional plan” the following: “and, in so doing,*
 8 *shall ensure that the regional plan reflects changing eco-*
 9 *nomie conditions and the economic effect of regulation on*
 10 *commerce”.*

11 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

12 *Section 12 of the Lake Tahoe Restoration Act (Public*
 13 *Law 106–506; 114 Stat. 2358) is amended to read as fol-*
 14 *lows:*

15 **“SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

16 *“(a) AUTHORIZATION OF APPROPRIATIONS.—There is*
 17 *authorized to be appropriated to carry out this Act*
 18 *\$6,000,000 for each of fiscal years 2016 through 2025.*

19 *“(b) SOURCE OF FUNDS.—Amounts made available to*
 20 *carry out this Act shall be derived from—*

21 *“(1) amounts appropriated pursuant to the au-*
 22 *thorization of appropriations in subsection (a) and*
 23 *the amendment made by section 7 of this Act; and*

1 “(2) *special use fees collected within the Lake*
 2 *Tahoe Basin Management Unit and made available*
 3 *under subsection (c).*

4 “(c) *ADDITIONAL FUNDING FROM SPECIAL USE*
 5 *FEES.—*

6 “(1) *RETENTION OF CERTAIN FEES.—*

7 “(A) *DEPOSIT.—Fees collected for recre-*
 8 *ation and non-recreation special uses within the*
 9 *Lake Tahoe Basin Management Unit shall be de-*
 10 *posited in a special fund in the Treasury, which*
 11 *shall be available to the Secretary as provided in*
 12 *subparagraph (B).*

13 “(B) *AVAILABILITY AND USE.—Fees depos-*
 14 *ited under subparagraph (A) shall be available*
 15 *to the Secretary, in such amounts as may be*
 16 *provided in an Act making appropriations for*
 17 *the Forest Service for a fiscal year, for the pur-*
 18 *pose of providing additional funds to carry out*
 19 *this Act in excess of amounts appropriated pur-*
 20 *suant to the authorization of appropriations in*
 21 *subsection (a).*

22 “(C) *OBLIGATION LIMIT.—The obligation*
 23 *and expenditure of fees deposited under subpara-*
 24 *graph (A) shall be subject to appropriation and*
 25 *such fiscal-year limitation as may be specified*

1 *in an Act making appropriations for the Forest*
2 *Service for a fiscal year.*

3 “(2) *USE OF RETAINED FEES.*—

4 “(A) *FEES COLLECTED FOR RECREATION*
5 *SPECIAL USES.*—*In the case of fees collected for*
6 *recreation special uses within the Lake Tahoe*
7 *Basin Management Unit that are deposited*
8 *under paragraph (1) and appropriated for a fis-*
9 *cal year, the Secretary shall use the funds to es-*
10 *tablish, maintain, and expand recreation im-*
11 *provements, specifically existing and traditional*
12 *uses, within the Lake Tahoe Basin Management*
13 *Unit, including trails, facilities, activities, inter-*
14 *pretation, and on-the-ground presence of Forest*
15 *Service personnel.*

16 “(B) *FEES COLLECTED FOR NON-RECRE-*
17 *ATION SPECIAL USES.*—*In the case of fees col-*
18 *lected for non-recreation special uses within the*
19 *Lake Tahoe Basin Management Unit that are*
20 *deposited under paragraph (1) and appropriated*
21 *for a fiscal year, the Secretary shall use the*
22 *funds to support other activities authorized by*
23 *this Act.*

24 “(3) *COLLABORATIVE PROCESS.*—*The Secretary*
25 *shall make decisions under paragraph (2) regarding*

1 *the use of fees appropriated for a fiscal year through*
2 *a collaborative process with representatives from local*
3 *governments, such as county supervisors and county*
4 *commissioners, with jurisdiction over lands within*
5 *the Lake Tahoe Basin Management Unit.*

6 “(d) *EFFECT ON OTHER FUNDS.—Amounts made*
7 *available to carry out this Act—*

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

12 *“(2) shall not reduce allocations for other Re-*
13 *gions of the Forest Service.*

14 “(e) *COST-SHARING REQUIREMENT.—Except as pro-*
15 *vided in subsection (b)(3) of section 5 of this Act, as amend-*
16 *ed by section 5 of the Lake Tahoe Restoration Act of 2015,*
17 *funds for activities under section 5 of this Act shall be avail-*
18 *able for obligation on a dollar-for-dollar basis with funding*
19 *of restoration activities in the Lake Tahoe Basin by the*
20 *States of California and Nevada.”.*

1 **SEC. 9. LAND CONVEYANCES TO IMPROVE MANAGEMENT**
 2 **EFFICIENCIES OF STATE AND FEDERAL**
 3 **LANDS.**

4 (a) *CALIFORNIA CONVEYANCE.*—Section 3(b) of Public
 5 Law 96–586 (94 Stat. 3384; commonly known as the
 6 *Santini-Burton Act*) is amended—

7 (1) by striking “(b) Lands” and inserting the
 8 following:

9 “(b) *ADMINISTRATION OF ACQUIRED LAND.*—

10 “(1) *IN GENERAL.*—Land”; and

11 (2) by adding at the end the following new para-
 12 graph:

13 “(2) *CONVEYANCE TO CALIFORNIA.*—

14 “(A) *IN GENERAL.*—If the State of Cali-
 15 fornia (acting through the California Tahoe Con-
 16 servancy and the California Department of
 17 Parks and Recreation) offers to donate to the
 18 United States acceptable title to the non-Federal
 19 land described in subparagraph (B)(i), the Sec-
 20 retary of Agriculture—

21 “(i) may accept the offer; and

22 “(ii) not later than 180 days after the
 23 date on which the Secretary receives accept-
 24 able title to the non-Federal land described
 25 in subparagraph (B)(i), convey to the State
 26 of California, subject to valid existing rights

1 *and for no consideration, all right, title,*
2 *and interest of the United States in and to*
3 *the Federal land that is acceptable to the*
4 *State of California.*

5 “(B) *DESCRIPTION OF LAND.*—

6 “(i) *NON-FEDERAL LAND.*—*The non-*
7 *Federal land referred to in subparagraph*
8 *(A) includes—*

9 “(I) *the approximately 1,981*
10 *acres of land administered by the Cali-*
11 *fornia Tahoe Conservancy and identi-*
12 *fied on the Maps as ‘Conservancy to*
13 *the United States Forest Service’; and*

14 “(II) *the approximately 187 acres*
15 *of land administered by California*
16 *State Parks and identified on the*
17 *Maps as ‘State Parks to the U.S. For-*
18 *est Service’.*

19 “(ii) *FEDERAL LAND.*—*The Federal*
20 *land referred to in subparagraph (A) in-*
21 *cludes the approximately 1,995 acres of*
22 *Forest Service land identified on the Maps*
23 *as ‘U.S. Forest Service to Conservancy and*
24 *State Parks’.*

1 “(C) *USE OF LAND.*—*The land conveyance*
 2 *authorized under this paragraph shall—*

3 “(i) *be for the purpose of consolidating*
 4 *Federal and State ownerships and improv-*
 5 *ing management efficiencies; and*

6 “(ii) *not result in any substantial re-*
 7 *duction in public access or reduction in*
 8 *availability of existing and traditional pub-*
 9 *lic recreation uses.*

10 “(D) *CONTINUATION OF SPECIAL USE PER-*
 11 *MITTS.*—*The land conveyance authorized under*
 12 *this paragraph shall be subject to the condition*
 13 *that the State of California accept all special use*
 14 *permits applicable, as of the date of the enact-*
 15 *ment of this subparagraph, to the National For-*
 16 *est System land described in subparagraph*
 17 *(B)(ii) for the duration of such permits, and sub-*
 18 *ject to the terms and conditions of such per-*
 19 *mits.”.*

20 (b) *NEVADA CONVEYANCE.*—*Section 3(b) of Public*
 21 *Law 96–586 (94 Stat. 3384; commonly known as the*
 22 *Santini-Burton Act) is further amended by inserting after*
 23 *paragraph (2), as added by subsection (a)(2), the following*
 24 *new paragraph:*

25 “(3) *CONVEYANCE TO NEVADA.*—

1 “(A) *IN GENERAL.*—*At the request of the*
2 *State of Nevada, the Secretary of Agriculture*
3 *may convey, without consideration, the land or*
4 *interests in land described in subparagraph (B)*
5 *to the State, subject to appropriate deed restric-*
6 *tions to protect public access and existing or tra-*
7 *ditional public recreational uses of the conveyed*
8 *land.*

9 “(B) *DESCRIPTION OF LAND.*—*The land re-*
10 *ferred to in subparagraph (A) includes the ap-*
11 *proximately 39 acres of National Forest System*
12 *land identified on the map entitled ‘State of Ne-*
13 *vada Conveyances’ as ‘Van Sickle Unit USFS*
14 *Inholding’.*

15 “(C) *USE OF LAND.*—*The land conveyance*
16 *authorized under this paragraph shall—*

17 “(i) *be for the purpose of consolidating*
18 *Federal and State ownerships and improv-*
19 *ing management efficiencies; and*

20 “(ii) *not result in any substantial re-*
21 *duction in public access or reduction in*
22 *availability of existing and traditional pub-*
23 *lic recreation uses.*

24 “(D) *CONTINUATION OF SPECIAL USE PER-*
25 *MITS.*—*The land conveyance authorized under*

1 *this paragraph shall be subject to the condition*
 2 *that the State of Nevada accept all special use*
 3 *permits applicable, as of the date of the enact-*
 4 *ment of this subparagraph, to the National For-*
 5 *est System land described in subparagraph (B)*
 6 *for the duration of such permits, and subject to*
 7 *the terms and conditions of such permits.”.*

8 *(c) AUTHORIZATION FOR CONVEYANCE OF FOREST*
 9 *SERVICE URBAN LOTS.—*

10 *(1) CONVEYANCE AUTHORITY.—The Secretary of*
 11 *Agriculture is authorized to convey all urban lots*
 12 *within the Lake Tahoe Basin under the administra-*
 13 *tive jurisdiction of the Forest Service.*

14 *(2) CONSIDERATION.—A conveyance under the*
 15 *authority of paragraph (1) shall require consideration*
 16 *in an amount equal to the fair-market value of the*
 17 *conveyed lot.*

18 *(3) AVAILABILITY AND USE.—The proceeds from*
 19 *conveyances under paragraph (1) shall be retained by*
 20 *the Secretary of Agriculture and used for the purpose*
 21 *of—*

22 *(A) purchasing inholdings throughout the*
 23 *Lake Tahoe Basin; or*

24 *(B) providing additional funds to carry out*
 25 *the Lake Tahoe Restoration Act (Public Law*

1 106–506) in excess of amounts appropriated
 2 pursuant to the authorization of appropriations
 3 in section 12 of such Act, as amended by section
 4 8 of this Act.

5 (4) *OBLIGATION LIMIT.*—The obligation and ex-
 6 penditure of proceeds retained under this subsection
 7 shall be subject to such fiscal-year limitation as may
 8 be specified in an Act making appropriations for the
 9 Forest Service for a fiscal year.

10 (5) *INHOLDING DEFINED.*—In paragraph (3)(A),
 11 the term “inholding” means a parcel of land that is
 12 surrounded on all sides by Federal land.

13 **SEC. 10. MODIFICATION OF LAND ACQUISITION AUTHORITY**
 14 **UNDER SANTINI-BURTON ACT AND SOUTH-**
 15 **ERN NEVADA PUBLIC LAND MANAGEMENT**
 16 **ACT OF 1998.**

17 (a) *ADDITIONAL LAND ACQUISITION CRITERIA.*—Sec-
 18 tion 3(a)(1) of Public Law 96–586 (94 Stat. 3383; com-
 19 monly known as the Santini-Burton Act) is amended by
 20 adding before the period at the end of the first sentence the
 21 following: “and, with respect to any land acquisition under
 22 this section within the Lake Tahoe Basin Management Unit
 23 that is proposed after the date of the enactment of the Lake
 24 Tahoe Restoration Act of 2015, which will provide critical
 25 access for recreational use and resolve significant inholding

1 *issues in that a parcel of land to be acquired is wholly sur-*
 2 *rounded by Federal land”.*

3 *(b) CONSENT OF LOCAL GOVERNMENT REQUIRED.—*
 4 *Section 3(a) of Public Law 96–586 (94 Stat. 3383; com-*
 5 *monly known as the Santini-Burton Act) is amended by*
 6 *adding at the end the following new paragraph:*

7 *“(6) CONSENT OF LOCAL GOVERNMENT RE-*
 8 *QUIRED.—With respect to any land acquisition under*
 9 *this section within the Lake Tahoe Basin Manage-*
 10 *ment Unit that is proposed after the date of the enact-*
 11 *ment of the Lake Tahoe Restoration Act of 2015, the*
 12 *Secretary of Agriculture shall obtain the consent of*
 13 *the government of the county within the boundaries of*
 14 *which the land is located before executing the land ac-*
 15 *quisition.”.*

16 *(c) ADMINISTRATIVE EXPENSES.—Section 3 of Public*
 17 *Law 96–586 (94 Stat. 3383; commonly known as the*
 18 *Santini-Burton Act) is amended by adding at the end the*
 19 *following new subsection:*

20 *“(h) ADMINISTRATIVE EXPENSES RELATED TO LAND*
 21 *ADJUSTMENTS.—Amounts appropriated pursuant to the*
 22 *authorization of appropriations in subsection (g) shall be*
 23 *available to the Secretary of Agriculture to cover staffing*
 24 *costs and related expenses incurred to accomplish land ad-*

1 *justments in the Lake Tahoe Basin Management Unit to*
 2 *create more efficient land management patterns.”.*

3 *(d) CONFORMING AMENDMENTS TO SOUTHERN NE-*
 4 *VADA PUBLIC LAND MANAGEMENT ACT OF 1998.—Section*
 5 *5(a) of the Southern Nevada Public Land Management Act*
 6 *of 1998 (Public Law 105–263; 112 Stat. 2347) is amended*
 7 *by adding at the end the following new paragraph:*

8 *“(4) ADDITIONAL REQUIREMENTS RELATED TO*
 9 *ACQUISITIONS IN LAKE TAHOE BASIN MANAGEMENT*
 10 *UNIT.—With respect to any land acquisition under*
 11 *this subsection within the Lake Tahoe Basin Manage-*
 12 *ment Unit that is proposed after the date of the enact-*
 13 *ment of the Lake Tahoe Restoration Act of 2015, the*
 14 *Secretary of Agriculture shall, before executing the*
 15 *land acquisition—*

16 *“(A) obtain the consent of each county with-*
 17 *in whose boundaries the parcel of land is located;*
 18 *and*

19 *“(B) certify that, in addition to being envi-*
 20 *ronmentally sensitive land, the parcel of land*
 21 *will provide critical access for recreational use*
 22 *and resolve significant inholding issues in that*
 23 *the parcel is wholly surrounded by National For-*
 24 *est System land.”.*

1 **SEC. 11. AVAILABILITY OF CATEGORICAL EXCLUSION FOR**
2 **LAKE TAHOE HERBICIDE APPLICATIONS TO**
3 **CONTROL CERTAIN AQUATIC WEEDS.**

4 (a) *FINDING.*—Congress finds that ongoing efforts to
5 eradicate Eurasian watermilfoil and curlyleaf pondweed in
6 Lake Tahoe, using mechanical methods has had only lim-
7 ited success, threatening the rest of Lake Tahoe with the
8 spread of these non-native aquatic invasive plants.

9 (b) *AVAILABILITY OF CATEGORICAL EXCLUSION.*—Any
10 project to be conducted by the Tahoe Regional Planning
11 Agency that will use a registered herbicide to eradicate Eur-
12 asian watermilfoil and curlyleaf pondweed from the south
13 end of Lake Tahoe, known as the Lake Tahoe Keys, is cat-
14 egorically excluded from the requirements of the National
15 Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.).

16 (c) *REGISTERED HERBICIDE DEFINED.*—In this sec-
17 tion, the term “registered herbicide” means a herbicide that
18 is approved by the United States Environmental Protection
19 Agency and the California Environmental Protection Agen-
20 cy for aquatic use.

Union Calendar No. 307

114TH CONGRESS
2^D Session

H. R. 3382

[Report No. 114-404, Part I]

A BILL

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.

FEBRUARY 1, 2016

Reported from the Committee on Natural Resources with
an amendment

FEBRUARY 1, 2016

The Committees on Agriculture and Transportation and
Infrastructure discharged; committed to the Committee
of the Whole House on the State of the Union and or-
dered to be printed