

# Calendar No. 470

114<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 1724

[Report No. 114–256]

To provide for environmental restoration activities and forest management activities in the Lake Tahoe Basin, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JULY 9, 2015

Mr. HELLER (for himself, Mr. REID, Mrs. BOXER, and Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

MAY 18, 2016

Reported by Mr. INHOFE, with an amendment

[Omit the part struck through and insert the part printed in *italie*]

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## A BILL

To provide for 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 This Act may be cited as the “Lake Tahoe Restora-  
5 tion Act of 2015”.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 The Lake Tahoe Restoration Act (Public Law 106–  
3 506; 114 Stat. 2351) is amended by striking section 2  
4 and inserting the following:

5 **“SEC. 2. FINDINGS AND PURPOSES.**

6 “(a) FINDINGS.—Congress finds that—

7 “(1) Lake Tahoe—

8 “(A) is one of the largest, deepest, and  
9 clearest lakes in the world;

10 “(B) has a cobalt blue color, a biologically  
11 diverse alpine setting, and remarkable water  
12 clarity; and

13 “(C) is recognized nationally and world-  
14 wide as a natural resource of special signifi-  
15 cance;

16 “(2) in addition to being a scenic and ecological  
17 treasure, the Lake Tahoe Basin is one of the out-  
18 standing recreational resources of the United States,  
19 which—

20 “(A) offers skiing, water sports, biking,  
21 camping, and hiking to millions of visitors each  
22 year; and

23 “(B) contributes significantly to the econo-  
24 mies of California, Nevada, and the United  
25 States;

1           “(3) the economy in the Lake Tahoe Basin is  
2 dependent on the conservation and restoration of the  
3 natural beauty and recreation opportunities in the  
4 area;

5           “(4) the ecological health of the Lake Tahoe  
6 Basin continues to be challenged by the impacts of  
7 land use and transportation patterns developed in  
8 the last century;

9           “(5) the alteration of wetland, wet meadows,  
10 and stream zone habitat have compromised the ca-  
11 pacity of the watershed to filter sediment, nutrients,  
12 and pollutants before reaching Lake Tahoe;

13           “(6) forests in the Lake Tahoe Basin suffer  
14 from over a century of fire damage and periodic  
15 drought, which have resulted in—

16                   “(A) high tree density and mortality;

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

18                   “(C) a large quantity of combustible forest  
19 fuels, which significantly increases the threat of  
20 catastrophic fire and insect infestation;

21           “(7) the establishment of several aquatic and  
22 terrestrial invasive species (including perennial  
23 pepperweed, milfoil, and Asian clam) threatens the  
24 ecosystem of the Lake Tahoe Basin;

1           “(8) there is an ongoing threat to the economy  
2           and ecosystem of the Lake Tahoe Basin of the intro-  
3           duction and establishment of other invasive species  
4           (such as yellow starthistle, New Zealand mud snail,  
5           Zebra mussel, and quagga mussel);

6           “(9) 78 percent of the land in the Lake Tahoe  
7           Basin is administered by the Federal Government,  
8           which makes it a Federal responsibility to restore ec-  
9           ological health to the Lake Tahoe Basin;

10           “(10) the Federal Government has a long his-  
11           tory of environmental stewardship at Lake Tahoe,  
12           including—

13                   “(A) congressional consent to the estab-  
14                   lishment of the Planning Agency with—

15                           “(i) the enactment in 1969 of Public  
16                           Law 91–148 (83 Stat. 360); and

17                           “(ii) the enactment in 1980 of Public  
18                           Law 96–551 (94 Stat. 3233);

19                   “(B) the establishment of the Lake Tahoe  
20                   Basin Management Unit in 1973;

21                   “(C) the enactment of Public Law 96–586  
22                   (94 Stat. 3381) in 1980 to provide for the ac-  
23                   quisition of environmentally sensitive land and  
24                   erosion control grants in the Lake Tahoe Basin;

1           “(D) the enactment of sections 341 and  
2           342 of the Department of the Interior and Re-  
3           lated Agencies Appropriations Act, 2004 (Pub-  
4           lic Law 108–108; 117 Stat. 1317), which  
5           amended the Southern Nevada Public Land  
6           Management Act of 1998 (Public Law 105–  
7           263; 112 Stat. 2346) to provide payments for  
8           the environmental restoration programs under  
9           this Act; and

10           “(E) the enactment of section 382 of the  
11           Tax Relief and Health Care Act of 2006 (Pub-  
12           lic Law 109–432; 120 Stat. 3045), which  
13           amended the Southern Nevada Public Land  
14           Management Act of 1998 (Public Law 105–  
15           263; 112 Stat. 2346) to authorize development  
16           and implementation of a comprehensive 10-year  
17           hazardous fuels and fire prevention plan for the  
18           Lake Tahoe Basin;

19           “(11) the Assistant Secretary was an original  
20           signatory in 1997 to the Agreement of Federal De-  
21           partments on Protection of the Environment and  
22           Economic Health of the Lake Tahoe Basin;

23           “(12) the Chief of Engineers, under direction  
24           from the Assistant Secretary, has continued to be a

1 significant contributor to Lake Tahoe Basin restora-  
2 tion, including—

3 “(A) stream and wetland restoration; and

4 “(B) programmatic technical assistance;

5 “(13) at the Lake Tahoe Presidential Forum in  
6 1997, the President renewed the commitment of the  
7 Federal Government to Lake Tahoe by—

8 “(A) committing to increased Federal re-  
9 sources for ecological restoration at Lake  
10 Tahoe; and

11 “(B) establishing the Federal Interagency  
12 Partnership and Federal Advisory Committee to  
13 consult on natural resources issues concerning  
14 the Lake Tahoe Basin;

15 “(14) at the 2011 and 2012 Lake Tahoe Fo-  
16 rums, Senator Reid, Senator Feinstein, Senator  
17 Heller, Senator Ensign, Governor Gibbons, Governor  
18 Sandoval, and Governor Brown—

19 “(A) renewed their commitment to Lake  
20 Tahoe; and

21 “(B) expressed their desire to fund the  
22 Federal and State shares of the Environmental  
23 Improvement Program through 2022;

24 “(15) since 1997, the Federal Government, the  
25 States of California and Nevada, units of local gov-

1       ernment, and the private sector have contributed  
2       more than \$1,740,000,000 to the Lake Tahoe  
3       Basin, including—

4               “(A) \$576,300,000 from the Federal Gov-  
5       ernment;

6               “(B) \$654,600,000 from the State of Cali-  
7       fornia;

8               “(C) \$112,500,000 from the State of Ne-  
9       vada;

10              “(D) \$74,900,000 from units of local gov-  
11       ernment; and

12              “(E) \$323,700,000 from private interests;

13       “(16) significant additional investment from  
14       Federal, State, local, and private sources is nec-  
15       essary—

16              “(A) to restore and sustain the ecological  
17       health of the Lake Tahoe Basin;

18              “(B) to adapt to the impacts of fluctuating  
19       water temperature and precipitation; and

20              “(C) to prevent the introduction and estab-  
21       lishment of invasive species in the Lake Tahoe  
22       Basin; and

23       “(17) the Secretary has indicated that the Lake  
24       Tahoe Basin Management Unit has the capacity for

1 at least \$10,000,000 annually for the Fire Risk Re-  
2 duction and Forest Management Program.

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

4 “(1) to enable the Chief of the Forest Service,  
5 the Director of the United States Fish and Wildlife  
6 Service, and the Administrator, in cooperation with  
7 the Planning Agency and the States of California  
8 and Nevada, to fund, plan, and implement signifi-  
9 cant new environmental restoration activities and  
10 forest management activities in the Lake Tahoe  
11 Basin;

12 “(2) to ensure that Federal, State, local, re-  
13 gional, tribal, and private entities continue to work  
14 together to manage land in the Lake Tahoe Basin;

15 “(3) to support local governments in efforts re-  
16 lated to environmental restoration, stormwater pollu-  
17 tion control, fire risk reduction, and forest manage-  
18 ment activities; and

19 “(4) to ensure that agency and science commu-  
20 nity representatives in the Lake Tahoe Basin work  
21 together—

22 “(A) to develop and implement a plan for  
23 integrated monitoring, assessment, and applied  
24 research to evaluate the effectiveness of the En-  
25 vironmental Improvement Program; and

1           “(B) to provide objective information as a  
 2           basis for ongoing decisionmaking, with an em-  
 3           phasis on decisionmaking relating to resource  
 4           management in the Lake Tahoe Basin.”.

5 **SEC. 3. DEFINITIONS.**

6           The Lake Tahoe Restoration Act (Public Law 106–  
 7 506; 114 Stat. 2351) is amended by striking section 3  
 8 and inserting the following:

9 **“SEC. 3. DEFINITIONS.**

10           “In this Act:

11           “(1) ADMINISTRATOR.—The term ‘Adminis-  
 12           trator’ means the Administrator of the Environ-  
 13           mental Protection Agency.

14           “(2) ASSISTANT SECRETARY.—The term ‘As-  
 15           sistant Secretary’ means the Assistant Secretary of  
 16           the Army for Civil Works.

17           “(3) CHAIR.—The term ‘Chair’ means the  
 18           Chair of the Federal Partnership.

19           “(4) COMPACT.—The term ‘Compact’ means  
 20           the Tahoe Regional Planning Compact included in  
 21           the first section of Public Law 96–551 (94 Stat.  
 22           3233).

23           “(5) DIRECTORS.—The term ‘Directors’  
 24           means—

1           “(A) the Director of the United States  
2           Fish and Wildlife Service; and

3           “(B) the Director of the United States Ge-  
4           ological Survey.

5           “(6) ENVIRONMENTAL IMPROVEMENT PRO-  
6           GRAM.—The term ‘Environmental Improvement Pro-  
7           gram’ means—

8           “(A) the Environmental Improvement Pro-  
9           gram adopted by the Planning Agency; and

10           “(B) any amendments to the Program.

11           “(7) ENVIRONMENTAL THRESHOLD CARRYING  
12           CAPACITY.—The term ‘environmental threshold car-  
13           rying capacity’ has the meaning given the term in  
14           Article II of the Compact.

15           “(8) FEDERAL PARTNERSHIP.—The term ‘Fed-  
16           eral Partnership’ means the Lake Tahoe Federal  
17           Interagency Partnership established by Executive  
18           Order 13057 (62 Fed. Reg. 41249) (or a successor  
19           Executive order).

20           “(9) FOREST MANAGEMENT ACTIVITY.—The  
21           term ‘forest management activity’ includes—

22           “(A) prescribed burning for ecosystem  
23           health and hazardous fuels reduction;

24           “(B) mechanical and minimum tool treat-  
25           ment;

1           “(C) stream environment zone restoration  
2           and other watershed and wildlife habitat en-  
3           hancements;

4           “(D) nonnative invasive species manage-  
5           ment; and

6           “(E) other activities consistent with Forest  
7           Service practices, as the Secretary determines  
8           to be appropriate.

9           “(10) MAPS.—The term ‘Maps’ means the  
10          maps—

11           “(A) entitled—

12           “(i) ‘LTRA USFS-CA Land Ex-  
13           change/North Shore’;

14           “(ii) ‘USFS-CA Land Exchange/West  
15           Shore’; and

16           “(iii) ‘USFS-CA Land Exchange/  
17           South Shore’; and

18           “(B) dated April 12, 2013, and on file and  
19           available for public inspection in the appro-  
20           priate offices of—

21           “(i) the Forest Service;

22           “(ii) the California Tahoe Conser-  
23           vancy; and

24           “(iii) the California Department of  
25           Parks and Recreation.

1           “(11) NATIONAL WILDLAND FIRE CODE.—The  
2 term ‘national wildland fire code’ means—

3           “(A) the most recent publication of the  
4 National Fire Protection Association codes  
5 numbered 1141, 1142, 1143, and 1144;

6           “(B) the most recent publication of the  
7 International Wildland-Urban Interface Code of  
8 the International Code Council; or

9           “(C) any other code that the Secretary de-  
10 termines provides the same, or better, stand-  
11 ards for protection against wildland fire as a  
12 code described in subparagraph (A) or (B).

13           “(12) PLANNING AGENCY.—The term ‘Planning  
14 Agency’ means the Tahoe Regional Planning Agency  
15 established under Public Law 91–148 (83 Stat. 360)  
16 and Public Law 96–551 (94 Stat. 3233).

17           “(13) PRIORITY LIST.—The term ‘Priority List’  
18 means the environmental restoration priority list de-  
19 veloped under section 5(b).

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

23           “(15) STREAM ENVIRONMENT ZONE.—The  
24 term ‘Stream Environment Zone’ means an area  
25 that generally owes the biological and physical char-

1 characteristics of the area to the presence of surface  
2 water or groundwater.

3 “(16) TOTAL MAXIMUM DAILY LOAD.—The  
4 term ‘total maximum daily load’ means the total  
5 maximum daily load allocations adopted under sec-  
6 tion 303(d) of the Federal Water Pollution Control  
7 Act (33 U.S.C. 1313(d)).

8 “(17) WATERCRAFT.—The term ‘watercraft’  
9 means motorized and non-motorized watercraft, in-  
10 cluding boats, seaplanes, personal watercraft,  
11 kayaks, and canoes.”.

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

14 Section 4 of the Lake Tahoe Restoration Act (Public  
15 Law 106–506; 114 Stat. 2353) is amended—

16 (1) in subsection (b)(3), by striking “basin”  
17 and inserting “Basin”; and

18 (2) by adding at the end the following:

19 “(c) FOREST MANAGEMENT ACTIVITIES.—

20 “(1) COORDINATION.—

21 “(A) IN GENERAL.—In conducting forest  
22 management activities in the Lake Tahoe Basin  
23 Management Unit, the Secretary shall, as ap-  
24 propriate, coordinate with the Administrator  
25 and State and local agencies and organizations,

1 including local fire departments and volunteer  
2 groups.

3 “(B) GOALS.—The coordination of activi-  
4 ties under subparagraph (A) should aim to in-  
5 crease efficiencies and maximize the compat-  
6 ibility of management practices across public  
7 property boundaries.

8 “(2) MULTIPLE BENEFITS.—

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

13 “(i) except as provided in subpara-  
14 graph (B), attains multiple ecosystem ben-  
15 efits, including—

16 “(I) reducing forest fuels;

17 “(II) maintaining biological di-  
18 versity;

19 “(III) improving wetland and  
20 water quality, including in Stream  
21 Environment Zones; and

22 “(IV) increasing resilience to  
23 changing water temperature and pre-  
24 cipitation; and

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

4                   “(B) EXCEPTION.—Notwithstanding sub-  
5                   paragraph (A)(i), the attainment of multiple  
6                   ecosystem benefits shall not be required if the  
7                   Secretary determines that management for mul-  
8                   tiple ecosystem benefits would excessively in-  
9                   crease the cost of a program in relation to the  
10                  additional ecosystem benefits gained from the  
11                  management activity.

12                  “(3) GROUND DISTURBANCE.—Consistent with  
13                  applicable Federal law and Lake Tahoe Basin Man-  
14                  agement Unit land and resource management plan  
15                  direction, the Secretary shall—

16                         “(A) establish post-program ground condi-  
17                         tion criteria for ground disturbance caused by  
18                         forest management activities; and

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

21                  “(d) WITHDRAWAL OF FEDERAL LAND.—

22                         “(1) IN GENERAL.—Subject to valid existing  
23                         rights and paragraph (2), the Federal land located  
24                         in the Lake Tahoe Basin Management Unit is with-  
25                         drawn from—

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

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

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

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

10           “(A) this Act; or

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

13           “(e) ENVIRONMENTAL THRESHOLD CARRYING CA-  
14 PACITY.—The Lake Tahoe Basin Management Unit shall  
15 support the attainment of the environmental threshold  
16 carrying capacities.

17           “(f) COOPERATIVE AUTHORITIES.—During the 4 fis-  
18 cal years following the date of enactment of the Lake  
19 Tahoe Restoration Act of 2015, the Secretary, in conjunc-  
20 tion with land adjustment programs, may enter into con-  
21 tracts and cooperative agreements with States, units of  
22 local government, and other public and private entities to  
23 provide for fuel reduction, erosion control, reforestation,  
24 Stream Environment Zone restoration, and similar man-

1 agement activities on Federal land and non-Federal land  
2 within the programs.”.

3 **SEC. 5. AUTHORIZED PROGRAMS.**

4 The Lake Tahoe Restoration Act (Public Law 106–  
5 506; 114 Stat. 2351) is amended by striking section 5  
6 and inserting the following:

7 **“SEC. 5. AUTHORIZED PROGRAMS.**

8 “(a) IN GENERAL.—The Secretary, the Assistant  
9 Secretary, the Directors, and the Administrator, in coordi-  
10 nation with the Planning Agency and the States of Cali-  
11 fornia and Nevada, may carry out or provide financial as-  
12 sistance to any program that—

13 “(1) is described in subsection (d);

14 “(2) is included in the Priority List under sub-  
15 section (b); and

16 “(3) furthers the purposes of the Environ-  
17 mental Improvement Program if the program has  
18 been subject to environmental review and approval,  
19 respectively, as required under Federal law, Article  
20 VII of the Compact, and State law, as applicable.

21 “(b) PRIORITY LIST.—

22 “(1) DEADLINE.—Not later than March 15 of  
23 the year after the date of enactment of the Lake  
24 Tahoe Restoration Act of 2015, the Chair, in con-  
25 sultation with the Secretary, the Administrator, the

1 Directors, the Planning Agency, the States of Cali-  
2 fornia and Nevada, the Federal Partnership, the  
3 Washoe Tribe, the Lake Tahoe Federal Advisory  
4 Committee, and the Tahoe Science Consortium (or a  
5 successor organization) shall submit to Congress a  
6 prioritized Environmental Improvement Program list  
7 for the Lake Tahoe Basin for each program category  
8 described in subsection (d).

9 “(2) CRITERIA.—The ranking of the Priority  
10 List shall be based on the best available science and  
11 the following criteria:

12 “(A) The 4-year threshold carrying capac-  
13 ity evaluation.

14 “(B) The ability to measure progress or  
15 success of the program.

16 “(C) The potential to significantly con-  
17 tribute to the achievement and maintenance of  
18 the environmental threshold carrying capacities  
19 identified in Article II of the Compact.

20 “(D) The ability of a program to provide  
21 multiple benefits.

22 “(E) The ability of a program to leverage  
23 non-Federal contributions.

24 “(F) Stakeholder support for the program.

25 “(G) The justification of Federal interest.

1           “(H) Agency priority.

2           “(I) Agency capacity.

3           “(J) Cost-effectiveness.

4           “(K) Federal funding history.

5           “(3) REVISIONS.—The Priority List submitted  
6 under paragraph (1) shall be revised every 2 years.

7           “(4) FUNDING.—Of the amounts made avail-  
8 able under section 10(a), \$80,000,000 shall be made  
9 available to the Secretary to carry out projects listed  
10 on the Priority List.

11          “(c) RESTRICTION.—The Administrator shall use not  
12 more than 3 percent of the funds provided under sub-  
13 section (a) for administering the programs described in  
14 paragraphs (1) and (2) of subsection (d).

15          “(d) DESCRIPTION OF ACTIVITIES.—

16           “(1) FIRE RISK REDUCTION AND FOREST MAN-  
17 AGEMENT.—

18           “(A) IN GENERAL.—Of the amounts made  
19 available under section 10(a), \$150,000,000  
20 shall be made available to the Secretary to  
21 carry out, including by making grants, the fol-  
22 lowing programs:

23           “(i) Programs identified as part of the  
24 Lake Tahoe Basin Multi-Jurisdictional

1 Fuel Reduction and Wildfire Prevention  
2 Strategy 10-Year Plan.

3 “(ii) Competitive grants for fuels work  
4 to be awarded by the Secretary to commu-  
5 nities that have adopted national wildland  
6 fire codes to implement the applicable por-  
7 tion of the 10-year plan described in clause  
8 (i).

9 “(iii) Biomass programs, including  
10 feasibility assessments.

11 “(iv) Angora Fire Restoration under  
12 the jurisdiction of the Secretary.

13 “(v) Washoe Tribe programs on tribal  
14 lands within the Lake Tahoe Basin.

15 “(vi) Development of an updated  
16 Lake Tahoe Basin multijurisdictional fuel  
17 reduction and wildfire prevention strategy,  
18 consistent with section 4(c).

19 “(vii) Development of updated com-  
20 munity wildfire protection plans by local  
21 fire districts.

22 “(viii) Municipal water infrastructure  
23 that significantly improves the firefighting  
24 capability of local government within the  
25 Lake Tahoe Basin.

1           “(ix) Stewardship end result con-  
2           tracting projects carried out under section  
3           604 of the Healthy Forests Restoration  
4           Act of 2003 (16 U.S.C. 6591e).

5           “(B) MINIMUM ALLOCATION.—Of the  
6           amounts made available to the Secretary to  
7           carry out subparagraph (A), at least  
8           \$100,000,000 shall be used by the Secretary for  
9           programs under subparagraph (A)(i).

10          “(C) PRIORITY.—Units of local govern-  
11          ment that have dedicated funding for inspec-  
12          tions and enforcement of defensible space regu-  
13          lations shall be given priority for amounts pro-  
14          vided under this paragraph.

15          “(D) COST-SHARING REQUIREMENTS.—

16                 “(i) IN GENERAL.—As a condition on  
17                 the receipt of funds, communities or local  
18                 fire districts that receive funds under this  
19                 paragraph shall provide a 25-percent  
20                 match.

21                 “(ii) FORM OF NON-FEDERAL  
22                 SHARE.—

23                         “(I) IN GENERAL.—The non-  
24                         Federal share required under clause  
25                         (i) may be in the form of cash con-

1 tributions or in-kind contributions, in-  
2 cluding providing labor, equipment,  
3 supplies, space, and other operational  
4 needs.

5 “(II) CREDIT FOR CERTAIN  
6 DEDICATED FUNDING.—There shall  
7 be credited toward the non-Federal  
8 share required under clause (i) any  
9 dedicated funding of the communities  
10 or local fire districts for a fuels reduc-  
11 tion management program, defensible  
12 space inspections, or dooryard chip-  
13 ping.

14 “(III) DOCUMENTATION.—Com-  
15 munities and local fire districts  
16 shall—

17 “(aa) maintain a record of  
18 in-kind contributions that de-  
19 scribes—

20 “(AA) the monetary  
21 value of the in-kind con-  
22 tributions; and

23 “(BB) the manner in  
24 which the in-kind contribu-  
25 tions assist in accomplishing

1 program goals and objec-  
2 tives; and

3 “(bb) document in all re-  
4 quests for Federal funding, and  
5 include in the total program  
6 budget, evidence of the commit-  
7 ment to provide the non-Federal  
8 share through in-kind contribu-  
9 tions.

10 “(2) INVASIVE SPECIES MANAGEMENT.—

11 “(A) IN GENERAL.—Of the amounts made  
12 available under section 10(a), \$45,000,000 shall  
13 be made available to the Director of the United  
14 States Fish and Wildlife Service for the Aquatic  
15 Invasive Species Program and the watercraft  
16 inspections described in subparagraph (B).

17 “(B) DESCRIPTION OF ACTIVITIES.—The  
18 Director of the United States Fish and Wildlife  
19 Service, in coordination with the Assistant Sec-  
20 retary, the Planning Agency, the California De-  
21 partment of Fish and Wildlife, and the Nevada  
22 Department of Wildlife, shall deploy strategies  
23 consistent with the Lake Tahoe Aquatic  
24 Invasive Species Management Plan to prevent

1 the introduction or spread of aquatic invasive  
2 species in the Lake Tahoe region.

3 “(C) CRITERIA.—The strategies referred  
4 to in subparagraph (B) shall provide that—

5 “(i) combined inspection and decon-  
6 tamination stations be established and op-  
7 erated at not less than 2 locations in the  
8 Lake Tahoe region; and

9 “(ii) watercraft not be allowed to  
10 launch in waters of the Lake Tahoe region  
11 if the watercraft has not been inspected in  
12 accordance with the Lake Tahoe Aquatic  
13 Invasive Species Management Plan.

14 “(D) CERTIFICATION.—The Planning  
15 Agency may certify State and local agencies to  
16 perform the decontamination activities de-  
17 scribed in subparagraph (C)(i) at locations out-  
18 side the Lake Tahoe Basin if standards at the  
19 sites meet or exceed standards for similar sites  
20 in the Lake Tahoe Basin established under this  
21 paragraph.

22 “(E) APPLICABILITY.—The strategies and  
23 criteria developed under this paragraph shall  
24 apply to all watercraft to be launched on water  
25 within the Lake Tahoe region.

1           “(F) FEES.—The Director of the United  
2 States Fish and Wildlife Service may collect  
3 and spend fees for decontamination only at a  
4 level sufficient to cover the costs of operation of  
5 inspection and decontamination stations under  
6 this paragraph.

7           “(G) CIVIL PENALTIES.—

8           “(i) IN GENERAL.—Any person that  
9 launches, attempts to launch, or facilitates  
10 launching of watercraft not in compliance  
11 with strategies deployed under this para-  
12 graph shall be liable for a civil penalty in  
13 an amount not to exceed \$1,000 per viola-  
14 tion.

15           “(ii) OTHER AUTHORITIES.—Any pen-  
16 alties assessed under this subparagraph  
17 shall be separate from penalties assessed  
18 under any other authority.

19           “(H) LIMITATION.—The strategies and  
20 criteria under subparagraphs (B) and (C), re-  
21 spectively, may be modified if the Secretary of  
22 the Interior, in a nondelegable capacity and in  
23 consultation with the Planning Agency and  
24 State governments, issues a determination that  
25 alternative measures will be no less effective at

1 preventing introduction of aquatic invasive spe-  
2 cies into Lake Tahoe than the strategies and  
3 criteria developed under subparagraphs (B) and  
4 (C), respectively.

5 “(I) SUPPLEMENTAL AUTHORITY.—The  
6 authority under this paragraph is supplemental  
7 to all actions taken by non-Federal regulatory  
8 authorities.

9 “(J) SAVINGS CLAUSE.—Nothing in this  
10 title restricts, affects, or amends any other law  
11 or the authority of any department, instrumen-  
12 tality, or agency of the United States, or any  
13 State or political subdivision thereof, respecting  
14 the control of invasive species.

15 “(3) STORMWATER MANAGEMENT, EROSION  
16 CONTROL, AND TOTAL WATERSHED RESTORATION.—  
17 Of the amounts made available under section 10(a),  
18 \$113,000,000 shall be made available—

19 “(A) to the Secretary, the Secretary of the  
20 Interior, the Assistant Secretary, or the Admin-  
21 istrator for the Federal share of stormwater  
22 management and related programs consistent  
23 with the adopted Total Maximum Daily Load  
24 and near-shore water quality goals;

1           “(B) for grants by the Secretary and the  
2 Administrator to carry out the programs de-  
3 scribed in subparagraph (A);

4           “(C) to the Secretary or the Assistant Sec-  
5 retary for the Federal share of the Upper  
6 Truckee River restoration programs and other  
7 watershed restoration programs identified in  
8 the Priority List established under section 5(b);  
9 and

10           “(D) for grants by the Administrator to  
11 carry out the programs described in subpara-  
12 graph (C).

13           “(4) SPECIAL STATUS SPECIES MANAGE-  
14 MENT.—Of the amounts made available under sec-  
15 tion 10(a), \$20,000,000 shall be made available to  
16 the Director of the United States Fish and Wildlife  
17 Service for the Lahontan Cutthroat Trout Recovery  
18 Program.”.

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

20           The Lake Tahoe Restoration Act (Public Law 106–  
21 506; 114 Stat. 2351) is amended by striking section 6  
22 and inserting the following:

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

24           “(a) PROGRAM PERFORMANCE AND ACCOUNT-  
25 ABILITY.—

1           “(1) IN GENERAL.—Of the amounts made  
2           available under section 10(a), not less than  
3           \$5,000,000 shall be made available to the Secretary  
4           to carry out this section.

5           “(2) PLANNING AGENCY.—Of the amounts de-  
6           scribed in paragraph (1), not less than 50 percent  
7           shall be made available to the Planning Agency to  
8           carry out the program oversight and coordination  
9           activities established under subsection (d).

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  
13         heads of the Washoe Tribe, applicable Federal, State, re-  
14         gional, 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  
19                 may enter into interagency agreements with non-  
20                 Federal interests in the Lake Tahoe Basin to use  
21                 Lake Tahoe Partnership-Miscellaneous General In-  
22                 vestigations funds to provide programmatic technical  
23                 assistance for the Environmental Improvement Pro-  
24                 gram.

25                 “(2) LOCAL COOPERATION AGREEMENTS.—

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

6           “(B) COMPONENTS.—The agreement en-  
7           tered into under subparagraph (A) shall—

8                   “(i) describe the nature of the tech-  
9                   nical assistance;

10                   “(ii) describe any legal and institu-  
11                   tional structures necessary to ensure the  
12                   effective long-term viability of the end  
13                   products 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 65 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  
2 related technical activities completed by  
3 the non-Federal interest before entering  
4 into a local cooperation agreement with the  
5 Assistant Secretary under this paragraph.

6 “(d) EFFECTIVENESS EVALUATION 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 the 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 of the Environmental  
14 Improvement Program;

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

18 “(3) use the integrated multiagency perform-  
19 ance measures established under this section.

20 “(e) REPORTING REQUIREMENTS.—Not later than  
21 March 15 of each year, the Secretary, in cooperation with  
22 the Chair, the Administrator, the Directors, the Planning  
23 Agency, and the States of California and Nevada, con-  
24 sistent with subsection (a), shall submit to Congress a re-  
25 port that describes—

1           “(1) the status of all Federal, State, local, and  
2 private programs authorized under this Act, includ-  
3 ing to the maximum extent practicable, for programs  
4 that will receive Federal funds under this Act during  
5 the current or subsequent fiscal year—

6                   “(A) the program scope;

7                   “(B) the budget for the program; and

8                   “(C) the justification for the program, con-  
9 sistent with the criteria established in section  
10 5(b)(2);

11           “(2) Federal, State, local, and private expendi-  
12 tures in the preceding fiscal year to implement the  
13 Environmental Improvement Program;

14           “(3) accomplishments in the preceding fiscal  
15 year in implementing this Act in accordance with the  
16 performance measures and other monitoring and as-  
17 sessment activities; and

18           “(4) public education and outreach efforts un-  
19 dertaken to implement programs authorized under  
20 this Act.

21           “(f) ANNUAL BUDGET PLAN.—As part of the annual  
22 budget of the President, the President shall submit infor-  
23 mation regarding each Federal agency involved in the En-  
24 vironmental Improvement Program (including the Forest  
25 Service, the Environmental Protection Agency, the United

1 States Fish and Wildlife Service, the United States Geo-  
 2 logical Survey, and the Corps of Engineers), including—

3 “(1) an interagency crosscut budget that dis-  
 4 plays the proposed budget for use by each Federal  
 5 agency in carrying out restoration activities relating  
 6 to the Environmental Improvement Program for the  
 7 following fiscal year;

8 “(2) a detailed accounting of all amounts re-  
 9 ceived and obligated by Federal agencies to achieve  
 10 the goals of the Environmental Improvement Pro-  
 11 gram during the preceding fiscal year; and

12 “(3) a description of the Federal role in the  
 13 Environmental Improvement Program, including the  
 14 specific role of each agency involved in the restora-  
 15 tion of the Lake Tahoe Basin.”.

16 **SEC. 7. CONFORMING AMENDMENTS; UPDATES TO RE-**  
 17 **LATED LAWS.**

18 (a) LAKE TAHOE RESTORATION ACT.—The Lake  
 19 Tahoe Restoration Act (Public Law 106–506; 114 Stat.  
 20 2351) is amended—

21 (1) by striking sections 8 and 9;

22 (2) by redesignating sections 10, 11, and 12 as  
 23 sections 8, 9, and 10, respectively; and

1           (3) in section 9 (as redesignated by paragraph  
2           (2)) by inserting “, Director, or Administrator”  
3           after “Secretary”.

4           (b) TAHOE REGIONAL PLANNING COMPACT.—Sub-  
5           section (c) of Article V of the Tahoe Regional Planning  
6           Compact (Public Law 96–551; 94 Stat. 3240) is amended  
7           in the third sentence by inserting “and, in so doing, shall  
8           ensure that the regional plan reflects changing economic  
9           conditions and the economic effect of regulation on com-  
10          merce” after “maintain the regional plan”.

11          (c) TREATMENT OF LAKE TAHOE REGION.—

12           (1) TREATMENT OF LAKE TAHOE REGION  
13          UNDER TITLE 23, UNITED STATES CODE.—Section  
14          134 of title 23, United States Code, is amended by  
15          adding at the end the following:

16          “(r) TREATMENT OF LAKE TAHOE REGION.—

17           “(1) DEFINITION OF LAKE TAHOE REGION.—In  
18          this subsection, the term ‘Lake Tahoe Region’ has  
19          the meaning given the term ‘region’ in subsection (a)  
20          of Article II of the Lake Tahoe Regional Planning  
21          Compact (Public Law 96–551; 94 Stat. 3234).

22           “(2) TREATMENT.—For the purpose of this  
23          title, the Lake Tahoe Region shall be treated as—

24           “(A) a metropolitan planning organization;

1           “(B) a transportation management area  
2           under subsection (k); and

3           “(C) an urbanized area, which is com-  
4           prised of a population of 145,000 in the State  
5           of California and a population of 65,000 in the  
6           State of Nevada.

7           “(3) SUBALLOCATED FUNDING.—In deter-  
8           mining the amount that shall be obligated for a fis-  
9           cal year for each of the States of California and Ne-  
10          vada under section 133(d)(1)(A) and section  
11          213(e)(1)(A), the Secretary shall—

12           “(A) calculate the population under each  
13           of clauses (i) through (iii) of section  
14           133(d)(1)(A) and section 213(e)(1)(A);

15           “(B) decrease the amount under clause  
16           (iii) of each of section 133(d)(1)(A) and section  
17           213(e)(1)(A) by the population described in  
18           paragraph (2)(C) for the Lake Tahoe Region in  
19           the State; and

20           “(C) increase the amount under clause (i)  
21           of each of section 133(d)(1)(A) and section  
22           213(e)(1)(A) by the population described in  
23           paragraph (2)(C) for the Lake Tahoe Region in  
24           the State.”.

1           (2) TREATMENT OF LAKE TAHOE REGION  
 2 UNDER TITLE 49, UNITED STATES CODE.—Section  
 3 5303 of title 49, United States Code, is amended by  
 4 adding at the end the following:

5           “(r) TREATMENT OF LAKE TAHOE REGION.—

6           “(1) DEFINITION OF LAKE TAHOE REGION.—In  
 7 this subsection, the term ‘Lake Tahoe Region’ has  
 8 the meaning given the term ‘region’ in subsection (a)  
 9 of Article II of the Lake Tahoe Regional Planning  
 10 Compact (Public Law 96-551, 94 Stat. 3234).

11           “(2) TREATMENT.—For the purpose of this  
 12 title, the Lake Tahoe Region shall be treated as—

13           “(A) a metropolitan planning organization;

14           “(B) a transportation management area  
 15 under subsection (k); and

16           “(C) an urbanized area, which is com-  
 17 prised of a population of 145,000 and 25  
 18 square miles of land area in the State of Cali-  
 19 fornia and a population of 65,000 and 12  
 20 square miles of land area in the State of Ne-  
 21 vada.”.

22           (c) TREATMENT UNDER TITLE 49, UNITED STATES  
 23 CODE.—Section 5303(r)(2)(C) of title 49, United States  
 24 Code, is amended—

1           (1) *by inserting “and 25 square miles of land*  
2           *area” after “145,000”; and*

3           (2) *by inserting “and 12 square miles of land*  
4           *area” after “65,000”.*

5 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

6           The Lake Tahoe Restoration Act (Public Law 106–  
7 506; 114 Stat. 2351) is amended by striking section 10  
8 (as redesignated by section 7(a)(2)) and inserting the fol-  
9 lowing:

10 **“SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

11           “(a) AUTHORIZATION OF APPROPRIATIONS.—There  
12 is authorized to be appropriated to carry out this Act  
13 \$415,000,000 for a period of 10 fiscal years beginning the  
14 first fiscal year after the date of enactment of the Lake  
15 Tahoe Restoration Act of 2015.

16           “(b) EFFECT ON OTHER FUNDS.—Amounts author-  
17 ized under this section and any amendments made by this  
18 Act—

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

23                   “(2) shall not reduce allocations for other Re-  
24           gions of the Forest Service, the Environmental Pro-

1       tection Agency, or the United States Fish and Wild-  
2       life Service.

3       “(c) COST-SHARING REQUIREMENT.—Except as pro-  
4       vided in subsection (d) and section 5(d)(1)(D), funds for  
5       activities carried out under section 5 shall be available for  
6       obligation on a 1-to-1 basis with funding of restoration  
7       activities in the Lake Tahoe Basin by the States of Cali-  
8       fornia and Nevada.

9       “(d) RELOCATION COSTS.—Notwithstanding sub-  
10      section (c), the Secretary shall provide to local utility dis-  
11      tricts  $\frac{2}{3}$  of the costs of relocating facilities in connection  
12      with—

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

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

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

20             “(1) provides information to the public on—

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

23                 “(B) this Act; and

24             “(2) displays the visual identity mark of the  
25             Environmental Improvement Program.”.

1 **SEC. 9. LAND TRANSFERS TO IMPROVE MANAGEMENT EF-**  
 2 **FICIENCIES OF FEDERAL AND STATE LAND.**

3 Section 3(b) of Public Law 96–586 (94 Stat. 3384)  
 4 (commonly known as the “Santini-Burton Act”) is amend-  
 5 ed—

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

8 “(b) ADMINISTRATION OF ACQUIRED LAND.—

9 “(1) IN GENERAL.—Land”; and

10 (2) by adding at the end the following:

11 “(2) CALIFORNIA CONVEYANCES.—

12 “(A) IN GENERAL.—If the State of Cali-  
 13 fornia (acting through the California Tahoe  
 14 Conservancy and the California Department of  
 15 Parks and Recreation) offers to donate to the  
 16 United States acceptable title to the non-Fed-  
 17 eral land described in subparagraph (B)(i), the  
 18 Secretary—

19 “(i) may accept the offer; and

20 “(ii) not later than 180 days after the  
 21 date on which the Secretary receives ac-  
 22 ceptable title to the non-Federal land de-  
 23 scribed in subparagraph (B)(i), convey to  
 24 the State of California, subject to valid ex-  
 25 isting rights and for no consideration, all  
 26 right, title, and interest of the United

1 States in and to the Federal land that is  
2 acceptable to the State of California.

3 “(B) DESCRIPTION OF LAND.—

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

7 “(I) the approximately 1,981  
8 acres of land administered by the  
9 California Tahoe Conservancy and  
10 identified on the Maps as ‘Conser-  
11 vancy to the United States Forest  
12 Service’; and

13 “(II) the approximately 187  
14 acres of land administered by Cali-  
15 fornia State Parks and identified on  
16 the Maps as ‘State Parks to the U.S.  
17 Forest Service’.

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

24 “(C) CONDITIONS.—Any land conveyed  
25 under this paragraph shall—

1           “(i) be for the purpose of consoli-  
2           dating Federal and State ownerships and  
3           improving management efficiencies;

4           “(ii) not result in any significant  
5           changes in the uses of the land; and

6           “(iii) be subject to the condition that  
7           the applicable deed include such terms, re-  
8           strictions, covenants, conditions, and res-  
9           ervations as the Secretary determines nec-  
10          essary—

11                   “(I) to ensure compliance with  
12                   this Act; and

13                   “(II) to ensure that the transfer  
14                   of development rights associated with  
15                   the conveyed parcels shall not be rec-  
16                   ognized or available for transfer under  
17                   chapter 51 of the Code of Ordinances  
18                   for the Tahoe Regional Planning  
19                   Agency.

20          “(3) NEVADA CONVEYANCES.—

21                   “(A) IN GENERAL.—In accordance with  
22                   this section and on request by the Governor of  
23                   Nevada, the Secretary may transfer the land or  
24                   interests in land described in subparagraph (B)  
25                   to the State of Nevada without consideration,

1 subject to appropriate deed restrictions to pro-  
2 tect the environmental quality and public rec-  
3 reational use of the land transferred.

4 “(B) DESCRIPTION OF LAND.—The land  
5 referred to in subparagraph (A) includes—

6 “(i) the approximately 38.68 acres of  
7 Forest Service land identified on the map  
8 entitled ‘State of Nevada Conveyances’ as  
9 ‘Van Sickle Unit USFS Inholding’; and

10 “(ii) the approximately 92.28 acres of  
11 Forest Service land identified on the map  
12 entitled ‘State of Nevada Conveyances’ as  
13 ‘Lake Tahoe Nevada State Park USFS  
14 Inholding’.

15 “(C) CONDITIONS.—Any land conveyed  
16 under this paragraph shall—

17 “(i) be for the purpose of consoli-  
18 dating Federal and State ownerships and  
19 improving management efficiencies;

20 “(ii) not result in any significant  
21 changes in the uses of the land; and

22 “(iii) be subject to the condition that  
23 the applicable deed include such terms, re-  
24 strictions, covenants, conditions, and res-

1                   ervations as the Secretary determines nec-  
2                   essary—

3                   “(I) to ensure compliance with  
4                   this Act; and

5                   “(II) to ensure that the develop-  
6                   ment rights associated with the con-  
7                   veyed parcels shall not be recognized  
8                   or available for transfer under section  
9                   90.2 of the Code of Ordinances for  
10                  the Tahoe Regional Planning Agency.

11               “(4) REVERSION.—If a parcel of land trans-  
12               ferred under paragraph (2) or (3) is used in a man-  
13               ner that is inconsistent with the use described for  
14               the parcel of land in paragraph (2) or (3), respec-  
15               tively, the parcel of land, shall, at the discretion of  
16               the Secretary, revert to the United States.

17               “(5) FUNDING.—

18               “(A) IN GENERAL.—Of the amounts made  
19               available under section 10(a) of the Lake Tahoe  
20               Restoration Act (Public Law 106–506; 114  
21               Stat. 2351), \$2,000,000 shall be made available  
22               to the Secretary to carry out the activities  
23               under paragraphs (2) and (3).

24               “(B) OTHER FUNDS.—Of the amounts  
25               available to the Secretary under paragraph (1),

1           not less than 50 percent shall be provided to  
2           the California Tahoe Conservancy to facilitate  
3           the conveyance of land described in paragraphs  
4           (2) and (3).”.

Calendar No. 470

114<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 1724**

[Report No. 114-256]

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## **A BILL**

To provide for environmental restoration activities and forest management activities in the Lake Tahoe Basin, and for other purposes.

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MAY 18, 2016

Reported with an amendment