Public Law 106–506
106th Congress

An Act

To promote environmental restoration around the Lake Tahoe basin.

Nov. 13, 2000
[H.R. 3388]

Lake Tahoe Restoration Act.
Forests and forest protection.
California.
Nevada.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lake Tahoe Restoration Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

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

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

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

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

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

(6) methyl tertiary butyl ether—

(A) has contaminated and closed more than one-third of the wells in South Tahoe; and

(B) is advancing on the Lake at a rate of approximately 9 feet per day;

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

(8) approximately 40 percent of the trees in the Lake Tahoe basin are either dead or dying, and the increased quantity

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of combustible forest fuels has significantly increased the risk of catastrophic forest fire in the Lake Tahoe basin;

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

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

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

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

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

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

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

(A) expenditures—

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

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

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

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

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

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

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

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

SEC. 3. DEFINITIONS.

In this Act:

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

(2) FIRE RISK REDUCTION ACTIVITY.—

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

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

(i) prescribed burning;

(ii) mechanical treatment;

(iii) road obliteration or reconstruction; and

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

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

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

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

SEC. 4. ADMINISTRATION OF THE LAKE TAHOE BASIN MANAGEMENT UNIT.

(a) IN GENERAL.—The Lake Tahoe Basin Management Unit shall be administered by the Secretary in accordance with this Act and the laws applicable to the National Forest System.

(b) RELATIONSHIP TO OTHER AUTHORITY.—

(1) PRIVATE OR NON-FEDERAL LAND.—Nothing in this Act grants regulatory authority to the Secretary over private or other non-Federal land.

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

(3) ACQUISITION UNDER OTHER LAW.—Nothing in this Act affects the authority of the Secretary to acquire land from willing sellers in the Lake Tahoe basin under any other law.

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

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

(1) the Planning Agency;

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

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

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

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

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

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

(2) the development of the priority list;

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

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

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

SEC. 6. ENVIRONMENTAL RESTORATION PRIORITY LIST.

Deadline.

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

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

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

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

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

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

(i) air quality;
(ii) fisheries;
(iii) noise;
(iv) recreation;
(v) scenic resources;
(vi) soil conservation;
(vii) forest health;
(viii) water quality; and
(ix) wildlife.

(c) FOCUS IN DETERMINING ORDER OF PRIORITY.—In determining the order of priority of potential and proposed environmental restoration projects under subsection (b)(2), the focus shall address projects (listed in no particular order) involving—

(1) erosion and sediment control, including the activities described in section 2(g) of Public Law 96–586 (94 Stat. 3381) (as amended by section 7 of this Act);

(2) the acquisition of environmentally sensitive land from willing sellers—

(A) using funds appropriated from the land and water conservation fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–5); or

(B) under the authority of Public Law 96–586 (94 Stat. 3381);

(3) fire risk reduction activities in urban areas and urban-wildland interface areas, including high recreational use areas and urban lots acquired from willing sellers under the authority of Public Law 96–586 (94 Stat. 3381);

(4) cleaning up methyl tertiary butyl ether contamination; and

(5) the management of vehicular parking and traffic in the Lake Tahoe Basin Management Unit, especially—

(A) improvement of public access to the Lake Tahoe basin, including the promotion of alternatives to the private automobile;

(B) the Highway 28 and 89 corridors and parking problems in the area; and

(C) cooperation with local public transportation systems, including—

(i) the Coordinated Transit System; and

(ii) public transit systems on the north shore of Lake Tahoe.

(d) MONITORING.—The Secretary shall provide for continuous scientific research on and monitoring of the implementation of projects on the priority list, including the status of the achievement and maintenance of environmental threshold carrying capacities.

(e) CONSISTENCY WITH MEMORANDUM OF UNDERSTANDING.—A project on the priority list shall be conducted in accordance with the memorandum of understanding signed by the Forest Supervisor and the Planning Agency on November 10, 1989, including any amendments to the memorandum as long as the memorandum remains in effect.

(f) REVIEW OF PRIORITY LIST.—Periodically, but not less often than every 3 years, the Secretary shall—

(1) review the priority list;

(2) consult with—

(A) the Tahoe Regional Planning Agency;

(B) interested political subdivisions; and

(C) the Lake Tahoe Water Quality and Transportation Coalition;

(3) make any necessary changes with respect to—

(A) the findings of scientific research and monitoring in the Lake Tahoe basin;

(B) any change in an environmental threshold as determined by the Planning Agency; and

(C) any change in general environmental conditions in the Lake Tahoe basin; and

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(4) submit to Congress a report on any changes made.

(g) CLEANUP OF HYDROCARBON CONTAMINATION.—

Publication.
Deadline.

(1) IN GENERAL.—The Secretary shall, subject to the availability of appropriations, make a payment of $1,000,000 to the Tahoe Regional Planning Agency and the South Tahoe Public Utility District to develop and publish a plan, not later than 1 year after the date of the enactment of this Act, for the prevention and cleanup of hydrocarbon contamination (including contamination with MTBE) of the surface water and ground water of the Lake Tahoe basin.

(2) CONSULTATION.—In developing the plan, the Tahoe Regional Planning Agency and the South Tahoe Public Utility District shall consult with the States of California and Nevada and appropriate political subdivisions.

(3) WILLING SELLERS.—The plan shall not include any acquisition of land or an interest in land except an acquisition from a willing seller.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, for the implementation of projects on the priority list and the payment identified in subsection (g), $20,000,000 for the first fiscal year that begins after the date of the enactment of this Act and for each of the 9 fiscal years thereafter.

SEC. 7. ENVIRONMENTAL IMPROVEMENT PAYMENTS.

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

"(g) PAYMENTS TO LOCALITIES.—

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

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

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

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

"(3) ELIGIBILITY FOR PAYMENTS.—

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

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

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

"(ii) all projected costs and benefits; and

"(iii) a detailed budget.

"(C) USE OF PAYMENTS.—A payment under this subsection shall be used only to carry out a project or proposed

project that is part of the environmental improvement program adopted by the Tahoe Regional Planning Agency in February 1998 and amendments to the program.

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

"(4) DIVISION OF FUNDS.—

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

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

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

SEC. 8. FIRE RISK REDUCTION ACTIVITIES.

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

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

SEC. 9. AVAILABILITY AND SOURCE OF FUNDS.

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

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

(2) shall not reduce allocations for other Regions of the Forest Service.

(b) MATCHING REQUIREMENT.—Except as provided in subsection (c), funds for activities under section 6 and section 7 of this Act shall be available for obligation on a 1-to-1 basis with funding of restoration activities in the Lake Tahoe basin by the States of California and Nevada.

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

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

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

"(5) WILLING SELLERS.—Land within the Lake Tahoe Basin Management Unit subject to acquisition under this section

that is owned by a private person shall be acquired only from a willing seller.".

SEC. 11. RELATIONSHIP TO OTHER LAWS.

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

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

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

Approved November 13, 2000.

LEGISLATIVE HISTORY—H.R. 3388 (S. 1925):

HOUSE REPORTS: No. 106–833, Pt. 1 (Comm. on Resources).
SENATE REPORTS: No. 106–400 accompanying S. 1925 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 146 (2000):
Oct. 23, considered and passed House.
Oct. 27, considered and passed Senate.