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LAKE TAHOE RESTORATION ACT OF 2015

MAY 18, 2016.—Ordered to be printed

Mr. INHOFE, from the Committee on Environment and Public Works, submitted the following

R E P O R T

[To accompany S. 1724]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, to which was referred the bill (S. 1724) to provide for environmental restoration activities and forest management activities in the Lake Tahoe Basin, and for other purposes, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

GENERAL STATEMENT AND BACKGROUND

Lake Tahoe, located in the Sierra Nevada Mountains, is the second deepest lake in North America and the 10th deepest (1,645 feet deep) lake in the world. Known for the incredible clarity of its waters and its scenery, Lake Tahoe is a major tourist and recreational attraction for California and Nevada.

In the 1960s, leaders in California and Nevada approved a bi-state compact that created a regional planning agency to oversee development at Lake Tahoe. In 1969, the United States Congress ratified the agreement and created the Tahoe Regional Planning Agency (TRPA). The Compact was revised in 1980 to give TRPA authority to adopt environmental quality standards known as thresholds and to enforce ordinances to achieve the thresholds. In 1997, TRPA created the Environmental Improvement Plan (EIP), which involved 50 state, federal, and local agencies and included capital improvement, research, and maintenance projects to restore Lake clarity and the Basin's environment.

A 1997 Presidential Executive Order created the Lake Tahoe Federal Interagency Partnership to lead a 10-year clean-up effort.

As part of this partnership, Congress passed the Lake Tahoe Restoration Act (P.L. 106–506; 114 Stat. 2358), which was originally passed in 2000 and authorized \$300 million over ten years to restore the Lake. The funding supported land acquisition, erosion control, forest management, fire suppression, and improving local watersheds and water quality. The 2000 Lake Tahoe Restoration Act has enabled over 270 environmental projects and restoration activities around the Lake.

In 2003, Congress established an ongoing source of funding for Tahoe restoration efforts. Proceeds from federal land sales in the Las Vegas area are set aside to fund the annual federal contribution to the restoration of the basin.

The Lake Tahoe Restoration Act of 2015 authorizes \$415 million over 10 years to be spent in the Tahoe Basin for wildfire prevention, invasive species management, storm water protection, trout recovery, and overall management, among other things.

OBJECTIVES OF THE LEGISLATION

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

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 notes that this Act may be cited as the “Lake Tahoe Restoration Act of 2015”.

Sec. 2. Findings and purposes

Section 2 amends the Lake Tahoe Restoration Act by updating its “Findings and Purposes” section to include relevant findings and actions since 2000, including references to the 2011 and 2012 Lake Tahoe Forums and updated estimates of the level of support provided by the Federal Government, the States of California and Nevada, units of local government and the private sector to the Lake Tahoe Basin since 1997.

Sec. 3. Definitions

Section 3 amends the Lake Tahoe Restoration Act by revising and expanding the definitions sections to include additional terms.

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

Section 4 amends Section 4 of the Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2353) to add subsections (c) through (f), which include additional requirements and authorities for the management of the Lake Tahoe Basin.

Subsection (c) requires the Secretary to coordinate with the Administrator of the Environmental Protection Agency (Administrator) as well as State and local agencies and organizations, including local fire departments and volunteer groups.

This subsection also requires the Secretary to: (1) conduct forest management activities in the Lake Tahoe Basin in a manner that helps achieve and maintain the environmental threshold carrying capacities established by the Tahoe Regional Planning Agency

(Agency) and attains multiple ecosystem benefits, unless the attainment of such benefits would excessively increase the project's cost in relation to the additional benefits gained; (2) establish post project ground condition criteria for ground disturbance caused by forest management activities; and (3) provide for monitoring to ascertain the attainment of such conditions.

Subsection (d) withdraws federal land located in the Unit from: (1) all forms of entry, appropriation, or disposal under the public land laws; (2) location, entry, and patent under the mining laws; and (3) disposition under all laws relating to mineral and geothermal leasing.

Subsection (e) requires the Lake Tahoe Basin Management Unit to support the attainment of environmental threshold carrying capacities.

Subsection (f) allows the Secretary to enter into contracts or cooperative agreements with States, units of local government, and other public and private entities to provide for fuel reduction, erosion control, reforestation, Stream Environment Zone restoration, and similar management activities on Federal land and non-Federal land within the Lake Tahoe basin projects or programs. This authority is supplemental to all other cooperative authorities of the Secretary.

Sec. 5. Authorized programs

Section 5 replaces Section 5 (Public Law 106–506; 114 Stat. 2351) of the Lake Tahoe Restoration Act and provides authorizations for the basin's highest priority projects and programs, including:

- \$150 million for fire risk reduction and forest management;
- \$45 million for invasive species management;
- \$113 million for stormwater management, erosion projects; and
- \$20 million made available to the Director of the United States Fish and Wildlife Service for the Lahontan Cutthroat Trout Recovery Program.

This section also establishes civil penalties not to exceed \$1,000 per violation for launching a boat that is not decontaminated to prevent the spread of invasive species.

Sec. 6. Program performance and accountability

Section 6 is amended by striking section 6 (Public Law 106–506; 114 Stat. 2351) and inserting the following:

Subsection (a) authorizes \$5 million from appropriated funds for the Secretary to carry out this section.

Subsection (b) requires the Secretary of Agriculture, the Administrator of the EPA, and the Director of the U.S. Fish and Wildlife Service, and the Director of the United States Geological Survey, to regularly consult with the heads of the Washoe Tribe, applicable Federal, State, regional, and local governmental agencies, and the Lake Tahoe Federal Advisory Committee to ensure effective implementation of this Act.

Subsection (c) allows the U.S. Army Corps of Engineers to enter into interagency agreements with non-Federal interests in the

Lake Tahoe Basin to provide programmatic technical assistance for the Environmental Improvement Program.

Subsection (d) directs the Secretary, the Administrator, the Director of the U.S. Fish and Wildlife Service, the Director of the United States Geological Survey, the Tahoe Regional Planning Agency, and the States of California and Nevada, to develop and update an integrated multiagency programmatic assessment and monitoring plan and evaluating the effectiveness of the Agency's Environmental Improvement Program; and use integrated multiagency performance measures established under this section.

Subsection (e) directs the Secretary, in cooperation with the Chair of the Lake Tahoe Federal Interagency Partnership, the Administrator, the Director of the U.S. Fish and Wildlife Service, the Director of the United States Geological Survey, the Tahoe Regional Planning Agency, and the States of California and Nevada, to provide an annual report to Congress on: the status of Federal, state, and local projects authorized by the Act; Federal, state and local expenditures, monitoring and assessment, and public outreach and education.

Subsection (f) requires the President to submit a cross-cut budget.

Sec. 7. Conforming amendments; updates to related laws

Section 7 is amended by striking (Public Law 106–506; 114 Stat. 2351) sections 8 and 9, and then, redesignating sections 10, 11 and 12 to sections 8, 9 and 10 respectively.

This section also updates the Tahoe Regional Planning Compact that reflect recent changes to both California and Nevada state law.

This section also amends section 5303(r) of title 49 U.S.C. to update the definition of a bi-state metropolitan planning organization.

Sec. 8. Authorization of appropriations

Section 8 amends Section 10 (as redesignated by section 7(a)(2)) of the Lake Tahoe Restoration Act by authorizing \$415,000,000 to be appropriated over the next 10 years to implement the Act.

Sec. 9. Land transfers to improve management efficiencies of Federal and State land

Section 9 amends section 3(b) of P.L. 96–586 (94 Stat. 3384) to clarify the Secretary of Agriculture's authority to transfer or acquire land or interest in land within the Lake Tahoe Basin Management Unit with appropriate units of State government.

LEGISLATIVE HISTORY

In the 113th Congress, a similar version of this bill (S. 1451) passed the Committee by voice vote in June 2015. Senators Heller, Reid, Boxer and Feinstein introduced S. 1724 on July 9, 2015, and the bill was referred to the Committee on Environment and Public Works. On January 20, 2016, the Committee reported the bill favorably with an amendment.

HEARINGS

In the 111th Congress, on February 24, 2010, the Senate Committee on Environment and Public Works and the Subcommittee on Water and Wildlife held a joint legislative hearing on Great Water Bodies bills (i.e., Lake Tahoe, Puget Sound, Long Island Sound, Columbia River Basin, and the Great Lakes), including a previous version of S. 1724.

ROLLCALL VOTES

The Committee on Environment and Public Works met to consider S. 1724 on January 20, 2016. The bill was ordered favorably reported by voice vote. No rollcall votes were taken.

REGULATORY IMPACT STATEMENT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee finds that any regulatory impacts on owners and operators of watercraft operating in waters of the Lake Tahoe Basin would be minimal because the regional agency for the Lake Tahoe Basin already subjects watercraft to inspection requirements.

MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act of 1995 (Public Law 10–44), the Committee notes that the Congressional Budget Office found that, while S. 1724 would impose an intergovernmental and private-sector mandate as defined in the Unfunded Mandates Reform Act (UMRA) on owners and operators of watercraft launched in the waters of the Lake Tahoe Basin, CBO estimates that the cost of the mandates would fall below the annual thresholds established in UMRA for intergovernmental and private-sector mandates (\$77 million and \$154 million in 2016, respectively, adjusted annually for inflation).

COST OF LEGISLATION

Section 403 of the Congressional Budget and Impoundment Control Act requires that a statement of the cost of the reported bill, prepared by the Congressional Budget Office, be included in the report. That statement follows:

MAY 17, 2016.

Hon. JIM INHOFE,
Chairman, Committee on Environment and Public Works,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1724, the Lake Tahoe Restoration Act of 2015.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Jeff LaFave.

Sincerely,

KEITH HALL.

Enclosure.

S. 1724—Lake Tahoe Restoration Act of 2015

Summary: S. 1724 would authorize appropriations totaling \$415 million to restore the ecological health of the Lake Tahoe Basin. Those funds would be available to the Forest Service, the U.S. Fish and Wildlife Service (USFWS), and several other agencies for projects to reduce the risk of fire, manage storm water, restore various watersheds, and protect against invasive species. The bill also would authorize the Forest Service to convey certain federal lands to California and Nevada.

Assuming appropriation of the authorized amounts, CBO estimates that implementing S. 1724 would cost \$193 million over the 2017–2021 period and \$222 million after 2021. Enacting the legislation could increase offsetting receipts (from inspection fees) and associated direct spending, as well as revenues (from civil penalties); therefore, pay-as-you-go procedures apply. However, CBO estimates that the net effects of new offsetting receipts, direct spending, and revenues would be negligible each year.

CBO also estimates that enacting S. 1724 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

S. 1724 would impose an intergovernmental and private-sector mandate as defined in the Unfunded Mandates Reform Act (UMRA) on owners and operators of watercraft launched in the waters of the Lake Tahoe Basin. CBO estimates that the cost of the mandates would fall below the annual thresholds established in UMRA for intergovernmental and private-sector mandates (\$77 million and \$154 million in 2016, respectively, adjusted annually for inflation).

Estimated cost to the Federal Government: The estimated budgetary effect of S. 1724 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—					
	2017	2018	2019	2020	2021	2017–2021
INCREASES IN SPENDING SUBJECT TO APPROPRIATION ^a						
Forest Service Programs:						
Estimated Authorization Level	24	24	24	24	24	119
Estimated Outlays	17	23	24	24	24	110
Multi-agency Programs:						
Estimated Authorization Level	11	11	11	11	11	57
Estimated Outlays	8	10	11	11	11	52
U.S. Fish and Wildlife Service Programs:						
Estimated Authorization Level	7	7	7	7	7	33
Estimated Outlays	5	7	7	7	7	31
Total Increases:						
Estimated Authorization Level	42	42	42	42	42	208
Estimated Outlays	30	39	42	42	42	193

Notes: Components may not sum to totals because of rounding.

^a Additional spending of \$222 million would occur after 2021.

Basis of estimate: For this estimate, CBO assumes that the legislation will be enacted in 2016 and the authorized amounts will be appropriated over the 2017–2026 period. Outlays are estimated based on historical spending patterns for ongoing and similar activities.

Spending subject to appropriation

Section 8 would authorize the appropriation of \$415 million over the 10-year period beginning after the enactment of the bill for several federal agencies to perform ecological restoration activities in the Lake Tahoe Basin. Because the bill does not specify a specific authorization amount by year (only the total amount for the period), CBO assumes that the \$415 million would be appropriated evenly over the 10-year period—amounting to about \$42 million a year and \$208 million over the 2017–2021 period.

The amounts authorized under section 8 would be allocated as follows:

- For Forest Service programs, \$237 million (\$24 million a year) to reduce the risk of fire, conduct restoration projects, fund environmental research in the Lake Tahoe Basin, carry out certain land conveyances, and oversee and coordinate certain multi-agency activities.
- For multi-agency programs at the Forest Service, the Environmental Protection Agency, and several other agencies, \$113 million (\$11 million a year) to make grants to state and local governments for certain water management projects.
- For the USFWS, \$65 million (\$7 million a year) to protect against invasive species and restore Lohontan cutthroat trout to the Lake Tahoe Basin.

Assuming appropriation of the authorized amounts, CBO estimates that implementing those provisions would cost \$193 million over the 2017–2021 period and \$222 million after 2021.

Direct spending and revenues

S. 1724 would require the USFWS to ensure that watercraft are inspected prior to launching in the waters of the Lake Tahoe Basin to prevent organisms from other bodies of water from contaminating the basin. The bill would authorize the agency to establish inspection and decontamination stations within the basin and to certify nonfederal entities to operate similar facilities. The bill also would allow any entity performing those activities to collect and spend fees to cover the cost of operating those facilities. CBO expects that the USFWS would certify the Tahoe Regional Planning Agency to conduct inspections and collect fees under the bill; we estimate that the collection and expenditure of such fees would have a negligible effect on net direct spending in any year.

The bill also would establish civil penalties for individuals who launch watercraft in the Lake Tahoe Basin that have not been inspected and decontaminated in accordance with standards established by the USFWS. Any penalties collected would be recorded as revenues in the budget and deposited into the general fund of the U.S. Treasury. Based on information obtained from the USFWS, CBO estimates that annual revenues from those civil penalties would be negligible.

Finally, the bill would authorize the Secretary to convey 2,000 acres of federal lands to the state of California in exchange for a similar amount of state-owned lands and 130 acres to the state of Nevada without consideration. Because none of the affected lands are expected to generate receipts over the next ten years under current law, CBO estimates that conveying the affected lands would not affect direct spending.

Pay-as-you-go considerations: The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. S. 1724 could increase offsetting receipts (from inspection fees) and associated direct spending. The bill also could increase revenues (from civil penalties); therefore, pay-as-you-go procedures apply. However, CBO estimates that any increase in offsetting receipts would be offset by similar increases in direct spending and any new revenues from penalties would be negligible.

Increase in long-term direct spending and deficits: CBO estimates that enacting S. 1724 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

Intergovernmental and private-sector impact: S. 1724 would impose an intergovernmental and private-sector mandate as defined in UMRA on owners and operators of watercraft. The bill would require those owners and operators to submit their watercraft for inspection prior to launching in waters of the Lake Tahoe Basin. Because the regional agency for the Lake Tahoe Basin currently subjects watercraft to inspection requirements, most owners and operators would already be in compliance with the bill's requirements. Therefore, CBO estimates that the cost to comply with the mandate would be minimal and would fall below the annual thresholds established in UMRA for intergovernmental and private-sector mandates (\$77 million and \$154 million in 2016, respectively, adjusted annually for inflation).

The bill would benefit state, local and tribal governments in California and Nevada by authorizing federal grants and technical assistance for fire prevention, forest management activities, and environmental improvement projects located in the Lake Tahoe Basin. The bill also would authorize conveyances of federal land to California and Nevada. Any costs incurred by those entities, including matching contributions, would be incurred voluntarily.

Previous CBO estimate: On December 8, 2015, CBO transmitted a cost estimate for H.R. 3382, the Lake Tahoe Restoration Act of 2015, as ordered reported by the House Committee on Natural Resources on October 8, 2015. S. 1724 and H.R. 3382 would provide funding for similar activities; however, the amounts authorized to be appropriated would be different. In addition, H.R. 3382 would authorize the Secretary of the Interior to sell certain lands in California. S. 1724 would authorize the Secretary to exchange those lands for nonfederal lands. CBO's cost estimates reflect those differences.

Estimate prepared by: Federal costs: Jeff LaFave; Impact on state, local, and tribal governments: Jon Sperl; Impact on the private sector: Amy Petz.

Estimate approved by: H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

CHANGES IN EXISTING LAW

In compliance with section 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows: Existing law proposed to be omitted is en-

closed in [black brackets], new matter is printed *italic*, existing law in which no change is proposed is shown in roman:

* * * * *

Lake Tahoe Restoration Act

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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 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. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) Lake Tahoe—

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

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

(C) is recognized nationally and worldwide as a natural resource of special significance;

(2) *in addition to being a scenic and ecological treasure, the Lake Tahoe Basin is one of the outstanding recreational resources of the United States, which—*

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

(B) contributes significantly to the economies of California, Nevada, and the United States;

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

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

(5) *the alteration of wetland, wet meadows, and stream zone habitat have compromised the capacity of the watershed to filter sediment, nutrients, and pollutants before reaching Lake Tahoe;*

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

(A) high tree density and mortality;

(B) the loss of biological diversity; and

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

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

(8) *there is an ongoing threat to the economy and ecosystem of the Lake Tahoe Basin of the introduction and establishment of other invasive species (such as yellow starthistle, New Zealand mud snail, Zebra mussel, and quagga mussel);*

(9) *78 percent of the land in the Lake Tahoe Basin is administered by the Federal Government, which makes it a Federal responsibility to restore ecological health to the Lake Tahoe Basin;*

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

(A) congressional consent to the establishment of the Planning Agency with—

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

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

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

(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 in the Lake Tahoe Basin;

(D) the enactment of sections 341 and 342 of the Department of the Interior and Related Agencies Appropriations Act, 2004 (Public Law 108–108; 117 Stat. 1317), which amended the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 112 Stat. 2346) to provide payments for the environmental restoration programs under this Act; and

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

(11) the Assistant Secretary was an original signatory in 1997 to the Agreement of Federal Departments on Protection of the Environment and Economic Health of the Lake Tahoe Basin;

(12) the Chief of Engineers, under direction from the Assistant Secretary, has continued to be a significant contributor to Lake Tahoe Basin restoration, including—

(A) stream and wetland restoration; and

(B) programmatic technical assistance;

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

(A) committing to increased Federal resources for ecological restoration at Lake Tahoe; and

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

(14) at the 2011 and 2012 Lake Tahoe Forums, Senator Reid, Senator Feinstein, Senator Heller, Senator Ensign, Governor Gibbons, Governor Sandoval, and Governor Brown—

(A) renewed their commitment to Lake Tahoe; and

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

(15) since 1997, the Federal Government, the States of California and Nevada, units of local government, and the private sector have contributed more than \$1,740,000,000 to the Lake Tahoe Basin, including—

(A) \$576,300,000 from the Federal Government;

(B) \$654,600,000 from the State of California;

(C) \$112,500,000 from the State of Nevada;

(D) \$74,900,000 from units of local government; and

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

(16) significant additional investment from Federal, State, local, and private sources is necessary—

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

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

(C) to prevent the introduction and establishment of invasive species in the Lake Tahoe Basin; and

(17) the Secretary has indicated that the Lake Tahoe Basin Management Unit has the capacity for at least \$10,000,000 annually for the Fire Risk Reduction and Forest Management Program.

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

(1) to enable the Chief of the Forest Service, the Director of the United States Fish and Wildlife Service, and the Adminis-

trator, in cooperation with the Planning Agency and the States of California and Nevada, to fund, plan, and implement significant new environmental restoration activities and forest management activities in the Lake Tahoe Basin;

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

(3) to support local governments in efforts related to environmental restoration, stormwater pollution control, fire risk reduction, and forest management activities; and

(4) to ensure that agency and science community representatives in the Lake Tahoe Basin work together—

(A) to develop and implement a plan for integrated monitoring, assessment, and applied research to evaluate the effectiveness of the Environmental Improvement Program; and

(B) to provide objective information as a basis for ongoing decisionmaking, with an emphasis on decisionmaking relating to resource management in the Lake Tahoe Basin.

[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. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Environmental Protection Agency.

- (2) ASSISTANT SECRETARY.—*The term ‘Assistant Secretary’ means the Assistant Secretary of the Army for Civil Works.*
- (3) CHAIR.—*The term ‘Chair’ means the Chair of the Federal Partnership.*
- (4) COMPACT.—*The term ‘Compact’ means the Tahoe Regional Planning Compact included in the first section of Public Law 96–551 (94 Stat. 3233).*
- (5) DIRECTORS.—*The term ‘Directors’ means—*
- (A) *the Director of the United States Fish and Wildlife Service; and*
 - (B) *the Director of the United States Geological Survey.*
- (6) ENVIRONMENTAL IMPROVEMENT PROGRAM.—*The term ‘Environmental Improvement Program’ means—*
- (A) *the Environmental Improvement Program adopted by the Planning Agency; and*
 - (B) *any amendments to the Program.*
- (7) ENVIRONMENTAL THRESHOLD CARRYING CAPACITY.—*The term ‘environmental threshold carrying capacity’ has the meaning given the term in Article II of the Compact.*
- (8) FEDERAL PARTNERSHIP.—*The term ‘Federal Partnership’ means the Lake Tahoe Federal Interagency Partnership established by Executive Order 13057 (62 Fed. Reg. 41249) (or a successor Executive order).*
- (9) FOREST MANAGEMENT ACTIVITY.—*The term ‘forest management activity’ includes—*
- (A) *prescribed burning for ecosystem health and hazardous fuels reduction;*
 - (B) *mechanical and minimum tool treatment;*
 - (C) *stream environment zone restoration and other watershed and wildlife habitat enhancements;*
 - (D) *nonnative invasive species management; and*
 - (E) *other activities consistent with Forest Service practices, as the Secretary determines to be appropriate.*
- (10) MAPS.—*The term ‘Maps’ means the maps—*
- (A) *entitled—*
 - (i) *‘LTRA USFS-CA Land Exchange/North Shore’;*
 - (ii) *‘USFS-CA Land Exchange/West Shore’; and*
 - (iii) *‘USFS-CA Land Exchange/South Shore’; and*
 - (B) *dated April 12, 2013, and on file and available for public inspection in the appropriate offices of—*
 - (i) *the Forest Service;*
 - (ii) *the California Tahoe Conservancy; and*
 - (iii) *the California Department of Parks and Recreation.*
- (11) NATIONAL WILDLAND FIRE CODE.—*The term ‘national wildland fire code’ means—*
- (A) *the most recent publication of the National Fire Protection Association codes numbered 1141, 1142, 1143, and 1144;*
 - (B) *the most recent publication of the International Wildland-Urban Interface Code of the International Code Council; or*
 - (C) *any other code that the Secretary determines provides the same, or better, standards for protection against*

wildland fire as a code described in subparagraph (A) or (B).

(12) **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).*

(13) **PRIORITY LIST.**—*The term ‘Priority List’ means the environmental restoration priority list developed under section 5(b).*

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

(15) **STREAM ENVIRONMENT ZONE.**—*The term ‘Stream Environment Zone’ means an area that generally owes the biological and physical characteristics of the area to the presence of surface water or groundwater.*

(16) **TOTAL MAXIMUM DAILY LOAD.**—*The term ‘total maximum daily load’ means the total maximum daily load allocations adopted under section 303(d) of the Federal Water Pollution Control Act (33 U.S.C. 1313(d)).*

(17) **WATERCRAFT.**—*The term ‘watercraft’ means motorized and non-motorized watercraft, including boats, seaplanes, personal watercraft, kayaks, and canoes.*

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] Basin under any other law.*

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

(1) **COORDINATION.**—

(A) **IN GENERAL.**—*In conducting forest management activities in the Lake Tahoe Basin Management Unit, the Secretary shall, as appropriate, coordinate with the Administrator and State and local agencies and organizations, including local fire departments and volunteer groups.*

(B) **GOALS.**—*The coordination of activities under subparagraph (A) should aim to increase efficiencies and maximize the compatibility of management practices across public property boundaries.*

(2) **MULTIPLE BENEFITS.**—

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

(i) except as provided in subparagraph (B), attains multiple ecosystem benefits, including—

(I) reducing forest fuels;

(II) maintaining biological diversity;

(III) improving wetland and water quality, including in Stream Environment Zones; and

(IV) increasing resilience to changing water temperature and precipitation; and

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

(B) EXCEPTION.—Notwithstanding subparagraph (A)(i), the attainment of multiple ecosystem benefits shall not be required if the Secretary determines that management for multiple ecosystem benefits would excessively increase the cost of a program in relation to the additional ecosystem benefits gained from the management activity.

(3) GROUND DISTURBANCE.—Consistent with applicable Federal law and Lake Tahoe Basin Management Unit land and resource management plan direction, the Secretary shall—

(A) establish post-program ground condition criteria for ground disturbance caused by forest management activities; and

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

(d) WITHDRAWAL OF FEDERAL LAND.—

(1) IN GENERAL.—Subject to valid existing rights and paragraph (2), the Federal land located in the Lake Tahoe Basin Management Unit is withdrawn from—

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

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

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

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

(A) this Act; or

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

(e) ENVIRONMENTAL THRESHOLD CARRYING CAPACITY.—The Lake Tahoe Basin Management Unit shall support the attainment of the environmental threshold carrying capacities.

(f) COOPERATIVE AUTHORITIES.—During the 4 fiscal years following the date of enactment of the Lake Tahoe Restoration Act of 2015, the Secretary, in conjunction with land adjustment programs, may enter into contracts and cooperative agreements with States, units of local government, and other public and private entities to provide for fuel reduction, erosion control, reforestation, Stream Environment Zone restoration, and similar management activities on Federal land and non-Federal land within the programs.

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. 5. AUTHORIZED PROGRAMS.

(a) IN GENERAL.—*The Secretary, the Assistant Secretary, the Directors, and the Administrator, in coordination with the Planning Agency and the States of California and Nevada, may carry out or provide financial assistance to any program that—*

(1) is described in subsection (d);

(2) is included in the Priority List under subsection (b); and

(3) furthers the purposes of the Environmental Improvement Program if the program has been subject to environmental review and approval, respectively, as required under Federal law, Article VII of the Compact, and State law, as applicable.

(b) PRIORITY LIST.—

(1) DEADLINE.—*Not later than March 15 of the year after the date of enactment of the Lake Tahoe Restoration Act of 2015, the Chair, in consultation with the Secretary, the Administrator, the Directors, the Planning Agency, the States of California and Nevada, the Federal Partnership, the Washoe Tribe, the Lake Tahoe Federal Advisory Committee, and the Tahoe Science Consortium (or a successor organization) shall submit to Congress a prioritized Environmental Improvement Program list for the Lake Tahoe Basin for each program category described in subsection (d).*

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

(A) The 4-year threshold carrying capacity evaluation.

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

(C) The potential to significantly contribute to the achievement and maintenance of the environmental thresh-

old carrying capacities identified in Article II of the Compact.

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

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

(F) Stakeholder support for the program.

(G) The justification of Federal interest.

(H) Agency priority.

(I) Agency capacity.

(J) Cost-effectiveness.

(K) Federal funding history.

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

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

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

(d) DESCRIPTION OF ACTIVITIES.—

(1) FIRE RISK REDUCTION AND FOREST MANAGEMENT.—

(A) IN GENERAL.—Of the amounts made available under section 10(a), \$150,000,000 shall be made available to the Secretary to carry out, including by making grants, the following programs:

(i) Programs identified as part of the Lake Tahoe Basin Multi-Jurisdictional Fuel Reduction and Wildfire Prevention Strategy 10-Year Plan.

(ii) Competitive grants for fuels work to be awarded by the Secretary to communities that have adopted national wildland fire codes to implement the applicable portion of the 10-year plan described in clause (i).

(iii) Biomass programs, including feasibility assessments.

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

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

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

(vii) Development of updated community wildfire protection plans by local fire districts.

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

(ix) Stewardship end result contracting projects carried out under section 604 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c).

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

(C) PRIORITY.—Units of local government that have dedicated funding for inspections and enforcement of defensible

space regulations shall be given priority for amounts provided under this paragraph.

(D) COST-SHARING REQUIREMENTS.—

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

(ii) FORM OF NON-FEDERAL SHARE.—

(I) IN GENERAL.—The non-Federal share required under clause (i) may be in the form of cash contributions or in-kind contributions, including providing labor, equipment, supplies, space, and other operational needs.

(II) CREDIT FOR CERTAIN DEDICATED FUNDING.—There shall be credited toward the non-Federal share required under clause (i) any dedicated funding of the communities or local fire districts for a fuels reduction management program, defensible space inspections, or dooryard chipping.

(III) DOCUMENTATION.—*Communities and local fire districts shall—*

(aa) maintain a record of in-kind contributions that describes—

(AA) the monetary value of the in-kind contributions; and

(BB) the manner in which the in-kind contributions assist in accomplishing program goals and objectives; and

(bb) document in all requests for Federal funding, and include in the total program budget, evidence of the commitment to provide the non-Federal share through in-kind contributions.

(2) INVASIVE SPECIES MANAGEMENT.—

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

(B) DESCRIPTION OF ACTIVITIES.—The Director of the United States Fish and Wildlife Service, in coordination with the Assistant Secretary, the Planning Agency, the California Department of Fish and Wildlife, and the Nevada Department of Wildlife, shall deploy strategies consistent with the Lake Tahoe Aquatic Invasive Species Management Plan to prevent the introduction or spread of aquatic invasive species in the Lake Tahoe region.

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

(i) combined inspection and decontamination stations be established and operated at not less than 2 locations in the Lake Tahoe region; and

(ii) watercraft not be allowed to launch in waters of the Lake Tahoe region if the watercraft has not been

inspected in accordance with the Lake Tahoe Aquatic Invasive Species Management Plan.

(D) CERTIFICATION.—*The Planning Agency may certify State and local agencies to perform the decontamination activities described in subparagraph (C)(i) at locations outside the Lake Tahoe Basin if standards at the sites meet or exceed standards for similar sites in the Lake Tahoe Basin established under this paragraph.*

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

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

(G) CIVIL PENALTIES.—

(i) IN GENERAL.—*Any person that launches, attempts to launch, or facilitates launching of watercraft not in compliance with strategies deployed under this paragraph shall be liable for a civil penalty in an amount not to exceed \$1,000 per violation.*

(ii) OTHER AUTHORITIES.—*Any penalties assessed under this subparagraph shall be separate from penalties assessed under any other authority.*

(H) LIMITATION.—*The strategies and criteria under subparagraphs (B) and (C), respectively, may be modified if the Secretary of the Interior, in a nondelegable capacity and in consultation with the Planning Agency and State governments, issues a determination that alternative measures will be no less effective at preventing introduction of aquatic invasive species into Lake Tahoe than the strategies and criteria developed under subparagraphs (B) and (C), respectively.*

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

(J) SAVINGS CLAUSE.—*Nothing in this title restricts, affects, or amends any other law or the authority of any department, instrumentality, or agency of the United States, or any State or political subdivision thereof, respecting the control of invasive species.*

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

(A) to the Secretary, the Secretary of the Interior, the Assistant Secretary, or the Administrator for the Federal share of stormwater management and related programs consistent with the adopted Total Maximum Daily Load and near-shore water quality goals;

(B) for grants by the Secretary and the Administrator to carry out the programs described in subparagraph (A);

(C) to the Secretary or the Assistant Secretary for the Federal share of the Upper Truckee River restoration pro-

grams and other watershed restoration programs identified in the Priority List established under section 5(b); and

(D) for grants by the Administrator to carry out the programs described in subparagraph (C).

(4) SPECIAL STATUS SPECIES MANAGEMENT.—*Of the amounts made available under section 10(a), \$20,000,000 shall be made available to the Director of the United States Fish and Wildlife Service for the Lahontan Cutthroat Trout Recovery Program.*

SEC. 6. ENVIRONMENTAL RESTORATION PRIORITY LIST.

[(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. 4601-5); 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

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

[(g) CLEANUP OF HYDROCARBON CONTAMINATION.—

[(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. 6. PROGRAM PERFORMANCE AND ACCOUNTABILITY.

(a) PROGRAM PERFORMANCE AND ACCOUNTABILITY.—

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

(2) PLANNING AGENCY.—*Of the amounts described in paragraph (1), not less than 50 percent shall be made available to the Planning Agency to carry out the program oversight and coordination activities established under subsection (d).*

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

(c) CORPS OF ENGINEERS; INTERAGENCY AGREEMENTS.—

(1) IN GENERAL.—*The Assistant Secretary may enter into interagency agreements with non-Federal interests in the Lake Tahoe Basin to use Lake Tahoe Partnership-Miscellaneous General Investigations funds to provide programmatic technical assistance for the Environmental Improvement Program.*

(2) LOCAL COOPERATION AGREEMENTS.—

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

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

(i) describe the nature of the technical assistance;

(ii) describe any legal and institutional structures necessary to ensure the effective long-term viability of the end products by the non-Federal interest; and

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

(C) FEDERAL SHARE.—

(i) IN GENERAL.—The Federal share of program costs under each local cooperation agreement under this paragraph shall be 65 percent.

(ii) FORM.—The Federal share may be in the form of reimbursements of program costs.

(iii) CREDIT.—The non-Federal interest may receive credit toward the non-Federal share for the reasonable costs of related technical activities completed by the non-Federal interest before entering into a local cooperation agreement with the Assistant Secretary under this paragraph.

(d) EFFECTIVENESS EVALUATION AND MONITORING.—*In carrying out this Act, the Secretary, the Administrator, and the Directors, in coordination with the Planning Agency and the States of California and Nevada, shall—*

(1) *develop and implement a plan for integrated monitoring, assessment, and applied research to evaluate the effectiveness of the Environmental Improvement Program;*

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

(3) *use the integrated multiagency performance measures established under this section.*

(e) **REPORTING REQUIREMENTS.**—*Not later than March 15 of each year, the Secretary, in cooperation with the Chair, the Administrator, the Directors, the Planning Agency, and the States of California and Nevada, consistent with subsection (a), shall submit to Congress a report that describes—*

(1) *the status of all Federal, State, local, and private programs authorized under this Act, including to the maximum extent practicable, for programs that will receive Federal funds under this Act during the current or subsequent fiscal year—*

(A) *the program scope;*

(B) *the budget for the program; and*

(C) *the justification for the program, consistent with the criteria established in section 5(b)(2);*

(2) *Federal, State, local, and private expenditures in the preceding fiscal year to implement the Environmental Improvement Program;*

(3) *accomplishments in the preceding fiscal year in implementing this Act in accordance with the performance measures and other monitoring and assessment activities; and*

(4) *public education and outreach efforts undertaken to implement programs authorized under this Act.*

(f) **ANNUAL BUDGET PLAN.**—*As part of the annual budget of the President, the President shall submit information regarding each Federal agency involved in the Environmental Improvement Program (including the Forest Service, the Environmental Protection Agency, the United States Fish and Wildlife Service, the United States Geological Survey, and the Corps of Engineers), including—*

(1) *an interagency crosscut budget that displays the proposed budget for use by each Federal agency in carrying out restoration activities relating to the Environmental Improvement Program for the following fiscal year;*

(2) *a detailed accounting of all amounts received and obligated by Federal agencies to achieve the goals of the Environmental Improvement Program during the preceding fiscal year; and*

(3) *a description of the Federal role in the Environmental Improvement Program, including the specific role of each agency involved in the restoration of the Lake Tahoe Basin.*

[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] 8. 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] 9. RELATIONSHIP TO OTHER LAWS.

Nothing in this Act exempts the Secretary, *Director, or Administrator* from the duty to comply with any applicable Federal law.

SEC. [12] 10. AUTHORIZATION OF APPROPRIATIONS.

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

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

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

(b) EFFECT ON OTHER FUNDS.—*Amounts authorized under this section and any amendments made by this Act—*

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

(2) shall not reduce allocations for other Regions of the Forest Service, the Environmental Protection Agency, or the United States Fish and Wildlife Service.

(c) COST-SHARING REQUIREMENT.—*Except as provided in subsection (d) and section 5(d)(1)(D), funds for activities carried out under section 5 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.*

(d) RELOCATION COSTS.—Notwithstanding subsection (c), the Secretary shall provide to local utility districts $\frac{2}{3}$ of the costs of relocating facilities in connection with—

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

(2) erosion control programs under section 2 of Public Law 96-586 (94 Stat. 3381).

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

(1) provides information to the public on—

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

(B) this Act; and

(2) displays the visual identity mark of the Environmental Improvement Program.

* * * * *

[PUBLIC LAW 96-551—DEC. 19, 1980, 94 STAT. 3240]

TAHOE REGIONAL PLANNING COMPACT

carrying capacities. Within 18 months after the effective date of the amendments to this compact, the agency shall adopt environmental threshold carrying capacities for the region.

(c) Within 1 year after the adoption of the environmental threshold carrying capacities for the region, the agency shall amend the regional plan so that, at a minimum, the plan and all of its elements, as implemented through agency ordinances, rules and regulations, achieves and maintains the adopted environmental threshold carrying capacities. Each element of the plan shall contain implementation provisions and time schedules for such implementation by ordinance. The planning commission and governing body shall continuously review and maintain the regional plan and, in so doing, shall ensure that the regional plan reflects changing economic conditions and the economic effect of regulation on commerce. The regional plan shall consist of a diagram, or diagrams, and text, or texts setting forth the projects and proposals for implementation of the regional plan, a description of the needs and goals of the region and a statement of the policies, standards and elements of the regional plan.

* * * * *

CHAPTER 53 OF TITLE 49, UNITED STATES CODE

* * * * *

§ 5301. Policies, findings, and purposes

(a) DEVELOPMENT AND REVITALIZATION OF PUBLIC TRANSPORTATION SYSTEMS.—It is in the interest of the United States, including its economic interest, to foster the development and revitalization of public transportation systems that—

(1) * * *

* * * * *

§ 5303. Metropolitan transportation planning

(a) POLICY.—It is in the national interest to—

(1) * * *

* * * * *

(r) BI-STATE METROPOLITAN PLANNING ORGANIZATION.-

(1) DEFINITION OF BI-STATE MPO REGION.-In this subsection, the term 'Bi-State Metropolitan Planning Organization' has the meaning given the term 'region' in subsection (a) of Article II of the Lake Tahoe Regional Planning Compact (Public Law 96-551; 94 Stat. 3234).

(2) TREATMENT.-For the purpose of this title, the Bi-State Metropolitan Planning Organization shall be treated as-

(A) a metropolitan planning organization;

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

(C) an urbanized area, which is comprised of a population of 145,000 and 25 square miles of land area in the State of California and a population of 65,000 and 12 square miles of land area in the State of Nevada.

* * * * *

[PUBLIC LAW 96-586-94 STAT. 3384]

SANTINI-BURTON ACT

SECTION 1. (a) The Congress finds that—

(1) the Bureau of Land Management has extensive land ownership in small parcels interspersed with or adjacent to private lands in urban areas of Clark County, Nevada;

(2) * * *

* * * * *

SEC. 3. (a)(1) The Secretary of Agriculture is authorized to acquire by donation, purchase with donated or appropriated funds, or otherwise, lands and interests in lands which were unimproved as of the date of enactment of this Act (except as provided in subsection (c)), and which are environmentally sensitive lands within the meaning of paragraph (2). The funds used for acquisition of such lands and interests in lands shall be the funds authorized to be appropriated pursuant to this Act, and no such funds may be expended until the final map has been filed in accordance with paragraph (2)(B). Such funds shall be in addition to any other amounts available to the Secretary of Agriculture for expenditure in the Lake Tahoe Basin.

* * * * *

[(b) Lands]

(b) ADMINISTRATION OF ACQUIRED LAND.—

(1) IN GENERAL.—*Land* acquired under this section shall be administered as a part of the United States National Forest System; except that the Secretary of Agriculture, acting through the Chief of the Forest Service, may, in the case of lands which are unsuitable for Forest Service administration, transfer such lands or interests therein to an appropriate unit of State or local government with appropriate deed restrictions to protect the environmental quality and public recreational use of the lands concerned.

(2) CALIFORNIA CONVEYANCES.—

(A) IN GENERAL.—*If the State of California (acting through the California Tahoe Conservancy and the California Department of Parks and Recreation) offers to do-*

nate to the United States acceptable title to the non-Federal land described in subparagraph (B)(i), the Secretary—

(i) may accept the offer; and

(ii) not later than 180 days after the date on which the Secretary receives acceptable title to the non-Federal land described in subparagraph (B)(i), convey to the State of California, subject to valid existing rights and for no consideration, all right, title, and interest of the United States in and to the Federal land that is acceptable to the State of California.

(B) DESCRIPTION OF LAND.—

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

(I) *the approximately 1,981 acres of land administered by the California Tahoe Conservancy and identified on the Maps as ‘Conservancy to the United States Forest Service’; and*

(II) *the approximately 187 acres of land administered by California State Parks and identified on the Maps as ‘State Parks to the U.S. Forest Service’.*

(ii) FEDERAL LAND.—*The Federal land referred to in subparagraph (A) includes the approximately 1,995 acres of Forest Service land identified on the Maps as ‘U.S. Forest Service to Conservancy and State Parks’.*

(C) CONDITIONS.—*Any land conveyed under this paragraph shall—*

(i) *be for the purpose of consolidating Federal and State ownerships and improving management efficiencies;*

(ii) *not result in any significant changes in the uses of the land; and*

(iii) *be subject to the condition that the applicable deed include such terms, restrictions, covenants, conditions, and reservations as the Secretary determines necessary—*

(I) *to ensure compliance with this Act; and*

(II) *to ensure that the transfer of development rights associated with the conveyed parcels shall not be recognized or available for transfer under chapter 51 of the Code of Ordinances for the Tahoe Regional Planning Agency.*

(3) NEVADA CONVEYANCES.—

(A) IN GENERAL.—*In accordance with this section and on request by the Governor of Nevada, the Secretary may transfer the land or interests in land described in subparagraph (B) to the State of Nevada without consideration, subject to appropriate deed restrictions to protect the environmental quality and public recreational use of the land transferred.*

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

(i) *the approximately 38.68 acres of Forest Service land identified on the map entitled ‘State of Nevada*

Conveyances' as 'Van Sickle Unit USFS Inholding'; and

(ii) the approximately 92.28 acres of Forest Service land identified on the map entitled 'State of Nevada Conveyances' as 'Lake Tahoe Nevada State Park USFS Inholding'.

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

(i) be for the purpose of consolidating Federal and State ownerships and improving management efficiencies;

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

(iii) be subject to the condition that the applicable deed include such terms, restrictions, covenants, conditions, and reservations as the Secretary determines necessary—

(I) to ensure compliance with this Act; and

(II) to ensure that the development rights associated with the conveyed parcels shall not be recognized or available for transfer under section 90.2 of the Code of Ordinances for the Tahoe Regional Planning Agency.

(4) REVERSION.—If a parcel of land transferred under paragraph (2) or (3) is used in a manner that is inconsistent with the use described for the parcel of land in paragraph (2) or (3), respectively, the parcel of land, shall, at the discretion of the Secretary, revert to the United States.

(5) FUNDING.—

(A) IN GENERAL.—Of the amounts made available under section 10(a) of the Lake Tahoe Restoration Act (Public Law 106-506; 114 Stat. 2351), 2,000,000 shall be made available to the Secretary to carry out the activities under paragraphs (2) and (3).

(B) OTHER FUNDS.—Of the amounts available to the Secretary under paragraph (1), not less than 50 percent shall be provided to the California Tahoe Conservancy to facilitate the conveyance of land described in paragraphs (2) and (3).

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