

111TH CONGRESS
1ST SESSION

H. R. 4001

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

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 3, 2009

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

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Lake Tahoe Restora-
5 tion Act of 2009”.

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

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

5 **“SEC. 2. FINDINGS AND PURPOSES.**

6 “(a) FINDINGS.—Congress finds that—

7 “(1) Lake Tahoe—

8 “(A) is 1 of the largest, deepest, and clear-
9 est lakes in the world;

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

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

16 “(2) in addition to being a scenic and ecological
17 treasure, the Lake Tahoe Basin is 1 of the out-
18 standing recreational resources of the United States,
19 which—

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

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

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

5 “(4) the Lake Tahoe Basin continues to be
6 threatened by the impacts of land use and transpor-
7 tation patterns developed in the last century that
8 damage the fragile watershed of the Basin;

9 “(5) the water clarity of Lake Tahoe declined
10 from a visibility level of 105 feet in 1967 to only 70
11 feet in 2008;

12 “(6) the rate of decline in water clarity of Lake
13 Tahoe has decreased in recent years;

14 “(7) a stable water clarity level for Lake Tahoe
15 could be achieved through feasible control measures
16 for very fine sediment particles and nutrients;

17 “(8) fine sediments that cloud Lake Tahoe, and
18 key nutrients such as phosphorus and nitrogen that
19 support the growth of algae and invasive plants, con-
20 tinue to flow into the lake from stormwater runoff
21 from developed areas, roads, turf, other disturbed
22 land, and streams;

23 “(9) the destruction and alteration of wetland,
24 wet meadows, and stream zone habitat have com-
25 promised the natural capacity of the watershed to

1 filter sediment, nutrients, and pollutants before
2 reaching Lake Tahoe;

3 “(10) approximately 25 percent of the trees in
4 the Lake Tahoe Basin are either dead or dying;

5 “(11) forests in the Tahoe Basin suffer from
6 over a century of fire suppression and periodic
7 drought, which have resulted in—

8 “(A) high tree density and mortality;

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

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

13 “(12) the establishment of several aquatic and
14 terrestrial invasive species (including bass, milfoil,
15 and Asian clam) threatens the ecosystem of the
16 Lake Tahoe Basin;

17 “(13) there is an ongoing threat to the Lake
18 Tahoe Basin of the introduction and establishment
19 of other invasive species (such as the zebra mussel,
20 New Zealand mud snail, and quagga mussel);

21 “(14) the report prepared by the University of
22 California, Davis, entitled the ‘State of the Lake Re-
23 port’, found that conditions in the Lake Tahoe
24 Basin had changed, including—

1 “(A) the average surface water tempera-
2 ture of Lake Tahoe has risen by more than 1.5
3 degrees Fahrenheit in the past 37 years; and

4 “(B) since 1910, the percent of precipita-
5 tion that has fallen as snow in the Lake Tahoe
6 Basin decreased from 52 percent to 34 percent;

7 “(15) 75 percent of the land in the Lake Tahoe
8 Basin is owned by the Federal Government, which
9 makes it a Federal responsibility to restore environ-
10 mental health to the Basin;

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

14 “(A) congressional consent to the estab-
15 lishment of the Tahoe Regional Planning Agen-
16 cy with—

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

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

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

23 “(C) the enactment of Public Law 96–586
24 (94 Stat. 3381) in 1980 to provide for the ac-

1 quisition of environmentally sensitive land and
2 erosion control grants in the Lake Tahoe Basin;

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

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

21 “(17) the Assistant Secretary of the Army for
22 Civil Works was an original signatory in 1997 to the
23 Agreement of Federal Departments on Protection of
24 the Environment and Economic Health of the Lake
25 Tahoe Basin;

1 “(18) the Chief of Engineers, under direction
2 from the Assistant Secretary of the Army for Civil
3 Works, has continued to be a significant contributor
4 to Lake Tahoe Basin restoration, including—

5 “(A) stream and wetland restoration;

6 “(B) urban stormwater conveyance and
7 treatment; and

8 “(C) programmatic technical assistance;

9 “(19) at the Lake Tahoe Presidential Forum in
10 1997, the President renewed the commitment of the
11 Federal Government to Lake Tahoe by—

12 “(A) committing to increased Federal re-
13 sources for environmental restoration at Lake
14 Tahoe; and

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

19 “(20) at the 2008 and 2009 Lake Tahoe Fo-
20 rums, Senator Reid, Senator Feinstein, Senator En-
21 sign, and Governor Gibbons—

22 “(A) renewed their commitment to Lake
23 Tahoe; and

1 “(B) expressed their desire to fund the
2 Federal share of the Environmental Improve-
3 ment Program through 2018;

4 “(21) since 1997, the Federal Government, the
5 States of California and Nevada, units of local gov-
6 ernment, and the private sector have contributed
7 more than \$1,430,000,000 to the Lake Tahoe
8 Basin, including—

9 “(A) \$424,000,000 from the Federal Gov-
10 ernment;

11 “(B) \$612,000,000 from the State of Cali-
12 fornia;

13 “(C) \$87,000,000 from the State of Ne-
14 vada;

15 “(D) \$59,000,000 from units of local gov-
16 ernment; and

17 “(E) \$249,000,000 from private interests;

18 “(22) significant additional investment from
19 Federal, State, local, and private sources is nec-
20 essary—

21 “(A) to restore and sustain the environ-
22 mental health of the Lake Tahoe Basin;

23 “(B) to adapt to the impacts of changing
24 climatic conditions; and

1 “(C) to protect the Lake Tahoe Basin
2 from the introduction and establishment of
3 invasive species; and

4 “(23) the Secretary has indicated that the Lake
5 Tahoe Basin Management Unit has the capacity for
6 at least \$10,000,000 and up to \$20,000,000 annu-
7 ally for the Fire Risk Reduction and Forest Manage-
8 ment Program.

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

10 “(1) to enable the Chief of the Forest Service,
11 the Director of the United States Fish and Wildlife
12 Service, and the Administrator of the Environmental
13 Protection Agency, in cooperation with the Planning
14 Agency and the States of California and Nevada, to
15 fund, plan, and implement significant new environ-
16 mental restoration activities and forest management
17 activities to address in the Lake Tahoe Basin the
18 issues described in paragraphs (4) through (14) of
19 subsection (a);

20 “(2) to ensure that Federal, State, local, re-
21 gional, tribal, and private entities continue to work
22 together to manage land in the Lake Tahoe Basin
23 and to coordinate on other activities in a manner
24 that supports achievement and maintenance of—

1 “(A) the environmental threshold carrying
2 capacities for the region; and

3 “(B) other applicable environmental stand-
4 ards and objectives;

5 “(3) to support local governments in efforts re-
6 lated to environmental restoration, stormwater pollu-
7 tion control, fire risk reduction, and forest manage-
8 ment activities; and

9 “(4) to ensure that agency and science commu-
10 nity representatives in the Lake Tahoe Basin work
11 together—

12 “(A) to develop and implement a plan for
13 integrated monitoring, assessment, and applied
14 research to evaluate the effectiveness of the En-
15 vironmental Improvement Program; and

16 “(B) to provide objective information as a
17 basis for ongoing decisionmaking, with an em-
18 phasis on decisionmaking relating to public and
19 private land use and resource management in
20 the Basin.”.

21 **SEC. 3. DEFINITIONS.**

22 The Lake Tahoe Restoration Act (Public Law 106–
23 506; 114 Stat. 2351) is amended by striking section 3
24 and inserting the following:

1 **“SEC. 3. DEFINITIONS.**

2 “In this Act:

3 “(1) ADMINISTRATOR.—The term ‘Adminis-
4 trator’ means the Administrator of the Environ-
5 mental Protection Agency.

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

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

11 “(4) COMPACT.—The term ‘Compact’ means
12 the Tahoe Regional Planning Compact included in
13 the first section of Public Law 96–551 (94 Stat.
14 3233).

15 “(5) DIRECTOR.—The term ‘Director’ means
16 the Director of the United States Fish and Wildlife
17 Service.

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

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

23 “(B) any amendments to the Program.

24 “(7) ENVIRONMENTAL THRESHOLD CARRYING
25 CAPACITY.—The term ‘environmental threshold car-

1 rying capacity’ has the meaning given the term in
2 article II of the compact.

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

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

10 “(A) prescribed burning for ecosystem
11 health and hazardous fuels reduction;

12 “(B) mechanical and minimum tool treat-
13 ment;

14 “(C) road decommissioning or reconstruc-
15 tion;

16 “(D) stream environment zone restoration
17 and other watershed and wildlife habitat en-
18 hancements;

19 “(E) nonnative invasive species manage-
20 ment; and

21 “(F) other activities consistent with Forest
22 Service practices, as the Secretary determines
23 to be appropriate.

24 “(10) NATIONAL WILDLAND FIRE CODE.—The
25 term ‘national wildland fire code’ means—

1 “(A) the most recent publication of the
2 National Fire Protection Association code num-
3 bered 1141, 1142, or 1144;

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

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

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

15 “(12) PRIORITY LIST.—The term ‘Priority List’
16 means the environmental restoration priority list de-
17 veloped under section 8.

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

21 “(14) TOTAL MAXIMUM DAILY LOAD.—The
22 term ‘total maximum daily load’ means the total
23 maximum daily load allocations adopted under sec-
24 tion 303(d) of the Federal Water Pollution Control
25 Act (33 U.S.C. 1313(d)).

1 “(15) STREAM ENVIRONMENT ZONE.—The
2 term ‘Stream Environment Zone’ means an area
3 that generally owes the biological and physical char-
4 acteristics of the area to the presence of surface
5 water or groundwater.

6 “(16) WATERCRAFT.—The term ‘watercraft’
7 means all motorized and non-motorized watercraft,
8 including boats, personal watercraft, kayaks, and ca-
9 noes.”.

10 **SEC. 4. ADMINISTRATION OF THE LAKE TAHOE BASIN MAN-**
11 **AGEMENT UNIT.**

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

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

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

17 “(c) TRANSIT.—

18 “(1) IN GENERAL.—The Lake Tahoe Basin
19 Management Unit shall, consistent with the regional
20 transportation plan adopted by the Planning Agen-
21 cy, manage vehicular parking and traffic in the Lake
22 Tahoe Basin Management Unit, with priority
23 given—

24 “(A) to improving public access to the
25 Lake Tahoe Basin, including the prioritization

1 of alternatives to the private automobile, con-
2 sistent with the requirements of the Compact;

3 “(B) to coordinating with the Nevada De-
4 partment of Transportation, Caltrans, State
5 parks, and other entities along Nevada High-
6 way 28 and California Highway 89; and

7 “(C) to providing support and assistance
8 to local public transit systems in the manage-
9 ment and operations of activities under this
10 subsection.

11 “(2) NATIONAL FOREST TRANSIT PROGRAM.—
12 Consistent with the support and assistance provided
13 under paragraph (1)(C), the Secretary, in consulta-
14 tion with the Secretary of Transportation, may enter
15 into a contract, cooperative agreement, interagency
16 agreement, or other agreement with the Department
17 of Transportation to secure operating and capital
18 funds from the National Forest Transit Program.

19 “(d) FOREST MANAGEMENT ACTIVITIES.—

20 “(1) COORDINATION.—

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

1 including local fire departments and volunteer
2 groups.

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

8 “(2) MULTIPLE BENEFITS.—

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

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

16 “(I) reducing forest fuels;

17 “(II) maintaining or restoring bi-
18 ological diversity;

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

22 “(IV) increasing resilience to
23 changing climatic conditions; and

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

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

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

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

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

21 “(e) WITHDRAWAL OF FEDERAL LAND.—

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

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

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

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

7 “(2) DETERMINATION.—

8 “(A) IN GENERAL.—The withdrawal under
9 paragraph (1) shall be in effect until the date
10 on which the Secretary, after conducting a re-
11 view of all Federal land in the Lake Tahoe
12 Basin Management Unit and receiving public
13 input, has made a determination on which par-
14 cels of Federal land should remain withdrawn.

15 “(B) REQUIREMENTS.—The determination
16 of the Secretary under subparagraph (A)—

17 “(i) shall be effective beginning on the
18 date on which the determination is issued;

19 “(ii) may be altered by the Secretary
20 as the Secretary determines to be nec-
21 essary; and

22 “(iii) shall not be subject to adminis-
23 trative renewal.

24 “(f) ENVIRONMENTAL THRESHOLD CARRYING CA-
25 PACITY.—The Lake Tahoe Basin Management Unit shall

1 support the attainment of the environmental threshold
2 carrying capacities.

3 “(g) COOPERATIVE AUTHORITIES.—

4 “(1) IN GENERAL.—During the 4 fiscal years
5 following the date of enactment of the Lake Tahoe
6 Restoration Act of 2009, the Secretary, in conjunc-
7 tion with land adjustment projects or programs, may
8 enter into contracts and cooperative agreements with
9 States, units of local government, and other public
10 and private entities to provide for fuel reduction,
11 erosion control, reforestation, Stream Environment
12 Zone restoration, and similar management activities
13 on Federal land and non-Federal land within the
14 projects or programs.

15 “(2) REPORT ON LAND STATUS.—

16 “(A) IN GENERAL.—Not later than 2 years
17 after the date of enactment of the Lake Tahoe
18 Restoration Act of 2009, the Secretary shall
19 submit to Congress a report regarding the man-
20 agement of land in the Lake Tahoe Basin Man-
21 agement Unit Urban Lots Program, includ-
22 ing—

23 “(i) a description of future plans and
24 recent actions for land consolidation and
25 adjustment; and

1 “(ii) the identification of any obstacles
2 to desired conveyances or interchanges.

3 “(B) INCLUSIONS.—The report submitted
4 under subparagraph (A) may contain rec-
5 ommendations for additional legislative author-
6 ity.

7 “(C) EFFECT.—Nothing in this paragraph
8 delays the conveyance of parcels under—

9 “(i) the authority of this Act; or

10 “(ii) any other authority available to
11 the Secretary.

12 “(3) SUPPLEMENTAL AUTHORITY.—The au-
13 thority of this subsection is supplemental to all other
14 cooperative authorities of the Secretary.”.

15 **SEC. 5. CONSULTATION.**

16 The Lake Tahoe Restoration Act (Public Law 106–
17 506; 114 Stat. 2351) is amended by striking section 5
18 and inserting the following:

19 **“SEC. 5. CONSULTATION.**

20 “In carrying out this Act, the Secretary, the Adminis-
21 trator, and the Director shall, as appropriate and in a
22 timely manner, consult with the heads of the Washoe
23 Tribe, applicable Federal, State, regional, and local gov-
24 ernmental agencies, and the Lake Tahoe Federal Advisory
25 Committee.”.

1 **SEC. 6. AUTHORIZED PROJECTS.**

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

5 **“SEC. 6. AUTHORIZED PROJECTS.**

6 “(a) IN GENERAL.—The Secretary, the Director, and
7 the Administrator, in coordination with the Planning
8 Agency and the States of California and Nevada, may
9 carry out any project described in subsection (c) or in-
10 cluded in the Priority List under section 8 to further the
11 purposes of the Environmental Improvement Program if
12 the project has been subject to environmental review and
13 approval, respectively, as required under Federal law, arti-
14 cle 7 of the Compact, and State law, as applicable.

15 “(b) MONITORING AND ASSESSMENT.—All projects
16 authorized under subsection (c) and section 8 shall—

17 “(1) include funds for monitoring and assess-
18 ment of the results and effectiveness at the project
19 and program level consistent with the program de-
20 veloped under section 11; and

21 “(2) use the integrated multiagency perform-
22 ance measures established in the science program
23 developed under that section.

24 “(c) DESCRIPTION OF ACTIVITIES.—

25 “(1) STORMWATER MANAGEMENT, EROSION
26 CONTROL, AND TOTAL MAXIMUM DAILY LOAD IMPLE-

1 MENTATION.—Of the amounts made available under
2 section 18(a), \$40,000,000 shall be used for the
3 Federal share of the following projects:

4 “(A) Bijou Stormwater Improvement
5 Project in the City of South Lake Tahoe, Cali-
6 fornia.

7 “(B) Christmas Valley Stormwater Im-
8 provement Project in El Dorado County, Cali-
9 fornia.

10 “(C) Kings Beach Watershed Improvement
11 Project in Placer County, California.

12 “(D) Lake Forest Stormwater and Water-
13 shed Improvement Project in Placer County,
14 California.

15 “(E) Crystal Bay Stormwater Improve-
16 ment Project in Washoe County, Nevada.

17 “(F) Washoe County Stormwater Improve-
18 ment Projects 4, 5, and 6 in Washoe County,
19 Nevada.

20 “(G) Upper and Lower Kingsbury Project
21 in Douglas County, Nevada.

22 “(H) Lake Village Drive-Phase II
23 Stormwater Improvement in Douglas County,
24 Nevada.

1 “(I) State Route 28 Spooner to Sand Har-
2 bor Stormwater Improvement, Washoe County,
3 Nevada.

4 “(J) State Route 431 Stormwater Im-
5 provement, Washoe County, Nevada.

6 “(2) STREAM ENVIRONMENT ZONE AND WATER-
7 SHED RESTORATION.—Of the amounts made avail-
8 able under section 18(a), \$32,000,000 shall be avail-
9 able for the Federal share of the following projects:

10 “(A) Upper Truckee River and Marsh Res-
11 toration Project.

12 “(B) Upper Truckee River Mosher,
13 Reaches 1 & 2.

14 “(C) Upper Truckee River Sunset Stables.

15 “(D) Lower Blackwood Creek Restoration
16 Project.

17 “(E) Ward Creek.

18 “(F) Third Creek/Incline Creek Watershed
19 Restoration.

20 “(G) Rosewood Creek Restoration Project.

21 “(3) FIRE RISK REDUCTION AND FOREST MAN-
22 AGEMENT.—

23 “(A) IN GENERAL.—Of the amounts made
24 available under section 18(a), \$136,000,000

1 shall be made available for the following
2 projects:

3 “(i) Projects identified as part of the
4 Lake Tahoe Basin Multi-Jurisdictional
5 Fuel Reduction and Wildfire Prevention
6 Strategy 10-Year Plan.

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

13 “(iii) Biomass projects, including fea-
14 sibility assessments and transportation of
15 materials.

16 “(iv) Angora Fire Restoration projects
17 under the jurisdiction of the Secretary.

18 “(B) MULTIPLE BENEFIT FUELS
19 PROJECTS.—Consistent with the requirements
20 of section 4(d)(2), not more than \$10,000,000
21 of the amounts made available to carry out sub-
22 paragraph (A) shall be available to the Sec-
23 retary for the planning and implementation of
24 multiple benefit fuels projects with an emphasis

1 on restoration projects in Stream Environment
2 Zones.

3 “(C) MINIMUM ALLOCATION.—Of the
4 amounts made available to carry out subpara-
5 graph (A), at least \$80,000,000 shall be made
6 available to the Secretary for projects under
7 subparagraph (A)(i).

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

13 “(E) COST-SHARING REQUIREMENTS.—As
14 a condition on the receipt of funds, commu-
15 nities or local fire districts that receive funds
16 under this paragraph shall provide a 25 percent
17 match.

18 “(4) INVASIVE SPECIES MANAGEMENT.—Of the
19 amounts to be made available under section 18(a),
20 \$20,500,000 shall be made available for the Aquatic
21 Invasive Species Program and the watercraft inspec-
22 tions described in section 9.

23 “(5) SPECIAL STATUS SPECIES MANAGE-
24 MENT.—Of the amounts to be made available under
25 section 18(a), \$20,000,000 shall be made available

1 for the Lahontan Cutthroat Trout Recovery Pro-
2 gram.

3 “(6) SCIENCE.—Of the amounts to be made
4 available under section 18(a), \$30,000,000 shall be
5 used to develop and implement the science program
6 developed under section 11.

7 “(d) USE OF REMAINING FUNDS.—Any amounts
8 made available under section 18(a) that remain available
9 after projects described in subsection (c) have been funded
10 shall be made available for projects included in the Pri-
11 ority List under section 8.”.

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

13 The Lake Tahoe Restoration Act (Public Law 106–
14 506; 114 Stat. 2351) is amended—

15 (1) by striking sections 8 and 9;

16 (2) by redesignating sections 10, 11, and 12 as
17 sections 16, 17, and 18, respectively; and

18 (3) by inserting after section 7 the following:

19 **“SEC. 8. ENVIRONMENTAL RESTORATION PRIORITY LIST.**

20 “(a) FUNDING.—Subject to section 6(d), of the
21 amounts to be made available under section 18(a), at least
22 \$136,000,000 shall be made available for projects identi-
23 fied on the Priority List.

24 “(b) DEADLINE.—Not later than February 15 of the
25 year after the date of enactment of the Lake Tahoe Res-

1 toration Act of 2009, the Chair, in consultation with the
2 Secretary, the Administrator, the Director, the Planning
3 Agency, the States of California and Nevada, the Federal
4 Partnership, the Washoe Tribe, the Lake Tahoe Federal
5 Advisory Committee, and the Tahoe Science Consortium
6 shall submit to Congress a prioritized list of all Environ-
7 mental Improvement Program projects for the Lake
8 Tahoe Basin, regardless of program category.

9 “(c) CRITERIA.—

10 “(1) IN GENERAL.—The priority of projects in-
11 cluded in the Priority List shall be based on the best
12 available science and the following criteria:

13 “(A) The 5-year threshold carrying capac-
14 ity evaluation.

15 “(B) The ability to measure progress or
16 success of the project.

17 “(C) The potential to significantly con-
18 tribute to the achievement and maintenance of
19 the environmental threshold carrying capacities
20 identified in the Compact for—

21 “(i) air quality;

22 “(ii) fisheries;

23 “(iii) noise;

24 “(iv) recreation;

25 “(v) scenic resources;

1 “(vi) soil conservation;

2 “(vii) forest health;

3 “(viii) water quality; and

4 “(ix) wildlife.

5 “(D) The ability of a project to provide
6 multiple benefits.

7 “(E) The ability of a project to leverage
8 non-Federal contributions.

9 “(F) Stakeholder support for the project.

10 “(G) The justification of Federal interest.

11 “(H) Agency priority.

12 “(I) Agency capacity.

13 “(J) Cost-effectiveness.

14 “(K) Federal funding history.

15 “(2) SECONDARY FACTORS.—In addition to the
16 criteria under paragraph (1), the Chair shall, as the
17 Chair determines to be appropriate, give preference
18 to projects in the Priority List that benefit existing
19 neighborhoods in the Basin that are at or below re-
20 gional median income levels, based on the most re-
21 cent census data available.

22 “(3) EROSION CONTROL PROJECTS.—For pur-
23 poses of the Priority List, erosion control projects
24 shall be considered part of the stormwater manage-

1 ment and total maximum daily load program of the
2 Environmental Improvement Program.

3 “(d) REVISIONS.—

4 “(1) IN GENERAL.—The Priority List sub-
5 mitted under subsection (b) shall be revised—

6 “(A) every 4 years; or

7 “(B) on a finding of compelling need under
8 paragraph (2).

9 “(2) FINDING OF COMPELLING NEED.—

10 “(A) IN GENERAL.—If the Secretary, the
11 Administrator, or the Director makes a finding
12 of compelling need justifying a priority shift
13 and the finding is approved by the Secretary,
14 the Executive Director of the Planning Agency,
15 the California Resources Secretary, and the Di-
16 rector of the Nevada Department of Conserva-
17 tion, the Priority List shall be revised in ac-
18 cordance with this subsection.

19 “(B) INCLUSIONS.—A finding of compel-
20 ling need includes—

21 “(i) major scientific findings;

22 “(ii) results from the threshold eval-
23 uation of the Planning Agency;

24 “(iii) emerging environmental threats;

25 and

1 “(iv) rare opportunities for land ac-
2 quisition.

3 **“SEC. 9. AQUATIC INVASIVE SPECIES PREVENTION.**

4 “(a) IN GENERAL.—Not later than 60 days after the
5 date of enactment of the Lake Tahoe Restoration Act of
6 2009, the Director, in coordination with the Planning
7 Agency, the California Department of Fish and Game, and
8 the Nevada Department of Wildlife, shall deploy strategies
9 that meet or exceed the criteria described in subsection
10 (b) for preventing the introduction of aquatic invasive spe-
11 cies into the Lake Tahoe Basin.

12 “(b) CRITERIA.—The strategies referred to in sub-
13 section (a) shall provide that—

14 “(1) combined inspection and decontamination
15 stations be established and operated at not less than
16 2 locations in the Lake Tahoe Basin;

17 “(2) watercraft not be allowed to launch in wa-
18 ters of the Lake Tahoe Basin if the watercraft—

19 “(A) has been in waters infested by
20 quagga or zebra mussels;

21 “(B) shows evidence of invasive species
22 that the Director has determined would be det-
23 rimental to the Lake Tahoe ecosystem; or

24 “(C) cannot be reliably decontaminated in
25 accordance with paragraph (3);

1 “(3) subject to paragraph (4), all watercraft
2 surfaces and appurtenance (such as anchors and
3 fenders) that contact with water shall be reliably de-
4 contaminated, based on standards developed by the
5 Director using the best available science;

6 “(4) watercraft bearing positive verification of
7 having last launched within the Lake Tahoe Basin
8 may be exempted from decontamination under para-
9 graph (3); and

10 “(5) while in the Lake Tahoe Basin, all
11 watercraft maintain documentation of compliance
12 with the strategies deployed under this section.

13 “(c) CERTIFICATION.—The Director may certify
14 State agencies to perform the decontamination activities
15 described in subsection (b)(3) at locations outside the
16 Lake Tahoe Basin if standards at the sites meet or exceed
17 standards for similar sites in the Lake Tahoe Basin estab-
18 lished under this section.

19 “(d) APPLICABILITY.—The strategies and criteria de-
20 veloped under this section shall apply to all watercraft to
21 be launched on water within the Lake Tahoe Basin.

22 “(e) FEES.—The Director may collect and spend fees
23 for decontamination only at a level sufficient to cover the
24 costs of operation of inspection and decontamination sta-
25 tions under this section.

1 “(f) CIVIL PENALTIES.—

2 “(1) IN GENERAL.—Any person that launches,
3 attempts to launch, or facilitates launching of
4 watercraft not in compliance with strategies de-
5 ployed under this section shall be liable for a civil
6 penalty in an amount not to exceed \$1,000 per viola-
7 tion.

8 “(2) OTHER AUTHORITIES.—Any penalties as-
9 sessed under this subsection shall be separate from
10 penalties assessed under any other authority.

11 “(g) LIMITATION.—The strategies and criteria under
12 subsections (a) and (b), respectively, may be modified if
13 the Secretary of the Interior, in a nondelegable capacity
14 and in consultation with the Planning Agency and State
15 governments, issues a determination that alternative
16 measures will be no less effective at preventing introduc-
17 tion of aquatic invasive species into Lake Tahoe than the
18 strategies and criteria.

19 “(h) FUNDING.—Of the amounts made available
20 under section 6(e)(4), not more than \$500,000 shall be
21 made available to the Director, in coordination with the
22 Planning Agency and State governments—

23 “(1) to evaluate the feasibility, cost, and poten-
24 tial effectiveness of further efforts that could be un-
25 dertaken by the Federal Government, State and

1 local governments, or private entities to guard
2 against introduction of aquatic invasive species into
3 Lake Tahoe, including the potential establishment of
4 inspection and decontamination stations on major
5 transitways entering the Lake Tahoe Basin; and

6 “(2) to evaluate and identify options for ensur-
7 ing that all waters connected to Lake Tahoe are pro-
8 tected from quagga and zebra mussels and other
9 aquatic invasive species.

10 “(i) SUPPLEMENTAL AUTHORITY.—The authority
11 under this section is supplemental to all actions taken by
12 non-Federal regulatory authorities.

13 **“SEC. 10. ARMY CORPS OF ENGINEERS; INTERAGENCY**
14 **AGREEMENTS.**

15 “(a) IN GENERAL.—The Assistant Secretary may
16 enter into interagency agreements with non-Federal inter-
17 ests in the Lake Tahoe Basin to use Lake Tahoe Partner-
18 ship-Miscellaneous General Investigations funds to provide
19 programmatic technical assistance for the Environmental
20 Improvement Program.

21 “(b) LOCAL COOPERATION AGREEMENTS.—

22 “(1) IN GENERAL.—Before providing technical
23 assistance under this section, the Assistant Sec-
24 retary shall enter into a local cooperation agreement

1 with a non-Federal interest to provide for the tech-
2 nical assistance.

3 “(2) COMPONENTS.—The agreement entered
4 into under paragraph (1) shall—

5 “(A) describe the nature of the technical
6 assistance;

7 “(B) describe any legal and institutional
8 structures necessary to ensure the effective
9 long-term viability of the end products by the
10 non-Federal interest; and

11 “(C) include cost-sharing provisions in ac-
12 cordance with paragraph (3).

13 “(3) FEDERAL SHARE.—

14 “(A) IN GENERAL.—The Federal share of
15 project costs under each local cooperation
16 agreement under this subsection shall be 65
17 percent.

18 “(B) FORM.—The Federal share may be in
19 the form of reimbursements of project costs.

20 “(C) CREDIT.—The non-Federal interest
21 may receive credit toward the non-Federal
22 share for the reasonable costs of related tech-
23 nical activities completed by the non-Federal in-
24 terest before entering into a local cooperation

1 agreement with the Assistant Secretary under
2 this subsection.

3 **“SEC. 11. SCIENCE PROGRAM.**

4 “The Administrator, in cooperation with the Sec-
5 retary, the Planning Agency, the States of California and
6 Nevada, and the Tahoe Science Consortium, shall develop
7 and implement a Lake Tahoe Science Program that—

8 “(1) develops and regularly updates an inte-
9 grated multiagency programmatic assessment and
10 monitoring plan—

11 “(A) to evaluate the effectiveness of the
12 Environmental Improvement Program;

13 “(B) to evaluate the status and trends of
14 indicators related to environmental threshold
15 carrying capacities; and

16 “(C) to assess the impacts and risks of
17 changing climatic conditions and invasive spe-
18 cies;

19 “(2) develops a comprehensive set of perform-
20 ance measures for Environmental Improvement Pro-
21 gram assessment;

22 “(3) coordinates the development of the annual
23 report described in section 13;

24 “(4) produces and synthesizes scientific infor-
25 mation necessary for—

1 “(A) the identification and refinement of
2 environmental indicators for the Lake Tahoe
3 Basin; and

4 “(B) the evaluation of standards and
5 benchmarks;

6 “(5) conducts applied research, programmatic
7 technical assessments, scientific data management,
8 analysis, and reporting related to key management
9 questions;

10 “(6) develops new tools and information to sup-
11 port objective assessments of land use and resource
12 conditions;

13 “(7) provides scientific and technical support to
14 the Federal Government and State and local govern-
15 ments in—

16 “(A) reducing stormwater runoff, air depo-
17 sition, and other pollutants that contribute to
18 the loss of lake clarity; and

19 “(B) the development and implementation
20 of an integrated stormwater monitoring and as-
21 sessment program;

22 “(8) establishes and maintains independent
23 peer review processes—

24 “(A) to evaluate the Environmental Im-
25 provement Program; and

1 “(B) to assess the technical adequacy and
2 scientific consistency of central environmental
3 documents, such as the 5-year threshold review;
4 and

5 “(9) provides scientific and technical support
6 for the development of appropriate management
7 strategies to accommodate changing climatic condi-
8 tions in the Lake Tahoe Basin.

9 **“SEC. 12. PUBLIC OUTREACH AND EDUCATION.**

10 “(a) IN GENERAL.—The Secretary, Administrator,
11 and Director will coordinate with the Planning Agency to
12 conduct public education and outreach programs, includ-
13 ing encouraging—

14 “(1) owners of land and residences in the Lake
15 Tahoe Basin—

16 “(A) to implement defensible space; and

17 “(B) to conduct best management prac-
18 tices for water quality; and

19 “(2) owners of land and residences in the Lake
20 Tahoe Basin and visitors to the Lake Tahoe Basin,
21 to help prevent the introduction and proliferation of
22 invasive species as part of the private share invest-
23 ment in the Environmental Improvement Program.

1 “(b) REQUIRED COORDINATION.—Public outreach
2 and education programs for aquatic invasive species under
3 this section shall—

4 “(1) be coordinated with Lake Tahoe Basin
5 tourism and business organizations; and

6 “(2) include provisions for the programs to ex-
7 tend outside of the Lake Tahoe Basin.

8 **“SEC. 13. REPORTING REQUIREMENTS.**

9 “Not later than February 15 of each year, the Chair,
10 in cooperation with the Secretary, the Director, the Ad-
11 ministrator, the Planning Agency, and the States of Cali-
12 fornia and Nevada, shall submit to Congress a report that
13 describes—

14 “(1) the status of all Federal, State, local, and
15 private projects authorized under this Act, including
16 to the maximum extent practicable, for projects that
17 will receive Federal funds under this Act during the
18 current or subsequent fiscal year—

19 “(A) the project scope;

20 “(B) the budget for the project; and

21 “(C) the justification for the project, con-
22 sistent with the criteria established in section
23 8(e)(1);

24 “(2) Federal, State, local, and private expendi-
25 tures in the preceding fiscal year to implement the

1 Environmental Improvement Program and projects
2 otherwise authorized under this Act;

3 “(3) accomplishments in the preceding fiscal
4 year in implementing this Act in accordance with the
5 performance measures and other monitoring and as-
6 sessment activities; and

7 “(4) public education and outreach efforts un-
8 dertaken to implement programs and projects au-
9 thorized under this Act.

10 **“SEC. 14. ANNUAL BUDGET PLAN.**

11 “As part of the annual budget of the President, the
12 President shall submit information regarding each Federal
13 agency involved in the Environmental Improvement Pro-
14 gram (including the Forest Service, the Environmental
15 Protection Agency, and the United States Fish and Wild-
16 life Service), including—

17 “(1) an interagency crosscut budget that dis-
18 plays the proposed budget for use by each Federal
19 agency in carrying out restoration activities relating
20 to the Environmental Improvement Program for the
21 following fiscal year;

22 “(2) a detailed accounting of all amounts re-
23 ceived and obligated by Federal agencies to achieve
24 the goals of the Environmental Improvement Pro-
25 gram during the preceding fiscal year; and

1 “(3) a description of the Federal role in the
2 Environmental Improvement Program, including the
3 specific role of each agency involved in the restora-
4 tion of the Lake Tahoe Basin.

5 **“SEC. 15. GRANT FOR WATERSHED STRATEGY.**

6 “(a) IN GENERAL.—Of the amounts to be made
7 available under section 18(a), the Administrator shall use
8 not more than \$500,000 to provide a grant, on a competi-
9 tive basis, to States, federally recognized Indian tribes,
10 interstate agencies, other public or nonprofit agencies and
11 institutions, or institutions of higher education to develop
12 a Lake Tahoe Basin watershed strategy in coordination
13 with the Planning Agency, the States of California and
14 Nevada, and the Secretary.

15 “(b) COMMENT.—In developing the watershed strat-
16 egy under subsection (a), the grant recipients shall provide
17 an opportunity for public review and comment.

18 “(c) COMPONENTS.—The watershed strategy devel-
19 oped under subsection (a) shall include—

20 “(1) a classification system, inventory, and as-
21 sessment of stream environment zones;

22 “(2) comprehensive watershed characterization
23 and restoration priorities consistent with—

24 “(A) the Lake Tahoe total maximum daily
25 load; and

1 “(B) the environmental threshold carrying
2 capacities of Lake Tahoe;

3 “(3) a monitoring and assessment program con-
4 sistent with section 11; and

5 “(4) an adaptive management system—

6 “(A) to measure and evaluate progress;

7 and

8 “(B) to adjust the program.

9 “(d) DEADLINE.—The watershed strategy developed
10 under subsection (a) shall be completed by the date that
11 is 2 years after the date on which funds are made available
12 to carry out this section.”.

13 **SEC. 8. RELATIONSHIP TO OTHER LAWS.**

14 Section 17 of The Lake Tahoe Restoration Act (Pub-
15 lic Law 106–506; 114 Stat. 2358) (as redesignated by sec-
16 tion 7(2)) is amended by inserting “, Director, or Admin-
17 istrator” after “Secretary”.

18 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

19 The Lake Tahoe Restoration Act (Public Law 106–
20 506; 114 Stat. 2351) is amended by striking section 18
21 (as redesignated by section 7(2)) and inserting the fol-
22 lowing:

23 **“SEC. 18. AUTHORIZATION OF APPROPRIATIONS.**

24 “(a) IN GENERAL.—There is authorized to be appro-
25 priated to carry out this Act \$415,000,000 for a period

1 of 8 fiscal years beginning the first fiscal year after the
2 date of enactment of the Lake Tahoe Restoration Act of
3 2009.

4 “(b) EFFECT ON OTHER FUNDS.—Amounts author-
5 ized under this section and any amendments made by this
6 Act—

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

11 “(2) shall not reduce allocations for other Re-
12 gions of the Forest Service, Environmental Protec-
13 tion Agency, or United States Fish and Wildlife
14 Service.

15 “(c) COST-SHARING REQUIREMENT.—Except as pro-
16 vided in subsection (d) and section 6(c)(3)(E), the States
17 of California and Nevada shall pay 50 percent of the ag-
18 gregate costs of restoration activities in the Lake Tahoe
19 Basin funded under section 6 or 8.

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

24 “(1) environmental restoration projects under
25 sections 6 and 8; and

1 “(2) erosion control projects under section 2 of
2 Public Law 96–586 (94 Stat. 3381).

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

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

7 “(A) the amount of Federal funds being
8 provided to the project; and

9 “(B) this Act; and

10 “(2) displays the visual identity mark of the
11 Environmental Improvement Program.”.

12 **SEC. 10. CONFORMING AMENDMENTS.**

13 (a) ADMINISTRATION OF ACQUIRED LAND.—Section
14 3(b) of Public Law 96–586 (94 Stat. 3384) is amended—

15 (1) by striking “(b) Lands” and inserting the
16 following:

17 “(b) ADMINISTRATION OF ACQUIRED LAND.—

18 “(1) IN GENERAL.—Land”; and

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

20 “(2) INTERCHANGE.—

21 “(A) IN GENERAL.—Notwithstanding para-
22 graph (1), the Secretary of Agriculture (acting
23 through the Chief of the Forest Service) (re-
24 ferred to in this paragraph as the ‘Secretary’)
25 may interchange (as defined in the first section

1 of Public Law 97–465 (16 U.S.C. 521c)) any
2 land or interest in land within the Lake Tahoe
3 Basin Management Unit described in subpara-
4 graph (B) with appropriate units of State gov-
5 ernment.

6 “(B) ELIGIBLE LAND.—The land or inter-
7 est in land referred to in subparagraph (A) is
8 land or an interest in land that the Secretary
9 determines is not subject to efficient adminis-
10 tration by the Secretary because of the location
11 or size of the land.

12 “(C) REQUIREMENTS.—In any interchange
13 under this paragraph, the Secretary shall—

14 “(i) insert in the applicable deed such
15 terms, covenants, conditions, and reserva-
16 tions as the Secretary determines to be
17 necessary to ensure—

18 “(I) protection of the public in-
19 terest, including protection of the sce-
20 nic, wildlife, and recreational values of
21 the National Forest System; and

22 “(II) the provision for appro-
23 priate access to, and use of, land
24 within the National Forest System;

1 “(ii) receive land within the Lake
2 Tahoe Basin of approximately equal value
3 (as defined in accordance with section 6(2)
4 of Public Law 97–465 (96 Stat. 2535));
5 and

6 “(iii) for the purposes of any environ-
7 mental assessment—

8 “(I) assume the maintenance of
9 the environmental status quo; and

10 “(II) not be required to individ-
11 ually assess each parcel that is man-
12 aged under the Lake Tahoe Basin
13 Management Unit Urban Lots Pro-
14 gram.

15 “(D) USE OF LAND ACQUIRED BY UNITS
16 OF STATE GOVERNMENT.—Any unit of State
17 government that receives National Forest Sys-
18 tem land through an exchange or transfer
19 under this paragraph shall not convey the land
20 to any person or entity other than the Federal
21 Government or a State government.”.

22 (b) INTERAGENCY AGREEMENT FUNDING.—Section
23 108(g) of title I of division C of the Consolidated Appro-
24 priations Act, 2005 (Public Law 108–447; 118 Stat.

1 2942) is amended by striking “\$25,000,000” and insert-
2 ing “\$75,000,000”.

○