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2^D SESSION**S. 1451****[Report No. 113–191]**

To provide for environmental restoration activities and forest management activities in the Lake Tahoe Basin, to amend title 18, United States Code, to prohibit the importation or shipment of quagga mussels, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 1, 2013

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

JUNE 5, 2014

Reported by Mrs. BOXER, without amendment

A BILL

To provide for environmental restoration activities and forest management activities in the Lake Tahoe Basin, to amend title 18, United States Code, to prohibit the importation or shipment of quagga mussels, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Lake Tahoe Restora-
3 tion Act of 2013”.

4 **SEC. 2. FINDINGS AND PURPOSES.**

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

8 **“SEC. 2. FINDINGS AND PURPOSES.**

9 “(a) FINDINGS.—Congress finds that—

10 “(1) Lake Tahoe—

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

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

16 “(C) is recognized nationally and world-
17 wide as a natural resource of special signifi-
18 cance;

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

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

1 “(B) contributes significantly to the econo-
2 mies of California, Nevada, and the United
3 States;

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

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

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

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

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

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

1 “(9) the destruction and alteration of wetland,
2 wet meadows, and stream zone habitat have com-
3 promised the natural capacity of the watershed to
4 filter sediment, nutrients, and pollutants before
5 reaching Lake Tahoe;

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

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

11 “(A) high tree density and mortality;

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

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

16 “(12) the establishment of several aquatic and
17 terrestrial invasive species (including perennial
18 pepperweed, milfoil, and Asian clam) threatens the
19 ecosystem of the Lake Tahoe Basin;

20 “(13) there is an ongoing threat to the Lake
21 Tahoe Basin of the introduction and establishment
22 of other invasive species (such as yellow starthistle,
23 New Zealand mud snail, and quagga mussel);

24 “(14) the report prepared by the University of
25 California, Davis, entitled the ‘State of the Lake Re-

1 port', found that conditions in the Lake Tahoe
2 Basin had changed, including—

3 “(A) the average surface water tempera-
4 ture of Lake Tahoe has risen by more than 1.2
5 degrees Fahrenheit in the past 43 years;

6 “(B) since 1910, the percent of precipita-
7 tion that has fallen as snow in the Lake Tahoe
8 Basin decreased from 51 percent to 35.5 per-
9 cent; and

10 “(C) daily air temperatures have increased
11 by more than 4 degrees Fahrenheit and the
12 trend in daily maximum temperature has risen
13 by approximately 2 degrees Fahrenheit;

14 “(15) 75 percent of the land in the Lake Tahoe
15 Basin is owned by the Federal Government, which
16 makes it a Federal responsibility to restore environ-
17 mental health to the Basin;

18 “(16) the Federal Government has a long his-
19 tory of environmental preservation at Lake Tahoe,
20 including—

21 “(A) congressional consent to the estab-
22 lishment of the Tahoe Regional Planning Agen-
23 cy with—

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

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

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

5 “(C) the enactment of Public Law 96–586
6 (94 Stat. 3381) in 1980 to provide for the ac-
7 quisition of environmentally sensitive land and
8 erosion control grants in the Lake Tahoe Basin;

9 “(D) the enactment of sections 341 and
10 342 of the Department of the Interior and Re-
11 lated Agencies Appropriations Act, 2004 (Pub-
12 lic Law 108–108; 117 Stat. 1317), which
13 amended the Southern Nevada Public Land
14 Management Act of 1998 (Public Law 105–
15 263; 112 Stat. 2346) to provide payments for
16 the environmental restoration projects under
17 this Act; and

18 “(E) the enactment of section 382 of the
19 Tax Relief and Health Care Act of 2006 (Pub-
20 lic Law 109–432; 120 Stat. 3045), which
21 amended the Southern Nevada Public Land
22 Management Act of 1998 (Public Law 105–
23 263; 112 Stat. 2346) to authorize development
24 and implementation of a comprehensive 10-year

1 hazardous fuels and fire prevention plan for the
2 Lake Tahoe Basin;

3 “(17) the Assistant Secretary of the Army for
4 Civil Works was an original signatory in 1997 to the
5 Agreement of Federal Departments on Protection of
6 the Environment and Economic Health of the Lake
7 Tahoe Basin;

8 “(18) the Chief of Engineers, under direction
9 from the Assistant Secretary of the Army for Civil
10 Works, has continued to be a significant contributor
11 to Lake Tahoe Basin restoration, including—

12 “(A) stream and wetland restoration;

13 “(B) urban stormwater conveyance and
14 treatment; and

15 “(C) programmatic technical assistance;

16 “(19) at the Lake Tahoe Presidential Forum in
17 1997, the President renewed the commitment of the
18 Federal Government to Lake Tahoe by—

19 “(A) committing to increased Federal re-
20 sources for environmental restoration at Lake
21 Tahoe; and

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

1 “(20) at the 2011 and 2012 Lake Tahoe Fo-
2 rums, Senator Reid, Senator Feinstein, Senator
3 Heller, Senator Ensign, Governor Gibbons, Governor
4 Sandoval, and Governor Brown—

5 “(A) renewed their commitment to Lake
6 Tahoe; and

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

10 “(21) since 1997, the Federal Government, the
11 States of California and Nevada, units of local gov-
12 ernment, and the private sector have contributed
13 more than \$1,620,000,000 to the Lake Tahoe
14 Basin, including—

15 “(A) \$521,100,000 from the Federal Gov-
16 ernment;

17 “(B) \$636,200,000 from the State of Cali-
18 fornia;

19 “(C) \$101,400,000 from the State of Ne-
20 vada;

21 “(D) \$68,200,000 from units of local gov-
22 ernment; and

23 “(E) \$299,600,000 from private interests;

1 “(22) significant additional investment from
2 Federal, State, local, and private sources is nec-
3 essary—

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

6 “(B) to adapt to the impacts of changing
7 water temperature and precipitation; and

8 “(C) to protect the Lake Tahoe Basin
9 from the introduction and establishment of
10 invasive species; and

11 “(23) the Secretary has indicated that the Lake
12 Tahoe Basin Management Unit has the capacity for
13 at least \$10,000,000 for the Fire Risk Reduction
14 and Forest Management Program.

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

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

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

6 “(A) the environmental threshold carrying
7 capacities for the region; and

8 “(B) other applicable environmental stand-
9 ards and objectives;

10 “(3) to support local governments in efforts re-
11 lated to environmental restoration, stormwater pollu-
12 tion control, fire risk reduction, and forest manage-
13 ment activities; and

14 “(4) to ensure that agency and science commu-
15 nity representatives in the Lake Tahoe Basin work
16 together—

17 “(A) to develop and implement a plan for
18 integrated monitoring, assessment, and applied
19 research to evaluate the effectiveness of the En-
20 vironmental Improvement Program; and

21 “(B) to provide objective information as a
22 basis for ongoing decisionmaking, with an em-
23 phasis on decisionmaking relating to public and
24 private land use and resource management in
25 the Basin.”.

1 **SEC. 3. DEFINITIONS.**

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

5 **“SEC. 3. DEFINITIONS.**

6 “In this Act:

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

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

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

15 “(4) COMPACT.—The term ‘Compact’ means
16 the Tahoe Regional Planning Compact included in
17 the first section of Public Law 96–551 (94 Stat.
18 3233).

19 “(5) DIRECTORS.—The term ‘Directors’
20 means—

21 “(A) the Director of the United States
22 Fish and Wildlife Service; and

23 “(B) the Director of the United States Ge-
24 ological Survey.

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

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

6 “(B) any amendments to the Program.

7 “(7) ENVIRONMENTAL THRESHOLD CARRYING
8 CAPACITY.—The term ‘environmental threshold car-
9 rying capacity’ has the meaning given the term in
10 article II of the compact.

11 “(8) FEDERAL PARTNERSHIP.—The term ‘Fed-
12 eral Partnership’ means the Lake Tahoe Federal
13 Interagency Partnership established by Executive
14 Order 13957 (62 Fed. Reg. 41249) (or a successor
15 Executive order).

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

18 “(A) prescribed burning for ecosystem
19 health and hazardous fuels reduction;

20 “(B) mechanical and minimum tool treat-
21 ment;

22 “(C) road decommissioning or reconstruc-
23 tion;

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

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

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

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

11 “(A) entitled—

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

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

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

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

21 “(i) the Forest Service;

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

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

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

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

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

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

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

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

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

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

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

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

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

12 **SEC. 4. ADMINISTRATION OF THE LAKE TAHOE BASIN MAN-**
13 **AGEMENT UNIT.**

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

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

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

19 “(c) TRANSIT.—

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

1 “(A) to improving public access to the
2 Lake Tahoe Basin, including the prioritization
3 of alternatives to the private automobile, con-
4 sistent with the requirements of the Compact;

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

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

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

21 “(d) FOREST MANAGEMENT ACTIVITIES.—

22 “(1) COORDINATION.—

23 “(A) IN GENERAL.—In conducting forest
24 management activities in the Lake Tahoe Basin
25 Management Unit, the Secretary shall, as ap-

1 appropriate, coordinate with the Administrator
2 and State and local agencies and organizations,
3 including local fire departments and volunteer
4 groups.

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

10 “(2) MULTIPLE BENEFITS.—

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

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

18 “(I) reducing forest fuels;

19 “(II) maintaining or restoring bi-
20 ological diversity;

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

1 “(IV) increasing resilience to
2 changing water temperature and pre-
3 cipitation; and

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

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

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

19 “(A) establish post-project ground condi-
20 tion criteria for ground disturbance caused by
21 forest management activities; and

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

24 “(e) WITHDRAWAL OF FEDERAL LAND.—

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

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

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

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

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

14 “(A) the Lake Tahoe Restoration Act
15 (Public Law 106–506; 114 Stat. 2351); or

16 “(B) the Santini-Burton Act (Public Law
17 96–586; 94 Stat. 3381).

18 “(f) ENVIRONMENTAL THRESHOLD CARRYING CA-
19 PACITY.—The Lake Tahoe Basin Management Unit shall
20 support the attainment of the environmental threshold
21 carrying capacities.

22 “(g) COOPERATIVE AUTHORITIES.—During the 4 fis-
23 cal years following the date of enactment of the Lake
24 Tahoe Restoration Act of 2013, the Secretary, in conjunc-
25 tion with land adjustment projects or programs, may enter

1 into contracts and cooperative agreements with States,
 2 units of local government, and other public and private
 3 entities to provide for fuel reduction, erosion control, re-
 4 forestation, Stream Environment Zone restoration, and
 5 similar management activities on Federal land and non-
 6 Federal land within the projects or programs.”.

7 **SEC. 5. CONSULTATION.**

8 The Lake Tahoe Restoration Act (Public Law 106–
 9 506; 114 Stat. 2351) is amended by striking section 5
 10 and inserting the following:

11 **“SEC. 5. CONSULTATION.**

12 “In carrying out this Act, the Secretary, the Adminis-
 13 trator, and the Directors shall, as appropriate and in a
 14 timely manner, consult with the heads of the Washoe
 15 Tribe, applicable Federal, State, regional, and local gov-
 16 ernmental agencies, and the Lake Tahoe Federal Advisory
 17 Committee.”.

18 **SEC. 6. AUTHORIZED PROJECTS.**

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

22 **“SEC. 6. AUTHORIZED PROJECTS.**

23 “(a) IN GENERAL.—The Secretary, the Assistant
 24 Secretary, the Directors, and the Administrator, in coordi-
 25 nation with the Planning Agency and the States of Cali-

1 fornia and Nevada, may carry out or provide financial as-
2 sistance to any project or program that—

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

4 “(2) is included in the Priority List under sec-
5 tion 8; and

6 “(3) furthers the purposes of the Environ-
7 mental Improvement Program if the project has
8 been subject to environmental review and approval,
9 respectively, as required under Federal law, article 7
10 of the Compact, and State law, as applicable.

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

15 “(c) MONITORING AND ASSESSMENT.—All projects
16 authorized under subsection (d) 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 under section 13.

23 “(d) DESCRIPTION OF ACTIVITIES.—

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

1 MENTATION.—Of the amounts made available under
2 section 17(a), \$75,000,000 shall be made avail-
3 able—

4 “(A) to the Secretary or the Administrator
5 for the Federal share of stormwater manage-
6 ment and related projects and programs con-
7 sistent with the adopted Total Maximum Daily
8 Load and near-shore water quality goals; and

9 “(B) for grants by the Secretary and the
10 Administrator to carry out the projects and
11 programs described in subparagraph (A).

12 “(2) STREAM ENVIRONMENT ZONE AND WATER-
13 SHED RESTORATION.—Of the amounts made avail-
14 able under section 17(a), \$38,000,000 shall be made
15 available—

16 “(A) to the Secretary or the Assistant Sec-
17 retary for the Federal share of the Upper
18 Truckee River restoration projects and other
19 watershed restoration projects identified in the
20 priority list established under section 8; and

21 “(B) for grants by the Administrator to
22 carry out the projects described in subpara-
23 graph (A).

24 “(3) FIRE RISK REDUCTION AND FOREST MAN-
25 AGEMENT.—

1 “(A) IN GENERAL.—Of the amounts made
2 available under section 17(a), \$135,000,000
3 shall be made available to the Secretary to
4 carry out, including by making grants, the fol-
5 lowing projects:

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

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

16 “(iii) Biomass projects, including fea-
17 sibility assessments and transportation of
18 materials.

19 “(iv) Angora Fire Restoration projects
20 under the jurisdiction of the Secretary.

21 “(v) Washoe Tribe projects on tribal
22 lands within the Lake Tahoe Basin.

23 “(vi) Development of an updated
24 Lake Tahoe Basin multijurisdictional fuel

1 reduction and wildfire prevention strategy,
2 consistent with section 4(d).

3 “(vii) Development of updated com-
4 munity wildfire protection plans by local
5 fire districts.

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

10 “(B) MINIMUM ALLOCATION.—Of the
11 amounts made available to the Secretary to
12 carry out subparagraph (A), at least
13 \$80,000,000 shall be used by the Secretary for
14 projects under subparagraph (A)(i).

15 “(C) PRIORITY.—Units of local govern-
16 ment that have dedicated funding for inspec-
17 tions and enforcement of defensible space regu-
18 lations shall be given priority for amounts pro-
19 vided under this paragraph.

20 “(D) COST-SHARING REQUIREMENTS.—

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

1 “(ii) FORM OF NON-FEDERAL
2 SHARE.—

3 “(I) IN GENERAL.—The non-
4 Federal share required under clause
5 (i) may be in the form of cash con-
6 tributions or in-kind contributions, in-
7 cluding providing labor, equipment,
8 supplies, space, and other operational
9 needs.

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

19 “(III) DOCUMENTATION.—Com-
20 munities and local fire districts
21 shall—

22 “(aa) maintain a record of
23 in-kind contributions that de-
24 scribes—

1 “(AA) the monetary
2 value of the in-kind con-
3 tributions; and

4 “(BB) the manner in
5 which the in-kind contribu-
6 tions assist in accomplishing
7 project goals and objectives;
8 and

9 “(bb) document in all re-
10 quests for Federal funding, and
11 include in the total project budg-
12 et, evidence of the commitment
13 to provide the non-Federal share
14 through in-kind contributions.

15 “(4) INVASIVE SPECIES MANAGEMENT.—Of the
16 amounts to be made available under section 17(a),
17 \$30,000,000 shall be made available to the Director
18 of the United States Fish and Wildlife Service for
19 the Aquatic Invasive Species Program and the
20 watercraft inspections described in section 9.

21 “(5) SPECIAL STATUS SPECIES MANAGE-
22 MENT.—Of the amounts to be made available under
23 section 17(a), \$20,000,000 shall be made available
24 to the Director of the United States Fish and Wild-

1 life Service for the Lahontan Cutthroat Trout Re-
2 covery Program.

3 “(6) LAKE TAHOE BASIN SCIENCE PROGRAM.—
4 Of the amounts to be made available under section
5 17(a), \$30,000,000 shall be made available to the
6 Chief of the Forest Service to develop and imple-
7 ment, in coordination with the Tahoe Science Con-
8 sortium, the Lake Tahoe Basin Science Program es-
9 tablished under section 11.

10 “(7) PROGRAM PERFORMANCE AND ACCOUNT-
11 ABILITY.—

12 “(A) IN GENERAL.—Of the amounts to be
13 made available under section 17(a), \$5,000,000
14 shall be made available to the Secretary to
15 carry out sections 12, 13, and 14.

16 “(B) PLANNING AGENCY.—Of the amounts
17 described in subparagraph (A), not less than 50
18 percent shall be made available to the Planning
19 Agency to carry out the program oversight, co-
20 ordination, and outreach activities established
21 under sections 12, 13, and 14.

22 “(8) LAND CONVEYANCE.—

23 “(A) IN GENERAL.—Of the amount made
24 available under section 17(a), \$2,000,000 shall
25 be made available to the Secretary to carry out

1 the activities under section 3(b)(2) of Public
 2 Law 96–586 (94 Stat. 3384) (commonly known
 3 as the ‘Santini-Burton Act’).

4 “(B) OTHER FUNDS.—Of the amounts
 5 available to the Secretary under subparagraph
 6 (A), not less than 50 percent shall be provided
 7 to the California Tahoe Conservancy to facili-
 8 tate the conveyance of land described in section
 9 3(b)(2) of Public Law 96–586 (94 Stat. 3384)
 10 (commonly known as the ‘Santini-Burton
 11 Act’).”.

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 15, 16, and 17, respectively; and

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

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

20 “(a) DEADLINE.—Not later than February 15 of the
 21 year after the date of enactment of the Lake Tahoe Res-
 22 toration Act of 2013, the Chair, in consultation with the
 23 Secretary, the Administrator, the Directors, the Planning
 24 Agency, the States of California and Nevada, the Federal
 25 Partnership, the Washoe Tribe, the Lake Tahoe Federal

1 Advisory Committee, and the Tahoe Science Consortium
2 shall submit to Congress a prioritized list of all Environ-
3 mental Improvement Program projects for the Lake
4 Tahoe Basin for each program category described in sec-
5 tion 6(d).

6 “(b) CRITERIA.—

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

10 “(A) The 5-year threshold carrying capac-
11 ity evaluation.

12 “(B) The ability to measure progress or
13 success of the project.

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

18 “(i) air quality;

19 “(ii) fisheries;

20 “(iii) noise;

21 “(iv) recreation;

22 “(v) scenic resources;

23 “(vi) soil conservation;

24 “(vii) forest health;

25 “(viii) water quality; and

1 “(ix) wildlife.

2 “(D) The ability of a project to provide
3 multiple benefits.

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

6 “(F) Stakeholder support for the project.

7 “(G) The justification of Federal interest.

8 “(H) Agency priority.

9 “(I) Agency capacity.

10 “(J) Cost-effectiveness.

11 “(K) Federal funding history.

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

19 “(c) REVISIONS.—

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

22 “(A) every 2 years; or

23 “(B) on a finding of compelling need under
24 paragraph (2).

25 “(2) FINDING OF COMPELLING NEED.—

1 “(A) IN GENERAL.—If the Secretary, the
2 Administrator, or the Director of the United
3 States Fish and Wildlife Service makes a find-
4 ing of compelling need justifying a priority shift
5 and the finding is approved by the Secretary,
6 the Executive Director of the Planning Agency,
7 the California Natural Resources Secretary, and
8 the Director of the Nevada Department of Con-
9 servation, the Priority List shall be revised in
10 accordance with this subsection.

11 “(B) INCLUSIONS.—A finding of compel-
12 ling need includes—

13 “(i) major scientific findings;

14 “(ii) results from the threshold eval-
15 uation of the Planning Agency;

16 “(iii) emerging environmental threats;

17 and

18 “(iv) rare opportunities for land ac-
19 quisition.

20 “(d) FUNDING.—Of the amount made available
21 under section 17(a), \$80,000,000 shall be made available
22 to the Secretary to carry out this section.

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

24 “(a) IN GENERAL.—The Director of the United
25 States Fish and Wildlife Service, in coordination with the

1 Planning Agency, the California Department of Fish and
2 Game, and the Nevada Department of Wildlife, shall de-
3 ploy strategies consistent with the Lake Tahoe Aquatic
4 Invasive Species Management Plan to prevent the intro-
5 duction of aquatic invasive species into the Lake Tahoe
6 Basin.

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

9 “(1) combined inspection and decontamination
10 stations be established and operated at not less than
11 2 locations in the Lake Tahoe Basin; and

12 “(2) watercraft not be allowed to launch in
13 waters of the Lake Tahoe Basin if the watercraft
14 has not been inspected in accordance with the Lake
15 Tahoe Aquatic Invasive Species Management Plan.

16 “(c) CERTIFICATION.—The Planning Agency may
17 certify State and local agencies to perform the decon-
18 tamination activities described in subsection (b)(3) at loca-
19 tions outside the Lake Tahoe Basin if standards at the
20 sites meet or exceed standards for similar sites in the Lake
21 Tahoe Basin established under this section.

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

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

6 “(f) CIVIL PENALTIES.—

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

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

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

1 “(A) describe the nature of the technical
2 assistance;

3 “(B) describe any legal and institutional
4 structures necessary to ensure the effective
5 long-term viability of the end products by the
6 non-Federal interest; and

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

9 “(3) FEDERAL SHARE.—

10 “(A) IN GENERAL.—The Federal share of
11 project costs under each local cooperation
12 agreement under this subsection shall be 65
13 percent.

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

16 “(C) CREDIT.—The non-Federal interest
17 may receive credit toward the non-Federal
18 share for the reasonable costs of related tech-
19 nical activities completed by the non-Federal in-
20 terest before entering into a local cooperation
21 agreement with the Assistant Secretary under
22 this subsection.

23 **“SEC. 11. LAKE TAHOE BASIN SCIENCE PROGRAM.**

24 “The Secretary (acting through the Station Director
25 of the Forest Service, Pacific Southwest Research Sta-

1 tion), the Administrator, the Planning Agency, the States
2 of California and Nevada, and the Tahoe Science Consor-
3 tium, shall develop and implement the Lake Tahoe Basin
4 Science Program that—

5 “(1) develops and regularly updates an inte-
6 grated multiagency programmatic assessment and
7 monitoring plan—

8 “(A) to evaluate the effectiveness of the
9 Environmental Improvement Program;

10 “(B) to evaluate the status and trends of
11 indicators related to environmental threshold
12 carrying capacities; and

13 “(C) to assess the impacts and risks of
14 changing water temperature, precipitation, and
15 invasive species;

16 “(2) produces and synthesizes scientific infor-
17 mation necessary for—

18 “(A) the identification and refinement of
19 environmental indicators for the Lake Tahoe
20 Basin; and

21 “(B) the evaluation of standards and
22 benchmarks;

23 “(3) conducts applied research, programmatic
24 technical assessments, scientific data management,

1 analysis, and reporting related to key management
2 questions;

3 “(4) develops new tools and information to sup-
4 port objective assessments of land use and resource
5 conditions;

6 “(5) provides scientific and technical support to
7 the Federal Government and State and local govern-
8 ments in—

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

12 “(B) the development and implementation
13 of an integrated stormwater monitoring and as-
14 sessment program;

15 “(6) establishes and maintains independent
16 peer review processes—

17 “(A) to evaluate the Environmental Im-
18 provement Program; and

19 “(B) to assess the technical adequacy and
20 scientific consistency of central environmental
21 documents, such as the 5-year threshold review;
22 and

23 “(7) provides scientific and technical support
24 for the development of appropriate management

1 strategies to accommodate changing water tempera-
2 ture and precipitation in the Lake Tahoe Basin.

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

4 “(a) IN GENERAL.—The Secretary, the Adminis-
5 trator, and the Directors will coordinate with the Planning
6 Agency to conduct public education and outreach pro-
7 grams, including encouraging—

8 “(1) owners of land and residences in the Lake
9 Tahoe Basin—

10 “(A) to implement defensible space; and

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

13 “(2) owners of land and residences in the Lake
14 Tahoe Basin and visitors to the Lake Tahoe Basin,
15 to help prevent the introduction and proliferation of
16 invasive species as part of the private share invest-
17 ment in the Environmental Improvement Program.

18 “(b) SCIENTIFIC AND TECHNICAL GUIDANCE.—The
19 Director of the United States Geological Survey shall pro-
20 vide scientific and technical guidance to public outreach
21 and education programs conducted under this section.

22 “(c) REQUIRED COORDINATION.—Public outreach
23 and education programs for aquatic invasive species under
24 this section shall—

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

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

5 **“SEC. 13. REPORTING REQUIREMENTS.**

6 “Not later than February 15 of each year, the Sec-
7 retary, in cooperation with the Chair, the Administrator,
8 the Directors, the Planning Agency, and the States of
9 California and Nevada, consistent with section 6(d)(6),
10 shall submit to Congress a report that describes—

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

16 “(A) the project scope;

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

18 “(C) the justification for the project, con-
19 sistent with the criteria established in section
20 8(b)(1);

21 “(2) Federal, State, local, and private expendi-
22 tures in the preceding fiscal year to implement the
23 Environmental Improvement Program and projects
24 otherwise authorized under this Act;

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

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

8 **“SEC. 14. ANNUAL BUDGET PLAN.**

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

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

21 “(2) a detailed accounting of all amounts re-
22 ceived and obligated by Federal agencies to achieve
23 the goals of the Environmental Improvement Pro-
24 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. 8. RELATIONSHIP TO OTHER LAWS.**

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

10 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

11 The Lake Tahoe Restoration Act (Public Law 106–
12 506; 114 Stat. 2351) is amended by striking section 17
13 (as redesignated by section 7(2)) and inserting the fol-
14 lowing:

15 **“SEC. 17. AUTHORIZATION OF APPROPRIATIONS.**

16 “(a) AUTHORIZATION OF APPROPRIATIONS.—There
17 is authorized to be appropriated to carry out this Act
18 \$415,000,000 for a period of 10 fiscal years beginning the
19 first fiscal year after the date of enactment of the Lake
20 Tahoe Restoration Act of 2013.

21 “(b) EFFECT ON OTHER FUNDS.—Amounts author-
22 ized under this section and any amendments made by this
23 Act—

24 “(1) shall be in addition to any other amounts
25 made available to the Secretary, the Administrator,

1 or the Directors for expenditure in the Lake Tahoe
2 Basin; and

3 “(2) shall not reduce allocations for other Re-
4 gions of the Forest Service, Environmental Protec-
5 tion Agency, or the United States Fish and Wildlife
6 Service.

7 “(c) COST-SHARING REQUIREMENT.—Except as pro-
8 vided in subsection (d) and section 6(d)(3)(D), the States
9 of California and Nevada shall pay 50 percent of the ag-
10 gregate costs of restoration activities in the Lake Tahoe
11 Basin funded under section 6.

12 “(d) RELOCATION COSTS.—Notwithstanding sub-
13 section (c), the Secretary shall provide to local utility dis-
14 tricts two-thirds of the costs of relocating facilities in con-
15 nection with—

16 “(1) environmental restoration projects under
17 sections 6 and 8; and

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

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

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

24 “(A) the amount of Federal funds being
25 provided to the project; and

1 “(B) this Act; and

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

4 **SEC. 10. ADMINISTRATION OF ACQUIRED LAND.**

5 (a) IN GENERAL.—Section 3(b) of Public Law 96–
6 586 (94 Stat. 3384) (commonly known as the “Santini-
7 Burton Act”) is amended—

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

10 “(b) ADMINISTRATION OF ACQUIRED LAND.—

11 “(1) IN GENERAL.—Land”; and

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

13 “(2) CONVEYANCE.—

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

21 “(i) may accept the offer; and

22 “(ii) not later than 180 days after the
23 date on which the Secretary receives ac-
24 ceptable title to the non-Federal land de-
25 scribed in subparagraph (B)(i), convey to

1 the State of California, subject to valid ex-
2 isting rights and for no consideration, all
3 right, title, and interest of the United
4 States in and to the Federal land that is
5 acceptable to the State of California.

6 “(B) DESCRIPTION OF LAND.—

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

10 “(I) the approximately 1,981
11 acres of land administered by the
12 Conservancy and identified on the
13 Maps as ‘Conservancy to the United
14 States Forest Service’; and

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

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

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

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

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

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

13 “(I) ensure compliance with this
14 Act; and

15 “(II) ensure that the develop-
16 ment rights associated with the con-
17 veyed parcels shall not be recognized
18 or available for transfer under section
19 90.2 of the Code of Ordinances for
20 the Tahoe Regional Planning Agen-
21 cy.”.

Calendar No. 422

113TH CONGRESS
2^D SESSION

S. 1451

[Report No. 113-191]

A BILL

To provide for environmental restoration activities and forest management activities in the Lake Tahoe Basin, to amend title 18, United States Code, to prohibit the importation or shipment of quagga mussels, and for other purposes.

JUNE 5, 2014

Reported without amendment