

# Calendar No. 436

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

# S. 2724

[Report No. 111-211]

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

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 3, 2009

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

JUNE 21, 2010

Reported by Mrs. BOXER, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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## 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 ear-

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           “(e) 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          “(c) 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 celes 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 “(e) 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 compell-  
20 ing 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           ~~“(e) 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 ~~essment 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. 521e)) 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”.

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Lake Tahoe Restoration*  
 5 *Act of 2010”.*

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 *The Lake Tahoe Restoration Act (Public Law 106–506;*  
 8 *114 Stat. 2351) is amended by striking section 2 and in-*  
 9 *serting the following:*

10 **“SEC. 2. FINDINGS AND PURPOSES.**

11 *“(a) FINDINGS.—Congress finds that—*

12 *“(1) Lake Tahoe—*

13 *“(A) is 1 of the largest, deepest, and clearest*  
 14 *lakes in the world;*

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

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

21 *“(2) in addition to being a scenic and ecological*  
 22 *treasure, the Lake Tahoe Basin is 1 of the out-*  
 23 *standing recreational resources of the United States,*  
 24 *which—*

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

4           “(B) contributes significantly to the econo-  
5           mies of California, Nevada, and the United  
6           States;

7           “(3) the economy in the Lake Tahoe Basin is de-  
8           pendent on the protection and restoration of the nat-  
9           ural beauty and recreation opportunities in the area;

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

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

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

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

22          “(8) fine sediments that cloud Lake Tahoe, and  
23          key nutrients such as phosphorus and nitrogen that  
24          support the growth of algae and invasive plants, con-  
25          tinue to flow into the lake from stormwater runoff

1 *from developed areas, roads, turf, other disturbed*  
2 *land, and streams;*

3 *“(9) the destruction and alteration of wetland,*  
4 *wet meadows, and stream zone habitat have com-*  
5 *promised the natural capacity of the watershed to fil-*  
6 *ter sediment, nutrients, and pollutants before reach-*  
7 *ing Lake Tahoe;*

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

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

13 *“(A) high tree density and mortality;*

14 *“(B) the loss of biological diversity; and*

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

18 *“(12) the establishment of several aquatic and*  
19 *terrestrial invasive species (including bass, milfoil,*  
20 *and Asian clam) threatens the ecosystem of the Lake*  
21 *Tahoe Basin;*

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



1           “(14) the report prepared by the University of  
2           California, Davis, entitled the ‘State of the Lake Re-  
3           port’, found that conditions in the Lake Tahoe Basin  
4           had changed, including—

5                   “(A) the average surface water temperature  
6                   of Lake Tahoe has risen by more than 1.5 degrees  
7                   Fahrenheit in the past 37 years; and

8                   “(B) since 1910, the percent of precipitation  
9                   that has fallen as snow in the Lake Tahoe Basin  
10                  decreased from 52 percent to 34 percent;

11           “(15) 75 percent of the land in the Lake Tahoe  
12           Basin is owned by the Federal Government, which  
13           makes it a Federal responsibility to restore environ-  
14           mental health to the Basin;

15           “(16) the Federal Government has a long history  
16           of environmental preservation at Lake Tahoe, includ-  
17           ing—

18                   “(A) congressional consent to the establish-  
19                   ment of the Tahoe Regional Planning Agency  
20                   with—

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

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

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

3           “(C) the enactment of Public Law 96–586  
4 (94 Stat. 3381) in 1980 to provide for the acqui-  
5 sition of environmentally sensitive land and ero-  
6 sion control grants in the Lake Tahoe Basin;

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

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

24           “(17) the Assistant Secretary of the Army for  
25 Civil Works was an original signatory in 1997 to the

1     *Agreement of Federal Departments on Protection of*  
2     *the Environment and Economic Health of the Lake*  
3     *Tahoe Basin;*

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

8                     “(A) *stream and wetland restoration;*

9                     “(B) *urban stormwater conveyance and*  
10                    *treatment; and*

11                    “(C) *programmatic technical assistance;*

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

15                    “(A) *committing to increased Federal re-*  
16     *sources for environmental restoration at Lake*  
17     *Tahoe; and*

18                    “(B) *establishing the Federal Interagency*  
19     *Partnership and Federal Advisory Committee to*  
20     *consult on natural resources issues concerning*  
21     *the Lake Tahoe Basin;*

22             “(20) *at the 2008 and 2009 Lake Tahoe Forums,*  
23     *Senator Reid, Senator Feinstein, Senator Ensign,*  
24     *and Governor Gibbons—*

1           “(A) renewed their commitment to Lake  
2           Tahoe; and

3           “(B) expressed their desire to fund the Fed-  
4           eral share of the Environmental Improvement  
5           Program through 2018;

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

11           “(A) \$424,000,000 from the Federal Govern-  
12          ment;

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

15           “(C) \$87,000,000 from the State of Nevada;

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

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

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

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

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

1           “(C) to protect the Lake Tahoe Basin from  
2           the introduction and establishment of invasive  
3           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 annually  
7           for the Fire Risk Reduction and Forest Management  
8           Program.

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

10           “(1) to enable the Chief of the Forest Service, the  
11           Director of the United States Fish and Wildlife Serv-  
12           ice, and the Administrator of the Environmental Pro-  
13           tection 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 and  
23           to coordinate on other activities in a manner that  
24           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 to-  
11          gether—

12           “(A) to develop and implement a plan for  
13           integrated monitoring, assessment, and applied  
14           research to evaluate the effectiveness of the Envi-  
15           ronmental 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 106–506;*  
23 *114 Stat. 2351) is amended by striking section 3 and in-*  
24 *serting 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 ‘Assist-*  
 7 *ant Secretary’ means the Assistant Secretary of the*  
 8 *Army for Civil Works.*

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

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

14 *“(5) DIRECTOR.—The term ‘Director’ means the*  
 15 *Director of the United States Fish and Wildlife Serv-*  
 16 *ice.*

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

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

22 *“(B) any amendments to the Program.*

23 *“(7) ENVIRONMENTAL THRESHOLD CARRYING CA-*  
 24 *PACITY.—The term ‘environmental threshold carrying*  
 25 *capacity’ has the meaning given the term in article*  
 26 *II of the compact.*

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

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

8                   “(A) *prescribed burning for ecosystem*  
9                   *health and hazardous fuels reduction;*

10                   “(B) *mechanical and minimum tool treat-*  
11                   *ment;*

12                   “(C) *road decommissioning or reconstruc-*  
13                   *tion;*

14                   “(D) *stream environment zone restoration*  
15                   *and other watershed and wildlife habitat en-*  
16                   *hancements;*

17                   “(E) *nonnative invasive species manage-*  
18                   *ment; and*

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

22           “(10) *NATIONAL WILDLAND FIRE CODE*.—The  
23           term ‘*national wildland fire code*’ means—



1           “(A) the most recent publication of the Na-  
2           tional Fire Protection Association code numbered  
3           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, standards  
9           for protection against wildland fire as a code de-  
10          scribed 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’ means  
19          the Secretary of Agriculture, acting through the Chief  
20          of the Forest Service.

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

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

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” and  
 15           inserting “Basin”; and

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

17           “(c) *TRANSIT*.—

18           “(1) *IN GENERAL*.—*The Lake Tahoe Basin Man-*  
 19           *agement Unit shall, consistent with the regional*  
 20           *transportation plan adopted by the Planning Agency,*  
 21           *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 Lake*  
 25           *Tahoe Basin, including the prioritization of al-*

1           *ternatives to the private automobile, consistent*  
 2           *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 Highway*  
 6           *28 and California Highway 89; and*

7           “(C) *to providing support and assistance to*  
 8           *local public transit systems in the management*  
 9           *and operations of activities under this sub-*  
 10          *section.*

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 of*  
 17          *Transportation to secure operating and capital funds*  
 18          *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 appro-*  
 24                         *priate, coordinate with the Administrator and*  
 25                         *State and local agencies and organizations, in-*

1           *cluding local fire departments and volunteer*  
2           *groups.*

3           “(B) *GOALS.—The coordination of activities*  
4           *under subparagraph (A) should aim to increase*  
5           *efficiencies and maximize the compatibility of*  
6           *management practices across public property*  
7           *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 bene-*  
15                   *fits, 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           “(i) helps achieve and maintain the  
2           environmental threshold carrying capacities  
3           established by the Planning Agency.

4           “(B) EXCEPTION.—Notwithstanding clause  
5           (A)(i), the attainment of multiple ecosystem ben-  
6           efits shall not be required if the Secretary deter-  
7           mines that management for multiple ecosystem  
8           benefits would excessively increase the cost of a  
9           project in relation to the additional ecosystem  
10          benefits gained from the management activity.

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

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

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

20          “(e) WITHDRAWAL OF FEDERAL LAND.—

21                 “(1) IN GENERAL.—Subject to valid existing  
22                 rights and paragraph (2), the Federal land located in  
23                 the Lake Tahoe Basin Management Unit is with-  
24                 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 on  
10 which the Secretary, after conducting a review of  
11 all Federal land in the Lake Tahoe Basin Man-  
12 agement Unit and receiving public input, has  
13 made a determination on which parcels of Fed-  
14 eral 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 necessary;  
21 and

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

24           “(f) ENVIRONMENTAL THRESHOLD CARRYING CAPAC-  
25 ITY.—The Lake Tahoe Basin Management Unit shall sup-

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

3 “(g) *COOPERATIVE AUTHORITIES.*—

4 “(1) *IN GENERAL.*—During the 4 fiscal years fol-  
5 lowing the date of enactment of the Lake Tahoe Res-  
6 toration Act of 2010, the Secretary, in conjunction  
7 with land adjustment projects or programs, may enter  
8 into contracts and cooperative agreements with  
9 States, units of local government, and other public  
10 and private entities to provide for fuel reduction, ero-  
11 sion control, reforestation, Stream Environment Zone  
12 restoration, and similar management activities on  
13 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 2010, the Secretary shall sub-  
19 mit to Congress a report regarding the manage-  
20 ment of land in the Lake Tahoe Basin Manage-  
21 ment Unit Urban Lots Program, including—

22 “(i) a description of future plans and  
23 recent actions for land consolidation and  
24 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 author-  
13                   ity of this subsection is supplemental to all other co-  
14                   operative authorities of the Secretary.”.

15 **SEC. 5. CONSULTATION.**

16                   *The Lake Tahoe Restoration Act (Public Law 106–506;*  
17 *114 Stat. 2351) is amended by striking section 5 and in-*  
18 *serting 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 Tribe,*  
23 *applicable Federal, State, regional, and local governmental*  
24 *agencies, and the Lake Tahoe Federal Advisory Com-*  
25 *mittee.”.*



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

2       *The Lake Tahoe Restoration Act (Public Law 106–506;*  
 3 *114 Stat. 2351) is amended by striking section 6 and in-*  
 4 *serting 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 carry*  
 9 *out or provide financial assistance to any project or pro-*  
 10 *gram described in subsection (c) or included in the Priority*  
 11 *List under section 8 to further the purposes of the Environ-*  
 12 *mental Improvement Program if the project has been subject*  
 13 *to environmental review and approval, respectively, as re-*  
 14 *quired under Federal law, article 7 of the Compact, and*  
 15 *State law, as applicable. The Administrator shall use no*  
 16 *more than three percent of the funds provided for admin-*  
 17 *istering the projects or programs described in subsection*  
 18 *(c)(1) and (2).*

19       “(b) *MONITORING AND ASSESSMENT.*—*All projects au-*  
 20 *thorized under subsection (c) and section 8 shall—*

21               “(1) *include funds for monitoring and assess-*  
 22 *ment of the results and effectiveness at the project and*  
 23 *program level consistent with the program developed*  
 24 *under section 11; and*

25               “(2) *use the integrated multiagency performance*  
 26 *measures established under that section.*

1       “(c) *DESCRIPTION OF ACTIVITIES.*—

2               “(1) *STORMWATER MANAGEMENT, EROSION CON-*  
3       *TROL, AND TOTAL MAXIMUM DAILY LOAD IMPLEMEN-*  
4       *TATION.*—*Of the amounts made available under sec-*  
5       *tion 18(a), \$40,000,000 shall be made available for*  
6       *grants by the Administrator for the Federal share of*  
7       *the following projects:*

8               “(A) *Bijou Stormwater Improvement*  
9       *Project in the City of South Lake Tahoe, Cali-*  
10       *fornia.*

11              “(B) *Christmas Valley Stormwater Im-*  
12       *provement Project in El Dorado County, Cali-*  
13       *fornia.*

14              “(C) *Kings Beach Watershed Improvement*  
15       *Project in Placer County, California.*

16              “(D) *Lake Forest Stormwater and Water-*  
17       *shed Improvement Project in Placer County,*  
18       *California.*

19              “(E) *Crystal Bay Stormwater Improvement*  
20       *Project in Washoe County, Nevada.*

21              “(F) *Washoe County Stormwater Improve-*  
22       *ment Projects 4, 5, and 6 in Washoe County, Ne-*  
23       *vada.*

24              “(G) *Upper and Lower Kingsbury Project*  
25       *in Douglas County, Nevada.*

1           “(H) *Lake Village Drive-Phase II*  
2           *Stormwater Improvement in Douglas County,*  
3           *Nevada.*

4           “(I) *State Route 28 Spooner to Sand Har-*  
5           *bor Stormwater Improvement, Washoe County,*  
6           *Nevada.*

7           “(J) *State Route 431 Stormwater Improve-*  
8           *ment, Washoe County, Nevada.*

9           “(2) *STREAM ENVIRONMENT ZONE AND WATER-*  
10          *SHED RESTORATION.—Of the amounts made available*  
11          *under section 18(a), \$32,000,000 shall be made avail-*  
12          *able for grants by the Administrator for the Federal*  
13          *share of the following projects:*

14               “(A) *Upper Truckee River and Marsh Res-*  
15               *toration Project.*

16               “(B) *Upper Truckee River Mosher, Reaches*  
17               *1 & 2.*

18               “(C) *Upper Truckee River Sunset Stables.*

19               “(D) *Lower Blackwood Creek Restoration*  
20               *Project.*

21               “(E) *Ward Creek.*

22               “(F) *Third Creek/Incline Creek Watershed*  
23               *Restoration.*

24               “(G) *Rosewood Creek Restoration Project.*

1           “(3) *FIRE RISK REDUCTION AND FOREST MAN-*  
2           *AGEMENT.—*

3           “(A) *IN GENERAL.—Of the amounts made*  
4           *available under section 18(a), \$136,000,000 shall*  
5           *be made available for assistance by the Secretary*  
6           *for the following projects:*

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

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

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

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

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

24           “(B)     *MULTIPLE     BENEFIT     FUELS*  
25           *PROJECTS.—Consistent with the requirements of*

1           *section 4(d)(2), not more than \$10,000,000 of the*  
2           *amounts made available to carry out subpara-*  
3           *graph (A) shall be available to the Secretary for*  
4           *the planning and implementation of multiple*  
5           *benefit fuels projects with an emphasis on res-*  
6           *toration projects in Stream Environment Zones.*

7           “(C) *MINIMUM ALLOCATION.—Of the*  
8           *amounts made available to carry out subpara-*  
9           *graph (A), at least \$80,000,000 shall be made*  
10          *available to the Secretary for projects under sub-*  
11          *paragraph (A)(i).*

12          “(D) *PRIORITY.—Units of local government*  
13          *that have dedicated funding for inspections and*  
14          *enforcement of defensible space regulations shall*  
15          *be given priority for amounts provided under*  
16          *this paragraph.*

17          “(E) *COST-SHARING REQUIREMENTS.—As a*  
18          *condition on the receipt of funds, communities or*  
19          *local fire districts that receive funds under this*  
20          *paragraph shall provide a 25 percent match.*

21          “(4) *INVASIVE SPECIES MANAGEMENT.—Of the*  
22          *amounts to be made available under section 18(a),*  
23          *\$20,500,000 shall be made available to the Director*  
24          *for the Aquatic Invasive Species Program and the*  
25          *watercraft inspections described in section 9.*

1           “(5) *SPECIAL STATUS SPECIES MANAGEMENT.*—  
 2           *Of the amounts to be made available under section*  
 3           *18(a), \$20,000,000 shall be made available to the Di-*  
 4           *rector for the Lahontan Cutthroat Trout Recovery*  
 5           *Program.*

6           “(6) *LAKE TAHOE BASIN PROGRAM.*—*Of the*  
 7           *amounts to be made available under section 18(a),*  
 8           *\$30,000,000 shall be used to develop and implement*  
 9           *the Lake Tahoe Basin Program developed under sec-*  
 10          *tion 11.*

11          “(d) *USE OF REMAINING FUNDS.*—*Any amounts made*  
 12          *available under section 18(a) that remain available after*  
 13          *projects described in subsection (c) have been funded shall*  
 14          *be made available for projects included in the Priority List*  
 15          *under section 8.”.*

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

17          *The Lake Tahoe Restoration Act (Public Law 106–506;*  
 18          *114 Stat. 2351) is amended—*

19                  (1) *by striking sections 8 and 9;*

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

22                  (3) *by inserting after section 7 the following:*

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

24                  “(a) *FUNDING.*—*Subject to section 6(d), of the*  
 25          *amounts to be made available under section 18(a), at least*

1 \$136,000,000 shall be made available for projects identified  
2 on the Priority List.

3 “(b) *DEADLINE.*—Not later than February 15 of the  
4 year after the date of enactment of the Lake Tahoe Restora-  
5 tion Act of 2010, the Chair, in consultation with the Sec-  
6 retary, the Administrator, the Director, the Planning Agen-  
7 cy, the States of California and Nevada, the Federal Part-  
8 nership, the Washoe Tribe, the Lake Tahoe Federal Advisory  
9 Committee, and the Tahoe Science Consortium shall submit  
10 to Congress a prioritized list of all Environmental Improve-  
11 ment Program projects for the Lake Tahoe Basin, regardless  
12 of program category.

13 “(c) *CRITERIA.*—

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

17 “(A) *The 5-year threshold carrying capacity*  
18 *evaluation.*

19 “(B) *The ability to measure progress or suc-*  
20 *cess of the project.*

21 “(C) *The potential to significantly con-*  
22 *tribute to the achievement and maintenance of*  
23 *the environmental threshold carrying capacities*  
24 *identified in the Compact for—*

25 “(i) *air quality;*

- 1                   “(ii) fisheries;  
2                   “(iii) noise;  
3                   “(iv) recreation;  
4                   “(v) scenic resources;  
5                   “(vi) soil conservation;  
6                   “(vii) forest health;  
7                   “(viii) water quality; and  
8                   “(ix) wildlife.

9                   “(D) *The ability of a project to provide*  
10                   *multiple benefits.*

11                   “(E) *The ability of a project to leverage*  
12                   *non-Federal contributions.*

13                   “(F) *Stakeholder support for the project.*

14                   “(G) *The justification of Federal interest.*

15                   “(H) *Agency priority.*

16                   “(I) *Agency capacity.*

17                   “(J) *Cost-effectiveness.*

18                   “(K) *Federal funding history.*

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



1           “(3) *EROSION CONTROL PROJECTS.*—For pur-  
2           poses of the Priority List and section 6(c)(1), erosion  
3           control projects shall be considered part of the  
4           stormwater management and total maximum daily  
5           load program of the Environmental Improvement  
6           Program. The Administrator shall coordinate with the  
7           Secretary on such projects.

8           “(d) *REVISIONS.*—

9           “(1) *IN GENERAL.*—The Priority List submitted  
10          under subsection (b) shall be revised—

11                   “(A) every 4 years; or

12                   “(B) on a finding of compelling need under  
13          paragraph (2).

14          “(2) *FINDING OF COMPELLING NEED.*—

15                   “(A) *IN GENERAL.*—If the Secretary, the  
16          Administrator, or the Director makes a finding  
17          of compelling need justifying a priority shift and  
18          the finding is approved by the Secretary, the Ex-  
19          ecutive Director of the Planning Agency, the  
20          California Natural Resources Secretary, and the  
21          Director of the Nevada Department of Conserva-  
22          tion, the Priority List shall be revised in accord-  
23          ance with this subsection.

24                   “(B) *INCLUSIONS.*—A finding of compelling  
25          need includes—

- 1                   “(i) major scientific findings;
- 2                   “(ii) results from the threshold evalua-
- 3                   tion of the Planning Agency;
- 4                   “(iii) emerging environmental threats;
- 5                   and
- 6                   “(iv) rare opportunities for land acqui-
- 7                   sition.

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

9           “(a) *IN GENERAL.*—Not later than 60 days after the

10   date of enactment of the Lake Tahoe Restoration Act of

11   2010, the Director, in coordination with the Planning

12   Agency, the California Department of Fish and Game, and

13   the Nevada Department of Wildlife, shall deploy strategies

14   that meet or exceed the criteria described in subsection (b)

15   for preventing the introduction of aquatic invasive species

16   into the Lake Tahoe Basin.

17           “(b) *CRITERIA.*—The strategies referred to in sub-

18   section (a) shall provide that—

19                   “(1) combined inspection and decontamination

20                   stations be established and operated at not less than

21                   2 locations in the Lake Tahoe Basin;

22                   “(2) watercraft not be allowed to launch in wa-

23                   ters of the Lake Tahoe Basin if the watercraft—

24                           “(A) has been in waters infested by quagga

25                           or zebra mussels;

1           “(B) shows evidence of invasive species that  
2           the Director has determined would be detri-  
3           mental to the Lake Tahoe ecosystem; or

4           “(C) cannot be reliably decontaminated in  
5           accordance with paragraph (3);

6           “(3) subject to paragraph (4), all watercraft sur-  
7           faces and appurtenance (such as anchors and fenders)  
8           that contact with water shall be reliably decontami-  
9           nated, based on standards developed by the Director  
10          using the best available science;

11          “(4) watercraft bearing positive verification of  
12          having last launched within the Lake Tahoe Basin  
13          may be exempted from decontamination under para-  
14          graph (3); and

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

18          “(c) CERTIFICATION.—The Director may certify State  
19          agencies to perform the decontamination activities described  
20          in subsection (b)(3) at locations outside the Lake Tahoe  
21          Basin if standards at the sites meet or exceed standards  
22          for similar sites in the Lake Tahoe Basin established under  
23          this section.

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

4       “(e) *FEEES.*—*The Director may collect and spend fees*  
5 *for decontamination only at a level sufficient to cover the*  
6 *costs of operation of inspection and decontamination sta-*  
7 *tions under this section.*

8       “(f) *CIVIL PENALTIES.*—

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

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

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

1       “(h) *FUNDING.*—Of the amounts made available under  
2 section 6(c)(4), not more than \$500,000 shall be made avail-  
3 able to the Director, in coordination with the Planning  
4 Agency and State governments—

5               “(1) to evaluate the feasibility, cost, and poten-  
6 tial effectiveness of further efforts that could be under-  
7 taken by the Federal Government, State and local  
8 governments, or private entities to guard against in-  
9 troduction of aquatic invasive species into Lake  
10 Tahoe, including the potential establishment of in-  
11 spection and decontamination stations on major  
12 transitways entering the Lake Tahoe Basin; and

13               “(2) to evaluate and identify options for ensur-  
14 ing that all waters connected to Lake Tahoe are pro-  
15 tected from quagga and zebra mussels and other  
16 aquatic invasive species.

17       “(i) *SUPPLEMENTAL AUTHORITY.*—The authority  
18 under this section is supplemental to all actions taken by  
19 non-Federal regulatory authorities.

20       “(j) *SAVINGS CLAUSE.*—Nothing in this title shall be  
21 construed as restricting, affecting, or amending any other  
22 law or the authority of any department, instrumentality,  
23 or agency of the United States, or any State or political  
24 subdivision thereof, respecting the control of invasive spe-  
25 cies.

1 **“SEC. 10. ARMY CORPS OF ENGINEERS; INTERAGENCY**  
2 **AGREEMENTS.**

3 *“(a) IN GENERAL.—The Assistant Secretary may*  
4 *enter into interagency agreements with non-Federal inter-*  
5 *ests in the Lake Tahoe Basin to use Lake Tahoe Partner-*  
6 *ship-Miscellaneous General Investigations funds to provide*  
7 *programmatic technical assistance for the Environmental*  
8 *Improvement Program.*

9 *“(b) LOCAL COOPERATION AGREEMENTS.—*

10 *“(1) IN GENERAL.—Before providing technical*  
11 *assistance under this section, the Assistant Secretary*  
12 *shall enter into a local cooperation agreement with a*  
13 *non-Federal interest to provide for the technical as-*  
14 *sistance.*

15 *“(2) COMPONENTS.—The agreement entered into*  
16 *under paragraph (1) shall—*

17 *“(A) describe the nature of the technical as-*  
18 *sistance;*

19 *“(B) describe any legal and institutional*  
20 *structures necessary to ensure the effective long-*  
21 *term viability of the end products by the non-*  
22 *Federal interest; and*

23 *“(C) include cost-sharing provisions in ac-*  
24 *cordance with paragraph (3).*

25 *“(3) FEDERAL SHARE.—*

1           “(A) *IN GENERAL.*—*The Federal share of*  
 2           *project costs under each local cooperation agree-*  
 3           *ment under this subsection shall be 65 percent.*

4           “(B) *FORM.*—*The Federal share may be in*  
 5           *the form of reimbursements of project costs.*

6           “(C) *CREDIT.*—*The non-Federal interest*  
 7           *may receive credit toward the non-Federal share*  
 8           *for the reasonable costs of related technical ac-*  
 9           *tivities completed by the non-Federal interest be-*  
 10          *fore entering into a local cooperation agreement*  
 11          *with the Assistant Secretary under this sub-*  
 12          *section.*

13   **“SEC. 11. LAKE TAHOE BASIN PROGRAM.**

14          *“The Administrator, in cooperation with the Sec-*  
 15          *retary, the Planning Agency, the States of California and*  
 16          *Nevada, and the Tahoe Science Consortium, shall develop*  
 17          *and implement the Lake Tahoe Basin Program that—*

18                *“(1) develops and regularly updates an inte-*  
 19                *grated multiagency programmatic assessment and*  
 20                *monitoring plan—*

21                    *“(A) to evaluate the effectiveness of the En-*  
 22                    *vironmental Improvement Program;*

23                    *“(B) to evaluate the status and trends of in-*  
 24                    *dicators related to environmental threshold car-*  
 25                    *rying capacities; and*

1           “(C) to assess the impacts and risks of  
2           *changing climatic conditions and invasive spe-*  
3           *cies;*

4           “(2) develops a comprehensive set of performance  
5           *measures for Environmental Improvement Program*  
6           *assessment;*

7           “(3) coordinates the development of the annual  
8           *report described in section 13;*

9           “(4) produces and synthesizes scientific informa-  
10          *tion necessary for—*

11           “(A) the identification and refinement of  
12           *environmental indicators for the Lake Tahoe*  
13           *Basin; and*

14           “(B) the evaluation of standards and bench-  
15           *marks;*

16           “(5) conducts applied research, programmatic  
17           *technical assessments, scientific data management,*  
18           *analysis, and reporting related to key management*  
19           *questions;*

20           “(6) develops new tools and information to sup-  
21           *port objective assessments of land use and resource*  
22           *conditions;*

23           “(7) provides scientific and technical support to  
24           *the Federal Government and State and local govern-*  
25           *ments in—*



1           “(A) *reducing stormwater runoff, air depo-*  
2           *sition, and other pollutants that contribute to the*  
3           *loss of lake clarity; and*

4           “(B) *the development and implementation*  
5           *of an integrated stormwater monitoring and as-*  
6           *essment program;*

7           “(8) *establishes and maintains independent peer*  
8           *review processes—*

9           “(A) *to evaluate the Environmental Im-*  
10          *provement Program; and*

11          “(B) *to assess the technical adequacy and*  
12          *scientific consistency of central environmental*  
13          *documents, such as the 5-year threshold review;*  
14          *and*

15          “(9) *provides scientific and technical support for*  
16          *the development of appropriate management strate-*  
17          *gies to accommodate changing climatic conditions in*  
18          *the Lake Tahoe Basin.*

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

20          “(a) *IN GENERAL.—The Secretary, Administrator,*  
21          *and Director will coordinate with the Planning Agency to*  
22          *conduct public education and outreach programs, including*  
23          *encouraging—*

24          “(1) *owners of land and residences in the Lake*  
25          *Tahoe Basin—*

1                   “(A) to implement defensible space; and

2                   “(B) to conduct best management practices  
3                   for water quality; and

4                   “(2) owners of land and residences in the Lake  
5                   Tahoe Basin and visitors to the Lake Tahoe Basin,  
6                   to help prevent the introduction and proliferation of  
7                   invasive species as part of the private share invest-  
8                   ment in the Environmental Improvement Program.

9                   “(b) *REQUIRED COORDINATION.*—Public outreach and  
10                  education programs for aquatic invasive species under this  
11                  section shall—

12                   “(1) be coordinated with Lake Tahoe Basin tour-  
13                   ism and business organizations; and

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

16                  **“SEC. 13. REPORTING REQUIREMENTS.**

17                   “Not later than February 15 of each year, the Admin-  
18                   istrator, in cooperation with the Chair, the Secretary, the  
19                   Director, the Planning Agency, and the States of California  
20                   and Nevada, consistent with section 6(c)(6) and section 11,  
21                   shall submit to Congress a report that describes—

22                   “(1) the status of all Federal, State, local, and  
23                   private projects authorized under this Act, including  
24                   to the maximum extent practicable, for projects that

1 *will receive Federal funds under this Act during the*  
2 *current or subsequent fiscal year—*

3 *“(A) the project scope;*

4 *“(B) the budget for the project; and*

5 *“(C) the justification for the project, con-*  
6 *sistent with the criteria established in section*  
7 *8(c)(1);*

8 *“(2) Federal, State, local, and private expendi-*  
9 *tures in the preceding fiscal year to implement the*  
10 *Environmental Improvement Program and projects*  
11 *otherwise authorized under this Act;*

12 *“(3) accomplishments in the preceding fiscal*  
13 *year in implementing this Act in accordance with the*  
14 *performance measures and other monitoring and as-*  
15 *essment activities; and*

16 *“(4) public education and outreach efforts under-*  
17 *taken to implement programs and projects authorized*  
18 *under this Act.*

19 **“SEC. 14. ANNUAL BUDGET PLAN.**

20 *“As part of the annual budget of the President, the*  
21 *President shall submit information regarding each Federal*  
22 *agency involved in the Environmental Improvement Pro-*  
23 *gram (including the Forest Service, the Environmental Pro-*  
24 *tection Agency, and the United States Fish and Wildlife*  
25 *Service), including—*

1           “(1) an interagency crosscut budget that displays  
2           the proposed budget for use by each Federal agency in  
3           carrying out restoration activities relating to the En-  
4           vironmental Improvement Program for the following  
5           fiscal year;

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

10           “(3) a description of the Federal role in the En-  
11           vironmental Improvement Program, including the  
12           specific role of each agency involved in the restoration  
13           of the Lake Tahoe Basin.

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

15           “(a) *IN GENERAL.*—Of the amounts to be made avail-  
16           able under section 18(a), the Administrator shall use not  
17           more than \$500,000 to provide a grant, on a competitive  
18           basis, to States, federally recognized Indian tribes, inter-  
19           state agencies, other public or nonprofit agencies and insti-  
20           tutions, or institutions of higher education to develop a  
21           Lake Tahoe Basin watershed strategy in coordination with  
22           the Planning Agency, the States of California and Nevada,  
23           and the Secretary.

1       “(b) *COMMENT.*—*In developing the watershed strategy*  
 2 *under subsection (a), the grant recipients shall provide an*  
 3 *opportunity for public review and comment.*

4       “(c) *COMPONENTS.*—*The watershed strategy developed*  
 5 *under subsection (a) shall include—*

6               “(1) *a classification system, inventory, and as-*  
 7 *essment of stream environment zones;*

8               “(2) *comprehensive watershed characterization*  
 9 *and restoration priorities consistent with—*

10                       “(A) *the Lake Tahoe total maximum daily*  
 11 *load; and*

12                       “(B) *the environmental threshold carrying*  
 13 *capacities of Lake Tahoe;*

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

16               “(4) *an adaptive management system—*

17                       “(A) *to measure and evaluate progress; and*

18                       “(B) *to adjust the program.*

19       “(d) *DEADLINE.*—*The watershed strategy developed*  
 20 *under subsection (a) shall be completed by the date that is*  
 21 *2 years after the date on which funds are made available*  
 22 *to carry out this section.”.*

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

24       *Section 17 of The Lake Tahoe Restoration Act (Public*  
 25 *Law 106–506; 114 Stat. 2358) (as redesignated by section*

1 7(2)) is amended by inserting “, Director, or Adminis-  
2 trator” after “Secretary”.

3 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

4 *The Lake Tahoe Restoration Act (Public Law 106–506;*  
5 *114 Stat. 2351) is amended by striking section 18 (as reded-*  
6 *ignated by section 7(2)) and inserting the following:*

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

8 *“(a) IN GENERAL.—There is authorized to be appro-*  
9 *priated to carry out this Act \$415,000,000 for a period of*  
10 *8 fiscal years beginning the first fiscal year after the date*  
11 *of enactment of the Lake Tahoe Restoration Act of 2010.*

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

14 *“(1) shall be in addition to any other amounts*  
15 *made available to the Secretary, Administrator, or*  
16 *Director for expenditure in the Lake Tahoe Basin;*  
17 *and*

18 *“(2) shall not reduce allocations for other Re-*  
19 *gions of the Forest Service, Environmental Protection*  
20 *Agency, or United States Fish and Wildlife Service.*

21 *“(c) COST-SHARING REQUIREMENT.—Except as pro-*  
22 *vided in subsection (d) and section 6(c)(3)(E), the States*  
23 *of California and Nevada shall pay 50 percent of the aggre-*  
24 *gate costs of restoration activities in the Lake Tahoe Basin*  
25 *funded under section 6 or 8.*

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

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

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

9       “(e) *SIGNAGE.*—To the maximum extent practicable,  
 10 a project provided assistance under this Act shall include  
 11 appropriate signage at the project site that—

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

13                       “(A) the amount of Federal funds being  
 14 provided to the project; and

15                       “(B) this Act; and

16               “(2) displays the visual identity mark of the En-  
 17 vironmental Improvement Program.”.

18 **SEC. 10. CONFORMING AMENDMENTS.**

19       (a) *ADMINISTRATION OF ACQUIRED LAND.*—Section  
 20 3(b) of Public Law 96–586 (94 Stat. 3384) is amended—

21               (1) by striking “(b) Lands” and inserting the  
 22 following:

23               “(b) *ADMINISTRATION OF ACQUIRED LAND.*—

24                       “(1) *IN GENERAL.*—Land”; and

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

1           “(2) *INTERCHANGE.*—

2                   “(A) *IN GENERAL.*—Notwithstanding para-  
3           graph (1), the Secretary of Agriculture (acting  
4           through the Chief of the Forest Service) (referred  
5           to in this paragraph as the ‘Secretary’) may  
6           interchange (as defined in the first section of  
7           Public Law 97–465 (16 U.S.C. 521c)) any land  
8           or interest in land within the Lake Tahoe Basin  
9           Management Unit described in subparagraph  
10          (B) with appropriate units of State government.

11                   “(B) *ELIGIBLE LAND.*—The land or interest  
12          in land referred to in subparagraph (A) is land  
13          or an interest in land that the Secretary deter-  
14          mines is not subject to efficient administration  
15          by the Secretary because of the location or size  
16          of the land.

17                   “(C) *REQUIREMENTS.*—In any interchange  
18          under this paragraph, the Secretary shall—

19                           “(i) insert in the applicable deed such  
20                           terms, covenants, conditions, and reserva-  
21                           tions as the Secretary determines to be nec-  
22                           essary to ensure—

23                                   “(I) protection of the public inter-  
24                                   est, including protection of the scenic,



1 *wildlife, and recreational values of the*  
2 *National Forest System; and*

3 *“(II) the provision for appro-*  
4 *prate access to, and use of, land with-*  
5 *in the National Forest System;*

6 *“(ii) receive land within the Lake*  
7 *Tahoe Basin of approximately equal value*  
8 *(as defined in accordance with section 6(2)*  
9 *of Public Law 97-465 (96 Stat. 2535)); and*

10 *“(iii) for the purposes of any environ-*  
11 *mental assessment—*

12 *“(I) assume the maintenance of*  
13 *the environmental status quo; and*

14 *“(II) not be required to individ-*  
15 *ually assess each parcel that is man-*  
16 *aged under the Lake Tahoe Basin*  
17 *Management Unit Urban Lots Pro-*  
18 *gram.*

19 *“(D) USE OF LAND ACQUIRED BY UNITS OF*  
20 *STATE GOVERNMENT.—Any unit of State govern-*  
21 *ment that receives National Forest System land*  
22 *through an exchange or transfer under this para-*  
23 *graph shall not convey the land to any person or*  
24 *entity other than the Federal Government or a*  
25 *State government.”.*

1       **(b) INTERAGENCY AGREEMENT FUNDING.**—Section  
2 *108(g) of title I of division C of the Consolidated Appro-*  
3 *priations Act, 2005 (Public Law 108–447; 118 Stat. 2942)*  
4 *is amended by striking “\$25,000,000” and inserting*  
5 *“\$75,000,000”.*



Calendar No. 436

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

**S. 2724**

[Report No. 111-211]

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## **A BILL**

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

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JUNE 21, 2010

Reported with an amendment