

LAKE TAHOE RESTORATION ACT OF 2015

—————
FEBRUARY 1, 2016.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed
—————

Mr. BISHOP of Utah, from the Committee on Natural Resources,
submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 3382]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3382) to amend the Lake Tahoe Restoration Act to enhance recreational opportunities, environmental restoration activities, and forest management activities in the Lake Tahoe Basin, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

(a) **SHORT TITLE.**—This Act may be cited as the “Lake Tahoe Restoration Act of 2015”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Findings and purposes.
- Sec. 3. Definitions.
- Sec. 4. Improved administration of the Lake Tahoe Basin Management Unit.
- Sec. 5. Authorized programs.
- Sec. 6. Program performance and accountability.
- Sec. 7. Technical corrections and conforming amendments.
- Sec. 8. Authorization of appropriations.
- Sec. 9. Land conveyances to improve management efficiencies of State and Federal lands.
- Sec. 10. Modification of land acquisition authority under Santini-Burton Act and Southern Nevada Public Land Management Act of 1998.
- Sec. 11. Availability of categorical exclusion for Lake Tahoe herbicide applications to control certain aquatic weeds.

SEC. 2. FINDINGS AND PURPOSES.

Section 2 of the Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2351) is amended to read as follows:

“SEC. 2. FINDINGS AND PURPOSES.

“(a) FINDINGS.—Congress makes the following findings:

“(1) Lake Tahoe—

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

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

“(C) is recognized as a natural resource of special significance, so that even world-traveler Mark Twain called Lake Tahoe the ‘fairest picture the whole earth affords’.

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

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

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

“(3) The economy in the Lake Tahoe Basin is dependent on the natural beauty and recreation opportunities of Lake Tahoe and the surrounding area.

“(4) Forests in the Lake Tahoe Basin suffer from over a century of fire damage, periodic drought, and mismanagement, which have resulted in—

“(A) high tree density and mortality;

“(B) the loss of biological diversity; and

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

“(5) The establishment of several aquatic and terrestrial invasive species (including perennial pepperweed, milfoil, and Asian clam) threatens the ecosystem of the Lake Tahoe Basin, and the likelihood exists for the introduction and establishment of other invasive species (such as yellow starthistle, New Zealand mud snail, Zebra mussel, and quagga mussel).

“(6) 75 percent of the land in the Lake Tahoe Basin is administered by the Federal Government, which makes it a Federal responsibility to significantly contribute to the restoration of the ecological health of the Lake Tahoe Basin.

“(b) PURPOSES.—The purposes of this Act are as follows:

“(1) To identify ways and pursue options to expand the environmental threshold carrying capacity of the Lake Tahoe Basin.

“(2) To enable the Chief of the Forest Service, the Director of the United States Fish and Wildlife Service, and the Administrator, in cooperation with the Planning Agency and the States of California and Nevada, to fund, plan, and implement significant forest management and invasive species control activities in the Lake Tahoe Basin.

“(3) To ensure that Federal, State, local, regional, tribal, and private entities continue to work together to manage lands and forests in the Lake Tahoe Basin.

“(4) To support local governments in the Lake Tahoe Basin in efforts related fire risk reduction and forest management activities.

“(5) To prioritize public recreational access to public lands in the Lake Tahoe Basin.

“(6) To ensure that management of Federal land and forests in the Lake Tahoe Basin is conducted with the understanding that—

“(A) public forests are renewable assets that should be managed, rather than neglected, and that excess timber should be harvested to generate continuing revenue for care of the public’s land, in accordance with a good neighbor policy; and

“(B) the Federal Government will defer to local communities whenever possible with regard to land acquisition and land regulations or restrictions.”.

SEC. 3. DEFINITIONS.

Section 3 of the Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2353) is amended to read as follows:

“SEC. 3. DEFINITIONS.

“In this Act:

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

“(2) ASSISTANT SECRETARY.—The term ‘Assistant Secretary’ means the Assistant Secretary of the Army for Civil Works.

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

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

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

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

“(B) the Director of the United States Geological Survey.

“(6) ENVIRONMENTAL THRESHOLD CARRYING CAPACITY.—The term ‘environmental threshold carrying capacity’ has the meaning given the term in article II of the Compact.

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

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

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

“(B) mechanical treatments, including forest thinning, sale of commercial timber and firewood, and brush mastication;

“(C) management of non-native, invasive species;

“(D) erosion control and water runoff mitigation on land adversely impacted by wildland fire; and

“(E) other activities consistent with Forest Service practices, as the Secretary determines to be appropriate.

“(9) MAPS.—The term ‘Maps’ means the maps dated April 12, 2013, and entitled ‘LTRA USFS-CA Land Exchange/North Shore’, ‘USFS-CA Land Exchange/West Shore’, and ‘USFS-CA Land Exchange/South Shore’, which shall be on file and available for public inspection in the appropriate offices of the Forest Service, the California Tahoe Conservancy, and the California Department of Parks and Recreation.

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

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

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

“(C) any other code that the Secretary determines provides the same, or better, standards for protection against wildland fire as a code described in subparagraph (A) or (B).

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

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

“(13) WATERCRAFT.—The term ‘watercraft’ means motorized and non-motorized watercraft that are capable of harboring an invasive species.”

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

Section 4 of the Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2353) is amended by adding at the end the following new subsections:

“(c) FOREST MANAGEMENT ACTIVITIES.—

“(1) COORDINATION.—For the purpose of increasing efficiencies and maximizing the compatibility of management practices across public property boundaries, in conducting forest management activities in the Lake Tahoe Basin Management Unit, the Secretary shall coordinate, as appropriate, with—

“(A) the Administrator;

“(B) State and local agencies; and

“(C) county governments, local governments, and local fire departments.

“(2) MULTIPLE BENEFITS.—In conducting forest management activities in the Lake Tahoe Basin Management Unit, the Secretary shall conduct the activities in a manner that—

“(A) except as provided in paragraph (3), promotes multiple management benefits, including—

“(i) reducing forest fuels;

“(ii) enhancing and seeking ways to increase recreational opportunities;

“(iii) preserving existing and traditional uses;

- “(iv) producing a sustainable yield of natural resource production; and
- “(v) allowing for economic development; and
- “(B) helps achieve, maintain, and identify ways to expand the environmental threshold carrying capacities established by the Planning Agency.
- “(3) COST-BENEFIT DETERMINATION.—Notwithstanding paragraph (2)(A), the promotion of multiple management benefits shall not be required if the Secretary determines that management for multiple benefits would excessively increase the cost of a program in relation to the additional benefits gained from the management activity. The Secretary shall make each cost-benefit determination made under this paragraph publicly available.
- “(4) AVAILABILITY OF CATEGORICAL EXCLUSION FOR CERTAIN FOREST MANAGEMENT PROJECTS.—A forest management activity conducted in the Lake Tahoe Basin Management Unit for the purpose of reducing forest fuels is categorically excluded from the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.) if the forest management activity—
- “(A) notwithstanding section 423 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2009 (division E of Public Law 111–8; 123 Stat. 748), does not exceed 10,000 acres, including no more than 3,000 acres of mechanical thinning;
- “(B) is developed—
- “(i) in coordination with impacted parties, specifically including representatives of local governments, such as county supervisors or county commissioners; and
- “(ii) in consultation with other interested parties; and
- “(C) is consistent with the Lake Tahoe Basin Management Unit land and resource management plan.
- “(d) ARBITRATION PROCESS.—
- “(1) IN GENERAL.—Any challenge to a forest management activity in the Lake Tahoe Basin Management Unit shall be addressed using arbitration consistent with this subsection.
- “(2) WHO MAY SEEK.—Any person who sought administrative review for the forest management activity and who is not satisfied with the decision made under the administrative review process may file a demand for arbitration regarding the covered active management project in accordance with chapter 1 of title 9, United States Code. The demand for arbitration under paragraph (1) shall—
- “(A) be filed not more than 15 days after the date on which the administrative review decision was issued; and
- “(B) include a proposal describing the modifications sought to the forest management activity.
- “(3) INTERVENING PARTIES.—Not later than 15 days after the date on which the demand for arbitration was filed, any person that submitted a public comment on the forest management activity subject to arbitration may intervene in the arbitration—
- “(A) by endorsing the activity or the modification proposal; or
- “(B) by submitting a proposal to further modify the activity.
- “(4) APPOINTMENT OF ARBITRATOR.—The United States District Court in the district in which the forest management activity is located shall appoint the arbitrator to conduct the arbitration proceedings in accordance with this subsection and chapter 1 of title 9, United States Code.
- “(5) SELECTION OF PROPOSALS.—
- “(A) IN GENERAL.—Within 30 days after appointment under paragraph (1), the arbitrator shall determine whether the proposal submitted by an objector or an intervening party or the forest management activity as approved by the Secretary best meets the purpose and needs described in the environmental analysis conducted, in accordance with this Act, for the forest management activity.
- “(B) MODIFICATION PROHIBITED.—The arbitrator appointed under paragraph (4) may not modify any of the proposals submitted with the demand for arbitration or a request to intervene.
- “(6) EFFECT OF DECISION.—The decision of an arbitrator with respect to the forest management activity—
- “(A) shall not be considered a major Federal action; and
- “(B) shall be binding.
- “(7) PROHIBITION ON RESTRAINING ORDERS, PRELIMINARY INJUNCTIONS, AND INJUNCTIONS PENDING APPEAL.—No restraining order, preliminary injunction, or injunction pending appeal shall be issued by an appellate court of the United

States with respect to the decision of an arbitrator with respect to the forest management activity.

“(e) ENVIRONMENTAL THRESHOLD CARRYING CAPACITY.—The Lake Tahoe Basin Management Unit shall support the attainment of the environmental threshold carrying capacities and identify and pursue the means to expand those capacities.

“(f) COOPERATIVE AUTHORITIES.—

“(1) IN GENERAL.—During fiscal years 2016 through 2020, the Secretary, in conjunction with land adjustment programs, may enter into contracts and cooperative agreements with States, units of local government, and other public and private entities to provide for fuel reduction, erosion control, reforestation, and similar management activities on Federal land and non-Federal land within the programs.

“(2) EXTENDED DURATION OF STEWARDSHIP CONTRACTS.—Notwithstanding subsection (d)(3) of section 604 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c), an agreement or contract under such section for stewardship contracting projects to be carried out within the Lake Tahoe Basin Management Unit may be for a term in excess of 10 years, but not to exceed 20 years.

“(g) COMMERCIAL PRODUCT RECEIPTS.—

“(1) RETENTION.—The Secretary shall retain any commercial product receipts generated as part of forest management activities or cooperative activities conducted in the Lake Tahoe Basin Management Unit under subsection (c) or (g), other than stewardship contracts described in subsection (g)(2).

“(2) AVAILABILITY AND USE.—Receipts retained under paragraph (1) shall be available to the Secretary for the purpose of funding additional forest management activities and cooperative activities, developed through a collaborative process with representatives from local governments with jurisdiction over lands within the Lake Tahoe Basin Management Unit.

“(3) OBLIGATION LIMIT.—The obligation and expenditure of receipts retained under this subsection shall be subject to such fiscal-year limitation as may be specified in an Act making appropriations for the Forest Service for a fiscal year.”

SEC. 5. AUTHORIZED PROGRAMS.

Section 5 of the Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2353) is amended to read as follows:

“SEC. 5. AUTHORIZED PROGRAMS.

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

“(b) FIRE RISK REDUCTION AND FOREST MANAGEMENT.—

“(1) IN GENERAL.—Of the amounts appropriated for a fiscal year pursuant to the authorization of appropriations in subsection (a) of section 12, as amended by section 8 of the Lake Tahoe Restoration Act of 2015, not less than \$4,400,000 shall be made available to the Secretary to carry out, including by making grants, the following programs:

“(A) The Lake Tahoe Basin Multi-Jurisdictional Fuel Reduction and Wildfire Prevention Strategy 10-Year Plan.

“(B) Competitive grants for fuels work to be awarded by the Secretary to communities that have adopted national wildland fire codes to implement the applicable portion of the plan referred to in subparagraph (A).

“(C) Restoration activities related to any residual or future wildfire damage.

“(D) Washoe Tribe fire risk reduction and forest management programs on tribal lands within the Lake Tahoe Basin.

“(E) Development of an updated Lake Tahoe Basin multijurisdictional fuel reduction and wildfire prevention strategy, consistent with the requirement that forest management activities in the Lake Tahoe Basin promote multiple management benefits as described in section 4(c) of this Act (as added by section 4 of the Lake Tahoe Restoration Act of 2015).

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

“(2) PRIORITY.—Units of local government in the Lake Tahoe Basin that have dedicated funding for inspections and enforcement of defensible space regulations shall be given priority for amounts provided under this subsection.

“(3) COST-SHARING REQUIREMENTS.—

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

- “(B) FORM OF NON-FEDERAL SHARE.—
- “(i) IN GENERAL.—The non-Federal share required under subparagraph (A) may be in the form of cash contributions or in-kind contributions, including providing labor, equipment, supplies, space, and other operational needs.
- “(ii) CREDIT FOR CERTAIN DEDICATED FUNDING.—There shall be credited toward the non-Federal share required under subparagraph (A) any dedicated funding of the communities or local fire districts for a fuels reduction management program, defensible space inspections, or dooryard chipping.
- “(C) DOCUMENTATION.—Communities and local fire districts shall—
- “(i) maintain a record of in-kind contributions that describes—
- “(I) the monetary value of the in-kind contributions; and
- “(II) the manner in which the in-kind contributions assist in accomplishing project goals and objectives; and
- “(ii) document in all requests for Federal funding, and include in the total project budget, evidence of the commitment to provide the non-Federal share through in-kind contributions.
- “(c) INVASIVE SPECIES MANAGEMENT.—
- “(1) IN GENERAL.—Of the amounts appropriated for a fiscal year pursuant to the authorization of appropriations in subsection (a) of section 12, as amended by section 8 of the Lake Tahoe Restoration Act of 2015, not less than \$800,000 shall be transferred to the Director of the United States Fish and Wildlife Service for the Aquatic Invasive Species Program and for the watercraft inspections and decontaminations described in paragraph (2).
- “(2) DESCRIPTION OF ACTIVITIES.—The Director of the United States Fish and Wildlife Service, in coordination with the Planning Agency, the California Department of Fish and Game, and the Nevada Department of Wildlife, shall deploy strategies consistent with the Lake Tahoe Aquatic Invasive Species Management Plan to prevent the introduction and spread of aquatic invasive species into the Lake Tahoe Basin.
- “(3) REQUIRED ELEMENTS OF STRATEGIES.—The strategies referred to in paragraph (2) shall provide for the following:
- “(A) Combined inspection and decontamination stations shall be established in the Lake Tahoe Basin. As provided in paragraph (4), these stations may be operated by the States of California and Nevada, local governments, or private entities.
- “(B) Watercraft shall not be allowed to launch in waters of the Lake Tahoe Basin unless the watercraft has been inspected in accordance with the Lake Tahoe Aquatic Invasive Species Management Plan.
- “(4) CERTIFICATION.—The Planning Agency shall certify the State of California, the State of Nevada, local agencies, or private entities to perform inspection and decontamination activities described in paragraph (3)(A) at locations inside or outside the Lake Tahoe Basin if such activities are conducted in a manner consistent with the standards established by this subsection.
- “(5) APPLICABILITY.—The strategies developed under this subsection shall apply to all watercraft to be launched on water within the Lake Tahoe Basin.
- “(6) FEES.—An entity performing inspection and decontamination activities described in paragraph (3)(A) may collect fees for such activities, but not higher than the level sufficient to cover the costs of operation of inspection and decontamination stations under this subsection.
- “(7) VIOLATIONS.—
- “(A) IN GENERAL.—Any person that launches or attempts to launch a watercraft not in compliance with strategies deployed under this subsection shall be guilty of an infraction and shall be subject to a fine in the amount provided in title 18, United States Code.
- “(B) OTHER AUTHORITIES.—Any fine imposed under this paragraph shall be separate from penalties assessed under any other authority.
- “(8) LIMITATION.—The strategies deployed under paragraph (2), including the specific elements required by paragraph (3), may be modified if the Secretary of the Interior, in a nondelegable capacity and in consultation with the Planning Agency, the States of California and Nevada, and State and local governments, issues a determination that alternative measures will be no less effective at preventing introduction of aquatic invasive species into Lake Tahoe.
- “(9) SUPPLEMENTAL AUTHORITY.—The authority under this subsection is supplemental to all actions taken by non-Federal regulatory authorities.
- “(10) SAVINGS CLAUSE.—Nothing in this title restricts, affects, or amends any other law or the authority of any department, instrumentality, or agency of the

United States, or any State or political subdivision thereof, respecting the control of invasive species.”.

SEC. 6. PROGRAM PERFORMANCE AND ACCOUNTABILITY.

Section 6 of the Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2354) is amended to read as follows:

“SEC. 6. PROGRAM PERFORMANCE AND ACCOUNTABILITY.

“(a) PROGRAM PERFORMANCE AND ACCOUNTABILITY.—

“(1) IN GENERAL.—Of the amounts appropriated for a fiscal year pursuant to the authorization of appropriations in subsection (a) of section 12, as amended by section 8 of the Lake Tahoe Restoration Act of 2015, not less than \$150,000 shall be made available to the Secretary to carry out this section.

“(2) PLANNING AGENCY.—Of the amounts made available to the Secretary under paragraph (1), not less than 50 percent shall be made available to the Planning Agency to carry out the program oversight, coordination, and outreach activities under subsections (d) and (e).

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

“(c) CORPS OF ENGINEERS; INTERAGENCY AGREEMENTS.—

“(1) IN GENERAL.—The Assistant Secretary may enter into interagency agreements with non-Federal interests in the Lake Tahoe Basin to use Lake Tahoe Partnership-Miscellaneous General Investigations funds to provide programmatic technical assistance for forest management or invasive species control activities.

“(2) LOCAL COOPERATION AGREEMENTS.—

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

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

“(i) describe the nature of the technical assistance;

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

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

“(C) FEDERAL SHARE.—

“(i) IN GENERAL.—The Federal share of program costs under each local cooperation agreement under this paragraph shall be 75 percent.

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

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

“(d) PUBLIC OUTREACH AND EDUCATION.—

“(1) IN GENERAL.—The Secretary, the Administrator, and the Directors will coordinate with the Planning Agency to conduct public education and outreach programs, including encouraging—

“(A) owners of land and residences in the Lake Tahoe Basin to implement defensible space; and

“(B) owners of land and residences in the Lake Tahoe Basin and visitors to the Lake Tahoe Basin to help prevent the introduction and proliferation of invasive species.

“(2) SCIENTIFIC AND TECHNICAL GUIDANCE.—The Director of the United States Geological Survey shall provide scientific and technical guidance to public outreach and education programs conducted under this subsection.

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

“(A) be coordinated with county governments in the Lake Tahoe Basin and Lake Tahoe Basin tourism and business organizations; and

“(B) include provisions for the programs to extend outside of the Lake Tahoe Basin.

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

“(1) develop and implement a plan for integrated monitoring, assessment, and applied research to evaluate the effectiveness programs funded under this Act; and

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

SEC. 7. TECHNICAL CORRECTIONS AND CONFORMING AMENDMENTS.

(a) TECHNICAL CORRECTION.—Section 4(b)(3) of the Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2353) is amended by striking “basin” and inserting “Basin”.

(b) RELATIONSHIP TO OTHER LAWS.—Section 11 of the Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2358) is amended by inserting “, Director, or Administrator” after “Secretary”.

(c) TAHOE REGIONAL PLANNING COMPACT UPDATE.—Paragraph (c) of Article V of the Tahoe Regional Planning Compact included in the first section of Public Law 96–551 (94 Stat. 3233) is amended by inserting after “maintain the regional plan” the following: “and, in so doing, shall ensure that the regional plan reflects changing economic conditions and the economic effect of regulation on commerce”.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

Section 12 of the Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2358) is amended to read as follows:

“SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

“(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this Act \$6,000,000 for each of fiscal years 2016 through 2025.

“(b) SOURCE OF FUNDS.—Amounts made available to carry out this Act shall be derived from—

“(1) amounts appropriated pursuant to the authorization of appropriations in subsection (a) and the amendment made by section 7 of this Act; and

“(2) special use fees collected within the Lake Tahoe Basin Management Unit and made available under subsection (c).

“(c) ADDITIONAL FUNDING FROM SPECIAL USE FEES.—

“(1) RETENTION OF CERTAIN FEES.—

“(A) DEPOSIT.—Fees collected for recreation and non-recreation special uses within the Lake Tahoe Basin Management Unit shall be deposited in a special fund in the Treasury, which shall be available to the Secretary as provided in subparagraph (B).

“(B) AVAILABILITY AND USE.—Fees deposited under subparagraph (A) shall be available to the Secretary, in such amounts as may be provided in an Act making appropriations for the Forest Service for a fiscal year, for the purpose of providing additional funds to carry out this Act in excess of amounts appropriated pursuant to the authorization of appropriations in subsection (a).

“(C) OBLIGATION LIMIT.—The obligation and expenditure of fees deposited under subparagraph (A) shall be subject to appropriation and such fiscal-year limitation as may be specified in an Act making appropriations for the Forest Service for a fiscal year.

“(2) USE OF RETAINED FEES.—

“(A) FEES COLLECTED FOR RECREATION SPECIAL USES.—In the case of fees collected for recreation special uses within the Lake Tahoe Basin Management Unit that are deposited under paragraph (1) and appropriated for a fiscal year, the Secretary shall use the funds to establish, maintain, and expand recreation improvements, specifically existing and traditional uses, within the Lake Tahoe Basin Management Unit, including trails, facilities, activities, interpretation, and on-the-ground presence of Forest Service personnel.

“(B) FEES COLLECTED FOR NON-RECREATION SPECIAL USES.—In the case of fees collected for non-recreation special uses within the Lake Tahoe Basin Management Unit that are deposited under paragraph (1) and appropriated for a fiscal year, the Secretary shall use the funds to support other activities authorized by this Act.

“(3) COLLABORATIVE PROCESS.—The Secretary shall make decisions under paragraph (2) regarding the use of fees appropriated for a fiscal year through a collaborative process with representatives from local governments, such as county supervisors and county commissioners, with jurisdiction over lands within the Lake Tahoe Basin Management Unit.

“(d) EFFECT ON OTHER FUNDS.—Amounts made available to carry out this Act—

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

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

“(e) COST-SHARING REQUIREMENT.—Except as provided in subsection (b)(3) of section 5 of this Act, as amended by section 5 of the Lake Tahoe Restoration Act of 2015, funds for activities under section 5 of this Act shall be available for obligation on a dollar-for-dollar basis with funding of restoration activities in the Lake Tahoe Basin by the States of California and Nevada.”.

SEC. 9. LAND CONVEYANCES TO IMPROVE MANAGEMENT EFFICIENCIES OF STATE AND FEDERAL LANDS.

(a) CALIFORNIA CONVEYANCE.—Section 3(b) of Public Law 96–586 (94 Stat. 3384; commonly known as the Santini-Burton Act) is amended—

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

“(b) ADMINISTRATION OF ACQUIRED LAND.—

“(1) IN GENERAL.—Land”; and

(2) by adding at the end the following new paragraph:

“(2) CONVEYANCE TO CALIFORNIA.—

“(A) IN GENERAL.—If the State of California (acting through the California Tahoe Conservancy and the California Department of Parks and Recreation) offers to donate to the United States acceptable title to the non-Federal land described in subparagraph (B)(i), the Secretary of Agriculture—

“(i) may accept the offer; and

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

“(B) DESCRIPTION OF LAND.—

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

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

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

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

“(C) USE OF LAND.—The land conveyance authorized under this paragraph shall—

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

“(ii) not result in any substantial reduction in public access or reduction in availability of existing and traditional public recreation uses.

“(D) CONTINUATION OF SPECIAL USE PERMITS.—The land conveyance authorized under this paragraph shall be subject to the condition that the State of California accept all special use permits applicable, as of the date of the enactment of this subparagraph, to the National Forest System land described in subparagraph (B)(ii) for the duration of such permits, and subject to the terms and conditions of such permits.”.

(b) NEVADA CONVEYANCE.—Section 3(b) of Public Law 96–586 (94 Stat. 3384; commonly known as the Santini-Burton Act) is further amended by inserting after paragraph (2), as added by subsection (a)(2), the following new paragraph:

“(3) CONVEYANCE TO NEVADA.—

“(A) IN GENERAL.—At the request of the State of Nevada, the Secretary of Agriculture may convey, without consideration, the land or interests in land described in subparagraph (B) to the State, subject to appropriate deed restrictions to protect public access and existing or traditional public recreational uses of the conveyed land.

“(B) DESCRIPTION OF LAND.—The land referred to in subparagraph (A) includes the approximately 39 acres of National Forest System land identified on the map entitled ‘State of Nevada Conveyances’ as ‘Van Sickle Unit USFS Inholding’.

“(C) USE OF LAND.—The land conveyance authorized under this paragraph shall—

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

“(ii) not result in any substantial reduction in public access or reduction in availability of existing and traditional public recreation uses.

“(D) CONTINUATION OF SPECIAL USE PERMITS.—The land conveyance authorized under this paragraph shall be subject to the condition that the State of Nevada accept all special use permits applicable, as of the date of the enactment of this subparagraph, to the National Forest System land described in subparagraph (B) for the duration of such permits, and subject to the terms and conditions of such permits.”

(c) AUTHORIZATION FOR CONVEYANCE OF FOREST SERVICE URBAN LOTS.—

(1) CONVEYANCE AUTHORITY.—The Secretary of Agriculture is authorized to convey all urban lots within the Lake Tahoe Basin under the administrative jurisdiction of the Forest Service.

(2) CONSIDERATION.—A conveyance under the authority of paragraph (1) shall require consideration in an amount equal to the fair-market value of the conveyed lot.

(3) AVAILABILITY AND USE.—The proceeds from conveyances under paragraph (1) shall be retained by the Secretary of Agriculture and used for the purpose of—

(A) purchasing inholdings throughout the Lake Tahoe Basin; or

(B) providing additional funds to carry out the Lake Tahoe Restoration Act (Public Law 106–506) in excess of amounts appropriated pursuant to the authorization of appropriations in section 12 of such Act, as amended by section 8 of this Act.

(4) OBLIGATION LIMIT.—The obligation and expenditure of proceeds retained under this subsection shall be subject to such fiscal-year limitation as may be specified in an Act making appropriations for the Forest Service for a fiscal year.

(5) INHOLDING DEFINED.—In paragraph (3)(A), the term “inholding” means a parcel of land that is surrounded on all sides by Federal land.

SEC. 10. MODIFICATION OF LAND ACQUISITION AUTHORITY UNDER SANTINI-BURTON ACT AND SOUTHERN NEVADA PUBLIC LAND MANAGEMENT ACT OF 1998.

(a) ADDITIONAL LAND ACQUISITION CRITERIA.—Section 3(a)(1) of Public Law 96–586 (94 Stat. 3383; commonly known as the Santini-Burton Act) is amended by adding before the period at the end of the first sentence the following: “and, with respect to any land acquisition under this section within the Lake Tahoe Basin Management Unit that is proposed after the date of the enactment of the Lake Tahoe Restoration Act of 2015, which will provide critical access for recreational use and resolve significant inholding issues in that a parcel of land to be acquired is wholly surrounded by Federal land”.

(b) CONSENT OF LOCAL GOVERNMENT REQUIRED.—Section 3(a) of Public Law 96–586 (94 Stat. 3383; commonly known as the Santini-Burton Act) is amended by adding at the end the following new paragraph:

“(6) CONSENT OF LOCAL GOVERNMENT REQUIRED.—With respect to any land acquisition under this section within the Lake Tahoe Basin Management Unit that is proposed after the date of the enactment of the Lake Tahoe Restoration Act of 2015, the Secretary of Agriculture shall obtain the consent of the government of the county within the boundaries of which the land is located before executing the land acquisition.”

(c) ADMINISTRATIVE EXPENSES.—Section 3 of Public Law 96–586 (94 Stat. 3383; commonly known as the Santini-Burton Act) is amended by adding at the end the following new subsection:

“(h) ADMINISTRATIVE EXPENSES RELATED TO LAND ADJUSTMENTS.—Amounts appropriated pursuant to the authorization of appropriations in subsection (g) shall be available to the Secretary of Agriculture to cover staffing costs and related expenses incurred to accomplish land adjustments in the Lake Tahoe Basin Management Unit to create more efficient land management patterns.”

(d) CONFORMING AMENDMENTS TO SOUTHERN NEVADA PUBLIC LAND MANAGEMENT ACT OF 1998.—Section 5(a) of the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 112 Stat. 2347) is amended by adding at the end the following new paragraph:

“(4) ADDITIONAL REQUIREMENTS RELATED TO ACQUISITIONS IN LAKE TAHOE BASIN MANAGEMENT UNIT.—With respect to any land acquisition under this subsection within the Lake Tahoe Basin Management Unit that is proposed after the date of the enactment of the Lake Tahoe Restoration Act of 2015, the Secretary of Agriculture shall, before executing the land acquisition—

“(A) obtain the consent of each county within whose boundaries the parcel of land is located; and

“(B) certify that, in addition to being environmentally sensitive land, the parcel of land will provide critical access for recreational use and resolve significant inholding issues in that the parcel is wholly surrounded by National Forest System land.”

SEC. 11. AVAILABILITY OF CATEGORICAL EXCLUSION FOR LAKE TAHOE HERBICIDE APPLICATIONS TO CONTROL CERTAIN AQUATIC WEEDS.

(a) **FINDING.**—Congress finds that ongoing efforts to eradicate Eurasian watermilfoil and curlyleaf pondweed in Lake Tahoe, using mechanical methods has had only limited success, threatening the rest of Lake Tahoe with the spread of these non-native aquatic invasive plants.

(b) **AVAILABILITY OF CATEGORICAL EXCLUSION.**—Any project to be conducted by the Tahoe Regional Planning Agency that will use a registered herbicide to eradicate Eurasian watermilfoil and curlyleaf pondweed from the south end of Lake Tahoe, known as the Lake Tahoe Keys, is categorically excluded from the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.).

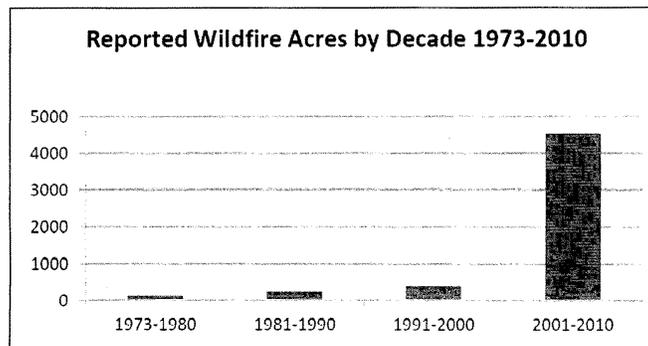
(c) **REGISTERED HERBICIDE DEFINED.**—In this section, the term “registered herbicide” means a herbicide that is approved by the United States Environmental Protection Agency and the California Environmental Protection Agency for aquatic use.

PURPOSE OF THE BILL

The purpose of H.R. 3382 is to amend the Lake Tahoe Restoration Act to enhance recreational opportunities, environmental restoration activities, and forest management activities in the Lake Tahoe Basin.

BACKGROUND AND NEED FOR LEGISLATION

The Lake Tahoe Basin is an administrative unit managed by the U.S. Forest Service. Since its creation in 2000, the forest surrounding the Lake has become overgrown and in an increasingly fire-prone state. The decade between 2000–2010 showed a large increase in forest acres burned compared to previous decades. For example, the 2007 Angora Fire burned 254 residences and 75 commercial buildings and 3,100 acres, an alarming example of the danger that lurks in the forests surrounding Lake Tahoe.



Ash and debris from wildfires ultimately end up in the water, damaging watershed health and aquatic wildlife. This legislation addresses the need for significant active management to reduce the risk of wildfire in this world class setting. The bill addresses many forest health issues by expediting urgently needed forest management through the use of a 3,000 acre categorical¹³ exclusion under the National Environmental Policy Act.

The bill seeks to enhance visitor experiences by authorizing Lake Tahoe Basin managers to focus on improving recreation opportunities when evaluating management decisions. The bill also seeks to help land managers more efficiently manage the land by authorizing land exchanges to remove a patchwork of ownership that exists. The bill also promotes more coordination with local governments by requiring the Forest Service to consult with localities when evaluating the possible acquisition of new land.

Finally, H.R. 3382 authorizes \$8.7 million in annual supplemental funding from both appropriated dollars and receipts generated within the Basin to augment the existing forest budget. These supplemental funds would be used for active forest management to reduce the risk of catastrophic wildfire, provide for recreation improvements and increase staffing.

COMMITTEE ACTION

H.R. 3382 was introduced on July 29, 2015, by Congressman Tom McClintock (R-CA). The bill was referred to the Committee on Natural Resources, and in addition to the Committees on Agriculture and Transportation and Infrastructure. Within the Natural Resources Committee, the bill was referred to the Subcommittee on Federal Lands and the Subcommittee on Water, Power and Oceans. On October 7, 2015, the Natural Resources Committee met to consider the bill. The Subcommittees were discharged by unanimous consent. Congressman McClintock offered an amendment designated .001; it was adopted by voice vote. No further amendments were offered and the bill, as amended, was ordered favorably reported on October 8, 2015, by a roll call vote of 21 to 16, as follows:

Committee on Natural Resources
U.S. House of Representatives
114th Congress

Date: 10-08-15

Recorded Vote # 7

Meeting on / Amendment on: **On favorably reporting H.R. 3382 (Rep. Tom McClintock), "Lake Tahoe Restoration Act of 2015"**

MEMBERS	Yes	No	Pres	MEMBERS	Yes	No	Pres
Mr. Bishop, UT, Chairman	X			Mr. LaMalfa, CA	X		
<i>Mr. Grijalva, AZ, Ranking Member</i>		X		<i>Mrs. Dingell, MI</i>			
Mr. Young, AK	X			Mr. Denham, CA	X		
<i>Mrs. Napolitano, CA</i>		X		<i>Mr. Gallego, AZ</i>		X	
Mr. Gohmert, TX	X			Mr. Cook, CA	X		
<i>Mrs. Bordallo, Guam</i>		X		<i>Mrs. Capps, CA</i>		X	
Mr. Lamborn, CO	X			Mr. Westerman, AR	X		
<i>Mr. Costa, CA</i>		X		<i>Mr. Polis, CO</i>			
Mr. Wittman, VA	X			Mr. Graves, LA	X		
<i>Mr. Sablan, CNMI</i>		X		<i>Mr. Clay, MO</i>		X	
Mr. Fleming, LA	X			Mr. Newhouse, WA			
<i>Mrs. Tsongas, MA</i>		X		Mr. Zinke, MT	X		
Mr. McClintock, CA	X			Mr. Hice, GA	X		
<i>Mr. Peirluisi, Puerto Rico</i>		X		Ms. Radewagen, AS	X		
Mr. Thompson, PA				Mr. MacArthur, NJ	X		
<i>Mr. Huffman, CA</i>		X		Mr. Mooney, WV	X		
Mrs. Lummis, WY	X			Mr. Hardy, NV			
<i>Mr. Ruiz, CA</i>		X		Mr. LaHood, IL	X		
Mr. Benishek, MI							
<i>Mr. Lowenthal, CA</i>		X					
Mr. Duncan, SC	X						
<i>Mr. Cartwright, PA</i>		X					
Mr. Gosar, AZ	X						
<i>Mr. Beyer, VA</i>		X					
Mr. Labrador, ID							
<i>Mrs. Torres, CA</i>		X		TOTALS	21	16	

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 3382—Lake Tahoe Restoration Act of 2015

Summary: H.R. 3382 would authorize the appropriation of \$6 million a year through 2025 to carry out activities related to protecting the ecological health of the Lake Tahoe Basin in California and Nevada. Most of those funds would be used to reduce risks posed by fires and invasive species. The bill also would authorize the Secretary of Agriculture to convey certain parcels of federal land.

Assuming appropriation of the amounts authorized in the bill, CBO estimates that implementing H.R. 3382 would cost \$29 million over the 2016–2020 period and an additional \$30 million after 2020. Enacting the legislation would increase offsetting receipts from land sales, which are treated as reductions in direct spending, by \$64 million over the 10-year period and revenues from civil penalties by an insignificant amount. Because enacting the bill would affect direct spending and revenues, pay-as-you-go procedures apply.

CBO estimates that enacting H.R. 3382 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2026.

H.R. 3382 would impose an intergovernmental and private-sector mandate as defined in the Unfunded Mandates Reform Act (UMRA) on owners and operators of watercraft launched in the waters of the Lake Tahoe Basin. It also would impose a private-sector mandate on individuals seeking judicial review of some forest management activities on federal lands. CBO estimates that the cost of the mandates would fall below the annual thresholds established in UMRA for intergovernmental and private-sector mandates (\$77 million and \$154 million in 2015, respectively, adjusted annually for inflation).

Estimated cost to the Federal Government; The estimated budgetary effect of H.R. 3382 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—											
	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2016–2020	2016–2025
CHANGES IN DIRECT SPENDING												
Estimated Budget Authority ...	0	0	–8	–8	–8	–8	–8	–8	–8	–8	–24	–64
Estimated Outlays	0	0	–8	–8	–8	–8	–8	–8	–8	–8	–24	–64
CHANGES IN REVENUES												
Estimated Revenues	*	*	*	*	*	*	*	*	*	*	*	*
CHANGES IN SPENDING SUBJECT TO APPROPRIATION												
Authorization Level	6	6	6	6	6	6	6	6	6	6	30	60
Estimated Outlays	5	6	6	6	6	6	6	6	6	6	29	59

Note: * = less than \$500,000.

Basis of estimate: For this estimate, CBO assumes that the legislation will be enacted in 2016 and the authorized amounts will be appropriated each fiscal year. Estimated outlays are based on historical spending patterns for similar activities.

Changes in direct spending and revenues

CBO estimates that enacting H.R. 3382 would increase offsetting receipts, which are treated as reductions in direct spending, by \$64 million over the 2018–2025 period. Those receipts would stem from provisions in the bill that would authorize the sale of certain parcels of federal land near Lake Tahoe. Other provisions in the bill would have negligible net effects on direct spending and revenues.

Land Conveyances. Section 9 would authorize the Secretary of Agriculture to sell up to 3,500 acres of federal land located in populated areas near Lake Tahoe. CBO estimates that the value of the affected lands could range from \$300,000 per acre to several million dollars per acre. On average, we expect that the land would sell for about \$800,000 an acre. Based on information regarding the number of parcels sold by other agencies with similar authority to sell lands, CBO estimates that, if the agency elected to sell the affected lands, it would dispose of about 20 acres a year beginning in 2018 and collect proceeds totaling \$16 million annually. However, CBO expects that the agency would be equally likely to retain or exchange the affected lands rather than sell them. Applying a probability distribution to those scenarios, CBO estimates that enacting section 9 would increase offsetting receipts by \$8 million a year over the 2018–2025 period (or 50 percent of the potential proceeds).

Section 9 also would authorize the Secretary to convey about 2,000 acres of federal lands to the state of California in exchange for a similar amount of state-owned lands. The affected federal lands comprise a portion of the lands mentioned in the previous paragraph that could be sold under the bill. The bill also would authorize the Secretary to convey, without consideration, about 40 acres of federal lands in Nevada to that state. Because none of the affected lands are expected to generate receipts over the next ten years under current law, CBO estimates that conveying the affected lands would not affect direct spending.

Inspection Fees and Penalties. Section 5 would require the U.S. Fish and Wildlife Service (USFWS) to ensure that watercraft are inspected prior to launching in waters of the Lake Tahoe Basin to prevent organisms from other bodies of water from contaminating the basin. The bill would authorize the agency to certify nonfederal entities to operate inspection and decontamination stations within

the basin. The bill also would allow entities performing those activities to collect and spend fees to cover the cost of operating those facilities. CBO expects that the USFWS would certify the Tahoe Regional Planning Agency and other local entities to conduct inspections and collect fees under the bill. Thus, we estimate that enacting that provision would have no significant effect on the federal budget.

Section 5 also would establish civil penalties of less than \$5,000 per infraction for individuals who launch watercraft in the Lake Tahoe Basin that have not been inspected and decontaminated in accordance with standards established by the USFWS. Any penalties collected would be recorded as revenues in the budget and deposited in the general fund of the U.S. Treasury. Based on information from the USFWS, CBO estimates that annual revenues from those civil penalties would not be significant.

Cooperative Agreements. Section 4 would authorize the Secretary to enter into agreements with states to conduct forest management activities, including fuel reduction activities, in the Lake Tahoe Basin. The bill would allow the Secretary to retain any proceeds from the sale of any commercial products harvested under those agreements, which CBO expects would consist primarily of timber. Amounts retained could not be spent until the Congress appropriated those funds. CBO expects that any activities carried out using cooperative agreements would replace work that the agency would have conducted under current law. Because, under current law, a portion of receipts collected from those activities would be spent, CBO estimates that enacting this provision would reduce direct spending; however, based on information regarding total receipts from activities within the basin, we estimate that any such effect would be negligible.

Legal Challenges. Section 4 also would prohibit any person seeking to challenge a forest management activity from obtaining a restraining order or injunction that would prevent or delay the performance of the activity. Because under current law those activities, some of which may generate offsetting receipts, could be stopped or delayed, enacting this provision could affect the timing and amount of offsetting receipts collected by the Forest Service. However, based on information regarding the amount of receipts generated by forest management activities in the basin and the number of court challenges that affect such activities, CBO estimates that any effect on offsetting receipts would be negligible.

Spending subject to appropriation

Section 8 would authorize the appropriation of \$6 million a year over the 2016–2025 period for several agencies, including the Forest Service, the USFWS, the Environmental Protection Agency, and the U.S. Army Corps of Engineers, to promote the ecological health of the Lake Tahoe Basin. CBO estimates that implementing the bill would cost \$29 million over the 2016–2020 period and \$30 million after 2020, assuming appropriation of the authorized amounts.

Of the amounts authorized under section 8, roughly \$4 million would be available annually for the Forest Service to carry out activities to reduce the risk of fire and to restore areas in the basin damaged by fire. An additional \$1 million would be available each year to support USFWS activities to protect against invasive spe-

cies. Finally, \$150,000 a year would be available to the Forest Service to oversee various programs in the basin. The remaining funds would be available to supplement the activities described above or to carry out other activities under the Lake Tahoe Restoration Act.

Pay-As-You-Go considerations: The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. The net changes in outlays and revenues that are subject to those pay-as-you-go procedures are shown in the following table.

CBO ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR H.R. 3382, AS ORDERED REPORTED BY THE HOUSE COMMITTEE ON NATURAL RESOURCES ON OCTOBER 8, 2015

	By fiscal year, in millions of dollars—											
	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2016–2020	2016–2025
	NET INCREASE OR DECREASE (–) IN THE DEFICIT											
Statutory Pay-As-You-Go Impact	0	0	–8	–8	–8	–8	–8	–8	–8	–8	–24	–64

Increase in long term direct spending and deficits: CBO estimates that enacting H.R. 3382 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2026.

Intergovernmental and private-sector impact: H.R. 3382 would impose an intergovernmental and private-sector mandate as defined in UMRA on owners and operators of watercraft. It also would impose a private-sector mandate on individuals seeking judicial review of some forest management activities on federal lands. CBO estimates that the cost of the mandates would fall below the annual thresholds established in UMRA for intergovernmental and private-sector mandates (\$77 million and \$154 million in 2015, respectively, adjusted annually for inflation).

The bill would require owners and operators of watercraft to submit their watercraft for inspection prior to launch in waters of the Lake Tahoe Basin. Because the regional agency for the Lake Tahoe Basin currently subjects watercraft to inspection requirements, most owners and operators would already be in compliance with the bill’s requirements. Therefore, CBO estimates that the cost to comply with the mandate would be minimal.

Additionally, the bill would impose a private-sector mandate by prohibiting plaintiffs from seeking a preliminary injunction to temporarily stop activities, such as logging, on federal lands near Lake Tahoe. The purpose of a preliminary injunction is to protect a plaintiff from irreparable harm or damage that would occur if the activity continued. The cost of a mandate that eliminates a right to seek redress from harm is the forgone value of monetary awards in such cases. Because such awards would generally not occur for the types of cases involved, CBO expects that the mandate would probably impose no costs.

The bill also would benefit state, local, and tribal governments in California and Nevada by authorizing federal grants and technical assistance for fire prevention, forest management activities, and environmental improvement projects located in the Lake Tahoe

Basin. Any associated costs, including matching contributions, would be incurred voluntarily.

Estimate prepared by: Federal Costs: Jeff LaFave; Impact on State, Local, and Tribal Governments: John Sperl; Impact on the Private Sector: Amy Petz.

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

2. Section 308(a) of Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. According to the Congressional Budget Office, implementing this bill would cost \$29 million over 2016–2020, with an additional \$30 million after 2020, assuming appropriation of the authorized amounts. However, enacting the bill would increase off-setting receipts by \$64 million over the 2016–2025 time period.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to amend the Lake Tahoe Restoration Act to enhance recreational opportunities, environmental restoration activities, and forest management activities in the Lake Tahoe Basin.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates as defined under Public Law 104–4.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. The Chairman believes that this bill does not direct an executive branch official to conduct any specific rule-making proceedings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95–220, as amended by Public Law 98–169) as relating to other programs.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omit-

ted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

LAKE TAHOE RESTORATION ACT

* * * * *

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

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

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

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

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

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

[(6) methyl tertiary butyl ether—

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

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

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

[(8) approximately 40 percent of the trees in the Lake Tahoe basin are either dead or dying, and the increased quantity of combustible forest fuels has significantly increased the risk of catastrophic forest fire in the Lake Tahoe basin;

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

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

[(A) congressional consent to the establishment of the Tahoe Regional Planning Agency in 1969 (Public Law 91-

148; 83 Stat. 360) and in 1980 (Public Law 96-551; 94 Stat. 3233);

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

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

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

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

[(A) expenditures—

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

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

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

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

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

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

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

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

[(SEC. 3. DEFINITIONS.

[(In this Act:

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

[(2) FIRE RISK REDUCTION ACTIVITY.—

[(A) IN GENERAL.—The term “fire risk reduction activity” means an activity that is necessary to reduce the risk of wildfire to promote forest management and simultaneously

achieve and maintain the environmental threshold carrying capacities established by the Planning Agency in a manner consistent, where applicable, with chapter 71 of the Tahoe Regional Planning Agency Code of Ordinances.

【(B) INCLUDED ACTIVITIES.—The term “fire risk reduction activity” includes—

- 【(i) prescribed burning;
- 【(ii) mechanical treatment;
- 【(iii) road obliteration or reconstruction; and
- 【(iv) such other activities consistent with Forest Service practices as the Secretary determines to be appropriate.

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

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

【(5) SECRETARY.—The term “Secretary” means the Secretary of Agriculture, acting through the Chief of the Forest Service.】

SEC. 2. FINDINGS AND PURPOSES.

(a) *FINDINGS.*—Congress makes the following findings:

(1) *Lake Tahoe*—

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

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

(C) *is recognized as a natural resource of special significance, so that even world-traveler Mark Twain called Lake Tahoe the “fairest picture the whole earth affords”.*

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

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

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

(3) *The economy in the Lake Tahoe Basin is dependent on the natural beauty and recreation opportunities of Lake Tahoe and the surrounding area.*

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

(A) *high tree density and mortality;*

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

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

(5) *The establishment of several aquatic and terrestrial invasive species (including perennial pepperweed, milfoil, and Asian clam) threatens the ecosystem of the Lake Tahoe Basin, and the likelihood exists for the introduction and establishment of other invasive species (such as yellow starthistle, New Zealand mud snail, Zebra mussel, and quagga mussel).*

(6) 75 percent of the land in the Lake Tahoe Basin is administered by the Federal Government, which makes it a Federal responsibility to significantly contribute to the restoration of the ecological health of the Lake Tahoe Basin.

(b) **PURPOSES.**—The purposes of this Act are as follows:

(1) To identify ways and pursue options to expand the environmental threshold carrying capacity of the Lake Tahoe Basin.

(2) To enable the Chief of the Forest Service, the Director of the United States Fish and Wildlife Service, and the Administrator, in cooperation with the Planning Agency and the States of California and Nevada, to fund, plan, and implement significant forest management and invasive species control activities in the Lake Tahoe Basin.

(3) To ensure that Federal, State, local, regional, tribal, and private entities continue to work together to manage lands and forests in the Lake Tahoe Basin.

(4) To support local governments in the Lake Tahoe Basin in efforts related fire risk reduction and forest management activities.

(5) To prioritize public recreational access to public lands in the Lake Tahoe Basin.

(6) To ensure that management of Federal land and forests in the Lake Tahoe Basin is conducted with the understanding that—

(A) public forests are renewable assets that should be managed, rather than neglected, and that excess timber should be harvested to generate continuing revenue for care of the public's land, in accordance with a good neighbor policy; and

(B) the Federal Government will defer to local communities whenever possible with regard to land acquisition and land regulations or restrictions.

SEC. 3. DEFINITIONS.

In this Act:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) **ASSISTANT SECRETARY.**—The term “Assistant Secretary” means the Assistant Secretary of the Army for Civil Works.

(3) **CHAIR.**—The term “Chair” means the Chair of the Federal Partnership.

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

(5) **DIRECTORS.**—The term “Directors” means—

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

(B) the Director of the United States Geological Survey.

(6) **ENVIRONMENTAL THRESHOLD CARRYING CAPACITY.**—The term “environmental threshold carrying capacity” has the meaning given the term in article II of the Compact.

(7) **FEDERAL PARTNERSHIP.**—The term “Federal Partnership” means the Lake Tahoe Federal Interagency Partnership established by Executive Order 13957 (62 Fed. Reg. 41249) (or a successor Executive order).

(8) *FOREST MANAGEMENT ACTIVITY.*—The term “forest management activity” includes—

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

(B) mechanical treatments, including forest thinning, sale of commercial timber and firewood, and brush mastication;

(C) management of non-native, invasive species;

(D) erosion control and water runoff mitigation on land adversely impacted by wildland fire; and

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

(9) *MAPS.*—The term “Maps” means the maps dated April 12, 2013, and entitled “LTRA USFS-CA Land Exchange/North Shore”, “USFS-CA Land Exchange/West Shore”, and “USFS-CA Land Exchange/South Shore”, which shall be on file and available for public inspection in the appropriate offices of the Forest Service, the California Tahoe Conservancy, and the California Department of Parks and Recreation.

(10) *NATIONAL WILDLAND FIRE CODE.*—The term “national wildland fire code” means—

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

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

(C) any other code that the Secretary determines provides the same, or better, standards for protection against wildland fire as a code described in subparagraph (A) or (B).

(11) *PLANNING AGENCY.*—The term “Planning Agency” means the Tahoe Regional Planning Agency established under Public Law 91-148 (83 Stat. 360) and Public Law 96-551 (94 Stat. 3233).

(12) *SECRETARY.*—The term “Secretary” means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(13) *WATERCRAFT.*—The term “watercraft” means motorized and non-motorized watercraft that are capable of harboring an invasive species.

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

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

(b) *RELATIONSHIP TO OTHER AUTHORITY.*—

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

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

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

(c) *FOREST MANAGEMENT ACTIVITIES.*—

(1) *COORDINATION.*—For the purpose of increasing efficiencies and maximizing the compatibility of management practices across public property boundaries, in conducting forest management activities in the Lake Tahoe Basin Management Unit, the Secretary shall coordinate, as appropriate, with—

- (A) the Administrator;
- (B) State and local agencies; and
- (C) county governments, local governments, and local fire departments.

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

- (A) except as provided in paragraph (3), promotes multiple management benefits, including—
 - (i) reducing forest fuels;
 - (ii) enhancing and seeking ways to increase recreational opportunities;
 - (iii) preserving existing and traditional uses;
 - (iv) producing a sustainable yield of natural resource production; and
 - (v) allowing for economic development; and
- (B) helps achieve, maintain, and identify ways to expand the environmental threshold carrying capacities established by the Planning Agency.

(3) *COST-BENEFIT DETERMINATION.*—Notwithstanding paragraph (2)(A), the promotion of multiple management benefits shall not be required if the Secretary determines that management for multiple benefits would excessively increase the cost of a program in relation to the additional benefits gained from the management activity. The Secretary shall make each cost-benefit determination made under this paragraph publicly available.

(4) *AVAILABILITY OF CATEGORICAL EXCLUSION FOR CERTAIN FOREST MANAGEMENT PROJECTS.*—A forest management activity conducted in the Lake Tahoe Basin Management Unit for the purpose of reducing forest fuels is categorically excluded from the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4331 *et seq.*) if the forest management activity—

- (A) notwithstanding section 423 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2009 (division E of Public Law 111–8; 123 Stat. 748), does not exceed 10,000 acres, including no more than 3,000 acres of mechanical thinning;

(B) is developed—

- (i) in coordination with impacted parties, specifically including representatives of local governments, such as county supervisors or county commissioners; and
- (ii) in consultation with other interested parties; and

(C) is consistent with the Lake Tahoe Basin Management Unit land and resource management plan.

(d) *ARBITRATION PROCESS.*—

(1) *IN GENERAL.*—Any challenge to a forest management activity in the Lake Tahoe Basin Management Unit shall be addressed using arbitration consistent with this subsection.

(2) *WHO MAY SEEK.*—Any person who sought administrative review for the forest management activity and who is not satisfied with the decision made under the administrative review process may file a demand for arbitration regarding the covered active management project in accordance with chapter 1 of title 9, United States Code. The demand for arbitration under paragraph (1) shall—

(A) be filed not more than 15 days after the date on which the administrative review decision was issued; and

(B) include a proposal describing the modifications sought to the forest management activity.

(3) *INTERVENING PARTIES.*—Not later than 15 days after the date on which the demand for arbitration was filed, any person that submitted a public comment on the forest management activity subject to arbitration may intervene in the arbitration—

(A) by endorsing the activity or the modification proposal;

or

(B) by submitting a proposal to further modify the activity.

(4) *APPOINTMENT OF ARBITRATOR.*—The United States District Court in the district in which the forest management activity is located shall appoint the arbitrator to conduct the arbitration proceedings in accordance with this subsection and chapter 1 of title 9, United States Code.

(5) *SELECTION OF PROPOSALS.*—

(A) *IN GENERAL.*—Within 30 days after appointment under paragraph (1), the arbitrator shall determine whether the proposal submitted by an objector or an intervening party or the forest management activity as approved by the Secretary best meets the purpose and needs described in the environmental analysis conducted, in accordance with this Act, for the forest management activity.

(B) *MODIFICATION PROHIBITED.*—The arbitrator appointed under paragraph (4) may not modify any of the proposals submitted with the demand for arbitration or a request to intervene.

(6) *EFFECT OF DECISION.*—The decision of an arbitrator with respect to the forest management activity—

(A) shall not be considered a major Federal action; and

(B) shall be binding.

(7) *PROHIBITION ON RESTRAINING ORDERS, PRELIMINARY INJUNCTIONS, AND INJUNCTIONS PENDING APPEAL.*—No restraining order, preliminary injunction, or injunction pending appeal shall be issued by an appellate court of the United States with respect to the decision of an arbitrator with respect to the forest management activity.

(e) *ENVIRONMENTAL THRESHOLD CARRYING CAPACITY.*—The Lake Tahoe Basin Management Unit shall support the attainment of the environmental threshold carrying capacities and identify and pursue the means to expand those capacities.

(f) *COOPERATIVE AUTHORITIES.*—

(1) *IN GENERAL.*—During fiscal years 2016 through 2020, the Secretary, in conjunction with land adjustment programs, may enter into contracts and cooperative agreements with States, units of local government, and other public and private entities

to provide for fuel reduction, erosion control, reforestation, and similar management activities on Federal land and non-Federal land within the programs.

(2) EXTENDED DURATION OF STEWARDSHIP CONTRACTS.—Notwithstanding subsection (d)(3) of section 604 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c), an agreement or contract under such section for stewardship contracting projects to be carried out within the Lake Tahoe Basin Management Unit may be for a term in excess of 10 years, but not to exceed 20 years.

(g) COMMERCIAL PRODUCT RECEIPTS.—

(1) RETENTION.—The Secretary shall retain any commercial product receipts generated as part of forest management activities or cooperative activities conducted in the Lake Tahoe Basin Management Unit under subsection (c) or (g), other than stewardship contracts described in subsection (g)(2).

(2) AVAILABILITY AND USE.—Receipts retained under paragraph (1) shall be available to the Secretary for the purpose of funding additional forest management activities and cooperative activities, developed through a collaborative process with representatives from local governments with jurisdiction over lands within the Lake Tahoe Basin Management Unit.

(3) OBLIGATION LIMIT.—The obligation and expenditure of receipts retained under this subsection shall be subject to such fiscal-year limitation as may be specified in an Act making appropriations for the Forest Service for a fiscal year.

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

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

[(1) the Planning Agency;

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

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

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

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

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

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

[(2) the development of the priority list;

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

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

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

[SEC. 6. ENVIRONMENTAL RESTORATION PRIORITY LIST.

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

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

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

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

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

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

[(i) air quality;

[(ii) fisheries;

[(iii) noise;

[(iv) recreation;

[(v) scenic resources;

[(vi) soil conservation;

[(vii) forest health;

[(viii) water quality; and

[(ix) wildlife.

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

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

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

[(A) using funds appropriated from the land and water conservation fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-5); or

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

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

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

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

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

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

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

[(i) the Coordinated Transit System; and

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

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

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

[(f) Review of Priority List.—Periodically, but not less often than every 3 years, the Secretary shall—

[(1) review the priority list;

[(2) consult with—

[(A) the Tahoe Regional Planning Agency;

[(B) interested political subdivisions; and

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

[(3) make any necessary changes with respect to—

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

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

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

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

[(g) CLEANUP OF HYDROCARBON CONTAMINATION.—

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

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

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

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

SEC. 5. AUTHORIZED PROGRAMS.

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

(b) FIRE RISK REDUCTION AND FOREST MANAGEMENT.—

(1) *IN GENERAL.*—Of the amounts appropriated for a fiscal year pursuant to the authorization of appropriations in subsection (a) of section 12, as amended by section 8 of the Lake Tahoe Restoration Act of 2015, not less than \$4,400,000 shall be made available to the Secretary to carry out, including by making grants, the following programs:

(A) The Lake Tahoe Basin Multi-Jurisdictional Fuel Reduction and Wildfire Prevention Strategy 10-Year Plan.

(B) Competitive grants for fuels work to be awarded by the Secretary to communities that have adopted national wildland fire codes to implement the applicable portion of the plan referred to in subparagraph (A).

(C) Restoration activities related to any residual or future wildfire damage.

(D) Washoe Tribe fire risk reduction and forest management programs on tribal lands within the Lake Tahoe Basin.

(E) Development of an updated Lake Tahoe Basin multi-jurisdictional fuel reduction and wildfire prevention strategy, consistent with the requirement that forest management activities in the Lake Tahoe Basin promote multiple management benefits as described in section 4(c) of this Act (as added by section 4 of the Lake Tahoe Restoration Act of 2015).

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

(2) *PRIORITY.*—Units of local government in the Lake Tahoe Basin that have dedicated funding for inspections and enforcement of defensible space regulations shall be given priority for amounts provided under this subsection.

(3) COST-SHARING REQUIREMENTS.—

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

(B) FORM OF NON-FEDERAL SHARE.—

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

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

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

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

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

(II) the manner in which the in-kind contributions assist in accomplishing project goals and objectives; and

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

(c) *INVASIVE SPECIES MANAGEMENT.*—

(1) *IN GENERAL.*—Of the amounts appropriated for a fiscal year pursuant to the authorization of appropriations in subsection (a) of section 12, as amended by section 8 of the Lake Tahoe Restoration Act of 2015, not less than \$800,000 shall be transferred to the Director of the United States Fish and Wildlife Service for the Aquatic Invasive Species Program and for the watercraft inspections and decontaminations described in paragraph (2).

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

(3) *REQUIRED ELEMENTS OF STRATEGIES.*—The strategies referred to in paragraph (2) shall provide for the following:

(A) Combined inspection and decontamination stations shall be established in the Lake Tahoe Basin. As provided in paragraph (4), these stations may be operated by the States of California and Nevada, local governments, or private entities.

(B) Watercraft shall not be allowed to launch in waters of the Lake Tahoe Basin unless the watercraft has been inspected in accordance with the Lake Tahoe Aquatic Invasive Species Management Plan.

(4) *CERTIFICATION.*—The Planning Agency shall certify the State of California, the State of Nevada, local agencies, or private entities to perform inspection and decontamination activities described in paragraph (3)(A) at locations inside or outside the Lake Tahoe Basin if such activities are conducted in a manner consistent with the standards established by this subsection.

(5) *APPLICABILITY.*—The strategies developed under this subsection shall apply to all watercraft to be launched on water within the Lake Tahoe Basin.

(6) *FEES.*—An entity performing inspection and decontamination activities described in paragraph (3)(A) may collect fees for such activities, but not higher than the level sufficient to cover the costs of operation of inspection and decontamination stations under this subsection.

(7) *VIOLATIONS.*—

(A) *IN GENERAL.*—Any person that launches or attempts to launch a watercraft not in compliance with strategies de-

ployed under this subsection shall be guilty of an infraction and shall be subject to a fine in the amount provided in title 18, United States Code.

(B) *OTHER AUTHORITIES.*—Any fine imposed under this paragraph shall be separate from penalties assessed under any other authority.

(8) *LIMITATION.*—The strategies deployed under paragraph (2), including the specific elements required by paragraph (3), may be modified if the Secretary of the Interior, in a nondelegable capacity and in consultation with the Planning Agency, the States of California and Nevada, and State and local governments, issues a determination that alternative measures will be no less effective at preventing introduction of aquatic invasive species into Lake Tahoe.

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

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

SEC. 6. PROGRAM PERFORMANCE AND ACCOUNTABILITY.

(a) *PROGRAM PERFORMANCE AND ACCOUNTABILITY.*—

(1) *IN GENERAL.*—Of the amounts appropriated for a fiscal year pursuant to the authorization of appropriations in subsection (a) of section 12, as amended by section 8 of the Lake Tahoe Restoration Act of 2015, not less than \$150,000 shall be made available to the Secretary to carry out this section.

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

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

(c) *CORPS OF ENGINEERS; INTERAGENCY AGREEMENTS.*—

(1) *IN GENERAL.*—The Assistant Secretary may enter into interagency agreements with non-Federal interests in the Lake Tahoe Basin to use Lake Tahoe Partnership-Miscellaneous General Investigations funds to provide programmatic technical assistance for forest management or invasive species control activities.

(2) *LOCAL COOPERATION AGREEMENTS.*—

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

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

(i) describe the nature of the technical assistance;

- (ii) describe any legal and institutional structures necessary to ensure the effective long-term viability of the end products by the non-Federal interest; and
- (iii) include cost-sharing provisions in accordance with subparagraph (C).

(C) FEDERAL SHARE.—

- (i) IN GENERAL.—The Federal share of program costs under each local cooperation agreement under this paragraph shall be 75 percent.
- (ii) FORM.—The Federal share may be in the form of reimbursements of program costs.
- (iii) CREDIT.—The non-Federal interest may receive credit toward the non-Federal share for the reasonable costs of related technical activities completed by the non-Federal interest before entering into a local cooperation agreement with the Assistant Secretary under this paragraph.

(d) PUBLIC OUTREACH AND EDUCATION.—

(1) IN GENERAL.—The Secretary, the Administrator, and the Directors will coordinate with the Planning Agency to conduct public education and outreach programs, including encouraging—

- (A) owners of land and residences in the Lake Tahoe Basin to implement defensible space; and
- (B) owners of land and residences in the Lake Tahoe Basin and visitors to the Lake Tahoe Basin to help prevent the introduction and proliferation of invasive species.

(2) SCIENTIFIC AND TECHNICAL GUIDANCE.—The Director of the United States Geological Survey shall provide scientific and technical guidance to public outreach and education programs conducted under this subsection.

(3) REQUIRED COORDINATION.—Public outreach and education programs for aquatic invasive species under this subsection shall—

- (A) be coordinated with county governments in the Lake Tahoe Basin and Lake Tahoe Basin tourism and business organizations; and
- (B) include provisions for the programs to extend outside of the Lake Tahoe Basin.

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

- (1) develop and implement a plan for integrated monitoring, assessment, and applied research to evaluate the effectiveness programs funded under this Act; and
- (2) include in each program funded under this section funds for monitoring and assessment of results at the program level.

* * * * *

SEC. 11. RELATIONSHIP TO OTHER LAWS.

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

[SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

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

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

(a) *AUTHORIZATION OF APPROPRIATIONS.*—*There is authorized to be appropriated to carry out this Act \$6,000,000 for each of fiscal years 2016 through 2025.*

(b) *SOURCE OF FUNDS.*—*Amounts made available to carry out this Act shall be derived from—*

(1) *amounts appropriated pursuant to the authorization of appropriations in subsection (a) and the amendment made by section 7 of this Act; and*

(2) *special use fees collected within the Lake Tahoe Basin Management Unit and made available under subsection (c).*

(c) *ADDITIONAL FUNDING FROM SPECIAL USE FEES.*—

(1) *RETENTION OF CERTAIN FEES.*—

(A) *DEPOSIT.*—*Fees collected for recreation and non-recreation special uses within the Lake Tahoe Basin Management Unit shall be deposited in a special fund in the Treasury, which shall be available to the Secretary as provided in subparagraph (B).*

(B) *AVAILABILITY AND USE.*—*Fees deposited under subparagraph (A) shall be available to the Secretary, in such amounts as may be provided in an Act making appropriations for the Forest Service for a fiscal year, for the purpose of providing additional funds to carry out this Act in excess of amounts appropriated pursuant to the authorization of appropriations in subsection (a).*

(C) *OBLIGATION LIMIT.*—*The obligation and expenditure of fees deposited under subparagraph (A) shall be subject to appropriation and such fiscal-year limitation as may be specified in an Act making appropriations for the Forest Service for a fiscal year.*

(2) *USE OF RETAINED FEES.*—

(A) *FEES COLLECTED FOR RECREATION SPECIAL USES.*—*In the case of fees collected for recreation special uses within the Lake Tahoe Basin Management Unit that are deposited under paragraph (1) and appropriated for a fiscal year, the Secretary shall use the funds to establish, maintain, and expand recreation improvements, specifically existing and traditional uses, within the Lake Tahoe Basin Management Unit, including trails, facilities, activities, interpretation, and on-the-ground presence of Forest Service personnel.*

(B) *FEES COLLECTED FOR NON-RECREATION SPECIAL USES.*—*In the case of fees collected for non-recreation special uses within the Lake Tahoe Basin Management Unit that are deposited under paragraph (1) and appropriated for a fiscal year, the Secretary shall use the funds to support other activities authorized by this Act.*

(3) *COLLABORATIVE PROCESS.*—*The Secretary shall make decisions under paragraph (2) regarding the use of fees appropriated for a fiscal year through a collaborative process with representatives from local governments, such as county supervisors and county commissioners, with jurisdiction over lands within the Lake Tahoe Basin Management Unit.*

(d) *EFFECT ON OTHER FUNDS.*—Amounts made available to carry out this Act—

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

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

(e) *COST-SHARING REQUIREMENT.*—Except as provided in subsection (b)(3) of section 5 of this Act, as amended by section 5 of the Lake Tahoe Restoration Act of 2015, funds for activities under section 5 of this Act shall be available for obligation on a dollar-for-dollar basis with funding of restoration activities in the Lake Tahoe Basin by the States of California and Nevada.

ARTICLE V OF PUBLIC LAW 96-551

AN ACT To grant the consent of the Congress to the Tahoe Regional Planning Compact, and to authorize the Secretary of Agriculture and others to cooperate with the planning agency thereby created.

ARTICLE V.—PLANNING

(1) In preparing each of the plans required by this article and each amendment thereto, if any, subsequent to its adoption, the planning commission after due notice shall hold at least one public hearing which may be continued from time to time, and shall review the testimony and any written recommendations presented at such hearing before recommending the plan or amendment. The notice required by this subdivision shall be given at least 20 days prior to the public hearing by publication at least once in a newspaper or combination of newspapers whose circulation is general throughout the region and in each county a portion of whose territory lies within the region.

The planning commission shall then recommend such plan or amendment to the governing body for adoption by ordinance. The governing body may adopt, modify or reject the proposed plan or amendment, or may initiate and adopt a plan or amendment without referring it to the planning commission. If the governing body initiates or substantially modifies a plan or amendment, it shall hold at least one public hearing thereon after due notice as required in this subdivision.

If a request is made for the amendment of the regional plan by:

(1) A political subdivision a part of whose territory would be affected by such amendment; or

(2) The owner or lessee of real property which would be affected by such amendment,

the governing body shall complete its action on such amendment within 180 days after such request is accepted as complete according to standards which must be prescribed by ordinance of the agency.

(b) The agency shall develop, in cooperation with the States of California and Nevada, environmental threshold carrying capacities for the region. The agency should request the President's Council on Environmental Quality, the U.S. Forest Service and other appropriate agencies to assist in developing such environmental threshold carrying capacities. Within 18 months after the

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

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

* * * * *

PUBLIC LAW 96-586

AN ACT To provide for the orderly disposal of certain Federal lands in Nevada, and for the acquisition of certain other lands in the Lake Tahoe Basin, and for other purposes.

* * * * *

SEC. 3. (a)(1) The Secretary of Agriculture is authorized to acquire by donation, purchase with donated or appropriated funds, or otherwise, lands and interests in lands which were unimproved as of the date of enactment of this Act (except as provided in subsection (c)), and which are environmentally sensitive lands within the meaning of paragraph (2) *and, with respect to any land acquisition under this section within the Lake Tahoe Basin Management Unit that is proposed after the date of the enactment of the Lake Tahoe Restoration Act of 2015, which will provide critical access for recreational use and resolve significant inholding issues in that a parcel of land to be acquired is wholly surrounded by Federal land.* The funds used for acquisition of such lands and interests in lands shall be the funds authorized to be appropriated pursuant to this Act, and no such funds may be expended until the final map has been filed in accordance with paragraph (2)(B). Such funds shall be in addition to any other amounts available to the Secretary of Agriculture for expenditure in the Lake Tahoe Basin.

(2)(A) The Secretary of Agriculture, in consultation with the governments of Nevada and California, the Tahoe Regional Planning Agency and with local governments, including the appropriate planning and regulatory agencies, after notice and opportunity for public hearing, shall prepare a map of the lands to be acquired pursuant to this subsection.

(B) The Secretary of Agriculture shall, within six months of the date of enactment of this Act, and after notice and opportunity for public hearing, file with the United States Senate Committee on Energy and Natural Resources and the United States House of Representatives Committee on Interior and Insular Affairs a map

which in the Secretary of Agriculture's judgment best achieves the objectives set forth in this Act and includes the environmentally sensitive land defined in subparagraph (C) of this paragraph.

(C) For purposes of this paragraph, the term "environmentally sensitive land" means—

(i) stream environment zones which are—

(I) areas generally located within the one-hundred-year flood plain;

(II) areas containing soils which are associated with high runoff or high water tables;

(III) areas of riparian vegetation types; or

(IV) minimum protective buffer areas for the areas referred to in subclauses (I) through (III);

(ii) high hazard lands which are characterized by steep slopes and a fragile environmental balance or with a high erosion potential;

(iii) unimproved lands previously modified by man which are causing unacceptably high rates of sedimentation; and

(iv) shore zone areas which are sensitive to cliff erosion, beach erosion, and near-shore instability.

(D) The map filed pursuant to subparagraph (B) shall be prepared at such scale as to clearly identify the affected land tracts by ownership and shall designate such tracts for acquisition or non-acquisition.

(3) Before initiating acquisition proceedings for any lands under this subsection, the Secretary shall consult annually with State and local government agencies, the Tahoe Regional Planning Agency as to the necessity for such acquisition, the potential impacts on State and local government, and other appropriate aspects of the acquisition. The Secretary of Agriculture shall notify the public of the approved land acquisition program on an annual basis.

(4) Lands within the boundaries of the area subject to acquisition under this section which are owned by any State or local government may be acquired only by donation.

(5) **WILLING SELLERS.**—Land within the Lake Tahoe Basin Management Unit subject to acquisition under this section that is owned by a private person shall be acquired only from a willing seller.

(6) **CONSENT OF LOCAL GOVERNMENT REQUIRED.**—*With respect to any land acquisition under this section within the Lake Tahoe Basin Management Unit that is proposed after the date of the enactment of the Lake Tahoe Restoration Act of 2015, the Secretary of Agriculture shall obtain the consent of the government of the county within the boundaries of which the land is located before executing the land acquisition.*

[(b) Lands] (b) ADMINISTRATION OF ACQUIRED LAND.—

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

(2) CONVEYANCE TO CALIFORNIA.—

(A) *IN GENERAL.*—If the State of California (acting through the California Tahoe Conservancy and the California Department of Parks and Recreation) offers to donate to the United States acceptable title to the non-Federal land described in subparagraph (B)(i), the Secretary of Agriculture—

(i) may accept the offer; and

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

(B) *DESCRIPTION OF LAND.*—

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

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

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

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

(C) *USE OF LAND.*—The land conveyance authorized under this paragraph shall—

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

(ii) not result in any substantial reduction in public access or reduction in availability of existing and traditional public recreation uses.

(D) *CONTINUATION OF SPECIAL USE PERMITS.*—The land conveyance authorized under this paragraph shall be subject to the condition that the State of California accept all special use permits applicable, as of the date of the enactment of this subparagraph, to the National Forest System land described in subparagraph (B)(ii) for the duration of such permits, and subject to the terms and conditions of such permits.

(3) CONVEYANCE TO NEVADA.—

(A) *IN GENERAL.*—At the request of the State of Nevada, the Secretary of Agriculture may convey, without consideration, the land or interests in land described in subparagraph (B) to the State, subject to appropriate deed restrictions to protect public access and existing or traditional public recreational uses of the conveyed land.

(B) *DESCRIPTION OF LAND.*—The land referred to in subparagraph (A) includes the approximately 39 acres of Na-

tional Forest System land identified on the map entitled "State of Nevada Conveyances" as "Van Sickle Unit USFS Inholding".

(C) USE OF LAND.—The land conveyance authorized under this paragraph shall—

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

(ii) not result in any substantial reduction in public access or reduction in availability of existing and traditional public recreation uses.

(D) CONTINUATION OF SPECIAL USE PERMITS.—The land conveyance authorized under this paragraph shall be subject to the condition that the State of Nevada accept all special use permits applicable, as of the date of the enactment of this subparagraph, to the National Forest System land described in subparagraph (B) for the duration of such permits, and subject to the terms and conditions of such permits.

(c)(1) Except as provided in paragraph (2), with respect to that portion of the Lake Tahoe Basin, as defined as of the date of the enactment of this Act by the Secretary of Agriculture, which lies within the boundary of the State of California, as in effect on the date of the establishment of the Tahoe National Forest (October 3, 1905), the Secretary of Agriculture may acquire improved lands or interests in improved lands with the consent of the owner thereof or upon a finding by the Secretary of Agriculture that such lands are being used, or that an imminent threat exists that they will be used, in a manner detrimental to the preservation of the existing water quality of the basin.

(2) No single family dwelling which is improved land (as defined in this subsection) may be acquired under the provisions of this subsection without the consent of the owner thereof unless the Secretary of Agriculture with the concurrence of the Tahoe Regional Planning Agency finds that (A) a change in the use of such dwelling has occurred subsequent to the date of enactment of this Act or that such a change in use is threatened, and (B) in the case of a single family dwelling having a change or threatened change in use but maintained as a single family dwelling, such change or threatened change will result in a detriment to the preservation of the existing water quality of the basin.

(3) At such time as the Tahoe Regional Planning Agency has adopted final requirements for the protection of the water quality of the basin, the Secretary of Agriculture shall make the findings provided for in sections 3(c)(1) and 3(c)(2) herein in a manner consistent with such requirements.

(4) For purposes of this Act, the term—

(A) "improved land" means any land on which there is located a single family dwelling or other residential or commercial building, the construction of which commenced before the date of enactment of this Act, together with so much of the land on which such building is located as is reasonably necessary to the use and enjoyment of such building; and

(B) "unimproved land" means any land other than improved land.

(5)(A) The owner or owners of any improved land acquired by the Secretary of Agriculture under this Act may retain a right of use and occupancy of such land for—

- (i) a definite term of not more than twenty-five years from the date of the enactment of this Act, or,
- (ii) a term ending at the death of the owner or owners of such land.

The owner shall elect the term to be reserved, except that if the owner is a corporation, the term shall not exceed twenty-five years from the date of the enactment of this Act. Unless the improved land is wholly or partially donated, the Secretary of Agriculture shall pay to the owner the fair market value of the improved land on the date of its acquisition, less the fair market value on that date of the right retained by the owner. For purposes of applying the preceding provisions of this subparagraph, ownership shall be determined as of the date of acquisition, except that in applying clause (ii) ownership shall be determined as of May 1, 1980.

(B) A right retained by the owner pursuant to this paragraph shall be subject to termination by the Secretary of Agriculture upon his determination that it is being exercised in a manner inconsistent with the purposes of this Act, and it shall terminate by operation of law upon notification by the Secretary of Agriculture to the holder of the right of such determination and tendering to him the amount equal to the fair market value of that portion which remains unexpired.

(d) Lands and interests therein may be acquired by the Secretary of Agriculture with concurrence of the Tahoe Regional Planning Agency in accordance with this section without the consent of the owner thereof only where, in his judgment, all reasonable efforts to acquire such lands or interests therein by negotiation have failed.

(e) The fair market value of any land or interest in land to be acquired by the Secretary of Agriculture under this section shall be determined by an independent appraisal made, where practicable, on the basis of comparable sales at the time of such acquisition. For purposes of the appraisal of any property to be acquired under this section, in determining the comparability of other property sales, the independent appraisal shall take into account the utilities, services, and facilities associated with the property concerned. Any change after the date of the enactment of this Act in the value of any property to be acquired under this section shall not be taken into account for purposes of determining the fair market value of such property to the extent that such change is attributable to the enactment of this Act.

(f) In acquiring any property under this section, the Secretary of Agriculture and the owner of the property to be acquired may agree that the purchase price will be paid in periodic installments over a period that does not exceed ten years, with interest on the unpaid principal balance thereof at a rate which is not in excess of the current average market yield on outstanding marketable obligations of the United States with remaining period of maturity comparable to average maturities on the installments.

(g) There is hereby authorized to be appropriated, for the purposes of this Act, from the Land and Water Conservation Fund, \$10,000,000 for the fiscal year 1982, and \$20,000,000 for the fiscal year 1983. In addition there is hereby authorized to be appro-

priated for these and subsequent fiscal years an amount equal to the amount of revenue obtained by the Federal Government from the sale of federally owned lands in Clark County, Nevada, after October 1, 1978, reduced for any fiscal year by the amount appropriated, pursuant to this sentence, in the prior fiscal years. Funds appropriated pursuant to this section may be expended without regard to any limitations contained in the provisions of section 7(a)(1) of the Land and Water Conservation Fund Act of 1965. Amounts authorized to be appropriated under this subsection shall remain available until expended. Authorizations of moneys to be appropriated under this Act shall be effective October 1, 1981. Authority to enter into contracts and agreements and to make payments under this Act shall be effective only to the extent or in such amounts as are provided in advance in appropriation Acts.

(h) ADMINISTRATIVE EXPENSES RELATED TO LAND ADJUSTMENTS.—Amounts appropriated pursuant to the authorization of appropriations in subsection (g) shall be available to the Secretary of Agriculture to cover staffing costs and related expenses incurred to accomplish land adjustments in the Lake Tahoe Basin Management Unit to create more efficient land management patterns.

* * * * *

**SOUTHERN NEVADA PUBLIC LAND MANAGEMENT ACT
OF 1998**

* * * * *

SEC. 5. ACQUISITIONS.

(a) ACQUISITIONS.—

(1) DEFINITION.—For purposes of this subsection, the term “environmentally sensitive land” means land or an interest in land, the acquisition of which the United States would, in the judgment of the Secretary or the Secretary of Agriculture—

(A) promote the preservation of natural, scientific, aesthetic, historical, cultural, watershed, wildlife, and other values contributing to public enjoyment and biological diversity;

(B) enhance recreational opportunities and public access;

(C) provide the opportunity to achieve better management of public land through consolidation of Federal ownership; or

(D) otherwise serve the public interest.

(2) IN GENERAL.—After the consultation process has been completed in accordance with paragraph (3), the Secretary may acquire with the proceeds of the special account environmentally sensitive land and interests in environmentally sensitive land. Lands may not be acquired under this section without the consent of the owner thereof. Funds made available from the special account may be used with any other funds made available under any other provision of law.

(3) CONSULTATION.—Before initiating efforts to acquire land under this subsection, the Secretary or the Secretary of Agriculture shall consult with the State of Nevada and with local government within whose jurisdiction the lands are located, including appropriate planning and regulatory agencies, and

with other interested persons, concerning the necessity of making the acquisition, the potential impacts on State and local government, and other appropriate aspects of the acquisition. Consultation under this paragraph is in addition to any other consultation required by law.

(4) *ADDITIONAL REQUIREMENTS RELATED TO ACQUISITIONS IN LAKE TAHOE BASIN MANAGEMENT UNIT.*—*With respect to any land acquisition under this subsection within the Lake Tahoe Basin Management Unit that is proposed after the date of the enactment of the Lake Tahoe Restoration Act of 2015, the Secretary of Agriculture shall, before executing the land acquisition—*

(A) *obtain the consent of each county within whose boundaries the parcel of land is located; and*

(B) *certify that, in addition to being environmentally sensitive land, the parcel of land will provide critical access for recreational use and resolve significant inholding issues in that the parcel is wholly surrounded by National Forest System land.*

(b) *ADMINISTRATION.*—*On acceptance of title by the United States, land and interests in land acquired under this section that is within the boundaries of a unit of the National Forest System, National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, National Trails System, National Wilderness Preservation System, any other system established by Act of Congress, or any national conservation or national recreation area established by Act of Congress—*

(1) *shall become part of the unit or area without further action by the Secretary or Secretary of Agriculture; and*

(2) *shall be managed in accordance with all laws and regulations and land use plans applicable to the unit or area.*

(c) *DETERMINATION OF FAIR MARKET VALUE.*—*The fair market value of land or an interest in land to be acquired by the Secretary or the Secretary of Agriculture under this section shall be determined pursuant to section 206 of the Federal Land Policy and Management Act of 1976 and shall be consistent with other applicable requirements and standards. Fair market value shall be determined without regard to the presence of a species listed as threatened or endangered under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).*

(d) *PAYMENTS IN LIEU OF TAXES.*—*Section 6901(1) of title 31, United States Code, is amended as follows:*

(1) *By striking “or” at the end of subparagraph (F).*

(2) *By striking the period at the end of subparagraph (G) and inserting “; or”.*

(3) *By adding at the end the following:*

“(H) acquired by the Secretary of the Interior or the Secretary of Agriculture under section 5 of the Southern Nevada Public Land Management Act of 1998 that is not otherwise described in subparagraphs (A) through (G).”.

* * * * *

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 JASON KNOX
 STAFF DIRECTOR
 The Honorable K. Michael Conaway
Chairman
 Committee on Agriculture
 1301 Longworth HOB
 Washington, DC 20515

U.S. House of Representatives
Committee on Natural Resources
 Washington, DC 20515

January 11, 2016

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 DAVID WATKINS
 DEMOCRATIC STAFF DIRECTOR

Dear Mr. Chairman:

On October 8, 2015, the Committee on Natural Resources ordered favorably reported as amended H.R. 3382, the Lake Tahoe Restoration Act of 2015. The bill was referred primarily to the Committee on Natural Resources, with an additional referral to the Committee on Agriculture and the Committee on Transportation and Infrastructure.

I ask that you allow the Committee on Agriculture to be discharged from further consideration of the bill so that it may be scheduled by the Majority Leader. This discharge in no way affects your jurisdiction over the subject matter of the bill, and it will not serve as precedent for future referrals. In addition, should a conference on the bill be necessary, I would support your request to have the Committee on Agriculture represented on the conference committee. Finally, I would be pleased to include this letter and any response in the bill report filed by the Committee on Natural Resources to memorialize our understanding.

Thank you for your consideration of my request and for your continued strong cooperation between our committees.

Sincerely,


 Rob Bishop
 Chairman
 Committee on Natural Resources

cc: The Honorable Paul D. Ryan, Speaker
 The Honorable Kevin McCarthy, Majority Leader
 The Honorable Raul Grijalva, Ranking Member, Committee on Natural Resources
 The Honorable Thomas J. Wickham, Jr., Parliamentarian

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U.S. House of Representatives
Committee on Agriculture
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January 11, 2016

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SCOTT C. GRAVES,
 STAFF DIRECTOR
 ROBERT L. LAREW,
 MINORITY STAFF DIRECTOR

The Honorable Rob Bishop
 Chairman
 Committee on Natural Resources
 1324 Longworth HOB
 Washington, D.C. 20515

Dear Mr. Chairman:

Thank you for the opportunity to review H.R. 3382, the Lake Tahoe Restoration Act of 2015. As you are aware, the bill was primarily referred to the Committee on Natural Resources, while the Agriculture Committee received an additional referral.

I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I agree to discharge H.R. 3382 from further consideration by the Committee on Agriculture. I do so with the understanding that by discharging the bill, the Committee on Agriculture does not waive any future jurisdictional claim on this or similar matters. Further, the Committee on Agriculture reserves the right to seek the appointment of conferees, if it should become necessary.

I ask that you insert a copy of our exchange of letters into the *Congressional Record* during consideration of this measure on the House floor.

Thank you for your courtesy in this matter and I look forward to continued cooperation between our respective committees.

Sincerely,



K. Michael Conaway
 Chairman

cc: The Honorable Paul D. Ryan, Speaker
 The Honorable Collin C. Peterson
 The Honorable Raul Grijalva
 The Honorable Thomas J. Wickham, Parliamentarian

ROB BISHOP, UT
 CHAIRMAN
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U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

January 19, 2016

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 LUIS CARLOS, IA
 JAMIE PULS, CO
 WENDY LACY CLAY, MD

DAVID WATKINS
 DEMOCRATIC STAFF DIRECTOR

JASON KNOK
 STAFF DIRECTOR
 The Honorable Bill Shuster
 Chairman
 Committee on Transportation and Infrastructure
 2165 Rayburn HOB
 Washington, DC 20515

Dear Mr. Chairman:

On October 8, 2015, the Committee on Natural Resources ordered favorably reported as amended H.R. 3382, the Lake Tahoe Restoration Act of 2015. The bill was referred primarily to the Committee on Natural Resources, with an additional referral to the Committees on Agriculture and Transportation and Infrastructure.

With the understanding that the Committee on Natural Resources would propose to offer an amendment on the House Floor that would strip the jurisdiction of the Transportation and Infrastructure Committee from the bill (copy enclosed), I ask that you allow the Committee on Transportation and Infrastructure to be discharged from further consideration of the bill so that it may be scheduled by the Majority Leader. This discharge in no way affects your jurisdiction over the subject matter of the bill, and it will not serve as precedent for future referrals. In addition, should a conference on the bill be necessary, I would support your request to have the Committee on Transportation and Infrastructure represented on the conference committee. Finally, I would be pleased to include this letter and any response in the bill report filed by the Committee on Natural Resources to memorialize our understanding, as well as in the Congressional Record.

Thank you for your consideration of my request and for the extraordinary cooperation shown by you and your staff over matters of shared jurisdiction. I look forward to further opportunities to work with you this Congress.

Sincerely,



Rob Bishop
 Chairman
 Committee on Natural Resources

Enclosure

cc: The Honorable Paul D. Ryan, Speaker
The Honorable Kevin McCarthy, Majority Leader
The Honorable Raul Grijalva, Ranking Member, Committee on Natural Resources
The Honorable Thomas J. Wickham, Jr., Parliamentarian

Proposed Manager's Amendment to H.R. 3382, as reported*

Page 5, strike lines 21 through 23, and insert—

“(2) To enable the Chief of the Forest Service and the Director of the United States Fish and Wildlife Service, in cooperation with the”.

Page 7, strike lines 7 through 12 and renumber the remaining paragraphs accordingly.

Page 10, strike lines 16 through 19 and insert—

“(A) State and local agencies; and

“(B) county governments, local governments, and local fire departments.”

Page 17, strike lines 9 through 10 and insert—

“(a) In GENERAL.—The Secretary and the Directors, in coordina—”.

Page 23, beginning on line 16, strike section 6 and redesignate the remaining sections accordingly. OR

Page 23, beginning on line 16, strike the text through page 27, line 17 and insert—

“SEC. 6. REPEAL.—Section 6 of the Lake Tahoe Restoration Act (Public Law 106-506; 114 Stat. 2354) is repealed.”.

Page 28, beginning line 1, strike “, or Administrator”.

Page 31, line 9, strike “, the Administrator,”.



Committee on Transportation and Infrastructure
U.S. House of Representatives

Bill Shuster
Chairman

Washington, DC 20515

Peter A. DeFazio
Ranking Member

Christopher P. Bertram, Staff Director

January 19, 2016

Katherine W. Dedrick, Democratic Staff Director

The Honorable Rob Bishop
Chairman
Committee on Natural Resources
1324 Longworth House Office Building
Washington, DC 20515

Dear Mr. Chairman:

Thank you for your letter regarding H.R. 3382, the *Lake Tahoe Restoration Act of 2015*, which was referred to the Committee on Natural Resources, with an additional referral to the Committees on Agriculture and Transportation and Infrastructure.

I agree to allow the Committee on Transportation and Infrastructure to be discharged from consideration of H.R. 3382 with the understanding that the Committee on Natural Resources would offer an amendment on the House Floor that would strip the jurisdiction of the Committee on Transportation and Infrastructure from the bill (copy enclosed). It is also understood that this discharge does not affect the Committee's jurisdiction over the subject matter of the bill, and does not serve as precedent for future referrals. Finally, as stated in your letter, should a conference on the bill be necessary, I fully expect the Committee on Transportation and Infrastructure to be represented on the conference committee.

Thank you for your assistance in this matter and for agreeing to include a copy of this letter in the bill report filed by the Committee on Natural Resources, as well as in the Congressional Record during Floor consideration.

Sincerely,

Bill Shuster
Chairman

Enclosure

cc: The Honorable Paul D. Ryan
The Honorable Peter A. DeFazio
The Honorable Raúl M. Grijalva
Mr. Thomas J. Wickham, Jr., Parliamentarian

Proposed Manager's Amendment to H.R. 3382, as reported*

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Page 17, strike lines 9 through 10 and insert—

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Page 23, beginning on line 16, strike section 6 and redesignate the remaining sections accordingly. OR

Page 23, beginning on line 16, strike the text through page 27, line 17 and insert—

“SEC. 6. REPEAL.—Section 6 of the Lake Tahoe Restoration Act (Public Law 106-506; 114 Stat. 2354) is repealed.”

Page 28, beginning line 1, strike “, or Administrator”.

Page 31, line 9, strike “, the Administrator,”.

DISSENTING VIEWS

We oppose H.R. 3382 because it authorizes inadequate funding for restoration in the Lake Tahoe Basin and shortcuts environmental review and public participation in land management decisions.

The Lake Tahoe Basin is one of the crown jewels of the U.S. Forest Service. Over 78% of the area around the lake—a total of 150,000 acres, which includes beaches, hiking and biking trails, wilderness, historic estates and developed recreation areas such as campgrounds and riding stables—is managed by the Service. The region receives over 3 million annual visitors and Tahoe’s natural environment is a major contributor to the region’s \$5 billion economy. Congress declared the restoration of the Lake Tahoe basin a federal responsibility in the Lake Tahoe Restoration Act of 2000 (P.L. 106–506).

This commitment was reaffirmed by Executive Order 13057 (“Federal Actions in the Lake Tahoe Region”), which established the Federal Interagency Partnership on the Lake Tahoe Ecosystem to assist in the preservation and maintenance of environmental and economic conditions in the region. Since 1997, the federal government has contributed \$576.3 million in federal funds to restoration activities in the Tahoe Basin. During that period, various public and private entities have contributed \$1.7 billion to over 600 projects. The 2012 update identified 700 priority projects from 2008–2018, requiring \$2.5 billion in funding. The projected contribution of the federal government is \$645 million. Federal contributions will be used to support the fuels reduction on an additional 33,603 acres, restoration and recovery for endangered species, infrastructure updates to improve water quality, and updates to recreation facilities. However, H.R. 3382 authorizes less than one percent of that projected federal commitment.

H.R. 3382 includes significant modifications to environmental requirements under the National Environmental Policy Act (NEPA). Section 4 of the bill provides a broad categorical exclusion (CE) under NEPA for any forest management activities designed to reduce fuel loads, if the activity is developed in coordination with impacted parties and is consistent with Lake Tahoe Basin Management Plan. The bill was amended at markup to limit the scope of this CE to 10,000 acres; it is still, however, a broad exemption from longstanding environmental review requirements. Land managers and regional stakeholders need access to tools that promote healthy, resilient forests and protect communities from the risks of wildfire. Rolling back bedrock environmental laws should not be part of the tool kit.

The bill also provides a categorical exclusion for herbicide application to eradicate invasive plants in Lake Tahoe. Removal of invasive species from the lake is a restoration priority, but herbi-

cide application should not be done without thorough environmental review and public participation. The Tahoe Keys Property Owners Association is in the process of obtaining permits to use herbicides in its battle to remove invasive plants from its marina and adjacent parts of the lake. These permits should only be issued after thorough review of the plans, informed by public comment. Herbicide application is not a universally accepted solution to the invasive plant epidemic and stakeholders should, at least, have the opportunity to participate in the decision. Instead, under the CE provided by H.R. 3382, public participation and thorough environmental review is jettisoned in favor of speedy approval.

Furthermore, Section 4 of the bill requires any challenge to a forest management activity in Lake Tahoe Basin to be addressed through binding arbitration, instead of judicial review, closing off citizen access to the courts. The bill requires a request for arbitration to be filed within 15 days after the date the administrative review decision was issued and requires that the arbitrator be appointed by the U.S. District Court in the district where the forest management activity is located. The arbitrator is only allowed to consider the Forest Service's initial proposal and the objector's proposal to determine which "best meets the purpose and needs described in the environmental analysis conducted." Under this standard, there is no room for modification or evolution of the proposed activity, and the arbitrator's decision is exempt from any further review under NEPA.

Additionally, only individuals who have submitted a comment to the proposed activity can access arbitration. However, under the bill, many of the activities would be carried out under the aforementioned CE and there would not be an opportunity for public comment. As a result, the bill cuts off access to any objection or proposed review of forest management decisions in the Tahoe Basin.

For the reasons outlined above, we oppose adoption of H.R. 3382.

RAÚL M. GRIJALVA,
*Ranking Member, Committee
on Natural Resources.*

NIKI TSONGAS,
*Ranking Member, Subcom-
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ALAN LOWENTHAL,
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mittee on Water, Power
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GRACE NAPOLITANO,
Member of Congress.