

106TH CONGRESS
2^D SESSION

S. 1925

AN ACT

To promote environmental restoration around the Lake
Tahoe basin.

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

3 **SECTION 1. SHORT TITLE.**

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

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

2 (a) FINDINGS.—Congress finds that—

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

8 (2) in addition to being a scenic and ecological
9 treasure, Lake Tahoe is one of the outstanding rec-
10 reational resources of the United States, offering
11 skiing, water sports, biking, camping, and hiking to
12 millions of visitors each year, and contributing sig-
13 nificantly to the economies of California, Nevada,
14 and the United States;

15 (3) the economy in the Lake Tahoe basin is de-
16 pendent on the protection and restoration of the nat-
17 ural beauty and recreation opportunities in the area;

18 (4) Lake Tahoe is in the midst of an environ-
19 mental crisis; the Lake's water clarity has declined
20 from a visibility level of 105 feet in 1967 to only 70
21 feet in 1999, and scientific estimates indicate that if
22 the water quality at the Lake continues to degrade,
23 Lake Tahoe will lose its famous clarity in only 30
24 years;

25 (5) sediment and algae-nourishing phosphorous
26 and nitrogen continue to flow into the Lake from a

1 variety of sources, including land erosion, fertilizers,
2 air pollution, urban runoff, highway drainage,
3 streamside erosion, land disturbance, and ground
4 water flow;

5 (6) methyl tertiary butyl ether—

6 (A) has contaminated and closed more
7 than $\frac{1}{3}$ of the wells in South Tahoe; and

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

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

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

18 (9) as the largest land manager in the Lake
19 Tahoe basin, with 77 percent of the land, the Fed-
20 eral Government has a unique responsibility for re-
21 storing environmental health to Lake Tahoe;

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

1 (A) congressional consent to the establish-
2 ment of the Tahoe Regional Planning Agency in
3 1969 (Public Law 91–148; 83 Stat. 360) and
4 in 1980 (Public Law 96–551; 94 Stat. 3233);

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

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

11 (11) the President renewed the Federal Govern-
12 ment’s commitment to Lake Tahoe in 1997 at the
13 Lake Tahoe Presidential Forum, when he committed
14 to increased Federal resources for environmental
15 restoration at Lake Tahoe and established the Fed-
16 eral Interagency Partnership and Federal Advisory
17 Committee to consult on natural resources issues
18 concerning the Lake Tahoe basin;

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

22 (A) expenditures—

23 (i) exceeding \$200,000,000 by the
24 State of California since 1980 for land ac-
25 quisition, erosion control, and other envi-

1 ronmental projects in the Lake Tahoe
2 basin; and

3 (ii) exceeding \$30,000,000 by the
4 State of Nevada since 1980 for the pur-
5 poses described in clause (i); and

6 (B) the approval of a bond issue by voters
7 in the State of Nevada authorizing the expendi-
8 ture by the State of an additional \$20,000,000;
9 and

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

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

16 (1) to enable the Forest Service to plan and im-
17 plement significant new environmental restoration
18 activities and forest management activities to ad-
19 dress the phenomena described in paragraphs (4)
20 through (8) of subsection (a) in the Lake Tahoe
21 basin;

22 (2) to ensure that Federal, State, local, re-
23 gional, tribal, and private entities continue to work
24 together to improve water quality and manage Fed-

1 eral land in the Lake Tahoe Basin Management
2 Unit; and

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

6 **SEC. 3. DEFINITIONS.**

7 In this Act:

8 (1) ENVIRONMENTAL THRESHOLD CARRYING
9 CAPACITY.—The term “environmental threshold car-
10 rying capacity” has the meaning given the term in
11 article II of the Tahoe Regional Planning Compact
12 set forth in the first section of Public Law 96–551
13 (94 Stat. 3235).

14 (2) FIRE RISK REDUCTION ACTIVITY.—

15 (A) IN GENERAL.—The term “fire risk re-
16 duction activity” means an activity that is nec-
17 essary to reduce the risk of wildlife to promote
18 forest management and simultaneously achieve
19 and maintain the environmental threshold car-
20 rying capacities established by the Planning
21 Agency in a manner consistent, where applica-
22 ble, with chapter 71 of the Tahoe Regional
23 Planning Agency Code of Ordinances.

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

- 1 (i) prescribed burning;
2 (ii) mechanical treatment;
3 (iii) road obliteration or reconstruc-
4 tion; and
5 (iv) such other activities consistent
6 with Forest Service practices as the Sec-
7 retary determines to be appropriate.

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

12 (4) **PRIORITY LIST.**—The term “priority list”
13 means the environmental restoration priority list de-
14 veloped under section 6.

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

18 **SEC. 4. ADMINISTRATION OF THE LAKE TAHOE BASIN MAN-**
19 **AGEMENT UNIT.**

20 (a) **IN GENERAL.**—The Lake Tahoe Basin Manage-
21 ment Unit shall be administered by the Secretary in ac-
22 cordance with this Act and the laws applicable to the Na-
23 tional Forest System.

24 (b) **RELATIONSHIP TO OTHER AUTHORITY.**—

1 (4) Federal representatives and all political sub-
2 divisions of the Lake Tahoe Basin Management
3 Unit; and

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

6 (b) DUTIES.—The Secretary shall consult with and
7 seek advice and recommendations from the entities de-
8 scribed in subsection (a) with respect to—

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

11 (2) the development of the priority list;

12 (3) the promotion of consistent policies and
13 strategies to address the Lake Tahoe basin’s envi-
14 ronmental and recreational concerns;

15 (4) the coordination of the various programs,
16 projects, and activities relating to the environment
17 and recreation in the Lake Tahoe basin to avoid un-
18 necessary duplication and inefficiencies of Federal,
19 State, local, tribal, and private efforts; and

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

1 **SEC. 6. ENVIRONMENTAL RESTORATION PRIORITY LIST.**

2 (a) IN GENERAL.—Not later than 1 year after the
3 date of enactment of this Act, the Secretary shall develop
4 a priority list of potential or proposed environmental res-
5 toration projects for the Lake Tahoe Basin Management
6 Unit.

7 (b) DEVELOPMENT OF PRIORITY LIST.—In devel-
8 oping the priority list, the Secretary shall—

9 (1) use the best available science, including any
10 relevant findings and recommendations of the water-
11 shed assessment conducted by the Forest Service in
12 the Lake Tahoe basin; and

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

16 (A) are included in or are consistent with
17 the environmental improvement program adopt-
18 ed by the Planning Agency in February 1998
19 and amendments to the program;

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

- 23 (i) air quality;
24 (ii) fisheries;
25 (iii) noise;
26 (iv) recreation;

- 1 (v) scenic resources;
- 2 (vi) soil conservation;
- 3 (vii) forest health;
- 4 (viii) water quality; and
- 5 (ix) wildlife;

6 (3) in determining the order of priority of po-
7 tential and proposed environmental restoration
8 projects under paragraph (2), the focus shall ad-
9 dress projects (listed in no particular order)
10 involving—

11 (A) erosion and sediment control, including
12 the activities described in section 2(g) of Public
13 Law 96–586 (94 Stat. 3381) (as amended by
14 section 7 of this Act);

15 (B) the acquisition of environmentally sen-
16 sitive land from willing sellers under Public
17 Law 96–586 (94 Stat. 3381) or land acquisi-
18 tion under any other Federal law;

19 (C) fire risk reduction activities in urban
20 areas and urban-wildland interface areas, in-
21 cluding high recreational use areas and urban
22 lots acquired from willing sellers under Public
23 Law 96–586 (94 Stat. 3381);

24 (D) cleaning up methyl tertiary butyl ether
25 contamination; and

1 (E) the management of vehicular parking
2 and traffic in the Lake Tahoe Basin Manage-
3 ment Unit, especially—

4 (i) improvement of public access to
5 the Lake Tahoe basin, including the pro-
6 motion of alternatives to the private auto-
7 mobile;

8 (ii) the Highway 28 and 89 corridors
9 and parking problems in the area; and

10 (iii) cooperation with local public
11 transportation systems, including—

12 (I) the Coordinated Transit Sys-
13 tem; and

14 (II) public transit systems on the
15 north shore of Lake Tahoe.

16 (c) MONITORING.—The Secretary shall provide for
17 continuous scientific research on and monitoring of the
18 implementation of projects on the priority list, including
19 the status of the achievement and maintenance of environ-
20 mental threshold carrying capacities.

21 (d) CONSISTENCY WITH MEMORANDUM OF UNDER-
22 STANDING.—A project on the priority list shall be con-
23 ducted in accordance with the memorandum of under-
24 standing signed by the Forest Supervisor and the Plan-
25 ning Agency on November 10, 1989, including any amend-

1 ments to the memorandum as long as the memorandum
2 remains in effect.

3 (e) REVIEW OF PRIORITY LIST.—Periodically, but
4 not less often than every 3 years, the Secretary shall—

5 (1) review the priority list;

6 (2) consult with—

7 (A) the Tahoe Regional Planning Agency;

8 (B) interested political subdivisions; and

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

11 (3) make any necessary changes with respect
12 to—

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

15 (B) any change in an environmental
16 threshold as determined by the Planning Agen-
17 cy;

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

20 (D) submit to Congress a report on any
21 changes made.

22 (f) CLEANUP OF HYDROCARBON CONTAMINATION.—

23 (1) IN GENERAL.—The Secretary shall, subject
24 to the availability of appropriations, make a pay-
25 ment of \$1,000,000 to the Tahoe Regional Planning

1 Agency and the South Tahoe Public Utility District
2 to develop and publish a plan, not later than 1 year
3 after the date of enactment of this Act, for the pre-
4 vention and cleanup of hydrocarbon contamination
5 (including contamination with MTBE) of the surface
6 water and ground water of the Lake Tahoe basin.

7 (2) CONSULTATION.—In developing the plan,
8 the Tahoe Regional Planning Agency and the South
9 Tahoe Public Utility District shall consult with the
10 States of California and Nevada and appropriate po-
11 litical subdivisions.

12 (3) WILLING SELLERS.—The plan shall not in-
13 clude any acquisition of land or an interest in land
14 except an acquisition from a willing seller.

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

21 **SEC. 7. ENVIRONMENTAL IMPROVEMENT PAYMENTS.**

22 Section 2 of Public Law 96–586 (94 Stat. 3381) is
23 amended by striking subsection (g) and inserting the fol-
24 lowing:

25 “(g) PAYMENTS TO LOCALITIES.—

1 “(1) IN GENERAL.—The Secretary of Agri-
2 culture shall, subject to the availability of appropria-
3 tions, make annual payments to the governing bod-
4 ies of each of the political subdivisions (including
5 any public utility the service area of which includes
6 any part of the Lake Tahoe basin), any portion of
7 which is located in the area depicted on the final
8 map filed under section 3(a).

9 “(2) USE OF PAYMENTS.—Payments under this
10 subsection may be used—

11 “(A) first, for erosion control and water
12 quality projects; and

13 “(B) second, unless emergency projects
14 arise, for projects to address other threshold
15 categories after thresholds for water quality and
16 soil conservation have been achieved and main-
17 tained.

18 “(3) ELIGIBILITY FOR PAYMENTS.—

19 “(A) IN GENERAL.—To be eligible for a
20 payment under this subsection, a political sub-
21 division shall annually submit a priority list of
22 proposed projects to the Secretary of Agri-
23 culture.

1 “(B) COMPONENTS OF LIST.—A priority
2 list under subparagraph (A) shall include, for
3 each proposed project listed—

4 “(i) a description of the need for the
5 project;

6 “(ii) all projected costs and benefits;
7 and

8 “(iii) a detailed budget.

9 “(C) USE OF PAYMENTS.—A payment
10 under this subsection shall be used only to
11 carry out a project or proposed project that is
12 part of the environmental improvement pro-
13 gram adopted by the Tahoe Regional Planning
14 Agency in February 1998 and amendments to
15 the program.

16 “(D) FEDERAL OBLIGATION.—All projects
17 funded under this subsection shall be part of
18 Federal obligation under the environmental
19 improvement program.

20 “(4) DIVISION OF FUNDS.—

21 “(A) IN GENERAL.—The total amounts ap-
22 propriated for payments under this subsection
23 shall be allocated by the Secretary of Agri-
24 culture based on the relative need for and mer-

1 its of projects proposed for payment under this
2 section.

3 “(B) MINIMUM.—To the maximum extent
4 practicable, for each fiscal year, the Secretary
5 of Agriculture shall ensure that each political
6 subdivision in the Lake Tahoe basin receives
7 amounts appropriated for payments under this
8 subsection.

9 “(5) AUTHORIZATION OF APPROPRIATIONS.—In
10 addition to the amounts authorized to be appro-
11 priated to carry out section 6 of the Lake Tahoe
12 Restoration Act, there is authorized to be appro-
13 priated for making payments under this subsection
14 \$10,000,000 for the first fiscal year that begins
15 after the date of enactment of this paragraph and
16 for each of the 9 fiscal years thereafter.”.

17 **SEC. 8. FIRE RISK REDUCTION ACTIVITIES.**

18 (a) IN GENERAL.—In conducting fire risk reduction
19 activities in the Lake Tahoe basin, the Secretary shall, as
20 appropriate, coordinate with State and local agencies and
21 organizations, including local fire departments and volun-
22 teer groups.

23 (b) GROUND DISTURBANCE.—The Secretary shall, to
24 the maximum extent practicable, minimize any ground dis-
25 turbances caused by fire risk reduction activities.

1 **SEC. 9. AVAILABILITY AND SOURCE OF FUNDS.**

2 (a) IN GENERAL.—Funds authorized under this Act
3 and the amendment made by this Act—

4 (1) shall be in addition to any other amounts
5 available to the Secretary for expenditure in the
6 Lake Tahoe basin; and

7 (2) shall not reduce allocations for other Re-
8 gions of the Forest Service.

9 (b) MATCHING REQUIREMENT.—Except as provided
10 in subsection (c), funds for activities under section 6 and
11 section 7 of this Act shall be available for obligation on
12 a 1-to-1 basis with funding of restoration activities in the
13 Lake Tahoe basin by the States of California and Nevada.

14 (c) RELOCATION COSTS.—The Secretary shall pro-
15 vide $\frac{2}{3}$ of necessary funding to local utility districts for
16 the costs of relocating facilities in connection with environ-
17 mental restoration projects under section 6 and erosion
18 control projects under section 2 of Public Law 96–586.

19 **SEC. 10. AMENDMENT OF PUBLIC LAW 96–586.**

20 Section 3(a) of Public Law 96–586 (94 Stat. 3383)
21 is amended by adding at the end the following:

22 “(5) WILLING SELLERS.—Land within the
23 Lake Tahoe Basin Management Unit subject to ac-
24 quisition under this section that is owned by a pri-
25 vate person shall be acquired only from a willing
26 seller.”.

1 **SEC. 11. RELATIONSHIP TO OTHER LAWS.**

2 Nothing in this Act exempts the Secretary from the
3 duty to comply with any applicable Federal law.

4 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

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

 Passed the Senate October 5 (legislative day, Sep-
tember 22), 2000.

Attest:

Secretary.

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