

Ramseyer report for HR 3382, the Lake Tahoe Restoration Act of 2015.
Brackets surrounding red text indicate text being struck and new matter is shown highlighted in yellow and in italic type face.

Public Law 106-506
106th Congress

An Act

To promote environmental restoration around the Lake Tahoe basin.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ``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

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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.]

(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.'

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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.]

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 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- 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 activity--

(A) 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

(B) 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;

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(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. 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 of the quagga mussel 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. ENVIRONMENTAL RESTORATION PRIORITY LIST.

(a) In General.--Not <<NOTE: Deadline.>> 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.

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(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

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- (C) any change in general environmental conditions in the Lake Tahoe basin; and
- (4) <<NOTE: Reports.>> submit to Congress a report on any changes made.

(g) Cleanup of Hydrocarbon Contamination.--

(1) In general.--

The <<NOTE: Publication. Deadline.>> 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. 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. ENVIRONMENTAL IMPROVEMENT PAYMENTS.

Section 2 of Public Law 96-586 (94 Stat. 3381) is amended by striking subsection (g) and inserting the following:

^(g) Payments to Localities.--

^(1) In general.--The Secretary of Agriculture shall, subject to the availability of appropriations, make annual payments to the governing bodies of each of the political subdivisions (including any public utility the service area of which includes any part of the Lake Tahoe basin), any portion of which is located in the area depicted on the final map filed under section 3(a).

^(2) Use of payments.--Payments under this subsection may be used--

^(A) first, for erosion control and water quality projects; and

^(B) second, unless emergency projects arise, for projects to address other threshold categories after thresholds for water quality and soil conservation have been achieved and maintained.

^(3) Eligibility for payments.--

“(A) In general.--To be eligible for a payment under this subsection, a political subdivision shall annually submit a priority list of proposed projects to the Secretary of Agriculture.

“(B) Components of list.--A priority list under subparagraph (A) shall include, for each proposed project listed--

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

“(ii) all projected costs and benefits; and

“(iii) a detailed budget.

“(C) Use of payments.--A payment under this subsection shall be used only to carry out a project or proposed

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project that is part of the environmental improvement program adopted by the Tahoe Regional Planning Agency in February 1998 and amendments to the program.

“(D) Federal obligation.--All projects funded under this subsection shall be part of Federal obligation under the environmental improvement program.

“(4) Division of funds.--

“(A) In general.--The total amounts appropriated for payments under this subsection shall be allocated by the Secretary of Agriculture based on the relative need for and merits of projects proposed for payment under this section.

“(B) Minimum.--To the maximum extent practicable, for each fiscal year, the Secretary of Agriculture shall ensure that each political subdivision in the Lake Tahoe [basin] Basin receives amounts appropriated for payments under this subsection.

“(5) Authorization of appropriations.--In addition to the amounts authorized to be appropriated to carry out section 6 of the Lake Tahoe Restoration Act, there is authorized to be appropriated for making payments under this subsection \$10,000,000 for the first fiscal year that begins after the date of the enactment of this paragraph and for each of the 9 fiscal years thereafter.”.

SEC. 8. FIRE RISK REDUCTION ACTIVITIES.

(a) In General.--In conducting fire risk reduction activities in the Lake Tahoe basin, the Secretary shall, as appropriate, coordinate with

State and local agencies and organizations, including local fire departments and volunteer groups.

(b) Ground Disturbance.--The Secretary shall, to the maximum extent practicable, minimize any ground disturbances caused by fire risk reduction activities.

SEC. 9. AVAILABILITY AND SOURCE OF FUNDS.

(a) In General.--Funds authorized under this Act and the amendment made by this Act--

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

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

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

(c) Relocation Costs.--The Secretary shall provide two-thirds of necessary funding to local utility districts for the costs of relocating facilities in connection with environmental restoration projects under section 6 and erosion control projects under section 2 of Public Law 96-586.

SEC. 10. AMENDMENT OF PUBLIC LAW 96-586.

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

“(5) Willing sellers.--Land within the Lake Tahoe Basin Management Unit subject to acquisition under this section

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that is owned by a private person shall be acquired only from a willing seller.”.

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- Of the fees deposited under paragraph (1) and appropriated for a fiscal year, the Secretary shall use--

(A) at least 50 percent to establish, maintain, and expand recreation improvements, specifically existing and traditional uses, within the Lake Tahoe Basin Management Unit, including trails, interpretation, and on-the-ground presence of Forest Service personnel; and

(B) the remainder 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.'

Public Law 96-551 (94 Stat. 3233) Article V:

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 Hearing. Environmental threshold carrying capacities. 94 STAT. 3240 PUBLIC LAW 96-551—DEC. 19, 1980 Regional plan. Land-use. Transportation. Conservation. 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. The regional plan shall be a single enforceable plan and includes

all of the following correlated elements: (1) A land-use plan for the integrated arrangement and general location and extent of, and the criteria and standards for, the uses of land, water, air, space and other natural resources within the region, including but not limited to an indication or allocation of maximum population densities and permitted uses. (2) A transportation plan for the integrated development of a regional system of transportation, including but not limited to parkways, highways, transportation facilities, transit routes, waterways, navigation facilities, public transportation facilities, bicycle facilities, and appurtenant terminals and facilities for the movement of people and goods within the region. The goal of transportation planning shall be: (A) To reduce dependency on the automobile by making more effective use of existing transportation modes and of public transit to move people and goods within the region; and (B) To reduce to the extent feasible air pollution which is caused by motor vehicles. Where increases in capacity are required, the agency shall give preference to providing such capacity through public transportation and public programs and projects related to transportation. The agency shall review and consider all existing transportation plans in preparing its regional transportation plan pursuant to this paragraph. The plan shall provide for an appropriate transit system for the region. The plan shall give consideration to: (A) Completion of the Loop Road in the States of Nevada and California; (B) Utilization of a light rail mass transit system in the South Shore area; and (C) Utilization of a transit terminal in the Kingsbury Grade area. Until the regional plan is revised, or a new transportation plan is adopted in accordance with this paragraph, the agency has no effective transportation plan. (3) A conservation plan for the preservation, development, utilization, and management of the scenic and other natural resources within the basin, including but not limited to, soils, shoreline and submerged lands, scenic corridors along transportation routes, open spaces, recreational and historical facilities. PUBLIC LAW 96-551—DEC. 19, 1980 94 STAT. 3241 Public services and facilities. (4) A recreation plan for the development, utilization, and manage- Recreation ment of the recreational resources of the region, including but not limited to, wilderness and forested lands, parks and parkways, riding and hiking trails, beaches and playgrounds, marinas, areas for skiing and other recreational facilities. (5) A public services and facilities plan for the general location, scale and provision of public services and facilities, which, by the nature of their function, size, extent and other characteristics are necessary or appropriate for inclusion in the regional plan. In formulating and maintaining the regional plan, the planning commission and governing body shall take account of and shall seek to harmonize the needs of the region as a whole, the plans of the counties and cities within the region, the plans and planning activities of the State, Federal and other public agencies and nongovernmental agencies and organizations which affect or are concerned with planning and development within the region. (d) The regional plan shall provide for attaining and maintaining Federal, State, or local air and water quality standards, whichever are strictest, in the respective portions of the region for which the standards are applicable. The agency may, however, adopt air or water quality standards or control measures more stringent than the applicable State implementation plan or the applicable Federal, State, or local standards for the region, if it finds that such additional standards or control measures are necessary to achieve the purposes of this compact. Each element of the regional plan, where applicable, shall, by ordinance, identify the means and time schedule by which air and water quality standards will be attained. (e) Except for the Regional Transportation Plan of the California Tahoe Regional Planning Agency, the regional plan, ordinances, rules and regulations adopted by the California Tahoe Regional Planning Agency in effect on July 1, 1980, shall be the regional plan, ordinances, rules and regulations of the Tahoe Regional Planning Agency for that portion of the Tahoe region located

in the State of California. Such plan, ordinance, rule or regulation may be amended or repealed by the governing body of the agency. The plans, ordinances, rules and regulations of the Tahoe Regional Planning Agency that do not conflict with, or are not addressed by, the California Tahoe Regional Planning Agency's plans, ordinances, rules and regulations referred to in this subdivision shall continue to be applicable unless amended or repealed by the governing body of the agency. No provision of the regional plan, ordinances, rules and regulations of the California Tahoe Regional Planning Agency referred to in this subdivision shall apply to that portion of the region within the State of Nevada, unless such provision is adopted for the Nevada portion of the region by the governing body of the agency. (f) The regional plan, ordinances, rules and regulations of the Tahoe Regional Planning Agency apply to that portion of the region within the State of Nevada. (g) The agency shall adopt ordinances prescribing specific written findings that the agency must make prior to approving any project in the region. These findings shall relate to environmental protection and shall insure that the project under review will not adversely affect implementation of the regional plan and will not cause the adopted environmental threshold carrying capacities of the region to be exceeded. (h) The agency shall maintain the data, maps and other information developed in the course of formulating and administering the 94 STAT. 3242 PUBLIC LAW 96-551—DEC. 19, 1980 regional plan, in a form suitable to assure a consistent view of developmental trends and other relevant information for the availability of and use by other agencies of government and by private organizations and individuals concerned. (i) Where necessary for the realization of the regional plan, the agency may engage in collaborative planning with local governmental jurisdictions located outside the region, but contiguous to its boundaries. In formulating and implementing the regional plan, the agency shall seek the cooperation and consider the recommendations of counties and cities and other agencies of local government, of State and Federal agencies, of educational institutions and research organizations, whether public or private, and of civic groups and private persons.

Public Law 96-586 96th Congress

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. (a) The Congress finds that—

- (1) the Bureau of Land Management has extensive land ownership in small parcels interspersed with or adjacent to private lands in urban areas of Clark County, Nevada;
- (2) for orderly development of the communities in that county certain of those lands should be sold by the Federal Government;
- (3) the Lake Tahoe Basin is a closed basin two-thirds of which is located within the State of California and one-third within the State of Nevada;
- (4) the environmental quality of the Lake Tahoe Basin is seriously jeopardized by overdevelopment of sensitive land areas;

- (5) a majority of the acreage developed within the Lake Tahoe Basin and the potential for further development of sensitive land areas is within California;
 - (6) further tourist oriented development within the basin encourages significant permanent development of other kinds as well as tourist visitation; and
 - (7) the unique character of the Lake Tahoe Basin is of national significance deserving of further protection and management.
- (b) The purpose of this Act is to provide for the orderly disposal of Federal lands in Clark County, Nevada, and to provide for acquisition of environmentally sensitive lands in the Lake Tahoe Basin.

SEC. 2. (a) The Secretary of the Interior hereinafter in this Act referred to as the "Secretary") is authorized and directed to dispose of lands under the jurisdiction of the Bureau of Land Management in Clark County, Nevada, as shown on the map numbered 7306A, dated May 1980, and entitled "Las Vegas Valley, Nevada, Land Sales Map", which map shall be on file and available for public inspection in the offices of the Bureau of Land Management. Such disposal shall be in accordance with regulations developed jointly by the Secretary and the affected local governmental jurisdictions and shall be consistent with the provisions of the Federal Land Policy and Management Act and other applicable law except to the extent necessary to expeditiously carry out the provisions of this Act.

B) No more than seven hundred acres per calendar year may be offered for sale by the Bureau of Land Management in Clark County.

(c) Notwithstanding section 10(t)), the Secretary and the affected local governmental jurisdictions shall jointly select lands to be offered for sale under this Act. The Secretary may not offer any land for sale if in his judgment such land has not been appropriately classified in accordance with adjacent land use by the local governmental jurisdiction. In the event agreement cannot be reached on joint selection, no lands shall be offered for sale.

(d)(1) Except as otherwise provided in this subsection, the revenues from the sale of public lands under this subsection within Clark County, Nevada, shall, notwithstanding any other provision of law, be deposited annually, in the general fund of the Treasury of the United States: Provided, That from these revenues, an amount equal to that actually appropriated from the Land and Water Conservation Fund pursuant to section 3 of this Act, shall be deposited in the Fund prior to fiscal year 1995.

(2) Five per centum of the annual revenues referred to in paragraph (1) shall be returned to the State of Nevada annually for use in the general education program of the State.

(3) Ten per centum of the net annual revenues referred to in paragraph (1) shall be returned annually directly to the county or municipality within the boundaries of which such land sale occurred to be used for the purpose of acquisition and development of recreational lands and facilities. The total annual revenue returned under this paragraph to each such county or municipality shall be an amount proportional to the amount of revenues generated under this section from sales under this section of Federal land located within each such county or municipality.

(e) The revenues deposited in the general fund of the Treasury of the United States under subsection (d) are deemed to be in the nature of repayment for those authorizations set forth in section 3 of this Act. The Secretary, in cooperation with the Secretary of Agriculture, shall submit an accounting report biannually of income and expenditure provided for by this Act to the

Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives.

(f) The Secretary shall, subject to the provisions of subsection (c), make the first land sale offering of Clark County, Nevada, land no later than one year after the date of enactment of this Act.

(g)(1) The Secretary of Agriculture is authorized and directed to make annual payments to the governing bodies of each of the political subdivisions any portion of which is located in the area depicted on the final map filed pursuant to section 3(a). Such payments may be used only for water pollution control, soil erosion mitigation, or acquisition by local government authorities of lands and interests in lands within the Lake Tahoe Basin, or for any combination of the foregoing purposes.

(2) The total amounts appropriated for payments pursuant to this subsection shall be allocated proportionately among such political subdivisions in any fiscal year on the basis of the relative amounts of acreage acquired under this Act in each such political subdivision.

(3) In addition to the amounts authorized to be appropriated to carry out the provisions of section 3 of this Act, there is authorized to be appropriated for making payments under this subsection a sum equal to 15 per centum of the amount appropriated under such section 3.

(h) In addition to the amounts authorized to be appropriated to carry out the provisions of section 3 of this Act, there is authorized to be appropriated a sum equal to 5 per centum of the amount appropriated under such section 3 to be used by the Secretary of Agriculture only for purposes of preventing, controlling, or mitigating water pollution associated with National Forest System lands in the Lake Tahoe Basin and for managing acquired lands within the Lake Tahoe Basin. Such sum shall be in addition to any other amounts available to the Secretary of Agriculture for expenditure in the Lake Tahoe Basin.

(i) The provisions of section 3 of the Act of October 20, 1976 (31 U.S.C. 1601) and the provisions of subsections (a) through (c) of section 106 of the Act of March 27, 1978 (16 U.S.C. 79o) shall apply to lands acquired by the Secretary of Agriculture under this Act in the same manner and to the same extent as such provisions apply to lands owned by the United States and referred to in such section 106. For purposes of applying such provisions, any reference in such provisions to the lands referred to in such section 106 or to the National Park System shall be treated as including reference to the lands acquired by the Secretary of Agriculture under this Act.

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`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'*. (2). 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 nonacquisition.

(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.

[(b) Lands]

(b) Administration of Acquired Land.—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.'.

(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 subsection (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.'

(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.

(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 appropriated 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 Acquisition without owner's consent. Fair market value. Purchase price, installments. Appropriation authorization. 94 STAT. 3386 PUBLIC LAW 96-586—DEC. 23, 1980 16 us e 460/-9. Mar-A-Lago National Historic Site. Repeal. 16 us e 467a and note, 467a-1. 16 us e 461 note, 467a note. Marjorie Merriweather Post Foundation, property transfer. 16 us e 467a note. D.e. Code 29-1001. Funds, adjustments. 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 mone3rs 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.'

SEC. 4. (a)(1) Effective upon the conveyance or transfer authorized in subsection b, the Act of October 21, 1972, entitled "An Act to provide for the administration of the Mar-A-Lago National Historic site, in Palm Beach, Florida" is repealed.

(2) The order of designation of the Mar-A-Lago National Historic Site, dated January 16, 1969, is repealed and the site described therein is hereby designated as the Mar-A-Lago National Historic Landmark.

(b) The Secretary of the Interior shall, within one hundred and twenty days of the date of enactment of this Act, take such measures, consistent with the terms and conditions of the deed of conveyance from Majorie M. Post to the United States of America, dated December 18, 1972, as may be necessary to transfer the property described in the order of designation of the Mar-A-Lago National Historic Site to the Majorie Merriweather Post Foundation of the District of Columbia (a charitable foundation organized under the District of Columbia Nonprofit Corporation Act).

(c) The Secretary is authorized upon conveyance, to make appropriate adjustments in the funds available for the administration and management of the property, including but not limited to, return of unobligated donated funds to the trustees of the Marjorie Merriweather Post Foundation of the District of Columbia, and reprogram existing appropriations to related functions and activities of the National Park Service.

Southern Nevada Public Land Management Act of 1998 (Public Law 105-263; 112 Stat. 2347)

An Act

To provide for the orderly disposal of certain Federal lands in Clark County, Nevada, and to provide for the acquisition of environmentally sensitive lands in the State of Nevada.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the `Southern Nevada Public Land Management Act of 1998'.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS- The Congress finds the following:

(1) The Bureau of Land Management has extensive land ownership in small and large parcels interspersed with or adjacent to private land in the Las Vegas Valley, Nevada, making many of these parcels difficult to manage and more appropriate for disposal.

(2) In order to promote responsible and orderly development in the Las Vegas Valley, certain of those Federal lands should be sold by the Federal Government based on recommendations made by local government and the public.

(3) The Las Vegas metropolitan area is the fastest growing urban area in the United States, which is causing significant impacts upon the Lake Mead National Recreation Area, the Red Rock Canyon National Conservation Area, and the Spring Mountains National Recreation Area, which surround the Las Vegas Valley.

(b) PURPOSE- The purpose of this Act is to provide for the orderly disposal of certain Federal lands in Clark County, Nevada, and to provide for the acquisition of environmentally sensitive lands in the State of Nevada.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) The term `Secretary' means the Secretary of the Interior.

(2) The term `unit of local government' means Clark County, the City of Las Vegas, the City of North Las Vegas, or the City of Henderson; all in the State of Nevada.

(3) The term 'Agreement' means the agreement entitled 'The Interim Cooperative Management Agreement Between The United States Department of the Interior--Bureau of Land Management and Clark County', dated November 4, 1992.

(4) The term 'special account' means the account in the Treasury of the United States established under section 4(e)(1)(C).

(5) The term 'Recreation and Public Purposes Act' means the Act entitled 'An Act to authorize acquisition or use of public lands by States, counties, or municipalities for recreational purposes', approved June 14, 1926 (43 U.S.C. 869 et seq.).

(6) The term 'regional governmental entity' means the Southern Nevada Water Authority, the Regional Flood Control District, and the Clark County Sanitation District.

SEC. 4. DISPOSAL AND EXCHANGE.

(a) DISPOSAL- Notwithstanding the land use planning requirements contained in sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1711 and 1712), the Secretary, in accordance with this Act, the Federal Land Policy and Management Act of 1976, and other applicable law, and subject to valid existing rights, is authorized to dispose of lands within the boundary of the area under the jurisdiction of the Director of the Bureau of Land Management in Clark County, Nevada, as generally depicted on the map entitled 'Las Vegas Valley, Nevada, Land Disposal Map', dated April 10, 1997. Such map shall be on file and available for public inspection in the offices of the Director and the Las Vegas District of the Bureau of Land Management.

(b) RESERVATION FOR LOCAL PUBLIC PURPOSES-

(1) RECREATION AND PUBLIC PURPOSE ACT CONVEYANCES- Not less than 30 days before the offering of lands for sale or exchange pursuant to subsection (a), the State of Nevada or the unit of local government in whose jurisdiction the lands are located may elect to obtain any such lands for local public purposes pursuant to the provisions of the Recreation and Public Purposes Act. Pursuant to any such election, the Secretary shall retain the elected lands for conveyance to the State of Nevada or such unit of the local government in accordance with the provisions of the Recreation and Public Purposes Act.

(2) RIGHTS-OF-WAY-

(A) ISSUANCE- Upon application, by a unit of local government or regional governmental entity, the Secretary, in accordance with this Act and the Federal Land Policy and Management Act of 1976, and other applicable provisions of law, shall issue right-of-way grants on Federal lands in Clark County, Nevada, for all reservoirs, canals, channels, ditches, pipes, pipelines, tunnels, and other facilities and systems needed for--

(i) the impoundment, storage, treatment, transportation, or distribution of water (other than water from the Virgin River) or wastewater; or

(ii) flood control management.

(B) DURATION- Right-of-way grants issued under this paragraph shall be valid in perpetuity.

(C) WAIVER OF FEES- Right-of-way grants issued under this paragraph shall not require the payment of rental or cost recovery fees.

(3) YOUTH ACTIVITY FACILITIES- Within 30 days after a request by Clark County, Nevada, the Secretary shall offer to Clark County, Nevada, the land depicted on the map entitled 'Vicinity Map Parcel 177-28-101-020 dated August 14, 1996, in accordance with the Recreation and Public Purposes Act for the construction of youth activity facilities.

(c) WITHDRAWAL- Subject to valid existing rights, all Federal lands identified in subsection (a) for disposal are withdrawn from location and entry, under the mining laws and from operation under the mineral leasing and geothermal leasing laws until such time as the Secretary terminates the withdrawal or the lands are patented.

(d) SELECTION-

(1) JOINT SELECTION REQUIRED- The Secretary and the unit of local government in whose jurisdiction lands referred to in subsection (a) are located shall jointly select lands to be offered for sale or exchange under this section. The Secretary shall coordinate land disposal activities with the unit of local government in whose jurisdiction such lands are located. Land disposal activities of the Secretary shall be consistent with local land use planning and zoning requirements and recommendations.

(2) OFFERING- After land has been selected in accordance with this subsection, the Secretary shall make the first offering of land as soon as practicable after the date of the enactment of this Act.

(e) DISPOSITION OF PROCEEDS-

(1) LAND SALES- Of the gross proceeds of sales of land under this subsection in a fiscal year--

(A) 5 percent shall be paid directly to the State of Nevada for use in the general education program of the State;

(B) 10 percent shall be paid directly to the Southern Nevada Water Authority for water treatment and transmission facility infrastructure in Clark County, Nevada; and

(C) the remainder shall be deposited in a special account in the Treasury of the United States for use pursuant to the provisions of paragraph (3).

Amounts in the special account shall be available to the Secretary without further appropriation and shall remain available until expended.

(2) LAND EXCHANGES-

(A) PAYMENTS- In the case of a land exchange under this section, the non-Federal party shall provide direct payments to the State of Nevada and the Southern Nevada Water Authority in accordance with paragraphs (1)(A) and (B). The payments shall be based on the fair market value of the Federal lands to be conveyed in the exchange and shall be considered a cost incurred by the non-Federal party that shall be compensated by the Secretary if so provided by any agreement to initiate exchange.

(B) PENDING EXCHANGES- The provisions of this Act, except this subsection and subsections (a) and (b), shall not apply to any land exchange for which an initial agreement to initiate an exchange was signed by an authorized representative of the exchange proponent and an authorized officer of the Bureau of Land Management prior to February 29, 1996.

(3) AVAILABILITY OF SPECIAL ACCOUNT-

(A) IN GENERAL- Amounts deposited in the special account may be expended by the Secretary for--

(i) the acquisition of environmentally sensitive land in the State of Nevada in accordance with subsection (h), with priority given to lands located within Clark County;

(ii) capital improvements at the Lake Mead National Recreation Area, the Desert National Wildlife Refuge, the Red Rock Canyon National Conservation Area and other areas administered by the Bureau of Land Management in Clark County, and the Spring Mountains National Recreation Area;

(iii) development of a multispecies habitat conservation plan in Clark County, Nevada;

(iv) development of parks, trails, and natural areas in Clark County, Nevada, pursuant to a cooperative agreement with a unit of local government; and
(v) reimbursement of costs incurred by the local offices of the Bureau of Land Management in arranging sales or exchanges under this Act.

(B) PROCEDURES- The Secretary shall coordinate the use of the special account with the Secretary of Agriculture, the State of Nevada, local governments, and other interested persons, to ensure accountability and demonstrated results.

(C) LIMITATION- Not more than 25 percent of the amounts available to the Secretary from the special account in any fiscal year (determined without taking into account amounts deposited under subsection (g)(4)) may be used in any fiscal year for the purposes described in subparagraph (A)(ii).

(f) INVESTMENT OF SPECIAL ACCOUNT- All funds deposited as principal in the special account shall earn interest in the amount determined by the Secretary of the Treasury on the basis of the current average market yield on outstanding marketable obligations of the United States of comparable maturities. Such interest shall be added to the principal of the account and expended according to the provisions of subsection (e)(3).

(g) AIRPORT ENVIRONS OVERLAY DISTRICT LAND TRANSFER- Upon request of Clark County, Nevada, the Secretary shall transfer to Clark County, Nevada, without consideration, all right, title, and interest of the United States in and to the lands identified in the Agreement, subject to the following:

(1) Valid existing rights.

(2) Clark County agrees to manage such lands in accordance with the Agreement and with section 47504 of title 49, United States Code (relating to airport noise compatibility planning), and regulations promulgated pursuant to that section.

(3) Clark County agrees that if any of such lands are sold, leased, or otherwise conveyed or leased by Clark County, such sale, lease, or other conveyance shall contain a limitation which requires uses compatible with the Agreement and such Airport Noise Compatibility Planning provisions.

(4) Clark County agrees that if any of such lands are sold, leased, or otherwise conveyed by Clark County, such lands shall be sold, leased, or otherwise conveyed for fair market value. Clark County shall contribute 85 percent of the gross proceeds from the sale, lease, or other conveyance of such lands directly to the special account. If any of such lands sold, leased, or otherwise conveyed by Clark County are identified on the map referenced in section 2(a) of the Act entitled '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', approved December 23, 1980 (94 Stat. 3381; commonly known as the 'Santini-Burton Act'), the proceeds contributed to the special account by Clark County from the sale, lease, or other conveyance of such lands shall be used by the Secretary of Agriculture to acquire environmentally sensitive land in the Lake Tahoe Basin pursuant to section 3 of the Santini-Burton Act. Clark County shall contribute 5 percent of the gross proceeds from the sale, lease, or other conveyance of such lands directly to the State of Nevada for use in the general education program of the State, and the remainder shall be available for use by the Clark County Department of Aviation for the benefit of airport development and the Noise Compatibility Program.

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).'

SEC. 6. REPORT.

The Secretary, in cooperation with the Secretary of Agriculture, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives an annual report on all transactions under this Act.

SEC. 7. RECREATION AND PUBLIC PURPOSES ACT.

(a) TRANSFER OF REVERSIONARY INTEREST-

(1) IN GENERAL- Upon request by a grantee of lands within Clark County, Nevada, that are subject to a lease or patent issued under the Recreation and Public Purposes Act, the Secretary may transfer the reversionary interest in such lands to other non-Federal lands. The transfer of the reversionary interest shall only be made to lands of equal value, except that with respect to the State of Nevada or a unit of local government an amount equal to the excess (if any) of the fair market value of lands received by the unit of local government over the fair market value of lands transferred by the unit of local government shall be paid to the Secretary and shall be treated under subsection (e)(1) of section 4 as proceeds from the sale of land. For purposes of this subsection, the fair market value of lands to be transferred by the State of Nevada or a unit of local government may be based upon a statement of value prepared by a qualified appraiser.

(2) TERMS AND CONDITIONS APPLICABLE TO LANDS ACQUIRED- Land selected under this subsection by a grantee described in paragraph (1) shall be subject to the terms and conditions, uses, and acreage limitations of the lease or patent to which the lands transferred by the grantee were subject, including the reverter provisions, under the Recreation and Public Purposes Act.

(b) AFFORDABLE HOUSING- The Secretary, in consultation with the Secretary of Housing and Urban Development, may make available, in accordance with section 203 of the Federal Land Planning and Management Act of 1976, land in the State of Nevada at less than fair market value and under other such terms and conditions as he may determine for affordable housing purposes. Such lands shall be made available only to State or local governmental entities, including local public housing authorities. For the purposes of this subsection, housing shall be considered to be affordable housing if the housing serves low-income families as defined in section 104 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704).

SEC. 8. BOUNDARY MODIFICATION OF RED ROCK CANYON NATIONAL CONSERVATION AREA.

Section 3(a)(2) of the Red Rock Canyon National Conservation Area Establishment Act of 1990 (16 U.S.C. 460ccc-1(a)(2)) is amended to read as follows:

`(2) The conservation area shall consist of approximately 195,780 acres as generally depicted on the map entitled `Red Rock Canyon National Conservation Area Administrative Boundary Modification', dated August 8, 1996.'