

**CALENDAR ITEM
117**

A Federal

09/20/13

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S. Pemberton

**CONSIDER SUPPORTING FEDERAL LEGISLATION THAT WOULD EXTEND THE
LAKE TAHOE RESTORATION ACT BY ANOTHER 10 YEARS AND AUTHORIZE
\$415 MILLION TO COMBAT INVASIVE SPECIES, IMPROVE WATER CLARITY,
REDUCE THE THREAT OF CATASTROPHIC WILDFIRE, AND
RESTORE THE ENVIRONMENT AT LAKE TAHOE**

PROPOSED LEGISLATION

INTRODUCTION:

State Lands Commission (Commission) staff has been reviewing various legislative proposals introduced in the 113th Congress that involve lands under the Commission's jurisdiction. This report describes the Lake Tahoe Restoration Act of 2013 (S. 1451—Senator Feinstein) and proposes a Resolution for the Commission to consider adopting in support of this bill.

LEGISLATIVE PROPOSAL:

S. 1451 (Senator Feinstein) The Lake Tahoe Restoration Act:

SUMMARY:

In 2000, the Lake Tahoe Restoration Act was approved, authorizing \$300 million in federal funds to be spent on efforts to restore Lake Tahoe. The Act resulted in more than 600 environmental projects and restoration activities around the lake, including: 1) improving more than 15,850 acres of wildlife habitat; 2) restoring 1,509 acres of Stream Environment Zones; 3) improving water clarity by facilitating projects to reduce pollution and sedimentation; 4) restoring or removing 268 miles of Forest Service Roads; 5) constructing more than 134 miles of new trails; 6) reducing fuels on approximately 54,444 acres of forestland; and 7) upgrading 20 transit facilities to increase the use of public transportation. S. 1451 was introduced in August 2013 to extend the Lake Tahoe Restoration Act by another 10 years. S. 1451 will authorize \$415 million to combat invasive species, improve water clarity, reduce the threat of catastrophic wildfire, and restore the environment at Lake Tahoe.

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BACKGROUND:

The Commission has jurisdiction over the Lake Tahoe Basin's public trust lands, which include the beds of navigable lakes, rivers, and streams, and the public trust easement lying between the low water mark and the high water mark in Lake Tahoe. As such, the Commission leases state lands for marinas, piers, mooring buoys, and other facilities lakeward of the low water mark.

S. 1451, the Lake Tahoe Restoration Act of 2013, authorizes \$415 million over 10 years to improve water clarity, reduce the threat of fire, combat invasive species and restore and protect the environment in the Lake Tahoe Basin.

Key components of the legislation include:

Restores Lake Tahoe and the Tahoe Basin. The legislation authorizes \$243 million over 10 years for the highest-priority restoration projects according to scientific data. The legislation authorizes at least \$138 million for stormwater management and watershed restoration projects that are scientifically-determined to be the most effective ways to improve water clarity. The legislation also requires a prioritized ranking of environmental restoration projects and authorizes \$80 million to implement these priority projects. The implementation of priority projects is intended to improve water quality, forest health, air quality and fish and wildlife habitat around Lake Tahoe.

Reduces the threat of wildfire in the Tahoe Basin. The legislation authorizes \$135 million over 10 years for hazardous fuels reduction projects to reduce the threat of fire in Lake Tahoe. It also creates incentives for local communities to have dedicated funding for defensible space inspections and enforcement.

Protects Lake Tahoe from the threat of quagga mussels and other invasive aquatic species. The bill would provide \$30 million for watercraft inspections and removal of existing invasive species and would require all watercraft be inspected and decontaminated to prevent the introduction of invasive aquatic species. Watercraft will be exempted from decontamination if they were last launched in Lake Tahoe.

Supports reintroduction of the Lahontan Cutthroat Trout. The legislation authorizes \$20 million over 10 years for the Lahontan Cutthroat Trout Recovery Plan. The Lahontan Cutthroat Trout is an iconic species that has an important historic legacy in Lake Tahoe. Lake Tahoe is one of the historic 11 lakes that had Lahontan Cutthroat Trout in the past and is a critical part of the strategy to recover the species.

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Funds scientific research. The legislation authorizes \$30 million over 10 years for scientific programs and research that will produce information on long-term trends in the Basin and inform the most cost-effective projects.

Prohibits mining operations in the Tahoe Basin. The legislation would prevent the start of any mining operations in the Basin, ensuring that the fragile watershed, and Lake Tahoe's water clarity, is not threatened by pollution from mining operations.

Increases accountability and oversight. All projects funded by this legislation will have monitoring and assessment in order to determine the most cost-effective projects and best management practices for future projects. The legislation also requires an annual report to Congress detailing the status of all projects undertaken, including project scope, budget and justification and overall expenditures and accomplishments.

Provides for public outreach and education. S. 1451 requires signage on federally financed projects in order to improve public awareness of restoration efforts. In addition, the Tahoe Regional Planning Agency will have a public outreach and education program to encourage Basin residents and visitors to implement defensible space, best management practices for water quality and to prevent the introduction and proliferation of invasive species.

OTHER PERTINENT INFORMATION:

On April 6, 2010, the Commission adopted a resolution supporting previous legislation to extend the Lake Tahoe Restoration Act, S. 2724 and H.R. 4001. That legislation was unsuccessful, as was a subsequent bill introduced in 2011.

S. 1451 was introduced in August 2013. The legislation is sponsored by Senator Dianne Feinstein of California, and cosponsored by Senator Harry Reid of Nevada, Senator Dean Heller of Nevada, and Senator Barbara Boxer of California. It has been referred to the Senate Environment and Public Works Committee.

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

1. Adopt the Resolution in support of S. 1451 substantially in the form attached hereto as Exhibit A.

**CALIFORNIA STATE
LANDS COMMISSION**

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EXHIBIT A

**RESOLUTION BY THE CALIFORNIA STATE LANDS COMMISSION
SUPPORTING THE LAKE TAHOE RESTORATION ACT OF 2013 (S. 1451),
WHICH WOULD EXTEND THE LAKE TAHOE RESTORATION ACT BY ANOTHER
10 YEARS AND AUTHORIZE \$415 MILLION TO COMBAT INVASIVE SPECIES, IMPROVE
WATER CLARITY, REDUCE THE THREAT OF CATASTROPHIC WILDFIRE,
AND RESTORE THE ENVIRONMENT AT LAKE TAHOE**

WHEREAS, the Lake Tahoe Basin, a place of unique and unsurpassed beauty, comprises a 500-square-mile area bounded on the west by the crest of the Sierra Nevada and on the east by the Carson Range, and divided lengthwise by the California-Nevada state line with 75 percent of the land area and 70 percent of the lake surface area in California; and

WHEREAS, the Lake Tahoe Basin contains approximately 40 small mountain lakes, 60 streams, and Lake Tahoe itself, the largest alpine lake in North America, which is 22 miles long and 12 miles wide with a natural surface elevation of 6,223 feet above sea level; and

WHEREAS, millions of visitors from around the state, country, and world visit the Lake Tahoe Basin to experience what Mark Twain called "the fairest picture the whole earth affords" and to engage in recreational activities such as skiing, snowboarding, snowshoeing, boating, swimming, kayaking, water skiing, fishing, golfing, hiking, paragliding, biking, sightseeing, and camping; and

WHEREAS, the robust economy in the Lake Tahoe Basin is dependent on the protection and restoration of the natural beauty and recreation opportunities in the area; and

WHEREAS, the California State Lands Commission (Commission) has jurisdiction over the Lake Tahoe Basin's public trust lands, which include the beds of navigable lakes, rivers, and streams, and the public trust easement lying between the low water mark and the high water mark in Lake Tahoe; and

WHEREAS, the common law Public Trust Doctrine protects the basic right of the public to use its waterways to engage in commerce, navigation, and fisheries. This includes the right to fish, bathe, swim, and use for boating and other water related recreation purposes the navigable waters of the State. The public trust also includes the preservation of lands in their natural state, so that they may serve as ecological units for scientific study, as open space, and as environments that provide food and habitat for wildlife including mammals, birds and marine life, and that favorably affect the scenery and climate of the area; and

WHEREAS, the Lake Tahoe Basin faces difficult environmental and economic challenges: including, eutrophication, which refers to the effects of an overabundance of nutrients, pollution from urbanized areas around the lake, erosion of soil and sediment, invasive species, loss of wetlands, and algae growth.

WHEREAS, the Lake Tahoe Restoration Act of 2013 (S. 1451), which is a bi-partisan effort, would authorize \$415 million over 10 years to improve water clarity, reduce the threat of fire, protect Lake Tahoe from the threat of quagga and zebra mussels, Asian clams and other invasive species, and restore and protect the environment in the Lake Tahoe Basin; and,

WHEREAS, the Commission believes that the goals of the Lake Tahoe Restoration Act of 2013 would considerably protect and enhance the public trust lands and easements in the Lake Tahoe Basin for the benefit of the public trust and the people of California; now therefore, be it

Resolved by the California State Lands Commission that it supports the Lake Tahoe Restoration Act of 2013 (S. 1451), which would continue broad-based collaborative efforts to protect Lake Tahoe by combating invasive species, improving water clarity, reducing pollution, protecting threatened wildlife, and reducing the risk of catastrophic wildfires; and be it further

Resolved, that the Commission's Executive Officer transmit copies of this resolution to the President and Vice President of the United States, to the Governor of California, to the Majority and Minority Leaders of the United States Senate, to the Speaker and Minority Leader of the United States House of Representatives, and to each Senator and Representative from California in the Congress of the United States.