

**CALENDAR ITEM  
71**

A Statewide	04/06/11
S Statewide	J. DeLeon

**PROPOSED LEGISLATION**

**INTRODUCTION:**

State Lands Commission staff has been reviewing various legislative proposals introduced in the 112<sup>th</sup> Congress that involve lands under the Commission's jurisdiction. This report describes the proposed Lake Tahoe Restoration Act of 2011 (Senate Bill 432), and proposes a Resolution for the Commission to consider adopting in support of the bill.

**LEGISLATIVE PROPOSAL:**

**Senate Bill 432 (Feinstein): Lake Tahoe Restoration Act of 2011**

**SUMMARY:**

The Lake Tahoe Restoration Act of 2011 continues the federal commitment at Lake Tahoe by authorizing \$415 million over 10 years to improve water clarity, reduce the threat of fire, control or prevent invasive species, and restore the Lake and its surrounding environment by building on the efforts that began under the Lake Tahoe Restoration Act of 2000. The bill also contains improvements to the 2000 Act by requiring increased monitoring of projects, increased accountability and oversight of project-related spending through an annual report to Congress, and allows for increased flexibility for the Forest Service to manage public forest lands. The bill is cosponsored by Senators Harry Reid (D-Nev), Barbara Boxer (D-Calif), and John Ensign (R-Nev). The bill is supported by the Tahoe Regional Planning Agency, the North Lake Tahoe Chamber of Commerce, the California Tahoe Conservancy, the Sierra Club, and the Washoe Tribe, among others.

**OTHER PERTINENT INFORMATION:**

California Environmental Quality Act (CEQA) compliance: Staff has determined this action by the Commission is not subject to the provisions of CEQA because it is not a "project" as defined in Section 15378 of the State CEQA Guidelines (Title 14, California Code of Regulations, section 15000 et seq.). Specifically, the proposed action by the Commission to adopt a resolution in support of S. 432 has no potential to result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

**CALENDAR ITEM NO. 71 (CONT'D)**

**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

1. Find that the activity is not subject to the requirements of CEQA because the activity is not a project as defined in Section 21065 of CEQA and Section 15378 of the State CEQA Guidelines;
2. Adopt the resolution in support of S. 432 attached hereto as Exhibit A.

**CALIFORNIA STATE  
LANDS COMMISSION**

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JOHN CHIANG, *Controller*  
ANA J. MATOSANTOS, *Director of Finance*



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*PROPOSED BY STAFF*

**RESOLUTION BY THE CALIFORNIA STATE LANDS  
COMMISSION SUPPORTING THE LAKE TAHOE RESTORATION ACT OF 2011  
(S. 432), WHICH WOULD AUTHORIZE PROJECTS TO COMBAT INVASIVE SPECIES,  
RESTORE LAKE TAHOE'S WATER CLARITY, PROTECT THREATENED WILDLIFE, AND  
REDUCE THE RISK OF CATASTROPHIC WILDFIRES**

**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 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 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 some difficult environmental and economic challenges: Lake Tahoe's clarity has declined by over a third in the last 50 years; it is estimated that 25 percent of the trees in the basin are dead or dying, creating hazardous fuel for wildfires; the Lahontan cutthroat trout that once grew to 40 pounds or more in Lake Tahoe is no longer present; many of the basin's natural marshes and wetlands have been altered or drained; invasive species such as the Asian clam and an aquatic weed called milfoil are wreaking havoc as they spread in and along Lake Tahoe; and the quagga and zebra mussels, which have already taken over the Great Lakes, could cost tens of millions of dollars annually and drive native species out of existence if ever introduced into Lake Tahoe; and

**WHEREAS**, the Lake Tahoe Restoration Act of 2011 (S. 432), which is a bi-partisan effort, would allocate significant resources to: (1) improve the clarity of Lake Tahoe through storm water management, erosion control, and watershed projects, (2) improve the overall environment of the basin through various environmental restoration projects, (3) reduce the threat of wildfires by reducing hazardous fuels, such as dead and dying trees, (4) protect Lake Tahoe from invasive species, (5) reintroduce the Lahontan cutthroat trout, and (6) provide scientific research to produce data on long-term trends in the basin; and

**WHEREAS**, the Commission believes that the goals of this Act 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 2011 (S. 432), which would authorize projects to combat invasive species, restore Lake Tahoe's water clarity, protect threatened wildlife, and reduce 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.

Adopted by the California State Lands Commission on April 6, 2011.