



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
441 G STREET, NW
WASHINGTON, DC 20314-1000

CECW-P

APR 13 2018

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Implementation Guidance for Section 3603(d-e) of the Water Resources Development Act of 2016 (WRDA 2016), Amending Section 5 and 6 of the Lake Tahoe Restoration Act

1. Section 3603 of WRDA 2016 was completed and signed on 9 April 2018. The implementation guidance is posted in the U.S. Army Corps of Engineers website: <http://www.usace.army.mil/Missions/Civil-Works/Project-Planning/Legislative-Links/>.
2. Questions regarding this implementation guidance should be directed to Bradd Schwichtenberg, Deputy Chief, South Pacific Division Regional Integration Team, at 202-761-1367 or Bradd.R.Schwichtenberg@usace.army.mil.

A handwritten signature in black ink, appearing to read "J. Dalton".

JAMES C. DALTON, P.E.
Director of Civil Works

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DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
CIVIL WORKS
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APR -9 2013

MEMORANDUM FOR COMMANDING GENERAL U.S. ARMY CORPS OF
ENGINEERS

SUBJECT: Implementation Guidance for Section 3603(d) and (e) of the Water Infrastructure Improvements for the Nation Act, Amending Sections 5 and 6 of the Lake Tahoe Restoration Act

1. Section 3603(d) amends Section 5 of the Lake Tahoe Restoration Act (Public Law 106-506) (the Restoration Act), for the purpose of revising the role of the Assistant Secretary of the Army for Civil Works (ASA(CW)) in the Lake Tahoe Environmental Improvement Program, as described in Sections 5(a) and 5(d)(3) of the Restoration Act, as amended. Section 3603(e) amends Section 6 of the Restoration Act, for the purpose of authorizing the ASA(CW) to provide programmatic technical assistance to the Environmental Improvement Program.
2. Subject to the availability of funds and if requested, the Corps may identify potential water conservation and ecosystem restoration projects that may be eligible for inclusion in the Priority List, compile information regarding any and all relevant ranking criteria for an identified project, and provide to the ASA(CW) the agency's priority ranking of all proposed projects.
3. Pursuant to Section (5)(a) of the Restoration Act, as amended, the ASA(CW) may carry out a program for providing technical, planning or design assistance that
 - (1) is described in subsection Section (5)(d)(3) of the Restoration Act, as amended, i.e., the Federal share of stormwater management and related programs consistent with the adopted Total Maximum Daily Load and near-shore water quality goals, and the Federal share of the Upper Truckee River restoration programs and other watershed restoration programs;
 - (2) is included in the Priority List under Section 5(b) of the Restoration Act, as amended; and
 - (3) furthers the purposes of the Environmental Improvement Program if the program has been subject to environmental review and approval, respectively, as required under Federal law, Article VII of the Compact, and State law, as applicable. The discretionary authority conferred by Section 5(a) to provide financial assistance will not be used.
4. The Sacramento District (District) will coordinate with the Major Subordinate Command (MSC), HQUSACE, and the ASA(CW) to identify programs that may be

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carried out by the Corps that meet the criteria described above. Pursuant to Section 5(d)(3) of the Restoration Act, as amended, of the amounts made available under section 10(a) of the Restoration Act, as amended, funds shall be made available to the Secretary of Agriculture, the Secretary of the Interior, the ASA(CW), or the Administrator of the Environmental Protection Agency for the Federal share of stormwater management and related programs consistent with the adopted Total Maximum Daily Load and near-shore water quality goals. Specifically, the ASA(CW) may use identified funds for the Federal share of the Upper Truckee River restoration programs and other watershed restoration programs identified in the Priority List established under section 5(b) of the Restoration Act, as amended. Subject to the availability of appropriations, agreements with non-Federal interests will be cost shared at 75 percent Federal and 25 percent non-Federal expense. A draft model assistance agreement under Section 5 of the Restoration Act, as amended, will be developed and submitted to the ASA(CW) for approval, and posted on the Civil Works Agreements website.

5. Section 6(c) of the Restoration Act, as amended, authorizes the ASA(CW) to 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 the Environmental Improvement Program. A line item with this designation shall be established in the fiscal year 2020 budget submission under Investigations, Remaining Items, Other-Miscellaneous. Programmatic technical assistance may include technical, planning or design assistance to State or local public entities.

6. Subject to the availability of appropriations, agreements with non-Federal interests for programmatic technical assistance will be cost shared at 65 percent Federal and 35 percent non-Federal expense. The agreements shall describe any legal and institutional structures necessary to ensure the effective long-term viability of the end products by the non-Federal interest. 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. A draft model assistance agreement under Section 6 of the Restoration Act, as amended, will be developed and submitted to the ASA(CW) for approval, and posted on the Civil Works Agreements website. The discretionary authority conferred by Section 6(c)(2)(C)(ii) of the Restoration Act, as amended, to provide the Federal share in the form of reimbursements of program costs will not be used.

7. Pursuant to Section 5(d)(2) of the Restoration Act, as amended, the Director of the United States Fish and Wildlife Service, in coordination with the ASA(CW), the Planning Agency, the California Department of Fish and Wildlife, and the Nevada Department of Wildlife, shall deploy strategies consistent with the Lake Tahoe Aquatic Invasive Species Management Plan to prevent the introduction or spread of aquatic invasive species in the Lake Tahoe region.

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8. Pursuant to Section 6(f) of the Restoration Act, as amended, as part of the annual budget of the President, the President shall submit information regarding each Federal agency involved in the Environmental Improvement Program (including the Forest Service, the Environmental Protection Agency, the United States Fish and Wildlife Service, the United States Geological Survey, and the Corps), including:

- (1) an interagency crosscut budget that displays the proposed budget for use by each Federal agency in carrying out restoration activities relating to the Environmental Improvement Program for the following fiscal year;
- (2) a detailed accounting of all amounts received and obligated by Federal agencies to achieve the goals of the Environmental Improvement Program during the preceding fiscal year; and
- (3) a description of the Federal role in the Environmental Improvement Program, including the specific role of each agency involved in the restoration of the Lake Tahoe Basin. The ASA(CW) will provide requested supporting budget information to the Chair of the Federal Partnership (defined in Section 3 of the Restoration Act, as amended), or the Chair's designee, to support the annual reporting requirement. The Corps will provide any support required by the Deputy ASA(CW) – Management and Budget to meet this reporting requirement.

9. Questions regarding this implementation guidance may be directed to Gib Owen, Office of the Assistant Secretary of the Army for Civil Works at gib.a.owen.civ@mail.mil or 703-695-4641. Technical questions may be directed to Bradd Schwichtenberg, Deputy Chief, South Pacific Regional Integration Team, at (202) 761-1367 or bradd.r.schwichtenberg@usace.army.mil.



R. D. JAMES
Assistant Secretary of the Army
(Civil Works)

Encl

SEC. 3603 (d) and (e) LAKE TAHOE RESTORATION.

(d) Authorized Programs. The Lake Tahoe Restoration Act (Public Law 106-506; 114 Stat. 2351) is amended by striking section 5 and inserting the following:

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 that

- (1) is described in subsection (d);
- (2) is included in the Priority List under subsection (b); and
- (3) furthers the purposes of the Environmental Improvement Program if the program has been subject to environmental review and approval, respectively, as required under Federal law, Article VII of the Compact, and State law, as applicable.

(b) Priority List.

(1) Deadline. Not later than March 15 of the year after the date of enactment of the Water Resources Development Act of 2016, the Chair, in consultation with the Secretary, the Administrator, the Directors, the Planning Agency, the States of California and Nevada, the Federal Partnership, the Washoe Tribe, the Lake Tahoe Federal Advisory Committee, and the Tahoe Science Consortium (or a successor organization) shall submit to Congress a prioritized Environmental Improvement Program list for the Lake Tahoe Basin for the program categories described in subsection (d).

(2) Criteria. The ranking of the Priority List shall be based on the best available science and the following criteria:

- (A) The 4-year threshold carrying capacity evaluation.
- (B) The ability to measure progress or success of the program.
- (C) The potential to significantly contribute to the achievement and maintenance of the environmental threshold carrying capacities identified in Article II of the Compact.
- (D) The ability of a program to provide multiple benefits.
- (E) The ability of a program to leverage non-Federal contributions.
- (F) Stakeholder support for the program.
- (G) The justification of Federal interest.
- (H) Agency priority.
- (I) Agency capacity.
- (J) Cost-effectiveness.
- (K) Federal funding history.

(3) Revisions. The Priority List submitted under paragraph (1) shall be revised every 2 years.

(4) Funding. Of the amounts made available under section 10(a), \$80,000,000 shall be made available to the Secretary to carry out projects listed on the Priority List.

(c) Restriction. The Administrator shall use not more than 3 percent of the funds provided under subsection (a) for administering the programs described in paragraphs (1) and (2) of subsection (d).

(d) Description of Activities.

(1) Fire risk reduction and forest management.

(A) In general. Of the amounts made available under section 10(a), \$150,000,000 shall be made available to the Secretary to carry out, including by making grants, the following programs:

(i) Programs identified as part of the Lake Tahoe Basin Multi-Jurisdictional Fuel Reduction and Wildfire Prevention Strategy 10-Year Plan.

(ii) 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 10-year plan described in clause (i).

(iii) Biomass programs, including feasibility assessments.

(iv) Angora Fire Restoration under the jurisdiction of the Secretary.

(v) Washoe Tribe programs on tribal lands within the Lake Tahoe Basin.

(vi) Development of an updated Lake Tahoe Basin multijurisdictional fuel reduction and wildfire prevention strategy, consistent with section 4(c).

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

(viii) Municipal water infrastructure that significantly improves the firefighting capability of local government within the Lake Tahoe Basin.

(ix) Stewardship end result contracting projects carried out under section 604 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c).

(B) Minimum allocation. Of the amounts made available to the Secretary to carry out subparagraph (A), at least \$100,000,000 shall be used by the Secretary for programs under subparagraph (A) (i).

(C) Priority. Units of local government that have dedicated funding for inspections and enforcement of defensible space regulations shall be given priority for amounts provided under this paragraph.

(D) Cost-sharing requirements.

(i) In general. As a condition on the receipt of funds, communities or local fire districts that receive funds under this paragraph shall provide a 25-percent match.

(ii) Form of non-federal share.

(I) In general. The non-Federal share required under clause (i) 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 clause (i) any dedicated funding of the communities or local fire districts for a fuels reduction management program, defensible space inspections, or dooryard chipping.

(III) Documentation. Communities and local fire districts shall

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

(AA) the monetary value of the in-kind contributions; and
(BB) the manner in which the in-kind contributions assist
in accomplishing program goals and objectives; and
(bb) document in all requests for Federal funding, and
include in the total program budget, evidence of the
commitment to provide the non-Federal share through in-
kind contributions.

(2) Invasive species management.

(A) In general. Of the amounts made available under section 10(a), \$45,000,000 shall be made available to the Director of the United States Fish and Wildlife Service for the Aquatic Invasive Species Program and the watercraft inspections described in subparagraph (B).

(B) Description of activities. The Director of the United States Fish and Wildlife Service, in coordination with the Assistant Secretary, the Planning Agency, the California Department of Fish and Wildlife, and the Nevada Department of Wildlife, shall deploy strategies consistent with the Lake Tahoe Aquatic Invasive Species Management Plan to prevent the introduction or spread of aquatic invasive species in the Lake Tahoe region.

(C) Criteria. The strategies referred to in subparagraph (B) shall provide that

(i) combined inspection and decontamination stations be established and operated at not less than 2 locations in the Lake Tahoe region; and

(ii) watercraft not be allowed to launch in waters of the Lake Tahoe region if the watercraft has not been inspected in accordance with the Lake Tahoe Aquatic Invasive Species Management Plan.

(D) Certification. The Planning Agency may certify State and local agencies to perform the decontamination activities described in subparagraph (C)(i) at locations outside the Lake Tahoe Basin if standards at the sites meet or exceed standards for similar sites in the Lake Tahoe Basin established under this paragraph.

(E) Applicability. The strategies and criteria developed under this paragraph shall apply to all watercraft to be launched on water within the Lake Tahoe region.

(F) Fees. The Director of the United States Fish and Wildlife Service may collect and spend fees for decontamination only at a level sufficient to cover the costs of operation of inspection and decontamination stations under this paragraph.

(G) Civil penalties.

(i) In general. Any person that launches, attempts to launch, or facilitates launching of watercraft not in compliance with strategies deployed under this paragraph shall be liable for a civil penalty in an amount not to exceed \$1,000 per violation.

(ii) Other authorities. Any penalties assessed under this subparagraph shall be separate from penalties assessed under any other authority.

(H) Limitation. The strategies and criteria under subparagraphs (B) and (C), respectively, may be modified if the Secretary of the Interior, in a nondelegable capacity and in consultation with the Planning Agency and State governments, issues a determination that alternative measures will be no less effective at preventing introduction of aquatic invasive species into Lake Tahoe than the strategies and criteria developed under subparagraphs (B) and (C); respectively.

(I) Supplemental authority. The authority under this paragraph is supplemental to all actions taken by non-Federal regulatory authorities.

(J) 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.

(3) Stormwater management, erosion control, and total watershed restoration. Of the amounts made available under section 10(a), \$113,000,000 shall be made available

(A) to the Secretary, the Secretary of the Interior, the Assistant Secretary, or the Administrator for the Federal share of stormwater management and related programs consistent with the adopted Total Maximum Daily Load and near-shore water quality goals;

(B) for grants by the Secretary and the Administrator to carry out the programs described in subparagraph (A);

(C) to the Secretary or the Assistant Secretary for the Federal share of the Upper Truckee River restoration programs and other watershed restoration programs identified in the Priority List established under section 5(b); and

(D) for grants by the Administrator to carry out the programs described in subparagraph (C).

(4) Special status species management. Of the amounts made available under section 10(a), \$20,000,000 shall be made available to the Director of the United States Fish and Wildlife Service for the Lahontan Cutthroat Trout Recovery Program.

(e) Program Performance and Accountability.--The Lake Tahoe Restoration Act (Public Law 106-506; 114 Stat. 2351) is amended by striking section 6 and inserting the following:

SEC. 6. PROGRAM PERFORMANCE AND ACCOUNTABILITY.

(a) Program Performance and Accountability.

(1) In general. Of the amounts made available under section 10(a), not less than \$5,000,000 shall be made available to the Secretary to carry out this section.

(2) Planning agency. Of the amounts described in paragraph (1), not less than 50 percent shall be made available to the Planning Agency to carry out the program oversight and coordination activities established under subsection (d).

- (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, 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 the Environmental Improvement Program.
- (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 65 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) Effectiveness Evaluation and Monitoring. In carrying out this Act, the Secretary, the Administrator, and the Directors, in coordination with the Planning Agency and the States of California and Nevada, shall
- (1) develop and implement a plan for integrated monitoring, assessment, and applied research to evaluate the effectiveness of the Environmental Improvement Program;
- (2) include funds in each program funded under this section for monitoring and assessment of results at the program level; and
- (3) use the integrated multiagency performance measures established under this section.
- (e) Reporting Requirements. Not later than March 15 of each year, the Secretary, in cooperation with the Chair, the Administrator, the Directors, the Planning Agency, and the States of California and Nevada, consistent with subsection (a), shall submit to Congress a report that describes

(1) the status of all Federal, State, local, and private programs authorized under this Act, including to the maximum extent practicable, for programs that will receive Federal funds under this Act during the current or subsequent fiscal year

(A) the program scope;

(B) the budget for the program; and

(C) the justification for the program, consistent with the criteria established in section 5(b)(2);

(2) Federal, State, local, and private expenditures in the preceding fiscal year to implement the Environmental Improvement Program;

(3) accomplishments in the preceding fiscal year in implementing this Act in accordance with the performance measures and other monitoring and assessment activities; and

(4) public education and outreach efforts undertaken to implement programs authorized under this Act.

- (f) Annual Budget Plan. As part of the annual budget of the President, the President shall submit information regarding each Federal agency involved in the Environmental Improvement Program (including the Forest Service, the Environmental Protection Agency, the United States Fish and Wildlife Service, the United States Geological Survey, and the Corps of Engineers), including--
- (1) an interagency crosscut budget that displays the proposed budget for use by each Federal agency in carrying out restoration activities relating to the Environmental Improvement Program for the following fiscal year;
 - (2) a detailed accounting of all amounts received and obligated by Federal agencies to achieve the goals of the Environmental Improvement Program during the preceding fiscal year; and
 - (3) a description of the Federal role in the Environmental Improvement Program, including the specific role of each agency involved in the restoration of the Lake Tahoe Basin."

(f) Conforming Amendments; Updates to Related Laws.

(1) Lake Tahoe Restoration Act. The Lake Tahoe Restoration Act (Public Law 106-506; 114 Stat. 2351) is amended

(A) by striking sections 8 and 9;

(B) by redesignating sections 10, 11, and 12 as sections 8, 9, and 10, respectively; and

(C) in section 9 (as redesignated by subparagraph (B)) by inserting `` , Director, or Administrator" after "Secretary".

(2) Tahoe regional planning compact. Subsection (c) of Article V of the Tahoe Regional Planning Compact (Public Law 96-551; 94 Stat. 3240) is amended in the third sentence by inserting "and, in so doing, shall ensure that the regional plan reflects changing economic conditions and the economic effect of regulation on commerce" after "maintain the regional plan".

(3) Treatment under title 49, United States Code. Section 5303(r) (2) (C) of title 49, United States Code, is amended

(A) by inserting "and 25 square miles of land area" after ``145,000"; and

(B) by inserting "and 12 square miles of land area" after "65,000".

(g) Authorization of Appropriations. The Lake Tahoe Restoration Act (Public Law 106-506; 114 Stat. 2351) is amended by striking section 10 (as redesignated by subsection (f)(1)(B)) and inserting the following:

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) Authorization of Appropriations. There is authorized to be appropriated to carry out this Act \$415,000,000 for a period of 7 fiscal years beginning the first fiscal year after the date of enactment of the Water Resources Development Act of 2016.

(b) Effect on Other Funds. Amounts authorized under this section and any amendments made by 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, the Environmental Protection Agency, or the United States Fish and Wildlife Service.

(c) Cost-sharing Requirement. Except as provided in subsection (d) and section 5(d)(1)(D), funds for activities carried out under section 5 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.

(d) Relocation Costs. Notwithstanding subsection (c), the Secretary shall provide to local utility districts two-thirds of the costs of relocating facilities in connection with

(1) environmental restoration programs under sections 5 and 6; and

(2) erosion control programs under section 2 of Public Law 96-586 (94 Stat. 3381).

(e) Signage. To the maximum extent practicable, a program provided assistance under this Act shall include appropriate signage at the program site that

(1) provides information to the public on

(A) the amount of Federal funds being provided to the program; and

(B) this Act; and

(2) displays the visual identity mark of the Environmental Improvement Program.

(1) Land transfers to improve management efficiencies of federal and state land.-- Section 3(b) of Public Law 96-586 (94 Stat. 3384) (commonly known as the "Santini-Burton Act") is amended

(A) by striking (b) Lands and inserting the following:

"(b) Administration of Acquired Land.

(1) In general. Land; and

(B) by adding at the end the following:

"(2) California conveyances.

(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 the non-Federal land described in subparagraph (B)(i), the Secretary

- (i) may accept the offer; and
- (ii) 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.

(B) Description of land.

(i) Non-federal land. The non-Federal land referred to in subparagraph (A) includes

- (I) the approximately 1,936 acres of land administered by the California Tahoe Conservancy and identified on the Maps as Tahoe Conservancy to the USFS, and
- (II) the approximately 183 acres of land administered by California State Parks and identified on the Maps as 'Total USFS to California.'

(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) Conditions. Any land conveyed under this paragraph shall

- (i) be for the purpose of consolidating Federal and State ownerships and improving management efficiencies;
- (ii) not result in any significant changes in the uses of the land; and
- (iii) be subject to the condition that the applicable deed include such terms, restrictions, covenants, conditions, and reservations as the Secretary determines necessary
 - (I) to ensure compliance with this Act; and
 - (II) to ensure that the transfer of development rights associated with the conveyed parcels shall not be recognized or available for transfer under chapter 51 of the Code of Ordinances for the Tahoe Regional Planning Agency.

(D) Continuation of special use permits. The land conveyance under this paragraph shall be subject to the condition that the State of California accept all special use permits applicable, as of the date of enactment of the Water Resources Development Act of 2016, to the land described in subparagraph (B)(ii) for the duration of the special use permits, and subject to the terms and conditions of the special use permits.

(3) Nevada conveyances.

(A) In general. In accordance with this section and on request by the Governor of Nevada, the Secretary may transfer the land or interests in land described in subparagraph (B) to the State of Nevada without consideration, subject to appropriate deed restrictions to protect the environmental quality and public recreational use of the land transferred.

(B) Description of land. The land referred to in subparagraph (A) includes

(i) the approximately 38.68 acres of Forest Service land identified on the map entitled 'State of Nevada Conveyances' as 'Van Sickle Unit USFS Inholding'; and

(ii) the approximately 92.28 acres of Forest Service land identified on the map entitled State of Nevada Conveyances as Lake Tahoe Nevada State Park USFS Inholding.

(C) Conditions. Any land conveyed under this paragraph shall

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

(ii) not result in any significant changes in the uses of the land; and

(iii) be subject to the condition that the applicable deed include such terms, restrictions, covenants, conditions, and reservations as the Secretary determines necessary

(I) to ensure compliance with this Act; and

(II) to ensure that the development rights associated with the conveyed parcels shall not be recognized or available for transfer under section 90.2 of the Code of Ordinances for the Tahoe Regional Planning Agency.

(D) Continuation of special use permits. The land conveyance under this paragraph shall be subject to the condition that the State of Nevada accept all special use permits applicable, as of the date of enactment of the Water Resources Development Act of 2016, to the land described in subparagraph (B) (ii) for the duration of the special use permits, and subject to the terms and conditions of the special use permits.

(4) Authorization for conveyance of forest service urban lots.

(A) Conveyance authority. Except in the case of land described in paragraphs (2) and (3), the Secretary of Agriculture may convey any urban lot within the Lake Tahoe Basin under the administrative jurisdiction of the Forest Service.

(B) Consideration. A conveyance under subparagraph (A) shall require consideration in an amount equal to the fair market value of the conveyed lot.

(C) Availability and use. The proceeds from a conveyance under subparagraph (A) shall be retained by the Secretary of Agriculture and used for

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

(ii) providing additional funds to carry out the Lake Tahoe Restoration Act (Public Law 106-506; 114 Stat. 2351) in excess of amounts made available under section 10 of that Act.

(D) Obligation limit. The obligation and expenditure of proceeds retained under this paragraph 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) Reversion. If a parcel of land transferred under paragraph (2) or (3) is used in a manner that is inconsistent with the use described for the parcel of land in paragraph (2) or (3), respectively, the parcel of land, shall, at the discretion of the Secretary, revert to the United States.

(6) Funding.

(A) In general. Of the amounts made available under section 10(a) of the Lake Tahoe Restoration Act (Public Law 106-506; 114 Stat. 2351), \$2,000,000 shall be made available to the Secretary to carry out the activities under paragraphs (2), (3), and (4).

(B) Other funds. Of the amounts available to the Secretary under paragraph (1), not less than 50 percent shall be provided to the California Tahoe Conservancy to facilitate the conveyance of land described in paragraphs (2) and (3).