

106TH CONGRESS  
1ST SESSION

# H. R. 359

To clarify the intent of Congress in Public Law 93–632 to require the Secretary of Agriculture to continue to provide for the maintenance and operation of 18 concrete dams and weirs that were located in the Emigrant Wilderness at the time the wilderness area was designated in that Public Law.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 19, 1999

Mr. DOOLITTLE introduced the following bill; which was referred to the  
Committee on Resources

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## A BILL

To clarify the intent of Congress in Public Law 93–632 to require the Secretary of Agriculture to continue to provide for the maintenance and operation of 18 concrete dams and weirs that were located in the Emigrant Wilderness at the time the wilderness area was designated in that Public Law.

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

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Emigrant Wilderness  
5       Preservation Act of 1999”.

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1 **SEC. 2. OPERATION AND MAINTENANCE OF EXISTING DAMS**  
2 **AND WEIRS, EMIGRANT WILDERNESS,**  
3 **STANISLAUS NATIONAL FOREST, CALIFOR-**  
4 **NIA.**

5 (a) COOPERATIVE AGREEMENT.—The Secretary of  
6 Agriculture shall enter into a cooperative agreement with  
7 a non-Federal entity described in subsection (b), under  
8 which the entity will retain, maintain, and operate at pri-  
9 vate expense the 18 concrete dams and weirs located with-  
10 in the boundaries of the Emigrant Wilderness in the  
11 Stanislaus National Forest, California, as designated by  
12 section 2(b) of Public Law 93–632 (88 Stat. 2154; 16  
13 U.S.C. 1132 note).

14 (b) ELIGIBLE ENTITY.—The following non-Federal  
15 entities are eligible to enter into the cooperative agreement  
16 under this section:

17 (1) A non-profit organization as defined in sec-  
18 tion 501(c)(3) of the Internal Revenue Code of 1986  
19 (26 U.S.C. 501(c)(3)).

20 (2) The State of California or a political sub-  
21 division of the State.

22 (3) A private individual, organization, corpora-  
23 tion, or other legal entity.

24 (c) RESPONSIBILITIES OF THE SECRETARY.—

25 (1) MAP.—The Secretary of Agriculture shall  
26 prepare a map identifying the location, size, and

1 type of each concrete dam or weir referred to in sub-  
2 section (a).

3 (2) TERMS AND CONDITIONS OF AGREEMENT.—

4 The Secretary shall prescribe the terms and condi-  
5 tions of the cooperative agreement, which shall set  
6 forth the rights and obligations of the Secretary and  
7 the non-Federal entity. At a minimum, the coopera-  
8 tive agreement shall—

9 (A) require the non-Federal entity to oper-  
10 ate and maintain the dams and weirs referred  
11 to in subsection (a) in accordance with a plan  
12 of operations approved by the Secretary;

13 (B) require approval by the Secretary of  
14 all operation and maintenance activities to be  
15 conducted by the non-Federal entity;

16 (C) require the non-Federal entity to com-  
17 ply with all applicable State and Federal envi-  
18 ronmental, public health, and safety require-  
19 ments; and

20 (D) establish enforcement standards, in-  
21 cluding termination of the cooperative agree-  
22 ment for noncompliance by the non-Federal en-  
23 tity with the terms and conditions.

24 (3) COMPLIANCE.—The Secretary shall ensure  
25 that the non-Federal entity remains in compliance

1 with the terms and conditions of this section and the  
2 cooperative agreement.

3 (d) RESPONSIBILITIES OF THE NON-FEDERAL EN-  
4 TITY.—The non-Federal entity shall be responsible for—

5 (1) carrying out its operation and maintenance  
6 activities on the dams and weirs referred to in sub-  
7 section (a) in conformance with this section and the  
8 cooperative agreement; and

9 (2) the costs associated with the maintenance  
10 and operation of the dams and weirs.

11 (e) PROHIBITION ON USE OF MECHANIZED TRANS-  
12 PORT AND MOTORIZED EQUIPMENT.—The non-Federal  
13 entity may not use mechanized transport or motorized  
14 equipment—

15 (1) to operate or maintain the dams and weirs  
16 referred to in subsection (a); or

17 (2) to otherwise conduct activities in the Emi-  
18 grant Wilderness pursuant to the cooperative agree-  
19 ment.

20 (f) AUTHORIZATION OF APPROPRIATIONS.—There  
21 are authorized to be appropriated to the Secretary of Agri-  
22 culture \$20,000 to cover administrative costs incurred by  
23 the Secretary to comply with the requirements of the Na-

1 tional Environmental Policy Act of 1969 (42 U.S.C. 4321  
2 et seq.) in carrying out this section.

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