

Union Calendar No. 247

106TH CONGRESS
1ST SESSION

H. R. 359

[Report No. 106-425]

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.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 19, 1999

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

NOVEMBER 1, 1999

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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”.

6 **SEC. 2. OPERATION AND MAINTENANCE OF EXISTING DAMS**

7 **AND WEIRS, EMIGRANT WILDERNESS,**
8 **STANISLAUS NATIONAL FOREST, CALI-**
9 **FORNIA.**

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

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

22 (1) A non-profit organization as defined in sec-
23 tion 501(c)(3) of the Internal Revenue Code of 1986
24 (26 U.S.C. 501(c)(3)).

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

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

5 (c) RESPONSIBILITIES OF THE SECRETARY.—

6 (1) MAP.—The Secretary of Agriculture shall
7 prepare a map identifying the location, size, and
8 type of each concrete dam or weir referred to in sub-
9 section (a).

10 (2) TERMS AND CONDITIONS OF AGREEMENT.—

11 The Secretary shall prescribe the terms and condi-
12 tions of the cooperative agreement, which shall set
13 forth the rights and obligations of the Secretary and
14 the non-Federal entity. At a minimum, the coopera-
15 tive agreement shall—

16 (A) require the non-Federal entity to oper-
17 ate and maintain the dams and weirs referred
18 to in subsection (a) in accordance with a plan
19 of operations approved by the Secretary;

20 (B) require approval by the Secretary of
21 all operation and maintenance activities to be
22 conducted by the non-Federal entity;

23 (C) require the non-Federal entity to com-
24 ply with all applicable State and Federal envi-

1 ronmental, public health, and safety require-
2 ments; and

3 (D) establish enforcement standards, in-
4 cluding termination of the cooperative agree-
5 ment for noncompliance by the non-Federal en-
6 tity with the terms and conditions.

7 (3) COMPLIANCE.—The Secretary shall ensure
8 that the non-Federal entity remains in compliance
9 with the terms and conditions of this section and the
10 cooperative agreement.

11 (d) RESPONSIBILITIES OF THE NON-FEDERAL ENTI-
12 TY.—The non-Federal entity shall be responsible for—

13 (1) carrying out its operation and maintenance
14 activities on the dams and weirs referred to in sub-
15 section (a) in conformance with this section and the
16 cooperative agreement; and

17 (2) the costs associated with the maintenance
18 and operation of the dams and weirs.

19 (e) PROHIBITION ON USE OF MECHANIZED TRANS-
20 PORT AND MOTORIZED EQUIPMENT.—The non-Federal
21 entity may not use mechanized transport or motorized
22 equipment—

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

1 (2) to otherwise conduct activities in the Emi-
2 grant Wilderness pursuant to the cooperative agree-
3 ment.

4 (f) AUTHORIZATION OF APPROPRIATIONS.—There
5 are authorized to be appropriated to the Secretary of Agri-
6 culture \$20,000 to cover administrative costs incurred by
7 the Secretary to comply with the requirements of the Na-
8 tional Environmental Policy Act of 1969 (42 U.S.C. 4321
9 et seq.) in carrying out this section.

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