

107TH CONGRESS
1ST SESSION

H. R. 434

To direct the Secretary of Agriculture to enter into a cooperative agreement to provide for retention, maintenance, and operation, at private expense, of the 18 concrete dams and weirs located within the boundaries of the Emigrant Wilderness in the Stanislaus National Forest, California, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 6, 2001

Mr. DOOLITTLE (for himself and Mr. CONDIT) introduced the following bill;
which was referred to the Committee on Resources

A BILL

To direct the Secretary of Agriculture to enter into a cooperative agreement to provide for retention, maintenance, and operation, at private expense, of the 18 concrete dams and weirs located within the boundaries of the Emigrant Wilderness in the Stanislaus National Forest, California, and for other purposes.

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

1 **SECTION 1. OPERATION AND MAINTENANCE OF EXISTING**
2 **DAMS AND WEIRS, EMIGRANT WILDERNESS,**
3 **STANISLAUS NATIONAL FOREST, CALI-**
4 **FORNIA.**

5 (a) COOPERATIVE AGREEMENT.—The Secretary of
6 Agriculture (hereinafter referred to as the “Secretary”)
7 shall enter into a cooperative agreement with a non-Fed-
8 eral entity described in subsection (b), under which the
9 entity will retain, maintain, and operate at private expense
10 the 18 concrete dams and weirs located, on the date of
11 the enactment of this section, within the boundaries of the
12 Emigrant Wilderness in the Stanislaus National Forest,
13 California, as designated by section 2(b) of Public Law
14 93–632 (88 Stat. 2154; 16 U.S.C. 1132 note).

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

18 (1) A non-profit organization as defined in sec-
19 tion 501(c)(3) of the Internal Revenue Code of 1986
20 (26 U.S.C. 501(c)(3)).

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

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

25 (c) RESPONSIBILITIES OF THE SECRETARY.—

1 (1) MAP.—The Secretary shall prepare a map
2 identifying the location, size, and type of each con-
3 crete dam or weir referred to in subsection (a).

4 (2) TERMS AND CONDITIONS OF AGREEMENT.—
5 The Secretary shall prescribe the terms and condi-
6 tions of the cooperative agreement, which shall set
7 forth the rights and obligations of the Secretary and
8 the non-Federal entity. At a minimum, the coopera-
9 tive agreement shall—

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

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

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

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

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

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

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

11 (2) the costs associated with the maintenance
12 and operation of the dams and weirs.

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

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

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

22 (f) AUTHORIZATION OF APPROPRIATIONS.—There
23 are authorized to be appropriated to the Secretary
24 \$20,000 to cover administrative costs incurred by the Sec-
25 retary to comply with the requirements of the National

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

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