

Union Calendar No. 118

107TH CONGRESS
1ST SESSION

H. R. 434

[Report No. 107-201]

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

SEPTEMBER 6, 2001

Reported with amendments, committed to the Committee of the Whole House
on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on February 6, 2001]

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,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Emigrant Wilderness*
 5 *Preservation Act of 2001”.*

6 **SEC. 2. OPERATION AND MAINTENANCE OF CERTAIN**
 7 **WATER IMPOUNDMENT STRUCTURES IN THE**
 8 **EMIGRANT WILDERNESS, STANISLAUS NA-**
 9 **TIONAL FOREST, CALIFORNIA.**

10 *(a) COOPERATIVE AGREEMENT FOR MAINTENANCE*
 11 *AND OPERATION.—The Secretary of Agriculture shall enter*
 12 *into a cooperative agreement with a non-Federal entity de-*
 13 *scribed in subsection (c), under which the entity will retain,*
 14 *maintain, and operate at private expense the water im-*
 15 *poundment structures specified in subsection (b) that are*
 16 *located within the boundaries of the Emigrant Wilderness*
 17 *in the Stanislaus National Forest, California, as designated*
 18 *by section 2(b) of Public Law 93–632 (88 Stat. 2154; 16*
 19 *U.S.C. 1132 note).*

20 *(b) COVERED WATER IMPOUNDMENT STRUCTURES.—*
 21 *The cooperative agreement required by subsection (a) shall*
 22 *cover the water impoundment structures located at the fol-*
 23 *lowing:*

24 *(1) Cow Meadow Lake.*

25 *(2) Y-Meadow Lake.*

1 (3) *Huckleberry Lake.*

2 (4) *Long Lake.*

3 (5) *Lower Buck Lake.*

4 (6) *Leighton Lake.*

5 (7) *High Emigrant Lake.*

6 (8) *Emigrant Meadow Lake.*

7 (9) *Middle Emigrant Lake.*

8 (10) *Emigrant Lake.*

9 (11) *Snow Lake.*

10 (12) *Bigelow Lake.*

11 (c) *ELIGIBLE ENTITY.*—*The following non-Federal en-*
 12 *tities are eligible to enter into the cooperative agreement*
 13 *under subsection (a):*

14 (1) *A non-profit organization as defined in sec-*
 15 *tion 501(c)(3) of the Internal Revenue Code of 1986*
 16 *(26 U.S.C. 501(c)(3)).*

17 (2) *The State of California or a political sub-*
 18 *division of the State.*

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

21 (d) *RESPONSIBILITIES OF THE SECRETARY.*—

22 (1) *MAP.*—*The Secretary of Agriculture shall*
 23 *prepare a map identifying the location, size, and type*
 24 *of each water impoundment structure covered by the*
 25 *cooperative agreement under subsection (a).*

1 (2) *TERMS AND CONDITIONS OF AGREEMENT.*—

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

7 (A) *require the non-Federal entity to oper-*
8 *ate and maintain the water impoundment struc-*
9 *tures covered by the agreement in accordance*
10 *with a plan of operations approved by the Sec-*
11 *retary;*

12 (B) *require approval by the Secretary of all*
13 *operation and maintenance activities to be con-*
14 *ducted by the non-Federal entity;*

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

19 (D) *establish enforcement standards, includ-*
20 *ing termination of the cooperative agreement for*
21 *noncompliance by the non-Federal entity with*
22 *the terms and conditions.*

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

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

3 *(e) RESPONSIBILITIES OF THE NON-FEDERAL ENTI-*
4 *TY.—The non-Federal entity shall be responsible for—*

5 *(1) carrying out its operation and maintenance*
6 *activities with respect to the water impoundment*
7 *structures covered by the cooperative agreement under*
8 *subsection (a) in conformance with this section and*
9 *the cooperative agreement; and*

10 *(2) the costs associated with the maintenance*
11 *and operation of the structures.*

12 *(f) PROHIBITION ON USE OF MECHANIZED TRANS-*
13 *PORT AND MOTORIZED EQUIPMENT.—The non-Federal en-*
14 *tity may not use mechanized transport or motorized*
15 *equipment—*

16 *(1) to operate or maintain the water impound-*
17 *ment structures covered by the cooperative agreement*
18 *under subsection (a); or*

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

22 *(g) EXPANSION OF AGREEMENT TO COVER ADDI-*
23 *TIONAL STRUCTURES.—In the case of the six water im-*
24 *poundment structures located within the boundaries of the*
25 *Emigrant Wilderness, but not specified in subsection (b),*

1 *the Secretary of Agriculture may expand the scope of the*
 2 *cooperative agreement under subsection (a), with the con-*
 3 *sent of the State of California and the other party to the*
 4 *agreement, to include one or more of these structures, subject*
 5 *to the same terms and conditions as apply to the structures*
 6 *specified in subsection (b).*

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

Amend the title so as to read: “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 12 concrete dams and weirs located within the boundaries of the Emigrant Wilderness in the Stanislaus National Forest, California, and for other purposes.”.

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