

106TH CONGRESS  
1ST SESSION

# H. R. 359

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 9, 1999

Received

NOVEMBER 19, 1999

Read twice and referred to the Committee on Energy and Natural Resources

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## AN ACT

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 certain water impoundment structures 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 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  
12       enter into a cooperative agreement with a non-Federal en-  
13       tity described in subsection (c), under which the entity will  
14       retain, maintain, and operate at private expense the water  
15       impoundment structures specified in subsection (b) that  
16       are located within the boundaries of the Emigrant Wilder-  
17       ness in the Stanislaus National Forest, California, as des-  
18       ignated by section 2(b) of Public Law 93–632 (88 Stat.  
19       2154; 16 U.S.C. 1132 note).

20       (b) COVERED WATER IMPOUNDMENT STRUC-  
21       TURES.—The cooperative agreement required by sub-  
22       section (a) shall cover the water impoundment structures  
23       located at the following:

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  
12 entities 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  
24 type of each water impoundment structure covered  
25 by the 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  
13                  all operation and maintenance activities to be  
14                  conducted 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, in-  
20                  cluding termination of the cooperative agree-  
21                  ment for noncompliance by the non-Federal en-  
22                  tity with 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  
8 under subsection (a) in conformance with this sec-  
9 tion and 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  
14 entity 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 agree-  
18 ment 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, sub-  
5 ject to the same terms and conditions as apply to the  
6 structures specified in subsection (b).

7 (h) AUTHORIZATION OF APPROPRIATIONS.—There  
8 are 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.

Passed the House of Representatives November 8,  
1999.

Attest:

JEFF TRANDAHL,

*Clerk.*