

107TH CONGRESS
1ST SESSION

H. R. 434

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 12, 2001

Received; read twice and referred to the Committee on Energy and Natural
Resources

AN ACT

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.

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
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 September 10,
2001.

Attest:

JEFF TRANDAHL,
Clerk.