

Union Calendar No. 442

113TH CONGRESS
2^D SESSION

H. R. 3606

[Report No. 113–595]

To preserve the opportunity for pack and saddle stock that are part of the history and character of traditional uses, practices and access within the Emigrant Wilderness of Stanislaus National Forest in the State of California as appropriate within the wilderness designation, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 21, 2013

Mr. MCCLINTOCK (for himself, Mr. STEWART, and Mr. NUNES) introduced the following bill; which was referred to the Committee on Natural Resources

SEPTEMBER 15, 2014

Additional sponsor: Mr. DENHAM

SEPTEMBER 15, 2014

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 *italic*]

[For text of introduced bill, see copy of bill as introduced on November 21, 2013]

A BILL

To preserve the opportunity for pack and saddle stock that are part of the history and character of traditional uses, practices and access within the Emigrant Wilderness of Stanislaus National Forest in the State of California as appropriate within the wilderness designation, 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 *Historical Use Preservation Act”.*

6 **SEC. 2. PURPOSES.**

7 *The purposes of this Act are to ensure that—*

8 *(1) an increasing population within the vicinity*
9 *of the Emigrant Wilderness of Stanislaus National*
10 *Forest in the State of California may continue to*
11 *enjoy the traditional variety of appropriate wilder-*
12 *ness uses and practices, including a wilderness eques-*
13 *trian experience of pack and saddle stock use, con-*
14 *sistent with protecting untrammeled and unimpaired*
15 *wilderness character;*

16 *(2) the Federal land comprising the Emigrant*
17 *Wilderness retains wilderness character consistent*
18 *with the time of designation and that changes in use*
19 *levels and social preferences are not allowed to dis-*
20 *place historical and traditional uses, including rec-*
21 *reational commercial services provided by pack stock*
22 *stations, which existed at the time of designation; and*

23 *(3) future generations of Americans continue to*
24 *have the opportunity to enjoy the variety of tradi-*
25 *tional wilderness experiences, including a true wilder-*

1 *ness equestrian experience, consistent with what ex-*
 2 *isted when the Emigrant Wilderness was designated.*

3 **SEC. 3. PRESERVATION OF HISTORICAL EQUESTRIAN AC-**
 4 **TIVITIES AND ACCESS TO CERTAIN FEDERAL**
 5 **LAND.**

6 *(a) PRESERVATION OF HISTORICAL EQUESTRIAN AC-*
 7 *TIVITIES AND LEVEL OF USE.—The Secretary shall take*
 8 *such actions as may be necessary to ensure that, within the*
 9 *area designated as the Emigrant Wilderness, all pack and*
 10 *saddle stock use, including commercial pack and saddle*
 11 *stock services, are recognized as appropriate wilderness ac-*
 12 *tivities, along with their associated effect on soil, water, and*
 13 *vegetation. Conditions of camps, trails, and grazing areas,*
 14 *at the time of designation, should be considered an accept-*
 15 *able benchmark level for monitoring the preservation of wil-*
 16 *derness character. No action shall be taken to limit or ex-*
 17 *clude pack and saddle stock without an appropriate envi-*
 18 *ronmental analysis with an express finding that it is nec-*
 19 *essary to limit or exclude pack and saddle stock, or modify*
 20 *stock practices, in order to preserve the wilderness character*
 21 *of the area to that which existed at the time of the designa-*
 22 *tion of the Emigrant Wilderness.*

23 *(b) TYPES OF ACTIVITIES AND IMPACT.—The histor-*
 24 *ical use and activities in the Emigrant Wilderness, includ-*
 25 *ing commercial outfitting and guiding, camping, pack stock*

1 grazing, and associated campsites, campfires, tent locations,
2 and social trails, are traditional uses that are consistent
3 with and part of an unconfined recreational experience,
4 and the signs of use created by these historical uses are to
5 be considered substantially unnoticeable and acceptable as
6 long as they do not exceed the level present at the time of
7 wilderness designation. The Secretary shall take such ac-
8 tions to ensure that these traditional uses do not result in
9 impacts that are greater than those experienced at the time
10 the Emigrant Wilderness was designated.

11 (c) *EMIGRANT WILDERNESS PLAN*.—Not later than 3
12 years after the date of the enactment of this Act, the Sec-
13 retary shall complete an updated wilderness plan to incor-
14 porate management direction for the preservation of pack
15 and saddle stock use and all legally acceptable recreational
16 uses within the Emigrant Wilderness, including estab-
17 lishing the following:

18 (1) *Desired future conditions that recognize nor-*
19 *mal and expected pack and saddle stock use impacts*
20 *as an accepted component of the wilderness character*
21 *of the area.*

22 (2) *Standards, and guidelines for pack and sad-*
23 *dle stock that use “leave no trace” or gentle use prin-*
24 *ciples for pack and saddle stock in the future con-*

1 *sistent with past historical pack and saddle stock use*
2 *practices and impacts.*

3 *(3) Indicators, thresholds, and triggers for man-*
4 *aging future pack and saddle stock use commensurate*
5 *with other uses and that recognize the acceptability of*
6 *historical use and impacts of pack and saddle stock.*

7 *(4) A user capacity for pack and saddle stock*
8 *use, including commercial pack and saddle stock serv-*
9 *ices, commensurate with minimum levels necessary to*
10 *ensure continued opportunity for a wilderness eques-*
11 *trian experience while preserving the overall wilder-*
12 *ness character of the Emigrant Wilderness. Such user*
13 *capacity shall recognize the number of stock necessary*
14 *to support the typical extended family group size that*
15 *frequent the Emigrant Wilderness, including commer-*
16 *cial service support, and shall not limit group sizes*
17 *to fewer than 15 people and 25 head of stock, inclu-*
18 *sive of commercial service outfitters and guides.*

19 *(5) A needs assessment that sets as a baseline the*
20 *level of commercial services that existed at the time of*
21 *designation.*

22 *(d) COMMERCIAL PACK AND SADDLE STOCK SERV-*
23 *ICES.—*

24 *(1) IN GENERAL.—The Secretary of Agriculture*
25 *shall—*

1 (A) continue to authorize commercial pack
2 and saddle stock services within the Emigrant
3 Wilderness consistent with commercial use with-
4 in that area that existed as of the date of the
5 original designation of the Emigrant Wilderness
6 on January 3, 1975;

7 (B) specify the level of use, allotted user
8 days, and activities by commercial outfitters and
9 guides within that area in the Wilderness Plan;
10 and

11 (C) continue to issue authorizations to pro-
12 vide commercial services for commercial stock
13 operations within the Emigrant Wilderness at
14 historic levels consistent with this Act.

15 (2) *LEVELS OF USE.*—Historical levels of com-
16 mercial use, as established at the time of the designa-
17 tion of the Emigrant Wilderness, are considered with-
18 in the normal range of acceptability for stock num-
19 bers and impacts and are considered the minimum
20 extent necessary for realizing the recreational and
21 other purposes of the area. Pack and saddle stock
22 commercial use may be allowed to increase above cur-
23 rent authorized use levels, and at levels consistent
24 with increases in other traditional uses, after a find-
25 ing in an appropriate environmental analysis that

1 *the wilderness character of the area is being protected.*
2 *Current outfitter and guide special use permits may*
3 *be reauthorized without environmental analysis to in-*
4 *corporate direction from the wilderness plan devel-*
5 *oped pursuant to subsection (c).*

6 *(e) LIMITATIONS.—Nothing in subsections (a) through*
7 *(e) shall be construed to—*

8 *(1) authorize the Secretary to issue or refuse to*
9 *issue a permit for a new use of pack and saddle stock*
10 *animals, including use by a commercial outfitter or*
11 *guide, without complying with applicable resource*
12 *management plans and planning processes required*
13 *under this Act or any other provision of law;*

14 *(2) limit the authority of the Secretary to impose*
15 *a temporary emergency closure of a trail, route, or*
16 *area to pack and saddle stock animals or issue special*
17 *permits; or*

18 *(3) create a preference for one recreational use*
19 *over another for the Emigrant Wilderness, without*
20 *consideration of the stated purpose of this area as*
21 *stated in the Wilderness Act, PL88–577, and specific*
22 *legislation establishing the Emigrant Wilderness.*

23 *(f) DEFINITIONS.—For the purposes of this Act:*

24 *(1) EMIGRANT WILDERNESS.—The term “Emi-*
25 *grant Wilderness” means the Emigrant Wilderness of*

1 *Stanislaus National Forest in the State of California,*
2 *as originally designated by section 2(b) of Public Law*
3 *93–632 (88 Stat. 2154; 16 U.S.C. 1132 note) and ex-*
4 *panded by section 101(a)(9) of Public Law 98–425*
5 *(98 Stat. 1620; 16 U.S.C. 1132 note).*

6 (2) *SECRETARY.—The term “Secretary” means*
7 *the Secretary of Agriculture.*

Amend the title so as to read: “A bill to preserve the opportunity for pack and saddle stock that are part of the history and character of traditional uses, practices and access within the Emigrant Wilderness of Stanislaus National Forest in the State of California as appropriate within the wilderness designation, and for other purposes.”.

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