

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3606
OFFERED BY MR. MCCLINTOCK OF CALIFORNIA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Emigrant Wilderness
3 Historical Use Preservation Act”.

4 SEC. 2. PURPOSES.

5 The purposes of this Act are to ensure that—

6 (1) an increasing population within the vicinity
7 of the Emigrant Wilderness of Stanislaus National
8 Forest in the State of California may continue to
9 enjoy the traditional variety of appropriate wilder-
10 ness uses and practices, including a wilderness
11 equestrian experience of pack and saddle stock use,
12 consistent with protecting untrammelled and
13 unimpaired wilderness character;

14 (2) the Federal land comprising the Emigrant
15 Wilderness retains wilderness character consistent
16 with the time of designation and that changes in use
17 levels and social preferences are not allowed to dis-
18 place historical and traditional uses, including rec-

1 reational commercial services provided by pack stock
2 stations, which existed at the time of designation;
3 and

4 (3) future generations of Americans continue to
5 have the opportunity to enjoy the variety of tradi-
6 tional wilderness experiences, including a true wil-
7 derness equestrian experience, consistent with what
8 existed when the Emigrant Wilderness was des-
9 igned.

10 **SEC. 3. PRESERVATION OF HISTORICAL EQUESTRIAN AC-**
11 **TIVITIES AND ACCESS TO CERTAIN FEDERAL**
12 **LAND.**

13 (a) PRESERVATION OF HISTORICAL EQUESTRIAN AC-
14 TIVITIES AND LEVEL OF USE.—The Secretary shall take
15 such actions as may be necessary to ensure that, within
16 the area designated as the Emigrant Wilderness, all pack
17 and saddle stock use, including commercial pack and sad-
18 dle stock services, are recognized as appropriate wilder-
19 ness activities, along with their associated effect on soil,
20 water, and vegetation. Conditions of camps, trails, and
21 grazing areas, at the time of designation, should be consid-
22 ered an acceptable benchmark level for monitoring the
23 preservation of wilderness character. No action shall be
24 taken to limit or exclude pack and saddle stock without
25 an appropriate environmental analysis with an express

1 finding that it is necessary to limit or exclude pack and
2 saddle stock, or modify stock practices, in order to pre-
3 serve the wilderness character of the area to that which
4 existed at the time of the designation of the Emigrant Wil-
5 derness.

6 (b) TYPES OF ACTIVITIES AND IMPACT.—The histor-
7 ical use and activities in the Emigrant Wilderness, includ-
8 ing commercial outfitting and guiding, camping, pack
9 stock grazing, and associated campsites, campfires, tent
10 locations, and social trails, are traditional uses that are
11 consistent with and part of an unconfined recreational ex-
12 perience, and the signs of use created by these historical
13 uses are to be considered substantially unnoticeable and
14 acceptable as long as they do not exceed the level present
15 at the time of wilderness designation. The Secretary shall
16 take such actions to ensure that these traditional uses do
17 not result in impacts that are greater than those experi-
18 enced at the time the Emigrant Wilderness was des-
19 igned.

20 (c) EMIGRANT WILDERNESS PLAN.—Not later than
21 3 years after the date of the enactment of this Act, the
22 Secretary shall complete an updated wilderness plan to in-
23 corporate management direction for the preservation of
24 pack and saddle stock use and all legally acceptable rec-

1 reational uses within the Emigrant Wilderness, including
2 establishing the following:

3 (1) Desired future conditions that recognize
4 normal and expected pack and saddle stock use im-
5 pacts as an accepted component of the wilderness
6 character of the area.

7 (2) Standards, and guidelines for pack and sad-
8 dle stock that use “leave no trace” or gentle use
9 principles for pack and saddle stock in the future
10 consistent with past historical pack and saddle stock
11 use practices and impacts.

12 (3) Indicators, thresholds, and triggers for
13 managing future pack and saddle stock use commen-
14 surate with other uses and that recognize the accept-
15 ability of historical use and impacts of pack and sad-
16 dle stock.

17 (4) A user capacity for pack and saddle stock
18 use, including commercial pack and saddle stock
19 services, commensurate with minimum levels nec-
20 essary to ensure continued opportunity for a wilder-
21 ness equestrian experience while preserving the over-
22 all wilderness character of the Emigrant Wilderness.
23 Such user capacity shall recognize the number of
24 stock necessary to support the typical extended fam-
25 ily group size that frequent the Emigrant Wilder-

1 ness, including commercial service support, and shall
2 not limit group sizes to fewer than 15 people and 25
3 head of stock, inclusive of commercial service outfit-
4 ters and guides.

5 (5) A needs assessment that sets as a baseline
6 the level of commercial services that existed at the
7 time of designation.

8 (d) COMMERCIAL PACK AND SADDLE STOCK SERV-
9 ICES.—

10 (1) IN GENERAL.—The Secretary of Agriculture
11 shall—

12 (A) continue to authorize commercial pack
13 and saddle stock services within the Emigrant
14 Wilderness consistent with commercial use with-
15 in that area that existed as of the date of the
16 original designation of the Emigrant Wilderness
17 on January 3, 1975;

18 (B) specify the level of use, allotted user
19 days, and activities by commercial outfitters
20 and guides within that area in the Wilderness
21 Plan; and

22 (C) continue to issue authorizations to pro-
23 vide commercial services for commercial stock
24 operations within the Emigrant Wilderness at
25 historic levels consistent with this Act.

1 (2) LEVELS OF USE.—Historical levels of com-
2 mercial use, as established at the time of the des-
3 ignation of the Emigrant Wilderness, are considered
4 within the normal range of acceptability for stock
5 numbers and impacts and are considered the min-
6 imum extent necessary for realizing the recreational
7 and other purposes of the area. Pack and saddle
8 stock commercial use may be allowed to increase
9 above current authorized use levels, and at levels
10 consistent with increases in other traditional uses,
11 after a finding in an appropriate environmental
12 analysis that the wilderness character of the area is
13 being protected. Current outfitter and guide special
14 use permits may be reauthorized without environ-
15 mental analysis to incorporate direction from the
16 wilderness plan developed pursuant to subsection (c).

17 (e) LIMITATIONS.—Nothing in subsections (a)
18 through (e) shall be construed to—

19 (1) authorize the Secretary to issue or refuse to
20 issue a permit for a new use of pack and saddle
21 stock animals, including use by a commercial out-
22 fitter or guide, without complying with applicable re-
23 source management plans and planning processes re-
24 quired under this Act or any other provision of law;

1 (2) limit the authority of the Secretary to im-
2 pose a temporary emergency closure of a trail, route,
3 or area to pack and saddle stock animals or issue
4 special permits; or

5 (3) create a preference for one recreational use
6 over another for the Emigrant Wilderness, without
7 consideration of the stated purpose of this area as
8 stated in the Wilderness Act, PL88–577, and spe-
9 cific legislation establishing the Emigrant Wilder-
10 ness.

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

12 (1) EMIGRANT WILDERNESS.—The term “Emi-
13 grant Wilderness” means the Emigrant Wilderness
14 of Stanislaus National Forest in the State of Cali-
15 fornia, as originally designated by section 2(b) of
16 Public Law 93–632 (88 Stat. 2154; 16 U.S.C. 1132
17 note) and expanded by section 101(a)(9) of Public
18 Law 98–425 (98 Stat. 1620; 16 U.S.C. 1132 note).

19 (2) SECRETARY.—The term “Secretary” means
20 the Secretary of Agriculture.

Amend the long title to read as follows: A bill to pre-
serve 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.

