

113TH CONGRESS
1ST SESSION

H. R. 3606

To permit certain activities to be conducted on Federal land within the Emigrant Wilderness of Stanislaus National Forest in the State of California at the level at which such activities were conducted on such land before 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

A BILL

To permit certain activities to be conducted on Federal land within the Emigrant Wilderness of Stanislaus National Forest in the State of California at the level at which such activities were conducted on such land before 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 of 2013”.

6 **SEC. 2. PURPOSE.**

7 It is the purpose of this Act to ensure that—

1 (1) an increasing population within the vicinity
2 of the Emigrant Wilderness of Stanislaus National
3 Forest in the State of California does not cause the
4 Emigrant Wilderness to lose its untrammelled and
5 unimpaired wilderness character;

6 (2) the Federal land comprising the Emigrant
7 Wilderness retains the types of activities and level of
8 access the land had when the land was designated
9 as wilderness; and

10 (3) future generations of Americans continue to
11 have the opportunity for a true wilderness experience
12 consistent with what existed when the Emigrant Wil-
13 derness was designated.

14 **SEC. 3. CONTINUATION OF HISTORICAL ACTIVITIES AND**
15 **ACCESS TO FEDERAL LAND COMPRISING EM-**
16 **IGRANT WILDERNESS, STANISLAUS NA-**
17 **TIONAL FOREST, CALIFORNIA.**

18 (a) IN GENERAL.—This section modifies and supple-
19 ments the provisions of law otherwise applicable to the
20 Emigrant Wilderness of Stanislaus National Forest in the
21 State of California, as originally designated by section
22 2(b) of Public Law 93–632 (88 Stat. 2154; 16 U.S.C.
23 1132 note) and expanded by section 101(a)(9) of Public
24 Law 98–425 (98 Stat. 1620; 16 U.S.C. 1132 note) (in
25 this section referred to as the “Emigrant Wilderness”).

1 (b) PRESERVATION OF HISTORICAL ACTIVITIES AND
2 LEVEL OF USE.—The Secretary of Agriculture shall take
3 such actions as may be necessary to ensure that, within
4 the area designated as the Emigrant Wilderness, the level
5 of use, allotted user days, and activities by commercial
6 outfitters and guides within that area shall not rise above
7 or be restricted below the historical level of use, allotted
8 user days, and activities by commercial outfitters and
9 guides within that area that existed as of the date of the
10 original designation of the Emigrant Wilderness on Janu-
11 ary 3, 1975.

12 (c) TYPES OF ACTIVITIES AND IMPACT.—The histor-
13 ical use and activities in the Emigrant Wilderness, includ-
14 ing commercial outfitting and guiding, camping, pack
15 stock grazing, and campfires, are traditional uses that are
16 consistent with and part of an unconfined recreational ex-
17 perience, and the signs of use created by these historical
18 uses are to be considered substantially unnoticeable and
19 acceptable as long as they do not exceed the level present
20 at the time of wilderness designation. The Secretary of
21 Agriculture shall take such actions to ensure that these
22 traditional uses neither exceed nor are restricted below the
23 level of use at the time the Emigrant Wilderness was des-
24 ignated, as required by subsection (b).

1 (d) COMMERCIAL PACK AND SADDLE STOCK USE.—

2 Because commercial pack and saddle stock use existed at
 3 the time the Emigrant Wilderness was designated, the
 4 level of this use at the time of designation is the extent
 5 necessary for these traditional activities and will not be
 6 allowed to exceed or be reduced below the highest level
 7 of such use in the preceding 10 years.

8 (e) HISTORICAL USE OF TRAILS, ROADS, PATHS,
 9 CAMPSITES, MEADOWS, AND CROSS-COUNTRY AREAS.—

10 The historical use of trails, roads, paths, campsites, mead-
 11 ows, and cross-country areas in the Emigrant Wilderness
 12 by recreational and commercial pack and saddle stock, in-
 13 cluding horses, mules, donkeys, and ponies, shall be al-
 14 lowed to continue. The uses include travel on designated
 15 system trails and historic user trails, as well as cross-coun-
 16 try travel, grazing, camping, campsites, and campfires.

17 (f) DRIFT FENCES.—The use of drift fences that are
 18 in existence as of the date of the enactment of this Act
 19 or were previously in existence at the time of designation
 20 of the Emigrant Wilderness shall be allowed and main-
 21 tained.

