

Committee on Resources, Subcommittee on Forests & Forest Health

[forests](#) - - Rep. Scott McInnis, Chairman

U.S. House of Representatives, Washington, D.C. 20515-6205 - - (202) 225-0691

Witness Statement

**Representative John T. Doolittle
Subcommittee on Forests and Forest Health
HR 434 - The Emigrant Wilderness Protection Act
1334 Longworth House Office Building**

April 25, 2001

Mr. Chairman, I wish to thank you for holding this hearing on an important piece of legislation, H.R. 434, the Emigrant Wilderness Protection Act. As you know, this legislation was designed to provide for the maintenance of 18 small dams and weirs within the Emigrant Wilderness. As the Committee knows, this is the fourth Congress I have introduced this legislation, and versions of this legislation have garnered broad bipartisan support, including from this Committee's past Ranking Member, Representative George Miller. The bill passed the House by a margin of 424-2 in the 105th Congress, and unanimously during the 106th. On both occasions, my Emigrant Wilderness bill was approved by the Senate Committee on Environment and Public Works, only to suffer defeat from threats of "holds" to be placed by the Clinton Administration.

The Emigrant Wilderness' 18 check dam system was built between 1921-1954 through the combined efforts of the U.S. Forest Service, the California Conservation Corps, and local volunteer groups. The system works to enhance the high elevation lake fisheries and species habitat by keeping year-round flows in the streams. Most of these structures go unnoticed unless you know exactly where to look for them. They were built with the natural rock from the surrounding area, and they are insignificant in size, mostly ranging from 3 - 5 feet in height.

H.R. 359 will allow a non-federal entity to pay the costs of maintaining and repairing these substantially unnoticeable structures by allowing the Secretary of Agriculture to enter into a cooperative agreement providing a non-federal entity the opportunity to conduct the necessary maintenance.

By providing for the continued maintenance of all 18 dams, we will protect the stream flow system within the Emigrant Wilderness that for over 70 years has maintained an ecosystem of lakes, streams, and meadows of which many species, including the great American Bald Eagle, depend upon. It is clear that these small structures are important, as the California Department of Fish and Game has stated in an appeal to the U.S. Forest Service that "survey results on file with the Forest Service attest to the fisheries' benefits from the dams, including increased volume of water with acceptable levels of dissolved oxygen and temperatures that support trout populations. In addition, the downstream release of water during dry years has significant benefits to aquatic life and the streams' fisheries."

Furthermore, when Congress debated the Emigrant Wilderness Act of 1974, there was extensive dialog concerning these structures, and it is clear from reading transcripts of those past proceedings that Congress

intended them to be maintained, and that structures were consistent with the 1964 Wilderness Act as they were "substantially unnoticeable."

Mr. Chairman, if these small, unnoticeable dams are allowed to deteriorate, many of the lakes and streams will dry up during the summer and fall months, resulting in negative impacts on the ecosystem, fisheries, and the area's tourism economy. Again, I thank you for holding this hearing. It is my hope that we can move this bill forward with the same resounding support it had in past Congresses.

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