

Committee on Resources

Subcommittee on National Parks & Public Lands

Testimony

STATEMENT OF TOM FRYE
DEPUTY DIRECTOR, BUREAU OF LAND MANAGEMENT
ON H.R. 3950
OTAY MOUNTAIN WILDERNESS ACT OF 1998
BEFORE THE
HOUSE RESOURCES SUBCOMMITTEE
ON NATIONAL PARKS AND PUBLIC LANDS
July 28, 1998

Mr. Chairman and Members of the Subcommittee, I appreciate the opportunity to testify on H.R. 3950, the Otay Mountain Wilderness Act of 1998. First of all, I want to commend the bill's sponsor, Congressman Brian Bilbray (R-CA) for introducing this legislation and for recognizing the uniqueness of the area and its many outstanding natural resources. I also want to acknowledge his efforts and the efforts of the many organizations in San Diego who are jointly working to try to resolve the future land management of the Otay Mountains.

The bill would designate 18,500 acres of the Otay Mountain area in eastern San Diego County, adjacent to the U.S.-Mexico International Border, as Bureau of Land Management (BLM) wilderness. The Otay Mountains are located in an extremely unique and diverse area of the country. The area is important to the San Diego area's ongoing habitat conservation initiatives which the Department strongly supports. BLM's current management role in this area, however, is a delicate balancing act and routinely faces unusual challenges. We are fully committed to appropriate, long-term protection for the magnificent lands currently in Wilderness Study Area (WSA) status in the Otay Mountains. We also, however, are confronted with the reality presented by the challenges of drug interdiction, border patrol enforcement, undocumented immigrants and wildland fire protection issues prevalent in the area.

BLM currently manages the Otay WSAs to preserve and maintain their wilderness character. We support their continued protection and would support wilderness designation if the exemption for certain management activities within the wilderness in Section 6(b) is eliminated. As written, the current language in Section 6(b) of H.R. 3950 would allow all law enforcement and fire management actions to occur without regard to the wilderness designation or the 1964 Wilderness Act. Other non-conforming activities would also be permitted. We would strongly oppose any language which would in any way undermine the integrity of the 1964 Wilderness Act. Accordingly, we recommend revising Section 6(b) to recognize the ongoing drug interdiction, border operations and the need to allow these activities to continue as long as they are in accordance with the provisions of the 1964 Wilderness Act and subject to appropriate conditions as determined by the Secretary of the Interior. We believe this will allow the Drug Enforcement Agency and other law enforcement agencies working along the Southwest border to continue their efforts in the area. The area designated as wilderness by this bill does not include any of the roads or motorized access routes currently used by the Department of Justice (DOJ) in its current border operations. In addition, section 4(c) of the Wilderness Act allows us to manage wilderness areas so as to protect the health and safety of visitors. Certainly we view drug interdiction and law enforcement operations as falling under that authority. We are currently managing this area as a WSA, with management restrictions very similar to those required of a wilderness area. We have worked closely with DOJ to enable it to carry out its important mission while still protecting the natural resources of the area. We fully expect this inter-agency cooperation to continue after wilderness designation. We would be pleased to work with the Committee to develop appropriate language in this regard.

In order to better understand the vast array of public land management issues in this beautiful, yet arid area, a discussion of certain aspects of its history and resources is useful. The Otay Mountains has long been recognized by the public as a unique ecosystem. As early as 1962, the Secretary of the Interior created the Otay Mountain National Cooperative Land and Wildlife Management Area. Management direction for the area has focused on conservation of the area's flora, fauna, ecologic, geologic, cultural and scenic values as well as the protection of wilderness values. In the 1980's, BLM established the Western and Southern Otay Mountain WSAs and, with strong public support (including a 1982 resolution from the San Diego Board of Supervisors), ultimately recommended a large portion of the WSAs as wilderness.

In addition to its natural attributes, the area has opportunities for solitude, open space and primitive recreation, and possesses nationally significant biological values. These include stands of rare Tecate Cypress and 15-20 other sensitive vegetative species. The proposed wilderness contains an Area of Critical Environmental Concern which was established by BLM with strong public support for the protection of the only known population of the Mexican flannel bush, for pristine stands of riparian woodlands, and for the only known stand of Tecate Cypress in the U.S. In addition, the City of San Diego has identified the region as a "core reserve" in open-space planning and the California Department of Fish and Game, and local universities have had a long interest in studying and monitoring the Otay Mountains' flora and fauna. Wilderness designation would secure a unique ecosystem in the National Wilderness Preservation System.

In the last few years, however, the area has experienced extensive resource damage as a result of undocumented immigrants attempting to cross through the region. In addition, an October 1996 wildfire inflicted considerable short-term damage. However, with close coordination and onsite work among the BLM, California Department of Forestry and Fire Protection, the Border Patrol, the City, County, and other interests, a dramatic reduction in illegal traffic has occurred and the area appears to be rehabilitating itself.

Although I have noted the potential benefits of wilderness designation, I now want to discuss an alternative approach for the long-term future of the Otay Mountains. We suggest the Committee explore designating the area and certain other public lands located to the East and North as a National Conservation Area (NCA). This approach would need further review and development between the BLM and the public to identify those lands suitable for inclusion within the NCA. However, it may be the best long-term solution to address both the unique management challenges within the broader regional area and the need to protect its valuable resources. Such an NCA designation could provide management flexibility for a much broader expanse of public land than the narrowly focused wilderness designations addressed in H.R. 3950. Also, an NCA designation for a larger region could include specific management prescriptions including mineral and land withdrawals, which would be designed to protect significant resources, and specific management directives for drug interdiction, border operations, and fire management. Wilderness designations within the NCA boundary could still occur in conjunction with the NCA designation. As such, the NCA designation could prove a more viable long-term approach to management of the Otay Mountains as it would address a broader region than the current bill while also providing a more comprehensive array of tools for dealing with the area's unique resources and management challenges.

This concludes my statement and I would be glad to answer any questions.

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