

Public Law 106–145  
106th Congress

An Act

To designate a portion of the Otay Mountain region of California as wilderness.

Dec. 9, 1999

[H.R. 15]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Otay Mountain  
Wilderness Act of  
1999.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Otay Mountain Wilderness Act of 1999”.

**SEC. 2. FINDINGS.**

The Congress finds and declares the following:

(1) The public lands within the Otay Mountain region of California are one of the last remaining pristine locations in western San Diego County, California.

(2) This rugged mountain adjacent to the United States-Mexico border is internationally known for its diversity of unique and sensitive plants.

(3) This area plays a critical role in San Diego’s multi-species conservation plan, a national model made for maintaining biodiversity.

(4) Due to its proximity to the international border, this area is the focus of important law enforcement and border interdiction efforts necessary to curtail illegal immigration and protect the area’s wilderness values.

(5) The illegal immigration traffic, combined with the rugged topography, also presents unique fire management challenges for protecting lives and resources.

**SEC. 3. DESIGNATION.**

In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), certain public lands in the California Desert District of the Bureau of Land Management, California, comprising approximately 18,500 acres as generally depicted on a map entitled “Otay Mountain Wilderness” and dated May 7, 1998, are hereby designated as wilderness and therefore as a component of the National Wilderness Preservation System, which shall be known as the Otay Mountain Wilderness.

16 USC 1132  
note.

**SEC. 4. MAP AND LEGAL DESCRIPTION.**

(a) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, a map and a legal description for the Wilderness Area shall be filed by the Secretary with the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives. Such map and legal description shall have the same force and effect as if included

in this Act, except that the Secretary, as appropriate, may correct clerical and typographical errors in such legal description and map. Such map and legal description for the Wilderness Area shall be on file and available for public inspection in the offices of the Director and California State Director, Bureau of Land Management, Department of the Interior.

(b) UNITED STATES-MEXICO BORDER.—In carrying out this section, the Secretary shall ensure that the southern boundary of the Wilderness Area is 100 feet north of the trail depicted on the map referred to in subsection (a) and is at least 100 feet from the United States-Mexico international border.

#### **SEC. 5. WILDERNESS REVIEW.**

The Congress hereby finds and directs that all the public lands not designated wilderness within the boundaries of the Southern Otay Mountain Wilderness Study Area (CA-060-029) and the Western Otay Mountain Wilderness Study Area (CA-060-028) managed by the Bureau of Land Management and reported to the Congress in 1991, have been adequately studied for wilderness designation pursuant to section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), and are no longer subject to the requirements contained in section 603(c) of that Act pertaining to the management of wilderness study areas in a manner that does not impair the suitability of such areas for preservation as wilderness.

#### **SEC. 6. ADMINISTRATION OF WILDERNESS AREA.**

(a) IN GENERAL.—Subject to valid existing rights and to subsection (b), the Wilderness Area shall be administered by the Secretary in accordance with the provisions of the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in such provisions to the effective date of the Wilderness Act is deemed to be a reference to the effective date of this Act; and

(2) any reference in such provisions to the Secretary of Agriculture is deemed to be a reference to the Secretary of the Interior.

(b) BORDER ENFORCEMENT, DRUG INTERDICTION, AND WILDLAND FIRE PROTECTION.—Because of the proximity of the Wilderness Area to the United States-Mexico international border, drug interdiction, border operations, and wildland fire management operations are common management actions throughout the area encompassing the Wilderness Area. This Act recognizes the need to continue such management actions so long as such management actions are conducted in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and are subject to such conditions as the Secretary considers appropriate.

#### **SEC. 7. FURTHER ACQUISITIONS.**

Any lands within the boundaries of the Wilderness Area that are acquired by the United States after the date of the enactment of this Act shall become part of the Wilderness Area and shall be managed in accordance with all the provisions of this Act and other laws applicable to such a wilderness.

#### **SEC. 8. NO BUFFER ZONES.**

The Congress does not intend for the designation of the Wilderness Area by this Act to lead to the creation of protective perimeters

or buffer zones around the Wilderness Area. The fact that non-wilderness activities or uses can be seen or heard from areas within the Wilderness Area shall not, of itself, preclude such activities or uses up to the boundary of the Wilderness Area.

**SEC. 9. DEFINITIONS.**

As used in this Act:

(1) **PUBLIC LANDS.**—The term “public lands” has the same meaning as that term has in section 103(e) of the Federal Land Policy and Management Act of 1976.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(3) **WILDERNESS AREA.**—The term “Wilderness Area” means the Otay Mountain Wilderness designated by section 3.

Approved December 9, 1999.

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**LEGISLATIVE HISTORY—H.R. 15:**

HOUSE REPORTS: No. 106–65 (Comm. on Resources).

SENATE REPORTS: No. 106–116 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Apr. 12, considered and passed House.

Nov. 19, considered and passed Senate.

