

STATEMENT OF JOHN F. TURNER, DIRECTOR, U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON NATIONAL PARKS AND PUBLIC LANDS OF THE HOUSE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, REGARDING H.R. 2571, WILDERNESS DESIGNATIONS ON NATIONAL WILDLIFE REFUGE SYSTEM LANDS IN ARIZONA

September 21, 1989

Mr. Chairman, I am John Turner, Director of the United States Fish and Wildlife Service. I appreciate the opportunity to make my inaugural appearance before you today to discuss the proposed designation of wilderness on Arizona refuges. I am accompanied by Michael Spear, our Regional Director for the Southwestern Region.

H.R. 2571 would designate as wilderness portions of four diverse and very valuable units of the National Wildlife Refuge System -- the Havasu, Imperial, Kofa, and Cabeza Prieta National Wildlife Refuges. Although each of the four refuges was established for its individual purposes, each also protects a part of the fragile and unique desert ecosystem of the southwest. It is the desert habitat, in varying amounts, on each of the four refuges that has been proposed for wilderness classification.

In 1974, the President proposed wilderness designations on all four of these refuges. H.R. 2571 follows those recommendations except for its provisions relating to the Havasu refuge.

Enactment of H.R. 2571 would ensure the continuation of management of these areas to protect their unique and irreplaceable natural values. With proposed minor modifications, the Administration supports this legislation. Because these modifications are based on individual management issues at each refuge, I will address them accordingly.

Kofa, 510,900 acres proposed. (pg. 4)

(542,600 acres proposed) (pg. 4)

On Havasu and Imperial Refuges, the desert lands and mountains rim the flood plain of the Colorado River as it flows through Service-administered wetlands and croplands. On Kofa and Cabeza Prieta Refuges, vast tracts of Sonoran desert are present as complete ecological units of exceptional wildlife value. The wilderness proposals on the latter two refuges embrace alluvial desert valleys and mountain ranges that represent the last reaches of undisturbed Sonoran desert of any appreciable size and contiguity remaining on this continent.

The plant and wildlife communities supported by these lands reflect the unique character of the desert environment to which they have adapted. The stability and health of these areas testify to the manner in which they have been protected from disturbance or development. The management of those plant and wildlife communities to achieve the purposes for which the refuges were established, while also protecting the wilderness values of the lands, has had to be altered only minimally in deference to their de facto wilderness status. The analysis and selection of management methodologies that comprise the requisite minimum tools for use in a wilderness area have not precluded positive management actions.

On the Kofa Refuge, maintenance of approximately 80 existing wildlife watering facilities and construction of 7 new sites has occurred since the original proposal was submitted to Congress. On the Cabeza Prieta Refuge, similar habitat management efforts have also been implemented. We have modified methods of personnel

and material transport from wheeled vehicles to helicopters where appropriate, but such modifications have not caused us to delay or forgo in any manner management actions considered necessary to further our mission in the administration, protection, and enhancement of the lands and wildlife for which we are responsible.

The 1974 proposal for the Kofa Refuge set forth a total of 542,600 acres as suitable for wilderness designation. That proposal included three applications for withdrawal of public domain lands for addition to the Refuge. The largest of these withdrawals comprised 31,700 acres lying immediately north of the Refuge's northern boundary. This proposal was made prior to the enactment of the Federal Lands Policy and Management Act (FLPMA), which provided the BLM with the authority to manage wilderness areas. The passage of FLPMA, in effect, negated the need for the land to be added to the refuge in order to be designated wilderness.

Because the lands within this portion of the proposed withdrawal which are suitable for wilderness (21,680 acres) have been included in the Bureau of Land Management's New Water Mountains wilderness proposal addressed in H.R. 2570, and because the BLM manages all the adjoining public lands where management facilities such parking, trail heads and road access development and maintenance would occur, the Fish and Wildlife Service supports the administration of this tract by the Bureau of Land Management.

The two remaining, smaller parcels of public domain land included in the 1974 withdrawal request about the western boundary of the

Kofa Refuge. In concert with the Bureau of Land Management, we believe that these two areas should be included within the Refuge and designated wilderness. These areas would not only create a more manageable boundary following distinct geographical features readily identifiable to visitors, but also protect the western slopes of the Castle Dome Mountains.

We therefore recommend that H.R. 2571 be amended to designate 510,900 acres of wilderness at Kofa, and that the bill transfer the two western parcels of land, comprising 6,100 acres, from the public domain into the refuge. They would also be designated wilderness through the accompanying map reference.

Limitations of motorized public access on the Kofa Refuge were included in the 1974 wilderness proposal. Approximately 82 miles of road were proposed for closure, retaining 275 miles open to link the major units comprising the wilderness. This proposal approached the question of vehicular access in the most conservative manner considered necessary to preserve wilderness values. Management of the Refuge in the intervening 15 years has indicated that a somewhat less restricted access network is possible, although public motorized travel would still be prohibited where necessary.

We recommend a modification of the 1974 proposal to open an additional 49 miles of roads to the public. This modification would provide a more realistic balance between isolation of large tracts of core wilderness lands and fragmenting wilderness through maintenance of unnecessary roadways. In addition, the major

access corridors proposed for the Kofa Refuge in 1974 were delineated as 600 feet wide. We do not believe such a broad width is necessary and recommend that rights of way for roads on the Refuge be limited to 100 feet on each side of centerline.

The 1974 proposal to designate 833,500 acres of the Cabeza Prieta Refuge as wilderness also included a proposed withdrawal of 80,000 acres of public domain lands as an addition to the Refuge and a designation of 72,700 acres of those lands as wilderness. This area, known as the Tinajas Altas, is part of the Barry M. Goldwater Air Force Range and forms a critical element for ground maneuver training exercises by the U.S. Marine Corps. The 1986 Military Lands Withdrawal Act extended the authority for the military use of the area, and gave the natural resource management responsibility to BLM. A recent land use planning study by the Bureau found that surface military training activities have noticeably impacted 36,000 acres within this area, and that it did not possess high or threatened cultural, wildlife, scenic or botanical resource values. It therefore would not meet wilderness suitability criteria. I fully expect BLM policies and practices in regulating uses of the area to provide necessary resource management of the Tinajas Altas, particularly in the proposed 56,000-acre Area of Critical Environmental Concern encompassing the Tinajas Altas Mountains.

I therefore recommend that these 80,000 acres be deleted from the Cabeza Prieta wilderness designated in H.R. 2571.

We continue to support the limitation of motorized access on the Cabeza Prieta Refuge to the two corridors proposed in 1974. These corridors provide necessary access while protecting the classic desert wilderness values of the Refuge. However, the width of these corridors should be reduced to 200 feet from the originally proposed 600 feet. Public uses are minimal and highly restricted by the military uses made of Refuge airspace.

The Departments of the Army, Air Force, and Navy utilize the airspace over the Kofa and Cabeza Prieta Refuges on a year-round basis. The Kofa Refuge receives overflight use by the Department of the Army over approximately 80 percent of its area and over 170,000 acres of the southern half of the Refuge serve as a non-impact artillery overflight zone. Although most flights are at elevations above 24,000 feet, aircraft operations may occur from 1,500 feet above ground level to 80,000 feet. Missions over the Refuge follow a general east-to-west flight path and may exceed 200 flights per month.

The Cabeza Prieta Refuge is overlain by the Barry M. Goldwater Air Force Range with joint use by the U.S. Marine Corps, from Yuma Air Station, over the western sector, and the Air Force, from Luke Air Force Base, over the eastern sector. All military aircraft flying over Cabeza Prieta Refuge are required to maintain minimum altitudes of at least 1,500 feet above ground level, except along mutually approved low-level corridors. Air operations below 1,500 feet are allowed at any time along the existing corridors. In instances where low-level flights are proposed in the airspace



exterior to the existing paths, coordinated review and assessment is conducted by the requesting military office and the Refuge.

The U.S. Fish and Wildlife Service does not anticipate any change to existing operations and coordination with military users caused by the wilderness designations we have recommended in these two refuges.

In 1974, approximately 14,470 acres of the Imperial Refuge were proposed for wilderness designation in five units. Of that total, 6130 acres are located in California and 8340 acres lie across the Colorado River in Arizona. The disjunct parcels (2 units in California and 3 in Arizona) were necessitated by the occurrence of tracts of private and State lands. Acquisition of State inholdings in Arizona has resulted in extension of possible wilderness lands on the eastern bank of the river almost contiguously along the length of the Refuge. The ownership of these areas by the State was the only reason for excluding them from the 1974 proposal. The subsequent acquisition by the Service has rendered these lands suitable for wilderness designation.

We therefore recommend that H.R. 2571 designate 9,220 acres of wilderness at the Imperial refuge.

The river boundary of the proposed wilderness was described in 1974 as a line 300 feet horizontally landward of contour elevation 230. In order to provide a line which would afford more protection to highly valuable backwater areas flanking the river, and to provide a more clearly discernible boundary, we recommend

that the wilderness boundary be placed at the 200-foot contour from Clear Lake north to Township 4S., Range 23W., SW 1/4 of Section 18, and at at the 220-foot contour from that point north to the northern wilderness boundary, immediately south of Clip Wash.

The 1974 proposal to designate lands as wilderness within the Havasu Refuge encompassed a total of 2,510 acres, all in California. A larger Arizona segment of 14,606 acres was found suitable but not recommended because of third party mineral holdings on alternate sections of land. Through the fine efforts of Bureau of Land Management Arizona State Director Dean Bibbes in 1988, a three-party land exchange among the Service, the Bureau of Land Management, and the mineral estate owner (Santa Fe Pacific Railroad Company) brought the mineral rights for land in question back to the Federal Government.

We recommend that H.R. 2571 be amended to designate these 14,606 acres as wilderness in the Arizona portion of the refuge.

The desert environment encompassed by these proposals represents a world of extraordinary variety and complexity. As greater and greater land areas in the West and Southwest are encroached upon by development, fewer and fewer areas retain much of their original natural character. The diversity of biotic species, ecological communities, and other natural elements stand on an ever narrowing base. To counteract this, we need to set aside, in viable units, adequate areas of functioning ecosystems and their biological components. It is not enough simply to set aside



certain tracts where convenient. Before we are confronted with only ecological remnants of natural systems, we must actively protect complete, self-sustaining units. Such an opportunity for protection is before us in consideration of wilderness on these four refuges.

In the 15 years that have followed since these areas of Arizona refuges were first proposed for wilderness, the U.S. Fish and Wildlife Service has followed its mandate to preserve and protect the natural resource values that render these areas outstanding units of the Refuge system. In doing so, the Service has also preserved the natural processes and biotic diversity of the desert ecosystems that make these lands suitable for wilderness status.

The designation as wilderness of the areas we have we have recommended today on the Kofa, Cabeza Prieta, Imperial and Havasu National Wildlife Refuges will not detract from their value as refuge lands, but will only serve to enhance it.

Mr. Chairman, thank you for allowing me time to speak before you today. If you or the members of the Committee have any questions, I would be happy to answer them.

9-19-89

AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 2571

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the ``Arizona Wildlife Refuge  
3 Wilderness Act of 1989``.

4 SEC. 2. WILDERNESS DESIGNATION AND MANAGEMENT.

5 (a) DESIGNATION.--In furtherance of the purposes of the  
6 Wilderness Act, the following lands are hereby designated as  
7 wilderness and therefore, as components of the National  
8 Wilderness Preservation System:

9 (1) Certain lands in the Havasu National Wildlife  
10 Refuge, Arizona, which comprise approximately 14,606  
11 acres, as generally depicted on a map entitled ``Havas  
12 Wilderness`` and dated September 1989, and which shall be  
13 known as the Havasu Wilderness.

14 (2) Certain lands in the Imperial National Wildlife  
15 Refuge, Arizona, which comprise approximately 9,220  
16 acres, as generally depicted on a map entitled ``Imperial  
17 Wilderness`` and dated September 1989, and which shall be  
18 known as the Imperial Wilderness.

1           (3) Certain lands in the Kofa National Wildlife  
2     Refuge, Arizona, which comprise approximately 504,800  
3     acres, and certain other public lands comprising  
4     approximately 6,100 acres which are hereby added to and  
5     incorporated within such refuge (and which shall be  
6     managed accordingly), all as generally depicted on a map  
7     entitled ``Kofa Wilderness`` and dated September 1989,  
8     and which shall be known as the Kofa Wilderness.

9           (4) Certain lands in the Cabeza Prieta National  
10    Wildlife Refuge, Arizona, which comprise approximately  
11    763,000 acres, as generally depicted on a map entitled  
12    ``Cabeza Prieta Wilderness`` and dated September 1989,  
13    and which shall be known as the Cabeza Prieta Wilderness.

14    (b) **MANAGEMENT.**--Subject to valid existing rights, the  
15    wilderness areas designated under this section shall be  
16    administered by the Secretary of the Interior (hereinafter in  
17    this Act referred to as the ``Secretary``) in accordance with  
18    the provisions of the Wilderness Act governing areas  
19    designated by that Act as wilderness, except that any  
20    reference in such provisions to the effective date of the  
21    Wilderness Act (or any similar reference) shall be deemed to  
22    be a reference to the date of enactment of this Act.

23    (c) **MAP AND LEGAL DESCRIPTION.**--As soon as practicable  
24    after enactment of this Act, the Secretary shall file a map  
25    and a legal description of each wilderness area designated

Total 510,900

1 under this section with the Committee on Interior and Insular  
2 Affairs of the United States House of Representatives and  
3 with the Committee on Energy and Natural Resources of the  
4 United States Senate. Such map and description shall have the  
5 same force and effect as if included in this Act, except that  
6 correction of clerical and typographical errors in such legal  
7 description and map may be made. Such map and legal  
8 description shall be on file and available for public  
9 inspection in the Office of the Director, United States Fish  
10 and Wildlife Service, United States Department of the  
11 Interior.

12 (d) WATER.--With respect to each wilderness area  
13 designated by this Act, Congress hereby reserves a quantity  
14 of water sufficient to fulfill the purposes of this Act. The  
15 priority date of such reserved rights shall be the date of  
16 enactment of this Act. The Secretary shall file a claim for  
17 the quantification of such rights in an appropriate stream  
18 adjudication, and shall take all steps necessary to protect  
19 such rights in such an adjudication. The Federal water rights  
20 reserved by this Act shall be in addition to any water rights  
21 which may have been previously reserved or obtained by the  
22 United States for other than wilderness purposes.

23 (e) MILITARY ACTIVITIES.--Nothing in this Act, including  
24 the designation as wilderness of lands within the Cabeza  
25 Prieta National Wildlife Refuge, shall be construed as--

1           (1) precluding or otherwise affecting continued low-  
2       level overflights by military aircraft over such refuge  
3       or the maintenance of existing associated ground  
4       instrumentation, in accordance with any applicable  
5       interagency agreements in effect on the date of enactment  
6       of this Act; or

7           (2) precluding the Secretary of Defense from entering  
8       into new or renewed agreements with the Secretary of the  
9       Interior concerning use by military aircraft of airspace  
10      over such refuge or the maintenance of existing  
11      associated ground instrumentation, consistent with  
12      management of the refuge for the purposes for which such  
13      refuge was established and in accordance with laws  
14      applicable to the National Wildlife Refuge System.