

Appendix C: Comments Received on the Draft Comprehensive Conservation Plan, Draft Wilderness Stewardship Plan and Draft Environmental Impact Statement (DCCP)

The Fish and Wildlife Service solicited comments on the DCCP from members of the public, local, state and federal agencies, and NGOs between May 5 and September 14, 2005. In addition to the opportunity to submit written comments during this period, interested parties were also invited to attend public hearings held at Tucson (July 25, 2005), Sells (July 26, 2005), Ajo (July 27, 2005), and Yuma (July 28, 2005), Arizona.

The following appendix contains verbatim transcripts of testimony received at the public hearings and copies of written comments received by mail, email or facsimile. Written comments are reproduced in the order they were received. Where numerous respondents sent in the same comment, it is produced only once. A list of all commenters is available from the Fish and Wildlife Service, National Wildlife Refuge System, Southwest Region, Division of Planning at (505) 248-6813 upon request. To save space, the comment letters are somewhat reduced in size and printed two sheets to a page.

1.0 Public Hearing Testimony

Tucson Hearing, Monday, July 25, Holiday Inn Palo Verde, at 4550 South Palo Verde Boulevard.

First Speaker: John Steffens, 5109 N. Moonstone Drive, Tucson, Arizona 85750-9645

“I’m not affiliated with anybody. I’m not a member of any organization, group or committee. I just go out on Cabeza Prieta once or twice a year as much as possible. I looked at the plan, I completely threw away out of my mind that there would be a possibility to implement the one minimal alternative and the one maximal alternative. But when I got to reading it and thinking about what’s going out there, I think that the real problem that you’ve got on Cabeza Prieta is coordination between organizations that have a responsibility out there. As an example: the permit system is different depending on who you call and who you talk to, and if you try to do it through the internet right now, you can’t get any information about how to do it. The Marines were always easiest. The Air Force was the most ridiculous. Part of that coordination with the organizations is the Border Patrol. The last time we were out there we got, I spoke a couple of the Border Patrol agents at different times, and mentioned that people out here are supposed to have permits. They had no idea that there was even a permit system.

“So now I’m going to switch to something about the permit system. One of the alternatives has getting a permit on-line, doing all the paperwork on-line – that’s wonderful. The system that existed some years ago, whereby you got the forms, you filled out the forms, you sent in the forms, and then somebody from the wildlife refuge sent you a paper, okay, with your permit on it. That paper was a different color each year, and you had to keep it in the window of your vehicle. When the Border Patrol flew over, which they rarely did back then, they could see the permit in your window. They can’t see a business card in

your window, and they really don't care. So they ought to know what a permit looks like, and you might want to consider going back to this colored permit system.

"Next thing, size of groups and animals. We had an occasion where we sat on side of the road by the near marker on the lava flow for an hour and 15 minutes. A group of 70 off-road vehicles from Phoenix went through, as a group. Each one had at least two people in the vehicle. That's ridiculous that they should get permits for that size groups. Animals: we had the occasion at Tule Well, around Thanksgiving, where there was a group of people there – I don't know what they were doing – they had horses. They left two days before we did. We spent the next two days shoveling horse manure into a corner to get it out of the way. They left it there. The penalties for doing something like that ought to be enforced, if possible.

"I said I'm not a member of any group; I'm not. I go out there with a group of family, my grandchildren (my children don't like to go out there, but the grandkids do). One of the fears that I have is that access to the Cabeza Prieta and all of our wilderness areas is tending to go those who are members of some special interest group. If you're not part of the in-crowd, you can't get out there, or you can only get out there at restricted times. I think you have to be careful about restricting the average 'Joe Blow' from going out there. Along those lines, I don't like this March 15 to July 15 thing, because that's when I like to go out there, March 15. If you could get the pronghorns to move their fawning two weeks later, I'd appreciate it. Put that in your plan and see if it works".

Sandy Bahr, 202East McDowell Road, #227, Phoenix, Arizona 85004.

"I'm with the Sierra Club and live in Phoenix. I'm here representing the Sierra Club's Grand Canyon Chapter, which is the Arizona Chapter, and we have over 13,000 members in Arizona, a lot of whom, I should say many of whom, enjoy the Cabeza, and many more of whom care about it. Sorry if I'm not speaking up enough, it's a loud room. Despite the summer meeting, we appreciate you actually letting us know there were meetings. We did get a notice, and we will be providing detailed written comments. I just wanted to take the opportunity to say a few things this evening.

"First of all, we do appreciate the US Fish and Wildlife Service taking more of an ecosystem approach to management of the Cabeza and for looking at doing integrated plans. We want to ensure that Wilderness and protection of the Wilderness is not lost in that integrated plan, however, and want to encourage the Service to support the strongest protection of Wilderness and wilderness values for the Cabeza. As you indicated earlier, this is a significant wilderness area, a high profile wilderness area, and it's important that it be protected. We also would like to see protection of wildlife, of course. The maximum protection for wildlife should be on the top of the list, including Sonoran pronghorn, bighorn sheep, bats and all the other wildlife on the refuge. We think that there are elements in Alternative 2 which provide the most protection of wilderness that definitely should be implemented. There are also some elements in Alternatives 3 and 4 that we think could be incorporate into a final preferred alternative.

"We encourage you to look at limiting additional water developments and minimizing development of waters in wilderness. We realize that the science isn't necessarily all that

popular in a lot of government entities right now, but we think more research is needed on waters relative to wildlife and the effect of these waters on the overall habitat, not just one species. We support the continuation of working with other agencies and increased coordination with Border Patrol, the National Park Service, the Tohono O'odham Nation and others, and did see it stated in the plan a commitment in the plan to do so. We think that's a positive. Also appreciated the proposal in Alternative 3 to look at dealing with exotic plants and we had a little discussion about that earlier and the fire risk. We think that it is important to remove newly found exotics whenever possible. We also support the establishment of a plant nursery in the non-wilderness area for revegetation purposes and encourage the managers to collect the seeds from the refuge itself whenever possible. We also, in I think it was in Alternative 4, support the draft proposal to work with the Mexican government to try to better control the spread of exotics along Mexican Highway 2. We think that's important as well.

"Okay, that's four minutes? I was speaking too slowly. In light of budget concerns, we think that taking a minimalist approach to additional development is warranted. Thank you."

Jan Anderson, 3906 West Ina Road #200 PMB195, Tucson, Arizona 85741

"I'm with the local group from the Sierra Club, the Rincon Group, and I'm the Conservation Chair, and we have 3,800 members in Arizona, and I'll be echoing some of the things Sandy just spoke about. We believe that the strongest support for this plan should go to protecting Wilderness and wilderness values, because that provides natural protection for wildlife. We like the ecosystem approach that you've taken, because it considers Wilderness as connected to the native wildlife on the refuge. And we support connecting fragmented habitats via wildlife travel corridors. We like the idea of closing 60 miles of the 145 miles of administrative tracks that was proposed in Alternative 2, because these disturb and fragment habitat. We believe there should be no additional water development and those existing should be tested for pathogens, as was mentioned in Alternative 2. We support protecting cultural resource areas from damage due to unauthorized entry, through periodic patrol by refuge law enforcement officers. While an expansion of the visitor center to include office and classroom space is beneficial by permitting public education, protecting the natural resources within the refuge should be our first priority.

"There needs to be a long-term strategy for management of the Sonoran pronghorn population. The captive breeding areas are not natural and won't sustain the population for the long term. We also support the continuation of working with agencies such as the Border Patrol, the National Park Service and the Tohono O'odham Nation. Exotic and invasive species control measures should be included in the final decision. We like the idea of a plant nursery proposed in Alternative 3, and also recommend getting the seeds from the refuge itself. And if you could, implementation of these comments would necessitate the creation of an additional alternative, since elements of Alternatives 2, 3 and 4 are included here. Thank you."

Brian Dolan, 511 E. Robert Circle, Tucson, Arizona 85704

“I’m a Past President of the Arizona Desert Bighorn Sheep Society, and I guess by default, I’m here representing the 1,100 members of that organization in the state. Our organization has been involved in the Cabeza Prieta, management Cabeza Prieta, and the operation of Cabeza Prieta for many, many years. A lot of the members that have passed the torch on to me frankly have grown tired and weary of the process. I’m the last of that breed. I’m trying to recruit somebody to take it over after I get old and tired and worn out. But I think that one of the things that I would like to say (because you will be getting written comments from the Sheep Society, there’s a committee of four of us who are preparing our comments), but one of the things that I’d like to reiterate to the folks in the audience and to the staff is that there was a time when hunters and people in the Sheep Society were some of the biggest Wilderness advocates in the State of Arizona. It’s because of the treatment that we feel that we’ve gotten, through what’s been going with Cabeza Prieta that’s kind of soured a lot of us. I, myself, was a card-carrying member of the Wilderness Society back in 1990, and I have seen what’s happened. We have to get over this petty bickering about closing 60 miles of roads because of fragmented habitats. That isn’t the problem at Cabeza Prieta. That 60 miles of road is just going to be a ‘feel good’ for somebody. That’s not the issue that we’re talking about, but because we seem to want to draw these lines in the sand, it’s just perpetuating the same problem. I really wish we’d reach out and do what’s the best for the resource, and unfortunately we have to go through big lengthy processes like this for the EIS. I’d like to say that the Fish and Wildlife Service, John, Roger and your staff, you guys have done an admirable job with this EIS. I’ve read it cover to cover, but I haven’t gone back and studied it in depth, but can tell you, I actually enjoyed reading it. You guys did a really, really good job. Some of the discussion sections that are in there that talk about roads, that talk about wildlife waters, that talk about bighorn sheep populations, that talk about ATVs and use of the roads; you did a really good job of explaining where those issues really fit in the overall operation of the Cabeza Prieta. I’m confident that we’re going to end up with something that’s going to be workable, and I for one cannot wait for us to get something in place, because we have been waiting for far too long. In my opinion we have waiting for 19 years to have something in writing that’s going to tell us how we’re going to operate the Cabeza Prieta. For an area as big as that is, and as important to the state’s wildlife, it’s been a shame that we haven’t had it beforehand.”

Paul Huddy, 5233 E. Woodspring Drive, Tucson, Arizona 85712

“I’m a cofounder of Friends of Cabeza Prieta, and I and quite a few other people have been working on these issue for quite a long time. My primary issue is, as it has been, for a long time, preserving Cabeza Prieta in its natural state. That is what we have a Wilderness designation for. So I’d like to state first and foremost, that what we expect of the US Fish and Wildlife Service is preservation of the natural resource, because that’s what is of value out there, in its natural state as much as we can do that, and also maintaining the legal requirements of wilderness, because that’s what that is. I don’t see the primary problem being the bighorn sheep diet, by the way. The problem is all those people coming across the blasted border. That, unfortunately, is not something you guys can do a great deal about. When John here – our first speaker was talking about agency coordination, I had to laugh because that’s something we’ve been saying for a long time has been a serious

problem here in the Goldwater Range. After all these years, you'd think we'd have it worked out. So I hope you guys will work hard on getting the agencies together on this, because, your mandate is what we're concerned about. The more you can work with these other agencies and make it clear to them that this is a wilderness, and that what we're trying to do is protect natural values, the more impacts you have on your ability to do that.

"I asked about the water developments because we've been talking about this a long time. Needless to say – I've, we have, attended a lot of meetings about this for a long time, and no new water developments should be put in there until somebody demonstrates that these are: a) effective in what they're supposed to do, and b) that they don't do damage. And that concerns me a great deal, because you water out there, everybody for miles heads for it. You put in new water sources, you're going to cause more damage and the wildlife that's out there is out there because, geez, it's awfully shy, and the more people we have running around that desert the more difficult it is for those guys to survive. So let's make decisions – the priority part of the decisions – preservation of the natural values out there, and Wilderness protection. Thank you. Oh, one more thing, I want to mention horses. Horses are becoming more used, and there's a kind of feeling that 'horses are natural, so it's all right.' But I have reservations about that, and so do a lot of people. Horses have big feet, and they're big animals. They're bigger animals than are normally there. On top of that, they eat exotic stuff, and they spread exotic stuff all over the place. So when I hear from folks like John that he's finding horse stuff all over the place, it concerns me a great deal. In other parts of the country the Fish and Wildlife Service and other agencies have basically made it a rule that you have to carefully feed your horses before you take them out in a wilderness area. I'd like to see the Fish and Wildlife Service do the same at Cabeza Prieta, because that's a very obvious source of spreading invasive plants. Thanks."

Joe Sheehy, 6381 N. Camino Padre Isidoro, Tucson, Arizona 85718

"I'd like to speak about the water developments and my opinion of the importance of the water developments on the Cabeza Prieta. In participating in numerous summer waterhole counts on the Cabeza Prieta in the late 70s and early 80s, you'd be hard pressed to convince me that the sheep don't — and other wildlife – bobcats even white-winged doves and quail, and everything else, doesn't depend on that water. I would encourage that we maintain the existing waters and also allow the use of administrative roads to do that."

Bill Broyles, 5501 North Maria, Tucson, Arizona 85704

"This process; I'm glad to see all you people, because I think I've known many of you for years. I can remember sitting at the Cabeza office, it seems like 10 or 11 years ago, starting to have a meeting about this management plan. And Brian is quite right, we need to have one in place and we need to have the best one we can. Because part of what we need to do is to be looking beyond this room, this meeting in 2005. We need to look beyond the agency labels and the affiliation labels; whether you belong to this club or that club. John belongs to no club, and I think I belong to every club. I used to belong the sheep society, but they wouldn't cancel my checks any more. I try to cover the whole spectrum, because we need to realize that these little battles between ourselves are kind of like sibling rivalries. Kind of 'what are we going to have for dinner tonight?' The real threats

are the big threats, border threats, the threats to, in Congress, for example, the threats against wildlife, wilderness, public lands, can you drill oil. And it may amaze to know that there have been some oil wells south of the refuge, and there's a report of one that was on the refuge, in a 1935 paper, but I don't know anything about that. We need to look beyond the boundaries of the refuge in ecosystem management. We need to look to the needs of all users of the refuge, hunters, hikers, campers photographers, because the real threat is that in 25 years from now this state is going to have probably 20 million people, or 15 million, 15, not 20, but right now we're only 5. So if you imagine the public pressure on these precious lands for those activities that we value. This is the heartland, this is the last wilderness, this is the last refuge. This where when people like myself, like Paul, like Brian, like John, probably the rest of you want to get out of the house and really get away, and really have a camping experience and really get out and see things that are natural, this is where we go. And for all those reasons, we have to take the very best care we can of it and this management plan had better be good."

Sells Public Hearing, Tuesday, July 26, Tohono O'odahm Tribal Council Chambers.

No formal public testimony was submitted.

Ajo Public Hearing Wednesday, July 27, Ajo Community Center in Bud Walker Park, 290 West 5th Street.

No formal public testimony was submitted.

Yuma Public Hearing, Thursday, July 28, Yuma Civic and Convention Center, 1440 West Desert Hills Drive.

Jon Fugate, 2428 West 13th Place, Yuma, Arizona, Arizona 85364

"On behalf of the Yuma Valley Rod and Gun Club, I'd first like to say that our organization has been involved in this process since it began way back in 1994, 90 something, way back when. We got to a point where there was a document that finalized, and even though we had some concerns still with that document, we were at an opportunity to live with it and move forward, but others saw fit to believe that it was not an appropriate document and force the Fish and Wildlife Service obviously to do an environmental impact statement. The only good thing about that is that when you get this one done, there isn't any more. It can be contested, you can have to go to court, you can have to do it, but I personally feel, on behalf of the club, that if they take you to court for whatever reason we can imagine under the sun, based on what's in the proposed alternative, and on things that be taken out of 5, or out of any of it, but we're focusing on alternatives 4 and 5, you guys would win. What has happened is that recently, because of a lot of things, probably the main thing is the change of administrations, change of Fish and Wildlife Service Directors, Regional Directors; lots of things have changed; changed refuge managers; people started realizing that you know, Cabeza's just a refuge just like all other refuges, and it needs to be managed consistent per the guidelines set forth for refuge management. The number one is that wildlife comes first. The proposed alternative signifies that, same as in 5, 5 just makes it a little more, at least from a management perspective.

“A couple of things that we’re asking for serious consideration on, that are not in the proposed alternative are: in regards to public vehicular access it says Proposed Alternative, motorized access in non-wilderness, on page 130 of the matrix indicates, “on center 30 meters (100 feet) of the road corridor,” we assume that means 50 on either side of the center of the road. We firmly believe that 60 meters or 200 feet on center of road corridor is more appropriate and would be consistent with allowances on Kofa. I don’t need to go on that, same refuge. Both refuges were set aside by the same president on the same day for the same reason. They both have refuge wilderness in them. One has a lot more roads than the other and I think that rationale is appropriate. Now the next one you might not think, particularly Roger, and I don’t mean that derogatory. Additionally, although it was specifically addressed, it is our understanding that some administrative roads, trails, have or will be improved for the enhancement of enforcement capabilities. It is our firm belief that utilization of these improved roads by the public could be justified, as it would decrease impacts associated with public use which currently occurs only on three basic routes the Camino, Christmas Tree and Charlie Bell. Enhancement of enforcement capabilities would very likely increase should this allowance occur.

“The other two changes that we haven’t spoken about tonight are camping, and there two changes that the club firmly believes should occur. We believe that Alternative 5, under the heading of Wilderness Recreation and Camping, should be the proposed action, as presented in the matrix on pages 129 and 131, respectively. And that’s it.”

Cary Meister, P.O. Box 6395, Yuma, Arizona 85366-6395

“I’m Conservation Chairman for the Yuma Audubon Society. We will be submitting written comments at a later date. I haven’t had an opportunity to completely read the plan at this point, but I would like to support the idea that not every refuge is the same and that different types of management are appropriate in different types of refuges. Some refuges can offer rather intensive recreation opportunities, whereas other refuges can offer much less intensive recreation opportunities. We have some examples of that in the narrative. Cabeza Prieta offers a less intensive opportunity for the public, Kofa more so. Again, along the Colorado River, Cibola offers more of an opportunity for recreation of an intensive variety, whereas there are parts of Imperial that offer less intensive recreation varieties. I think that what we need is a continuum of recreation opportunities by refuge, and Cabeza Prieta can very well fulfill the function of a less intensive recreation opportunity refuge. Thank you for the opportunity to comment.”

2.0 Written Comments

Written comments received during the public comment period are reproduced on the following pages.



THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT
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 DEPUTY DIRECTOR
 STEVE K. FERRELL



**Arizona Game and Fish Department's Comments on the
 Draft Comprehensive Conservation Plan, Environmental Impact Statement
 and Wilderness Stewardship Plan**

September 7, 2005

September 7, 2005

Mr. John Slown
 Southwest Region, Planning Division
 U.S. Fish and Wildlife Service
 P.O. Box 1306
 Albuquerque, NM 87103

Re: Draft Comprehensive Conservation Plan, Draft Environmental Impact Statement and
 Draft Wilderness Stewardship Plan

Dear Mr. Slown:

The Arizona Game and Fish Department (Department) reviewed the Draft Comprehensive Conservation Plan (CCP), Draft Environmental Impact Statement (EIS) and Draft Wilderness Stewardship Plan for the Cabeza Prieta National Wildlife Refuge. We appreciate the U.S. Fish and Wildlife Service's efforts to include the Department in meaningful discussions during the development of these important documents. Our page-specific comments are attached for your consideration. As we discussed, we would like to meet with the U.S. Fish and Wildlife Service to discuss these comments and our concerns in further detail.

Again, the Department appreciates the opportunity to be involved in the development of the CCP. Please contact Mr. Russ Engel at (928) 341-4042 if you have any questions regarding the Department's comments.

Sincerely,

Duane L. Shroufe
 Director

DLS:rke

cc: Larry Voyles, Regional Supervisor, Region IV
 Bob Broscheid, Chief, Habitat Branch

AN EQUAL OPPORTUNITY REASONABLE ACCOMMODATIONS AGENCY

**Page 42, 1.13.3 Issue to be Determined Pending Adoption of Wilderness Policy Revisions:
 Wheeled Game Carriers, Last sentence**

The Department believes that wheeled game carriers should be allowed until an official policy is established. This would be consistent with current management on the Kofa National Wildlife Refuge.

Page 102, 2.5.1.1.1.2 Developed Waters (Sonoran pronghorn)

The Department believes that the proposed alternative should provide an opportunity for constructing new waters (not limited to only temporary or emergency waters) for Sonoran pronghorn based on up-to-date information.

Page 102, 2.5.1.1.1.5 Supplemental Feeding and Forage Enhancements (Sonoran pronghorn)

The Department believes that the proposed alternative should provide an opportunity for supplemental feeding and construction of additional forage enhancement plots if a need is identified through current information and/or conditions.

Page 102, 2.5.1.1.1.7 Predator Management (Sonoran pronghorn)

The Department believes that the proposed alternative should provide for the opportunity to control any predator (not just coyotes) to benefit Sonoran pronghorn, based on available information.

Page 104, 2.5.1.2.1 Developed Waters (bighorn sheep)

The Department believes it should be clarified that the decision to build additional waters for bighorn sheep would be based on all available information to date, which would include the University of Arizona study.

Page 104, 2.5.1.2.4 Predator Management (bighorn sheep)

The Department believes that the proposed alternative should provide for the opportunity to control predators to benefit bighorn sheep based on available information.

Page 108, 2.5.3.1 Managing Visitor Access

The Department does not understand the need to restrict vehicles to within 50 feet of the center of the road. Congress established a 200-foot corridor for roads within wilderness. We do not believe they intended to further restrict vehicles within this corridor or they would have established a smaller corridor. The Department further believes that the potential impacts associated with vehicles using the additional 100 feet within these corridors would not be significant when considered on a refuge-wide basis. This would also be consistent with current management on the Kofa National Wildlife Refuge.

Page 111, 2.5.3.2.2 Mule Deer, 2.5.3.2.3 Small Game, and 2.5.3.2.4 Predators

The Department believes that mule deer, small game and predator hunts should be implemented upon determination that populations can support hunting and the U.S. subpopulation of Sonoran

pronghorn has stabilized and would not be jeopardized by such hunts. We do not support the stipulation that predator hunts would only be authorized if determined to be beneficial to Sonoran pronghorn.

Page 113, 2.5.3.6 Managing Visitor Camping

The Department would like to see the refuge allow collection and use of dead and down wood for campfires refuge-wide. We do not believe that this use (at anticipated levels) would have an adverse effect on resources. Campfires could be restricted during times of extreme fire potential and the use could be monitored and restricted if adverse impacts to resources are documented.

Page 127, Table 2.8 Endangered Species, Alternative 5

The Department notes that Alternative 5 provides for the development of additional waters and forage enhancement plots for Sonoran pronghorn, which is not listed in the table.

Page 127, Table 2.8 Desert Bighorn Sheep, Alternative 4

The Department believes it should be clarified that Alternative 4 provides the opportunity to construct additional waters for bighorn sheep, based on research.

Page 127, Table 2.8 Desert Bighorn Sheep, Alternative 5

The Department notes that Alternative 5 provides for predator control and the development of forage enhancement plots for bighorn sheep, which is not listed in the table.

Page 128, Table 2.8 Predators, Alternatives 4 & 5

The Department notes that Alternative 4 states that predator hunts would only be implemented if determined to be beneficial to Sonoran pronghorn while Alternative 5 does not have that stipulation. This difference is not pointed out in the table. See above (under Page 111) for comments specific to the Proposed Alternative.

Page 129, Table 2.8 Wilderness Recreation, Alternative 5

The Department did not see any restriction on campfires in wilderness described under Alternative 5 and there is a 14-day restriction on length of stay described under Alternative 5. These are both contrary to what is listed in the table.

Page 130, Table 2.8 Hunting, Alternative 4

The Department notes that Alternative 4 states that a predator hunt would only be implemented if determined beneficial to Sonoran pronghorn. This is not pointed out in the table and the Department does not support this stipulation.

Page 131, Table 2.8 Camping, Alternative 4

The Department believes it should be clarified in the table that wood campfires would only be allowed at the 3 established campsites and that group size would be restricted to 8 people. As stated above, the Department would like to see the refuge allow the use of dead and down wood for campfires refuge-wide.

Pages 396 and 399, Stipulations Necessary to Ensure Compatibility

The Department recommends removing the stated stipulation that "aircraft users must adhere to FAA 2,000 above ground level restriction". We believe this is beyond the control and

jurisdiction of the USFWS and are unaware of any law or regulation requiring aircraft to stay above 2,000 feet. With few exceptions, of which the Cabeza Prieta National Wildlife Refuge is not a part of, the Department is only aware of an FAA "advisory" that addresses the altitude of aircraft flying over refuges or wilderness.

|

May 8 2005

John Slown, Biologist/Conservation Planner
USFWS, NWRs, Southwest Region, Planning Division
P.O. Box 1306
Albuquerque, New Mexico 87103

Dear John:

Thanks for including me in the opportunity to comment .
By all means the "no action" plan should be followed.
The balance of nature does not need human help.



Russ Clapper, Retired RM
(42 years experience)

June 26, 2005

USDOJ USFWS CABEZA PRIETA - NATIONAL REFUGE

ALL TAXPAYERS PAY TO SUPPORT THIS NATIONAL AREA AND IT IS NOT SIMPLY A LOCAL'S PLACE TO PROFITEER. THE INTEREST OF NATIONAL TAXPAYERS IS PARAMOUNT.

THE USE OF THE WORD "REFUGE" IS AN ATTEMPT TO FOOL THE PUBLIC. SINCE YOU ALLOW BLOODLETTING, KILLING, VIOLENCE, GUNS THIS PLACE IS NO LONGER A REFUGE. GET THE BLOODTHIRSTY HUMAN PERVERTS OUT.

THE FOLLOWING SHOULD BE BANNED IN THIS ARE:

1. HUNTING
- 2 TRAPPING
- 3 ALL NEW ROADS
- 4 GRAZING, LOGGING, MINING OR DRILLING
- 5 ALL TWO STROKE VEHICLES
- 6 PRESCRIBED BURNING

B. SACHAU
15 ELM T
FLORHAM PARK NJ 07932

Do You Yahoo!?



IN REPLY REFER TO:

L7619

July 14, 2005

John Slown
 Biologist Conservation Planner
 USFWS, NWRs, Southwest Region, Planning Division
 Post Office Box 1306
 Albuquerque, New Mexico 87103

Dear Mr. Slown:

Thank you for the opportunity to provide comments on the Draft Comprehensive Conservation Plan, Wilderness Stewardship Plan, and Environmental Impact Statement (EIS) for Cabeza Prieta National Wildlife Refuge. Overall, we were pleased with the document and the effort made to reduce impacts to the local resources while protecting and managing Cabeza Prieta National Wildlife Refuge. We have a few comments specific to particular sections and items contained in the EIS. Specifically:

1. Throughout the document, Bassarisc Tank is misspelled as 'Basseric Tank'.
2. Page 49, Section 2.1.1.1 "Sonoran Pronghorn": The paragraph preceding the inset identifies eight major recovery efforts directed at Sonoran pronghorn recovery. However, the narrative that follows, discusses some of these recovery efforts, but not all eight. We recommend an expansion of this section to include all eight recovery efforts.
3. Page 52-55, Section 2.1.1.1.3, "Captive Breeding/Translocation": The National Park Service (NPS) and Organ Pipe Cactus National Monument support the Sonoran pronghorn captive breeding facility and translocation strategy. We hope to provide financial support for this facility and effort in FY06 through FY08 and look forward to a continuing cooperative effort between the United States Fish and Wildlife Service (USFWS), NPS, and other federal agencies.
4. Page 55, Section 2.1.1.1.4, "Area Closures": The plan, as written, appears to only address the use of 'Area Closures' as a means of mitigating impacts from public

United States Department of the Interior

National Park Service
 Organ Pipe Cactus National Monument
 10 Organ Pipe Drive
 Ajo, Arizona 85321-9626



activities. We recommend a discussion on how area closures will protect Sonoran Pronghorn from activities associated with illegal migration, drug smuggling, and law enforcement interdiction efforts, especially during critical times of the year (e.g., March through September).

5. Page 59, Section 2.1.3.2, "Border Law Enforcement": We recommend that the draft EIS also address, under this section, management actions associated with reducing human disturbance on Wilderness values from activities associated with illegal border crossings (e.g., illegal migrants, drug smugglers, and law enforcement interdiction efforts). Measures such as, vehicle barriers, coordination/cooperation with other federal agencies to minimize off-road vehicle traffic, and concentrating law enforcement efforts near the border will serve to maximize wilderness preservation and reduce migrant mortalities.

6. Pg 101, Section 2.5.1.1.1.2, "Developed Waters": The NPS supports the use of photovoltaic powered water level sensors at remote water stations. Such devices should minimize the number of trips required for water trucks to service these areas, and, in turn, reduce the potential for vehicle disturbance to Sonoran pronghorn, road damage, and vehicle upkeep.

Pg 104, Section 2.5.1.2.3, "Population Goal": A desert bighorn sheep survey conducted in 1995 by Henry (1995) on Organ Pipe Cactus National Monument may provide a comparison for bighorn sheep target population in areas without developed waters on Cabeza Prieta National Wildlife Refuge. (Literature Cited: Henry, Robert. 1995. Desert bighorn sheep survey on Organ Pipe Cactus National Monument. Report to the National Park Service, August 1995. Arizona Game and Fish Department, Region IV, Yuma, AZ 9 pp + appendices.) Although, Organ Pipe Cactus National Monument has some minimally developed waters, there are few that remain and, of these, none are actively maintained.

Pg 104, Section 2.5.1.2.4, "Predator Management": We recommend the use of a motion-triggered camera system to investigate the use of developed and un-developed waters by predators in the refuge. Newer systems, using digital image storing, are now available and may provide information on predator use of water storage devices and tinajas, as well as interactions between predators and other wildlife.

Pg 105, Section 2.5.1.3.3, "Raptors and Ravens": Organ Pipe Cactus National Monument does not currently have in place established protocols for inventorying and monitoring raptors and ravens. Monument staff currently monitors the productivity of individual raptor nests. However, the scope of this effort is limited to one or two sites within the entire monument. Known cactus ferruginous pygmy-owl breeding sites are monitored each spring for occupancy only.

Pg 106, Section 2.5.1.3.6, "Exotic/Invasive Species": We recommend the document provide a discussion on the impact of non-native plant seed dispersal from trespass livestock on the refuge. Permitted stock animals can also disperse non-native plant seeds. We recommend a reiteration, under this section, on stock animal restrictions as articulated on page 111, Section 2.5.3.1.

We look forward to receiving a copy of the Final Comprehensive Conservation Plan, Wilderness Stewardship Plan, and Environmental Impact Statement (EIS) for Cabeza Prieta National Wildlife Refuge. Please feel free to contact me at 520-387-6849, ext. 7500 if you require further assistance from monument staff on this topic.

Sincerely,



Kathy Billings
Superintendent

cc:

Roger Di Rosa, Refuge Manager, Cabeza Prieta National Wildlife Refuge

3 Dear John:

I am outraged to hear that the border patrol is tearing up the Cabeza Prieta desert using their vehicles and drag equipment. I fell the same way about the steel wall that is being constructed along the border and that vegetation will be removed to make tracking intruders more easily!

Please push for having wildlife friendly measures used in Cabeza Prieta!!! The wildlife and plants of the desert must not be sacrificed in order to guard the border.

Yours truly,

Mary Jean Hage
A Friend of the Sonoran Desert

July 21, 2005

I am a 65 year old voting conservative republican in Arizona who opposes roads in any wilderness, including the Cabeza Prieta National Wildlife Refuge.

Cal Lash
2904 East Desert Lane
Phoenix, Arizona 85042

July 21, 2005

The Cabeza Prieta is very important for saving the pronghorn anti lope.
Please support the increased protection of this area.

Betty Roberts

July 29th, 2005

John Slown, Division of Planning
NWRS R-2
U.S. Fish & Wildlife Service
Albuquerque, NM 87120

Wildlife functions best in the absence of Man. Your "agenda of interference" by allowing administrative use of "roads" within Wilderness will only promote wildlife management by man. Wildlife doesn't need managing, wildlife simply needs to be left alone. And the large, empty, wide open spaces that Wilderness areas provide is the best way to insure that wildlife is left alone. There is no need to haul water, improve/maintain springs and build sundry other structures for the supposed "improvement" of wildlife habitat. These administrative roads and associated improvements at the ends of these "roads" need to be removed. Then the roads need to be obliterated. The Earth and its community of Life does not need the meddling hand of Man to make things better. The concept of Wilderness demands a minimum tool approach when dealing with wildlife. Hauling water and improving and maintaining springs is not a minimum tool approach to solving wildlife problems, but rather is part of the problem to begin with. Your "hands on" approach to wildlife management does not benefit wildlife. The existence of designated Wilderness is, in and of itself, the best wildlife management tool you have. The long term health and viability of the Pronghorn Antelope will, in the final analysis; benefit from the huge, open spaces that Wilderness will provide. The obliterating of roads will promote the "making whole" of wildlife habitat that is slowly being fragmented by the existence and use of "roads". The mandate of Wilderness is to let ecological process work in the absence of Man. Mans works and ways have no place in a Wilderness area.

When you obliterate roads you also have the opportunity for protecting cultural resources as well. For cultural resources are also best managed by being left alone and unadvertised Wilderness is a proper and good tool for managing these cultural resources.

You need to address the number of permitted vehicles per party that can use the road that runs through Cabeza Prieta. The number of vehicles per party should be no more than five, with an average of three people per vehicle. The maximum group size inside the Wilderness should be no more than fifteen people. One needs to keep in mind that this place is a Wildlife Refuge and not an ORV playground. Wildlife comes first. Excessively large "herds" of vehicles will have a negative impact on wildlife and negatively impact the Wilderness experience that the refuge can provide. I have heard that parties of 40 vehicles sometimes traverse across the refuge, apparently all under one permit.

Thank you for the opportunity to comment.
Jim Vaaler

#8

Comments for the U. S. Fish & Wildlife Service on the Draft Comprehensive Conservation Plan, Draft Environmental Impact Statement, and Draft Wilderness Stewardship Plan for the Cabeza Prieta National Wildlife Refuge.

Submitted by: Jan Anderson, Conservation Chair, Sierra Club Rincon Group, on behalf of its 3800+ members in southern Arizona.

July 23, 2005

- We request the USFWS support the strongest protection of wilderness and wilderness values for the Cabeza because wilderness provides maximum protection for wildlife habitat. We support the ecosystem approach the USFWS has taken in their draft EIS/CCP because it considers wilderness as ecologically connected to the health of all the native wildlife on the refuge. We also support connecting fragmented habitats via wildlife-travel corridors.
- We support the closure of 60 miles of the 145 miles of administrative tracks open of the refuge as proposed in Alternative 2 because these disturb and fragment habitat.
- We believe there should be no additional water developments and those existing should be tested for pathogens. (Alternative 2)
- We support protecting cultural resource areas from damage due to unauthorized entry through periodic patrolling by refuge law enforcement officers.
- While an expansion of the visitor center to include office and classroom space is beneficial by permitting public education, protecting natural resources within the refuge should be our first priority.
- There needs to be a long term strategy for management of the Sonoran pronghorn populations. Captive breeding areas are not natural and won't sustain the population in the long-term.
- We support the continuation of working with agencies such as the Border Patrol and National Park Service as well as cooperation with the Tohono O'odham Nation.
- Exotics/Invasive species control measures should be included in the final decision. The plant nursery proposed in Alternative 3 is an excellent idea as long as seeds from the refuge are used for it.

Implementation of these comments would necessitate the creation of an additional alternative since elements in alternatives 2,3,and 4 are included here.

#9

John Slown
Division of Planning, NWRS R-2
U.S. Fish & Wildlife Service
PO Box # 1306, Albuquerque, NM 87120.
Email: john_slown@fws.gov
July 23, 2005

Dear Mr. Slown:

I do a lot of hiking and peak climbing here in Southern AZ and have climbed peaks in the Cabeza Prieta region in the past and plan to hike and climb in the area again to reach some more peaks. I think that the Cabeza Prieta region has outstanding ecological, geological, cultural, and educational values. However, these can be destroyed by illegal off-road activity and invasive vegetation which tends to follow vehicle traffic.

I urge you to work to provide maximum protection for wildlife habitat. Please support the ecosystem approach the USFWS has taken in their draft EIS/CCP as it considers wilderness as ecologically connected to the health of all the native wildlife on the refuge. My wife and I do wildlife monitoring for the Sky Island Alliance here in Tucson and I realize the importance of connecting fragmented habitats via wildlife-travel corridors.

Reducing the road network within the Cabeza Prieta will aid wildlife and reduce the opportunity for invasive species by closing 60 miles of the 145 miles of administrative tracks open on the refuge. Roads do not belong in wilderness. (Alternative 2)

Please support protecting cultural resource areas from damage due to unauthorized entry. Periodic foot patrolling by refuge law enforcement officers will help avoid damage and discourage unauthorized entry to these sensitive areas. However, the USFWS needs to specify exactly how these patrols will be done (foot, horse, ORV, etc.) to ensure that the patrolling does not do more harm than good. If patrols can be done with minimal effects, we suggest that the refuge staff take an initial inventory of known sites so that references can be made on how much damage is occurring in these areas. Training border law enforcement on the sensitivity of the areas will also help to avoid damage during border law enforcement operations. Hiking trails should not divert visitors into these sensitive areas and the known areas of cultural occupation should remain unpublished, including in the visitors center.

I believe you need to expand the visitor center to include office and classroom space. Public education is a very important part in the fight to save our natural resources. The natural resources within the refuge should be our first priority, however. The USFWS should work to ensure that expansion of the visitor's center does not increase car and foot traffic so that it adversely affects the refuge resources. The preservation of the refuge and its vastness of undisturbed, pristine wilderness should serve as the ultimate educator to visitors.

Please produce and implement a strategy for the long-term management of Sonoran pronghorn populations. Captive breeding areas were established in 2003 within the refuge but there has been no data released as to the success of these areas. The captive breeding areas are fenced off from predators and provide a source of drinking water and several irrigated areas. These irrigated areas simulate rainfall during a wetter than average year. This makes these areas less like the pronghorns' natural habitat and more similar to captivity. This strategy may work for the short-term rapid re-growth of the population but fails to establish a long-term management system for the Sonoran pronghorn population. I believe the USFWS needs to implement a long-term strategy.

I believe you need to include the Exotics/Invasive Species Control Measures in the Final Decision. The refuge needs to continue removing newly found populations of exotic fountain grass by hand. The refuge needs to implement a program of inspecting vehicles, equipment and clothing for any seeds or plant matter prior to entering the refuge in order to limit the spread of exotic plants. The refuge needs to establish a plant nursery in non-wilderness for revegetation and encourage the land managers to only collect seeds from the refuge for the revegetation nursery. (Alternative 3).

Sincerely,



Peter Bengtson
1280 E. Paseo Pavon
Tucson, AZ 85718

#10

THE LAW OFFICES
OF
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E-mail: gilvenable@pacnet.org
Of Counsel to Bruce A. Burton, P.C.

July 26, 2005

John Slown, Division of Planning
NWRS R-2
U.S. Fish & Wildlife Service
PO Box # 1306
Albuquerque, NM 87120

Fax: (505) 248-6874

Re: Cabeza Prieta National Wildlife Refuge
Comment on the Draft Comprehensive Conservation Plan (CCP), Draft
Environmental Impact Statement (EIS) and Draft Wilderness Stewardship Plan

Dear Mr. Slown,

I have visited and hiked in the Cabeza Prieta National Wildlife Refuge, but only in the winter. I am a former professor of environmental and natural resources law at Arizona State University, but these views do not necessarily reflect the policies of A.S.U.

The management direction of this land should be as wilderness and wildlife refuge, with particular emphasis on the endangered Sonoran pronghorn.

I have given some consideration to the pros and cons of the artificial water sources and seen the bones of wild animals scattered densely around the artificial water holes. I do not believe that these water sources are consistent with the natural ecosystem or the long term survival of animals, such as the pronghorn, which are adapted to this environment. The artificial water holes should be phased out, with study of the effects on vegetation and predator and prey populations, as the phase out progresses. What happens to forage for pronghorn and predation rates on pronghorn?

The captive breeding areas for pronghorn, fenced off from predators with artificial drinking water and irrigated areas may produce numbers in the short-term, but they are unlikely to produce pronghorn adapted to the Cabeza Prieta. A long-term strategy is needed. I encourage the funding of further scientific research. Please include initial results of the captive breeding program for pronghorn in the Final Environmental Impact

Statement.

Cooperation with border enforcement agencies is important to reduce border traffic funneled into the refuge by increased border enforcement activities in other parts of the US-Mexico border. But noisy and disruptive activities like low air flights are harmful to the pronghorn and should be excluded. Motorized patrols should be restricted to the Camino del Diablo road and impacts should be minimized. Off-road vehicle activity, whether by law enforcement or by illegal civilian use, is highly damaging and should be strictly prohibited. I support the closure of the administrative roads in wilderness.

Cattle trespassing into the refuge remains a problem not only for direct impacts such as consumption of existing vegetation, but also for spreading invasive/exotic vegetation. The introduction of domestic livestock also poses a risk of disease transmission to native species as has been occurring with our bighorn sheep. In my experience, cooperation with the Tohono O'odham Nation, Mexican grazers and other neighbors is likely to be more effective than direct enforcement in limiting the number of stray cattle or other domestic animals that wander into the refuge.

At least in the winter, I envy you and the U.S. Fish & Wildlife Service the privilege of working to protect this wonderful land.

Sincerely,



Gil Venable

GV:lw

#11

John Slown, Division of Planning
NWRS R-2, USFWS
PO Box 1306
Albuquerque, NM 87120

7-27-05

Re: Draft Comprehensive Conservation Plan, Cabeza Prieta

Dear Mr. Slown,

In my opinion, the most effective management practice for the long range protection and preservation of the wilderness area is to prohibit or severely limit the penetration of this country by off road vehicles. I would recommend the closing of existing roads to the public, and leaving open only what is needed for the policing and entry for management activities.

I was born in and have lived in Yuma for 68 years. I have seen (and continue to see) the damage to the land, plants and animals caused by the off-roaders. Maybe education is part of the answer. Too many people and their kids think that it is a wholesome normal activity to go out and tear up the desert.

What is left of the public open spaces around our cities has been degraded in a big way, as you undoubtedly know. If we don't get this message out to the kids, and help them understand it, the wilderness areas will be next.

Thanks for your help,

Dirk Frauenfelder
12164 E. Del Norte
Yuma, AZ 85367

#12
Yuma Valley Rod & Gun Club, Inc.

JIM AMMONS
PRESIDENT

NICK HEATWOLE
VICE PRESIDENT

JEFF MILLER
TREASURER

BRANDON HERNDON
CORRESPONDING SECRETARY

JON FUGATE
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July 28, 2005

Mr. John Slown, Region 2 Biologist / Planner
United States Fish and Wildlife Service
Division of Refuges and Wildlife
Post Office Box 1306
Albuquerque, NM 87103

RE: Proposed Alternative Relating To The Comprehensive Conservation Plan (CCP) For The Cabeza Prieta National Wildlife Refuge (CPNWR)

Dear John,

On behalf of the Yuma Valley Rod and Gun Club (YVRGC), I am providing the following statement(s) pertaining to the CCP for CPNWR. As always, the YVRGC appreciates the opportunity afforded us by the United States Fish and Wildlife Service (FWS) to assist in the final attempt to determine how the CPNWR will be managed for the next fifteen years.

Our organization firmly believes the FWS at the local and regional levels completely understands where our organization is coming from and appreciates our involvement in this process. Although we will always have concern with Wilderness as it relates to wildlife management, wildlife-dependent outdoor recreation, and public vehicular access, the YVRGC sincerely appreciates FWS attempts to resolve these concerns. The following are important issues that we believe should be included in the Final CCP.

1) Wheeled game carrier issue

The YVRGC does not agree with other agencies' policies which include game carriers in their definition of "mechanical transport". We believe that the intent of Congress and the statutory construction of this section of the Wilderness Act was to restrict the transportation of people via means of "mechanical transport" and not materials or downed game. Therefore, the FWS should allow the use of wheeled game carriers within National Wildlife Refuge Wilderness during legal hunting seasons on any refuge, including CPNWR.

The Yuma Valley Rod & Gun Club, Inc. Mission Includes, But Is Not Limited To:

The conservation of wildlife, habitat and natural resources, education of the public and members to include conservation issues and firearms safety. To support and defend the second amendment of the United States Constitution, provide recreation and organized activities to members and the public and participate in charitable and other community service activities especially those related to conservation and sportsmanship.

Mr. John Slown
Page Two
July 28, 2005

2) Expansion of hunting opportunity

FWS indicating the expansion of hunting opportunity will only occur after determination of Sonoran Pronghorn population stability raises concern to our organization. The YVRGC believes the FWS has not demonstrated that hunting small game, deer, and predators (which will occur under very controlled conditions) will adversely impact pronghorn population stability. These public uses should be allowed just as all other allowable public uses will, except from March 15th to July 15th

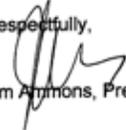
3) Public vehicular access

The proposed alternative regarding Motorized Access in Non-Wilderness on page 130 of the matrix, indicates "on center 30 m (100ft) of road corridors". We firmly believe 60 m (200') on center of road corridors is more appropriate and would be consistent with allowances on Kofa National Wildlife Refuge. Additionally, although it was not specifically addressed, it is our understanding that some administrative roads have or will be improved for the enhancement of enforcement capabilities. It is our firm belief that utilization of these improved roads by the public from September through February would be justified as it would decrease impacts associated with public use which currently only occurs on three basic routes (Camino Del Diablo, Christmas Tree Pass, and the Charlie Bell Road). Enhancement of enforcement capabilities may very likely increase, should this allowance occur.

4) Camping

There are two changes that the YVRGC firmly believes should occur. We believe Alternative 5 under the heading of "Wilderness Recreation" and "Camping" should be the proposed action(s) as presented in the matrix on page(s) 129 and 131 respectively.

Respectfully,


Jim Ammons, President

#13

Dear Sir,
I am in favor of anything
you plan. I think you're doing
a great job there & any place
in the states.

I try to visit any preserve I
can & to educate my family.

Sincerely
Janet McEwen

John C. Steffens
5109 N. Moonstone Dr.
Tucson, AZ 85750-9645
(520) 749-9165
July 30, 2005
John Slown, AICP
P.O. Box 1306
Albuquerque, NM 87103
Re: Cabeza Prieta NWR Plans

Dear John;

I was at the comment meeting held in Tucson on Monday, July 25. I was the first speaker during the formal comment session. I am writing this to reiterate some of the points that I made and add some additional thoughts that occurred to me since.

1. The extreme alternatives (doing nothing and doing way too much) should not be significant candidates for inclusion in the final plan. I am not a representative of any group other than a few people that I visit CPNWR with once or twice a year.

I don't have any particular insights into the specific preservation methodologies or plans for the area. I do however believe that maintaining the wilderness characteristics and designation of the area is important. I would not like to see CPNWR turn into another National Park with thousands of visitors each year.

2. I believe that it is vitally important to include the Goldwater (Stump) Range in mind when assessing the impacts to CPNWR. Those governmental agencies that are responsible for administration of the Range (the Marines on the West and the Air Force on the East) should be part of the permit process. Other governmental agencies that need to have a role in the future of CPNWR and BMGR include the Department of Homeland Security, the Bureau of Land Management, and Arizona Game and Fish. All of these (and maybe others) should be participants in providing input and agreement to the final plan.

3. The Visitor Permit process, in the past, and more so now, has become disjointed. I think that significant improvements could be made with a minimum of overall expense to the U.S. Government. Currently, there are three paths whereby a Visitor Permit might be obtained. The Marine Corps process seems to be the quickest and the Air Force process seems to be the most confused. The CPNWR process is somewhere in between. Since a significant part of access to CPNWR requires travel through BMGR, those agencies must be involved. My thoughts are:

1. One agency, most logically CPNWR, should have primary responsibility for issuing Visitor Permits.
2. There should be two types of physical Visitor Permits issued. The first that visitors should apply for would be individual permits. The second should be specific group access permits.
3. Individual permits should be able to be requested and printed by the visitors on-line in addition to by mail or in person. The application should include submission of the hold-harmless agreements. These applications would individually identify the person making the request, the vehicle for which the request is made, and returning the hold-harmless to the issuing agency (CPNWR). Since the hold-harmless must be signed, it would have to be mailed in to the issuer. The requester should then be able to print (or receive by mail) the actual permit. There should be one for the individual and one for the vehicle. These would be instead of the current business

card permits. The individual permit should be kept with the person and the vehicle one with the vehicle. These permits should be valid for at least one year and perhaps a many as five years.

4. When an individual or group desires to actually access BMGR/CPNWR, and additional submission should be made for that trip. The trip leader should have to apply with the individual permit numbers of all people and vehicles on the trip. This would better allow control over group sizes. The request should include the dates (start and finish) of the trip. The routes planned for ingress and egress, and the locations of all proposed overnight stays. When the trip permit is granted, the issuer should mail an 8½x11 sheet of paper to the requester for each vehicle. This paper must be displayed in the passenger side front window and should be a different color each year (or month). This would allow the DHS helicopters to readily verify that the vehicle is authorized. Groups of visitors should be discouraged from traveling together as it just increases the damage and congestion.

5. Law enforcement and other authorized personnel on BMGR/CPNWR should be able to verify that the group or individual is legally in the area by comparing the individual permits with the trip permit and the color for the year (or month).

6. The current rules and requirements, (for fires, cleanup, use of roads, vehicles, etc.) as on the CPNWR web site are appropriate and should be maintained, except as noted below.

4. Groups should be limited in size to something that the ranges and campsites can accommodate. I would guess at no more than 5 vehicles and no more than 12 people, whichever is larger.

5. Horses or other animals should not be permitted except by authorized governmental agencies so that assurance could be had that no nonnative seeds are spread on the range(s). The user of the animal should be responsible for leave-no-trace. ATV's (and dune-buggies) should only be authorized like horses — no non-governmental group or individual should be permitted to have them on the ranges. Every place that I have gone where either ATV's or dune-buggies, or sand-rails were permitted, the desert has been destroyed.

6. With the increasing number of UDA's (illegal aliens) encroaching on the ranges, it becomes increasingly important for a means to allow the legal, authorized individual to protect themselves. Those who are not government agents performing their duties should be permitted to carry personal protection firearms under either of two conditions: 1) that they carry a valid Concealed Weapons Permit issued or recognized by the State of Arizona, or 2) that they carry a valid Arizona Hunting License and that it is a valid hunting season where they are located.

7. Please make an effort to persuade the Sonoran Pronghorn to shift their fawning to two weeks later so that the closures around Tule Well would not begin until April 1. (An alternative would be to allow the northern route from Christmas Pass to Tule Well to remain open until April 1.)

Thanks again for the plan and the opportunity to put in my 2¢ about CPNWR/BMGR. I really enjoy visiting to hike, take pictures, and just enjoy the serenity of the wilderness. I will try to drop by the FWS office in Albuquerque when I am there in late March of next year.

John C. Steffens

FD



THE COMMITTEE ON CONSERVATION
OF FORESTS AND WILDLIFE
230 CAMP FIRE ROAD, CHAPPAQUA, N.Y. 10514
TEL. (914) 941-0199

John Slown, Biologist / Conservation Planner
Division of Planning, NWRS R-2
U.S. Fish and Wildlife Service, P.O. Box 1306
Albuquerque, NM 87120

Dear Mr. Slown,

The draft Comprehensive Conservation Plan, the draft Wilderness Stewardship Plan and the draft Environmental Impact Statement for the Cabeza Prieta National Wildlife Refuge have been received and reviewed. Before commenting on the plans, I would like to express my gratitude for the excellent draft, scoping and management alternatives presented to the public for its review and comment.

Alternative #4 appears to be the most acceptable and beneficial of all five alternatives. Although a goal of 950 to 1200 sheep population in Alternative #5 is attractive, there are serious problems to be faced under this alternative. Problems include the development of additional water and forage enhancements for desert bighorn sheep in wilderness areas.

In an article written by Bill Broyles for the Wildlife Society Bulletin Volume 23, Number 4, titled, "Desert Wildlife Water Developments: Questioning Use in the Southwest". Broyles goes on to say, "For nearly sixty years to increase wildlife populations and to extend their ranges, managers have increased the quantity and distribution of available water by developing new waterholes and enhancing existing ones. In the Cabeza Prieta National Wildlife Refuge and the western portion of the Barry M. Goldwater Air Force Range in southwestern Arizona, managers have increased the number of waterholes in bighorn sheep habitat by 33 percent and the maximum quantity of water by 364 percent. However, a review of file and technical literature for that region reveals that the effects of these changes remain largely unstudied. It has not been shown that these developments are necessary, beneficial or without harmful side effects".

While it is understood that high density populations of American pronghorn are associated with abundant drinking water, while low densities exist in semi-arid regions and deserts with little water. The use of free-standing water by Sonoran pronghorn is not clearly understood. Sonoran pronghorn have evolved using little or no water except in extreme drought conditions. It has been suggested that Sonoran pronghorn do not require free water and never drink, apparently meeting their moisture requirements from metabolic water and pre-formed water in their diet. Caution is therefore urged in the extensive water developments under Alternative #5. A better solution is under Alternative #4, where it is suggested the development of additional waters is possible should research validate the need.

(2)

It is understood that the role of the Cabeza Prieta Wildlife Refuge is the recovery and protection of rare and sensitive species such as the desert bighorn and the federally endangered Sonoran pronghorn as well as the conservation of a diversity of desert wildlife within the Sonoran Desert. It is, therefore, a concern when it is noted in the plan for Alternative #5 that, "If 75 percent of a goal of 900 to 1200 refuge sheep population is not achieved within 15 years, the refuge will seek off-site stock for stocking refuge mountain ranges".

These desert bighorn sheep have over thousands of years become adapted to desert conditions. To bring in off-site stock for stocking will genetically contaminate the existing rare and sensitive species. This must be avoided to remain in compliance with the Organic Act for the National Wildlife Refuge System, which states, "Each refuge shall be managed in a manner that maintains the biological integrity, diversity and environmental health of the refuge system".

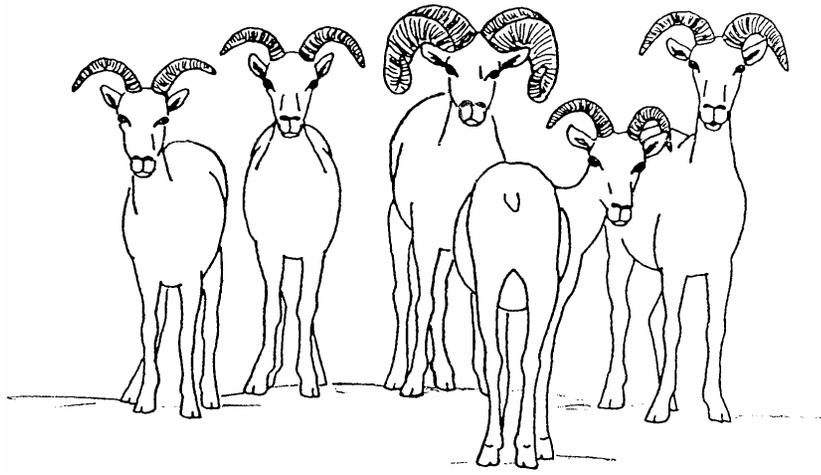
Other problems arise with recreationists in the refuge under Alternative #5. As an example, no part size or length of stay restrictions exist and pack/saddle stock are allowed in with the general entry permit. In the Adirondack Park in New York State, the lack of regulations in the number of day use groups, over-night camping groups and the use of designated camping sites caused problems of over-use. In the Unit Management Plan for the High Peaks Wilderness Complex in the Adirondack Park, rules and regulations had to be placed to limit over-use in that area. It would be wise to have such rules and regulations in place in the Cabeza Prieta Refuge should they be needed.

Alternative #4 is the best choice of the five alternative plans. Thank you for allowing me this opportunity to comment on the plan for the Cabeza Prieta Wildlife Refuge. To you personally, let me extend my best wishes for the success of your efforts.

Sincerely,

Peter Roemer
Deputy Chair (Hon) Conservation Committee
Camp Fire Club of America

July 27, 2005



Friends of Cabeza Prieta

P.O. Box 64940, Tucson, Arizona 85728-4940
FoCabeza@aol.com

Email:

14 September 2005

Mr. Roger DiRosa
Refuge Manager
Cabeza Prieta National Wildlife Refuge
1611 North Second Avenue
Ajo, Arizona 85321

Mr. John Slown
Planning Department
USFWS
PO Box 1306
Albuquerque, New Mexico 87103

Dear Mr. DiRosa, Mr. Slown, and Fish & Wildlife Service,

On behalf of the Friends of Cabeza Prieta and wilderness and wildlife enthusiasts nationwide, we are pleased to have this opportunity to add our comments to the Fish and Wildlife Service's 2005 Comprehensive Conservation Plan for the Cabeza Prieta National Wildlife Refuge and Wilderness. We begin these remarks with the conviction that this refuge is an exceptional, irreplaceable resource, unique on our planet.

In the words of Carl Lumholtz who visited the western refuge in 1910-1911, "Fond as I am of civilized life and all it implies..., I could not help longing for the fresh, cool, beautiful, and silent nights of my wild desert" (New Trails in Mexico:343). Other writers such as Charles Bowden, Edward Abbey, Ann Zwinger, Charles Sheldon, Doug Peacock, and John Annerino have ~~spoken eloquently about~~ the magnificence of the refuge. With good reason, many people love the refuge.

This plan is proposed to guide the refuge through the next 25 years. If we look back 25 years to 1980 we can see profound changes in the refuge—Wilderness, more visitors enjoying the desert, designations of endangered species, and a host of unforeseen problems. Now we're being asked to look ahead to 2030.

The plan must look beyond today, to a day when the border problems have subsided, when the population of Arizona reaches 15 million and neighboring states have swelled to triple their sizes, when regional opportunities to camp and hike have dwindled, and the character of the landscape itself may be changing.

With due respect to specific points in the five management alternatives, we need a plan with vision, flexibility, and rigor:

the vision to maintain this grand desert and its fascinating wildlife, the flexibility to monitor and respond to changes, and the rigor to uphold the highest standards of ecosystem management and Wilderness preservation. The plan must look at the fullest range of values of this land: wildlife, scenery, science, recreation, habitat, watershed, culture and history. The plan must gauge human uses by their sustainability over future decades and by their least effect on natural processes and wild conditions. When it is time for the next plan, in 2030, the refuge will be in its ninth decade. We need a plan that cares for the refuge such that we and our predecessors—the Lumholtzes, the Sheldons, the Monsons--- would both recognize the land and be proud to visit here.

Through wise selection and implementation of the management alternatives, the refuge will live. With poor choices, it may lose its soul. We are optimistic that the refuge staff and Fish & Wildlife Service will choose wisely

GENERAL COMMENTS:

In recent years people have not been kind to the refuge. Range fires, mashed plants, erosive roads, trash, harried wildlife, vandalism, uncontrolled livestock, runaway weeds, helter-skelter driving, sonic booms, wide-swath campsites, a warming climate, junk-yard cars: these all are abuses to a grand land and an imposition on wildlife and their home. We prefer to let natural processes run the refuge, but to promptly correct the human caused problems, nature needs a human hand. Here FWS can—and must---shine. And FWS must consider the cumulative effects of these problems. The staff's spirit of conservation that has shone so brightly in the past few years should be written into the plan's policies so that future managers can continue the work.

FWS should be addressing the recovery of not just Sonoran pronghorn, but the recovery of the refuge from the onslaught people and their carelessness. Reclamation, re-vegetation, and re-landscaping of disturbed and degraded areas of human activities will be needed in many spots around the refuge. We urge the refuge to launch immediately a reclamation study with sample plots and techniques in order to develop a full strategy for re-naturing larger areas when border problems calm down. Remove trash, abandoned vehicles, and tow darts. Minimize the effects of humans. We support the recommendations in the 1999 Wildlands Project report called "Rewilding the Sonoran Desert," by Dale S. Turner. We also support the work and recommendations of the Wilderness Society, Wilderness Watch, Defenders of Wildlife, the Arizona Wilderness Coalition, and the Wildlands Project.

Recovery of the refuge should be a guiding principle of this plan along with protection from further damage. FWS must include an actual plan and budget for recovery of damage and impacts to ecological, aesthetic, historical, cultural, economic, or social values of the refuge, whether direct or indirect, singular or cumulative.

We appreciate the planning document. It's much better than most and tries to justify alternatives with reason and facts. The color photos make it much friendlier.

CULTURAL RESOURCES

The plan should include a far fuller look at archaeology, Native American presence, and Spanish-European history. In particular, a number of significant sites need to be surveyed and appropriate protection should follow. Because the refuge is a fragile-pattern area, its artifacts, trails, and sites are vulnerable. Trails should be mapped; sites catalogued; biographies of non-indigenous pioneers such as Dan Drift, Jim Havins, and Angel

Monreal should be elicited and collected. The refuge's human history needs it be put in its larger context, with big picture questions such as when and how did the successive cultures arrive, what groups and alliances used what is now the refuge, how did climate affect people living here and how did it affect wildlife and habitat? We applaud the publication of the CPNWR Cultural Resources Overview and Assessment (2001).

The plan should endorse writing and publishing the refuge's administrative history in book form or on its website. If called for in the plan, it may someday get done; if omitted, it'll never happen. A refuge needs a sense of its own history, and the chronicle of this refuge will be interesting to the public, too.

WATER DEVELOPMENTS

The subject of game waters has unfortunately become contentious. We support Wilderness driven by natural process and without human developments. We also value bighorn sheep--seeing one is the highlight of any hiker's or hunter's visit. However, we are quite unconvinced that game waters work. The science tells a very confused story of effectiveness. The one study done on the refuge itself (Broyles and Cutler 1999) showed no benefit on a population level for bighorn productivity, recruitment, or density. Most revealing are the comments by water proponents softening their claims that water increases populations, and instead supporting water developments as ways to cushion populations in times of drought (Rosenstock 1999). CPNWR managers are well aware of the points and counterpoints in this discussion. We note that your review did not cite the work done on the refuge in coordination with FWS by Hughes, by Cutler, and by Broyles & Cutler; we suspect that they were omitted because they differed with the dogma of a state agency, but under NEPA real scientific discussions include all relevant studies, including opposing viewpoints, and are required by law. Any final EIS must not only acknowledge

these studies but must explain why FWS gives more weight to some studies.

Despite major doubts, some are calling for even more game waters on the refuge. However, they provide no new reasons or information. Before we are convinced, a number of major questions will need to be answered, including if waters do work, then why do we see bighorn population swings (e.g. as shown at table 3.4)? What are the population trends for neighboring populations outside Wilderness and for areas where proponents deem that the number and distribution of waterholes is adequate (such as Kofa NWR)? A current cause-effect study on the refuge will shed further light on this topic, but it may not be finished for another decade.

There is evidence that surface water is neither a necessary nor a sufficient condition for the subsistence and perpetuation of most desert wildlife, not even for javelina, Sonoran pronghorn, mule deer, and desert bighorn sheep. Despite Morgart (2005), four studies of Sonoran pronghorn (Monson 1968; Hughes and Smith 1990; Thompson-Olais 1993; Cutler and Morrison 1995) have failed to show their need for water. The unfortunate deaths of pronghorn fawns during 2005 in the Childs Valley enclosure also lends evidence that water is not a sufficient condition for their survival. Javelina range independently of water in the study area, and can survive without water by subsisting on succulents such as prickly pear cactus (Ockenfels and Day 1990). Opinion is mixed on mule deer requirements for water. Anderson (1949:48) states "Surface or free water apparently is not required by the mule deer," and contends that vegetation supplies sufficient moisture. Krausman and Ables (1981) report mule deer herds in ranges lacking water, and Swank (1965) nominates food as the primary factor in controlling mule deer populations.

But it is the desert bighorn, that totem symbol of water development, which most clearly focuses the issue. Some bighorn do not seek available water even in summer (e.g. Russo 1956, Simmons 1969a). There are significantly fewer numbers of bighorn seen during summer waterhole observations than the number known to inhabit the mountain range around the waterhole (Russo 1952 and 1956; CPNWR Annual Waterhole Count files; AGFD Fall Population Surveys files). One study declares, "Bighorn sheep were not attracted to water catchments. Data suggest that the additional water was not important to the deer or sheep populations" (Krausman and Etchberger 1995:292). Even as early as 1936, Aldo Leopold (1936:296) concluded "the desert races of mountain sheep are much like mule deer and antelope: they drink periodically when they can, but they subsist and reproduce on succulence alone where occasion requires."

In the CPNWR bighorn waters in the Growler Mountains usually dry before June, but the range supports an estimated 110 bighorn (1993 AGFD/USFWS Survey, CPNWR files). An estimated 59 bighorn have home ranges in the Granite Mountains, which did not have a reliable waterhole for the decade prior to 1994 (CPNWR files). The Bryan Mountains and Sierra Arida mountains lack even intermittent water, but have established populations, whereas some areas with ample water (e.g. Drift Hills, Buck Mountains) have small or transitory populations. AGFD/USFWS bighorn population surveys of CPNWR have recorded an increase from 116 observed in 1986 to 269 in 1993, but this increase was not accompanied by any increase in water availability (CPNWR Annual Reports). AGFD estimates of this population rose from 311 (1986) to 549 (1993).

The benefit of water to the Childs Mountain population is not at all obvious, considering population numbers. Perhaps Childs Mountain would be a suitable site outside of Wilderness to

assess the use and need of water by bighorn as well as their response to additional water guzzlers. Childs Mountain should also be studied for the effects of human activity and structures on bighorn. This herd seems to be forgotten in most CPNWR discussions.

Some desert mountain ranges outside the study area-- such as the Sierra Seri and Sierra Bacha in Sonora, Mexico (Mendoza 1976, Turner and Weaver 1980), the Big Hatchet Mountains of New Mexico (Watts 1979), and the Little Harquahala Mountains of Arizona (Alderman *et al.* 1989)-- historically have supported bighorn populations but have lacked surface water for part, much, or all of the year (Krausman 1985; Smith and Krausman 1988; J. Hervert, AGFD, pers. comm.). Lee (1993b:19) remarks, "While the United States has been involved in a massive water development program for the last 30 years, Mexico's sheep population seems to be doing exceedingly well without such a program." Densities in these Sonoran Desert ranges parallel or exceed those in Arizona's watered ranges (Lee 1993a, Lee and Lopez-Saavedra 1994).

At other times, bighorn bands survive in mountain ranges beset by protracted drought. May (1973:100) reports that from April through mid-August 1971 "all known tinajas within the Pinacate region [of Mexico] were dry...." A summer 1946 CPNWR file report notes that Tinajas Altas were all dry at the end of June amid a "severe drought which was broken in mid-July. [But] no known deaths of sheep from lack of water occurred." Other citations of bighorn living through periods well beyond their expected drinking cycles (3-5 days) in hot weather and drought include Monson (1958b), Simmons (1969a and 1969b), Krausman *et al.* (1985), and Sitko (1993). These cases indicate that drinking water is not a necessary condition for desert bighorn.

The literature describes no direct evidence of desert bighorn dying of thirst. One compilation of 141 bighorn mortalities lists only 8 known natural deaths which might be attributable to non-injury causation such as disease and thirst, but enumerates 17 deaths by drowning in canals and ditches, and 28 deaths by collisions with vehicles (Welsh 1971, *cf.* Cunningham and deVos 1992). Bryan (1925) notes cases of bighorn drowning in waterholes. Cases of bighorn dying near waterholes are about evenly divided between sites with and sites without ample water (pers. obs.). We await the analysis of a mass die-off of 22 desert bighorn in Nevada summer, 2005; early results did not rule out blue-green algae, botulism, or dehydration.

Blue-green algae (cyanobacteria) in fresh water ponds presents a toxic threat to wildlife. Carmichael (1994:80) warns that "thirsty animals are often undeterred by the foul smell and taste of contaminated water," yet they die immediately with no apparent cause. This may be responsible for occasional, sudden, unexplained local mortalities of bighorn and deer in CPNWR and BMGAFR (Monson 1965; Witham *et al.* 1982; deVos and Clarkson 1990; Mouton *et al.* 1991; CPNWR Narrative Report 1970, CPNWR file). A case of botulism caused by polluted water in the Old Dad Mountains of California has also been widely discussed. It remains to be determined if these cases of bighorn mortalities at or near waterholes are attributable to behavior (old, injured, thirsty, or ill animals lingering near water) or to the deleterious effects of unhealthy water consumed by animals.

Krausman and Leopold (1986a:507) report that in an Arizona desert mountain range outside CPNWR, "water was more abundant in areas without sheep [suggesting] water is not a limiting factor to bighorn sheep in the Harquahala Mountains." In some desert bighorn habitat, the presence of water has not proven sufficient to prevent the collapse of the bighorn population. These include well-watered Arizona herds in

Aravaipa Canyon (Mouton *et al.* 1991) and on Pusch Ridge in the Catalina Mountains (Krausman 1993; Heffelfinger 1994). Therefore, water by itself is not a sufficient condition insuring the presence of bighorn in desert ranges.

Apparently bighorn do not move far to find water. Some biologists and managers speculated that historically CPNWR's herds responded to drought by migrating or drifting southward into the Pinacate region of Sonora, Mexico or northward to the Gila River (Nichol 1937a, Allison 1939a and 1939b). Buechner (1960:147) states, "Presumably, the more mesic mountains of Mexico are essential to the survival of at least part of these [CPNWR] sheep." However, subsequent CPNWR information dismisses the migration theory (CPNWR summer 1946 narrative report, CPNWR files of summer waterhole counts). Movement and possible migration by sheep in this study area are discussed in deVos *et al.* (1988) and Scott *et al.* (1990), but they noted no large-scale movement. There are no studies or observations here showing mass exodus of bighorn, Sonoran pronghorn, or mule deer herds from a drying waterhole to wet ones either within a mountain range or between ranges. In a Nevada study, Leslie and Douglas (1979) tout the importance of developing permanent waters for bighorn displaced by human encroachment. However, they note that some bighorn continued to migrate seasonally despite waters developed to hold them. Unrecorded in their study are the extent, volume, and duration of natural water sources (tinajas and seeps) available to their bighorn. Contrary to the CCP, Leslie and Douglas do not document a causal correlation between water developments and bighorn population, and they even note a decrease of the estimated population from 278 to 217 in 1976 despite the additional waterholes (page 20). Their population trends were taken from waterhole counts, aerial surveys, and random observations (page 18).

Further, on a larger scale, any short- and long-term changes in climate itself will greatly influence the effectiveness of developed waters. Revelle and Waggoner (1983; 1990) calculate that either a 10% decrease in precipitation or a 2°C increase in temperature will cause a 30% decrease in run-off. Such a decline would seriously alter the amount of water available in the CPNWR and presumably the amount and quality of forage. Whether global warming will increase or decrease precipitation in CPNWR remains to be seen. Many waterholes were designed and built during "the years 1956-71, [which] constituted an abnormally stable period in terms of temperature and precipitation fluctuations (Dracup 1987)," but recent fluctuations of El Niño and the Southern Oscillation show that climate does not remain stable (Waggoner 1990). Betancourt (USGS, pers. comm.) reports that trends in wildlife populations roughly parallel the spikes and valleys of El Niño and the Southern Oscillation Index. In a climate with more frequent and wider precipitation fluctuations, managers might need to revise their criteria for waterholes, and they can be expected to take this prospect as incentive to construct more waterholes in order to subsidize wildlife in times of drought. Fischer (1991:14) wrote that weather, as described by the Palmer Drought Severity Index, "may be the driving force in [bighorn] population fluctuation in the Hatcher Mountains [of New Mexico]."

But, installation of new waters should be weighed carefully (Burkett and Thompson 1994). Smith and Krausman (1988:4-5) recommend, "Before adding water in [bighorn] sheep habitat, the need for water should be established. If annual plant biomass has been measured and is adequate (suggesting that food is not a limiting factor), water should be supplied temporarily in mobile tanks before building more permanent water developments." Sanchez and Haderlie (1990) warn that overly eager water development could overpopulate some species and thereby threaten range conditions, as well as upset

population dynamics and traditional habitat usage. We note that Sanchez wrote this while a biologist at CPNWR and Haderlie while manager of Kofa NWR.

To assess the success and merit of these water developments, further work is needed to correlate water development with growth of bighorn populations and expansions of their ranges. That work may also proscribe the maximal range carrying capacity of the study area, or may reinforce the concept that carrying capacity is the current population unless limiting factors can be clearly defined and proven (cf. Macnab 1985). This would restrain predictions that bighorn populations can continue to increase with the addition of more water and would curtail arbitrarily high management goals for bighorn density. (For example, when bighorn herds in Yuma County, Arizona, didn't increase rapidly after the control of poaching and the installation of a few developed waterholes, one disappointed observer was moved to postulate ad hoc that inbreeding must be inhibiting the expected growth of herds [Kaughphy 1946].)

In a study near CPNWR, Krausman and Etchberger (1993 and 1995) conclude that the additional water was irrelevant to resident deer and bighorn. McCarty and Bailey (1994:18) caution, "Biologists should not presume that water is a limiting factor for desert bighorn everywhere...."

deVos and Clarkson (1990:157-158) caution, "Although development of water sources represents a major commitment of both funds and labor, much of the literature fails to prove a cause and effect relationship between additional water sources and increased wildlife populations."

Work needs to be done to sort out competing causal-hypotheses about assumed or apparent increases in bighorn populations, increases which themselves have yet to be thoroughly

substantiated. These four causes include at least 1)livestock removal, 2)control of human infringement, 3)water development, and 4)effects of climatic change on range condition. Each stands in need of definitive proof, if indeed they are extricable. Each hypothesis implies differing and sometimes contradicting management emphases.

The first thesis holds that any rises in bighorn populations in this study area were caused mainly by the removal of livestock, which competed for resources and transmitted diseases (e.g. Russo 1956, Carmony and Brown 1993:193-204). The second argues that bighorn increase is due to active management by agencies in curbing poachers, controlling human disturbance, and reducing predation of sheep (e.g. Nichol 1937b, Russo 1956 and 1965).

Alternative 5 is based on a hypothesis espoused by some management agencies (AGFD) and auxiliaries (ADBSS) and contends that increases of populations are attributable primarily to water development. The bulk of studies showing a cause-effect relationship between water development and animal increases focus on deer (e.g. Elder 1956, Hervert 1985, Hervert and Krausman 1986, deVos and Clarkson 1990). However, Krausman and Etchberger (1993 and 1995) discount the effects of developed waters. In their study of vegetation quality ranges for desert mule deer and bighorn along the Hayden-Rhodes Aqueduct, they found that the deer population is close to the carrying capacity of available nutrients and that additional waterholes in that area would not be effective. Further, "We did not detect any positive influence of the added water [catchments] on productivity of mountain sheep in the Little Harquahala Mountains; survival decreased (Krausman and Etchberger 1993:150-151)." A causal connection between added water guzzlers and population increases has not been established in the scientific literature.

As Smith and Krausman (1988:4) remind us, "Sheep may have existed on such ranges for thousands of years without free water and, although densities are low, their number may be within the constraints of available resources." In CPNWR the AGFD (deVos *et al.* 1988; Remington 1988; Remington 1989) reported a density of 0.16 bighorn/km² in their whole range (compared to 0.21 sheep/km² in all southwestern Arizona bighorn range) and 0.36 bighorn/km² in their preferred habitat here (compared with 0.42 sheep/km² in all southwestern Arizona). Further review is needed to correlate bighorn densities with specific perennial waterholes and with specific mountain ranges.

A more likely hypothesis asserts that changing climate and weather cycles control range forage which, in turn, determine bighorn population increases and decreases. For example, Fisher (1991:14) writes that weather, as described by the Palmer Drought Severity Index, "may be the driving force in population fluctuation in the Hatchet [Mountains of New Mexico]." Some researchers believe that bighorn population increases are due to increased vegetation and improved range condition (Browning and Monson 1980; Krausman *et al.* 1985; Krausman and Leopold 1986; Warrick and Krausman 1989; Dodd 1989). Vegetation in CPNWR may provide more succulent moisture for bighorn than it does in other areas, e.g. Death Valley in the Mojave Desert (Welles and Welles 1961, Douglas 1988) or the River Mountains, Nevada (Leslie and Douglas 1979), thereby lessening bighorn reliance on surface water. Baseline information on range condition and productivity in the study area is beginning (Hughes and Smith 1990; two AGFD/USFWS vegetation studies that we haven't yet seen in print). The work of Krausman *et al.* (1989) explores similar habitat.

Yet to be determined is the vegetative carrying capacity of wildlife habitat in CPNWR, and this is not in the CCP. The work of Krausman and associates in Arizona (e.g. Krausman *et al.* 1985; Krausman and Leopold 1986a; Krausman and Etchberger 1993) indicates that for bighorn and mule deer the type and quality of vegetation will be a far more significant factor than developed waters.

Water guzzlers affect other wildlife. The range of affected species includes those discussed in MacKay *et al.* (1990), Loring *et al.* (1988), Kubly (1992), Burkett and Thompson (1994), and Cutler and Morrison (1995), but the actual effects—beneficial, neutral, or negative-- are little understood.

Birds may incur diseases at waterholes. Both white-winged and mourning doves may be exposed to *Trichomonas gallinae* by drinking infected water at watering places. Shallow water pools contain organic matter, enabling the disease organisms to survive until ingested by a dove (Stabler 1947, Straus 1966, Fraser 1986). Large epizootics are possible, especially in mourning doves, and have occurred in Arizona (Straus 1966, Brown 1989). AGFD issues warnings to the general public that birdbaths and backyard waterers may harbor *T. gallinae* and pose a threat to doves concentrating around water, especially in summer (e.g. Anon. 1988; Lin Pries, *Copper News* 2005), yet the agency itself continues to develop similar waters without showing a qualitative or quantitative difference between developed waterholes in the field and those in backyards. Cottam and Trefethen (1968:220) warn that, "When virulent outbreaks [of *T. gallinae*] occur in the desert, stagnant waterholes or tanks used jointly by pigeons, mourning doves, and whitewings should be examined regularly, and, if contaminated, disinfected when practical." Due to the remoteness of desert waterholes and the daily presence of scavengers (foxes, coyotes, turkey vultures), even a large-scale

die-off might persist undetected for some time. The potential effects of *Trichomonas gallinae* and other water-borne diseases is not analyzed in the CCP.

And it remains to be explained in the CCP how the existing or proposed additional tanks in CPNWR will be monitored for diseases or sanitized if problems do arise.

When initiated, sited, designed, and built, the developed waters in this region were labelled "sheep tank" or "pronghorn water." Minimal consideration was given to present and potential impacts on other species. Evolving management philosophy now emphasizes species diversity, holistic integrity, and ecosystem management. Narrowly viewing CPNWR as the "Cabeza Prieta Game Ranch" (Russo 1965:18) no longer reflects current scientific thought or FWS policy.

Developed waterholes have extended the range and expanded the populations of other large and possibly competitive wild mammals (e.g. deer, javelina) into what was traditionally exclusive bighorn or pronghorn range (Thompson-Olais 1993). Too, the potential exists for drawing and holding trespass or feral livestock to developed waterholes, where livestock would pose competitive and pathogenic threats to bighorn. Unlike most natural tinajas which are relatively inaccessible to livestock, many developed waterholes are accessible by roads bladed for the construction process. Trespass cattle, horses, burros, and goats from Mexico do occasionally enter the study area (CPNWR files), and reportedly livestock from the Gila River agricultural corridor historically have drifted southward into the study area in times of lush vegetation following bountiful rains. Waterholes potentially constitute an attractive nuisance.

The Alderman *et al.* (1989) study confirms these concerns in a similar habitat area, the Little Harquahala Mountains of Arizona. In that range the vegetation has supported a low-density but stable population of bighorn without the "benefit" of any developed water. When surface water is developed, mule deer or wild burros may move in and compete with the bighorn for an already limited forage supply. Alderman *et al.* (1989:270) warned "the addition of water may be undesirable if it also attracts competing ungulates.... Efforts to improve habitats by adding water when water is not the limiting factors may only prove expensive and unsuccessful. When making decisions concerning water development, resource managers must give full consideration to the direct and indirect effects permanent water sources will have on the environment and the wildlife species being managed." Similar perspectives are given in Krausman *et al.* (1985) and Krausman and Leopold (1986b).

We mention all of this water science to show these points:

1. After 60 years of water development on the refuge, we still have no documentation that waterholes benefit bighorn population productivity, recruitment, or density. In fact, the Broyles & Cutler (1999) study shows no statistical difference for bighorn population productivity, recruitment, or density in refuge mountains having or not having perennial waterholes. This study was done specifically on CPNWR.
2. We still have no documentation showing that waterholes benefits or effects on other species. We hope that the pronghorn program will provide sufficient data to reasonably describe the role of waterholes for pronghorn.
3. Until the science is better understood, there are no valid biological reasons to build more waterholes within CPNWR. We urge adherence to the AGFD criteria of assessing each individual waterhole to determine if it should be enhanced,

maintained, modified, or abandoned (AGFD White Paper 1997:50-54). It is unfortunate that the primary discussion about refuge management centers on waterholes when there is so much more to the refuge and effective management.

BIGHORN POPULATION QUOTAS

We find the proposed bighorn quotas audacious. We know of no literature showing that bighorn populations can be increased solely by the addition of water. Again, we note the lack of comparative numbers and the lack of information on other refuges or places that have set and met quotas. It would make equal sense to set quotas for the number of golden eagles, tortoises, ironwood trees, or Kearny sumacs. Remington's 1989 chapter "Population characteristics" states that "densities of bighorn within Arizona are similar to densities found throughout the range of the species" (page 84) and he cites several papers indicating that population size is a factor in reducing populations, in regulating recruitment, and in "leading to a major die-off" when carrying capacity was exceeded (page 84). Krausman, Sandoval, & Etchberger (1999:180-183) report that populations may be self-limiting through density-dependent mechanisms such as behavioral interactions. Using Remington's table 1 showing habitat area for bighorn, current and recent CPNWR populations fall well within expected numerical ranges; indeed, the proposed goal of 950-1200 would yield a fantastic and unlikely 3.6 bighorn per square mile or double any bighorn range in Arizona as of 1989, and sevenfold what the CPNWR sustained in 1989.

Put another way, K. D. Bristow (1996, 1998) describes a Sonoran Desert mountain range which is literally blanketed by perennial waterholes (13 sources for 227 km² with no bighorn habitat > 5km from water). This range, the Silver Bell Mountains near Tucson, is comparable in many ways to ranges in CPNWR. However, the density of the estimated bighorn

population in the Silver Bells was 1.15/mi² in 1994 and 0.77/mi² in 1995, both pre-drought years, and significantly less than the stated but unrealistic quotas of Alternative 5.

We find little reason for the CCP conjecture that desert bighorn sheep before European contact “were likely more abundant and occurred in higher densities across the refuge than currently” (CCP: p. 179). First, the cases noted in Russo (1956:18-19) are outside CPNWR; second, the Russo cases give no indication of actual numbers or densities. Brown and Carmony (*Man and Wildlife in Arizona* 2001:182-183) note that between 1824 and 1865, the early Arizona travelers “had relatively few encounters with bighorn sheep. Those incidents they did report contain no surprises regarding the historic distribution of this animal” and “indicate that bighorn sheep were always restricted in Arizona to mountains, cliffs, and canyons.”

EVALUATING WATER GUZZLERS

We find no specific information on each existing or proposed guzzler site in the management plan. And we find no data showing a species level benefit for bighorn or other species. Visitation does not equate to either use or benefit.

Further, an adequate management plan should address the specific benefits and impacts of each water development and justify its merit and need. Each should be reviewed individually to ascertain if it should be enhanced, maintained, or abandoned. To do this several questions should be applied:

- a. what's the particular biological purpose or need for *this* guzzler?
- b. what species are you trying to help? how will it help them?
- c. what's the history of this site? how many animals are already living in the area?
- d. what other species might be affected? how so?

- e. are there possible negative effects for wildlife or for other values of the land, e.g. Wilderness, recreation, scenery?
- f. what are the options? build, modify, remove, leave it alone? Alternative sites? What will each option cost in time and money?
- g. how will the guzzler be monitored so we'll know if it's successful or not?(AGFD White Paper 1997:50-54).

HUNTING

We recognize that bighorn hunting is appropriate in the refuge, but we reject the inordinate management emphasis on one huntable species—bighorn. Single-species management is not appropriate; in the 21st century ecosystem management is. Conversely, it is probably best to let AGFD set hunting permit numbers outside the management plan itself. Considering the sparse populations of other wildlife, the vagaries of climate and food plants, the slow reproduction rates of many game species, potential conflict with Sonoran pronghorn, and the immense enjoyment gained by visitors who see wildlife of all forms, we cannot support hunting other species at this time.

GUZZLER REDEVELOPMENT

We read with puzzled interest that redeveloping some current tanks will reduce the need to haul water. However, we remember that in the late 1980s and early 1990s Granite Pass Tank and Bassarisc Tank were rebuilt with the slogan that they'd be the ultimate, never-haul-again tanks. Apparently they still require replenishment by tanker truck. The plan does not present any comparative records showing the performance of recently built “ultimate” tanks in the Goldwater Range (such as Ewe, Ram, South Copper, and Geology Divide tanks). However, if we really thought that renovating Halfway, Buck Mountain, Buckhorn, Tuseral, Granite Pass, Senita, and North Pinta tanks would mean that they would be perpetual motion machines, we could support re-development, with the proviso that when

finished the access trails would be closed and revegetated for no one would ever need to drive there again.

MANAGEMENT TRAILS

As many management trails as possible should be closed within Wilderness. Originally they were dedicated to the hauling of water and monitoring of water levels, and that impact was relatively low. But, the trails soon were used by smugglers, law agents in pursuit, agents sightseeing, tourists sightseeing, sundry researchers, special guests, Native Americans, hunters, campers, bicyclists, and an occasional legitimate staffer with a special, legal purpose. Enforcement has been lax. The best solution is closing the trails, and eventually, when use by Border Patrol subsides, the trails may heal.

As former Secretary Bruce Babbitt told a conference of FWS managers in Colorado, "Roads are the single-most destructive agent aimed at pristine wildlife areas....Once a road is underway, what happens? It metastasizes. It expands, brings with it a rush or use and misuse, habitat fragmentation. We have to have places that are absolutely sacrosanct, that are not sliced and diced with roads." Roadless and vehicle-free are what Congress intended. The size and climate of CRNWR should not be excuses for violating the Wilderness Act.

REGIONAL ECOSYSTEM AND COOPERATION

The refuge should look beyond its borders to the regional ecosystem. We applaud the current staff for working effectively with neighboring land managers and associated agencies. We urge the plan to include study of designation of the refuge as a biosphere reserve or world heritage area. We endorse the concept of allied reserves, perhaps under the banner of Sonoran Desert Sister Reserves. This alliance of the Pinacate and the Alto Golfo biosphere reserves with the refuge, Organ Pipe Cactus NM, Sonoran Desert NM, and the Cabeza Prieta NWR

would highlight the ecoregion and would heighten the effectiveness of the management of each area, adding value to them all.

Similarly, we endorse the proposed expansion of an inter-agency visitor center next to the current refuge office. It should be a boon to visitors, their education, appreciation, and safety, and it should help agencies obtain higher compliance with regulations. It will also help the local economy.

CPNWR STAFF

We appreciate the arduous effort by refuge staff in working with Homeland Security to solve the enormous problems of smuggling, illegal entry, and border security. The staff's effectiveness has so far saved the refuge as we know it, but many crises will come. The plan needs to give managers support, information, and leverage.

We encourage FWS to expand the refuge staff. Currently the refuge is understaffed and overextended. The staff needs to double in order to adequately serve visitors, monitor biological changes, conduct maintenance, do reports, attend meetings, enforce regulations, and the other thousand and one jobs that need done. A staff double or triple its current size would come closer to addressing real and future needs.

VISITOR SAFETY

We highly recommend a 24-hour hotline that visitors may call in event of an emergency. The Service does need a public safety plan. The public should be advised of unsafe conditions, especially where criminal activity (e.g., border bandits, smugglers) is concerned or where natural conditions threaten. The public should be informed of emergency phone numbers, medical locations, procedures, and hazards. The Service would do well to have a full-time emergency phone number where

visitors can notify the Service of problems on the Refuge; this phone could be in a central place (Albuquerque, Phoenix, Ajo), operators could field calls for several refuges across the Southwest, and then the operator could notify local personnel.

VISITORS AND CAMPING

We expected the draft plan to contain more information about special use permits (numbers, recipients, reasons), game surveys, visitor numbers (seasons, destinations, vehicles), impacts and “trips” by other agencies.

The plan should include provisions for monitoring the effects of legitimate visitors, establishing thresholds of unacceptable change, and limiting adverse effects. Eventually the refuge will need to set limits on the number of visitors and the maximum size of groups, especially vehicles. The refuge will need to designate campsites, for example 300 numbered spots along the public roads where 100 daily visitors with their vehicles can camp. The refuge should prepare for the day when quotas need to be set on the number of visitors to popular destinations such as Cabeza Prieta Tanks or Heart Tank. If this is not in the management plan, it will be difficult to assess and address these problems when inevitably they arise. A solid starting point can be found in a mid-1980s study by a group at the University of Arizona.

MANAGING PEOPLE

Through the efforts of many people, the Cabeza was designated wilderness in 1990. That enactment was a beginning, not an end. Now come the details of how to run the place. The difficulty, really, is how to let it run itself while managing people.

As Friends of Cabeza Prieta see things, you--we--everyone--have three challenges:

I. The first challenge: help the refuge be a wilderness.

To this goal, we urge that you:

- a. eventually return El Camino del Diablo to an unmaintained jeep road.
- b. manage the travel corridors as de facto wilderness so that they don't become quarter-mile wide strips of moon dust totally out of character with the desert beyond.
- c. manage aesthetically all signs of modern humans: our structures, campgrounds, litter, and tracks.
- d. where feasible remove military debris, especially tow darts.
- e. study the effects of visitation and plan to eventually limit the numbers and group-sizes of human visitors.
- f. exclude all ATVs—their drivers seldom stay on designated roads and they are difficult for on-coming vehicles to see. Limit bicycles to public roads.
- g. revegetate disturbed areas, including the cryptogamic soils torn by tire ruts. Start now.
- h. retain the permit system in order to monitor and control visitation, to promote safety, and encourage visitors to report observations.
- i. increase patrols and enforcement for trespassers and violations, which threaten to nibble this bold wilderness to death.
- j. assess the effects of visitors and plan for an influx of visitors.

- k. assure the exclusion of trespass livestock.
- l. permit gas fires only; prohibit wood fires.
- m. discourage recreational pack and riding stock. Dogs, horses, goats, alpacas each have some potentially adverse effect on wildlife.
- n. insist that all uses and all users put wild things first.
- o. consider a restrictive listing of incompatible usages, and put the onus of proving compatibility on the user. The refuge can expect to see requests for hang gliding, rock climbing, orienteering, geocaching, survival training, mountain biking, racing, and other activities that harm the landscape, wildlife, or Wilderness experience.
- p. manage for wilderness values.
- q. let abandoned repesos degrade naturally.

II. The second challenge: let the wilderness be a refuge.

To this goal we urge that you:

- a. assess and use only those management practices which are scientifically proven to be sound. Provide justification for all FWS management techniques, as well as other agencies conducting activities on the refuge. In plain language, define FWS philosophy, policy, and goals.
- b. abandon all unessential administrative trails and roads.
- c. mitigate damage caused by past and current off-roading, over-use, and former military operations. Bill offenders for

actual costs to repair the land. Bill agencies who must go off-road.

d. abandon all developed waters as an unproven and ineffective experiment.

e where possible remove invasive species, including foreign livestock and exotic plants.

f resist the urge to control predators. The previous attempts to control coyotes, for example, were ineffective and not in the spirit of a refuge.

g. limit research projects to those specifically important to the refuge; develop a listing of research priorities;

h study the external threats to the refuge and then consider joining other agencies in cooperative management plans, such as the International Biosphere.

i. re-aim the staff mission toward the management of people. Educate. Interpret. Reclaim trails. Inventory. Stamp out exotic, invasive plants and animals. Patrol for violations. Monitor changes caused by humans, including trans-border and trans-boundary threats. In short, there is far more to managing the refuge than hauling water.

j. "maintain the biological integrity, diversity, and environmental health" of the refuge, as required by the National Wildlife Refuge System Improvement Act of 1997.

k. even re-consider how the Cabeza and the Fish and Wildlife Service might fit into a national park, or an international park, or an international peace park, perhaps on the Chincoteague-Assateague model. Parks like to manage people, but FWS does

not; FWS may be better at managing wildlife, at least when active management is required, as in the case of Sonoran pronghorn.

l. realize that modern strategies of biodiversity, ecosystem management, wilderness, and unfragmented habitat best suit metapopulations of wildlife and endangered species. For example, the refuge needs to look at bighorn populations east of Highway 85 or south of Highway 2 and ask how those groups can occasionally mingle with the refuge herds.

m. in every action, in every inaction, consider the enlightened songs of biodiversity, of compatibility, of wilderness, of biological and historical heritage, of Biosphere, of preservation of all species from those most endangered pronghorn to the commonest bursage.

n. instill a management philosophy which values natural, self-sustaining wildlife populations.

The hardest thing for wildlife managers to do is do nothing. We all love to tinker with things, to study things, to manipulate things, to cuddle things to death, to make ant farms out of ecosystems. But in wildlife and wildthings, as in life-and-death medicine, the first rule is don't harm that which we're trying to save.

In this refuge we must realize that doing nothing may be best. We must confront the possibility that if we manage people, the wilderness and refuge will take care of itself. Lest Friends of Cabeza sound out of tune, may we remind you that this is a cutting edge discussion in such publications as the *International Journal of Wilderness*, which is co-sponsored by USDI Fish & Wildlife Service. Two sample articles for example,

are D. Carter, Maintaining wildlife naturalness in wilderness, 3(3)17-21; J. M. Glover, Soul of the wilderness, 6(1)4-8.

Let this refuge be itself. Let it be a desert. Let it be a wilderness with wild things.

III. The third challenge: allow people to enjoy the refuge, understand it, love it.

a. Help visitors have safe, fun, and educational visits.

b. Enhance the visitor center with a 40-acre, multi-agency educational complex.

c. Conduct regular patrols and provide emergency services, including a 24-hour phone hot-line.

d. Treat first-time visitors to a brief introduction to the refuge, including hazards, biology, history, and wilderness ethic. This could even be done on the Internet. Inform visitors about camping etiquette and how to tread lightly.

e. We applaud the Childs Mountain exhibit and excursions, and look forward to the day when it is daily open to the public.

f. Assure protection of Native American sacred sites. Protect the archaeology.

g. Work closely with Native American nations.

h. Locate, record, interpret, and preserve the Cabeza's historic and prehistoric sites.

i. Survey the archaeology of heavily used areas on the refuge, e.g. the El Camino del Diablo corridor, Charlie Bell Well area, and Tule Well area. As funds become available, survey other

parts of the refuge.

- j. Launch a program to acquire, archive, and interpret its own administrative history, as well as that of the people who have lived and worked on the Refuge.
- k. Prepare a policy and standards for commercial users of the refuge. Jeep tours, hosted campsites, guided adventures will be coming soon, if they're not already here.
- l. Plan ahead. Arizona's population is now at 5 million and growing fast. Set a policy on compatible and incompatible uses. For example, are hang gliding, rock climbing, and mass vehicle tours compatible? Policy is best set before the barn door opens.
- m. We applaud the work of the CP Natural History Association.

CONCLUSIONS

In general we endorse management Alternative Three, but there are credible points in the alternatives. For example, we support the expansion of the refuge office into a regional visitors center (option 4), the omission of Copper Canyon loop (option 1), and limiting administrative roads (option 2). Some of the alternatives are decoys and deceptive: for example bighorn sheep alternative 2 calls for a population goal of 100-200 bighorn when no modern survey has registered that few. And some are a bit confusing: bighorn sheep alternative 4 calls for a population goal of 500-700, when the surveys of 1993-2002 show ranges already overlapping that goal.

FWS has two great desert refuges in this region. The Kofa already is heavily managed (many developed waterholes, frequent wildlife translocations, general hunting) and its wilderness crossed by cherry-stemmed roads. In contrast with

the Kofa, we believe that this region needs the second refuge to be lightly managed, to let nature run things, to serve as a reservoir of baseline desert biology and study. This should be the Cabeza.

"The best management for this fragile environment is probably no management. LEAVE IT ALONE-- stay out of it and off of it" (Ken Voget, Manager CPNWR, 1977 Annual Narrative).

There are reasons why The Wilderness Society has twice declared the Cabeza as one of America's most endangered wildernesses. It is time for FWS to take its wilderness responsibility seriously. Frankly, the Fish & Wildlife Service may need to clarify its role on the Cabeza. Three other agencies issue refuge visitor permits; AGFD manages the wildlife on the refuge, including the bighorn hunt, and conducts the wildlife surveys; until recently AGFD and BLM seemingly had been the lead agencies for Sonoran pronghorn recovery; other agencies conduct the majority of law enforcement on the refuge. FWS claims to be increasingly helpless in preventing or handling damage from off-roading and trespassers. Yet, FWS continues to under-fund refuge operations and is unwilling to make long-term commitments to a place that it sometimes calls "the wilderness flagship of the refuge system." In short, at all levels of the agency FWS needs to live up to its responsibilities to this land, these species, the public, and its employees.

In 1990, Congress deliberated and decided to make 803,000 acres of the Cabeza Prieta National Wildlife Refuge a designated Wilderness. We sense that there are still personnel within the Fish and Wildlife Service, the Arizona Game and Fish Department, the military, and the general public who are still resisting the 1990 Desert Wilderness Act. We hope that someday they come to fully appreciate and support Wilderness. This CCP plan can be a big step forward.

We sincerely hope that the FWS can live up to its renowned history and its lofty mission. Much is at stake for the Cabeza Prieta NWR. In an ideal world, FWS would even manage the Goldwater Range.

In 1913 Charles Sheldon was hunting bighorn in what is now the western refuge, and he wrote in his diary (Carmony and Brown 1993:47): "This is my last night here alone....I cannot forget these mystic nights, sitting alone here in camp in the moonlit desert---the calm, the silence, the radiance of the mountains, the softness of the light, the mystery of the pervading scene." We need a wild, natural refuge where Charles Sheldon would still feel at home.

For these reasons, we support most points of Alternative Three and urge you to adopt it. We look forward to FWS showing that it can live up to Congress's mandate: manage the Cabeza Prieta NWR as a wilderness area for the benefit of desert wildlife. The Cabeza Prieta is a refugia for wildlife and an irreplaceable wilderness resource for current and future generations of humans. We and the living desert are counting on you.

For Friends of Cabeza everywhere,
s/ Bill
Broyles

17.

Lainie Levick
12120 E. Snyder Road
Tucson, AZ 85749

August 8, 2005

John Slown
Division of Planning
NWRS R-2
U.S. Fish & Wildlife Service
PO Box #1306
Albuquerque, NM 87120

Re: Cabeza Prieta National Wildlife Refuge, Draft EIS/CCP

Dear Mr. Slown,

I have been hiking, backpacking and camping at Cabeza Prieta for nearly 20 years and consider it to be one of the prime jewels of the Sonoran Desert. It is a tragedy that the current border situation is resulting in so much environmental damage to this fantastic place. I realize that this issue is beyond the scope of this EIS/CCP, and that the Refuge cannot control the activities of the Border Patrol or military. However I would like to offer for your consideration a few comments on that issue in addition to my comments on the Draft EIS/CCP in general.

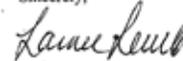
1. The MOU and Interagency Agreements with the Border Patrol & INS are several years old. While they appear to cover most situations, they should be revisited to ensure they meet the current needs of the Refuge with respect to the increased border traffic, especially:
 - a. to define "Emergency Situation" which would allow off-road travel (Appendix A, p. 266, USFWS/CPNWR + INS/BP Interagency Agreement);
 - b. to define "within a reasonable distance of the border" (MOU, Background, p. 272).
2. None of the Alternatives represented my vision for optimal management and protection of the Refuge. However, I generally support Alternative 3, with some exceptions as noted below.
 - a. Endangered Species: Alternative 3 with installation of a gate at the entrance to lesser long nosed bat roost (Alt. 4), and annual Sonoran pronghorn population surveys (Alt. 5).
 - b. Desert Bighorn Sheep: Alternative 3, but with no hunts.
 - c. Wildlife Management in wilderness: Alternative 3, with improvements of developed waters to require less maintenance/water hauling, and to better blend in visually (Alt. 4).
 - d. Wilderness recreation: Alternative 3, but pack/saddle stock not allowed (Alt. 2). The damage from these animals to the resource is not acceptable or consistent with the goals of this plan. In addition, feces from stock bring in exotic plant seeds which interfere with native species and increase fire hazards.
 - e. Permitting and Access: Alternative 3, with permits accessible by telephone or internet.

- f. Hunting: No Hunting (Alt. 2).
- g. Environmental Education and Interpretation: Alternatives 3 and 4.
- h. Camping: Alternative 3, with wood fires allowed with fuel hauled in from off-refuge (Alt. 4).
- i. Cultural Resources Management: Alternative 4.

I appreciate and support the ecosystem approach taken in this Draft plan and also support the identification and protection of wildlife corridors to connect fragmented habitats. So much of Cabeza Prieta exists in a relatively natural, unaltered state that it must be protected as much as possible. Wilderness characteristics should be maintained. The main threats to Cabeza right now result from the border situation. A broad ecosystem management approach is needed to adequately address these problems.

Thank you for the opportunity to comment on this plan and be involved in the protection of this spectacular piece of Sonoran Desert. Please keep me on the mailing list for all actions or activities concerning Cabeza Prieta.

Sincerely,



Lainie Levick

Phx Zoo

455 N. Galvin Parkway
Phoenix, Arizona 85008-3431
602-273-1341

August 10, 2005

Mr. John Slown
Division of Planning
NWRS R-2
U.S. Fish & Wildlife Service
Albuquerque, NM 87120

Dear Mr. Slown:

Thanks for the opportunity to comment on the Draft Comprehensive Conservation Plan (CCP), Draft Environmental Impact Statement (EIS) and Draft Wildemess Stewardship Plan on the Cabeza Prieta.

A lot of good analysis has been done. My organization (The Phoenix Zoo/Arizona Zoological Society), and I personally as a citizen, have worked on the Cabezia for more than a decade. It is a unique, distinctive, and important wildemess and natural area, and it deserves our protection. It is also a landscape under siege and it has been brutalized over the last half decade. In an effort to be brief, we support by and large the Altemative 2. We suggest that caution should be shown in the use of artificial waters. Whenever non-native water is used it should

August 10, 2005
Page Two.

be accompanied by a full resources study design and protocol that quantifies the effect of the water on carrying capacity, both plant and animal composition,

and abundance. In the absence of that commitment, water should not be imposed except in limited support for Sonoran pronghorn.

Four other points for consideration:

(1) Understanding the extraordinary challenge associated with illegal traffic efforts still need to be made to implement strategies that link wildlife populations on both sides of the border and where other barriers like Interstate 8 can restrict movement and result in island populations with limited genetic exchange.

(2) The stewardship program should focus on educating the public and border parole on the most effective ways to interact within this fragile landscape doing the least amount of harm. Stewardship should also focus on trying to reduce or eliminate invasive non-native species. My organization would be willing to help develop and resource a citizen stewardship program that works in these areas.

(3) Low enforcement is critical. The extent of damage associated with vehicles is dramatic and must be cubed.

(4) Monitoring in a constant and systematic way that informs and motivates adaptive management is also critical. The agencies, land managers, and volunteers must have good information on trends in landscape health and the ability to implement strategies that address trends.

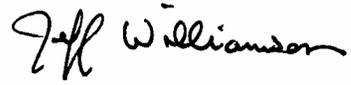
The single most important consideration is resourcing. The best plan in the world cannot be effectively implemented unless there is a long-term commitment to making well-trained, knowledgeable staff with sufficient resources available to implement management strategy consistently, and over extended time.

It would be helpful is a business plan was incorporated that indicates by priority where resources will come from, and got to, at least in increments of two years over the next decade.

In all cases, carrying capacity should be calculated every two years based upon the health of the biotic community; and the condition of abiotic's and human use should be adjusted up or down, so that it does not exceed the capacity of the landscape to persist in a healthy way.

Thanks for the opportunity for input.

Sincerely,

A handwritten signature in black ink that reads "Jeff Williamson". The signature is written in a cursive style with a large, stylized "J" and "W".

Jeff Williamson
CEO/President

JW/an



August 9, 2005

Lany Bell
Acting Regional Director
U.S. Fish and Wildlife Service
500 Gold Ave. SW
Albuquerque, New Mexico 87102

**RE: Comment Extension for Draft Cabeza Prieta
National Wildlife Refuge Comprehensive Conservation
Plan**

Dear Mr. Bell,

On behalf of Defenders of Wildlife and the Wildemess Society, I am writing to request a comment extension for the Draft Cabeza Prieta National Wildlife Refuge Comprehensive Conservation Plan (CCP).

The draft CCP was originally released in March of 2005 with a 90-day comment period. The CCP was later retracted due to an administrative error. Interested parties received a letter (see attached) from John Slown, planner for the CCP, stating that the public "will be notified when the public comment period reopens, and a full 90-day comment period will follow the reopening."

The public comment period was officially reopened, via a Federal Register notice (70 Fed. Reg. 36204), June 22, 2005 which posted a comment deadline of August 15, 2005. This is only a 52-day comment period. We respectfully request the comment period be extended to the intended 90-day comment period and recommend a full 120 days due to the complexity of the issues involved. The CCP is over 500 pages in length and contains a great deal of scientific information. The CCP covers an expansive refuge, major Wildemess and endangered species concerns, and the refuge faces complex issues related to the U.S. Mexico border. In short, in order for the public to be able to read, digest and provide meaningful and substantive comment to the Fish & Wildlife Service, an extension of the comment period is needed.

Finally, we note that with initial planning process beginning in 1994, and a first draft CCP that was withdrawn in its entirety in 1999, that the Fish and Wildlife

Service has had a decade to assess the situation, pour over the science, develop management alternatives and assess their environmental impacts. Given this length of time and extensive inter-agency review, it is reasonable for the public to have 120 days in which to provide the Service with substantive comments.

Thanks for your consideration, and please contact me with any questions.

Sincerely,

Noah Matson
Defenders of Wildlife

Sierra Club, Grand Canyon Chapter
202 E McDowell Rd. Ste 277
Phoenix, AZ 85004

August 10, 2005

John Slown, Division of Planning
NWRS R-2
U.S. Fish & Wildlife Service
Albuquerque, NM 87120

Dear Mr. Slown:

Please accept these comments on the *Draft Comprehensive Conservation Plan (CCP), Draft Environmental Impact Statement (EIS) and Draft Wilderness Stewardship Plan* on behalf of the Sierra Club's Grand Canyon Chapter and our more than 13,000 members in Arizona. Our members explore and enjoy the Cabeza Prieta and care about the protection and management of the area and its resources.

With 93% of its lands designated wilderness, the Cabeza Prieta National Wildlife Refuge represents the largest wilderness area in Arizona. The Cabeza Prieta region has outstanding ecological, geological, cultural, and educational values. The area is threatened by illegal off-road vehicle activity, invasive/exotic vegetation, habitat degradation, and border traffic funneled into the refuge by increased border enforcement activities at other points of entry along the US-Mexico border.

We encourage the U.S. Fish & Wildlife Service (USFWS) to support the strongest protection of

wilderness and wilderness values for the Cabeza, a minimalist approach to water developments in wilderness, and the actions that will best protect Sonoran pronghorns and all other wildlife on the refuge. We encourage the USFWS to select and implement Alternative 2, but to also include elements of Alternatives 3 and 4 as well. Alternative 2 affords the greatest protection for wilderness and over the long term provides greater protection for all of the Cabeza's wildlife.

In our comments, we will focus on the environmental impacts, the effects on wilderness and the impacts on wildlife.

Environmental Consequences

Physical Environment:

Soils - Alternative 2 will decrease soil disturbance by reducing vehicle operations on roads and administrative trails by 50%. While Border Patrol levels will likely remain the same, decreasing the administrative use and driving in the refuge will limit soil disturbance which in turn will help limit the introduction of exotic species and also might help deter others from driving in these areas.

While we generally do not object to the proposal to enlarge the visitor center (Alternative 4) and the limited soil disturbance associated with it, we are concerned about the funding for this proposal and would instead like to see the refuge invest those dollars in people, restoration, and other wildlife programs.

We are not supportive of the proposal to redevelop 12 of the developed waters in the refuge. Wildlife waters are controversial in that there is no indication that they help wildlife over the long term. We are concerned that they advantage one species over others and temporarily sustain an unsustainable population of animals which in turn has a significant and detrimental impact on the habitat and available forage. We do understand and support the short-term intensive measures taken to sustain the Sonoran pronghorn, but encourage the Service to look for long-term restoration of this animal, including providing connections and wildlife travel corridors in areas that have been fragmented. I-8 is one example of where a connection might assist these animals.

Cryptogammic Soil – Of the proposed alternatives, Alternative 2 affords the greatest protection of cryptogammic soil. We suggest including a provision from Alternative 3 which includes enhanced orientation and wilderness training of border patrol law enforcement prior to their being deployed on the refuge. This will also help limit impacts to these soils, wilderness, and wildlife.

Water Resources – As indicated above, we encourage USFWS to limit the development of additional waters and to minimize developed waters in wilderness. Development of these waters becomes an excuse to drive everywhere and there is little or no indication that they support the long-term viability of wildlife populations.

The refuge has 30 developed waters and water is hauled to approximately nine of these sites each year, disturbing the land with heavy trucks. More research is

needed on waters and wildlife and the effects of these waters on overall habitat. Do they advantage one species to the detriment of others? There are indications, for example, that these catchments result in the increased mortality of the Mojave desert tortoise. (See issues relating to management of the Mojave National Preserve.) Do they result in the overall habitat being hammered during times when it can sustain fewer animals? Do they even help bighorn sheep? Arizona State University biologist David E. Brown has observed that helicopter surveys of dry ranges south of the border have indicated a higher density of bighorn sheep than similar areas in the United States that have these water catchments. (See “Artificial water holes awash in controversy” *Arizona Daily Star*, 01/18/04.) We support minimal intervention with water developments in the Cabeza, including no additional water developments, and limitations on hauling water to developments in the wilderness area, plus the removal of structural improvements to developed waters as indicated in Alternative 2. In addition to this, we support the proposal to test the pronghorn waters for pathogens.

Habitat and Wildlife Resources:

Biotic Community and Biodiversity – We support the general minimalist approach in Alternative 2, but do want to encourage the Service to include another provision from Alternative 3 in a preferred alternative in the final Environmental Impact Statement. The Refuge should work with Refuge partners to develop experimental desert restoration sites in refuge non-wilderness areas. Considering the increasing impacts of border activities, restoration is and will continue to be necessary. These restoration sites should include the

use of seeds and plants from the refuge itself so diseases and exotics are not inadvertently introduced. We also encourage the USFWS to work with the Air Force and the Arizona Department of Transportation to develop wildlife travel corridors across the Barry M. Goldwater Range and State Highway 87, among others. (page 218)

Alt 4 includes implementing a program for inspecting staff clothing and vehicles for plant seeds to prevent the spread of invasive plants. We support including this proposal in the final preferred alternative. (page 221)

Refuge-wide mapping of resources to determine degradation and intact ecological communities in order to help with restoration and research is an important element of good management. Supplying water need not be a part of this proposal however as indicated on page 221 of the draft.

Plant Resources – The Sierra Club supports control of exotic and invasive species on the refuge through methods that preserve and protect wilderness values at the same time as they deter exotics. The landscape of the Cabeza, though hard and tough, is also easily scarred. The vegetation still bears the damaging mark of grazing's past. The Cabeza's plant resources are important ecologically as well as culturally.

Invasive species that threaten the plant species composition include fountain grass, Sahara mustard, red brome and buffelgrass. These species can assist fire to burn in a place that evolved without fire, which kills cacti and other native trees and shrubs. Therefore it is important that the refuge manage proactively to prevent exotic plant species from establishing on the refuge and

to eradicate the invasive species already established via hand-pulling to remain aligned with wilderness management.

As indicated above, we support the provision in Alternative 3 which includes inviting partners to develop restoration areas outside the wilderness. This along with limited vehicular use and cross border cooperation will provide the greatest benefits to plant resources on the refuge. We support the Refuge's continuation of removing newly found populations of exotic fountain grass by hand and can offer assistance in volunteer service work to remove it, if that is appropriate.

Mammals – While it is likely that the cessation of hauling water to some of the water holes might have limited short-term negative impacts on some species of wildlife, there is no indication that elimination of these waters will have any long-term detrimental impacts on these species. It is quite possible that elimination of these waters might benefit certain species and also the overall habitat. It is quite possible that hauling of water without the accompanying rain that produces forage artificially inflates the population of certain species which can then have a negative effect on forage and on other species. We recommend the elimination of waters in wilderness and the continued research on these wildlife waters. Use does not necessarily indicate benefits. (page 223)

Federal Threatened and Endangered Species – All alternatives implement the Sonoran pronghorn recovery plan which focuses on intensive management to recover a species on the brink. We do encourage the USFWS to embrace long-term solutions which include connecting

habitat, working with Mexico, and working with adjoining property managers. Again, we are supportive of Alternative 2, but would like to see the provision in Alternative 3 that emphasizes the USFWS working with other agencies to encourage off refuge changes to assist with the recovery of the pronghorn included in Alternative 2 or a future alternative. Eliminating fencing and establishing travel corridors will benefit these animals. We do question the need to develop additional wildlife waters however and encourage more research on this issue and its long-term impact on wildlife. (page 226) Collaring coyotes in the refuge to better understand their interactions with pronghorn and other species is also a worthy project for the Refuge. Killing coyotes, however, only gives a short-term bump to the pronghorn and is not a viable long-term solution. As wildlife managers and urban dwellers alike have found, human efforts to eliminate coyotes has only resulted in their compensating for our actions – their numbers and range have increased significantly.

The statement on page 227 is troublesome. It says “Allowing any developed water that has been used by Sonoran pronghorn to go dry is likely to cause negative effects on the population if water is limiting.” Again we ask, are there opportunity costs for the pronghorn related to use of these waters? Do they advantage pronghorn predators? Do they result in forage over utilization? While some short-term more extreme measures to recover the pronghorn have been warranted, we encourage the Service to look long-term recovery and implications of some actions. We do support pathogen sampling from pronghorn waters okay as indicated in Alternative 4. (page 227)

The gate to afford greater protection for lesser long-nosed bats as indicated in Alternatives 4 and 5 does appear to be warranted and appropriate to help these important animals. (page 229) We encourage the Service to also do enhanced public education regarding the importance of bats to the habitat.

We encourage the Service to carefully examine how many bighorn sheep the Refuge can sustain. Drought, fragmented habitat and human disturbances are the greatest factors affecting bighorn. Predators are easy to blame, but considering these animals and predators have coevolved, it is the easy answer, but not the right one. We encourage the Service to again look at the long-term sustainability and to not try to artificially inflate the number of bighorn on the Refuge.

Special Management Areas:

Wilderness - Alternative 2 affords the greatest protection of wilderness and wilderness characteristics of the Refuge. It means less water hauling (page 243) and less administrative use of travelways in the wilderness. We support the closure of 60 miles of administrative tracks open on the refuge. Roads disturb and fragment habitat and roads do not belong in wilderness. (Alternative 2) We also support the minimization of developed water catchments in the wilderness. Keep it natural, undeveloped and maintain outstanding opportunities for solitude or a primitive and unconfined type of recreation.

Childs Mountain Communications Site – We support the provisions in Alternative 2 to not add new equipment to this site and to allow the memorandum of

understanding to expire and remove the equipment after that occurs.

Cultural Resources - The USFWS should protect cultural resource areas from damage due to unauthorized entry. Periodic patrolling by refuge law enforcement officers will help avoid damage and discourage unauthorized entry to these sensitive areas (Alternative 4). Under current actions, sites are only checked for damage if they are near an area that is being monitored for a different project and no record is being kept on what damage, if any, is found. We support periodic patrolling under conditions where USFWS specifies exactly how these patrols will be done (foot, horse, ORV, etc.). If patrolling will cause a greater negative effect on wilderness and wildlife then it will do good, we do not support patrolling of these areas. If patrols can be done with minimal effect on wilderness, including by foot or horse in the wilderness, we suggest that the refuge staff take an initial inventory of all known sites so that references can be made on how much damage is occurring in these areas (issue not present in any of the proposed alternatives). Patrols should be done only once a year preferable by foot and a different route should be taken each year to avoid trampling vegetation in the same area every year. If yearly damage is caused by natural forces: rain, wind, heat, etc, no stabilization measures should be taken in that area. However, if sites are being looted, archaeologists should be allowed in, by foot, to collect remaining surface artifacts that can be carried out, so that the Arizona State Museum can curate them. Under no circumstances should vehicles be allowed into these areas.

Hiking trails should not divert visitors into these sensitive areas and the known areas of cultural occupation should remain unpublished, including in the visitors center to avoid hikers, campers and pot hunters from seeking them out. We strongly disagree with panels interpreting the early history of Ajo with place cards on refuse heaps on the visitor center site (Alternative 4). Although it would provide education for visitors it may also inadvertently attract pot hunters and looters to these areas who will tear apart the refuge in search of artifacts. With respect to on-site interpretation, Alternative 1 should be followed providing no on-site interpretation of cultural resources. Training border law enforcement (Alternative 4) will also help to avoid damage during border law enforcement operations.

Public Use – We support the provisions in Alternatives 2 and 3 which limit the maximum length of stay to seven days (without a special use permit) and the party size to eight. We encourage the USFWS to also consider limiting the number of vehicles that can drive in groups in the non-wilderness areas of the refuge.

Additional General Comments

Pack Animals

Since we know that pack/ saddle animals tear up the land more than other animals, we encourage the Service to limit the use of pack animals on the Cabeza Prieta. The plan states "Pack and saddle stock cause much greater impacts on campsites and trails than do hikers.(p.74) (Spildie 2000).

The draft EIS/CCP document states (p. 74) that "virtually all of the pack and saddle stock on the refuge has been by desert bighorn sheep hunters" and also refuge visitors may use pack animals subject to a special use permit. The details of the special use permit include: a maximum of four horses/burros/mules per party, travel only on the administrative trails, dry washes and mountain range bases, no grazing on refuge, no use of refuge water holes, tinajas, tanks, etc. to water stock and feed pellets or processed and pelletized feed only while on the refuge and for three days before entry. IF these procedures are followed then Alternative 1 or 3's special use permitting for pack/ saddle stock use is likely to result in minimal negative impacts to the refuge.

However, the document does not state who monitors these procedures or if the permits are on an honor system. Who makes sure the procedures are followed, especially the prohibition on using water found on the refuge for livestock? If it is an honor system it seems problematic because it seems unlikely that riders would bring in 100% of the water for to be used for their animals. What about the possibility of livestock borne disease being transmitted to native wildlife? Given the extremely low numbers of Sonoran pronghorn and the desert bighorn sheep which suffer from susceptibility to disease, this information should be researched and available. As indicated in the document, bighorn in the Refuge already suffer from chronic sinusitis.

Alternative 2's prohibition makes the most common sense. Consider the document's finding (in the Draft Compatibility Determination in Appendix E p. 390) that recreational horseback riding is a use **not** compatible

with the Cabeza Prieta National Wildlife Refuge. The determination explicates the impacts including soil disturbance, introduction of exotic species through seeds in their waste, and damage to vegetation from tethering and trampling. To ensure compatibility, stock users are allowed on a case-by-case basis and the issuance of a special use permit. The requirement of pelletized food (so no exotic seeds are in animal excrement) for three days prior to entry onto the refuge is usually written in the permit.

Given how great the damage is that pack/saddle stock can inflict on the fragile Cabeza landscape, we support Alternative 2's barring the entry of pack/saddle stock and by no means should Alternative 5 ever be considered.

Thank you for considering our comments on this important management proposal for the Cabeza Prieta. The Sierra Club and our members strongly support the Refuge and its protection. We encourage the Service to put wilderness, wildlife and habitat protection first in drafting the final EIS for this plan. We also offer our volunteer service to help with restoration and other projects in the Refuge. Please keep us apprised of any developments relative to this proposal.

Sincerely,

Sandy Bahr, Conservation Outreach Director
Sierra Club – Grand Canyon Chapter

John Slown,
I have just mailed you my comments; they are slightly different from the E-mail copy. Please use the hard copy.

By the way, a little historical inaccuracy I intended to point out in my comments but forgot.
Page 12 of the draft plan says "...El Camino del Diablo, a trail pioneered by Melchior Diza in 1659..." Page 238 refers to "...the original migrant trail through the area, initially pioneered by Melchior Diaz in 1659."
* The person in question was named Melchior Diaz.
* he was in the general area in 1540,
* he almost certainly did not "pioneer" El Camino del Diablo. Parts of it, at least, were undoubtedly a Native American trail for hundreds if not thousands of years previous.
* He and his party WERE the first individuals of European descent to be in SW Arizona.
* We don't really know what route he followed; from Sonora he may have gone through the Pinacates and up the west side of the Gila Mtns., or up the east side, on his way to the Colorado River and beyond. His precise route is unknown.
Melchior Diaz is a well-known historical figure, mentioned in many histories of the Southwest; whoever wrote about him should have been more careful.

Gayle Hartmann

----- Original Message -----
From: <John.Slown@fws.gov>
To: "Gayle G Hartmann" <gayleh@theriver.com>
Sent: Thursday, August 11, 2005 6:55 AM
Subject: Re: Comments on CPNWR plan

> Gayle Hartman,
>
> Thank you for your comments on Cabeza Prieta's draft Comprehensive
> Conservation Plan, draft Wilderness Stewardship Plan and draft
> Environmental Impact Statement. It opened on my computer with no problem.
> Due to requests from some intervenors, we have extended the comment period
> for an additional 30-days. Sorry to give you the information so late, but
> it just happened.
>
> Thanks for your interest in Cabeza Prieta NWR.
>
> _____
> John Slown
> Biologist/Conservation Planner
> US Fish and Wildlife Service
> National Wildlife Refuge System, Southwest Region
> Planning Division
> P.O. Box 1306
> Albuquerque, NM 87103
>
> 505-248-7458 (voice)
> 505-248-6874 (fax)
>
>
>

B21



10 August 2005

TO: John Slown
USFWS, NWRS, Southwest Region, Planning Division
PO Box 1306
Albuquerque, New Mexico 87103

FROM: Gayle Hartmann
2224 E. 4th St.
Tucson, AZ 85719

RE: Cabeza Prieta National Wildlife Refuge, Draft Comprehensive Conservation Plan

I appreciate the opportunity to comment on this draft plan, which has been in the works for a considerable length of time. My comments focus on the proposed actions relating to cultural resources since that is where my expertise lies. At the end, I will comment on other specific proposals as well as issues relating to ecological and wilderness values.

In reviewing my own previous correspondence with the Fish and Wildlife Service, I find that I wrote in June 1994 and June 1997 on the issue of cultural resource management. In both those letters I noted that the management at the Cabeza Prieta National Wildlife Refuge has, in general, displayed a cavalier attitude toward cultural resources. In the years since I wrote on this issue I have seen little change in the way cultural resources are managed.

In June 1997 the organization *Friends of Cabeza Prieta* wrote a lengthy comment responding to the USFWS planning process on the CPNWR that was then ongoing. Because the issues raised are still applicable, I quote, in the two paragraphs below, the comments on cultural resource management from that letter.

Management of cultural resources on the refuge has been rather piecemeal. Refuge staff has typically been untrained in the inventory and management of archaeological resources. This is especially unfortunate since the refuge is rich in these assets. This valuable information is susceptible to loss as time goes by, either as a result of direct actions (artifact theft, etc.) or indirectly due to lack of information or inadequate surveys before destructive activities are carried out. In the past, many refuge managers did what they could to avoid the management of these resources. This type of neglect must end. We are pleased to see that the Service is

advocating a more active role in this regard, and encourage them to seek the funding necessary to accomplish this task.

We have learned that the Service may not be taking full advantage of funds and personnel currently being utilized in conjunction with the Air Force's LEIS work on the renewal of the Goldwater Range. Considering the refuge's difficulty in acquiring funds to accomplish needed cultural resource surveys, we strongly urge the Service to cooperate with the Department of Defense in this matter, so long as wilderness values are thoroughly protected. Attempts should be made to reconcile any interagency differences which may be present. The refuge desperately needs adequate surveys [emphasis added], and it would seem unreasonable to pass on the opportunity if one is presented.

I realize that the staff at the refuge is limited and that none has a professional background in cultural resource management. I also realize, that unlike the National Park Service, whose primary mission is the management and protection of cultural resources, the USFWS has a different mission: "... the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats.... At the same time, other Federal land management agencies such as the National Forest Service and the Bureau of Land Management, which have primary missions not related to cultural resources, have been quite successful in incorporating the management of cultural resources into their administrative systems. And, closer to home, the Air Force and the Marine Corps (the agencies that manage the Goldwater Range) both have cultural resource staff. There is no reason the USFWS cannot do likewise.

In that regard, it is worth noting that the Federal law regarding the management of cultural resources by land management agencies makes it clear that the USFWS must do better than it is doing. Let me remind you what Section 110 of the National Historic Preservation Act, with its 1992 amendments, has to say on this question:

Each Federal agency is required to establish a historic preservation program. The program must provide for the identification and protection of the agency's historic properties; ensure that such properties are maintained and managed with due consideration for preservation of their historic values; and contain procedures to implement Section 106 [Section 106 requires that prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, the agency shall take into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register.] Specifically, the 1992 amendments explain that the procedures to implement Section 106 must provide a process for the identification and evaluation of historic properties for listing in the National Register and the development of agreements in consultation with SHPOs, local governments, Native Americans and the interested public.

Thus, from the point of view of cultural resource management, Alternative 4, although inadequate, is the best alternative presented.

* "Interpreting the early history of Ajo at the visitor center site" is an extremely worthwhile effort that will be of interest to the many visitors unfamiliar with the region.

* "Periodically inspecting known sites for damage," although worthwhile, is reactive rather than proactive. Most known sites haven't even been recorded, they are just known anecdotally. An inventory program should be the first order of business and that is not being considered in any alternative. In addition, due to the lack of archaeological/historical background on the part of the Refuge staff, "periodically inspecting sites for damage" may not yield much useful information.

* "Developing stabilization measures if needed" sounds like an action more suited to aboveground pueblos than to surface artifact scatters, fragile foot paths, rock art, and historical mining locales. It is true that (1) erosion is a problem in large prehistoric campsites located along washes and (2) sites are easily damaged by vehicular activity associated with illegal immigrants and the Border Patrol. However, developing appropriate stabilization measures in response to these situations would require considerable expertise – more than the CPNWR staff possesses at present.

* The final proposal is to "provide training to border law enforcement personnel regarding the sensitivity of refuge cultural resources and avoidance of damage to cultural resources during border law enforcement operations." This is a positive recommendation and should be implemented. However, because of the rapid turnover in border law enforcement personnel, this is not as easy to accomplish as it sounds. Training programs will have to be repeated frequently and someone on staff will have to have the knowledge to conduct them.

* All of your alternatives call for increases in staff, up to five in Alternative 5, but there is no mention of the need for a staff archaeologist. Because of the National Historic Preservation Act requirement that an inventory and protection program be put in place and because of the proposal to provide training to border law enforcement personnel, there is clear need to add an archaeologist to the Refuge personnel.

A final comment relates to funding. As was noted above in the second paragraph from the *Friends of Cabeza* letter of June 1997, funding for cultural resource management programs may be more available through the Department of Defense than the Department of Interior. Although the CPNWR is no longer technically part of the Goldwater Range, because of the close relationship between the two, a Memorandum of Understanding is still in effect. Thus, it seems likely that, if the Refuge had an archaeologist on staff and if it created an inventory and protection program, military funding might be available for cultural resource programming. This is an avenue that should be pursued.

I close this letter with a few comments on specific proposals as well as issues relating to ecological and wilderness values. Specific proposals that should be pursued center around the management of visitors; the desert can largely manage itself. Because of the large size of the refuge, the need for 4-wheel-drive vehicles on most of it, the knowledge needed to cross it, and

the summer heat, many visitors do not venture beyond the visitor center. It is time to provide good quality interpretation at that location and nearby. Some of your proposals that are worth pursuing:

- * expand the visitor center,
 - * have seven day a week staffing during the winter season,
 - * have a 24-hour hotline,
 - * develop a new refuge video and an interpretive pamphlet for the existing trail,
 - * lead guided interpretive walks,
 - * offer lectures and workshops,
 - * provide an ADA accessible trail and overlook of the desert pupfish refugium,
 - * pursue the addition of 30 acres to the visitor center site,
 - * develop a trail on that site,
 - * open Childs Mtn. to the public.
- *And, I would add, provide interesting and accurate information and interpretation of the prehistory and history of the refuge.

Turning to ecological values, I am not a biologist and, thus, claim no professional knowledge when it comes to big horn sheep populations, water hole development, etc. At the same time I have visited the refuge many times beginning in the early 1970s, I have worked on the Goldwater Range in various capacities, and I have a working knowledge of biological concerns.

Your own mission statement states clearly that you are to focus, first and foremost, on the conservation of fish, wildlife and plant resources and their habitats. To me this sounds like an ecological mandate that requires you to understand and preserve all animals and plants. Unfortunately, much of the focus of all your alternatives is on manipulations of the natural resources in an effort to increase the big horn sheep population. Although it is never specifically stated, the reason for this increase seems to be for the sole purpose of providing more sheep to hunt. I am not opposed to hunting, and see no reason why a small big horn sheep hunt, properly conducted, cannot continue, but it is counter to any principle of conservation to increase the sheep population (by adding water catchments) to a number far greater than has been sustained in historic times (Alternative 5). Won't this have a serious negative impact on habitat?

In terms of providing some opportunities for research that should provide you with useful baseline data, "Desert Ecosystem Integrity Monitoring" in Alternative 4 is a good approach. However, the predator hunts and hunts of other animals proposed in Alternatives 4 and 5 seem completely contrary to fulfilling an ecological mandate.

Also, it is important to remember that, since 1990, most of the refuge has been federally designated wilderness. A principle tenet of wilderness designation is that motorized vehicles are prohibited. The best way to comply with this designation is to limit vehicles to the roads that are outside of wilderness. It may seem simplistic, but instead of trying to close a certain number of miles of "Administrative Trails" in one alternative, and a different number of miles in another alternative, why not make it a goal of all alternatives to simply abide by the law?

So far, I have not commented on what today is the major issue on the refuge: the activities associated with illegal immigrants and with their apprehension. It is clear this has taken a serious toll on both the environment and the staff, not to mention the physical toll on many of the immigrants. Even though much energy is devoted to dealing with this problem and any solution seems unlikely in the immediate future, eventually it will be resolved. In the meantime, it is important do whatever can be done to ameliorate the damage caused while creating a plan that conserves the multiple resources of the refuge, both natural and cultural, into the distant future.

August 11, 2005

To John Slown

Please support the strongest protection possible for the Cabeza Prieta National Wildlife Refuge. This is an important part of our natural and cultural heritage. We stand to lose a great deal if the Cabeza Prieta's wildlife habitat, cultural, and educational values are undermined.

Please consider our actions in terms of long term impact. Consider what we will leave for future generations. The area should be managed for long term health of the watershed, the pronghorn antelopes and other wildlife. The education that the Visitors Center offers should be designed to increase the ability of visitors to support the stewardship of the Cabeza Prieta National Wildlife Refuge. Along with exhibits about the wonders of the region, there should be exhibits on invasive plants and other sources of habitat destruction.

Neighboring agencies and tribes such as the Border Patrol and the Tohono O'Odham nation should be included in the education programs to minimize their impact there on archaeological sites and natural habitat.

To protect the ecological health of this area adequately, I support the USFWS's eco-system approach (see their draft EIS/CCP) to connect the various habitats with wildlife corridors. To do this many existing tracks should be closed. While it makes sense at times to provide water for wildlife, there is a downside to this. The lowest limit of water development should be the aim in this region to minimize the negative impact of roads on wildlife habitat.

Archaeological areas need more protection. Tracks and trails closed should not direct people toward these areas. These areas merit regular monitoring by law enforcement officers on foot. Foot patrol is important because otherwise tracks are created that lead people to the sites.

A program to deal with invasive species must be in the final document. The longer we wait, the more we habitat we risk losing.

I support the refuge's continuation of removing new populations of invasives like fountain grass by hand and the inspection of vehicles, equipment and clothing for seeds or plant matter prior to entering the refuge to limit the spread of exotic plants.

I support revegetation efforts. To maintain this area's genetic heritage, seed should be collected only from the refuge for the revegetation nursery and the plant nursery for revegetation should be in a non-wilderness area.

Thank you

Deb Sparrow

inksparrow@usa.net

1715 S La Rosa Dr Tempe AZ 85281

(480)968-7908

(active member of the Maricopa County Master Gardener and Master Watershed Steward programs)

5
20 MR. JOHN SLOWIN:

MY WIFE IS A DESCENDENT OF THE LATE TOM CHILDS AND MARTHA
CHILDS OF THE HI-CEC-DIODHAM PAPAGO TRIBE (SAND PAPAGO TRIBE).
WE BOUGHT THE SNEED HOMESTEAD (N $\frac{1}{2}$ OF 55-T125-R6W) FROM
MRS. MONREAL WHOSE HUSBAND WAS RUNNING CATTLE IN THIS
AREA. HANK HAVINS MOVED HIS CATTLE FROM THE PAPAGO
WELL AREA TO DUNN'S WELL $\frac{1}{2}$ MILE SOUTH OF PRICE RANCH.
COL. FRANK TOLD HAVINS TO REMOVE HIS CATTLE FROM THIS AREA
AS THE AREA COULD NOT SUSTAIN HIS CATTLE AND BONNIE
PRICE'S SHEEP & CATTLE. HAVINS REFUSED, I NOTIFIED
BLM. THEY FORCED HAVINS TO VACATE HIS CATTLE. BLM.
DID AND STILL DOES A GOOD JOB OF ADMINISTRATION.
I WOULD LIKE TO SUGGEST GAME REFUGE RE-ACTIVATE WELLS
SUCH AS DRIFT FENCE WELL AT W END OF RANGE #1 NEAR
S. END OF CRATER RANGE. AS A LIC. WELL DRILLER I PRACTICE
CORINATION OF OUR WELLS-STORAGE TANKS-WATER TROUGHS.
OUR WATER IS AS DISEASE FREE AS I CAN MAKE IT. FOR
CATTLE-GAME-AND HUMANS. THIS PRACTICE COULD ALSO
APPLY TO ANY WATER HAUL TANKS-NATURAL TINASAS OR DAMS
AND TROUGHS OF SIGNIFICANT WATER VOL. TO HELP REDUCE
MANY DISEASES. WE SHOULD ALL TRY TO CO-EXIST.

THANK YOU!

RESPECTFULLY YOURS:

Lee E. Rice

August 14, 2005

Thanks, John, for sending the info. We were on the road and would not have had a chance to "comment" without your splendid cooperation to provide the copy. Maybe my oversimplified observation(s) will ease the pain in your monumental (and never ending) task(s)(s)(s).

Analysis paralysis. The first 30 pages vividly expose limitations, restrictions, requirements, regulations, taboos and no-no's mandated by the "Guidance Used for Preparation of a Draft CCP/EIS" in paragraph 1.11.4. If FWS sticks to everything allowed/not allowed, then not much will ever come of all the plans (verb) in the Plans (noun).

I've harped at Tom Baca, for 15 or so years, to allow access on the Cabeza so staff, other agency people and the public could get out there and do what should be done. The one most limiting and unreasonable action was/is to require 4 wheel drive vehicles on authorized roads and the Camino. That happened when the not-too-smart wilderness designation was made.

That having been said, my "helpful(?) offering(s)" can be fairly brief.

It's easy to sit in an office and "plan" resource management. Implementation requires on-site action. Before any management

can occur, the resources must be inventoried (access) is necessary.
If the planned actions are to be done (access) is necessary.
Monitoring (access) conditions will cause plans to change and require
revision. We're back to square one - now we have to up-date the
resource management "plan". New inventory, needed actions, etc.
etc. etc..all requiring (you guessed it) access.

The Draft(s) allow minimum requirements analysis (MRA) on some
site specific activities in area(s) of wilderness. That appears to cover
about anything "management" would determine necessary to
accomplish the Refuge mission, goals, objectives and any other wild

haired scheme - on or off wilderness areas. Redneck legalese would call it "loophole".

The recent drought has all but eliminated the Pronghorns. A lot of that was brought on by the SP railroad, US highway 80 and subsequent damming of the Gila River and it's tributaries. Now, the wilderness limitations prevent any reasonable attempt to provide relief for the endangered species and other fauna. (Maybe we should get the tree huggers to hand carry water out there in self-destructing, ecologically safe, low cholesterol, sodium free, soluble bags??).

Thanks again for providing the Draft. Good luck with the illegal immigration situation if you're only hiring 3 enforcement personnel as shown in the alternatives. (Brief? Yeah!!)

John F. Colvin, Jr.
3619 S. Pitahaya Drive
Yuma, AZ 85365-4508
((28)783-3686

Comments of Kevin O. Berry, Luke Air Force Base, USAF, August 17, 2005			
Page	Paragraph	Line	Comment
9	1.5.2		Last 3 sentences of the section are awkward and/or inaccurate. The 1994 MOU between USAF, USN and the Interior does not specify removal of military structures on the CPNWR by the year 2017. Regarding ground instrumentation sites PL 106-65 specifies upgrades are okay as long as new endeavors: "create similar or less impact than the existing ground instrumentation permitted by the Arizona Desert Wilderness Act of 1990." However, there is a different MOU referenced in other parts of the CCP between USAF, FAA, and the Service, regarding Childs Mountain that may apply, but I don't have a copy to reference.
9	1.5.2		Last para, 2nd sentence is awkward and implies the 1994 MOU is what enables the military to use the airspace above the refuge. The enabler is the MLWA: Section 3032 (a)(2) states: "use of the Cabeza Prieta National Wildlife Refuge and Cabeza Prieta Wilderness by the Marine Corps and the Air Force to support military aviation training will remain necessary to ensure the readiness of the Armed Forces." The MOU stipulates agreed upon limitations.
9	1.5.2		Third to last sentence which begins "The MOU was signed. . .": Chg to read: "The MOU was signed in 1994, and was specifically authorized in the Act to facilitate governance of military use of the ground and airspace over the refuge wilderness."
20	1.6.6	11	Incorrectly states the MOU limits flights on MTRs to 1500 feet AGL. Flights on MTRs do not have an altitude restriction in the 1994 MOU Ref MOU para 3.
21			Are the 200 - 1500 foot AGL corridors depicted part of your WTIC agreement?
21			The VR-242 and VR-260 corridor is missing.
26			Top Photo caption makes reference to "Black Head", shouldn't it be "Dark Head?"

39	1.13.1.2	4	Change to: ". . . radar facility serves as a civilian and military aircraft tracking . . ."
39	1.13.1.2	5	Change to read: ". . . surveillance system for US Customs and Border Protection."
40	1.13.1.3	6	Change to: ". . . and a military hold harmless agreement is required."
	1.13.4.3		Section OBE
44	1.14.1.2	Title	Change "Committee" to "Council" throughout the paragraph. Add right paren to end of (IEC
44	1.14.1.2	1	Change to read: ". . . provide a forum to "enhance management of natural and cultural resources on the Barry M Goldwater Range by teaming various state and federal agencies into a collaborative management council"
44	1.14.1.2	5	Chg to: "The BEC meets approximately 6 times a year, with subcommittees such as the Pronghorn Recovery Team meeting as required." Delete line beginning with "Subcommittees include . . ."
45	1.14.1.2	3	Delete entire last paragraph of this section, and add a section on IEC (see below input)

45	new sec #		<p>Add new section on IEC: "The 1999 MLWA mandated the formation of an Intergovernmental Executive Committee (IEC) solely for the purpose of exchanging views, information, and advice relating to the management of the natural and cultural resources of the BMGR. The IEC is established by memorandum of agreement between the secretaries of the Air Force, Navy and Department of the Interior and is comprised of selected representatives from interested Federal agencies, as well as at least one elected officer (or other authorized representative) from State government and at least one elected officer (or other authorized representative) from each local and tribal government.</p> <p>The IEC convenes 3 times each year and meetings are advertise to solicit public participation. Meeting locations rotate to maximize opportunity for interested public and local jurisdictional participation. The IEC provides a forum for public groups and private citizens to express their views regarding the management process.</p>
56	2.1.1.5	4	This paragraph seems OBE, as written, and needs to be updated with current forage enhancement area information.
70	2.2.3.1	5	Chg to read: ". . . Gila Bend Air Force Auxiliary Field . . south of Gila Bend"
70	2.2.3.1	6	Delete sentence beginning with "Upon obtaining . . ." Add new sentence reading: "In accordance with their permit materials, visitors must make contact prior to each entry, and upon exit from permitted areas."

70	2.2.3.1	8	Chg sentence beginning " The current refuge . . ." to read: ". . . serves as a military hold harmless agreement, in case of injury caused by military debris or activity."
83	2.3.3.1		All the same changes as for section 2.2.3.1
94	2.4.2.7	5	PL 106-65 sec 3032(c) extends the MOU to MLWA termination. Where does the year 2018 come from?
108	2.5.2.7		Same comment as for 2.4.2.7, above.
132	Table 2.8	Row labeled "Mil Use"	Change to read: "Limited to provisions stipulated by PL 106-65, Title XXX, including maintenance of communications infrastructure, over flight, and occasional area access restrictions in the interest of public safety."
161	Table 3.3		Why is 12 fawns per 100 does above normal (row 1) while 14 fawns per 100 does below normal (row 6)?
165	3.5.3.1.1.3.5	1	Chg sentence to read: "The BMGR is the nation's third largest military reservation for air-to-air and air-to-ground gunnery training. It is a national security asset for developing and maintaining the aerial combat readiness skills of tens of thousands of pilots since 1941.
165	3.5.3.1.1.3.5	4	Chg sentence ending to: ". . . jurisdiction of the Air Force for the east portion, and the Navy for the west portion."
165	3.5.3.1.1.3.5	10	Chg sentence that begins with "However" to "Though unlikely, injury to pronghorns could occur . . ."
165	3.5.3.1.1.3.5	25	Chg end of the sentence that begins "The EOD clearances . ." to ". . . and can take up to several weeks.
165	3.5.3.1.1.3.5	26	Chg the phrase ". . . are driven across the desert at intervals. . ." to "are driven in the required clearance zones around target areas at intervals . . ." ("across the desert" seems too capricious and arbitrary)
165	3.5.3.1.1.3.5	30	Delete the word "courses" after the word "WIT"
165	3.5.3.1.1.3.5	34	Delete the words ". . .from east west to east" (Aircraft go both ways.)
165	3.5.3.1.1.3.5	39	Add last sentence: "Overall, it is determined that "there is a net benefit to endangered species from the presence of the Goldwater Range and the mitigation measures that have been put in place by the military." (2004 National Defense Authorization Act congressionally appointed BMGR endangered species task force.)"
193	3.7.2	7	CPNWR acre reference of 803,418 is not the same as acreage listed in other sections

194	3.8.2	4	Chg end of 2nd sentence to read "... all other facilities were removed."
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The Robisons
1795 Houston Road
Phoenix, Oregon 97535
 August 15, 2005

US Fish & Wildlife Service
 Attn: John Slown
 PO Box 1306
 Albuquerque, NM 87103

Dear Mr. Slown:

Please consider our comments which follow concerning the draft plan for Cabeza Prieta National Wildlife Refuge. Although we live far from your area, we live near the Klamath refuges, Hart Mountain and Sheldon. Their wildlife and wildlands are a great asset of living here. It is commendable that 800,000 acres of Cabeza has been designated by Congress as wilderness, as that will give it the best possible protection.

Sonoran Pronghorn – Continuing the use of developed water sources inside the Cabeza Wilderness is acceptable because it is required by the recovery plan adopted under the Endangered Species Act.

- We support the language of Alternative 4 on this point, with the addition of language from Alternative 3 calling for more collaboration with adjoining BLM and military land managers to provide water outside the refuge and to expand pronghorn range.
- A requirement should be added to re-evaluate the use of artificial water sources when recovery goals have been met.

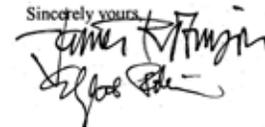
Desert Bighorn Sheep – We favor the Proposed Alternative to redevelop the existing water sources for desert bighorns. Methods should continually be sought to reduce the unnatural impacts of these waters. The question of whether these water sources are still necessary and helpful to the bighorns should be evaluated at regular intervals.

Closure of Administrative Trails – We favor closure of all unnecessary administrative trails, so the habitat can recover. We like language in the Proposed Alternative that envisions closure of all administrative trails at such time as water hauling is no longer necessary.

Managing Visitor Access – The Proposed Alternative is deficient in two respects:

- We believe it is a mistake to allow vehicles to travel anywhere in a 100-foot wide corridor on El Camino del Diablo, Christmas Pass Road, and Charlie Bell Road. Vehicles should remain on a clearly demarcated roadway and not be allowed to create new impacts radiating out from the existing route.
- Language should be added clearly prohibiting off-road vehicles such as ATVs, motorcycles, and three-wheelers. If you allow them on refuge roads, you will not be able to prevent them from going off-road and creating new impacts.

Thank you for considering our thoughts on this plan.

Sincerely yours,


August 25, 2005

Dear Mr. Slown:

Please accept these comments on the Draft Comprehensive Conservation Plan (CCP), Draft Environmental Impact Statement (EIS) and Draft Wilderness Stewardship Plan. I care about the protection and management of the Cabeza Prieta National Wildlife Refuge and its resources.

With 93% of its lands designated wilderness, the Refuge represents the largest wilderness area in Arizona. The Cabeza Prieta region has outstanding ecological, geological, cultural, and educational values. The area is threatened by illegal off-road vehicle activity, invasive/exotic vegetation, habitat degradation, and border traffic funneled into the refuge by increased border enforcement activities at other points of entry along the US-Mexico border.

I encourage the U.S. Fish & Wildlife Service (USFWS) to support the strongest protection of wilderness and wilderness values for the Cabeza, a minimalist approach to water developments in wilderness, and the actions that will best protect Sonoran pronghorns and all other wildlife on the refuge. I encourage the USFWS to select and implement Alternative 2, but to also include elements of Alternatives 3 and 4 as well. Alternative 2 affords the greatest protection for wilderness and over the long term provides greater protection for all of the Cabeza's wildlife.

Thank you for considering my comments.

Nancy Hicks
11170 N. Canada Ridge Dr.
Oro Valley, AZ 85737
Mr. John Slown
Biologist/Conservation Planner, USFWS

NWRS, Southwest Region, Planning Division, PO Box
1306
Albuquerque, NM 87103

Dear Mr. Slown,

None of the five alternatives in the draft comprehensive Conservation Plan (CCP) for the Cabeza Prieta National Wildlife Refuge protect the outstanding wilderness values in the refuge from the very motorized use you acknowledge is damaging them. The agency's disregard for the Wilderness Act of 1964 and your tolerance for vehicular use in the refuge's designated wilderness are appalling.

Desert bighorn sheep management is the cited reason for most of the FWS's continued motorized use in designated wilderness, specifically using heavy trucks to haul water. As the plan acknowledges, the service has no science to support the notion that artificial water developments are necessary for the conservation of desert bighorns. These creatures evolved and survived without water trucks in a harsh desert environment.

Despite this, all five alternatives would continue the practice of driving in wilderness to supply water to impoundments. That motorized use disturbs wildlife and causes other irreversible damage to wilderness resources. The FWS has done virtually nothing to analyze or understand the impacts of this activity or to develop a science-based plan for managing the sheep. Continued water hauling is inexcusable and the final CCP should halt it.

The single most damaging activity in the refuge and its wilderness is border law enforcement. While I recognize and respect the challenges the Border Patrol faces, I also firmly believe we must not squander our wilderness in pursuit of other aims. It is inappropriate, and probably illegal, to open vast sections of the refuge's wilderness to unlimited vehicular use and road building. The draft CCP acknowledges the damage from this use in the refuge, but goes on to say that the issue of border law enforcement is "outside the scope of the CCP." If the most damaging activity in the refuge falls outside a Comprehensive Conservation Plan's scope, what could possibly fall within it?

We look to the FWS to manage this spectacular refuge and its resources for all Americans. We deserve more than silence from your agency on this critical issue. Please adopt a management plan that protects the refuge wilderness by working with the Border Patrol to bolster law enforcement at the border itself and by eliminating all vehicular use in designated wilderness areas.

Thank you for your consideration.

Sincerely,

Ilona Lindsay
9842 49th Avenue S.W
Seattle, Washington 98136

29

Patrick Huber
721 E. 11th St.
Davis, CA 95616

Dear USFWS:

I am writing in regards to the Cabeza Prieta CCP. As a one time resident of the Sonoran Desert backcountry, I can personally attest to the beauty, biological richness, and wildness of this place. It is thus disheartening to learn of the alternatives presented in the draft CCP for this Refuge. Cabeza Prieta is at the core of one of the great wildlands complexes remaining in continental United States (and northern Mexico). It should be managed as such.

One major issue (not only here but in many other desert conservation areas) is the importation of water into remote areas for use by wildlife. This ecosystem managed to thrive very well on its own without these subsidies; there is no reason to suggest that this would not be the case in the future. The Refuge should be managed in such a way as to most closely adhere to a hands-off policy; this does not include driving trucks through otherwise wild areas to drop off water.

An even larger issue involves the use of the Refuge by the Border Patrol. While there is a national discussion currently about illegal immigration, this does not mean that this factor is outside the scope of the CCP. Use of the Refuge by motorized Border Patrol is the most pressing problem in the Refuge and needs to be addressed in any useful management plan.

Cabeza Prieta is the heart of one of the largest wildland complexes in the U.S. Please adopt a management plan that reflects this.

Sincerely,



Patrick Huber

30

George & Frances Alderson

112 Hilton Avenue
Baltimore, Maryland 21228

September 1, 2005

Mr. John Slown
US Fish & Wildlife Service
PO Box 1306
Albuquerque NM 87103

Dear Mr. Slown:

Please include this letter as our comment on the Draft Comprehensive Conservation Plan for Cabeza Prieta NWR. Early in my career I (George) worked for a former manager of Cabeza and I heard a lot about the refuge. We thank you for sending us the draft CCP, and we submit the following comments.

Artificial Waters: The CCP goes far beyond the realm of reason in the use of artificially developed water sources for bighorn sheep and Sonoran pronghorn. None of the alternatives is acceptable, because they continue the use of heavy trucks and helicopters to haul water within the designated wilderness areas. Some alternatives would install even more artificial waters. This part of the CCP should be rewritten from scratch, with a phase-out of water hauling by a date certain.

Apparently FWS believes the hauling of water is authorized by language in the Wilderness Act allowing installations and motor vehicles: "as necessary to meet minimum requirements for the administration of the area for the purpose of this Act." That is a big mistake. The CCP goes far beyond "minimum requirements." Your Minimum Requirement Analysis procedure does not stick to the limitations set by the Wilderness Act.

It appears that in a drive to increase populations of bighorn and pronghorn, FWS has gone beyond natural ecosystem management and moved into a more active form of management. (The latter is typical of intensively managed refuges, where many tools are used to increase the populations of key species such as ducks and geese.) Cabeza Prieta is supposed to be a natural ecosystem, managed as wilderness. If natural water can support a certain population, that should be the target population – not some higher figure that depends upon artificial water sources.

We do not object to hunting of bighorns in the refuge. However, the interest of hunters in building up the bighorn population may be putting pressure on FWS to set targets larger than the natural population the refuge can support without artificial intervention. That pressure should be resisted. Please put the natural ecosystem as top priority.

Border Law Enforcement: The CCP reveals that serious impacts are being caused by illegal immigrants and US border law enforcement activities. The map at page 218 shows some 30 illegal vehicle routes crossing through the wilderness area. Yet the CCP claims that any measures to reduce these impacts would be "beyond the scope" of this plan.

- 2 -

We favor the work of the US Border Patrol, and we have written to them urging closer cooperation with FWS. Please include measures in the final CCP to prevent further incursions and to erase the impacts already in place in the refuge. We would like to see law enforcement focused more intensively at the border itself. This would cut down on illegal traffic and obviate pursuit by law enforcement vehicles in the wilderness areas.

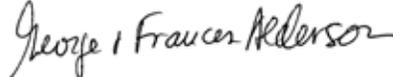
Administrative Roads: You now have 145 miles of administrative trails within wilderness areas. These should be reduced to a bare minimum, below the level proposed in any of the alternatives. The 85 miles allowed in Alternative 2 is still too much.

Childs Mountain Site: We favor phasing out the communication towers and related facilities on Childs Mountain by the year 2018, as proposed in the CCP (page 499). Removal of these obtrusive structures would be a big step toward restoring the natural landscape.

Visitor Center: We favor the plan to expand the refuge visitor center in Ajo to provide better interpretative exhibits and materials (page 506). The center should show the public what the refuge is doing for wildlife and point to appropriate ways of visiting the refuge to see its wildlife and to appreciate the extraordinary Sonoran desert habitat that is protected by the refuge.

Thank you for considering our views.

Sincerely,


George & Frances Alderson

John Slown, Division of Planning
 NWRS R-2
 U.S. Fish & Wildlife Service
 Albuquerque, NM 87120

Dear Mr. Slown:

Please accept these comments on the *Draft Comprehensive Conservation Plan (CCP)*, *Draft Environmental Impact Statement (EIS)* and *Draft Wilderness Stewardship Plan*. I care deeply about the protection and management of the area and its resources.

With 93% of its lands designated wilderness, the Cabeza Prieta National Wildlife Refuge represents the largest wilderness area in Arizona. The Cabeza Prieta region has outstanding ecological, geological, cultural, and educational values. The area is threatened by illegal off-road vehicle activity, invasive/exotic vegetation, habitat degradation, and border traffic funneled into the refuge by increased border enforcement activities at other points of entry along the US-Mexico border.

I encourage the U.S. Fish & Wildlife Service (USFWS) to support the strongest protection of wilderness and wilderness values for the Cabeza, a minimalist approach to water developments in wilderness, and the actions that will best protect Sonoran pronghorns and all other wildlife on the refuge. I encourage the USFWS to select and implement Alternative 2, but to also include elements of Alternatives 3 and 4 as well.

I support Alternative 2 because it affords the greatest protection of wilderness and wilderness characteristics of the Refuge. It means less water hauling (page 243) and less administrative use of travelways in the wilderness. I support the closure of 60 miles of administrative tracks open on the refuge. Roads disturb and fragment habitat and roads do not belong in wilderness. (Alternative 2) I also support the minimization of developed water catchments in the wilderness. Keep it natural, undeveloped and maintain outstanding opportunities for solitude or a primitive and unconfined type of recreation.

Please work to minimize the effects of exotic plant species by limiting soil disturbance, working with Mexico, and working to revegetate with native vegetation areas that have been disturbed. I also encourage the USFWS to protect cultural resource areas from damage due to unauthorized entry. Periodic patrolling by refuge law enforcement officers will help avoid damage and discourage unauthorized entry to these sensitive areas (Alternative 4). Under current actions, sites are only checked for damage if they are near an area that is being monitored for a different project and no record is being kept on what damage, if any, is found. I support periodic patrolling under conditions where USFWS specifies exactly how these patrols will be done. If patrols can be done with minimal effect on wilderness, including by foot or horse in the wilderness, I suggest that the refuge staff take an initial inventory of all known sites so that references can be made on how much damage is occurring in these areas (issue not present in any of the proposed alternatives).

Please keep me informed on any developments relative to this planning process. Thank you for considering my comments.

Sincerely,

Robert S. Goyer

Dear Mr Slown,
 None of the 5 alternatives in the draft Comprehensive Conservation Plan (CCP) for the Cabeza Prieta National Wildlife Refuge protect the wilderness ~~there~~ from the motorized use that you acknowledge is damaging it. Your tolerance for vehicular use in the wilderness areas of the refuge is very harmful to the wild creatures there. Please halt water hauling into wilderness! Please eliminate all vehicle use in designated wilderness areas! Lillian Light

August 28, 2005

Dear Mr. Slown,

We are emailing today to urge you to use your position to protect a very important wildlife area, the Cabeza Prieta National Wildlife Refuge . This area represents a rare gem of wilderness - your leadership is critical. Support for preservation is widespread and impacts all aspects of our society from the education of our children and the strength of our tourism. According to the Scottsdale Visitor Bureau, our wilderness NOT golf (or anything else) draws visitors to this state.

This wilderness is a model for future restoration, it gives our wildlife a rare opportunity to thrive, and is a gift to every future generation.

Please keep our future in the forefront of every decision you make regarding this unique area.

Best regards, the Whitehead Family

Michael & Solange Whitehead
Lynelle, Derek, Bethany (Age 12, 10, 5)
13281 N. 99th Place
Scottsdale, AZ 85260
(480) 614-8483

August 29, 2005

Dear Sir, I am a conservative Arizona Republican who is opposed to building one new road anyplace in the Continental North Americas and South America.

Cal Lash
2904 E Desert Lane
Phoenix, Arizona
18005606532

August 30, 2005

Don't go through this horrible plan.

Ann MacDonald.

August 30, 2005

Mr. John Slown, Biologist/Conservation Planner, USFWS
NWRS, Southwest Region, Planning Division, PO 1306
Albuquerque, NM 87103

Dear Mr. Slown,

As a private citizen who loves the desert I am deeply disturbed by the disruption of wilderness areas by Border Security. This National Wildlife Refuge, the Cabeza Prieta, needs immediate protection. Vehicular use is damaging its pristine areas. The vegetation is delicate and cannot withstand such ravages. Also, to my knowledge, there is no reason to haul water to the bighorn sheep and no research to support the use of vehicles to do this. These creatures have adapted to harsh desert life and it is damaging to the terrain to run these vehicles.

The agency has disregarded environmental protections that were established to take care of the issue of protecting our desert wildlife and faun and the environment in which they flourish. If you do not heed the warnings and letters such as mine, then the country that is desert will wind up deserted of all that survives in this ecological niche.

I visited the Desert in Bloom in Anza Borrego this year and it was an incomparably beautiful experience. I never saw so many wildflowers. The desert was a magic carpet!

Please heed the letters such as mine that are coming your way. We write because we care and I know that wilderness is truly the "Preservation of the World" as Thoreau wrote so eloquently some years ago.

Thank you for your consideration,

Sincerely,
Ruth Housman
64 Homer Street
Newton Centre, Massachusetts 02459

August 30, 2005

Mr. John Slown
Biologist/Conservation Planner, USFWS
NWRS, Southwest Region, Planning Division, PO Box 1306
Albuquerque, NM 87103

Dear Mr. Slown,

Over 90 percent of the Cabeza Prieta National Wildlife Refuge in far southern Arizona is designated wilderness. Yet - to my shock - the U.S. Fish and Wildlife Service has been playing fast and loose with this wilderness area, allowing its own and the Border Patrol's vehicles to range through it.

I urge you to adopt a management plan that that will protect this refuge wilderness, by working with the Border Patrol to bolster law enforcement at the border itself and by eliminating all vehicular use in designated wilderness areas.

Thank you for your consideration.

Sincerely,

Kellie Cremer
312 W. Prospect Rd. #163
Fort Collins, Colorado 80526

August 30, 2005

Dear Mr. Slown:

None of the five alternatives in the draft comprehensive Conservation Plan (CCP) for the Cabeza Prieta National Wildlife Refuge protect the outstanding wilderness values in the refuge from the very motorized use you acknowledge is damaging them. The agency's disregard for the Wilderness Act of 1964 and your tolerance for vehicular use in the refuge's designated wilderness are appalling.

Please adopt a management plan that protects the refuge wilderness by working with the Border Patrol to bolster law enforcement at the border itself and by eliminating all vehicular use in designated wilderness areas.

Sincerely,
Elaine Bernard

August 30, 2005

Mr. John Slown
Biologist/Conservation Planner, USFWS
NWRS, Southwest Region, Planning Division, PO Box 1306
Albuquerque, NM 87103

Dear Mr. Slown,

I was disappointed to learn that your draft comprehensive Conservation Plan for the Cabeza Prieta National Wildlife Refuge does not protect this refuge from the damaging effects of motor vehicles. I was only 13 years old when the Wilderness Act of 1964 became law, but first of all, I would have expected the Fish and Wildlife Service to have already studied the impact of using heavy trucks to haul water, and to have by now discovered a better plan for meeting the needs of desert bighorns. Second, I would especially have expected you to protect this area from the border law enforcement activities that damage it. The Border Patrol certainly has its problems, which I realize our federal policy makers have not adequately addressed. But does that make it right to allow roads and vehicles in an area that has been specifically protected by law? Wouldn't it be smarter for the Fish and Wildlife staff to work WITH the Border Patrol in a joint effort to strengthen law enforcement right at the border and eliminate vehicles in designated wilderness areas?

I hope that you will think again about your responsibilities in this area. I really think you could do better, and I thank you for reading and considering my comments.

Sincerely,

Helen Hanna
183 Gifford way
Sacramento, California 95864-6907

August 30, 2005

Mr. John Slown
Biologist/Conservation Planner, USFWS
NWRS, Southwest Region, Planning Division, PO Box 1306
Albuquerque, NM 87103

Dear Mr. Slown,

I was born in Douglas, Arizona, in 1924, and lived, was educated, and spent all of my working life as an Episcopal priest in Cochise and Pima Counties. I have loved the great Southwestern Desert all of my life, and taken special enjoyment from its vast silence, serenity, and its opportunities for being alone. A particular center-piece in the string of beauties in the Southwest is the magnificent Cabeza Prieta Refuge in Southern Arizona. Its terrible mis-use by trucks and other motor traffic have begun to change the entire character of what has made the Cabaza Prieta Refuge area the marvelous place of beauty it has been for my long life and for the long centuries before that. It is clearly being abused through a failure of responsibility by the very authorities who have been charged with its protection. That abuse must stop before the degradation of the area has gone beyond saving. Yours is the agency charged with its protection. I trust you will undertake a new look at your reponsibilities for your trust, and that the next time I re-visit the lands of my birth, my youth, my years of active work, I will find the same peace and quiet beauties I have been accustomed to in past decades. With thanks for letting me speak my mind on this issue which lies within your official duties, I am

Sincerely,

The Rev. Canon John C. Fowler
417 South Main St.
Nazareth, Pennsylvania 18064-2713

August 30, 2005

Mr. John Slown
Biologist/Conservation Planner, USFWS
NWRS, Southwest Region, Planning Division, PO Box 1306
Albuquerque, NM 87103

Dear Mr. Slown,

Your agency's disregard for the Wilderness Act of 1964 and your tolerance for vehicular use in the refuge's designated wilderness are outstanding. It is time to defy the enviro extremists in this country. Large Wilderness areas without liberal access, including vehicular, are of little value to average Americans. Wilderness areas should be "many" and "small".

We look to the FWS to manage this spectacular refuge and its resources for all Americans. We deserve more than silence from your agency on this critical issue. Please adopt a management plan that opens the refuge wilderness by working with the Border Patrol to bolster law enforcement at the border itself and by promoting most vehicular use in designated wilderness areas.

Thank you for your consideration.

Sincerely,

Kent Collier
205 Main St.
Savannah, Tennessee 38372

August 31, 2005

Dear Mr. Slown:

None of the five alternatives in the draft comprehensive Conservation Plan (CCP) for the Cabeza Prieta National Wildlife Refuge protect the outstanding wilderness values in the refuge from the very motorized use you acknowledge is damaging them. The agency's disregard for the Wilderness Act of 1964 and your tolerance for vehicular use in the refuge's designated wilderness should be reconsidered.

Sincerely,

Molly McCarty
2838 S. 9th Place
Milwaukee, WI 53215

August 31, 2005

Mr. John Slown
Biologist/Conservation Planner, USFWS
NWRS, Southwest Region, Planning Division, PO Box 1306
Albuquerque, NM 87103

Dear Mr. Slown,

Please adopt a management plan that protects the Cabeza Prieta National Wildlife Refuge by working with the Border Patrol to bolster law enforcement at the border itself and by eliminating all vehicular use in designated wilderness areas.

Thank you for your consideration.

Sincerely,

John Boylston
4123 Cobblestone Pl
Durham, North Carolina 27707

August 31, 2005

Please do your utmost to ensure that the desert is protected. ATV's in wilderness areas are not cool.

Mark J. Fiore

August 31, 2005

Mr. John Slown

Biologist/Conservation Planner, USFWS

NWRS, Southwest Region, Planning Division, PO Box 1306

Albuquerque, NM 87103

Dear Mr. Slown,

The draft comprehensive Conservation Plan (CCP) for the Cabeza Prieta National Wildlife Refuge fails to protect the outstanding wilderness values in the refuge from the very motorized use you acknowledge is damaging them. The plan's tolerance of vehicular use in designated wilderness violates the spirit and the letter of the Wilderness Act of 1964. All five alternatives in the draft would continue the practice of driving in wilderness to supply water to impoundments for bighorn sheep, disturbing wildlife and damaging resources despite the fact that no science confirms the need for these trips. More appallingly, vast sections of the wilderness will be opened, without legal foundation, to unlimited vehicular use and road building in the name of border law enforcement, which the document says is "outside the scope" of the Conservation Plan. If it's outside the scope of the plan, then the Fish and Wildlife Service might just as well close down and go home. The draft simply abandons the agency's responsibility to manage. Please adopt a management plan that protects the refuge by eliminating vehicular use in the designated wilderness areas.

Sincerely,

Peter Steinhart

717 Addison Ave.

Palo Alto, California 94301

September 1, 2005

Mr. John Slown

Biologist/Conservation Planner, USFWS

NWRS, Southwest Region, Planning Division, PO Box 1306

Albuquerque, NM 87103

Dear Mr. Slown,

None of the five alternatives in the draft comprehensive Conservation Plan (CCP) for the Cabeza Prieta National Wildlife Refuge protect the outstanding wilderness values in the refuge from the very motorized use you acknowledge is damaging them. Your agency's disregard for the Wilderness Act of 1964 and your tolerance for vehicular use in the refuge's designated wilderness are appalling.

Actually you could try a real legacy for your term as steward and simply pave the whole place. That way you can try your "wildlife management" practices without the dust and other inconveniences of a true desert.

Get out ahead and Lead >> Do a real service in protection of these wild areas - or pave it under. You know whether you are being a real steward or a weak little pawn.

Sincerely,

A.G. Flynn

6403 Bonner Dr

Vancouver, Washington 98665

September 2, 2005

Mr. John Slown
Biologist/Conservation Planner, USFWS
NWRS, Southwest Region, Planning Division, PO Box 1306
Albuquerque, NM 87103

Dear Mr. Slown,

How come the plan doesn't protect wilderness?

It's crazy to justify vehicles in wilderness by saying there is a need to haul water for desert animals. Piss poor excuse to keep roads open, denigrating wilderness.

Furthermore, it is wrong to open huge portions of the wilderness areas to road building to control Mexican illegal immigrants! Controlling immigrants is NOT a higher priority than protecting our public lands.

Thank you for your consideration of my comments. I expect wilderness will come out better in your final plan.

Sincerely,

S. Lee Stone
6607 Willamette Dr.
Austin, Texas 78723

September 7, 2005

We generally favor alternative 2 and are especially interested in the endangered Sonoran Pronghorn and the invasion of exotic plants and off road vehicles. Having attended a conference on water catchments @ ASU a few years ago, I question the efficacy of these artificial impoundments. Predators tend to hang out there as do disease organisms. I wonder what the wildlife did before we came along?

Off road vehicles and exotic plants are somewhat synonymous, the former providing the disturbance for the invasion of the latter. Please limit vehicles to existing roads, which appear to be too abundant already. Also please continue and expand the current activities to remove exotic plants.

Thank you,
Frank Welsh, P.E. J.D.
Barbara Blackman

TONOPAHA AREA COALITION
20 NORTH 350TH AVENUE – TONOPAHA, AZ
85354

7 September 2005

To: John Slown
Division of Planning, NWRS R-2
U.S. Fish & Wildlife Service
PO Box # 1306
Albuquerque , NM 87120 .

Please consider the following suggestions as you develop a management plan for the Cabeza Prieta.

Sonoran Pronghorn

- Reevaluate the necessity, development, and use of surface water cachmentents for Sonoran pronghorn. These cachmentents are not a desirable wilderness management tool because they mimic water supplies pronghorn would use in captivity, not in natural, wild habitat. Research and document the positive and negative effects of providing unnatural sources of water to pronghorn, as well as how the effects of motorized travel corridors, both inside and outside wilderness, disrupt the natural hydrologic cycles (sheet flow) supplying water to vegetative cover and forage upon which Sonoran pronghorn rely.
- Restore wildlife movement corridors across highway 85 and remove all fences that could prohibit movement of Sonoran pronghorn. The pronghorn recovery team has made it clear that reestablishing movement between habitats is crucial to the recovery of the Sonoran pronghorn.

Desert Bighorn Sheep

- Redevelop existing water tanks in wilderness to improve their capacity and collection systems, as well as making the tank levels more apparent from the air. Explore the feasibility of using photovoltaic systems to monitor and remotely transmit water levels.
- All management activities proposed/performed in wilderness should be evaluated for need and method of completion under a Minimum Requirements Analysis. As with Sonoran pronghorn, the USFWS should fully explore and document the relationship between desert bighorn sheep and the necessity, use, and effect of water tanks on sheep populations.

Invasive/Non-Native Plants

- The visitor orientation video and permit for the refuge should incorporate aspects of educating the public about the spread of noxious weeds and how to prevent it.
- Border Patrol vehicles that are used along various locations of the border should be cleaned periodically and after traveling in heavily infested areas before entering the refuge.

Interpreting Cultural Resources

- Intertwine the management of cultural resources and the implementation of an environmental education program. Stories of the past cultures that inhabited the refuge and surrounding area are an integral part of environmental education and cultural awareness.
- USFWS should work closely with the Tohono O'odham and other native tribes along the Colorado River to document and share their ancestor's use of the land, myths, and rituals. Understanding cultural resources is integral to the desire to protect them.

Administrative Trails

- Roads disturb and fragment habitat and they do not belong in wilderness. USFWS must continue to explore ways in which it can complete the necessary management actions without developing new roads.
- Close unnecessary administrative trails in the wilderness. Retain the language in the preferred alternative under this section that allows permanent closure of all administrative trails if water hauling is deemed no longer necessary.

Leave No Trace

- Implement a Leave No Trace program not only at the refuge office, but also in the backcountry and along motorized travel corridors to help the public understand the fragility of desert resources.
- Law enforcement officers should be trained and encouraged to interact with the public and offer information about Leave No Trace and the natural resources of the refuge.

Managing Visitor Access

- The preferred alternative is not acceptable. Any motorized corridor of 200 feet should only allow visitors to travel on established roadways and to pull off only as far as needed to allow other vehicles to pass. There should not be a blanket 100-foot wide corridor. Group sizes on refuge roads should be limited to 5 vehicles per party and 16 people.
- The current permit process should be kept in place and not moved to a phone or web based system. Pack stock should continue to be allowed under special use permits.
- The preferred alternative should clearly prohibit Off Road Vehicles such as four wheelers, motorcycles, and three wheelers from operating in refuge wilderness.

Thank you for the opportunity to comment,

Judith Shaw

September 8, 2005

My comments are regarding the proposed Stewardship Plan, EIS, and CCP. I am concerned about how the refuge will be managed and cared for in the future. Since the land and the wildlife there cannot speak for themselves, we, the public, must speak on their behalf.

My opinion is:

1. Roads do not belong in wilderness. USFWS should explore ways to maintain the refuge without building new roads. Instead, retain the language in the preferred alternative under the section for Administrative Trails, allowing the permanent closure of all administrative trails if water hauling is no longer necessary.
2. Reevaluate the use of surface water cachmentments for Sonoran pronghorn and desert Bighorn Sheep and the effects of motorized travel corridors that disrupt the natural water supply to vegetative cover and forage upon which pronghorn rely. Remove all fences that prohibit movement of Sonoran pronghorn. The movement of pronghorn is crucial to recovery.
3. Leave No Trace is a program that needs to be implemented not only at the refuge office but also in the backcountry and along motorized travel corridors to help the public understand the fragility of desert resources. This also includes the training of law enforcement officers who should be encouraged to interact with the public and educate the users about the Leave No Trace program and the natural resources there.
4. Visitor access should be limited to 5 vehicles per group and only 16 people in the group. The preferred alternative is not acceptable. There should not be a blanket 100-foot wide corridor. The current permit process should be kept in place. Off Road Vehicles should be prohibited in this wilderness.
5. Cultural resources must be protected, therefore an environmental education program should be implemented with the assistance of local

Native American tribes. Understanding cultural resources is integral to the desire to protect them.

6. Implement a program to inform the public about the spread of invasive/non-native plants into the wilderness.

Thank you for the opportunity to make my comments. I am a life long resident of the Southwest and have lived all my life from Texas to New Mexico, Arizona, and California. I am also a school teacher and the wilderness areas are part of my classroom.

Helena Quintana
1726 Brighton Ave. #A
El Centro, CA 92243
760.353.7349
helenquintana@yahoo.com

Helena Quintana

...if we remain silent in the face of cruelty, injustice, and oppression, we sacrifice part of our soul. In this sense, we keep on acting because by doing so we affirm our humanity-the core of who we are, and what we hold in common with others. We need to do this more than ever in the current time. --Paul Rogat Loeb

September 8, 2005

52

Dear Mr. Slown;

I want to add my voice to the many who are deeply concerned for the continued destruction of wilderness quality of the Cabeza Prieta Wilderness Area in Southern Arizona. None of the plans that have been forthcoming so far adequately protect the original conditions of this valuable area, particularly with respect to the criss-crossing with motor vehicles for whatever purposes. The land was set aside as a wilderness. Please take steps to cease those activities that violate the law and destroy the recognized true nature of this area.

Sincerely,

John A. MacDonald Ph. D. (e-mail:
j3dmacd@hotmail.com)

751 Newcastle Drive
Akron, OH 44313

1762 Belle Court
Millersville, MD 21108
September 3, 2005

John Slown, Biologist/Planner
USFWS, Planning Division
PO Box 1306
Albuquerque, NM 87103

Dear Mr. Slown:

These comments are submitted for consideration on the draft Conservation Plan for Cabeza Prieta National Wildlife Refuge, Arizona. My brother-in-law worked on a project involving this refuge many years ago. Our six children (ages now 6 to 10) love wild country, and we all hope the wilderness of Cabeza Prieta will still be wild when they grow up and explore our beautiful land for themselves.

In 1990 the U.S. Congress passed the Arizona Desert Wilderness Act, championed by the late Representative Morris K. Udall. It designated 93 percent of the refuge (803,000 acres) as wilderness. Stewardship of that wilderness is central in this draft plan.

Water Hauling – None of the alternatives in the draft plan would protect the outstanding values of the wilderness areas, as is mandated by the Wilderness Act. The plan indicates that the wilderness is being violated by repeated, routine use of heavy trucks to haul water to artificial waterholes to benefit desert bighorn sheep and Sonoran pronghorn antelope. Old vehicle routes are being kept open within the wilderness areas for these truck operations. Some alternatives in the plan actually call for increasing the number of water developments. Please reject this approach, and get back to natural conditions. Remember, bighorns and antelope are species adapted to the desert. Please get rid of the water hauling in the final plan, and close most of the 145 miles of “administrative” roads in wilderness.

Border Enforcement – The plan shows many illegal vehicle routes through the wilderness area, but it is not clear how much these are due to law enforcement vehicles and how much to illegal immigrants. Whichever is the case, it is time to get a grip on this problem. The draft plan claims this issue is not up for consideration. It should be! Please work with the Border Patrol to protect these wilderness areas. If effective enforcement activities were concentrated along the border, there could be fewer impacts within the wilderness.

Facilities – We are in favor of an expanded visitor center at refuge headquarters, so the story of this wonderful wildlife area can be told to the public. We support the phaseout of the Childs Mountain communication facilities by the year 2018, as proposed in the plan; this would remove an eyesore and make the area more wild.

Thank you for considering our thoughts. We wish you well in this planning effort.

Sincerely yours,

Betsy Shade MD

5

MAGIC

Maryland Alliance
for
Greenway Improvement and Conservation



September 5, 2005

John Slown, Biologist/Conservation Planner
USFWS, SW Region, Planning Division
P.O. Box 1306
Albuquerque, NM 87103

Dear Mr. Slown:

MAGIC submits these comments in response to FWS's request for public input on the draft Comprehensive Conservation Plan for Cabeza Prieta NWR. Having grown up in Sandpoint, Idaho, I write from the perspective of a westerner, although I now live in the East.

Cabeza Prieta is most valuable as a protected example of the Sonoran Desert, with its native ecosystem fully functioning. Congress designated 93 percent of the refuge as wilderness in 1990. The best conservation plan would have human influences minimized and let nature do the job. Management actions may be needed where impacts of past human activities such as grazing, mining or roads have degraded the natural wildlife habitat and wildlife populations.

Regrettably, the draft CCP sanctions a violation of the Wilderness Act's prohibition against motor vehicles in wilderness. This works against protection of the wildlife and its habitat. I urge FWS to rewrite this draft CCP to eliminate motor vehicles from the wilderness insofar as possible within your authority.

Specifically:

1. The hauling of water to 21 artificial water sources for Sonoran Pronghorn and Desert Bighorn Sheep should be stopped altogether. FWS has been badly advised if the idea is that routine, repeated trips by heavy trucks along administrative "trails" in the wilderness can be justified under the "minimum tool" concept based on section 4c of the Wilderness Act. You may be under pressure from hunting groups to maximize the population of bighorns in the refuge, but that doesn't justify violating the Wilderness Act. Nature sets its own population levels, influenced by water naturally available, and these magnificent animals are well adapted to the desert climate.

1007 Aster Blvd. • Rockville • MD 20850
Phone 301-340-8348 • e-Mail: Bobdegroot@comcast.net

Intervening with artificial water is reminiscent of the intensive management used in "duck factory" refuges. It is out of place in Cabeza Prieta, where the primary value is the desert wilderness and all the wildlife found there.

2. The use of vehicles cross-country by the Border Patrol and FWS in law enforcement activities should be curtailed insofar as possible. The draft CCP claims this is beyond the scope of the plan, but that is surely a mistake. A map opposite page 218 shows many unauthorized vehicle routes crossing through the wilderness areas. Action must be included in the final plan to prevent more of these routes from being created, and to restore the natural habitat from past impacts.

I urge more active consultation with the Border Patrol to find means of avoiding vehicle incursions into wilderness. All the options should be explored: more thorough patrolling along the actual border, erection of more effective barriers at the border, more use of remote sensing, new strategies for apprehending fugitives without using vehicles to pursue them into the wilderness.

The visitor center project at the Ajo refuge headquarters is an excellent idea. It would help inform the public about the great wildlife values of Cabeza Prieta and how to enjoy them under the "leave no trace" concept.

I support dismantling the communications towers on Childs Mountain, as planned in the draft. They should be gone by 2018 under the existing MOU with the Air Force and FAA. The public will thank you for getting rid of an eyesore.

Thank you for considering my thoughts on the CCP for Cabeza Prieta.

Sincerely,

Robert DeGroot
President, MAGIC

September 8, 2005

Dear Mr. Slown:

I am proud of Arizona's Cabeza Prieta and believe the protection of our wilderness and wildlife should be a top priority. I hope you will give this your fullest attention. Our natural resources and wildlife are gifts that should be preserved for us and future generations.

Debra J. White
3301 S. Terrace Road
Tempe, AZ 85282

Debra J. White
The Purpose Driven Writer
www.4-footedfriends.com
"The greatness of a nation and its moral progress, can be judged by the way its animals are treated."
M. Gandhi

September 8, 2005

To John Slown, Division of Planning;

I am an Arizona native born and raised, I feel I'm very lucky to have grown up in an environment of such beauty and wonder. Ever since I can remember I have always had an appreciation for nature, and profound respect for it. I believe that growing up so close to it has a lot to do with that, and the Cabeza Prieta National Wildlife Refuge is a shining gem in our great state because of it's vastness, its plant and wildlife diversity and ability to support them.

But it is fragile, as if made of porcelain if we don't protect it from clumsy hands, it will break; and we will have failed in our task to manage this planet well. If this refuge continues to endure constant off road destruction, illegal dumping, invasive plants, and both the Sonoran Pronghorn and Desert Bighorn sheep water issues aren't addressed, it may no longer be considered a refuge for wildlife. It will become a refuge for garbage and it's former grandeur will be but a memory 20 years from now. Let's not allow that to happen, let's give back to nature as it gives us so much every day in the form of tourism, inspiration, and to allow future generations to appreciate it's value that can only be appreciated in first person.

Thank you for this opportunity to voice my opinion, you guys are doing a good job, and with everyone working to preserve our state's prized deserts and wildlife we can all do better than we ever imagined.

Sincerely,

Jennifer Konrad
7015 South Dunnock Drive
Tucson, AZ 85706

56

1307 Madison Drive
Fort Washington, MD 20744

September 6, 2005

US Fish & Wildlife Service, Planning Division
Attn: John Slown
PO Box 1306
Albuquerque, NM 87103

Dear Mr. Slown:

These comments concern the new draft comprehensive conservation plan for Cabeza Prieta National Wildlife Refuge. I am retired from a career in the United States Air Force, during which I visited Arizona many times on official duty. Cabeza Prieta is a magnificent remnant of the wild Sonoran desert, and 93 percent of it has been designated for preservation as wilderness.

In this plan FWS should end the practice of using motor vehicles to haul water to artificial wildlife watering stations in the areas designated as wilderness. None of the five alternatives in your draft is satisfactory because all provide for continued hauling of water in heavy-duty trucks operating on so-called administrative roads within the wilderness area. Apparently 26 artificial waters are now being operated in wilderness, and more would be installed under some alternatives. That means many truck trips in wilderness, where there should be no motor vehicles.

The exception in section 4(c) of the Wilderness Act for nonconforming activities when they are the minimum necessary hardly applies here - the minimum necessary surely is to let nature take its course. Desert species such as bighorn sheep and pronghorn antelope evolved in this arid climate. It is time to stop hauling water in wilderness.

Impacts from vehicles driven by the US Border Patrol are another problem. I grew up in San Diego and know very well that securing the border is an endless challenge. In Cabeza Prieta your plan shows more than 30 unauthorized vehicle routes in the wilderness created either by patrol vehicles operating off-road or by people driving across the border illegally. And yet the plan does nothing to stop these impacts. I urge you to collaborate more intensively with the Border Patrol and develop solutions to this problem that should appear in the final plan. More thorough patrol along the border line is one possibility that might reduce entry through the wilderness area. The bottom line is, there should be less driving in the wilderness. Every vehicle trip adds to impacts harming wildlife habitat.

I favor the expansion of the visitor center at the refuge headquarters in Ajo, Arizona, and removal of the communications towers at Childs Mountain by 2018, as provided in the draft plan. Thank you for the opportunity to comment.

Sincerely,

R J Laffoon

P.S. I was born in Chandler AZ
in 1945 & have lots of family in
the area. Also own property in Pecos
1928

57

John Slown, Division of Planning NWRS R-2 U.S. Fish & Wildlife Service

Albuquerque, NM 87120 john_slown@fws.gov Fax: (505) 248-6874

Dear Mr. Slown:

Please accept these comments on the *Draft Comprehensive Conservation Plan (CCP)*, *Draft Environmental Impact Statement (EIS)* and *Draft Wilderness Stewardship Plan*. I spend some amount of my leisure time in the Cabeza every year and care deeply about the protection and management of the area and its resources.

I am asking that the U.S. Fish & Wildlife Service support the strongest protection of wilderness and wilderness values for the Cabeza, a minimalist approach to water developments in wilderness, and the actions that will best protect Sonoran pronghorns and all other wildlife on the refuge. I encourage the USFWS to select and implement Alternative 2, but to also include elements of Alternatives 3 and 4 as well.

I support Alternative 2 because it affords the greatest protection of wilderness and wilderness characteristics of the Refuge. It means less water hauling (page 243) and less administrative use of travelways in the wilderness. I support the closure of 60 miles of administrative tracks open on the refuge. Roads disturb and fragment habitat and roads do not belong in wilderness. (Alternative 2) I also support the minimization of developed water catchments in the wilderness. Keep it natural, undeveloped and maintain outstanding opportunities for solitude or a primitive and unconfined type of recreation.

Please work to minimize the effects of exotic plant species by limiting soil disturbance, working with Mexico, and working to revegetate with native vegetation areas that have been disturbed. I also encourage the USFWS to protect cultural resource areas from damage due to unauthorized entry. Periodic patrolling by refuge law enforcement officers will help avoid damage and discourage unauthorized entry to these sensitive areas (Alternative 4). Under current actions, sites are only checked for damage if they are near an area that is being monitored for a different project and no record is being kept on what damage, if any, is found. I support periodic patrolling under conditions where USFWS specifies exactly how these patrols will be done. If patrols can be done with minimal effect on wilderness, including by foot or horse in the wilderness, I suggest that the refuge staff take an initial inventory of all known sites so that references can be made on how much damage is occurring in these areas (issue not present in any of the proposed alternatives).

Sincerely,

David R. Barnes

David R. Barnes 7278 W. Maple Ridge Dr. Tucson, AZ 85743

John Slown
Division of Planning, NWRS R-2
U.S. Fish & Wildlife Service
PO Box # 1306
Albuquerque, NM 87120

9 September 2005

Dear Mr. Slown:

Please accept these comments on the *Draft Comprehensive Conservation Plan (CCP)*,
Draft Environmental Impact Statement (EIS) and *Draft Wilderness Stewardship Plan*.

I have made over a half dozen trips across the Cabeza Prieta starting in the mid-seventies. It was an incredible, pristine area. I have not had the courage to go recently to see what it being done to it by illegal off-road driving, activities of migrants and law enforcement agencies, invasive species, and habitat degradation in general.

As President of the Friends of Buenos Aires NWR, I am all too familiar with these problems, although they are much more severe on the Cabeza Prieta. (This is for identification only. This is my personal statement, not one for Friends of BANWR.)

The primary purpose of our 540 National Wildlife Refuges is to preserve habitat to support wildlife. Although each refuge has a particular key species, such as the Sonoran pronghorn in the Cabeza Prieta, maintaining appropriate habitat for all species of the ecosystem is essential. That should be the underlying goal of the management plan.

The key to achieving this goal is to designate wilderness status, since it provides maximum protection for wildlife habitat. I applaud the ecosystem approach the USFWS has taken in their draft EIS/CCP as it considers wilderness as ecologically connected to the health of all the native wildlife on the refuge. Essential to this is connecting fragmented habitats with wildlife-travel corridors.

Maintenance of a healthy habitat requires your continued removal of newly found populations of exotic fountain grass by hand and implementation of inspecting vehicles, equipment and clothing for any seeds or plant matter prior to entering the refuge in order to limit the spread of exotic plants. A plant nursery in a non-wilderness for growing native species for revegetation is a good idea as is a draft proposal to work with the Mexican government to try to better control the spread of exotics along Mexican Highway 2, directly adjacent to the refuge.

A strategy for the long-term management of Sonoran pronghorn populations is essential. The captive breeding areas may work for the short-term rapid re-growth of the population, but a long-term management plan, with suitable monitoring for the Sonoran pronghorn population should be implemented.

I am concerned about damage not only to habitat, but also to the cultural resources. Periodic patrols by refuge law enforcement officers will help avoid damage and discourage unauthorized entry to these sensitive areas. USFWS needs to determine the most appropriate way these patrols should be done (foot, horse, ORV, etc.) to ensure that the patrolling does not do more harm than good. Initial

baseline studies should be planned.

I am well-aware of wild driving by Border Patrol agents on the Buenos Aires NWR and I have seen pictures of the destruction done on the Cabeza Prieta (which I know is also done by drug runners and other illegals.) In any event, a training program for border law enforcement personnel on the sensitivity of the areas will also help to avoid damage. Hiking trails should not divert visitors into these sensitive areas and the known areas of cultural occupation should remain unpublished, including in the visitors center.

The policies that I favor are distributed among the various alternatives, so that I cannot completely support one or the other. I do appreciate your efforts to protect this incredible national natural heritage from further degradation.

Sincerely yours,



Roy M. Emrick
2220 N. Norton Ave.
Tucson, AZ 85719-3831

September 10, 2005

John Slown, Biologist/Conservation Planner
US Fish and Wildlife Service
P.O. Box 1306
Albuquerque, NM 87103
john_slown@fws.gov

Dear Mr. Slown:

Please accept the following comments on the draft Comprehensive Conservation Plan for Cabeza Prieta National Wildlife Refuge. I write because this area has national values for wildlife habitat, and I'm concerned that these values are placed at risk by the draft plan. I have visited many national wildlife refuges during my years watching birds and consider them a great national asset. Some of my fondest memories include birding in New Mexico.

FWS may be under pressure to boost the population of Desert Bighorn by continuing to truck in water to artificial watering stations within the wilderness areas of Cabeza Prieta. This pressure should be resisted. The use of heavy trucks on routine trips on "administrative trails" within the wilderness boundaries is surely harming the overall wildlife values of the refuge. It is also a violation of the Wilderness Act. It takes a real stretch of the imagination to claim that the artificial water program is permissible under the "minimum necessary" standard in the Wilderness Act, section 4.

Some national wildlife refuges are appropriately managed with artificial measures such as dikes, canals and vegetative manipulation to favor desired species of water birds. I have visited many of those refuges. Cabeza Prieta is not supposed to

be an intensively managed refuge. Please rewrite the draft CCP to bring an end to the water-hauling program. Remember, there were no trucks hauling water when the Desert Bighorns prospered there 200 or 300 years ago.

The Border Patrol also is using motor vehicles in the wilderness areas, possibly exceeding what is allowed by language in the 1990 Arizona Desert Wilderness Act. The draft CCP says this is outside the scope of the plan, but something should be done in the final plan to grapple with this problem. FWS should work to reach agreement with the Border Patrol to reduce the usage of vehicles in pursuing undocumented aliens. It is unreasonable to give up and let the impacts become even worse in the years ahead. A range of other alternatives should be considered that would provide border security with less need for motor vehicles in the wilderness areas.

I favor the removal of communications facilities on Childs Mountain by the year 2018 as shown in the draft CCP, and I favor the expansion of the refuge visitor center at the Ajo headquarters site. Thank you for considering these comments.

Sincerely,
Kurt R. Schwarz
9045 Dunloggin Ct.
Ellicott City, MD 21042
krschwa1@comcast.net

September 10, 2005

Dear Mr. Slown:

Please retain the Cabeza Prieta NWR as an area where I can continue to enjoy the native plants and animals. This past spring was an exceptional time to see wild flowers. I hope that this area can continue to be enjoyed by protecting it from intrusion of non native plants and animals and human development.

Sincerely yours,
Kenneth Gometz

September 11, 2005

Comments on the Cabeza Prieta NWR Draft Comprehensive Conservation Plan, Wilderness Stewardship Plan and Environmental Impact Statement

Dear Mr Slown

I am interested in the draft plan, but have concerns. I have some acquaintance with the subject being a former member of the Arizona Game & Fish Commission.

I would be willing to support either alternatives 4 or 5. In my mind the pressing need is for the FWS to:

- 1. Place wildlife conservation first and above wilderness preservation**
- 2. Not to close any administrative trails, and**
- 3. I completely reject alternatives 2 and 3**

**Bill Berlat
Pinetop, AZ**

Jim Malusa
2609 E. Waverly
Tucson, AZ 85716
jimmalusa@hotmail.com

John Slown
Biologist, Division of Planning
NWRS R-2
USFWS
PO Box 1306
Albuquerque, NM 87120
9 September 2005

Dear Mr. Slown –

Following are my comments regarding the Cabeza Prieta NWR Draft Comprehensive Conservation Plan, Wilderness Stewardship Plan and Environmental Impact Statement.

First, a bit of bragging that's meant to establish my familiarity with the refuge. Since my first camping trip in the Cabeza in 1983, I've spent at least a hundred nights and hiked hundreds of miles in the refuge. Lucky for me, I was paid to do it from 1999 to 2003, when the NPS and the BLM commissioned me, working for the USGS, to make a vegetation map of the refuge for the hopeful benefit of the Sonoran Pronghorn.

So I was around before and during the wave of migrants and smugglers that, along with the pronghorn plunge of 2002, is the most pressing management issue of the refuge. And the saddest. I hope that the refuge can convince the Border Patrol to limit its activities to the border (I support a vehicle barrier), Interstate 8, and Highway 95, and leave the refuge alone. After all, the border crossers aren't planning on staying in the refuge

– they wish to cross it. Vehicle pursuits within the refuge are causing heart-breaking damage.

But that's outside the scope of the plan. I support Alternative 2, Minimum intervention, with elements of Alternatives 3, 4, and 5.

Specifically, I support Alternative 2, but with the allowance of wilderness hunting excepting of course the pronghorn and other threatened/endangered wildlife. By wilderness hunting I mean with a bow, on foot, allowing stock animals if there exists a certified weed-free feed that can be carried along.

Also, campfires of downed/dead wood should be allowed everywhere but Papago and Tule Wells, and Christmas Pass, where you would need off-refuge wood (of any species, unless the refuge would like to supply otherwise. How about a pile of scrap wood at the office where you pick up the permit? Most folk would gladly toss it in their truck). Prohibiting fires is the current rule, and to anyone that has actually backpacked in the Cabeza it is clearly uncalled for, and subsequently ignored. Instead, there should be some mention in the permit of “no fire rings” in backcountry camps, and some pleading to use the minimum fuel required. The refuge staff should monitor the state of the more heavily used backcountry camps, like the one below the Cabeza Prieta tanks, to see if fires need to be restricted. Blanket restrictions like “no fires” confounds the important (protecting the heavily used road-camps) and the trivial (a once a decade campfire on the bajada of the Granites or Growlers).

More on camping: the use of arroyos should be encouraged. An evening of limited wildlife movement along these corridors is better than the long-lasting aesthetic mess that comes from disturbed desert pavements. Arroyos are self-cleaning; a single good storm sweeps everything away.

As for the Copper Canyon Road Loop – why “develop” it? It already exists. Want to develop something? Try making road camps: a signpost and parking spot are all that is needed. In addition to the already established sites at Papago Tank, Tule Tank, and Christmas Pass, sites could be, along the Camino, at Cholla Pass, the wash just east of O’Neil’s grave, the lava field, near Tule Tank, and Tornillo Butte. Along the Tacna Road: out in the valley near the Pintas at the arroyo with the unmistakable enormous ironwood, and near the Point of the Pintas. Along Charlie Bell there could be camps in Daniels Arroyo and the arroyo just east of Packrat Hill. Charlie Bell Pass is a rotten camp – caliche lumps and a night wind – but it’s a tremendous view, so maybe a spot could be established at the parking area at the pass.

These are all places preferred by frequent visitors, but the newcomers are left on their own to find anyplace but the big three (Papago, Tule, Christmas). Consequently, nightfall often finds them short of their destination, and they tend to drive off road for a ways, searching for a tree. It’s the hominid thing to do.

Thanks for the big effort. Good luck.

Sincerely,
Jim Malusa

September 8, 2005

John Slown
Division of Planning, NWRS R-2
U.S. Fish & Wildlife Service
PO Box # 1306
Albuquerque, NM 87120

Dear Sir:

Please accept these comments as part of the public record for the Draft Comprehensive Conservation Plan (CCP), Draft Environmental Impact Statement (EIS) and Draft Wilderness Stewardship Plan for the Cabeza Prieta NWR.

The Cabeza Prieta region offers outstanding ecological, geological, cultural, and educational values to all US citizens. With 93% of its lands designated wilderness, the Cabeza Prieta National Wildlife Refuge represents one of the largest wilderness areas in the lower 48 states. The Cabeza encompasses most of the range of the endangered Sonoran pronghorn, and offers crucial habitat for desert bighorn sheep.

But the area and its wildlife are threatened by illegal off-road vehicle activity, invasive/exotic vegetation, habitat degradation, and border traffic funneled into the refuge by increased border enforcement activities at other points of entry along the US-Mexico border.

Specific Actions I believe the USFWS should undertake include:

Sonoran Pronghorn

1. Reevaluate the necessity, development, and use of surface water cacherments for Sonoran pronghorn. These cacherments are not a desirable wilderness management tool because they mimic water supplies pronghorn would use in captivity, not in natural, wild habitat. Research and document the positive and negative effects of providing unnatural sources of water to pronghorn, as well as how the effects of motorized travel corridors, both inside and outside wilderness, disrupt the natural hydrologic cycles (sheet flow) supplying water to vegetative cover and forage upon which Sonoran pronghorn rely.
2. Restore wildlife movement corridors across highway 85 and remove all fences that could prohibit movement of Sonoran pronghorn. The pronghorn recovery team has made it clear that reestablishing movement between habitats is crucial to the recovery of the Sonoran pronghorn.

Desert Bighorn Sheep

1. Redevelop existing water tanks in wilderness to improve their capacity and collection systems, as well as making the tank levels more apparent from the air. Explore the feasibility of using photovoltaic systems to monitor and remotely transmit water levels.
2. All management activities proposed/performed in wilderness should be evaluated for need and method of completion under a Minimum Requirements Analysis. As with Sonoran pronghorn, the USFWS should fully explore and document the relationship between desert bighorn sheep and the necessity, use, and effect of water tanks on sheep populations.

Invasive/Non-Native Plants

1. The visitor orientation video and permit for the refuge should incorporate aspects of educating the public about the spread of noxious weeds and how to prevent it.
2. Border Patrol vehicles that are used along various locations of the border should be cleaned periodically and after traveling in heavily infested areas before entering the refuge.

Interpreting Cultural Resources

1. Intertwine the management of cultural resources and the implementation of an environmental education program. Stories of the past cultures that inhabited the refuge and surrounding area are an integral part of environmental education and cultural awareness.
2. USFWS should work closely with the Tohono O'odham and other native tribes along the Colorado River to document and share their ancestor's use of the land, myths, and rituals. Understanding cultural resources is integral to the desire to protect them.

Administrative Trails

1. Roads disturb and fragment habitat and they do not belong in wilderness. USFWS must continue to explore ways in which it can complete the necessary management actions without developing new roads.
2. Close unnecessary administrative trails in the wilderness. Retain the language in the preferred alternative under this section that allows permanent closure of all administrative trails if water hauling is deemed no longer necessary.

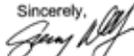
Leave No Trace

1. Implement a Leave No Trace program not only at the refuge office, but also in the backcountry and along motorized travel corridors to help the public understand the fragility of desert resources.
2. Law enforcement officers should be trained and encouraged to interact with the public and offer information about Leave No Trace and the natural resources of the refuge.

Managing Visitor Access

1. The preferred alternative is not acceptable. Any motorized corridor of 200 feet should only allow visitors to travel on established roadways and to pull off only as far as needed to allow other vehicles to pass. There should not be a blanket 100-foot wide corridor. Group sizes on refuge roads should be limited to 5 vehicles per party and 16 people.
2. The current permit process should be kept in place and not moved to a phone or web based system. Pack stock should continue to be allowed under special use permits.
3. The preferred alternative should clearly prohibit Off Road Vehicles such as four wheelers, motorcycles, and three wheelers from operating in refuge wilderness.

As a future Arizona resident and fellow American, I appreciate the opportunity to comment on this very important plan for the Cabeza Prieta's future.

Sincerely,

Gerry Wolfe
PO Box 356
Death Valley, CA 92328

Mr. John Slown,

9-9-05

Written comment for the record concerning
Cabeza Prieta NWR

Provide surface water catchments, where practicable,
for all native wildlife.

Remove all fencing as well as all domestic livestock.

Close and obliterate all roads that are not needed
to manage the W.R. Strictly enforce illegal off-road
vehicle activity (ATVs, etc.)

Allow the land to return to nature, to the extent
possible.

Sincerely, Gary V. Christensen

SEP-12-2005 13:04 FROM:

TO: 15852486874

P.1

65

17 pages

ARIZONA DESERT BIGHORN SHEEP SOCIETY
P.O. Box 21705
Mesa, Arizona 85277
(480) 854-8950 • (480) 854-8966-fax
www.adbss.org

September 12, 2005

Mr. John Slown, Biologist/Conservation Planner
Cabeza Prieta Planning Team Leader
U.S. Fish and Wildlife Service
P.O. Box 1306
Albuquerque, NM 87120

Fax 505-248-6874

Re: Comments on the Cabeza Prieta NWR Draft Comprehensive Conservation Plan,
Wilderness Stewardship Plan and Environmental Impact Statement (Draft Plan)

Dear Mr. Slown,

On behalf of the Arizona Desert Bighorn Sheep Society (ADBSS), its Board of Directors and our 1100 dedicated volunteer wildlife conservation members the following comments are submitted regarding your list of alternatives and draft Comprehensive Conservation Plan (CCP), Wilderness Stewardship Plan and Environmental Impact Statement (EIS) for the Cabeza Prieta National Wildlife Refuge (CPNWR). We are extremely relieved to see the journey of the past five years approach this critical juncture and appreciate the opportunity to once again offer comment.

Wildlife First

The ADBSS completely supports the premise within the CCP that wildlife conservation comes first on the Cabeza Prieta National Wildlife Refuge (sections 1.1.1 and 1.8.1). Although this has not always been the case with past refuge and U.S. Fish and Wildlife Service administrations we are very relieved to see it a written commitment supporting the fundamental principle of the organic National Wildlife Refuge System Improvement Act of 1997.

Wilderness Stewardship

The ADBSS must take exception to the repeated inferences that the Wilderness Act of 1964 is the governing wilderness law for refuge wilderness and to the implied ambiguity or omission regarding congressional intent in the Arizona Desert Wilderness Act (ADWA), i.e., sections 1.2, 1.5.9, 1.6.2, 1.6.3, 1.7, 1.13.2.7, 2.1, etc. This is the fundamental issue that has plagued the Cabeza Prieta for the past 15 years with errant and embellished wilderness restrictions and as such it merits considerably more discussion and guidance within this plan. This issue is a lot

Mr. John Slown
September 12, 2005
Page 2

more than just the use of vehicles on administrative trails to monitor and maintain water developments or the needs for a minimum requirements analysis (MRA). The fundamental issue is about realizing that the United States Fish and Wildlife Service (FWS) has the authority under the ADWA to conduct today, in an unimpeded fashion, the same management activities within the refuge that it did during the de-facto wilderness management years (1974-1989) and prior to the ADWA. The ADBSS has previously provided FWS with copies of the April 3, 2000 legal brief prepared by Mr. William P. Horn, which clearly shows that the intent of the 101st Congress was that the activities employed on the refuge during de-facto wilderness management from 1974 to 1989 were to continue and to be allowed after passage of the ADWA in 1990. From our perspective this legal brief is considerably more credible than the supposed contrary verbal opinion from an unnamed FWS solicitor referenced in section 1.13.2.7. A copy of Mr. Horn's legal brief is included as an attachment to these comments so that it is certain to become part of the official record. To aid you in understanding our position regarding this most important and fundamental issue relative to unwarranted wilderness restrictions the following excerpts from the congressional record are presented as evidence of congressional intent and law during deliberations of the ADWA.

Remarks from Rep. Morris K. Udall (D-AZ) in the *Congressional Record*, p. H1410, April 3, 1990:

"Wilderness designation will not bring any great changes to the administration of these refuges. They were studied and positively recommended for wilderness in the administrations of Presidents Nixon and Ford and have been managed as wilderness since that time. Today we are proposing to formalize the regime that has governed the refuges for at least 15 years."

"Some in Arizona have charged that wilderness designation will change the very purpose for which these refuges were established and managed. But there is absolutely no basis for this. The refuges were created for certain wildlife conservation purposes and so they will remain. Wilderness is simply an overlay."

"The administration has testified that the activities common in the refuge today – for example, donations of time and labor to construct water catchments by organizations such as the Arizona Desert Bighorn Sheep Society – will continue"

Other remarks from distinguished members of the 101st Congress, (*Id.*), and S. Report 359, 101st Congress, 2nd Sess. At 20 (July 10, 1990)

"A bill such as this one, which essentially adopts prior recommendations for wilderness designations, will result in little if any change in the way in which the areas have been managed since recommendation (1974)."

"A wilderness designation...does provide limited exemptions for livestock grazing, preexisting motorboat, vehicular and aircraft use and some commercial recreation such as guiding and rafting trips."

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"Under existing wilderness management policy, a wide range of wildlife management activities are, and will continue to be, allowed in the four Arizona wildlife refuges."

"The Fish and Wildlife Service recently testified in front of my committee in favor of HR 2571 and indicated that the wilderness designations included in the bill will not adversely affect or unduly restrict wildlife management operations on these four desert wildlife refuges."

"Management of Bighorn sheep populations and habitat is one of the primary reasons for establishment of the refuges in 1939. The designation of wilderness is not intended to change this or any other purpose for the refuge."

Report from Mr. Michael J. Speer, Regional Director, Region 2, USFWS, S. Rep. 359, 101st Cong., 2d Sess., at 34-35 (July 10, 1990)

"On the Kofa refuge, maintenance of approximately 89 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 helicopter transport 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."

Collectively the legal brief and the intent of Congress clearly demonstrate that the ADWA should not be an obstacle to wildlife conservation activities on the CPNWR as has been the case in the past. Refuge wilderness is to be administered in accordance with the full intent of the ADWA and not simply tied to the overly restrictive prescriptions contained in the Wilderness Act of 1964. Addressing this repeated oversight and omission throughout the CCP would be most appreciated.

We would also suggest that in some manner this plan provide a programmatic policy that allows the routine vehicular use of administrative trails for the periodic monitoring of habitat and wildlife water developments, that existing wildlife water catchments are to be routinely maintained and redeveloped as necessary to provide reliable sources of wildlife water and that additional wildlife water developments may be constructed as determined necessary to fulfill the FWS wildlife conservation mission.

We would additionally expect the CCP to reaffirm our understanding of current FWS Region 2 direction regarding the prioritization of conflicting mandates in the wake of the Sonoran pronghorn crisis. That prioritization being that the National Wildlife Refuge System Improvement Act is first, that the Endangered Species Act is second and that the Arizona Desert Wilderness Act is third. As we have mentioned in past scoping comments failing to address and properly prioritize these conflicting mandates and purposes (section 1.7) is certain to diminish

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the effectiveness of the CCP and will only perpetuate the ongoing controversies which have in the past jeopardized our very valuable wildlife resources. The CCP should provide you with the latitude to be proactive in regards to fulfilling the needs of wildlife rather than simply being reactive after a problem or crisis is presented.

To that end we completely support the ideal that wildlife is a wilderness resource (section 1.12.6) but must express caution with the reference to a "natural population" as the term can be very subjective. If the conservation of wildlife is to be first as supported previously then one would expect the wildlife wilderness resource to be better defined as a robust, self-sustaining and viable population. In the world of today very little can be viewed as being "natural". The Cabeza Prieta is no different.

Interagency Cooperation

Although we disagree with the assertion made in section 1.14.1.1 relative to the authority for management of non-migratory wildlife the ADBSS is please to see the recognition given to the Arizona Game and Fish Department (AGFD) as a full partner in wildlife management activities on the CPNWR. The wildlife biologists employed by AGFD have the same educational backgrounds as FWS employees. Their experience with aerial and ground wildlife surveys; hunt management; capture, marking and transplant operations; wildlife research; and, wildlife resource planning strategies is at least equivalent to, if not surpassing, that of the FWS.

The ADBSS encourages the CPNWR staff to continue to seek input and recommendations on the refuge's wildlife management programs from the AGFD and to treat them as a mandatory cooperator.

Elements Common to All Alternatives

The ADBSS would encourage the CCP to more responsibly address the habitat and wildlife water monitoring needs in section 2.1.1.2. A more consistent and responsible long term monitoring program would prescribe regular and routine on the ground observations throughout the year, which in our informed opinion, is allowable under the ADWA. The current reliance upon Sonoran pronghorn aerial reconnaissance to also investigate remote wildlife waters should not be considered a permanent solution unless you are forecasting the continued listing of this species as endangered and a continuing funding source.

We are vehemently opposed to the notion that a Minimum Requirement Analysis (MRA) be performed for the use of administrative trails, especially in regards to water hauling, habitat and water monitoring (section 2.1.3.1), and trespass livestock removals (section 1.13.2.3). These activities were conducted without a MRA during de-facto wilderness management (1974-1989) and as such these activities and the continued routine use of administrative trails is allowed under the ADWA. The FWS may elect to perform a programmatic MRA with this CCP to permit the use of these trails for monitoring and water hauling but such action is not mandated by applicable wilderness law. Past experience on the Cabeza Prieta has shown that an MRA can be a

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considerable obstacle to a variety of wildlife conservation activities and as such this negative potential needs to be neutralized with this CCP.

A sunset clause should be prescribed with regards to the area closures in section 2.1.1.1.4. It is widely recognized that these closures for the supposed benefit of Pronghorn fawning provide little more than an assumed public relations benefit. No scientific data currently supports the closures and its effects are widely compromised by the flood of illegal immigrants traversing the closure areas throughout the year.

We appreciate the summary table in section 2.1.2 showing the steady decline in the estimated population of desert bighorn sheep from 1993 to 2002 but consider the decline very unfortunate. It should be noted that this precipitous 33% drop in one of refuge's flagship wildlife species is higher than that experienced during the same time frame in other adjacent areas including the nearby KOFA refuge and is concurrent with the incremental embellished wilderness restrictions experienced on the Cabeza Prieta over the past decade and half.

It might be important to note that the University of Arizona research project investigating desert bighorn sheep water preferences and identified in section 2.1.5.1.2 is currently in its terminal year and that the loss of 15 animals associated with the study has so far been documented over the past four years.

No Action Alternative

We must once again take exception to the context of the no action alternative as it implies that somehow a new and revised status quo has been established over time and without the benefit of public review and the completion of any management planning process. Since the FWS abandoned the previous 1998 CCP effort (the "white book") the only refuge management policy with current standing would be the 1987 "Service Policy" and the de-facto wilderness management program (1974-1989). Consequently your no action alternative should include all of the activities and policies that existed in the 1980's including but not limited to the unencumbered maintenance and construction of water developments, access to administrative trails, no camping restrictions and an emphasis on bighorn sheep management and population enhancement. As with past draft CCP efforts we must again differ on the substance and content of a "no action" alternative and its errant reference in all of the current alternatives.

We respectfully request that under this alternative the CCP provide and accurate table identifying and listing the 145 miles of designated administrative trails cited in section 2.2.2.4. This table should identify and describe the start and end points of the trail as well its measured mileage. This table is needed to ascertain the previously noted discrepancy between the current draft CCP inventory (145 miles) and the previous 1998 draft CCP inventory (159 miles). Because the Cabeza Prieta is such an expansive area each and every mile of designated trail provides priceless administrative access, the apparent loss of 14 miles, or nearly 10% of the total mileage, warrants careful examination and an accurately documented inventory. This accurate inventory

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is needed before any further consideration be given to closing and rehabilitating the 139 miles of identified trackways not considered as being part of the administrative trail system.

We also must note that the only official wilderness boundary description and map known to exist for the Cabeza Prieta wilderness describes a 600' wide corridor along the three major refuge roadways and is in conflict with the 200' wide corridors stated in section 2.2.3.1. It is also interesting to note that this same boundary description reveals a 60' wide reservation along the international boundary with Mexico. It is recommended that the CCP provide conclusive evidence and documentation of the legal boundaries for the Cabeza Prieta wilderness to avoid a potentially embarrassing situation in the future.

Alternative 2 – Minimum Intervention

The ADBSS rejects this alternative as it conflicts with the basic purpose for which the refuge was established (conservation of wildlife resources) and contradicts the mandate prescribed in the organic National Wildlife Refuge System Improvement Act of 1997 (wildlife conservation is first). This alternative would be inappropriate and illegal as it places wilderness preservation over and above wildlife conservation.

It is absurd to prescribe under this alternative the removal of nearly all of the wildlife water developments on the refuge except those required for the endangered Sonoran pronghorn. This would suggest that only imperiled wildlife species are deserving of management attention and would be akin to adopting the administration philosophy of a National Park.

We must take exception to the implications in section 2.3.1.2.3 and the concerns that supplying water for desert bighorn sheep is artificially supporting unnaturally high population numbers. We must assert that in order to ensure desert bighorn sheep for the enjoyment of future generations proactive management activities such as supplying water are necessary to mitigate the effects of our changing world and ever diminishing and impacted wildlife habitat. The Sonoran pronghorn situation is a classic case study of the result of pure preservation and its effect on a very susceptible desert wildlife species. Desert bighorn sheep are no different.

Alternative 3 – Restrained Intervention

The ADBSS does not support this alternative as it falls short of achieving the wildlife conservation potential of the refuge. The refuge and its wildlife resources have suffered enough with the restrained management regime of the past 15 years.

We might point out that the population goals prescribed in section 2.4.1.2.3 represents the current depressed status of desert bighorn sheep numbers on the refuge. We also noted an apparent oversight in the stated sheep densities and available habitat. We are sure you intended to reflect these values in square miles and not acres.

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We do appreciate the proposed effort in section 2.4.2.1 to streamline the MRA process and to establish programmatic MRAs for all predictable and reoccurring activities. We would assume that this would apply to desert bighorn sheep habitat and water development monitoring as well as water hauling. We did not see this described as clearly in section 2.1.3.1 and would suggest that the elements common to all alternatives be more accurately described. We would also expect to see the programmatic evaluation included as an appendix.

We oppose the closure of the three identified administrative trails. Management and monitoring of this 860,000 acre refuge is already difficult enough with only the handful of roads and routes that exist. There is little justification for closing these trails other than the appeasement of the preservation community. We are especially opposed to the proposed closures of the Mohawk Trail north of the Eagle Tank Trail and the Monreal Well Trail. Both are very useful and efficient routes for the administration of the refuge (the north Mohawk Trail is especially important). If you must close a token trail we might suggest the section of the Mohawk Trail between the Camino Del Diablo and the tip of the Bryan Mountains. This is a very inconvenient route for anybody other than illegal immigrants.

Alternative 4 – Proposed Alternative for Active Management

This alternative is close to but still falls short of placing wildlife first and responsibly managing the refuge for the benefit of its wildlife species.

We support section 2.5.1.2.1 prescribing the upgrade of existing waters in wilderness and the proposed concept of constructing new waters that would benefit the refuge sheep population. We are confident that an unbiased review of the current body of scientific literature pertaining to wildlife water and bighorn sheep will show that the clear majority of this research has found water to be either a benefit or neutral. There is little evidence to indicate that wildlife water is a negative, despite repeated, unfounded and unsupported allegations to the contrary.

We would express caution to the implied future dependence on remote monitoring of wildlife waters. Although taking advantage of this new technology has merit and may reduce intrusions into wilderness it is not foolproof and it should not completely replace the need for periodic on-the-ground monitoring and evaluation. Natural resource management is as much art as it is science and the ability to visit the resource and gain a sense of its condition should not be understated. The Arizona Game and Fish Department currently operates a program in which all wildlife waters are visited at least twice per year. This same regime should be available on the Cabeza Prieta for all of its waters, not just those for Sonoran pronghorn.

The desert bighorn sheep population goal of 500-700 animals would appear to be low in that it is based on a lower than average sheep density when compared to other nearby ranges. A more appropriate goal would be a population range that meets or exceeds the average sheep density.

We are supportive of predator management (section 2.5.1.2.4) especially in regards to mitigating losses to bighorn sheep. We would therefore like to see a more active program proposed rather

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than just a lion movement study. Ecological and wildlife peer reviewed journals contain the results of numerous mountain lion studies. This being the case we see no need to suspend predator management on the CPNWR until new research is conducted. Lions will be present wherever an adequate prey base exists but desert bighorn sheep are not the primary prey base. The reproduction cycles of the two are not complimentary. As a consequence large predators such as lions and coyotes need to be controlled to prevent wide swings in bighorn sheep numbers. We would expect the CCP to acknowledge the dynamics of this widely accepted predator-prey relationship especially in regards to the relatively small prey populations that exist in the Sonoran Desert.

We would warmly support the expansion of hunting opportunities (section 2.5.3.2) to also include mule deer, small game and predators as it would be consistent with one of the priority refuge recreational uses (hunting) prescribed in the Refuge Improvement Act.

Alternative 5 – Maximum Effort

The ADBSS is very supportive of this alternative as it would maximize the resource potential of the refuge and would more responsibly pursue the objectives for which the refuge was established and the overall mission of the FWS.

We very much appreciate the desert bighorn sheep population objective of 900-1200 animals if that number is realistic and achievable. We would hope that the final preferred alternative would approach this population range as a goal and we would support the active management prescriptions necessary to achieve this goal. We would not expect forage enhancements and translocations as being a desired component of achieving that goal although they may be determined necessary at some point in the future to avert any unforeseeable calamities. In our opinion the optimum desert bighorn population would maximize the available habitat and forage on the refuge and would not be dependant on the availability of free standing water. This optimum population could then be used to repopulate other areas of the state where desert bighorn sheep have either been extirpated or are currently struggling. There should be no reason that the Cabeza Prieta could not assist in fulfilling this expanded wildlife conservation role.

Although many of the other elements of this alternative have been addressed above some require additional attention in the context of crafting a more ideal preferred alternative closer to alternative 5. In summary those elements would be:

At a minimum the population goal for desert bighorn sheep should be 900 animals. The routine use of administrative trails for habitat/water monitoring and water hauling should be treated as a programmatic activity and not subject to case specific MRAs. Monitoring should be conducted twice per year at all sites with one being in the months of May-June to ascertain water availability throughout the summer. No administrative trails should be closed, especially the North Mohawk Trail. All existing wildlife waters should be redeveloped to increase their reliability. Additional water developments should be constructed where water availability is currently limited, especially in the Granite, Growler and Aqua Dulce Mountains. Population

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surveys for bighorn sheep should be conducted and fully funded every three years. Predator management should be an active component of refuge management. The refuge should begin administrating a broader hunting program similar to the KOFA NWR.

We are confident that if the FWS places wildlife first then the final preferred alternative will contain many, if not all, of these elements.

The Arizona Desert Bighorn Sheep Society remains committed to the proactive management of bighorn sheep in Arizona and the Cabeza Prieta refuge is a significant element towards the fulfillment of that mission.

Thank you again for the opportunity to provide comment on this most important undertaking. Please feel free to contact me should you require any further discussion of these comments.

Sincerely,



Dave Pence
President

Attachment enclosed

xc Duane Shroufe, Director AGFD
Bob Broscheid, Habitat Branch Chief, AGFD
Larry Voyles, Region 4 Supervisor, AGFD
Roger DiRosa, Refuge Manager, CPNWR
William P. Horn, USSA



THE WILDLIFE CONSERVATION FUND OF AMERICA
To protect the Heritage of the American Sportsman to hunt, to fish and to trap.

April 3, 2000

Honorable Jamie Clarke
Director
U.S. Fish and Wildlife Service
1849 C Street, NW
Washington, D.C. 20240

Dear Jamie:

The Wildlife Conservation Fund of America (WCFA), its Sportsmen's Legal Defense Fund, the Arizona Desert Bighorn Sheep Society, and WCFA members and affiliates in Arizona and elsewhere are deeply concerned about unwarranted and illegal restrictions on wildlife management activities within the Cabeza Prieta and Kofa National Wildlife Refuges. It appears that some persons within the Service mistakenly believe that Wilderness designations within these refuges have the effect of (1) trumping the basic wildlife conservation purposes of these two units and (2) prohibiting accepted, and Congressionally approved, conservation activities and projects, including the development of water catchments for desert bighorn sheep. We urge you to reject this position and immediately reestablish longstanding management practices (i.e., reinstate the legal status quo), which are and always have been consistent with applicable law. These Congressionally approved practices (and other aspects of refuge management) can then be reexamined in the pending comprehensive conservation plan (CCP).

The fundamental purposes of the Cabeza Prieta and Kofa units are wildlife conservation, as reflected in the original 1939 Executive Orders creating the two Refuges and emphasized anew in the National Wildlife Refuge System Improvement Act of 1997 (NWRSLA) (P.L. 105-57). Congress enacted this latter statute, creating for the first time a comprehensive organic act for the refuge system, subsequent to both the 1964 Wilderness Act (P.L. 88-577) and the 1990 Arizona Desert Wilderness Act (ADWA) (P.L. 101-628) (which created the wilderness designations in the two refuges). Wilderness designations within refuges are an overlay and provide only supplemental purposes to guide management. See 16 U.S.C. § 1133(a).

Cabeza Prieta and Kofa were both subject to wilderness management restrictions commencing in the early 1970's. During this period, which lasted until formal wilderness occurred in 1990 with passage of the ADWA, the Service authorized the construction, operation, and maintenance of water catchment projects and other wildlife conservation and enhancement activities within these de facto wilderness areas. Congress expressly approved and ratified this kind of wilderness management for

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these two units when it enacted the ADWA. A policy change to the contrary would violate the ADWA and NWRSLA.

Objective review of applicable law demonstrates that the Service has more than sufficient authority to fulfill clear Congressional intent and manage the wilderness portions of these two Refuges primarily for wildlife conservation purposes. The Service may authorize and approve the construction, operation, and maintenance of water catchments and other wildlife enhancements, and approve the related use of motorized vehicles and equipment within wilderness areas. All available evidence demonstrates that these enhancements are beneficial to wildlife and have no adverse effects on wilderness values. Failure to approve such activities, with subsequent adverse impacts on unit wildlife populations, would likely violate the purposes of Cabeza Prieta and Kofa and of the refuge system mission.

Refuges Established for Wildlife Conservation

The 1939 Executive Orders establishing Cabeza Prieta and Kofa each specify that the units are "reserved and set apart for conservation and development of natural wildlife resources," and further specify that "improvement of . . . natural forage resources" is another purpose for the units. Executive Orders 8038, 8039, Jan. 25, 1939 (emphasis added), Attachment I. From the beginning, these units have existed for the conservation, development, and improvement of wildlife and related habitat.

Consistent with these express purposes, the Service acted to establish wildlife related developments and improvements, such as water catchments, throughout both Refuges. Through 1994, approximately three dozen of these improvements were constructed in wilderness managed sections in Cabeza Prieta and in Kofa. These improvements involved access on established (and in most cases still existing) roads by motorized vehicle and use of motorized equipment, including cement mixers, pumps, generators, and power tools. Importantly, most of these developments or improvements were installed during the period of de facto wilderness status from 1974 to 1989. These management activities produced beneficial conservation results as populations of desert bighorn sheep within Cabeza Prieta rose to a peak of 478 estimated animals in the early 1990's.

In 1997, enactment of NWRSLA enhanced and emphasized anew the wildlife conservation purposes of the two Refuges. The Act defined the terms "purposes of the refuge" and "purposes of each refuge" to be the "purposes specified in or derived from the . . . executive order . . . establishing, authorizing, or expanding a refuge." 16 U.S.C. § 668ee(10). It also defined the term "conservation" to include "habitat management." *Id.* § 668ee(4). This important statute reaffirmed that conservation, development and improvement of wildlife and habitat are the basic purposes of Cabeza Prieta and Kofa.

The 1997 Organic Act also set forth for the first time an overarching mission for the refuge system, including these two units:

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The mission of the System is to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans. [16 U.S.C. § 668dd(a)(2).]¹

In fulfilling this mission, and the specific purposes of each unit (e.g., Cabeza Prieta and Kofa), the Secretary and the Service are mandated to "provide for conservation of . . . wildlife" and "ensure" (1) biological integrity, (2) fulfillment of the mission, (3) that "the purposes of each refuge are carried out" with priority assigned to specific unit purposes in cases of conflicts with other goals, and (4) cooperation and collaboration with state fish and wildlife agencies. 16 U.S.C. § 668dd(a)(4) (emphasis added). The federal courts have determined that these mandates require the Service to "actively manage refuge lands and fauna and flora contained therein." *Wyoming v. United States*, 61 F. Supp.2d, 1209, 1220 n.9 (D. Wyo. 1999).

NWRSIA's mandate is clear: Congress has expressly directed The Service to ensure (i.e., guarantee) that the specified purposes of Cabeza Prieta and Kofa (i.e., conservation, development, and improvement) are implemented. Any goals or limitations arising from the 1964 Wilderness Act are supplemental and not intended to trump or thwart achievement of wildlife conservation purposes.

The Arizona Desert Wilderness Act Ratifies Wildlife Management Practices

Wilderness management of Cabeza Prieta and Kofa commenced in the early 1970's following legislative recommendations from the President for wilderness designations within the two units.² It has been long established practice that areas specifically proposed for wilderness status or being studied for such status are to be managed as wilderness pending Congressional action on the areas.³ De facto wilderness status and management came to these units in 1973 and 1974 and continued until the 1990 ADWA formalized this wilderness overlay designation.

¹ The Service's "Director's Priorities, FY 1999-2000" cites this passage as the "Vision" for the National Wildlife Refuge System.

² See Statement of Michael J. Spear, Regional Director, Region 2, U.S.F.W.S., ("Spear Statement") reprinted in S. Rep. 359, 101st Cong., 2d Sess., at 34-35 (July 10, 1990) (noting that Cabeza Prieta and Kofa had been managed as "de facto" wilderness since 1974), Attachment 2.

³ See *Parker v. United States*, 448 F.2d 793, 797 (10th Cir. 1971) (agency did not have discretion to destroy the wilderness values of an area considered for formal wilderness designation); Director's Priorities, FY 1999-2000, National Wildlife Refuge System, Goal 1 ("Director will issue a memo that states . . . that proposed wilderness areas should be managed as if they were designated wilderness."); see also Remarks of Chairman Udall, discussed later in this section.

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During the decade and a half of the de facto wilderness designation, the Service determined that the development, operation, and maintenance of wildlife related improvements, including water catchments, were fully consistent with wilderness management. As a result, numerous catchments were developed during this period within wilderness portions of Cabeza Prieta and Kofa. The Arizona Desert Bighorn Sheep Society developed a number of these improvements with the approval and cooperation of the Service.

When Congress was considering the ADWA, senior Service representatives testified that within Kofa, for example, approximately 80 wildlife watering facilities had been maintained under wilderness management rules and that seven new catchments had been constructed and that similar activities had occurred on Cabeza Prieta. The Service testified that the formal designation of wilderness (i.e., extension by Congress of the de facto wilderness management restrictions) would not preclude these activities. Spear Statement, S. Rep. 359, 101st Cong., 2d Sess. at 35 (July 10, 1990), Attachment 2. Thus, Congress was aware of this issue.

The enactment of the ADWA constituted express Congressional approval and ratification of the Service's wilderness management regime that allowed the construction, operation, and maintenance of water catchments. When Congress expresses approval or ratification of an agency's interpretation or policy, that interpretation or policy becomes the will of Congress and has the force and effect of law. *E.g., Isaacs v. Bowen*, 865 F.2d 468, 473 (2nd Cir. 1989); see also *Phillips Petroleum Co. v. USEPA*, 803 F.2d 545, 547 n.3 (10th Cir. 1986) (in enacting statute, "Congress intended to ratify EPS's policy of deep well injection."). This doctrine applies particularly when Congress "indicates not only an awareness of the administrative view, but also takes an affirmative step to ratify it." *Isaacs*, 865 F.2d at 473. As discussed below, when officially designating wilderness in these two Refuges in 1990, Congress was acutely aware of (1) the Service's use of water catchment devices and mechanical equipment to create and operate these devices over the preceding 15 years, (2) the Service's management of these areas as de facto wilderness over those 15 years, and (3) the Wilderness Act's general prohibitions on the use of motorized and mechanical devices. At the same time, Congress affirmatively ratified these uses within the new wilderness areas of the Refuges.

The legislative history of the ADWA is absolutely clear that Congress expected and intended that formal wilderness status would bring no management changes in Cabeza Prieta or Kofa regarding wildlife management projects and activities:

Wilderness designation will not bring any great changes to the administration of these refuges. They were studied and positively recommended for wilderness in the administrations of Presidents Nixon and Ford and have been managed as wilderness since that time. Today we are proposing to formalize the regime that has governed the refuges for at least 15 years. [Remarks of Rep. Morris K. Udall (D-AZ), Chairman, House Committee on Interior and Insular Affairs,

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during consideration of ADWA (H.R. 2571), *Congressional Record*, p. H1410, April 3, 1990, Attachment 3.]

Chairman Udall also spoke directly to the issue of continued wildlife management activities in the formalized refuge wilderness areas:

The administration has testified that the activities common in the refuge today - for example, donations of time and labor to construct water catchments by organizations such as the Arizona Desert Bighorn Sheep Society - will continue. [Id.]

Chairman Udall was not alone in expressing this clear intent to approve and ratify wilderness management practices that provided for water catchment construction. Rep. Robert Davis (R-MI), Ranking Member of the House Merchant Marine and Fisheries Committee (with jurisdiction over Service matters) also stated "[u]nder existing wilderness management policy, a wide range of wildlife management activities are, and will continue to be, allowed in the four Arizona wildlife refuges." *Id.* at H1412. Merchant Marine Committee Chairman Rep. Walter Jones (D-NC) expressed the same intent:

the wilderness designations in this bill [ADWA] will not adversely affect or unduly restrict wildlife management operations on these four desert wildlife refuges. [Id. at H1413.]

The U.S. Senate was similarly aware of this management history and expected that enactment of ADWA would bring no changes to traditional management practices at Cabeza Prieta and Kofa, especially as related to bighorn sheep:

In fact, management of bighorn sheep populations and habitat is one of the primary reasons for establishment of the refuge [Kofa] in 1939. The designation of wilderness is not intended to change this or any other purpose for the refuge. [S. Rep. 359, 101st Cong., 2d Sess. at 20 (July 10, 1990), Attachment 2.]

The same report also acknowledged conservation of desert bighorn sheep as a primary purpose for Kofa and Cabeza Prieta. *Id.* at 21; cf. *Schwenke v. Secretary of the Interior*, 720 F.2d 571, 577 (9th Cir 1983) (Congress wanted to transfer administration of wildlife Range to Fish and Wildlife Service because the agency's particular mission was to protect wildlife).

Congress intended that the wilderness management practices that existed during the period leading up to enactment of ADWA would be continued following formal designation of wilderness.

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These practices included construction, operation and maintenance of water catchments and other wildlife management activity and improvements. This action demonstrates conclusively that Congress not only wanted these activities to continue but was persuaded that nothing in the 1964 Wilderness Act or ADWA would adversely impact or thwart these beneficial conservation projects and activities.

1964 Wilderness Act Does Not Prohibit Construction and Maintenance of Catchments Using Motorized or Mechanical Means

The Service has had long standing policy that permits the use of motorized vehicles and equipment for wildlife management practices notwithstanding section 4(c) of the Wilderness Act, which prohibits some uses of motorized equipment in wilderness areas. Under long established, and Congressionally accepted, policy and practice, motorized equipment may be used within wilderness areas if such equipment constitutes the "minimum tool" to achieve the management objective or purpose. U.S. Fish and Wildlife Service, *Refuge Manual*, May 8, 1986 (6 RM 8.8.A). The minimum tool is that "combination of methods and equipment that least degrades the wilderness values of the land while meeting refuge objectives in a safe and economical manner," 6 RM 8.2.

The Service has also long recognized that the 1964 Wilderness Act, and section 4(c), is not rigid but confers a measure of "management latitude" on the administering agency (6 RM 8.7) and allows "wildlife management facilities" within wilderness areas if the facilities are "essential to, accomplishing refuge management objectives." 6 RM 8.8.I. In this case, protection of desert bighorn sheep populations, as well as wildlife conservation and conservation related development and improvement, are the refuge management objectives arising from the 1939 executive orders and statutorily ratified by Congress via NWRSA in 1997.⁴ Importantly, the *Refuge Manual* cites the following example of a special situation where motorized equipment use may be approved within wilderness:

(2) Activities essential to accomplishing refuge objectives. For example, if bighorn sheep tanks [catchments] dry up and the only means of supplying water is by trucking it into the tanks . . . [6 RM 8.8.A(2).]

These policies were in force and effect when Congress enacted the ADWA and were a basis of the representations by Service officials that wilderness designations within the two Refuges would not adversely impact or restrict the development of catchments and the improvement of wildlife

⁴ As the later enacted statute, the 1997 NWRSA takes precedence over the 1964 Wilderness Act to the extent the two conflict. See *Voyageurs Region Nat'l Park Assoc. v. Lujan*, 966 F.2d 424, 428 (8th Cir. 1992) ("Congress was certainly aware of the Wilderness Act when it enacted the Voyageurs National Park Act, and the general language of the Wilderness Act must give way to the more specific provisions of the park's enabling legislation."); *In Re Glacier Bay*, 944 F.2d 577, 583 (9th Cir. 1991) (later enacted TAPS Act preempted earlier enacted Act).

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habitat. Congress was fully cognizant of these policies and representations. They became the basis of express Congressional intent that the ADWA would not cause on-the-ground changes in the administration of the two units and the ability to engage in wildlife related development and improvement activities. That express intent, and passage of the ADWA, constitutes Congressional approval and ratification of these traditional policies and practices within Cabeza Prieta and Kofa.

Particularly in light of these Congressional actions, section 4(c) is not a significant barrier to use of motorized equipment. In enacting Chapter 23 (relating to the National Wilderness Preservation System) of the 1964 Wilderness Act, Congress expressly stated that "[t]he purposes of this chapter are hereby declared to be within and supplemental to the purposes for which national forests and units of the national park and national wildlife refuge system are established and administered . . ." 16 U.S.C. § 1133(a). Section 4(c) allows, "as necessary to meet minimum requirements for the administration of the area for the purpose of this chapter," the use of motor vehicles, motorized equipment, other forms of mechanical transport, and structures and installations. *Id.* § 1133(c). As the purposes of the National Wilderness Preservation System are supplemental to the primary purposes for which the refuge units were created and administered, section 4(c) does not prohibit such uses in furtherance of the wildlife management activities of the Service in the two Refuges.

The Service must harmonize section 4(c) with the Refuges' purposes, the general mission of the refuge system, and the specific dictates of the NWR.SIA. It is wrong to conclude that section 4(c) simply trumps and nullifies these other statutes.

As discussed above, the legislative history is clear: these water catchment and related activities would continue regardless of formal wilderness designation. To the extent these activities create tension with section 4(c), it must yield. Put another way, the correct interpretation is that section 4(c) does not prohibit these activities. See *National Railroad Passenger Corp. v. National Association of RR Passengers*, 414 U.S. 453, 458 (1974) (even the plain meaning "must yield to clear contrary evidence of legislative intent").

Improper Homage to Supplemental Wilderness Objectives is Harming Wildlife

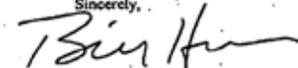
As previously noted, the wildlife management activities, including development of water catchments, in Cabeza Prieta produced beneficial conditions for bighorn sheep, causing the population to peak in the early 1990's. Unfortunately, this peak coincided with the beginning of the Service's overly restrictive interpretation of wilderness management authority. The subsequent restrictions on operations and maintenance of the catchments took its toll on the desert bighorn sheep and the endangered Sonoran pronghorn. From the 1993 peak population of 478 estimated animals, numbers declined 15 percent by 1996 to 408 estimated sheep and dropped another 11 percent by 1999 to less than 365 estimated bighorns. A 25 percent decline in Cabeza Prieta's signature species is the consequence of the Service's misreading of the law and unwarranted restrictions on conservation management activities, and is a clear violation of NWR.SIA and other applicable law.

Honorable Jamie Clarke
April 3, 2000
Page 8

Conclusion

The legal authorities and the intent of Congress allow, if not compel, the Service to continue creation and operation of wildlife management improvements, including water catchment devices in Cabeza Prieta and Kofa. In light of the past positive effects on the wildlife resources of the two Refuges, the Service should immediately reestablish Congressionally approved management practices regarding wildlife conservation developments and improvements. The management scheme that worked in the 1970's and 1980's should be in force and effect. Moreover, these established and ratified practices may be reinstated without awaiting completion of the CCP's for the units. We stand ready to work with the Service to continue these important wildlife management activities.

Sincerely,



William P. Horn
Counsel to
Wildlife Conservation Fund of America

Attachments

cc: (with Attachments)
The Honorable Jon Kyl
The Honorable John McCain
The Honorable J.D. Hayworth
The Honorable Jim Kolbe
The Honorable Ed Pastor
The Honorable Bob Stump
Brian Dolan
John Fugate
Paul Karres
John Kennedy
Harry Burroughs

September 12, 2005

Dear Mr. Slown,

Here are my comments on the Comprehensive Conservation Plan.

I am in favor of most of the draft plan except for two things. These are:

(1)- I want the 200 foot motorized corridors retained along with the blanket 100 feet to pull off of the road for camping.

(2)- Any street legal, registered, vehicle should be allowed on motorized corridor roads whether they are four wheel, three wheel, or two wheel. I don't see how it makes any difference how many wheels a registered vehicle has if it is operated on a designated, established, roadway.

I could never understand the logic behind not allowing a motorcycle to drive the El Camino del Diablo. The experience of driving and camping along the El Camino is marvelous and should be available to all people no matter how many wheels are under them. The historical aspect of that road makes it a very special place to visit.

Sincerely,

Frank Colver
320 Morning Star Ln.
Newport Beach, CA 92660

September 13, 2005

Mr. John Slown
Biologist/Conservation Planner, USFWS
NWRS, Southwest Region, Planning Division, PO Box 1306
Albuquerque, NM 87103

Dear Mr. Slown,

Residing in Wisconsin as I do, I was shocked to learn that the Cabeza Prieta National Wildlife Refuge has been subjected to damage from your own and the Border Patrol's vehicles. While I appreciate the important concerns of maintaining border security, our wildlife refuges shouldn't have to pay the price.

You have acknowledged the damage done to the refuge by motorized use, yet you do not offer one alternative in your draft comprehensive plan that protect the outstanding wilderness values in the refuge, which seems to me to be a total disregard for the Wilderness Act of 1964.

You cite hauling water to manage conservation of Desert bighorn sheep as the reason for most of the FWS's continued motorized use in designated wilderness at the same time you acknowledge that you have the service has no science to support the notion that artificial water developments are necessary for the sheep. It seems to me they are called Desert bighorn sheep for a reason -- they have evolved and learned to survive without water trucks in a harsh desert environment.

The FWS has done virtually nothing to analyze or understand the impacts of this activity or to develop a science-based plan for managing the sheep. Continued water hauling is inexcusable and the final CCP should halt it.

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Surpassing the water hauling, border law enforcement is wreaking havoc on the refuge. Of course the Border Patrol faces serious challenges, but wilderness preservation has to be as high priority. It is inappropriate, and probably illegal, to open vast sections of the refuge's wilderness to unlimited vehicular use and road building. The draft CCP acknowledges the damage from this use in the refuge, but goes on to say that the issue of border law enforcement is "outside the scope of the CCP." If the most damaging activity in the refuge falls outside a Comprehensive Conservation Plan's scope, what could possibly fall within it?

Those of concerned with wilderness conservation and preservation look to your agency to manage this and all refuges and their resources for all Americans. We deserve more than silence from your agency on this critical issue. Please adopt a management plan that protects the refuge wilderness by working with the Border Patrol to bolster law enforcement at the border itself and by eliminating all vehicular use in designated wilderness areas.

Thank you for considering my comments.

Sincerely,

Nancy Davlantes
5983 Sugarbush Lane
Greendale, Wisconsin 53129-2624

John Slown
Biologist/Conservation Planner
US Fish & Wildlife Service
NWRS, Southwest Region, Planning Division
P.O. Box 1306
Albuquerque, NM 87103
Fax: (505) 248-6874

13 September 2005

Dear Mr. Slown:

The Wilderness Act of 1964 must be followed. The expanding vehicular use in the refuge's designated wilderness is appalling, illegal, and shows disregard for the laws of our nation, particularly given the damage that your agency finds pursuant to this illegal use.

This is a nation of laws.

All of the alternatives in the draft comprehensive Conservation Plan (CCP) for the Cabeza Prieta National Wildlife Refuge fail to protect the wilderness from motorized use.

Why, contrary to wildlife management science, do you continue to truck in water for the Desert bighorn?

How are you going to manage for Border enforcement to fall within the Comprehensive Conservation Plan's scope?

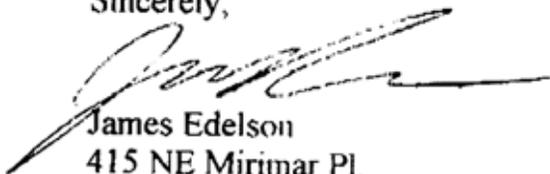
The FWS should manage this spectacular refuge and its resources for all Americans.

Please adopt a management plan that protects the refuge wilderness by working with the Border Patrol to bolster law enforcement at the border itself and by eliminating ALL vehicular use in designated wilderness

areas.

Thank you for your consideration.

Sincerely,



James Edelson
415 NE Mirimar Pl.
Portland, OR 97232 USA
Phone/Fax (503) 231-4665
jedelson@comcast.net

I wish to have my comments listed below to be part of the public comments which are to be submitted to you on behalf of the Cabeza Prieta National Wildlife Refuge (CPNWR). I believe that continued effort that will ensure protection of the plant and animal communities and individual species unique to CPNWR is now, more than ever necessary. Among the animal in special need for protection are the Sonoran Pronghorn Antelope and Desert Bighorn Sheep. Among the many concerns would be the redesign of the existing water tanks and catchments which would aid in ensuring that their redesign would augment the antelope's and sheep's need for water. I understand that there are specific measures such as: further study of how the Sonoran Antelope can continue to adapt and thrive in view of the human presence within the refuge. As well as with the Desert Bighorn, Please determine fully, while using the best science available, what the continued use of water tanks would be upon the native bighorn populations. I am confident that the USFWS will use the Minimum Requirements Analysis for determining what all management activities, proposed and performed within the wilderness within CPNWR, to be.

Any visitor to CPNWR should be educated as to their role played in the introduction of invasive/non-native plants. An orientation for all visitors presenting at refuge offices prior to entering the refuge for permits, or for those browsing an exhibit at the refuge visitor center, could further the refuge's goal in protecting the animal and plant communities within. The U.S. Border Patrol, as well, must assume responsibility for their role in the spread of non-native plants, through the transport of plant seed on their vehicles, and for the disturbance of the soil substrate of the Lower Sonoran Desert by the impact of their activities and equipment.

Awareness of the contribution of native cultures to the landscape should be recognized. The USFWS should, with respect to CPNWR, take into it's view the management and protection of it's cultural resources. and establish an environmental education program which would give respect to the native culture. This could be accomplished by the dissemination of histories and traditions of people formerly, as well as currently indigenous to the region, of which, the refuge is part.

September 13, 2005

Integrating native culture with the refuge's interpretation of the present environment is an important goal of the refuge.

Roads in many ways are not compatible with the natural world. They have in many ways only served to fragment and disturb natural habitat. Historically roads have served the need for human transportation, development, industry, military purposes, and for resource extraction. The purpose of wilderness protection runs counter to these long-held human traditions. Please find ways in which the refuge can continue to be managed without resorting to additional roads. I ask that the USFWS retain the language in the Preferred Alternative which would permit the closure of any administrative trails no longer needed for the hauling of water.

I believe that the Leave No Trace Program should also be applied to the backcountry and along motorized travel corridors. The public would greatly benefit in better understanding their impact upon the fragile desert environment. Law enforcement officers charged with the protection of the refuge as well as the safety within, should be trained and also encouraged to offer information on LNT as well as the natural resources of refuge, to members of the public visiting the refuge.

CPNWR, with regards to it's management of visitor access to the refuge must not implement the Preferred Alternative. All motorized corridors of 200 feet should allow only the travel on established roadways and allow pulloffs only as far as necessary to permit the passing of other vehicles. Please do not permit a blanket 100 foot wide corridor. Please restrict group sizes on refuge roads to 5 vehicles per party with 16 people as the maximum allowed.

I favor the current permitting process with no phone or web based system. Continue to allow the access of pack stock under special use permits.

No Off Road Vehicles such as 4x4s, motorcycles, or all-terrain-vehicles should be permitted from operating in refuge wilderness.

Thank you for allow the public the opportunity to comment.

Robert Herdliska
2631 W. Prato Way
Tucson, AZ
85741

September 13, 2005

RE: Public comments on Draft Comprehensive Conservation Plan (CCP), Draft Environmental Impact Statement (EIS), and Draft Wilderness Stewardship Plan

Regarding wildlife preservation, the plan needs to restore wildlife movement corridors across highway 85 and remove all fences that could prohibit movement of Sonoran pronghorn. The pronghorn recovery team has made it clear that reestablishing movement between habitats is crucial to the recovery of the Sonoran pronghorn. All management activities proposed/performed in wilderness should be evaluated for need and method of completion under a Minimum Requirements Analysis. As with Sonoran pronghorn, the USFWS should fully explore and document the relationship between desert bighorn sheep and the necessity, use, and effect of water tanks on sheep populations. Consider redeveloping existing water tanks in wilderness to improve their capacity and collection systems, as well as making the tank levels more apparent from the air. Explore the feasibility of using photovoltaic systems to monitor and remotely transmit water levels.

Non-native plants are one of the biggest threats to the long-term health of the Sonoran Desert. The visitor orientation video and permit for the refuge should incorporate aspects of educating the public about the spread of noxious weeds and how to prevent it. All Border Patrol vehicles that enter the Refuge should have their undercarriage cleaned before entering the refuge.

Regarding Administrative trails, the USFWS must continue to explore ways in which it can complete the necessary management actions without developing new roads. Roads disturb and fragment habitat and they do not belong in

wilderness. Close unnecessary administrative trails in the wilderness. Retain the language in the preferred alternative under this section that allows permanent closure of all administrative trails if water hauling is deemed no longer necessary.

Regarding visitor access, the current permit process should be kept in place. Switching to a phone or web based system could encourage use-use of the Refuge. Pack stock should continue to be allowed under special use permits. Off Road Vehicles such as four wheelers, motorcycles, and three wheelers should be expressly prohibited anywhere in the refuge.

I feel that the Cabeza Prieta National Wildlife Refuge is an outstanding ecological, geological, cultural, and educational national treasure, and should be protected from destructive influences while encouraging the protection and recovery of the Sonoran Desert's unique fauna and flora.

Thank you for your consideration,

Jennifer Becker

Tucson, AZ

6845 Pintail Dr
Flagstaff, AZ 86004
Sept 13, 2005

Mr. John Slown, Biologist/Conservation Planner

Cabeza Prieta Planning Team Leader
U.S. Fish and Wildlife Service
P.O. Box 1306

Albuquerque, NM 87120

Dear Mr. Slown,

I would like to submit the following comments regarding the Cabeza Prieta NWR Draft Comprehensive Plan and have my name added to the list of "interested publics" for this issue.

It is important to recognize the history of the CPNWR and its importance to the State of Arizona. Arizona sportsmen have been involved in the restoration and maintenance of wildlife habitat in SW Arizona for many years. It is of utmost importance that the CPNWR continue to be managed in the best interest of the wildlife. This must be the priority. Management for wilderness characteristics must be secondary. This means that continued reasonable motorized access for wildlife management purposes must be maintained. Existing access routes must be maintained.

With the continual increase in population in AZ, it is important that areas such as CPNWR be managed to provide the highest possible chance for wildlife to thrive. "Hands off" is not management, it is neglect! Many areas of the State provide just that, a hands off approach in wilderness areas. This must not be allowed to become the mode of operation here. Of particular importance is the ability to supply additional water in drought

years. Procedures must be in place to rapidly respond to drought conditions.

With the current problem of immigration across this landscape, it is important to recognize that the threat is not from wildlife supporters whether they be Federal agency personnel, State agency personnel or conservation minded NGOs. They are the "good guys" that are intent on pro-actively managing the wildlife and their support systems. To block their access in any way is a disservice.

I support alternative 5 and can live with alternative 4. Alternatives 2 or 3 are completely unacceptable and would work to the detriment of the noble purposes of the Cabeza Prieta Wildlife Refuge.

Sincerely,

Bruce H. Johnson (submitted via email on 9/13/05)

September 13, 2005
Mr. John Slown
Biologist/Conservation Planner, USFWS
NWRS, Southwest Region, Planning Division, PO Box 1306
Albuquerque, NM 87103

Dear Mr. Slown,

The draft comprehensive Conservation Plan (CCP) for the Cabeza Prieta National Wildlife Refuge falls far short of protection from what is most damaging, motorized use. This tolerance of vehicular use in the designated wilderness is totally intolerable.

The issues the Border Patrol face are really challenges, but they must be resolved without destruction to this precious wilderness. The FWS have the responsibility of safeguarding this irreplaceable area, and you are urged to adopt a management plan that will be responsive to that concern.

Sincerely,
Barbara Birdsey

September 13, 2005

Dear Mr. Slown:

I want to petition you to keep all motorized vehicles out of the Cabeza Prieta Wilderness area except the road used to interdict illegal persons entering the USA.

This area of Wilderness is very fragile and is governed under the Wilderness Act of 1965, which states that no invasion may be made by any motorized vehicles.

Thank you for acting on this matter.

George M. Williams
309 E. Edgewood
Sidney, OHIO 45365

I have also attached my comments so that format will remain, if you'd rather. Thanks. Nancy Zierenberg, September 13, 2005

John Slown, Div. of Planning
USFWS, NWRS R-2
POB 1306
Albuquerque NM 87120
john_slown@fws.gov

Hello planners,

I've been to Cabeza Prieta a few times and it is incredibly special each time. I'm counting on you to prioritize its protection in the fullest sense, and to take all measures necessary to protect its natural inhabitants from unnatural invasions of vehicles; in the air as well as on the land. The border patrol, human coyotes, servicemen using vehicles as toys (wreckreation) have all taken a big toll on the refuge in these latest years and we need to do all we can to prevent further degradation from these and others who have no regard for this preserve area.

There are few large areas like this left in our nation; areas still relatively pristine and large enough where a human can get away from society for awhile. These areas are precious and will prove to be more so in the future. Preserving them intact now will ensure that the jewel remains for others down the line.

The area's wildlife and plantlife are uniquely adapted to survive there. The pronghorn are only one of these species that we need to preserve habitat for. And they obviously evolved to need large contiguous areas to survive. We certainly don't want a few specimens of zoo-like pronghorn, remnants of once truly wild animals held in enclosures for people to view. We want wild, continuously evolving flora and fauna, and I think the American

people have charged USFWS with the responsibility for keeping these components in a healthy and thriving state in perpetuity.

I am not up to date on what is happening with Mexico/U.S. border fencing, the horrendous plans for mega-lighting up the border area, vegetation clearing along the border and other things I've heard are in the works. Although wildlife friendly fencing to stop illegal vehicular use (including border patrol) might be a needed answer to stop the creation of the multitude of roads being created, the rest of the efforts I've heard about to curb illegal immigration are too horrendous for words. Those things would certainly not amount to a wildlife friendly situation and would probably contribute to the demise of the pronghorn.

It is good that USFWS is trying to work with border patrol to make sure their agents understand the fragility of this desert, but I really hope that when it comes to law enforcement within the refuge boundaries that border patrol action is limited. Their going off roads should never have been allowed, flights over wilderness are certainly disruptive—not only to people, but also to wildlife--and should be very limited (eliminated would be nice), and they simply do not get needed training (or maybe it just doesn't work?) to respect and take care not to damage the workings of this desert and the cultural resources there. They have a different bottom line than a USFWS employee and if a suspected illegal entrant is being tracked, then all else receives secondary consideration and actions not appropriate in the refuge often take place (ie. a chase or driving off a legal road).

Speaking of roads, there are miles of illegally made roads and trails (tracks) that need to be closed. Some of these were made by servicemen and some by illegal entry. At any rate, they need to be obscured so they are no longer used illegally and some kind of patrolling planned to show a law enforcement presence

in problem areas. In the old days (when the National Park Service was at its height) perpetrators were forced to rake out their own illegal tracks and do repairs, no matter how hot it was, then given a citation. There is merit to this method of curbing illegal vehicle use.

I do not support adding water holes (that always need maintenance) to wilderness areas that are supposed to be pristine and free from human disturbance and influence. I know there are currently many developed water holes in the refuge, though I don't know if USFWS has done any work to determine if they do any good?? Do we know which animals are using these? Do these areas create more hazard than help to the wildlife? Are humans using these? Are stray cattle getting to these watering holes? Do they create some kind of disease or parasite sink? How often is the water in these catchments tested for organisms? Is the maintenance needed to support them worth the damage to the land getting large and heavy trucks in with water?

I think we need to answer these questions before going further with the non-natural water development.

Although it's nice to have a fancy new office, do visitor numbers support building new facilities at this time? I know for certain that the refuge needs much more USFWS presence on the ground and feel that should be a first priority. Good and comprehensive training for your people should also be a major priority. Having people in the field meeting the public using the resource goes a long way toward reining in bad or illegal behaviors. That's a proven fact. It also works in favor of USFWS when your employees have been trained properly to deal with people and can effectively educate and provide helpful information to them while in the field. When people see officials patrolling, they know then that the resource is important

enough to the agency to protect, and it allows the agency to keep a better handle on what is really going on within the refuge.

Nancy Zierenberg
1755 W Calle Pacifica
Tucson AZ 85745

And lastly, invasive species need to be inventoried and a strategy prepared to deal with them. That includes cattle. Hopefully they are shot on sight. The desert experienced a plethora of invasive plant outbreaks this year due to timing of rains. The Sahara Mustard was out of control and there are many other species right behind it. I would ask that the USFWS develop a comprehensive list of invaders, then prioritize for removal and continual control of the most egregious ones. For annuals like Sahara Mustard, it may be too late, but there may be ways in bad years to at least focus on certain areas where it competes heavily with natives. For others, like some invasive perennial grasses, there may be ways to keep them from spreading further into the refuge. A well thought out plan and training for all employees on recognition of these invaders is certainly warranted.

On the flip side of this, I would certainly support the refuge working to build a local seedbank and developing a restoration nursery of native plants for those areas devastated by illegal off-road use and subsequent closure of those. There are also probably some camping areas that have suffered heavy disturbance that will need resting. Use of prickly natives, or even use of rock can help deter people from areas that need to recover.

In closing, I would hope that USFWS will prioritize to the fullest the protection of the natural qualities that made this a wildlife refuge in the first place. It is a rare chunk of land that offers solitude, quiet, a unique study of special plants and animal life adapted to this amazing desert and should be left alone to just "exist" as much as possible.



Arizona Wilderness Coalition
Working Together to Protect Arizona's Wild Lands and Waters
 PO Box 2741 Prescott, AZ 86302 - (928) 717-6076 - www.azwild.org

John Slown, Biologist/Conservation Planner
 USFWS, NWRS, Southwest Region, Planning Division
 P.O. Box 1306
 Albuquerque, NM 87103

RE: AZ Wilderness Coalition Comments for Cabeza Prieta NWR Draft Comprehensive Conservation Plan

Dear Mr. Slown:

Thank you for this opportunity to offer comments on the DEIS for the Cabeza Prieta NWR. The Arizona Wilderness Coalition's (AWC) mission is to permanently protect and restore Wilderness and other wild lands and waters in Arizona for the enjoyment of all citizens and to ensure that Arizona's native plants and animals have a lasting home in wild nature. The AWC has a membership of about 1,000 people. The AWC played a significant role in the 1990 Arizona Desert Wilderness Act, which Congressionally designated 803,418 acres of the Refuge as Wilderness. The Cabeza Prieta NWR is the largest National Wildlife Refuge wilderness outside of Alaska and the USFWS has the privilege and responsibility to protect this enduring resource wild America, there is no other place like it!

First, it is important to recognize that management of illegal foot and motorized traffic crossing the international border onto the Cabeza Prieta and all other lands adjacent to the border is correctly identified as outside the scope of this planning effort. The AWC understands that this is of utmost management concern presently, but we also recognize the need to plan for a future without these pressures. However, we would like to preface our comments by stating that comprehensive reform of our nation's immigration policies will be necessary to control our borders in a secure, safe, humane, and environmentally sensitive manner. Please continue to work collaboratively with the Department of Homeland Security in securing our borders and managing our Wildlife Refuges.

Sonoran Pronghorn

2.5.1.1.1.2 Developed Waters

It is understood by the AWC that recovery of Sonoran pronghorn requires the development of surface water catchments in the Cabeza Wilderness; this is not a desirable wilderness management practice, but necessary under the provisions of the endangered species act and decisions made by the recovery team in the recovery plan for this species. The AWC supports Alternative four for this management goal with the addition of the last paragraph from this section in alternative three, which directs the refuge to place greater emphasis on working with the air force and BLM to develop waters on their lands as well. Lastly, this section should clearly state that the necessity, use, and maintenance of these waters would be reevaluated when the Sonoran pronghorn reach recovery goals.

2.5.1.1.1.6 Fencing

The AWC fully supports restoring wildlife movement corridors across highway 85 and removing all fence that could prohibit movement of Sonoran pronghorn. The recovery team has made it clear that reestablishing these habitats is crucial to the recovery of the Sonoran pronghorn.

2.5.1.1.1.8 Habitat Restoration Research

Research should not just focus on "use" of developed waters by Sonoran pronghorn, but the long-term positive and negative affects of providing unnatural sources of water. Also, research on the how motorized travel corridors (inside and outside wilderness) have disrupted and have the potential to disrupt hydrologic cycles (sheet flow) such that it affects vegetative cover and forage available for Sonoran pronghorn.

2.5.1.2 Desert Bighorn Sheep

2.5.1.2.1 Developed Waters

The current practice of hauling water to developed tanks inside the Cabeza Prieta Wilderness for management of desert bighorn sheep populations is not desirable from a wilderness management perspective, but it is understood by AWC that this use did occur before the refuge wilderness was established and it was Congress's intention that it would continue as long as the USFWS deemed it necessary for fulfilling the purposes for which the Cabeza Prieta NWR was created. This being said, there has been tremendous controversy over the maintenance, development and redevelopment, and possible removal of these waters in the Sonoran Desert and particularly at the Cabeza Prieta NWR. As with most wilderness advocacy organizations the AWC would like nothing more than to have wilderness without the administrative use of motorized equipment and vehicle ways inside wilderness, but the reality and legal mandate is that the Wilderness Act of 1964 does allow for exceptions to the general prohibitions of mechanized travel and motorized equipment, provided they are minimum tools necessary for the administration of the area as wilderness. Also integral to understanding the issue of developed wildlife waters in Arizona's Wilderness areas and all public lands are that the state of Arizona retains primary responsibility for the management of wildlife on all lands. In Arizona, an integral part of Arizona Game and Fish Department's desert bighorn sheep management is the development and maintenance of wildlife waters in desert bighorn sheep habitat.

AWC supports the proposed alternative to redevelop existing tanks in wilderness to improve their capacity and collection systems, as well as making the tank level more apparent from the air. The feasibility of using photovoltaic systems, such as those mentioned for Sonoran pronghorn tanks, to monitor and remotely transmit water levels should be explored for these tanks as well. It should be explicit in this section of the preferred alternative that all management activities proposed/performed in wilderness will be evaluated for need and method of completion under a Minimum Requirements Analysis.

The AWC also supports the concept of studying the relationship of desert bighorn sheep to developed waters. The University of Arizona study that is currently underway in the Sierra Pintada Mtns. will not be the end of the developed water debate on desert public lands and so it should not be treated as such in this management plan. Normally science is never a one shot deal that either proves or disproves theories, but a series of concepts that are continually challenged creating a refined theory that is still open for debate. If the USFWS insists on carrying forward the concept that this one study will provide the answer to the developed water question, then the opposing actions should read exactly the same in the preferred alternative. Currently, if the study finds that waters benefit sheep then new waters "may be proposed" and if the study finds that waters are not beneficial to sheep "the refuge will consider removing such waters". The AWC recommends

Arizona Wilderness Coalition, Page - 3

making the language exactly the same to limit any potential misinterpretations of a very controversial issue.

2.5.1.2.3. Population Goal

The affected environment or any other section of the document failed to explain why desert bighorn sheep numbers have consistently declined since 1993, it can only be assumed that disease from domestic livestock is still affecting the population and the long-term climate change? Is the goal of 500-700 animals reached when the survey data is extrapolated using the 95% confidence interval and the upper range of the population estimate is over 700 or the lower range of the estimate is over 500? Please explain what the indication is that this goal has been reached.

2.5.1.3.5 Long term Monitoring

This proposed action seems like an excellent tool for future management.

2.5.1.3.5 Exotic/Invasive Species

The preferred alternative should also incorporate the following comments in relation to exotic/invasive species. The visitor orientation video and permit for the refuge should incorporate aspects of educating the public about the spread of noxious weeds and how to prevent it. The refuge staff and volunteers should also pull Saharan mustard when found, as hand pulling of small populations can be effective. Border Patrol vehicles that are used along various locations of the border should be cleaned periodically and after traveling in heavily infested areas before entering the refuge.

2.5.2.1 Minimum Requirements Analysis

Minimum Requirements Analysis is a documented process used for determining the appropriateness of all actions affecting wilderness. The development of programmatic MRAs for similar tasks to be completed in wilderness is an acceptable method to limit redundancy. The MRAs in the appendix have been reviewed and they support the preferred alternative. The AWC supports the use of the MRA process to complete administrative tasks to protect the wilderness resource; we also support the use of primitive/traditional tools in wilderness to the fullest extent. The decision to complete a task based completely on time, money, or even impact to visitors because a work crew using the primitive tool may stay longer at the project site must be balanced with the preservation of primitive/traditional skills. It is the privilege of the UFWWS to help foster the retention of primitive/traditional skills that are being forgotten as technology marches forward.

The AWC recommends that since various administrative trails are used across the entire refuge to access wildlife waters in wilderness, there may be some different impacts in different locations, such as those to Sonoran Pronghorn in their habitat. It may be desirable to develop two or more programmatic MRAs to address actions that could take place in different places on the refuge as the resources change across the landscape.

2.5.2.2 Abandoned Vehicle Removal

Arizona Wilderness Coalition, Page - 4

The AWC fully supports this management action and encourages the service to aggressively pursue getting the military to assist in removal of abandoned vehicles by helicopter.

2.5.2.4 Administrative Trails

The closure of any administrative trails in the Cabeza Wilderness is an excellent action. The service should continue to explore ways in which it can complete the necessary management actions and close more miles of administrative trails. Please retain the language in the preferred alternative under this section that allows permanent closure of all administrative trails if water hauling is deemed no longer necessary.

2.5.2.5 Wilderness Impact Monitoring

The preferred alternative should adopt some threshold for percentage of degradation or level at which action to prevent degradation will occur. Please address what actions would potentially be used to prevent impacts from becoming worse? How would monitoring be carried out?

2.5.2.6 Border Law Enforcement

Extensive wilderness training for border patrol personnel, as described in Alternative three, would best protect the resources of the refuge.

2.5.3.1 Managing Visitor Access

The preferred alternative is not acceptable and should be changed to alternative three for this section. Alternative three should then be changed to add the following restrictions on visitor access. Any motorized corridor of 200 feet should only allow visitors to travel on established roadway and to pull off only as far as needed to allow other vehicles to pass. There should not be a blanket 100-foot wide corridor. The current permit process should be kept in place and not moved to a phone or web based system. The population of Arizona and the desire to recreate in more remote places will only increase and so adopting more restrictive policies now will help to protect the refuge in the future. To do any less would not adequately protect the resources of the refuge. The preferred alternative should clearly prohibit Off Road Vehicles such as four wheelers, motorcycles, and three wheelers. Group sizes on refuge roads should be limited to 5 vehicles per party and 16 people. The refuge does not need any more roads developed for visitor access. Pack stock should continue to be allowed under special use permits.

2.5.3.3 Implementing the Leave-No-Trace Program

This is a spectacular reason to interact with the public not only at the refuge office, but also in the backcountry and along motorized travel corridors.

2.5.3.5 Interpretation of Natural Resources

This section is titled differently in alternative four as "environmental" instead of "natural" resources. This section in the preferred alternative should be retained and expanded to include the parts of Alternative three. The general refuge orientation video and the Carhart Center Wilderness Awareness video should be included as parts of the interpretation. Opening of the Childs Mountain facility to the general public would go a long ways to fulfilling the goals of the environmental education program.

2.5.3.6 Managing Visitor Camping

This action alternative is not clearly explained. Is the special use permit for parties exceeding eight campers/people for the wilderness and car camping on the non-wilderness lands? This seems like an excellent number for overnight camping to retain the primitive experience of the refuge.

2.5.4 Goal: Cultural Resources Management

The Management of cultural resources and the implementation of an environmental education program should be intertwined. Stories of the past cultures that inhabited the refuge and surrounding area are an integral part of environmental education. The service should work closely with the Tohono O'odham and other native tribes along the Colorado River to document and share their ancestor's use of the land, myths, and rituals. Understanding cultural resources is integral to the desire to protect them.

2.5.5 Staffing

The service should add at least one more Outdoor Recreation/Outreach Specialist to the staffing requirements for the Cabeza Prieta NWR. Also, law enforcement officers should be trained and encourage to interact with the public and offer information about INT and the natural resources of the refuge.

Thank you very much for this opportunity to provide comments on this draft plan. Please continue to keep the Arizona Wilderness Coalition on your project mailing list. The public notice for the hearings held on the release of this document was inadequate. We did not receive our postcard until 4 days prior to the meetings. At a minimum two weeks notice is needed to get the best attendance at these meetings. Once again, thank you, and feel free to contact us with any concerns or questions you may have about our comments or your management of the Cabeza Prieta National Wildlife Refuge.

Sincerely



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USFWS, NWRS, Southwest Region, Planning Division
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Albuquerque, New Mexico 87103

Re: Cabeza Prieta National Wildlife Refuge
Draft Comprehensive Conservation Plan
Environmental Impact Statement and Draft
Wilderness Stewardship Plan

Dear John:

Having visited and camped on the Cabeza Prieta National Wildlife Refuge several times over the years I recognize the need to protect this fragile landscape and its wildlife. In my view two major issues of the DCCP need to be discussed more fully in order to fulfill the mission of the USFWS.

The dismal forecast of a continuing long term climate change that is projected to be prolonged with a cycle of relative drought (p.168) could have drastic to devastating consequences and should be greatly emphasized. From a long term view the lack of forage and adequate surface water will, no doubt, accelerate. If the larger and more obvious mammal population estimates of Sonoran Pronghorn has reduced from 179 in 1992 to 21 in 2002, and the Desert Bighorn Sheep from 480 in 1993 to 323 in 2002 the importance of surface waters need to be better understood. I suspect radio collars appear to be one of the major ways to better understand this issue and should be encouraged. At the same time I thoroughly support the wilderness concept and values. Water should be supplied in the wilderness areas for these animals until this issue is completely understood, especially in these dire times of drought and population declines.

Keeping your figures in mind of population reductions, I do not see how a hunt on the Desert Bighorn Sheep can be considered at this point, even if it is only the older males that are supposedly taken out. They are still a valuable asset to the bighorn community and can still be viewed and appreciated by the general public.

Establishing population goals for species ends in a management roll where natural processes become secondary, especially in the case of removing predators. They too have a very important roll to play in all of this. This seems like a step backward in wildlife management.

If "wildlife comes first in the National Wildlife Refuge System" then human interruptions and the pressure of taking wildlife (see item G, p. 1 & 2) should be at the bottom of priorities. I totally support all the other "Goals of Refuge Planning."

I would like to simply identify with one of your Alternatives, but as you can readily see there is no such Alternative. I strongly believe that with the increased pressure of human populations these areas will become more important if we are going to protect wilderness values and wildlife for all to enjoy. I know the pressure to hunt is great, but the harvesting of animals need not always be satisfied at the expense of the target animal and those who enjoy viewing them in their natural and wild surroundings.

Thank you for the opportunity to respond.



Dan L. Fischer

September 14, 2005

Dear John:

I have a few comments re the CPNWR Management plan as I see it on the cd sent to me.

First, let me say the informational content is very good. My reading of it has been cursory due to the very large size and the timing of the comment period (when I had other, pressing obligations elsewhere).

It seems that Cabeza can do nothing that affects military or Border Patrol wants or needs. That is most unfortunate. The BP, as far as I can see, is without interest in, or commitment to, the natural world.

p. 28 1.9.3 seems to make clear that hunting, fishing, wildlife observation, photography, environmental interpretation and education are prioritized in just that order. I think that, too, is most unfortunate.

You appear to demand that tourists adhere to an ethic of doing no harm while you allow hunters and law enforcement to use the area as they will for their sport or their job.

I would ask why was the first plan--on which many of us worked long and hard--withdrawn in 1999? Were the comments submitted then considered seriously in this version?

p. 63 alternative #1 is referred to as a No Action Alternative, but it has a lot of de facto changes from what was happening up to 1999.

Alternatives 3-5 indicate that, in fact, you plan to eliminate as many coyotes as possible from the Refuge. With the pronghorn numbers as low as they are, and since permitted coyote numbers are to be tied to ideals of pronghorn numbers, you could start exterminating coyotes the second this plan is approved. But they are native, watchable mammals to the Refuge as well.

Although Alternatives 3-5 have many valuable additions to monitoring and general knowledge, they set up mule deer, small game, predators for hunting. A Wildlife Refuge should not be a hunting preserve. I strongly object to replacing native predators with human predators. Such a policy mocks the idea and the reality of wilderness.

I vote no and no to Alternatives 4 and 5. I think you are unlikely to implement any reasonable management scheme until significant progress is made on the Border issues.

Good luck.

Annita Harlan, Ph.D.
Research Associate
Ecology and Evolutionary Biology
University of Arizona
Tucson, AZ 85721

August 14, 2005

mr slow,
i respectfully submit the following comments in reference to the comprehensive conservation plan, eis, & wilderness stewardship of the cabeza prieta:

1. the primary efforts, expenditures of public revenues, should be for wildlife habitat, wildlife corridors, & wildlife species. especially for the endangered sonoran pronghorn & the desert bighorn sheep.

2. pls consider removing any barriers to the migration of species, especially the two mentioned above. this would be across hiway 85 or any other areas with migration barriers.

3. vehicles should be restricted to existing roads. vehicles should only be allowed to pull off the road the width of their vehicle to allow passage of an oncoming vehicle.

4. the border patrol should be utilized in disseminating leave no trace policies to all folks they encounter.

thankyou for the opportunity to comment. i have travelled once in the cabeza & it was stunning. the expanse & the immensity of the area can reduce one to a humble state. i am so thankful that our ancestors had the foresight to declare this refuge & especially the wilderness designation. this is certainly a reminder of our responsibility to be the best of stewards for the land & for the wildlife habitat & species.

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14 September 2005

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USFWS, NWRS R-2
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john_slown@fws.gov

**RE: Cabeza Prieta National Wildlife Refuge Draft
Comprehensive Conservation Plan, Environmental Impact
Statement, and Wilderness Stewardship Plan**

Mr. Slown and planning team,

The mission of the Arizona Native Plant Society (ANPS) is to promote knowledge, appreciation, conservation, and restoration of Arizona's native plants and their habitats. ANPS has an interest in the future of Cabeza Prieta National Wildlife Refuge as an important natural area that preserves native plant habitat, and would like to submit the following comments in regard to the Draft Comprehensive Conservation Plan, Environmental Impact Statement, and Wilderness Stewardship Plan:

Invasive plants and animals. The ANPS Conservation Committee has identified invasive species as its top conservation priority. We support efforts to inventory, eradicate, and control invasion of non-native species at CPNWR, especially the removal of fountain grass (*Pennisetum setaceum*) and inspection/cleaning of vehicles and clothing for seed and plant matter prior to approved admittance onto the CPNWR. Please work with the Mexican government to control the spread of invasive species along Highway 2. We look forward to having opportunities for our volunteers to participate in efforts to address invasive plant species on the refuge.

Off-Road Vehicle Use. Tracks and roads related to illegal immigration, including those maintained by the Border Patrol, need to be eliminated and restored to pristine desert conditions.

Air traffic. Studies have shown that overhead flights, especially low ones, stress the wildlife below (not to mention the human users). ANPS is also concerned about pollution and litter resulting from aircraft.

Habitat fragmentation. Roads and heavy human use fragment habitat and facilitate introduction of non-native species. CPNWR's road system (illegally created and otherwise) should be inventoried and evaluated. All superfluous roads, including those related to illegal immigration and Border Patrol activities, should be eliminated and restored to a natural desert condition. Fragmentation is also exacerbated by fencing. The border fence is certainly inadequate to keep illegal entrants from crossing, but also illegal vehicles, which cause a more intensive disturbance. ANPS supports solutions which minimize border porosity to immigration yet allow ample movement of native wildlife species such as the Sonoran pronghorn.

Restoration. ANPS supports science-based restoration at CPNWR. Support and facilities to collect and grow out seeds of locally-collected native species will be integral to the success of restoration efforts. Restoration should occur along unnecessary roadways and in all areas of overuse and disturbance.

Funding. Effective natural resource management is not inexpensive; ANPS supports adequate funding for USFWS to manage the precious resources at CPNWR in the face of the immense ecological and anthropocentric challenges that it faces.

ANPS appreciates the opportunity to comment the management plan for Cabeza Prieta National Wildlife Refuge. Since this refuge is held in perpetuity for all American citizens, we are thankful that the Service recognizes the importance of the public process, the National Environmental Policy Act, and the Endangered Species Act. Please keep us informed of decision making that affects this refuge and others throughout Arizona.

Sincerely,

Carianne Sienna Funicelli

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September 14, 2005

John Slown
Biologist/Conservation Planner
U.S. Fish and Wildlife Service
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Albuquerque, NM 87120
Cc: Roger DiRosa, Manager, Cabeza Prieta National Wildlife Refuge

RE: Cabeza Prieta National Wildlife Refuge Comprehensive Conservation Plan

Dear Mr. Slown,
Defenders of Wildlife submits the following comments on the Cabeza Prieta National Wildlife Refuge Draft Comprehensive Conservation Plan (CCP). Defenders of Wildlife has nearly 500,000 members, 8,300 of whom live in Arizona, and is dedicated to the protection of all native wild animals and plants in their natural communities. Defenders of Wildlife has been actively engaged in the management planning process for Cabeza Prieta National Wildlife Refuge (Cabeza Prieta NWR)

for over a decade, and has submitted comments at every opportunity during this time.

Cabeza Prieta wildlife refuge is one of this country's most spectacular. The refuge is home to the largest refuge wilderness area outside of Alaska. The refuge protects the heart of the Sonoran Desert – the most biologically diverse desert in the world. The refuge and the adjacent federal lands form one of the largest undeveloped expanses of land left in America. And the refuge is the last stronghold for the Sonoran pronghorn in the United States, North America's fastest animal.

All of this is at risk, however, to the unprecedented flow of people crossing the U.S.-Mexico border at the refuge and subsequent law enforcement activities. According to the draft management plan, "estimates of illegal travelers crossing through the refuge increased from 4,366 in 2001 and 8,069 in 2002." (CCP at 224). In fact, that number has soared to as many as 200 a night,¹ and shows no signs of going down. Yet the Fish and Wildlife Service (FWS) suggests virtually no remedies or actions to protect the refuge from this most serious threat in its "comprehensive" "conservation" plan for the refuge.

¹ LoMonaco, Claudine. 2005. "Migrants intrude; scarce pronghorn die." *Tucson Citizen*, July 1, 2005.

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The CCP at time reads like a fantasy novel: contemplating public use camping programs in the midst of a war zone. Throughout the CCP, the FWS proposes public use programs and management activities as if the border issues had disappeared, when in fact the chances of the border issues to quell in the next fifteen years, the planning horizon of the CCP, is virtually nil. Perhaps the most telling example in the CCP

states: "The program of inspecting clothing and vehicles for seeds, while appropriate, would probably have little impact compared with the volume of non-native plants introduced to the refuge by illegal entrants to the refuge" (CCP at 221).

In addition to the lack of clear planning to address border issues, Defenders has a number of comments on artificial water developments, endangered species management, military programs, and public use programs.

Border Issues

Throughout the CCP, the FWS peppers in statements that in total paint a crisis facing the refuge caused by illegal border traffic and enforcement:

"An increase in Border Patrol coverage at the Ports of Entry along the entire U.S./Mexico border has resulted in additional crossing occurring at more remote locations such as the refuge. In response to the great increases in illegal trafficking in remote southwestern locations, the Department of Homeland Security and Border Patrol implemented the Arizona Border Control Plan in 2004. This plan increases the number of border law enforcement agents stationed on and around the refuge and relaxes motor vehicle use constraints previously observed." (CCP at 46).

"In recent years undocumented alien (UDA) traffic in and around the refuge has increased significantly, apparently in response to increased law enforcement in urban areas." (CCP at 59).

"In one area, illegal traffic has created a 61 kilometer (38 mile) road since 1999 that traverses pronghorn

habitat. In addition, there are hundreds, and perhaps thousands, of additional kilometers of single vehicle tracks laid down across otherwise undisturbed desert.” (CCP at 166)

Yet the only activities the CCP proposes are training (including the preparation of a video) for Border Patrol and DEA agents “to increase their awareness of appropriate operations in wilderness” (CCP at 60), participation in a multi-agency Border Anti-Narotics Network (CCP at 60), participating with Border Patrol on apprehensions (with no details specified) (CCP at 60), maintaining bilingual warning signs, and contemplating a vehicle barrier (which will be explored in more detail in a separate analysis once officially proposed). These are all valuable activities, but they are simply not enough to conserve the resources for which the refuge was established.

The CCP is deficient in both its cumulative effects analysis and in its identification of alternatives to address border law enforcement and illegal entry. In fact, the FWS throws up its

Defenders of Wildlife Cabeza Prieta NWR CCP Comments
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hands, stating that border law enforcement and illegal entry are “beyond control of refuge” (CCP at 132).

Regardless of what actions the FWS thinks it can or cannot propose due to jurisdictional or other constraints, the FWS is obligated both under the National Environmental Policy Act (NEPA) and the National Wildlife Refuge System Administration Act (Refuge Act) to both identify the environmental problems facing the refuge and analyze the cumulative effects of both the actions of FWS and the actions of other agencies and entities. NEPA requires an agency to

consider not only the direct effects of an action, but also the “incremental impact of the action when added to the other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions” (40 C.F.R. §1508.7).

A searching inquiry into potential cumulative effects in this instance is particularly imperative in light of both the extensive border-related activities and the highly tenuous status of the Sonoran pronghorn that depends upon habitat within the refuge, and the multitude of other threats that face the pronghorn and other imperiled species. NEPA demands that cumulative effects analysis to be both detailed and quantified. See *Lands Council v. Powell*, 379 F.3d 738, 745 (9th Cir. 2004) (NEPA analysis “must give a sufficiently detailed catalogue of past, present, and future projects, and provide adequate analysis about how these projects, and differences between the projects, are thought to have impacted the environment.”); *Neighbors of Cuddy Mountain v. United States Forest Service*, 137 F.3d 1372, 1379 (9th Cir. 1998) (“To ‘consider’ cumulative effects, some quantified or detailed information is required. Without such information, neither the courts nor the public, in reviewing the [agency’s] decisions, can be assured that the Forest Service provided the hard look that it is required to provide.”). Unfortunately, the draft CCP in this instance fails to provide such detailed information, and thus fails to portray a “realistic evaluation of the total impacts” of the proposed management activities and border issues facing Cabeza Prieta NWR. *Grand Canyon Trust*, 290 F.3d 339, 342 (D.C. Cir. 2002).

The CCP completely fails to attempt any quantification of impacts, including cumulative impacts. While the CCP identifies a litany of environmental impacts to Sonoran pronghorn and designated wilderness (perhaps the two most sensitive resources on the refuge), there is no attempt at estimating the

acres of habitat and wilderness degraded now and predicted in the future under the various alternatives, nor the estimated “take” of Sonoran pronghorn under the different alternatives. Neither is the impact of border activities discussed in a cumulative way with the impact of military over flights, refuge management activities, and recreational activities.

For example, the CCP states “illegal cross-border travel through the refuge, as well as the law enforcement response to that activity, has undeniably effected the Sonoran pronghorn population” (CCP at 224, grammatical error in original). The CCP goes on to state that the “increased level of human activity in Sonoran pronghorn habitat related to illegal border traffic and its interdiction produces significant impact on pronghorn” (CCP at 224). Finally, “increased use of motorcycles and all terrain vehicles under the ABC should thus have a negative impact on Sonoran pronghorn. This impact will be the same for all proposed alternatives and should be considered a significant, cumulative effect” (CCP at 224).

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It is not enough simply to state that border activities cause “significant, cumulative effects”. The FWS must analyze what those effects are. Importantly, the CCP fails to analyze the cumulative effects of not just border activities, but every activity within the planning area on Sonoran pronghorn. What are the cumulative and synergistic effects of thousands of people crossing the border on foot, scores of illegal vehicles driving off road, hundreds of on and off road vehicle trips made by law enforcement personnel, low level law enforcement helicopter flights, low level military helicopter flights, agency vehicle trips in Sonoran pronghorn habitat to haul water and maintain artificial waters, recreational hunting, camping, hiking,

and pack animal use, the spread of exotic species by many of the above activities, and the increasing threat of fire due to the invasion of exotic species?

The Refuge Act and the FWS Refuge Planning Policy (*Refuge Manual* 602 FW 3), both require the FWS to identify and describe:

significant problems that may adversely affect the populations and habitats of fish, wildlife, and plants within the planning unit and the actions necessary to correct or mitigate such problems.

(Refuge Act, 16 U.S.C. 668dd(e)(2)(E)). While the FWS has correctly identified border issues as the major problem affecting the refuge (although not adequately for the purposes of NEPA, see above), the FWS completely absolves itself to planning “the actions necessary to correct or mitigate such problems.” We are sympathetic to the overwhelming nature of border issues, which are driven by global geo-political and economic forces and U.S. immigration and drug policy, well beyond the scope, mission, jurisdiction, and capacity of the FWS. However, it is well within the jurisdiction of the FWS to do everything in its power to protect the resources within a national wildlife refuge, including aggressively trying to influence the activities of and cooperate with other agencies, private parties and other entities. Many, if not most national wildlife refuges are threatened by activities beyond their borders and/or jurisdictions, yet they still attempt to abate those threats.

The FWS has proposed building a vehicle barrier, a project Defenders has publicly supported. A vehicle barrier, however, is only a short term fix, and may result in unintended consequences, like an increase of vehicle traffic from the U.S.

side of the border to pick up undocumented aliens traveling on foot, and a shifting of illegal vehicle traffic to the west side of the refuge.² Additional immediate measures are necessary to protect the most sensitive areas on the refuge. For example, the FWS should propose infrastructure, technological, and personnel options to protect the Sonoran pronghorn captive breeding facility, Sonoran pronghorn forage enhancement plots, and Sonoran pronghorn emergency waters.

² It is our understanding that a vehicle barrier would first be constructed on the eastern portion of the refuge, leaving the west side of the refuge vulnerable

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Sonoran Pronghorn

Section 2.1.1.1.2 Developed waters

Defenders has supported in the past and continues to support the limited use of developed waters for the recovery of the Sonoran pronghorn. We view these as “emergency”, short-term treatments to be used when the population is critically low (as it is currently) and in times of extreme drought. Now that conditions on the refuge have become more favorable, and the population of Sonoran pronghorn is beginning to rebound, the FWS should begin to critically examine the program. While Sonoran pronghorn have been documented using artificial waters, it is still unclear whether they require this source of water for survival, and if so under what conditions. In addition, it is unknown what effect developed waters have on predator populations, and it may be the case that while these waters benefit Sonoran pronghorn, if they benefit predators as well, the program could be a net loss for the Sonoran pronghorn. Developed waters may also bring people (agency officials, undocumented migrants) into close proximity to Sonoran pronghorn and disturb them.

Every developed water that Defenders’ staff has visited on the refuge appears unsanitary, clogged with algae and other debris, with non-native bees and other insects swarming about. These conditions need to be studied to determine their effects on Sonoran pronghorn. While the CCP calls for annual water quality monitoring of developed waters, it is unclear if this monitoring includes trapping and sampling of disease vectors, particular biting midges and other insects.

Defenders suggests, given the above uncertainties, that the FWS delay the development of additional permanent developed waters until these uncertainties are answered. Without more reflective management, the program may be doing more harm than good.

Defenders supports the upgrading of developed waters (Section 2.5.1.1.1.2) for the use of Sonoran pronghorn to increase their water collection efficiency and reduce regular maintenance trips. Fewer maintenance trips will reduce disturbance and benefit Sonoran pronghorn.

Section 2.1.1.3 Captive breeding/translocation

Defenders supports the captive breeding program established on the refuge. We were, however, disappointed in the number of capture-related deaths of Sonoran pronghorn in establishing the breeding population within the refuge. Defenders’ recommends the appointment of veterinary staff on the recovery team to avoid Sonoran pronghorn health problems in the future.

Defenders also supports translocating Sonoran pronghorn to unoccupied historic habitat, like that found on the east side of highway 85 and that found on and surrounding Kofa National Wildlife Refuge.

Section 2.1.1.1.4 Area Closures

Defenders supports the seasonal closures of Sonoran pronghorn habitat during fawning season. To meaningfully limit disturbance, restrictions should also be placed on agency personnel (FWS and cooperating agencies) in these areas.

2.1.1.1.5 Forage enhancements

As with developed waters for Sonoran pronghorn, Defenders supports the limited use of forage enhancements as emergency, short-term measures to bolster the population during severe drought when the population is critically low. Again, as with developed waters, Defenders urges the FWS to critically

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examine the effectiveness of forage enhancements and their unintended consequences before dramatically expanding their use.

Section 2.1.1.1.6 Fencing

Defenders fully supports the removal of fences within Sonoran pronghorn habitat, particular the fence between the refuge and the Cameron allotment on BLM land east of the refuge, where cattle have been removed.

Section 2.4.1.1.1.7 Predator management

While Defenders generally does not support controlling predators to manage other species, it is sometimes appropriate to recover critically endangered species. However, any predator management program must be well thought out and effective. We caution that the use of predator control in the enormous Cabeza Prieta NWR and surrounding federal lands that are home to the Sonoran pronghorn is impractical. According to

Bright and Hervert (2005)³, both experts on Sonoran pronghorn:

³ Bright, J.L. and J.J. Hervert. 2005. Adult and fawn mortality of Sonoran pronghorn. *Wildlife Society Bulletin*, Vol. 33(1):43-50. known to forage

“Limited, localized coyote control, such as in areas where newborn fawns exist or in forage-rich areas where adult are during dry winters, may help reduce pronghorn mortalities in the short-term. However, due to the large areas and scarcity of pronghorn, range-wide coyote control programs likely would be prohibitively expensive and have little chance to make a difference. Our data suggest that large numbers of fawns are likely to die in most years due to lack of adequate nutrition. Predator control targeting fawn survival would be successful only when adequate forage is available to meet the nutritional needs of pronghorn fawns. In addition, bobcats move into coyote habitat when coyotes are removed (Robinson 1961). Removing coyotes may have a negative effect, because bobcats may be more successful than coyotes for longer period of time at reducing pronghorn fawn numbers. Furthermore, nearly complete removal of bobcats would be required to significantly reduce predation (Beale and Smith 1973). Relative densities of bobcats and their habitat-use patterns in the Sonoran desert are not well documented and should be investigated further. Further research also is needed on predation of Sonoran pronghorn fawns.”

Desert Bighorn Sheep

The most controversial issue facing the refuge during its last round of planning, and the reason the first draft of the plan was redrawn, is the management of bighorn sheep and the

maintenance of artificial waters. Since the first draft plan was withdrawn six years ago, we are dumbfounded that the FWS has not advanced its and the public's scientific understanding of historical conditions and the current biological needs of bighorn sheep related to artificial waters to quell some of this controversy.

Sheep population objectives

Besides the no action alternative, each alternative establishes a target population for desert bighorn sheep. In each alternative the target population number is compared to “the population

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range that was likely supported by resources in the area of the refuge prior to the introduction of disease by domestic stock, the fragmentation of habitats by modern land management practices and the degradation of native habitats from grazing by domestic stock decimated native desert bighorn sheep populations” (CCP at 104). In fact, the preferred alternative goes so far as to state that a refuge population objective of 500-700 desert bighorn sheep is “considerably lower than the population range that was likely supported” in the past (CCP at 104). Yet the CCP later states that “few historic records exist that allow for a meaningful assessment of presettlement bighorn sheep numbers in either North America, Arizona or the refuge” (CCP at 173).

In addition, the population goal for the preferred alternative was developed by compiling and averaging desert bighorn sheep densities in off-refuge ranges. Yet the CCP states that “it should be noted that the habitats used for comparison in establishing the population goal all contain developed waters, as provision of developed water is central to AGFD’s management

of desert bighorn sheep and no occupied habitats without developed water were available for comparison” (CCP at 104). This is a shocking finding, and one that points to the unquestioned use of artificial waters for bighorn sheep management, regardless of need. In other words, we have no idea what a population of desert bighorn sheep looks like without access to artificial waters.

Artificial watering sources

Even though the CCP states that “there is no definitive evidence that developed waters are absolutely necessary to the conservation of desert bighorn sheep” (CCP at 242), the FWS places emphasis on this management program. Desert wildlife have necessarily adapted to desert conditions, including drought. The justification for introducing artificial conservation measures is to combat artificial, human caused population decimating factors. Yet besides historic overhunting, many of the factors harming bighorn sheep throughout Arizona do not exist on Cabeza. Cabeza’s mountain ranges, the primary habitat for bighorn sheep on the refuge, have been protected for over 40 years, most of them in designated wilderness, the highest protection afforded on federal lands. As the CCP states, bighorn sheep are “wilderness-dependent species and, more than any other wildlife species in the desert southwest, is emblematic of wilderness and wildlife places” (CCP at 172), requiring large, undisturbed areas. Bighorn sheep historically would not have migrated to the now dry Gila and Sonoyta Rivers, as is assumed Sonoran pronghorn did, and their historic habitat remains much as it always has on the refuge. The only natural water source traditionally used by bighorn sheep that has dried up is a spring in the Agua Dulce Mountains, due to ground water pumping in Ajo (CCP at 144 and 177). Even the devastating border traffic on the refuge has had limited effect on bighorn sheep because their habitat is largely inaccessible. The only impact that remains from past anthropogenic causes is disease from

livestock. Management should thus focus on managing disease in the population, not managing water, for which the FWS has not provided evidence that water is a limiting factor or necessary to maintain a viable population in the refuge.

In summary, as stated in the CCP: “Desert bighorn sheep habitat on Cabeza Prieta NWR remains essentially intact and bighorn continue to occupy virtually all the species’ historic habitat on the refuge” (CCP at 178). If this is the case, then artificial “enhancements” should be avoided, particularly in designated wilderness.

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While the CCP repeatedly states that the conservation of bighorn sheep was central to the creation of the refuge, bighorn sheep do not appear in the official purpose of Cabeza Prieta which states: the refuge was “reserved and set apart for the conservation and development of natural wildlife resources” (Executive Order 8038 January 25, 1939). Even if bighorn sheep were part of the purpose of the refuge, this does not mean that management should focus on raising the population beyond the carrying capacity of the refuge’s habitat, so long as the population remains viable. We also note that according to the draft FWS Mission, Goals, and Purposes policy, “designated wilderness assumes the purposes of the Wilderness Act of 1964 in addition and *equal* to other unit purposes, unless otherwise specified in the wilderness designation” (66 Federal Register 3667), emphasis added). In other words, the refuge should strive to maintain its wilderness as much as its bighorn sheep.

We support the idea of a FWS-University of Arizona study on bighorn sheep on the refuge, although as stated before, we are disappointed the results of that study are not available to inform

this CCP. However, from the brief description of this study in the CCP we are concerned that it will not be the comprehensive, scientifically rigorous analysis this issue requires. The study, as described in section 2.1.5.1.2 (CCP at 61) is purely based on sheep movements in relation to watering sources that are experimentally denied. What question is this study designed to answer? If sheep move away from closed watering sources, does that mean they require them and the refuge should reinstitute them? A comprehensive, hard look at artificial waters requires examining not only sheep movements, but sheep use of artificial waters, sheep physiology, sheep diet, sheep population dynamics over time, sheep population viability over time with and without waters, predator population dynamics in relation to artificial waters, and the impacts of waters on non-target species. Without answering these questions, the study will be a waste of time and effort and not resolve the conflict over the use of artificial waters.

In light of the Wilderness Act and the FWS policy on maintaining Biological Integrity, Diversity, and Environmental Health of the Refuge System, management of bighorn sheep in the wilderness mountains of Cabeza should restore or mimic natural ecosystem processes or functions that have been lost, so long as the refuge maintains a viable population of bighorn sheep. Even if a study should “indicate additional waters would benefit the refuge sheep population” (CCPat 104), without the comprehensive examination we outline above, the cumulative effects of the program are unknown. In addition, “benefiting” the bighorn sheep population does not mean artificial watering sources are necessary for the maintenance of viable bighorn sheep populations.

If a comprehensive study does eventually determine that without the maintenance of some of the artificial waters bighorn sheep would disappear from the refuge, we support the

modifications proposed in the CCP to increase artificial water storage capacity to reduce the need to haul water and the installation of photovoltaic sensors.

Bighorn sheep hunt program

We support the provision in Alternative 3 that prohibits hunting of bighorn sheep during years of severe drought (section 2.4.3.2.1, CCP at 94). If conservation of bighorn sheep is a central priority of the refuge, it makes little sense to disturb and “remove” sheep during times of severe stress.

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Proposed recreational uses

Sections 2.5.3.2.2, 2.5.3.2.3, 2.5.3.2.4 Mule deer, small game and predator hunting programs

There is no compatibility determination for these programs within the CCP. A compatibility determination is required for all uses of national wildlife refuges. Defenders opposes the expansion of hunting programs on Cabeza Prieta NWR. As we stated in our letter to the 1997 draft Comprehensive Management Plan (CMP) for Cabeza: “Defenders has concerns regarding the impact of proposed trophy deer hunts and small game hunts on the Sonoran pronghorn. [The CCP] does not address the risk of hunters killing pronghorn accidentally or intentionally. Also the increase in people and noise from gunshots could disturb the species. Such disturbance is also detrimental to wilderness values.” We also generally oppose predator control (see Sonoran pronghorn section, above).

Section 2.5.3.7 Use of pack animals

While the restrictions proposed for the use of pack animals would reduce the impacts of this use, they are completely unenforceable. There is no way the FWS can enforce users

feeding pack animals pelletized food three days prior to entering the refuge, nor, which limited law enforcement staff, is there a way for FWS to enforce trail use. This past summer the refuge experienced a number of large-scale fires. It is both well known that pack animals spread exotic species and that the exotic plant species that have established on the refuge are prone to fire. Because of the severe limitations in the FWS ability to enforce restrictions that would limit the spread of exotic species, pack animal use should be prohibited.

Section 2.5.3.5 Interpretation of environmental resources

Defenders fully supports increasing the refuge’s wildlife interpretation and educational programs. However, the development of a road loop in the Childs Valley simply must be abandoned. The Childs Valley is one of the most important areas for the Sonoran pronghorn and includes the Sonoran pronghorn captive breeding facility. It is unlikely that the population of Sonoran pronghorn will be robust enough within the planning horizon to withstand this type of use in prime habitat. In addition, the FWS should not be in the business of creating new roads in refuges, regardless of whether the area in question is designated wilderness or not. Refuges are where wildlife comes first. The development of a road loop in the refuge is incompatible with the FWS wildlife first mission.

Wilderness Management

2.5.2.5. Wilderness Impact Monitoring

We support the use of remote sensing to monitor border impacts in all alternatives.

2.5.2.7. Licensing Uses of the Childs Mountain Communications Site

Defenders views the FAA and military structures on Childs Mountain as incompatible with the purposes of the refuge and Refuge System. These facilities impact both wilderness qualities and bighorn sheep. Regardless of their current lease

agreement, the Refuge Act requires all uses to be evaluated every 10 years. Yet the FWS not only states that the facilities will be left as is until 2018 (i.e. well beyond ten years for evaluation under compatibility rules), the CCP makes the

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assumption that the use will be compatible in 2018, only contemplating abandonment if the facilities are no longer need by the FAA and military for “human health, safety, and national security” (CCP at 108). The Childs Mountain facilities must be reevaluated to ensure their compatibility.

Conclusion

Defenders recognizes the extreme challenges Cabeza Prieta NWR faces in protecting its large expanse of Sonoran Desert. We believe our recommendations will strengthen the CCP. Defenders of Wildlife looks forward to continuing our partnership with the FWS furthering our shared goals of conserving the wildlife of Cabeza Prieta NWR>

Sincerely,

Noah Matson

Director, Federal Lands Program

September 18, 2005

We are writing to ask that you make the protection of the wild terrain and he species of the Cabeza a top priority. It cannot be replace if we don not preserve it!!!

Yours sincerely,

Mary Jean Hage

Clive A. Green

1101 W. Snyder Rd.
Ajo, AZ 85321
Sept 11, 2005

Mr. John Sloan
Division of Planning, NWRS R-2
U.S. Fish and Wildlife Service
P.O. Box 1306
Albuquerque, NM 87120

Dear Mr. Sloan,

Thank you for your consideration of these comments on the FWS 2005 Comprehensive Conservation Plan for Cabeza Prieta National Wildlife Refuge.

In 1990 many decisions were made by many people, the end result of which was the declaration of 93% of the CPNWR as Wilderness. Regardless of what has happened since and like it or not, this plan is a plan for a Wilderness area. Man's influence is not welcome. This should be a plan of elimination and control, not a plan for how to further pollute Wilderness.

Please look back to 1980 and observe the changes since then. Now look at 2030 and see what CPNWR should look like at that time. I hope your vision for 2030 is a Wilderness Refuge, not a management restricted farm with numerous developments.

Water developments for Pronghorn should be 100 % outside the Wilderness area. They are scientifically wrong, administratively wrong, and conceptually wrong but, I believe, destined under the present FWS administration. That system treats them like captive animals rather than wild ones.

Bighorn Sheep numbers should be targeted to those observed naturally without any obstruction. The area is being impacted even though it is Wilderness. Habitat fragmentation is rife with all the roads that dissect the Wilderness area. Disturbance of wildlife is a given even when all users use the area legally. If water hole improvement is necessary in a few places to mitigate some of the negatives, improve A FEW water holes in such a way that once improved, the approach road can be obliterated and only foot traffic from public roads be allowed as access in the future.

The plan should address management practices that are compatible with Wilderness values. FWS employees, Co-operating agency employees and researchers should be required to treat the Wilderness as such. This is not being done now. New ways to get the work done without motorized intrusions should be found and present and future projects should be planned with foot or horse travel as the preferred methods of access. Yes, it can be done if planned properly. Consider eliminating projects that can not be done in a compatible way.

Trespass cattle and exotic plant species should be reduced with a goal of elimination. This will require additional funding.

One of the really important aspect of the plan should be to look to the future of visitation. NOW, establish rules, regulations and quotas for the end of the time period of this plan. What pressures will develop in 25 years? It is so much easier to establish limits now than it will be to do so under pressure later. Please limit vehicle group size, people group size, and camp site size. Eliminate ATVs now. Do not let them get started. Determine the maximum number of camp sites to be established and develop them as pressure requires. Regulate all concessioners or commercial enterprises using CPNWR lands. Limit the number of permits and party size. Give no "special areas". All commercial enterprises should be subject to the same restrictions as the general public. CPNWR is 93% Wilderness. Please develop a plan that recognizes that. Of the alternatives offered I prefer #3 but it still needs much adjustment.

Sincerely,

Fred Goodsell

Fred Goodsell



THE WILDERNESS SOCIETY

September 14, 2005

John Slown
Biologist/Conservation Planner
USFWS, Southwest Region, Planning Division
P.O. Box 1306
Albuquerque, NM 87103
john_slown@fws.gov

(Sent via first class and electronic mail)

Re: Draft Comprehensive Conservation Plan for the Cabeza Prieta National Wildlife Refuge

Dear Mr. Slown:

The Wilderness Society appreciates this opportunity to provide comments on behalf of our more than 250,000 members nationwide for consideration in the development of a comprehensive conservation plan for the Cabeza Prieta National Wildlife Refuge. The Wilderness Society is a not-for-profit conservation organization devoted to preserving wilderness and wildlife, and fostering an American land ethic. We have a long-standing interest in the protection of our nation's outstanding wilderness areas and in the wise management of the National Wildlife Refuge System. The Cabeza Prieta National Wildlife Refuge is of particular interest and concern to our more than 3,800 members in Arizona.

The Wilderness Society is pleased that the U.S. Fish and Wildlife Service withdrew the Environmental Assessment and Comprehensive Conservation Plan (CCP) for the Cabeza Prieta National Wildlife Refuge ("Refuge") that was released for public review and comment in September 1998. As we stated in our comment letter at that time, we had numerous concerns that the CCP did not adequately protect the outstanding wilderness and wildlife values of the Refuge. The preparation of a CCP offers a valuable opportunity to fully analyze and prepare a comprehensive plan for a refuge's protection and management. Unfortunately, this new draft CCP is not much of an improvement over the 1998 draft. It is incumbent upon the Fish and Wildlife Service ("Service") to fulfill their management duties and to produce a CCP that properly protects the wilderness and wildlife values of the Cabeza Prieta Refuge - goals the Service has failed to accomplish with this draft CCP. As a result, TWS requests that the Service withdraw this draft CCP and issue new documents for public comment and review, prior to approving a final CCP.

President Franklin D. Roosevelt established the Cabeza Prieta Refuge in 1939 in recognition of the tremendous natural resources of the area (Executive Order 8038). Encompassing 860,010 acres, the Refuge is the size of the state of Rhode Island, with over 90% of it designated as wilderness. Endangered Sonoran pronghorn, endangered lesser long-nosed bats and threatened desert tortoise call this parched land home. Far from a barren desert, Cabeza Prieta Refuge harbors as many as 391 plant species and more than 300 kinds of wildlife. The Refuge contains the largest and most pristine wilderness managed by the Service in the lower 48 states; the Cabeza Prieta Refuge is to the Sonoran Desert, what the Arctic National Wildlife Refuge is to Alaska. The management of the Cabeza Prieta Refuge should set the highest standard for the protection of wilderness and wildlife values.

While this draft CCP drops some of the objectionable proposals of earlier draft CCPs, the management plans proposed in the current CCP are still in direct violation of the Wilderness Act of 1964, still degrade wilderness values and fail to reflect a wilderness ethic. In short, each of the five management alternatives outlined in this CCP are fatally flawed because they allow motorized vehicle use in wilderness to continue and completely ignore the border law enforcement issue, the single most important issue facing the Refuge today. The Service must revise the CCP in order to comply with the Wilderness Act and the National Wildlife Refuge System Improvement Act of 1997.

Border Law Enforcement

While there are several issues negatively affecting the Refuge and its resources, absolutely none is more damaging to the Refuge's wilderness than border law enforcement: both the massive influx of undocumented aliens (UDAs) crossing the international border from Mexico, plus the U.S. Border Patrol's attempts to stem the flood of UDAs. Therefore, it is absolutely inexcusable and is an affront to the entire CCP process that the border law enforcement issue is spectacularly ignored in this CCP.

In its "Wilderness Impact Analysis Report," the Environmental Planning Group found that "both law enforcement and use of the refuge wilderness by undocumented aliens and smugglers were the most significant and extensive impacts affecting the refuge and wilderness" (pg. 241 (emphasis added)). However, despite its importance, the CCP falsely claims that border law enforcement issues are "outside the scope" of this CCP.

We find it irreconcilable that the Service can acknowledge the destruction to the resources on the Refuge caused by border law enforcement, yet neglect to even analyze and even attempt to mitigate its effects in the CCP. This purposeful omission singularly renders the remainder of the CCP mute, since all refuge operations, management activities and public access are either eliminated or severely limited due to the severity of the border law enforcement issue.

The Wilderness Society finds the purposeful omission of the border law enforcement issue from the CCP unacceptable. Because of the stated severity of the border situation, it is imperative that the Service release a new, more comprehensive draft CCP for the Refuge.

It is understood that assessment and mitigation of the border law enforcement problem on the Refuge is an overwhelming and lengthy task. However, that should not, and legally can not, stop the Service from even attempting to discuss an issue in a CCP. If in future versions of the CCP the Service continues to ignore the most pressing issue at Cabeza Prieta, then the Service has failed the Refuge's resources, failed the Cabeza Prieta National Wildlife Refuge itself and failed the entire National Wildlife Refuge System. It is disappointing that the Service has chosen to be so callous with one of the Refuge System's crown jewels.

Artificial Waters

Congress passed the Wilderness Act of 1964 ("Act") in order to "secure for the American people of present and future generations the benefits of an enduring resource of wilderness" (16 U.S.C. § 1131(a)). For this purpose, Congress established a National Wilderness Preservation System of federal lands "where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain" (16 U.S.C. § 1131(c)).

The overarching mandate of the Wilderness Act is the preservation of wilderness character. Other permitted uses of the land from which the wilderness area was withdrawn may continue *if* they do not interfere with the preservation of wilderness character. Section 4(b) of the Wilderness Act states:

"[e]xcept as otherwise provided in this Act, each agency administering any area designated as wilderness shall be responsible for preserving the wilderness character of the area and shall so administer such area for such other purposes for which it may have been established and also to preserve wilderness character" (16 U.S.C. § 1133(c)).

Therefore, agencies administering wilderness lands have the duty to administer their lands for the purpose for which they were established, but *within the confines of the Wilderness Act*. The term "within" merits some discussion. Literally, when wilderness is designated on a refuge, the preservation of wilderness character is incorporated "within" the existing refuge purposes. In other words, if the purpose of a particular refuge is to conserve certain fish and wildlife populations, then those areas designated as wilderness in that refuge are to be managed so as to conserve such wildlife populations *by preserving the area's wilderness characteristics*.

The synchronization between agency regulations and the Wilderness Act is specifically detailed in Fish and Wildlife Service regulations:

"[R]ules and regulations governing administration of the National Wildlife Refuge System will apply to wilderness units where said rules and regulations do not conflict with provisions of the Wilderness Act or Act of Congress which establishes the wilderness unit" (50 C.F.R. § 35.3).

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Section 4(a) of the Act declares that the Wilderness Act shall be "within and supplemental to the purposes for which the national forests, and units of the national park, and wildlife refuge systems are established." Several state wildlife agencies and organizations have asserted that this "within and supplemental" language somehow releases the National Wildlife Refuge System from the duty of preserving wilderness character in accordance with the Wilderness Act's strict limitations. These assertions are without merit.

"Within" and "supplemental" are two related but slightly different concepts that deserve further elaboration. Literally, when wilderness is designated on a refuge, the preservation of wilderness character "supplements" the existing refuge purposes. Contrary to what some have claimed, the term does not imply that wilderness preservation is somehow secondary to other purposes. Black's Law Dictionary (5th Ed. 1979) defines "supplemental" to mean "[t]hat which is added to a thing to complete it." In other words, when a refuge is designated as wilderness, wilderness preservation is added to the existing purposes of the refuge. The Service's draft policy appropriately directs that wilderness be formally added to existing purposes when a refuge is so designated. The Service's draft Mission, Goals, and Purposes policy, reinforces this requirement by directing that:

"The purposes of the Wilderness Act become additional and equal purposes of units with designated wilderness, but apply only to those areas so designated. The purposes of the Wilderness Act include both the preservation of wilderness condition and character, and the use and enjoyment of wilderness" (Section 1.16).

This discussion directly relates to the Cabeza Prieta Refuge and the Arizona Desert Wilderness Act of 1990 (ADWA). The language of the ADWA states clearly and unequivocally that "the wilderness areas designated by this title shall be administered by the Secretary of the Interior in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness" (ADWA, Pub. L. No 101-628, Sec. 301(b)). According to § 4(c) of the Wilderness Act, "there shall be no temporary road, no use of motor vehicles, [and no] motorized equipment" within any wilderness area designated by this chapter (16 U.S.C. § 1133(c) (1964)). The plain language of the ADWA reads in conjunction with the Wilderness Act and establishes that motorized vehicles are not to be allowed within the Cabeza Prieta wilderness areas, except where necessary to meet the minimum requirements for management of the area *as wilderness*. Therefore, it is not necessary to resort to the legislative history of the ADWA to determine whether motorized vehicles are to be allowed in these wilderness areas.

The Wilderness Act has very clear mandates for the stewardship of wilderness areas on all public lands, including national wildlife refuges:

"Except as specifically provided for in this Act, and subject to existing private rights, there shall be no commercial enterprise and no permanent road within any wilderness area designated by this Act and except as necessary to meet minimum requirements for the administration of the area for the purpose of this Act ... *there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no*

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structure or installation within any such area" (16 U.S.C. § 1133(c) (emphasis added)).

Thus, the use and management of designated wilderness areas is strictly regulated except when the use is necessary to meet minimum requirements for the administration of the area for the purpose of the Act.

In addition, no motorized access is permitted in wilderness unless it is found to be the "minimum tool" necessary to achieve preservation of wilderness character. The "minimum tool" concept is, in general, one used by land managers to determine what types of management may be appropriate in wilderness for particular activities. "Fulfilling the Promise," the Service's vision document for the National Wildlife Refuge System states:

"Central to the experience and awareness of wilderness is humility, with its corollary, restraint; restraint in what is appropriate for visitors to do, as well as managers. Restraint is the reason for the "minimum tool" rule, limiting use of our mechanisms to that which is necessary, and necessary not only to manage these areas, but to manage them as wilderness" (FWS, "Fulfilling the Promise," Mar. 22, 1999, pg. 22 (emphasis in original)).

FWS managers apply this standard in administering wilderness areas.

This CCP for Cabeza Prieta Refuge fails to adhere to the Wilderness Act, as well as Service policy, on many fronts – not the least of which is because the Service fails to conduct a minimum tool analysis. In the "Elements Common to All Alternatives" chapter of the CCP, the Service specifically outlines its continued administration of artificial waters:

"A determination to haul water is based upon observation of water levels by AGFD personnel during weekly aerial reconnaissance, observations by refuge staff conducting field work near the waters, and best judgment of refuge staff considering precipitation and temperature...Water is hauled in a 5,675 liter (1,500 gallon) capacity heavy duty truck. Typically nine to eighteen water hauling trips are made each year" (pg. 51).

All of the alternatives outlined in the CCP, including Alternative 3, "Restrained Intervention," ultimately accept the use of artificial water impoundments as a wildlife management approach. Although Alternative 3 purports that "permanent, artificial structures and installations, no matter how camouflaged, are inappropriate in wilderness" (pg. 87), it goes on to permit the Service to administer water hauling during periods of extreme drought. This is unacceptable and in clear violation of the Wilderness Act. Not only does hauling water in a 5,675 liter capacity heavy duty truck blatantly fail to meet the minimum tool requirement under the Wilderness Act, but hauling water into a designated wilderness area without a solid scientific basis for its necessity is also illegal under the Wilderness Act and a waste of Refuge resources.

Alternatively, the Service's analysis of the artificial water development program must be significantly improved. As written, the alternatives suggest that the only relevant question about

hauling water is how it affects desert bighorn sheep. This falsely indicates that the Refuge's only concern is for the sheep, instead of the well-being of the entire desert ecosystem and the wilderness character of the Refuge – just a few of the Refuge's many important resources. In order to fully comply with the Refuge Improvement Act and the Wilderness Act, the Service must also investigate the extent to which there are negative effects on all of the Refuge's resources from the artificial water developments and the vehicular travel used to maintain them.

Moreover, the Service neglects to consider that Charlie Bell Well and Jack's Well, both in designated wilderness, have windmills to pump water into storage tanks and wildlife drinking troughs. Under the Wilderness Act, a windmill is a mechanical structure and is thereby illegal in designated wilderness areas. This illustrates an obvious disregard for the Wilderness Act in the draft CCP, since the windmills themselves, and the vehicular travel necessary to maintain them, permanently damage the wilderness characteristics of the Refuge. In addition, the disturbance to natural systems from these intrusions is repeatedly implicated in the spread of exotic species. As the CCP states, "Three non-native species, fountain grass, buffelgrass and Sahara mustard, have become established at infestation levels on the refuge. These species have the potential to out-compete native species for resources and reduce the density of native flora on the refuge" (pg. 91).

All five management alternatives offered by the Service in the CCP fail to protect the outstanding wilderness values in the Refuge. Of greatest concern is the Service's general tolerance of vehicular use in designated wilderness areas. While the CCP recognizes the devastating impacts that vehicles have on the Refuge's sensitive desert resources, each management alternative in the plan permits the continued use of vehicles in wilderness areas by the Service, as well as the U.S. Border Patrol. This is a blatant violation of the Wilderness Act and, therefore, the CCP must be changed to comply with current federal law. It is inexcusable that the Service has so flagrantly decided to ignore the primary tenant of one of this nation's most profound environmental laws.

The primary reason the Service gives in an attempt to justify driving motorized vehicles in designated wilderness is to administer artificial waters for bighorn sheep on the Refuge. The Service's policy on bighorn sheep management is problematic on several levels, which will be discussed in further detail in the next section of this letter. But, as the CCP states, the Service lacks the scientific evidence to demonstrate that artificial water developments are necessary for the conservation of bighorn sheep, a species that evolved in the arid Southwest Desert. Despite this, each management alternative grants the use of a 5,675 liter capacity heavy truck to haul water into the wilderness, violating the Wilderness Act, disturbing wildlife and causing irreversible damage to natural resources. The Service has undertaken virtually no effort to analyze, understand the impacts of, or formulate a science-based plan for the management of bighorn sheep. In light of the lack of scientific evidence to support artificial waters, the continued use of vehicles to haul water into Wilderness is inexcusable and should not be tolerated under any circumstances in the CCP.

In sum, artificial water impoundments are illegal in all designated wilderness and, therefore, the CCP must call for their removal and the restoration of administrative trails used to maintain them.

Bighorn Sheep

Cabeza Prieta's CCP must be based on the best available science. Among the goals listed for comprehensive conservation planning is "to support management decisions and their rationale by using a thorough assessment of available science derived from scientific literature, on-site refuge data, expert opinion, and sound professional judgment" (602 FWS 3.3(D)).

The answer to the question of whether water developments or in the Refuge are "necessary to meet minimum requirements for the administration of the area as wilderness" must come from the available science. Under the Wilderness Act, the Refuge is prohibited from maintaining artificial water developments by motor vehicles, unless it can show that such activity is necessary to maintain some aspect of wilderness character and that such motorized use is proven to meet the minimum tool requirement. The best available science does not show that artificial water developments are necessary to maintain either wilderness character or species populations, nor does the Refuge's artificial water development program meet the minimum tool requirement. In addition, the CCP itself asserts that "...verification that water is a limiting factor on the refuge has not been undertaken" (pg. 231). Therefore, the Refuge's artificial water development program has not, and cannot, pass muster under the Wilderness Act.

While it has been widely-held dogma for decades that artificial water developments are in some way "beneficial" to desert bighorn sheep and/or other wildlife, no studies verify this claim. In fact, the only published, peer-reviewed study addressing the impact of artificial water developments at the Refuge on desert bighorn sheep detected no statistically significant difference of any kind in recruitment, survivability, density, or ewe to ram ratios between sheep populations inhabiting mountain ranges with artificially provided water and those without.¹

We know of no peer-reviewed studies showing that artificial water developments benefit desert bighorn sheep. Perhaps most tellingly, biologists at the Arizona Game & Fish Department (AGFD) – some of the most historically aggressive proponents of artificial water developments – have concluded that evidence that such developments "benefit" desert bighorn sheep is inconclusive.

In a recent literature review, the research branch chief of the AGFD and two other AGFD biologists concluded that the "[i]ncreased availability of surface water has increased the distribution and/or abundance" of certain game species, but did not mention desert bighorn sheep as among those species benefited.² The authors admitted that "the ecological effects of water developments are poorly understood and, in some cases, expected benefits to game species and other wildlife have not occurred,"³ and that "our knowledge of wildlife water development rests on a shaky foundation."⁴ The AGFD biologists identified as a "high priority" for research attempting to determine the effects of water development on population performance,

¹ See Broyles & Cutler, Effect of surface water on desert bighorn sheep in the Cabeza Prieta National Wildlife Refuge, southwestern Arizona, Wildlife Society Bulletin, Vol. 27, No. 4, Winter 1999.

² Rosenstock et al., Viewpoint: Benefits and Impacts of Wildlife Water Developments, J. Range Management 52(4) 302-311 (July 1999) at 307.

³ Id.

⁴ Id. at 308.

distribution, and habitat use of game species.⁵ Ultimately, the authors state that they "believe that water developments have benefited some, but not all populations of desert bighorn."⁶ The authors do not state the scientific basis for their belief, how the bighorn have "benefited," or where and under what circumstances populations of desert bighorn might be aided by such developments.

In addition, there are numerous studies indicating that artificial water developments may actually harm desert bighorn, as well as other species. For example, the increase in available water may increase the range of bighorn sheep predators, as well as the range of non-indigenous wildlife and feral livestock and other exotic species that compete with native wildlife for forage.⁷

Broyles, in his review noted above, cites numerous other studies that found little correlation between the availability of developed water and the success of desert bighorn.⁸ In addition, he finds that the primary supposed beneficiaries of water developments – desert bighorn – may in fact use developed water only sparingly, and may be jeopardized by poor water quality at such structures.

Thus, while the artificial or supplemented water structures will allegedly benefit desert bighorn numbers and distribution, the Service has never provided any data to validate the assumption underlying the construction of the structures that developed waters improve native wildlife numbers and distribution.

In short, the benefits of artificial water developments in this ecosystem remain, at best, unproven and, at worst, detrimental to species populations.⁹

For years, managers of lands near the Refuge have acknowledged the dearth of studies evaluating the efficacy of artificial water developments. The Department of Defense's 1986 management plan for the Luke [now Goldwater] Air Force Range notes that "[o]ver 66 managed

⁵ Id.

⁶ Id. at 304 (emphasis added).

⁷ See, e.g., Broyles, "Desert Wildlife Water Development: Questioning Use in the Southwest," Wildlife Society Bulletin, 1995, 23(4), 663-675, at pp. 670-71, and numerous studies cited therein; see also DeStefano, et al., Observations of Predator Activity at Wildlife Water Development in Southern Arizona, J. Range Management 53(3) 255-58 (May 2000) (concluding ungulate predators frequent artificial water developments within Cabeza Prieta NWR and adjacent Goldwater Range).

⁸ See, Broyles, 1995 *passim*.

⁹ See also Burkett and Thompson, "Wildlife Association with Human-Altered Water Sources in Semi-Arid Vegetation Communities," Conservation Biology, Vol. 8, pp. 682-90; McCarty and Bailey, "Habitat Requirements for Desert Bighorn Sheep," Colo. Div. Wildlife, Special Report 69 (27 pp.) (authors were "discouraged to find only one report documenting an effect of water development upon the number of sheep"); David E. Brown, Water for Wildlife: Belief Before Science, in Proceedings: Symposium on Environmental, Economic, and Legal Issues Related to Rangeland Water Development (Nov. 13-15, 1997) at 9 (concluding "evidence indicating water developments increase game populations remains nebulous"); Lee and Lopez-Saavedra, Helicopter Survey of Desert Bighorn Sheep in Sonora, Mexico, (Desert Bighorn Council Transactions 1993), pp. 29-32 ("Although managers in the United States have been developing water sources for 50 years, Sonora's sheep population seems to be doing well without such a program"; and suggesting that "ranges in Sonora might be an excellent place to determine whether additional water sources serve to increase sheep numbers and distribution").

waters have been developed for wildlife on the [Goldwater] Range, and the full effect of these waters is unknown. The influence of water developments on desert bighorn and Sonoran pronghorn populations has yet to be fully delineated. The impacts of these waters on the numbers and distributions of non-targeted species remain undetermined" (LAFR Plan, pg. 8-38). It was for this reason that the plan made the following recommendation: "Couple all future water hole development projects with research programs designed to determine the impact of such development on targeted species as well as on other species that may be affected" (Id., Recommendation 8-3).

In 1989, then-Arizona Bureau of Land Management (BLM) director, D. Dean Bibles, concluded that water was likely not necessary in wilderness to support healthy bighorn populations. "The building population of bighorn sheep in wilderness areas would indicate water is generally not a limiting factor" (Letter of D. Bibles, Dir., BLM AZ State Office, to Rep. Wayne Owens (July 21, 1989), pg. 2 (emphasis added)). AGFD staff has also concluded that the food supply, not water, will ultimately be "the limiting factor of a bighorn population within suitable habitat."¹⁰

The presence of native wildlife at naturally fluctuating population levels is an important component of wilderness character. In certain limited instances, habitat modification in wilderness may be necessary to maintain wilderness character. However, structures and installations that modify habitat within wilderness, such as artificial water sources, must meet very strict conditions: "except as necessary to meet minimum requirements for the administration of the area for the purpose of [the Wilderness] Act...there shall be...no structure or installation within any such area" (16 U.S.C. § 1133 (c)). Likewise, all habitat modification in wilderness areas is inappropriate unless necessary to maintain the wilderness character of the area. Where it occurs, such intervention should be designated to be temporary and directed at stabilizing native species.

In short, for decades the Service has undertaken a program to construct, monitor, maintain, and fill artificial water developments at the Refuge without scientific basis of any kind supporting the assumption that these developments benefit desert bighorn sheep. Assumptions do not have a place in CCPs; therefore, this assumption must be removed from future drafts.

If the Service wishes to continue the artificial water development program (despite its illegality, as previously established), the CCP must explain how these activities meet the minimum requirements provisions of the Wilderness Act. Given the utter lack of scientific basis for such a program, it is inappropriate and illegal for the CCP to advocate for the continuation of this program. Instead, the CCP should prohibit all activities and programs that are illegal under federal statute and/or detrimental to refuge resources.

¹⁰ See R. Remington (1989) cited in Wm. Broyles and Tricia Cutler, "Effect of Surface Water on Desert Bighorn Sheep in the Cabeza Prieta NWR," *Wildlife Society Bulletin*, 1999, 27(4), 1082-1088.

Minimum Requirement Analysis

While we are encouraged by the commitment in the planning materials that any management activity proposed to occur within designated wilderness must pass a minimum requirement analysis (MRA), we are deeply concerned about the provision create programmatic MRAs. As first outlined in § 2.4.2.1 of the CCP:

"[t]he refuge will streamline the MRA process described above in 2.1.3.1 under Elements Common to All Alternatives, Wilderness Stewardship, by establishing programmatic MRAs for predictable, reoccurring activities, such as water hauling, wildlife surveys, removal of abandoned vehicles...The only case-by-case MRAs anticipated are those covering unpredictable, one time or very intermittent activities requiring generally prohibited uses in wilderness" (pg. 92).

While the streamlining approach may make the planning effort easier for the Service, this is not a legitimate rationale. This approach inappropriately condones decision-making that is blind to the particular, site-specific information upon which "minimum tool" decisions must be made.

In the case of creating "programmatic MRAs," we must send a strong cautionary message to the Service to ensure that this process is only used in instances where the proposed use can be demonstrated as necessary for the administration of wilderness and incurs the *exact* effect every time. There are instances when a reoccurring activity may have a wide range of impacts depending on circumstance. For instance, the removal of an abandoned car located near the Camino del Diablo imposes far less of an impact to wilderness than the removal of a car that may be deep within a wilderness area. Therefore, it would be inappropriate to make use of a programmatic MRA for the removal of abandoned vehicles in wilderness because of the varied possible effects and implications of the activity. In sum, the Service must take a hard look at the potential impacts of each activity before using a programmatic MRA.

Conclusion

As managers of refuge wilderness areas, the Service has a legally binding duty to ensure that the wilderness character of designated wilderness is preserved. This duty derives from the Wilderness Act of 1964, as well as the Arizona Desert Wilderness Act from which the Cabeza Prieta National Wildlife Refuge Wilderness was established. The Service must adopt a management plan that protects the unparalleled wilderness values of the Refuge; one way to do this is to bolster patrol at the border and eliminate all vehicular use in designated wilderness areas. The proposals currently in the Service's management plan for Cabeza Prieta are in flagrant disregard of the Wilderness Act and should be amended in a new draft CCP. The Service must update its regulations to make them consistent with the Wilderness Act. Therefore, TWS requests the Service to withdraw its draft CCP and to issue new documents for public comment and review, prior to approving a final CCP.

Thank you for the opportunity to comment on the draft CCP for the Cabeza Prieta National Wildlife Refuge. The wilderness and wildlife values of this refuge are truly outstanding and deserve the most careful and thorough process possible.

Sincerely,

Leslie Catherwood
Wildlife Refuge Program Associate

September 21, 2005

Maxwell Reynolds

----- Original Message -----

From: "Max Reynolds" <max473@msn.com>

To: <john_slown@fws.gov>

Sent: Wednesday, August 31, 2005 7:08 AM

- I would like to add my concern to the widening footprint of water trucks in the sierra - I do understand the need for water during tough times on an endangered species, my point only is that it has been my experience that once ROADS are established no matter where in the world sooner or later wholesale destruction takes place in that pristine land, I would only urge you to keep your footprint as light as possible, if the goal of stopping the program as quickly as possible. don't enjoy writing these e-mails so I hope our views are similar if not I'll write more but not to you sir, but on up the chain as it were I don't want to see another captive breeder program- I'd rather think in terms of populations many thanks
- Max Reynolds

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Sept 14-2005
1511 S. 12th Ave
Safford Az 85546
928-428-9568

Dear Mr. Slown,

It was my privilege to tour the Cabeza Prieta with a group of River Protection Activists some years ago...in vans and with guides from the refuge staff... an unforgettable experience. It is a rare and precious place and should be protected for its wildlife and habitat. No off road vehicles except staff should be allowed. No human impact (alternative 5) should be avoided. Perhaps guided tours, with reservations, and/or limitations on numbers of people each year would be advisable.

I would support (alternative 4) the development of more waterholes. I couldn't believe the amount of insect and animal traffic at the water hole we observed. These oasis locations should be far away from the casual observer. Antelope especially need distance from human activity...no helicopters, no catch + release, and NO HUNTING for at least 5 or 10 years. Hunters should support this plan if they believe it will increase the herd for future hunting.

Closer monitoring of pronghorn

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well probably mean less pronghorn, and be expensive; Protection is a better solution; without protection there will be no WILD anywhere. No development, ^{should} be allowed.

Money as always is the decision maker, More staff to interact with visitors would be good: videos, talks about desert plants + animals, a movie? guides? etc would be better than pouring money into a new center. If a bigger better visitor center would keep people interested and happy and OUT of the refuge I would say O.K. where will the money come from? Perhaps we need financial support from outside groups: National Wildlife, Savin Club, or a sponsor like Phelps Dodge who needs to polish its image. That mining company supports Az. Opera every year - why not Az. wildlife in Cabeza Prieta?

My experience on 20 acres at the foot of Mt. Graham, with twice a week monitoring of 3 50 gallon water barrels, is that the wildlife wait for me, watch me, and move in the minute I leave. I'm still watching for cougar foot paw prints and hoping to see one (eat that is). Could the citizens of Ajo and Yuma become Cabeza Prieta Partners?

I hope there will be more funding for the dedicated staff, more "hands on" helpers. I am at your service if I can help in any way.

Nancy Klassis

P.S. Could the solar power community be brought in as partners (see equipment, advice etc.) to develop water holes??!

14 September 2005

Dear Mr. John Slown, US Fish and Wildlife Service

As an Arizonan, we have a unique environment, which is fragile, with many unique species which have learned to survive the harsh and nearly barren desert. This "nearly" barren, by many, is what we have to preserve for future generations, not for just a few years, but to preserve the natural changes that have evolved the flora and fauna into what we enjoy in our Sonora Desert. This nearly barren desert teems with life to keen observers.

We have a terrible problem with our national border with Mexico, with both the illegals and our law enforcement personnel, using the natural wonder as transportation corridors. The solution is not to establish even more roads, in the "roadless" areas, but to solve this illegal immigration problem through economic means, in particular improving the conditions in Mexico and by making enforcing our laws to arrest and deport such illegal people and palatalize their governments.

We shouldn't sacrifice these precious lands to illegal aliens, we must uphold the long-term trust you and your enforcement teams are sworn to protect. Citizens expect our government to carry out's it mandates to protect our land but not to protect those from other countries trying to both destroy our lands and enter here illegally. Having seen the photograph at the Cabeza Prieta National Wildlife Refuge Visitor's Center a few months ago, It needs to be seen by all concerned with natural resources on both sides of the border. I was really concerned that too much damage may have already occurred for nature to recover. This failure of the various organizations that have stewardship responsibilities need correction, in particular, by adhering to the principles and mandates of the Wilderness Act, now in its 40th

year. We have both the Sonoran Pronghorn and Desert Big Horn Sheep that need quietness to ensure their species survive, not more 4-WD vehicles running all over the land. The natural plants do not need water-absorbing non-native species that are being introduced from various motor vehicles. The numerous and undocumented Native American artifacts need to not be crushed, stolen or broken and preserved for, as Chief Joseph said, the next seven generations, as we must preserve the lands, myths, and rituals these people used long before the "white" man came.

A few questions:

1. How will these plans ensure these endangered, rare and unique species are maintained and sustained?
2. What is to be done to ensure their natural habitats remain to allow these species to expand into sustainable numbers?
3. Why aren't all the various law enforcement teams and all visitors required to use steam cleaning facilities to cleanse their tire treads before going off road?
4. Why can't all illegal trails be closed ASAP, using large boulders (too big for cars to push aside), to stop cars but let animals still pass) to "seal off" large parts of this wilderness area? This could then funnel illegal traffic to places for law enforcement pickups.
5. Why should off-road vehicles ever be permitted in this NWR? No off-road vehicles (2, 3 or 4 wheel) should be permitted for recreation users, ever! That's a basic tenant for effective stewardship in such an environment.

6. Why don't we have super high fines to violators? Only designated roads should be permitted with no off-road use permitted, with large, say \$5,000 fines and loss of vehicle for first offense, without a special use permit. Such permits might be applicable for scientists such as archaeologists, botanist, etc. but not for recreational use, until after all the tracks in that picture at the Visitor's Center have been completely rehabilitated.

Could you please provide me copies of these existing draft and final documents on this issue, so I can make more specific comments in the future?

Also, please inform me of any future public hearings on these plans. I don't think any have been held in Santa Cruz County or Tucson to date.

Sincerely,

Marshall Magruder
PO Box 1267
Tubac, AZ 85646
marshall@magruder.org

