

Appendix D: Response to Public and Agency Comments on the Draft EIS

The federal regulations implementing the National Environmental Policy Act (NEPA) require that agencies preparing Environmental Impact Statements (EIS) respond to all substantive comments received on the draft EIS (40 CFR 1503.4 [b]). As many similar comments were received, this appendix includes a summary statement of each substantive comment, followed by the U.S. Fish and Wildlife Service (Service) response. Many comments were submitted by governmental agencies or nongovernmental organizations; the originator of such comments is credited parenthetically at the end of the comment. Private individuals making comments are not so noted. Where the content of the EIS text has been changed to address the comment, the change is summarized in the appendix. Copies of the full texts of all comments received can be found above at Appendix C.

1. Comment: All of the following should be banned on the refuge: hunting, trapping, any new roads, grazing, mining, drilling, all two-stroke vehicles and prescribed burning.

Response: No trapping, grazing, mineral exploration or mining currently occurs on the refuge or is proposed in any of the alternatives. Prescribed burning may be recommended in the fire plan that is being prepared, but it is unlikely in the desert environment. Vehicles allowed on the refuge non-wilderness roads are limited to those which are registered, street legal and have adequate traction and clearance to pass the poorly maintained roads. There is no restriction on engine type, but the vast majority of vehicles used by refuge visitors have four-stroke engines. Hunting is one of the wildlife dependent priority public uses of the National Wildlife Refuge System. These uses should be provided when they are compatible with the refuge purpose. Desert bighorn sheep hunting will continue on the refuge. Any proposed new hunts will only occur after a determination has been made that they will not adversely affect the refuge Sonoran pronghorn population, that the proposed hunt is compatible with the refuge purpose, and when staff and/or funding are available to administer the hunt.

2. Comment: 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 the recovery efforts, but not all eight. (Organ Pipe Cactus National Monument, National Park Service)

Response: The section has been edited to include all eight.

3. Comment: Discuss how area closures (during Sonoran pronghorn birthing season) will protect Sonoran Pronghorn from activities associated with illegal migration, drug smuggling, and law enforcement interdiction efforts. During the closure to the public, the areas should also be closed to all agency personnel. (Organ Pipe Cactus National Monument, National Park Service)

Response: An administrative area closure only affects individuals who observe refuge rules. The closure is not anticipated to have any effect on activities associated with illegal migration or drug smuggling. Nor does the closure affect law enforcement, as law enforcement is the only means available to limit the extent of impact upon Sonoran pronghorn and other refuge resources caused by illegal travel through the refuge. The refuge is not closed to agency personnel engaged law enforcement activities or Sonoran pronghorn recovery activities, as such closure would adversely affect the Sonoran pronghorn population.

4. Comment: The EIS should address, under Section 2.1.3.2, Border Law Enforcement, management actions associated with reducing human disturbance of wilderness values from activities associated with illegal border crossings (e.g., illegal migrants, drug smugglers, and law enforcement interdiction efforts). Recommendations include vehicle barriers, coordination/cooperation of the federal agencies to minimize off-road vehicle traffic and

concentrating law enforcement efforts near the border to maximize wilderness preservation and reduce migrant mortalities. (Organ Pipe Cactus National Monument, National Park Service)

Response: Efforts taken by the refuge to limit disturbance of wilderness values related to illegal activities and law enforcement action are described in the EIS text. They include hiring additional refuge law enforcement staff, posting signs on the border describing, in Spanish language text and iconic images, the dangers of crossing the refuge on foot, providing a wilderness orientation video to border patrol agents assigned to the refuge and actively encouraging use of existing non-wilderness corridors for any long-term border law enforcement field stations. The U.S. Department of Homeland Security (DHS) is currently developing plans for a border vehicle barrier. Other solutions, including a human- and vehicle-proof fence along the entire U.S./Mexico border are being considered in Congress. Prior to the DHS's proposal to develop a border vehicle barrier, the refuge had proposed developing a similar structure. Upon review, the Office of Management and Budget determined that the potential cost of a vehicle barrier would be too high to be borne by the National Wildlife Refuge System. The refuge and the Service will participate in all discussions of border structures on or near the refuge. The refuge consistently works with DHS staff and other involved parties, (including Organ Pipe Cactus National Monument) on coordinating border control efforts. The refuge also continues to work with DHS on the planning process for tactical infrastructure on the refuge: the refuge believes acquisition and deployment of force multiplying infrastructure would efficiently identify and direct enforcement personnel to illegal smuggling incursions at or near the border.

5. Comment: In Section 2.5.1.2.3, Population Goal, use the 1995 desert bighorn sheep survey by Henry at Organ Pipe Cactus National Monument (OPCNM) for comparison of an area without developed waters. (Organ Pipe Cactus National Monument, National Park Service)

Response: The Henry study is mentioned document. There are several problems, however with using this survey to compare with refuge desert bighorn sheep surveys. First, the survey gives only a single data point (sheep population at OPCNM in 1995); no trend information is available and desert bighorn sheep populations fluctuate considerably from year to year. Second, OPCNM is more mesic (wetter) overall than the refuge. OPCNM has greater wildlife and plant diversity than the refuge due to this more mesic character. Finally, there are several natural water sources in desert bighorn sheep habitat on OPCNM that permanently or almost permanently hold water.

6. Comment: In Section 2.5.1.2.4, Predator Management, use motion-triggered camera systems to investigate predator use of developed and un-developed waters on the refuge. (Organ Pipe Cactus National Monument, National Park Service)

Response: The refuge currently maintains some motion triggered camera systems at developed waters. Simply photographing predators at water sources, however, provides very little information other than presence at the waters. Rather than additional cameras, the refuge proposes to use predator tracking via GIS equipped radio collars on a sample of predators. Such tracking should provide more information about predator behavior than cameras at waters.

7. Comment: Regarding page 105, Section 2.5.1.3.3, Raptors and Ravens; OPCNM does not have established protocols for inventorying and monitoring raptors and ravens in place. (Organ Pipe Cactus National Monument, National Park Service)

Response: The incorrect information regarding raptor and raven monitoring at OPCNM has been removed from the EIS text.

8. Comment: In Section 2.5.1.3.6, Exotic/Invasive Species; discuss impacts of non-native plant seed dispersal from trespass livestock on the refuge Reiterate restrictions on stock animals, as they can also spread non-native plant seeds. Refuge should remove fountain grass and other exotics by hand and implement vehicle washing requirements for visitors, staff and border law enforcement. (Organ Pipe Cactus National Monument, National Park Service)

Response: The refuge does conduct surveys for invasive species wherever trespass livestock have been documented. Restrictions on diet of pack and saddle stock are included in all special use permits to avoid introduction of weed seeds to refuge. The logistics of adequate monitoring for invasive species on refuge-wide is daunting given existing staff and budgets.

9. Comment: Many comments decried Border Patrol use of vehicles in the Cabeza Prieta Wilderness. (Friends of Cabeza Prieta, Defenders of Wildlife, The Wilderness Society, Maryland Alliance for Greenway Improvement and Conservation, Arizona Native Plant Society)

Response: The Arizona Desert Wilderness Act of 1990, which established the Cabeza Prieta Wilderness, included specific language stating that nothing in the Act would inhibit border law enforcement activities, subject to agreements with the Service. As is described in the EIS, the Service and the refuge work with Border Patrol to emphasize the importance of protecting wilderness resources and character. Border Patrol focuses its routine activities on the non-wilderness corridors and administrative trails in Wilderness, but must sometimes travel cross country to interdict smugglers, or conduct search and rescue operations. Given the resource damage caused by illegal cross country travel by immigrants and smugglers, the Border Patrol presence is a positive influence on refuge resources. The refuge consistently works with staff from DHS and other involved parties on coordinating border control efforts. The refuge also continues to work with DHS on the planning process for tactical infrastructure on the refuge; the refuge believes acquisition and deployment of force multiplying infrastructure would efficiently identify and direct enforcement personnel to illegal smuggling incursions at or near the border, reducing the frequency of off road vehicular travel in wilderness.

10 Comment: “Wildlife functions best in the absence of Man.” Hauling water, improving waters, etc. causes problems for native wildlife. Restoring wide open spaces will solve the long term problems facing the Sonoran pronghorn.

Response: Until 2003, very little management activity was occurring throughout the range of the Sonoran pronghorn, and they were nearly extirpated from the US. The drought of 2002 stressed the need to implement numerous recovery actions to ensure pronghorn persist throughout their range in the US. The refuge is not large enough to allow full movement of the Sonoran pronghorn over their historic range. Herds previously ranged much further than the currently accessible range to access water. Developed waters are thus considered to be appropriate.

11. Comment: The number of vehicles per party allowed to use the Camino del Diablo should be limited to no more than five.

Response: In response to this and other comments, a party size limit of four vehicles or eight individuals has been added to the preferred alternative. Larger parties will require a special use permit.

12. Comment: Scientific support of providing desert bighorn sheep developed water sources is lacking, waters should be removed, or at a minimum no new waters should be developed until research indicates their necessity (many comments cited Bill Broyles article “Desert Wildlife Water Developments: Questions Use in the Southwest,” *Wildlife Society Bulletin*, vol.23, Number 4). Hauling water for sheep in wilderness is a violation of the Wilderness Act of 1964. (Friends of the Cabeza Prieta, Sierra Club Rincon Group, The Wilderness Society, The Camp Fire Club of America, Phoenix Zoo, Defenders of Wildlife).

Response: No new waters for desert bighorn sheep are proposed unless data that demonstrate their necessity to conserving sheep is developed. The Broyles article is discussed in the EIS text under the general discussion of uncertainty regarding water developments for sheep. Developed waters have been maintained and supplied in desert bighorn sheep habitat of the refuge for many years. Discontinuing their use is not supported by current science (see expanded discussion in EIS text). Any action associated with either developing new waters (other than those for Sonoran pronghorn recovery, per the Recovery Plan) or eliminating existing water developments will occur

only upon strong evidence indicating the need for such an action. The Service continues to hold that hauling water to supply wildlife waters in wilderness is allowable as the minimum requirement to manage the area as wilderness (see discussion in text and Appendix F).

13. Comment: The refuge should establish a native plant nursery, as proposed in Alternative 2, provided that only seeds from the refuge are used. (Sierra Club Rincon Group)

Response: Establishing a native plant nursery on refuge non-wilderness was eliminated from the proposed alternative due to funding considerations and the difficulty of successfully transplanting specimens into the desert without intensive watering and other post planting treatments.

14. Comment: We support closing 60 miles of administrative trails and testing existing developed waters for pathogens, as proposed in Alternative 2. (Sierra Club Rincon Group)

Response: The administrative closure in the proposed alternative (20 miles) is consistent with access necessary for proposed management actions. Alternative 4 (the proposed alternative) includes annual sampling of developed waters to check for pathogens, although results from several years of testing similar waters at the Kofa National Wildlife Refuge suggest that high pathogen loads are not likely to occur in developed waters.

15. Comment: Refuge law enforcement officers should periodically patrol cultural areas.

Response: Patrols will be included in the next revision of the refuge law enforcement plan. Archaeological Site Stewards, a group of volunteers with archaeological training and state of Arizona recognition, meet with refuge staff and periodically inspect sites.

16. Comment: A long term strategy for managing the Sonoran pronghorn population is needed – captive breeding is not natural and won't sustain the population over the long term. (Sierra Club Rincon Group)

Response: The overall recovery plan for the Sonoran pronghorn is a long term strategy for restoring the species to viability. Operating the semi-captive breeding enclosure is a short-term action responding to the critically low number of animals currently existing in the US. Once the breeding enclosure has met the goals outlined by the recovery team, it will be abandoned.

17 Comment: Expansion of the visitor center is desirable, but should take a lower priority than protecting the refuge's natural resources. Any visitor center expansion should be designed to reduce foot and vehicle traffic on the refuge.

Response: Expanding the visitor center would provide enhanced interpretation of Sonoran Desert resources, and could thus increase interest in, and visitation to, the refuge backcountry. Visitor center programs and materials would orient the visitor to appropriate means of travel and camping in wilderness, thus potentially mitigating visitor damage to refuge resources. Visitor center construction and development would not use refuge habitat program funds.

18. Comment: All existing roads should be closed to the public and vehicle use on the refuge limited to the minimum necessary for law enforcement and management.

Response: The only roads on the refuge open to the public are Charlie Bell Pass Road, el Camino del Diablo and Christmas Pass Road. These roads, all in non-wilderness, support public access for wildlife dependent recreational activities, and will not be closed to the public except for temporary closures to protect refuge resources, such as seasonal closures during Sonoran pronghorn fawning season. All access to the refuge requires obtaining a permit. Management vehicle use in the refuge wilderness is limited to the minimum necessary to administer the refuge.

19. Comment: The Service should allow use of wheeled game carriers in National Wildlife Refuge Wilderness during any hunting season. (Yuma Valley Rod and Gun Club)

Response: Wheeled game carriers meet the definition of “mechanical transport” which is considered a prohibited use in federal wilderness by the Wilderness Act of 1964. We believe the use of wheeled game carriers for hunting purposes is a prohibited activity in wilderness and therefore is not authorized.

20. Comment: The Service has not demonstrated that hunting small game, deer and predators will adversely impact Sonoran pronghorn population stability, therefore these public uses should be allowed, as are all other allowable public uses, except from March 15 to July 15. (Yuma Valley Rod and Gun Club)

Response: The refuge and the Service continue to be extremely concerned about all types of activities that could harass or otherwise harm Sonoran pronghorn. Any such activities will continue to be prohibited until such a time that pronghorn numbers are substantially higher than those currently occurring on the refuge. Additionally, current and near-term projected refuge staffing and operational funding is insufficient to administer additional hunts. Any hunt, other than the current desert bighorn sheep hunt, would require a full compatibility review and publication in the *Federal Register* for public comment.

21. Comment: Vehicles should not be restricted to the middle 100 feet of the 200 foot non-wilderness road corridors. The entire 200 foot width should be available. (Yuma Valley Rod and Gun Club)

Response: Normal driving is intended to occur only within the actual roadway within the non-wilderness corridors, as off-road driving is generally prohibited on National Wildlife Refuges (50CFR27.31). The 100 –foot provision is to allow pulling off the roadway to park. Limiting access to one-half of the non-wilderness corridor reflects the refuge’s concern with protecting fragile desert soils from unnecessary disturbance by vehicles.

22. Comment: The programs proposed under Alternative 5 for Wilderness Recreation and Camping should be in the preferred alternative. (Yuma Valley Rod and Gun Club)

Response: The Proposed Alternative’s Wilderness Recreation and Camping programs have been revised to more closely resemble those of draft Alternative 5. Fires will remain permitted only with wood hauled in from off refuge at the vehicle camping sites. Backcountry wilderness campers will be allowed to make campfires using dead and down local wood.

23. Comment: Extreme alternatives (very little active management or public use or very much of each) should not be included in the final EIS.

Response: NEPA requires that an EIS examine the full range of reasonable alternatives, including those which a reasonable person might propose, but which the managing agency would be very unlikely to implement. The range of alternatives analyzed in the draft EIS will remain in the final EIS.

24. Comment: The US Air Force, Marines, the Department of Homeland Security, the Bureau of Land Management and Arizona Game and Fish Department should all be participants in the planning process.

Response: All of these agencies were consulted by the Service during plan preparation and review.

25. Comment: Visitor access permitting should be streamlined so that the refuge has primary responsibility for issuing permits. The process would include a one to five year general access permit and hold harmless agreement, as well as an individual trip permit with information about the proposed route of travel, length of stay, etc. Permits would include a personal permit and a vehicle permit, color coded by year.

Response: The airspace over the refuge continues to be managed by the military. Although refuge closures by the military have been extremely infrequent in the last decade, there may be

instances when the refuge will need to be closed due to Department of Defense (DOD) missions. Furthermore, unexploded ordnance from past military live-firing activity may remain on the refuge, and DOD is potentially liable for any damages resulting from contact with such ordnance. In view of these factors, the refuge will continue to provide permits that are valid for the Barry M. Goldwater Range, Cabeza Prieta and the Sonoran Desert Monument. Such permits are a DOD requirement; the refuge issues them as a convenience for visitors.

26. Comment: Pack and saddle stock, ATVs, dune buggies and sand rails should be prohibited from recreation use to limit environmental damage.

Response: Pack and saddle stock are allowed on the refuge only through a Special Use Permit, which allows refuge monitoring and control of impacts from their use. Pack and saddle stock facilitate some recreational uses in the wilderness area of the refuge, and are generally considered to be appropriate uses in federal wilderness. Prohibiting any street-legal, registered vehicle capable of transiting refuge roads from the refuge is legally problematic. Assuming that a visitor will break the law (by operating a vehicle off-road) simply because he or she has the ability to do so is unwarranted.

27. Comment: Restocking the refuge with desert bighorn sheep from off-site to meet numerical goals, per Alternative 5, is ill advised and contrary to preserving ecological integrity.

Response: As is reflected in the impact analysis section of the EIS, the Service agrees with this comment, but has evaluated the practice as one that has been proposed and should be considered within the realm of reasonable management.

28. Comment: Plan must look forward to day when the border problems have subsided and Arizona population reaches 15,000,000. At this point recreation pressures on the refuge could be much greater than any seen to date, and access quotas might be necessary [this and at least one other commenter believed that the planning time-frame to be 25, rather than 15, years]. (Friends of Cabeza Prieta)

Response: Management actions on the refuge would change if impacts from recreation increase to the point that natural resource damage is occurring throughout the refuge from recreational use. Current projections do not support such an increase during the 15-year life of this plan. Should such an increase occur, the CCP would be amended to address the new condition.

29. Comment: FWS should be addressing not only recovery of the Sonoran pronghorn, but also recovery of refuge from degradation by human activity. The refuge should immediately launch a reclamation study with sample plots and techniques to identify practical measures for reclamation. 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. (Friends of Cabeza Prieta)

Response: Impacts from human activity are recorded yearly. Given the amount of illegal activity currently occurring, it would be inefficient and ineffective to implement any recovery measures until illegal cross border travel and smuggling decreases. Once the permanent vehicle barrier begins to stem the tide of illegal entry (primarily vehicles), the refuge can begin implementing reclamation activities. Furthermore, much of the damage will be difficult to repair. Miles of roads created by smugglers occur throughout the wilderness area; efforts to repair the entire extent of the damage are impractical. Data collected in recent years will be used to guide restoration efforts when and where they are feasible.

30. Comment: More detail and effort is needed on history/cultural resources. Cultural sites should be surveyed and trails mapped. The plan should endorse writing and publishing the refuge administrative history in book form.

Response: The Service agrees that such information and survey is desirable, but completing the surveys would require hiring and supporting an archaeologist or other cultural resources

specialist. Given current priorities and funding levels, this is not feasible. Cultural resources are mapped and documented as they are encountered. Archaeological Site Stewards, a non-profit group of qualified volunteer archaeologists, periodically conducts surveys of the refuge believed to contain historical or archaeological resources. Prior to any projects requiring moving of earth, a cultural resources review occurs. Any historical or archaeological resources discovered on the refuge are protected by avoidance during refuge management operations.

31. Comment: Toxic organisms becoming established in developed wildlife waters present a threat to the refuge wildlife populations.

Response: Very little data support this claim. Studies by the Navy at the Barry M. Goldwater Range and by the Service at Kofa National Wildlife Refuge found no such organisms present in developed wildlife waters.

32. Comment: The vegetative carrying capacity of the refuge should be determined and included in the plan.

Response: The refuge's carrying capacity is a very complex concept. There are capacities for different combinations of wildlife populations, and carrying capacity changes considerably from year to year with variation in rainfall amount and pattern. Determining a carrying capacity for the refuge would be very complex and labor intensive and might not produce information useful to managers.

33. Comment: The plan focuses narrowly on two species, desert bighorn sheep and Sonoran pronghorn. More information is needed to on the ecosystem effects of managing these two species.

Response: The Service recognizes the strong focus on two species. The refuge is mandated to implement activities consistent with the purposes for which it was established. Additionally the refuge occupies the bulk of the US range of the Sonoran pronghorn, an endangered species at proximate risk of extirpation. Given these considerations, the CCP does focus on desert bighorn sheep and Sonoran pronghorn.

34. Comment: The refuge should look beyond its borders to the regional ecosystem.

Response: The refuge recognizes the importance of working in the regional ecosystem. The refuge regularly coordinates with its neighbors to address ecosystem issues beyond its borders.

35. Comment: Refuge staff should be expanded to double or triple its current size.

Response: Additional staff would be beneficial in accomplishing refuge goals and managing the many refuge programs, but large staff increases are unlikely to be funded during the 15-year planning timeframe.

36 Comment: Improved waters that do not go dry or require hauling would be a good thing, but commenter is skeptical of such "perpetual motion machines." (Friends of the Cabeza Prieta)

Response: While the proposed improved waters might occasionally require maintenance to repair damage, the principle of collecting and storing water from high runoff events in high volume tanks has precedents in the similar environments. The Antelope tank, which was upgraded over two and one half years ago, has not yet required any supplemental water or repairs.

37. Comment: A 24-hour safety hotline should be established to allow refuge visitors to obtain help in emergencies. (Friends of the Cabeza Prieta)

Response: There are logistical problems with this idea. Much of refuge is beyond coverage of cellular telephones. The refuge does not have adequate staff to cover a 24-hour hotline. Visitors to wilderness areas nationwide assume some risk by traveling and camping in remote, primitive areas.

38. Comment: Bill refuge rules violators for the actual cost of restoring the damage they cause.

Response: A national fine structure for violations of refuge rules already exists (50 CFR 28.32). A judge, however, could assess additional fines related to the cost of restoration. The Service has not typically petitioned the courts in cases of violations, but could do so in the case of unusually egregious violations.

39. Comment: Consider converting the refuge into a National Park, possibly in combination with other federal lands in regions. (Friends of Cabeza Prieta)

Response: This action is beyond the scope of the Service, and would require an act of the US Congress.

40. Comment: Look at metapopulations, find ways for bighorn populations east of Highway 85 or south of Mexican Highway 2 to occasionally mingle. (Friends of Cabeza Prieta)

Response: The Service supports development of travel of corridors for wildlife use. As the science of wildlife movement corridors expands, the refuge will work its neighbors to establish travel corridors for all wildlife, not just bighorn sheep.

41. Comment: Do not redevelop the Copper Canyon driving loop.

Response: The proposal to reopen this existing road loop would require only modest redevelopment. The road would be open only to vehicles capable of traversing rough terrain and would not be maintained to high standard. Reopening this route is consistent with providing opportunities for wildlife observation and photography. The time of reopening the Copper Canyon Loop road, however, would be uncertain due to potential conflicts with Sonoran pronghorn use of the Childs Valley and a need to coordinate its opening with the Bureau of Land Management.

42. Comment: "FWS has two great desert refuges in this region. The Kofa already is heavily managed (many 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." (Friends of the Cabeza)

Response: The Service is managing the Cabeza Prieta National Wildlife Refuge as lightly as is feasible, in the context of the refuge purpose, the Service mission and the Endangered Species Act.

43. Comment: MOU and interagency agreements need to be updated to ensure they meet the current needs of the refuge with respect to increased border traffic.

Response: A national MOU between DHS, the Department of the Interior and the Department of Agriculture has recently been signed (See Appendix B, above). The refuge now plans on developing a local MOU with respect to border law enforcement.

44. Comment: Monitoring in a constant and systematic way is essential to make adaptive management possible.

Response: The refuge monitoring programs (described in Sections 3 and 2.2 of the EIS) reflect a commitment to as much systematic monitoring as is feasible given existing and projected levels of staffing and necessary investment of staff resources in border law enforcement activities.

45. Comment: FWS needs to support strongest protection of wilderness, with a hands-off management style. (Friends of Cabeza Prieta, The Wilderness Society)

Response: That is what the refuge does, within the constraints of supporting the refuge purposes and compliance with the National Wildlife Refuge System Improvement and Endangered Species Acts.

46. Comment: Consider wildlife habitat connectivity for Sonoran pronghorn (and other species) across Interstate Highway 8 and Arizona Highway 85.

Response: See response to comment number 40, above.

47. Comment: Allow MOU with FAA and USAF to expire and remove communications equipment. (Grand Canyon Chapter Sierra Club, Maryland Alliance for Greenway Improvement and Conservation, Defenders of Wildlife)

Response: The decision to renew the MOUs for equipment on Childs Mountain will be considered at the time of its expiration in 2018. Much of the existing equipment on the mountain supports law enforcement and public and employee safety, this equipment will remain. The decision will be made by the Service Southwest Regional Director, with input from the refuge.

48. Comment: To comply with Section 110 of the National Historic Preservation Act, the refuge must provide for identification and protection of its historic properties. The refuge should hire an archaeologist.

Response: The Service Southwest Regional Office employs a Cultural Resources/Historic Preservation Officer. This individual ensures that all refuges in the region comply with Section 110 of the National Historic Preservation Act and other relevant cultural and historic legislation. The Cultural Resources/Historic Preservation Officer is consulted on all refuge projects to assure compliance with all relevant legislation and regulations.

49. Comment: Expand the Visitor Center and staff it seven days a week.

Response: The Proposed Alternative calls for expanding the Visitor Center. The level of funding available to the refuge, however, prohibits keeping the Visitor Center open seven days a week. Visitation to the Ajo area in general, and refuge in particular, during the summer is low and there is little reason to open the Visitor Center during weekends.

50. Comment: Rather than limiting refuge use of administrative trails and closing some, consider abandoning them altogether and abiding by the Arizona Desert Wilderness Act of 1990.

Response: The Arizona Desert Wilderness Act of 1990 contains provisions for the continued operations of border law enforcement entities. It would thus be problematic to abandon all administrative trails. Additionally, if the minimum tool necessary to complete wilderness dependent projects requires use of mechanical transport, these administrative trails should be used minimize damage to wilderness character.

51. Comment: Historic wells on the refuge could be redeveloped for wildlife.

Response: Many of the existing wells in the non-wilderness portion of the refuge have been redeveloped for Sonoran pronghorn or desert bighorn sheep. There is no effort to develop waters to benefit wildlife in general.

52. Comment: Wilderness restrictions on FWS staff access impede inventory and management of resources (Arizona Desert Bighorn Sheep Society)

Response: Wilderness restrictions do not impede inventory and management of resources. Funding availability to staff positions are more of an impediment.

53. Comment: A requirement should be added to reevaluate use of developed waters of Sonoran pronghorn once recovery goals have been met. (Arizona Wilderness Coalition)

Response: Results from providing water during the extreme drought of 2002 illustrated the importance of providing water for Sonoran pronghorn. As droughts occur periodically, it will be necessary to have developed waters available during these dry times. Artificial structures such as fences and highways, as well as agricultural lands, limit the Sonoran pronghorn population's ability to range freely in search of water and forage.

54. Comment: None of the five alternatives protects the wilderness resources of the refuge. The driving allowed disturbs wildlife and causes other irreversible damage to wilderness. (The Wilderness Society, Defenders of Wildlife)

Response: All five of the proposed alternatives would require a minimum requirements analysis prior to implementing any activity identified as incompatible with the Wilderness Act of 1964. Thus the minimum requirements analysis would be the mechanism to ensure wilderness resources are protected on the refuge. Furthermore, all management actions occurring within the wilderness are taken to protect and benefit the wilderness resource.

55. Comment: Regarding border law enforcement: “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 border issue is ‘outside the scope of this CCP.’ If the most damaging activity in the refuge falls outside a Comprehensive Conservation Plan’s scope, what could possibly fall within it?” (language from The Wilderness Society form letter, many copies received)

Response: The tone and contents of this comment are misleading. The statement that border issues are outside the scope of the CCP does not indicate that the Service and the refuge are taking no action to address border issues, it is a statement of the fact that magnitude of the border smuggling and illegal traffic issues is beyond the refuge’s ability to control, and that agencies undertaking border law enforcement are outside of the Service’s or the refuge’s control. The Arizona Desert Wilderness Act of 1990, which established the refuge wilderness, specifically exempts border law enforcement:

- LAW ENFORCEMENT BORDER ACTIVITIES – Nothing in this title [Title 3 of the act, which designates wilderness on Service lands], including the designation as wilderness of lands within the Cabeza Prieta National Wildlife Refuge, shall be construed as –
- (1) precluding or otherwise affecting continued border operations by the Immigration and Naturalization Service, the Drug Enforcement Administration, or the United States Customs Service within such refuge, in accordance with any applicable interagency agreements in effect on the date of enactment of this Act; or
 - (2) precluding the Attorney General of the United State or the Secretary of the Treasury from entering into new or renewed agreements with the Secretary [of the Interior] concerning Immigration and Naturalization Service, Drug Enforcement Administration, or United States Customs Service border operations within such refuge, consistent with management of the refuge for the purpose for which such refuge was established, and in accordance with laws applicable to the National Wildlife Refuge System (Title 3, Sec. 301 (g)).

Given this language in the wilderness designating legislation, border law enforcement will occur within the refuge wilderness and would continue under any management alternative implemented by the refuge.

It is also important to note, however, that neither the Service nor the refuge has opened any of refuge’s wilderness to unlimited vehicular or road building by border law enforcement. The refuge and the Service, in fact, work closely with border law enforcement agencies to assure that they use non-wilderness access roads and existing administrative trails for routine patrols. When off-road or trail driving is necessary for apprehension or rescue operations, DHS bureaus notify the refuge of the extent and location of such driving. The large number of roads recently developed in wilderness has been established by undocumented immigrants and smugglers driving illegally. The refuge provides wilderness training to Border Patrol agents assigned to work within its boundaries. As is described in the EIS, the refuge has added law enforcement positions to work with Border Patrol and is doing what it can to address this large issue. The ultimate solution of the border problem, however, lies at a level far above that of the Fish and Wildlife Service.

56. Comment: If natural water can support any population of desert bighorn sheep, that population should be the plan's target, not some unnaturally high number.

Response: As discussed in the CCP, it is the professional judgment of refuge management and biologists that currently available studies and data do not support removing developed wildlife waters and depending solely on natural precipitation and water in vegetation to support the refuge desert bighorn sheep population. The population goal of the proposed alternative is not unnaturally high, but represents the upper end of natural population fluctuation observed on the refuge. Managing for the high numbers of this species is consistent with the refuge purpose.

57. Comment: "Off road vehicles and exotic plants are somewhat synonymous, the former providing the disturbance for the invasion of the latter."

Response: The refuge agrees and is concerned about the relatedness of the two impacts. Surveys for exotic plants continue on the refuge and they are removed by hand when encountered as staff and funding allow.

58. Comment: Research how motorized travel corridors, both inside and outside the wilderness, affect the natural hydrologic cycles (sheet flow).

Response: This is an area of interest to the refuge, and research into the effects of motorized travel corridors is identified as a priority in the proposed alternative, however existing and projected funding levels restrict the level of research that is feasible.

59. Comment: Hiking trails should not divert visitors into cultural resource areas.

Response: There are no designated hiking trails on the refuge, and there are no plans to develop hiking trails.

60. Comment: The refuge should work with Mexico to limit the spread of exotic plants.

Response: The refuge coordinates with Mexico to some degree on limiting spread of exotic plants. Resources to address the spread of exotics are limited on both sides of the border, but the refuge will continue to address the control of invasive species, in the US and Mexico, as staff and funding allow.

61. Comment: Place wildlife conservation first, above wilderness preservation. Do not close any administrative trails. (Arizona Desert Bighorn Sheep Society)

Response: Wilderness designation adds another refuge purpose, that of protecting wilderness character. This purpose is neither of lower priority than the wildlife purpose of the refuge nor are the purposes conflicting. The wilderness considerations simply affect the methods of wildlife management used. Closing administrative trails no longer used for wildlife management activities to refuge management use is consistent with the Wilderness Act of 1964's prohibition of permanent roads. Closing administrative trails to border law enforcement use, however, is beyond the authority of the Service or refuge.

62. Comment: Convince Border Patrol to limit its activities to the border (including a structural vehicle barrier), Interstate 8 and State Highway 85 – leave the refuge alone.

Response: The Department of Homeland Security is engaged in planning for a vehicle barrier and service road to be developed primarily within the 60-foot easement along the border. This is anticipated to result in major decreases of illegal vehicle travel on the refuge, but will not prevent pedestrians from crossing the border illegally. Border Patrol (as well as other entities engaged in border law enforcement) has a responsibility to implement U.S. laws by apprehending illegal border crossers. The refuge also continues to work with DHS on the planning process for tactical infrastructure on the refuge; the refuge believes acquisition and deployment of force multiplying infrastructure would efficiently identify and direct enforcement personnel to illegal smuggling incursions at or near the border, reducing the frequency of off road vehicular travel in wilderness.

63. Comment: Hunting in wilderness is appropriate, but should be limited to bow and arrow.
Response: No provisions within the Wilderness Act of 1964 or its regulations prohibit the use of firearms for hunting in Wilderness.

64. Comment: Encourage camping in arroyos. One good rain cleans them out.
Response: The Leave No Trace materials given to visitors will include a discussion of the benefits of camping arroyos.

65. Comment: Develop more campsites, really just mark areas suitable for camping along the Camino. This will limit off-road driving by new comers looking for a place to camp.
Response: Given current and project levels of visitation, the existing campsites along the Camino should generally be sufficient. There is no evidence that visitors are driving off-road seeking camp sites. Should visitation levels increase sharply, the refuge may designate additional camping areas along the Camino.

66. Comment: Remove all fencing.
Response: The refuge has removed internal fencing and fencing between the refuge and OPCNM. Where trespass cattle continue to be problematic refuge boundary fencing will be maintained. Restrictions on some BLM grazing lessees require the use of fencing that can be laid down or otherwise removed when sites are not being grazed.

67. Comment: Provide surface water catchments for all native wildlife. Close and obliterate all roads not needed to service these catchments.
Response: Providing water for wildlife in desert wilderness is not consistent with the Service's mandate. The water developments on the refuge are all aimed at either Sonoran Pronghorn recovery or maintenance of an acceptable density of desert bighorn sheep. Under the proposed alternative, administrative trails not needed to service developed wildlife waters are closed to refuge management use. The refuge cannot close designated administrative trails used by border law enforcement agents.

68. Comment: The refuge has authority to drive on administrative trails whenever necessary to implement wildlife management, per the legislative intent of the Arizona Desert Wilderness Act of 1990. (Arizona Desert Bighorn Sheep Society)
Response: The Service's reading of the Arizona Desert Wilderness Act indicates that a minimum requirements analysis is necessary prior to any use of mechanized or motorized transport in the refuge wilderness. The refuge will continue to execute case-by-case minimum requirements analysis for water hauling, abandoned vehicle removal or other use of vehicles in the refuge wilderness.

69. Comment: Please reaffirm the commenter's understanding that there is a prioritization of authority: the National Wildlife Refuge System Improvement Act of 1997 supercedes the Endangered Species Act of 1973, which then supercedes the Wilderness Act of 1964. (Arizona Desert Bighorn Sheep Society)
Response: As indicated above in response to Comment 59, there is no inherent hierarchy among these laws. Each applies; the refuge must manage wildlife compliant with all three.

70. Comment: The No Action Alternative is different than management activities directed by the last enacted management plan. (Arizona Desert Bighorn Sheep Society).
Response: Many conditions on the refuge have changed in ways not anticipated since the last management plan was enacted. These include the great increase of illegal cross border travel occurring, the drastic decrease in Sonoran pronghorn seen in 2002, and an increase in fires. Ongoing refuge management has responded to these changes. The No Action Alternative is aimed at describing the management of the refuge as it would continue without implementation of any of

the action alternatives. This would be continuation of management that occurs now on the refuge, not a return to some past management regime.

71. Comment: There appears to be some internal inconsistency regarding the refuge wilderness boundary.

Response: The wilderness boundary depicted in the EIS reflects the official Service survey and legal description.

72. Comment: Desert bighorn sheep goal of 500 to 700 animals in proposed alternative appears low in that it is based on lower than average sheep density when compared to other nearby ranges. (Arizona Desert Bighorn Sheep Society)

Response: There is much controversy regarding the proper refuge desert bighorn sheep population goal. Other comments have called the proposed goal unnaturally high. The proposed goal is one that refuge and Arizona Game and Fish Department biologists support as a realistic goal for the refuge.

73. Comment: Educate all visitors about their potential of introducing non-native seeds via their clothing, camping equipment, pack/saddle stock, and/or vehicles.

Response: Handouts provided to all refuge visitors will include this information.

74. Comment: Overflights are disruptive to wildlife and visitors, and should be restricted or eliminated.

Response: Airspace over the refuge is not managed by the Department of the Interior, but the Department of Defense; military overflights cannot be eliminated or restricted by the refuge or the Service. The refuge does work with the Department of Defense to develop guidelines for sensitive areas. A study by Krausman et al (cited in the EIS) found little impact to wildlife from military overflights. Disruption to visitors is outlined in the hold harmless agreement signed by all permitted refuge visitors.

75. Comment: Increasing the number of law enforcement patrols by FWS staff would demonstrate to the public that refuge resources are important. The patrols would also yield a greater knowledge of the refuge.

Response: Refuge law enforcement staff and activity have grown since 2002 and are anticipated to continue to grow over the next year, however, necessary administrative support and adequate levels of law enforcement are limited by available funding.

76. Comment: The refuge should develop a comprehensive list of invasive species occurring on the refuge and then prioritize for removal and continual continuous control of those most aggressively invasive.

Response: The refuge has list of invasive species and is engaged in control actions. Fountain grass has been almost entirely eradicated from the refuge. Isolated patches of buffelgrass are removed when encountered.

77. Comment: While management of illegal cross-border traffic has been correctly identified as outside the scope of the CCP, the refuge should continue to cooperate with border law enforcement and plan for a time when the border issues have been resolved.

Response: The refuge actively cooperates with border law enforcement, both through consultation with law enforcement agencies and through participation of refuge officers in border law enforcement operations. The management actions proposed in the CCP anticipate a return to normal refuge operations at some point in the future when illegal border activity decreases.

78. Comment: The Service should continue to maintain and develop wildlife waters for Sonoran pronghorn as a component of their recovery, and should work with the U.S. Air Force and Bureau

of Land Management to have additional waters developed on their lands outside of wilderness. When the species is recovered, the Service should investigate removing the developed wildlife waters. (Arizona Wilderness Coalition)

Response: Past experience with the dynamics of the U.S. population of Sonoran pronghorn indicates that even when numbers are high, a severe drought can decimate the population and supplemental water may be necessary. Developed wildlife waters in Sonoran pronghorn habitat will not be removed unless the action is supported by the Sonoran pronghorn recovery team. As stated elsewhere in this appendix, developed waters compensate for the Sonoran pronghorn population's loss of ability to range over an extensive area search of water and forage.

79. Comment: The Service should support continuous, long-term research into the relationship between desert bighorn sheep and developed waters. The ongoing University of Arizona study should not be viewed as the ultimate resolution of questions, but just one piece in an ongoing process of learning Sonoran Desert wildlife behavior. (Defenders of Wildlife, Arizona Wilderness Coalition, The Wilderness Society)

Response: The Service recognizes the need for additional research on wildlife use of developed waters and the long-term effects of such use on populations of multiple species. The refuge welcomes third-party research on this topic, and will continue to study the question as funding permits.

80. Comment: If findings that developed waters benefit sheep would result in new waters being proposed, then findings that developed waters do not benefit sheep should result in the refuge considering removal of waters. (Arizona Wilderness Coalition)

Response: The EIS has been edited to reflect this.

81. Comment: Explain why sheep numbers on the refuge have consistently declined since 1993.

Response: While the trend in refuge desert bighorn sheep population was a decline between 1993 and 2002, a slight rise was documented between the 2002 and 2005 surveys. The factors affecting the refuge desert bighorn sheep population are only poorly understood. Refuge operating budgets have allowed sheep surveys to occur only every three years, even given the Arizona Game and Fish Department's assistance in conducting surveys. More frequent surveys would provide more accurate information about declines or increases in the refuge desert bighorn sheep population.

82. Comment: The Service should aggressively pursue opportunities for the military assistance in abandoned vehicle removal using helicopters.

Response: When asked about the possibility of assisting the refuge by removing abandoned vehicles using heavy-lift helicopters, the Arizona National Guard was initially interested in the activity as a training opportunity. Upon examination of the practicalities; however, military officials were reluctant to take on the risks involved due to the complexities of vehicle removal. These include the likelihood that vehicles may be shielded by trees, as many travel in riparian areas; uncertainty regarding center of balance; and other variables. The refuge will continue to investigate the possibility of partnering with the military to extract vehicles.

83. Comment: The preferred alternative should include some limit of acceptable degradation of wilderness, beyond which action to prevent further degradation will occur.

Response: Early drafts of the EIS included the use of limits of acceptable change in wilderness, but these were removed during internal review due to a concern that no level of wilderness degradation is allowed in the Wilderness Act of 1964. The refuge will continue to monitor wilderness sample plots, as described in the EIS, and document any degradation detected.

84. Comment: Long term climate change could have a devastating effect on refuge and wildlife. The Service should continue to study the ultimate effects of climate change and should continue to provide supplemental water to refuge wildlife until the issue is understood.

Response: Affects from long term climate change on the refuge are difficult to anticipate and could certainly have major impacts on refuge habitat and wildlife. The refuge will continue to monitor meteorological data gathered for the refuge region and wildlife response.

85. Comment: Desert bighorn sheep should not be hunted while the population is in decline.

Response: While the recent population trend documented for desert bighorn sheep on the refuge does show a decline, it is not believed to be a serious decline. Removing 5 to 8 animals per year from the population is minimal, and should not have an overall negative impact on the refuge sheep population. Furthermore, only older males are harvested; the loss of surplus males has no real effect on the refuge bighorn sheep population.

86. Comment: Coyote control should be reconsidered. Coyote are native, watchable wildlife.

Response: Predator control will only be implemented in areas where documented impacts to Sonoran pronghorn are occurring (e.g., the breeding enclosure or important fawning areas).

87. Comment: “The CCP at times 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, are 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””. (Defenders of Wildlife)

Response: The refuge has a responsibility to plan for those activities it can manage. Despite the high levels of illegal activity occurring on the border, visitors continue to come to the refuge, and programs for visitor orientation must be in place. Wildlife management actions must also continue. Furthermore, it is not possible for the refuge to project whether the trend of increasing illegal activity at the border will continue or reverse due to forces occurring outside the refuge.

88. Comment: The refuge does not propose enough action to address the border issue. (Defenders of Wildlife, the Wilderness Society).

Response: Issues associated with the border go beyond the scope of the Service's responsibilities or ability to act. The Service is not charged with enforcing federal immigration and customs regulations. Furthermore, the dynamic nature of border issues prevents the Service from identifying all possible strategies that will be necessary to ultimately deter smugglers and illegal migrants from entering the United States through Cabeza Prieta National Wildlife Refuge. The refuge will continue to support the border patrol, provide them what tools the refuge can offer and provide refuge law enforcement officers to work alongside border patrol agents. Border related issues will occur irrespective of the refuge management alternative chosen. The refuge will continue to work with DHS staff and other involved parties on coordinating border control efforts. The refuge will also continue to work with DHS on the planning process for tactical infrastructure on the refuge; the refuge believes acquisition and deployment of force multiplying infrastructure would efficiently identify and direct enforcement personnel to illegal smuggling incursions at or near the border, thereby minimizing impacts from border issues.

89. Comment: The CCP is deficient in both its cumulative effects analysis and in its identification of alternatives to address border law enforcement and illegal entry. NEPA demands that cumulative effects analysis be both detailed and quantified. Neither the number of acres affected by illegal immigration nor the take of Sonoran pronghorn is estimated for the alternatives in a quantitative manner. “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 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?" (Defenders of Wildlife)

Response: The EIS does quantify acreage of area disturbed by illegal road and trail development. Determining a numerical "take" on the Sonoran pronghorn population caused by any one of the factors related to illegal border related activity, military operations, refuge management and other variable such as drought would be purely speculative. Many of the criticisms provided above are unquantifiable; the movement of people and drugs through the refuge corresponded with the period during which the refuge lost all radio collared pronghorn. Additionally, the take of Sonoran pronghorn related to border issues is more appropriately dealt with in consultation between the Department of Homeland Security and the Service Ecological Services Division than the refuge. The Service has attempted to quantify effects of all activities on the refuge where possible. Projecting future effects of illegal border activities is further clouded by uncertainty. Enforcement agencies are outside of the Service's control, and are responding rapidly to an emergency situation. Furthermore, any actions proposed by agencies involved with border enforcement will need to examine these impacts in the context of direct impacts and cumulative impacts. The Service cannot be held accountable to examine potential impacts from unknown projects. The Service will continue to work with agencies proposing actions on the refuge to minimize direct, indirect and cumulative effects on Sonoran pronghorn and all other resources managed by the refuge. The Service has analyzed the cumulative effects of activities within the planning area on pronghorn. There are no biological opinions involving actions affecting pronghorn habitat that authorize take of Sonoran pronghorn. The refuge's proposed alternative, as well as the other alternatives, includes no actions that would result in such take. Therefore, statements suggesting the Service has not examined cumulative effects on pronghorn are incorrect.

90. Comment: The National Wildlife Refuge System Improvement Act and Refuge Planning Policy require the Service to identify and describe problems which 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. The CCP fails to include actions necessary to correct the border situation. (Defenders of Wildlife)

Response: While the Service is cooperating with Department of Homeland Security bureaus addressing the situation and has added refuge law enforcement staff with experience in border law enforcement, it is unrealistic to expect that the refuge or the Service has the ability to propose, let alone implement, "actions necessary to correct the border situation." Individual actions aimed at protecting certain refuge resources such as the Sonoran pronghorn semi-captive breeding facility, are described in the EIS, but these actions are limited in scope and effect as compared to the overall border situation. The refuge consistently works with staff from DHS and other involved parties on coordinating border control efforts. The refuge also continues to work with DHS on the planning process for tactical infrastructure on the refuge; the refuge believes acquisition and deployment of force multiplying infrastructure would efficiently identify and direct enforcement personnel to illegal smuggling incursions at or near the border.

91. Comment: Proposed testing of developed waters for pathogens should include trapping and sampling of disease vectors, particularly biting midges and other insects.

Response: The refuge agrees with this assessment, and will conduct the testing as funding and staffing allow.

92. Comment: Sonoran pronghorn should be translocated to unoccupied existing habitat (e.g., east of State Highway 85 and on or near Kofa National Wildlife Refuge).

Response: The recovery plan for Sonoran pronghorn identifies creating an additional, discrete population of Sonoran pronghorn in the United States. This recovery action will be implemented when the recovery team determines that sufficient population exists to support translocation of individuals.

93. Comment: Restrictions on pack animals, while appropriate, are entirely unenforceable.

Response: The refuge and the Service disagree. If the holder of a special use permit for pack and/or saddle stock does not comply with the conditions of the permit, the refuge can fine and /or remove the violator from the refuge.

94. Comment: Copper Canyon road loop should not be developed. Beyond the importance to Childs Valley to Sonoran pronghorn, the Service should not be in the business of creating new roads in refuges, whether wilderness or not. Road development is incompatible with the Refuge System's wildlife first mandate.

Response: Road development is not incompatible with the wildlife first mandate if the road supports or facilitates a wildlife dependent public use. Opening the Copper Canyon road loop would not include creation of any new roads; rather it would be reopening an existing road that is occasionally still used by refuge personnel. The proposal to redevelop the Copper Canyon Loop Road is likely to be delayed due to concerns about impacts to sensitive wildlife populations, coordination with the Bureau of Land Management (BLM), which manages adjacent land crossed by the loop road.

95. Comment: Designation of Wilderness adds another, equal purpose to management of federal lands, protection of wilderness values. Management to achieve other purposes must be compliant with wilderness protection. (Defenders of Wildlife, the Wilderness Society)

Response: Management actions in refuge wilderness are compliant with the Wilderness Act of 1964 as minimum requirements to administer the area as wilderness.

96. Comment: The CCP incorrectly assumes that the only question relevant to hauling water to developed wildlife waters in wilderness desert bighorn sheep habitat is how it affects bighorn sheep. The refuge must be concerned with the well being of the entire desert ecosystem and the wilderness character of the refuge, not just the sheep.

Response: The CCP does consider ecosystem health and wilderness character, but the refuge also has a responsibility to conserve desert bighorn sheep populations. Protecting desert bighorn sheep was a major consideration in refuge establishment. It is important to remember that the federally designated wilderness adds a supplemental wilderness stewardship purpose to the refuge, but does not remove the refuge's other purposes. As is discussed in the EIS, provision of developed waters is the subject of considerable controversy, with some research suggesting that a large group of native wildlife species benefits from developed waters, while other research finds that developed waters have a negative effect on desert ecological communities.

97. Comment: "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 impact depending on circumstance. For instance, the removal of an abandoned car located near the Camino de 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." (The Wilderness Society)

Response: The Service and refuge, upon reflection, agree with the above comment. While programmatic minimum requirements determinations are still included to cover each general type of management action, an individual analysis will be made prior to each specific vehicle trip or other mechanized transport/motorized use of wilderness proposed. These individual analyses will consider site specific and activity specific variables.