

**COMPATIBILITY DETERMINATION
LAND MOBILE RADIO MODERNIZATION FOR
U.S. CUSTOMS AND BORDER PROTECTION TACTICAL COMMUNICATIONS
AT BUCK PEAK, CHRISTMAS PASS, AND GRANITE MOUNTAIN
CABEZA PRIETA NATIONAL WILDLIFE REFUGE**

USE: TacCom LMR Modernization Project

U.S. Customs and Border Protection (CBP) proposes to replace an existing radio repeater co-located with Fish and Wildlife Service communications equipment on Buck Peak with updated land mobile radio (LMR) tactical communications (TacCom) equipment and to install up to two new repeaters at Granit Mountain and Christmas Pass. All three sites are located in designated wilderness within the Cabeza Prieta National Wildlife Refuge (CPNWR). The CBP, at CPNWR's request, has designed sufficient capacity in their systems proposed at Buck Peak and Christmas Pass to allow for the installation and operation of CPNWR equipment. The CBP will replace CPNWR equipment at Buck Peak with up-graded equipment provided by the refuge concurrent with their installation of equipment and will perform maintenance on refuge equipment when they perform maintenance on their equipment. If the Christmas Pass site is used, CBP will provide the same services for the CPNWR.

The project area is deficient in TacCom infrastructure for CBP activities, even though the U.S. Border Patrol (USBP) Ajo and Wellton Stations have repeaters for field operations communications. In the present locations, the radio repeaters do not provide sufficient radio coverage for reliable communications. This presents serious agent safety issues, as agents are not able to communicate between vehicles and handheld radios in the field and the USBP Ajo or Wellton Stations. The proposed TacCom communications equipment would also allow the use of encryption, which is critical for operational security and detection of illegal traffic in the area. The proposed project would significantly improve safety in not only the daily operations of CBP agents but also for refuge law enforcement officers and field personnel.

REFUGE NAME

Cabeza Prieta NWR
Pima and Yuma Counties, Arizona

ESTABLISHING AND ACQUISITION AUTHORITY

President Franklin D. Roosevelt established the Cabeza Prieta NWR on January 25, 1939 by Executive Order 8038.

REFUGE PURPOSES

1. The refuge was "reserved and set apart for the conservation and development of natural wildlife resources, and for the protection and improvement of public grazing lands and natural forage resources...Provided, however, that all the forage resources in excess of that required to maintain a balanced wildlife population within this range or preserve should be available for livestock..." (Executive Order 8038 January 25, 1939).

2. Enactment of the Arizona Desert Wilderness Act of 1990, designated over 90 percent of the refuge as wilderness and created a supplemental refuge purpose of wilderness protection in accordance with the Wilderness Act of 1964. Under the 1990 designation legislation, the Act prohibits the designation from "...precluding or otherwise affecting continued border operations..."
3. The National Wildlife Refuge System Administration Act of 1966 and the National Wildlife Refuge System Improvement Act of 1977 (and amendments) provide guidance and direction for the management of a national refuge system.
4. Other important legislation include the Endangered Species Act of 1973, which mandates the protection and recovery of threatened and endangered species and the National Environmental Policy Act of 1969 which mandates the consideration of environmental consequences of Federal actions.

NATIONAL WILDLIFE REFUGE SYSTEM MISSION

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.

DESCRIPTION OF USE

CBP proposes to install, operate, and maintain radio repeater equipment at up to three locations (Buck Peak, Granite Mountain, and Christmas Pass) (Figure 1) within designated wilderness within the Cabeza Prieta NWR and obtain SUP and rights-of-way (ROW) permits for the same. Radio communications modeling determined the fewest equipment site locations necessary to provide the most communications coverage possible. Original project plans called for three sites on the Cabeza Prieta NWR (Buck Peak, Granite Mountain, and Christmas Pass); however, after additional modeling, the communications coverage provided by Buck Peak and Granite Mountain was nearly equal to the coverage originally modeled for all three sites. CBP proposes to first install the proposed TacCom land mobile radio (LMR) equipment at Buck Peak and Granite Mountain. Once the sites are operational, field testing will determine if the models were accurate and if adequate communications coverage is provided with only two sites. If communications coverage is not adequate or does not meet the requirements of the USBP Wellton or Ajo Stations, USBP Yuma or Tucson Sectors, then TacCom LMR equipment will be installed at the Christmas Pass.

Each of the proposed TacCom equipment locations is on a remote mountaintop or ridge, and they are accessible only by helicopter or on foot. Due to the weight of the equipment to be installed, all equipment and personnel would be airlifted to the site during the installation phase of the project. Installation would take less than 30 days at each site. Thereafter, scheduled maintenance and repair or replacement of faulty equipment would occur twice per year by helicopter or on foot, depending upon individual circumstances (i.e., the particular site, how much equipment may need to be hauled to the site, the condition of personnel that would perform the maintenance). Any replaced equipment would be recycled or otherwise disposed of properly. Trips for emergency repairs may be necessary in addition to the biannual maintenance trips.

Equipment would be staged at the USBP Wellton Station for the installation phase. The equipment would be airlifted directly to the installation sites. Estimated flight paths are also depicted on Figure 1. Each of the proposed sites is discussed below.

Buck Peak

Buck Peak is located on a ridge in the Cabeza Prieta Wilderness in Yuma County, Arizona (Figure 2). Buck Peak currently houses existing CBP communications equipment (one low-power repeater), which is collocated on a solar-powered radio site that is owned and operated by Cabeza Prieta NWR. The existing equipment would be replaced, because it is outdated and no longer meets CBP's operability requirements. Communications equipment for Cabeza Prieta NWR would be collocated at the new CBP communications facility. New equipment would also be installed for the Cabeza Prieta NWR, because the existing U.S. Fish and Wildlife Service (USFWS) equipment is not in reliable working order.

The total surface area required for the radio repeater equipment is approximately 200 square feet. A conceptual drawing of the installation is provided as Figure 3. An additional 2,500-square-foot working area would be temporarily disturbed during installation. Communications equipment to be installed at Buck Peak includes:

- Five minisolar array platforms that would house solar panels
- Three LMR repeaters (one USFWS-owned, two CBP-owned)
- Duplexers
- SAFARI Commander Station
- One platform-mounted battery enclosure with six batteries
- Two 10-foot-tall poles (one omni-directional dipole array and one grid parabolic antenna)
- One VHF antenna (USFWS-owned)

The radio repeater equipment would be placed by a helicopter and leveled with lumber if necessary. A grounding system would be necessary to minimize lightning damage to the communications equipment. It would require covering the grounding cables with the natural rocks found on-site.

Solar panels would be installed on platforms with adjustable legs that require no ground preparation for installation. The platforms house the solar panels and a battery compartment. The batteries are sealed and housed in metal and plastic containers to ensure that they do not leak. There will be no fuel-based generator used on-site. Maintenance access would be accomplished by helicopter or on foot depending on season of year and other circumstances such as the type of equipment needed on-site and the physical capabilities of the technician.

No fencing surrounds the site, and no guy wires or lighting would be installed at the site. All aspects of equipment installation, including ground disturbance, would be limited to the previously disturbed area in the immediate vicinity of existing equipment to the greatest extent practicable. The replacement of existing equipment would occur over a 30-day period and necessitate hand tools, drills, cable, rock anchors, and epoxy. It is estimated that surveys

and installation would require 16 round trips by helicopter to provide access for installation technicians, for the removal of existing equipment, and for delivery of new equipment.

No helicopter access will be permitted for construction and maintenance between January 1 and April 30 due to the desert bighorn sheep lambing season except to perform repairs under emergency conditions such as when there is a system failure.

Granite Mountain

Granite Mountain is located on a remote ridge in the Cabeza Prieta Wilderness in Pima County, Arizona (Figure 4). Granite Mountain currently houses communications equipment owned by the U.S. Air Force (USAF, Photograph 1). Collocation of the TacCom equipment within the same impact area as the USAF equipment is not possible for the following reasons: 1) the two sets of equipment run on different power systems (USAF equipment requires 48 volts, TacCom equipment requires 12 volts), 2) adding antennas and solar panels would compromise the structural integrity of the existing platform, and 3) CBP requires approximately 100 feet of horizontal separation from the USAF equipment to avoid radio frequency interference from the USAF communications equipment.

Therefore, the TacCom equipment would be located approximately 100 feet east-northeast of the existing USAF equipment.



Photograph 1. Existing USAF communications equipment on Granite Mountain.

The total surface area required for the radio repeater equipment is 30 square feet. An additional 2,500-square-foot working area would be temporarily disturbed during installation. A conceptual drawing of the installation is provided as Figure 5. Communications equipment to be installed at Granite Mountain includes:

- One 5-panel solar array platform
- One repeater
- SAFARI Commander station mounted on the platform
- One platform-mounted battery enclosure with four batteries
- One 10-foot-tall pole with a half-parabolic antenna and an omni-directional dipole array
- One tripod-mounted BA40-41 VHF antenna

The radio repeater equipment would be placed by a helicopter and leveled with lumber if necessary. A grounding system would be necessary to minimize lightning damage to the communications equipment. It would require covering the grounding cables with the natural rocks found on-site.

Solar panels would be installed on platforms with adjustable legs that require no ground preparation for installation. The platforms house the solar panels and a battery compartment.

The batteries are sealed and housed in metal and plastic containers to ensure that they do not leak. There will be no fuel-based generator used on-site. Maintenance access would be accomplished by helicopter or on foot depending on season of year and other circumstances as described above. No helicopter access would occur between January 1 and July 15 due to the Sonoran pronghorn [*Antilocapra americana sonoriensis*] fawning season and desert bighorn sheep lambing season except under emergency conditions such as when there is system failure.

No fencing surrounds the site, and no guy wires or lighting would be installed at the site. Installation of equipment would occur over a 30-day period and necessitate hand tools, drills, cable, rock anchors, and epoxy. All aspects of equipment installation, including any ground disturbance, would be limited to the previously disturbed area in the vicinity of existing equipment to the greatest extent practicable. It is estimated that surveys and installation would require seven round trips by helicopter to provide access for biologists and installation technicians and to deliver new equipment.

Christmas Pass

Christmas Pass is located on a mountaintop in the Cabeza Prieta Wilderness in Yuma County, Arizona (Figure 6). Communications equipment does not currently exist at this site. This site would only be installed if it is deemed necessary to fill a communications coverage gap after the Buck Peak and Granite Mountain sites are installed. If the TacCom equipment is installed at this location, Cabeza Prieta NWR radio repeater equipment will be collocated on the equipment sled.

The total surface area required for the radio repeater equipment is 125 square feet. A conceptual drawing of the installation is provided as Figure 7. An additional 2,500-square-foot working area would be temporarily disturbed during installation. Communications equipment to be installed at Christmas Pass includes:

- One 14-panel solar array platform
- One repeater
- SAFARI Commander station mounted on the platform
- One platform-mounted battery enclosure with four batteries
- One 10-foot-tall pole with a half-parabolic antenna and an omni-directional dipole array
- One 10-foot-tall pole with an omni-directional dipole array
- One tripod-mounted BA40-41 VHF antenna

The radio repeater equipment would be placed by a helicopter and leveled with lumber if necessary. A grounding system would be necessary to minimize lightning damage to the communications equipment. It would require covering the grounding cables with the natural rocks found on-site.

Solar panels would be installed on platforms with adjustable legs that require no ground preparation for installation. The platforms house the solar panels and a battery compartment. The batteries are sealed and housed in metal and plastic containers to ensure that they do not leak. There will be no fuel-based generator used on-site. Maintenance access would be

accomplished either by helicopter or on foot depending on season of year and other circumstances described earlier.

No fencing surrounds the site, and no guy wires or lighting would be installed at the site. Installation of equipment would occur over a 30-day period and necessitate hand tools, drills, cable, rock anchors, and epoxy. It is estimated that surveys and installation would require seven round trips by helicopter to provide access for biologists and installation technicians and to deliver new equipment.

Purpose and Need

According to the December 2012, *Draft Environmental Assessment for Land Mobile Radio Modernization for Tactical Communications at Buck Peak, Christmas Pass, and Granite Mountain, Arizona Focus Area* prepared by CBP, the purpose of the proposed action is to improve TacCom in the Arizona Focus Area for Federal agents working for CBP. The need for the Proposed Action is to provide the following:

- Adequate communications coverage in remote locations to reduce or potentially eliminate communications coverage gaps
- A state-of-the-art digital technology that complies with the P25 standards and provides for narrowband and Advanced Encryption Standard capability
- Enhanced safety of CBP agents through improved communications coverage and technology
- An opportunity for future expansion of communications services as necessary
- A more safe, effective, and efficient work environment for CBP agents and Refuge staff

The communications coverage capabilities on the Cabeza Prieta NWR are severely deficient. Without the proposed TacCom sites (Buck Peak, Granite Mountain, and Christmas Pass), areas with no communications coverage on the Cabeza Prieta NWR encompass 254 square miles (659 square kilometers). Approximately 636 square miles (1,648 square kilometers) has no portable radio coverage. Using the three proposed mountain peaks on the Cabeza Prieta NWR to improve communications coverage, the TacCom LMR Modernization Project would reduce the communications gaps to 49 square miles (126 square kilometers) and to approximately 269 square miles (697 square kilometers) of no portable radio coverage.

In March 2006, the Department of Homeland Security entered into a Memorandum of Understanding (MOU) with the Department of the Interior (DOI) and the Department of Agriculture regarding cooperative national security efforts on Federal lands along the United States Border. The MOU specifically states, “The parties are committed to preventing illegal entry into the United States, protecting Federal lands and natural and cultural resources, and – where possible – preventing adverse impacts associated with illegal entry by cross-border violators.” Section IV(B)(6) of the MOU allows for the installation or construction of tactical infrastructure on DOI lands, including areas designated as wilderness provided it is the minimum tool necessary.

The April 2007, Cabeza Prieta NWR Comprehensive Conservation Plan, Wilderness Stewardship Plan, and Environmental Impact Statement (CCP) references the existing agreements (including the 2006 MOU) between Cabeza Prieta NWR and CBP, in addition to cooperative activities such as joint operations and the deployment of remotely operated sensors. However, communications equipment was not mentioned or evaluated in the CCP.

AVAILABILITY OF RESOURCES

Authorizing the installation and maintenance of up to three LMR TacCom sites will require some expenditure of Cabeza Prieta NWR resources, including personnel and funding. CBP will be responsible for the planning, installation, and maintenance of all improvements related to the project, but there will be costs associated with the long-term coordination, monitoring, and evaluation of the project in combination with other DHS activities. Cabeza Prieta NWR resources are extremely limited, and when staff time is utilized coordinating with DHS on border-related issues, the annual goals and objectives necessary to successfully manage the Cabeza Prieta NWR are affected. However, the administration and management of the proposed LMR TacCom sites can be accomplished within existing financial and personnel resources available to the Cabeza Prieta NWR. The improved safety conditions for Refuge staff by having more reliable and improved radio communications coverage is a significant and important benefit to the Refuge.

ANTICIPATED IMPACT OF THE PROJECT

Section 4(c) of the Wilderness Act of 1964 generally prohibits the placement of any type of permanent infrastructure in wilderness, except as necessary to meet minimum requirements for the administration of the area for the purpose of the Wilderness Act. Furthermore, we generally view the development of any infrastructure considered nonbeneficial to wildlife as an impact to wildlife or their habitats.

Wilderness Characteristics

The TacCom equipment is considered a temporary structure. It is not permanently anchored into a footing or foundation. Two of the proposed TacCom sites (Buck Peak and Granite Mountain) are located in areas with existing communications equipment. Only the Christmas Pass site would be on a previously undisturbed site. A total of 7,855 square feet (0.18 acre) would be impacted by the installation, operation, and maintenance of LMR equipment at the three proposed sites.

Installation and maintenance would require the use of a helicopter. Using a helicopter (i.e., motorized transport) within a wilderness area would impact wilderness character within the Cabeza Prieta Wilderness. Helicopter lifts would be limited to 60 lifts (30 round trips [16 trips for Buck Peak, seven trips for Granite Mountain, and seven trips for Christmas Pass]) for surveys (i.e, biological, geotechnical) and equipment installation and replacement. An additional four lifts (two round trips) per year per site are anticipated for scheduled maintenance. Installation and maintenance of the radio repeater equipment is consistent with the administrative exception that allows activities that meet minimum requirements for the administration of designated wilderness.

The vertical profile of the equipment is less than 20 feet above the ground surface (see Photograph 1). Therefore, the TacCom equipment would not be visible to most visitors due to low height profiles and mountaintop locations; however, the proposed equipment is man-made and would detract from the natural values of designated wilderness within the immediate vicinity of the mountaintop. Thus, installation, operation, and maintenance of the proposed radio repeater equipment at three mountaintop locations in the Cabeza Prieta Wilderness would have a long-term, moderate adverse effect on the viewshed and natural values of designated wilderness.

Noise emissions associated with the TacCom equipment installation and maintenance could indirectly affect the quality of Cabeza Prieta Wilderness, which is valued for its solitude and quietness. Helicopter lifts and flights would produce noise emissions that would adversely affect the quality of designated wilderness. The Federal Highway Administration has established a construction noise abatement criterion of 57 dBA for lands where serenity and quiet are of extraordinary significance (23 Code of Federal Regulations 722, Table 1). A total of 5,122 acres during approach and 3,420 acres during takeoffs would be temporarily affected by noise levels above 57 dBA during TacCom equipment installation and maintenance. Noise emissions during installation activities would have a temporary, moderate effect on the quality of designated wilderness. There would be no noise emissions expected from the TacCom equipment during operation.

Federally Protected Species

CBP provided a Biological Assessment to the Arizona Ecological Services Field Office (AZESFO) on November 5, 2012, as part of the formal consultation process pursuant to Section 7 of the Endangered Species Act of 1973. The AZESFO provided a final biological opinion (BO) on April 23, 2013. The BO addresses best management practices to reduce the likelihood of potential impacts on Federally listed species associated with the project. AZESFO determined that the project as proposed would not jeopardize the continued existence of Sonoran pronghorn or lesser long-nosed bats (*Leptonycteris curasoae yerbabuena*). In order to reduce the likelihood of impacts on Sonoran pronghorn, CBP has agreed to access the sites from the west, avoid direct flyovers of Copper Mountain, and avoid installation and maintenance activities to the greatest extent practicable during the Sonoran pronghorn fawning season.

CBP concluded that the installation, operation, and maintenance of TacCom equipment at the Granite Mountain site would potentially affect the Sonoran pronghorn due to increased helicopter traffic through habitat corridors and helicopter travel routes across landscapes known to contain Sonoran pronghorn and Sonoran pronghorn foraging grounds. It is currently estimated that up to seven (7) roundtrip helicopter flights would be necessary for installation of the equipment at Granite Mountain with an additional two (2) trips annually for necessary maintenance. This air traffic may affect, and is likely to adversely affect, the Sonoran pronghorn. Helicopter access to this site would be from the west, with flight paths over less favorable habitat. Sonoran pronghorn would only be affected by the noise emissions of the helicopter flights during installation (a maximum of seven days) and maintenance (2 days per year) if the animals are within 2 miles of the Granite Mountain TacCom sites or the helicopter flight routes. Thus, potential impacts on Sonoran pronghorn would be short-term and minor. Flights to and from Buck Peak and Christmas Pass will be via the west boundary of the refuge.

This is outside Sonoran pronghorn range and thus will not impact the pronghorn. The Buck Peak and Christmas Pass sites are too far west of Sonoran pronghorn habitat to be of concern.

The potential loss of agave plants during installation of communications and support equipment would occur at Buck Peak. The impacts on agave would be limited to less than 24 individual agave plants. Loss of agave would be long-term and negligible, and may affect, but would not likely adversely affect, lesser long-nosed bat populations.

The TacCom LMR Modernization Project may affect, but would not likely adversely affect, Sonoran desert tortoise (*Xerobates agassizii*) populations at the Buck Peak, Christmas Pass, and Granite Mountain sites. Noise emissions from helicopter access would be minimal due to the altitude of flight over appropriate habitat. Installation and biannual maintenance could be scheduled during winter or midsummer while the tortoises are dormant to further avoid or minimize impacts.

Indirect Impacts

The TacCom LMR Modernization Project would result in indirect beneficial effects on designated wilderness, wildlife habitat, vegetation, and protected species as a result of eventually reducing cross-border traffic and focusing law enforcement activities in the project area. It is believed that this project would result in more efficient and affective Border Patrol operations and thus result in reduced illegal traffic across the refuge and wilderness in the long-term. The proposed project would enhance CBP's communications capabilities and increase interdiction efficiency. Long-term beneficial effects would include reduced vehicle traffic within designated wilderness, reduced degradation of the landscape, and reduced litter and human waste, which degrade wilderness qualities throughout the Cabeza Prieta Wilderness. The proposed project would also increase the overall safety of the public, Cabeza Prieta NWR staff, and USBP agents. The Proposed Action would have a long-term, beneficial effect in the Cabeza Prieta Wilderness as a result of increasing public safety, allowing the opportunity for increased wilderness access, and reducing adverse impacts from illegal cross-border traffic and consequent law enforcement actions on the landscape and natural resources that characterize designated wilderness.

Cumulative Impacts

Installation and maintenance of radio repeater equipment is consistent with the administrative exception that allows activities that meet minimum requirements for the administration of designated wilderness. However, in addition to the TacCom LMR Modernization Project, several offices within CBP have contacted Cabeza Prieta NWR regarding potential infrastructure and development projects within the refuge. These projects include: repair and maintenance along sections of El Camino del Diablo and Christmas Pass Road, the construction of an all-weather road along El Camino del Diablo at Los Playas and San Cristobal Wash, vehicle routes on administrative trails through wilderness; and the construction of multiple integrated fixed remote video surveillance towers throughout the refuge. Many of these projects have been discussed with USFWS personnel over the last few years. With the completion of the tactical infrastructure project along the United States/Mexico border, CBP is beginning to examine other strategic needs.

Most of the projects will affect Sonoran pronghorn, wilderness, sensitive cultural resources, and other Cabeza Prieta NWR resources. (Some of these projects such as an all-weather road over the Los Playas could actually have a benefit to cultural resources as it would keep vehicular traffic on one road instead of spreading laterally as now occurs.) Furthermore, the cumulative effects of these projects will have major negative effects on these resources and potentially alter the character and feel of Cabeza Prieta NWR. Over the last decade, there has been a proliferation of off-road travel within the Cabeza Prieta Wilderness. CBP has plans for additional integrated fixed remote video surveillance towers located on Cabeza Prieta NWR. The planning for this proposal has been postponed, but it is expected that if the current immigration bill passed by the Senate is ultimately adopted, this project will implemented within a few years. There has been little coordination between various CBP offices on how these proposed actions complement or compete with each other. If these actions are proposed, it is essential for CBP to begin close coordination with Cabeza Prieta NWR to discuss the merit of each proposal, and whether measures can be developed to avoid or minimize impacts so as to avoid significant cumulative adverse effects on Cabeza Prieta NWR trust resources.

CONCLUSION

Since Cabeza Prieta NWR shares 56 miles of International border with Mexico and has experienced substantial, widespread degradation of trust resources from illegal smuggling activities and subsequent interdiction efforts, I must consider both the long- and short-term effects of this proposal. Through the EA and Biological Assessment, CBP has tried to predict both the potentially adverse and beneficial effects from the installation, maintenance, and operation of the TacCom LMR Modernization Project. CBP concludes within the EA that the project will result in increased USBP communications efficiency, which is expected to improve apprehensions of individuals illegally entering and/or illegally smuggling contraband into the United States and thus deter illegal smuggling activities from occurring within the Cabeza Prieta NWR. If this occurs, the need for CBP to conduct off-road interdiction efforts may substantially decrease, thus protecting wilderness character, Sonoran pronghorn, and other trust resources. The USFWS concurs with this determination.

The charge of this document is for the Cabeza Prieta NWR to analyze the request by CBP to install LMR repeater equipment and determine if the equipment will materially interfere with or detract from the fulfillment of the mission of the National Wildlife Refuge System or the purposes of the Cabeza Prieta NWR. A Compatibility Determination is made by the Refuge Manager using sound professional judgment. Namely a decision must be consistent with the principles of sound fish and wildlife management and administration, as well as available science and resources, and adhere to the requirements of applicable laws and USFWS policies. Considered as part of this finding, determination, or decision is a Refuge Manager's field experience and knowledge of the particular refuge resources.

The installation, operation, and maintenance of the TacCom LMR equipment will have a direct adverse effect on wilderness character within the Cabeza Prieta NWR. However, this adverse effect is minimized by the improved communications efficiency and potential for increased apprehension and deterrence of illegal activities near the United States/Mexico border, a decrease in the amount of off-road damage, improved security and communications capabilities

for the Cabeza Prieta NWR staff, volunteers, and visitors, and the ability to begin implementing restoration projects. Given these anticipated benefits, the placement of the TacCom LMR equipment will not materially interfere with or detract from the fulfillment of the National Wildlife Refuge System Mission or the purposes for which the Cabeza Prieta NWR was established, including the Arizona Desert Wilderness Act of 1991.

Information found in the project's EA, Finding of No Significant Impact, and the final BO is incorporated by reference. The reader should refer to these documents for a more detailed understanding of the project and its implications and effects on the environment. CBP is also required to implement the conservation measures contained in the BO.

PUBLIC REVIEW AND COMMENT

The National Wildlife Refuge System Improvement Act of 1997 requires the Refuge Manager to provide an opportunity for public review and comment for all compatibility determinations. The purpose of the review is to offer the public the opportunity to provide relevant information regarding the compatibility of the proposed use. The Refuge Manager must consider all information provided during the public review and comment period. The Refuge Manager is not required to respond but will use all information available to make the most informed decision possible.

Public review and comment will be solicited for this compatibility determination for a 15-day period beginning July 29, 2013 and ending August 12, 2013. The availability of the compatibility determination will be announced through a press release in the *Arizona Daily Star* and the *Ajo Copper News*. There will also be public notices posted in the Ajo Post Office and Public Library.

DETERMINATION

- Use is Not Compatible
- Use is Compatible with the Following Stipulations

STIPULATIONS NECESSARY TO ENSURE COMPATIBILITY

For successful implementation of the TacCom LMR Modernization project on the Cabeza Prieta NWR and for consistency with the March 2006 MOU between DHS, DOI, and U.S. Department of Agriculture, CBP and their contractors must cooperate closely with the Cabeza Prieta NWR to implement measures to minimize and/or eliminate the adverse environmental impacts their activities have had and will have on the Cabeza Prieta NWR. CBP must be held accountable for their activities and commit to cooperate with the Cabeza Prieta NWR to avoid future and reverse existing adverse environmental impacts. Additional natural resource impacts associated with the construction, operation, and maintenance of tactical infrastructure and overall CBP operations will be addressed through subsequent written agreements between CBP and the Cabeza Prieta NWR. The installation of the TacCom LMR equipment is approved if CBP agrees to the stipulations below:

Stipulation 1:

CBP and CPNWR will closely evaluate the effectiveness of the Buck Peak and Granite Mountain TACCOM sites to determine whether the communications coverage gap is significantly and sufficiently reduced or not to determine if the Christmas Pass project is needed.

Stipulation 2:

CBP will coordinate with Cabeza Prieta NWR to develop and implement a Decommissioning and Restoration Plan if these TACCOM sites are no longer needed. This plan must include both site cleanup and habitat restoration.

Stipulation 3:

CBP will maintain Refuge equipment collocated on their systems covered under this document concurrent with maintenance of their equipment. CBP and Cabeza Prieta NWR will develop a Memorandum of Understanding outlining the terms and conditions of the equipment maintenance, including each party's requirements and responsibilities.

Stipulation 4:

The SUP for the construction of the TacCom LMR equipment will be replaced by a ROW permit issued by the USFWS once the installation is completed. Should USFWS find CBP out of compliance and unable to satisfy the Refuge Manager's direction for meeting the conditions of the SUP, USFWS shall issue a notice in writing to CBP of the intent to immediately terminate the SUP until such time as CBP is in compliance. In case of such a notice, CBP and the Refuge will expeditiously work together to seek resolution of outstanding permit conditions.

Stipulation 5:

A new compatibility determination will be made within 10 years or upon renewal of any future ROW granted, whichever comes first, unless the terms and conditions of the ROW permit specifically allow for modification to the terms and conditions, if necessary to ensure compatibility.

National Environmental Policy Act (NEPA) Compliance

CBP completed a Draft Environmental Assessment, Finding of No Significant Impact, and a wilderness Minimum Requirements Decision Guide for this project on May 31, 2013. The Service will complete a Finding of No Significant Impact after review and analysis of public comments on this document and the Draft EA prior to authorizing this project. The CBP document can be found on the internet at the following url address

<http://cbp.gov/xp/cgov/about/ec/>.