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February 1, 2010

Curt McCasland
Refuge Manager
Cabeza Prieta National Wildlife Refuge
1611 N. 2nd Ave.
Ajo, AZ 85321

Dear Mr. McCasland:

Wilderness Watch is providing these comments on the proposal to construct a communication relay tower in the Cabeza Prieta Wilderness. Despite our organization's decade-plus interest and involvement in issues affecting the Cabeza Prieta refuge and wilderness, we did not receive any notification of this proposed activity from the refuge management staff or the FWS. Instead, we were just informed of this action by an interested citizen who provided us with a copy of the undated news release and compatibility determination. Thus these comments are necessarily brief and based on a very quick review of the documents.

We strongly urge you to extend the comment period for 30 days from today, and to make every effort to notify interested publics of the proposal.

I would add that I attempted to download the Dept. of Homeland Security EA referenced in the compatibility determination, but the link provided did not work.

Violations of the Wilderness Act

The Wilderness Act prohibits the use of motor vehicles, structures and installations within Wilderness, unless they are "necessary to meet minimum requirements" to preserve the area's wilderness character. This tower, built for and by Homeland Security to interdict people traveling across the refuge, has not been determined by the FWS to be necessary to meet minimum requirements to protect the Wilderness. Though the compatibility determination attempts to rationalize the towers and suggest they could improve wilderness conditions, there is nothing that supports a finding that they are necessary to meet the minimum required to preserve the Wilderness. Thus, its installation violates the Wilderness Act.

Because the tower itself is not the minimum required to protect the Wilderness, the use of motor vehicles and equipment is also a violation of the Wilderness Act.

Similarly, the impacts to wildlife and to the experience of visitors (the visual presence of the tower will be evident over a substantial area of the refuge for as long as the tower stands) that will result from the tower will also degrade the area's wilderness character. This, too, is a violation of the Wilderness Act.

Even if the FWS were to try and justify the tower as the minimum required to protect the Wilderness, it would have a significant burden of proof given that the effectiveness of the DHS' *virtual fence* has been seriously questioned.

We are also deeply concerned about the cumulative impacts of this proposal and many other reasonably foreseeable actions. Many of these are mentioned in the compatibility determination, but their affect on Wilderness is not analyzed or considered. Some of those projects are described in the compatibility determination:

In addition to the towers, several bureaus within DHS have contacted CPNWR regarding potential infrastructure and development projects within the refuge. These projects include: widening of El Camino del Diablo; repair and maintaining vehicle routes through wilderness; and the construction of multiple repeater sites throughout the refuge. Many of these projects have been discussed with refuge personnel over the last few years, however with the completion of the tactical infrastructure project along the International border, DHS is beginning to examine other strategic needs. These requests do not seem to be coordinated within DHS and force refuge staff to react to each request independently.

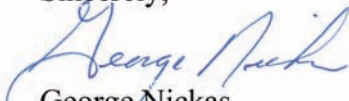
Moreover, the cumulative effects from the DHS projects and those proposed by the FWS, such as water developments for Sonoran pronghorn, are not addressed.

Compatibility

It seems abundantly clear from the compatibility determination that construction and operation of the proposed tower could have a significant impact on Sonoran pronghorn and bighorn sheep on the refuge. The analysis suggests that the FWS is hoping the animals will return to the area and be able to continue to use the habitat, it is only a hope. There is no evidence in the record to suggest this will happen. Because of the impacts to these sensitive wildlife species, the proposed activity is not compatible with refuge purposes and should be denied on that alone.

As mentioned at the outset, we would welcome the opportunity for a meaningful public involvement process and review of this proposal.

Sincerely,



George Nickas
Executive Director