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November 10, 2009

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

**sent by email and U.S. Mail**

Dear Mr. McCasland:

Wilderness Watch is providing these scoping comments on the proposal to redevelop three existing waters for Sonoran pronghorn in the Cabeza Prieta Wilderness.

We appreciate the efforts of those working to protect and recover Sonoran pronghorn. We look forward to the day when self-sustaining populations of native pronghorn will again thrive wherever their historic range is suitable for their continued existence.

We're opposed, however, to the development of artificial waters in Wilderness, including the expansion of these three waters. Significant controversy exists over the benefits and costs to the ecosystem from these artificial waters. We do not believe the FWS should be considering expanding these waters, making them more permanent, nor potentially increasing the dependency of Sonoran pronghorn on these artificial waters until long-term monitoring shows whether the developments are helping or hurting pronghorn and other plant and animal species on the Refuge.

We believe the proposed project, including the construction of the original waters in 2003 and 2005, runs afoul of the Wilderness Act. The Wilderness Act prohibits structures and installations, such as those at issue here, unless they are necessary to meet minimum requirement to administer the area for the purpose of the Act, which is to preserve the area's wilderness character. The Act similarly prohibits the use of motorized equipment, such as helicopters, generators, jackhammers, etc., which are all contemplated as part of this action.

Even if one accepts—for the sake of argument—that the structures are the minimum required for preserving the area's wilderness character, the proposal still runs afoul of the law. Every action alternative includes the use of a helicopter to, at a minimum, ferry workers and equipment to the sites. Nothing in the document or in our experience suggests that workers can't walk to the sites or complete the project without motorized tools. The fact it might take more people and time to complete the project does not override the strict test in the law.

We strongly encourage FWS to prepare an environmental analysis or environmental impact statement on the proposed project. The decision to authorize the use of a categorical exclusion in developing the original waters was both in error and unlawful, and shouldn't be repeated for this project. FWS policies prohibit the use of a CE if expanding or reconstructing the tanks fits one of three exceptions: (1) may have a significant impacts on natural resources and unique geographic characteristics such as Wilderness; (2) may establish a precedent for future actions; or (3) may violate a federal, state, local or tribal law or requirement imposed for protection of the environment. Here, the reconstruction of three tanks utilizing helicopters and motorized equipment and resulting in permanent structures represents a significant impact on the Wilderness. Second, the project may well lead to a decision to further develop other tanks in the area, or engage in other activities designed to further bolster the pronghorn population. Third, as noted earlier, there is no question this project may violate the Wilderness Act, which explicitly prohibits such structures, installations, and motor vehicle use.

The analysis should also consider additional alternatives. All of the action alternatives described in the scoping notice utilize motorized vehicles. The EA should consider a non-motorized alternative for completing the project, as well as an alternative that would remove the structures from the Wilderness.

Further analysis is also necessary because it appears previous studies or decisions have misunderstood the effects of the project. The need to use helicopters to fill the tanks strongly suggests that the original tank locations and design have failed to meet their intended use. It also suggests the FWS has misjudged local climatic conditions in developing whatever pronghorn management strategy it has adopted.

The EA or EIS also needs to consider the cumulative effects and connected actions of all other activities related to pronghorn recovery. This includes the FWS practice of irrigating the refuge to provide forage, the construction of several other water catchments, and proposed translocations of pronghorn. The FWS can't escape a thorough analysis of its program by segmenting each component the way it has in the past.

Finally, the FWS should disclose why it believes enlarging tanks that don't currently fill will reduce the need to haul water. Should the desert continue to be dry, and climate models suggest it will, then the need to haul water will remain.

We encourage the FWS to reconsider its approach to this project and to wildlife management in general in the Cabeza Prieta Wilderness. We urge you to adopt an approach that honors and respects Wilderness "...as an area where the earth and its community of life are untrammelled by man."

We appreciate the opportunity to provide these comments and look forward to providing additional comments when more information is available in the EA or EIS.

Sincerely,

George Nickas  
Executive Director