

Compatibility Determination

Use: Temporary Access to the Bear River Road

Refuge Name: Willapa National Wildlife Refuge

Location: Pacific County, Washington

Date Established: 1937

Establishing and Acquisition Authorities:

- Migratory Bird Conservation Act of 1929, as amended (16 U.S.C. 715-715s)
- Executive Order 7541, Willapa Harbor Migratory Bird Refuge, Washington, signed: January 22, 1937
- Fish and Wildlife Act of 1956, as amended (16 U.S.C. § 742a-754c)
- Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. § 4601-4601.11)
- Endangered Species Act of 1973, as amended (16 U.S.C. 1532-1544, 87 Stat 884)
- Refuge Recreation Act of 1962, as amended (16 U.S.C. 460k-460k-4)

Refuge Purpose(s):

The purposes for the Willapa National Wildlife Refuge (Refuge) have been identified in historic legal documentation establishing and adding Refuge lands. The Refuge was originally established to preserve an important wintering and foraging habitat for migratory waterfowl in the Pacific Flyway with Refuges Purposes specified as follows:

... as a refuge and breeding ground for migratory birds and other wildlife: ... Executive Order 7541, dated Jan. 22, 1937

"... for use as an inviolate sanctuary, or for any other management purpose, for migratory birds." 16 U.S.C. § 715d (Migratory Bird Conservation Act)

"... suitable for— (1) incidental fish and wildlife-oriented recreational development, (2) the protection of natural resources, (3) the conservation of endangered species or threatened species ..." 16 U.S.C. § 460k-1

"... the Secretary ... may accept and use ... real ... property. Such acceptance may be accomplished under the terms and conditions of restrictive covenants imposed by donors ..." 16 U.S.C. § 460k-2 (Refuge Recreation Act (16 U.S.C. § 460k-460k-4), as amended).

"... for the development, advancement, management, conservation, and protection of fish and wildlife resources ..." 16 U.S.C. § 742f(a)(4)

"... for the benefit of the United States Fish and Wildlife Service, in performing its activities and services. Such acceptance may be subject to the terms of any restrictive or affirmative covenant, or condition of servitude ..." 16 U.S.C. § 742f(b)(1) (Fish and Wildlife Act of 1956)

In accordance with 601 FW1, all lands acquired since the original establishment of the Refuge retain this purpose.

Management priorities are further derived from various legal and land acquisition documents:

"...one of the most important concentration points for migratory waterfowl on the Washington Coast. It has a fine supply of natural aquatic foods, especially eel-grass, and thereby has been for years one of the few suitable wintering grounds available for Black Brant...it is essential for the preservation of the Pacific flyway that the Restoration program provide adequate sanctuary facilities for migratory birds in that state." (Migratory Bird Conservation Commission Memorandum, Memo 16, May 7, 1936)

"...in order to effectuate further the purposes of the Migratory Bird Conservation Act (45 Stat. 1222)" and states that "Provided, that any private lands within the area described shall become a part of the refuge upon the acquisition of title thereto or lease thereof by the United States." (Executive Order 7721, October 8, 1937)

"...To preserve and protect unique ecosystems associated with Willapa Bay...To provide for maximum use and production by migratory birds other than wintering waterfowl, with special emphasis on bald eagles and marsh and wading birds." (Long Island Land Exchange; September 1983)

"...protect habitat for old growth dependent species including the threatened marbled murrelet and threatened northern spotted owl... protect and restore upland forest and associated stream habitat in order to protect and enhance declining fish populations, including coastal cutthroat trout, and Chinook, coho, and chum salmon runs... protect and restore coastal wetlands to provide a diversity of habitats for migratory waterfowl, shorebirds, wading birds, and songbirds...protect the intertidal mudflats along Willapa Bay by consolidating spartina infested lands for better management of control and eradication efforts on existing Refuge lands and on adjacent tidelands....provide large scale habitat management through linking existing Refuge lands in a contiguous Refuge boundary, and provide wildlife-dependent public use opportunities compatible with Refuge purposes." (Willapa Addition Environmental Assessment/ Land Protection Plan, and Conceptual Management Plan 1999)

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:

The proposed action is for the Refuge to grant a temporary access to Washington Department of Natural Resources (DNR) for the purpose of hauling forest and rock products over and across of the Bear River Road. The Bear River Road is located in the SW ¼ of Section 8, Township 10 North, Range 10 West, W.M., in Pacific County, State of Washington. The location is shown on Exhibit A. All logging activities will occur off Refuge on lands owned/managed by DNR.

Temporary access to 0.65 miles of the Bear River Road will be granted to DNR and its respective employees, agents, contractors, licensees, lessees, purchasers of timber and their agents from March 1, 2012 through December 31, 2015. Use of the road during this period will be intermittent and will vary depending upon timing of logging operations and road and weather conditions.

Availability of Resources:

Allowing temporary access across Bear River Road would not require any new infrastructure or personnel. Refuge staff would be required to complete the appropriate Special Use Permits and occasionally monitor activities. Base funding is available to cover these costs.

Anticipated Impacts of Described Use:

No permanent impacts to the Refuge resources are anticipated to result from this use. Short-term impacts from road use would include minor soil disturbance, noise, vegetation removal, and wildlife disturbance. Disturbance to wildlife, such as the flushing of feeding, resting, or nesting birds, is inherent to these activities. There is some temporary disturbance to wildlife due to human activities however, the disturbance is generally localized and will not adversely impact overall populations. The proposed project will have no effect on any of the listed species occurring on the Refuge including: marbled murrelet, northern spotted owl, western snowy plover, Oregon silverspot butterfly, bull trout, green sturgeon, eulachon and candidate species streaked horned lark.

Public Review and Comment:

Public review and comments were solicited during February 2012. A copy of this document was placed on our website and in the visitor center for 5 days from February 21, 2012 to February 27, 2012. Comments may be provided via email to willapa@fws.gov or via regular mail to Willapa National Wildlife Refuge 3888 SR 101 Ilwaco, WA 98624.

Determination:

_____ Use is Not Compatible

_____ Use is Compatible with the Following Stipulations

Stipulations Necessary to Ensure Compatibility:

- The Refuge will authorize a Special Use Permit (SUP) for this use which will terminate on December 31, 2015.
- The DNR will authorize a Road Use Permit (RUP) for this use which will terminate on December 31, 2015.
- The conditions listed in both the SUP and RUP are required for compatibility. In lieu of monetary consideration of \$3,779.22, DNR will perform work of equal value and/or purchase supplies or materials (e.g. culverts, rock, etc.) of equal value for use on the Bear River Road.
- At a minimum, DNR agrees to maintain the Bear River Road to meet applicable forest practice standards set forth in Chapter 222-24 WAC.
- DNR shall repair, or cause to be repaired at its sole cost, that damage to the road arising out of its use which is in excess of that which would cause through normal and prudent usage.
- Bear River Road may not be used when continued use will result in excessive damage due to weather or other conditions.
- DNR will leave the Bear River Road in the same or better condition upon completion of use.
- No snow removal will occur without permission from the Refuge.
- To allow time to notify Refuge staff, DNR will notify the Refuge a minimum of 24 hours prior to using the Bear River Road for logging activities and upon completion of these activities.
- DNR and its agents will use posted communications during logging activities.
- DNR and its agents will comply with the maximum 25 mph speed limit on the Bear River Road.
- The Refuge retains all rights to use, maintain, patrol, reconstruct or repair the premises.

Justification:

Although allowing this use can result in disturbance to wildlife, disturbance will be intermittent, short-term, and limited in time and space. There is more than an adequate amounts of undisturbed habitat available to the local wildlife for escape and cover. The relatively limited number of individuals expected to be adversely affected due to allowing temporary access will not cause wildlife populations to materially decline, the physiological condition and production of species will not be impaired, their behavior and normal activity patterns will not be altered dramatically, and their overall welfare will not be negatively impacted. Thus, allowing this use to occur with stipulations will not materially detract from or interfere with the purposes for which the Refuge was established or the National Wildlife Refuge System mission. In addition, this use will not conflict with the national policy to maintain the biological diversity, integrity, and environmental health of the Refuge.

Mandatory Re-evaluation Date (provide month and year for “allowed” uses only):

Mandatory 15-year Re-evaluation Date will be provided in the Final CCP/EIS (for priority public uses)

Mandatory 10-year Re-evaluation (for all uses other than priority public uses)

NEPA Compliance for Refuge Use Decision:

Categorical Exclusion without Environmental Action Statement

Categorical Exclusion and Environmental Action Statement

Environmental Assessment and Finding of No Significant Impact

Environmental Impact Statement and Record of Decision

Signatures:

Temporary Access to the Bear River Road

Prepared by: _____ (Signature) _____ (Date)

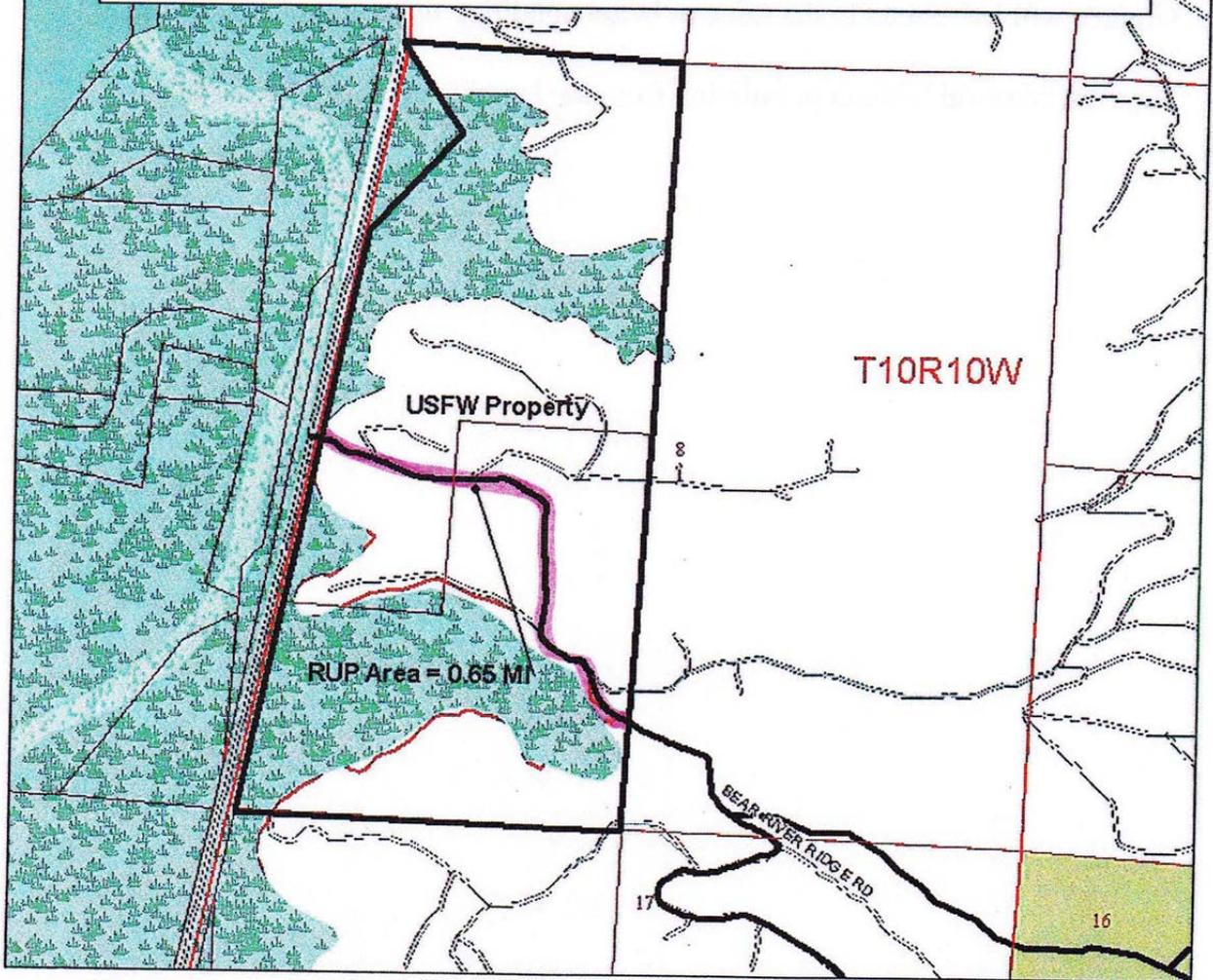
Refuge Manager/
Project Leader
Approval: _____ (Signature) _____ (Date)

Concurrence

Refuge Supervisor: _____ (Signature) _____ (Date)

Regional Chief,
National Wildlife
Refuge System: _____ (Signature) _____ (Date)

EXHIBIT A
 RUP AREA
 GRANTOR: UNITED STATES FISH AND WILDLIFE SERVICE
 SW1/4, S8, T10N, R10W, W.M.
 PACIFIC COUNTY, WA



Legend

Hauling Routes

— Other Route

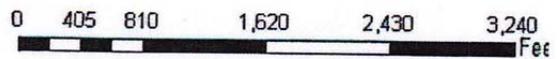
— Haul Route

□ USFW Property

RUP Length = 0.65 Miles

RUP Width = 50 FT.

RUP Area = 3.9 AC.



Prepared By: Michelle Metcalf 01/09/2012

"The right of way shown is intended to be over and across all property as shown on this map."