



United States Department of the Interior

U.S. FISH & WILDLIFE SERVICE

Tualatin River NWR Complex

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TUALATIN RIVER NATIONAL WILDLIFE REFUGE COMPLEX

Cooperative Agricultural Program

SPECIAL CONDITIONS

Wapato Lake National Wildlife Refuge

1. **Harassment.** Wildlife use, especially Canada geese, of all croplands is the primary purpose for farming on the Refuge. Harassment (hazing) of wildlife under any circumstances from any refuge farm field or any other refuge area is strictly prohibited.
2. **Genetically modified seed.** The use of genetically modified seed is prohibited. The Cooperator must report the seed variety and vendor to the Refuge manager at planting time.
3. **Pesticides (including herbicides, fungicides, molluscicides, plant growth regulators and insecticides).** The Cooperator will provide the Refuge Manager or designee with an annual pesticide/fertilizer use plan, due September 30 each year. This plan will outline proposed applications of pesticides and fertilizers for the following year (January 1-December 31), and will include, by pesticide and EPA number, the fields and crops that pesticides will be applied to, application rate and dates, and method of application. As needed, the Cooperator will inform the Refuge manager of needed updates.

To maintain public and employee safety with regard to restricted entry intervals, the cooperator must notify the Refuge Manager or designee 24 hours prior to application of any pesticides.

No restricted use chemicals will be permitted for use on the Refuge. Only the active ingredients approved may be utilized on the Refuges (equivalent tradenames will be allowed if the formulation is the same as the approved tradenames). Application rates must follow label, except where more restrictive rates are specified (provided by Refuge). Only ground-based applications (e.g., ground-propelled hydraulic sprayers, backpack sprayers, hand sprayers, wick applicators, etc.) are permissible.

All pesticides must be applied in accordance with label instructions, the State of Oregon Department of Agriculture regulations, and any specific U.S. Fish and Wildlife Service (USFWS) instructions. Additional instructions regarding pesticide use on the Refuge are provided to ensure protection of fish, wildlife, plants, and habitats at the refuges.

All pesticide containers must contain the full original legal label. Unlabeled containers are not permitted.

Mandatory best management practices for pesticide applications to be followed on the Refuge include:

- Maintain a minimum 25-foot no-spray (or less dependent on specific pesticide) buffer from water bodies, including wetlands, lakes, ponds, streams, creeks, and perimeter field or roadside ditches. Site-specific conditions may warrant more restrictive measures.
- Apply only at wind speeds less than 10 mph (but not inversion conditions) - follow label. Calibrate application equipment. Conduct field scouting/monitoring before pesticide application. Use lowest effective application rate.
- Cooperators will use surfactants that are practically non-toxic or slight acute toxicity to aquatic organisms (LC50 >10 mg/L [ppm]).
 - Surfactants that fulfill the criteria include: Agri-Dex, Bronc Max, Bronc Plus Dry-EDT, Clast Act NG, Competitor, Cut Rate, Dyne-Amic Fraction, Hasten Modified Vegetable Oil, Kinetic, Level 7, LI-700, One-AP XL, Superb HC, Tactic, and Tronic.
- All pesticides are limited to one application per year, unless otherwise stated.
- Additional specific instructions by chemical will be provided to selected cooperator(s).

Pesticides may be applied on Refuge farm fields during the appropriate, approved periods. Note that (for some chemicals), application rates and allowable areas for application are more restrictive than on label.

A completed pesticide (and surfactant) and fertilizer use record sheet must be provided to the Refuge Manager by January 10 of each year. This record shall cover the previous 12 months (from January 1 through December 31), and show pesticide and fertilizer use by field. Dates and quantities must be specified. If applicable, the Cooperator is responsible for reporting the use of pesticides as per Oregon Department of Agriculture's requirements.

Neonicotinoids: Since December 31, 2014, farmers have not been allowed to use neonicotinoid insecticides, including coated seeds, on refuges within the Tualatin River National Wildlife Refuge Complex. Typical neonicotinoid pesticides include imidacloprid, acetamiprid, clothianidin, dinotefuran, nithiazine, thiacloprid and thiamethoxam.

4. Drainage. Construction of any new drainage systems, including field ditches, is prohibited. Maintaining existing drainage systems, such as; ditches, field drains, existing tile lines, or other drainage systems, may be permitted only on a case-by-case basis with prior written approval of the Refuge Manager. This special condition is given added emphasis, since threatened and endangered plants can and do often occur in these areas, excess water is beneficial to wildlife utilizing the Refuge, and drainage of wetlands is contrary to wetlands policy of the U.S. Fish and Wildlife Service.

5. **Irrigation water.** There are no water rights available for irrigation on the cooperatively farmed fields.
6. **Burning.** Burning of Refuge farm fields, hedgerows, ditches, grass stubble, hay stacks or any other kind of burning by the Cooperator is strictly prohibited. If the Cooperator wants an area of the Refuge burned, please request this of the Refuge Manager. If the Refuge Manager concurs with the need and fire staff is available, the Refuge will conduct the burn.
7. **Damage.** Any damage to Refuge property/roads/gates by the Cooperator or his/her work force will be repaired within a reasonable amount of time, as negotiated with the Refuge Manager, and at the cooperator's expense.
8. **Harvest and Seeding Dates.** The Cooperator's crops may be harvested after May 1 of each year. Seeding of grass crops should be completed by October 1. All crop harvesting, seeding for winter cover crops, and other agricultural practices including hay removal should be completed by November 1 of each year. Additionally, all farming equipment is to be removed from the Refuge by this date, unless specifically authorized by the Refuge Manager.
9. **Fertilization.** Proper fertilization is critical in providing succulent and desirable browse for geese. Soil/grass samples should be taken by the Cooperator, and analysis conducted, if grass crop appears to be in poor condition and lack of proper fertilization is suspected. A multi-year schedule should be prepared by the Cooperator in conjunction with the Refuge Manager that indicates proposed sampling dates for each field. Soil tests will be conducted every two to three years and when converting annual fields to perennial fields. Soil tests indicating a Phosphorous (P) level less than (<) 15 ppm, and/or a Potassium (K) level less than (<) 125 ppm will be used as a standard indicating a need for fertilization. All fertilization costs are the responsibility of the Cooperator.
10. **Manure.** Cow manure may be allowed with prior written authorization by the Refuge manager. All manure applications must observe a minimum 25-foot buffer from water bodies, including wetlands, lakes, ponds, streams, creeks, and perimeter field or roadside ditches.
11. **Wintertime Farming Operations (October 1-March 31).** It is the goal of the Refuge to avoid disturbance to wintering geese from October 1 through March 31. Between November 1 and March 31, if farming operations must be conducted, Cooperator must notify the Refuge manager by telephone (cell) and gain approval prior to conducting operations.
12. **Varieties.** Low endophyte varieties of fescue and perennial ryegrass are required. Forage type varieties are preferred. If turf type varieties are desired, authorization must be provided by the Refuge Manager. Only varieties with an endophyte level under 7% will be considered.
13. **Grass height entering winter.** All grass fields will be no more than 6 inches tall on November 1 of each year. If taller than 6 inches, it is the Cooperator's responsibility to mow the crop prior to October 31.

14. **Refuge share.** Regardless of crop grown or irrigation status, the full field within the established boundary should be worked and planted unless otherwise agreed to by the Refuge Manager. If the cooperator is expected to provide the refuge share in grass (green forage), 75% of the planted area within each field should exhibit grass germination at typical densities by November 1. The Service reserves the right to take its share as 25% of the row crop acreage (for example corn), with notice to the cooperator prior to planting and prior to signing of any cannery contracts (generally in March). Generally this share will be retained as a standing unharvested crop within a location of the field agreed to by the Refuge Manager.

15. **Operating Hours.** Refuge operating hours are 2 hours before sunrise to 2 hours after sunset. No other access is allowed unless approved in advance by the Refuge Manager. All gates providing access to agricultural fields will be closed and locked at the end of each day. If Cooperator's staff fail to close and lock gates, the Cooperator will be required to provide separate locks and will become responsible for damage done by people allowed trespass access to the Refuge via gates left unlocked by Cooperator's staff. Gates preventing public access to Refuge housing or storage areas are required to be closed and locked with each use. The Cooperator will allow only themselves and the immediate work force onto the Refuge.

16. **Trash.** All trash associated with farming operations will be removed by the Cooperator on a daily basis. Farmers must clean up fields, remove pallets, etc., in a timely manner.

17. **Cooperator equipment.** The Cooperator is responsible for the safeguarding of all farming equipment used on the Refuge. It is suggested that all equipment be locked and safeguarded to reduce the risk of vandalism and theft. Approval by the Refuge Manager must be obtained prior to storing equipment near Refuge buildings and structures. The Refuge does not assume any liability for farmer equipment and supplies left on the refuges. Unless a specific Special Use Permit is granted, any storage allowed will be on a temporary basis only, with the exact location and duration of storage to be determined by the Refuge Manager.

18. **Control of vertebrates and invertebrates.** Gopher, vole, mole, and mice control may be permitted, by mechanical trapping methods only, upon specific written approval by the Refuge Manager. Invertebrate treatments are not allowed without prior written authorization by the Refuge manager.

19. **Firearms.** Possession of firearms or any other type of weapon on the Refuge is strictly prohibited.

20. **Crop sales.** Public sales of crops or any associated byproducts are not permitted within the boundary of the Refuge.

21. **Crop yield.** A completed crop yield record sheet should be provided, by field when possible, to the Refuge Manager by December 30 along with pesticide use information.

22. **Infrastructural improvements.** Any infrastructural improvements made to Federal property shall be discussed in advance with the Refuge manager. Written agreements as to appropriate ownership of improvements must be completed prior to construction.

23. Review and renewal. This farming agreement and special conditions shall be reviewed and re-signed each year after discussions between the cooperator and Refuge manager.

The Services reserves the right to enforce these conditions and to modify as needed. Modifications will be discussed with cooperative farmers.

_____ Cooperator	_____ Date	_____ Refuge Manager	_____ Date
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