



Wapato Lake

Land Protection Planning Study

Planning Update 2, April 2002

Greetings

This is the second in a series of Planning Updates you will be receiving from the U.S. Fish and Wildlife Service designed to inform and involve you in the planning process for the Wapato Lake Land Protection Planning Study in Washington and Yamhill Counties, Oregon.

These planning updates will keep you informed about opportunities for you to become directly involved in the planning process as development of the environmental compliance document, Land Protection Plan, and the Conceptual Management Plan progresses. Your input is very important. It helps us gather information and identify issues affecting you, your communities, and the natural resources of the Wapato Lake area.

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Thank You for Participating

Thank you to the approximately 240 participants who attended the open houses on November 7 and December 5, 2001, in Gaston, Oregon. Approximately 130 comments have been collected from the public meetings, letters, faxes, and e-mails since the project kickoff in November 2001. We appreciate all comments and your involvement is greatly appreciated.



*Wapato Lake.
Photo USFWS*

Notice of Website and E-mail Disconnection

Our website and E-mail have not been accessible, but we are currently back on line. We apologize if you have been trying to find information on our website or reach us through E-mail. If you have sent comments via E-mail since December 6, 2001, please resubmit them.

On December 6, 2001, as a result of a court order issued in the Bureau of Indian Affairs case of Cobell v. Norton, the Department of the Interior was instructed to disconnect all bureau computer systems from the Internet. This court case involves individual Indian Trust assets in the Bureau of Indian Affairs. The Fish and Wildlife Service has completed the process of obtaining permission to reconnect to the Internet.

Summary of Comments

Thank you again for the many comments we have received at public meetings and by mail, fax, and e-mail. We will address these and future comments in a set of draft environmental documents. The Director of the U.S. Fish and Wildlife Service will make a decision on our proposals based on the information in these documents. A summary of the main comments and issues follows:

Suggested Alternatives

Some people felt that the entire study area should remain farmland. Others thought that only the original Wapato Lake bed should become a refuge. A few stakeholders wanted to include the area south of Ayers Creek, and others wanted to include the area from Burgess Road south to Flett Road. Some people commented that the Fern Hill Wetlands south of Forest Grove should be included. One person noted that areas near the transmission line south of Forest Grove should be excluded.

Refuge Management

Many people supported public-use activities such as canoeing, hiking, photography, biking, wildlife observations, hunting, and wetland plant identification. Others felt that having a refuge would be beneficial to local schools and serve as an outdoor classroom. Some people noted the absence of public hunting lands in the area and believe that if a refuge is established, hunting will not be allowed. Some expressed concerns that hunting could cause injury to nearby nursery workers. One citizen thought that a portion of the refuge should be open to hunting. Another person felt that only non-consumptive uses should be allowed. Yet another stakeholder thought a refuge should be off-limits to public access. Some were concerned that an increase in wildlife could cause damage on adjacent lands. Others felt that a refuge could provide an opportunity to protect sites of cultural and historical significance.

Water Rights

Water is critical to the establishment of this refuge. Several citizens expressed concern about the effects a refuge would have on the water users within the Wapato Improvement District (WID) and the Tualatin Valley Irrigation District (TVID). Some people noted that previous agreements between the Bureau of Reclamation, TVID, and WID on the maintenance of ditch systems and the delivery of water inside and outside the WID need to be continued. Others felt that a determination will need to be made on who would maintain the ditches within the WID to insure water is delivered to those within and outside the WID. Some citizens asked if the dike system might be altered or drainage patterns changed. Others were concerned that, if a refuge is established, water costs would become prohibitive to other users within the delivery

Water Rights (continued)

area of TVID. Some people wanted to address the effects endangered species might have on the available water. One person wanted assurances that the water supply would be uninterrupted. Some citizens were concerned that a refuge would affect the water temperature and amount of debris in the Tualatin River. Others questioned whether restored wetlands would cause contamination of shallow wells that provide drinking water. Some noted that potable water lines need to be protected. Others questioned how water rights would be affected if only a portion of a property is sold.

Social and Economic Values

Stakeholders submitted several questions on what affects a refuge would have on the social and economic values in the area. Citizens asked how a refuge would affect the local and regional farm economies, the growth of local communities, the local tax base, and other businesses. Others asked how a refuge might affect the rural and agricultural flavor of the area. Some landowners were concerned about depredation of crops from an increase in migratory birds and asked about the availability of compensation if losses occur. Many citizens felt that the local economy would benefit from a refuge through increased visitation.

Land Acquisition

Many asked for clarification of the land acquisition process and the various methods of acquiring an interest in land. What happens if a person does not want to sell? How will the loss of tax revenues be compensated? If a landowner does not currently want to sell, can that person sell in the future? If land acquisition occurs all around my property, how is my land affected? How will land values change around the refuge? How are properties prioritized? How long does the acquisition process take? Will land be condemned? Would acquired lands be under Federal or State Control? How are buildings affected? Does the Service expect to purchase all the land in the study area? The issues raised by commentators will be addressed in the draft planning documents which will be available for public review and comment (see Planning Schedule on page 8).

Although our research is ongoing, we can provide answers to the following frequently-asked questions:

How will I and my community benefit if a refuge is established?

Individuals and communities benefit from refuges in many ways. Refuges enhance the quality of life for local residents by preserving the region's ecological value and aesthetic beauty. Farmland could be subject to rezoning through local ordinance, whereas a National Wildlife Refuge is not. The open spaces of a Refuge are preserved in perpetuity. Communities also benefit from open space that does not burden the municipal infrastructure, but still provides revenues under the Refuge Revenue Sharing Act. Landowners within a refuge boundary wishing to sell their properties to the Service benefit from our Acquisition Program. Other benefits include increased opportunities for wildlife-dependent recreation such as wildlife watching and photography, environmental education and interpretation, fishing, and hunting. These activities attract visitors to the area, increasing tourism and revenues earned by local businesses. The National Wildlife Refuge System includes more than 500 refuges, attracting 34 million visitors per year.

When can the Service begin acquiring lands?

Once the Director approves a proposed refuge boundary, the Service can make offers to purchase land or enter into management agreements with willing landowners within the approved boundary. Lands do not become part of the National Wildlife Refuge System unless they are purchased or are placed under an agreement with the individual landowner.

Does the Service intend to acquire all the lands within the refuge boundary?

Ideally, yes. However, several factors, such as available funding, willing sellers, land development, and habitat loss, can limit the Service's acquisition of land. Additionally, increasing land costs and the needs of existing refuges present challenges to continued and timely additions to the National Wildlife Refuge System.

How does the Service identify which lands to purchase first?

Priority lands are identified in the Land Protection Plan. Priority is based on the biological significance of the land, existing and anticipated threats, and willingness of the landowner to sell or otherwise make the property available to the Service.

Does the Service use the power of condemnation (eminent domain) to acquire property?

The Service, like many other federal agencies, has the power of eminent domain. This power is granted in the Constitution and General Condemnation Act of 1888 and can be used to acquire lands and interests in lands for the public good. However, it is the Service's

Power of condemnation (continued)

long-standing policy to acquire land only from willing sellers.

What if I don't want to sell my property and wish to develop it?

A refuge boundary does not preclude owners from developing their properties. You may choose to develop your land within the refuge boundary. All such development would remain subject to local zoning and regulatory authorities. Landowners within an approved refuge boundary can sell their land at any time to any buyer. These landowners are not compelled to sell their lands to the Service; this is only one more option available to them.

What if I am not interested in selling my property right now?

Refuge boundaries identify important and sensitive habitat and wildlife resource areas. The Service is looking at the long-term protection of these areas. Acquisition of lands can be phased in over time as willing sellers make their lands available to the Service and funding is available. There is rarely a rigid time frame to purchase specific habitats. However, properties that have been developed may no longer be desired for refuge purposes if there has been a significant loss in habitat.

Does the designation of a refuge boundary affect the value of my land within or adjacent to the boundary?

The designation of a refuge boundary does not by itself affect the value of your land. Land values are determined by a number of real estate market factors. The market value of lands both within and adjacent to an approved refuge boundary are affected to a much larger degree by such factors as supply and demand, interest rates, and the local economy.

How will a refuge boundary affect my private property rights?

Private property rights are not affected. Landowners within a refuge boundary retain all the rights, privileges, and responsibilities of private land ownership including the rights to access the property, control trespass, sell to any party, and develop their properties. This is true even if the Service has acquired interest to the land surrounding them.

Does land use regulation increase within a refuge boundary?

Private lands remain in the control of the owner. Service management of access, land-use practices, water management, hunting, fishing, and general use within a refuge boundary is limited to the lands that the Service has acquired.

Will Service personnel enter my property without permission to study it?

No, much of the study can be conducted by: examining aerial photos; reviewing local, State, and other federal agencies' studies and records; knowledge of the area; and talking to interested landowners. The Service will not enter your property without either an invitation or permission granted well in advance.

Does the Fish and Wildlife Service buy at fair market value?

Yes, Federal law requires the Service to offer fair market value for all land purchases. The value is based upon a professional appraisal completed in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions. The value is based on the highest and best use of the property as determined by current zoning and market conditions.

How is land acquisition funded?

Funding for refuge land acquisitions comes from entrance fees to certain national wildlife refuges, import taxes on firearms and ammunition, and appropriations under the Land and Water Conservation Fund Act and the Migratory Bird Conservation Fund (Federal Duck Stamp sales). These are all public funds and programs established to benefit wildlife.

What types of land interest does the Fish and Wildlife Service acquire for the National Wildlife Refuge System?

Fee, easement, and lease are the three types of interests generally acquired by the Fish and Wildlife Service when adding lands to the National Wildlife Refuge System. Acquisition of fee title involves purchase of the full ownership of the property. An easement would allow the Service to have partial use or the right to restrict a use(s) of the property either for a specified period of time or in perpetuity. A lease involves a partial or full possession of the land for a specified period of time for a specified rent. At the end of the specified period of time, full possession of the land returns to the owner. Leases are seldom used because they do not always provide protection in perpetuity.

If I sell my land to the Service, will I be reimbursed for expenses incurred in selling?

Yes, the Service pays or reimburses many of the transaction expenses. The Service pays for title evidence, mortgage prepayment penalties, mortgage releases, boundary surveys, recording fees, relocation assistance, applicable moving costs, and other expenses incidental to the transfer of title. The Service cannot pay for realtor brokerage fees or fees charged by attorneys retained by the landowner.

Expenses incurred in selling (continued)

or fees charged by attorneys retained by the landowner.

Are property tax revenues affected when land is acquired by the Service?

National Wildlife Refuges, like other Federal, State, and County-owned lands are not subject to property taxes. However, under the provisions of the Refuge Revenue Sharing Act, the Service annually reimburses counties for revenue lost when we purchase private properties in fee title. Payments are based on the highest value as determined by one of the following three equations: three-fourths of 1 percent of fair market value of the land; 25 percent of net receipts; or \$.75 per acre. Congress may appropriate, through the budget process, supplemental finds to ensure full payment. The Act also requires a reappraisal of acquired lands every 5 years to ensure payments to local governments are based on current land values.

Where we've been. Where we are now. Where we're going.**Where we've been:**

Our work so far culminated in sending out Planning Update 1, conducting two public meetings, compiling the comments presented in Planning Update 2, and providing a list of answers for frequently asked questions.

Where we are now:

We are currently collecting the following data, which we will analyze in order to prepare Preliminary Project Alternatives.

- Property Information
- Urban Growth Boundary
- Roads and Geographical Features
- Historic and Existing Plant Communities
- Floodplain Delineation
- Topography
- National Wetlands Inventory
- Soils
- Water Rights
- Social and Economic Issues

Wapato Lake Land Protection Planning Study Schedule

<u>Planning Step</u>	<u>Target Date</u>
Planning Update 1 Issued	October 2001
Public Meeting Gaston, Oregon	Nov. 7 & Dec. 5, 2001
Planning Update 2 Issued Summary of public comments	April 2002
Complete Data Analysis for Preliminary Alternatives	May 2002
Planning Update 3 Issued Preliminary Alternatives	June 2002
Public Comments on Alternatives	July 2002
Develop Draft Planning Documents	August 2002
Planning Documents Available for Public Review and Comment	September 2002
Public Open House	September 2002
Public Comment Period Ends	October 2002
Issue Notice of Decision	December 2002

Dates are tentative and can change as the study progresses.

**For Information on the
National Wildlife Refuge
System:**

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**For Information on the
Planning Process:**

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Where we're going:

Planning Update 3 will consolidate our research and present several Preliminary Project Alternatives. We will again ask you to provide comments and suggestions. We will incorporate your comments in a set of draft environmental documents, which will also be available for your review and comment.

For information on Land Acquisition

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Address correction requested