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Appendix F. Statement of Compliance

Statement of Compliance for Implementation of the Tualatin River National Wildlife Refuge Comprehensive Conservation Plan, Washington County, Oregon

The following executive orders and legislative acts have been reviewed as they apply to implementation of the Tualatin River National Wildlife Refuge comprehensive conservation plan (CCP).

National Environmental Policy Act (1969), as Amended (42 U.S.C. § 4321 et seq.)

The planning process has been conducted in accordance with National Environmental Policy Act (NEPA) implementing procedures, with U.S. Department of the Interior and U.S. Fish and Wildlife Service (Service) procedures, and in coordination with the affected public. The requirements of NEPA ([42 U.S. Code \[U.S.C.\] § 4321](#) et seq.) and its implementing regulations in [40 Code of Federal Regulations \(CFR\) 1500-1508](#) have been satisfied in the procedures used to reach decisions. These procedures included the development of a range of alternatives for the CCP; analysis of the likely effects of each alternative; and public involvement throughout the planning process. The start of the scoping period was announced through a Federal Register notice, news releases to local newspapers, the Service's refuge planning website, and a planning update. The draft CCP/environmental assessment (EA) was released for a 30-day public comment period. The affected public was notified of the availability of the document through a Federal Register notice, news releases to local newspapers, the Service's refuge planning website, and a planning update. Copies of the draft CCP/EA and/or planning updates were distributed to an extensive mailing list. In addition, the Service participated in a variety of public outreach efforts throughout the planning process (see Appendix K).

The CCP is programmatic in many respects and specific details of certain projects and actions cannot be determined until a later date depending on funding and implementation schedules. Certain projects or actions may require additional NEPA compliance.

National Historic Preservation Act (1966), as Amended (16 U.S.C. § 470 et seq.)

The management of the archaeological and cultural resources of the refuge would comply with the regulations of Section 106 of the National Historic Preservation Act. Under the proposed action, historic properties would be maintained and repaired as funding becomes available. Maintenance and improvement of historic resources would result in positive impacts to cultural resources; however, determining whether a particular action has the potential to affect cultural resources is an ongoing process that occurs as step-down and site-specific project plans are developed. Should additional historic properties be identified or acquired in the future, the Service would comply with the National Historic Preservation Act if any management actions have the potential to affect these properties.

Executive Order 12372. Intergovernmental Review

Coordination and consultation with affected Tribal, local, and state governments, other Federal agencies, and the landowners has been completed through personal contact by refuge staff or supervisors, and/or by inclusion of the appropriate entities on the CCP mailing list.

Executive Order 13175. Consultation and Coordination with Indian Tribal Governments

As required under the Secretary of the Interior Order 3206—American Indian Tribal Rights, Federal Tribal Trust Responsibilities, and the Endangered Species Act—the project leader notified and consulted interested Tribes.

Executive Order 12898. Federal Actions to Address Environmental Justice in Minority and Low-income Populations

All Federal actions must address and identify, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations, low-income populations, and Indian Tribes in the United States. Actions in all alternatives were evaluated and no adverse human health or environmental effects were identified for minority or low-income populations, Indian Tribes, or anyone else.

Wilderness Preservation Act of 1964 (16 U.S.C. § 1131 et seq.)

The Service has evaluated the suitability of the refuge for wilderness designation through the “inventory” phase according to the guidelines of the Wilderness Review process as described in [610 FW 4](#). In this inventory, no areas on the refuge were found to meet the minimum wilderness criteria for size, naturalness, or outstanding opportunities for solitude and primitive/unconfined recreation (see Appendix D for additional details).

Architectural Barriers Act of 1968, as Amended (42 U.S.C. § 4151 et seq.)

The Architectural Barriers Act requires access to Federal facilities for people with disabilities. Access for persons with disabilities has been considered during the planning process, and actions related to access are found in Chapter 2 of the CCP/EA.

National Wildlife Refuge System Administration Act of 1966, as Amended (16 U.S.C. § 668dd-668ee)

This Act requires the Service to develop and implement a CCP for each refuge. The CCP identifies and describes refuge purposes; the vision and goals for the refuge; fish, wildlife, and plant populations and related habitats on the refuge; archaeological and cultural values of the refuge; issues that may affect populations and habitats of fish, wildlife, and plants; actions necessary to restore and improve biological diversity on the refuge; and opportunities for wildlife-dependent recreation, as required by the Act.

During the CCP development process, the refuge manager evaluated all existing and proposed uses at the Tualatin River National Wildlife Refuge. Priority wildlife-dependent uses (hunting, fishing, wildlife observation and photography, environmental education, and interpretation) are considered automatically appropriate under Service policy and are thus exempt from appropriate uses review.

Compatibility determinations have been prepared for all uses found appropriate (see Appendices A and B of the CCP/EA).

Executive Order 13186. Responsibilities of Federal Agencies to Protect Migratory Birds

This Order directs agencies to take certain actions to further implement the Migratory Bird Treaty Act. A provision of the Order directs Federal agencies to consider the impacts of their activities, especially in reference to birds on the Service’s list of Birds of Conservation Concern. It also directs agencies to incorporate conservation recommendations and objectives in the North American Waterbird Conservation Plan and bird conservation plans developed by Partners in Flight into agency planning as described in Chapter 1. The effects to refuge habitats used by migratory birds from habitat, public use, and cultural resources actions were assessed within the CCP/EA.

Endangered Species Act (1973), as Amended (16 U.S.C. § 1531 et seq.)

This Act provides for the conservation of threatened and endangered species of fish, wildlife, and plants by Federal action and by encouraging the establishment of state programs. Documentation is required under Section 7 of the Act. Refuge policy requires the refuge manager to document issues that affect or may affect endangered species before initiating projects. Consultation on specific projects would be conducted prior to implementation to avoid any adverse impacts to these species and their habitats. See section 4-5 for discussion of federally listed species.

Executive Order 11990. Protection of Wetlands

The CCP is consistent with Executive Order 11990 because CCP implementation would protect any existing wetlands.

Executive Order 11988. Floodplain Management

Under this Order, Federal agencies “shall take action to reduce the risk of flood loss, to minimize the impact of floods on human safety, health and welfare, and to restore and preserve the natural and beneficial values served by floodplains.” The CCP is consistent with Executive Order 11988 because CCP implementation would maintain and enhance riverine, riparian, wetland, and wet prairie habitats located within floodplains on the refuge, which would minimize flood impacts and continue to contribute to the natural and beneficial fish and wildlife resource values unique to the area.

Integrated Pest Management, 517 DM 1 and 7 RM 14

In accordance with [517 DM 1](#) and [7 RM 14](#), an integrated pest management (IPM) approach has been adopted to eradicate, control, or contain pest and invasive species on the refuge. In accordance with [517 DM 1](#), only pesticides registered with the U.S. Environmental Protection Agency (EPA) in full compliance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and as provided in regulations, orders, or permits issued by the EPA may be applied on lands and waters under refuge jurisdiction.

Chief, Division of Planning, Visitor
Services, and Transportation

Date