

## Appendix H.

### STATEMENT OF COMPLIANCE for Implementation of the Keālia Pond National Wildlife Refuge, Maui County, Hawai‘i Comprehensive Conservation Plan

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The following Executive orders and legislative acts have been reviewed as they apply to implementation of the Keālia Pond NWR CCP.

**National Environmental Policy Act (1969).** The planning process has been conducted in accordance with NEPA Implementing Procedures, DOI and Service procedures, and has been performed in coordination with the affected public.

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).** The implementation of the CCP should not affect cultural resources. The proposed action does not meet the criteria of an effect or adverse effect as an undertaking defined in 36 CFR 800.9 and 614 FW 2. The Service will comply with the National Historic Preservation Act if any management actions have the potential to affect any historic properties which may be present.

**Executive Order 12372. Intergovernmental Review.** Coordination and consultation with affected local and State governments, other Federal agencies, and the adjacent landowners has been completed through personal contact by Service planners, refuge managers, and supervisors.

**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 its programs, policies, and activities on minority populations, low-income populations, and Indian Tribes in the United States. The CCP was 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.** The Service has evaluated the suitability of the Refuge for wilderness designation and determined it does not qualify.

**National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. 668dd-668ee).** Appropriate Use Findings and Compatibility Determinations have been prepared for the following uses: Wildlife Observation, Interpretation, and Photography; Environmental Education; Research, Scientific Collecting, and Surveys; and Kiawe Tree Harvesting.

**Executive Order 13186. Responsibilities of Federal Agencies to Protect Migratory Birds.** The CCP is consistent with Executive Order 13186 because the CCP and NEPA analyses evaluate the effects of agency actions on migratory birds.

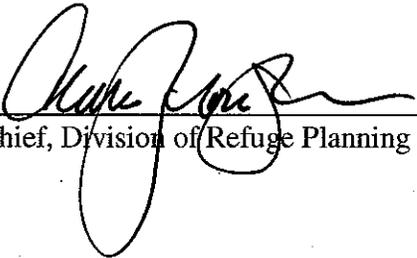
**Endangered Species Act of 1973.** The Service will conduct consultations under Section 7 of the ESA for any refuge management program actions that have the potential to affect listed species.

**Coastal Zone Management Act, Section 307.** Section 307(c)(1) of the Coastal Zone Management Act of 1972, as amended, requires each Federal agency conducting or supporting activities directly affecting the coastal zone, to conduct or support those activities in a manner which is, to the maximum extent practicable, consistent with approved State coastal management programs. The CCP is consistent with Coastal Zone Management Act because CCP implementation would protect the coastal zone from adverse impacts as a result of modification or destruction.

**Executive Order 11990. Protection of Wetlands.** The CCP is consistent with Executive Order 11990 because CCP implementation would protect and enhance 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 flood plains." The CCP is consistent with Executive Order 11988 because CCP implementation would protect floodplains from adverse impacts as a result of modification or destruction.

**Integrated Pest Management, 517 DM 1 and 569 FW 1.** In accordance with 517 DM 1, an 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 EPA in full compliance with FIFRA and as provided in regulations, orders, or permits issued by EPA may be applied on lands and waters under Refuge jurisdiction.

  
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Chief, Division of Refuge Planning

9-27-2011  
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Date