

Appendix H. Statement of Compliance

**STATEMENT OF COMPLIANCE
for Implementation of the
Rose Atoll National Wildlife Refuge, American Samoa
Comprehensive Conservation Plan**

The following Executive orders and legislative acts have been reviewed as they apply to implementation of the Rose Atoll National Wildlife Refuge CCP.

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 U.S. Territory coastal management programs.

Endangered Species Act of 1973. 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. It provides for the determination and listing of endangered and threatened species and the designation of critical habitats. The CCP implementation is expected to result in supporting listed species and their recovery. Section 7 requires refuge managers to perform consultation before initiating projects that affect or may affect endangered species. The Refuge will conduct consultation under Section 7 of the Endangered Species Act for any Refuge management program actions that have the potential to affect listed species.

Essential Fish Habitat provision of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(b)) provisions (§305(b)). Essential fish habitat (EFH) is defined as “those waters and substrates necessary to fish for spawning, breeding, feeding, or growth to maturity” and has been designated for all Management Unit Species Groups in the Pacific Islands Region, including Rose Atoll, for federally managed marine species. For coral reefs, EFH includes the water column above the reefs and all bottom out to 328-foot depth. The Refuge will conduct consultation for any Refuge management program actions that have the potential to adversely affect EFH.

Executive Order 12372. Intergovernmental Review. Coordination and consultation with affected Tribal, local and State/Territorial governments, other Federal agencies, and the landowners has been completed through personal contact by the Refuge/Monument Manager.

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.

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 and also, through its proposed actions, supports conservation of these species.

Integrated Pest Management (IPM), 517 DM 1 and 7 RM 14. In accordance with 517 DM 1 and 7 RM 14, an IPM approach has been adopted to eradicate, control, or contain pest and invasive species. 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.

Migratory Bird Treaty Act. Established in 1918 with subsequent amendments and provisions following, this Act protects migrating birds between the U.S. and Canada, Mexico, Union of Soviet Republics, and Japan. This Act makes it illegal for people to “take” migratory birds, their eggs, feathers or nests (“take” is any means or in any manner, any attempt at hunting, pursuing, wounding, killing, possessing or transporting any migratory bird, nest, egg, or part thereof).

National Environmental Policy Act of 1969. The planning process has been conducted in accordance with NEPA Implementing Procedures, Department of the Interior and Service procedures, and has been performed in coordination with the affected public.

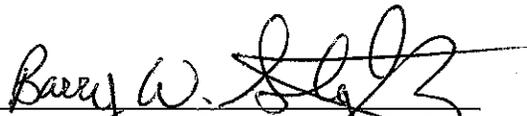
An environmental assessment (EA) was prepared that integrated the CCP into the NEPA document and process. The Draft CCP/EA was released for a 30-day public comment period. The affected public was notified of the availability of the Draft CCP/EA through a Federal Register notice, news release to local media outlets, the Service’s refuge and refuge planning websites, and a planning update. Copies of the Draft CCP/EA and/or planning update were distributed to an extensive mailing list.

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 of 1966. The implementation of the CCP should not affect cultural resources. The Service will comply with the NHPA if any management actions have the potential to affect any historic properties which may be present.

National Wildlife Refuge System Administration Act of 1966, as amended (16 U.S.C. 668dd-668ee). Appropriate Refuge Use Findings and Compatibility Determinations have been prepared and can be found under Appendices B and C of this CCP.

Wilderness Act of 1964. The Service has evaluated the suitability of the Refuge for wilderness designation and recommended a wilderness study.



Refuge Supervisor, Hawaiian and Pacific
Islands National Wildlife Refuge Complex

9/17/13

Date