

## Compatibility Determination

**Use: Rights-of-way (road):** The right to use and possibly alter the landscape through construction, maintenance, and operation of a road on lands under control by the U.S. Fish and Wildlife Service (Service).

**Refuge Name:** Willapa National Wildlife Refuge

**City/County and State:** Ilwaco, Pacific County, Washington

### Establishing and Acquisition Authorities:

On May 7, 1936, the Migratory Bird Conservation Commission (MBCC), acting under the authority of the Migratory Bird Conservation Act of 1929 (45 Stat. 1222), approved the acquisition of 24 tracts totaling 4,825 acres in Pacific County, Washington, authorizing the establishment of the Willapa Migratory Waterfowl Refuge. On October 14, 1936, 196 acres were purchased establishing the Refuge. The Shoalwater Unit was added to the Refuge on January 12, 1937, by President Franklin Roosevelt through Executive Order 7541, Establishing Public Domain Lands. The Refuge was called Willapa Harbor Migratory Bird Refuge, and it was established “as a refuge and breeding ground for migratory birds and other wildlife.” Later that year President Roosevelt issued Executive Order 7721, enlarging Willapa Harbor Migratory Bird Refuge by 5,000 acres. In July 1940, a presidential proclamation was issued that changed the name from the Willapa Harbor Migratory Bird Refuge to Willapa National Wildlife Refuge. Throughout the 1940s and 1950s, the lands approved for purchase were under the purposes derived from Executive Order 7541. On April 16, 1968, the Leadbetter Point Unit was added to the Refuge by Public Land Order 4403. Since 1978, the Refuge has expanded four more times to include the Long Island Unit, Rear River, Teal Slough, Tarlatt Slough, and Nemah Unit by way of Land Protection Plans based on environmental assessments and conceptual management plans.

Legal authorities used for establishment of the Refuge include the Endangered Species Act of 1973, as amended [16 U.S.C. 1531-1544] and the Migratory Bird Conservation Act of 1929, as amended [16 U.S.C. 715-715d, 715e, 715f-715r].

### Refuge Purposes:

1. “As a refuge and breeding ground for migratory birds and other wildlife” (Executive Order 7541, dated January 22, 1937).
2. “For use as an inviolate sanctuary, or for any other management purpose, for migratory birds” (16 U.S.C. 715d, Migratory Bird Conservation Act).
3. “Suitable for—(1) incidental fish and wildlife-oriented recreational development, (2) the protection of natural resources, (3) the conservation of endangered species or threatened species” (16 U.S.C. 460k-1).

4. “The Secretary ... may accept and use ... real ... property. Such acceptance may be accomplished under the terms and conditions of restrictive covenants imposed by donors” (16 U.S.C. 460k-2, Refuge Recreation Act [16 U.S.C. 460k-460k-4], as amended).
5. “For the development, advancement, management, conservation, and protection of fish and wildlife resources” (16 U.S.C. 742f(a)(4)).
6. “For the benefit of the United States Fish and Wildlife Service, in performing its activities and services. Such acceptance may be subject to the terms of any restrictive or affirmative covenant, or condition of servitude” (16 U.S.C. 742f(b)(1), Fish and Wildlife Act of 1956).

### **National Wildlife Refuge System Mission:**

"The mission of the [National Wildlife Refuge] System is to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, Wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans" (National Wildlife Refuge System Administration Act of 1966, as amended [16 U.S.C. 668dd-668ee]).

### **Description of Use:**

The proposed use is issuance of a **Right of Way Permit**, defined as the "The right to use and possibly alter the landscape through construction, maintenance, and operation of a road" on lands under control by the U.S. Fish and Wildlife Service (Service). The Secretary of the Interior, through his authorized representative, the Regional Director, United States Fish and Wildlife Service (Service), in accordance with applicable authorities, and regulations published in so CFR 29.21et. seq., proposes to grant a **Right of Way Permit** to the Bonneville Power Administration, herein referred to as BPA or the Permittee, to use certain lands on the Willapa National Wildlife Refuge (Refuge) solely for the purpose of relocating an access road, located in T. 10 N., R. 10 W., Sec., 8, in Ilwaco, Washington in Pacific County.

The Refuge partnered with the BPA to reduce the footprint of two right-of-way (ROW) roads within the Bear River Unit of the Refuge. This project decommissioned and abandoned a section of ROW road #1, improved access on the ROW road #2 and created a connection between the two sets of power line towers (Figure 1). This project was conducted in combination with the Greenhead Slough Tidal Restoration project to maintain access to BPA's power lines and transmission towers.

The Bear River watershed was once characterized by unmanaged old-growth forest composed of western hemlock, Sitka spruce, western red cedar, and Douglas fir. Over the last century the forest has been commercially harvested leaving various age class tree stands. The project site is currently comprised of small alder trees Sitka spruce, Douglas fir and hemlock. An extensive network of logging and skid roads, built to facilitate commercial logging, transect the Bear River

watershed and project area. Between 1938 and 1949 BPA transmission power lines and towers were installed across the landscape. Access roads were built to enable installation of towers and stringing power lines along the BPA ROW. These roads continue to provide BPA access to conduct maintenance and repairs on the power lines and transmission towers. Two ROW roads are located adjacent to a Refuge tidal restoration project and each provides access to one set of power line towers.

The purpose of the Greenhead Slough Tidal Restoration Slough project was to replace a concrete culvert with a single lane bridge which will restore tidal flow and fish passage to 149 acres of estuarine wetlands and 10 miles of spawning and rearing habitat (Figure 2). NEPA compliance for estuary restoration was covered under Goal 2 in the Refuge's CCP/EIS (2010) and Environmental Assessment (2014). The current channel was rerouted out of the Washington Department of Transportation ROW for State Route 101 eliminating the access and a portion of BPA ROW road #1 located northeast of the Refuge's gate. This project ensured BPA's continued access to the set of towers and reduced the footprint that existed utilizing ROW road #2 located ~280 feet east of road #1.

This project decommissioned an abandoned section of ROW road #1, improved the access on the ROW road #2 and provided a connection between the existing ROW roads located between two sets of power line towers. The approximately 300 foot connection was created using dozers and excavator to remove vegetation, flatten and smooth the existing road path and to conduct maintenance and repairs to road #2. Top rock was placed to provide a safe driving surface. To be clear, this project did not entail the creation of a new road cut, into the slope. It made use of existing topography and involved only minor scraping of surface vegetation and placement of a layer of rock road base material.

The ~ 525 foot section of abandoned ROW road #1 was decommissioned. Material displaced during the building of this road will be put back along the road to restore the hillside slope. This activity restored the native slope to the area that was cut out during road construction, resulting decreased erosion and potential slope failure. NEPA compliance for road decommissioning was covered under Goal 1 in the Refuge's CCP/EIS (2010). Excess excavated material from this project was used on the Refuge's Bear River Estuary Restoration project, located nearby in the Riekkola Unit.

### **Availability of Resources:**

The issuance of this Right of Way Permit to will not require the expenditure of any additional Refuge resources, neither staff or funding, beyond what is already in progress with the on-going Greenhead Slough Tidal Restoration project. BPA oversaw the decommissioning of ROW road #1, improvement of ROW road #2, and creation of the connection between the two sets of power line towers (Figure 1), and both BPA and the Refuge will share maintenance responsibilities based on proportionate use of the road after the realignment is complete.

**Anticipated Impacts of the Use(s):**

The purpose of the Greenhead Slough Tidal Restoration Slough project was to replace a concrete culvert with a single lane bridge which restored tidal flow and fish passage to 149 acres of estuarine wetlands and 10 miles of spawning and rearing habitat. The current channel was rerouted out of the Washington Department of Transportation ROW for State Route 101 eliminating the access and a portion of BPA ROW road #1 located northeast of the Refuge's gate. Realignment of the ROWs ensured BPA's access to the set of towers continued and reduced the footprint that currently exists utilizing ROW road #2 located east of road #1.

The physical footprint of this project includes use of a dozer to build ~300 feet of road to maintain access to two sets of power line towers, decommission ~525 feet of ROW road #1, maintenance and repairs of the existing ROW road #2, and removal of trees from the project area and adjacent to the Greenhead Slough rerouted channel. Location of the new section of ROW road was surveyed to minimize impacts and reduce future maintenance, repairs and impacts to habitat. Decommissioning ROW road #1 restored the hillside slope and restore forest habitat and protect sediment loading into Greenhead Slough that could occur if the road were to fail.

All restoration activities in this project followed best management practices to minimize amount and duration of disturbance to wildlife and habitat. The location of the new section of road was surveyed to ensure road safety and to minimize impacts to habitat. These practices combined with the small footprint of the project minimized and reduce the duration of the effects of the project.

Any minor impacts to the environmental and wildlife disturbance that occurred from BPA's periodic use and maintenance of the ROW road is expected to occur in the realigned ROW.

**Determination:** (check one below)

Use is Not Compatible

Use is Compatible with the Following Stipulations

**Stipulations Necessary to Ensure Compatibility:**

**Justification:**

The right of way as described is determined to be compatible because potential impacts from right of way within these specified units on other area waterfowl, and wildlife would be minimal and not materially interfere with or detract from achievement of the NWRS mission or from the Service's ability to achieve Refuge wildlife, habitat, or other public-use-related purposes and goals.

**Mandatory 10- or 15-Year Re-evaluation Date:** (provide month and year for "allowed" uses

only)

\_\_\_\_\_ Mandatory 15-year reevaluation date (for wildlife-dependent public uses)

  X   Mandatory 10-year reevaluation date (for all uses other than wildlife-dependent public uses)

**NEPA Compliance for Refuge Use Decision:** (check one below)

  X   Categorical Exclusion without Environmental Action Statement

\_\_\_ Categorical Exclusion and Environmental Action Statement

\_\_\_ Environmental Assessment and Finding of No Significant Impact

\_\_\_ Environmental Impact Statement and Record of Decision

Figure 1

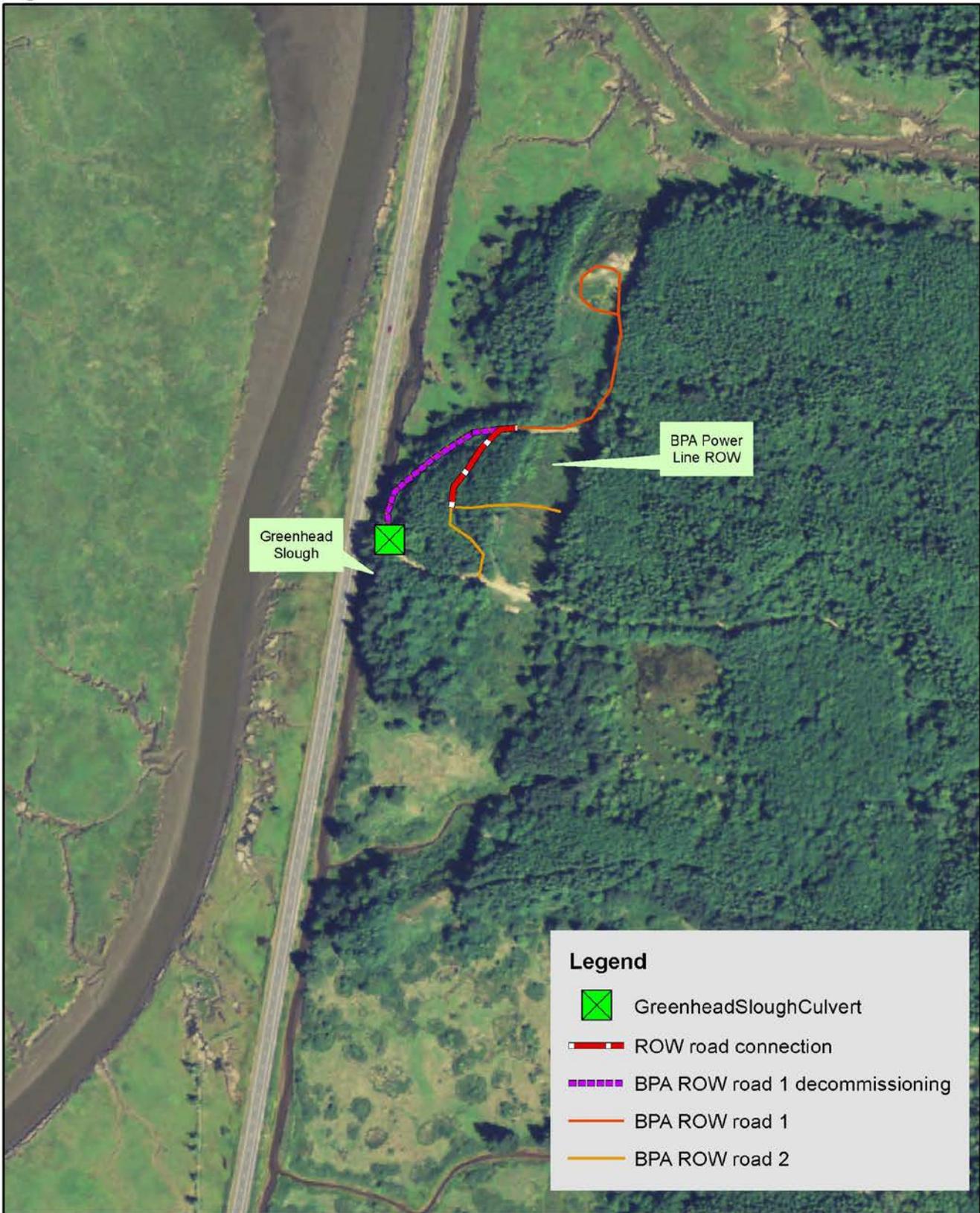
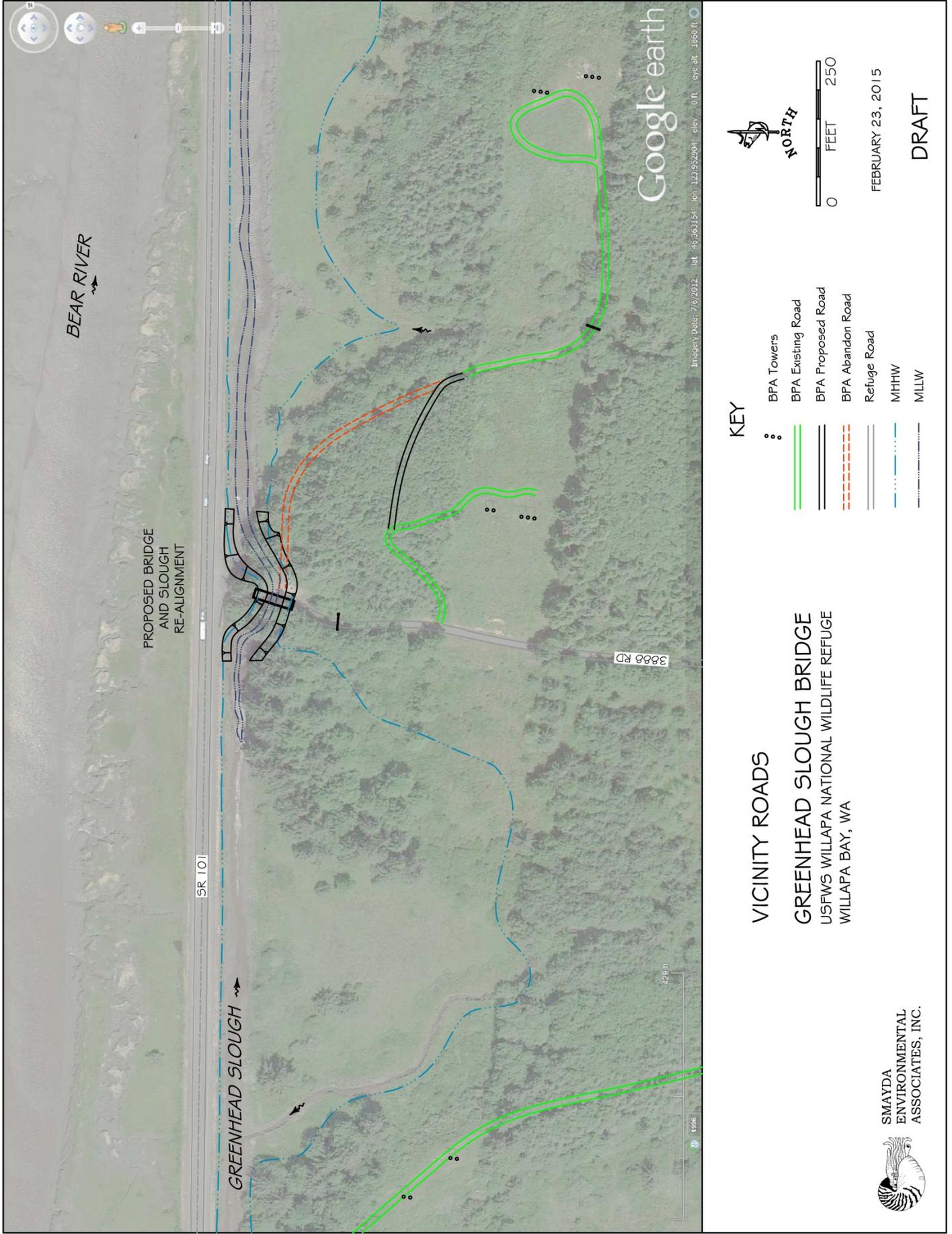


Figure 2



**Refuge Determination:**

Prepared by:

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

Refuge Manager /  
Project Leader  
Approval:

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

**Concurrence:**

Refuge Supervisor:

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

Regional Chief,  
National Wildlife  
Refuge System:

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)