



United States Department of the Interior

FISH AND WILDLIFE SERVICE

911 NE 11th Avenue
Portland, Oregon 97232-4181



In Reply Refer to:
FWS/R1/NWRS-PVST/051018

MAR 30 2012

The Honorable Peter DeFazio
House of Representatives
Washington, DC 20515

Dear Representative DeFazio:

Thank you for your letter of March 13, 2012, addressed to Dan Ashe, Director, U.S. Fish and Wildlife Service (Service). The Director asked me to respond to your letter regarding our proposal to expand Bandon Marsh National Wildlife Refuge (Refuge) in Oregon's lower Coquille River estuary. The Refuge has been part of Coos County since 1983, helping to conserve the area's valuable fish and wildlife resources in perpetuity for current and future generations. We are proud of the Refuge's legacy, which includes the Ni-les'tun tidal marsh restoration, the largest tidal marsh restoration in Oregon's history, made possible through partnerships, strong community support, and your advocacy.

We are monitoring the Ni-les'tun restoration in coordination with the Oregon Watershed Enhancement Board, Oregon Department of Fish and Wildlife, the Confederated Tribes of Siletz Indians, and other partners, to track our progress on achieving restoration objectives. Surveys and monitoring are ongoing, including measuring salmonid use and habitat development, use by other wildlife, native marsh vegetation development, water quality changes, and other restoration indicators. Recent Ni-les'tun surveys show positive results, juvenile coho salmon are present throughout the 5 miles of newly constructed tidal channels within the restoration area, and large flocks of waterfowl and shorebirds are using marsh habitats. Monitoring at other Oregon coast restoration sites on the Nestucca Bay and Siletz Bay Refuges has also shown that by restoring natural tidal processes, native habitats and species will return and contribute to watershed health and productivity.

The Coquille River estuary has lost 95 percent of its tidal marsh habitat over the last century, the largest such loss in Oregon. The Ni-les'tun restoration site encompasses more than 400 acres of the estuary, which represents 5 percent of the historic marsh. As part of the Refuge's comprehensive conservation planning (CCP) process, we identified that more restoration is needed to provide the habitat needs of the area's fish and wildlife, which exceed the Refuge's 889-acre land base. The Refuge expansion study area we identified in preliminary alternatives for the CCP is adjacent to the Refuge, and encompasses valuable habitats that could be enhanced to support larger populations of fish and wildlife, and expanded wildlife-dependent recreational opportunities for Coos County residents and visitors.

We are reviewing public comments both in support of and in opposition to the proposed expansion, and are aware of your constituents' concerns. To better address issues raised regarding our refuge expansion study, we are conducting our Land Protection Planning (LPP) process separately from the CCP. Separating the LPP process from the CCP process will allow us to more readily meet the early fall 2012 CCP completion schedule, and focus more attention on evaluating potential environmental, recreational, and socio-economic benefits and impacts of our LPP alternatives; and respond to public concerns.

We are moving forward with the LPP process in order to make the best use of the public comments we have received, and to continue discussions with interested landowners and the greater community. We will be distributing a planning update to the public in April, to explain the LPP process and schedule, and respond to the issues and opportunities we identified in public comments. We plan to request public input on our Draft LPP and environmental assessment in late fall 2012, and make a decision in winter 2012-2013.

Any land acquisition opportunities that may result from our LPP process would be available to landowners on a voluntary basis. It is Service policy to acquire land from willing sellers only. Using eminent domain to acquire refuge lands is extremely rare. For instance, a request from a willing seller to clear title at our expense, is an example of a rare circumstance in which we may consider using eminent domain to the benefit of the landowner. Private landowners within an approved refuge boundary are not required to sell their land to the Service, and incur no added legal restrictions on their lands. In addition, we are obligated by law to prevent impacts to neighboring lands from refuge projects. Neighboring land values can increase by being in close proximity to a refuge.

If an expanded Refuge boundary is approved, and willing sellers within it approach us to acquire high priority lands, our acquisition process could include the following steps.

- Advise the willing seller that we have the authority to acquire land or an interest therein.
- Obtain an appraisal of the fair market value of the property.
- Submit a written offer to the landowner that reflects the approved fair market value.
- Explain the benefits of the Service's relocation assistance program to the landowner.
- Complete a property title review, which may include a survey.
- Secure funding.
- Complete the closing process, which may include providing relocation assistance benefits to the landowner and/or tenants.

Expenses for appraisals, property title reviews and surveys, and the closing process are paid by the Service. After enough lands are acquired from willing sellers to form a manageable land base, the Service would initiate a planning and public involvement process to consider opening the Refuge lands for recreational uses. Refuge uses must be compatible with the purpose of the Refuge and the mission of the National Wildlife Refuge System (Refuge System). The Refuge System's priority wildlife-dependent public uses are hunting, fishing, wildlife observation and photography, and interpretation and environmental education. All of these activities are currently provided on the Refuge's Bandon Marsh Unit, and are proposed for the Ni-les'tun Unit.

Thank you for your interest in these important issues. More details are available on our Web site: www.fws.gov/oregoncoast/bandonmarsh. We welcome and appreciate your involvement in Refuge planning. Please contact me or Project Leader, Roy Lowe, Oregon Coast National Wildlife Refuge Complex, phone (541) 867-4550, if you have further questions or concerns.

Sincerely,



Regional Director