PRAIRIE BUSH CLOVER RECOVERY SECTION 6 RECOVERY LAND ACQUISITION PROPOSAL – NARRATIVE EMPIRE PRAIRIES STATE NATURAL AREA DANE COUNTY, WISCONSIN

The Wisconsin Department of Natural Resources (DNR) is submitting a proposal for a Section 6 Recovery Land Acquisition Grant for $790,000 to help acquire 130 acres that would contribute to the recovery of prairie bush clover (*Lespedeza leptostachya*). Prairie bush clover occurs in remnants of native tallgrass prairie in four mid-western states. Destruction of prairie approaches or exceeds 99% in all states within the species' range and acquisition and expansion of prairie bush clover sites will have significant benefits for protection of this imperiled ecosystem. Prairie bush clover was listed as a threatened species in 1987 and has a recovery priority number of 8.

The primary objective of the 1988 Prairie Bush Clover Recovery Plan is to acquire and appropriately manage at least 20 viable populations within the species' "core area" and at least 15 viable populations outside of the core area (peripheral populations). While there are about 20 protected populations each in the core area and peripheral areas, several of the latter are not viable. Counts of flowering plants at nine of the protected peripheral sites have never exceeded 31 individuals and some recent surveys at several of these sites have failed to locate a single flowering plant. The marginal viability of several protected populations indicates that additional acquisitions are necessary to meet the recovery objective.

This project would buffer the second largest peripheral population across the range and the largest population in Wisconsin from the effects of development, gravel mining, and agriculture.

NEED:

Funds are needed to assist in acquisition of two parcels: the first is a 100-acre parcel containing 10 acres of remnant prairie and the second is a 30 acre parcel. Both parcels are adjacent to existing protected land land (Figure 1). The addition of these parcels will further protect Westport Drumlin Prairie, part of the Empire Prairie State Natural Area, a Priority 2 Task in the Prairie Bush Clover Recovery Plan.

This project will contribute to the recovery of prairie bush clover (PBC) by helping to protect and expand the largest population in Wisconsin. This population is also the second largest peripheral population in the prairie bush clover range. Much of the existing population is within 100 feet of the edge of the property and there needs to have buffer land acquired to prevent negative impacts on the prairie bush clover population such as herbicide drift from adjacent farmland. There is also a need to connect the nearby prairie remnants and it is anticipated over time, that prairie bush clover would be found on these remnants. There is also a need to acquire better access for management and for public access.

The property is within seven miles of downtown Madison and development and mining pressure is high. There is a gravel pit on adjacent land, and if the site is not acquired it will be sold for development or gravel extraction.

OBJECTIVES:

The objectives are to:

1. Acquire the 100-acre Koltes tract that contains 10 acres of prairie remnant and is adjacent to Department land.
2. Acquire the 30- acre Borke tract that is adjacent to Department land.

EXPECTED RESULTS OR BENEFITS:

The expected benefit of this project is the permanent protection and appropriate management of land adjacent to the second largest prairie bush clover population in the peripheral range and largest population in Wisconsin. This project will advance the objectives of the recovery plan eliminating possible negative impacts such as herbicide drift and allow for the expansion of the prairie bush clover population. Habitat that would be acquired and restored provides a critical role in the prairie bush clover life cycle. The PBC population has been completely counted eight times since 1993 at this site; the population ranged from 814 to 2,019 with an average of 1,444 plants. Four counts have been completed from 2005 to 2008 and the population ranged from 1,273 to 1,677 with an average of 1,427 plants.

Westport Drumlin Prairie is situated on a northeast to southwest-oriented glacially sculpted ridge. The existing 15 acres of state land is very diverse and more than 100 native plant species have been recorded. The dominant grasses are big and little bluestem, Indian grass, side-oats grama, needle grass, and prairie dropseed. The red-tailed leafhopper feeds exclusively on prairie

dropseed. Forbs present include pasque flower, cream wild indigo, rough blazing star, yellow coneflower, shooting star, bird's-foot violet, compass plant, and rosinweed. There is also a small area of oak opening, with open-grown bur oaks. Grasshopper sparrows nest on the property. The Natural Heritage Land Trust recently acquired 73 acres using Section 6 Recovery funds which will be transferred to the DNR and restored to grassland habitat.

Rare species in the Natural Heritage Inventory that are found within the Westport Drumlin Prairie Unit project are.

Scientific Name	Common Name	State Status
Plants		
Cirsium hillii	Hill's thistle	State-threatened
Lespedeza leptostachya	Prairie bush clover	State-endangered
Nothocalais cuspidata	Prairie false dandelion	Special concern
Animals		
Aflexia rubranura	Red-tailed leafhopper	State-endangered
Ammodramus savannarum	Grasshopper sparrow	Special concern

Acquisition of these two parcels that are adjacent to DNR land will also help reduce habitat fragmentation.

The 100-acre parcel contains 10 acres of prairie remnants ranging from dry-mesic to mesic and are very diverse (Figure 2). Dominant forbs include rattlesnake master, heart-leaved golden alexander, white prairie clover and prairie phlox. Hill's thistle and the red-tailed leafhopper are found on the land to be acquired. While prairie bush clover has not been found on the private land, the quality of the remnant prairie is similar to Westport Drumlin Prairie. The Prairie Enthusiasts, a private organization committed to the protection and management of native prairie and savanna, have been managing (prescribed burning and removing woody and invasive species) the 10 acres of high quality prairie remnants for 16 years. Management now is mostly annual maintenance since the remnants requires little or no intensive restoration management. The land to be acquired is within 100 feet on two sides of the existing prairie bush clover population. About 90 acres of the property is in row-crop agriculture. There is currently an access easement through this property; however it requires parking on a town road and following an easement line. Acquisition of this parcel would provide room to establish a parking lot adjacent to the town road for public access.

The 30-acre parcel is cropland and has a ¼ mile wooded fencerow adjacent to the preserved land (Figure 3). The trees and fence would be removed to benefit grassland birds.

The 120 acres of cropland that will be acquired provides buffer and the opportunity to reconstruct prairie to provide additional habitat for prairie bush clover. Prairie bush clover establishes readily by seed. Therefore, it is likely that it will become established in the areas restored to prairie.

If acquired, the two properties will be part of the Empire Prairie State Natural Area and will be managed for the benefit of prairie bush clover by the Wisconsin Department of Natural Resources.

The acquisitions and prairie restoration has great potential for grassland bird habitat that would benefit dickcissels, eastern and western meadowlarks, bobolinks, sedge wrens, and Henslow's sparrows.

The public would be able to hike, observe nature, cross-county ski, hunt, and trap on the property. The property would also be open for educational and research use.

APPROACH:

Willing sellers for the 100-acre and 30-acre parcels contacted the Department. Two appraisals ($11,226 and $12,000/ acre) have been completed on the 100 acre parcel. One appraisal ($12,667/acre) has been completed on the 30 acre parcel and a second appraisal is being completed.

The 100 acres could cost $1,200,000 and the 30 acres could cost $380,000. The Department would provide 50% of the acquisition costs using Knowles Nelson Stewardship funds and 50% using federal fund to the Natural Heritage Land Trust (NHLT) who would acquire the parcels. The Natural Heritage Land Trust would then gift (transfer) the property to the Department as part of the Empire Prairies State Natural Area – Westport Drumlin Unit. The land trust has been a strong partner with this project (Letter of Support is attached).

The DNR and NHLT will comply with the federal standards for land acquisition. The Wisconsin DNR has successfully acquired lands under the Recovery Land Acquisition program.

Wisconsin's cost share (50%) will be from Knowles-Nelson Stewardship Fund, a State of Wisconsin ten-year bonding program that provides land acquisition funds for the DNR, local units of government, and conservation organizations.

Upon approval of funding and signing an offer to purchase, the NHLT will secure the Department and Governor's approval. Management responsibilities will be retained by the DNR with assistance from The Prairie Enthusiasts.

The DNR requests cost share for only the land costs and not associated costs. The property will be permanently protected and it will be noted on the deed that there is a federal interest in the acquired property.

If the identified tract could not be acquired additional parcels would be acquired that would meet the guidelines of the grant.

LOCATION:

The Westport Drumlin Prairie is located in Dane County, Wisconsin (T8N, R9E, Section 11), about seven miles north of the downtown Madison.

ESTIMATED COST:

Koltes	100 acres	$12,000/acre	$1,200,000
Borke	30 acres	$12,667/acre	$ 380,000
Estimated Total Cost			$1,580,000
Federal Share (50%)			**$ 790,000**
State Share (50%)			$ 790,000

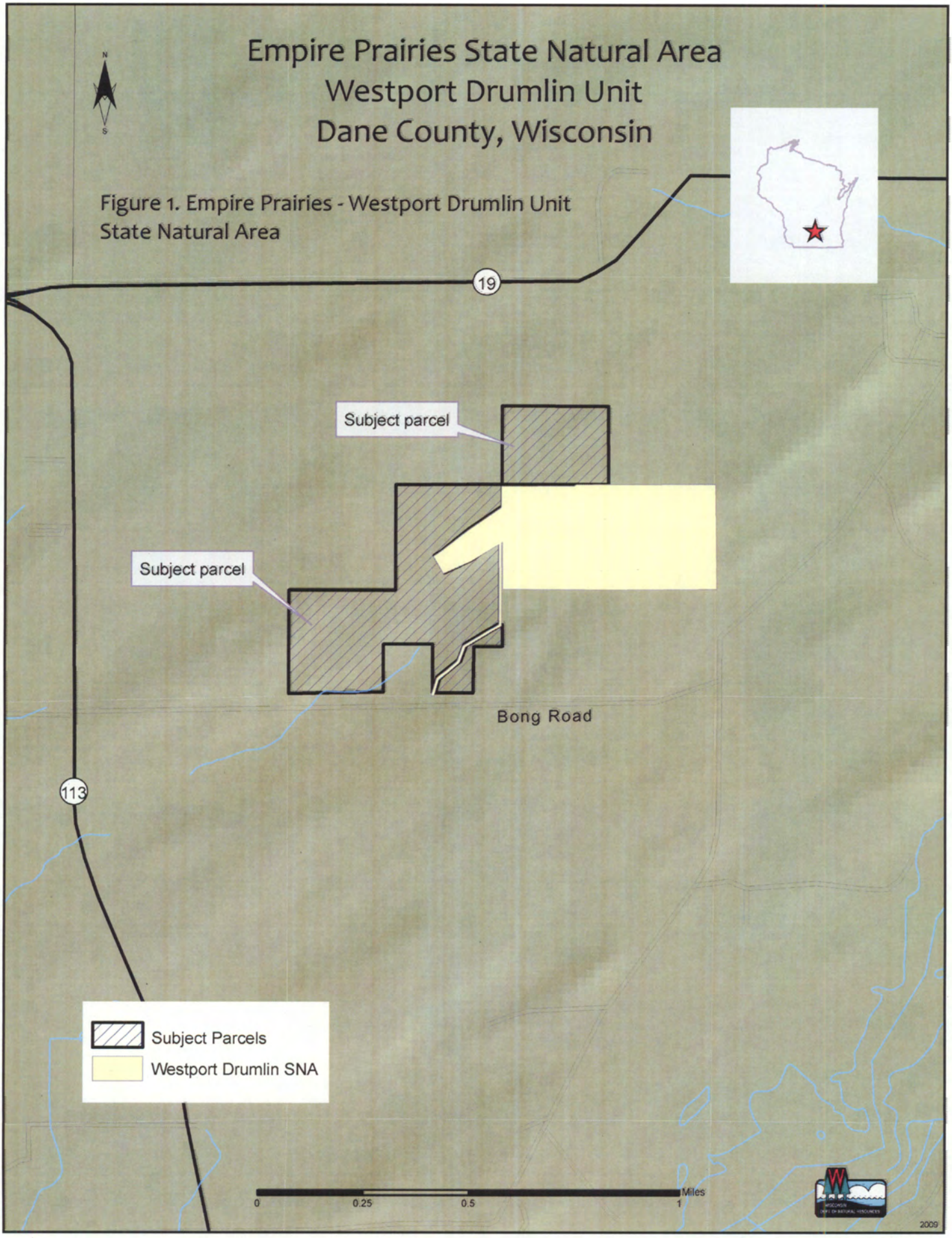
Empire Prairies State Natural Area
Westport Drumlin Unit
Dane County, Wisconsin
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Figure 1. Empire Prairies - Westport Drumlin Unit
State Natural Area
19
Subject parcel
Subject parcel
Bong Road
113
Subject Parcels
Westport Drumlin SNA
0
0.25
0.5
1
Miles
2009

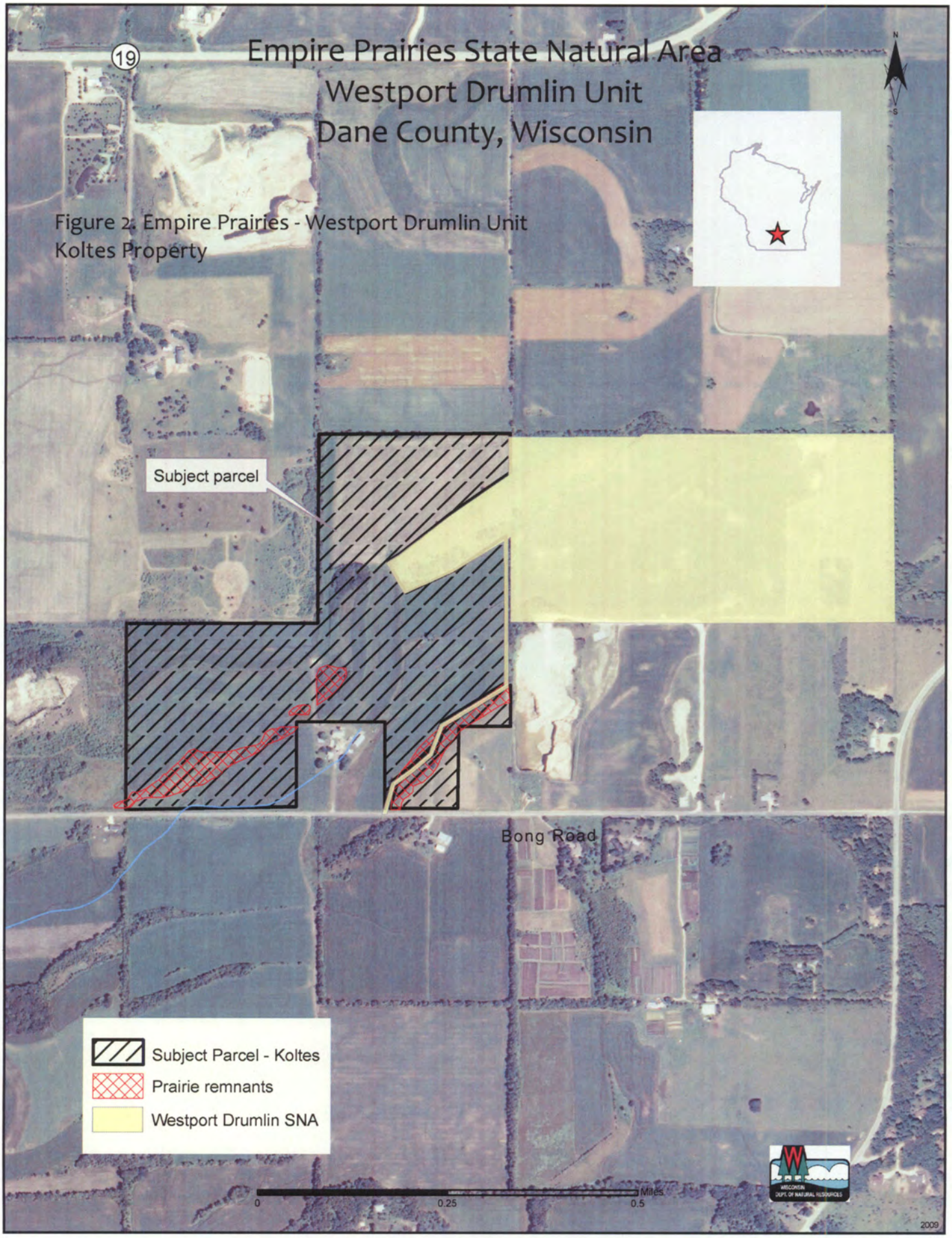

Figure 2. Empire Prairies - Westport Drumlin Unit
Koltes Property

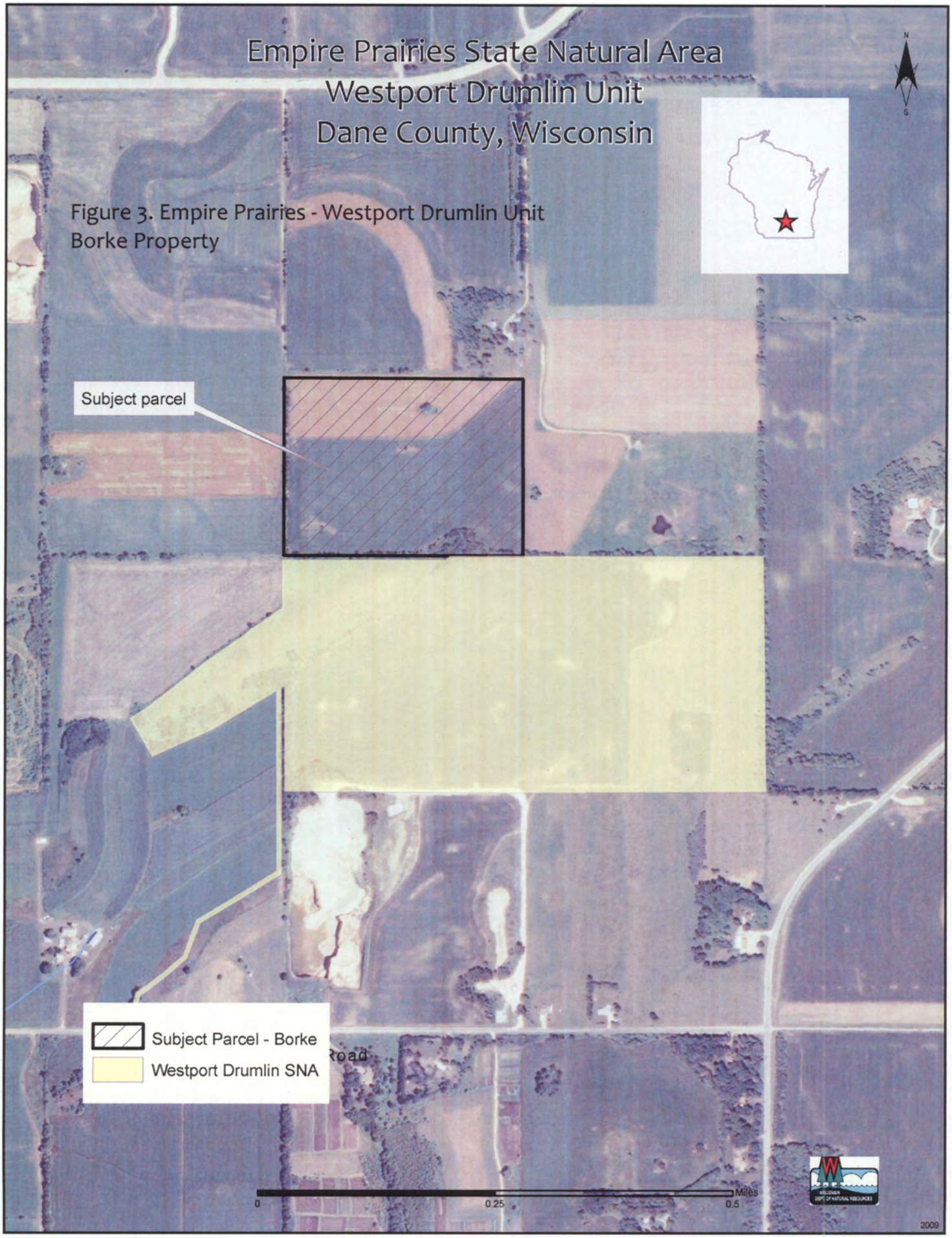
Empire Prairies State Natural Area
Westport Drumlin Unit
Dane County, Wisconsin
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Figure 3. Empire Prairies - Westport Drumlin Unit
Borke Property
Subject parcel
Subject Parcel - Borke
Westport Drumlin SNA
Road
0
0.25
0.5
Miles
2009

Natural Heritage
LAND TRUST
Conservation where you live

303 S. Paterson St.
Suite 6
Madison, WI 53703
608.258.9797
608.258.8184
www.nhlt.org

August 14, 2009

Pete Fasbender
U.S. Fish and Wildlife Service
Bishop Henry Whipple Federal Building
One Federal Drive
Fort Snelling, MN 55111-4056

Re: Wisconsin DNR Prairie Bush Clover Section 6 Proposal

Dear Mr. Fasbender:

The Natural Heritage Land Trust is a non-profit conservation organization that protects natural areas, wildlife habitat, and healthy lakes and streams to provide a high-quality of life in the Dane County, Wisconsin region. Since our establishment in 1983, we have protected 6,300 acres of important land and water.

I strongly support the Wisconsin DNR's application for Prairie Bush Clover Recovery funds. We have partnered with the DNR to protect land at the Empire Prairies State Natural Area (Westport Drumlin unit). In March we purchased 73 acres at the site using Section 6 funds. We will give this land to the DNR as an addition to the state natural area to enhance the protection and management of the prairie bush clover population found at this location.

We have been invited by two other landowners to purchase additional land at the site and we need matching funds to complete the acquisitions. The elderly owner of the 100-acre tract has provided evidence to our appraiser documenting that we are competing for this property with written offers from an adjacent quarry operator. The owners of the 30-acre tract are moving and have allowed us to make an offer to them prior to any other decisions they may make about disposing of their property. So, the time is ripe to make these acquisitions.

If we are successful in purchasing these properties, we will give the properties to the DNR as additions to the state natural area. I hope that the DNR's application will be fully funded.

Sincerely,

Jim Welsh

Jim Welsh
Executive Director
jim@nhlt.org

Conservation where you live

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COMPLIANCE

On an annual basis, the Department signs an U.S. Fish and Wildlife Service, Division of Wildlife and Sport Fish Restoration "Assurances" Form certifying that the agency complies with a number of federal laws, i.e. the Intergovernmental Personnel Act of 1970, Wild and Scenic Rivers Act of 1968, etc.

Attachment 6 to the Sport Fish and Wildlife Restoration Program Funding Option Grants in Wisconsin (F-95-P and W-160-P) describe the Wisconsin statutes, rules, and procedures to insure compliance with federal requirements associated with the Sport Fish and Wildlife Restoration Acts. In addition, Part 523 of the Federal Aid Handbook provides further guidance on those requirements generally applicable to grant programs. *NEPA Guidance to States Participating in The Federal Aid Program* and Wisconsin guidance document titled *How to Complete the National Environmental Policy Act (NEPA) Compliance Checklist* (Attachment 16) serves as the guidance for insuring compliance with the National Environmental Policy Act. The following narrative supplements Attachment 6 and Part 523 by providing additional procedural information on several compliance subject areas.

Section 106 of the National Historic Preservation Act and 36 CFR Part 800: Protection of Historic Properties: Under Section 106 of the National Historic Preservation Act, any project receiving federal funds must be reviewed to determine if the action may impact significant cultural resources. The U. S. Fish and Wildlife Service, Division of Federal Aid, has authorized the WDNR to act as an agent for the FWS to initiate the Section 106 process with the State Historic Preservation Officer. The Wisconsin Historical Society's Museum Archaeology Program has agreed to assist the WDNR with Section 106 compliance for federally assisted activities that have the potential to impact cultural resources and lands acquired with federal funds.

All tracts of land proposed for acquisition as part of this grant proposal will be reviewed by a qualified professional (archeologists and/or architectural historians). The qualified professional documents the results of his/her research and makes a determination that the potential project impact will constitute one of three possible findings: "no effect", "effect, no adverse effect", or "adverse effect". The finding determination (including all the essential information needed to support the finding) is sent to the State Historic Preservation Officer for concurrence. A copy of the documentation and SHPO concurrence is retained in the individual land file maintained in the Bureau of Facilities and Land. If a cultural resource survey is required and the survey is conducted with Federal Aid in Sport Fish or Wildlife Restoration funds, a copy of the survey will be sent to the FWS Regional Office.

National Environmental Policy Act:

In Wisconsin, all land acquired with federal funds are acquired from willing sellers. The Governor has the authority to utilize eminent domain, but only with approval of the legislature. If any land is proposed for purchase with federal funds using eminent domain, an Environmental Assessment will be prepared and approved by the Fish and

Wildlife Service prior to signing an option. The Department's property managers contact private landowners within a project boundary on a periodic basis to inform them that the Department is interested in purchasing their land. The Natural Resources Board reviews each tract of land proposed for acquisition and the public is invited to comment on all proposed acquisitions. Finally, the Governor approves each tract of land acquired.

Any land acquired through funds received as part of this grant proposal would be utilized only for the specific purpose for which they were purchased. The Department does not generally allow changes in land use on properties that have been purchased with Fish and Wildlife Service funding.

The department has an extensive public involvement process related to land acquisition. Public involvement is invited in the Feasibility Study process for the establishment of new department properties, and in the Master Planning process

Activities funded in this grant comply with the Department of Interior and Fish and Wildlife Service categories of actions, which are excluded from NEPA documentation. Section 1.4, Categorical Exclusions, states that categorical exclusions are classes of actions which do not individually or cumulatively have a significant effect on the human environment. Subsection 1.4A lists 4 types of actions that are categorical exclusions under NEPA. The acquisition of land under this project is considered a categorical exclusion under FR Volume 62, Number 11, Section 1.4A(4). Number 4 under 1.4A is "The acquisition of real property obtained either through discretionary acts or when acquired by law, whether by way of condemnation, donation, escheat, right-of-entry, escrow, exchange, lapses, purchase, or transfer and that will be under the jurisdiction or control of the United States." We believe land acquired as part of this proposal qualifies as a categorical exclusion under Section 1.4A(4). We believe the potential for adverse impacts is minimal.

Other compliance issues, (i.e., cultural resources or endangered species) may also trigger the need for environmental assessment documentation.

Endangered Species Review: The responsibility for reviewing proposed projects for possible impacts to state and federally listed endangered and threatened species is assigned to the Department's Regional Offices. The concept behind this decentralized review is that the people that know the project and the local project site are the most knowledgeable to assess impacts. Trained staff in the central office and field staff throughout the Department use the *Endangered Resources Screening Guidance For the Wisconsin Department of Natural Resources* (Attachment 14) to screen actions for impacts to federally listed species, species proposed for listing, candidate species, and proposed or designated critical habitat and document results.

Implementation of this grant will not jeopardize the continued existence of any state or federally listed threatened and/or endangered species or result in the destruction or adverse modification of critical habitat of the species. In fact, any land acquisition should have a positive impact on endangered species, if, for example acquisition and protection

by DNR prevents damaging private sector development on the land. Thus, for this grant, we recommend a "no effect" or "may affect but is not likely to adversely affect" determination.

Performance Reporting:

A narrative style interim performance reports will be submitted to the FWS on an annual basis. A final report, including a Land Summary Statement (LSS) and supporting documents, will be submitted within 90 days of the grant period end date. The final performance report will include 1) the LSS; 2) appraisal review certifications; 3) Statement of Just Compensation; 4) documents showing date Governor signed the option (this establishes Department commitment); 5) recorded deeds/easements with covenant language; 6) transaction summary (Form 2200-12); and 7) tract map. In addition, the following will be submitted under the noted conditions: 8) justification statement when the land acquired is outside the current property boundaries; and 9) documentation of vendor donation. When an individual tract of land is valued in excess of $1M, prior to purchasing the land the Department will consult with the Fish & Wildlife Service to determine appraisal procedures, documentation, and reporting requirements.