

DRAFT
ENVIRONMENTAL ASSESSMENT (EA)

Divestiture of Federal Interest on Lands Within Whitewater WMA

Submitted to
United States Department of Interior
Fish and Wildlife Service
Region 3
Wildlife and Sports Fish Restoration Program

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Submitted by
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Project Description

Following recommendations from the *Whitewater Wildlife Management Area Master Plan, 1977-1986*, 194.56 acres within Whitewater Wildlife Management Area were transferred from administration by the MN DNR, Division of Fish and Wildlife to the MN DNR, Division of Parks and Recreation in 1989. These tracts were located within the State Park statutory boundary prior to being transferred (map, figure 1). In addition, at the time of the writing of the plan and the transfer of the tracts to parks, Wildlife Management Areas were not authorized in natural or recreation state parks by Minnesota statute (MS 86A.08, 1976). These tracts are also separated from the main unit of the Wildlife management area by physical barriers (Hwy 39) making management and enforcement of the disjointed units, difficult. Because of these issues, the tracts within the state park statutory boundary are not able to meet purpose for which the wildlife management lands were acquired. The MN DNR desires to divest federal interest on lands transferred to the Division of Parks and Recreation (currently renamed the Division of Parks and Trails (PAT)) and reimburse the Wildlife and Sport Fish Restoration program the appraised value of these lands.

1. Purpose and Need

1.1. Purpose

The purpose of this project is to divest federal interest on 101 acres of land transferred to the Division of Parks and Trails from the Division of Fish and Wildlife in Whitewater State Park in 1989 and reimburse the Wildlife Restoration Program the appraised value of these lands.

1.2. Need

Through the WMA planning process in the 1970's it was determined that with the approval of the Secretary of the Interior, the lands within the state park boundary would be transferred to the Division of Parks and a land exchange would be negotiated between the Divisions. The plan further states that if an exchange was not possible, the Department would seek approval from the Secretary of the Interior to sell the land to the Division of Parks. The transfer of lands to parks occurred in 1989, but no documentation exists that demonstrates that the issue of federal interest has been resolved.

Federal regulation 50 CFR 80.14(b)(3), states, "When such property is no longer needed or useful for its original purpose, and with prior approval of the regional director, the property shall be used or disposed of as provided by Attachment N of OMB Circular A-102."

1.3. Decisions that Need to be Made

Due to the use of federal funds through the Wildlife and Sport Fish Restoration Program to acquire Whitewater WMA, approval by the USFWS is required for its' divestiture. This document serves to meet the USFWS's NEPA compliance requirement.

The U.S. Fish and Wildlife Service's Regional Director at Ft. Snelling, Minnesota will select an alternative and will determine, based on the facts and recommendations contained in this document, whether this Environmental Assessment (EA) is adequate to support a Finding of No Significant Impact, or whether an Environmental Impact Statement (EIS) will need to be prepared.

1.4. Background

Acquisition in the Whitewater Valley began in 1932 following recommendations by the Izaak Walton League to provide protection on lands which had become severely eroded. Soil and water conditions were greatly degraded as a result of poor land practices related to land clearing, over-grazing and farming. The area was originally established to develop a public shooting ground and game refuge and to preserve the trout streams and outstanding scenic

nature of the valley. By 1938, The Conservation Commission (now DNR) had acquired 3,000 acres of the 10,000 acres proposed. In 1940, funds through the Pittman-Robertson Act became available and by 1942, a total of 8,000 acres had been acquired. The Preliminary Project Statement for the W-15-L grant list the land uses in the WMA as: “shooting grounds during the regular hunting seasons provided pre-seasonal surveys indicate sufficient game present to warrant such action”. In 1947, the project boundary was further expanded and, in 1951, an agreement between the State and local officials limited acquisition to 39,180 acres. Whitewater WMA currently includes 27,315 acres covering parts of Winona and to a small degree, in Olmstead and Wabasha Counties in southeastern Minnesota.

Whitewater State Park was established in 1919 and is situated on the southwest border of the Wildlife Management Area. Today, the 2700 acre park is intensely used with approximately 292,413 visitors, annually. At the writing of the 1977-1986 Whitewater Wildlife Management Area Master Plan, approximately 577 acres of Whitewater State Park lay within the Whitewater Management Area boundary. 10 tracts were identified at that time to be transferred from Whitewater Wildlife Management Area to the state park for more effective management of the state park as well as to meet a statutory conflict related to wildlife management within a state park. In addition, it was recommended that the boundary be legislatively adjusted along Co Hwy 39 – between the two units. The plan noted that, if necessary, approval from the Secretary of Interior be sought for an exchange or sale. The plan underwent 2 public reviews – one part way through the writing of the document, and one when the final draft was completed.

Approximately 85% of the Whitewater Wildlife Management Area was purchased with Wildlife Restoration funds. In 1987 it appears that the MN Federal Aid Coordinator (FAC) advised the division land acquisition staff that none of the land in the transfer to the state park proposed that year had federal interest. It was not until sometime in the 1990s that a comprehensive federal aid land acquisition database was developed by the FAC and it was not until 2000, that it was discovered that the lands transferred from the Whitewater Wildlife Management Area to Whitewater State Park in 1989 did, in fact, have federal interest. Regional USFWS – WSFRP staff were notified in 2000; a resolution of the issue is still pending.

MN DNR records show the federal aid tracts transferred to State Parks from Whitewater WMA were purchased in 1948, 1957, 1958 and 1968 (see chart below). They were acquired with Wildlife Restoration dollars through MN grant W-15-L, Whitewater Wildlife Refuge.

Grant #/segment	Vendor	Purchase Price	Acres Purchased for WMA	Acres Transferred to Parks	T	R	S
W-15-L-20	Mielke	\$660	45.2	36	107	10	29
W-15-L-6	Wiskow	\$11,000	40	2	107	10	17
W-15-L-25	Mueller/Ketchum	\$800	40	33	107	10	17
W-15-L-20	Rodger	\$550	40	30	107	10	17
Total Acres				101			

Though resource management of Whitewater Wildlife Management Area and Whitewater State Park are very similar, and often conducted jointly, recreational philosophy and opportunities of the two units is distinct. Deer hunting in the State Park, for example, may be (and usually is) allowed via Commissioners Order for Special Hunts to manage deer populations, but other hunting opportunities are not permitted.

At this time, the MN DNR desires to divest federal interest on 101 acres of land transferred to the Division of Parks and Recreation (currently renamed the Division of Parks and Trails) and reimburse the Wildlife and Sport Fish Restoration program the appraised value of these lands.

Figure 1. Section of Wildlife Ownership within Whitewater State Park
(From Whitewater Wildlife Management Area Master Plan 1977-1986)

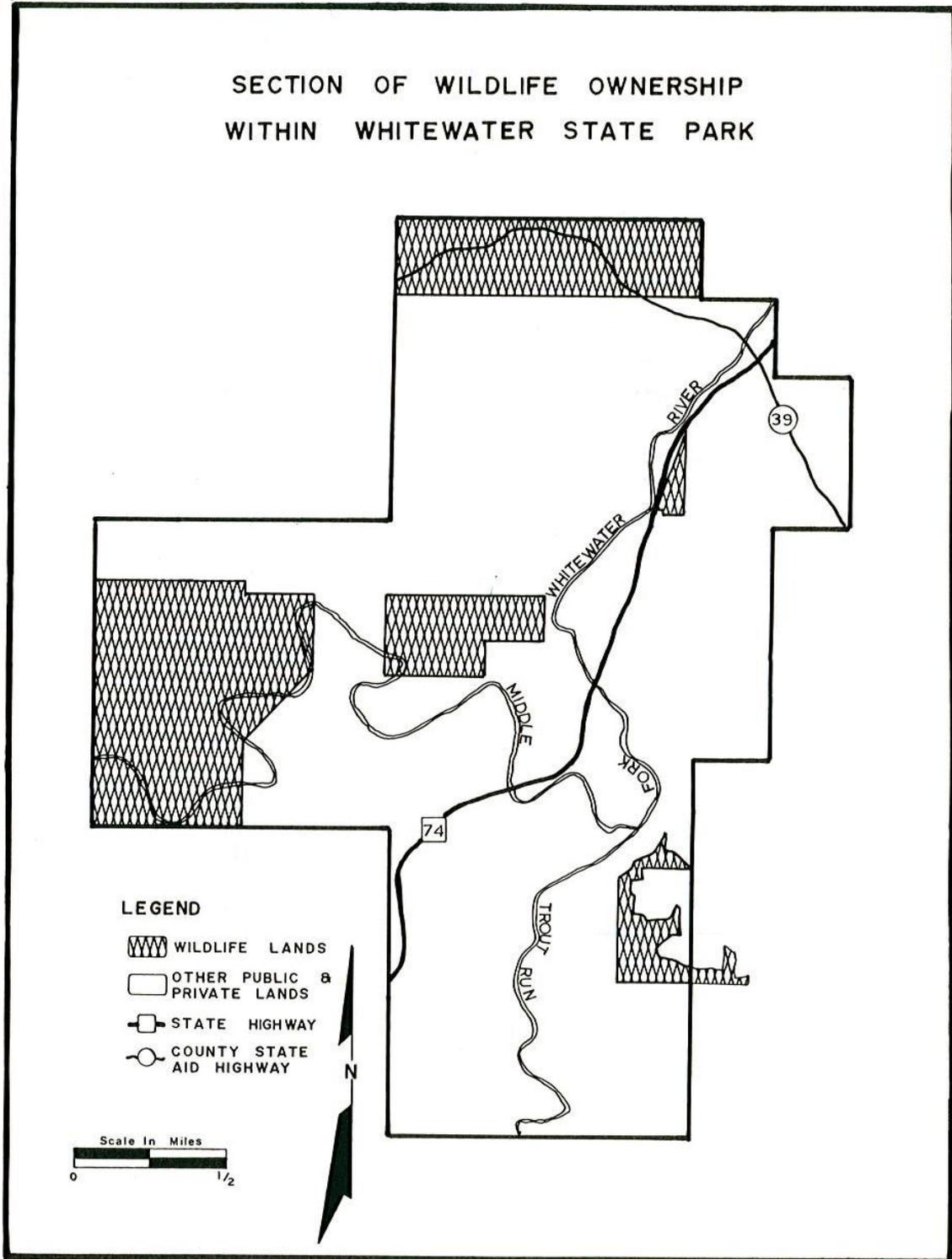


Figure 2 Map of Areas Transferred to Whitewater State Park

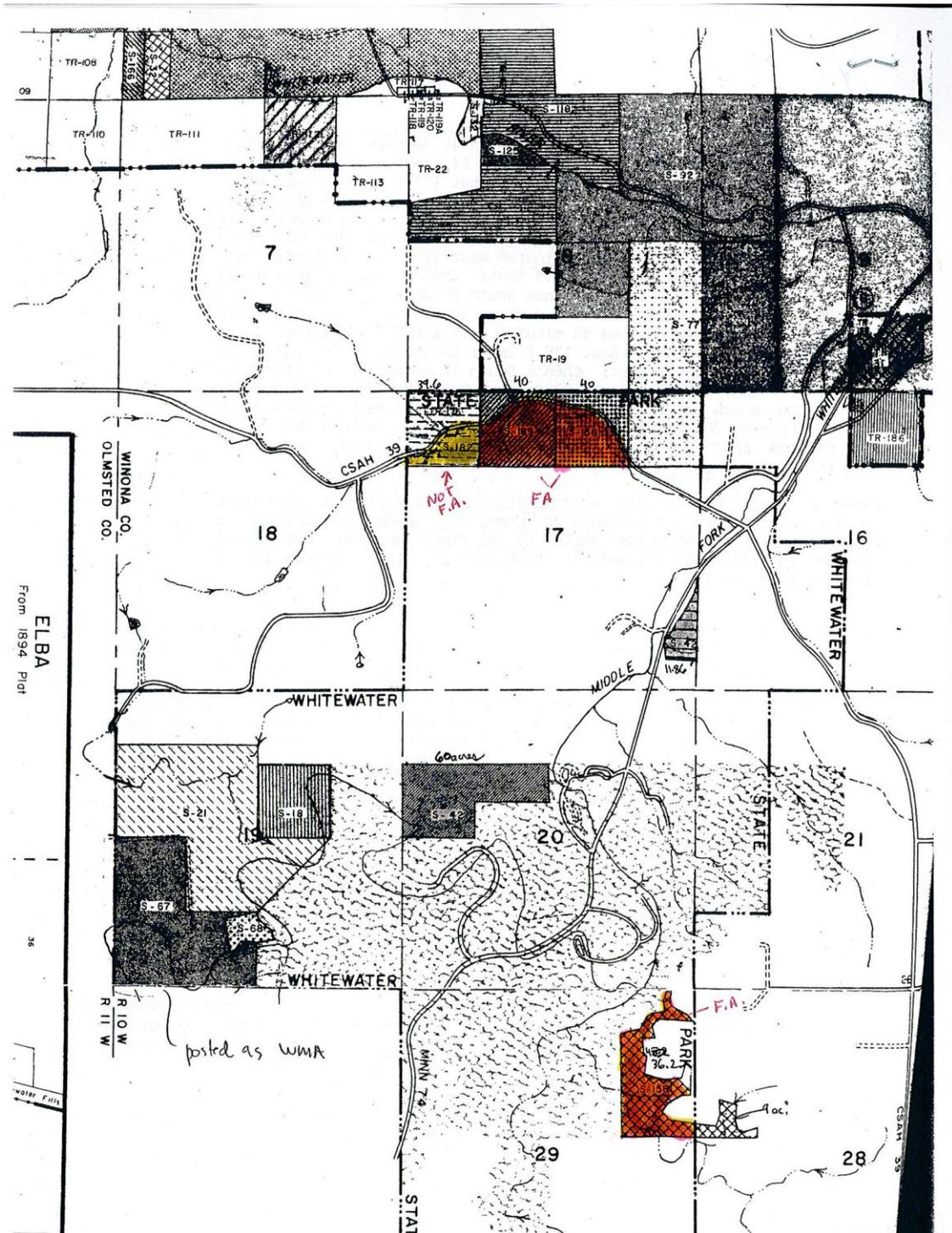
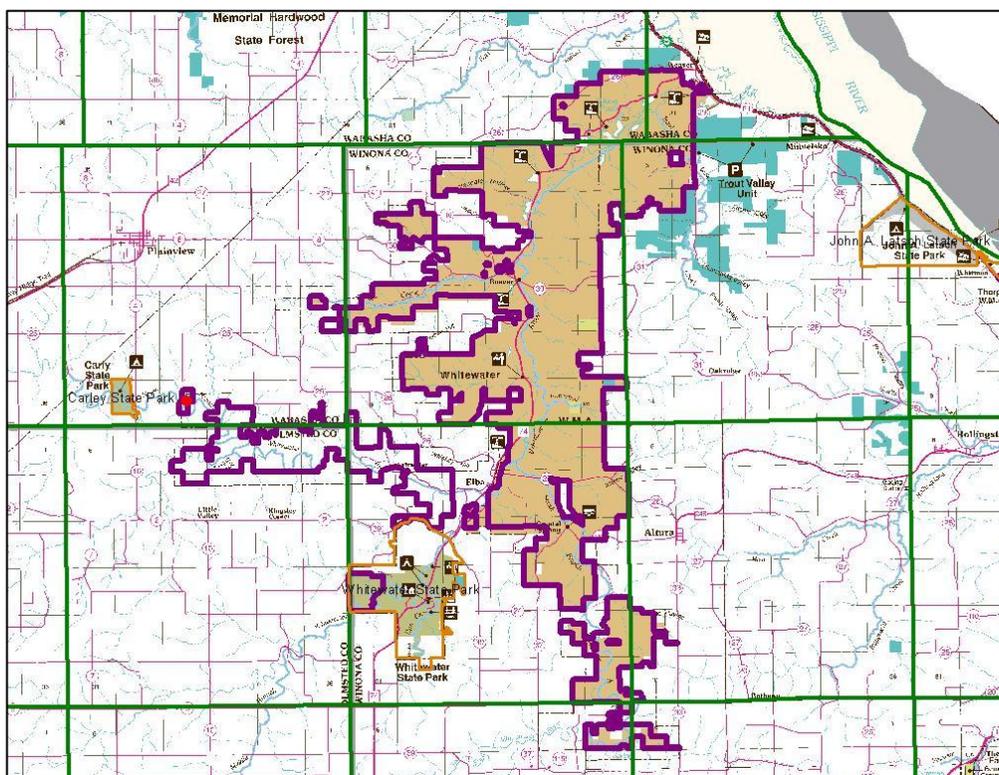
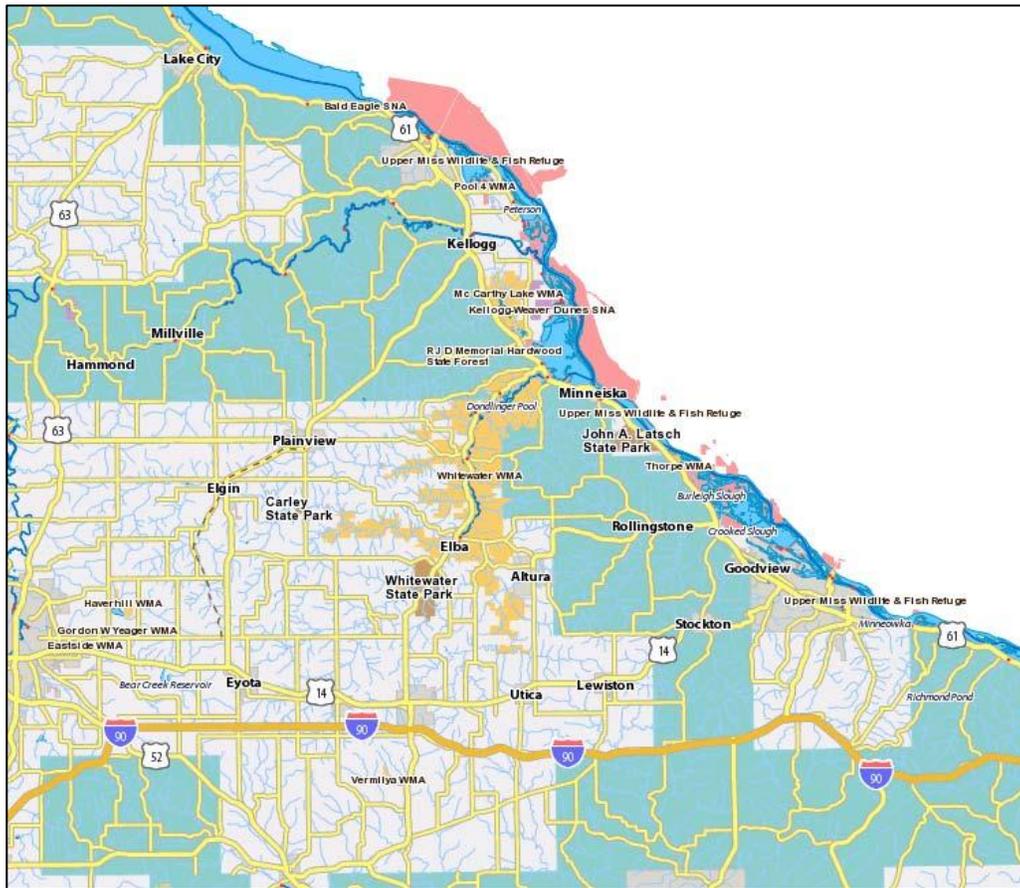


Figure 3. Maps of Whitewater WMA and Whitewater State Park



2. Alternatives, Including the Proposed Action

This chapter describes and compares the alternatives considered for addressing the status of the lands with federal aid which were transferred from Whitewater WMA to Whitewater State Park in 1989. Included are descriptions of the two alternatives considered: Alternative (A:) Divest the tracts transferred to the Division of Parks as these tracts no longer serve the purpose for which they were acquired; Alternative (B): the no action alternative, which would leave federal interest on the tracts within the State Park, as well as the alternative dropped from consideration, transferring administration of the units with federal aid back to the MN DNR Division of Fish and Wildlife and manage them consistent with the original intent.

Lands transferred to the Division of Parks that were not purchased with federal funds (specifically lands in T107, R10W, Sec. 20 and NWNW of Sec. 17) are not included in the Environmental Assessment.

2.1. Alternatives Not Considered for Detailed Analysis

The alternative not considered for analysis: transferring the tracts back to the Division of FAW for reincorporation into the WMA. As the tracts have been part of the State Park system for more than 20 years, the unit's recreation plan and opportunities now include these areas. Though resource management is often conducted jointly between the park and the wildlife management area, activities, including hunting and trapping, may no longer be viable. In addition, the state park has continued to acquire lands within their statutory boundary, including lands contiguous with the transferred tracts, further surrounding these tracts with more lands administered by the state park.

2.2. Alternatives Carried Forward for Detailed Analysis

2.2.1. Alternative A - Proposed Action:

The proposed action would allow the MN DNR to divest Whitewater WMA of federal interest that no longer serve the purpose for which they were acquired and would require reimbursement of funds equal to 75% of the current value of the tracts.

2.2.2. Alternative B - No Action:

The no action alternative would leave federal interest on the lands within the State Park. Resource management would likely be consistent with management goals of the adjacent Wildlife Management Area; hunting however would be limited to deer hunting during periods when the State Park is open for management deer hunts. No trapping would be permitted. It is unlikely that this alternative would meet criteria of the Wildlife Restoration Program and could result in potential diversion and the restriction of future funding through this program.

3. Affected Environment

3.1. Physical Characteristics

The property is located 7 miles south of Winona, MN in Winona County, within Elba Township. There are 2 tracts that were part of this transfer that have federal interest, both are densely wooded with steep, high limestone bluffs. The northern parcel (65 acres) runs just south of County Road 39. There are no trails or roads through this parcel. The southern parcel (36

acres) has trail access but no road access to the campground. It is irregularly shaped, wooded and has steep slopes. There are no buildings on either of the parcels.

3.2. Biological Environment

3.2.1. Habitat/vegetation

The northern parcel contains primarily basswood, elm and maple as dominant trees/volume with lesser amounts of aspen and oak. There are moderate densities of buckthorn and gooseberry in the understory. Moving west, there is an increase in oak – red and white with hazelnut predominant in the understory. There is a significant amount of sugar maple and basswood in this area.

The southern parcel is a fire dependent oak-hickory woodland with larger open-grown trees present of bur oak, shagbark, elm, boxelder and some walnut. It is a fairly steep site with flowering species of jack in the pulpit, honewort, prickly gooseberry, enchanter's nightshade, pointed-leave tick trefoil for some ground layer species.

3.2.2. Listed, Proposed, and Candidate Species

Federally Listed Species

The proposed divestiture is located in Winona County. According to the USFWS's County Distribution of Federally-Listed Endangered, Threatened, Candidate and Proposed Species list at <http://www.fws.gov/midwest/endangered/lists/minnesot-cty.html>, within Winona County the following species are listed: Eastern massasauga (*Sistrurus catenatus catenatus*), Higgins eye pearlymussel (*Lampsilis higginsii*), Sheepnose (*Plethobasus cyphus*), and Karner blue butterfly (*Lycaeides Melissa samuelis*). The Phase I, Section 7 Evaluation is included as Attachment 2. None of these species are found within the areas transferred to Whitewater State Park.

Minnesota State Listed Species

The State's Natural Heritage Information System has identified no state listed species within Sections 17 or 29 in Whitewater WMA. Two species are listed as "NON" – a species worth tracking" – these are the Milk Snake (*Lampropeltis triangulum*) observed in 1990 and Smooth Rock Cress (*Arabis laevigata*), observed in 1981. More information about the rare species can be viewed at the Rare Species Guide on the MNDNR website at: <http://www.dnr.state.mn.us/rsg/index.html>.

3.2.3 Other Wildlife Species

"The Minnesota State Wildlife Action Plan (SWAP) – MDNR 2006. *Tomorrow's Habitat for the Wild and Rare: An Action Plan for Minnesota Wildlife*, describes key habitats and Species of Greatest Conservation Need. Whitewater WMA is located within the Blufflands Subsection in the Eastern Broadleaf Forest Province of the Minnesota Ecological Classification System.

This subsection is characterized by bluff prairies, steep bluffs, and stream valleys, often 500 to 600 feet deep. Agriculture – both row crops are the most dominate land uses; forestry in another important land use and recreational opportunities are abundant.

There are no known endangered, threatened, or species of special concern in the northern parcel just south of Winona County Road 39. White-tailed deer, wild turkeys

use this area. Ruffed grouse and woodcock numbers are low due to the maturity of the woods located there.

On both the north and southern parcel located in section 29, red and grey fox, and coyote are likely to use these areas as well as good numbers of raccoon and opossum.

Pickerel frogs and Louisiana Waterthrushes (*Seiurus motacilla*) have been observed during the breeding season in Trout Run Creek, approximately ¼ west of the southerly section 29 tract. Whitewater State Park staff have begun burning portions of this area to restore any bluff prairies and open-grown oak communities and associated species such as timber rattlesnakes, that used to inhabit these areas.

3.3. Land Use

The dominant land use in the county is cultivated land (43.7%) followed by deciduous forest (36.0%) and grasslands (13.6% which includes hay and pasture). Cultivated lands are located throughout the county but are the principal land use in the southwest and west central parts of the county. The forested lands tend to be located on steep slopes and bluffs. Forested lands are also a major cover type on public lands. The most notable public land is the Whitewater Wildlife Management Area that comprises almost 21,000 acres, most of which is located in Winona County.

3.4. Cultural/Paleontological Resources

Section 106 of the National Historic Preservation Act of 1966 (NHPA) requires federal agencies to consider the effects of their actions on historic properties. The Division of Fish and Wildlife has contracted with a licensed archeologist to administer compliance with Section 106. The SHPO reports (Attachment 2) that there are archeological properties in the project area and the potential for unreported properties. According to the DNR Archeologist, the SHPO recommends that future terrain-altering undertakings within these parcels be subject to a cultural resource review. The MN DNR - Division of Parks and Trails has their own archeologist and protocol for ensuring that these investigations would be completed.

3.5. Local Socio-economic Conditions

Minnesota has a population of 5,303,925 (2010 census). The economy of Minnesota was estimated at \$239 billion of gross domestic product in 2009. The overall population of Winona Co. is 51,461, an increase during the last decade of 3% (2010 census). Median household income in Winona County is \$45,155 (2008). Percent below poverty level in the county is 13.7% (2008). Winona Co. is largely agriculturally influenced with the main source of agricultural income coming from the production of dairy, corn and soybeans.

4. Environmental Consequences

4.1. Alternative A - Proposed Action:

Alternative A (Proposed Action) is to divest federal interest on Whitewater WMA

4.1.1. Habitat Impacts

The action of divesting of the property in and of itself will create no impact.

4.1.2. Biological Impacts

The action of divesting of the property in and of itself will create no impact.

4.1.3. Listed, Proposed, and Candidate Species

Federally Listed Species

The proposed divestiture is located in Winona County. According to the USFWS's County Distribution of Federally-Listed Endangered, Threatened, Candidate and Proposed Species list at <http://www.fws.gov/midwest/endangered/lists/minnesot-cty.html> , within Winona County the following species are listed: Eastern massasauga (*Sistrurus catenatus catenatus*), Higgins eye pearlymussel (*Lampsilis higginsii*), Sheepnose (*Plethobasus cyphus*), and Karner blue butterfly (*Lycaeides Melissa samuelis*). The Phase I, Section 7 Evaluation is included as Attachment 2. None of these species are found within the areas transferred to Whitewater State Park.

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4.1.4. Cultural Resources

Section 106 of the National Historic Preservation Act of 1966 (NHPA) requires federal agencies to consider the effects of their actions on historic properties. The Division of Fish and Wildlife has contracted with a licensed archeologist to administer compliance with Section 106. The SHPO reports (Attachment 2) that there are archeological properties in the project area and the potential for unreported properties. According to the DNR Archeologist, the SHPO recommends that future terrain-altering undertakings within these parcels be subject to a cultural resource review. The MN DNR - Division of Parks and Trails has their own archeologist and protocol for ensuring that these investigations would be completed.

4.1.5. Environmental Justice

The proposed action is not likely to have an adverse effect on minorities and low income populations and communities. No other issues related to environmental justice are anticipated.

4.1.6. Cumulative Impacts

Minnesota Rule part 4410.1700, subpart 7, item B requires that the responsible government unit (RGU) consider the "cumulative potential effects of related or anticipated future projects" when determining the need for an environmental impact statement. This includes any present or reasonably foreseeable future projects that may interact with the target project in such a way as to cause cumulative impacts. Project proposers are required to document the nature of the cumulative impacts and summarize any other available information relevant to determining whether there is potential for significant environmental effects due to cumulative impacts.

Though resource management of Whitewater Wildlife Management Area and Whitewater State Park are very similar, recreational philosophy and opportunities of the two units is distinct. As an example, deer hunting in the State Park may be (and

usually is) allowed via Commissioners Order for Special Hunts to manage deer populations, but other hunting opportunities are not currently permitted.

4.2. Alternative B - No Action:

4.2.1. Habitat Impacts

The “No Action” alternative would result in no change in current habitat management of Whitewater WMA.

4.2.2. Biological Impacts

The “No Action” alternative would result in no change in current habitat management of Whitewater WMA and therefore, no change in biological impacts.

4.2.3. Listed, Proposed, and Candidate Species

The “No Action” alternative would result in no change in current habitat management of Whitewater WMA.

4.2.4. Cultural Resources

The “No Action” alternative would result in no change for Whitewater WMA.

4.2.5. Environmental Justice

The “No Action” alternative would result in no change for Whitewater WMA.

4.2.6. Cumulative Impacts

The “No Action” alternative would result in no change for Whitewater WMA.

4.3 Summary of Environmental Consequences by Alternative

<i>Attribute</i>	<i>Alternative A</i>	<i>Alternative B</i>
Habitat	<i>No change.</i>	<i>No Change</i>
Biology	<i>No change.</i>	<i>No Change</i>
Listed Species	<i>No change.</i>	<i>No Change</i>
Cultural Resources	<i>No Change</i>	<i>No Change</i>
Environmental Justice	<i>No Change</i>	<i>No Change</i>
Cumulative Impacts	<i>No Change</i>	<i>No Change</i>

5. List of Preparers

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6. Consultation and Coordination With the Public and Others

This EA was prepared in consultation and coordination with the USFWS Region 3 Wildlife and Sport Fish Restoration Program and USFWS Region 3 Environmental Review Coordinator.

Public meetings were held during the drafting of the Whitewater Wildlife Management Plan in 1975. It is believed that the USFWS was not involved in the review of these plans. This EA is essentially an after-the-fact administrative action, following the recommendations of the 1975 plan.

7. References Cited

2010 US Census Data (Minnesota)
(<http://www.demography.state.mn.us>)

Tomorrow's Habitat for the Wild and Rare: An Action Plan for Minnesota Wildlife Minnesota's Comprehensive Wildlife Conservation Strategy. January 2006; State of Minnesota, Department of Natural Resources.

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Census results – quickfacts (<http://quickfacts.census.gov/qfd/states/27/27169.html>)

Preliminary Project Statement – Land Acquisition – W-15-L