

## **FINDING OF NO SIGNIFICANT IMPACT**

### **PROPOSED TRANSFER OF FEDERAL INTERESTS FROM 1,250 ACRES AT ATTERBURY FISH AND WILDLIFE AREA TO 1,990 ACRES AT PROPOSED DEER CREEK FISH AND WILDLIFE AREA**

#### **JOHNSON AND PUTNAM COUNTIES, INDIANA**

### **INTRODUCTION**

The Indiana Department of Natural Resources (IDNR), U.S. Fish and Wildlife Service (FWS), and National Park Service (NPS) propose an exchange of land and the transfer of federal interest from 1,250 acres in Johnson County, Indiana to 1,990 acres in Putnam County, Indiana. The 1,250 acres in Johnson County is currently owned and managed by IDNR, Division of Fish and Wildlife (DFW) as Atterbury Fish and Wildlife Area (AFWA) and would be transferred to the Military Department of Indiana (MDI). The 1,990 acres in Putnam County is owned by the Indiana Department of Correction (IDOC) and would be transferred to the Department of Natural Resources and be managed as a new Fish and Wildlife Area to be called Deer Creek Fish and Wildlife Area.

Camp Atterbury, adjoining Atterbury FWA to the south, has reached its maximum capacity and the Indiana National Guard (ING) must meet an expanding mission assigned by the Department of Defense (DOD), including increasing troop capacity. The State of Indiana has requested a land transfer that allows MDI and ING use of the 1,250 acres.

Atterbury FWA was acquired in 1969 from Camp Atterbury under the Federal Lands to Parks (FLP) and Wildlife and Sport Fish Restoration (WSFR) programs. WSFR funds are also used for management of Atterbury FWA. NPS and FWS, respectively, are the program administrators for the federal programs that place restrictions on the property use and management and thus, for the proposed transfer of Atterbury FWA. Both programs have provisions for exchange of land and both NPS and FWS need to respond to Indiana's exchange request under the requirements of their respective programs.

The purpose of the proposed action is to implement a single action that meets the needs of all involved agencies and the federal programs administered by NPS and FWS. The action meets the need for NPS and FWS to respond to the transfer request within the rules of their respective programs. It is also an opportunity to extend program protections for 1,990 acres of good wildlife habitat that the State of Indiana would have otherwise sold at public auction.

Before the State of Indiana is able to transfer the 1,250 acres of the Atterbury FWA to Camp Atterbury, both Federal agencies need to ensure that the programs they administer are made whole. NPS requires an exchange of property equivalent in fair market and recreation value pursuant to the Federal Property and Administrative Services Act of 1949, as amended. FWS requires an exchange of property of equal or better fair market value, wildlife habitat value and

recreational value consistent with the Wildlife and Sport Fish Restoration programs. The three requirements were analyzed as follows:

*Conservation.* For the assessment, conservation is defined as the habitat restoration and management for sport fish and wildlife species. Managing public lands for hunting and fishing is the primary objective for the DFW and the WSFR program. Information on existing game species and their habitats are readily available and heavily utilized in this analysis. Available information of non-game species and species of greatest conservation need is limited. Evaluation of non-game species is habitat-based, as these species benefit from habitat restoration for game species.

*Recreation.* Recreation includes primary activities of hunting and fishing, and compatible secondary activities of wildlife viewing, hiking, and other forms of recreation. Pheasant releases that occur at Atterbury FWA are distinguished separately from all other hunting types because this activity is solely funded through state funds and not by the WSFR program. Wildlife viewing is a compatible secondary activity indirectly supported by the WSFR program. Other recreational activities, such as picnicking, mushroom hunting and berry-picking are conducted without WSFR assistance. The FLP program, however, supports a variety of recreational activities. Generally, all non-hunting and non-fishing recreational activities are classified together as secondary (or other) recreational uses, unless otherwise noted.

*Financial.* In order for FWS and NPS to satisfy the requirements of their programs, the appraised value of the replacement land at proposed Deer Creek FWA would need to be equal to or greater than the proposed area at Atterbury FWA. The State of Indiana contracted a certified appraiser who appraised the two properties using Federal appraisal standards. The appraisal was reviewed and approved by the General Services Administration (GSA) Boston Office Review Appraiser. The GSA has assured the NPS and FWS that the fair market value of proposed Deer Creek FWA is comparable to the fair market value of Atterbury exchange property and adequate to proceed with the exchange.

The proposed action would allow the MDI to expand into the upland portions of the Atterbury Fish and Wildlife Area while providing equal or better replacement public hunting and fishing recreational opportunities and sport fish and wildlife restoration at the proposed Deer Creek Fish and Wildlife Area in accordance with the Pittman-Robertson Act and the Federal Lands to Parks Act. The lead agency in preparing this document is the U.S. Fish and Wildlife Service. Cooperating agencies are the National Park Service and the State of Indiana, Indiana Department of Natural Resources.

## **SELECTED ALTERNATIVE**

Based on the analysis presented in the EA, the FWS has selected Alternative B: the Proposed Action for implementation. The selected alternative is described on pages 11 through 14 of the EA. Federal interests in the LAP and WSFR programs are transferred from 1,250 acres at Atterbury FWA to 1,990 acres at the proposed Deer Creek FWA. WSFR and IDNR interests in the service area at Atterbury FWA remain until a replacement occurs without the use of WSFR funds or hunting or fishing license fees, and meets all conditions of disposal or transfer of

facilities under the WSFR program (Enclave MOA, Appendix C). DFW would continue to use the headquarters and maintenance buildings as they do now.

Under this alternative, public use and management for fish and wildlife cease on the 1,250-acre parcel at Atterbury FWA. The remaining portion of Atterbury FWA (4,956 acres) continues to be held under FLP and WSFR programs and managed for fish and wildlife as well as public recreational use. Long-term management will change to allow for additional early successional habitat and its associated small game hunting opportunities.

As a result of the action, IDNR is able to transfer management of the 1,250-acre parcel at Atterbury FWA to the Military Department of Indiana (MDI) to expand Camp Atterbury. A one-mile portion of the railroad spur will be contained within new MDI boundaries, but a two-mile portion will remain surrounded by Atterbury FWA. MDI will expand capacity of the railroad spur within the exchange area and continue periodic use of the railroad spur through the remaining portion of Atterbury FWA. Use consists of switching operations with typically six to ten railroad cars. Frequency of railroad spur use will be no more than three days in duration twice a month, for a maximum of 72 days per year. They will be stopped and unloaded only in the proposed exchange area within the new MDI boundaries. No physical or operational barriers will be placed to inhibit operations of Atterbury FWA (Rail MOA, Appendix C). An anti-terrorism force protection (safety) buffer required by the Department of Defense will enclose the entire proposed exchange area. The 150-foot-wide safety buffer will be placed within Camp Atterbury boundaries and will not encroach onto Atterbury FWA nor affect public use or operational activities (Buffer MOA, Appendix C).

Hospital Road, School House Road and Mauxferry Road are adjacent to the exchange area. Edinburgh Street, off of Hospital Road, provides access to the Atterbury Shooting Range Complex. All of these roads will remain open. Road ownership will remain unchanged except for those portions that form new boundaries between IDNR and MDI along the exchange area. Ownership will be shared to the centerline of Mauxferry, Edinburgh, and Burnside. IDNR will have full responsibility to maintain these shared roads. Access to Atterbury FWA and surrounding areas by IDNR personnel and the public will not be restricted (Buffer MOA, Appendix C). For security purposes, Burnside Street, North Street, and all other interior roads within the exchange area are expected to be closed to public access as needed by MDI in the future once area development occurs.

The State will also transfer management of 1,990 acres from the Indiana Department of Correction to the Indiana Department of Natural Resources to be managed as Deer Creek Fish and Wildlife Area. Public use and management for fish and wildlife will be added to 1,990 acres at the proposed Deer Creek FWA. Fish and wildlife management efforts will focus on early successional and forest habitats. Public use is expected to begin immediately, in the fall of 2010. Hunting and fishing will be the primary uses, mainly for small game and deer hunting. Wildlife viewing, foraging, gathering wild berries, nuts and mushroom hunting, will be allowed as compatible with the primary use. The preparation of this property for public use requires several start-up costs. Funds from the WSFR and FLP programs and funds generated from the sale of hunting, fishing, and trapping licenses will not be used for these costs.

The proposed action meets the land exchange requirements of the NPS's Land to Parks (NLP) and WSFR. The proposed action results in an additional 740 acres to manage for fish and wildlife. Over time, any additional management needed for the proposed Deer Creek FWA is likely to yield numerous positive cumulative impacts not fully quantified in the analysis. On the other hand, the auction of the proposed Deer Creek FWA in the no-action alternative would likely result in negative cumulative impacts. The proposed action would result in protection of a new 1,950-acre area for wildlife habitat and public recreation for wildlife and sport fish related activities and the cumulative impact of long-term benefits to wildlife and the public.

## **OTHER ALTERNATIVES CONSIDERED**

The other alternative considered was the no-action alternative. Under no-action, no changes occur to the existing conservation, recreation, or financial values on all 6,206 acres at Atterbury FWA. The service area with the administrative building continues to be owned and used by the IDNR. As a result of no-action, the transfer of land to the MDI is not allowed. A railroad spur that passes through a northern portion of Atterbury FWA continues to be periodically used by the MDI.

The 1,990 acres of the proposed Deer Creek FWA remains under IDOC management until sold at a public auction to the highest bidder. When auctioned, IDOC will cease operations of timber management, agriculture contracts, and limited recreation activities by employees. No expectation of public recreation or private fish and wildlife management exists if auctioned.

The no-action alternative would not meet the needs of FWS because Indiana provided an option for a land exchange that met the requirements of being equal or greater in appraised value, recreational value and wildlife value. With these requirements being met, FWS needs to approve the exchange. And, because Indiana has proposed Deer Creek FWA and signed the attached MOAs, FWS had no grounds for denying the request.

## **ENVIRONMENTALLY PREFERRED ALTERNATIVE**

The FWS is required to identify the environmentally preferred alternative in its NEPA documents for public review and comment. The FWS, in accordance with the Department of the Interior policies contained in the Departmental Manual (516 DM 4.10) and the Council on Environmental Quality's (CEQ) *NEPA's Forty Most Asked Questions*, defines the environmentally preferred alternative (or alternatives) as the alternative that best promotes the national environmental policy expressed in NEPA (Section 101(b) (516 DM 4.10). In their *Forty Most Asked Questions*, CEQ further clarifies the identification of the environmentally preferred alternative, stating "Ordinarily, this means the alternative that causes the least damage to the biological and physical environment; it also means the alternative which best protects, preserves, and enhances historic, cultural, and natural resources" (Q6a).

The proposed action alternative is the environmentally preferred option because there will be a net gain of 740 acres of wildlife habitat open for public hunting and other wildlife related

recreation that has State and Federal protection. There will also be a net gain of one fish and wildlife area that is open to hunters in a new location that serves both Indianapolis and Terre Haute residents. The proposed action protects a 1,990-acre area for public use and for wildlife habitat that would have otherwise have been auctioned off to private owners for other land uses and closed to public access.

## **MITIGATION MEASURES**

Mitigation measures are found in the attached MOAs and key topics consist of the following:

- The portion of the rail spur that traverses the remaining FWA will not be fenced and will be open to the public except for up to 72 days a year when trains are passing through.
- The 150-foot-wide safety buffer will be inside the boundary of the 1,250-acre area proposed for transfer and will not encroach onto the FWA.
- Hospital Road, School House Road and Mauxferry Road, Edinburgh Road (to the Shooting Range Complex) will remain open.
- Burnside Street, North Street, and all other interior roads within the exchange area are expected to be closed to public access as needed by MDI in the future once area development occurs. Access to all remaining portions of Atterbury FWA will remain accessible via exterior roads.
- The two designated sites for qualified physically challenged hunters would be replaced elsewhere on Atterbury FWA in one location that will provide similar high-quality hunting experience within months of the transfer.
- The Atterbury FWA headquarters and maintenance buildings will be replaced at a later date in a manner complying with all pertinent State and Federal laws and regulations.
- Start-up costs for proposed Deer Creek will not be borne by the sport license fund or WSFR grant program.

## **WHY THE SELECTED ALTERNATIVE WILL NOT HAVE A SIGNIFICANT EFFECT ON THE HUMAN ENVIRONMENT**

As defined in 40 CFR § 1508.27, significance is determined by examining the following criteria:

1) The net gain of 740 acres of land under State and Federal protection is not enough acreage to be a significant benefit. The adverse effects of the loss of 1,250 acres at Atterbury FWA is not significant because there are no likely adverse effects to any listed species, the hunting opportunities still exist at the remaining portion of the FWA and the replacement property at proposed Deer Creek FWA provides an alternative.

2) Public health and safety are not affected by the proposed action.

3) There are no unique characteristics of either parcel.

4) The impacts are identified and analyzed. There is voiced opposition to the exchange from hunters living near Atterbury who will see a decrease in early successional habitat (for small upland game) near their homes. The impact of the loss, however, is well understood and not significant as defined under NEPA.

- 5) There are no potential impacts of highly uncertain, unique or unknown risks.
- 6) The action establishes a successful example for conducting future actions in a way that avoids significant effects by providing a large-scale equal exchange rather than a disposal. The principles have been set in regulation for years and occur at smaller scales on a regular basis. No decisions in principle have been made about future considerations.
- 7) This proposed action is not connected to any other Federal actions. The remainder of Atterbury FWA is wetland, floodplain or open water and not suitable for construction or development. There is no expectation that more land exchanges will be proposed in the future to enlarge Camp Atterbury into these wetter areas. Such proposals would provide no benefit over the Camp seeking permits to develop similar floodplains and wetlands south of Hospital Road currently in Camp ownership.
- 8) Nothing on either exchange parcel is eligible for listing in the National Register of Historic Places or other significant scientific, archeological or cultural resources. No cultural resources were identified on either parcel proposed for the exchange.
- 9) No Federally listed species or habitats are adversely affected.
- 10) The proposed action is in full compliance with federal, state, or local law or requirements imposed for the protection of the environment.

## **LOSS OF CONTROL OR ALLOWANCE OF INTERFERING USES ON PROGRAM LAND**

The U.S. Fish and Wildlife Service has determined that implementation of the selected alternative will not constitute a diversion of license fees (50 CFR 80.4), a loss of management control of Atterbury FWA (50 CFR 80.20) or interference with the purposes for which Atterbury FWA was acquired (50 CFR 80.14). This conclusion is based on a thorough analysis of the environmental impacts described in the EA, the MOAs, the public comments received, relevant scientific studies, and the professional judgment of the decision-maker. Although the selected alternative has some negative impacts, in all cases these adverse impacts are the result of actions taken to preserve and restore other park resources and values. Overall, the selected alternative results in benefits to park resources and values, opportunities for their enjoyment, and does not result in their impairment.

## **PUBLIC INVOLVEMENT**

Stakeholder meetings were held at Atterbury Fish and Wildlife Area on April 5 and the Indiana State Police Post in Putnamville on April 7. These meetings involved representatives from the following agencies, organizations and municipalities:

- Atterbury Job Corps
- City of Columbus
- Cordry Sweetwater
- Edinburgh Schools
- IGA
- Indiana Department of Correction
- Indiana Department of Natural Resources
- Indiana Governor's Office
- Indiana National Guard
- Indiana Sportsmans Roundtable

Indiana Wildlife Federation  
Johnson County  
Johnson County Park  
Nineveh Heritage Committee  
The Nature Conservancy  
Putnam County  
Town of Bargersville  
Town of Greencastle  
Town of Franklin  
Town of Trafalgar  
U.S. Representatives of Indiana  
U.S. Fish and Wildlife Service

These meetings were designed to allow community leaders to be aware of the proposed action and the forthcoming public meetings. A Governor's press conference was held on April 15 at Atterbury Fish and Wildlife Area where Governor Mitch Daniels publicly announced the proposed land exchange. At least nineteen news releases and articles regarding the proposal were published in various sources throughout the state. The Department of Natural Resources and the Indiana National Guard also provided details of the land exchange proposal via publications and web pages.

Public meetings were held on April 26 at the Atterbury Fish and Wildlife Area and April 28 at the Indiana State Police Post in Putnamville. Attendees were presented with an overview discussion, several large maps displaying the projects areas, a "Question & Answer" handout, and the opportunity to speak with representatives from the U.S. Fish and Wildlife Service, U.S. National Park Service, Indiana National Guard, Indiana Department of Natural Resources, and Indiana Department of Correction. Attendees were also given comment cards, where they had the option of providing written comments to leave in a comment box or take home to mail in. These comments have been incorporated into the environmental assessment.

Of the comments received, several voiced general support for the proposed action without any specific concerns. Comments with concerns from the public and resources professionals are incorporated into the project assessment. This information was used to develop a list of issues and concerns related to the project and incorporated into the analysis.

FWS released the draft EA on September 14, 2010 for a 15-day public review period. The document was available on-line through the FWS website and the IDNR website. Copies were available for public viewing at the Putnam County Public Library in Greencastle, Atterbury FWA headquarters, and the main IDNR office in Indianapolis. IDNR sent paper and CD copies on request. None of the comments received introduce new topics that need further analysis. Some supported the exchange, some opposed the exchange, but none based their opinions on regulatory concerns or factual disputes of data pertaining to the appraisal data, the recreational values or the biological analyses.

## FINDING OF NO SIGNIFICANT IMPACT

The FWS has selected the proposed action for implementation. The selected alternative is described on pages 11-14 of the EA. The selected alternative will not constitute an action that normally requires preparation of an environmental impact statement (EIS). The selected alternative will not have a significant effect on the human environment. Negative environmental impacts that could occur are minor or moderate in intensity. There are no significant impacts on public health, public safety, threatened or endangered species, sites or districts listed in or eligible for listing in the National Register of Historic Places, or other unique characteristics of the region. No highly uncertain or controversial impacts, unique or unknown risks, significant cumulative effects, or elements of precedence were identified. Implementation of the selected alternative will not violate any federal, state, or local environmental protection law.

Based on the foregoing, it has been determined that an EIS is not required for this action and thus will not be prepared.

Approved: Charles M. Wooley 10/5/10

**ACTING** Thomas O. Melius Regional Director Charles M. Wooley Acting Regional Director Date