

2 Alternatives, Including the Proposed Action



Tallgrass prairie flowers.

This chapter describes the two alternatives identified for this project that were developed according to National Environmental Policy Act (NEPA) § 102(2) (E) requirements to “study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources.” In addition, alternatives which were eliminated from detailed study are briefly discussed as to the reasons they were not further examined:

- no-action alternative
- proposed action, giving the Service the authority to create the Flint Hills Legacy Conservation Area

The alternatives consider the effects of a conservation easement program within the project area boundary identified in this environmental assessment.

ALTERNATIVE A (NO ACTION)

Habitat enhancement or restoration projects on private lands such as water developments, grazing systems, and grassland management could continue through cooperative efforts with private landowners.

Private efforts by land trusts would continue to secure conservation easements.

ALTERNATIVE B (PROPOSED ACTION)

The Service would establish the Flint Hills Legacy Conservation Area in eastern Kansas. The project boundary encompasses roughly 3.3 million acres, of which the Service would strategically acquire conservation easements on up to 1,100,000 acres of private land. The geographic project area extends north almost to the Nebraska state line, south to Oklahoma, west of Topeka, and east of Wichita (see figure 2 in chapter 1). The acquisition acreage total is based in part on the percent of anticipated participation and interest by landowners.

The Service would seek to purchase conservation easements from willing sellers on privately owned native tallgrass prairie grasslands. The easement contract would specify perpetual protection of habitat for trust species and would restrict development.

Prioritization of areas considered for conservation easements within the project area will be based on the biological needs of the wildlife species of concern (grassland-dependent migratory birds and threatened and endangered species), the threat of development, connectivity with other protected lands, and the quality of native tallgrass prairie habitat for trust species. The land protection plan describes these priorities in detail.

Development for residential, and commercial or industrial purposes, such as energy and aggregate extraction may not be permitted on properties under a conservation easement. Alteration of the natural topography, conversion of native grassland to cropland, and the drainage of wetlands would also be prohibited.

All land would remain in private ownership; property tax and land management, including invasive weed and tree control, would remain the responsibility of the landowner. The Service would seek to provide participating landowners with additional assistance for invasive plant control. Control of public access to the land would remain under the control of the landowner.

The easement program would be managed by staff located at the Flint Hills National Wildlife Refuge near Hartford, Kansas. The Service staff would be responsible for monitoring and administering of all easements on private land. Monitoring will include periodically reviewing land status through correspondence and meetings with the landowners or land managers to ensure that the stipulations of the conservation easement are being met. Photo documentation would be used at the time the easements are established to document baseline conditions.

ALTERNATIVES CONSIDERED BUT NOT STUDIED

There was no further analysis conducted for the following six alternatives.

Voluntary Landowner Zoning

Landowners would voluntarily petition the county commissioners to create a zoning district directing the types of development that can occur within an area. This is “citizen-initiated” zoning. For example, landowners would petition the county government to zone an area as agricultural, precluding certain types of non agricultural development such as residential subdivision. “Citizen initiatives” are rarely used and this alternative was not studied further.

County Zoning

In a traditional approach used by counties and municipalities, the local government would use zoning as a means of designating what type of development could occur in an area. Kansas law grants cities and counties the authority to regulate land use, and therefore engaging in planning and zoning activities is optional. Therefore, many counties in Kansas have opted to have no planning or zoning requirements and the alternative was not studied further. Comments received from county commissioners to date have expressed support



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Flint Hills hillside.

instead for conservation easements (alternative B as a means of maintaining rural area values and potentially reducing the need for future zoning). Zoning would be subject to frequent changes, and would not ensure the long-term prevention of residential or commercial development in the conservation area.

Fee-title Acquisition

Some organizations and individuals have expressed an interest in Service-provided oversight and restrictions on management practices of prescribed fire, grazing, and herbicide application in the Flint Hills region. Fee-title purchase of land in the Flint Hills would be required to provide the Service with full authority and responsibility for planning and implementing these management activities. However, little to no public support was expressed for the possibility of fee-title acquisition by the Service in public meetings and correspondence received for the Flint Hills Legacy Conservation Area project. Additionally, recent efforts by the National Park Service to purchase land by fee-title for the establishment of the Tallgrass Prairie Preserve near Strong City met significant opposition due to “a deep seated philosophy that the government should not own land” and concerns about the possible use of eminent domain (National Park Service 2001). These concerns ultimately resulted in a greatly reduced federal ownership (approximately 80 acres) by the National Park Service.

The initial cost associated with fee title acquisition would be two to three times higher than the purchase of conservation easements. In addition, there would be substantial annual costs for staffing and materials needed by the Service to manage fee-title land. The much higher costs associated with this method would result in limiting acquisition to a much smaller area, making landscape scale conservation unlikely.

It is the long-established policy of the Service to acquire minimum interest in land from willing

sellers to achieve Service habitat acquisition goals. Fee-title acquisition is not preferable to the use of conservation easements, nor is this method of acquisition necessary to conserve tallgrass prairie habitat and trust wildlife resources in the Flint Hills region.

Smaller Project Area

During initial scoping, the FHLCA study area acquisition boundary was 2.2 million acres, with the possible purchase of easements on up to 1 million acres within that boundary based on preliminary assessments by Service biologists. Improved data and methods of analysis determined that using the physiographic boundary of tallgrass prairie, and assessing which portions that area still contain >95% prairie grassland provided more accurate, reproducible information (see the “Conservation Design” section on page 34 for specific details). This process determined that grassland prairie covers approximately 3.3 million acres, which became the revised approved acquisition boundary within which the Service would assess acquiring up to 1.1 million acres of conservation easements, based on anticipated interest and participation by landowners. A project area smaller than 1.1 million acres would make the conservation of the remaining narrow band of tallgrass prairie habitat and the migration corridor used by grassland-dependent wildlife less likely to succeed in the long term.

Larger Project Area

Initial internal discussions in 2005 included a project for tallgrass conservation easements throughout much (forty-one counties) of eastern Kansas. The Service decided that the project purpose needed further refinement and definition of the conservation objectives, and that the very large size of the potential acquisition boundary be reduced.

Expansion of Project

After the initial phases of the Flint Hills Legacy Conservation Area project were well underway, the possibility of expanding the project area into Oklahoma to incorporate the tallgrass prairie (referred to as the Osage Hills) found there, was brought up. As the FHLCA project planning and outreach efforts had been addressed toward Kansas throughout the process, the Service determined that conservation efforts for the Oklahoma tallgrass will be conducted by region 2 (Southwest Region). The Mountain-Prairie Region, (region 6), will assist region 2 with any future conservation efforts undertaken in the Osage Hills.

