

1 Introduction and Project Description

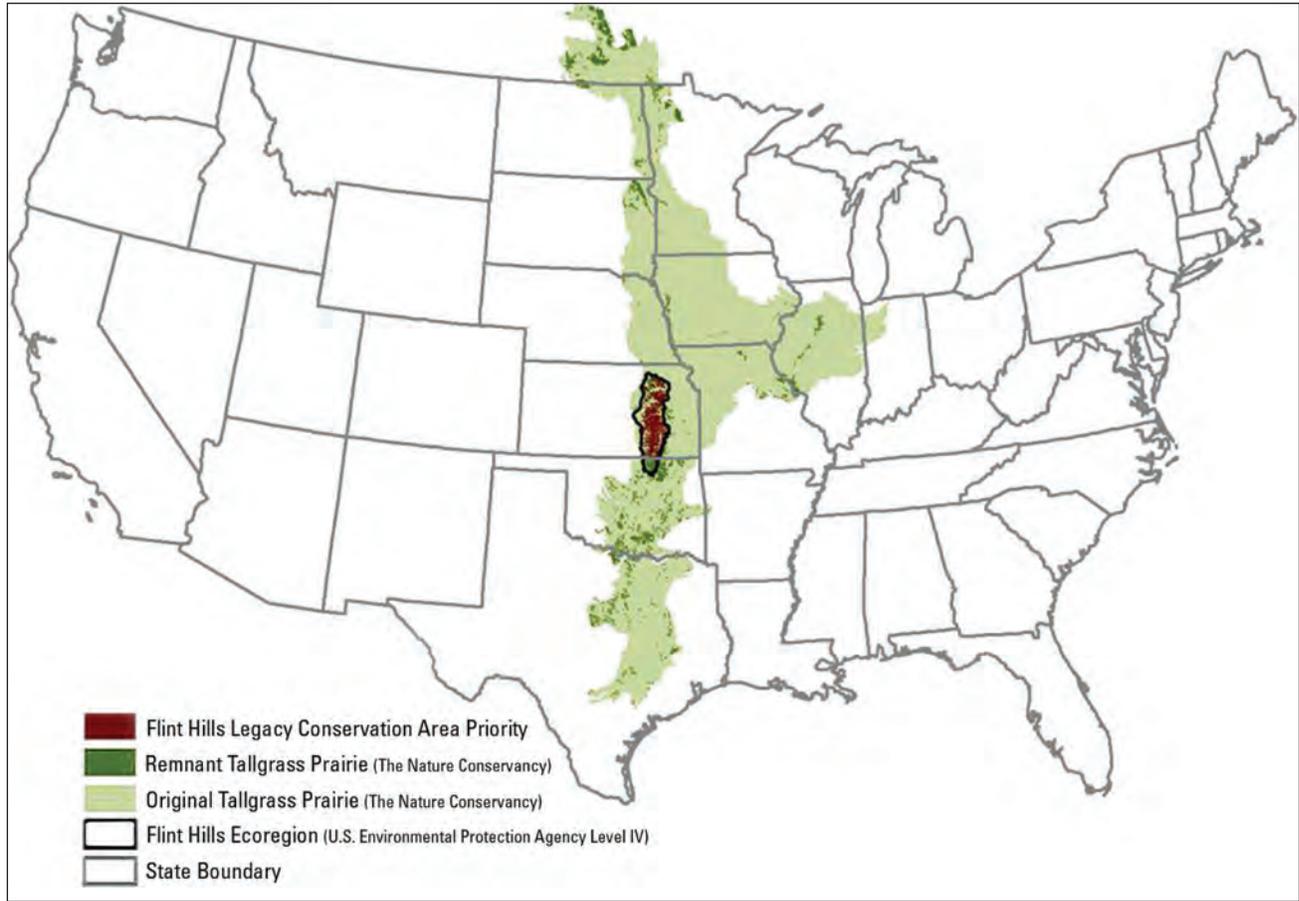


Figure 1. Historical tallgrass prairie distribution in the United States.

In the environmental assessment (EA) completed during the planning process, several alternatives were considered initially, and two alternatives were selected for further analysis. The first, alternative A, called the no action alternative, considered the consequences of not doing anything. Alternative B considered the positive and negative consequences of purchasing conservation easements and establishing the Flint Hills Legacy Conservation Area (FHLCA). After completion of the EA and after conducting a public comment period, the proposed alternative of acquiring conservation easements was chosen as the land protection plan (LPP). The project was found to have no significant impacts on the quality of the environment, thus a finding of no significant impact (FONSI) has been completed and signed. The FONSI document is basically the EA modified to reflect all applicable comments and responses. Appendix A lists the preparers and reviewers for the EA and LPP.

The lands east of the Rocky Mountains were once a vast sea of grass extending as far east as the deciduous forests of Kentucky and Ohio. The eastern third of this vast grassland is called the tallgrass prairie, often called the “true” prairie. Tallgrass prairie once covered more than 170 million acres from Texas to Canada (Samson et al. 1999) (figure 1). As America expanded westward during the 19th century, settlers found the rich soils associated with the tallgrass prairie ideal for growing crops and converted much of the original landscape to farmland.

Today, less than 4 percent of this once vast grassland region remains (Steinauer and Collins 1996). Given that amount of loss, it is no wonder grassland birds are the fastest declining group of avians in North America. Cultivation, agriculture, tree encroachment, and development activities have pushed grassland-dependent species into ever-shrinking areas of tallgrass prairie. Approximately three-fourths of

the remaining tallgrass prairie lies within the Flint Hills ecoregion of eastern Kansas and northeastern Oklahoma, with about 6 million acres present in the Kansas portion. The outer edge of this region is presently suffering a rapid conversion to forest partly due to a declining understanding of the historical importance of fire for habitat management within the agricultural communities of the region. The inner core of this region (approximately 3.3 million acres) is to date relatively intact, offering potential for long-term social stability, sustainability, and ecosystem function.

The Flint Hills area is a treasured landscape of gently-sloping limestone and chert hills. Today, two hundred years after Zebulon Pike explored the Flint Hills, one can still witness the same unobstructed vistas that he described in his journal. The central core, running in a north-south configuration, has persisted as a relatively unfragmented expanse of tallgrass prairie because of limestone outcrops that discouraged plowing and because of a ranching culture that recognized the ecological importance of fire when living and working within a fire climax ecosystem. Since about 1860, the predominant use of the Flint Hills uplands has been cattle ranching.

The plan to create the FHLCA is part of a landscape-scale, strategic habitat conservation effort to protect a unique, highly diverse, and largely unfragmented area of tallgrass prairie. Located in eastern Kansas, the region provides important habitat for a diverse array of native wildlife species, including the threatened Topeka shiner, greater prairie-chicken, Henslow's sparrow, short-eared owl, Bell's vireo, American golden-plover, grasshopper sparrow, dickcissel, eastern meadowlark, upland sandpiper, buff-breasted sandpiper, scissor-tailed flycatcher, loggerhead shrike, Smith's longspur, Harris' sparrow, northern harrier, Swainson's hawk, and other grassland-dependent species. Rich with history, the Flint Hills ranching culture has used grazing and fire, both necessary components for tallgrass ecosystem health.

While ranching has helped maintain the last intact portion of tallgrass prairie and much of the region's biodiversity, there are concerns that industrial and residential development could threaten this unique landscape. Left unabated, such development will likely diminish this important agricultural and biological resource for future generations.

The U.S. Fish and Wildlife Service (Service) will establish a voluntary conservation easement program in eastern Kansas which will be called the Flint Hills Legacy Conservation Area (figure 2). The project boundary encompasses roughly 3.3 million acres, within which the Service will strategically acquire conservation easements on up to 1.1 million acres of private land.

The Service will seek all acquisition in the form of perpetual conservation easements from willing sellers. The project will not involve fee-title acquisitions. The easement program will rely on voluntary participation from landowners. Grazing and prescribed fire will continue on the land included in the easement contract. All land within an easement will remain in private ownership and, therefore, property tax and grassland management activities such as invasive plant and tree control, grazing, and prescribed fire will remain the responsibility of the landowner. Public access to the land will also remain under the control of the landowner.

Easement restrictions may include, but are not limited to preventing development (residential, commercial, and industrial), altering the natural topography, converting native grassland to cropland, draining wetlands, and introducing plants that are not native to the Flint Hills.

The easements will help maintain a relatively large, unfragmented block of habitat that will compliment efforts by other land trusts and entities, such as the Ranchland Trust of Kansas (RTK), Kansas Land Trust (KLT), The Nature Conservancy (TNC), National Park Service, Kansas Department of Wildlife and Parks (KDWP), U.S. Department of Agriculture, and the U.S. Army Corps of Engineers.

PROJECT DESCRIPTION

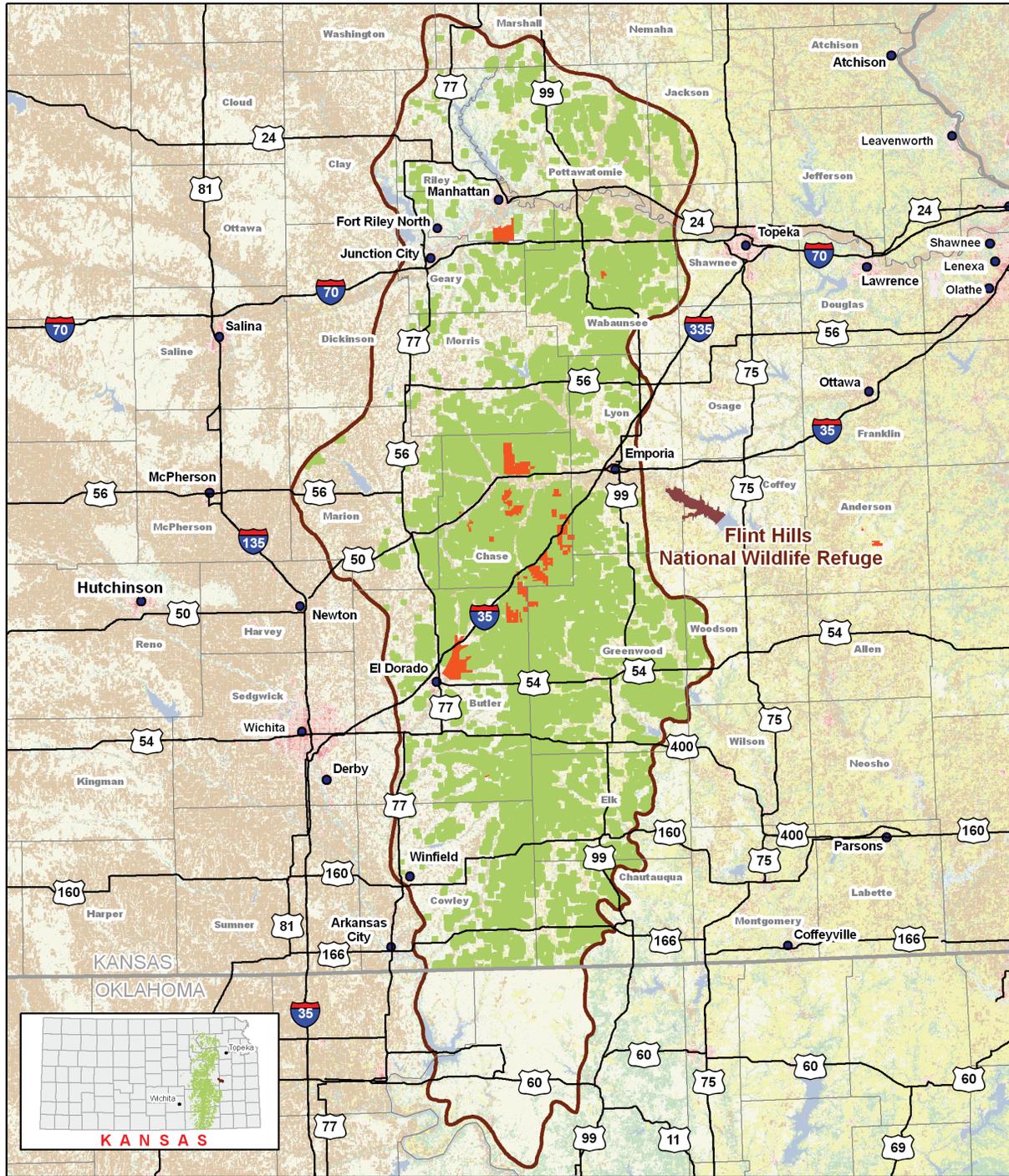
This Flint Hills Legacy Conservation Area Land Protection Plan provides a general description of the operations and management of the area. The Service developed this LPP during the planning process to provide local landowners, governmental agencies, and the interested public with a general understanding of the anticipated management approaches for the easement program. The purpose of the LPP is to present a broad overview of the Service's management approach to wildlife and associated habitats, public uses, interagency coordination, public outreach, and other operational needs. During the planning process, an environmental assessment was also prepared. Its purpose was to evaluate the biological and socioeconomic impact of a no action alternative and a proposed alternative for creating the FHLCA through conservation easements. The EA and LPP were published in April 2010. Subsequently, revisions were made to the EA and a final EA was published in August 2010.

The FHLCA is a narrow band of tallgrass prairie that extends from the northern to the southern border of the state in eastern Kansas. The boundary area includes approximately 3.3 million acres within the Flint Hills ecoregion of Kansas (Omernick 1987). This remaining, high quality, ecologically functioning tallgrass is as narrow as 20 miles wide (see figure 2). The project boundary takes this narrow shape,



U.S. Fish & Wildlife Service
Flint Hills Legacy Conservation Area
Eastern Kansas

Base Map



PRODUCED IN THE DIVISION OF REFUGE PLANNING
DENVER, COLORADO
MAP DATE: 04/06/10
BASEMAP: N/A
W\KSI\FLH_LEGACY\MAPS\FLH_LGCIY_BASE_040610.MXD

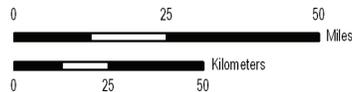


Figure 2. Flint Hills Legacy Conservation Area.

being constrained on the east and west by tillage agriculture, woody vegetation, and development.

The main habitat type found within the project area is eastern tallgrass prairie, represented by over ninety native grasses and 500 broadleaf species. The Flint Hills ecoregion contains the largest concentration of freshwater springs in Kansas (Kansas Geologic Survey 2008) and is the source of the Caney, Cottonwood, Elk, Fall, Marais des Cygnes (Osage), Neosho, Verdigris, and Walnut rivers.

Portions of Butler, Chase, Chautauqua, Clay, Cowley, Dickinson, Elk, Geary, Greenwood, Harvey, Jackson, Lyon, Marion, Marshall, Morris, Pottawatomie, Riley, Shawnee, Washington, Woodson and Waubanssee counties are within the project boundary. As elsewhere in Kansas, where less than 2 percent of the land area is federally owned, private ownership dominates the FHLCA.

The Service will purchase the easements on tallgrass prairie grasslands, and the associated riparian corridors, which will connect and expand upon existing protected conservation lands within the project area. The physical shape and juxtaposition of the 1.1 million acres in the priority area targeted for easements is an important component of the project's long-term success. The goal of this project is to provide the landscape-scale, strategic habitat conservation necessary to maintain ecological community function for eastern tallgrass prairie. This is especially important for grasslands, because they do not have the localized diversity of geological and elevational gradients that most other ecosystems contain.

The purposes of the Flint Hills Legacy Conservation Area are to:

- preserve landscape-scale ecological integrity of the Flint Hills tallgrass prairie by maintaining and enhancing the historical native plant, migratory bird, and other wildlife species with the support of the associated ranching culture;
- support the recovery and protection of threatened and endangered species and reduce the likelihood of future listings under the Endangered Species Act;
- protect the integrity of tallgrass prairie, riparian woodland, and prairie watersheds by preventing further habitat fragmentation;
- provide a buffer against climate change, by providing resiliency for the tallgrass prairie ecosystem through landscape-scale conservation;
- protect an intact north-south migration corridor for grassland-dependent wildlife;
- use the built-in resiliency to climate variability of native tallgrass prairie to ensure the continuation of wildlife habitat in the face of the uncertain effects of climate change.

ISSUES

The Service has discussed the proposal to establish the Flint Hills Legacy Conservation Area with landowners; conservation organizations; other federal agencies; tribal, state, and county governments; and other interested groups and individuals.

The Service held six public meetings to provide information and discuss the proposal with landowners and other interested citizens. Information on the FHLCA project has been made available to county commissioners in each of the twenty-one counties included in the project area.

Open houses were held in Alma, Cottonwood Falls, and Wichita Kansas in November and December 2009. Public comments were taken to identify issues to be analyzed for the proposed project. Approximately 148 landowners, citizens, and elected representatives attended the meetings and most expressed positive support for the project. Additionally, ninety letters providing comments and identifying issues and concerns were also submitted.

In addition, the Service's field staff has contacted local government officials, other public agencies, and conservation groups. Approximately 400 factsheet flyers were mailed out, and project information was also made available on the Flint Hills National Wildlife Refuge and regional planning websites.

At the federal level, Service staff has briefed Senators Brownback and Roberts, as well as the Congressional delegation, and coordinated with representatives from other federal agencies such as the U.S. Department of Agriculture (Natural Resources Conservation Service), Department of Defense (Fort Riley Army Installation), National Park Service, and the Environmental Protection Agency. At the state level, Governor Parkinson's staff and Kansas' State Congressional delegation, along with KDWP, were briefed on the project. In addition, the Service provided information to eleven tribes on this project.

Nongovernmental conservation groups are vital to the success of the proposed project. Service staff has coordinated with partner organizations such as The Nature Conservancy, Tallgrass Legacy Alliance, The Ranchland Trust of Kansas, and Kansas Land Trust.

Many of the comments received addressed the need for a balance between natural and cultural systems. There are two main categories of commonly expressed issues and concerns, biological issues and socioeconomic issues.

Biological Issues Identified During Scoping Meetings

The biological issues mentioned were:

- Effects of wind energy development, oil and gas exploration and development, and residential development
- Concern that only a small percentage of tallgrass prairie remains
- Concern about the conservation of the remaining tallgrass prairie in Oklahoma
- Concern about short-term activities (including annual prescribed fires and early, intensive grazing) having long-term impacts to the tallgrass prairie
- Effects of tree encroachment from a lack of fire use due to absentee landowners, different land management priorities by some landowners, and development
- Possible reintroduction of species historically occurring in the region
- Possible effects to the air and water quality of the area with increasing development

Socioeconomic Issues Identified During Scoping Meetings

Socioeconomic issues mentioned were:

- Effect of wind energy development, and oil and gas exploration and development
- Possible tax implications of conservation easements
- Need to preserve the working ranches, and culture of the region
- Need to preserve history (natural, Native American and ranching heritage)
- Possible long-term implications of easements on land management
- Potential impacts to the aesthetics, scenic vistas, and natural beauty of the area resulting from development
- Potential for the development of agri-tourism as a source of income
- Changing, aging population in rural areas
- Need for increased understanding and appreciation for the tallgrass prairie and area

Issues Not Selected for Detailed Analysis

Historically, there has been concern about the amount of tax generated in surrounding counties when land protection programs are in place. Since the project is a conservation easement program, the land enrolled in the program does not change hands and therefore, the property taxes paid by the landowner to the county are not affected. Kansas property taxes are based on agricultural value. Since

easements will not affect the agricultural value of the property, no changes to the tax base are anticipated.

Development of rural landscapes often leads to increased demand for services and higher costs to rural counties. There will generally be an offset to any perceived reduction in the tax base since the county will not incur the expense of providing services to rural developments.

NATIONAL WILDLIFE REFUGE SYSTEM AND AUTHORITIES

The mission of the National Wildlife Refuge System is to preserve a national network of lands and waters for the conservation, management, and where appropriate, restoration of fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans. The Flint Hills Legacy Conservation Area project will be administered as part of the Refuge System in accordance with the National Wildlife Refuge System Administration Act of 1966 and other relevant legislation, executive orders, regulations, and policies.

Conservation of additional wildlife habitat in the Flint Hills region will also continue to be consistent with the following policies and management plans:

- Land and Water Conservation Fund Act (1965)
- Migratory Bird Treaty Act (1918)
- Endangered Species Act (1973)
- Bald Eagle Protection Act (1940)



Bluestem grass in tallgrass prairie.

- Migratory Nongame Birds of Management Concern in the U.S. (2002)
- U.S. Fish and Wildlife Act (1956)
- North American Waterfowl Management Plan (1994)

RELATED ACTIONS AND ACTIVITIES

The Service is working with other public and private entities to maintain wildlife habitat within the project area. Many organizations in Kansas have recognized the ecological significance of the Flint Hills area and the need to bring about conservation in concert with the region's ranching heritage. Ranchers, biologists, federal agencies, and nongovernmental organizations all see a need to protect this remaining tallgrass prairie. Grassroots organizations such as the Tallgrass Legacy Alliance (TLA) have been working for more than a decade to conserve grasslands in the Flint Hills area. The Ranchland Trust of Kansas, Kansas Land Trust, United States Department of Agriculture, Kansas Department of Agriculture, and The Nature Conservancy have all also been active in preserving portions of the Flint Hills area using conservation easements. Organizations or agencies that are currently holding conservation easements within the conservation boundary include TNC, The Grassland Reserve Program, RTK, and KLT.

The Nature Conservancy (TNC) is one of many stakeholders who wish to see the ecology and culture of the Flint Hills persist. As part of The Nature Conservancy's ongoing efforts to preserve this impressive prairie landscape, a community-based conservation program called the Flint Hills Initiative was launched in 2001. The Conservancy's conservation goal for the Flint Hills is to maintain the unfragmented nature of this last expanse of tallgrass prairie and to improve the quality of site-specific habitats for target species and natural communities. The Nature Conservancy currently holds 31,436 acres of conservation easements within the Service's project area.

The Grassland Reserve Program (GRP) is a voluntary conservation program administered through the U.S. Department of Agriculture that emphasizes support for working grazing operations, enhancement of plant and animal biodiversity, and protection of grassland under threat of conversion to other uses. Participants voluntarily limit future development and cropping uses of the land while retaining the right to conduct common grazing practices and operations related to the production of forage and seeding, subject to certain restrictions during nesting seasons of bird species that are in significant decline or are protected under federal or state law. A grazing management plan is required for participants. The easement acreage under the Grassland Reserve Program within the Service project area is currently 17,357 acres.

Ranchland Trust of Kansas (RTK), which is an affiliate of the Kansas Livestock Association, was organized as an agricultural-based land trust to hold conservation easements in Kansas. Ranchland Trust of Kansas's mission is to preserve Kansas' ranching heritage and its open spaces for future generations through the conservation of working landscapes. RTK currently has a 655-acre conservation easement in the project area.

Kansas Land Trust (KLT) is dedicated to conserving natural ecosystems, farm and ranch lands, and scenic open spaces; and preserving outdoor recreational opportunities and historical uses of land. Founded in 1990, KLT advocated in its early years for the passage of conservation easement-enabling legislation by the Kansas Legislature, which passed in 1993. The Kansas Land Trust accepted its first easement in 1994, and has completed thirty-six easements, 3,311 acres of which are in the Service's project area.

Tallgrass Legacy Alliance (TLA) is a not-for-profit grassroots organization dedicated to preserving the ecological, cultural, and economic integrity of the tallgrass prairie. TLA is a diverse group with ecological and agricultural interests that has been active on a landscape scale providing information on issues of concern in regards to the Flint Hills region. The Tallgrass Legacy Alliance has also been providing assistance with innovative grazing systems, prescribed fire, and invasive species control (particularly sericea lespedeza) through the use of grants and cost-shares with landowners throughout the Flint Hills area.

Private landowners and ranchers have been instrumental in working with various organizations and agencies to implement conservation projects. More than 98 percent of the project area, including much of the critical habitat for wildlife, is in private landownership.

The Kansas Department of Wildlife and Parks (KDWP) has been a strong partner in the Flint Hills by supporting effective grassland management through landowner technical assistance, Farm Bill implementation, and educational programs.

Partners for Fish and Wildlife (PFW) is a program administered by the Service that provides financial and technical assistance, and works cooperatively with landowners to voluntarily restore and enhance wildlife habitat on private land. Since the inception of the PFW program in 1992, the Service has a long and successful history of working with private landowners in Kansas—over 349,342 acres of tallgrass prairie have been restored or enhanced.

Infestations of invasive plants such as sericea lespedeza, eastern red cedar, and Osage orange currently are not pervasive in the FHLCA. However, they are present in many watersheds and threaten

to spread throughout the project area. In the absence of fire, woody species such as red cedar and Osage orange rapidly invade the tallgrass prairie. In an effort to control invasive plants, the Service's PFW program, TNC, TLA, county weed districts, and private landowners have initiated region-wide cooperative efforts, including educational efforts demonstrating the benefits of prevention with the use of prescribed fire, and financial assistance for mechanical, biological, and chemical treatments.

HABITAT PROTECTION AND THE EASEMENT ACQUISITION PROCESS

Habitat protection will occur through the purchase of conservation easements. It is the long-established policy of the Service to acquire minimum interest in land from willing sellers to achieve habitat acquisition goals.

The acquisition authority for the Flint Hills Legacy Conservation Area is the U.S. Fish and Wildlife Act of 1956 (16 U.S.C.742 a-742j). The federal money used to acquire conservation easements is received from the Land and Water Conservation Fund, which is derived primarily from oil and gas leases on the outer continental shelf, motorboat fuel tax revenues, and sale of surplus federal property. There could be additional funds to acquire lands, waters, or interest therein through possible sources such as congressional appropriations and donations from nonprofit organizations.

The basic considerations in acquiring an easement interest in private land are the biological significance of the area, the biological requirements of wildlife species of management concern, existing and anticipated threats to wildlife resources, and landowner interest in the program. The purchase of conservation easements will occur with willing sellers only, and will be subject to available funding.

CONSERVATION EASEMENTS

The easement program will be a conservation tool, complementing other efforts on the front. Conservation easements are the most cost-effective and socially acceptable means to ensure protection of important habitats within the project area.

Fee-title acquisition is not required for, nor is it preferable to conservation easements to achieve habitat protection. Fee-title acquisition will triple or quadruple the cost of land acquisition, add significant increases in management costs, and will not be accepted by landowners.

A strong and vibrant rural lifestyle, with ranching as the dominant land use, is one of the key components for ensuring habitat integrity and wildlife resource protection. Conservation easements are the only viable means to protect wildlife values on a landscape scale.

