

Draft Environmental Assessment (EA) Chapter 1—Purpose of and Need for Action



USFWS

Birds at Oxford Slough Waterfowl Production Area, Idaho

Introduction

Before Euro-American settlement, the Bear River delta on the north side of the Great Salt Lake was a vast natural marsh that provided wetland habitat for waterfowl in the arid Great Basin region. When John C. Fremont, an early explorer in the West, visited the area near the present-day Bear River Migratory Bird Refuge in 1843, he commented, “the waterfowl made a noise like thunder... as the whole scene was animated with waterfowl.”

The Bear River travels a 500-mile course from its headwaters in Utah’s Uinta Mountains through Wyoming and Idaho, eventually terminating its horseshoe-shaped route in Utah’s Great Salt Lake, the largest inland sea in the Western Hemisphere. The forested areas at the headwaters are part of a crucial wildlife corridor for species migration in the western United States. These areas offer a major link between the northern and southern Rocky Mountain ecosystems (Theobald et al. 2011, USDA Forest Service 2003). The small, pristine mountain streams found in the area provide ideal breeding habitat for important native species, such as the Bonneville

cutthroat trout and northern leatherside chub. Elk, black bear, grizzly bear, Canada lynx, wolverine, gray wolf, pika, and marmot use the high-elevation forest and snow-covered mountain slopes found in the watershed. The montane shrubland, sage grassland, and pastureland provide good habitat for greater sage-grouse, Columbian sharp-tailed grouse, bald eagle, hawks, mule deer, elk, pronghorn, rabbit, bobcat, and black bear.

Wetlands and riparian areas in the lower elevations provide some of the most important resting, staging, feeding, breeding, and nesting areas for migratory birds in the Pacific and central flyways (Downard 2010). More than 46 percent of the North American population of white-faced ibis, 24 percent of the North American population of marbled godwit, and 18 percent of the North American population of black-necked stilt use the wetland habitat found within the watershed. More than 270 different species are associated with the habitats supported by the Cokeville Meadows National Wildlife Refuge, Bear Lake National Wildlife Refuge, Bear River Migratory Bird Refuge, Oxford Slough Waterfowl Production Area, and adjacent lands located within the Bear River watershed. The Bear River watershed is essential to

the survival of the Bonneville cutthroat trout, millions of birds, and many other species of wildlife.

The Bear River is heavily influenced by land use along its course that in turn affects wildlife habitat and the amount and quality of available water. Agricultural lands provide habitat for wildlife, but in some areas these lands are rapidly being converted to residential development. The collaborative efforts of conservation partners in the Bear River watershed will be needed to preserve this working landscape that is such an important resource for people and wildlife.

Proposed Action

The U.S. Fish and Wildlife Service (Service) proposes to establish a voluntary conservation easement program in southeast Idaho, northeast Utah, and southwest Wyoming called the Bear River Watershed Conservation Area (see figure EA-1). The proposed project boundary encompasses roughly 4.8 million acres, within which the Service would strategically protect using conservation easements on up to 920,000 acres of privately owned land from willing sellers (see figure EA-2).

Conservation Easements

The Service would seek to protect habitat through perpetual conservation easements; it would not seek fee-title acquisitions. This easement program would rely on voluntary participation from landowners. Grazing, haying, and prescribed burning would continue on any land included in the easement contract. Land within an easement would remain in private ownership and, therefore, property tax and management activities such as invasive plant control and burning would remain the responsibility of the landowner. Public access to the land would also remain under the control of the landowner. This purpose is in alignment with, but does not supersede, the vision and statutory purposes of the three existing refuges in the Bear River watershed.

Easement restrictions may include, but are not limited to, residential, commercial, and industrial development that alters the natural topography; conversion of native uplands and wetlands to cropland; and draining of wetlands. The proposed easements would help maintain unfragmented blocks of habitat that would complement efforts by the existing national wildlife refuges and land trusts and entities:

- The Nature Conservancy
- Bridgerland Audubon
- Wyoming Stock Growers Agricultural Land Trust

- Sagebrush Steppe Regional Land Trust
- Idaho Department of Fish and Game
- Trout Unlimited
- Utah Division of Natural Resources
- Wyoming Game and Fish Department
- Utah Partners for Conservation and Development
- U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS)

Draft Vision Statement

Landscape-scale protection of the natural resources found within the Bear River watershed is essential to humans and wildlife. The Bear River Watershed Conservation Area project preserves, protects, and restores the natural resources and working landscapes within the drainage.

Through cooperative efforts with ranchers, farmers, local communities, land management agencies, and other conservation organizations, the United States Fish and Wildlife Service builds a community of citizens dedicated to protection of wildlife habitat, maintenance of healthy communities, enhancement of water quality, promotion of sustainable agriculture, and recognition of good stewardship.

The legacy of this effort is the tapestry of snow-covered mountains, deciduous and conifer forest, vast areas of sagebrush and wetlands, and working farms and ranches that decorate the landscape of the Bear River Watershed. This expansive landscape supports a multitude of diverse wildlife species including migratory birds, sage-grouse, elk, black bear, pronghorn, mule deer, Bonneville cutthroat trout, and other native species.

Implementation of a landscape-scale collaborative effort within the Bear River Watershed Conservation Area conserves the significant wildlife, aesthetic, and cultural values of this region in perpetuity.

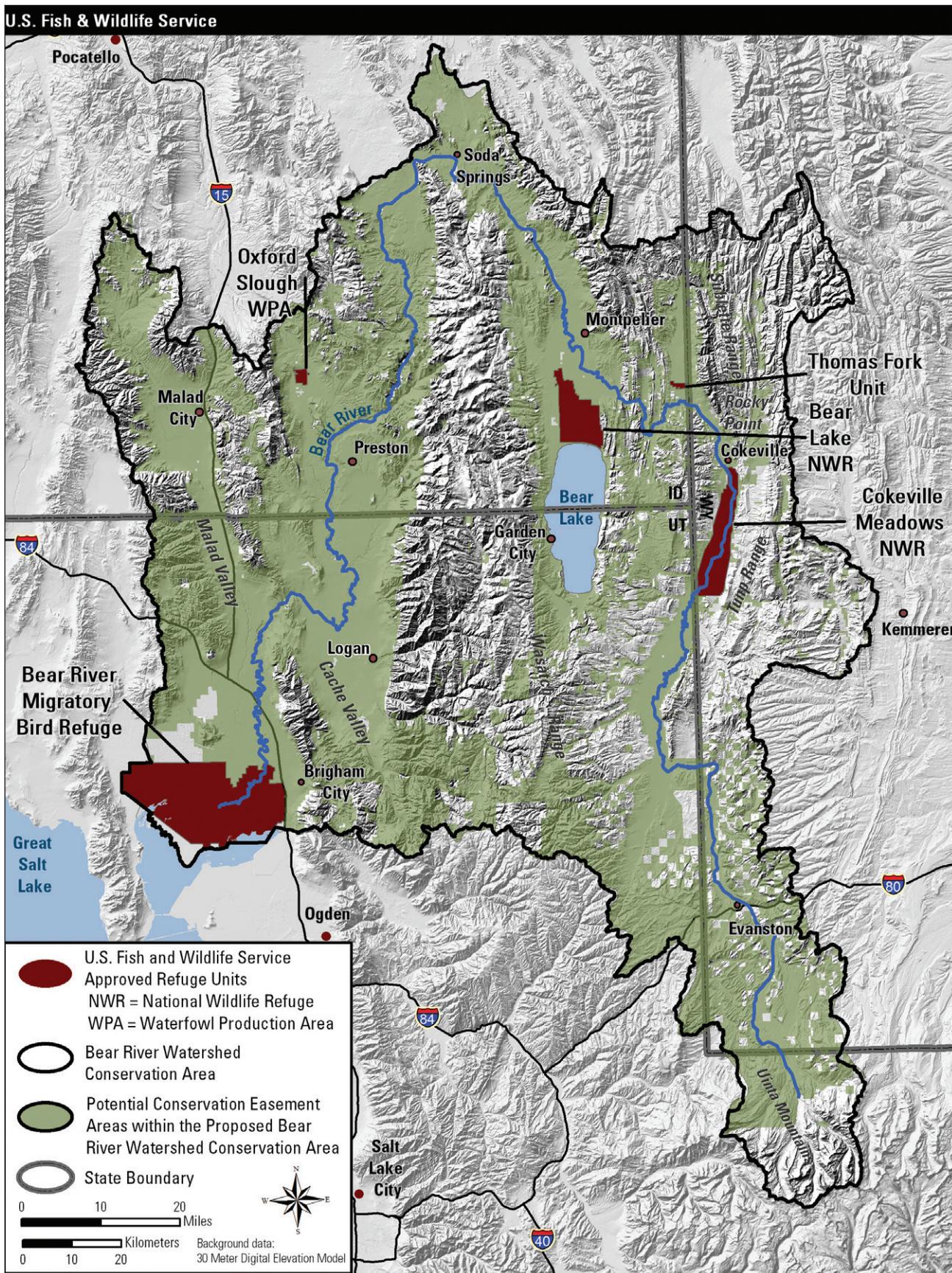


Figure EA-1. Map of the proposed Bear River Watershed Conservation Area in Idaho, Utah, and Wyoming.

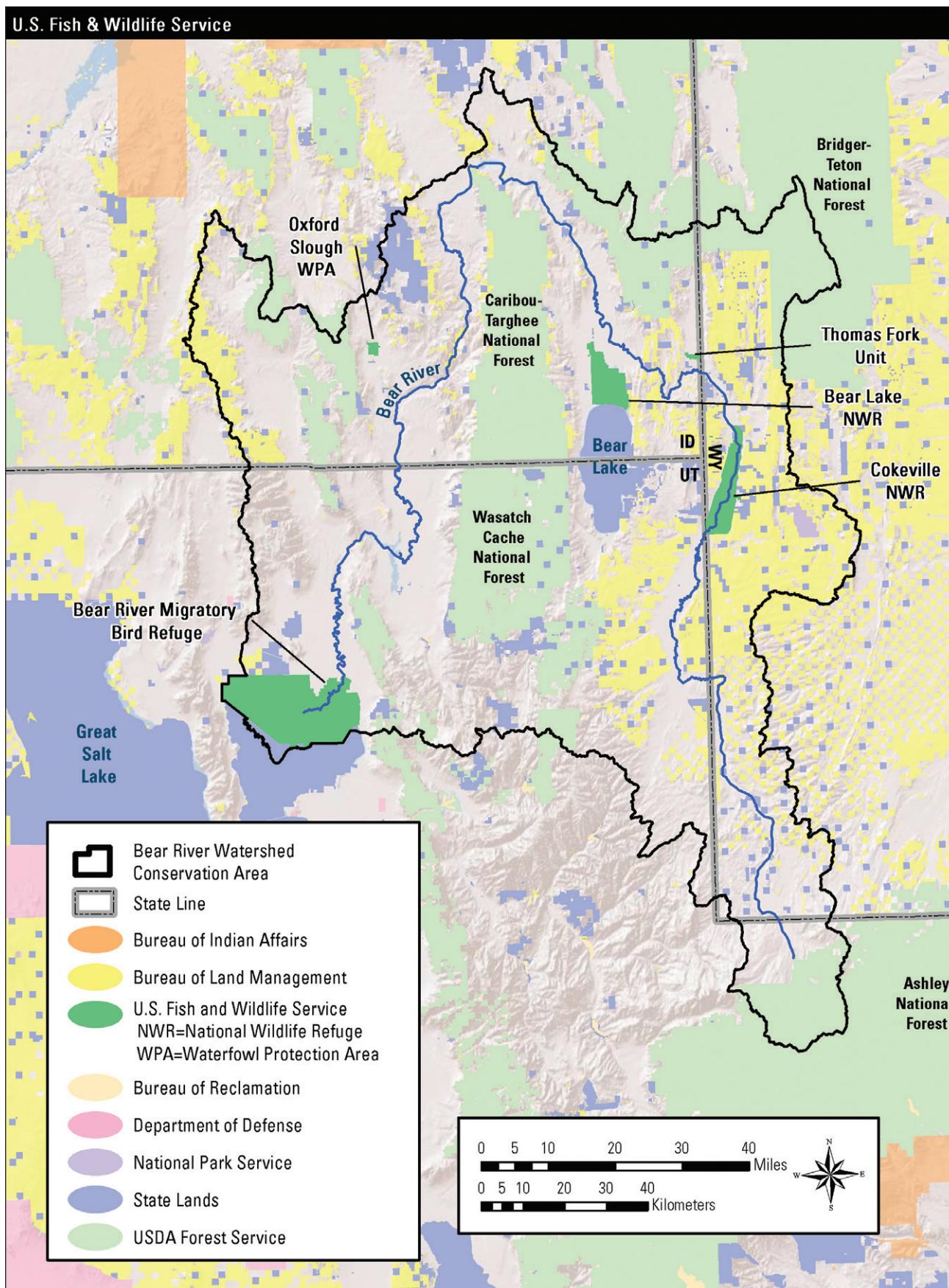


Figure EA-2. Map of land stewardship in the proposed Bear River Watershed Conservation Area in Idaho, Utah, and Wyoming.

Project Area

The Bear River's current course developed about 50,000 years ago (Toth et al. 2005) when a volcanic debris slide cut off its original northerly route and deflected the river southwards through present-day Soda Springs and into the Great Basin instead of westwards toward the Snake River watershed and present-day Pocatello, Idaho.

The Bear River originates in the mountains of Utah's High Uintas Wilderness, meanders through Wyoming and Idaho, and reenters Utah, where it empties into the Great Salt Lake. The Bear River is in the Basin and Range and the Middle Rocky Mountains physiographic provinces. It has the largest discharge of any river in the Western Hemisphere that does not flow to an ocean (Dion 1969). Along with other areas in the basin, the forested areas at the headwaters form a crucial wildlife migration corridor. These forested areas offer a major link between the northern and southern Rocky Mountain ecosystems (Theobald et al. 2011). As the river flows north out of the conifer-covered slopes of the Uinta Mountains into the narrow valleys of Utah downstream, land uses begin to change and water quality begins to decline.

The Bear River eventually passes through the Bear River Migratory Bird Refuge and terminates its almost circular route in the Great Salt Lake in Utah, which has no outlet. The river contributes more than half of the total surface flow entering the Great Salt Lake each year. This large volume of fresh water from the river influences temperatures, salinity, and water levels in the lake. The basin contains many large reservoirs and hundreds of small reservoirs, stock ponds, and an extensive network of irrigation canals.

The water of the Bear River is the lifeblood for human and wildlife populations throughout the region. The central and Pacific flyways for migratory birds overlap in the watershed, and the Bear River Migratory Bird Refuge and Bear Lake National Wildlife Refuge are considered by the National Audubon Society to be Globally Important Bird Areas. [See the glossary for descriptions and definitions of some of the terms used in this document.]

Approximately one-half of the Bear River watershed is under Federal ownership. The proposed project area is adjacent to or encompasses portions of lands managed by the U.S. Fish and Wildlife Service, Bureau of Reclamation, Bureau of Land Management, and USDA Forest Service. Important habitat in private ownership is located within and next to lands managed by these Federal entities, as well as on lands adjoining the national wildlife refuges.

Purpose of and Need for the Proposed Action

This project proposal originates from the recognition that water availability and quality are crucial for conserving the fish and wildlife species within the Bear River watershed. It is recognized that private lands are heavily used by wildlife and that properties that are next to public lands provide crucial migration corridors and linkages to a variety of habitats. As climate conditions and land use patterns change over time, many key off-refuge habitat areas will likely become both increasingly important for wildlife and increasingly subject to development pressures.

The proposed Bear River Watershed Conservation Area is a landscape-scale, strategic habitat conservation effort designed to contribute to the protection of significant values of this highly diverse ecosystem. (See more on strategic habitat conservation in chapter 5.) These values follow:

- The area is one of the most significant resting, staging, feeding, breeding, and nesting areas for large populations of migratory waterfowl and shorebirds on both the central and Pacific flyways:
- white-faced ibis (46 percent of the North American population)
- tundra swan (32 percent of the western population)
- American avocet (over 16 percent of the North American population)
- black-necked stilt (over 18 percent of the North American population)
- marbled godwit (over 24 percent of the North American population)
- The watershed provides habitat for species such as greater sage-grouse, Columbian sharp-tailed grouse, Bonneville cutthroat trout, pronghorn, and, in the high country, grizzly bear, Canada lynx, wolverine, and gray wolf.
- The watershed is an important source of water both along the river course and as the major surface water source of the Great Salt Lake.
- It is an important migration area for wide-ranging mammals.

Much of the lands in the wide valleys of the Bear River watershed have been converted to pastures and agricultural fields. Water from the river is used for irrigation of alfalfa, pastureland, and small grains. Oil and gas exploration and development are expanding in parts of the watershed. Residential development is affecting prime agricultural lands and wildlife habitat. In some areas of the Cache Valley, the population is expected to double by 2050 (Utah Division of Water Resources 2004). The Service seeks to work with ranchers, conservation organizations, and other agencies to conserve wildlife habitat and working lands for future generations.

The purposes for establishing the Bear River Watershed Conservation Area are to:

- maintain healthy populations of native wildlife species including migratory birds and threatened and endangered species;
- protect and maintain water quality and quantity;
- conserve aquatic, riparian, wetland, and upland habitats associated with the full diversity of Bear River ecosystems;
- provide habitat connectivity and migratory corridors;
- promote partnerships to coordinate implementation of watershed-level wildlife conservation actions;
- increase resiliency of the watershed to sustain wildlife and important habitat through climate and land use changes.

Decisions to Be Made

The Service's planning team (see "Appendix A, List of Preparers and Reviewers") has completed a draft analysis of the protection and management alternatives. Based on the analysis to be documented in the final EA, the Service's Directors of Region 1 and Region 6, with the approval of the Director of the U.S. Fish and Wildlife Service, will make three decisions:

- Determine whether the Service should establish the Bear River Watershed Conservation Area.
- If yes, select an approved, conservation easement project boundary that best fulfills the habitat protection purposes for the proposed conservation area.

- If yes, determine whether the selected alternative would have a significant impact on the quality of the human environment. The National Environmental Policy Act of 1969 requires this decision. If the quality of the human environment would not be significantly affected, a finding of no significant impact will be signed and made available to the public. If the alternative would have a significant impact, completion of an environmental impact statement would be required to address those impacts.

Issues Identified and Selected for Analysis

Six public scoping meetings were held in Idaho, Utah, and Wyoming in May 2011. Public comments were taken in Cokeville and Evanston, Wyoming; Brigham City and Logan, Utah; and Preston and Montpelier, Idaho, to identify issues to be analyzed for the proposed action. Approximately 130 landowners, members of various organizations, and elected representatives attended the meetings. Additionally, 10 letters providing comments were received by mail or email. A total of 327 comments and questions were received on the project proposal.

Refuge staff contacted tribal, Federal, State, and local officials as well as conservation groups that expressed an interest in the future of the Bear River watershed. Approximately 675 fact sheets were distributed, and they were also made available on the refuges' Web sites.

The main categories of comments, issues, and questions expressed at meetings or received by mail follow.

Biological Issues

- Importance of wildlife and wildlife habitat in the watershed.
- Questions about the types of habitat and lands that would be included in the proposed project.
- Ecosystem importance of the watershed (connectivity and habitat types represented).
- Importance of protecting water resources.
- Water quality and quantity issues in the watershed.
- Impacts of dams and diversions.

- Climate change impacts on the region.
- Development (residential, oil and gas, mineral, and recreational), which was perceived as the biggest threat to the long-term health and stability of the Bear River landscape, culture, and wildlife resources.
- Perceived mismanagement of lands and inappropriate stewardship (grazing and agricultural practices) in the watershed.
- Invasive species in the watershed.
- Fragmentation of habitat.

Socioeconomic Issues

- Funding sources and matching contributions.
- Tax implication of easements.
- Economic impacts of easements.
- Financial implications of easements.
- Quantity and location of land needed for the proposed Bear River Watershed Conservation Area project.
- Agricultural values of the Bear River.
- Aesthetics (open space and scenery).
- Importance of recreational opportunities.
- Availability of recreational opportunities in the watershed.
- Economic importance of the watershed (agriculture and power generation).

Administrative and Enforcement Issues for Easements

- Potential easement restrictions and language.
- Responsibilities and limitations on management practices of an easement.
- Current and future land uses and encumbrances (oil and gas leases, mining, and rights-of-way).
- Perpetual nature of Service easements.

- Comments and questions about enforcement of easements.
- Importance of monitoring conservation easement parcels.
- Possibility of easements increasing wildlife depredation, especially by sandhill cranes.
- Comparable easement programs that are available with other agencies and organizations.
- Easement financial and funding implications.
- Service appraisal process.
- Easement valuation determination.

Other Issues

- Conservation partnerships and coordination.
- Organizations and other agencies that the Service would be working with.
- Interest expressed in selling a conservation easement to the Service.
- Questions on timelines, public input opportunities, and availability of data and GIS information.
- Comments on the need for planning various watershed uses and future development.
- General concern.
- General support.
- Interest in easements.

Issues Not Selected for Detailed Analysis

Historically, there has been concern about the amount of tax generated for the counties when land protection programs take place. Because the proposed project involves conservation easements, land would not change hands and, therefore, the property taxes paid by the landowner to the county would not be affected.

Development of rural landscapes often leads to increased demand for services and higher costs to rural counties. There would generally be an offset of

any perceived reduction in the tax base, because the county would not incur the expense of providing services to rural developments.

National Wildlife Refuge System and Authorities

The mission of the National Wildlife Refuge System (Refuge System) is “to preserve a national network of lands and waters for the conservation, management, and where proper, 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 Bear River Watershed Conservation Area would be a part of the Refuge System managed in accordance with the National Wildlife Refuge System Administration Act of 1966 and other relevant legislation, Executive orders, regulations, and policies.

Conservation of more wildlife habitat in the Bear River watershed would also continue in a manner consistent with the following policies and management plans:

- Migratory Bird Treaty Act (1918)
- Migratory Bird Hunting and Conservation Stamp Act (1934)
- Bald and Golden Eagle Protection Act (1940)
- Fish and Wildlife Act (1956)
- Land and Water Conservation Fund Act (1965)
- Endangered Species Act (1973)
- “North American Waterfowl Management Plan” (1994)
- “Migratory Non-game Birds of Management Concern in the U.S.” (2002)

Related Actions and Activities

Private landowners have worked with many organizations to complete conservation easements. In an effort to control invasive species such as tamarisk, phragmites, Russian olive, quagga and zebra mussels, and carp, the Service’s Partners for Fish and Wildlife program, The Nature Conservancy, State agencies, county weed districts, and private landowners have begun cooperative efforts throughout the region.

Bridgerland Audubon Society has worked with The Nature Conservancy and PacifiCorp to protect 500 acres of key riparian land along the Bear River in Cache County using conservation easements.

Coordinated Resource Management committees in Box Elder and Rich Counties consist of State

and Federal agency staff, representatives from local government, nonprofit organizations, academic institutions, private industry, and private individuals. Coordinated Resource Management committees work to provide rich, healthy ecosystems with a sustainable agricultural industry and wildlife populations and that contain diverse recreational opportunities and a vibrant rural community.

Sagebrush Steppe Regional Land Trust was founded in 2003. It has completed 15 projects in southeast Idaho that protect 2,260 acres of natural and working lands that benefit Bonneville cutthroat trout and other wildlife species.

The Nature Conservancy bought a 6,700-acre conservation easement to protect habitat for the Columbian sharp-tailed grouse and other wildlife species. The Nature Conservancy is developing a comprehensive plan to provide early detection and rapid response for the control of invasive weeds in Cache County. The Nature Conservancy has also been involved with mapping important wetland areas throughout the watershed.

Trout Unlimited has 12 projects underway in the watershed that aim to reconnect essential spawning tributaries in each of the five major sections of the Bear River. Trout Unlimited and project partners identified barriers to fish passage such as dams and retrofitted the structures with fish ladders and screens to allow upstream passage and prevent downstream loss of fish in irrigation canals. Trout Unlimited also improves riparian and aquatic habitats in the reconnected tributaries and the main stem Bear River.

Utah Partners for Conservation and Development is a sponsor of the Utah Watershed Restoration Initiative, a partnership-driven effort to conserve, restore, and manage ecosystems in priority areas across the State to enhance Utah’s wildlife, biological diversity, water quality and quantity for all uses, and opportunities for sustainable uses. In 2010, the watershed restoration initiative was involved in 26 projects totaling 19,336 acres in its Northern Region, which includes the Bear River watershed (Utah Division of Wildlife Resources 2011).

Wyoming Stock Growers Agricultural Land Trust holds 62 conservation easements on more than 170,000 acres of ranchland throughout the State. By working with landowners to conserve working ranches, crucial wildlife winter ranges and migration corridors commonly found in the most agriculturally productive locations along valleys and waterways are also protected.

Wyoming Land Trust holds conservation easements on 30,324 acres of working ranchland, wildlife habitat, and scenic areas in Wyoming.

U.S. Department of Agriculture

The *Conservation Reserve Program* is administered by the USDA Farm Service Agency and provides technical and financial help to eligible farmers and ranchers to address soil, water, and related natural resource concerns on their lands in an environmentally beneficial and cost-effective manner. Currently, 668,643 acres in Idaho, 163,082 acres in Utah, and 226,044 acres in Wyoming are enrolled in the Conservation Reserve Program (USDA Farm Service Agency 2007).

The *Farm and Ranch Land Protection Program* provides matching funds to help buy development rights to keep productive farm and ranchland in agricultural uses. Working through existing programs, the USDA collaborates with State, tribal, or local governments and nongovernmental organizations to acquire conservation easements or other interests in land from landowners. A total of 3,450 acres in Idaho, 898 acres in Utah, and 101,326 acres in Wyoming are Farm and Ranch Land Protection Program lands (USDA NRCS 2010a).

The *Environmental Quality Incentives Program* is a voluntary program administered through the NRCS that provides financial and technical help to agricultural producers through contracts lasting up to a maximum term of 10 years. These contracts provide financial assistance to help plan and carry out

conservation practices that address natural resource concerns and for opportunities to improve soil, water, plant, animal, air, and related resources on agricultural land and nonindustrial private forestland. In addition, a purpose of Environmental Quality Incentives Program is to help producers meet Federal, State, tribal, and local environmental regulations.

The *Grassland Reserve Program* is a voluntary conservation program administered through the NRCS 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 keeping 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. There are 9,692 acres in Idaho, 29,336 in Utah, and 24,458 acres in Wyoming enrolled in the program.

The *Wildlife Habitat Incentive Program* is a voluntary program administered by the NRCS for conservation-minded landowners who want to develop and improve wildlife habitat on agricultural land, nonindustrial private forest land, and Native American lands.



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Wetland Scenery in Utah

The *Wetlands Reserve Program* was reauthorized in the Farm Security and Rural Investment Act of 2002 (Farm Bill) to provide a voluntary conservation program for farmers and ranchers that promotes agricultural production and environmental quality as compatible national goals. The program offers financial and technical assistance to help eligible participants install or implement structural improvements and management practices on eligible agricultural land. In Idaho 812, Utah 30, and in Wyoming 1,013 acres are enrolled in Wetlands Reserve Program (USDA NRCS 2010b).

U.S. Department of the Interior

Partners for Fish and Wildlife provides cost-sharing to fund habitat enhancements with a special emphasis placed on projects that simultaneously benefit agricultural production and wildlife habitat for Service trust species. Participation in the Partners for Fish and Wildlife program is voluntary, and the details for each project are outlined in individual landowner agreements. Past examples include fence and water developments that improve livestock grazing management, irrigation diversion upgrades that allow for traditional water withdrawal and fish passage in streams, and rehabilitation of irrigation infrastructure to maintain and enhance created wetlands.

The *Utah Partners for Fish and Wildlife* program has restored or enhanced 11,915 acres of wetland, 46,258 acres of upland, and 64 miles of riparian or instream habitat. In Wyoming, the program has restored or enhanced 5,373 acres of wetland, 228,592 acres of upland, and 242 miles of riparian or instream habitat. More than 6,760 acres of wetland, 8,754 acres of upland, and 62 miles of riparian or instream habitat (2001–2011) have been restored or enhanced in Idaho.

Landscape conservation cooperatives are public–private partnerships that recognize that natural resource challenges transcend political and jurisdictional boundaries and require a more networked approach to conservation—holistic, collaborative, adaptive, and grounded in science to ensure the sustainability of America’s land, water, wildlife, and cultural resources. As a collaborative effort, landscape conservation cooperatives seek to identify best practices, connect efforts, find gaps, and avoid duplication through improved conservation planning and design. Partner agencies and organizations coordinate

with each other while working within their existing authorities and jurisdictions. In carrying out conservation actions through the proposed Bear River Watershed Conservation Area, the Service would work with the three landscape conservation cooperatives (Great Northern, Great Basin, and Southern Rockies) (see figure EA–3) and other partners to address current and future issues and opportunities related to landscape-scale conservation in a rapidly changing world.

Habitat Protection and Easement Acquisition Process

Following approval of a project boundary, habitat protection would occur through the purchase of conservation easements. It is the long-established policy of the Service to acquire the minimum land interest needed from willing sellers to achieve habitat acquisition goals.

The acquisition authority for the proposed conservation area is the Fish and Wildlife Act of 1956 (16 United States Code [U.S.C.] 742 a–742j). The Federal monies used to acquire conservation easements are 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 the sale of surplus Federal property.

There could be more money to acquire lands, waters, or interest therein for fish and wildlife conservation purposes through congressional appropriations and donations from nonprofit organizations and other possible sources including Federal Duck Stamp money.

The Service would develop an objective review process for evaluating potential conservation easement areas submitted for consideration by willing sellers. The main considerations in acquiring an easement interest in private land are the biological significance of the area, the biological needs of wildlife species of management concern, existing and anticipated threats to wildlife resources, and landowner interest in the program. The purchase of conservation easements would occur with willing sellers only and would be subject to available funding.

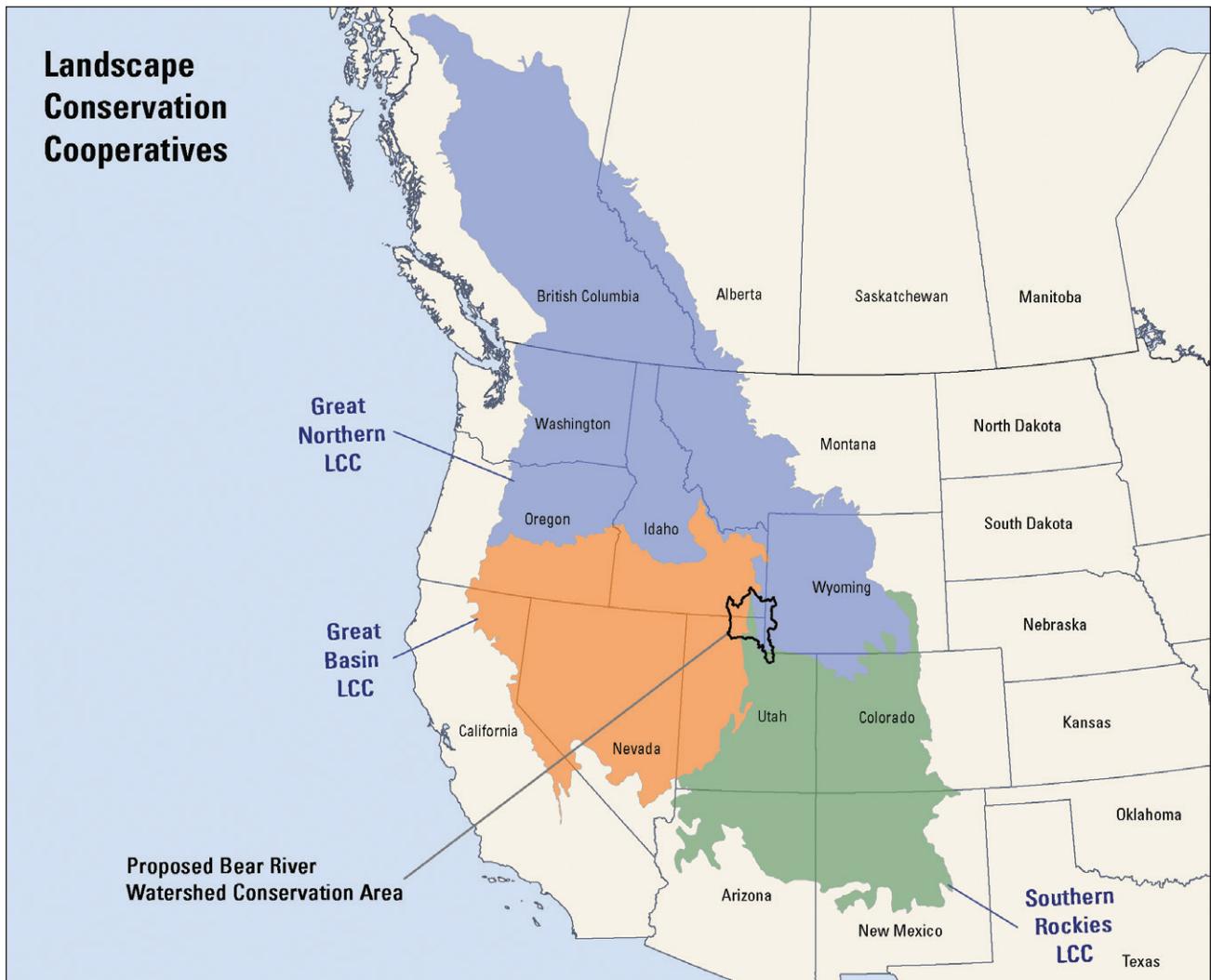


Figure EA-3. Map of the three landscape conservation cooperative areas that cover the proposed Bear River Watershed Conservation Area in Idaho, Utah, and Wyoming.

