Vision Statement for the Bear River Watershed Conservation Area

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.

Chapter 1—Introduction and Project Description

© Brian Ferguson

Bear River Marsh, Utah

Introduction

The U.S. Fish and Wildlife Service (Service) is establishing a conservation area for the Bear River watershed in Idaho, Utah, and Wyoming (see figure 1). The background and guidance for the Bear River Conservation Area is in this land protection plan (LPP), which is based on the environmental assessment (EA) contained in appendix A. The regional directors of the Service's Regions 1 and 6 found that establishing the Bear River Watershed Conservation Area (alternative B of the EA) would have no significant impact (refer to "Appendix B, Environmental Compliance").

The Bear River Watershed Conservation Area project will work with private landowners to establish up to 920,000 acres of voluntary conservation easements:

- to conserve aquatic, riparian, wetland, and upland habitats;
- to provide wildlife habitat connectivity and migratory corridors;
- to maintain healthy populations of native wildlife species;
- to protect and maintain water quality and quantity;
- to increase the watershed's resiliency during climate and land use changes;
- to conserve the area's working landscapes;
- to promote partnerships for coordinated watershed-level conservation.

To successfully implement the Bear River Watershed Conservation Area, the Service will work with the three landscape conservation cooperatives (LCCs) that encompass the project area—Great Northern, Great Basin, and Southern Rockies LCCs. In addition, the Service will coordinate conservation efforts throughout the Bear River watershed with numerous partners: The Nature Conservancy, Trout Unlimited, Ducks Unlimited, local Audubon chapters, PacifiCorp, State and local land trusts, soil and water conservation districts, State agencies, tribes, and other Federal agencies.

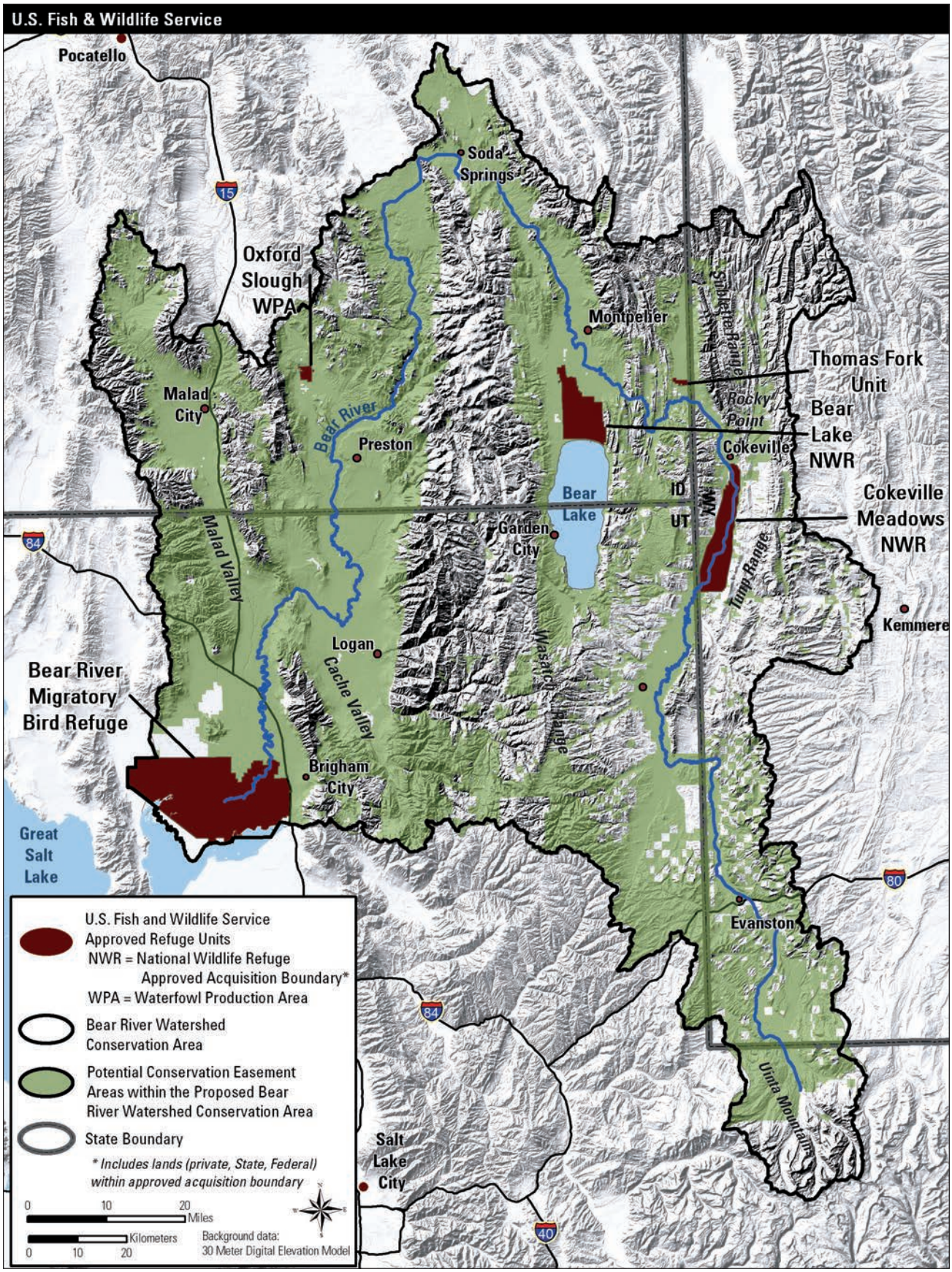

Figure 1. Map of the Bear River Watershed Conservation Area in Idaho, Utah, and Wyoming.

Service staff at the three wildlife refuges in the Bear River watershed—Bear Lake National Wildlife Refuge (Idaho), Bear River Migratory Bird Refuge (Utah), and Cokeville Meadows National Wildlife Refuge (Wyoming)—will administer and monitor the conservation easement program.

Project Description

Before Euro-American settlement, the Bear River delta 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 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 (see figure 1). The forested areas at the headwaters are part of a crucial wildlife migration corridor. These forested 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 marmots inhabit 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, mule deer, elk, pronghorn, rabbit, bobcat, black bear, and various hawks.

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 white-faced ibis, 24 percent of the marbled godwits, and 18 percent of the black-necked stilts in North America 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 as well as millions of birds and other wildlife.

Although it provides many functions both for wildlife and for people along its route, the river is heavily affected by land use along its course. Land use in the watershed affects wildlife habitat and the amount and quality of available water. Agricultural lands provide habitat for wildlife, but in some areas are rapidly being converted to residential developments. Some counties in the watershed are expected to double in population over the next 30 years (Utah Division of Water Resources 2004). Based on its job growth rate and low unemployment rate, Logan, Utah, in the Cache Valley, was deemed the best-performing small city in the United States in 2011 (DeVol et al. 2011). The collaborative efforts of conservation partners in the Bear River watershed will be crucial to preserving this working landscape that is such an important resource for people and wildlife.

The Bear River Watershed Conservation Area is located in southeast Idaho, southwest Wyoming, and northeastern Utah. The conservation area will contain parts of 12 counties: Bannock, Bear Lake, Caribou, Franklin, Oneida, and Power in Idaho; Box Elder, Cache, Rich, and Summit in Utah; and Lincoln and Uinta in Wyoming.

Issues Identified and Selected for Analysis

The Service's planning team (refer to "Appendix C, List of Preparers and Reviewers") conducted six public scoping meetings 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. Not only were fact sheets describing the proposed project made available on the refuges' Web sites, but approximately 675 fact sheets on the proposed project were distributed to interested members of the public.

The main categories of comments 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 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 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.

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 conservation area project will be monitored as part of the Refuge System in accordance with the Refuge System Administration Act of 1966 and other relevant legislation, Executive orders, regulations, and policies.

Conservation of more wildlife habitat in the Bear River region will also continue, 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 including the Service's Partners in Fish and Wildlife program, The Nature Conservancy, State agencies, and county weed districts, to complete conservation easements and control invasive plants such as tamarisk, phragmites, Russian olive, carp, and quagga and zebra mussels.

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

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 works to provide rich, healthy ecosystems; sustainable agriculture industry and wildlife populations; and diverse recreational opportunities and vibrant rural communities.

Sagebrush Steppe Regional Land Trust was founded in 2003. It has completed 15 projects in southeast Idaho that provide protection on 2,260 acres of natural and working lands to 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 organization 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 to reconnect essential spawning tributaries in each of the five major sections of the Bear River. Trout Unlimited and project partners find movement barriers and retrofit the structures with fish ladders and screens to allow upstream passage around dams and prevent downstream loss of fish in irrigation canals. Trout Unlimited also works to improve aquatic and riparian habitats in the reconnected tributaries and in 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 and biological diversity, water quality and yield for all uses, and opportunities for sustainable uses. In 2010, the watershed restoration initiative was involved in 26 projects comprising 19,336 acres in the Northern Region, which includes the Bear River watershed (Utah Division of Wildlife Resources 2010).

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, the crucial wildlife winter ranges and travel corridors that are commonly found in the most agriculturally productive locations along valleys and waterways are also protected.

Wyoming Land Trust holds conservation easements on 30,234 acres of working ranchland, wildlife habitats, and scenic areas in Wyoming.

U.S. Department of Agriculture

The *Conservation Reserve Program* is administered by the 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. The statewide acreage of Conservation Reserve

Program–enrolled land is 668,643 acres in Idaho, 163,082 acres in Utah, and 226,044 acres in Wyoming (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. The Farm and Ranch Land Protection Program works through existing programs. The U.S. Department of Agriculture (USDA) collaborates with State, tribal, or local governments and nongovernmental organizations to acquire conservation easements or other interests in land from landowners. Currently, 3,450 acres in Idaho, 898 acres in Utah, and 101,336 acres in Wyoming are protected under this program (USDA NRCS 2010a).

The *Environmental Quality Incentives Program* is a voluntary program administered through the Natural Resources Conservation Service (NRCS) that provides financial and technical help to agricultural producers through contracts 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. This program also helps producers to 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 their 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 tribal lands.

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. This program offers financial and technical assistance to help eligible participants install or implement structural and management practices on eligible agricultural land. In Idaho 892 acres, in Utah 22 acres, and in Wyoming 1,013 acres are enrolled in Wetlands Reserve Program easements (USDA NRCS 2010b).

Department of the Interior

The *Partners for Fish and Wildlife* program provides funding and technical assistance for habitat restoration and enhancement, with a special emphasis placed on projects that simultaneously benefit agricultural production and wildlife habitat for Service trust species. Participation in the program is voluntary, and the details of 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.

From the period of 2007-2012, the Partners for Fish and Wildlife program restored or enhanced 10 structures for fish passage, 293 wetland acres, 1,747 upland acres, and 14.9 river miles for the Idaho portion of Bear River watershed. In Utah, 9 structures for fish passage, 2,157 wetland acres, 21,432 upland acres, and 5 river miles were completed. During this period in Wyoming, 16 structures for fish passage, 816 wetland acres, and 15.4 river miles were restored or enhanced.

LCCs are public–private partnerships that recognize that conservation challenges transcend political and jurisdictional boundaries and require an approach that is holistic, collaborative, adaptive, and grounded in science to ensure the sustainability of America's land, water, wildlife, and cultural resources.

As a collaborative, LCCs 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 Bear River Watershed Conservation Area, the Service will work with the Great Northern, Great Basin, and Southern Rockies LCCs (described in chapter 4) 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

On approval of a project boundary, 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 needed from willing sellers to achieve habitat acquisition goals.

The acquisition authority for the 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 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.

Conservation Easements

The Service will 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 will occur with willing sellers only and will be subject to available funding.

Service conservation easements will complement current conservation efforts by other agencies and organizations in the watershed (see figure 2 for land stewardship). Fee-title acquisition is not required for, nor is it preferable to, conservation easements to achieve wildlife habitat protection. Fee-title acquisition would triple or quadruple the cost of land acquisition, would add significant increases in management costs, and would not be accepted by most landowners.

Keeping the working landscapes and agricultural heritage that have sustained the variety of wildlife species in the conservation area is key to ensuring long-term habitat integrity and protection of wildlife resources. Conservation easements are the only viable means of protecting wildlife values on a large scale.

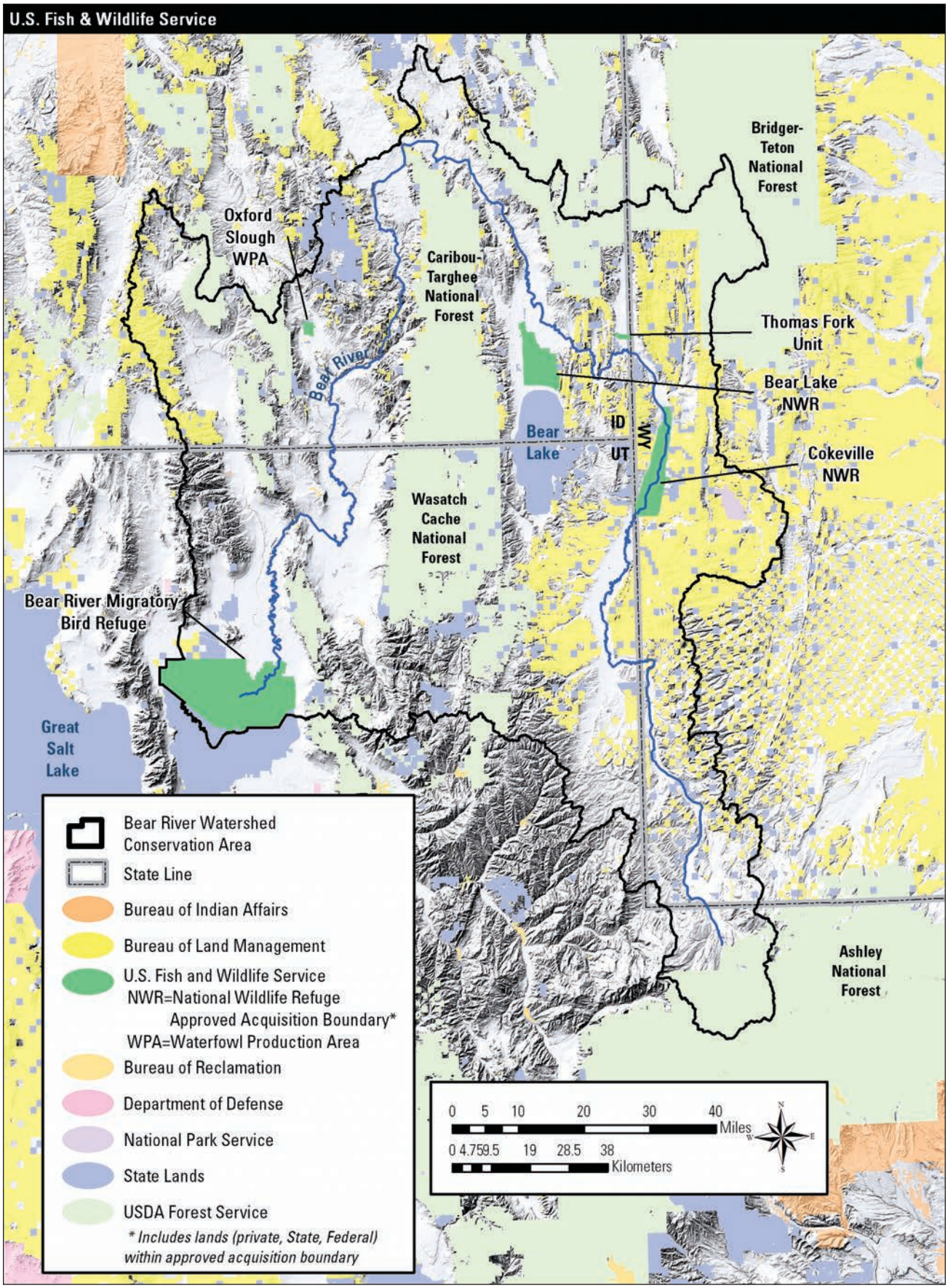

Figure 2. Map of land stewardship in the Bear River Watershed Conservation Area in Idaho, Utah, and Wyoming.