

Chapter 1—Introduction



NPS

Fog settles on the Missouri River.

We—the U.S. Fish and Wildlife Service (FWS) and the National Park Service (NPS)—have developed this draft environmental impact statement (EIS) and land protection plan (LPP)¹ to provide alternatives for and identify impacts of increased conservation efforts along the Missouri River in northeast Nebraska and southeast South Dakota (figure 1). These conservation efforts would be undertaken in collaboration with willing landowners.

We have prepared these documents in compliance with the National Wildlife Refuge System Administration Act of 1966 (Administration Act), as amended by the National Wildlife Refuge System Improvement Act of 1997 (Improvement Act); the National Park Service Organic Act of 1916, as amended; and the National Environmental Policy Act of 1969 (NEPA) and its implementing regulations.

We have formulated four draft alternatives; these are the result of reviewing public comments and working closely with cooperating agencies. The core planning team of representatives from several FWS and NPS programs prepared this draft EIS and LPP (“Appendix A—Preparers and Contributors”). The following cooperating agencies have also participated on the planning team:

- Nebraska Natural Resources Conservation Service (NRCS)
- South Dakota NRCS
- National Oceanic and Atmospheric Administration
- U.S. Army Corps of Engineers (USACE)
- U.S. Environmental Protection Agency (EPA)
- Nebraska Game and Parks Commission (NGPC)
- South Department of Dakota Game, Fish and Parks (SDGFP)

Public involvement in the planning process is discussed in “Section 1.6—Planning Process”; public input is provided in detail in “Appendix B—Public Scoping Report.”

After reviewing a wide range of management needs and public comments received during five public scoping meetings, the planning team developed alternatives, objectives, and strategies for manage-

¹ The LPP immediately follows the EIS and its appendixes.

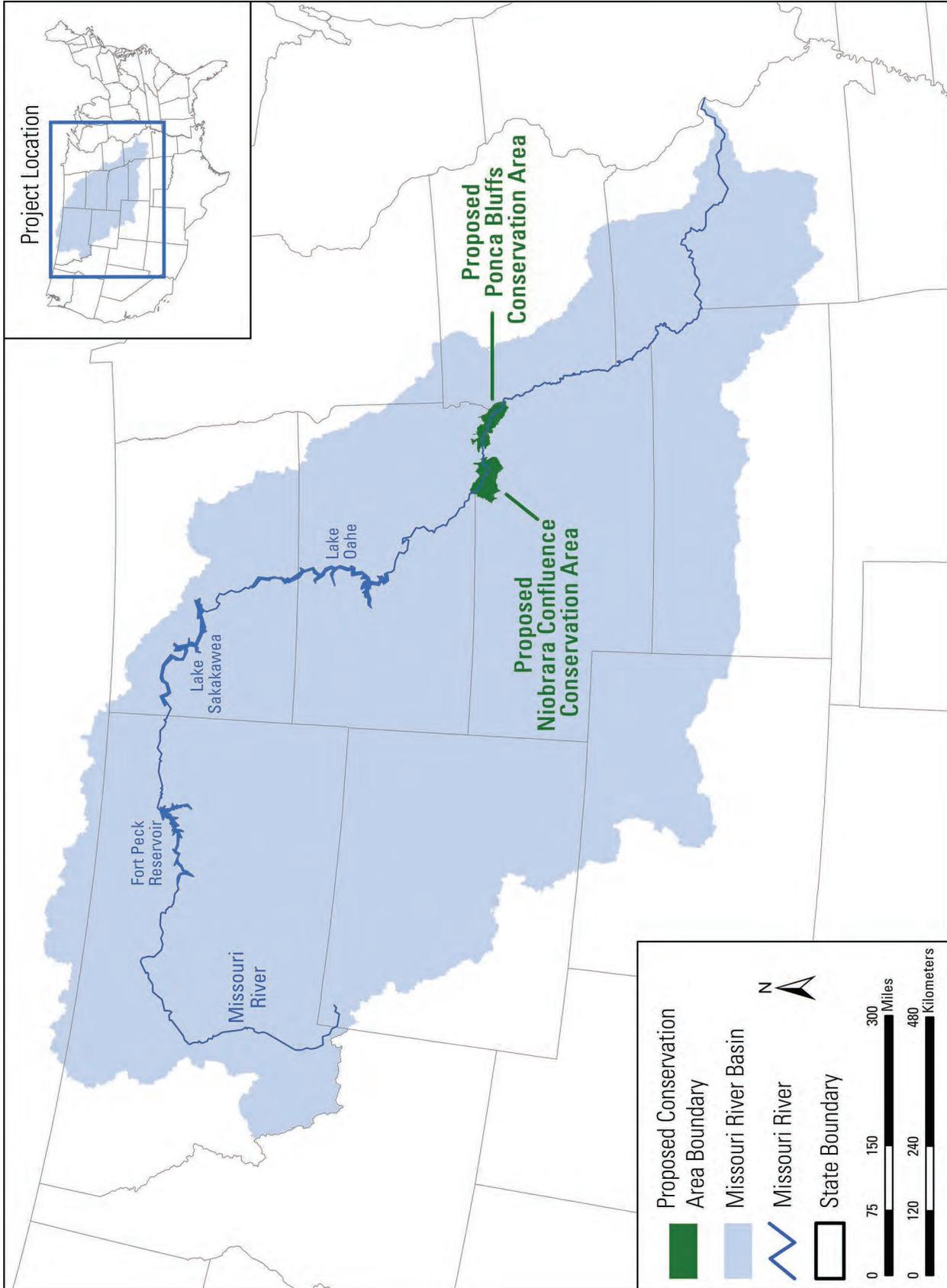


Figure 1. Location map for the Niobrara Confluence and Ponca Bluffs Conservation Areas, Nebraska and South Dakota.

ment of the proposed conservation areas. Details of the no-action alternative and three action alternatives are presented in “Chapter 3—Alternatives,” and the predicted effects of the alternatives are described in “Chapter 5—Environmental Consequences.” We have identified one alternative as the preferred alternative.

1.1 Purpose and Need for Action

The Missouri River has experienced significant alterations and modifications over the past 100 years. These changes, outlined in detail in chapters 2 and 3, have had both positive and negative effects on the environment and local communities. Main-stem dams and other river management practices have regulated Missouri River flows, decreasing the severity of flood events; but they have also had both beneficial and adverse effects on native fish and wildlife species, recreational opportunities, historical resources, and overall river functionality.

The proposed Niobrara Confluence Conservation Area (NCCA) and Ponca Bluffs Conservation Area (PBCA) are two remarkable areas along the Missouri River that still exhibit pre-dam conditions and function much as such areas did under historical conditions. The LPP for NCCA and PBCA will aid us in outlining the landscape-level strategic habitat conservation initiative we plan to undertake in partnership with willing landowners to protect wildlife and fishery resources and habitat in the Missouri River ecosystem in northeast Nebraska and southeast South Dakota. These areas have been identified as supporting or linking important habitats for trust species (for example, pallid sturgeon, least tern, piping plover, and migratory birds).

We have the responsibility to manage for the survival of Federal trust species (defined as migratory birds, species listed as threatened or endangered under the Federal Endangered Species Act of 1973 [ESA], and certain fisheries). In addition, we have the responsibility to manage the Missouri National Recreational River (MNRR) under the direction of the Wild and Scenic River Act as a recreational river for public use and recreation while preserving and protecting important cultural and wildlife resources. The need for this action is to identify and conserve high-priority sites for trust Federal trust species, recreation, historic areas, and river functionality. This plan will also provide us with the authority to develop conservation easements with or buy land in fee title from willing landowners.

The purpose of this draft EIS is to identify the role we will play in supporting the mission of the National Wildlife Refuge System (Refuge System) and the National Wild and Scenic Rivers System. FWS and NPS have similar missions, both of which address the need for conservation while maintaining environmental resources for future generations. This draft EIS describes the physical environment affected by the proposed action, analyzes the impacts associated with each alternative, and guide decision-makers in selecting an alternative for implementation.

Proposed Project Areas

The 790,873-acre NCCA encompasses the river, neighboring 6th order watersheds (the smallest unit of the Hydrologic Unit Code system), and the 6th order watersheds of the Niobrara River below Spencer Dam. We have identified various goals for conservation easements and fee-title acquisition under each alternative based on biological goals, logistics, the extent of potentially available lands, and the desired ratio of fee-title to easement acreage described above.



Nick Kaczor / FWS

The Missouri River is popular among visitors of all ages.

The 623,921-acre PBCA comprises a mix of private property and local, Federal, and State jurisdictions. As with NCCA, we have identified various goals of conservation easements and fee-title acquisition in each alternative based on biological goals, logistics, the extent of potentially available lands, and the desired ratio of fee-title to easement acreage.

The neighboring 6th order watersheds were used to define the boundaries of the project areas because they are the smallest mapped hydrologic units and ideally reflect the processes (soil, hydrology, and wildlife) that characterize the project area. In addition, the 6th order watersheds are easily correlated to small streams and drainages on the landscape that landowners and managers can identify.

1.2 Decision to be Made

The Regional Director of Region 6 of the FWS will make the final decision for the FWS. The Regional Director of the Midwest Region of the NPS will make the final decision for the NPS. Based on the analysis provided in the draft EIS, the following decisions will be made:

- Determine the feasibility and suitability of establishing the conservation areas.
- If the conservation areas are deemed feasible and suitable, determine whether to approve the LPP, which details the preferred management approach identified in the EIS.

The Regional Directors' decisions will be based on the legal responsibility of each agency (including the mission of each agency), other legal and policy mandates, and the vision and goals in the LPP. In addition, the Regional Directors will consider input from the cooperating agencies, Native American tribes, and the public about the draft EIS and LPP. Other considerations include land uses in the surrounding areas and other parts of the ecosystem, the environmental effects of the alternatives, and future budget projections.

Our final decisions will be documented in a record of decision that is published in the Federal Register, no sooner than 30 days after filing the final EIS and LPP with the EPA and distributing it to the public. We will begin to carry out the selected alternative immediately upon publication of the decision in the Federal Register.

1.3 The U.S. Fish and Wildlife Service and the Refuge System

The mission of the National Wildlife Refuge System is to administer a national network of lands and waters for the conservation, management, and where appropriate, the restoration of the fish, wildlife and plant resources and their habitats within the United States for the benefit of present and future generations of Americans.



The NCCA and PBCA would be monitored partly under the Refuge System in accordance with the Administration Act as amended by the Improvement Act and other relevant legislation, Executive Orders, regulations, and policies. Conservation of wildlife habitat along the Missouri River in Nebraska and South Dakota would continue to be consistent with the following:

- Land and Water Conservation Fund Act of 1956
- Migratory Bird Conservation Act of 1929
- Migratory Bird Hunting and Conservation Stamp Act of 1934
- Migratory Bird Treaty Act of 1918
- Administration Act
- Improvement Act
- North American Wetlands Conservation Act of 1968
- ESA
- Bald and Golden Eagle Protection Act of 1940
- Fish and Wildlife Act of 1956

The basic considerations in acquiring an easement interest in private lands are the biological significance of the area, biological needs of the wildlife species of management concern, existing and anticipated threats to wildlife resources, and landowner interest in the program. On approval of the conservation areas, habitat protection would occur through the purchase of conservation easements or acquisition in fee title if deemed necessary. It is the FWS's long-established policy to acquire the minimum interest in land from willing sellers that is necessary to achieve habitat protection goals.

1.4 The National Park Service and the Wild and Scenic Rivers System

As required by the 1916 Organic Act, these special places must be managed in a special way—a way that allows them to be enjoyed not just by those who are here today, but also by generations that follow. Enjoyment by present and future generations can be assured only if these special places are passed on to them in an unimpaired condition.



In 1968, Congress passed the Wild and Scenic Rivers Act. The act:

declared to be the policy of the United States that certain selected rivers of the Nation, which with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations.

The MNRR was established by Congress to protect the natural, cultural, and recreational resources of two remaining free-flowing segments of the Missouri River in the most natural state possible and to keep them available for the public, both now and in the future. The park was established under the Wild and Scenic Rivers Act with an amended mandate—hence the word “Recreational” in place of “Wild” or “Scenic” in the park’s name. The park was established by two distinct pieces of legislation more than a decade apart. It is the park staff’s responsibility to preserve, protect, interpret, restore, and enhance the Recreational River’s exceptional natural and cultural resources for the enjoyment of present and future generations.

The two legislative acts provide the following descriptions that pertain to the proposed action:

- 1978 designation
 - Missouri River: “The segment from Gavins Point Dam, South Dakota, fifty-nine miles downstream to Ponca State Park, Nebraska”
- 1991 designation
 - Missouri River: “The 39-mile segment from the headwaters of Lewis and Clark Lake to the Ft. Randall Dam”
 - Niobrara River and Verdigre Creek: “The 25-mile segment [of the Niobrara River] from the western boundary of Knox County to its confluence with the Missouri River, including that segment of the Verdigre Creek from the north municipal boundary of Verdigre, Nebraska, to its confluence with the Niobrara”

The national river boundary defines the area where the NPS has regulatory authority under the Wild and Scenic Rivers Act and where the NPS may buy easement or fee-title interest in lands. The boundary encompasses roughly 78,000 acres within the proposed conservation areas. The NPS owns 350 acres within the proposed PBCA.

Although affected by reservoirs, flow regulation, and human-altered channels in some areas, the ever-changing Missouri River has a diverse mosaic of channel habitats, including floodplains, side channels, backwaters, sandbars, pools, islands, and oxbow lakes. Accordingly, both the 59-mile segment and the 39-mile segment of the Missouri River were designated under the Wild and Scenic Rivers Act for their free-flowing condition, water quality, and outstanding recreational, fish and wildlife, scenic, historic,

geologic, and cultural values. The Wild and Scenic Rivers Act applies the recreational river classification to those rivers or sections of rivers that are readily accessible by road, that may have some shoreline development, and that may have undergone some impoundment or diversion in the past, but that still exhibit characteristics that represent the values embodied by wild and scenic rivers. The classification establishes a baseline condition of the river and describes the level of development at the time of designation. The proposed LPP is consistent with the Department of the Interior's (Interior's) charge under section 10(a) of the Wild and Scenic River Act to protect and enhance the values for which the river was designated as part of the Wild and Scenic River System.

1.5 Contributions to National and Regional Plans

Landscape Conservation Cooperatives

As the primary land, water, and wildlife manager for the Nation, Interior has an obligation to address the impacts that climate change is having on America's resources by developing integrated adaptation and mitigation strategies. Secretarial Order 3289 established a Climate Change Response Council, chaired by the Secretary of the Interior, which is coordinating activities within and across the bureaus to develop and implement an integrated strategy for climate change response by Interior. Working at the landscape, regional, and national scales through the establishment of Climate Science Centers and Landscape Conservation Cooperatives (LCCs), Interior is defining and implementing a vision that integrates Interior science and management expertise with that of its partners, providing information and best management practices (BMPs) to support strategic adaptation and mitigation efforts on both public and private lands across the United States and internationally.

This vision supports individual bureau missions while creating synergies with other Interior agencies and both governmental and nongovernmental partners to carry out integrated climate change science, adaptation, and mitigation strategies across broad landscapes. The Climate Change Response Council

promotes collaboration among LCCs and develops mechanisms for managing data and information, setting national priorities, and ensuring consistency and preventing duplication of effort among the national network of LCCs.

The proposed conservation areas lie within the recently established Plains and Prairie Pothole LCC. The work of the LCC will greatly benefit any conservation measures including the proposed NCCA and PBCA by providing high quality scientific data and information.

The State of Nebraska Natural Legacy Project

The flora and fauna of Nebraska, along with the natural habitats they occupy, are the State's natural heritage. Populations of many once-common species have declined because of a variety of stresses, including habitat loss, habitat degradation, diseases, and competition and predation from invasive species. The goals of the Nebraska Natural Legacy Project are to reverse the decline of at-risk species, recover listed species and allow for their delisting, maintain common species, and conserve natural communities.

The Nebraska Natural Legacy Project seeks to create new opportunities for collaboration among farmers, ranchers, communities, private and governmental organizations, and others for conserving Nebraska's biological diversity. The Nebraska Natural Legacy Project is a nonregulatory, voluntary, incentive-based conservation effort that would support the proposed conservation areas by offering added help to landowners in the management of natural areas.

The State of South Dakota Wildlife Action Plan

The South Dakota Wildlife Action Plan seeks to strategically address the needs of all fish and wildlife species, with priority on species of greatest concern and in need of conservation. The South Dakota Wildlife Action Plan takes a broad view of landscapes from a fish and wildlife perspective. The plan considers the location of essential habitats, changes since settlement, species at risk, and habitat improvement. The purposes and goals of the proposed conservation areas are compatible with the South Dakota Wildlife Action Plan.

Natural Resources Conservation Service—Wetlands Reserve Program

The NRCS provides national leadership in the conservation of soil, water, and related natural resources. As part of the U.S. Department of Agriculture (USDA), the NRCS provides balanced technical help and cooperative conservation programs to landowners and land managers throughout the United States.

In the Nebraska portions of the proposed conservation areas, the NRCS has an active Wetlands Reserve Program (WRP)—a voluntary program offering landowners the opportunity to protect, restore, and enhance wetlands on their properties. NRCS aims to achieve the greatest wetland functions and values, along with optimum wildlife habitat, on every acre enrolled in the program. Through the WRP, NRCS provides technical and financial support to help landowners with their wetland restoration and long-term conservation efforts. As of 2011, approximately 11,000 acres have been protected through wetland easements in the proposed conservation areas. The proposed conservation areas would not conflict with any NRCS programs; moreover, our role in buying easements could help the NRCS achieve WRP goals and objectives.

Species Recovery Plans

Species recovery plans are discussed in the species descriptions in “Chapter 4—Affected Environment.”

U.S. Army Corps of Engineers—Master Water Control Manual

The reservoir system on the main stem Missouri River is operated by the USACE in accordance with the “Missouri River Master Manual.” Last updated in 2004, this manual includes a water control plan that guides how much water should be released, when, and for how long from the six reservoirs that make up the system. The plan is based on hydrologic models that consider variables such as volume, timing, and the distribution of snow and rainfall runoff; these models have been built on more than 100 years of historical runoff records (1898–2004). The water control plan provides management guidance to sup-



A clutch of eggs lies in a piping plover nest.

port the purposes for which Congress authorized construction of the system: flood control, navigation, water supply, water quality, hydropower, irrigation, recreation, and fish and wildlife. The USACE strives to balance operation of the system to serve these purposes.

The USACE’s operation of the main stem dam system has caused numerous ecosystem changes as well as impacts on individual species. The proposed conservation areas would seek to mitigate these impacts by providing more habitat and protecting floodplain lands important to species recovery as well as river and floodplain ecology.

U.S. Fish and Wildlife Service—Lake Andes National Wildlife Refuge Complex Comprehensive Conservation Plan

A comprehensive conservation plan (CCP) was recently completed for the three units of the refuge complex: Lake Andes National Wildlife Refuge, Lake Andes Wetland Management District, and Karl E. Mundt National Wildlife Refuge, all in South Dakota. This CCP describes the management and use of these three units of Lake Andes National Wildlife Refuge Complex for the next 15 years. The proposed conservation areas would be managed, in part, by the same staff who manage the refuge complex. It is expected that the issues and conservation management direction of the proposed conservation areas would be compatible with those of the Lake Andes National Wildlife Refuge Complex.

U.S. Fish and Wildlife Service—Partners for Fish and Wildlife Program, Mountain–Prairie Region Strategic Plan, Eastern Tallgrass Prairie and Prairie Pothole Focus Areas

The Nebraska Partners for Fish and Wildlife Program will continue to work with its partners to control invasive species, restore and improve native grassland conditions, and promote biodiversity by restoring and enhancing important habitats. Additional opportunities may arise to work with its partners to restore riverine wetlands and wet meadow habitats along the confluence of the lower Niobrara and Missouri Rivers.

The Mountain–Prairie Region Strategic Plan identifies focus areas throughout the region for the Partners for Fish and Wildlife Program to prioritize its efforts. The NCCA and PBCA are within the following focus areas.

The northern portion of the Eastern Tallgrass Prairie focus area, encompassing the Missouri River and its associated habitats, has been expanded recently to include land at the confluence of the Verdigris-Bazile, Lower Niobrara, and Missouri Rivers; the focus area now includes a portion of eastern Boyd County.

The southern portion of the Prairie Pothole focus area also includes the Missouri River. This focus area contains the glaciated portion of the state, which is characterized by a documented potential to support at least 20 breeding duck pairs per square mile. Preserving this focus area as a viable “recruitment source” for all suites of prairie-nesting birds has been identified as an urgent priority for FWS, Delta Waterfowl, and Ducks Unlimited. While many of the habitat actions in this focus area are designed to con-

serve waterfowl breeding habitat, they also have direct benefits for the entire spectrum of ground-nesting birds. These mutual conservation benefits are especially vital to grassland-nesting passerines—widely considered to be one of the most imperiled bird guilds in North America (Peterjohn and Sauer 1999).

National Park Service—General Management Plans, Missouri National Recreational River

The general management plans for the MNRR were written in 1997 (for the 39-mile segment) and 1999 (59-mile segment). The plans describe the goals and management activities anticipated for the national recreational river. The management described in the plans is consistent with the basic goals and principles of the proposed conservation areas.

North American Waterfowl Management Plan

Enacted in 1986, the “North American Waterfowl Management Plan” addresses declining waterfowl populations. The plan relies on the actions of joint ventures, of which there are 17 in the United States. The Prairie Pothole Joint Venture (PPJV) coordinates conservation efforts in North Dakota, South Dakota, Minnesota, Iowa, and Montana. Many PPJV projects are active within the proposed conservation areas and use funding partnerships with many entities. The proposed conservation areas are home to ducks, geese, sandhill cranes, tundra swan, as well as many other nonresident waterfowl species. Accordingly, activities under this international plan will aid in protecting, restoring, and enhancing high-priority wetland and grassland habitat to help sustain populations of waterfowl, shorebirds, waterbirds, and terrestrial prairie birds in the proposed conservation areas.

National Fish Habitat Partnership Action Plan

The National Fish Habitat Partnership (NFHP) was born in 2001 when an ad hoc group supported by the Sport Fishing and Boating Partnership Council



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Tallgrass prairie is found in the proposed project area.

explored the notion of developing a partnership effort for fish on the scale of what was done for waterfowl in the 1980s through the North American Waterfowl Management Plan. The waterfowl plan has worked wonders in the past 2 decades to boost waterfowl populations by forming strong local and regional partnerships to protect key habitats.

The mission of the “National Fish Habitat Partnership Action Plan” is to protect, restore, and enhance the Nation’s fish and aquatic communities through partnerships that foster fish habitat conservation and improve the quality of life for Americans. The NFHP is compatible with the goals and purposes of the proposed conservation areas.

U.S. Army Corps of Engineers— Missouri River Recovery Program

The aim of USACE’s Missouri River Recovery Program (MRRP) is to restore the Missouri River ecosystem to its natural form and function through habitat creation and flow modifications by using science, public involvement, and collaboration with agency partners and stakeholders. Although the river will never be the wild, dynamic, and uncontrolled system it once was, portions of the ecosystem can be revitalized to meet the needs and interests of all the area’s inhabitants. Accordingly, the primary goal of the MRRP—which applies to the proposed conservation areas—is to create a sustainable ecosystem that supports thriving populations of native species while considering current social and economic values. Numerous plans have been written in support of the MRRP, such as a cottonwood management plan, an emergent sandbar habitat plan, and a spring pulse plan. The program is compatible with the goals and purposes of the proposed conservation areas.

Missouri River Ecosystem Recovery Plan

The USACE’s MRRP, in partnership with the FWS, is conducting a collaborative long-term study authorized by the Water Resources Development Act of 2007. The study, known as the Missouri River Ecosystem Restoration Plan (MRERP) and EIS, will identify the actions required to mitigate losses of aquatic and terrestrial habitat, recover federally listed species under the ESA, and restore the ecosystem to prevent further decline of native species. When completed, the plan will guide USACE’s mitigation, restoration, and recovery efforts on the Mis-

souri River for the next 30–50 years. The plan is a multiyear effort; however it was not funded in 2012. The proposed conservation areas would be consistent with implementation of the MRERP.

Migratory Bird Program

The FWS has a legal mandate and a trust responsibility to maintain healthy migratory bird populations for the benefit of the American public. The FWS is authorized by primary conventions, treaties, and laws to ensure the conservation of more than 800 species of migratory birds and their habitats. The FWS works with many foreign governments, State and other Federal agencies, tribes, nonprofit organizations, academic institutions, industries, and private individuals, both within the United States and abroad, to meet these mandates. To meet the migratory bird conservation challenges of the 21st century, the Migratory Bird Program adheres to the principles of sound science and collaborative partnerships in its migratory bird conservation and management activities. Summer nesting habitat for two federally listed endangered migratory bird species—least tern and piping plover—occurs within the proposed conservation areas. The proposed conservation areas would strongly support the goals of the Migratory Bird Program.

The Nature Conservancy Ecoregional Portfolio

The NCCA is primarily located in The Nature Conservancy’s Dakota Mixed Prairie Ecoregion, while the PBCA is split between the Northern and Central Tallgrass Prairie Ecoregions. A terrestrial ecoregion is a regional landscape that supports recognizably distinctive groupings of plants, animals, and natural communities associated with regional patterns of climate, landform, soil, and hydrology. The Nature Conservancy has prioritized portions of the Missouri River ecosystem downstream of Gavins Point Dam as well as Verdigre Creek and the Niobrara River as important terrestrial habitats.

Nebraska Surface Water Quality Standards (Title 117)

The Nebraska Department of Environmental Quality has a legal mandate to maintain and protect

the existing quality of surface waters designated as Class A State Resource Waters. Much of the surface water in the proposed project areas is considered Class A. In addition to Class A, there are also Class B waters in the project area. The proposed LPP would be consistent with the regulations outlined in Title 117 of the State’s Antidegradation Clause.

South Dakota Antidegradation of Waters of the State (74:51:01:34)

Similar to Nebraska, the State of South Dakota has enacted legislation that states “No further reduction of water quality may be allowed for surface waters of the state that do not meet the water quality levels assigned to their designated beneficial uses as a result of natural causes or conditions, and all new discharges must meet applicable water quality standards.” The proposed LPP would be consistent with the regulations outlined under this State regulation.

1.6 Planning Process

In 2000, the FWS issued guidance on land protection planning. This guidance directs the FWS to identify areas of significant biological value and recommend those areas to be analyzed in more detail. Figure 2 outlines the steps of the LPP and environmental analysis process.

On September 27, 2010, we submitted a preliminary project proposal for the NCCA and PBCA to the Director of the FWS. On December 16, 2010, the Director approved our request to conduct further planning on the NCCA and PBCA. We began planning the NCCA and PBCA in January 2011 with the establishment of a core planning team comprising FWS and NPS staff. Appendix A lists the planning team members, cooperating agency team members, and contributors for this planning process.

The core team is responsible for the analysis, writing, and production of the draft and final versions of the LPP and EIS. The core team also developed a preliminary vision and set of goals. The cooperating agencies (section 1.7) are part of the larger planning team, which has met throughout the process to develop and review the alternatives and to review drafts of the LPP and EIS. While developing the LPP and EIS, the planning team collected information about the resources of the proposed conservation areas and surrounding region. This information is summarized in chapter 4 and served as a baseline for

analyzing the predicted effects of alternatives documented in chapter 5.

Table 1 lists these and other planning activities that have occurred to date.

Subsequent Planning Activities

If the proposed conservation areas are approved, the following planning activities would occur:

- We will jointly develop an interim conceptual management plan for managing fee-title lands until a CCP can be completed. The conceptual management plan will help guide the management of acquired parcels in the short term and include items such as interim compatibility determinations. It will also outline how we will comanage those parcels as well as areas under conservation easement.
- A CCP will be developed for the conservation areas once adequate properties have been acquired and there is a need for a more detailed management plan; ideally this will be within five to ten years after the project has been approved. The CCP will describe the management and use of these areas for the following 15 years. It will outline the management needs and the necessary staff to implement these actions.

1.7 Public Involvement

Public scoping began February 15, 2012, when we published a notice of intent to prepare an LPP and EIS in the Federal Register. We conducted five public meetings during scoping, mailed a planning update, posted information on the LPP Web page, and coordinated with Federal, State, and local agencies as well as Native American tribes.

Important considerations in the development of the NCCA and PBCA—including the vision, goals, objectives, and strategies—are the opinions, perspectives, and values of all interested citizens, agencies, and organized groups. While there are no requirements to base management decisions on public opinion, we value and consider public input. As detailed in appendix B, we have consulted with Native American tribes and actively involved Federal and State agencies, local governments, organizations, and private citizens throughout the process.

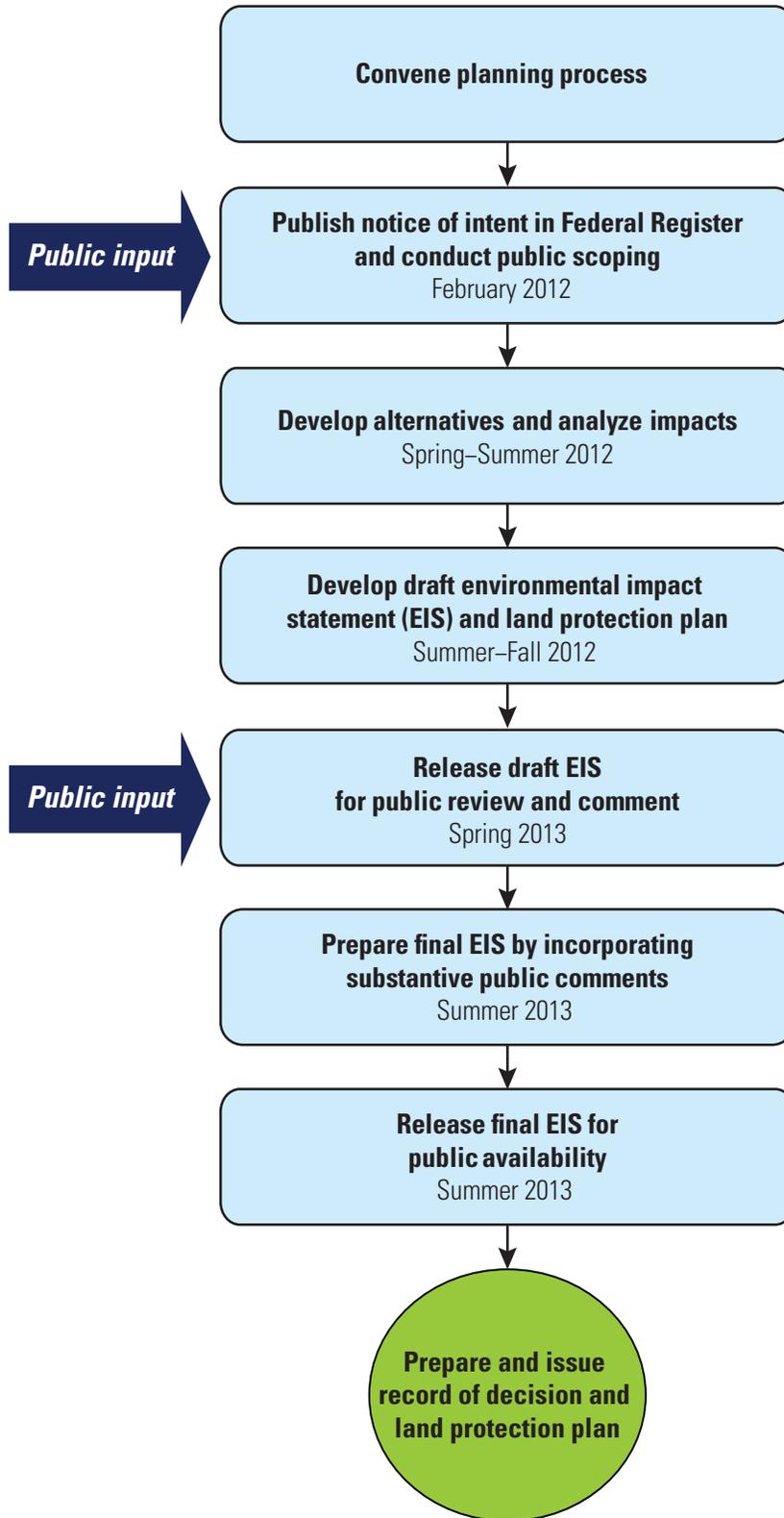


Figure 2. Process for land protection planning and environmental analysis for the proposed Niobrara Confluence and Ponca Bluffs Conservation Areas, Nebraska and South Dakota.

Table 1. Summary of the planning activities to date for the Niobrara Confluence and Ponca Bluffs Conservation Areas, Nebraska and South Dakota.

<i>Date</i>	<i>Planning activity</i>	<i>Outcome</i>
September 27, 2010	Preliminary project proposal	Submitted initial project proposal to the FWS's office in Washington, DC, to begin public outreach.
December 16, 2010	Preliminary project proposal	Director of the FWS approved preliminary project proposal. Public involvement period began.
January 2011	Initial site meeting	Established final core planning team. Identified initial list of issues and qualities. Developed LPP overview and mailing list.
April 27, 2011	Congressional briefing	Conducted initial meeting with congressional and gubernatorial staff to outline project proposal.
June 13, 2011	Tribal outreach	Sent formal letters to 21 Native American tribes with tribal or aboriginal interest informing them of the project and offering government-to-government consultation.
August 26, 2011	Meeting and workshop for vision and goals	Core team members met to outline project vision, goals, and objectives. Refined mailing list and interested parties list.
January 12, 2012	Cooperating agency team invitation	Sent invitations to 13 prospective cooperating agencies with jurisdiction or expertise on the proposed action.
January 30, 2012	Tribal outreach	Sent formal letters to 21 Native American tribes with tribal or aboriginal interest informing them of the project and offering government-to-government consultation and informing them of the public scoping period.
February 6, 2012	Scoping	Issued and mailed press releases and 4-page factsheets announcing the public scoping period.
February 15, 2012	Notice of intent in Federal Register	Published notice of intent to develop LPP and EIS and a request for comments in the Federal Register (scoping comments accepted until March 16, 2012).
February 21–24, 2012	Public meetings	Held 5 public meetings in Nebraska and South Dakota. A total of 108 individuals attended the 5 meetings.
March–April 2012	Scoping report	Documented public comments from the comment period and identified significant issues.
April 17–19, 2012	Planning team meeting	Developed draft alternatives with core planning team and cooperating agencies.
January 31–February 15, 2013	Internal review of draft EIS and LPP	Conducted an internal review of the EIS and LPP with the cooperating agency team.

Cooperating Agencies

We sent letters of notification about the planning process, including an invitation to take part in the planning team, to 13 agencies with jurisdiction or expertise in relation to the proposed action. The agencies listed below agreed to be a part of the cooperating agency team: National Oceanic and Atmospheric Administration, Nebraska Game and Parks Commission, Nebraska Natural Resource Conservation Service, South Dakota Department of Game, Fish and Parks, South Dakota Natural Resource Conservation Service, U.S. Army Corps of Engineers, and the U.S. Environmental Protection Agency.

Tribal Coordination

We sent letters of notification about the planning process, including an invitation to take part in the planning team, to 21 tribes with tribal or aboriginal interest in the proposed conservation areas. We have continued to communicate with the tribes and encourage participation in the LPP process. We formally consulted with the Yankton Sioux Tribe in March 2012.

Involvement of Interested Groups and the Public

Many interested groups and private citizens have participated in the LPP process by attending public meetings, submitting comments, or obtaining information about the plan from the LPP Web page or other outreach methods. The project has been discussed on numerous occasions at the quarterly Missouri River Recovery Implementation Committee meetings and presented to each county commission or county supervisor in the project vicinity.

1.8 Scope of the Document

This planning process considers different geographic designations, as described below.

Decision Area

Also referred to as the proposed conservation areas or project area, the decision area is the area within the proposed boundaries for the NCCA and PBCA (figure 3). Where other agencies or organizations (for example, the USACE or NRCS) hold primary jurisdiction, we would work with those entities and the associated landowner (if applicable) to develop conservation efforts. Chapter 2 provides a complete description of the proposed conservation areas.

Analysis Area

The analysis area includes the decision area and surrounding areas where most of the direct, indirect, or cumulative effects could occur as a result of implementing the alternatives. The analysis area includes the area used in the socioeconomic analysis (chapters 4 and 5). Additionally, the foreseeable activities in this area that could result in cumulative effects are described in detail in chapter 3.

1.9 Significant Issues to Address

Through the scoping process, we identified many qualities of the Missouri River along with issues and recommendations. Based on this information as well

as guidance from NEPA and planning policies, we identified the following significant issues to address in the final LPP and EIS:

- local economies and tourism (socioeconomics)
- partnerships and collaboration
- ecological and river functionality
- cultural resources
- recreational opportunities
- wildlife, fisheries, and their habitats

The planning team considered every comment received during the public scoping process. These comments were grouped into related topics and sub-topics as described in the public scoping report (appendix B). Significant issues are those that suggest different actions or alternatives and that will influence the decisionmakers.

Local Economies and Tourism (Socioeconomics)

It is important to manage resources and public uses in ways that protect the resources, are financially responsible, and are integrated with the economic viability of the surrounding communities. The LPP and EIS address the following socioeconomic issues:

- increased public use of and visitation to the analysis area and the resulting increased economic activity in the area
- introduction of public money to the local community through the payment of conservation easements
- Refuge Revenue Sharing (RRS) and Payment in Lieu of Taxes (PILT) payments to local counties if fee-title acquisition is used

Partnerships and Collaboration

Numerous Federal, State, tribal, and nongovernmental agencies and organizations manage land and implement laws associated with the Missouri River.

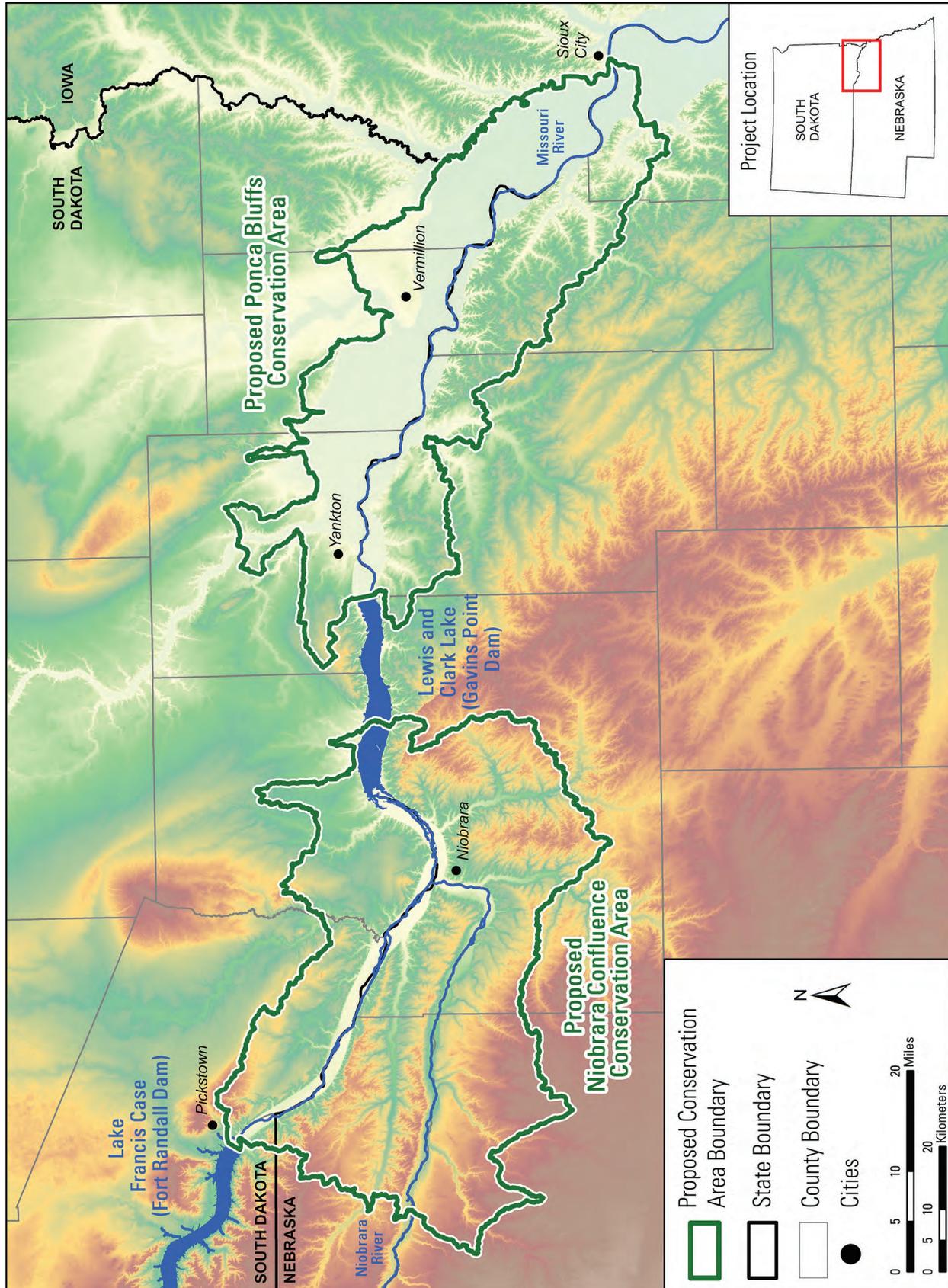


Figure 3. Boundaries of the proposed Niobrara Confluence and Ponca Bluffs Conservation Areas, Nebraska and South Dakota.

Besides the FWS and NPS, some of the key Federal agencies are the NRCS, the USACE, the U.S. Geological Survey (USGS), EPA, and the Bureau of Indian Affairs. Additionally, 3 tribes are also located on the main stem of the river and 17 other tribes have ancestral interest in the area. The NRCS works with numerous private landowners on conservation actions and holds easements in both proposed project areas. The NGPC and SDGFP manage several properties along the river. In addition, local organizations such as Nebraska's Natural Resource Districts manage water resources, and the Northern Prairie Land Trust works with landowners on conservation efforts. The LPP and EIS address the following issues:

- description and clarification of overlapping jurisdictions and opportunities for landowners
- identification of where agencies and organizations can combine efforts and work collaboratively
- consultation and coordination with Federal, State, and local partners

Ecological and River Functionality

The Missouri River system as a whole has experienced significant alterations through anthropogenic changes such as large main stem dams inundating significant stretches of river and channelization in the lower third of the river. Flows are highly regulated by six major impoundments and three smaller impoundments built to generate electricity and provide flood control. Because hydrogeomorphic processes have been so altered, the floodplain has become more accessible to other human activities, especially agriculture and urbanization. Such activities have led to fragmentation of corridors both longitudinally (along the river) and laterally (across the valley). These corridors are important to the many plants and animals that rely on the Missouri River ecosystem.

Nevertheless, outside the areas of these impoundments and other alterations, the Missouri River has shown resiliency, exhibiting numerous historical characteristics witnessed by Lewis and Clark during their explorations in the early 1800s. This project is designed to allow the Missouri River to flow and meander naturally to the extent possible, keeping those habitat characteristics important to Federal trust species such as pallid sturgeon, least tern, and

piping plover. The LPP and EIS address the following:

- altered main stem flows (water and sediments) and their impact on resources
- prior and ongoing conservation efforts by landowners and agencies to improve habitat conditions

Cultural Resources

Humans have lived in the middle Missouri River region for more than 12,000 years. The sites, buildings, structures, and objects left by these people provide an irreplaceable record that reflects their stories, lives, and legacies. These cultural resources consist of prehistoric and historic places of local, state, or national significance and include those that have been placed on the National Register of Historic Places and others that have yet to be formally documented. The LPP and EIS address the following aspects of cultural resources:

- identification, documentation, and evaluation of cultural resources
- consultation with State agencies, Indian tribes, and the public concerning the location, importance, and preservation of these resources
- preservation and interpretation of significant individual resources, such as Spirit Mound and the Yankton Sioux Treaty Monument, and cultural landscapes, including those experienced by Lewis and Clark
- encouragement and support for ongoing research and interpretation of these resources

Recreational Opportunities

The proposed NCCA and PBCA and their surrounding areas provide recreational opportunities for many residents of the four-state region of South Dakota, Nebraska, Iowa, and Minnesota, while also attracting visitors from across the United States and other countries. Recreational opportunities are widely varied and consist of, but are not limited to, hunting, fishing, boating, camping, paddling, and photography. These resources are not only extremely

important to the recreationists but the local communities as well. The LPP and EIS address the following aspects of public use and access:

- availability of safe public access points to the Missouri River
- availability of public hunting and fishing areas
- motorized and nonmotorized access and law enforcement
- impact of users of public lands on neighboring private landowners
- location of interpretation sites such as visitor centers, historic monuments, and wildlife viewing stations
- habitat needs for the endangered pallid sturgeon, other fish species of concern, and game fish
- role surrounding grasslands and forestlands play in supporting river-dependent species while also providing habitat for other species
- opportunities to improve habitat conditions for all species

Wildlife, Fisheries, and Their Habitats

The Missouri River and its surrounding riparian, grassland, and woodland habitats provide an exceptional resource for a wide variety of wildlife and fish including the following:

- 249 species of migratory birds
- 50 species of mammals
- 21 species of reptiles
- 10 species of amphibians
- 94 fish species (72 native and 22 introduced)
- 704 plant species
- Up to 10 threatened or endangered species (including the focal species for this project: piping plover, least tern, and pallid sturgeon)

The proposed action is designed to work with others to maintain and build on existing areas important for the above-mentioned species while also improving habitat conditions. The LPP and EIS address the following aspects:

- habitat requirements for successful productivity of migratory bird species—especially bald eagles, piping plovers, and least terns

1.10 Issues Not Addressed

Several issues identified during public scoping and alternatives development were not selected for detailed analysis in the LPP and EIS. In accordance with requirements of NEPA, we have identified and eliminated from detailed study those issues that are not significant or are beyond the scope of this planning process. These issues and the rationales for not selecting them as significant issues are briefly described below.

Modification of Missouri River Water Flows and Authorized Purposes

Section 9 of the 1944 Flood Control Act, as amended, authorized the USACE to manage the Missouri River system for water control—flood control, navigation, power generation, water supply, irrigation, recreation, and fish and wildlife. The USACE's management approach included the construction of six dams and their reservoirs and the alteration of 1,100 miles of the natural river system to Gavins Point Dam (the lowermost of the six dams). Management activities authorized by the Flood Control Act also included channelization and bank stabilization of the lower Missouri River from Sioux City, Iowa, to St. Louis, Missouri, to accommodate navigation activities.

Authorized purposes were directed to the USACE by Congress through various public laws. We have no jurisdictional authority over the USACE nor possess the authority to change public law. Accordingly, the proposed action will not revise authorized purposes or water flows as determined through the “Master Water Control Manual.”

Use of Emergent Sandbar Habitats along the Missouri River

USACE implements the Emergent Sandbar Habitats Program that mechanically creates quality sandbar habitat for two federally listed species of birds, the endangered interior population of least tern and the threatened northern Great Plains piping plover. Habitat quantity goals are established for the program in the FWS's 2003 "Amended Biological Opinion on the Operation of the Missouri River Mainstem System." The historical hydrograph of the Missouri River has been permanently altered as a result of the construction of the six main stem dams. Because the system is permanently altered, the historical flow regime that existed before construction of the dams has changed dramatically. Before construction of the dams, the mountain snowmelt and the plains snowmelt would create two separate influxes of water into the system each spring. These snowmelt events coupled with spring rains would annually erode and deposit sand, resulting in the creation of barren sandbars. Least terns and piping plovers prefer sparsely vegetated sandbars that are not connected to adjacent banks as nesting and foraging habitat.

The USACE prepared the "Programmatic Environmental Impact Statement for the Mechanical and Artificial Creation and Maintenance of Emergent Sandbar Habitat in the Riverine Segments of the Upper Missouri River" that analyzes the environmental, cultural, cumulative, and socioeconomic effects of implementing the biological opinion acreage targets. In its record of decision for that document, the USACE selected an adaptive management implementation process as its preferred alternative with a construction ceiling of acres associated with alternative 3.5 as the selected plan.

The NEPA process for this project was completed with publication of the record of decision in August 2011.

Designation of Missouri National Recreational River

The designation of the MNRR by Congress occurred in two phases (1978 and 1991). These designations were made by Congress and directed the NPS to manage portions of the river as a recreational river under the Wild and Scenic Rivers Act.

The proposed action does not have the authority to change the decision to designate these areas as a recreational river.

Placement and Approval of the Keystone XL Pipeline

On May 4, 2012, the Department of State received a new application from TransCanada Corporation for a proposed pipeline that would run from the Canadian border to an existing pipeline in Steele City, Nebraska. The new application included proposed routes through the State of Nebraska, primarily west of the decision area for this project. The Department of State is preparing a supplemental EIS to evaluate the new Keystone XL pipeline permit application. That document will include thorough analysis of the new route in Nebraska, as well as analysis of any significant new information and circumstances relevant to environmental concerns that have become available since the final EIS was completed in August 2011 on the original Keystone XL project.

As with the Missouri River water flows issue discussed above, we have no jurisdictional authority over the placement or approval of this pipeline. Accordingly, this analysis will only discuss the Keystone XL Pipeline as a reasonably foreseeable action in the cumulative effects analysis (chapter 5).

