

Draft Land Protection Plan

This Land Protection Plan provides a general description of the operations and management of the Rainwater Basin Expansion Project (Rainwater Basin Wetland Management District Expansion Project, as outlined in the proposed action described in the Rainwater Basin Wetland Management District Expansion Project Environmental Assessment. The Service (U.S. Fish and Wildlife Service) developed this Land Protection Plan to provide local landowners, governmental agencies, and the interested public with a general understanding of the anticipated management approaches for the proposed acquisition program. The purpose of the Land Protection Plan is to present a broad overview of the Service's proposed management approach to wildlife and associated habitats, public uses, interagency coordination, public outreach, and other operational needs.

Introduction and Project Description

The Rainwater Basin Expansion Project would be implemented in the main portion of the Rainwater Basin region of south central Nebraska. Although the Rainwater Basin includes all or portions of 21 counties, the project would be restricted to the 13 counties that currently make up the Rainwater Basin Wetland Management District: Adams, Clay, Fillmore, Franklin, Gosper, Hall, Hamilton, Phelps, Polk, Kearney, Saline, Seward, and York (figure 1).

The region is characterized by low, rolling topography with loess soils and contains a high density of shallow wetlands that are an internationally known stopover for migratory birds. Settlement of the region resulted in the conversion, primarily to cropland, of about 84 percent of the historic wetlands. The remaining wetlands are becoming increasingly important to the central flyway. Birds from the gulf coast states and Mexico funnel through this region before spreading out across the Prairie Pothole Region and areas further north. While here, ducks, geese, and shorebirds use the wetlands for food and resting. Body fat gained while in the Rainwater Basin is needed for successful production on their nesting grounds.

The Service intends to expand its acquisition program from its current limit of 24,000 acres to 38,177

acres. The Service will purchase 9,177 acres in fee-title and the remaining 5,000 acres in conservation easements. The specific locations of the acquisitions are not known nor can they be determined. The lands that will be acquired will be based on willing sellers and identified wetland characteristics. The identified wetland characteristics are those that have the most influence on waterfowl use.

The purposes of the Rainwater Basin Expansion Project are to:

- Preserve the landscape-scale ecological integrity of the Rainwater Basin by maintaining and enhancing the hydrology, flora, and fauna of wetlands.
- Support the recovery and protection of threatened and endangered species and reduce the likelihood of future listings under the Endangered Species Act.
- Provide a buffer against climate change by providing migrational habitat for millions of migrating birds.
- Increase the amount of natural foods available to support healthy productive birds on their northern nesting areas.

Threats to and Status of the Resources

A spring 2004 assessment of available wetland habitat showed that only 16 percent of the historical wetlands had some wetland function. The rest have been lost to development. Today, only 8.5 percent (18,067 acres) of the historic wetland acres are in public ownership. Public wetlands are represented by 90 distinct properties, containing all or portions of 168 wetlands or 1.5 percent of the 11,000 historical wetlands (USFWS, Grand Island GIS Shop, unpublished). These few wetlands provide about 45 percent of the waterfowl habitat in the region. Increasing commodity prices are causing higher land prices and more development, threatening the remaining unprotected wetlands.

The conversion of wetlands and grassland has caused birds to concentrate in fewer areas, increasing the risk of disease outbreaks and competition for natural foods. Waste grain has replaced much of the natural foods in waterfowl diets. Although corn meets the caloric requirements, it is deficient in many of the

nutrients found in natural foods (Baldassare and Bolen 1994, Krapu et al. 2004).

Proposed Action

The Service would increase its land acquisition goal from 24,000 to 38,177 acres within the Rainwater Basin Wetland Management District. All the lands will be acquired from willing sellers, with acquisition occurring over as many years as necessary to reach the new goal.

Property would be purchased by one of two methods: fee-title and easement. Fee-title acquisition would total 9,177 acres and would target two types of wetlands: those currently sharing partial ownership by the Service, and larger wetlands located within a complex of smaller wetlands.

Conservation easements would be purchased on 5,000 acres. Approximately 2,500 acres would be wetlands, with the remaining 2,500 being surrounding upland buffer. Easements will be purchased from willing sellers and will be restricted to those wetlands located near State and Service-owned wetlands.

Purchase of both fee-title and easements would be done strategically using GIS technology to identify those wetlands having the highest potential for waterfowl habitat. Wetlands would be prioritized by rating wetland and landscape characteristics that are critical to waterfowl.

Protection Alternatives

Protection alternatives are limited to no action, acquisition by others, or acquisition by the Service.

No Action

The consequences of the No-Action Alternative were considered unacceptable and led to the selection of the proposed action to expand land acquisition to 38,177 acres. Under this alternative, the Service would continue acquiring wetlands until it reaches its current authorization of 24,000 acres. After the authorization level has been reached, any additional acres in the Rainwater Basin that would come under Service ownership would come from donations or gifts from landowners, conservation organizations, and other government agencies.

Management of Service lands would continue as described in the 2007 Rainwater Basin Comprehensive Conservation Plan. WPAs (waterfowl production areas) with portions of the wetland in private ownership would not reach their full potential. Prescribed burning, pumping, and grazing would be more limited because of split ownership. Refuge revenue-sharing

payments would continue to be made to counties with Service lands.

Many of the privately owned wetlands vulnerable to drainage or other destruction would be lost. The burden to protect wetlands without compensation would lay more heavily on private landowners. Future wetland protection would rely primarily on the Wetland Reserve Program and conservation organizations such as Ducks Unlimited. Although their contributions are significant, they are not expected to be enough to meet waterfowl needs. Conservation work by a wider spectrum of conservation partners would be needed.

EXPANSION OF LAND ACQUISITION (PROPOSED ACTION)

Strategic acquisition of fee-title and conservation easements is the best strategy for ensuring that key wetlands reach their full potential. Under the proposed action, the Service would increase its acquisition goal from 24,000 acres to 38,177 acres within the Rainwater Basin Wetland Management District. Lands would be acquired from willing sellers only, and the focus would be on wetlands. Wetlands having characteristics that are biologically important to migratory birds would be targeted. Those characteristics include the potential hydrology and location of the wetland in relation to other important wetlands. Factors such as the presence of roads and power lines would also be considered when wetlands are prioritized.

Priority Areas

A rating system that considers the various characteristics important to migratory birds has been developed by the Rainwater Basin Joint Venture and area biologists. Using GIS technology, a priority map was created that identifies individual wetlands as well as complexes of wetlands that provide the most benefit to birds.

Overall, the proposed action would focus on acquiring fee-title in two types of wetlands. The highest priority would be to acquire portions of wetlands that adjoin existing WPAs, which would allow for better management of the entire wetland. Management practices such as prescribed burning, grazing, and water delivery are more effective when the entire wetland can be managed. The second type of wetlands that would be considered for acquisition would be larger wetlands located within a complex of smaller wetlands. Waterfowl prefer using wetlands within a complex of wetlands. A complex provides different wetlands for different needs, such as feeding, loafing, and roosting.

Easement acquisition will target smaller wetlands close to a larger, publicly owned wetland. This strategy would allow the numerous small wetlands to remain in private ownership while still protecting the integrity of the wetland complex. Easements would protect the

wetlands from future alteration and keep the adjoining upland in grassland. The landowner would retain access, grazing, and haying rights.

Management

Acquired lands would be managed by the Rainwater Basin Wetland Management District, as described in 2007 Comprehensive Conservation Plan. Easement monitoring would include periodic review of land status through correspondence and meetings with landowners or managers to ensure that the stipulations of the easement are being met.

Payment in lieu of taxes from the Refuge Revenue Sharing Act will be paid to counties for lands in fee-title ownership by the Service. Taxes on lands containing a conservation easement will continue to be paid by the landowner.

Acquisition Alternatives

The Service proposes to acquire conservation easements principally by using funds appropriated under the LWCF (Land and Water Conservation Act), which derives funds from royalties paid for offshore oil and gas leasing. Such funds are intended for the protection of recreational and natural resource lands. Funding is subject to annual appropriations by Congress for specific acquisition projects.

Monies from other sources may also be used within the project area. Funding for management of acquired properties will come from Congress as appropriated to the National Refuge System.

Coordination

The Service has discussed the proposal to expand land acquisition in the Rainwater Basin with landowners; conservation organizations; other Federal agencies; tribal, State, and county governments; and other interested groups and individuals. Approximately 170 fact sheets were mailed out, and project information was also made available at the Wetland Management District and regional planning Web sites.

The Service held two public meetings to provide information and discuss the proposal with landowners and other interested citizens. Information on the proposal has been made available to county commissioners in each of the 13 counties included in the project area.

At the Federal level, information was provided to the Congressional delegation as well as to representatives from the U.S. Department of Agriculture (Natural Resources Conservation Service). At the State level, information was provided to Governor Heineman's

staff and Nebraska's senators. Information was also provided to tribes within the State.

Nongovernmental conservation groups are vital to the success of the proposed action. The Service has coordinated with partner organizations such as The Nature Conservancy, Natural Resource Districts, and Ducks Unlimited.

Socio-cultural Considerations

Rainwater Basin is recognized as among the most productive cropland in Nebraska. The fertile soils, accompanied by irrigation, allow for the high annual yields of corn and soybeans. For the numerous small, rural towns, agriculture is the basis of their existence. Larger commercial hubs such as Hastings and Grand Island have a broader economic base, including manufacturing and service industries.

Counties containing only small towns rely heavily on real estate taxes on agricultural land to support their infrastructure and services. As land is converted from low-production to high-production agriculture (such as irrigated farmland), tax assessment goes up, which in effect slightly lessens the tax burden on all other landowners.

Even when it is not economically prudent to farm a piece of property, the culture encourages attempts to farm it. It is common to see wetlands or wet soils consistently farmed with little or no harvest occurring.

Wetland restoration and preservation is often seen as "counter-culture" within the rural communities. Wetlands that are permanently protected are seen as potential farming land that is lost for production and tax revenue. These areas are often referred to as waste ground. The three common concerns associated with wetland protection—and expressed within the rural communities—are loss of tax revenue, declining rural populations, and higher land prices.

In contrast, conservation organizations see a strong need to protect the remaining wetlands before they too are converted. The result is animosity toward the organizations and wetland protection.

Such animosity has been expressed most in Clay County. The county is located within the Rainwater Basin's highest concentration of wetlands, and the Service owns more wetland acres in this county than any other in the basin. Last year, the County Board of Supervisors sent out letters to other counties' governments throughout the State asking them to support opposition to Service acquisition of lands within the State.

Outside the Rainwater Basin, people are generally supportive of wetland protection and recognize

the basin's value as a Nebraska natural resource and its contribution to bird migrations.

Summary of Proposed Action

The Service intends to purchase an additional 14,177 acres of wetlands and associated uplands for the benefit of migrating birds, primarily waterfowl and shorebirds. Fee-title acquisition will be used to acquire 9,177 acres. Easement acquisition will be used to acquire protection rights on the remaining 5,000 acres. Purchases will be from willing sellers and will strategically target those wetlands that most benefit migratory birds. Fee-title acquisition will be on two types of wetlands, those partially in private ownership but part of a WPA,

and larger wetlands that serve as the core wetland in a complex of smaller wetlands. Easements will be purchased on biologically significant wetlands that lie close to State or Federally owned wetlands.

Literature Cited

- Baldassare, G. A.; Bolen, E.G. 1994. Waterfowl ecology and management. New York: John Wiley. 567 p.
- Krapu, G. L.; Brandt, D.A.; Cox, R.R. Jr. 2004. Less waste corn, more land in soybeans, and the switch to genetically modified crops: Trends with important implications for wildlife management. *Wildlife Society Bulletin* 32:127-136.

