

Draft Environmental Assessment

**Land Exchange between the
Nebraska Game and Parks Commission and the
Nebraska Board of Educational Lands and Funds
Involving Property originally acquired with
Wildlife Restoration Grant Program Funds at the
Gilbert-Baker Wildlife Management Area**

June 1, 2018

**Prepared by the
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U.S. Fish and Wildlife Service, Region 6
and
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Lincoln, Nebraska**

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PURPOSE AND NEED

The Gilbert-Baker Wildlife Management Area (WMA), located in northern Sioux County, Nebraska, was acquired by Nebraska Game and Parks Commission (NGPC) in part with grant funds from the Wildlife Restoration Program (WSFR) between 1942 and 1955 (formerly known as Federal Aid). The properties that comprise the 2,535-acre WMA were acquired for the purpose of providing wildlife habitat for mule and white-tailed deer, sharp-tailed grouse, and Hungarian partridge. The WMA is used primarily by big game hunters and is popular for deer, elk and wild turkey hunting (Fig. 1).

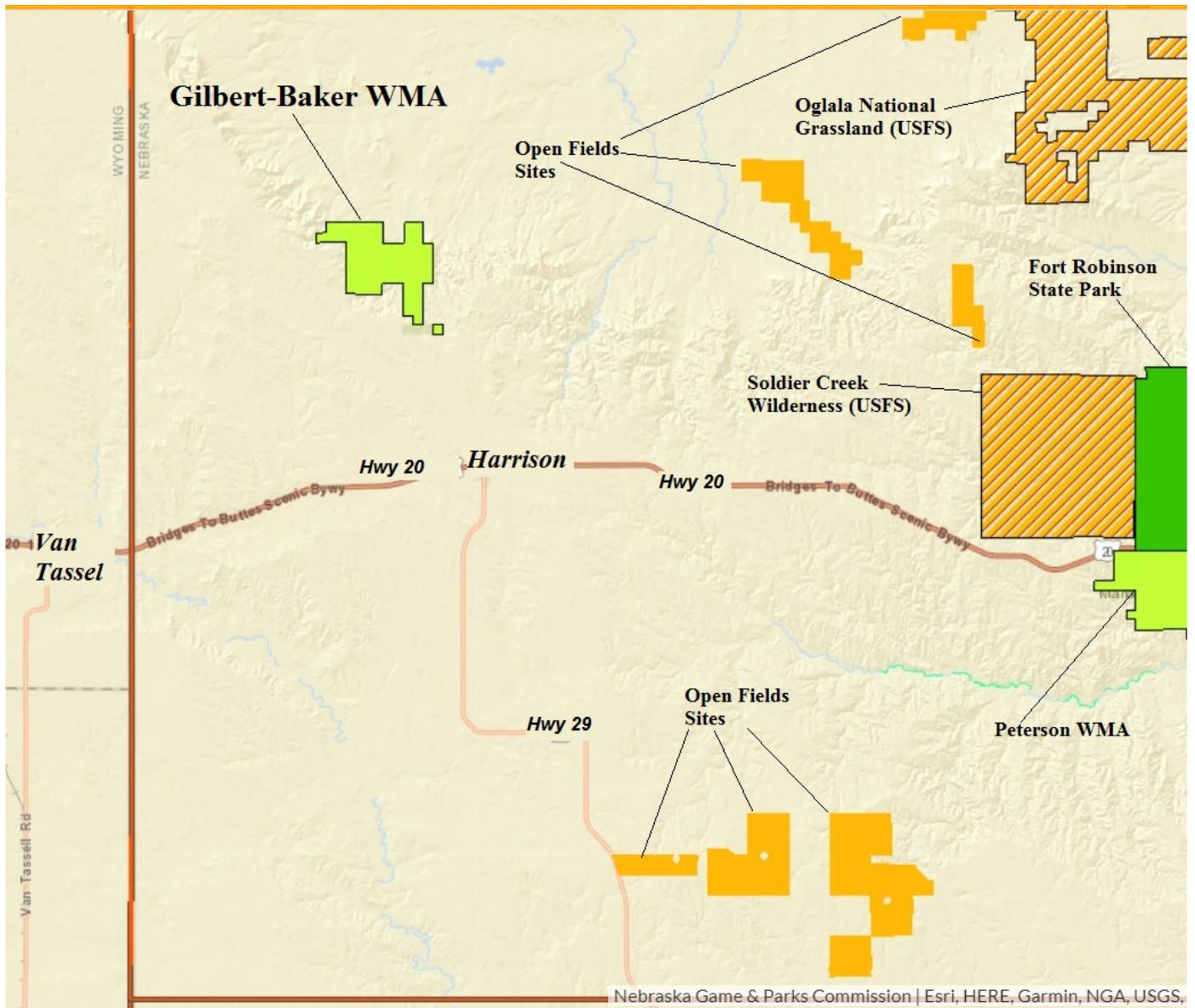
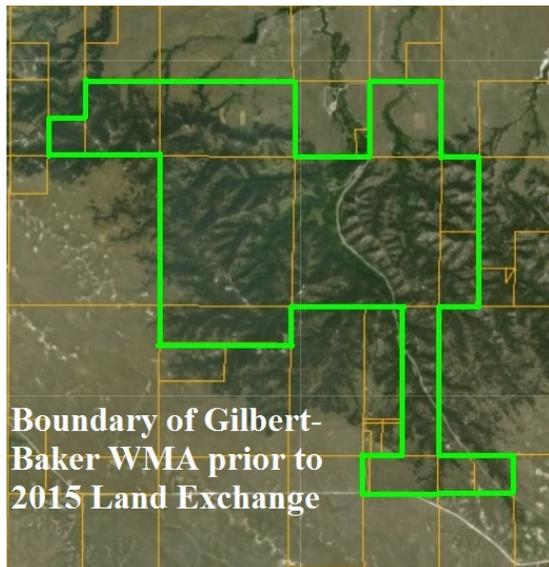


Figure 1. Location of Gilbert-Baker WMA



In 2016, NGPC undertook a land exchange involving a 120-acre parcel in the WMA, which was originally acquired with WSFR funds, in response to the unapproved construction of a private road on that parcel which provided the sole access to two residences on adjacent private property. NGPC decided that pursuing an exchange of the 120-acre parcel would enable them to acquire another parcel nearby that provided wildlife habitat of greater value, but that was not encumbered with structures or other human disturbances.

Figure2. Gilbert-Baker WMA Boundary Prior to 2015 Land Exchange

Carrying out that exchange, however, resulted in a 27.3-acre tract of NGPC-owned land, also originally acquired with WSFR grant funds, to become spatially separated from the WMA. The 27.3-acre tract now is surrounded by a private livestock pasture, is unfenced, and not serving the purpose for which it was acquired including providing satisfactory public access for hunting and outdoor recreational uses (Fig. 2, 3, and 4).

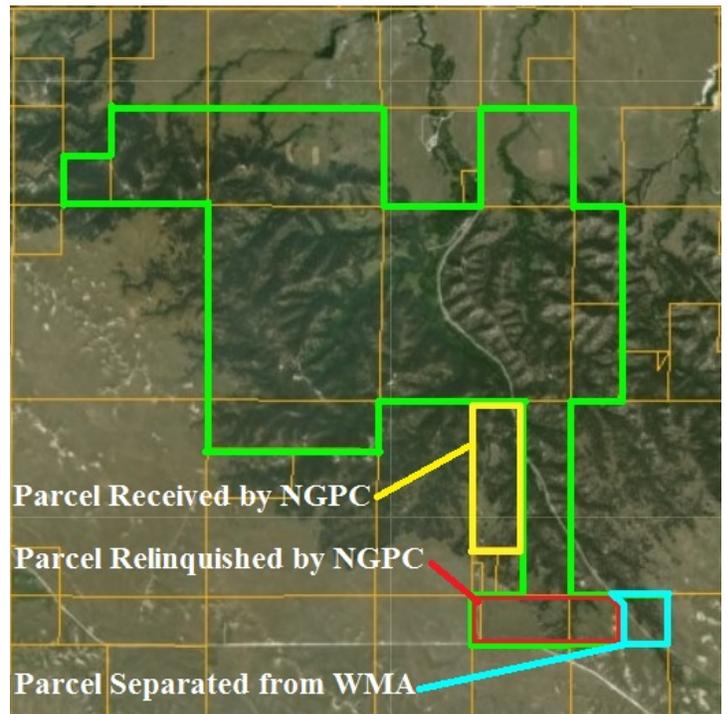


Figure 3. Parcels Exchanged in 2015

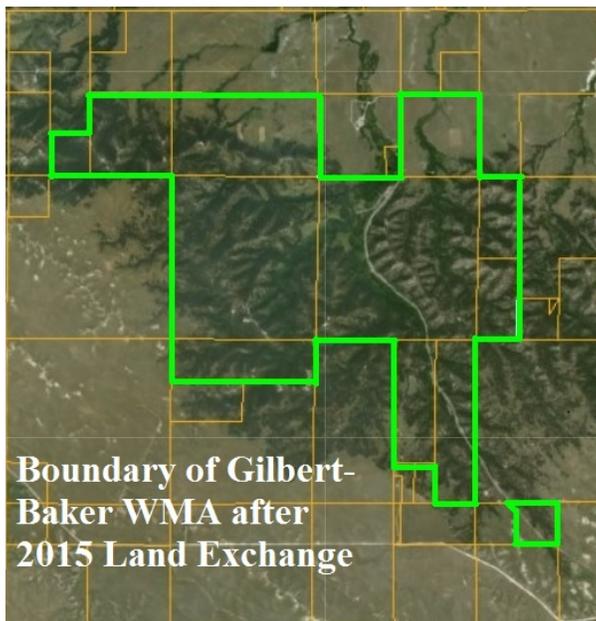
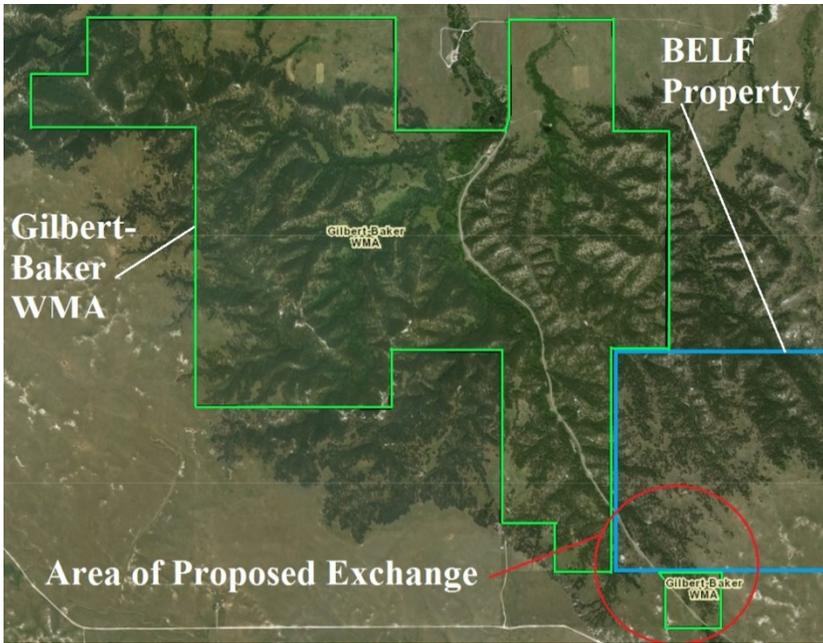


Figure4. Gilbert-Baker WMA Boundary After 2015 Land Exchange



Consequently, NGPC proposes to convey a portion of that parcel to the Nebraska Board of Educational Lands and Funds (BELF) in exchange for a 15.09-acre BELF-owned tract which abuts the WMA (Fig. 5 and 6). The proposed exchange would aggregate NGPC-owned properties thereby enhancing wildlife-related public recreational values, including hunting, and facilitating effective management of the land.

Figure 5. Area of the Proposed Land Exchange

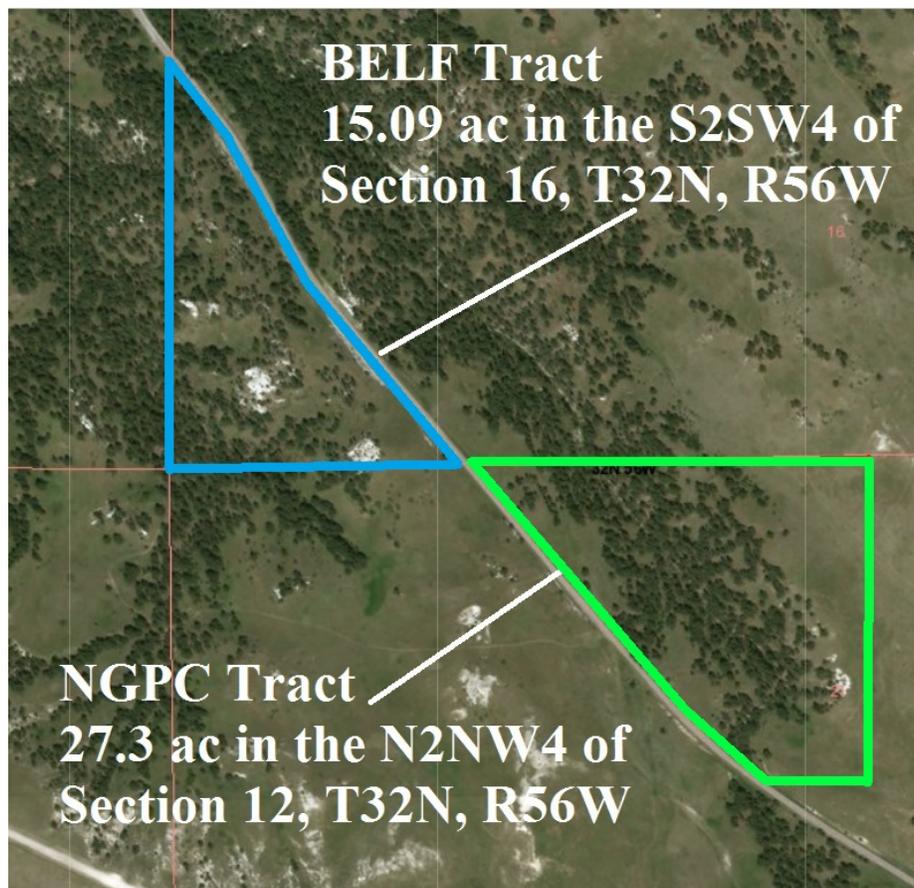


Figure 6. NGPC and BELF Parcels Proposed for Exchange

BELF was established by the Nebraska Constitution to serve as trustee of the lands contributed by the Federal government to the state in 1867. BELF's mission is to maximize income from these properties for the benefit of public schools; therefore, it conveys leases on its lands for mineral and renewable energy and agricultural purposes. As both land owner and land manager, BELF exercises careful stewardship of the land and makes expenditures for conservation, improvement and management of those properties.

The WSFR Grant Program is administered by the U.S. Fish and Wildlife Service (FWS). Federal regulations require that the FWS Regional Director evaluate and approve the exchange or disposal of any lands originally acquired with WSFR grant funds. This prior approval constitutes a Federal action pursuant to the National Environmental Policy Act of 1969 (NEPA) and thereby requires the preparation of an Environmental Assessment (EA) to determine the impacts of the action on the human environment. The WSFR Program has, therefore, prepared this Draft EA to identify and assess the effects of the proposed land exchange in compliance with NEPA requirements.

ALTERNATIVES

Alternative A – Preferred Alternative

The Preferred Action consists of exchanging the NGPC tract for the BELF tract and subsequently assigning the Federal interest to the newly-acquired BELF tract. Mineral rights would be transferred with the properties exchanged.

After acquiring the BELF tract, NGPC would:

- allow public access for hunting and outdoor recreation on the tract;
- create a firebreak along the road right-of-way by thinning the existing Ponderosa Pine;
- construct new fencing to prevent cattle from accessing the tract from adjacent private lands;
- include the tract in the program for eradicating noxious weeds on the WMA which is conducted each year; and
- conduct routine operation and maintenance activities, such as trash removal, fence maintenance, and public signing

After BELF receives the 27.3-acre NGPC parcel, it is anticipated that the property would be leased to an adjacent landowner who currently holds leases for grazing on other lands in that area. If BELF would lease the land for agricultural purposes, public use of that parcel would be allowed at the discretion of the private party holding the lease. Construction of fencing on the parcel would be anticipated to prevent livestock from leaving the parcel and entering other adjacent private lands.

The Gilbert-Baker NGPC WMA tract is currently appraised at \$29,500.00 and the BELF tract at \$18,500.00. Appraisals and appraisal reviews for both tracts are current and have been prepared in compliance with the Uniform Standards of Professional Appraisal Practices and Uniform Appraisal Standards for Federal Land Acquisitions. NGPC would reimburse the monetary difference in value (\$11,000.00) to the Wildlife Restoration Grant Program, and those funds would then be available to NGPC for future obligation on eligible WR grants. A draft copy of the Exchange Agreement between NGPC and BELF detailing specific provisions of the transaction is attached (see Appendix A).

Alternative B - No Action

If the No Action alternative occurs, NGPC would retain ownership and management of the isolated 27.3-acre tract as it currently exists, and BELF would retain ownership of the 15.09-acre tract.

Other Alternatives Considered

Purchase of the BELF Tract

The BELF tract is not approved for disposal by the managing agency and is not on the current BELF disposal schedule. While outright purchase is not viable, BELF can consider a land exchange.

Sale of the NGPC Tract

NGPC has the authority to sell the tract outright. However, losing acreage without replacement is not NGPC's preferred alternative if the opportunity to replace the property via an exchange exists. NGPC's preference would be to maintain ownership of the greatest amount of high quality wildlife habitat in one contiguous tract as possible and, where viable, to open that land for public hunting opportunities. NGPC finds it unacceptable to dispose of any portion of the Gilbert-Baker WMA unless sufficient and adjoining replacement property can be acquired. Consequently, this is not a viable option for further consideration.

Selection of the Preferred Alternative

Relinquishing the 27.3-acre parcel for the BELF parcel would result in the property within the Gilbert-Baker WMA consisting of one coterminous tract of land. The contiguous nature of the property and clarification of boundaries would result in easier public use and navigation of the land, increased effectiveness of signage, reduction in the potential for public trespass onto adjacent private property, and greater efficiency in the implementation of future habitat management projects.

Additionally, BELF has stated that due to the physical characteristics of the 15.09-acre parcel, which is being offered to NGPC, use of that tract by BELF or by current or potential lessees is not feasible. The exchange would provide BELF the opportunity to own contiguous property which could better facilitate leasing the land for grazing or other allowable uses.

Therefore, Alternative A has been selected as the Preferred Alternative.

AFFECTED ENVIRONMENT

NGPC PARCEL

Location, Topography, and Soils

The 27.3-acre NGPC tract proposed for exchange is located approximately four miles north of Harrison in Sioux County, Nebraska. The parcel lies in the N ½NW¼ of Section 21, T32N, R56W, 6th P.M. Monroe Canyon Road, a paved two-lane highway, abuts the property on its southwest boundary. The parcel is composed of grassy and timber-covered rolling hills. A narrow wooded drainage cuts through the tract and a small rock outcropping occurs in the southeast corner. The soils that occur on the NGPC tract include 6043 “Tassel-Ponderosa-Rock outcrop association” and 5143 “Busher-Tassel loamy very fine sands” (Fig. 7). Neither type is considered prime or unique farmland. The land is not known to contain any minerals of recoverable value.



Figure 7. Soils Map for the NGPC Parcel

Floodplains and Wetlands

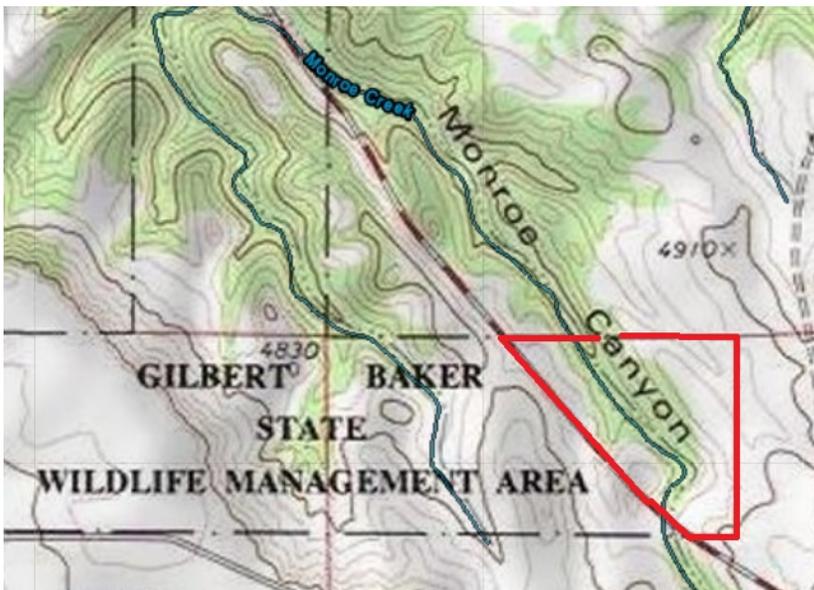


Figure 8. Floodplains and Wetlands on NGPC Parcel

According to the Federal Emergency Management Agency (FEMA), no floodplain maps have been developed in the area of the NGPC tract. The Monroe Canyon extends northwest-southeast through the NGPC tract. According to NGPC staff, the canyon can experience inundation during large-scale precipitation events. These occurrences, however, rarely take place. According to the FWS National Wetland Inventory, this channel is defined as a “seasonally flooded, intermittent riverine streambed” (Fig. 8). However, since the streambed is rarely filled, the conditions needed to support wetlands do not exist.

Vegetation

The NGPC tract currently supports a 40:60 grassland/pine forest mosaic. The grassland plant communities are dominated by blue grama (*Bouteloua gracilis*), buffalograss (*Buchloe dactyloides*), sideoats grama (*Bouteloua curtipendula*), little bluestem (*Andropogon scoparius*), needle-and-thread (*Hesperostipa comata*), western wheatgrass (*Pascopyrum smithii*), threadleaf sedge (*Carex filifolia*) and some purple three-awn (*Aristida purpurea*). Some of the many native forb species include western wallflower (*Erysimum asperum*), scarlet globe mallow (*Sphaeralcea coccinea*), scarlet gaura (*Gaura coccinea*), dotted gayfeather (*Liatris punctata*), and shell-leaf penstemon (*Penstemon grandiflorus*). Skunkbrush sumac (*Rhus trilobata*) and snowberry (*Symphocarpus occidentalis*) patches are scattered across the open grasslands. Broom snakeweed (*Gutierrezia sarothrae*), fringed sage (*Artemisia frigida*), and yucca (*Yucca glauca*) are also common.

The ponderosa pine woodland and forest communities on both properties support understories dominated by shade tolerant species including Kentucky bluegrass (*Poa pratensis*). Common woody species in the understory include juniper (*Juniperus scopulorum* and *communis*), chokecherry (*Prunus virginiana*), skunkbrush sumac (*Rhus trilobata*), snowberry (*Symphoricarpos occidentalis*), Oregon myrtle (*Prunus americana*) and poison ivy (*Toxicodendron rydbergii*).

Wildlife

The NGPC tract hosts a variety of resident and migratory wildlife, both game and non-game species. Species composition reflects the habitat composition, habitat conditions, and season of the year.

Common game species located on and around the area include mule deer (*Odocoileus hemionus*), white-tailed deer (*Odocoileus virginianus*), Rocky Mountain elk (*Cervus canadensis*), wild turkey (*Meleagris gallopavo*), eastern cottontail (*Sylvilagus floridanus*), mourning dove (*Zenaida macroura*) and sharp-tailed grouse (*Tympanuchus phasianellus*).

Non-game species commonly located on or in the vicinity of the area include coyote (*Canis latrans*), American badger (*Taxidea taxus*), thirteen-lined ground squirrel (*Spermophilus tridecemlineatus*), plains pocket gopher (*Geomys bursarius*), deer mouse (*Peromyscus maniculatus*), prairie vole (*Microtis ochrogaster*), red-tailed hawk (*Buteo jamaicensis*), prairie falcon (*Falco mexicanus*), upland sandpiper (*Bartramia longicauda*), great horned owl (*Bubo virginianus*), western kingbird (*Tyrannus verticalis*); eastern kingbird (*Tyrannus tyrannus*), horned lark (*Eremophila alpestris*), vesper sparrow (*Pooecetes gramineus*), lark sparrow (*Chondestes grammacus*), lark bunting (*Calamospiza melanocorys*), savannah sparrow (*Passerculus sandwichensis*), grasshopper sparrow (*Ammodramus savannarum*), bobolink (*Dolichonyx oryzivorus*), western meadowlark (*Sturnella neglecta*), and prairie rattlesnake (*Crotalus viridis*).

Cavity-dependent bird species in the pine forests and woodlands include, but are not limited to, black-capped chickadee (*Poecile atricapilla*), red-breasted nuthatch (*Sitta canadensis*), white-breasted nuthatch (*Sitta carolinensis*), downy woodpecker (*Picoides pubescens*), hairy woodpecker (*Picoides villosus*), northern flicker (*Colaptes chrysoides*), mountain bluebird (*Sialia currucoides*) and eastern bluebird (*Sialia sialis*).

Fish and Other Aquatic Species

No aquatic habitats exist on the NGPC tract. Storm events occasionally produce ephemeral streams but they are not capable of sustaining aquatic life.

Federally-listed and State Special Status Species

The following Federally-listed and State Special Status species may occur in Sioux County, Nebraska:

Common Name	Scientific Name	Federal Status	State Status
Northern Long-eared Bat	<i>Myotis septentrionalis</i>	Threatened	Threatened
Least Tern	<i>Sterna antillarum</i>	Endangered	Endangered
Piping Plover	<i>Charadrius melodus</i>	Threatened & Critical Habitat	Threatened
Whooping Crane	<i>Grus Americana</i>	Endangered & Critical Habitat	Endangered
Pallid Sturgeon	<i>Scaphirhynchus albus</i>	Endangered	Endangered
Ute Ladies'-tresses	<i>Spiranthes diluvialis</i>	Threatened	Threatened
Swift Fox	<i>Vulpes velox</i>	N/A	Endangered

There are records of swift fox within the vicinity of the NGPC tract, and the habitat for this species exists in the area.

During late spring and summer, northern long-eared bats (NLEB) roost singly or in colonies underneath bark, in cavities, or in crevices of both snags and living trees greater than or equal to 6-inch diameter breast height (dbh), especially near wetlands. Consequently, this species might occur in the project area.

Otherwise, according to the Nebraska Conservation and Environmental Review Tool, there were no other reports of any of the threatened or endangered species listed above on the NGPC tract.

Historic and Cultural Resources

NGPC consulted with the Nebraska Office of the State Historic Preservation Officer (SHPO) regarding the potential for the existence of cultural, historical, and archaeological resources on the parcel NGPC currently owns. The SHPO responded that according to the Nebraska State Historical Society records, there are no currently identified cultural property associated on or near that parcel, and concluded that no historic properties would be affected by the exchange of this parcel with BELF (see Appendix B).

Management and Use

NGPC has owned the property for over 50 years and during that time it has been used as agricultural or recreational land. Currently, however, it is not open for public recreational use or being actively managed. Its boundaries are not fenced or marked in any way and it is entirely surrounded by private land. No manmade structures or facilities occur on the tract. For many years, the tract has been leased to BELF for grazing via an annual verbal agreement.

BELF PARCEL

Location, Topography, and Soils

The 15.09-acre BELF tract proposed for exchange is located approximately four miles north of Harrison in Sioux County, Nebraska. The parcel lies in the S½SW¼ of Section 16, T32N, R56W, 6th P.M. Monroe Canyon Road, a paved two-lane highway, abuts the property along its northeast boundary. The parcel consists of gently rolling grassy hills and steep canyons in some areas. The soils that occur on the BELF tract include 6043 “Tassel-Ponderosa-Rock outcrop association” and 5143 “Busher-Tassel loamy very fine sands” (Fig. 9). Neither type is considered prime or unique farmland.



Figure 9. Soils Map for the BELF Parcel

Floodplains and Wetlands



Figure 10. Floodplains and Wetlands on BELF Parcel

According to the Federal Emergency Management Agency (FEMA), no floodplain maps have been developed in the area of the BELF tract.

A small segment of the western fork of the Monroe Creek passes through the southwest corner of the BELF tract. The nearby Monroe Canyon can experience inundation during large-scale precipitation events. These circumstances would also be expected to occur to the western fork of Monroe Creek. These occurrences, however, rarely take place. According to the FWS National Wetland Inventory, this creek segment is defined as a “seasonally flooded, intermittent riverine streambed” (Fig. 10). However, since the streambed is rarely filled, the conditions needed to support wetlands do not exist.

Vegetation

The BELF tract currently supports a 50:50 grassland/pine forest mosaic.

The grassland plant communities on both the NGPC and BELF properties are dominated by blue grama (*Bouteloua gracilis*), buffalograss (*Buchloe dactyloides*), sideoats grama (*Bouteloua curtipendula*), little bluestem (*Andropogon scoparius*), needle-and-thread (*Hesperostipa comata*), western wheatgrass (*Pascopyrum smithii*), threadleaf sedge (*Carex filifolia*) and some purple three-awn (*Aristida purpurea*). Some of the many native forb species include western wallflower (*Erysimum asperum*), scarlet globe mallow (*Sphaeralcea coccinea*), scarlet gaura (*Gaura coccinea*), dotted gayfeather (*Liatris punctata*), and shell-leaf penstemon (*Penstemon grandiflorus*). Skunkbrush sumac (*Rhus trilobata*) and snowberry (*Symphocarpus occidentalis*) patches are scattered across the open grasslands. Broom snakeweed (*Gutierrezia sarothrae*), fringed sage (*Artemisia frigida*), and yucca (*Yucca glauca*) are also common.

The ponderosa pine woodland and forest communities on both properties support understories dominated by shade tolerant species including Kentucky bluegrass (*Poa pratensis*). Common woody species in the understory include juniper (*Juniperus scopulorum* and *communis*), chokecherry (*Prunus virginiana*), skunkbrush sumac (*Rhus trilobata*), snowbeny (*Symphoricarpos occidentalis*), Oregon myrtle (*Prunus americana*) and poison ivy (*Toxicodendron rydbergii*).

Wildlife

Both the NGPC and BELF tracts host a variety of resident and migratory wildlife, both game and non-game species. Specific species composition reflects the habitat composition, habitat conditions, and season of the year. Common game species located on and around the area include mule deer (*Odocoileus hemionus*), white-tailed deer (*Odocoileus virginianus*), Rocky Mountain elk (*Cervus canadensis*), wild turkey (*Meleagris gallopavo*), eastern cottontail (*Sylvilagus floridanus*), mourning dove (*Zenaida macroura*) and sharp-tailed grouse (*Tympanuchus phasianellus*).

Non-game species commonly located on or in the vicinity of the area include coyote (*Canis latrans*), American badger (*Taxidea taxus*), thirteen-lined ground squirrel (*Spermophilus tridecemlineatus*), plains pocket gopher (*Geomys bursarius*), deer mouse (*Peromyscus maniculatus*), prairie vole (*Microtis ochrogaster*), red-tailed hawk (*Buteo jamaicensis*), prairie falcon (*Falco mexicanus*), upland sandpiper (*Bartramia longicauda*), great horned owl (*Bubo virginianus*), western kingbird (*Tyrannus verticalis*); eastern kingbird (*Tyrannus tyrannus*), horned lark (*Eremophila alpestris*), vesper sparrow (*Pooecetes gramineus*), lark sparrow (*Chondestes grammacus*), lark bunting (*Calamospiza melanocorys*), savannah sparrow (*Passerculus sandwichensis*), grasshopper sparrow (*Ammodramus savannarum*), bobolink (*Dolichonyx oryzivorus*), western meadowlark (*Sturnella neglecta*), and prairie rattlesnake (*Crotalus viridis*).

Cavity-dependent bird species in the pine forests and woodlands include, but are not limited to, black-capped chickadee (*Poecile atricapilla*), red-breasted nuthatch (*Sitta canadensis*), white-breasted nuthatch (*Sitta carolinensis*), downy woodpecker (*Picoides pubescens*), hairy woodpecker (*Picoides villosus*), northern flicker (*Colaptes chrysoides*), mountain bluebird (*Sialia currucoides*) and eastern bluebird (*Sialia sialis*).

Fish and Other Aquatic Species

No aquatic habitats exist on the BELF tract. The creek which runs through a section of the property is intermittent and does not provide suitable aquatic habitat.

Federally-listed and State Special Status Species

The following Federally-listed and State Special Status species may occur in Sioux County, Nebraska:

Common Name	Scientific Name	Federal Status	State Status
Northern Long-eared Bat	<i>Myotis septentrionalis</i>	Threatened	Threatened
Least Tern	<i>Sterna antillarum</i>	Endangered	Endangered
Piping Plover	<i>Charadrius melodus</i>	Threatened & Critical Habitat	Threatened
Whooping Crane	<i>Grus Americana</i>	Endangered & Critical Habitat	Endangered
Pallid Sturgeon	<i>Scaphirhynchus albus</i>	Endangered	Endangered
Ute Ladies'-tresses	<i>Spiranthes diluvialis</i>	Threatened	Threatened
Swift Fox	<i>Vulpes velox</i>	N/A	Endangered

There are records of swift fox within the vicinity of the BELF tract, and the habitat for this species exists in the area.

During late spring and summer, northern long-eared bats (NLEB) roost singly or in colonies underneath bark, in cavities, or in crevices of both snags and living trees greater than or equal to 6-inch diameter breast height (dbh), especially near wetlands. Consequently, this species might occur in the project area.

Otherwise, according to the Nebraska Conservation and Environmental Review Tool, there were no other reports of any of the threatened or endangered species listed above on the BELF tract.

Historic and Cultural Resources

NGPC consulted with the Nebraska Office of the State Historic Preservation Officer (SHPO) regarding the potential for the existence of cultural, historical, and archaeological resources on the BELF parcel. The SHPO responded that according to the Nebraska State Historical Society records, there are no currently identified cultural property associated on or near that parcel, and concluded that no historic properties would be affected by the exchange of this parcel with the parcel owned by NGPC (see Appendix B).

Management and Use

BELF has owned Section 16, R32N, R56W, which includes the 15.09-acre parcel proposed for exchange, for many years. During that time the section has been used as agricultural or recreational land; no manmade structures or facilities occur on the property. The entirety of Section 16 is currently under an agricultural lease which is scheduled to expire in 2021. However, the current lessee is not using the 15.08-acre parcel for grazing because it is not contiguous with the remainder of Section 16 (due to the location of Monroe Canyon Road); is not fenced; and does not include a water source for livestock use. Due to these characteristics, BELF has stated that any use of the 15.09-acre parcel by BELF or its lessees is not feasible. No other activities are being conducted or occurring on the tract by BELF or the lessee.

ENVIRONMENTAL CONSEQUENCES

NGPC and BELF Parcels

Wetlands; Floodplains; Prime and Unique Farmland; Aquatic Habitat and Species; Historic and Cultural Resources;

As discussed in Affected Environment above, neither the NGPC tract nor the BELF tract support wetlands, exist in a mapped floodplain, encompass prime or unique farmland, contain historic and cultural resources; nor support aquatic habitats or aquatic species. Therefore there would be no impact to these resources from either the Proposed Action or No Action alternative.

Federally-listed and Special Status Species

Although there are no records of the NLEB on either the NGPC or BELF parcels, potential roosting sites could occur in the existing ponderosa pine forest on the both properties. However, if NGPC or BELF decide that the removal of some ponderosa pine is needed, no tree thinning would take place during the maternity roosting periods (June 1st to July 31) to avoid impacting the NLEB. Therefore, the land exchange may affect, but is not likely to adversely affect the NLEB.

Otherwise, neither alternative nor the foreseeable future activities that may be undertaken on the parcels would result in adverse effects to Federally-listed species or State Special Status species that could occur in this area (see Appendix C).

NGPC Parcel

Proposed Action (NGPC Parcel is conveyed to BELF via exchange)

Vegetation

Implementing the Proposed Action could result in the parcel being leased for livestock grazing. Grazing could result in changes to the vegetative composition of the property and a reduction in vegetative matter that could fuel fires. This reduction could ultimately lessen the possibility of wildfire or its severity and subsequently contribute to the resiliency of the habitat and protect existing trees from destruction by fire. BELF could also lease the property for oil, gas, or mineral development or the installation of wind energy facilities or exchange the property with a private party or government entity could result in the change, disturbance, or elimination of existing vegetation.

Wildlife and Habitat

Implementing the Proposed Action could result in the conveyance of a lease designed to allow livestock grazing on the parcel. This could result in the displacement of wildlife, such as deer and elk, while attracting other species more tolerant of the presence of livestock, such as turkey. Disturbance associated with livestock grazing could also result in the decrease of vegetative species that could be consumed by big game species such as deer and elk. The possibility that BELF would convey leases on the property for oil, gas, or mineral development or the installation of wind energy facilities, or exchange the property with a private party or government entity could open the land to a wide variety of activities that could also result in increased disturbance and displacement of existing wildlife.

Management and Use

Implementing the Proposed Action could result in changes to the existing use and management of the parcel such as conveying leases for livestock grazing; oil, gas, or mineral development; or the installation of wind energy facilities; or exchanging the land for other property within the state. Any of these potential uses could open the land to a wide variety of activities that could result in new or additional disturbance to natural resources present on the land. If a lease was conveyed on the tract, the potential that the parcel would be opened to public access is unknown since that use would be determined and controlled by the lessee.

No Action (Parcel remains in the ownership of NGPC)

Vegetation

Implementing the No Action alternative would not result in any new activities that would change or impact the vegetation other than the continuation of efforts to control noxious species.

Wildlife and Habitat

Implementing the No Action alternative would not involve any activities that would result in a change to the existing wildlife habitat or wildlife use of the parcel currently owned by NGPC.

Management and Use

Although NGPC would continue to undertake some basic maintenance actions on the tract, such as the control of noxious plant species, implementing the No Action alternative would result in ongoing challenges and complications in managing the property, such as unauthorized livestock grazing.

Public use of the parcel for hunting and outdoor recreation would continue to be minimal due to the location and small size of the parcel, and the lack of access and signage. In general, the parcel would continue to fail serving the purpose for which it was originally acquired.

BELF Parcel

Proposed Action (BELF Parcel is conveyed to NGPC via exchange)

Vegetation

The Ponderosa Pine that currently exists along the roadway would be thinned to create a firebreak. This would reduce the amount of potential fuel for wildfire and could lessen the extent of destruction should a fire occur, thereby providing some protection for the existing vegetation and woodland. Otherwise, no other activities are planned that would result in changes to the existing vegetation.

Wildlife and Habitat

Opening the area to hunting and increased human presence could result in the shift of wildlife from the margins to the interior of the parcel or further west into the WMA. This shift would be expected to be temporary and occur primarily during hunting season due to the presence of increased human activity. Otherwise, no significant effects to wildlife would be anticipated.

Management and Use

Including this parcel with the WMA would provide an additional 15.09 acres available to the public for hunting and outdoor recreation. Changes in the existing management would include the discontinuance of grazing, the creation of a firebreak along the road by thinning the existing Ponderosa Pine, the installation of signage, the installation of fencing around the parcel to prevent cattle trespass, and the control of noxious weeds. NGPC would also undertake trash removal and fence maintenance as needed.

No Action (Parcel remains in the ownership of BELF)

Vegetation

Implementing the No Action alternative could result in the continuation of livestock grazing on the parcel. Continued grazing could result in changes to the vegetative composition of the property and a reduction in vegetative matter that could fuel fires. This reduction could ultimately lessen the possibility of wildfire or its severity and subsequently contribute to the resiliency of the habitat and protect existing trees from destruction by fire. BELF could also lease the property for oil, gas, or mineral development or the installation of wind energy facilities. These activities could result in the change, disturbance, or elimination of existing vegetation.

Wildlife and Habitat

Implementing the No Action alternative would result in the continuation of the current grazing lease until 2021. Since the property is currently subject to livestock grazing, the character of the existing habitat and wildlife use would not be expected to change during the years until the lease expires. BELF could then extend the existing agricultural lease; enter into a new lease for agricultural use, oil, gas or mineral development, or installation of wind energy facilities, or exchange the land. Any of these potential uses could open the land to a wide variety of activities that could result in new or additional disturbance and displacement of existing wildlife.

Management and Use

Implementing the No Action alternative could result in continued use of the property for livestock grazing. Additionally, BELF could lease the land for oil, gas, or mineral development or installation of wind energy facilities; or exchange the land for other property within the state. Any of these potential uses could open the land to a wide variety of activities that could result in new or additional disturbance to natural resources present on the land. The potential that the parcel would be opened to public access in the future is unknown since that use would be determined and controlled by the lessee.

Cumulative Effects

NGPC and BELF have owned their respective parcels for decades. The Gilbert-Baker WMA land, including the 15.09.09-acre parcel, was purchased by NGPC in the late 1940s and early 1950's, and the BELF program was established by the Nebraska Constitution to serve as trustee of the lands contributed to the state in 1867 by the federal government. From the time of acquisition and into the present, both the NGPC and BELF properties have served as either recreational or agricultural lands. No other types of activities or management are occurring on the lands currently, and no manmade developments or structures exist on either tract. Both tracts are currently zoned for agricultural uses which are described as lands that serve the needs of the property owner and the agricultural community, and protect marginal and lower value farm land and land values. Over the past 15 to 20 years, purchasing this type of land has become attractive to private parties for recreational uses such as hunting. Private property surrounding the two parcels is being used for agricultural activities or as residential sites on tracts that are at least 80 acres in size. There is no indication that any significant development is planned on these privately-held lands today or in the near future. The most likely activities that are expected to occur on the parcels if the exchange is undertaken consist of habitat management and public recreational use, including hunting, on the parcel to be received by NGPC, and grazing via an agricultural lease on the parcel to be received by BELF. In consideration of the past, present, and foreseeable future uses and activities expected on these properties, cumulative effects to the existing natural resources and surrounding lands is anticipated to be minimal.

Public Review

The Service will place this environmental assessment on the internet to provide for public review and comments. Comments will be accepted through an adequate time frame to allow sufficient time for comments to be received.

List of Preparers

Jeff Hoffman, Assistant Division Administrator, NGPC, Lincoln, NE
Greg Schenbeck, Fish and Wildlife Biologist II, NGPC, Crawford, NE
Michelle Koch, Environmental Analyst Supervisor, NGPC, Lincoln, NE
Carey Grell, Environmental Analyst, NGPC, Lincoln, NE
Ryan Joe, Environmental Analyst I, Lincoln, NE
Ted LaGrange, Wetland Program Manager, NGPC, Lincoln, NE
Mike Fritz, Natural Heritage Specialist, NGPC, Lincoln, NE
Tammy Snyder, Administrator, NGPC, Lincoln, NE
Charla Rasmussen, Realtor, NGPC, Lincoln, NE
Trisha Schlake, GIS Applications Developer, NGPC, Lincoln, NE
Michael Cotter, Fishery Biologist, USFWS, WSFR, Lakewood, CO
Jacqueline Trout, Biologist, USFWS, WSFR, Lakewood, CO

APPENDIX A

AGREEMENT FOR EXCHANGE OF REAL ESTATE

This agreement made and entered into this ____ day of _____, 2017, by and between The Board of Educational Lands and Funds of the State of Nebraska, hereinafter referred to as BOARD, and the State of Nebraska Game and Parks Commission hereinafter referred to as COMMISSION.

RECITALS

WHEREAS **BOARD** is the owner of the following described real estate to-wit:

Tract A

That part of the South Half (S ½) of Section Sixteen (16) lying south and west of Monroe Canyon Road, being located in Township Thirty-Two (32) North, Range Fifty-Six (56) West of the Sixth Principal Meridian (6th P.M.), Sioux County, Nebraska, being more particularly described as follows:

BEGINNING at the southwest corner of said Section 16 (found); thence on an assumed bearing of South 87°14'47" East, on the south line of said Section 16, a distance of 1015.03 feet to the intersection of said south line of said Section 16 and the south-west right of way of said Monroe Canyon Road, as detailed on 'Asbuilt Plans' for said right of way, dated January 29, 1968, Nebraska Department of Roads Project number S-15(11); thence on said south-west right of way the following courses and distances:

North 37°42'40" West, a distance of 939.55 feet; thence

North 24°53'40" West a distance of 614.13 feet; thence

North 35°47'40" West a distance of 187.60 feet to the intersection of said south-west right of way with the west line of said Section 16; thence leaving said south-west right of way on a bearing of South

02°53'32" West on said west line of said Section 16 a distance of 1405.54 feet to the **Point of**

Beginning.

Containing a calculated area of 15.089 acres, more or less.

Subject to all conditions and restrictions of record.

WHEREAS **The Commission** is the owner of the following described real estate, to-wit:

Tract B

That part of the North Half of the Northwest Quarter (N ½ NW ¼) of Section Twenty-One (21) lying north and east of Monroe Canyon Road, being located in Township Thirty-Two (32) North, Range Fifty-Six (56) West of the Sixth Principal Meridian (6th P.M.), Sioux County, Nebraska, being more particularly described as follows:

BEGINNING at the northeast corner of said N ½ NW ¼ (found); thence on an assumed bearing of North 87°14'47" West, on the north line of said Section 21, a distance of 1477.14 feet to the intersection of said north line of said Section 21 and the north-east right of way of said Monroe Canyon Road, as detailed on 'Asbuilt Plans' for said right of way, dated June 4, 1959, Nebraska Department of Roads Project number S-15(5); thence on said north-east right of way on a bearing of South 37°38'42" East, a distance of 1062.89 feet; thence 768.53 feet, on a circular curve to the left, said curve having a radius of 2824.79 feet, a central angle of 15°35'18", a chord distance of 766.16 feet and a chord bearing of South

45°26'20" East to the south line of said N ½ NW ¼; thence leaving said north-east right of way, on said south line of said N ½ NW ¼, on a bearing of South 87°52'08" East a distance of 220.96 feet to the southeast corner of said N ½ NW ¼ (found); thence on the east line of said N ½ NW ¼, on a bearing of North 02°35'25" East a distance of 1317.80 feet to the **Point of Beginning**.
Containing a calculated area of 27.300 acres, more or less.
Subject to all conditions and restrictions of record.

WHEREAS, the **BOARD**, in consideration of the agreement set forth desires to transfer, convey and trade to **The Commission** approximately 15.08 acres of land owned by the **BOARD** in Section 16 all in Township 32 North Range 56 West of the 6th P.M. in Sioux County Nebraska, with approximately 27.3 acres of land owned by **The Commission** in Sections 21 all in Township 32 North Range 56 West of the 6th P.M. in Sioux County Nebraska ; and

WHEREAS both parties intend and shall have the right to acquire the interest in the real property described above as part of an exchange for like-kind property.

NOW THEREFORE in consideration of the above recitals which by reference are made a part hereof, the covenants, promises and consideration hereinafter stated, it is agreed by and between the parties hereto as follows:

COVENANTS OF THE COMMISSION: The Commission covenants and agrees to execute and deliver to **BOARD** a Quitclaim Deed for a tract of land composing of approximately 27.3 acres of land found within that part of the South Half of the Southwest Quarter (W ½ SW ¼) of Section 16 lying south and west of Monroe Canyon Road, being located in Township Thirty-Two (32) North, Range Fifty-six (56) West of the 6th P.M. Sioux County Nebraska

COVENANTS OF BOARD: **BOARD** covenants and agrees to execute and deliver to **The Commission** a Quit Claim Deed for a tract of land composing of approximately 15.08 acres of land found within that part of the South Half of the Southwest Quarter (S ½ SW ¼) of Section 16 lying south and west of Monroe Canyon Road, being located in Township Thirty-Two (32) North, Range Fifty-six (56) West of the 6th P.M. Sioux County Nebraska EXCEPT ANY AND ALL SALT SPRINGS, COAL, OIL, MINERALS, ARTIFACTS, FOSSILS AND OTHER NATURAL RESOURCES ON OR CONTAINED IN THE LAND, WHICH ARE RESERVED BY AND TO THE STATE OF NEBRASKA BOARD OF EDUCATIONAL LANDS AND FUNDS AS PROVIDED BY LAW.

2. **MISCELLANEOUS PROVISIONS:** It is understood and agreed by and between the parties hereto as follows:

- A. All real estate acres owned by BOARD and subject to this agreement for purposes of the exchange have a value of **\$1,027.78** per acre or **\$15,498.92** and all real estate owned by the COMMISSION shall have a value of **\$1,053.57** per acre or **\$28,762.46**. The BOARD will pay THE COMMISSION the difference in value of **\$13,263.54**.
- B. Each party shall pay the cost of preparing the Quit Claim Deed to be executed and delivered pursuant to this agreement and pay all documentary stamp tax due on the deed received at time of recording based upon the value state in subparagraph A. above.
- C. Each party will provide owner's title insurance on the land being exchanged in this agreement.
- D. This agreement shall be binding upon the successors, heirs, and assigns of the parties hereto
- E. Each party shall be entitled to possession of all of the property being transferred under this agreement, upon closing.
- F. This agreement represents the total and entire agreement between the parties and the same may not be modified, altered or amended unless said modification, alteration, or amendment is reduced to writing and signed by the parties or is required by law.
- G. This agreement, and closing of this agreement, is contingent on approval by Federal Aid and acceptance of the Nebraska Game and Parks Commission.

The Board of Educational Lands and Funds of the State of Nebraska

BY: 
Kelly L. Sudbeck, CEO/Executive Secretary

NEBRASKA GAME AND PARKS COMMISSION

BY: _____

NAME: _____

TITLE: _____

APPENDIX B



24 October 2016

Carey Grell
Environmental Analyst Supervisor
Planning & Programming Division
Nebraska Game and Parks
2200 N 33rd St. PO Box 30370
Lincoln, NE 68503-3070

RE: HP# 1610-105-01; Property Acquisition between the Nebraska Game and Parks
Commission (NGPC) and Board of Education Lands & Funds (BELF), Sioux County

Dear Mr. Grell:

Thank you for submitting the information for the above referenced project for SHPO review and comment under Section 106 of the National Historic Preservation Act of 1966, as amended, 54 U.S.C. § 306108 (formerly 16 U.S.C. § 470f), and its implementing regulations at 36 C.F.R. Part 800.

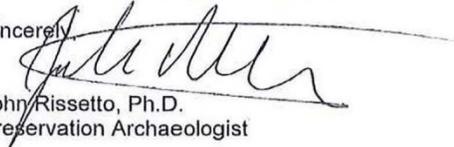
This project involves the exchange of approximately 28 acres from the NGPC Gilbert Baker Wildlife Management Area for 18 acres of adjacent land managed by BELF. According to the information provided along with a check of our Nebraska State Historical Society records, there are no currently identified cultural properties associated on or near either property.

Since such an acquisition is only likely to enhance the preservation of any historic or prehistoric resources that may exist within the area, I believe that a determination of *no historic properties affected* is appropriate for this exchange of properties.

Be advised that this opinion does not necessarily reflect that of any Native American Tribes that may have an interest in the area. Nor does this view pertain to the acknowledgment of Traditional Cultural Properties, if they exist in the area.

Should you have any questions, please contact this office by phone at 402-471-2609 or by email at john.rissetto@nebraska.gov.

Sincerely,



John Rissetto, Ph.D.
Preservation Archaeologist

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PO Box 82554
Lincoln, NE 68501-2554
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(402) 471-3270
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APPENDIX C



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Ecological Services
Nebraska Field Office
9325 South Alda Road
Wood River, Nebraska 68883

May 10, 2018

FWS-NE: 2018-272

Ms. Carey Grell
Environmental Analyst Supervisor
Nebraska Game and Parks Commission
2200 N. 33rd Street
Lincoln, NE 68503

RE: Technical Assistance, Gilbert Baker Wildlife Management Area (WMA) Land Trade, in Sioux County, Nebraska

Dear Ms. Grell:

This responds to your April 11, 2018, email request to the U.S. Fish and Wildlife Service (Service) regarding the subject project. The Service has responsibility for the conservation and management of fish and wildlife resources for the benefit of the American public under the following authorities: 1) Endangered Species Act of 1973, 2) Fish and Wildlife Coordination Act, 3) Bald and Golden Eagle Protection Act, and 4) Migratory Bird Treaty Act. The National Environmental Policy Act requires compliance with these statutes, and the project proponent and lead federal agency are responsible for compliance with these federal laws.

As we understand it, the project has utilized the Conservation and Environmental Review Tool (CERT) but needed to provide the Service more project information regarding potential impacts to the state and federally threatened Northern long-eared bat (*Myotis septentrionalis*) (NLEB). The project involves a land trade between the Gilbert Baker WMA and the Board of Education Lands and Funds. In addition, at the newly acquired parcel, habitat management activities are planned that include creating fire breaks along the road right-of-way by tree thinning; however, the Nebraska Game and Parks Commission has proposed to avoid tree clearing activities during June 1 – July 31 in order to avoid any potential impacts to maternity roosts for the NLEB.

Based on the information that you have provided, including the implementation of the proposed conservation measure for the NLEB, it appears unlikely that your project will have significant environmental impacts on the trust resources under our authority. Should changes to the proposed project occur or new information regarding fish and wildlife resources

become available, further consultation with the Service should be initiated to assess any potential impacts. Please refer to the NE-CERT-000363 report for comments on the other fish and wildlife statutes under our authority.

Thank you for the opportunity to review and comment on your project. Should you have questions regarding these comments, please contact me at eliza_hines@fws.gov or (308)382-6468, extension 204.

Sincerely,

A handwritten signature in black ink, appearing to read 'Eliza Hines', with a long, sweeping horizontal flourish extending to the right.

Eliza Hines
Nebraska Field Supervisor

cc: USFWS; Denver, CO (Attn: Jacque Trout)