U.S. Fish and Wildlife Service, Region 1
Wildlife and Sport Fish Restoration Program

DRAFT
PROGRAMMATIC ENVIRONMENTAL ASSESSMENT for a Streamlined Method for Approving Encroachments into and Divestitures of State Lands Acquired with Wildlife and Sport Fish Restoration Program Funds

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USFWS, Region 1, Wildlife and Sport Fish Restoration Program Office Programmatic Environmental Assessment for a Streamlined Method for Approving Encroachments into and Divestitures of State Lands Acquired with Wildlife and Sport Fish Restoration Program Funds

Chapter 1 – Purpose and Need for Proposed Action

1.1 Purpose

The purpose of the Proposed Action Alternative is to allow the U. S. Fish and Wildlife Service (USFWS) to approve encroachments into and divestitures (including disposal)[1] of lands purchased, partially or in whole, with Wildlife and Sport Fish Restoration Program funds[2] (WSFR-interest lands) when the conditions in this document are fully met. The actions (land transactions) to be considered are encroachments that require an easement, lease, or license to be issued by the States and divestitures (i.e., exchange, trade, or sale (disposal)) when these actions may not qualify for approval under existing categorical exclusions[3], as provided by the National Environmental Policy Act of 1969 (40 CFR 1500-1508; NEPA).

Typically, these proposed land transactions are sought by the State partner agencies[4] because the lands involved are no longer needed for or meeting the original purpose(s) for which they were acquired. Exchanges, trades, or sales of Wildlife and Sport Fish Restoration (WSFR) Program lands may also be used to: correct land boundary problems (i.e., access) with adjacent public and private landowners, allow for utility rights-of-way, consolidate ownership, and/or allow for increased management effectiveness, repositioning of WSFR resources, and/or improved habitat function.

We[5] are required under NEPA to prepare an Environmental Assessment (EA) to consider all disposals, regardless of context and intensity of anticipated impacts. Region 1 is proposing a programmatic (covers all grant programs managed by WSFR), streamlined approach for dealing with encroachments into and divestitures of WSFR-interest lands in compliance with NEPA; this is the purpose for the Proposed Action and the use of the Abbreviated Assessment Process.

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[1] Encroachments and divestitures included here include the full range of options, including easements, leases, exchanges, trades, sales (disposal), etc.
[2] Wildlife and Sport Fish Restoration Program (WSFR) interest lands are those that have been acquired by State partner agencies with funds from any grant program administered by the USFWS, Wildlife and Sport Fish Restoration Program (also known as Federal Aid, Federal Assistance, and WSFR).
[3] A categorical exclusion, as defined by the National Environmental Policy Act (NEPA), is a category or kind of action that has no significant individual or cumulative effects (impacts) on the quality of the human environment, which is all inclusive. See 40 CFR 1508.4.
[4] For WSFR grant programs, State agencies are the only eligible applicants. The State agency could be a fish and wildlife agency, an environmental protection agency, land-holding agency, etc. So "State partner agencies" refers to all of the agencies with whom we cooperate in approving grants.
[5] Throughout this document, "we" and "USFWS" are used interchangeably.

1.2 Need

Before approving any of these proposed land encroachments or divestitures, the USFWS needs to ensure that there are no feasible and prudent alternatives to avoid the WSFR-interest lands; that the adverse impacts caused to these or adjacent lands will be minimized to the extent possible and, with the minimization or mitigation measures, will not result in significant impacts; and that any unavoidable adverse impacts to fish or wildlife, or their habitats, or other impacts will be fully compensated for.

1.3 Decisions that Need to be Made

The Regional Director for Region 1 of the USFWS will determine, through the Chief of the Wildlife and Sport Fish Restoration Program, and based on the facts and recommendations contained herein, whether this Programmatic EA is adequate to support a Finding of No Significant Impact (FONSI) if the Proposed Action (approval of disposals using the Abbreviated Assessment Process, Alternative B of this Programmatic EA) is selected for implementation.

If the Regional Director determines that the proposed action may or will have a significant impact on the human environment, either individually or cumulatively, the USFWS will continue to require the preparation of a site-specific EA for each proposed encroachment or divestiture of WSFR-interest land that may not qualify for approval under an existing categorical exclusion, as detailed under the No Action Alternative.

1.4 Background

As of 2010, a total of approximately 369,900 acres of land have been acquired, partially or in whole, with Wildlife and Sport Fish Restoration Program grant funds[6] by the State partner agencies in Region 1: ID, OR, WA (this document does not include HI and the Pacific Islands). The majority of these lands are being managed to provide habitat for fish and wildlife and some are also managed to support various forms of wildlife-dependent recreation for the public. States have also acquired thousands of smaller sites within the Region to provide public access to lakes and streams for anglers and boaters.

Each year, the Region 1 WSFR Program Office receives a number of requests for minor land encroachments and divestitures for such things as roads, utilities, or because the lands is no longer meeting or no longer needed for the original purpose for purchase of WSFR-interest lands. Some of these requests, disposals in particular, cannot be approved under the existing categorical exclusions that address land transactions (516 DM 8.5, A(4) and C(4)). As such, the USFWS has been requiring site-specific EAs for some of these proposed projects.

Under the authorities governing management of lands in the WSFR Program[7], it has been the practice to consider reasonable requests to dispose of WSFR interest land because they are no longer needed for or meeting the purpose(s) for which they were originally purchased. We

[6] This document applies to all grant programs managed by the WSFR Program in Region 1. It does not apply to any program not wholly managed by WSFR, such as the Endangered Species Section 6 Grants.
[7] 43 CFR 12, 50 CFR 80.

expect to continue this practice as we do not think that these lands should be perceived as insurmountable barriers to other legitimate objectives. Our intent in developing this Programmatic EA is to allow the USFWS to approve some of these proposed land transactions in the future in a more efficient manner when they meet the conditions outlined in Section 2.2.2 of this EA.

1.5 Applicability

Utilization of this Programmatic EA by the USFWS (Wildlife and Sport Fish Restoration Program Office, Region 1) to analyze disposals of Wildlife and Sport Fish Restoration Program lands would be limited to **only** those proposed land transactions that meet **all** of the conditions stated in the Proposed Action, Alternative B (section 2.2.2).

Chapter 2 – Alternatives, Including the Proposed Action

2.1 Alternative Considered But Not Carried Forward for Detailed Analysis

2.1.1 Consideration of non-WSFR lands. This alternative was not considered in detail because, as defined below under the Proposed Action, the State agency proposing the disposal will have already determined that the WSFR-interest land is the only feasible and prudent property/piece of property to accomplish a given project's objectives. This documentation will be part of the disposal proposal process (see Proposed Action, Alternative B, and Appendix 1a for the Abbreviated Assessment Form).

2.2 Alternatives Carried Forward for Detailed Analysis

2.2.1 No Action Alternative, Alternative A – Site-specific EA is Needed

Currently, the Department of the Interior and the U.S. Fish and Wildlife Service do not have a categorical exclusion that covers disposals of land with a federal interest. For this reason, even minor disposals currently require the preparation of at least an EA, regardless of the anticipated context and intensity of impacts. If this status quo alternative is selected for implementation, we would continue this process of requiring at least an EA for all proposed disposals.

Similarly, this alternative would be implemented by the USFWS if the Regional Director, through the WSFR Chief and in consultation with the appropriate State partner agency, determines: (a) that the proposed land transaction does not meet the 10 conditions specified under Section 2.2.2 and that a site-specific EA needs to be prepared, or (b) that there are other valid reasons for requiring that site-specific EAs continue to be prepared for each land transaction that does not fit the categorical exclusions, disposals in particular. In such situations, the proposed land transaction would undergo the standard review of a site-specific EA or Environmental Impact Statement (EIS), depending on the potential context and intensity (i.e., significance) of the associated impacts.

2.2.2 Proposed Action, Alternative B – Use of Abbreviated Assessment Process

This alternative would be implemented by the USFWS if the Regional Director, through the WSFR Chief and in consultation with the appropriate State partner agency, approves the proposed minor land transaction under the conditions below.

Under this alternative, the Region 1 WSFR Program Office would be responsible for reviewing each individual proposed land transaction to ensure that **all** of the following conditions have been met:

1. The proposed land transaction does not qualify for approval under an existing categorical exclusion or the State agency prefers to have the proposed land transaction processed under the Programmatic EA.

2. The land transaction is proposed for property that is no longer needed for or meeting the purpose(s) for which it was originally purchased, as determined by the State agency.

3. As required by 43 CFR 12.71, the State agency will either: a) provide replacement lands of at least equal or greater monetary (current market) **and** fish and wildlife value or b) repay a sum sufficient to purchase replacement lands of at least equal or greater monetary (current market) value **and** adequate to ensure that the fish and wildlife values of the lands directly, indirectly, and cumulatively impacted by the project are fully replaced.

The State would be responsible for crediting these reimbursement funds to the appropriate WSFR grant program for later use in purchasing lands. If a third-party applicant (e.g., a utility company) is involved, States are encouraged to require or implement additional mitigation and compensation measures to protect the purpose(s) for which these lands were originally acquired.

4a. If the WSFR-interest land involved is part of a larger management area, the total amount of Wildlife and Sport Fish Restoration Program land to be exchanged, traded, or sold, or that requires an easement, lease, or license does not exceed the values in the following table[8]:

Total Size of State Area	**Maximum Size of Land Transaction**
Less than 300 acres	3 acres
300 to 1000 acres	1 percent of the area
1000 acres to 10,000 acres	1 percent of the area not to exceed 25 acres
More than 10,000 acres	1 percent of the area not to exceed 100 acres

4b. If the WSFR land involved is not part of a larger management area, such as remote or satellite properties, the State partner agency must determine that the acreage involved and the resulting impacts from the loss of the federal interest on those lands would not be significant (i.e., impact limit, not acreage limit).

5. There is no feasible and prudent alternative that would avoid the divestiture of WSFR-interest lands and the project plan includes all feasible and prudent measures to minimize the disposal of and impacts to these lands. In the situation where land is no longer needed for or meeting the purpose for which it was originally purchased, there is often no alternative to disposal.

In certain situations, a third party, such as a utility company, will request the use or ownership of (and thereby disposal) WSFR-interest lands. In these cases, the third-party applicant requesting the disposal, if not the State partner agency, should coordinate with the State partner agency during the development of supporting documentation demonstrating that alternatives to avoid and minimize impacts have been adequately considered. The documentation need not be voluminous but should adequately discuss the factors (such as possible increased project costs; social, economic, and environmental impacts; or community disruption) considered for each alternative in reaching the determination that there is no feasible and prudent alternative to the proposed action that could minimize, or avoid altogether, encroachment on the WSFR-interest

[8] The sliding-scale system used in this table is loosely based on a table in criteria #3 from the Programmatic Section 4(f) Evaluation, dated August 10, 2005, prepared by the Federal Highway Administration for Federally-aided highway projects that have minor involvements with public parks, recreation lands, & wildlife & waterfowl refuges.

lands. We have created an Abbreviated Assessment Form template (see Appendix 1a) to assist with this process, if the State and/or applicant choose to use it.

6. The direct, indirect, and cumulative impacts of the proposed action on WSFR-interest lands would be minor or temporary.

In addition to describing the unavoidable direct impacts of the proposed action on WSFR-interest lands, the State partner agency's supporting documents should also describe any possible proximity impacts (such as increased noise, visual intrusion, air and water pollution, introduction of invasive species, other wildlife and habitat effects, and/or other impacts deemed relevant) that could affect use of the WSFR-interest lands or any other lands in the vicinity of the proposed land transaction. Impacts associated with the operation and use of the proposed facility, as well as temporary construction impacts, should be described and discussed. The USFWS will consider the nature and duration of the proposed project's direct, indirect, and cumulative impacts in determining whether approval of the project under the Programmatic EA is appropriate.

7. The proposed land transaction would not impact any major development with a WSFR interest (such as buildings, shooting ranges, fishing or viewing platforms, etc.).

8. The land transaction would not adversely affect historic or other cultural resources. This would require the State partner agency to work through WSFR/USFWS, who will communicate with the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer (THPO), and potentially impacted Tribes to determine survey protocols and archaeological personnel for the property; survey the property pursuant to coordination with SHPO/THPO/Tribes; determine in writing that no cultural or historic resources exist on the site and/or commit to the avoidance, minimization, and mitigation measures agreed to as being necessary to prevent the adverse impact by the SHPO, THPO, Tribes, and Advisory Council on Historic Preservation (ACHP), as applicable.

If such resources do exist on the site, and no avoidance, minimization, or mitigation measures will reduce the level of impact to the satisfaction of the SHPO, THPO, Tribes, and the ACHP, if involved, the disposal of that property is defined by 36 CFR 800 as an adverse impact to cultural resources (due to the loss of Federal protections under the National Historic Preservation Act (NHPA)) and, as such, would not be eligible to use this Programmatic EA and would require a separate, site-specific EA.

State partner agencies would attach all documentation from this process to the Abbreviated Assessment Form when submitted, including, but not limited to: maps, previous or current surveys of the area involved, if applicable, all Tribal consultation documentation, and SHPO/THPO clearance letters or reports.

9. The proposed land transaction would:
a. Not adversely affect Federally listed, proposed, or candidate species, and/or designated or proposed critical habitat (property involved could not be proposed or designated critical habitat);
b. Not have meaningful adverse impacts to wetlands;

c. Not have meaningful adverse impacts to floodplains;
d. Not result in a major decrease of public access or recreation;
e. Not result in a significant impact to another Federal or State entity with a financial interest in the property involved;
f. Not result in disproportionate impacts to low income or minority populations; and
g. Not result in a decrease in the amount of land designated as wilderness by either the State or Federal government.

10. Substantial public opposition and/or controversy regarding the proposed land transaction do not exist. For each potential disposal, the State and/or applicant would inform the affected public regarding the proposal and given them an opportunity to provide comments. Depending on the nature and scope of the proposal, various public information techniques may be used. This could include newspaper notices, environmental newsletters, postings at public buildings and web sites, contacting other units of government, contacting affected and adjacent landowners, individual mailings to potential affected parties and public meetings. Copies of comments should be provided to the USFWS if there is any question of whether such comments constitute "substantial" opposition or controversy. If issues cannot be resolved, and opposition or controversy is substantial, the proposal would be delayed until a site-specific EA is completed.

Documentation Required – Consistent with the NEPA regulations in 40 CFR 1500.4(i), 1502.20, and 1508.28 (see Attachment 1a, Abbreviated Assessment Form), a written, albeit abbreviated, site-specific analysis would be provided by the State to WSFR for the proposed land transaction. This written review addresses each of the issues listed in criteria 1 through 10 above and specifies the status of each issue and whether the site-specific situation "triggers" the need for additional review or consultation with the USFWS on whether a full site-specific EA is necessary.

The State's Abbreviated Assessment documentation may be provided in tabular form, as indicated in the examples in Appendices 1a and 1b, with supporting documentation (e.g., project maps; third-party applicant's proposal; response letters from SHPO, THPO, Tribes, or ACHP; cultural resources survey report; and proposed compensation per criterion 3 above. The USFWS reserves the right to request any additional information from the State and/or applicant that may be needed to determine if the proposed land transaction meets all of the 10 conditions above.

2.2.3 Alternative C – Denial of Proposed Land Transaction

This alternative would be implemented by the USFWS if the Regional Director, acting through the WSFR Chief and in consultation with the appropriate State partner agency, determines that the applicant would not be allowed to utilize WSFR-interest lands and denies the proposed land transaction. WSFR will notify the State partner agency in writing within 30 days. The USFWS/WSFR retains the right to deny any request for an encroachment or divestiture if it determines that such denial is in the best interest of fish and wildlife resources. Under this alternative, the applicant requesting use of these WSFR-interest lands would need to utilize an alternate design that would avoid the encroachment onto or divestiture of these WSFR-interest lands.

Table 1 – Comparison of Alternatives

	No Action – Alt A	**Proposed Action – Alt B**	**Alt C**
Potential for encroachments or divestitures of WSFR-interest lands	Allowed, under certain conditions.	Allowed, under certain conditions (10 criteria, section 2.2.2).	Not allowed.
WSFR approval process for encroachments or divestitures of WSFR-interest lands	EA always required, at a minimum.	Documentation demonstrating consistency with 10 criteria defined in section 2.2.2 (Abbreviated Assessment Form with attachments).	Denial of proposal to encroach onto or divest of WSFR-interest land.

Chapter 3 – Affected Environment

3.1 Physical Environment

The types of lands that would be affected by these projects would be WSFR-interest lands within the Region 1 States of Idaho, Oregon, and Washington that have been acquired with WSFR grant funds. As of 2010, approximately 695,000 acres of land have been purchased by State partner agencies in Region1 with WSFR grant funds (Table 2). The majority of these lands are being managed by the various States to provide habitat for fish and wildlife, as well as various forms of wildlife-dependent recreation for the public. States have also acquired thousands of smaller sites within the Region to provide public water access to lakes and streams for anglers and boaters.

These lands include a full array of infrastructure, some purchased using WSFR funds. This includes fish hatcheries, maintenance buildings, office buildings, as well as educational and recreational facilities, such as classrooms, hunting blinds, fishing platforms, boat ramps, marinas, etc.

Table 2 – WSFR-interest Acres Acquired Per Grant Program in Region 1

Grant Program	**Acres Acquired with WSFR Funds**
State Wildlife Grants	104
Sport Fish Restoration	22,137
Landowner Incentive Program	1,595
Wildlife Restoration	629,926
Coastal Wetlands Conservation Grants	41,613
Total Acres	**695,375**

3.2 Biological Environment

3.2.1 Habitat

WSFR interest lands in this Region have a full range of habitats available, from shrub-steppe to rainforest. Many of the lands purchased with WSFR funds, depending on the grant program, were purchased because they provide a priority habitat type. For example, lands purchased with Wildlife Restoration Grant funds are to provide habitat for specified wild birds and mammals. Lands purchased with Coastal Wetlands Conservation Grants are to preserve the coastal wetland habitat features.

3.2.2 Listed and Priority Species

As previously stated, the majority of the State lands that would be affected by these proposed land transactions are being managed to provide habitat for fish and wildlife. In some cases, these fish and wildlife species are Federally and/or State listed as threatened or endangered, or otherwise designated as priority species, such as Species of Greatest Conservation Need in a State's Wildlife Action Plan (see Section 7 documentation – to be provided after the comment period).

3.3 Cultural Resources

A very small percentage of State lands have been sufficiently inventoried to identify the presence of unrecorded cultural resources or culturally important sites. Furthermore, most cultural resources, such as buildings, structures, and sacred sites have not been evaluated as historic properties (i.e., to determine if they meet the criteria for the National Register of Historic Places). Most project areas have the potential to contain reported and unreported cultural resources.

3.4 Socio-economic Resources

3.4.1 Environmental Justice
Some properties may be located within or adjacent to low income or minority populations who may be disproportionately impacted. For example, a State proposes to sell a WSFR-interest parcel to a waste management company who owns several other properties in the area for use as landfills. The WSFR-interest parcel is no longer needed for the original purpose for purchase and superior habitat can be purchased elsewhere. If the WSFR-interest parcel proposed for sale is adjacent to a low-income or minority population or community, this population/community could be disproportionately impacted by the addition of another landfill in their community. In comparison, if the WSFR-interest land proposed for sale was not in proximity to a low-income or minority population/community, or the population/community did not already have several landfills in close proximity, there would be no environmental justice concerns.

3.4.2 Recreation and Access
Recreation – Many of the WSFR-interest lands are open to a variety of public uses, including (but not limited to) hunting, fishing, environmental education and interpretation, bird watching, nature photography, and various other wildlife-dependent forms of recreation. As stated previously, there may, or may not, be infrastructure on a given property related to recreational uses.

Access – Some of the WSFR-interest lands are already encumbered, such as by utility rights-of-way or allowing a neighbor a right-to-access an otherwise inaccessible property. Some are closed to public access, others open during specific seasons, and still others open to all manner of uses.

3.4.3 Other Financial Interests – Often, WSFR-interest lands were also purchased with funds from another source, such as the Land and Water Conservation Fund (managed by the National Park Service). For any proposal for an encroachment onto or divestiture of WSFR-interest lands, a State partner agency would have to ensure they were also meeting the requirements of any other financial interests involved for a given property.

Chapter 4 Environmental Consequences

4.1 No Action, Alternative A – Site-specific EA is Always Needed

4.1.1 Physical Impacts

The physical impacts associated with approval of a land transaction under this alternative would ultimately be similar to those of the Proposed Action, Alternative B. The reason for this is that the primary difference between the two alternatives is procedural in nature. Therefore, either process would include consideration of measures to avoid, minimize, and/or mitigate losses of physical infrastructure. If outright disposal of the land is desired by the State partner agency, the value of the physical infrastructure would be included in the appraised value of the site and included in any consideration for either purchase of replacement lands or reimbursing the federal government for the current market and habitat values. But under this alternative, a site-specific EA would be required for each land transaction, particularly for disposals of WSFR-interest land. This alternative would require additional expenditures of State and Federal staff time to complete the necessary documentation, as compared to Alternative B (Proposed Action) and possibly Alternative C (denial of proposal), but that would be case-specific.

4.1.2 Biological Impacts

In addition to the impacts to fish and wildlife resulting from the project-related loss of habitat, the construction and use of a facility (e.g., road, right-of-way, etc.) that could be approved under this alternative might have other adverse impacts on fish and wildlife within the WSFR-interest lands. These could include such things as increased traffic noise and disturbance to wildlife, impacts of salt and other runoff materials from roadways, the potential for increased collisions with cars, the potential for bird and/or bat collisions with utility lines, and the potential for increased predation on wildlife by raptors and other birds utilizing towers or power line structures for perching and/or nesting structures. However, under both alternatives A and B, all practical measures would be undertaken to minimize these potential project impacts on the fish and wildlife within these areas. Such impacts would also be considered in determining appropriate compensation for the project. The defining difference to biological resources between alternatives A and B is the potential for higher quality habitat being lost due to the time needed to complete the site-specific EA under Alternative A.

The biological impacts associated with approval of a land transaction under this alternative would be similar to Alternative B, as the primary difference between alternatives is procedural. If the land transaction involved includes the use of WSFR-interest lands for an access route or right-of-way, various alternative routes would be considered, and if the Wildlife and Sport Fish Restoration Program lands could not be avoided, a route would be selected which would minimize the biological impacts of the proposed project to the extent possible. All unavoidable direct, indirect, and cumulative adverse impacts to fish and wildlife would be considered in determining the amount of compensatory mitigation that would be required of the State and/or their third-party applicant. Similarly, if outright disposal is desired by the State partner agency, WSFR would ensure (under both alternatives A and B) that either the impacts to biological resources would be avoided or minimized, or replaced with lands with comparable biological attributes. The process would just take longer under A than B, and possibly C if we need to go through the site-specific EA process to determine is disposal is acceptable or not.

4.1.2.1 Habitat Impacts

If the proposed land transaction requires that a site-specific EA be prepared, the habitat impacts should essentially be the same as for Alternative B. Under all alternatives, various alternative options or routes would be considered to see if the WSFR-interest lands could be avoided and, if unavoidable, an option/route would be selected which would minimize the habitat impacts to the extent possible and provide compensatory mitigation to fully offset any unavoidable adverse impacts, including: the purchase of lands with comparable habitats to those being lost; reimbursing the Federal government for the current market and habitat values lost; or denying the proposal, as under Alternative C. Under Alternative A, for those land transactions that cannot be covered by a categorical exclusion (such as disposals), an EA is required at a minimum. But overall the process will be similar in analysis to Alternative B, albeit taking longer to prepare. As the primary difference between alternatives A and B is procedural, the potential exists for higher quality habitat being lost due to the time needed to complete the site-specific EA under Alternative A.

4.1.2.2 Listed and Priority Species

As with Alternative B, a proposed land transaction would not be approved if: a) construction on or use of the WSFR-interest lands involved is likely to adversely affect, directly, indirectly, or cumulatively, any Federally listed, candidate, or proposed threatened or endangered species; or b) result in adverse modification of any designated or proposed critical habitat for such species. The difference between alternatives A and B in regards to listed and priority species, is that under Alternative A, a site-specific EA would be required before such a determination is made. But in either Alternatives A or B, and as seen in Alternative C, if the Section 7 determination is "likely to adversely affect" a listed or priority species or critical habitat, the project would likely be denied.

4.1.3 Cultural Resources

Under both alternatives A and B, WSFR would initiate consultation with the SHPO, THPO, and appropriate Native American Tribes as soon as the area(s) of potential effect for the proposed undertaking (land transaction) is determined. A cultural resources survey will be required if the State partner agency desires to dispose of WSFR-interest land to ensure there will not be an adverse effect from the removal of the land from Federal cultural resource protections. If the undertaking has the potential to affect a historic property (a cultural resource meeting the eligibility criteria for the National Register of Historic Places), as determined through the Section 106 (National Historic Preservation Act) process defined in 36 CFR 800, the State partner agency would notify the USFWS Regional Historic Preservation Officer or other WSFR-designated counterpart to complete the Section 106 process. This process would be followed under both alternatives A and B, as this process is not discretionary.

4.1.4 Socio-Economic Conditions

We anticipate that almost any proposed new infrastructure (such as a road, utility line, etc.), would likely be beneficial to the public in the vicinity of the project by providing improved access, cheaper power, etc. That said, we anticipate that the costs to the public and the third-party applicant (if involved), in most instances, would be greater to all involved under this alternative than under Alternative B, because of the additional time required to develop a site-specific EA.

For example, the additional time required to process the site-specific EA would put the benefits of the transaction off further into the future, perhaps including access that continues to be limited or non-existent, power that remains relatively expensive, etc.

4.1.4.1 Environmental Justice
In this alternative, WSFR would evaluate any requests to use land relative to environmental justice concerns in the site-specific EA and would ensure that no population would be disproportionately adversely impacted by the transaction. This is the same as under Alternative B, the process would just take longer.

4.1.4.2 Recreation and Access
Recreation – Under this alternative, there may be greater impacts to recreational opportunities (both impacts to recreation in general and to specific types of recreation) or facilities than under the Proposed Action, Alternative B. The reason for this is that, under Alternative B, State agencies are required to demonstrate in writing negligible impacts to the recreation resources. Whereas under a site-specific EA process, we would not necessarily require that impacts to the recreation resource be negligible. Under Alternative B, the State partner agency must demonstrate that replacement properties will provide comparable recreation opportunities[9], whereas this is not a requirement under Alternative A.

Access – While existing legal access of third parties cannot and will not be denied under any of the alternatives, recreational and other access may decrease under this alternative to a greater degree than under Alternative B for the reasons just explained under Recreation.

4.1.4.3 Other Financial Interests
Under all of the alternatives, WSFR and the State agencies will ensure that all financial interests and requirements stemming therefrom will be evaluated and not impacted, unless permission has been granted to do so by the financial partner involved.

4.1.5 Procedural Impacts
Under this alternative, we would continue to process each proposed land disposal using at least an EA. Other land transactions could be covered under existing categorical exclusions, if appropriate, but not disposal. This requires staff time for both WSFR and the associated State partner agency involved, as well as extending the time horizon for the disposal itself (which may have associated costs also). Similarly, such procedural delays can result in missed opportunities for land transactions that would better benefit the purpose(s) for which the land in question was originally purchased.

4.1.6 Cumulative Impacts
As the nature of this effort is procedural in nature, it is not anticipated that there will be any cumulative effects associated with implementation of any of the alternatives. While this alternative proposes potentially higher costs through additional processing time, which may lead

[9] Recreation opportunities will be evaluated on a case-by-case basis. In some cases, the same recreational opportunities may be provided by replacement lands. But depending on the State partner agency's needs relative to recreation, different types of recreational opportunities may be provided on replacement lands. See Alternative B for additional discussion (section 2.2.2).

to missed opportunities over time, it is not anticipated that those costs or missed opportunities would cumulatively be significant: disposals are not particularly common and are spread out in time, thereby minimizing any potential for cumulative impacts to habitat, expenditures, or opportunities. Through this draft Programmatic EA process, we have requested input from the State partner agencies involved and they have not voiced that they anticipate impacts, costs, or opportunities lost that would rise to a level of significance. Additionally, due to the safeguards provided in 36 CFR 800, no cumulative impacts to cultural resources would be expected.

4.2 Proposed Action, Alternative B – Use of Abbreviated Assessment Process

4.2.1 Physical Impacts

Using the Abbreviated Assessment Form (Appendix 1a), the State partner agency would consider measures to avoid, minimize, and/or mitigate losses of physical infrastructure. If outright disposal of the land and associated infrastructure is desired by the State agency, the value of the physical infrastructure would be included in the appraised value of the site and included in any consideration for either purchase of replacement lands and associated infrastructure (compensatory mitigation) or reimbursing the federal government. Under this alternative, we would require impacts to physical infrastructure to be negligible to use the Abbreviated Assessment process. For this reason, impacts under Alternative A may ultimately be greater, as it would not have to meet this same standard.

4.2.2 Biological Impacts

The biological impacts associated with approval of a land transaction under this alternative should also be similar to Alternative A, as the primary difference between alternatives is procedural. If the land transaction involved includes the use of WSFR-interest lands for an access route or right-of-way, various alternative routes would be considered, and if the WSFR-interest lands could not be avoided, a route would be selected which would minimize the biological impacts of the proposed project to the extent possible. All unavoidable direct and indirect adverse impacts to fish and wildlife would be considered in determining the amount of compensatory mitigation that would be required of the applicant. Similarly, if outright disposal is desired by the State agency, WSFR would ensure that either the impacts to biological resources would be negligible or lands with comparable biological attributes were purchased to replace the disposed lands. All this said, the impacts resulting from Alternative B may ultimately be less than those under Alternative A, as the standard for use of the Abbreviated Assessment process is negligible impacts, which is a higher standard than would be required under Alternative A.

4.2.2.1 Habitat Impacts

Any infrastructure project (such as a road, utility line, etc.) for which the associated land transaction could be approved under this alternative could have at least some minor and temporary impacts on fish and wildlife habitats on the WSFR-interest lands. However, the conditions for use of this alternative to approve the transaction ensure that the project is in full compliance with Federal environmental laws and regulations, including Executive Orders 11990 (Protection of Wetlands) and 11988 (Floodplain Management). In addition, for the land transaction to be approved, the project must be designed to minimize impacts to the extent possible, and the project plan must include a commitment by the State agency and/or applicant to

provide adequate compensation that would offset any unavoidable adverse impacts to fish and wildlife habitat. This compensation could consist of replacement lands of at least equal or greater monetary and fish and wildlife habitat value or monetary reimbursement (from a third party, such as a utility) to the State sufficient to purchase such replacement lands. The State would be responsible for crediting these reimbursement funds to the appropriate Wildlife and Sport Fish Restoration Program, where they would be available to the State agency to fund future land purchases that, in time, would replace the fish and wildlife habitat impacted by the approved project.

4.2.2.2 Listed and Priority Species

Approval of any project and associated land transaction would be done in full compliance with Section 7 of the Endangered Species Act of 1973. A proposed project could not be approved under this alternative if the land transaction is likely to adversely affect, directly, indirectly, or cumulatively, any Federally listed, candidate, or proposed threatened or endangered species or result in adverse modification of any designated or proposed critical habitat for such species. For each proposal provided to WSFR for approval under this alternative, the State partner agency would submit, as part of the supporting documentation and in addition to the Abbreviated Assessment Form (see Appendix 1a), a WSFR Section 7 Evaluation Form ("Phase 1 Form"). From there, we would complete the internal consultation by completing either a Phase 2 Form or a Biological Assessment. This process would help ensure that no proposals would "likely affect" listed, proposed, or priority species.

4.2.3 Cultural Resources

Under both alternatives A and B, WSFR would initiate consultation with the SHPO, THPO, and appropriate Native American Tribes as soon as the area(s) of potential effect for the proposed undertaking (land transaction) is determined. A cultural resources survey will be required if the State partner agency desires to dispose of WSFR-interest land to ensure there will not be an adverse effect from the removal of the land's Federal cultural resource protection. If the undertaking has the potential to affect a historic property (a cultural resource meeting the eligibility criteria for the National Register of Historic Places), as determined through the Section 106 (National Historic Preservation Act) process defined in 36 CFR 800, the State partner agency would notify the USFWS Regional Historic Preservation Officer or other WSFR-designated counterpart to complete the Section 106 process. This process would be followed under both alternatives A and B, as this process is not discretionary.

4.2.4 Socio-Economic Conditions

As with Alternative A (No Action), we anticipate that almost any proposed new infrastructure (such as a road, utility line, etc.) would likely be beneficial to the public in the vicinity of the project by providing improved access, cheaper power, etc. We also expect that the costs to the public, the State partner agency, and the third-party applicant (if appropriate) in most instances would be less than under Alternative A, due to the use of the Abbreviated Assessment process.

4.2.4.1 Environmental Justice

If any low-income and/or minority populations and communities are located immediately adjacent to an area of WSFR-interest lands on which a project is proposed, the State partner agency is required under this alternative to analyze any potential proximity impacts to ensure that

the construction, use, or other divestiture of the proposed lands would not result in any disproportionate, substantial, adverse impact to these populations or communities. This analysis is a component of the Abbreviated Assessment Form (see Appendix 1a), which would be submitted with the proposal for the land transaction.

4.2.4.2 Recreation and Access

Recreation – Under this alternative, State partner agencies are required to demonstrate in writing negligible impacts to the recreation resources using the Abbreviated Assessment Form (see Appendix 1a). Whereas under a site-specific EA process, as with Alternative A, we would not necessarily require that impacts to the recreation resource be negligible. Under Alternative B, the State partner agency must demonstrate that replacement properties will provide comparable recreation opportunities, whereas this is not a requirement under Alternative A; Alternative B sets a higher standard. This analysis of comparable recreation opportunities will occur on a case-by-case basis. Depending on the situation, replacement lands may provide equal amounts of recreation in general, but not necessarily the same types of recreation. The State will evaluate the impacts of the change in amounts of a specific type of recreation based on what they are required or otherwise desire to allow in a given location. Regardless, under this alternative, changes to the recreation resource in general are required to be negligible at most, or a site-specific EA is required to be prepared.

Access – While existing legal access of third parties cannot and would not be denied under any of the alternatives, additional recreational and other access will not be impacted more than negligibly, or a site-specific EA will be required to be prepared.

4.2.4.3 Other Financial Interests

Under all of the alternatives, WSFR and the State agencies will ensure that all financial interests and requirements stemming therefrom will be evaluated and not impacted, unless permission has been granted to do so by the financial partner involved.

4.2.5 Procedural Impacts

This alternative presents a streamlined way to handle land transactions proposed by our State partner agencies. By using the Abbreviated Assessment Form (see Appendix 1a), time and effort would be saved by not having to prepare a full, site-specific EA and engage in the federal public review and comment process for each land transaction proposed. By saving this time and effort, opportunities may be capitalized upon that would otherwise be lost if the timeline would not allow for the full, site-specific EA process.

4.2.6 Cumulative Impacts

Because of the conditions for use included in this alternative (see section 2.2.2), particularly that the applicant must provide sufficient compensatory mitigation to fully offset all direct, indirect, and cumulative proposed impacts, no more than minor and temporary impacts would be expected to occur due to the approval of any individual proposal. Accordingly, we do not anticipate that the approval of proposals across WSFR-interest lands in the states within Region 1 will result in any major cumulative impacts. Past approvals of similar projects and associated land transactions within State lands under site-specific EAs have not resulted in any major adverse cumulative impacts, particularly when conditions similar to the 10 conditions listed in Section 2.2.2 of this

alternative have been met. Over time, there could be a net gain in wildlife habitat since some projects would result in a net gain in acreage. Due to the small acreage size of most of the proposed land transactions, except for acquisition, it is not expected that this net gain would be significant. There could also be cumulative impacts to State partner agencies and third-party applicants, such as transportation agencies and some utilities that may have a number of projects over time that involve WSFR-interest lands. Being able to approve qualifying projects under the this draft Programmatic EA would allow WSFR to process such projects more quickly, resulting in a cumulative savings of time for State partner agencies and any associated the third-party applicants, as well as WSFR staff. Although there will be a cumulative cost savings, it is not expected to be significant based on our current expenditures for implementation of the status quo process, Alternative A (No Action).

4.3 Alternative C – Denial of Proposed Land Transaction

4.3.1 Physical Impacts

If a proposed land transaction were denied, there would not be any impacts to existing physical infrastructure on lands purchased, partially or in whole, with WSFR funds. That said, if a facility, such as a road or utility line, were installed adjacent to WSFR-interest land due to the denial of a proposed land transaction, we would not be in a position to require mitigation to reduce the impacts to those WSFR-interest lands. It the proposal is for an outright disposal of land, the denial of that proposal would eliminate any impacts to the existing physical infrastructure.

4.3.2 Biological Impacts

If a proposed land transaction is denied, in addition to possible impacts to fish and wildlife on the offsite lands on which the project is ultimately constructed, some fish and wildlife impacts may also occur on WSFR-interest lands with this alternative if the proposed facility (road, utility line, etc.) is constructed in close proximity to the boundary of the WSFR-interest land. The USFWS would not be in a position to require that the project be designed and constructed in a manner that would mitigate, to the extent possible, the potential fish and wildlife impacts on the offsite project lands or on the adjacent WSFR-interest lands. Along these lines, Alternative A would allow process flexibility in that it would not automatically result in a denial, Alternative B would allow the process flexibility, but would also set impact thresholds (standards, see section 2.2.2), unlike alternatives A or C. Additionally, implementation of this alternative could lead to the retention of poor quality habitat or land considered “surplus” that could otherwise be exchanged for a site with higher habitat quality under alternatives A or B. On the flip-side, this alternative could also prevent damage to the existing biological resources by disallowing State partner agencies from disposing quality habitat that is still meeting the purpose for which it was originally purchased.

4.3.2.1 Habitat

If the USFWS ultimately determines that the proposed land transaction does not meet all of the conditions in Section 2.2.2, and denies the proposed land transaction, or for other reasons denies the transaction, the proposed facility (if the purpose of the transaction is to create a building, road, etc.) would likely be constructed on private property in the vicinity of the WSFR-interest land boundary. If a longer route/road or larger facility is required to avoid the WSFR-interest

lands, and the habitat directly adjacent to the WSFR-interest land is contiguous with the habitat on the WSFR-interest land, the impacts may be greater under this alternative than those addressed in Alternative B (Proposed Action). In addition, if the land transaction is on private land or State-owned, non-WSFR-interest land, it is less likely under this alternative that a third-party applicant would be required by the State partner agency to provide compensatory mitigation to offset habitat impacts. If most of the habitat on the WSFR-lands is in cropland and not being provided for agriculturally-dependent species, the impacts would likely be less under this alternative than with Alternative B. If the WSFR-interest land is being provided for agriculturally-dependent species, this alternative might be superior to alternatives A and B, as the onsite agriculture may allow species a dietary option that would provide a reason to deny the land transaction because it would minimize crop damage to adjacent private landowners. Essentially, denial of a proposal for disposal would eliminate any impacts to the existing habitats on the WSFR-interest lands, but may have greater impacts to the surrounding area; such a denial could foreclose opportunities to provide superior habitat for a larger suite of species. In this case, Alternative B would be the most effective and flexible process, with Alternative A second in line, and Alternative C being the least effective and flexible.

4.3.2.2 Listed and Priority Species

It is possible that some Federally listed or proposed threatened or endangered species could be adversely affected by this alternative and/or critical habitat could be adversely modified because the USFWS may not be in a position (if no WSFR-interest lands are involved and the proposed facility is not Federally funded or does not need a Federal permit) to require that impacts to listed species or critical habitat be avoided and that the project be constructed in compliance with Section 7 of the Endangered Species Act as we would not play a role in that process (unless another Federal agency was involved). However, all entities and individuals are still subject to provisions of the Endangered Species Act (ESA) and to penalties under Section 9 of the ESA. That said, critical habitat does not apply to private landowners, only to the Federal government, and therefore the loss of Federal protection to a private landowner would be an adverse effect to critical habitat. That would be a ready reason for denial under this alternative, but the protections resulting from the approval of a land transaction proposed with the Abbreviated Assessment Form under Alternative B, would provide minimum thresholds for impacts that must be met. Listed species would still have legal protection on land outside of WSFR's purview, but the chances of a thorough review (alternatives A and B) or full protection and mitigation (Alternative B) are reduced, unless these lands are purchased by another Federal agency.

If the proposal was for an outright disposal or exchange of WSFR-interest lands, the denial of that proposal and maintenance of the status quo would eliminate any adverse impacts to listed, candidate, proposed, or priority species, or designated or proposed critical habitats that would have resulted from the approval of the disposal/exchange. It would also eliminate potential improvements to those resources, unlike alternatives A and B.

4.3.3 Cultural Resources

Some adverse impacts to cultural resources could occur due to this alternative because the USFWS may not be in a position (if no WSFR-interest lands are involved) to require that impacts to cultural resources be avoided if the same project was proposed on WSFR-interest lands and was denied (forcing the project onto non-WSFR-interest State or private lands).

However, as a State project, it would still require consultation with the appropriate State Historic Preservation Officer (SHPO), who would have some control over the safeguarding of cultural resources.

4.3.4 Social-Economic Conditions

Many of the infrastructure projects (roads, utility lines, etc.) that are proposed for WSFR-interest lands Wildlife and Sport Fish Restoration Program lands would be beneficial to the public in the vicinity of these projects by providing easier access, cheaper power, etc.

However, if the proposal is denied, the route required to avoid crossing the WSFR-interest lands may be longer and result in increased costs to the State, third-party applicant, and the public. This longer route may have worse environmental effects than allowing it on the WSFR-interest lands. In which case, this alternative would not be helpful for environmental protection, but the full analyses required under alternatives A and B, and the thresholds set for Alternative B would be preferable.

4.3.4.1 Environmental Justice

Many of the types of facilities and activities, for which some use of WSFR-interest lands may be proposed, such as roads and utility lines, could be beneficial to minorities and low-income populations and communities by providing greater access, cheaper power, etc. Denial of a proposed use of WSFR-interest lands for such a project would have the potential to result in adverse impacts to minority and low-income populations and communities if they are located in the vicinity of the route selected to avoid the WSFR-interest lands. This is particularly true if the project would not be subject to Federal, State, or local regulations or policies intended to address such potential impacts, as that would be a disproportionate impact to that community. For this, the full analyses required under alternatives A and B, and the thresholds set for Alternative B would be preferable.

4.3.4.2 Recreation and Access

If a proposed land transaction is denied by WSFR, the existing levels of recreation and access would remain the same. That said, depending on the situation, it may be too expensive for a State to manage recreation at a given site, so denial of a proposal to exchange that land for land that is easier to manage may ultimately result in the closure of that WSFR-interest site to recreation. Under alternatives A and B, this would be fully assessed, and may be under this alternative also, but that is discretionary on our part. Additionally, thresholds set for Alternative B would prevent major impacts to recreation and access, as any opportunities lost would have to be replaced.

4.3.4.3 Other Financial Interests

Under all of the alternatives, WSFR and the State agencies will ensure that all financial interests and requirements stemming therefrom will be evaluated and not impacted, unless permission has been granted to do so by the financial partner involved.

4.3.5 Procedural Impacts

Similar to Alternative A, in some situations, this alternative could require the full review of the proposal (although it would be discretionary, unlike Alternative A), rather than the Abbreviated

Assessment allowed by Alternative B. As such, it could be more time consuming to implement than Alternative B's streamlined process.

4.3.6 Cumulative Impacts

There could be some cumulative impacts associated with this alternative if the proposed projects that must avoid the WSFR-interest lands are not subject to Federal laws and regulations for environmental and historical protection (e.g., NEPA, ESA, Executive Orders 11988 and 11990, and NHPA) or equivalent State or local laws and regulations (see Appendix 2). There could also be some cumulative impacts in terms of the overall costs of infrastructure, such as roads and utilities, if these proposed projects must avoid all WSFR-interest lands.

4.4 Summary of Environmental Consequences by Alternative (Table 3)

	No Action, Alternative A – Site-specific EA Needed	**Proposed Action, Alternative B – Use of Abbreviated Assessment Process**	**Alternative C – Denial of Proposed Land Transaction**
Physical Impacts	These impacts would be similar to those under Alternative B, but would not be required to meet the same "negligible impact" standard.	If transaction includes construction, some minor and temporary construction impacts to habitat on WSFR-interest lands. For use of this alternative, impacts would have to be negligible at most.	Since the proposed action would be denied, no adverse habitat impacts would occur on WSFR-interest lands. However, some adverse impacts could be expected on nearby lands.
Biological Impacts **-Habitat** **-Listed & Priority Species**	These impacts would be similar to those under Alternative B, but would not be required to meet the same "negligible impact" standard.	For use of this alternative, impacts would have to be negligible at most. State agency would have to demonstrate those impacts in writing using the Abbreviated Assessment Form.	Some minor and temporary adverse affects on some species of fish and wildlife if project denied on WSFR-interest lands occurs elsewhere; potentially more impacts than with Alternative B.
Cultural Resources	Historic properties could be affected, but impacts would be considered through the Section 106 process and mitigated when impacts could occur.	No historic properties would be affected. Cultural resource surveys would be required to demonstrate this.	No negative impact to cultural resources on WSFR-interest lands, because the proposed action would be denied. This could cause some adverse impacts to such resources on nearby lands depending upon where the alternative route was located.

Socio-economic Conditions **-Environmental Justice** **-Recreation & Access** **-Other Financial Interests**	The costs to the public and the State and/or applicant in most instances would be higher than alternative B. -Land transactions would not be required to meet the same "negligible impact" standard, so may ultimately have greater impacts to environmental justice communities, recreation, and access. -Other financial interests would not be impacted unless express permission to do so had been granted.	The costs to the public and the applicant in most instances would be reduced compared to Alternative A. - We anticipate that these types of public facilities should be beneficial to minorities and low income populations and communities and not have any adverse affects. - For use of this alternative, impacts would have to be negligible at most and demonstrated in writing using the Abbreviated Assessment Form.	A negative impact of denying access through WSFR-interest land is that routes may be longer and increase the costs for both the public and the applicant. - Because these facilities would be routed and constructed on private or non-WSFR-interest lands, some of these projects potentially could have an adverse (although not significant) effect on some minority or low-income populations and communities.
Cumulative Impacts	The cumulative impacts of this alternative over time could be somewhat greater than for Alternative B, primarily due to the lack of the "negligible impact" standard required for Alternative B.	Because of the minor or temporary nature of construction-related projects (e.g., roads) and the required compensatory mitigation and "negligible impact" standard of this alternative, we anticipate that the cumulative impacts would be minimal.	Could be some, especially to cost and impacts to non-WSFR-interest lands, if these projects are not designed and constructed in an environmentally sound manner, as they would not have the Federal regulatory protections.

Chapter 5 – List of Preparers

Name	Title	Agency	Contact Info.
Nell Fuller	Biologist/Grants Manager	USFWS	911 NE 11th Ave. Portland, OR 97232 (503)231-6758
Dan Edwards	Wildlife Branch Chief	USFWS	911 NE 11th Ave. Portland, OR 97232 (503)231-2166
Chuck James	Cultural Resources Contractor	U.S. Bureau of Indian Affairs	911 NE 11th Ave. Portland, OR 97232 (503)

Chapter 6 – Consultation and Coordination with the Public and Others

This EA has been prepared in consultation with the State partner agencies in Idaho, Oregon, and Washington. Additionally, we will consult with all Federally recognized Tribes in these three States.

Chapter 7 – Public Comment on Draft EA and Response

Notice of the draft EA was distributed to all State agency mailing lists for a 30 day public review period (May 2, 2011 to June 3, 2011), along with distribution to other interested regional and national groups. Tribal feedback has been requested separately with individual letters to each Federally recognized Tribe in ID, OR, and WA. We have also placed the draft EA on our website (http://www.fws.gov/pacific/fedaid/projects.html), with an email address to which to provide comments (r1fa_grants@fws.gov) and requested that State partner agencies put a link to our website on their own websites.

A summary of comments received and how they were incorporated will be included here after the public review period. We will notify those who provided comments or specifically requested of our final decision.

Appendices

Appendix 1a. **Abbreviated Assessment Form** (see Section 2.2.2 of Programmatic EA)

State:

State Area (WSFR-interest Lands) Affected:

Federal Grant Number:

Name of Proposed Project/Facility (if applicable):

Transaction Type (check or circle one):
___Easement ___Lease ___License ___Exchange ___Trade ___Sale (Disposal)

Compliance of the Proposed Land Transaction with the Programmatic EA Conditions ***(provide a brief summary of the site-specific status of the proposal and answer yes or no for each of the conditions outlined in the table below*)**:

Step No.	Programmatic EA - Conditions for Use of Abbreviated Review Process	Site-Specific Status	Complies (Yes or No)
1.	The proposed land transaction may not qualify for approval under an existing categorical exclusion, or the State partner agency prefers to use the Programmatic EA.		
2.	The land transaction is proposed for property that is no longer needed for or meeting the purpose(s) for which it was originally purchased, as determined by the State agency.		
3.	The land transaction proposal includes a commitment by the State agency to a) provide replacement lands of at least equal or greater monetary (current market) **and** fish and wildlife value or b) repay a sum sufficient to purchase replacement lands of at least equal or greater monetary (current market) value **and**		

	adequate to ensure that the fish and wildlife values of the lands directly, indirectly, and cumulatively impacted by the project are fully replaced.		
4.	4a. The amount of FA land to be exchanged, traded, or sold, or that requires a permanent easement, lease, or license does not exceed three acres for State areas under 300 acres or 1 percent of area for State areas over of 300-1000 acres, 1 percent of State area for 1000-10000 acres (maximum of 25 acres), and 1 percent for State areas of more than 10,000 acres (maximum 100 acres). OR 4b. If the WSFR land involved is not part of a larger management area, such as remote or satellite properties, the State agency must determine that the acreage involved and the resulting impacts from the loss of the federal interest on those lands would not be significant (i.e., impact limit, not acreage limit).		
5.	There is no feasible and prudent alternative that would avoid the divestiture of WSFR lands and the project plan includes all feasible and prudent measures to minimize the divestiture of and impacts to these State lands.		
6.	The direct, indirect, and cumulative adverse impacts of the proposed action on Wildlife and Sport Fish Restoration Program lands would be minor or temporary.		

7.	The proposed land transaction would not impact any major development with a WSFR interest (such as buildings, shooting ranges, other constructed facilities, etc.).		
8.	The land transaction would not adversely affect historic or other cultural resources (attach documentation).		
9.	The proposed land transaction would: a. Not adversely affect Federally listed, proposed, or candidate species, and/or designated or proposed critical habitat (property involved could not be proposed or designated critical habitat); b. Not have meaningful adverse impacts to wetlands; c. Not have meaningful adverse impacts to floodplains; d. Not result in a meaningful decrease of public access or recreation; e. Not result in a significant impact to another Federal or State entity with a financial interest in the property involved; f. Not result in disproportionate impacts to low income or minority populations; and g. Not result in a decrease in the amount of land designated as wilderness by either the State or Federal government.		
10.	Substantial public opposition and/or controversy regarding the proposed land transaction does not exist.		

Note: If any response in the "Complies" column is "No," the USFWS should be consulted to determine if compliance could be achieved through further project modification or whether development of a site-specific EA is required.

State Fish and Wildlife Agency Concurrences/Approvals:

Project Leader:_____ Date:_____

WSFR Coordinator:_____ Date:_____

Appendix 1b. **Abbreviated Assessment Form** (see Section 2.2.2 of Programmatic EA) – Example of Completed Form

State: "Anywhere R1 State"

State Area (Wildlife and Sport Fish Restoration Program Lands) Affected: "Anywhere" State Wildlife Area

Federal Grant Number: "Anywhere R1 State" FW-4-D

Name of Proposed Project/Facility (if applicable): "Anywhere R1 State" Route 17 Realignment Project

Transaction Type (check or circle one): ___Easement ___Lease ___License ___Exchange ___Trade _X_Sale

Compliance of the Proposed Land Transaction with the Programmatic EA Conditions ***(provide a brief summary of the site-specific status of the proposal and answer yes or no for each of the conditions outlined in the table below*)**:

Step No.	Programmatic EA - Conditions for Use of Abbreviated Review Process	Site-Specific Status	Complies (Yes or No)
1.	The proposed land transaction may not qualify for approval under an existing categorical exclusion, or the State partner agency prefers to use the Programmatic EA.	Per discussion with USFWS WSFR staff, the proposed land transaction would not qualify for approval under an existing categorical exclusion.	Yes
2.	The land transaction is proposed for property that is no longer needed for or meeting the purpose(s) for which it was originally purchased, as determined by the State agency.	The original purpose for the purchase of this property was to provide winter habitat for mule deer. As the State owns more of this habitat type than of summer range, it has been determined that adding more summer range is more of a priority at this stage than retaining the same amount of winter range.	Yes
3.	The land transaction proposal includes a commitment by the State agency to a) provide replacement lands of at least equal or greater monetary (current market) **and** fish and wildlife value or b) repay a sum sufficient to purchase	The State lands involved are primarily old field habitat. The proposal includes a commitment from the State DOT to pay the State DNR a sum sufficient to purchase at least 3.5 acres of similar habitat (2.5 acres directly affected and 1 acre on which discharge of a firearm would	Yes

	replacement lands of at least equal or greater monetary (current market) value **and** adequate to ensure that the fish and wildlife values of the lands directly, indirectly, and cumulatively impacted by the project are fully replaced.	no longer be legal).	
4.	4a. The amount of FA land to be exchanged, traded, or sold, or that requires a permanent easement, lease, or license does not exceed three acres for State areas under 300 acres or 1 percent of area for State areas over of 300-1000 acres, 1 percent of State area for 1000-10000 acres (maximum of 25 acres), and 1 percent for State areas of more than 10,000 acres (maximum 100 acres). OR 4b. If the WSFR land involved is not part of a larger management area, such as remote or satellite properties, the State agency must determine that the acreage involved and the resulting impacts from the loss of the federal interest on those lands would not be significant (i.e., impact limit, not acreage limit).	The proposal is for a 2.5-acre divestiture by sale from a 355-acre State wildlife area.	Yes
5.	There is no feasible and prudent alternative that would avoid the divestiture of WSFR lands and the project plan includes all feasible and prudent measures to minimize the divestiture of and impacts to these State lands.	Supporting documents are attached showing that no feasible and prudent alternative is available to avoid the WSFR lands and that all reasonable measures to minimize impacts have been adopted.	Yes
6.	The direct, indirect, and cumulative adverse impacts of the proposed action on	The proposed land transaction involves only 2.5 acres to be permanently divested and 1.5 acres	Yes

	Wildlife and Sport Fish Restoration Program lands would be minor or temporary.	of temporary construction easement. An additional acre of FA land would have reduced use as the discharge of a firearm would no longer be legal, per State law.	
7.	The proposed land transaction would not impact any major development with a WSFR interest (such as buildings, shooting ranges, other constructed facilities, etc.).	There are no major developments with a WSFR interest in the vicinity of the proposed project.	Yes
8.	The land transaction would not adversely affect historic or other cultural resources (attach documentation).	Project surveyed, no cultural resources located, and cleared by SHPO in letter dated 4/20/02 (attached[10]) and 30 days have passed with no response back from the Tribes (see attached letters soliciting comments).	Yes
9.	The proposed land transaction would: a. Not adversely affect Federally listed, proposed, or candidate species, and/or designated or proposed critical habitat (property involved could not be proposed or designated critical habitat); b. Not have meaningful adverse impacts to wetlands; c. Not have meaningful adverse impacts to floodplains; d. Not result in a meaningful decrease of public access or recreation; e. Not result in a significant impact to another Federal or State entity with a financial interest in the property involved; f. Not result in disproportionate impacts to low income or minority populations; and	a. No listed species or critical habitat present (see attached Phase 1 Section 7 Evaluation form dated 4/20/02). b. No wetlands are located on the site. c. Site is not located within the floodplain. d. Site is open to public access and recreation, but no facilities have been developed and, due to poor quality of existing habitats, little use is received. As such, no measurable effect to recreational access is expected. e. No other financial partners have funds in the property involved. f. Disposal of site will not have disproportionate impacts on any population. g. Wilderness is not impacted (site is not proposed or designated as wilderness by the Federal or State government).	Yes

[10] The attachments referred to here are those provided by the State as information supporting their analyses in this Form.

	g. Not result in a decrease in the amount of land designated as wilderness by either the State or Federal government.		
10.	Substantial public opposition and/or controversy regarding the proposed land transaction do not exist.	The public, other agencies, and Tribes were contacted and given 30 days for comments on 04/01/2002. No comments were received.	Yes

Note: If any response in the "Complies" column is "No," the USFWS should be consulted to determine if compliance could be achieved through further project modification or whether development of a site-specific EA is required.

State Fish and Wildlife Agency Concurrences/Approvals:

Project Leader:_____ Date:_____

WSFR Coordinator:_____ Date:_____

Appendix 2 - State Authorities Governing Land Acquisition and Disposal

Idaho - TITLE 58, PUBLIC LANDS, CHAPTER 3: APPRAISEMENT, LEASE, AND SALE OF LANDS

Oregon – Our State partner agencies in Oregon did not provide us with this information.

Washington – POL 6010: Acquiring and Disposing of Real Property

Appendix 3 – References

U.S. Federal Highway Administration. 23 Part 774. Parks, Recreation Areas, Wildlife and Waterfowl Refuges, and Historic Sites (Section 4(f)), The Safe, Accountable, Flexible, Efficient Transportation Equity Act, Pub. L. 109-59, August 10, 2005, 119 Stat 1144.

USFWS Region 3 Federal Aid Office. Generic Environmental Assessment: A Streamlined Method for Approving Minor Encroachments into and Divestitures of Minor Amounts of State Lands Acquired with Federal Aid Funds, February 2004.

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Letters from Tribal THPOs – to be added after Tribal comment period

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