

Detailed Planning

A. Requirement. Detailed planning is required for all new refuges and additions over 40 acres to existing refuges that are to be acquired by purchase, exchange, donation, transfers from other Federal agencies, mitigation, withdrawal, cooperative agreement, Memorandum of Understanding, and congressionally mandated projects. Exceptions to this are lands acquired for the waterfowl production areas and those transferred by the Farmer's Home Administration (See 340 FW 1). In broad terms, the detailed planning process calls for: clearly identifying the purpose or need for the action (defining objectives); establishing a series of alternatives, any one of which could in some significant degree solve the problem or meet the objectives; identifying the possible or probable consequences or impacts of each alternative and determining if the proposed action complies with existing laws, policies, Executive orders, and other mandates.

B. Project Selection. Following the Director's approval, the Region initiates detailed planning as appropriate. Normally the decision to begin the detailed planning would be based on how competitive the project would be in LAPS and on anticipated funding. In special cases, these factors may be overridden by extenuating circumstances such as threat, donation, political considerations, etc.

C. Core Report Preparation Approaches. During the detailed planning process, a core report is written to describe the general parameters of a proposed project. The core report, along with required compliance documentation, contains the basic resource information needed to make an informed decision. There are two alternative, but related, approaches to accomplishing the requirements for the core report:

(1) If a document under the NEPA is required, it may be combined into the core report of the decision document (DD) package. The NEPA document (either an environmental assessment (EA) or environmental impact statement (EIS)) will be developed in accordance with Service NEPA guidelines (see 550 FW). If the report is supported by, or draws from, a previously issued report (e.g., concept plan, recovery plan, etc.), one copy of that report will be included with the DD.

(2) If the project qualifies as a categorical exclusion under 516 DM 6, Appendix 1 (recommended whenever possible), a report covering the basic resource information should be prepared. This report may also be referred to as an executive summary.

D. Core Report Discussion Factors. With either approach, the core report must include discussions of the following nine factors:

(1) Objectives. The objective(s) should be carefully stated at the outset of the planning to provide a focus for the recommended action. They should clarify the purpose and guide the development

of the proposal. The reader and decision maker should be able to judge the relative effectiveness of the alternatives both in terms of costs and benefits.

(2) **Description of the Project.** An essential element of this section is a description of the environmental conditions that are important to understanding both the background of the problem to be solved and the desired situation to be achieved. It is unnecessary to inventory environmental factors that are not subject to change, not related to the objectives, and not otherwise essential to the decision. Other factors include considerations of the closest State, Federal, or private conservation interests.

(3) **Threats.** Threats should be determined and stated as specifically as possible. An indication of how soon the threat may materialize will be helpful. If there is an absence of threat and the proposed action stems from a situation where quality habitat can be acquired at an advantageous cost, that fact should be stated. The threat or opportunity should be capable of being related to the stated objective(s).

(4) **Alternatives.** The basic guidelines established in Section 1502.14 of the Council on Environmental Quality (CEQ) (400 CFR Part 1500) Regulations should be followed in presenting the discussion of alternatives considered and selected. This section should objectively evaluate all viable and reasonable alternatives, and for alternatives that were eliminated from detailed study, the reasons for their elimination should be briefly noted. Various project boundary configurations may also be analyzed. Since many objectives involve the need to protect, preserve, restore, or manage wildlife habitat, the following alternatives represent minimum considerations in those situations: easements, fee title, cooperative agreements, permit restrictions, withdrawal (public domain), zoning, acquisition by other entities, administrative regulation, and no action.

(5) **Consequences.** The consequences section of the core report goes to the heart of the decision. This section should enable the decision makers to get an adequate image of the present environmental situation, what conditions would there be with no action, and the effects of the several alternatives. What are the social, cultural, and economic effects? How many people will be displaced? Are they long-term residents? Are there implications for resource distribution patterns or wildlife disease potentials? The discussion must be a concise summary of all the factors pertinent to making the decision.

(6) **Estimated Costs.** This section should include a comprehensive summary of the estimated costs for acquisition, improvements, relocation, initial development, overhead and contingency, annual operation and maintenance, annual revenue sharing, and any other costs. These costs may be discussed in detail in other planning documents (Realty Land Acquisition Feasibility Report, Engineering Assessment). If so, a tabular summary will be sufficient for this section.

(7) **Environmental Contaminants and Hazardous Waste.** The Service should avoid acquisition of lands that will require costly cleanup of contaminants unless the resource values of those lands

clearly outweigh those costs, or there is an assured means of payment for such a cleanup by others, such as a known responsible party with sufficient resources for the cleanup. If a contaminant problem exists but acquisition of the area is still considered desirable, the actual containment or cleanup expenses must be identified as part of the acquisition and management costs. (See 341 FW 3, Environmental Contaminants and Hazardous Substances Determination for compliance procedures.)

(8) **Special Considerations.** The planner should carefully consider the background facts that would be essential to the decision-making process. Some typical questions to ask include: What is the nature of the local support and opposition? To what extent have the public and landowner been involved in planning and what are their reactions? The backup material in this section should be comprehensive enough so that the Regional Director is not "blind-sided" by the absence of critical information.

(9) **Recommendations.** The recommendation section should be brief and straightforward. Information in the previous sections of the core report should set out the facts basic to a decision. The recommendation should reflect the Service's policy of acquiring the least interest that will achieve the stated objectives.

E. Public Participation. It is important to make the general public and the impacted landowners aware of a project as early as practicable in the planning process. Timing and methods of bringing the public into the planning process can often be critical. While there can be no firm guidance given, it is essential to make the public aware of the purposes and objectives under consideration. "Sunshine" planning can engender public confidence, trust, and support.

(1) **Coordination and communication with the affected congressional delegation, State, and local officials** are essential prior to the issuance of public statements on land acquisition. Press releases should be given to the local offices of the congressional delegation before they are distributed to the public.

(2) **Public involvement as required in the NEPA process** should suffice for most projects. However, where there is much concern or interest, special public meetings may be essential or beneficial.

(3) **Meetings should be structured to facilitate public understanding and contribution.** Preferably, meetings will be informal, held at times that facilitate public participation such as evenings and weekends, and at convenient locations with easy access to parking and transportation. The "open house" format stimulates informal one-on-one discussion.

(4) **Formal public hearings** will generally be held on unusually controversial proposals and when otherwise required by law or regulation. Department of the Interior guidelines regarding the planning, notification, and conduct of public hearings are discussed in 455 DM 1.

(5) All public meetings will be documented by a written summary of the principal issues discussed, comments made, and register of those attending. After a formal public hearing, a summary of the hearing transcript will also be prepared.

(6) The range of public participation and information techniques available to the planning staff is broad and the one(s) selected depends on conditions and needs. The following are some of the techniques available:

(a) Using citizen work groups.

(b) Producing and releasing materials for communication to the public.

(c) Educating the public about the decision-making process.

(d) Mapping sociopolitical and environmental data.

(e) Presenting to the public the full range of feasible alternatives.

(7) Various laws and policy directives mandate the involvement of citizens and State and local governments in the land acquisition planning process. Some of the more pertinent of these are:

(a) National Environmental Policy Act of 1969.

(b) Public Law 95-552 (Migratory Bird Hunting and Conservation Stamp Act Amendment).

(c) Executive Order 11988 (Floodplain Management).

(d) Executive Order 11990 (Protection of Wetlands).

(e) Executive Order 12372 (Intergovernmental Review of Federal Programs).

(f) Coastal Zone Management Act of 1972.

(g) Departmental Manual (301 DM 2--Public Participation in Decision-making).

F. Compliance with Laws, Regulations, and other Mandates. Various laws, regulations, policy directives, and Executive orders must be complied with prior to making decisions on land acquisition. A compliance certificate or statement, signed by the Regional Director, should list these items and indicate when compliance was met. These requirements include, but are not limited to:

(1) Endangered Species Act (16 U.S.C. 1531-1544, 87 Stat. 884, as amended). An Intra-Service Section 7 Evaluation must be completed for any land acquisition proposal that may affect listed

or proposed species and/or their critical habitat. A formal internal consultation and biological opinion are required if the proposal will adversely affect a listed or proposed species.

(2) National Environmental Policy Act of 1969. All proposals will include evidence of NEPA compliance (an Environmental Action Memorandum (EAM) with either a Statement of Categorical Exclusion, a Finding of No Significant Impact, or a Record of Decision). The EAM serves as the vehicle for the review and final approval for all Service actions that require NEPA documentation and establishes the administrative record of compliance. At a minimum, the Regional Director's signature is required on all EAMs involving EAs. The Regional Director should determine the appropriate signatures to include. For actions categorically excluded from NEPA and where a record of the Service's decision is appropriate, only the signature of the initiator of the action should be provided. (The Service's NEPA guidelines are described under 550 FW.)

(3) Environmental Site Assessment. The primary purpose of the environmental site assessment process is to protect the Service from acquiring interests in property for which it may become liable for hazardous substance-related or other environmental cleanup costs or damage. A secondary purpose of the survey process is to ensure the Service is not acquiring interest in habitat that would be detrimental to the health of fish and wildlife species for which the habitat is being acquired. (See 341 FW 3.)

(4) Executive Orders (E.O.) 11988 and 11990. The Service's prescribed procedures to be followed by all units of the Service in carrying out E.O. 11988 - Floodplain Management and E.O. 11990 - Protection of Wetlands are contained in 613 FW 1-2. All land acquisition proposals must be consistent with these directives and procedures.

(5) Executive Order 12372. The coordination process previously prescribed in OMB Circular A-95 for Intergovernmental Review of Federal Programs was developed to provide a formal vehicle for early evaluation, review, and coordination of Federal or federally assisted activities with State and local governments. Executive Order 12372 rescinded Circular A-95 and left to each State the responsibility to establish its own clearinghouse function. In most instances, States have initially elected to maintain a similar system to that set up under A-95. Some States are no longer maintaining their clearinghouse functions. In those cases, Regions must ensure distribution of the acquisition documentation to the appropriate State agencies. (See 510 FW.)

(6) Cultural Resources. The National Historic Preservation Act of 1966, as amended (Sections 106 and 110) (16 U.S.C. 470 - 470x), requires all divisions of the Service to identify, evaluate, manage, and protect archeological, historic, and historic architectural resources. If such resources exist on land proposed for acquisition, they should be described in as much detail as possible. Such information should be gathered in consultation with the Regional historic preservation officer and State historic preservation officer. Potential identification, evaluation, protection, and management problems should be discussed. (See 614 FW)

(7) Coastal Zone Management Act - Section 307 of the Federal Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1451 et. seq.), requires Federal agencies to conduct activities in a manner consistent with approved State Coastal Zone Management (CZM) programs. Certain Service activities (e.g., land acquisition), including development projects (e.g., establishment of wildlife refuges, fish hatcheries, research stations, etc.), may require compliance with State CZM programs and the Federal consistency requirements. All consistency determinations or, where appropriate, a negative declaration should be prepared in accordance with the Federal regulations (15 CFR Part 930; 44 FR 123, June 25, 1979). (See 613 FW 3)

(8) Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 - P.L. 91-646 as amended, establishes uniform land acquisition policies for all Federal agencies and establishes requirements for the uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal or federally assisted programs, including land acquisition.

2.6 Supplemental Reports. While the basic core report (i.e., NEPA documentation or report) can be adopted as described above to provide much of the information needed for decision making, land acquisition decisions usually require additional material and data. The following reports should also be completed during the detailed planning process to supplement the core report:

Realty Land Acquisition Feasibility Report, Engineering Assessment, Land Protection Plan, and Conceptual Management Plan or Comprehensive Management Plan.

A. Realty Land Acquisition Feasibility Report.

(1) Since the planning process requires consideration of a number of alternatives, this report must also look at the same basic options. Factors such as land costs, relocation problems, and the like may be the key on which plan selection is based. Effective planning in this regard requires close liaison between the biological planning staff and the realty staff. For each alternative considered for possible adoption, a preliminary evaluation of the following should be made:

- (a) Ownership pattern.
- (b) Potential willing/unwilling sellers.
- (c) Government attitude (local and State).
- (d) Legislative requirements.
- (e) Relocation plan summary (see the Relocation Handbook (341 FW 2) for details).
- (f) Revenue sharing.
- (g) Compliance (legal, political, appraisal, etc.).

- (2) Although the final acquisition estimate for land and improvements is presented as a lump sum, the estimate should be based on the following:
- (a) Direct cost of acquisition based on current estimate.
 - (b) Land appreciation projected over a reasonable period to a proposed date of project initiation. Presumptions on projections should also be stated.
 - (c) Indirect costs of acquisition (appraisals, negotiations, title evidence, surveys, closing, relocation, etc.) may entail a certain amount of projection.
- (3) The report must identify any significant area of land to be added in excess of biological and/or engineering requirements solely to facilitate acquisition; e.g., the inclusion of uneconomic remnants and remainders to avoid large severance damages. The report must also identify any additional land that must be acquired or protected in order to establish the unit, such as the remainder of a drainage or irrigation district. Cost estimates, both with and without this additional land, must be clearly stated so that the significance of these actions is readily apparent to the decision makers.
- (4) Other Information. During the study, additional data, other than real estate values, should be obtained. The size and nature of a project will generally dictate what additional facts are needed to get an overall picture of the proposed project and surrounding area and the impact the project could have on the locality. Some of these data are:
- (a) The general financial situation of the county or counties where the project is located. This should include the county tax or mill rate schedule showing the proposed distribution of taxes to the State, county, school districts, roads, and other purposes.
 - (b) Information on the effect the project will have on drainage and irrigation districts partly or wholly within the proposed project.
 - (c) Other impacts of the project on the local area that should be identified may include the impact on an individual, on adjacent landowners, or on the local community at large.
 - (d) General information on the relocation aspects of the project under P.L. 91-646; i.e., approximate number of people; type of occupancy, businesses, farms, and ranches to be displaced; and the adequacy of the locality to absorb the displaced persons.
 - (e) Any possible acquisition problems uncovered during the feasibility study should be discussed, as well as any other matters that might have a bearing on the proposed project or would be helpful in considering the proposal.
 - (f) Include project map and color pictures.

(g) The report format should be varied to meet the complexities and nature of the particular project being studied.

(5) A land acquisition strategy shall be developed for the alternative being recommended and shall outline, in the order of acquisition priority, such factors as resource protection, public and administrative uses, changing land values and uses, and willingness of owners to sell. The land acquisition strategy should also address any proposed schedule for the transfer of property under the jurisdiction of other Government agencies. For projects that will have a complex and drawn out land acquisition program, the general strategy developed at this stage should be updated and expanded, after project inception, into a land acquisition plan.

B. Engineering Assessment.

(1) An Engineering Assessment should be provided in this phase of the land acquisition planning process. The assessment should be designed to apprise all parties of all engineering aspects of the proposed land acquisition. Close coordination between Realty, Refuges, and Engineering is necessary to determine the scope of the Engineering Assessment, which will vary depending on the proposed uses of the land to be acquired. If the land is to be developed for high intensity use by the public or structured developments for habitat management, the Engineering Assessment should address those elements critical to such development. If the intended use is habitat preservation, the Engineering Assessment should only cover certain critical elements affecting this usage.

(2) The Engineering Assessment should cover the following items, as applicable:

(a) Areas suitable for development of administrative and/or operational facilities.

(b) Areas likely to experience severe flooding and/or erosion and the impact on the proposed land usage.

(c) Suitability of land for development and sanitary disposal.

(d) Evaluation of existing facilities (if any). The Engineering Assessment should specifically address the condition of existing facilities. The main element of this segment should be a narrative describing the condition of facilities, work required to bring the facilities up to standards, feasibility of keeping the facilities, and cost required to upgrade the facilities.

(e) Water requirements for development versus water available on site.

(f) Status, need, and availability of water rights for station operation and development.

(g) Evaluation of offsite locations that would impact on the environmental viability of the land (sewage treatment facilities, landfills, proposed development, etc.).

- (h) Evaluation of water quantity and quality available for human consumption and wildlife needs.
- (i) Evaluation of available power supplies.
- (j) Evaluation of soil conditions.
- (k) Evaluation of topographic or geologic features.

C. Land Protection Plan (LPP).

- (1) The purpose of the LPP is to provide information to the public in a clear and concise format outlining resource protection needs, the implementation schedule and priorities, and the dimensions of Service preservation proposals. Such information not only informs landowners and the public of Service plans, but can also reduce public speculation and eliminate misunderstanding of Service acquisition initiatives.
- (2) Regional Directors are responsible for compliance with the Department of the Interior's policy on land protection. **Land Protection Plans will be prepared for all current and future acquisition projects unless a written request for an exemption is approved by the Director.** Exemption will generally be granted for those projects that conform to all of the following criteria: involve small numbers of landowners with whom there can be easy, daily communication; are non-controversial and are not politically sensitive; and can be categorically excluded from NEPA planning requirements.
- (3) Language should be non-technical and in layman's English (or other indigenous language in certain circumstances). Maps, charts, tables, and other graphic displays should be used to assist the understanding of the landowners. A priority tract table supplemented by a legible map should inform individual landowners how they will be impacted.
- (4) In conjunction with the draft EA, a draft LPP will also be distributed to all landowners and interested public organizations, officials, and individuals. The draft LPP and EA will be revised based on public comments and updated information. Both the draft and final EA and LPP will be produced as stand alone documents, but may be bound in the same cover. There are 10 items that should be addressed in all LPPs (items (a-j) below). The extent to which each item will be discussed will vary with the project situation and the perceived information needs of the landowning public to which it is addressed.
 - (a) Project Description. Describe the total refuge even if the proposed action is only a small addition. Include a description of the proposed addition. It should be clear why the land (habitat) involved is a valuable national natural resource.
 - (b) Threat to or Status of Resource to be Protected. Explain why the subject resource needs protection and why it needs protection at this time.

(c) Proposed Action and Objective. Items (b) and (c) are closely linked and may be discussed in the same paragraph(s) if preferred. Because these items present the principal justification for the action, they should be clearly and adequately presented. The plan should indicate the preferred protection alternative for each tract. It should identify the minimum level of protection needed to ensure the continuation of the target resource.

(d) Protection Alternatives. The LPP should indicate the most cost-effective approach to solving the problem and meeting the objectives. The following are the principal land protection alternatives available: No action (what the situation will be in absence of the action proposed); acquisition and/or management by others (e.g., a State fish and wildlife agency), and if acquisition is the selected route, should it be in fee title (all rights of land/water management, with or without mineral rights) or less-than-fee (conservation easement, lease, or other), or combination of the above. Positive as well as negative aspects of each should be discussed in enough detail for landowners to understand the alternatives. It should also be clear to landowners that the alternatives were seriously considered and evaluated. The alternative selected is the one that provides the minimum level of protection needed and is a cost-effective means of achieving project objectives. Management of a unit often involves activities, restrictions, or prohibitions to such an extent that a large portion of the property rights are acquired. The justification for fee acquisition should identify the rights needed for project objectives and why few, if any, rights remain with the landowner.

(e) Acquisition alternatives. This would include purchase using Land and Water Conservation Fund or Migratory Bird Conservation Fund monies, partial donations, donation, withdrawal, transfer, or exchange. In the discussion, care should be taken not to confuse or mix item (d) protection alternatives (ends) with acquisition alternatives (means).

(f) Coordination. Discussion of past and ongoing coordination is usually appropriate, keeping in mind for whom this document is being written.

(g) Sociocultural Impacts. Emphasis should be on cultural effects on local people; i.e., effects on life styles, activities, a traditional way of living, and well-being of landowners or others directly impacted by the proposed action. Effects on public health, safety, and education are the immediate concern. Will visitors likely harass or benefit the local people? If no sociocultural factor is to be affected, there is no point in trying to report them unless there is a significant local perception of impacts that is in error and should be addressed.

(h) Table: Summary of Proposed Action. The table should contain at least six items: (i) tract numbers or land description; (ii) protection priorities by tract or land description (this should also be discussed in the text explaining the rationale for the various priorities); (iii) acreages of tracts; (iv) ownerships (person's name or simply indicate private or named public agency); (v) type of protection by tract; and (vi) type of acquisition by tract.

(i) Maps. Include a map showing general location within the State, a map which zooms in on the proposal, and another with sufficient detail to identify individual tracts shown in the priority table (see h) . In some situations, a single map could be used. The map itself may indicate priorities if priority classifications are grouped. The maps may also summarize other pertinent information; however, care should be taken to avoid confusing clutter.

(j) Pictures. Quality photographs or drawings with simple legends can illustrate the project and aid in the understanding of the project. However, reproduction can be a problem, and time and costs should be weighed against effectiveness in deciding to include them.

(5) In general, the LPP has evolved into an important part of the local public involvement aspect of planning. In cases where the landowners have not actively participated in planning, a reasonable length of time should elapse between release of the document and plan implementation. During this period of time, feedback can be obtained from the landowners that may strengthen or improve the plan. A comment period may not be necessary where there are few landowners and they have been involved in the planning or are otherwise well informed. In that case, the LPP will be a confirmation of intent. It is a line of communication with the public that is important and of interest and concern to all levels of the Service, the Secretariat, and at times, Congress.

D. Conceptual Management Plan.

(1) The purpose of the conceptual management plan is to provide at a minimum, a general outline on how the refuge would be operated and managed until the comprehensive management plan has been developed and is in place. The plan should be designed to answer those questions commonly posed by landowners and the general public during the entire planning and public involvement process. A sample conceptual management plan is provided on Exhibit 3 - Sample Conceptual Management Plan.

(2) In addition to the location and site map showing the proposed refuge, the conceptual management plan should include the following:

(a) Introduction--a very brief purpose statement for the concept management plan.

(b) Goals of the National Wildlife Refuge System--standard statement.

(c) Refuge Administration--a statement on the administrative aspects of the refuge including location of refuge headquarters, personnel requirements, facilities, and an estimated budget for the refuge.

(d) Habitat Management--a brief statement on the conceptual plans for management of the existing habitat including discussions on use of management tools to restore and/or enhance habitat (e.g. burning, impoundments, mowing).

- (e) Population Monitoring--a brief statement on the need for population surveys on the refuge.
 - (f) Public Use Opportunities and Management--a statement on the preliminary plans for wildlife and wildlands oriented public use on the refuge, including discussions on public access, hunting, fishing, boating, environmental education, and law enforcement.
 - (g) Facilities Management--a discussion on the preliminary plans for the maintenance of the refuge facilities including the upkeep of the buildings, posting of refuge signs, and maintenance of the roads within the refuge boundary.
 - (h) Miscellaneous--this section should include discussions on other management plans for the refuge (e.g. fire management, pest control, etc.).
- (3) As a conceptual plan, it does not provide extensive detail, pinpoint exactly where facilities would be, or show where public use would be allowed. Those details would be included in formal refuge management planning with input from the public and in accordance with the National Environmental Policy Act.

2.7 Decision making.

- A. Decision Document. Upon completion of the detailed planning process, a decision is needed to determine whether or not to proceed with the land acquisition option. If there are viable and desirable alternatives that do not involve land acquisition, these should be pursued and the land acquisition planning process should be halted. If there are still pressing reasons to acquire land, it is necessary to assemble a Decision Document, which is essentially the compilation and consideration of all documentation completed during the detailed land acquisition planning process (which includes core report or NEPA document, compliance certificate and documentation, supplemental reports, and the land protection plan).
- B. The Decision Document will be forwarded to the Director for approval.