

Papillion Creek Watershed Supplemental Plan, Environmental Assessment, and Section 106 Review and Initial Consultation: Douglas, Sarpy, and Washington Counties, Nebraska.

Identical copies of the following letter were sent to the individuals listed below:

Timothy Rhodd
Chairman
Iowa Tribe of Kansas and Nebraska
3345 B Thrasher Rd.
White Cloud, KS 66094

Lance Foster
Tribal Historic Preservation Officer
Iowa Tribe of Kansas and Nebraska
3345 B Thrasher Rd.
White Cloud, KS 66094

Edgar B. Kent, Jr.
Chairman
Iowa Tribe of Oklahoma
335588 E. 750 Road
Perkins, OK 74059

Amy Scott
Executive Administrative Assistant
Iowa Tribe of Oklahoma
335588 E. 750 Rd
Perkins, OK 74059

Isaac Sherman
Chairman
Omaha Tribe of Nebraska
P.O. Box 368
Macy, Nebraska 68039

Thomas Parker
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Omaha Tribe of Nebraska
P.O. Box 368
Macy, NE 68039

John R. Shotton
Chairman
Otoe-Missouria Tribe of Indians, Oklahoma
8151 Hwy 177
Red Rock, OK 74651

Elsie Whitehorn
Tribal Historic Preservation Officer
Otoe-Missouria Tribe of Indians, Oklahoma
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W. Bruce Pratt
President
Pawnee Nation of Oklahoma
881 Little Dee Drive
Pawnee, OK 74058

Joseph Reed
Tribal Historic Preservation Officer
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Larry Wright, Jr.
Chairman
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2523 Woodbine Street
P.O. BOX 288
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Dwight Howe
Cultural Director
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PO Box 288
Niobrara, NE 68760

Douglas Rhodd, Sr.
Chairman
Ponca Tribe of Indians of Oklahoma
20 White Eagle Drive
Ponca City, OK 74601

Tiauna Carnes
Chairperson
Sac and Fox Nation of Missouri in Kansas and
Nebraska
305 North Main
Reserve, Kansas 66434

Anthony Waseskuk
Chairman
Sac & Fox Tribe of the Mississippi in Iowa
349 Meskwaki Road
Tama, IA 52339

Johnathan Buffalo
Historic Preservation Director
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Justin Freeland Wood
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920883 S Highway 99
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Chris Boyd
NAGPRA Coordinator
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Bobby Komardley
Chairman
Apache Tribe of Oklahoma
P.O. Box 1330
Anadarko, OK 73005



Natural Resources Conservation Service
Nebraska State Office
Federal Building, Room 152
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<http://www.ne.nrcs.usda.gov>

(Certified Mail – return receipt requested)

July 19, 2019

Chairman Bobby Komardley
Apache Tribe of Oklahoma
P.O. Box 1330
Anadarko, OK 73005

Subject: Papillion Creek Watershed Supplemental Plan, Environmental Assessment, and Section 106 Review and Initial Consultation: Douglas, Sarpy, and Washington Counties of Nebraska.

Dear Honorable Chairman Komardley:

The Natural Resources Conservation Service (NRCS) is assisting the Papio-Missouri River Natural Resources District (P-MRNRD) to update a Watershed Work Plan. The plan will analyze the possible construction of up to seven new grade stabilization structures. The projects are located in the Papillion Creek watershed within Douglas, Sarpy, and Washington Counties of Nebraska. NRCS has assumed the lead Federal agency role related to environmental and historic properties reviews to comply with the National Environmental Policy Act (NEPA) and National Historic Preservation Act (NHPA). NRCS is offering to consult on concerns that uniquely or significantly affect your Tribe related to the potential actions described below. Early identification of Tribal concerns will allow NRCS and the P-MRNRD to consider ways to avoid and minimize potential impacts to Tribal resources. We would be pleased to discuss details of the proposed project and its potential impacts with you.

NRCS provides federal funding to local project sponsors to address concerns such as erosion, floodwater and sediment damage, water quality and wildlife habitat improvements, and others. This funding has been provided to the P-MRNRD to update an NRCS Watershed Work Plan that was originally completed in 1966 and included 52 grade stabilization structures within the Papillion Creek watershed in Douglas, Sarpy, and Washington Counties. Many of those structures have since been constructed and seven of the sites remain viable potential locations for grade stabilization efforts.

The proposed structure sites will be studied further during the development of the Supplemental Plan-Environmental Assessment and are shown in the enclosed Site Location Map for your reference. Additional project purposes, including flood damage reduction, are also being analyzed for these locations. It is anticipated that archaeological survey and historic property investigations will be completed.

As the proposed projects may be located on land your Tribe considers ancestral, NRCS is providing an opportunity to identify your concerns about historic properties, including those of traditional religious and cultural importance. At this time, NRCS is **not** asking for specific information and documentation regarding the location, nature, and condition of individual sites; we are merely consulting per the regulations if you have concerns related to sites of religious and cultural significance to historic properties in the vicinity of these locations.



This information would be appreciated and considered in a manner that reflects the nature and complexity of the undertaking and its effects on historic properties. The interest of the public or other entities in the effects on historic properties and the confidentiality concerns of individuals and Tribes will also be taken into consideration.

At this time, we want to notify you of a face-to-face meeting to hear a presentation on the project, discuss the development of the Papillion Creek Watershed Supplemental Plan, the completion of an Environmental Assessment, and a Section 106 review. This meeting will be held on July 24, 2019 from 3:30 p.m. - 4:30 p.m. at the Papio-Missouri River NRD located at 8901 S. 154th Street in Omaha, NE 68138.

Interested agency and Tribal representatives are invited to attend to provide insight, present questions, and discuss project development with the project team. A public information open house will follow the meeting from 5:30 p.m. - 7:30 p.m. at the same location to obtain public feedback as part of the scoping process. Project information will be displayed and personnel from the project team will be present to answer questions and receive comments. This will be the first of multiple face-to-face presentations and meeting opportunities.

If you are unable to attend the upcoming meeting on July 24th and would like to consult further, have questions or need additional information, please contact Elisha Mackling, Cultural Resources Specialist, at 402-437-4128, or elisha.mackling@usda.gov or Allen Gehring, State Conservation Engineer, at 402-437-4037, or allen.gehring@usda.gov.

Sincerely,



CRAIG DERICKSON
State Conservationist

Enclosure: Site Location Map (Papillion Creek Watershed – Supplemental Plan)

cc:

Allen Gehring, NRCS, Lincoln State Office
Elisha Mackling, NRCS, Lincoln State Office

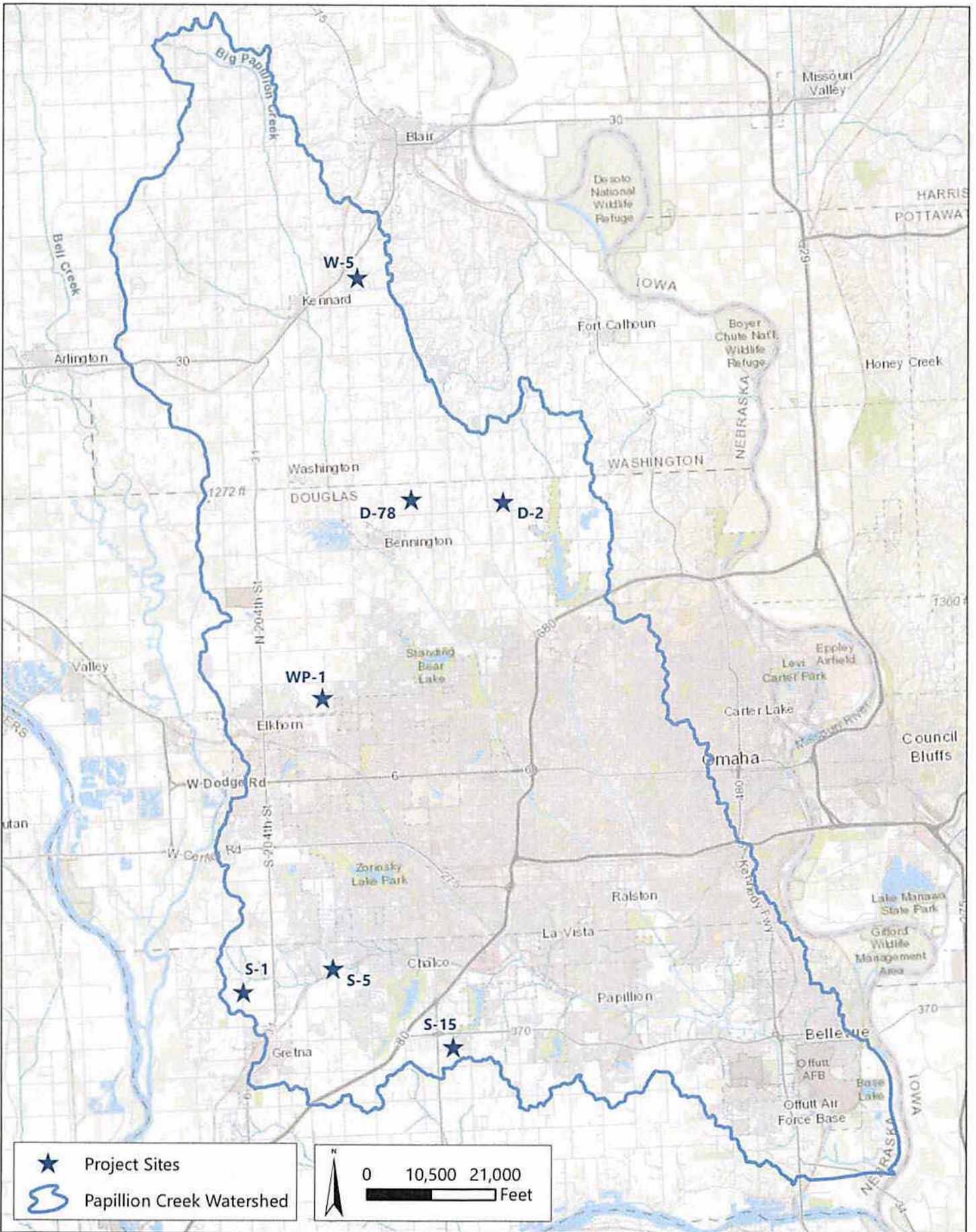


Figure 1. Site Locations
 Papillion Creek Watershed Supplemental Plan-EA
 Natural Resources Conservation Service
 Papio-Missouri River NRD





OTOE-MISSOURIA TRIBE OF INDIANS

8151 HIGHWAY 177
RED ROCK, OK 74651-0348

July 26, 2019

Mr. Craig Derickson, State Conservationist
Natural Resources Conservation Science
Nebraska State Office
Federal Building, Room 152
100 Centennial Mall North
Lincoln, NE 68508-3866

RE: Papillion Creek Watershed Supplemental Plan, Environmental Assessment, and Section 106 Review and Initial Consultation: Douglas, Sarpy, and Washington Counties of Nebraska.

Dear Mr. Craig Derickson,

Pursuant to Section 106 of the National Historic Preservation Act of 1966 (NHPA), and 36 C.F.R. Part 800, the Otoe-Missouria Tribal Historic Preservation Office has received and reviewed all available information regarding to the above-mentioned project.

As the project site is within ancestral lands of the Otoe-Missouria Tribe, we request the archaeological survey and historic property investigation report once completed, as well as affiliated THPO reports, and a SHPO report. Please email all documentation to ewhitehorn@omtribe.org.

The Otoe-Missouria Tribe has a vital interest in protecting its historic and ancestral cultural resources. The Otoe-Missouria Tribe of Oklahoma anticipates further review and commenting on the planned **Papillion Creek Watershed Supplemental Plan, Environmental Assessment, and Section 106 Review and Initial Consultation: Douglas, Sarpy, and Washington Counties of Nebraska.**

The Otoe-Missouria Tribal Historic Preservation Office thanks you for consulting with the Otoe-Missouria Tribe of Oklahoma. Should you have further questions or concerns, please contact me.

Thank you,

Elsie Whitehorn
Tribal Historic Preservation Officer
Otoe-Missouria Tribe
580-723-4466 ext 202
ewhitehorn@omtribe.org

Invitation to Government Agency Scoping Meeting Regarding the Papillion Creek Watershed
Supplemental Plan, Environmental Assessment; Douglas, Sarpy, and Washington Counties of Nebraska

Identical copies of the following letter were sent to the individuals listed below:

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Chairman
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3345 B Thrasher Rd.
White Cloud, KS 66094

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Niobrara NE 68760

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Cultural Director
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PO Box 288
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Chairman Dawson Davenport
Sac & Fox Tribe of the Mississippi in Iowa
349 Meskwaki Road
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February 27, 2020

Chairman Timothy Rhodd
Iowa Tribe of Kansas and Nebraska
3345 B Thrasher Rd.
White Cloud, KS 66094

Subject: Invitation to Government Agency Scoping Meeting Regarding the Papillion Creek Watershed Supplemental Plan, Environmental Assessment – Douglas, Sarpy, and Washington Counties of Nebraska.

Honorable Chairman Rhodd:

The Natural Resources Conservation Service (NRCS) is assisting the Papio-Missouri River Natural Resources District (P-MRNRD) to update a Watershed Work Plan. The plan will analyze the possible construction of up to seven new grade stabilization structures. The projects are located in the Papillion Creek watershed within Douglas, Sarpy, and Washington Counties of Nebraska. NRCS has assumed the lead federal agency role related to environmental and historic properties reviews to comply with the National Environmental Policy Act (NEPA) and National Historic Preservation Act (NHPA).

NRCS provides federal funding to local project sponsors to address concerns such as erosion, floodwater and sediment damage, water quality and wildlife habitat improvements, and others. This funding has been provided to the P-MRNRD to update an NRCS Watershed Work Plan that was originally completed in 1966 and included 52 grade stabilization structures within the Papillion Creek watershed. Many of those structures have since been constructed, and seven of the sites remain viable potential locations for grade stabilization efforts.

The proposed structure sites will be studied further during the development of the Supplemental Plan – Environmental Assessment and are shown in the enclosed Site Location Map for your reference. Additional project purposes, including flood damage reduction, are also being analyzed for these locations. An archaeological survey and historic property investigations have been completed, and a report of the findings is under preparation.

At this time, we want to invite you or your representatives to attend a face-to-face meeting regarding the development of the Papillion Creek Watershed Supplemental Plan, the completion of an Environmental Assessment, and the NHPA Section 106 review process. This meeting will be held on March 23, 2020 from 3:30 p.m. - 4:30 p.m. at the Papio-Missouri River NRD located at 8901 S. 154th Street in Omaha, NE 68138.



Interested federal, local, and state government agency and Tribal governments are invited to attend to provide insight, present questions, and discuss project development with the project team. This is the second in a series of scoping meetings to obtain feedback from cooperating agencies and Tribal governments as part of the NEPA scoping process.

If you are unable to attend the upcoming meeting on March 23rd and would like to request additional information, please contact Melissa Baier, Archeologist, at 402-437-4065, or melissa.baier@usda.gov or Allen Gehring, State Conservation Engineer, at 402-437-4037, or allen.gehring@usda.gov.

Sincerely,



CRAIG DERICKSON
State Conservationist

Acting

Enclosure: Site Location Map (Papillion Creek Watershed – Supplemental Plan)

cc:

Lance Foster, Tribal Historic Preservation Officer, Iowa Tribe of Kansas and Nebraska
Allen Gehring, State Conservation Engineer, NRCS State Office
Melissa Baier, Archeologist, NRCS State Office

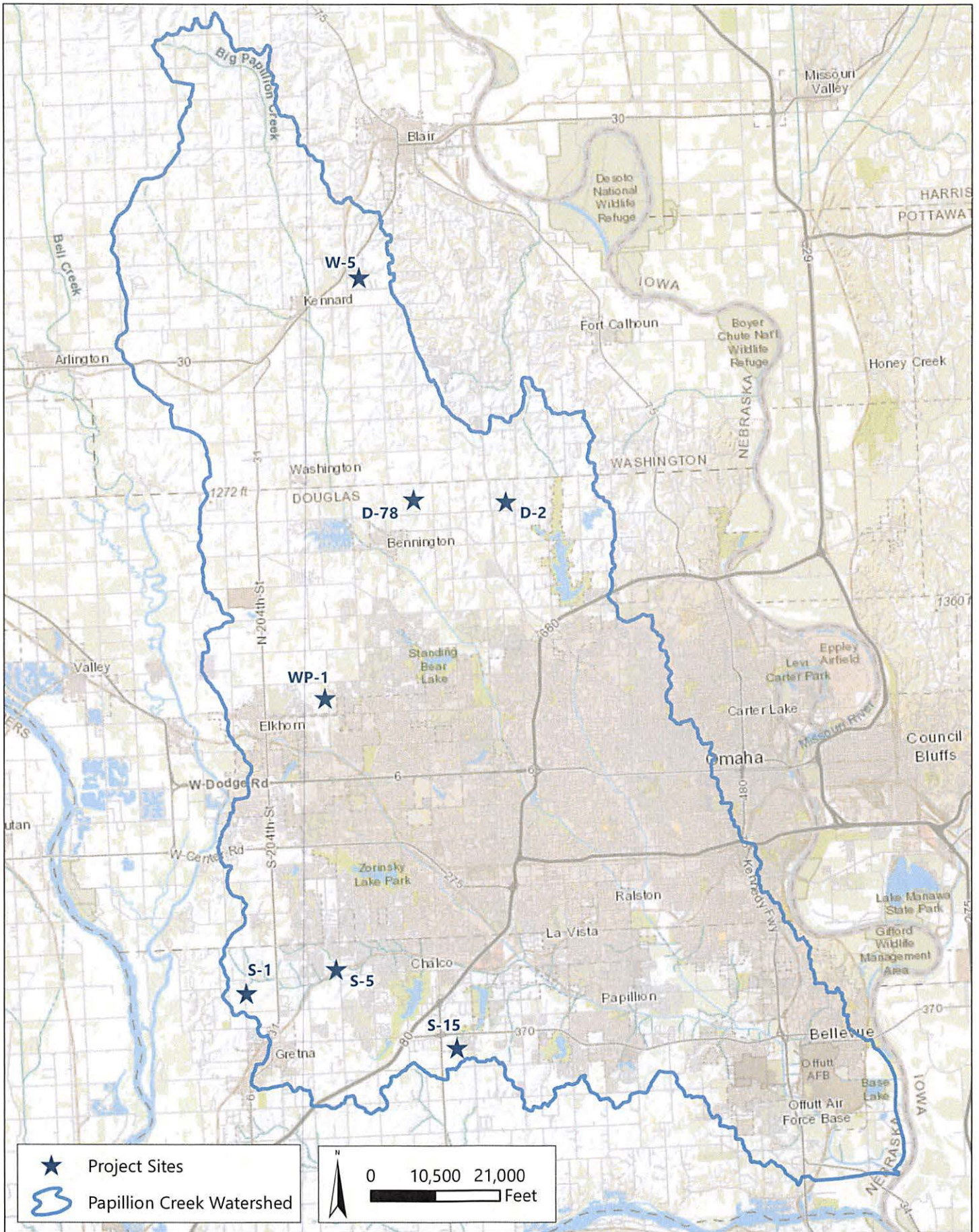


Figure 1. Site Locations
 Papillion Creek Watershed Supplemental Plan-EA
 Natural Resources Conservation Service
 Papio-Missouri River NRD





Natural Resources Conservation Service
Nebraska State Office
Federal Building, Room 152
100 Centennial Mall North
Lincoln, NE 68508-3866
(402) 437-5300

<http://www.ne.nrcs.usda.gov>

VIA USPS SIGNATURE CONFIRMATION - ELECTRONIC

September 11, 2020

Jill Dolberg
Deputy State Historic Preservation Officer
History Nebraska
1500 R St.
Lincoln, NE 68508-1651

Subject: Section 106 Consultation Request Regarding Proposed Grade Stabilization Structures, Papillion Creek Watershed; Sarpy, Douglas, and Washington Counties, Nebraska

Ms. Dolberg:

In compliance with Section 106 of the National Historic Preservation Act, as amended, and its implementing regulation 36 CFR Part 800, NRCS is consulting with you regarding the subject undertaking.

Description of Undertaking

The Natural Resources Conservation Service (NRCS) is providing funding to the Papio-Missouri River Natural Resources District (PMRNRD) for the planning of grade stabilization structures at seven locations within the Papillion Creek watershed in Sarpy, Douglas, and Washington Counties, Nebraska. One of the planned structures (WP-1) will also be constructed with this funding. All seven locations were originally addressed in a 1966 NRCS Watershed Work Plan, which focused on grade stabilization projects to address issues with stream degradation and widening. Most of the structures addressed in the original plan have been constructed, and these seven locations are the only feasible sites remaining. An updated Watershed Plan-Environmental Assessment (Plan-EA) is being developed to analyze the environmental impacts of the currently proposed improvements. Additional information regarding the Plan-EA can be found on the project website at <https://trello.com/b/12bEEliB/papillion-creek-watershed-supplemental-plan-ea>.

The seven proposed project locations are identified in Figure 1. Potential improvements at Sites D-2, D-78, S-15, and W-5 include constructing small grade control structures (loose rock structures) and/or drop structures along the drainages to govern stream flow and prevent further downcutting of the streams (Figures 2-18). At Site S-1, proposed improvements include a small dam with permanent pool and a loose rock structure (Figures 19-21). Site S-1 will serve as a sediment basin for a previously planned reservoir, Site DS-19. Site DS-19 is not part of the current undertaking. Streambank restoration is proposed for Site S-5. As part of the proposed design, streambank slopes at S-5 will be cut back to help limit future slumping/collapse and a



20-foot drop structure will be constructed to raise and stabilize the channel bed (Figures 22-27). Current designs for Site WP-1 include a dam on the lower reaches of the APE to create an approximately 20-acre permanent pool (Figures 28-30). A small sediment basin would also be constructed upstream of the reservoir. The sediment basin would mitigate effects of sediment loads carried out of nearby agricultural fields and housing development areas and increase the lifespan of the dam and pool. The dam would provide flood damage protection for downstream areas. Public recreation facilities such as parking areas, walking trails, picnic shelters, fishing docks, and boat launches are also planned at Site WP-1.

An agency scoping meeting regarding the planning process was to be held on March 23, 2020 but was cancelled for health and safety concerns related to the Covid-19 pandemic. The materials that were to be presented at that meeting are enclosed with this letter. The presentation materials can also be found on the project website (see above for web address).

Area of Potential Effects (APE)

The APE for direct and indirect effects for all seven locations includes a total of 340 acres. The legal descriptions of each APE are provided in Table 1. The APE includes all areas that may be affected by construction including staging areas, borrow areas, potential access routes, and structure footprints for all proposed sites as well as the recreation facilities, inundation pools, and stream mitigation sites proposed for Site WP-1.

Cultural Resource Identification

A cultural resource inventory of the entire APE was completed in October and November 2019 by Buried Past Consulting, LLC. The findings of the inventory are detailed in the enclosed report and summarized below.

No cultural resources or archeological sites were identified within the APE for Sites D-2, D-78, S-5, S-15, WP-1, or W-5. One cultural resource was identified within the APE for Site S-1. Site 25SY417 is a segment of an abandoned railroad line. The line was known as the Chalco-Yutan Cut-off and originally extended from Omaha west to a branch line running north from Ashland to Sioux City, Iowa. In addition to the rail bed, the investigators observed reinforced concrete fence posts along the south side of the rail grade as well as two reinforced concrete box culverts within the APE. The Chalco-Yutan Cut-off was built between 1914 and 1917 and operated from 1921 to 1927. Although the rail line appears to retain good physical integrity, the line was never economically important to the local area and operated for only a short period of time. Buried Past Consulting recommends site 25SY417 as not eligible for the National Register of Historic Places under any criteria. NRCS concurs with this recommendation.

Recommendation of Effects

In accordance with 36 CFR 800.4(d)(1), NRCS recommends that no historic properties will be affected by the construction of grade stabilization structures at seven locations in Sarpy, Douglas, and Washington Counties, Nebraska. Only one cultural resource, a segment of an early 20th century railroad line, was identified during the archeological inventory of the proposed APE. Site 25SY417 is not considered to be eligible for inclusion in the National Register of Historic Places under any criteria.

NRCS is requesting your comments on this undertaking. If there you have questions or need additional information, please contact NRCS Archeologist Melissa Baier at 402.437.4065 or by email at Melissa.Baier@usda.gov.

Sincerely,

**BRITT
WEISER**

Digitally signed by
BRITT WEISER
Date: 2020.09.11
09:49:46 -05'00'

BRITT WEISER (Acting)

CRAIG DERICKSON
State Conservationist

Enclosures:

- A. Table 1: Legal Descriptions of the Areas of Potential Effect
- B. Archeological Survey Report: *Cultural Resources Survey of Seven Grade Control Sites in the Papillion Creek Watershed, Sarpy, Douglas, and Washington Counties, Nebraska* by C. Tod Bevitt and Wendi M. Bevitt
- C. Site form for 25SY417
- D. Figures 1-31: APE Maps
- E. March 23, 2020 Public and Agency Scoping Meeting Presentation

cc:

Melissa Baier, Archeologist, NRCS, Lincoln SO

John Moeschen, United States Corps of Engineers, Nebraska Regulatory Office

September 18, 2020

Britt Weiser
USDA – Natural Resources Conservation Service
VIA EMAIL

RE: HP# 2009-082-01 Proposed Grade Stabilization Structures, Papillion Creek Watershed; Sarpy, Douglas, and Washington Counties, Nebraska

Mr. Weiser,

Thank you for submitting the cultural resources survey report for the above referenced project for Nebraska State Historic Preservation Office (NeSHPO) review and comment. Our comment on this project and its potential to affect historic properties is required by Section 106 of the National Historic Preservation Act of 1966, as amended, and implementing regulations 36 CFR Part 800.

Based on the information provided, the proposed undertaking is unlikely to affect any cultural resources listed on the National Register of Historic Places or eligible for such a listing. Therefore, the NeSHPO concurs with the determination that no historic properties affected is appropriate for this undertaking and the project should proceed as planned.

Please retain this correspondence and your documented finding in order to show compliance with Section 106 of the National Historic Preservation Act, as amended. If you have any questions, please contact me at john.swigart@nebraska.gov or 402-471-2609.

Sincerely,



John Swigart
Preservation Archeologist

August 16, 2021

Britt Weiser
USDA NRCS
VIA EMAIL

RE: HP# 2009-082-01; Section 106 Consultation Request Regarding Proposed Grade Stabilization Structures, Papillion Creek Watershed; Sarpy, Douglas, and Washington Counties, Nebraska

Mr. Weiser,

Thank you for submitting the above referenced proposal for Nebraska State Historic Preservation Office review and comment as required by Section 106 of the National Historic Preservation Act of 1966, as amended, and implementing regulations 36 CFR § 800.

We concur that archeological site 25SY417 is not eligible for listing in the National Register of Historic Places.

If you have any questions, please contact me at john.swigart@nebraska.gov or 402-560-0574.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Swigart', is written over the word 'Sincerely,'.

John Swigart
Preservation Archeologist

Identical copies of the following letter with the subject line "Section 106 Consultation Request Regarding Proposed Grade Stabilization Structures, Papillion Creek Watershed, Sarpy, Douglas, and Washington Counties, Nebraska," were sent to the individuals listed below.

Chairman Bobby Komardley
Apache Tribe of Oklahoma
P.O. Box 1330
Anadarko, OK 73005

Governor Reggie Wassana
Cheyenne & Arapaho Business Committee
Cheyenne & Arapaho Tribes of Oklahoma
P.O. Box 38
Concho, OK 73022

Max Bear
Tribal Historic Preservation Officer
Cheyenne & Arapaho Tribes of Oklahoma
200 Wolf Robe Circle
P.O. Box 145
Concho, OK 73022

Chairman Timothy Rhodd
Iowa Tribe of Kansas and Nebraska
3345 B Thrasher Rd.
White Cloud, KS 66094

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Tribal Historic Preservation Officer
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<http://www.ne.nrcs.usda.gov>

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED

September 10, 2020

Chairman John R. Shotton
Otoe-Missouria Tribe of Indians, Oklahoma
8151 Hwy 177
Red Rock, OK 74651

Subject: Section 106 Consultation Request Regarding Proposed Grade Stabilization Structures, Papillion Creek Watershed; Sarpy, Douglas, and Washington Counties, Nebraska

Honorable Chairman Shotton:

In compliance with Section 106 of the National Historic Preservation Act, as amended, and its implementing regulation 36 CFR Part 800, NRCS is consulting with you regarding the subject undertaking.

Description of Undertaking

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The seven proposed project locations are identified in Figure 1 (Enclosure D). Potential improvements at Sites D-2, D-78, S-15, and W-5 include constructing small grade control structures (loose rock structures) and/or drop structures along the drainages to govern stream flow and prevent further downcutting of the streams (Figures 2-18). At Site S-1, proposed improvements include a small dam with permanent pool and a loose rock structure (Figures 19-21). Site S-1 will serve as a sediment basin for a previously planned reservoir, Site DS-19. Site DS-19 is not part of the current undertaking. Streambank restoration is proposed for Site S-5. As part of the proposed design, streambank slopes at S-5 will be cut back to help limit future



slumping/collapse and a 20-foot drop structure will be constructed to raise and stabilize the channel bed (Figures 22-27). Current designs for Site WP-1 include a dam on the lower reaches of the area of potential effect to create an approximately 20-acre permanent pool (Figures 28-30). A small sediment basin would also be constructed upstream of the reservoir. The sediment basin would mitigate effects of sediment loads carried out of nearby agricultural fields and housing development areas and increase the lifespan of the dam and pool. The dam would provide flood damage protection for downstream areas. Public recreation facilities such as parking areas, walking trails, picnic shelters, fishing docks, and boat launches are also planned at Site WP-1.

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Cultural Resource Identification

A cultural resource inventory of the entire APE was completed in October and November 2019 by Buried Past Consulting, LLC. The findings of the inventory are detailed in the enclosed report and summarized below.

No cultural resources or archeological sites were identified within the APE for Sites D-2, D-78, S-5, S-15, WP-1, or W-5. One cultural resource was identified within the APE for Site S-1. Site 25SY417 is a segment of an abandoned railroad line. The line was known as the Chalco-Yutan Cut-off and originally extended from Omaha west to a branch line running north from Ashland to Sioux City, Iowa. In addition to the rail bed, the investigators observed reinforced concrete fence posts along the south side of the rail grade as well as two reinforced concrete box culverts within the APE. The Chalco-Yutan Cut-off was built between 1914 and 1917 and operated from 1921 to 1927. Although the rail line appears to retain good physical integrity, the line was never economically important to the local area and operated for only a short period of time. Buried Past Consulting recommends site 25SY417 as not eligible for the National Register of Historic Places under any criteria. NRCS concurs with this recommendation.

Recommendation of Effects

In accordance with 36 CFR 800.4(d)(1), NRCS finds that no historic properties will be affected by the construction of grade stabilization structures at seven locations in Sarpy, Douglas, and Washington Counties, Nebraska. Only one cultural resource, a segment of an early 20th century railroad line, was identified during the archeological inventory of the proposed APE. Site 25SY417 is not considered to be eligible for inclusion in the National Register of Historic Places under any criteria.

NRCS is requesting your comments on this undertaking. If there are questions or additional information is needed, please contact NRCS Archeologist Melissa Baier at 402-437-4065 or by email at Melissa.Baier@usda.gov.

Sincerely,

**BRITT
WEISER**

Digitally signed by
BRITT WEISER
Date: 2020.09.10
08:14:33 -05'00'

BRITT WEISER (Acting)

CRAIG DERICKSON
State Conservationist

Enclosures:

- A. Table 1: Legal Descriptions of the Areas of Potential Effect
- B. Archeological Survey Report: *Cultural Resources Survey of Seven Grade Control Sites in the Papillion Creek Watershed, Sarpy, Douglas, and Washington Counties, Nebraska* by C. Tod Bevitt and Wendi M. Bevitt
- C. Site form for 25SY417
- D. Figures 1-31: APE Maps
- E. March 23, 2020 Public and Agency Scoping Meeting Presentation

cc:

Lance Foster, Tribal Historic Preservation Officer, Iowa Tribe of Kansas and Nebraska
Melissa Baier, Archeologist, NRCS, Lincoln SO



OTOE-MISSOURIA TRIBE OF INDIANS

8151 HIGHWAY 177
RED ROCK, OK 74651-0348

September 30, 2020

Ms. Melissa Baier
USDA
Natural Resources Conservation Service
Nebraska State Office
Federal Building, Room 152
100 Centennial Mall North
Lincoln, NE 68508-3866

RE: Section 106 Consultation Request Regarding Proposed Grade Stabilization Structures, Papillion Creek Watershed; Sarpy, Douglas, and Washington Counties, Nebraska

Hawe pi (Good day) Ms. Baier,

Pursuant to Section 106 of the National Historic Preservation Act of 1966 (NHPA), and 36 C.F.R. Part 800, the Otoe-Missouria Tribal Historic Preservation Office has received and reviewed all available information regarding to the above-mentioned project.

As the site is within **direct** ancestral lands of the Otoe-Missouria Tribe, the Otoe-Missouria Tribal Historic Preservation Office requests further information. Our office requests the SHPO report once available, affiliated THPO reports from surrounding Tribes, and a copy of the Plan-EA draft. Please email all documentation to ewhitehorn@omtribe.org.

The Otoe-Missouria Tribe has a vital interest in protecting its historic and ancestral cultural resources. The Otoe-Missouria Tribal Historic Office anticipates further review on the planned **Section 106 Consultation Request Regarding Proposed Grade Stabilization Structures, Papillion Creek Watershed; Sarpy, Douglas, and Washington Counties, Nebraska**.

The Otoe-Missouria Tribal Historic Preservation Office thanks you for consulting with the Otoe-Missouria Tribe of Oklahoma. Should you have further questions or concerns, please contact me.

Thank you,

A handwritten signature in cursive script that reads "Elsie Whitehorn".

Elsie Whitehorn
Tribal Historic Preservation Officer
Otoe-Missouria Tribe
580-723-4466 ext 202
ewhitehorn@omtribe.org

Pawnee Nation

Wednesday, October 14, 2020

Melissa Baier
Archaeologist
USDA NRCS
Lincoln, Nebraska

***RE: Proposed Grade Stabilization Structures
Papillion Creek Watershed
Sarpy, Douglas, and Washington Counties, Nebraska***

The Pawnee Nation Office of Historic Preservation has received the information and materials requested for our Section 1065 Review and Consultation. Consultation with the Pawnee Nation is required by Section 106 of the National Historic Preservation Act of 1966 (NHPA), and 36 CFR Part 800.

Given the information provided, you are hereby notified that the proposed project/s is but should not affect the cultural landscape of the Pawnee Nation. Therefore, in accordance with 36CFR800.4(d)(1), you may proceed with your proposed project/s without a cultural monitor from the Pawnee Nation Office of Historic Preservation.

However, be advised that additional undiscovered cultural properties could be encountered, and they must be immediately reported to us under both the National Historic Preservation Act and the Native American Graves Protection and Repatriation Act regulations.

Should you have questions, please do not hesitate to contact me at jreed@pawneenation.org or by phone at 918-762-2180 ext 220. Thank you for your time and consideration.

Sincerely,
Matt Reed
Historic Preservation Officer
Pawnee Nation of Oklahoma

Historic Preservation Office
Matt Reed
Phone: 918.762.2180
E-mail: jreed@pawneenation.org
P.O. Box 470
Pawnee, Oklahoma 74058



OTOE-MISSOURIA TRIBE OF INDIANS

8151 HIGHWAY 177
RED ROCK, OK 74651-0348

November 23, 2020

Ms. Melissa Baier
USDA
Natural Resources Conservation Service
Nebraska State Office
Federal Building, Room 152
100 Centennial Mall North
Lincoln, NE 68508-3866

RE: Concurrence - Section 106 Consultation Request Regarding Proposed Grade Stabilization Structures, Papillion Creek Watershed; Sarpy, Douglas, and Washington Counties, Nebraska

Hawe pi (Good day) Ms. Baier,

The Otoe-Missouria Tribal Historic Preservation Office has reviewed all available information regarding **Section 106 Consultation Request Regarding Proposed Grade Stabilization Structures, Papillion Creek Watershed; Sarpy, Douglas, and Washington Counties, Nebraska** and concurs with your determination of "no historic properties affected" and findings of no direct impacts or adverse effects to any sacred sites, traditional cultural properties or any other historic property of interest to the Otoe-Missouria Tribe.

However, it is possible that archaeological deposits and/or features associated with prehistoric and early historic era settlement of the area have survived. In the event of any inadvertent discovery of any American Indian remains, funerary objects, or objects of cultural patrimony, please contact the Otoe-Missouria Tribal Historic Preservation Office immediately.

Through this letter, we extend our support to the efforts to protect Otoe-Missouria ancestral and historical sites and for the Otoe-Missouria Tribal Historic Preservation to be actively engaged in future protective and educational efforts around this area.

Thank you for the opportunity to review this project and provide comments. Should you have any questions, please do not hesitate to contact me.

Thank you,

A handwritten signature in cursive script that reads "Elsie Whitehorn".

Elsie Whitehorn
Tribal Historic Preservation Officer
Otoe-Missouria Tribe
580-723-4466 ext 202
ewhitehorn@omtribe.org

From: [Gillespie, Betty](#)
To: [Baier, Melissa - NRCS, Lincoln, NE](#)
Cc: [Lawson, Robert - NRCS, Lincoln, NE](#)
Subject: [EXTERNAL: Suspicious Link]Papillion Creek Watershed
Date: Friday, February 3, 2023 10:14:59 AM

CAUTION: This message triggered warnings of **potentially** malicious web content. Consider whether you are expecting the message, along with inspection for suspicious links, prior to clicking. Any concerns with known senders, use a good contact method to verify.

Send Questions or Suspicious messages to: Spam.Abuse@usda.gov

Good morning Melissa,

Neither John Swigart nor I have any comments or concerns for the draft EA for Papillion Creek Watershed. If you need anything else from us please let me know.

Best,

Betty Gillespie (She/Her)

Interim Deputy SHPO

Section 106 Review & Compliance Coordinator



P: 402-805-7392 | betty.gillespie@nebraska.gov
1500 R Street, Lincoln, NE 68508
history.nebraska.gov





February 24, 2023

ATTN: Melissa Baier

RE: Draft Plan-EA Papillion Creek Watershed NOI

Dear Ms. Baier,

The Nebraska Department of Environment and Energy (NDEE) has reviewed the above referenced project. As with any project, permits may be required prior to beginning construction or operation. At a minimum, you should be aware of the possible requirements or permits:

| | <u>Contact</u> | <u>Phone</u> |
|--------------------------|------------------|----------------|
| Air Quality | Lindsey Hollmann | (402) 471-4212 |
| Construction Storm Water | Daniel Kroll | (402) 471-4370 |
| Drinking Water | Hillary Stoll | (402) 471-4252 |
| Wastewater | Hillary Stoll | (402) 471-4252 |
| Water Quality | Dane Pauley | (402) 471-1056 |
| Waste Disposal | Erik Waiss | (402) 471-8308 |

Air Quality: Fugitive Dust Title 129 Chapter 15 Section 003 regulations shall apply to all demolition, grading, and construction activities.

Construction Storm Water: If the proposed project will disturb more than one acre of ground, it will require authorization under the Construction Storm Water General Permit (CSW-GP). A Threatened and Endangered Species consultation may be required prior to CSW-GP notice of intent (NOI) approval. The Nebraska Game and Parks Commission, Conservation and Environmental Review Tool (CERT), is used to complete this consultation. The land application of concrete grooving/grinding slurry generated from any Public Agency, or their contractor, in a transportation right-of-way requires authorization under the general NPDES permit for the Land Application of Concrete Grooving/Grinding Slurry. Excavation dewatering requires authorization under a general permit unless comprised entirely of storm water. Notification to the Department is required for excavations encountering contamination, or in areas of known contamination.

Drinking Water: No comments for this project.

Wastewater: No comments for this project.

Water Quality: Areas of this project will be required to comply with § 401 of the Clean Water Act of 1977, as amended by the Water Quality Act of 1987, and Nebraska Titles 120 and 117. Wetland and stream impacts may occur in this project. If the project will result in a possible discharge of dredge and fill material into federally jurisdictional waters, a 404 Permit from US Army Corps of Engineers, 401 Water Quality Certification from NDEE, and compensatory mitigation may be required. It is recommended that during the project planning phase the applicant contact the Section 401 Program Coordinator at NDEE to discuss the project to ensure that it will comply Nebraska Title 117 Water

Quality Standards for Wetlands. Also check with local ordinances for impacts to Wellhead Protection Areas.

Brandon was able to look over this thoroughly enough to say that, as it pertains to Section 319, he does not have any comments. As far as he can tell, this draft plan does not contradict or impede the Papillion Creek Watershed Management Plan.

Waste Disposal: Papillion Creek Watershed – Environmental Assessment. Regrading of area, earth works, Flood mitigation structures. No Waste Permit Required - All waste generated or discovered on site must be properly handled, contained, and disposed as per all applicable regulations found in [NE Title 128 - Nebraska Hazardous Waste Regulations](#) and [NE Title 132 - Integrated Solid Waste Management Regulations](#). This includes proper waste determinations and characterization before disposal. Where possible, NDEE urges reuse and recycling of any materials generated by the project. If you have any questions about solid or hazardous waste regulations, please contact the Environmental Assistance Coordinator for the Waste Compliance Section of DEE at (402) 471-8308.

I have also added comments from Brandon Beethe in our Water Planning Section. If you have any other questions, feel free to contact the individuals listed above. For more information, please visit our website at dee.ne.gov

Sincerely,

Alicia Boss

Administrative Specialist



Natural Resources Conservation Service
Nebraska State Office
Federal Building, Room 152
100 Centennial Mall North
Lincoln, NE 68508-3866
(402) 437-5300

www.NRCS.usda.gov/Nebraska

Sent via electronic mail only

October 5, 2023

Alicia Boss
Administrative Specialist
Department of Environmental and Energy
PO Box 98922
Lincoln, Nebraska, 68509-8922

Subject: Draft Plan-EA Papillion Creek Watershed NOI Comments

Dear Ms. Boss and NDEE Staff,

Thank you for providing comments on the Draft Watershed Plan-EA for the Papillion Creek Watershed. This letter contains responses to your comments provided via electronic mail on February 24, 2023. Our responses are organized by division following the format of your letter.

Air Quality: We have revised Sections 5.17 and 7.4 of the Plan-EA to cite the correct regulations (Title 129 Chapter 15 Section 003).

Construction Storm Water: NRCS consulted with the Nebraska Game and Parks Commission (NGPC) regarding this Draft Plan-EA, and NGPC concurred with our determination of May Affect, but Not Likely to Adversely Affect state-listed endangered or threatened species in a letter received July 20, 2023. The project sponsor, the Papio-Missouri Natural Resources District, will be responsible for obtaining all permits prior to construction and will obtain the CSW-GP and NPDES permits. If additional consultation with NGPC is necessary at that time, NRCS will reinitiate consultation.

We agree that if the proposed project will disturb more than one acre of ground, the sponsor will need to request a Construction Storm Water General Permit from the Nebraska Department of Environment and Energy (NDEE). We also agree that the land application of concrete grooving/grinding slurry generated from any Public Agency, or their contractor, in a transportation right-of-way requires authorization under the general NPDES permit for the Land Application of Concrete Grooving/Grinding Slurry. It is mentioned on page 102 of the Plan-EA that a NPDES permit will be required at each site if more than 1 acre of land is disturbed for construction.





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Nebraska State Office
Federal Building, Room 152
100 Centennial Mall North
Lincoln, NE 68508-3866
(402) 437-5300

www.NRCS.usda.gov/Nebraska

Water Quality: Section 7.4 page 102 has been revised to include the following information from Section 5.17 “CWA Section 404 permits must be obtained from the USACE to account for fills within jurisdictional waters of the United States prior to construction. The Sponsor will obtain a 404 permit for sites prior to construction. It is anticipated that individual Section 404 permits, issued by USACE, and 401 water quality certifications, issued by NDEE, will be required for Sites WP-1 and S-1. A Nationwide Permit 27 is anticipated for the other locations described in this plan.” Wetland mitigation is discussed in Section 7.3.1. on page 100. Stream mitigation is discussed in Section 7.3.2. on page 102. The project will comply with Nebraska Title 117 Water Quality Standards for Wetlands.

Waste Disposal: NE Title 128 - Nebraska Hazardous Waste Regulations and NE Title 132 - Integrated Solid Waste Management Regulations will be followed as stated on page 102. We have revised the text in Section 7.4 under “Excavation” to read “All waste generated or discovered on site must be properly handled, contained, and disposed as per all applicable regulations found in NE Title 128 - Nebraska Hazardous Waste Regulations and NE Title 132 - Integrated Solid Waste Management Regulations. This includes proper waste determinations and characterization before disposal. Where possible, materials generated by this project will be reused or recycled.”

Your assistance with the development of this Watershed Plan-EA is appreciated. If you have any questions please contact Melissa Baier, Watershed Planning Coordinator, at melissa.baier@usda.gov or 402-437-4065.

Sincerely,

ALLEN GEHRING Digitally signed by ALLEN
GEHRING
Date: 2023.10.05 12:24:13 -05'00'

ALLEN GEHRING, P.E.
State Conservation Engineer



Baier, Melissa - FPAC-NRCS, NE

From: Laura Boardman <laura.boardman16@gmail.com>
Sent: Thursday, March 2, 2023 12:41 PM
To: Baier, Melissa - FPAC-NRCS, NE
Subject: [External Email]Papillion Creek Watershed Supplemental Plan

[External Email]

If this message comes from an unexpected sender or references a vague/unexpected topic; Use caution before clicking links or opening attachments.

Please send any concerns or suspicious messages to: Spam.Abuse@usda.gov

Good afternoon,

I just noticed that there were some updates to the Watershed plans and had a few questions I am hoping you can answer. We own 8355 s 216th Street and will be impacted by Site location S-1. I have reviewed the document and it appears that a structure will be built on our property. How much of the bank will this impact and will all of the trees need to be removed? How do you anticipate the current stream will be impacted? I am also wondering if we will have the ability to access the very east side of our property, or if an access can be included with the structure installation. With the anticipated easement, could you please expand on what this easement will include? Does this only allow access for the construction and periodic assessment of the structure, or something with some frequency? Who will this easement provide access to, and will any notification be given prior to accessing the property? Finally, on the access that goes from the creek to 216th street, will that be a road, or is that just highlighting the area that will be utilized during the construction phase of this project?

Thanks,

Laura Boardman
8355 s 216th Street
Gretna NE 68028
402-880-9390.

structure through the field. The easement will be worked out with the landowner if and when these projects move forward, it can be modified to be the least impact to the landowner. The easement would be to the Papio NRD as we would be the ones that complete the project.

Please let me know if you have any questions or need additional information. Thank you very much for taking the time to review the Plan-EA. We appreciate your input.

Sincerely,
Melissa Baier
Nebraska Watershed Planning Coordinator
USDA-NRCS
100 Centennial Mall North Rm 152, Lincoln, NE 68508 o. 402-437-4065

-----Original Message-----

From: Laura Boardman <laura.boardman16@gmail.com>
Sent: Thursday, March 2, 2023 12:41 PM
To: Baier, Melissa - FPAC-NRCS, NE <Melissa.Baier@usda.gov>
Subject: [External Email]Papillion Creek Watershed Supplemental Plan

[External Email]

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Please send any concerns or suspicious messages to: Spam.Abuse@usda.gov

Good afternoon,

I just noticed that there were some updates to the Watershed plans and had a few questions I am hoping you can answer. We own 8355 s 216th Street and will be impacted by Site location S-1. I have reviewed the document and it appears that a structure will be built on our property. How much of the bank will this impact and will all of the trees need to be removed? How do you anticipate the current stream will be impacted? I am also wondering if we will have the ability to access the very east side of our property, or if an access can be included with the structure installation. With the anticipated easement, could you please expand on what this easement will include? Does this only allow access for the construction and periodic assessment of the structure, or something with some frequency? Who will this easement provide access to, and will any notification be given prior to accessing the property? Finally, on the access that goes from the creek to 216th street, will that be a road, or is that just highlighting the area that will be utilized during the construction phase of this project?

Thanks,

Laura Boardman
8355 s 216th Street
Gretna NE 68028
402-880-9390.

From: [Tapp, Jessica](#)
To: [Baier, Melissa - FPAC-NRCS, NE](#)
Cc: nebraskaes@fws.gov
Subject: RE: Papillion Creek Draft Plan EA, NGPC Comments
Date: Friday, March 3, 2023 1:20:00 PM

Hi Melissa,

Sorry, I have to make a correction. I'm currently in another meeting and it seems I provided you with the wrong guidance. The activities should be avoided during the "active season" which is April 1 – Nov 1. Slight change in date range and I also made a mistake with the description of the aforementioned biological period.

Thanks!

Jessica L. Tapp
Environmental Specialist III
Certified Wildlife Biologist®

From: Tapp, Jessica
Sent: Thursday, March 2, 2023 2:11 PM
To: Baier, Melissa - NRCS, Lincoln, NE <Melissa.Baier@usda.gov>
Cc: nebraskaes@fws.gov
Subject: Papillion Creek Draft Plan EA, NGPC Comments

Hi Melissa,

We have reviewed the Draft Plan EA and have the following comments. Since the commencement of the planning process for this EA, there have been some updates to the T&E species within the plan area. I have provided a list of updates for this plan:

- Northern long-eared bat (*Myotis septentrionalis*): On March 31, 2023, NLEB is anticipated to be uplisted to Endangered at the federal and state levels. After this date, the conservation measures in place to protect this species need to be adapted. All tree clearing within suitable habitat and disturbance to bridges, culverts (over 5ft in diameter), and existing buildings should be avoided during the reproductive season (April 1 – Oct 31). If disturbances and tree clearing cannot be avoided during this period, then surveys must first be conducted according to standard protocol to confirm species absence.
- Little brown bat (*Myotis lucifugus*): proposed listing anticipated in June 2023
- Plains spotted skunk (*Spilogale putorius interrupta*): proposed listing anticipated in September 2023
- Tricolored bat (*Perimyotis subflavus*): listing as Endangered anticipated in September 2023

Please let me know if there are any questions.

Thanks,

Jessica L. Tapp

Environmental Specialist III – Environmental Review

Planning & Programming Division

Nebraska Game & Parks Commission

Office: (402) 471-5554 | Email: jessica.tapp@nebraska.gov

Certified Wildlife Biologist®



Natural Resources Conservation Service
Nebraska State Office
Federal Building, Room 152
100 Centennial Mall North
Lincoln, NE 68508-3866
(402) 437-5300

www.NRCS.usda.gov/Nebraska

Sent via electronic mail only

October 4, 2023

Jessica Tapp
Environmental Specialist III
Nebraska Game and Parks Commission
2200 N. 33rd St.
Lincoln, NE 68503

Subject: Papillion Creek Draft Plan EA, NGPC Comments

Dear Ms. Tapp and NGPC Staff,

Thank you for providing comments on the USDA – NRCS draft Watershed Plan-EA for the Papillion Creek Watershed. This letter contains responses to your comments provided via electronic mail on March 2, 2023; March 3, 2023; and May 15, 2023.

We have revised the appropriate sections throughout the Draft Plan-EA to include the updated species information regarding the northern long-eared bat, the little brown bat, the plains spotted skunk, and the tri-colored bat. Based on comments from the U.S. Fish and Wildlife Service (USFWS) of August 12, 2023, we have also updated the appropriate sections of the Draft Plan-EA to reflect the newest USFWS guidance regarding the northern long-eared bat.

Your input in the development of this Watershed Plan-EA is appreciated. If you have any questions please contact Melissa Baier, Watershed Planning Coordinator, at melissa.baier@usda.gov or 402-437-4065.

Sincerely,

ALLEN GEHRING Digitally signed by ALLEN
GEHRING
Date: 2023.10.04 11:03:05 -05'00'

ALLEN GEHRING, P.E.
State Conservation Engineer





Natural Resources Conservation Service
Nebraska State Office
Federal Building, Room 152
100 Centennial Mall North
Lincoln, NE 68508-3866
(402) 437-5300

<http://www.ne.nrcs.usda.gov>

April 14, 2023

Mark Porath
U.S. Fish and Wildlife Service
9325 South Alda Road
Wood River, NE 68883

Melissa Marinovich
Nebraska Game and Parks Commission
2200 N. 33rd Street
Lincoln, NE 68503

Dear Mr. Porath and Ms. Marinovich,

This letter is to initiate Section 7 informal consultation pursuant to the Endangered Species Act (ESA) of 1973 with the U.S. Fish and Wildlife Service (USFWS) for the Papillion Watershed Supplemental Plan (Plan). It is also to initiate informal consultation pursuant to the Nebraska Nongame and Endangered Species Conservation Act (NESCA) with the Nebraska Game and Parks Commission (NGPC) for the Papillion Watershed Supplemental Plan (Plan). The project is administered by the Natural Resources Conservation Service (NRCS) in cooperation with Papio Missouri Natural Resources District and their consultant, Houston Engineering, Inc.

This consultation is only for the development of the Papillion Watershed Supplemental Plan and associated Environmental Analysis. Future consultation may be necessary when the project moves into the implementation phase.

Background

The original Watershed Work Plan (Work Plan) was completed in 1966 and included 52 grade stabilization structures within the Papillion Creek Watershed in Douglas, Sarpy, and Washington Counties in Nebraska. The Supplemental Plan will include seven structures that were included in the Work Plan with the purpose of grade stabilization. The seven sites proposed in the Supplemental Plan include WP-1 (D-31 in the Work Plan), W-5, D-2, D-78, S-1, S-5, and S-15 (see attached maps of proposed sites).

For reference, a final draft of the Plan-EA has been attached.

Proposed Species Pursuant to both ESA and NESCA Informal Consultation

There are several federally and/or state listed species within the watershed boundary but that are not located near the selected project sites. Those are pallid sturgeon, lake sturgeon, sturgeon chub, interior least tern, piping plover, and American ginseng. As a result, we have reached a "No Effect" finding for those six species.



Additionally, Northern long-eared bat, Western prairie fringed orchid, rufa red knot, and Eastern black rail do have known range within proximity to the selected project sites. Of these species, only the Northern long-eared bat has suitable habitat present within the boundary of the affected area for the project sites. Therefore, we have reached a “No Effect” finding for Western prairie fringed orchid, rufa red knot, and Eastern black rail.

Listed below are the species with habitat ranges within the boundaries of the proposed project sites that have a determination other than “No Effect” and are being submitted for consideration subject to both ESA and NESCA informal consultation:

Northern long-eared bat: Suitable habitat exists in the form of deciduous trees and associated riparian areas where this species can roost and forage. The area does not contain any known maternity roost trees and there are no known hibernacula (mines or rock outcroppings or crevices) within 10 miles of the project sites. This species was reclassified from threatened under the 4(d) provisions of the Endangered Species Act to endangered as of March 31, 2023. As a result, interim guidance consisting of a Determination Key and associated conservation measures will be used for any implementation prior to April 1, 2024. After that time, additional requirements may be needed to address avoidance and minimization conservation measures for this species. It is expected that conservation measures such as avoiding tree removal during the active season and possible surveys for the presence of Northern long-eared bat may be required prior to any implementation occurring. Use of these methods will allow a “May Affect – Not Likely to Adversely Affect” finding for this species.

NRCS consults in accordance with ESA and NESCA obligations and requests concurrence on the finding of “May Affect – Not Likely to Adversely Affect” on the federally and state listed Northern long-eared bat for the Papillion Watershed Supplemental Plan.

If you need any further information, please contact me at (402) 437- 4100 or by e-mail ritch.nelson@usda.gov

Respectfully,

Ritch Nelson

State Wildlife Biologist

State Forester

Nebraska – Natural Resources Conservation Service

From: [Tapp, Jessica](#) on behalf of [NGPC EnvReview](#)
To: [Nelson, Ritch - FPAC-NRCS, NE](#)
Cc: [Porath, Mark T](#); [Nebraskaes, FW6](#); [Baker, Amelia](#)
Subject: RE: Papillion Creek WFPO Endangered Species Consultation
Date: Monday, May 15, 2023 10:22:51 AM

Good morning Ritch,

I've reviewed the documents provided, and I don't have any concerns with the Plan-EA. The justification for MANLAA for NLEB doesn't quite meet the needs of NESCA because the project hasn't agreed to specific conservation measures. It's my understanding that the D-Key doesn't provide conservation measures, despite asking lots of questions about what the project is doing to avoid impacts to bats. In order to be compliant with NESCA (at least until March 31, 2024), can the project agree to the following:

- No removal or disturbance of suitable trees or suitable roosting structures between June 1 and July 31.
OR
- If tree/roosting structure removal or disturbance must occur during June 1 – July 31, then the project must first conduct a Presence/Absence survey per USFWS's Range-wide Indiana Bat & Northern Long-Eared Bat Survey Guidelines to determine if the species is present. If bat presence is detected, then further consultation is required before any work can begin.

After March 31, 2024, the project will of course still need to reinitiate consultation for impacts to NLEB. If the project can agree to these conditions, I can move forward with concurrence and you shouldn't need to revise your justification. Let me know if you have any questions!

Thanks,

Jessica L. Tapp
Environmental Specialist III
Certified Wildlife Biologist®

From: Nelson, Ritch - FPAC-NRCS, NE <ritch.nelson@usda.gov>
Sent: Sunday, April 16, 2023 8:49 PM
To: Nebraskaes, FW6 <Nebraskaes@fws.gov>; NGPC EnvReview <ngpc.envreview@nebraska.gov>
Cc: Porath, Mark T <mark_porath@fws.gov>
Subject: Papillion Creek WFPO Endangered Species Consultation

Hello,

Please see attached the request for concurrence on the Papillion Creek WFPO Plan and Environmental Assessment along with the associated Plan – EA as well as a set of location maps.

If you have any questions, please contact me for additional information.

Thanks for your assistance with this project.

Ritch Nelson

State Wildlife Biologist

State Forester

Nebraska – Natural Resources Conservation Service

Federal Building, Room 152; 100 Centennial Mall North

Lincoln, NE 68508-3866

(402) 437-4100

ritch.nelson@usda.gov

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Natural Resources Conservation Service
Nebraska State Office
Federal Building, Room 152
100 Centennial Mall North
Lincoln, NE 68508-3866
(402) 437-5300

<http://www.ne.nrcs.usda.gov>

June 23, 2023

Mark Porath
U.S. Fish and Wildlife Service
9325 South Alda Road
Wood River, NE 68883

Melissa Marinovich
Nebraska Game and Parks Commission
2200 N. 33rd Street
Lincoln, NE 68503

Dear Mr. Porath and Ms. Marinovich,

NOTE: This letter is intended to address comments received back from the Nebraska Game and Parks Commission on May 15, 2023 related to conservation measures for Northern long-eared bat. As such, the original letter has been modified to address the necessary actions and continue with Section 7 informal consultation pursuant to the Endangered Species Act (ESA) of 1973 with the U.S. Fish and Wildlife Service (USFWS) for the Papillion Watershed Supplemental Plan (Plan) and also with informal consultation pursuant to the Nebraska Nongame and Endangered Species Conservation Act (NESCA) with the Nebraska Game and Parks Commission (NGPC) for the Papillion Watershed Supplemental Plan (Plan).

The project is administered by the Natural Resources Conservation Service (NRCS) in cooperation with Papio Missouri Natural Resources District and their consultant, Houston Engineering, Inc.

This consultation is only for the development of the Papillion Watershed Supplemental Plan and associated Environmental Analysis. Future consultation may be necessary when the project moves into the implementation phase.

Background

The original Watershed Work Plan (Work Plan) was completed in 1966 and included 52 grade stabilization structures within the Papillion Creek Watershed in Douglas, Sarpy, and Washington Counties in Nebraska. The Supplemental Plan will include seven structures that were included in the Work Plan with the purpose of grade stabilization. The seven sites proposed in the Supplemental Plan include WP-1 (D-31 in the Work Plan), W-5, D-2, D-78, S-1, S-5, and S-15 (see attached maps of proposed sites).

For reference, a final draft of the Plan-EA has been attached.

Proposed Species Pursuant to both ESA and NESCA Informal Consultation

There are several federally and/or state listed species within the watershed boundary but that are not located near the selected project sites. Those are pallid sturgeon, lake sturgeon, sturgeon chub, interior least tern, piping plover, and American ginseng. As a result, we have reached a "No Effect" finding for those six species.



Additionally, Northern long-eared bat, Western prairie fringed orchid, rufa red knot, and Eastern black rail do have known range within proximity to the selected project sites. Of these species, only the Northern long-eared bat has suitable habitat present within the boundary of the affected area for the project sites. Therefore, we have reached a “No Effect” finding for Western prairie fringed orchid, rufa red knot, and Eastern black rail.

Listed below are the species with habitat ranges within the boundaries of the proposed project sites that have a determination other than “No Effect” and are being submitted for consideration subject to both ESA and NESCA informal consultation:

Northern long-eared bat: Suitable habitat exists in the form of deciduous trees and associated riparian areas where this species can roost and forage. The area does not contain any known maternity roost trees and there are no known hibernacula (mines or rock outcroppings or crevices) within 10 miles of the project sites. This species was reclassified from threatened under the 4(d) provisions of the Endangered Species Act to endangered as of March 31, 2023. As a result, interim guidance consisting of a Determination Key and associated conservation measures will be used for any implementation prior to April 1, 2024. During this interim period, the following Conservation Measures will be used:

- No removal/disturbance of suitable trees or suitable roosting structures between June 1 and July 31.
- If tree/roosting structure removal or disturbance must occur during June 1 – July 31, then the project must first conduct a Presence/Absence survey per USFWS's Range-wide Indiana Bat & Northern Long-Eared Bat Survey Guidelines to determine if the species is present. If bat presence is detected, then further consultation is required before any work can begin.

After March 31, 2024, additional consultation will be required to address avoidance and minimization conservation measures for this species. It is expected that conservation measures such as avoiding tree removal during the active season and possible surveys for the presence of Northern long-eared bat may be required prior to any implementation occurring. Use of these methods will allow a “May Affect – Not Likely to Adversely Affect” finding for this species.

NRCS consults in accordance with ESA and NESCA obligations and requests concurrence on the finding of “May Affect – Not Likely to Adversely Affect” on the federally and state listed Northern long-eared bat for the Papillion Watershed Supplemental Plan.

If you need any further information, please contact me at (402) 437- 4100 or by e-mail ritch.nelson@usda.gov

Respectfully,

Ritch Nelson

State Wildlife Biologist

State Forester

Nebraska – Natural Resources Conservation Service



2200 N. 33rd St. • P.O. Box 30370 • Lincoln, NE 68503-0370 • Phone: 402-471-0641

July 20, 2023

Ritch Nelson
State Wildlife Biologist/Forester
Nebraska – Natural Resources Conservation Service
100 Centennial Mall North
Lincoln, NE 68508-3866

**RE: Papillion Creek Watershed Plan Environmental Assessment (Plan-EA),
NRCS23001, Douglas, Sarpy, and Washington County**

Dear Mr. Nelson:

Please make reference to your correspondence dated June 21, 2023. This letter is in response to your request for a review of this project's potential impacts to endangered and threatened species in Douglas, Sarpy, and Washington County, Nebraska. As we understand it, the project would involve the development of the Papillion Watershed Plan-EA. We have completed our review of the proposed project under Neb. Rev. Stat. §37-801 to 37-811 of the Nongame and Endangered Species Conservation Act (NESCA) and we offer the following comments. This letter should be used in combination with the CERT ERR to constitute a complete environmental review for this project.

This watershed is within range of the state and federally listed endangered pallid sturgeon (*Scaphirhynchus albus*) and Northern long-eared bat (*Myotis septentrionalis*), the state and federally listed threatened Eastern black rail (*Laterallus jamaicensis jamaicensis*), rufa red knot (*Calidrus canutus rufa*), piping plover (*Charadrius melodus*) and Western prairie fringed orchid (*Platanthera praeclara*), the state listed endangered Interior least tern (*Sternula antillarum athalassos*) and sturgeon chub (*Macrhybopsis gelida*), and the state listed threatened American ginseng (*Panax quinquefolius*) and lake sturgeon (*Acipenser fulvescens*). Suitable habitat for pallid sturgeon, lake sturgeon, sturgeon chub, interior least tern, piping plover, Western prairie fringed orchid and American ginseng is not anticipated to be impacted by any activities that could be carried out by the Plan-EA. Rufa red knot and Eastern black rail are both rare vagrants in Nebraska and NGPC does not anticipate any need for special considerations for these species. Northern long-eared bat habitat does exist within the boundary of the Plan-EA and could be impacted by activities carried out by the implementation of the plan.

According to information provided by NRCS, the following conservation conditions would be implemented according to the standard protocol as outlined below in order to avoid adverse impacts to Northern long-eared bat.

- No removal/disturbance of suitable trees or suitable roosting structures between June 1 and July 31.
- If tree/roosting structure removal or disturbance must occur during June 1 – July 31, then the project must first conduct a Presence/Absence survey per USFWS's Range-wide Indiana Bat & Northern Long-Eared Bat Survey Guidelines to determine if the species is

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present. If bat presence is detected, then further consultation is required before any work can begin.

- After March 31, 2024, additional consultation will be required to re-evaluate potential impacts to this species.

Therefore, we concur with the project proponent's determination that the proposed project "May Affect, but is Not Likely to Adversely Affect" Northern long-eared bat, and acknowledge no impact is anticipated on all other state-listed endangered or threatened species. We conducted our review based on the material you sent, aerial photographs, and the Nebraska Natural Heritage database. If the proposed project changes or new information regarding endangered or threatened species becomes available, then this evaluation is no longer valid and further coordination with the Nebraska Game and Parks Commission Planning and Programming Division will be necessary.

All federally listed endangered or threatened species are also state-listed. For an assessment of potential impacts to habitats and species protected under federal wildlife laws, including federally listed, candidate or proposed endangered or threatened species, please contact the Nebraska Field Office (nebraskaes@fws.gov), U.S. Fish and Wildlife Service, 9325 South Alda Road, Wood River, NE 68883.

Thank you for the opportunity to comment. If you have any questions or need additional information, please feel free to contact me at (402) 471-5554 or jessica.tapp@nebraska.gov.

Sincerely,



Jessica Tapp, CWB®
Environmental Specialist III
Planning and Programming Division

ec: USFWS (Nebraska Field Office)

Baier, Melissa - FPAC-NRCS, NE

From: Porath, Mark T <mark_porath@fws.gov>
Sent: Saturday, August 12, 2023 3:04 PM
To: Nelson, Ritch - FPAC-NRCS, NE
Cc: Baier, Melissa - FPAC-NRCS, NE
Subject: RE: [EXTERNAL] FW: Papillion Creek WFPO Endangered Species Consultation - REVISED
Attachments: NE Papillion Creek RCPP WFPO Prelim Draft Plan-EA Plan & Agreement_mpedits.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: WFPO, Papillion Creek

Good morning Ritch and Melissa,

Thank you for your patience and understanding in this extended review time. To assist you in your desire to expedite your internal review process, I'm providing this response by email and commenting only on the ESA related sections within the draft watershed plan.

While we acknowledge that NRCS has determined "no effect" for most species, and you are aware that the Service does not provide concurrence with lead federal agency no effect determinations, I think it is important that a number of factual errors presented within the draft SEA should be pointed out. I'm returning the submitted draft with some comments, feel free to pass these comments along to Allen Gehring as the POC for the Papillion Creek SEA. To summarize;

- There are several references to the expired programmatic agreement, suggesting that that analysis and recommended conservation measures can be applied. As that agreement is no longer valid, the biological opinion similarly is no longer valid. Additionally, only activities specifically analyzed as part of the agreement and included within the BO would be covered. Some of the activities proposed are major construction and specific actions not normally covered within a programmatic BO.
- Because there is no applicable PA or BO, a BA should be conducted according to 50 CFR 402.12. And while there was no BA completed due to this error, there were several statements that were inaccurate and I bring an example forward to assist in preparation of the final EA and it's supporting components. Contradicting statements such as acknowledging overlap in species range (and occurrence) and the action area and then dismissing analysis by opinion (i.e., "likely not suitable habitat") without supporting information (map reviews, surveys, etc.) like that stated for WPFO, is concerning and will trigger further discussion.
- Within the BA and part of the supporting information to support the conclusions of NLAA for a species, should be a direct connection with the reached determination. If no take is expected (requirement of concurrence requests) but potential exposure of stressors to a species is reasonably certain to occur, then demonstrating that the effects are beneficial, insignificant or discountable will most strongly support your determination and facilitate a speedy review from our office. Additionally, highlighting beneficial effects for any species, even with a no effect determination, demonstrates cumulative positive conservation benefits for your proposed action.
- The Northern long-eared bat (NLEB) was recently uplisted to endangered status and the Service has provided interim guidance applicable to April 1, 2024. The draft EA mentions several times the application of 4(d) rules or parts of the interim guidance (maternity roosting period avoidance) which already are or will soon be invalid. As this SEA moves forward, we will need to make adjustments, which is something often encountered with major construction activities and planning documents. How you plan to make these adjustments should be included in the proper sections of the draft SEA.

Because, it is likely important for your internal review process to properly document how compliance with 7(a)(2) will occur. I recommend utilizing our IPaC tool to confirm your species list and then complete the interim determination key for the NLEB and attaching those outputs as part of your project record. The beta version (<https://ipacb.ecosphere.fws.gov/>) can provide these as well, if that is preferable.

I am entirely confident that NRCS and the applicant are keenly aware of their responsibilities under ESA, and will work diligently and cooperatively with the Service in the further refinement of this supplemental EA to meet their requirements under both 7(a)(2) and 7(a)(1). I look forward to working with you.

Regards,
Mark

Mark Porath
Nebraska Project Leader/Field Supervisor
Ecological Services, Mountain-Prairie Region
U.S. Fish and Wildlife Service
Office: 308-382-6468
Cell: 308-216-2077
mark_porath@fws.gov
nebraskaes@fws.gov

From: Nelson, Ritch - FPAC-NRCS, NE <ritch.nelson@usda.gov>
Sent: Friday, July 21, 2023 12:31 PM
To: Porath, Mark T <mark_porath@fws.gov>
Cc: Baier, Melissa - FPAC-NRCS, NE <Melissa.Baier@usda.gov>
Subject: [EXTERNAL] FW: Papillion Creek WFPO Endangered Species Consultation - REVISED

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Mark,

In regard to our discussion this morning, here is the original request. I have also attached the Game and Parks response that we received yesterday for your efficiency.

Whatever type of correspondence back (informal e-mail is acceptable or more specific letter) and using whatever terminology works for your ESA procedures is acceptable. Your response will have value in showing the due diligence of NRCS as the lead federal agency in cooperation with the sponsor and consultant to coordinate with your agency on ESA as well as other federal laws in your realm.

Please let me know if you have any questions as you formulate this response.

Thanks for your assistance!

Ritch Nelson
State Wildlife Biologist
State Forester

Nebraska – Natural Resources Conservation Service
Federal Building, Room 152; 100 Centennial Mall North
Lincoln, NE 68508-3866
(402) 437-4100
ritch.nelson@usda.gov

From: Nelson, Ritch - FPAC-NRCS, NE
Sent: Wednesday, June 21, 2023 12:40 PM
To: Nebraskaes, FW6 <Nebraskaes@fws.gov>; NGPC EnvReview <ngpc.envreview@nebraska.gov>
Cc: Baier, Melissa - FPAC-NRCS, NE <Melissa.Baier@usda.gov>; Fabok, Merceidez - FPAC-NRCS, NE <Merceidez.Fabok@usda.gov>
Subject: FW: Papillion Creek WFPO Endangered Species Consultation - REVISED

Hello,

Attached is a revised request for concurrence pertaining to the Papillion Creek WFPO EA as a result of comments received back from Game and Parks related to Northern long-eared bat following the initial request.

Please review this revised letter and provide your agency response.

Thanks for your consideration and your assistance with this project.

Ritch Nelson

State Wildlife Biologist
State Forester
Nebraska – Natural Resources Conservation Service
Federal Building, Room 152; 100 Centennial Mall North
Lincoln, NE 68508-3866
(402) 437-4100
ritch.nelson@usda.gov

From: Nelson, Ritch - FPAC-NRCS, NE
Sent: Sunday, April 16, 2023 8:49 PM
To: Nebraskaes, FW6 <Nebraskaes@fws.gov>; NGPC EnvReview <ngpc.envreview@nebraska.gov>
Cc: Porath, Mark T <mark_porath@fws.gov>
Subject: Papillion Creek WFPO Endangered Species Consultation

Hello,

Please see attached the request for concurrence on the Papillion Creek WFPO Plan and Environmental Assessment along with the associated Plan – EA as well as a set of location maps.

If you have any questions, please contact me for additional information.

Thanks for your assistance with this project.

Ritch Nelson

State Wildlife Biologist
State Forester
Nebraska – Natural Resources Conservation Service
Federal Building, Room 152; 100 Centennial Mall North

Lincoln, NE 68508-3866

(402) 437-4100

ritch.nelson@usda.gov

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Natural Resources Conservation Service
Nebraska State Office
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(402) 437-5300

www.NRCS.usda.gov/Nebraska

October 3rd, 2023

Mark Porath
Nebraska Project Leader/Field Supervisor
9325 South Alda Road
Wood River, NE 68883

RE: Response to USFWS comments on the Papillion Creek Watershed Plan - Environmental Assessment (EA), Washington, Douglas, and Sarpy Counties, Nebraska

Dear Mark and USFWS Staff:

Thank you for taking the time to provide comments on the Draft Watershed Plan-EA for the Papillion Creek Watershed. This letter contains responses to your comments provided via electronic mail on August 12, 2023 and comments made directly in the Plan-EA and is organized by numbered paragraphs that correlate with each of the bullet points in your email and the Plan-EA.

USFWS Comment #1 (email): There are several references to the expired programmatic agreement, suggesting that that analysis and recommended conservation measures can be applied. As that agreement is no longer valid, the biological opinion similarly is no longer valid. Additionally, only activities specifically analyzed as part of the agreement and included within the BO would be covered. Some of the activities proposed are major construction and specific actions not normally covered within a programmatic BO.

NRCS Response #1: Agreed. Due to the expiration of the Programmatic Agreement, all mention of it within the Plan-EA document will be removed. The complexity of each measure being constructed, that is part of the selected preferred alternative, will be evaluated (through coordination with both USFWS and NGPC) and documented in a biological assessment during the next phase of the project and prior to any construction efforts.

USFWS Comment #2 (email): Because there is no applicable PA or BO, a BA should be conducted according to 50 CFR 402.12. And while there was no BA completed due to this error, there were several statements that were inaccurate, and I bring an example forward to assist in preparation of the final EA and it's supporting components. Contradicting statements such as acknowledging overlap in species range (and occurrence) and the action area and then dismissing analysis by opinion (i.e., "likely not suitable habitat") without supporting information (map reviews, surveys, etc.) like that stated for WPFO, is concerning and will trigger further discussion.



NRCS Response #2: Sections of the Plan-EA that referenced this verbiage will be modified to reflect any significant impacts that would permanently convert any suitable habitat for each listed species. The determinations within the Plan-EA are meant only tentative decisions, and it will be made clear in the document that a BA will be prepared and consultation with both USFWS and NGPC will take place prior to construction of any of the measures selected as the preferred alternative.

USFWS Comment #3 (email): Within the BA and part of the supporting information to support the conclusions of NLAA for a species, should be a direct connection with the reached determination. If no take is expected (requirement of concurrence requests) but potential exposure of stressors to a species is reasonably certain to occur, then demonstrating that the effects are beneficial, insignificant, or discountable will most strongly support your determination and facilitate a speedy review from our office. Additionally, highlighting beneficial effects for any species, even with a no effect determination, demonstrates cumulative positive conservation benefits for your proposed action.

NRCS Response #3: Agreed. Modifications in the Plan-EA will ensure that any expected “take” will be properly addressed and analyzed utilizing a BA document during the design phase when consultation with both USFWS and NGPC will take place. Additionally, any listed species that will not result in a “take” will have additional information provided that would better describe the rationale for making a NLAA determination (beneficial, insignificant, discountable, etc. effects). The determinations within the Plan-EA are only meant to represent any significant impacts to any listed species that would ultimately prevent NRCS from creating and signing a Finding of No Significant Impact (FONSI) document.

USFWS Comment #4 (email): The Northern long-eared bat (NLEB) was recently uplisted to endangered status and the Service has provided interim guidance applicable to April 1, 2024. The draft EA mentions several times the application of 4(d) rules or parts of the interim guidance (maternity roosting period avoidance) which already are or will soon be invalid. As this SEA moves forward, we will need to make adjustments, which is something often encountered with major construction activities and planning documents. How you plan to make these adjustments should be included in the proper sections of the draft SEA.

NRCS Response #4: Agreed. The Plan-EA was in final-draft form during as re-classification of the NLEB was taking place, thus new guidance was not applied. Text throughout the Plan-EA document was modified to reflect the newest guidance and regulations.

USFWS Comment #5 (Plan-EA): An overlap of a species range and the project action area will require an analysis of exposure-stressor-effect. This document assumes a programmatic agreement is in place, which provides this work. As there is no existing applicable biological opinion, a new set of analyses should be conducted for your project records.

NRCS Response #5: Noted. Verbiage within the Plan-EA will remove any reference to the Programmatic Agreement, as it has since expired. Analyses and determinations made in the Plan-EA as it relates to significant impacts only. This allows NRCS to create and sign a FONSI. Official consultation with both USFWS and NGPC will take place prior to construction to determine the final determinations to listed species using a BA as documentation that analyzes exposure-stressor-effects.

USFWS Comment #6 (Plan-EA): Check for most up to date guidance and recommended conservation measures.

NRCS Response #6: Noted. Text was modified to account for newest guidance and regulation on both Migratory Bird Treaty Act & Bald and Golden Eagle Act. Additionally, a new IPaC was run to further lay out timeframes.

USFWS Comment #7 (Plan-EA): This reflects only state recommendations and does not conform to the Service's interim guidance. Update to current guidance and implement changes beginning April 1, 2024 with pending guidance.

NRCS Response #7: Noted. The Plan-EA was in final-draft form during as re-classification of the NLEB was taking place, thus new guidance was not applied. Text throughout the Plan-EA document was modified to reflect the newest guidance and regulations.

USFWS Comment #8 (Plan-EA): Earlier in the document, it mentions 10 instead of 11.

NRCS Response #8: There are 11 species located within the boundaries of the watershed based off of the IPaC and CERT reports run on 09/27/23. Number has been changed throughout the Plan-EA to 11.

USFWS Comment #9 (Plan-EA): Proposed rule scheduled for fall 2023.

NRCS Response #9: Text modified to reflect comment.

USFWS Comment #10 (Plan-EA): An overlap of know occurrences and the action areas suggest a closer look at exposure-stressor-effects in an analysis.

NRCS Response #10: Agreed. The Plan-EA text was modified to reflect comment. This additional analysis will be conducted prior to implementation and will be documented in the BA.

USFWS Comment #11 (Plan-EA): This comment pertains to all species that should be analyzed for potential impacts, including candidate species. The BA process should also elucidate the beneficial effects of projects.

NRCS Response #11: Agreed. The BA will elucidate the beneficial effects that preferred alternative measures have on any listed species, including candidate species once consultation has commenced with both USFWS and NGPC prior to implementation.

USFWS Comment #12 (Plan-EA): Beginning April 1, 2024 this interim guidance measure is no longer valid. Updated guidance is forthcoming but will more closely focus on suitable habitat instead only on recent occurrences as in the interim period.

NRCS Response #12: Noted. Text has been simplified to indicate that additional guidance will become available prior to implementation of any measures selected at the preferred alternative.

USFWS Comment #13 (Plan-EA): Section is inadequate for the reasons already provided.

NRCS Response #13: Noted. Text throughout the Plan-EA will be modified to reflect all comments received from USFWS.

USFWS Comment #14 (Plan-EA): PA is expired and outdated, therefore cannot be considered part of the analysis. Therefore and effects analysis needs to be conducted.

NRCS Response #14: This comment is similar to others provided, see “NRCS Response #5” above for response.

USFWS Comment #15 (Plan-EA): The 4(d) rule expired and no aspects are valid.

NRCS Response #15: Noted. Text throughout the Plan-EA was modified to reflect the changes in guidance, timelines, and next steps.

USFWS Comment #16 (Plan-EA): When was last surveys conducted, or occurrences of record?

NRCS Response #16: Date of survey/observations are unknown, and no new surveys have been conducted. Text modified to identify this and the next steps.

USFWS Comment #17 (Plan-EA): Check dates for updated guidance under MBTA and include compliance recommendations for ESA here.

NRCS Response #17: Noted. Text was modified to account for newest guidance and regulation on both Migratory Bird Treaty Act & Bald and Golden Eagle Act. Additionally, a new IPaC was run to further lay out timeframes.

USFWS Comment #18 (Plan-EA): Who are these people?

NRCS Response #18: This would have been the list of individuals listed as USFWS Contacts, to whom scoping meeting letters were sent to, when the project first started in 2019. However, it does not mean that those are the most current Point of Contacts.

USFWS Comment #19 (Plan-EA): Again, this is expired and therefore cannot be used in place of an BA.

NRCS Response #19: Noted. Text was modified to reflect comment.

USFWS Comment #20 (Plan-EA): Informal conferencing, as the accompanying letter is the actual concurrence request under informal consultation. The likely determination for NLEB is NLAA but only within the current interim period. There is no letter of concurrence attached.

NRCS Response #20: Text was modified to “informal conferencing”. Text was modified to state that informal consultation efforts will take place during the next phase of the project, prior to implementation.

USFWS Comment #21 (Plan-EA): Different than the Aug 1 date stated above. Need to review all references for the most accurate conservation recommendations.

NRCS Response #21: Noted. Text within Plan-EA was modified to reflect comment and ensure consistency throughout the document based off of newest information and guidance.

USFWS Comment #22 (Plan-EA): This is out of date, and reclassification has already occurred.

NRCS Response #22: Noted. Text was modified within Plan-EA to reflect comment and ensure consistency throughout the document based off of newest information and guidance.

Your time spent and assistance provided in the development of this Watershed Plan-EA is appreciated. If you have any questions please contact Melissa Baier, Watershed Planning Coordinator, at melissa.baier@usda.gov or 402-437-4065.

Sincerely,

ALLEN GEHRING Digitally signed by ALLEN
GEHRING
Date: 2023.10.03 13:29:21 -05'00'

Allen Gehring, PE
State Conservation Engineer



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Nebraska Ecological Services Field Office
9325 B South Alda Rd., Ste B
Wood River, NE 68883-9565
Phone: (308) 382-6468 Fax: (308) 384-8835

In Reply Refer To:
Project code: 2024-0001932
Project Name: Papillion Creek PLANNING- Site W5

October 05, 2023

Federal Nexus: yes
Federal Action Agency (if applicable): Natural Resources Conservation Service

Subject: Federal agency coordination under the Endangered Species Act, Section 7 for
'Papillion Creek PLANNING- Site W5'

Dear Merceidez Fabok:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on October 05, 2023, for 'Papillion Creek PLANNING- Site W5' (here forward, Project). This project has been assigned Project Code 2024-0001932 and all future correspondence should clearly reference this number. **Please carefully review this letter. Your Endangered Species Act (Act) requirements may not be complete.**

Ensuring Accurate Determinations When Using IPaC

The Service developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and based on a standing analysis. All information submitted by the Project proponent into IPaC must accurately represent the full scope and details of the Project.

Failure to accurately represent or implement the Project as detailed in IPaC or the Northern Long-eared Bat Rangewide Determination Key (DKey), invalidates this letter. ***Answers to certain questions in the DKey commit the project proponent to implementation of conservation measures that must be followed for the ESA determination to remain valid.***

Determination for the Northern Long-Eared Bat

Based upon your IPaC submission and a standing analysis completed by the Service, your project has reached the determination of "May Affect, Not Likely to Adversely Affect" the northern long-eared bat. Unless the Service advises you within 15 days of the date of this letter that your

IPaC-assisted determination was incorrect, this letter verifies that consultation on the Action is complete and no further action is necessary unless either of the following occurs:

- new information reveals effects of the action that may affect the northern long-eared bat in a manner or to an extent not previously considered; or,
- the identified action is subsequently modified in a manner that causes an effect to the northern long-eared bat that was not considered when completing the determination key.

15-Day Review Period

As indicated above, the Service will notify you within 15 calendar days if we determine that this proposed Action does not meet the criteria for a “may affect, not likely to adversely affect” (NLAA) determination for the northern long-eared bat. If we do not notify you within that timeframe, you may proceed with the Action under the terms of the NLAA concurrence provided here. This verification period allows the identified Ecological Services Field Office to apply local knowledge to evaluation of the Action, as we may identify a small subset of actions having impacts that we did not anticipate when developing the key. In such cases, the identified Ecological Services Field Office may request additional information to verify the effects determination reached through the Northern Long-eared Bat DKey.

Other Species and Critical Habitat that May be Present in the Action Area

The IPaC-assisted determination for the northern long-eared bat does not apply to the following ESA-protected species and/or critical habitat that also may occur in your Action area:

- Monarch Butterfly *Danaus plexippus* Candidate
- Pallid Sturgeon *Scaphirhynchus albus* Endangered
- Piping Plover *Charadrius melodus* Threatened
- Tricolored Bat *Perimyotis subflavus* Proposed Endangered

You may coordinate with our Office to determine whether the Action may affect the species and/or critical habitat listed above. Note that reinitiation of consultation would be necessary if a new species is listed or critical habitat designated that may be affected by the identified action before it is complete.

Compliance with Nebraska Nongame and Endangered Species Conservation Act Federally listed species protected under the Endangered Species Act are also state-listed under the Nebraska state statute, the Nebraska Nongame and Endangered Species Conservation Act. To determine if the proposed project may affect state-listed species, the Service recommends that the project proponent contact the Nebraska Game and Parks Commission (NGPC) Planning and Program Division located at 2200 North 33rd Street Lincoln, Nebraska 68503-0370. To request an environmental review from the NGPC, visit their Environmental Review website at <http://outdoornebraska.gov/environmentalreview/> for instructions.

If you have any questions regarding this letter or need further assistance, please contact the Nebraska Ecological Services Field Office and reference Project Code 2024-0001932 associated with this Project.

Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

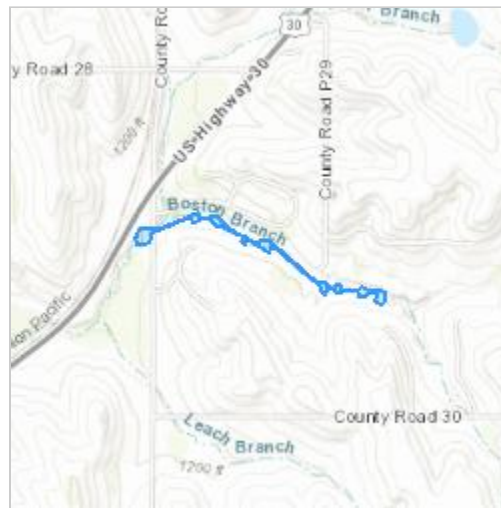
Papillion Creek PLANNING- Site W5

2. Description

The following description was provided for the project 'Papillion Creek PLANNING- Site W5':

For Planning Purposes ONLY! Will be required to consult again during the design phase. This is a grade stabilization structure that contains eight loose rock structures and one rigid rock structure.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@41.4879946,-96.1747367761212,14z>



DETERMINATION KEY RESULT

Based on the answers provided, the proposed Action is consistent with a determination of “may affect, but not likely to adversely affect” for the Endangered northern long-eared bat (*Myotis septentrionalis*).

QUALIFICATION INTERVIEW

1. Does the proposed project include, or is it reasonably certain to cause, intentional take of the northern long-eared bat or any other listed species?

Note: Intentional take is defined as take that is the intended result of a project. Intentional take could refer to research, direct species management, surveys, and/or studies that include intentional handling/encountering, harassment, collection, or capturing of any individual of a federally listed threatened, endangered or proposed species?

No

2. The action area does not overlap with an area for which U.S. Fish and Wildlife Service currently has data to support the presumption that the northern long-eared bat is present. Are you aware of other data that indicates that northern long-eared bats (NLEB) are likely to be present in the action area?

Bat occurrence data may include identification of NLEBs in hibernacula, capture of NLEBs, tracking of NLEBs to roost trees, or confirmed NLEB acoustic detections. Data on captures, roost tree use, and acoustic detections should post-date the year when white-nose syndrome was detected in the relevant state. With this question, we are looking for data that, for some reason, may have not yet been made available to U.S. Fish and Wildlife Service.

No

3. Does any component of the action involve construction or operation of wind turbines?

Note: For federal actions, answer ‘yes’ if the construction or operation of wind power facilities is either (1) part of the federal action or (2) would not occur but for a federal agency action (federal permit, funding, etc.).

No

4. Is the proposed action authorized, permitted, licensed, funded, or being carried out by a Federal agency in whole or in part?

Yes

5. Is the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), or Federal Transit Administration (FTA) funding or authorizing the proposed action, in whole or in part?

No

6. Are you an employee of the federal action agency or have you been officially designated in writing by the agency as its designated non-federal representative for the purposes of Endangered Species Act Section 7 informal consultation per 50 CFR § 402.08?

Note: This key may be used for federal actions and for non-federal actions to facilitate section 7 consultation and to help determine whether an incidental take permit may be needed, respectively. This question is for information purposes only.

Yes

7. Is the lead federal action agency the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC)? Is the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC) funding or authorizing the proposed action, in whole or in part?

No

8. Is the lead federal action agency the Federal Energy Regulatory Commission (FERC)?

No

9. Have you determined that your proposed action will have no effect on the northern long-eared bat? Remember to consider the [effects of any activities](#) that would not occur but for the proposed action.

If you think that the northern long-eared bat may be affected by your project or if you would like assistance in deciding, answer “No” below and continue through the key. If you have determined that the northern long-eared bat does not occur in your project’s action area and/or that your project will have no effects whatsoever on the species despite the potential for it to occur in the action area, you may make a “no effect” determination for the northern long-eared bat.

Note: Federal agencies (or their designated non-federal representatives) must consult with USFWS on federal agency actions that may affect listed species [50 CFR 402.14(a)]. Consultation is not required for actions that will not affect listed species or critical habitat. Therefore, this determination key will not provide a consistency or verification letter for actions that will not affect listed species. If you believe that the northern long-eared bat may be affected by your project or if you would like assistance in deciding, please answer “No” and continue through the key. Remember that this key addresses only effects to the northern long-eared bat. Consultation with USFWS would be required if your action may affect another listed species or critical habitat. The definition of [Effects of the Action](#) can be found here: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

No

10. [Semantic] Is the action area located within 0.5 miles of a known northern long-eared bat hibernaculum?

Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency.

Automatically answered

No

11. Does the action area contain any caves (or associated sinkholes, fissures, or other karst features), mines, rocky outcroppings, or tunnels that could provide habitat for hibernating northern long-eared bats?

No

12. Does the action area contain or occur within 0.5 miles of (1) talus or (2) anthropogenic or naturally formed rock crevices in rocky outcrops, rock faces or cliffs?

No

13. Is suitable summer habitat for the northern long-eared bat present within 1000 feet of project activities?

(If unsure, answer "Yes.")

Note: If there are trees within the action area that are of a sufficient size to be potential roosts for bats (i.e., live trees and/or snags ≥ 3 inches (12.7 centimeter) dbh), answer "Yes". If unsure, additional information defining suitable summer habitat for the northern long-eared bat can be found at: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

Yes

14. Will the action cause effects to a bridge?

No

15. Will the action result in effects to a culvert or tunnel?

No

16. Does the action include the intentional exclusion of northern long-eared bats from a building or structure?

Note: Exclusion is conducted to deny bats' entry or reentry into a building. To be effective and to avoid harming bats, it should be done according to established standards. If your action includes bat exclusion and you are unsure whether northern long-eared bats are present, answer "Yes." Answer "No" if there are no signs of bat use in the building/structure. If unsure, contact your local U.S. Fish and Wildlife Services Ecological Services Field Office to help assess whether northern long-eared bats may be present. Contact a Nuisance Wildlife Control Operator (NWCO) for help in how to exclude bats from a structure safely without causing harm to the bats (to find a NWCO certified in bat standards, search the Internet using the search term "National Wildlife Control Operators Association bats"). Also see the White-Nose Syndrome Response Team's guide for bat control in structures

No

17. Does the action involve removal, modification, or maintenance of a human-made structure (barn, house, or other building) **known or suspected to contain roosting bats?**

No

18. Will the action cause construction of one or more new roads open to the public?

For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

No

19. Will the action include or cause any construction or other activity that is reasonably certain to increase average daily traffic on one or more existing roads?

Note: For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.). .

No

20. Will the action include or cause any construction or other activity that is reasonably certain to increase the number of travel lanes on an existing thoroughfare?

For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

No

21. Will the proposed action involve the creation of a new water-borne contaminant source (e.g., leachate pond pits containing chemicals that are not NSF/ANSI 60 compliant)?

No

22. Will the proposed action involve the creation of a new point source discharge from a facility other than a water treatment plant or storm water system?

No

23. Will the action include drilling or blasting?

No

24. Will the action involve military training (e.g., smoke operations, obscurant operations, exploding munitions, artillery fire, range use, helicopter or fixed wing aircraft use)?

No

25. Will the proposed action involve the use of herbicides or pesticides other than herbicides (e.g., fungicides, insecticides, or rodenticides)?

No

26. Will the action include or cause activities that are reasonably certain to cause chronic nighttime noise in suitable summer habitat for the northern long-eared bat? Chronic noise is noise that is continuous or occurs repeatedly again and again for a long time.

Note: Additional information defining suitable summer habitat for the northern long-eared bat can be found at: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

No

27. Does the action include, or is it reasonably certain to cause, the use of artificial lighting within 1000 feet of suitable northern long-eared bat roosting habitat?

Note: Additional information defining suitable roosting habitat for the northern long-eared bat can be found at: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

No

28. Will the action include tree cutting or other means of knocking down or bringing down trees, tree topping, or tree trimming?

Yes

29. Has a presence/probable absence summer bat survey targeting the northern long-eared bat following the Service's [Range-wide Indiana Bat and Northern Long-Eared Bat Survey Guidelines](#) been conducted within the project area? If unsure, answer "No."

No

30. Does the action include emergency cutting or trimming of hazard trees in order to remove an imminent threat to human safety or property? See hazard tree note at the bottom of the key for text that will be added to response letters

Note: A "hazard tree" is a tree that is an immediate threat to lives, public health and safety, or improved property and has a diameter breast height of six inches or greater.

No

31. Are any of the trees proposed for cutting or other means of knocking down, bringing down, topping, or trimming suitable for northern long-eared bat roosting (i.e., live trees and/or snags ≥ 3 inches dbh that have exfoliating bark, cracks, crevices, and/or cavities)?

Yes

32. [Semantic] Does your project intersect a known sensitive area for the northern long-eared bat?

Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your [state agency or USFWS field office](#)

Automatically answered

No

33. Will all tree cutting/trimming or other knocking or bringing down of trees be restricted to the inactive season for the northern long-eared bat?

Note: Inactive Season dates for summer habitat outside of staging and swarming areas can be found here: <https://www.fws.gov/media/inactive-season-dates-swarming-and-staging-areas>.

Yes

34. Will the action cause trees to be cut, knocked down, or otherwise brought down across an area greater than 10 acres?

No

35. Will the action cause trees to be cut, knocked down, or otherwise brought down in a way that would fragment a forested connection (e.g., tree line) between two or more forest patches of at least 5 acres?

The forest patches may consist of entirely contiguous forest or multiple forested areas that are separated by less than 1000' of non-forested area. A project will fragment a forested connection if it creates an unforested gap of greater than 1000'.

No

36. Will the action result in the use of prescribed fire?

No

37. Will the action cause noises that are louder than ambient baseline noises within the action area?

Yes

38. Will the action cause noises during the active season in suitable summer habitat that are louder than anthropogenic noises to which the affected habitat is currently exposed? Answer 'no' if the noises will occur only during the inactive period.

Note: Inactive Season dates for areas within a spring staging/fall swarming area can be found here: <https://www.fws.gov/media/inactive-season-dates-swarming-and-staging-areas>.

Note: Additional information defining suitable summer habitat for the northern long-eared bat can be found at: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

Yes

PROJECT QUESTIONNAIRE

Enter the extent of the action area (in acres) from which trees will be removed - round up to the nearest tenth of an acre. For this question, include the entire area where tree removal will take place, even if some live or dead trees will be left standing.

6.0

In what extent of the area (in acres) will trees be cut, knocked down, or trimmed during the inactive (hibernation) season for northern long-eared bat? **Note:** Inactive Season dates for spring staging/fall swarming areas can be found here: <https://www.fws.gov/media/inactive-season-dates-swarming-and-staging-areas>

6.0

In what extent of the area (in acres) will trees be cut, knocked down, or trimmed during the active (non-hibernation) season for northern long-eared bat? **Note:** Inactive Season dates for spring staging/fall swarming areas can be found here: <https://www.fws.gov/media/inactive-season-dates-swarming-and-staging-areas>

0.0

Will all potential northern long-eared bat (NLEB) roost trees (trees ≥ 3 inches diameter at breast height, dbh) be cut, knocked, or brought down from any portion of the action area greater than or equal to 0.1 acre? If all NLEB roost trees will be removed from multiple areas, select 'Yes' if the cumulative extent of those areas meets or exceeds 0.1 acre.

No

Enter the extent of the action area (in acres) from which all potential NLEB roost trees will be removed. If all NLEB roost trees will be removed from multiple areas, entire the total extent of those areas. Round up to the nearest tenth of an acre.

6.0

For the area from which all potential northern long-eared bat (NLEB) roost trees will be removed, on how many acres (round to the nearest tenth of an acre) will trees be allowed to regrow? Enter '0' if the entire area from which all potential NLEB roost trees are removed will be developed or otherwise converted to non-forest for the foreseeable future.

0.0

Will any snags (standing dead trees) ≥ 3 inches dbh be left standing in the area(s) in which all northern long-eared bat roost trees will be cut, knocked down, or otherwise brought down?

No

Will all project activities be completed by April 1, 2024?

No

IPAC USER CONTACT INFORMATION

Agency: Natural Resources Conservation Service

Name: Merceidez Fabok

Address: 100 Centennial North

City: Lincoln

State: NE

Zip: 68503

Email: merceidez.fabok@usda.gov

Phone: 4024374042



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Nebraska Ecological Services Field Office
9325 B South Alda Rd., Ste B
Wood River, NE 68883-9565
Phone: (308) 382-6468 Fax: (308) 384-8835

In Reply Refer To:
Project code: 2024-0001941
Project Name: Papillion Creek PLANNING- Site D2

October 05, 2023

Federal Nexus: yes
Federal Action Agency (if applicable): Natural Resources Conservation Service

Subject: Federal agency coordination under the Endangered Species Act, Section 7 for
'Papillion Creek PLANNING- Site D2'

Dear Merceidez Fabok:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on October 05, 2023, for 'Papillion Creek PLANNING- Site D2' (here forward, Project). This project has been assigned Project Code 2024-0001941 and all future correspondence should clearly reference this number. **Please carefully review this letter. Your Endangered Species Act (Act) requirements may not be complete.**

Ensuring Accurate Determinations When Using IPaC

The Service developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and based on a standing analysis. All information submitted by the Project proponent into IPaC must accurately represent the full scope and details of the Project.

Failure to accurately represent or implement the Project as detailed in IPaC or the Northern Long-eared Bat Rangewide Determination Key (DKey), invalidates this letter. ***Answers to certain questions in the DKey commit the project proponent to implementation of conservation measures that must be followed for the ESA determination to remain valid.***

Determination for the Northern Long-Eared Bat

Based upon your IPaC submission and a standing analysis completed by the Service, your project has reached the determination of "May Affect, Not Likely to Adversely Affect" the northern long-eared bat. Unless the Service advises you within 15 days of the date of this letter that your

IPaC-assisted determination was incorrect, this letter verifies that consultation on the Action is complete and no further action is necessary unless either of the following occurs:

- new information reveals effects of the action that may affect the northern long-eared bat in a manner or to an extent not previously considered; or,
- the identified action is subsequently modified in a manner that causes an effect to the northern long-eared bat that was not considered when completing the determination key.

15-Day Review Period

As indicated above, the Service will notify you within 15 calendar days if we determine that this proposed Action does not meet the criteria for a “may affect, not likely to adversely affect” (NLAA) determination for the northern long-eared bat. If we do not notify you within that timeframe, you may proceed with the Action under the terms of the NLAA concurrence provided here. This verification period allows the identified Ecological Services Field Office to apply local knowledge to evaluation of the Action, as we may identify a small subset of actions having impacts that we did not anticipate when developing the key. In such cases, the identified Ecological Services Field Office may request additional information to verify the effects determination reached through the Northern Long-eared Bat DKey.

Other Species and Critical Habitat that May be Present in the Action Area

The IPaC-assisted determination for the northern long-eared bat does not apply to the following ESA-protected species and/or critical habitat that also may occur in your Action area:

- Monarch Butterfly *Danaus plexippus* Candidate
- Pallid Sturgeon *Scaphirhynchus albus* Endangered
- Piping Plover *Charadrius melodus* Threatened
- Tricolored Bat *Perimyotis subflavus* Proposed Endangered

You may coordinate with our Office to determine whether the Action may affect the species and/or critical habitat listed above. Note that reinitiation of consultation would be necessary if a new species is listed or critical habitat designated that may be affected by the identified action before it is complete.

Compliance with Nebraska Nongame and Endangered Species Conservation Act Federally listed species protected under the Endangered Species Act are also state-listed under the Nebraska state statute, the Nebraska Nongame and Endangered Species Conservation Act. To determine if the proposed project may affect state-listed species, the Service recommends that the project proponent contact the Nebraska Game and Parks Commission (NGPC) Planning and Program Division located at 2200 North 33rd Street Lincoln, Nebraska 68503-0370. To request an environmental review from the NGPC, visit their Environmental Review website at <http://outdoornebraska.gov/environmentalreview/> for instructions.

If you have any questions regarding this letter or need further assistance, please contact the Nebraska Ecological Services Field Office and reference Project Code 2024-0001941 associated with this Project.

Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

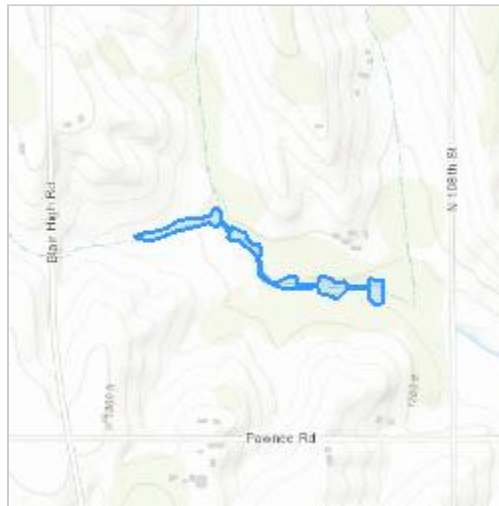
Papillion Creek PLANNING- Site D2

2. Description

The following description was provided for the project 'Papillion Creek PLANNING- Site D2':

For Planning Purposes ONLY! Will be required to consult again during the design phase. This is a grade stabilization structure that contains eight loose rock structures and one rigid rock structure.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@41.384138899999996,-96.08849041607618,14z>



DETERMINATION KEY RESULT

Based on the answers provided, the proposed Action is consistent with a determination of “may affect, but not likely to adversely affect” for the Endangered northern long-eared bat (*Myotis septentrionalis*).

QUALIFICATION INTERVIEW

1. Does the proposed project include, or is it reasonably certain to cause, intentional take of the northern long-eared bat or any other listed species?

Note: Intentional take is defined as take that is the intended result of a project. Intentional take could refer to research, direct species management, surveys, and/or studies that include intentional handling/encountering, harassment, collection, or capturing of any individual of a federally listed threatened, endangered or proposed species?

No

2. The action area does not overlap with an area for which U.S. Fish and Wildlife Service currently has data to support the presumption that the northern long-eared bat is present. Are you aware of other data that indicates that northern long-eared bats (NLEB) are likely to be present in the action area?

Bat occurrence data may include identification of NLEBs in hibernacula, capture of NLEBs, tracking of NLEBs to roost trees, or confirmed NLEB acoustic detections. Data on captures, roost tree use, and acoustic detections should post-date the year when white-nose syndrome was detected in the relevant state. With this question, we are looking for data that, for some reason, may have not yet been made available to U.S. Fish and Wildlife Service.

No

3. Does any component of the action involve construction or operation of wind turbines?

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4. Is the proposed action authorized, permitted, licensed, funded, or being carried out by a Federal agency in whole or in part?

Yes

5. Is the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), or Federal Transit Administration (FTA) funding or authorizing the proposed action, in whole or in part?

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6. Are you an employee of the federal action agency or have you been officially designated in writing by the agency as its designated non-federal representative for the purposes of Endangered Species Act Section 7 informal consultation per 50 CFR § 402.08?

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7. Is the lead federal action agency the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC)? Is the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC) funding or authorizing the proposed action, in whole or in part?

No

8. Is the lead federal action agency the Federal Energy Regulatory Commission (FERC)?

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9. Have you determined that your proposed action will have no effect on the northern long-eared bat? Remember to consider the [effects of any activities](#) that would not occur but for the proposed action.

If you think that the northern long-eared bat may be affected by your project or if you would like assistance in deciding, answer “No” below and continue through the key. If you have determined that the northern long-eared bat does not occur in your project’s action area and/or that your project will have no effects whatsoever on the species despite the potential for it to occur in the action area, you may make a “no effect” determination for the northern long-eared bat.

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(If unsure, answer "Yes.")

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Note: Exclusion is conducted to deny bats' entry or reentry into a building. To be effective and to avoid harming bats, it should be done according to established standards. If your action includes bat exclusion and you are unsure whether northern long-eared bats are present, answer "Yes." Answer "No" if there are no signs of bat use in the building/structure. If unsure, contact your local U.S. Fish and Wildlife Services Ecological Services Field Office to help assess whether northern long-eared bats may be present. Contact a Nuisance Wildlife Control Operator (NWCO) for help in how to exclude bats from a structure safely without causing harm to the bats (to find a NWCO certified in bat standards, search the Internet using the search term "National Wildlife Control Operators Association bats"). Also see the White-Nose Syndrome Response Team's guide for bat control in structures

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No

22. Will the proposed action involve the creation of a new point source discharge from a facility other than a water treatment plant or storm water system?

No

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No

27. Does the action include, or is it reasonably certain to cause, the use of artificial lighting within 1000 feet of suitable northern long-eared bat roosting habitat?

Note: Additional information defining suitable roosting habitat for the northern long-eared bat can be found at: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

No

28. Will the action include tree cutting or other means of knocking down or bringing down trees, tree topping, or tree trimming?

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29. Has a presence/probable absence summer bat survey targeting the northern long-eared bat following the Service's [Range-wide Indiana Bat and Northern Long-Eared Bat Survey Guidelines](#) been conducted within the project area? If unsure, answer "No."

No

30. Does the action include emergency cutting or trimming of hazard trees in order to remove an imminent threat to human safety or property? See hazard tree note at the bottom of the key for text that will be added to response letters

Note: A "hazard tree" is a tree that is an immediate threat to lives, public health and safety, or improved property and has a diameter breast height of six inches or greater.

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Automatically answered

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Yes

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No

35. Will the action cause trees to be cut, knocked down, or otherwise brought down in a way that would fragment a forested connection (e.g., tree line) between two or more forest patches of at least 5 acres?

The forest patches may consist of entirely contiguous forest or multiple forested areas that are separated by less than 1000' of non-forested area. A project will fragment a forested connection if it creates an unforested gap of greater than 1000'.

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Note: Additional information defining suitable summer habitat for the northern long-eared bat can be found at: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

Yes

PROJECT QUESTIONNAIRE

Enter the extent of the action area (in acres) from which trees will be removed - round up to the nearest tenth of an acre. For this question, include the entire area where tree removal will take place, even if some live or dead trees will be left standing.

5.01

In what extent of the area (in acres) will trees be cut, knocked down, or trimmed during the inactive (hibernation) season for northern long-eared bat? **Note:** Inactive Season dates for spring staging/fall swarming areas can be found here: <https://www.fws.gov/media/inactive-season-dates-swarming-and-staging-areas>

5.01

In what extent of the area (in acres) will trees be cut, knocked down, or trimmed during the active (non-hibernation) season for northern long-eared bat? **Note:** Inactive Season dates for spring staging/fall swarming areas can be found here: <https://www.fws.gov/media/inactive-season-dates-swarming-and-staging-areas>

0.0

Will all potential northern long-eared bat (NLEB) roost trees (trees ≥ 3 inches diameter at breast height, dbh) be cut, knocked, or brought down from any portion of the action area greater than or equal to 0.1 acre? If all NLEB roost trees will be removed from multiple areas, select 'Yes' if the cumulative extent of those areas meets or exceeds 0.1 acre.

No

Enter the extent of the action area (in acres) from which all potential NLEB roost trees will be removed. If all NLEB roost trees will be removed from multiple areas, entire the total extent of those areas. Round up to the nearest tenth of an acre.

5.01

For the area from which all potential northern long-eared bat (NLEB) roost trees will be removed, on how many acres (round to the nearest tenth of an acre) will trees be allowed to regrow? Enter '0' if the entire area from which all potential NLEB roost trees are removed will be developed or otherwise converted to non-forest for the foreseeable future.

0.0

Will any snags (standing dead trees) ≥ 3 inches dbh be left standing in the area(s) in which all northern long-eared bat roost trees will be cut, knocked down, or otherwise brought down?

No

Will all project activities be completed by April 1, 2024?

No

IPAC USER CONTACT INFORMATION

Agency: Natural Resources Conservation Service

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State: NE

Zip: 68503

Email: merceidez.fabok@usda.gov

Phone: 4024374042



Environmental Review Report

Project Information

Report Generation Date: 4/1/2020 01:38:17 PM
Project Title: Supplemental Papio Plan-Environmental Assessment
User Project Number(s): 001-17-07
System Project ID: NE-CERT-002480
Project Type: NRCS Projects/Practices
Project Activities: 395 - Stream Habitat Improvement and Management (Ac) - riparian/wetland practice
402 - Dam, Floodwater Retarding (No. and Ac/Ft)
410 - Grade Stabilization Structure (No)
638 - Water and Sediment Control Basin (No) - cropland practice
Project Size: 340.61 acres
County(s): Douglas; Sarpy; Washington
Watershed(s): Missouri Tributaries
Watershed(s) HUC 8: Big Papillion-Mosquito
Watershed(s) HUC 12: Butter Flat Creek-Big Papillion Creek; East Fork Big Papillion Creek-Big Papillion Creek; Little Papillion Creek; North Branch West Papillion Creek-West Papillion Creek +
Biologically Unique Landscape(s): None
Township/Range and/or Section(s): 014N010E; 014N011E; 015N011E; 016N011E; 016N012E; 018N011E
Latitude/Longitude: 41.302051 / -96.201120

Contact Information

Organization: FYRA Engineering
Contact Name: Janel Kaufman
Contact Phone: 4025027131
Contact Email: jkaufman@fyraengineering.com
Contact Address: 12702 Westport Pkwy, Ste 300 Omaha NE 68138
Prepared By:
Submitted On Behalf Of: P-MRNRD

Project Description

Update to 1960s Watershed Plan, including an EA. Includes one floodwater retarding dam, one sediment basin, four sites with rock grade stabilization structures, and one site with stream restoration.

Introduction

The Nebraska Game and Parks Commission (Commission) and the U.S. Fish and Wildlife Service (Service) have special concerns for endangered and threatened species, migratory birds, and other fish and wildlife and their habitats. Habitats frequently used by fish and wildlife species are wetlands, streams, riparian areas, woodlands, and grasslands. Special attention is given to proposed projects which modify wetlands, alter streams, result in loss of riparian habitat, convert/remove grasslands, or contaminate habitats. When this occurs, the Commission and Service recommend ways to avoid, minimize, or compensate for adverse effects to fish and wildlife and their habitats.

CONSULTATION PURSUANT TO THE NEBRASKA NONGAME AND ENDANGERED SPECIES CONSERVATION ACT (NESCA)

The Commission has responsibility for protecting state-listed endangered and threatened species under authority of the Nongame and Endangered Species Conservation Act (NESCA) (Neb. Rev. Stat. § 37-801 to 37-811). Pursuant to § 37-807 (3) of NESCA, all state agencies shall, in consultation with the Commission, ensure projects they authorize (i.e., issue a permit for), fund or carry out do not jeopardize the continued existence of state-listed endangered or threatened species or result in the destruction or modification of habitat of such species which is determined by the Commission to be critical. If a proposed project may affect state-listed species or designated critical habitat, further consultation with the Commission is required.

Informal consultation pursuant to NESCA can be completed by using the Conservation and Environmental Review Tool (CERT). The CERT analyzes the project type and location, and based on the analysis, provides information about potential impacts to listed species, habitat questions and/or conservation conditions. Project proponents can agree to implement conservation conditions as outlined in the report and applicable to the project type by signing in the designated areas and uploading the signed PDF as part of their "final" project submittal. By agreeing to and implementing the conservation conditions as outlined (if applicable), then further consultation with the Commission is not required. If the report indicates the project may have impacts on listed species, then further consultation with the Commission is required.

TECHNICAL ASSISTANCE AND CONSULTATION PURSUANT TO THE ENDANGERED SPECIES ACT (ESA)

The Service has responsibility for conservation and management of fish and wildlife resources for the benefit of the American public under the following authorities: 1) Endangered Species Act of 1973 (ESA); 2) Fish and Wildlife Coordination Act; 3) Bald and Golden Eagle Protection Act; and 4) Migratory Bird Treaty Act. The National Environmental Policy Act (NEPA) requires compliance with all of these statutes and regulations.

Pursuant to section 7(a)(2) of ESA, every federal agency, shall in consultation with the Service, ensure that an action they authorize, fund, or carry out is not likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of designated critical habitat. If a proposed project may affect federally listed species or designated critical habitat, section 7 consultation is required with the Service. It is the responsibility of the lead federal action agency to fully evaluate all potential effects (direct and indirect) that may occur to listed species and critical habitat in the action area. The lead federal agency provides their effect determination to the Service for concurrence. If federally listed species and/or designated/proposed critical habitat would be adversely affected by implementation of the project, the lead federal agency will need to formally request further section 7 consultation with the Service prior to making any irretrievable or irreversible commitment of federal funds (section 7(d) of ESA), or issuing any federal permits or licenses.

At this time, **the information generated in this report DOES NOT satisfy consultation obligations between the lead federal agency and the Service pursuant to ESA.** For the purposes of ESA, the information in this report should be considered as TECHNICAL ASSISTANCE, and does not serve as the Service's concurrence letter, even if the user signs and agrees to implement conservation conditions in order to satisfy the consultation requirements of NESCA.

Overall Results

The following result is based on a detailed analysis of your project.

- More

Service may or may not be required.

Additional Information

If working in a cool water stream, please refer to the Cool Water Stream Management Plan - 2016 for additional information and guidance.

Questions and Conservation Conditions

Northern Long-eared Bat

This project is within the range of the state and federally listed threatened northern long-eared bat (*Myotis septentrionalis*).

Habitat Questions for Northern Long-eared Bat:

Are the Project Limits within or adjacent to deciduous and/or pine woodlands with live or dead trees or snags that exhibit peeling bark or have crevices or hollows?

OR

Do the Project Limits include buildings, bridges over drainages (wet or dry), and/or box culverts over 5-feet in height?

Unknown for EITHER question

No for BOTH questions. Conservation measures are not needed for this species unless otherwise indicated.

Yes for EITHER question. The following conservation measures must be implemented in order to avoid adverse impacts on northern long-eared bat.

NLEB CM-2: No removal of trees or removal of roosting structures between June 1 and July 31.

River Otter

This project is within or near the modeled distribution of the state-listed threatened river otter (*Lontra canadensis*).

Habitat Questions for River Otter:

Do the Project Limits include or occur in a river, stream, pond, canal, sandpit with water or backwater area?

OR

Are the Project Limits within 1/2 mile of a lake, pond, or an adjacent upland bank within the topographic floodplain AND is the lake, pond, or adjacent upland bank associated with a river, stream, or backwater area?

Unknown for EITHER question.

No for BOTH questions. Conservation measures are not needed for this species unless otherwise indicated.

Yes for EITHER question. The following conservation measures must be implemented in order to avoid adverse impacts on river otter:

RO CM-1: Survey for dens according to protocol no more than 10 days prior to ground disturbing activities. If active river otter dens are found during the survey, further consultation with the Nebraska Game and Parks Commission is required prior to commencement of project activities. If the species is not found during the survey, work may proceed.

Western Prairie Fringed Orchid

This project is within the range of the state and federally listed threatened western prairie fringed orchid (*Platanthera praeclara*).

Habitat Questions for Western Prairie Fringed Orchid:

Does your area of potential effect have no cropping history and include a natively vegetated meadow or wet meadow on lower stream terrace or floodplain?

OR

Is your area of potential effect have no cropping history and within 100 feet of a natively vegetated sidehill seep type wetland (identified by the National Wetland Inventory, an official or certified wetland determination, or identified as a stream on a USGS quadrangle map, NWI or soil survey)?

Note: The area of potential effect described in the two previous questions includes the wetland related habitats along with upstream/upslope adjacent areas.

Note: Individuals with the orchid job approval authority may eliminate ("no effect") Grade D Freshwater Wet Meadows and Tallgrass Prairies with proper site inspections and species composition documentation.

Unknown for EITHER question

No for BOTH questions. Conservation measures are not needed for this species unless otherwise indicated.

Yes for EITHER question. The following conservation measures must be implemented in order to avoid adverse impacts on western prairie fringed orchid:

This project "**MAY AFFECT**" western prairie fringed orchid. **FURTHER CONSULTATION IS REQUIRED** even if conservation measures are listed for this or other species. Contact the Nebraska Game and Parks Commission and the U.S. Fish and Wildlife Service prior to proceeding with the project.

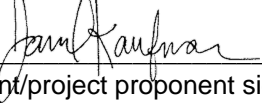
WPFO CM-1: Survey according to protocol required during flowering period (June 15 - July 15) prior to ground disturbing activities, herbicide application, and/or conversion from haying to grazing with management for shorter duration or timing. If the species is found during the survey, further consultation with the Nebraska Game and Parks Commission is required prior to commencement of project activities. If the species is not found during the survey, work may proceed.

WPFO CM-2: Year round, no shaping or using heavy equipment causing compaction. During growing season, no repetitive travel and use light equipment (ATV, pickup, small tractor).

Conservation Measures Agreement

Based on the information contained in the report, follow the instructions for A, B or C below.

A) IF one or more of the habitat questions were answered with "Yes", insert an "X" for one of the two options below:
 Option 1. For all species for which there is habitat present (as indicated by checking "yes" to a habitat question) I understand and agree to implement and/or incorporate the conservation measures for those species as indicated. By agreeing to implement and/or incorporate the conservation measures for those species as indicated, no further consultation with the Nebraska Game and Parks Commission is required. However, further consultation between the lead federal agency and the U.S. Fish and Wildlife Service (Service) may be required. Contact the Service for additional information. Sign and date on the line below, and also sign and date the "Certification" section. Submit a copy of the signed report with any type of permit/application required for the project.


 Applicant/project proponent signature

04/01/2020
 Date

_____ Option 2. I have concerns regarding one or more of the conservation measures. Sign the "Certification" section below. When submitting the project as "Final" in CERT, please attach a separate document explaining your concerns with the conservation measures and why they cannot be implemented. Then, contact the Nebraska Game and Parks Commission and the U.S. Fish and Wildlife Service for further information.

B) IF one or more habitat questions were answered with "Unknown," then sign the "Certification" section below, submit the project as "Final" in CERT, and contact the Nebraska Game and Parks Commission and the U.S. Fish and Wildlife Service for further information.

C) IF ALL the habitat questions were answered "No" or if the "Overall Results" section indicated the project was unlikely to impact listed species, then sign the "Certification" section below and submit the project as "Final" in CERT. No further consultation with the Nebraska Game and Parks Commission is required. Additional coordination with the U.S. Fish and Wildlife Service may be necessary depending on the determination made by the lead federal agency pursuant to their obligations under ESA. Submit a copy of the signed report with any type of permit/application needed for the project.

Certification

I certify that ALL of the project information in this report (including project location, project size/configuration, project type, project activities, answers to questions) is true, accurate, and complete. If the project type, activities, location, size, or configuration of the project change, or if any of the answers to any questions asked in this report change, then this information is no longer valid and we recommend running the revised project through CERT to get an updated report.


 Applicant/project proponent signature

04/01/2020
 Date

Additional Considerations

Bald and Golden Eagle Protection Act

The federal Bald and Golden Eagle Protection Act (Eagle Act) (16 U.S.C. 668-668c) provides for the protection of the bald eagle (*Haliaeetus leucocephalus*) and golden eagle (*Aquila chrysaetos*). Under the Eagle Act, “take” of eagles, their parts, nests or eggs is prohibited. Disturbance resulting in injury to an eagle or a decrease in productivity or nest abandonment by substantially interfering with normal breeding, feeding, or sheltering behavior is a form of “take.”

Bald eagles use mature, forested riparian areas near rivers, streams, lakes, and wetlands and occur along all the major river systems in Nebraska. The bald eagle southward migration begins as early as October and the wintering period extends from December-March. The golden eagle is found in arid open country with grassland for foraging in western Nebraska and usually near buttes or canyons which serve as nesting sites. Golden eagles are often a permanent resident in the Pine Ridge area of Nebraska. Additionally, many bald and golden eagles nest in Nebraska from mid-February through mid-July. Disturbances within 0.5-miles of an active nest or within line-of-sight of the nest could cause adult eagles to discontinue nest building or to abandon eggs. Both bald and golden eagles frequent river systems in Nebraska during the winter where open water and forested corridors provide feeding, perching, and roosting habitats, respectively. The frequency and duration of eagle use of these habitats in the winter depends upon ice and weather conditions. Human disturbances and loss of wintering habitat can cause undue stress leading to cessation of feeding and failure to meet winter thermoregulatory requirements. These affects can reduce the carrying capacity of preferred wintering habitat and reproductive success for the species.

To comply with the Eagle Act, it is recommended that the project proponent determine if the proposed project would impact bald or golden eagles or their habitats. This can be done by conducting a habitat assessment, surveying nesting habitat for active and inactive nests, and surveying potential winter roosting habitat to determine if it is being used by eagles. The area to be surveyed is dependent on the type of project; however for most projects we recommend surveying the project area and a ½ mile buffer around the project area. If it is determined that either species could be affected by the proposed project, the Commission recommends that the project proponent notify the Nebraska Game and Parks Commission as well as the Nebraska Field Office, U.S. Fish and Wildlife Service for recommendations to avoid “take” of bald and golden eagles.

Migratory Bird Treaty Act and Nebraska Revised Statute §37-540

We recommend the project proponent comply with the Migratory Bird Treaty Act (16 U.S.C. 703-712: Ch. 128 as amended) (MBTA). The project proponent should also comply with Nebraska Revised Statute §37-540, which prohibits take and destruction of nests or eggs of protected birds (as defined in Nebraska Revised Statute §37-237.01). Construction activities in grassland, wetland, stream, woodland, and river bank habitats that would result in impacts on birds, their nests or eggs protected under these laws should be avoided. Although the provisions of these laws are applicable year-round, most migratory bird nesting activity in Nebraska occurs during the period of April 1 to July 15. However, some migratory birds are known to nest outside of the aforementioned primary nesting season period. For example, raptors can be expected to nest in woodland habitats during February 1 through July 15, whereas sedge wrens, which occur in some wetland habitats, normally nest from July 15 to September 10. If development in this area is planned to occur during the primary nesting season or at any other time which may result in impacts to birds, their nests or eggs protected under these laws, we request that the project proponent arrange to have a qualified biologist conduct a field survey of the affected habitats to determine the absence or presence of nesting migratory birds. If a field survey identifies the existence of one or more active bird nests that cannot be avoided by the planned construction activities, the Nebraska Game and Parks Commission and the Nebraska Field Office, U.S. Fish and Wildlife Service should be contacted immediately. For more information on avoiding impacts to migratory birds, their nests and eggs, or to report active bird nests that cannot be avoided by planned construction activities, please contact the U.S. Fish and Wildlife Service and/or the Nebraska Game and Parks Commission (contact information within report). Adherence to these guidelines will help avoid unnecessary impacts on migratory birds.

Fish and Wildlife Coordination Act

The Fish and Wildlife Coordination Act (FWCA) requires consultation with the U.S. Fish and Wildlife Service (Service) and the State fish and wildlife agency (i.e., Nebraska Game and Parks Commission) for the purpose of preventing loss of and damage to fish and wildlife resources in the planning, implementation, and operation of federal and federaly funded, permitted, or licensed water resource development projects. This statute requires that federal

agencies take into consideration the effect that the water related project would have on fish and wildlife resources, to take action to prevent loss or damage to these resources, and to provide for the development and improvement of these resources. The comments in this letter are provided as technical assistance only and are not the document required of the Secretary of the Interior pursuant to Section 2(b) of FWCA on any required federal environmental review or permit. This technical assistance is valid only for the described conditions and will have to be revised if significant environmental changes or changes in the proposed project take place. In order to determine whether the effects to fish and wildlife resources from the proposed project are being considered under FWCA, the lead federal agency must notify the Service in writing of how the comments and recommendations in this technical assistance letter are being considered into the proposed project.

Section 404 of the Clean Water Act

In general, the Nebraska Game and Parks Commission and the U.S. Fish and Wildlife Service have concerns for impacts to wetlands, streams and riparian habitats. We recommend that impacts to wetlands, streams, and associated riparian corridors be avoided and minimized, and that any unavoidable impacts to these habitats be mitigated. If any fill materials will be placed into waterways or wetlands, the U.S. Army Corps of Engineers Regulatory Office in Omaha should be contacted to determine if a 404 permit is needed.

Agency Contact Information

Nebraska Game and Parks Commission

Shannon Sjolie
2200 North 33rd Street
Lincoln, NE 68503
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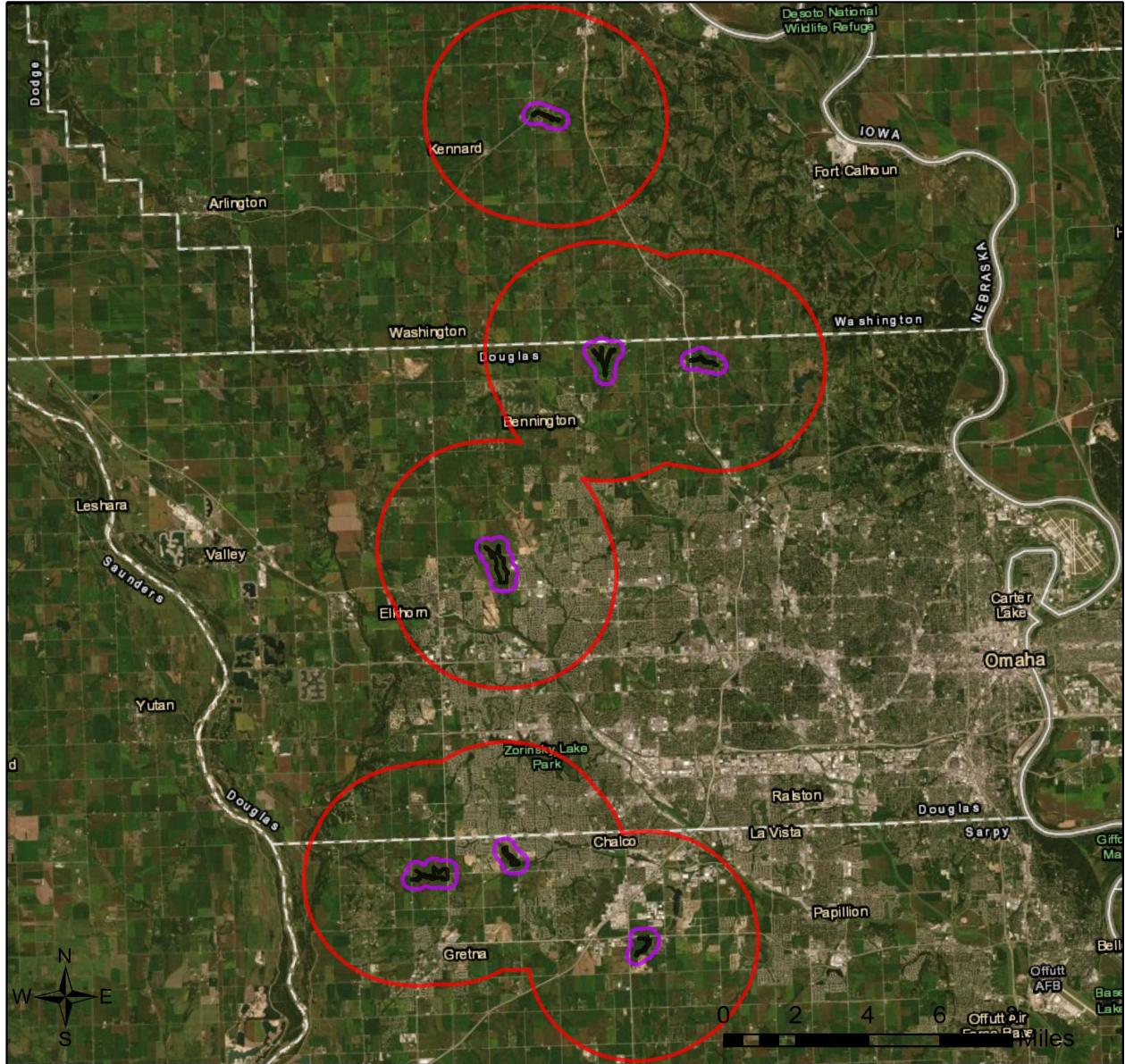
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U.S. Fish and Wildlife Service

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email: eliza_hines@fws.gov

Supplemental Papio Plan-Environmental Assessment

Aerial Image Basemap With Locator Map



- Project Boundary
- Project Review Boundary
- 3-mile Information Buffer Boundary

Project Size (acres): 340.61

Lat/Long (DD): 41.3021 / -96.2011

County(s): Douglas; Sarpy; Washington

BUL(s):

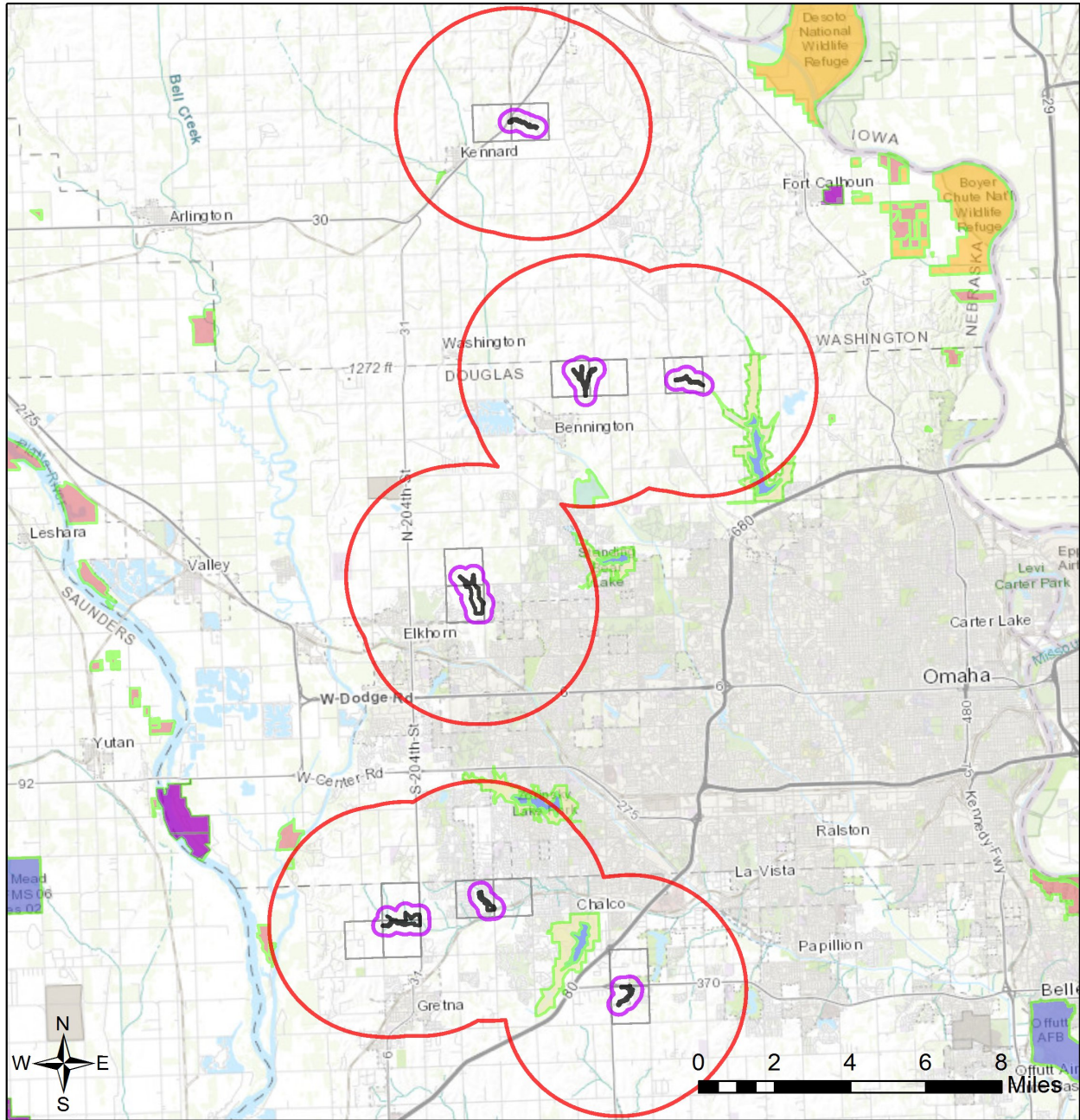
Township/Range/Section(s): T14R10ES13; T14R10ES23; T14R10ES24; T14R11ES16; T14R11ES17 +



Service Layer Credits: Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community
 Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community
 Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey,

Supplemental Papio Plan-Environmental Assessment

Topographic Basemap With Sections and Protected Areas

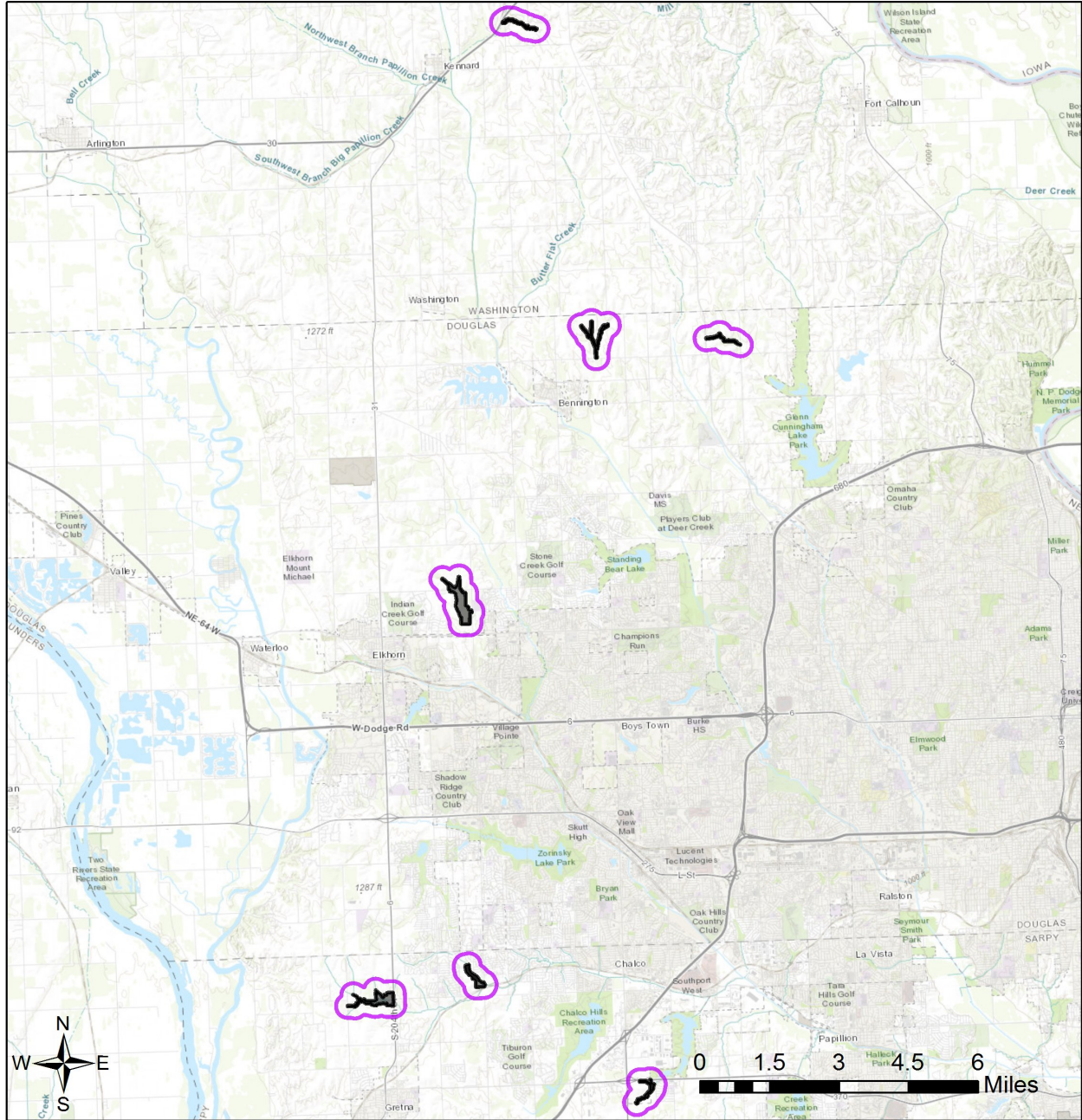




- | | | |
|------------------------------------|--|-----------------------|
| Project Boundary | Protected Areas Database (USGS) | Regional Agency |
| Project Review Boundary | U.S. Fish and Wildlife Service | State (NGPC) |
| 3-mile Information Buffer Boundary | U.S. Forest Service | Other State |
| Sections | National Park Service | NGO or Private |
| NGPC Properties | Bureau of Reclamation | Other (City, Unknown) |
| PAD (USGS) - boundaries | Designation | |

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Supplemental Papio Plan-Environmental Assessment

Web Map As Submitted By User



-  Project Boundary
-  Project Review Boundary

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Table 1
Protected Areas in Immediate Vicinity of Project (project review area)

This table has no results.

Table 2
Documented Occurrences in Immediate Vicinity of Project (project review area):
Natural communities and special areas

This table has no results.

Table 3
Township-level Documented Occurrences of Species within 1 Mile of Project Review Area

| Scientific Name | Common Name | USFWS | State | SGCN | USFS | SRank | GRank |
|---|------------------------|-------|-------|--------|------|-------|-------|
| <i>Acipenser fulvescens</i> | Lake Sturgeon | | T | Tier 1 | | S1 | G3G4 |
| <i>Allium tricoccum</i> var. <i>burdickii</i> | Ramp | | | Tier 2 | | S2 | G4G5 |
| <i>Anaxyrus americanus</i> | American Toad | | NC | Tier 2 | | S1 | G5 |
| <i>Anguilla rostrata</i> | American Eel | | | Tier 2 | | SNR | G4 |
| <i>Anodonta suborbiculata</i> | Flat Floater | | | Tier 1 | | S1 | G5 |
| <i>Aralia racemosa</i> | Spikenard | | | Tier 2 | | S1 | G5 |
| <i>Arisaema dracontium</i> | Green Dragon | | | Tier 2 | | S2 | G5 |
| <i>Arnoglossum atriplicifolium</i> | Pale Indian-plantain | | | Tier 2 | | S2 | G4G5 |
| <i>Asclepias amplexicaulis</i> | Clasping-leaf Milkweed | | | Tier 2 | | S1 | G5 |
| <i>Asplenium platyneuron</i> | Ebony Spleenwort | | | Tier 2 | | S2 | G5 |
| <i>Brachyelytrum erectum</i> | Bearded Short-husk | | | Tier 2 | | S2 | G5 |
| <i>Carex albursina</i> | White Bear Sedge | | | Tier 2 | | S1 | G5 |
| <i>Carex hirtifolia</i> | Hairy Wood Sedge | | | Tier 2 | | S1 | G5 |
| <i>Carex lupulina</i> | Hop Sedge | | | Tier 2 | | S1 | G5 |
| <i>Carex radiata</i> | Eastern Star Sedge | | | Tier 2 | | S1 | G5 |
| <i>Caulophyllum thalictroides</i> | Blue Cohosh | | | Tier 2 | | S1 | G5 |
| <i>Certhia americana</i> | Brown Creeper | | | Tier 2 | | S2 | G5 |
| <i>Charadrius melodus</i> | Piping Plover | T | T | Tier 1 | | S2 | G3 |
| <i>Claytonia virginica</i> | Virginia Spring-beauty | | | Tier 2 | | S1 | G5 |
| <i>Corallorhiza odontorhiza</i> | Autumn Coral-root | | | Tier 2 | | S1? | G5 |
| <i>Cycleptus elongatus</i> | Blue Sucker | | | Tier 1 | | S1 | G3G4 |

Table 3
Township-level Documented Occurrences of Species within 1 Mile of Project Review Area

| Scientific Name | Common Name | USFWS | State | SGCN | USFS | SRank | GRank |
|--|----------------------------|-------|-------|--------|------|-------|-------|
| <i>Cyclonaias pustulosa</i> | Pimpleback | | | Tier 1 | | S2 | G5 |
| <i>Cygnus buccinator</i> | Trumpeter Swan | | | Tier 2 | S | S2 | G4 |
| <i>Cypripedium parviflorum</i> | Yellow Lady's-slipper | | | Tier 2 | | S1 | G5 |
| <i>Dasistoma macrophylla</i> | Big-leaf Mullein-foxglove | | | Tier 2 | | S1 | G4 |
| <i>Eleocharis elliptica</i> | Bog Spikerush | | | | | S2S4 | G5 |
| <i>Emydoidea blandingii</i> | Blanding's Turtle | | NC | Tier 1 | | S4 | G4 |
| <i>Erythronium mesochoreum</i> | Prairie Fawn-lily | | | Tier 2 | | S2 | G4G5 |
| <i>Galearis spectabilis</i> | Showy Orchis | | | Tier 2 | | S1 | G5 |
| <i>Geothlypis formosa</i> | Kentucky Warbler | | | Tier 2 | | S3 | G5 |
| <i>Haliaeetus leucocephalus</i> | Bald Eagle | | | Tier 2 | S | S3 | G5 |
| <i>Hybognathus argyritis</i> | Western Silvery Minnow | | | Tier 1 | | S2 | G4 |
| <i>Hybognathus placitus</i> | Plains Minnow | | | Tier 1 | S | S2 | G4 |
| <i>Lampropeltis calligaster</i> | Prairie Kingsnake | | NC | Tier 2 | | S2 | G5 |
| <i>Lampsilis teres</i> | Yellow Sandshell | | | Tier 2 | | S1 | G5 |
| <i>Lasiurus borealis</i> | Eastern Red Bat | | | Tier 1 | | S3 | G3G4 |
| <i>Lasiurus cinereus</i> | Hoary Bat | | | Tier 1 | S | S3 | G3G4 |
| <i>Leucospora multifida</i> | Narrow-leaf Paleseed | | | Tier 2 | | S1 | G5 |
| <i>Liatris pycnostachya</i> var. <i>pycnostachya</i> | Thickspike Gayfeather | | | Tier 2 | | S1S3 | G5T5 |
| <i>Lilium michiganense</i> | Turk's Cap Lily | | | | | S2S4 | G5 |
| <i>Lontra canadensis</i> | River Otter | | T | | S | S4 | G5 |
| <i>Macrhybopsis gelida</i> | Sturgeon Chub | | E | Tier 1 | S | S1 | G3 |
| <i>Macrhybopsis hyostoma</i> | Shoal Chub | | | Tier 2 | | S3 | G5 |
| <i>Macrhybopsis meeki</i> | Sicklefin Chub | | | Tier 1 | | S1 | G3 |
| <i>Macrhybopsis storeriana</i> | Silver Chub | | | Tier 2 | | S2 | G5 |
| <i>Microtus pinetorum</i> | Woodland Vole | | | Tier 2 | | S1 | G5 |
| <i>Monotropa uniflora</i> | Indian-pipe | | | Tier 2 | | S1 | G5 |
| <i>Myotis lucifugus</i> | Little Brown Myotis | | | Tier 1 | | SNR | G3 |
| <i>Myotis septentrionalis</i> | Northern Long-eared Myotis | T | T | Tier 1 | | S1S2 | G1G2 |

Table 3
Township-level Documented Occurrences of Species within 1 Mile of Project Review Area

| Scientific Name | Common Name | USFWS | State | SGCN | USFS | SRank | GRank |
|---------------------------------------|--------------------------------|-------|-------|--------|------|-------|--------|
| Noturus gyrinus | Tadpole Madtom | | | Tier 2 | | S3 | G5 |
| Panax quinquefolius | American Ginseng | | T | Tier 1 | | S1 | G3G4 |
| Parkesia motacilla | Louisiana Waterthrush | | | Tier 2 | | S1 | G5 |
| Patis racemosa | Black-seed Ricegrass | | | Tier 2 | | S2 | G5 |
| Pedicularis canadensis | Canada Lousewort | | | Tier 2 | | S1 | G5 |
| Penstemon tubiflorus var. tubiflorus | Tube Penstemon | | | Tier 2 | | S1 | G5T4T5 |
| Perimyotis subflavus | Tricolored Bat | | | Tier 1 | | S3 | G2G3 |
| Perognathus flavescens perniger | Plains Pocket Mouse | | | Tier 1 | | SNR | G5TNR |
| Platanthera praeclara | Western Prairie Fringed Orchid | T | T | Tier 1 | | S2 | G3 |
| Platygobio gracilis | Flathead Chub | | | Tier 1 | S | S2 | G5 |
| Polyodon spathula | Paddlefish | | | Tier 2 | | S2 | G4 |
| Pompeius verna | Little Glassywing | | | Tier 2 | | S2S3 | G5 |
| Ranunculus recurvatus var. recurvatus | Hooked Buttercup | | | Tier 2 | | S2 | G5T5 |
| Rhinichthys obtusus | Western Blacknose Dace | | | Tier 2 | | S2 | G5 |
| Scaphirhynchus albus | Pallid Sturgeon | E | E | Tier 1 | | S1 | G2 |
| Sternula antillarum athalassos | Interior Least Tern | E | E | Tier 1 | | S2 | G4T3Q |

Table 4
Potential Occurrences in Immediate Vicinity of Project (project review area):
Special status species (Tier 1 at-risk species and Bald and Golden Eagle), based on models or range maps

| Scientific Name | Common Name | Data Type | USFWS | State | SGCN | USFS | SRank | GRank |
|-----------------------------|-------------------------|-----------|-------|-------|--------|------|-------|--------|
| Ammodramus henslowii | Henslow's Sparrow | Range | | | Tier 1 | | S1 | G4 |
| Asio flammeus | Short-eared Owl | Range | | | Tier 1 | S | S2 | G5 |
| Atrytone arogos iowa | Iowa Skipper | Range | | | Tier 1 | | S1 | G3T3 |
| Boloria selene nebraskensis | Nebraska Fritillary | Range | | | Tier 1 | | SNR | G5T3T4 |
| Calidris subruficollis | Buff-breasted Sandpiper | Range | | | Tier 1 | | S2N | G4 |
| Catocala nuptialis | Married Underwing | Range | | | Tier 1 | | SNR | G3G4 |
| Catocala whitneyi | Whitney Underwing | Range | | | Tier 1 | | S1 | G3G4 |
| Coccyzus erythrophthalmus | Black-billed Cuckoo | Range | | | Tier 1 | | S3 | G5 |

Table 4
Potential Occurrences in Immediate Vicinity of Project (project review area):
Special status species (Tier 1 at-risk species and Bald and Golden Eagle), based on models or range maps

| Scientific Name | Common Name | Data Type | USFWS | State | SGCN | USFS | SRank | GRank |
|--|--------------------------------|-----------|-------|-------|--------|------|-------|--------|
| <i>Danaus plexippus</i> | Monarch | Range | | | Tier 1 | S | S2 | G4 |
| <i>Emydoidea blandingii</i> | Blanding's Turtle | Range | | NC | Tier 1 | | S4 | G4 |
| <i>Erynnis martialis</i> | Mottled Duskywing | Range | | | Tier 1 | | S2 | G3 |
| <i>Euphyes bimacula illinois</i> | Two-spotted Skipper | Range | | | Tier 1 | | S3 | G4T1T2 |
| <i>Euphyes conspicua buchholzi</i> | Bucholz Black Dash | Range | | | Tier 1 | | S1 | G4T1 |
| <i>Fundulus sciadicus</i> | Plains Topminnow | Range | | | Tier 1 | S | S3 | G4 |
| <i>Haliaeetus leucocephalus</i> | Bald Eagle | Range | | | Tier 2 | S | S3 | G5 |
| <i>Hesperia ottoe</i> | Ottoe Skipper | Range | | | Tier 1 | S | S2 | G3G4 |
| <i>Hybognathus argyritis</i> | Western Silvery Minnow | Range | | | Tier 1 | | S2 | G4 |
| <i>Hylocichla mustelina</i> | Wood Thrush | Range | | | Tier 1 | | S3 | G4 |
| <i>Lanius ludovicianus</i> | Loggerhead Shrike | Range | | | Tier 1 | S | S3 | G4 |
| <i>Lasionycteris noctivagans</i> | Silver-haired Bat | Range | | | Tier 1 | | S3 | G3G4 |
| <i>Lasiurus borealis</i> | Eastern Red Bat | Range | | | Tier 1 | | S3 | G3G4 |
| <i>Lasiurus cinereus</i> | Hoary Bat | Range | | | Tier 1 | S | S3 | G3G4 |
| <i>Lethe eurydice fumosus</i> | Smoky-eyed Brown | Range | | | Tier 1 | | S3 | G5T3T4 |
| <i>Lontra canadensis</i> | River Otter | Model | | T | | S | S4 | G5 |
| <i>Myotis lucifugus</i> | Little Brown Myotis | Range | | | Tier 1 | | SNR | G3 |
| <i>Myotis septentrionalis</i> | Northern Long-eared Myotis | Range | T | T | Tier 1 | | S1S2 | G1G2 |
| <i>Perimyotis subflavus</i> | Tricolored Bat | Range | | | Tier 1 | | S3 | G2G3 |
| <i>Perognathus flavescens perniger</i> | Plains Pocket Mouse | Range | | | Tier 1 | | SNR | G5TNR |
| <i>Platanthera praeclara</i> | Western Prairie Fringed Orchid | Range | T | T | Tier 1 | | S2 | G3 |
| <i>Problema byssus kumskaka</i> | Byssus Skipper | Range | | | Tier 1 | | S1 | G4TNR |
| <i>Speyeria idalia</i> | Regal Fritillary | Range | | | Tier 1 | S | S3 | G3? |