



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:

05/08/2025 20:56:22 UTC

Project Code: 2025-0094026

Project Name: Box Butte Watershed Plan-EA

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the [IPaC website](#) at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended

contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the [Endangered Species Consultation Handbook](#) or at our [Nebraska Field Office webpage](#).

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Project Consultation Code in the header of this letter (i.e., YEAR-XXXXXXX) with any request for consultation or correspondence about your project that you submit to our office.

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Act, there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts and permitting see <https://www.fws.gov/program/migratory-bird-permit>

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on threats to birds and recommended conservation measures visit <https://www.fws.gov/library/collections/threats-birds>. In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit:

<https://www.federalregister.gov/documents/2012/10/03/2012-24433/migratory-bird-conservation-executive-order-13186>

Platte River System: The Platte River, its tributaries, and associated wetland habitats are resources of national importance. Due to the cumulative effect of many water depletion projects in the Platte River basin, the Service considers any direct or indirect depletion of flows from the Platte River system to be significant and will continue to further deteriorate the already stressed habitat conditions. Federal agencies must consult with the Service under section 7 of the ESA for projects in Nebraska that may lead to water depletions or have the potential to impact water

quality in the Platte River system, because these actions may affect threatened and endangered species inhabiting the downstream reaches of these river systems. The federally listed species that could be impacted from Platte River water depletions include the federally endangered Whooping Crane (*Grus americana*), and Pallid Sturgeon (*Scaphirhynchus albus*); the threatened Piping Plover (*Charadrius melodus*) and Western Prairie Fringed Orchid (*Platanthera praeclara*). In general, depletions include evaporative losses and/or consumptive use of surface or groundwater within the affected basin, often characterized as diversions minus return flows. Project elements that could be associated with depletions include, but are not limited to: borrow sites, ponds, lakes, and reservoirs (e.g., for detention, recreating, irrigation, storage, stock watering, municipal storage, and power generation); hydrostatic testing of pipelines; wells; dust abatement; diversion structures; and water treatment facilities. For more information on consultation requirements for the Platte River species, please visit <https://fws.gov/partner/platte-river-recovery-implementation-program>.

Nebraska Nongame and Endangered Species Conservation Act: Federally listed species protected under the Endangered Species Act are also state-listed under the Nebraska statute, the Nebraska Nongame and Endangered Species Conservation Act. There may be state-listed species affected by the proposed project that are not federally listed. 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. For more information and to request an environmental review from the NGPC, visit their Environmental Review website at <http://outdoornebraska.gov/environmentalreview/> for instructions and contact information.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Bald & Golden Eagles
- Migratory Birds
- Wetlands

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Nebraska Ecological Services Field Office

9325 B South Alda Rd., Ste B

Wood River, NE 68883-9565

(308) 382-6468

PROJECT SUMMARY

Project Code: 2025-0094026

Project Name: Box Butte Watershed Plan-EA

Project Type: Dam - New Construction

Project Description: The purpose of the Box Butte Watershed Plan-EA is to increase groundwater recharge and reduce flood damage to county roads. The preferred alternative calls for the construction of three diversion dams with conveyance to off-channel water storage facilities (catchment basins) and three road raises. The plan includes an analysis of 9 road raises and 8 diversion structures.

If the watershed plan is authorized by the NRCS Chief, project measures would be designed in 2026 and constructed in 2027 and 2028.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@42.3662138,-102.74478885044124,14z>



Counties: Box Butte and Sheridan counties, Nebraska

ENDANGERED SPECIES ACT SPECIES

There is a total of 3 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

BIRDS

NAME	STATUS
Piping Plover <i>Charadrius melodus</i> Population: [Atlantic Coast and Northern Great Plains populations] - Wherever found, except those areas where listed as endangered. There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/6039	Threatened

INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> There is proposed critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/9743	Proposed Threatened
Suckley's Cuckoo Bumble Bee <i>Bombus suckleyi</i> Population: No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10885	Proposed Endangered

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

BALD & GOLDEN EAGLES

Bald and Golden Eagles are protected under the Bald and Golden Eagle Protection Act ² and the Migratory Bird Treaty Act (MBTA) ¹. Any person or organization who plans or conducts activities that may result in impacts to Bald or Golden Eagles, or their habitats, should follow appropriate regulations and consider implementing appropriate avoidance and minimization measures, as described in the various links on this page.

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1. The [Bald and Golden Eagle Protection Act](#) of 1940.
 2. The [Migratory Birds Treaty Act](#) of 1918.
 3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

BALD & GOLDEN EAGLES INFORMATION WAS NOT AVAILABLE WHEN THIS SPECIES LIST WAS GENERATED. PLEASE CONTACT THE FIELD OFFICE FOR FURTHER INFORMATION.

MIGRATORY BIRDS

The Migratory Bird Treaty Act (MBTA) ¹ prohibits the take (including killing, capturing, selling, trading, and transport) of protected migratory bird species without prior authorization by the Department of Interior U.S. Fish and Wildlife Service (Service). The incidental take of migratory birds is the injury or death of birds that results from, but is not the purpose, of an activity. The Service interprets the MBTA to prohibit incidental take.

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1. The [Migratory Birds Treaty Act](#) of 1918.
 2. The [Bald and Golden Eagle Protection Act](#) of 1940.
 3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

MIGRATORY BIRD INFORMATION WAS NOT AVAILABLE WHEN THIS SPECIES LIST WAS GENERATED. PLEASE CONTACT THE FIELD OFFICE FOR FURTHER INFORMATION.

WETLANDS

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

RIVERINE

- R4SBC
- R5UBH

FRESHWATER POND

- PABF

FRESHWATER EMERGENT WETLAND

- PEM1A

- PEM1C

IPAC USER CONTACT INFORMATION

Agency: Natural Resources Conservation Service

Name: Melissa Baier

Address: 1121 Lincoln Mall Room 360

City: Lincoln

State: NE

Zip: 68508

Email: melissa.baier@usda.gov

Phone: 4024374065



Environmental Review Report

Project Information

Report Generation Date:	5/8/2025 02:28:57 PM
Project Title:	Box Butte Watershed - Chapter 5 Analysis (Diversion to Off-Channel Storage)
User Project Number(s):	
System Project ID:	NE-CERT-012486
Project Type:	NRCS Projects/Practices
Project Activities:	342 - Critical Area Planting (Ac) 348 - Dam, Diversion (Ft) 636 - Water-Harvesting Catchment (No)
Project Size:	178.13 acres
County(s):	Box Butte; Sheridan
Watershed(s):	Niobrara
Watershed(s) HUC 8:	Upper Niobrara
Watershed(s) HUC 12:	Headwaters Box Butte Creek; Middle Box Butte Creek; Upper Box Butte Creek
Biologically Unique Landscape(s):	None
Township/Range and/or Section(s):	T26R47WS03; T26R48WS03; T27R47WS16; T27R47WS17; T27R47WS23; T27R47WS24; T27R47WS25; T27R47WS26; T27R47WS34; T27R48WS34; T28R46WS30; T28R46WS31
Latitude/Longitude:	42.300931 / -102.770091

Contact Information

Organization:	NRCS
Contact Name:	Merceidez Fabok
Contact Phone:	402-437-4042
Contact Email:	merceidez.fabok@usda.gov
Contact Address:	100 Centennial Mall N Lincoln NE 68503
Prepared By:	
Submitted On Behalf Of:	

Project Description

This CERT was used to analyze impacts to listed species using the ARAs as the boundary. This CERT only applies to the Diversion to Off-Channel Storage sites. A separate CERT was ran for the road raises.

Project Duration**Existing Land Use****Waterbodies**

The Nebraska Nongame and Endangered Species Conservation Act (NESCA)

The Nebraska Game and Parks Commission (Commission or NGPC) 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 37-814). Pursuant to §37-807 (3)(c) 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.

- If project proponent agrees to implement conservation conditions, as outlined in the report and applicable to the project type, then this document serves as documentation of consultation with the Commission and the following actions can be taken to move forward with the project:
 - Sign the report in the designated areas, and
 - Upload the signed and dated report into the project within CERT, and
 - Change the edit status to Final from Draft status.
- When these actions are completed, no additional coordination (i.e., contacting the Commission) is required.
- If the report indicates further consultation is required in the Overall Results section on the following page and/or conservation conditions cannot be met, then the following actions must be taken:
 - Project proponent is required to contact and consult with the Commission. Contact information can be found under the Additional Considerations section.

Review the Overall Results section on the following page for further instructions.

Disclaimer

The U.S. Fish and Wildlife 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; 2) Fish and Wildlife Coordination Act; 3) Bald and Golden Eagle Protection Act; and 4) Migratory Bird Treaty Act.

It is recommended that a project start with requesting an Official Species List via the Information for Planning and Consultation ([IPaC Tool](#)), to begin informal consultation with the U.S. Fish & Wildlife Service.

The information generated in a CERT Environmental Review Report DOES NOT satisfy consultation obligations between the lead federal agency and the U.S. Fish and Wildlife Service pursuant to the Endangered Species Act (ESA).

For the purposes of ESA, the information in this report should be considered as technical assistance, and does not serve as the U.S. Fish and Wildlife Service's concurrence letter, even if the user signs and agrees to implement conservation conditions in order to satisfy consultation requirements of NESCA.

Review the Additional Considerations section for further information.

Overall Results

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

- The project may have potential impacts on state-listed species. More information is needed, please answer the questions under the Question and Conservation Conditions section. If conservation conditions are required, review the Conservation Conditions Agreement section. Additional consultation with the Nebraska Game and Parks Commission may or may not be required; please review all the information provided in this document.

Questions and Conservation Conditions

Blacknose Shiner, Finescale Dace, Northern Redbelly Dace, Topeka Shiner

This project is within or near the modeled distribution for one or more of the following state-listed small-bodied fish species:

- Blacknose shiner (*Notropis heterolepis*)
- Finescale dace (*Chrosomus neogaeus*)
- Northern redbelly dace (*Chrosomus eos*)
- Topeka shiner (*Notropis topeka*).

Habitat Question for Dace and Shiners:

Does the Action Area include or occur in a stream, connected backwater area, and/or the topographic floodplain or impact water quality or flows (surface and/or groundwater)?

☐ Unknown

☐ No. Conservation measures are not needed for these species unless otherwise indicated.

☒ Yes. The following conservation measures must be implemented in order to avoid adverse impacts on blacknose shiner, finescale dace, northern redbelly dace and/or Topeka shiner:

If "YES" was checked for the habitat questions, then this project **"MAY AFFECT"** blacknose shiner, finescale dace, northern redbelly dace, and/or Topeka shiner. **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.

Northern Long-eared Bat

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

Suitable summer roosting habitat for NLEB consist of forests or woodlots which contain suitable roost trees. In Nebraska, suitable roost trees consist of deciduous and/or pine live or dead trees or snags that are greater than or equal to 3 dbh (diameter at breast height) that exhibit peeling bark or have cracks, crevices or cavities. Linear features such as fencerows, riparian forests, and other wooded corridors are suitable for NLEB if they contain potential roost trees. Individual trees may be considered suitable habitat when they exhibit characteristics of suitable roost trees and are within 1,000 feet of other forested/wooded habitat.

NLEB have also been observed roosting in human-made structures, such as buildings, barns, bridges, and bat houses; therefore, these structures should also be considered potential summer habitat when they are within 1000 feet of suitable forested habitat (see above).

Examples of **UN-SUITABLE** habitat for the NLEB include:

- Individual trees that are greater than 1,000 feet from forested/wooded areas;
- Trees found in highly developed urban areas (e.g., street trees, downtown areas) – but note that NLEBs sometimes use relatively extensive forested natural areas within urban areas for summer roosting habitat;
- A pure stand of less than 3-inch dbh trees that are not mixed with larger trees.

Habitat Questions for Northern Long-eared Bat:

Is suitable summer habitat, as defined above, located within 1000 feet of the project activities?

☐ Unknown.

☒ No. Conservation measures are not needed for this species unless otherwise indicated. **Additional habitat questions for this species are not applicable if suitable habitat is not present.**

☐ Yes. The following conservation measures must be implemented in order to avoid adverse impacts on Northern long-eared bat.

NLEB CM-2: No removal of suitable trees or roosting structures between May 15 and July 31 (maternity roosting season).

NLEB CM-4: Plant only native species adapted to site.

Swift Fox

This project is within the range of the state-listed endangered swift fox (*Vulpes velox*).

Habitat Question for Swift Fox:

Does the action area or area of potential effect include connected suitable habitat that contains vegetation <6 inches in height, including gently rolling to level intact upland grasslands and field borders that are outside of densely populated residential, commercial, industrial areas?

☐ Unknown

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

☒ Yes. The following conservation measures must be implemented in order to avoid adverse impacts on swift fox:

SF CM-1: Survey for dens according to protocol within two weeks of commencing ground disturbing activities related to project implementation. If active swift fox dens are found, further consultation with the Nebraska Game and Parks Commission is required. If swift fox dens are not found, then the project may proceed.

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.

Sign and date on the line below, and also sign and date the Certification section. Submit a copy of the signed and dated (i.e. certified) report with any type of permit/application required for the project.

Applicant/project proponent signature

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 for further information.

B) If one or more habitat questions were answered with "Unknown" then leave your project as "Draft" and contact the Nebraska Game and Parks Commission for more information. Once your concerns are addressed with the Commission, adjust your answer to "Yes" or "No", sign and date under the Certification section, upload the report using the File Attachments feature and change the Edit Status to "Final".

C) If ALL the habitat questions were answered "No" then sign the Certification section below and submit the project as "Final" in CERT. Once these steps are completed, no additional correspondence with the Nebraska Game and Parks Commission is required. Submit a copy of the signed report with any type of permit/application needed for the project.

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 the Endangered Species Act (ESA).

Certification

I certify that ALL 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; if a species listing status is reclassified; if a new species is listed; or if any of the answers to any questions asked in this report change, then this document is no longer valid, and re-consultation with the Nebraska Game and Parks Commission is required.

Applicant/project proponent signature

Date

Additional Considerations

Nebraska Game and Parks Commission

Environmental Review Team
2200 North 33 Street
Lincoln, NE 68503
Phone: (402) 471-5423
Email: ngpc.envreview@nebraska.gov

U.S. Fish and Wildlife Service

Nebraska Ecological Services
9325 South Alda Road
Wood River, NE 68883
Phone: (308) 382-6468
Email: nebraskaes@fws.gov

U.S. Army Corps of Engineers

Omaha Regulatory Office
8901 South 154 Street
Omaha, NE 68138
Phone: (402) 896-0896
Email: NE404Reg@usace.army.mil

The following federal laws contribute to the conservation and management of fish and wildlife resources in the United States: Endangered Species Act, Bald and Golden Eagle Protection Act, Migratory Bird Treaty Act, Clean Water Act, and the Fish and Wildlife Coordination Act.

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.”

Nebraska Specific Information

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

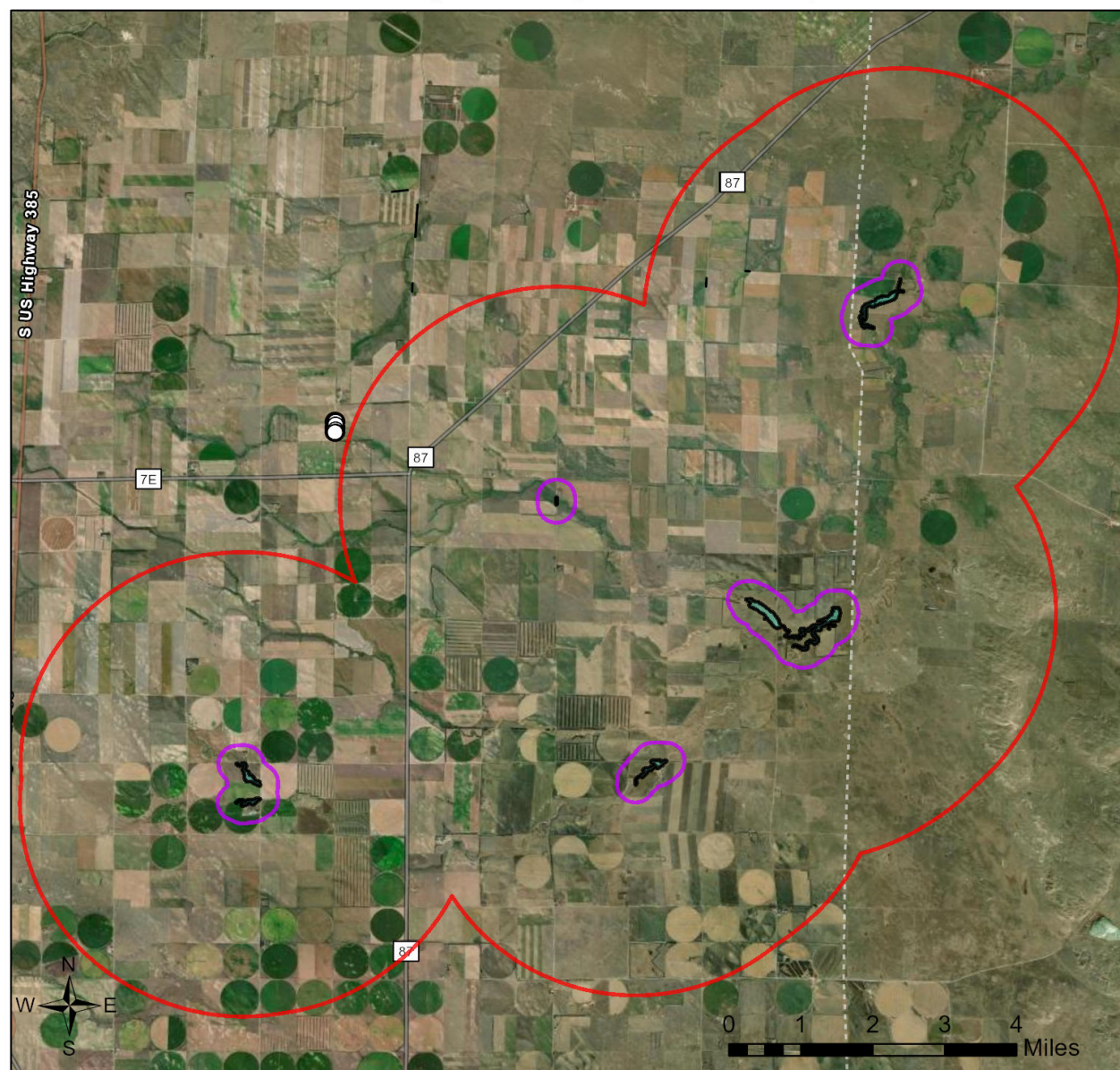
The Fish and Wildlife Coordination Act (FWCA) requires consultation with the U.S. Fish and Wildlife Service (Service) and the State fish and wildlife agency (i.e., Nebraska Game and Parks Commission) for the purpose of preventing loss of and damage to fish and wildlife resources in the planning, implementation, and operation of federal and federally 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.

Box Butte Watershed - Chapter 5 Analysis (Diversion to Off-Channel Storage)

Aerial Image Basemap With Locator Map



3-mile Information Buffer Boundary

Project Review Boundary

Project Boundary

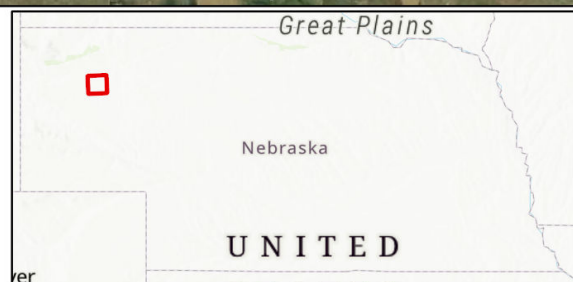
Project Size (acres): 178.13

Lat/Long (DD): 42.3009 / -102.7701

County(s): Box Butte; Sheridan

BUL(s):

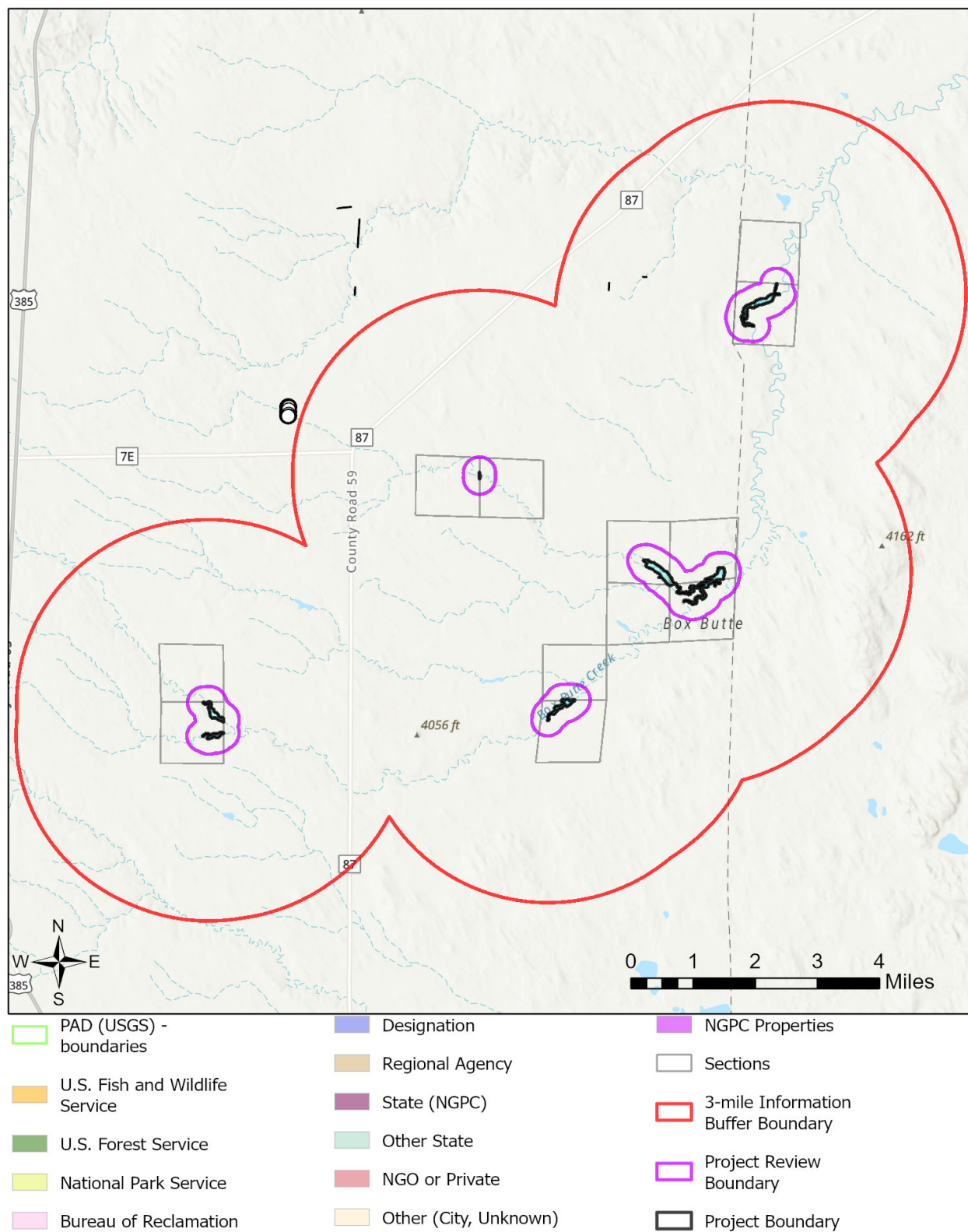
Township/Range/Section(s): T26R47WS03; T26R48WS03; T27R47WS16; T27R47WS17; T27R47WS23 +



Nebraska Game & Parks Commission, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA, USFWS
Esri, TomTom, Garmin, FAO, NOAA, USGS, EPA, USFWS
Earthstar Geographics

Box Butte Watershed - Chapter 5 Analysis (Diversion to Off-Channel Storage)

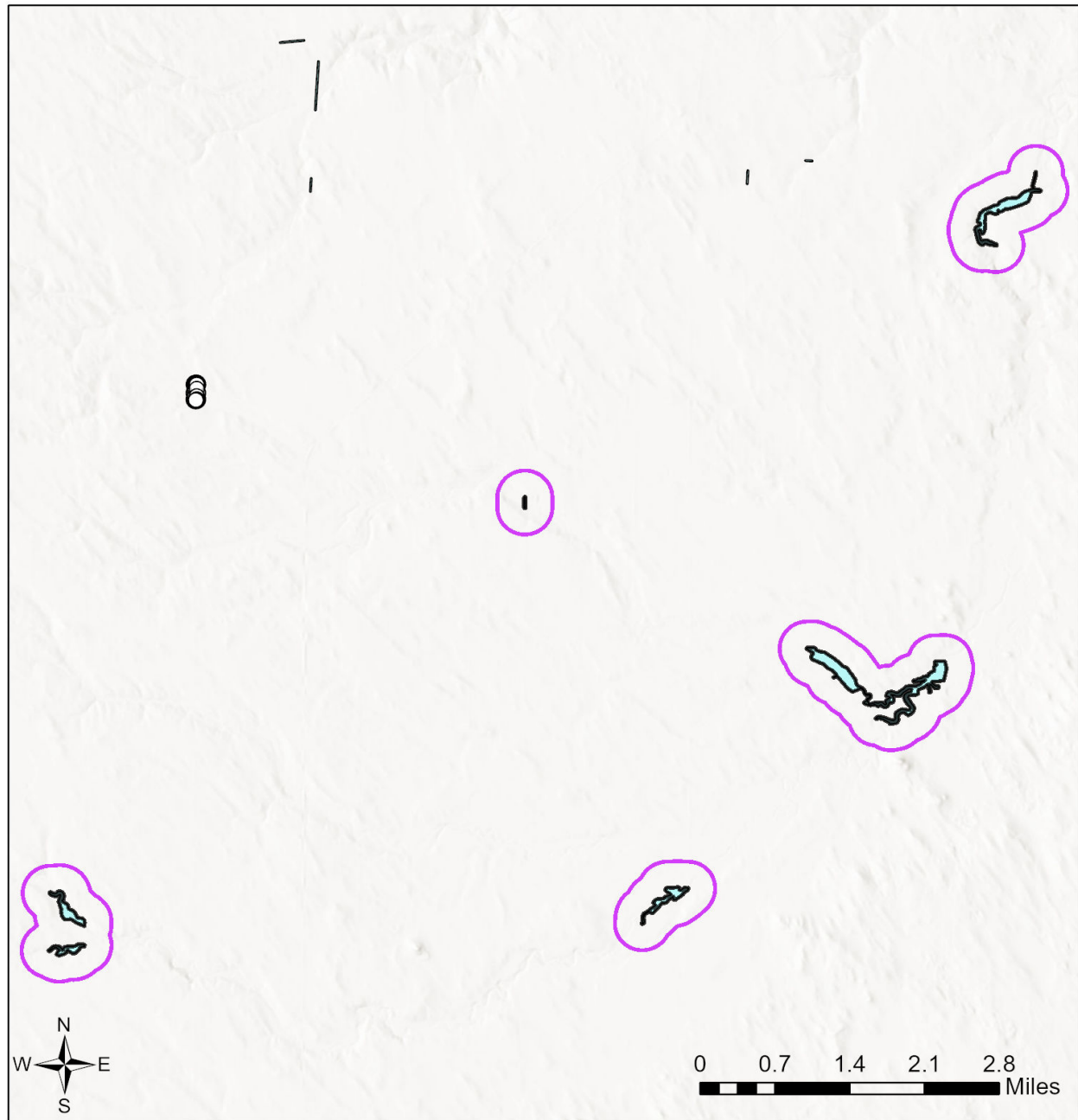
Topographic Basemap With Sections and Protected Areas





Nebraska Game & Parks Commission, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA, USFWS
Esri, NASA, NGA, USGS

Box Butte Watershed - Chapter 5 Analysis (Diversion to Off-Channel Storage)

Web Map As Submitted By User



-  Project Review Boundary
-  Project Boundary

Esri, NASA, NGA, USGS

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 selected special areas

Name	Other Information	SRank	GRank
Large Intact Block of Habitat for At-risk Species			

Table 3
Regional Documented Occurrences of Species within 1 Mile of Project Review Area:
Tier 1 and 2 at-risk species and additional S1-S3 plants

Scientific Name	Common Name	USFWS	State	SGCN	SRank	GRank	Taxonomic Group
<i>Asio flammeus</i>	Short-eared Owl			Tier 1	S2	G5	Vertebrate Animal - Birds
<i>Athene cunicularia</i>	Burrowing Owl			Tier 1	S2	G4	Vertebrate Animal - Birds
<i>Buteo regalis</i>	Ferruginous Hawk			Tier 1	S2	G4	Vertebrate Animal - Birds
<i>Numenius americanus</i>	Long-billed Curlew			Tier 1	S3	G5	Vertebrate Animal - Birds
<i>Vulpes velox</i>	Swift Fox		E	Tier 1	S2	G3	Vertebrate Animal - Mammals

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	SRank	GRank	Taxonomic Group
<i>Aquila chrysaetos</i>	Golden Eagle	Model			Tier 2	S3	G5	
<i>Argynnis idalia</i>	Regal Fritillary	Range			Tier 1	S3	G3?	
<i>Asio flammeus</i>	Short-eared Owl	Range			Tier 1	S2	G5	
<i>Athene cunicularia</i>	Burrowing Owl	Range			Tier 1	S2	G4	
<i>Atrytone arogos iowa</i>	Iowa Skipper	Range			Tier 1	S1	G2G3T2T3	
<i>Boloria myrina sabulocollis</i>	Kohler's Fritillary	Range			Tier 1	S1S2	G5?T3	
<i>Brachycercus nasutus</i>	Long-nosed Mayfly	Range			Tier 1	S1	G3G4	
<i>Branchinecta potassa</i>	Potassium-loving Fairy Shrimp	Range			Tier 1	S2	G2	
<i>Buteo regalis</i>	Ferruginous Hawk	Range			Tier 1	S2	G4	

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	SRank	GRank	Taxonomic Group
Calcarius ornatus	Chestnut-collared Longspur	Range			Tier 1	S3	G5	
Catocala nuptialis	Married Underwing	Range			Tier 1	SNR	G3	
Catocala whitneyi	Whitney Underwing	Range			Tier 1	S1	G2G3	
Chrosomus eos	Northern Redbelly Dace	Model		T	Tier 1	S2	G5	
Chrosomus neogaeus	Finescale Dace	Model		T	Tier 1	S2	G5	
Cicindela limbata limbata	Sandy Tiger Beetle	Range			Tier 1	S4	G5T3T4	
Coccinella novemnotata	Nine-spotted Ladybird Beetle	Range			Tier 1	S1	G5	
Dalea cylindriceps	Large-spike Prairie-clover	Range			Tier 1	S2	G3	
Danaus plexippus	Monarch	Range			Tier 1	S2	G4	
Ellipsoptera lepida	Ghost Tiger Beetle	Range			Tier 1	S2	G3	
Eristalis brousi	Hourglass Drone Fly	Range			Tier 1	S1	G4	
Euphyes bimacula illinois	Two-spotted Skipper	Range			Tier 1	S3	G4T1T2	
Fundulus sciadicus	Plains Topminnow	Range			Tier 1	S3	G4	
Haliaeetus leucocephalus	Bald Eagle	Range			Tier 2	S3	G5	
Hesperia ottoe	Ottoe Skipper	Range			Tier 1	S2	G3	
Lanius ludovicianus	Loggerhead Shrike	Range			Tier 1	S3	G4	
Lasiurus borealis	Eastern Red Bat	Range			Tier 1	S3	G3G4	
Lasiurus cinereus	Hoary Bat	Range			Tier 1	S3	G3G4	
Lethe eurydice fumosus	Smoky-eyed Brown	Range			Tier 1	S3	G5T3T4	
Myotis septentrionalis	Northern Long-eared Myotis	Range	E	E	Tier 1	S1S2	G2G3	
Numenius americanus	Long-billed Curlew	Range			Tier 1	S3	G5	
Perimyotis subflavus	Tricolored Bat	Range			Tier 1	S3	G3G4	
Vulpes velox	Swift Fox	Range		E	Tier 1	S2	G3	