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## ENDANGERED SPECIES ACT SECTION 7 PROGRAMMATIC INFORMAL CONSULTATION

### NEBRASKA NATURAL RESOURCES CONSERVATION SERVICE

In compliance with the Endangered Species Act (ESA), Section 7, the Natural Resources Conservation Service (NRCS), in Nebraska, submits this programmatic consultation package to the U.S. Fish and Wildlife Service (USFWS) for activities described in the attached documents. These activities include implementation of conservation practices and conservation technical assistance to land users in Nebraska. Nebraska NRCS seeks concurrence with our species determinations that result from the processes that were developed to address listed species when NRCS provides conservation technical assistance or funding for conservation practice implementation. Conservation Technical Assistance covers the conservation planning process which results in NRCS or other USDA technical and financial assistance to public and private land users to implement conservation practices needed to address identified natural resource conservation problems and achieve sustainable natural resource management conditions.

The NRCS conservation practices approved for use in Nebraska and included in the Nebraska Field Office Technical Guide (eFOTG) have been evaluated by a multi-agency team for each of the federally listed threatened and endangered species identified as occurring, or with potential to occur, in Nebraska, and for designated and proposed critical habitats in Nebraska. The multi-agency team primarily consisted of technical experts from Nebraska NRCS, Nebraska USFWS, and Nebraska Game and Parks Commission (NGPC).

The ESA requires that the action agency, NRCS in this case, make a determination of impact for each listed species that may be affected by a proposed action. The determinations for the practices, species, and critical habitats are included in the *Federal Species Matrix*. The NRCS process for addressing endangered and threatened species follows a specific planning process that is documented on the NE-CPA-52 Environmental Evaluation Worksheet. The NE-CPA-52 is where NRCS planners document NEPA compliance and compliance with federal environmental laws and policies. This includes, but is not limited to, Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act, and ESA compliance. The Endangered and Threatened Species Evaluation Procedure Guide Sheet must be completed for all planning assistance. Each NE-CPA-52 must be reviewed and certified by a NRCS planner with job approval authority and has received Nebraska specific training regarding addressing all special environmental concerns of which endangered species is one. This programmatic consultation does not absolve the planner from compliance with any laws, executive orders, or agency policies. This programmatic consultation process has been developed to assist the planner in

making the proper effects determination. This process also identifies planning considerations that are available to avoid impacts, make the action beneficial, or minimize impacts to the level of not likely to adversely affect. Some actions are also identified as having the potential for a “may affect” and thus needing review for a project specific consultation. If the result of the planning process still results in a “may affect” after consulting with USFWS then the State Conservationist has the option to forgo formal consultation or conferencing and decline to pursue a proposed action if the resources are not available to enter into consultation. If NRCS decides not to consult or conference then NRCS will notify the USFWS of the decision. NRCS will inform the landowner and client of their responsibilities under Section 10 of ESA.

At the same time that this federal ESA programmatic consultation process was developed the multi-agency workgroup also developed parallel documentation and review processes for state listed species of concern. This provides for a consistent review of similar federal and state species and promoted an environment of cooperation and consistency in overall review of projects and addressing concerns and impacts. Nebraska NRCS also has a previous programmatic ESA consultation for addressing impacts to the Platte River and associated species. This is documented as per the letter of concurrence dated 28 February 1997 regarding the NRCS Platte River Basin Biological Assessment and then the supplement NRCS Platte River Consumptive Water Use Report and concurrence letter dated 12 July 2001. This new programmatic consultation does not modify or impact the current standing programmatic consultation.

Within this programmatic consultation package are the following documents:

- Evaluation Parameters
- Species Matrix
- Conservation Conditions

Additionally included for reference to the NRCS planning process are the following:

- NE-CPA-52 Endangered and Threatened Species Evaluation Procedure Guide Sheet
- Process Flowchart

This programmatic consultation is a dynamic document which may be modified by the multi-agency technical working group (NRCS, USFWS, and NGPC) when it is determined that modifications are needed. These changes may be made by technical expert agreement without having to re-sign this overall agreement. Occasionally there may be new NRCS practice standards developed, or science and technology, or new species or designated habitats which may also need to be added to this overall package. This will be done after review and consensus of the multi-agency group. NRCS practice standards are reviewed and updated on a regular basis. NRCS Resources staff will review these for any modifications that would change the affects. These modifications will be brought forward for review of the multi-agency group.

Yearly, NRCS will report projects done under this programmatic consultation. By August 1<sup>st</sup> a fiscal year summary of practices by unit measure will be submitted to USFWS.

Annually, after the yearly project report has been submitted, the multi-agency team will have a workgroup meeting to evaluate the status of the program. The team will seek agreement on amendments or other actions that may modify the consultation agreement.

By following the processes outlined in this programmatic consultation package and planning in accordance with the effects determination from the *Federal Species Matrix*, NRCS satisfies the consultation requirements of ESA. Planning actions that fall outside of this agreed upon programmatic consultation will need individual consultation with the USFWS for ESA compliance.

This agreement shall become effective upon execution by the signatories and shall be effective until September 30<sup>th</sup> 2015. Prior to the end of the effective date, signatories will convene to determine interest in renewing this agreement. Any signatory to this agreement may propose to terminate this agreement by providing thirty days notice to the other party.

**Signatures**

Natural Resources Conservation Service  
U.S. Department of Agriculture



Stephen K. Chick, State Conservationist



Date

U.S. Fish & Wildlife Service  
Ecological Services



Michael D. George, Project Leader



Date

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# Federal Species Evaluation Parameters

## Form to assist in completing the NE-CPA-52 Endangered & Threatened Species Evaluation Procedures Guide Sheet and determining the potential effect.

The following questions pertain to species that are federally listed. We must consider our actions when dealing with these species and also any associated designated critical or proposed critical habitats. Candidate species may be a concern if you are evaluating a project or contract that will be implemented over a longer period of time. If the species is listed during construction or implementation, NRCS will have to address any impacts to the species.

### Proposed Project Information

Client:  County:

Plan ID Number(as applicable):

CMU/Fields/Legal desc.(as applicable):

Proposed action:

Other:

NRCS Representative:

Name Date

### Nebraska Federal Species List

Refer to Section II of the NE FOTG for specific guidance on identifying species and addressing them in your area of potential effects.

E = Endangered                      P = Proposed for listing                      XN = Experimental Population  
T = Threatened                      C = Candidate(no specific review required)

<u>Animals</u>	Mussel, Scaleshell (E)	Wolf, gray (E)
Beetle, American burying (E)	Plover, mountain (P)	<u>Plants</u>
Beetle, salt creek tiger (E)	Plover, piping (T)	Butterfly plant, Colorado (T)
Crane, whooping (E)	Shiner, Topeka (E)	Penstemon, blowout (T)
Curlew, Eskimo (E)	Sturgeon, pallid (E)	Orchid, western prairie fringed (T)
Ferret, black-footed (E)	Sturgeon, shovelnose (P)	Ladies'-tresses, Ute (T)
	Tern, interior least (E)	

Species Information: [http://www.fws.gov/mountain-prairie/endspp/name\\_county\\_search.htm](http://www.fws.gov/mountain-prairie/endspp/name_county_search.htm)

NatureServe: <http://www.natureserve.org/>

Refer to Section II of the NE FOTG and review the individual species range map to determine if a particular area of potential effect for the action is within the species' range - within 15 miles of the range indicated on the map.

For each species there is a group of Yes/No questions to assist the planner in scoping for the potential for affects to listed species. All the questions associated with a species need to be evaluated individually to determine Yes/No applicability (See below).

If ALL answers are "No" on the Evaluation Procedures worksheet then the answer Step 2 or 5 as applicable on the NE-CPA-52 Evaluation Procedures Guide Sheet as "No effect".

If ANY answer is "Yes" on this Evaluation Parameters worksheet then proceed to the Federal Species Matrix for further effects guidance.

Answer the following species specific question section only for species identified as a concern in your area of potential effects (See FOTG) or if it is believed to be a new occurrence.

<b>ANIMALS</b>			
<b>Beetle, American burying</b>			
Area of applicatio	<b>Loess Canyons</b>	Yes	No
	Does area of impact include activities in a perennial vegetated plant community.	<input type="checkbox"/>	<input type="checkbox"/>
Area of applicatio	<b>Sandhills Population</b>	Yes	No
	Does area of impact include activities in a perennial vegetated and/or wet and mesic inclusions.	<input type="checkbox"/>	<input type="checkbox"/>
<b>Beetle, Salt Creek Tiger</b>			
	Are saline wetlands and/or salt flats present with Salmo, Saltillo, or Zoe soil type in the area of potential effect (within 1/4 mile) AND within HUC 10200203?	<input type="checkbox"/>	<input type="checkbox"/>
	Does the action include activities that would alter hydrology (surface and/or groundwater)?	<input type="checkbox"/>	<input type="checkbox"/>
<b>Beetle, Salt Creek Tiger (Critical Habitat)</b>			
	Are you within the drainage of Rock Creek and/or Little Salt Creek and within 1/4 mile of designated critical habitat?	<input type="checkbox"/>	<input type="checkbox"/>
	Does the action include activities that would alter hydrology (surface and/or groundwater)?	<input type="checkbox"/>	<input type="checkbox"/>
<b>Crane, whooping</b>			
	Are subirrigated grasslands, meadows, streams, river channels, or shallow wetlands present in the area of potential effect (within 1/2 mile)?	<input type="checkbox"/>	<input type="checkbox"/>
<b>Crane, whooping (Critical Habitat)</b>			
	Are you within critical habitat?	<input type="checkbox"/>	<input type="checkbox"/>
<b>Curlew, Eskimo</b>			
	Are you within suitable habitat and known occurrence in the last 20 years? <i>This species is extremely rare or possibly extinct. There have been no documented observations since 1926.</i>		
<b>Ferret, black-footed</b>			
	Would proposed project be implemented on a prairie dog town or complex which is 1,000 acres or more in size? A complex consists of two or more neighboring prairie dog towns with the spacing between the adjacent neighboring town being less than 4.34 miles (7 km).	<input type="checkbox"/>	<input type="checkbox"/>
<b>Mussel, Scaleshell</b>			
	Does the area of potential effect include the Missouri River and lower tributaries within topographic floodplain or impact water quality, streambed, sedimentation, or flows?	<input type="checkbox"/>	<input type="checkbox"/>
<b>Plover, Mountain</b>			
	Would the proposed project be implemented in heavily grazed/disturbed short grass prairies or areas with very little cover such as tilled cropland on gently rolling to level topography.	<input type="checkbox"/>	<input type="checkbox"/>
<b>Plover, piping and Tern, interior least</b>			
	Would the practice be implemented on an area of unvegetated or sparsley vegetated sand, shale or gravel such as a beach, peninsula, or bar within the area indicated on the present distribution map in the FOTG?	<input type="checkbox"/>	<input type="checkbox"/>
	Is the area of potential effects (include noise and sight) within 1/4 mile with no visual or sight barrier of a beach area, peninsula, sand, shale, or gravel bar and would the project be implemented from April 15 to September 1? This includes habitats such as rivers, sand pits, wetlands, and lakes.	<input type="checkbox"/>	<input type="checkbox"/>

<b>Shiner, Topeka</b>		Yes	No
<input type="checkbox"/>	Would the proposed project be implemented in the stream, connected backwater areas and/or floodplain, or impact water quality or flows (surface and/or groundwater)?	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Would the proposed project be implemented in the watershed of the stream and alter fish passage and/or the hydrograph?	<input type="checkbox"/>	<input type="checkbox"/>
<b>Shiner, Topeka (Critical Habitat)</b>		Yes	No
<input type="checkbox"/>	Are you within critical habitat?	<input type="checkbox"/>	<input type="checkbox"/>
<b>Sturgeon, pallid and Sturgeon, shovelnose</b>		Yes	No
<input type="checkbox"/>	Would the proposed project be implemented in the river, connected backwater areas, or impact water quality or flows?	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Would the proposed project affect out of channel high bank flows?	<input type="checkbox"/>	<input type="checkbox"/>
<b>Gray wolf</b>		Yes	No
<input type="checkbox"/>	Are you within suitable habitat and known occurrence in the last 20 years? <i>In this state the species only occurs as an occasional wandering individual.</i>	<input type="checkbox"/>	<input type="checkbox"/>
<b>PLANTS</b>			
<b>Butterfly plant, Colorado</b>		Yes	No
<input type="checkbox"/>	Is your area of potential effect impacting pasture, range, or hayland on floodplain and lower stream terraces along Lodgepole Creek?	<input type="checkbox"/>	<input type="checkbox"/>
<b>Penstemon, blowout</b>		Yes	No
<input type="checkbox"/>	Does your area of potential effect include well-developed open sand blowouts?	<input type="checkbox"/>	<input type="checkbox"/>
<b>Western prairie fringed orchid</b>		Yes	No
<input type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	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)?	<input type="checkbox"/>	<input type="checkbox"/>
	Note: The area of potential effect described in the two previous questions includes the wetland related habitats along with upstream/upslope adjacent areas.		
<b>Ladies'-tresses, Ute</b>		Yes	No
<input type="checkbox"/>	Is your area of potential effect impacting a subirrigated meadow on floodplain and lower stream terraces along Niobrara River?	<input type="checkbox"/>	<input type="checkbox"/>

**NOTES:**

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## Federal Species Matrix Nebraska

Practice Name	Practice Code	Descriptive modifier	Part of 2001 Platte River Depletions Programmatic Consultation	Beetle, American burying	Beetle, salt creek tiger	Beetle, salt creek tiger (Critical Habitat)	Crane, whooping	Crane, whooping (Critical Habitat)	Ferret, black-footed	Mussel, Scaleshell	Plover, Mountain	Plover, piping and Tern, interior least	Shiner, Topeka	Shiner, Topeka (Critical Habitat)	Sturgeon, pallid and shovelnose	Butterfly plant, Colorado	Penstemon, blowout	Orchid, western prairie fringed	Ladies'-tresses, Ute	Practice Code
Access Control (Ac)	472			NLAA-Ben	MA	NLAA-Ben:CC1	MA	MA	NLAA-Ben:CC1	NLAA-Ben	NE	NE	NLAA-Ben	NLAA-Ben	NLAA-Ben	NLAA-Ben	MA	NLAA-Ben	NLAA-Ben	472
Access Road (Ft)	560			MA	MA	MA	MA	MA	MA	MA	MA	MA	MA	MA	MA	MA	MA	MA	MA	560
Amendments for Treatment of Agricultural Waste (AU)	591	secondary practice																		591
Anaerobic Digester - Ambient Temperature (No.)	365	secondary practice																		365
Anaerobic Digester - Controlled Temperature (No.)	366	secondary practice																		366
Anionic Polyacrylamide (PAM) Erosion Control (Ac)	450	secondary cropland practice																		450
Brush Management (Ac)	314			NLAA-Ben:CC2	MA	NLAA-Ben:CC3	NLAA-Ben:CC3	NLAA-Ben:CC2	MA	MA	NE-Ben	NLAA-Ben:CC1	MA	MA	NLAA-Ben	MA	NE	NLAA-Ben:CC1&2	NLAA-Ben:CC1&2	314
Channel Bank Vegetation (Ac)	322	riparian/wetland practice		NLAA-Ben:CC2&3	MA	NLAA-Ben:CC	NLAA-Ben:CC	MA	NE	NLAA-Ben	NE	MA	MA	MA	MA	MA	NE	NLAA-Ben:CC1	NLAA-Ben:CC1	322
Clearing and Snagging (Ft)	326	riparian/wetland practice		NE	MA	NLAA-Ben:CC	NLAA-Ben:CC	MA	NE	MA	NE	MA	MA	MA	MA	MA	NE	NLAA-Ben:CC1	NLAA-Ben:CC1	326
Closure of Waste Impoundments (No)	360	secondary headquarter practice																		360
Conservation Cover (Ac)	327			NE	NA	NLAA-Ben	NLAA-Ben	NLAA-Ben:CC5	NE	NLAA-Ben	NE-IBD:CC2	NE	NLAA-Ben	NLAA-Ben	NLAA-Ben	NE	NE	NE	NE	327
Conservation Crop Rotation (Ac)	328	cropland practice		NE	NLAA-Ben	NLAA-Ben	NE	NE	NE	NLAA-Ben	NE	NE	NLAA-Ben	NLAA-Ben	NLAA-Ben	NE	NE	NE	NE	328
Contour Buffer Strips (Ac)	332	cropland practice		NE	NLAA-Ben	NLAA-Ben	NE	NE	NE	NLAA-Ben	NE	NE	NLAA-Ben	NLAA-Ben	NLAA-Ben	NE	NE	NE	NE	332
Contour Farming (Ac)	330	cropland practice		NE	NLAA-Ben	NLAA-Ben	NE	NE	NE	NLAA-Ben	NE	NE	NLAA-Ben	NLAA-Ben	NLAA-Ben	NE	NE	NE	NE	330
Cover Crop (Ac)	340	cropland practice		NE	NLAA-Ben	NLAA-Ben	NE	NE	NE	NLAA-Ben	NE	NE	NLAA-Ben	NLAA-Ben	NLAA-Ben	NE	NE	NE	NE	340
Critical Area Planting (Ac)	342			NE unless CC1 then NLAA-IBD:CC2&3	MA	NLAA-Ben	NLAA-Ben	NLAA-IBD:CC5	NLAA-IBD:CC2	NLAA-IBD	NE	MA	MA	MA	MA	MA	MA	NLAA-IBD:CC1	NLAA-IBD:CC1	342
Cross Wind Ridges (Ac)	588	cropland practice		NE	NA	NA	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	588
Cross Wind Trap Strips (Ac)	589C	cropland practice		NE	NA	NA	NA	NA	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	589C
Dam, Diversion (Ft)	348			NLAA-IBD:CC	MA	MA	MA	MA	MA	MA	NE-IBD:CC1	MA	MA	MA	MA	MA	NE	MA	MA	348
Dam, Floodwater Retarding (No. and Ac/Ft)	402		YES	NLAA-IBD:CC	MA	MA	MA	MA	MA	MA	NE-IBD:CC1	MA	MA	MA	MA	MA	NE	MA	MA	402
Dam, Multiple Purpose (No)	349		YES	NLAA-IBD:CC	MA	MA	MA	MA	MA	MA	NE-IBD:CC1	MA	MA	MA	MA	MA	NE	MA	MA	349
Deep Tillage (Ac)	324	cropland practice		NE	NE	NE	NE	NE	NE	NE	NE-IBD:CC1	NE	NE	NE	NE	NE	NE	NE	NE	324
Dike (Ft)	356		YES	NLAA-IBD:CC	MA	MA	MA	MA	MA	MA	NE-IBD:CC1	MA	MA	MA	MA	MA	NE	MA	MA	356
Diversion (Ft)	362		YES	NLAA-IBD:CC	MA	MA	MA	MA	MA	MA	NE-IBD:CC1	MA	MA	MA	MA	MA	NE	MA	MA	362
Dry Hydrant (Each)	432	secondary pond practice																		432
Early Successional Habitat Development/Management (Ac)	647			NLAA-Ben:CC4	MA	MA	NLAA-IBD	NLAA-IBD:CC&2 or 3	MA	NE	NE-Ben:CC1	NLAA-IBD:CC1	NE	NE	NE	MA	MA	NLAA-IBD:CC4	NLAA-IBD:CC4	647
Fence (Ft)	382			NLAA-IBD	NLAA-IBD:CC1	NLAA-IBD:CC1	NLAA-IBD:CC2 or 3	NLAA-IBD:CC2 or 3	NE	NE	NE	NE	NE	NE	NE	NLAA-IBD:CC1&2	NE	NLAA-IBD:CC1&2	NLAA-IBD:CC1&2	382
Field Border (Ft)	386	cropland practice		NE	NLAA-Ben:CC2	NLAA-Ben:CC2	NE	NLAA-IBD:CC5	NE	NLAA-Ben	NE	NLAA-Ben:CC1	NLAA-Ben	NLAA-Ben	NLAA-Ben:CC3	NE	NE	NLAA-Ben:CC3	NLAA-Ben:CC3	386
Filter Strip (Ac)	393	cropland practice		NE	NLAA-Ben:CC2	NLAA-Ben:CC2	NE	NLAA-IBD:CC5	NE	NLAA-Ben	NE	NLAA-Ben:CC1	NLAA-Ben	NLAA-Ben	NLAA-Ben:CC3	NE	NE	NLAA-Ben:CC3	NLAA-Ben:CC3	393
Firebreak (Ft)	394			NLAA-IBD:CC	MA	MA	NLAA-IBD:CC2 or 3	NLAA-IBD:CC2 or 3	NE	NE	NE-IBD:CC1	NLAA-IBD:CC1	NE	NE	MA	MA	NE	NLAA-IBD:CC1,2&4	NLAA-IBD:CC1,2&4	394
Fish Passage (Mi)	396	riparian/wetland practice		NLAA-IBD:CC	MA	MA	NLAA-IBD:CC2 or 3	NLAA-IBD:CC2 or 3	NE	MA	NE	NLAA-Ben:CC1	MA	MA	MA	MA	NE	NLAA-IBD:CC1	NLAA-IBD:CC1	396
Fishpond Management (Ac)	399	riparian/wetland practice		NE	MA	MA	NLAA-IBD:CC2 or 3	NLAA-IBD:CC2 or 3	NE	MA	NE	NLAA-IBD:CC1	MA	MA	MA	MA	NE	NE	NE	399
Forage Harvest Management (Ac)	511			NLAA-IBD	NLAA-IBD	NLAA-IBD	NE	NLAA-Ben	NE	NE	NE-Ben	NE	NE	NE	NE	NLAA-IBD	NE	NLAA-Ben:CC5, NLAA-IBD:CC6	NLAA-IBD:CC6	511
Forest Stand Improvement (Ac)	666			NLAA-IBD:CC 2	NA	NA	NLAA-IBD:CC2 or 3	NLAA-IBD:CC2 or 3	NE	NE	NE	NLAA-IBD:CC1	NE	NE	NE	NE	NE	NE	NE	666
Grade Stabilization Structure (No)	410		YES	NLAA-IBD:CC	MA	MA	NLAA-IBD:CC2 or 3	NLAA-IBD:CC2 or 3	MA	NLAA-Ben:CC1	NE-IBD:CC1	NLAA-IBD:CC1	NLAA-Ben:CC1	MA	NLAA-Ben:CC1	MA	NE	MA	MA	410
Grassed Waterway (Ac)	412	cropland practice		NLAA-IBD	NLAA-Ben:CC2	NLAA-Ben:CC2	NLAA-IBD:CC2 or 3	NLAA-IBD:CC4 & 2 or 3	NE	NLAA-Ben	NE-IBD:CC1	NLAA-Ben:CC1	NLAA-Ben	NLAA-Ben	NLAA-Ben	MA	NE	NLAA-Ben:CC1&3	NLAA-Ben:CC1&3	412

NE - No Effect  
NLAA - Not Likely to Adversely Affect  
I and D - Insignificant and/or Discountable  
Ben - Beneficial  
MA - May affect  
CC - Conservation Condition. If CC(s) listed it MUST be implemented OR action MA

## Federal Species Matrix Nebraska

Practice Name	Practice Code	Descriptive modifier	Part of 2001 Platte River Depletions Programmatic Consultation	Beetle, American burying	Beetle, salt creek tiger	Beetle, salt creek tiger (Critical Habitat)	Crane, whooping	Crane, whooping (Critical Habitat)	Ferret, black-footed	Mussel, Scaleshell	Plover, Mountain	Plover, piping and Tern, interior least	Shiner, Topeka	Shiner, Topeka (Critical Habitat)	Sturgeon, pallid and shovelnose	Butterfly plant, Colorado	Penstemon, blowout	Orchid, western prairie fringed	Ladies'-tresses, Ute	Practice Code
Herbaceous Wind Barriers (Ft)	603	cropland practice		NE	NA	NA	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	603
Herbaceous Weed Control (Ac)	315			NLAA-Ben	NLAA-Ben:CC3	NLAA-Ben:CC3	NE	NLAA-Ben:CC2 or 3	NE	NLAA-Ben	NE	NLAA-Ben:CC2, NE	NLAA-Ben	NLAA-Ben	NLAA-Ben	NLAA-Ben:CC4	NLAA-I&D	NLAA-I&D:CC1	NLAA-I&D:CC1	595
Integrated Pest Management (Ac)	595			NLAA-Ben	NLAA-Ben:CC3	NLAA-Ben:CC3	NE	NLAA-Ben:CC2 or 3	NE	NLAA-Ben	NE	NLAA-Ben:CC2, NE	NLAA-Ben	NLAA-Ben	NLAA-Ben	NLAA-Ben:CC4	NLAA-I&D	NLAA-I&D:CC1	NLAA-I&D:CC1	595
Irrigation Canal or Lateral (Ft)	320			NLAA-I&D:CC 2&3	MA	MA	3	NLAA-I&D:CC2 or 3	MA	MA	NE-I&D:CC1	NLAA-I&D:CC1	MA	MA	MA		NE	NLAA-I&D:CC1	NLAA-I&D:CC1	320
Irrigation Field Ditch (Ft)	388			NLAA-I&D:CC 2&3	MA	MA	3	NLAA-I&D:CC2 or 3	MA	NE	NE-I&D:CC1	NLAA-I&D:CC1	NE	NE	NE	MA	NE	NLAA-I&D:CC1	NLAA-I&D:CC1	388
Irrigation Land Leveling (Ac)	464	secondary practice																		464
Irrigation Regulating Reservoir (No)	552		YES	NLAA-I&D:CC 2&3	MA	MA	MA	MA	MA	MA	NE-I&D:CC1	NLAA-I&D:CC1	MA	MA	MA	MA	NE	MA	MA	552
Irrigation Storage Reservoir (No. and Ac/Ft)	436		YES	NLAA-I&D:CC 2&3	MA	MA	MA	MA	MA	MA	NE-I&D:CC1	NLAA-I&D:CC1	MA	MA	MA	MA	NE	MA	MA	436
Irrigation System Micro Irrigation (No. and Ac)	441			NE	MA	MA	3	NLAA-I&D:CC2 or 3	MA	NE	NE	NLAA-I&D:CC1	NE	NE	NE	NE	NE	NE	NE	441
Irrigation System (No & Ac) Sprinkler	442			NE	MA	MA	3	NLAA-I&D:CC2 or 3	MA	NE	NE	NLAA-I&D:CC1	NE	NE	NE	NE	NE	NE	NE	442
Irrigation System (No. and Ac) Surface and Subsurface	443			NE	MA	MA	3	NLAA-I&D:CC2 or 3	MA	NE	NE	NLAA-I&D:CC1	NE	NE	NE	NE	NE	NE	NE	443
Irrigation System, Tailwater Recovery (No)	447	secondary practice																		447
Irrigation Water Conveyance (Ft) Ditch and Canal Lining, Plain Concrete	428-A	NE		NLAA-I&D:CC 2&3	MA	MA	NE	NE	NE	NE	NE-I&D:CC1	NLAA-I&D:CC1	NE	NE	NE	MA	NE	NLAA-I&D:CC1	NLAA-I&D:CC1	428-A
Irrigation Water Conveyance Pipeline (Ft) Nonreinforced Concrete	430-CC	NE		2&3	MA	MA	NE	NE	NE	NE	NE-I&D:CC1	NLAA-I&D:CC1	NE	NE	NE	MA	NE	NLAA-I&D:CC1	NLAA-I&D:CC1	430-CC
Irrigation Water Conveyance Pipeline (Ft) High-Pressure, Underground Plastic Pipeline	430-DD	NE		2&3	MA	MA	NE	NE	NE	NE	NE-I&D:CC1	NLAA-I&D:CC1	NE	NE	NE	MA	NE	NLAA-I&D:CC1	NLAA-I&D:CC1	430-DD
Irrigation Water Conveyance Pipeline (Ft) Low-Pressure, Underground Plastic Pipeline	430-EE			2&3	MA	MA	3	NLAA-I&D:CC2 or 3	MA	NE	NE-I&D:CC1	NLAA-I&D:CC1	NE	NE	NE	MA	NE	NLAA-I&D:CC1	NLAA-I&D:CC1	430-EE
Irrigation Water Conveyance Pipeline (Ft) Steel	430-FF			2&3	MA	MA	3	NLAA-I&D:CC2 or 3	MA	NE	NE-I&D:CC1	NLAA-I&D:CC1	NE	NE	NE	MA	NE	NLAA-I&D:CC1	NLAA-I&D:CC1	430-FF
Irrigation Water Management (Ac)	449			NE	MA	MA	3	NLAA-I&D:CC2 or 3	MA	NLAA-Ben	NE	NE	NLAA-Ben	NLAA-Ben	NE	NE	NE	NE	NE	449
Lined Waterway or Outlet (Ft)	468	secondary practice																		468
Manure Transfer (No)	634	headquarter practice		NE	NA	NA	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	634
Mulching (Ac)	484	secondary practice																		484
Nutrient Management (Ac)	590			NE	NLAA-Ben	NLAA-Ben	NE	NE	NE	NLAA-Ben	NE	NE	NLAA-Ben	NLAA-Ben	NE	NE	NE	NLAA-I&D	NLAA-I&D	590
Obstruction Removal (Ac)	500			2&3	MA	MA	3	NLAA-I&D:CC2 or 3	NLAA-Ben:CC2	NE	NE-I&D:CC1	NLAA-I&D:CC1, MA	NE	NE	NE	MA	MA	NLAA-I&D:CC1	NLAA-I&D:CC1	500
Open Channel (Ft)	582			2&3	MA	MA	3	NLAA-I&D:CC2 or 3	MA	MA	NE-I&D:CC1	NLAA-I&D:CC1, MA	MA	MA	MA	MA	NE	NLAA-I&D:CC1	NLAA-I&D:CC1	582
Pasture and Hay Planting (Ac)	512	may be renovation		2&3	NLAA-Ben:CC2	NLAA-Ben:CC2	NE	NLAA-I&D:CC4	NLAA-Ben:CC2	NLAA-Ben	NE-I&D:CC1	NE	NLAA-Ben	NLAA-I&D	NLAA-Ben	NLAA-Ben:CC3 or 4	NE	NLAA-Ben:CC3&4	NLAA-Ben:CC3&4	512
Pipeline (Ft)	516			NLAA-I&D:CC5	MA	MA	3	NLAA-I&D:CC2 or 3	MA	MA	NE-I&D:CC1	NLAA-I&D:CC1, MA	MA	MA	MA	MA	NLAA-I&D:CC1	NLAA-I&D:CC1	NLAA-I&D:CC1	516
Pond (No)	378	riparian/wetland practice	YES	NLAA-I&D:CC 2&3	MA	MA	3	NLAA-I&D:CC2 or 3	NE	MA	NE-I&D:CC1	MA	MA	MA	MA	MA	NE	MA	MA	378
Pond Sealing or Lining Bentonite Sealant	521-C	secondary practice																		521-C
Pond Sealing or Lining Compacted Clay Treatment	521-D	secondary practice																		521-D
Pond Sealing or Lining Flexible Membrane	521-A	secondary practice																		521-A
Pond Sealing or Lining Soil Dispersant	521-B	secondary practice																		521-B
Prescribed Burning (Ac)	338			NLAA-Ben:CC6	MA	MA	3	NLAA-I&D:CC2 or 3	NLAA-Ben	NLAA-I&D:CC1	NE-Ben	NLAA-I&D:CC1	NLAA-I&D:CC1	NLAA-I&D:CC1	NLAA-Ben	NLAA-Ben:CC4	NE	NLAA-Ben:CC7	NLAA-Ben:CC7	338
Prescribed Grazing (Ac)	528			NLAA-Ben	MA	MA	NE	NLAA-Ben	NLAA-Ben	NLAA-Ben	NE-Ben	NLAA-Ben:CC2 or 3	NLAA-Ben	NLAA-Ben	NLAA-Ben	NLAA-I&D	NE	NLAA-Ben:CC5	NLAA-Ben:CC5	528

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## Federal Species Matrix Nebraska

Practice Name	Practice Code	Descriptive modifier	Part of 2001 Platte River Depletions Programmatic Consultation	Beetle, American burying	Beetle, salt creek tiger	Beetle, salt creek tiger (Critical Habitat)	Crane, whooping	Crane, whooping (Critical Habitat)	Ferret, black-footed	Mussel, Scaleshell	Plover, Mountain	Plover, piping and Tern, interior least	Shiner, Topeka	Shiner, Topeka (Critical Habitat)	Sturgeon, pallid and shovelnose	Butterfly plant, Colorado	Penstemon, blowout	Orchid, western prairie fringed	Ladies'-tresses, Ute	Practice Code
Pumping Plant (No)	533	secondary practice																		533
Range Planting (Ac)	550			NLAA-Ben If CC4 otherwise NLAA-I&D	NLAA-Ben:CC2	NLAA-Ben:CC2	NE	NLAA-Ben	NLAA-Ben:CC2	NLAA-Ben	NE-I&D:CC1	NE	NLAA-Ben	NLAA-Ben	NLAA-Ben	NLAA-Ben:CC4	MA	NLAA-Ben:CC4	NLAA-Ben:CC4	550
Residue and Tillage Management, No-Till/Strip Till/Direct Seed (Ac)	329	secondary cropland practice									NE		NLAA-Ben	NLAA-Ben	NLAA-Ben					329
Residue and Tillage Management, Mulch Till (Ac)	345	secondary cropland practice									NE									345
Residue and Tillage Management, Ridge Till (Ac)	346	secondary cropland practice																		346
Residue Management, Seasonal (Ac)	344	secondary cropland practice																		344
Restoration and Management of Rare or Declining Habitats (Ac)	643			NLAA-Ben If CC4 otherwise NLAA-I&D	NLAA-Ben:CC2	NLAA-Ben:CC2	NE	NLAA-Ben	NLAA-Ben:CC2	NLAA-Ben	NE-I&D:CC1	NE	NLAA-Ben	NLAA-Ben	NLAA-Ben	NLAA-Ben:CC4	MA	NLAA-Ben:CC4	NLAA-Ben:CC4	643
Riparian Forest Buffer (Ac)	391	riparian/wetland practice		NLAA-I&D:CC1 then 3 or 4	MA	MA	NLAA-I&D:CC5 & 2 or 3	MA	NE	NLAA-Ben	NE	NLAA-Ben:CC1	NLAA-Ben	NLAA-Ben	NLAA-Ben	MA	NE	NLAA-I&D:CC1	NLAA-I&D:CC1	391
Riparian Herbaceous Cover (Ac)	390	riparian/wetland practice		NLAA-Ben If CC4 otherwise NLAA-I&D	NLAA-Ben:CC2	NLAA-Ben:CC2	NLAA-Ben:CC 4	NLAA-Ben:CC4	NE	NLAA-Ben	NE	NLAA-Ben:CC1	NLAA-Ben	NLAA-Ben	NLAA-Ben	NLAA-Ben:CC4	NE	NLAA-Ben:CC1&4	NLAA-Ben:CC1&4	390
Row Arrangement (Ac)	557	secondary cropland practice																		557
Salinity and Sodic Soil Management (Ac)	610	cropland practice		NE	MA	MA	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	610
Sediment Basin (No)	350	may be urban		NLAA-I&D:CC 2&3	NLAA-I&D:CC4	NLAA-I&D:CC4	NLAA-I&D:CC2 or 3	MA	MA	NLAA-Ben	NE-I&D:CC1	NE	NLAA-Ben	NLAA-Ben	NLAA-Ben	MA	NE	MA	MA	350
Solid/Liquid Waste Separation Facility (No)	632	secondary practice																		632
Spring Development (No)	574			NLAA-I&D:CC 2&3	MA	MA	NLAA-I&D:CC2 or 3	MA	MA	NE	NE-I&D:CC1	NE	MA	MA	NE	MA	NE	MA	MA	574
Stream Channel Stabilization (Ft)	584	riparian/wetland practice		NLAA-I&D:CC 2&3	MA	MA	NLAA-I&D:CC5 & 2 or 3	MA	NE	MA	NE	MA	MA	MA	MA	MA	NE	NLAA-I&D:CC1 or 2	NLAA-I&D:CC1 or 2	584
Stream Crossing (Ft)	578	riparian/wetland practice		NLAA-I&D:CC 2&3	MA	MA	NLAA-I&D:CC5 & 2 or 3	MA	NE	MA	NE	NLAA-I&D:CC1, MA	MA	MA	MA	MA	NE	NLAA-I&D:CC1 or 2	NLAA-I&D:CC1 or 2	578
Stream Habitat Improvement and Management (Ac)	395	riparian/wetland practice		NLAA-I&D:CC 2&3	MA	MA	NLAA-I&D:CC2 or 3	MA	NE	MA	NE	MA	MA	MA	MA	MA	NE	NLAA-I&D:CC1 or 2	NLAA-I&D:CC1 or 2	395
Streambank and Shoreline Protection (Ft)	580	riparian/wetland practice		NLAA-I&D:CC 2&3	MA	MA	NLAA-I&D:CC5 & 2 or 3	MA	NE	MA	NE	MA	MA	MA	MA	MA	NE	NLAA-I&D:CC1 or 2	NLAA-I&D:CC1 or 2	580
Stripcropping (Ac)	585	secondary cropland practice								NLAA-Ben	NE		NLAA-Ben	NLAA-Ben	NLAA-Ben					585
Structure for Water Control (No)	587	secondary practice																		587
Subsurface Drain (Ft)	606			NLAA-I&D:CC 2&3	MA	MA	NLAA-I&D:CC2 or 3	MA	MA	NLAA-Ben:CC2	NE-I&D:CC1	NLAA-I&D:CC1	NLAA-Ben:CC2	NLAA-Ben:CC2	NLAA-Ben:CC2	MA	NE	MA	MA	606
Surface Drainage Field Ditch (Ft)	607			NLAA-I&D:CC 2&3	MA	MA	NLAA-I&D:CC2 or 3	MA	MA	MA	NE-I&D:CC1	NLAA-I&D:CC1	MA	MA	MA	MA	NE	MA	MA	607
Surface Drainage Main or Lateral (Ft)	608			NLAA-I&D:CC 2&3	MA	MA	NLAA-I&D:CC2 or 3	MA	MA	MA	NE-I&D:CC1	NLAA-I&D:CC1	MA	MA	MA	MA	NE	MA	MA	608
Surface Roughening (Ac)	609	cropland practice		NE	MA	MA	NE	NE	NE	NE	NE-I&D:CC1	NE	NE	NE	NE	NE	NE	NE	NE	609
Terrace (Ft)	600	cropland practice		NE	NLAA-I&D:CC4	NLAA-I&D:CC4	NLAA-I&D:CC2 or 3	MA	NE	NLAA-Ben	NE-I&D:CC1	NE	NLAA-Ben	NLAA-Ben	NLAA-Ben	NE	NE	NE	NE	600
Tree/Shrub Establishment (Ac)	612			NLAA-I&D:CC1 then 3 or 4	MA	MA	NLAA-I&D:CC2 or 3	MA	MA	NLAA-Ben	NE-I&D:CC2	NLAA-I&D:CC1&3	NLAA-Ben	NLAA-Ben	NLAA-Ben	MA	MA	NLAA-I&D:CC1	NLAA-I&D:CC1	612
Tree/Shrub Pruning (Ac)	660			NLAA-Ben	NE	NE	NE	NLAA-I&D:CC2 or 3	NE	NE	NE	NLAA-I&D:CC1	NE	NE	NE	NE	NE	NE	NE	660
Underground Outlet (Ft)	620			NLAA-I&D:CC 2&3	NLAA-I&D:CC4	NLAA-I&D:CC4	NLAA-I&D:CC2 or 3	MA	MA	NLAA-Ben:CC2	NE-I&D:CC1	NLAA-I&D:CC1	NLAA-Ben:CC2	NLAA-Ben:CC2	NLAA-Ben:CC2	MA	NE	MA	MA	620
Upland Wildlife Habitat Management (Ac)	645			NLAA-Ben If CC4 otherwise NLAA-I&D	MA	MA	NLAA-I&D:CC2 or 3	MA	NLAA-Ben:3	NLAA-Ben	NE-Ben	NLAA-Ben:CC1	NLAA-Ben	NLAA-Ben	NLAA-Ben	NLAA-Ben:CC1,3&4	MA	NLAA-Ben:CC1,3&4	NLAA-Ben:CC1,3&4	645
Vegetated Treatment Area (635)	635			NLAA-I&D:CC 2&3	MA	MA	NLAA-I&D:CC2 or 3	MA	MA	MA	NE-I&D:CC1	NE	MA	MA	MA	MA	NE	MA	MA	635

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## Federal Species Matrix Nebraska

Practice Name	Practice Code	Descriptive modifier	Part of 2001 Platte River Depletions Programmatic Consultation	Beetle, American burying	Beetle, salt creek tiger	Beetle, salt creek tiger (Critical Habitat)	Crane, whooping	Crane, whooping (Critical Habitat)	Ferret, black-footed	Mussel, Scaleshell	Plover, Mountain	Plover, piping and Tern, interior least	Shiner, Topeka	Shiner, Topeka (Critical Habitat)	Sturgeon, pallid and shovelnose	Butterfly plant, Colorado	Penstemon, blowout	Orchid, western prairie fringed	Ladies'-tresses, Ute	Practice Code
Waste Facility Cover (No)	367	secondary practice																		367
Waste Storage Facility (No)	313			NLAA-I&D;CC 2&3	MA	MA	NLAA-I&D;CC2 or 3	MA	MA	MA	NE-I&D;CC1	NE	NLAA-I&D;CC3	MA	MA	MA	NE	MA	MA	313
Waste Treatment Lagoon (No)	359			NLAA-I&D;CC 2&3	MA	MA	NLAA-I&D;CC2 or 3	MA	MA	MA	NE-I&D;CC1	NE	NLAA-I&D;CC3	MA	MA	MA	NE	MA	MA	359
Waste Utilization (Ac)	633			NLAA-I&D	NLAA-Ben	NLAA-Ben	NE	NE	NE	NLAA-Ben	NE	NE	NLAA-Ben	NLAA-Ben	NLAA-Ben	NE	NE	NE	NE	633
Water and Sediment Control Basin (No)	638	cropland practice		NLAA-I&D;CC 2&3	NLAA-I&D;CC4	NLAA-I&D;CC4	NLAA-I&D;CC2 or 3	MA	NE	NLAA-Ben	NE-I&D;CC1	NE	NLAA-Ben	MA	NLAA-Ben	MA	NE	MA	MA	638
Water-Harvesting Catchment (No)	636			NLAA-I&D;CC 2&3	MA	MA	NLAA-I&D;CC2 or 3	MA	MA	MA	NE-I&D;CC1	NE	MA	MA	MA	MA	NE	MA	MA	636
Water Well (No)	642			NLAA-I&D;CC 2&3	MA	MA	NLAA-I&D;CC2 or 3	MA	NLAA-I&D;CC2	NE	NE-I&D;CC1	NLAA-I&D;CC1	NLAA-I&D;CC4	MA	NE	MA	NE	NLAA-I&D;CC1 or CC2	NLAA-I&D;CC1 or CC2	642
Watering Facility (No)	614			NLAA-I&D;CC 2&3	MA	MA	NLAA-I&D;CC2 or 3	MA	NLAA-Ben;CC2	NE	NE-I&D;CC1	NLAA-I&D;CC1	NE	MA	NE	MA	MA	NLAA-I&D;CC1&8	NLAA-I&D;CC1&8	614
Waterspreading (Ac)	640			NE	MA	MA	NE	NE	NE	NE	NE	NE	NE	NE	NE	MA	NE	NLAA-Ben	NLAA-Ben	640
Well Decommissioning (No)	351			NLAA-I&D;CC 2&3	MA	MA	NLAA-I&D;CC2 or 3	MA	NLAA-I&D;CC2	NE	NE-I&D;CC1	NLAA-I&D;CC1	NE	NE	NE	MA	NE	NLAA-I&D;CC1 or CC2	NLAA-I&D;CC1 or CC2	351
Wetland Creation (Ac)	658	riparian/wetland practice	YES	NLAA-I&D;CC 2&3	MA	MA	NLAA-I&D;CC2 or 3	MA	NE	MA	NE-I&D;CC1	MA	MA	MA	MA	MA	NE	MA	MA	658
Wetland Enhancement (Ac)	659	riparian/wetland practice	YES	NLAA-I&D;CC 2&3	MA	MA	NLAA-I&D;CC2 or 3	MA	NE	MA	NE	MA	MA	MA	MA	MA	NE	MA	MA	659
Wetland Restoration (Ac)	657	riparian/wetland practice		NLAA-I&D;CC 2&3	MA	MA	NLAA-I&D;CC2 or 3	MA	NE	MA	NE	NLAA-Ben;CC1	NLAA-Ben	MA	MA	MA	NE	MA	MA	657
Wetland Wildlife Habitat Mgt. (Ac)	644	riparian/wetland practice		NLAA-Ben If CC4 otherwise NLAA-I&D	MA	MA	NLAA-I&D;CC2 or 3	MA	NE	NLAA-Ben	NE	NLAA-Ben;CC1	NLAA-Ben	NLAA-Ben	NLAA-Ben	NLAA-Ben;CC1,3&4	NE	NLAA-Ben;CC1,3&4	NLAA-Ben;CC1,3&4	644
Windbreak/Shelterbelt Renovation (Ft)	650			NLAA-I&D;CC 2&3	MA	MA	NLAA-I&D;CC2 or 3	NLAA-I&D;CC2 or 3	NE	NE	NE	NLAA-I&D;CC1	NE	NE	NE	NLAA;CC2	MA	NLAA;CC2	NLAA;CC2	650
Windbreak/Shelterbelt Establishment (Ft)	380			NLAA-I&D;If CC1 then 3 or 4	MA	MA	NLAA-I&D;CC2 or 3	MA	MA	NE	NE-I&D;CC2	NLAA-I&D;CC1&3	NE	NE	NE	MA	MA	NLAA-I&D;CC1	NLAA-I&D;CC1	380

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# **Federally Listed Species Conservation Conditions (CC)**

To implement the practice under this programmatic consultation process the CC's shall be implemented once the Nebraska Matrix process identifies the need to do so. If it is believed that the CC's can not be followed then contact the State Wildlife Biologist or State Environmental Specialist and there may be the need to perform an individual consultation. Following is a list of the CC's that are utilized with the matrix to offset possible impacts.

NOTE: Remember that the Species Matrix and associated findings and any associated Conservation Condition only apply to species that have been identified by the Species Evaluation Parameters as having a "yes" answer to indicate a planning concern exists. For those pertinent species use the Species Matrix to identify the status of impacts for the individual practice being implemented.

## **ANIMALS**

### **Beetle, American burying:**

1. Ground disturbance
2. On sandy soils avoid work from July 1st thru August 7th.
3. If project to be implemented from July 1 thru September 1 then before June 15th first remove carrion in area of ground disturbance then mow vegetation to <8 inches in height and implement resource supplementation efforts. Conditions must be maintained until project completed.

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If implemented from September 1 thru April 1 then before August 15th first remove carrion in area of ground disturbance then mow vegetation to <8 inches in height and implement resource supplementation efforts. Conditions must be maintained until project completed.

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If project to be implemented from April 1 thru July 1 then 2 weeks prior to construction first remove carrion in area of ground disturbance then mow vegetation to <8 inches in height and conditions must be maintained until project completed. Also implement resource supplementation efforts until October 1st.
4. No ground disturbance May 1st thru September 1st.
5. Two weeks prior to construction first remove carrion in area of ground disturbance then mow vegetation to <8 inches in height.
6. No burning May 1st thru September 1st.

### **Beetle, salt creek tiger:**

1. No ground disturbance in occupied areas
2. Only native adapted species.
3. No insecticides
4. Terrace outlets do not divert or concentrate surface water flow in floodplain of saline wetlands and/or salt flats.

### **Ferret, black-footed**

1. Associated with deferred grazing to build fine fuel for prescribed burns.
2. Avoid burrows with heavy equipment
3. Maintain prairie dog town in short vegetation

### **Crane, whooping:**

1. Livestock exclusion for the purposes of vegetation management e.g to meet conservation program guidelines.
2. Survey according to protocol **AND** worktime must be within 10:00 a.m. - 4:00 p.m.
3. Management actions/activities would not be implemented during migration periods. (spring migration March 23 to May 10 and fall migration September 16 to November 16).
4. Native herbaceous species will be adapted
5. No work within the Plattes, Loups, Niobrara, or Elkhorn Rivers proper

### **Plover, mountain**

1. Avoid ground disturbance during nesting period (March 15 to June 15) or survey according to protocol.
2. Avoid planting on existing native grassland.

### **Plover, piping and**

### **Tern, interior least:**

1. Project would be implemented from September 1 to April 15 or conduct a survey according to protocol.
2. Activity suppresses invasive herbaceous vegetation
3. Low growing shrub habitat only and no planting on suitable nesting habitat (bare ground)

**Shiner, Topeka:**

1. Upland gully/erosion control
2. Stable outlet not directly impacting stream channel/bank
3. Located outside the topographic floodplain
4. Well must be located outside the cone of depression

**Sturgeon, pallid and  
Sturgeon, shovelnose:**

1. Upland gully/erosion control
2. Stable outlet not directly impacting stream channel/bank

**Mussel, Scaleshell:**

1. Upland gully/erosion control
2. Stable outlet not directly impacting stream channel/bank

## ***PLANTS***

**Orchid, western prairie fringed:**

1. Survey according to protocol required during flowering period (June 1 to July 15) prior to ground disturbing activities or broadcast herbicide application
2. Sheering activity conducted during non-growing season or no ground disturbance by heavy equipment or shaping.
3. No planting of introduced cool season grass (e.g. reed canarygrass, creeping foxtail) upstream from natively vegetated areas described in the Evaluation Parameters questions?
4. Shallow tillage (1-2 inches) or burndown herbicide with no residual may occur outside of growing season (April 15 - Oct 1).
5. Haying/grazing does not occur annually or occurs variably year to year during the growing season (April 15 - Oct 1) or occupied area is excluded.
6. If not previously hayed 3 out of 5 years then CC1.
7. Prescribed burning will not be conducted between May 15 and October 1.
8. Siting of water facility to avoid livestock concentration or trailing in occupied areas.

**Butterfly plant, Colorado:**

1. Survey according to protocol required during flowering period (July 1 to September 15) prior to ground disturbing activities or broadcast herbicide application
2. Sheering activity conducted during non-growing season or no ground disturbance by heavy equipment or shaping.
3. No planting of cool season grass (e.g. reed canarygrass, creeping foxtail) upstream from natively vegetated areas described in the Evaluation Parameters questions?
4. Shallow tillage (1-2 inches), prescribed burning, or burndown herbicide with no residual adjacent to occupied locations without effects to occupied area.

**Ladies'-tresses Ute:**

1. Survey according to protocol required during flowering period (June 1 to July 15) prior to ground disturbing activities or broadcast herbicide application
2. Sheering activity conducted during non-growing season or no ground disturbance by heavy equipment or shaping.
3. No planting of cool season grass (e.g. reed canarygrass, creeping foxtail) upstream from natively vegetated areas described in the Evaluation Parameters questions?
4. Shallow tillage (1-2 inches) or burndown herbicide with no residual may occur outside of growing season (April 15 - Oct 1).
5. Haying/grazing does not occur annually or occurs variably year to year during the growing season (April 15 - Oct 1) or occupied area is excluded.
6. If not previously hayed 3 out of 5 years then CC1.
7. Prescribed burning will not be conducted between May 15 and October 1.
8. Siting of water facility to avoid livestock concentration or trailing in occupied areas.

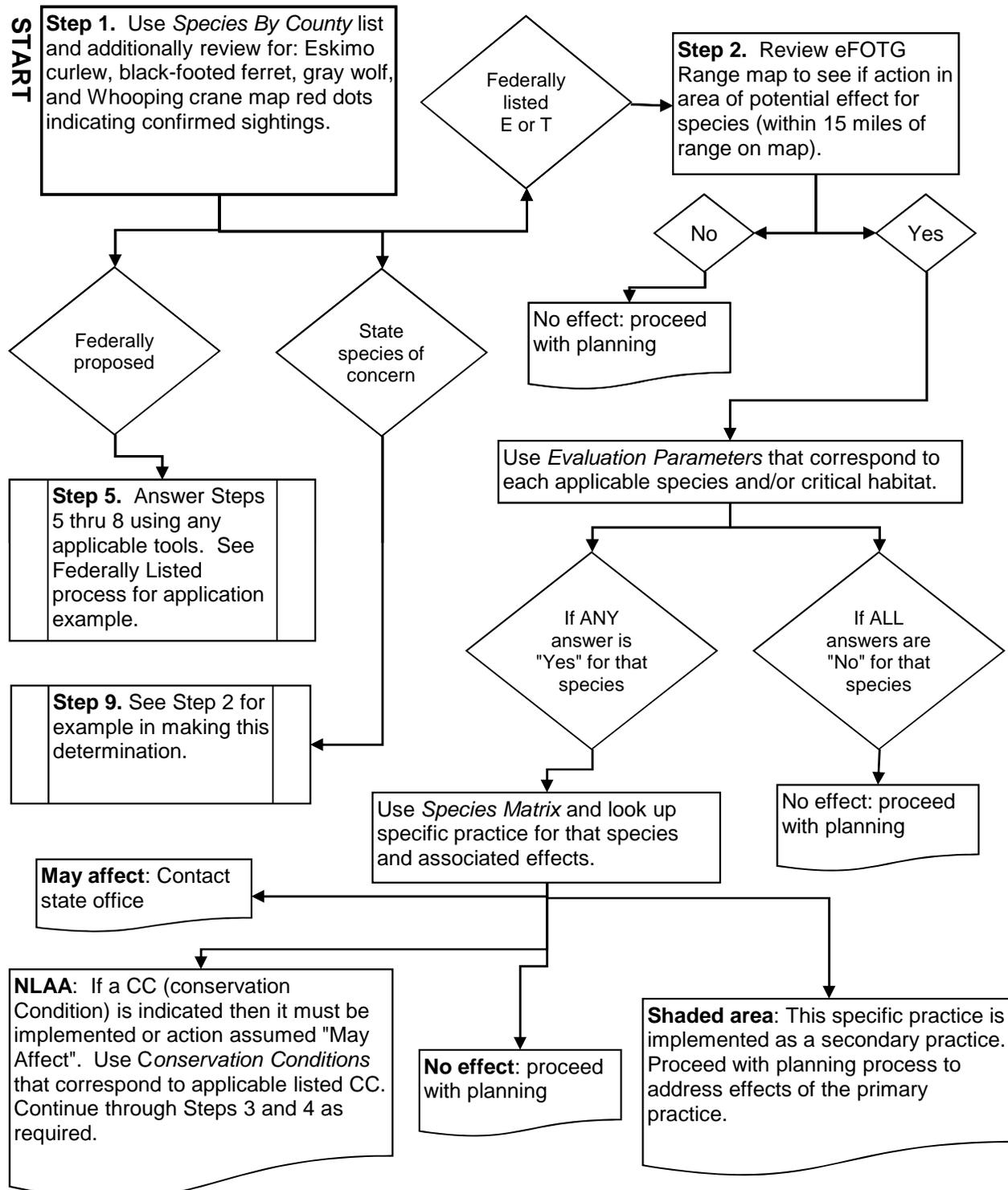
**Penstemon, blowout:**

1. Survey for presence/absence prior to ground disturbing activities or broadcast herbicide application. Preferably during flowering period (May 1 to June 30).

# Nebraska NRCS Endangered and Threatened Species Programmatic Consultation

## Process Flowchart

The below flowchart indicates the decision making process for completing the NE-CPA-52 Endangered and Threatened Species Guide Sheet and how it relates to the programmatic consultation. **Use the Guide Sheet for more detailed information regarding each step listed below and administrative actions/decisions needed.**



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<b>ENDANGERED AND THREATENED SPECIES</b> <b>(Required) NECH 610.26</b> <b>Evaluation Procedure Guide Sheet</b>	Client/Plan Information:
Check all that apply to this Guide Sheet review: <input type="checkbox"/> Alternative 1 <input type="checkbox"/> Alternative 2 <input type="checkbox"/> Other	

Refer to Section II of the FOTG for information pertaining to applicable species. If you are uncertain about the status of federally listed species or state or tribal species of concern then consult with the State Wildlife Biologist or Environmental Specialist. **If species listing/status changes prior to implementation, go back and analyze the affects in the appropriate section as dictated in Step 1. Use current range maps to further refine Species By County list to see proximity of APE to edge of range.**

**Utilize any Nebraska statewide specific programmatic consultations to assist in making your affects determination. A formally recognized programmatic consultation can direct you when a project may have no effect, may affect, or what mitigating actions (conservation conditions) may be taken so that affects are acceptable and the project may proceed without further consultation.**

**Note Regarding Candidate Species:** As per GM Title 190, Part 410.22, NRCS shall contact the Services, State agencies, and Tribal governments to identify Federal candidate, State and Tribal designated species, and NRCS actions which have the greatest potential to affect those species and their habitats. NRCS shall determine which candidate species and species of concern are to be considered during planning and implementation of NRCS actions. When NRCS concludes that a proposed action "may adversely affect" Federal candidate species, NRCS will recommend only alternative conservation treatments that will avoid adverse effects, and to the extent practicable, provide long-term benefit to the species. If the species becomes

**STEP 1.**

In the appropriate table below list any endangered or threatened species, designated critical habitat(s), proposed species/habitats, or state-listed species of concern present, or potentially present, in the area of potential effect. For species that must be considered during planning see eFOTG Section II and following paragraph.

See Nebraska NRCS Species By County: <http://efotg.nrcs.usda.gov>  
 Use Current Range Maps to further revue APE: [\(eFOTG Section II\)](#)

General species information can be found at [Nebraska's Natural Legacy Project](#)  
 eFOTG Section II and also the following links: [Nature Serve](#)

Four federally listed species that could potentially be found in Nebraska do not appear on any of the County lists: Eskimo curlew, black-footed ferret, scaleshell mussel, and gray wolf. If they are observed or believed to be present in the area then contact the State Wildlife Biologist.

If any of the species indicated on the *Nebraska NRCS Species By County* list are believed to be found in your APE but not listed for your County or area then contact the State Wildlife Biologist prior to further project planning. **Carefully review the Whooping crane map and note red dots indicating confirmed sightings that have occurred outside the migration corridor. If your APE is in proximity to a red dot you MUST review affects as if listed for the county.**

Species			
<b>Federally: endangered or threatened</b>			
	<b>Critical habitat</b>		

**Go to Step 2.**

Proposed Species			
<b>Federally: proposed</b>			
	<b>Proposed critical habitat</b>		

**Go to Step 5.**

Species of concern			
<b>State: species of concern</b>			

**Go to Step 9.**

After listing the pertinent species in the above tables then proceed to ALL the applicable Step(s) listed below to analyzed the affects of each species:

- For Federally listed **endangered or threatened** species or critical habitats. **Go to Step 2.**
- For Federally listed **proposed** species or proposed critical habitats. **Go to Step 5.**
- For **State listed species of concern.** **Go to Step 9.**

**Federally endangered or threatened species/habitats**

**STEP 2.**

What are the impacts (consider both short and long-term) of the proposed action or alternative on endangered or threatened species or their designated critical habitat?

For each planned practice/planning action, designate "No effect," May affect but "NLAA," or "May adversely affect," from the below definitions and place in the following table relative to each endangered or threatened species/critical habitats.

Use NE programmatic consultation Evaluation Parameters and Species Matrix for determination.

"No effect," additional evaluation is not needed. Document on the table and proceed with planning.

May affect but "NLAA" (Not Likely to Adversely Affect) Includes incidental, discountable, and beneficial effects. NLAA should only be used as directed by a Nebraska programmatic consultation (e.g. Species Matrix). Document below AND type in any required Conservation Conditions (CC), then go to Step 3. Without using a programmatic consultation this determination may require a site specific consultation with the USFWS. I&D = insignificant and/or discountable, Ben = beneficial.

"May affect". This requires a consultation with the USFWS. Modify the action if possible to avoid adverse effects and if action can be modified repeat Step 2. If action can not be modified, then notify the landowner that there may be Endangered Species Act concerns and then go to Step 3.

		Federal Species		Critical Habitat
Practice Codes:				

		Federal Species		Critical Habitat
Practice Codes:				

		Federal Species		Critical Habitat
Practice Codes:				

**Federally endangered or threatened species/habitats (continued)**

**STEP 3.**

Will a Federal agency other than NRCS provide funding or otherwise control implementation of the action?

- No If "No," go to Step 4.
- Yes If "Yes," ensure that potential adverse effects are avoided to the extent feasible, document and describe the effects on form NRCS-CPA-52. Include both short-term and long-term effects. Document the need for the lead Federal agency to consult (if listed species or habitat may be affected beneficially or adversely) with the FWS/NMFS Fisheries, as appropriate. Inform the client and continue planning. However, make the client aware that the action can not be implemented without first attaining the appropriate concurrence.

**STEP 4.**

Is NRCS providing financial assistance or otherwise controlling the action?

- No **If "No," and your answer in Step 2 was, "NLAA"** and there is no possibility of any short-term or long-term adverse effects then continue with planning but ensure the client is aware of the effects. The planning action only continues according to any applicable conservation conditions (*Landowner Agreement To Implement Conservation Conditions form*).
- No **If "No," and your answer in Step 2 was, "May affect,"** then inform the client of NRCS's policy concerning endangered and threatened species and the need to use alternative conservation treatments to avoid adverse effects on these species or their habitat. Further NRCS assistance will be provided only if one of the conservation alternatives is selected that avoids adverse effects (then repeat from Step 2) or the landowner obtains a "take" permit from the USFWS. Refer the client to USFWS to address their responsibilities under Sections 9 & 10 of the ESA, for Federally listed species.
- Yes **If "Yes," and your answer in Step 2 was "NLAA"** according to the programmatic consultation and there are any required conservation conditions indicated by the Species Matrix, then the action will only be implemented according to the terms of the consultation (*Landowner Agreement To Implement Conservation Conditions form*).  
If a NRCS programmatic consultation was not used then inform the client that the NRCS must consult on listed species with USFWS and only upon landowners' written consent (*Landowner Consent For Consultation/Conferencing form*). Contact the State Wildlife Biologist or Environmental Specialist to proceed with consultation. The action will only be implemented according to the terms of the consultation (*Landowner Agreement To Implement Conservation Conditions form*). When consultation is complete, reference or attach the consultation documents to form NE-CPA-52 and proceed with planning.
- Yes **If "Yes," and your answer in Step 2 was, " May affect,"** then inform the client that the NRCS must consult on listed species with USFWS and only upon landowners' written consent (*Landowner Consent For Consultation/Conferencing form*). Contact the State Wildlife Biologist or Environmental Specialist to proceed with consultation. The action will only be implemented according to the terms of the consultation (*Landowner Agreement To Implement Conservation Conditions form*). When consultation is complete, reference or attach the consultation documents to form NE-CPA-52 and proceed with planning.

**Notes for Federally endangered or threatened species/habitats:**

## Federally proposed species/habitats

For proposed species and their proposed critical habitats the action agency (NRCS) has the responsibility of determining that "activities will not jeopardize the continued existence of or destroy or adversely modify designated or proposed critical habitat for listed or proposed species" [190 GM Part 410.22(f)(5)(i)(B)]. Also see Chapter 6 in the ESA Section 7 Consultation Handbook for more information.

### STEP 5.

What are the short and long-term impacts of the proposed action or alternative on proposed species or their proposed critical habitat? If more than one may apply, then differentiate in the "Notes" section below.

- No adverse effect      If "No adverse effect," additional evaluation is not needed concerning proposed species or proposed critical habitat. Document finding, including the reasons for your determination on form NRCS-CPA-52 and proceed with planning.
- Potential adverse effect      If "Potential adverse effect," go to Step 6.

### STEP 6.

Will a Federal agency other than NRCS provide funding or otherwise control implementation of the action?

- No      If "No," go to Step 7.
- Yes      If "Yes," ensure that potential adverse effects that are likely to jeopardize the continued existence of the proposed species or destroy or adversely modify proposed critical habitat are avoided. Coordinate with the lead Federal agency and provide any assistance needed for them to make the required "jeopardy" determination. Document on form NRCS-CPA-52 the potential need for the lead Federal agency to conference with the FWS/NMFS Fisheries, as appropriate. Inform the client and continue planning. However, make the client aware that the action can not be implemented without first attaining the appropriate concurrence.

### STEP 7.

Is NRCS providing financial assistance or otherwise controlling the action? **Review affects as directed by a Nebraska specific programmatic or contact the State Wildlife Biologist to make the affects determination.**

- No      If "No," inform client of NRCS policy for proposed species and the need to use alternative conservation treatments to avoid adverse effects that are likely to jeopardize the continued existence of the proposed species or destroy or adversely modify proposed critical habitat. Then go to Step 8.
- Yes      If "Yes," then inform the client that the NRCS must conference on proposed species with USFWS and only upon landowners' written consent (*Landowner Consent For Consultation/ Conferencing* form). Contact the State Wildlife Biologist or Environmental Specialist to proceed with conferencing. The action will only be implemented according to the terms of the conference (*Landowner Agreement To Implement Conservation Conditions* form). When conference is complete, reference or attach the consultation documents to form NE-CPA-52 and proceed with planning.

### STEP 8.

Upon guidance from NRCS State Environmental Specialist, has it been determined that the proposed action or alternative is likely to jeopardize the proposed species or destroy or adversely modify proposed critical habitat?

- No      If "No," document the finding on the NRCS-CPA-52 and proceed with planning.
- Yes      If "Yes," further NRCS assistance will be provided only if one of the conservation alternatives is selected that avoids that level of adverse effects (then repeat from Step 5). If the client is unwilling to modify the action, NRCS assistance must be discontinued. Although a "take" permit is not required for proposed species, there may be cases where the proposed species/habitats becomes formally listed as endangered/threatened or critical habitat is designated prior to project implementation. In this case, advise the client that a "take" permit from the USFWS would be needed prior to project implementation if it is determined that the action may have an adverse affect on the listed species/habitat.

**Notes for Federally proposed species/habitats:**

**State / Tribal species of concern protected by law or regulation**

**STEP 9 ADDRESSES "STATE SPECIES OF CONCERN" ONLY.**

Any of the state species of concern that are also listed federally as endangered, threatened, or proposed are addressed in the Federal species section. Review affects as directed by a Nebraska specific programmatic consultation or contact the State Wildlife Biologist to make the affects determination.

Use NE programmatic consultation Evaluation Parameters and Species Matrix for determination.

Type in any required *Conservation Conditions*

		State Species of Concern			
Practice Codes:					

		State Species of Concern			
Practice Codes:					

**STEP 9.**

Consider the short and long-term impacts along with the direct, indirect, and cumulative impacts of the proposed action or activity on the species

A "take" for this application is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct.

Is there expected to be a take, exportation or possession as a result of the action?

When utilizing the State Species Matrix from the programmatic consultation you would ONLY answer a "Yes" below if the matrix indicates a "MA" (May result in take, exportation, or possession). Type in any required Conservation Conditions (CC). For state species only, a NLAA qualifies as "No Effect". If any Conservation Conditions are required then action will only be implemented according to the terms of the consultation (Landowner Agreement To Implement Conservation Conditions form). I&D = insignificant and/or discountable, Ben = beneficial.

- No      If your answer is "No," additional evaluation is not needed. Type in any required Conservation Conditions. Attach documentation to NE-CPA-52 and proceed with planning.
- Yes      If "Yes", contact the State Environmental Specialist or Wildlife Biologist to assist with addressing effects.

**Notes** for State species of concern:

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