

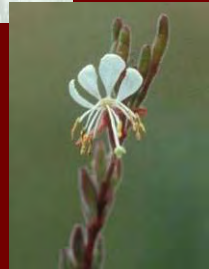
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# Endangered & Threatened Species Review

Michelle Koch

Environmental Analyst Supervisor

Nebraska Game and Parks Commission



# Overview

- Endangered & Threatened (E&T) Species
- Nongame & Endangered Species Conservation Act
- Consultation & Review Process



Finescale Dace



Piping Plover

# E&T Species

- Protected under Nebraska Nongame and Endangered Species Conservation Act (NESCA)
  - Neb. Rev. Stat. § 37-801 to 37-811
  - similar to federal Endangered Species Act



Pallid Sturgeon

# E&T Species

- 5 birds
- 5 mammals
- 7 fish
- 2 insects
- 1 reptile
- 1 mussel
- 7 plants
- All federally listed species are state listed (reverse is not true)



Western Prairie Fringed Orchid

# E&T Species

Why protect species?

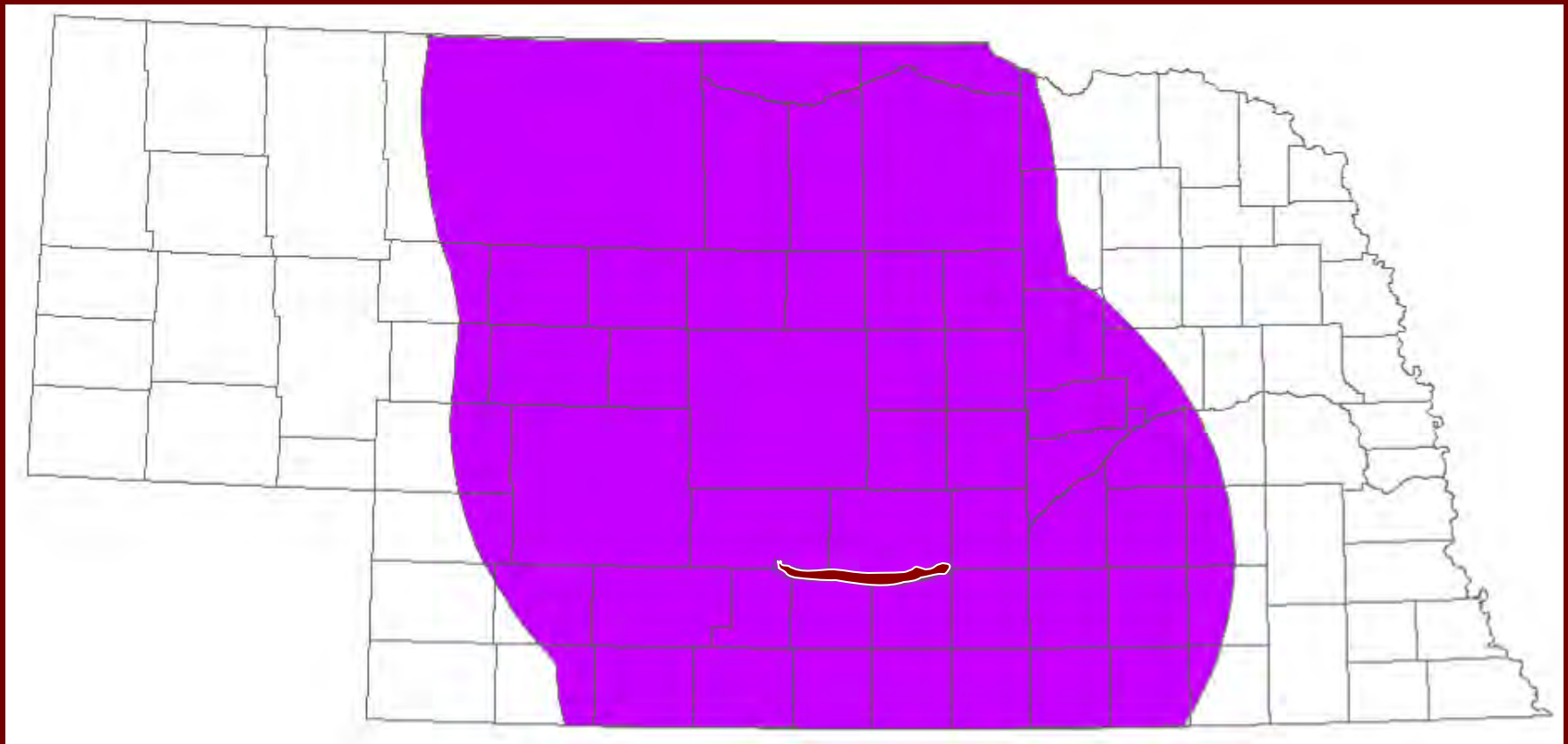
- Bio-indicators
- Maintaining the balance/health of ecosystems
- Stability/Resilience
- Medicine
- Preserve and maintain Nebraska's natural heritage



Northern Redbelly Dace

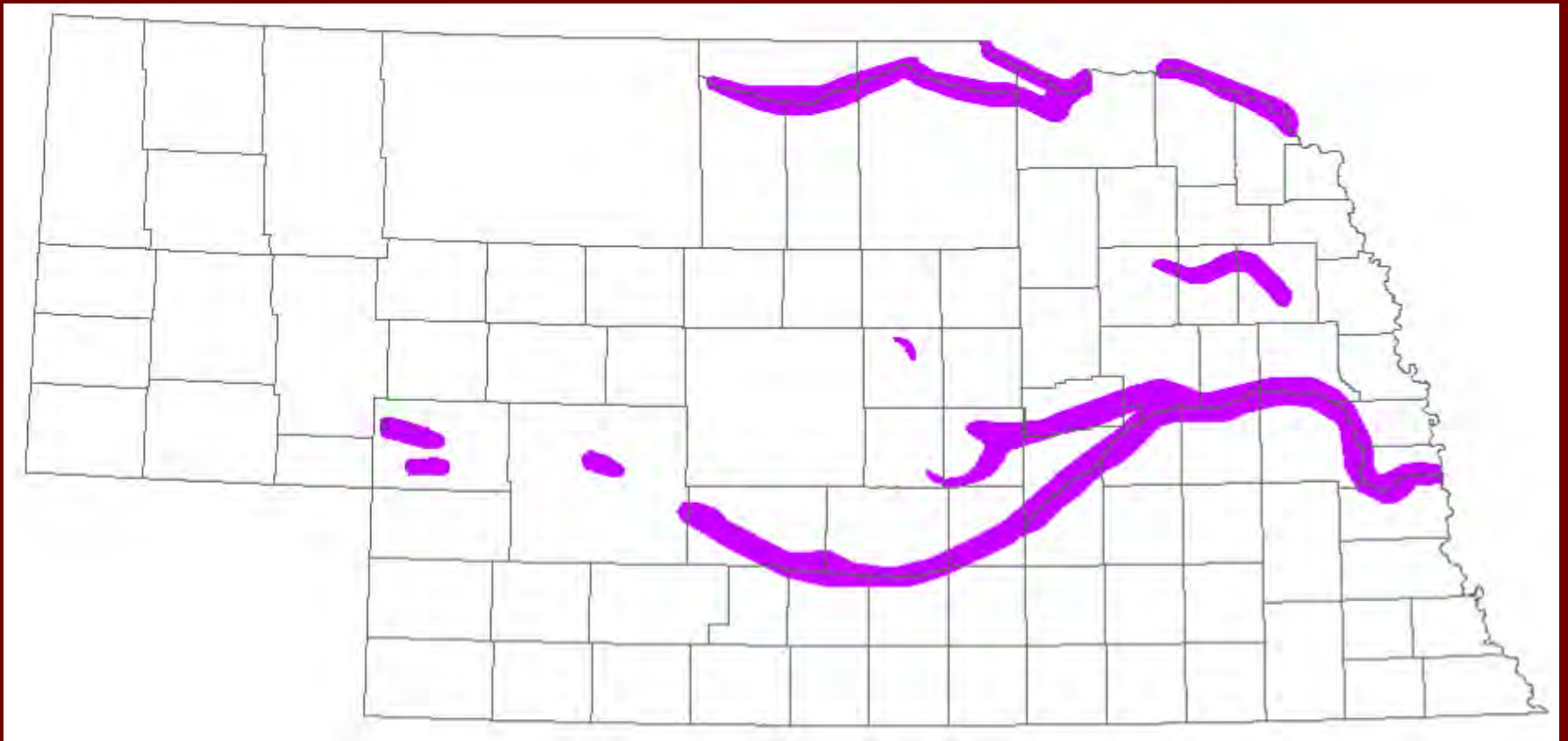
# Whooping Crane & Critical Habitat

- Wetlands, wet meadows, rivers, fields
- Migrate Spring (March – May) and Fall (Sept. – Oct.)
- Critical Habitat - 3 miles wide, 56 miles long, Lexington - Shelton



# Interior Least Tern & Piping Plover

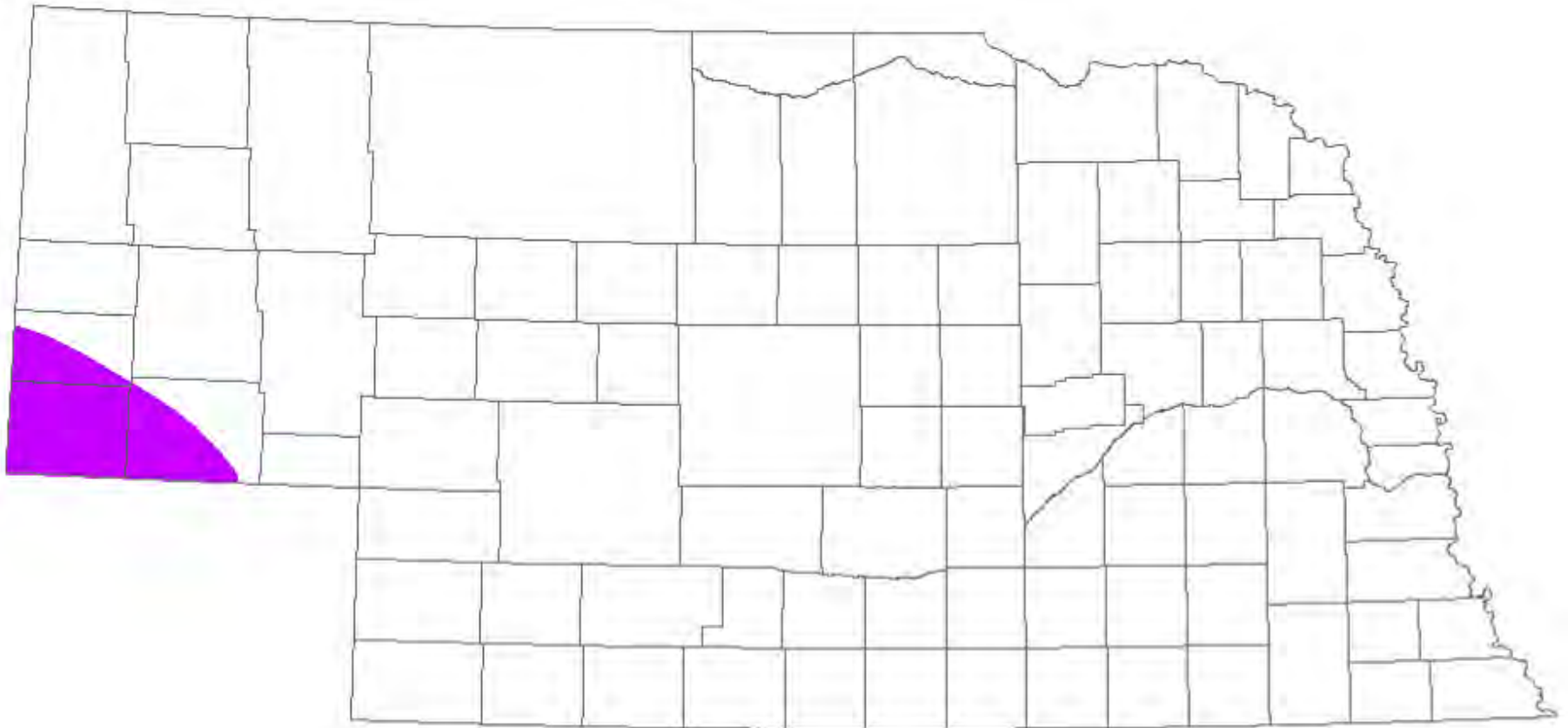
- Use sand bars & sand pits
- Breeding/Nesting April - August





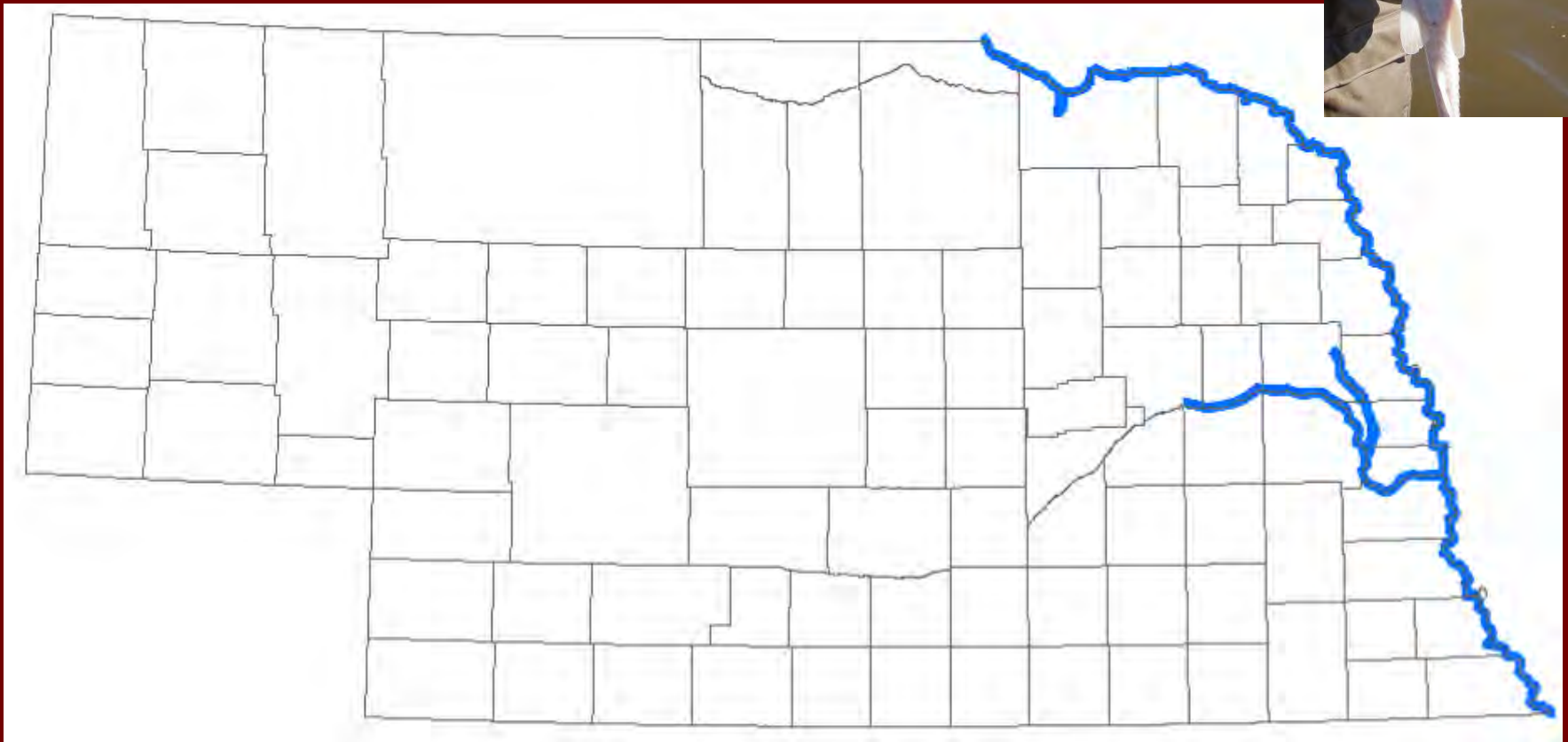
# Mountain Plover

- Shortgrass prairie
- Breeding/Nesting April - June



# Lake Sturgeon, Pallid Sturgeon, Sturgeon Chub

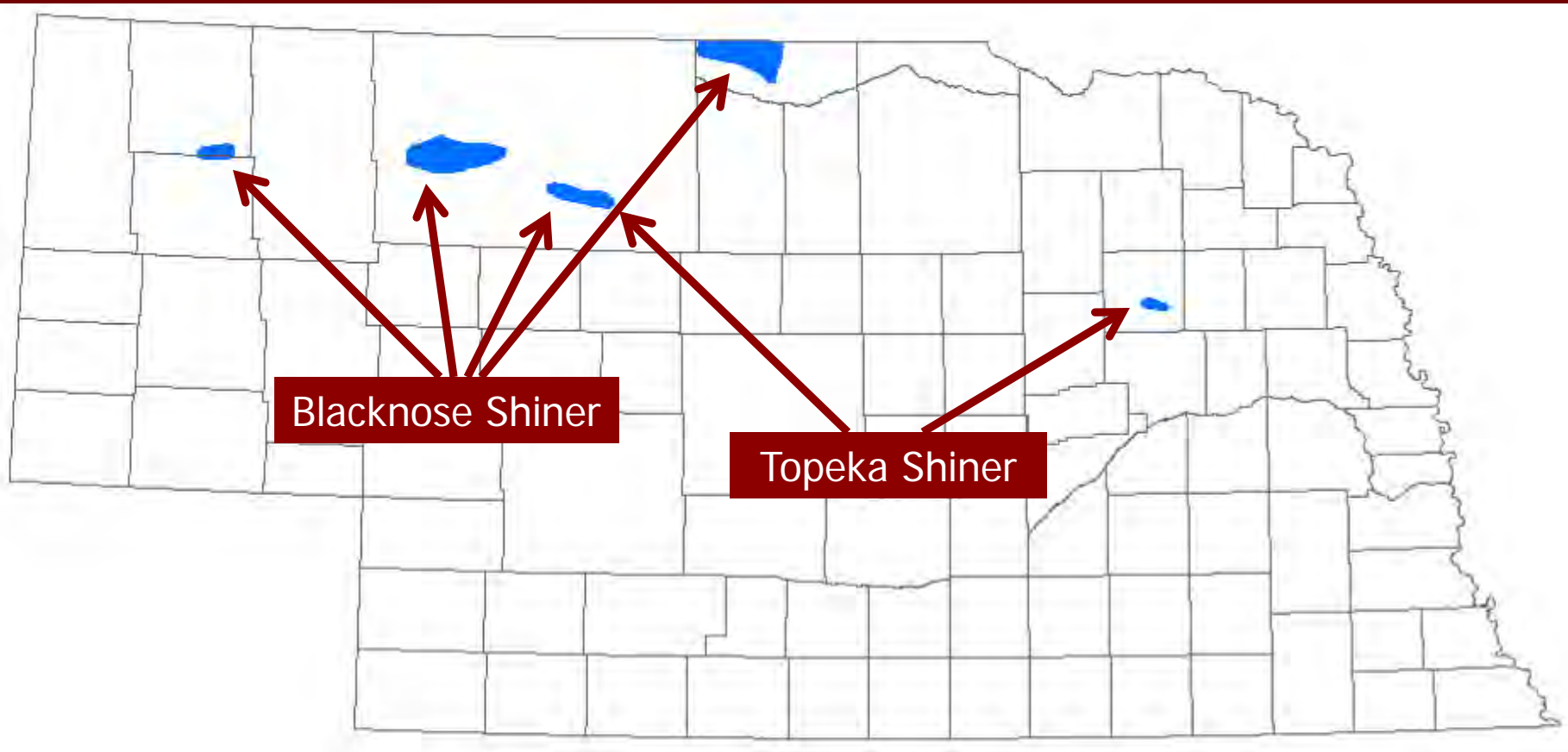
- Big rivers & associated backwaters
- Spawning February - July



# Blacknose Shiner & Topeka Shiner

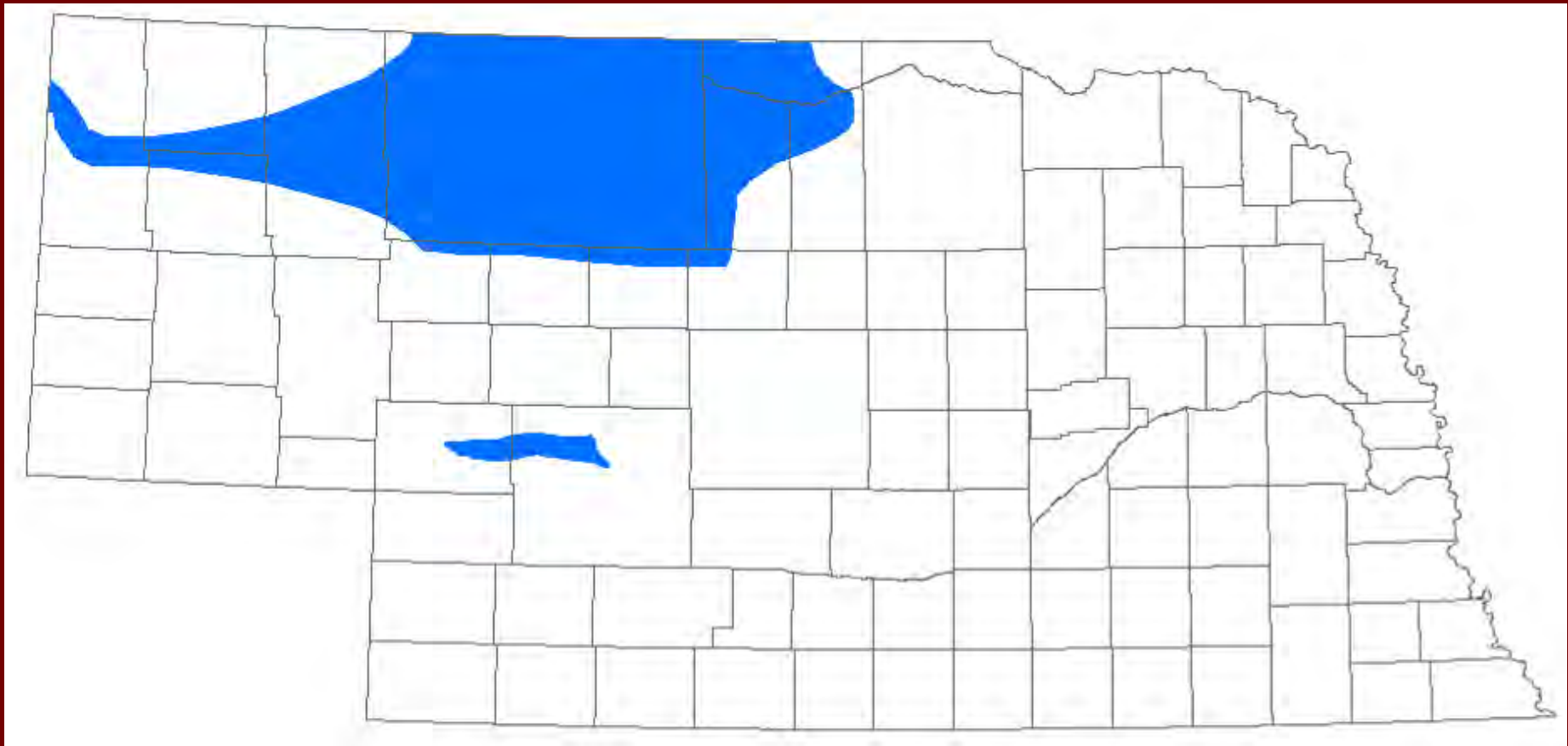


- Clear cool streams with pools, high quality
- Spawning Spring - Summer



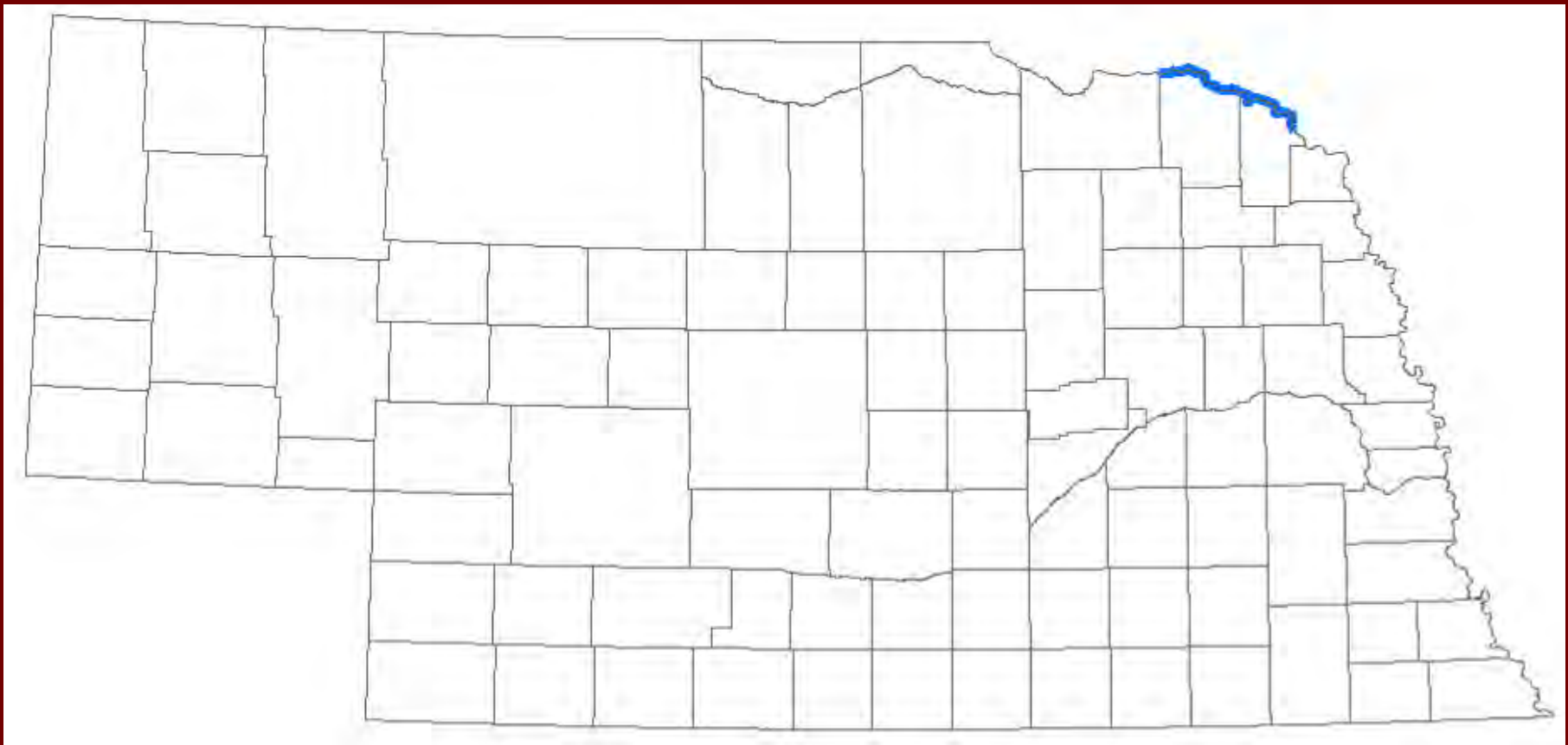
# Finescale Dace & Northern Redbelly Dace

- Headwaters, cool streams, high quality
- Spawning April - August



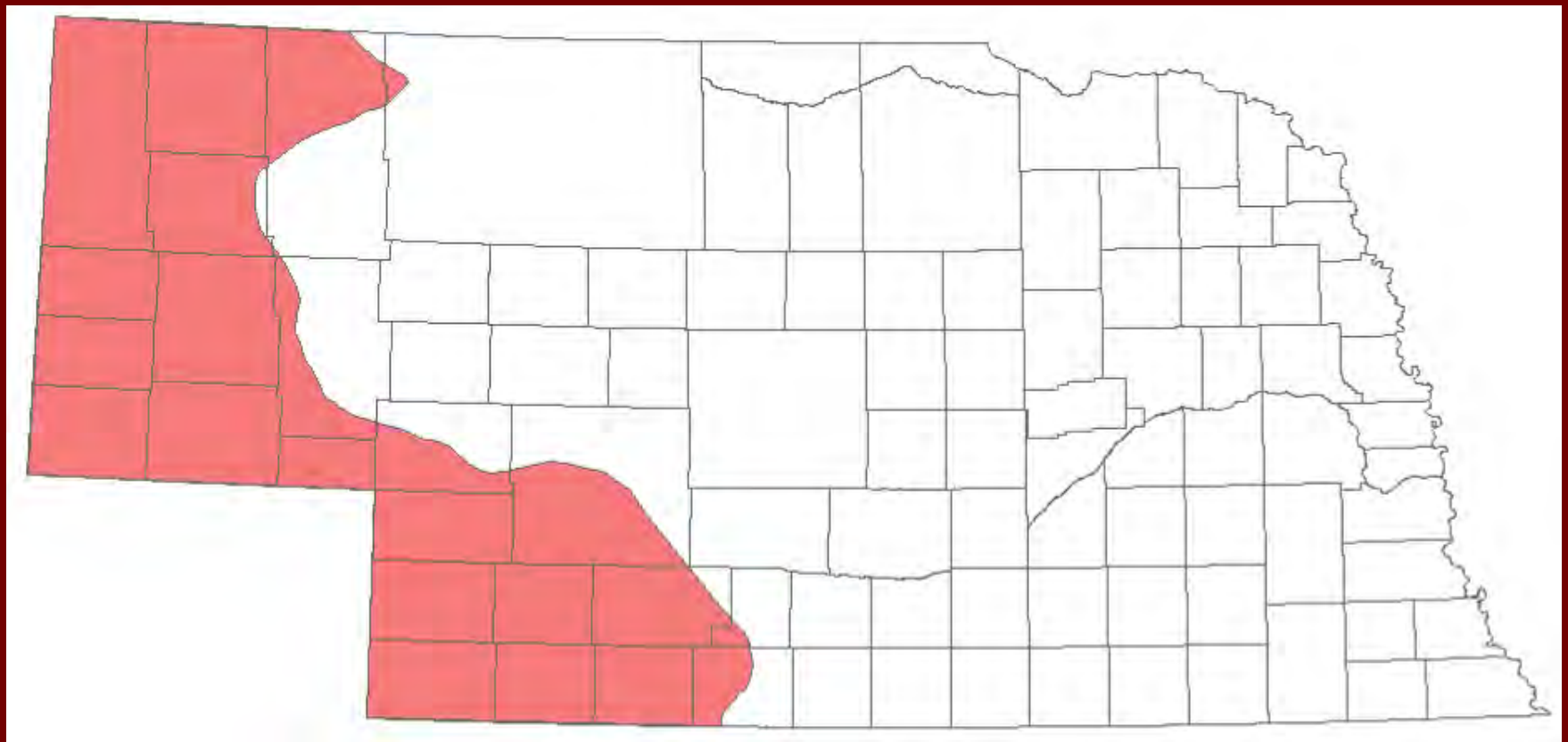
# Scaleshell Mussel

- Large Rivers
- Good bio-indicator species



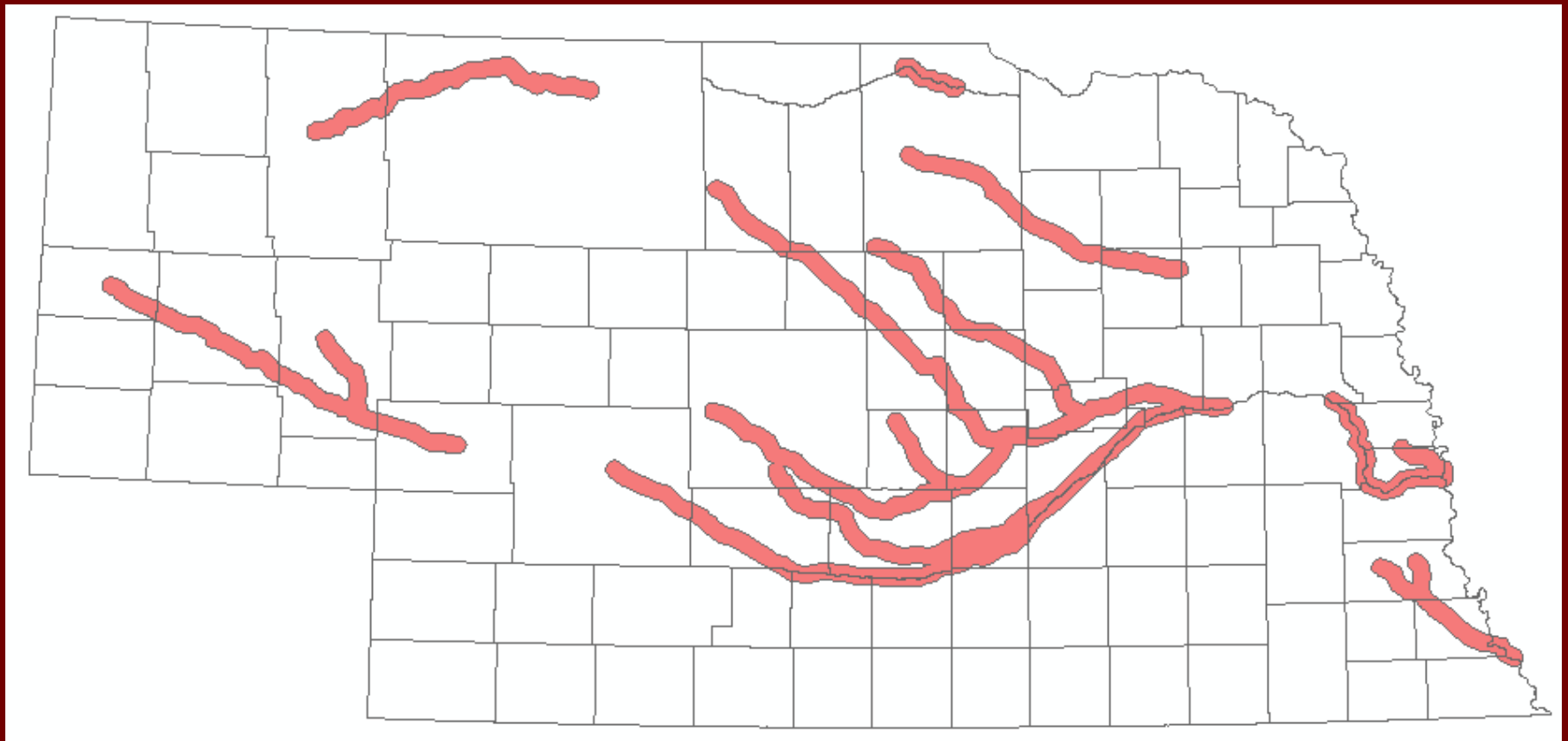
# Swift Fox

- Shortgrass prairie
- Use dens year round;  
natal dens April - August



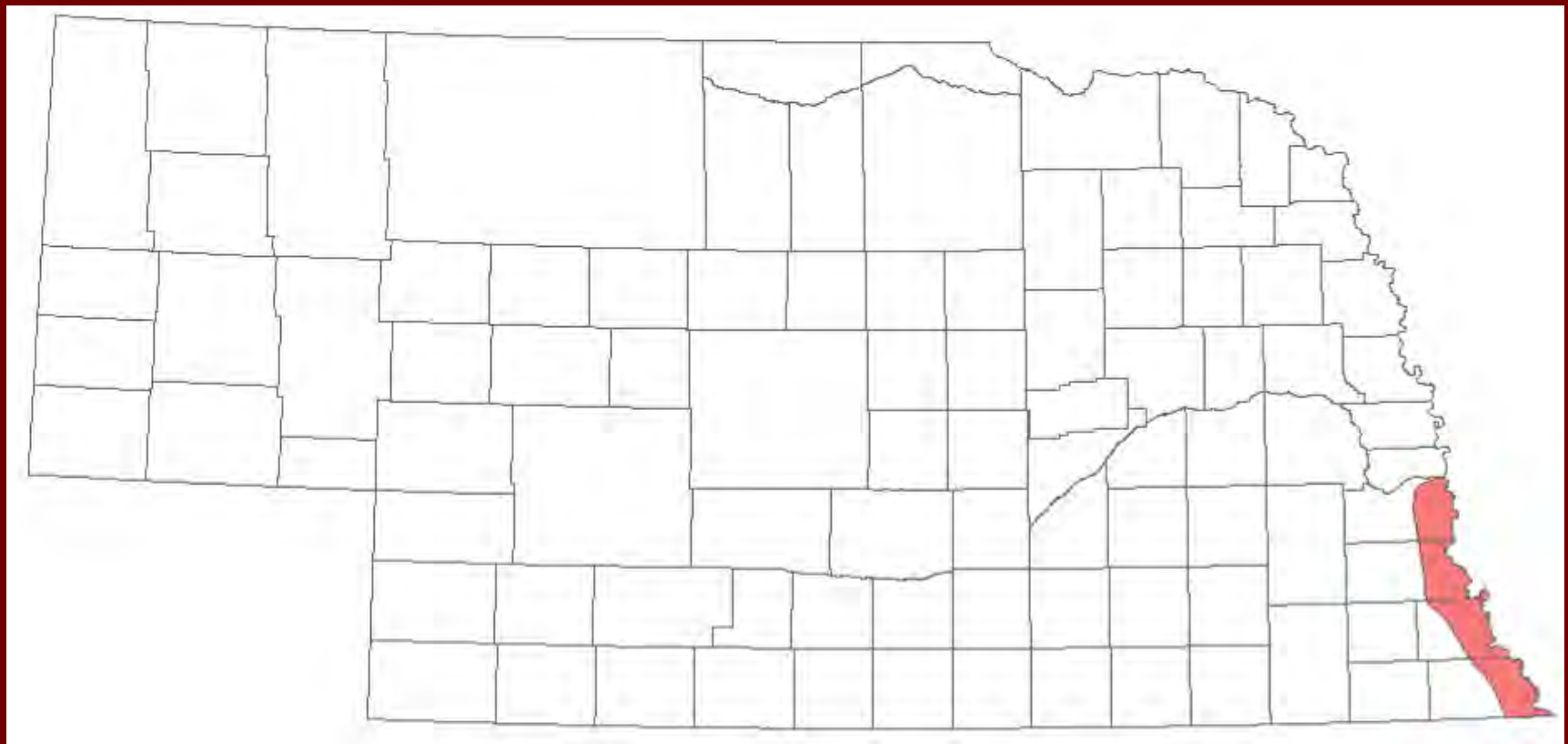
# River Otter

- Variety of water bodies
- Use dens year round;  
natal dens February – June



# Southern Flying Squirrel

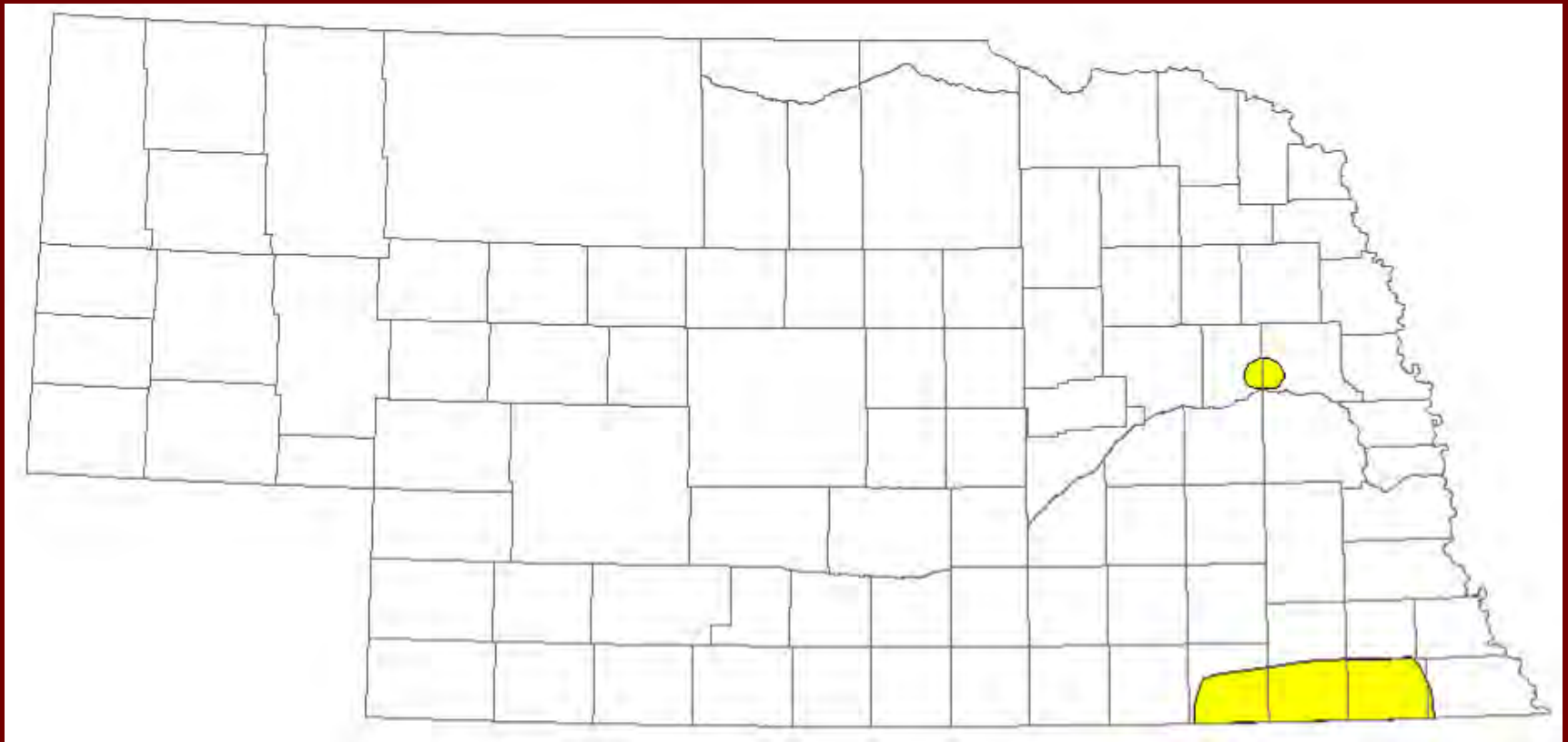
- Eastern deciduous forest
- Use tree cavities year round; breed February – March and May - July





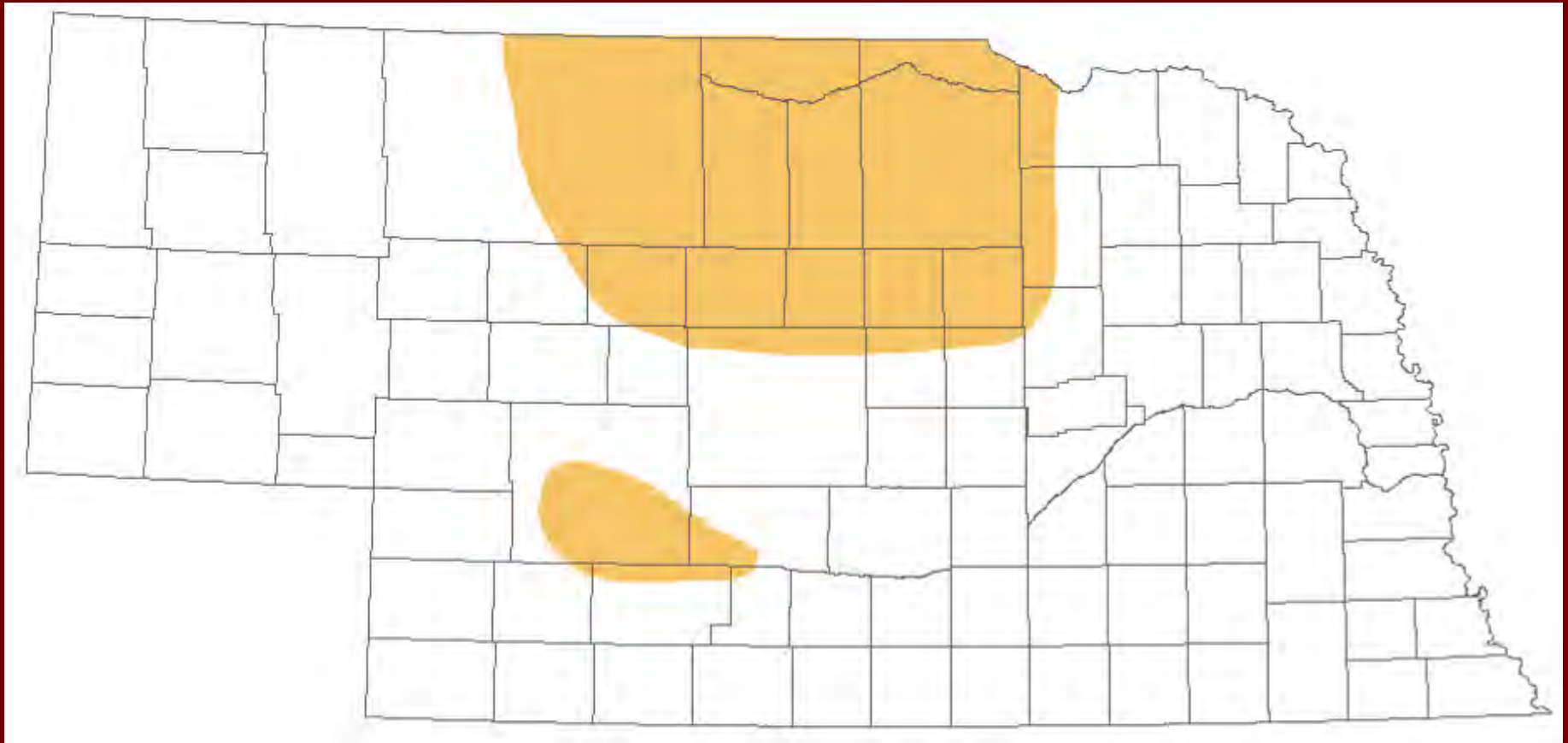
# Massasauga

- Hibernating habitat (hydric soils, crayfish burrows) & foraging habitat (grasslands)
- Hibernates: September – mid March



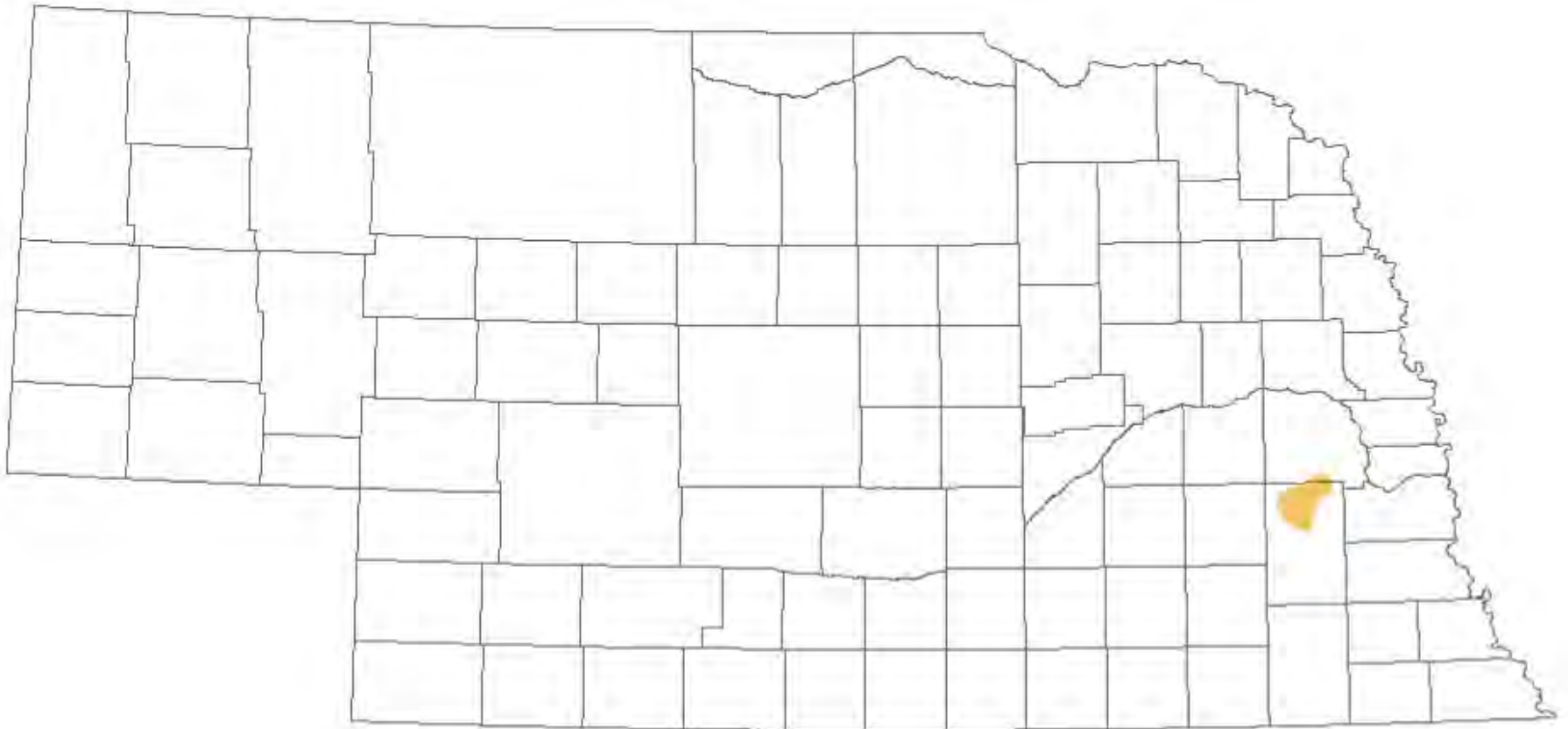
# American Burying Beetle

- Carrion beetle
- Active June – August

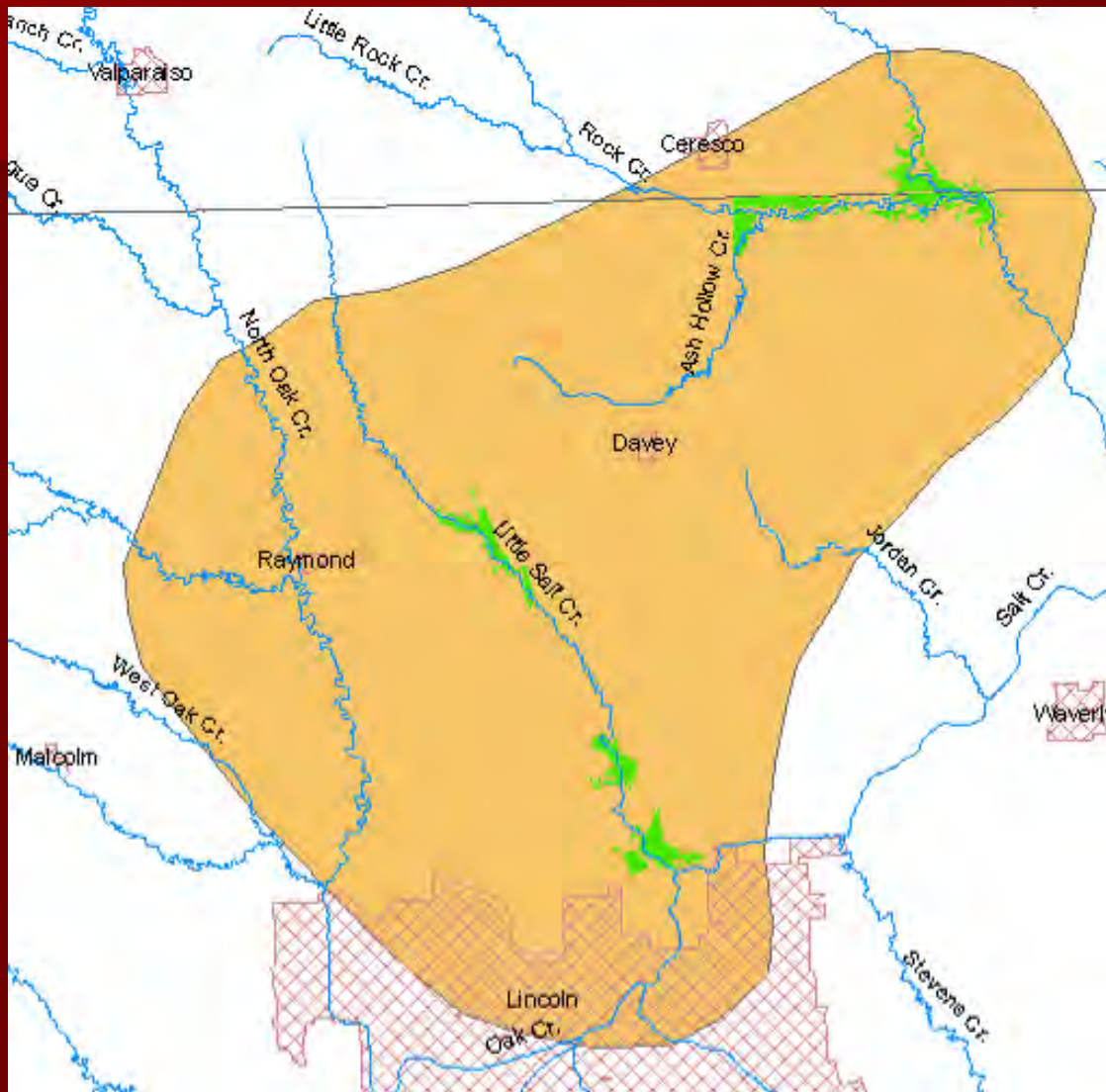


# Salt Creek Tiger Beetle & Saltwort

- Saline wetlands, saline flats, saline soils
- SCTB: active late May – July
- Saltwort: blooms July - September



# Salt Creek Tiger Beetle

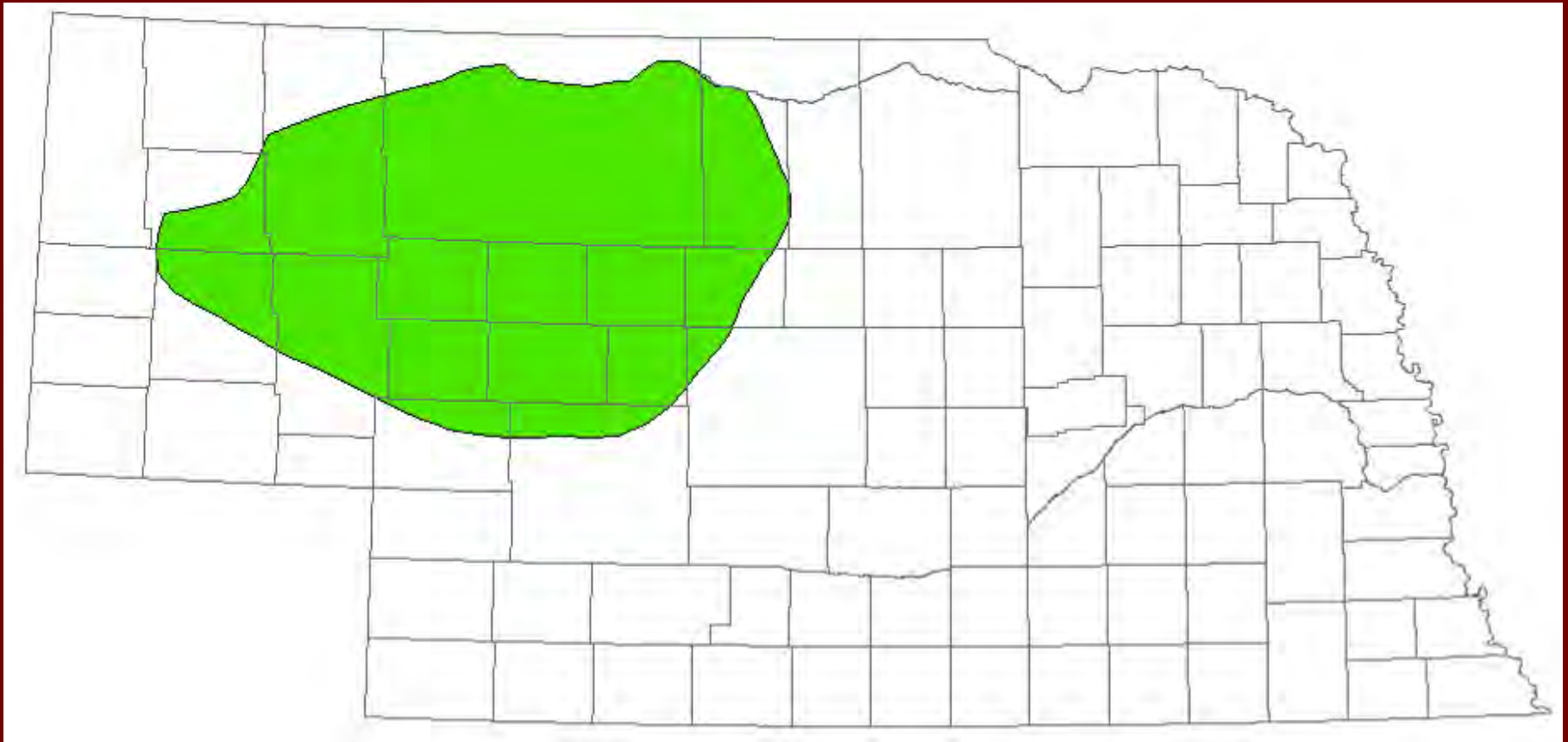


Critical Habitat  
1,933 acres  
(in green)

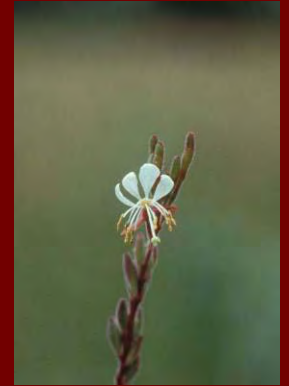


# Blowout Penstemon

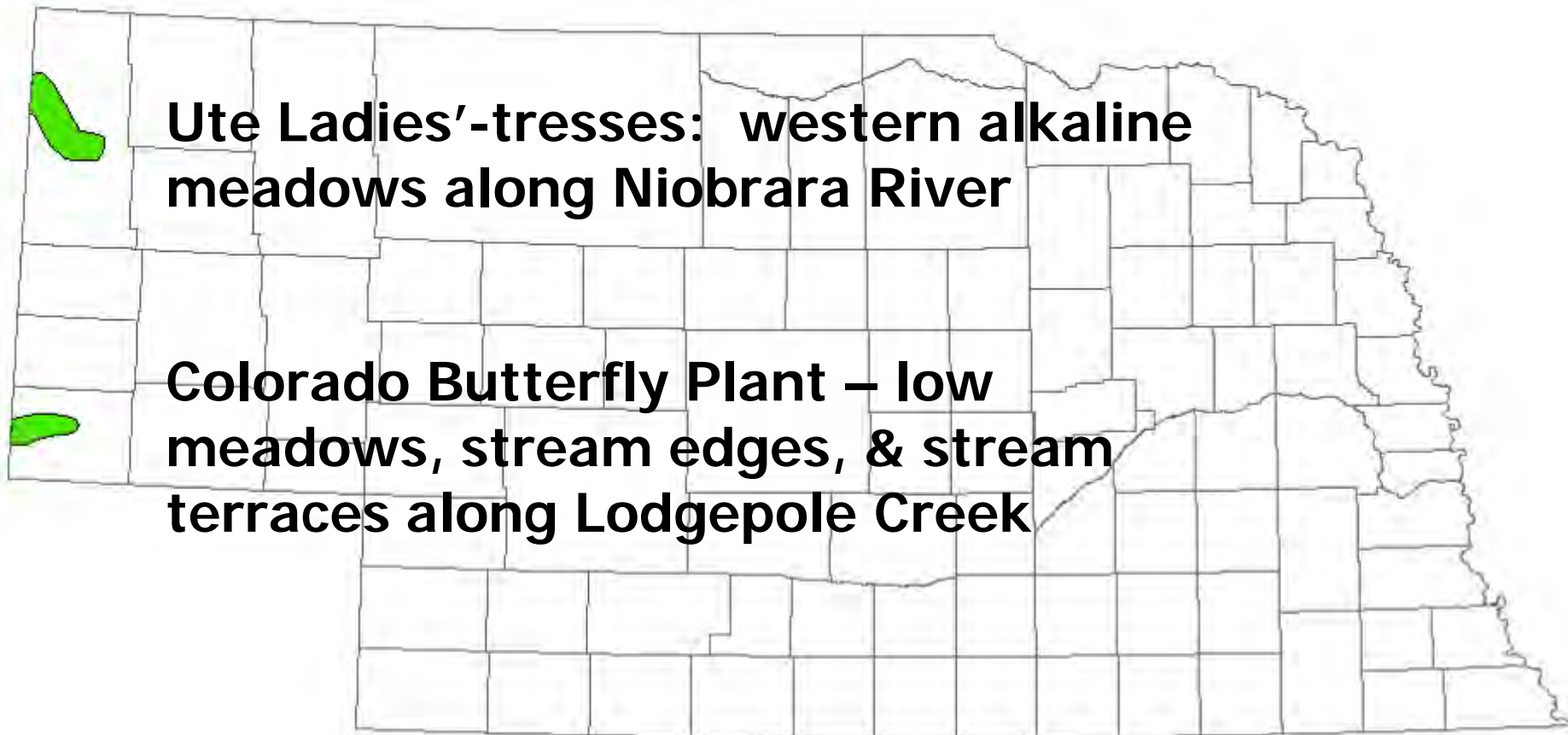
- Blowouts in the Sandhills
- Bloom June - July



# Colorado Butterfly Plant & Ute Ladies'-tresses

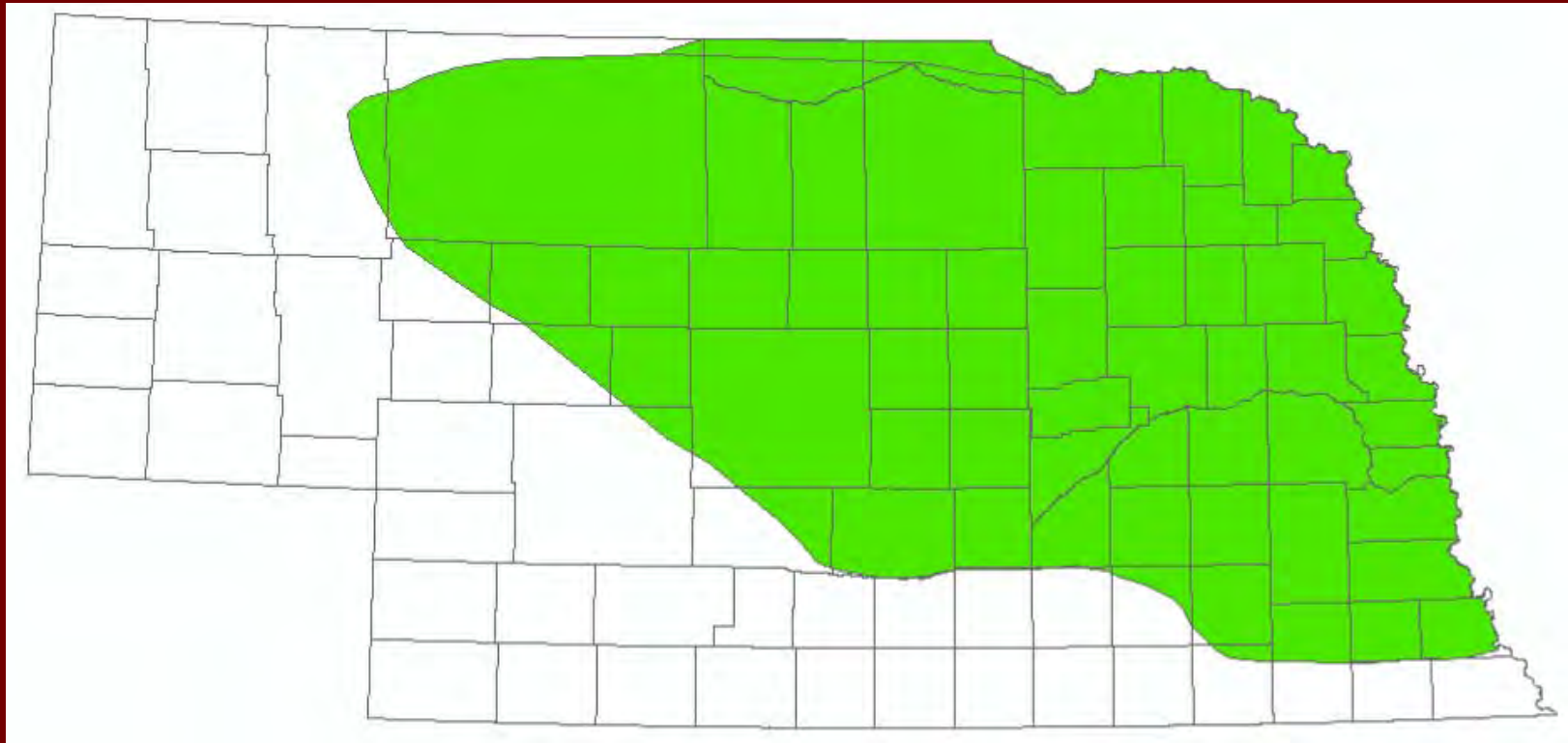


- Both bloom in August



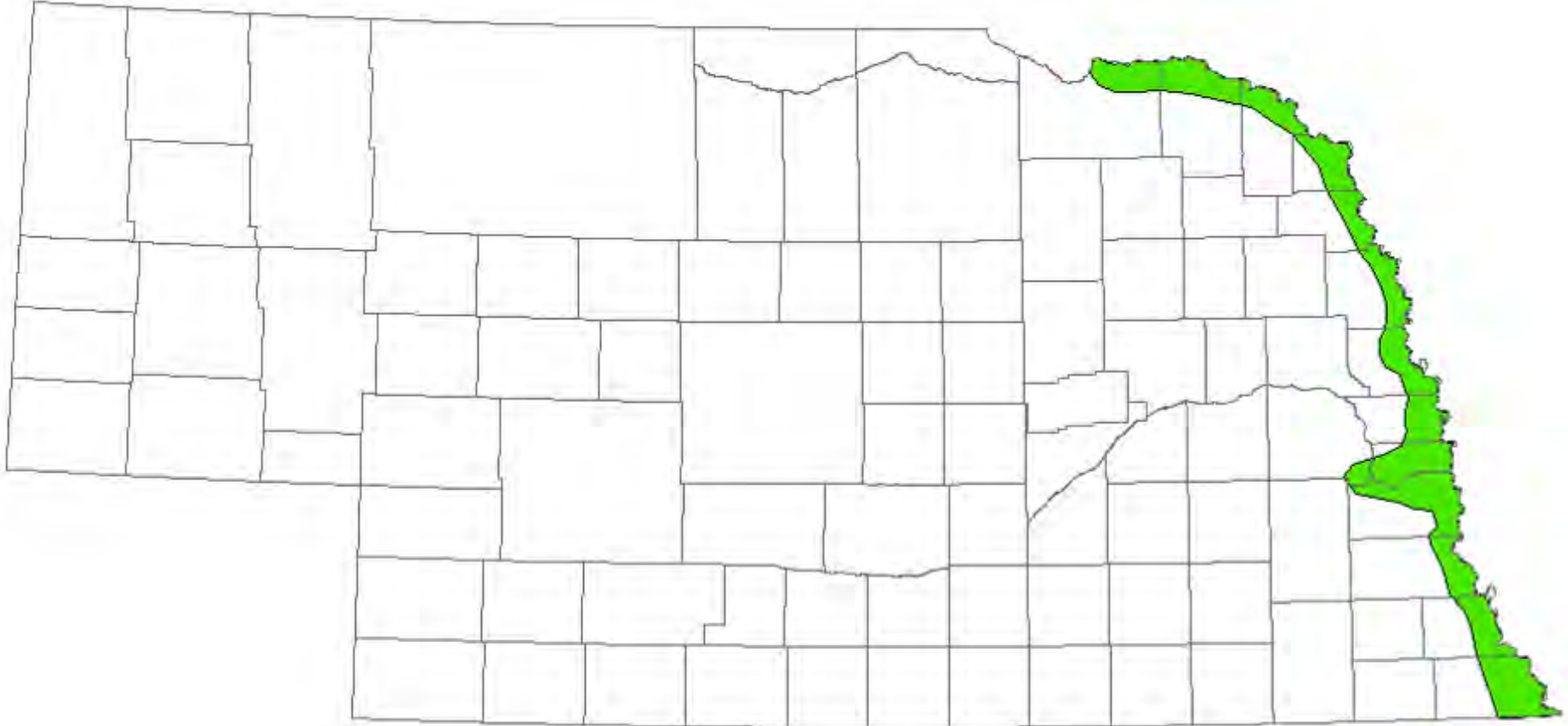
# Small White Lady's Slipper & Western Prairie Fringed Orchid

- Wet meadows & prairies
- Bloom late May – early June (SWLS); mid June-July (WPFO)



# American Ginseng

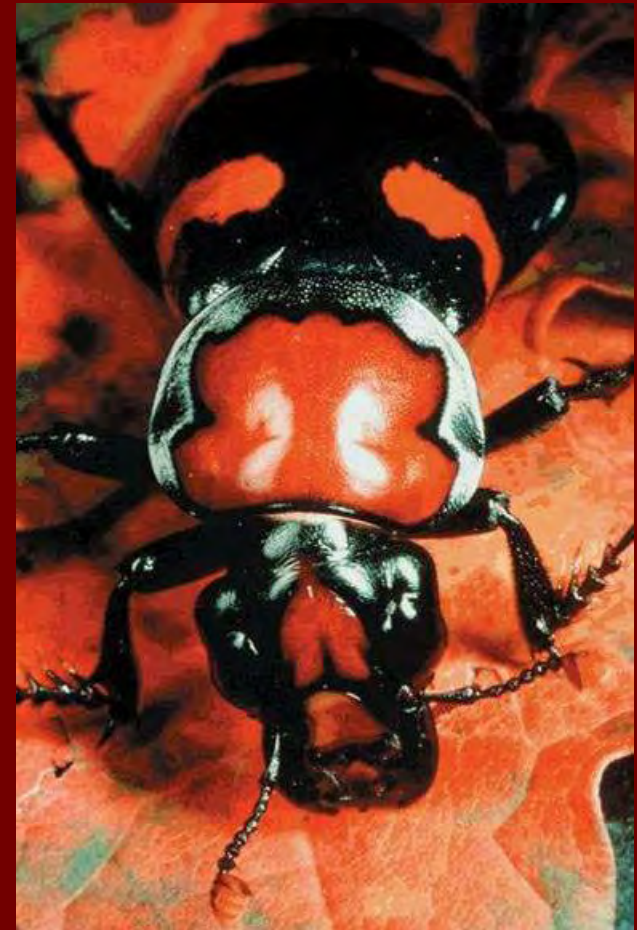
- Eastern deciduous forest
- Blooms May – July; Fruit July - August





# NESCA – Protect from “Take”

- It is unlawful for any person to export, **take**, possess, process, sell or offer for sale, deliver, carry, transport, or ship threatened or endangered species. Neb. Rev. Stat. § 37-806 (8) & (9)
- “Take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to do any of these things. Neb. Rev. Stat. § 37-802 (6)



American Burying Beetle

# NESCA – State Consultation



River Otter

- NESCA §37-807(3)
  - State agency consults with NGPC for any actions they authorize, fund, or carry out
- DEQ, DNR, DOR, NGPC, NEMA, Power Review Board, etc.
- DEQ – Construction or Industrial Storm Water, Mineral Exploration, 401, etc..

# Consultation & Review Process

- Develop ways to avoid "take" & allow project to continue
- Designed to protect consulting agency & project proponent



Small White  
Lady's Slipper



Mountain Plover



Southern  
Flying Squirrel

# Consultation & Review Process



- Threatened and Endangered Species Checklist
  - Tool used to determine potential impact
  - Not a substitute for consultation
  - Available on NDEQ website and NGPC website
    - <http://www.deq.state.ne.us>
    - [http://www.outdoornebraska.ne.gov/wildlife/programs/nongame/Endangered\\_Threatened.asp](http://www.outdoornebraska.ne.gov/wildlife/programs/nongame/Endangered_Threatened.asp)
  - Suggestions welcome

# Consultation & Review Process

- Provide information for review
  - Legal description (Section, Township, Range or Lat/Long)
  - Aerial Photo
  - Map
  - Project Description
  - Checklist
    - Don't send range maps
- 30 day review period



Salt Creek Tiger Beetle

# Consultation & Review Process

- Consider all components of the project
  - type of construction, scope, timing
- Direct and indirect impacts to species or habitat
  - footprint, downstream, open area to access, drainage



Lake Sturgeon

# Consultation & Review Process

- Range
- Records
- Habitat



# Consultation & Review Process

- No Effect Determination
- May Affect Determination with request to:
  - conduct surveys
  - implement conservation conditions
    - seasonal restrictions, avoid nighttime work with lights, surveys, etc.
  - modify design
- Reach agreement & send revised determination
- Reinitiate if project changes



Blowout Penstemon



# Consultation & Review Process Summary

- Use checklist (if applicable)
- Determine if need to send to NGPC for further consultation
- If yes – NGPC reviews it (30 days) & makes determination (no effect or may affect)
- NGPC sends hard copy back to consultant/project proponent and electronic copies to NDEQ

\*Note – consultation is still with NDEQ

# On-site visitors...now what?

Swift Fox



Massasauga



Whooping Crane



- Stop Work
- Follow survey protocols/contracts
- Call NGPC
- Species are always protected under NESCA

# Questions??

Michelle Koch

Nebraska Game and Parks Commission

2200 N. 33<sup>rd</sup> St.

Lincoln, NE 68503

(402) 471-5438

[michelle.koch@nebraska.gov](mailto:michelle.koch@nebraska.gov)



Black-footed Ferret



Topeka Shiner