Nebraska Game and Parks Commission

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October 12, 2006

Tracy Zayac
Department of Natural Resources
301 Cenntenial Mall South, 4th Floor
PO Box 94676
Lincoln, NE 68509-4676

Re: MT-9 Application for a municipal and rural domestic ground water transfer permit for the city of North Platte.

Dear Ms. Zayac,

Please make reference to a letter sent previously dated May 10th, 2006. This letter is in response to the survey results for the American burying beetle (*Nicrophorus americanus*), northern redbelly dace (*Phoxinus neogaeus*), finescale dace (*Phoxinux neogaeus*) and plains topminnow (*Fundulus sciadicus*) and reconsiders the "May affect" determination given on the above project in Lincoln County under Neb. Rev. Stat. § 37-807 (3) of the Nongame and Endangered Species Conservation Act and we offer the following comments.

The survey results indicate that although there is suitable habitat for American burying beetle, their range no longer appears to extend into the area of Whitehorse Creek. The survey for fish also indicated that northern redbelly dace and finescale dace are not present in either Whitehorse Creek or the unnamed tributary which is connected to Whitehorse Creek. This survey did find plains topminnow, which has suffered severe declines throughout its range and is a Tier 1 species in Nebraska's Natural Legacy Project. The Nebraska Game and Parks Commission withdrew the request for western prairie fringed orchids, due to new information, on July 21, 2006.

Current data suggests that this project has potential benefits to threatened and endangered species. The removal of the city's well field from the Platte River and a new facility for wastewater treatment will allow more water to flow down the river annually compared to current conditions. It is our understanding that this increase will "offset" future depletions to the Platte River as the City of North Platte's water use increases. Instream flows in the Platte River are a concern, as depleted flows may adversely impact the river and threatened or endangered species that rely on the river downstream of the project. As water use increases, should the depletions to the Platte River exceed the amount that the updated system provides to the River, the depletions will need to offset.

Based upon the submitted survey information, we have no objection to the proposal as currently planned. We have determined that this project will have "no effect" on any threatened or

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DEPARTMENT OF NATURAL RESOURCES

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endangered species. If you have any questions or need additional information, please feel free to contact me.

Sincerely,

Kristal J. Stoner
Environmental Analyst Supervisor
Nebraska Natural Heritage Program
Nebraska Game and Parks Commission
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CC Steve Anschutz, USFWS
Kirk Nelson, NGPC
Tom Werblow, City of North Platte