

Wetlands and Wildlife: Avoiding Environmental Impacts in the Floodplain

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United States Department of Agriculture



Nebraska

Natural
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Nebraska NRCS Wetland Compliance

12/16/2021 Corey King, Wetlands Coordinator

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nrcs.usda.gov/

Introduction



- **Approximately 85% of wetlands have been lost since the 18th century**
- **Farm Crisis of the 1980s**
- **Food Security Act of 1985**
 - Swampbuster
 - Sodbuster
- **Special Wetland Types (Playas, Potholes & Pocosins)**



Wetland Determination Overview

- **Determinations are completed by producer request**
- **Preliminary determination issued**
 - Off-site procedures
 - Appeal Rights

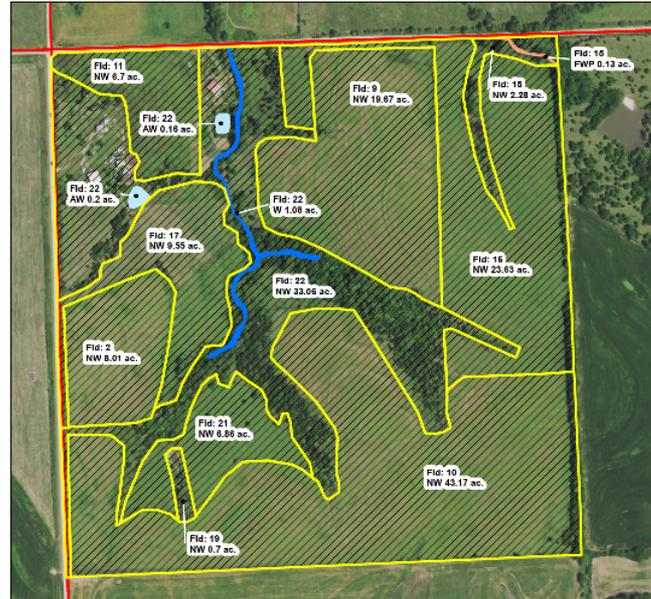


Wetland Map



USDA Certified Wetland Determination

Customer Name: [REDACTED] NRCS Admin. Office: Pawnee City
 Farm: [REDACTED] Tract: [REDACTED] Fields: [REDACTED] Finalized By: [REDACTED]
 Legal Description: [REDACTED] Pawnee County



Map Created: 4/27/2020

Legend

Field Boundary	AW	NW
Section Boundary	FWP	W

Some fields or portions of fields may not have certified wetland determinations completed.

Map 1 of 1

Natural Resources Conservation Service

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Wetland Overview Cont.

- **Whistleblower complaints**
- **Minimal Effect & Scope and Effect Agreements**
- **Restoration/Mitigation Plans**
- **Waters of the US (WOTUS)**
- **Relationship with other Government Agencies**



Wetlands Jurisdictional Overlap

- **Restoration Plans**
- **Mitigation Plans**
- **Minimal Effect Exemptions**
- **Scope and Effect**
- **Other (WRE, Watershed Planning & Mitigation Banking)**



Wetlands Team Overview

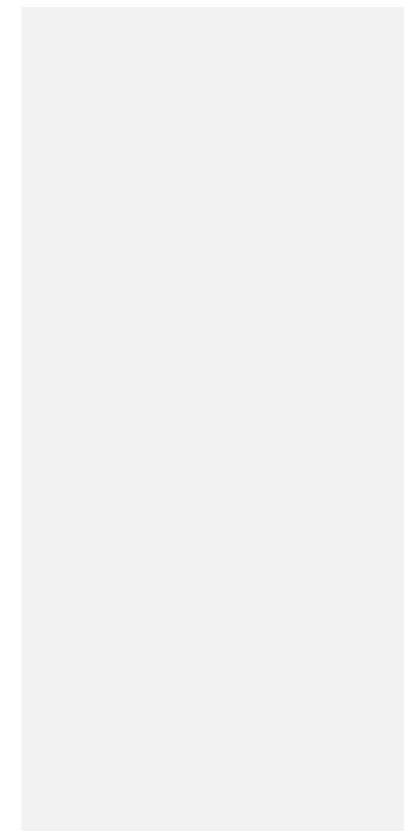
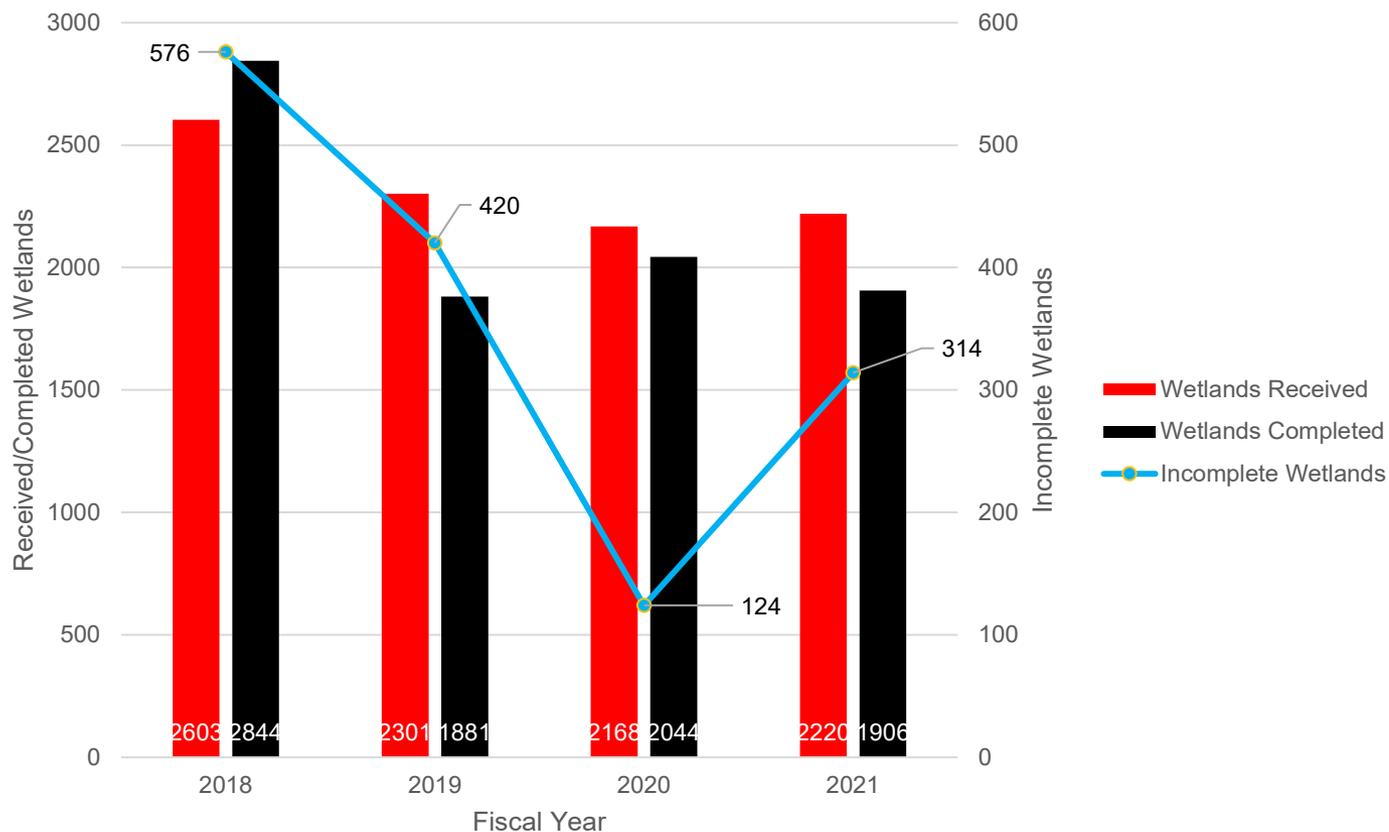
- **Now up to 17 dedicated wetland staff including 4 Compliance Specialists, 9 Wetland Biologists and 3 Soil Scientists.**
- **Hired 7 new team members during FY21**
- **Continue to receive field support from Resource Soil Scientists as well.**



4 Year Wetland Performance



Wetland Determinations



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Questions



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Nongame and Endangered Species Conservation Act



© Joe McDonald

Southern Flying Squirrel



Topeka Shiner



Western Massasauga



NEBRASKAland Magazine

Salt Creek Tiger Beetle

Jessica Tapp
Environmental Specialist III
Certified Wildlife Biologist®



Overview

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



Interior Least Tern



Piping Plover

E & T Species

Why protect species?

- ✓ Bio-indicators
- ✓ Ecosystem health, stability, resilience
- ✓ Scientific purposes
- ✓ Preserve Nebraska's natural heritage
- ✓ Human enjoyment/public interest

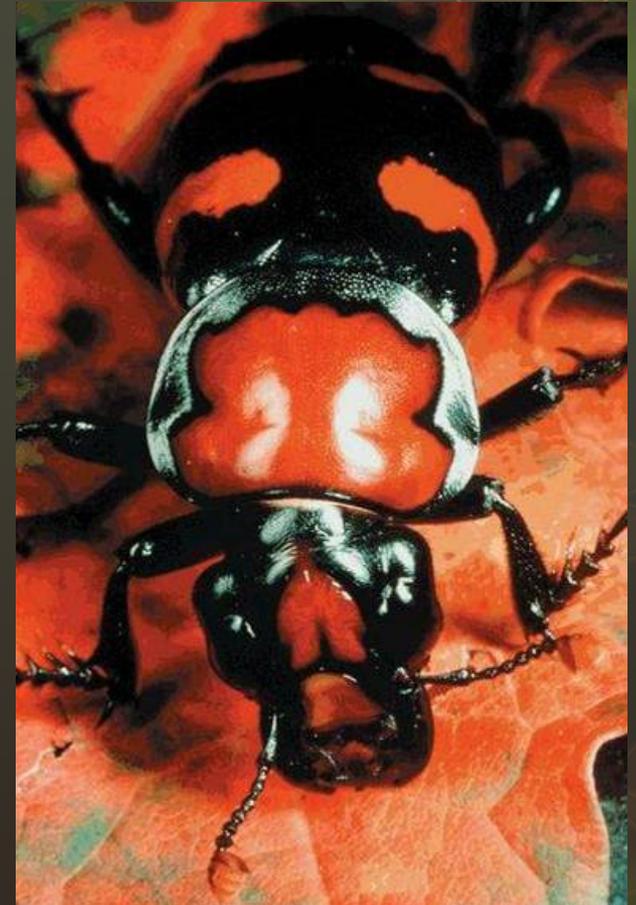


Whooping Cranes

E & T Species

Reasons for Decline:

- Habitat Loss/Fragmentation
- Pesticides/Insecticides
- Water quality
- Instream Flow Depletion
- Hunting/Trapping/Collecting



American Burying Beetle

Nongame & Endangered Species Conservation Act

- NESCA is like Endangered Species Act (ESA)
- All federally listed species are state listed...*but not vice versa*
- Prohibits "take"
 - harass, harm, etc...
 - applies to everyone
- Currently 31 state-listed species in Nebraska



Western Prairie Fringed Orchid

NESCA Consultation Requirement

State permitted/funded actions must consult with NGPC
to ensure they will not jeopardize the continued existence of
threatened and endangered species or result in destruction of
critical habitat for such species

Neb. Rev. Stat. § 37-807 (3)



Pallid Sturgeon

NESCA Consultation

Consultation Process:

- Work with projects to develop ways to avoid “take” & allow project to move forward
- Designed to protect project proponents & state agencies
- Consult on both state and federally funded/permitted projects in Nebraska
- Common permits needed are 404 permit/401 Water quality certification or NPDES (CSW/ISW)



Finescale Dace



Blowout Penstemon

Conservation and Environmental Review Tool (CERT)

What is CERT?

An interactive web-based tool for expediting NGPC environmental reviews



Swift Fox



Saltwort

Getting started...

cert.outdoornebraska.gov

NEBRASKA
- GAME PARKS -

Home | Map | Terms & Conditions | Help

Nebraska Conservation and Environmental Review Tool

Welcome to the Nebraska Conservation and Environmental Review Tool (CERT) - an interactive tool for conservation planning and NGPC/USFWS environmental review. The CERT provides conservation information on biological diversity, protected lands, and other natural resources for planning purposes and allows users to submit proposed projects for review of potential impacts to threatened, endangered, and special concern species.

Conservation Planning: The CERT allows users to access conservation information without needing to register and login. Users can query data layers and download tables with query information. Users can also make and download maps using the existing data layers or in combination with layers they upload. To use the CERT for conservation planning, click the Map tab above. For information on querying data layers or making maps, click [Resources](#) under the Help tab.

NGPC/USFWS Environmental Review: To be able to submit proposed projects for environmental review, users are required to register and login. To register, click on [Create New Account](#). After logging in, users will be able to create and submit a project for review. To get started, click the Help tab at the top of the page, select [Resources](#), and read the 'Creating and Submitting a Project for Review' document. The review will evaluate the project's location and activities for potential impacts to state and federally listed threatened and endangered species as well as other at-risk species.

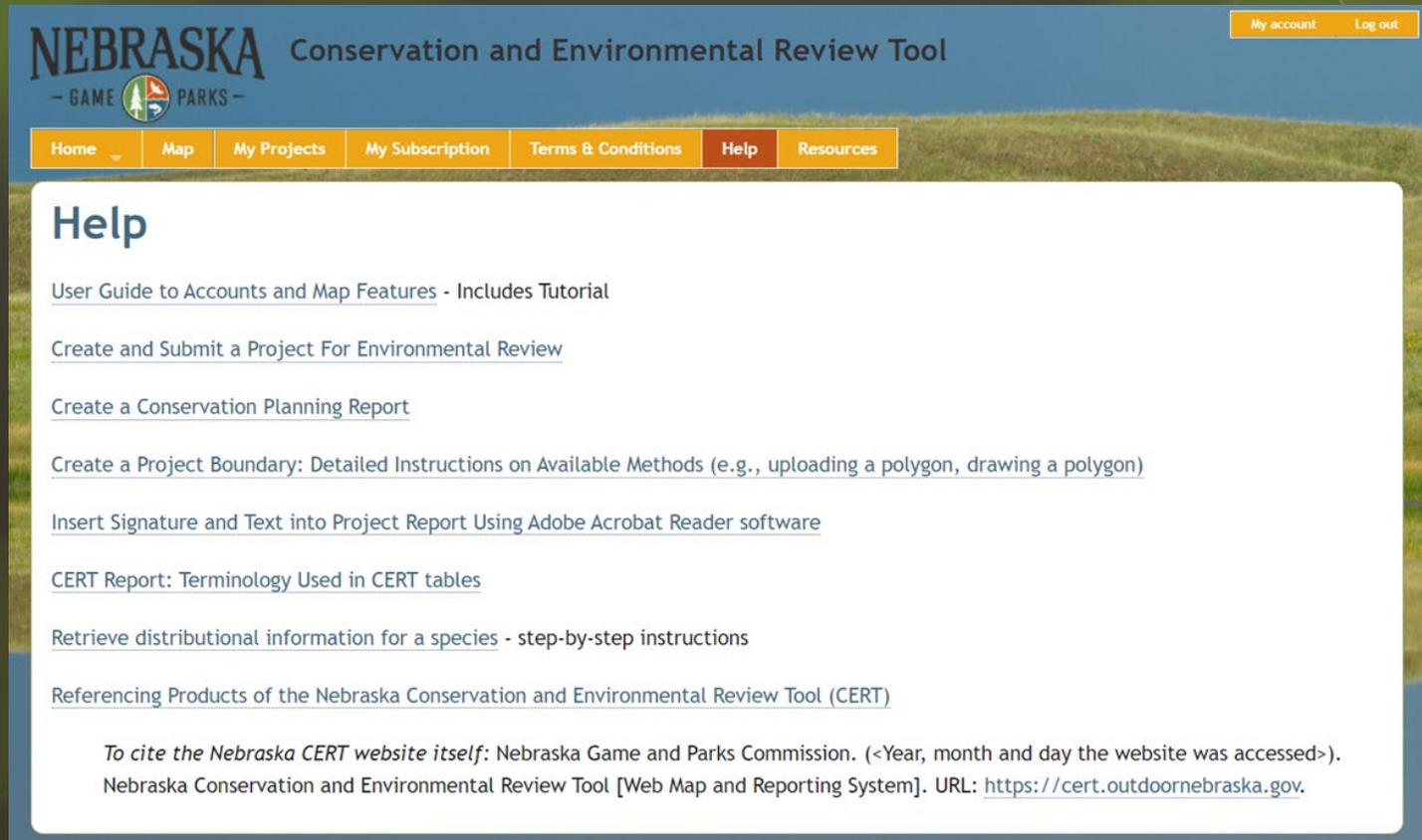
For the Nebraska Conservation and Environmental Review Tool to properly work, please:

- Clear your browser's cache by hitting CTRL-SHIFT-DELETE before each use
- Use the latest version of your internet browsers when available.

Background photo: Sandhills alkaline lake in Garden County, Nebraska. Photo by Gerry Steinauer.

NEBRASKA
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Help Tab



The screenshot shows the top navigation bar of the Nebraska Conservation and Environmental Review Tool website. The header includes the logo for Nebraska Game and Parks, the title "Conservation and Environmental Review Tool", and links for "My account" and "Log out". Below the header is a horizontal menu with buttons for "Home", "Map", "My Projects", "My Subscription", "Terms & Conditions", "Help" (which is highlighted in red), and "Resources". The main content area is titled "Help" and lists several links to user guides and tutorials. At the bottom, there is a citation for the website.

NEBRASKA Conservation and Environmental Review Tool
- GAME  PARKS -

[My account](#) [Log out](#)

[Home](#) [Map](#) [My Projects](#) [My Subscription](#) [Terms & Conditions](#) [Help](#) [Resources](#)

Help

- [User Guide to Accounts and Map Features - Includes Tutorial](#)
- [Create and Submit a Project For Environmental Review](#)
- [Create a Conservation Planning Report](#)
- [Create a Project Boundary: Detailed Instructions on Available Methods \(e.g., uploading a polygon, drawing a polygon\)](#)
- [Insert Signature and Text into Project Report Using Adobe Acrobat Reader software](#)
- [CERT Report: Terminology Used in CERT tables](#)
- [Retrieve distributional information for a species - step-by-step instructions](#)
- [Referencing Products of the Nebraska Conservation and Environmental Review Tool \(CERT\)](#)

To cite the Nebraska CERT website itself: Nebraska Game and Parks Commission. (<Year, month and day the website was accessed>). Nebraska Conservation and Environmental Review Tool [Web Map and Reporting System]. URL: <https://cert.outdoornebraska.gov>.

3 Possible Outcomes



MAY AFFECT; *further consultation is necessary*



MAY AFFECT; *more information needed*



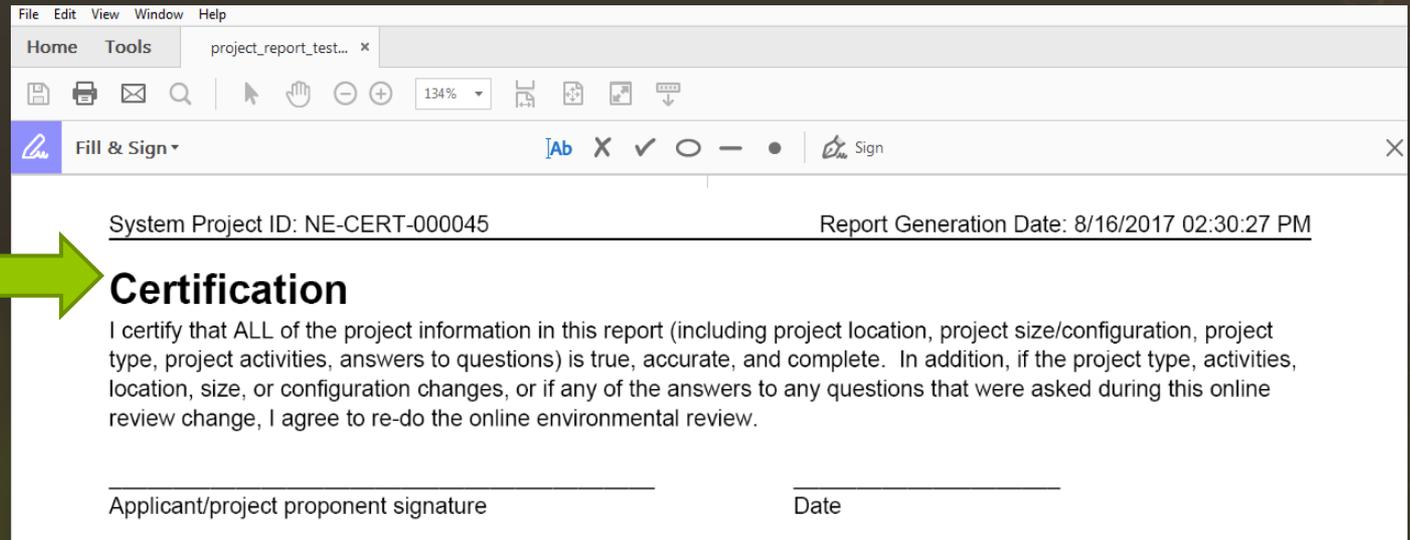
NO EFFECT; *no further action is necessary*

MAY AFFECT

Overall Results

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

- Potential impacts on listed species may occur as a result of this project. Please proceed with the following: Sign and date the certification section. Upload the document as "final." Email a copy of the report with a request for review to the Nebraska Game and Parks Commission (ngpc.envreview@nebraska.gov) and copy the U.S. Fish and Wildlife Service (nebraskaes@fws.gov) for further consultation.



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Fill & Sign Sign

System Project ID: NE-CERT-000045 Report Generation Date: 8/16/2017 02:30:27 PM

Certification

I certify that ALL of the project information in this report (including project location, project size/configuration, project type, project activities, answers to questions) is true, accurate, and complete. In addition, if the project type, activities, location, size, or configuration changes, or if any of the answers to any questions that were asked during this online review change, I agree to re-do the online environmental review.

Applicant/project proponent signature Date

MORE INFORMATION NEEDED

Overall Results

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

- More information needed - refer to the following sections. Answer the habitat question(s) in the section below. Additional consultation with the Nebraska Game and Parks Commission and/or the U.S. Fish and Wildlife Service may or may not be required. Refer to the "Conservation Conditions Agreement" section for additional information.

Questions and Conservation Conditions

Northern Long-eared Bat

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

Habitat Questions for Northern Long-eared Bat:

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

OR

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

Unknown for EITHER question

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

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

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

MORE INFORMATION NEEDED

If YES, then...

Conservation Measures Agreement

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

A) IF one or more of the habitat questions were answered with "Yes", insert an "X" for one of the two options below:

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

Applicant/project proponent signature

Date

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

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

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

NO EFFECT

Overall Results

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

- It is unlikely this project will negatively impact listed species or their designated critical habitat. Please review all the information provided in this document. Then, sign and date the "Certification" section and upload the signed document as "Final" in CERT. No additional correspondence with the Nebraska Game and Parks Commission is required unless otherwise indicated in the "Additional Information" section below. If the project involves a federal permit, action or funding, the lead federal agency should review the information provided in this report and make an "effect determination" pursuant to their obligations under ESA. Depending on the determination made by the lead federal agency, further consultation with the U.S. Fish and Wildlife Service may or may not be required.

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Home Tools project_report_test... x

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Fill & Sign Sign

System Project ID: NE-CERT-000045 Report Generation Date: 8/16/2017 02:30:27 PM

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Applicant/project proponent signature Date



NGPC contact information provided in report

Agency Contact Information

Nebraska Game and Parks Commission

Environmental Review Team
2200 North 33rd Street
Lincoln, NE 68503
phone: (402) 471-5554
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

Website - <https://cert.outdoornebraska.gov/>

Email - ngpc.envreview@nebraska.gov

402-471-5423

402-471-5554