

# **Draft Environmental Assessment**

**Easement Conveyance to the  
Johnson County Rural Water District #1 on the  
Osage Wildlife Management Area originally acquired by the  
Nebraska Game and Parks Commission with  
Wildlife Restoration Grant Program Funds administered by the  
U.S. Fish and Wildlife Service**

**May 10, 2018**

**Prepared by the  
Wildlife and Sport Fish Restoration Program  
U.S. Fish and Wildlife Service, Region 6  
and  
Nebraska Game and Parks Commission  
Lincoln, Nebraska**

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# Introduction

## Purpose and Need

The 778-acre Osage Wildlife Management Area (WMA), located in north-central Johnson County, Nebraska (Fig. 1), was acquired by Nebraska Game and Parks Commission (NGPC) between 1976 and 1989 with grant funds from the Wildlife Restoration (WR) Program which is administered by the U.S. Fish and Wildlife Service (Service). The land was acquired for the purpose of providing habitat for upland game, big game, and waterfowl, and public hunting opportunities. The WMA is managed for these purposes and serves as field office and headquarters for NGPC's Wildlife Division Management Section. Two permanent Wildlife Biologists and two seasonal technicians manage 23 WMAs in southeast Nebraska from this office.

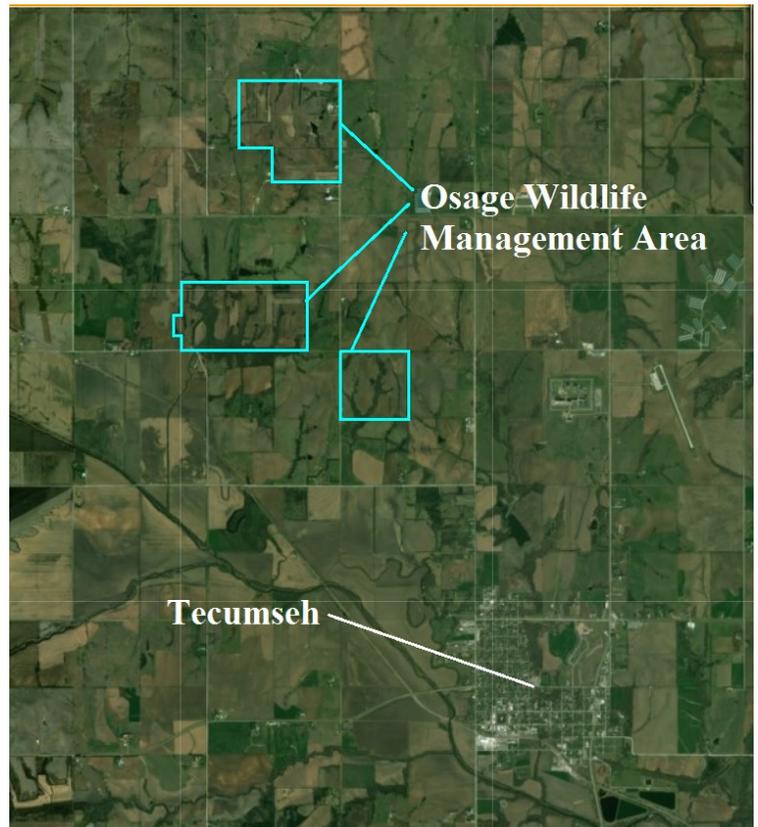


Figure 1. Osage Wildlife Management Area Location

The onsite facilities at the WMA include a shop, office, residence, and storage and equipment structures. Water service is currently provided by a cased well with a one-half HP submersible pump. Although water quality is good, it does contain extremely high iron content which causes significant corrosion and untimely wear on plumbing and piping material and indoor/outdoor fixtures such as hydrants, faucets, sinks, and lavatories. During warm weather months, higher temperatures lead to iron bacteria contamination and odor issues in exposed water lines within the shop, office, and restroom. An existing commercial grade water conditioner and supplemental filtering system minimizes the problem to a degree, but untimely wear on plumbing pipes and fixtures and odor issues continue.

To address these issues, NGPC is proposing to convey an easement to the Johnson County Rural Water District #1 (District) to enable installation of rural water service and meter pit at the WMA. Since the rural water contains low iron content, the installation of this service would improve water quality and greatly reduce the time and funds needed for maintenance of the current system. The District would be solely responsible for the maintenance of the rural water supply line, meter pit, meter, regulator, and shut-off valves, while NGPC would continue to maintain the infrastructure from the meter pit to the individual structures where water is supplied (field office shop, office, and residence).

Federal regulations dictate that the conveyance of easements on property originally acquired with WSFR grant funds must be approved by the Service through a grant transaction. The Service's approval constitutes a Federal Action subject to the National Environmental Policy Act of 1969 (NEPA) which requires Federal agencies to evaluate impacts to the human environment from the proposed action. Therefore, in compliance with NEPA, the Service, in cooperation with NGPC, has prepared this Environmental Assessment to identify and assess the effects of the proposed easement conveyance and determine whether preparation of an Environmental Impact Statement is required.

# Alternatives

## Preferred Alternative

The Preferred Action consists of conveying a 40-foot wide easement to the District to enable the installation of a rural water line and meter pit at the WMA. Thereafter, the District would then undertake the construction necessary to provide this service. The 40-foot wide easement would traverse the entire length of the east boundary of the north tract of the WMA for approximately 3960 feet (Fig. 2). The legal description of the easement location is the east 40 feet of the NE4N2SE4 of Section 6, Township 5 North, Range 11 East, 6th P.M. The area covered by the easement would be 3.6 acres.

Installation would be scheduled for the spring and would span approximately two days. Work would consist of installing a two-inch diameter PVC pipe adjacent to the existing county road right-of-way along approximately 4000 feet of the east boundary of the WMA. The pipe would be buried with a minimum of 42 inches of cover within the proposed easement.

A lateral off the main line would supply the proposed meter pit adjacent to the existing well at the field office headquarters. This location minimizes initial hook up costs to existing water lines. The meter pit would consist of a 20-inch diameter casing with a metal cover, also buried to the depth of 42 inches. The meter, meter regulator, and shut-off valve and all necessary installation hardware would be installed within this casing.

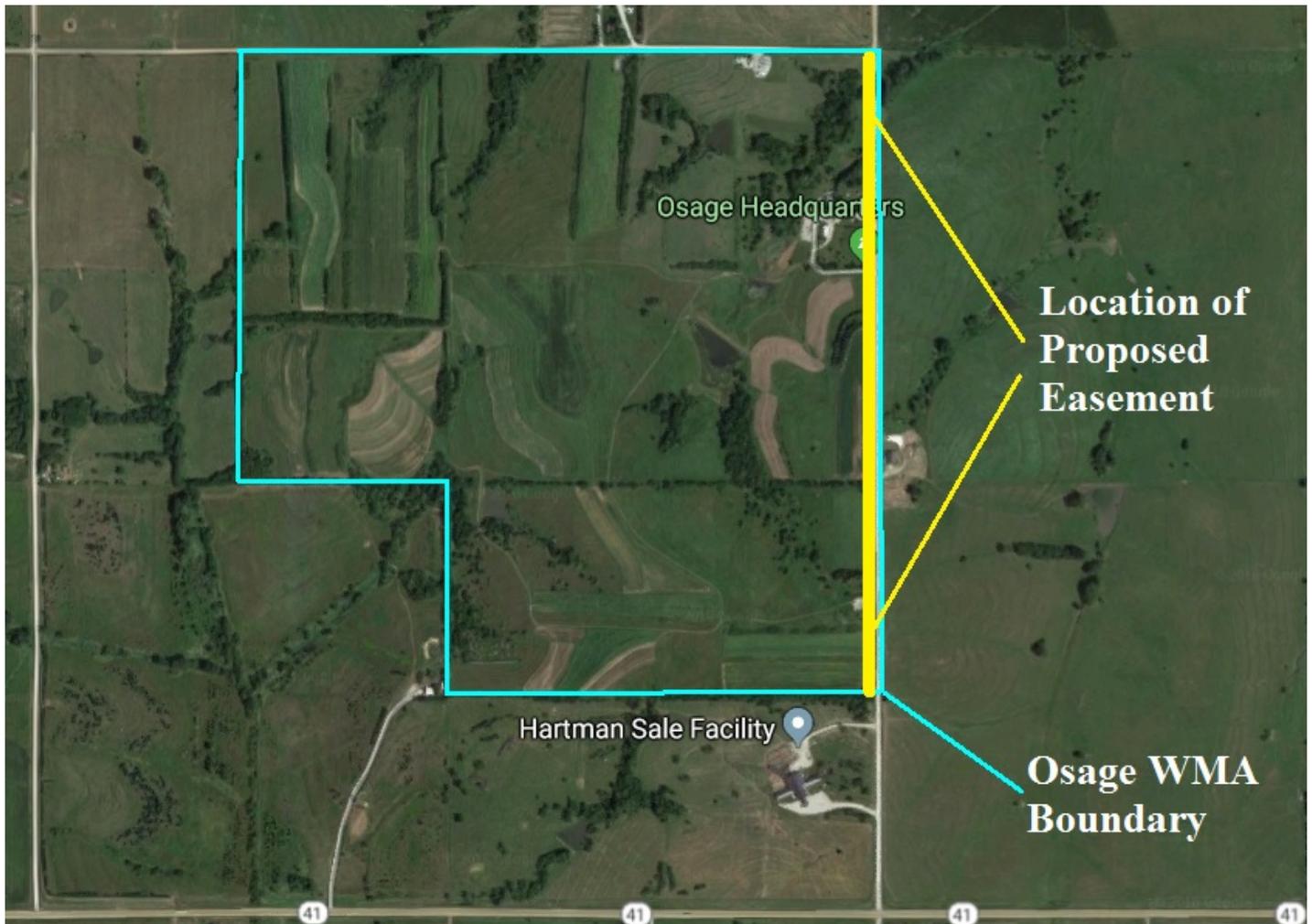


Figure 2. Location of Proposed Easement on the Osage WMA

## No Action Alternative

The No Action Alternative consists of NGPC continuing to use and maintain the existing water lines and not conveying an easement to the District for the installation of new rural water line and meter pit.

## Alternatives Considered but Dismissed

An alternative consisting of the District installing the water line within the existing county road right-of-way (ROW) was considered but dismissed. Utility lines for the Omaha Public Power District and Windstream telephone service already exist within that ROW, and adding a rural service water line would create additional installation and maintenance costs and complications. Pursuing a separate easement for the water line outside of the existing road ROW would alleviate these potential problems. Therefore, this alternative was dismissed from further evaluation.

## Affected Environment

### Floodplains, Wetlands, and Aquatic Resources



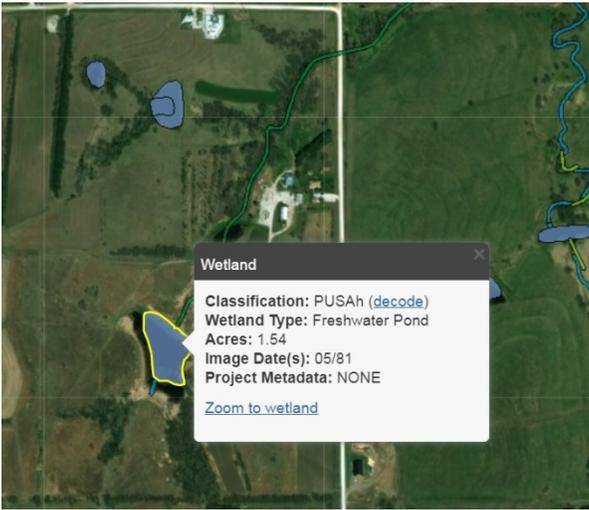
According to the Federal Emergency Management Agency (FEMA), there are no mapped floodplains that exist in the area of the proposed easement (Fig. 3).

Figure 3. FEMA Floodplain Map

A freshwater, seasonal stream intersects the easement corridor in the extreme northeast portion of the WMA. This is categorized by the National Wetlands Inventory (NWI), administered by the Service, as a freshwater forested/shrub wetland (Fig. 4 and 5). The stream is spring-fed and contains seasonal flows only.



Figure 4. NWI Wetland Map



A 1.5-acre freshwater pond is located upstream, approximately 0.25 miles southwest of the proposed easement corridor. The maximum depth of this pond does not exceed six to eight feet. It is non-drainable and contains an emergency spillway.

Figure 5. NWI Wetland Map

## Prime and Unique Farmland



According to soils maps created by the Natural Resource Conservation Service (NRCS), the easement corridor would cross over land that supports four soil types. One type is considered prime farmland and another is considered farmland of statewide importance (Fig. 6).

Tables — Farmland Classification — Summary By Map Unit		
Summary by Map Unit — Johnson County, Nebraska (NE097)		
Summary by Map Unit — Johnson County, Nebraska (NE097)		
Map unit symbol	Map unit name	Rating
7418	Morrill clay loam, 6 to 11 percent slopes	Farmland of statewide importance
7501	Pawnee clay loam, 4 to 8 percent slopes, eroded	Farmland of statewide importance
7549	Shelby clay loam, 11 to 17 percent slopes	Not prime farmland
7596	Shelby clay loam, 17 to 30 percent slopes	Not prime farmland
7695	Wymore silty clay, 3 to 6 percent slopes, eroded	All areas are prime farmland
7750	Nodaway silt loam, occasionally flooded	All areas are prime farmland
7867	Nodaway silt loam, channeled, frequently flooded	Not prime farmland

Figure 6. NRCS Soil Map

## Vegetation

The vegetation composition of the area encompassing the easement corridor is a 40:60 mixed grassland/cropland converted successional habitat community.

The grassland plant communities on the WMA are dominated by Smooth brome (*Bromus inermis*) and also include:

Big bluestem ( <i>Andropogon gerardi</i> )	Sideoats grama ( <i>Bouteloua curtipendula</i> )
Little bluestem ( <i>Andropogon scoparius</i> )	Foxtail sp. ( <i>Setaria</i> sp.)
Indiangrass ( <i>Sorghastrum avenaceum</i> )	Switchgrass ( <i>Panicum virgatum</i> )

Some of the existing forb species include:

Sunflower sp. ( <i>Helianthus</i> sp.)	Field bindweed ( <i>Convolvulus arvensis</i> )
Goldmod sp. ( <i>Solidago</i> sp.)	Velvetleaf ( <i>Abutilon theophrasti</i> )
Compassplant ( <i>Silphium laciniatum</i> )	Common cocklebur ( <i>Xanthium pensylvanicum</i> )
Showy partridge pea ( <i>Camaecrista fasciculata</i> )	

Vegetation adjacent to the pond, stream and associated wetland areas include:

Smooth brome ( <i>Bromes inermis</i> )	Reed canarygrass ( <i>Phalaris arundinacea</i> )
Sunflower sp. ( <i>Helianthus</i> sp.)	Foxtail sp. ( <i>Setaria</i> sp.)
Barnyard grass ( <i>Echinochloa crusgalli</i> )	

Aquatic vegetation within and adjacent to the pond includes:

Narrow leaf cattail ( <i>Typha augustifolia</i> )	Sedges ( <i>Carex</i> sp.)
Duckweed ( <i>Lemna</i> sp.)	Coontail ( <i>Ceratophyllum demersum</i> )

There are no woodland or forest communities on the NGPC property. Natural drainages and creek bottoms support the following species:

Eastern cottonwood ( <i>Populus deltoids</i> )	American plum ( <i>Prunus Americana</i> )
Hackberry ( <i>Celtis occidentalis</i> )	Rough-leaf dogwood ( <i>Cornus drummondii</i> )
Red mulberry ( <i>Morus rubra</i> )	Smooth sumac ( <i>Rhus glabra</i> )
Siberian elm ( <i>Ulmus pumila</i> )	Coralberry ( <i>Symphoricarpos orbiculatus</i> )
Eastern redcedar ( <i>Juniperus virginiana</i> )	

## Wildlife Resources

The NGPC tract hosts a variety of resident and migratory wildlife, both game and non-game species. The species composition reflects the condition and composition of the habitat and season of the year. Following are lists of wildlife species located on and around the WMA.

### Game Species

White-tailed deer ( <i>Odocoileus virginianus</i> )	Northern bobwhite ( <i>Colinus virginianus</i> )
Fox squirrel ( <i>Sciurus niger</i> )	Ring-necked pheasant ( <i>Phasianus colchicus</i> )
Eastern cottontail ( <i>Sylvilagus floridanus</i> )	Mourning dove ( <i>Zenaida macroura</i> )
Wild turkey ( <i>Meleagris gallopavo</i> )	

### Non-game Species

Coyote ( <i>Canis latrans</i> )	Plains pocket gopher ( <i>Geomys bursarius</i> )
American badger ( <i>Taxidea taxus</i> )	Deer mouse ( <i>Peromyscus maniculatus</i> )
Thirteen-lined ground squirrel ( <i>Spermophilus tridecemlineatus</i> )	Prairie vole ( <i>Microtus ochrogaster</i> )

### Avian Species

Red-tailed hawk ( <i>Buteo jamaicensis</i> )	Brown-headed cowbird ( <i>Molothrus ater</i> )
Cooper's hawk ( <i>Accipiter cooperii</i> )	American robin ( <i>Turdus migratorius</i> )
American kestrel ( <i>Falco sparverius</i> )	Common crow ( <i>Corvus brachyrhynchos</i> )
Upland sandpiper ( <i>Bartramia longicauda</i> )	Barn swallow ( <i>Hirundo rustica</i> )
Great horned owl ( <i>Bubo virginianus</i> )	Tree swallow ( <i>Iridoprocne bicolor</i> )
Western kingbird ( <i>Tyrannus verticalis</i> )	Purple martin ( <i>Progne subis</i> )
Eastern kingbird ( <i>Tyrannus tyrannus</i> )	Black-capped chickadee ( <i>Poecile atricapilla</i> )
Vesper sparrow ( <i>Pooecetes gramineus</i> )	White-breasted nuthatch ( <i>Sitta carolinensis</i> )
Savannah sparrow ( <i>Passerculus sandwichensis</i> )	Downy woodpecker ( <i>Picoides pubescens</i> )
Grasshopper sparrow ( <i>Ammodramus savannarum</i> )	Northern flicker ( <i>Colaptes chrysoides</i> )
Western meadowlark ( <i>Sturnella neglecta</i> )	Red-bellied woodpecker ( <i>Centurus carolinus</i> )
Eastern meadowlark ( <i>Sturnella magna</i> )	Red-headed woodpecker ( <i>Melanerpes erythrocephalus</i> )
Eastern phoebe ( <i>Sayornis phoebe</i> )	Eastern bluebird ( <i>Sialia sialis</i> )
Red-winged blackbird ( <i>Agelaius phoeniceus</i> )	

### Aquatic Species

The freshwater pond and stream do not support any fish; however, the following species are commonly found there.

Northern cricket frog ( <i>Acris crepitans</i> )	Chorus frog ( <i>Pseudacris triseriata</i> )
Bullfrog ( <i>Rana catesbeiana</i> )	Woodhouse toad ( <i>Bufo woodhousii</i> )
Northern leopard frog ( <i>Rana pipiens</i> )	Common snapping turtle ( <i>Chelydra serpentina</i> )
Western painted turtle ( <i>Chrysemys picta</i> )	

## **Federally-listed and Special Status species**

According to the Service's *Information for Planning and Consultation* website, the following species may be present in the area around the Osage WMA:

Northern Long-eared Bat	<i>Myotis septentrionalis</i>	Threatened
Whooping Crane	<i>Grus Americana</i>	Endangered; Critical Habitat
Western Prairie Fringed Orchid	<i>Platanthera praeclara</i>	Threatened

The northern long-eared bat (NLEB) typically roosts singly or in colonies, during the summer, in cavities, underneath bark, crevices, or hollows of both live and dead trees and/or snags (typically greater than or equal to three inches dbh). This bat seems opportunistic in selecting roosts, using tree species based on presence of cavities or crevices or presence of peeling bark. They forage for insects in upland and lowland woodlots and tree lined corridors, and over water surfaces. The maternity roosting season occurs from June 1 through July 31 yearly.

The Western prairie fringed orchid (WPFO) is most commonly found in full sun in tallgrass prairies and sedge meadows. It most often grows in relatively undisturbed grassland, but can also be found in moderately disturbed sites such as roadside ditches. Declines are due to the extensive and on-going conversion of the tallgrass prairie to agricultural uses throughout the range. It is threatened by conversion of habitat to croplands, overgrazing, exotic species, intensive hay mowing, drainage, altered hydrology, and fire suppression. Potential threats include collecting and the use of herbicides and also fertilizers.

The whooping crane breeds, migrates, winters, and forages in a variety of wetland and other habitats, including coastal marshes and estuaries, inland marshes, lakes, ponds, wet meadows and rivers, and agricultural fields. Autumn migration from the whooping crane's summer habitat in Canada normally begins in mid-September, with most birds arriving on the Texas wintering grounds between late October and mid-November. During migration, whooping cranes use a variety of habitats; however wetland mosaics appear to be the most suitable. For feeding, this species primarily uses shallow, seasonally and semi permanently flooded palustrine wetlands for roosting, and various cropland and emergent wetlands. In Nebraska, whooping cranes also often use riverine habitats.

Based on a review of the project information, aerial photographs, and the Nebraska Natural Heritage database, the project area is located within the range of the NLEB and the WPFO (see Appendix A). However, the site lacks suitable habitat for the whooping crane and it is located outside of the range/primary migration corridor of this species.

## **Historic and Cultural Resources**

NGPC Staff consulted with the Nebraska State Historic Preservation Office (SHPO) about the existence or likelihood of historical, cultural, or archaeological resources in the area of the water line and meter pit. SHPO evaluated the ground disturbing activities associated with the proposed project and reviewed the Nebraska State Historical Society records. They determined that the proposed action would be unlikely to impact any prehistoric or historic cultural resources listed on the National Register or eligible for such a listing, and concluded that a determination of *no historic properties affected* would be appropriate for this undertaking (see Appendix B).

## **Management and Use**

This WMA is used by both big and small game hunters and is popular for mourning dove, Northern bobwhite, and white-tailed deer. Approximately 2640 feet of the easement would fall within the unfenced area of the WMA that is open to public access and is primarily used for hunting small game. The remaining 1320 feet of the easement would fall within an area that is not open to public hunting due to the adjacency of the field office, shop, and residence. However, this area is always available to non-consumptive users such as wildlife viewers and hikers.

## **Environmental Consequences**

### **Floodplains, Wetlands, and Aquatic Resources**

No floodplains exist within the area subject to the easement conveyance and installation of the water line and meter pit so no effects would occur. A small fragment of the wetland that intersects the easement would be disturbed for approximately two days during installation of the water line. Due to the short duration of the disturbance and the presence of the natural spring, regeneration of the wetland vegetation without post-construction revegetation efforts would be expected and, therefore, no long-term adverse effects to the wetland would occur. No work will take place in or near the pond; therefore no effects from the proposed action would occur.

### **Prime and Unique Farmland**

The proposed easement corridor for the water line would lie adjacent to the road right-of-way and pass through an area of prime farmland and farmland of statewide importance. This area is not currently being used for crop production. The installation of the water line will result in some temporary disturbance of the surface but no permanent or impervious surfaces will be used on the site. Therefore, no effects to prime or unique farmland would occur since unnecessary or irreversible conversion of the land will not result from the proposed action.

### **Vegetation**

The water line installation would result in temporary disturbance to the vegetation alongside the existing road; however, no trees or woody vegetation would be removed. Due to the scheduling of work during the spring season, the short duration of the work, and the size of the area of disturbance, natural revegetation and succession is anticipated to occur normally without post-construction restoration activities.

### **Wildlife Resources**

Temporary disturbance of resident species would occur during the installation of the water line. Once the water line has been placed and disturbance from the work activities has ceased, the typical use of the area by wildlife would be expected to return. No significant long-term impacts to the resident wildlife would be anticipated.

## **Federally-listed Species**

According to guidance provided by the Ecological Services Division (ES) of the Service, effects to the NLEB can occur when trees, including dead or “snag” trees, greater than or equal to 3-inch diameter breast height (dbh) or other potential roosting structures, like buildings, bridges, and large box culverts, are removed between June 1 and July 31. Only a small group of dogwood trees of 0.5-inch dbh would need to be removed to prepare for installation of the proposed water line, and since they are less than 3-inch dbh, they do not provide suitable maternity roosting habitat and their removal at any time of year would not result in effects to maternity roosting habitat. No other potential roosting structures are present or would be removed as part of the project. Therefore, the easement conveyance and installation of a water line and meter pit would not affect the NLEB.

ES staff also stated that the destruction of WPFO individuals could occur if work activities would take place (1) within or adjacent to a wet meadow or natively vegetated grassland that is on a lower stream terrace or topographic floodplain; (2) within 100 feet of a natively vegetated sidehill seep that has no history of tillage; or (3) in a drainage (ditch, waterway, or other moist soil sites) that contains suitable vegetation for the species that is associated with a wet meadow or natively vegetated grassland that is on a lower stream terrace or topographic floodplain. However, the area of the proposed installation of the water line and meter pit does not meet any of these criteria. Therefore, the project would not result in effects to the WPFO.

As stated in “Affected Environment” above, the project area does not provide suitable habitat for the whooping crane and falls outside its primary migration corridor. Therefore the proposed action will not affect this species.

## **Historical, Cultural, and Archaeological Resources**

The Nebraska SHPO concluded that a determination of *no historic properties affected* would be appropriate for the proposed installation of the new water line and meter pit.

## **Management and Use**

Activities associated with the installation of the new water line would not change or affect the ongoing or future management of the WMA. Although installation of the water line in the easement corridor along the roadside may result in some disturbance to adjacent landowners or recreationists on the WMA, effects would be temporary and not result in any long term impact to hunting or outdoor recreational use of the WMA.

## **Cumulative Impacts**

NGPC acquired the subject property in the mid 1970s and has used and operated the land as a WMA since that time. For decades, areas surrounding the WMA for miles have been used for agricultural activities. The installation of a water line and meter pit on the WMA would not lead to new development or construction; cause significant impacts to the existing natural or cultural resources; affect the nature of the economic and recreational activities in the area; or change the current use of the WMA and nearby lands. Consequently, no cumulative impacts are anticipated as a result of implementing the preferred alternative.

## **Public Review**

The Service will release this draft environmental assessment for a 30-day public review period. Comments will be accepted by the Service and NGPC during that time.

## List of Preparers

Pat Molini, Assistant Division Administrator, NGPC, Lincoln, NE  
Mike Remund, Fish and Wildlife Biologist II, NGPC, Tecumseh, NE  
Tammy Snyder, Federal Aid Administrator, NGPC, Lincoln, NE  
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Mike Fritz, Natural Heritage Specialist, NGPC, Lincoln, NE  
Charla Rasmussen, Realtor, NGPC, Lincoln, NE  
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# Appendix A



## Environmental Review Report

### Project Information

Report Generation Date:	4/5/2018 04:40:37 PM
Project Title:	Rural Water Line Easement at Osage WMA
User Project Number(s):	
System Project ID:	NE-CERT-000483
Project Type:	Water Use/Transfer/Channel Activities, Water System Improvements
Project Activities:	New Distribution Lines
Project Size:	9.17 acres
County(s):	Johnson
Watershed(s):	Nemaha
Watershed(s) HUC 8:	Little Nemaha
Watershed(s) HUC 12:	Lower South Fork Little Nemaha River
Biologically Unique Landscape(s):	None
Township/Range and/or Section(s):	T05R11ES06; T06R11ES31
Latitude/Longitude:	40.430512 / -96.218032

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Submitted On Behalf Of:	

### Project Description

The Johnson County Rural Water District #1 is requesting approval of a construction easement for installation of rural water service and meter pit at Osage WMA. The 40-foot easement would run adjacent to the county road ROW and it would be located along the eastern border of the northernmost portion of Osage WMA.

## Introduction

The Nebraska Game and Parks Commission (Commission) and the U.S. Fish and Wildlife Service (Service) have special concerns for endangered and threatened species, migratory birds, and other fish and wildlife and their habitats. Habitats frequently used by fish and wildlife species are wetlands, streams, riparian (stream side) woodlands, and grasslands. Special attention is given to proposed developments that include modification of wetlands, stream alteration, loss of riparian habitat, or contamination of habitats. When this occurs, the Commission and Service recommends ways to avoid, minimize, or compensate for adverse effects to fish and wildlife and their habitats.

The Commission 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 37-811). Pursuant to § 37-807 (3) of NESCA, all state agencies shall, in consultation with the Commission, insure 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.

The 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 of 1973 (ESA); 2) Fish and Wildlife Coordination Act; 3) Bald and Golden Eagle Protection Act; and 4) Migratory Bird Treaty Act. The National Environmental Policy Act (NEPA) requires compliance with all of these statutes and regulations.

Pursuant to section 7(a)(2) of ESA, every federal agency, shall in consultation with the Service, ensure that an action they authorize, fund, or carry out is not likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of designated critical habitat. If a proposed project may affect federally listed species or designated critical habitat, section 7 consultation is required with the Service. It is the responsibility of the federal action agency to fully evaluate all potential effects (direct and indirect) that may occur to a listed species and critical habitat in the action area. The federal agency provides their effects determination to the Service for concurrence. If federally listed species and/or designated/proposed critical habitat would be adversely affected by implementation of the project, the federal agency will need to formally request further section 7 consultation with the Service prior to making any irretrievable or irreversible commitment of federal funds (section 7(d) of ESA), or issuing any federal permits or licenses.

Informal consultation pursuant to NESCA and ESA can be completed by using the Conservation and Environmental Review Tool (CERT). The CERT analyzes the project type and location, and provides a series of habitat questions and conservation conditions in this report, if applicable. Project proponents can agree to implement conservation conditions as outlined in the report and applicable to the project type by signing in the designated areas and uploading the signed PDF as part of their "final" project submittal. The Commission and the Service concur that by agreeing to and implementing the conservation conditions as outlined, then such projects are not likely to adversely affect listed species and further consultation is not required. If the report indicates the project "May Affect" listed species, then further consultation with the Commission and/or the Service is required.

## 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 the U.S. Fish and Wildlife Service may or may not be required. Refer to the "Conservation Conditions Agreement" section for additional information.

## Additional Information

### Nebraska Game and Parks Commission Property

This project is within or near a property owned and/or managed by the Nebraska Game and Parks Commission (NGPC). Please contact the Nebraska Game and Parks Commission to determine if this project will have impacts on the property.

## 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 woodlands (> 5 acres in size) with live or dead trees or snags which are typically > 6 inches in diameter at breast height (dbh) and 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 conditions are not needed for this species unless otherwise indicated.

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

**NLEB CC-2:** No removal of trees greater than or equal to 6 inch dbh or removal of roosting structures between June 1 and July 31.

### Western Prairie Fringed Orchid

This project is within the range of the state and federally listed threatened western prairie fringed orchid (*Platanthera praeclara*).

Habitat Questions for Western Prairie Fringed Orchid:

**Are the Project Limits within or adjacent to a wet meadow or natively vegetated grassland that is on a lower stream terrace or topographic floodplain?**

**Are the Project Limits within 100 feet of a natively vegetated sidehill seep that has no history of tillage?**

**Do the Project Limits occur in a drainage (ditch, waterway, or other moist soil sites) that contains suitable vegetation for the species AND is associated with a wet meadow or natively vegetated grassland that is on a lower stream terrace or topographic floodplain?**

Unknown for one or more questions

No for ALL three questions. Conservation conditions are not needed for this species unless otherwise indicated.

Yes for ANY of the questions. The following conservation conditions must be implemented in order to avoid adverse impacts on western prairie fringed orchid:

**WPFO CC-1:** Survey according to protocol required during flowering period (June 15 - July 15) prior to ground disturbing activities, herbicide application, and/or conversion from haying to grazing with management for shorter duration or timing. If the species is found during the survey, further consultation with the Nebraska Game and Parks Commission is required prior to commencement of project activities. If the species is not found during the survey, work may proceed.

### Conservation Conditions Agreement

IF one or more of the habitat questions were answered with "Yes", insert an "X" for one of the two options below:  
\_\_\_\_ I understand and agree to implement and/or incorporate the conservation conditions for those species as indicated. By implementing and/or incorporating the applicable conservation conditions, it is determined this project "May Affect, but is Not Likely to Adversely Affect" listed endangered and threatened species. No further consultation with the Nebraska Game and Parks Commission or the U.S. Fish and Wildlife Service is required. 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.

Chris Hardin  
Applicant/project proponent signature

4/9/18  
Date

\_\_\_\_ I have concerns regarding one or more of the required conditions. Further consultation with the Nebraska Game and Parks Commission and the U.S. Fish and Wildlife Service is required. Sign the "Certification" section below. When submitting the project as "Final" in CERT, please attach a separate document explaining your concerns with the required conditions and why they cannot be implemented. Then, contact the Nebraska Game and Parks Commission and the U.S. Fish and Wildlife Service for further consultation.

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

IF ALL the habitat questions were answered "No" or if the overall results were "No Effect," then sign the "Certification" section below and submit the project as a "Final" in CERT. No further consultation with the Nebraska Game and Parks Commission or the U.S. Fish and Wildlife Service is required. Submit a copy of the signed report with any type of permit/application needed for the project.

### 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.

Chris Hardin  
Applicant/project proponent signature

4/9/18  
Date

## Additional Considerations

### **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 without a permit issued by the Secretary of the Interior. 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."

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**

Under the Migratory Bird Treaty Act (16 U.S.C. 703-712: Ch. 128 *as amended*) (MBTA) construction activities in grassland, wetland, stream, woodland, and river bank habitats that would otherwise result in the taking of migratory birds, eggs, young, and/or active nests should be avoided. Although the provisions of MBTA 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 the "take" of nesting migratory birds, we would 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 about the MBTA and avoiding impacts to migratory birds, or to report active bird nests that cannot be avoided by planned construction activities, please contact Eliza Hines, Nebraska Field Office, U.S. Fish and Wildlife Service, 9325 South Alda Road, Wood River, NE 68883. Adherence to these guidelines will help avoid the unnecessary take of 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.

## **Agency Contact Information**

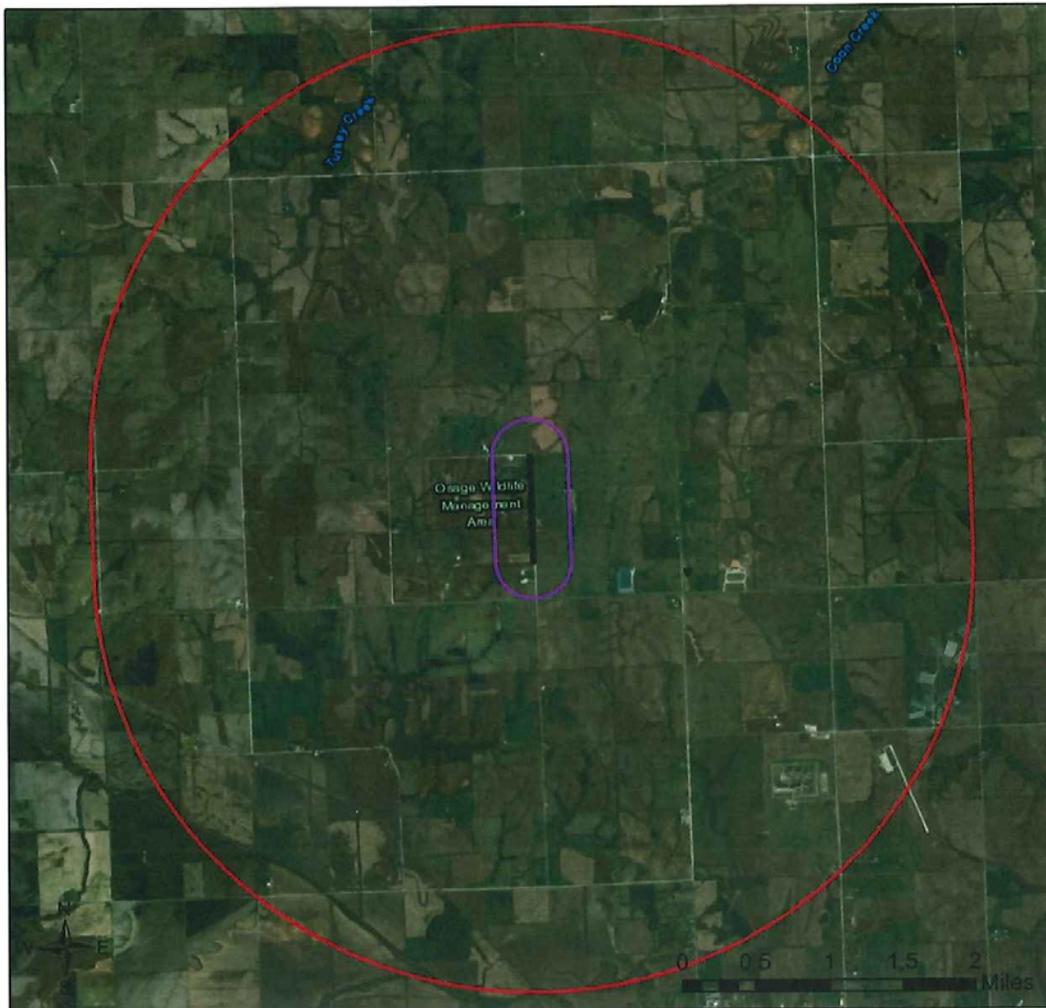
#### **Nebraska Game and Parks Commission**

Carey Grell  
2200 North 33rd Street  
Lincoln, NE 68503  
phone: (402) 471-5423  
email: [carey.grell@nebraska.gov](mailto:carey.grell@nebraska.gov)

#### **U.S. Fish and Wildlife Service**

Eliza Hines  
9325 South Alda Road  
Wood River, NE 68883  
phone: (308) 382-6468 ext. 204  
email: [eliza\\_hines@fws.gov](mailto:eliza_hines@fws.gov)

### Rural Water Line Easement at Osage WMA Aerial Image Basemap With Locator Map



-  Project Boundary
-  Project Review Boundary
-  3-mile Information Buffer Boundary

Project Size (acres): 9.17

Lat/Long (DD): 40.4305 / -96.2180

County(s): Johnson

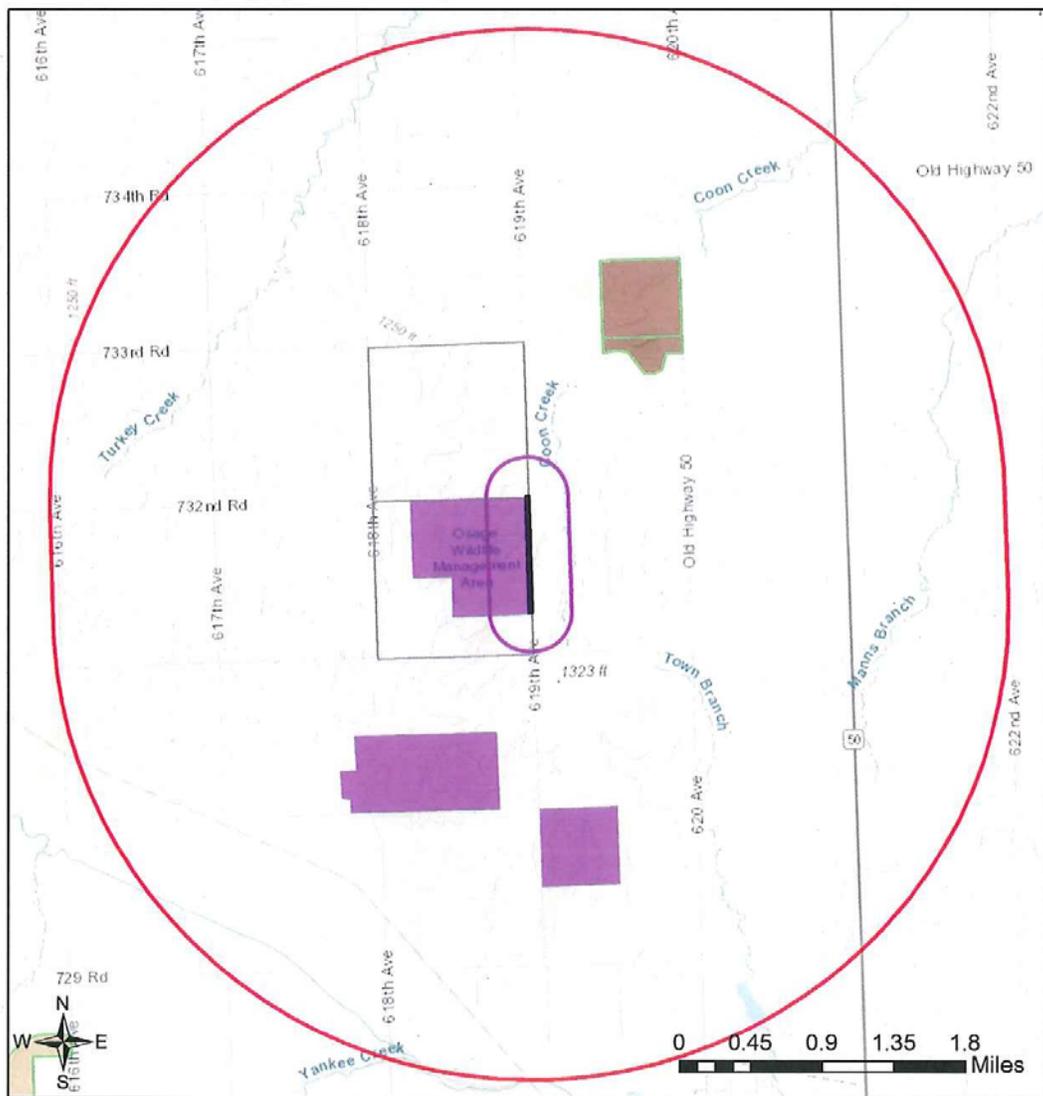
BUL(s):

Township/Range/Section(s): T05R11ES06; T06R11ES31



Service Layer Credits: Sources: Esri, HERE, Garmin, Intermap, Increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, © OpenStreetMap contributors, and the GIS User Community  
Esri, HERE, Garmin, © OpenStreetMap contributors, and the GIS user community

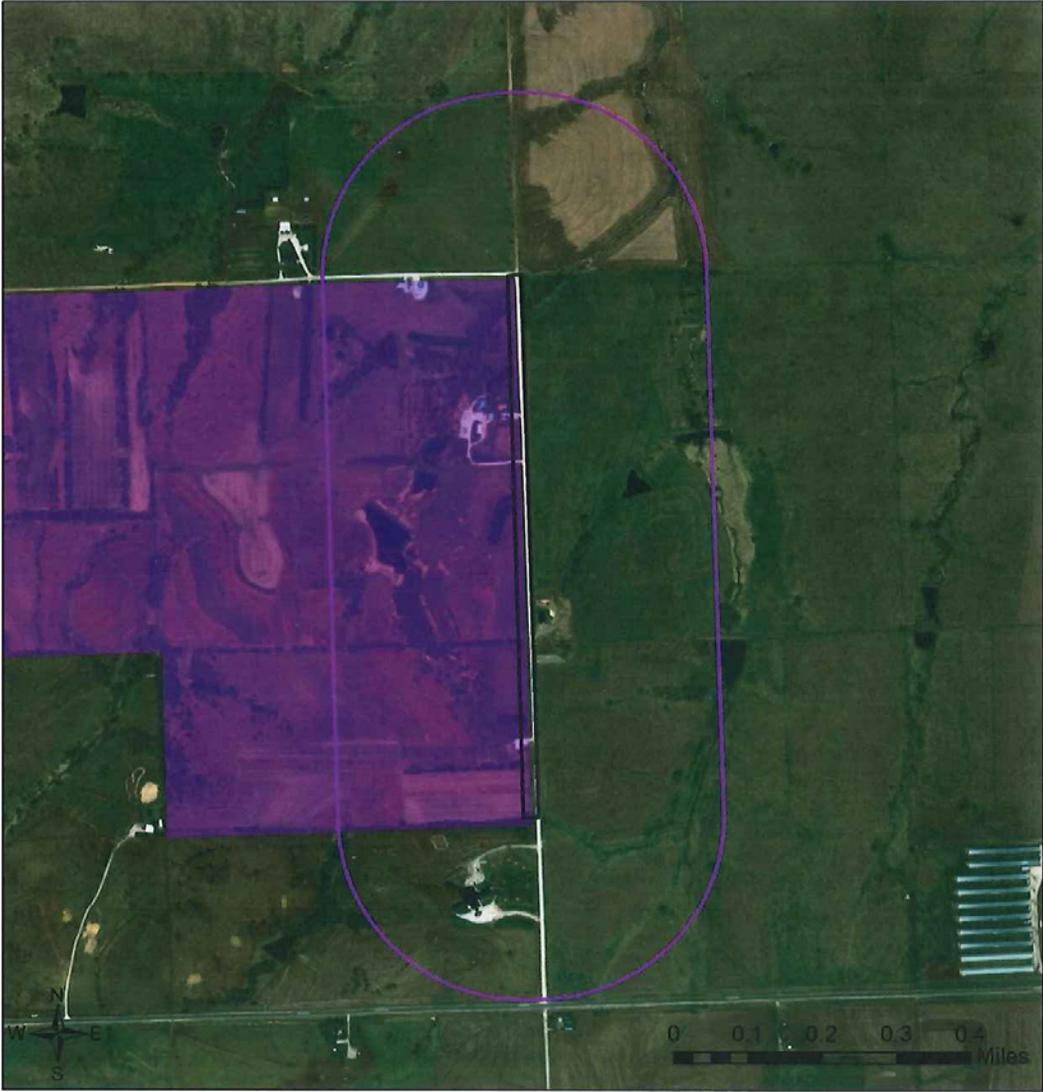
### Rural Water Line Easement at Osage WMA Topographic Basemap With Sections and Protected Areas



- |                                    |  |                           |
|------------------------------------|--|---------------------------|
| Project Boundary                   | <b>Protected Areas Database (USGS)</b> | Other Federal             |
| Project Review Boundary            | U.S. Fish & Wildlife Service           | Tribal                    |
| 3-mile Information Buffer Boundary | U.S. Forest Service                    | Conservation Organization |
| Sections                           | Natural Resources Conservation Service | Other State (non-NGPC)    |
| NGPC Properties                    | Army Corps of Engineers                | Other (City, Unknown)     |
| PAD (USGS) - boundaries            | Bureau of Reclamation                  |                           |

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, © OpenStreetMap contributors, and the GIS User Community

### Rural Water Line Easement at Osage WMA Web Map As Submitted By User



- Project Boundary
- Project Review Boundary
- NGPC Properties

Esri, HERE, Garmin, © OpenStreetMap contributors, and the GIS user community  
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

**Table 1**  
**Protected Areas in Immediate Vicinity of Project (project review area)**

Area Name	Owner/Manager	Information Source
Osage WMA	Nebraska Game and Parks Commission	NGPC

**Table 2**  
**Documented Occurrences in Immediate Vicinity of Project (project review area):**  
**Special status species (Tier 1 and 2), natural communities, and special areas**

Scientific Name	Common Name	USFWS	State	SGCN	USFS	SRank	GRank
Large Intact Block of Habitat for At-risk Species							

**Table 3**  
**Documented Occurrences within 3 Miles of Project Review Area:**  
**Special status species (Tier 1 and 2 at-risk species and additional S1-S3 plants) and special areas**

Scientific Name	Common Name	USFWS	State	SGCN	USFS	SRank	GRank
<i>Haliaeetus leucocephalus</i>	Bald Eagle			Tier 2	S	S3	G5
<i>Liatris hirsuta</i>	Hairy Gayfeather			Tier 2		S1S3	G5T4?
<i>Satyrium titus</i>	Coral Hairstreak			Tier 2		S3	G5

**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	USFS	SRank	GRank
<i>Ammodramus henslowii</i>	Henslow's Sparrow	Range			Tier 1		S1	G4
<i>Atrytone arogos iowa</i>	Iowa Skipper	Range			Tier 1		S1	G3T3
<i>Carex missouriensis</i>	Missouri Sedge	Range			Tier 1		S1	G4
<i>Catocala nuptialis</i>	Married Underwing	Range			Tier 1		SNR	G3G4
<i>Catocala whitneyi</i>	Whitney Underwing	Range			Tier 1		S1	G3G4
<i>Erynnis martialis</i>	Mottled Duskywing	Range			Tier 1		S2	G3
<i>Haliaeetus leucocephalus</i>	Bald Eagle	Range			Tier 2	S	S3	G5
<i>Hylocichla mustelina</i>	Wood Thrush	Range			Tier 1		S3	G4
<i>Lanius ludovicianus</i>	Loggerhead Shrike	Range			Tier 1	S	S2S3	G4
<i>Myotis lucifugus</i>	Little Brown Myotis	Range			Tier 1		SNR	G3

**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	USFS	SRank	GRank
Myotis septentrionalis	Northern Long-eared Myotis	Range	T	T	Provisional			
					Tier 1		SNR	G1G2
Platanthera praeclara	Western Prairie Fringed Orchid	Range	T	T	Tier 1		S2	G3
Speyeria idalia	Regal Fritillary	Range			Tier 1	S	S3	G3
Tryngites subruficollis	BUFF-BREASTED SANDPIPER	Range			Tier 1		S2N	G4
Tympanuchus cupido	Greater Prairie-chicken	Range			Tier 1	S	S3S4	G4
Vireo bellii	Bell's Vireo	Range			Tier 1		S4	G5

## Appendix B



Carey Grell  
Environmental Analyst Supervisor  
Planning & Programming Division  
Nebraska Game and Parks  
2200 N 33<sup>rd</sup> St.  
Lincoln, NE 68503-3070

February 13, 2018

RE: HP# 1802-038-01; Osage Wildlife Management Area Rural Water District Water Line Easement Project, Sec 6, T5N, R11E, Johnson County

Dear Carey,

Thank you for submitting the information for the above referenced project for Nebraska State Historic Preservation Office review and comment under Section 106 of the National Historic Preservation Act of 1966, as amended in 2014 (Title 54 U.S.C. § 306108 [formerly 16 U.S.C. § 470f]), and its implementing regulations at 36 CFR § 800.

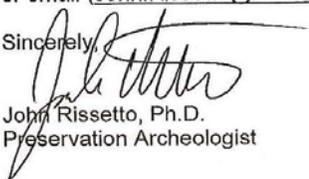
According to the information provided along with a check of Nebraska State Historical Society records, the ground disturbing activities associated with the proposed construction of a new water line easement located northwest of Tecumseh, NE are unlikely to impact any prehistoric or historic cultural resources listed on the National Register or eligible for such a listing. Thus, a determination of *no historic properties affected* is appropriate for this undertaking and the project should continue as planned.

However, since the project area has not been directly evaluated by professional archeologists there is the possibility that currently buried or otherwise obscured cultural or human remains may be discovered during the undertaking. If any such discovery is made, please contact this office immediately for further instruction.

Be advised that this determination does not necessarily reflect the opinion of Native American Tribes that may have an interest in the area, nor does it pertain to Traditional Cultural Properties, if they exist in the area.

Please submit this letter to the project's lead federal agency to fulfill the statutory obligation of Section 106 consultation with the Nebraska State Historic Preservation Office. Should you have any questions regarding this determination, please contact this office by phone (402-471-2609) or email ([John.Rissetto@nebraska.gov](mailto:John.Rissetto@nebraska.gov)).

Sincerely,

  
John Rissetto, Ph.D.  
Preservation Archeologist

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