

**U.S. Fish and Wildlife Service Legacy Region 6 (Interior Region 5)
Nebraska Ecological Services Field Office
Species Listing and Critical Habitat Actions, and Other News
(as of March 2021)**

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Species Listing and Critical Habitat Actions that are Underway

American Burying Beetle (*Nicrophorus americanus*):

This beetle is listed as federally threatened with a 4(d) Rule. In Nebraska, the species range includes the Nebraska Sandhills and the Loess Canyons, also known as the Northern Plains Analysis Area.

- Nebraska Ecological Services Field Office (NEFO) Point of Contact is Jeff Runge.
- U.S. Fish and Wildlife Service (Service) Legacy Region 2, Oklahoma Field Office is the lead for this species.
- The final rule downlisting the species from endangered to threatened with 4(d) Rule was published on October 15, 2020, in the Federal Register (effective November 15, 2020): <https://www.federalregister.gov/documents/2020/10/15/2020-19810/endangered-and-threatened-wildlife-and-plants-reclassification-of-the-american-burying-beetle-from>
- A [Programmatic Biological Opinion](#) on the 4(d) Rule was finalized on October 15, 2020.
- Received Notice of Intent from Center of Biological Diversity on January 12, 2021, challenging the downlisting and 4(d) Rule.

Blowout Penstemon (*Penstemon haydenii*):

This plant is listed as federally endangered. It occurs in loose sands in or on the margins of open sand blowouts found in the Nebraska Sandhills.

- NEFO Point of Contact is Brooke Stansberry.
- The Service Legacy Region 6, Nebraska Field Office is the lead for this species.
- 5-year Status Review is due for completion by August 31, 2022.

Eastern Black Rail (*Laterallus jamaicensis jamaicensis*):

This bird is listed as federally threatened with a 4(d) Rule. The status of the Eastern Black Rail in Nebraska is poorly known, and documented occurrences are rare. In 2016, a single vocalizing Eastern Black Rail was detected during the breeding season in a Clay County rainwater basin. In Nebraska, this species is likely a rare casual spring and fall migrant statewide and a possible summer visitor at Crescent Lake National Wildlife Refuge.

- NEFO Point of Contact is Matt Rabbe.
- The Service Legacy Region 4, the South Carolina Field Office is the lead for this species.
- The final rule listing the species as a threatened with a special 4(d) Rule was published on October 8, 2020, into the Federal Register (effective November 9, 2020): <https://www.federalregister.gov/documents/2020/10/08/2020-19661/endangered-and-threatened-wildlife-and-plants-threatened-species-status-for-eastern-black-rail-with>.

Hall's Bulrush (*Schoenoplectiella halli*):

This plant species is not listed, but potential listing of this species is under review. In Nebraska, Hall's Bulrush occurs in the Nebraska Sandhills with populations in Brown, Garfield, Holt, Loup, Rock, and Wheeler Counties.

- NEFO Point of Contact is Amanda Ciurej.
- Service Legacy Region 3, the Columbia, Missouri Field Office Regional Office is lead for this species.
- A Species Status Assessment (SSA) was completed July 2020 to inform the Service's 12-month finding that will determine if the species warrants federal protection under the Endangered Species Act (ESA).
- The 12-month finding is still in progress and awaiting approval.

Monarch (*Danaus plexippus plexippus*):

This butterfly is a candidate but not listed. Occurs throughout Nebraska, but most common east of the 100th meridian, in open habitats including fields, meadows, marshes and along roadsides.

- NEFO Point of Contact is Brooke Stansberry.
- The Service Legacy Region 3, Bloomington, Minnesota Field Office is the lead for this species.
- On December 15, 2020, the Monarch became a candidate for listing under the ESA. Candidate species are not proposed for listing, but are species for which the development and publication of proposed rules for listing are anticipated.
- The Service encourages cooperative conservation efforts for candidate species like the Monarch because they are, by definition, species that warrant protection under the ESA.
- More information about the Service's finding on the Monarch and tips on how to help conserve the species is available here: <https://www.fws.gov/savethemonarch>.

Northern Long-eared Bat (*Myotis septentrionalis*):

This bat is listed as federally threatened with a 4(d) Rule. A vast majority of Nebraska is in the Northern Long-eared Bat (NLEB) range and is within the White Nose Syndrome (WNS) buffer zone. The state contains suitable woodland/forested habitats for roosting during the species' active season (typically April through October) and known winter hibernaculum to use during hibernation (typically November through March).

- NEFO Point of Contact is Amanda Ciurej.
- The Service Legacy Region 3, Bloomington, Minnesota Field Office is the lead for this species.
- An SSA is being completed to inform a 5-year Status Review and a court ruling requiring the Service to revisit the species' status. The status review will determine if the NLEB should remain threatened or be listed as endangered.
- This SSA is titled the Three-Bat SSA as it will also inform a status review of the [Tricolored Bat \(*Perimyotis subflavus*\)](#) and discretionary status review of the [Little Brown Bat \(*Myotis lucifugus*\)](#), scheduled to be complete by summer 2021.
- The 5-year Status Review is due in August 2022.

- More information about the species, the 4(d) Rule, a range map, and the WNS buffer zone, visit <https://www.fws.gov/Midwest/Endangered/mammals/nleb/index.html>.

Pyramid Pigtoe (*Pleurobema rubrum*):

This mussel is not listed, but potential listing of this species is under review. There is no current or historical documentation that this species occurred in streams or rivers in Nebraska. May also be referred to as Pink Pigtoe, but this is an unaccepted common name of the species.

- NEFO has not assigned a Point of Contact for this species based on what is currently known about this species' range in the state.
- The Service Legacy Region 4, Asheville, North Carolina Field Office is the lead for this species.
- A SSA was completed and is currently undergoing a peer review. This document will inform the 12-month Finding that will be completed this FY.

Regal Fritillary (*Speyeria idalia*):

This butterfly is not listed but is under review. The Regal Fritillary has been observed throughout Nebraska in pastures, wet meadows, and upland prairies.

- NEFO Point of Contact is Brooke Stansberry.
- The Service Legacy Region 6, Pierre, South Dakota Field Office, is the species lead for this species.
- On September 18, 2015, the Service published a 90-day finding indicating that listing the species may be warranted due to: 1) the present or threatened destruction, modification, or curtailment of the species habitat or range, and 2) other natural or manmade factors
- An SSA is projected for completion in the spring of 2021. The SSA will inform a 12-month Finding that is anticipated in Fiscal Year 2022.

Rufa Red Knot (*Calidris canutus rufa*):

Nebraska is part of this bird species' nonbreeding range based on the geolocator results reported by Newstead et al. 2013 for the Interior United States (Service 2020). While observations of this species are rare in Nebraska, it has been observed across the state using mud flats and shorelines at rainwater basin wetlands, rivers, and large impoundments where they feed and rest occasionally to and from breeding and wintering grounds.

- NEFO Point of Contact is Matt Rabbe.
- The Service Legacy Region 1, New Jersey Field Office is the lead for this species and critical habitat decision.
- The Service is evaluating whether to designate critical habitat for this species and if habitat will be proposed in Nebraska.
- For more information about this species and its road to recovery, visit <https://fws.gov/northeast/red-knot/>.

Salt Creek Tiger Beetle (*Cicindoea nevadica lincolniiana*):

This beetle is listed as federally endangered with designated critical habitat. The Salt Creek Tiger Beetle is endemic to saline wetlands in lower Saunders and Lancaster Counties in Nebraska.

- NEFO Point of Contact is Amanda Ciurej.
- The Service Legacy Region 6, Nebraska Field Office, is the lead for this species.
- A 5-year Status Review will be completed by August 31, 2022. The potential outcomes of this review include no change in status, downlisting, or delisting.

Topeka Shiner (*Notropis topeka*):

This fish is listed as federally endangered with designated critical habitat. In Nebraska, this species potentially still occurs in Cherry County in Big Creek of the North Loup River Watershed; and in Madison County in an unnamed tributary to Union Creek and Taylor Creek (critical habitat) in the Elkhorn River Watershed.

- NEFO Point of Contact is Amanda Ciurej.
- The Service Columbia, Missouri Field Office in Legacy Region 3 is the species lead.
- An SSA was completed in February 2018 and that will be used to inform a 5-year Status Review due August 2021. The status review will determine if the Topeka Shiner warrants downlisting to threatened or if it should remain endangered.

Western Prairie Fringed Orchid (*Platanthera praeclara*):

This plant is listed as federally threatened. In Nebraska, the Western Prairie Fringed Orchid has been found in tallgrass calcareous silt loam or sub-irrigated sand prairies and wet meadows located in the eastern, central, northeast, and northern Sandhills.

- NEFO Point of Contact is Brooke Stansberry.
- The Service Legacy Region 3, Bloomington, Minnesota Field Office is the species lead.
- A 5-year Review is due in August 31, 2021.

Whooping Crane (*Grus americana*):

This bird is listed as federally endangered with designated critical habitat. Whooping Cranes from the Aransas-Wood Buffalo population migrate through Nebraska during the spring and fall from approximately March 6 – April 29 and October 9 – November 15, respectively. Whooping Cranes typically utilize segments of the Platte, Loup, and Niobrara River Basins, and a variety of wetland habitats with open, unobstructed views for roosting. This species typically forages within their roosting area or in row-crop agricultural fields, wet meadows, or wetlands within proximity to roosting areas. Federally designated critical habitat for this species in Nebraska consists of a 3-mile-wide, 56-mile-long reach of the Platte River between the city of Lexington and town of Denman.

- NEFO Point of Contact is Matt Rabbe.

- The Service Aransas National Wildlife Refuge in Legacy Region 2 is the species lead.
- The Service completed a draft Population Viability Analysis in 2019, and recently completed a draft SSA.
- As of FY2021, the Service is currently undertaking a status review for the species.

Species Delisted from the Endangered Species Act

American Gray Wolf (*Canis lupus*) – On November 3, 2020, the U.S. Fish and Wildlife Service (Service) published a final rule to delist this species (excludes the Mexican Gray Wolf [*Canis lupus baileyi*]) from the ESA. The final rule went into effect January 4, 2021. Here is a link to the final rule: <https://www.federalregister.gov/documents/2020/11/03/2020-24171/angered-and-threatened-wildlife-and-plants-removing-the-gray-wolf-canis-lupus-from-the-list-of>.

The Service will continue monitoring the species for five years to make sure wolves continue recovering. Nebraska has no wolf populations, however, individuals from the Northern Rocky Mountain and Upper Great Lakes populations do pass through. As part of this monitoring, our agency’s lead population coordinators want to know about this movement so please contact Amanda Ciurej at the Service or Sam Wilson at the Nebraska Game and Parks Commission to report any sightings. This species is also no longer a state-listed species under the Nebraska Nongame Endangered Species Conservation Act (NESCA).

Colorado Butterfly Plant (*Gaura neomexicana* var. *coloradensis*) - On November 4, 2019, the Service published a final rule to delist this species from the ESA. The final rule went into effect December 5, 2019. Here is a link to the final rule: <https://www.federalregister.gov/documents/2019/11/05/2019-24124/angered-and-threatened-wildlife-and-plants-removing-oenothera-coloradensis-colorado-butterfly>. This species is still state listed as endangered under the NESCA. If you have questions about this species in Nebraska, the Point of Contact is Matt Rabbe.

Interior Least Tern (*Sterna [Sternula] antillarum*) – On January 13, 2021, the Service published a final rule to delist this species from the ESA. The final rule went into effect February 12, 2021. Here is a link to the final rule: <https://www.federalregister.gov/documents/2021/01/13/2020-28192/angered-and-threatened-wildlife-and-plants-removal-of-the-interior-least-tern-from-the-federal>. This species is still state listed as endangered under the NESCA. If you have questions about this species in Nebraska, the Point of Contact is Jeff Runge.

Species Petitioned for Listing Under the Endangered Species Act

American Bumble Bee (*Bombus pensylvanicus*) - On February 1, 2021, the Center of Biological Diversity and Bombus Pollinators Association of Law Students of Albany Law School petitioned the Service to list this species as endangered under the ESA with federally designated critical habitat. Here is the full petition: <https://www.biologicaldiversity.org/species/invertebrates/pdfs/Center-et-al-2021-Petition-to-List-the-American-Bumble-bee.pdf>. In response to this petition, the Service will complete a 90-

day finding to determine whether or not there is “substantial information” indicating that the petitioned listing is warranted.

National Listing Workplan: Fiscal Years 2021 – 2026

To read how the Service addresses species listing and critical habitat actions under the Endangered Species Act and our National Listing Workplan that prioritizes when the Service will conduct these actions within the next five FYs, visit <https://www.fws.gov/endangered/what-we-do/listing-workplan.html>. At the bottom of this webpage are hyperlinks to our current National Listing Workplan for your reference. Listed below are the species listing and critical habitat actions that will involve Nebraska by FY. For more specific information (e.g. lead region, package name), please reference the National Listing Workplan.

Planned in FY2021

- 12-month finding on [Hall’s Bullrush \(*Schoenoplectiella halli*\)](#)
- 12-month finding on [Pyramid Pigtoe or Pink Pigtoe \(*Pleurobema rubrum*\)](#)
- Proposed federally designated critical habitat for [Rufa Red Knot \(*Calidris canutus rufa*\)](#)

Planned in FY2022

- Discretionary status review of the [Little Brown Bat \(*Myotis lucifugus*\)](#)
- 5-year status review of the [Northern Long-eared Bat \(*Myotis septentrionalis*\)](#)
- Status review of the [Tricolored Bat \(*Perimyotis subflavus*\)](#)
- 12-month finding on [Regal Fritillary \(*Speyeria idalia*\)](#)

Planned in FY2023

- 12-month finding on [Blanding’s Turtle \(*Emydoidea blandingii*\)](#)
- 12-month finding on [Sicklefin Chub \(*Macrhybopsis meekii*\)](#)
- 12-month finding on [Sturgeon Chub \(*Macrhybopsis gelida*\)](#)
- 12-month finding on [Western Bumble Bee \(*Bombas occidentalis*\)](#)
- 12-month finding on [Plains Spotted Skunk \(*Spilogale putorius interrupta*\)](#)

Planned in FY2024

- 12-month finding on [Lake Sturgeon \(*Acipenser fulvescens*\)](#)
- 12-month finding on [Golden-winged Warbler \(*Vermivora chrysoptera*\)](#)
- Species status review of the [Monarch Butterfly \(*Danaus plexippus plexippus*\)](#)

Planned in FY2025

- 12-month finding on [Prairie Gray Fox \(*Urocyon cinereoargenteus ocythous*\)](#)

Regulation Changes

Change to the effective date on the regulation governing take of migratory birds: On January 7, 2021, the Service published a final rule that defined the scope of the Migratory Bird Treaty Act as it applies to conduct resulting in the injury or death of migratory birds protected under the law. As of February 5, 2021, the effective date of the final rule changed to March 8, 2021. On this date, the Solicitor’s Opinion M–3705 (or M-Opinion), that states incidental take of migratory birds is not prohibited, would be codified into a federal regulation (86 FR 1134). Here is a link to the final rule in the Federal Register that provides background and the effects of this

rule: <https://www.federalregister.gov/documents/2021/02/09/2021-02667/regulations-governing-take-of-migratory-birds-delay-of-effective-date>.

Change to the regulations implementing federally designated critical habitat: On December 18, 2020, the Service published a final rule that amends a portion of the regulations implementing section 4 of the ESA. The revisions include a process for excluding areas of critical habitat under section 4(b)(2) that mandate our consideration of the impacts to designated critical habitat and permits exclusions of particular areas following a discretionary exclusion analysis. Here is a link to the final rule in the Federal Register that provides background and the effects of this rule: <https://www.federalregister.gov/documents/2020/12/18/2020-28033/endangered-and-threatened-wildlife-and-plants-regulations-for-designating-critical-habitat>.

Definition of the broader term “habitat” added under the Endangered Species Act: On December 20, 2020, the Service published a final rule that provides a definition for the broader term “habitat” under the ESA for the purposes of designating critical habitat only. Habitat is defined as the abiotic and biotic setting that currently or periodically contains the resources and conditions necessary to support one or more life processes of a species. Here is a link to the final rule in the Federal Register that provides background and the effects of the rule: <https://www.govinfo.gov/content/pkg/FR-2020-12-16/pdf/2020-27693.pdf>.

Nebraska Ecological Services Field Office Website

The NEFO has a website, <https://www.fws.gov/nebraskaes/>. While we are in the process of updating our webpages and migrating our website to a new platform called Drupal, our “Staff” and “Endangered Species” webpages are up-to-date and include the most current information. Our Staff webpage provides the email and telephone numbers of our Field Supervisor and staff biologists along with a list of the species/ projects / issues each biologist works on. Our Endangered Species webpage identifies all the federally listed, proposed, and candidate species and designated critical habitat(s) in Nebraska. The webpage also identifies, of those species, the species that have developed survey protocols and where to obtain federal and state species lists for project reviews.

- Staff webpage: <https://www.fws.gov/nebraskaes/staff.php>
- Endangered Species webpage: <https://www.fws.gov/nebraskaes/species.php>

Helpful Links

Map and contact information for Service Legacy Regions:

<https://www.fws.gov/endangered/regions/index.html>

Overview and guidance on Section 7 Consultations: <https://www.fws.gov/endangered/what-we-do/consultations-overview.html>

SSA fact sheet and framework guidance:

https://www.fws.gov/endangered/improving_esa/ssa.html

Search for Federal Register Documents: <https://www.federalregister.gov/> or

<https://www.regulations.gov/>

The Service's Environmental Conservation Online System, Information Planning and Consultation (IPAC) project planning and environmental review tool: <https://ecos.fws.gov/ipac/>

Service, Migratory Bird Program Home Page: <https://www.fws.gov/birds/index.php>

Overview of Candidate Species Conservation: <https://www.fws.gov/endangered/what-we-do/index.html>

Overview and Application Process for Cooperative Endangered Species Conservation Funds / Section 6 Grants: <https://www.fws.gov/endangered/grants/index.html>

Literature Cited

U.S. Fish and Wildlife Service. 2020. Species status assessment report for the rufa red knot (*Calidris canutus rufa*). Version 1.1. Ecological Services New Jersey Field Office, Galloway, New Jersey.