

# NESCA & CERT & CSW Permits



© Joe McDonald

*Southern Flying Squirrel*



© NEBRASKA Game Parks

*Topeka Shiner*



© NEBRASKA Game Parks

*Western Massasauga*



NEBRASKAland Magazine

*Salt Creek Tiger Beetle*

Melissa Marinovich  
Asst. Division Administrator  
*Environmental Review Team Lead*



# Overview

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



*Interior Least Tern*



*Piping Plover*

# What do Endangered & Threatened species have to do with getting a CSW Permit???



*Whooping Cranes*



# 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 Requirement

## Completing the CERT –

- Engaging in consultation on behalf of Nebraska Department of Environment & Energy
- Submitting the completed CERT Report with CSW Permit Application demonstrates compliance with NESCA

# NESCA Consultation

## Consultation Process:

- Work with projects to avoid “take”
- Designed to protect project proponents & state agencies
- Consult on both state and federally funded/permitted projects in Nebraska
- Common permitting actions include 404 permit/401 Water quality certification and 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**  
- GAME PARKS -

**User login**

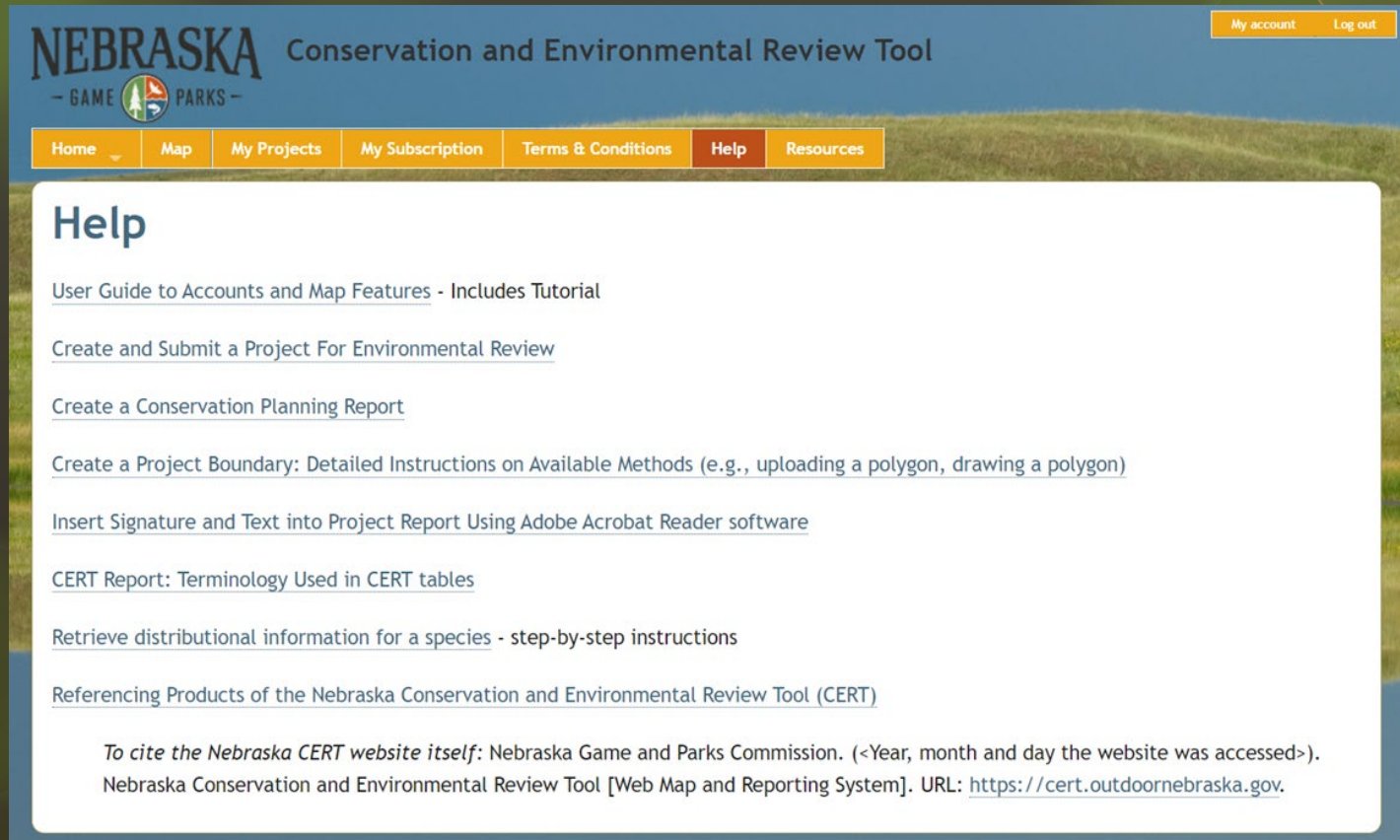
E-mail or username \*

Password \*


- [Create new account](#)
- [request new password](#)

Log in

# Help Tab



The screenshot shows the website interface for the Nebraska Conservation and Environmental Review Tool. The header features the logo for Nebraska Game and Parks and the title "Conservation and Environmental Review Tool". A navigation menu includes links for Home, Map, My Projects, My Subscription, Terms & Conditions, Help (highlighted), and Resources. A "My account" and "Log out" button is visible in the top right corner. The main content area is titled "Help" and lists several user guides and tutorials.

**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>.

# Submit a Project

**NEBRASKA** Conservation and Environmental Review Tool  
- GAME  PARKS -

Home | **Map** | My Projects | My Subscription | Admin | Terms & Conditions | Help | Resources

Switch Basemap | Add Resources | **Create Project**

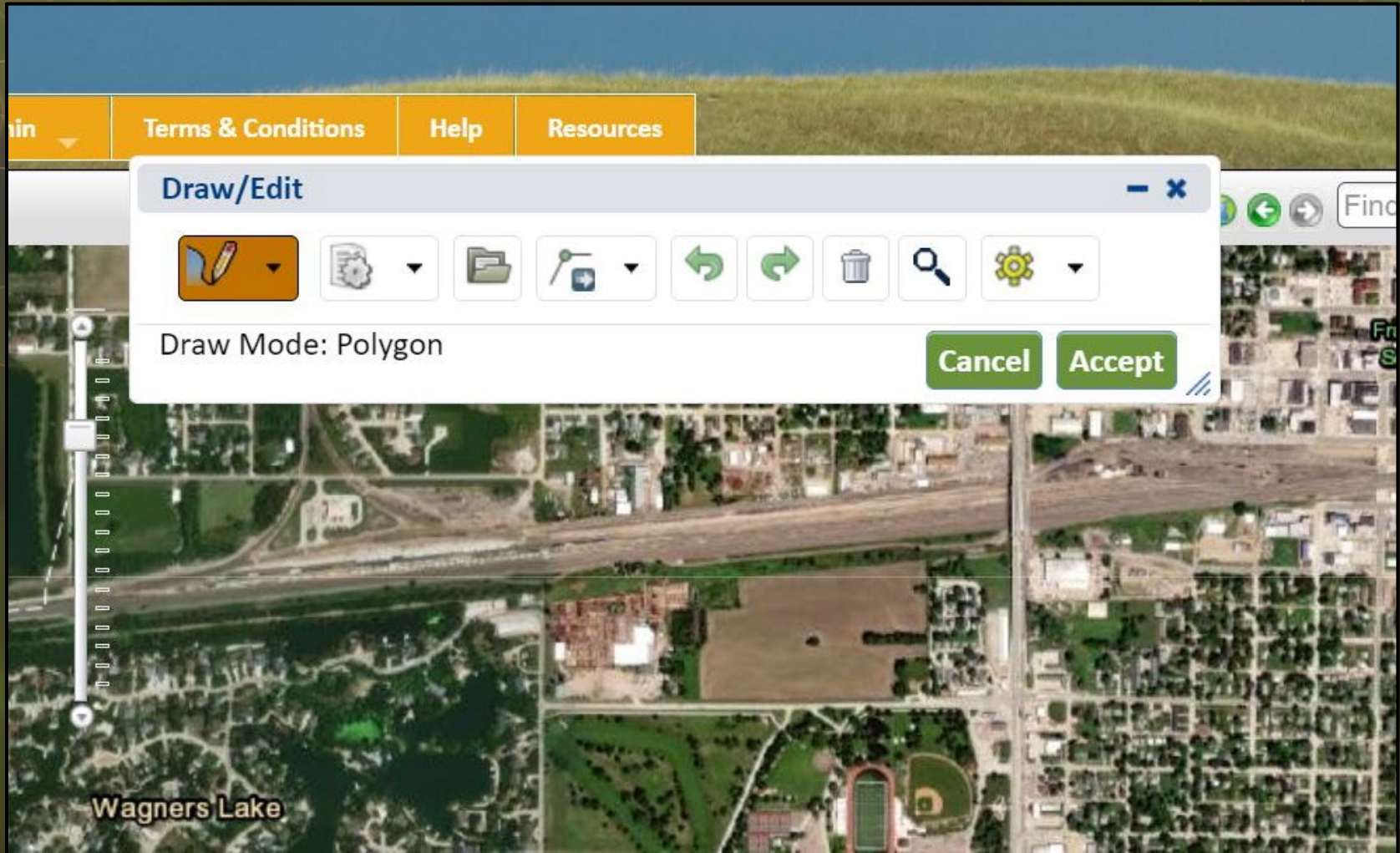
Layers | Make a Map | Feature Search

- ▼ Project Footprint ▲▼
  - +  Project Footprint
- ▼ Special Designated Areas ▲▼
  - +  Critical Habitat
  - +  Scenic and Recreational Rivers (NPS)
- ▶ Species and Habitat - Restricted Access ▲▼ ?
- ▼ Species and Habitat ▲▼
- +  Species and Communities

Wagoner Lake



# Draw Boundary



# Select Project Type

- Development (ex: construction, housing, land development, etc.)
- Energy Production/Storage/Transfer
- Forest Management
- Habitat Conservation and Restoration (non- NRCS project)
- Hazard Mitigation
- Hazardous Waste Cleanup/Remediation
- Mining
- NRCS Projects/Practices
- Pest Control
- Recreation Areas
- Research



# Select Project Type

- Communications
  - Conservation Planning Report (not an environmental review)
- Development (ex: construction, housing, land development, etc.)
  - Bank stabilization - new access needed
  - Bank stabilization - no new access needed
  - Dewatering
  - Industrial Storm Water Permit
  - Maintenance/rehabilitation of existing facilities
  - New construction outside municipality - previously disturbed habitat
  - New construction outside municipality - previously undisturbed habitat
  - New construction within existing municipality - previously disturbed habitat
  - New construction within existing municipality - previously undisturbed habitat
- Energy Production/Storage/Transfer
- Forest Management



# Select Project Activities

## Transportation

Airport

Railroads

Roads/Bridges/Trails - County (Not NDOT or FHWA)

Roads/Bridges/Trails (NDOT)

## Waste Water Treatment/Disposal

## Water Use/Transfer/Channel Activities

Other (Only select if the above project types do not apply - ADDITIONAL COOR

## Project Type Activities \*

*Select at least one project activity.*

Asphalt Patching - County

Bank Stabilization - County

Bridge - new, replacement, or extension - County

Bridge or Culvert Repair or Maintenance - County

# Project Description

Project Description \*



Funding Source or Permit Requirements \*

- State funding or permit only
- Federal funding or permit only
- Both state and federal funding or permit
- Unknown or None of the above

# DRAFT - Submit

*submit this page. For multiple attachments, th  
able to select another file.*

Choose File No file chosen

**Upload**

Files must be less than 10 MB each.

Allowed file types: doc jpg jpeg gif png txt doc

**Submit**

**Cancel**



## 3 Possible Outcomes



MAY AFFECT; *further consultation is necessary*



MAY AFFECT; *more information needed*



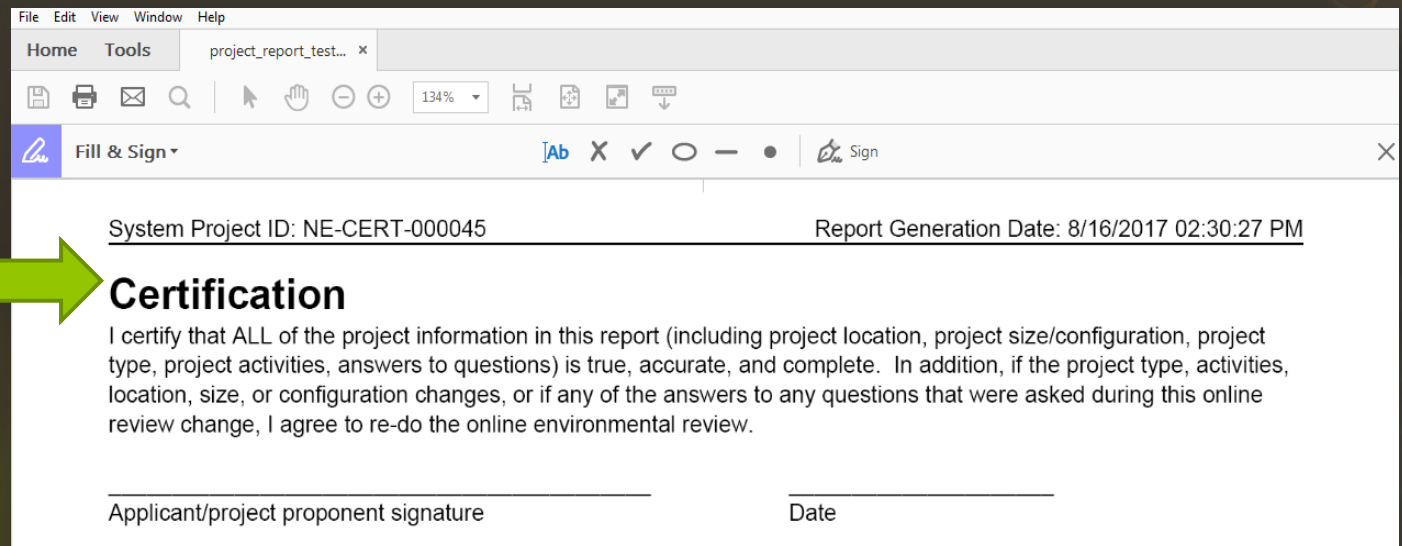
NO EFFECT; *no further action is necessary*

# 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](mailto:ngpc.envreview@nebraska.gov)) and copy the U.S. Fish and Wildlife Service ([nebraskaes@fws.gov](mailto: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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Save Print Mail Search | Mouse Hand - + 134% | Print Copy Paste | Sign

Fill & Sign | Ab X ✓ O - • | Sign

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


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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.

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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](mailto: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](mailto:nebraskaes@fws.gov)



# Live Demo....



*Kim Smith*