

Table 1. ESA Section 7 Determinations

Species	ESA Section 7 Determination	Rationale	Avoidance/Minimization Measures
Interior least tern	Not Likely to Adversely Affect	The species has not been documented within the incidental take permit area. Minor, temporary disturbances to migratory individuals at North Platte River and South Platte River crossings during construction and maintenance activities is possible, but unlikely; likelihood of impacts due to collision with a power line is minimized to a level that is discountable by adherence with NPPD and APLIC line marking standards and implementation of additional avoidance/minimization measures.	<ul style="list-style-type: none"> ● Implementation of Worker Educational Awareness Program regarding federally protected species and their habitats ● Implementation of the MBCP ● Avoidance of potential interior least tern nesting habitat ● Installation of bird flight diverters
Piping plover	Not Likely to Adversely Affect	No nesting habitat has been documented in the incidental take permit area. Minor, temporary disturbance to migratory individuals at North Platte River and South Platte River crossings during construction and maintenance activities is possible, but unlikely; likelihood of impacts due to collision with a power line is minimized to a level that is discountable by adherence with NPPD and APLIC line marking standards and implementation of additional avoidance/minimization measures.	<ul style="list-style-type: none"> ● Implementation of Worker Educational Awareness Program regarding federally protected species and their habitats ● Implementation of the MBCP ● Avoidance of potential piping plover nesting habitat ● Installation of bird flight diverters
Rufa red knot	Not Likely to Adversely Affect	This species does not nest in Nebraska. Minor, temporary disturbance to migratory individuals during	<ul style="list-style-type: none"> ● Implementation of Worker Educational Awareness Program regarding federally protected species and their habitats

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Whooping crane	Not Likely to Adversely Affect	<p>construction and maintenance activities is possible, but unlikely; likelihood of impacts due to collision with a power line is minimized to a level that is discountable by adherence with NPPD and APLIC line marking standards and implementation of additional avoidance/minimization measures.</p> <p>This species does not nest in Nebraska. Minor, temporary disturbance to migratory individuals during construction and maintenance activities is possible, but unlikely. The Service concluded that a crane striking a power line in the R-Project is not reasonably certain to occur and thus discountable. Additional detail is provided in the Service's "A Review and Critique of Risk Assessments Considered by the U.S. Fish and Wildlife Service Regarding the Collision Risk for Whooping Cranes with NPPD's R-Project" and dated January 30, 2019. Available at: https://www.fws.gov/mountain-prairie/es/nebraska/library/USFWS-Whooping-Crane-Whitepaper-final-w-Attachments.pdf</p>	<ul style="list-style-type: none"> • Implementation of the MBCP • Avoidance/spanning of wetland habitat for rufa red knot • Use of low-ground-pressure equipment and temporary matting if wetlands must be crossed • Wetland restoration and monitoring upon project completion • Installation of bird flight diverters
Whooping crane	Not Likely to Adversely Affect	<p>This species does not nest in Nebraska. Minor, temporary disturbance to migratory individuals during construction and maintenance activities is possible, but unlikely. The Service concluded that a crane striking a power line in the R-Project is not reasonably certain to occur and thus discountable. Additional detail is provided in the Service's "A Review and Critique of Risk Assessments Considered by the U.S. Fish and Wildlife Service Regarding the Collision Risk for Whooping Cranes with NPPD's R-Project" and dated January 30, 2019. Available at: https://www.fws.gov/mountain-prairie/es/nebraska/library/USFWS-Whooping-Crane-Whitepaper-final-w-Attachments.pdf</p>	<ul style="list-style-type: none"> • Compliance with the Service's Region 6 guidance for minimizing effects from power line projects within the whooping crane migration corridor dated February 4, 2010 • As per the Region 6 guidance, marking of additional NPPD-owned lines within the 95% sighting corridor • Implementation of Worker Educational Awareness Program regarding federally protected species and their habitats • Implementation of the MBCP • Avoidance/minimization of impacts to whooping crane habitat • Daily pre-construction surveys for whooping cranes during spring and fall of habitat within 0.5 mile of construction activities • Use of existing stream crossings where possible • Use of low-ground-pressure equipment and temporary matting if wetlands must be crossed • Installation of bird flight diverters • Avoidance of conducting routine maintenance during whooping crane migration season
Northern long-eared bat	Not Likely to Adversely Affect	There are no occurrences of this species in the incidental take permit	<ul style="list-style-type: none"> • No tree clearing in the Service-identified white-nose syndrome zone during the pup season (June 1–July 31)

Species	ESA Section 7 Determination	Rationale	Avoidance/Minimization Measures
Topeka shiner	No effect	<p>area, likely due to the lack of suitable forested habitat. Minor, temporary disturbance during construction and maintenance activities is possible, but the likelihood of impacts is discountable.</p> <p>The proposed action will have no effect on Topeka shiner because suitable habitat for this species will not be impacted by the Covered Activities.</p>	<ul style="list-style-type: none"> Implementation of Worker Educational Awareness Program regarding federally protected species and their habitats
Blowout penstemon	Not Likely to Adversely Affect	<p>Pre-construction surveys will be conducted to identify potentially suitable, suitable, and occupied habitat. These areas will be avoided during implementation of the HCP, therefore any effects will be discountable or any indirect impacts will be insignificant.</p>	<ul style="list-style-type: none"> Completion of pre-construction surveys for potentially suitable, suitable, and occupied habitat of blowout penstemon Avoidance of potentially suitable and suitable habitat for blowout penstemon Avoidance of areas with occurrences of blowout penstemon Implementation of Worker Educational Awareness Program regarding federally protected species and their habitats
Western prairie fringed orchid	Not Likely to Adversely Affect	<p>Pre-construction surveys will be conducted to identify potentially suitable, suitable, and occupied habitat. These areas will be avoided during implementation of the HCP, therefore any effects will be discountable or any indirect impacts will be insignificant.</p>	<ul style="list-style-type: none"> Completion of pre-construction surveys for potentially suitable, suitable, and occupied habitat of Western prairie fringed orchid Avoidance of potentially suitable and suitable habitat Avoidance of identified occurrences Control of erosion and sediment runoff Implementation of Worker Educational Awareness Program regarding federally protected species and their habitats

Table 2. Eagle Act Determinations

Species	BGEPA Determination	Rationale	Avoidance/Minimization Measures
Bald eagle	<p>No eagle take permit required. After review of the minimization measures in the Migratory Bird Conservation Plan for this Project, the Service's Region 6 Migratory Bird Management Office USFWS stated that the expected risk to bald eagles is low and take of a bald eagle is not anticipated.</p>	<p>Minor, temporary disturbance to individuals during construction and maintenance activities may occur but is unlikely due to the seasonal restrictions; likelihood of impacts due to collision would be minimized by adherence with NPPD and APLIC line marking standards and implementation of additional avoidance/minimization measures</p>	<ul style="list-style-type: none"> • No helicopter use within 0.5 mile of active bald eagle nests (during nesting season) • Implementation of Worker Educational Awareness Program • Implementation of the MBCP • Trash removal at construction sites • Seasonal restrictions within 0.5 mile of bald eagle nests and within 0.25 mile of bald eagle winter roosts • Compliance with APLIC standards • Installation of bird flight diverters • Pre-construction surveys for bald eagle nests
Golden eagle	<p>No eagle take permit required Effects on golden eagles would be similar to those described for bald eagles. However, effects on golden eagles would be less likely to occur because this species historically has been reported as occurring only in the western portion of the study area. Risk is low and take is not anticipated.</p>	<p>Minor, temporary disturbance to individuals during construction and maintenance activities may occur but is unlikely due to the seasonal restrictions; likelihood of impacts due to collision would be minimized by adherence with NPPD and APLIC line marking standards and implementation of additional avoidance measures</p>	<ul style="list-style-type: none"> • Implementation of Worker Educational Awareness Program • Implementation of the MBCP • Trash removal at construction sites • Compliance with APLIC standards • Installation of bird flight diverters

The Service anticipates that the implementation of the HCP and the issuance of the incidental take permit to NPPD may result in minor, temporary disturbance to the listed species in Table 1 occurring in the permit area. However, adverse effects to these species are not anticipated due to: (1) the avoidance of the species' suitable habitat (2) the low likelihood for any disturbance that may occur as a result of HCP implementation; (3) the application of Avoidance/Minimization Measures for each of these species. Therefore, these species will not be addressed further in the attached Intra-Service Opinion. If new information reveals that any of these species may be adversely affected by the implementation of the HCP and issuance of the incidental take permit, the Service will reinitiate this consultation and address any concerns, as appropriate.

If you have any questions regarding this matter, please contact me at the letterhead address or by phone at 303-236-4774.