

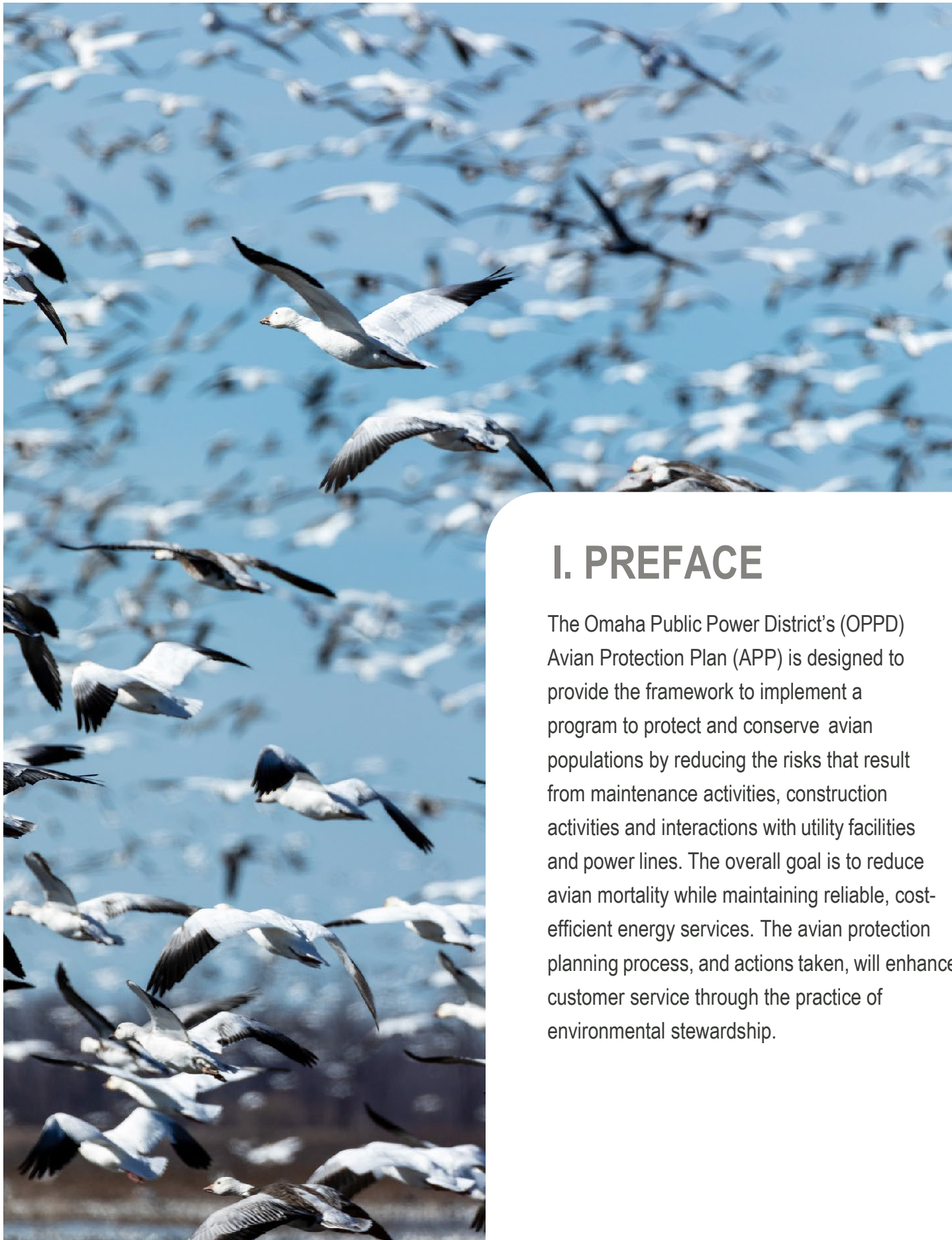
AVIAN PROTECTION PLAN



April 2025

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I. PREFACE

The Omaha Public Power District's (OPPD) Avian Protection Plan (APP) is designed to provide the framework to implement a program to protect and conserve avian populations by reducing the risks that result from maintenance activities, construction activities and interactions with utility facilities and power lines. The overall goal is to reduce avian mortality while maintaining reliable, cost-efficient energy services. The avian protection planning process, and actions taken, will enhance customer service through the practice of environmental stewardship.



II. OPPD POLICY

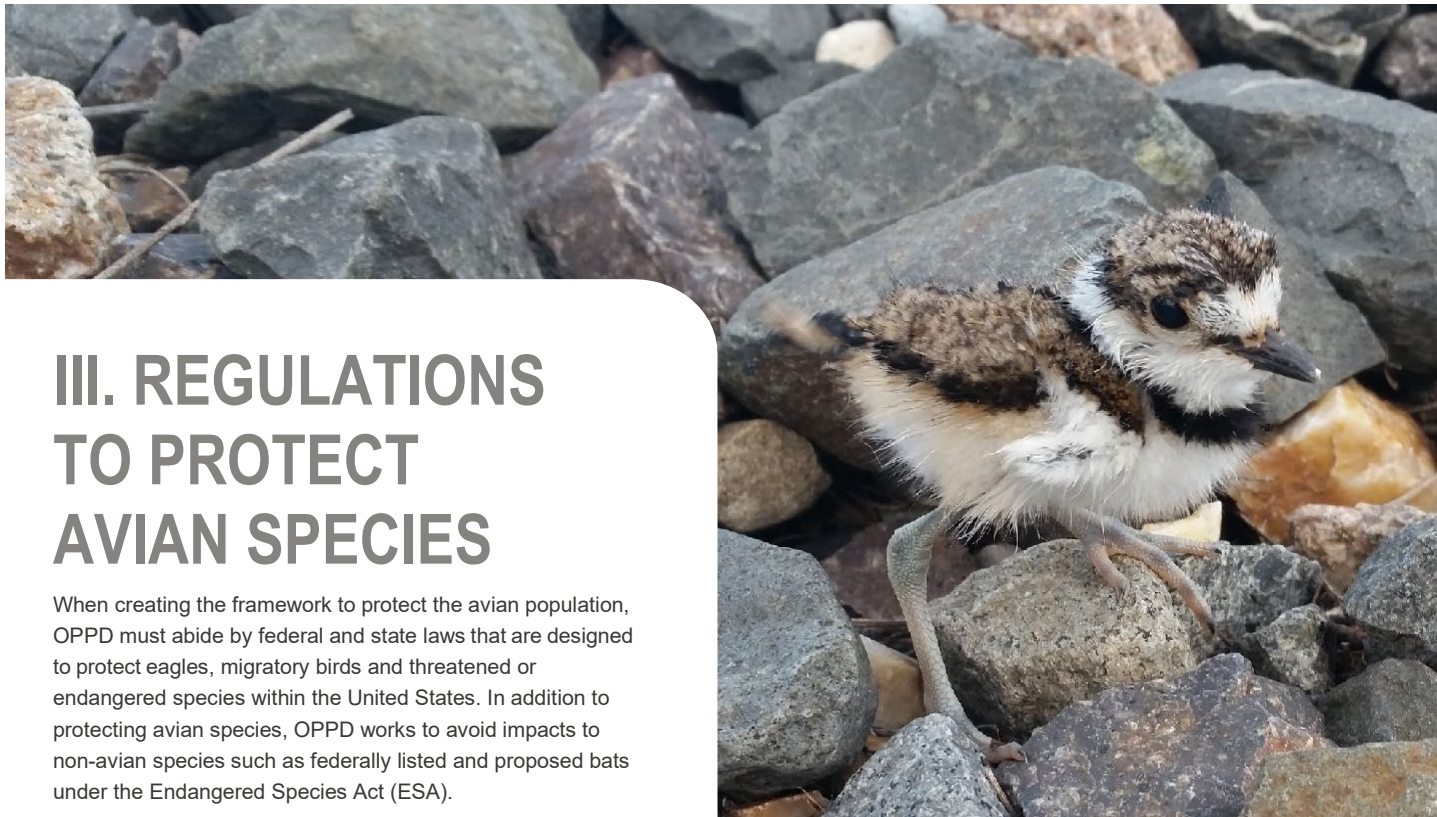
OPPD personnel will observe and comply with all applicable federal and state laws in relation to reducing impacts to protected species. OPPD will follow the APP while enhancing reliable, cost-efficient energy and customer services.

TO FULFILL THIS COMMITMENT, OPPD WILL:

- Implement a comprehensive APP
- Ensure compliance with applicable laws, regulations, permits and APP procedures
- Document problem structures, lines and vegetation
- Document problem nests, injured birds and bird mortalities
- Provide training to improve employee and contractor knowledge of the APP and associated laws and regulations
- Address issues involving OPPD facilities in areas of known bird mortality
- Support public and private organizations to provide education to reduce bird mortality due to interaction with power lines and structures
- Enhance environmental conditions and habitat for avian species

OPPD's energy service and reliability will be enhanced, detrimental effects on protected birds will be reduced and regulatory compliance will be achieved with the implementation of this policy.





III. REGULATIONS TO PROTECT AVIAN SPECIES

When creating the framework to protect the avian population, OPPD must abide by federal and state laws that are designed to protect eagles, migratory birds and threatened or endangered species within the United States. In addition to protecting avian species, OPPD works to avoid impacts to non-avian species such as federally listed and proposed bats under the Endangered Species Act (ESA).

MIGRATORY BIRD TREATY

ACT OF 1918 (16 U.S.C. 703-712)

The Migratory Bird Treaty Act (MBTA) makes it “unlawful at any time, by any means, or in any manner, to pursue, hunt, take, capture, kill, possess, sell, barter, purchase, ship, export, import, transport, or attempt to do any of these actions, to any migratory bird, part, nest, or egg” without prior authorization by the Department of Interior U.S. Fish and Wildlife Services (USFWS). The Code of Federal Regulations (CFR) define take as “to pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to pursue, hunt, shoot, wound, kill, trap, capture, or collect” (50 CFR 10.12).

WHAT IS A MIGRATORY BIRD?

Almost every bird found in the United States is considered a “migratory bird” under the MBTA. Exceptions are non-native species; this includes the Eurasian collared-dove (*Streptopelia decaocto*), rock pigeon (*Columba livia*), house sparrow (*Passer domesticus*) and European starling (*Sturnus vulgaris*). Additionally, non-migratory upland game birds such as quail, grouse, pheasant, turkey, etc. are not protected under the MBTA. A list of protected migratory birds is in the CFR under Title 50 part 10.13 (50 CFR 10.13).

WHAT DOES THIS MEAN FOR OPPD?

During routine OPPD activities, especially activities that clear vegetation, bird nests may be encountered. Lawful removal or destruction of the nest depends on the type of bird and if it is in-use. A nest is considered in-use when it contains a viable egg or young that are dependent upon the nest. If an in-use nest of a migratory bird is destroyed, that is considered take and therefore is a violation of the MBTA. The MBTA does not, however, prohibit the destruction of an inactive nest.

Exceptions to this are nests protected by other statutes such as the bald eagle (*Haliaeetus leucocephalus*), golden eagle (*Aquila chrysaetos*), and other threatened and endangered migratory birds. The MBTA also prohibits the collection, possession or transfer of any migratory bird nest.

BALD AND GOLDEN EAGLE PROTECTION

ACT OF 1940 (16 U.S.C. 668-668d)

The Bald and Golden Eagle Protection Act (BGEPA) federally protects bald eagles and their nests. Under the BGEPA, “take” of eagles, their parts (including feathers), nest or eggs are prohibited. The term “take” includes several definitions such as to pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, destroy, molest or disturb.

HOW IS THIS DIFFERENT FROM THE MBTA IF BALD EAGLES AND GOLDEN EAGLES ARE CONSIDERED MIGRATORY BIRDS?

One way the BGEPA is different from the MBTA is it protects inactive eagle nests from being removed. Eagle nests are protected, even years after the nest is no longer being used, provided the nesting substrate is available for possible future nesting. Removing an eagle nest, in-use or inactive, requires a USFWS permit (50 CFR 22.300). The BGEPA definition of take also includes “disturb”. Disturb is defined as “to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior” (50 CFR 22.6).

ARE BALD EAGLES ENDANGERED?

No, bald eagles were delisted from the ESA in August 2007. The BGEPA continues to provide additional protection.

ENDANGERED SPECIES ACT OF 1973 (16 U.S.C. 1531-1544)

The ESA uses scientific data to determine which species are at risk of becoming extinct. Those species are listed as either endangered, meaning “any species which is in danger of extinction throughout all or a significant portion of its range” or threatened, meaning “any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.” Once added to the ESA, those species are offered protective regulations and recovery plans. The geographic area or areas essential to the conservation of threatened and endangered species can be designated as critical habitat and afforded some protection. The ESA established protections for fish, wildlife and plants listed as threatened or endangered. This act makes it unlawful to “import, export, take, possess, sell, deliver, carry, transport, ship, receive, or offer for sell” any listed species.

ARE ESA-PROTECTED ANIMAL SPECIES FOUND WITHIN THE OPPD SERVICE TERRITORY?

Within OPPD’s footprint, there are several species protected under the ESA. This includes: the federal and state endangered whooping crane (*Grus americana*), the federal and state endangered northern long-eared bat (*Myotis septentrionalis*) and the federal and state threatened piping plover (*Charadrius melodus*). The tricolored bat (*Perimyotis subflavus*) is proposed endangered. The interior least tern (*Sternula antillarum athalassos*) has been delisted under the ESA but remains state endangered.

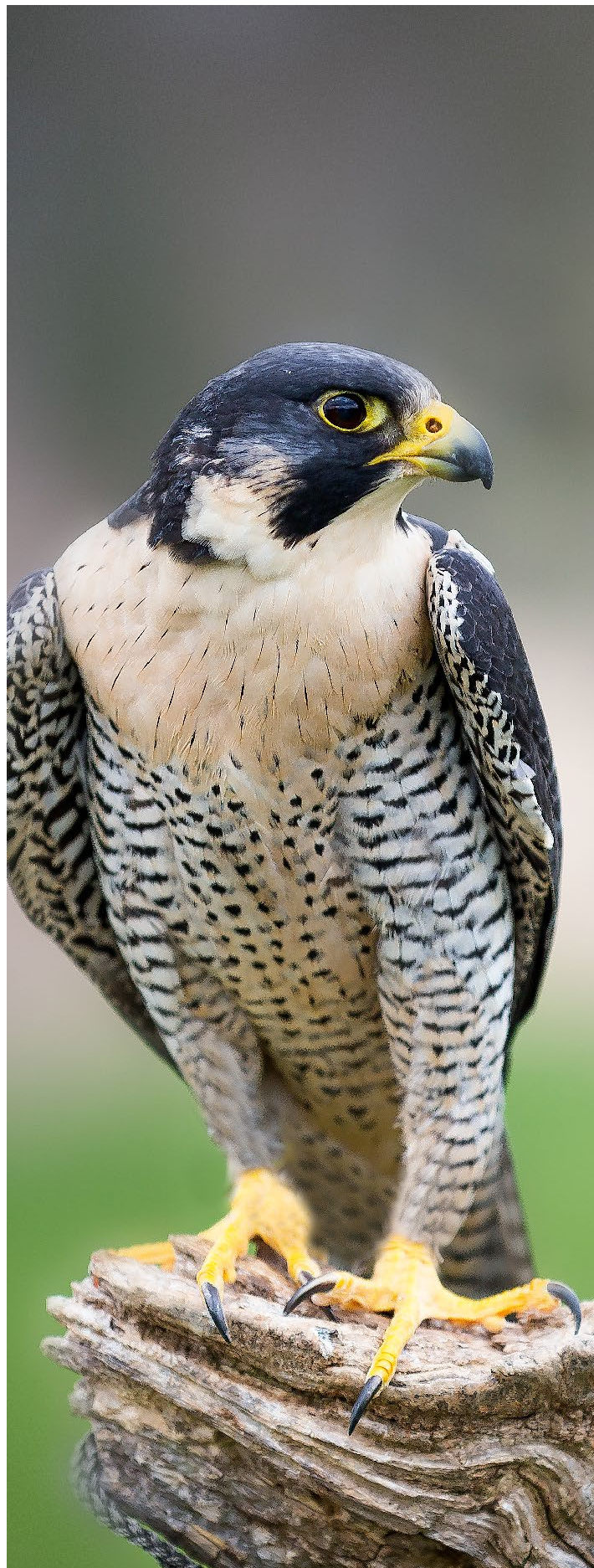
For more information on these protected species, see Appendix A.

NONGAME AND ENDANGERED SPECIES CONSERVATION ACT OF 1975 (NEB. REV. STAT. 37-801 to 37-814)

Once a species is federally listed under the ESA, it is automatically protected under Nebraska state law called the Nongame and Endangered Species Conservation Act (NESCA) of 1975. The Act states “except as provided in regulations issued by the commission, it shall be unlawful for any person to take, possess, transport, export, process, sell, or offer for sale, or ship nongame wildlife in need of conservation” (Neb. Rev. Stat. 37-805).

NEBRASKA REVISED STATUTES CHAPTER 37 - GAME AND PARKS

Migratory birds are provided additional protection under Nebraska Revised Statute Chapter 37-540 which makes it unlawful to hunt, have in possession a living or dead protected bird or destroy the nest and eggs of such birds. Protected birds are defined as all birds, except game birds, non-native species and homing pigeons.





IV. STAYING IN COMPLIANCE

OPPD's Sustainability & Environmental Affairs Business Unit (SEABU) is responsible for avian, wildlife and natural resource concerns. Responsibilities include APP training, internal communications, nest surveys, managing injured wildlife, managing avian mortality data, coordinating with agencies and record keeping. This APP is a living document and will be updated periodically to reflect any changes in OPPD policy or federal and state regulations. OPPD thanks USFWS and Nebraska Game & Parks Commission (NGPC) for reviewing this APP and providing comments. In 2016, OPPD implemented the first APP for the district to provide direction for a program to protect and conserve avian populations by reducing the risks that result from interactions with utility facilities and activities. This document is OPPD's current APP and replaces the 2016 version. The 2025 APP contains updated procedures, federal and state laws and information on protected species.

A. TRAINING

SEABU personnel will provide annual training to OPPD planning, maintenance and operations staff as well as supporting contractors as appropriate. The training will include:

- Why is OPPD implementing an APP?
- What are the OPPD, customer and environmental benefits of following the APP and protecting eagles, migratory birds and ESA listed species?
- What are the laws and regulations found in OPPD's APP?
- What procedures are to be followed in investigating, reporting and helping birds in need?

B. AVOIDANCE MEASURES

Avoiding unintentional take of migratory birds, eggs, young and/or in-use nests is an important component within the APP. When possible, work activities such as construction, maintenance and/or demolition of District facilities, including land clearing, tree trimming, tree removal, grubbing and/or vegetation removal, should be scheduled outside of primary nesting season. When avoiding the primary nesting season is not possible, surveys are required (see 3. Surveys below).

1. SCHEDULING - NESTING TIMEFRAMES

Although the provisions of the MBTA are applicable year-round, most small migratory birds in Nebraska nest between April 1 and September 15, with the primary nesting season occurring between April 1 and July 15. Raptors (birds of prey such as hawks and owls) can begin nesting in February. Bald eagles can begin rebuilding their nests as early as December.

2. PLANNING AHEAD - PRE-CONSTRUCTION DESIGN AND MEETINGS

During the design phase and throughout construction, consideration will be given to the possibility of in-use nests being present and steps to take should an in-use nest be observed.

Power Line Design

OPPD will take into consideration avian-safe design in the installation of new infrastructure and maintenance of existing structures. Avian-safe modifications, including animal coverings and bird diverters, will be added as practical to structures where avian mortalities have been reported.

Vegetation Management and Line Construction

Vegetation management is conducted regularly to ensure safe and reliable energy delivery and to meet the North American Electric Reliability Corporation requirements. Crews trim and remove vegetation that currently or potentially could interfere with the safe operation of the system. Crews may also trim or remove dangerous trees (trees outside of the right-of-way that have the potential to fall into lines or structures).

Line construction is an integral part of continuing to provide reliable energy to OPPD's customers. Potential nesting habitats may need to be removed during both line construction and vegetation management activities. These activities will attempt to be conducted outside of the primary nesting season.

If activities cannot avoid the primary nesting season, OPPD will plan to conduct pre-construction meetings to discuss the possibility that in-use nests may be in the project area and what methods could be used to avoid impacting in-use nests.

3. SURVEYS

Surveys for in-use nests will be conducted by qualified personnel. OPPD has trained personnel for this task, including SEABU or Line Clearance Contractor personnel for existing lines, and OPPD staff for existing facilities, new construction and land releases.

When surveying for in-use nests, there are two main methods. The first is strategic searching, where all suitable habitat is searched for in-use nests. The second is observing bird behavior (agitation, vocalizing, swooping) to help determine if an in-use nest may be in the area based on adult protective behavior, and then searching in the area the adult is observed.

Birds may nest at any height in trees, near the trunk, in a cavity or hanging off the edge of a branch. They can nest in shrubs, grass and on bare ground in dirt or rock. Having qualified personnel complete the survey is instrumental to the success of finding in-use nests.

4. AUDITING

OPPD will audit contractor tree crews to ensure compliance with laws and regulations protecting avian species.

C. WHEN A NEST IS ENCOUNTERED

For the safety of birds, OPPD will make the best effort to leave in-use migratory bird nests in place until the eggs have hatched, and the young have fledged (i.e. left the nest). If the vegetation does not pose an immediate threat to safety and reliability of the system, a buffer zone will be placed around the in-use nest to prevent scaring away the parents or cause the young to fledge too early. After the nesting season, the crew may return to the area to resume the activities, when the nest is no longer in-use. However, there are times a nest is situated in an area which may pose an immediate threat to safety and reliability of the system. When this is the case, see Section V.

D. ADDITIONAL TREE CLEARING CONSIDERATIONS

The federal and state endangered northern long-eared bat (NLEB), and the proposed endangered tricolored bat (TCB) may utilize wooded and other suitable habitats within the OPPD service territory and may be impacted by OPPD activities. OPPD will follow USFWS and NGPC guidance for avoiding and minimizing impacts by implementing time of year restrictions on the removal of suitable habitat as defined in the USFWS *Range-wide Indiana Bat and Northern Long-Eared Bat Survey Guidelines*. These restrictions are April 1 through September 30 during the NLEB summer occupancy season and May 15 through July 31 during the TCB pup season.

Additionally, OPPD will avoid removing suitable roost trees within 5.0 miles of a NLEB hibernaculum and 3.0 miles of a TCB hibernaculum entrance during the active season, April 1 through November 15. Any tree removal within 0.5 mile of a hibernaculum will be avoided regardless time of year without first consulting with USFWS. Most, if not all, hibernacula in Nebraska are located on private property and the exact locations are not provided to the public. Information on whether a hibernaculum is located within an OPPD project area can only be obtained by completing an environmental review through the USFWS Information for Planning and Consultation (IPaC) tool and the NGPC Conservation and Environmental Review Tool (CERT).

USFWS recommends that if a hibernaculum or roost tree are documented via IPaC/CERT (after performing the determination key), then further coordination be conducted with the agencies to avoid and minimize the potential for take to occur. If needed, OPPD will have qualified personnel conduct emergence, acoustic, or mist netting surveys per USFWS *Range-wide Indiana Bat and Northern Long-Eared Bat Survey Guidelines* prior to the removal of suitable bat habitat.



Mist netting

Emergence surveys, acoustic surveys, and mist netting are all means to help determine if protected bats are in the project area. Mist netting would require permits from USFWS and NGPC.



V. OPPD RESPONSE TO URGENT SITUATIONS

A. HAZARDOUS CONDITIONS

Removing unsafe conditions, such as hazardous trees, that pose an immediate threat to the safety and reliability of the system or the public, does not typically require a take permit. If protected species are in the area, SEABU must be notified of any avian concerns to coordinate with USFWS and NGPC.

B. EMERGENCY WORK

If an in-use nest is found during an emergency (i.e., electrical outage, property damage, human injury, etc.) or if the in-use nest is in a location that may pose an unsafe condition, OPPD personnel or qualified contractors will notify SEABU who will coordinate with USFWS and NGPC.

If the emergency work has the possibility of impacting threatened or endangered species (i.e., piping plover or whooping crane) or bald eagle or a bald eagle nest, the above process will be followed.

C. INJURED BIRD

If an injured bird is observed within OPPD facilities or right-of-way, SEABU will be notified to contact the appropriate agency. Personnel will not attempt to capture or restrain the injured bird without permission from the appropriate agency. NGPC could be contacted for all migratory birds, Raptor Conservation Alliance for raptors and Nebraska Wildlife Rehab for non-raptor migratory birds.

D. AVIAN MORTALITY

If an observed mortality may be the result of electrocution or collision within OPPD facilities or right-of-way, OPPD and/or contractor personnel are required to notify SEABU. They will investigate the mortality, and if necessary, notify the USFWS and/or NGPC.

E. PERMITS

A Federal Migratory Bird Special Purpose Utility Permit (50 CFR 21.95) authorizes utilities to collect, transport and temporarily possess migratory birds found dead on utility property, structures and rights-of-way for avian mortality monitoring or disposal purposes. Authorization can include emergency relocation and destruction of an in-use nest in emergency situations. The permit can also authorize a utility to remove bird remains from an area and/or retain specimens for identification. OPPD shall consider obtaining this permit in the future.

OPPD has a NGPC Scientific and Education Permit. This permit is required to take any species of animal which is afforded protection by the laws of the State of Nebraska (NE statute 37-418).



VI. KEY RESOURCES

OMAHA PUBLIC POWER DISTRICT

444 South 16th Street Mall

Omaha, NE 68102

402-536-4131

1-877-536-4131

Environment@oppd.com

U.S. FISH AND WILDLIFE SERVICE

9325 S. Alda Road

Wood River, NE 68883

308-382-6468

NEBRASKA GAME AND PARKS COMMISSION

2200 North 33rd Street Lincoln,

NE 68503

402-471-5554

RAPTOR CONSERVATION ALLIANCE

Rescue Hotline 866.888.7261

NEBRASKA WILDLIFE REHAB

9777 M Street

Omaha, NE 68127

402.234.2473

APPENDIX A

PROTECTED SPECIES THAT MAY BE FOUND IN THE OPPD SERVICE AREA

REFERENCES

Nebraska Game and Parks Commission (NGPC). 2024. Estimated Current Range of Northern Long-Eared Bat. https://outdoornebraska.gov/wp-content/uploads/2024/08/MYSE_update.pdf

NGPC. 2024. Northern long-eared bat.

<https://outdoornebraska.gov/team/nebraska-wildlife/nebraska-animals/mammals/northern-long-eared-bat/>

Silcock, W.R., and J.G. Jorgensen. 2023. Bald Eagle (*Haliaeetus leucocephalus*).

In Birds of Nebraska — Online. <https://birds.outdoornebraska.gov/bald-eagle/>

Silcock, W.R., and J.G. Jorgensen. 2023. Least Tern (*Sternula antillarum athalassos*).

In Birds of Nebraska — Online. <https://birds.outdoornebraska.gov/least-tern/>

Silcock, W.R., and J.G. Jorgensen. 2023. Piping Plover (*Charadrius melodus*).

In Birds of Nebraska — Online. <https://birds.outdoornebraska.gov/piping-plover/>

Silcock, W.R., and J.G. Jorgensen. 2023. Whooping Crane (*Grus americana*). In

Birds of Nebraska — Online. <https://birds.outdoornebraska.gov/whooping-crane/>

U.S. Fish and Wildlife Service (USFWS). 2023. Environmental Conservation Online System (ECOS).

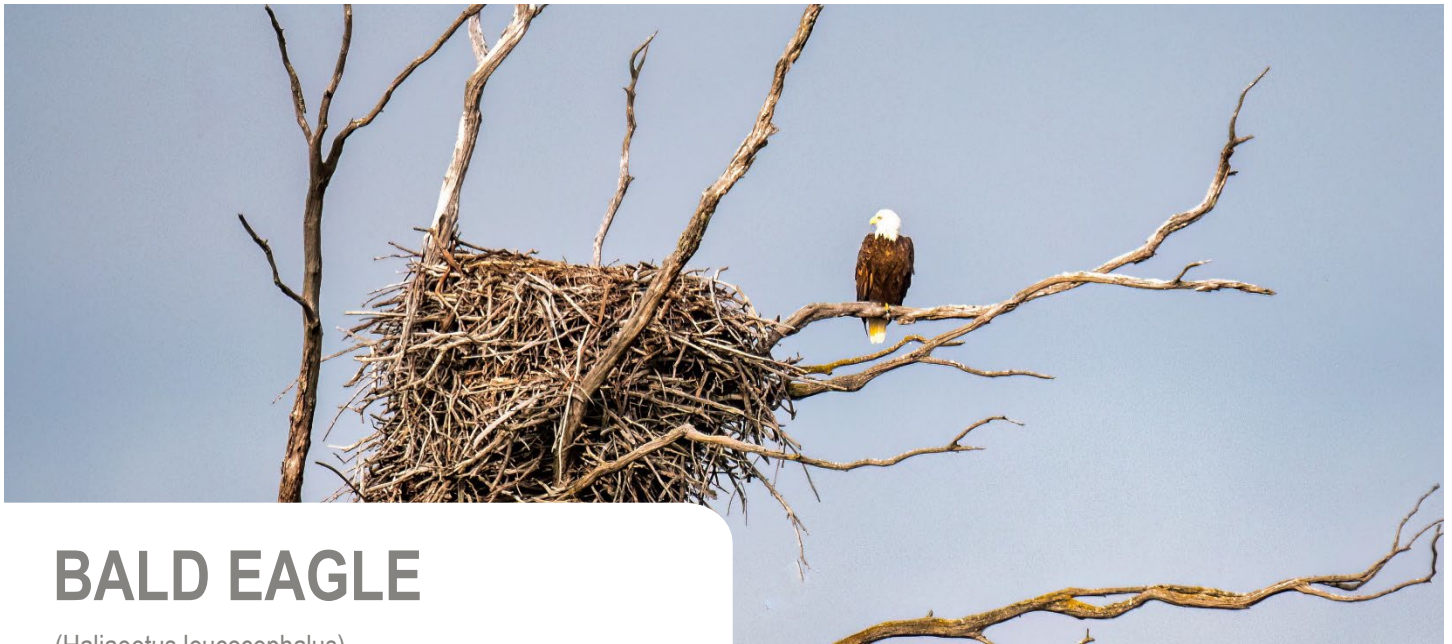
Tricolored bat (*Perimyotis subflavus*). <https://ecos.fws.gov/ecp/species/10515>

USFWS. 2024. Range-wide Indiana Bat and Northern Long-Eared Bat Survey Guidelines.

USFWS, Region 3, Bloomington, MN. 95 pp.

USFWS. 2024. Tricolored Bat Range for Wind Energy Projects.

<https://www.fws.gov/library/collections/land-based-wind-energy-voluntary-avoidance-guidance-tricolored-bat>



BALD EAGLE

(*Haliaeetus leucocephalus*)

STATUS: FEDERALLY DELISTED

DESCRIPTION

Bald eagles are large birds with an approximately 80-inch (six-foot) wingspan. Both males and females are similar in appearance at every plumage stage. Mature bald eagles (over five years old) have a white head, neck and tail with an otherwise brown body and a yellow bill. Immature bald eagles (less than five years old) are brown with white splotches, they generally have white in the “armpit” and a dark bill.

HABITAT

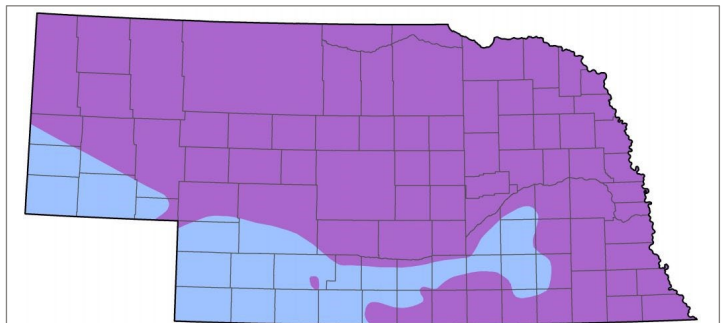
Bald eagles are becoming more prevalent on the landscape in Nebraska. While they were once only found along larger rivers and reservoirs with mature trees, they are now encroaching into cities, agricultural fields and less-desirable habitats. Bald eagles can be found throughout Nebraska.

NESTING

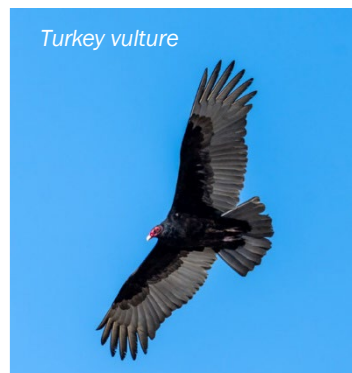
Bald eagle nests measure four to six feet in diameter and four feet tall. Nests can be added to year after year and may take up to three months to build using large- and medium-sized sticks. Nests are generally found in tall trees adjacent to large rivers or water bodies. Nests are commonly found in eastern cottonwood (*Populus deltoides*) trees in Nebraska.

RESTRICTIONS FOR CONSTRUCTION

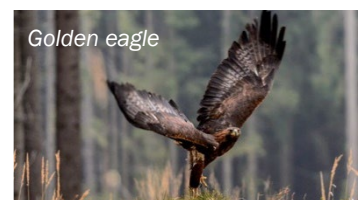
A 660 feet buffer zone of no activity is recommended around bald eagle nests to avoid the need for an Eagle Disturbance Take (Specific Permit) (50 CFR 22.280). This zone could be reduced to 330 feet if the eagles are tolerant to past disturbance within that zone and outside the breeding season. Coordination with a qualified biologist, NGPC and/or USFWS will likely be required to determine the buffer size.



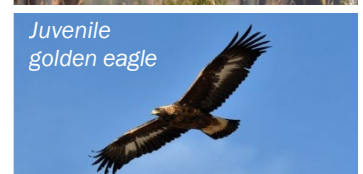
Status: Common, regular winter visitor statewide. Common regular spring and fall migrant statewide. Uncommon resident statewide, except southwest and southern Panhandle. Uncommon regular summer visitor statewide. (map from the Birds of Nebraska – Online <https://birds.outdoornebraska.gov/bald-eagle/>)



Turkey vulture



Golden eagle



Juvenile golden eagle

SIMILAR SPECIES

Turkey vultures (*Cathartes aura*) have similar sizes and outlines as bald eagles; however, turkey vultures fly with their wings up in a V-shape, while bald eagles fly with their wings flat. Turkey vultures have no white on them. Golden eagles are very similar to immature bald eagle. However, adult golden eagles are pure brownish-gold and juveniles, while still splotchy with white, have distinct white “wrist” patches.



WHOOPING CRANE

(*Grus americana*)

STATUS: FEDERALLY AND STATE ENDANGERED

DESCRIPTION

The whooping crane is the tallest bird in North America, at around five feet. This is accomplished by its long, dark legs and long neck. This crane is pure white with red on the top of its head and in front of its eyes, ending at the chin. Its seven-foot wingspan ends in black feathers, which are easily observed in flight.

HABITAT

In Nebraska, whooping cranes join the sandhill crane migration on the Platte River near Grand Island. However, stragglers spread out across Nebraska, using wetland and agricultural fields for stopover habitat. Whooping cranes do not breed or rear their young in Nebraska.

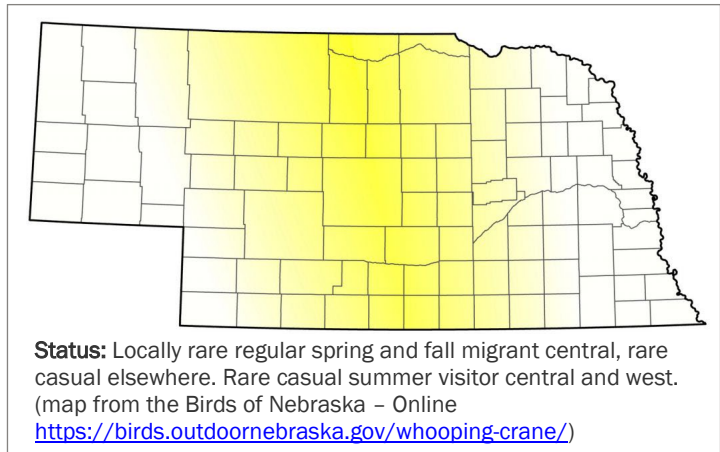
SIMILAR SPECIES

During the sandhill crane migration, over half a million sandhill cranes are joined by a few hundred whooping cranes, making the whooping cranes hard to see and observe. Sandhill cranes differ in appearance by being generally grey with some brown feathers. The red on the sandhill crane's head only extends around the eye.

The great egret (*Ardea alba*) is another pure white, tall bird. However, the great egret does not stand as tall as the whooping crane, does not have red on its face and has a distinctive yellow bill.

The American white pelican (*Pelecanus erythrorhynchos*) is a huge waterbird that is unmistakable up-close. When in high flight, its all-white body and black wing tips could be mistaken for a whooping crane.

The great blue heron (*Ardea herodias*) is a very common, tall standing bird. However, the heron has a blue-gray body, a long, yellow bill and a black eye stripe. When in flight, the heron curls its neck into a tight S-shape, whereas the whooping crane will fly with the neck extended.



RESTRICTIONS FOR CONSTRUCTION DURING MIGRATION

If construction occurs in or near suitable habitat (wetlands, wet agricultural fields, etc.), a qualified person must conduct surveys looking for whooping cranes within ½ mile of the project area during their migration periods in Nebraska. If whooping cranes are spotted within this area at any time, all work must stop and NGPC or USFWS need to be contacted. Work can't resume until the birds move off on their own to an area more than ½ mile from the construction site. Migration periods are March 6 to April 29 in the spring and October 9 to November 15 in the fall.



PIPING PLOVER

(*Charadrius melodus*)

STATUS: FEDERALLY AND STATE THREATENED

DESCRIPTION

Piping plovers are short, round birds. They have rounded heads with round, dark eyes and a short half orange, half black bill. Their backs are gray to sandy gray, and their bellies are white. They have orange-yellow legs. They have a broad black collar that may or may not go entirely around the breast, and a smaller black line across their foreheads.

HABITAT

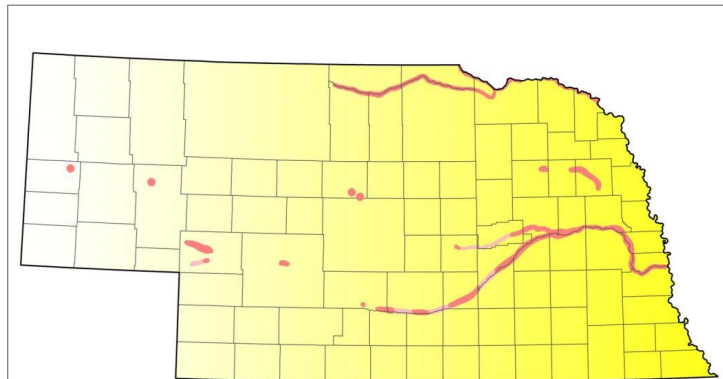
This species uses wide open, sparsely vegetated, sandy beaches and sandbars of the Missouri, Platte, Elkhorn, Loup and Niobrara River systems. Suitable habitat also includes off-river sites such as sand and gravel mines, lake shore housing developments and sandpit lakes.

NESTING

Piping plovers lay eggs, typically four, in small depression (nest cup) in the sand, lined with small pebbles. They nest on open, sparsely vegetated sandy areas away from trees lines and the water's edge. Piping plovers nest near each other and may nest very close to interior least tern colonies.

RESTRICTIONS FOR CONSTRUCTION DURING NESTING SEASON

When possible, construction activity should be avoided within ¼ mile of potential suitable habitat for this species between April 15 and August 15. If construction is required in or near suitable habitat, a qualified person must survey a ¼ mile radius around the project area to look for nesting activity prior to construction starting.



Uncommon spring and fall migrant away from breeding sites.
(map from the Birds of Nebraska – Online
<https://birds.outdoornebraska.gov/piping-plover/>)



Piping plover nest



Killdeer

SIMILAR SPECIES

Killdeer (*Charadrius vociferus*) are extremely common and found in the same habitat (as well as many additional habitat types) as the piping plover. Killdeer are a larger plover with two black collars instead of the singular one on the piping plover, and have a brown back instead of gray to sandy grey.



INTERIOR LEAST TERN

(*Sternula antillarum athalassos*)

STATUS: FEDERALLY DELISTED, STATE ENDANGERED

DESCRIPTION

The interior least tern is the smallest tern in North America. It has long, narrow, swooped back wings, a slender body and a long tail. They are pale gray and white, with a black cap starting below their eyes, ending at a white forehead. Their bills and legs are distinctly yellow.

HABITAT

This species prefers river sandbars in the Missouri, Platte, lower Niobrara, lower Loup and lower Elkhorn River systems. They also nest at human-created habitat such as sand and gravel mines, lakeshore housing developments and sandpit lakes.

NESTING

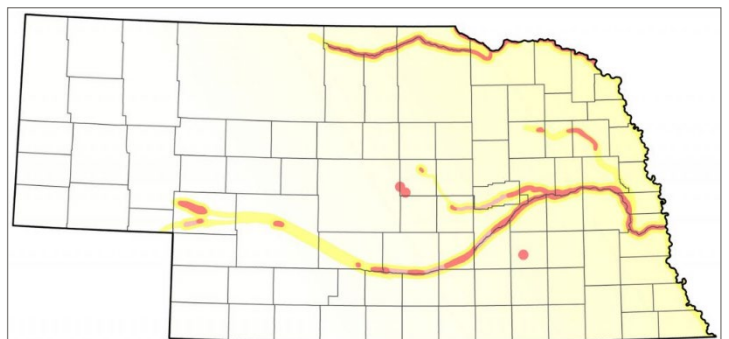
Interior least terns will lay one to three eggs in a small depression in the sand. Interior least terns usually require larger sand habitats as they prefer to nest in colonies. This tern is very vocal, and if an in-use nest or chicks are nearby, it will screech and dive at predators, or people, who get too close.

RESTRICTIONS FOR CONSTRUCTION DURING NESTING SEASON

Until the status of this species is determined in Nebraska, they will have the same construction monitoring restrictions as the piping plover.

SIMILAR SPECIES

Forster's terns (*Sterna forsteri*) are at least twice the size of the interior least tern but similar in appearance, except their black cap covers their entire forehead, and their legs and bill are bright orange, with the bill having a black tip.



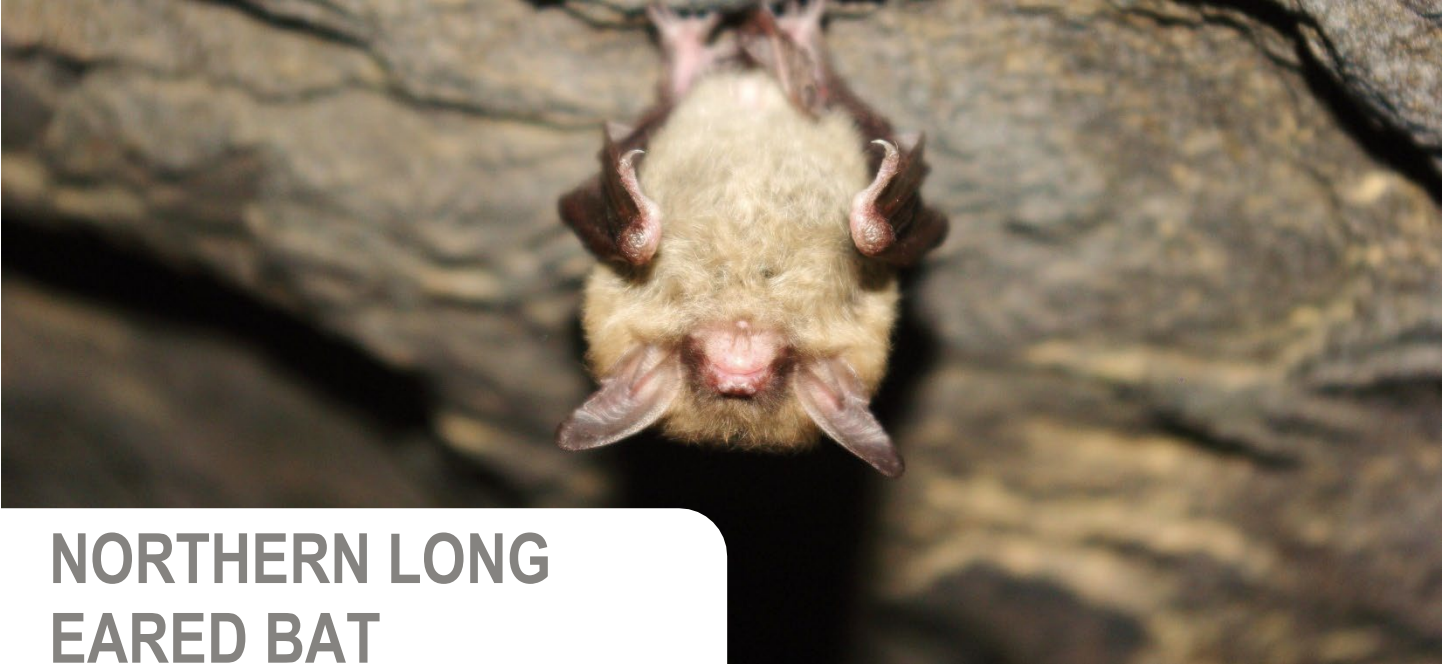
Status: Fairly common regular spring and fall migrant central and east, rare west. Locally fairly common regular breeder east and central. (map from the Birds of Nebraska – Online <https://birds.outdoornebraska.gov/least-tern/>)



Interior least tern nest



Forster's tern



NORTHERN LONG EARED BAT

(*Myotis septentrionalis*)

STATUS: FEDERALLY AND STATE ENDANGERED

DESCRIPTION

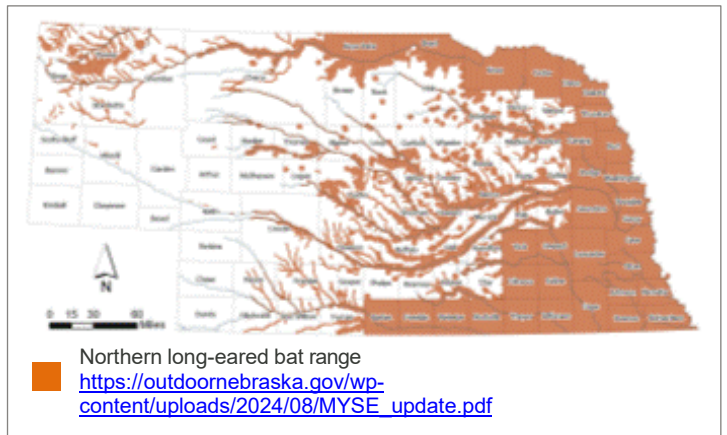
The northern long-eared bat is a medium sized bat from 3-4 inches long with a wingspan of 9-10 inches. An adult male can weigh 5-8 grams and females tend to be slightly larger. The fur can be medium to dark brown on the back and lighter brown on the underside. This bat has noticeably large ears. Bats are best distinguished by acoustic analysis or, better yet, in-hand inspection via mist netting surveys.

HABITAT

This species uses forested/wooded habitat during the summer. They roost on live or dead trees that are ≥ 3 inches diameter at breast height (dbh), with exfoliating bark, cracks, crevices or cavities they can fit in/under. Forested habitat can be dense, or splotchy, or can even be along fencerows. Individual trees can be considered suitable habitat if they are within 1,000 feet of another forested/wooded habitat. Buildings, barns, bridges and bat houses may also provide roosting habitat. Unsuitable habitat includes trees in highly developed urban areas, individual trees greater than 1,000 feet from forested/wooded areas and a stand of trees that are < 3 inches dbh.

RESTRICTIONS FOR CONSTRUCTION DURING THE ACTIVE SEASON

Tree clearing and impacts to other roost structures within 5.0 miles of a hibernaculum should be avoided during the active season, April 1 to November 15. Removal of suitable roosting habitat > 5.0 miles from a hibernaculum should be avoided during the summer occupancy season which runs from April 1 to September 30. Any tree clearing within 0.5 mile of a known hibernaculum will be avoided regardless time of year without first consulting with USFWS.



Information on the location of known northern long-eared bat hibernacula in a project area can be obtained by completing an environmental review with USFWS using their Information for Planning and Consultation (IPaC) tool and the NGPC Conservation and Environmental Review Tool (CERT). If it is not possible to avoid removing suitable roost trees during these timeframes, a Presence/Absence Survey should be completed in accordance with the USFWS *Range-wide Indiana Bat and Northern Long-Eared Bat Survey Guidelines* to establish whether northern long-eared bats are present or probably absent.



TRICOLORED BAT

(Perimyotis Subflavus)

STATUS: FEDERAL PROPOSED ENDANGERED

DESCRIPTION

The tricolored bat is small, averaging 3-3.5 inches long. Adult males average 4.6 – 7.5 grams with adult females weighing up to 7.9 grams. This bat is distinguished by its unique tricolored fur that appears dark at the base, lighter in the middle and dark at the tip. Tricolored bats often appear yellowish, varying from nearly orange to black. Newly flying young are much darker than adults. Bats are best distinguished by acoustic analysis or, better yet, in-hand inspection via mist netting surveys.

HABITAT

This species uses forested/wooded habitat and sometimes adjacent agricultural fields, pastures and wetlands during the summer. Their preferred roost substrate consists of live and dead clusters of live and recently dead deciduous trees. They roost in a variety of trees with preference for tall, larger diameter trees, but will roost in smaller diameter trees. Bridges, culverts, porches and barns may also provide roosting habitat. Tricolored bats hibernate in caves and mines.

RESTRICTIONS FOR CONSTRUCTION DURING MATERNITY ROOST SEASON

Restrictions on tree clearing and impacts to other roosting structures may be recommended by the USFWS if the tricolored bat is listed under the ESA. Until then, OPPD will avoid removing suitable roost trees during the pup season from May 15 to July 31 and from April 1 to November 15 when within 3.0 miles of a tricolored bat hibernaculum.



Tricolored bat range
<https://www.fws.gov/library/collections/land-based-wind-energy-voluntary-avoidance-guidance-tricolored-bat>

Information on the location of known tricolored bat hibernacula in a project area can be obtained by completing an environmental review with USFWS using their Information for Planning and Consultation (IPaC) tool and/or the NGPC Conservation and Environmental Review Tool (CERT). If suitable roost trees need to be removed during the restricted dates, a Presence/Absence Survey should be completed in accordance with the USFWS *Range-wide Indiana Bat and Northern Long-Eared Bat Survey Guidelines* to establish whether tricolored bats are present or probably absent.