Tiger Beetle ESA Listing

On October 6, 2005, the U.S. Fish and Wildlife Service officially listed the Salt Creek tiger beetle, found exclusively near Lincoln, Nebraska, as an endangered species. The listing, conducted under the authority of the federal Endangered Species Act, will result in new requirements for any future Federal actions that might impact the beetle, and could have other impacts for private land in and around the beetle’s habitat area. The total population of the species was recently estimated at about 150 beetles.

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Tiger Beetle ESA Listing (continued)

“critical habitat” area has not yet been identified for the tiger beetle, but USFWS indicated that a proposed rule concerning critical habitat would be published in the near future – possibly early summer 2006. A two-year study has recently been completed by the University of Nebraska, in cooperation with USFWS and the Nebraska Game and Parks Commission, which provides additional information on the beetle’s biological and habitat requirements – information which should be helpful in determining the critical habitat area. Once a proposed rule for the critical habitat area is published in the Federal Register, there will be a 60-day public comment period, followed by the publication of a final rule incorporating and responding to those comments.

Shoemaker Marsh Update

In June of 2003, the City of Lincoln, in conjunction with the Saline Wetlands Conservation Partnership, purchased the area now known as Frank Shoemaker Marsh, a 160-acre plot about three miles north of Lincoln on the west side of 27th Street. The site, formerly privately owned, includes about fifty acres of rare saline wetlands – a unique ecosystem found exclusively in the Lincoln area. Home to the state endangered saltwort plant and the now federally endangered Salt Creek tiger beetle, along with a variety of waterfowl and plant communities, Shoemaker Marsh is a valuable conservation asset with a strong educational potential for the City of Lincoln.

Unfortunately, streambed degradation has threatened channel stability along the Little Salt Creek, which meanders through the Shoemaker Marsh site. This instability is complicated by the fact that the Salt Creek tiger beetle lives within the salt-encrusted soil along the channel banks. In addition, the wetland areas on the site have filled in over time while expanding headcuts have drained parts of the wet areas, reducing habitat area and modifying the dendritic flow networks that once were common on the property. Access to the site is also limited by the absence of managed trails and viewing areas, and crossing the creek to reach the western portion of the site is only possible over an unstable rock crossing at the edge of the creek’s western meander.

In response to the present conditions, The Flatwater Group was contracted to develop concepts and plans to restore and revitalize the Shoemaker Marsh site. TFG’s efforts were guided by the work of the Shoemaker Marsh Core Committee, which identified a set of primary goals in a 2004 Design Memorandum. These goals included enhancing and restoring degraded wetland systems, preventing further stream degradation within the project boundaries while maintaining known habitats (including those of the Salt Creek tiger beetle), and complementing the restored wetland systems with native upland plant species.

In December of 2005, TFG submitted a 60% design submittal for Shoemaker Marsh, which included design plans and specifications to meet the objectives of the 2004 Design Memorandum by restoring and enhancing the site. The specific design elements included in the plan focus on three primary areas: wetland improvement; in-stream improvement; and pedestrian, upland and other improvements. Highlights of the wetland-related elements include developing three separate but integrated wetland cells using low-head earth embankments, excavation of the soil sediments that have filled in the wetlands over time, and the possible addition of new control structures to increase management flexibility with respect to water levels. In-stream elements include new grade control structures to prevent further channel degradation within the site, and limited stream bank reshaping conducted on a small scale to prevent harm to tiger beetle habitat along the banks. Other improvement activities would include a new pedestrian bridge, a new primitive trail system, overlook piers, and vegetative management to remove undesirable plants and establish new native upland grass populations.

Feedback on TFG’s 60% Design Submittal was received from the Shoemaker Marsh Core Committee and several other interested parties in mid-January 2006. TFG is currently modifying the design plans and specifications to accommodate those suggestions and is developing a final set of plans for Shoemaker Marsh restoration. Final plans and specifications are anticipated by March of 2006, and construction and other restoration activities are expected to commence around May, 2006.

Platte River Cooperative Agreement

Work continues on the development of a Program for the Platte River to address federal Endangered Species Act (ESA) issues related to certain existing and new water-related activities. The three states of Nebraska, Wyoming, and Colorado have been consulting with the Department of Interior for several years to respond to certain ESA issues in the Platte River basin upstream of the confluence with the Loup River and establish a plan for compliance. Certain federal water projects and activities throughout the Platte River basin, which includes portions of all three states, have been determined by the U.S. Fish and Wildlife Service (USFWS) to impact one threatened and three endangered species: the piping plover, interior least tern, pallid sturgeon, and whooping crane, respectively. In 1997, a Cooperative Agreement was signed by the three states and the U.S. Department of Interior to develop a basin-wide approach to benefit the “target” species and their habitat through new infrastructure projects and management policies.

To oversee the development of the plan, known as the Platte River Recovery Implementation Program (Program), the Cooperative Agreement established a 10-person Governance Committee, made up of representatives from the three states, the U.S. Bureau of Reclamation, U.S. Fish and Wildlife Service, water users, and environmental organizations. The Governance Committee has met dozens of times since it was formed, and completed a draft “Platte River Recovery Implementation Program” in December, 2003. That same month, the U.S. Bureau of Reclamation completed a draft Environmental Impact Statement (EIS) analyzing the draft Program developed by the Governance Committee as well as other action alternatives.

The draft Program developed by the Governance Committee, which continues to evolve, consists of three main parts: a Water Plan, a Land Plan, and an Adaptive Management Plan. The Water Plan is perhaps the most extensive of the three components, and includes several key parts:

1. Plans for each of the states to prevent and/or mitigate new depletions to USFWS “target flows” since the signing of the Cooperative Agreement in 1997
2. Federal Energy Regulatory Commission license requirements for the management of Nebraska’s Environmental Water Account, used to enhance streamflows through releases from Lake McConaughy
3. Descriptions of Colorado’s Tamarack project and the proposed Pathfinder Dam modification in Wyoming

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4. Descriptions of thirteen additional Water Action Plan projects that, together with the McConaughy, Tamarack, and Pathfinder projects, would provide enough water to reduce shortages to USFWS target flows by 140,000 acre feet per year on average.

The Land Plan would guide the acquisition, restoration, and maintenance of around 10,000 acres from the Lexington to Chapman reach to benefit the target species.

The Adaptive Management Plan is designed to test various hypotheses regarding the species and their habitat, determine the response of the target species and their habitat to Program actions, and make adjustments if necessary based on those assessments. The focus of all of these efforts has been on the first 13 years following Program approval – a period referred to as the “First Increment”.

Obtaining the $157 million in federal appropriations will still be a significant challenge, and moving both authorization and appropriation language through Congress in time for the FY 2007 funding cycle (which starts on Oct. 1, 2006) may be optimistic – especially considering that federal and state decisions regarding approval of the Program will not be made until well into 2006. The parties to the Cooperative Agreement will continue to meet to put the finishing touches on certain documents, none of which are viewed as critical to the preparation of the final EIS or the final biological opinion.