

ERR Guide

(Environmental Review Report)

CERT (Conservation and Environment Review Tool)

**For Community Sponsored Projects in Nebraska
Land and Water Conservation Fund**



Nebraska Game and Parks Commission
Planning and Programming Division

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FOREWARD

This guide provides the project sponsor with the instructions necessary to interpret the Environmental Review Report (ERR) generated from the Nebraska Game & Parks Commission's Conservation and Environmental Review Tool (CERT), a requirement of the LWCF application. To begin the process, you must first create an account and project in CERT. A video (<https://www.youtube.com/watch?v=qAmANrSHO5M>) linked on the webpage (<https://cert.outdoornebraska.gov>) will walk you through the steps necessary to create the draft ERR. See the Application Attachments Guide for an overview of the steps. **Please read this entire document once you have printed the ERR.**

Project sponsors are required to sign and date the *Certification section*, **and if applicable**, the *Conservation Measures Agreement* section of the ERR. The Conservation Measures Agreement section will need a signature if your report requires conservation measures to be implemented as part of your ERR results and answers.

The Environmental Review Team (ERT) does not create projects or signoff on the ERR report, but can assist with questions and reviews, when needed.

Environmental Review Team
ngpc.envreview@nebraska.gov
402-471-5423

If you have questions about the application process or the Land and Water Conservation Fund program, please contact any member of the LWCF team to assist, contact information:

Shari Sorenson
Grants Administrator
shari.sorenson@nebraska.gov
402-471-5203

Hannah Jones
Assistant Division Administrator/ASLO
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402-471-5513

The Nebraska Game and Parks Commission does not discriminate based upon any protected status. Please see www.OutdoorNebraska.gov/nondiscrimination.

GETTING STARTED

An Environmental Review Report (ERR) is automatically generated once a Project has been created within CERT. An ERR is not complete for submission to CERT or the online application until the project sponsor has read the report, determined what overall result the project generated, certified their report with a signature/date stamp, reuploaded into the CERT portal and selected “final” before submitting.

The ERR is accessed once you are logged into CERT. The project sponsor and the person who created the project in CERT (if different) will receive an email stating the ERR is ready. (The email also outlines some of the next steps). Navigate to the **My Projects tab**, and nested underneath **Project Review Results** the ERR will be under the column labeled “Report File” as a PDF. Download and/or print off a copy for review.

REVIEWING THE DRAFT ERR

Project Information Section in the ERR

Step 1: Underneath this section, verify that the Project Title is spelled correctly, and any User Numbers are present, if applicable.

Step 2: Confirm that next to Project Type, it states, “Recreation Areas” and the applicable Project Activities.

Project Type: “Recreation Areas”

- a. Project Activities:
 - i. Boats Docks and Ramps
 - ii. Facilities Construction (cabins, campgrounds, parking lots, picnic shelters, restrooms, roads, showers, utility hook-ups, etc.)
 - iii. Groundskeeping/Mowing
 - iv. Maintenance or Repair of Existing Facilities
 - v. Pond Construction

Note: Majority of LWCF projects will fall under this category, but not always. Determine if your project falls under this category by reading the types of activities before moving on. If you have any questions, contact the ERT.

Contact Information Sections in the ERR

Step 1: Underneath this section, verify that all contact information is correct, and names are entered accurately.

Step 2: If this report is being Submitted On Behalf Of an organization or village/town/city, please either confirm the information is correct **OR** edit your Description section to include this information.

“Submitted On Behalf Of” commonly applies to consulting firms doing an environmental review on behalf of an organization or village/town/city and aids in cutting back on duplicative ERRs. Consultants should work with the village/town/city and vice-versa to ensure there is only one report submitted for the project.

You can correct any information entered for the project by clicking on the project name (under My Projects) to open the project and then clicking the Edit Details button on the top.

The Nebraska Nongame and Endangered Species Conservation Act (NESCA) Section in the ERR

The Nebraska Nongame and Endangered Species Conservation Act (NESCA) Section provides information on Nebraska’s state laws and regulations concerning threatened & endangered species. In the context of a LWCF projects, this information does not require any action.

REVIEWING OVERALL RESULTS SECTION OF THE ERR

To determine what is required on your project site, find the **Overall Results** section in the ERR. The Overall Results section will generate **one of three overall result statements**. **The result types are listed below along with the** next steps for each result type. The most common type for LWCF projects is Result 2.

Result 1

Below is a screen shot of the exact Overall Results section first paragraph

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. Upload the signed document under the Edit Details tab using the File Attachments feature and change the Edit Status to Final. Once, these steps are completed, no additional correspondence with the Nebraska Game and Parks Commission is required.

Then next step is:

Sign and date the **Certification line** in the Conservation Measures Agreement/Certification section.

Once signed and dated, log back into your CERT account and navigate to the **My Projects tab** with your Project. The signed and dated ERR must be uploaded into the Project under File Attachments. Above the File Attachments section there is a “Project Edit Status”, change to Final and submit. **Once the status is changed from Draft to Final, this Project and it’s ERR cannot be edited.** If you accidentally selected Final and the project still needs to be in Draft format, please contact the ERT.

The signed and dated copy of the ERR is ready to be submitted as a pdf in the online application.

You are done with the CERT process. The Federal Laws section requires no action but includes information on the federal laws protecting threatened and endangered species, migratory birds, and other fish and wildlife and their habitats.

Result 2

Below is a screen shot of the exact Overall Results section first paragraph

Overall Results

The following result is based on a detailed analysis of your project.

- More information needed, please answer the questions under the Question and Conservation Conditions section. If conservation conditions are required, review the Conservation Conditions Agreement section. Additional consultation with the Nebraska Game and Parks Commission may or may not be required; please review all the information provided in this document.

The next step is:

A section titled **Questions and Conservation Conditions** will generate questions that need to be answered prior to any signatures or dates. This section appeared because your project may impact threatened or endangered species within your project's area or those species' habitat, but actions may be taken to avoid impacts. You will need to carefully read the information to see how it may apply to your project.

Step 1: Select the most applicable answer for the **bolded** habitat suitability questions under the species.

Step 2: The answer(s) you checked will determine which Conservation Measures Agreement applies, where you sign, and if there are additional steps.

- Option A) If all answers were Yes and if the project sponsor agrees to the conservation measures as noted: Check Option 1 and sign and date. Proceed to Step 3, 4, and 5.
- Option A) If all answers were Yes and the project sponsor has concerns or feel the steps cannot be implemented as noted: Check Option 2, Use Steps 6, 7, and 8
- Option B) If any habitat questions were answered with Unknown, proceed to Step 8.
- Option C) If all answers were No, proceed to Steps 3, 4 and 5.

Step 3: Sign and date the **Certification line** in the Conservation Measures Agreement/Certification section.

Step 4: Log back into your CERT account and navigate to the **My Projects tab** with your Project. The signed and dated ERR must be uploaded into the Project under File Attachments. Above the File Attachments section there is a "Project Edit Status", change to final and submit. **Once the status is changed from Draft to Final, this Project and it's ERR cannot be edited.** If you accidentally selected Final and the project still needs to be in Draft format, please contact the ERT.

Step 5: The signed and dated copy of the ERR is ready to be submitted as a pdf in the online application.

You are done with the CERT process. The Federal Laws section requires no action but includes information on the federal laws protecting threatened and endangered species, migratory birds, and other fish and wildlife and their habitats.

Step 6: Sign and date the **Certification line** in the Conservation Measures Agreement/Certification section and in a separate document, and write up your concerns or inability to implement the conservation measures as noted.

Step 7: Log back into your CERT account and navigate to the **My Projects tab** with your Project. The signed and dated ERR along with your concerns document must be uploaded into the Project under File Attachments, you may mark as Final.

Step 8: Contact the ERT via email to request a consultation, attach the ERR and your concerns.

Note: During the spring season, the ERT has a longer que for environmental reviews requests as projects all over the state are preparing for construction. The ERT is typically able to respond with 30 days or less to requests for reviews.

You are not done with the CERT process until you consult with the ERT and/or receive a concurrence letter. Do not upload the ERR to the online application, instead contact the LWCF team after your consultation with ERT.

The Federal Laws section requires no action but includes information on the federal laws that protect threatened and endangered species, migratory birds, and other fish and wildlife and their habitats.

The following are examples of common Questions and Conservation Conditions.

Northern Long-eared Bat

This project is within the range of the state and federally listed endangered Northern long-eared bat (NLEB) (*Myotis septentrionalis*).

Suitable summer roosting habitat for NLEB consist of forests or woodlots which contain suitable roost trees. In Nebraska, suitable roost trees consist of deciduous and/or pine live or dead trees or snags that are greater than or equal to 3 dbh (diameter at breast height) that exhibit peeling bark or have cracks, crevices or cavities. Linear features such as fencerows, riparian forests, and other wooded corridors are suitable for NLEB if they contain potential roost trees. Individual trees may be considered suitable habitat when they exhibit characteristics of suitable roost trees and are within 1,000 feet of other forested/wooded habitat. NLEB have also been observed roosting in human-made structures, such as buildings, barns, bridges, and bat houses; therefore, these structures should also be considered potential summer habitat when they are within 1000 feet of suitable forested habitat (see above).

Examples of **UN-SUITABLE** habitat for the NLEB include:

- Individual trees that are greater than 1,000 feet from forested/wooded areas;
- Trees found in highly developed urban areas (e.g., street trees, downtown areas) – but note that NLEBs sometimes use relatively extensive forested natural areas within urban areas for summer roosting habitat;
- A pure stand of less than 3-inch dbh trees that are not mixed with larger trees.

Habitat Questions for Northern Long-eared Bat:

Is suitable summer habitat, as defined above, located within 1000 feet of the project activities?

Unknown.

No. Conservation measures are not needed for this species unless otherwise indicated. **Additional habitat questions for this species are not applicable if suitable habitat is not present.**

Yes. The following conservation measures must be implemented in order to avoid adverse impacts on Northern long-eared bat.

NLEB CM-2: No removal of suitable trees or roosting structures between June 1 and July 31 (pup-rearing season).

Does the action include temporary or permanent lighting of roadways, facilities, and/or parking lots?

No. Lighting conservation measures are NOT APPLICABLE.

Yes. The following lighting conservation measure must be implemented:

NLEB CM-7 Use downward-facing, full cut-off lens lights* (with same intensity or less for replacement lighting) when installing new or replacing existing permanent lights.

**Full cut-off lens lights are fixtures or luminaires constructed and installed in such a manner that all light emitted from the luminaire, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the fixture, is protected below the horizontal plane through the fixture's lowest light-emitting part.*

Whooping Crane and Whooping Crane Critical Habitat

This project is within the range of the state and federally listed endangered whooping crane (*Grus americana*) and MAY also be within federally designated critical habitat for whooping crane (Central Platte River corridor between Lexington and Shelton, Nebraska).

Habitat Questions for Whooping Crane and Whooping Crane Critical Habitat:

Is the Action Area or area of potential effect outside of densely populated residential, commercial, or industrial areas?

AND

Does the Action Area or area of potential effect (within 1/2 mile of) include suitable habitat, which includes but is not limited to, sub-irrigated grasslands, meadows, shallow wetland habitat, farm ponds, or major rivers?

___ Unknown for EITHER question.

___ No for EITHER question. Conservation measures are not needed for this species unless otherwise indicated.

___ Yes for BOTH questions. The following conservation measures must be implemented in order to avoid adverse impacts on whooping crane and/or critical habitat for whooping crane:

Unless otherwise indicated, conservation measure WC CM-2 **or** WC CM-3 is required (not both), in addition to any other conservation measures listed for this species:

WC CM-2: If project or management actions/activities must occur during the spring (March 6 - April 29) or fall (October 9 - November 15) migration periods, then a survey must be conducted according to the standard protocol. Take note of the worktime restrictions as stated in the protocol.

OR

WC CM-3: Project or management actions/activities will not be implemented during the spring (March 6 - April 29) or fall (October 9 - November 15) whooping crane migration periods.

Please Note:

If, after attempting to figure out the best answer for any species listed under the Questions and Conservation Conditions section, you still do not feel comfortable selecting an answer, please call or send an email to the ERT (Environmental Review Team). Depending on the time of year, the team may not be able to answer your call immediately and a follow-up email to ERT is recommended to expedite a response to your inquiry.

Result 3

Below is a screen shot of the exact Overall Results section first paragraph

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 review all the information provided in this document, then sign and date the Certification section. Upload the report under the Edit Details tab using the File Attachments feature and change the Edit Status to Final. Email a copy of your certified (i.e., signed and dated) report with a request for further review to the Nebraska Game and Parks Commission (ngpc.envreview@nebraska.gov). Attach supporting documentation that may aid in the review such as designs, survey reports, site photos. etc.

Step 1: Sign and date the **Certification** line section in the Conservation Measures Agreement/Certification section.

Step 2: Contact the ERT via email (ngpc.envreview@nebraska.gov) with your ERR attached and supporting document for further review. Supporting documentation could include designs plans, site photos, etc.

Step 3: Until you receive a concurrence letter from the ERT, you are not done.

Note: During the spring season, the ERT has a longer que for environmental reviews requests as projects all over the state are preparing for construction. The ERT is typically able to respond with 30 days or less to requests for reviews.

Do not upload the ERR to the online application, instead contact the LWCF team after your consultation with the ERT. Consultation with the ERT is completed once you have received a concurrence letter.

The Federal Laws section requires no action but includes information on the federal laws that protect threatened and endangered species, migratory birds, and other fish and wildlife and their habitats.

ERT Contact Information

ERT (Environmental Review Team)

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Thank you for utilizing the Nebraska Game and Parks Commission's Conservation and Environmental Review Tool (CERT).