Nebraska Implementation Guidance Document for American Burying Beetle (*Nicrophorus americanus*)

Signatories for the Nebraska Biological Evaluation Process have determined that the American burying beetle (*Nicrophorus americanus*) will be removed from the Process for the 2023 programmatic agreement and the program biological assessment re-evaluation. For all federally funded or state funded projects, NDOT will utilize a species-specific programmatic agreement for American burying beetle that is in development. The interim review process will evaluate American burying beetle by utilizing Individual Project Level Evaluations (IPLE). Additionally, the formal consultation process with NGPC and USFWS may be utilized.

If the project is located in the species' range (USFWS or NGPC; SEP form Step 1), NDOT will assess project effects to the species through the following process. For projects where a "no effect" determination is appropriate for ABB, NDOT will process projects by utilizing Individual Project Level Evaluations (IPLE) with the Biological Assessment (BA). For projects where a "may affect, not likely to adversely affect" determination is appropriate for ABB, NDOT will process projects by utilizing Individual Project Level Evaluations (IPLE) with the Biological Assessment (BA), and early coordination and consultation with USFWS and NGPC. For projects where a "may affect, likely to adversely affect" determination is appropriate for ABB, NDOT will conduct early coordination and utilize the formal consultation process with NGPC and USFWS (Section III.E.ii of PA).

Nebraska Implementation Guidance Document for Northern Long-eared Bat (*Myotis septentrionalis*)

For all projects, FHWA (lead federal agency) and NDOT (FHWA's representative on NEPA-assigned projects) will use the U.S. Fish and Wildlife Service's Information Planning and Consultation Tool (IPAC) to determine if the project is located in the range of the Northern Long-eared Bat (*Myotis septentrionalis*). If the project is located in the species' range and contains suitable habitat, NDOT will utilize the FHWA, FRA, FTA Programmatic Consultation for Transportation Projects affecting Northern Long-eared Bat or Indiana Bat Determination Key (Transportation Determination Key) to fulfill their section 7(a)(2) consultation obligations.

Upon NDOT's completion of assessing the project using the Transportation Determination Key, IPaC will produce either a consistency or concurrence letter (Letter) for FHWA/NDOT that records their determination. NDOT will obtain and append a copy of this Letter to the matrix Biological Assessment for the project. NDOT will carry forward the determination and any associated conservation measures (referenced in the FHWA Programmatic Biological Opinion for Transportation Projects as Avoidance and Minimization Measures in Appendix D) from the Letter and capture in the Overview of Effects and Required Conservation Conditions document. NGPC will recognize this review, information provided, and associated determination provided by IPAC as meeting state agency consultation needs under the Nebraska Nongame and Endangered Species Conservation Act (NESCA)(Neb. Rev. Stat. 37-807 (3)).