

# LAKE ALLURE

## ANNUAL OPERATING PLAN (AOP) 2021

Thomas Dredging, LLC (Thomas), Lake Allure Homeowners Association (LAHOA),  
and New Century Environmental, LLC (NCE)



March 10, 2021



### EXECUTIVE SUMMARY

Lake Allure is sandpit development on the west side of the Platte River in Saunders County, Nebraska. It is approximately 200-acres in size and has areas of exposed sand attractive to migrating shorebirds that nest in aquatic areas containing optimum substrate for nesting. The location of this sandy, aquatic site is optimal for both the least tern and piping plover nesting and foraging in this part of the Lower Platte River. Piping plovers arrive in mid to late April in Nebraska, least terns are typically observed in mid-May and begin nesting in early June. Both bird species are generally gone by mid-August.

Increased construction on the north part of Lake Allure contributed to the low numbers of terns and plovers now using the lake (see Figure 1 for 2020 nesting locations). *This increased construction will continue to develop the area and most likely decrease the number of birds in 2021.*

### INTRODUCTION

The purpose of the MOU and this Annual Operating Plan (AOP) is to support the U.S. Army Corps of Engineers determination that issuance of Department of Army permit number 2010-2760-WEH may affect but is not likely to adversely affect federally listed species. The USFWS concurred with the Corps' determination on August 14, 2012, thereby satisfying requirements of special condition

number 11 of the permit. This permit was reauthorized February 18, 2019, to Thomas for dredging, excavation, and housing development at Lake Allure. All concerned parties met on February \_\_, 2021 to discuss, confirm details and finalize the AOP document for the year 2021.

The LAHOA establishes rules and provides oversight as to how residents maintain and use both their own property as well as common areas used for recreational purposes at Lake Allure. An additional purpose of the MOU is to assist Thomas and LAHOA in maintaining compliance with both ESA and the Nebraska Nongame and Endangered Species Conservation Act (NESCA). Preparation and effective implementation of the MOU is a condition of Thomas' permit. The USFWS and NGPC are the principal government agencies authorized to administer federal and state wildlife regulations and implement conservation and recovery actions for threatened and endangered species in Nebraska (e.g., ESA, as amended, and the NESCA).

The Parties entering into the MOU recognize the importance of collaboratively protecting the Interior Least Terns (*Sternula antillarum athalassos*), which is state listed as endangered, (but does not have to be monitored) and the state and federally threatened Piping Plovers (*Charadrius melodus*)(hereafter "terns" and "plovers") at Lake Allure. The Interior Least Tern was federally delisted in February 2021.

The Parties recognize the goal of the MOU is to avoid conflicts between these threatened and endangered species and Thomas and LAHOA activities as well as proactively avoiding take of these species. The activities at Lake Allure include dredging, excavation, and development by Thomas and property use and management of both private property and common areas by the LAHOA. The goals of the MOU, as stated above, will be achieved through development and execution of an AOP prepared by Thomas in conjunction with LAHOA and NCE and approved annually by the Corps, USFWS, and NGPC.

Thomas and the LAHOA will work with NCE to develop an annual AOP that summarizes a site-specific operating plan that will avoid human and tern and plover conflicts with minimal impact on dredging, excavation, housing development, and property use and management. A draft AOP will be provided to the Corps, USFWS, and NGPC by February 1 of each year for review and approval. Failure to submit a draft AOP by February 1 with all the required elements, as outlined below, could result in invalidation of the MOU. Review and approval of the draft AOP by the Corps, USFWS, and NGPC will be completed by March 15 each year.

**ANNUAL OPERATING PLAN:  
Responsibilities of Thomas in conjunction with LAHOA and NCE,  
in association with the MOU**

1. *Detailed information about the dredging, excavation, housing development, and property use and management for the upcoming nesting season. Information should include maps identifying areas to be dredged and excavated and sites to be developed. Proposed implementation dates for each type of activity starts April 15 – July 31<sup>st</sup> with weekly surveys being conducted.*

DREDGING PLAN: When weather permits, the dredges will begin discharging sand in the areas of Lots 79-89 (Firestone Pointe) and then will continue moving in a counterclockwise direction to Lots 61-72 (see Figure 2). At the same time, trucks

will be working in conjunction with the dredging and will be dumping sand and dirt in those same areas.

2. *Narrative summary and graphical depiction, including maps, of the locations of human exclusion and nest discouragement zones at Lake Allure for the upcoming nesting season.*

**EXCLUSION ZONES:** Historically, the terns and plovers have nested on the north (see Figure 1 below). With a limited amount of remaining lots for sale, and limited number of birds observed in 2020, there will not be a designated exclusion zone.

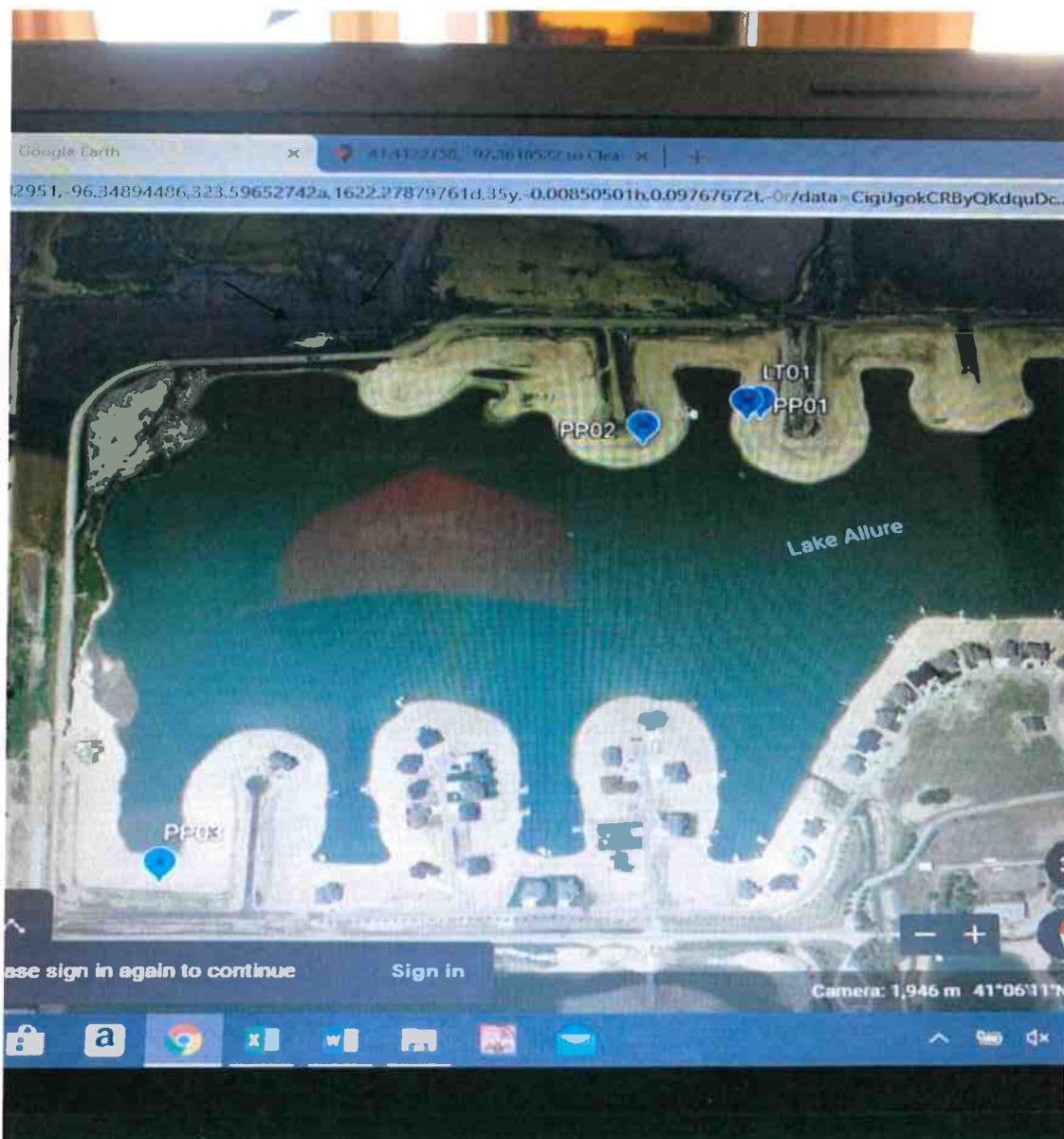


Figure 1. 2020 nesting locations of terns and plovers at Lake Allure.  
(Plover Nests indicated by PP01- PP03 Least Tern Nests indicated by LT01) PP03 and LT 01 were unsuccessful nests.

NEST DISCOURAGEMENT ZONES: Lots 61-89 (see Figure 2).

3. *A detailed description of how human exclusion zones will be marked and delineated so that they are easily identified by people. Human exclusion zones are those areas where terns and plovers are allowed to nest and will be protected from all forms of human activities, including pets, but not wildlife. Human exclusion zones would be of sufficient size so that terns and plovers would meet their nesting, feeding, and chick-rearing habitat needs on an area at Lake Allure not occupied by development. These zones will vary from year to year and will not have a set size. Management strategies utilized to identify and delineate human exclusion zones include any or all of the following: fencing, barriers, signage, communication, and monitoring.*

MARKING OF EXCLUSION ZONES: There will be no designated exclusion zones implemented at the beginning of the nesting season in 2021.



<https://lakeallure.com/wp-content/uploads/2021/03/Lake-Allure-Map-3-1-21.pdf>

Figure 2. Map of Lake Allure

4. *A detailed description of practices that will be used to discourage tern and plover nesting in nest discouragement zones. Nesting discouragement zones are those areas where terns and plovers will be discouraged from nesting as they correspond to either: (1) those areas where future dredging, excavation, housing development, and property management and use are planned to occur during the upcoming nesting season; (2) are areas where the presence of threatened and endangered species would result in conflict between humans and terns and plovers. Discouragement practices include raking, mylar flagging, or sand mounding. Raking, if utilized, shall be conducted every other day or as needed to deter tern and plover nesting in nest discouragement zones areas. There is so much additional construction going on in this area in 2021, construction noise alone may be enough to deter nesting. In the event a tern or plover nest is discovered in a nest discouragement zone, the area within 50 feet by 50 feet of the nest shall be immediately be converted to a human exclusion zone.*

DISCOURAGEMENT ZONE PRACTICES: Thomas will utilize raking and sand mounding/movement and active construction site with equipment. Thomas will coordinate with NCE biologists and monitor these discouragement zones and ensure there are no impacts to tern and plover nests throughout the nesting season. Thomas and LAHOA will make aware the Association members of the nesting season and advise that raking, mylar flagging, or sand mounding/movement will be necessary if they are planning home construction during the nesting season.

“Nests or, areas with Piping Plovers or Least Terns and nest scrapes, will be roped off in an area approximately 50’ x 50’ or of sufficient size to provide adequate protection, marked with signage, and a flag placed within 10 feet of the nest. Absolutely no persons, pets, or objects can enter this area until the rope and signage has been removed.”

5. *A detailed monitoring plan that includes information about weekly visits to identify the location of tern and plover adults, nests, and broods.*

PLAN: In early to mid-April of every monitoring year, NCE survey staff will begin survey visits to Lake Allure to conduct a brief habitat reconnaissance survey, detect early bird activity, re-train staff as necessary (i.e., methods, safety precautions, etc.), and check and calibrate sampling equipment (e.g., boats, GPS units, etc.). Biologists and technical crew will conduct an initial habitat availability and bird presence and nest use survey. Thereafter, surveys will be conducted weekly through mid-August. They will record all bird activity weekly from nest initiation through bird departure in mid-August. If a site no longer has suitable nesting habitat, NCE will stop visiting the site. If no adults or nesting activity are observed by July 1 they will only visit once every two weeks and if no adults or nesting activity are observed by mid-July they will stop visiting the site for the year.

If encountered, and only if located within the Lake Allure property boundaries, off-channel habitat sites will be identified and located. Available off-channel nesting habitat sites will be located using GIS applications. Each nest will be located using GPS and GIS applications (i.e., by recording location no closer than 6 inches north from the nest), identified to species, and clutch size recorded. Some photographs will be taken as a historical voucher. A maximum of 40 minutes will be allowed to complete this task before a mandatory 20-minute rest period will be taken to minimize stress and disturbance to nesting birds. All least tern and piping plover monitoring data will be recorded on the *Least Tern and Piping Plover Nest Monitoring Data Form* "Form" (see attached). The Form must be duplicated for each surveyed habitat site during each survey episode.

During later surveys, evidence of nest fate will be identified and recorded at all occupied nest habitat sites on the Form. Active nests are defined as any scrape containing  $\geq 1$  egg. Active nests are monitored weekly until fate is determined to be: 1) successful ( $\geq 1$  chick observed hatched), 2) failed (evidence of nest destruction or abandonment), or 3) unknown (no evidence present). If possible, failed nests will be attributed to destruction associated with predation, human disturbance, inundation, or other wildlife causes (e.g., trampling) or factors, and recorded on the Form.

**Least Tern and Piping Plover Nest Monitoring Data Form (2021)**

River System: \_\_\_\_\_ Date: \_\_\_\_\_ Habitat ID: \_\_\_\_\_

Crew: \_\_\_\_\_ GIS by: \_\_\_\_\_

**50-m Distance Observations:**

	Number by Observer 1	Number by Observer 2	Avg.	Elevation (m)
Piping plover				
Least tern				
Other wildlife (list below)				

**10-m Onsite Transects:**

				Fate				Nest
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Nest ID	LAT/LONG	Spp. (LT/ PP)	Clutch Size	(Success) (Fail) (Unknown)	Date Fate Determined	If Fail, then cause is?	Re- nest (Y/N)	No. Chicks	Elevation (Platte R.) (m)
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**Fledgling Counts:**

Least Terns: \_\_\_\_\_

Piping Plovers: \_\_\_\_\_

**Notes / Comments:**

**Primary Points of Contact.** The following individuals are primary points of contact for this AOP.

**THOMAS:** Lezlie Thomas  
 Thomas Dredging, LLC  
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**LAHOA:** Dick Stephenson, President\*  
 Lake Allure Homeowners Association  
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 Ashland, NE 68003  
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\*this contact will need to be amended if, or when, a new President is elected

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**NGPC:** Joel Jorgensen  
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Nebraska Game and Parks Commission  
2200 North 33rd Street  
Lincoln, NE 68503  
402-471-5440  
[joel.jorgensen@nebraska.gov](mailto:joel.jorgensen@nebraska.gov)

**USFWS:** Robert Harms or Jeff Runge  
Fish and Wildlife Biologist  
U.S. Fish and Wildlife Service  
9325 South Alda Road  
Wood River, NE 68883

Phone: 308-382-6468, Ext 208; Cell: 308-390-0871

[Robert\\_Harms@fws.gov](mailto:Robert_Harms@fws.gov)

Cell: 308-216-0384

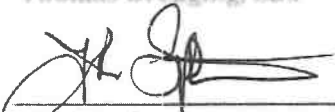
[jeff\\_runge@fws.gov](mailto:jeff_runge@fws.gov)



Authorized Representatives

By signing this page, all Parties agree to the items outlined above.

  
\_\_\_\_\_  
Leslie Thomas  
Thomas Dredging, LLC  
3/17/21  
DATE

  
\_\_\_\_\_  
Dick Stephenson  
Lake Allure Homeowners Association  
NATHAN  
DARNALL  
3-24-2021  
DATE  
Digitally signed by NATHAN DARNALL  
Date: 2021.03.15 09:16:24 -0600

\_\_\_\_\_  
Nathan Darnall  
U.S. Fish and Wildlife Service  
DATE

  
\_\_\_\_\_  
3/16/21

\_\_\_\_\_  
Joel Jorgensen  
Nebraska Game and Parks Commission  
DATE

*Michael P. Gutzmer*  
\_\_\_\_\_  
3/10/2021

\_\_\_\_\_  
Michael Gutzmer  
New Century Environmental LLC  
DATE