

**ADDENDUM II TO THE FINAL PLATTE RIVER RECOVERY IMPLEMENTATION
PROGRAM – DELISTING OF THE INTERIOR LEAST TERN**

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PROGRAM
XXXXXXXXXX, 2021**

I. Preamble

The Platte River Recovery Implementation Program (Program; PRRIP) became effective January 1, 2007, following signatures by the Governors of Colorado, Wyoming, and Nebraska and the U.S. Secretary of the Interior, and the First Increment of the Program was scheduled to end on December 31, 2019. Prior to expiration of the First Increment, the Governance Committee approved the *Addendum to the Final Platte River Recovery Implementation Program – First Increment Extension* (Program Addendum) extending the First Increment from December 31, 2019, to December 31, 2032, and the Governors and the Secretary agreed to First Increment Extension contributions as described in Attachment A to the Program Addendum. The First Increment Extension of the PRRIP began on January 1, 2020.

The PRRIP provides Endangered Species Act (ESA) compliance for water related activities within the three states and Federal Government while working to provide recovery benefits for certain endangered and threatened species. The U.S. Fish & Wildlife Service (Service) has removed the interior least tern from the federal list of Endangered Species. The purpose of this Addendum II to the Program Document¹ is to explain how the Program will address the interior least tern in view of the change to its listing status under the ESA.

II. Post-Delisting Approach to Interior Least Tern

On February 12, 2021, the Service removed the interior least tern from the federal list of threatened and endangered species. Due to this change in listing status, the Governance Committee hereby agrees to the following for the Program's First Increment Extension:

1. The Program will voluntarily continue to treat the interior least tern as a target species during the Program's First Increment Extension, notwithstanding its change in listing status under the ESA.² It is the Governance Committee's expectation that the Program will not treat the interior least tern as a target species during the Second Increment.
2. With the exception of references to the federal listing status of the interior least tern, all other terms and conditions of the Program Document remain in effect.
3. The Program Milestones remain unchanged for the purpose of providing ESA compliance for the other federally listed target species.
4. The June 16, 2006, Biological Opinion and August 27, 2018, Supplemental Biological Opinion remain valid and unchanged. However, provisions of the Incidental Take Statement specific to interior least terns may no longer apply.

¹ As used in this addendum, the term "Program Document" includes all appendices.

² Treating the interior least tern as a target species on a voluntary basis for the remainder of the Extension eliminates the need to modify species references in the programmatic documentation and will provide the Governance Committee flexibility in addressing this species prior to establishment of the Second Increment.

- 39 5. The interior least tern remains protected under the Migratory Bird Treaty Act (MBTA) and
40 the Nebraska Non-game and Endangered Species Conservation Act. The Program will abide
41 by prohibitions regarding take of the interior least tern provided by these Acts.
- 42 6. For the remainder of the Extension, the Program will continue to manage for interior least
43 terns consistent with ongoing piping plover management to promote continued conservation
44 of the species. While not required for ESA compliance, the Governance Committee may
45 direct that interior least terns continue to be addressed under the science component of the
46 Program, and that monitoring of the species continue in a manner consistent with any Service
47 post-delisting monitoring plan for the species.