



U.S. Army Corps of Engineers  
Omaha District

## TIMING LIMITATION

No surface use is allowed within crucial 0.50 miles (line of sight) of raptor nests which have been active within the past two years or are presently active during the following time period:

March 1 to August 1

This stipulation does not apply to operating and maintenance of production facilities.

On the lands described below:

For the purpose of:

To protect nest sites of raptors which have been identified as a species of special concern and in accordance with the Migratory Bird Treaty Act (16 U.S.C. § 703-712, 709 is omitted) and the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d). This includes, but not limited to the following species, bald (*Haliaeetus leucocephalus*) and golden eagles (*Aquila chrysaetos*), peregrine falcon (*Falco peregrinus*) and ferruginous hawks (*Buteo regalis*), merlin (*Falco columbarius*) and osprey (*Pandion haliaetus*).

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation may be granted by USACE, if the Lessee submits a plan that demonstrates that impacts from the proposed action are minimal or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if USACE determines that portions of the area no longer within 0.50 miles (line of sight) of raptor nests which have been active within the past two years. The dates for the timing restriction may be modified if new information indicates that the March 1 through August 1 dates are not valid for the leasehold.

Waiver: This stipulation may be waived if USACE determines that the entire leasehold is no longer within 0.50 miles (line of sight) of raptor nest sites within the past two years.