



U.S. Army Corps of Engineers
Omaha District

CONTROLLED SURFACE USE STIPULATION

Surface occupancy or use is subject to the following special operating constraints:

The following resources and habitat protections measures will be required of the Lessee:

1. Construction in native prairie will be avoided if at all possible. All disturbed native prairie shall be reseeded with a native grass/forbs seed mixture as outlined on the chart shown in the "SEEDING" section of the stipulations. Obtain seed stock from nurseries within 250 miles of the project area to insure the particular cultivars are well adapted to the local climate.
2. Any unavoidable losses of native forest or riparian forest shall be replaced with similar species. A monetary damage payment may be required in lieu of a mitigation planting.
3. Any sensitive or watch plant species found at a later date in the project area should be protected and their habitats should be managed to protect the species. This will be coordinated with a USACE biologist.

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

On the lands described below:

For the purpose of:

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

Exception, Modification, Waiver: This stipulation may be waived or reduced if circumstances change, or if the Lessee can demonstrate that operations can be conducted without causing unacceptable impacts. Exceptions to this limitation in any particular year may be specifically approved in writing by USACE. In all cases, the stipulation (including any modification) will be designed to present the least restrictive measure for avoiding unacceptable adverse impacts.