



U.S. Army Corps of Engineers
Omaha District

TIMING LIMITATION

No surface use is allowed within crucial 0.25 miles (line of sight) of western burrowing owl (*Athene cunicularia hypugaea*) nests during the following time period:

March 15 to September 15

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 burrowing owls 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).

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: An exception to this stipulation may be granted 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.