



U.S. Army Corps of Engineers
Omaha District

TIMING LIMITATION

No surface use is allowed within crucial 0.50 miles (line of sight) of bald eagle (*Haliaeetus leucocephalus*) winter roosting areas.

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

On the lands described below:

For the purpose of:

To protect winter roosting areas of the bald eagle 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).

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 winter roosting areas.

Waiver: This stipulation may be waived if USACE determines that the entire leasehold is no longer within 0.50 miles (line of sight) of bald eagle roosting areas.