



U.S. Army Corps of Engineers
Omaha District

TIMING LIMITATION

No surface use is allowed within crucial 0.50 miles (line of sight) of piping plover (*Charadrius melodus*) or interior least tern (*Sterna antillarum athalassos*) nests or designated critical habitat during the following time period:

April 1 to July 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 the threatened piping plover and endangered interior least tern and in compliance with Section 7 of the Endangered Species Act (7 U.S.C. § 136, 16 U.S.C. § 1531) and 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: An exception to this stipulation may be granted by USACE, if the Lessee submits a plan that demonstrates that impacts from the proposed action will not affect the piping plover or the interior least tern or designated critical habitat. If USACE determines that the action may have an adverse effect, the Lessee may submit a plan demonstrating that the impacts can be adequately mitigated. This plan must be approved by USACE in consultation with the U.S. Fish and Wildlife Service (USFWS).

Modification: The boundaries of the stipulated area may be modified if USACE, in consultation with USFWS, determines that portions of the area are no longer within 0.50 miles (line of sight) of piping plover or interior least tern nests or designated critical habitat.

Waiver: This stipulation may be waived if USACE, in consultation with USFWS, determines that the entire leasehold can be occupied without adversely affecting piping plover or the interior least tern or designated critical habitat.