

NO SURFACE OCCUPANCY STIPULATION

PIPING PLOVER HABITAT

Stipulation: Surface occupancy and use is prohibited within 1/4 mile of Piping Plover habitat.

On the lands described below:

Objective: Protection of Piping Plover habitat.

Exception: An exception can be granted by the AO if the operator submits a plan that demonstrates that the proposed action will not affect the Piping Plover or its habitat. If the AO determines that the action can affect the Piping Plover or its habitat, consultation with the USFWS will be required prior to final determination on the exception.

Modification: The boundaries of the stipulated area may be modified if the AO, in consultation with the USFWS, determines that portions of the area are no longer essential to the Piping Plover.

Waiver: The stipulation can be waived if the AO, in consultation with USFWS, determines that the entire leasehold no longer contains habitat essential to the Piping Plover or the Piping Plover is declared recovered and is no longer protected under the Endangered Species Act of 1973.