

## **NO SURFACE OCCUPANCY STIPULATION**

### **BALD EAGLES NESTS**

**Stipulation:** Surface occupancy and use is prohibited within 0.50 mile of bald eagle nest sites active within the preceding 5 years.

On the lands described below:

**Objective:** Limit disturbance to bald eagle nesting 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 bald eagles or their habitat. If the AO determines that the action can affect bald eagles or their habitat, consultation with the USFWS will be required prior to the final determination on the exception.

**Modification:** The boundaries of the stipulated area can be modified if the AO, in consultation with the USFWS, determines that portions of the area can be occupied without adversely affecting bald eagle nest sites or nesting habitat.

**Waiver:** This stipulation can be waived if the AO, in consultation with the USFWS, determines that the entire leasehold can be occupied without adversely affecting bald eagle nest sites or nesting habitat or the bald eagle is declared recovered and no longer protected under the Endangered Species Act of 1973.