

NO SURFACE OCCUPANCY STIPULATION
PALLID AND SHOVEL-NOSED STURGEON

Stipulation: Surface occupancy and use is prohibited within 1/4 mile of the water's edge of the Missouri River to protect pallid and shovel-nosed sturgeon.

On the lands described below:

Objective: Protection of Pallid and Shovel-Nosed Sturgeon.

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 Pallid and Shovel-Nosed Sturgeon or its habitat. If the AO determines that the action can affect the Pallid and Shovel-Nosed Sturgeon 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 Pallid and Shovel-Nosed Sturgeon.

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 Pallid and Shovel-Nosed Sturgeon or the Pallid and Shovel-Nosed Sturgeon is declared recovered and is no longer protected under the Endangered Species.