

NO SURFACE OCCUPANCY STIPULATION

PEREGRINE FALCON NESTS

Stipulation: No surface occupancy or use within 1 mile of peregrine nesting sites active within the preceding 7 breeding seasons.

On the lands described below:

Objective: Limit disturbance to peregrine falcon 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 peregrine falcon or their habitat. If the AO determines that the action may or will have an adverse effect, the operator may submit a plan demonstrating that the impacts can be adequately mitigated. This plan must be approved by the BLM in consultation with the USFWS.

Modification: The boundaries of the stipulated area can be modified if the AO, in consultation with the USFWS, determines that portions of the area are no longer critical to the peregrine falcon.

Waiver: This stipulation can be waived if the AO, in consultation with the USFWS, determines that the entire leasehold can be contains habitat critical to the peregrine falcon or the peregrine falcon is declared recovered and no longer protected under the Endangered Species Act.