

TIMING LIMITATION STIPULATION

BALD EAGLE NEST SITES

No surface use is allowed in a one mile radius around Bald Eagle nest sites/breeding habitat during the following time period:

February 1 through August 31

This stipulation does not apply to the operation and maintenance of production facilities.

On the lands described below:

For the purpose of:

Protection of Bald Eagle nesting sites and/or breeding habitat in accordance with the Endangered Species Act and the Montana Bald Eagle Management Plan.

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 the authorized officer if the operator submits a plan which demonstrates that the proposed action will not affect the Bald Eagle or its habitat. If the authorized officer determines that the action may 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 U.S. Fish and Wildlife Service (FWS).

Modification: The boundaries of the stipulated area may be modified if the authorized officer, in consultation with the FWS, determines that portions of the area can be modified without adversely affecting bald eagle nest sites or nesting habitat.

Waiver: This stipulation may be waived if the authorized officer, in consultation with the FWS, determines that the entire leasehold can be occupied without adversely affecting Bald Eagle nest sites or nesting habitat.