United States Department of the Interior

FISH AND WILDLIFE SERVICE
1011 E. Tudor Road
Anchorage, Alaska 99503-6199

IN REPLY REFER TO:

AFES/MMM

AUG 0 3 2011

Mr. Mike Brock
Environmental Team Lead
BP Exploration (Alaska), Inc.
900 East Benson Boulevard
P.O. Box 196612
Anchorage, Alaska 99519-6612

Dear Mr. Brock:

This responds to your request for a Letter of Authorization (LOA) from the U.S. Fish and Wildlife Service (Service) for the incidental take of polar bears and Pacific walrus in regards to BP Exploration (Alaska), Inc. (BPXA) activities during summer seismic trials in BPXA operated fields and surrounding near shore waters. This LOA request is for an approximate two week time period between August 5, 2011, and October 1, 2011.

BPXA plans to conduct the seismic field trial in August 2011 to assist in the development of a project plan for summer Ocean Bottom Seismic (OBS) surveys planned in 2012 and 2013. The trials include the following: 1) deployment of varying receivers on land and in the marine/transition zone; 2) on road vibroseis to test receivers; and 3) bathymetric survey to confirm the 3 foot (1 Meter) water depth contour and sampling sediment conditions along the coastline. The objectives of the field trials include: 1) evaluating the performance of receiver models and efficiency of deployment methods; 2) identifying the preferred receiver configuration; and 3) assessing the performance of swamp phones in soft tundra.

On August 3, 2011, final regulations were issued that authorize the non-lethal, incidental, unintentional take of small numbers of polar bears and Pacific walrus during year-round oil and gas industry exploration, development, and production operations in the Beaufort Sea and adjacent northern coast of Alaska. The regulations were issued for a period of five years. In accordance with these regulations, enclosed is an LOA (11-20) that will allow BPXA to take small numbers of polar bears and walruses incidental to the 2011 Seismic Field Trial. If any changes develop in your projects during the 2011 season, such as activities or location, please notify the Service, Marine Mammals Management Office (MMM) prior to the planned operation. This will allow us to evaluate the activity and, if appropriate, amend your LOAs.

Protection measures for polar bears described in BPXA's Polar Bear Interaction Plan contain appropriate safeguards to limit human/animal interactions. The BPXA field camps and personnel can limit encounters of polar bears by being observant of approaching animals (i.e., the use of polar bear guards) and breaking off interactions, if practicable, by allowing the

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animals to continue their travel. All terms of the BPXA Polar Bear Interaction Plan are incorporated by reference and full implementation is expected. Service biologists are available for consultation if questions or concerns arise regarding polar bears during the project period at the phone numbers listed below and noted in your interaction plan.

Per the Programmatic Biological Opinion (Tier 1 BO) for the Beaufort Sea Incidental Take Regulations for Polar Bear, Pacific Walrus, and Polar Bear Critical Habitat (July 2011), issuance of this LOA also completes consultation for polar bears, Pacific walrus, and polar bear critical habitat pursuant to section 7 of the Endangered Species Act (ESA) of 1973, as amended. This LOA also serves as an "Incidental Take Statement" (ITS), which is required by the ESA in order for incidental take to be authorized.

Reasonable and prudent mitigation measures, as well as implementing terms and conditions were included for MMM in the Tier 1 BO and have been incorporated into the LOA process. Issuance of this ITS, with the LOA completes ESA requirements for authorization of incidental take of the polar bear. Compliance with the terms and conditions of this LOA insures that the LOA holder is also in compliance with the ESA.

An additional requirement of this LOA is for BPXA to provide observational data of polar bears throughout the project and a complete report of all observations at the conclusion of the project to document take. This final report will be provided to the MMM. This report meets the tracking and reporting requirements relative to the documentation of take as required by the Marine Mammal Protection Act (MMPA) and the ESA.

This LOA is issued in accordance with our regulations listed at 76 FR 47010, dated August 3, 2011. Please review these regulations. Should you have any further questions, please contact Mr. Craig Perham, of our Marine Mammals Management Office, at (907) 786-3800 or at 786-3810.

Sincerely,

Rosa Meehan, Ph.D.
Chief, Marine Mammals Management

Enclosure

cc: Mr. Richard Shideler, ADF&G
Fairbanks Fish and Wildlife Field Office (FFWFO)
USFWS Office of Law Enforcement (OLE)
North Slope Borough Department of Law

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U.S. Fish and Wildlife

LETTER OF AUTHORIZATION
(11-20)

ISSUED: August 3, 2011
EXPIRES: November 30, 2011

BP Exploration (Alaska), Inc. (BPXA) is hereby authorized to take small numbers of polar bears and Pacific walrus incidental to activities occurring during summer seismic trials in BPXA operated fields and surrounding near shore waters. This Letter of Authorization (LOA) request is for an approximate two week time period between August 5, 2011, and October 1, 2011. These activities are discussed in detail in the, "Request for Letter of Authorization Pursuant to 50 CFR 18, Subpart J and Section 101(A)(5) of the Marine Mammal Protection Act (MMPA) for the Incidental Take of Polar Bears and the Pacific Walrus during seismic field trials in BPXA operated Fields in August 2011, dated May 17, 2011.

This LOA and the required conditions below include contractors of BPXA performing BPXA-approved work under the scope of operations to be conducted. The LOA is subject to the following conditions:

1. The BPXA Polar Bear Interaction and Mitigation Plan, Attachment II, is approved and all provisions must be complied with unless specifically noted otherwise in this LOA. A copy of this polar bear interaction plan must be available on site for all personnel.

2. BPXA Operations Managers, or designates, must be fully aware, understand, and be capable of implementing the conditions of this LOA.

3. Intentional take is prohibited under this LOA.

4. This authorization is valid only for those activities identified in the request for a Letter of Authorization dated May 17, 2011.

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5. Polar bear monitoring, reporting, and survey activities will be conducted in accordance with 50 CFR 18, Section 18.128. The basic monitoring and reporting requirements follow:

- BPXA must cooperate with the U.S. Fish and Wildlife Service (Service), and other designated Federal, State, or local agencies to monitor the impacts of oil and gas exploration activities on polar bears.

- BPXA will provide copies of the polar bear observation form to all BPXA contractors operating under the LOA.

- BPXA must designate a qualified individual or individuals to report any polar bear sightings, or signs of polar bears, such as tracks, scat, or diggings, to the Service, Marine Mammals Management Office (MMM) by phone or using the polar bear observation form within 24 hours of visual observation.

- BPXA must allow the Service to place an observer on the site to monitor the impacts of the activity on polar bears, at the discretion of the Service.

- BPXA must submit an annual monitoring report to the Service, MMM as required under 18 CFR 18.128, which will be received up to 90 days after the expiration date of the LOA. This report meets the tracking and reporting requirements relative to the documentation of take as required by the MMPA and the Endangered Species Act (ESA).

6. In the Programmatic Biological Opinion for Polar Bears, Pacific Walrus, and Polar Bear Critical Habitat on Beaufort Sea Incidental Take Regulations (Regulations) (July 2011), the Service determined the total incidental take anticipated as a result of the issuance of the Regulations is not likely to result in jeopardy to the polar bear or Pacific walrus, and will not adversely modify polar bear critical habitat. In order for an Incidental Take Statement (ITS) to be provided: (1) the proposed activity must provide the required information, as described in the §18.124 of the Regulations, (2) the LOA includes mitigation measures appropriate for the specific activity and location, as described in §18.128 of the Regulations, and (3) that the incidental take for the specific activity will be consistent with the negligible impact finding for the total take allowed under the regulations.

   We (MMM) have determined that the proposed action meet these three requirements. Therefore, issuance of this LOA also completes ESA requirements for authorization of incidental take of the polar bear. Compliance with the terms and conditions of the above LOA insures that the LOA holder is also in compliance with the ESA.

7. This Letter of Authorization is valid for the period indicated on this authorization, unless extended or terminated in writing by the Service, Marine Mammals Management Office.

Chief, Marine Mammals Management

AUG 0 3 2011

Date