



IN REPLY REFER TO:

United States Department of the Interior

FISH AND WILDLIFE SERVICE

1011 E. Tudor Road
Anchorage, Alaska 99503-6199



AFES/MMM

19 MAR 2012

Ms. Caryn Rea
Senior Staff Biologist
ConocoPhillips Alaska, Inc.
P.O. Box 100360
Anchorage, Alaska 99510-0360

Dear Ms. Rea:

Thank you for your December 21, 2011, and February 10, 2012, requests for Letters of Authorization (LOA) for the incidental take of polar bears in regards to the ConocoPhillips Alaska, Inc. (CPAI) 2012 North Staines River #1 Well Inspections and the Gravel Borehole Project in the Kuparuk River Unit Area, respectively. Enclosed are LOAs (12-07 and 12-08) granting CPAI authorization to take small numbers of polar bears incidental to the planned activities identified in your LOA requests.

The Well Inspection Project is to inspect and perform preventative maintenance on the North Staines River #1 using a maximum of six trips by helicopter to the site. The purpose of the Gravel Borehole Project is to identify future gravel sources through drilling operations. The Gravel Borehole Project will be within the vicinity of Drill Sites C, E, and F and an area south of the Tarn Road and east of Drill Site 2L. All sites with the exception of Mine Site E are within the Kuparuk River Unit. If any changes develop in your project during the 2012 project season, please notify the U.S. Fish and Wildlife Service (Service) prior to the planned operation. This will allow us to evaluate the activity and, if appropriate, amend your LOA.

Protection measures for polar bears described in *CPAI's Polar Bear Avoidance and Interaction Plan, Revised July 2009* contain appropriate safeguards to limit human/animal interactions. ConocoPhillips Alaska, Inc. 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 where practicable, by allowing the animals to pass unhindered. Under this LOA, CPAI is required to: 1) provide copies of the polar bear observation form to all CPAI contractors operating under the LOA; 2) report any polar bear sightings or signs of polar bears, such as tracks, scat, or diggings, to this office by phone or using the polar bear observation form; and 3) report any possible den locations that are found during work activities immediately to our office. If questions or concerns arise during the project period, Service biologists are available for consultation at the phone numbers listed below and noted in your interaction plan.

TAKE PRIDE[®]
IN AMERICA 

Historic polar bear denning activity reveals that polar bear denning habitat occurs along creek cutbanks and river bluffs. For example, approximately 1782 miles (2870 km) of potential polar bear denning habitat is located between the Colville River and the Canning River alone. Disturbance during denning could lead to abandonment of dens and possible mortality to cubs. Seismic activities occurring near preferred denning habitat may encounter denning polar bears. Hence, the Service seeks to limit disturbance to maternal polar bear den sites, including known dens and those areas that could be preferred by denning polar bears. With this in mind, please use caution when operating in your project area during the end of the maternal denning period (March to mid April).

Issuance of this LOA also fulfills the requirements for Tier 2 Consultation of the Programmatic Biological Opinion (BO) for the activities described herein and consequently fulfills the requirements of section 7 of the Endangered Species Act (ESA). In the *Programmatic Biological Opinion for Polar Bears (Ursus maritimus) on Beaufort Sea Incidental Take Regulations* (June 2008; Tier 1 BO) and the *Programmatic Biological Opinion for Polar Bears (Ursus maritimus) on Chukchi Sea Incidental Take Regulations* (June 2008; Tier 1 BO) (Regulations), the Service determined that the total take anticipated as a result of the issuance of the Regulations was not likely to result in jeopardy to the polar bear. In order for the Tier 2 BO to be consistent with the “no jeopardy” conclusion of the Tier 1 BO and for an ESA Incidental Take Statement (ITS) to be provided: (1) the proposed activity must provide the required information, as described in §18.124 of the Regulations, (2) the LOA must include any mitigation measures that the Service believes appropriate for the specific activity and location, as described in §18.128 of the Regulations, and (3) the Service must determine that the incidental take for the specific activity will be consistent with the negligible impact finding for the total take allowed under the Regulations.

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

An additional requirement of these LOAs is for CPAI 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 must be provided to the Service within 90 days after completion of the project. 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 authorization is issued in accordance with MMPA Incidental Take Regulations published in the *Federal Register* (73 FR 33212), dated June 11, 2008.

Ms. Caryn Rea

3

If you have any further questions, please contact Mr. Craig Perham at (907) 786-3810, or Mr. Christopher Putnam at (907) 786-3844, of our Marine Mammals Management Office.

Sincerely,



Jenifer Kohout
Acting Chief, Marine Mammals Management

Enclosures

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



IN REPLY REFER TO:

AFES/MMM

United States Department of the Interior

FISH AND WILDLIFE SERVICE

1011 E. Tudor Road
Anchorage, Alaska 99503-6199



U.S. Fish and Wildlife Service

LETTER OF AUTHORIZATION (12-07)

ISSUED: March 19, 2012

EXPIRES: June 30, 2012

ConocoPhillips Alaska, Inc. (CPAI) is hereby authorized to take small numbers of polar bears incidental to activities occurring during the 2012 North Staines River #1 Well Inspections. This activity will include up to six helicopter flights from Deadhorse to the well site to inspect and perform preventative maintenance on the well.

This Letter of Authorization (LOA) and the required conditions below include contractors of CPAI performing CPAI-approved work under the scope of operations to be conducted. This authorization is subject to the following conditions:

1. The *CPAI Polar Bear Avoidance and Interaction Plan, Revised July 2009* 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. CPAI Operations Managers, or designees, must be fully aware, understand, and be capable of implementing the conditions of this LOA.
3. Intentional take is not authorized under this LOA.
4. This authorization is valid only for those activities identified in the request for a Letter of Authorization dated December 21, 2011.
5. Polar bear monitoring, reporting, and survey activities must be conducted in accordance with 50 CFR section 18.128. In addition, CPAI must comply with the following monitoring, mitigation, and reporting requirements:
 - CPAI 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.

**TAKE PRIDE[®]
IN AMERICA** 

- CPAI must not conduct activities that operate nor pass within one mile (1.6 km.) of known polar bear dens, and all observed dens must be reported to the Service immediately, and no later than 24 hours. Should occupied dens be identified within one mile of activities, CPAI must cease work in the immediate area and contact the Service for guidance. The Service will evaluate these instances on a case-by-case basis to determine the appropriate action. Potential actions may range from cessation or modification of work to conducting additional monitoring, and CPAI must comply with any additional measures specified.
 - CPAI must designate a qualified individual or individuals to observe, record, and report the effects of the activity on polar bears to the Service within 24 hours of visual observation.
 - Every polar bear observed must be recorded on a Polar Bear Observation Form. The observation report must include, but is not limited to:
 - a. Date.
 - b. Time.
 - c. Observer name.
 - d. Contact number/email.
 - e. Location, with latitude, longitude, and datum, if applicable.
 - f. Weather conditions at time of observation.
 - g. Temperature.
 - h. Visibility.
 - i. Number of bears: sex and age.
 - j. Estimated closest point of bears from personnel and facilities.
 - k. Possible attractants present.
 - l. Bear behavior.
 - m. A description of the encounter.
 - n. Duration of the encounter.
 - o. Type of deterrents used and distance from bear when used.
 - p. Agency/Contacts.
 - Evidence of polar bears, such as tracks, carcass, or dens, must also be reported.
 - At the discretion of the Service, CPAI must allow the Service to have an observer on the site to monitor the impacts of the activity on polar bears.
 - CPAI must submit a monitoring report to the Service as required under 18 CFR 18.128(f), which will be received within 90 days after completion of the project.
6. Due to their importance as polar bear denning habitat, flight paths for the surveys will be offset from the coastline of Beaufort Sea Barrier Islands (including the Jones Island group,

and Cross, Flaxman and Tigvariak Islands) by at least ½ mile (800 meters) and 1,500 feet (457 meters) above ground level.

- If requested, CPAI must make flight paths of the reconnaissance surveys available to the Service.
 - If any changes develop in CPAI's project during the 2012 winter season, such as flight paths, activities or location, CPAI must notify the Service prior to the planned operation.
7. 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 was not likely to result in jeopardy to the polar bear or Pacific walrus, and would 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 must include mitigation measures appropriate for the specific activity and location, as described in §18.128 of the Regulations; and (3) the incidental take for the specific activity must be consistent with the negligible impact finding for the total take allowed under the Regulations.

The Service has determined that the proposed actions meet these three requirements. Therefore, issuance of this LOA also satisfies Endangered Species Act (ESA) requirements. Compliance with the terms and conditions of the above LOA ensures that the LOA holder is also in compliance with the ESA.

8. This LOA is valid for the period indicated on this authorization, unless extended or terminated in writing by the U.S. Fish and Wildlife Service, Marine Mammals Management Office.



Acting Chief, Marine Mammals Management

3/19/12
Date



IN REPLY REFER TO:

AFES/MMM

United States Department of the Interior

FISH AND WILDLIFE SERVICE

1011 E. Tudor Road
Anchorage, Alaska 99503-6199



U.S. Fish and Wildlife Service

LETTER OF AUTHORIZATION (12-08)

ISSUED: March 19, 2012

EXPIRES: June 30, 2012

ConocoPhillips Alaska, Inc. (CPAI) is hereby authorized to take small numbers of polar bears incidental to activities occurring during the 2012 Gravel Borehole Project in the Kuparuk River Unit Area. The purpose of the Gravel Borehole Project is to identify future gravel sources through drilling operations. The Gravel Borehole Project will be within the vicinity of Drill Sites C, E, and F and an area south of the Tarn Road and east of Drill Site 2L. All sites with the exception of Mine Site E are within the Kuparuk River Unit.

This Letter of Authorization (LOA) and the required conditions below include contractors of CPAI performing CPAI-approved work under the scope of operations to be conducted. This authorization is subject to the following conditions:

1. The *CPAI Polar Bear Avoidance and Interaction Plan, Revised July 2009* 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. CPAI Operations Managers, or designees, must be fully aware, understand, and be capable of implementing the conditions of this LOA
3. Intentional take is not authorized under this LOA.
4. This authorization is valid only for those activities identified in the request for a Letter of Authorization dated February 10, 2012.
5. Polar bear monitoring, reporting, and survey activities must be conducted in accordance with 50 CFR section 18.128. In addition, CPAI must comply with the following monitoring, mitigation, and reporting requirements:



- CPAI 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.
- CPAI must not conduct activities that operate nor pass within one mile (1.6 km.) of known polar bear dens, and all observed dens must be reported to the Service immediately, and no later than 24 hours. Should occupied dens be identified within one mile of activities, CPAI must cease work in the immediate area and contact the Service for guidance. The Service will evaluate these instances on a case-by-case basis to determine the appropriate action. Potential actions may range from cessation or modification of work to conducting additional monitoring, and CPAI must comply with any additional measures specified.
- CPAI must designate a qualified individual or individuals to observe, record, and report the effects of the activity on polar bears to the Service within 24 hours of visual observation.
- Every polar bear observed must be recorded on a Polar Bear Observation Form. The observation report must include, but is not limited to:
 - a. Date.
 - b. Time.
 - c. Observer name.
 - d. Contact number/email.
 - e. Location, with latitude, longitude, and datum, if applicable.
 - f. Weather conditions at time of observation.
 - g. Temperature.
 - h. Visibility.
 - i. Number of bears: sex and age.
 - j. Estimated closest point of bears from personnel and facilities.
 - k. Possible attractants present.
 - l. Bear behavior.
 - m. A description of the encounter.
 - n. Duration of the encounter.
 - o. Type of deterrents used and distance from bear when used.
 - p. Agency/Contacts.
- Evidence of polar bears, such as tracks, carcass, or dens, must also be reported.
- At the discretion of the Service, CPAI must allow the Service to have an observer on the site to monitor the impacts of the activity on polar bears.
- CPAI must submit a monitoring report to the Service as required under 18 CFR 18.128(f), which will be received within 90 days after completion of the project.

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 was not likely to result in jeopardy to the polar bear or Pacific walrus, and would 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 must include mitigation measures appropriate for the specific activity and location, as described in §18.128 of the Regulations, and (3) the incidental take for the specific activity must be consistent with the negligible impact finding for the total take allowed under the Regulations.

The Service has determined that the proposed actions meet these three requirements. Therefore, issuance of this LOA also satisfies Endangered Species Act (ESA) requirements. Compliance with the terms and conditions of the above LOA ensures that the LOA holder is also in compliance with the ESA.

7. This LOA is valid for the period indicated on this authorization, unless extended or terminated in writing by the U.S. Fish and Wildlife Service, Marine Mammals Management Office.



Acting Chief, Marine Mammals Management

3/15/12

Date