



IN REPLY REFER TO:

AFES/MMM

United States Department of the Interior

U.S. FISH AND WILDLIFE SERVICE
1011 East Tudor Road
Anchorage, Alaska 99503-6199



July 23, 2014

Ms. Sheyna Wisdom
Operations Manager
Olgoonik Fairweather, LLC
3201 C Street, Suite 700
Anchorage, Alaska 99503

Dear Ms. Wisdom:

We have received your request dated May 9, 2014, for a Letter of Authorization (LOA) for the incidental take of polar bears and Pacific walrus during activities associated with the Olgoonik Fairweather, LLC (OLF) 2014 Environmental Baseline Studies Program in the Chukchi Sea. The request also includes a variance to enter foraging and occupancy areas of the greater Hanna Shoal Walrus Use Area (HSWUA) during the months of August and September, 2014.

In response, enclosed is LOA 14-CS-01 granting OLF authority to take small numbers of polar bears and Pacific walrus incidental to the activities identified in your request. This authorization is issued in accordance with Marine Mammal Protection Act Incidental Take Regulations published in the *Federal Register* (78 FR 35364), dated June 12, 2013. Please review these regulations.

Olgoonik Fairweather, LLC will be managing the Chukchi Sea Environmental Studies Program (CSESP) in the Chukchi Sea during the 2014 open water season on the research vessel the *R/V Westward Wind*. In 2014, the CSESP will be jointly funded by ConocoPhillips and Shell. The general timing of the programs is late July through mid-October 2014. The *R/V Westward Wind* will deploy/retrieve all metocean instruments and acoustical recorders, as well as conduct transect sampling.

Detailed descriptions of the proposed activities are found in OLF's *Application for a Letter of Authorization for Baseline Environmental Studies in the Chukchi Sea on the R/V Westward Wind by Olgoonik Fairweather, LLC*, dated May 9, 2014, including: *Attachment A, Chukchi & Beaufort Sea Plan of Operations*; *Attachment B, Description of Vessels*; *Attachment C, Polar Bear Interaction Plan with Sighting Forms*; *Attachment D, Walrus Interaction Plan with Sighting Forms*; and *Attachment E, Marine Mammal Disturbance Avoidance Protocols*. All provisions contained within these plans are incorporated by reference into this LOA.

Olgoonik Fairweather, LLC must provide monitoring data of polar bears and Pacific walruses throughout the project and a complete report of all observations at the conclusion of the project in accordance with 50 CFR §18.118. This final report must be provided to the U.S. Fish and Wildlife Service (Service), Marine Mammals Management Office (MMM) within 90 days after completion of the project.

If questions or concerns arise during the project period, Service, MMM biologists are available for consultation at the phone numbers listed below and noted in your Interaction Plan. If any changes develop in your project, such as activities or location, the MMM must be notified prior to the planned operation. This will allow us to evaluate the activity and, if appropriate, amend the LOA.

The Service has completed intra-Service consultation and conference under the Endangered Species Act (ESA) of 1973, as amended, on the issuance of this LOA and has determined that issuance is not likely to jeopardize the continuing existence of polar bears and Pacific walruses. Therefore, no additional authorization under the ESA is required.

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

Sincerely,



Chief, Marine Mammals Management

Enclosure

cc: Ms. Sue Banet, Bureau of Ocean Energy Management
U.S. Fish and Wildlife Service, Fairbanks Fish and Wildlife Field Office
U.S. Fish and Wildlife Service, Office of Law Enforcement
North Slope Borough, Department of Law



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1011 East Tudor Road
Anchorage, Alaska 99503-6199



U.S. Fish and Wildlife

LETTER OF AUTHORIZATION (14-CS-01)

ISSUED: July 25, 2014
EXPIRES: November 30, 2014

Olgoonik Fairweather, LLC (OLF) is hereby authorized to take small numbers of polar bears and Pacific walrus incidental to activities occurring during the 2014 Environmental Baseline Studies Program in the Chukchi Sea. This authorization is issued in accordance with the Incidental Take Regulations published in the *Federal Register* (78 FR 35364), dated June 12, 2013.

Olgoonik Fairweather, LLC will be managing the Chukchi Sea Environmental Studies Program (CSESP) in the Chukchi Sea during the 2014 open water season on the research vessel the *R/V Westward Wind*. In 2014, the CSESP will be jointly funded by ConocoPhillips and Shell. The general timing of the programs is late July through mid-October 2014. The *R/V Westward Wind* will deploy/retrieve all metocean instruments and acoustical recorders, as well as conduct transect sampling.

Detailed descriptions of the proposed activities are found in OLF's *Application for a Letter of Authorization for Baseline Environmental Studies in the Chukchi Sea on the R/V Westward Wind* by Olgoonik Fairweather, LLC, dated May 9, 2014, including: *Attachment A, Chukchi & Beaufort Sea Plan of Operations; Attachment B, Description of Vessels; Attachment C, Polar Bear Interaction Plan with Sighting Forms; Attachment D, Walrus Interaction Plan with Sighting Forms; and Attachment E, Marine Mammal Disturbance Avoidance Protocols.*

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

1. Intentional take is prohibited under this LOA.

2. OLF Operations Managers, or designates, must be fully aware, understand, and capable of implementing the conditions of this authorization.
3. The species authorized for takings, by Level B Harassment only, are: Pacific walrus (*Odobenus rosmarus divergens*), and polar bear (*Ursus maritimus*). The taking of any walrus or polar bear in a manner prohibited under this authorization must be reported within 24 hours of the taking to the U.S. Fish and Wildlife Service (Service), Marine Mammals Management Office (MMM), Incidental Take Coordinator in Anchorage, Alaska at (907) 786-3800, or their designee.
4. This authorization is valid only for those activities identified in the request for a Letter of Authorization, *Application for a Letter of Authorization for Baseline Environmental Studies in the Chukchi Sea on the R/V Westward Wind by Olgoonik Fairweather, LLC*, dated May 9, 2014.
5. *Attachment C, Polar Bear Interaction Plan with Sighting Forms; Attachment D, Walrus Interaction Plan with Sighting Forms; and Attachment E, Marine Mammal Disturbance Avoidance Protocols* described in the *OLF Application for a Letter of Authorization for Baseline Environmental Studies in the Chukchi Sea by Olgoonik Fairweather, LLC*, dated May 9, 2014, are approved **with the following conditions:**
 - A. All provisions contained within these plans are incorporated by reference into this LOA;
 - B. All provisions must be complied with unless specifically noted otherwise in this LOA;
 - C. A copy of these plans must be available on site for all personnel;
 - D. A copy of this LOA and these plans must be in the possession of the operators of all vessels and aircraft engaged in any activity operating under the authority of this LOA.
6. This authorization contains a variance that allows OLF to enter the Hanna Shoal Walrus Use Area during the months of August and September, 2014. In issuing this variance the Service has added additional monitoring and reporting requirements (See section 11(A)vi and 11(C)ii). The Service will be monitoring these reports and if necessary, can revoke the variance or take other action as appropriate to minimize take.
7. OLF is required to cooperate with the Service and any other Federal, State or local agency monitoring the impacts of the activity on Pacific walruses and polar bears.
8. At the discretion of the Service, MMM, the operator will allow the Service, MMM to place an observer on site (vessels and aircraft) to monitor the impacts of the activity on Pacific walruses and polar bears.
9. If any changes develop in your project during the 2014 Baseline Environmental Studies Program in the Chukchi Sea, such as activities or location; notify the Service, MMM prior to the planned operation.

10. In order to advance our understanding of Pacific walrus behavior in relation to vessel traffic, special mitigation will be required of all OLF vessels. This will be in order to observe the full range of behavior of walruses throughout an encounter.

In the event that walruses are observed, vessels will continue normal operations, neither reducing speed nor turning away from observed walruses. Rather, vessels will continue on their projected path.

For walrus groups less than 5 individuals: OLF will be required to monitor walruses from the initial observation to the point when the animal(s) is (are) lost from sight. During the entire observation, all changes in behavior and distances to the vessel will be recorded, as well as environmental variables and any other pertinent information.

For walrus groups 5 to 50 individuals: A focal animal(s) will be randomly selected to monitor. OLF will be required to monitor walruses from the initial observation to the point when the animal is lost from sight. During the entire observation, all changes in behavior will be recorded.

For walrus groups 50 individuals or greater: Follow guidance under Stipulation 11(A)i and 11(A)ii.

11. OLF must comply with mitigation, monitoring and reporting requirements in accordance with 50 CFR §18.118. Mitigation, monitoring and reporting requirements include, but may not be limited to:

A. Mitigation Requirements.

- i. At all times, vessels must maintain the maximum distance possible from concentrations of walruses or polar bears. Under no circumstances, other than an emergency or under condition 9 above, should any vessel approach within an 805-m (0.5-mi) radius of walruses or polar bears observed on ice. Under no circumstances, other than an emergency, should any vessel approach within 1,610 m (1 mi) of groups of walruses observed on land or within an 805-m (0.5-mi) radius of polar bears observed on land.
- ii. Vessel operators must take every precaution to avoid harassment of concentrations of feeding walruses when a vessel is operating near these animals. Vessels should reduce speed and maintain a minimum 805 m (0.5-mi) operational exclusion zone around groups of 12 or more walruses encountered in the water. Vessels may not be operated in such a way as to separate members of a group of walruses from other members of the group. When weather conditions require, such as when visibility drops, vessels should adjust speed accordingly to avoid the likelihood of injury to walruses.
- iii. Operators of support aircraft should, at all times, conduct their activities at the maximum distance possible from concentrations of walruses or polar bears.

- iv. Under no circumstances, other than an emergency, should fixed wing aircraft operate at an altitude lower than 457 m (1,500 feet [ft]) within 805 m (0.5 mi) of walrus groups observed on ice, or within 1,610 m (1 mi) of walrus groups observed on land. Under no circumstances, other than an emergency, should rotary winged aircraft (helicopters) operate at an altitude lower than 914 m (3,000 ft) within 1,610 m (1 mi) of walrus groups observed on land. Under no circumstances, other than an emergency, should aircraft operate at an altitude lower than 457 m (1,500 ft) within 805 m (0.5 mi) of polar bears observed on ice or land. Helicopters may not hover or circle above such areas or within 805 m (0.5 mi) of such areas. When weather conditions do not allow a 457-m (1,500-ft) flying altitude, such as during severe storms or when cloud cover is low, aircraft may be operated below the required altitudes stipulated above. However, when aircraft are operated at altitudes below 457 m (1,500 ft) because of weather conditions, the operator must avoid areas of known walrus and polar bear concentrations and should take precautions to avoid flying directly over or within 805 m (0.5 mi) of these areas.
- v. All vessels must avoid areas of active or anticipated subsistence hunting for walrus or polar bear as determined through community consultations. Plan all aircraft routes to minimize any potential conflict with active or anticipated walrus or polar bear hunting activity as determined through community consultations.
- vi. Within the Hanna Shoal Walrus Use Area (HSWUA): OLF is allowed to transit through, and conduct only those operations in locations described in the request for a Letter of Authorization, *Application for a Letter of Authorization for Baseline Environmental Studies in the Chukchi Sea on the R/V Westward Wind by Olgoonik Fairweather, LLC*, dated May 9, 2014. Additional stipulations in the HSWUA, August and September 50% utilization distribution contour¹ (UD) for Pacific Walrus include:
 - a. In addition to current Pacific walrus monitoring practices, Marine Mammal Observers (MMOs), from their location on the bridge, will monitor all walrus throughout a 360 degree view from the ship and record observations until animals disappear from the MMO's view in any direction;
 - b. For groups of walrus that are too large to monitor each animal, one or more focal animals (e.g., cow/calf pair, subadult female, adult male, etc.), should be chosen to monitor until no longer observable. If available, another individual should be selected. Initially, focal animals should be chosen without bias in relation to age and sex, but as observations accumulate if any specific age/sex categories are underrepresented, focal animals should be chosen from those underrepresented categories if possible. Age categories should include 0, 1, 2, 3, 4-5, 6-9, 10-15, and 15+ years, if possible. Sex only needs to be determined for

¹ The 50 % UD is described in 78 FR 35364 (June 12, 2013) and based on, Jay, C.V., A.S. Fischbach, and A.A. Kochnev. 2012. Walrus areas of use in the Chukchi Sea during sparse sea ice cover. *Marine Ecology Progress Series* Vol. 468: 1-13, 2012) (GIS files and map available at, <http://alaska.fws.gov/fisheries/mmm/itr.htm>).

6+ year olds (For age and sex classifications see [Fay and Kelley 1989; Development of a method for monitoring the productivity, survivorship, and recruitment of the Pacific walrus population. OCS study MMS 89-0012. Minerals Management Service, Anchorage, AK]);

- c. MMOs from their location on the bridge will observe and track walrus while they are visible when the boat is in normal operations;
- d. Behaviors and changes in behaviors of walrus will be recorded as long as they are in view of the boat;
- e. Time of first observation, time of changes in behavior, and time last seen will be recorded.

B. Monitoring Requirements. Depending on the siting, timing, and nature of Industry activities, holders of LOAs will be required to:

- i. Maintain trained, Service-approved, on-site observers to carry out monitoring programs for polar bears and walrus necessary for initiating adaptive mitigation responses.
- ii. Marine mammal observers (MMOs) will be required on board all operational and support vessels to alert crew of the presence of walrus and polar bears, initiate adaptive mitigation responses, and carry out specified monitoring activities identified in the marine mammal monitoring and mitigation plan necessary to evaluate the impact of authorized activities on walrus, polar bears, and the subsistence use of these subsistence resources. The MMOs must have completed a marine mammal observer training course approved by the Service.

C. Reporting requirements.

All reports will be sent to the U.S. Fish and Wildlife Service (Service), Marine Mammals Management Office (MMM), Incidental Take Coordinator in Anchorage, Alaska at (907) 786-3800, or their designee.

- i. In-season monitoring reports. Activity progress reports. Operators must keep the Service informed on the progress of authorized activities by:
 - a. Notifying the Service at least 48 hours prior to the onset of activities;
 - b. Providing weekly progress reports of authorized activities noting any significant changes in operating state and or location;
 - c. Notifying the Service within 48 hours of ending activity.
- ii. Walrus observation reports. The operator must report, on a weekly basis, all observations of walrus during any Industry operation recorded outside of the HSWUA. Within the HSWUA, the operator must report, within 24 hours, all observations of walrus during any Industry operation. Information within the observation report will include, but is not limited to:
 - a. Date, time, and location of each walrus sighting;

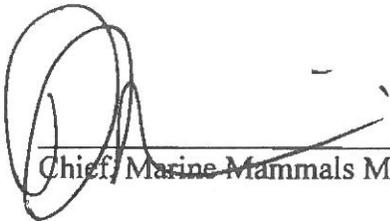
- b. Number, sex, and age of walruses (if determinable);
 - c. Observer name, company name, vessel name or aircraft number, LOA number, and contact information;
 - d. Weather, visibility, and ice conditions at the time of observation;
 - e. Estimated distance from the animal or group when initially sighted, at closest approach, and end of the encounter;
 - f. Industry activity at time of sighting and throughout the encounter. If a seismic survey, record the estimated radius of the zone of ensonification;
 - g. Behavior of animals at initial sighting, any change in behavior during the observation period, and distance from the observers associated with those behavioral changes;
 - h. Detailed description of the encounter;
 - i. Duration of the encounter;
 - j. Duration of any behavioral response (e.g., time and distance of a flight response);
 - k. Actions taken.
- iii. Polar bear observation reports. The operator must report, within 24 hours, all observations of polar bears during any Industry operation. Information within the observation report will include, but is not limited to:
- a. Date, time, and location of observation;
 - b. Number, sex, and age of bears (if determinable);
 - c. Observer name, company name, vessel name, LOA number, and contact information;
 - d. Weather, visibility, and ice conditions at the time of observation;
 - e. Estimated closest point of approach for bears from personnel and/or vessel/facilities;
 - f. Industry activity at time of sighting, and possible attractants present;
 - g. Behavior of animals at initial sighting and after contact;
 - h. Description of the encounter;
 - i. Duration of the encounter;
 - j. Actions taken.
- iv. Notification of incident report. Reports should include all information specified under the species observation report, as well as a full written description of the encounter and actions taken by the operator. The operator must report to the Service within 24 hours:
- a. Any incidental lethal take or injury of a polar bear or walrus;
 - b. Observations of walruses or polar bears within prescribed mitigation monitoring zones.
- i. After-action monitoring reports. The results of monitoring efforts identified in the marine mammal monitoring and mitigation plan must be submitted to the Service for review within 90 days of completing the year's activities. Results must include, but are not limited to, the following information:

- a. A summary of monitoring effort including: Total hours, total distances, and distribution through study period of each vessel and aircraft;
- b. Analysis of factors affecting the visibility and detectability of walrus and polar bears by specified monitoring;
- c. Analysis of the distribution, abundance, and behavior of walrus and polar bear sightings in relation to date, location, ice conditions, and operational state;
- d. Estimates of take based on the number of animals encountered/kilometer of vessel and aircraft operations by behavioral response (no response, moved away, dove, etc.);
- e. Raw data in electronic format (i.e., Excel spreadsheet) as specified by the Service in consultation with Industry representatives.

D. A report on the Plan of Cooperation, including the notification of the affected communities, measures taken to ensure that project activities did not interfere with subsistence activities, and follow-up notification after the season, shall be submitted to the Service no later than 90 days after the project.

Activities related to the monitoring described in this authorization do not require a separate scientific research permit issued under Section 104 of the Marine Mammal Protection Act.

This Letter of Authorization is valid for the period indicated above, unless extended or terminated in writing by the U.S. Fish and Wildlife Service.



Chief, Marine Mammals Management

7/23/14

Date