United States Department of the Interior

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

IN REPLY REFER TO:

AFES/MMM

JUL 16 2012

Ms. Allison Erickson
Wildlife Compliance Authority
BP Exploration (Alaska), Inc.
900 East Benson Boulevard
Anchorage, Alaska 99519-6612

Dear Ms. Erickson:

We have received your February 21, 2012, request for Letters of Authorizations (LOAs) for the incidental take of polar bears and Pacific walrus and the intentional take of polar bears in regards to the BP Exploration (Alaska), Inc. (BPXA) 2012 Simpson Lagoon Seismic Survey in the Beaufort Sea.

In response, enclosed is LOA 12-16 that will allow BPXA to take small numbers of polar bears and Pacific walrus incidental to oil and gas industry activities at the location identified in your LOA request. The proposed start date for this project is mid July 2012, with operations completed by mid-October 2012. All provisions contained within BPXA's "*Request for Letters of Authorization Pursuant to 50 CFR 18, Subpart J and Section 101(A)(5) and Sections 101(a)(4)(A), 109(h), and 112(c) of the Marine Mammal Protection Act (MMPA) for Incidental Take and Take by Harassment (Deterrent Activities) of Polar Bears and the Pacific Walrus during 2012 Simpson Lagoon Seismic Survey*" are incorporated by reference into this LOA.

An additional requirement of this LOA is for BPXA to provide observational data of polar bears and Pacific walruses 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 Marine Mammals Management Office (MMM) within 90 days after completion of the project.

Furthermore, this letter includes a harassment authorization (12-INT-13), where BPXA and its representatives are granted authorization to take polar bears by harassment (deterrent activities) for the protection of both human life and polar bears while conducting activities in polar bear habitat outside BPXA oilfield operating units. Within BPXA operating units, deterrence activities will be conducted under the existing BPXA LOA 12-INT-01. This LOA is issued specifically to BPXA employees who are responsible for ensuring that trained and qualified personnel are assigned the task to harass (deter) polar bears. It is the responsibility of BPXA personnel to report all polar bear harassment events to the MMM within 24 hours. This LOA is effective from the date of issuance to October 31, 2012. Intentional take is authorized under Sections 101 (a)(4)(A), 109(h), and 112(c) of the Marine Mammal Protection Act.

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Polar bear conservation has benefited from monitoring programs associated with the Incidental Take program since 1993. Monitoring serves to assess the effect of industrial activities on polar bears by evaluating bear encounter rates, take frequency, as well as the location and timing of encounters. If questions or concerns arise during the project period, U.S. Fish and Wildlife Service (Service) biologists are available for consultation at the phone numbers listed below and noted in your Interaction Plan (*Polar Bear Interaction Plan for the Operating Units – Revision Date: September 26, 2011*).

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 appropriate LOA(s).

The Service has completed intra-Service consultation under the Endangered Species Act of 1973, as amended (ESA), on the issuance of this LOA and has determined that the issuance this LOA to BPXA is not likely to jeopardize the continuing existence of the polar bear or the Pacific walrus and is not likely to destroy or adversely modify polar bear critical habitat. 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,

Acting Chief, Marine Mammals Management

Enclosure

cc: Mr. Richard Shideler, Alaska Department of Fish and Game
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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FISH AND WILDLIFE SERVICE
1011 E. Tudor Road
Anchorage, Alaska 99503-6199

IN REPLY REFER TO:

AFES/MMM

U.S. Fish and Wildlife Service

LETTER OF AUTHORIZATION
(12-16)

ISSUED: July 16, 2012
EXPIRES: October 31, 2012

BP Exploration (Alaska), Inc. (BPXA) is hereby authorized to take small numbers of polar bears and Pacific walruses (walruses) incidental to activities occurring during BPXA's 2012 Simpson Lagoon Seismic Survey in the Beaufort Sea. BPXA proposes to conduct a three-dimensional ocean bottom cable seismic survey with a transition zone component in the Simpson Lagoon area, Beaufort Sea, during the open water period. Anticipated duration of seismic data acquisition is approximately 50 days, depending on weather and other circumstances. The project area encompasses approximately 110 mi^2 (~285 km^2) in Simpson Lagoon, Beaufort Sea, Alaska. About 46 mi^2 (~120 km^2) (41.8%) of the survey area is located inside the barrier islands in water depths of 0 to 9 ft ~1 to 3 m), and 36 mi^2 (~93 km^2) (32.7%) outside the barrier islands in water depths of 3 to 45 ft (~1 to 16 m). The remaining 28 mi^2 (~73) (25.5%) of the survey area is located on land (onshore and barrier island), which is solely being used for deployment of the receivers.

This U.S. Fish & Wildlife Service (Service) authorization and the required conditions below apply to all employees, contractors, and personnel performing BPXA approved work under the scope of operations to be conducted. This authorization stipulates the following conditions:

1. BPXA operations managers, or designates, must be fully aware, understand, and be capable of implementing the conditions of this authorization.

2. Intentional take of polar bears and walruses is prohibited under this authorization.

3. The following BPXA documents are hereby approved, and all provisions unless specifically noted are incorporated into this authorization by reference all provisions must be complied with unless specifically noted otherwise in this LOA:

   (a) The Polar Bear Interaction Plan "*Polar Bear Interaction Plan for the Operating Units – Revision Date: September 26, 2011*" and "*Appendix A; Polar Bear Interaction*

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Plan for Helicopter and Vessel supported Island and Onshore Activities during the Simpson Lagoon Seismic Survey;"

(b) The Marine Mammal Monitoring and Mitigation Plan (Section 2, Mitigation and Monitoring Plans for Offshore Vessel-based Activities in "*Request for Letters of Authorization Pursuant to 50 CFR 18, Subpart J and Section 101(A)(5) and Sections 101(a)(4)(A), 109(h), and 112(c) of the Marine Mammal Protection Act (MMPA) for Incidental Take and Take by Harassment (Deterrent Activities) of Polar Bears and the Pacific Walrus during 2012 Simpson Lagoon Seismic Survey*").

4. A copy of this LOA and the approved interaction and avoidance plans listed above must be posted and available for all personnel and in the possession of the operators of all vessels and aircraft engaging in the activities approved under the authority of this LOA.

5. This authorization is valid only for those activities and locations identified in the request for a Letter of Authorization dated February 21, 2012, for the Beaufort Sea and described in the "*Request for Letters of Authorization Pursuant to 50 CFR 18, Subpart J and Section 101(A)(5) and Sections 101(a)(4)(A), 109(h), and 112(c) of the Marine Mammal Protection Act (MMPA) for Incidental Take and Take by Harassment (Deterrent Activities) of Polar Bears and the Pacific Walrus during 2012 Simpson Lagoon Seismic Survey*"

6. Polar bear and walrus monitoring, reporting, and survey activities must be conducted in accordance with 50 CFR Section 18.128 and must comply with the following monitoring, mitigation, and reporting requirements:

    a. BPXA must cooperate with the Service, and other designated Federal, State, or local agencies to monitor the impacts of oil and gas exploration activities on polar bears and walruses.

    b. If any changes develop in the project during the period approved under this LOA, such as activities, location or methods, notify the Service, Marine Mammals Management Office (MMM) prior to the implementation of such changes.

    c. Avoid concentrations or groups of walruses and individuals or groups of polar bears hauled out onto land or ice by all vessels under the management of BPXA. Operators of vessels should, at all times, conduct their activities at the maximum distance possible from known or observed concentrations of marine mammals. Under no circumstances, other than an emergency, should vessels operate within 800 meters (0.5 mile) of walruses or polar bears observed on land or ice.

    d. Take every precaution to avoid encroachment upon or harassment of walruses or polar bears in water when a vessel is operated near these animals. Maintain an 800 meter (0.5 mile) distance, when practicable. Vessels must reduce speed and steer around walruses or polar bears observed in water when able to do so. Vessels may not be operated in such a way as to separate members of a group of

walruses or polar bears from other members of the group. Vessels will avoid multiple changes in direction and speed when walruses or polar bears are present.

e. Power-down procedures will be initiated if any walruses are observed on ice in the walrus disturbance zone of >/= 180 dB to limit impact to walruses in the water associated with the walruses on the ice.

f. Restricting or affecting walrus or polar bear movements, by any means, in sea, on land or on ice, is prohibited. Separation distances will be enforced until animals have left the area of their own volition.

g. BPXA must designate a qualified individual or individuals as Marine Mammal Observers (MMO) to observe, record, and report the effects of project activities on polar bears and walruses to the Service, MMM within 24 hours of visual observation. All evidence of polar bears and walruses, such as tracks, carcasses, or haul out sites, if applicable, will also be reported.

h. For each walrus and polar bear sighting, an MMO or designated crew member will record at least the following:

i. a unique sighting identification number; LOA number;
ii. name and contact information of the MMO (phone, email, etc.), company name, and vessel name;
iii. time, location (with latitude, longitude, and datum), heading, speed, activity, and identity of the observation vessel;
iv. action taken by vessel operator in response to sighting (describe);
v. for all other vessels visible within five km (approximately three miles) of the observation vessel, when polar bears or walruses are sighted, record the, identification, bearing, distance, heading, speed and activity of the other vessel(s);
vi. species (polar bear or walrus);
vii. group size (approximate number of individuals);
viii. age/size/sex categories (if determinable);
ix. behavior or activity of animals sighted (describe);
x. reaction of animal(s) to any vessel(s) (describe);
xi. substrate (water, ice, and/or land),
xii. heading (if determinable), bearing and distance from vessel of animal(s);
xiii. sighting cue (what caught MMOs attention);
xiv. environmental conditions including:
- weather;
- air temperature;
- visibility, provide: 1) distance (km, mi, or nm), 2) light/dark/twilight and 3) glare (none, little, moderate, severe);
- water depth (meters, feet or fathoms);
- sea state (Beaufort scale);

- ice condition, provide: 1) estimated % ice cover in vicinity of sighting (10% increments), 2) estimated distance to pack ice (km, mi, or nm);

xv. estimated range (m, km, mi, or nm) at first sighting, estimated range (m, km, mi, or nm) at closest approach;

xvi. MMO comments or notes.

7. Any incidental lethal take or injury of a polar bears or walruses must be reported to the Service, MMM immediately.

8. At the discretion of the Service, BPXA must allow the Service to place an observer on site, including any facilities, vessels, aircraft or vehicles, to monitor the impacts of the activity on marine mammals, when requested.

9. BPXA must submit an annual monitoring report to the Service, MMM as required under 50 CFR 18.128(f), a draft of which will be received by MMM no later than 90 days after completion of the project. The report will describe in detail:

   a. The operations that were conducted;
   b. The methods, results, and interpretation pertaining to all monitoring tasks;
   c. The results of the 2012 shipboard marine mammal monitoring;
   d. Marine mammal sightings (species, numbers, dates, times and locations, age/size/gender, environmental correlates, activities, associated survey activities);
   e. Estimates of the amount and type of potential take (exposure) of walruses and polar bears (by species) to project activities;
   f. An analysis of the effects of operations (e.g., on sighting rates, sighting distances, behaviors, movement patterns of walruses and polar bears);
   g. An analysis of factors influencing detectability of walruses and polar bears during project operations;
   h. Summaries of communications with hunters and potential effects on subsistence uses.

10. The draft report will be subject to review and comment by the Service. Any recommendations made by the Service must be addressed in the final report prior to acceptance by the Service. The draft report will be considered the final report for this activity under this LOA if the Service has not provided comments and recommendations within 90 days of receipt of the report.

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

12. A copy of this LOA and the Service-approved Polar Bear Interaction Plan must be in the possession of the operator of all vessels and aircraft engaging in the activity operating under the authority of this LOA.

13. The Service has completed intra-Service consultation under the Endangered Species Act of 1973, as amended (ESA), on the issuance of this LOA and has determined that the issuance this LOA to BPXA is not likely to jeopardize the continuing existence of the polar bear or the Pacific walrus and is not likely to destroy or adversely modify polar bear critical habitat. Issuance of this LOA also completes ESA requirements for authorization of incidental take of the polar bear. Compliance with the terms and conditions of this LOA ensures that the LOA holder is also in compliance with the ESA. No additional authorization under the ESA is required.

14. This Letter of Authorization 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

JUL 16 2012

Date

United States Department of the Interior

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

IN REPLY REFER TO:

AFES/MMM

U.S. Fish and Wildlife Service

AUTHORIZATION TO TAKE, BY HARASSMENT, POLAR BEARS 12-INT-13

ISSUED: July 16, 2012
EXPIRES: October 31, 2012

Under Sections 101 (a)(4)(A), 109(h), and 112(c) of the Marine Mammal Protection Act of 1972, as amended (MMPA), BP Exploration (Alaska) Inc. (BPXA) is authorized to take, by harassment, polar bears during slope-wide activities the during BPXA's 2012 Simpson Lagoon Seismic Survey in the Beaufort Sea.

The purpose of authorizing taking by harassment, or deterrence, is to maintain human and bear safety and welfare in the North Slope oilfields. Authorizing Level B harassment take reduces the likelihood of death or injury of polar bears. This is accomplished by the following objectives:

- Prevent bears from associating food with humans and facilities.
- "Condition" bears to avoid people (avoidance conditioning).
- Allow bears to use travel routes (natural and man-made) to move along the coast.
- Prevent bears from extended use of areas around facilities.
- Prevent bears from entering the developed parts of the oilfield.

This harassment authorization is subject to the following conditions:

1. The Polar Bear Interaction Plan "*Polar Bear Interaction Plan for the Operating Units – Revision Date: September 26, 2011*" and "*Appendix A; Polar Bear Interaction Plan for Helicopter and Vessel supported Island and Onshore Activities during the Simpson Lagoon Seismic Survey*," is approved and all provisions, unless noted specifically, are incorporated into this Letter of Authorization (LOA) by reference. A copy of the Polar Bear Interaction Plan must be available on site for all personnel.

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

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3. This LOA is restricted to harassment activities and is valid only for those activities identified in the request for an LOA dated February 21, 2012, for the 2012 Simpson Lagoon Seismic Survey.

4. Authorized individuals are responsible for documenting and reporting to the U.S. Fish and Wildlife Service, Marine Mammals Management Office (Service-MMM), at (907) 786-3800, all instances involving harassment activities as soon as possible and not later than 24 hours after the occurrence.

5. BPXA is responsible for ensuring that trained and qualified personnel are assigned the task of deterring polar bears.

    - Shotguns may not be used as a deterrent tool until further notice. Hazing tools other than shotguns, such as vehicles and auditory tools (horns and sirens), may be used until such time as use of shotguns for intentional take is approved.

    - If necessary, shotguns may be used as a mechanism for lethal take under Section 101(c) of the MMPA. Without specific authorization, the lethal take of a polar bear is warranted if such taking is imminently necessary for self-defense or to save the life of a person in immediate danger, and such taking is reported to the Service-MMM within 24 hours.

6. BPXA will not conduct activities that operate nor pass within one mile (approximately 1600 meters) of known polar bear dens, and all observed dens will be reported to the Service-MMM immediately. Should occupied dens be identified within one mile of activities, work in the immediate area will cease and BPXA will contact the Service-MMM for guidance. The Service-MMM will evaluate these instances on a case-by-case basis to determine the appropriate action. Potential responses may range from cessation or modification of work to conducting additional monitoring. BPXA must comply with any additional measures specified. Polar bear den detection surveys may be required prior to BPXA beginning operations.

7. A final report of all encounters and hazing events must be submitted to the Service-MMM within 60 days from the expiration date of this authorization.

8. Hazing techniques must not cause the injury or death of a bear. Types of hazing techniques may include, but are not limited to:

    - Bear Monitors.
    - Air horns.
    - Electric fences.
    - Chemical repellents.
    - Acoustic recordings.
    - Vehicles.

9. Prior to conducting a harassment activity, operators must:

- Make a reasonable effort to reduce or eliminate attractants.
- Secure site; notify supervisor; move personnel to safety.
- Ensure bear has escape route(s).
- Ensure communication with all personnel.

10. When conducting a harassment activity, operators must:

- Chose the method that will have the least effect on the bear and increase the intensity of the method or use additional methods only if necessary.
- Shout at the bear before using a repellent.
- Move bear in proper direction; continuing with minimally necessary deterrents to receive desired result.

11. After a harassment event has occurred, operators must:

- Monitor bear's movement (to ensure no return).
- Notify supervisor and personnel when it is safe to resume work.
- Fill out report to be sent to the Service as required under condition number four, above, (within 24 hours).

12. 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

JUL 16 2012
Date