United States Department of the Interior

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

IN REPLY REFER TO:

AFES/MMM

JAN 23 2013

Ms. Laurette Rose
Special Projects Manager
Brooks Range Petroleum Corporation
510 L Street, Suite 601
Anchorage, Alaska 99501

Dear Ms. Rose:

We have received the letter Brooks Range Petroleum Corporation (BRPC) submitted to the U.S. Fish and Wildlife Service (Service), dated October 22, 2012, requesting Letters of Authorization (LOA) for the incidental and intentional take of polar bears for the 2012-13 Tofcat Exploration Program.

The 2012-13 Tofcat Exploration Program will include the following major activities:

- Tundra travel;
- Clearing snow from approved sources of water and ice;
- Collecting water and ice aggregate from approved sources;
- Constructing approximately 1.0 miles (1.6 kilometers) of ice road from the existing Alpine Ice Road;
- Construction of the Tofcat #2 drill pad;
- Drilling Tofcat #2 well at Tofcat #2 Pad; and
- Possible drilling of a sidetrack well (Tofcat #2A) at Tofcat #2 Pad.

In response to your request, enclosed is an LOA (12-20) for the 2012-13 Tofcat Exploration Program that will allow BRPC to take small numbers of polar bears incidental to oil and gas industry activities at the locations identified in your LOA request. The proposed start date for this project is February 2013. If any changes occur in your project during the 2013 season, such as activities or location, the Service, Marine Mammals Management Office (MMM) must be notified prior to the planned operation. This will allow us to evaluate the activity and, if appropriate, amend the LOAs.

Also enclosed is an Intentional Take Authorization (12-INT-16) allowing BRPC and its representatives to take polar bears by harassment (deterrent activities) for the protection of both human and polar bear safety while conducting activities in polar bear habitat during the 2012-13 Tofcat Exploration Program. This authorization is issued specifically to BRPC employees who are responsible for, trained, qualified and assigned the task to harass (deter) polar bears. It is the

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responsibility of BRPC personnel to report all polar bear harassment events to the Service, MMM within 24 hours. Intentional take is authorized under Sections 109(h), and 112(c) of the Marine Mammal Protection Act (MMPA).

BRPC field camps and personnel may 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. BRPC will also: 1) provide copies of the polar bear observation form to all BRPC contractors operating under the LOA; 2) report any polar bear sightings, or signs of polar bears, such as tracks or diggings, to this office by phone or using the polar bear observation report; and, 3) report any possible den locations that are found during work activities immediately to our office. Service biologists are available for consultation if questions or concerns arise during the project period at the phone numbers listed below and noted in your interaction plan.

If a polar bear interaction escalates into a life threatening situation, Section 101(c) of the MMPA allows, without specific authorization, the take (including lethal take) of a polar bear 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 within 24 hours.

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 trends and effects of bear encounter rates, take frequency, as well as the location and timing of encounters. Additionally, through monitoring, the Service seeks to limit disturbance to maternal polar bear den sites, both known dens and those areas that could possibly be preferred by denning polar bears. BRPC must use caution when operating near these areas during the maternal denning period (mid-November to mid-April).

The U.S. Geological Survey has posted information regarding polar bear denning habitat on the Alaska Science Center (ASC) website. The den habitat map (ARC/INFO export file), the mapping manuscript (PDF file) and a picture of den habitat (JPG file) are available on the ASC website: (http://www.absc.usgs.gov/dataproducts.htm). Use these resources when planning activities in potential denning areas.

The Service has completed intra-Service consultation under the Endangered Species Act of 1973, as amended (ESA), on the issuance of these LOAs and has determined that the issuance these LOAs is not likely to jeopardize the continuing existence of polar bears and is not likely to destroy or adversely modify polar bear critical habitat, if designated. Therefore, no additional authorization under the ESA is required.

This Letter of Authorization is issued in accordance with regulations listed at 76 FR 47010, dated August 3, 2011.

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

Enclosures

cc: Mr. Richard Shideler, Alaska Department of Fish and Game (email)
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

United States Department of the Interior

FISH AND WILDLIFE SERVICE
1011 E. Tudor Road
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IN REPLY REFER TO:

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U.S. Fish and Wildlife Service

LETTER OF AUTHORIZATION
(12-20)

ISSUED: February 1, 2013
EXPIRES: June 30, 2013

Brooks Range Petroleum Corporation (BRPC) is hereby authorized to take small numbers of polar bears incidental to activities occurring during the 2012-13 Tofcat Exploration Program.

Detailed descriptions of the authorized activities can be found in BRPC's *Plan of Operations, Tofcat #2, 2012/2013 Exploration Program* (October 2012), submitted to the U.S. Fish and Wildlife Service (Service) on October 22, 2012. Planned activities for the 2012-13 Tofcat Exploration Program will include the following:

- Tundra travel;
- Clearing snow from approved sources of water and ice;
- Collecting water and ice aggregate from approved sources;
- Constructing approximately 1.0 miles (1.6 kilometers [km]) of ice road from the existing Alpine Ice Road;
- Construction of the Tofcat #2 drill pad;
- Drilling Tofcat #2 well at Tofcat #2 Pad; and
- Possible drilling of a sidetrack well (Tofcat #2A) at Tofcat #2 Pad.

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

1. The BRPC polar bear interaction plan entitled, *Polar Bear Interaction Plan Tofcat #2 2013 Exploration Program (October 2012),* 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. BRPC Operations Managers, or designates, must be fully aware, understand and capable of implementing the conditions of this LOA.

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3. 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.

4. Intentional take is prohibited under this LOA.

5. This authorization is valid only for those activities identified in the request for a Letter of Authorization dated October 22, 2012.

6. At the discretion of the Service, BRPC 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.

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

   - BRPC 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;

   - BRPC must not conduct activities that operate nor pass within one mile (1.6 km) of known polar bear dens. All observed dens must be reported to the Service, Marine Mammals Management Office (MMM) within 12 hours of discovery. Should occupied dens be identified within one mile of project activities work in the immediate area will cease and the Service, MMM must be contacted for guidance. The Service, MMM 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. BRPC must comply with any additional measures specified;

   - If any changes develop in the project during the period approved under this LOA, such as activities, location or methods, BRPC must notify the Service, MMM prior to the implementation of such changes;

   - Designate a qualified individual or individuals to observe, record, and report the sightings of polar bears;

   - BRPC will report sightings of polar bears or polar bear signs (using the polar bear observation form) through the duration of the project within 24 hours of initial observation by FAX at (907) 786-3816 or email at craig_perham@fws.gov;

   - At the discretion of the Service, BRPC must allow a Service observer on-site to monitor the impacts of the activity on polar bears;

- BRPC must submit an annual monitoring report to the Service, MMM as required under 50 CFR § 18.128, which will be received no later than 90 days after the expiration date of the LOA.

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

JAN 2 3 2013

Date

United States Department of the Interior

FISH AND WILDLIFE SERVICE
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IN REPLY REFER TO:

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U.S. Fish and Wildlife Service

AUTHORIZATION TO TAKE, BY HARASSMENT, POLAR BEARS (12-INT-16)

ISSUED: February 1, 2013
EXPIRES: June 30, 2013

Under sections 101(a)(4)(A), 109(h) and 112(c) of the Marine Mammal Protection Act of 1972 (MMPA), as amended, Brooks Range Petroleum Corporation (BRPC) is authorized to take, by harassment, polar bears during activities in association with BRPC's 2012-13 Tofcat Exploration Program.

Detailed descriptions of the authorized activities can be found in BRPC's *Plan of Operations, Tofcat #2, 2012/2013 Exploration Program* (October 2012), submitted to the U.S. Fish and Wildlife Service (Service) on October 22, 2012.

Section 101(a)(4)(A) states that, "Except as provided in subparagraphs (B) and (C), the provisions of this chapter shall not apply to the use of measures:

1. by the owner of fishing gear or catch, or an employee or agent of such owner, to deter a marine mammal from damaging the gear or catch;

2. by the owner of other private property, or an agent, bailee, or employee of such owner, to deter a marine mammal from damaging private property;

3. by any person, to deter a marine mammal from endangering personal safety;

4. by a government employee, to deter a marine mammal from damaging public property, so long as such measures do not result in the death or serious injury of a marine mammal.

Section 109(h)(1) states that "nothing in this title (Conservation and Protection of Marine Mammals) shall prevent a Federal, State, or local government official or employee or a person designated under Section 112(c) from taking, in the course of his or her duties as an official, employee, or designee, a marine mammal in a humane manner (including euthanasia) if such taking is for:

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1. the protection or welfare of the mammal;

2. the protection of the public health and welfare;

3. the non-lethal removal of nuisance animals."

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 Letter of Authorization (LOA) is subject to the following conditions:

1. The BRPC polar bear interaction plan entitled, *Polar Bear Interaction Plan Tofcat #2 2013 Exploration Program (October 2012),* 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. BRPC Operations Managers, or designates, must be fully aware, understand and capable of implementing the conditions of this authorization.

3. This LOA is restricted to non-lethal harassment or deterrent activities.

4. This LOA is issued specifically to BRPC who is responsible for ensuring **trained and qualified** personnel are assigned the task to harass (deter) polar bears. A list of trained personnel responsible for deterrence will be on file prior to initiation of activities with the Service Incidental Take Coordinator.

5. BRPC is solely responsible for ensuring that personnel operating under this authorization meet all Federal and State of Alaska laws and regulations regarding the use and carry of firearms should firearms be used for bear deterrence.

6. BRPC, or its designated agent, is responsible for documenting and reporting to the Service, Marine mammals Management Office (MMM), at (907) 786-3800, all instances involving harassment activities as soon as possible and no later than 24 hours after the occurrence.

7. Activities will not operate nor pass within one mile (1.6 kilometers) of known polar bear dens. 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 the Service, MMM will be contacted for guidance.

The Service 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. BRPC must comply with any additional measures specified.

8. Basic polar bear monitoring and reporting requirements; BRPC shall:

   - Cooperate with the Service to monitor the impacts of project activities on polar bears;
   - Designate a qualified individual or individuals to observe, record and report the sightings of polar bears;
   - Report sightings of polar bears or polar bear signs (using the polar bear observation form) through the duration of the project within 24 hours of initial observation by FAX at (907) 786-3816 or email at craig_perham@fws.gov;
   - Submit a final report to the Service, MMM within 60 days after the expiration of this authorization.

9. Harassment, or "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;
   - Projectiles, such as, cracker shells, bean bags, rubber bullets, and screamers

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

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

11. When conducting a harassment activity, operators must:

    - Keep in mind that the safety and welfare of the bear is second only to the safety and welfare of humans in a harassment or deterrence situation;
    - 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 projectiles or other methods (avoidance conditioning);
    - Move bear in proper direction; continue with minimally necessary deterrents to receive desired result.

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

- Monitor bears movement (to ensure no return);
- Notify supervisor and personnel when it is safe to resume work; and
- Fill out report to be sent to the Service as required above (within 24 hours).

13. A final report of all encounters and harassment or deterrence events will be submitted to the Service, MMM no later than 60 days from the expiration date of this authorization.

14. Any lethal take or injury of a polar bear must be reported to the Service immediately.

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.

JAN 2 3 2013

Acting Chief, Marine Mammals Management

Date