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 03 2013

Ms. Christina May
Wildlife Compliance Advisor
BP Exploration (Alaska) Inc.
900 East Benson Boulevard
P.O. Box 196612
Anchorage, Alaska 99519-6612

Dear Ms. May:

We have reviewed your request dated June 10, 2013, seeking Letters of Authorizations (LOAs) for the incidental and intentional take of polar bears and Pacific walruses during activities associated with the BP Exploration (Alaska) Inc. (BPXA) 2013-2014 Liberty Development Project in Foggy Island Bay, Alaska.

In response to your request, enclosed is an LOA (13-12) that authorizes BPXA to take small numbers of polar bears and Pacific walruses incidental to oil and gas industry activities associated with this project at the locations identified in your LOA request. We have also determined that the proposed activities will not need an additional authorization for intentional take of polar bears and Pacific walruses, beyond those authorized on January 15, 2013, under our LOA for intentional Take (13-INT-02). Please refer to that LOA for your authorities to haze polar bears if required.

Major elements of the proposed project include:

- Offshore Winter Geotechnical Investigation, boreholes and trenching;
- Onshore Winter Geotechnical Investigation;
- Offshore Strudel Scour Surveys;
- Geophysical reconnaissance and bathymetry on pipeline routing;
- Shallow Hazard Survey;
- Wetland Characterization;
- Archeology Clearance;
- Potential Avian, Marine Mammal and Fisheries Surveys.

BPXA's *Polar Bear and Walrus Interaction Plan for BPXA Areas of Operation Document Number: UPS-US-AK-ALL-ALL-HSE-DOC-00495-2,* Revision Date: September 11, 2012, contains appropriate safeguards to limit human/bear interactions and is incorporated by reference. Full implementation of this plan is expected. If questions or concerns arise regarding polar bears during the project period, U.S. Fish and Wildlife Service (Service), Marine Mammals

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Management Office (MMM) biologists are available for consultation at the phone numbers listed below and noted in your Interaction Plan.

BPXA camps and personnel can limit encounters with polar bears by being observant of approaching animals (i.e., the use of polar bear guards or monitors) and breaking off interactions, if practicable, by allowing the animals to continue their travel. If a polar bear interaction escalates into a life threatening situation, section 101(c) of the Marine Mammal Protection Act 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, MMM within 24 hours.

Further, 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 is not likely to jeopardize the continuing existence of polar bears and Pacific walruses. No additional authorization under the ESA is required.

If any changes develop in your projects during the 2013 or 2014 seasons, such as activities or location, please notify the Service, MMM prior to the planned operation. This will allow us to evaluate the activity and, if appropriate, amend your LOA. This authorization is issued in accordance with MMPA Incidental Take Regulations published in the *Federal Register* (76 FR 47010), dated August 3, 2011. Please review these regulations.

If you should 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,

Acting Chief, Marine Mammals Management

Enclosure

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

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U.S. Fish and Wildlife Service

LETTER OF AUTHORIZATION
(13-12)

ISSUED: July 3, 2013
EXPIRES: December 31, 2014

BP Exploration (Alaska), Inc. (BPXA) is hereby authorized to take small numbers of polar bears and Pacific walrus incidental to activities occurring during the 2013-2014 Liberty Development Project in Foggy Island Bay, Alaska. These activities are discussed in detail in the *Request for Letter of Authorization for the Incidental Take of Polar Bears and the Pacific Walrus;* and *Request to Take by Harassment (Deterrent Activities) while conducting activities at the Liberty Development Project (June 10, 2013).*

Major elements of the proposed project include:

- Offshore Winter Geotechnical Investigation, boreholes and trenching;
- Onshore Winter Geotechnical Investigation;
- Offshore Strudel Scour Surveys;
- Geophysical reconnaissance and bathymetry on pipeline routing;
- Shallow Hazard Survey;
- Wetland Characterization;
- Archeology Clearance;
- Potential Avian, Marine Mammal and Fisheries Surveys.

This Letter of Authorization (LOA) and the required conditions below apply to all BPXA employees, contractors and personnel performing BPXA-approved work under the scope of operations to be conducted. The LOA is subject to the following conditions:

1. The Polar Bear Interaction Plan (*Polar Bear and Walrus Interaction Plan for BPXA Areas of Operation Document Number: UPS-US-AK-ALL-ALL-HSE-DOC-00495-2*), Revision Date: September 11, 2012, is approved and all provisions must be complied with unless specifically noted otherwise in this LOA. A copy of this LOA and the approved interaction and avoidance plans listed above must be posted on site and available for all personnel engaging in the activities approved under the authority of this LOA.

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2. BPXA Operations Managers, or their designees, 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 Letter of Authorization for the Incidental Take of Polar Bears and the Pacific Walrus;* and *Request to Take by Harassment (Deterrent Activities) while conducting activities at the Liberty Development Project,* dated June 10, 2013.

5. At the discretion of the U.S. Fish and Wildlife Service (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.

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

   - 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.

   - BPXA must not conduct activities that operate nor pass within one mile (approximately 1600 meters) of known polar bear dens, and 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 activities, BPXA will cease work within the immediate area and will contact the MMM for guidance. The 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, and BPXA must comply with any additional measures specified.

   - Polar bear den detection surveys will be required prior to any activities occurring in potential polar bear denning habitat.

   - 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 MMM by phone or by emailing the polar bear observation form within 24 hours of visual observation.

   - An annual report of all encounters and hazing events must be submitted to the Service, MMM by the end of the calendar year of the first year. A final report, as required under 50 CFR 18.128(f), of all encounters and hazing events during the

full duration of the project must be submitted to the Service, MMM within 90 days from the expiration date of this 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

July 3, 2013
Date