



United States Department of the Interior

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



IN REPLY REFER TO:

NOV 14 2014

AFES/MMM

Mr. William G. Britt, Jr.
Environment Manager
Hilcorp Alaska, LLC
3800 Centerpoint Drive
Suite 1400
Anchorage, Alaska 99503

Dear Mr. Britt:

We have received your requests dated August 11, 2014 and supplemental information dated November 12, 2014, 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 Hilcorp Alaska, LLC (Hilcorp) production operations at the Milne Point, Endicott, and Northstar facilities on the North Slope.

In response, and in accordance with regulations listed at 76 FR 47010, dated August 3, 2011, enclosed is LOA 14-13 that will allow Hilcorp to take small numbers of polar bears and Pacific walrus incidental to year-round oil and gas exploration, development, and production activities associated with the locations identified in your LOA request.

On August 3, 2011, final regulations that authorize the incidental, unintentional take of small numbers of polar bears and Pacific walrus during year-round oil and gas industry exploration, development, and production activities in the Beaufort Sea and adjacent northern coast of Alaska were issued for a period of five years (August 3, 2011 to August 3, 2016). Hilcorp's activities are ongoing and expected to continue through the life of the regulations. In addition, Intentional Take Authorization, LOA 14-INT-08, as authorized under sections 101 (a)(4)(A), 109(h), and 112(c) of the Marine Mammal Protection Act (MMPA), is also enclosed for activities in association with the production operations at the Milne Point, Endicott, and Northstar facilities.

We understand that Hilcorp plans to take over the continued operations of the Milne Point, Endicott, and Northstar production facilities from BP Exploration Alaska (BPXA). We also understand that Hilcorp plans to maintain current certified and trained deterrence security staff

(Purcell Security and Alaska Clean Seas at the Milne Point, Endicott, and Northstar facilities. The proposed transfer date is November 15, 2014. A full description of activities can be found in your request for letters of authorization dated August 11, 2014 and your revised request dated November 12, 2014. All provisions contained within Hilcorp's "*Revised request for Letter of Authorization (LOA) for the Incidental Take of Polar Bears and Pacific Walrus, and the Intentional Take of Polar Bears by Harassment; Milne Point, Endicott and Northstar Operations, North Slope, Alaska.*" are incorporated by reference into this LOA.

Hilcorp 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. Hilcorp will also: 1) provide copies of the polar bear observation form to all contractors operating under the LOA; 2) report any polar bear sightings, or signs of polar bears, such as tracks or excavations, 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.

An additional requirement of this LOA is for Hilcorp 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. An annual monitoring report of the previous year's activities must be provided to the Marine Mammals Management Office by January 15 of each year.

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, Service biologists are available for consultation at the phone numbers listed below and noted in your Interaction Plan (*ATTACHMENT II, Polar Bear and Walrus Interaction and Mitigation Plan*).

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. Hilcorp 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://alaska.usgs.gov/science/biology/polar_bears/products.html). Use these resources when planning activities in potential denning areas.

If any changes develop in your project, such as activities or location, the 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 appropriate LOA(s).

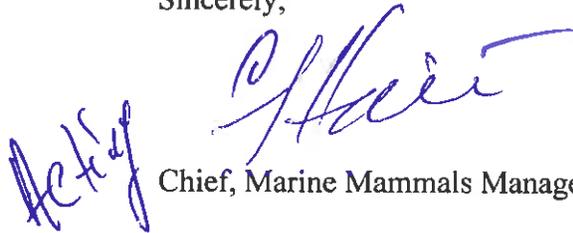
Mr. William G. Britt, Jr.

3

The Service has completed intra-Service consultation and conferencing under the Endangered Species Act of 1973, as amended (ESA), and has determined that the issuance of these LOAs is not likely to jeopardize the continuing existence of polar bears and Pacific walrus. 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: Mr. Richard Shideler, Alaska Department of Fish and Game (via e-mail)
Fairbanks Fish and Wildlife Field Office
Office of Law Enforcement
North Slope Borough Department of Law (via e-mail)



United States Department of the Interior

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



IN REPLY REFER TO:

AFES/MMM

U.S. Fish and Wildlife Service

LETTER OF AUTHORIZATION Incidental Take (14-13)

ISSUED: November 14, 2014
EXPIRES: Aug 3, 2016

Hilcorp Alaska, LLC (Hilcorp) is hereby authorized to take small numbers of polar bears and Pacific walrus incidental to activities occurring during production activities of their acquired facilities, Milne Point, Endicott, and Northstar. Hilcorp plans to take over the continued operations of the Milne Point, Endicott, and Northstar production facilities from BP Exploration Alaska (BPXA). Hilcorp also plans to maintain current certified and trained deterrence security staff (Purcell Security and Alaska clean Seas within the Milne Point, Endicott, and Northstar Units and their facilities. The scope of operations is limited to the activities that will be conducted during the exploration, production, operations, remediation, and rehabilitation of oil and gas facilities within the boundaries of the Milne Point Unit, the Duck Island (Endicott) Unit, and the Northstar Unit. A detailed description of these activities can be found in Hilcorp's revised request dated November 12, 2014, "*Revised request for Letter of Authorization (LOA) for the Incidental Take of Polar Bears and Pacific Walrus, and the Intentional Take of Polar Bears by Harassment; Milne Point, Endicott and Northstar Operations, North Slope, Alaska.*" In addition, it includes the travel corridors to access these sites. This authorization does not include new exploratory activities outside of these established oil field units. Activities within these fields are ongoing and are expected to continue through the end of the current incidental take regulations. This authorization is subject to the following conditions:

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

1. Intentional take is prohibited under this LOA.
2. Hilcorp Operations Managers, or designates, must be fully aware, understand, and be capable of implementing the conditions of this LOA.
3. Hilcorp must notify the Service, MMM prior to any changes that develop in your projects during the length of the Beaufort Sea Incidental Take regulations, such as activities or location.
4. 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.
5. This authorization is valid only for those activities identified in the request for a Letter of Authorization, "*Revised request for Letter of Authorization (LOA) for the Incidental Take of Polar Bears and Pacific Walrus, and the Intentional Take of Polar Bears by Harassment; Milne Point, Endicott and Northstar Operations, North Slope, Alaska,*" dated November 12, 2014.
6. *ATTACHMENT II, Polar Bear and Walrus Interaction and Mitigation Plan* described in the Hilcorp's "*Revised request for Letter of Authorization (LOA) for the Incidental Take of Polar Bears and Pacific Walrus, and the Intentional Take of Polar Bears by Harassment; Milne Point, Endicott and Northstar Operations, North Slope, Alaska,*" dated November 12, 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.
7. At the discretion of the U.S. Fish and Wildlife Service (Service), Hilcorp 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.
8. Polar bear monitoring, reporting and survey activities will be conducted in accordance with 50 CFR § 18.128 and must comply with the following monitoring, mitigation and reporting requirements:

- Hilcorp 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.
- If any changes develop in the project during the period approved under this LOA, such as activities, location or methods, Hilcorp must notify the Service, Marine Mammals Management Office (MMM) prior to the implementation of such changes.
- Hilcorp 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, MMM within 12 hours of discovery. If occupied dens are identified within one mile of activities, work within the immediate area will cease and the Service must be contacted 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 Hilcorp must comply with any additional measures specified.
- Hilcorp 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.
- Hilcorp must submit an annual monitoring report to the Service, MMM as required under 50 CFR § 18.128, which must be received by the Service, MMM no later than January 15 of each year..

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 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.

Acting


 Chief, Marine Mammals Management

NOV 14 2014

 Date



United States Department of the Interior

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



IN REPLY REFER TO:

AFES/MMM

LETTER OF AUTHORIZATION Intentional Take (14-INT-08)

ISSUED: November 14, 2014
EXPIRES: December 31, 2015

Hilcorp Alaska, LLC (Hilcorp) is hereby authorized by the U.S. Fish and Wildlife Service (Service), Marine Mammals Management Office (MMM), under Sections 101(a)(4)(A), 109(h) and 112(c) of the Marine Mammal Protection Act of 1972 (MMPA), as amended, to intentionally take by non-lethal harassment or deterrence small numbers of polar bears (*Ursus maritimus*) associated with activities occurring during the within the Milne Point, Endicott, and Northstar Units and their facilities. A detailed description of these activities can be found in Hilcorp's revised request dated November 12, 2014, "*Revised request for Letter of Authorization (LOA) for the Incidental Take of Polar Bears and Pacific Walrus, and the Intentional Take of Polar Bears by Harassment; Milne Point, Endicott and Northstar Operations, North Slope, Alaska.*"

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:

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 non-lethal harassment, or deterrence, is to maintain human and bear safety and welfare in polar bear habitat. 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;
- “Teach” bears to avoid people;
- Allow bears to use travel routes (natural and human made) to move along the coast; and
- Prevent bears from extended use of areas around facilities.

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

1. This LOA is restricted to non-lethal harassment or deterrent activities.
2. This authorization is valid only for those activities identified in the request for a Letter of Authorization dated May 6, 2014 and in Hilcorp’s revised request dated November 12, 2014, *“Revised request for Letter of Authorization (LOA) for the Incidental Take of Polar Bears and Pacific Walrus, and the Intentional Take of Polar Bears by Harassment; Milne Point, Endicott and Northstar Operations, North Slope, Alaska.”*

3. Hilcorp's *ATTACHMENT II, Polar Bear and Walrus Interaction and Mitigation Plan* described in the "Revised request for Letter of Authorization (LOA) for the Incidental Take of Polar Bears and Pacific Walrus, and the Intentional Take of Polar Bears by Harassment; Milne Point, Endicott and Northstar Operations, North Slope, Alaska," dated November 12, 2014., 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.
4. Hilcorp operations managers, or designates, must be fully aware, understand, and be capable of implementing the conditions of this authorization.
5. This LOA is issued specifically to Hilcorp 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.
6. Hilcorp is solely responsible for ensuring that personnel operating under this authorization meet all Federal and State laws and regulations regarding the use and carry of firearms should firearms be used for bear deterrence.
7. Hilcorp, or its designated agent, is responsible for documenting and reporting to the Service, MMM, at (907) 786-3800, all instances involving harassment activities as soon as possible and no later than 24 hours after the occurrence.
8. Harassment or deterrence techniques must not cause injury or death of a bear. Types of harassment or deterrence techniques may include, but are not limited to:
 - Bear monitors;
 - Air horns;
 - Electric fences;
 - Chemical repellents (bear spray);
 - Acoustic recordings;
 - Vehicles; and
 - Projectiles, such as, cracker shells, bean bags, rubber bullets, and pepperballs.
9. 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); and
 - Ensure communication with all personnel.

10. 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); and
 - Move bear in proper direction; continue with minimally necessary deterrents to receive desired result.

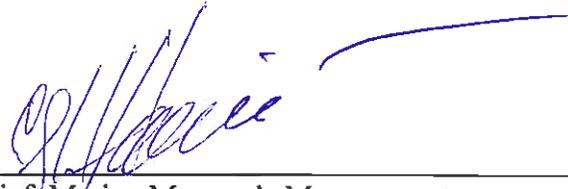
11. After a harassment event has occurred, operators must:
 - Monitor bears movement (to ensure no return);
 - Notify supervisor and personnel when it is safe to resume work; and
 - Fill out report to be sent to the Service as required above (within 24 hours)

12. 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.

13. Any lethal take or injury of a polar bear as a result of a deterrence action must be reported to the Service immediately.

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 immediately.

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

Active


Chief, Marine Mammals Management

NOV 14 2014

Date