



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

DEC 01 2015

Robyn E. McGhee
Sr. Environmental Scientist
ConocoPhillips
P.O. Box 100360
Anchorage, Alaska 99519-0360

Dear Ms. McGhee:

The U.S. Fish and Wildlife Service (Service) reviewed your requests, dated September 11, 2015, and November 11, 2015, for Letters of Authorization (LOA) for the incidental and intentional (deterrent activities) take of polar bears during activities associated with the ConocoPhillips Alaska, Inc. (CPAI) 2015-2016 Onshore Exploration Program (OEP) and the Greater Mooses Tooth Winter Program (GMTWP) on the North Slope of Alaska and in the National Petroleum Reserve Alaska (NPR).

In accordance with Service regulations 50 CFR subpart J published on August 3, 2011 (76 FR 47010) please find enclosed your LOA number 15-15 authorizing the incidental take of small numbers of polar bears during the oil and gas activities associated with the CPAI 2015-2016 OEP and the GMTWP North Slope of Alaska and in the NPR. Also, intentional take LOA 14-INT-12, currently issued to CPAI, is amended to include these activities. All activities must be conducted in compliance with the CPAI *Polar Bear Avoidance and Interaction Plan* (January 2012). All other requirements and stipulations contained in LOA 14-INT-12 remain unchanged.

A detailed description of the proposed activities is provided in the CPAI *Request for Letter of Authorization: CPAI Winter 2015-2016 Drilling Exploration Program, Request for Letter of Authorizations for the 2016 GMTWP* (November 11, 2015), and the *2015/2016 Exploration Drilling Program, Tinmiaq Wells Plan of Exploration & Permit Applications* (October 7, 2015).

Per the *Programmatic Biological Opinion for the Beaufort Sea Incidental Take Regulations for Polar Bear, Pacific Walrus, and Polar Bear Critical Habitat* (July 2011), issuance of this LOA also completes consultation for polar bears pursuant to section 7 of the Endangered Species Act (ESA) of 1973, as amended. This LOA also serves as an "Incidental Take Statement" (ITS), which is required by the ESA in order for incidental take to be authorized.

Ms. McGhee

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Should you have any further questions regarding your LOA, or polar bear management in general, please contact Mr. Michael Hendrick or the Marine Mammals Management Office, at (907) 786-3479 or (907) 786-3800, or email at michael_hendrick@fws.gov, respectively.

Sincerely,

A handwritten signature in blue ink that reads "C. S. Harris". The signature is fluid and cursive, with a long horizontal stroke at the end.

Acting Chief, Marine Mammals Management

Enclosure

Email 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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IN REPLY REFER TO:
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LETTER OF AUTHORIZATION Incidental Take (15-15)

ISSUED: October 26, 2015
EXPIRES: March 31, 2016

In accordance with Incidental Take Regulations at 50 CFR subpart J published on August 3, 2011 (76 FR 47010), ConocoPhillips Alaska, Inc. (CPAI) is authorized to take small numbers of polar bears (*Ursus maritimus*) incidental to activities associated with the 2015-2016 Onshore Exploration Program (OEP) and the Greater Mooses Tooth Winter Program (GMTWP) on the North Slope of Alaska and in the National Petroleum Reserve Alaska (NPRA).

For the 2015-2016 OEP, CPAI anticipates building a total of approximately 31 miles of ice road to access the well locations and 31 miles of spur roads from the Nigliq (Nechelik) channel crossing. Primary access to Tinmiaq exploration well locations will be by winter rolligon trail and ice roads. An approximately 500ft x 500ft ice pad will be built to support the rolligon routes. The main ice road system begins near Kuparuk at a drill pad, and extends along the Alpine pipeline westward into NPRA. The drilling rig will be mobilized to the well locations via permitted ice road. Drilling will begin when the locations are accessible by the ice road. Well evaluation through hydro-fracture stimulations and testing may be performed at the exploration well locations after completion of well drilling operations. For the GMTWP CPAI proposes to set survey monuments along the GMT-1 proposed road, pipeline routes, bridge crossing, and drill site pad during the winter of 2016 to support futures construction activities. A portable drill rig will be used to install 8 – 14 survey monuments along the proposed road route, at the drill sites, and at the bridge locations. The survey monument installation process requires drilling to a depth of approximately 30 feet at each location. This work will be completed using rolligons or similar vehicles and is anticipated to occur in late February through March 2016. A detailed description of the proposed activities is provided in the CPAI *Request for Letter of Authorization: CPAI Winter 2015-2016 Drilling Exploration Program, Request for Letter of Authorizations for the 2016 GMTWP* (November 11, 2015), and the *2015/2016 Exploration Drilling Program, Tinmiaq Wells Plan of Exploration & Permit Applications* (October 7, 2015).

As a condition of this Letter of Authorization (LOA), CPAI shall conduct a polar bear den detection survey prior to the start of project activities near polar bear denning habitat during the maternal denning period (November to mid-April). The Service seeks to limit disturbance of polar bear maternal dens and denning habitat. All personnel must use caution when operating near polar bear denning habitat during the maternal denning period. Service Marine Mammals Management Office (MMM) biologists are available at the phone numbers listed below if questions or concerns arise.

This LOA and the required conditions below apply to all CPAI employees, contractors, and personnel performing CPAI-approved work for the project described above. This LOA stipulates the following conditions:

- 1) This LOA authorizes incidental take only.
 - 2) CPAI must comply with all requirements listed at 50 CFR subpart J published on August 3, 2011(76 FR 47010).
 - 3) CPAI shall report all polar bear sightings, signs of polar bears (e.g., tracks or excavations), and any potential dens to the Service MMM using the polar bear observations report, within 24 hours via email to fw7_mmm_reports@fws.gov.
 - 4) Project field camps and personnel shall limit encounters with polar bears by being observant of approaching bears (e.g., the use of polar bear guards) and by allowing bears to pass unhindered when possible.
 - 5) Project operations managers, or designees, must understand, be fully aware of, and be capable of implementing the conditions of the LOA.
 - 6) If changes develop in the project during the period approved under this LOA, such as activities, location, or methods, the Service MMM must be notified prior to the implementation of such changes.
 - 7) CPAI must conduct the following mitigation, monitoring, and reporting:
 - a. Mitigation: Holders of an LOA must use methods and conduct activities in a manner that minimizes to the greatest extent practicable adverse impacts on polar bears, their habitat, and on the availability for subsistence uses. Dynamic management approaches, such as temporal or spatial limitations in response to the presence of polar bears in a particular place or time or the occurrence of marine mammals engaged in a particularly sensitive activity (such as feeding), must be used to avoid or minimize polar bear interactions and subsistence users of this resource.
- 1.All applicants:
- i. Holders of an LOA must cooperate with the Service and other Federal, State, and local agencies to monitor the impacts of oil and gas industry (Industry) activities on polar bears.

- ii. Holders of an LOA must designate a qualified individual or individuals to observe, record, and report on the effects of Industry activities on polar bears.
- iii. Holders of an LOA must have an approved polar bear interaction plan on file with the Service and at work sites and polar bear awareness training must be provided to personnel. *The CPAI Wildlife Avoidance and Interaction Plan (CPAI) March 2015*, and associated cover sheet are incorporated by reference into this LOA. All provisions must be compiled with unless specifically noted otherwise in the LOA.
- iv. Holders of an LOA must contact affected subsistence communities to discuss potential conflicts caused by location, timing, and methods of proposed operations and submit to the Service a record of communication that documents these discussions. Documentation of communication has been provided by CPAI to the Service.
- v. If deemed appropriate by the Service, holders of an LOA will be required to hire and train polar bear monitors to alert crew of the presence of polar bears and initiate adaptive mitigation responses.

2. Onshore activities:

- i. Holders of an LOA must make efforts to limit disturbance around known polar bear dens.
- ii. Holders of an LOA seeking to carry out onshore exploration activities in known or suspected polar bear denning habitat during the denning season (November – April) must make efforts to locate occupied polar bear dens within and near proposed areas of operation, utilizing appropriate tools, such as, FLIR imagery and/or polar bear scent-trained dogs. All observed or suspected polar bear dens must be reported to the Service prior to the initiation of activities.
- iii. Holders of an LOA must observe a 1.6 km (1 mi) operational exclusion zone around all known polar bear dens during denning season (November – April, or until female and cubs leave the areas). Should previously unknown occupied dens be discovered within 1.6 km (1 mi) of activities, work must cease and the Service 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 the holder of the LOA must comply with any additional measures specified.
- iv. A map of potential coastal polar bear denning habitat can be found at:

http://alaska.usgs.gov/science/biology/polar_bears/products.html.
This measure ensures that the location of potential polar bear dens is considered when conducting activities in the coastal areas of the Beaufort Sea.

- v. Holders of an LOA must restrict the timing of their activity to limit disturbance around dens.

3. Operating conditions for aircraft:

- i. Operators of support aircraft should, at all times, conduct their activities at the maximum distance possible from concentrations of polar bears.
- ii. 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 mile) of polar bears observed on ice or land. Helicopters may not hover or circle above such areas or within 805 m (0.5 mile) 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 457 m (1,500 ft) altitude 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 polar bear concentrations and should take precautions to avoid flying directly over or within 805 m (0.5 mile) of these areas.
- iii. Plan all aircraft routes to minimize any potential conflict with active or anticipated polar bear subsistence hunting activity as determined through community consultations.

4. Holders of an LOA must conduct their activities in a manner that, to the greatest extent practicable, minimizes impacts on the availability of polar bears for subsistence uses.

- b. Monitoring: Depending on the location, timing, and nature of proposed activities, holders of an LOA will be required to do the following:

1. Maintain trained, Service-approved, onsite observers to carry out monitoring programs for polar bears necessary for initiating adaptive mitigation responses.

- i. Polar bear monitors: Polar bear monitors will be required under the monitoring plan if polar bears are known to frequent the area or known polar bear dens are present in the area. Monitors will act as an early detection system for polar bear activity near Industry activity.

2. Develop and implement a site specific, Service-approved, marine mammal monitoring and mitigation plan to monitor and evaluate the effects of authorized activities on polar bears, and the subsistence use of this resource. The marine mammal monitoring and mitigation plan must enumerate the number of polar bears encountered during specified activities, estimate the number of incidental takes that occurred during specified seismic activities, and evaluate the effectiveness of prescribed mitigation measures.
 3. Cooperate with the Service and other designated Federal, State, and local agencies to monitor the impacts of oil and gas activities in the Beaufort Sea on polar bears. Where insufficient information exists to evaluate the potential effects of proposed activities on polar bears and their subsistence use, holders of a LOA may be required to participate in joint monitoring and/or research efforts to address these information needs and insure the least practicable impact to these resources. Information needs in the Beaufort Sea include, but are not limited to:
 - i. Distribution, abundance, and habitat use patterns of polar bears; and
 - ii. Cumulative effects of multiple simultaneous operations on polar bears.
- c. Reporting requirements: Holders of an LOA must report the results of specified monitoring activities to the Service MMM reporting email at fw7_mmm_reports@fws.gov.
1. Monitoring requirements include, but are not limited to:
 - i. Date, time, and location of observation;
 - ii. Number of bears, and their sex and age (if known);
 - iii. Observer name and contact information;
 - iv. Weather, visibility, and ice conditions at the time of observation;
 - v. Estimated closest point of approach for bears from personnel and facilities;
 - vi. Industry activity at time of sighting, possible attractants present;
 - vii. Bear behavior;
 - viii. Description of the encounter;
 - ix. Duration of the encounter; and
 - x. Actions taken.
 2. 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:

- i. A summary of monitoring effort including: total hours, total distances, and distribution through study period;
- ii. Analysis of factors affecting the visibility and detectability of polar bears by specified monitoring;
- iii. Analysis of the distribution, abundance, and behavior of polar bear in relation to date, location, ice conditions and operational state; and
- iv. Estimates of take based on density estimates derived from monitoring and survey efforts.

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 necessary for self-defense or to save the life of a person in immediate danger, and such taking is reported to the Service within 48 hours.

Per the *Programmatic Biological Opinion for the Beaufort Sea Incidental Take Regulations for Polar Bear, Pacific Walrus, and Polar Bear Critical Habitat* (July 2011), issuance of this LOA also completes consultation for polar bears pursuant to section 7 of the Endangered Species Act (ESA) of 1973, as amended. This LOA also serves as an "Incidental Take Statement" (ITS), which is required by the ESA in order for incidental take to be authorized. This LOA is valid for the period indicated on this authorization, unless extended or terminated in writing by the Service, MMM.

If you have any further questions, please contact Mr. Michael Hendrick or the Marine Mammals Management Office at (907) 786-3479 or (907) 786-3800 or email at michael_hendrick@fws.gov.

Acting


Chief, Marine Mammals Management

12.1.15
Date