



IN REPLY REFER TO:

# United States Department of the Interior

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



AFES/MMM

NOV 25 2015

Ms. Caitlin Jelle  
Project Manager  
Peak Oilfield Service Company, LLC  
5015 Business Park Boulevard, Suite 4000  
Anchorage, Alaska 99503

Dear Ms. Jelle:

The U.S. Fish and Wildlife Service (Service) has reviewed your request, dated October 1, 2015, for a Letter of Authorization (LOA) to allow the incidental take of polar bears while conducting activities associated with the Peak Oilfield Service Company, LLC (Peak) 2016 transportation activities on the North Slope of Alaska.

In accordance with Service regulations 50 CFR subpart J published on August 3, 2011 (76 FR 47010) please find enclosed your LOA number 15-17 authorizing the incidental take of small numbers of polar bears during the proposed 2016 transportation activities on the North Slope of Alaska. A detailed description of the proposed activities is provided in the Peak request letter *LOA for Incidental Take of Polar Bears* (October 1, 2015).

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](mailto:michael_hendrick@fws.gov) respectively.

Sincerely,

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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## LETTER OF AUTHORIZATION Incidental Take (15-17)

ISSUED: January 1, 2016  
EXPIRES: May 31, 2016

In accordance with Incidental Take Regulations at 50 CFR subpart J published on August 3, 2011 (76 FR 47010), Peak Oilfield Service Company, LLC (Peak) is authorized to take small numbers of polar bears (*Ursus maritimus*) incidental to activities associated with the Peak 2016 planned transportation activities on the North Slope of Alaska.

Peak proposes to use rolligon ATVs to transport materials and equipment via an overland/tundra travel program to North Slope villages and private industry projects. The majority of this travel is proposed between Deadhorse, Barrow, and Atqasuk, Alaska. Peak's rolligons will depart from Oliktok Point and haul freight to Barrow and then to Atqasuk and other villages on the western coast. The machines travel in groups no larger than eight and no smaller than two, depending on local load requirements. The rolligons do not stop along the trail except for rest and maintenance activities. In typical years, Peak hauls 10-30 loads of freight to Barrow from Deadhorse. Work will take place between January 1 and May 15 of 2016. A detailed description of the proposed activities is provided in the Peak request letter *LOA for Incidental Take of Polar Bears* (October 1, 2015).

The Service) seeks to limit disturbance of polar bear maternal dens and denning habitat. All Peak personnel must use caution when operating near polar bear denning habitat during the maternal denning period from November through mid-April. 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 Peak employees, contractors, and personnel performing Peak-approved work for the project described above. This LOA stipulates the following conditions:

- 1) This LOA authorizes incidental take only.

- 2) Peak must comply with all requirements listed at 50 CFR subpart J published on August 3, 2011(76 FR 47010).
- 3) The Peak 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 observation 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 this 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) Peak must conduct the following mitigation, monitoring, and reporting.

(a) Mitigation: Holders of a 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 of these marine mammals for subsistence uses. Dynamic management approaches, such as temporal or spatial limitations in response to the presence of marine mammals 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 interactions with polar bears, walruses, and subsistence users of these resources.

(1) All applicants:

- (i) Holders of a 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 and Pacific walruses.
- (ii) Holders of a 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 a 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 Peak *Polar Bear Avoidance and Interaction Plan: Rolligon Drivers* (October 1, 2015) is incorporated by reference into this LOA. All provisions must be complied with unless specifically noted otherwise in this LOA.
- (iv) Holders of a 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.
- (v) If deemed appropriate by the Service, holders of a 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 a LOA must make efforts to limit disturbance around known polar bear dens.
  - (ii) Holders of a 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, forward-looking infrared (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 a LOA must observe a 1.6 km (1 mi) operational exclusion zone around all known polar bear dens during the denning season (November–April, or until the 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](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 a LOA must restrict the timing of their activity to limit disturbance around dens.
- (3) Holders of a LOA must conduct their activities in a manner that, to the greatest extent practicable, minimizes adverse impacts on the availability polar bears for subsistence uses.
- (b) Monitoring: Depending on the location, timing, and nature of proposed activities, holders of a 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. 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 detections 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 these resources. 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, and evaluate the effectiveness of prescribed mitigation measures. The Peak

*Polar Bear Avoidance and Interaction Plan: Rolligon Drivers* (October 1, 2015) cited previously in this LOA will satisfy this requirement.

- (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.
- (c) Reporting requirements: Holders of a LOA must report the results of specified monitoring activities to the Service MMM reporting email at [fw7\\_mmm\\_reports@fws.gov](mailto:fw7_mmm_reports@fws.gov).
- (1) Holders of a LOA must submit a report to the Service MMM within 90 days after completion of activities. Reports must include, at a minimum, the following information:
    - (i) Dates and times of activity;
    - (ii) Dates and locations of polar bear or Pacific walrus activity as related to the monitoring activity; and
    - (iii) Results of the required monitoring activities, including an estimated level of take.
    - (iv) Monitoring requirements include, but are not limited to:

For all activities, all sightings of polar bears must be recorded. Information within the sighting report will include, but is not limited to:

      - (A) Date, time, and location of observation;
      - (B) Number of bears, and their sex and age (if known);
      - (C) Observer name and contact information;
      - (D) Weather, visibility, and ice conditions at the time of observation;
      - (E) Estimated closest point of approach for bears from personnel and facilities;
      - (F) Industry activity at time of sighting, possible attractants present;
      - (G) Bear behavior;
      - (H) Description of the encounter;
      - (I) Duration of the encounter; and
      - (J) Actions taken.
    - (v) Activities along the coast of the geographic region may incorporate daily polar bear watch logs.
  - (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 and walruses by specified monitoring;
    - (iii) Analysis of the distribution, abundance, and behavior of polar bear and walrus sightings 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.

The Service has completed intra-Service consultation under the Endangered Species Act of 1973, as amended (ESA), and has determined that the issuance this LOA is not likely to jeopardize the continuing existence of polar bears. No additional authorization under the ESA is required.

This LOA is valid for the period indicated on this authorization, unless extended or terminated in writing by the Service, Marine Mammals Management Office.

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.



\_\_\_\_\_  
Chief, Marine Mammals Management



\_\_\_\_\_  
Date

Reference:

Peak Oilfield Service Company LLC. *Polar Bear Avoidance and Interaction Plan: Rolligon Drivers*. October 1, 2015.