



IN REPLY REFER TO:

## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

1011 E. Tudor Road  
Anchorage, Alaska 99503-6199



AFES/MMM

**FEB 22 2008**

Mr. Bob Britch  
Regulatory Team Leader  
Eni US Operating Co. Inc.  
101 Benson Blvd., Suite 201  
Anchorage, Alaska 99503

Dear Mr. Britch:

This responds to your June 13, 2007, request for a Letter of Authorization (LOA) for the incidental take of polar bears and Pacific walrus in the Beaufort Sea and as per your email dated January 10, 2008, intentional take of polar bears during the operation of the Nikaitchuq Development Program on the North Slope of Alaska. Enclosed is a LOA (08-03) that allows Eni US Operating Co., Inc. (Eni) to take small numbers of polar bears incidental to oil and gas exploration in association with Eni's 2008 Nikaitchuq Development Program. The Nikaitchuq Development Program has 3 components:

1. the continued construction of an onshore pad at Oliktok Point and the construction of a single offshore gravel pad;
2. the construction of a 7-acre support pad located 1.5 miles south of Oliktok Point; and
3. the initiation of drilling at the onshore production pad in late 2008.

The continuance of the Nikaitchuq Development Program is scheduled to occur during the 2008 winter season. If any changes develop in your project during this season, such as activities or location, please notify the Marine Mammals Management Office prior to the planned operation. This would allow us to evaluate the activity and, if appropriate, amend your LOA.

This letter, through a separate authorization, also grants Eni and its representatives authority to take polar bears by harassment (deterrence activities) for the protection of both human life and polar bears while conducting activities in polar bear habitat. This authorization is issued specifically to Eni employees who are responsible for ensuring that trained and qualified personnel are assigned the task to harass (deter) polar bears. All polar bear harassment events are to be reported to our Marine Mammals Management Office within 24 hours. This authorization is effective for the period date of issuance to December 31, 2008. Intentional take is authorized under sections 101(a)(4)(A), 109(h), and 112(c) of the Marine Mammal Protection Act (MMPA).

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IN AMERICA** 

Mr. Bob Britch

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The U.S. Fish and Wildlife Service (Service) believes that protection measures for marine mammals described in Eni's Polar Bear/Personnel Encounter Plan are also appropriate safeguards to limit human/bear interactions. Eni personnel can limit encounters of polar bears by being observant of approaching animals (i.e., the use of marine mammal observers) and breaking off interactions, if practicable, by allowing the animals to continue their travel. The Service biologists are available for consultation if questions or concerns arise regarding polar bears 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 in self-defense or to save the life of a person in immediate danger, and such taking is reported to the U.S. Fish and Wildlife Service, Marine Mammal Management Office within 24 hours.

The incidental take authorization is issued in accordance with our regulations listed at 71 FR 43926, dated August 2, 2006. Should you have any further questions regarding polar bear issues, please contact Mr. Craig Perham of our Marine Mammals Management Office, at (907) 786-3800 or 786-3810.

Sincerely,



Rosa Meehan, Ph.D.  
Chief, Marine Mammals Management

Enclosures

cc: Bob Britch, Northern Consulting Group  
Mr. Richard Shideler, ADF&G  
Fairbanks Fish and Wildlife Field Office (FWFO)  
USFWS Office of Law Enforcement (OLE)



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## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

1011 E. Tudor Road  
Anchorage, Alaska 99503-6199



AFES/MMM

ISSUED: February 10, 2008  
EXPIRES: December 31, 2008

### U.S. Fish and Wildlife Service

#### INCIDENTAL TAKE LETTER OF AUTHORIZATION (08-03)

Eni US Operating Co., Inc. (Eni) is hereby authorized to take small numbers of polar bears and walrus incidental to the preparation of oil and gas exploration in association with Eni's Nikaitchuq Development Program. The Nikaitchuq Development Program has 3 components:

1. the continued construction of an onshore pad at Oliktok Point and the construction of a single offshore gravel pad;
2. the construction of a 7-acre support pad located 1.5 miles south of Oliktok Point; and
3. the initiation of drilling at the onshore production pad in late 2008.

Further details of Eni's program are documented in Eni's, "Plan of Operations, Nikaitchuq Development Program, North Slope, Alaska, and Revised November 13, 2007."

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

1. Eni's "Polar Bear/Personnel Encounter Plan, Nikaitchuq Development Program, North Slope, Alaska" dated June 13, 2007, is approved and all provisions must be complied with unless specifically noted otherwise in this Letter of Authorization. A copy of this polar bear interaction plan must be available on site for all personnel.
2. Eni Operations Managers, or their designates, must be fully aware, understand, and capable of implementing the conditions of this authorization.
3. Intentional take is prohibited under this authorization.

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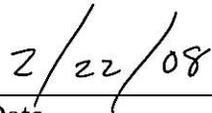
4. This authorization is valid only for those activities identified in the request for a Letter of Authorization (June 13, 2007) and Eni's "Plan of Operations, Nikaitchuq Development Program, North Slope, Alaska, Revised November 13, 2007."
5. Polar bear monitoring, reporting, and survey activities must be conducted in accordance with 50 CFR section 18.128. In addition, Eni must comply with the following monitoring, mitigation, and reporting requirements:
  - Eni must cooperate with the Fish and Wildlife Service (Service), and other designated Federal, State, or local agencies to monitor the impacts of oil and gas exploration activities on polar bears;
  - Eni must not conduct activities that operate nor pass within 1 mile of known polar bear dens, and all observed dens must be reported to the Marine Mammals Management Office, Fish and Wildlife Service immediately. Should occupied dens be identified within one mile of activities, work in the area will cease immediately and 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 Eni must comply with any additional measures specified.
  - If any changes develop in your project during the 2008 season, such as ice road deviations, activities or location, notify the Marine Mammals Management Office prior to the planned operation.
  - Eni 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;
  - Every polar bear observed will be recorded on a Polar Bear Observation Form. Information within the observation report will include, but is not limited to:

1. Date
2. Time
3. Observer name
4. Contact number/email
5. Location, with latitude, longitude, and datum, if applicable
6. Weather conditions at time of observation
7. Temperature
8. Visibility
9. Number of bears: sex and age
10. Estimated closest point of bears from personnel and facilities
11. Possible attractants present
12. Bear behavior
13. A description of the encounter
14. Duration of the encounter
15. Type of Deterrents used and distance from bear when used
16. Agency/Contacts

- Evidence of polar bears, such as tracks, carcass, or dens, will also be reported;
- At the discretion of the Fish and Wildlife Service, Eni must allow the Fish and Wildlife Service to place an observer on the site to monitor the impacts of the activity on polar bears;
- Eni must submit an annual monitoring report to the Marine Mammals Management Office as required under 18 CFR 18.128(f), which will be received by March 30, 2009.

6. This authorization expires December 31, 2008.

  
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Chief, Marine Mammals Management

  
\_\_\_\_\_  
Date

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IN REPLY REFER TO:

## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

1011 E. Tudor Road  
Anchorage, Alaska 99503-6199



AFES/MMM

ISSUED: February 15, 2008  
EXPIRES: December 31, 2008

### U.S. Fish and Wildlife Service

#### AUTHORIZATION TO TAKE, BY HARASSMENT, POLAR BEARS

Under Sections 101(a)(4)(A), 109(h) and 112(c) of the Marine Mammal Protection Act of 1972, as amended, Eni US Operating Co., Inc. (Eni) is hereby authorized to deter polar bears in association with Eni's Nikaitchuq Development Program. The Nikaitchuq Development Program has 3 components:

4. the continued construction of an onshore pad at Oliktok Point and the construction of a single offshore gravel pad;
5. the construction of a 7-acre support pad located 1.5 miles south of Oliktok Point; and
6. the initiation of drilling at the onshore production pad in late 2008.

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:

- (i) 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;
- (ii) 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;
- (iii) by any person, to deter a marine mammal from endangering personal safety; or
- (iv) 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:

- (A) the protection or welfare of the mammal,
- (B) the protection of the public health and welfare, or
- (C) 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 throughout the North Slope. Authorizing Level B harassment take reduces the likelihood of death or injury of polar bears. Level B harassment take will only occur for:

1. the protection or welfare of the mammal,
2. the protection of the public health and welfare, or
3. the non-lethal removal of nuisance animals.

Level B harassment take is accomplished using the following objectives:

1. Prevent bears from associating food with humans and communities
2. “Train” bears to avoid people
3. Allow bears to use travel routes (natural and man-made) to move along the coast
4. Prevent bears from extended use of areas around communities
5. Prevent bears from entering the communities

Harassment authorization is subject to the following conditions:

1. Eni’s “Polar Bear/Personnel Encounter Plan, Nikaitchuq Development Program, North Slope, Alaska” dated June 13, 2007, is approved, and all current provisions are incorporated into the following extension Letter of Authorization by reference. A copy of the polar bear interaction plan must be available in each community for all personnel responsible for deterrence.
2. Eni Managers, or their designates, must be fully aware, understand, and capable of implementing the conditions of this authorization.
3. This authorization is restricted to harassment activities.
4. Authorized individuals are responsible for documenting and reporting to the U.S. Fish and Wildlife Service, Marine Mammals Management Office, (907) 786-3800, all instances involving harassment activities as soon as possible and not later than 24 hours after the occurrence.

5. This authorization is issued specifically to Eni who is responsible for ensuring that **trained and qualified** personnel are assigned the task to harass (deter) polar bears. A list of qualified Eni personnel assigned to deter bears must be submitted to the U.S. Fish and Wildlife Service, Marine Mammals Management Office, Anchorage, Alaska, (907) 786-3800 within 14 days of receipt of this authorization and any personnel added subsequently should also be provided to this office.
6. Should occupied polar bear dens be identified they will be reported to the Marine Mammals Management Office, Fish and Wildlife Service immediately. The Service will evaluate these instances on a case-by-case basis to determine the appropriate action to minimize disturbance and safeguard the bear occupants of the den.
7. A final report of all encounters and hazing events must be submitted to the U.S. Fish and Wildlife Service, Marine Mammals Management Office no later than March 30, 2009.
8. 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: cracker shells, bean bags, rubber bullets, screamers, etc.
9. Prior to conducting a harassment activity, operators must:
  - Reduce/eliminate attractants
  - Secure site; notify supervisor; move personnel to safety
  - Ensure bear has escape route(s)
  - Ensure communication with all personnel
10. When conducting a harassment activity, operators must:
  - 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 projectile (avoidance conditioning)
  - Move bear in proper direction; continue with minimally necessary deterrents to receive desired result
11. After a harassment event has occurred, operators must:
  - Monitor bear movement (to ensure no return)

- Notify supervisor and personnel to resume work
- Fill out report to be sent to the Service as required under condition 4 (within 24 hours)

12. This 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.

Signed: Rosa Mahr

Date: 2/22/08



