United States Department of the Interior

FISH AND WILDLIFE SERVICE
1011 E. Tudor Road
Anchorage, Alaska 99503-6199

IN REPLY REFER TO:

AFES/MMM

DEC 0 2 2011

Ms. Caryn Rea
Senior Staff Biologist
ConocoPhillips Alaska, Inc.
700 G. Street, ATO 1902
P.O. Box 100360
Anchorage, Alaska 99510-0360

Dear Ms. Rea:

This responds to the your letter dated September 30, 2011, requesting a Letter of Authorization (LOA) for the incidental take of polar bears during activities for the Spring 2012 Hemi Springs State #1 Well Plug and Abandonment Project.

Enclosed is an LOA (11-30) that authorizes ConocoPhillips Alaska, Inc. (CPAI) to take small numbers of polar bears incidental to oil and gas industry activities for this project at the location identified in your LOA request.

CPAI proposes to conduct plug and abandonment activities as described in 50 CFR Part 18, Subpart J, §18.121 at the Hemi Springs State #1 well located at approximately N70.231851 W149.21927. If any project changes develop during the spring 2012 season please notify the U.S. Fish & Wildlife Service (Service), Marine Mammals Management Office (MMM). This will allow us to evaluate the activity and, if appropriate, amend your LOA.

Historic polar bear denning activity reveals that polar bear denning habitat occurs along creek cutbanks and river bluffs. For example, approximately 1782 miles (2870 km) of potential polar bear denning habitat is located between the Colville River and the Canning River alone. Disturbance during denning could lead to abandonment of dens and possible mortality to cubs. Activities occurring in these areas near preferred denning habitat may encounter denning polar bears. 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. With this in mind, please use caution around potential denning habitat during the maternal denning period (mid-November to mid-April). CPAI will also: 1) provide copies of the polar bear observation form to all CPAI contractors operating under the LOA; 2) report any polar bear sightings and signs (tracks, scat, etc.) to this office by phone, FAX, or email using the polar bear observation form; and 3) report any possible den locations that are found during work activities immediately to our office.

TAKE PRIDE IN AMERICA

The U.S. Geological Survey has posted information regarding polar bear denning habitat the polar bear den habitat GIS coverage at the Alaska Science Center (ASC) website, plus associated documents. The den habitat map (ARC/INFO export file), the mapping manuscript (PDF file) and a picture of den habitat (JPG file) are now available for downloading on the ASC website (http://alaska.usgs.gov/science/biology/polar_bears/pubs.html). Please use these resources when planning activities in potential denning areas and contact us immediately if any dens are found during your activities. Service biologists are also available for consultation if questions or concerns arise during the project period at the phone numbers listed below and noted in your interaction plan.

Also enclosed is a harassment authorization (11-INT-23) for CPAI and its representatives to take polar bears by harassment (deterrent activities) for the protection of both human life and polar bears while conducting project activities in polar bear habitat. This authorization is issued specifically to CPAI employees who are responsible for ensuring that trained and qualified personnel are assigned the task to harass (deter) polar bears. It is the responsibility of CPAI personnel to report all polar bear harassment events to our MMM office within 24 hours. Intentional take is authorized under sections 101 (a)(4)(A), 109(h), and 112(c) of the Marine Mammal Protection Act (MMPA).

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 Service, MMM office within 24 hours.

Per the Programmatic Biological Opinion (Tier 1 BO) for the Beaufort Sea Incidental Take Regulations for Polar Bear, Pacific Walrus, and Polar Bear Critical Habitat (Regulations) (July 2011), issuance of this LOA also completes consultation for polar bears, Pacific walrus, and polar bear critical habitat 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.

Reasonable and prudent mitigation measures, as well as implementing terms and conditions were included for the Service, MMM in the Tier 1 BO and have been incorporated into the LOA process. Issuance of this ITS, with the LOA completes ESA requirements for authorization of incidental take of the polar bear. Compliance with the terms and conditions of this LOA ensures that the LOA holder is also in compliance with the ESA.

An additional requirement of this LOA is for CPAI to provide observational data of polar bears throughout the project and a complete report of all observations at the conclusion of the project to the MMM. This report meets the tracking and reporting requirements relative to the documentation of take as required by the MMPA and the ESA.

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

Enclosures

cc: Mr. Richard Shideler, ADF&G
Fairbanks Fish and Wildlife Field Office (FFWFO)
Office of Law Enforcement (OLE)
North Slope Borough Department of Law

United States Department of the Interior

FISH AND WILDLIFE SERVICE
1011 E. Tudor Road
Anchorage, Alaska 99503-6199

IN REPLY REFER TO:

AFES/MMM

U.S. Fish and Wildlife Service

LETTER OF AUTHORIZATION
(11-30)

ISSUED: January 15, 2012
EXPIRES: May 31, 2012

ConocoPhillips Alaska, Inc. (CPAI) is hereby authorized to take small numbers of polar bears incidental to activities occurring during the spring 2012 Hemi Springs State #1 Well Plug and Abandonment Project.

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

1. The CPAI "Polar Bear Avoidance and Interaction Plan (Revision 5, February 2008)," including "Appendix D, CPAI Polar Bear Hazing and Deterrence Policies and Procedures (Version 1, November 2011)," is approved and all provisions must be complied with unless specifically noted otherwise in this Letter of Authorization (LOA). A copy of the Polar Bear Interaction Plan must be available on site for all personnel.

2. CPAI Operations Managers, or designates, must be fully aware, understand, and 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 a Letter of Authorization dated September 30, 2011, for the Spring 2012 Hemi Springs State #1 Well Plug and Abandonment Project.

5. Polar bear monitoring, reporting, and survey activities will be conducted in accordance with 50 CFR 18, Section 18.128. The basic monitoring and reporting requirements follow:

   - CPAI must cooperate with the U.S. 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.

TAKE PRIDE IN AMERICA

- CPAI 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), upon discovery. Should occupied dens be identified within one mile of activities, work within the immediate area will cease 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 CPAI must comply with any additional measures specified.

- CPAI 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.

- CPAI must allow the Service to allow an observer on the site to monitor the impacts of the activity on polar bears, at the discretion of the Service.

- CPAI must submit an annual monitoring report to the Service, MMM as required under 18 CFR 18.128(f), which will be received up to 90 days after the expiration date of the LOA.

6. In the Programmatic Biological Opinion for Polar Bears, Pacific Walrus, and Polar Bear Critical Habitat on Beaufort Sea Incidental Take Regulations (Regulations) (July 2011), the Service determined the total incidental take anticipated as a result of the issuance of the Regulations is not likely to result in jeopardy to the polar bear or Pacific walrus, and will not adversely modify polar bear critical habitat. In order for an Incidental Take Statement (ITS) to be provided: (1) the proposed activity must provide the required information, as described in the §18.124 of the Regulations; (2) the LOA includes mitigation measures appropriate for the specific activity and location, as described in §18.128 of the Regulations; and (3) that the incidental take for the specific activity will be consistent with the negligible impact finding for the total take allowed under the Regulations.

   We (MMM) have determined that the proposed action meets these three requirements. Therefore, issuance of this LOA also completes Endangered Species Act (ESA) of 1973, as amended requirements for authorization of incidental take of the polar bear. Compliance with the terms and conditions of the above LOA insures that the LOA holder is also in compliance with the ESA.

7. This LOA 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.

DEC 0 2 2011

Chief, Marine Mammals Management

Date

United States Department of the Interior

FISH AND WILDLIFE SERVICE
1011 E. Tudor Road
Anchorage, Alaska 99503-6199

IN REPLY REFER TO

AFES/MMM

U.S. Fish and Wildlife Service

AUTHORIZATION TO TAKE, BY HARASSMENT, POLAR BEARS (11-INT-23)

ISSUED: January 15, 2012
EXPIRES: May 131, 2012

Under Sections 101(a)(4)(A), 109(h) and 112(c) of the Marine Mammal Protection Act of 1972, as amended, ConocoPhillips Alaska, Inc. (CPAI) is authorized to take, by harassment, polar bears during activities for the Spring 2012 Hemi Springs State #1 Well Plug and Abandonment project.

The purpose of authorizing taking by harassment, or deterrence, is to maintain human and bear safety and welfare in the North Slope oilfields. Authorizing Level B harassment take reduces the likelihood of death or injury of polar bears. This is accomplished by the following objectives:

1. Prevent bears from associating food with humans and facilities.
2. "Condition" bears to avoid people (avoidance conditioning).
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 facilities.
5. Prevent bears from entering the developed parts of the oil field.

Harassment authorization is subject to the following conditions:

1. The CPAI "Polar Bear Avoidance and Interaction Plan (Revision 5, February 2008)" including "Appendix D, CPAI Polar Bear Hazing and Deterrence Policies and Procedures (Version 1, November 2011)," is approved and all provisions must be complied with unless specifically noted otherwise in this Letter of Authorization (LOA). A copy of the Polar Bear Interaction Plan must be available on site for all personnel.

2. CPAI Operations Managers, or designates, must be fully aware, understand, and capable of implementing the conditions of this authorization.

3. This LOA is restricted to harassment activities.

4. Authorized individuals are responsible for documenting and reporting to the U.S. Fish and Wildlife Service (Service), Marine Mammals Management Office (MMM), (907) 786-3800,

TAKE PRIDE IN AMERICA

all instances involving harassment activities as soon as possible and not later than 24 hours after the occurrence.

5. CPAI is responsible for ensuring that trained and qualified personnel are assigned the task of deterring polar bears.

   - In the event that firearms are used as a deterrent tool, CPAI is solely responsible for ensuring that their personnel meet Federal and State laws and regulations regarding the use and carry of firearms.
   - Furthermore, CPAI is solely responsible for ensuring that a Service-approved procedure for handling less-lethal ammunition in a safe and proper manner is on file with the Service, MMM if firearms are to be used as a deterrent tool.

6. Activities will not operate nor pass within one mile (approximately 1600 meters) of known polar bear dens, and all observed dens will be reported to the Service, MMM immediately. Should occupied dens be identified within one mile of activities, work in the immediate area will cease and Service will be contacted for guidance. The Service will evaluate these instances on a case-by-case basis to determine the appropriate action. Potential responses may range from cessation or modification of work to conducting additional monitoring. CPAI must comply with any additional measures specified.

7. A final report of all encounters and hazing events must be submitted to the Service, MMM within 60 days from the expiration date of this authorization.

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 (used with extreme caution) such as: cracker shells, bean bags, rubber bullets and screamers.

9. Prior to conducting a harassment activity, operators must:

   - Make a reasonable effort to reduce or 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 bears 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 four (within 24 hours)

12. This LOA 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.

DEC 0 2 2011

Chief, Marine Mammals Management Office — Date