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 12 2012

Mr. Brien Reep
Environmental and Regulatory Manager
Point Thomson Project
ExxonMobil Development Company
P.O. Box 241449
Anchorage, Alaska 99524

Dear Mr. Reep:

Thank you for your October 31, 2012, request for Letters of Authorization (LOAs) for the incidental take of polar bears and Pacific walruses and intentional take of polar bears by harassment during activities associated with the ExxonMobil Production Company (Exxon) 2012-13 Point Thompson Project (Project).

In response to your request, enclosed you will find LOA 12-21 that will allow Exxon to take small numbers of polar bears and walruses incidental to oil and gas industry activities at the location identified in your LOA request. Also enclosed is LOA 12-INT-17 that grants authorization for Exxon to take polar bears by harassment (deterrent activities) for the protection of both human and polar bear safety while conducting activities in polar bear habitat in all portions of the Project area. All provisions contained within Exxon's *Polar Bear and Wildlife Interaction Plan, North Slope, Alaska* (31 October 2012) is approved and incorporated by reference into these LOAs. These LOAs are effective for the period February 1, 2013 through February 1, 2014.

Activities to be conducted in the first year of the 2012-13 Point Thomson Project area include construction of a gravel airstrip, ice roads/pads and gravel infield and access roads, the Central Pad expansion, service dock and onshore abutment for sealift modules, main warehouse, barge moorings, shops and buildings, diesel storage facilities, the construction camps and offices, the permanent operations camp, gravel work, pipeline VSM installation and main activities. Exxon may also perform well remediation work and other remediation activities at sites on the North Slope. Helicopters, off-road (tundra travel vehicles) and seasonal barge traffic with shallow draft landing craft or barges that land on the beach, and a 50-mile (approximately 80-km) ice road may all be used to support these activities.

If any changes develop in your Project during the 2012-13 Project season, such as barge schedules or traffic, activities, or location, please notify the U.S. Fish and Wildlife Service

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(Service), Marine Mammals Management Office (MMM) prior to the planned operation. This will allow us to evaluate the activity and, if appropriate, amend your LOAs.
Intentional take is authorized under sections 109(h), and 112(c) of the Marine Mammal Protection Act (MMPA). This LOA is issued specifically to Exxon employees who are responsible for employing trained and qualified personnel that are assigned the task to harass (deter) polar bears. It is the responsibility of Exxon personnel to report all polar bear harassment events to the Service, MMM within 24 hours.

Exxon camps and personnel can limit encounters with polar bears by being aware of approaching animals (i.e., the use of polar bear guards) and breaking off interactions, if practicable, and allowing bears to continue their travel. 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 action is necessary for self-defense or to defend the life of a person in immediate danger. Any such action or take must be reported to the Service, MMM within 24 hours.

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. Disturbance during denning could lead to abandonment of dens and possible mortality to cubs. With this in mind, note that a Service-approved den detection survey was conducted in potential polar bear denning habitat within one mile (approximately 1600 meters) of the Project areas. Use of caution is advised when operating near these areas during the maternal denning period (mid-November to mid-April).

The Service has completed intra-Service consultation under the Endangered Species Act of 1973, as amended (ESA), on the issuance of these LOAs and has determined that the issuance these LOAs to Exxon is not likely to jeopardize the continuing existence of the polar bear or the Pacific walrus and is not likely to destroy or adversely modify polar bear critical habitat. Issuance of these LOAs also completes ESA requirements for authorization of incidental take of the polar bear. Compliance with the terms and conditions of these LOAs ensures that the LOA holder is also in compliance with the ESA. No additional authorization under the ESA is required.

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, 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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U.S. Fish and Wildlife Service

LETTER OF AUTHORIZATION
(12-21)

ISSUED: February 1, 2013
EXPIRES: February 1, 2014

ExxonMobil Production Company (Exxon) is hereby authorized to take small numbers of polar bears and Pacific walrus incidental to activities associated with the 2012-13 Point Thompson Project (Project). The authorized activities are described Exxon's Letter of Authorization (LOA) request, dated October 31, 2012.

This LOA and the required conditions below apply to Exxon employees and contractors performing Exxon-approved work under the scope of operations identified in the Point Thomson Program Plan of Operations.

This LOA is subject to the following conditions:

1. The Exxon polar bear interaction plan entitled, *Polar Bear and Wildlife Interaction Plan, North Slope, Alaska* (31 October 2012), 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.

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

3. A copy of this LOA and the approved interaction and avoidance plans listed above must be posted and available for all personnel and in the possession of the operators of all vessels and aircraft engaging in the activities approved under the authority of this LOA.

4. Intentional take is prohibited under this LOA.

5. This authorization is valid only for those activities identified in the request for a Letter of Authorization dated October 31, 2012.

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6. At the discretion of the U.S. Fish and Wildlife Service (Service), Exxon 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.

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

   - Exxon 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;

   - Exxon must not conduct activities that operate nor pass within one mile (1.6 km) of known polar bear dens. All observed dens must be reported to the Service, Marine Mammals Management Office (MMM) within 12 hours of discovery. Should occupied dens be identified within one mile of project activities work in the immediate area will cease and the Service, MMM must be contacted for guidance. The Service, MMM 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. Exxon must comply with any additional measures specified;

   - If any changes develop in the project during the period approved under this LOA, such as activities, location or methods, Exxon must notify the Service, MMM prior to the implementation of such changes;

   - Designate a qualified individual or individuals to observe, record, and report the sightings of polar bears;

   - Exxon will report sightings of polar bears or polar bear signs (using the polar bear observation form) through the duration of the project within 24 hours of initial observation by FAX at (907) 786-3816 or email at craig_perham@fws.gov;

   - Exxon must submit an annual monitoring report to the Service, MMM as required under 50 CFR § 18.128, which will be received no later than 90 days after the expiration date of the LOA.

8. The Service has completed intra-Service consultation under the Endangered Species Act of 1973, as amended (ESA), on the issuance of this LOA and has determined that the issuance this LOA is not likely to jeopardize the continuing existence of polar bears and is not likely to destroy or adversely modify polar bear critical habitat. Issuance of this LOA also completes ESA requirements for authorization of incidental take of the polar bear. Compliance with the terms and conditions of this LOA insures that the LOA holder is also in compliance with the ESA. No additional authorization under the ESA is required.

9. 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

DEC 12 2012

Date

United States Department of the Interior

FISH AND WILDLIFE SERVICE
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U.S. Fish and Wildlife Service

AUTHORIZATION TO TAKE, BY HARASSMENT, POLAR BEARS
12-INT-17

ISSUED: February 1, 2013
EXPIRES: February 1, 2014

Under sections 101(a)4(A), 109(h) and 112(c) of the Marine Mammal Protection Act of 1972 (MMPA), as amended, ExxonMobil Production Company (Exxon) is hereby authorized to take small numbers of polar bears and Pacific walrus incidental to activities associated with the 2012-2013 Point Thompson Project (Project). The authorized activities are described Exxon's Letter of Authorization (LOA) request, dated October 31, 2012.

This LOA and the required conditions below apply to Exxon employees and contractors performing Exxon-approved work under the scope of operations identified in the Point Thomson Program Plan of Operations.

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:

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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 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:

- Prevent bears from associating food with humans and facilities.
- "Condition" bears to avoid people (avoidance conditioning).
- Allow bears to use travel routes (natural and man-made) to move along the coast.
- Prevent bears from extended use of areas around facilities.
- Prevent bears from entering the developed parts of the oilfield.

This LOA is subject to the following conditions:

1. The Exxon polar bear interaction plan entitled, *Polar Bear and Wildlife Interaction Plan, North Slope, Alaska* (31 October 2012), 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.

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

3. This LOA is restricted to non-lethal harassment or deterrent activities.

4. This LOA is issued specifically to Exxon 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.

5. Exxon 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.

6. Exxon, or its designated agent, is responsible for documenting and reporting to the U.S. Fish and Wildlife Service (Service), Marine Mammals Management Office (MMM), at (907) 786-3800, all instances involving harassment activities as soon as possible and no later than 24 hours after the occurrence.

7. Activities will not operate nor pass within one mile (1.6 km) of known polar bear dens. 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 the Service, MMM 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. Exxon must comply with any additional measures specified.

8. Basic polar bear monitoring and reporting requirements; Exxon shall:

   - Cooperate with the Service to monitor the impacts of project activities on polar bears;
   - Designate a qualified individual or individuals to observe, record and report the sightings of polar bears;
   - Report sightings of polar bears or polar bear signs (using the polar bear observation form) through the duration of the project within 24 hours of initial observation by FAX at (907) 786-3816 or email at craig_perham@fws.gov;
   - Submit a final report to the Service, MMM within 60 days after the expiration of this authorization.

9. Harassment, or "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, such as, cracker shells, bean bags, rubber bullets, and screamers.

10. 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);
    - Ensure communication with all personnel.

11. 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);
    - Move bear in proper direction; continue with minimally necessary deterrents to receive desired result.

12. 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;
- Fill out report to be sent to the Service as required above (within 24 hours).

13. 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.

14. Any lethal take or injury of a polar bear must be reported to the Service immediately.

15. 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

DEC 12 2012

Date