United States Department of the Interior

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

IN REPLY REFER TO:

AFES/MMM

MAR 18 2013

Mr. Mike Brock
Environmental Team Lead
BP Exploration (Alaska) Inc.
900 East Benson Boulevard
P.O. Box 196612
Anchorage, Alaska 99519-6612

Dear Mr. Brock:

We have reviewed your request dated February 6, 2013, seeking a Letter of Authorization (LOA) for the incidental take of polar bears during activities associated with the BP Exploration (Alaska) Inc. (BPXA) 2013 Geotechnical Investigation Work Plan in Foggy Island Bay, Alaska.

In response, enclosed is an LOA (13-07) that authorizes BPXA to take small numbers of polar bears incidental to oil and gas industry activities associated with this project at the locations identified in your LOA request. Under sections 101 (a)(4)(A), 109(h), and 112(c) of the Marine Mammal Protection Act of 1972, as amended (MMPA), BPXA is authorized to take polar bears. Deterrence for this project is covered under an existing Intentional Take Authorization (13-INT-02).

Golder Associates, Inc. (Golder) will be the primary contractor performing the project which is expected to take approximately four weeks to complete. Approximately 40 boreholes will be drilled, at depths between 75 to 100 feet (approximately 23 to 30.5 meters), to investigate permafrost suitability for a potential drill island and pipeline construction on the sea bottom in Foggy Island Bay.

BPXA's *Polar Bear and Walrus Interaction Plan for BPXA Areas of Operation Document Number: UPS-US-AK-ALL-ALL-HSE-DOC-00495-2,* Revision Date: September 11, 2012, contains appropriate safeguards to limit human/bear interactions and is incorporated by reference. Full implementation of this plan is expected. If questions or concerns arise regarding polar bears during the project period, U.S. Fish and Wildlife Service (Service), Marine Mammals Management Office (MMM) biologists are available for consultation at the phone numbers listed below and noted in your Interaction Plan.

BPXA camps and personnel can limit encounters with polar bears by being observant of approaching animals (i.e., the use of polar bear guards) and breaking off interactions, if practicable, by allowing the animals to continue their travel. If a polar bear interaction escalates

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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 for self-defense or to save the life of a person in immediate danger, and such taking is reported to the Service, MMM within 24 hours.

Further, 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 as it was designated at that time. 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,

Deborah Pierce Williams
Chief, Marine Mammals Management

Enclosure

cc: Mr. Richard Shideler, Alaska Department of Fish and Game (email)
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
(13-07)

ISSUED: March 18, 2013
EXPIRES: July 31, 2013

BP Exploration (Alaska), Inc. (BPXA) is hereby authorized to take small numbers of polar bears and Pacific walrus incidental to activities occurring during the 2013 Geotechnical Investigation in Foggy Island Bay, Alaska. These activities are discussed in detail in the *Request for Letter of Authorization for the Incidental Take of Polar Bears and the Pacific Walrus;* and *Request to Take by Harassment (Deterrent Activities) while conducting activities in Foggy Island Bay, Alaska (February 6, 2013).*

Golder Associates, Inc. (Golder) will be the primary contractor performing the project which is expected to take approximately four weeks to complete. Approximately 40 boreholes will be drilled, at depths between 75 to 100 feet (approximately 23 to 30.5 meters), to investigate permafrost suitability for a potential drill island and pipeline construction on the sea bottom in Foggy Island Bay.

This Letter of Authorization (LOA) and the required conditions below include contractors of BPXA performing BPXA-approved work under the scope of operations to be conducted. The LOA is subject to the following conditions:

1. The Polar Bear Interaction Plan (*Polar Bear and Walrus Interaction Plan for BPXA Areas of Operation Document Number: UPS-US-AK-ALL-ALL-HSE-DOC-00495-2*), Revision Date: September 11, 2012, is approved and all provisions must be complied with unless specifically noted otherwise in this LOA. A copy of the Polar Bear Interaction Plan must be available on site for all personnel.

2. BPXA Operations Managers, or their designees, must be fully aware, understand, and be capable of implementing the conditions of this LOA.

3. Intentional take is prohibited under this LOA.

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4. This authorization is valid only for those activities identified in the *Request for a Letter of Authorization* dated February 6, 2013.

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:

    - BPXA 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.

    - BPXA 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's Marine Mammals Management Office (MMM) within 12 hours of discovery. Should occupied dens be identified within one mile of activities, BPXA will cease work within the immediate area and will contact the MMM for guidance. The 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, and BPXA must comply with any additional measures specified.

    - BPXA will provide copies of the polar bear observation form to all BPXA contractors operating under the LOA.

    - BPXA must designate a qualified individual or individuals to report any polar bear sightings, or signs of polar bears, such as tracks, scat, or diggings, to the MMM by phone or by emailing the polar bear observation form within 24 hours of visual observation.

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

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

Further, 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 as it was designated at that time. No additional authorization under the ESA is required.

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.

MAR 18 2013

Chief, Marine Mammals Management

Date