United States Department of the Interior

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

IN REPLY REFER TO:

AFES/MMM

APR 17 2013

Mr. John DeHart
Project Manager
Olgoonik Development, LLC
3201 C Street, Suite 700
Anchorage, Alaska 99503

Dear Mr. DeHart:

We have received your request dated March 10, 2013, requesting Letters of Authorization (LOAs) for the incidental take of polar bears and Pacific walruses and the intentional take (deterrence activities) of polar bears during activities for the Camp Lonely Site Cleanup Project (project) on the Beaufort Sea coast, Alaska.

In response, enclosed is an LOA (13-08) that authorizes Olgoonik Specialty Contractors, LLC (OSC) to take small numbers of polar bears and walruses incidental to activities for this project at the locations identified in your LOA request. In addition, an Intentional Harassment LOA (13-INT-10), as authorized under sections 101(a)(4)(A), 109(h), and 112(c) of the Marine Mammal Protection Act (MMPA), is also enclosed.

The U.S. Fish & Wildlife Service (Service), Marine Mammals Management Office (MMM) understands that Olgoonik Development, LLC will use a subsidiary, OSC, as the primary construction contractor on the project. The OSC will be responsible for camp operation, transportation, heavy equipment and excavation services, barge transport, and site safety. Cleanup activities will be managed by Husky Oil Operations (Husky), a Canadian corporation, on behalf of numerous potentially responsible parties. SLR International Corporation will serve as Husky's technical and environmental representatives, while designated bear guards at the site will be OSC employees.

As described in your request, environmental cleanup will be conducted at Camp Lonely to remove two old landfills and historical areas of petroleum-contaminated gravel. Solid waste and contaminated soil will be excavated and segregated for treatment or offsite disposal. Petroleum-contaminated soil will be treated on the existing gravel pad using land-farming (tilling) techniques. Landfill debris will be barged to Prudhoe Bay for disposal. The cleanup project is planned to take place with an initial overland mobilization in early April 2013 and over the course of two summers (June-September), in 2013 and 2014. Activities for the project include: winter overland transport of camps and equipment; marine barging and loading; temporary camp

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operations, including staging and storage of equipment and materials; flight operations; heavy equipment and vehicle use; and, soil excavation and treatment.

A detailed description of the proposed activities and timelines may be found in Husky's *Wildlife Interaction and Avoidance Plan, Camp Lonely Site Cleanup (February 2013)* and *Subsistence Plan of Cooperation, Camp Lonely Site Cleanup (March 2013)*. If any project changes develop during the 2013 season please notify the Service, MMM. This will allow us to evaluate the activity and, if appropriate, amend your LOAs.

The Service believes that protection measures for polar bears described in Husky's *Wildlife Interaction and Avoidance Plan, Camp Lonely Site Cleanup (February 2013)* and *Subsistence Plan of Cooperation, Camp Lonely Site Cleanup (March 2013),* contain appropriate safeguards to limit human/animal interactions and are hereby incorporated into the terms of the LOAs by reference. The OSC field camps and personnel can limit encounters of 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. The Service expects the OSC and all parties affiliated with this project to implement the terms of this LOA and these plans. Service biologists are available for consultation if questions or concerns arise during the project period at the phone numbers listed below and noted in your interaction plan.

The OSC must use caution when operating near areas that provide suitable denning habitat for polar bears during the maternal denning period (late October to mid April). Disturbance during denning could lead to abandonment of dens and possible mortality to cubs. The U.S. Geological Survey has posted information regarding polar bear denning habitat including the polar bear den habitat GIS coverage on the Alaska Science Center (ASC) website. 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*). Use these resources when planning activities in potential denning areas and contact us immediately if any dens are found during your activities.

As stated earlier, enclosed is an Intentional Harassment LOA (13-INT-10) for OSC and its representatives to take polar bears by harassment (deterrence 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 OSC employees who are responsible for ensuring that trained and qualified personnel are assigned the task to harass (deterrence activities) polar bears. It is the responsibility of OSC personnel to report all polar bear harassment events to our MMM office within 24 hours.

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 for 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.

The Service has completed intra-Service consultation and conference under the Endangered Species Act of 1973, as amended (ESA), on the issuance of these LOAs and has determined that issuance is not likely to jeopardize the continuing existence of polar bears and Pacific walruses and is not likely to destroy or adversely modify polar bear critical habitat, as it was designated at that time. Therefore, 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

Enclosures

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

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
(13-08)

ISSUED: April 17, 2013
EXPIRES: October 1, 2013

Olgoonik Specialty Contractors, LLC (OSC) is hereby authorized to take small numbers of polar bears incidental to activities occurring during the 2013 Camp Lonely Site Cleanup Project (Project) on the Beaufort Sea coast, Alaska.

This authorization and the required conditions below include all personnel and contractors affiliated with the Project performing work under the scope of operations to be conducted. This Letter of Authorization (LOA) is subject to the following conditions:

1. Intentional take is prohibited under this LOA.

2. The Husky Oil Operations *Wildlife Interaction and Avoidance Plan, Camp Lonely Site Cleanup (February 2013)* and *Subsistence Plan of Cooperation, Camp Lonely Site Cleanup (March 2013),* is approved and all provisions must be complied with unless specifically noted otherwise in this LOA. A copy of these plans must be available on site for all personnel.

3. The OSC Operations Managers, or designates, must be fully aware of, understand, and be capable of implementing the conditions of this LOA.

4. This authorization is valid only for those activities identified in the request for a LOA dated March 10, 2013, for the 2013 Camp Lonely Site Cleanup Project on the Beaufort Sea coast, Alaska.

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:

   - OSC 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.

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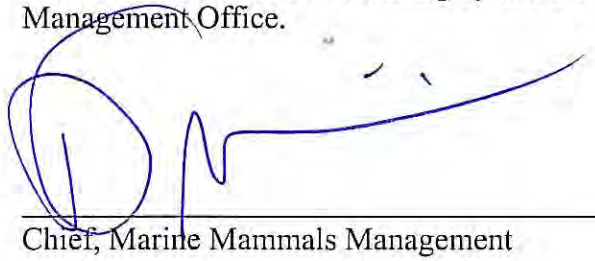
- OSC must not conduct activities that operate nor pass within one mile (approximately 1600 meters) of known polar bear dens, and all observed dens must be reported to the Service, Marine Mammals Management Office (MMM), upon discovery. Should occupied dens be identified within one mile of activities, 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 OSC must comply with any additional measures specified.

- OSC 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.

- OSC 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.

- OSC must submit a final monitoring report as required under 18 CFR 18.128(f), which must be received by the Service, MMM no later than 90 days after the expiration date of this LOA.

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.



APR 17 2013

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 (13-INT-10)

ISSUED: April 17, 2013
EXPIRES: October 1, 2013

Under sections 101(a)(4)(A), 109(h) and 112(c) of the Marine Mammal Protection Act of 1972, as amended, Olgoonik Specialty Contractors, LLC (OSC) is authorized to take, by harassment (deterrence activities), polar bears during activities for the 2013 Camp Lonely Site Cleanup Project (Project) on the Beaufort Sea coast, Alaska.

The purpose of authorizing taking by harassment (deterrence activities) 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. For this reason, this authorization is guided 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 human-made) to move along the coast.
- Prevent bears from extended use of areas around facilities.
- Prevent bears from entering the developed parts of the oil field.

This harassment Letter of Authorization (LOA) is subject to the following conditions:

1. The Husky Oil Operations *Wildlife Interaction and Avoidance Plan, Camp Lonely Site Cleanup (February 2013)* and *Subsistence Plan of Cooperation, Camp Lonely Site Cleanup (March 2013),* is approved and all provisions must be complied with unless specifically noted otherwise in this LOA. A copy of these plans must be available on site for all personnel.

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

3. This LOA is restricted to harassment activities and is valid only for those activities identified in the request for a Letter of Authorization dated March 10, 2013, for the 2013 Camp Lonely Site Cleanup Project on the Beaufort Sea coast, Alaska.

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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, 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 OSC who is responsible for ensuring **trained and qualified** personnel are assigned the task to harass (deterrence activities) polar bears. A list of trained personnel responsible for deterrence activities will be on file with the Service Incidental Take Coordinator prior to initiation of Project activities.

6. The OSC is solely responsible for ensuring that personnel operating under this authorization meet all Federal and State of Alaska laws and regulations regarding the use and carry of firearms should firearms be used for deterrence activities.

7. The OSC will not conduct activities that 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 OSC will contact the Service 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. OSC must comply with any additional measures specified. Polar bear den detection surveys may be required prior to OSC beginning operations.

8. A final report of all encounters and harassment events must be submitted to the Service, MMM no later than 60 days from the expiration date of this LOA.

9. Harassment techniques must not cause the injury or death of a bear. Types of deterrence techniques may include, but are not limited to:

    - Bear Guards or Bear Monitors.
    - Air horns.
    - Electric fences.
    - Chemical repellents.
    - Acoustic recordings.
    - Vehicles.
    - Cracker shells or bean bag rounds.

10. 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.

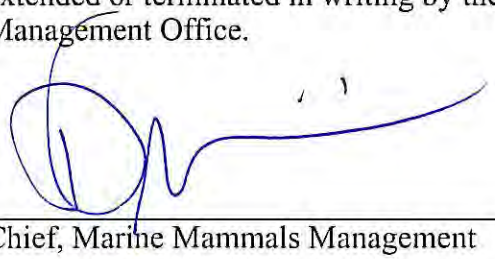
11. When conducting a harassment activity, operators must:

- Choose 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.

12. After a harassment event has occurred, operators must:

- Monitor bear's 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 under condition number 4, above, (within 24 hours).

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.



APR 17 2013

Chief, Marine Mammals Management

Date