United States Department of the Interior

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

IN REPLY REFER TO:

AFES/MMM

JUN 19 2013

Ms. Sheyna Wisdom
Operations Manager
Olgoonik Fairweather, LLC
3201 C Street, Suite 700
Anchorage, Alaska 99503

Dear Ms. Wisdom:

We have received your request dated May 20, 2013, for a Letter of Authorization (LOA) for the incidental take of polar bears and Pacific walruses in association with the Olgoonik Fairweather, LLC (OLF) 2013 Marine Fish Transboundary Cruise in the Beaufort Sea.

In response, enclosed is LOA 13-10 that will allow OLF to take small numbers of polar bears and Pacific walruses incidental to activities at the location identified in your LOA request. The proposed time period for this project is mid August 2013 for 21 days, depending on weather conditions. All provisions contained within OLF's *Polar Bear/Personnel Interaction Plan, 2013 Environmental Studies Program, Olgoonik Fairweather, LLC* and *Pacific Walrus Interaction Plan, 2013 Environmental Studies Program, Olgoonik Fairweather, LLC* are incorporated by reference into this LOA.

This LOA requires OLF to provide observational data of polar bears and Pacific walruses throughout the project and a complete report of all observations at the conclusion of the project to document take. The final report will be provided to the U.S. Fish and Wildlife Service (Service), Marine Mammals Management Office (MMM) no later than 90 days after the completion of the project. The final report meets the tracking and reporting requirements relative to the documentation of take as required by the Marine Mammals Protection Act (MMPA) and the Endangered Species Act.

Polar bear and Pacific walrus conservation has benefited from monitoring programs associated with the Incidental Take program since 1993. Monitoring serves to assess the effect of industrial activities on polar bears by evaluating bear encounter rates, take frequency, as well as the location and timing of encounters. If questions or concerns arise during the project period, MMM biologists are available for consultation at the phone numbers listed below and noted in your Interaction Plan.

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If any changes develop in your project, such as activities or location, the MMM must be notified prior to the planned operation. This will allow us to evaluate the activity and, if appropriate, amend the LOA.

The Service has completed intra-Service consultation and conference under the Endangered Species Act of 1973, as amended (ESA), on the issuance of this LOA and has determined that issuance is not likely to jeopardize the continuing existence of polar bears and Pacific walruses. 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,

Acting 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
(13-10)

ISSUED: August 1, 2013
EXPIRES: October 31, 2013

Olgoonik Fairweather, LLC (OLF) is hereby authorized to take small numbers of polar bears and Pacific walruses (walruses) incidental to activities occurring during OLF's 2013 Marine Fish Transboundary Cruise survey program. Olgoonik Fairweather, LLC proposes to conduct a transboundary (U.S. and Canadian waters) marine fish survey in the eastern part of the Beaufort Sea Outer Continental Shelf Planning Area. The objective of the cruise is to collect quantitative data to assess abundance and distribution of marine fishes and invertebrates that occupy the Alaskan Beaufort Sea during the open-water season. A detailed description of proposed activities is provided in the OLF *2013 Beaufort Transboundary Cruise Study Plan (2013TB-US)*. The *R/V Norseman II* will depart from Oliktok Point or West Dock, Prudhoe Bay, Alaska on or about August 10, 2013, depending upon weather, and will be used to deploy a variety of gear to sample fishes and invertebrates for a proposed 21-day cruise.

This U.S. Fish & Wildlife Service (Service) Letter of Authorization (LOA) and the required conditions below apply to all employees, contractors, and personnel performing OLF approved work under the scope of operations to be conducted. This authorization stipulates the following conditions:

1. Intentional take of polar bears and walruses is prohibited under this LOA.

2. The OLF *Polar Bear/Personnel Interaction Plan, 2013 Environmental Studies Program, Olgoonik Fairweather, LLC* and *Pacific Walrus Interaction Plan, 2013 Environmental Studies Program, Olgoonik Fairweather, LLC* are approved and all provisions must be complied with unless specifically noted otherwise in 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.

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4. OLF operations managers, or designates, must be fully aware, understand and be capable of implementing the conditions of this LOA.

5. This authorization is valid only for those activities and locations identified in the request for a Letter of Authorization dated May 20, 2013, and described in the OLF *2013 Beaufort Transboundary Cruise Study Plan (2013TB-US).*

6. Polar bear and walrus monitoring, reporting, and survey activities must be conducted in accordance with 50 CFR Section 18.128 and must comply with the following monitoring, mitigation, and reporting requirements:

    a. OLF 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 and walruses.

    b. If any changes develop in the project during the period approved under this LOA, such as activities, location or methods, notify the Service, Marine Mammals Management Office (MMM) prior to the implementation of such changes.

    c. Avoid concentrations or groups of walruses and individuals or groups of polar bears hauled out onto land or ice by all vessels under the management of OLF. Operators of vessels should, at all times, conduct their activities at the maximum distance possible from known or observed concentrations of marine mammals. Under no circumstances, other than an emergency, should vessels operate within 800 meters (m) (½ mile [mi]) of walruses or polar bears observed on land or ice.

    d. Take every precaution to avoid encroachment upon or harassment of walruses or polar bears in water when a vessel is operated near these animals. Maintain an 800 m (½ mi) distance, when practicable. Vessels must reduce speed and steer around walruses or polar bears observed in water when able to do so. Vessels may not be operated in such a way as to separate members of a group of walruses or polar bears from other members of the group. Vessels will avoid multiple changes in direction and speed when walruses or polar bears are present.

    e. Restricting or affecting walrus or polar bear movements, by any means, in sea, on land or on ice, is prohibited. Separation distances will be enforced until animals have left the area of their own volition.

    f. OLF must designate a qualified individual or individuals as Marine Mammal Observers (MMO) to observe, record, and report the effects of project activities on polar bears and walruses to the Service, MMM within 24 hours of visual observation.

    g. For each walrus or polar bear sighting, an MMO or designated crew member will record at least the following:

i. a unique sighting identification number;
ii. LOA number, company name and vessel name;
iii. MMO's name and contact information (phone, email, etc.);
iv. time, location (with latitude, longitude, and datum), heading, speed, activity and identity of the observation vessel;
v. action taken by vessel operator in response to sighting (describe);
vi. for all other vessels visible within five kilometers (km) (approximately three mi) of the observation vessel, when polar bears or walruses are sighted, record the, identification, bearing, distance, heading, speed and activity of the other vessel(s);
vii. species (polar bear or walrus);
viii. group size (approximate number of individuals);
ix. age/size/sex categories (if determinable);
x. behavior or activity of animals sighted (describe);
xi. reaction of animal(s) to any vessel(s) (describe);
xii. substrate (water, ice and/or land);
xiii. heading (if determinable), bearing and distance from vessel of animal(s);
xiv. sighting cue (what caught MMOs attention);
xv. environmental conditions including:
    - weather;
    - air temperature;
    - visibility, provide: 1) distance (km, mi, or nautical miles [nm]), 2) light/dark/twilight and 3) glare (none, little, moderate, severe);
    - water depth (meters, feet, or fathoms);
    - sea state (Beaufort scale);
    - ice condition, provide: 1) estimated percent of ice cover in vicinity of sighting (10% increments), 2) estimated distance to pack ice (km, mi, or nm);
xvi. estimated range (m, km, mi, or nm) at first sighting, estimated range (m, km, mi, or nm) at closest approach;
xvii. MMO comments or notes.

7. Any incidental lethal take or injury of a polar bears or walruses must be reported to the Service immediately.

8. All evidence of polar bears and walruses, such as tracks, carcasses, dens or haul out sites, if applicable, will also be reported.

9. At the discretion of the Service, OLF 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.

10. OLF must submit an annual monitoring report to the Service, MMM as required under 50 CFR 18.128(f), a draft of which will be received by the MMM no later than 90 days after completion of the project. The draft report will be subject to review and comment by the Service. Any recommendations made by the Service must be addressed in the

final report prior to acceptance by the Service. The draft report will be considered the final report for this activity under this LOA if the Service has not provided comments and recommendations within 90 days of receipt of the report. The report will describe in detail:

a. The operations that were conducted;

b. The methods, results, and interpretation pertaining to all monitoring tasks;

c. The results of the 2013 shipboard marine mammal monitoring;

d. Marine mammal sightings (species, numbers, dates, times and locations, age/size/gender, environmental correlates, activities, associated survey activities);

e. Estimates of the amount and type of potential take (exposure) of walruses and polar bears (by species) to project activities;

f. An analysis of the effects of operations (e.g., on sighting rates, sighting distances, behaviors, movement patterns of walruses and polar bears);

g. An analysis of factors influencing detectability of walruses and polar bears during project operations;

h. Summaries of communications with hunters and potential effects on subsistence uses.

Activities related to the monitoring described in this LOA do not require a separate scientific research permit issued under Section 104 of the Marine Mammal Protection Act.

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.

Actdy

Chief, Marine Mammals Management

JUN 19 2013

Date