

Questions and Answers for Beaufort Sea Incidental Take Regulations

What is the Final Rule for Incidental Take of Pacific walrus and Polar Bears?

In accordance with the Marine Mammal Protection Act (MMPA) and in response to a petition from the Alaska Oil & Gas Association, we are issuing incidental take regulations (ITR) that authorize the nonlethal, incidental, unintentional take of small numbers of Pacific walrus (*Odobenus rosmarus divergens*) and polar bears (*Ursus maritimus*) during oil and gas industry (Industry) activities in the Beaufort Sea and adjacent northern coast of Alaska. Industry operations include similar types of activities covered by the previous 5-year Beaufort Sea ITR effective from August 3, 2011, through August 3, 2016, and found in title 50 of the Code of Federal Regulations (CFR) in part 18, subpart J. These regulations will be effective for five years from the date of issuance.

What is the basis for our decision?

These regulations are based on our finding that the total takings of Pacific walrus (walrus) and polar bears during Industry activities will impact small numbers of animals, will have a negligible impact on these species, and will not have an unmitigable adverse impact on the availability of these species for subsistence use by Alaska Natives. We base our finding on data from monitoring the encounters and interactions between these species and Industry; research on these species; oil spill risk assessments; potential and documented Industry effects on these species; information regarding the natural history and conservation status of walrus and polar bears; and data reported from Alaska Native subsistence hunters. We have prepared an environmental assessment (EA) in conjunction with this rulemaking, and made the finding of no significant impact for these regulations. Those documents are also available for public information.

How do the regulations protect marine mammals?

The regulations include permissible methods of nonlethal taking; mitigation measures to ensure that oil and gas industry (Industry) activities will have the least practicable adverse impact on the species, their habitat, and the availability of these species for subsistence uses; and requirements for monitoring and reporting.

Has the Service done this before?

Since 1993, Industry operating in the Southern Beaufort Sea and the adjacent northern coast of Alaska has requested, and we have issued, ITRs for the incidental take of walrus and polar bears in specified areas during specified activities. For a detailed history of recent Beaufort Sea ITRs, refer to the *Federal Register* at, 76 FR 47010, August 3, 2011; 71 FR 43926, August 2, 2006; and 68 FR 66744, November 28, 2003.

What is the impact to oil and gas industry activities?

Compliance with the rule is not expected to result in additional costs to Industry that it has not already been subjected to during all previous ITRs for this area. These costs are minimal in comparison to those related to actual oil and gas exploration, development, and production operations.