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INFORMATION



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

1011 E. Tudor Rd.

Anchorage, Alaska 99503-6199

IN REPLY REFER TO:

SEP 26 2006

AFES/MMM

Mr. Glenn Ruckhaus  
ASRC Energy Services Lynx Enterprises, Inc.  
3900 C Street, Suite 601  
Anchorage, Alaska 99503

Dear Mr. Ruckhaus:

This responds to your November 2, 2005, request for a Letter of Authorization (LOA) for the Incidental Take of polar bears and Pacific walrus on behalf of FEX L.P. (FEX). The U.S. Fish and Wildlife Service (Service) authorized intentional take of these species for this project on January 3, 2006. On August 2, 2006, the Service issued regulations in the *Federal Register* for a period of five years that authorize the non-lethal, incidental, and, unintentional take of small numbers of polar bears and Pacific walrus during year-round oil and gas industry exploration, development, and production operations in the Beaufort Sea and adjacent northern coast of Alaska (43926 FR 71). In accordance with these regulations, enclosed is a LOA (06-04) that allows FEX to take small numbers of polar bears and Pacific walrus incidental to activities occurring during the remainder of the 2005-06 exploration season and during the 2006-07 winter exploration program in the Northwest National Petroleum Reserve-Alaska (NW NPR-A). Program activities include overland and air travel, ice road and ice pad construction, and drilling operations. This authorization is valid for up to one year from the date of issuance.

Polar bear 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 trends and effects of bear encounter rates, take frequency, as well as the location and timing of encounters. In addition, the Service believes that monitoring and protection measures for marine mammals described in FEX's Bear Avoidance and Human Encounter/Interaction plan are appropriate. In addition, 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.

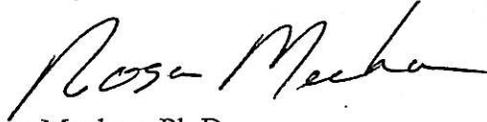
STATE OF NEW YORK  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Mr. Glenn Ruckhaus

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This authorization is issued in accordance with our regulations listed at 71 FR 43926, dated August 2, 2006. Should you have any further questions contact Mr. Craig Perham of our Marine Mammals Management Office at (907) 786-3800 or 786-3810.

Sincerely,



Rosa Meehan, Ph.D.  
Chief, Marine Mammals Management

Enclosure

cc: Mr. Richard Schideler, ADF&G  
Law Enforcement (LE)  
FFWFO

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MMM

ISSUED: September 12, 2006  
EXPIRES: September 12, 2007

LETTER OF AUTHORIZATION  
(06-04)

FEX L.P. (FEX) is hereby authorized to take small numbers of polar bears and Pacific walrus incidental to activities occurring during the remainder of the 2005-06 exploration season and the 2006-07 winter exploration program in NW NPR-A. This also includes contractors of FEX performing FEX-approved work under the scope of operations to be conducted. The scope of operations is limited to the activities that will be conducted during the NW NPR-A program, which includes overland and air travel, ice road and ice pad construction, and drilling operations. Authorization is subject to the following conditions:

1. The polar bear interaction plan is approved and all provisions, unless noted specifically, are incorporated into this Letter of Authorization by reference. A copy of the polar bear interaction plan must be available on site for all personnel.
2. FEX Operations Managers, or their designates, will be fully aware, understand, and capable of implementing the conditions of this authorization.
3. Intentional take is prohibited under this authorization.
4. This authorization is valid only for those activities identified in the request for a Letter of Authorization dated November 2, 2005.
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:
  - cooperate with the Fish and Wildlife Service, and other designated Federal, State, or local agencies to monitor the impacts of oil and gas exploration activities on polar bears;
  - designate a qualified individual or individuals to observe, record, and report the effects of the activity on polar bears;
  - Activities will not operate nor pass within 1 mile of known polar bear dens, and all observed dens will be reported to the Marine Mammals Management Office, Fish and Wildlife Service within 24 hours. The Fish and Wildlife Service will evaluate these instances on a case-by-case basis

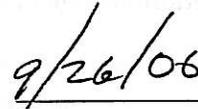
to determine the appropriate action. Potential responses may range from cessation or modification of work to conducting additional monitoring.

- at the discretion of the Fish and Wildlife Service, allow the Fish and Wildlife Service to place an observer on the site to monitor the impacts of the activity on polar bears;
- submit an annual monitoring report to the Marine Mammals Management Office, which will be received by September 30, 2007.

6. This authorization expires September 12, 2007.



Chief, Marine Mammals Management



Date