



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

1011 E. Tudor Rd.

Anchorage, Alaska 99503-6199

IN REPLY REFER TO:

AFES/MMM

**JAN 31 2007**

Mr. Dale Stotts  
Land Chief  
Ukpeagvik Inupiat Corporation (UIC)  
6700 Arctic Spur Road  
Anchorage, Alaska 99503-6199

Dear Mr. Stotts:

This responds to Jeff Hoyt's letter dated January 5, 2007, requesting a Letter of Authorization (LOA) for the incidental and intentional takes of polar bears and Pacific walrus for the Ukpeagvik Inupiat Corporation (UIC). Enclosed is a LOA (07-01) that would allow UIC to take small numbers of polar bears and Pacific walrus incidental to oil and gas industry exploration activities occurring at the Cape Simpson Industrial Port (CSIP) during the remainder of the 2007 calendar year. These activities could potentially include: marine transportation and barging, barge off-loading, fixed and temporary camp operations, equipment and materials staging and storage, flight operations, equipment use, construction and maintenance, ice road construction, exploration site support. This authorization is issued in accordance with our regulations listed at 71 FR 43926, dated August 2, 2006.

On January 13, 2007, as a stipulation to this LOA, a FLIR (Forward Looking Infrared) survey was conducted along the proposed ice road routes of the gravel haul northwest of Cape Simpson to identify any potential polar bear dens within the project areas (see enclosed map). The FLIR survey investigated den habitat within a one-mile envelope along the coastline to the primary gravel source. This survey was a cooperative effort between the UIC, CPAI and the U.S. Fish and Wildlife Service (Service). No polar bear dens were identified during this survey within the defined survey area around the Cape Simpson site.

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 agrees that monitoring and protection measures for marine mammals described in UIC'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.

Mr. Dale Stotts

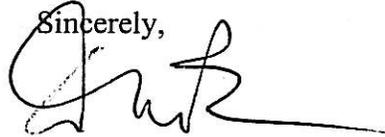
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Further, this letter includes a harassment authorization (enclosed), for UIC and its representatives to take polar bears by harassment (deterrent activities) for the protection of both human life and polar bears while conducting activities in polar bear habitat for all 2007 Cape Simpson activities. This authorization is issued specifically to UIC employees who are responsible for ensuring that trained and qualified personnel are assigned the task to harass (deter) polar bears. It is the responsibility of UIC personnel to report all polar bear harassment events to our Marine Mammals Management Office within 24 hours. This authorization is effective for the period, date of issuance to December 31, 2007. Intentional take is authorized under sections 101 (a)(4)(A), 109(h), and 112(c) of the Marine Mammal Protection Act (MMPA).

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 in self-defense or to save the life of a person in immediate danger, and such taking is reported to the U.S. Fish and Wildlife Service, Marine Mammals Management Office within 24 hours.

Please review these regulations. 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 Shideler, ADF&G  
Mr. Dave Yokel, BLM  
Law Enforcement (LE)  
FWFO

MMM

ISSUED: January 17, 200~~7~~<sup>7</sup>  
EXPIRES: December 31, 2007

## LETTER OF AUTHORIZATION (07-01)

Ukpeagvik Inupiat Corporation (UIC) is hereby authorized to take small numbers of polar bears incidental to activities occurring at the Cape Simpson Industrial Port (CSIP) during the 2007 calendar year. These activities could potentially include: marine transportation and barging, barge off-loading, fixed and temporary camp operations, equipment and materials staging and storage, flight operations, equipment use, construction and maintenance, ice road construction, exploration site support.

The Letter of Authorization (LOA) is valid from the date of issuance to December 31, 2007. This authorization and the required conditions below include contractors of UIC performing UIC-approved work under the scope of operations to be conducted. Authorization is subject to the following conditions:

1. The "North Slope Operations Bear and Pacific Walrus Avoidance and Human Encounter/Interaction Plan," dated November 2005, is approved and all provisions are incorporated by reference as conditions of this authorization and must be complied with unless specifically noted otherwise in this LOA. A copy of this polar bear interaction plan must be available on site for all personnel.
2. The UIC Operations Managers, or their designates, must 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 January 5, 2007 and.
5. Polar bear monitoring, reporting, and survey activities must be conducted in accordance with 50 CFR section 18.128. In addition, UIC must comply with the following monitoring, mitigation, and reporting requirements:

- UIC 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;
- UIC must not conduct activities that operate nor pass within 1 mile of known polar bear dens, and all observed dens must be reported to the Marine Mammals Management Office, Fish and Wildlife Service immediately. Should occupied dens be identified within one mile of activities, work in 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 UIC must comply with any additional measures specified.
- UIC 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.
- Every polar bear observed will be recorded on a Polar Bear Observation Form. Information within the observation report will include, but is not limited to:
  1. Date
  2. Time
  3. Observer name
  4. Contact number/email
  5. Location, with latitude, longitude, and datum, if applicable
  6. Weather conditions at time of observation
  7. Temperature
  8. Visibility
  9. Number of bears: sex and age
  10. Estimated closest point of bears from personnel and facilities
  11. Possible attractants present
  12. Bear behavior
  13. A description of the encounter
  14. Duration of the encounter
  15. Type of Deterrents used and distance from bear when used
  16. Agency/Contacts
- Evidence of polar bears, such as tracks, carcass, or dens, will also be reported;
- at the discretion of the Service, UIC must allow the Fish and Wildlife Service to place an observer on the site to monitor the impacts of the activity on polar bears;

- UIC must submit an annual monitoring report to the Marine Mammals Management Office as required under 18 CFR 18.128(f), which will be received by August 31, 2007.

6. This authorization expires December 31, 2007.



Chief, Marine Mammals Management

1/31/07

Date

AFES/MMM

## **U.S. Fish and Wildlife Service**

### **AUTHORIZATION TO TAKE, BY HARASSMENT, POLAR BEARS**

ISSUED: January 20, 2006 ~~7~~

EXPIRES: December 31, 2007

Under Sections 101 (a)(4)(A), 109(h), and 112(c) of the Marine Mammal Protection Act of 1972, as amended, Ukpeagvik Inupiat Corporation (UIC) is authorized to take, by harassment, polar bears occurring at the Cape Simpson Industrial Port (CSIP) during the 2007 calendar year. These activities could potentially include: marine transportation and barging, barge off-loading, fixed and temporary camp operations, equipment and materials staging and storage, flight operations, equipment use, construction and maintenance, ice road construction, exploration site support.

The purpose of authorizing taking by harassment, or deterrence, 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. This is accomplished by the following objectives:

1. Prevent bears from associating food with humans and facilities
2. "Train" bears to avoid people
3. Allow bears to use travel routes (natural and man-made) to move along the coast
4. Prevent bears from extended use of areas around facilities
5. Prevent bears from entering the developed parts of the oilfield

Harassment authorization is subject to the following conditions:

1. The polar bear interaction plan ("North Slope Operations Bear and Pacific Walrus Avoidance and Human Encounter/Interaction Plan," dated November 2005) 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. UIC Operations Managers, or their designates, must be fully aware, understand, and capable of implementing the conditions of this authorization.
3. This authorization is restricted to harassment activities.
4. Authorized individuals are responsible for documenting and reporting to the U.S. Fish and Wildlife Service, Marine Mammals Management Office, (907) 786-3800, all instances involving harassment activities as soon as possible and not later than 24 hours after the occurrence.
5. 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 immediately. Should occupied dens be identified within one mile of activities, work in the immediate area will cease and Service will be contacted 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.
6. A final report of all encounters and hazing events must be submitted to the U.S. Fish and Wildlife Service, Marine Mammals Management Office within 60 days from the expiration date of this authorization.
7. Hazing techniques must not cause the injury or death of a bear. Types of hazing techniques may include, but are not limited to:
  - Bear Monitors
  - Air horns
  - Electric fences
  - Chemical repellents
  - Acoustic recordings
  - Vehicles
  - Projectiles: cracker shells, bean bags, rubber bullets, screamers, etc.
8. Prior to conducting a harassment activity, operators must:
  - Reduce/eliminate attractants
  - Secure site; notify supervisor; move personnel to safety
  - Ensure bear has escape route(s)
  - Ensure communication with all personnel
9. When conducting a harassment activity, operators must:
  - Chose 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

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

- Monitor bear movement (to ensure no return)
- Notify supervisor and personnel to resume work
- Fill out report to be sent to the Service as required under condition 4 (within 24 hours)
- Every polar bear deterred will be recorded on a Polar Bear Observation Form. Information within the observation report will include, but is not limited to:

- a. Date
- b. Time
- c. Observer name
- d. Contact number/email
- e. Location, with latitude, longitude, and datum, if applicable
- f. Weather conditions at time of observation
- g. Temperature
- h. Visibility
- i. Number of bears: sex and age
- j. Estimated closest point of bears from personnel and facilities
- k. Possible attractants present
- l. Bear behavior
- m. A description of the encounter
- n. Duration of the encounter
- o. Type of Deterrents used and distance from bear when used  
Agency/Contacts

11. This 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.

Signed: 

Date: 1/31/07

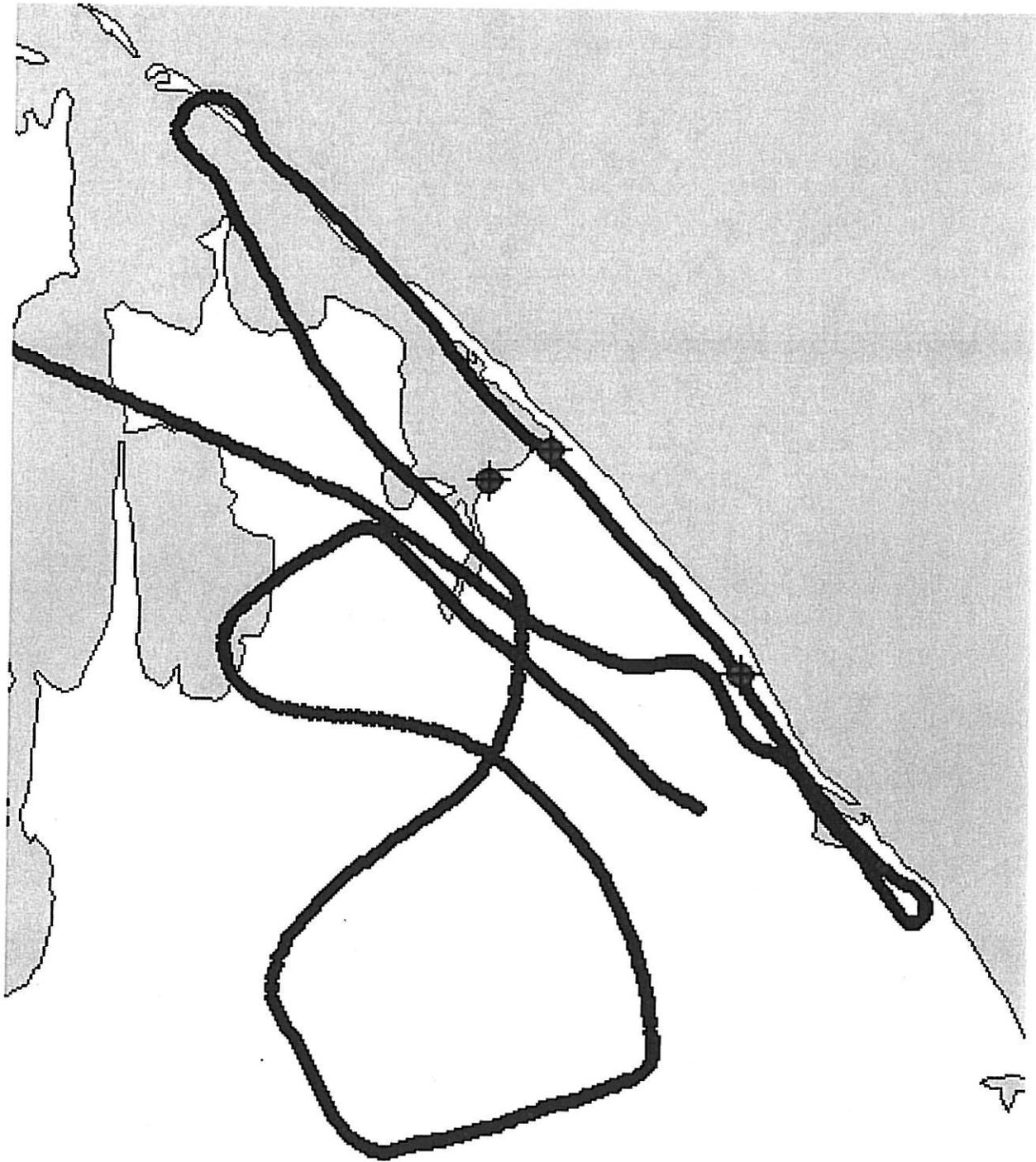


Figure 1. Flight path of the FLIR survey conducted near Cape Simpson Industrial Port January 13, 2007.