



IN REPLY REFER TO:

United States Department of the Interior

FISH AND WILDLIFE SERVICE

1011 E. Tudor Road
Anchorage, Alaska 99503-6199



12 JAN 2012

AFES/MMM

Mr. Mike Brock
Environmental Team Leader
BP Exploration (Alaska) Inc.
900 East Benson Boulevard
P.O. Box 196612
Anchorage, Alaska 99519-6612

Dear Mr. Brock:

Thank you for your requests for Letters of Authorization (LOA) from the U.S. Fish and Wildlife Service (Service) for the incidental takes of polar bears and Pacific walrus and the intentional take of polar bears in regards to BP Exploration (Alaska), Inc. (BPXA) activities associated with oil and gas exploration, development, and production programs on the North Slope of Alaska. These activities include the 2011 - 2012 Liberty Development Project (as per BPXA's request dated September 27, 2011), and the 2011 - 2012 Red Dog #1 Plug and Abandonment Project (as per BPXA's request dated September 27, 2011).

BPXA will continue to conduct development activities in association with the Liberty drilling project. These activities are described in detail in *Attachment 1, 2011 - 2012 Liberty Development Project Description* received on September 27, 2011. In addition, BPXA will plug and abandon the exploratory well at Red Dog #1. BPXA plans to build a spur ice road to the Red Dog #1 Well Site from the Badami facility. An ice pad is planned to be constructed approximately 150 feet (about 46 meters) around the wellhead to stage equipment. No camp is planned to be on location. All work will be dispatched from either Prudhoe Bay or Badami.

Enclosed are LOAs (12-02 and 12-03) granting BPXA authority to take small numbers of polar bears and walrus incidental to the 2011 - 2012 Liberty Development and 2011 - 2012 Red Dog #1 Plug and Abandonment Project activities, respectively. If any changes develop in your projects during the 2011 - 2012 season, such as activities or location, please notify the Service's Marine Mammals Management Office prior to the planned operation. This will allow us to evaluate the activity and, if appropriate, amend your LOAs.

The authority to intentionally deter polar bears has already been granted to BPXA for the 2012 calendar year on December 30, 2011. This slope-wide authorization (12-INT-01) will support any deterrent activities that are necessary for BPXA's projects at Red Dog #1 and Liberty. Please refer to the stipulations in LOA 12-INT-01 for guidance. Likewise, protection measures for polar

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bears described in BPXA's Polar Bear Interaction Plan contain appropriate safeguards to limit human/animal interactions. The BPXA 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. All terms of the BPXA Polar Bear Interaction Plan are incorporated by reference and full implementation is expected. If questions or concerns arise regarding polar bears during the project period, Service biologists are available for consultation at the phone numbers listed below and noted in your interaction plan.

As mentioned in previous LOAs, 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 bear encounter rates, take frequency, as well as the location and timing of encounters. Additionally, through monitoring, the Service seeks to limit disturbance to maternal polar bear den sites, both known dens and those areas that could possibly be preferred by denning polar bears. Use of caution is advised when operating near these areas during the maternal denning period (mid November to mid April). The U.S. Geological Survey has posted information regarding polar bear denning habitat 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) plus associated documents are available for downloading on the ASC website (<http://www.absc.usgs.gov/dataproducts.htm>). Please use these resources when planning activities in potential denning areas and contact us immediately if any dens are found during oil and gas activities.

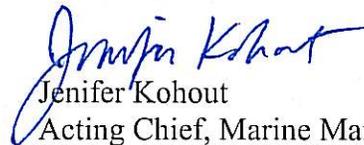
Issuance of this LOA serves as Tier 2 Consultation under the Programmatic Biological Opinion (BO) for the activities described herein and consequently fulfills the requirements of the Endangered Species Act, of 1973 (ESA). In the "Programmatic Biological Opinion for Polar Bears (*Ursus maritimus*) on Beaufort Sea Incidental Take Regulations" (Regulations) (June 2008; Tier 1 BO), the Service determined that the total take anticipated as a result of the issuance of the Regulations was not likely to result in jeopardy to the polar bear. In order for the Tier 2 BO to be consistent with the "no jeopardy" conclusion of the Tier 1 BO and for an ESA Incidental Take Statement (ITS) to be provided: (1) the proposed activity must provide the required information, as described in §18.124 of the Regulations, (2) the LOA must include any mitigation measures that the Marine Mammals Management Office believes appropriate for the specific activity and location, as described in §18.128 of the Regulations, and (3) the Marine Mammals Management Office must determine that the incidental take for the specific activity will be consistent with the negligible impact finding for the total take allowed under the Regulations.

Reasonable and prudent mitigation measures, as well as implementing terms and conditions were included by the Marine Mammals Management Office in the Tier 1 BO and have been incorporated into the LOA process. Issuance of this ITS, with the LOA completes ESA requirements for authorization of incidental take of the polar bear. Compliance with the terms and conditions of this LOA insures that the LOA holder is also in compliance with the ESA.

An additional requirement of this LOA is for BPXA to provide observational data of polar bears throughout the project and a complete report of all observations at the conclusion of the project to document take. This final report must be provided to the Marine Mammals Management Office, which will be received up to 90 days after the expiration date of the LOA. This report meets the tracking and reporting requirements relative to the documentation of take as required by the MMPA and the ESA.

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 have any further questions, please contact Mr. Craig Perham, of the Service's Marine Mammals Management Office, at (907) 786-3800 or 786-3810.

Sincerely,



Jenifer Kohout
Acting Chief, Marine Mammals Management

Enclosure

cc: Mr. Richard Shideler, Alaska Department of Fish and Game
Fairbanks Fish and Wildlife Field Office (FFWFO)
Office of Law Enforcement (OLE)
North Slope Borough Department of Law



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U.S. Fish and Wildlife Service

LETTER OF AUTHORIZATION (12-02)

ISSUED: January 10, 2012
EXPIRES: January 10, 2013

BP Exploration (Alaska), Inc. (BPXA) is hereby authorized to take small numbers of polar bears and Pacific walrus incidental to activities occurring during the 2011-12 Liberty Development Project activities. These activities are discussed in detail in the *Request for Letter of Authorization for the Incidental Take of Polar Bears and the Pacific Walrus*; and *Request to Take by Harassment (Deterrent Activities) Polar Bears*.

This Letter of Authorization (LOA) and the required conditions below include contractors of BPXA performing BPXA-approved work under the scope of operations to be conducted. The LOA is subject to the following conditions:

1. The BPXA *Polar Bear and Walrus Interaction Plan for BPXA Areas of Operation, revision dated September 26, 2011*, is approved and all provisions must be complied with unless specifically noted otherwise in this LOA. A copy of the Polar Bear Interaction Plan must be available on site for all personnel.
2. BPXA Operations Managers, or their designees, must be fully aware, understand, and be capable of implementing the conditions of this LOA.
3. Intentional take is prohibited under this LOA.
4. This authorization is valid only for those activities identified in the *Request for a Letter of Authorization* dated September 27, 2011.
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:



- BPXA 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.
 - BPXA 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's Marine Mammals Management Office within 12 hours of discovery. Should occupied dens be identified within one mile of activities, BPXA will cease work within the immediate area and will contact the Marine Mammals Management Office for guidance. The Marine Mammals Management Office 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 BPXA must comply with any additional measures specified.
 - BPXA will provide copies of the polar bear observation form to all BPXA contractors operating under the LOA.
 - BPXA must designate a qualified individual or individuals to report any polar bear sightings, or signs of polar bears, such as tracks, scat, or diggings, to the Marine Mammals Management Office by phone or by emailing the polar bear observation form within 24 hours of visual observation.
 - BPXA 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.
 - BPXA must submit an annual monitoring report to the Marine Mammals Management Office as required under 18 CFR 18.128(f), which will be received up to 90 days after the expiration date of the LOA.
6. Per the *Programmatic Biological Opinion for Polar Bears (Ursus maritimus)*, *Polar Bear Critical Habitat*, and *Conference Opinion for the Pacific Walrus (Odobenus rosmarus divergens) on Beaufort Sea Incidental Take Regulations (August 2011)*, your request also triggers the second of the two-tiered programmatic process. In order for incidental take of the polar bear to be exempted from the prohibitions of the Endangered Species Act of 1973 (ESA), the LOA also serves as an "Incidental Take Statement" (ITS), required under Section 7 of the ESA. Issuance of the LOA/ITS, fulfills the requirements for Tier 2 Consultation of the Programmatic Biological Opinion for the activities described in this letter.

7. 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.



Acting Chief, Marine Mammals Management

11/12/12
Date



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U.S. Fish and Wildlife Service

LETTER OF AUTHORIZATION (12-03)

ISSUED: January 10, 2012
EXPIRES: January 10, 2013

BP Exploration (Alaska), Inc. (BPXA) is hereby authorized to take small numbers of polar bears and Pacific walrus incidental to activities occurring during the 2011 - 2012 Red Dog #1 Plug and Abandonment Project activities. These activities are discussed in detail in the *Request for Letter of Authorization for the Incidental Take of Polar Bears and the Pacific Walrus; and Request to Take by Harassment (Deterrent Activities) Polar Bears.* ”

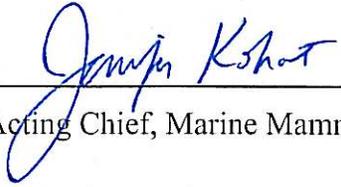
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1. The BPXA *Polar Bear and Walrus Interaction Plan for BPXA Areas of Operation, revision dated September 26, 2011*, is approved and all provisions must be complied with unless specifically noted otherwise in this LOA. A copy of the Polar Bear Interaction Plan must be available on site for all personnel.
2. BPXA Operations Managers, or their designees, must be fully aware, understand, and be capable of implementing the conditions of this LOA.
3. Intentional take is prohibited under this LOA.
4. This authorization is valid only for those activities identified in the *Request for a Letter of Authorization* dated September 27, 2011.
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:

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- BPXA 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.
 - BPXA 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's Marine Mammals Management Office within 12 hours of discovery. Should occupied dens be identified within one mile of activities, BPXA must cease work within the immediate area will contact the Marine Mammals Management Office for guidance. The Marine Mammals Management Office 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 BPXA must comply with any additional measures specified.
 - BPXA will provide copies of the polar bear observation form to all BPXA contractors operating under the LOA.
 - BPXA must designate a qualified individual or individuals to report any polar bear sightings, or signs of polar bears, such as tracks, scat, or diggings, to the Marine Mammals Management Office by phone or by emailing the polar bear observation form within 24 hours of visual observation.
 - BPXA 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.
 - BPXA must submit an annual monitoring report to the Marine Mammals Management Office as required under 18 CFR 18.128(f), which will be received up to 90 days after the expiration date of the LOA.
6. Per the *Programmatic Biological Opinion for Polar Bears (Ursus maritimus), Polar Bear Critical Habitat, and Conference Opinion for the Pacific Walrus (Odobenus rosmarus divergens) on Beaufort Sea Incidental Take Regulations (August 2011)*, your request also triggers the second of the two-tiered programmatic process. In order for incidental take of the polar bear to be exempted from the prohibitions of the Endangered Species Act of 1973 (ESA), the LOA also serves as an "Incidental Take Statement" (ITS), required under Section 7 of the ESA. Issuance of the LOA/ITS, fulfills the requirements for Tier 2 Consultation of the Programmatic Biological Opinion for the activities described in this letter.

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Acting Chief, Marine Mammals Management

1/12/12
Date