



IN REPLY REFER TO:

# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

1011 E. Tudor Road  
Anchorage, Alaska 99503-6199



AFES/MMM

**APR 30 2012**

Mr. Hubert Hopson  
Deputy Director, North Slope Borough  
Department of Capital Improvement Project Management  
P.O. Box 350  
Barrow, Alaska 99723

Dear Mr. Hopson:

Thank you for your request for Letters of Authorization (LOA) dated April 16, 2012, for both the incidental and intentional take of polar bears in association with the North Slope Borough (NSB) Barrow Gas Fields Well Drilling Program (Project). The original request for this Project, dated January 27, 2011, estimated a completion date by mid-April 2012. Your current request, dated April 16, 2012, estimates Project completion by the end of September, 2012.

The NSB originally proposed to drill up to six new gas wells, plug and abandon up to eight depleted wells and install approximately 700 feet (213 meters) of new gathering pipeline and four well houses. New gathering lines and electric transmission lines were to be mounted on vertical support members and well houses mounted on pilings. Two existing depleted gas wells were to be permitted and converted to disposal wells for exempt drilling fluids generated during the Project. The NSB planned to bring a small footprint drill rig and associated equipment to Barrow via commercial barge operations. Drill equipment was to be transported by existing gravel roads or ice roads to locations in the existing Barrow gas fields.

Your current request indicates the drilling phase of the Project is complete and that the drill rig and components have been moved to a staging area until they can be barged back to Prudhoe Bay. Your request further indicates that work crews are now completing the rest of the Project as originally planned but now estimates completion of operations by the end of September 2012.

Enclosed, is LOA 12-11 authorizing the NSB to take small numbers of polar bears incidental to activities associated with the Project as identified in your request, dated April 16, 2012. This authorization is issued in accordance with our regulations listed at 76 FR 47010, dated August 3, 2011. Please review these regulations.

The U.S. Fish & Wildlife Service (Service) has determined that protection measures for polar bears described in NSB's *Polar Bear Interaction and Monitoring Plan, The Barrow Gas Fields Well Drilling Program* contain appropriate safeguards to limit human/animal interactions and are hereby incorporated into the terms of this LOA by reference. The NSB shall implement the



terms of these plans. North Slope Borough field camps and personnel can limit encounters with 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.

Per the *Programmatic Biological Opinion for the Beaufort Sea Incidental Take Regulations for Polar Bear, Pacific Walrus, and Polar Bear Critical Habitat (July 2011)* (Tier 1 BO) issuance of this LOA also completes consultation for polar bears, Pacific walrus, and polar bear critical habitat pursuant to section 7 of the Endangered Species Act (ESA) of 1973, as amended. This LOA also serves as an "Incidental Take Statement" (ITS), which is required by the ESA in order for incidental take to be authorized.

Reasonable and prudent mitigation measures, as well as implementing terms and conditions were included 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 the NSB to provide to the Service 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 report meets the tracking and reporting requirements relative to the documentation of take as required by the Marine Mammal Protection Act (MMPA) and the ESA.

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.

Also enclosed is LOA 12-INT-11 authorizing the NSB and its representatives to take polar bears by harassment (deterrent activities) for the protection of both human life and polar bears while conducting Project activities in polar bear habitat. This authorization is issued specifically to NSB employees or its representatives who are responsible for ensuring that trained and qualified personnel are assigned the task of harassing (deterring) polar bears. It is the responsibility of the NSB to report all polar bear harassment events to the Service within 24 hours. Intentional take is authorized under sections 101 (a)(4)(A), 109(h), and 112(c) of the MMPA.

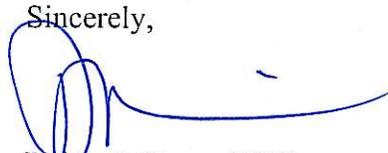
If a polar bear interaction escalates into a life threatening situation, section 101(c) of the MMPA allows, without specific authorization, the take (including lethal take) of a polar bear if such taking is necessary for defense of human life and such taking is reported to the Service within 24 hours.

Mr. Hubert Hopson

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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,



Deborah Pierce Williams  
Chief, Marine Mammals Management

Enclosure

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



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### FISH AND WILDLIFE SERVICE

1011 E. Tudor Road  
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### U.S. Fish and Wildlife Service

## LETTER OF AUTHORIZATION Incidental Take (12-12)

ISSUED: May 1, 2012  
EXPIRES: October 31, 2012

The North Slope Borough (NSB) is hereby authorized to take small numbers of polar bears (*Ursus maritimus*) incidental to activities occurring during the Barrow Gas Fields Well Drilling Program (Project). Detailed descriptions of the authorized activities can be found in the NSB's Polar Bear Interaction and Monitoring Plan, *The Barrow Gas Fields Well Drilling Program*.

The NSB originally proposed to drill up to six new gas wells, plug and abandon up to eight depleted wells and install approximately 700 feet (213 meters) of new gathering pipeline and four well houses. New gathering lines and electric transmission lines were to be mounted on vertical support members and well houses mounted on pilings. Two existing depleted gas wells were to be permitted and converted to disposal wells for exempt drilling fluids generated during the Project. The NSB planned to bring a small footprint drill rig and associated equipment to Barrow via commercial barge operations. Drill equipment was to be transported by existing gravel roads or ice roads to locations in the existing Barrow gas fields.

Your current request, dated April 16, 2012, indicates the drilling phase of the Project is complete and that the drill rig and components have been moved to a staging area until they can be barged back to Prudhoe Bay. Your request further indicates that work crews are now completing the rest of the Project as originally planned but now estimates completion of operations by the end of September 2012.

This authorization is subject to the following conditions:

1. Intentional take of polar bears is prohibited under this authorization.
2. The NSB's Polar Bear Interaction and Monitoring Plan, *The Barrow Gas Fields Well Drilling Program* is approved and all provisions must be complied with unless specifically noted otherwise in this authorization. A copy of the polar bear interaction plan must be available on site for all personnel with this Letter of Authorization (LOA).

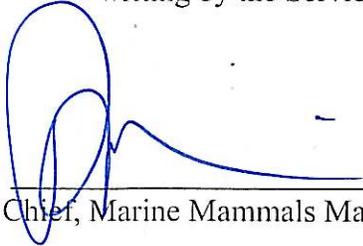


3. NSB operations managers, or designees, must be fully aware, understand and be capable of implementing the conditions of this authorization.
4. This authorization is valid only for those activities identified in the request for a Letter of Authorization dated April 16, 2012.
5. Polar bear monitoring, reporting and survey activities will be conducted in accordance with 50 CFR §18.128. The basic monitoring and reporting requirements follow:
  - NSB 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 and Pacific walrus.
  - If any changes develop in the Project during the period approved under this LOA, such as activities, location or methods, NSB must notify the Service prior to the implementation of such changes.
  - NSB will provide copies of the polar bear and Pacific walrus observation forms to all contractors operating under the LOA
  - NSB must designate a qualified individual or individuals to report any polar bear sightings and signs of polar bears, such as tracks or diggings, to the Service using the polar bear observation report within 24 hours.
  - NSB must allow the Service to place an observer on site to monitor the impacts of the activity on polar bears, at the discretion of the Service.
  - NSB must submit an annual monitoring report to the Service no later than 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 Marine Mammal Protection Act (MMPA) and the Endangered Species Act (ESA).
6. In the *Programmatic Biological Opinion for Polar Bears, Pacific Walrus, and Polar Bear Critical Habitat on Beaufort Sea Incidental Take Regulations (July 2011)* the Service determined the total incidental take anticipated as a result of the issuance of the regulations (76 FR 47010, August 3, 2011) is not likely to result in jeopardy to the polar bear or Pacific walrus, and will not adversely modify polar bear critical habitat. In order for an Incidental Take Statement (ITS) to be provided: (1) the proposed activity must provide the required information, as described in 50 CFR §18.124, (2) the LOA must include mitigation measures appropriate for the specific activity and location, as described in 50 CFR §18.128, and (3) the incidental take for the specific activity must be consistent with the negligible impact finding for the total take allowed under the regulations.

The Service has determined that the proposed action meets these three requirements. Therefore, issuance of this LOA also 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.

7. This LOA is valid for the period indicated above, unless extended or terminated in writing by the Service.



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Chief, Marine Mammals Management Office

4/30/12

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Date



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### U.S. Fish and Wildlife Service

### LETTER OF AUTHORIZATION

### AUTHORIZATION TO TAKE, BY HARASSMENT, POLAR BEARS (12-INT-11)

ISSUED: May 15, 2012  
EXPIRES: October 31, 2012

Under sections 101 (a)(4)(A), 109(h) and 112(c) of the Marine Mammal Protection Act of 1972, as amended (MMPA), the North Slope Borough (NSB) is authorized by the U.S. Fish and Wildlife Service, Marine Mammals Management Office (Service) to take by harassment (non-lethal deterrent activities) small numbers of polar bears (*Ursus maritimus*) associated with activities occurring during the Barrow Gas Fields Well Drilling Program (Project). Detailed descriptions of the authorized activities can be found in the NSB's Polar Bear Interaction and Monitoring Plan, *The Barrow Gas Fields Well Drilling Program*.

The NSB originally proposed to drill up to six new gas wells, plug and abandon up to eight depleted wells and install approximately 700 feet (213 meters) of new gathering pipeline and four well houses. New gathering lines and electric transmission lines were to be mounted on vertical support members and well houses mounted on pilings. Two existing depleted gas wells were to be permitted and converted to disposal wells for exempt drilling fluids generated during the Project. The NSB planned to bring a small footprint drill rig and associated equipment to Barrow via commercial barge operations. Drill equipment was to be transported by existing gravel roads or ice roads to locations in the existing Barrow gas fields.

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The purpose of authorizing taking by harassment is to maintain human and polar bear safety and welfare in polar bear habitat. Authorizing Level B harassment take reduces the likelihood of death or injury of polar bears. This is accomplished by the following objectives:

- Prevent bears from associating food with humans and facilities.



- “Condition” bears to avoid people (aversive conditioning).
- Allow bears to use travel routes (natural and human-made) to move along the coast.
- Prevent bears from extended use of areas around facilities.
- Prevent bears from entering developed areas.

This authorization is subject to the following conditions:

1. This authorization is restricted to harassment (non-lethal deterrent) activities.
2. NSB’s Polar Bear Interaction and Monitoring Plan, *The Barrow Gas Fields Well Drilling Program*, is approved and all provisions must be complied with unless specifically noted otherwise in this authorization. A copy of the polar bear interaction plan must be available on site for all personnel with this Letter of Authorization (LOA).
3. NSB operations managers, or designees, must be fully aware, understand, and be capable of implementing the conditions of this authorization.
4. Authorized individuals are responsible for documenting and reporting to the Service, at (907) 786-3800, all instances involving harassment activities as soon as possible and not later than 24 hours after the occurrence.
5. The NSB is responsible for ensuring that trained and qualified personnel are assigned the task of deterring polar bears:
  - If firearms are to be used for polar bear deterrence, NSB is solely responsible for ensuring that personnel assigned the task of deterring polar bears meet Federal and State laws and regulations regarding the use of firearms.
  - The NSB is further responsible for ensuring that personnel assigned the task of deterring polar bears are fully trained, qualified and current with the approved Service polar bear deterrence training.
6. Consistent with basic polar bear monitoring and reporting requirements, NSB shall:
  - Cooperate with the Service to monitor the impacts of NSB activities on polar bears.
  - Designate a qualified individual or individuals to observe, record, and report the sightings of polar bears.
  - Through the duration of the project, report sightings of polar bears or polar bear signs (using the polar bear observation form) within 24 hours of initial observation by FAX at (907) 786-3816, or via email at (craig\_perham@fws.gov).
  - Submit a final report to the Service within 60 days after the expiration of this authorization.
7. Harassment, or “deterrence,” techniques must not cause injury or death of a bear. Types of harassment or deterrence techniques may include, but are not limited to:
  - Bear monitors.
  - Air horns.

- Electric fences.
- Chemical repellents (bear spray).
- Acoustic recordings.
- Vehicles.
- Projectiles (to be used with caution and with appropriate training): Cracker shells, bean bags, rubber bullets and/or "screamers."

8. Prior to conducting a harassment activity, operators must:

- Make a reasonable effort to reduce or eliminate attractants.
- Secure site, notify supervisor and move personnel to safety.
- Ensure bear has escape route(s).
- Ensure communication with all personnel.

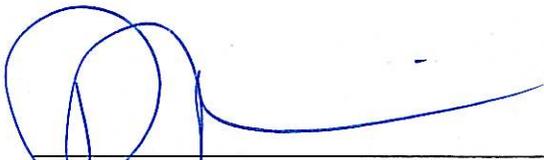
9. When conducting a harassment activity, operators must:

- Keep in mind that the safety and welfare of the bear is second only to the safety and welfare of humans in a deterrence situation.
- Choose 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 projectiles or other methods.
- Move bear in proper direction and continue with minimal necessary deterrents to receive desired result.

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

- Monitor bears movement (to ensure no return).
- Notify supervisor and personnel when it is appropriate to resume work.
- Fill out report to be sent to the Service as required under condition four above (within 24 hours).

11. This LOA is valid for the period indicated above, unless extended or terminated in writing by the Service.

  
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Chief, Marine Mammals Management

4/30/12  
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Date