

### The NewsRoom

Fact Sheet: Sale 193, Chukchi Sea

Date: February 1, 2008

## Chukchi Sea OCS Lease Sale 193: Protective Measures for Protected Species

### Lease Sale 193 Background

- The Minerals Management Service (MMS) proposed and started work on Chukchi Sea Lease Sale 193, in the 2002-2007 Oil and Gas Leasing Program but delayed the sale itself until the 2007-2012 Program to provide sufficient time to complete the environmental analyses.
- Those environmental analyses included an Environmental Impact Statement under the National Environmental Policy Act, and consultations with the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) under the Endangered Species Act (ESA). Both agencies issued “no jeopardy” biological opinions for the sale and resulting exploration.
- Both 5-Year Programs were subjected to rigorous public scrutiny. Both were provided to Congress as required by law. Congress, as a body, did not take action to disapprove either program.
- Both 5-Year Programs were developed under the statutory requirements of the Outer Continental Shelf (OCS) Lands Act, and included preparing comprehensive environmental impact statements. Under those processes, the bureau solicited comment from other Federal and State agencies and the public, and held several hearings in the local communities.
- For both 5-Year Programs, the current and former Governors of Alaska supported holding lease sales in the Chukchi Sea.
- Our analyses also included coordination with local governments and federally recognized tribes and compliance with statutes such as the OCS Lands Act, the ESA, the MMPA, the Magnuson-Stevens Fishery Conservation and Management Act, and the Coastal Zone Management Act. Through these reviews, we assessed the potential direct, indirect, and cumulative effects of the lease sale on marine mammals, including polar bears, and subsistence activities.
- As a result of the careful environmental analysis we prepared, which considered an area of 34 million acres, the Secretary of the Interior decided to decrease the size of the sale by expanding the coastal buffer zone. This limited the sale area to less than 30 million acres.
- The sale area now excludes near-shore waters ranging from about 25 to 50 miles from the coast. This near-shore “polynya” zone includes the corridor through which the bowhead and beluga whales, other marine mammals, and marine birds migrate north in the spring, and in which local communities subsistence hunt.
- In addition to our comprehensive regulatory program, leases issued from the sale will include stipulations for protection of biological resources, including marine mammals and migratory and other protected birds, and methods to minimize interference with subsistence hunting and other subsistence harvesting activities.

## Species Protected by the Endangered Species Act

The MMS consulted with the FWS and the NMFS on those species protected by the Endangered Species Act that could be affected by leasing and exploration activities. The FWS and NMFS determined the Lease Sale and resulting exploration activities would not jeopardize the continued existence of any threatened or endangered species. The FWS and NMFS identified specific measures to be implemented to minimize any unintentional harm or "incidental take" associated with post-lease activities. For example, to protect threatened birds these measures include:

- To avoid Steller's or spectacled eiders becoming attracted to and colliding with vessels and structures, vessels and exploration drilling structures must implement a lighting protocol to minimize the amount of outwardly radiating light. Any birds found injured or killed must be promptly reported; and
- To avoid disturbing molting Steller's or spectacled eiders, vessels cannot traverse the Ledyard Bay Critical Habitat Area when molting eiders are present, except for emergency purposes. Similarly, aircraft flying over the Critical Habitat Unit must be 1,500 feet above sea level, except during emergencies.

The MMS has advised potential lessees that the FWS is proposing to list the polar bear as a threatened species under the ESA and is compiling a comprehensive scientific review to assess the current status and future of the species. If the polar bear is listed under the ESA, then MMS will formally consult with FWS on activities that may affect the polar bear. As a result of that consultation, MMS may require additional mitigation measures for OCS activities to ensure appropriate protection. (See below for more protective measures specific to the polar bear.)

MMS will consult with FWS and NMFS on any future Development and Production Plans (as part of the incremental step consultation process) and conduct a NEPA review. Additionally, all marine mammals are subject to provisions of the Marine Mammal Protection Act (MMPA).

## Species Protected by the Marine Mammal Protection Act

The FWS implements the MMPA for polar bears and walrus. The NMFS implements the MMPA for whales and seals. Companies apply to those Agencies for permits to cover unintentional harm or "incidental take" of marine mammals that might occur during oil and gas related activities. The Incidental Harassment Authorization or Letter of Authorization issued to the company by those Agencies will specify operating conditions and monitoring/reporting requirements to ensure the activities would have no more than a negligible effect on any marine mammal population and prevent unreasonable conflict with subsistence harvest opportunities.

For example:

- A lessee proposing to conduct exploration operations on a lease during periods of subsistence use related to bowhead whales, beluga whales, ice seals, walrus, and polar bears will be required to conduct a site-specific monitoring program.

## Specific Measures to Protect Polar Bears

The MMS included items specific to polar bears in its "Information to Lessees" (ITL) issued for Sale 193. Lessees were directed to:

- Obtain authorization under the MMPA from the FWS prior to commencing any operations;
- Coordinate with FWS and local Native communities while planning oil and gas development activities and before submission of their Oil-Spill Response Plans to ensure potential threats to polar bears are adequately addressed based on the most current knowledge regarding their habitat use, distribution, and population status; and
- Conduct their activities in a way that will limit potential encounters and interaction between lease operations and polar bears.

## Additional Information

- Lessees are advised that the MMS intends to continue its area-wide endangered bowhead whale monitoring project in the Beaufort Sea, and plans to conduct monitoring of marine mammals in the Chukchi Sea. The monitoring will gather information on whale distribution patterns that will be used by MMS and others to assess impacts on bowhead whales.
- Over the last 30 years, MMS has provided nearly \$300 million in funding to study the offshore areas in Alaska, and more studies are planned for the current fiscal year.
- Over the past five years, MMS has funded targeted research to further our understanding of polar bear life history, feeding behaviors, use of sea-ice habitat, population and recruitment dynamics, development of new technology for locating and mapping polar bear travels and maternal dens, best practices for operations in polar bear habitats, and monitoring needs.
- Other MMS studies indirectly help to better understand polar bears by gathering information on animal species that are food for the bears, oil spill modeling and response capabilities, and changes in sea-ice conditions.
- These studies complement the research supported by other Federal and State agencies and non-government organizations, and significantly add to the information base on polar bears and other marine mammals in the Beaufort and Chukchi Seas.

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