DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–R7–ES–2025–0506; FXES111607MRG01–267–FF07CAMM00]

Marine Mammals; Proposed Incidental Harassment Authorization for the Southern Beaufort Sea Stock of Polar Bears in the Prudhoe Bay area of the North Slope Borough, Alaska; Draft Environmental Assessment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of application; notice of availability of proposed authorization and draft environmental assessment; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, in response to a request under the Marine Mammal Protection Act of 1972, as amended, from BP America Production Company and BP Remediation Management (collectively BP), propose to authorize nonlethal, incidental take by harassment of small numbers Southern Beaufort Sea (SBS) polar bears (*Ursus maritimus*) between June 1, 2026, and May 31, 2027. The applicant requested this authorization for take by harassment that may result from activities associated with drone site surveys, surface water monitoring, removal of solid waste (debris), backfill activities, and revegetation activities at Foggy Island Bay State No.1 gravel pad, in the Prudhoe Bay area of the North Slope Borough, Alaska. This proposed authorization, if finalized, will be for up to three takes of polar bears by Level B harassment only. No take by injury or mortality is requested, expected, or proposed to be authorized. We invite comments on the proposed incidental harassment authorization and the accompanying draft environmental assessment from the public, Tribes, and local, State, and Federal agencies.

DATES: Comments must be received by **[INSERT DATE 30 DAYS AFTER THE DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]**.

To ensure your comment is received and considered, you must submit it using one of the methods identified in the ADDRESSES section of this document. Comments submitted through any method not authorized in this document, or sent to an address not listed here, will not be considered.

ADDRESSES: *Document availability:* You may view supplemental information at https://www.regulations.gov under Docket No. FWS–R7–ES–2025–0506. Alternatively, you may request these documents from the person listed under **FOR FURTHER INFORMATION CONTACT**.

Comment submission: All submissions must include the docket number [FWS–R7–ES–2025–0506] for this document. You must submit comments using one of the following methods:

- *Electronic submission:* Go to the Federal eRulemaking Portal: https://www.regulations.gov. In the Search box, enter FWS–R7–ES–2025–0506, which is the docket number for this action. Then, click on the Search button. On the resulting page, in the panel on the left side of the screen, under the Document Type heading, check the Notice box to locate this document. You may submit a comment by clicking on "Comment." Comments must be submitted to https://www.regulations.gov before 11:59 p.m. eastern time on the date specified in DATES.
- *U.S. mail:* Public Comments Processing, Attn: Docket No. FWS–R7–ES–2025–0506, U.S. Fish and Wildlife Service, MS: PRB (JAO/3W), 5275 Leesburg Pike, Falls Church, VA 22041–3803.

We request that you send comments only by the methods described above. We will post all comments at https://www.regulations.gov. You may request that we withhold personal identifying information from public review; however, we cannot guarantee that we will be able to do so. See **Request for Public Comments** for more information.

FOR FURTHER INFORMATION CONTACT: Stephanie Burgess, by email at *r7mmmregulatory@fws.gov*, by telephone at 907–786–3800, or by U.S. mail at U.S. Fish and Wildlife Service, MS 341, 1011 East Tudor Road, Anchorage, AK 99503. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION:

Background

Section 101(a)(5)(D) of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361, et seq.), authorizes the Secretary of the Interior (Secretary) to allow, upon request, the incidental, but not intentional, taking by harassment of small numbers of marine mammals in response to requests by U.S. citizens (as defined in title 50 of the Code of Federal Regulations (CFR) in part 18, at 50 CFR 18.27(c)) engaged in a specified activity (other than commercial fishing) in a specified geographic region during a period of not more than 1 year. The Secretary has delegated authority for implementation of the MMPA to the U.S. Fish and Wildlife Service (FWS or we). According to the MMPA, the FWS shall allow this incidental taking by harassment if we make findings that the total of such taking for the 1-year period:

(1) is of small numbers of marine mammals of a species or stock;

(2) will have a negligible impact on such species or stocks; and

(3) will not have an unmitigable adverse impact on the availability of the species or stock for taking for subsistence use by Alaska Natives.

If the requisite findings are made, we issue an authorization that sets forth the following, where applicable:

(a) permissible methods of taking;

(b) means of effecting the least practicable adverse impact on the species or stock and its habitat and the availability of the species or stock for subsistence uses; and

(c) requirements for monitoring and reporting of such taking by harassment, including, in certain circumstances, requirements for the independent peer review of proposed monitoring plans or other research proposals.

The term "take" means to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill, any marine mammal. "Harassment" for activities other than military readiness activities or scientific research conducted by or on behalf of the Federal Government means any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (the MMPA defines this as "Level A harassment"), or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (the MMPA defines this as "Level B harassment").

The terms "negligible impact" and "unmitigable adverse impact" are defined in 50 CFR 18.27 (i.e., regulations governing small takes of marine mammals incidental to specified activities) as follows: "Negligible impact" is an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival. "Unmitigable adverse impact" means an impact resulting from the specified activity: (1) that is likely to reduce the availability of the species to a level insufficient for a harvest to meet subsistence needs by (i) causing the marine mammals to abandon or avoid hunting areas, (ii) directly displacing subsistence users, or (iii) placing physical barriers between the marine mammals and the subsistence hunters; and (2) that cannot be sufficiently mitigated by other measures to increase the availability of marine mammals

to allow subsistence needs to be met.

The term "small numbers" is also defined in 50 CFR 18.27. However, we do not rely on that definition here as it conflates "small numbers" with "negligible impacts." We recognize "small numbers" and "negligible impacts" as two separate and distinct requirements when reviewing requests for incidental harassment authorizations (IHA) under the MMPA (see *Natural Res. Def. Council, Inc.* v. *Evans*, 232 F. Supp. 2d 1003, 1025 (N.D. Cal. 2003)). Instead, for our small numbers determination, we estimate the likely number of marine mammals to be taken and evaluate if that number is small relative to the size of the species or stock.

The term "least practicable adverse impact" is not defined in the MMPA or its enacting regulations. For this IHA, we ensure the least practicable adverse impact by requiring mitigation measures that are effective in reducing the impact of specified activities, but not so restrictive as to make specified activities unduly burdensome or impossible to undertake and complete.

If the requisite findings are made, we shall issue an IHA, which may set forth the following, where applicable: (i) permissible methods of taking; (ii) other means of effecting the least practicable impact on the species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stock for taking for subsistence uses by coastal-dwelling Alaska Natives (if applicable); and (iii) requirements for monitoring and reporting take by harassment.

Summary of Request

On May 13, 2025, the FWS received a request from ERM Alaska, Inc. (ERM) on behalf of BP America Production Company and BP Remediation Management (collectively BP) (ERM 2025) for authorization to take by nonlethal incidental harassment Southern Beaufort Sea (SBS) polar bears (*Ursus maritimus*) during drone

surveys of the site, surface water monitoring, removal of solid waste (debris), backfill activities, and revegetation activities at Foggy Island Bay State No.1 gravel pad, in the Prudhoe Bay area of the North Slope Borough, Alaska for a period between June 1, 2026 and May 31, 2027. However, most field operations will occur over a ten-day period beginning sometime between June 1, 2026, and completing no later than July 16, 2026. Their request also included a proposed Polar Bear Safety, Awareness, and Interaction Plan. The FWS requested further information on June 10, 2025, including additional shapefiles, drone and airboat operations, and operational time in the field by personnel. The requested information and shapefiles were provided on June 23 and June 26, 2025. Additionally, BP submitted a revised application reflecting discussions between FWS and BP on July 31, 2025, which included updated figures depicting area operations, updated take estimates, activity impacts, and information about previous polar bear observations in the specific geographic region. The FWS deemed this revised request (dated July 31, 2025; hereafter referred to as the "Request"), adequate and complete on August 4, 2025.

Description of Specified Activities and Specified Geographic Region

In 2023, BP began reclamation activities including closure, remediation, and rehabilitation at the Foggy Island Bay State No. 1 former drilling exploration site (hereafter Foggy Island pad) in the Prudhoe Bay area of the North Slope Borough of Alaska. Work executed during winter 2022/2023 included removal of contaminated material and foam insulation from the site for proper disposal. Restoration of the site to conditions acceptable to the Alaska Department of Natural Resources, Alaska Department of Environmental Conservation, and other stakeholders began at that time. This requested IHA is for work necessary to complete additional remediation, revegetation, and monitoring activities in summer 2026, followed by a single site visit by stakeholders in summer of 2027 (ERM 2025) at the Foggy Island pad (see figure 1). In their request, BP America Production Company (BPAPC) plans to conduct activities

related to the closure, remediation, and rehabilitation of the Foggy Island Bay State No. 1 former drilling exploration site.

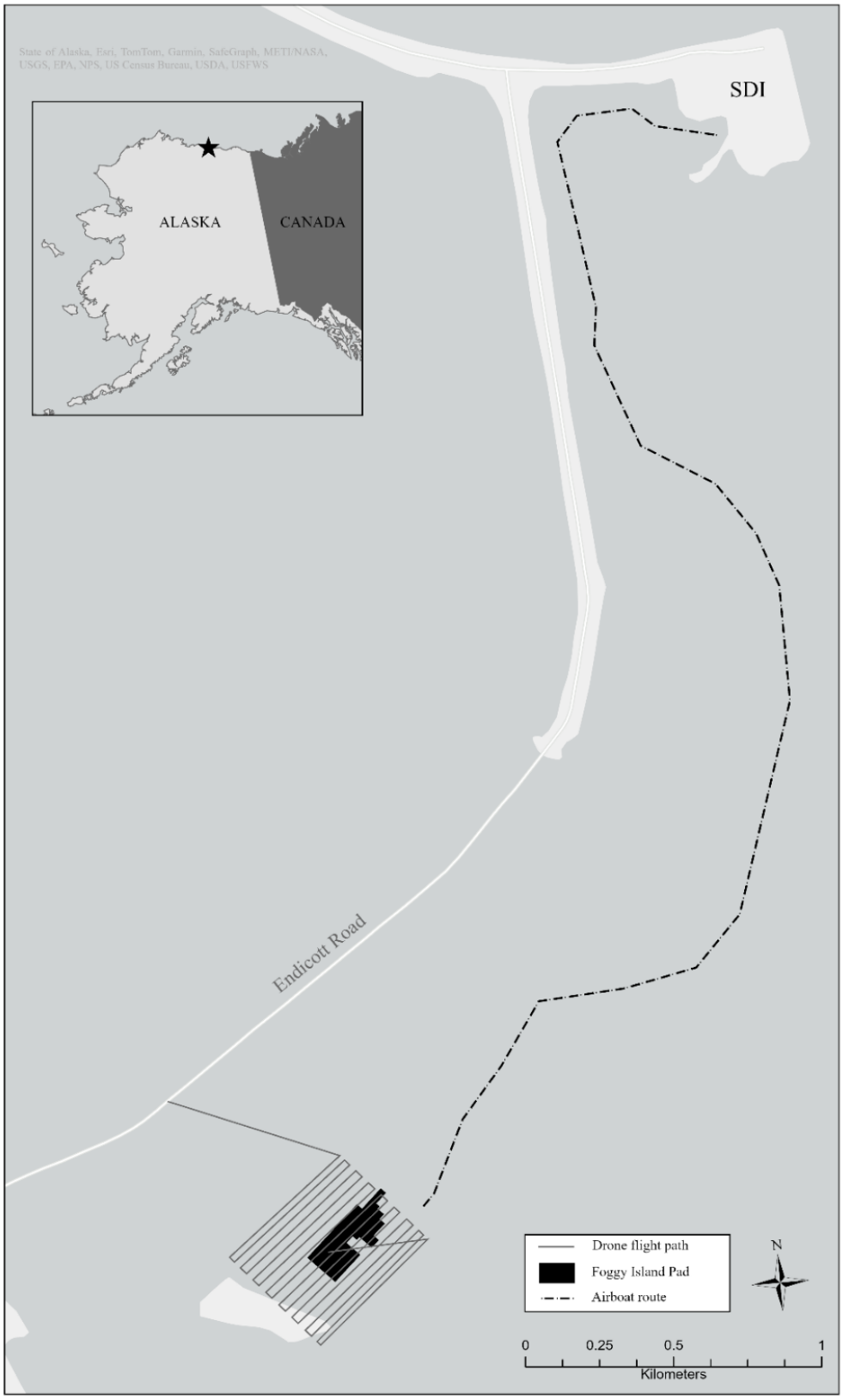

Figure 1—Specific geographic region of the proposed remediation activities in the Prudhoe Bay area of the North Slope Borough, Alaska

2026 Summer Operations

Drone Activities

A drone will be flown each day to survey the area of operation (Foggy Island pad) for presence of polar bears prior to personnel accessing the site. Drone surveys will also determine the extent of geofoam board remaining at the site following 2023 remediation activities, assess current site conditions at the time of the survey, and determine the best access route for personnel and equipment. Drones will take off and land from the Endicott Road roadside, which will allow operators to maintain a visual line on the drone. Flight time of the drone for each survey will be approximately 45–90 minutes. All drone surveys will be conducted by Alaska Clean Seas (ACS) with uncrewed aircraft systems (UAS) in accordance with FAA regulations at 14 CFR Part 107. All ACS UAS remote pilots are licensed under Part 107 and are current, experienced North Slope pilots. The location is over 9.7 kilometers (km) (6 miles (mi)) outside of controlled airspace, permitting a maximum altitude of 122 meters (m) (400 feet (ft)) above ground level for all phases of flight. Survey flights will be conducted between 61 m (200 ft) and 122 m (400 ft) above ground level depending on flight visibility. If any polar bears are observed in the area, the altitude will be increased up to the maximum of 122 m (400 ft) and the aircraft will fly away from the animal. Every effort will be made to avoid all animals in the area. Prior to aerial drone operations, the area will be observed from nearby Endicott Road. Drone operations will not be conducted if polar bears are observed from the road. The drone will not be used to intentionally harass any wildlife.

Airboat Activities

Airboats will be used to transport both personnel and equipment to and from the Foggy Island pad, and additionally carry debris, geofoam boards, and any other waste back to Satellite Drilling Island (SDI) for disposal. Airboats will depart from and return to SDI and will follow a course parallel to Endicott Road before turning to head to the

Foggy Island pad. Airboat trips are expected to consist of an initial site visit, primary operations, and a potential visit by the Alaska Oil and Gas Commission or other governmental agencies to inspect the site following operations. Boat crews will not leave the SDI facility or land at the site if a polar bear is observed within visual range of the landing sites. Crews will be trained to observe for polar bears, in addition to having a bear guard. Prior to entering the airboat to mobilize to the site, ERM personnel will drive the section of Endicott Road that parallels the route to be taken in the airboat. The elevation of the road helps to provide a panorama of the surrounding area. While driving, ERM personnel will assess the area for the presence of polar bears. The airboat operator, ACS, maintains close communications with facility operators and personnel in the area and maintains up-to-date information on bear observations. The airboat trip will not occur if polar bears are observed from the road or if the airboat operator has been notified of a nearby polar bear sighting. During the trip, one ERM scientist in each airboat will be assigned to specifically scan the surrounding area for marine mammals. If a marine mammal (including polar bears) is observed, ERM will immediately notify the boat operator.

Surface Water Monitoring

Surface water monitoring will be conducted. A small crew will collect approximately 16 samples from the area surrounding the pad (figure 1). An additional round of surface water monitoring will potentially occur in 2027. Both the planned surface water monitoring activities and the possible 2027 follow up monitoring event are expected to take one day each. Sampling details are presented in the Foggy Island Bay State No. 1 Corrective Action Plan (CAP; ERM 2023).

Geofoam Board/Debris Removal and Backfill

Geofoam boards and any other debris remaining at the site following the 2023 remediation activities will be removed. The foam board will be removed and stockpiled,

one section of pad at a time, to minimize the potential for windblown debris. The foam boards will then be transported via airboat back to SDI to be taken to the Oxbow Landfill for proper disposal. A depression around the wellhead will be backfilled and graded with approximately 25 loose cubic yards (LCY) of clean gravel from the pad footprint or clean imported gravel. If clean gravel will be scavenged from the pad footprint, a skid steer (or similar small piece of equipment) will be transported to the site via airboat. If clean gravel is imported from offsite (not expected), it will be transported via airboat or a vehicle approved for tundra travel. This work is expected to require approximately 5 days to complete.

Revegetation

Following remediation, the site will undergo additional rehabilitation with the goal of achieving a self-sustaining vegetation community through eventual natural colonization of indigenous vegetation species. Seed and fertilizer will be spread to start the revegetation process. This is expected to take approximately 1 day to complete.

Other Site Visits

An initial site reconnaissance visit is scheduled to occur prior to beginning field operations. One additional site visit with members of the Alaska Oil and Gas Association and/or other government agency personnel is scheduled to occur sometime in the period after project completion, possibly in 2027. Site visits are expected to take 1 day each.

Description of Marine Mammals in the Specified Geographic Region

The SBS polar bears are the only marine mammal species under the FWS's jurisdiction likely to be found within the specified geographic region. Information on range, stocks, biology, and climate impacts on SBS polar bears can be found in the supplemental information (available as described above in **ADDRESSES** section).

Potential Impacts of the Specified Activities on Marine Mammals

Surface-Level Impacts on Polar Bears

Disturbance impacts on polar bears are influenced by the disturbance type, duration, intensity, timing, and source location. Disturbance from the specified activities would originate primarily from drone site surveys, surface water monitoring, removal of solid waste (debris), backfill activities, and revegetation activities. The noises, sights, and smells produced by these activities could elicit variable responses from polar bears, ranging from avoidance to attraction. When disturbed by noise, animals may respond behaviorally by walking, running, or swimming away from a noise source, or physiologically via increased heart rates or hormonal stress responses (Harms et al. 1997; Tempel and Gutiérrez 2003). Individual response to noise disturbance can vary based on previous interactions, sex, age, and maternal status (Andersen and Aars 2008; Dyck and Baydack 2004). Noise and odors could also attract polar bears to work areas. Attracting polar bears to these locations could result in human–polar bear interactions, unintentional harassment, intentional hazing, or possible lethal take in defense of human life. This proposed IHA would authorize only the nonlethal, incidental, unintentional take of polar bears that may result from the specified activities and would require mitigation measures to manage attractants in work areas and reduce the risk of human-polar bear interactions.

Human–Polar Bear Interactions

A larger percentage of polar bears are spending more time on land during the open water season, which may increase the risk for human–polar bear interactions (Atwood et al. 2016; Rode et al. 2022). Polar bear interaction plans, personnel training, attractants management, and polar bear monitoring are mitigation measures used to reduce human–polar bear interactions and minimize the risks to polar bears and humans when interactions occur. Efficient management of attractants (e.g., human food, garbage) can prevent polar bears from associating humans with food, which lowers the risk of human–polar bear interactions (Atwood and Wilder 2021). Polar bear interaction plans detail the policies and procedures that will be implemented by BP to avoid attracting and

interacting with polar bears as well as to minimize impacts to the polar bears. Interaction plans also detail how to respond to the presence of polar bears, the chain of command and communication, and required training for personnel. Information gained from monitoring polar bears near industrial infrastructure and activities can be useful for better understanding polar bear distribution, behavior, and interactions with humans. BP may use bear observers and thermal cameras to monitor for polar bears. It is possible that human–polar bear interactions may occur during the specified activities, and mitigation measures will be implemented by BP to minimize the risk of human–polar bear interactions during the specified activities.

From July through November, SBS polar bears can be found in large numbers and high densities on barrier islands, along the coastline, and in the nearshore waters of the Beaufort Sea, particularly on and around Barter and Cross Islands (Wilson et al. 2017). This distribution leads to a significantly higher number of human–polar bear interactions on land and at offshore structures during the open-water season than other times of the year. Polar bears that remain on the multi-year pack ice are not typically present in the ice-free areas where vessel traffic occurs, as barges and vessels associated with industrial activities travel in open water and avoid large ice floes.

Polar bear monitoring reports indicate that on land, most polar bear observations occur within 2 km (1.2 mi) of the coastline. Facilities in offshore and coastal areas are more likely to be approached by polar bears, and they may act as physical barriers to polar bear movements. As polar bears encounter these facilities, the chances for human–polar bear interactions increase. However, polar bears have frequently been observed crossing existing roads and causeways, and monitoring reports show they appear to traverse the human-developed areas of the North Slope as easily as the undeveloped areas.

Impacts of the Specified Activities on Polar Bear Prey Species

Information on the potential impacts of the specified activities on polar bear prey species can be found in Supplemental Information to this document (available as described above in **ADDRESSES**).

Estimated Take

Definitions of Incidental Take

Below we provide the circumstances under which the three types of take of polar bears may occur. The FWS does not estimate and is not authorizing either Level A harassment or lethal take as a part of this proposed IHA; however, an explanation of these take types is provided for context and background.

Lethal Take

Human activity may result in biologically significant impacts to polar bears. In the most serious interactions (e.g., vehicle collision, running over an unknown den causing its collapse), human actions can result in the mortality of polar bears. We also note that, while not considered incidental, in situations where there is an imminent threat to human life, polar bears may be killed. Additionally, though not considered incidental, polar bears have been accidentally killed during efforts to deter polar bears from a work area for safety and from direct chemical exposure (81 FR 52276, August 5, 2016). Unintentional disturbance of a female polar bear by human activity during the denning season may cause the female to abandon her cubs in the den before the cubs can survive on their own. This scenario may result in the incidental lethal take of the cubs. However, the specified activities will not occur during denning season and therefore do not pose a risk to denning females or their cubs.

Level A Harassment

Human activity may result in the injury of polar bears. Level A harassment, for nonmilitary readiness activities, is defined under the MMPA as any act of pursuit, torment, or annoyance that has the potential to injure a marine mammal or marine

mammal stock in the wild.

Numerous actions can cause take by Level A harassment of polar bear cubs during the denning period, such as creating a disturbance that separates mothers from dependent cubs (Amstrup 2003), inducing early den emergence during the late denning period (Amstrup and Gardner 1994; Rode et al. 2018), instigating early departure from the den site during the post-emergence period (Andersen et al. 2024), or repeatedly interrupting the nursing or resting of cubs to the extent that it impacts the cubs' body condition. However, as previously noted, the specified activities will not occur during denning season and therefore, do not pose a risk to denning sows or their cubs.

Level B Harassment

Level B harassment for nonmilitary readiness activities is defined by the MMPA as any act of pursuit, torment, or annoyance that has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, feeding, or sheltering. Changes in behavior that disrupt biologically significant behaviors or activities for the affected animal are indicative of take by Level B harassment under the MMPA. Such reactions include, but are not limited to, the following:

- Fleeing (running or swimming away from a human or a human activity);
- Displaying a stress-related behavior such as jaw or lip-popping, front leg stomping, vocalizations, circling, intense staring, or salivating;
- Abandoning or avoiding preferred movement corridors such as ice floes, leads, polynyas, a segment of coastline, barrier islands, or other resting sites;
- Abandoning prey or feeding areas;
- Using a longer or more difficult route of travel instead of the intended path;

- Interrupting breeding, sheltering, or feeding;
- Moving away at a fast pace (adult) and polar bear cubs struggling to keep up;
- Temporary, short-term cessation of nursing or resting;
- Ceasing to rest repeatedly or for a prolonged period (adults); or
- Loss of hunting opportunity due to disturbance of prey.

This list is not meant to encompass all possible behaviors; other behavioral responses may be indicative of take by Level B harassment. In some circumstances, eliciting behavioral responses that equate to take by Level B harassment repeatedly may result in Level A harassment. Relatively minor changes in behavior such as the animal raising its head or temporarily changing its direction of travel are not likely to disrupt biologically important behavioral patterns, and the FWS does not view such minor changes in behavior as indicative of a take by Level B harassment.

Polar Bear: Surface-Based Interactions

Impact Area

To assess the area of potential impact from the project activities, we calculated the area affected by project activities to such a degree that harassment is possible. We refer to this area as the zone of potential impact. Behavioral response rates of polar bears to potential sources of disturbance are highly variable, and data to support the relationship between distance to bears and disturbance outcomes are limited. Dyck and Baydack (2004) found sex-based differences in the frequencies of vigilant bouts of polar bears in the presence of vehicles on the tundra. However, in their summary of polar bear behavioral response to ice-breaking vessels in the Chukchi Sea, Smultea et al. (2016) found no difference between reactions of males, females with cubs, or females without cubs. Similarly, Andersen and Aars (2008) found that female polar bears with cubs (the most conservative group observed) began to walk or run away from approaching

snowmobiles at a mean distance of 1,534 m (0.95 mi). Thus, while future research into the reaction of polar bears to anthropogenic disturbance may indicate a different zone of potential impact is appropriate, the current literature supports the use of a 1.6 km (1.0 mi) distance impact area that encompasses the vast majority of polar bear harassment events.

Reactions by wildlife to drone overflights is variable; some species display no signs of disturbance while others are negatively impacted (Mo and Bonatakis 2022). There is limited information on the impacts and/or likelihood of disturbance by drones on polar bears. Available research indicates that polars bears may display mixed responses to low-altitude drones ranging from no obvious outward acknowledgement of the drone to minor changes in behavior (Barnas et al. 2018; Palomino-González et al. 2021; Jagielski et al. 2022). However, a study on American black bears (*Ursus americanus*) found that black bears can display a direct physiological response, as measured by significant increases in heart rate, to overflights by drones even if no observable behavioral responses occur (Ditmer et al. 2015). While we cannot infer that this same response may occur in polar bears, we also cannot ignore the possibility of unseen disturbance and, therefore, take occurring. For this reason, we include drone overflight within our surface-based interactions analysis.

Similarly, the direct impacts of limited nearshore airboat use are also unknown with regard to polar bear response. Airboats produce noise during their operation, but we do not believe that the noise is loud enough to warrant using an impact area that extends beyond 1.6 km (1.0 mi) away from airboats (see *Estimated Harassment*, below). Nor do we believe that use of airboats in a nearshore and limited capacity, as proposed, are comparable to the same offshore vessel operation analyses that have been conducted in previous IHAs (90 FR 33982, July 18, 2025). Therefore, we also include airboat operation within the surface-based interactions analysis.

Estimated Harassment

We estimated Level B harassment using the spatio-temporally specific encounter rates and temporally specific harassment rates derived in the 2026–2031 Proposed Beaufort Sea Incidental Take Regulations (ITR) (91 FR 11240, March 09, 2026) in conjunction with BP's project operations footprint. Table 1 provides the definition for each variable used in the take formulas. Using the approaches described above, we estimated the total number of polar bears expected to be harassed by surface-based interactions during the proposed IHA period as a total of three bears (table 3).

Table 1—Definitions of variables used in take estimates of non-denning polar bears in the North Slope Borough, Alaska

Variable	Definition
B_{es}	Bears encountered in zone of potential impact for the entire season
a_c	Coastal exposure area
a_i	Inland exposure area
r_o	Occupancy rate
e_{co}	Coastal open water season bear-encounter rate in bears/season
e_{io}	Inland open water season bear-encounter rate in bears/season
e_{ci}	Coastal ice season bear-encounter rate in bears/season
e_{ii}	Inland ice season bear-encounter rate in bears/season
t_i	Ice season harassment rate
B_t	Number of estimated Level B harassment events

The variables defined above were used in a series of formulas to ultimately estimate the total harassment from surface-level interactions. Encounter rates were originally calculated as polar bears encountered per square kilometer per season. As a part of their request, BP provided the FWS with geospatial files indicating the location of the proposed operational area, footprint of drone survey areas, airboat routes, and surface water sampling areas. The request also included the percent of time each component of the specified activities would be occupied by humans. These files were buffered by 1.6 km (1 mi) to calculate the area of disturbance.

Impact areas were multiplied by the appropriate encounter rate to obtain the number of polar bears expected to be encountered in an area of interest per season (B_{es}).

The equation below (equation 1) provides an example of the calculation of polar bears encountered in the ice season for an area of interest in the coastal zone.

$$B_{es} = a_c * e_{ci}$$

Equation 1

To generate the number of estimated Level B harassments for each area of interest, we multiplied the number of polar bears in the area of interest per season by the proportion of the season the area is occupied, the rate of occupancy, and the harassment rate (equation 2).

$$B_t = B_{es} * S_p * r_o * t_i$$

Equation 2

Table 2—Seasonal polar bear encounter rates by zone

Coastal Zone Seasonal Encounter Rate
Ice Season (December 1 – June 30) ……. 0.1253 bears / km^2
Open-water Season (July 1 – November 30) ……1.8130 bears / km^2
Inland Zone Seasonal Encounter Rate
Ice Season (December 1 – June 30) ……..0.00972 bears / km^2
Open-water Season (July 1 – November 30) ……0.01728 bears / km^2

NOTE: This table is adapted from the 2026–2031 Proposed Beaufort Sea ITR (91 FR 11240, March 09, 2026).

Sum of Take from All Sources

The applicant proposes to conduct drone site surveys, surface water monitoring, removal of solid waste (debris), backfill activities, and revegetation activities at Foggy Island Bay State No.1 gravel pad, in the Prudhoe Bay area of the North Slope Borough, Alaska, from June 1, 2026 through May 31, 2027.

Table 3—Total estimated takes by Level B harassment of polar bears by source.

Source	Number of Estimated Level B Harassments
Bears on the surface	3

Critical Assumptions

In order to conduct this analysis and estimate the potential amount of Level B harassment, we made several critical assumptions.

Level B harassment is equated herein with behavioral responses that indicate harassment or disturbance. There is likely a portion of animals that respond in ways that indicate some level of disturbance but do not experience significant biological consequences. Our estimates do not account for variable responses related to polar bear age and sex. The available information suggests that polar bears are generally resilient to low levels of disturbance. Females with dependent young and juvenile polar bears are physiologically the most sensitive (Andersen and Aars 2008) and most likely to experience harassment from disturbance. There is not enough information on composition of the SBS polar bear stock in the specified project area to incorporate individual variability based on age and sex or to predict its influence on harassment estimates. Our estimates are derived from a variety of sample populations with various age and sex structures, and we assume the exposed population will have a similar mixed composition, meaning our estimated response rates are applicable.

The estimates of behavioral response presented here do not account for potential individual movements of animals away from the project area that would alter the density of nearby polar bears, nor does it account for differential responses of animals to noise or human presence due to past experiences. Our analysis assumes a static density of polar bears in the project area (i.e. density or number of polar bears do not change over time). There is not enough information available about the movement of polar bears in response to specific disturbances to further refine this assumption of unchanging density.

Our estimate of up-to three polar bears taken by Level B harassment include one bear estimated through quantitative analysis (see *Polar Bear: Surface-Based*

Interactions), plus an additional two polar bears to account for family group composition. If the single predicted polar bear is a family group (i.e. sow with accompanying juveniles), the most common composition is a sow plus two juveniles.

Determinations and Findings

In making these findings, we considered the best available scientific information, including: the biological and behavioral characteristics of the species; the most recent information on species distribution and abundance within the area of the specified activities, the current and expected future status of the stock (including existing and foreseeable human and natural stressors), the potential sources of disturbance caused by the project; and the potential responses of marine mammals to this disturbance. In addition, we reviewed applicant-provided materials; information in our files and datasets, published reference materials, and information provided by species experts.

Small Numbers

For our small numbers determination, we consider whether the estimated number of polar bears to be subjected to incidental take are respectively small relative to the population size of the species or stock.

1. We estimate that BP's proposed specified activities in the specified geographic region will cause no more than harassment (Level B) to three polar bears during the 1-year period of this proposed IHA (see *Sum of Take from All Sources*). Take of 3 animals is 0.33 percent of the best available estimate of the current SBS stock size of 907 animals (Bromaghin et al. 2015; Atwood et al. 2020; ((3÷907)×100≈0.33 percent). The FWS has released a draft stock assessment report (SAR) for the SBS polar bear population (Draft revised *Polar Bear (Ursus maritimus) Stock Assessment Report* announced in the *Federal Register* on January 2, 2025 at 90 FR 114), in which the SBS polar bear stock is estimated as 819 bears, with the change in stock size largely due to a shift in the border between the SBS and North Beaufort Sea stock. Should this draft SAR be finalized, 3

bears would be 0.36 percent of the updated estimate of the SBS stock. For both stock size estimates, 3 bears or less than 0.37 percent of the stock represents a "small number" of polar bears.

2. The footprint of the specified activities within the specified geographic region is small relative to the range of the SBS stock of polar bear. SBS polar bears range well beyond the boundaries of the proposed IHA region. As such, the IHA region itself represents only a subset of the potential area in which SBS polar bears may occur. Thus, the FWS concludes that a small portion of the SBS polar bear population may be present in the specified geographic region during the time of the specified activities.

Small Number Conclusion

We propose a finding that take of up to three SBS polar bears represents a small number of bears in the SBS stock.

Negligible Impact

For our negligible impact determination, we consider the following:

1. Previous activities similar to the specified activities have had minimal documented effects on polar bears, taking into consideration the baseline of existing impacts from other projects and factors. Anticipated effects will be limited to short-term, temporary behavioral changes. Furthermore, our analyses do not indicate, nor do we anticipate, any take by Level A harassment or lethal take of polar bears during the 1-year period of this proposed IHA. Therefore, we anticipate that the specified activities will not have lasting impacts that could significantly affect an individual polar bear's health, reproduction, or survival. The limited extent of anticipated impacts on polar bears— (i.e., temporary and minor behavioral disturbances associated with Level B harassment)— is unlikely to adversely affect annual rates of polar bear survival or recruitment.

2. The distribution and habitat use patterns of polar bears indicate that relatively few polar bears will occur in the specified areas of activity at any time and, therefore, few polar bears are likely to be affected.

3. BP has committed to the implementation of monitoring requirements and mitigation measures designed to reduce the potential impacts of their operations on polar bears. Daily road and drone surveys for polar bears prior to beginning operations, along with adaptive mitigation and management responses based on real-time monitoring information (described in this proposed authorization) will be used to avoid or minimize interactions with polar bears and, therefore, limit potential disturbance.

We also consider the conjectural or speculative impacts associated with these specified activities. The specific congressional direction described below justifies balancing the probability of such impacts with their severity: If potential effects of a specified activity are conjectural or speculative, a finding of negligible impact may be appropriate. A finding of negligible impact may also be appropriate if the probability of occurrence is low, but the potential effects may be significant. In this case, the probability of occurrence of impacts must be balanced with the potential severity of harm to the species or stock when determining negligible impact. In applying this balancing test, the FWS will thoroughly evaluate the risks involved and the potential impacts on marine mammal populations. Such determination will be made based on the best available scientific information (54 FR 40338, September 29, 1989, quoting 53 FR 8473, March 15, 1988, and 132 Cong. Rec. S 16305 (October 15, 1986)).

The effects of most concern, specific to polar bears, to these types of operations is the mortality of polar bear cubs that could result from disturbance during certain periods of denning. However, the activities proposed in this IHA are well before the denning period begins during the early winter months. Therefore, there is no risk to denning polar bears. Furthermore, the short time period of operations, in combination with the small

geographic area, limited scope of activities, and committed migration measures, minimize the potential impacts to polar bears.

The FWS does not anticipate that the conjectural or speculative impacts associated with these specified activities warrant a finding of non-negligible impact or otherwise preclude issuance of this proposed IHA.

We reviewed the effects of the specified activities on polar bears. Based on our review of these potential impacts, past monitoring reports, and the biology and natural history of polar bears, we anticipate that such effects will be limited to short-term behavioral disturbances.

We have evaluated climate change regarding polar bears as part of the environmental baseline. Climate change is a global phenomenon and was considered as the overall driver of effects that could alter polar bear habitat and behavior. The FWS is currently involved in research to understand how climate change may affect polar bears. As we gain a better understanding of climate change effects, we will incorporate this information in future authorizations.

We preliminarily find that the impacts of these specified activities cannot be reasonably expected to, and are not reasonably likely to, adversely affect either SBS polar bears through effects on annual rates of recruitment or survival. We, therefore, preliminarily find that the total of the taking estimated above and proposed for authorization will have a negligible impact on SBS polar bears.

Impact on Subsistence Use

Based on past community consultations, locations of hunting areas, no anticipated overlap of hunting areas and proposed projects, and the best scientific information available, including monitoring data from similar activities, we propose a finding that take caused by the specified activities will not have an unmitigable adverse impact on the availability of SBS polar bears for taking for subsistence uses during the proposed

timeframe.

While polar bears represent a small portion, in terms of the number of animals, of the total subsistence harvest for the Utqiagvik, Nuiqsut, and Kaktovik communities, polar bear harvest is important to Alaska Natives. The project activities are in close proximity to an established industrial area, with the closest known common locations of polar bear harvest greater than 70 km (43.5 mi) away. BP has committed to notify the Village of Kaktovik and Village of Nuiqsut of the planned activities and to document any discussions of potential conflict. BP will make reasonable efforts to ensure that activities do not interfere with subsistence hunting and that adverse effects on the availability of polar bears are minimized. Should concerns related to subsistence uses of polar bears be voiced, BP will develop a plan of cooperation (POC) that identifies measures to minimize any adverse effects. This POC must provide the procedures addressing how BP will work with the affected Alaska Native communities and what actions will be taken to avoid interference with subsistence hunting of polar bears, as warranted.

The FWS is not aware of information that indicates that polar bears will be deterred from hunting areas or impacted by the specified project activities in any way that diminishes their availability for subsistence use.

Least Practicable Adverse Impact

We evaluated the practicability and effectiveness of mitigation measures based on the nature, scope, and timing of the specified activities; the best available scientific information; and monitoring data during industry activities in the specified geographic region. We propose a finding that the mitigation measures included within BP's request will ensure the least practicable adverse impacts on SBS polar bears and their availability for taking for subsistence use.

Drone flight restrictions around observed polar bears will reduce the potential for uncrewed aircraft disturbing polar bears. BP does not plan to use crewed aircraft during

these proposed activities, which provides further mitigative benefit, as crewed aircraft would increase the probability of take. Finally, BP will implement mitigation measures to prevent the presence and impact of attractants in camps, such as the use of wildlife-resistant waste receptacles, daily food waste incineration, and storage of hazardous materials in drums or other secure containers. These measures are outlined in a polar bear interaction plan that was developed in coordination with the FWS and is part of BP's application for this IHA. Based on the information we currently have regarding polar bear disturbances and attractants, we concluded that the mitigation measures outlined in BP's request (ERM 2025) and incorporated into this authorization will minimize impacts from the specified drone site surveys, surface water monitoring, removal of solid waste (debris), backfill activities, and revegetation activities to the extent practicable.

Several additional potential mitigation measures were considered but determined to be not practicable. These measures are listed below:

- *Spatial and temporal restrictions on surface activity*—Some spatial and temporal restrictions of operations were included in BP's request; however, imposing further restrictions would risk preventing the accomplishment of project objectives.
- *Requirement of third-party neutral marine mammal observers*—The applicant has committed to having a trained scientist on board each airboat specifically to scan for polar bears. All crew members will be trained to observe for polar bears and there will be a bear guard, trained to FWS standards, present during all activities. However, operational constraints prevent the applicant from hiring third-party marine mammal observers for all operations due to space considerations. Additional crew may also require additional transit vehicles or larger vessels, which could increase disturbance.
- *Require all activities to cease if a polar bear is injured or killed until an investigation is completed*—The FWS has incorporated reporting requirements for all polar bear interactions into this proposed authorization, as well as a requirement to cease

activities following incidents of unauthorized take so long as it is safe to do so. While ceasing all activities following a polar bear injury or death could aid investigations in some cases, this action may not be possible or safe in certain circumstances and, thus, will not be mandated.

References Cited

A list of the references cited in this notice may be found at https://www.regulations.gov under Docket No. FWS–R7–ES–2025–0506.

Required Determinations

National Environmental Policy Act (NEPA)

We have prepared a draft environmental assessment in accordance with the NEPA (42 U.S.C. 4321 et seq.). We have preliminarily concluded that authorizing the nonlethal, incidental, unintentional take by Level B harassment of up to three individuals from the SBS stock of polar bears during the IHA period in the specified geographic region while conducting the specified activities would not significantly affect the quality of the human environment and, thus, preparation of an environmental impact statement for this incidental harassment authorization is not required by section 102(2) of NEPA or its implementing regulations. We are accepting comments on the draft environmental assessment as specified above in **DATES** and **ADDRESSES**.

Endangered Species Act (ESA)

Under the Endangered Species Act (16 U.S.C. 1536(a)(2)), all Federal agencies are required to ensure the actions they authorize are not likely to jeopardize the continued existence of any threatened or endangered species or result in destruction or adverse modification of critical habitat. Prior to issuance of a final IHA, the FWS will complete intra-Service consultation under section 7 of the ESA on our proposed issuance of an IHA. These evaluations and findings will be made available on the FWS's website at: https://reports.ecosphere.fws.gov/FWSPublicReports/Reports/Index?reportname=Biologi

calOpinionReport.

Government-to-Government Consultation

It is our responsibility to communicate and work directly on a government-to-government basis with federally recognized Alaska Native Tribes and organizations in developing programs for healthy ecosystems. We seek their full and meaningful participation in evaluating and addressing conservation concerns for protected species. It is our goal to remain sensitive to Alaska Native culture and to make information available to Alaska Natives. Our efforts are guided by Executive Order 13175 "Consultation and Coordination With Indian Tribal Governments," 512 DM 5 "Procedures for Consultation with Indian Tribes," 512 DM 6 "Department of the Interior Policy on Consultation with Alaska Native Claims Settlement Act Corporations," 510 FW 1 "The Service's Native American Policy," and 510 FW 2 "The Service's Alaska Native Relations Policy."

The FWS has evaluated possible effects of the specified activities on federally recognized Alaska Native Tribes and organizations. The applicant has presented a communication process, culminating in POCs if needed, with the Alaska Native organizations and communities most likely to be affected by their work. The FWS does not anticipate impacts to Alaska Native Tribes or Alaska Native Claims Settlement Act corporations and does not anticipate requesting consultation; however, we invite continued discussion, either about the project and its impacts or about our coordination and information exchange throughout the IHA/POC process.

Paperwork Reduction Act

This rule does not contain any new collection of information that requires approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.). OMB has previously approved the information collection requirements associated with IHAs and assigned OMB Control Number 1018–0194 (expires August 31, 2026). An agency may not conduct or sponsor,

and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Proposed Authorization

We propose to authorize the nonlethal, incidental take by Level B harassment of up to three individual polar bears from the SBS stock of polar bears. Authorized take will be limited to disruption of behavioral patterns that may be caused by drone site surveys, surface water monitoring, removal of solid waste (debris), backfill activities, and revegetation activities by BP at Foggy Island Bay State No. 1 gravel pad, in the Prudhoe Bay area of the North Slope Borough, Alaska, from June 1, 2026, to May 31, 2027. We do not anticipate or authorize any take by Level A harassment, injury, or death to polar bears resulting from these activities.

A. *General Conditions for the IHA for BP*

1. Activities must be conducted in the manner described in the Revised Request dated July 31, 2025, for an IHA and in accordance with all applicable conditions and mitigation measures. The taking of polar bears whenever the required conditions, mitigation, monitoring, and reporting measures are not fully implemented as required by the IHA is prohibited. Failure to follow the measures specified both in the revised request and within the IHA may result in the modification, suspension, or revocation of the IHA.

2. If project activities cause unauthorized take (i.e., take of more than three polar bears from the SBS stock, a form of take other than Level B harassment, or take of one or more polar bears through methods not described in the IHA), BP must take the following actions:

i. Cease its activities immediately (or reduce activities to the minimum level necessary to maintain safety);

ii. Report the details of the incident to the FWS within 48 hours; and

iii. Suspend further activities until the FWS has reviewed the circumstances and determined whether additional mitigation measures are necessary to avoid further unauthorized taking.

3. All operations managers, vehicle operators, and vessel operators must receive a copy of this IHA and maintain access to it for reference at all times during project work. These personnel must understand, be fully aware of, and be capable of implementing the conditions of the IHA at all times during project work.

4. This IHA applies to activities associated with the proposed project as described in this document and in BP's revised request. Changes to the proposed project without prior authorization may invalidate the IHA.

5. BP's Revised Request is approved and fully incorporated into this IHA unless exceptions are specifically noted herein. The revised request includes: BP's "Incidental Harassment Authorization and Letter of Authorization Application Foggy Island Bay State No. 1" dated May 13, 2025, and revised July 31, 2025, which includes BP's "Polar Bear Interaction Plan, Mitigation Measures to Effect Least Practicable Adverse Impact to Polar Bears" (LPAI checklist), and geospatial files.

6. Operators will allow FWS personnel or the FWS's designated representative to visit project work sites to monitor for impacts to polar bears and subsistence uses of polar bears at any time throughout project activities so long as it is safe to do so. "Operators" are all personnel operating under BP's authority, including all contractors and subcontractors.

BP must implement the following policies and procedures to avoid interactions and minimize to the greatest extent practicable any adverse impacts on polar bears, their habitat, and the availability of these marine mammals for subsistence uses.

B. *General Avoidance Measures*

7. BP must cooperate with the FWS and other designated Federal, State, and local agencies to monitor and mitigate the impacts of activities on polar bears.

8. Trained and qualified personnel must be designated to monitor at all times for the presence of polar bears; initiate mitigation measures; and monitor, record, and report the effects of the activities on polar bears. BP must provide all operators with polar bear awareness training prior to their participation in project activities.

9. An FWS-approved polar bear safety, awareness, and interaction plan must be on file with the FWS's Marine Mammal Management office and available on site. The interaction plan must include:

i. A description of the proposed activity (i.e., a summary of the plan of operations during the proposed activity);

ii. A food, waste, and other attractants management plan;

iii. Personnel training policies, procedures, and materials;

iv. Site-specific polar bear interaction risk evaluation and mitigation measures;

v. Polar bear avoidance and encounter procedures; and

vi. Polar bear observation and reporting procedures.

BP must contact potentially affected subsistence communities and hunter organizations to discuss potential conflicts caused by the activities and provide the FWS documentation of communications as described in D. *Measures to Reduce Impacts to Subsistence Users*.

10. *Mitigation measures for drones.* BP must undertake the following activities to limit disturbance from drone activities:

i. Drones shall operate between 61 m (200 ft) and 122 m (400 ft) above ground level, excluding takeoff and landing.

ii. If any polar bears are observed in the area by a drone, the drone must increase its altitude to the maximum of 122 m (400 ft) above ground level and immediately fly

away from the observed polar bear(s). Drones must not intentionally be maneuvered any closer to an observed polar bear after initial observation has been made. Unnecessary turning of drones, hovering, and/or circling when within 805 m (0.5 mi) of a known polar bear(s) must be avoided.

iii. Every effort must be made to avoid all polar bears in the area.

iv. Drones must not be operated in such a way as to separate individual polar bears from a group (i.e., two or more individuals).

v. Drones must not be used under any circumstance to intentionally harass (e.g., haze) any polar bears.

vi. Prior to conducting drone operations, BP will conduct a pre-drone survey of the operational area from Endicott Road. If a polar bear is observed during a pre-drone survey, drones must not be used until the polar bear(s) are confirmed to have left the area.

vii. Drones must not land within 805 m (0.5 mi) of any polar bear(s).

11. *Mitigation measures for airboat activities.*

i. Prior to and during airboat use, BP must assess the access route for polar bears. While workers are transiting in the airboat, a designated occupant must be assigned to scan the surrounding area for marine mammals.

ii. Airboats must always maintain the maximum distance possible from polar bears. Airboats should never approach within an 805-m (0.5-mi) radius of polar bears unless it is an emergency.

iii. Airboats must take all practical measures (i.e., reduce speed, change course heading) to avoid approaching polar bears in the water, avoid separating individual polar bears from a group, encircling polar bears, and impeding movement of polar bears.

iv. When operationally feasible, airboats should engage in methods to limit airboat noise, such as reducing speed, performing regular airboat maintenance, using

fewer airboats, and/or implementing quieting technologies (e.g., propeller design, wake improvement devices, propulsion enhancement measures, hull treatment solutions).

v. Provide written guidance to airboat operators for minimizing disturbance to polar bears.

vi. Airboats must not be operated if polar bears have been observed or are known to be in the area.

C. *Monitoring*

12. Operators must provide on-site observers and implement the FWS-approved polar bear and safety, awareness, and interaction plan to apply mitigation measures, monitor the project's effects on polar bears and subsistence uses, and evaluate the effectiveness of mitigation measures.

13. All on-site observers shall complete an FWS-provided training course designed to familiarize individuals with monitoring and mitigation activities identified in the polar bear safety, awareness, and interaction plan.

14. On-site observers must be present during all operations and must record all polar bear observations, identify and document potential harassment, and work with personnel to implement appropriate mitigation measures.

15. Operators shall cooperate with the FWS and other designated Federal, State, and local agencies to monitor the impacts of project activities on polar bears. Where information is insufficient to evaluate the potential effects of activities on polar bears and the subsistence use of this species, BP may be required to participate in joint monitoring efforts to address these information needs and ensure the least practicable impact to this resource.

D. *Measures to Reduce Impacts to Subsistence Users*

BP must conduct its activities in a manner that, to the greatest extent practicable, minimizes adverse impacts on the availability of polar bears for subsistence uses.

16. BP will be required to develop an FWS-approved POC if, through community consultation, concerns are raised regarding impacts to subsistence harvest or Alaska Native Tribes and Organizations.

17. If required, BP will implement the FWS-approved POC.

18. Prior to conducting the work, BP will take the following steps to reduce potential effects on subsistence harvest of polar bears:

i. Avoid work in areas of known polar bear subsistence harvest;

ii. Notify the Native Village of Kaktovik and the Native Village of Nuiqsit of the proposed project activities;

iii. Work to resolve any concerns of potentially affected Alaska Native Tribal Organizations and Corporations regarding the project's effects on subsistence hunting of polar bears;

iv. If any unresolved or ongoing concerns of potentially affected Alaska Native Tribal Organizations and Corporations remain, modify the POC in consultation with the FWS and subsistence stakeholders to address these concerns; and

v. Implement FWS-required mitigation measures that will reduce impacts to subsistence users and their resources.

E. *Reporting Requirements*

BP must report the results of monitoring to the FWS Marine Mammals Management office via email at fw7_mmm_reports@fws.gov.

19. *Activity progress reports.* BP must notify the FWS at least 48 hours prior to the onset of activities.

20. *Polar bear observation reports.* BP must report, within 48 hours, all observations of polar bears and potential polar bear dens during any project activities. Upon request, monitoring report data must be provided in a common electronic format (to

be specified by the FWS). Information in the observation report must include, but need not be limited to:

i. Date and time of each observation;

ii. Locations of the observer and polar bears (GPS coordinates if possible);

iii. Number of polar bears;

iv. Sex and age class—adult, subadult, cub (if known);

v. Observer name and contact information;

vi. Weather, visibility, and, if at sea, sea state and sea ice conditions at the time of observation;

vii. Estimated closest distance of polar bears from personnel and facilities;

viii. Type of work being conducted at time of sighting;

ix. Possible attractants present;

x. Polar bear behavior—initial behavior when first observed (e.g., walking, swimming, resting, etc.);

xi. Potential reaction—behavior of polar bear potentially in response to presence or activity of personnel and equipment;

xii. Description of the encounter;

xiii. Duration of the encounter; and

xiv. Mitigation actions taken.

21. *Human–polar bear interaction reports.* BP must report all human–polar bear interaction incidents immediately, and not later than 48 hours after the incident. Human–polar bear interactions include:

i. Any situation in which there is a possibility for unauthorized take. For instance, when project activities exceed those included in an IHA, when a mitigation measure was required but not enacted, or when injury or death of a polar bear occurs. Reports must

include all information specified for an observation report in condition 20 above, a complete detailed description of the incident, and any other actions taken.

ii. Injured, dead, or distressed polar bears that are clearly not associated with project activities (e.g., animals found outside the project area, previously wounded animals, or carcasses with moderate to advanced decomposition or scavenger damage) must also be reported to the FWS immediately, and not later than 48 hours after discovery. Photographs, video, location information, or any other available documentation must be included.

22. *Final report.* The results of monitoring and mitigation efforts identified in the marine mammal avoidance and interaction plan must be submitted to the FWS for review within 90 days of the expiration of this IHA. Upon request, final report data must be provided in a common electronic format (to be specified by the FWS). Information in the final report must include, but need not be limited to:

i. Copies of all observation reports submitted under the IHA;

ii. A summary of the observation reports;

iii. A summary of monitoring and mitigation efforts including areas, total hours, total distances, and distribution;

iv. Analysis of factors affecting the visibility and detectability of polar bears during monitoring;

v. Analysis of the effectiveness of mitigation measures;

vi. A summary and analysis of the distribution, abundance, and behavior of all polar bears observed; and

vii. Estimates of take in relation to the specified activities.

Request for Public Comments

If you wish to comment on this proposed authorization, the associated draft environmental assessment, or both documents, you may submit your comments by either

of the methods described in **ADDRESSES**. Please identify if you are commenting on the proposed authorization, draft environmental assessment, or both; make your comments as specific as possible; confine them to issues pertinent to the documents; and explain the reason for any changes you recommend. Where possible, your comments should reference the specific section or paragraph that you are addressing. The FWS will consider all comments that are received before the close of the comment period (see **DATES**). The FWS does not anticipate extending the public comment period beyond the 30 days required under section 101(a)(5)(D)(iii) of the MMPA.

Comments, including names and street addresses of respondents, will become part of the administrative record for this proposal. Before including your address, telephone number, email address, or other personal identifying information in your comment, be advised that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comments to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Drew Crane,
Acting Assistant Regional Director for Fisheries and Ecological Services, Alaska Region.
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