
Leasing Activities Information



U.S. Department of the Interior
Minerals Management Service
Alaska OCS Region

Proposed Lease Stipulations Oil and Gas Lease Sale 193 Chukchi Sea February 6, 2008

- Stipulation 1. Protection of Biological Resources
- Stipulation 2. Orientation Program
- Stipulation 3. Transportation of Hydrocarbons
- Stipulation 4. Industry Site-Specific Monitoring Program for Marine Mammals Subsistence Resources
- Stipulation 5. Conflict Avoidance Mechanisms to Protect Subsistence Whaling and Other Marine Mammal Subsistence-Harvesting Activities
- Stipulation 6. Pre-Booming Requirements for Fuel Transfers
- Stipulation 7. Measures to Minimize Effects to Spectacled and Steller's Eiders during Exploration Activities

Stipulation No. 1. Protection of Biological Resources. If previously unidentified biological populations or habitats that may require additional protection are identified in the lease area by the Regional Supervisor, Field Operations (RS/FO), the RS/FO may require the lessee to conduct biological surveys to determine the extent and composition of such biological populations or habitats. The RS/FO shall give written notification to the lessee of the RS/FO's decision to require such surveys.

Based on any surveys that the RS/FO may require of the lessee or on other information available to the RS/FO on special biological resources, the RS/FO may require the lessee to:

- (1) Relocate the site of operations;
- (2) Establish to the satisfaction of the RS/FO, on the basis of a site-specific survey, either that such operations will not have a significant adverse effect upon the resource identified or that a special biological resource does not exist;
- (3) Operate during those periods of time, as established by the RS/FO, that do not adversely affect the biological resources; and/or

- (4) Modify operations to ensure that significant biological populations or habitats deserving protection are not adversely affected.

If any area of biological significance should be discovered during the conduct of any operations on the lease, the lessee shall immediately report such finding to the RS/FO and make every reasonable effort to preserve and protect the biological resource from damage until the RS/FO has given the lessee direction with respect to its protection.

The lessee shall submit all data obtained in the course of biological surveys to the RS/FO with the locational information for drilling or other activity. The lessee may take no action that might affect the biological populations or habitats surveyed until the RS/FO provides written directions to the lessee with regard to permissible actions.

Stipulation No. 2. Orientation Program. The lessee shall include in any exploration or development and production plans submitted under 30 CFR 250.211 and 250.241 a proposed orientation program for all personnel involved in exploration or development and production activities (including personnel of the lessee's agents, contractors, and subcontractors) for review and approval by the Regional Supervisor, Field Operations. The program shall be designed in sufficient detail to inform individuals working on the project of specific types of environmental, social, and cultural concerns that relate to the sale and adjacent areas. The program shall address the importance of not disturbing archaeological and biological resources and habitats, including endangered species, fisheries, bird colonies, and marine mammals and provide guidance on how to avoid disturbance. This guidance will include the production and distribution of information cards on endangered and/or threatened species in the sale area. The program shall be designed to increase the sensitivity and understanding of personnel to community values, customs, and lifestyles in areas in which such personnel will be operating. The orientation program shall also include information concerning avoidance of conflicts with subsistence activities and pertinent mitigation.

The program shall be attended at least once a year by all personnel involved in onsite exploration or development and production activities (including personnel of the lessee's agents, contractors, and subcontractors) and all supervisory and managerial personnel involved in lease activities of the lessee and its agents, contractors, and subcontractors.

The lessee shall maintain a record of all personnel who attend the program onsite for so long as the site is active, not to exceed 5 years. This record shall include the name and date(s) of attendance of each attendee.

Stipulation No. 3 – Transportation of Hydrocarbons. Pipelines will be required: (a) if pipeline rights-of-way can be determined and obtained; (b) if laying such pipelines is technologically feasible and environmentally preferable; and (c) if, in the opinion of the lessor, pipelines can be laid without net social loss, taking into account any incremental costs of pipelines over alternative methods of transportation and any incremental benefits in the form of increased environmental protection or reduced multiple-use conflicts. The lessor specifically reserves the right to require that any pipeline used for transporting production to shore be placed in certain designated management areas. In selecting the means of transportation, consideration will be given to recommendations of any Federal, state, and local governments and industry.

Following the development of sufficient pipeline capacity, no crude oil production will be transported by surface vessel from offshore production sites, except in the case of an emergency. Determinations as to emergency conditions and appropriate responses to these conditions will be made by the Regional Supervisor, Field Operations.

Stipulation No. 4 – Industry Site-Specific Monitoring Program for Marine Mammal

Subsistence Resources. A lessee proposing to conduct exploration operations, including ancillary seismic surveys on a lease, during the periods and within the subsistence use areas related to bowhead whale, beluga whale, ice seals, walrus, and polar bears and their migrations and subsistence hunting as specified below, will be required to conduct a site-specific monitoring program approved by the Regional Supervisor, Field Operations (RS/FO); unless, based on the size, timing, duration, and scope of the proposed operations, the RS/FO, in consultation with appropriate agencies and co-management organizations, determines that a monitoring program is not necessary. Organizations currently recognized by the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (FWS) for the co-management of the marine mammals resources are the Alaska Eskimo Whaling Commission, the Alaska Beluga Whale Committee, the Alaska Eskimo Walrus Commission, the Ice Seal Commission, and the Nanuk Commission. The RS/FO will provide the appropriate agencies and co-management organizations a minimum of 30 but no longer than 60 calendar days to review and comment on a proposed monitoring program prior to approval. The monitoring program must be approved each year before exploratory drilling operations can be commenced.

The monitoring program will be designed to assess when bowhead and beluga whales, ice seals, walrus, and polar bears are present in the vicinity of lease operations and the extent of behavioral effects on these marine mammals due to these operations. In designing the program, the lessee must consider the potential scope and extent of effects that the type of operation could have on these marine mammals. Experiences relayed by subsistence hunters indicate that, depending on the type of operations, some whales demonstrate avoidance behavior at distances of up to 35 mi. The program must also provide for the following:

- (1) Recording and reporting information on sighting of the marine mammals of concern and the extent of behavioral effects due to operations;
- (2) Coordinating the monitoring logistics beforehand with the MMS Bowhead Whale Aerial Survey Project (BWASP) and other mandated aerial monitoring programs;
- (3) Invite a local representative to be determined by consensus of the appropriate co-management organizations to participate as an observer in the monitoring program;
- (4) Submitting daily monitoring results to the RS/FO;
- (5) Submitting a draft report on the results of the monitoring program to the RS/FO within 60 days following the completion of the operation. The RS/FO will distribute this draft report to the appropriate agencies and co-management organizations; and
- (6) Submitting a final report on the results of the monitoring program to the RS/FO. The final report will include a discussion of the results of the peer review of the draft report. The RS/FO will distribute this report to the appropriate agencies and co-management organizations.

The lessee will be required to fund an independent peer review of a proposed monitoring plan and the draft report on the results of the monitoring program for bowhead whales. The lessee may be required to fund an independent peer review of a proposed monitoring plan and the draft

report on the results of the monitoring program for other co-managed marine mammal resources. This peer review will consist of independent reviewers who have knowledge and experience in statistics, monitoring marine mammal behavior, the type and extent of the proposed operations, and an awareness of traditional knowledge. The peer reviewers will be selected by the RS/FO from experts recommended by the appropriate agencies and co-management resource organizations. The results of these peer reviews will be provided to the RS/FO for consideration in final approval of the monitoring program and the final report, with copies to the appropriate agencies and co-management organizations.

In the event the lessee is seeking a Letter of Authorization (LOA) or Incidental Harassment Authorization (IHA) for incidental take from NMFS and/or FWS, the monitoring program and review process required under the LOA or IHA may satisfy the requirements of this stipulation. The lessee must advise the RS/FO when it is seeking an LOA or IHA in lieu of meeting the requirements of this stipulation and provide the RS/FO with copies of all pertinent submittals and resulting correspondence. The RS/FO will coordinate with the NMFS and/or FWS and will advise the lessee if the LOA or IHA will meet these requirements.

The MMS, NMFS, and FWS will establish procedures to coordinate results from site-specific surveys required by this stipulation and the LOA's or IHA's to determine if further modification to lease operations are necessary.

This stipulation applies to the areas and time periods listed below. This stipulation will remain in effect until termination or modification by the Department of the Interior after consultation with appropriate agencies.

Subsistence Whaling and Marine Mammal Hunting Activities by Community

Barrow: Spring bowhead whaling occurs from April to June; Barrow hunters hunt from ice leads from Point Barrow southwestward along the Chukchi Sea coast to the Skull Cliff area; fall whaling occurs from August to October in an area circumscribed by a western boundary extending approximately 10 miles west of Barrow, a northern boundary 30 miles north of Barrow, then southeastward to a point about 30 miles off Cooper Island, with an eastern boundary on the east side of Dease Inlet. Occasional use may extend eastward as far as Smith Bay and Cape Halkett. Beluga whaling occurs from April to June in the spring leads between Point Barrow and Skull Cliff; later in the season, belugas are hunted in open water around the barrier islands off Elson Lagoon. Walrus are harvested from June to September from west of Barrow southwestward to Peard Bay. Polar bear are hunted from October to June generally in the same vicinity used to hunt walrus. Seal hunting occurs mostly in winter, but some open-water sealing is done from the Chukchi coastline east as far as Dease Inlet and Admiralty Bay in the Beaufort Sea.

Wainwright: Bowhead whaling occurs from April to June in the spring leads offshore of Wainwright; with whaling camps sometimes are as far as 10 to 15 miles from shore. Wainwright hunters hunt beluga whales in the spring lead system from April to June but only if no bowheads are in the area. Later in the summer, from July to August, belugas can be hunted along the coastal lagoon systems. Walrus hunting occurs from July to August at the southern edge of the retreating pack ice. From August to September walrus

can be hunted at local haulouts with the focal area from Milliktagvik north to Point Franklin. Polar bear hunting occurs primarily in the fall and winter around Icy Cape, at the headland from Point Belcher to Point Franklin, and at Seahorse Island.

Point Lay: Because Point Lay's location renders it unsuitable for bowhead whaling, beluga whaling is the primary whaling pursuit. Beluga whales are harvested from the middle of June to the middle of July. The hunt is concentrated in Naokak and Kukpowruk Passes south of Point Lay where hunters use boats to herd the whales into the shallow waters of Kasegaluk Lagoon where they are hunted. If the July hunt is unsuccessful, hunters can travel as far north as Utukok Pass and as far south as Cape Beaufort in search of whales. When ice conditions are favorable, Point Lay residents hunt walrus from June to August along the entire length of Kasegaluk Lagoon, south of Icy Cape, and as far as 20 miles offshore. Polar bear are hunted from September to April along the coast rarely more than 2 miles offshore.

Point Hope: Bowhead whales are hunted from March to June from whaling camps along the ice edge south and southeast of the point. The pack-ice lead is rarely more than 6 to 7 miles offshore. Beluga whales are harvested from March to June in the same area used for the bowhead whale hunt. Beluga whales can also be hunted in the open water later in the summer from July to August near the southern shore of Point Hope close to the beaches, as well as areas north of the point as far as Cape Dyer. Walrus is harvested from May to July along the southern shore of the point from Point Hope to Akoviknak Lagoon. Point Hope residents hunt polar bear primarily from January to April and occasionally from October to January in the area south of the point and as far out as 10 miles from shore.

Stipulation No. 5 – Conflict Avoidance Mechanisms to Protect Subsistence Whaling and Other Marine Mammal Subsistence-Harvesting Activities. Exploration and development and production operations shall be conducted in a manner that prevents unreasonable conflicts between the oil and gas industry and subsistence activities (including, but not limited to, bowhead whale and other marine mammal subsistence hunting). This stipulation applies to leases in the following blocks for offshore exploration, development, and production activities, and applies to all leases for associated activities, such as vessel and aircraft traffic that transit the listed blocks, or that occur nearshore in support of those leases.

NR02-06, Chukchi Sea:

6624, 6625, 6674, 6675, 6723 – 6725, 6773 – 6775, 6822, 6823, 6872

NR03-02, Posey:

6872, 6873, 6918 – 6923, 6967 – 6973, 7016 – 7023, 7063 – 7073, 7112 – 7123

NR03-03, Colbert

6674, 6723, 6724, 6771 – 6774, 6820 – 6824, 6869 – 6874, 6918 – 6924, 6966 – 6974, 7015 – 7024, 7064 – 7074, 7113 – 7124

NR03-04, Solivik Island

6011 – 6023, 6060 – 6073, 6109 – 6122, 6157 – 6171, 6206 – 6219, 6255 – 6268, 6305 – 6317, 6354 – 6365, 6403 – 6414, 6453 – 6462, 6502 – 6511, 6552 – 6560, 6601 – 6609,

6651 – 6658, 6701 – 6707, 6751 – 6756, 6801 – 6805, 6851 – 6854, 6901 – 6903, 6951, 6952, 7001

NR03-05, Point Lay West

6014 – 6024, 6062 – 6073, 6111 – 6122, 6160 – 6171, 6209 – 6221, 6258 – 6269, 6307 – 6317, 6356 – 6365, 6406 – 6414, 6455 – 6462, 6503 – 6510, 6552 – 6558, 6602 – 6606, 6652 – 6655, 6702, 6703

NR04-01, Hanna Shoal

6223, 6267 – 6273, 6315 – 6323, 6363 – 6373, 6411 – 6423, 6459 – 6473, 6507 – 6523, 6556 – 6573, 6605 – 6623, 6654 – 6671, 6703 – 6721, 6752 – 6771, 6801 – 6819, 6851 – 6868, 6901 – 6918, 6951 – 6968, 7001 – 7010, 7051 – 7059, 7101 – 7107, ,

NR04-02, Barrow

6003 – 6022, 6052 – 6068, 6102 – 6118, 6151 – 6164, 6201 – 6214, 6251 – 6262, 6301 – 6312, 6351 – 6359, 6401 – 6409, 6451 – 6456, 6501 – 6506, 6551, 6552, 6601, 6602

NR04-03, Wainwright

6002 – 6006, 6052, 6053

NS04-08, (Unnamed)

6816 – 6822, 6861 – 6872, 6910 – 6922, 6958 – 6972, 7007 – 7022, 7055 – 7072, 7104 – 7122

Prior to submitting an exploration plan or development and production plan (including associated oil-spill response plans) to the MMS for activities proposed during the bowhead whale migration period and the critical times and locations listed below for other marine mammals, the lessee shall consult with the North Slope Borough, and with directly affected subsistence communities (Barrow, Point Lay, Point Hope, or Wainwright) and co-management organizations to discuss potential conflicts with the siting, timing, and methods of proposed operations and safeguards or mitigating measures that could be implemented by the operator to prevent unreasonable conflicts. Organizations currently recognized by the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (FWS) for the co-management of the marine mammals resources are the Alaska Eskimo Whaling Commission, the Alaska Beluga Whale Committee, the Alaska Eskimo Walrus Commission, the Ice Seal Commission, and the Nanuk Commission. Through this consultation, the lessee shall make every reasonable effort, including such mechanisms as a conflict avoidance agreement, to assure that exploration, development, and production activities are compatible with whaling and other marine mammal subsistence hunting activities and will not result in unreasonable interference with subsistence harvests.

A discussion of resolutions reached during this consultation process and plans for continued consultation shall be included in the exploration plan or the development and production plan. In particular, the lessee shall show in the plan how its activities, in combination with other activities in the area, will be scheduled and located to prevent unreasonable conflicts with subsistence activities. The lessee shall also include a discussion of multiple or simultaneous operations, such as ice management and seismic activities, that can be expected to occur during operations in order to more accurately assess the potential for any cumulative affects. Communities, individuals, and other entities who were involved in the consultation shall be identified in the

plan. The Regional Supervisor, Field Operations (RS/FO) shall send a copy of the exploration plan or development and production plan (including associated oil-spill response plans) to the directly affected communities and the appropriate co-management organizations at the time the plans are submitted to the MMS to allow concurrent review and comment as part of the plan approval process.

In the event no agreement is reached between the parties, the lessee, NMFS, FWS, the appropriate co-management organizations, and any communities that could be directly affected by the proposed activity, may request that the RS/FO assemble a group consisting of representatives from the parties to specifically address the conflict and attempt to resolve the issues before the RS/FO makes a final determination on the adequacy of the measures taken to prevent unreasonable conflicts with subsistence harvests.

The lessee shall notify the RS/FO of all concerns expressed by subsistence hunters during operations and of steps taken to address such concerns. Activities on a lease may be restricted if the RS/FO determines it is necessary to prevent unreasonable conflicts with local subsistence hunting activities.

In enforcing this stipulation, the RS/FO will work with other agencies and the public to assure that potential conflicts are identified and efforts are taken to avoid these conflicts.

Subsistence-harvesting activities occur generally in the areas and time periods listed below.

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Stipulation No. 6 – Pre-Booming Requirements for Fuel Transfers. Fuel transfers (excluding gasoline transfers) of 100 barrels or more will require pre-booming of the fuel barge(s). The fuel barge must be surrounded by an oil-spill-containment boom during the entire transfer operation to help reduce any adverse effects from a fuel spill. The lessee's oil-spill-response plans must include procedures for the pre-transfer booming of the fuel barge(s).

Stipulation No. 7 – Measures to Minimize Effects to Spectacled and Steller's Eiders during Exploration Activities. This stipulation would minimize the likelihood that Steller's and spectacled eiders would strike drilling structures and provide additional protection to listed eiders using the Ledyard Bay Spectacled Eider Critical Habitat Area and the Spring Lead System. These measures address lighting of lease structures/vessels and any exploration/delineation drilling activities proposed to occur within the Ledyard Bay Critical Habitat Area and the Spring Lead System during times listed eiders are present.

A) **General conditions:** The following conditions apply to all exploration activities.

1) A lessee Exploration Plan must include a plan for recording and reporting bird strikes. All bird collisions (with vessels, aircraft, or structures) shall be documented and reported within 3 days to MMS. Minimum information will include species, date/time, location, weather, and, if a vessel is involved, its operational status when the strike occurred. Bird photographs are not required, but would be helpful in verifying species. Lessees are advised that the USFWS does not recommend recovery or transport of dead or injured birds due to avian influenza concerns.

- 2) Exploration program support vessels will minimize operations that require high-intensity work lights, especially within the 20-m bathymetric contour. High-intensity lights will be turned off in inclement weather; however, navigation lights, deck lights, and interior lights could remain on for safety.
 - 3) An Oil Spill Response Vessel must be on-site when a rig is actively drilling within the Spring Lead System (April 15-June 10) or the Ledyard Bay Critical Habitat Area (July 1-November 15).
 - 4) Exploration program vessels working in or actively drilling in the Spring Lead System (April 15–June 10) or Ledyard Bay Critical Habitat Area (June 11–November 15) will have ready access to wildlife hazing equipment (including at least 3 *Breco* buoys or similar devices). This equipment could be on-board, be on an on-site OSRV, or be in Point Lay or Wainwright so long as it is kept readily accessible to oil-spill response personnel that are trained in its use.
 - 5) Aircraft supporting drilling operations will avoid operating below 1,500 feet ASL over the Spring Lead System (April 15–June 10) or Ledyard Bay Critical Habitat Area (July 1–November 15) to the maximum extent practicable. If weather prevents attaining this altitude, aircraft will use pre-designated flight routes at the outer margin of the Ledyard Bay Critical Habitat Area. Pre-designated flight routes will be established by the lessee and MMS, in collaboration with the USDOJ, FWS, during review of the Exploration Plan. Route or altitude deviations for emergencies or human safety shall be reported within 24 hours to MMS.
- B) **Drill Structure Lighting Protocol:** Lessees must adhere to lighting requirements for all exploration or delineation structures so as to minimize the likelihood that migrating marine and coastal birds will strike these structures. Lessees are required to implement lighting requirements aimed at minimizing the radiation of light outward from exploration/delineation structures to minimize the likelihood that birds will strike those structures. These requirements establish a coordinated process for a performance-based objective rather than pre-determined prescriptive requirements. The performance-based objective is to minimize the radiation of light outward from exploration/delineation structures. Measures to be considered include but need not be limited to the following:
- Shading and/or light fixture placement to direct light inward and downward to living and work structures while minimizing light radiating upward and outward;
 - Types of lights;
 - Adjustment of the number and intensity of lights as needed during specific activities;
 - Dark paint colors for selected surfaces;
 - Low-reflecting finishes or coverings for selected surfaces; and
 - Facility or equipment configuration.

Lessees are encouraged to consider other technical, operational and management approaches that could be applied to their specific facility and operation to reduce outward light radiation. These requirements apply to all Chukchi Sea OCS Lease Sale 193 activities conducted between April 15 and November 15 of each year.

Nothing in this protocol is intended to reduce personnel safety or prevent compliance with other regulatory requirements (e.g., U.S. Coast Guard or Occupational Safety and Health Administration) for marking or lighting of equipment and work areas.

- C) **Exploratory Drilling Operations:** For the purpose of protecting listed eiders, the spring lead system is defined as the Ledyard Bay Critical Habitat Area as well as the area landward from an imaginary line extending from the outer corner of the Critical Habitat Area (70°20'00"N x 164°00'00"W) extending northeast to the southeastern-most corner of the Lease Sale 193 Sale Area (71°39'35"N x 156°00'00"W) and the area landward of an imaginary line drawn between Point Hope and the other outer corner of the Ledyard Bay Critical Habitat Area (69°12'00"N x 166°13'00" W).

1) Spring Lead System

Vessels associated with drilling operations should avoid operating within the spring lead system to the maximum extent practicable. The following condition applies to any exploratory and delineation drilling operations proposed to occur in the Spring Lead System (April 15-June 10).

- a) Lessees are required to provide information regarding their operations within the spring lead system upon request of MMS. MMS may request information regarding number of vessels and their dates/points of entry into and exit from the spring lead system.

2) Ledyard Bay Critical Habitat Area

Except for emergencies or human/navigation safety, vessels associated with exploration drilling operations will minimize travel within the Ledyard Bay Critical Habitat Area (Figure 1, Appendix C of the EIS) to the maximum extent practicable. Exploration vessel travel within the Ledyard Bay Critical Habitat Area for emergencies or human/navigation safety shall be reported within 24 hours to MMS.

The following condition applies to any exploratory and delineation drilling operations proposed to occur in the Ledyard Bay Critical Habitat Area (July 1–November 15).

- a) The drill rig and support vessels must enter the Ledyard Bay Critical Habitat Area from the northwest and proceed directly to the drill site. Support vessels will remain in close proximity to the drill rig while providing support and exit the drill rig vicinity to the northwest until out of the Critical Habitat Area. Deviations from this routing shall be reported within 24 hours to MMS.