

Attachment 1

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
MINERALS MANAGEMENT SERVICE

ALASKA OCS REGION

(Insert Appropriate Regional Office)

RECEIVED  
Resource Evaluation

APR 27 2005

U.S. Dept. of the Interior  
Minerals Management Svc.  
Alaska OCS Region

APPLICATION FOR PERMIT TO CONDUCT GEOLOGICAL OR GEOPHYSICAL  
EXPLORATION FOR MINERAL RESOURCES OR SCIENTIFIC RESEARCH  
IN THE OUTER CONTINENTAL SHELF

(Section 11, Outer Continental Shelf Lands Act of August 7, 1953, as amended on September 18, 1978, by Public Law 95-372, 92 Statute 629, 43 U.S.C. 1340; and 30 CFR Part 251)

Veritas DGC  
Name of Applicant

2000 E. 88th Avenue  
Number and Street

Anchorage, Alaska 99507  
City, State, and Zip Code

\_\_\_\_\_  
Name of Service Company or Purchaser  
(if different from above)

Application is made for the following activity: (check one)

- Geological exploration for mineral resources
- Geological scientific research
- Geophysical exploration for mineral resources
- Geophysical scientific research

Submit: Original, two copies, and one public information copy.

To be completed by MMS

Permit Number: 05-01

Date: 7/2/05

**A. General Information**

1. The activity will be conducted by:

<u>Veritas DGC</u>	For <u>ConocoPhillips</u>
Service Company Name	Purchaser(s) of the Data
<u>2000E. 88th Avenue, Anchorage</u>	<u>700G. Street, Anchorage</u>
Address	Address
<u>907-276-6037(O) 276-6034(F)</u>	<u>907-276-1215</u>
Telephone/FAX Numbers	Telephone/FAX Numbers
<u>rick_trupp@veritasdgc.com</u>	<u>mfaust@conocophillips.com</u>
E-Mail Address	E-Mail Address

2. The purpose of the activity is:
- 
- Mineral exploration
- 
- 
- Scientific research

3. Describe the environmental effects of the proposed activity, including potential adverse effects on marine life and what steps are planned to minimize these adverse effects (use continuation sheets as necessary):

See attached Appendix I

4. The expected commencement date is:
- September 5, 2005

The expected completion date is: November 15, 2005

5. The name of the individual in charge of the field operation is:
- Joe Pagliero

May be contacted at: 907-351-8681 cellTelephone (Local) 907-276-6037 (Marine) To be suppliedRadio call sign Freq. 151.505

6. The vessel(s) to be used in the operation is (are):

Name Peregrine Falcon Registry number wav6285  
Arctic Wolf; Polar Bear Registry number wty6407; wbe8414Registered owner AW; Fairweather/PF; Jeff Johnson/PB; AK Marine Trpt.

7. The port from which the vessel(s) will operate is:
- Homer, AK

8. Briefly describe the navigation system (vessel navigation only):
- Veritas will use an

Integrated Navigation System utilizing DGPS for primary pos.

Appendix 1: Minerals Management Permit application MMS-327

Response to #3, page 6:

There will be no adverse effects on the environment. Potential for adverse effects to marine mammals exists from temporary noise disturbance to beluga whales. Activities will be localized to area in Cook Inlet on enclosed map. Mitigation measures included on US Army Core of Engineers Nationwide 6 permit D2002-0643: Monitoring and avoidance of marine mammals will be implemented.

**B. Complete for Geological Exploration for Mineral Resources or Geological Scientific Research**

1. The type of operation(s) to be employed is: (check one)
  - (a) \_\_\_\_\_ Deep stratigraphic test, or
  - (b) \_\_\_\_\_ Shallow stratigraphic test with proposed total depth of \_\_\_\_\_, or
  - (c) \_\_\_\_\_ Other \_\_\_\_\_
2. Exact geographic coordinates of proposed test(s) (attach a page-size plat(s)): \_\_\_\_\_

**C. Complete for Geophysical Exploration for Mineral Resources or Geophysical Scientific Research**

1. Proposed location of the activity (attach a page-size plat(s)): See attached Map.
2. The type(s) of operation(s) to be employed is (are): 3D Seismic  
 \_\_\_\_\_  
 (Seismic, gravity, magnetic, etc.)
3. The instrumentation and/or technique(s) to be used in the operation(s) is (are): \_\_\_\_\_  
Sercel 408 Recording System/Source will be AirGun Array  
 (Air gun, sparker, etc.)
4. Explosive charges will \_\_\_\_\_ will not x be used. If applicable, indicate the type of explosive and maximum charge size (in pounds) to be used:  
 Type \_\_\_\_\_ Pounds \_\_\_\_\_ Equivalent Pounds of TNT \_\_\_\_\_

**D. Proprietary Information Attachments**

Use the appropriate form on page 9 for a "geological" permit application or the form on page 10 for a "geophysical" permit application. You must submit a separate Form MMS-327 to apply for each geological or geophysical permit.

**E. Certification**

I hereby certify that foregoing and attached information are true and correct.

SIGNED *RDupp* DATE 04-26-05

TITLE Permits Coordinator

**UNITED STATES  
DEPARTMENT OF THE INTERIOR  
MINERALS MANAGEMENT SERVICE**

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Resource Evaluation

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**ALASKA OCS REGION**

(Insert Appropriate Regional Office)

U.S. Dept. of the Interior  
Minerals Management Svc.  
Alaska OCS Region

**PERMIT FOR GEOPHYSICAL EXPLORATION  
FOR MINERAL RESOURCES OR SCIENTIFIC RESEARCH  
IN THE OUTER CONTINENTAL SHELF**

In consideration of the terms and conditions contained herein and the authorization granted hereby, this permit is entered into by and between the United States of America (the Government), acting through the Minerals Management Service (MMS) of the Department of the Interior, and

Veritas DGC

(Name of Permittee)

2000 E. 88th Avenue

(Number and Street)

Anchorage, AK 99507

(City, State, and Zip Code)

PERMIT NUMBER: 05-01

DATE: 7/21/05

This permit is issued pursuant to the authority of the Outer Continental Shelf Lands Act, as amended, (43 U.S.C. 1331 et seq.), hereinafter called the "Act," and Title 30 Code of Federal Regulations Part 251 (Geological and Geophysical (G&G) Explorations of the Outer Continental Shelf).

**Paperwork Reduction Act of 1995 (PRA) Statement:** This permit refers to information collection requirements contained in 30 CFR part 251 regulations. The Office of Management and Budget (OMB) has approved those reporting requirements under OMB control number 1010-0048.

**Section I. Authorization**

The Government authorizes the permittee to conduct:

- Geophysical exploration for mineral resources as defined in 30 CFR 251.1.
- Geophysical scientific research as defined in 30 CFR 251.1. A permit is required for any geophysical investigation that involves the use of solid or liquid explosives or developing data and information for proprietary use or sale.

This permit authorizes the permittee to conduct the above geophysical activity during the period from September 5, 2005 to November 15, 2005 in the following area(s):

Please see attached map. Extensions of the time period specified above must be requested in writing. A permit plus extensions for activities will be limited to a period of not more than 1 year from the original issuance date of the permit. Inspection and reporting of geophysical exploration activities, suspension and cancellation of authority to conduct exploration or scientific research activities under permit, and penalties and appeals will be carried out in accordance with 30 CFR 251.8, 251.9, and 251.10.

The authority of the Regional Director may be delegated to the Regional Supervisor for Resource Evaluation for the purposes of this permit.

**Section II. Type(s) of Operations and Technique(s)**

- A. The permittee will employ the following type(s) of operations:

Dual Vessel Streamer Operations

and will utilize the following instruments and/or technique(s) in such operations:

Dual Vessel Streamer scenarios and 3D acquisition methods.

- B. The permittee will conduct all activities in compliance with the terms and conditions of this permit, including the "Stipulations," "Special Provisions," and the approved "Application for Permit," which are attached to and incorporated into this permit.
- C. The permittee will conduct all geophysical exploration or scientific research activities in compliance with the Act, the regulations in 30 CFR Part 251, and other applicable statutes and regulations whether such statutes and regulations are enacted, promulgated, issued, or amended before or after this permit is issued. Some of the provisions of 30 CFR Part 251 are restated in this permit for emphasis. However, all of the provisions of 30 CFR Part 251 apply to this permit.

### Section III. Reports on Operations

- A. The permittee must submit status reports on a weekly basis in a manner approved or prescribed by the Regional Supervisor, Resource Evaluation (hereinafter referred to as Supervisor). The report must include a daily log of operations and a map (preferably on a scale of 1:250,000) showing traverse lines according to Minerals Management Service (MMS) area and block numbers.
- B. The permittee must submit to the Supervisor a final report within 30 days after the completion of operations. The final report must contain the following:
1. A description of the work performed including number of line miles or OCS blocks of geophysical data acquired;
  2. Chart(s), map(s), or plat(s) depicting the areas and blocks in which any exploration or scientific research activities were conducted. These graphics must clearly indicate the location of the activities so that the data produced from the activities can be accurately located and identified;
  3. The dates on which the actual geophysical exploration or scientific research activities were performed;
  4. A narrative summary of any: (a) hydrocarbon occurrences or environmental hazards observed and (b) adverse effects of the geophysical exploration or scientific research activities on the environment, aquatic life, archaeological resources, or other uses of the area in which the activities were conducted;
  5. The estimated date on which the processed or interpreted data or information will be available for inspection by the MMS;
  6. A final edited navigation tape or other suitable storage medium of all data or sample locations in latitude/longitude degrees. The tape is to be formatted in UK00A84, coded in ASCII with fixed record length and fixed block size. A printed listing and a format statement are to be included;
  7. Identification of geocentric ellipsoid (NAD 27 or NAD 83) used as a reference for the data or sample locations; and
  8. Such other descriptions of the activities conducted as may be specified by the Supervisor.
- C. The last status report and the final report can be combined into one report.



**Section IV. Submission, Inspection, and Selection of Geophysical Data and Information**

- A. The permittee must notify the Supervisor, in writing, when the permittee has completed the initial processing and interpretation of any geophysical data and information collected under an exploration permit or a scientific research permit that involves developing data and information for proprietary use or sale. If the Supervisor asks if the permittee has further processed or interpreted any geophysical data and information collected under a permit, the permittee must respond within 30 days. If further processing of the data and information is conducted, it is the responsibility of the permittee to keep the most current resulting products available in the event the Supervisor requests the current status of data processing. At any time within 15 years after receiving notification of the completion of the acquisition activities conducted under the permit, the Supervisor may request that the permittee submit for inspection and possible retention all or part of the geophysical data, processed geophysical information, and interpreted geophysical information.
- B. The Supervisor will have the right to inspect and select the geophysical data, processed geophysical information, or interpreted geophysical information. This inspection will be performed on the permittee's premises unless the Supervisor requests that the permittee submit the data or information to the Supervisor for inspection. Such submission must be within 30 days following the receipt of the Supervisor's request unless the Supervisor authorizes a later delivery date. If the inspection is done on the permittee's premises, the permittee must submit the geophysical data or information selected within 30 days following receipt of the Supervisor's request, unless the Supervisor authorizes a longer period of time for delivery. The data or information requested for inspection or selected by the Supervisor must be submitted regardless of whether the permittee and the Government have or have not concluded an agreement for reimbursement. If the Supervisor decides to retain all or a portion of the geophysical data or information, the Supervisor will notify the permittee, in writing, of this decision.
- C. In the event that a third party obtains geophysical data, processed geophysical information, or interpreted geophysical information from a permittee, or from another third party, by sale, trade, license agreement, or other means:
1. The third party recipient of the data and information assumes the obligations under this section except for notification of initial processing and interpretation of the data and information and is subject to the penalty provisions of 30 CFR Part 250, Subpart N; and
  2. A permittee or third party that sells, trades, licenses, or otherwise provides the data and information to a third party must advise the recipient, in writing, that accepting these obligations is a condition precedent of the sale, trade, license, or other agreement; and
  3. Except for license agreements, a permittee or third party that sells, trades, or otherwise provides data and information to a third party must advise the Supervisor in writing within 30 days of the sale, trade, or other agreement, including the identity of the recipient of the data and information; or
  4. With regard to license agreements, a permittee or third party that licenses data and information to a third party, within 30 days of a request by the Supervisor, must advise the Supervisor, in writing, of the license agreement, including the identity of the recipient of the data and information.

- D. Each submission of geophysical data, processed geophysical information, and interpreted geophysical information must contain, unless otherwise specified by the Supervisor, the following:
1. An accurate and complete record of each geophysical survey conducted under the permit, including digital navigational data and final location maps of all surveys;
  2. All seismic data developed under a permit presented in a format and of a quality suitable for processing;
  3. Processed geophysical information derived from seismic data with extraneous signals and interference removed, presented in a format and of a quality suitable for interpretive evaluation, reflecting state-of-the-art processing techniques; and
  4. Other geophysical data, processed geophysical information, and interpreted geophysical information obtained from, but not limited to, shallow and deep subbottom profiles, bathymetry, side-scan sonar, gravity, magnetic, and electrical surveys, and special studies such as refraction, shear wave, and velocity surveys.

#### **Section V. Reimbursement to Permittees**

- A. After the delivery of geophysical data, processed geophysical information, and interpreted geophysical information requested by the Supervisor in accordance with subsection IV of this permit, and upon receipt of a request for reimbursement and a determination by MMS that the requested reimbursement is proper, MMS will reimburse the permittee or third party for the reasonable costs of reproducing the submitted data and information at the permittee's or third party's lowest rate or at the lowest commercial rate established in the area, whichever is less.
- B. If the processing was in a form and manner other than that used in the normal conduct of the permittee's business at MMS's request, MMS will reimburse the permittee or third party for the reasonable costs of processing or reprocessing such data. Requests for reimbursement must identify processing costs separate from acquisition costs.
- C. The permittee or third party will not be reimbursed for the costs of acquiring or interpreting geophysical information.
- D. Data and information required under section IV.D.1. of this permit are not considered to be geophysical data or processed geophysical information and must be provided by the permittee at no cost to the Government.

#### **Section VI. Disclosure of Data and Information to the Public**

- A. The MMS will make data and information submitted by a permittee available in accordance with the requirements and subject to the limitations of the Freedom of Information Act (5 U.S.C. 552) and the implementing regulations (43 CFR Part 2), the requirements of the Act, and the regulations contained in 30 CFR Part 250 (Oil and Gas and Sulphur Operations in the Outer Continental Shelf), 30 CFR Part 251, and 30 CFR Part 252 (Outer Continental Shelf (OCS) Oil and Gas Information Program).

- B. Except as specified in this section, or Section VIII, or in 30 CFR Parts 250 and 252, no data or information determined by MMS to be exempt from public disclosure under subsection A of this section will be provided to any affected State or be made available to the executive of any affected local government or to the public, unless the permittee or third party and all persons to whom such permittee has sold, traded, or licensed the data or information under promise of confidentiality agree to such an action.
- C. Geophysical data and processed or interpreted geophysical information submitted under a permit, and retained by MMS, will be disclosed as follows:
1. Except for deep stratigraphic tests, the MMS will make available to the public geophysical data 50 years after the date on which the data are submitted.
  2. Except for deep stratigraphic tests, the MMS will make available to the public processed geophysical information and interpreted geophysical information 25 years after the date on which the information is submitted. It is the policy of MMS that the "date of submission" of geophysical data or information obtained under geophysical permits will be the date that the MMS contracting officer or his/her representative signs the contract/delivery order or purchase order to reimburse the permittee for reproduction and, if appropriate, processing of the geophysical information. In the absence of a contract, delivery order, or purchase order, the date of receipt by MMS is the date of submission.
  3. The MMS will make available to the public all geophysical data and information and geophysical interpretations related to a deep stratigraphic test, at the earlier of the following times: (a) 25 years after the completion of the test, or (b) for a lease sale held after the test well is completed, 60 calendar days after the Department of the Interior executes the first lease for a block, any part of which is within 50 geographic miles (92.6 kilometers) of the site of the completed test.
- D. All line-specific preplot or postplot plat(s), and navigation tapes, including but not limited to seismic survey traverses and shotpoint locations, submitted as a requirement of 30 CFR 251.7 or 251.12, will be considered as "PROPRIETARY INFORMATION." Such information will not be made available to the public without the consent of the permittee for a period of 25 years from the date of issuance of the permit, unless the Director, MMS, determines that earlier release is necessary for the proper development of the area permitted.
- E. All other information submitted as a requirement of 30 CFR 251.8 and determined by MMS to be exempt from public disclosure will be considered as "PROPRIETARY." Such data and information will not be made available to the public without the consent of the permittee for a period of up to 25 years from the date of issuance of the permit as addressed in 30 CFR 251.14, unless the Director, MMS, determines that earlier release is necessary for the proper development of the area permitted. The executed permit will be considered as "PROPRIETARY" except the public information copy which will be available to the public upon request.
- F. The identities of third party recipients of data and information collected under a permit will be kept confidential. The identities will not be released unless the permittee and the third parties agree to the disclosure.

## **Section VII. Disclosure to Independent Contractors**

The MMS reserves the right to disclose any data or information acquired from a permittee to an independent contractor or agent for the purpose of reproducing, processing, reprocessing, or interpreting such data or information. When practicable, MMS will advise the permittee who provided the data or information of intent to disclose the data or information to an independent contractor or agent. The MMS's notice of intent will afford the permittee a period of not less than 5 working days within which to comment on the intended action. When MMS so advises a permittee of the intent to disclose data or information to an independent contractor or agent, all other owners of such data or information will be deemed to have been notified of MMS's intent. Prior to any such disclosure, the contractor or agent will be required to execute a written commitment not to sell, trade, license, or disclose any data or information to anyone without the express consent of MMS.

## **Section VIII. Sharing of Information with Affected States**

- A. At the time of soliciting nominations for the leasing of lands within 3 geographic miles of the seaward boundary of any coastal State, MMS, pursuant to the provisions of 30 CFR 252.7 and subsections 8(g) and 26(e) (43 U.S.C. 1337(g) and 1352(e)) of the Act, will provide the Governor of the State (or the Governor's designated representative) the following information that has been acquired by MMS on such lands proposed to be offered for leasing:
1. All information on the geographical, geological, and ecological characteristics of the areas and regions proposed to be offered for leasing;
  2. An estimate of the oil and gas reserves in the area proposed for leasing; and
  3. An identification of any field, geological structure, or trap located within 3 miles of the seaward boundary of the State.
- B. After the time of receipt of nominations for any area of the OCS within 3 geographic miles of the seaward boundary of any coastal State and Area Identification in accordance with the provisions of Subparts D and E of 30 CFR Part 256, MMS, in consultation with the Governor of the State (or the Governor's designated representative), will determine whether any tracts being given further consideration for leasing may contain one or more oil or gas reservoirs underlying both the OCS and lands subject to the jurisdiction of the State.
- C. At any time prior to a sale, information acquired by MMS that pertains to the identification of potential and/or proven common hydrocarbon-bearing areas within 3 geographic miles of the seaward boundary of any such State will be shared, upon request by the Governor and pursuant to the provisions of 30 CFR 252.7 and subsections 8(g) and 26(e) of the Act, with the Governor of such State (or the Governor's designated representative).
- D. Knowledge obtained by a State official who receives information under subsections A, B, and C of this section will be subject to the requirements and limitations of the Act and the regulations contained in 30 CFR Part 250, Part 251, and Part 252.

**Section IX. Permit Modifications**

The Department will have the right at any time to modify or amend any provisions of this permit, except that the Department will not have such right with respect to the provisions of Sections VI, VII, and VIII hereof, unless required by an Act of Congress.

**IN WITNESS WHEREOF** the parties have executed this permit and it will be effective as of the date of signature by the Supervisor.

**PERMITTEE:**

**THE UNITED STATES OF AMERICA:**

*R. Trupp*  
(Signature of Permittee)

*Rance R. Wall*  
(Signature of Regional Supervisor)

RICK TRUPP  
(Type or Print Name of Permittee)

Rance R. Wall  
(Type or Print Name of Regional Supervisor)

Permits Coordinator  
(Title)

JUL 21 2005  
(Date)

04-26-05  
(Date)

## STIPULATIONS

In the performance of any operations under the Permit and Agreement for Outer Continental Shelf Exploration, the Permittee shall comply with the following Stipulations:

1. As part of the requirements of 30 CFR 251.7-3, the Permittee shall submit to the Regional Supervisor, Resource Evaluation (hereinafter referred to as the Supervisor), within 30 days after the completion of the survey authorized under this Permit and Agreement a map of the data collected at the same scale as that used ordinarily for such maps and showing the coordinates of latitude and longitude. In addition, each Permittee shall submit one (1) file on floppy disc or CD of final edited navigation data of all shot point locations in latitude and longitude degrees. The label must specify the geodetic reference system (NAD27 or NAD83) used. A printed listing and format statement are to be included with these data .

2. As part of the requirements of 30 CFR 251.3-5, if any operation under this Permit and Agreement is to be conducted in a leased area, the Permittee shall take all necessary precautions to avoid interference with operations on the lease and damage to existing structures and facilities. The lessee (or operator) of the leased area will be notified by letter before the Permittee enters the leased area or commences operations, and a copy of the letter will be sent to the Supervisor executing this Permit and Agreement.

3. (a) Solid or liquid explosives shall not be used except pursuant to written authorization from the Supervisor. Requests for the use of such explosives must be made in writing, giving the size of charges to be used, the depth at which they are to be suspended or buried, and the specific precautionary methods proposed for the protection of fish, oysters, shrimp, and other aquatic life, wildlife, or other natural resources.

(b) The following provisions are made applicable when geophysical exploration on the Outer Continental Shelf using explosives is approved:

(i) Each explosive charge will be permanently identified by markings so that unexploded charges may be positively traced to the Permittee and to the specific field party of the Permittee responsible for the explosive charge.

(ii) The placing of explosive charges on the seafloor is prohibited. No explosive charges shall be detonated nearer to the seafloor than five (5) feet.

(iii) No explosives shall be discharged within one thousand (1000) feet of any boat not involved in the survey.

4. Any serious accident, personal injury, or loss of property shall be immediately reported to the Supervisor.
5. All pipes, buoys, and other markers used in connection with work shall be properly flagged and lighted according to the navigation rules of the U.S. Corps of Engineers and the U.S. Coast Guard.
6. If the Permittee discovers any archaeological resource during geological and geophysical activities, the Permittee shall report the discovery immediately to the Supervisor. The Permittee shall make every reasonable effort to preserve the archaeological resource until the Supervisor has told the Permittee how to protect it.
7. In addition to the general provisions above, the following special provisions shall apply:
  - (a) This permit is applicable only to that portion of the program involving Federal OCS lands seaward of the submerged lands of the State of Alaska.
  - (b) The Permittee shall, on request of the Supervisor, furnish quarters and transportation for a Federal representative(s) or other designated observer to inspect operations.
  - (c) Operations shall be conducted in a manner to assure that they will not cause pollution, cause undue harm to aquatic life, create hazardous or unsafe conditions or unreasonably interfere with other uses of the area. Any difficulty encountered with other users of the area or any conditions which cause undue harm to aquatic life, pollution, or could create a hazardous or unsafe condition as a result of the operations under this permit shall be reported to the Supervisor. Serious or emergency conditions shall be reported without delay.
  - (d) National Marine Fisheries Service (NMFS) approved monitors shall be on board the source vessel during surveys and will observe for the presence of marine mammals. Observers will instruct the vessel operators to immediately stop or de-energize the array whenever a marine mammal is seen within the 160 dB re: 1 micro pascal isopleth, or is likely to enter that zone. The area shall be monitored to insure marine mammals are not present for at least 30 minutes before resuming survey work. The 160 dB zone will be determined using on-site verification tests prior to conducting seismic operations. Results of the tests shall be reported to MMS prior to the beginning of operations (Pete Sloan, Anchorage office (907) 334-5328, FAX (907) 334-5322, or e-mail: Pete.Sloan@mms.gov).

(e) The array should be sequentially energized (ramp-up) at the start of surveys by firing the smaller guns first, then adding additional guns to gradually reach full output.

(f) If the array is completely powered down for any reason during the night time or poor sighting conditions, it may not be re-energized until daylight or whenever sighting conditions allow for the exclusion zone to be effectively monitored from the source vessel.

(g) We recommend the array, or at least one gun, continue firing during line changes.

(h) Any shut downs due to marine mammals within the safety zone, and any injury to a marine mammal must be immediately reported to the NMFS Anchorage office ((907) 271-3023: Brad Smith).

(i) Operations shall stop if cetaceans or other threatened marine mammals are sighted in the area. Operations may resume 15 minutes after the animals are no longer visible.

(j) A final summary report (one copy) shall be submitted to this office within 30 days of completion or cessation of operations.

This report shall include:

(i) Program commencement date.

(ii) Program completion date.

(iii) Field effort in crew weeks (actual work time based on 168-hour weeks).

(iv) Line miles of surveys completed or volume of 3-D data collected.

(v) Summary of incidents or accidents from paragraph 4.

(vi) Date or reasonable estimation of date when data will be available for inspection or selection.

(e) The Permittee shall notify the Commander, U.S. Coast Guard and the Commander, 3rd Fleet as to the approximate time and place the work is to be conducted and to keep them informed:



Commander, U.S. Coast Guard  
17th Coast Guard District  
Aids to Navigation Branch  
P.O. Box 25517  
Juneau, AK 99802-5517  
(907)463-2025

COMTHIRD  
Pearl Harbor, HI 96860  
(808)472-8242

8. Information to the Permittee

(a) Operations authorized under permit are subject to the Marine Mammal Protection Act of 1972 as amended (16 U.S.C. 1361 et seq), the Endangered Species Act as amended (16 U.S.C. 1531 et seq), regulations found in 50 CFR Part 18 (U.S. Fish and Wildlife Service), and 50 CFR Part 228 (National Marine Fisheries Service). Special attention should be given to the prohibition of the "taking" of marine mammals. "Taking" means to harass, hunt, capture, collect, or kill or attempt to harass, hunt, capture, collect, or kill any marine mammal. National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service (F&WS) regulations allow, under certain conditions, the incidental taking by harassment of specific marine mammals. Such a taking of marine mammals is controlled through Letters of Authorization issued by NMFS or F&WS. Permittees are advised to consult the appropriate agencies regarding these laws and regulations. Further information may be obtained from

Regional Director  
U.S. Fish and Wildlife Service  
Alaska Region  
1011 East Tudor Road  
Anchorage, Alaska 99503  
Telephone (907) 786-3309

National Marine Fisheries Service  
222 West 7th Avenue, Box 43  
Anchorage, Alaska 99513  
Telephone (907) 271-1508

(b) It is recommended that you contact the appropriate Regional Supervisor, Commercial Fish Division, Alaska Fish and Game Department, or the National Marine Fisheries Service for information on the fisheries and fishing activities in the proposed area of operations in order to minimize potential conflict between your activities and fishing activities. We are attaching a list of the Fish and Game offices with addresses and telephone numbers and a map showing the boundaries of the fishing districts for your convenience.

THE FOLLOWING DOCUMENT PROVIDES INFORMATION TO THE PERMITTEE ON THE ENDANGERED SPECIES ACT OF 1973, AS IT MIGHT APPLY WHEN CONDUCTING FIELD OPERATIONS.

The Endangered Species Act prohibits harassment of endangered and threatened species whether the harassment occurs through an intentional or negligent act or omission. Harassment refers to conduct of activities that disrupt an animal's normal behavior or cause a significant change in the activity of the affected animal. In many cases the effect of harassment is readily detectible: a whale may rapidly dive or flee from an intruder to avoid the source of disturbance. Other instances of harassment may be less noticeable to an observer but will still have a significant effect on endangered whales.

The Permittee must be prepared to take all reasonable and necessary measures to avoid harassing or unnecessarily disturbing endangered whales. In this regard, the Permittee should be particularly alert to the effects of boat and airplane or helicopter traffic on whales.

In order to ensure that the Permittee may derive maximum benefits from their operations at a minimum cost to the health and well being of endangered whales, the following guidelines are offered to help avoid potential harassment of endangered whales:

- (1) (a) Vessels and aircraft should avoid concentrations or groups of whales. Operators should, at all times, conduct their activities at a maximum distance from such concentrations of whales. Under no circumstances, other than an emergency, should aircraft be operated at an altitude lower than 1,000 feet when within 500 lateral yards of groups of whales. Helicopters may not hover or circle above such areas or within 500 lateral yards of such areas.  
  
(b) When weather conditions do not allow a 1,000-foot flying altitude, such as during severe storms or when cloud cover is low, aircraft may be operated below the 1,000-foot altitude stipulated above. However, when aircraft are operated at altitudes below 1,000 feet because of weather conditions, the operator must avoid known whale concentration areas and should take precautions to avoid flying directly over or within 500 yards of groups of whales.
- (2) When a vessel is operated near a concentration of whales, the operator must take every precaution to avoid harassment of these animals. Therefore, vessels should reduce speed when within 300 yards of whales and those vessels capable of steering around such groups should do so. Vessels may not be operated in such a way as to separate members of a group of whales from other members of the group.
- (3) Vessel operators should avoid multiple changes in direction and speed when within 300 yards of whales. In addition, operators should check the waters immediately adjacent to a vessel to ensure that no whales will be injured when the vessel's propellers (or screws) are engaged.

(4) Small boats should not be operated at such a speed as to make collisions with whales likely. When weather conditions require, such as when visibility drops, vessels should adjust speed accordingly to avoid the likelihood of injury to whales.

When any Permittee becomes aware of the potentially harassing effects of operations on endangered whales, or when any Permittee is unsure of the best course of action to avoid harassment of endangered whales, every measure to avoid further harassment should be taken until the National Marine Fisheries Service is consulted for instructions or directions. However, human safety will take precedence at all times over the guidelines and distances recommended herein for the avoidance of disturbance and harassment of endangered whales.

Permittees are advised that harassment of endangered whales may be reported to the National Marine Fisheries Service. For further information contact the National Marine Fisheries Service, Federal Building, Room C-554, Anchorage, Alaska, 99513, telephone (907) 271-1508.