



United States Department of the Interior



MINERALS MANAGEMENT SERVICE

Alaska Outer Continental Shelf Region

3801 Centerpoint Drive, Suite 500

Anchorage, Alaska 99503-5823

JUL 10 2009

Ms. Susan Childs
Regulatory Affairs Manager, Alaska Ventures
Shell Offshore, Inc.
3601 C Street, Suite 1000
Anchorage, Alaska 99503

Dear Ms. Childs:

The Minerals Management Service (MMS) has reviewed your May 18, 2009 *Ancillary Activity Authorization Request for Site Clearance and Shallow Hazards Surveys and Scientific Data Device Deployment in the Chukchi Sea, Alaska During 2009*. We have evaluated this notice and determined that the proposed ancillary activity complies with the performance standards listed in 30 CFR 250.202 (a), (b), (d) and (e) and may proceed in accordance with 30 CFR 250.209.

Please be advised that MMS considered the following documents, referenced in you May 18, 2009 notice, to be an integral part of the proposed activities. The monitoring and mitigation measures specified in these documents are required aspects of the activities authorized by the MMS:

- a. Shell's Marine Mammal Monitoring and Mitigation Plan (4MP) for 2009;
- b. Shell's Plan of Cooperation with Chukchi Sea subsistence communities for 2009;
- c. Shell's Planned Wainwright Communications Center for 2009.

Attached are additional recommended measures that MMS advises Shell to adopt to further avoid or minimize possible adverse environmental effects from your proposed activities.

Mitigation and monitoring requirements in the National Marine Fisheries Service (NMFS) and U.S. Fish & Wildlife Service (FWS) authorizations under the Marine Mammal Protection Act (MMPA) would have precedence over MMS-generated marine mammal protection requirements. MMS requests that Shell provide the MMS with copies of their 2009 MMPA authorizations from the NMFS (Incidental Harassment Authorization) and FWS (Letter of Authorization).

Please be further advised that on April 17, 2009, the U.S. Court of Appeals for the District of Columbia Circuit issued a ruling in *Center for Biological Diversity v. Department of the Interior, Nos. 07-1247, 07-143*, vacating and remanding the 2007-2012 OCS Oil and Gas Leasing



Program. The decision requires that the Secretary reconsider the decisions in that program after performing a more thorough analysis of environmental sensitivity. On May 11, 2009, the Department of the Interior filed a petition for rehearing and/or clarification of the court's order. The impacts of the April 17 ruling on the Minerals Management Service's operations and program planning, including any activities ancillary to leases issued under the 2007-2012 Program, are being reviewed at this time. Thus, this authorization is subject to and could be affected by further proceedings in that case and the Secretary's review and reconsideration of the program on remand.

Sincerely,



Jeffrey Walker
Regional Supervisor
Field Operations

Attachment

cc: Johnny Akin, NSB Planning Department
Tom Oklesik, NWAB
Mike Payne, NMFS
Brad Smith, NMFS
Tim Jennings, USFWS
Enoch Oktolik, Mayor, City of Wainwright

ADDITIONAL RECOMMENDED MEASURES

Shell's May 18, 2009 Ancillary Activity Authorization

- Operations shall be conducted in a manner to ensure 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 uses of the area or any conditions that cause undue harm to aquatic life, pollution, or could create a hazardous or unsafe condition because of the operations are to be reported to the Regional Supervisor/Field Operations (RS/FO), or a designee. Serious or emergency conditions shall be reported without delay.
- Operators shall use the lowest sound levels feasible to accomplish their data-collection needs.
- Vessels and aircraft shall avoid concentrations or groups of whales. Operators shall, at all times, conduct their activities at a maximum distance from such concentrations of whales. Under no circumstances, other than an emergency, shall aircraft be operated at an altitude lower than 1,000 feet above sea level (ASL) when within 1,500 lateral feet of groups of whales. Helicopters may not hover or circle above such areas or within 1,500 lateral feet of such areas.
- When weather conditions do not allow a 1,000-foot ASL flying altitude, such as during severe storms or when cloud cover is low, aircraft may be operated below the 1,000-foot ASL altitude stipulated above. However, when aircraft are operated at altitudes below 1,000 ASL feet because of weather conditions, the operator shall avoid known whale-concentration areas and shall take precautions to avoid flying directly over or within 500 yards of groups of whales.
- When a vessel is operated near a concentration of whales, the operator shall take every precaution to avoid harassment of these animals. Therefore, vessels shall reduce speed when within 900 feet of whales and those vessels capable of steering around such groups should do so. Vessels shall not be operated in such a way as to separate members of a group of whales from other members of the group.
- Vessel operators shall avoid multiple changes in direction and speed when within 900 feet of whales. In addition, operators shall 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.
- Small boats shall not be operated at such a speed as to make collisions with whales likely. When weather conditions require, such as when visibility drops, vessels shall adjust speed accordingly to avoid the likelihood of injury to whales.
- When any operator becomes aware of the potentially harassing effects of operations on endangered whales, or when any operator is unsure of the best course of action to avoid harassment of endangered whales, every measure to avoid further harassment shall be taken until the National Marine Fisheries Service (NMFS) 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.

- Seismic-survey operators shall notify MMS, NMFS, and U.S. Fish and Wildlife Service (FWS) in the event of any loss of cable, streamer, or other equipment that could pose a danger to marine mammals and other wildlife resources.
- To help avoid causing bird collisions with seismic survey and support vessels, seismic and surface support vessels will minimize the use of high-intensity work lights, especially within the 20-meter-bathymetric contour. High-intensity lights will be used only as necessary to illuminate active, on-deck work areas during periods of darkness or inclement weather (such as rain or fog) otherwise they shall be turned off. Deck lights, interior lights, and lights used during navigation could remain on for safety.¹
- All bird collisions (with vessels and aircraft) shall be documented and reported within 3 days to the MMS RS/FO, or a designee. Minimum information shall include species (if possible), date/time, location, weather, identification of the vessel or aircraft involved and its operational status when the strike occurred. Bird photographs are not required, but would be helpful in verifying species. Operators are advised that the FWS does not recommend recovery or transport of dead or injured birds due to avian influenza concerns.
- Seismic surveys shall not occur in the Chukchi Sea spring lead system – as defined by NMFS – before July 1.
- Except for emergencies or human/navigation safety, surface vessels associated with seismic survey operations shall avoid travel within the Ledyard Bay Critical Habitat (LBCH) area between July 1 and November 15. To the maximum extent practicable, aircraft supporting seismic survey operations shall avoid operating below 1,500 feet ASL over the LBCH between July 1 and November 15. Vessel travel within the LBCH and altitude deviations by aircraft over the LBCH for emergencies or human safety shall be reported within 24 hours to MMS.
- Vessels and aircraft should avoid concentrations or groups of walruses. Operators should, at all times, conduct their activities at a maximum distance from such aggregations. Seismic-survey and associated support vessels shall observe a 0.5-mile safety radius around Pacific walrus groups hauled out onto land or ice. Under no circumstances, other than an emergency, should aircraft be operated at an altitude lower than 1,500 feet ASL when within 0.5-mile of walrus groups. Helicopters may not hover or circle above such areas or within 2,500 lateral feet of such areas.

¹ Nothing in this measure 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.

bcc: Author (Walker)
FO Chron
Official Files:
1101-02a (2) DTS# 978
OCS-Y- 2111

FILE NAMES:

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