



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**

*National Marine Fisheries Service*  
P.O. Box 21668  
Juneau, Alaska 99802-1668

June 11, 2012

Dr. James Kendall, Bureau of Ocean Energy Management  
Mark E. Fesmire, P.E. J.D., Bureau of Safety & Environmental Enforcement  
Alaska OCS Region  
3801 Centerpoint Drive, Suite 500  
Anchorage, AK 99503-5823

Re: Biological Opinions and Incidental Take Statements Covering Federal  
Authorizations to Shell Offshore Inc. for Exploration Drilling in the  
Beaufort and Chukchi Seas, Alaska

Dear Dr. Kendall and Mr. Fesmire:

Enclosed are two Incidental Take Statements (ITS) and biological opinions (dated April 23, 2012) issued by the National Marine Fisheries Service, Alaska Region (NMFS AKR) for incidental harassment authorizations under the Marine Mammal Protection Act of 1972, as amended (MMPA), to allow for incidental takes of marine mammals during exploratory drilling operations in the Beaufort and Chukchi seas. Shell Offshore Inc. (Shell) will conduct the exploratory drilling operations. These ITS's will exempt the Bureau of Ocean Energy Management (BOEM), the Bureau of Safety and Environmental Enforcement (BSEE), and their permittee (Shell) from the take prohibitions of section 9 of the Endangered Species Act of 1973, as amended (ESA), for any take that may occur incidental to the exploratory drilling operations in the Beaufort and Chukchi seas as described below.

On November 7 and 9, 2011, NMFS Office of Protected Resources (OPR) separately proposed to issue incidental harassment authorizations (IHA) under the MMPA to Shell for takes of marine mammals incidental to the exploratory drilling operations in the Beaufort and Chukchi seas (76 Fed Reg. 68974; 76 Fed Reg. 69958). NMFS AKR considered the effects of these activities in the enclosed biological opinions. NMFS AKR also previously evaluated the effects of oil and gas leasing and exploration activities in the U.S. Beaufort and Chukchi seas, including these types of exploration activities, in a 2008 biological opinion

Under the ESA (16 U.S.C. § 1536(b)(4)(C)) and implementing regulations (50 C.F.R. § 402.14(i)), the takes must first be authorized under the MMPA before the ITSs can be issued. Once issued, incidental takes by Shell, or which result from the actions of BOEM and/or BSEE, are exempted from the take prohibition by section 7(o) of the ESA, provided those takes also result from the action of NMFS OPR, as evaluated in the enclosed biological opinion, and are in compliance with the specified terms and conditions of the enclosed ITS.

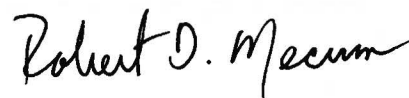


On May 2, 2012, NMFS OPR issued the IHAs, concluding that the takes would not result in more than the incidental harassment of small numbers of certain marine mammal species, would have no more than a negligible impact on these stocks, would not have an unmitigable adverse impact on the availability of these stocks for subsistence uses, and would result in the least practicable impact on the stocks. The effects of that action are identical to those covered by these ITSs.

Copies of these ITSs must be in possession of operators that work under these authorities.

If you have any questions regarding the ITSs, please contact Brad Smith at 907-271-3023 (brad.smith@noaa.gov).

Sincerely,



James W. Balsiger, Ph.D.  
Administrator, Alaska Region



Enclosures (4)