



United States Department of the Interior

BUREAU OF OCEAN ENERGY MANAGEMENT

Alaska OCS Region
3801 Centerpoint Drive, Suite 500
Anchorage, Alaska 99503-5823

JUN 13 2012

Shell Exploration and Production
AK Venture Support Integrator
Attn: Susan Childs, Manager
3601 C Street, Suite 1000
Anchorage, Alaska 99503

Dear Ms. Childs:

This letter is to inform you that the Bureau of Ocean Energy Management (BOEM) has completed its review of the Marine Mammal Protection Act (MMPA) authorizations and the Endangered Species Act authorizations issued by the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS). Neither NMFS nor USFWS established criteria requiring Shell to disengage propellers if surfacing whales are sighted within 300 feet of the vessel. Accordingly, BOEM is modifying condition 12 of your Chukchi Sea EP to align with the criteria established by NMFS in its Incidental Take Statement for incidental harassment authorization under the MMPA.

Condition 12 now reads (new language underlined, deleted language lined out):

1. The Marine Mammal Observers (MMOs) on vessels underway in the Chukchi Sea must monitor the ocean waters near the vessel for surfacing whales. Vessel speed must be reduced to no more than 5 knots when within 300 yards of whales, and avoid multiple changes in direction or operating the vessel in a manner causing the whale to make multiple changes in direction when operating within 300 yards of a whale. ~~If a surfacing whale is observed within 300 ft (100 m) of the vessel, the vessel must disengage propellers to avoid potential propeller injury to the whale (prop strike) and, to a lesser degree, collision. Propellers must remain disengaged until the whale moves beyond 300 ft (100 m).~~ Safety of the vessel and its personnel will take precedence over this condition.

This action is consistent with our February 8, 2012 letter to you that stated BOEM would remove the requirement to disengage propellers on vessels within 300 feet of a surfacing whale if NMFS or FWS did not require the mitigation under their respective MMPA or ESA authorizations.

If you have any questions concerning this letter, please contact me at (907) 334-5273.

Sincerely,

David W. Johnston, Regional Supervisor
Office of Leasing & Plans

cc: Mark Fesmire, Bureau of Safety and Environmental Enforcement
Jeffrey Missal, Bureau of Safety and Environmental Enforcement
David Moore, Bureau of Safety and Environmental Enforcement
Geoff Haskett, U.S. Fish & Wildlife Service
Craig Perham, U.S. Fish & Wildlife Service
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