



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

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

March 28, 2013

James Kendall, Ph.D.  
Director, Alaska Outer Continental Shelf Region  
Bureau of Ocean Energy Management  
3801 Centerpoint Dr.  
Suite 500  
Anchorage, Alaska 99503

Re: Essential Fish Habitat Assessment for British Petroleum (Alaska) Exploration, Inc.'s 2013 Ancillary Activities

Dear Mr. Kendall:

The National Marine Fisheries Service (NMFS) has received the request from the Bureau of Ocean Energy Management (BOEM) to review the Essential Fish Habitat (EFH) Assessment for ancillary activities at one of the Liberty Prospect lease tracts, operated by British Petroleum (Alaska) Exploration, Inc. Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) requires federal agencies to consult with NMFS on any action that may adversely affect EFH. BOEM has determined the proposed activity may adversely affect EFH species and their habitat, specifically Arctic cod. Further, BOEM offers that while the proposed ancillary activities may adversely affect EFH; those effects are not considered to be significant.

Proposed Activities

As described in the EFH Assessment, the proposed activities include drilling five 8-10" geotechnical bore holes (through the ice, then penetrating the seafloor) and deploying a remote operated vehicle. Additional details provided include:

- Drilling will occur at times when Pacific salmon are not present (winter operation only);
- Drilling noise is minimized by an outer drill casing that encompasses the smaller inner core;
- Drilling will not occur on sensitive, living habitats or the Boulder Patch area;
- Drill holes are few and small in diameter; minimal footprint;
- Minimal cuttings are expected to less than 1 cubic yard per site, if any; and,
- No drilling muds or additives, such as chemical lubricants, will be used.

BOEM's Determination

BOEM has determined there could be adverse effects to EFH for Arctic Cod from temporary noise and increased turbidity in the immediate vicinity of the drill site. Also, BOEM determined that the proposed project would not affect EFH for Pacific salmon.



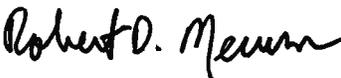
BOEM offers two EFH Conservation Recommendations adopted from Chapter 5 of “Impacts to EFH from Non-fishing Activities in Alaska” (NMFS 2011<sup>1</sup>).

1. *Avoid discharge of muds and cuttings into the marine and estuarine environment. Use methods to re-inject such wastes down the borehole or use onshore disposal wherever possible. When not possible, provide for a monitoring plan to ensure that the discharge meets EPA effluent limitations and related requirements.*
2. *Remove or treat all fluids or wastes released from operation. Remove or treat any fluids released from drill outfits, as well as any trash and debris from human activities associated with operations. Apply standards of catchments under machinery in place as defined by North Slope safety manuals and any up-to-date methodologies for reducing discharges.*

#### NMFS Determination

NMFS has reviewed the information provided in the EFH Assessment and disagrees with BOEM’s determination that the proposed activities will adversely affect EFH for Arctic cod. The proposed activities are temporary, the footprint is small, and the EFH Conservation Recommendations offered by BOEM are adequate to conserve Arctic cod EFH. Also, Arctic cod are distributed broadly and not likely to be concentrated within the drill locations. NMFS however, does agree with BOEM’s determination that there would be no adverse effects to EFH for Pacific salmon. Therefore, NMFS offers no additional EFH Conservation Recommendations. Should you have further questions or concerns, please contact Matthew Eagleton at (907) 271-6354.

Sincerely,

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

Cc: Steven K. Davis  
Brad Smith  
Timothy McCune

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<sup>1</sup> NMFS. 2011. Impacts to Essential Fish Habitat from Non-fishing Activities in Alaska. November, 2011. NMFS, Alaska Region. <http://www.fakr.noaa.gov/habitat/efh/nonfishing/impactstoefh112011.pdf>