



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
Silver Spring, MD 20910

## Incidental Harassment Authorization

Shell Gulf of Mexico Inc. (Shell), 3601 C Street, Suite 1314, Anchorage, Alaska, 99503, is hereby authorized under section 101(a)(5)(D) of the Marine Mammal Protection Act (16 U.S.C. 1371(a)(5)(D)) and 50 CFR 216.107 to take, by Level B harassment only, small numbers of marine mammals incidental to conducting ice overflight surveys in the Beaufort and Chukchi Seas in Arctic Ocean waters under the jurisdiction of the United States, contingent upon the following conditions:

1. This Authorization is valid from June 10, 2015, through June 9, 2016.
2. This Authorization is valid only for activities associated with Shell's 2015/2016 Chukchi and Beaufort Seas ice overflight surveys. The specific areas where Shell's ice overflight surveys will be conducted are indicated in Figure 1-1 of Shell's January 13, 2015 revised IHA application.
  3. (a) The incidental taking of marine mammals, by Level B harassment only, is limited to the following species: ringed seal; bearded seal; spotted seal; and ribbon seal. Table 1 outlines the amount of take that is authorized for each species.
    - (b) The taking by injury (Level A harassment), serious injury, or death of any of the species listed in Condition 3(a) or the taking of any other species of marine mammal is prohibited and may result in the modification, suspension or revocation of this Authorization.
4. The authorization for taking by harassment is limited to the following activities: Ice overflight surveys during freeze-up, winter, and break-up periods in 2015 and 2016 by aircraft.
5. The taking of any marine mammal in a manner prohibited under this Authorization must be reported immediately to the Chief, Permits and Conservation Division, Office of Protected Resources, NMFS or her designee.
6. The holder of this Authorization must notify the Chief of the Permits and Conservation Division, Office of Protected Resources, at least 48 hours prior to the start of ice overflight surveys (unless constrained by the date of issuance of this Authorization in which case notification shall be made as soon as possible).
7. Ice Overflight Mitigation and Monitoring Requirements: The Holder of this Authorization is required to implement the following mitigation and monitoring requirements when conducting the specified activities to achieve the least practicable impact on affected marine mammal species or stocks:



(a) A Protected Species observer (PSO) will be aboard all flights recording all sightings/observations (e.g. including number of individuals, approximate age (when possible to determine)), and any type of potential reaction to the aircraft. Environmental information the observer will record includes weather, air temperature, cloud and ice cover, visibility conditions, and wind speed.

(b) The aircraft will maintain a 1 mi radius when flying over areas where seals appear to be concentrated in groups of  $\geq 5$  individuals;

(c) The aircraft will not land on ice within 1,400 m of hauled out pinnipeds; and

(d) The aircraft will avoid flying over polynyas and along adjacent ice margins as much as possible to minimize potential disturbance to cetaceans.

8. Subsistence Mitigation Measures: To ensure no unmitigable adverse impact on subsistence uses of marine mammals, the Holder of this Authorization shall:

(a) Develop and implement a Communication Plan before initiating ice overflight survey operations to coordinate activities with local subsistence users, as well as Village Whaling Captains' Associations, to minimize the risk of interfering with subsistence hunting activities, and keep current as to the timing and status of the bowhead whale hunt and other subsistence hunts.

(b) Employ local Community Liaison Officers (CLOs) and/or Subsistence Advisors (SAs) from the Chukchi Sea villages that are potentially impacted by the ice overflight surveys.

(A) The CLOs and SAs will provide consultation and guidance regarding the whale migration and subsistence activities.

(B) The CLOs and SAs will also report any subsistence concerns or conflicts; coordinate with subsistence users; report subsistence-related comments, concerns, and information; and advise how to avoid subsistence conflicts.

(c) Routinely engage with local communities and subsistence groups to ensure no disturbance of whaling or other subsistence activities.

(d) Aircraft will not operate below 1,500 feet in areas of active whaling

9. Monitoring Measures:

(a) Protected Species Observers:

(A) Aerial monitoring for marine mammals will be conducted by a trained protected species observer (PSO) aboard each flight.

(B) PSO duties will include watching for and identifying marine mammals, recording their numbers, distances from, and potential reactions to the presence of the aircraft, in addition to working with the helicopter pilots to identify areas for landings on ice that are clear of marine mammals.

(b) Observer Qualifications and Training

(A) Observers will have previous marine mammal observation experience in the Chukchi and Beaufort Seas.

(B) All observers will be trained and familiar with the marine mammals of the area, data collection protocols, reporting procedures, and required mitigation measures.

(c) Specialized Field Equipment:

(A) Fujinon 7 X 50 binoculars for visual monitoring,

(B) GPS unit to document the route of each ice overflight,

(C) Laptop computer for data entry,

(D) Voice recorder to capture detailed observations and data for post flight entry into the computer,

(E) Digital still cameras.

(d) Field Data-Recording

(A) The observer on the aircraft will record observations directly into computers using a custom software package.

(B) The accuracy of the data entry will be verified in the field by computerized validity checks as the data are entered, and by subsequent manual checking following the flight.

(C) Observers will capture the details of sightings and other observations with a voice recorder, which will maximize observation time and the collection of data.

(D) During the course of the flights, the observer will record information for each sighting including:

- Number of individuals,
- Approximate age (when possible to determine),
- Any type of potential reaction to the aircraft.
- Weather, air temperature, wind speed, cloud and ice cover, and
- Visibility conditions.

10. Reporting Requirements:

(a) “90-day” Report: The results of Shell’s ice overflight monitoring report will be presented in a report due to NMFS within 90 days after the expiration of the IHA. The report will include:

- (A) Summaries of monitoring effort: total hours, total distances flown, and environmental conditions during surveys;
- (B) Summaries of occurrence, species composition, and distribution of all marine mammal sightings including date, numbers, age/size/gender categories (when discernible), group sizes, ice cover and other environmental variables; data will be visualized by plotting sightings relative to the position of the aircraft;
- (C) Analyses of the potential effects of ice overflights on marine mammals and the number of individuals that may have been disturbed by aircraft.
- (D) Information and a map on the altitude at which aircraft were flown and the distance and altitude at which behavioral responses were noted; and
- (E) Sightings and behavioral response data separately for landing events.

(b) The “90-day” report will be subject to review and comment by NMFS. Any recommendations made by NMFS must be addressed in the final report prior to acceptance by NMFS.

11. (a) In the unanticipated event that the ice overflight surveys clearly cause the take of a marine mammal in a manner prohibited by this Authorization, such as an injury (Level A harassment), serious injury or mortality, Shell shall immediately cease operations and immediately report the incident to the Chief of the Permits and Conservation Division, Office of Protected Resources, NMFS, by phone or email and the Alaska Regional Stranding Coordinators. The report must include the following information: (i) time, date, and location (latitude/longitude) of the incident; (ii) the name and type of aircraft involved; (iii) description of the incident; (iv) water depth; (v) environmental conditions (e.g., wind speed and direction, Beaufort sea state, cloud cover, and visibility); (vi) description of marine mammal observations

in the 24 hours preceding the incident; (vii) species identification or description of the animal(s) involved; (viii) the fate of the animal(s); and (ix) and photographs or video footage of the animal (if equipment is available).

Activities shall not resume until NMFS is able to review the circumstances of the prohibited take. NMFS shall work with Shell to determine what is necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. Shell may not resume their activities until notified by NMFS via letter, email, or telephone.

(b) In the event that Shell discovers an injured or dead marine mammal, and the lead PSO determines that the cause of the injury or death is unknown and the death is relatively recent (i.e., in less than a moderate state of decomposition as described in the next paragraph), Shell will immediately report the incident to the Chief of the Permits and Conservation Division, Office of Protected Resources, NMFS, by phone or email and the NMFS Alaska Stranding Hotline and/or by email to the Alaska Regional Stranding Coordinators. The report must include the same information identified in Condition 12(a) above. Activities may continue while NMFS reviews the circumstances of the incident. NMFS will work with Shell to determine whether modifications in the activities are appropriate.

(c) In the event that Shell discovers an injured or dead marine mammal, and the lead PSO determines that the injury or death is not associated with or related to the activities authorized in Condition 2 of this Authorization (e.g., previously wounded animal, carcass with moderate to advanced decomposition, or scavenger damage), Shell shall report the incident to the Chief of the Permits and Conservation Division, Office of Protected Resources, NMFS, by phone or email and the NMFS Alaska Stranding Hotline and/or by email to the Alaska Regional Stranding Coordinators, within 24 hours of the discovery. Shell shall provide photographs or video footage (if available) or other documentation of the stranded animal sighting to NMFS and the Marine Mammal Stranding Network. Activities may continue while NMFS reviews the circumstances of the incident.

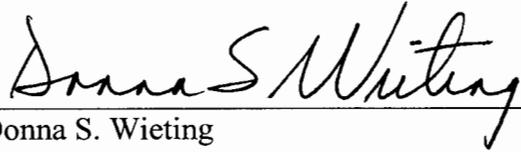
12. The Plan of Cooperation outlining the steps that will be taken to cooperate and communicate with the Native communities to ensure the availability of marine mammals for subsistence uses must be implemented.

13. Shell is required to comply with the Terms and Conditions of the Incidental Take Statement (ITS) corresponding to NMFS's Biological Opinion issued to NMFS's Office of Protected Resources.

14. A copy of this Authorization and the ITS must be in the possession of all contractors and PSOs operating under the authority of this Incidental Harassment Authorization.

15. Penalties and Permit Sanctions: Any person who violates any provision of this Incidental Harassment Authorization is subject to civil and criminal penalties, permit sanctions, and forfeiture as authorized under the MMPA.

16. This Authorization may be modified, suspended or withdrawn if the Holder fails to abide by the conditions prescribed herein or if NMFS determines the authorized taking is having more than a negligible impact on the species or stock of affected marine mammals, or an unmitigable adverse impact on the availability of such species or stocks for subsistence uses.



Donna S. Wieting  
Director  
Office of Protected Resources  
National Marine Fisheries Service

JUN 05 2015

Date

Attachment

## Attachment

**Table 1. Total authorized Level B take.**

<b>Species</b>	<b>Total Authorized Take</b>
Bearded Seal	11
Ribbon Seal	1
Ringed Seal	793
Spotted Seal	7