



Baucum, Madonna <madonna_baucum@fws.gov>

Fwd: 1018-0070: BPXA Comments on FWS IC

Campbell, Tina <tina_campbell@fws.gov>
To: Madonna Baicum <madonna_baucum@fws.gov>

Tue, Mar 14, 2017 at 1:58 PM

And another comment.

*Tina A. Campbell
Chief, Division of Policy, Performance, and Management Programs
U.S. Fish and Wildlife Service
5275 Leesburg Pike, MS: BPHC
Falls Church, VA 22041-3803
Telephone: 703-358-2676
Fax: 703-358-1997*

----- Forwarded message -----

From: **Pohl, Christina HM** <Christina.Pohl@bp.com>
Date: Mon, Mar 13, 2017 at 8:31 PM
Subject: 1018-0070: BPXA Comments on FWS IC
To: "Tina_Campbell@fws.gov" <Tina_Campbell@fws.gov>
Cc: "Putnam, Christopher" <christopher_putnam@fws.gov>, "MacKenzie, Amy" <Amy.MacKenzie@bp.com>, "Crandall, Krissell" <Krissell.Crandall@bp.com>, "Barrett, Tom" <Tom.Barrett@bp.com>, "Choquette, Kyla (SWIFT)" <Kyla.Choquette@bp.com>, "Richard Ranger (rangerr@api.org)" <rangerr@api.org>

Dear Ms. Campbell:

On behalf of BP Exploration (Alaska) Inc. ("BPXA"), I write to provide comments (see attached letter) on the U.S. Fish and Wildlife Service's ("USFWS") Proposed Information Collection: Incidental Take of Marine Mammals During Specified Oil and Gas Industry Activities. See 82 Fed. Reg. 3350-3352 (Vol 82. No 7) (January 11, 2017). BPXA is one of the oil and gas companies conducting specified industry activities associated with the incidental taking of polar bear and Pacific Walrus. BPXA monitors polar bears and submits observation reports for each bear seen during oilfield operations. As such, BPXA has a practical and well-tested perspective on the proposed Information Collection. BPXA appreciates USFWS's consideration of these comments.

If you have any questions regarding BPXA's comments please contact me at (907) 564-4132 or Christina.Pohl@bp.com.

Regards,

Christina (May) Pohl

Wildlife & Environmental Studies Advisor

BP Exploration (Alaska), inc.

Ph: 907.564-4132

 **BPXA Comments on FWS IC_2017-0313.pdf**
239K



BP Exploration (Alaska) Inc.
900 East Benson Boulevard
P.O. Box 196612
Anchorage, Alaska 99519-6612
(907) 561-5111

March 13, 2017

Submitted electronically to Tina_Campbell@fws.gov

Ms. Tina A Campbell
Chief, Division of Policy, Performance, and Management Programs
U.S. Fish and Wildlife Service
MS BPHC
5275 Leesburg Pike
Falls Church, VA 22041-3803

Re: BP Exploration (Alaska) Inc. ("BPXA")'s Comments on the Information Collection Request
Regarding Incidental Take of Marine Mammals During Specified Oil and Gas Industry Activities
82 Fed. Reg. 3350-3352 (Vol 82. No 7) (January 11, 2017)
(FW-R7-MM-2017-N002)
(OMB control Number: 1018-0070)

Dear Ms. Campbell:

BP Exploration (Alaska) Inc. ("BPXA") is one of the oil and gas companies conducting specified industry activities associated with the incidental taking of polar bear and Pacific walrus. BPXA monitors polar bears and submits observation reports for each bear seen during oilfield operations. As such, BPXA has a practical and well-tested perspective on the proposed Information Collection. BPXA appreciates U.S. Fish and Wildlife Service's ("USFWS") consideration of our comments on the following four points identified by the USFWS.

Whether the collection of information is necessary, including whether or not the information will have practical utility:

The information collected under BPXA's Letter of Authorization ("LOA") is not overly burdensome and provides useful information to both BPXA and USFWS regarding polar bear behavior, habits, and observation trends within the oilfield. However, the time and cost associated with running an incidental take program is not insignificant. The required den surveys have provided value to our operations and special projects in complying with the requirement to "avoid denning polar bears." The information also allows us to proactively schedule project activity and advise projects and operations on planning for polar bear presence at various locations and during certain times of year.

The accuracy of FWS' estimate of the burden of this collection for information:

USFWS underestimates the burden hours of observing and reporting. BPXA offers the following points of clarification to the burden hour estimate presented within the Information Collection Request:

- 1) Under the "Activity" list, there is a category called "final monitoring report." The incidental take LoA requires that both an annual summary report and a final comprehensive five-year report be submitted to USFWS. It should be noted that BP considers these two separate categories.
 - a. The Final LoA report takes an estimated 25-hours to prepare on a five-year basis.
 - b. The annual LoA report takes BP an estimated 40 hours to complete, consisting of logging each report (e.g. 144 report in 2016), occasional clarification and quality control check required with "continuation sightings" (bears that remain the field for numerous days) or sighting reports associated with multiple bears or interactions between parties of bears, and drafting and submitting the annual report.
- 2) The Onsite Monitoring and Observation reports states approximately 1.5 hours per report. BPXA spends significantly more time than 1.5 hours per report if USFWS includes the amount of time monitoring each bear. There is quite a bit of variability in the amount of time per report for monitoring and observation; for example, if a bear is seen off shore on sea ice or swimming away from the shore after a brief observation period 1.5 hour per report may be an appropriate estimate of time. However, many bears require longer than a cursory observation. It is not unusual for an observer (typically a trained security guard) to monitor a polar bear for several hours. Additionally, while it is not required by the USFWS to have continuous observation of polar bears, given the subject animal (a protected bear) and its proximity to people or infrastructure, continual monitoring is BPXA's practice as environmental conditions (e.g. daylight and weather) allow.

Most observations are terrestrial with a bear moving through the oilfield. Marine observations tend to be much quicker as they are often made from a vessel or aircraft and the risk of interaction is minimized. USFWS should consider that BPXA occasionally monitors bears for hours, days or even weeks at a time. This monitoring effort is for the safety of the bear and the safety of oilfield personnel, but also allows BPXA to ensure that bears are not "taken" outside of the conditions permitted by the LoA. Most bear observations and interaction occur August through October annually so the observation burden is typically seasonal. Occasionally a bear den may also create monitoring efforts in winter months, but this is an extreme circumstance (although there have been several such examples in recent years). A few recent examples of monitoring efforts that resulted in significant time and resources per observation:

 - a. BPXA Security monitored a polar bear at Drill Site L5/Niakuk for 9 days (8/27- 9/5/2017). It was not unusual for security to monitor the bear for 12-hours per day during this time;
 - b. BPXA Security monitored a polar bear that resided throughout the central Prudhoe Bay Oilfield for 32 days (9/25- 10/26/2017). It was not unusual for security to monitor the bear for 12-hours per day during this time. The bear observed was quite thin and there was concern given that she was actively roaming drill sites and roads. This was considered a successful compliance effort as BPXA was able to move or reschedule work activities based on the bear's location or behavior on a given day. The bear eventually caught a seal ~1/4 mile off shore in Prudhoe Bay and wandered away. After the bear moved away from land and was on sea ice near a seal kill, security shifted to brief observations several times per day as the bear was no longer considered an imminent risk;

- c. In Winter 2014-2015 a female polar bear denned inside of the Put 23 mine site in the middle of the Prudhoe Bay Oilfield. Given her proximity to the only landfill used by the oil companies and her unusual behavior (e.g. late denning, nearness to infrastructure and early emergence from the den), BPXA spent an extraordinary amount of time, money and resources monitoring the bear and managing oilfield work and transport activities. The monitoring effort was very successful and the lessons learned during the encounter have since been applied to managing activities around other bears that den near infrastructure, but the time spent monitoring the bear was not insignificant. Details are available in BPXA's 2015 annual LoA report to USFWS or upon request. BPXA includes a duration of encounter (hours and minutes) on each polar bear observation form as required by USFWS, and further refines the information into a spreadsheet on each annual report. While there is significant variability over the years, and likely among the various holders of the LoAs, the average time spent onsite on each monitoring and observation report is significantly longer than 1.5 hour per report.
- 3) The polar bear den detection survey and report is estimated at 50 hours but this again underestimates the time burden on the oil companies. There is additional time spent planning (e.g. coordinating flight plans with the other oil and gas companies, compiling project lists and building maps for flight routes, holding planning meetings with USFWS, and arranging logistics) and significantly more time spent responding to a putative den if one is discovered within the oilfield or near an ice road. Additionally, the estimates do not mention the significant financial burden associated with flight time, analyzing data, monitoring a den if it discovered near infrastructure, or deferred project costs. The den surveys are of value, but there is significant planning, cost and resources associated with conducting them.

Ways to enhance the quality, utility, and clarity of the information to be collected:

BPXA has no suggestions on ways to enhance the quality or clarity of the information collected. One benefit to oil and gas companies would be a synthesis of the information collected on a routine (e.g. annual) basis. Currently, each LoA holder submits an annual report summarizing their polar bear sightings, interactions and dens for the calendar year. At this time, there is no present forum or avenue by which the information being submitted by all the oil companies and thereafter collected in the existing USFWS database is synthesized and made publicly available, outside of the five-year cycle whereby the respondents compile all the information and petition the USFWS for new five-year incidental take regulations. The information gathered has real-time learning and planning value for the Beaufort Sea oil and gas companies.

Ways to minimize the burden of the collection of information on respondents:

To ease the burden on respondents, BPXA suggests electronic reporting for all polar bear and Pacific walrus observation and monitoring reports. These electronic submittals can be either through a web-based portal or via email. These reports are typically generated in the field and for efficiency and timeliness, it's easier for field-based compliance efforts to be submitted electronically. The regional USFWS Anchorage Marine Mammal Management Office recently set up a positional electronic mail account to which oil and gas companies submit their observation reports. The process is working well for BPXA and removes the uncertainty and inconsistency associated with submitting reports via facsimile or personal USFWS email account.

The biggest reduction in burden to BPXA would be timely renewal of the five-year incidental take regulations and prompt issuance of each LoA under those regulations (i.e. new LoA is issued at least one month before expiration of the existing LoA). In 2011 and 2016 there was uncertainty and an actual impact to BPXA operations associated with the late issuance of incidental take LoAs. There was a significant burden hour and cost associated with this disruption to LoA coverage, particularly given that the LoAs are issued in August when polar bears are frequently observed in BPXA's operating area. Moving the renewal cycle to May could make for a less disruptive process.

BPXA appreciates the opportunity to work with the U.S. Fish and Wildlife Service on polar bear and Pacific walrus management issues and the chance to comment on this proposed Information Collection. If you have any questions regarding BPXA comments, please contact me at (907) 564-4132 or Christina.Pohl@bp.com.

Sincerely,



Christina (May) Pohl
Wildlife & Environmental Studies Advisor
BP Exploration (Alaska) Inc.

Cc: Christopher Putnam, USFWS
Amy MacKenzie, BPXA
Krissell Crandall, BPXA
Tom Barrett, BPXA
Kyla Choquette, BPXA
Richard Ranger, API