



United States Department of the Interior



U.S. FISH AND WILDLIFE SERVICE
Northern Alaska Fish and Wildlife Field Office
101 12th Avenue, Room 110
Fairbanks, Alaska 99701
November 22, 2023

VIA ELECTRONIC MAIL, NO HARD COPY TO FOLLOW

U.S. Army Corps of Engineers
Attn: Kerri Hancock
Post Office Box 6898
JBER, Alaska 99506-0898
Kerri.C.Hancock@usace.army.mil

Re: POA-2023-00027
Ublutuoch River

Dear Ms. Hancock:

The U.S. Fish and Wildlife Service (Service) has reviewed the referenced U.S. Army Corps of Engineers (ACOE) Public Notice dated October 25, 2023, for an application by Kuukpik Corporation (Applicant) to construct a gravel pad (K2 Pad) in the Greater Mooses Tooth Unit on the North Slope of Alaska. The Applicant previously proposed the K2 Pad project in early 2023 with a ACOE Public Notice dated in June 2023. The Service reviewed the project in a letter dated June 30, 2023 (attached). Since then, the Applicant proposed a similar application with some changes in location, the amount of gravel needed, and the acres of jurisdictional wetlands filled.

At the request of the Applicant, the Service met with them on September 5, 2023, to discuss why they were planning to move the proposed location for the K2 Pad. The Applicant expected the Bureau of Land Management (BLM) to convey the original K2 Pad location (Section 33) to the Applicant, but instead conveyed Section 32 (the new proposed pad location). Section 33 remains selected for conveyance, but it remains uncertain whether or when Section 33 will be conveyed to the Applicant. We discussed several potential avoidance and minimization options but understood the Applicant's desire to construct the K2 Pad on their lands. The Service concluded the meeting by recommending the Applicant consider selecting sites for conveyance in the future with fewer higher-value wetlands (e.g., *Arctophila* wetlands) in the future. Other than our previous June 30, 2023, comments that apply to this new site, the Service does not have any additional comments.

Conclusion: The Service does not object to permit issuance, provided the following special conditions are included in the permit:

1. All disturbed, stockpile, and fill areas shall be stabilized to prevent erosion. Increased water turbidity and accumulation of sediment in drainages, sloughs, and other wetlands shall be evidence of insufficient stabilization.
2. Best Management Practices for preventing the introduction of invasive weeds shall be implemented, such as thoroughly washing equipment before onsite deployment.

These comments are submitted in accordance with provisions of the National Environmental Policy Act (NEPA) of 1969 (83 Stat. 852; 42 U.S.C. 4321 et seq.), the Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.), the Marine Mammal Protection Act ([MMPA] 16 U.S.C. 1361-1407), the Migratory Bird Treaty Act (40 Stat. 755, as amended; 16 U.S.C. 703 et seq.), the Bald and Golden Eagle Protection Act (54 Stat. 250, as amended, 16 U.S.C. 668a-d), and the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.). These comments are also for use in your determination of 404(b)(1) guidelines compliance (40 C.F.R. 230) and in your public interest review relating to the protection of fish and wildlife resources (33 C.F.R. 320.4).

The Service appreciates the opportunity to comment regarding this proposed project. Our comments are based on the information provided in the Public Notice. Should project plans change, we would appreciate an opportunity to review and comment. Please contact Louise Smith (Louise_Smith@fws.gov), 907-456-0306 (office), 907-590-9205 (cell) should you have questions concerning these comments.

Sincerely,

Robert J. Henszey
Branch Manager
Conservation Planning Assistance

Attachment: June 30, 2023, Comments for the K2 Pad

ecc: Alaska District (regpagemaster@usace.army.mil), USACE, JBER
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United States Department of the Interior

U.S. FISH AND WILDLIFE SERVICE
Northern Alaska Fish and Wildlife Field Office
101 12th Avenue, Room 110
Fairbanks, Alaska 99701
June 30, 2023



VIA ELECTRONIC MAIL, NO HARD COPY TO FOLLOW

U.S. Army Corps of Engineers
Attn: Janet Post
Project Manager, Alaska District
Post Office Box 6898
JBER, Alaska 99506-0898
janet.l.post@usace.army.mil

Re: POA-2023-00027
Ublutuoch River

Dear Ms. Post:

The U.S. Fish and Wildlife Service (Service) has reviewed the referenced U.S. Army Corps of Engineers (ACOE) Public Notice for an application by Kuukpik Corporation (Applicant) to construct a 32.68-acre gravel pad (K2 Pad) in the Moose Tooth Unit on the North Slope of Alaska. The K2 project is located at Latitude 70.1804° N, Longitude 151.6668° W; 16 miles west of Nuiqsut and within the North Slope Borough. The proposed K2 Pad will provide a storage and laydown space to support oil and gas exploration and development in the Moose Tooth Unit and other units as development progresses on the North Slope of Alaska. The proposed project will require approximately 400,000 cubic yards of gravel to fill 32.48 acres of jurisdictional wetlands and 0.20 acres of non-jurisdictional uplands.

Potentially Affected Fish and Wildlife Trust Resources: The Service's trust resources are natural resources we have been entrusted to protect for the benefit of the American people. Within the proposed project area, these resources may include species listed as threatened or endangered under the Endangered Species Act (ESA) and their designated critical habitat, certain marine mammals protected under the Marine Mammal Protection Act (MMPA), migratory birds (including bald and golden eagles), and wetland habitats used by these species.

Threatened and Endangered Species: The purpose of the ESA is to conserve threatened and endangered species and the ecosystems upon which they depend. Projects that may affect listed species and/or designated critical habitat must be evaluated under section 7(a) of the ESA to ensure Federal agencies authorizing, funding, and/or conducting projects are not likely to jeopardize the continued existence of any listed species or result in the destruction or adverse modification of designated critical habitat.

In this case, ESA-listed species and/or designated critical habitat occur within the project area, and therefore further consultation under ESA is required. A list of potentially affected species can be found at: <https://ecos.fws.gov/ipac/>, and we recommend contacting the Northern Alaska Fish and Wildlife Field Office, Consultation Branch, at 907-456-0277, for additional ESA guidance on this process.

Polar Bears: The polar bear (*Ursus maritimus*), is classified as a marine mammal, and is listed as a threatened species under the U.S. Endangered Species Act of 1973 (ESA), as amended (16 USC 1531 et seq), on 15 May 2008 (73 FR 28212). As a result, it became a “depleted” species under the Marine Mammal Protection Act of 1972 as amended (MMPA). Polar bears occur in 19 subpopulations globally, and population status varies for each (Polar Bear Specialist Group 2021). Polar bears from the Southern Beaufort Sea subpopulation and the Chukchi/Bering Seas subpopulation occur in Alaska.

Polar bears use sea ice, marine waters, and terrestrial areas in northern Alaska for resting, feeding, denning, and seasonal movements. They are most likely to be encountered within 25 miles of the coastline, especially along barrier islands during July to October. Polar bears may be encountered farther inland, especially females during the denning period (November–April). Polar bears also occur within human settlements such as villages, camps, and work areas. The MMPA and ESA both prohibit the “take” of polar bears with limited exceptions, such as for authorized incidental take and when necessary for human safety. Take includes disturbing, injuring, and killing polar bears.

The Applicant should be aware that denning is a critical, sensitive period in polar bear life history. Only pregnant female polar bears overwinter in dens. Females den on land and on sea ice, although the proportion of females that den on land in Alaska has increased. The average timing of den entrance for females is in mid-November but can range from mid-September to late December (Rode et al. 2018). A successful denning period requires adequate thermal protection, time for cub maturation, security from predation, and a lack of natural or human disturbance. Females will remain in the den until they emerge with cubs between mid-January and mid-April, with average emergence timing around mid-March (Rode et al. 2018). Females may remain at the den site post-emergence with their cubs from 2 to 23 days (average = 8 days; Smith et al. 2007; Robinson 2014). Human disturbance of maternal dens at any stage, including after emergence, could result in the “taking” of polar bears (as defined in the MMPA; for further explanation see 2021–2026 Beaufort Sea ITR 86 FR 42982, August 5, 2021). This take may range from temporary harassment to serious injury, including the possibility of lethally taking cubs.

The Applicant is responsible for conducting actions and operations in a manner which does not cause disturbance or violate the MMPA. For more information, please contact the Service’s Marine Mammal Management Office at FW7_AK_Marine_Mammals@fws.gov or (800) 362-5148.

Eagles and Their Nests: The Bald and Golden Eagle Protection Act protects eagles from take,¹ including disturbance to their nests, roosts, and foraging sites. The density of eagles (juveniles

¹ <https://www.fws.gov/birds/policies-and-regulations/laws-legislations/bald-and-golden-eagle-protection-act.php>

and breeding adults), especially Golden eagles, within Alaska is highly variable statewide and varies by season (McIntyre et al. 2008). While Bald and Golden eagles may be present within the project area, they are not known to nest within the Arctic Coastal Plain (ACP).

Migratory Birds: The ACP of Alaska is a vast area of lowland tundra that seasonally provides nesting, brood rearing, and fall staging habitats for the millions of migratory birds from all seven continents of the world (Andres et al. 2012). On the North Slope, shorebirds nest in June on inland tundra sites, and move to coastal areas in mid-July to early September (Connors et al. 1979). The very short time span, typically limited to a few weeks between arrival and nest initiation, indicates that phenology and availability of suitable habitat are of critical importance. The areas within and adjacent to the proposed project support a variety of wetland habitats, including polygonal and complex wetlands, and are used by avian species for nesting and brood-rearing (<https://ak.audubon.org/birds/flyways>).

Wetlands and Permafrost: Wetlands are important habitats for the Service's trust resources throughout the proposed project area. On the North Slope, wetland resources, such as patterned ground (polygonal wetlands), thaw lakes, and beaded streams, are formed primarily from permafrost-related landforms. These wetlands occur within the proposed project area's Region of Influence (ROI) and provide important and unique habitats for a variety of wildlife species.

In the Arctic, changing climate and land disturbances both affect wetland habitats through the interdependencies of permafrost, hydrology, and vegetation. While extensive permafrost soils on the North Slope provides resilience for this landscape and its wetlands, anthropogenic disturbances, such as gravel mine sites, gravel placement for pads, roads and airstrips, and dust from road traffic can rapidly cause irreversible hydrologic and biologic impacts to permafrost soils and shallow wetlands, thereby impacting fish and wildlife habitats.

Comments and Recommendations: We offer the following comments and recommendations to help avoid and minimize the proposed project's impacts to fish and wildlife habitats.

Proposed K2 Pad Location: The Service recommends locating the proposed K2 pad about 2,000 ft to the east-northeast (about 70.182, -151.649)¹ to avoid the higher-value PEM1F wetlands in the northwest corner of the proposed pad (Kuukpik Corporation 2022, Figure 2) that likely support aquatic grasses, such as *Arctophila fulva* and *Carex aquatilis*, both identified as high-quality food for waterfowl species. The semi-permanently flooded water regime modifier "F" for this wetland polygon is an excluded area identified in the Corps' North Slope Regional General Permit POA-2013-00094 (Excluded Areas and Activities 1.b.iii). In contrast, the Service's proposed location is located in the much more common seasonally saturated tundra (PEM1/SS1B).² While the Service appreciates the proposed location of the K2 pad where the tundra has previously been disturbed (Kuukpik Corporation 2022, Figure 2, and attached Figure 1), in a June 16, 2023, World View satellite image with 34 cm pixel resolution, this disturbance is almost undetectable.³ Since the recovery of this disturbed area appears nearly complete, the Service believes selecting a pad location where higher-value wetlands can be

¹ Note, Google Earth does not always go to the correct location. Use another mapping service.

² <https://www.fws.gov/program/national-wetlands-inventory/wetlands-mapper>

³ <https://evwhs.digitalglobe.com>

avoided is the Least Environmentally Damaging Practicable Alternative (LEDPA) for the pad location.

Polar Bears: To minimize the risk of human activities causing adverse impacts to polar bears, as well as polar bear encounters with humans, the Service recommends reviewing our Polar Bear Interaction Guidelines at <https://www.fws.gov/pb-interaction-guidelines> and Best Management Practices to Minimize Impacts to Polar Bears (see attached). Please note adherence to guidelines and best practices does not, however, absolve personnel of responsibility if they take (harass, harm, capture, or kill) a polar bear in violation of the MMPA.

If the Applicant wishes to seek an Incidental Take Authorization which will provide take coverage under the Marine Mammals Protection Act, specific instructions for completing a request for take and the average timeframe for doing so can be found here:

<https://www.fws.gov/ITA-applicant-instructions>. General incidental take authorization information may be found here: <https://www.fws.gov/ITA-general-info>.

Applicants should note that the Service may only issue Incidental Take Authorizations for activities that take small numbers of marine mammals and that have a negligible impact on the species or stock. The Service encourages the Applicant to coordinate with the Marine Mammals Management Regulatory Program (R7mmmregulatory@fws.gov) on planned projects well in advance to discuss mitigation and take authorization specifics.

Migratory Birds and Their Habitats: The Service appreciates the proposed plans to construct pads and infrastructure during frozen-ground conditions when most migratory birds are not present and potential impacts to adjacent wetlands during construction will be minimized. If this timing becomes impracticable, the Service would appreciate employing any measures to avoid disturbing migratory bird habitat during the nesting season when eggs, nestlings, and fledglings are most vulnerable. The most effective Best Management Practice (BMP) to minimize injury or mortality is to conduct land disturbing activities (e.g., vegetation clearing, excavation, gravel fill, brush hogging, etc.) before or after the breeding season, generally June 1 through July 31 within the proposed site.¹ For example, an initial layer of gravel could be placed on the footprint during the frozen season to discourage nesting birds in the spring, and the remaining fill placed later. Additionally, we appreciate and support employing other conservation measures to minimize impacts to migratory birds. For some example conservation measures to avoid and minimize impacts to birds, please refer to our Migratory Bird Program website.²

Invasive Species: Invasive plants are introduced species that outcompete native plants for light, water, and nutrients. They often grow rapidly, mature early, spread seeds that survive a long time, and have no natural controls. When invasive plants displace native plants, habitats may be altered and may become unsuitable for some wildlife. The Service recommends implementing Best Management Practices for minimizing the introduction and proliferation of invasive species, including thoroughly washing equipment before entering the jobsite to remove dirt and debris that might harbor invasive seeds; using weed-free fill and certified weed-free erosion control materials; appropriately disposing of spoil and vegetation contaminated with invasive species;

¹ <https://www.fws.gov/alaska-bird-nesting-season>

² <https://www.fws.gov/library/collections/avoiding-and-minimizing-incident-take-migratory-birds>

and revegetating the area with local native plant species. To assist on-the-ground operators in understanding their role in preventing and controlling the introduction and spread of invasive species, we recommend project operators review a free, self-paced training course on invasive species control, which can be found at: <http://weedcontrol.open.uaf.edu>.

Compensatory Mitigation: The Applicant does not offer compensatory mitigation for the proposed loss of 32.48 acres of wetlands. The Service views this permanent loss of habitat as significant degradation to the waters of the United States. The loss of these wetlands may cause adverse effects on aquatic ecosystem diversity, productivity, and stability (40 CFR 230.10(c)(2)), and are relied upon by migratory birds, for critical life stages such as fledging and migration.

As per 40 CFR § 230.93, if the project is permitted as stated in the public notice, the Service will expect compensatory mitigation to offset environmental losses resulting from unavoidable impacts to aquatic resources. Practicable compensatory mitigation may include removal of abandoned infrastructure footprints and reestablishment of aquatic resources within a HUC 10 watershed using Permittee-Responsible Mitigation (PRM), or use of available credits in the anticipated Charles Etok Edwardsen Mitigation Bank near Utqiaġvik.

As per 40 C.F.R. § 230.93, if the project is permitted as stated in the public notice, the Service expects compensatory mitigation to offset environmental losses resulting from unavoidable impacts to important aquatic resources. Practicable compensatory mitigation may include removal of abandoned infrastructure footprints and reestablishment of aquatic resources within a HUC 10 watershed using Permittee-Responsible Mitigation (PRM), or use of available credits in the anticipated Charles Etok Edwardsen Mitigation Bank near Utqiaġvik.

Compensatory mitigation, however, is not the Service's highest preference and should be used only after full avoidance and minimization of impacts have been employed. As such, the Service recommends avoiding the higher-value PEM1F wetlands in the northwest corner of the proposed pad (Kuukpik Corporation 2022, Figure 2, and attached Figure 1) that likely support aquatic grasses, such as *Arctophila fulva* and *Carex aquatilis*, both identified as high-quality food for waterfowl species.

Conclusion: The Service does not object to permit issuance, provided the following special conditions are included in the permit:

1. All disturbed, stockpile, and fill areas shall be stabilized to prevent erosion. Increased water turbidity and accumulation of sediment in drainages, sloughs, and other wetlands shall be evidence of insufficient stabilization.
2. Best Management Practices for preventing the introduction of invasive weeds shall be implemented, such as thoroughly washing equipment before onsite deployment.

These comments are submitted in accordance with provisions of the National Environmental Policy Act (NEPA) of 1969 (83 Stat. 852; 42 U.S.C. 4321 et seq.), the Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.), the Marine Mammal Protection Act ([MMPA] 16 U.S.C. 1361-1407), the Migratory Bird Treaty Act (40 Stat. 755, as amended; 16 U.S.C. 703 et seq.), the Bald and Golden Eagle Protection Act (54 Stat. 250, as


amended, 16 U.S.C. 668a-d), and the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.). These comments are also for use in your determination of 404(b)(1) guidelines compliance (40 C.F.R. 230) and in your public interest review relating to the protection of fish and wildlife resources (33 C.F.R. 320.4).

The Service appreciates the opportunity to comment regarding this proposed project. Our comments are based on the information provided in the Public Notice. Should project plans change, we would appreciate an opportunity to review and comment. Please contact Louise Smith (Louise_Smith@fws.gov), 907-456-0306 (office), 907-590-9205 (cell) should you have questions concerning these comments.

Sincerely,

**ROBERT
HENSZEY**

Robert J. Henszey
Branch Manager
Conservation Planning Assistance

 Digitally signed by ROBERT
HENSZEY
Date: 2023.06.30 14:46:25 -08'00'

Attachments:

Figure 1 showing the disturbed area recovery at the proposed K2 Pad location
Best Management Practices to Minimize Impacts to Polar Bears

ecc: Alaska District (regpagemaster@usace.army.mil), USACE, JBER
Mark Wiggin (mwiggen@kuukpik.com), Kuukpik Corporation
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Literature Cited:

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- Smith, T. S., Partridge S. T., Amstrup S. C., Schliebe S. 2007. Post den emergence behavior of polar bears (*Ursus maritimus*) in Northern Alaska. *Arctic* 60:187–194.

Best management practices to minimize impacts to polar bears

USFWS Marine Mammals Management

Polar bears are protected under the Marine Mammal Protection Act (MMPA) and were listed as a threatened species under the Endangered Species Act (ESA) in 2008. The MMPA and ESA both prohibit the “take” of polar bears with limited exceptions, such as for authorized incidental take and when necessary for human safety. Take includes disturbing, injuring, and killing polar bears.

Polar bears use sea ice, marine waters and terrestrial areas in northern and northwestern Alaska for resting, feeding, denning, and seasonal movements. They are most likely to be encountered within 25 miles of the coastline, especially along barrier islands during July-October. Polar bears may also be encountered farther inland, especially females during the denning period (November-April). Be aware that polar bears also occur within human settlements such as villages, camps, and work areas.

This document lists best management practices the Service recommends to minimize the risk of human activities causing adverse impacts to polar bears, as well as polar bear encounter guidelines and reporting procedures. Following as many relevant measures as possible through the development and implementation of a polar bear avoidance and encounter plan will help protect both human and bear safety. Adherence to measures does not, however, absolve personnel of responsibility if they take (harass, harm, capture, or kill) a polar bear in violation of the Marine Mammal Protection Act. If you have questions about any best management practices or how they might be implemented in specific scenarios, please contact USFWS Marine Mammals Management (MMM) at FW7_AK_Marine_Mammals@fws.gov or 907-786-3844.

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Best practices for avoiding polar bear encounters and impacts to bears

Project siting and timing

- Avoid siting projects in polar bear high-use areas to the maximum extent practicable. High-use areas include all land within 2 km (1.2 miles) of the Chukchi and Beaufort Sea coasts. Polar bears are most likely to be encountered along coastal movement corridors along the Beaufort Sea coast between July and October. Polar bears may congregate near coastal communities in September and October when remains of subsistence-harvested whales are present. If coastal siting is unavoidable, maintain an open transit corridor for bears that is free of human presence and activity to help avoid conflict.
- Avoid establishing infrastructure in or near polar bear denning habitat (see USGS habitat maps: https://alaska.usgs.gov/data/polarBear/denHabitat/polarBear_denHabitat_allACP) and avoid undertaking activities in or near polar bear denning habitat between November and April.
- Be vigilant for sows with cubs during the den emergence period (March – May) in inland as well as coastal areas.
- Polar bears typically rest during day and become more active during dusk, night, or dawn. Plan activities with this in mind.

Den detection and avoidance

- Aerial infrared (AIR) surveys can locate polar bear dens that can then be avoided between November and April to prevent disturbance to denning bears. Anyone planning industrial operations or other activities involving large human presence or equipment between November and April and within 25 miles of the Bering, Chukchi, or Beaufort coasts (outside of communities) should contact Marine Mammals Management to determine if completing one or more AIR surveys is necessary to lower the risk of impacts to denning bears.
- Avoid any activities within one mile of known polar bear dens, including dens encountered in the course of activities. Locations of known polar bear dens can be obtained from MMM. Report any observed polar bear dens to the MMM Regulatory Program at FW7_MMM_Reports@fws.gov as soon as possible and within 24 hours of discovery. Should occupied dens be identified within one mile of activities, cease work in the immediate area and immediately contact MMM for guidance before proceeding with activities. The Service will evaluate these instances on a case-by-case basis and determine the appropriate action.
- During transit off of ice roads and established tundra travel routes, personnel in potential denning areas should constantly be on the lookout for signs of denning (e.g., piles of snow from den excavation, tracks) between November and April. Use vehicle-based forward looking infrared cameras to scan for dens when possible. Personnel should avoid crossing topographic features suitable for denning, such as riverbanks and along bluffs.

Avoiding impacts to sows and cubs after den emergence

- If a sow and cubs of the year are seen, cease operations within a 1.6 km (1 mi) exclusion zone and notify the Service at 1-800-362-5148 and FW7_MMM_Reports@fws.gov. Any operations in between the sow/cubs and the shoreline must be notified, and the bears must be provided a clear and unimpeded path to the sea ice through coordination with bear monitors.

Attractants management

- Be aware that garbage, food, deliberate feeding, animal carcasses, chemicals, petroleum products, sewage, and grey water can attract polar bears. Polar bears are curious and may also be attracted to novel or unfamiliar items (e.g., plastic objects, snowmachines)
- Incinerate garbage and food waste at work sites as frequently as possible. Locate incinerators outside of living areas. If incineration is not an option, store wastes as described below and remove them from site (e.g., fly them out) as frequently as possible.
- Store attractants in a manner that minimizes odors and prevents access by bears. Use bear-resistant storage containers and waste receptacles. Containers should be approved and certified by the Interagency Grizzly Bear Committee as "bear-resistant" (see information at <http://www.igbconline.org/html/bear-resistant-products>). Always store food away from living quarters.
- Maintain clean work areas and/or camps.
- Clean any fuel spills or spills/leaks of other chemicals or toxic materials properly and immediately, even if they are small.
- When travelling, avoid carrying strongly scented attractants or store them in air-tight containers to minimize odor transmission, and consume food in enclosed and secure areas whenever possible.

Bear avoidance, detection, and deterrence protocols

- Establish specific protocols to minimize the risk of encounters and maximize human and animal safety if an encounter does occur. These should include such measures as:
 - regular on-site safety discussions
 - using the buddy system for activities away from buildings or outside fences
 - being vigilant, traveling in groups, and making noise to avoid surprise encounters
 - using bear detection tools/methods including human monitors or "bear guards", physical barriers, trip wire systems, alarms, and/or motion detectors/cameras
 - establishing a notification system/communication plan (e.g., using radio, blow horns, or sirens) to alert workers of a polar bear in the area and contact outside help if needed (e.g., by satellite phone)
 - designating safe area(s) to gather if a bear approaches work areas

Additional precautions should be taken on barrier islands, in river drainages, along bluff habitat or ice leads/polynyas, near whale or other marine mammal carcasses, or in the vicinity of fresh tracks. For example, prior to landing/docking on barrier islands or other coastal areas, survey the area to ensure polar bears are not present.

- Prepare bear deterrence plans to implement if a polar bear approaches and must be hazed to protect workers and property. The Service has issued Polar Bear Deterrence Guidelines (link to notice: <https://www.federalregister.gov/documents/2010/10/06/2010->

[25044/marine-mammal-protection-act-deterrence-guidelines](#)) that describe passive and preventative deterrence measures that do not require advance training. These include tools such as loud acoustic devices, air horns, electric fencing, or using a vehicle or boat to block an approaching bear. Bear spray is another effective preventative deterrence tool for individuals informed in its proper use. Use of more advanced deterrence methods, such as projectiles from a firearm (e.g., pepper balls, cracker shells, bean bags, rubber bullets) requires appropriate specialized training, and the Service may provide a Letter of Authorization for Intentional Harassment for projects intending to use advanced deterrence. Contact MMM for additional information on the Service's Bear Safety and Bear Deterrence Specialist training and intentional harassment authorization.

- If deterrence plans include use of a firearm by a Service-approved bear deterrence specialist, make sure plans identify how rounds will be handled to prevent mixing of lethal and less-lethal rounds.
- If working near a North Slope Borough community, reach out to the North Slope Borough Department of Wildlife Management (phone: (907) 852-0350) for information on recent polar bear activity in the area to inform avoidance plans.

****Information and measures in the [Polar Bear Encounter Guidelines](#) section of this document should be incorporated into encounter and deterrence protocols****

Personnel training materials and procedures

- Ensure all personnel working in polar bear habitat receive appropriate safety training, including education on site-specific protocols. Depending on individual duties and activities, this may include Bear Safety Training from the Service or the Alaska Department of Fish and Game.
- Any personnel that may need to deter an approaching polar bear should receive training in use of deterrents, including hands-on practice. Training from the Service or Service-approved trainers is critical for individuals planning to use advanced hazing tools (e.g., projectiles from a firearm or approaches with vehicle).
- Share or publicly post materials on bear safety and encounter protocols at work sites.
- Complete on-site polar bear safety drills.

Industrial infrastructure: site design and snow and lighting management

- For industrial infrastructure, ensure good visibility in all work site locations through facility layout and lighting. All personnel areas, including entrances, should be illuminated during working hours. Waste-management areas and pedestrian traffic areas should be particularly well-lit.
- Exterior doors should open outward, and there should be windows in or near exterior doors so personnel can look for polar bears before exiting a building, and. To limit risk of bears entering buildings, use oval-shaped versus handle-type knobs on exterior doors. Prevent snow from piling up below windows if it could allow a bear to climb and enter the building

through the window. Grates on windows (in compliance with fire codes) are recommended to limit potential entry by bears.

- Take measures to prevent snow drifts from forming around elevated structures (including roads and pads), as they may obstruct visibility or attract bears as denning habitat. Prevailing wind directions and resulting drift should be considered when placing barriers or storing materials. Establish protocols to remove accumulated snow from infrastructure, as needed, and consider placement of snow berms to increase visibility.
- Minimize the potential for polar bear concealment. Arrange any objects outdoors in a way that reduces or eliminates spaces where a polar bear could be concealed. Where practicable, install skirting under elevated buildings, cap off stored pipes, block culverts in the winter, surround equipment storage areas with fencing, and place of gates or other barriers on stairwells.
- Avoid creating corners and areas where bears may feel trapped or workers may become trapped by a bear.
- Minimize outdoor storage and rearrangement of outdoor objects, which may attract curious polar bears.
- If work and camp activities are co-located (e.g., on a pad) ensure living quarters are centrally located.
- Use electric or other fences that exclude bears from work and living areas, but recognize that fences are not fail-safe and awareness within or outside fences is necessary.
- If full illumination of a work site is not possible, monitoring by a bear guard using infrared night-vision cameras or binoculars may be sufficient to detect approaching bears. Contact MMM if you are considering infrared night-vision monitoring.

Remote field camp safety practices

- Minimize and prevent access to attractants. Store food, garbage, and other attractants in a manner that minimizes odors and prevents access by bears. Do not allow any bears to receive a food reward in a camp. Use containers approved and certified by the Interagency Grizzly Bear Committee as “bear-resistant” to store food, garbage, and other attractants (see attractant section above).
- Use an electric fence or alarm system as additional campsite protection.
- Avoid camping or lingering in bear high-use areas such as river drainages, coastal bluffs and barrier islands, or along ice leads/polynyas. Do not camp within one mile of river drainages with steep banks and bluffs during denning season (November-April).
- Along the Beaufort and Chukchi coasts, locate overnight camps inland. Based on known patterns of land use by polar bears, camping just a mile or two inland will dramatically decrease the chance a camp will be in the path of a polar bear. Be aware, however, that camping inland or along the coast can result in an encounter with a brown bear, so take bear conflict-avoidance precautions regardless of camping location.

Watercraft operations

- Be especially vigilant for swimming bears when vessels are underway. If one or more swimming bears are encountered, allow it to continue unhindered. Never approach, herd, chase, or attempt to lure a swimming bear.
- Reduce speed and avoid sudden changes in travel direction when visibility is low.

Aircraft operations (including unmanned systems/drones):

- Pilots of all aircraft types (fixed wing, helicopters, and drones) should fly at the maximum distance possible from concentrations of polar bears. Aircraft should maintain an altitude of 1500 ft (457 m) above ground level when operationally possible. Under no circumstances, other than an emergency, should aircraft operate at an altitude lower than 1500 ft within 0.5 mi (805 m) of polar bears observed on ice or land.
- When weather conditions do not allow a 1500 ft flying altitude, such as during severe storms or when cloud cover is low, aircraft may be operated below this altitude. However, when lower flight is necessary, the operator should avoid areas of known concentrations of polar bears and should take precautions to avoid flying directly over or within 0.5 miles (805 m) of these areas. Operators should stay aware of bear congregation sites near their work areas through communication with the Service and regional and local bodies (e.g., the North Slope Borough Department of Wildlife Management, community councils). Note that Barter Island and Cross Island are consistent bear concentration areas.
- Aircraft should avoid performing any evasive and sudden maneuvers, especially when traveling at lower altitudes. Avoid circling, turning, or hovering aircraft within 0.5 mi (805 m) of polar bears or in known polar bear concentration areas.
- If a polar bear is spotted within a landing zone or work area while an aircraft is in flight, aircraft operators should travel away from the site, and if flying at a lower altitude, slowly increase altitude to 1500 ft (or a level that is safest and viable given current traveling conditions). Do not land aircraft within 0.5 mile of a polar bear.
- If a polar bear is observed while an aircraft is grounded, personnel should board the aircraft and leave the area. The pilot should also avoid flying over the polar bear.
- Do not operate aircraft in such a way as to separate individual members of a group of polar bears from each other.

Polar bear encounter guidelines

The general strategy for minimizing human-bear conflicts is to: 1) be prepared; 2) avoid encounters; and 3) know how to respond if an encounter occurs. Preparation and avoidance measures—which include avoiding high-use areas, minimizing attractants, developing a human-bear safety plan, preventing surprise encounters, carrying deterrents and practicing using them—are all described above. Guidelines for encounters are listed in this section. These encounter guidelines are based on up-to-date, expert assessment of polar bear incidents and practices that minimize negative outcomes.

Note that polar bears react differently to human presence depending on a variety of biological and environmental factors, as well as their previous experience with humans. Hungry (skinny) bears can be particularly dangerous.

If a polar bear is encountered:

- Prepare deterrent(s). Do not run from or approach polar bears. If the bear is unaware of human presence, allow it to continue what it was doing before it was encountered. Move to safe shelter (e.g. vehicle or building) if available, and wait until it is safe to proceed.
- Group up. If no safe shelter is available, group up with others and stand positioned to allow for safe deployment of deterrents (e.g. firearm, pistol launcher, bear spray) – until the bear leaves.
- Observe bear behavior. Polar bears that stop what they are doing to turn their head or sniff the air in your direction have likely become aware of your presence. These animals may exhibit various behaviors:
 - *Curious* polar bears typically move slowly, stopping frequently to sniff the air, moving their heads around to catch a scent, or holding their heads high with ears forward. They may also stand up.
 - *A threatened or agitated* polar bear may huff, snap its jaws together, stare at you (or the object of threat) and lower its head to below shoulder level, pressing its ears back and swaying from side to side.
 - *A predatory* bear may sneak up on an object it considers prey. It may also approach in a straight line at constant speed without exhibiting curious or threatened behavior.

If a polar bear approaches you or your camp:

- Defend your group/camp. Any bear that approaches within range of your deterrents should be deterred. Stand your ground; do not run. Defend your group or camp, increasing the intensity of your deterrence efforts as necessary. Start with the least aggressive options, such as using noisemakers, yelling or clapping, or deploying air horns. Recent work has found bear spray to be an effective deterrent against polar bears, even under high wind scenarios. With wise use of deterrents, your group may be able to de-escalate the incident by keeping bears from making contact with site items, and by eventually increasing distance between you and the bear. Be aware that lethal take of polar bears is permissible if such taking is imminently necessary in defense of human life. Defense of life kills must be reported to the Service within 48 hours.
- If bear makes physical contact, fight back. If deterrence/lethal efforts have failed and a polar bear attacks (makes physical contact), **do not “play dead”**. Fight back using any deterrents available, aiming fists or objects at the bear’s nose and face.

If defense of life becomes necessary:

- Defense of life kills are only allowed in self-defense or to save the life of a person in immediate danger. All defense-of-life kills of polar bears must be reported to the Service within 48 hours. Report to USFWS Marine Mammals Management (email FW7 MMM Reports@fws.gov and/or call 1-800-362-5148). Events in the Arctic National Wildlife Refuge may alternatively be reported by calling the Arctic National Wildlife Refuge Manager at 1-800-362-4546 or by calling (907) 883-9409 and speaking to a law enforcement officer. If you send an email or leave a message, provide your name, contact info, and location so you can be reached to provide additional information about the incident.
- You will be required to document the circumstances leading up to, and immediately surrounding, the death of the bear, including documentation of the preventative methods you used to de-escalate the conflict in advance of killing the bear.
- The shooter may be required to transfer the carcass (including hide and skull) to a law enforcement officer or designated local representative. The shooter is responsible for the carcass once the bear is killed (it cannot be abandoned).
- The shooter may not keep any parts of the animal unless authorized by the US Fish and Wildlife Service.

Reporting

The Service requests that any polar bears sighted during activities are reported to FW7 MMM Reports@fws.gov. Reports are mandatory if polar bears are harassed or harmed in an incident, and all sighting reports are helpful. Any injury or death of a bear related to human activities must be reported as soon as possible and no later than 48 hours after occurrence, as described in the defense of life section above. Please include as much of the following information as possible in reports:

- Date, time, and location of the polar bear observation
- Number of individual polar bears by sex and age, if possible
- Observer name and contact information
- Weather, visibility, and ice conditions at the time of the polar bear observation
- Estimated closest point of approach for the polar bear from personnel and facilities/equipment
- Project activity at time of the polar bear observation and possible attractants if present
- Polar bear behavior
- Description of the encounter with the polar bear. A full written description, including the duration of encounter and all actions taken to minimize harassment or harm to the bear, is required when a human-bear interaction occurs.
- In cases involving aircraft or vessels:
 - a. Aircraft or vessel heading
 - b. Aircraft or vessel speed
 - c. Aircraft altitude
 - d. Initial behaviors of the polar bear before responding to the aircraft or vessel

- e. A description of any apparent reactions from the polar bear to the aircraft or vessel
- If injured, distressed, or dead polar bears are observed that not associated with project activities (e.g., found outside the project area, previously wounded polar bears, or carcasses), please report this information to the Service as soon as possible at 1-800-362-5148 and FW7_MMM_Reports@fws.gov. The following website has instructions for reporting found polar bear remains: <https://www.fws.gov/alaska/pages/marine-mammals/polar-bear/carcass-found>. Photographs, video, location information, or any other available documentation is very helpful for all reports.