

July 15, 2008

## **Supplement to the Beaufort Sea Areawide 1999 Oil and Gas Lease Sale Final Finding of the Director**

### **Polar Bears**

On May 15, 2008, the U. S. Fish and Wildlife Service (USFWS) published a [\*Final Rule\*](#) in the Federal Register listing the polar bear as a threatened species under the federal Endangered Species Act (ESA). The USFWS based its listing on the loss of sea ice, which it says threatens and will likely continue to threaten polar bear habitat. The USFWS believe that this loss of habitat puts polar bears at risk of becoming endangered in the foreseeable future, the standard established by the ESA for designating a threatened species. This final rule activates the consultation provisions of Section 7 of the Act for the polar bear. The special rule for the polar bear, also published in the May 15, 2008, edition of the Federal Register, sets out the prohibitions and exceptions that apply to this threatened species.

The State of Alaska has challenged the listing. The state maintains that there is insufficient evidence to support a listing of the polar bear as threatened for any reason at this time. Polar bears are currently well-managed and have dramatically increased over 30 years as a result of conservation measures enacted through international agreements and the Marine Mammal Protection Act.

- Existing mitigation measures and lessee advisories in the *Beaufort Sea Areawide 1999 Oil and Gas Lease Sale Final Finding of the Director* adequately address polar bears. Mitigation measures 23.b. require operations to avoid polar bear dens. Mitigation measure 23.c. encourages lessees to prepare and implement bear interaction plans to minimize conflicts between bears and humans. Lessee advisory 5.c. advises lessees that they must comply with the provisions of the Marine Mammal Protection Act. Lessee advisory 9 advises lessees of certain areas that are especially valuable for their concentrations of marine mammals and lists areas that must be considered when developing plans of operation.
- In addition to compliance with these mitigation measures, lessees must comply with all applicable local, state and federal codes, statutes and regulations, and any subsequent amendments.