(2) Provide proof that you are taking corrective action to obtain a new third-party decommissioning contract or revise the existing third-party decommissioning contract within 15 days after notification to the Regional Director.

(f) If you fail to comply with the decommissioning schedule, which was accepted by BOEM in lieu of supplemental financial assurance, you must:

(1) Notify the Regional Director within 7-calendar days of discovering that any of the milestones in the schedule have been missed or have become an impossibility; and

(2) Take corrective action to revise the schedule and provide a revised schedule for review and approval for use in lieu of providing supplemental financial assurance to the Regional Director within 15 days after notification to the Regional Director.

(g) If you fail to comply with paragraphs (e) and/or (f) of this section, whichever was approved for use by BOEM as an alternative to providing supplemental financial assurance, you must provide the original supplemental financial assurance demand in full within 10-calendar days of receiving notification from the Regional Director that you have failed to meet your obligations and that you will be no longer be eligible to meet your supplemental financial assurance requirement in the manner prescribed in this section.

(h) If your decommissioning activities are not complete within one-year from the date of the original supplemental financial assurance demand, you must pay the original supplemental financial assurance demand amount within 10-calendar days of receiving notification from the Regional Director that you have failed to meet your obligations and that you will be no longer be eligible to meet your supplemental financial assurance requirement in the manner prescribed in this section.

Subchapter C—Appeals

PART 590—APPEAL PROCEDURES

■ 11. The authority citation for part 590 continues to read as follows:

Authority: 5 U.S.C. 301 *et seq.;* 31 U.S.C. 9701; 43 U.S.C. 1334.

Subpart A—Bureau of Ocean Energy Management Appeal Procedures

§ 590.4 [Amended]

■ 12. Amend § 590.4 by removing and reserving paragraph (c).

[FR Doc. 2026–04517 Filed 3–6–26; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 18

[Docket No. FWS–R7–ES–2026–0694; FXES111607MRG01–267–FF07CAMM00]

RIN 1018–BI93

Marine Mammals; Incidental Take of Polar Bears and Pacific Walruses in the Beaufort Sea and North Slope of Alaska

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; notice of availability of draft environmental assessment; and request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, received a request under the Marine Mammal Protection Act of 1972 from the Alaska Oil and Gas Association to issue regulations facilitating the authorization of incidental, unintentional take of small numbers of polar bears (*Ursus maritimus*) and Pacific walruses (*Odobenus rosmarus divergens*) during year-round oil and gas industry activities in the Beaufort Sea (Alaska and the Outer Continental Shelf) and adjacent northern coast of Alaska. Take may result from oil and gas exploration, development, production, and transportation activities occurring for a period of 5 years. Oil and gas industry operations include similar types of activities covered by the previous 5-year Beaufort Sea incidental take regulations effective from August 5, 2021, through August 5, 2026. If this rule is finalized, we may issue letters of authorization, upon request, for specific proposed activities in accordance with this proposed regulation. We are proposing that this rule, if finalized, will be for 5 years. We intend that any final action resulting from this proposed rule will be as accurate and effective as possible. Therefore, we request comments or suggestions on these proposed regulations and the accompanying draft environmental assessment from the public, Tribes, and local, State, and Federal agencies.

DATES: Comments will be accepted on or before April 8, 2026. Comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES,** below) must be received by 11:59 p.m. eastern time on the closing date.

To ensure your comment is received and considered, you must submit it using one of the methods identified in the **ADDRESSES** section of this document. Comments submitted through any method not authorized in this document, or sent to an address not listed here, will not be considered.

ADDRESSES:

Document availability: You may view this proposed rule, the associated draft environmental assessment, comments received, and other supporting material (including Supporting & Related Materials) at *https://www.regulations.gov* under Docket No. FWS–R7–ES–2026–0694, or these documents may be requested as described under **FOR FURTHER INFORMATION CONTACT.**

Comment submission: All submissions must include the docket number FWS–R7–ES–2026–0694 this document. You must submit comments using one of the following methods:

- *Electronic submission:* Federal eRulemaking Portal at: *https://www.regulations.gov.* In the Search box, enter FWS–R7–ES–2026–0694, which is the docket number for this action. Then click the Search button. On the resulting page, you may submit a comment by clicking on ''Comment.'' Please ensure that you have found the correct document before submitting your comments.
- *U.S. mail:* Public Comments Processing, Attn: Docket No. FWS–R7–ES–2026–0694, Policy and Regulations Branch, U.S. Fish and Wildlife Service, MS: PRB (JAO/3W), 5275 Leesburg Pike, Falls Church, VA 22041–3803.

Comments submitted through any method not authorized in this document, or sent to an address not listed here, will not be considered. We will not accept comments via email, fax, or hand delivery. We are not required to consider comments that are submitted after the comment period ends or that are submitted via a method outside of these instructions.

Comments containing profanity, vulgarity, threats, or other inappropriate content will not be considered.

We will post all comments at *https://www.regulations.gov.* You may request that we withhold personal identifying information from public review; however, we cannot guarantee that we will be able to do so. See Request for Public Comments, below, for more information.

FOR FURTHER INFORMATION CONTACT: Stephanie Burgess, by email at *r7mmmregulatory@fws.gov,* by telephone at 907–786–3800, or by U.S. mail at U.S. Fish and Wildlife Service, MS 341, 1011 East Tudor Road, Anchorage, AK 99503. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a

speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION:

Executive Summary

In accordance with the Marine Mammal Protection Act of 1972 (MMPA; 16 U.S.C. 1371(a)(5)(A)) and its implementing regulations, we, the U.S. Fish and Wildlife Service (hereafter ''FWS'' or we), propose incidental take regulations (ITRs) that, if finalized, would facilitate the authorization of the incidental, unintentional take of small numbers of polar bears (*Ursus maritimus*) and Pacific walruses (*Odobenus rosmarus divergens*) during oil and gas exploration, development, production, and transportation activities in the Beaufort Sea (Alaska and the Outer Continental Shelf) and adjacent northern coast of Alaska, not including lands within the Arctic National Wildlife Refuge (ANWR). If finalized, this proposed rule would be effective for a 5-year period.

This proposed rule is based on our preliminary findings that the total takings of polar bears and Pacific walruses during specified activities will impact small numbers of animals, will have a negligible impact on the species or stocks, and will not have an unmitigable adverse impact on the availability of these species or stocks for subsistence use by Alaska Natives. We base our draft findings on data from monitoring the encounters and interactions between these species and the oil and gas industry; research on these species; oil spill risk assessments; potential and documented effects on these species from similar activities; information regarding the natural history and conservation status of polar bears and Pacific walruses; and data reported from Alaska Native subsistence hunters. In conjunction with this proposed rulemaking, the FWS has prepared a draft environmental assessment, which is also available for public review and comment.

These proposed regulations set forth permissible methods of taking; mitigation measures to ensure that Alaska Oil and Gas Association's (AOGA) activities will have the least practicable adverse impact on these species or stocks, their habitat, and the availability of these species for subsistence uses; and requirements for monitoring and reporting.

Background

Section 101(a)(5)(A) of the MMPA gives the Secretary of the Interior (Secretary) the authority to allow the incidental, but not intentional, taking of small numbers of marine mammals, in response to requests by U.S. citizens (as defined in title 50 of the Code of Federal Regulations (CFR) in part 18 (at 50 CFR 18.27(c)) engaged in a specified activity, other than commercial fishing, within a specified geographic region. The Secretary has delegated authority for implementation of the MMPA to the FWS. According to the MMPA, the FWS shall allow this incidental taking for a period of up to 5 consecutive years if we find that the total of such taking:

(1) will affect only small numbers of individuals of the species or stock;

(2) will have no more than a negligible impact on the species or stock;

(3) will not have an unmitigable adverse impact on the availability of the species or stock for taking for subsistence use by Alaska Natives; and

(4) we issue regulations that set forth:

(a) permissible methods of taking,

(b) means of effecting the least practicable adverse impact on the species or stock and its habitat and the availability of the species or stock for subsistence uses, and

(c) requirements for monitoring and reporting of such taking.

If final regulations allowing such incidental take are issued, we may then subsequently issue letters of authorization (LOAs), upon request, to authorize incidental take during the specified activities.

The term ''take'' means to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal. Harassment for activities other than military readiness activities or scientific research conducted by or on behalf of the Federal Government means ''any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild'' (the MMPA defines this as ''Level A harassment''), or ''(ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering'' (the MMPA defines this as ''Level B harassment'').

The terms ''negligible impact'' and ''unmitigable adverse impact'' are defined in 50 CFR 18.27 (*i.e.,* regulations governing small takes of marine mammals incidental to specified activities) as follows: ''Negligible impact'' is an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival. ''Unmitigable adverse impact'' means an impact resulting from the specified activity: (1) that is likely to reduce the availability of the species to a level insufficient for a harvest to meet subsistence needs by (i) causing the marine mammals to abandon or avoid hunting areas, (ii) directly displacing subsistence users, or (iii) placing physical barriers between the marine mammals and the subsistence hunters; and (2) that cannot be sufficiently mitigated by other measures to increase the availability of marine mammals to allow subsistence needs to be met.

The term ''small numbers'' is also defined in 50 CFR 18.27. However, we do not rely on that definition here as it conflates ''small numbers'' with ''negligible impact.'' We recognize ''small numbers'' and ''negligible impact'' as two separate and distinct requirements for promulgating ITRs under the MMPA (see *Natural Res. Def. Council, Inc.* v. *Evans,* 232 F. Supp. 2d 1003, 1025 (N.D. Cal. 2002)). Instead, for our small numbers determination, we evaluate if the number of marine mammals estimated to be incidentally taken is small relative to the size of the species or stock.

The term ''least practicable adverse impact'' is not defined in the MMPA or its implementing regulations. In promulgating ITRs, we ensure the least practicable adverse impact by requiring mitigation measures that are effective in reducing the impact of specified activities, but not so restrictive as to make specified activities unduly burdensome or impossible to undertake and complete.

In this proposed rule, the term ''Industry'' includes individuals, companies, and organizations involved in exploration, development, production, and transportation activities of the petroleum industry. Industry activities may result in the incidental taking of Southern Beaufort Sea (SBS) polar bears and Pacific walruses (hereafter ''walruses''). The MMPA does not require any party to obtain an incidental take authorization; however, any incidental taking that occurs without authorization is a violation of the MMPA. Since 1993, the oil and gas industry operating in the Beaufort Sea and the adjacent northern coast of Alaska has requested and we have issued ITRs for the incidental take of polar bears and walruses within a specified geographic region during

specified activities. For a detailed history of our current and past Beaufort Sea ITRs, refer to the **Federal Register** at 90 FR 27398, June 26, 2025; 86 FR 42982, August 5, 2021; 81 FR 52276, August 5, 2016; 76 FR 47010, August 3, 2011; 71 FR 43926, August 2, 2006; and 68 FR 66744, November 28, 2003. The current ITRs are codified at 50 CFR part 18, subpart J (§§ 18.121 to 18.129).

Summary of Request

On September 30, 2025, the FWS received a request from AOGA on behalf of its members and other participating companies to promulgate regulations for incidental take of small numbers of polar bears and walruses during oil and gas exploration, development, production, and transportation activities in the Beaufort Sea and adjacent northern coast of Alaska for a period of 5 years (2026–2031) (hereafter referred to as the ''Request''). The FWS deemed AOGA's Request as adequate and complete on January 12, 2026.

The AOGA requests regulations that will be applicable to the oil and gas exploration, development, production, and transportation activities of multiple companies specified in the Request. This includes AOGA member and non-member companies that have applied for these regulations. The companies of AOGA represented in the Request (as modified via subsequent communication from AOGA concerning membership changes) include: Alyeska Pipeline Service Company; BlueCrest Energy, Inc.; Chevron Corporation; ConocoPhillips Alaska, Inc. (CPAI); ExxonMobil Alaska Production, Inc. (ExxonMobil); Finnex; Furie Operating Alaska, LLC; Glacier Oil and Gas Corporation (Glacier); Hilcorp Alaska, LLC and Hilcorp North Slope, LLC (Hilcorp); Marathon Petroleum Corporation; Petro Star, Inc.; Repsol; Santos; Shell Exploration and Production Company (Shell); APA Corporation; and 8 Star Alaska, LLC (a non-member company). If the proposed rule is finalized in its current form, these regulations would apply only to the member companies and the non-member company represented in the Request, their corporate affiliates, respective contractors, subcontractors, partners, owners, co-lessees, designees, or successors-in-interest that plan to conduct oil and gas operations in the specified geographic region.

AOGA also informed FWS that further membership changes may occur during the ITR period and requested that eligibility for incidental take authorization pursuant to the final ITR, if issued, be conditioned upon active AOGA membership. The FWS requests public comments on the degree of flexibility to be afforded by a final rule and, relatedly, the eligibility criteria to be applied during the LOA request and review process.

The activities within the scope of the Request are consistent with the nature of oil and gas activities that have occurred on the Alaska North Slope for decades. Those activities have occurred in parallel with monitoring and reporting that has provided a record of polar bear interactions in connection with such activities. AOGA has indicated that not all activities described in the Request will actually occur during the ITR period, noting the broad scope of activities in the Request was included to support a comprehensive analysis and account for variability.

Description of the Proposed Regulations

These proposed regulations, if finalized, would facilitate the authorization of the incidental, unintentional take of small numbers of polar bears and walruses that may result from the specified activities. They would not authorize or ''permit'' the specified activities themselves. The proposed regulations include:

(1) permissible methods of taking;

(2) measures designed to ensure the least practicable adverse impact on polar bears and walruses, their habitat, and on the availability of these species or stocks for subsistence uses; and

(3) requirements for monitoring and reporting.

These proposed regulations, if finalized in their current form, would differ from prior iterations of the Beaufort Sea ITR in terms of the types of incidental take that would be allowed. Past iterations of the Beaufort ITR have been consistent in expressly prohibiting incidental lethal take but inconsistent in terms of allowable types of incidental harassment. See 76 FR 47010, August 3, 2011 (allowing all nonlethal incidental take); 81 FR 52276, August 5, 2016 (allowing incidental Level B harassment but not incidental Level A harassment); 86 FR 42982, August 5, 2021 (allowing incidental Level B harassment but not incidental Level A harassment); and 90 FR 27398, June 6, 2025 (allowing incidental Level B harassment and incidental Level A harassment). Some of these inconsistencies reflect differences in the types of incidental harassment that FWS anticipated to result from each set of specified activities. For instance, the FWS did not anticipate or authorize incidental Level A harassment in the original 2021–2026 regulations (86 FR 42982, August 5, 2021) but did anticipate and thus allowed Level A harassment in the revised 2021–2026 regulations (90 FR 27398, June 6, 2025). However, Level A harassment was not anticipated but was nevertheless allowed (at least implicitly) in the 2006–2011 regulations (71 FR 43926, August 2, 2006).

The FWS is now considering whether the best reading of the MMPA's provisions concerning ITRs requires the FWS to allow (1) all types of incidental take that result from the specified activities; (2) only the types of incidental take that FWS anticipated during the rulemaking process; or (3) only the types of incidental take that were requested to be allowed. While this proposed rule reflects the first of these interpretations, FWS requests public comment on this issue and notes that a final rule may adopt a different approach responsive to public comment.

Description of Letters of Authorization (LOAs)

An LOA is required to conduct activities pursuant to ITRs. Under this proposed ITR, if finalized, eligible parties may request LOAs that would authorize incidental take of polar bears and walruses resulting from the specified activities described in the ITR. Eligible parties are the member and non-member companies specified in AOGA's Request, and their corporate affiliates, respective contractors, subcontractors, partners, owners, co-lessees, designees, or successors-in-interest. Requests for LOAs must be consistent with the activity descriptions and mitigation and monitoring requirements of the ITR and be received in writing at least 90 days before the activity is to begin. Requests must include (1) an operational plan for the activity, including the timing of work and the nature of work to be conducted; (2) an interaction plan for polar bears and walruses; (3) a site-specific marine mammal monitoring and mitigation plan that specifies the procedures to monitor and mitigate the effects of the activities on polar bears and walruses, including frequency and dates of aerial infrared (AIR) surveys when such surveys are required; and (4) plans of cooperation (if required as described in Mitigation Measures, below). Once this information has been received, we will evaluate whether the level of activity identified in the request exceeds that analyzed by us in considering the findings made for the total taking allowable under the ITRs. If the level of activity exceeds that analyzed, the Service may request additional information. For more

information on requesting and receiving an LOA, refer to 50 CFR 18.27(f).

Description of Specified Geographic Region and Specified Activities

The specified geographic region covered by the requested ITR (Beaufort Sea ITR region, see figure 1, below) encompasses all Beaufort Sea waters (including State waters and Outer Continental Shelf waters as defined by the Bureau of Ocean Energy Management) east of a north-south line extending from Point Barrow (latitude 71.39139° N, longitude 156.475° W; Board on Geographic Names (BGN)1944) to the Canadian border, except for marine waters located within the ANWR. The offshore boundary extends 80.5 kilometers (km) (50 miles (mi)) offshore. The onshore boundary includes land on the North Slope of Alaska from Point Barrow to the western boundary of ANWR. The onshore boundary is 40 km (25 mi) inland. No lands or waters within the exterior boundaries of ANWR are included in the Beaufort Sea ITR region. The geographical extent of the proposed Beaufort Sea ITR region (approximately 7.9 million hectares (ha) (approximately 19.8 million acres (ac))) is the same region covered in previous regulations set forth in the final rule that published at 86 FR 42982, August 5, 2021; revised 90 FR 27398, June 26, 2025. The specified geographic region includes but is not limited to the following oil and gas development areas on the North Slope of Alaska: Nikaitchuq, Oooguruk, Badami, Northstar, Endicott (Duck Island), Liberty, Milne Point, Point Thomson, Prudhoe Bay, Pikka, Quokka, Southern Miluveach, Kuparuk River, Greater Mooses Tooth, Colville River, Horseshoe, and Bear Tooth.

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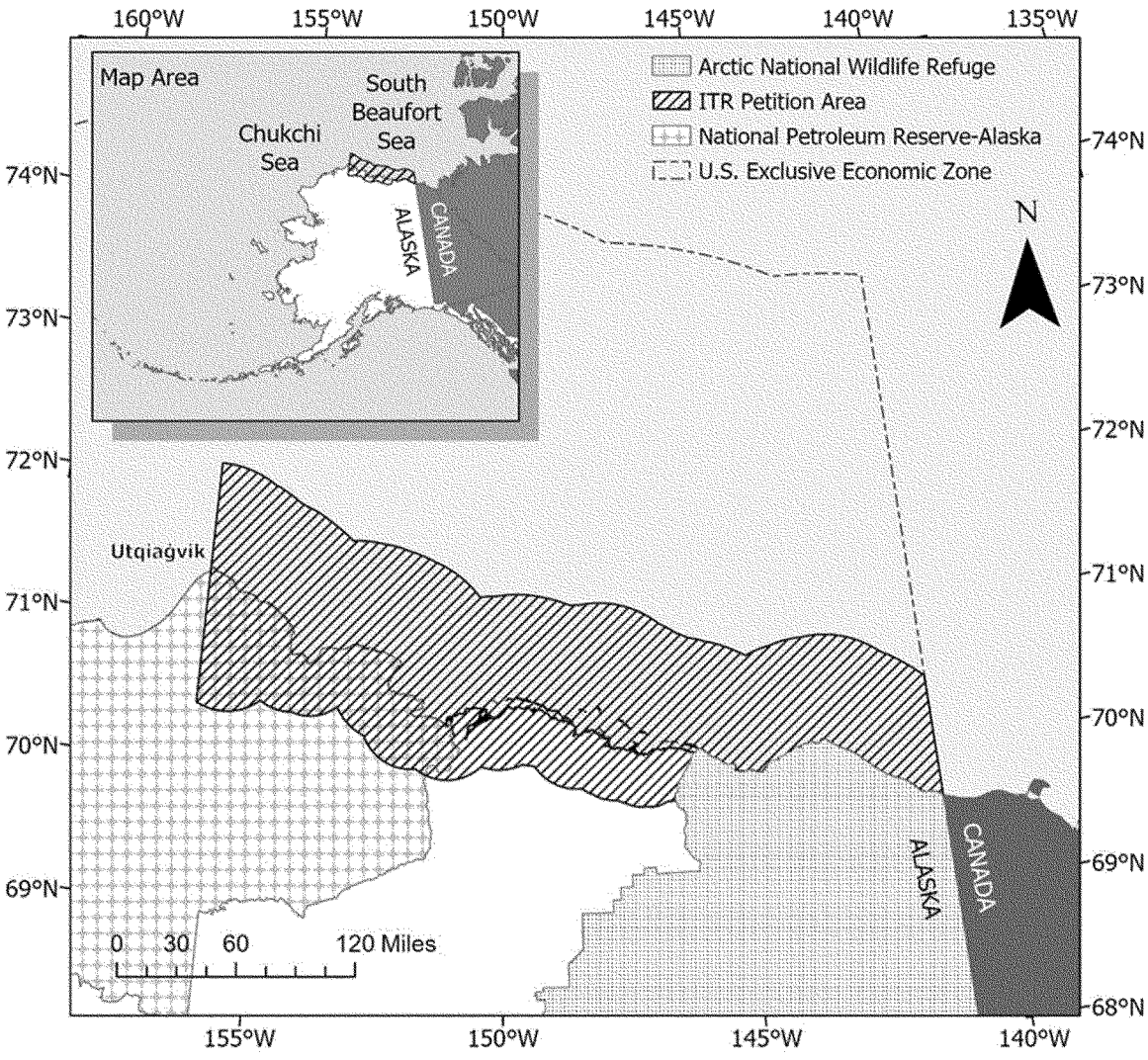

Figure 1—Specific geographic region of the requested incidental take regulations.

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The specified activities include oil and gas exploration, development, production, and transportation activities within the specified geographic region. This section summarizes the type and scale of Industry activities anticipated to occur in the Beaufort Sea ITR region from 2026 to 2031. Year-round onshore and offshore Industry activities are anticipated. During the 5-year ITR period, Industry activities are expected to be generally similar in type, timing, and effect to activities evaluated under the prior ITRs. Additional information is available in the AOGA Request for an ITR at *https://www.regulations.gov* in Docket No. FWS–R7–ES–2026–0694.

Transportation and Staging

Transportation activities will include aircraft operations; vehicle and equipment operations on gravel roads, gravel pads, ice roads, and ice pads;

vehicle operations on tundra; and vessel transit and barging operations.

Aircraft operations will consist of personnel and cargo transport flights to support operations, aerial pipeline inspections, and environmental monitoring surveys. Personnel and cargo flights will be conducted routinely throughout the Beaufort Sea ITR region to support operations, and the frequency of these flights may vary depending on the location and type of operation. Fixed-wing aircraft will generally be used to transport personnel and cargo across development areas. Helicopters will be used to transport personnel and cargo to coastal or offshore facilities and to access remote areas. Flight altitude for personnel and cargo transport flights will generally be above 305 meters (m) (1,000 feet (ft)) above ground level unless inclement weather requires a lower flight altitude for personnel safety. Aerial pipeline inspections will be conducted frequently year-round using helicopters or unmanned aerial vehicles (UAVs). Environmental monitoring surveys will be conducted using helicopters, UAVs, or fixed-wing aircraft depending on the type of survey and the frequency of these environmental monitoring surveys will vary across location and time of year during the ITR period.

Vehicle and equipment operations will occur on the existing gravel road system and gravel pads within the ITR region to support operations. Expansion of existing gravel roads and gravel pads as well as construction of new gravel roads and gravel pads will be conducted to support operations as needed throughout the ITR period. Gravel roads and pads typically will be constructed or expanded during the winter, although new gravel placement on the tundra may occur during any season. Equipment that will be used to construct or expand gravel roads and pads includes all-terrain vehicles (ATVs), graders, loaders, excavators, rollers, dump trucks, tractors, bulldozers, vehicles, and other heavy equipment. Gravel road and pad maintenance will occur as needed to support transportation and operations throughout the ITR period. Gravel will be obtained from existing gravel mine sites and new gravel mine sites that may be developed within the ITR region.

During the winter, ice roads and ice pads will be constructed both onshore and offshore to support vehicle and equipment transportation and operations. The number, size, and personnel occupancy of ice roads and pads will vary each winter depending on the operations. Some ice roads will be constructed annually in the same location and other ice roads will be constructed in different locations based on operation requirements that vary during the ITR period. Offshore ice roads, trails, and pads will be constructed on floating sea ice or grounded ice in shallow water (less than 2 m (7 ft)). Offshore ice roads, trails, and pads may be constructed as early as December and be used until May during each winter. Equipment that will be used to construct ice roads, trails, and pads includes tracked vehicles, tractors, snowplows, pump trucks, ATVs, graders, and loaders.

Vehicle operations will occur on the tundra to support surveys, scout transportation routes, conduct environmental monitoring studies, and support infrastructure inspections and maintenance activities. Tundra travel will occur year-round throughout the ITR period. Equipment that will be used for tundra travel includes tracked vehicles, ATVs, snowmachines, Tucker Sno-Cat vehicles, and Rolligons.

Vessel transit and barging operations will support transportation of personnel, equipment, and supplies for operations. There are several marine dock facilities that will be used to support vessel transit and barging operations in the ITR region including West Dock, Oliktok Dock, and other private dock facilities in development areas. West Dock is located on the northwestern shore of Prudhoe Bay east of Point McIntyre. Oliktok Dock is located on the eastern side of West Harrison Bay at Oliktok Point. Maintenance dredging or screeding will be conducted as needed at the marine dock facilities. Majority of the vessel transit and barging operations will occur during the open water season (July through October). Vessels of various sizes will be used to support transportation activities and may include crew boats, hovercrafts, zodiac vessels, and catamarans. Hovercrafts will also be used to transport personnel and cargo during both the ice-covered season and open water season. Barges, sealifts, and tugboats will be used to transport facility modules, construction materials, cargo, fuel, and other heavy equipment during the open water season. Sealifts are anticipated to occur over multiple years of the ITR period to transport facility modules to Oliktok Dock or West Dock, and offloading of sealifts may occur in and around offshore, subtidal, or intertidal areas of the Beaufort Sea. Barge lightering may be used to transfer cargo between vessels to allow vessels to enter shallow water. Barges may be transferred to shallow draft tugs for nearshore transportation. During offloading, barges may be staged offshore if dock space is limited.

Surveys and Studies

A variety of surveys and studies will be conducted such as geophysical surveys, airborne gravity/magnetic surveys, geotechnical surveys, seismic exploration surveys, vibroseis seismic surveys, vertical seismic profiles (VSPs), seafloor imaging, offshore bathymetry surveys, shallow hazard surveys, open water marine vibroseis surveys, environmental monitoring studies, and aerial infrared (AIR) surveys to detect polar bear dens. These surveys and studies may occur with routine frequency or be conducted as needed for specific projects. The specific locations and numbers of surveys and studies will vary depending on location-specific and operation-specific needs throughout the ITR period.

Geophysical surveys will be conducted to collect information about subsurface geology. Geophysical survey personnel will survey the surface of the land or seafloor to collect information on near-surface hazards that can be avoided during drilling operations or map deep strata beneath the surface of the ground to search for gas and oil-bearing rock formations. Geophysical surveys will occur routinely at existing development areas.

Airborne gravity and airborne magnetic surveys will record passive measurements of the Earth's gravitational and magnetic fields to collect information on potential geologic structures that may contain oil and gas. Surveys conducted onshore will use rotary-wing aircraft and surveys conducted offshore will use fixed-wing aircraft. Survey flight altitudes for rotary-wing aircraft will range from 91.5 m (300 ft) to 152.4 m (500 ft)above ground level. Survey flight altitude for fixed-wing aircraft will be a minimum of 152.4 m (500 ft) above sea level.

Geotechnical surveys will consist of collecting shallow core samples to provide information about soil conditions where onshore and offshore roads, pipelines, structures, or other facilities are planned to be constructed or to locate gravel sources. Geotechnical surveys will often occur simultaneously with other operations such as ice or gravel road construction or seismic exploration surveys. Geotechnical survey personnel will generally use winter tundra travel routes to access their survey areas and use a geotechnical drill unit to collect the core samples. A small mobile camp to support the survey personnel and other machinery will often be used during these geotechnical surveys.

Geotechnical surveys will occur routinely at existing development areas.

Seismic exploration surveys will collect information on the subsurface structure of rock formations. Sound energy waves will be sent into the ground using an energy source such as an airgun or vibroseis, where different layers within the Earth's crust reflect this energy. These reflected energy waves will be recorded by geophones in the ground to identify hydrocarbon-containing structures. Vibroseis seismic operations will use truck-mounted vibrators that emit frequency energy into the ground, and these operations may occur both onshore and on sea ice. Vibroseis seismic operations may consist of 40 to 200 personnel, small and heavy equipment, and a mobile sled-mounted camp to support personnel. Vibroseis seismic operations may occur during the winter from January through May.

VSP surveys will consist of lowering geophones into a well bore on land and repeatedly activating the energy source to gather seismic data from the well. These surveys will be conducted both on and off a drill pad, extending up to 5 km (3 mi) from the drilling rig, and up to eight personnel will conduct these surveys.

Seafloor imagery surveys will collect information about the seafloor by emitting sound energy towards the seafloor and interpreting the reflected sound energy to create a two-dimensional image of the seafloor and any features or objects on it. Equipment that will be used during these seafloor imagery surveys includes side-scan sonar that is towed behind a vessel. Side-scan sonar will generally emit high-frequency sound greater than 200 kilohertz (kHz).

Offshore bathymetry studies will collect information about the water depth, seafloor contours, hazards, and other environmental conditions. Equipment that will be used during these bathymetry surveys includes echosounders, such as a single-beam or multi-beam sonar device, that is mounted on the vessel's hull or on a side-mounted pole. Single-beam sonar devices emit a high-frequency single pulse of sound to record water depth, and these devices may operate at a frequency of either 100 kHz or 200 kHz. Multi-beam sonar devices will be composed of a transducer array that emits a swath of sound, motion sensor on the vessel, gyrocompass on the vessel, and a sound velocity probe in order to create a three-dimensional view of the seafloor. Multi-beam sonar devices may generally operate at a frequency of 240 kHz.

Shallow hazard surveys will collect information about the seafloor and immediate subsurface. Equipment that will be used during these shallow hazard surveys includes a high-frequency sub-bottom profiler, intermediate-frequency profiler, and a multi-channel system, which is an array of hydrophones towed by a vessel to receive reflected sound energy emitted by the sparker. Different types of sub-bottom profilers may be used depending on the type of seafloor imagery required for the shallow hazard surveys and the general frequency of this equipment may range from 0.3 to 20 kHz.

Open water marine vibroseis may be conducted as a potential alternative to using traditional airguns for offshore oil and gas surveys. Equipment that will be used during these marine vibroseis surveys includes a vibrating plate or shell to displace water to produce acoustic signals.

Environmental monitoring studies to support oil and gas activities will include but are not limited to those that examine geomorphology (soils, ice content, permafrost); archaeology and cultural resources; vegetation mapping; analysis of fish, bird, and mammal species and their habitat; acoustic monitoring; hydrology; and other freshwater, marine, and terrestrial studies of the Arctic coastal and offshore regions. Environmental monitoring studies may be conducted by individual operators or in cooperation with other entities such as government agencies, academic institutions, or local communities. These environmental monitoring studies will often be conducted in response to regulatory requirements and may occur across multiple years. Equipment that will be used during environmental monitoring studies may include vehicles, vessels, snow machines or tuckers, helicopters, or fixed-wing aircraft depending on the type of study. Flight altitudes for fixed-wing aircraft may range from 30 m (98 ft) to 450 m (1,476 ft) depending on the type of study. Environmental monitoring surveys will be conducted to fulfill regulatory and permit requirements and support natural resource exploration and development in the ITR region throughout the ITR period.

AIR surveys will be conducted to detect maternal polar bear dens near Industry each winter. Infrared cameras mounted on a fixed-wing aircraft will be used to detect body heat from denning female polar bears that permeates through the snow.

Well Drilling and Production

Drilling, production, and maintenance of operating wells for oil and gas exploration, development, and production at existing facilities will occur throughout the ITR period. Industry also plans to drill new exploration, appraisal, and production wells within the ITR region depending on resources and other factors. The number and location of these well drilling and maintenance activities will vary throughout the ITR period, but the level of these activities is anticipated to be similar to previous years. New wells may require construction of new gravel pads or new gravel roads or ice roads to access well locations. New wells may also require installation of stream crossings, vertical support members (VSMs), pipelines, power cables, and fiber optic cables to support well drilling and production activities. Temporary camps may be established to accommodate personnel during well drilling and production activities as needed. Equipment that will be used to support well drilling, production, and maintenance activities includes drill rigs, pumps, processing facilities, and support infrastructure. Industry plans to conduct plugging and abandonment of wells that are currently suspended or will be suspended during the ITR period. The number of wells that may be plugged and abandoned will vary each year throughout the ITR period but the level of these activities is anticipated to be similar to previous years. These activities may be supported by aircraft or vehicles using the existing road network depending on the location of the well that will be plugged and abandoned.

Artificial and natural islands along the Beaufort Sea coastline may serve as well drilling platforms for offshore production. Artificial islands may be constructed at various times of the year using a combination of gravel, boulders, artificial structures, or ice. Vibratory and impact pile driving will be conducted to install conductor pipes, foundation pipes, and sheet piles to support development of the islands for production. Monitoring and maintenance of the islands used for production will be conducted as needed throughout the ITR period. Monitoring inspections may use sonar and divers, and these inspections may occur multiple times throughout each year of the ITR period depending on weather and wave conditions.

Pipelines

Maintenance of existing terrestrial pipelines (buried and above ground)

and subsea pipelines to transport oil and gas products will occur throughout the ITR period. Pipeline inspections and maintenance activities will be conducted by tundra travel vehicles throughout the year. Industry will replace and extend existing pipelines and associated infrastructure as needed to maintain the integrity of the pipeline system throughout the ITR region. New pipelines may be installed within the ITR region to transport oil and gas products from existing wells or new wells. Pipeline installation will generally occur during winter and ice roads will be constructed to support pipeline installation. VSMs will be installed using vibratory and impact pile driving or drilling to support pipelines above ground.

Support Facilities, Infrastructure and Functions

Support facilities and infrastructure include the Deadhorse Airport, Dalton Highway, and Spine Road to transport personnel, equipment, and supplies across the North Slope of Alaska. Permanent camps will be used to house personnel at operation centers, processing facilities, drill sites, and other similar facilities. Temporary camps may be installed for specific projects or travel with personnel to complete projects as needed. Other support functions will include waste management, emergency response training for personnel, in-water dredging and screeding to remove or deposit sediment materials and smooth the seafloor for in-water operations, and pile driving to construct docks and land structures.

Waste management protocols will be implemented in an effort to prevent interactions with wildlife. Solid waste from camps will be disposed of at the Oxbow Landfill in the Prudhoe Bay Development or other permitted facilities. Food and burnable wastes will often be incinerated. Food waste will be carefully managed to avoid attracting wildlife such as placing food waste in wildlife-proof receptacles. Drilling and production wastes will be injected into underground injection control disposal wells where it will be inaccessible to wildlife and will not have the potential to contact any sources of groundwater or surface soils. Hazardous waste will be kept inside closed containers and disposed of in accordance with applicable regulations.

Emergency and oil spill response training activities for personnel will occur at various times throughout the year during the ITR period. Oil spill equipment deployment exercises conducted during the ice-covered period will use snowmachines, ATVs, portable generators, skid steer loaders, snow blowers, and various types of equipment to cut ice slots or drill holes through floating sea ice. Other equipment and supplies that will be used during emergency response training activities include vessels, trucks, booms, and sorbents. The location and frequency of emergency and oil spill response training activities will vary depending on the sea ice or winter tundra conditions and training requirements.

In-water dredging and screeding will be conducted to remove and deposit seafloor sediment and smooth the seafloor to support in-water operations. These activities will be conducted during the open water season of each year at various dock locations including but not limited to Oliktok Dock and West Dock. Dredging may also be conducted during the winter depending on conditions. Equipment that will be used for dredging includes a barge-mounted suction dredge, excavator, or a crane with a dredging bucket on a barge platform. Equipment that will be used for screeding includes a device such as a plow or rake-like structure that is attached to a barge or backhoe.

Pile driving or drilling activities will be conducted to support construction or repair of docks, bridges, and offshore or riverine structures as needed throughout the ITR period. Pile driving activities may include vibratory pile driving, impact pile driving, drilling, and down-the-hole drilling, and the pile driving methods, depending on the project requirements.

Anticipated Future Projects

Industry anticipates that the oil and gas exploration and development activities described above will continue at levels similar to previous years during the ITR period throughout the ITR region. There are also several new projects anticipated for the ITR period in addition to the routine oil and gas operations described above. Those projects are described in AOGA's Request and are not a comprehensive or exhaustive list of future projects that will occur during the ITR period. The scope of future projects and their associated schedules may change, and some listed projects may not occur at all. All projects that do occur, and for which LOAs are requested under the proposed ITR, will fall within the class of oil and gas exploration, production, development, and transportation activities described in AOGA's Request (and appendices) and summarized above.

Mitigation Measures

The applicant has proposed a decision framework and a number of mitigation measures in section 9 of their Request in order to minimize the effects of proposed activities on polar bears and walruses and effect the least practicable adverse impacts on those stocks. AOGA's proposed measures include mitigation for general avoidance and minimization that apply to a variety of their planned activities as well as measures specific to aircraft and vessels; they have also included in their Request plans for conducting maternal polar bear den surveys and methods for minimizing the impacts of their activities on the subsistence harvest of polar bears and walruses.

The general avoidance and minimization measures proposed in AOGA's Request include maintaining a current polar bear and walrus interaction plan in coordination with the FWS that details their protocols for food and waste management, training, snow removal, polar bear and walrus avoidance and encounters, and polar bear and walrus reporting procedures. The applicant also intends to design facilities and plan projects in such a way that polar bears' access to attractants is reduced. Further, they will designate personnel for specific activities to observe and record sightings of polar bears and walruses. Finally, they highlight how they will avoid operating equipment in potential den locations.

Proposed mitigation measures for aircraft use include not flying below an altitude of 457 m (1,500 ft) or within 805 m (0.5 mi) of polar bears or walruses observed on ice or land except in emergency situations. Helicopters will not be allowed to hover or circle over polar bears or walruses. Additionally, the applicant has proposed that if weather conditions prevent flying at an altitude of 457 m (1,500 ft) or higher, that the pilot will avoid areas of known polar bear and walrus concentration.

The proposed measures for vessel use include having observers to monitor for polar bears and walruses during marine operations and maintaining the maximum distance possible from concentrations of polar bears or walruses, as well as not approaching within an 805-m (0.5-mi) radius of any polar bears or walruses observed on land or sea ice except in the case of an emergency. Furthermore, vessels will not separate groups of two or more walruses and will reduce speed and maintain a minimum 805-m (0.5-mi) exclusion zone around groups of 12 or

more walruses in the water or polar bears on ice. Vessels that are over 15 m (50 ft) long will maintain a distance of 805 m (0.5 mi) from any walrus haulout. When visibility is reduced, vessels will adjust speed accordingly to avoid the likelihood of injury to walruses.

AOGA plans to survey for maternal polar bear dens via AIR during the early polar bear denning season, in November through January. AOGA LOA holders will conduct one AIR survey of all denning habitat within 1.6 km (1 mi) of winter activity. This survey would occur in November or December. LOA holders will also conduct a second survey of denning habitat within 1.6 km (1 mi) of winter activities in the high and moderate denning density zones established by FWS (for more information about the creation of denning density zones and a map, a summary of this information is available in Supplemental Information on *https://www.regulations.gov* in Docket No. FWS–R7–ES–2026–0694.The second survey would occur in December or January. Additionally, surveyed locations that yield heat signatures that indicate the possible presence of a maternal polar bear den will be re-surveyed. Protocols for conducting the maternal polar bear den surveys are documented in section 9.2 of the Request. If AIR surveys yield any putative polar bear dens within 1.6 km (1 mi) of planned activities, AOGA will consult with the FWS and if necessary, will treat the site as an active den and create an exclusion zone or buffer around the suspected den site such that it will not be disturbed by any project activities for the remainder of the denning season (November to April). The applicant has also proposed follow-up surveys via AIR, handheld or vehicle-mounted infrared cameras or binoculars, or the use of unmanned aerial system (UAS) to confirm den presence or identify when the den is no longer in use. Known active den sites will be monitored by personnel in trucks or off-road vehicles, or by remote cameras that can record or stream data. This monitoring of bears' activity can assist with avoiding disturbance, especially during the den emergence period when polar bear sows and cubs make repeated short trips outside before returning to the den. Monitoring will be conducted from an appropriate distance established in consultation with the FWS to avoid disturbance from the monitoring activities. Finally, personnel working during the den emergence period will be trained to look for signs of polar bear dens in their work areas and dedicated personnel may be assigned to monitor work areas for polar bears to protect workers and allow polar bears to pass through undisturbed.

Trained and qualified personnel will monitor for, record, and report polar bear and walrus sightings, and initiate mitigation measures (Request, sections 9 and 10). LOA holders will report the efficacy of mitigation measures and any observed effects of industry activities on these species. Monitoring personnel will complete a training program approved by FWS. Details of the monitoring procedures will be provided in a FWS-approved, site- and project-specific marine mammal monitoring and mitigation plan.

To help ensure that incidental taking of polar bears and walruses does not have an unmitigable adverse impact on the availability of the species for Alaska Native subsistence hunting opportunities, the Request states all LOA applicants will provide the FWS documentation of communication and coordination with Alaska Native communities potentially affected by the specified activity and, as appropriate, with representative subsistence hunting and co-management organizations. If Alaska Native communities or representative subsistence hunting organizations express concerns about the potential impacts of specified activities on subsistence activities, and such concerns are not resolved during this initial communication and coordination process, then a plan of cooperation (POC) must be developed and submitted with the applicant's request for an LOA. In developing the POC, the LOA applicant will further engage with Alaska Native communities and/or representative subsistence hunting organizations to provide information and respond to questions and concerns. The POC must provide adequate measures to ensure that specified activities will not have an unmitigable adverse impact on the availability of polar bears and walruses for Alaska Native subsistence uses.

Should community outreach result in concerns about adverse impacts to subsistence harvest from the planned activities, the Request states that LOA holders will develop a POC to address those concerns and prevent interference with the subsistence harvest. Regardless of the need for a POC, the applicant will limit the timing of activities (including aircraft- and vessel-based activities) and avoid known locations of importance for the subsistence harvest of polar bears and walruses.

Description of Marine Mammals in the Specified Geographic Region

Polar bears and walruses are the marine mammal species managed by the FWS likely found within the specified geographic region. Information on the range, stocks, biology, and climate change impacts on polar bears and walruses was considered in the development of these proposed ITRs. A summary of this information is available in supplemental information on *https://www.regulations.gov* in Docket No. FWS–R7–ES–2026–0694.

Potential Impacts of the Specified Activities on Marine Mammals

Impacts of Surface Activities on Polar Bears

Disturbance impacts on polar bears will be influenced by the type, duration, intensity, timing, and location of the source of disturbance. The noises, sights, and smells produced by these activities could elicit variable responses from polar bears, ranging from avoidance to attraction. When disturbed by noise, animals may respond behaviorally by walking, running, or swimming away from a noise source, or physiologically via increased heart rates or hormonal stress responses (Harms et al. 1997; Tempel and Gutierrez 2003). However, individual response to noise disturbance can be based on previous interactions, sex, age, and maternal status (Anderson and Aars 2008; Dyck and Baydack 2004). Noise and odors could also potentially attract polar bears to work areas. Attracting polar bears to these locations could result in human-polar bear interactions, incidental harassment, and/or intentional take (which is not authorized via ITRs) by hazing or defense of human life. The Request includes mitigation measures to manage attractants in work areas and reduce the risk of human-polar bear interactions.

Human-Polar Bear Interactions

From mid-July to mid-November, SBS polar bears can be found in large numbers and high densities on barrier islands, along the coastline, and in the nearshore waters of the Beaufort Sea, particularly on and around Barter and Cross Islands (Wilson et al. 2017). This distribution leads to a significantly higher number of human-polar bear interactions on land and at offshore structures during the open-water season than other times of the year. Polar bears that remain on the multi-year pack ice are not typically present in the ice-free areas where vessel traffic occurs, as barges and vessels associated with

Industry activities travel in open water and avoid large ice floes.

On land, most polar bear observations occur within 2 km (1.2 mi) of the coastline based on polar bear monitoring reports. Facilities within the offshore and coastal areas are more likely to be approached by polar bears, and they may act as physical barriers to polar bear movements. As polar bears encounter these facilities, the chances for human-polar bear interactions increase. However, polar bears have frequently been observed crossing existing roads and causeways, and they appear to traverse the human-developed areas as easily as the undeveloped areas based on monitoring reports.

A larger percentage of SBS polar bears are spending more time on land during the open-water season, which may increase the risk for human-polar bear interactions (Atwood et al. 2016; Kelner et al. 2022; Rode et al. 2022). It is likely that human-polar bear interactions will occur at some point during the specified activities. Per the Request, operators would maintain human-polar bear interaction plans and attractant management plans, design facilities and plan projects to reduce the possibility of polar bears reaching attractants and humans, and monitor for polar bears. These plans and requirements are designed to reduce human-polar bear interactions and minimize the risks to polar bears and humans when interactions occur. Interaction plans detail how to respond to the presence of polar bears, the chain of command and communication, and required training for personnel. Attractant (*e.g.,* human food, garbage) management plans can prevent polar bears from associating humans with food, which mitigates the risk of human-polar bear interactions (Atwood and Wilder 2021). Information gained from monitoring polar bears near industrial infrastructure can be useful for better understanding polar bear distribution, behavior, and interactions with humans. Tools that may be used to facilitate detection and monitoring of polar bears include bear monitors, thermal cameras, and remotely operated cameras.

Effects of Aircraft Activities on Polar Bears

The Federal Aviation Administration tests aircraft-produced sound at all frequencies measured (50 Hz to 10 kHz) (Healy 1974). At frequencies centered at 5 kHz, jets flying at 300 m (984 ft) produced ⅓ octave band noise levels of 84 to 124 decibels (dB), propeller-driven aircraft produced 75 to 90 dB, and helicopters produced 60 to 70 dB (Richardson et al. 1995). Thus, the frequency and level of airborne sounds typically produced by aircraft are unlikely to cause either temporary or permanent impairment to polar bear hearing unless polar bears are very close to the sound source (Southall et al. 2019).

Although neither temporary nor permanent hearing impairment is anticipated during the specified activities, impacts from aircraft overflights have the potential to elicit biologically significant behavioral responses from polar bears. Exposure to aircraft overflights is expected to result in short-term behavior changes, such as walking, running, or ceasing to rest and, therefore, has the potential to be energetically costly. Quigley et al. (2022 and 2024) conducted intentional aircraft overflights above polar bears to determine their responses to overflights. Researchers approached polar bears repeatedly at decreasing altitudes with an average flight altitude of 143 m (469 ft). Polar bears exhibited biologically meaningful behavioral responses during 66.6 percent of experimental overflights. These behavioral responses were significantly correlated with the aircraft's altitude, the bear's location (*e.g.,* coastline, barrier island), and the bear's activity at the time of the encounter. In a separate study, polar bears associated with dens were exposed to aircraft flying at altitudes of 150 m (492 ft) or less and exhibited various responses that ranged from increased head movement and observation of the disturbance to the initiation of rapid movement and/or den abandonment (Larson et al. 2020). Aircraft activities can impact polar bears across all seasons; however, aircraft have a greater potential to disturb both individuals and groups of polar bears on land during the summer and fall. These onshore polar bears are primarily fasting or seeking alternative terrestrial foods (Cherry et al. 2009; Griffen et al. 2022), and polar bear responses to aircraft overflights may result in metabolic costs to limited energy reserves. To reduce potential disturbance of polar bears during aircraft activities, the Request incorporates mitigation measures, such as minimum flight altitudes over polar bears and their frequently used areas and flight restrictions around known polar bear aggregations, to be conducted when safe to perform these operations during aircraft activities.

Effects of In-Water Activities on Polar Bears

While polar bears swim in and hunt from open water, they spend less time in the water than most marine mammals. Stirling (1974) reported that polar bears observed near Devon Island during late July and early August spent 4.1 percent of their time swimming and an additional 0.7 percent engaged in aquatic stalking of prey. More recently, Lone et al. (2018) found 75 percent of polar bears swam daily during open-water months, with animals spending 9.4 percent of their time in July in the water. While polar bears typically swim with their ears above water, there are occasions when a polar bear may dive and therefore have its ears below the surface.

Polar bear behavior is expected to be impacted by the presence of humans and equipment in the water. In 2012, during the open-water season, Shell USA, Inc (Shell) vessels encountered a few polar bears swimming in ice-free water more than 112.6 km (70 mi) offshore in the Chukchi Sea. In those instances, the bears were observed to either swim away from or approach the Shell vessels, sometimes swimming around a stationary vessel before leaving. In at least one encounter, a polar bear approached, touched, and investigated a stationary vessel from the water before swimming away. We anticipate that polar bears that encounter vessels during the specified activities may have an evasive or curious response, similar to these reports.

Some of the specified activities may introduce noise into the marine environment at sound levels capable of causing a behavioral change or temporary or permanent damage to polar bear hearing. However, the majority of the sound-producing instruments that will be used do not produce in-water sound above the threshold designated for Level B harassment or they do not produce sound within the hearing range of polar bears (for a discussion of this threshold and polar bear hearing see supplemental information on *https://www.regulations.gov* in Docket No. FWS–R7–ES–2026–0694. Echosounders and side-scan sonar are typically operated at a frequency at or above 200 kilohertz (kHz), which is outside the hearing range for polar bears (Southall et al. 2019). Other equipment types, such as sub-bottom profilers and sparkers may produce sounds within the hearing range of polar bears (2 kHz to 16 kHz and 300 hertz (Hz) to 1.5 kHz, respectively), and at an estimated sound source level above the Level B harassment threshold (202 decibels referenced to a pressure of 1 microPascal (dB re 1µPa)); however, their sound production is typically highly directional and focused within a narrow beam. While exposure to other

underwater sounds such as those created by such as screeding, dredging, pile driving, or anchor handling and thrusting may cause changes in behavior, temporary or permanent changes in hearing sensitivity, or discomfort, polar bears are not expected to be frequently exposed because they do not typically swim with their heads under water unless diving (Lone et al. 2018).

Effects to Denning Polar Bears

Known or suspected polar bear dens around the oilfield, discovered opportunistically and/or during planned surveys for tracking marked polar bears and detecting polar bear dens, are monitored by the FWS. However, these sites are only a small percentage of the total active polar bear dens for the SBS stock in any given year. Each year LOA and incidental harassment authorization (IHA) holders coordinate with the FWS to conduct surveys to attempt to determine the location of known or suspected polar bear dens and denning habitat within 1 mile of human activity. Per typical LOA requirements, if a known or suspected den site is located, LOA holders immediately consult with the FWS to determine if additional surveys or mitigation measures are required. The exact prescription of mitigation measures may vary based on the specifics of an individual den site but in the past, after locating a known or suspected den site, FWS has worked with operators to implement various mitigation measures such as activity exclusion zones and 24-hour monitoring of the den site. In their Request, AOGA has committed to ''maintain a minimum avoidance distance of 805 m from all polar bears at a den site when operating vehicles, vessels, and aircraft, except in the event of an emergency or a den-specific plan when safe and practicable to do so.'' The responses of denning polar bears to disturbance and the consequences of these responses can vary throughout the denning process, which entails four stages: den establishment, early denning, late denning, and post-emergence; definitions and descriptions are provided by Woodruff et al. (2022a) and are also located in the 2021–2026 Beaufort Sea ITR (86 FR 42982, August 5, 2021; revised 90 FR 27398, June 26, 2025). The probability that denning polar bears will be disturbed by nearby industry activities and the polar bears' resulting responses to disturbance (den abandonment, early emergence from the den, or early departure from the den site) varies by denning stage (A summary of this information is available in supplemental information on *https://www.regulations.gov* in Docket No. FWS–R7–ES–2026–0694.

Impacts of Surface Activities on Walruses

Walruses do not inhabit the Beaufort Sea frequently. The likelihood of encountering walruses during Industry operations is low and limited to the open-water season. During the time period of this ITR, Industry operations may occasionally encounter small groups of walruses swimming in open water or hauled out onto ice floes or along the coast. Industry monitoring data have reported 49 walruses between 1995 and 2023, with only a few instances of disturbance to those walruses (AES Alaska 2015; FWS unpublished data). If walruses are encountered during the specified activities, the interaction could potentially result in disturbance.

Anecdotal observations by walrus hunters and researchers suggest that males tend to be more tolerant of disturbances than females, and individuals tend to be more tolerant than groups. Females with dependent calves are considered least tolerant of disturbances. In the Chukchi Sea, disturbance events are known to cause walrus groups to abandon land or ice haulouts and occasionally result in trampling injuries or cow-calf separations, both of which are potentially fatal. Calves and young animals at terrestrial haulouts are particularly vulnerable to trampling injuries. However, due to the lack of previous walrus haulouts in the ITR area, the most likely potential impacts of the specified activities include displacement from preferred foraging areas, increased stress, energy expenditure, interference with feeding, and masking of communications. Any impact of human presence on walruses is likely to be limited to a few individuals due to their geographic range and seasonal distribution.

The reaction of walruses to vessel traffic is dependent upon vessel type, distance, speed, and previous exposure to disturbances. Walruses in the water appear to be less readily disturbed by vessels than walruses hauled out on land or ice. Furthermore, barges and vessels associated with Industry activities travel in open water and avoid large ice floes or land where walruses are likely to be found. In addition, walruses can use a vessel as a haulout platform. In 2009, during Industry activities in the Chukchi Sea, an adult walrus was observed hauled out on the stern of a vessel.

Effects of Aircraft Activities on Walruses

Aircraft overflights may disturb walruses. Reactions to aircraft vary with range, aircraft type, and flight pattern, as well as walrus age, sex, and group size. Adult females, calves, and immature walruses tend to be more sensitive to aircraft disturbance. Walruses are particularly sensitive to changes in engine noise and are more likely to stampede when planes turn or fly low overhead. Researchers conducting aerial surveys for walruses in sea ice habitats have observed little reaction to fixed-winged aircraft above 457 m (1,500 ft) (FWS unpublished data). Although the intensity of the reaction to noise is variable, walruses are probably most susceptible to disturbance by fast-moving and low-flying aircraft (100 m (328 ft) above ground level) or aircraft that change or alter speed or direction. In the Chukchi Sea, there are recent examples of walruses being disturbed by aircraft flying in the vicinity of haulouts. It appears that walruses are more sensitive to disturbance when hauled out on land versus sea ice.

Effects of In-Water Activities on Walruses

Walruses hear sounds both in air and in water. They have been shown to hear from 60 Hz to 23 kHz in air (Reichmuth et al. 2020). Tests of underwater hearing have shown their range to be between 1 kHz and 12 kHz with greatest sensitivity at 12 kHz (Kastelein et al. 2002). The underwater hearing abilities of the walrus have not been studied sufficiently to develop species-specific criteria for preventing harmful exposure. However, sound level thresholds have been developed for members of the ''other marine carnivore'' group of marine mammals. For a discussion of these thresholds information is available in Supplemental Information on *https://www.regulations.gov* in Docket No. FWS–R7–ES–2026–0694.). As we discussed in *Effects of In-Water Activities on Polar Bears,* the majority of the sound-producing instruments that will be used during the specified activities will not produce in-water sound above the threshold designated for Level B harassment or they do not produce sound within the hearing range of walruses.

If walruses are present within an ensonified area that reaches Level B harassment thresholds, noise may prevent ordinary communication between individuals and prevent them from locating one another. The noise may also prevent walruses from using potential habitats in the Beaufort Sea

and may have the potential to alter the frequency or duration of biologically significant behaviors such as feeding, foraging, or nursing. The most likely response of walruses to acoustic disturbances in open water would be for animals to move away from the source of the disturbance. Displacement from a preferred feeding area may reduce foraging success, increase stress levels, and increase energy expenditures.

Impacts of the Specified Activities on Polar Bear and Walrus Prey Species

Information on the potential impacts of the specified activities on polar bear and walrus prey species can be found in the Supplemental Information. Based on this information, the FWS does not anticipate any substantial impacts of prey availability to polar bears or walrus as a result of AOGA's specified activities.

Potential Impacts of Oil Spills on Polar Bears and Walruses

The FWS reviewed the potential impacts of oil spills on the SBS stock of polar bears and walruses, as well as records of oil spills in the specified geographic region and evaluated oil spill response methods in the specified geographic region. Information from this review can be found in Supplemental Information at *https://www.regulations.gov* in Docket No. FWS–R7–ES–2026–0694. Based on this review, the likelihood of a large oil spill in the next 5 years is low. In the unlikely event of a large spill, the likelihood that spills would contaminate areas occupied by large numbers of bears or walruses is low. While individual polar bears could be negatively affected by a spill, the potential for a stock-level effect is low unless the spill contacted an area where large numbers of polar bears were gathered. Known polar bear aggregations tend to be seasonal during the fall, further minimizing the potential of a spill to impact the stock. Onshore oil spills would not impact walruses unless they occurred on or near beaches or oil moved into the offshore environment. In the event of a spill that occurs during the open-water season, oil could be released into the water column, or it could drift from onshore water sources to offshore areas, possibly encountering a small number of walruses. However, as was stated earlier, the Beaufort Sea is not within the primary range for walruses. Therefore, the probability of walruses encountering oil or waste products as a result of a spill from Industry activities is low. Therefore, we conclude that the likelihood of a large spill occurring is low, but if a large spill does occur, the likelihood that it would contaminate areas occupied by large numbers of polar bears or walruses is also low. If a large spill does occur, we conclude that only small numbers of polar bears or walruses are likely to be affected, though some animals may be killed, and there would be only a negligible impact to the SBS stock or walrus population.

Take Estimates

Incidental Take Under the Marine Mammal Protection Act

Below we discuss three types of MMPA take and how such takes could occur in the polar bear and walrus contexts. This discussion is provided for context and background and does not necessarily reflect what is anticipated to result from the specified activities.

Lethal Take

Human activity may result in biologically significant impacts to polar bears and walruses. In the most serious interactions with polar bears (*e.g.,* vehicle collision, running over an unknown den causing its collapse), human actions can result in the mortality of polar bears. We also note that, while not considered incidental, in situations where there is an imminent threat to human life, polar bears may be killed. Additionally, though not considered incidental, polar bears have been accidentally killed during efforts to deter polar bears from a work area for safety and from direct chemical exposure (81 FR 52276, August 5, 2016). If unintentional disturbance of a female polar bear by human activity during the denning season caused the female to abandon her cubs in the den before the cubs can survive on their own, incidental lethal take of polar bear cubs would occur. Incidental lethal take of walruses could occur if the animal were directly struck by a vessel or trampled by other walruses in a human-caused stampede at a walrus haulout site.

Level A Harassment

Human activity may result in the injury of polar bears or walruses. Level A harassment, for nonmilitary readiness activities, is defined as ''any act of pursuit, torment, or annoyance which . . . has the potential to injure a marine mammal or marine mammal stock in the wild.'' 16 U.S.C. 1362(18).

Numerous actions can cause take by Level A harassment of polar bear cubs during the denning period, such as creating a disturbance that separates mothers from dependent cubs (Amstrup 2003), inducing early den emergence during the late denning period (Amstrup and Gardner 1994; Rode et al. 2018), instigating early departure from the den site during the post-emergence period (Andersen et al. 2024), or repeatedly interrupting the nursing or resting of cubs to the extent that it impacts the cubs' body condition. As with lethal take, walruses are most vulnerable to Level A harassment when congregated in haulouts. The risk of stampede-related injuries increases with the number of walruses hauled out and with the duration spent on coastal haulouts. Calves and young are the most vulnerable to suffer injuries and/or mortality (88 FR 53510, August 8, 2023).

Level B Harassment

Level B harassment, for nonmilitary readiness activities, is defined as ''any act of pursuit, torment, or annoyance which . . . has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, feeding, or sheltering.'' 16 U.S.C. 1362(18). Changes in behavior that disrupt biologically significant behaviors or activities for the affected animal are indicative of take by Level B harassment under the MMPA. Such reactions include, but are not limited to, the following:

- Fleeing (running or swimming away from a human or a human activity);
- Displaying a stress-related behavior such as jaw or lip-popping, front leg stomping, vocalizations, circling, intense staring, or salivating for polar bears;
- Abandoning or avoiding preferred movement corridors such as ice floes, leads, polynyas, a segment of coastline, barrier islands, or other resting sites;
- Abandoning prey or feeding areas;
- Using a longer or more difficult route of travel instead of the intended path;
- Interrupting breeding, sheltering, or feeding;
- Moving away at a fast pace (adult) and polar bear cubs or walrus calves struggling to keep up;
- Temporary, short-term cessation of nursing or resting (cubs or calves);
- Ceasing to rest repeatedly or for a prolonged period (adults); or
- Loss of hunting opportunity due to disturbance of prey.

This list is not meant to encompass all possible behaviors; other behavioral responses may be indicative of take by Level B harassment. Relatively minor changes in behavior such as the animal raising its head or temporarily changing its direction of travel are not likely to disrupt biologically important behavioral patterns, and the FWS does

not view such minor changes in behavior as indicative of a take by Level B harassment. It is also important to note that eliciting behavioral responses that equate to take by Level B harassment repeatedly may result in Level A harassment.

Estimating Take

To evaluate incidental take of polar bears from the specified activities and inform our MMPA-required findings, we start by considering the estimates of likely incidental take and the analysis of associated impacts provided by the Request. We then identify some inherent uncertainties associated with forecasting impacts in this context, discuss legislative intent concerning how such uncertainties are to be considered in the ITR process, and effectuate that intent via further analysis that considers predictive model results. We then propose findings that account for qualitative considerations, the Request's estimates of likely incidental take, and FWS predictive model results. In light of the inherent uncertainties and challenges with quantifying take and the disparate results produced through different methodologies, the Service proposes to still consider its predictive model results to provide quantitative estimates but will consider the results alongside additional distinct methodologies.

The FWS predictive model results for incidental take of polar bears were not a component of determining the MMPA-required findings in the Beaufort Sea ITRs issued between 1993 and 2016. As a part of a change introduced around that time for MMPA-required findings, the first Beaufort Sea ITR using the FWS predictive model was the current, 2021–2026 Beaufort Sea ITR. The FWS is now further refining its approach to evaluate MMPA-required findings with additional information, including the estimates provided by AOGA. The FWS also recognizes that this approach to rendering MMPA-required findings differs from the approaches used in ITRs and IHAs concerning polar bears since 2021, in which we relied on qualitative considerations and predictive model results but not a separate set of incidental take estimates provided by the requester. The reason for this change relates to the fact that the present Request, in providing the estimates and analysis required by 50 CFR 18.27(d), uses methodologies and assumptions that differ from those employed by FWS's predictive modeling, resulting in different quantitative estimates. In this context, considering the additional types of analysis provided by the Request, while continuing to consider qualitative considerations and the FWS predictive modeling results, should facilitate more comprehensive analysis to inform FWS's MMPA-required findings. The approach here also preserves the utility of the regulatory requirement that requests for ITRs provide estimates of likely incidental take. This approach is robust, well-tailored to the present circumstances, and permissible under 16 U.S.C. 1371(a)(5)(A), which does not prescribe any particular methodology for rendering required findings.

Request's Critique of FWS's Methodology for Estimating Take

Appendix A of the Request, ''Critique of USFWS's Methodology for Estimating Take and Rationale for AOGA's Evidence-Based Approach.'' In summary, the Request notes that it developed its methodology ''because the Service's approach—based solely on numerical modeling—has proven to be flawed and legally insufficient in multiple ways.'' Appendix A provides four ''primary flaws with the Service's approach . . . .''

The Request's Take Estimation Methods

The Request states that it estimates incidental take of polar bears via a ''weight of evidence'' approach (Request, p. 3–1). The sources of data considered include field observations, historical data, modeling, and literature review (Request, table 3–1). Among the lines of evidence afforded the most weight are field observations from AOGA's LOA database, select Industry denning bear case studies, and scientific literature concerning polar bear biology and denning phenology (see Request, table 3–1). The Request expresses a high level of confidence in operators' ability to detect all (or nearly all) polar bears near industry activities (See Request, p. 3–5 which state ''[w]hile it is theoretically possible that a bear or bear den in proximity to industry could go undetected, it is highly unlikely given the necessary vigilance and extensive and continuous monitoring that occurs during oil and gas activities.''). The effectiveness of mitigation measures is also addressed. See, *e.g.,* Request, section 3.7. Provided below is a summary of the Request's estimates of incidental take concerning surface (*i.e.,* non-denning) bears and denning bears.

AOGA Estimates: Surface Bears During All Activities

In estimating the likely incidental take of surface bears, the Request states that ''. . . the most recent 10-year period of observational data . . . provides the most reliable estimation of future incidental take of surface bears resulting from the [specified activities]'' because ''[t]he 2014–2024 period of observational data best reflects recent patterns in polar bear distribution and habitat use in the [Request] area, as well as industry activity, monitoring methods, and reporting practices that are consistent with today's regulatory and operational environment'' (Request, p. 3–42. The Request states that the average number of incidental Level B harassments observed ''for the recent 10-year period (2014–2024) was 16, with a standard deviation of (SD) of 9.95 and an annual range of 4–35'' (Request, p. 3–42). Also noted is ''a trend of increased presence of polar bears in coastal areas and their duration on land, particularly during the ice-free season.'' For the purposes of estimating incidental Level B harassment of surface bears from the specified activities, the Request ''assumes these trends will continue and therefore uses the five highest incidental take years from the most recent 10-year period of observational data as the most reasonable representation of incidental take levels of non-denning bears for the 2026–2031 period'' (Request, p. 3–42). This approach resulted in an estimated ''annual average of 24'' incidental Level B harassments of surface bears, ''with a SD of 7.62 and an annual range of 15–35'' (Request, p. 3–42). The number was derived using a dataset that includes Level B harassment events that occurred during vessel-based and aircraft-based activities, therefore the FWS has assumed AOGA intends the estimate to encompass these activities as well. The Request does not anticipate any forms of incidental take of surface bears other than Level B harassment.

AOGA Estimates: Denning Bears

The Request states that ''[b]ased on the data from the five highest years of dens detected near industry during the last decade (Request, table 3–16), an estimate of 1.8 dens/year may be present near industry activities'' (Request, p. 3–52). AOGA conducted a denning case study review that evaluated 64 case studies, 23 of which they found to be relevant to industry, to ''infer the disposition of denning bears exposed to industry activity'' (Request, p. 3–47). They provide a full description of their methodology in section 3.5 and appendix C of their Request. The results of AOGA's denning case study review are then summarized as follows: ''87% of dens resulted in no effect, 11% resulted in the Level B incidental harassment and 2% resulted in Level A harassment'' (Request, p. 3–53). Applying these probabilities in light of

the estimated number of dens near industry activities, and assuming three bears per den (a sow and two cubs), the Request estimates that ''23 denning bears would experience no effect, 3 denning bears would experience Level B incidental harassment, and the probability of Level A harassment is exceedingly low (less than one over the five-year period)'' (Request, p. 3–53).

AOGA Estimates: Total Take

In sum, with respect to likely incidental take over the 2026–2031 period, the Request estimates the Level B harassment of 123 polar bears (120 surface bears and three denning bears) and no other forms of take.

Consideration of Model Results

The Request also discusses the methods used by the FWS to estimate impacts to polar bears in recent regulatory processes (Request, section 3.3 and appendix A). This discussion asserts various flaws in FWS's modeling approach and characterizes FWS model outputs as substantially overestimating impacts. For comparative purposes, the Request reports two sets of results from AOGA-conducted runs of FWS's surface and denning models: one set described as using FWS parameters, and one set using parameters developed by AOGA (Request, p. 3–13, tables 3–6 and 3–7). Each set of results is further compared to AOGA's accounting of reported take reflected in their LOA database (Request, p. 3–16).

Uncertainties

Disparities in projections of future impacts can result not only from different interpretations of existing data, but also from use of different assumptions and methods to account for uncertainties. In the present context, several inherent uncertainties increase the difficulty of accurately estimating the future impacts of the specified activities on polar bears. Most notably, based on general observational data and reports along with various scientific studies:

- There is variability in how polar bears use the ITR area each year and in how individual polar bears respond (if at all) to industry activities. This is demonstrated by the 43 Level B takes observed and reported by two operators in the ITR area for calendar year 2025, which is more than a standard deviation above the annual Level B take requested.
- The detailed observation reports submitted by operators pursuant to MMPA take authorization requirements provide valuable data concerning, among other things, polar bear distribution in the ITR area and how polar bears react (if at all) to industrial stimuli. However, ambient conditions common to the ITR area (*e.g.,* darkness, snow, fog, and wind) can reduce the ability to observe all polar bears (and impacts, if any) in the vicinity of industry activities.
- During the particular denning timeframe when a sow's abandonment of her maternal den prior to her cub(s) developing sufficient strength and/or ability to thermoregulate would be presumed to result in mortality of the cub(s), denning sows are thought to exhibit a relatively higher tolerance to disturbance. The existing dataset contains no definitive evidence that an industry activity caused a maternal den abandonment that in turn resulted in cub mortality. That said, given environmental conditions, the existence of scavengers, and difficulty of observation, it remains possible that this scenario has occurred but was not fully observed.
- Several scientific studies have found a correlation between premature maternal den emergence and/or premature maternal den site departure and cub survival, suggesting these behavioral responses may result in a decline in cub fitness and associated reduction in cub survival probability. Observations indicating that denning polar bears prematurely emerged from their den and/or prematurely departed from their den site in response to industry disturbance are rare. Assessment of this potential behavioral response is complicated by natural variability in the times that undisturbed polar bears establish their dens, remain in their dens, and remain at their den sites post-emergence. Also, any disturbance-caused decline in cub fitness would be difficult to observe, and any associated cub mortality would likely manifest after the family unit has departed from the observable area and onto the sea ice.
- The exact numbers and precise locations of maternal polar bear dens that will be established in the ITR area during each winter of the 2026–2031 period is unknown. The exact percentage of those dens that will be successfully detected and avoided by operators is also unknown.

Legislative Intent

The FWS addressed how to consider uncertainties regarding the probability and extent of potential impacts in the ITR context when it developed its implementing regulations at 50 CFR 18.27. Responding to a variety of public comments in its final rule, the FWS confirmed that the approach described in its proposed rule accurately interpreted the legislative intent behind the 1986 Amendments to the MMPA:

> ''If potential effects of a specified activity are conjectural or speculative, a finding of negligible impact may be appropriate. A finding of negligible impact may also be appropriate if the probability of occurrence is low but the potential effects may be significant. In this case, the probability of occurrence of impacts must be balanced with the potential severity of harm to the species or stock when determining negligible impact. In applying this balancing test, the Service will thoroughly evaluate the risks involved and the potential impacts on marine mammal populations. Such determinations will be made based on the best available scientific information.'' (54 FR 40338 at 40343, September 29, 1989, citing 53 FR 8473 at 8474, March 15, 1988; accord, 132 Cong. Rec. S16305 (Oct. 15, 1986)).

The final rule continues:

> ''The Service recognizes the tension that exists between development interests and wildlife resource interests when restrictions on development are predicated upon the existence of adverse impacts that are speculative in nature. To resolve these difficult situations, the legislative history of the 1986 Amendments endorsed the use of a balancing approach to weigh the likelihood of occurrence against the severity of the potential impact: The degree of certainty of occurrence required in these judgments should be inversely proportional to the resultant harm to the overall population. 132 Cong. Rec. S16305 (Oct. 15, 1986). In applying this balancing test, the Service must, of necessity, evaluate each request for specific regulations on a case-by-case basis'' (54 FR 40338 at 40343, September 29, 1989).

In the present context, where there exists substantial uncertainty as to the potential impacts of the specified activities, and where high rates of human-caused cub mortality (which has not been observed in the ITR area) could represent a significant effect to the SBS stock of polar bears, the FWS will consider the results of its predictive modeling to further inform its balancing. While the legislative history on this point concerns ''negligible impact'' analyses, the FWS will utilize a similar, comprehensive approach for all MMPA-required findings.

The FWS's Predictive Model Results

The FWS conducts predictive modeling that entails four main components: processes for estimating incidental take of non-denning bears during surface activities, aircraft activities, and vessel activities, and a process for estimating incidental take of denning bears during all operations. A detailed description of these processes, along with the model code and most recent data inputs, is provided at FWS–R7–ES–2025–1628 on *https://www.regulations.gov.* The FWS's predictive model results provide, among other things, a basis for assessing the probability and severity of potential impacts that the scientific literature suggests are possible but have not been observed or are rarely observed in the ITR area.

The FWS recognizes that all predictive analyses and models have limitations. The FWS further recognizes that its predictive models contribute to take estimates that have exceeded (and are expected to exceed) the number of events where biological consequences indicative of take are observed to result from industry activities. This is partly because the predictive models are designed to estimate harassment consistent with the MMPA's harassment definitions, which encompass certain acts which have ''the potential to'' result in certain biological consequences, and to account for any unobserved take. When addressing uncertainties, the models incorporate assumptions that attempt to strike a balance between potential overestimates and potential underestimates, but, overall, are more likely to contribute to an overestimate, rather than an underestimate, of the incidental take of polar bears. Over the years, the FWS has continually incorporated new data as it becomes available and refined its modeling parameters to improve accuracy to the extent practicable. Each refinement of modeling parameters has been described in the first ITR or IHA review process in which they were employed. See, *e.g.,* 90 FR 27398, June 26, 2025; and 90 FR 2718, January 13, 2025. More recent refinements, in addition to incorporating the latest available data, introduced in the present analysis are as follows:

- Assessment of the rate of incidental take preceding intentional take: In past incidental take analyses, we explained that intentional take events are usually preceded by incidental Level B harassment, and that since sufficient data were not available to support application of a reliable correction factor, we included all intentional take events in our calculations of incidental take rates as a proxy for estimating incidental take in this context. We identified this assumption as ''conservative'' in the rulemaking process for the 2021–2026 Beaufort Sea ITR (86 FR 42982 at 43049, August 5, 2021). To increase accuracy in future analyses, we used a structured review process with designated decision rules to revisit records of intentional take from 2014–2024 to determine whether incidental Level B harassment occurred or potentially occurred prior to the intentional Level B harassment. We found 29 percent of intentional encounters were not preceded by incidental harassment and we apply this correction factor in the present analysis.
- Estimation of polar bear re-sighting rate: In past incidental take analyses, we estimated numbers of incidental take of polar bears but lacked sufficient data to further estimate how many individual polar bears would be subjected to those takes. We then provided ''small numbers'' determinations that identified and applied a conservative assumption that each estimated take would accrue to a different individual polar bear (see, *e.g.,* 82 FR 42982 at 43039, August 5, 2021). We describe below in outr efforts to refine this assumption.
- Development of Offshore Polar Bear Encounter Rate: In past incidental take analyses, the FWS has used the coastal polar bear encounter rate to estimate take from offshore activities, while acknowledging the rate was conservative and greater than the actual rate of offshore encounters. At the recommendation of AOGA, we explored the use of data from the National Marine Fisheries Service Aerial Survey of Arctic Marine Mammals (ASAMM). We subset the ASAMM dataset to account for decreased visibility due to sea state and observation limitations A summary of this information is available in Supplemental Information on *https://www.regulations.gov* in Docket No. FWS–R7–ES–2026–0694. The effort enabled FWS to develop an offshore polar bear encounter rate that enables more accurate estimates of take from vessel activity beyond the barrier islands.

FWS Predictive Model Estimates: Surface Activities

The FWS analyzed take by Level B harassment for polar bears that may be encountered and potentially impacted during AOGA's specified activities within the specified geographic region using the predictive formula presented in the 2021–2026 Beaufort Sea ITR (hereafter ''2021–2026 ITR''; 86 FR 42982, August 5, 2021). The formula incorporates spatio-temporally specific encounter rates and temporally specific harassment rates. We updated the encounter and harassment rates using polar bear encounter records submitted since the promulgation of the 2021–2026 ITR. A detailed description of this process, which included reassessment of the dates for open water and ice seasons evaluation of the rate of incidental take preceding intentional take, and establishment of a polar bear re-site rate as described above can be found in Supplemental Information on *https://www.regulations.gov* in Docket No. FWS–R7–ES–2026–0694. During FWS's preliminary review of their Request, AOGA provided the FWS with digital geospatial files that included the expected human occupancy for each individual structure (*e.g.,* each road, pipeline, well pad) of their proposed activities for each month of the proposed ITR period.

FWS Predictive Model Estimates: Aircraft Activities

Polar bears in the project area will likely be exposed to the visual and auditory stimulation associated with the applicant's fixed-wing and helicopter activities; however, these impacts are anticipated to be minimal and short-term. Low-flying aircraft activities may cause disruptions in the normal behavioral patterns of polar bears as either an auditory or visual stimulus, thereby resulting in incidental Level B harassment. To reduce the likelihood that polar bears are disturbed by aircraft, AOGA has included a variety of mitigation measures, such as minimum flight altitudes over polar bears and restrictions on hovering over polar bears. Meanwhile, the Request also states that certain aviation activities must be flown at low altitudes by design, including airborne gravity and airborne magnetic data collection, environmental (*e.g.,* avian, mammal, and ice) surveys, cultural and archeological resource surveys, and summer cleanup operations. We estimated the number of polar bears expected to be harassed by these low-flying aircraft activities using an estimate of the number of flight hours in each season and polar bear density zone (*i.e.,* coastal v. inland zone). These estimates were used as inputs in the take calculation formula presented in the revised 2021–2026 Regulations (90 FR 2718). Disturbances from aircraft activity are expected to have no more than short-term, temporary, and minor impacts on individual polar bears.

FWS Predictive Model Estimates: Denning Bears

We used the analytical methods presented in previous take authorizations (*e.g.,* 90 FR 27398, June 26, 2025) to estimate the effects of the specified activities on denning polar bears. The statistical model consists of 10,000 iterations of simulated dens that are exposed to the specified activities and potentially disturbed. We estimated 6.5 (median = 6; 95 percent posterior credible interval (CI):1–14) land-based dens in the area of specified activity in AOGA's request and within a 1.6-km (1-mi) buffer of the activities, annually. Estimates for different levels of take are presented in Supplemental Information on *https://www.regulations.gov* in Docket No. FWS–R7–ES–2026–0694. The distributions of simulated Level A harassments as well as lethal takes due to den abandonment were non-normal and heavily skewed, as indicated by markedly different mean and median values. The heavily skewed nature of these distributions has led to a mean value that is not representative of the most common model result.

Due to the low probability of one or more lethal takes occurring either annually (0.13) or in 5-year aggregate (0.45), along with a median value of 0 for either time period, we do not anticipate the specified activities will result in lethal take of polar bears. These estimates do not account for mitigation measures that were incorporated into AOGA's Request but have benefits that cannot be quantified in the FWS's modeling approach (*e.g.,* personnel training). Implementation of these mitigation measures could further reduce the probability of take and minimize impacts to denning polar bears.

FWS Predictive Model Estimates: Vessel Activities

We used a method similar to that described in *FWS Predictive Model Estimates: Aircraft Activities* to estimate the potential effects of maritime activities on polar bears. As we discussed in *Effects of In-Water Activities on Polar Bears,* we do not anticipate harassment of polar bears due to in-water noise production. However, vessels may encounter polar bears in the open water or on ice floes, and polar bears may be harassed by vessel activity. We used the formula that incorporates spatio-temporally specific encounter rates and temporally specific harassment rates described in *FWS Predictive Model Estimates: Surface Activities* and Supplemental Information to estimate the potential Level B harassment associated with vessel activity. A detailed description of the methodology is provided in Supplemental Information.

Pacific Walrus: All Interactions Estimated Harassment of Walruses

In their Request, AOGA has presented an estimate of potential walrus harassment that is consistent with methods presented in the past and at present by FWS. With the low occurrence of walruses in the Beaufort Sea, and given the mitigation measures incorporated into the Request, the only anticipated effects from the specified activities in the Beaufort Sea are short-term behavioral alterations of small numbers of walruses. Most walrus encounters within the geographic area in the past 10 years have been of solitary walruses or groups of two. A group of eight walruses was encountered during barging activity within the ITR area in 2025. The vessel encountered an additional 11 walruses along their voyage before entering the ITR area. While highly unlikely that a group of walruses will be encountered during the proposed activities, we estimate that no more than 20 walruses annually will be taken by Level B harassment during the specified activities. Harassment of no more than 20 walruses may occur from behavioral responses to vessels, or from behavioral changes in response to noise greater than 160 dB re 1 µPa created by in-water activities.

Critical Assumptions

In order to conduct this analysis and estimate the potential amount of Level B harassment and Level A harassment, several critical assumptions were made (for information regarding Critical Assumptions, see Supplemental Information on *https://www.regulations.gov* in Docket No. FWS–R7–ES–2026–0694).

FWS Predictive Model Estimates: Sum of Harassment From All Sources

The FWS predictive modeling methods estimated 91 takes by Level B harassment of 43 individual polar bears annually. This estimate was comprised of 85 takes of 37 bears during surface interactions, 1 take of 1 bear during aircraft activities, 4 takes of 4 bears during vessel activities, and 1 take of 1 denning bear. When these values were aggregated over the 5-year period of the ITR, the modeling methods estimated 422 takes by Level B harassment of 199 polar bears. Of these takes, 395 takes of 172 polar bears were during surface interactions, 5 takes of 5 bears were during aircraft overflights, 16 takes of 16 bears were during vessel activities, and 6 takes of 6 bears were during denning. When aggregating results over the 5-year period, the model also estimated four takes by Level A harassment of four denning cubs. We do not anticipate lethal take or Level A harassment would occur outside of impacts to denning polar bears because the level of sound and visual stimuli on a polar bear on the surface would not be significant enough to result in injury or death. Denning polar bears, however, may be subject to repeated exposures, significant energy expenditure from den abandonment or departure, or potential impacts to a cub if the den is abandoned or departed prematurely.

Determinations and Findings

Small Numbers

For our small numbers determination, we consider qualitative considerations, the Request's estimates of likely incidental take, and FWS predictive model results to determine whether the number of polar bears and walruses to be subjected to incidental take are respectively small relative to the population size of the species or stock. These considerations are listed below.

1. Within the specified geographical region, the area of Industry activity is expected to be small relative to the ranges of polar bears and walruses.

The footprint of the specified activities within the specified geographic region is small relative to the range of the walrus population and the SBS polar bear stock. Walruses and SBS polar bears range well beyond the boundaries of the proposed ITR region. As such, the ITR region itself represents only a subset of the potential area in which these species may occur. Thus, the FWS concludes that a small portion of the walrus population and SBS polar bear stock may be present in the specified geographic region during the time of the specified activities.

2. The estimated number of polar bears and walruses that will be harassed by Industry activity is small relative to the number of animals in their stocks.

In their Request, AOGA estimates Level B harassment of 24 polar bears each year, which would be 2.6 percent of a 907-individual stock. The FWS released a draft stock assessment report (SAR) for the SBS polar bear population on January 2, 2025 (90 FR 114), in which the SBS polar bear stock has changed to 819 bears, largely due to a shift in the border between the SBS and North Beaufort Sea stock. Should this draft SAR be finalized, 24 bears constitutes 2.9 percent of the SBS stock. These estimates indicate that the number of polar bears that would be

incidentally taken is small relative to the size of the SBS stock.

The FWS predictive model estimates that AOGA's proposed specified activities in the specified geographic region will incidentally take no more than 203 polar bears during the 5-year period of this proposed ITR (see *FWS Predictive Model Estimates: Sum of Harassment from All Sources*). Even if we assume all 4 estimated Level A harassments occur during the same year, the highest total number of animals estimated to be incidentally taken during any year would be 47, which is 5.2 percent of the best available estimate of the current SBS stock size of 907 animals (Bromaghin et al. 2015; Atwood et al. 2020; $((47 \div 907) \times 100 \approx 5.2$ percent)), and 5.7 percent of a 819-individual stock $((47 \div 819) \times 100 \approx 5.7$ percent)).

As stated previously, walruses are extralimital in the Beaufort Sea, with nearly the entire walrus population found in the Chukchi and Bering Seas. Industry monitoring reports have observed no more than 49 walruses between 1995 and 2023, with only a few observed instances of disturbance to those walruses (AES Alaska 2015; FWS unpublished data). Between those years, observations were typically of a single or two animals, often separated by several years. At most, only a tiny fraction of the walrus population, which is composed of hundreds of thousands of animals (Beatty et al. 2022), may be found in areas potentially affected by AOGA's specified activities. We do not anticipate that seasonal movements of a few walruses into the Beaufort Sea will significantly increase over the 5-year period of this ITR. The estimated incidental take of 20 walruses per year from a population numbering approximately 257,193 animals represents 0.008 percent of that population $((20 \div 257{,}193) \times 100 \approx 0.008$ percent). These estimates indicate that the number of walruses that would be incidentally taken is small relative to the size of the walrus population.

Small Numbers Conclusion

We propose a finding that the specified activities will incidentally take only small numbers of SBS polar bears and Pacific walruses.

Negligible Impact

We propose a finding that AOGA's specific activities would result in a negligible impact to the SBS stock of polar bears. For our negligible impact determination, we consider the following:

1. The number of polar bears that use the terrestrial habitat of the North Slope is small in relation to the entire SBS stock. The distribution and habitat use patterns of polar bears indicate that relatively few polar bears will occur in the specified areas of activity at any particular time and, therefore, few polar bears are likely to be affected.

2. Mitigation measures will reduce potential impacts. The applicant has proposed, and would be required to adopt, monitoring requirements and mitigation measures designed to reduce the potential impacts of their operations on polar bears. Den detection surveys for polar bears and adaptive mitigation and management responses based on real-time monitoring information will be used to avoid or minimize interactions with polar bears and, therefore, limit potential disturbance of these animals.

3. The majority of human-polar bear interactions will result in no effect or short-term, temporary behavioral changes. When developing estimates for Level B harassment, the FWS has determined that there is a 99 percent chance that at least 88 percent of encounters with bears on the surface in the open water season and 80 percent of encounters with bears on the surface in the ice season are expected to result in no significant change in a biologically important behavior, and we do not consider those interactions to result in a take. The remainder of encounters are anticipated to result in short-term, temporary changes in behavior that are indicative of Level B harassment of the animal.

4. Few dens would occur in proximity to Industry activities. Our denning simulations show that on average six dens are estimated to occur within 1 mile of the specified activities during each of the next five denning seasons. This number represents roughly 5 percent of the approximately 120 SBS polar bear dens that are established each year. The mitigation measures included in the Request reduce the number of dens whose occupants are estimated to be disturbed by the specified activities to 0.9 percent of the land-based dens and 0.45 percent of all dens in the SBS stock (figure 2, below).

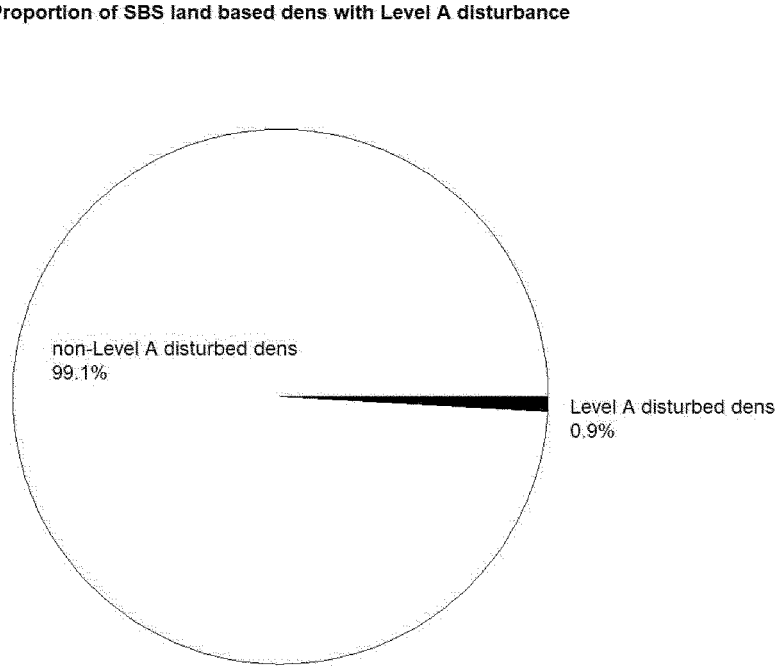


Figure 2—Proportion of SBS land-based dens whose occupants are estimated to experience Level A disturbance each year. Land-based dens represent roughly half of the SBS maternal polar bear dens established each year.

5. Estimated Level A harassments will not alter the distribution of cub survival probabilities for the SBS stock. The FWS predictive model estimates four cubs may experience Level A harassments as a result of the specified activities over a period of 5 years. The impact of these estimated harassment events can be quantified by first evaluating the estimated survival consequence to individual cubs and then estimating associated changes in overall survival rates for the stock. Lacking data regarding individual cub survival, we conduct this analysis using the metric of litter survival, which has been estimated by relevant empirical studies. While the metric does not account for partial litter loss (because a sow observed with one cub in the spring is assumed to have had an original litter size of one cub), it also cannot account for natural litter sizes of zero (because a sow observed with no cubs in spring is assumed to have lost a litter). Because this metric represents the best available information, and because it is not biased in only one direction, we feel it is the most appropriate available metric to reflect potential impacts to cub survival.

The denning analysis model allows us to compare the probability of litter survival using both the undisturbed and disturbed (if applicable) emergence and departure dates of simulated dens. With this information, we can estimate the average decrease in survival probability that can be attributed to simulated Industry disturbance. The mean probability of litter survival for dens experiencing Level A harassment decreased 16 percent after simulated disturbance (pre-disturbance 85.5 percent, post-disturbance 69.2 percent).

When examining the potential impact of four Level A harassment events at the stock level, we consider the low percentage of SBS dens with cubs that the model anticipates will experience Level A harassment. Given that 0.9 percent of land-based dens within the SBS stock are anticipated to experience Level A harassment in any year, the 16 percent decrease does not alter or shift the overall survival probability distribution for the SBS stock (figure 3, below). Further, if we examine the distribution of survival rates for the entire land-based SBS stock, counting for potential decrease in survival due to both potential Level A harassment and potential lethal take via den abandonment (which is not anticipated), we see no more than a minor change in distribution, as is illustrated by the similarities of the graphs in figure 3.

Applying the undisturbed mean survival rate to the estimated number of litters produced annually by sows in SBS land-based dens, we expect the average estimated number of litters with at least one surviving cub in the spring to be 50.7 percent, which we round to 51 litters. This estimate decreases to 50.5 percent when accounting for disturbance, which we also round to 51 litters, indicating the effect of disturbance at the population level is statistically insignificant. Further, it is important to acknowledge that roughly half of SBS polar bear dens are not found on land, but rather on the sea ice, and would not overlap spatially with the specified activities.

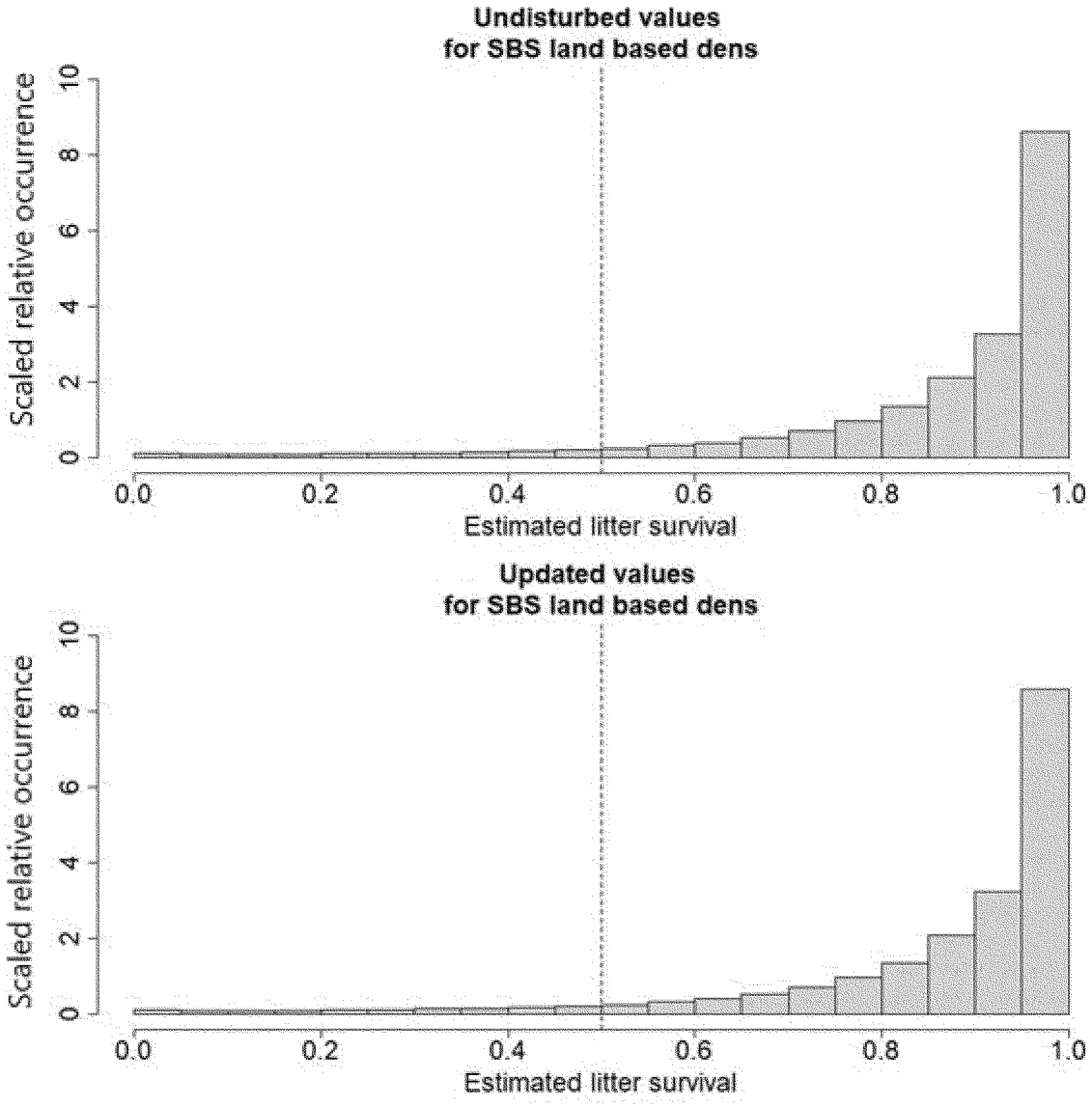


Figure 3—Litter survival probability distributions for the annual land-based dens of the SBS polar bear stock. The X-axes of these graphs depict the simulated probability that one or more cubs from a litter will be alive in the spring, and the Y-axes of these graphs depict the relative occurrence of the survival probabilities in our simulations. (Top plot: Survival probabilities simulated with no disturbance from Industry. Bottom plot: Survival probabilities simulated with estimated Level A harassment from Industry activities.)

6. Lethal take via den abandonment is rare within the Southern Beaufort Sea stock. Records of den abandonment in the oilfield are rare—the FWS has only one account of potential den abandonment within the 13 case studies used to develop early denning period disturbance rates. Applying the denning model, the greatest annual simulated probability of lethal take throughout the proposed ITR is 0.13. The aggregated probability of potential lethal take over a 5-year period is 0.45. The median number of lethal takes in both the annual and 5-year aggregated modeling outputs was zero. These results, coupled with the lack of observed den abandonment, supports our finding that lethal take due to sow abandonment of the den and litter during the early denning period is unlikely.

7. We do not anticipate that loss of a cub or litter will adversely affect annual recruitment rates at the population level. Under the proposed ITR, anticipated incidental Level A harassment only involves cubs during the denning period. Impacts to denning females, the demographic group most important to annual recruitment, would only involve take by Level B harassment. Therefore, the immediate number of potentially available reproductive females that would contribute to recruitment for the SBS stock would remain unaffected if a den disturbance were to result in the mortality of the cubs. If a den disturbance were to result in the mortality of the entire litter, the female would be available to breed during the next mating season and produce another litter during the next denning season.

Cubs inherently cannot contribute to annual rates of recruitment until they have reached sexual maturity because in wildlife biology the concept of recruitment speaks to individuals entering the reproductive population. Further, while adult male bears would contribute to the overall number of individuals in the population, they do not contribute significantly to annual

rates of recruitment. While a very small decrease in the number of males in a breeding population may be a concern if the stock was at risk of inbreeding depression or Allee effects (*e.g.,* decrease in population size or individual fitness in reponse to low population density), this is not the case in the SBS stock. Female cubs have the opportunity to reach sexual maturity and contribute to annual recruitment; however, natural rates of survival fluctuate in the SBS stock. Death of one female cub less than once per year is within the natural variability found within the SBS stock and cannot be reasonably expected to cause an adverse impact on annual rates of recruitment.

Based on the low percentage of SBS stock polar bears potentially being removed from the stock even if den disturbance were to result in the mortality of the cubs, and the expectation that the number of potentially available reproductive females that would contribute to recruitment would be unaffected by den disturbance, the FWS does not anticipate that the loss of a cub or litter would adversely affect annual recruitment rates at the population level for the SBS stock of polar bears.

We reviewed the effects of Industry activities on polar bears, including impacts from surface interactions, aircraft overflights, marine vessel traffic, and den disturbance. Based on our review of these potential impacts, past monitoring reports, and the biology and natural history of polar bears, we conclude that any incidental take reasonably likely to occur as a result of specified activities would be limited to short-term behavioral disturbances and temporary reductions in fitness that would not affect the rates of recruitment or survival for the SBS stock of polar bears.

The FWS has analyzed the potential impact of the proposed taking in light of other factors affecting SBS polar bears, including subsistence harvest and other human-caused removals as well as climate change. Climate change is considered as the overall driver of effects that could alter polar bear habitat and behavior. The FWS is currently involved in research to understand how climate change may affect polar bears. As we gain a better understanding of climate change effects, we will incorporate the information in future authorizations. While climate change and other ongoing factors pose significant challenges to SBS polar bears, we do not expect them to influence the degree of impacts (*i.e.,* short-term behavioral responses and temporary reductions in fitness) resulting from the specified activities or incidental harassment to be authorized over the next 5 years under the proposed incidental take regulations.

Our analysis indicates that the impacts of these specified activities over 5 years cannot be reasonably expected to, and are not reasonably likely to, adversely affect the SBS stock of polar bears through effects on annual rates of recruitment or survival. Similarly, the estimated impacts described in AOGA's Request, which are lower than those of the FWS predictive model, cannot be reasonably expected to, and are not reasonably likely to, adversely affect the SBS stock of polar bears through effects on annual rates of recruitment or survival. We preliminarily find that the total of the taking will have no more than a negligible impact on the SBS stock of polar bears.

Impact on Subsistence Use

Based on information from past community consultations, as well as our analysis of hunting area locations—which did not identify any overlap between hunting areas and the specified activities—and the best scientific information available—including monitoring data from similar activities, we proposea preliminary finding that take caused by the specified activities in the specified geographic region will not have an unmitigable adverse impact on the availability of polar bears or walruses for taking for Alaska Native subsistence uses during the specified timeframe.

While polar bears and walruses represent a small portion, in terms of the number of animals, of the total subsistence harvest for the Utqiagvik, Nuiqsut, and Kaktovik communities, their harvest is important to Alaska Natives. However, the majority of project activities are within an established industrial area where harvest is not conducted. Walrus harvest from Nuiqsut and Kaktovik is opportunistic, and none of the walrus harvests for Utqiagvik, Nuiqsut, or Kaktovik from 2014 through 2024 have occurred within the area of specified activities. The FWS has not received any reports and is not aware of information that indicates that polar bears or Pacific walruses are being or will be deterred from hunting areas or impacted in any way that diminishes their availability for Alaska Native subsistence use by the specified activities. In their Request, AOGA has committed to notify the Village of Kaktovik and Village of Nuiqsut of the planned activities and document any discussions of potential conflict. LOA holders would contact Alaska Native subsistence communities that may be affected by their activities to discuss potential conflicts caused by location, timing, and methods of the specified activities. They would also make reasonable efforts to ensure that activities do not interfere with subsistence hunting and that adverse effects on the availability of polar bears are minimized. The FWS is not aware of any concerns having been voiced by the Alaska Native communities regarding the specified activities limiting availability of polar bears for subsistence uses. However, should such a concern be voiced, POCs would identify measures to minimize any adverse effects and these measures will be implemented. Any POCs would further ensure that the specified activities will not have an unmitigable adverse impact on the availability of the species or stock for Alaska Native subsistence uses. POCs provide the procedures addressing how LOA holders will work with the affected Alaska Native communities and what actions will be taken to avoid interference with subsistence hunting of polar bears or walruses, as warranted.

Least Practicable Adverse Impact

ITRs must set forth, among other things, means of effecting the least practicable adverse impact on the species or stock and its habitat. We evaluated the practicability and effectiveness of mitigation measures based on the nature, scope, and timing of the specified activities; the best available scientific information; and monitoring data during industry activities in the specified geographic region. The FWS did not identify any additional (*i.e.,* not already included in the Request), practicable mitigation measures to decrease the potential impact of the specified activities on walruses or their habitat, but we propose two additional mitigation measures to decrease the potential impact of the specified activities on polar bears.

The first measure is the addition of a third AIR survey of polar bear denning habitat within 1.6 km (1 mi) of onshore winter activities in the high-density denning zone. Under this measure, the FWS proposes to require polar bear denning habitat in project areas located in high denning density zones be AIR surveyed three times, denning habitat in project areas in moderate denning density zones be AIR surveyed twice, and denning habitat in project areas anywhere outside of either the moderate or high denning density zones be AIR surveyed once. When either one or two AIR surveys are needed, the first survey

would be flown between November 25 and December 25 and the second survey would occur between December 15 and January 15. In areas where three surveys are required, the additional survey would occur between December 5 and December 31. A minimum of 24 hours would be required between completion of the previous AIR survey and beginning a new AIR survey. The AIR surveys would be flown between an altitude of 244 m (800 ft) and 457 m (1,500 ft) using a fixed-wing aircraft originating from the Deadhorse airport and Alpine.

The second measure is a larger 1.6 km (1 mi) mitigation zone surrounding polar bear sows and their cub(s) at den sites. Under this measure, LOA holders would consult with the FWS on any activities that need to occur within a mile of a den location. The FWS would work cooperatively with LOA holders to identify mitigation measures, such as decreased and slowed traffic, personnel education, and increased monitoring, to decrease the potential impact of activities in the mitigation zone on polar bears.

We propose a finding that the mitigation measures already included within AOGA's Request will ensure the least practicable adverse impact on walruses and their habitat, and that the mitigation measures already included within AOGA's request and the two additional measures described above will ensure the least practicable adverse impact on polar bears and their habitat.

A number of mitigation measures were considered but determined to be not practicable. These measures are listed below:

• *Require use of helicopters for AIR surveys*—Use of helicopters to survey active polar bear dens might lead to greater levels of disturbance and take compared to fixed-wing aircraft. This statement is supported by greater harassment rates for helicopter overflights compared to fixed-wing overflights determined in the aircraft take estimate analysis. Additionally, there is no published data to indicate increased den detection efficacy of helicopter AIR.

• *Require optimal weather conditions for AIR surveys*—Appropriate weather conditions for AIR surveys are incorporated into the Request and an FWS-proposed mitigation measure. Additional restrictions would not be practicable for the specified activities due to the available timeframe to complete AIR surveys.

• *Ground all flights if they must fly below 457 m (1,500 ft)*—Requiring all aircraft to maintain an altitude of 457 m (1,500 ft) at all times is not practicable as some operations may require flying below 457 m (1,500 ft) to perform necessary inspections or maintain safety of flight crew. Aircraft are required to fly above 457 m (1,500 ft) at all times within 805 m (0.5 mi) of an observed polar bear or walrus unless there is an emergency.

• *Require speed restrictions for all aircraft operations*—Requiring all aircraft to operate below a specific speed limit is not practicable as some operations may require speeds above the specified speed limit to maintain safety of the flight crew during various weather conditions. Additionally, aircraft operating at lower speeds may increase the duration of impact and potentially result in greater levels of disturbance to polar bears or walruses.

• *Spatial and temporal restrictions on surface activity*—Some spatial and temporal restrictions of operations were included in AOGA's Request; however, additional restrictions would not be practicable for the specified activities based on other regulatory and safety requirements, and the need to meet project objectives such as acquiring sufficient data.

• *Operational exclusion zone around all known polar bear denning habitat*—A 1.6-km (1-mi) operational exclusion zone around all known polar bear denning habitat is not practicable as much of AOGA's specified survey area occurs within 1.6 km (1 mi) of denning habitat; thus, to exclude all areas within 1.6 km (1 mi) of denning habitat would preclude many project activities from occurring.

• *Prohibit driving over high relief areas, embankments, or stream and river crossings*—In their request AOGA has committed to avoid operating in potential den locations. This includes providing crews GPS displays that highlight areas precluded from surface travel, training crews to recognize denning habitat and signs of animal activity, and scouting ahead with smaller/lighter equipment to evaluate travel routes before larger equipment arrives. Most travel will avoid embankments and steep slopes that polar bears utilize for denning, but scouting activity helps to further identify areas to avoid. To completely avoid these types of areas would likely cause personnel to drive further away from established operational areas and unnecessarily create additional safety concerns. Furthermore, other mitigation measures to minimize impact to denning habitats are included and will minimize the risk imposed by driving over high relief areas, embankments, or stream and river crossings. Lastly, the probability of a den being run over by equipment during the specified activities is exceedingly low each year of the proposed ITR, and this probability will be further mitigated by AIR surveys at the beginning of the specified activities to detect dens within 1.6 km (1 mi) of the activities.

• *Use of a broader definition of ''denning habitat'' for operational offsets*—No data are available to support broadening the defining features of denning habitat beyond that established by the U.S. Geological Survey.

• *Prohibit activities within designated critical habitat for polar bears*—Critical habitat for polar bears must be considered during the specified activities; however, complete prohibition is not practicable due to the large spatial extent of critical habitat and project objectives.

• *Establish corridors for female and cub transit to the sea ice*—As no data support the existence of natural transit corridors to the sea ice, establishment of corridors in the ITR area would be highly speculative. Therefore, no mitigative benefit would be realized by their establishment.

• *Require third-party neutral marine mammal observers*—AOGA has committed to conducting polar bear training that meets FWS standards and will use bear guards to monitor for polar bears during project activities. These bear guards will be fully incentivized to diligently monitor for polar bears given inherent safety considerations.

• *Require all activities to immediately cease if a polar bear or walrus is injured or killed until an investigation is completed*—The FWS has incorporated into this proposed rule reporting requirements for all polar bear and walrus interactions. While immediately ceasing all activities may aid in any subsequent investigation, doing so may not be practicable or safe in certain circumstances and, thus, will not be mandated.

• *Require use of den detection dogs*—Requiring scent-trained dogs to detect dens across the broader ITR area is not practicable or safe due to the large spatial extent that would need to be surveyed. Such a wide-scale survey may also require additional transit vehicles and accommodations, which could increase disturbance to polar bears. However, in their application, AOGA considered use of scent-trained dogs as a mitigation action when hotspots are identified, stating that their best use is one-time verification at a specific site (rather than routine monitoring or surveying large areas). This site-specific use, which is different than potential wide-spread surveys, may be used as deemed appropriate.

• *Construct safety gates, fences, and enclosures to prevent polar bears from accessing facilities*—Constructing safety gates, fences, and enclosures to prevent polar bears from accessing all facilities is not practicable due to the short-term and relatively mobile project activities and temporary facilities. AOGA will place skirting around elevated facilities to prevent polar bears from accessing these areas.

• *Require the use of handheld or vehicle-mounted forward-looking infrared equipment*—The efficacy rates for AIR have been found to be four times more likely to detect dens versus ground-based forward-looking infrared (handheld or vehicle-mounted) due to impacts of blowing snow on detection. AOGA has previously incorporated into their mitigation measures the use of handheld or vehicle-mounted forward-looking infrared when transiting rivers occurring in suitable denning habitat, but it is not practicable to use the equipment during all transit.

• *Temporal restrictions after July 18*—While AOGA has committed to prioritizing cleanup in coastal areas first to complete them prior to July 18, the overall timing of cleanup activities is dependent upon snow-free conditions, which vary yearly and may not occur before July 18.

Monitoring and Reporting

The purpose of monitoring requirements is to assess the effects of the specified activities on polar bears and walruses, verify ITR compliance, detect any unanticipated effects on the species or stock, and ensure take will not have more than a negligible impact on species or stocks. Monitoring includes documenting when and how polar bears and walruses are observed, the number of polar bears or walruses, and their behavior during the observation. To the extent possible, personnel that encounter polar bears or walruses will record group size, age, sex, behavior, duration of observation, and closest approach to human activity. The AOGA would report all observations of polar bears or walruses. This information allows the FWS to measure encounter rates, examine trends in polar bear and walrus activity and distribution in the industrial areas, and estimate the number of polar bears or walruses potentially affected by industrial activities.

The FWS would provide AOGA with the most recent and up-to-date Polar Bear and/or Walrus Observation Form in which to record observations of polar bears or walruses. Observations must be reported to the FWS's Marine Mammals Management Office within 48 hours of the observation and submitted to *fw7_mmm_reports@fws.gov.* Details on monitoring guidelines and reporting requirements can be read below in the proposed regulation promulgation portion of this document in proposed § 18.127 Monitoring and § 18.128 Reporting Requirements.

Request for Public Comments

If you wish to comment on these proposed regulations or the associated draft environmental assessment, you may submit your comments by any of the methods described in **ADDRESSES**. Please identify if you are commenting on the proposed regulations, the draft environmental assessment, or both, make your comments as specific as possible, confine them to issues pertinent to the proposed regulations, and explain the reason for any changes you recommend. Where possible, your comments should reference the specific section or paragraph that you are addressing. The FWS will consider all comments that are received by the close of the comment period (see **DATES**).

Required Determinations

National Environmental Policy Act (NEPA)

The FWS has prepared a draft environmental assessment in accordance with the NEPA (42 U.S.C. 4321 *et seq.*). The FWS has preliminarily concluded that the proposed action of issuing an ITR would not significantly affect the quality of the human environment, and, thus, preparation of an environmental impact statement for this incidental take regulation is not required by section 102(2) of NEPA or its implementing regulations. We are accepting comments on the draft environmental assessment as specified above in **DATES** and **ADDRESSES**.

Endangered Species Act (ESA)

Under the Endangered Species Act (ESA; 16 U.S.C. 1536(a)(2)), all Federal agencies are required to ensure the actions they authorize are not likely to jeopardize the continued existence of any threatened or endangered species or result in destruction or adverse modification of critical habitat. Prior to finalizing this ITR, if warranted, the FWS will complete intra-Service consultation under section 7 of the ESA on our proposed issuance of an ITR.

Government-to-Government Consultation

It is our responsibility to communicate and work directly on a Government-to-Government basis with federally recognized Alaska Native Tribes and organizations in developing programs for healthy ecosystems. We seek their full and meaningful participation in evaluating and addressing conservation concerns for protected species. It is our goal to remain sensitive to Alaska Native culture and to make information available to Alaska Natives. Our efforts are guided by E.O. 13175, ''Consultation and Coordination With Indian Tribal Governments,'' 512 DM 5, ''Procedures for Consultation with Indian Tribes,'' 512 DM 6, ''Department of the Interior Policy on Consultation with Alaska Native Claims Settlement Act Corporations,'' 510 FW 1, ''The Service's Native American Policy,'' and 510 FW 2, ''The Service's Alaska Native Relations Policy.''

The FWS has evaluated possible effects of the specified activities on federally recognized Alaska Native Tribes and organizations. The applicant has presented a communication process, culminating in POCs if needed, with the Alaska Native organizations and communities most likely to be affected by their work. The FWS does not anticipate impacts to Alaska Native Tribes or Alaska Native Claims Settlement Act corporations and does not anticipate requesting consultation; however, we invite continued discussion, either about the project and its impacts or about our coordination and information exchange throughout the ITR/POC process.

Regulatory Planning and Review—E.O.s 12866 and 13563

E.O. 12866 provides that the Office of Information and Regulatory Affairs (OIRA) in the OMB will review all significant rules. OIRA has determined that this rule is not significant.

E.O. 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the Nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. E.O. 13563 directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. The FWS has developed this rule in a manner consistent with these requirements.

OIRA bases its determination of significance upon the following four

criteria: (a) Whether the rule will have an annual effect of $100 million or more on the economy or adversely affect an economic sector, productivity, jobs, the environment, or other units of the government; (b) whether the rule will create inconsistencies with other Federal agencies' actions; (c) whether the rule will materially affect entitlements, grants, user fees, loan programs, or the rights and obligations of their recipients; (d) whether the rule raises novel legal or policy issues.

Expenses will be related to, but not necessarily limited to: the development of requests for LOAs; monitoring, recordkeeping, and reporting activities conducted during year-round oil and gas industry activities; development of activity- and species-specific marine mammal monitoring and mitigation plans; and coordination with Alaska Natives to minimize effects of operations on subsistence hunting. Realistically, costs of compliance with this proposed rule, if finalized, are minimal in comparison to those related to actual oil and gas industry activities. The actual costs to develop the petition for promulgation of regulations and LOA requests fall short of the ''major rule'' threshold that would require preparation of a regulatory impact analysis.

Small Business Regulatory Enforcement Fairness Act

The FWS has determined that this proposed rule, if finalized, is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. The proposed rule is also not likely to result in a major increase in costs or prices for consumers, individual industries, or government agencies or have significant adverse effects on competition, employment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The FWS has determined that this proposed rule, if finalized, will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The AOGA and their affiliated parties conducting oil and gas industry activities in the Beaufort Sea and North Slope of Alaska are the only entities subject to this proposed ITR. Therefore, neither a regulatory flexibility analysis nor a small entity compliance guide is required.

Takings Implications

This proposed rule, if finalized, does not have takings implications under E.O. 12630 because the ITR process is voluntary and serves to exempt applicants from certain civil liability under the MMPA as long as they operate in compliance with the terms of their LOAs. Therefore, a takings implications assessment is not required.

Federalism Effects

This proposed rule, if finalized, does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under E.O. 13132. The MMPA gives the FWS the authority and responsibility to protect polar bears and walruses.

Unfunded Mandates Reform Act

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*), this proposed rule, if finalized, will not ''significantly or uniquely'' affect small governments. A small government agency plan is not required. The FWS has determined and certifies pursuant to the Unfunded Mandates Reform Act that this rulemaking will not impose a cost of $100 million or more in any given year on local or State governments or private entities. This rule, if finalized, will not produce a Federal mandate of $100 million or greater in any year, *i.e.,* it is not a ''significant regulatory action'' under the Unfunded Mandates Reform Act.

Civil Justice Reform

The Departmental Solicitor's Office has determined that this proposed rule, if finalized, will not unduly burden the judicial system and meets the applicable standards provided in sections 3(a) and 3(b)(2) of E.O. 12988.

Paperwork Reduction Act

This proposed rule does not contain any new collection of information that require approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). All information collections under the PRA require OMB approval. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number. OMB previously approved the information collection requirements associated with incidental take in the identified subparts and assigned the following control numbers:

- 1018–0070, Incidental Take of Marine Mammals During Specified Activities (50 CFR 18.27 and 50 CFR 18, Subpart J) (expires 08/31/2028), and
- 1018–0203, Incidental Take of Marine Mammals During Specified Activities (50 CFR 18.27 and 50 CFR 18, Subpart L) (expires 08/31/2028).

Energy Effects

E.O. 13211 requires agencies to prepare statements of energy effects when undertaking certain actions. This proposed rule provides exceptions from the MMPA's taking prohibitions for entities engaged in specified oil and gas industry activities in the specified geographic region. By providing certainty regarding compliance with the MMPA, this proposed rule will have a positive effect on the oil and gas industry activities. Although the proposed rule requires an applicant to take a number of actions, these actions have been undertaken by oil and gas industry activities for many years as part of similar past regulations. Therefore, this proposed rule is not expected to significantly affect energy supplies, distribution, or use and does not constitute a significant energy action. No statement of energy effects is required.

Clarity of This Proposed Rule

We are required by E.O.s 12866 and 12988 and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must: (a) Be logically organized; (b) use the active voice to address readers directly; (c) use common, everyday words and clear language rather than jargon; (d) be divided into short sections and sentences; and (e) use lists and tables wherever possible.

If you feel that we have not met these requirements, send us comments by one of the methods listed in **ADDRESSES**. To better help us revise the rule, your comments should be as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that you find unclear, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

References

For a list of the references cited in this proposed rule, see Docket No. FWS–R7–ES–2026–0694, available at *https://www.regulations.gov.*

List of Subjects in 50 CFR Part 18

Administrative practice and procedure, Alaska, Imports, Indians, Marine mammals, Oil and gas exploration, Reporting and recordkeeping requirements, Transportation.

Signing Authority

Kevin Lilly, Principal Deputy Assistant Secretary for Fish and Wildlife and Parks, Exercising the Delegated Authority of the Assistant Secretary for Fish and Wildlife and Parks, approved this action on March 5, 2026, for publication. On March 5, 2026, Kevin Lilly authorized the undersigned to sign the document electronically and submit it to the Office of the Federal Register for publication as an official document of the U.S. Fish and Wildlife Service.

Proposed Regulation Promulgation

For the reasons set forth in the preamble, the FWS proposes to amend part 18, subchapter B of chapter 1, title 50 of the Code of Federal Regulations as set forth below.

PART 18—MARINE MAMMALS

■ 1. The authority citation of 50 CFR part 18 continues to read as follows:

Authority: 16 U.S.C. 1361 et seq.

■ 2. Amend part 18 by revising and republishing subpart J to read as follows:

Subpart J—Nonlethal Taking of Marine Mammals Incidental to Oil and Gas Exploration, Development, and Production Activities in the Beaufort Sea and Adjacent Northern Coast of Alaska

§ 18.119 Specified activities covered by this subpart.

Regulations in this subpart apply to the incidental, but not intentional, take of small numbers of polar bears by certain U.S. citizens while engaged in oil and gas exploration, development, and production activities in the Beaufort Sea and adjacent northern coast of Alaska. A letter of authorization (LOA) from the FWS is required to authorize incidental take that may occur during the specified activities. The entities described in § 18.122 may request an LOA pursuant to the regulations in this subpart.

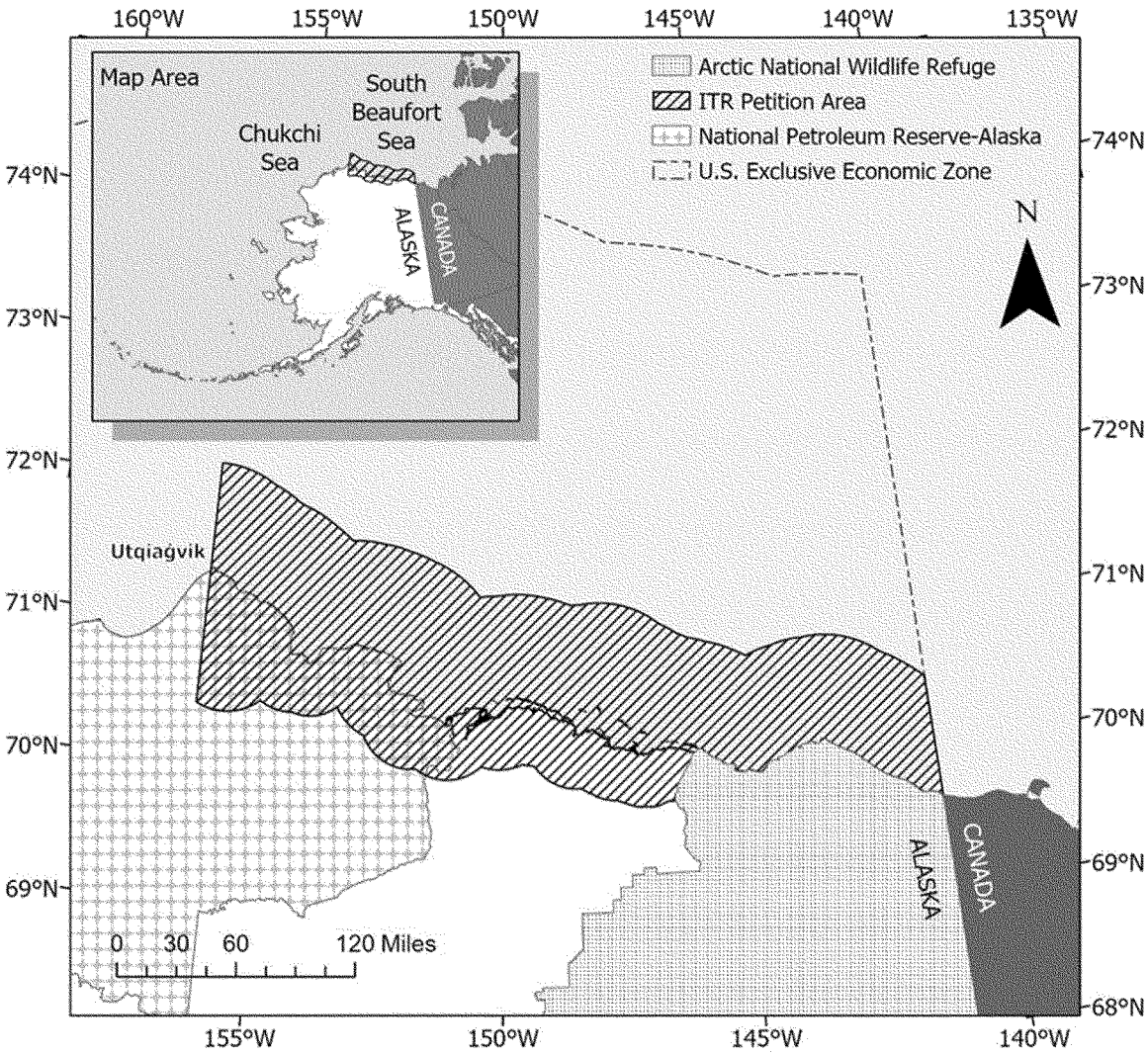
§ 18.120 Specified geographic region where this subpart applies.

This subpart applies to the specified geographic region that encompasses all Beaufort Sea waters east of a north-south line through Point Barrow, Alaska (latitude 71.39139° N, longitude 156.475° W; Board on Geographic Names (BGN) 1944), and 80.5 kilometer (km) (50 miles (mi)) north of Point Barrow, including Alaska State waters and Outer Continental Shelf waters, and east of that line to the Canadian border.

(a) The offshore boundary of the Beaufort Sea incidental take regulations (ITR) region extends 80.5 km (50 mi) offshore. The onshore region is the same north/south line at Utqiagvik, 40.2 km (25 mi) inland and east to the Canning River.

(b) Lands and waters within the exterior boundaries of the Arctic National Wildlife Refuge are not included in the Beaufort Sea ITR region. Figure 1 shows the area where this subpart applies.

Figure 1 to § 18.120—Map of the Beaufort Sea ITR region



§ 18.121 Dates this subpart is in effect.

The regulations in this subpart are effective from August 6, 2026, through August 5, 2031, for year-round oil and gas exploration, development, and production.

§ 18.122 Procedure to obtain a letter of authorization (LOA).

(a) An applicant must be a U.S. citizen as defined in § 18.27(c) and among:

(1) Those entities specified in the request for this rule as set forth in paragraph (b) of this section;

(2) Any of their corporate affiliates; or

(3) Any of their respective contractors, subcontractors, partners, owners, co-lessees, designees, or successors-in-interest.

(b) The entities specified in the request (as modified) are the Alaska Oil and Gas Association, which includes Alyeska Pipeline Service Company; BlueCrest Energy, Inc.; Chevron Corporation; ConocoPhillips Alaska, Inc. (CPAI); ExxonMobil Alaska Production, Inc. (ExxonMobil); Finnex; Furie Operating Alaska, LLC; Glacier Oil and Gas Corporation (Glacier); Hilcorp Alaska, LLC and Hilcorp North Slope, LLC (Hilcorp); Marathon Petroleum Corporation; Petro Star Inc.; Repsol; Santos; Shell Exploration and Production Company (Shell); APA Corporation; and 8 Star Alaska, LLC (a non-member company).

(c) Request for LOAs must be submitted to the Service's Alaska Region Marine Mammals Management (MMM) Office, MS 341, 1011 East Tudor Road, Anchorage, Alaska 99503, at least 90 days prior to the start of the activity.

(d) The request for an LOA must comply with the requirements set forth in §§ 18.126 through 18.128 of this subpart and must include the following information:

(1) An operational plan that describes in detail the activity (*e.g.,* type of project, methods, and types and numbers of equipment and personnel), the dates and duration of the activity, and the specific locations affected by the activity;

(2) A site-specific Pacific walrus and polar bear safety, awareness, and interaction plan; the plan for each activity and location will detail the policies and procedures that will provide for the safety and awareness of personnel, avoid interactions with Pacific walruses and polar bears, and minimize impacts to these animals;

(3) A site-specific marine mammal monitoring and mitigation plan to monitor and mitigate the effects of the activity on Pacific walruses and polar bears; and

(4) If necessary, a plan of cooperation (POC) to mitigate potential conflicts between the activity and subsistence hunting.

(i) In a POC, applicants must provide documentation of communication with potentially affected subsistence communities along the Beaufort Sea coast (*i.e.,* Kaktovik, Nuiqsut, and Utqigvik) and appropriate subsistence user organizations (*i.e.,* the Alaska

Nannut Co-Management Council, the Eskimo Walrus Commission, or North Slope Borough) to discuss the location, timing, and methods of activities and identify and mitigate any potential conflicts with subsistence walrus and polar bear hunting activities. Applicants must specifically inquire of relevant communities and organizations if the activity will interfere with the availability of Pacific walruses and/or polar bears for the subsistence use of those groups.

(ii) Documentation must include a summary of any concerns identified by community members and hunter organizations and the applicant's responses to identified concerns.

§ 18.123 How the FWS will evaluate a request for an LOA.

We will evaluate each request for an LOA based on the specific activity and the specific geographic location. We will determine whether the level of activity identified in the request exceeds that analyzed by us in considering the number of animals estimated to be taken and evaluating whether there will be a negligible impact on the species or stock and an unmitigable adverse impact on the availability of the species or stock for subsistence uses. If the level of the operator's activity is within the level of activity already analyzed by us, we will grant the authorization. If the level of activity is greater, we may request further information and we will reevaluate our findings to determine if those findings continue to be appropriate based on the combined estimated take of the greater level of activity that the applicant has requested and all other activities proposed during the time of the activities in the LOA request. Depending on the results of the evaluation, we may grant the authorization, add further conditions, or deny the authorization.

§ 18.124 Authorized take allowed under an LOA.

(a) To incidentally take marine mammals pursuant to the regulations in this subpart, the applicant must apply for and obtain an LOA in accordance with §§ 18.27(f) and 18.122.

(b) An LOA issued under this subpart allows for the incidental take, as defined under section 3 of the Marine Mammal Protection Act (MMPA; 16 U.S.C. 1362), of Pacific walruses and/or polar bears during activities specified in § 18.119 within the Beaufort Sea ITR region described in § 18.120.

(c) Each LOA will set forth:

(1) Permissible methods of incidental take;

(2) Means of effecting the least practicable adverse impact (*i.e.,* mitigation) on the species, its habitat, and the availability of the species for subsistence uses; and

(3) Requirements for monitoring and reporting.

§ 18.125 Prohibited take under an LOA.

(a) Any incidental take that fails to comply with the regulations in this subpart or with the terms and conditions of an LOA remain prohibited. The regulations in this subpart do not authorize any intentional take.

(b) If specified activities cause unauthorized take, the holder of an LOA must:

(1) Cease activities immediately (or reduce activities to the minimum level necessary to maintain safety) and report the details of the incident within 48 hours to the FWS MMM office at 1–907–786–3800 (business hours); and

(2) Suspend further activities until the FWS has reviewed the circumstances, determined whether additional mitigation measures are necessary to avoid further unauthorized taking, and notified the LOA holder that project activities may resume.

§ 18.126 Mitigation.

(a) *Mitigation measures for all LOAs.* Holders of an LOA must implement policies and procedures to conduct activities in a manner that effects the least practicable adverse impact on Pacific walruses and/or polar bears, their habitat, and the availability of these marine mammals for subsistence uses. Adaptive management practices, such as temporal or spatial activity restrictions in response to the presence of marine mammals in a particular place or time or the occurrence of Pacific walruses and/or polar bears engaged in a biologically significant activity (*e.g.,* resting, feeding, denning, or nursing, among others), must be used to avoid interactions with and minimize impacts to these animals and their availability for subsistence uses. All holders of an LOA must:

(1) Cooperate with the FWS's MMM Office and other designated Federal, State, and local agencies to monitor and mitigate the impacts of activities on Pacific walruses and polar bears. Where information is insufficient to evaluate the potential effects of activities on walruses, polar bears, and the subsistence use of this species, holders of an LOA may be required to participate in joint monitoring and/or research efforts to address these information needs and ensure the least practicable adverse impact to these resources.

(2) Designate trained and qualified personnel to monitor for the presence of Pacific walruses and polar bears, initiate mitigation measures, and monitor, record, and report the effects of the activities on Pacific walruses and/or polar bears.

(3) Have an approved Pacific walrus and polar bear safety, awareness, and interaction plan on file with the FWS's MMM Office and onsite and provide polar bear awareness training to certain personnel prior to their participation in the activities. Interaction plans must include:

(i) The type of activity and where and when the activity will occur (*i.e.,* a summary of the plan of operation);

(ii) A food, waste, and other ''bear attractants'' management plan;

(iii) Personnel training policies, procedures, and materials;

(iv) Site-specific walrus and polar bear interaction risk evaluation and mitigation measures:

(v) Walrus and polar bear avoidance and encounter procedures; and

(vi) Walrus and polar bear observation and reporting procedures.

(b) *Mitigation measures for onshore activities.* Holders of an LOA must undertake the following activities to limit disturbance around known polar bear dens:

(1) *Attempt to locate polar bear dens.* Holders of an LOA seeking to carry out onshore activities during the denning season (November–April) must conduct surveys for occupied polar bear dens in all denning habitat within 1.6 km (1 mi) of specified activities using AIR imagery. The applicant must conduct at least three such surveys in high density denning zones, at least two such surveys in moderate density denning zones, and at least one such survey in other onshore project areas.

(i) Where one or two AIR surveys are required, the first survey must occur between November 25 and December 25 and the second survey must occur between December 15 and January 15. Where three surveys are required, the additional survey must occur between December 5 and December 31. At least 24 hours must pass between the completion of a required survey and the beginning of a subsequent required survey.

(ii) AIR surveys will be conducted during darkness or civil twilight and not during daylight hours. Ideal environmental conditions during surveys would be clear, calm, and cold; AIR detection should not be attempted if there is blowing snow, any form of precipitation, or other sources of

airborne moisture. Flight crews will record and report environmental parameters including air temperatures, dew point, wind speed and direction, cloud ceiling, and percent humidity, and a flight log will be provided to the FWS within 48 hours of the flight.

(iii) A scientist experienced in interpreting AIR imagery will be on board the survey aircraft to analyze the AIR data in real-time. The data (infrared video) will be made available for viewing by the FWS immediately upon return of the survey aircraft to the base of operations.

(iv) All observed or suspected polar bear dens must be reported to the FWS prior to the initiation of activities.

(2) *Observe 1-mile operational mitigation zone around known polar bear dens.* Operators must observe a 1.6-km (1-mi) operational mitigation zone around all known or suspected polar bear dens during the denning season (November–April, or until the female and cubs leave the areas). Should previously unknown occupied dens be discovered within 1 mile of activities, the FWS must be contacted for guidance. The FWS will evaluate these instances on a case-by-case basis to determine the appropriate action. Potential actions may range from cessation or modification of work to conducting additional monitoring, and the holder of the LOA must comply with any additional measures specified.

(3) *Use the den habitat map developed by the U.S. Geological Survey (USGS).* To determine the areas that require surveys, operators must use the map of suitable coastal polar bear denning habitat developed by USGS: *https://data.usgs.gov/datacatalog/search?otherKeyword=%5B%22Denning%20habitat%22%5*. Doing so will inform LOA holders of the potential locations of polar bear dens for consideration when conducting activities in the coastal areas.

(4) *Observe polar bear den restrictions.* Restrict the timing of the activity to limit disturbance around known or suspected dens.

(5) *Observe den emergence restrictions.* If a female and cubs of the year are observed during the den emergence period (February–April), LOA holders must immediately halt or delay any activities that could impede the polar bears' path to the sea ice. LOA holders must also notify the FWS and personnel conducting operations between the female and cubs and the coastline.

(c) *Mitigation measures for operational and support vessels.* Holders of an LOA must implement the following measures:

(1) Operational and support vessels must be staffed with dedicated marine mammal observers to alert crew of the presence of walruses and polar bears and initiate adaptive mitigation responses.

(2) At all times, vessels must maintain the maximum distance possible from concentrations of walruses or polar bears. Under no circumstances, other than an emergency, should any vessel approach within an 805-m (0.5-mi) radius of walruses or polar bears observed on land or ice.

(3) Vessel operators must take every precaution to avoid harassment of concentrations of feeding walruses when a vessel is operating near these animals. Vessels should reduce speed and maintain a minimum 805-m (0.5-mi) operational exclusion zone around feeding walrus groups. Vessels may not be operated in such a way as to separate members of a group of walruses (*i.e.,* greater than two) from other members of the group. When weather conditions require, such as when visibility drops, vessels should adjust speed accordingly to avoid the likelihood of injury to walruses.

(4) All vessels must avoid areas of active or anticipated walrus or polar bear subsistence hunting activity as determined through community consultations.

(5) In association with marine activities, we may require trained marine mammal monitors on the site of the activity or onboard ships, aircraft, icebreakers, or other support vessels or vehicles to monitor the impacts of oil and gas industry activity on polar bear and Pacific walruses.

(d) *Mitigation measures for aircraft to avoid disturbance.* Holders of an LOA must implement the following measures:

(1) *Follow aircraft elevation and flight path restrictions.* Operators of support aircraft shall, at all times, conduct their activities at the maximum distance practicable from concentrations of walruses or polar bears.

(i) Aircraft operations within the project area will maintain a minimum altitude of 457 m (1,500 ft) above ground level when safe and operationally possible.

(ii) Under no circumstances, other than an emergency, will aircraft operate at an altitude lower than 457 m (1,500 ft) within 805 m (0.5 mi) of walruses or polar bears observed on ice or land measured in a straight line between the polar bear and the ground directly underneath the aircraft. Helicopters may not hover or circle above such areas or within 805 m (0.5 mi) of such areas. Aircraft may be operated below 457 m (1,500 ft) only when necessary to avoid adverse weather conditions or when operationally necessary. However, when weather conditions necessitate operation of aircraft at altitudes below 457 m (1,500 ft), the operator must avoid areas of known walrus and polar bear concentrations and should take precautions to avoid flying directly over or within 805 m (0.5 mi) of these areas.

(iii) Operators must plan all aircraft routes to minimize any potential conflict with active or anticipated walrus or polar bear hunting activity as determined through community consultations.

(2) *Follow aircraft landing and take-off spatial restrictions.* Aircraft will not land within 805 m (0.5 mi) of walruses or polar bears. If a polar bear is observed while the aircraft is grounded in remote areas, personnel will board the aircraft and leave the area. The aircraft operator will also avoid flying over the polar bear if possible. Operators should avoid making any sudden maneuvers, especially when traveling at lower altitudes, even if such maneuvers are intended to avoid walruses or polar bears. If a polar bear is observed within the landing zone or work area, operators should travel away from the site and slowly increase altitude to 457 m (1,500 ft) or a level that is safest and viable given current traveling conditions. Aircraft may not be operated in such a way as to separate individual walruses or polar bears from a group (*i.e.,* two or more animals).

(e) *Mitigation measures for the subsistence use of walruses and polar bears.* Holders of an LOA must conduct their activities in a manner that, to the greatest extent practicable, minimizes adverse impacts on the availability of Pacific walruses and polar bears for subsistence uses.

(1) *Community consultation.* Prior to receipt of an LOA, applicants must consult with potentially affected communities and appropriate subsistence user organizations to discuss potential conflicts with subsistence walrus and polar bear hunting caused by the location, timing, and methods of operations and support activities. If community concerns suggest that the activities may have an adverse impact on the subsistence uses of these species, the applicant must address conflict avoidance issues through a POC as described in paragraph (e)(2) of this section.

(2) *Plan of cooperation.* Based on community consultations, the holder of an LOA will be required to modify their POC as needed if directed by the FWS.

(i) The POC must include a description of the procedures by which

the holder of the LOA will work and consult with potentially affected subsistence hunters and a description of specific measures that have been or will be taken to avoid or minimize interference with subsistence hunting of walruses and polar bears and to ensure continued availability of the species for subsistence use.

(ii) The FWS will review the POC to ensure that any potential adverse effects on the availability of the animals are minimized. The FWS will reject or require modification of POCs if they do not provide adequate safeguards to ensure the least practicable adverse impact on the availability of walruses and polar bears for subsistence use.

§ 18.127 Monitoring.

Holders of an LOA must develop and implement a site-specific, FWS-approved marine mammal monitoring and mitigation plan to monitor and evaluate the effectiveness of mitigation measures and the effects of activities on walruses, polar bears, and the subsistence use of these species and provide trained, qualified, and FWS-approved onsite observers to carry out the activities identified in the marine mammal monitoring and mitigation plan.

§ 18.128 Reporting requirements.

Holders of an LOA must report the results of monitoring and mitigation activities to the FWS's MMM Office via email at: *fw7_mmm_reports@fws.gov.*

(a) *In-season monitoring reports.*

(1) *Activity progress reports.* Holders of an LOA must:

(i) Notify the FWS at least 48 hours prior to the onset of activities;

(ii) Provide the FWS weekly progress reports of any significant changes in activities and/or locations; and

(iii) Notify the FWS within 48 hours after ending of activities.

(2) *Walrus observation reports.* Holders of an LOA must report, on a weekly basis, all observations of walruses during any industry activity. Upon request, monitoring report data must be provided in a common electronic format (to be specified by the FWS). Information in the observation report must include, but is not limited to:

(i) Date and time of the observation;

(ii) Locations of the observer and walruses (GPS coordinates if possible);

(iii) Number of walruses;

(iv) Sex and age class of walruses (if known);

(v) Observer name and contact information;

(vi) Weather, visibility, and if at sea, sea state, and sea-ice conditions at the time of the observation;

(vii) Estimated distance of walruses at closest approach;

(viii) Industry activity at time of the observation;

(ix) Behavior of animals sighted;

(x) Description of the encounter;

(xi) Duration of the encounter; and

(xii) Mitigation actions taken.

(3) *Polar bear observation reports.* Holders of an LOA must report, within 48 hours, all observations of polar bears and potential polar bear dens, during any industry activity. Upon request, monitoring report data must be provided in a common electronic format (to be specified by the FWS). Information in the observation report must include, but is not limited to:

(i) Date and time of the observation;

(ii) Locations of the observer and polar bears (GPS coordinates if possible);

(iii) Number of polar bears;

(iv) Sex and age class of polar bears (if known);

(v) Observer name and contact information;

(vi) Weather, visibility, and if at sea, sea state, and sea-ice conditions at the time of the observation;

(vii) Estimated closest distance of polar bears from personnel and facilities;

(viii) Industry activity at time of the observation;

(ix) Possible attractants present;

(x) Polar bear behavior;

(xi) Description of the observation;

(xii) Duration of the observation; and

(xiii) Mitigation actions taken.

(b) *Notification of LOA incident report.* Holders of an LOA must report, as soon as possible, but within 48 hours, all LOA incidents during any industry activity. An LOA incident is any situation in which specified activities exceed the authority of an LOA, a mitigation measure was required but not enacted, or injury or death of a walrus or polar bear occurs.

(1) Reports must include all information specified for an observation report, a complete detailed description of the incident, and any other actions taken.

(2) Injured, dead, or distressed walruses or polar bears that are clearly not associated with the specified activities (*e.g.,* animals found outside the project area, previously wounded animals, or carcasses with moderate to advanced decomposition or scavenger damage) must also be reported to the FWS immediately, and not later than 48 hours after discovery. Photographs, video, location information, or any other available documentation must be included.

(c) *Final report.* The results of monitoring and mitigation efforts identified in the marine mammal monitoring and mitigation plan must be submitted to the FWS for review within 90 days of the expiration of an LOA. Upon request, final report data must be provided in a common electronic format (to be specified by the FWS). Information in the final report must include, but is not limited to:

(1) Copies of all observation reports submitted under the LOA;

(2) A summary of the observation reports;

(3) A summary of monitoring and mitigation efforts including areas, total hours, total distances, and distribution;

(4) Analysis of factors affecting the visibility and detectability of walruses and polar bears during monitoring;

(5) Analysis of the effectiveness of mitigation measures;

(6) Analysis of the distribution, abundance, and behavior of walruses and/or polar bears observed; and

(7) Estimates of take in relation to the specified activities.

§ 18.129 Information collection requirements.

OMB has approved the collection of information contained in this subpart and assigned OMB control number 1018–0070. We may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Direct comments regarding the burden estimate or any other aspect of this requirement to the Information Collection Clearance Officer, U.S. Fish and Wildlife Service, at the address listed in 50 CFR part 2.1.

Brian R. Nesvik

Director, U.S. Fish and Wildlife Service.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 92

[Docket No. FWS–R7–MB–2025–1694; FXMB12610700000–267–FF07M01000]

RIN 1018–BI70

Migratory Bird Subsistence Harvest in Alaska

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), are proposing changes to the migratory bird subsistence harvest regulations in