

associated activities beginning on August 1, 2003. The SDC will lift-off from its current location and will be towed to the new set down location. Once the SDC reaches Herschel Island, it will go into cold stack mode. Helicopter supported one-day reconnaissance trips to the SDC may occur to check on winterization conditions on-board the SDC. A detailed description of these activities proposed for 2003–2004 is contained in the application (Lynx Enterprises, Inc., 2003), which is available upon request (see **ADDRESSES**).

Description of Marine Mammals Affected by the Activity

The Beaufort Sea supports many marine mammals under NMFS jurisdiction, including bowhead whales (*Balaena mysticetus*), beluga whales (*Delphinapterus leucas*), ringed seals (*Phoca hispida*), bearded seals (*Erignathus barbatus*) and spotted seals (*Phoca largha*). Descriptions of the biology, distribution, and current status of these species can be found in NMFS Stock Assessment Reports (2000, 1999, and 1997). Please refer to those documents for more information on these species. These documents can be downloaded electronically from: http://www.nmfs.noaa.gov/pr/PR2/Stock_Assessment_Program/individual_sars.html.

Comments and Responses

On June 8, 2003 (68 FR 36572), NMFS published a notice of receipt and a 30-day public comment period was provided on the application and proposed authorization. That notice described the activity and anticipated effects on marine mammals. The only comments received were from the Marine Mammal Commission (Commission).

Comment 1: The Commission believes that the NMFS's preliminary determinations are reasonable, provided that the proposed mitigation and monitoring activities are adequate to detect marine mammals in the vicinity of the proposed operations and to ensure that marine mammals are not being taken in unanticipated ways or numbers. Clarification should be provided concerning the circumstances under which such monitoring would not occur, and a determination made as to whether non-negligible impacts or taking other than by harassment may occur during such periods.

Response: The monitoring on the SDC will continue 24 hours per day except when the SDC is in cold-stack between approximately August 31, 2003 and mid-October. Monitoring will begin just

prior to coming out of cold stack in preparation for movement that is expected to commence on or about August 1st.

Comment 2: NMFS may wish to suggest to the applicant that it conduct an acoustic monitoring program, in addition to the proposed visual monitoring. Acoustic monitoring would provide more data on the actual acoustic source levels associated with the proposed activity.

Response: In 1991, ARCO Alaska, Incorporated conducted a marine mammal monitoring program at Cabot prospect in the Beaufort Sea. The marine mammal monitoring program included the physical acoustic characterization of the drilling platform and the surrounding area, passive acoustic monitoring of underwater sounds produced by marine mammals, and surface monitoring for operational and environmental conditions and marine mammal sightings. Results of this monitoring program can be found in the Final Report for the Site Specific Monitoring Plan for Cabot Prospect by Coastal & Offshore Pacific Corporation. A copy of this Final Report can be obtained by contacting NMFS (see **ADDRESSES**). As a result of this earlier acoustical monitoring, an acoustic monitoring program is not warranted.

Comment 3: By monitoring calling rates for the relevant species before, during, and after the activity, another dataset could be obtained on the behavioral impacts of the activities.

Response: The monitoring plans for EnCana to monitor marine mammal impacts were the subject of scientific peer-review meetings held on 8–9 November 2000, in Seattle, WA; October 30–31, 2002, in Anchorage, AK; and June 24–25, 2003 in Seattle, WA. Those meetings provided the required dialogue necessary for ensuring that monitoring programs in Arctic waters provided the necessary information to ensure that impacts are (or are not) negligible. NMFS continues to encourage the Commission's participation in these meetings.

Comment 4: NMFS should also ensure that the application has completed negotiations with the Alaska Eskimo Whaling Commission (AEWC) and affected villages Whaling Captains Associations to amend the existing Conflict Avoidance Agreement (CAA) and Plan of Cooperation, prior to granting the authorization.

Response: EnCana amended the existing CAA and Plan of Cooperation with the AEWC on June 9, 2003, as required under this IHA.

Mitigation

During mobilization of the SDC from Cross Island at the McCovey Prospect through the Beaufort Sea to Herschel Island, EnCana will have on-board marine mammal monitors throughout the transit. The program will commence with the reoccupation of SDC at the current McCovey deployment and will continue on a nearly 24-hour basis until the rig exits U.S. waters and goes into cold stack mode in Canada.

EnCana proposes to mitigate the potential negative impacts from its relocation and supply removal activities by planning the timing of operations in such a way as to reduce the production of noise during the fall bowhead whale migration. This includes putting the SDC into cold stack mode during the entire bowhead migration period (approximately late-August through mid-October). In addition to these mitigation measures, EnCana worked with the AEWC, North Slope Borough, and other whaling communities and amended the existing CAA to include the 2003 relocation to eliminate impacts to subsistence hunting of bowheads and thereby on bowheads themselves.

Monitoring

As part of its application, EnCana will have a visual monitoring program for assessing impacts to marine mammals during the SDC's transit from Cross Island, McCovey Prospect to Herschel Island.

EnCana will initiate a comprehensive training program for all potential marine mammal observers that includes learning the identification and behavior of all local species known to use the areas where EnCana will be operating. This training will be conducted by professional marine biologists and experienced Native observers participating in the monitoring program. The observer protocol is to scan the area around vessels and the SDC with binoculars of sufficient power. Range finding equipment will be supplied to observers in order to better estimate distances. Observers would collect data on the presence, distribution, and behavior of marine mammals relative to EnCana activities as well as climatic conditions at the time of marine mammal sightings. Observations would be made on a nearly 24-hour basis from the time the SDC leaves Cross Island until the SDC crosses the Canadian border or, if the backup deployment in U.S. waters is used, is placed in cold stack mode. If the backup deployment in U.S. waters is used and re-supply efforts are necessary between the end of the fall bowhead whale harvest and ice-