

From: [REDACTED]
To: [Raquel Carter](mailto:Raquel.Carter@nopsema.gov.au)
Subject: RE: Kangaroo Island Dolphin Watch - Bight Petroleum Environmental Plan. [DLM=For-Official-Use-Only]
Date: Tuesday, 29 April 2014 11:37:01 AM

Dear Raquel,

Thankyou for your recent email regarding Bight Petroleum's Environmental Plan. We are pleased to note that our concerns have been taken on board and acknowledged. We await the decision feeling somewhat reassured that Bight's lack of true consultation has been factored in to the approvals process.

Kind regards,

[REDACTED]

***KI Dolphin Watch
WDC***

From: Raquel Carter [mailto:Raquel.Carter@nopsema.gov.au]
Sent: Thursday, 24 April 2014 7:52 PM
To: [REDACTED]
Cc: Zoe Jones
Subject: RE: Kangaroo Island Dolphin Watch - Bight Petroleum Environmental Plan. [DLM=For-Official-Use-Only]

For Official Use Only

Dear [REDACTED]

Thank you for your email dated 27 March 2014 outlining Kangaroo Island Dolphin Watch's concerns with regard to the Bight Petroleum Pty Ltd "Lighting" 3D Marine Seismic Survey (Bight Basin) submitted to NOPSEMA on 21 March 2014.

As you may be aware, NOPSEMA is the Regulator of petroleum activities in Commonwealth waters under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* and Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009 (Environment Regulations). In accordance with the Environment Regulations, NOPSEMA cannot accept an environment plan if it is not reasonably satisfied that the environment plan meets the criteria for acceptance stipulated in the Environment Regulations.

The above-mentioned environment plan is currently being assessed by NOPSEMA in line with the requirements of Environment Regulations. A decision as to whether NOPSEMA is satisfied that the environment plan meets the criteria for acceptance specified in the Environment Regulations, including consultation requirements, is pending.

NOPSEMA acknowledges your concerns relating to Bight Petroleum's consultation with your organisation during the preparation of an environment plan for the "Lighting" 3D Marine Seismic Survey. Noting these concerns, NOPSEMA would like

to draw your attention to consultation provisions in the Environment Regulations which apply to all environment plans. Specifically the Environment Regulations require:

In the course of preparing an environment plan titleholders must consult with relevant persons. A relevant person is a person or organisation whose functions, interests or activities may be affected by the activities to be carried out under the environment plan.

For the purpose of consultation, the titleholder must give a relevant person sufficient information and reasonable time to allow the relevant person to make an informed assessment of the possible consequences of the activity on the functions, interests or activities of the relevant person.

An environment plan must contain a report on all consultations between the titleholder and any relevant person including the titleholder's assessment of the merits of any objection or claim about the adverse impact of each activity to which the plan relates.

Any information relating to consultation between the titleholder and relevant persons contained within an environment plan and any relevant information that relates to the activity described in an environment plan, will be considered by NOPSEMA during an environment plan assessment in accordance with due process.

From a regulatory perspective, I trust that this email has addressed the concerns raised in your correspondence.

Regards,

Raquel

Raquel Carter

Environmental Specialist - Implementation & Regulatory Guidance

NOPSEMA

Level 8, 58 Mounts Bay Road

Perth WA 6000

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Please consider the environment before printing this email

From: [REDACTED]

Sent: Thursday, 27 March 2014 1:38 PM

To: Submissions - Shared Mailbox

Subject: Bight Petroleum Environmental Plan.

National Offshore Petroleum Safety and Environmental Management Authority,
Attention: Environment Plan Submissions
Level 8
58 Mounts Bay Road
Perth WA 6000

To whom it may concern,

Kangaroo Island Dolphin Watch is a 'relevant person' according to the Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009 (article 11 Ad) and has made previous submissions to both the EPBC and NOPSEMA with respect to Bight Petroleum's planned seismic testing in EPP 41 and EPP 42 off the western end of Kangaroo IslandEPBC Referral 2013/6770.

We would like to alert you to the failure by Bight Petroleum to consult with us on the development of their Environmental Plan. Apart from an initial meeting with [REDACTED] and [REDACTED] representing Bight over two years ago, in which they simply outlined what they were going to do, and an email received on the 21st of March 2014 outlining the processes they are undertaking with respect to referrals, there has been no substantive effort to engage in a meaningful dialogue with respect to our concerns. Consultation in the true sense of the word has simply not happened. In point of fact newer scientific understandings were simply not being taken under consideration in the past and we have no faith they will form part of this new Environmental Plan.

We have not seen the submitted Environment Plan and have no knowledge of its contents thus we are unaware if our concerns have been addressed. We have no confidence that they have been, in light of past performance, and Bight's intransigence in participating in a truly consultative method. We remain highly concerned with Bight's approach to the issues we have raised in our responses to their EPBC Referral (2013/6770) and believe they have in no way responded meaningfully or in good faith to these.

Yours sincerely,

[REDACTED]

***KI Dolphin Watch
WDC***