Offshore Petroleum Environment Regulation

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Presentation overview

• Introduction to NOPSEMA
• Environmental management regulation via Environment Plans
• Consultation requirements
• Consultation challenges and opportunities
• Seismic surveys in offshore petroleum
Exclusions:

• Information on specific proposals or submissions

• Technical details of petroleum activities
  – See APPEA or Geoscience Australia websites for guides

• Production and decommissioning
• NOPSA established in 2005 for OHS
• Montara Commission of Inquiry and Australian Government response
• Environmental management function, NOPSEMA commenced Jan 2012
• EPBC Act endorsement from Feb 2014 to become single national offshore petroleum regulator
Note: State and Northern Territory coastal waters conform more or less to the Australian continent and associated islands. Commonwealth waters extend seaward from the edge of the three nautical mile limit of designated coastal waters, to the outer extent of the Australian Exclusive Economic Zone at 200 nautical miles.
Independent statutory authority

Responsible Commonwealth minister

COAG Energy Council: consultation on policy/direction

Responsible state and Northern Territory minister

reporting, policy/direction

reporting and information

advice and recommendations

NOPSEMA CEO

advice and recommendations
inform, request advice

NOPSEMA Board
Legislated functions

Compliance
- Monitor and Enforce
- Investigate

Improvement
- Promote
- Advise

Governance
- Co-operate
- Report
Overview: Petroleum life cycle

- Acreage release
- Explore and appraise
- Construct, produce and store
- Decommissioning
- Pipeline transport
- Other transport and storage

- Consumer products
- Chemical processing
- Onshore processing
- Heating and other fuels
- Transport
- Power generation
Overview: Stages of petroleum exploration & development

Environment Plan required

- Seismic exploration
- Site surveys
- Exploration drilling
- Appraisal drilling
- Construction
- Operations
- Pipeline transport
- Decommissioning

Example timeline from title award if petroleum discovered

- Exploration (& appraisal if discovery): ~ 3-5 years
- Development: ~ 4-10 years
- End of Life: ~ 1-30+ years

* Offshore Project Proposal required*

* New development without EPBC Act decision
Environmental approval process

**Development Projects**
- Consultation process and early regulatory acceptability decision – development projects must use this route

  **Proposed Development (Offshore Project)**
  - Titleholder must use OPP process

  **Offshore Project Proposal (OPP) Process**
  - Prepare Offshore Project Proposals
    - Demonstrate acceptable level
    - Foreshadow component activity EPs
  - Public Consultation
  - Submit Proposal and Consult Report to NOPSEMA
    - Demonstrate & address submissions
  - Regulatory Decision
    - Acceptable
    - Not acceptable

  **EP Process**
  (for component activities of the Offshore Project)

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**All Activities**
- For all activities (EP process with consultation) – majority of activities not currently subject to EPBC Act approval expected to use this route

  **Proposed Activity**

  **EP Process**
  - Targeted Stakeholder Consultation
    - Relevant Persons identified by title holder (supported by guideline)
  - Environment Plan
    - Demonstrate acceptable level
    - Demonstrate ALARP
    - Demonstrate consultation
  - Submission and Assessment
  - Public notification on Regulators Website
  - Regulatory Decision
    - Accept
    - Refuse to accept
  - Revision of EP can be triggered by new information
    - e.g. from public
• *Offshore Petroleum and Greenhouse Gas Storage Act 2006*

• *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009*

• **Objectives of Environment Regulations**
  – Principles of Ecologically Sustainable Development
  – Impacts and risks are reduced to As Low As Reasonably Practicable
  – Impacts and risks are reduced to Acceptable Levels
• Challenge titleholders to demonstrate all impacts & risks are managed to ALARP and acceptable levels
• Substantial internal expertise
• Seek external advice where necessary
• Regulatory tools:
  – Request for further information
  – Opportunity to modify and re-submit
Consultation requirements for environment plans

• Titleholder must conduct consultation:
  – during EP preparation, and
  – ongoing, during the activity

• An EP must demonstrate that:
  – the titleholder has carried out the consultation required,
  – the measures (if any) that the titleholder has adopted, or proposes to adopt, because of the consultations are appropriate.
Planning-stage consultation

• Regulations require titleholders to:
  – consult with all ‘relevant persons’
  – provide sufficient information
  – provide reasonable time period
  – provide a report on consultations in the EP:
    • summary of stakeholder responses,
    • assessment of merits,
    • titleholder responses,
    • copy of the full text of any response
Titleholders must:

- Describe systems and controls to manage impacts/risks to ALARP and acceptable levels
- Provide for appropriate ongoing consultation
- Revise and resubmit the EP to NOPSEMA if new information results in a new or significantly increased impact or risk
Consultation in the environment plan process

**Titleholder**

Planning: consultation with ‘relevant persons’ on impacts relating to functions, activities or interests, via sufficient information and time

**Implementation:** ongoing consultation

**NOPSEMA**

Assessment of submission → Enforce compliance → EP Summary
Consultation challenges

• Challenges
  – Fishers concerned about:
    • Life cycle impacts to marine species
    • Not hearing back from titleholders
    • Early notice of developments
    • Changes in government, regulations
    • Other issues?
  – Stakeholder expectations of no risk / no impact rather than ALARP and acceptable levels of risk/impact
  – NOPSEMA does not have a role to intervene between conflicting parties and must impartially assess a plan
Opportunities to improve consultation

- Relevant persons’ input results in positive environmental outcomes
  - Be upfront and reasonable about expectations, seek clarification of consultation process
  - Be specific/precise in responses and any requests for information
  - Focus on objections or claims in relation to how you believe your functions, activities or interests may be affected by the activity

- Examples of controls for impacts to fisheries:
  - Changes to position of acquisition lines
  - Changes to survey timing
  - Up-to-date communication during survey (websites, SMS)
  - Dedicated liaison officers
  - Documented consultation plan
Opportunities to improve consultation

• NOPSEMA advice and promotion
  – Ensure genuine attempts are made to achieve informed consultation
    • tailored information
    • consultation mechanisms to suit needs of the relevant persons
    • start early, allow time
  – Additional published guidance, workshops and meetings

• Enhancements to NOPSEMA website
  – EP assessment details and EP Summaries
  – Subscription service with email alerts (available 30 March 2015)
EP SUBMISSIONS & SUMMARIES SEARCH

Use the search tool below to search for environment plan submissions and summaries. Enter keywords for free text search, or narrow the results by using the filters.

Search:

- Commonwealth waters adjacent to:
- Activity Type:
- Decision From: DD/MM/YYYY
- Decision To: DD/MM/YYYY
- Submitted From: DD/MM/YYYY
- Submitted To: DD/MM/YYYY
- Submitted by:
- Status:
- Sort By: Submission Date
- Sort Direction: Descending

*Where an environment plan was submitted or accepted prior to 28 February 2014 certain information is not published in accordance with the Environment Regulations in place at that time.*

<table>
<thead>
<tr>
<th>Activity Details</th>
<th>Location</th>
<th>Dates</th>
<th>Status</th>
<th>Details and EP Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Activity Name:</strong> Gorgon Ocean Bottom Node Seismic Survey</td>
<td>Region: Gorgon Field North West Shelf WA; 85km west Barrow Island; 140km north Onslow; area approx 2500km; water depth 80-1100m Adjacent to: Western Australia</td>
<td>Submitted: 11/02/2015</td>
<td>Under Assessment</td>
<td>Details</td>
</tr>
<tr>
<td><strong>Activity Name:</strong> Jansz Field Gas Pipeline and Wells Operations</td>
<td>Region: The operational area for the petroleum activity is defined as a 200 m wide corridor centred over the Jansz subsea infrastructure within Commonwealth Waters. The Jansz-1 gas fields</td>
<td>Submitted: 09/02/2015</td>
<td>Under Assessment</td>
<td>Details</td>
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