

Seismic survey Environment Plan submissions in accordance with the amended Environment Regulations

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- Background to regulatory amendments
- Relevant amendments + issues
- Approach for EP submission and assessment
- Key considerations - meeting criteria for acceptance for broadly-scoped EPs

- Broadly- scoped seismic EP
 - Final survey location + duration yet to be determined
 - Scoped to a broad geographic area - over vacant acreage and granted titles
 - Multiple individual surveys over multiple years
 - No granular detail regarding equipment/vessels etc.
- Short-duration titles may change over life of the EP
- Generally speculative/multi-client survey activity

Background Prior to 28 February 2014

- Titleholder to nominate the activity operator
- Activity operator responsible for submission of, and compliance with, an EP
- Where there was no title the person undertaking the activity was the activity operator
- Disconnect between titleholder duties and responsibility under the OPGGS Act and operator under the Environment Regulations

Background Legislative amendments

- Montara Col recommended strengthening financial assurance provisions and polluter pays principle under the OPGGS Act
- OPGGS Act amended to place greater responsibility on the titleholder for costs, expenses and liabilities associated with carrying out activities on titles
- Corresponding change to Environment Regulations to make the titleholder responsible submission of, and compliance with, an EP

- Department of Industry (DoI) responsible for implementing Government's policy agenda primarily via legislation
- DoI responsible for review and amendment of the Environment Regulations
- During the Environment Regulation review process, issues were raised with tying submission of an EP to the titleholder, particularly for speculative and multi-client seismic survey operators

- Maintain the concept of an operator for particular activities – e.g. those where wells are not to be drilled
- Create a new class of title or amend existing restrictions on SPA's to allow for longer tenure
- Allow applicants or future applicants for titles to submit EP's
- Issues identified with each option that precluded their consideration further at the time

- Operator removed from the Environment Regulations
- Definition of petroleum activity amended to more clearly link activities to authorisations under petroleum titles
- A titleholder or *an applicant* for an SPA, AA or PL is able to submit an EP for an activity.

- Must have, or be an applicant for a title in the survey area
- Scope of EP must address all requirements of regulations (e.g. impacts + risks, adequate consultation etc.)
- NOPSEMA will base it's assessment on the entire activity scope
- Desire for flexibility may mean levy charge reflects broadest scope of submission
- Notification of commencement and completion of each survey to be undertaken in the EP

- Evaluation of impacts and risks - flexibility creates uncertainty
- Appropriate controls, standards and measurement criteria for managing spatial + temporal risks
- Consultation – EP preparation + implementation strategy
- Requirements for revision under regulation 17 apply. Particularly where new impacts and risks are identified through ongoing consultation or activity changes

- NOPSEMA continuing to examine solutions to the issue
- DoI undertaken to review of Environment Regulation after 12 months, may lead to further amendments
- Opportunity for industry to communicate need for certainty regarding broad-scoped EP submissions

- Environment Regulation amendments
- Applicants for SPAs, AAs can submit EPs
- NOPSEMA's interpretation is that broadly-scoped EPs can be accommodated by the amended regime
- Challenges and effort by those submitting broadly-scoped EPs to meet criteria for acceptance