

From: [REDACTED]
Sent: Fri, 6 Sep 2024 09:58:42 +0000
To: [REDACTED]
Cc: [REDACTED]
Subject: Re: CGG Regia MSS EP - Request for Further Written Information
Attachments: RFFWI #1 - CGG Queries.docx

Hi [REDACTED]

Thanks for confirming next weeks meetings.

As requested, CGG has prepared a thorough list of comments and queries that we hope will drive positive discussion. The proposed agendas for the meetings are outlined below.

Just three in person participants on Tuesday, and five in person participants on Thursday. We'll have online attendees for both meetings.

Cultural Features & Consultation(Tuesday)

- Discuss the letter items in the following priority order;
 - 1.3
 - 2.2 (as it relates to the Sea Country Protection Program)
 - 4.1 (as it relates to EPO 8)
 - 6.9 & 6.8 (item 3)
- Introduction to CGG's consultation approach.
- CGG would like to request feedback on its approach to the consultation report (C2) and any suggestions for improvements would be welcomed.
 - 6.6
 - 6.7
 - 6.5
 - 6.3
 - 6.2
 - 6.1
 - 6.4

Environmental Management (Thursday)

- CGG to outline possible improvements to the structure of the EP.
- CGG would like feedback on the 'further assessments' undertaken (Appendix F2 and F3), particularly the case put forward in F3 for demonstrating acceptable levels of impact.
- Discuss the letter items in the following priority order;
 - 1.4
 - 1.6
 - 4.1 & 4.2
 - 2.1 & 2.2
 - 1.5
 - 1.2
 - 5.1

o 1.1

I hope that the level of preparation we have put into these meetings will help your team prepare.

Give me a call if you'd like to discuss amendments to the agendas.

Regards,

█

From: █@nopsema.gov.au>

Sent: Wednesday, September 4, 2024 13:03

To: █@klarite.com.au>

Cc: █@nopsema.gov.au>; █@nopsema.gov.au>; █@cgg.com>

Subject: RE: CGG Regia MSS EP - Request for Further Written Information

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Hi █

I have just sent calendar invites for these 2 meetings.

We don't have team and room availability for the 2.5 hr meeting on Tuesday so we will need to limit this to 90 minutes.

Please could you:

- Forward to relevant members of your team and let me know who will be attending in person. We only have room capacity for 8 people so we may need some participants to attend online.
- Let us know specific agenda items by Friday.

Kind regards,

█

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From: [REDACTED]@klarite.com.au>
Sent: Wednesday, September 4, 2024 5:44 AM
To: [REDACTED]@nopsema.gov.au>
Cc: [REDACTED]@nopsema.gov.au>; [REDACTED]
[REDACTED]@nopsema.gov.au>; [REDACTED]@nopsema.gov.au>; [REDACTED]
[REDACTED]@cgg.com>
Subject: Re: CGG Regia MSS EP - Request for Further Written Information

Hi [REDACTED]

Appreciate you and the team making time for us yesterday.

If possible, we'd like the consultation/cultural features meeting on Tuesday at 1030 to 1300, and the remainder of the matters to be covered on Thursday at 1400-1530. There is a lot of detail to cover so hopefully you can accommodate these slightly longer meetings.

As promised, I'll send through specific agenda items and queries for those meetings ASAP.

Regards,
[REDACTED]

From: [REDACTED]@nopsema.gov.au>
Sent: Monday, September 2, 2024 16:22
To: [REDACTED]@klarite.com.au>
Cc: [REDACTED]@nopsema.gov.au>; [REDACTED]
[REDACTED]@nopsema.gov.au>; [REDACTED]@nopsema.gov.au>; [REDACTED]
[REDACTED]@cgg.com>
Subject: RE: CGG Regia MSS EP - Request for Further Written Information

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Hi [REDACTED]

In regard to the meetings next week, the EP assessment team have availability during the following windows:

- Tuesday, 10 September, 10.30am - 2pm
- Thursday, 12 September, 1-4pm

Please let me know if there are times within these windows that work for you.

We can discuss tomorrow.

Kind regards,

[REDACTED]

[REDACTED]
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From: [REDACTED]@nopsema.gov.au>

Sent: Friday, August 30, 2024 11:40 AM

To: [REDACTED]@klarite.com.au>

Cc: [REDACTED]@nopsema.gov.au>; [REDACTED]

[REDACTED]@nopsema.gov.au>; [REDACTED]@nopsema.gov.au>; [REDACTED]

[REDACTED]@cgg.com>

Subject: RE: CGG Regia MSS EP - Request for Further Written Information

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Hi [REDACTED]

Many thanks for confirming the items for Tuesday's meeting.

I will look at some additional times in the week commencing 9 September and will get back to you with options early next week.

Have a good weekend.

Kind regards,

[REDACTED]

[REDACTED]
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From: [REDACTED]@klarite.com.au>

Sent: Friday, August 30, 2024 10:14 AM

To: [REDACTED]@nopsema.gov.au>

Cc: [REDACTED]@nopsema.gov.au>; [REDACTED]

[REDACTED]@nopsema.gov.au>; [REDACTED]@nopsema.gov.au>; [REDACTED]
[REDACTED]@cgg.com>

Subject: Re: CGG Regia MSS EP - Request for Further Written Information

Hi [REDACTED]

Thanks for the brief chat yesterday. To confirm, we'd like to discuss the following items on Tuesday next week.

- The broad issues identified in the letter.
- The activity timing.
- The intention to publish the NOPSEMA letter.

I suspect that this will fill our time on Tuesday. As such, I'd like to request further meetings to tackle the items in Attachment 1 of the letter. We'd like to request two separate 60 minute meetings (happy for them to be back to back if that works) in the week commencing 9 September. The first would be on consultation and cultural features management and the second on the remaining items in the letter.

Thanks,

[REDACTED]

From: [REDACTED]@nopsema.gov.au>

Sent: Wednesday, August 28, 2024 14:19

To: [REDACTED]@klarite.com.au>

Cc: [REDACTED]@nopsema.gov.au>; [REDACTED]

[REDACTED]@nopsema.gov.au>; [REDACTED]@nopsema.gov.au>; [REDACTED]
[REDACTED]@cgg.com>

Subject: CGG Regia MSS EP - Request for Further Written Information

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Hi [REDACTED]

Please find attached NOPSEMA's Request for Further Written Information letter in relation to the CGG Regia MSS Environment Plan.

We have a meeting time reserved to discuss the letter with you at 11.30am Tuesday, 3 September. Please let us know prior to Monday what specific items you would like to discuss.

Kind regards,

[REDACTED]

[REDACTED]
Regulatory Operations | Geophysical Survey and Installation



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CGG Response to NOPSEMA RFFWI

Item	NOPSEMA Content	CGG Comment
Letter	<p>The assessment has also identified a number of broad, overarching issues that have prevented NOPSEMA from being able to undertake a complete and thorough assessment of the EP. These issues, outlined below and in Attachment 1, are often related and interlinked. In responding to each item, CGG should have regard to how these changes may affect other aspects of the EP.</p>	<p>No comment.</p>
Letter	<p>NOPSEMA acknowledges that the Regia MSS EP has been developed in a manner that functions primarily as a series of interactive, online documents in support of relevant persons consultation and public engagement. However, as an environment plan intended to demonstrate that the Regia MSS can be carried out in a way that meets legislative requirements, and as an operational document that allows CGG to implement the controls and requirements in practice, in its current form it cannot be completely or thoroughly assessed for the reasons described below.</p>	<p>This paragraph appears inconsistent with NOPSEMA's own guidelines.</p> <p>NOPSEMA EP Content Requirement (Section 2.1): "The overarching purpose of an EP is for the titleholder to document their case for why their petroleum or greenhouse gas activity meets the objects of the Environment Regulations." We note this is also inconsistent with NOPSEMA's own letter (see below).</p> <p>NOPSEMA Decision-Making Guidelines (Section 5): "Ultimately the responsibility for the content of the EP and implementation of environmental management requirements of the activity rests with the titleholder. If commitments are made in the EP, then it is the responsibility of the titleholder to ensure that systems, methods and resources are available to meet these commitments." (emphasis added).</p>
Letter	<p><i>Duplication of information and discrepancies</i></p> <p>The EP and appendices include material relating to the description of the activity, description of the environment, environment impact and risk assessment, and environmental performance (Section 7, Appendices A2, D, E and G). Some content is duplicated and there are numerous inconsistencies and contradictions between sections. Because of the duplication of information, and these inconsistencies, there is no 'single source of truth' on which to assess the EP.</p> <p>In addition, statements included in the EP acknowledge potential inconsistencies and contradictions, but states these are 'unintentional', 'remain in the EP either as an artefact to demonstrate the iterative nature of the process' or are included 'through error'. This is not appropriate, as inconsistencies and contradictions</p>	<p>How did NOPSEMA interpret this text in F1, Section 7.1:</p> <p>"It is important to note that Appendix A2 serves as the foundational document for ensuring compliance with Sections 17, 18, and 19 of the Regulations. It is the definitive guide for the Regia MSS and should be referred to as the primary source of information. In the event of any discrepancies or contradictions between Appendix A2 and other parts of the EP or its appendices, it is to be noted that such inconsistencies are unintentional. In such cases, Appendix A2 prevails and should be considered the authoritative source for compliance and operational guidance. This approach guarantees consistency and clarity in aligning our activities with the regulatory requirements."</p>

Item	NOPSEMA Content	CGG Comment
	<p>have implications for implementation and compliance with the EP as a whole. Further, noting that the main activity description in Appendix A2 appears to include some errors and inconsistencies (also refer to Attachment 1, Item 1.1), it is not clear if the information provided, or the impact and risk evaluations are accurate or reliable.</p>	<p>CGG proposes to include wording outlining the order of precedence for the documents included in the EP, likely in Appendix F1.</p>
<p>Letter</p>	<p><i>The information required to be assessed under the Environment Regulations is not provided in an assessable manner</i></p> <p>The EP sections and appendices that contain critical information for the assessments of topics is often separated, difficult to locate and not possible to verify claims.</p> <p>In addition, the purpose of some sections in the EP and appendices, and how NOPSEMA is intended to consider these, is not clear. For example, Part 1 (Section 6) makes generalised statements, without specific examples or evidence, about the acceptance criteria. It is not clear which other parts of the EP are intended to form the evidence for these claims.</p>	<p>How did NOPSEMA consider Section 2.3 of the EP?</p> <p>This section “Structure and Organisation of the EP” addresses this question.</p> <p>Later in the letter NOPSEMA have critiqued the storytelling narrative approach of the EP and yet here the criticism is related to the separated and difficult to locate critical information. It seems these two criticisms cannot both be true.</p> <p>Further, it is inaccurate to say that Part 1 of Appendix F1 lacks specific examples or evidence given the extensive links to other parts of the document where the evidence is provided.</p>
	<p>NOPSEMA is required to form its own, independent opinion on whether the EP demonstrates that each acceptance criteria has been met. While the EP is required to articulate CGG’s case regarding how it has fulfilled its requirements under Division 2 and Division 3 of the regulations (through logical argument and evidence), this section includes CGG’s opinion on how NOPSEMA should form a position which is not appropriate.</p>	<p>This feedback is not related to the content requirements of the regulations.</p> <p>CGG prepares an EP for multiple purposes and audiences, NOPSEMA should only consider the content that proports to meet the content requirements. Other information, for other purposes, can be ignored as NOPSEMA forms its own opinions.</p> <p>As stated in the Executive Summary “The EP has been uniquely structured to address feedback related to the digestion of large and complicated environmental approval documents presented by titleholders. Further, the content is slightly more educational than a typical EP because many of the consultations revealed a need to fully describe the regulatory requirements, share NOPSEMA guidance, and explain environmental management concepts</p>

Item	NOPSEMA Content	CGG Comment
		<p>such as reducing impacts and risks to as low as reasonably practicable (ALARP) and to an acceptable level.”</p> <p>As NOPSEMA gets to form its own opinions, it is free to make assumptions to search for grounds to be reasonable satisfied.</p>
	<p>Part 2 (Section 7) does not address EP content requirements, as Part 2 claims to do; rather, it appears to describe the iterative process undertaken for the EP, combined with some summary information relating to the description of the activity, the environment, and the environmental impact and risk assessment. Information pertaining to, for example, the description of the activity is actually spread throughout the EP over multiple sections, as such it is not clear what the purpose of Section 7 in document F1 is.</p>	<p>Appendix F1 Section 1.2 provides 4 paragraphs detailing the purpose of Section 7 (Part 2). If the purpose isn’t clear, CGG requests advice on how to make it clearer.</p> <p>Can NOPSEMA please explain what it understood “the Environment Plan” to be?</p> <p>CGG believes that the whole submission is the Environment Plan and agrees that Appendix F1 can be more accurately described as CGG’s Assessment Report (rather than the EP). In each case, the text in Part 2 (Section 7) clearly has cross-references to other parts of the EP that were for consideration in that section. If NOPSEMA would prefer that we make these links and cross-references ‘clickable’ such that it is easier to navigate the document, we can attempt to do this.</p>
	<p><i>Current vs future tense</i></p> <p>Some sections of the EP are written in the future tense, which makes it unclear what has been completed in preparation of the EP and what is yet to be undertaken. Therefore, the EP requires the reader to make assumptions and it doesn’t clearly demonstrate how it addresses regulation 34 decision making criteria.</p>	<p>NOPSEMA stated earlier in the letter that it is NOPSEMA’s independent opinion as to whether the EP demonstrates that each acceptance criteria has been met. However, it appears the tense of the content disallows NOPSEMA making assumptions, something that is necessary in forming an opinion.</p> <p>Can NOPSEMA explain how the tense of the content relates to meeting any content requirement of the regulations? In answering, can NOPSEMA provide reasons why a document prepared in the past, committing to future action, would be inappropriate to include in a titleholder’s demonstration that it believes it has fulfilled its duties?</p> <p>Therefore, it would seem NOPSEMA are looking for proof we have done what we said we will do in preparation of the EP. Is there a way we can clearly demonstrate this, or explain how we have demonstrated it?</p>

Item	NOPSEMA Content	CGG Comment
	<p><i>It is not clear how the EP can be implemented</i></p> <p>The current form of the EP is often iterative and storytelling in nature, which (when considered in conjunction with the other issues identified in this letter and in Attachment 1) results in uncertainty about its effectiveness as an operational document for implementation and compliance monitoring.</p>	<p>As pointed out above, NOPSEMA's letter asks for CGG to both prepare an operational document and make its case for having met the content requirements of the regulations and the criteria for acceptance.</p> <p>CGG's opinion is that the EP is a case, one best delivered through telling the story of the iterative process planned (future tense) and carried out (past tense) and to be followed in the future (present tense).</p>
	<p>It is also overly complex and will be difficult to transform into a plan that can be effectively implemented on the seismic and support vessels with a high risk of commitments, requirements and context being 'lost in translation'. NOPSEMA would prefer to assess the document that will be implemented in practice.</p>	<p>CGG acknowledges NOPSEMA's preference, however, as the titleholder for the activity, it is for CGG to determine how it plans to discharge its operational duties under the EP, should it be accepted. CGG has been clear that the operational documents it will use to fulfil this role; Appendix A2, B3, and G1-5 as included in the submission, plus other referenced documents not included in the EP submission.</p>
	<p>Given NOPSEMA has not been able to undertake a complete and thorough assessment of the EP, any issues not raised in relation to this EP submission may be raised following future submissions once the EP can be assessed thoroughly.</p>	<p>No comment.</p>

Attachment 1 – Matters requiring further written information

Item	Description	CGG Query (if any)
	<p>Acceptance Criteria 34(a) – the EP is not appropriate for the nature and scale of the activity because:</p>	
	<p><i>There is not a suitable description of the activity</i></p> <p>Requirements: The EP must contain a suitable description of the activity and how it may affect the environment including the scope and bounds of the activity and a thorough description of the activity components with greatest potential to generate impacts and risks to the environment (GL1721: Section 6.3).</p> <p>Issue: The EP does not contain a suitable description of the activity because the information provided is not detailed enough and/or is inconsistent. For example (but not limited to):</p>	<p>No comment.</p>
	<ul style="list-style-type: none"> The EP does not specify whether CGG plans to acquire the survey in a single phase or in multiple phases/over multiple years. 	<p>Appendix A2 (Table A2-5): Can NOPSEMA confirm its understanding of CGG’s commitment to “90 continuous days” as it relates to this question?</p>
	<ul style="list-style-type: none"> The EP intermittently references a “survey area” and it is unclear if this is the Operational Area, the Active Source Area or other. 	<p>CGG will review the use of “survey area” and clarify where required.</p>

Item	Description	CGG Query (if any)
1.1	<ul style="list-style-type: none"> The Operating Envelope is described in Appendix A2, Section 3.2.2 as including up to 1,700 km of sail lines, however, it is unclear if 'sail lines' comprises only data acquisition lines, or also the associated run-ins, run-outs and turns. 	<p>A2 Section 3.4: The areas have been clearly defined and there is certainty that a sail line can only occur in the active source area.</p> <p>Operational Area: an area within the Activity Planning Area in which survey vessel activities other than actively operating the seismic source will be conducted, such as line turns, equipment maintenance and deployment/recovery, crew change and resupply.</p> <p>Active Source Area: an area within the Operational Area in which the sound source is active. This area is used to complete data acquisition along sail lines. Line runouts and run-ins occur within this area. There may also be occasional source testing at, or below, full capacity.</p>
	<p>The EP is unclear about where the seismic source will be operated. Specifically, Section 3.4 of Appendix A2 describes an "Active Source Area" in which the sound source is active. However, Appendix A2 also includes reference to a number of scenarios where the seismic source will be active outside of this area (for example during line turns, in transit between sail lines and for maintenance and testing). Appendix A2, Section 3.2.1 also indicates that operational movements to deploy and test equipment may occur within <i>or adjacent</i> to the Operational Area.</p>	<p>How did NOPSEMA consider activity limitation 18 in this context? "No discharge of the sound source outside of the active source area except for when during line turns or if transiting between sail lines anywhere in the operational area when the sound source will be at low power." This limitation clearly restricts the discharge outside the ASA and inside the OA to low power.</p>
	<p>The EP includes reference to how activities will be undertaken within the 'Activity Planning Area' (e.g. Appendix A2, Section 3.5.1), but the EP does not clearly describe or define activities in relation to the Operational Area, Active Source Area and Acquisition Area.</p> <p>Appendix A2 describes a potential for the use of up to four vessels. This is inconsistent with the assessment of potential atmospheric emissions from the activity, which estimates emissions for up to three vessels (PDF page 191).</p>	<p>See above, these areas are clearly defined.</p>

Item	Description	CGG Query (if any)
1.2	<p><i>There is not a thorough description of the environment – Matters Protected under Part 3 of the EPBC Act</i></p> <p>Requirements: The EP must describe the existing environment that may be affected by the activity (regulation 21(2)). The description of the environment must include details of the particular relevant values and sensitivities of the environment where the activity is proposed, including (but not limited to) matters protected under Part 3 of the EPBC Act that will or may be affected by the activity (GN1344: Section 3.2).</p> <p>Issue: Results from the PMST searches undertaken for the activity appear to be missing key information, for example reproduction and migration Biologically Important Areas for the southern right whale. This creates uncertainty as to whether all matters protected under Part 3 of the EPBC Act that may be affected by the activity have been identified.</p> <p>Request: Please revise the EP to demonstrate PMST searches undertaken for this activity are up to date and appropriately capture all relevant matters protected under Part 3 of the EPBC Act including listed species and Biologically Important Areas that may be affected by the activity.</p>	<p>The raw PMST reports have been provided with the latest completed in late April, six weeks before submission of the EP. Whilst details about SRW may have changed, PMST searches do not yield results that would specify if there were a designated BIA for a listed species. The PMST result stated “Southern Right Whale Breeding known to occur within the area”.</p> <p>Information regarding Southern Right Whale BIAs is found through the Australian Marine Spatial Information System web map accessed through the following website:</p> <p>https://www.dccew.gov.au/environment/marine/marine-bioregional-plans/marine-planning-spatial-information.</p> <p>Nevertheless, if NOPSEMA can educate us how it is possible to yield these results through PMST searches that will define Southern Right Whale BIAS's, we would be happy to revise the PMST searches.</p>

Item	Description	CGG Query (if any)
	<p><i>There is not a thorough description of the environment – First Nations cultural heritage features and values</i></p> <p>Requirements: The EP must contain a thorough description of the environment to ensure that all environmental impacts and risks of the activity can be adequately detailed, evaluated and managed to acceptable levels. The definition of the ‘environment’ includes the cultural features of the environment mentioned in paragraphs (a), (b), (c) and (d) of regulation 5. This is required to inform the impact and risk evaluation as required by regulation 34(5).</p> <p>Issue: The EP does not appear to provide a commensurate level of detail to sufficiently describe the First Nations cultural heritage features values of the environment that may be affected by the activity and subsequently, the potential impacts and risks to these features and values have not been appropriately evaluated. Specifically, publicly available information and information obtained through consultation with relevant persons has not been utilised to inform the description of the cultural features and values of the environment that may be affected. Some examples include (but are not limited to):</p>	<p>CGG agrees that the assessment of cultural features and values can be improved.</p> <p>It would be helpful if NOPSEMA could define what a “commensurate level of detail” would be for cultural heritage features given there is no benthic disturbance from the activity, there is no overlap with native title areas, nor IPAs, and the nature and scale of impacts from the activity.</p>
	<ul style="list-style-type: none"> A cultural heritage desktop review completed by Biosis for another activity in the Otway region is included (Appendix B10). However, it is unclear what values and features described in this report may be affected by this activity (i.e., what is located within the EPA and OA?). 	<p>CGG agrees that the EP is unclear on this matter.</p>
	<ul style="list-style-type: none"> The EP does not appear to have appropriately described Native Title determinations in relation to the Environmental Planning Area for the activity. For example, PDF page 1305 states that the OA is adjacent to Eastern Maar and Gunditjmara Native Title determinations but does not specify if there are other determination areas adjacent to the EPA. The EP also references a map of Native Title determinations that is not included (i.e., Appendix B12 MAP-REG-EPM-076). 	<p>Can NOPSEMA explain why it is requiring CGG to describe features that are adjacent to the area? The regulations require us to describe what may be affected, not what is adjacent to things that are affected.</p> <p>CGG notes that it may choose to describe features as being adjacent to the activity to assist in readers gaining context, but it is unclear why NOPSEMA need this information to form a view on whether the content requirements have been met.</p> <p>The missing map will be provided in the resubmission.</p>

Item	Description	CGG Query (if any)
1.3	<ul style="list-style-type: none"> Information about cultural features and values included in sensitive information document C3 has not been included in the description of the environment in the EP, although it appears to be from a publicly available source. 	CGG agrees that the information contained in C3 need not have been included in the sensitive information report. However, given the information is “in the EP” it is unclear why the location of the content is of importance to NOPSEMA in determining whether the EP contained the necessary content.
	<ul style="list-style-type: none"> A public comment received on the EP identifies that pygmy blue whales (Wuuloc) (FN01) have cultural importance; however, the importance and significance of this species to First Nations peoples has not been described in the EP. 	CGG agrees this has been missed.
	<ul style="list-style-type: none"> Not all information provided by relevant persons, including information that is relevant to First Nations cultural features and values (for example, information provided by the Bunurong Land Council Aboriginal Corporation relating to the cultural significance of the Mornington Peninsula and Point Nepean), has not been appropriately incorporated into the description of the environment that may be affected by the activity (see also item 6.6 below). <p>Request: Please revise the EP to provide a thorough description of the First Nations cultural heritage features and values of the environment that may be affected by the activity by drawing upon information obtained through relevant persons consultation and relevant publicly available information.</p>	<p>CGG agrees that this area of the EP can be improved.</p> <p>Can NOPSEMA advise on high quality examples they’ve seen where ‘cultural features’ assessments have been undertaken.</p>

Item	Description	CGG Query (if any)
	<p><i>The environmental assessment methodology is not appropriate for the nature and scale of the activity</i></p> <p>Requirements: The overall approach to developing the EP, including the level of rigour and effort applied to EP content and predictions of environmental impacts and risks, must be appropriate to the nature and scale of the activity (GL1721: Section 6).</p> <p>Issue: The method applied to the evaluation of impacts and risks is unclear and may not be appropriate. This is because:</p>	<p>CGG disagrees with all the matters raised in 1.4 for the following reasons:</p> <p>There is no headline content requirement for CGG to include its assessment methodology in the EP.</p> <p>NOPSEMA guidance advises that titleholder use processes that are consistent with ISO 31000 and 14001. CGG has included this content to show its processes are consistent with these standards – but crucially are not the same as these standards.</p> <p>Section 6 of GL1721 does not refer to processes, methodology, or any of the points raised in this part of the letter. It refers only to “rigour and effort” and CGG believes it has shown that rigour and effort have clearly been demonstrated by CGG following its own processes/methodology and preparing an extensive EP. Further evidence of misapplying these guidelines is shown in Letter Item 1.7 where it is appropriately applied.</p> <p>If NOPSEMA disagrees with the content of the impact and risk assessments CGG welcomes their feedback and will seek to improve. However, with no regulatory mandate, CGG is of the view that it has the flexibility to apply its own methodology.</p>
	<ul style="list-style-type: none"> Effect and consequence level definitions (Table B9-2 and B9-5) contain ambiguous terminology that is not defined (e.g., “some effect”, “noticeable effect”, “minor injuries”, “extremely severe”, “widespread”). 	<p>These terms are being used to define the terms used in the impact/risk assessment. The endless pursuit of definitions would seem circular and meaningless in practice.</p> <p>Further, the ISO standards that NOPSEMA advises titleholders to be consistent with are focused on ‘risks’, and not ‘impacts.’ As such NOPSEMA should expect that titleholders provide clarity about its own application of the standards to impacts of the activity.</p>

Item	Description	CGG Query (if any)
	<ul style="list-style-type: none"> The EP does not demonstrate how adopted control measures reduce the consequence/severity and/or likelihood of impacts and risks. 	<p>CGG disagrees with this finding.</p> <p>The regulations do not explicitly state a requirement "to demonstrate how adopted control measures reduce the consequence/severity and/or likelihood of impacts and risks." CGG acknowledges this expectation in GL1721 and queries how it relates to the requirements to:</p> <ol style="list-style-type: none"> 1. Identify the environmental impacts and risks associated with the proposed activity. 2. Detail the control measures that will be implemented to manage these risks. 3. Provide a rationale or evidence showing how these control measures will be implemented effectively. <p>If NOPSEMA has findings on these matters CGG will look to improve its documentation and practices.</p>
	<ul style="list-style-type: none"> Environmental impact evaluation matrix in Table B9-4 combine 'Effect' and 'Scientific Uncertainty' to derive a level of impact. While scientific uncertainty is an important consideration, particularly in relation to the ESD precautionary principle, it does not provide a level of impact. The levels of uncertainty described in Table B9-3 also suggest that the precautionary principle only needs to be applied if the level of uncertainty is 'high' or 'unknown', which is not consistent with how the precautionary principle is applied under the EPBC Act. 	<p>CGG disagrees with NOPSEMA's finding. Can NOPSEMA explain how the precautionary principle (as per s391(2) EPBC Act) would be applied to all levels of impact?</p>
	<ul style="list-style-type: none"> The impact level definitions in Table B9-4 combine acceptability and consequence. Acceptability is typically dealt with separately given the level of impact informs the test as to whether the predicted level of impact is consistent with the defined acceptable level and other acceptability criteria. 	<p>CGG disagrees with this finding for the previously mentioned matters, and:</p> <p>The Table being referenced has no mention of 'consequence'. The word 'acceptable' in this context is used in isolation and is in no way related to the term 'an acceptable level'.</p> <p>Further, it is quite normal for NOPSEMA to accept other EP's that use similar wording such as 'acceptable' and 'tolerable' and it is not clear why NOPSEMA has imported the concept of "acceptable levels" given the demonstration provided separately in the EP (Appendix F3).</p>

Item	Description	CGG Query (if any)
1.4	<p>Request: Please revise the EP to:</p> <ol style="list-style-type: none"> 1. Provide clear and measurable definitions of terms used to describe effect and consequence levels. 2. Provide a clear demonstration of how the impact and risk assessment has informed the selection of suitable control measures. 3. Provide a clear demonstration of how adoption of selected control measures has reduced the consequence/severity and/or likelihood of impacts and risks and why this is considered to be ALARP. 4. Demonstrate the EP is not inconsistent with the principles of Ecologically Sustainable Development, including the precautionary principle and treatment of scientific uncertainty. 	See comments above.
	<p><i>It is not evident whether the level of analysis and evaluation of underwater sound is commensurate with the nature and scale of the activity and the severity of individual impacts and risks</i></p> <p>Requirements: The level of analysis and evaluation presented in the EP must be commensurate with the nature and scale of the activity and the severity of individual impacts and risks (GL1721: Section 6.3).</p> <p>Issue: It is not evident from the sound modelling reports (Appendix B7) whether the modelling and analysis of underwater sound that has been undertaken is commensurate with the nature and scale of the activity and the severity of individual impacts and risks, because:</p> <ul style="list-style-type: none"> • Two acoustic modelling reports have been provided. The cover sheet provided does not clearly explain what the differences between the two modelling reports are. The cover sheet and impact assessments in Appendix E are also not clear whether there is content in both modelling reports that is relevant to the assessment of impacts, or if one report now supersedes the other. 	<p>CGG partially agrees with this finding.</p> <p>Can NOPSEMA clarify how the following statement was unclear in explaining the difference in the modelling reports?</p> <p>Appendix E2,3,4,5,6,7,8,9, Section 3.5: “Two modelling reports were procured, one in the preparation phase of the EP (Koessler et al. 2023) and which is available in Appendix B7a and a second iteration during the public consultation phase (Stephen et al. 2024) available in Appendix B7b. The second iteration of modelling undertaken specifically addressed an amended spatial survey layout, namely constraining sound source operation to water depths of no shallower than 50 m.”</p>

Item	Description	CGG Query (if any)
1.5	<ul style="list-style-type: none"> The scenarios presented in the modelling report do not include the current Active Source Area or Operational Area boundaries and so it is difficult to relate these to the proposed activity or for NOPSEMA to assess whether the scenarios are appropriate. 	<p>Can NOPSEMA explain why either of these areas are relevant to point source locations or mock lines in the modelling?</p> <p>Further, the ASA is depicted in the modelling report and the EP. Appendix B7b, Figures 38 through 43.</p> <p>Is this a mapping request?</p>
	<ul style="list-style-type: none"> Given that the Acquisition Area has not yet been defined, the EP has not clearly explained how the selected scenarios will be representative of the final sail line plan or whether there is potential for impacts and risks to increase. 	<p>CGG agrees that we can improve this argument and explain the approach taken.</p>

Item	Description	CGG Query (if any)
1.6	<p>The level of analysis and evaluation is not commensurate to the nature and scale of the activity – Spawning and recruitment of protected and commercial fish and invertebrates</p> <p>Requirements: The EP must include an evaluation of all impacts and risks, appropriate to the nature and scale of each impact or risk [regulation 21(5)(6)].</p> <p>Issue: The assessment of impacts and risks from noise does not provide an appropriate level of detail to support the conclusions made about impacts to spawning and recruitment of specific protected and commercial species. General conclusions are made regarding the effects of seismic on fish, invertebrates and plankton, including eggs and larvae. However, the impact assessments do not demonstrate sufficient detail with regards to specific species or stocks. For example, it is not evident if the assessments adequately describe or consider the spatial extent of key biological stocks that may be affected, spawning behaviours (e.g. broadcast versus aggregation), known spawning periods, information available on advection and recruitment, or provide an indication of the proportion of spawning biomass that may be impacted.</p> <p>In addition, noting the potential for stage- and species-specific impacts, the impact assessments and the sound effects criteria applied do not account for all impacts. For example, the effects to lobster puerulus and the associated ranges documented in Day et al. (2021, 2022; as reviewed in Appendix B8 of the EP) and implications on their development and survival, do not appear to have been considered.</p> <p>In addition, information provided by relevant persons in relation to the spawning and recruitment, or any further detailed assessment undertaken by CGG and provided to relevant persons should be incorporated into the impact assessment, where relevant.</p> <p>Request: Please revise the EP to include further detail of the evaluation of the potential impacts to the spawning biomass and planktonic life stages of protected and commercial fish and invertebrates.</p>	<p>CGG disagrees with this finding.</p> <p>The nature and scale of the impact assessment for sound has been as extensive as any EP previously accepted by NOPSEMA.</p> <p>All available scientific peer-reviewed literature and literature from other reliable sources was utilised to analyse and evaluate the potential effects of seismic on commercial fish and invertebrates. Relevant details addressing the points raised under <u>Issue</u> can be found in the following sections of the EP document as submitted.</p> <p>Appendix B8 – Regia MSS Seismic Studies – this document provides an assessment of all the literature relevant to understanding the effects of seismic on a variety of marine organisms. It serves as a knowledge base from which assessments on specific receptors are made.</p> <p>Appendix E3, Underwater Sound – Fish, Section 6 – Predicted Levels of Impact - This section details spawning and recruitment parameters of relevance and the potential influence of seismic for the suite of commercial fish species, including eels, found in the region of interest – relevant literature is cited throughout.</p> <p>Appendix E4, Underwater Sound – Invertebrates, Section 6 – Predicted Levels of Impact – This section provides an assessment of the science around the key invertebrate species which includes recruitment and spawning.</p> <p>Appendix F3, Acceptability Assessment – Section 2 – Aspect Specific Relevant Person Objections and Claims - see Table F3.2 – Assessment of claims of commercial rock lobster fishers.</p> <p>CGG acknowledges there has been a final report, which updates Day et al (2021) to Day et al (2023). However, there is no change in outcomes from the earlier report. CGG acknowledges the recent research paper by de Lestang et al (2024) published after submission of the EP.</p> <p>In addition to Rock Lobsters all species that were identified through the relevant persons consultation process as being of particular concern were then subject to an acceptability assessment (Appendix F3) with specific feedback given to the claimants to inform them that their input was being acted on appropriately.</p>

Item	Description	CGG Query (if any)
		Appendix F3, Section 4, sub-sections 4.2.4 Southern Rock Lobster, 4.2.5 Giant Crab, 4.2.6 Glass Eels, 4.2.7 Goulds Squid, 4.2.8 Pale Octopus, 4.2.9 Blacklip Abalone, 4.2.10 Pink Snapper, 4.2.11 King George Whiting, 4.2.13 Spawning Patterns. These sections all contain detailed analyses of the potential effects of seismic on all aspects of their life history, including spawning and recruitment.

Item	Description	CGG Query (if any)
1.7	<p><i>The impact and risk assessment is not commensurate to the magnitude of impacts and risks from the activity - unplanned release of fuel</i></p> <p>Requirements: The EP must adequately define the environment that may be exposed to hydrocarbons in the event of a significant incident and the geographic extent of response and monitoring activities (GN1433: Section 3.2.1) and the level of detail and rigor applied to the impact and risk assessment must be commensurate to the magnitude of impacts and risks arising from the activity (GL1721: Section 6.3).</p> <p>Issue 1: It is unclear if the Environmental Planning Area (EPA) selected is appropriate to inform the extent of potential low thresholds (10 ppb) for entrained hydrocarbons from an unplanned spill, to inform the area for scientific monitoring. This is because modelling undertaken for other activities considered in Table B11-t5-1 reflects entrained hydrocarbons being present up to 742 km from release location. It is noted that the spill volume in this scenario is larger than what is proposed for this activity; however, the EP does not appear to have evaluated it in detail for low-threshold entrained hydrocarbons. Additionally, the EP inconsistently describes the EPA as being both 150 km and 155 km.</p> <p>Issue 2: The risk assessment for an unplanned release of fuel repeatedly refers to a marine diesel oil (MDO) spill of 250m³ although Appendix A2 describes the largest potential fuel tank for this activity as having a greater capacity (257.4m³). As a result of this, the risk assessment does not appear to be commensurate to the magnitude of impacts and risks from the activity.</p> <p>Request: Please revise the EP to:</p> <ol style="list-style-type: none"> 1. Provide further information to demonstrate that the Environmental Planning Area is appropriate for defining the EMBA for this activity, with clear consideration given to the extent low threshold entrained hydrocarbons may be detectable. 2. Ensure risk assessments for an unplanned release of fuel are commensurate to the defined maximum capacity of the largest fuel tank in vessels that will be used to undertake the activity. 	<p>CGG agrees that there are elements of this risk assessment that can be improved and that the points raised in the letter are clear.</p>

Item	Description	CGG Query (if any)
	<p>Acceptance Criteria 34(b) – The EP does not demonstrate that the environmental impacts and risks of the activity will be reduced to as low as reasonably practicable (ALARP) because:</p>	
	<p><i>There is not a thorough consideration and evaluation of all reasonable control measures</i></p> <p>Requirements: The EP must include details of the control measures that will be used to reduce the impacts and risks of the activity to as low as reasonably practicable (ALARP) and an acceptable level [regulation 22(5)]. The EP must demonstrate, through reasoned and supported arguments, that there are no other practicable measures that could reasonably be taken to reduce impacts and risks any further (GL1721: Section 7).</p> <p>Issue: The EP does not evaluate all control measures that could reasonably be considered for all aspects of the activity. Examples include, but are not limited to:</p>	<p>CGG agrees with some of these findings, however notes the following:</p> <p>A control measure is a defined term in the regulations.</p> <p>Of the 9 measures listed, only 2 meet the definition. The remaining 7 are considered by CGG to be activity limitations.</p> <p>The CGG ALARP process (Appendix F2) includes Section 6 that evaluates the activity limitations. The NOPSEMA suggestions are welcomed and will be taken on board but note we believe that they are not control measures and will treat them in accordance with our processes.</p>
	<p>Restriction of deployment and retrieval of seismic gear (e.g., seismic source and streamers) to within the Operational Area and outside of Australian Marine Parks or other sensitive areas.</p>	<p>This is not a control measure. CGG will consider this in its ALARP process.</p>
	<p>Shut down of the seismic source when outside of the Active Source Area.</p>	<p>This is not a control measure, further, doing this would be inconsistent with advice received from the DNP. Activity limitation 14 requires no discharge of the sound source outside of the active source area except for when during line turns or if transiting between sail lines anywhere in the operational area when the sound source will be at low power.</p>
	<p>Sound source verification or in-field sound verification.</p>	<p>This is already adopted as part of the Fauna Management System and the use of Quietsea technology.</p>
	<p>Validation of underwater sound model predictions, particularly accumulated sound exposure scenarios where there is currently uncertainty about the final sail line plan.</p>	<p>This is not a control measure.</p>
	<p>Adoption of shutdown procedures for turtles, dolphins and other marine fauna.</p>	<p>This is a control measure. This will be considered as part of the Fauna Management System.</p>

Item	Description	CGG Query (if any)
2.1	Potential integration of shore-based or coastal observation programmes, or other operator observations into the broader suite of fauna detection methods detailed in the Fauna Management Plan (FMP, Appendix G2).	This could be considered a 'person' and will be considered as part of the Fauna Management System.
	Weather and visibility restrictions for bunkering operations.	This will be considered as an activity limitation as per the CGG process.
	Appendix A2 outlines restrictions on the maximum number of days of seismic acquisition (60) and operations (90) across the duration of the EP; however, these restrictions have not been evaluated or included as a control measure.	This will be considered as an activity limitation as per the CGG process.
	The Fauna Management Plan (Appendix G2) includes a number of detection and mitigation control measures that have not been individually included in the ALARP evaluation.	<p>A control measure can be a system, and it would be normal for a system to include other control measures (i.e. a bilge water management system has items of equipment (values, a separator, a heat pump), persons (watch keepers) and procedures (oil record book, operating procedures etc).</p> <p>Can NOPSEMA advise why CGG's approach to defining some control measures as a system is inappropriate? Given the complexity of fauna management CGG argues it would seem a system-based solution would be more appropriate.</p> <p>CGG would appreciate advice about how NOPSEMA will consider other control measures that have not be described in the EP specifically, for example, dry break couplings for bunkering and the performance standard of minimum release discharges and closure timeframes for those items of equipment (which are typically captured in the bunkering procedures which are part of CGG's marine assurance system.</p>

Item	Description	CGG Query (if any)
	<p>The level of detail provided to describe the control measures and EPS is not sufficient</p> <p>Requirements: The EP must provide enough detail for control measures to demonstrate that they will be effective in reducing impacts and/or risks for the duration of the EP (GL1721: Section 7.2).</p> <p>Issue: The EP does not provide sufficient detail for control measures and environmental performance standards (EPS). This is because, in general, the scope of control measures is overly broad and does not describe or commit to specific actions that will be taken during the activity to implement them. For example (but not limited to):</p>	<p>CGG partially agrees with these findings.</p> <p>See previous comments regarding the systems-based approach to control measures. CGG recognises this is a different approach to most titleholders however it is aimed at elevating the consideration of compliance out of the detail. System-based performance standards are certainly more complex to design but should be simpler to enforce compliance with. Given CGG will have a series of contracted entities to execute this project it is our preference to attempt to find a simpler method for securing compliance.</p> <p>CGG also notes that NOPSEMA's issue here is that EPS's need to "commit to specific actions". This expectation is not in the regulations, nor NOPSEMA's own guidance. It is unclear how a specific action could be framed as a "statement of performance required of a control measure".</p>
	<p>Appendix A2 lists 22 key "activity limitation controls" and M#04 (Sail Line Plan) states that it will include all of these. However, these are not currently described under the control measure or EPS in the section of the EP that will be used for implementation and to monitor environmental compliance, which creates uncertainty as to whether they will be implemented and monitored effectively.</p>	<p>It would be duplicative to repeat the activity limitations in the EPS's and the statements do not present a level of performance of a control measure. CGG will review the EPS's for the sail line plan.</p>
	<p>The Fauna Management Plan (Appendix G2) does not provide sufficient information to demonstrate why control measures, individually and collectively, will be effective. This includes information on the objectives, timing or minimum number/frequency of aerial surveys, how the SRW and BW expert panel will function (e.g. the timeframe for establishing the panel, the frequency at which the panel will be convened and the decision-making process of the panel), and clarification of ambiguous statements such as actions 'could consist of'.</p>	<p>We note GL1721 asks "Whether enough detail of the control measure is provided to demonstrate that the control measure will be effective in reducing impacts and/or risks for the duration of the EP. The control measure should be evaluated for its functionality, availability, reliability, survivability, independence and compatibility with other control measures."</p> <p>We acknowledge that there is more work to be done on the Fauna Management System and Plan. However, could NOPSEMA please provide advice on the adequacy of Annex 1 in Appendix G1 to perform this task?</p>

Item	Description	CGG Query (if any)
2.2	<p>An EPS associated with M#06 (Sea Country Protection Program) provides that “the SCPP shall implement effective measures to preserve cultural heritage sites, artefacts and values within the project area, minimising impacts from petroleum activities” but provides no further detail as to what “effective measures” have been adopted and will be implemented during the activity.</p>	<p>This is discussed below in Item 6.8.</p>
	<p>An EPS associated with M#02 (Consultation Management System) provides that “best endeavours will be made to develop a SIMOPs plan with divers and titleholders when operating within 40 km of known dive sites” but no further detail is provided as to how or when CGG will endeavour to develop these plans.</p>	<p>Can we discuss the expectation for the “how and when” request and if this is better provided in the details of the control measures or in the EPS?</p>
	<p>Without sufficient detail of what controls will entail and how they will be implemented (particularly in Appendix G, which is stated to form the basis of compliance monitoring for the activity), it is not clear if selected controls will be effective in reducing impacts and risks to ALARP and acceptable levels for the duration of the EP.</p> <p>Request: Please revise the EP to provide sufficient detail for control measures and EPS to demonstrate how they will be implemented reliably and effectively and can be easily monitored for compliance. In addressing this point, please ensure details are clear and consistent throughout the whole EP.</p>	
<p>Acceptance Criteria 34(c) – the EP does not demonstrate that the environmental impacts and risks of the activity will be of an acceptable level because:</p>		

Item	Description	CGG Query (if any)
3.1	<p>The EP does not demonstrate that it is not inconsistent with a recovery plan or threat abatement plan for a listed threatened species or ecological community</p> <p>Requirements: The EP must demonstrate that the proposed activity is not inconsistent with a recovery plan or threat abatement plan for a listed threatened species or ecological community (GL1721: Section 8.3).</p> <p>Issue: The EP does not demonstrate that it is not inconsistent with the new EPBC Act National Recovery Plan for the Southern Right Whale (<i>Eubalaena australis</i>), as it came into effect on 31 July 2024. The recovery plan sets out information including the long-term recovery vision, interim recovery objectives and targets, and recovery actions necessary to minimise anthropogenic threats and facilitate recovery of the southern right whale (SRW).</p> <p>The recovery plan sets out information including the long-term recovery vision, interim recovery objectives and targets, and recovery actions necessary to minimise anthropogenic threats and facilitate recovery of the southern right whale (SRW). The new recovery plan differs from the previous Conservation Management Plan for the Southern Right Whale (2011-2021) and the draft National Recovery Plan for the Southern Right Whale that was subject to a public comment process. Accordingly, EPs developed considering these previous documents would not address or meet requirements of the new recovery plan.</p> <p>Request: Through review of the new National Recovery Plan for the Southern Right Whale (<i>Eubalaena australis</i>) in full, please revise the EP with content to demonstrate that it is not inconsistent with the recovery plan. In doing so, the modified EP should include content that demonstrates, through implementing all relevant and specific recovery actions detailed in the recovery plan and informed by the evaluation of evidence and facts applicable to the activity, that the activity will not be inconsistent with the stated recovery vision and interim recovery objectives for the SRW.</p> <p>In relation to underwater sound emissions, specifically, CGG should have regard for the recovery plan's summary of threats, threat prioritisation for the eastern SRW population, biological information, seasonal distribution, biologically</p>	<p>CGG will undertake a review of the final Recovery Plan for the Southern Right Whale and will amend the EP to ensure the final Recovery Plan for the Southern Right Whale is adhered to.</p>

Item	Description	CGG Query (if any)
	<p>important areas (BIAs) and habitat critical to survival (HCTS) of the SRW, and Action Area A5.</p> <p>Further information is required to demonstrate how the activity will not prevent any southern right whale from utilising BIAs and HCTS, and that the risk of behavioural disturbance is minimised. Please also give further consideration to the recovery plan's advice to adopt avoidance as the first approach to reduce the impacts and risks in BIAs and HCTS at times when SRWs are present, particularly to HCTS during the critically important calving season (May to October).</p>	
	<p>Acceptance Criteria 34(d) – the EP does not provide for appropriate performance outcomes, standards and/or measurement criteria because:</p>	
	<p><i>Environmental performance outcomes are not clearly linked to acceptable levels and do not reflect levels of environmental performance that are achievable</i></p> <p>Requirements: The EP must contain clear, unambiguous EPOs that are linked to acceptable levels (GL1721: Section 9.3). In addition, EPOs need to set a measurable level against which the environmental performance of the titleholder can be assessed (GN1344: Section 3.7). The definition of an EPO is a measurable level of performance required for the management of environmental aspects of an activity to ensure that environmental impacts and risks will be of an acceptable level (Regulation 5).</p> <p>Issue: The EP contains EPOs that do not establish appropriate, clear and measurable levels of performance required for the management of the activity, to ensure that environmental impacts and risks will be acceptable. Some examples include (but are not limited to):</p>	<p>CGG will review all its EPO's based on the feedback in this letter.</p> <p>CGG notes that the criteria for acceptance on environmental performance is a collective test of all EPO's/EPs's and measurement criteria rather than a singular one on the appropriateness of each individual EPO/EPs or measurement criteria.</p>

Item	Description	CGG Query (if any)
4.1	<ul style="list-style-type: none"> EPO 1 “to ensure effective communication and engagement with relevant persons and local communities throughout the activity’s lifecycle, fostering transparency, understanding and responsiveness to their needs and concerns” does not reflect a level of environmental performance and does not relate to an environmental aspect. 	<p>This EPO is appropriate because it is suited to the specific impacts and risks of the activity and aligns with requirements of ongoing consultation. NOPSEMA’s advice in this letter is that “people and communities” are part of the environment and it is clear from the consultation records that the activity has an effect on this receptor. It is inconsistent and incorrect for NOPSEMA to say that this EPO “does not relate to an environmental aspect”.</p> <p>The EPO is clear because there is no ambiguity about who needs to be involved in the communications process, the “fostering transparency, understanding, and responsiveness” clarifies what the communications process should achieve.</p> <p>The measurability of the EPO should be read in context of its measurement criteria, which clearly provide context for the measurement of the delivery of this EPO.</p>
	<ul style="list-style-type: none"> EPO 8 “to establish and maintain a framework for Sea Country protection that manages the interaction of the activity with First Nations cultural values and sensitivities” does not establish a measurable level of environmental performance for impacts and risks from the activity on the values and sensitivities. 	<p>CGG agrees that this EPO could be narrowed. However, the lack of engagement from TO groups was a consideration for CGG in wanting to respect self-determination rights.</p> <p>Can NOPSEMA advise how to proceed with narrowing EPO’s when there is uncertainty about the appropriateness of a narrowed EPO?</p>
	<ul style="list-style-type: none"> EPO 10 “to establish and maintain an effective Oil Pollution Emergency Plan (OPEP) that ensures swift and efficient response to oil spill incidents, minimizing environmental harm, protecting sensitive ecosystems, and safeguarding human health and safety” does not reflect an acceptable level of environmental performance as it relates to implementation of the OPEP after a spill event has occurred rather than management of the activity to prevent unplanned spill events from occurring. <p>Request: Please update the EP to provide appropriate EPOs that are clear, measurable, and consistent with the definition in Regulation 5.</p>	<p>CGG understands that EPO 10 does not contain information about the prevention of oil spills.</p> <p>However, CGG did include EPO 6 “To guarantee that all contracted vessels strictly adhere to international and national maritime regulations, including MARPOL, COLREGS, and specific Marine Orders.”</p> <p>This EPO relates to the Prevention of Pollution of the Sea package of legislation. Could NOPSEMA please explain why EPO 6 is insufficient to meet this request?</p>

Item	Description	CGG Query (if any)
	<p><i>The environmental performance standards and measurement criteria are ambiguous, are not linked and complementary and/or cannot be easily monitored for compliance</i></p> <p>Requirements: The EP must include EPS that are directly linked to control measures, contain clear and unambiguous statements of performance, can be easily monitored for compliance and have clear measurement criteria that demonstrate that the desired environmental performance is being met (GL1721: Section 9.3).</p> <p>Issue: The EP provides measurement criteria in a separate table to the EPS, which makes it unclear in many cases which specific measurement criteria correspond to each EPS. In addition to this, EPS and measurement criteria are often too broad and/or ambiguous to be effectively monitored for compliance. For example (but not limited to):</p>	<p>CGG acknowledges that the EPS's and measurement criteria can be improved and partially agrees with these findings, see below.</p>
	<ul style="list-style-type: none"> • EPS "The sail plan will comprehensively define the activity limitations (Appendix A2) and operational area, acquisition area, depth contours, and distances related to environmental management control measures" does not reflect a clear statement of environmental performance (i.e., a clear statement of which activity limitations will be complied with and how), nor does it commit CGG to implementing the sail plan. Additionally, there is a single, overly broad measurement criterion for this control measure which does not appropriately capture all reports/logs that would be required as evidence to demonstrate compliance with the 22 different key activity limitations described in Appendix A2. 	<p>The sail line plan EPS can indeed be improved, particularly if the new 'how' and 'when' expectations stated in this letter are to be applied.</p> <p>However, NOPSEMA's suggestion that CGG would propose control measures and not implement them is without foundation. Further, the simple response to this would be to commit to 'implement the sail line plan' which would presumably fall foul of NOPSEMA's own advice in this letter.</p> <p>CGG agrees that the measurement criteria for the sail line plan can be improved. However, NOPSEMA seem to have assumed what the daily report is on the EPO 7: "To ensure that the seismic acquisition activity adheres to the specified boundaries and technical requirements outlined in the sail line plan, minimizing the impact on the environment" without having seen or asked for information on the daily report.</p>

Item	Description	CGG Query (if any)
4.2	<ul style="list-style-type: none"> • EPS “To preserve Marine Parks proximate to the Regia MSS, no discharges of any kind will be allowed from contracted vessels within these protected areas” does not appear to have a corresponding measurement criterion. Also, given that the marine parks are proximate to, not overlapping with the Regia MSS Operational Area, the control to disallow discharge within the protected areas is meaningless. 	<p>If this EPS is meaningless, does NOPSEMA advise that it is removed completely?</p>
	<ul style="list-style-type: none"> • EPS “Contracted vessels are required to have a Vessel Lighting Management Plan to minimise light emissions while meeting vessel navigational light requirements” does not have a clear corresponding measurement criterion and cannot be easily monitored for compliance (i.e., how will CGG ensure the lighting management plan employed by the contracted vessel is in alignment with CGG’s requirements? How will CGG determine when and if the plan effectively minimises light emissions?). 	<p>There is no requirement in the regulations, nor NOPSEMA’s guidance that there needs to be a one-to-one relationship between EPS’s and measurement criteria. CGG’s approach has been to link EPO’s/EPs’s to measurement criteria through the control measure. There is nothing in the regulations preventing this approach so if NOPSEMA has concerns with that approach CGG welcomes their guidance.</p> <p>The questions asked in this item are answered by CGG in the Implementation Strategy as part of our EMS and audit/inspection regime.</p>
	<ul style="list-style-type: none"> • A measurement criterion for the Marine Assurance System refers to “regular” audits and inspections of contracted vessels and immersible equipment, review of compliance documentation and assessment of maintenance records” but does not define “regular”. 	<p>CGG disagrees with this finding. The text in the next cell in the table confirms the reporting frequency as “monthly inspection report”.</p>
	<p>Request: Please update the EP to:</p> <ul style="list-style-type: none"> • Provide clear and specific linkages between EPS and their corresponding measurement criteria; and • Ensure EPS and measurement criteria contain clear and unambiguous statements of performance that can demonstrate the desired environmental performance is being met and be easily monitored for compliance. 	<p>Can NOPSEMA explain why it is inappropriate to link measurement criteria to the Control Measure (which has clearly defined EPS’s)?</p> <p>Other new advice in this letter suggests that documenting the ‘how’ and ‘when’ a control measure is required to function could be a useful way of framing EPS’s. CGG is keen to explore this idea further in the meeting.</p>
<p>Acceptance Criteria 34(e) – the EP does not demonstrate that an appropriate implementation strategy is in place because:</p>		

Item	Description	CGG Query (if any)
5.1	<p>The submission does not describe adequate and effective processes and systems to demonstrate that all impacts and risks will continue to be reduced to ALARP and acceptable</p> <p>Requirements: The ‘specific measures’ described in the environmental management system (EMS) should describe the components of the EMS that will define how the activity will be managed and monitored to ensure that the EPOs and EPS are met. The EPO(s) should be equivalent to or better than the acceptable level(s) of environmental impact and risk from an activity. In this way EPOs are used in environmental impact assessment and management as a key criterion to enable management response prior to the acceptable level being exceeded (GN1344: Section 3.7.2).</p> <p>Issue: The implementation strategy provides for the amendment of EPOs, which is not appropriate because:</p> <ul style="list-style-type: none"> • Where acceptable levels are defined in the EP, appropriately set EPOs must reflect the acceptable level of impact and should therefore not be amended, unless new scientific information regarding impacts to the environment comes to light, or statutory criteria change; and • The description of the environmental performance monitoring/review process does not provide assurance that any changes to the wording of EPS will not materially degrade or diminish the level of performance set for control measures. <p>Request: Please revise the EP so it is clear that EPOs (given they reflect acceptable levels of impact) will not be modified and that if any change to the performance of control measures /EPS is contemplated, this will only occur where it demonstrably enhances or improves performance.</p>	<p>CGG disagrees with this finding. CGG finds the highlighted text is not an appropriate merger of two regulatory requirements [22(2)(a) and 22(2)(b)].</p> <p>The implementation strategy provides for EPO’s and EPS’s to be “reassessed” as part of a management of change process. Given the headline commitment is to “continue to reduce” it would seem logical that reassessment of the performance of the titleholder is a necessary feature, not a non-compliance.</p> <p>Further, NOPSEMA’s finding that EPO’s “reflect” the acceptable levels of impact is inaccurate. GL1721 states that NOPSEMA will consider if EPOs are ‘linked’ to acceptable levels and ‘reflect’ levels of performance. These inaccuracies are important because CGG’s approach has been to show links in matrices in Appendix G1 and reflect levels of performance in the EPO statement itself.</p> <p>NOPSEMA’s finding that they suspect CGG could theoretically use its MOC process to “materially degrade or diminish the level of performance set for control measures” is inappropriate because:</p> <ul style="list-style-type: none"> • The objects of the regulations, the content requirements, and NOPSEMA’s guidelines clearly state that degrading or diminishing the level of performance is inappropriate and it is not useful for CGG to simply repeat NOPSEMA guidance. • The MOC process has this overarching purpose “This is the assessment of whether a change can be managed such that the activity continues to manage environmental impacts and risks to as low as reasonably practicable and to an acceptable level.” • Includes the clarification that “Minor revisions to the EP are likely to include an improvement to a level of environmental performance.” • Clearly states that “Any new information, changes or updates considered via the MOC process will also be considered against Section 39 of the Regulations” which is the mechanism for proposed revisions to the EP, which would be an appropriate way to change the EPO’s and EPS’s in the event they needed to be diminished. <p>If NOPSEMA is simply seeking a statement from CGG to “not use the MOC process to materially degrade or diminish the level of performance set of control measures” then such a statement will be made.</p>

Item	Description	CGG Query (if any)
5.2	<p><i>There is not an appropriate Oil Pollution Emergency Plan</i></p> <p>Requirements: That the EP must contain an oil pollution emergency plan that is appropriate for the nature and scale of the activity and consistent with the content requirements set out in r 22(8) with sufficient arrangements in place to monitor pollution in the event of an oil spill (GL1721: Section 10.3).</p> <p>Issue: The EP states that the presented OPEP is based on the outcomes of weathering modelling in SIMAPs for 286m³ MGO; however, this modelling is not included, is based on a different fuel type to what will be used in the activity (MDO) and no figure is provided to show the extent of this EMBA or which environmental receptors may be impacted. As such, NOPSEMA cannot appropriately assess the OPEP as it is not clear whether the OPEP provided is relevant to the activity proposed.</p> <p>Request: Please update the EP to provide an OPEP that is appropriate for the described activity.</p>	Noted and agree.
<p>Acceptance Criteria 34(g) – the EP does not demonstrate that the consultations have been carried out and appropriate measures have been adopted because:</p>		

Item	Description	CGG Query (if any)
6.1	<p>Ambiguous and insufficient description of the consultation process.</p> <p>Requirements: When making a decision regarding whether an EP demonstrates that the titleholder has carried out consultation required by Division 3 and that the measures (if any) that the titleholder has adopted or proposes to adopt because of the consultation are appropriate, NOPSEMA considers whether the report on consultation includes a sufficient description of the consultation process, for NOPSEMA to objectively determine that the titleholder’s duty to identify and consult with each relevant person has been discharged (GL1721: Section 12.3).</p> <p>Issue: It is not clear what information, regarding the process CGG followed to identify and carry out consultation with relevant persons, should be relied upon by NOPSEMA in its decision making. This is because there is inconsistent information relating to the relevant persons identification and consultation process presented throughout the EP (e.g., in the Community Consultation and Engagement Plan (A3) vs the Consultation and Engagement Report (C1)).</p> <p>In addition, there is information about the relevant persons identification and consultation process written in a future tense (e.g., in the Community Consultation and Engagement Plan (A3)), which makes it unclear what has been completed in preparation of the EP and what is yet to be undertaken. As a result, there is uncertainty around how identification of, and consultation with, relevant persons was carried out by CGG.</p> <p>Request: Please revise the EP in a manner that ensures that the report on consultation includes a sufficient description of the consultation process for NOPSEMA to objectively determine that CGG’s duty to identify and consult with each relevant person has been discharged.</p>	<p>CGG acknowledges the lack of clarity in the consultation process followed. We suspect this is a misunderstanding of the role of Appendix A3 and C1, which we could have explained more clearly in the submission.</p> <p>For clarity, Appendix A3 is a document produced in February 2023 to share our consultation plan with the community. Appendix C1-6 are documents that were prepared just prior to submission. Essentially, A3 is what we planned to do, and C1-6 are what happened.</p> <p>This approach tries to reflect that certain court proceedings influenced our consultation approach as the consultation continued, necessitating changes to the consultation process. CGG determined it was better to reflect those changes rather than falsely claim that our intended consultation process was perfectly designed.</p> <p>We acknowledge that CGG could make this clearer in the submission. Any NOPSEMA advice on how to appropriately reflect these changes over time in the modified EP would be appreciated.</p>

Item	Description	CGG Query (if any)
	<p><i>The process for relevant persons identification is not clearly described and may not provide for the broad capture of relevant persons.</i></p> <p>Requirement: When making a decision regarding whether an EP demonstrates that the titleholder has carried out consultation required by Division 3 and that the measures (if any) that the titleholder has adopted or proposes to adopt because of the consultation are appropriate, NOPSEMA will consider whether the process for relevant persons identification is clearly described and provides for the broad capture of relevant persons such that each relevant person who can be ascertained is identified (GL1721: Section 12.3).</p> <p>Issue: The process for relevant persons identification is not clearly described and may not provide for the broad capture of relevant persons because:</p>	
	<p>1. The information in the EP that relates to the relevant persons identification process does not always contain enough detail to be able to determine how the relevant persons were identified. In particular:</p> <ul style="list-style-type: none"> • the EP details the sources of information that were used to support the identification of relevant persons (such as review of databases and registers etc.), but in many cases there is insufficient additional context provided on the degree to which those sources of information were used (e.g. the specific scope and bounds of the search parameters are unclear); and • the EP indicates that fee-for-service agreements were entered into with some commercial fishery associations to support identification and consultation with commercial fishers, but there is insufficient information to clarify who this involved, what it involved and what the outcomes were. 	<p>CGG understands this finding and can provide more detail. It would be helpful to know what level of detail NOPSEMA expects in relation to the “degree to which sources of information were used”, for example is it:</p> <ul style="list-style-type: none"> • The access site address and timing; or • Specific search terms used.

Item	Description	CGG Query (if any)
	<p>2. Some of the information in the EP that relates to the relevant persons identification process may be irrelevant or ineffective for identifying relevant persons with functions, interests or activities that may be affected by the activity. For example (but may not necessarily be limited to):</p> <ul style="list-style-type: none"> the Community Consultation and Engagement Plan (A3) includes reference to the WA Department of Primary Industries and Regional Development database for the purposes of identifying commercial fishers. However, given that the proposed activity is located offshore of Victoria, it is difficult to ascertain how the functions, interests or activities of WA commercial fishing licence holders may be affected by the proposed activity; and the Consultation and Engagement Report (C1) describes that contact information for State commercial fishing licence holders was obtained through multiple meetings with commercial fishers at local ports and word of mouth. However, this information could be obtained through more reliable and effective methods such as through the relevant State government fishing departments of which is not included as a consideration in the EP. 	<p>The reference to the WA department is an error and will be removed.</p> <p>NOPSEMA suggests that contact details for State commercial fishing licence holders could be obtained through relevant State government fishing departments. CGG was not able to find such a list online and telephone enquiries indicated that such a list of contact details would not be provided. In lieu of this, CGG engaged two fishing associations in fee-for-service consultation activities to supplement its other processes for identifying State commercial fishers.</p>
	<p>3. The information in the EP that relates to the relevant persons identification process is not clearly linked with the other parts of the EP where details relating to the nature of the activity, description of the environment and the possible impacts and risks of the activity are contained. As a result, NOPSEMA cannot assess what, specifically, was taken into account by CGG when determining whether the activity may be relevant to authorities, or determining whose functions, interests and activities may be affected. It is noted that each impact section identifies the types of relevant persons who may be affected by that impact, however the assessment team has been unable to verify that the relevant persons identification effectively identified all relevant persons of each 'type'.</p>	<p>CGG is unsure exactly what NOPSEMA has found as a deficiency and requests clarification on this finding.</p> <p>CGG's approach was not to assume we knew how people were affected, which is poor consultation practice. Instead, we wrote to authorities and outlined what we thought their functions, interests, or activities were and sought clarification on further information they may need or objections and claims they may have.</p>

Item	Description	CGG Query (if any)
6.2	<p>4. The geographical extent of where the environmental impacts and risks of the activity may affect the functions, interests or activities of relevant persons is not clearly established within the EP. Specifically, throughout the EP where information relating to the relevant persons identification process is contained, contradicting and unclear areas are described as follows:</p> <ul style="list-style-type: none"> • the Community Consultation and Engagement Plan (A3) includes a figure depicting the Activity and Environmental Planning Areas but elsewhere it notes the application of an “EMBA” and “socio-economic EMBA”; and • the Consultation and Engagement Report (C1) notes the application of the Environmental Planning Area but there is no figure or reference to a figure available to provide full certainty of what this area specifically corresponds with. <p>5. Further to issue point 3 above, although it remains unclear which geographical extent was applied for the identification of relevant persons, there are also no clear details provided in the EP that justifies why the area is appropriate and suitable for such purposes.</p> <p>Request: Please provide additional information regarding the process for relevant persons identification that clearly describes the method(s) used by CGG to provide for the broad capture of relevant persons. In doing so, CGG will need to ensure that it carefully considers if changes made to the EP in response to other items raised in this RFFWI affects the identification of relevant persons.</p> <p>Please note, if the changes to the EP result in the identification of new relevant persons, CGG will need to demonstrate that it has carried out consultation with these relevant persons in line with the requirements under Regulation 25 of the Environment Regulations. In addition, CGG will need to ensure that the report on consultation (including the sensitive information part) is updated to include details of any additional consultations undertaken, in line with the requirements of Regulation 24(b) of the Environment Regulations.</p>	<p>CGG disagrees with these findings.</p> <p>There is no requirement to establish a geographical extent for the search for relevant persons. The test is whether a person’s functions, interests, or activities may be affected. This leads to a logical conclusion that anyone, anywhere, at any time may be relevant persons.</p> <p>This means that CGG’s search for relevant persons was global, with efforts focused on locales proximate to the activity location. This approach was outlined in Appendix A3.</p> <p>“The search for persons or organizations who are relevant persons starts as a global public search because the definitions of functions, interests and activities are not geographically constrained. However, certain groups, such as other marine users, are likely to be proximate to the activity.</p> <p>We assume that there will be more relevant persons proximate to the activity and therefore consultation efforts will be greater in these locales. However, the subject-centred approach allows identification of relevant persons to be tailored within that group allowing global searches to be carried out where this is more likely to reveal relevant persons.”</p>

Item	Description	CGG Query (if any)
	<p><i>It is not clear that effective consultation has taken place with each relevant person</i></p> <p>Requirement: When making a decision regarding whether an EP demonstrates that the titleholder has carried out consultation required by Division 3 and that the measures (if any) that the titleholder has adopted or proposes to adopt because of the consultation are appropriate, NOPSEMA will consider whether effective consultation has taken place with relevant persons (GL1721: Section 12.3). Effective consultation includes consideration of whether relevant persons have been provided sufficient information and a reasonable period to consider information and make an informed response (regulations 25(2) and (3) of the Environment Regulations).</p> <p>Issue: It is not clear that effective consultation has taken place with each relevant person because:</p>	<p>CGG acknowledges that it can improve the consultation reporting. However, there are matters raised in these findings that need further clarification.</p>
	<p>1. Concerns and assertions by relevant persons regarding the adequacy of the consultation process have not been fully addressed. Specifically, the full text consultation records in the sensitive information report and the public comments demonstrate that numerous relevant persons raised various types of concerns and assertions about the adequacy of the relevant persons consultation process. While there are some limited details provided, overall, the description of the consultation process does not thoroughly identify which relevant persons raised such concerns and assertions, describe the nature of those concerns and assertions, and explain how CGG addressed those concerns and assertions during the consultation process. Given this, there is currently insufficient rational available in the EP for NOPSEMA to assess whether relevant persons consultation was carried out by CGG in a manner that meets the requirements of Division 3, despite a high volume of concerns and assertions about the adequacy of the consultation process.</p>	<p>CGG does not understand the use of “concerns and assertions”</p> <p>These are undefined terms in the regulations or NOPSEMA guidance and are also undefined terms in the Regia MSS EP.</p> <p>Does NOPSEMA mean objections and claims?</p> <p>If not, what is the regulatory basis for requiring any further assessment or response to these matters?</p>

Item	Description	CGG Query (if any)
	<p>2. Where an assessment of concerns and assertions against the adequacy of the consultation process has been provided for only some but not all the relevant persons that raised these (i.e. in the Consultation and Engagement Report (C1) – Annexes 1 and 2), it does not thoroughly and directly address all of their concerns and assertions. This includes (but may not necessarily be limited to) all the consultation related concerns and assertions that were raised by Environment Justice Australia (EJA) <i>acting</i> on behalf of Gunditj Miring Traditional Owner Aboriginal Corporation (GMTOAC) in correspondence dated 21 March 2024 (i.e. Event ID 4794).</p>	<p>CGG acknowledges that we can be more granular with how we assessed objections and claims and will review the correspondence records.</p> <p>Given the scale of this task (974 incoming events), is it possible for CGG to take a weighted approach (i.e. by grouping objections and claims, or alternatively focusing on relevant persons with high order interests, or alternatively higher levels of engagement)?</p> <p>This is identified as possible in the NOPSEMA document “Guidance framework: Supporting cooperative coexistence of seismic surveys and commercial fisheries in Australia’s Commonwealth marine area” in Section 7.4.3 Proportional Consultation.</p> <p>CGG would be keen to explore this concept for its resubmission.</p>
	<p>3. CGG has not provided answers to all questions and/or requests within responses that were made by relevant persons. This includes (but may not necessarily be limited to) the emails from Fisherman Direct Pty. Ltd. on 1 March 2023 (i.e. Event ID 4637) and 13 March 2024 (i.e. Event IDs 4638 and 4639). These cases prevent the EP from demonstrating that a genuine two-way dialogue has occurred between CGG and relevant persons.</p>	<p>CGG notes the findings related to these relevant persons are accurate. However, we disagree with the suggestion that these “cases prevent the EP from demonstrating that a genuine two-way dialogue has occurred between CGG and relevant persons” – in particular as there is no explicit requirement to document in any way how we responded to all “questions and/or requests”.</p> <p>Further, as the correspondence with the relevant person demonstrates, there is evidence that the person’s functions, interests, and activities are unaffected by the activity. CGG has included this person as a relevant person because we stated that any person could self-identify.</p>
	<p>4. While there are some limited details provided, overall, the description of the consultation process does not clearly explain and justify why CGG considers that the number of attempts, contact details and communication methods used to contact the non-responsive relevant persons was appropriate to ensure that they had a reasonable opportunity to participate in consultation.</p>	<p>Clarification on this finding is requested, including where the requirement to “clearly explain and justify why CGG considers that the number of attempts, contact details and communication methods used to contact the non-responsive relevant persons was appropriate”.</p> <p>Given that NOPSEMA is required to form an opinion in making an assessment, it is unclear what utility it will provide NOPSEMA for CGG to explain ‘why’ it did every action it has taken in the last 18 months. It would be appreciated if NOPSEMA could communicate its opinion about whether it agrees or disagrees with the approach taken by CGG.</p>

Item	Description	CGG Query (if any)
6.3	<p>5. The description of the consultation process does not include consideration of how the timeframe that CGG has allowed for its consultation with First Nations relevant persons is appropriate. For example, how it compares with other benchmark periods for consultation with First Nations people and communities under other relevant legislative processes and/or guidance documents.</p>	<p>CGG agrees that inclusion of this content is useful to its case and will modify the EP accordingly.</p>
	<p>6. Where CGG received information from First Nations relevant persons that was indicative of what their specific interests are that may be affected by the proposed activity, it was not apparent from the consultation records that CGG had adequately circled back to each of these relevant persons to confirm how the information they provided had been considered and addressed in the EP. As a result of this, it is unclear if these relevant persons have had sufficient information provided to them in order to make an informed assessment of how their interests may be affected by the proposed activity.</p> <p>Request: Please provide further information to demonstrate that effective consultation has taken place with each relevant person by addressing the issues raised above. In doing so:</p> <ul style="list-style-type: none"> • consider if further consultation needs to be carried out with some relevant persons, particularly with the relevant persons that have made responses that remain unanswered by CGG, the relevant persons that have raised consultation related concerns and assertions of which cannot be adequately addressed by CGG based on the consultation efforts that have occurred to date, and with relevant persons (if any) that have made requests for additional information or time that remain unmet by CGG unless it can be reasonably justified in the EP; and • note that the examples provided in the issue statement above were identified by a sampled approach, and that the responsibility for undertaking a comprehensive review of the EP remains with CGG. 	<p>Can NOPSEMA share the written guidance where the “sufficient information” required for a relevant person would include a requirement to circle back to confirm how the information they provided had been considered and addressed in the EP?</p> <p>CGG understands it is good practice to reply to all correspondence received, however, we are unclear how this circling back would be relevant to the “sufficient information” requirements in the regulations.</p> <p>Can NOPSEMA clarify this point and its definition of “sufficient information”?</p> <p>Can NOPSEMA identify the First Nations relevant persons that this applies to?</p>

Item	Description	CGG Query (if any)
6.4	<p>The EP does not demonstrate that it is in line with regulation 25(4)(ii) of the Environment Regulations</p> <p>Requirement: Titleholders must tell each relevant person that they may request that particular information provided in the consultation not be published (regulation 25(4)(i) of the Environment Regulations). Titleholders must also ensure that any information subject to such a request is not to be published in the EP (regulation 25(4)(ii) of the Environment Regulations).</p> <p>Issue: It is not clear that the EP is in line with regulation 25(4)(ii) of the Environment Regulations as the report on consultation does not contain clear details that clarifies if and when relevant persons made requests to CGG that information provided by them during consultation is not to be published in the EP. Consequently, NOPSEMA cannot assess that CGG has ensured that information subject to such requests is not published in the EP as required by regulation 25(4)(ii) of the Environment Regulations.</p> <p>Request: Please revise the EP by providing further information in the report on consultation that clarifies when relevant persons made requests to CGG that information provided by them during consultation is not to be published in the EP. In doing so, CGG must also ensure that information subject to such requests is not published in the EP as required by regulation 25(4)(ii) of the Environment Regulations.</p>	<p>CGG disagrees with this finding.</p> <p>The requirement being used to raise this finding is about CGG telling relevant persons about their ability to request that particular information provided in consultation not be published. This was achieved by including a notice in initial contact letters and in all email correspondence as a footer.</p> <p>The issue raised is about the apparent lack of clarity about “if and when relevant persons made requests to CGG.”</p> <p>The issue further states that “NOPSEMA cannot assess that CGG has ensured that information subject to such requests is not published in the EP as required by regulation 25(4)(ii) of the Environment Regulations.”</p> <p>Note that CGG did not receive any such requests. Only one relevant person (SIV) requested that their correspondence was to be treated confidentially, but CGG clarified that this wasn’t a request that CGG could comply with due to the content requirements of the EP. As SIV did not provide any information to CGG there was no such request.</p>

Item	Description	CGG Query (if any)
6.5	<p><i>The report on consultation does not provide an accurate, clear and comprehensive summary of the consultation that occurred between CGG and relevant persons</i></p> <p>Requirement: The report on consultation must contain the prescriptive elements outlined in regulation 24(b), that includes a summary of each response made by a relevant person (regulation 24(b)(i) of the Environment Regulations). Titleholders should ensure that details of the main matters raised in each response made by a relevant person are included in the summaries, with full text (source) records provided for NOPSEMA to verify the accuracy of the summary of the consultation (GL2086: Section 9).</p> <p>Issue: The report on consultation does not provide an accurate, clear and comprehensive summary of the consultation that occurred between CGG and relevant persons. This is because the summaries of consultation engagements are often too brief with insufficient details on the matters raised by relevant persons. Examples include (but are not limited to):</p> <ul style="list-style-type: none"> • The summary for a face-to-face meeting with GMTOAC representatives on 30 March 2023 (Event ID 1891) only states “Discussion on activity and consultation”. This is despite the meeting minutes in the sensitive information report indicating that the group shared information with CGG that was relevant to EP (e.g. sites and areas of cultural importance) and the consultation process (e.g. feedback about the group’s preferred approach to consultation with their members). • The summary for an email by Southern Shark Industry Alliance / South East Trawl Fishing Industry Association / Atlantis Fishing Group on 20 June 2023 (i.e. Event ID 1649) identifies that there were concerns raised (i.e. “... Attached position statement and outlined main concerns”). However, further information that clarifies what these concerns were specifically about is not provided in the summary and can only be determined through a review of the full text copy of the email in the sensitive information report. • The summary provided for an email by DCCEEW (Marine Parks) identifies that objections and claims were presented (i.e. “... indicated potential objections 	<p>CGG partially agrees and understands this finding.</p> <p>CGG acknowledges there are instances where the summary of the response is overly summarised.</p> <p>To assist CGG comply and get the level of detail of a summary to meet NOPSEMA’s expectations, it would be useful to understand why NOPSEMA needs CGG to write the main matters raised in the correspondence.</p>

Item	Description	CGG Query (if any)
	<p>and claims”) and feedback relevant to the EP was provided (i.e. “... Provided information to titleholders on points to consider and evaluate”).</p> <p>However, further information that clarifies what the objections, claims and feedback were specifically about is not provided in the summary and can only be determined through a review of the full text copy of the email in the sensitive information report.</p> <p>Noting the above, there are many cases where the only way that NOPSEMA can determine what was raised by relevant persons during consultation is through a review of the full text records within the sensitive information report. This is inappropriate as the full text records are intended for NOPSEMA to be able to verify the accuracy of the summaries, rather than for the purpose of determining matters raised during consultation by relevant persons.</p> <p>The limited information provided in the summaries limits the reader’s ability to determine whether all objections or claims have been adequately identified, assessed for merit and responded to by CGG. It also limits NOPSEMA’s ability to determine if CGG has adequately incorporated all relevant information gathered through relevant persons consultation into the rest of the EP where appropriate.</p> <p>Request: Please provide further information such that the report on consultation provides a clear and comprehensive summary of the consultation that occurred between CGG and relevant persons. In doing so, note that the examples provided in the issue statement above were identified by a sampled approach, and that the responsibility for undertaking a comprehensive review of the EP remains with CGG.</p>	

Item	Description	CGG Query (if any)
6.6	<p><i>The EP does not demonstrate that information gathered through relevant persons consultation has informed and been incorporated into the EP</i></p> <p>Requirement: When making a decision regarding whether an EP demonstrates that the titleholder has carried out consultation required by Division 3 and that the measures (if any) that the titleholder has adopted or proposes to adopt because of consultation are appropriate, NOPSEMA considers whether information gathered through the consultation process has been incorporated into the rest of the EP (GL1721: Section 12.3).</p> <p>Issue: The EP does not demonstrate that information gathered through relevant persons consultation has informed and been incorporated into the EP. Specifically:</p> <ol style="list-style-type: none"> There are cases where the full text consultation records in the sensitive information report demonstrates that relevant persons provided CGG with certain information that is relevant to the EP, but it has not been identified in the report on consultation within the EP. As a result, there are also no details within the report on consultation to demonstrate if and how that information was considered by CGG in its preparation of the EP. Examples include (but are not limited to): <ul style="list-style-type: none"> Information provided by GMTOAC during various engagements (e.g. Event ID 1891, Event ID 4469) in relation to potential sites, areas and species of cultural importance to Gunditjmara people such as Buji Bim, Deen Maar, Kooyang (short-finned eels), Kontapool (southern right whales) etc. Information that was provided by Middle Island Penguin Project during an online meeting on 24 July 2023 (i.e. Event ID 2006) in relation to penguins (e.g. annual presence, laying periods), birds (e.g. shearwater breeding locations), suggested mitigation measures for penguins and birds (e.g. monitoring cameras at Middle Island during the survey, source shutdowns) etc. Information that was provided by DCCEEW (Marine Parks) in an email dated 14 April (i.e. Event ID 653) in relation to ensuring consideration of BIAs, KEFs, South-east Commonwealth Marine Reserves Network Management Plan 2013-2023 etc. 	<p>CGG agrees with the finding and agrees that we can be clearer about the informational aspects of the consultation process.</p> <p>It would be useful if NOPSEMA could comment on the current approach to this requirement, which has been through linking Feedback ID's into the relevant parts of the EP.</p>

Item	Description	CGG Query (if any)
	<p>2. There are instances where the report on consultation demonstrates that relevant persons provided CGG with certain information that is relevant to the EP, but then there are not any further details provided to demonstrate if and how that information was considered by CGG in the preparation of the EP. Examples include (but are not limited to):</p> <ul style="list-style-type: none"> • Information that was provided by Blue Whale Study in an email dated 17 January 2024 (i.e. Event ID 4378) in relation to the presence of a temperature logger mooring in the Otway with a request to ensure that its location is considered in activity planning and avoided. • Information that was provided by Person ID 818 in an email dated 29 August 2023 (i.e. Event ID 2774) in relation to rock lobster scientific research publications. • Information that was provided by the Australian Government Defence in an email dated 9 May 2023 (i.e. Event ID 920) in relation to locations of defence training areas, restricted airspace and the unexploded ordnance presence. 	<p>CGG understands this item and acknowledges that the EP can be clearer on this matter.</p>
	<p>3. The “EP reference” column within the report on consultation does not consistently present details to demonstrate where consultation information has informed and been incorporated into the EP (e.g. there are many relevant person feedback events with corresponding EP reference cells that are blank).</p> <p>Request: Please provide additional information that addresses the above issues, to demonstrate that information gathered through relevant persons consultation has informed and been incorporated into the EP. In doing so, note that the examples provided in the issue statement above were identified by a sampled approach, and that the responsibility for undertaking a comprehensive review of the EP remains with CGG.</p>	<p>The EP reference column will be reviewed noting that it was intended to link the Feedback ID, rather than the information specifically. This will be reviewed in the resubmission.</p>

Item	Description	CGG Query (if any)
	<p><i>The report on consultation does not include clear and precise identification of all objections or claims presented by relevant persons</i></p> <p>Requirement: The report on consultation must include the prescriptive elements outlined in regulation 24(b), that includes an assessment of the merits of any objection or claim about the adverse impact of each activity to which the environment plan relates (regulation 24(b)(ii)). Titleholders should ensure that the report on consultation includes clear and precise identification of objections and claims presented by relevant persons (GL2086: Section 9).</p> <p>Issue: The report on consultation does not include clear and precise identification of all objections and claims presented by relevant persons. Specifically, there are some cases where the full text consultation records in the sensitive information report demonstrates that relevant persons presented objections or claims that have not been adequately identified by CGG within the report on consultation. Examples include (but are not limited to):</p>	<p>CGG understands this finding.</p> <p>CGG will review all correspondence and check that each objection and claim raised by a relevant person has been treated with the described process in the EP.</p> <p>It would be useful to understand the degree to which this issue is systemic, or isolated. It would also be useful if NOPSEMA could comment on the adequacy of the assessment process, particular considering any further advice about how to treat “concerns or assertions”.</p>

Item	Description	CGG Query (if any)
6.7	<ul style="list-style-type: none"> • The objections or claims presented by the Australian Marine Conservation Society on the 11 October 2023 (i.e. Event ID 3384, Document ID 2116) in relation to the underwater acoustic modelling report and the evaluation of impacts and risks on plankton and marine mammals. • The objections or claims presented by Fishermen Direct Pty. Ltd. on 1 March 2023 (i.e. Event ID 4637) and 13 March 2024 (i.e. Event IDs 4638 and 4639) in relation to the evaluation of impacts and risks on King George Whiting. • The objections or claims raised by Organisation ID 160 on 14 September 2023 (i.e. Event IDs 3078 and 4808) in relation to various matters. • The objections or claims raised by Person ID 246 on 25 February 2023 (i.e. Event ID 4551) in relation to various matters. <p>As a result of the above, there are also no assessments of merits or responses provided within the report on consultation for all objections and claims presented by relevant persons during the consultation process.</p> <p>Request: Please revise the EP to provide clear and precise identification of all objections and claims presented by relevant persons. In doing so:</p> <ul style="list-style-type: none"> • ensure that assessments of merits and responses are included for all newly included objections and claims; and • note that the examples provided in the issue statement above were identified by a sampled approach, and that the responsibility for undertaking a comprehensive review of the EP remains with CGG. 	<p>There has been further correspondence with these organisations since submission and this will be reviewed and included in the update to the EP.</p>

Item	Description	CGG Query (if any)
	<p><i>It is not clear that appropriate measures have been adopted or are proposed to be adopted because of the consultations with relevant persons</i></p> <p>Requirement: In the course of preparing an environment plan, a titleholder must consult with relevant persons in accordance with Division 3, regulation 25, and demonstrate that the measures (if any) that the titleholder has adopted, or proposes to adopt, because of the consultations are appropriate. The report on consultation should include a demonstration of the suitability of any measures adopted as a result of the consultation (GL2086: Section 9).</p> <p>Issue: It is not clear that appropriate measures have been adopted or are proposed to be adopted because of consultation with relevant persons. This is because:</p>	<p>CGG partially agrees with findings on these matters, see below.</p>
	<p>1. The assessments of merits and responses to objections and claims often contain only very high-level details without enough supporting context and/or rationale provided to determine how and why CGG considers that each of the measures it has adopted or proposes to adopt because of the consultations are appropriate.</p>	<p>CGG accepts this finding and will reevaluate all objections and claims (noting the request for a discussion on the definitions of these matters above).</p>
	<p>2. The report on consultation does not provide sufficient information to determine if the defined measures have or will be completed by CGG, as appropriate. In particular, the measures that apply to things that CGG has already completed are not supported with clearly linked evidence to where they are demonstrated, while the measures that apply to things that CGG will complete in the future are not supported with clear links to the specific parts of the EP showing where they have been carried forward and established as commitments in the EP.</p>	<p>CGG will review these items and requests what information NOPSEMA would expect to see to make these determinations i.e. is NOPSEMA looking for a link to where the measure was complete such as information provided, or something more?</p>

Item	Description	CGG Query (if any)
6.8	<p>3. The EP indicates that the Sea Country Protection Program control measure was devised in response to consultation with First Nations relevant persons (i.e. in the Consultation and Engagement Report (C1) – Annex 2). However, the EP does not adequately justify how and why this would be an appropriate measure for CGG to have adopted in response to its consultations with First Nations relevant persons, particularly with reference to the consultation records that indicate:</p> <ul style="list-style-type: none"> • the Sea Country Protection Program was not a measure requested by any First Nations relevant persons; • none of the First Nations relevant persons have provided input to it or have endorsed its contents; • the consultation efforts that CGG applied to inform the Sea Country Protection Program were limited and did not constitute two-way engagement (e.g. provided draft by email late in the consultation process with a lack of follow-up); and • CGG did not clearly inform any First Nations relevant persons that the Sea Country Protection Program was to be applied in the EP as a measure adopted because of their consultation. <p>Request: Please revise the EP by providing additional information that addresses the above issues, to demonstrate that appropriate measures have been adopted or are proposed to be adopted because of consultation with relevant persons.</p>	<p>CGG disagrees with this finding.</p> <p>The EP states that “through engagement and research, the SCPP was devised” and “The SCPP is the primary measure adopted to protect cultural values of the existing environment.”</p> <p>CGG made no claim that the measure was requested by relevant persons. CGG decided that given the absence of engagement from some TO groups that a framework for further collaboration on protecting Sea Country would be a way to allow for focused involvement from these groups in the relevant aspects of the activity.</p> <p>CGG will remove this measure if NOPSEMA does not believe it has effectively addressed objections and claims.</p>

Item	Description	CGG Query (if any)
6.9	<p>The report on consultation may not be in line with the content requirements under regulation 24(b) of the Environment Regulations</p> <p>Requirement: The consultation process should be documented within the EP through the titleholder report on consultation and the sensitive information report. Under regulation 24(b) of the Environment Regulations, the EP must contain a report on the consultation which provides: (i) a summary of each response made by a relevant person; (ii) an assessment of the merits of any objection or claim about the adverse impact of each activity to which the environment plan relates; (iii) a statement of the titleholder’s response, or proposed response, if any, to each objection or claim; and (iv) a copy of the full text of any response by a relevant person.</p> <p>Issue: The report on consultation may not be in line with the content requirements under regulation 24(b) of the Environment Regulations. This is because the Consultation and Engagement Report (C1) – Annex 2 presents details about the GMTOAC consultation. However, some details are not consistent with the consultation information provided for GMTOAC within the report on consultation (including the sensitive information part), particularly the details relating to correspondence that was issued to CGG by EJA <i>acting</i> on behalf of GMTOAC (i.e. <i>“Environmental Justice Australia provided a statement suggesting that the measures proposed by CGG might not be sufficient to protect the World Heritage Values of Budj Bim and other culturally significant areas. The correspondence requested that CGG consider additional mitigation measures and more robust environmental protection strategies to minimise any harm”</i>). As a result of this, there is uncertainty of whether the report on consultation may be missing consultation records, or if the information provided in this part of the EP has not been accurately and/or fairly represented.</p> <p>Request: Please revise the EP in a manner that ensures that it contains a report on consultation that is in line with the content requirements under regulation 24(b) of the Environment Regulations. In doing so:</p>	<p>CGG requests clarification on this finding given that we have communicated to GMTOAC (and the EJA) that there is no cause effect pathway between the Regia MSS proposed activity and the Outstanding Universal Values of the Budj Bim landscape. This information has been provided to GMTOAC and was included in the EP.</p> <p>CGG notes that there has been further correspondence with GMTOAC and the EJA since submission and this will be reviewed and included in the update to the EP.</p>

Item	Description	CGG Query (if any)
	<ul style="list-style-type: none">• ensure that all consultation engagements that occurred between CGG and relevant persons in preparation of the EP are captured within the report on consultation;• ensure that any details presented in the EP relating to consultation are fairly and accurately represented; and• note that the examples provided in the issue statement above were identified by a sampled approach, and that the responsibility for undertaking a comprehensive review of the EP remains with CGG.	