

Our ref: A453418 : ID3344
Your ref: AU000-HS-PLN-600-00001
Contact: [s 47F - personal information](#)
Email:

[s 47F - personal information](#)

BP Developments Australia Pty Ltd
Level 8, QV1
250 St Georges Terrace

PERTH WA 6000

Dear [s 47F - personal
information](#)

ENVIRONMENT PLAN SUBMISSION – OPPORTUNITY TO MODIFY AND RESUBMIT – GREAT AUSTRALIAN BIGHT EXPLORATION DRILLING PROGRAM

I write with regard to the Great Australian Bight Exploration Drilling Program environment plan (Document No. AU000-HS-PLN-600-00001), Revision 0, submitted to NOPSEMA on 1 October 2015 by BP Developments Australia Pty Ltd. An assessment of the environment plan (EP) has been undertaken in accordance with NOPSEMA's assessment policies.

In accordance with subregulation 10(1) and 10(2) of the Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009 (Regulations), this letter gives notice that NOPSEMA is not reasonably satisfied that the EP meets the criteria set out in regulation 10A[a],[b],[c],[d],[e], and [g].

This letter explains why NOPSEMA has formed the view that the submission has failed to meet the acceptance criteria and is giving the titleholder an opportunity to modify and resubmit the EP so that it might comply with the Regulations.

An overarching finding of the assessment is that the facts and reasons for environmental management of the activity are not sufficiently developed or supported to ensure that objects of the Regulations will be met. The letter also gives examples of where content requirements have not been met. The content provided in this correspondence is indicative of a submission with systemic issues that require a significant amount of rework.

In particular, the EP has not demonstrated that the blowout oil spill scenario (35 day release) selected to evaluate impacts and risk is representative of this risk from the activity. The risk assessment for a well blowout places complete reliance on a successful well capping and shut-in within 35 days of the event. Despite acknowledging potential limiting factors and dependencies for a successful well capping the EP does not demonstrate that this level of performance of the control measure can or will be achieved. This finding is critical as many regulatory requirements are attempted to be met on this assumption holding true.

Please note that the examples provided in this letter explaining where the EP does not meet the acceptance criteria in 10A do not represent all instances where the EP does not satisfy the

requirements of the Regulations. It remains the responsibility of the titleholder to ensure that any subsequent submission meets all the requirements of the Regulations.

- 1 The EP is not appropriate for the nature and scale of the activity (10A(a));
 - 1.1 The impact evaluation contained in the EP for an unplanned event such as a diesel spill or well blowout scenario is not appropriate for the nature and scale of the activity. For example, but not limited to:
 - 1.1.1 The evaluation of environmental risks and the Net Environmental Benefit Analysis (NEBA) for the spill response activities is generic, and makes limited use of the spill modelling or references to specific environmental sensitivities in the Area the May Be Affected (AMBA), including matters protected under Part 3 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).
 - 1.1.2 The EP acknowledges potential limiting factors and dependencies for successful well capping (EP s2.8.5 & Table 6.50). Other risk factors that may affect the success and/or timing of well capping including adverse weather, failure to shut in the well due to reservoir pressure and subsurface blowout risks, gas plume risks to vessel stability (OPEP s3.16) and deployment of a containment system are not evaluated
 - 1.1.3 The EP (EP p.38) identifies assumptions to estimate 149 days to kill the well in the event of a blowout. While BP considers this as 'highly conservative', the basis for these assumptions, including likely timeframes to mobilise a suitable MODU, are not adequately explained or supported.
 - 1.1.4 The submission does not provide an adequate explanation of the implications of uncertainty around predicted risk factors including hydrocarbon characteristics, worst credible discharge and use of an oil analogue for the evaluation of impacts and risks and any subsequent conservatism applied to interpretation of trajectory modelling results.
 - 1.1.5 The submission uses oil spill modelling as part of the evaluation of oil spill risks. There are limitations in the model that are without justification. For example;
 - 1.1.5.1 Setting the low boundary of the water column grid for the trajectory modelling to 100m water depth (e.g. EP p.298).
 - 1.1.5.2 The modelling does not address potential socio-economic effects of visible surface oil at thresholds lower than 5 microns.
 - 1.1.6 The EP states that impacts will occur at the same geographical extent for both 35 day and 149 day spill durations and the impact assessment (EP s6.2.7) equally apply to both scenarios. This approach is technically questionable in terms of extent and potentially higher volumes of oil ashore from the 149 day scenario. This point is an issue for the risk assessment and the implementation of spill response arrangements in terms of duration and extent.
 - 1.1.7 Inconsistent information is provided through the submission in relation to the impacts and risks of potential emulsification of the oil in relation to weathering and increases in oil volumes.
 - 1.1.8 Notwithstanding the limitations of only evaluating impacts and risks of a 35 day blowout release and subsequent response, the evaluation underestimates potential environmental consequences including:

- 1.1.8.1 Outputs of summer stochastic modelling does not address any seasonal variations in sensitivities of the identified receptors (e.g. breeding, moulting, nesting etc)
 - 1.1.8.2 Risk descriptions are overly generic and do not adequately address the specific risks for the identified sensitive receptors or explicitly address impacts and risks to matters protected under part 3 of the EPBC Act.
 - 1.1.8.3 Potential impacts to sensitive species are downplayed without reference to international experience, for example, impacts to fur-seals and sea lions and shoreline/wading birds.
 - 1.1.8.4 The relevance of references to the Montara spill as the 'Australian experience' (Table 6.31) to support the evaluation is not established, particularly in relation to shoreline receptors given the limited oil contact with shorelines during that incident. Further the Montara Commission of Inquiry found that "It is unlikely that the actual impact of the blowout on wildlife and the environment will ever be known".
 - 1.1.8.5 The evaluation identifies potential impacts and risks identified during the Macondo oil spill which are not adequately addressed in relation to the current activity (e.g. evidence of submerged oil mats acting as long-term sources of oil to beach ecosystems (EP p.335)).
 - 1.1.8.6 The evaluation of socio-economic effects of a blowout and subsequent spill response (EP s6.3.9, Table 6.31) is unsupported by analysis or references to international incidents and does not account for issues such as long-term reputational damage.
- 1.2 Notwithstanding limitations of an AMBA based on a 35 day blowout scenario, the description of the existing environment that may be affected by the activity is not appropriate for the nature and scale of the activity. For example, but not limited to:
- 1.2.1 Noting the meteorological and oceanographic conditions described in EP s4.3, the submission does not describe the seasonal relevance of combined conditions with respect to the locations of nearby values and sensitivities.
 - 1.2.2 The submission does not include specific detail and locations of greatest importance for each of the elements of the biological environment described in EP s4.5.
 - 1.2.3 The submission does not detail the proximity of the drilling area to the environmental and socio-economic sensitivities within the localities listed in Table 2.2.
 - 1.2.4 The submission does not provide sufficient context for Key Ecological Features that are not spatially defined (i.e. Small Pelagic Fish and Benthic Invertebrate Communities of the eastern Great Australian Bight (GAB), EP s 4.3.5) to inform environmental impact assessment.
 - 1.2.5 While the EP outlines findings of benthic surveys in the Great Australian Bight, it does not provide sufficient contextual information about the surveys to demonstrate their relevance to the environment that may be affected by the activity.
 - 1.2.6 Supporting information has not been provided to validate statements made about the proximity of oil to all values and sensitivities including matters protected under the EPBC Act during a spill scenario in order to justify the impact evaluations contained in Table 6.

- 1.3 On 28 February 2014, NOPSEMA became Australia's single national environmental regulator for petroleum activities undertaken in Commonwealth waters. Information about this arrangement, which gives NOPSEMA particular responsibilities in relation to matters of national environmental significance under the EPBC Act, is available on the NOPSEMA website. In broad terms, it not evident how EBPC Act instruments (e.g. plans of management, policy statements, management principles) for relevant matters protected under the EPBC Act that may be affected by the activity have been taken into account when describing the values and sensitivities that may be affected, defining acceptable levels of impact and risk, and demonstrating through environmental impact assessment that these will be met.

As a result, the description of the values and sensitivities associated with matters protected under the EPBC Act covered by NOPSEMA's Program that may be affected by the activity is not adequate. For example, but not limited to:

- 1.3.1 The description of EPBC Act-listed fish species generates doubt that the description of listed threatened species more generally is appropriate. The EP indicates that descriptions of three Conservation Dependent fish species (orange roughy, SBT and school shark) were included to address concern raised by stakeholders, rather than because Conservation Dependent species are within the definition of threatened species.
- 1.3.2 The EP does not include descriptions of all listed threatened and migratory species identified as being potentially present in or near the drilling area or in the AMBA. For example, listed migratory cetacean species identified in Table 4.5 are not described (i.e. Antarctic Minke, Bryde's and Pygmy right whales). Furthermore, it is noted that brief descriptions of the threatened bird species listed in Table 4.7 are included in the context of two groups (albatross and petrel), rather than by species.
- 1.3.3 A number of EPBC Act listed marine species are not described (e.g. dolphin species, beaked and killer whales and a number of birds). Should the titleholder decide not to describe listed marine species individually, it should provide robust justification for the approach taken and demonstrate how this approach will meet the regulations.
- 1.3.4 The EP does not include consideration of Threatened Ecological Communities that may be present in the AMBA.
- 1.3.5 The descriptions of some species that are subject to conservation management (recovery) plans and conservation advices published by the Department of the Environment (DoE) do not refer to information contained in the current plans/advice (for example Australian sea lions and white sharks).
- 1.3.6 It is not evident that descriptions of relevant matters protected under the EPBC Act are supported by appropriate evidence. For example, but not limited to:
 - 1.3.6.1 the EP includes descriptions of values and sensitivities that are based on information for locations distant from the activity without supported reasoning (e.g. species group report card for birds in the northwest marine region is cited as evidence for the lack of breeding and nesting by listed threatened albatrosses near the drilling area).
 - 1.3.6.2 The EP details values and sensitivities of the environment without reference to relevant published information (e.g. descriptions of commonwealth marine reserve values in Table 4.9 are not supported by relevant references).

- 1.4 There are a number of instances where the submission relies on a commitment to implement an arrangement, procedure or document at a future time. Where this approach has been taken there is insufficient information to give NOPSEMA confidence that the future arrangement, procedure or document will meet all the requirements of the regulations. Examples of such documents include, but may not be limited to: cement program, spill response plans, post-spill monitoring baseline data, post-spill monitoring plans.
- 1.5 The submission does not include sufficient detail about potential additional aspects of the activity. The EP should specify whether or not these will occur in order for appropriate impact and risk assessments to occur, or why they would not occur to demonstrate that impacts and risks are reduced to levels that are ALARP and acceptable, for example, but not limited to: the possibility of equipment wet storage, contingency activities (e.g. respudding, sidetrack, emergency disconnect), whether weights used to deploy transponders will be recovered or left in situ.
- 2 The EP does not demonstrate that the environmental impacts and risks of the activity will be reduced to as low as reasonably practicable (10A(b));
 - 2.1 Sufficient demonstration has not been provided in the EP to show that the environmental impacts and risks of the activity will be reduced to ALARP. Key controls for impacts and risks are often not described. Furthermore, the consideration of alternative methods and controls is often not supported, that is, cost versus environmental benefit is not considered and/or demonstrated to be grossly disproportionate.
 - 2.2 Examples of deficiencies under this regulation for planned activities include (but may not be limited to):
 - 2.2.1 There is insufficient information provided in the EP regarding critical controls such as a chemical assessment process and fluid management plan to demonstrate that implementing these will reduce impacts and risks to ALARP.
 - 2.2.2 It is not evident how additional controls to manage risks for vertical seismic profiling have been considered in order to demonstrate that those controls proposed will reduce impacts and risks to ALARP (e.g. night-time/low visibility controls).
 - 2.2.3 The Cement Program or key decision making criteria within it have not been included in the submission therefore it is not possible to determine whether the management of cement will reduce impacts to ALARP. For example, the potential volumes, locations and unsafe conditions under which bulk dry cement will be discharged overboard at the completion of the activity are not specified.
 - 2.2.4 Insufficient information is provided in the EP to demonstrate that discharging OIW in deck and bilge water at 15ppm (EP s6.1.10) is ALARP since it is also stated that the MODU is designed for zero discharge (EP p.21).
 - 2.2.5 Due to conflicting statements in the EP as to the presence of southern blue fin fishing vessels, it is not possible to determine whether the risk of interference with third parties has been reduced to levels that are ALARP.
 - 2.3 Examples of deficiencies under this regulation for unplanned activities include (but may not be limited to):
 - 2.3.1 Collision with marine megafauna – The EP includes contradictory information regarding the monitoring/observations necessary to give effect to the whale

watching guidelines which are a control to manage risk of collision with megafauna. The ALARP assessment (EP p.274) refers to active watch on vessels for the presence of cetaceans, while proposed environmental monitoring involves opportunistic observations for cetaceans (EP p.275).

- 2.3.2 Spills, including loss of well control – The ALARP demonstration for oil spill response activities (EP s6.3) does not detail proposed levels of effectiveness or explore options for improving effectiveness of these response strategies. Consequently, it does not demonstrate that all reasonable and practical controls have been adopted and that adopting additional or alternative control measures is grossly disproportionate to the sacrifice compared to the environmental benefit.

- 2.3.2.1 Details presented in the 'Effectiveness of Response' sub-sections (EP s6.3) are dependent on multiple unsupported assumptions about availability of resources and personnel. Further, the information presented in the 'Assessment of Effectiveness' tables does not always provide relevant information for each attribute (i.e. functionality, availability, reliability and dependencies) to support BP's capacity to implement the response strategy.

- 2.3.2.2 Details provided in 'Capacity for Implementation' sub-sections for each response strategy (EP s6.3) in many cases does not demonstrate that BP has a capability to match the risk or to sustain the identified response actions for the duration of a spill response. For example, the EP (EP p.452) states that at this stage of the project shoreline clean-up resources have not been fully explored, yet despite this the EP still assesses that shoreline clean-up arrangements are ALARP.

- 2.4 The statement "Drilling is required to fulfil the work-plan obligations BP made with the Australian Government when it was granted the exploration permits under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (OPGGGS Act). A 'do-nothing' approach (i.e., no drilling) would breach the permit conditions" is included in a number of ALARP demonstrations. These obligations, however, are not related to reducing impacts and risks to the environment to ALARP, but may form part of the basis for why the activity is acceptable.

- 3 The EP does not demonstrate that the environmental impacts and risks of the activity will be of an acceptable level (10A(c));

- 3.1 The AMBA for defining the existing environment is based on a 35 day well blowout scenario, which is currently not demonstrated to be appropriate. Subsequently the evaluation of impacts and risks to the environment is insufficient.

- 3.2 It is not evident that in determining acceptability of potential environmental impacts and risks for values and sensitivities of the commonwealth marine area, BP has had regard to information contained within documents such as relevant policies, management plans, Australian IUCN Reserve management principles, threat abatement plans, conservation advices and guidelines published by the DoE. The titleholder should refer to NOPSEMA's Guidance Note ([GN1344](#)) and Information Paper ([IP1382](#)) for further guidance on requirements that came into effect on 28 February 2014 and their implications for EP preparation.

- 3.3 Following from 3.2, the evaluation of impacts and risks to a Commonwealth marine area and its associated values and sensitivities is not adequately supported. For example:

- 3.3.1 The extent, severity and duration of potential impacts caused by direct seabed discharge of cuttings during top-hole drilling for this activity are not described.
- 3.3.2 The EP does not provide sufficient information to demonstrate that the numerical modelling used to inform environmental impact assessments for drilling discharges and underwater sound emissions is appropriate to the activity. For example, further supporting evidence is required demonstrate that the sound sources modelled are appropriate to the activity. In terms of drilling discharge modelling, it is not clear whether the modelling appropriately represents all sources of discharge and considers potential variability (e.g. discharge location, regime, particle sizes etc).
- 3.3.3 Further analysis of sound emissions from the activity is required in relation to potential impacts (injury and disturbance).
 - 3.3.3.1 For example, analysis of sound propagation from vertical seismic profiling considers predictions of sound levels at the Head of the Bight and the Kangaroo Island Pools and Canyons, but does not consider potential consequences for receptors that may be exposed to activity-generated underwater sound at locations closer to the activity.
 - 3.3.3.2 It is unclear how the impact assessment presented in the EP appropriately considers risk of injury, noting it is based on sound pressure levels which are in different units to the sound pressure level injury criteria proposed in Southall *et al.* (2007).
 - 3.3.3.3 Further support is required for the behavioural disturbance threshold (160 dB re 1 μ Pa SPL RMS) referred to in the EP. It is noted that information in the key reference cited in the EP (Southall, *et al.* 2007) suggests that the relevance of this criterion is not well-established for toothed whales and pinnipeds exposed to pulsed sound and that there is variability in the behavioural responses of different species to underwater sound, depending on sound source characteristics.
- 3.3.4 The EP does not demonstrate that conclusions drawn for the environmental impacts and risks associated with proposed discharges of drill cuttings and fluids are supported by analysis for all relevant cause-effect pathways. While the EP presents results of particle deposition modelling and considers these in the context of a 'smothering threshold', further analysis is required to support conclusions on page 240 relating to toxicity and bioaccumulation of toxicants in drilling discharges. For example, implementing a control to achieve average ww 6.9% ROC has not been demonstrated to result in an acceptable level of impact.
- 3.3.5 The functionality of some controls is unclear. For example, it is unclear how post-drilling ROV footage to determine whether a cuttings pile has formed will be used as a basis for managing environmental impacts and risks to acceptable levels.
- 3.4 The EP indicates that the MODU is not considered to be conducting a petroleum activity when moving between well locations. The EP is required to demonstrate how this definition is acceptable i.e. define the relevant legislation under which this interpretation is taken.
- 4 The EP does not demonstrate that some of the environmental impacts and risks of the activity will be reduced to levels that are ALARP and acceptable (10A(b) and (c));

- 4.1 The titleholder should take care to ensure that the logic underpinning environmental impact and risk evaluations is internally consistent and there are no contradictory statements in the plan. This logic can be critical in determining whether NOPSEMA is reasonably satisfied that the EP meets the acceptance criteria. Examples of inconsistency observed in the plan include, but are not limited to:
 - 4.1.1 Statements in the risk assessment are contradictory to information in the description of the environment.
 - 4.1.2 Statements in the description of the environment and/or risk assessment are contradictory to advice provided during consultation.
 - 4.1.3 Statements/information within the risk assessment are internally inconsistent.
 - 4.2 Some sources of impacts and risk to the environment identified in the EP are not considered or systematically evaluated to identify suitable controls. Examples include, but may not be limited to:
 - 4.2.1 Emissions of sound from the drill string operation.
 - 4.2.2 Implementation of response strategies (e.g. inadvertently spraying birds with dispersant, disturbance to fauna during shoreline cleanup, using dispersants to clean shorelines).
- 5 The EP does not provide for appropriate environmental performance outcomes, environmental performance standards and measurement criteria (10A(d));
- Due to items 1 to 4 in this letter it cannot be determined if the environmental performance outcomes, standards and measurement criteria provided in the EP will be appropriate. Notwithstanding this, the following findings still represent areas where the plan is deficient against this criterion.
- 5.1 The EP includes Environmental Performance Outcomes (EPOs) that are not achievable, measureable, or related to a level of performance for environmental aspects of the activity to ensure that impacts of the activity will be acceptable. For example, but not limited to:
 - 5.1.1 The EPO for seabed disturbance (Table 6.2) is unachievable - it states 'Restrict area of seabed disturbance to wellhead', despite other planned activities that will disturb the seabed in the vicinity of drilling.
 - 5.1.2 EPOs for underwater sound emissions (EP p.223) and spill response strategies (e.g. contain and recover, in situ burning (ISB) are procedural and do not represent clear environmental goals consistent with achieving acceptable levels of impact (e.g. Table 6.4: EPBC Act Policy 2.1 Part A is implemented at all times during vertical seismic profiling; Table 6.63: "Undertake ISB safely with no injury or health effects to responders").
 - 5.1.3 EPOs for drill cutting discharges are not measureable because key terms (e.g. italicised text in Table 6.9: Ensure that "cuttings and fluids are not discharged *near sensitive benthic habitat locations* and only low-toxicity fluids are used") are not defined and the EP does not include information about procedures for chemical assessment to ensure an appropriate outcome will be achieved.
 - 5.2 The EP includes Environmental Performance Standards (EPSs) that do not contain a measurable level of performance required of a control. Some EPSs are also ambiguous as

to the extent that a control measure will be implemented or how it will be implemented. For example, but not limited to:

- 5.2.1 Details for how the 3km buffer between the activity and mapped volcanic mounts will be calculated have not been provided (Table 6.9).
 - 5.2.2 EPS for deck spills states “as per Section 6.2.6” which relates to diesel spills but it is not clear which part of the section is relevant (Table 6.20)
 - 5.2.3 The control measure for cement bunkering is that “cementing is undertaken in accordance with the Cement Program” and the EPS is that the Cement Supervisor ensures that the required cement volumes for each hole section are pumped downhole in accordance with the Cement Program” (Table 6.10).
 - 5.2.4 The titleholder’s intent in terms of applying EPBC Act Policy Statement 2.1 is made ambiguous by listing only some elements of the policies part ‘A’ requirements.
 - 5.2.5 Levels of performance for personnel implementing critical controls are not set in EPSs. For example, the levels of training/competency required of personnel monitoring ROC or approving chemicals are not set.
 - 5.2.6 Since the evaluation of impacts and risks does not define a required level of effectiveness for the identified control measures, consequently in many cases the EPS do not reflect how a control needs to perform or the level of performance that makes the control effective in reducing risk. For example EPS related to subsea blowout controls are to ‘make an assessment’ of whether to deploy the SFRT, well cap or drill relief well (Table 6.32).
 - 5.2.7 Many of the response strategies have an EPS for implementation of a response plan or tactical response plan (e.g. capping and containment response plan, relief well plan, shoreline TRP, oiled wildlife bridging document) that are still being developed so it is not possible to identify the expected level of performance.
- 5.3 Measurement criteria are not included for environmental performance outcomes. It is therefore not evident how BP will determine whether outcomes are being achieved.

6 The EP does not include an appropriate implementation strategy and monitoring, recording and reporting arrangements (10A(e));

Due to items 1 to 5 above it cannot be determined if the implementation strategy provided in the EP will be appropriate. Notwithstanding this the following findings still represent areas where the plan is deficient against this criterion.

- 6.1 The implementation strategy does not specify that an environmental performance report will be submitted to NOPSEMA not less than annually (currently the submission specifies within 3 months of completion of each well).
- 6.2 The implementation strategy does not contain sufficient information to demonstrate that (for the duration of the activity) the environmental management system to be used will result in impacts and risks being continuously identified and reduced to ALARP; nor ensure that controls will be effective in reducing impacts and risks to ALARP and acceptable levels, and that EPOs and EPS will be met. For example, but not limited to:
 - 6.2.1 No provisions are made for chemical review according to updated guidelines through the duration of the activity.

- 6.2.2 No provisions are made for the titleholder to consider and address any requirements of new or revised recovery plans, conservation advices or management plans for matters protected under the EPBC Act that may come into operation during the activity.
- 6.2.3 Noting that the GAB Research program is ongoing, it is not clear how the titleholder will continuously take into account the findings of the studies as they become available.
- 6.3 A number of further specific content regulations for the implementation strategy are not met, for example, but may not be limited to:
- 6.3.1 The implementation strategy does not include specific measures to ensure training and competency of employees and contractors; including maintenance of these arrangements across the duration of the activity, or assign responsibility for these measures.
- 6.3.2 The implementation strategy does not provide for sufficient monitoring, recording, audit, management of non-conformance and review of environmental performance and the implementation strategy to ensure that EPOs and EPSs will be met.
- 6.3.3 The implementation strategy does not include the reportable incident threshold in relation to the titleholders risk matrix and consequence definitions.
- 6.3.4 The implementation strategy does not provide for appropriate and ongoing consultation with relevant authorities and other relevant interested persons or organisations.
- 6.3.5 The implementation strategy also does not include arrangements for notifying a change in titleholder or liaison person.
- 6.4 The OPEP does not demonstrate that adequate arrangements are in place to respond to and monitor oil pollution. Specific deficiencies include, but are not limited to;
- the scope of first strike actions and transition to, development and maintenance of an incident action plan (IAP)
 - responsibilities for completing and maintaining key response tasks (e.g. operational NEBA, IAP)
 - interfaces with State agencies and incident management teams
 - shoreline cleanup and oiled wildlife response arrangements
 - arrangements to recover, treat, transport and dispose of likely waste volumes
 - access to sufficient resources and personnel for the duration of the response
 - monitoring effectiveness of control measures and to inform response
- In addition,
- 6.4.1 The OPEP (s3.2) identifies that a 'Best Management Practices Implementation Checklist' (OPEP Appendix D) will be adopted. The role of these practices as a control measure to manage impacts and risks of the response is not identified in the evaluation.
- 6.4.2 The implementation strategy does not detail specific arrangements for updating and reviewing the OPEP.

- 6.4.3 The implementation strategy does not include arrangements for testing the response arrangements that are appropriate to the nature and scale of the risk of oil pollution for the activity.
- 6.5 The implementation strategy does not include appropriate arrangements for monitoring of impacts to the environment from oil pollution and response activities. For example, but not limited to:
- 6.5.1 The AMBA is not sufficiently conservative to provide for all of the potential locations for ecological and socio-economic monitoring required in the event of an oil spill.
- 6.5.2 The post spill monitoring plans do not appear to include consideration of lessons learnt from monitoring carried out to assess impacts and recovery from previous spills.
- 6.5.3 It is not clear that scientific monitoring will be carried out in the event of a diesel spill, if warranted due to contact with sensitivities, due to conflicting statements in Table 6.2.4.
- 6.5.4 Noting that a post spill monitoring framework has been provided with reasonable coverage of relevant receptors, sufficient preparation for monitoring has not been carried out with respect to the nature and scale of the spill scenario.
- 6.5.5 Details of the measures to ensure appropriate qualifications, competencies and training of 'BP subject matter experts' and monitoring contractors have not been provided.
- 6.5.6 The submission does not demonstrate how matters regarding post spill monitoring raised during consultation have been taken into consideration in the development of the monitoring plans.
- 6.5.7 The submission does not demonstrate how the requirements of plans of management for listed species, commonwealth marine reserves and state national parks will be taken into consideration for the purposes of monitoring of the impacts to the environment from oil pollution and response activities.
- 6.5.8 Lack of detail and inconsistencies between Table 2.1 and Table 2.2 mean that it is unclear whether monitoring of appropriate receptors will be undertaken, for example, but not limited to, 'tourism', 'plankton'.
- 6.5.9 A number of the initiation criteria for scientific monitoring that are presented use undefined terminology, for example but not limited to, SMS3 (sediment studies) refers to contact with 'sensitive benthic receptors', SMS6 (benthic habitat studies) refers to contact with areas where 'significant benthic communities or demersal fish are known to occur' and SMS7 (seabirds and shorebirds) refers to contact with 'significant habitats and communities'.
- 6.5.10 Neither the initiation or termination criteria include provisions to consider the requirements of stakeholders, such as government agencies or other parties.
- 7 The EP does not demonstrate that the titleholder has carried out the consultations required by Division 2.2A; and the measures (if any) that the titleholder has adopted, or proposes to adopt, because of the consultations are appropriate (10A(g));

It does not appear from the information contained in the EP that the titleholder has:

- carried out all of the required consultation for the activity
- correctly interpreted 'objections and claims' made by stakeholders
- adopted appropriate measures in response to consultation
- adequate arrangements in place for ongoing consultation.

For example, but may not be limited to:

- 7.1 It does not appear that all relevant persons have received responses to confirm how their objections/claims have been assessed and/or addressed.
- 7.2 A number of relevant persons have had their consultation assessed as 'closed', despite having outstanding objections/claims.
- 7.3 A number of relevant persons have requested further information/briefings, including a number of technical queries, and have requested additional time to consider responses. No evidence has been provided to show that this has occurred; and so it is not clear that adequate consultation has been undertaken in the course of preparing the EP.
- 7.4 A number of objections/claims have been raised in consultation which have not had their merits assessed or responses prepared.
- 7.5 A number of responses from relevant persons have contained proposed measures which have not been adequately assessed by the titleholder. Consequently it is not clear that the measures (if any) that the titleholder has adopted, or proposes to adopt, because of the consultations are appropriate.
- 7.6 Records of consultation with WA DoT (EP Attachment 2, filenote 15.1) are not included in the submission.

In preparation of any further submissions the titleholder should also note the following:

- In a number of places, the EP specifically references Environment Regulations in force prior to 28 February 2014. The titleholder must ensure that any future submissions meet the requirements of the current Regulations.
- The titleholder should also ensure that all maps and figures included in the submission can be readily and clearly interpreted.
- There are instances where referencing to support descriptions is of poor quality (e.g. DSEWPC 2012b, 2012c, 2012e where hyperlinks accessed for are not relevant to the document referenced).

NOPSEMA has numerous guidance, information documents and articles published on the website that may assist the titleholder to prepare an EP plan that meets the Environment Regulations, including topics such as: general preparation of an EP, oil pollution risk management and undertaking stakeholder consultation.

<http://www.nopsema.gov.au/environmental-management/environmental-resources/>

Resubmitting the Environment Plan

NOPSEMA has determined the BP Great Australian Bight Exploration Drilling Program EP must be modified and resubmitted by no later than 90 days from the date of this letter.

If BP Developments Australia has circumstantial considerations affecting their ability to meet this timeframe, a written submission should be made to NOPSEMA within 90 days of receipt of this letter setting out those considerations. NOPSEMA will consider these in its determination of what constitutes a reasonable opportunity in this instance. Should a written submission not be made within the time specified, NOPSEMA will proceed on the basis that the date identified above will be met.

If an EP is not resubmitted within the timeframe established through the abovementioned process, NOPSEMA may refuse to accept the EP, or accept it in part for a particular stage of the activity or accept the EP with limitations or conditions, in accordance with subregulation 10(5).

Modification and resubmission of the EP does not constitute a new submission and does not attract an additional EP levy.

Please consider the following advice on resubmitting an EP at this stage of the assessment process:

- In resolving the identified issues in this notice, it is the titleholder's responsibility to consider whether any amendments will affect other components of the EP and to ensure that any subsequent submissions meet all the requirements of the Environment Regulations.
- Titleholders are reminded that in order to demonstrate that identified risks have been adequately assessed, and that control measures will manage risks to acceptable levels and ALARP, all relevant supporting information must be included in an EP, including resubmissions.
- NOPSEMA's assessment of the resubmitted EP will be in accordance with the provisions of subregulation 10(4).

NOPSEMA's preferred method for the submission of electronic documents is through the secure website: <https://securefile.nopsema.gov.au/filedrop/submissions>. Guidance on the use of the submission system and support contacts may be found on the information page: <http://www.nopsema.gov.au/secure-file-transfer>.

Should you require further information or clarification of the information contained in this notice, please contact [s 47F - personal](#) who is the lead assessor for your submission, on [s 47F - personal information](#)

Yours sincerely,
[s 47F - personal information](#)

Environment Manager

16 November 2015

