

Our ref: ID: 6780; A952407
Your ref: SA0006AH1401760303
Contact: [REDACTED]
Email: [REDACTED]@nopsema.gov.au

[REDACTED]
Woodside Energy Scarborough Pty Ltd
Mia Yellagonga
11 Mount Street
PERTH WA 6000

[REDACTED]@woodside.com.au

Dear [REDACTED]

INVITATION TO COMMENT/RESPOND – SCARBOROUGH 4D B1 MARINE SEISMIC SURVEY

On 18 April 2023, NOPSEMA issued a letter to Woodside Energy Scarborough Pty Ltd (**Woodside**) setting out why it was not reasonably satisfied that the Environment Plan (**EP**) met various criteria set out in regulation 10A of the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009* (Cth) (**Regulations**).

On 2 June 2023, Woodside resubmitted the EP, comprising:

- Scarborough 4D B1 Marine Seismic Survey (Document No. SA0006AH1401760303, Revision 7, dated June 2023);
- Scarborough 4D B1 Marine Seismic Survey Environment Plan Sensitive Information Part 1 (Document No. not provided, Revision 6, dated June 2023);and
- Scarborough 4D B1 Marine Seismic Survey Environment Plan Sensitive Information Part 2 (Document No. not provided, Revision 6, dated June 2023).

Invitation to Comment/Respond

NOPSEMA is currently considering the resubmitted EP, and invites you to comment and/or respond to the following matters:

1. It appears that consultation with relevant persons, including Buurabalayji Thalanyji Aboriginal Corporation (BTAC), Yinggarda Aboriginal Corporation and Save Our Songlines is ongoing, and therefore consultation under reg 11A has not been completed.
2. The EP does not appear to have adopted appropriate measures from the consultation with BTAC for the purposes of identifying, managing and protecting the Thalanyji people's environmental values of sea country.
3. It is not clear from the EP that the consultation process provided for broad capture of First Nations relevant persons such that all First Nations relevant persons whose functions, interests or activities may be affected by the activity were afforded a reasonable opportunity to participate in the consultation in a manner consistent with the NOPSEMA Guideline on Consultation in the Course of Preparing an Environment Plan (GL2086).
4. There appears to be inconsistency in the way the EP describes the use of a spotter vessel with two additional trained and experienced marine fauna observers. In some parts of the EP, this measure

will only be applied during the peak northbound migration months for blue whales (May and June) and in other parts the measure is described as being applied for the full duration of the seismic survey.

This information is relevant, as it might lead NOPSEMA to consider that reg 10A(b) and/or reg 10A(g) are not met. As a result, NOPSEMA might consider it appropriate to accept the EP subject to conditions, as set out in Attachment 1.

NOPSEMA invites Woodside to provide any comments and/or respond to the draft conditions identified in Attachment 1 by **Thursday 20 July 2023**. If further time is required, a request should be made on or before Thursday, 20 July 2023.

Any responses/comments, requests or queries regarding the above, must be sent to the [REDACTED]

- a. [REDACTED]@nopsema.gov.au

Should no response/comments be received by the date above, and an extension has not been granted, NOPSEMA may proceed to make a decision on the information before it.

Yours sincerely

[REDACTED]
wA722928
13 July 2023

Attachment 1 – Draft Conditions

Consultation with First Nations groups and people

- 1) Prior to commencement of the activity, the titleholder must undertake consultation with all First Nations groups identified in the EP to confirm whether there are people, who in accordance with Indigenous tradition, may have spiritual and cultural connections to the environment that may be affected by the activity and have not yet been consulted and to allow groups that have already been identified to provide any information that may inform the management of the activity. In undertaking this consultation, the titleholder must ensure that:
 - a. The purpose of the consultation is communicated, and relevant persons are provided with a copy of the NOPSEMA Consultation on offshore environment plans Brochure as part of consultation.
 - b. The method of consultation is informed by the relevant persons being consulted.
 - c. If additional relevant persons are identified that have spiritual and cultural connections to the environment that may be affected by the activity, consultation with these people is undertaken in accordance with the NOPSEMA Guideline on Consultation in the course of preparing an environment plan (GL2086).
- 2) If new cultural and/or heritage features of the environment are identified that are not described in the EP, the titleholder must:
 - a. Ensure the environmental impacts and risks of the activity continue to be managed to as low as reasonably practicable and an acceptable level.
 - b. Notify NOPSEMA in writing within 7 days of these cultural and/or heritage features and the potential environmental impacts and risks.
- 3) The titleholder must submit a report to NOPSEMA no later than 14 days after the notification in Condition 2 which confirms the following:
 - a. The control measures that have been adopted to ensure that the environmental impacts and risks of the activity will be reduced to as low as reasonably practicable and an acceptable level.
 - b. The consultation that occurred with the relevant persons to develop these control measures, including identifying measures that they considered as reasonably necessary to manage impacts on spiritual and cultural values in accordance with Indigenous tradition and the views of the relevant persons in relation to the control measures.
- 4) Adopt appropriate measures in response to the claim from the Buurabalayji Thalanyji Aboriginal Corporation as to the need for collaboration with BTAC on the identification, management and protection of the Thalanyji people's cultural features of the environment that may be affected by the activity;

Control measures for blue whales

- 5) The titleholder must ensure that the proposed spotter vessel with two trained and experienced marine fauna observers on board is utilised at all times during the survey.