

From: [REDACTED]
To: [REDACTED] [EnvironmentPlans](#)
Cc: [REDACTED]
Subject: Decision letter Scarborough MSS EP
Date: Monday, 31 July 2023 4:47:00 PM
Attachments: [image001.jpg](#)
[image002.png](#)
[Letter - Woodside Scarborough MSS EP - Accept with Conditions.pdf](#)
[Report - Statement of Reasons - Scarborough 4D MSS EP - 31 July 2023.pdf](#)

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Hi [REDACTED]

Following the completion of the assessment process, the Scarborough Marine Seismic Survey Environment Plan has been accepted with conditions by NOPSEMA. Please find the attached letter from NOPSEMA and the Statement of Reasons outlining how NOPSEMA made the decision, which will be published on the NOPSEMA website along with the final version of the EP. We are available to discuss any information contained in the letter or Statement of Reasons.

Kind regards,

[REDACTED]

[REDACTED]
[REDACTED]
Environment, Renewables and Decommissioning - Offshore Projects & Seismic
National Offshore Petroleum Safety and Environmental Management Authority
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[REDACTED]
[REDACTED]
Woodside Energy Scarborough Pty Ltd
Mia Yellagonga
11 Mount Street
PERTH WA 6000

[REDACTED]@woodside.com.au

Dear [REDACTED]

RE: ENVIRONMENT PLAN ACCEPTANCE [IN PART] [WITH CONDITIONS] – SCARBOROUGH 4D B1 MARINE SEISMIC SURVEY

Please be advised that the Scarborough 4D B1 Marine Seismic Survey environment plan (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);

has been accepted subject to conditions in accordance with regulation 10(6) of the Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009 (Environment Regulations).

NOPSEMA issued a 'not reasonably satisfied' letter to Woodside Energy Scarborough Pty Ltd (Woodside) on 18 April 2023 setting out why it was not reasonably satisfied that the EP meets the criteria set out in regulation 10A (a), (b), (c) and (g) of the Environment Regulations. Woodside resubmitted the EP on 2 June 2023 and after assessing the resubmitted EP, it remains that NOPSEMA is not reasonably satisfied that the EP meets the criteria set out in regulation 10A (b) and (g) of the Environment Regulations for the reasons set out below. However, NOPSEMA is acting under regulation 10(6)(b) to accept the plan subject to conditions.

An assessment of the resubmitted EP was conducted in accordance with the Environment Regulations and NOPSEMA's assessment policies. This included a general assessment of the whole EP and two detailed topic assessments of the EP content, as follows:

- Matters protected under Part 3 of the EPBC Act
- Appropriate consultation with relevant persons

In accordance with regulation 11(1)(c) NOPSEMA gives notice that acceptance of the EP is subject to conditions applying to operations for the Scarborough 4D Marine Seismic Survey as detailed in Attachment 1. The reasons for my decision are:

Consultation with First Nations groups and people

1. Consultation with relevant persons, including Buurabayji 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).

Control measures for blue whales

1. There is 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.

Regulatory obligations

This acceptance is based on the document submission(s) provided in accordance with the Environment Regulations. Please note that the responsibility for the ongoing environmental performance of the Scarborough 4D Marine Seismic Survey activity remains, at all times, with Woodside Energy Scarborough Pty Ltd (Woodside).

Woodside is reminded that once a title for the activity is granted, titleholders have a duty under section 571 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* to maintain sufficient financial assurance. NOPSEMA may seek evidence of compliance with the duty through its compliance monitoring activities which may include Woodside providing a declaration of financial assurance compliance. For further information, see NOPSEMA's Guideline N-04750-GL1381 Financial assurance for petroleum titles.

NOPSEMA will communicate this acceptance decision on its website and will publish the final environment plan, excluding the sensitive information part, in accordance with regulation 9(2A).

Please be advised that in accordance with regulation 7, an activity must not be undertaken in a way that is contrary to the EP in force for the activity, or any limitation or condition applying to operations for the activity under the Environment Regulations.

You are reminded that in accordance with regulation 29, Woodside must notify NOPSEMA at least ten days before commencement and within ten days after completion of any stage of an activity outlined in the EP.

Should you have any queries regarding the above, please contact [REDACTED] on [REDACTED].

Yours sincerely

[REDACTED]

[REDACTED]

wA728168

31 July 2023

Attachment 1

In accordance with regulation 11(1)(c) NOPSEMA gives notice that acceptance of the EP is subject to the following conditions applying to operations for the Scarborough 4D MSS activity:

Consultation with First Nations groups and people

- 1) Prior to commencement of the activity, the titleholders must consult with registered native title bodies corporate, representative Aboriginal / Torres Strait Islander bodies and other persons or organisations identified as a relevant person in relation to First Nations cultural heritage in Tables 5-3 and 5-4 of the EP to confirm whether:
 - a) They are aware of any people, who in accordance with Indigenous tradition, may have spiritual and cultural connections to the environment that may be affected by the activity that have not yet been afforded the opportunity to provide information that may inform the management of the activity.
 - b) There is any information they wish to provide on cultural features and/or heritage values.
- 2) The purpose of the consultation outlined in Condition 1 is to be communicated, and relevant persons are provided with a copy of the NOPSEMA Consultation on offshore environment plans Brochure as part of consultation.
- 3) The method of consultation is informed by the relevant persons being consulted.
- 4) If at any time, as a result of compliance with Condition 1, relevant persons are identified, they must be consulted in accordance with the NOPSEMA Guideline on Consultation in the course of preparing an environment plan (GL2086).
- 5) At any time, prior to or during the activity, if new cultural features and/or heritage values of places within the environment that may be affected by the activity are identified that are not described in the EP, the titleholders 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 features and/or heritage values of places and the potential environmental impacts and risks.
- 6) The titleholders must submit a report to NOPSEMA no later than 14 days after the notification in Condition 5 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 undertaken with any relevant persons to develop these control measures, including:

- i) the control measures that those persons considered reasonably necessary to manage impacts on the cultural features and/or heritage values in accordance with Indigenous tradition; and
 - ii) the views of the relevant persons in relation to the control measures.
- 7) 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

- 8) Ensure that the proposed spotter vessel with two trained and experienced marine fauna observers on board is utilised at all times during the survey to ensure effective detection of blue whales.

Definitions

For the purposes of this notice, unless otherwise specified all terms have the same meaning as in the Environment Regulations.