

Appendix 2 – Assessment of activities against adequacy of information

Section 39(1) matters (Impact assessment) considered	Assessment
<p>Section 39(1)(a)</p> <p>Does the request documentation contain information describing the activity for which ruling is sought</p>	<p>I consider the request documentation and additional information provided by BW Offshore (BWO) meets the criteria set out in s 39(3). Specifically,</p> <ol style="list-style-type: none"> 1. Part 1 of the Impact Assessment (IA)¹ and the ruling assessment tool describes the proposed programme of work that includes the eight (8) activities that applicant proposes to undertake to disconnect the Floating Production Storage and Offtake facility (FPSO) Umuroa and the six (6) activities for which this ruling is sought. BWO stated the remaining two (2) activities (and specific parts of the other six activities) that relate to the disconnection of the Subsea Umbilicals, Risers, and Flowlines (SURF), will be subject of a separate ruling request. 2. Part 1 of the Impact Assessment (IA) was re-issued to the EPA on 11 February 2020 to include the removal of the anchors from the seabed, and again on 18 February 2020 in response to requests for further information and clarifications by EPA staff². 3. The request was initially unclear as to whether mooring lines and anchors were to be abandoned or retrieved, and if temporarily placed on the seabed, the duration of this placement. On 12 February 2020 and 18 February 2020 BWO clarified that all parts of the mooring systems (lines and anchors) would be retrieved and the temporary placement activities for any anchors would be for a duration of Petroleum Mining Permit 38158; until 24 November 2025. The duration sought for the temporary placement activity would be five (5) years and nine (9) months³. All other activity timeframes are specified in the IA. The amended Part 1 of the IA clarified the remaining uncertainty around the description of the request. <p>For clarity the eight (8) activities that BWO intend to undertake are:</p>

¹ Received by the EPA from BWO in email correspondence dated 15 January 2020.

² Further information request, clarifications, and responses are listed in Appendix 4.

³ Page 50 of part 2 of the IA.

	<ul style="list-style-type: none"> a. Activity 1: FPSO preparation and demobilisation preparatory works⁴, b. Activity 2: Surveys and Inspections (Diver and Remotely Operated Vehicle (ROV) operations)⁵, c. Activity 3: Not included in this request: Disconnection – Subsea equipment (SSE), d. Activity 4: Disconnection – Mooring systems, e. Activity 5: Not included in this request: Subsea equipment placement on seabed, f. Activity 6: Mooring lines retrieval, g. Activity 7: Anchor retrieval (7A) and temporary placement on seabed (7B), h. Activity 8: FPSO sail away. <p>Of these activities, Activity 3 and Activity 5 are not subject to this ruling request and are not considered against matters under sections 39, 59, 60, or 61 of the EEZ Act.</p>
<p>Section 39(1)(b)</p> <p>Does the request documentation contain the information describe the current state of the area where it is proposed that the activity will be undertaken, and the environment surrounding the area?</p>	<p>I consider the request documentation describes the current state of the area of the proposed activity (and surrounds) and meets the criteria set out in s 39(3). Specifically,</p> <ul style="list-style-type: none"> 1. In Part 1 of the IA, BWO define the Area of Interest as the extent of PMP 38158, but specifically relating to the field’s production assets and the assets owned by BWO. BWO do not present biological or physical survey data collected for the purpose of this ruling request. However, the information provided by BWO does include the monitoring results of the physical and biological environment between 300m and 6,000m from the FPSO, between 2012 and 2018. I consider this information sufficient to understand the likely physical conditions and biology of the benthos beneath the FPSO. 2. Section 1 of Part 2 of the IA⁶ describes the following aspects of existing environment in PMP 38158 and the surrounding area: <ul style="list-style-type: none"> a. Climate, b. Oceanography, c. Bathymetry and seabed features, d. Existing marine protected areas, e. Marine habitats,

⁴ In Table 1, Page 14 of Part 1 of the IA, BWO describe part of this activity as being subject to a separate ruling request.

⁵ Ibid.

⁶ Received by the EPA from BWO in email correspondence dated 17 January 2020, then revised on 11 February 2020.

- f. Marine invertebrates,
- g. Fish (including sharks),
- h. Marine reptiles,
- i. Seabirds,
- j. Marine mammals,
- k. Socio-economic context,
- l. Ocean users, and
- m. Cultural context.

3. I note that Tamarind Taranaki Limited (Tamarind) has been discharging harmful substances from the FPSO since 2007 under an approved Discharge Management Plan (Deemed Marine Discharge Consent EEZ900008) and subsequent Marine Discharge Consent (EEZ300006). The information in section 1.0 of Part 2 of the IA includes monitoring results of the existing environment that has been subject to previously consented discharges, and where the activities subject to this ruling request are proposed to take place.
4. I am aware that following the latest monitoring survey in the Tui Field in 2018 there has been an unintended release of hydrocarbons in that field. This incident was reported to occur on Thursday 21 November 2019. The volume of this release was estimated by Tamarind to be 100L of crude oil. Any potential impacts from this incident form part of the existing environment within which BWO are proposing to undertake activities. On 21 February 2020 BWO provided a description of the likely effects of this spill on the existing environment.
5. BWO also describe previously authorised and reasonably foreseeable activities that would be undertaken concurrently with the proposed activities. BWO describe these other activities as “normal or simultaneous operations” that are either already consented or, in its view, do not require authorisation from the EPA to be undertaken. BWO describe the effects of these activities in Part 2 of the IA. I consider these activities form part of the existing environment and that these have been provided in sufficient detail to enable the EPA and persons whose existing interests may be affected to understand the activity's effect on the environment.

I consider the request documentation describes meets the criteria set out in s 39(3). Specifically, there is sufficient detail presented in Parts 1 and 2 of the IA and supporting documentation to understand the nature, scale,

	<p>duration, and intensity of the effects on the environment from the proposed activities.</p>
<p>Section 39(1)(c)</p> <p>Has the requestor identified the persons whose existing interests are likely to be adversely affected by activity?</p>	<p>In Section 3.1 of Part 1 of the IA, BWO identify the existing interests that may be affected in PMP 38158. I consider the request documentation meets the criteria set out in s 39(3) and (4). Given the limited scale and significance of the activities and their effects, I consider BWO have made a reasonable effort to identify parties with existing interests that may be affected by this ruling request. Specifically,</p> <ol style="list-style-type: none"> 1. BWO identify fishing interests which may operate in PMP 38158, 2. BWO identify other holders of marine consents (the nearest being the Māui field, 24kms from the FPSO <i>Umuroa</i>), 3. BWO identify the interests of Te Kahui o Taranaki Trust (Taranaki Iwi) and Ngāti Tara Hapū in the Tui Field (PMP 28158).
<p>Sections 39(1)(d), 39(1)(e), 39(1)(f)</p> <p>Is the EPA satisfied that the requestor has made a reasonable effort to identify the effects of the activity on the environment and existing interests (including cumulative effects, effects on biological diversity and integrity of marine species, effects on rare or vulnerable ecosystems, and effects that may occur in NZ or in the sea above or beyond the continental shelf beyond the outer limits of the EEZ)?</p>	<p>Considering the likely scale and significance of the effects of the activities described in Parts 1 and 2 of the IA, and supporting information I consider BWO meets the criteria set out in s 39(3) and (4). Specifically,</p> <ol style="list-style-type: none"> 1. The descriptions of effects on the environment and existing interests in Part 2 of the IA are commensurate to the scale and significance of the proposed activities. BWO's descriptions sufficiently describe potential effects on diversity and integrity of marine species, ecosystems, and processes. 2. BWO has not addressed any effects that may occur in NZ or in the sea above or beyond the continental shelf beyond the outer limits of the EEZ. However, I consider this appropriate given the limited scale of the effects from the proposed activities. 3. Section 1.1.4 of Part 2 the IA acknowledges that habitat protection areas are present in the wider area surrounding PMP 38158 but not within that area. In addition, Section 1.2.1 of Part 2 of the IA states there have not been any sensitive environments⁷ or reefs observed in PMP 38158. 4. BWO addressed cumulative impacts in Section 2.5.7 of Part 2 of the IA, noting the limited potential of overlap between various activities.

⁷ As defined in Schedule 6 of the Exclusive Economic Zone and Continental Shelf (Environmental Effects – Permitted Activities) Regulations 2013.

	<p>I consider Part 2 of the IA to contain sufficient information identifying the effects of the activity on the environment, in such detail as corresponds to the scale and significance of the effects and contains sufficient detail on the effects of the activities to be understood by the EPA and persons whose existing interests may be affected.</p> <p>Section 2.5.6 of Part 2 of the IA describes social-economic and cultural aspects and impacts from the proposed activities. BWO states it does not consider any existing interests to be directly impacted by the proposed activities and notes there may be positive effects on fishing rights. BWO states it has attempted to engage with iwi to address the impacts on existing interests and has provided an engagement log that details its attempt. I consider that BWO made a reasonable effort to identify effects on existing interests, however I note its attempts to seek information from iwi on cultural matters warranted further information for consideration under section 59(2)(m) of the EEZ Act.</p>
<p>Section 39(1)(g)</p> <p>Has the requestor described any consultation it has undertaken?</p>	<p>On 20 February 2020, BWO provided a spreadsheet of parties it has engaged with in relation to its plan to leave the Tui field⁸, including dates, the nature of the correspondence, and a summary of comments received.</p> <p>I consider that BWO has described its engagement with existing interests that it considers may be affected by the activities. I consider that the extent of that engagement was very limited and that further information requests to specific parties to fully understand by the proposed activities on those parties is warranted.</p>
<p>Section 39(1)(h)</p> <p>Are copies of the written approvals included? (Y/N)</p>	<p>No evidence of written approvals are included in the engagement log.</p>
<p>Section 39(1)(i)</p> <p>Does the request documentation contain information specifying the possible alternative locations for, or methods for undertaking the activity that would avoid, remedy, or mitigate the effects?</p>	<p>Section 2.2 of Part 1 of the IA describes the location of FPSO within the Tui Field in PMP 38158. I consider this meets the criteria set out in s 39(3). BWO has not considered alternative locations for the activities proposed in this ruling. I consider this appropriate because of the fixed location of the FPSO.</p> <p>Section 5.8 of Part 2 of the IA describes alternatives for the suite of activities, including leaving the FPSO on site in an un-manned state.</p>

⁸ No specific reference is given to the ruling request or any activities that are the subject of that request.

	<p>I note that some alternative methods have been accounted for in the scope of activities of the ruling request, including the temporary placement of anchors on the seabed to be retrieved before the expiry of the permit, should initial attempts prove unsafe due to weather conditions or otherwise unsuccessful.</p> <p>I consider the IA contains information specifying the possible alternative or methods for undertaking the activities in such detail as corresponds to the scale and significance of the effects on the environment and existing interests.</p>
<p>Section 39(1)(j)</p> <p>Does the request documentation contain information specifying the measures the applicant intends to take to avoid, remedy or mitigate the effects?</p>	<p>Section 2.5 of Part 2 of the IA describes the measures that will be taken by BWO to avoid, remedy or mitigate effects of the activities on the environment and existing interests. I consider this meets the criteria set out in s 39(3).</p>
<p>Section 39(2)(c)</p> <p>Does the request documentation describe the effects on human health that may arise from the effects of the activity on the environment?</p>	<p>Section 1.1 of Part 1 of the IA states that BWO addressed the effects on human health in its Impact Assessment. An assessment on human health is not directly provided in Part 2 of the IA.</p> <p>BWO provided an Activity Specific Environmental Risk Assessment Spreadsheet to the EPA that identified no interactions between planned activities and human health which precluded human health from a more detailed risk assessment⁹.</p> <p>Based on the information contained in the spreadsheet, I consider the IA does not describe the effects on human health that may arise from the effects of the activity on the environment but that these were sufficiently addressed in the scoping assessment. I consider this meets the criteria set out in s 39(3).</p>

⁹ Provided to the EPA by email on 19 February 2020.