

# Acceptance of Eureka 3D Marine Seismic Survey Environment Plan

Document No: A1283642

Date: 11 December 2025

1. On 20 October 2025, I, [REDACTED] Director of the Geophysical Survey and Installation Team, delegate of the Chief Executive Officer of NOPSEMA decided, pursuant to regulation 33 of the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2023* (Environment Regulations), to accept the Eureka 3D Marine Seismic Survey Environment Plan (Document Number: EUK-EP-001:5, Revision 6, dated 3 October 2025) (EP) as I was reasonably satisfied that the EP met the criteria in sub-regulation 34 of the Environment Regulations.
2. The EP was submitted by Pilot Energy Limited (titleholder), to enable the titleholder to undertake the petroleum activity described in the EP, which involves undertaking a three-dimensional marine seismic survey in Commonwealth waters.
3. For the purposes of assessing the EP, I was assisted by an assessment team comprised of a lead assessor and two additional environment specialists.
4. The reasons for my decision are set out below.

## Legislative framework

5. All references to a regulation (reg) are to the Environment Regulations unless otherwise stated.
6. All definitions contained in the Environment Regulations are applied to those terms used in this statement.
7. The legislation relevant to my decision is set out in the Environment Regulations [link](#).

## Background

8. On 5 February 2024, the titleholder submitted the EP to NOPSEMA in accordance with the Environment Regulations.
9. The EP was subsequently published on NOPSEMA's website for a public comment period in accordance with reg 30.
10. Between 5 February 2024 and 20 October 2025, NOPSEMA made three requests for further information, pursuant to reg 32. The requests identified that further information was required on a number of the criteria in reg 34 and other matters mentioned in Division 2. In response to these requests, the titleholder resubmitted the EP to incorporate additional information in response to these requests.
11. In addition to the requests detailed in [10] above, NOPSEMA provided the titleholder one opportunity to modify and resubmit the EP. The opportunity identified that some of the acceptance criteria in reg 34 had not been met. In response to this opportunity, the titleholder resubmitted the EP incorporating modifications pursuant to reg 33.
12. The version of the EP that is the subject of this decision was received on 3 October 2025 (Document Number: EUK-EP-001:5, Revision 6, dated 3 October 2025).

## Materials

13. The materials considered in making this decision include, but are not limited to, those set out in Appendix A and are referenced where relevant in the reasons below.

## Decision Overview

14. The decision before me was whether the EP should be accepted pursuant to reg 33. This required that I be reasonably satisfied that the EP meets the 'acceptance criteria' in reg 34.
15. Further, in accordance with regs 16 and 34, I must not accept an EP unless I am reasonably satisfied that the titleholder is compliant with subsection 571(2) of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (OPGGGS Act) in relation to the financial assurance of the petroleum activity, and the compliance is in a form that is acceptable to me. On review of the titleholder's financial assurance declaration and confirmation forms, I was reasonably satisfied that the titleholder was compliant with Section 571(2), and the financial assurance declaration and confirmation forms were acceptable. I therefore considered that the precondition in reg 16 was met.
16. I then considered the criteria in reg 34 and was reasonably satisfied that the EP met those criteria. I therefore accepted the EP. My reasons for this Part of my decision are set out at [20] – [57] below.

## Should the Environment Plan be accepted?

17. Under the Environment Regulations, in order to accept the EP, I had to be reasonably satisfied that the criteria in reg 34 were met.
18. Reg 33 requires that, when making my decision as to whether the EP should be accepted, refused or accepted in Part or with conditions, I was required to consider the further information provided by, and modifications to the EP made by the titleholder pursuant to the requests made by NOPSEMA (here, the requests made on 3 September 2024, 25 June 2025, 11 September 2025 and 1 October 2025). The information provided and modifications made by the titleholder in response to those requests were contained in the resubmitted versions of the EP (as set out at [20] – [57] which resulted in the final version of the EP (Document Number: EUK-EP-001:5, Revision 6, dated 3 October 2025).
19. Against this background (and having considered the materials in Appendix A), I made the following findings against each criterion for acceptance of the EP under reg 34.

### The EP is appropriate to the nature and scale of the activity: reg 34(a)

20. Based on the reasons below, I was reasonably satisfied that the EP met the requirements of reg 34(a).
21. I found that the EP contains an appropriate description of the activity, suitable to inform how it may affect the environment and relevant to the consideration of environmental impacts and risks (impacts and risks) associated with that activity. This was because the scope and bounds of the activity are clearly described, and there is a thorough description of the activity components with the greatest potential to generate impacts and risks to the environment. For example, but not limited to:
  - a) The EP (Section 3) clearly describes the bounds of the activity, including defining the location, schedule, and operational aspects.

- b) The location of the activity (Section 3.1) is defined in terms of the Operational Area (OA) and Active Source Area (ASA) (nodal/streamer areas) and clearly describes where survey vessel movements will occur and where the seismic sound source may be operated; therefore, informing the assessment of impacts and risks from physical presence and underwater sound.
  - c) The timing of the activity (Section 3.2) is defined in terms of the broadest timeframe that the EP seeks approval for (1 February 2026 to 31 March 2026) and the maximum number of days of operations and acquisition (40 days); therefore, further informing the assessment of impacts and risks from physical presence and underwater sound. I also noted that at the time of EP submission, no other seismic survey EPs had been submitted to NOPSEMA in proximity of the OA.
  - d) The survey activities and equipment (survey lines, sound source, streamers, nodes, and support activities) are sufficiently described (Section 3.3) to inform the assessment of impacts and risks.
22. I considered the level of detail included in the EP to be appropriately scaled to the nature of the impacts and risks. Environmental values and sensitivities are described in relevant impact and risk assessment sections of the EP. A greater level of detail is used to describe the environment potentially affected by planned operations (e.g. impacts to western rock lobster (WRL), cetaceans and Australian Sea Lions (ASLs) from survey vessel operations and underwater sound emissions) compared with risks from unplanned events (i.e. unplanned release of vessel fuel).
23. I considered that the EP includes a thorough description of the environment that may be affected (EMBA) by the activity (Section 4). This included for example, a description of protected matters under Part 3 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), Biologically Important Areas (BIAs) for cetaceans and ASLs, biological and ecological descriptions of key finfish and invertebrate species across their life history stages, comprehensive descriptions of key Commonwealth and State-managed fisheries (including annual and seasonal trends of catch and effort), as well as First Nations cultural features and heritage values. Additionally, I considered that the EMBA was clearly defined with a logical basis for deriving boundaries and was sufficient to inform the evaluation of impacts and risks.
24. I considered that the detail and rigour applied to the impact and risk assessments are commensurate to the magnitude of the impacts and risks related to the activity, and that the level of analysis and evaluation is proportionate to the nature and scale of the impacts and risks generated by the activity. Planned impacts, unplanned risks as well as cumulative impacts have been assessed in sufficient detail (Sections 7 and 8). I specifically considered that:
- a) Further detail and rigour have been appropriately applied to the assessment of higher order impacts to key environmental values and sensitivities, such as the potential impacts from underwater sound (Section 7.1) to cetaceans, ASL's, and commercially and recreationally targeted fish and invertebrate species. For example, but not limited to:
    - i) Section 7.1.4 includes underwater acoustic modelling to help inform underwater sound impacts on cetaceans and ASLs with further animal movement and exposure (ANIMAT) modelling provided in Section 7.1.4.1.
    - ii) Section 7.1.5.2.2.2 evaluates Roe's Abalone sensitivity to marine heatwaves and adequately considers the cumulative impact of heatwaves and seismic acoustic disturbance.

iii) Section 7.3 assesses the potential impacts of the survey's physical presence to commercial fisheries, and appropriately considers fishing methods, adaptability, fishing effort within the OA, and survey duration to determine extent and severity of impacts.

25. I found the EP contains an overview of relevant legislation and other environmental requirements (such as laws, codes, standards, agreements, treaties, conventions, or practices) that apply to the activity and appropriately demonstrated how these will be met (Section 2).
26. I also found the EP describes the requirements from relevant policies, plans of management, recovery plans, conservation advice, and other guidance for protected matters under Part 3 of the EPBC Act and demonstrated how these will be met (Section 4.3.7.1 and 9). For example, the EP details the relevant recovery plans and conservation advice for EPBC Act listed species occurring within the OA and EMBA, and the actions of relevance to the proposed activity (Table 4-6).
27. I considered that there was a clear demonstration in the EP that the evaluation of impacts and risks has informed the selection of suitable control measures appropriate for the nature and scale of the activity to either reduce the consequence/severity or likelihood of impacts and risks. This was because, the evaluation of impacts and risks take into consideration the intended performance of the control measure to demonstrate that impacts and risks have been reduced to As Low As Reasonably Practicable (ALARP) and an acceptable level. For example (but not limited to), in addition to clear activity limitations that prevent seismic survey activities from occurring during the biologically important periods for southern right whales and pygmy blue whales, a series of control measures are proposed to further reduce the likelihood and severity of impacts from underwater noise on cetaceans. Further detail and examples are outlined below under reg 34(b) and reg 34(c).

**The EP demonstrates that the environmental impacts and risks of the activity will be reduced to as low as reasonably practicable: reg 34(b)**

28. Based on the reasons below, I was reasonably satisfied that the EP met the requirements of reg 34(b).
29. I considered that the EP describes the method applied to evaluate whether impacts and risks are reduced to ALARP (Section 6.5). I found this to be systematic, applied thoroughly, defensible, and reproducible. The EP also describes the method for demonstration of ALARP which considers the practicability, the effectiveness (availability, reliability, impact, and duration), and a cost benefit analysis of the control measures considered for implementation.
30. I found that the evaluation of impacts and risks has informed the selection of suitable control measures to reduce the severity of the consequence and likelihood of impacts and risk, and that all control measures that could reasonably be considered are evaluated. In particular, for higher order impacts from underwater sound emissions, invasive marine species, vessel collision/grounding risk, physical presence as well as an over-arching consideration of the unique shallow-water operating environment. Additionally, I noted sufficient detail was provided to demonstrate that the control measures will be effective in reducing impacts and risks to ALARP for the duration of the activity. For example, but not limited to:
  - a) It was evident that some habitats throughout the OA, such as reef habitats, are likely to harbour high densities of commercially targeted species such as WRL, octopus and site-dependent fish which may be vulnerable to underwater sound impacts, particularly due to

their tendency for site fidelity. I am reasonably satisfied the EP has afforded adequate protection to these areas through control measures (Table 7-17) such as the 300 m reef exclusion zones, informed by maximum no effect ranges to site-dependent and reef-dwelling species known to occupy these important habitats. An additional control measure (Table 7-17) applies a 24-hour interval between subsequent passes of the sound source within 200 m of reef exclusion zones in the nodal area, further mitigating potential for temporary threshold shift (i.e., a reversible reduction in hearing sensitivity caused by noise exposure) (TTS) for these species.

- b) Residual impacts to commercial fishers that cannot be avoided through spatial or temporal activity limitations will be reduced by implementation of the *Eureka Marine Seismic Survey Commercial Fisher Compensation Protocol* (hereafter referred to as 'compensation protocol') (Table 7-22). I found that this control measure acknowledges that some displacement, loss of catch or lost/damaged gear may occur to some fishers because of the activity however compensation will ensure such fishers are not worse off.
  - c) A suite of controls relating to the prevention of invasive marine species (Section 8.3) were adopted for limitations associated with ballast water exchanges, ensuring all project vessels undergo a biofouling risk assessment and present a 'low risk' for the potential introduction of invasive marine species, as well as routine cleaning and inspection of submersible equipment.
  - d) In relation to an accidental oil spill from vessel collision or grounding (Section 8.6) the EP contains a control measure to prevent refuelling in the OA due to the proximity of the activity to the Western Australian coastline and the shallow water environment.
  - e) In consideration of the shallow water environment, the EP contains a control measure to prevent routine vessel discharges of liquid waste within the nodal area (Section 7.5).
  - f) A suite of control measures relating to seabed disturbance (Section 7.7) in shallow water areas are adopted for the placement of ocean bottom nodes including water depth limitations, avoidance of sensitive benthic habitat, node placement restrictions relative to oil and gas infrastructure and shipwrecks, and vessel requirements (e.g., fitted with sonar and depth sounders) when in nodal areas (< 12 m depth).
31. I found the EP provides a reasonable demonstration that there are no other practicable control measures that could reasonably be implemented to reduce impacts and risks any further. For example, the titleholder has considered alternative survey timing to reduce overlap with peak commercial fishing periods and/or sensitive periods for fish and invertebrates. The EP appropriately acknowledges (Table 7-22) how flexibility in scheduling is constrained by necessary avoidance (conservation management requirements) of sensitive periods for protected matters under Part 3 of the EPBC Act. The EP also appropriately acknowledges operational limitations to viably acquire seismic over the winter months. Despite these restrictions in survey scheduling, I am reasonably satisfied the timing avoids most key periods for fisheries and their target resources (e.g., breeding lobsters, berried lobsters, the shallow water (< 40 m) "whites" migration and the majority of the puerulus recruitment period). The EP also acknowledges the substantial overlap (Table 7-7) with some key spawning periods for key demersal finfish species such as WA dhufish; however, a conservative spatio-temporal analysis demonstrated the survey window and acoustic footprint would, in a worst-case scenario, account for negligible impact.



32. I considered that information provided during relevant persons consultation was incorporated, considered, and evaluated by the titleholder where applicable to control measures and activity limitations. For example, during consultation with commercial fishers the titleholder was provided with information regarding important key reef areas in the OA associated with the WRL. Consequently, this led to a reef exclusion zone control measure being implemented in the OA with an adequate buffer to limit acoustic disturbance to WRL (and other biota) in key reef habitats (Table 7-17).

**The EP demonstrates that the environmental impacts and risks of the activity will be of an acceptable level: reg 34(c)**

33. Based on the reasons below, I was reasonably satisfied that the EP met the requirements of reg 34(c).
34. I considered that the EP demonstrated that the impacts and risks of the activity will be of an acceptable level. Examples include:
- a) The EP (Section 6) describes the method used to demonstrate that impacts and risks will be managed to acceptable levels. I found the method to be clear, systematic, defensible and reproducible, because it involved evaluating impacts and risks in the context of how they comply or align with the titleholders' internal context, legislative requirements (including alignment with the principles of Ecologically Sustainable Development (ESD) and relevant management plans, conservation advice, actions or objectives), industry good practice standards, social acceptance (including consideration of objections and claims raised during relevant persons consultation), and the environmental context.
  - b) I found the method for demonstrating that impacts and risks will be of an acceptable level to be commensurate with the nature and scale of the activity and the severity of its impacts and risks. This was because the method applied more effort and rigour to evaluations where there was a higher degree of scientific uncertainty in predictions of impacts and risks and/or severity of potential consequence of impacts and risks. For example:
    - i) Activity specific underwater noise modelling was used to predict distances to received sound levels and these levels were subsequently compared with noise effect criteria threshold levels (e.g. disturbance thresholds and TTS) for cetaceans and ASLs (Section 7.1.5.7).
    - ii) To address concerns raised in consultation regarding the suitability of applying and extrapolating southern rock lobster (SRL) acoustic impact findings to WRL, the titleholder commissioned independent subject matter experts to assess the transferability of knowledge between the two species (Appendix H) and conservatively applied the recommendations of the review throughout relevant impact assessments (Section 7.1.5.2.2.1). It was evident that the titleholder gave precedence to relevant species-specific studies to WRL (e.g., *Boom, shake the room: Seismic surveys affect behaviour and survival of western rock lobster*; de Lestang et al. 2024), whilst supplementing study findings from analogue species (e.g., SRL) for life history stages where literature and acoustic impact findings were unavailable.
    - iii) Section 7.1.5.4 conservatively assesses the potential for the survey to impact spawning for key finfish species, conducting a spatio-temporal analysis and applying conservative assumptions to address uncertainty about behavioural responses and spawning depth ranges. I was reasonably satisfied that the rigour, effort, and

conservative underpinnings of this analysis (e.g., worst-case scenario prediction), provides assurance that impacts would not result in unacceptable outcomes.

- c) I found that the EP demonstrates that the activity is not likely to have a significant or unacceptable impact on protected matters under Part 3 of the EPBC Act, including World Heritage Properties, National Heritage Places, Ramsar wetlands, listed threatened species and communities, listed migratory species and the Commonwealth marine area. For example, Section 7.1 clearly sets out defined acceptable levels of impact from underwater sound on cetaceans and ASLs. I considered that these levels were informed by relevant statutory documents such as the *National Recovery Plan for the Southern Right Whale*, and other relevant scientific literature such as the *Aerial survey of the Australian southern right whale (Eubalaena australis) 'western' population and development of AI for photo-identification* (Smith et al., 2025). The acceptable levels of impact on these receptors are demonstrated to be achievable throughout Section 7.1. For example, but not limited to:
  - i) Section 7.1.5.7.2 clearly sets out the predicted level of impacts of underwater sound on cetaceans compared to the defined acceptable levels.
  - ii) The titleholder has adopted activity limitations that prevent the activity from being undertaken during the migration periods for cetaceans (Table 7-12) or during the 2026 breeding period for ASLs (Table 4-8).
- d) I found that the EP demonstrates that the activity is not inconsistent with a recovery plan or a threat abatement plan for a listed threatened species or ecological community, a management plan or International Union for Conservation of Nature (IUCN) management principles in operation for an Australian Marine Park or a management plan for a Commonwealth Heritage Place. I found various impact and risk pathways described in Sections 7 and 8 include an assessment of relevant key documents and demonstrate that the nature and scale of activities described in the EP will not impact these receptors in a manner inconsistent with the relevant plans. For example, the titleholder has evaluated and concluded that underwater sound impacts on ASLs will be managed in a manner that is not inconsistent with the *Recovery Plan for the Australian Sea Lion* (Section 7.1.5.7.3).
- e) I found that the EP demonstrates that the activity does not contravene Australian World Heritage management principles, National Heritage management principles, Australian Ramsar management principles or Commonwealth Heritage management principles. This is because I found there to be no spatial overlap with the OA and no planned impacts to these protected places as demonstrated in Sections 2.1 and 4.
- f) I found that the EP has had regard to relevant policy documents, guidance, bioregional plans, wildlife conservation plans, management plans, instruments under the EPBC Act, conservation advice, marine bioregional plans, and other information on the Department of Climate Change, Energy, the Environment and Water's (DCCEEW) website. In particular, a suitable assessment of the activity against the relevant objectives and action areas in these plans is provided in Sections 2.1 and 9. Of relevance to the potential impacts to commercial fishers and their target resources, the titleholder has clearly reviewed and incorporated findings from the *WA State of the Fisheries Reports* (e.g., Fisher et al., 2023), the WA Department of Fisheries *Guidance statement on undertaking seismic surveys in WA waters* (DoE, 2013), *Acoustic Impact Evaluation and Management Information Paper* (NOPSEMA, 2018), and WA Department of Primary Industry and Regional Development (DPIRD) *Risk Assessment of the potential impacts of seismic air gun surveys on marine finfish and invertebrates in WA Fisheries Research Report* (Webster et al. 2018).

35. In relation to the planned aspects of the activity (Section 7), I found that predictions have been made regarding impacts to the environment that I considered to be suitably conservative and result in the inclusion of appropriate controls for the nature and scale of the activity. For example, the environmental assessment in Section 7 includes consideration of aspects typical for seismic surveys, such as underwater sound emissions (Section 7.1) and interactions with other marine users (Section 7.3).
36. In relation to unplanned aspects of the activity (Section 8), I found that the EP appropriately considers risks such as unplanned marine fauna interactions (Section 8.2), introduction of invasive marine species (Section 8.3), seabed disturbance (Section 8.4), spills of hazardous and non-hazardous materials (Section 8.5), and emergency events (vessel collision/grounding) (Section 8.6). Uncertainty has been appropriately addressed in the evaluation of oil spill incidents through the application of what I accepted to be appropriately conservative stochastic modelling and appropriate recognition of assumptions made (Section 8.6). The evaluation of risks posed by oil spill scenarios includes consideration of potential impacts to the receptors outlined in the description of the environment (Section 4) and informs the selection of appropriate spill response options.
37. In relation to protected matters under Part 3 of the EPBC Act, I considered that the EP demonstrates that the impacts from underwater sound will be of an acceptable level. Reasons for this include (but are not limited to):
- a) The EP appropriately identifies and addresses areas of uncertainty in the impact and risk evaluations using appropriately conservative modelling such as underwater noise modelling (Section 7.1.4) and ANIMAT modelling (Section 7.1.4.1). I considered that the outputs of the modelling were suitably used and interpreted (Section 7.1.5.7) to ensure that the predictions of impacts are suitably conservative.
  - b) The EP clearly defines acceptable levels of impact in relation to cetaceans and ASLs (Section 7.1) which I considered to not be inconsistent with the *Recovery Plan for the Australian Sea Lion*, the *National Recovery Plan for the Southern Right Whale* and the *Conservation Management Plan for the Blue Whale (2015–2025)*.
  - c) The process of evaluating underwater sound impacts on cetaceans and ASLs incorporates the principles of ESD as defined in the EPBC Act. For example:
    - i) The acceptability evaluation (Sections 7.1.2 and 7.1.6.3) notes that the activity has been evaluated in accordance with Pilot's Environmental and Sustainability Policy and Hazard Identification and Risk Management Procedure, which includes the principles of ESD.
    - ii) The impact evaluation of underwater sound on cetaceans and ASLs demonstrates that the acceptable level will be achievable, that the Environmental Performance Outcome (EPO) will be met and supports the impact evaluation that underwater sound will not result in physical injury or displacement of cetaceans or ASLs from BIAs.
    - iii) The EP demonstrates that biodiversity and ecological integrity will be maintained for future generations.
  - d) The acceptability evaluation is appropriately informed by relevant species recovery plans, conservation advice, wildlife conservation plans and other management plans and guidelines (Table 7-18), and I found the EP demonstrates that the activity can be undertaken in a way which is not inconsistent with these documents.



38. In relation to commercial fishers and their target resources, I was reasonably satisfied that impacts and risks will be managed to acceptable levels with the implementation of suitable control measures that are in accordance with good industry practice (e.g., soft starts, ongoing notifications to fishers, reef exclusion areas, etc.). Additionally, I found further controls (i.e., compensation protocol) are in place to mitigate “short-term” residual impacts to fishers resulting from loss or damaged gear, reduced catch rates and/or displacement from traditional fishing grounds as a result of the activity. I was reasonably satisfied that the activity will be conducted in a manner that can co-exist with other marine users by limiting interference to fishing operations; avoiding population or ecosystem level effects; ensuring the sustainability of fish and invertebrate stocks (including negligible effects to spawning output); addressing stakeholder feedback; and, complying with relevant navigation and safety maritime legislation.
39. I also found the EP provides an appropriate evaluation of impacts and risks specific to the nature and location of the activity and relevant environmental receptors. I considered that the evaluation is commensurate with the level of impact or risk presented and provides justifiable conclusions that impacts and risks will be managed to an acceptable level (Sections 6, 7 and 8). The impact and risk evaluations demonstrate that the acceptable level will be met, and that the EPOs will be achieved.
40. I considered that information provided during relevant persons consultation had been appropriately considered, evaluated, and incorporated into the EP where it was relevant to demonstrate impacts and risks will be managed to an acceptable level. For example:
  - a) Relevant persons provided the titleholder with information regarding the breeding patterns of ASLs at Beagle Island which resulted in additional temporal avoidance measures which will be implemented.
  - b) The compensation protocol underwent significant review from peak fishing bodies such as the Western Rock Lobster Council (WRLC) and the Western Australian Fishing Industry Council (WAFIC), particularly, to ensure that it was appropriate for pot-based fishing methods used around the survey area. I found consultation resulted in key amendments being made, such as adjusting the period for claim payments (from 60 days to 45 days); a reduced timeframe to assess catch-per-unit-effort (CPUE) for a loss of adjustment claim; and modifications to cater for late entrant fishers.

**The EP provides for appropriate environmental performance outcomes, environmental performance standards, and measurement criteria: reg 34(d)**

41. Based on the reasons below, I was reasonably satisfied that the EP met the requirements of reg 34(d).
42. I found the EP (Sections 7 and 8) to contain EPOs, Environmental Performance Standards (EPSs) and Measurement Criteria (MC) for impacts and risks associated with the activity. Refer to [20] – [40] above for more detail on these impacts and risks.
43. I found the EP provides for appropriate EPOs because:
  - a) EPOs are relevant to and addressed all the identified impacts and risks for the activity, including impacts and risks to protected matters under Part 3 of the EPBC Act. Examples include, but are not limited to:
    - i) Appropriate and relevant EPOs are included in Table 7-19 that reflect the acceptable levels of impact in the evaluation for cetaceans and ASLs.

- ii) All relevant impacts to socio-economic receptors such as commercial fishers are covered by EPOs that represent acceptable levels for underwater noise impacts to site-attached fish, invertebrates and divers including coverage of potential cumulative noise impacts (Sections 7.1.5.11 and 7.1.5.2.2.2). In addition, there are EPOs that cover physical presence impacts from the survey to commercial fishing vessels and their gear, and these align with acceptable levels as informed by Section 280 of the OPGGS Act (Table 7-23).
- b) When read in conjunction with associated EPSs, the EPOs establish measurable levels of performance for the management of environmental aspects of the activity.
- c) When read in conjunction with the relevant impact and risk evaluation and the adopted control measures, the EPOs demonstrate that the impacts and risks will be managed to an acceptable level and ALARP.
- d) EPOs are consistent with the principles of ESD and relevant requirements (such as plans of management, recovery plans, conservation advice, and other guidance for protected matters under Part 3 of the EPBC Act), considering items (a) and (c) above. For example, EPO 1 (Table 7-18) states "Undertake seismic acquisition in a manner that prevents injury and biologically significant behavioural disturbance to whales and ASLs", which is consistent with the *Recovery Plan for the Australian Sea Lion*, the *National Recovery Plan for the Southern Right Whale* and the *Conservation Management Plan for the Blue Whale (2015–2025)* which all have underwater noise identified as a relevant threat to these species.

44. I also found that the EP provides for appropriate EPSs that:

- a) Contain clear and unambiguous statements of environmental performance to be met. The statements of environmental performance describe how each of the adopted control measures will function and perform to effectively reduce impacts and risks to ALARP and an acceptable level. For example, underwater noise impacts on protected matters under Part 3 of the EPBC Act have been appropriately informed through the evaluation of impacts and risks (Section 7.1).
- b) Reflect relevant requirements for functionality and reliability. For example, in relation to protected matters under Part 3 of the EPBC Act, PS 1 (Table 7-19) includes an EPS for "Implementation of EPBC Policy Statement 2.1 Part A Standard Management Procedures". The relevant requirements of this policy statement are further described and includes (but is not limited to) pre-start-up visual observations for a minimum of 30 minutes, and soft starts of the seismic source for a minimum of 30 minutes.
- c) Have clear MC outlining how environmental performance will be measured. These are also suitable for the purpose of monitoring compliance.

45. I considered that the EPOs, EPSs, and MC are clearly linked and complementary of one another, as presented throughout Sections 7 and 8 of the EP.

**The EP includes an appropriate implementation strategy and monitoring, recording, and reporting arrangements: reg 34(e)**

46. Based on the reasons below, I was reasonably satisfied that the EP met the requirements of reg 34(e).

47. I found that the EP (Section 10) includes an appropriate implementation strategy because:

- a) The EP describes the environmental management system (Section 10.2) for the activity and includes measures to ensure that, for the duration of the activity, impacts and risks will continue to be identified and reduced to ALARP and acceptable levels; and EPOs and EPSs will continue to be met. These measures include monitoring, recording, assurance, and reporting arrangements (as detailed below).
- b) The EP establishes a clear chain of command which sets out the roles and responsibilities of employees and contractors in relation to the EP (Section 10.3), including during emergencies (Section 10.7.1). The necessary competency and training requirements are described in the EP (Section 10.5), and this includes ensuring that each employee or contractor is aware of their responsibilities (via mechanisms such training and induction requirements). For example, but not limited to:
  - i) The EP (Section 10.5.2) commits to marine fauna observers (MFOs) being familiarised with relevant EP commitments and their responsibilities for implementing them. To support this, MFOs are required to have a minimum of 20 weeks previous experience which is aligned with the recommendations from the Marine Mammal Observer Association, and experience in implementing mitigation actions and recording data, in accordance with EPBC Policy Statement 2.1 requirements.
  - ii) The EP (Table 10-1) specifies that the Client Site Representative has responsibility for ensuring that geospatial information (which includes important information such as reef exclusion zones, ASA, OA, and BIA boundaries) is uploaded, accurate, and communicated to the Vessel Master.
  - iii) Table 10-1 describes a stakeholder liaison role that ensures continuous liaison and notification (e.g., with commercial fishers) is carried out as outlined in the EP.
- c) The EP describes processes and systems to provide for sufficient monitoring, recording, auditing management of non-conformance and review of the titleholders' environmental performance (Sections 10.4.1 and 10.4.2). For example:
  - i) The EP (Section 10.4.2.1) includes a commitment to develop a compliance register to serve as an auditing tool and sets out timeframes that I considered to be reasonable for undertaking various compliance activities.
  - ii) The EP (Section 10.2.1) describes an appropriate Management of Change (MoC) process relevant to the scope of the activity and confirms that changes will be assessed as per the environmental risk management methodology (Section 6) to determine the significance of any potential new or increased impacts or risks not provided for in the EP. Minor changes that do not trigger a requirement for formal Revision under reg 38, will be considered a 'minor revision' and tracked.
- d) The EP (Section 10.4.2) describes the monitoring and recording arrangements for emissions and discharges associated with the vessel-based activity (i.e. seismic source emissions, vessel discharges, and fuel consumption) which I considered to be appropriate given the nature and scale of the activity and its short-term nature.
- e) The EP (Section 10.8.1 and Table 10-6) appropriately outlines routine reporting obligations, including annual environmental performance reporting to NOPSEMA. The titleholder has confirmed this report will be provided within three months of activity completion that I considered to be appropriate given its short-term nature.

- f) The EP contains an Oil Pollution Emergency Plan (OPEP) (Section 10.7 of the EP and Appendix E) that I considered to be appropriate for the nature and scale of the activity and includes adequate arrangements for responding to and monitoring oil pollution in the event of the worst-case credible spill scenario (i.e. vessel collision/grounding event resulting in 320 m<sup>3</sup> Marine Gas Oil (MGO) being released to the marine environment). For example, but not limited to:
- i) The EP (Section 8.7) includes appropriate control measures necessary for timely response to an emergency that may result in oil pollution.
  - ii) Sections 2 and 3 of the OPEP adequately details the arrangements and capability that will be in place to ensure timely implementation of the control measures and monitoring oil pollution to inform response activities. This includes consideration of response strategies based on the worst-case credible spill scenario, such as source control, monitor and evaluate, natural recovery, shoreline protection and deflection, shoreline clean up, and oiled wildlife response.
- g) Section 11 of the OPEP provides for monitoring of impacts to the environment from oil pollution and response activities that I considered to be appropriate to the nature and scale of the activity and sufficient to inform any remediation activities. Specific details of operational monitoring and scientific monitoring (Appendix F of the EP) are provided, and it was evident to me the location of the activity has been taken into consideration. For example, a marine mega-fauna assessment would include ASLs and cetaceans which are both known to occur within the OA.
- h) I considered the arrangements established in the OPEP (Section 10.7) to be consistent with the national system for oil pollution preparedness and response, which includes the National Plan for Maritime Environmental Emergencies (NATPLAN) and the State Hazard Plan for Maritime Environmental Emergencies (State Hazard Plan).
- i) The EP (Section 10.7.2) includes appropriate arrangements for testing the response arrangements in the OPEP that are appropriate to the response arrangements and the nature and scale of the activity. For example:
- i) The OPEP will be desktop tested prior to commencing the survey which I considered to be commensurate with the nature and scale of the worst-case credible spill scenario (320 m<sup>3</sup> MGO) and the short-term duration of the activity (up to 40 days).
  - ii) The EP includes adequate arrangements for testing the response arrangements. These include testing the roles and responsibilities of personnel involved; communications (internal and external); vessel-based spill surveillance arrangements; and equipment and procedure availability. The outcomes of the OPEP test will be appropriately documented, reviewed and improvements will be identified (as required).
- j) The EP (Section 10.9.1) provides for appropriate ongoing consultation during the implementation of the activity with relevant authorities of the Commonwealth, a State or Territory and other relevant interested persons or organisations. The titleholder will notify relevant persons upon key milestones, such as prior to activity commencement. Commercial fishing relevant persons will be sent a reminder of the activity details (e.g., 7 to 10 day lookahead) and contact information for fishers to provide information to the titleholder on planned fishing activity.

**The EP does not involve the activity, or Part of the activity, other than arrangement for environmental monitoring or for responding to an emergency, being undertaken in any Part of a declared World Heritage Property within the meaning of the EPBC Act: reg 34(f)**

48. For the reason below, I was reasonably satisfied that the EP met the requirements of reg 34(f).
49. I was satisfied that the EP clearly described the boundaries of the activity (Sections 3.1 and 4.4.6), which demonstrates that no Part of the activity will be undertaken in any Part of a World Heritage Property within the meaning of the EPBC Act.

**The EP demonstrates that the titleholder has carried out the consultations required by Division 3, and the measures (if any) that are adopted because of the consultations are appropriate: reg 34(g)**

50. Based on the reasons below, I was reasonably satisfied that the EP met the requirements of reg 34(g).
51. I found that the EP contained a clear description of the process (Section 5) used for the identification and broad capture of relevant persons. This is because:
- a) The EP includes a description of the categories of relevant persons (under reg 25(1)) whose functions, interests or activities may be affected by the activity to be carried out under the EP. The EP subsequently identifies who is a relevant person and the category that person or organisation falls within. The categories of relevant persons include: government agencies; commerce; commercial fishers and peak representative bodies; commercial shipping; conservation groups; educational bodies; fishing associations; heritage groups; local councils; Traditional Custodians; Native Title representative bodies (Traditional Owners and First Nations People) and nominated representative corporations; other marine users; petroleum titleholders; port users; ports and harbours; recreational fishers; and tourism operators which I considered to be appropriate.
  - b) The EP adequately describes the functions, interests or activities of those persons or organisations identified as relevant persons (Appendix D2).
  - c) The process appropriately includes reference to multiple sources of information that was used by the titleholder to identify relevant persons, such as a review of databases and registers, published guidance, and advice from authorities and other relevant persons.
  - d) The EP provides details and evidence of the steps taken by the titleholder to create awareness of the activity and the consultation process, to encourage potentially relevant persons that the titleholder may not be aware of, to make themselves known to the titleholder. This included published notices in print media (i.e. advertisements placed within local newspapers), attendance at local community events (i.e. Shire of Irwin Expo) and online information (i.e. a project specific website).
52. I found that the EP included evidence to demonstrate that effective consultation had taken place with relevant persons because:
- a) The titleholder consulted with each person or organisation identified as a relevant person in the EP (Appendix D1).
  - b) The titleholder provided relevant persons with sufficient information to allow the relevant person to make an informed assessment of the possible consequences of the activity on their functions, interests, or activities. I found this approach to be adequately described in the EP (Section 5.3.3) and included:



- i) Tailoring information, responses, and communication mediums to suit the needs of different relevant persons. For example, but not limited to:
    - In relation to First Nations relevant persons, the EP describes (Section 5.3.3.1.3) the provision of sufficient information via visual aids, and verbal communication in one-on-one or group meetings.
    - In relation to commercial fisheries relevant persons, the EP describes (Section 5.3.3.1.2) the provision of sufficient information via multiple methods of communication including emails, campaign emails, newsletters, in-person meetings, community information sessions, and phone calls. Specific documents are described to have been produced regarding the potential for impacts on WRL for the WRLC and its members, including a factsheet and a copy of the SRL/WRL transferability of knowledge report (Appendix H).
  - ii) Use of different materials to support the provision of information that was suited to the relevant person being consulted i.e. in-person meetings, emails, phone calls, subject-specific flyers, content on the project specific website, visual aids, fact sheets, tailored maps, YouTube explanation video etc.
  - iii) Provision of additional information where requested.
  - iv) Publishing relevant information regarding the activity on the project specific website.
  - v) Considering the relevant persons' view of what constitutes sufficient information.
  - vi) The consultation material provided sufficient information about the environment and the potential impacts on the environment to allow relevant persons to make an informed assessment of the possible consequences of the activity on their functions, interests, or activities. For example, in response to WAFIC's request for additional information on shallow water acquisition, the titleholder initially provided the only information available at the time, as seismic vendors had not yet been engaged. Knowledge gaps were subsequently addressed through a project update link, and an additional meeting. The relevant person subsequently confirmed by email that sufficient information had been provided in relation to this request. Whilst sufficient information was unable to be provided at the time of the initial request (due to the unavailability of information required), I considered the subsequent follow-up by the titleholder once the information was available to be reasonable.
- c) I found that the titleholder has allowed relevant persons a reasonable period for consultation because:
- i) The titleholder commenced consultation with relevant persons in February 2023, followed by additional consultation over the course of many months, and even years in some instances, providing what I considered to be a reasonable period of time for relevant persons to consider the information provided and make an informed response.
  - ii) The EP (Section 5.3.4) describes the approach taken to determining a reasonable period for consultation that is based on consideration of the relevant person's particular circumstances and includes consideration of the nature, scale and complexity of the activity, as well as the extent and severity of potential impacts and risks on each relevant person's functions, interests or activities.

- iii) The titleholder considered relevant persons views of what constitutes a reasonable period for consultation and considered requests for additional time by relevant persons. Additional time was provided where reasonable requests were made. For example, the WRLC was given multiple extensions to review and provide feedback on the compensation protocol which was initially issued to them in 2023. The compensation protocol underwent several iterations and negotiations prior to confirmation from WRLC in 2025 that they were largely satisfied that outstanding issues had been addressed.
  - d) Relevant persons were informed by the titleholder they may request that particular information provided during consultation not be published and information subject to such a request was not published. The EP (Section 5.3.3) describes that all relevant persons were informed of their right to keep information provided from being published.
- 53. I was reasonably satisfied that information gathered through the consultation process has been incorporated into the rest of the EP and effectively informed the identification of environmental values and sensitivities to ensure impacts and risks are reduced to ALARP and acceptable levels and therefore appropriate. This is because:
  - a) Information obtained from relevant persons has informed the identification of environment al values and sensitivities where relevant. For example:
    - i) In relation to First Nations relevant persons, the EP (Table 4-17) includes information obtained from an Aboriginal Corporation regarding their cultural values in the OA and EMBA. This includes information regarding culturally significant species, such as ASLs, sharks and whales.
    - ii) In relation to commercial fisheries relevant persons, DPIRD fishery subject matter experts highlighted relevant information about the survey area and associated timing, such as peak commercial fishing activity, demersal indicator fish spawning behaviours (e.g., WA dhufish summer pair spawning), seasonally-sensitive periods (e.g., WRL “whites” migration, WRL spawning period, WRL puerulus settlement), and recreational fisher target species (e.g., spanish mackerel). The titleholder has clearly incorporated this information throughout the description of the environment (Section 4) and the relevant impact assessment (Section 7.1).
  - b) Information discussed with relevant persons has been considered in the evaluation of impacts and risks, and in the titleholder’s processes for demonstrating that the impacts and risks of the activity will be reduced to ALARP and acceptable levels where relevant. For example, DPIRD provided comments and feedback to the titleholder on their draft impact assessment on WRL, which was subsequently incorporated into the revised impact assessment (Section 7.1.4.2.2.1).
- 54. I found that the titleholder’s assessment of merit and all responses to objections and claims are reasonable and supported, and the measures adopted because of the consultation are appropriate. This is because:
  - a) In some cases, the titleholder’s assessment of the merits of objections and claims resulted in the adoption of appropriate control measures. For example, but not limited to:
    - i) Following questions raised by an Aboriginal Corporation in relation to the potential impacts of seismic activity on local marine fauna (i.e. dolphins), the titleholder adopted a control measure to shut-down the seismic source if dolphins came within 100 m of the vessel (Table 7-19).

- ii) WAFIC raised concerns about the western rock octopus, an endemic WA species present in the OA and targeted by the WA-managed Octopus Interim Managed Fishery. WAFIC subsequently requested a scientific study on seismic impacts, citing that findings from other octopus' species were not appropriate to draw upon due to habitat, genetic and breeding differences. Titleholder responses (Appendix D2) acknowledged potential noise effects but predicted minor, short-term, and spatially limited impacts. Additionally, the titleholder reported that studies on analogous octopus species demonstrated no mortality and negligible sub-lethal effects 500 m from the seismic source. With measures in place, such as reef exclusion zones, soft start procedures, and best practice guidelines, impacts will be reduced to ALARP and acceptable levels.
- iii) Following concerns raised by the WRLC regarding the long-term effects of seismic to WRL populations, fishing catch rates and how the compensation protocol did not adequately cater for these, the titleholder has adopted a commitment to implement a tailored and collaborative Before-After-Control-Impact (BACI) study. This study is proposed to be run in parallel to the activity and funded by the titleholder and DPIRD to investigate the impacts of seismic on fishing (including the WRL population).

- b) In other cases, the titleholder's assessment of the merits of objections and claims appropriately resulted in no additional measures being adopted when they were not practicable and/or necessary for the EP to demonstrate that impacts and risks will be reduced to ALARP and acceptable levels.

55. I was satisfied that the EP includes a report on all consultations under reg 25 of any relevant person by the titleholder in accordance with reg 24(b). This is because:

- a) The EP (Appendix D1) contains a summary of each response made by a relevant person. The summary adequately reflects the responses received from relevant persons, such that relevant objections or claims can be adequately identified. The assessment team reviewed the full text records to verify the accuracy of the information provided in this summary.
- b) The EP (Appendix D1 (public) and D2 (confidential)) contains an assessment of the merits of any objection or claim raised during relevant persons consultation. This has subsequently informed the titleholder's response, or proposed response to the relevant person.
- c) A copy of the full text of any response by a relevant person is included in the sensitive information Part of the EP (Appendix D3).
- d) All sensitive information is contained in the sensitive information Part of the EP (and not elsewhere in the EP), in accordance with reg 26(8).
- e) Where there was merit to relevant objections or claims regarding the adverse impact of the activity to which the EP relates, the titleholder has considered these against the content of the EP to ensure relevant control measures have been included. The consultation has progressed to resolve objections and claims made by relevant persons as far as reasonably practicable. The titleholder's assessment of merit and all responses to objections and claims were reasonable and supported.
- f) The EP (Sections 5.3.2, 5.3.3, and 5.3.4) provides descriptions of the consultation processes, and the rationale used to determine who and how to consult with relevant persons, including the approach to the provision of sufficient information and a reasonable period for the consultation to occur. I refer to [51] – [54] above for more detail.

56. With reference to the findings above, I found there are suitable details and rationale available in the EP to conclude that the measures adopted, or proposed to be adopted, by the titleholder as a result of consultation with relevant persons under reg 25 are appropriate.

**The EP complies with the Act and Regulations: reg 34(h)**

57. Based on the reasons below, I was reasonably satisfied that the EP met the requirements of reg 34(h). I was satisfied that:
- a) The EP demonstrates that the activity to be carried out is consistent with the objects of the Environment Regulations, including the Principles of ESD. This has been demonstrated through Section 6 to Section 8 of the EP.
  - b) The EP addressed the content requirements of regs 21 to 24 with enough clarity, consistency, and detail commensurate to the nature and scale of the activity.
  - c) The EP contains a report on all consultations under reg 25 of any relevant person by the titleholder that is in line with reg 24(b). In particular:
    - i) There is a summary of each response made by a relevant person as required by reg 24(b)(i). This is included in Appendix D1.
    - ii) There is an assessment of the merits of any objection or claim about the adverse impact of each activity to which the EP relates as required by reg 24(b)(ii). This is included in Appendix D1.
    - iii) There is a statement of the titleholder's response, or proposed response, if any, to each objection or claim as required by reg 24(b)(iii). This is included in Appendix D1.
    - iv) There is a copy of the full text of any response by a relevant person as required by reg 24(b)(iv). This is in the sensitive information Part of the EP (a discrete Part that will not be subject to publication).
  - d) In relation to the titleholder's report on consultation under reg 24(b), I found the details presented in the EP to be reasonably accurate and fairly represented, based on a review of the full text records of the consultation between the titleholder and relevant persons, as presented within the sensitive information Part of the EP.
  - e) I made no observations of 'sensitive information', meeting the definition provided under reg 5 or the full text of any response by a relevant person, being contained in the EP. In accordance with reg 26(8), such information is to be contained in the sensitive information Part of the EP only, and not anywhere else in the EP.
  - f) The titleholder has submitted the EP in writing as required by reg 26(6).
  - g) The EP includes an environment plan summary report (Section 1.1) as required by reg 35(7).
  - h) The EP commits to complying with the requirements in regs 47, 48, 49, 50, 51, 52, 53 and 54 regarding various notifications and reporting to NOPSEMA.
  - i) The EP demonstrates the activity is consistent with Section 572 of OPGGS Act. I have come to this conclusion because no equipment will be installed on the seabed, other than the temporary placement of ocean bottom nodes. These will be removed at the completion of the activity (Section 3.3.3), consistent with the requirements of Section 572 of the OPGGS Act.



- j) Lastly, I accepted that consultation with relevant persons has informed the titleholder for the purposes of Section 280 of the OPGGS Act which requires that the activity will not interfere with navigation, fishing, conservation of resources of the sea and seabed, other offshore electricity infrastructure and petroleum activities, and the enjoyment of Native Title rights and interests (within the meaning of the Native Title Act 1993) to a greater extent than is necessary for the reasonable exercise of the titleholder's rights and obligations.

## Other considerations

### Correspondence received directly by NOPSEMA

58. I note NOPSEMA received communications directly from third parties relating to the activity and its subsequent assessment. Information received directly from third parties was forwarded to the titleholder for consideration in the preparation of the EP.

### The EPBC Act Program: protected matters under Part 3 of the EPBC Act

59. The EPBC Act Program endorsed under Section 146 of the EPBC Act outlines the environmental management authorisation process under the EPBC Act for offshore petroleum and greenhouse gas activities administered by NOPSEMA and requires NOPSEMA to comply with Program responsibilities and commitments.
60. In implementing the EPBC Act Program, NOPSEMA conducts assessments of EPs against the requirements of the EPBC Act Program, which includes meeting the acceptance criteria and content requirements under the Environment Regulations. Specific EPBC Act Program commitments relating to protected matters under Part 3 of the EPBC Act are outlined in Table 2 of the EPBC Act Program report and must be applied by NOPSEMA during decision making with respect to offshore projects and activities.
61. In accordance with the EPBC Act Program, I considered protected matters under Part 3 of the EPBC Act, including listed threatened and migratory species and was reasonably satisfied that if the activity is carried out in accordance with the EP, it will meet the requirements of the EPBC Act Program on the basis that:
- a) The activity will not result in unacceptable impacts on listed threatened and migratory species and is not inconsistent with relevant recovery plans and threat abatement plans for listed threatened and migratory species.
  - b) Appropriate control measures are presented in the EP to ensure that impacts to threatened and migratory species will be of an acceptable level. For example, the use of MFOs as well as the implementation of EPBC Policy Statement 2.1 Part A Standard Management Procedures.

## Conclusion

62. For the reasons set out above, I was reasonably satisfied that the EP met the criteria set out in reg 34. I was also satisfied that the titleholder was compliant with Section 571(1) of the OPGGS Act and therefore met the precondition of reg 16.

  
Director Geophysical Survey and Installation

11 December 2025



## Appendix A: Key materials considered in making the decision

1. In making this decision, I considered the documents making up the EP submission in accordance with legislative requirements and NOPSEMA policies and procedures. The material that I had regard to in making this decision included, but was not limited to:
  - a. The EP, comprising:
    - i. Eureka 3D Marine Seismic Survey Environment Plan (Document No. EUK-EP-001:5, Revision 6, dated 3 October 2025);
    - ii. Appendix A: Pilot Energy Pty Ltd Environmental Policy;
    - iii. Appendix B: Protected Matters Search Tool Reports;
    - iv. Appendix C: Eureka 3D Marine Seismic Survey Commercial Fisher Compensation Protocol (dated September 2025);
    - v. Appendix D1: Eureka 3D Marine Seismic Survey Report on Consultations (Document No. EUR-EP-001-D1, Revision 6, dated October 2025);
    - vi. Appendix D2: Sensitive Information - Eureka 3D Marine Seismic Survey Report on Consultations (Document No. EUR-EP-001-D2, Revision 6, dated October 2025);
    - vii. Appendix D3: Sensitive Information - Eureka 3D Marine Seismic Survey Full Text Copies Organisations (Document No. EUR-EP-001-D3, Revision 6, dated October 2025);
    - viii. Appendix D3: Sensitive Information - Eureka 3D Marine Seismic Survey Full Text Copies Commercial Fishers (Document No. EUR-EP-002-D3, Revision 6, dated October 2025);
    - ix. Appendix D3: Sensitive Information - Eureka 3D Marine Seismic Survey Full Text Copies Persons (Document No. EUR-EP-003-D3, Revision 6, dated October 2025);
    - x. Appendix E: Eureka 3D Marine Seismic Survey Oil Pollution Emergency Plan (Revision 0, dated 6 December 2023);
    - xi. Appendix F: Eureka 3D Marine Seismic Survey Operational and Scientific Monitoring Bridging Implementation Plan (Revision 0, dated 6 December 2023);
    - xii. Appendix G: Eureka 3D Marine Seismic Survey Acoustic Modelling for Assessing Marine Fauna Sound Exposures (Version 1.0, dated 3 May 2023);
    - xiii. Appendix H: University of Tasmania Transferability of Knowledge Between Southern Rock Lobster (*Jasus edwardsii*) and Western Rock Lobster (*Panulirus cygnus*);
    - xiv. Titleholder's Report on Public Comment - Eureka 3D Marine Seismic Survey; and
  - b. Material referenced in the EP that was important evidence for making the case that impacts and risks will be managed to ALARP and acceptable levels.
2. The Assessment Report – Eureka 3D Marine Seismic Survey Environment Plan (EP) – A1099439.
3. The legislative framework relevant to EP assessments, including:
  - a. The OPGGS Act;
  - b. The Environment Regulations; and
  - c. The EPBC Act Program<sup>1</sup>.
4. Policies and Guidelines:
  - a. NOPSEMA Assessment Policy (N-04000-PL0050);

<sup>1</sup> <https://www.environment.gov.au/protection/assessments/strategic/offshore-petroleum-greenhouse-gas>

- b. NOPSEMA Environment Plan Assessment Policy (N-04750-PL1347);
  - c. NOPSEMA Environment Plan Decision Making Guidelines (N-04750-GL1721);
  - d. NOPSEMA Consultation in the Course of Preparing an Environment Plan Guideline (N-04750-GL2086);
  - e. NOPSEMA Section 572 Maintenance and Removal of Property Regulatory Policy (N-00500-PL1903); and
  - f. NOPSEMA Petroleum Activity Guidance Note (N-04750-GN1343).
5. Guidance:
  - a. NOPSEMA Environment Plan Content Requirements Guidance Note (N-04750-GN1344);
  - b. NOPSEMA Petroleum Activities and Australian Marine Parks Guidance Note (N-04750-GN1785); and
  - c. NOPSEMA Oil Pollution Risk Management Guidance Note (N-04750-GN1488).
6. Procedures:
  - a. NOPSEMA Environment Plan Assessment Standard Operating Procedure (N-04750-SOP1369).
7. Other relevant documents and records:
  - a. Relevant published, peer-reviewed scientific literature, including the scientific literature cited in the EP;
  - b. Department of the Environment, Water, Heritage and the Arts, Significant Impact Guidelines 1.1 – Matters of National Environmental Significance, EPBC Act Policy Statement (2013);
  - c. Department of Sustainability, Environment, Water, Population and Communities, 'Indirect consequences' of an Action: Section 527E of the EPBC Act, EPBC Act Policy Statement (2013);
  - d. Department of the Environment and Energy, National Light Pollution Guidelines for Wildlife Including Marine Turtles, Seabirds and Migratory Shorebirds (2020);
  - e. Commonwealth of Australia, Conservation Management Plan for the Blue Whale 2015–2025 (2015);
  - f. Commonwealth of Australia, Recovery Plan for the Australian Sea Lion (2013);
  - g. Commonwealth of Australia, Issues Paper for the Australian Sea Lion (2013);
  - h. Department of Agriculture, Water and the Environment, Guidance on Key Terms within the Blue Whale Conservation Management Plan (2021);
  - i. National Recovery Plan for the Southern Right Whale (2024); and
  - j. Commonwealth of Australia, Wildlife Conservation Plan for Seabirds (2020).
8. Relevant legislative and other requirements that apply to the activity and are relevant to the environmental management of the activity.
9. Relevant Federal Court of Australia authority and issued judgments.