



Nicholas Rendel
Environmental Officer
Environmental Planning Department
Falkland Islands Government

19/06/15

Dear Mr Rendell,

NOBLE ENERGY FALKLANDS LTD ENVIRONMENTAL IMPACT STATEMENT FOR RHEA-1 EXPLORATION WELL

Please find below some comments from the Royal Society for the Protection of Birds (RSPB) on this Environmental Impact Statement (EIS). It is RSPB's opinion that this document improves on previous licence application EISs in that its assessment process is laid out more understandably (6.2.1, p.193), it acknowledges the presence and significance of data gaps (2.4, p.64; 5.1, p.98) and it makes better use of available baseline information (5.4.6.1, p.144; Table 20, p.151).

However, most of our issues with previous licence applications equally apply to this current document. It retains the main weaknesses of previous assessments in relation to lack of data and the lack of detail concerning major mitigation measures on which the assessment relies:

- As with the previous two licence applications (FISA12/FIST13 and Isobel Deep), we note that Noble Energy Falklands Ltd (NEFL, 'the applicant') has not completed benthic surveys in time to inform the assessment. Although it may be seen as a likely minor potential impact from the project, it is disappointing that it now seems to be standard practice for applicants not to have completed their baseline surveys before licence application. Our view remains the same that without this data it is very hard for Falkland Islands Government (FIG) to come to an informed decision about the full impacts of the licence application, and that therefore your decision should be delayed until such time as it can be provided and a full benthic impact assessment completed. Given this may be unlikely to happen, if permission were granted now, consent conditions should be put in place to ensure that sensitive benthic habitats are identified and avoided as set out in section 5.3.1 (p.107). We would encourage FIG to retain control over the decision as to whether drilling should occur at the preferred location, however, rather than relying on the applicant's judgement as to whether the location is sensitive, or not (12.6, p.305).
- The NEFL EIS has extracted and used more useful data from the Seabirds at Sea surveys than previous assessments, in terms of showing the relative abundance of different spp in different seasons (5.4.6.1, Table 19, p.144-145). This is useful in identifying the prevalence of key species of conservation concern that might be impacted at different times of year. However, it is our opinion that the overall baseline available on which to base the assessment is still weak. Most of the data used is over a decade old, is patchy and doesn't allow more than a rudimentary

understanding of the conservation significance of the populations using the licence area and surrounds, nor how they utilise it, nor whether there is significant inter-annual variation. This limits the ability to predict the impact of events such as local or large scale pollution incidents, and whether the mitigation measures proposed will reduce impacts as planned. As with previous assessments, data on cetaceans and pinnipeds is also relatively poor.

- As with previous applications, in our opinion FIG (or other concerned parties) cannot come to an informed view as to the efficacy of the mitigation measures, and so the residual environmental risks attached to the project without the Oil Spill Response Plan, Emergency Response Plan, Wildlife Response Plan and Bird Strike Management Plan being available (14.3, p.365). In our opinion these documents should have been available as annexes to the EIS.

As a result of the above, as with previous applications, we question whether the ESHIA complies with the information required under paragraph 64C(1b) of the Offshore Minerals Ordinance (1994), as set out in Schedule 4 of that Ordinance, and as amended by the Offshore Minerals (Amendment) Ordinance 2011.

As previously, the RSPB strongly encourages FIG to continue to work with the oil licencees to ensure that the present relative paucity of offshore environmental data in the licence areas is addressed, through the Falkland Islands Offshore Hydrocarbons Environmental Forum (FIOHEF) and Gap Project, before any extraction licences are considered. Although the RSPB does not dispute in large part the conclusions of the impact assessment on birds of the present exploration licence application, we do not believe that the present level of information available is appropriate to assess long term or permanent hydrocarbons infrastructure and operations.

A short description of the RSPB's conservation work in the Falklands along with some other specific comments on the EIS are provided in the attached annex. If you have any queries regarding this representation, please feel free to contact me.

Yours Sincerely,



Daniel Pullan, MRTPI

International Casework Manager,
Royal Society for the Protection of Birds, United Kingdom

Annex

The Royal Society for the Protection of Birds and the Falkland Islands

The RSPB was set up in 1889. It is a registered charity incorporated by Royal Charter and is Europe's largest wildlife conservation organisation, with a membership of over 1 million. The RSPB manages 203 nature reserves in the UK covering an area of over 143,000 hectares.

The principal objective of the RSPB is the conservation of wild birds and their habitats. The RSPB campaigns throughout the UK and in international forums for the development, strengthening and enforcement of environmental law and policy. In so doing, it also plays an active role in scrutinising development proposals which may affect important bird areas in the UK and in UK Overseas Territories, offering ornithological and other relevant wider environmental expertise.

The RSPB has been involved with nature conservation in the Falklands Islands for almost two decades, working closely with our BirdLife partner, Falklands Conservation. This includes provision of technical, ecological and project management expertise, capacity building and inputting into policy development processes. The UK's Overseas Territories are one of the RSPB's four key priority areas for our work.

Other Detailed Comments on the EIS

Non Technical Summary, p.27 – we take issue with the blanket assertion that 'any species of seabird impacted would recover relatively rapidly' from a larger diesel spill. This entirely depends on the species affected, time of year and number of individuals impacted. For example, mortality of a relatively small number of endangered albatrosses may have a significant longer term impact on the population due to their longevity and low reproduction rates.

Table 19, p.145 – Although it is useful to describe the status and ecology of the seabirds likely to be present around the exploration well in section 5.4.6.1, it would have made more sense to order these according to their Winter or Spring abundances, as these are when the rig and associated vessels will be in the area (August-September).

5.4.6.1, pp.146-148 – the description for soft-plumaged petrel states that it is one of few species to show inter-annual variation in numbers from the SAS data, but then goes on in the long-tailed skua description to state that it, like many summer visitor spp shows considerable inter-annual variation in numbers.

5.4.6.5, p.154 – CMS should be correctly described as the Convention on Migratory Species. CMS's objective is to conserve migratory species (including terrestrial and marine spp) and their habitats throughout their range, not just birds.

9.6, p.241 – August-September is not the period of lowest abundance for all susceptible species, notably prions (Table 19, p.145). We acknowledge that this would be unlikely to change the significance of the impact however.

10.3.5.1, p.250 – we disagree that cetacean mortality would have a ‘short-term’ impact on the species. Due the longevity and low reproductive rates of most cetaceans any impact would be medium term at least.

10.3.6, p.251; 10.5.6, p.262 – these suggested mitigation measures should form part of any subsequent Environmental Management Plan (EMP) for the operation, enforced by FIG.

13.3.6.1, p.355 – the assessment here reduces the significance of impacts on seabirds to low, citing use of standard industry practices and implementation of the Oil Spill Response Plan. We would contend that standard industry practices should not be assessed as mitigation. As above, we also contend that without the ability to assess the efficacy of the OSRP, this reduction in significance of diesel spills from ‘moderate’ to ‘low’ for seabirds is not justified.