

11 May 2006

Our Ref: G2006/92

Steering Group,
SEA Consultation Process,
Petroleum Affairs Division,
Beggars Bush,
Haddington Road,
Dublin 4

Re: Notice under Section 11 of the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004. SI No. 435 on a programme to issue Frontier Exploration Licences for certain blocks within the Slyne, Erris and Donegal Basins – Scoping Stage

Dear Sir/Madam,

We refer again to the above-proposed development. Outlined below are the further nature conservation recommendations of the Department of the Environment, Heritage and Local Government (DoEHLG).

1. National Parks & Wildlife section of DoEHLG welcomed the opportunity to participate in this process through the Steering Group and found the experience both positive and informative. DoEHLG believes the process undertaken will serve as a useful template for the Irish maritime sector in general and for any future licensing rounds in the offshore sector.
2. The timeline that the production of this SEA report followed, while meeting statutory obligations, was quite rigorous and demanding. If possible, similar SEA reports should be allowed to develop over a longer time period in the future.
3. DoEHLG's Statement of Strategy 2005-2007 sets out Irish Government policy for the environment and natural heritage. It's objective, "To promote and protect a high quality natural environment and heritage, protect human health and secure the integration of environmental considerations into economic and sectoral policies", is regarded as having implications for this draft plan and should be included in the table in Section 3.4.
4. DoEHLG does not currently consider that pockmarks are a qualifying interest under the EU Habitats Directive Annex I habitat *Submarine structures made by leaking gases*. In 2003, the Commission defined this habitat as "...complex structures consisting of rocks, pavements and pillars up to 4 m high" and referenced the marine columns (or bubbling reefs) located in the Kattegat. Any suggestion in the draft SEA report that pockmarks may qualify for protection under the 1992 Habitats Directive is inconsistent with DoEHLG's current

position and may be misleading. Obviously, this position is subject to any future guidance the European Commission may offer in this regard; in the interim, this position needs to be made clear in the report. DoEHLG suggests such references be moved from the section where they are referred to in a nature conservation perspective.

5. DoEHLG would like to clarify that it does not currently consider that offshore sandbanks in deep water are a qualifying interest under the EU Habitats Directive Annex I habitat *Sandbanks which are slightly covered by seawater at all times*. Obviously, this position is subject to any future guidance the European Commission may offer in this regard.
6. DoEHLG believes it may be important to clarify that while some twenty six cSACs have been proposed nationally for the Annex II species Atlantic Salmon, *Salmo salar*, the species is only protected in freshwater. Many of the rivers involved, however, do open onto the west coast.
7. It appears that over 120 sightings recorded in the IWDG database have not been incorporated into figures describing the distribution of Basking Shark. Accordingly, Figure 3.5 in the Annex appears to have significantly underestimated distribution records specifically in the west and northwest coasts.
8. DoEHLG notes that a significant part of the IOSEA1 area lies east of the 200 metre isobath to the west of 6° W. This also brings it into OSPAR Region III and adds the species of cod, sea lamprey and Atlantic salmon to the list of OSPAR species that should be considered.
9. Data gaps are not clearly identified for each main environmental concern in Sections 7 and 8. Where significant data gaps are identified, DoEHLG believes the SEA report has the scope to, and could usefully, identify such data gaps clearly in the Recommendations Section as future research priorities.
10. The impact assessment for *Direct seabed disturbance* arising from installation and subsequent removal of the drilling rig with associated anchor and chains, etc, etc, concludes that this “could lead to some minor smothering effects” and “impacts in most areas will be minor with good potential for rapid recovery”. In DoEHLG’s view, this is quite an upbeat but somewhat unjustified assessment considering
 - the lack of site-specific information,
 - the fact that this impact was identified as having a potential for significant impact with major or severe effects in the assessment matrix in Section 6, and
 - that no procedural measures currently exist to identify and/or mitigate against this potential impact.The impact assessment for Disposal of WBM cuttings and cement at sea could also be reviewed in the same regard.
11. Every effort should be taken to ensure that seabed disturbance does not cause a decline in key habitats of conservation importance. DoEHLG notes that existing mitigation measures do not address this and potential mitigating measures that could be adopted have not been clearly referenced in the Recommendations

Section. DoEHLG believes that the following points identified in preceding sections should be carried through and cited explicitly in the Recommendations Section:

- Best practice must be followed to minimise the amount of excess cement deposited on the seabed.
 - Mud recovery systems should be used to minimise the amount of drill fluids to be discharged.
 - In the absence of benthic data the EAA should include a benthic ecological assessment. This should be conducted by a suitably qualified marine biologist, to clearly document that no key habitats of conservation interest occur within a 1500 metre radius of any proposed drilling operation conducted under a Frontier Exploration Licence.
 - Best practice must be followed in order to limit dragging of anchors and chains.
12. To facilitate the full incorporation of the findings of the benthic ecological assessment into the decision-making process, such assessments should be sent to DoEHLG for the attention of National Parks & Wildlife for their consideration. An appropriate period of time should be provided for DoEHLG to provide its observations to DCMNR prior to any final consent approval. National Parks & Wildlife would be quite happy to outline a clear methodology for this assessment in consultation with Petroleum Affairs Division (PAD) for inclusion in their Rules & Procedures Manual if so required.
13. Where the report proposes that “best practices” or “best available technologies” be adopted, such practices or technologies should be clearly described or, as a minimum, a methodology identified in the SEA report. For example, what is best practice for (i) minimising the amount of excess cement deposited on the seabed, or (ii) limiting dragging of anchors and chains suggested in Section 8?
14. Section 9 on cumulative impacts seems incomplete and poorly justified. The main environmental concerns associated with the proposed licensing activities have not all been included in this Section, *i.e.*, disposal of drill cuttings and disturbance to sea bed. For example, what is the significance of oil/gas related seabed disturbance with that arising from active fisheries, MSR or cabling operations? Similarly, those main environmental concerns that have been assessed would benefit from a more considered and detailed treatment of their impact in combination with other activities. What is the likely cumulative impact on marine mammals of both drilling and seismic survey activities? What is the likely cumulative impact of seismic surveys by oil/gas operators, the military, fishing operators and the MSR community on mammals or fish? Having identified suitable planning and co-operation as a mitigation measure for multiple surveys, what specific recommendations is the SEA making to facilitate identification and appropriate planning for multiple surveys between other resource users and the oil/gas industry and where do these feature in the Conclusions & Recommendations Section?
15. It is recommended that the use of mitigating measures for acoustic surveys etc. in relation to cetaceans such as those attached and approved by NPWS are

mandatory for offshore operators. It proposed to further develop these guidelines for all areas over the next six months and that they be incorporated into the PAD operational manual at that time. The use of PAM devices will also be considered. It is recommended that the risk assessment and confirmation of the proposed start up process are submitted by DCMNR (PAD) to DoEHLG for assessment with an appropriate time frame for DoEHLG to comment. It is noted that despite the clear statement that the low frequency noise generated by drilling which may impact cetaceans that no mitigating measures have been put in place and this issue is not fully addressed in the document. It is suggested that a similar scan time be implemented before drilling starts.

16. It is noted in a number of places in Section 10 that reference is made to notifying the Sae fisheries control and the Coast Guard of activities. Should the Navy not also be notified?
17. The Conclusions and Recommendations Section requires additional clarification and perhaps some reformatting. Clear recommendations should be highlighted, numbered and made distinct from the existing related text bullet points format. DoEHLG believes the Overall conclusion (Section 11.4) is quite weak and summarises poorly the full spectrum of deliberations undertaken as part of the assessment process. There also needs to be absolute clarity that the conclusions are inextricably linked with the recommendations. The reality is that potentially significant environmental risks have been identified in the assessment of the draft plan. Recommendations for areas of future research, best practice and operational controls have been proposed arising from the assessment. If the recommendations for best practice and operational controls are adopted prior to licensing, these measures should minimise those significant environmental risks that have been identified and assessed with some degree of certainty. Where environmental risks cannot currently be fully assessed with certainty due to lack of suitable information, adoption of the measures proposed will also build the necessary level of *a priori* information gathering into the licensing framework. This will facilitate the more thorough assessment of such risks at a later stage and the development of corresponding mitigation measures possibly involving spatial and/or temporal constraints.

The following are small editorial comments:

Section 10 1.1. second paragraph. Replace 'industry' with 'environmental'. Exploration What is needed is not industries best practice but the best environmental practice available. Offshore managers should be directed to the appropriate mitigating measures document/s to be included in the PAD Rules and Procedures Manual.

Section 11 2.1. The first sentence suggests that BioMar Programme was a mapping programme which it was not. The BioMar project collected point source data. In 2001/2002 NPWS /MI commissioned the broad scale mapping of 5 inshore SACs.

This recommendation is based on papers submitted to this Department on a pre-planning basis and is made without prejudice to any decision the Minister may take upon sight of a formal planning application.

Yours sincerely,

Aoife O'Shea
Development Applications Unit

Encl.