

██████████
Assistant Principal Officer,
Department of Communications, Climate Action and Environment,
29-31 Adelaide Road,
Dublin D02X285,
Ireland.
BY POST AND EMAIL TO padadmin@dccae.gov.ie

Re: Consultation regarding exploration drilling on the Iolar Prospect in the Porcupine Basin

13th December 2018

Dear ██████████

I refer to the application by NEXEN Petroleum U.K. Limited to carry out proposed exploration drilling activities on the Iolar Prospect in the Porcupine Basin and your department's proposal to make a screening determination in accordance with EU Directive 2014/52/EU a screening determination.

By means of preliminary objection

1. An Taisce submits that this screening application process should be terminated pending the establishment of an independent and objective process for assessing exploration and development applications for oil and gas projects. The current arrangement whereby Department officials that are involved in and corresponding with developers and their agents on commercial matters connected with oil and gas exploration and extraction licensing, are also involved in environmental and habitats assessment processes, lacks objectivity, may lead to conflicts of interests and is prone to an apprehension of objective bias in decision-making connected to environmental protection.
2. An Taisce submits that the public notification process for this process is woefully inadequate. The consultation invitation notice is buried deep within the Department's website and is not linked to the home page. No communication of the fact of the notice has been made in newspapers or on social media platforms. There should be a separate public notification and scientific peer review of the Habitats Directive process, instead of merely appending the AA Screening Report to the EIA Screening notification process. This is not currently an open consultation process and should be terminated; if recommenced, the process should be put on a more transparent footing.

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3. Should it be intended to communicate the fact of any decision in relation to this application, including a decision to terminate the current process pending the introduction of an independent and objective assessment process and a system of open consultation and notification, such notification should not be confined to Iris Oifigiúil. An Taisce submits that Iris Oifigiúil is an outdated medium for conveying public notifications about environmental matters and should be replaced by a more open and transparent public notification process.
4. An Taisce objects to the fact that this process has not engaged directly with the bodies specified for what is termed “offshore prospection or exploration activities” under S.I. No. 134/2013 - European Union (Environmental Impact Assessment) (Petroleum Exploration) Regulations 2013.

Without prejudice to the above submission by means of preliminary objection, what follows is the An Taisce submission on the current application, should it be decided to proceed with this flawed process.

Submission on current process

1. It is clear from information in the Appropriate Assessment Screening Report that a Natura Impact Statement and Stage 2 Appropriate Assessment is required. The Appropriate Assessment screening, Natura Impact Statement and Appropriate Assessment should meet in full the requirements of Irish law, CJEU judgments and Advocate General opinions in relation to the Habitats Directive. The current report and recommendations therein does not meet Irish and European law requirements and protections.
2. The Archaeological Assessment Summary Report is inadequate for the purposes of an EIA screening. It is not acceptable that the results of the ROV survey will not be available for assessment at EIA screening stage.
3. An Environmental Impact Assessment Report should be prepared for this development and an Environmental Impact Assessment conducted in accordance with all relevant European directives. The current EIA screening report fails to meet the requirements of several European laws including *inter alia* Council Directive 2011/92/EU amended by 2014/52/EU, Council Directive 92/43/EEC, Council Directive 2008/56/EC and Commission Decision 2017/848.
4. There has been no proper assessment of cumulative impacts and effects on habitats, species and the environment of other offshore exploration and drilling, either the cumulative impacts of previous exploration within this NEXEN site or the cumulative impacts of this site with other off shore exploration sites.
5. There has been no proper assessment of climate change impacts and effects.

It is respectfully submitted that the Department of Communication, Climate Action and Environment has an obligation to the Irish public to have as its primary and overarching focus, in all its dealings, the prioritisation of matters of communication, climate action and the environment. It is the submission of An Taisce that this administrative process be terminated pending the introduction of a satisfactory system for managing such oil and gas exploration and extraction development applications that has at its core communication, climate action and environmental protection.

If you have any questions about the content of this correspondence, please contact the undersigned. A copy of any decisions in related to this matter should be communicated to An Taisce, Tailors' Hall, Back Lane, Dublin 8 for the attention of the undersigned and also by email to [REDACTED]

Yours sincerely,

[REDACTED]

[REDACTED]

Natural Environment Officer

[REDACTED]
Assistant Principal Officer
Department of Communications, Climate Action and Environment,
29-31 Adelaide Road,
Dublin D02X285'
Ireland.

Sent by email to: padadmin@dccae.gov.ie

Re: Second Consultation regarding exploration drilling on the Iolar Prospect in the Porcupine Basin

21st January 2018

Dear [REDACTED]

I refer to the letter of application dated 07 November 2018 by NEXEN Petroleum U.K. Limited to carry out proposed exploration drilling activities on the Iolar Prospect in the Porcupine Basin, and your department's proposal to make a screening determination in accordance with EU Directive 2014/52/EU.

As you are aware, a consultation process was commenced for this application on, or about, 15 November 2018 with a deadline for submissions of 15 December 2018 and to which An Taisce made a submission. Following correspondence suggesting that the first consultation process was deficient, a second consultation period was notified from 21 December 2018 to 21 January 2018.

An Taisce submits as follows:

By means of preliminary objection,

1. An Taisce submits that this screening application process should be terminated pending the establishment of an independent and objective process for assessing exploration and development applications for oil and gas projects. The current arrangement whereby Department officials, whom are involved and corresponding with developers and their agents on commercial matters connected with oil and gas exploration and extraction licensing, are also involved in environmental and habitats assessment processes, lacks objectivity, may lead to conflicts of interests, and is prone

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to an apprehension of objective bias in decision-making connected to environmental protection.

2. An Taisce submits that the public notification process for this process is inadequate, and that the online posting of two notices on the Department's web site is a source of confusion for the public concerned. Furthermore, no communication of the fact of the notice has been made in newspapers or on social media platforms. There should be a separate public notification and scientific peer review of the Habitats Directive process, instead of merely appending the AA Screening Report to the EIA Screening notification process. This is not currently an open consultation process and should be terminated; if recommenced, the process should be put on a more transparent footing.
3. Should it be intended to communicate the fact of any decision in relation to this application, including a decision to terminate the current process pending the introduction of an independent and objective assessment process and a system of open consultation and notification, such notification should not be confined to Iris Oifigiúil. An Taisce submits that Iris Oifigiúil is an outdated medium for conveying public notifications about environmental matters and should be replaced by a more open and transparent public notification process.
4. An Taisce objects to the fact that this process has not engaged directly with the bodies specified for what is termed "offshore prospection or exploration activities" under S.I. No. 134/2013 - European Union (Environmental Impact Assessment) (Petroleum Exploration) Regulations 2013.

Without prejudice to the above submission by means of preliminary objection, what follows is the An Taisce submission on the current application, should it be decided to proceed with this flawed process.

Submission on current process

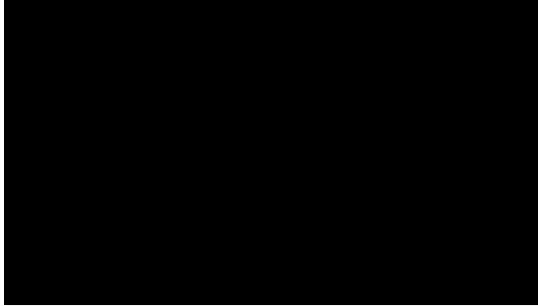
1. It is clear from information in the Appropriate Assessment Screening Report that a Natura Impact Statement and Stage 2 Appropriate Assessment is required. The Appropriate Assessment screening, Natura Impact Statement and Appropriate Assessment should meet in full the requirements of Irish law, CJEU judgments and Advocate General opinions in relation to the Habitats Directive. The current report and recommendations therein does not meet Irish and European law requirements and protections.
2. The Archaeological Assessment Summary Report is inadequate for the purposes of an EIA screening. It is not acceptable that the results of the ROV survey will not be available for assessment at EIA screening stage.

3. An Environmental Impact Assessment Report should be prepared for this development, and an Environmental Impact Assessment conducted in accordance with all relevant European directives. The current EIA screening report fails to meet the requirements of several European laws including *inter alia* Council Directive 2011/92/EU amended by 2014/52/EU, Council Directive 92/43/EEC, Council Directive 2008/56/EC and Commission Decision 2017/848.
4. The international significance of the fishing resource in the area of drilling is clear from the report, as is the fact that the migratory path of tuna, which follow the Gulf Stream, could possibly be active in the area and that there is a likelihood of interaction between the drilling and tuna fishing operations. An Taisce submits that there is insufficient information on the presence of tuna and other fish species in the zone of drilling and that any consideration of the impact on fish is premature and should at least await the outcome of fisheries surveys by the Marine Institute programmed for later this year. The pre-drilling fisheries study is lacking in any assessment of risk to fish from a blowout, or other form of leak of petroleum during the drilling operation.
5. There has been no proper assessment of cumulative impacts and effects on habitats, species and the environment of other offshore exploration and drilling, either the cumulative impacts of previous exploration within this NEXEN site or the cumulative impacts of this site with other off shore exploration sites.
6. There has been no proper assessment of climate change impacts and effects.
7. It has not been possible to consult fully on this application as key documents within the application have been withheld from public scrutiny including the generic well proposal, permits for use and discharge of added chemicals, and the Financial Responsibilities Assessment.

An Taisce repeats its request that this administrative process be terminated pending the introduction of an independent and transparent system for managing oil and gas exploration and extraction development applications, which has at its core communication climate action and environmental protection.

If you have any questions about the content of this correspondence, please contact the undersigned. A copy of any decisions in related to this matter should be communicated to An Taisce, Tailors' Hall, Back Lane, Dublin 8 for the attention of the undersigned and also by email to [REDACTED]

Yours sincerely,



Natural Environment Officer
An Taisce- The National Trust for Ireland



Kilcatherine, Eyeries, County Cork
<https://www.friendsoftheirishenvironment.org>

Bill Morrissey

Principal Officer, Petroleum Affairs Division

Department of Communications, Climate Action and Environment,

29-31 Adelaide Road, Dublin 2

padadmin@dccae.gov.ie

Re: Consultation advertised on 21st Dec 2018 by NEXEN Petroleum U.K. Limited to carry out proposed exploration drilling activities at Iolar Prospect, Porcupine Basin , off Irish SW coast

Dear Mr Morrissey,

We wish to make submission on the above for which the consultation period was notified on your Departments website as being from 21 December 2018 to 21 January 2018.

It is submitted that advertising a one month consultation on the Departments website just before the Christmas to New Year holiday period is not an appropriate engagement in the public consultation process. The status of this consultation with regard to the Environmental Impact Assessment and Habitats Directive is also unclear, including the process for notification of decisions by the Department to parties making submissions, and procedures for Judicial Review of any decision by the Department

As a preliminary matter this and all future applications relating to offshore oil and gas exploration in Irish waters need to determine how Ireland's

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Trustees and Directors: Dave Johnston, Caroline Lewis, Tony Lowes, Ian Lumley Judy Osborne

commitment under the Paris Agreement and the provision of the Climate Action and Low Carbon Development Act 2015, are to be met

It is submitted that this application requires a Stage 2 Appropriate Assessment and Environmental Impact Assessment Report as the screening reports are inadequate.

The seabed area of the Porcupine Basin includes cold water coral reefs which are a priority habitat under the Habitats Directive. The current level of marine protection designation in Porcupine Basin area is inadequate to reflect the importance of sea bed habitat. The impact of the activity proposed on marine mammals and on a range of fish species including tuna migration pats requires assessment.

We request that you inform the undersigned with regards to any action taken by the Department of Communications, Climate Action and Environment, on the determination of this application



 Director

Tel & Fax: 353 (0)27 74771

admin@friendsoftheirishenvironment.org

Friends of the Irish Environment is a company limited by guarantee registered in Ireland.

Registered Office: Kilcatherine, Eyeries, Co Cork

Company No. 326985. Directors: Caroline Lewis, Tony Lowes.

[REDACTED]

From: [REDACTED]
Sent: 21 January 2019 16:36
To: 'gluaiseacht@gmail.com'
Cc: PADadmin; Bill Morrissey; [REDACTED]
Subject: Submission on consent for exploratory drilling from Nexen CNOOC

A Chara,

I wish to acknowledge your submission on behalf of Gluaiseacht, regarding the application for exploratory drilling by Nexen CNOOC to the Department of Communications, Climate Action and Environment.

Regards,

[REDACTED]

[REDACTED] Assistant Principal Officer
Petroleum Affairs Division – Policy & Regulation

Roinn Cumarsáide, Gníomhaithe ar son na hAeráide & Comhshaoil
Department of Communications, Climate Action & Environment

29-31 Bóthar Adelaide, Baile Átha Cliath, D02 X285
29-31 Adelaide Road, Dublin, D02 X285

T +353 (0)1 6782310

[REDACTED] www.dccae.gov.ie

From: PADadmin
Sent: 21 January 2019 16:32
To: Bill Morrissey; [REDACTED]
Cc: PADadmin
Subject: FW: Submission on consent for exploratory drilling from Nexen CNOOC

Dear all,

Please see email below from Gluaiseacht in regards to the submission on consent for exploratory drilling from Nexen CNOOC

Regards,

[REDACTED]

From: Gluaiseacht [<mailto:gluaiseacht@gmail.com>]
Sent: 21 January 2019 16:25
To: PADadmin
Cc: richard.brunton@oireachtas.ie; sean.canney@oireachtas.ie
Subject: Submission on consent for exploratory drilling from Nexen CNOOC

Minister Richard Bruton,

We request that you reject the application from Nexen Petroleum UK Ltd (CNOOC) to drill an exploration well at Iolar on Frontier Exploration Licence FEL3/18.

There is a saying “Luíonn uatha ar iolar” – The few oppress the many

And if you give this permission to CNOOC and Exxon Mobil that is what you will be causing. Further oppression of many people who will suffer the increasing effects of climate change for the benefits of the few.

These two companies are both listed in a Climate Accountability Institute report of the 100 companies that have been the source of more than 70% of the world’s greenhouse gas emissions since 1988 [1].

When you became Minister for Climate Action you said that we would require “a revolution in how we live” well this is a test for you, to see if they were just nice words or is climate change something that you actually believe in and can act bravely on.

You have also said that “We need to step-up our response to climate disruption. The window for opportunity is closing. The decisions we take now will define the next century,”

One of these important decisions is to stop developing new sources of fossil fuel. The consequence of this decision could be still in the atmosphere in 200 years time, in the year 2219 and could be still causing climate disruption then.

It will be extra hard for countries who have a history of benefiting financially from oil and gas developed in their territory to cease exploration and development of fossil fuels. But fortunately (due to previous dodgy deals) Ireland has only minimally benefitted from any gas development in its territory.

As an example of this in November when Vermilion took over as operator of the Corrib, they declared that “we do not expect to pay income taxes related to cash flows generated from the Corrib project”[2]. So while everyone will have to deal with the consequences of these oil & gas fields being developed only the company shareholders are benefitting.

So are you really willing further destabilise the planetary climate for a few jobs on the drilling rigs or possible refinery? If you truly believe that climate disruption is upon us then this application would not be even entertained.

The Porcupine Seabight is a very important ecological area and we are just recently finding out how important the area is for blue and fin whales. We shouldn’t be threatening these habitats by oil & gas drilling and seismic surveys.

We all have to be brave and challenge and change our previous ways of doing things.

Like you said “Every person, every community, every business, every home, every farm and every school will have to make changes in the way we live, work, and travel”.

One of your important changes should be reject this application to further develop the fossil fuel industry in Ireland.

Please reject the application from Nexen Petroleum UK Ltd (CNOOC) to drill an exploration well at Iolar on Frontier Exploration Licence FEL3/18.

Regards,
Gluaiseacht for Global Justice

Links

[1] - <http://climateaccountability.org/pdf/CarbonMajorsRpt2017%20Jul17.pdf>

[2] - [Corrib operator eyes expansion and tax-free cash - Irish Independent](https://www.independent.ie/business/irish/corrib-operator-eyes-expansion-and-taxfree-cash-37575461.html)

<https://www.independent.ie/business/irish/corrib-operator-eyes-expansion-and-taxfree-cash-37575461.html>

About Gluaiseacht

Gluaiseacht is a non-hierarchical environmental and social justice movement bringing together grassroots organisations, concerned individuals and student groups from all over Ireland to raise awareness and take non-violent direct action on social, environmental and political issues

www.gluaiseacht.ie