

April 6th, 2007



Julian Roberts
Programme Officer
IUCN Global Marine Programme
Gland, Switzerland
Via email: julian.roberts@iucn.org

Dear Julian Roberts,

As a civil society organization in Japan, located in the vicinity of Sakhalin, Russia, Friends of the Earth Japan has been involved in monitoring Sakhalin oil and gas projects nearly 10 years. In anticipation of the upcoming Western Gray Whale Advisory Panel (WGWAP) meeting in St. Petersburg, Russia, we would like to bring to the WGWAP's attention our serious concern that the panel's future activities address measures to prevent negative impacts on additional endangered species. We request IUCN, as a convener of the Panel, to consider and take initiative on this matter as soon as possible after sharing and consulting with the Panel members.

Consequences of IUCN Recommendation on Re-route Offshore Piltun Pipeline (See attached documents)

We have welcomed IUCN's involvement for the conservation of the Western Gray Whale (WGW). At the same time, however, we have questioned the approach to review only an individual species and make a decision on required mitigation measures without having balanced research and review of other species with the ecosystem point of view¹. We have particularly raised concerns on species related to Japan such as Steller's Sea Eagle and other endangered migrate birds and pinnipeds².

Based on the recommendation by the report of the Independent Scientific Review Panel (ISRP) under the auspices of IUCN, Sakhalin Energy (SEIC) decided in March 2005 to re-route offshore Piltun pipelines further south, landing at Chaivo Bay where highly recognized critical habitats for endangered bird species is located³. Though SEIC identified several mitigation measures to avoid negative impact on those species, there

¹ In the letter to IUCN from FoE Japan dated September 15th 2004 to comment on draft Terms of Reference (TOR) for the Independent Scientific Review of Western Gray Whale, we recommended "more comprehensive review of the environmental impacts of the project and cumulative impacts of the various portions of the development which take into account other endangered species will take place"

² Birds such as Steller's sea eagles, Spoon-billed sandpipers, Nordmann's greenshanks are identified in the Japan-Russia Migratory Bird Agreement and all listed on the IUCN Red List of Threatened Species. Sea mammals such as Steller's sea lion is designated an endangered species by the Mammalogical Society of Japan and the Japanese Ministry of the Environment and listed on the IUCN Red List of Endangered Species.

³ "Comparative Environmental Analysis of the Piltun-Astokh Field Pipeline Route Options (CEA)", 8.4.6 Steller's Sea Eagle, 8.4.7 Other RDB Bird Species (Dec 2004)

was no consultation with or involvement of Japanese Ornithologists who have expertise and have raised concerns about those species over the years⁴ in the company's decision, impact assessment and mitigation measure planning.

One of the main mitigation measures SEIC stated was “*Winter working to avoid sensitive areas of wetland habitat used by breeding red data book bird species*”⁵. Last year, however, we learned SEIC continued its activities until June or July during breeding and nesting season of those endangered or rare species due to “*technical and operational reasons*”⁶. ” In August 2006, Japanese wildlife experts conducted on-site inspection around Chaivo area and documented several cases in which mitigation measures were not adequately implemented or malfunctioned, which resulted in serious impacts on those species' habitat, as you can see from the attached documents.

This was the result of SEIC's failure to apply its own committed mitigation measures, but also the consequence of IUCN's WGWP Panel's review and recommendation which did not pay adequate attention to the fate of other endangered species.

Repeating Partiality and IUCN Creating Additional Negative Impact to Endangered Species

Recently, IUCN announced “*the need for additional capacity within WGWP to address specific issues concerning oil spill prevention, preparedness and response, as these relate to the conservation of western gray whales*” which further indicates that the single species approach of the panel may result in additional negative impact to other endangered species.

First of all, the WGWP should not forget that the risk of oil spill is much higher in the Chaivo area, which is critical habitat for bird species now, due to re-routing pipeline to protect WGWP, as we can read from below;

“Alternative 1⁷ appears to be the safest with regard to the identified risks. In particular, it was noted that any oil spills and gas releases from the pipeline would likely occur farther away from the Piltun (nearshore) feeding ground and Piltun Lagoon. The only obvious disadvantage of Alternative 1 appeared to be that the probability of a leak or

⁴ e.g. a letter from the Japanese Society of Zoo and Wildlife Medicine (July 2003), a letter from Wildlife Preservation Bureau of Hokkaido Corporation (August 2003), Expert Reports on the Environment Impact Assessment of Sakhalin II by Institute for Raptor Biomedicine Japan (January 2004), a letter from Hokkaido Government (February 2004), Experts Review Report on the EIA Addenda (April 2006)

⁵ “Onshore Biodiversity Commitments of Health, Safety, Environment and Social Action Plan” (Nov 2005)

⁶ Response letter from SEIC to FoE Japan dated June 19, 2006

⁷ chosen route in March 2005

*rupture would increase due to its greater overall length*⁸. “

Moreover, oil spill prevention, preparedness and response planning requires consideration of whole ecosystem point of view, not just only an individual species. It is risky and a derogation from internationally accepted concepts of ecosystem conservation for IUCN's Panel to exclusively assess SEIC's oil spill prevention and response measure with only the purpose of conservation of the WGW alone. This approach will create unexpected negative impact to non-WGW life when oil spill occurs.

In March 30th, we have received a copy of the Provisional Agenda for the meeting in St. Petersburg from you, but there was no time planning to discuss these issues. To avoid unanticipated negative secondary impacts produced by the Panel, we urge IUCN to following;

1. As it states in WGWAP Terms of Reference (TOR) 4.(d), IUCN and the panel should expand the panel's capacity to take other key biota such as mentioned above into its considerations and recommendations systematically and continuously.
2. Where it's clear that WGWAP recommendations may result in additional impact to other biota, IUCN and the panel should responsibly act in order to mitigate or restore the situation.
3. When it assess SEIC's oil spill prevention procedures and contingency plan, the panel certainly should include a comprehensive view of ecosystem and regional aspects into its consideration and recommendation. To achieve it, IUCN and the panel should actively play role to have the plan publicly disclosed in draft form, and seek advise and information from scientists, researchers and civil society, especially from the region where would be tragically impacted by the oil spill from the Sakhalin oil and gas development.

Sincerely,

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⁸ “Material Project Changes since the 2003 EIA”, 13.3.4 The Independent Scientific Panel