

Narrabri Gas Project - Aboriginal Cultural Heritage Assessment

Submission Response - Gomeroi Traditional Custodians- Elders and community RAPs

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gomerotraditionalcustodians@hotmail.com

The following review of the Aboriginal cultural heritage assessment associated with the proposed Santos Narrabri Gas Project ('the Project') highlights inadequacies, understatements and over-representation of findings.

We attach to this submission an independent review of the cultural heritage assessment and management plan by archaeologist Peter Kuskie, which mirrors our concerns and finds serious problems with the EIS which must be addressed.

We have to admit to being pretty gobsmacked that the ACHAR and ACHMP have been included in its current form as it has not addressed the concerns and complaint we have held over adequacy and EIS assessment compliance standards raised by us throughout the consultation and "assessment" process.

Of grave concern is that the State Government's requirements detailed as part of the Assessment have not been followed nor can they be demonstrated. We refer to all the documentation and strongly request that these are reviewed in conjunction to our submission.

While the Aboriginal Cultural Heritage Assessment Report is relatively thorough in addressing the guidelines and requirements relating to archaeological assessment, it is not at all thorough or adequate when considering cultural values of Aboriginal peoples and the required integration of these findings to inform the assessment and its recommendations. It has failed miserably to meet standards of consultation and Aboriginal view despite the government policy stating that Aboriginal people determine the cultural value of a place or objects.

These numerous inadequacies are brought to the Department's attention and we strongly request that they be given serious warrant consideration.

These were identified during the consultation phase and assessment of the Project and include but are not limited to:

- inadequacy of consultation
- failure to provide detailed and relevant information to inform a meaningful assessment
- survey inadequacy and failure of survey methodology in accordance with accepted standards
- inadequate survey coverage and social assessment of pedestrian tracks
- questionable methodology and assumptions driving predictive modelling and impact avoidance
- absence of ethnobotanical mapping and consideration importance of place and the passages walkways between places and objects important to Aboriginal people especially the Gomeroi
- Impact of water and our spiritual and cultural traditions including women's business associated with water.
- cumulative impacts and intergenerational equity considerations

The Narrabri gasfield (if approved) is stated to result in direct ground surface impacts to an area totalling approximately 950 hectares (9.5 square kilometres) and representing an estimated 1% of the overall Project area of 95,000 hectares.

In this area, direct and irreversible impacts will occur to Aboriginal cultural heritage (including material evidence or 'objects' and intangible cultural values, including those associated with landscape features, flora and fauna) if this project is approved. We note that the assessment of Project impacts on Aboriginal heritage is specifically required in the context of an EIS.

We note that despite our Elders and people requesting to be taken out on site to undertake appropriate cultural values and ethnobotanical mapping, we were not afforded the opportunity to participate in this assessment as detailed in the EIS assessment requirements set out by the department.

Mapping

The proponent has attempted to address some of these issues through statements that they will undertake 'cultural sensitivity mapping' and develop protocols incorporated in the CHMP to investigate and manage these impact areas once detailed design is finalised, with an emphasis on the avoidance of impacts to Aboriginal heritage.

We hold grave concerns that it appears to be a table the ACHA and an approval will take care of the rest! This approach is inconsistent with archaeological practices and State significant considerations as defined by the EIS assessment requirements.

The review by Kuskie which we attach also finds that this mapping is fundamentally flawed because it relies on very limited data and has failed to include important elements like geology, gradient and vegetation.

It is of concern that an assessment as defined under the EIS requirements may be considered adequate without specific cultural values details to inform the assessment. It should not be a case of "manage once the horse has bolted" and irreversible damage has been made to Aboriginal cultural heritage objects and places of importance.

Such an approach, in the context of impact areas that are not defined at the time of EIS preparation, when it does not include nor incorporates quality baseline data, robust modelling, detailed management strategies and adequate rigour, should be deemed to not represent a suitable strategy for an EIS and heritage management post-approval.

The approach to have a 'claytons' predictive modelling and 'cultural sensitivity mapping' post approval is fundamentally flawed and cannot be supported by the Gomeri Traditional Custodians and our Elders.

Because they are based on the flawed mapping, Kuskie also points out that a number of the proposed management strategies are also inadequate.

To approve of such an approach runs a high risk that it will result in highly adverse culturally irreversible damage and destruction of sacred and cultural places and objects. These are completely unsupported by our people.

Inadequacy of consultation

While we recognise there has been some attempt made by the proponent to provide some form of limited consultation, it is of concern that this has been in isolation and in non-engagement of our Elders in consultation to inform the assessment. We note that a detailed consultation log is absent and reflects the fact that we have not been adequately consulted to inform this assessment. It is of concern that our detailed rejection of the draft ACHAR findings have not been referenced nor can we find anywhere where they have been addressed.

We note that Kuskie also points out that failure to include this log means the assessment **has not been** conducted in accordance with the procedures of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* policy.

We assert that we have **not been** adequately consulted about the impact areas **nor** have we been consulted to inform the mitigation strategies suggested in the documentation. Therefore the consultation approach must be deemed to be inadequate and not meet standards of practice required by OEH policy and State significant assessment processes.

In the interests of transparent and proper assessment standards details of any of our original correspondences would be made available and details of how each of our concerns have been addressed should be transparently documented and considered. It is noted that Aboriginal people determine the cultural value of a place or object.

As Kuskie also identifies and echoes our concerns, Santos only commits to "working with all RAPs until Project determination, and following determination until the CHMP is finalised". This response (and the CHMP) indicates that Santos does not propose ongoing consultation or provision of information to RAPs once the Project is approved.

This is highly inappropriate and does not reflect the rights and interest of RAPs with cultural values and connections to the area. We find this also a continuum of inadequacy given that RAPs have identified connection and interest in the project area under lore and custom and connection yet are denied any effective means to influence or advise of impact or appropriate mitigation and protocols to address these concerns.

The proposal of a small cultural heritage working group is perceived strongly to be a ploy to avoid continued consultation and participation by RAPs who have strong connections to the area. We have found the consultation process to completely marginalise the voice of our Elders and this appears to be a continued and preferred approach of Santos moving forward.

As Gomeroi Traditional Custodians we requested detailed mapping of waterways and ethnobotanical resources as part of the assessment. These have not been forthcoming and we note have not informed the assessment as detailed as a requirement of the EIS and have not been included in the assessment documentation submitted for review.

This inadequacy is reflective of the overall inadequacy of the assessment and the failure of the consultants and Proponent to adequately consult RAPs in accordance with their EIS assessment requirements.

Failure of predictive modelling

When reviewing the chapter on predictive modelling and its premise as a model to manage and mitigate impacts we struggle to make a more informed assessment as It is impossible to provide predictive modelling feedback with this level of inadequacy in the assessment and mitigation

predictive modelling of impacts. On this basis alone the assessment should be deemed to be inadequate and redone. This is exacerbated by an extremely small survey size area.

It is heartening that Kuskie's review also identifies, the consultants admit that the attributes of the zoning produced by the modelling "should not be viewed as being an accurate reflection of the probably or even possible cultural landscape of either the Data Audit or Project Area."

While it is noted that Kuskie found that the ACHAR (Section 4.3) review of previous archaeological research in the locality may be considered relatively comprehensive from a records perspective we draw to your attention that it should be noted that the area largely has not been assessed for both archaeological and cultural values. The references of where the information was found has not been adequately referenced to inform us further.

Inadequacy of archaeological assessment

As continually stated during the assessment the cultural heritage zone scheme appears to be some half baked methodology based on the notion of understanding surface archaeological evidence not based on an informed knowledge of the cultural landscape and its uses and significance over time for Aboriginal people especially the Gomeroi.

This complete absence of understanding reflects the failure of the assessment to adequately consult or to take the steps to understand the cultural values or archaeological predictive landforms and spatial information based of attempts to understand the occupation and use of the area.

Our concerns are also identified by Kuskie's expert review, the cultural heritage assessment report launches into a "Cultural Heritage Zone Scheme" for a vast area with no development of a model of Aboriginal occupation and use of the landscape, inadequate consideration of the environment of the Project area and inadequate definition of the expected nature and distribution of Aboriginal heritage evidence.

- We the Gomeroi Traditional Custodians and RAP members can't even on the basis of the information provided, have any rhyme or reason of the selection of Zones and the information and cultural values of RAPs to inform such modelling and zone planning.
- There is no model of our people's occupation and the sacredness of the area nor the use of the area including our taboo areas. The assessment does not capture the variant use and changing use of the area over time by our people due to the absence of consultation and response and collaborative assessment and mitigation predictive management modelling.(despite our requests for this to occur)
- There no consideration of the relevant environmental cultural and ethnobotanic variables (such as proximity to and nature of water source, landform, vegetation and geology and songline).
- We cannot even see the standards of land form assessment one would expect by professional archaeologists of which much has been written and is a standard of practice to inform assessments and landform consideration. Without undertaking such care the sensitive areas are meaningless.

Given the significant risks associated with Aboriginal cultural value impacts to the area and the requirements as detailed to the proponent by the Department when undertaking an assessment for a Significant project, this lack of detail and inadequacy should be an area of concern and considered grossly inadequate to inform the department of the assessment and impacts to the area.

Inadequacy of survey

Kuskie in his review is also very critical of the verification survey. This criticism is a mirror of the continued and ongoing concerns that we have raised to the proponent throughout their assessment process. The survey area was too small and without any consideration of landform type and Aboriginal occupation and the survey spacing of the small field crew who walked the transects detailed in the report too wide.

The lack of rigor given the potential impacts of an approved project of this nature is highly concerning. The information detailed in the ACHAR does not meet requirements to be able to adequately inform avoidance and precautionary methodologies.

Kuskie's review disputes the conclusion of the cultural heritage assessment that, "these studies confirmed that a comprehensive process that directly involved representatives of the local Aboriginal community, with systematic survey of the areas in question, and that saw the application both of the Avoidance and Precautionary Principles as standard management tools was feasible in the context of this Project."

We strongly assert in the strongest terms possible that the Precautionary Principle has not been applied. Many of the impact areas themselves are not presently known. And we have not been adequately consulted to inform the precautionary principle or avoidance principle.

Concerns ACHMP

An Aboriginal Cultural Heritage Management Plan seems to be provided to cover off or mask the inadequacy of the assessment as some sort of formulaic answer to the inadequacy and unsupported statements made in the ACHAR.

The "methodology and logistics for the Pre-Clearance survey of the work area" in section 4.8 b of the CHMP is total inadequate, run by Santos employees and involving no one with any qualifications in the area, with Santos as the arbitrator of any disagreement.

As Traditional Owners and Elders we find this insulting and completely unacceptable in terms of the methodology for a heritage survey.

Conclusion

We assert in the strongest terms possible that we cannot support this assessment as meeting adequacy therefore the EIS fails to inform the State government of its adverse impacts nor provides any relevant meaningful and rigorous approaches based on science or culture to address impacts. approach and when considering the ACHMP in the context of an inadequate ACHAR to inform it, we are deeply concerned that there will be significant loss and irreversible damage to our cultural heritage and values.

Our role is also pivotal yet we appear to be significantly marginalised or in many instances completely absent from the decision making ongoing and current.

We ask the Department of Planning to ensure that Santos responds in full to the gaps and failures in the assessment consultation and management plan identified by us and further detailed in Kuskie's expert independent review.

The EIS in its current form should not be approved and further studies in alignment with normative standards of cultural protocol consultation and archaeological assessment must be conducted before an assessment of the EIS may be reviewed for consideration by Government.

Further assessment is urgently required to address gaps flaws and poor assessment approaches and urgent steps are required for government to intervene to ensure in keeping with their standards and policies make consultation with Aboriginal people central to its work to inform the assessment.

The complete absence of our cultural values and the meaning of the area is largely due to the refusal of the proponent to adequately consult despite our requests for this to occur and for information to be provided to us to inform the assessment. We have been in effect removed from any assessment mitigation and predictive modelling and the information provided so sparse that an informed assessment is not possible under the approach and inadequate methodology prescribed by the assessment team.

We believe it is on this basis alone the EIS should be deemed inadequate and the project not approved.

Yours faithfully

Veronica (Dolly) Talbott on behalf of the Gomerioi Traditional Custodians

Reg Talbott	Elder	Betty Condran	Elder	Pam Thomas	Elder
James Thomas	Elder	Cyril Sampson	Elder	Rhonda Talbott	Elder
Louise Conlan	Elder	Neville Sampson	Elder	Allan Tighe	Elder
Joe Conlan	Elder	Joyce Dorrington	Elder	Rona Slater	Elder
Delma Jones	Elder	Lal Schumacker	Elder		

Carol and Greg Walsh
 Michael Wright
 Dylan Talbott
 Michael Talbott
 Linda Whitten
 Jason Whitten
 Tleiha Whitten
 Julie Talbott
 Hazel Collins
 Allen Talbott snr
 Allen Talbott Jrn
 Nathan Leslie

Anthony Bennett
 Raymond Weatherall
 Matilda Brady
 Mathew Talbott
 Adam Budden
 Natasha Talbott
 Peter Whitten
 Leonard Talbott
 Kathy King
 Deslee Matthews
 Jeanette Crozier

Mark Walsh
 Daniel Berwick
 Steve Talbott
 Amanda Heard
 Giran Talbott
 Rianna Walsh
 Kylie Walsh
 Kayla Whitten
 Rebecca Collins
 Tracey Matthews
 Dave McGuire
 Paul Spearim