

## Submission on the referral

### Blue Carbon S2C Pty Ltd - Blue Carbon Restoration research Pilot Project

This submission is made under regulation 53 of the Environment Protection Regulations 2020

**Government authority: Aboriginal Areas Protection Authority (AAPA)**

Section of Referral	Theme or issue	Comment
1.1	Site location	<p>The proponent states: <i>'This Project Referral provides information on proposed BCER Research Pilot Project (RPP) at a site on Kangaroo Island, NT Portion 2433...'</i></p> <p>NR Maps indicates that the pilot project is within NT Portion 4319. The institute site location is not stated but appears to be NT Portion 3900.</p>
2.7 Table 4.1	Native Title	<p>The proponent states that there is no Native Title on the site.</p> <p>NR Maps indicates that the pilot project is within NT Portion 4319 which extends approximately 1km east of the east bank of the Carrington Channel in the area. This is an area where Native Title has been determined.</p>
3.3 3.4	Key components and actions	<p>Many of the activities described are ground disturbing and have the potential to affect sacred sites if present in the area. We encourage the proponent to engage with AAPA to obtain an Authority Certificate.</p>
3.5 3.6 3.7	S2C Institute	<p>The construction and operation of the proposed institute has the potential to affect sacred sites if present in the area. We encourage the proponent to engage with AAPA to obtain an Authority Certificate.</p>
4.2.1	Sacred sites	<p>The proponent states that there are no sacred sites within the research pilot project site. This is not certain without engaging with AAPA to obtain an Authority Certificate. The proponent has received an abstract of records for the area.</p> <p>The proponent states: <i>Land tenure on Kangaroo Island (i.e., NT Portion 2433) was once under Aboriginal freehold but is now under the Administration of the NT Commissioner for Consumer Affairs.</i></p> <p>This statement conflicts with information in Table 4.1 which states land title is Aboriginal freehold and may require a Section 19 Agreement under ALRA. This also conflicts with 2.3 that states Section 19 agreements do not apply to the research area.</p>

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		<p>However NR Maps indicates that the pilot project is within NT Portion 4319.</p> <p>Note that the land is still Aboriginal freehold while under the administration of the NT Commissioner for Consumer Affairs.</p>
<p>4.2.2.4</p> <p>Appendix F 2.1 2.1.2</p>	<p>Sacred site identification</p>	<p>The proponent states: <i>Sacred sites and their locations are known to BC-S2C through engagement with the NT Aboriginal Areas Protection Authority and, Traditional Custodians.</i></p> <p>The proponent has not obtained an Authority Certificate and therefore the presence of sacred sites in the vicinity of the pilot area and S2C area are not fully known. The proponent has received an abstract of records for the area. An abstract of records reflects current knowledge based on past consultations. New consultations specific to these works may identify additional sacred sites.</p> <p>Site heritage surveys are proposed to be conducted with Yanyuwa traditional owners. We recommend contacting AAPA regarding an Authority Certificate to ensure all sacred sites are identified and protected.</p> <p>Note that AAPA does not disclose the existence of sacred sites for third party survey work. AAPA conducts consultations with identified custodians as part of the Authority Certificate process.</p> <p>The information required for demonstrating avoidance / minimisation of impacts on sacred sites is:</p> <ol style="list-style-type: none"> <li>1) evidence of obtaining an Authority Certificate that covers the proposed works and use of land and sea, in accordance with the Northern Territory Aboriginal Sacred Sites Act 1989; and</li> <li>2) a commitment to comply with the conditions of the Authority Certificate.</li> </ol> <p>Obtaining and adhering to an Authority Certificate is the appropriate mechanism to avoid and mitigate impacts to sacred sites.</p>
<p>4.2.7 4.2.8</p>	<p>Cause of degradation</p>	<p>The problem is described and the project describes the planned solution, but the cause is not identified in the referral documents.</p> <p>Understanding the cause of wetland degradation would inform whether the solution is appropriate and its likely effectiveness.</p>
<p>Table 8.5</p>	<p>Receptor at risk</p>	<p>Sacred sites should be added as a potential receptor at risk.</p> <p>Disturbance of acidic soils has the potential to release contaminants into Carrington Channel which could affect sacred sites downstream.</p> <p>The excavation of new channels is identified as a source of potential impact by disturbance of soils. An additional impact pathway is that by increasing flow into the pilot project site, flow may be reduced to any tidal flow-dependent sacred sites that may be present upstream.</p>
<p>Table 8.6</p>	<p>Water</p>	<p>It is not clear why it is proposed that groundwater may be used during Phase 1 works, when the objective is to create new channels to allow tidal inflows to the pilot area. Groundwater use would require an estimate of drawdown and assessment of</p>

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	<p>1) Hydrological processes</p> <p>2) Aquatic ecosystems</p> <p>People</p> <p>2) Culture and heritage</p>	<p>whether there are groundwater dependent receptors at risk. Table 8.5 does not identify groundwater drawdown as a source of potential impact or groundwater dependent ecosystems as a receptor.</p> <p>Threatened species and matters of national environmental significance do not appear on Figure 4-1. Threatened species and matters of national environmental significance should be shown across an area of potential impact, not just the site vicinity. For example a pollution spill may affect sensitive environmental features downstream to the marine ecosystem. This appears to be presented as Appendix D.</p> <p>The proponent states: <i>The proponent has applied to the Aboriginal Areas Protection Authority to map the location of known items of cultural heritage significance.</i></p> <p>This is not the case. The proponent applied and has received an abstract of records from AAPA, which informs of current knowledge of sacred sites based on the extent of research undertaken to date, and is not related to the proponent's works. Note that the application for an abstract of records did not include the institute site.</p> <p>Applying for an Authority Certificate for the proponent's work activities is recommended to ensure all sacred sites are identified and protected.</p>
11.12	Research activities	It is recommended that the proponent applies for an Authority Certificate for the activities described as well as construction activities at the institute site. The activities should also include groundwater extraction described in Table 8.6 and Appendix E.
Appendix B	Table A1 3 Relevant agencies	This should be updated to identify NT knowledge of acid sulphate soils prior to commencement of the works. The current plan refers to NSW agencies.
Appendix E Project Operations and Maintenance Plan	3.3	<p>States that: <i>'When tidal levels temporarily drop below modelling and design criteria, groundwater will be sourced temporarily from shallow ground water bores...'</i></p> <p>Extracting shallow groundwater may cause drying out of other mangrove areas in the groundwater drawdown zone. It would be expected that the design would prevent drying to the extent that mangrove dieback occurs.</p>
Appendix E Erosion and Sediment Control Guidelines	2.2	<p>The plan identifies contamination risks if erosion occurs and sediment leaves the site, and subsequent sections describe control measures. The control measures may benefit from an understanding of the location of sacred sites alongside the sensitive environmental features presented as Appendix D.</p> <p>Applying for an Authority Certificate is recommended to ensure all sacred sites are identified and protected.</p>

