



Nurrdalinji Native Title Aboriginal Corporation

ABN: 32 608 508 769

ICN: 9392

NT Environmental Protection Agency
Submitted via portal
26 April 2024

Dear Colleagues,

Referral to EPA of Imperial's Carpentaria Pilot Project - EP 187

OVERVIEW

Nurrdalinji Native Title Aboriginal Corporation (Nurrdalinji) was established by native title holders of the Beetaloo Sub-basin/ Barkly regions, and was registered with the Office of the Registrar of Indigenous Corporations on 9 October 2020. Our name "Nurrdalinji" is an Alawa language word meaning "mixed tribe", which reflects the fact that our membership is drawn from a wide area and several different language groups.

Nurrdalinji is an important vehicle for us to express our concerns and to protect the interests of our members and native title holders in the Beetaloo Basin region. We formed Nurrdalinji to act as a clear and faithful voice for native title holders frustrated by the quality and adequacy of the Northern Land Council's (NLC) advice and representation of our interests, most recently in relation to fracking on our country.

Our members have native title and traditional interests across the Barkly and Roper regions of the Northern Territory, including in the area of Exploration Permit 187, held by Imperial.

Please accept the following comments, made on behalf of Nurrdalinji Aboriginal Corporation and its members, on a proposal by Imperial Oil & Gas Pty Ltd for the recovery of petroleum on an appraisal basis at its unconventional gas project on EP 187.

In summary, we believe **Imperial should be required to prepare a full Environmental Impact Statement**. This is because the project has the potential to have "a significant impact on the environment". It is also clear that Imperial has not to date adequately assessed the risks of this project which will have a significant impact on our water, country and culture.

Imperial has not clearly outlined in its material the major impacts on the environment which could occur from its project. Some risks are not considered, for example to water and climate. Others are swept under the carpet. Its consultation with impacted Traditional Owners was incomplete and there was insufficient collaboration with them in assessing risks and impacts.

The EPA must do more to assess if the project will have a 'significant impact' than take Imperial's word for it. We want to protect our country and our water for future generations. Before it is harmed by gas mining the EPA should require close consideration if our country can be protected, or not.

FAILURES TO CONSULT AND SIGNIFICANT IMPACTS

Is there recorded or anecdotal community, scientific or traditional knowledge or understanding of the natural and cultural values of areas that may be impacted by the proposed action, which could help in considering potential environmental impacts?

Inadequate consultation with impacted Traditional Owners about impacts on water, plants, animals and culture

Consultation with impacted native title holders was inadequate about Imperial's plans, meaning there can be no confident assertion by Imperial there will be 'no significant impact'. Traditional Owners have not been able to provide a clear picture of impacts on water, plants and animals which we seek to protect from harm.

The failure to adequately consult was made clear by Imperial in its EMP, which it has attached as part of its referral documentation and which we have closely examined.

This is because to date, our people have had limited and very unsatisfactory engagement with Imperial about its plans to frack our country as set out in the EMP.

Imperial has advertised a number of meetings but never taken the time to properly judge if people understand the full scale of work planned and whether our people properly consent to the works, or not.

In particular, it is evident from the extract below from Appendix 10 of the EMP that Imperial has not completed anticipated consultations as required for the EMP to understand impacts on water and country.

Imperial admits in Appendix 10 of its EMP that a second round of meetings were planned to discuss the important annual work program - a "*comprehensive overview of proposed activities and work methods*" - but these meetings were never actually

held. It is unclear when this will occur, or if they will occur. A promise of future consultation before work begins, and 'best efforts' is not sufficient consultation.

This extract is emblematic of the approach Imperial takes to consultation - a tickbox process to be stepped through. We should be properly consulted. It is not enough that Imperial 'promise' consultation will occur. Who will hold Imperial to account for any failure to do so?

In August 2023, the NLC facilitated group meetings that included Traditional Owners for EP 187 and other Aboriginal people interested in the Activity. Four separate meetings were held across various regional locations as detailed in the Key Consultation Activity Summary **Section 2.4.4**.

Imperial submitted its Annual Work Program (AWP) to the NLC to support consultation requirements on 10 October 2023. The AWP provides a comprehensive overview of proposed activities and work methods.

The NLC had meetings originally scheduled to be held with Traditional Owners in November 2023; however, these meetings were postponed by the NLC, requesting further time to review the information that was provided by Imperial. These meetings were subsequently rescheduled for December 2023. Unfortunately, unforeseen circumstances of cultural significance outside of the NLC and Imperial's control caused these planned meetings to be postponed again.

Imperial is continuing to work with the NLC to prioritise the rescheduling of meetings required for the purpose of consultation related to this EMP as soon as practicable. Imperial has made its best endeavours to engage with the stakeholders and will continue this engagement effort. Imperial understands its stakeholder requirements and takes this responsibility very seriously. No activity relating to the EMP will be undertaken until consultation has been completed.

EMP extract, Appendix 10, p 11

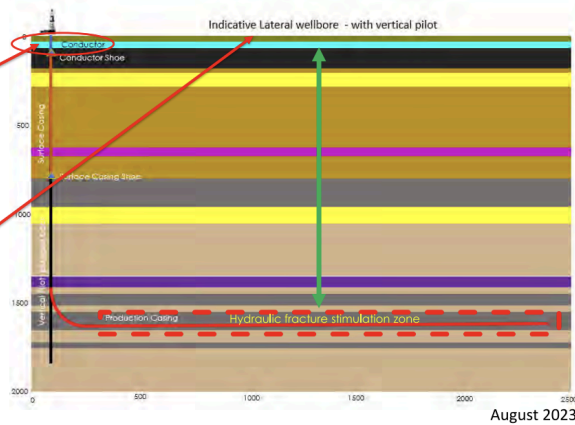
Imperial claims that it is committed to *"Ensuring Traditional Owners and other Aboriginal stakeholders are engaged throughout the process and providing culturally appropriate methods of communication."* (EMP, p.240)

Contrary to this claim, Imperial has not engaged comprehensively with impacted native title holders and there is no partnership between Imperial and affected native title holders.

There is widespread confusion and concern among native title holders about what Imperial is planning to do in the short and longer term and what the risks are to their country, land and water.

It is plain to see from the information provided to Traditional Owners and included in Imperial's EMP at Appendix 10, Appendice 4.1 from page 41 that it is not easily understandable, even for those with a tertiary level of education.

- Over 600 m depth separation between HF zone and the closest aquifers
- Aquifers monitored at the wellpad logged every 4 minutes
 - 2 weeks before HF
 - During HF
 - 4 weeks after HF
- Seismicity Monitoring 500m away from wellpad during HF
- Traffic lights system to stop HF if any Seismic activity caused by HF



An example of one of the slides used in August 23 to explain to TOs ‘aquifer protection’, Appendix 10, page 64

Imperial’s EMP downplays the risks of fracking - saying the works will have no significant impacts on sacred sites, community, health, climate and water (p 15).

Key risks are identified but quickly cast aside. To give an example of a matter which goes to the heart of concerns for us is the potential loss or poisoning of water. Imperial’s General Information Booklet, which it has relied on widely for consultation purposes, says: *“It is unlikely the CPP will contaminate aquifers or surface water.”* (Appendix 10, p 346).

This is at odds with the views of respected water scientists such as Professor of Environmental Engineering Matt Currell, who when examining baseline water studies in the Beetaloo Basin on which the NT government relies on to claim there will be no harm has warned that: *“at present, it is not possible to properly assess the risk of contamination and over-extraction of Northern Territory water due to fracking...Our analysis shows that there are significant and critical gaps in the knowledge base underpinning fracking approvals in the Northern Territory...Further studies are required to fill these knowledge gaps. To proceed on the current evidence base would be unwise, and may risk valuable aquifers, rivers and springs.”*¹

¹ See [here](#).

No interpreters are present at meetings, as recommended by the Pepper Inquiry, for example for those held in August 2023. The elders had to rely on younger family members to have even some hope of understanding the material, presented in text heavy power points which were explained in a hurried and incomprehensible way.

It is clear from talking to those directly impacted by the proposed fracking that most, if not all Traditional Owners have no clear or comprehensive idea of what drilling is planned, where and how many wells and what the long term activities of Imperial will be when full production goes ahead.

Imperial has been meeting families one by one, at times concentrating its efforts on elders with questionable capacity or family members who it understands may be open to promises of royalties or money for their families.

Imperial and the NLC have provided no opportunity for all families to meet together to discuss their concerns and wishes and understand cumulative impacts on country and water. This is not the traditional way of decision-making in our communities. A meeting together of all impacted Traditional Owners is long overdue and universally called for.

Imperial's storyboards included in its EMP at Appendix 10 claim '*We operate with the consent of Traditional Owners*' (p.317)

This is not correct. It is clear that there is no free, prior or informed consent from those whose country will be fracked. The reality is that no one in meetings from Imperial, either representatives of Imperial or the NLC, ever asks Traditional Owners if they wish for activities to go ahead - yes or no? Imperial presumes that consent is given.

If Imperial or the NLC asked whether or not people wanted fracking they would be in a position to identify consent has genuinely been given. The following are written extracts from video statements recorded of significant family members with cultural authority in Borrooloola from 15-17 April 2024. (*Full videos are available [here](#)*)

- **Gurdanji Traditional Owner Ronnie Raggett from McArthur River** who has full knowledge and understanding of country, dreaming and ownership and has been taken on trips by successive gas companies to survey his country for cultural significance, when asked in Borrooloola on 15 April 2024 if Imperial has ever asked him if he wanted 10 new extra wells drilled for its Carpentaria Pilot Project said:

"Well, they talked to us about the wells but they didn't ask really if we were happy about it...so I'm not really happy with the wells that go down - the next

ones, I am going to say 'no'."

- **Joni Marie Wilson, Yanyuwa Garrawa Gudanji woman**, when asked in Borroloola on 16 April 2024 if Imperial has ever asked her if she wants 10 new extra wells drilled for its Carpentaria Pilot Project said:

"They never asked if we want drilling on that country, they just gave us information and all that but they never asked, we never gave them permission to drill or put gas anywhere.... for the first well that they did we didn't really give permission for that either, and no I don't give permission for another 10 more wells. We already angry and hurt for our country already from that one well there."

"There have been meetings with individual families, I think it's very important that when we having meetings like this to be all together, all at once, so we all on the same page and we all going you know stepping forward or backwards together, making decisions together not individually cause it doesn't affect individual families it affects everyone."

"..I'm gonna step up and look after my country and fight really hard because I want my kids and my family to have what I have and to experience what I'm experiencing now. I want them to experience, 20 years from now, the same thing: no land destroyed or touched."

- **Robert O Keefe, Traditional Owner from the Karranjini group** who speaks for Rrumburriya side, Balbarini, Carpentaria, the Mambaliya Rrumburriya Wuyaliya Aboriginal Land Trust when asked in Borroloola on 16 April 2024 if Imperial has ever asked him if he wants 10 new extra wells drilled for its Carpentaria Pilot Project said:

"We didn't want fracking there [on EP 187] in the first place...We just need to get on top of this fracking mob, before it gets a lot worse. Keep our water clean."

- **William John, whose country includes the OT/Binda area who has been taken on trips by Imperial to survey land for cultural significance** (Archaeological Survey Report, Appendix 2, page 1) when questioned by phone in Katherine on 19 April 2024 (audio [here](#)) if Imperial has ever asked him if he wants 10 new extra wells drilled for its Carpentaria Pilot Project said:

"As far as I am concerned myself, they never asked me anything..."

When asked if he wants the new wells drilled there he said, "No!"

- **Robert O’Keefe’s son, Cain O’Keefe, speaking from the Karranjini group with permission from his father and who has been taken on trips by Imperial to survey land for cultural significance** (Archaeological Survey Report, Appendix 2, page 1) said:

“People went and signed an agreement without reading the questions on the paper they agreed for and then, after 2015, 4 years later, I came back and found there was a gas company about to explore for gas...They [Imperial] are not telling us what’s gonna happen in the next 3 to 4 years...They’ve got that 10 year lease, I don’t know how it’s going to be done for...I don’t really know much about that gas company, I just wanted that cultural heritage and wanted country to be untouched but since then its been touched, its been digged, its been drilled, its been tested.”

- **Asman Rory, Garrawa and Gudanji man, connected [to EP 187] through his grandfather explains he is a Wuyaliya man, also Nimirinki and Jungai for his country, Gugu and uncle mob, through the mines and back towards Carpentaria and Cape Crawford, McArthur and the Carpentaria Land Trust, and is tied into through family, the Raggetts,** said when being interviewed in Borroloola on 16 April 2024:

“We haven’t even had a chance to talk among ourselves as custodians and as jungai for the land trust and give our verdict on this EP 187 and the wells that they’re going to explore, and that’s destruction to me, contamination...”

“I’ve seen all the sites where they’re gonna put that new wells at and it’s not a good spot because that’s all cultural area.”

“We’re yet to have a proper consultation meeting, we have not had yet, the Gudanji people for that country.”

Imperial has not engaged with affected native title holders in the way that it claims to deal with stakeholders, or in the way it should under the *Petroleum Act* regulations. Imperial has not even acknowledged the existence of native title holders in the area of EP 187. If Imperial’s plans are approved by the NT government, they will have been approved without any adequate consultation with or involvement of affected native title holders and Traditional Owners and without an adequate consideration of our views on the risks posed and the significant impact of the project to our environment.

Water

Imperial plans to draw 950ML of water from the Gum Ridge Formation, part of the Cambrian Limestone Aquifer (CLA) system which is critical to our culture, helps our

plants and animals to survive and gives up drinking water. We cannot put this at risk. Water is life. Once this water is damaged or depleted, there is no going back. The impact of taking this water, including the cultural impacts of this for us, for example on our sacred waterways in the project area, and for the plants and animals in the area, is not properly assessed by Imperial in its documentation provided as part of its referral.

Imperial plans to get a licence to extract up to 750ML a year, roughly 9% of the total volume of groundwater allocated to petroleum in the Georgina Wiso Water Allocation Plan. If granted, this 750ML licence would effectively double the volume of water entitlements granted to petroleum companies to date.

Imperial does not explain in detail the impact of removing this water. Although these aquifers, which lie like lungs under our country, are vast, their recharge is slow and the behaviour of water in them is largely unknown, which means the impacts of water depletion is uncertain.

Given limited knowledge of the CLA, we are asking that a full Environmental Impact Statement is required that properly investigates the hydrological properties of the aquifer, its cultural and ecological values and the impact of this water removal on those values.

Flooding/work in the wet season and risks to water, country

Imperial plans to undertake work during the wet season (December to March). Its area of activity is a flood plain. The risks of flooding are very well known. This photo is below taken from a flyover on 22 March 2024 at the time of the extreme wet and Cyclone Megan.



Carpentaria 2 and 3, flyover, 22 March 2024, showing impact of cyclonic induced flooding

The significance of flooding risk is recognised by Imperial in its EMP, for example by admitting general flooding across the activity footprint within the Carpentaria Project Pilot Area may result in damage to infrastructure, including roads access tracks, stormwater management infrastructure, fencing and the gas handling network.” (p 196)

The project sits in the headwaters of two catchments, the Limmen Bight River catchment to the north and McArthur River to the east, and crosses Relief Creek and the area around it that floods. Wells will be located just outside the 1 in 100 year flood zone, which means they are likely to flood in more extreme events.

The waste management plan notes that contaminated wastewater will be held in open tanks, even during the wet season, and transferred in trucks to be disposed of in unspecified locations, risking spills and leaks.

The risk of overflowing of fracking water is very real. No amount of work to deal with heavy rains and cyclones, including a wastewater management plan, will manage the risks of chemicals and polluted water poisoning our country, animals, plants and sacred waters.



Figure 14. UAV imagery of Carp 4 and its proximity to Relief Creek.

This image (from Imperial’s Archeological report) shows the close proximity of Carp 4 to Relief Creek, which flows to Paradise pools, a registered sacred site. Traditional Owners are concerned any poisoned water could flow through to this highly significant area. Imperial has already admitted to one incident when wastewater leaked at the Carpentaria 1 site, also close to Relief Creek, in September 2023. We have seen similar poisoning by Tamboran Resources of the sacred waterway, Newcastle Creek, during floods at its exploration well Maverick 1.

Birds, plants and animals

Imperial concludes its project will not have a significant impact to nationally threatened and migratory species. Nothing in the material presented by Imperial suggests that they have good evidence, for example in terms of surveys, to understand what plants and animals are actually living on the site and the impacts of gas mining on their survival. The SREBA studies, upon which Imperial relies, are well-known to be inadequate and incomplete.

The works will clear up to 229 hectares of native vegetation and habitat for birds, plants and animals. If the plans are approved, this will see a total clearing approved in the area for fracking to be almost 1,200 hectares.

Imperial's EMP notes that there are three nationally-listed threatened species recorded or likely to be present in the area, including the Grey Falcon, Painted Honeyeater and Gouldian Finch as well as five migratory birds protected under national environment law. There are many vulnerable, endangered and critically endangered species in the area of work.

The NT EPA is required to consider how the environment, including birds, animals and plants, will be impacted by Imperial's plans. This is another reason why the NT EPA must ensure a full and proper environmental impact assessment.

Climate change

The United Nations², the International Intergovernmental Panel on Climate Change,³ and the International Energy Agency⁴ all agree that we can no longer pursue any expansion of fossil fuel projects in order to stay within safe limits of climate change. For its part, Australia cannot pursue any more new coal and gas projects if we are to meet our emissions reduction obligations under the Paris Agreement.

For more than a decade, successive governments have been warned⁵ that the Territory will be hit with climate impacts harder and sooner than other parts of the country. 2020 CSIRO modelling⁶ makes clear the trajectory of more and more days in excess of 35oC between now and the end of the century.

² United Nations Secretary General. (2023, June 15). Secretary-General's press conference - on Climate. [Link here.](#)

³ IPCC (2023, March 20). Sixth Assessment Report. [Link here.](#)

⁴ Harvey, F. (2021, May 18). No new oil, gas or coal development if world is to reach net zero by 2050, says world energy body. [Link here.](#)

⁵ ABC (2011, November 9). NT to face worst of climate change. *Australian Broadcasting Corporation.* [Link here.](#)

⁶ Northern Territory Government. (2020, October 9). *Climate Change in the Northern Territory: State of the science and climate change impacts.* [Link here.](#)

Already it is getting hotter on our country, making it much harder to live there. The rains and cyclones and bushfires are becoming more frequent and intense. We cannot afford for this project to go ahead. We cannot move and do not want to leave our country in the face of our country, based in the Beetaloo Basin region, becoming unlivable.

Imperial says it plans to apply to “use the gas on an appraisal basis” meaning that instead of flaring it onsite, they want to secure a connection to the McArthur River mine gas pipeline, use their gas plant to process the gas and sell it into the network. Imperial will need a formal agreement with us to sell gas from exploration and build compressor and pipeline infrastructure.

Imperial are telling our people that this is good for community health and for reducing the climate impacts. The reality is that mining and burning this gas will create, with all other fracking in the Beetaloo Basin that is proposed, a [‘carbon bomb’ that cannot be offset](#).

Imperial makes claims about its climate impacts, assuming there will be no flaring of gas. This is problematic. Imperial says it will produce 25 terajoules (TJ) of gas a day, but the McArthur River Pipeline only has capacity for 15TJ a day. There is no mention or explanation of this difference in the EMP, and how this difference will be accounted for, no estimation of emissions from flaring the excess gas or the downstream emissions from burning it. Also, what happens if flaring begins before the pipelines are constructed, or if impacted traditional owners say ‘no’ to the sale of appraisal gas or a pipeline being placed on their country?

Imperial does not measure its downstream emissions once the gas is sold and used. Imperial must be required to make clear what the full climate impacts of its gas project are.

Broader concerns about Imperial’s assessment of environmental impacts

Our concerns about fracking are not new. When the Pepper Inquiry asked us how we feel about fracking some years ago, most of us said we opposed it. We know from our brothers and sisters in Queensland and the United States that large-scale fracking is a dirty and intrusive business which could poison our country and the life that it supports. None of the information we have received since the Pepper Inquiry had allayed our concerns about fracking, yet now it is permitted again. Imperial intends to carry out a range of activities which will affect our country and our waters, including land clearing and water use. We worry about the risk of spills and leaks of chemicals and wastewater. We worry poisoned water will get into springs, creeks, rivers and sacred waterways. We worry that large amounts of chemicals will be used, many of them poisonous.

Country will be damaged and sacred sites, including those as yet recorded or registered, will be put at risk. Large areas of country will be broken up and industrialised for gasfields. The project will involve the clearing of big areas of bush for roads, gas pipelines and processing plants. Poisons will be released into the air, putting human health at risk. The work will create more ignition sources for bushfires and disruption of traditional burning programs.

Conclusion

For all of the reasons set out in this submission, we urge the NT EPA to require Imperial to prepare a full Environmental Impact Statement under the *Environment Protection Act 2019* (NT), including exploring the cultural values of our country, water and culture.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'SJS', written over a thin horizontal line.

Samuel Janama Sandy
Chair, Nurrdalindi Native Title Aboriginal Corporation