

18 June 2021

The Northern Territory Environment Protection Authority (NT EPA)
Level 1, Arnhemica House
16 Parap Rd, Parap NT

By email: ntepa@nt.gov.au

Copy to:
The Hon. Eva Lawler
Minister for Environment
PO Box 400, Palmerston NT

By email: minister.lawler@nt.gov.au

Dear Members,

Imperial Oil and Gas project 2021-2025 EP 187 Program

- 1 We are writing to you as pro-environment groups from across the Northern Territory; the Environment Centre NT, Arid Lands Environment Centre and Protect Country Alliance NT. Our vision is for healthy NT waterways and communities and a safe climate future for all.
- 2 The purpose of this correspondence is to notify you of the Imperial Oil & Gas Pty Ltd (**Imperial**) 2021-2025 EP187 Work Program (**the Work Program**), and the relevant Environment Management Plan (**EMP**) which was open for public comment for 28 days until 19 May 2021, which is attached to this letter. We understand that public comments have now closed, and understand that the EMP is currently being assessed by the Minister for Environment.
- 3 Despite the scale of the Work Program, there is no indication that it has been referred to the Northern Territory Environment Protection Authority (**NT EPA**) for assessment as to whether an environmental impact assessment (**EIA**) is required under the Environment Protection Act 2019 (**EP Act**).
- 4 As you know, if the NT EPA believes on reasonable grounds that a proponent is taking an action that should be referred to the NT EPA for an EIA, it may request the proponent to refer the action by a call-in notice (EP Act, s 53(1)). An action should be referred to the NT EPA for determination as to whether an EIA is required if it has the potential to have a significant impact on the environment (EP Act, s 55(4)).
- 5 If the Environment Minister has not referred the Work Program to the NT EPA under section 50 of the EP Act, we respectfully request the NT EPA to exercise its powers under section 53(1) of the EP Act to 'call in' the Work Program for decision by the NT EPA as to whether the proposed action requires an EIA.
- 6 We consider that the NT EPA should 'call in' the Work Program before the Environment Minister makes her decision on the EMP for the following reasons:
 - a. The Work Program has the potential to have a significant impact on the environment. We are concerned that the ecological assessments conducted as part of the EMP process were not thorough enough considering the ecological context of the impacted region. They also failed

to thoroughly interrogate the cumulative impact of clearing for and operating six more hydraulic fracture stimulation sites and accompanying impacts in that region.

- b. We note there is case law regarding the “significant impact” test in the context of environmental impact assessment in Australia, requiring proponents to consider their proposed activities at their broadest scope, and to extend the assessment of potential adverse impacts to indirect and offsite impacts (<http://www.austlii.edu.au/au/journals/MelbULawRw/2007/5.html>).
- c. The Imperial EMP conducted only one ecological assessment in March 2021. Additionally, although there is a methods section, the EMP does not outline the scientific methods that were adopted to conduct this research, nor are timelines provided for the number of days spent in the field. The limited survey work conducted through the EMP identified a number of threatened species present under the Environment Protection and Biodiversity Conservation Act 1999. This includes 13 threatened species and a number of migratory species. During the March 2021 during Imperial’s ecological assessment with DEPWS staff, the Gouldian Finch, an endangered species was observed. We are concerned with the limited field work that has been conducted. Best practice scientific research is required which is rigorous, replicable and conducted over multiple seasons. The most effective way to ensure that the full impacts of this development are understood is to conduct an EIA. Otherwise, there is substantial potential for significant environmental harm as a result of these proposed actions. It is vital that the proposed actions are referred to the NT EPA, so a comprehensive EIA can be conducted.
- d. There are data gaps in the Imperial EMP. The EMP relies heavily on desktop research to understand potentially significant impacts. There is very limited existing research conducted for this region. For example, the proponent hasn’t ground-truthed the watercourses near the selected sites of their well-pads, nor has any comprehensive water testing been completed on EP187. There is a heavy reliance upon desktop data, in a region which has limited to no existing data across various environmental, social and cultural factors. The potential impacts can’t be emphasised in a risk matrix, if the data does not exist. An EIA is essential to ensure a comprehensive analysis of the development site is conducted.
- e. The release of the preliminary water study elements of the SREBA provide evidence that stygofauna are present in the Cambrian Limestone Aquifer in the Beetaloo Basin including the Gum Ridge Formation¹. The stygofauna present in the Gum Ridge Aquifer and the Cambrian Limestone system require a much more detailed analysis before any processes that might impact on their population are undertaken. Further, the eDNA analysis of the prawn species *Parisia unguis* shows the systems are highly connected and along with the water studies² released in 2020 show that pollutants can move over significant distances and quite quickly. It

¹ Gavin Rees, Stefanie Oberprieler, Daryl Nielsen, Garth Watson, Michael Shackleton and Jenny Davis, (2020) Characterisation of the stygofauna and microbial assemblages of the Beetaloo Subbasin, Northern Territory. GISERA project number: W18. December 2020

² Huddleston-Holmes CR, Frery E, Wilkes P, Bailey AHE, Bernadel G, Brandon C, Buchanan S, Cook SB, Crosbie RS, Evans T, Golding L, Gonzalez Dda, Gunning ME, Hall LS, Henderson B, Herr A, Holland K, Jarrett A, Kear J, Kirby J, Lech M, Lewis S, Macfarlane C, Martinez J, Northover S, Murray J, O’Grady A, Orr ML, Owens R, Pavey C, Post D, Sundaram B, Rachakonda P, Raiber M, Ransley T, Tetreault-Campbell S and Wang L (2020) Geological and environmental baseline assessment for the Beetaloo GBA region. Geological and Bioregional Assessment Program: Stage 2. Department of the Environment and Energy, Bureau of Meteorology, CSIRO and Geoscience Australia, Australia.

is clear that there are massively increased risks we are now aware of because of this preliminary SREBA research indicates that far more detailed consideration is required here.

- f. We submit that the exploration activities proposed in the Imperial EMP clearly meet the threshold of having the potential to have a significant impact on the environment in the Environment Protection Act 2019 (NT). Section 11 of defines significant impact as an impact of major consequence having regard to the context and intensity of the impact, and the sensitivity, value and quality of the environment impacted on and the duration, magnitude and geographic extent of the impact. In this case, these impacts include:
- fragmentation of the habitat of native animals and native vegetation, a key threatening process for threatened species and ecological communities;
 - a rise in greenhouse gas emissions;
 - potential for damage to cultural heritage and sacred sites;
 - potential for contamination to groundwater;
 - potential for contamination of surface water;
 - multiple sites for contamination to soils; and
 - damage to threatened species and ecological communities.
- g. We note the Fracking Inquiry heard from various stakeholders about their concern about “exploration creep” with respect to the onshore gas industry, that is, that a large number of exploration wells might be constructed via EMP approvals granted prior to the Strategic Regional Environmental Baseline Assessment (SREBA), and the implementation of many of the Inquiry’s recommendations. To mitigate against this risk, the Fracking Inquiry recommended safeguards to ensure that the: “cumulative impacts of any onshore shale gas activities that occur during the exploration phase of development are assessed, taken into account and appropriately mitigated.” We hold the position that in this case, the cumulative assessment considered as part of the Imperial EMP is not adequate to meet this recommendation, and further studies as part of a full EIA are now required.
- 7 Having regard to the nature of the Work Program, the risks and impacts identified in the EMP, and the matters set out above, we consider that the Work Program has the potential to have a significant impact on the environment. As such, we consider that the NT EPA should determine that an EIA is required for the Work Program.
- 8 This will ensure there is an appropriate, accountable, and transparent assessment of the Work Program’s potential environmental impacts, consistent with the statutory framework established by the EP Act and the principles of ecologically sustainable development.
- 9 We respectfully request a response to this letter by Friday 2 July 2021. Please be in contact with: Graeme Sawyer from Protect Country Alliance NT at [REDACTED]

Yours faithfully,

Shar Molloy

Environment Centre NT

Jimmy Cocking

*Arid Lands Environment
Centre*

Graeme Sawyer

Protect Country Alliance