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To Whom it May Concern,

RE: Draft guidance for environmental factors: culture and heritage; and atmospheric processes

Thank you for providing me with the opportunity to comment on these draft guidance documents for the above environmental factors.

I have summarised my comments in the attached table for clarity. While I trust all these will be considered, I would like to highlight the following general comments:

Environmental factor guidance: Atmospheric processes Greenhouse Gas Emissions

1. I opposed to the thresholds for referral of CO2 emissions. These are fundamentally unacceptable and at odds with the NT EPA Act 2019 principles of ecologically sustainable development.

2. I am fundamentally opposed to non-essential activities, in particular land use change associated with clearing being allowed to release large amounts of GHGs in a time when these are known to pose an existential threat to biodiversity and a liveable planet. As stated in the draft guideline, it is essential that everything possible should be done to **immediately** stop GHG emissions.

3. I am also concerned that this guideline fails to capture carbon emissions which occur by stealth due to invasive pasture grasses causing a transition from woodlands to savannah grasslands. This is relevant to pastoral lands where grasses are deliberately introduced and other lands which they invade.

4. I am very concerned the draft guidance on Atmospheric Processes does not includes other pollutants particularly those directly associated with industry activity / development such as dust, transport, bioproducts of chemical processes. It is unclear whether these are /will be addressed elsewhere in the NT EPA's guidance documents.

Environmental factor guidance: Culture and heritage

1. Section 4 of the guidance on the considerations for the cultural heritage factor is extremely narrow and seems focused on sacred sites not ecosystem values. This is unacceptable as the *Native Title Act 1993* enshrines rights to wide ranging activities associated with traditional laws and customs associated with ecosystem values. I am particularly concerned about failure to properly consider these values in relation to land clearing as clearly land clearing targets threatens many Native Title rights.

Thank you for considering my submission(s)

Regard,

Jacqueline Arnold.

Section		Comment
3	The IPCC advised that it will only be with immediate and large-scale reduction in GHG emissions that global warming will be limited	This Environmental Factor and objective will not result in immediate or large-scale reduction in GHG emissions. It is another in a long line of government papers that does nothing more than permit new and expanding large emitting projects.
3 and 4	The final paragraph on page three notes the NT government policy 'Greenhouse Gas Emissions Management for New and Expanding Large Emitters' is based on net zero GHG target by 2050	This does not comply with the objects of the NT EP Act, in particular 3 (b) (b) to promote ecologically sustainable development so that the wellbeing of the people of the Territory is maintained or improved without adverse impact on the environment of the Territory. As this guideline is incompatible with the principles of ecologically sustainable development it should not be reinforced by the atmospheric processes guidance document. Rather the NT EPA should review the 'Greenhouse Gas Emissions Management for New and Expanding Large Emitters" policy as a "strategic proposal" in accordance with s57 of the NTEPA Act 2019.
5		Information provided seems to be a deliberate attempt to minimise the contribution of land clearing to GHGs Why is 2019 (3 year old) data being used given the massive increase in land clearing seen in the past 12 months? In order to comments we require 2021 land clearing emissions data and model for future clearing given the current trend.

		Land clearing contributes to fires by increasing the spread of high fuel load invasive pasture grasses. I am also concerned that this guideline fails to capture carbon emissions which occur by stealth due to invasive pasture grasses causing a transition from woodlands to savannah grasslands. This is relevant to pastoral lands where grasses are deliberately introduced and other lands which they escape onto. I believe this could be captured by the NTEPA giving consideration to policies
6.	*"As with the Large Emitters Policy, the NT EPA has included a separate referral threshold for land clearing activities. The NT EPA recognises that land clearing actions contribute to the greenhouse gas emissions inventory for the NT, primarily as carbon dioxide (CO_2). As a greenhouse gas emission, CO_2 has less warming potential than other types of greenhouse gas emissions, such as methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride (associated with energy consumption and industrial processes) and the proposed threshold level reflects this difference"*	What is the contribution of other gases associated with land clearing given the land is cleared for cropping, pasture e.g. impact of increased stocking rates, disturbed biocrust, fertilisers, transport requirements? I am particularly concerned that introduction of additional stocking increases caused by clearing as these result in methane emissions which are significantly more dangerous than CO2 and associated with additional risks due to decline in atmospheric hydroxyls.
	Under the Environmental Factor: Atmospheric Processes a proponent is to refer a proposed action to the NT EPA if its emissions exceed: • For an industrial proposed action: 100 000 tonnes carbon dioxide equivalent (tCO2-e) (scope	This proposal reinforces the NT Large Emitters Policy thresholds as basis for referral. However these thresholds are too high and absolutely incompatible with principles of ecologically sustainable development as enshrined in the NT EPA Act.

	1) in any financial year over the life cycle of a proposed action. • For a land use proposed action: 500 000 tCO2-e (scope 1) generated from a single clearing action, or cumulatively from multiple land clearing actions on a property over time.	This is absolutely outrageous at a time when the recent Australian State of Environment Report has found: ○ most indicators of the state and trend of native plants and animals show decline ○ the number of terrestrial and marine threatened species has risen ○ all 19 Australian ecosystems reported to be showing signs of collapse experience multiple pressures, including 12 that experience more than 10 pressures (including Australian tropical savanna and western-central arid zones in the NT) https://soe.dcceew.gov.au/biodiversity/environment/ecosystems-and-habitats Climate change and land clearance have both been implicated in as major threatening processes for biodiversity decline and ecosystem collapse. To allow this sort of change to happen without referral does a gross injustice to all law abiding Northern Territory citizens who are making daily decisions to reduce their comparatively small GHG contributions associated with plastic bags, choice of motor vehicle etc while these massive emissions are being waved through. The NT EPA is clearly not prepared to provide evidence based leadership. At what point is there an NT wide threshold – each pastoral lease can clear up to 500 000 tonnes CO2 this is already quickly adding up. Specifically, in regard to acceptable thresholds for land use change I believe broad hectare clearing of native vegetation is fundamentally unacceptable in the context of biodiversity loss and excessive GHG emissions described above. On this basis it should be considered

		unacceptable under this document. In considering the impacts of land use change associated wit Furthermore clearing should not subject to offsets, as offsetting is not intended to make an unacceptable proposal acceptable. I am also concerned that these bizarrely large emissions thresholds could lead to a windfall for applicants by resulting in them not having to pay millions of dollars in offset costs. This calls into question its capacity to provide the safe hands needed to help the Northern Territory arrive at low carbon future with biodiversity function intact. ***These thresholds are fundamentally flawed and a deal breaker for me in being able to support this document. They must be changed.***

Environmental factor guidance: Culture and heritage

Section		Comment
3.2 & 4	The document states: The courts have determined that native title rights are communal, perpetual and extensive and may not be extinguished without the owners of the native title being fully compensated on just terms. Native title rights comprise the following non-exclusive rights, in accordance with traditional laws and customs: 1. the right to travel over, move about and to have access to the application area; 2. the right to hunt, fish and forage on the application area; 3. the right to gather and to use the natural resources of the application area such as food, medicinal plants, wild tobacco, timber, stone and resin; 4. the right to have access to and use the natural water of the determination area; 5. the right to live on the land, to camp, to erect shelters and other structures; 6. the right to: a) engage in cultural activities b) conduct ceremonies c) hold meetings d) teach the physical and spiritual attributes of places and areas of importance on or in the land and waters e) participate in cultural practices relating to birth and death, including burial rights;	Section 4 4. Considerations for conducting a cultural impact assessment are vastly narrower in scope than the types of cultural values protected under other legislation which could be impacted by adverse environmental impacts. For example the *Native Title Act 1993* enshrines rights to wide ranging activities associated with traditional laws and customs as highlighted in points 1-8 to the left. These self-evidently rely on healthy ecosystems for quite specific purposes and thus need to be considered in deciding whether and environmental impact assessment is necessary. However in Section 4 of the guidance on the considerations for the cultural heritage factor are extremely narrow and seem focused on sacred sites not ecosystem values. I am particularly concerned about the failure to consider cultural values associated with ecosystem functions and maintenance in respect to clearing applications on pastoral land. In the many clearing applications I've reviewed no consideration is given to values protected under Native Title Act 1993, however I am aware of extreme despair caused to the local Traditional Owners from clearing. This is clearly unacceptable and emphasises the importance of addressing this gap via this guidance document. Full assessment of impacts on traditional laws and customs recognised under *the Native Title Act 1993.* Traditional Owners necessarily should be consulted as to whether a proposal impinges on the cultural values

	7. the right to have access to, maintain and protect sites of significance on the application area; and 8. the right to share or exchange subsistence and other r traditional resources obtained on or from the land or waters (but not for any commercial purposes). CONFLICTS WITH SECTION 4 The general process for undertaking an environmental impact assessment for the 'Culture and heritage' factor is outlined below. 1. Identify and document the cultural values (including Aboriginal cultural values, and the Territory's natural and built heritage values) that are relevant to the proposal. It is recommended that professional expertise be sought for assessments related to the Territory's natural and built heritage commensurate with the likely complexity of the environment. For Aboriginal cultural values, it is recommended that: • the AAPA be contacted with a view to: o determine if there are any sites of significance according to Aboriginal tradition (sacred sites) in the vicinity of the proposal o making an application for the issue of an Authority Certificate to determine any conditions (arising from the existence of such sites) that would apply to the proposal. • The Heritage Branch of DTFHC be contacted to determine:	I am also highly concerned that contact with AAPA under clearing applications seems to translate to applicants obtaining an "Abstract of records" and not an Authority Certificate. Clearly clearing will radically alter the ability to carry out traditional laws and customs and an "Authority Certificate should be obtained in all circumstances involving land clearing.

	o whether there are any known or likely heritage places or objects in the area that could be affected by a proposal o whether archaeological survey is required to identify if there are any heritage places or objects in the area that could be affected by a proposal.	