

Fingerboards Mineral Sands Project Inquiry and Advisory Committee
Technical note

TN No: TN 008

Date: 8 February 2021

Subject: Response to IAC Request for Information – Part 12.

INTRODUCTION

The IAC's request relevantly provides:

12.1 Cultural Heritage Management Plan

(i) Reference

EES Chapters 9.12.3.2, 9.12.1, Mitigation Measure CH01; Appendix A017. The EES states that a Cultural Heritage Management Plan (CHMP) (or draft CHMP) has not yet been prepared and that "formal input" from GLaWAC will be undertaken in parallel to the development of the CHMP.

(ii) Request

105. The Proponent should provide details of the status of the CHMP, including:

- a) when the draft CHMP is expected to be completed and submitted for approval.
- b) whether a draft CHMP will be available to the IAC and if so, when.
- c) any further consultation undertaken with Aboriginal Victoria (as Registered Aboriginal Party), GLaWAC (either directly or through Aboriginal Victoria) (refer EES 9.12.1) and any other relevant stakeholders since the release of the EES.
- d) the likely major issues to be negotiated prior to its finalisation.
- e) whether the CHMP, when finalised, might or is likely to require any changes to the Project, including changes to the proposed location, design, construction, or operation of the Project.

12.2 Scope of Aboriginal cultural heritage assessment

(i) Reference

EES Chapters 8.12 and 9.12; Appendix A017; Submissions 662 and 813. The investigation and assessment of Aboriginal cultural heritage appears to have a limited consideration of intangible Aboriginal cultural heritage, contemporary oral or ethnographic history, and the impact on the broader Aboriginal cultural landscape (including waters).

(ii) Request

The Proponent should:

106. Provide details of any further investigation and assessment of intangible Aboriginal cultural heritage since the EES and how any impacts on intangible heritage values will be addressed.
107. Provide details of any contemporary oral histories or ethnographic research that has been undertaken in relation to the Project Area.
108. Provide information on the impact on Aboriginal cultural values of the potential allocation of water from the Mitchell River to the Project.

109. Provide information on the impact of the Project on the Aboriginal cultural values associated with the Mitchell River itself as well as the broader landscape.

110. Provide a response to the submissions made at pages 489-495 of Submission 813.

12.3 Heritage salvage

(i) Reference

The EES suggests that the disturbance/destruction of indigenous cultural heritage sites and places can be mitigated by salvage and storage of recovered artefacts and scatters (EES 9.12; CH03, CH04, CH05, CH07).

(ii) Request

111. The Proponent should provide further information on the salvage and storage measures that are being proposed to mitigate the impacts of removal/destruction of known and unknown indigenous cultural heritage sites and places and evidence of Aboriginal Victoria's and GLaWAC's views on these suggested mitigation measures.

12.4 Aboriginal cultural heritage places

(i) Reference

EES Chapter 9.12.3.3 and 9.12.5.3. The summaries of residual impacts relating to disturbance/destruction of registered Aboriginal cultural heritage place (VAHR 8322-0226 (Fingerboards LDAD 1)) and disturbance/destruction of recorded Aboriginal cultural heritage place (Fingerboards LDAD 2) both state that a portion of each place is outside the mining boundary area.

(ii) Request

112. The Proponent should provide further details of the proportion of each place and its contents that is inside and outside the proposed mining boundary area including by providing a clear map.

12.5 Rehabilitation plans

(i) Reference

Submission 662. The extent to which the rehabilitation plans have considered Aboriginal cultural values.

(ii) Request

113. The Proponent should provide detail on the extent to which the rehabilitation plans have/will address Aboriginal heritage values and provide opportunities for traditional owner/GLaWAC input to ensure that cultural values are restored and/or improved to the extent possible.

RESPONSES:

Question 105

- (a) The completion of the Cultural Heritage Management Plan (CHMP) is not likely until mid-late 2021. This is because multiple Victorian Aboriginal Heritage Register (VAHR) place registrations are required following the most recent phase of complex assessment in Nov/Dec 2020, and the management of these sites will need to be discussed and agreed with GLaWAC. In addition, it is expected that the will incorporate the findings of a cultural values assessment, which is not expected to be completed until mid-2021 (see item 106 below).
- (b) A draft CHMP is not yet available. However, Figures 1-4 show the results of the standard and complex assessments undertaken for the CHMP to date and include:

- all testing surface artefacts identified during the preparation of the CHMP
 - proposed VAHR place extents with updated place names
 - where relevant, a note stating that any artefacts not encompassed within the proposed place extents are being registered as Doogooroo LDAD 1
- (c) Consultation with GLaWAC and Aboriginal Victoria (AV) has been ongoing since the release of the EES, as part of the preparation of the CHMP.
- (d) Discussions with GLaWAC and AV in relation to the management conditions and requirements for any additional testing will be ongoing while the Proponent progresses the CHMP towards evaluation.
- (e) The site types identified are broadly consistent with management conditions to mitigate harm, rather than necessarily avoiding harm. It is therefore unlikely that changes to the proposed Project footprint will be required. The management conditions will likely facilitate a more detailed investigation at the VAHR locations post CHMP approval and may include tertiary institutions to assist with the agreed implementation of the RAP's research design.

Figure 1

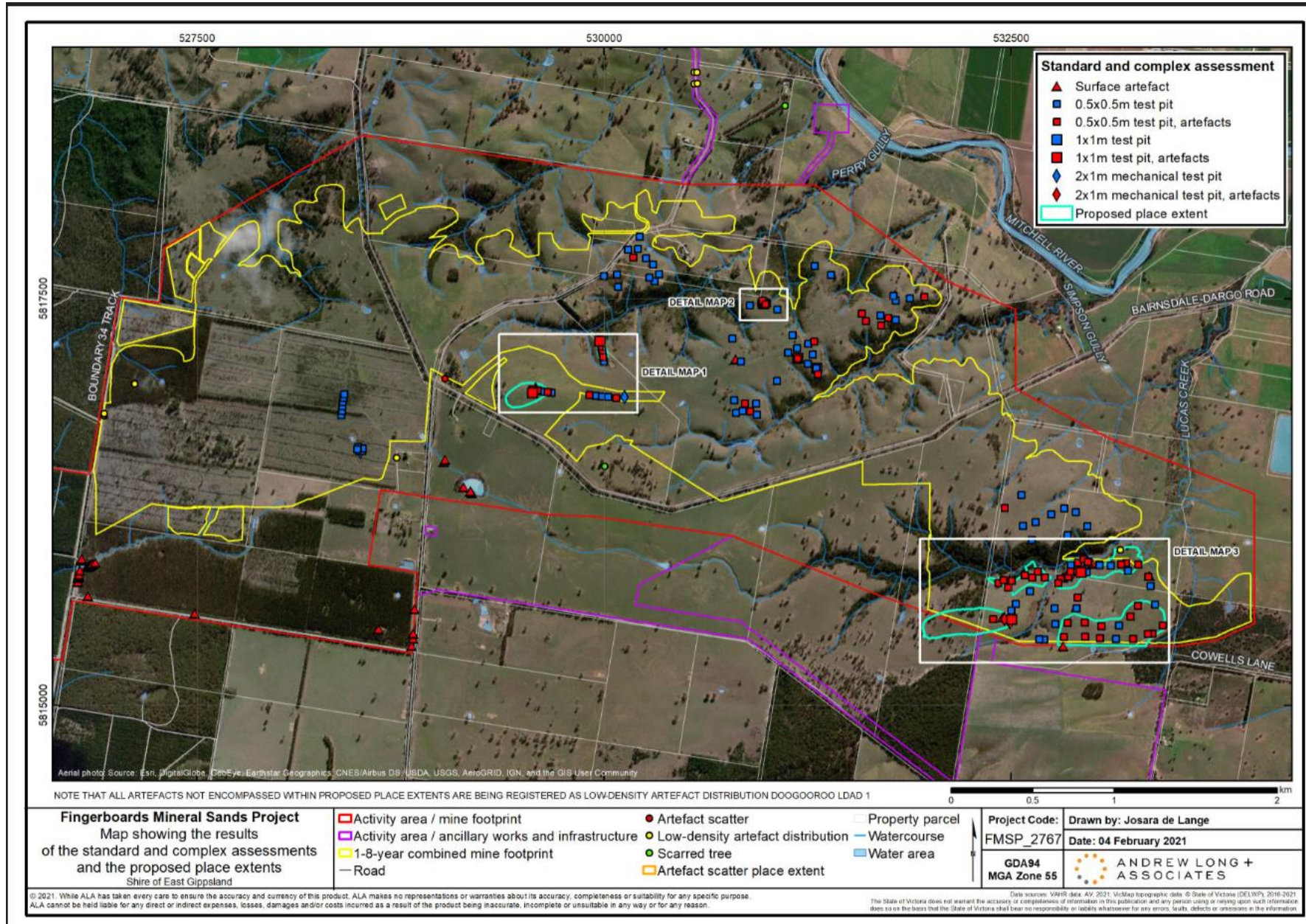


Figure 2

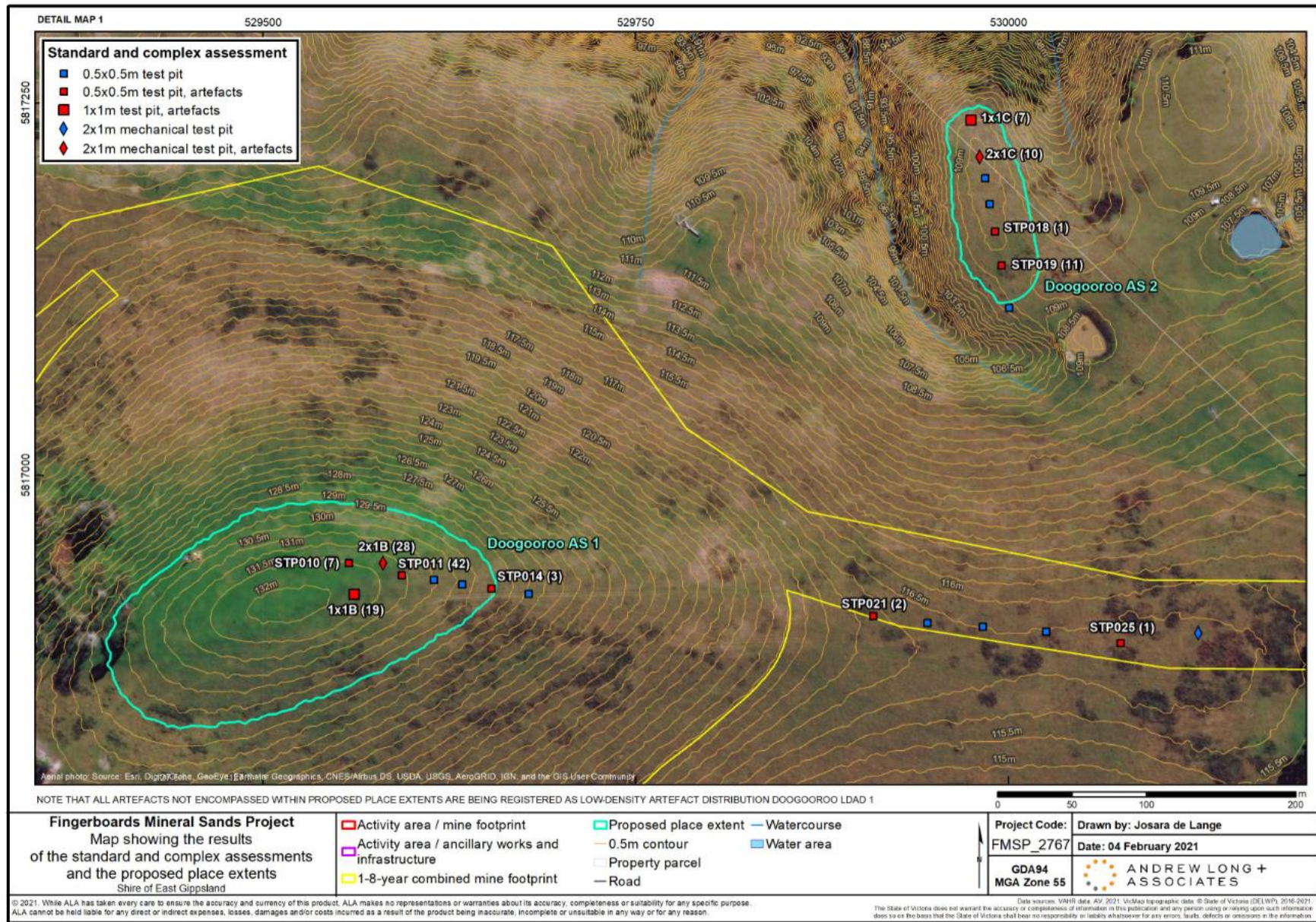
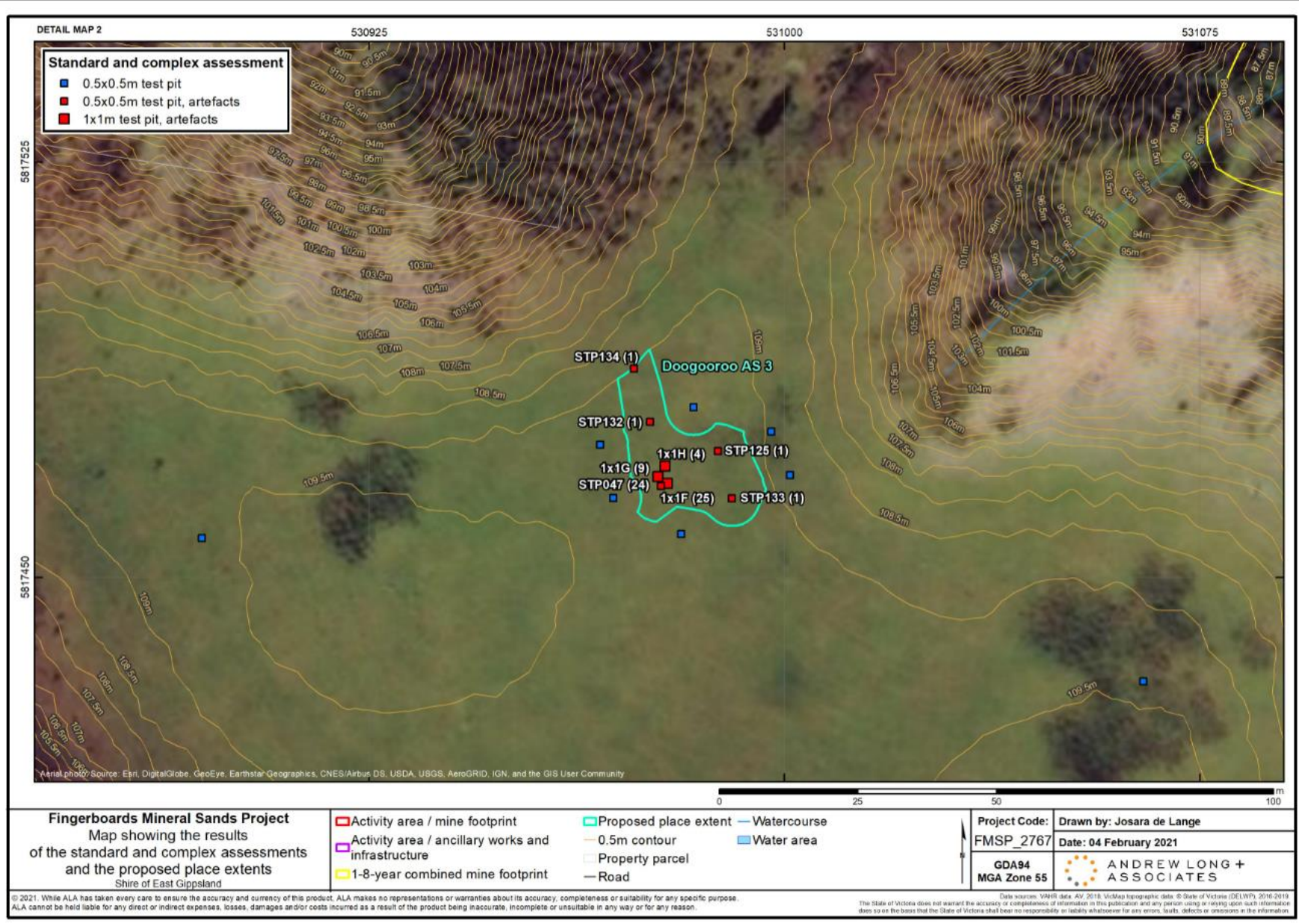


Figure 3



Question 106

The Proponent has engaged an historian recommended by GLaWAC's RAP Manager to undertake a cultural values assessment. This assessment will build upon existing information from the EES and will involve researching and reporting on intangible indigenous heritage and histories from the region where the Project is proposed. This will include:

- gathering indigenous oral histories of the region;
- studying early historical accounts of colonial contact between the Gunaikurnai and the first European settlers;
- studying the most up-to-date scholarship on cross-cultural contact in the region;
- interviewing current landowners, including farmers, about the history of their properties; and
- maintaining constant communication with ALA, the Proponent and GLaWAC.

Question 107

Section 5.4 of the Cultural Heritage Impact Assessment (EES Appendix A017) presents ethnohistorical and historical accounts relating to the area.

Following unsuccessful attempts to engage the GLaWAC directly in the field during the preparation of the EES for the purposes of a cultural values assessment, the Proponent is pleased to confirm that GLaWAC recommended an historian to undertake the cultural values assessment referred to in item 106 above and the scope and methodology of that assessment have now been agreed.

Question 108

This will be addressed through the cultural values assessment referred to in item 106 above.

Question 109

This will be addressed through the cultural values assessment referred to in item 106 above.

Question 110

Key issues raised in Submission 813 at pages 489-495, and the Proponent's responses, are as follows:

1. *Allegation that the EES does not take into account a Pleistocene sand dune that may be associated with significant sites and old burial areas.*

The Cultural Heritage Impact Assessment (EES Appendix A017) discussed the sand dunes, which are believed to be of Late Pleistocene age. See in particular pages 41 and 67 of Appendix A017. Sand dune landforms continue to be subject to ongoing investigation as part of the CHMP preparations.

2. *Concern about the statement on page 51 of Appendix A017 that '[n]o registered historic Aboriginal cultural heritage places or historical references to the activities of Aboriginal people are located with the activity area or the wider geographic region'. The submission then refers to items and places of cultural significance, including ring marker trees, the massacre site at Skull Creek and the Den of Nargun and Deadcock Den sites.*

See the full discussion of Aboriginal Heritage Registers in section 5.3.1 of Appendix A017 for context to the extracted statement. Refer also to items 105 and 106 above.

3. *Concern about the impact of the Project on European history in the area.*

Refer to the assessment of historical heritage in Appendix A017.

4. *Concern about the ecological effects of the Project*

Refer to the witness statement of Aaron Organ.

5. *General concerns raised, including about discrepancies and gaps in the EES, modelling limitations and consultation with GLaWAC.*

Refer to the Proponent's response to issues raised in submissions (IAC Direction No. 27), in particular, sections 2.13 and 2.22.

Question 111

Salvage conditions and mitigation measure will be agreed with GLaWAC and AV after the CHMP complex assessment is completed, which is expected in the next 2-3 months.

Question 112

Refer to Figures 1-4 above.

Question 113

The Proponent envisages that GLaWAC will have input into the post-rehabilitation land form, particularly in terms of the traditional owners sharing their cultural knowledge and land management expertise to improve rehabilitation outcomes.

To this end, the Proponent has had initial discussions with GLaWAC's representatives on this topic on several occasions in 2019 and 2020, during which the goals of the rehabilitation program were outlined and discussed. This included explaining the Proponent's proposal to establish a high diversity native grassy woodland, and the use of seed production techniques to provide the seed resources required for restoration. During those discussions several avenues for involvement and/or collaboration were discussed, although no firm commitments were sought by the Proponent or given by GLaWAC reps.

In recent discussions with GLaWAC, the traditional owners have emphasised the desirability of aligning the Proponent's rehabilitation plans align with key 'whole of country principles'. Again, this was a constructive

and positive discussion, and it was agreed there were many potential alignments of interest and opportunities for GLaWAC input in terms of cultural knowledge and land management expertise.

The precise extent to which the rehabilitation plans could address Aboriginal heritage values and provide opportunities for traditional owners/GLaWAC input to ensure that cultural values are restored and/or improved to the extent possible can be resolved following

- the cultural values assessment outlined in Item 106 above; and
- the CHMP consultation process regarding the expectations of management conditions and contingencies.

Finally, the Proponent has also partnered with Skillinvest to provide work experience to an indigenous Yr 10 student as part of a CERT III TAFE Horticulture program. The student works one day per week at the Bengworden seed production nursery, which has been established by the Proponent to start growing plants for rehabilitation purposes. The student is exposed to not only general horticultural training, but also to working with a wide range of native species.

If the mine is approved, the Proponent will invite GLaWAC to partner in several areas related to rehabilitation and landscape management.