

Esso Highlands Limited



Papua New Guinea LNG Project

**Environmental and Social Management Plan
Appendix 13: Cultural Heritage
Management Plan**

PGGP-EH-SPENV-000018-015

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1.0 OBJECTIVES

Esso Highlands Limited (Company) has developed this Cultural Heritage Management Plan as part of its Environmental and Social Management Plan (ESMP).

The objectives of the Cultural Heritage Management Plan are to:

1. Avoid known cultural heritage sites (including both archaeological sites and oral tradition sites) where necessary and practicable
2. Where avoidance is not possible, manage cultural heritage sites in consultation with PNG Government and landowners.

This plan should be read in conjunction with the following Company plans:

- Ecological Management Plan
- Stakeholder Engagement Plan
- Community Engagement Plan.

2.0 LEGAL AND OTHER REQUIREMENTS

Legal and other requirements applicable to this plan are identified in Attachment 1.

3.0 CULTURAL HERITAGE INVESTIGATION

3.1 Cultural Heritage Surveys

A Cultural Heritage Survey will be undertaken of the pipeline Right of Way (RoW), new roads/access tracks, facility laydown areas and other environmentally undisturbed areas to identify cultural heritage (archaeological and oral tradition) sites.

The Cultural Heritage Survey will be conducted subsequent to community awareness being carried out by Land & Community Affairs as outlined in Attachment 2, Company's Cultural Heritage Investigation and Salvage Protocol.

Company's Cultural Heritage Survey will include surveys to identify cultural heritage (archaeological and oral tradition) sites, community consultation regarding the management of cultural heritage sites and preparation of any protocols required for ongoing consultation with community representatives as outlined in Company's Cultural Heritage Investigation and Salvage Protocol.

Landowner agreement for the management approach of individual cultural heritage sites will be sought via the measures outlined in Attachment 2, Company's Cultural Heritage Investigation and Salvage Protocol.

Outcomes of the Cultural Heritage Survey include:

- GPS registered cultural heritage constraints/sensitivities for avoidance
- Further research of appropriate archives, where relevant and required
- Consultation and liaison with the PNG National Museum and Art Gallery and National Cultural Commission (NCC), as required
- Landowner concurrence for cultural heritage management approach

3.2 Contractor Preconstruction Cultural Heritage Surveys

Contractor shall undertake a Cultural Heritage Survey of the pipeline RoW, new roads/access tracks, facility laydown areas and other environmentally undisturbed areas that will be utilized during construction. Contractor's Pre-construction Cultural Heritage Survey may be done in conjunction with other engineering surveys.

Contractor will utilise a team of qualified personnel that Company has approved to undertake the Pre-construction Cultural Heritage Survey and record the results.

The results of Contractor's Preconstruction Cultural Heritage Survey will be provided to Company in both report form and raw data.

Company may at its discretion provide specialty discipline personnel to join Contractor's Pre-construction Cultural Heritage Survey.

Ground disturbance will not commence until Contractor's Pre-construction Cultural Heritage Survey has been completed and Company has given clearance to proceed.

3.3 Site Specific Cultural Heritage Management Plan

Based on Company's Cultural Heritage Survey and Contractor's Pre-construction Cultural Heritage Survey, Contractor shall prepare a Site Specific Cultural Heritage Management Plan for each proposed disturbance area.

Contractor's Site Specific Cultural Heritage Management Plan shall be approved by Company. Contractor's Site Specific Cultural Heritage Management Plan shall incorporate management measures endorsed by the PNG National Museum and Art Gallery as required for individual cultural heritage sites.

4.0 MANAGEMENT AND MONITORING

Company's preferred management approach for known cultural heritage sites is avoidance.

For those sites that cannot practicably be avoided, the appropriate management measure(s) may include sample salvage-excavation and/or salvage through surface collections.

The requirements for implementing each of these management measures are presented in Attachment 2: Cultural Heritage Investigation and Salvage Protocol.

Company and Contractor will adhere to Company's Cultural Heritage Investigation and Salvage Protocol for all salvage activities as agreed with the PNG National Museum and Art Gallery.

Cultural heritage sites that are discovered as chance finds during construction will be managed appropriately in accordance with Attachment 3, Cultural Heritage Chance Finds Protocol.

Table 1 presents a summary of potential cultural heritage impacts, together with associated mitigation and management measures to avoid or reduce these impacts.

As per Section 3.3 Contractor shall develop a Site Specific Cultural Heritage Management Plan for each proposed disturbance area, which will, as a minimum, incorporate the requirements of Company's Cultural Heritage Management Plan. This plan shall also incorporate the measures described in Table 1, but shall not be limited to those measures.

Due to differing scopes of work and work locations, not all management and mitigation measures in the Cultural Heritage Management Plan are applicable to all Contractors. Company's Environmental and Social Mitigation Register defines which management and mitigation measures are applicable to each Contract scope of work.

In Table 1, any mitigation and management commitments that were contained in the PNG LNG Project Environmental Impact Statement (EIS) are identified by a code commencing with an 'M' in the 'Mitigation Item Reference Number' column. Some mitigation measures have been reworded to provide further clarity or more detailed information. In these instances, the code is displayed in italics, and these reworded measures supersede what is in the EIS.

Other mitigation and management commitments required by Company are identified in Table 1 with a code commencing with A.

Monitoring that will be undertaken in relation to the Cultural Heritage Management Plan is also described in Table 1.

Contractor shall develop site-specific procedures for the monitoring program, to be agreed by Company.

Table 1: Management and Monitoring

Table 1: Management and Monitoring						
Source of Impact	Potential Impact and Relevant Management Plan Objective[†]	Mitigation and Management (Design Feature/Specific Measure)	Mitigation Item Reference Number	Monitoring	Monitoring Frequency	Responsibility
On-ground works and movement of people and vehicles within the direct disturbance areas	Damage to, or destruction of, cultural heritage sites. Disconnection of communities from cultural heritage sites and loss of sites from oral tradition. (Objectives 1, 2)	Conduct Cultural Heritage Survey by systematically recording and mapping cultural heritage sites in all areas designated for disturbance during construction, including any areas that were characterised but not surveyed for the EIS.	M224, M225	N/A	Before Construction	Company and Contractor
		Conduct further research of appropriate archives as part of site pre-construction surveys, where relevant and required.	M229	N/A	Before Construction	Company and Contractor
		Conduct Cultural Heritage Survey on limestone hills in consultation with relevant community representatives and the PNG National Museum and Art Gallery where required before quarrying to determine whether the hills are culturally significant and to specify what site-specific measures, if any, are required.	M262	Verification	Ongoing	Company and Contractor
		Consult and liaise with the PNG National Museum and Art Gallery as required for surveys and check all surveys are supervised by appropriately-qualified archaeologists and cultural heritage specialists. Liaise with the National Cultural Commission (NCC) through the PNG National Museum and Art Gallery as appropriate.	M226	Verification	Ongoing	Company and Contractor
		Develop and have approved by PNG National Museum and Art Gallery a Cultural Heritage: Chance Finds Protocol for disturbance activities.	A93	N/A	Before Construction	Company
		Prepare a Site Specific Cultural Heritage Management Plan for each potential disturbance area which provides: Maps of disturbance areas showing the locations of cultural heritage sites and buffers around those sites requiring avoidance.	M230, M227, M241	Verification	Ongoing	Contractor

Table 1: Management and Monitoring

Source of Impact	Potential Impact and Relevant Management Plan Objective [†]	Mitigation and Management (Design Feature/Specific Measure)	Mitigation Item Reference Number	Monitoring	Monitoring Frequency	Responsibility
		<ul style="list-style-type: none"> The specific measures required for each known cultural heritage site – such as avoidance, salvage, community ritual, documentation, etc. – as specified by cultural heritage specialists based on EIS and Cultural Heritage Surveys. Ensure significant cultural heritage findings are interpreted, documented and reported to the PNG National Museum and Art Gallery. 				
		Consult with community representatives on matters concerning the management of cultural heritage sites to be impacted by activities. Develop protocols in consultation with the PNG National Museum and Art Gallery and ensure these are included in Contractor's Site Specific Cultural Heritage Management Plans.	M237	Verification	As required	Company
		Implement cultural awareness before activities commence to induct personnel in: <ul style="list-style-type: none"> Importance of oral traditions and associated sites to communities in Papua New Guinea Types of cultural heritage sites that exist within disturbance areas and that trigger the implementation of the Cultural Heritage Chance Finds Protocol, which includes measures for dealing with skeletal material (see Attachment 3). Locations of known cultural heritage sites and requirement to avoid all sites not authorised for disturbance Process for clearing and salvaging cultural heritage sites before undertaking activities Protocols for responding to chance finds of 	M235	N/A	Before Construction	Company and Contractor

Table 1: Management and Monitoring						
Source of Impact	Potential Impact and Relevant Management Plan Objective[†]	Mitigation and Management (Design Feature/Specific Measure)	Mitigation Item Reference Number	Monitoring	Monitoring Frequency	Responsibility
		cultural heritage sites, including skeletal material.				
		Establish a protocol for salvage (Cultural Heritage Investigation and Salvage Protocol) in consultation with the PNG National Museum and Art Gallery and ensure this protocol is detailed in Contractor's Site Specific Cultural Heritage Management Plans. The protocol is to cover the salvage of known sites prior to the commencement of works where required and the salvage of unknown sites, where required as part of the Cultural Heritage Chance Finds Protocol.	M236	N/A	Once off	Company
		Engage appropriately-qualified archaeologists and cultural heritage specialists to coordinate and direct salvage of known sites prior to disturbance – in consultation with the PNG National Museum and Art Gallery, as required – and to make sure that any previously unknown sites are treated appropriately and according to measures stipulated in the Cultural Heritage: Investigation and Salvage Protocol, Cultural Heritage: Chance Finds Protocol and Contractor's Site Specific Cultural Heritage Management Plans.	M232, M238	Verification	As required	Contractor
		For significant sites encountered during construction, consult with PNG National Museum and Art Gallery as described in Chance Finds Protocol.	M233	N/A	Ongoing	Contractor

Table 1: Management and Monitoring

Source of Impact	Potential Impact and Relevant Management Plan Objective [†]	Mitigation and Management (Design Feature/Specific Measure)	Mitigation Item Reference Number	Monitoring	Monitoring Frequency	Responsibility
PGGP-EH-SPENV-000018-015		<p>Identify on site plans and create buffer zones where necessary to avoid, where practicable and with Company approval, the following cultural heritage sites (the site numbers shown are those used in the project GIS) if activities are occurring near these locations:</p> <p>The two ossuary sites LK040 and LK041, which are located 1.4 km and 700 m southeast of the LNG Project gas pipeline, respectively.</p> <p>The myth site Sisibuitono (LK043), which is located approximately 2.7 km southeast of the LNG Project gas pipeline.</p> <p>The Mount Ru complex, which is located approximately 10 km east of the LNG Project gas pipeline and west of Kopi Shore Base.</p> <p>The small hill at Helipad 14 (KG125), located 8 km east of the LNG Project gas pipeline.</p> <p>The area located 10 km east of the LNG Project gas pipeline, between Uti Creek in the north, the Kikori River western bank in the east, and an area 500 m to the south and to the west of the existing Kopi base camp.</p> <p>The ritual lake Iba Mabuli (HD011) and the associated ritual sites (HD037, HD009, HD010 and HD012), all located about 1 km north of the LNG Project gas pipeline.</p> <p>The Datore gebeanda ritual site (HD016), located about 2 km north of the LNG Project gas pipeline.</p> <p>The ritual site HD017, located about 4 km north of the LNG Project gas pipeline.</p> <p>The cultural sites at the north boundary of the alternative Hides Gas Conditioning Plant site (at Tipuripu), including sites HD225, HD209 and HD211.</p>	M261	N/A	Before Construction	Contractor

Table 1: Management and Monitoring						
Source of Impact	Potential Impact and Relevant Management Plan Objective[†]	Mitigation and Management (Design Feature/Specific Measure)	Mitigation Item Reference Number	Monitoring	Monitoring Frequency	Responsibility
		Avoid rock art sites in the vicinity of Lake Kutubu (with particular attention to the avoidance of rock art sites and ossuaries; cultural heritage sites LK001 to LK037 and LK056 to LK063) in the relevant Site Specific Cultural Heritage Plans.	M260	N/A	Before Construction	Contractor
		(LNG Plant Site) Engage a social anthropologist to record the Koita and Motu place names and their oral traditions within the LNG Plant site lease boundary. This process will be undertaken in consultation with relevant community representatives.	M246	N/A	Once off	Company
		(LNG Plant Site) Cross-check the ARE, ARB and ARJ sites against previous sites formally recorded on the PNG National Museum and Art Gallery/University of PNG registers (sites AAIP, AAIO and AAIQ, respectively). This cross-check will be undertaken as part of future site archaeology salvage and management.	M247	N/A	Once off	Company
		(LNG Plant Site) Revisit the P-39 aircraft crash site (recorded site CB4) and the cultural pipe bridge structure site (recorded site CB3) during Cultural Heritage Surveys – these heritage sites lie outside the LNG Plant site security fence area but inside the lease boundary area. Identify location and salvage, if necessary.	M256	Verification	Before Construction	Company and Contractor
		(LNG Plant Site) Delineate the boundaries of the Konekaru site and avoid during construction.	M248	N/A	Once off	Company and Contractor
		(LNG Plant Site) Delineate the boundaries of the ancient village site complex known as Aemakara, and avoid during construction activities.	M245, M253	N/A	Once off	Company and Contractor

Table 1: Management and Monitoring

Source of Impact	Potential Impact and Relevant Management Plan Objective [†]	Mitigation and Management (Design Feature/Specific Measure)	Mitigation Item Reference Number	Monitoring	Monitoring Frequency	Responsibility
		(LNG Plant Site) Avoid or salvage and record cultural heritage sites at the LNG Plant site, including salvage of the sites recorded as SC3 and SC5.	M252, M254	N/A	Once off	Company
		(LNG Plant Site) Salvage known significant cultural heritage sites, where appropriate.	M231	N/A	Once off	Company
		(LNG Plant Site) Implement the Cultural Heritage Chance Finds Protocol for the appropriate treatment of any potential archaeological sites (chance finds) identified during salvage works (for skeletal material) and construction activities.	M234	Verification	Ongoing	Contractor
Offshore works and movement of equipment within the direct disturbance areas.	Damage to, or destruction of, cultural heritage sites. Disconnection of communities from cultural heritage sites and loss of sites from oral tradition. (Objectives 1, 2)	(LNG Plant Site) Consult relevant community representatives and cultural heritage specialists to identify oral tradition sites during Cultural Heritage Surveys, and before obtaining community consent for the damage or destruction of cultural heritage sites.	M228	Verification	Ongoing	Company
		(LNG Plant Site) Mark known offshore cultural sites on nautical charts and add a GIS reference to site construction plans for avoidance where practicable.	M240	Verification	Ongoing	Contractor

Table 1: Management and Monitoring						
Source of Impact	Potential Impact and Relevant Management Plan Objective[†]	Mitigation and Management (Design Feature/Specific Measure)	Mitigation Item Reference Number	Monitoring	Monitoring Frequency	Responsibility
		(LNG Plant Site) Liaise with a marine archaeologist to review the detailed side-scan sonar data obtained for areas to be developed offshore of Caution Bay. (LNG Plant Site) Management and/or future survey of any credible anomalies of cultural heritage origin will be documented, including avoidance where practicable. The project will liaise with relevant PNG, Australian and international agencies involved in the recording and reporting of WWII war graves and artefacts as appropriate.	M243	Verification	Before Construction	Company
		(LNG Plant Site) Indicate on site construction maps, and avoid, where practicable, the general area of known Lagatoi wreck sites CB16, CB17 and CB18. If sunken Lagatoi remains are discovered during site construction activities, works will stop and remains will be managed and protected as appropriate in consultation with the PNG National Museum and Art Gallery.	M258	Verification	Ongoing	Contractor
Increase in person and vehicle traffic outside the direct disturbance areas	Damage to or destruction of cultural heritage sites. (Objective 1)	(LNG Plant Site) Implement cultural awareness before activities commence to induct personnel. Consider the Boera battery (recorded site CB30) when developing the cultural awareness program.	M259	N/A	Ongoing	Company and Contractor
		Limit the movement of employees and contractors to within project-defined areas and designated traffic and transport routes or locations. Detail specific authorised and unauthorised areas in the Site Specific Cultural Heritage Plans.	M244	N/A	Ongoing	Contractor

Table 1: Management and Monitoring						
Source of Impact	Potential Impact and Relevant Management Plan Objective[†]	Mitigation and Management (Design Feature/Specific Measure)	Mitigation Item Reference Number	Monitoring	Monitoring Frequency	Responsibility
		(LNG Plant Site) Periodically inspect cultural heritage sites within the work sites to check if project personnel are disturbing sites marked for avoidance.	M239	Verification	Ongoing	Contractor
		(LNG Plant Site) Avoid important cultural heritage sites identified outside the LNG Facilities site, including Buria (recorded site CB10), Dirora, Darebo (recorded site CB11), Dori Hill (recorded site CB12), Daeroto, the four sites associated with Edai Siabo's first lagatoi story (recorded sites CB6, CB7, CB8 and ASM).	M251	N/A	Ongoing	Contractor
		(LNG Plant Site) Avoid ancestral oral tradition sites including Davage, Taubarau, Ava Garau and the associated archaeological sites. These sites are located more than 1.5 km south of the LNG Plant site near Boera and are of the highest level of cultural heritage significance.	M249	N/A	Ongoing	Contractor
		(LNG Plant Site) Avoid the aircraft crash site at Lea Lea (recorded site CB21), located outside the LNG Plant site lease area.	M257	N/A	Ongoing	Contractor

[†] See Section 1.

5.0 ROLES AND RESPONSIBILITIES

Contractor shall ensure sufficient resources are allocated on an ongoing basis to achieve effective implementation of the Cultural Heritage Management Plan.

Contractor's Site Specific Cultural Heritage Management Plan shall describe the resources allocated to and responsible for the execution of each task and requirement contained therein, and shall describe how roles and responsibilities are communicated to relevant personnel.

Company shall ensure sufficient resources are allocated on an ongoing basis to achieve effective implementation of Company's responsibilities in the Cultural Heritage Management Plan.

6.0 TRAINING, AWARENESS AND COMPETENCY

Contractor shall ensure that all personnel responsible for the execution of the tasks and requirements contained within the Site Specific Cultural Heritage Management Plans are competent on the basis of education, training and experience.

Contractor's Site Specific Cultural Heritage Management Plans shall describe the training and awareness requirements necessary for its effective implementation.

Contractor's training activity associated with the Site Specific Cultural Heritage Management Plans shall be appropriately documented by means of a training needs assessment, training matrix/plan and records of training undertaken.

Company shall ensure that all Company personnel responsible for the execution of Company's tasks and requirements in the Cultural Heritage Management Plan are competent on the basis of education, training and experience.

Company's training activity associated with the Cultural Heritage Management Plan shall be appropriately documented by means of a training needs assessment, training matrix/plan and records of training undertaken.

7.0 PERFORMANCE INDICATORS

Table 2 outlines the indicators for measuring and verifying performance in relation to the Cultural Heritage Management Plan.

Table 2: Performance Indicators

ID #	Performance Indicator	Measurement	Internal Auditing Frequency	Relevant Management Plan Objective [†]
1	Number of known cultural heritage sites disturbed without permission	Number of incidents	Quarterly	1, 2
2	Number of cultural heritage sites appropriately managed in accordance with this Cultural Heritage Management Plan and relevant Site-Specific Cultural Heritage Management Plans.	Number of sites appropriately managed	Quarterly	1, 2
Performance Indicators to be further developed and agreed between Contractor and Company				

[†] See Section 1.

8.0 REPORTING AND NOTIFICATION

8.1 Reporting of Company Cultural Heritage Surveys

Site Clearance Forms¹ will be completed for each cultural heritage site identified during Cultural Heritage Surveys, as provided in Attachment 2, the Cultural Heritage Investigation and Salvage Protocol. Information from the Site Clearance Form will be transferred to the Project GIS Cultural Heritage Site database.

The Cultural Heritage Survey teams will determine the nature and significance of individual sites with guidance from Annex 3 of Company's Cultural Heritage Investigation and Salvage Protocol, which provides background information on the cultural heritage sites within each affected region and in consultation with Land & Community Affairs staff and landowning communities.

All documentation will be supplied to the PNG National Museum and Art Gallery, through an annual summary report and a final report will be prepared once Company's archaeological salvage programs (including analyses) are complete.

8.2 Reporting of Contractor Cultural Heritage Surveys

Contractor shall report to Company the results of Contractor Cultural Heritage Surveys and integrate the results into Site Specific Cultural Heritage Management Plans, including:

- Cultural Heritage assessments
- Recording and mapping of cultural heritage sites and oral traditions and additions to GIS mapping database
- Further research of appropriate archives where relevant and required
- Engagement of specialists such as social anthropologists, archaeologists (including marine) and cultural heritage specialists
- Preparation of Site-Specific Cultural Heritage Plans for all proposed disturbance areas in consultation with PNG Museum, Art Gallery and NCC and relevant specialists, where necessary
- Implementation of the cultural awareness initiatives
- Implementation of Attachments 2 and 3, the Cultural Heritage Investigation and Salvage Protocol and Cultural Heritage Chance Finds Protocol, respectively.

Contractor's monthly construction environmental report to Company will include a summary of:

- Incidents of disturbance to known cultural heritage sites
- All cultural heritage sites identified through chance finds
- Management measures undertaken as a result of chance finds
- Number and results of verification inspections prescribed in Table 1
- Performance Indicators as applicable in the reporting period.

8.3 Reporting of Chance Finds

Contractor shall notify Company as per Attachment 3, the Chance Finds Protocol should any sites be discovered as a chance find.

Contractor shall notify Company immediately if any sites marked for preservation are disturbed.

¹ In lieu of PNG National Museum and Art Gallery's National Traditional and Prehistoric Site Survey Sheet.

All chance finds deemed by Contractor's archaeologist to be cultural heritage sites shall be reported by Contractor as part of Contractor's Monthly Environmental Construction Report, on the Chance Find Report Form provided as Annex 3 of the Cultural Heritage Chance Finds Protocol.

Contractor shall also provide an additional brief, plain language, written report on all chance finds within one month of receiving all analytical results to Company. Company shall transmit this information as part of the annual summary report to the PNG National Museum and Art Gallery.

Upon request Company shall make the report available to senior local community representatives via Land & Community Affairs.

Attachment 1: Legal and Other Requirements

LEGAL AND OTHER REQUIREMENTS

Contractor shall comply with applicable Papua New Guinea Laws and Regulations, applicable International Finance Institution (IFI) requirements and International Treaties and Conventions (where applicable).

Papua New Guinea Laws and Regulations

Environment Act 2000 (PNG)

The Environment Act 2000 contains numerous provisions that promote environmental protection, regulate environmental impacts associated with development activities, and safeguard the life supporting capacity of air, water land and ecosystems. In particular, Section 5 states:

“All persons exercising powers and functions under this Act shall recognise and provide for the following matters of national importance:-

- (a) the preservation of Papua New Guinea traditional social structures”

National Museum and Art Gallery Act 1992 (PNG)

Papua New Guinea recognises the importance of its cultural heritage, and has enacted legislation to protect this heritage. The *National Museum and Art Gallery Act 1992 (PNG)* established a national entity in the PNG Museum and Art Gallery responsible for preserving the country’s unique cultural heritage, and to enforce and implement various pre-existing and subsequent legislative instruments. The *National Museum and Art Gallery Act 1992 (PNG)* requires the PNG National Museum and Art Gallery to maintain a register of cultural and archaeological sites.

National Cultural Property (Preservation) Act 1965 (PNG)

Section 9 of the *National Cultural Property (Preservation) Act 1965 (PNG)* requires that the PNG National Museum and Art Gallery ensure that cultural heritage sites are neither illegally damaged nor destroyed. Section 20(1) of the *National Cultural Property (Preservation) Act 1965 (PNG)* requires any person (or developer) discovering any of the following categories of cultural property to report the discovery to the PNG National Museum and Art Gallery:

- A cave or other place in which ancient remains, human or otherwise, are to be found;
- A carving, painting or other representation on rock or in a cave;
- A deposit of ancient pottery or historical remains;
- A place used in former times as a ceremonial or burying ground.

Cultural Heritage Permits

The PNG LNG Project has acquired three permits through the PNG National Museum and Art Gallery namely:

1. Permit for Cultural Heritage Management Plan, dated 26 August 2009
2. Permit for Investigation & Salvage Protocol, dated 26 August 2009 (and specific to work conducted at LNG Facility Site Lease Portion 2456)
3. Permit for salvage archaeology for the upstream scope of the PNG LNG Project, dated 30 September 2009

These permits enable the Project to manage archaeology in accordance with Company’s Cultural Heritage Management Plan and its associated attachments.

Section 15 of the *National Cultural Property (Preservation) Act 1965 (PNG)* states the way in which cultural materials are to be exported from PNG and requires that the PNG National Museum and Art Gallery ensure that a person receives written consent prior to removal of any national cultural property from Papua New Guinea.

Coroners Act 1953 (PNG)

Section 9 of the *Coroners Act 1953* (PNG) requires that where a body is found with suspicious or unusual circumstances, immediate notice must be given to the nearest Coroner or commissioned officer of the Police Force, who must then give notice to the Coroner.

Cemeteries Act 1955 (PNG)

The *Cemeteries Act 1955* (PNG) allows for burials on private grounds to be considered cemeteries for the purposes of the Act. Section 29 of the Act requires authority prior to the exhumation of any burials. The Registration Officer holds the details of all registered cemeteries (including those on private grounds).

International Financial Institution Requirements

The Equator Principles

Current international best practice standards for the extractive industries are laid out in the World Bank/International Finance Corporation–sponsored Equator Principles (Equator Principles, 2006). The International Finance Corporation (IFC) standards that underpin the Equator Principles include Performance Standard 8 (Cultural Heritage), which recognises the importance of cultural heritage for current and future generations. Performance Standard 8 aims to protect irreplaceable cultural heritage and to guide IFC clients on ways they can protect cultural heritage in the course of their business operations. For the purposes of Performance Standard 8, cultural heritage is taken to include sites having archaeological values. Sites containing human skeletal remains are considered to fall into this category. Paragraph 6 of Performance Standard 8 states:

Chance Find procedures

The client is responsible for siting and designing the project to avoid significant damage to cultural heritage. When the proposed location of a project is in areas where cultural heritage is expected to be found, either during construction or operations, the client will implement chance find procedures established through the Social and Environmental Assessment. The client will not disturb any chance finds further until an Assessment by a competent specialist is made and actions consistent with the requirements of this Performance Standard are identified.

Consultation

Where a project may affect cultural heritage, the client will consult with affected communities within the host country who use, or have used within living memory, the cultural heritage for long-standing cultural purposes to identify cultural heritage of importance, and to incorporate into the client's decision-making process the views of the affected communities on such cultural heritage. Consultation will also involve the relevant national or local regulatory agencies that are entrusted with the protection of cultural heritage.

Paragraph 7 of Performance Standard 8 states:

Removal of Cultural Heritage

Most cultural heritage is protected by preservation in its place, since removal is likely to result in irreparable damage or destruction of the cultural heritage. The client will not remove any cultural heritage, unless the following conditions are met:

- There are no technically or financially feasible alternatives to removal.
- The overall benefits of the Project outweigh the anticipated cultural heritage loss from removal.
- Any removal of cultural heritage is conducted by the best available technique.

While the onus is on the developer to meet the intent of these standards, Performance Standard 8 also clearly stipulates that "...[i]n addition to complying with relevant national law on the protection of cultural heritage...the client will protect and support cultural heritage by undertaking internationally recognised practices for the protection, field-based study, and documentation of cultural heritage."

International Finance Corporation

IFC's Performance Standard 8 Cultural Heritage is the principal international guideline for cultural heritage. A summary of the key provisions is as follows:

- Include cultural heritage concerns in Project assessment process and management systems
- Integrate cultural heritage impacts into the Social and Environmental Assessment
- Include direct and indirect impacts and opportunities for enhancement to cultural heritage in the Assessment
- Consult with experts, government authorities, local communities, and Indigenous Peoples to identify cultural heritage resources
- Comply with PNG laws and any applicable treaties and conventions
- Design and site projects to avoid cultural heritage
- Use internationally recognized practices for the protection, field-based study, and documentation of cultural heritage
- Develop and implement Chance Finds Procedures for construction and operation
- Preserve sites in place unless there are no technically or financially feasible alternatives; and/or benefits from project outweigh any heritage losses
- Remove cultural heritage that cannot be avoided using the best available techniques

Attachment 2: Cultural Heritage Investigation & Salvage Protocol

See separate document

Attachment 3: Cultural Heritage Chance Finds Protocol

See separate document