

From: Peter Christie <Peter.Christie@environment.nsw.gov.au>
Sent: Monday, 29 September 2014 1:37 PM
To: Sara Wilson
Subject: FW: Moolarben Stage 2 - DRAFT RESPONSE for discussion
Attachments: Capertee Valley Regional Regent Honeyeater Works Plan.pdf; MU09118.pdf; Regent Honeyeater Newsletter 13 (2004).pdf

Sara

The PAC requested additional information on the Regent Honeyeater as part of its consultation with OEH. The attached documents were provided. In response to your questions raised in your email I also attach a map of Regent Honeyeater records in the region. The underlying issue is the Regent Honeyeater is listed as Critically Endangered in the TSC Act meaning that it is "*facing an extremely high risk of extinction in NSW in the immediate future*".

MCM maintain that there are no records for the Regent Honeyeater within the Stage 2 disturbance area despite targeted surveys undertaken over several years and seasons. The Mudgee - Munghorn Gap - Wollar area is listed as a "subsidiary area", ie regularly used areas surrounding core breeding areas, in the Draft National Recovery Plan for the Regent Honeyeater. There are numerous Regent Honeyeater records in the Mudgee – Ulan – Wollar area including regular breeding records. The movement patterns of Regent Honeyeaters are influenced to a great degree by weather patterns and flowering phenology of a small number of key eucalypt species. In this area these are Mugga Ironbark, White Box and Yellow Box. The lack of records on the Moolarben site is not perhaps surprising given access restrictions for birdwatchers and the lack of flowering of the key eucalypt species during the assessment survey periods.

The MCM response to the PAC Review indicates that other key species indicated in the Draft Recovery Plan are present on the offset properties. It must be noted that two of these species, Blue-leaved Stringybark and Broad-leaved Ironbark, are included on this list on the basis of their importance in the Lower Hunter in conjunction with Spotted Gum. These species are not known to be utilised regularly outside this association.

The loss of 900 ha of Regent Honeyeater habitat is not inconsiderable, particularly when considering the cumulative impact of the three mines in the area, and must be considered in the context of the pressure currently being placed on a species *facing an extremely high risk of extinction in the immediate future*. MCM asserts that 2,949 ha of potential Regent Honeyeater habitat is present in the Biodiversity Offset areas. OEH is concerned that this figure is inflated as it is derived from broad habitat types being allocated to individual species, ie the Regent Honeyeater occurring in all woodland and forest habitats, which over-estimates potential habitat. The OEH Threatened Species Profile Database, which supports the BioBanking Assessment Methodology, assigns all threatened species to biometric vegetation types at the CMA level. Several vegetation types listed as a habitat of the Regent Honeyeater in the Moolarben assessment are not included as habitat in the TSPD.

MCM also commits to conserving/creating a total of 4,083 ha of habitat for the Regent Honeyeater in the medium to long term. While this is commendable it does not negate the loss of 900 ha of habitat, even if it occurs progressively over the 24 year life of the project. It can't be realistically expected that restored landscapes will replace the ecological value of the currently existing habitat within this time span. OEH welcomes the PACs recommendation for financial support for conservation actions by the Regent Honeyeater Recovery Team. A precedent exists for such support with DSEWPac placing a Condition of Consent on the Xstrata operated Ravensworth Coal Mine in the Hunter Valley for the provision of "*\$900,000 over five years to fund activities that are consistent with the recovery actions identified in the National Recovery Plans for the Regent Honeyeater and Swift Parrot*". This is in addition to Biodiversity Offsets for the Regent Honeyeater totalling 1,636 ha (Ravensworth Operations Project – EPBC 2010/5389 Conditions of Approval, 8th April 2011) within an overall offsets package of 3,720 ha.

The total impact to Regent Honeyeater habitat at Ravensworth Coal Mine was 624 ha. It is not clear what decision making process was used to arrive at the figure of \$900,000.

DSEWPaC allowed Xstrata to determine how the Ravensworth funding would be expended and contracted EcoLogical to develop a strategy for the expenditure of these funds. A research program was developed by Rob Heinsohn from the Fenner School of the Australian National University, initially with some consultation with the Regent Honeyeater Recovery Team but ultimately with limited direct involvement of this team. This resulted in a majority of the funds to be directed towards research of Swift Parrots in Tasmania.

OEH recommends any supplementary funds from MCM be made directly to the Regent Honeyeater Recovery Team for actions within the Draft Regent Honeyeater Recovery Plan or additional actions specifically aimed at Regent Honeyeater conservation in Central Western NSW. An example of such an action may be an extension of the release program of captive-bred Regent Honeyeaters currently being successfully implemented in north-east Victoria to NSW. Release sites could include Dubbo, being logistically supported by Taronga Western Plains Zoo, or in the Goulburn River area which, although logistically more challenging, may provide greater conservation outcomes.

You ask about the quantum of funds. The BBAM assessment conducted by OEH was a notional assessment based on information we could glean from the EA and our experience. This identifies a credit deficiency in the overall package. The NSW Biodiversity Offsets Policy for Major Projects which commences on 1 October in a transitional form, identifies the use of supplementary measures when offsets are not available. The amount of money to be contributed to supplementary measures will be calculated so it is approximately equivalent to the cost of establishing an offset site. Appendix B of this Policy outlines the use of supplementary measures, and provides guidance on an interim calculation method.

The interim method will involve calculating the cost of supplementary measures based on the cost of securing offset sites or purchasing biodiversity credits to offset the rest of the development. This will involve the proponent looking at:

- the cost of other offsets that it has purchased for the project (and adding 10% to represent the real administrative cost of purchasing offsets)
- the proportion of credits remaining to be fulfilled through supplementary measures.

To determine the amount we would need to agree on the unmet credit offset obligation and the amount paid for the secured offsets.

Please also note the following link to the Scientific Committee Final Determination for the Regent Honeyeater:

<http://www.environment.nsw.gov.au/determinations/regenthoneyeaterFD.htm>

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From: Sara Wilson [<mailto:Sara.Wilson@planning.nsw.gov.au>]
Sent: Thursday, 18 September 2014 3:53 PM
To: Christie Peter
Subject: Moolarben Stage 2

Hi Peter

As discussed this morning, I am in the process of responding to the PAC's *Merit Review Report* for the Moolarben Stage 2 project.

The PAC's report (copy attached) refers to the submission made by OEH (2 April 2014) and notes concerns raised in relation to the potential impacts on woodland bird populations, in particular the Regent Honeyeater. The PAC agrees that the potential habitat that would be removed as a result of the project will not be easily or quickly replaced and that some additional support for the threatened woodland birds is warranted (p. 11).

At the request of the Department, Moolarben Coal Mines (MCMs) provided a response to the PAC recommendations on 7 July 2014 (copy attached). The response argues against monetary contributions to the Regent Honeyeater Recovery Team.

It would be appreciated if OEH would consider MCM's response and provide clarification on its position in relation to this issue. If a financial contribution is considered appropriate, an indication of the quantum of this funding would be appreciated.

Please feel free to call and discuss.

Regards

Sara Wilson

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