



## Department of Primary Industries

FE20/527  
05 June 2020

C20/361

Rose-Anne Hawkeswood  
Infrastructure Assessments/Planning & Assessments

Dear Rose-Anne,

**RE: *Bowdens Silver (SSD-5765) (Mid-Western Regional)***

The Department of Primary Industries (Fisheries) is responsible for ensuring that fish stocks are conserved and that there is “no net loss” of Key Fish Habitat upon which they depend. To achieve this, the Department ensures that developments comply with the *Fisheries Management Act 1994 (FMA 1994*; namely the aquatic habitat protection and threatened species conservation provisions in Parts 7 and 7A of the Act respectively) and the associated *Policy and Guidelines for Fish Habitat Conservation and Management (Update 2013)*. In addition, DPI Fisheries is responsible for ensuring the sustainable management of commercial, recreational and Aboriginal cultural fishing within NSW.

DPI Fisheries have reviewed the EIS and offer the following comments. Generally, DPI Fisheries concur with the conclusions of the aquatic ecology assessment however, have a number of comments and recommendations as below;

**RIPARIAN BUFFER ZONES**

DPI Fisheries policy advocates the use of terrestrial buffer zones as per the *Policy and Guidelines for Fish Habitat Conservation and Management (Update 2013)* available on the Department’s website at <https://www.dpi.nsw.gov.au/fishing/habitat/publications/pubs/fish-habitat-conservation> which states that “*NSW DPI will generally require riparian buffer zones to be established and maintained for developments or activities in or adjacent to TYPE 1 or 2 habitats or CLASS 1-3 waterways.*”

Whilst the riparian buffer zones to most of the waterways appear to adhere to the recommendations within the *Policy and Guidelines for Fish Habitat Conservation and Management (Update 2013)*, the minimum riparian buffer zone of 50 metres for a TYPE 2 CLASS 3 waterway such as Price Creek evidently has not been established from maps of the proposed mine site layout, whereby the toe of the waste rock emplacement encroaches well into the buffer zone. This incursion into the riparian buffer zone is exacerbated further higher up the Price Creek valley.

It is recommended that the proposed toe of the waste rock emplacement on the mine layout site is shifted away from the Price Creek riparian buffer zone in order to maintain a 50 metre buffer zone.

**WATERWAY CROSSINGS**

An internal haul road is indicated to cross Price Creek twice north of the Waste Rock Emplacement, however there is no mention of this waterway crossing in the EIS.

Price Creek is a 4<sup>th</sup> order Strahler stream and is classified as a TYPE 2 CLASS 3 waterway in the EIS. Ideally the internal haul road should be redesigned to avoid crossing the creek twice. Alternatively, a waterway design needs to be undertaken in accordance with the Department's Policy and Guidelines *Why Do Fish Need to Cross the Road? Fish passage Requirements for Waterway Crossings (2003)*.

The construction of the box culvert over Lawson Creek should also be constructed as per the Departments' Policy and Guidelines to ensure fish passage is maintained.

Should you have any queries regarding this correspondence please contact David Ward (Fisheries Manager) on (02) 6763 1255 or 0429 908 856.