

Modification 8 – Increase in depth of Mining.

I object to this Modification 8

I pay my respects to the traditional Gomeroi owners of this land, past, present and emerging.

I appreciate the opportunity by the Department to provide a submission on this proposal.

This modification is under review by the Federal Environmental Minister, (Living Wonders) yet it is business as usual for this mining company, expecting approval of this modification without any further environmental assessments necessary. This modification is a Controlled Action, and that in itself suggests that it is of no minor consequence. This modification must be considered as an entirely separate and a new project, which should require a new and complete Environmental Assessment.

- 1. This is a new project and must be assessed as such.** Mining to a much deeper level of coal seams was not considered in the original EA.

In light of Climate Change and the increased risk of further destruction to the environment by approving more and extensive mining of both Coal and Gas, this project must not be approved.

- 2. Fauna Crossing – Used as a ploy to replace the Biodiversity Corridor.** There is no need to remove even one tree to make way for a man-made crossing that most likely will not be used by any native animals. There is already a Biodiversity Corridor in existence that is in the Consent Conditions of the project. The Biodiversity Corridor must be secured in perpetuity.

At the Boggabri Coal Community Consultative Committee (CCC) meeting on the 24th November 2022, as one of the community representatives of the CCC, I asked a question regarding the proposed Fauna Crossing, and why was it necessary, this is the reply as recorded in the minutes of that CCC meeting:

RD – Why do you need that fauna crossing so close to the infrastructure area – When there is the natural corridor, Biodiversity Corridor, between the two mines?
LB – I don't know – I'd have to get back to you.

The answer from a senior member of the Boggabri Coal company was below the expectations of the community as to why such a fauna crossing was required, when it was part of this very modification that this submission is regarding.

I also note that the Biodiversity, Conservation and Science Directorate (BCS) has concerns as to why this 'Fauna Crossing' is needed, and no specific specifications of the structure provided to them:

'The biodiversity gain and benefit to be achieved from the construction of the fauna movement crossing is unclear from the detail contained within the BDAR and associated modification report. In addition, the purpose of constructing the crossing, given the presence of a vegetative corridor to the north of the mine site already providing connection to Leard State Forest, has not been clearly explained within the BDAR or modification documents.'

BCS has concerns that the impact required from the construction of the fauna movement crossing may outweigh any potential benefit to fauna movement and habitat connectivity. ¹

Why this fauna crossing is necessary has never been fully explained to the local community members, no further communication from Boggabri Coal on this issue after the meeting has been forthcoming. This is very disappointing from a community representative's point of view. With no plans of the structure of the fauna crossing being provided to the BCS in the original Modification. But wait... there was information supplied, for assessor's information only at a later date. The community can only presume that it is 'commercial in confidence'? What is the secret? Why can't the community know why this Fauna Crossing is needed?

The community can only presume that it is 'satisfactory' not to provide this information prior to any approval, just as the community has come to realize that resource companies can also continue with clearing even before any offsets have been secured in perpetuity, as has happened in this wider precinct of mining in the Leard State Forest. This time it is the Government that must step up and follow the rules and enforce compliance of the Approval Conditions of these mining companies, not facilitate non-compliance and allow these companies to set their own time frame as to how and when they comply with their approval conditions.

residual matters report July 2011:

*'A natural East West Corridor will be maintained between the Project and the Maules Creek Coal Project **at least** until such time as mine rehabilitation can provide a similar ecological value. This natural corridor would only ever be able to be disturbed following future rigorous environmental assessment and approval by Government.*

It is very clear to the community that rigorous environmental assessments are only carried out when it is convenient for both the proponent and the Government, not when they are truly needed to protect the environment with all its threatened species, to retain old growth forests with habitat trees and nesting hollows that are in many cases over 100 years old, they can never be replicated and replaced to serve as habitat hollows in a few years, especially when the ability to grow and maintain new rehabilitation areas that are on waste spoils that don't replicate the natural soils of the previous areas pre mining. With the increasing heat and unpredictability of our seasons due to Climate Change, our Public owned Leard State Forest will never be returned to the forest that supported hundreds of species of native fauna & flora.

It has always been suspected that this company and the adjacent Whitehaven Coal Maules Creek mining company want to mine the 'Biodiversity Corridor' between the two mines, this residual matter report from 2011 more than hints at this being the case in the future. The local community have continually asked why the Biodiversity Corridor has not been secured in perpetuity when this was written in the Approval Conditions that it **MUST** be secured in perpetuity. Again, this is below community expectations because not all the Offsets and the Biodiversity Corridor have been secured in perpetuity after more than a decade.

At CCC meetings all we hear is 'buck' passing regarding how long it takes to secure these Offsets, each participant in the process blames the other for the extended time it takes to secure the Offsets. But it doesn't take very long to secure an Approval of a Modification! It is simply not good enough to allow companies to buy and secure Offsets after Approval has been given, and after many hectares

of forest have already been cleared. The system of Offset Credits is a disgrace that serves no constructive purpose, only a destructive clearing purpose for the mining companies, after all, it's much easier to buy your way out of something when there is no 'Like for Like' habitat left for our Threatened species. Unfortunately, 'paper credits' don't provide real HABITAT.

3. 6 Vulnerable species of birds were recorded for the Biodiversity development assessment report May 2021 by WSP:

Brown Treecreeper
Dusky Woodswallow
Little Lorikeet
Speckled Warbler
Turquoise Parrot
Varied Sittella

4. Diamond fire-tail – The *Atlas of Living Australia* has 3 recent records of Diamond fire-tails (13/08/2020; 13/10/2021; 15/02/2022) in very close proximity recorded in the area destined to be cleared to make way for a 'fauna crossing' in this Amended Modification 8. This species is classified as a Vulnerable species.

Yet there is no mention of this Vulnerable species in the Biodiversity Assessment – Appendix P along with the other 6 species of Vulnerable birds?

'The Diamond Firetail is threatened by clearance and fragmentation of habitat.

'..., the Scientific Committee is of the opinion that the Diamond Firetail, Stagonopleura guttata, is likely to become endangered unless the circumstances and factors threatening its survival or evolutionary development cease to operate, and is therefore eligible for listing as a vulnerable species. ²

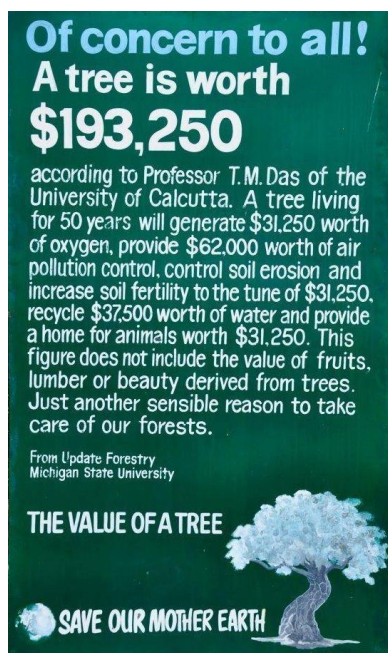
'Another clear indication of decline is that numerous birding guides, landscape restoration projects and conservation guides now use the diamond firetail as a focal bird. Examples include the Murrumbidgee Catchment Management Authority (3), Liverpool Plains Bird Routes (4), Cotton Catchment Communities CRC booklet – Birds on Cotton Farms (5) which lists the Diamond Firetail as an "indicator species" linked to healthy functioning vegetation on farms, and Birds Australia's "Woodland Birds Conservation Project" ³

At a time when the Government is espousing that there will be no more extinction of species, these 6 Vulnerable birds, and the Vulnerable Diamond fire-tail that was never considered or include in the survey, will be losing more of their habitat. Three years or six years of more old growth forest removed and their foraging plots destroyed, at the expense of these Vulnerable species and their decline or extinction. We as a nation can not continue to destroy our native forests.

¹ Extract from the submission letter to the Modification 8. By BSC Dated 13th September 2021

² <https://www.environment.nsw.gov.au/topics/animals-and-plants/threatened-species/nsw-threatened-species-scientific-committee/determinations/final-determinations/2000-2003/diamond-firetail-stagonopleura-guttata-vulnerable-species-listing>

³ <https://www.naturallyforbirds.com.au/diamond-firetails>



While I don't think that we can put a dollar amount on trees, this estimation is a stark reminder that we cannot continue to keep destroying our forests, whether it is in small incremental lots, as in this case over 3 years then another 3 years? or large swathes of trees destroyed in one go each year as is the case in the Leard State Forest annual coal mining clearing, which constitutes a cumulative destructive act by all three mines in the Public State Forest. This continual clearing must not be allowed and condoned by the Planning authorities and Government.

5. **Koalas, Squirrel gliders & Pale-headed snakes.** All three of these Threatened species have been considered, but not their habitat when in the past they have relied upon this area that is to be cleared, for now they will be given 'paper credits'... not sure how that goes down the digestive system. It is a disgrace that these mammals have in the past used this part of Leard State Forest for habitat, foraging and breeding, but if this Amended Mod. 8 is given approval that area will be reduced to cement and metal structures that are much like the paper credits, useless to a native animal.
6. **Just because a mammal, reptile or bird is no considered a Threatened species they are forgotten.** – there would be many small native species including microbats, geckoes, lizards and snakes as well as birds that most likely use this native intact area for habitat or foraging purposes, but now it is to be bulldozed if this Amended Mod. 8 gets approval. Remove one species and the web of the ecosystem starts to disintegrate.
7. **Increased Depth of mining - coal expansion beyond the current limits of mining depth**
 This increase to the lower coal seams was never previously contemplated in approval conditions and as such should be assessed as a New Project.

By altering this depth of mining in this Amended Modification, and reducing the modification from 6 years to 3 years, and 61.1 MT of coal extracted to 28.1 MT, Boggabri Coal is using a very underhanded

way to deceive the public and ‘minimize’ the appearance of the destruction and impact that this Amended Modification will have on the environment.

- 8. Green House Gas Emissions.** A rise in GHG will cause unprecedented temperature rises and more of our recently world-wide experiences of catastrophic wild-fires, floods, droughts and unliveable conditions for people in general due to extremes in temperature, and unpredictable seasonal climatic changes that will cause untold difficulties for our farmers who provide food from this very productive district and wider farming regions. Major impacts on our native species will also be felt while ever we allow GHG’s to increase.

An increase in Green House Gas (GHG) emissions, in the long term will still remain the same and produce the same impact and drive up our emissions total instead of reducing our emissions target, because the original Modification 8 that was previously submitted, then withdrawn, will just be ‘reduced’ using multiple modifications to spread the impact over more years.

So, when can we expect Modification 10, In 3 years’ time? Modification 10 or whatever number is chosen, will eventually have the same conclusion as the original Modification 8 that was withdrawn, just another 3 years later the clearing and extraction of the remaining coal that was estimated in the withdrawn Mod.8 will still be mined, producing more GHG emissions.

Destruction in incremental steps is still destruction to the environment and a contribution to the impact of GHG’s on Climate Change, whether it is over 6 years or 3 years.

The community is more than fed up with approval creep that allows these mining companies to do ‘minimal’ modifications, that keep them under the bench mark that would otherwise be used to assess changes in mining plans that are larger and should be assessed as New Projects, not Modifications or just Administrative changes.

Open cut coal mining in the Leard State Forest has certainly become a major imposition on the local community and environment and more so due to cumulative effects from three mines in the Leard State Forest, which due to the modification process will not be taken into account.

By reducing the time line by 3 years, is that supposed to woo the community into thinking that Boggabri Coal is winding back? I think not, it’s a tactic to reduce the immediate and cumulative numbers imposed on companies to reduce their GHG emissions. By reducing the amount of coal extracted and the depth of extraction by 3 years it makes the numbers much better to get this modification across the line. And before 2036 comes around there will be another modification and, you guessed it a further tonnes of coal extracted.

- 9. The MOD 8 Amendment is predicted to increase inflows to the mining area, with the inflows most significant up until 2028.***

This proponent has already admitted that there will be an increase in the pit water that will occur due to this Modification. Easy water for the company, but a disaster for the environment.

The surrounding communities and the environment that rely on surface and underground water will be the ones impacted by this increase in water inflowing to the mines. Farmers that feed the people. The disruption and ‘legal’ stealing of aquifer water causes a profound imbalance in the natural ecosystems.

10. Deeper mining to the Northam Seam (2027 to 2031) and the Templemore Seam (2033 to 2035) see a less pronounced increase (although still larger than approved mining), likely because down dip locations to the east have already been dewatered.

Why should this company be given approval when they already know that there has been a significant dewatering by neighbouring companies, and they intend to do even more harm by further dewatering which is larger than approved mining?

By dewatering the environment and contaminating it and classing the collected water such that it can not be released to the environment, conveniently being used by the mines to wash coal, water roads etc., these companies that legally 'steal' environmental water should be forced to use reverse-osmosis and other methods to restore this stolen water to a level suitable to be released back into the environment. Although this does not replenish the underground aquifers that have been and will continue to be impacted by this drawdown, it may go some way to restore ground damage done to riparian communities.

11. Cumulative impacts to water sources must be considered. The cumulative drawdown and inflow to the mining pits of all three mines in the Leard precinct is more than one public forest should have to succumb to, the Leard State Forest should not be used as a trash heap to bury Offroad tyres and steal ground water, at the expense of future generations.

12. Stygofauna – More than tiny species that most people are unaware of, these Stygofauna are the filters of the underground aquifers and stream. They can be irreversibly impacted by the drawdown of water levels.

13. In the tongue of alluvium adjacent to BCM, a single species of stygofauna has been collected from a single alluvial bore (MW6) (WSP, 2021), while a nearby bore that is adjacent to the alluvium and likely to be installed into the weathered Boggabri Volcanics (MWP07) was also found to contain a single species of stygofauna (WSP, 2022a).

Stygofauna cannot be dismissed as just a statistic that was collected during a survey, they form an extremely important role in filtering the underground aquifers. They must be considered and there should be no dewatering where these Stygofauna will be impacted. Modelling is just that, it only gives the probable outcome of a situation, but in reality, the outcome can be much more catastrophic on such tiny significant species when there is significant drawdown in water levels.

14. The proposed action is a controlled action – a water resource, in relation to coal seam gas development and large coal mining development (section 24D & 24E).

(extracts from DPE submission – Attachment A)

1.1 Recommendations – Prior to Determination

That the proponent:

- *provide further information on the capture of clean runoff from upstream of the pit and the limited proposal for clean water diversions and how this differs from what is currently*

approved. We recommend that clean water diversions be implemented wherever possible. If not possible an impact assessment on the downstream environment and water users is required.

Previously approved environmental assessments and the approved 2017 water management plan includes the requirement for clean water diversions which are not included in the current modification document.

1.2

We note:

- that the modification report flags that the existing approved water management strategy will continue to be used to manage runoff which includes clean water being intercepted by mining operations (Appendix J, p13). The assessment also confirms that BCM is currently reviewing licensing requirements for this runoff including harvestable rights provisions
- that the proponent is likely to need to hold water entitlement for water take as BCM intercepts water from 3rd or higher order watercourses commencing from Nagero Creek unless it is effectively diverted or exemptions are applicable for works on minor streams.

Of course, it is possible to implement water diversions, and that's what should be implemented, not just some impact assessment done by someone paid by the proponent to get their preferred outcome.

Surely when a mining company intercepts water from watercourses, especially from a 3rd order watercourse or higher there should be consequences? Retrospective non-compliance and penalties for intercepting water from the Nagero Creek tributaries in the past must be top priority and no leniency for a proponent that has had total disregard by knowingly harvesting this water.

No Clean Water Dams, and then this company applies and is issued a licence for water harvesting? This is simply not good enough, there should not be two sets of rules, one for resource companies and one for everyone else. This is disgraceful and well below the community expectation of how Compliance for these mining companies are handled by the Department.

DPE has a duty to ensure compliance of Approval Conditions are met. There is more than one non-compliance issue here; No High-Wall, Clean Water Dams; Water Harvesting without the appropriate licence.

Boggabri Coal now wants an approval by a simple Modification to mine longer and deeper, when it has been taking water from the environment that it was not licenced and entitled to take. It is not good enough that a water licence can be retrospectively issued. Shameful.

Project Approval

SCHEDULE 2

Administrative Conditions

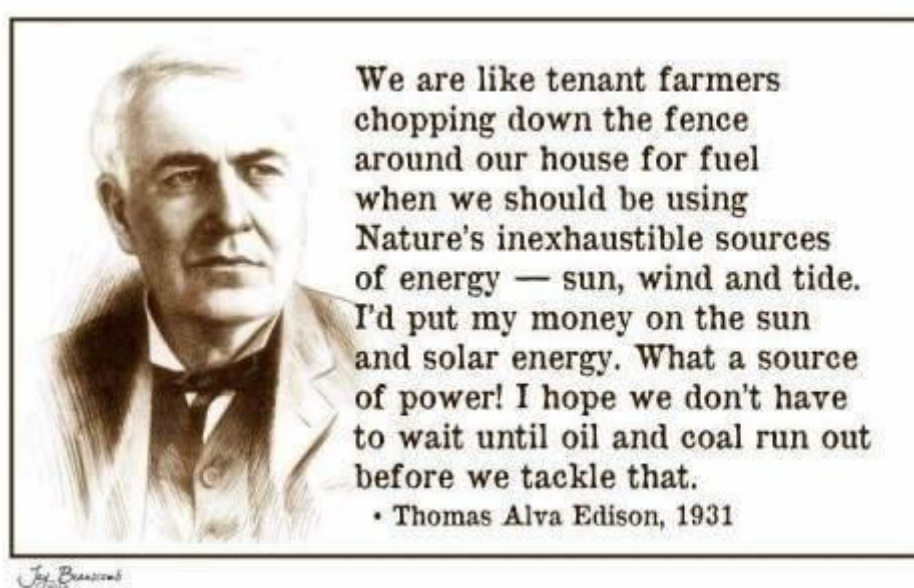
OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

1. In addition to meeting the specific performance criteria established under this consent, the Proponent shall implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment that may result from the construction, operation, or rehabilitation of the development.

Regardless of the size and classification of the tributaries that feed into the Nagero Creek, they have all in the past supported the riparian communities and much of the wildlife who frequent or occupy these areas. Mining companies intercept these small streams, once intercepted by a mine, the water if not captured and held in Clean Water Dams (Where are Boggabri Coal's High-Wall Dams?). The water is then claimed by the mining company and is not released back into the environment.

- **High-Wall Dams – to capture and then release Clean Water back to the environment.**

With tributaries of the Nagero Creek in close proximity to Boggabri Coal and are to the North-West of the Boggabri Coal pit, why are there no High-Wall (Clean Water Dams) capturing runoff when there are flows in these tributaries. Surely capturing clean water from the environment and returning it to the environment must form part of minimizing harm to the environment?



It is time to move on to a renewable world, even Thomas Edison could see that in 1931!

Please carefully consider the community submissions that are the ones that are greatly impacted by the continuation of the Boggabri Coal past its original approved closure date. It is the Community that cares deeply about the future of our native fauna and flora and their habitat, about how we leave this environment for future generations, and how the destruction of Traditional Gomeroi land is treated by resource companies that will never be returned to its former state.

This Amended Modification 8 is past its use by date and should not be considered for approval.

Roselyn Druce

Maules Creek.