

Re: Supplementary information: BVPA submission regarding Bylong Coal Project

Regrettably, the BVPA has been unable to provide detailed supplementary information for our submission regarding the Bylong Coal Project. For a variety of reasons, we must leave the submission already lodged to stand pretty much “as is”. This is unfortunate, but has been largely unavoidable under the circumstances.

That said, we wish to (a) summarise some key concerns regarding water (which are already dealt with in more detail and on a broader basis in the expert reports included in our original submission) and (b) advise an erratum with respect to the ecological report provided by Ethical Ecology Australia (Appendix 2 to our submission).

1. Water

BVPA is very concerned about numerous aspects of KEPCO’s proposal in relation to water.

Chief amongst these are:

- There has been no demonstration that the alluvial water required for the project will actually be available. Licence entitlements are one thing; physically available water is another. The report card for the Bylong River Water Sharing Plan already rates the system as ‘highly stressed’.
 - o Proper constant pump rate testing is required, at different times of the year, to validate assumptions and to provide more robust estimates of water availability and total aquifer storage.
- The failure to regard wells and bores outside the proposed mining area but on land owned by KEPCO as “private” is deceptive and misleading. They should be reclassified as private and impacts assessed properly on this basis.
 - o Impacts in the context of the Aquifer Interference Policy need to be reassessed.
 - o Drawdown maps need to be revised to reflect all drawdown at ALL privately held bores and wells, including those owned by KEPCO.
- As demonstrated by Pells Consulting, model parameters with respect to bulk modulus are “inconsistent with known (or possible) properties of the geology” and “(m)uch higher values would actually be applicable”. As a result, Pells Consulting concludes that “the extent of impacts at various time-frames (...) are significantly under-predicted.”
 - o The model should be recalibrated using physically possible diffusivity values
 - o Model results, and drawdown extents, should be re-produced based on this revised modelling
- There has been no proper investigation of the implication of the introduction of cease-to-pump rules or of reduced available water determinations (other than some broad assertions).
 - o The capacity of the project to operate within the rules of the Water Sharing Plan, in times of substantially reduced available water determinations,

without deleterious impacts on the overall functioning of the Plan, must be better demonstrated

- There has been a failure to comprehensively assess all geological units, as required by IESC guidelines. For example, the stratigraphic profile and interburden geology above the longwall panels has not been adequately characterized. A description of the influence of geological structures on groundwater, in particular groundwater flow, discharge and recharge is missing, despite it being a request made by the Gateway Panel.
- The analysis of the hydrogeochemistry of spoil and rejects focuses on salinity. This focus must be expanded and more work done to understand potential acidity, fouling and metal leachate impacts.

2. Erratum: Appendix 2: “Adequacy of assessment of ecological issues in the EIS for the Bylong Valley Mine Project” – Ethical Ecology Australia

David Paull, the author of the abovementioned assessment, advises the following erratum to the information provided:

PLEASE NOTE: In reference to species credit retirement for the Regent Honeyeater, the rules referenced should have been those outlined in the new NSW Offsets Policy for Major Projects (2014) and determined according to the BBAM. The offset policy states (Appendix A):

1. Offset like-for-like and variation rules

Like-for-like offsets

Offsets that are like-for-like are defined under the policy as:

- *impacts on threatened species (that are not associated with a particular plant community type) (ie. species credits) must be offset with the same threatened species, not constrained by locality.*

Variation rules

Where a proponent can adequately demonstrate that they have been unable to locate a suitable like-for-like offset after undertaking reasonable steps, the variation rules (outlined in more detail in the FBA) allow:

- *impacts on species (that are not associated with a plant community type) (ie. species credits) to be offset with species:*
 - *for fauna species, in the same order that uses similar habitat to the species impacted*
 - *in the same locality, and*
 - *that is under the same or greater level of threat (e.g. if the species impacted is listed as vulnerable, the species in the offset needs to be listed as vulnerable, endangered or critically endangered under the Threatened Species Conservation Act 1995)*

Yours faithfully,

CRAIG SHAW

Craig Shaw, Secretary
Bylong Valley Protection Alliance Inc