



MINISTER FOR ENVIRONMENT; WATER

Your Ref: Petition No. 124

Our Ref: 42-10314

Hon Brian Ellis MLC
Chairman
Standing Committee on Environment and Public Affairs
Parliament House
PERTH WESTERN AUSTRALIA 6000

Dear Mr Ellis

Brian

Thank you for your letter dated 29 September 2011 regarding the petition from the Hon Robin Chapple MLC about proposed mining near Horizontal Falls.

Pegasus Metals Limited (Pegasus) is currently undertaking an exploration drilling program using a heli-portable drilling rig in the McLarty Ranges near the Horizontal Falls. The exploration drilling program was referred by the Department of Mines and Petroleum (DMP) to the Environmental Protection Authority (EPA) on 16 July 2010. The EPA made a decision not to assess the exploration drilling program on 13 September 2010. No appeals were received against the EPA's decision. This exploration drilling program has therefore been considered in accordance with the requirements of the *Environmental Protection Act 1986*.

I am advised that the DMP advertised that a Program of Work, accompanied with an Environmental Management Plan, was submitted to it for the exploration drilling program and a temporary exploration camp. The Program of Work and the Environmental Management Plan detailed that an area not exceeding 600m² would be cleared using a whipper snipper and hand raking. I am also advised the Program of Work was approved by the DMP in accordance with the requirements of the *Mining Act 1978* on 11 October 2010.

There is no proposal for mining in this area at this time. Any proposal for mining will require referral to the EPA for it to decide if an environmental impact assessment is required. The EPA has statutory obligations to assess proposals that are judged as having a significant environmental impact.

You have also requested advice regarding the recent inclusion of the Horizontal Falls in the West Kimberley National Heritage List. The listing of the West Kimberley as a National Heritage Place relates to the Commonwealth Government's approval processes. I can generally advise that this listing does not preclude exploration or mining. Once a place has been included in the National Heritage List, the listed values

become matters of national environmental significance. This means that any action which is likely to have a significant impact on the values of the listed place must be approved by the Commonwealth Minister for Sustainability, Environment, Water, Population and Communities before proceeding. In the first instance, this requires proponents that plan to undertake an action that has, will have or is likely to have a significant impact on the National Heritage values of the West Kimberley, to refer the proposal to the Commonwealth Minister before commencing. The Commonwealth Minister will then decide if assessment of the action is required under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*. The potential significance of each action is judged on a case-by-case basis.

In view of the above, no decision about whether mining in proximity to the Horizontal Falls can occur without a full and transparent environmental assessment and the completion of appropriate State and Commonwealth statutory processes.

I trust this information is of assistance.

Yours sincerely



**HON BILL MARMION MLA
MINISTER FOR ENVIRONMENT; WATER**

18 OCT 2011

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