



Your Ref: Petition No. 124
Our Ref: 26-10878

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

Brian
Dear Mr Ellis

**PETITION NO. 124 - PROPOSED MINING NEAR HORIZONTAL FALLS
BUCCANEER ARCHIPELAGO**

I refer to your letter dated 29 September 2011 inviting me to provide comments on the terms of the petition and the submissions from the principal petitioner and tabling Member as part of your preliminary inquiries into the petition.

The substance of the petition, together with the submissions from the principal petitioner and the tabling Member, is that the proposed copper mining activities will have a detrimental effect on tourism and the environment of the area and although they have utilised many emotive terms in the petition and submissions, they have also raised a number of specific issues including:

- Seek the support of the Legislative Council to do all in its power to prevent visual and environmental harm to this site.
- Any mining of copper on the rocky ridges will be clearly visible from air and sea and will significantly affect the tourist industry.
- The miner is continuing its destructive programme of exploration just west of the site despite the site being included in the West Kimberley National Heritage List.
- Seek a halt to all exploration and mining until a comprehensive environmental assessment is carried out.

The Department of Mines and Petroleum (DMP) has advised me that only one exploration licence has been granted in the vicinity of Horizontal Falls and this was Exploration Licence 04/1441 granted on 8 August 2005 to Kimminco Pty Ltd (it is in two segments between which the Horizontal Falls sit). Pegasus Metals Ltd, which has a farm-in arrangement with Kimminco, also applied for Exploration Licence 04/2091 on 22 December 2009 over the intervening land and this remains a pending application.

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Diamond drilling was approved by DMP on 11 October 2010 and 25 March 2011 following the Environmental Protection Authority's (EPA) decision not to formally assess either proposal under the *Environmental Protection Act 1986* given the low impact nature of the programmes (total proposed disturbance was 0.255 ha). Pegasus was required to commit to strict environmental standards, including minimising disturbance through only being able to clear using hand tools and mobilising the drill rig via helicopter.

The drilling is being undertaken approximately 4 km northwest of the Horizontal Falls. Exploration is in its early stages and it is by no means certain that the planned drilling programme will lead to the discovery of a potentially minable ore body either within close proximity to the Horizontal Falls or indeed within the entire exploration area.

The statement by Robin Chapple that "*the rocky ridges are heavily mineralised*" is not borne out by the available information. However, there is certainly potential for copper mineralisation with some encouraging results from the surface rock sampling carried out to date.

The exploration activities can legitimately proceed subject to the above approval, but there is no contemplation of mining at this time because there are no currently known economic copper deposits in the area. However, should exploration activities indicate there is significant mineralisation at some time in the future, a mining lease would need to be applied for over the potential mining area. A formal mining proposal would need to be submitted to DMP before authorisation for mining can be considered.

Note, if any mining proposal is received by DMP which includes activities close to the Horizontal Falls, it will be referred to the EPA for consideration for formal assessment and public scrutiny in accordance with the provisions of the *Environmental Protection Act 1986*.

Additionally, with the site being included within the West Kimberley National Heritage List, any new or intensified action such as a mining proposal which has the potential to have a significant impact upon the National Heritage values would need to be assessed and approved by the Commonwealth Minister for Sustainability, Environment, Water, Population and Communities before any mining proposal could be implemented.

Yours sincerely



NORMAN MOORE MLC
MINISTER FOR MINES AND PETROLEUM

24 OCT 2011

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