

Public record pursuant to s. 39 of the *Environmental Protection Act 1986*

Proposal title: Rafael Seismic Survey

Proposal location: West Kimberley district, 80 kilometres south of Derby within petroleum Exploration Permits 428 and 457.

CMS number: 18203

Date referral received: 10-05-2022 **Date more information received:** 04-01-2023

Referrer: Third Party **Proponent:** Buru Energy Limited

Potential significant effects:

There are potential impacts on: flora and vegetation from the clearing of 438 ha; terrestrial fauna from the clearing of habitat, collision, and increased predation by feral species; landforms from the disturbance of remnant dunes during dune crossings; and social surroundings from disturbance of cultural heritage sites.

Public comment on referral information:

Do not assess:	12
Assess: a) Referral information	0
b) Environmental review - no public review	3
c) Public environmental review	262
<i>Total submissions:</i>	<i>277</i>

Decision: s. 38G(1) – Not Assess

Referral Examined, preliminary investigations and inquiries conducted. Proposal not to be assessed under Part IV of the EP Act –public advice given.

Explanation of decision:

The EPA considers that the likely environmental effects of the proposal are not so significant as to warrant formal assessment. This includes because the proposal is for exploration works for a short duration (10 weeks) in the dry season only, will be in daylight hours and subject to fauna related speed limits, and use raised blade scraping which does not involve complete removal of vegetation. The EPA considers the potential impacts of the proposal can be adequately managed through the implementation of the proposal in accordance with the referral documentation, and the proponent's management and mitigation measures.

This proposal does not include hydraulic fracture stimulation as it relates to exploration activities for conventional gas resource. Scope 1 greenhouse gas emissions from this proposal are well below 100,000 tCO₂-e/yr.

The EPA notes that the proponent has a Native Title and Heritage Protection Agreement with the Nyikina Mangala Native Title Group.

The EPA has considered the potential impact (including cumulative impacts) of the proposal on flora and vegetation, and subsequent impacts to terrestrial fauna from loss of habitat. Disturbance will not occur within any threatened or priority ecological communities, affect threatened or priority 1 or 2 flora species, or be within any designated Environmentally Sensitive Areas. Direct disturbance of the nocturnal bilby is unlikely and will be subject to specific avoidance procedures.

The EPA has taken into account that approximately 95% of the area cleared by the proponent since 2007 has been rehabilitated, typically within 5 years of clearing occurring.

The EPA has taken into consideration the operation of other statutory decision-making processes that can mitigate the potential impacts of the proposal. Potential impacts associated with this proposal can be mitigated to be consistent with achieving the EPA's objectives through:

- Environment Plan (version 4A) approved by the Department of Mines, Industry Regulation and Safety under the Petroleum and Geothermal Energy Resources (Environment) Regulations 2012
- Licence under the *Rights in Water and Irrigation Act 1914* issued by the Department of Water and Environmental Regulation

Public advice:

The EPA considers that the environmental performance objectives in the Environment Plan (version 4A) should be monitored and adaptively managed, to ensure the EPA's objectives for environmental factors are achieved. This process should include:

- Review of the proponent's *Canning Basin Bilby Management Plan for Petroleum Activities* if a local population of bilbies is found to be located in the proposal area
- Active rehabilitation techniques unless annual rehabilitation monitoring undertaken at adequate monitoring sites, shows return of native vegetation similar to undisturbed surrounding area
- Avoidance where possible of disturbance to dunes
- Review of the Environment Plan if monitoring shows environmental performance objectives are not, or are not likely to be, met

The Department of Mines, Industry Regulation and Safety will be notified of the EPA's decision for this proposal and the EPA's expectations of the outcome of their statutory decision-making process.

Appeals: This decision is appealable. Appeals close 20-03-2023. Appeals are administered by the Office of the Appeals Convenor.



Prof. Matthew Tonts

CHAIR

Delegate of the Environmental Protection Authority

Date: 23 February 2023