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29 July, 2024

Dear Minister

URGENT: Request that you reject incomplete referral of Valhalla fracking project in Kimberley and call-in full project for EPBC assessment

On 24 July 2024 the Department of Climate Change, Energy, the Environment and Water released for public comment (Referral Decision) a proposal for six (6) shale gas fracking wells in the Kimberley, the 'Valhalla gas exploration and appraisal program'.

Valhalla Gas Exploration and Appraisal Program			
EPBC Number: 2024/09889	Referral started: 30/05/2024	Project Status: Referral Decision - Open for Public Comment	Decision Status: Published

The proponent of the project is Bennett Resources Pty Ltd (BNR), a subsidiary of US-based company Black Mountain Energy.

Please note that Black Mountain Energy is ultimately planning a pipeline to LNG facilities in the Pilbara [likely the Burrup Hub] from this project in the heart of the Martuwarra Fitzroy River catchment. Their initial, publicly stated, gas volumes were 900 TJ/day. In order to fill the gas pipeline a US fracking expert has highlighted, "...a case in Texas in which approximately 2,000 wells were drilled over a cumulative period of six years to produce 850 million cubic feet a day, the same output that Bennett Resources is aiming for."¹

The Valhalla proposal for 6 shale gas fracking wells would be the beginning of turning the Kimberley into an oil and gas fracking province with thousands of wells.

This is the first referral of a shale gas fracking project under the amended EPBC Act, including the expanded water trigger provisions, and as such it is imperative that the decision-making process is rigorous, transparent and based on all the relevant information.

This imperative is further heightened by the fact that the 'Valhalla gas exploration and appraisal program' is the first referral under the EPBC Act of an onshore gas fracking project in the Kimberley.

¹ Anthony Ingraffea, the Dwight C. Baum professor of engineering emeritus at Cornell University in [First Nations unite to fight industrial exploitation of Australia's Martuwarra](#)

It is therefore of great concern to us that this first, precedent-setting referral is of a partial, incomplete version of the actual 'Valhalla gas exploration and appraisal program' project.

Since 3 February 2021, BNR's 'Valhalla gas exploration and appraisal program' project has been [undergoing formal assessment by the WA EPA](#) under s38 of the WA Environment Protection Act.

The 'Valhalla gas exploration and appraisal program' under statutory assessment in WA is a 20-well shale gas fracking project and the 6 well project recently referred by BNR under the EPBC Act is a component of the project.

Because it is clearly a component of a larger action which is already undergoing statutory assessment under the WA EPA Act, and having regard to [s74A of the EPBC Act](#), we respectfully believe you must reject this current referral and call-in for assessment the full 'Valhalla gas exploration and appraisal program' that is currently undergoing WA EPA assessment [see information below].

We request a meeting with your office at your earliest convenience to discuss the matters raised in this letter. Please advise when such a meeting could be held.

Yours sincerely



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'Valhalla gas exploration and appraisal program' assessment timeline

- 2020: The project (initially called the '[Laurel gas exploration and appraisal program](#)') was first referred to the WA EPA for assessment by Bennett Resources Ltd on 20 July 2020. This proposal was for 6 shale gas fracking wells on EP371.
- 2020: BNR then withdrew this initial proposal from EPA assessment on 2 December 2020.
- 2020: BNR then referred the re-named 'Valhalla gas exploration and appraisal program' to the EPA on 24 December 2020 as a 20 well fracking proposal on EP371.
- 2021: The 20-well shale gas fracking proposal has been under formal environmental assessment by the WA EPA, at the EPA's highest level of assessment ('PER'), since 3 February 2021.
- 2021-2024: Over the past three years BNR has been attempting to finalise its environmental impact statement for the Valhalla project to the level required by the EPA, prior to release for public comment.
- 2024: Three and a half years since the first EPA referral, BNR has referred a 6-well version of the 20-well VGEAP to the Commonwealth. This partial version of the VGEAP was released for public comment on 24 July 2024.

Figure 1: Map of original 'Laurel' 6-well proposal (BNR 2020)

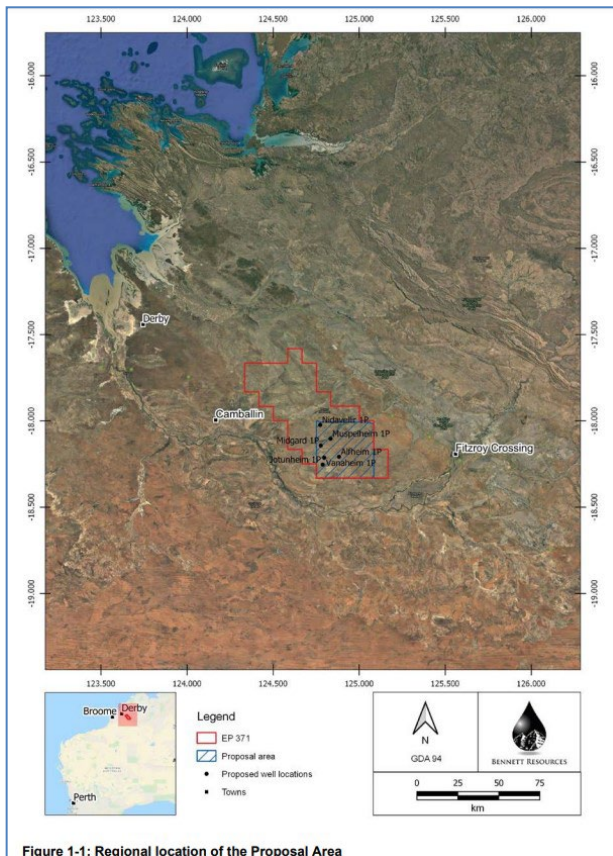


Figure 2/3: WA EPA online project information (July 2024)

Valhalla Gas Exploration and Appraisal Program

▼ Project

Proponent: [Bennett Resources Pty Ltd](#)

Proposal description:

Bennett Resources is proposing to undertake an unconventional exploration drilling and hydraulic fracture stimulation program within Petroleum Exploration Permit EP 371 (EP 371) within the Shire of Derby, West Kimberley.

The proposal area is located approximately 123 kilometres south east of the town of Derby. The proposal comprises the construction of up to twenty wells in a region of the Canning Basin that has been previously surveyed and explored for petroleum purposes. The proposal is targeting hydrocarbons in the Laurel Formation, with hydrocarbon shows present at depths in the order of 2,000 metres (m) to 4,000 m below ground level. The proposal will require an overall disturbance footprint of 109 hectares.

Assessment Number: 2281

Region: [Kimberley](#)


Referred under EP Act: s38

Industry sector: [Oil and gas](#)

Last updated: May 6, 2022

Current Status: Environmental Scoping Document approved

Figure 4: EPA decision on assessment (2021)

 **Environmental Protection Authority**
GOVERNMENT OF WESTERN AUSTRALIA

Public record pursuant to s39(1) of the *Environmental Protection Act 1986*

Proposal Title: Valhalla Gas Exploration and Appraisal Program

Proposal Location: The Valhalla Gas Exploration and Appraisal Program is located approximately 123 kilometres (km) south east of the town of Derby in the Shire of Derby-west Kimberley.

Case Number: CMS17936

Date referral received: 24-12-2020 **Date more information received:**

Referrer: Bennett Resources Pty Ltd **Proponent:** Bennett Resources Pty Ltd

Potential significant effects:

— The proposal has the potential to impact Inland Waters through water abstraction and potential contamination from chemicals required for hydraulic fracture stimulation and spillage of flowback water, Flora and Vegetation from the clearing, Terrestrial Fauna from the clearing of habitat and from collision, Subterranean Fauna from habitat disruption, Terrestrial Environmental Quality from soil contamination, Social Surroundings from construction and operation noise, vibration and traffic and impacts to heritage sites, Human Health from potential radioactive material, Air Quality from dust, and Greenhouse Gas from increased emissions.

Explanation of decision:

Several preliminary key environmental factors are complex. Further information and detailed assessment is required to determine the extent of the proposal's direct and indirect impacts, and how the environmental issues could be managed. High level of public interest.

Appeals: Decision not appealable.



Professor Matthew Tonts
CHAIR

Delegate of the Environmental Protection Authority

Date: 3 February 2021