

Gippsland Environment Group Inc

Comment on draft licence amendments arising from Snowy Water Licence Ten-Year Review.

16 June 2020

To Snowy water licence review

snowylicence.review@dpi.nsw.gov.au

General Comment

Twenty years ago the (then) three shareholder governments of Snowy Hydro Ltd: Victoria, NSW and Commonwealth made a joint commitment (Snowy Heads of Agreement Dec 2000) to restore the Snowy River which since 1967 had had 99% of its headwaters captured by the Snowy Scheme and diverted west to the Murray-Darling Basin.

Since 2002 the three governments have jointly contributed approximately half a billion dollars to return 21% MANF to the Snowy River below Jindabyne, environmental flows to five Snowy montane rivers including two sections of the upper Snowy in Kosciuszko National Park, and 70GL/yr to the River Murray.

However, this water year 2020-21 the environmental allocation to Snowy River below Jindabyne Dam is equivalent to 8% MANF; the upper Snowy River below Guthega Dam will receive 2% MANF, and Snowy below Island Bend Dam approx 5% MANF with sections of the river immediately below both dams still completely dry.

The Eucumbene River, once called the East Branch of the Snowy, will receive a 'riparian' flow of up to 2.4ML/d (0.87GL/yr) equivalent to 0.3%MANF.

The Mowamba River receives a 'riparian' flow of only 1.4ML/d (0.5GL/yr) less than 1% MANF.

In the Snowy catchment the Munyang and Burrungabuggee rivers are not scheduled to receive any environmental flow at all; and the Gungarlin despite being scheduled under the Snowy Water Licence (Schedule Three, Table One) to receive 13% MANF by 2010 still receives no environmental flow allocation.

There is complete lack of connectivity within the main stem of the Snowy and its catchment rivers.

It is evident that the Snowy Water Licence has not provided a beneficial environmental outcome for the Snowy River.

The first Ten-Year Review of the Snowy Water Licence has failed to propose any licence amendments in this round of variations that would deliver an environmental improvement to the Snowy and in fact two proposed amendments will potentially have a negative impact on river health.

Draft Licence Amendments

Part Two: Snowy River Flows generally

Section 6.5 Operation of Outlet at Jindabyne Dam; and

Part Five: Snowy Montane Rivers Increased Flows generally

Section 20.3 Operation of the Outlet at Tantangara Dam

Gippsland Environment Group strongly objects to these two licence amendments.

These amendments will now make it mandatory for Snowy Hydro Ltd to selectively withdraw water from the near surface horizon of the reservoirs for the water being released to the Upper Murrumbidgee and Snowy Rivers and potentially causing warm water pollution in summer in particular.

As detailed by GEG submission¹ to the first Ten-Year of the Snowy Water Licence, the Snowy Scientific Committee² had previously raised concerns that in summer dam water above the thermocline can be 20°C and if released to the Snowy and Upper Murrumbidgee Rivers, which are still experiencing ongoing low summer flows, the releases would be detrimental to montane aquatic species. The Final Report of the Ten-Year Review (p29) referred to stakeholders raising concerns about warm water releases in winter which appears to be a misunderstanding of the information. The Final report did not address concerns regarding warm water pollution in summer.

GEG has been previously informed that it is due to economic not environmental factors that SHL draws water from above the thermocline rather than selectively adjusting the off-take to ensure the water released is at most beneficial temperature at all times of year. These two licence amendments would appear to make it legal to potentially cause environmental damage.

Section 12B Riparian releases from Eucumbene Dam; and

Section 12C Riparian releases from Mowamba weir.

These licence provision provide for a 'riparian' flow to the Eucumbene River of up to 2.4ML/d (0.87GL/yr) which is equivalent to 0.3%MANF; and a 'riparian' flow to the Mowamba River downstream of the weir of 1.4ML/d (0.5GL/yr) which less than 1% MANF. Whilst these 'riparian' releases will maintain a visible flow it is far from an environmental flow.

These two licence amendments highlight the shocking lack of environmental flows in the Snowy River catchment.

Licence provisions not included in the current draft variation schedule (Nov 2019) for comment June 2020.

Licence provisions regarding Mowamba Flows as part of SRIF; and Snowy Montane Flows that remain undelivered.

The Final Report of the Ten year review of the SWL (Dec 2018) (Table 1) states that an implementation plan to investigate environmental water delivery and water release

¹ GEG submission to the 10-year review of SWL, 12 Oct 2017.

² *Environmental releases form Jindabyne dam: Recommendations for 2009-10*, Snowy Scientific Committee, June 2009.

requirements to Snowy River [via Mowamba] and the Snowy Montane Rivers would be completed by 2020; and further variations to the Licence would be made in 2021 to implement recommendations arising from the investigations.

If this is the case why haven't the relevant draft licence amendments been exhibited in this round as investigations should have now been completed?

GEG previously raised concerns during the licence review process regarding the two stage process (specifically in relation to Mowamba due to fact the Final Report of the First Five-Year Review (2009) had recommended that final investigations into the contribution of Mowamba flows to SRIF be completed in 2012).

In addition Snowy Montane River Increased Flows to the two sections of the upper Snowy River above Jindabyne in Kosciuszko National Park are manifestly inadequate: Tollbar Ck which provided contributing flows with Diggers Ck to the Snowy below Island Bend Dam has being turned off for all of 2020-21³; Tollbar Ck and Diggers Ck (used in replacement of the much larger Gungarlin River) can never deliver the full 29GL scheduled below Island Bend Dam; flows to the upper Snowy below Guthega Dam via Perisher Ck have still not been delivered.

GEG has now been informed (pers comm. Amy Burgess Manager SWL review 16.6.20) that progress on the environmental investigations are again well behind schedule, and information from the Environmental Water, Water and Catchments Division of DELWP Victoria suggests that in fact investigations have not yet even begun.

This confirms the serious doubt GEG holds regarding the commitment of the NSW Government to Snowy River recovery.

Licence provision regarding SRIF Carryover

There is 2.3GL owed Snowy River Increased Flows from the 2017-18 water year. This water year 2020-21 the Snowy environmental allocation is only 83 GL plus 9GL regulated base flow which is equivalent to approx 8% MANF. The 2.3GL of undelivered SRIF would have been very useful for the Snowy this year. The average annual flow released to the Snowy since 2011 is only 160GL⁴ this is equivalent to approx 14% MANF.

It would have been quite straightforward to draft a carryover clause in the 18 months since the Final Report was released to ensure that this year the Snowy River could have received the much needed additional 2.3GL of environmental water.

The Victorian Government's submission to the licence review raised the issue of compliance with the intent of the SWIOID to deliver an average of 21% annual flow to the Snowy River below Jindabyne. A MANF of 21% comprises 212GL SRIF plus 9GL regulated base flow plus 18-24GL passing flow over Mowamba and Cobbon Ck weirs. One obstruction to achieving an average annual flow of 21% is that the flow calculations which underpinned the SWIOID agreement's target Snowy River Increased Flows depended on factoring in an average passing flow from Mowamba and Cobbon Ck of 18-24GL (equivalent to 2% MANF) but unfortunately spills of this volume have rarely if ever occurred since 2000. Secondly the

³ Snowy Advisory Committee communiqué meeting 8, 4 Feb 2020

⁴ Ibid

binding agreement referred to in the NSW Snowy Hydro Corporatisation Act is the bilateral agreement between Victoria and NSW, (the AOSWI 5.12.2000), which determines that Snowy Hydro Limited is not owed compensation if following the first Five-year review the increased flows to the Snowy River are below 212GL. So there is currently no way that the Snowy can receive a volume greater than 212GL environmental allocation in any one year making it impossible for the river to receive 21% annual flow on average over the longer-term. It is therefore crucial that a carryover clause is inserted in the Snowy water licence as soon as possible.

There is no justification for not including a carryover provision in this round of the Licence amendments as the SRIF is managed quite separately from other water in the Snowy Scheme.

Governance

There is an urgent need for greater transparency and improved governance to ensure the intent of the SWIOID agreement to restore the Snowy River is delivered upon.

It seems an incredible oversight that is a no independent scientific assessment and monitoring of the implementation and delivery of Snowy environmental flows despite half a billion dollars of investment in Snowy environmental flows.

For instance the SWL (2011) **Part Five: Snowy Montane Rivers Increased Flows cl 17.1 Licensee to Target Snowy Montane Rivers Increased Flows**, states: ... *the Licensee must operate the Works so as to make Snowy Montane Rivers Increased Flows along the rivers and in the Volumes referred to in Schedule Three in addition to the Base Passing Flow.*

However the Final Report of the Ten-Year Review (p54) states that: *Snowy Hydro Limited is responsible for modifying any works to pass the required SMRIF after seeking the advice of the WCLC. However with the exception of Tantangara Dam, there is no obligation within the Licence to carry out major structural changes to any infrastructure.* The Final Report continues (p55), *In each instance, Snowy Hydro Limited assessed the flows and engineering of each of these works within each catchment and recommended to the WCLC how and where modifications should be made.*

It would appear from the above that SHL is actually advising and recommending to the WCLC which works to modify, rather than the other way around. The WCLC on the best independent scientific advice available should be advising SHL which works must be modified. Clearly no independent scientific assessment was made to compare and prioritise the environmental benefit of modifications rather the process appears to be driven by SHL priorities.

The Final Report of the Ten-Year Review summary of actions (Table 1) states that the NSW Government would re-establish the Snowy Water Government Officials Committee by 2019 yet this Committee has still not been established. The committee should have been integral to the Licence review to ensure due diligence over the whole review process.

Louise Crisp
Gippsland Environment Group Inc