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Published on 22 January 2009

Statement No. 781

**STATEMENT THAT A PROPOSAL MAY BE IMPLEMENTED
(PURSUANT TO THE PROVISIONS OF THE
ENVIRONMENTAL PROTECTION ACT 1986)**

**DREDGING AT FINUCANE ISLAND,
BHP BILLITON RGP5 PROJECT, PORT HEDLAND**

Proposal: Dredging of approximately 3,900,000 cubic metres of material for two new berth pockets and extensions to the existing departure channel and swing basin at Harriet Point and Stanley Point; disposal of dredged material at dredged material management areas, as documented in schedule 1 of this statement.

Proponent: BHP Billiton Iron Ore Pty Ltd (ACN 008 700 981)

Proponent Address: Level 17, 225 St George's Terrace, PERTH WA 6000

Assessment Number: 1759

Report of the Environmental Protection Authority: Report 1304

The proposal referred to in the above report of the Environmental Protection Authority may be implemented. The implementation of that proposal is subject to the following conditions and procedures:

1 Proposal Implementation

1-1 The proponent shall implement the proposal as assessed by the Environmental Protection Authority and described in schedule 1 of this statement subject to the conditions and procedures of this statement.

2 Proponent Nomination and Contact Details

2-1 The proponent for the time being nominated by the Minister for Environment under sections 38(6) or 38(7) of the *Environmental Protection Act 1986* is responsible for the implementation of the proposal.

2-2 The proponent shall notify the Chief Executive Officer (CEO) of the Department of Environment and Conservation of any change of the name and address of the proponent for the serving of notices or other correspondence within 30 days of such change.

3 Time Limit of Authorisation

3-1 The authorisation to implement the proposal provided for in this statement shall lapse and be void within five years after the date of this statement if the proposal to which this statement relates is not substantially commenced.

3-2 The proponent shall provide the CEO of the Department of Environment and Conservation with written evidence which demonstrates that the proposal has substantially commenced on or before the expiration of five years from the date of this statement.

4 Compliance Reporting

4-1 The proponent shall submit to the CEO of the Department of Environment and Conservation environmental compliance reports annually reporting on the previous twelve-month period, unless required by the CEO of the Department of Environment and Conservation to report more frequently.

4-2 The environmental compliance reports shall address each element of an audit program approved by the CEO of the Department of Environment and Conservation and shall be prepared and submitted in a format acceptable to the CEO of the Department of Environment and Conservation.

4-3 The environmental compliance reports shall:

1. be endorsed by signature of the proponent's chief executive officer or a person, approved in writing by the CEO of the Department of Environment and Conservation, delegated to sign on behalf of the proponent's chief executive officer;
2. state whether the proponent has complied with each condition and procedure contained in this statement;
3. provide verifiable evidence of compliance with each condition and procedure contained in this statement;
4. state whether the proponent has complied with each key action contained in any environmental management plan or program required by this statement;
5. provide verifiable evidence of conformance with each key action contained in any environmental management plan or program required by this statement;
6. identify all non-compliances and non-conformances and describe the corrective and preventative actions taken in relation to each non-compliance or non-conformance;

7. review the effectiveness of all corrective and preventative actions taken; and
 8. describe the state of implementation of the proposal.
- 4-4 The proponent shall make the environmental compliance reports required by condition 4-1 publicly available in a manner approved by the CEO of the Department of Environment and Conservation.

5 Performance Review and Reporting

- 5-1 The proponent shall submit to the CEO of the Department of Environment and Conservation a Performance Review Report at the conclusion of the first, second, fourth and sixth years after the start of dredging and then, at such intervals as the CEO of the Department of Environment and Conservation may regard as reasonable, which addresses:
1. the major environmental risks and impacts; the performance objectives, standards and criteria related to these; the success of risk reduction/impact mitigation measures and results of monitoring related to management of the major risks and impacts;
 2. the level of progress in the achievement of sound environmental performance, including industry benchmarking, and the use of best available technology where practicable; and
 3. significant improvements gained in environmental management which could be applied to this and other similar projects.

6 Marine Water Quality

- 6-1 The proponent shall finalize the Dredging Management Plan (as drafted and included as Appendix C of the Environmental Referral Document) on advice of the Environmental Protection Authority, prior to the commencement of dredging activities.

The objectives of the Plan are to:

1. maintain the structure and functions of the Port Hedland marine ecosystems;
 2. ensure water quality is sufficient such that any seafood caught or grown in the area is of a quality safe for human consumption;
 3. ensure water quality is safe for recreational activities; and
 4. ensure no deterioration in local marine water quality occurs as a result of the use of hydrocarbons or from the generation of wastes (solid, hazardous and sewage) associated with the dredging activities.
- 6-2 The Plan referred to in condition 6-1 shall provide detail on:

1. baseline and post discharge water quality monitoring for the collection of physical water quality data via loggers incorporating the following parameters: turbidity; pH; dissolved oxygen; conductivity; and temperature, at two sites in Salmon Creek, two sites in Oyster Inlet, one site offshore from Oyster Inlet and three sites in and adjacent to Port Hedland harbour;
 2. baseline and post discharge water quality monitoring for the collection of total suspended solids concentrations and turbidity measurements at the spoil disposal discharge point in Salmon Creek and the logged impact sites downstream;
 3. baseline and post discharge water quality monitoring for the collection of dissolved metals and ammonia concentration data, collected at seven sites in Salmon Creek and seven sites in Oyster Inlet over a number of tidal cycles and seasons;
 4. water quality trigger levels based on the appropriate level of ecological protection (shown in Figure 2 of Schedule 1), which for physical water quality parameters are either: the 20th or 80th percentiles of the baseline data (less than 60% saturation of dissolved oxygen), or the 99% species protection trigger levels for toxicants from the *National Water Quality Management Strategy No. 4: Australian and New Zealand Guidelines for Fresh and Marine Water Quality and Water Quality* (Australian and New Zealand Environment and Conservation Council, and Agriculture and Resource Management Council of Australia and New Zealand, 2000) for areas with a high level of ecological protection;, or either the 5th or 95th percentiles of the baseline data (less than 60% saturation of dissolved oxygen), or the 90% species protection trigger levels for toxicants in areas with a moderate level of ecological protection;
 5. the statistical methodology that will be used to assess water quality monitoring data against water quality trigger levels, based on the recommended approaches in the *National Water Quality Management Strategy No. 4: Australian and New Zealand Guidelines for Fresh and Marine Water Quality and Water Quality* (Australian and New Zealand Environment and Conservation Council, and Agriculture and Resource Management Council of Australia and New Zealand, 2000);
 6. contingency management measures that will be implemented in the event that marine water quality does not meet described water quality triggers as a result of dredging activities and/or excess water discharge; and
 7. the procedures for reporting the results of water quality monitoring, exceedance of any water quality trigger levels and effectiveness of the contingency management measures.
- 6-3 The proponent shall implement the Dredging Management Plan required by condition 6-1 to the satisfaction of the CEO of the Department of Environment and Conservation.

7 **Acid Sulphate Soils**

7-1 The proponent shall finalize the Acid Sulphate Soil Management Plan (as drafted and included as Appendix D of the Environmental Referral Document) on advice of the Environmental Protection Authority, prior to the commencement of dredging activities.

The objectives of the Plan are to:

1. minimize the risk to the environment resulting from Acid Sulphate Soils; and
2. maintain and protect water quality for existing environmental values and ecosystem functions.

7-2 The Plan referred to in condition 7-1 shall provide detail on:

1. monitoring of excess water from the Dredged Material Management Areas (DMMA) that will be discharged through fixed discharge points at each of the DMMA to ensure it meets the action criteria outlined in *Dewatering Effluent and Groundwater Monitoring Guidance for Acid Sulphate Soil Areas* (Department of Environment and Conservation, 2006);
2. monitoring of excess water from the DMMA for total titratable acidity, electrical conductivity and pH to ensure that water quality parameters are maintained at a pH greater than 6 and a total titratable acidity less than 40 milligrams per litre;
3. contingency management measures that will be implemented in the event that action criteria are exceeded; and
4. a monitoring program for the presence of iron monosulphides and total acidity within the DMMA on an annual basis for five years following completion of the dredging. Should levels of iron monosulphides and total acidity within the DMMA be detected that require further management, the proponent shall initiate a management response to neutralize this material.

7-3 The proponent shall implement the Acid Sulphate Soil Management Plan required by condition 7-1 to the satisfaction of the CEO of the Department of Environment and Conservation.

8 **Rehabilitation**

8-1 The proponent shall finalize the Land Use Management Plan (as drafted and included as Appendix F of the Environmental Referral Document) on advice of the Environmental Protection Authority, prior to the commencement of dredging activities.

The objectives of the Plan are to:

1. minimize adverse effects on the environmental values of surrounding areas from processes such as dust generation, changes in surface water drainage, weed infestation and impacts on fauna;
 2. ensure that each Dredged Material Management Area (DMMA) land surface is managed such that it is safe, stable and suitable for designated end land use;
 3. maintain a landscaped view of the area; and
 4. identify an environmentally sustainable final land use for the reclaimed material and management areas.
- 8-2 The proponent shall rehabilitate DMMA A, B1 and B2 if material is not utilized within five years following the completion of dredging.
- 8-3 The proponent shall implement the Land Use Management Plan required by condition 8-1 to the satisfaction of the CEO of the Department of Environment and Conservation.

9 **Aboriginal Heritage**

- 9-1 The proponent shall prepare an Aboriginal Cultural Heritage Management Plan (Plan) and submit the Plan to the Registrar of Aboriginal Sites prior to the commencement of works.

Notes

1. Where a condition states “on advice of the Environmental Protection Authority”, the Environmental Protection Authority will provide that advice to the Department of Environment and Conservation for the preparation of written notice to the proponent.
2. The Environmental Protection Authority may seek advice from other agencies or organisations, as required, in order to provide its advice to the Department of Environment and Conservation.
3. The Minister for Environment will determine any dispute between the proponent and the Environmental Protection Authority or the Department of Environment and Conservation over the fulfilment of the requirements of the conditions.

[SIGNED 22 JANUARY 2009]

JOHN DAY
**ACTING MINISTER FOR ENVIRONMENT;
YOUTH**

Schedule 1

The Proposal (Assessment No. 1759)

General Description

The proposal involves the dredging of approximately 3.9 million cubic metres of material for two new berth pockets and extensions to the existing departure channel and swing basin at Harriet Point and Stanley Point, Port Hedland.

Dredged material not disposed of offshore in Commonwealth waters will be placed at Dredged Material Management Areas (DMMA) B1 and B2 and excess fines stored at DMMA A (Figure 1 [from Figure 2 of the EPA's Report]).

This proposal endorses an update to the levels of ecological protection for marine water quality in the inner harbour of Port Hedland from 'high' to 'moderate' to include the proposed berth facilities at Harriet Point associated with this proposal, as well as proposed infrastructure developments by the Port Hedland Port Authority at Utah Point. Boundaries have been redrawn within a distance of 250 metres from current approved and proposed facilities (Figure 2 [from Figure 4 of the EPA's Report]).

The proposal is described in the following document – *Environmental Referral Document: Port Hedland Finucane Island Dredging*, BHP Billiton Iron Ore, October 2008.

Summary Description

A summary of the key proposal characteristics is presented in Table 1.

Table 1: Summary of key proposal characteristics

Element	Description
Volume of material to be dredged	Approximately 3,900,000 m ³
Duration of Dredging	40 weeks approximately
Area of marine disturbance for dredging	Not more than 25 ha at Harriet Point & Stanley Point
Area of land disturbance for dredging	Not more than 4 ha at Harriet Point & Stanley Point
Area of benthic primary producer habitat loss	Not more than 6.5 ha of mangrove habitat No loss of coral habitat
Offshore disposal of dredged material	Not more than 800,000 m ³ to PHPA Spoil Ground 'I' (Commonwealth waters)
Onshore disposal of dredged material	DMMA B1: not more than 26 ha DMMA B2: not more than 19 ha DMMA A: not more than 85 ha
Final height of DMMA B1 and B2	Seawalls: not more than 7 m AHD Berms: not more than 17 m AHD

ha: hectares, m³: cubic metres, AHD: Australian Height Datum

Figures (attached)

Figure 1: Dredging at Finucane Island – key proposal components

Figure 2: Revised ecological protection levels in Port Hedland harbour



Figure 1 - Dredging at Finucane Island – key proposal components

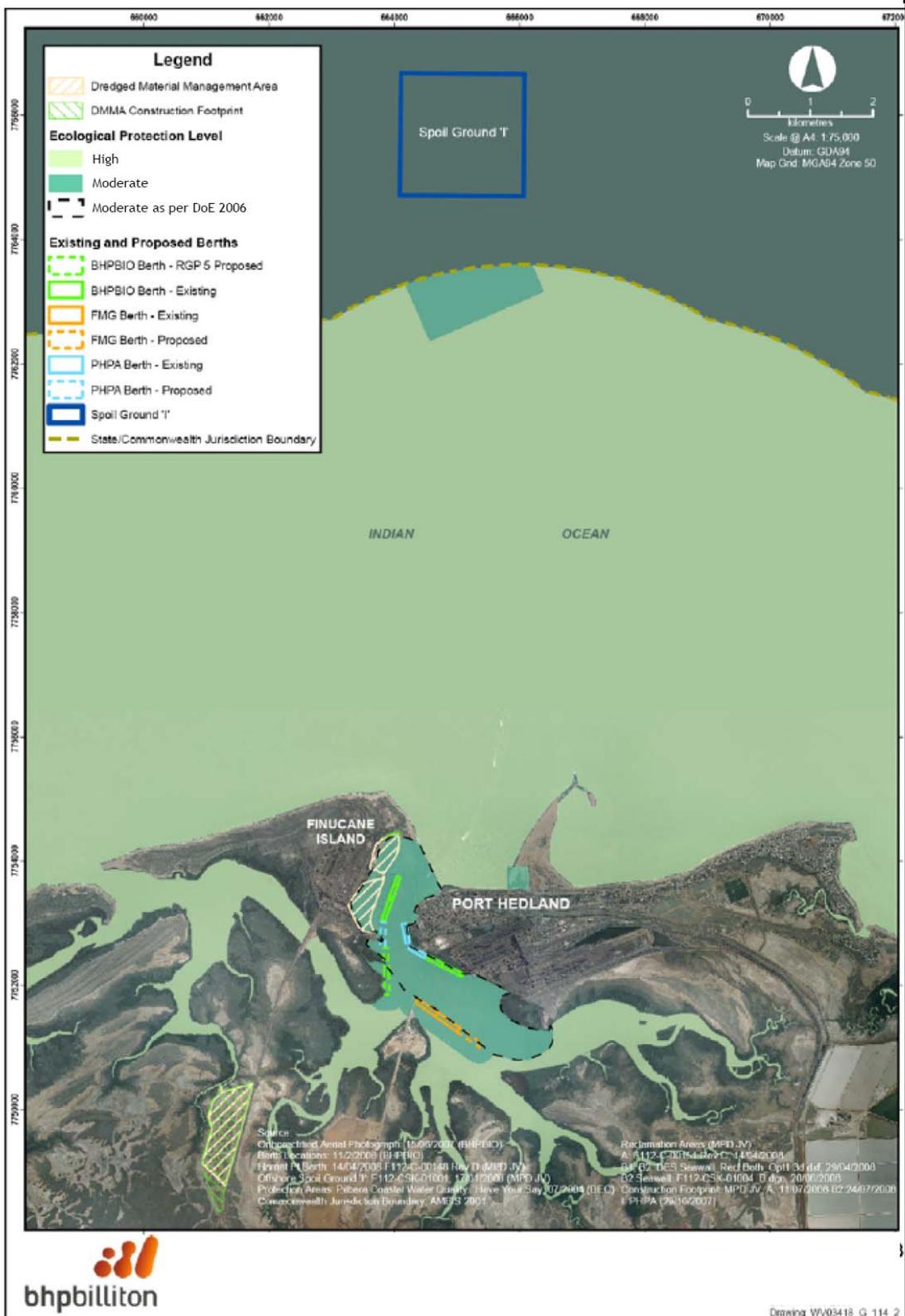


Figure 2 - Revised ecological protection levels in Port Hedland harbour

Attachment 1 to Statement 781

Change to Proposal

Proposal: Dredging at Finucane Island, BHP Billiton RGP5 Project, Port Hedland

Proponent: BHP Billiton Iron Ore Pty Ltd

Change: Alternative access to remove mangroves (as shown on Figure 3).

Features of approved Proposal:

Remove mangroves at the south-eastern tips of Harriet Point and Stanley Point using land-based and floating equipment. Harriet Point and Stanley Point accessed via barge.

Features of approved change to Proposal:

Remove mangroves at the south-eastern tips of Harriet Point and Stanley Point using land-based equipment. Access south-eastern tip of Harriet Point via an existing track and the south-eastern tip of Stanley Point via the installation of a temporary causeway, within the approved dredging footprint, between Harriet Point and Stanley Point.

List of Figures:

Figure 3: Existing access track to Harriet Point.

Dr Paul Vogel

CHAIRMAN

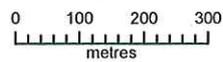
Environmental Protection Authority
under delegated authority

Approval date: 30. 3. 09



Legend

-  PHPA Access Track
-  Harriet Point Dredge Footprint



Scale = 1:8,000 at A3

Datum: GDA94

Projection: MGA94 Zone 50



Source:
 Orthorectified Aerial Photograph:
 06/2008 (BHPBIO)
 Topography: Geoscience Australia,
 GEDATA Topo 250K V3
 (Copyright Commonwealth of Australia, 2006)
 Harriet Point:
 F112-C-00148 Rev D 14/04/2008 (MPD JV)
 Amended: 17/03/09 (FAST)
 Mscg115_VW03712_Rev0

Figure 3

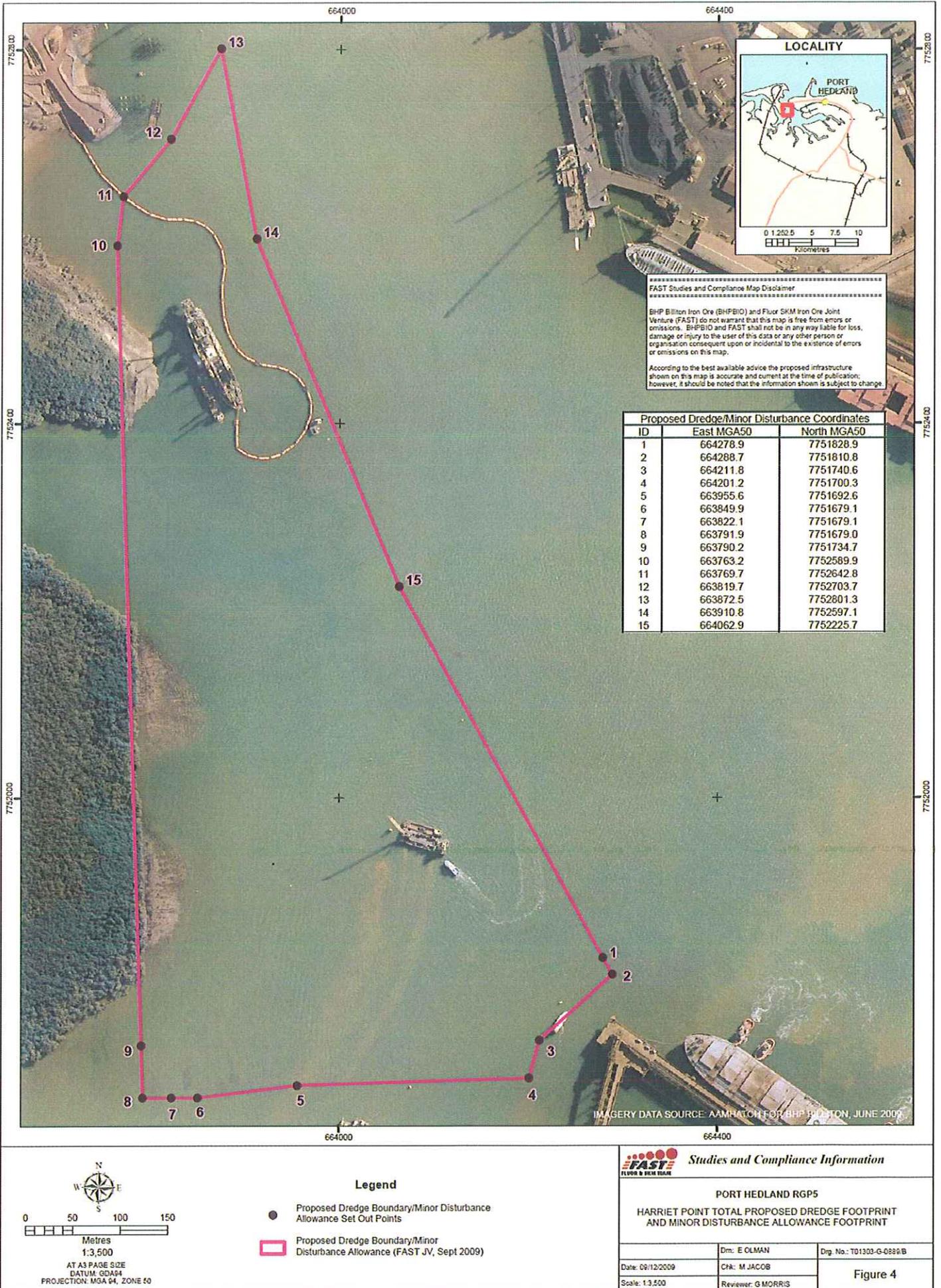


Figure 4 – RGP5 Dredge footprint area