

16 August 2021

Attn: Liz Stewart
Environmental Protection Authority
8 Davidson Terrace
Joondalup, WA 6027

Sent via email: liz.stewart@dwer.wa.gov.au

Dear Ms Stewart

DRAFT FOR CONSULTATION: TECHNICAL GUIDANCE ENVIRONMENTAL IMPACT ASSESSMENT OF MARINE DREDGING PROPOSALS

The Chamber of Minerals and Energy of Western Australia (CME) is the peak resources sector representative body in Western Australia (WA). CME is funded by member companies responsible for more than 88 per cent of the State's mineral and energy workforce employment.¹

CME is one of the peak bodies represented on the Environmental Protection Authority (EPA) Stakeholder Reference Group (SRG) and CME's member companies include several private port operators as well as members with coastal and near-shore operations that periodically undertake dredging-related activities. Consequently, revisions to the EPA's Technical Guidance for the environmental impact assessment of marine dredging proposal is of relevance to several of CME's members.

CME notes, however, that although its members undertake dredging activities, marine science is a highly specialised discipline and dredging projects will often require the expert advice of marine and dredging consultants who themselves are not members of CME. Further, the key changes in guidance appendices being consulted on are all technical in nature. As the current consultation process is a closed consultation process with SRG members only, **CME recommends additional targeted consultation be undertaken with these specialised consultants as this would aid overall usability and practicality of the guidance.**

Although not subject matter experts, CME offers the following additional comments on the draft guidance for the EPA's consideration:

- There is repetition throughout the main document as well as duplication between the main document and the appendices. CME recommends removal of all duplication and moving all technical details to the relevant appendix. In some instances, increased use of references to papers may be appropriate, rather than providing the contents of the papers within the guidance.
- The use of the term "Management Target" appears inconsistent with [EPA Instructions on how to Prepare EP Act Part IV Environmental Management Plans](#). The approach used in this guidance appears to be a hybrid between an outcome-based Environmental Management Plan (EMP) and an objective-based EMP where "Management Target" is used as an early warning or trigger criterion. CME recommends terminology used should be consistent with other EPA Guidance documents or altered to avoid confusion.
- The draft Guidance should be linked with the [EPA Technical Guidance: Protecting the Quality of Western Australia's Marine Environment](#), particularly in the use of Environmental Quality Criteria. The Guidance should discuss the identification of environmental values within the zones of impact and should indicate what targets and level of monitoring (if any) are appropriate in the absence of environmental values in the impact zones (particularly in the Zone of High Impact (ZOHI)). For example, if the ZOHI is depauperate in benthos, a Management Target may not be required for the ZOHI as long as an Environmental Protection Outcome (EPO) is set for the ZOHI. If both the ZOHI

¹ Full-time employees and contractors onsite in 2019-20, excludes non-operating sites. Government of Western Australia, *2019-20 Economic indicators resources data*, Safety Regulation System, Department of Mines, Industry Regulation and Safety, 25 September 2020.

and Zone of Moderate Impact (ZOMI) are depauperate in benthos then an EPO for the edge of the ZOMI may be the only limit that is required.

- The technical guidance provides limited discussion of dredging as it relates to marine parks and other reserves (assuming there may be different EPA considerations in these instances). It would be helpful if the technical guideline provided further information in this area and include a reference and link to any applicable policy or guidance document(s).
- Section 2.2 (Environmental Considerations) notes the scope of the Guidance is limited to two types of impacts, but lists the additional impacts which are beyond scope and that proponents need to consider the additional impact by reference to other EPA guidance. References to relevant EPA guidance documents for factors beyond the scope of this Guidance should be included for ease of use.
- Section 3.1 (General Approach) discusses timing of programs with respect to key lifecycle processes. As it relates to a wide range of taxa, it should be mentioned that there may need to be additional considerations for other specially protected species (possibly by referencing Section 3.7).
- Appendix A, Table 4 and Table 9 – CME members have interpreted the information in these tables differently or are unclear as to its interpretation – including in relation to other information provided in text format within the Guidance. As an example, for Table 9 (compared with text in Section 4.1) “...the average DLI should be 3.1 or greater and ... the average DLI should never fall below 1...” It is recommended these tables be reviewed for clarity and ease of (correct) interpretation.

CME thanks the EPA for the opportunity to provide comment on the draft Guidance and looks forward to continuing to work with the EPA through the SRG to improve technical and other guidance to support the environmental impact assessment process in WA.

Should you have questions regarding this letter, please contact Bronwyn Bell, Manager Resource Development and Sustainability.

Yours sincerely

Robert Carruthers
Director – Policy & Advocacy