

Dear Russell Recheilt,
Thank you for your letter dated 9th November.

I would first like to raise my concern about the amended water quality plan that the Department of Sustainability, Environment, Water, Population and Communities (SEWPaC) is now considering. I believe that the recent seagrass reports indicate that light based monitoring in and of itself does not adequately protect the seagrass.

From the end of June to the current date, there have been periods of very high turbidity exceeding both the federal and state limits for long periods of time. This occurred during the TEP when light monitoring was first introduced and after the TEP in September 2012 and October 2012. Exemptions were granted that allowed continual dredging over the limits as long as light based monitoring was found to be within normal limits. The light monitoring stayed within the limits, but the latest seagrass report with data from October 2012 has shown very little regrowth of seagrass in the high impact zones of dredging.

<http://www.westernbasinportdevelopment.com.au/media/pdf/Gladstone%20Permanent%20Transect%20Seagrass%20Monitoring%20October%202012%20Update%20Report.pdf>

I would argue this may be evidence that light monitoring on its own is not enough to protect the seagrass.

I have attached the relevant results of the high and low impact zones from the report as an appendix. I would like to point out that the seagrass regrowth in the inner harbour is in stark contrast to the seagrass in Moreton Bay that has had high rates of regrowth in the recent SE Queensland healthy waterways report.

<http://www.health-e-waterways.org/reportcard/2012/bay-area/Central%20Bay>

It is noted that in Gladstone Harbour there has been some recovery in some of the low impact zones, but not in the high impact zones which suggests that dredging and water quality may be having an impact on seagrass recovery.

I also noted that Gladstone Ports Corporation in a report from the Gladstone Observer, misrepresented the facts.

<http://www.gladstoneobserver.com.au/news/seagrass-capricorn-conservation-council-gladstone/1168851/>

The CEO of Gladstone Ports Corporation (GPC) stated that seagrass at Fishermans Landing a high impact zone had "spectacularly improved" This statement and "GPC has released the October results of seagrass monitoring which showed increases in seagrass cover around Fishermans Landing, Pelican Banks North and Pelican Banks South" were incorrect as there has been no increase in seagrass cover around Fishermans landing.

The CEO also stated that "the report was proof that dredging was not to blame for the reduction in levels early this year." These statements do not reflect the report.

The rules that the state (EHP) currently enforce allow the Ports to dredge over the turbidity limits in the inner harbour and get an exemption if the light monitoring is within normal limits. This is despite less than 1% cover and very poor regrowth at most inner harbour sites.

I want to ensure that the Gladstone Ports does not misrepresent the facts of the report to GBRMPA as it has to the readers of the Gladstone Observer newspaper. Save the Reef believes the Gladstone Observer article should have reported. "Most of the seagrass in the inner harbour is dead. The Ports haven't fixed the turbidity problem after the TEP. They dredged over the limits in the TEP and continue to be allowed to dredge over the limits because the light monitors on top of the dead seagrass suggest the seagrass should be able to regrow even though this regrowth hasn't occurred."

I have had discussions with seagrass experts who have stated that in the Northern Territory a current dredging project dredges during the wet season but then gives the seagrass clean water (clarity) during known growth periods to allow the seagrass to regrow. Save the Reef would like to know if GBRMPA has considered this option.

It is possible clear water may assist in improving regrowth particularly after high sediments loads as in floods or dredging. It is possible that other factors associated with high turbidity may be affecting seagrass. This could include toxins such as heavy metals. It is noted that heavy metals found in the sediment by CSIRO including arsenic, aluminium and copper and that these total metals have been associated with high turbidity. Leonie Anderson has shown that seagrass in Gladstone harbour near dredging was found to have significantly higher levels of arsenic and aluminium. This is expanded after the letter as an appendix.

Save the Reef acknowledges there is a requirement to implement a move from turbidity based trigger levels to light based trigger levels. Save the Reef suggests it may be preferable to maintain the turbidity limits and introduce light monitoring and require both to be compliant initially, until evidence that light based monitoring can ensure better environmental outcomes than turbidity based readings. It does not have to be one or the other it can be both. The EHP exemptions that allowed dredging above the turbidity limits due to light monitoring may have led to harm. It is suggested that this is clarified by research. It may be that research demonstrates that both turbidity limits and light monitoring are required to protect the seagrass. We would suggest that GBRMPA may consider also allowing a period of clarity to allow the seagrass to recover.

Save the Reef would ask GBRMPA to urge SEWPaC not to amend the turbidity limits in line with the Qld government as Gladstone harbour water quality may be contributing to environmental harm. GBRMPA only allowed this project to go ahead after the Minister Tony Burke put water quality controls in place. It is our opinion that these Water Quality controls have been changed and broken altered on a number of occasions by the state agencies, including changing the dates of the wet season, changing the turbidity limits and there is no clear evidence that has found these alterations led to better environmental outcomes. Indeed there is evidence of environmental harm in the Inner Harbour

With regard to the wet season limits, Save the Reef would like to see documented evidence regarding the Wet season for Commonwealth approved trigger levels, which in your letter you state has always been interpreted to be from 1 October to 31 March. It is clear in the picture below taken

from the original approval dated 24/6/2011 that at the beginning of the project wet season dates were from 20 November to 31 March. (see picture below). We would like to see a similar table from the commonwealth government that when dredging began the wet season was from 1 October to 31 March inclusive, and the rationale behind the different wet season dates for state and federal departments.

Interest: Water

(W1) The registered operator must not allow turbidity levels at sensitive receptors (QE4, ST1, P2, BG10) to exceed the turbidity levels contained in Table 1 – *Maximum allowable (6 Hour EMWA) Turbidity levels* for a period of greater than 48 hours, unless it can be demonstrated to the satisfaction of the administering authority that the elevated turbidity is the result of errors or natural background variations.

Table 1 – Maximum allowable (6 Hour EMWA) Turbidity levels

Sensitive Sites (GPS Co-ordinates)	Maximum 99 th Percentile Turbidity (NTU)	
QE4 (S23 44.689' E151 09.676)	34 (Wet)	28 (Dry)
ST1 (S23 47.987' E151 11.750')	38 (Wet)	24(Dry)
P2 (S23 48.514' E151 12.950')	69 (Wet)	40 (Dry)
BG10 (S23 47.859' E151 14.121')	56 (Wet)	46 (Dry)
SGM1 (S23 50.037 E151 25.702)	12 (Wet)	10 (Dry)
SGM2 (S23 47.639 E51 22.958)	11 (Wet)	9 (Dry)

Note: "Wet" season is from 20 November to 31 March inclusive. The remainder of the year is taken to be the "Dry" season.

It perplexes Save the Reef that the state government and federal government would have different wet season dates in the initial dredging approvals. Save the Reef would like to understand why the Commonwealth and GBRMPA initially

- a) chose a date for the wet season that did not reflect the wet season,
- b) did not reflect the historical background turbidity data from the EIS,
- c) did not reflect the dates used in the Water Quality Management Plan in

http://www.westernbasinportdevelopment.com.au/management_plans/section/documentation (Click on water quality management plan)

Quotes taken from the Water Quality Management Plan

"Figure 9. Wet season turbidity at QE4 (20th November 2009 to 31st March 2010)"

"Figure 17. Wet season turbidity at BG10 (20th November 2009 to 31st March 2010)"

"**Table 1.** Water quality sampling dates from November 2009 to September 2010.

Wet Season 20 Nov 2009 – 31 March 2010

The Water quality management plan states that if the 6 hourly EWMA is above the external reporting trigger level (95th percentile) for 1 week they are required to hold a DTRP meeting (step 4) and submit a report. (Step 5). As this did occur in October 2011 whether the wet season or dry season limit was applied, we would like to see the report that details the trigger level they used and how long they were over it for in October and the steps taken. As you are aware the Ports requested that the state government amend that date and it was approved on the 30th October, 2011 to amend the wet season date to the 1st October. Save the Reef believes it was inappropriate for the state to change that date at the time

when there was confusion around human and fish illness in the harbour and wonders if GBRMPA knew about this change and if so did it voice any objection to this change. We note that this amendment was not made public nor the approval posted on their website.

We note the GPC WBDDP website has posted the EHP amended development approval (or permit for dredging) from early September 2012.

http://www.westernbasinportdevelopment.com.au/project_approvals_permits/section/documentation

<http://www.westernbasinportdevelopment.com.au/media/pdf/Ammendment%20Development%20Approval%20ERA%2016.pdf>

One amendment that we noted is the W2 clause. The amendment changed the turbidity limits from the original

“Should turbidity levels exceed the above level(s) it is not a contravention of condition (W1) when it can be demonstrated to the satisfaction of the administering authority that elevated turbidity is the result of external factors, (for example, erroneous or invalid data, wave height, rainfall, tides, wind, etc) and not affected by sediment from the dredging to a greater extent than the modelled turbidity increase used for the purpose of developing the Dredge Management Plan.”

to

“Should turbidity levels exceed the above level(s) it is not a contravention of condition (W1) when it can be demonstrated to the satisfaction of the administering authority that

- a) elevated turbidity is the result of external factors, (for example, erroneous or invalid data, wave height, rainfall, tides, wind, etc) or
- b) clearly the result of other dredging activities (e.g. CSDorBHD dredging being undertaken within 500 m of a monitoring site);
- c) all benthic PAR monitoring sites (TC1, BS1, DC1, GC1, WI5-2 and PM1) are receiving the minimum light requirement.”

The Ports may be in contravention of their development approval because they have breached the turbidity limits but blamed in on tides and used the original W2 clause (the natural variation clause). Save the Reef has had advice that the turbidity breaches (before the amendment) were affected by sediment from the dredging to a greater extent than the modelled turbidity increase used for the purpose of developing the Dredge Management Plan. The Ports admitted that the bund wall was contributing to high turbidity and were granted the TEP to fix this. The breaches after the amendment (e.g. September 2012) do not contravene their development approval as all benthic PAR monitoring sites are receiving the minimum light requirement.

If the Ports are asking for a similar amendment from the Federal government with regard to turbidity and light monitoring, Save the Reef again urges the federal government not to allow this amendment as it in effect nullifies the need to maintain turbidity within the limits.

Save the Reef suggests if high turbidity occurs it should be investigated and if the turbidity is affected by sediment from the dredging to a greater extent than the modelled turbidity increase used for the purpose of developing the Dredge Management Plan (ERA16 P 9 of 25) then appropriate action should be taken (e.g. repair the bund wall or reduce dredging)

Save the Reef would like to comment on the implementation of actions outlined in the UNESCO decision and in the mission report because in the absence of substantial progress, the possible inscription of the property on the List of the World Heritage in Danger will occur.

3. *Welcomes the initial positive results of the **Reef Plan** and associated measures to address major long-term impacts on the property from **poor water quality**, and requests the **State Party**, in collaboration with its partners, to maintain, and increase where necessary financial investment and sustain the positive trend beyond 2013;*

Save the reef notes that water quality is of central importance and that amending water quality rules that may be interpreted to adversely affect the property may contribute to an In-Danger listing. Save the Reef is concerned that changes to relax water quality monitoring in Gladstone harbour reflects poorly on Australia's commitment to this recommendation. Save the Reef recently presented to state parliament regarding the new Economic Development Bill that will allow miners to discharge mine waste (equal to half of Sydney Harbour) into the Fitzroy catchment that will eventually flow into the Great Barrier Reef. <http://www.centraltelegraph.com.au/news/advocates-voice-concerns-over-water-implications/1616178/> Save the Reef would ask GBRMPA whether it has also voiced their concern over this new state bill. It states to increase where necessary financial investment yet the Qld government has cut 220 positions from the Environment and Heritage Protection <http://www.couriermail.com.au/news/full-list-of-queensland-public-service-redundancies/story-e6freon6-1226471881372>

4. *Takes note of the findings of the joint **World Heritage Centre/IUCN** reactive monitoring mission to the property undertaken in March 2012, and also requests the **State Party** to address the mission recommendations in its future protection and management of the property;*

"reduced water quality from dredging, inadequate independent, scientific oversight in monitoring water quality, suggested lack of government response when water quality targets are exceeded, impact on traditional use, and lack of satisfaction regarding procedures for public consultation and transparency." As demonstrated in the letter above issues regarding water quality targets, procedures for public consultation and transparency, remain. A second duplicate channel for Gladstone harbour is submitted for environmental assessment and awarded significant project status. The public have now less time (4 weeks instead of 6 weeks) to comment. UNESCO had recommended time frames be extended. Less than a week was given to comment on the new Economic Development Bill

5. Notes with great concern the potentially significant impact on the property's **Outstanding Universal Value** resulting from the unprecedented scale of coastal development currently being proposed within and affecting the property, and further requests the **State Party** to not permit any new port development or associated infrastructure outside of the existing and long-established major port areas within or adjoining the property, and to ensure that development is not permitted if it would impact individually or cumulatively on the **Outstanding Universal Value** of the property;

Abbott Point is approved by Tony Burke despite the above recommendation.

<http://www.abc.net.au/news/2012-10-10/burke-approves-new-abbot-point-coal-terminal/4305114>

The coastal development laws in Qld are changed despite the warning by UNESCO above
<http://www.greatbarrierreef.org.au/newman-government-latest-diabolic-effort/>

A 10 year Great Barrier Reef Ports plan is released. "Conservationists say the Queensland Government's plans for port development fly in the face of UNESCO (United Nations Educational, Scientific and Cultural Organization) warnings about the health of the Great Barrier Reef."

<http://www.dsdip.qld.gov.au/resources/factsheet/great-barrier-reef-ports-strategy-faq.pdf>

<http://www.abc.net.au/pm/content/2012/s3623749.htm>

6. Requests furthermore the **State Party** to complete the **Strategic Assessment** and resulting long-term plan for the sustainable development of the property for consideration by the **World Heritage Committee** at its 39th session in 2015, and to ensure that the assessment and long-term plan are completed against a number of defined criteria for success, fully address direct, indirect and cumulative impacts on the reef and lead to concrete measures to ensure the overall conservation of the **Outstanding Universal Value** of the property;

The strategic assessment has already experienced delays

<http://www.news-mail.com.au/news/great-barrier-reef-assessment-still-long-way/1584665/>

7. Urges the **State Party** to establish the **Outstanding Universal Value** of the property as a clearly defined and central element within the protection and management system for the property, and to include an explicit assessment of **Outstanding Universal Value** within future Great Barrier Reef Outlook Reports;

The SEWPac - Compliance Report EPBC 2009/4904 Third Party Compliance Audit found

"While plans make reference to the Great Barrier Reef World Heritage Area and National Heritage Place (e.g. WQMP – Section 4 Key Environmentally Sensitive Locations, ASSMP – Site Characteristics) the values of the Great Barrier Reef World Heritage Area and National Heritage Place, and EPBC Act listed species and habitat likely to be impacted by the components of the action have not always been clearly described in all plans and reports." It also found "non-conformance" which was raised during the audit - namely

“No evidence was available to verify that the independent auditor had been approved and the audit criteria agreed to by SEWPaC prior to the audit being conducted;”

8. Recommends the **State Party**, in collaboration with its partners, to sustain and increase its efforts and available resources to conserve the property, and to develop and adopt clearly defined and scientifically justified targets for improving its state of conservation and enhancing its resilience, and ensure that plans, policies and development proposals affecting the property demonstrate a positive contribution to the achievement of those targets, and an overall net benefit to the protection of **Outstanding Universal Value**;

AIMS released a study that shows a 50% decline in reef coral in the last 27 years.

http://www.aims.gov.au/latest-news/-/asset_publisher/MIU7/content/2-october-2012-the-great-barrier-reef-has-lost-half-of-its-coral-in-the-last-27-years

Minister Tony Burke states on “Lateline” that despite this decline he doesn't think we will get the In-Danger listing. www.abc.net.au/lateline/content/2012/s3602458.htm There is no large funding increase to address this dire situation after this report is released from either federal or state authorities.

Minister Tony Burke later talks about selling seagrass meadows to the miners (e.g selling bits of the World Heritage Area). <http://www.theaustralian.com.au/national-affairs/seagrass-plan-would-hit-miners/story-fn59niix-1226476086791> “Mr Burke is understood to favour a plan under which a major seagrass area could be effectively “sold” to companies in exchange for development approvals”

The seagrass in Gladstone harbour does not reflect the conditions set leads to better outcomes. Indeed the seagrass in other areas such as Moreton bay recovers while Gladstone harbour inner harbour does not. www.greatbarrierreef.org.au/seagrass-spin-by-minister-tony-burke/

9. *Requests moreover the **State Party** to undertake an independent review of the management arrangements for **Gladstone Harbour**, that will result in the optimization of port development and operation in **Gladstone Harbour** and on **Curtis Island**, consistent with the highest internationally recognized standards for best practice commensurate with iconic **World Heritage** status;*

Save the Reef has been told Environment Minister Andrew Powell has stated this will not happen. The Federal Government has stated “work has commenced on a comprehensive strategic assessment of the Great Barrier Reef World Heritage Area and adjacent coastal zone, which will include the Queensland Government’s strategy for port development and managing the safety of vessel movements within port limits and compulsory port pilotage areas; identifying existing and planned urban and industrial areas; identify planned and potential state development areas and urban development areas. As part of this strategic assessment, an independent review of management arrangements for Gladstone Harbour is under consideration by the Australian and Queensland governments. This review will take account of earlier studies and examine the current activities to ensure that it is underpinned by the best available scientific information.”

Save the Reef is concerned this central recommendation has been ignored. The independent review should have begun, not still be under consideration. This review should address all the points below.

Excerpt from UNESCO report June 2012

R3: Commission an independent review of all environmental concerns of consented developments in Gladstone Harbour and on Curtis Island, and the implications of the consented developments in Gladstone Harbour and on Curtis Island for Traditional Owners and the local community dependent on the resources of the area. The review should be undertaken by internationally recognized and widely respected scientific experts and conducted in an independent and transparent manner. The review should:

- a) Consider all previous review findings and all information used as a basis for the current approvals for development in Gladstone Harbour and on Curtis Island;
- b) Address the current and future planning and management of the Port of Gladstone and development of Curtis Island;
- c) Lead to clear recommendations for the optimization of port development and operation, including supporting activities and infrastructure, and according to the highest internationally recognized standards for best practice;
- d) Provide lessons learned for the development and operation of other port areas within and adjacent to the property;
- e) Lead to the implementation of concrete action to address issues identified in the review, as soon as possible and before any other major port development is commenced.

*10. Finally requests the **State Party** to submit to the **World Heritage Centre**, by 1 February 2013, an updated report on the state of conservation of the property, including on the implementation of actions outlined above and in the mission report, for consideration by the World Heritage Committee at its 37th session in 2013, with a view to consider, in the absence of substantial progress, the possible inscription of the property on the List of the World Heritage in Danger.*

Save the Reef believes that the current response to these recommendations has been “shambolic” (Shambolic is how the Minister Tony Burkes described the Qld Government’s assessment of Abbott Point) Save the Reef believes many of the actions taken to date and listed above have been counterproductive and may contribute to an “In-Danger” listing.

Save the Reef would like GBRMPA to address our concerns with regards to progress against the UNESCO recommendations. Particularly what steps has GBRMPA taken in response to the amendments requested by the Ports, what steps has it taken in relation to some of the new laws, for example the Economic Development Bill and the new Coastal Management laws. It would like to ask what response GBRMPA has taken with regard to the 10 year Great Barrier Reef Port Strategy. Save the Reef would finally ask GBRMPA to assist us in ensuring the Gladstone Harbour enquiry is undertaken promptly.

Yours sincerely Save the Reef