



## Australian Government

### Department of the Environment and Heritage

Mr Brian Hearne  
General Manager  
McArthur River Mining Pty Ltd  
PO Box 36821  
WINNELLIE NT 0821

Dear Mr Hearne

#### **McArthur River Mine Expansion Proposal (Our Reference: EPBC 2003/954)**

I refer to the assessment report provided by the Northern Territory Minister for Environment and Heritage, the Hon Marion Scrymgour MP, for the above proposal, which was received by our Minister on 24 February 2006. As you are aware, the Environment Impact Statement (EIS) was prepared under the terms of the Bilateral Agreement between the Australian and northern Territory Governments for the purposes of the assessment under Part 8 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

I have considered the assessment report and the supporting documentation and note the conclusion that there is insufficient information in the EIS to enable an adequate assessment of the impacts on the freshwater sawfish (*Pristis microdon*). This information is necessary to enable the decision-maker to make an informed decision on the action under Part 9 of the EPBC Act. Therefore, pursuant to section 132 of that Act, I request the following information:

1. A revised description of the potential impacts associated with the realignment of the McArthur River and Barney Creek taking into account the conclusions of Professor Wayne Erskine that there were flaws in the modeling undertaken to date. This information is important as changes in the flow and character of the McArthur river system associated with the proposed diversion works, such as rapid shifts in the geometry and dimensions of the channel, or its complete destruction, as well as the potential impact of flood events on the tailings storage facility and the overburden emplacement facility leading to possible release of contaminants to the river system, are likely to impact on the vulnerable freshwater sawfish *Pristis microdon*.
2. An assessment of the potential impacts of the proposal on the freshwater sawfish, and details of how McArthur River Mining proposes to manage, monitor and mitigate potential impacts on this species. In making this request I note that the draft EIS did not include this information and that in Section 15 of the EIS Supplement McArthur River Mining makes a commitment to conduct a survey for the freshwater sawfish in the McArthur River during the early dry season of 2006, and again near the end of the dry season; and that based on the results of the survey – which it is proposed be undertaken by Dr. Dean Thorburn, of Murdoch University - a detailed management and monitoring plan for this species will be developed.

The statutory time to make the decision on whether or not to approve the action will restart once the information is received.

This information should be submitted to me by mail or fax to 02 6274 1602. Additional electronic copies of documents, for example on a CD, would be appreciated.

In reviewing the NT assessment documentation I also note that there was a substantial amount of community concern regarding the social and economic impacts of the proposed open cut mine. Under section 136 of the Act the decision-maker is required to consider social and economic matters in making an approval decision. I feel that there may, therefore, be benefit in discussing these matters further. These discussions can occur at the same time as you are revising the river modelling information on the freshwater sawfish and, at this point, I do not feel it is necessary to invoke section 132 of the Act regarding these matters.

Please contact Tim Kahn on (02) 6274 1933 if you require further information or assistance.

Thank you for your consideration of this matter.

Yours sincerely



Anne-Marie Delahunt  
Assistant Secretary  
Environment Assessment Branch

16 March 2006