



1 August 2011

Referral Business Entry Point, EIA Policy Section (EPBC Act)
Environment Assessment Branch
Department of Sustainability, Environment, Water, Population & Communities
GPO Box 787 Canberra ACT 2601

EPBC.Referrals@environment.gov.au

**Reference EPBC 2011/5905
Request for Reconsideration of Referral Decision by Xstrata Coal Qld.**

Dear Sir/Madam

CCC wishes to express an objection to Xstrata's proposal to change conditions 4 and 5 of the Referral Decision; i.e., that the measurement for impacts to dolphins and marine mammals be measured in decibels (dB), as opposed to the decision by the Department to be measured in kilohertz (kHz). CCC believes that both sound frequency (Hz or kHz) and sound levels or pressure (dB) are explicitly linked and that both of these measurements of sound should be included in conditions 4 and 5. Therefore CCC requests that conditions 4 and 5 include levels not to be exceeded for both decibels (dB) and frequency (kHz). Currently condition 4 is at 100 kHz which is within the hearing frequency of dolphins (1-150 kHz), and any transmission within this frequency and above the dB level will have an impact upon dolphins.

It is clear in the "Notes on the effect of Hydrographical SONAR on Marine Mammals", provided by Xstrata in their request to the Department for reconsideration, that their proposed change to a decibel *non-exceedance* limit of 227dB and 235dB for conditions 4 and 5 respectively, are clearly at levels that are above the threshold of 'disturbance' (160dB) and 'harassment' (182dB) for marine mammals. This is not acceptable as anything above 182dB may well cause trauma to tissues of the dolphins and will most definitely create behaviour changes due to harassment levels being exceeded.

CCC requests that the precautionary principle be applied and that the decibel maximum level for conditions 4 and 5 should not exceed 160dB. Furthermore, the appropriate sound frequency level of kHz that will not impact upon dolphins or other marine mammals should be applied and remain within conditions 4 and 5.

Of particular concern is the unknown impact the higher Hydrographical thresholds would have on in-shore dolphins. Referring to the DSEWP&C advice, *Hummock Hill Island – proposed refusal decision* (EPBC 2005/2502) it is noted that the regional population of Indo-Pacific Humpback Dolphin was small, fragmented and vulnerable to disturbance. Adding to this unknown risk, would be the possible disturbance to the even more vulnerable and less understood Snub-fin Dolphin population of the Fitzroy Delta.

Yours Sincerely

Michael McCabe
Coordinator

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Project Officer