

APPENDIX 1: REASONS FOR DECISION

1. Information considered in making the decision

All the information presented to the Department was considered in making the decision. The said information includes amongst others:

- 1.1 The provisions of Chapter 5 of the NEMA which relates to the Integrated Environmental Management and section 2 NEMA principles; the EIA Regulations, 2014 and other relevant NEMA regulations and guidelines.
- 1.2 Environmental Authorisation application submitted on 8 September 2022
- 1.3 The information contained in the final basic BAR/EMPr, compiled by an independent Environmental Assessment Practitioner (EAP) registered with the Environmental Assessment Practitioners Association of South Africa (EAPASA) John von Mayer from Environmental Impact Management Services (Pty) Ltd, submitted to the Department on 1 November 2022.
- 1.4 The information contained in the specialist reports received by the Department on 1 November 2022. The specialist reports are as follows:
 - Acoustic Technical Report [undertaken by Mr Luke Zoontjens of SLR Australia].
 - Marine Ecological Assessment [undertaken Dr Andrea Pulfrich of Pisces Environmental Services (Pty) Ltd].
 - Fisheries Impact Assessment [undertaken by Ms Sarah Wilkinson of CapMarine (Pty) Ltd].
 - Heritage Impact Assessment [undertaken by Mr Wouter Fourie of PGS (Pty) Ltd]; and
 - Social Impact Assessment [undertaken by Dr Ms Ilse Aucamp of Equispectives Research and Consulting Services (Pty) Ltd].
- 1.5 The results of the Public Participation Process submitted with the BAR, which highlighted issues, objections, concerns, and comments raised by various interested and affected parties (I&APs) and responses by the EAP.

2. Submission of the Basic Assessment Report and Environmental Management Programme

2.1 In terms of Regulation 19(1)(a) and (b), the applicant must, within ninety (90) days of receipt of the application by the competent authority, submit to the competent authority –

(a) a basic assessment report, inclusive of specialist reports, an EMPr and where applicable a closure plan, which have been subjected to a public participation process of at least thirty (30) days and which reflects the incorporation of comments received, including any comments of the competent authority: or

(b) a notification in writing that the basic assessment report, inclusive of specialist reports, an EMPr and where applicable, a closure plan, will be submitted within one hundred and forty (140) days of receipt of the application by the competent authority, as significant changes have been made or significant new information has been added to the basic assessment report or EMPr or, where applicable, a closure plan, which changes or information was not contained in the reports or plans consulted on during the initial public participation process contemplated in sub-regulation (1)(a) and that the revised reports or EMPr or, where applicable, a closure plan will be subjected to another public participation process of at least thirty (30) days.

2.2 An application for Environmental Authorisation was submitted on 8 September 2022 and acknowledged on 19 September 2022, informing the applicant to submit the BAR/EMPr on or before 8 December 2022. The final BAR/EMPr was submitted to the Department on 1 November 2022.

3. Key Findings

Careful consideration of information submitted to the Department has thus resulted in the following conclusions:

3.1 All fundamental and procedural requirements prescribed in the applicable legislation have been satisfied.

3.2 3D seismic survey is a widely used technology to explore for oil and gas resources worldwide. The said technology is currently used in South Africa and is generally regarded as non-intrusive in nature. The technology poses potential impacts on fisheries and marine fauna; however, the majority of the impacts were assessed to range from low to very low significance with mitigation.

- 3.3 The identification and assessment of potential impacts of the activity, including cumulative impacts, was adequately undertaken, and the proposed mitigation and management measures are aligned with potential impacts. Furthermore, the implementation of mitigation measures in all phases of the proposed 3D seismic activities will ensure that the planned activities will not result in any detrimental impact on the environment.
- 3.4 The motivation for the need and desirability of the proposed development is in line with the requirements of the EIA Regulations, 2014 and it addressed key issues raised in the Needs and Desirability Guideline.
- 3.5 Project Alternatives: The location, layout, technology, and no-go alternatives were identified. However due to the nature of proposed activities no in-depth assessments were carried out particularly on the location and technology as the targeted area has to be assessed to identify areas with potential oil and gas; and 3D seismic survey is considered as a suitable technology to achieve the intended objective.
- 3.6 Since the potential impacts will be limited to the operational phases, it is not anticipated that there will be any need for closure or rehabilitation once the 3D surveys have been concluded.
- 3.7 The Public Participation Process (PPP) complied with Chapter 6 of the EIA Regulations. The PPP included, *inter-alia*, the following:
- a) Consultation with Organs of States and key stakeholders from various sectors including oil and gas, fisheries, and Non-Governmental Organisations.
 - b) Consultation through registered letters, faxes, and emails.
 - c) Site notices in English, Afrikaans and IsiXhosa were placed at 100 onshore locations adjacent to the application area during the week of 11- 15 July 2022.
 - d) Newspaper advertisements and Government Gazette:
 - Initial advertisements announcing the project were placed in Cape Times (English and IsiXhosa), Sentinel News (English and Afrikaans), Weslander (English and Afrikaans), Ons Kontrei (English and Afrikaans), and Die Plattelander (English and Afrikaans) published between 6 and 8 July 2022.
 - Government Gazette Notice No.158 published on 19 August 2022.

- Second round of advertisements announcing public meetings were placed in the same newspapers between 13 and 15 July 2022.
- e) Poster placement in English, Afrikaans and IsiXhosa were placed at local public gathering places at various onshore locations.
- f) Radio adverts were aired on KFM, Radio Namakwaland and Radio NFM in IsiXhosa, Afrikaans and English respectively.
- g) A series of first round public meetings were held between 25 and 30 July 2022, and second round public meetings between 19 and 27 September 2022.
- h) Comments and issues raised by Interested and Affected Parties were adequately addressed in the EIAR/EMPr.

4. Conclusion

In view of the above and having taken into consideration environmental management principles as set out in section 2 of NEMA, this Department is satisfied that the proposed activities will not be in conflict with the objectives of the Integrated Environmental Management set out in Chapter 5 of the National Environmental Management Act, 1998 and will not result in any detrimental risks to the environment and public. The authorisation is accordingly **granted**.



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MR JACOB MBELE

DIRECTOR-GENERAL

DATE OF THE EA: 20/12/2022