

## APPENDIX 1: REASONS FOR DECISION

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### 1. Information Considered in Making the Decision

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

- 1.1 The provisions of Chapter 5 of the National Environmental Management Act, 1998 (Act 107 of 1998), as amended (NEMA) which relates to the integrated environmental management and section 2 of the NEMA principles; the Environmental Impact Assessment Regulations, 2014, as amended (EIA Regulations) and other relevant NEMA regulations and guidelines.
- 1.2 The environmental authorisation (hereinafter referred to as the "authorisation") application dated 28 May 2024.
- 1.3 The information contained in the final basic assessment report (BAR) and environmental management programme (EMPr), compiled by an independent Environmental Assessment Practitioner (EAP) from Environmental Impact Management Services (Pty) Ltd, submitted to the Department on 08 August 2024.
- 1.4 The information contained in the following specialist reports submitted with the BAR on 08 May 2024:
  - 1.4.1 Marine Ecological Assessment prepared by Pisces Environmental Services (Pty) Ltd.
  - 1.4.2 Fisheries Impact Assessment prepared by Capricorn Marine Environmental (Pty) Ltd.
  - 1.4.3 Heritage Assessment prepared by PGS Heritage (Pty) Ltd.
  - 1.4.4 Social Impact Assessment prepared by Equispectives Research & Consulting Services.
  - 1.4.5 Acoustic Technical Report prepared by SLR Australia.
- 1.5 The results of the public participation process (PPP) submitted with the BAR, which highlighted issues, concerns, and comments raised by various interested and affected parties (I&APs) and responses by the EAP.

## **2. Submission and Consideration of the Basic Assessment Report and Supporting Documents**

2.1 In terms of regulation 19(1)(a) and (b) of the EIA Regulations, 2014, 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 was subjected to a PPP 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 the specialist reports, and 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 were made or significant new information was added to the basic assessment report or EMPr or, where applicable, a closure plan, which changes or information was not contained in the report or plans consulted on during the initial public participation process contemplated in sub-regulation (1)(a) of the EIA Regulations 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 The BAR and supporting documents, subjected to a PPP of thirty (30) days, were submitted to the Department within the regulated timeframe.

## **3. Key Findings**

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

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

3.2 The proposed 3D seismic survey is a widely used oil and gas exploration technology 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 potential 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 survey activities will ensure that the planned activities will not result in any detrimental impacts on the environment.
- 3.4 The motivation for the need and desirability of the proposed 3D seismic survey activity is in line with the requirements of the EIA Regulations and it addressed key issues in the Need and Desirability Guideline (2017), published by the then Department of Environmental Affairs. The need and desirability of the proposed activity is motivated by its potential to provide information regarding the presence of viable gas and/or oil resources and alternative energy supply options.
- 3.5 Policy and legislative framework relevant to the proposed project was assessed. This amongst others include NEMA, MPRDA, NEMPAA, Integrated and Coastal Management Act, 2008 (ICMA), marine pollution related legislation, energy and climate change policies. The requirements of the aforementioned including section 63 of the ICMA are adequately addressed in the BAR.
- 3.6 Project Alternatives: The location, layout, technology, and no-go alternatives were identified and briefly assessed. However, due to the nature of proposed exploration operations, no in-depth assessments were carried out. The preferred location was selected based on its high likelihood of containing significant hydrocarbon reserves and because it is located outside fisheries ring fenced areas. No layout alternative was considered, because there are no proclaimed or no-go environmentally sensitive areas overlapping with the proposed seismic survey area. The preferred 3D seismic survey is considered a suitable technology to achieve the intended objective of the proposed project. In addition, seismic survey technology is currently the only commercially available technology to achieve the desired objectives of the project. The no-go alternative was not preferred due to the positive impacts that might be derived from undertaking the planned project.
- 3.7 The PPP complied with Chapter 6 of the EIA Regulations, and related guidelines. The PPP included the following:
- (a) Identification of I&APs inclusive of authorities, fisheries, and non-governmental organisations.
  - (b) Notifications in English, Afrikaans and isiXhosa were distributed to pre-identified I&APs through registered mails, fax and emails.
  - (c) Newspaper advertisements were published in five newspapers i.e., Cape Times (English and IsiXhosa), Sentinel News (English and Afrikaans), Weslander (English and

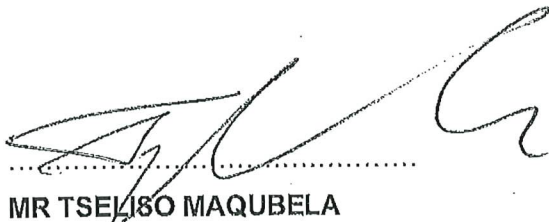


Afrikaans), Ons Kontrei and Die Platterlander (English and Afrikaans) on 18 and 19 April 2024 and on 20, 21, 27 and 28 June 2024.

- (d) The proposed project was advertised in the national government gazette on 26 April 2024 and 21 June 2024.
- (e) Site notices written in English, Afrikaans and isiXhosa were placed at 100 onshore locations along the west coast stretching from Hout Bay to Port Nolloth from 22 to 26 April 2024.
- (f) Radio advertisements were published in four radio stations i.e., KFM (English), Radio NFM (English and Afrikaans, and isiXhosa), Radio West Coast (English and isiXhosa) and Radio Namaqualand (English and Afrikaans) between 15 to 19 April 2024.
- (g) Public meetings were held in Port Nolloth, Springbok, Doring Bay, Elands Bay, St Helena Bay, Langebaan, Yzerfontein, Hout Bay and Mitchell's Plain between 24 June and 05 July 2024. A report summary and a comment form both written in English, Afrikaans and isiXhosa were made available at meeting venues. A virtual meeting was held on 10 July 2024.
- (h) Hard copies of the draft BAR were placed at Hout Bay, Sea Point, Vredenburg, Lamberts Bay and A.J Bekeur libraries and at Kamiesburg Local Municipality on 21 June 2024.
- (i) Comments and issues raised by I&APs were adequately addressed in the BAR.

#### 4. Conclusion

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



MR TSELISO MAQUBELA

ACTING DIRECTOR-GENERAL

DATE OF THE EA: 21/10/2024