

Annex C5.3

Ezemvelo Acknowledgement

Lindsey Bungartz

From: Ashantia Nerissa Pillay <Nerissa.Pillay@kznwildlife.com>
Sent: 26 September 2018 10:01 AM
To: ERM South Africa Project ENI Offshore Exploration; Lindsey Bungartz
Subject: RE: EIA for Exploration Drilling within Offshore Block ER236, KZN, South Africa: Commencement of EIA Process and Release of Draft EIA Report for Public Comment

Good Morning Lindsey,

This email serves to inform you that the DEIA for the abovementioned application was received by our offices on the 25 September 2018. Please feel free to contact this office should you have any queries regarding the application.

Best_Regards

A. Nerissa Pillay
Scientific Technician
Conservation Planning: IEM
Ezemvelo KZN Wildlife
1 Peter Brown Drive
P.O. BOX 13053
Cascades
3200
Telephone: (033) 845 1917
Fax: (033) 845 1499
email: nerissa.pillay@kznwildlife.com



From: ERM South Africa Project ENI Offshore Exploration [mailto:eni.exploration.eia@erm.com]
Sent: Tuesday, September 25, 2018 2:51 PM
Subject: EIA for Exploration Drilling within Offshore Block ER236, KZN, South Africa: Commencement of EIA Process and Release of Draft EIA Report for Public Comment

ERM Ref: 0414229
Exploration Right Number: 12/3/236

RE: EIA for Exploration Drilling within Offshore Block ER236, KZN, South Africa: Commencement of EIA Process and Release of Draft EIA Report for Public Comment

Dear Stakeholder,

Eni South Africa BV (Eni), and Sasol Africa Limited (Sasol) hold an Exploration Right 12/3/236 (ER 236) off the East Coast of South Africa. Eni has the operatorship of Block ER236. Eni and Sasol are considering the possibility of conducting an exploration drilling programme in Block ER 236 to assess the commercial viability of the hydrocarbon reservoir for future development. The project requires Environmental Authorisation (EA) from the National Department of Mineral Resources (DMR) under the National Environmental Management Act (NEMA) (Act No. 107 of 1998), as amended, through an Environmental Impact Assessment (EIA) process.

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Notice is hereby given that the Draft EIA Report is available to the public for comment. The 30 day comment period is effective from **26 September 2018 to 25 October 2018**. The Report is available on the Project website: www.erm.com/eni-exploration-eia, on request from ERM, and at the following public locations:

- Durban Central Lending Public Library
- Richards Bay Library
- Port Shepstone Library
- East London Central Library
- Nelson Mandela Bay Municipality – Linton Grange Library
- ERM offices, Suite S005, 17 The Boulevard, Westway Office Park, Westville

Stakeholders are invited to submit comments on the Draft EIA Report to ERM:

Email: eni.offshore.eia@erm.com | **Tel:** 021 681 5400 or 011 798 4300 | **Project Website:** www.erm.com/eni-exploration-eia | **Post:** Postnet Suite 90, Private Bag X12, Tokai, 7966

Your comments will be incorporated into a comments and responses report which will be included in the Final EIA Report to be submitted to PASA for consideration. Please ensure that your comments reach ERM on or before 25 October 2018.

Stakeholders are invited to attend one of the below listed open house meetings where the findings of the draft EIA will be communicated. The meeting will follow an open house format and the participants will have the opportunity to interact with ERM and the Project team, ask questions and provide comment.

A local translator (isiXhosa in the Eastern Cape and isiZulu in Kwa-Zulu Natal) will be present at the open house meetings. Details of the public meetings are as follows:

Day and Date	Location	Venue	Time
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Please contact ERM should you have any questions.

Thank you for your participation in this process.

Yours sincerely

ERM



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Annex C5.4

Response from KZN DAFF



agriculture, forestry & fisheries

Department:
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

T 0333927732

DAFF

Ms. Seokwang Modise

F 0862604377

Forestry Regulation & Support

26 October 2018

SeokwangM@nda.agric.za

P/Bag X9029

Pietermaritzburg

3201

Environmental Resources Management

Postnet Suite 90

Private Bag X12

Tokai

7966

Attention: Ms. Lindsey Bungartz,

COMMENTS: DRAFT ENVIRONMENTAL IMPACT ASSESSMENT REPORT: BOOK 1& 2 –
EXPLORATION DRILLING WITHIN OFFSHORE BLOCK R236.

EXTENT: RICHARDS' BAY & PORT SHEPSTONE, KWAZULU NATAL.

EXPLORATION RIGHT NUMBER: 12/3/236

Due to the location and nature of this project - exploration drilling within offshore; the Department of Agriculture, Forestry and Fisheries (DAFF) – Forestry Branch will not be able to provide comments as the main focus is only on the natural forest or protected trees under the National Forests Act (Act No. 84 of 1998). However, the documents have been forwarded to the relevant Branch – Fisheries Management for thorough review and commenting. Contact office numbers for **Durban 0313688500** or **Port Edward 0393111003/230/240**.

Yours faithfully

S. Modise

Forestry Regulations & Support – KZN

Annex C5.5

Communication with SAHRA

Amishka Mothilal

From: Briege Williams <bwilliams@sahra.org.za>
Sent: Thursday, 27 September 2018 07:39
To: ERM South Africa Project ENI Offshore Exploration
Subject: RE: EIA for Exploration Drilling within Offshore Block ER236, KZN, South Africa: Commencement of EIA Process and Invitation to Open House Meetings

Hi Reinett

Thanks for uploading the EIA, I will review it next week.

Cheers

Briege

From: Reinett Mogotshi <Reinett.Mogotshi@erm.com> **On Behalf Of** ERM South Africa Project ENI Offshore Exploration
Sent: 26 September 2018 04:09 PM
To: Lindsey Bungartz <Lindsey.Bungartz@erm.com>; Briege Williams <bwilliams@sahra.org.za>
Cc: ERM South Africa Project ENI Offshore Exploration <eni.exploration.eia@erm.com>
Subject: RE: EIA for Exploration Drilling within Offshore Block ER236, KZN, South Africa: Commencement of EIA Process and Invitation to Open House Meetings

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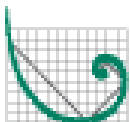
Please note that the Draft EIA Report has been uploaded on to the SAHRIS Portal.

Many thanks,

Reinett Mogotshi (*On behalf of Lindsey Bungartz*)
Consultant II

ERM

1st Floor | Great Westerford | 240 Main Road | Rondebosch | 7700 | Cape Town | South Africa
T 021 681 5432 | **M** 073 511 6696
E reinett.mogotshi@erm.com | **W** www.erm.com



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From: Lindsey Bungartz
Sent: Wednesday, September 19, 2018 10:56 AM
To: 'bwilliams@sahra.org.za' <bwilliams@sahra.org.za>
Cc: ERM South Africa Project ENI Offshore Exploration <eni.exploration.eia@erm.com>
Subject: RE: EIA for Exploration Drilling within Offshore Block ER236, KZN, South Africa: Commencement of EIA Process and Invitation to Open House Meetings

Hi Briega

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Lindsey

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To: Lindsey Bungartz <Lindsey.Bungartz@erm.com>
Subject: FW: EIA for Exploration Drilling within Offshore Block ER236, KZN, South Africa: Commencement of EIA Process and Invitation to Open House Meetings

From: Briega Williams <bwilliams@sahra.org.za>
Sent: Monday, September 17, 2018 12:03 PM
To: ERM South Africa Project ENI Offshore Exploration <eni.exploration.eia@erm.com>
Subject: RE: EIA for Exploration Drilling within Offshore Block ER236, KZN, South Africa: Commencement of EIA Process and Invitation to Open House Meetings

Dear ERM

Thank you for the notification regarding the current status of the above project. Can I please request that once the draft EIA has been finalised that it is uploaded onto SAHRIS under the current case ID 11842 so that SAHRA is able to issue a comment. I will upload this notification letter onto SAHRIS for our records.

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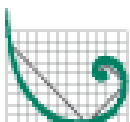
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Yours sincerely

ERM

Suite S005 | 17 The Boulevard | Westway Office Park | Westville | 3635 | Durban | South Africa
T +27 31 265 0033 | F +27 31 265 0150



Briege Williams

Heritage Officer: Maritime and Underwater Cultural Heritage Unit

South African Heritage Resources Agency

- *A nation united through heritage* -

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www.sahra.org.za



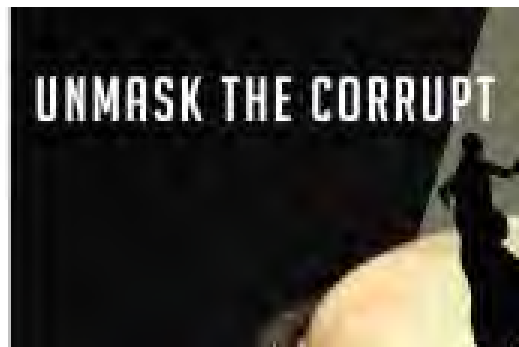
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REPORT FRAUD & CORRUPTION: 0800 701 701



UNMASK THE CORRUPT



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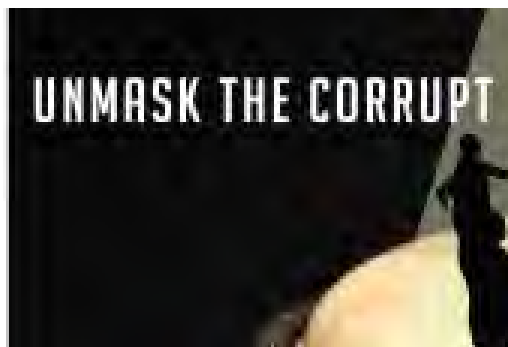
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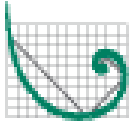
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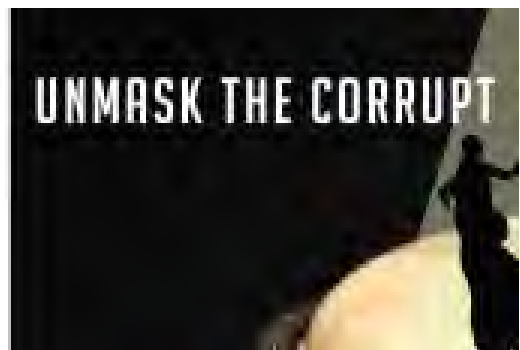
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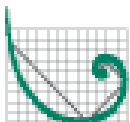
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Wednesday 10 October 2018 Port Shepstone	Port Shepstone Open House isiZulu translator to be present	Venture Inn, 366 Commercial Rd, Umtentweni, Port Shepstone	15:00 – 18:00

Please contact ERM should you have any questions:

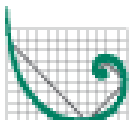
Email: eni.offshore.eia@erm.com | **Tel:** 021 681 5400 or 011 798 4300 | **Project Website:** www.erm.com/eni-exploration-eia | **Post:** Postnet Suite 90, Private Bag X12, Tokai, 7966

Thank you for your participation in this process.

Yours sincerely

ERM

Suite S005 | 17 The Boulevard | Westway Office Park | Westville | 3635 | Durban | South Africa
T +27 31 265 0033 | F +27 31 265 0150



Briege Williams

Heritage Officer: Maritime and Underwater Cultural Heritage Unit

South African Heritage Resources Agency

- *A nation united through heritage* -

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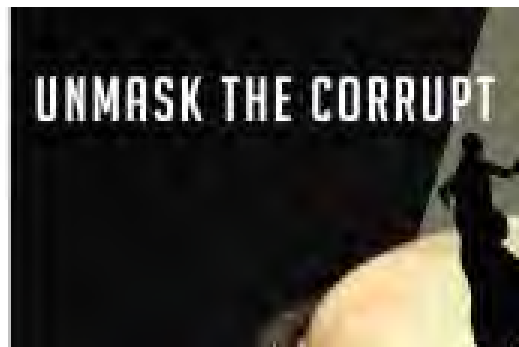
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UNMASK THE CORRUPT



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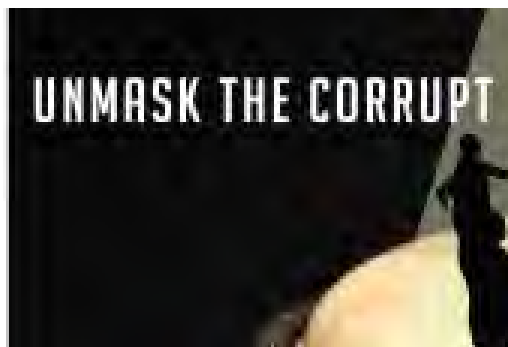
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Annex C6

Comments Received from Commenting Authorities

All Comments received from Commenting Authorities have been captured in the comments and responses report and responded to accordingly. All original copies of the comments have been scanned and saved in Annex C6.

6.1. Comments received from South African Heritage Resources Association (SAHRA).

Comments received from SAHRA were captured and responded to in Annex B8 Comments and Responses Report

6.2. Comments received from Ezemvelo KZN Wildlife

Comments received from Ezemvelo KZN Wildlife were captured and responded to in Annex B8 Comments and Responses Report

Annex C6.1

Comments Received from SAHRA

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P.O. Box 4637 | Cape Town | 8001
www.sahra.org.za

Enquiries: Briege Williams
Tel: 021 462 4502
Email: bwilliams@sahra.org.za
CaseID: 11842

Date: Thursday October 11, 2018
Page No: 1

Final Comment

In terms of Section 38 of the National Heritage Resources Act (Act 25 of 1999)

Attention: Ms Alessandro Gelmetti
Eni South Africa BV
1st Floor, Icon Building c/o Cube WS Cnr Lower Long St. & Hans Strijdom Rd. Foreshore, 8001,
Cape Town, South Africa

Eni South Africa BV (Eni), and Sasol Africa Limited (Sasol) hold an Exploration Right 12/3/236 (ER 236) off the East Coast of South Africa. Eni and Sasol are considering the possibility of conducting an exploration drilling programme in Block ER 236 to assess the commercial viability of the hydrocarbon reservoir for future development.

The South African Heritage Resources Agency would like to thank you for submitting the "Draft Environmental Impact Assessment Report for Exploration Drilling within Block ER236, off the East Coast of South Africa".

SAHRA previously issued an interim comment in February 2018 in response to the Draft Scoping Report. The DSR made no reference to maritime and underwater cultural heritage therefore SAHRA requested that a Heritage Impact Assessment (HIA) is done as per section 38(3) and 38(8) of the National Heritage Resources Act, Act 25 of 1999 (NHRA). The HIA had to include a maritime archaeology component and any other applicable heritage components.

SAHRA is pleased to note that an HIA has been included as part of the EIA and that it has addressed concerns raised regarding the potential impact on any underwater cultural heritage.

SAHRA has reviewed the recommendations and mitigation measures set out in the HIA. These measures include the recommendation that any remote sensing data collected of the seabed prior to any drilling is provided to an archaeologist for review. Should any material be located prior to the work commencing then an exclusion zone should be set up around the archaeological feature to avoid any disturbance, SAHRA must be informed if any material is identified during data collection. If any archaeological material is identified or disturbed during the drilling process then work should cease until the project archaeologist and SAHRA has been informed and appropriate advice has been provided regarding how to proceed. These mitigation measures must be adhered to especially in the event that any cultural heritage should come to light.

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Email: bwilliams@sahra.org.za

Date: Thursday October 11, 2018
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We would like to reiterate that should any shipwrecks be identified as part of this project then SAHRA should be notified to enable us to add the information to our database. Any new discoveries or updated data is a valuable resource in adding to our knowledge of South Africa's maritime history.

Should you have any further queries, please contact the designated official using the case number quoted above in the case header.

Yours faithfully

Briege Williams
Heritage Officer
South African Heritage Resources Agency

Lesa la Grange
Acting Manager: Maritime and Underwater Cultural Heritage
South African Heritage Resources Agency

ADMIN:

Direct URL to case: <http://www.sahra.org.za/node/409359>
(, Ref:)

Terms & Conditions:

Our Ref:



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1. This approval does not exonerate the applicant from obtaining local authority approval or any other necessary approval for proposed work.
2. If any heritage resources, including graves or human remains, are encountered they must be reported to SAHRA immediately.
3. SAHRA reserves the right to request additional information as required.

Annex C6.2

Comments Received from Ezemvelo KZN Wildlife



Planning Division: IEM Section

Enquiries: Jenny Longmore (Jenny.Longmore@kznwildlife.com)
Tamsyn Livingstone (Tamsyn.Livingstone@kznwildlife.com)

ERM Ref: 0414229

Exploration Right Number: 12/3/236

ERM Southern Africa (Pty) Ltd
Postnet Suite 90
Private Bag X12
Tokai
7966
South Africa.
Email: eni.exploration.eia@erm.com

08 November 2018

ATTENTION: MS LINDSEY BUNGARTZ

Dear Ms Bungartz,

COMMENT ON THE DRAFT ENVIRONMENTAL IMPACT ASSESSMENT REPORT FOR EXPLORATION DRILLING WITHIN OFFSHORE BLOCK ER236, KZN, SOUTH AFRICA

Thank you for providing Ezemvelo KZN Wildlife¹ (Ezemvelo) with a copy of the Draft Environmental Impact Assessment Report (DEIAR) for review and comment. Ezemvelo would like to thank both Environmental Resources Management (ERM) and Eni South Africa BV (Eni) for meeting with Ezemvelo on 10 October 2018 to discuss and clarify some of the issues and concerns Ezemvelo has with respect to this application. This clarification, was unfortunately not sufficient for Ezemvelo to revise its overriding concern that the proposed exploration drilling poses a serious and credible threat to marine biodiversity.

It is the professional opinion of Ezemvelo's marine specialists, as well as a number of external specialists who were requested to provide a second opinion, that the assessment of the potential impacts of the proposed

¹ In terms of the KZN Nature Conservation Management Act 9 of 1997, Ezemvelo is charged to direct the management of the natural environment (including biodiversity) inside and outside protected areas, in partnership with other organs of state, private and communal landowners and civil society. Ezemvelo is the Organ of State in the Province charged with the duty to fulfil the legal provisions and requirements provided for in the National Environmental Management: Protected Areas Act, National Environmental Management: Biodiversity Act (Act 10 of 2004), the Natal Nature Conservation Ordinance 15 of 1974 and the KwaZulu Nature Conservation Act, 1992, which includes *inter alia* decisions regarding the issuing or not of permits for the destruction or removal (translocation) of protected and specially protected indigenous animals and plants, and threatened and/or protected species.

activity is founded on unsupported inferences and limited information and knowledge of the bio-physical characteristics of the exploration area together with the physical oceanography of this deep ocean ecosystem. Furthermore, it was discovered that the DEIAR contains, and hence its conclusions are reliant on, outdated and incorrect information. Examples of these observations are discussed in brief in **Appendix A**. Throughout the DEIAR, the seriousness of impacts and risks that offshore exploration drilling poses to the KwaZulu-Natal marine and coastal environment are under-rated. A number of these shortfalls, which serve as an example and hence may not be a complete list, of the DEIAR have been highlighted below in **Appendix A**.

As stated in the meeting of 10 October 2018, Ezemvelo stands firm on the requirement that applications, particularly those that involve activities that may pose a significant risk to biodiversity, must be complete and be of sufficient detail for an informed decision to be made. Here the Applicant is not only referred back to the provisions of Chapter 5 of National Environmental Management Act 107 of 1998, but also is referred to the findings of Justice Murphy in *Earthlife Africa Johannesburg v Minister of Environmental Affairs* [2017] 2 All SA 519 (GP).

This application, as it stands, does not allow for informed and defensible decision making.

RECOMMENDATION

Given the above, it is Ezemvelo's sincere recommendation that this DEIAR be substantially revised for re-evaluation by Ezemvelo and prior to its submission to the Petroleum Agency of South Africa (PASA) and the Department of Mineral Resources (DMR).

Please do not hesitate to contact us should you require further information or guidance in terms of the required additional studies. Ezemvelo requests the opportunity to review and comment on the Terms of Reference for the additional studies / specialist investigations.

That Eni undertook at the meeting of 10 October 2018 to collaborate with Ezemvelo with respect to baseline surveys was welcomed. Ezemvelo would like to work closely with both ERM and Eni going forward and will naturally share and or direct ERM to information that could be used to fill the various information gaps.

Yours sincerely,



Dr Jennifer Olbers
Marine Ecologist

For CEO: EZEMVELO KZN WILDLIFE
DATE: 08 November 2018

APPENDIX A

SOME KEY SHORT FALLS OF THE DRAFT ENVIRONMENTAL IMPACT ASSESSMENT REPORT

Below, in brief, are some examples of the key shortfalls of the DEIAR, as noted by Ezemvelo.

1. No *in situ* Baseline investigation has been undertaken as part of the DEIAR

There is currently no information / knowledge of the deep offshore marine environment and therefore what exploration drilling could potentially impact upon in terms of biodiversity within block ER236.

It is understood that Eni has access to an innovative robotic system making possible the execution of asset integrity and environmental monitoring tasks around oil & gas installations by means of a commercial Autonomous Underwater Vehicle (AUV) as part of their CLEAN SEA (Continuous Long-term Environmental and Asset iNtegrity monitoring at SEA) project.

Eni have advised that they are required to wait for environmental approval before planning activities commence and hence before this AUV technology will be used to optimize pre-drilling survey acquisition to gain useful environmental data around the anticipated well location. While it is expected that the use of this technology is expensive, which is likely the reason for Eni wanting to secure exploration rights before undertaking a deep shore survey, this is contrary to the intention and purpose of the EIA process. Baselines studies are required as part of the EIA and to allow for informed and defensible decision making.

It is noted that in a paper² presented at the 11th Offshore Mediterranean Conference and Exhibition held in Italy in 2013, kindly made available to Ezemvelo by Eni, that reference missions addressed by the *Clean Sea* project include: Environmental monitoring tasks, during all phases of the field development: prior to any activity taking place (environmental baseline monitoring). While Ezemvelo is very interested in pursuing a collaborative research project with Eni, it is imperative that environmental baseline monitoring results inform the EIA and thereby allow for informed decision making. Naturally the data acquired during baseline monitoring could also be used to inform pre-drilling survey acquisition, provided that no fatal flaws are identified that would prevent the application from being granted environmental approval.

2. Risk of oil spillage not adequately evaluated and reported on in the DEIAR

It is acknowledged that Eni is a world leader in subsea drilling and have safely drilled across 20 different offshore environments, which allegedly present their own unique challenges. Notwithstanding this acknowledgement, it is deemed improper to use the previous track record and *bona fides* of Eni (the applicant who naturally has a vested interest in exploration drilling rights being granted) as a means to instil confidence and satisfy concerns pertaining to risk of oil spillage. While a good track record is naturally important, detailed, factual information pertaining to the likely risks of oil spillage occurring as a result of

² F. Gasparoni, M. Favaretto, T. Grasso, N. Hv. Bergseth, E. Bjornbom, P. Broccia and M. Buffagni: *Towards automatic, continuous and long-term asset integrity and environmental monitoring in offshore scenarios: Clean Sea Project.*

exploration drilling within Block ER236 needs to be presented and preferably peer reviewed by an independent, suitably qualified and experienced specialist.

Eni have never worked in the Agulhas Current before, which is regarded as the strongest western boundary current in the world. The current is intense and is characterized by strong velocity currents.

3. The Oil Spill modelling undertaken as part of the DEIAR has serious limitations

An independent review³ of the oil spill modelling report was undertaken by a KwaZulu-Natal based specialist with knowledge of the oceanographic and meteorological conditions off the KwaZulu-Natal coast. In the specialist review report, a number of issues were highlighted which are of serious concern given the dynamics of the Agulhas current. These include: i) the model does not use local content or variability to verify the outputs of the modelling thus the scientific interpretation of the outputs are flawed; ii) there is reference to hydrocarbons naturally degrading and evaporating over time, but 'time' is undefined, making the scale of effect potentially catastrophic or minuscule; iii) there is no reference or consideration of the surface-wind response of any spills, and it is known that oil moves at 2-3% of the wind speed⁴; iv) there is no mention of the Natal Pulse, which is pertinent oceanographic feature, in which its presence can be further exacerbated by the onshore winds, causing very dynamic conditions and scenarios; v) retention of hydrocarbons within the KZN Bight and the potential impacts to the uThukela Marine Protected Area have not been considered; vi) if hydrocarbons are entrained into the Port St Johns Eddy, this gives a high probability of oil reaching the coastline in the Eastern Cape. The oil spill modelling report does not sufficiently take the mesoscale cyclonic circulations into account.

4. Risks to marine species in the event of an oil spillage not properly assessed

The Impact Assessment Section in the Marine Specialist Report rates the risks to be *Negligible* to *Minor* in most cases but ignores any cumulative ecosystem effects, including potential disruption of food webs, life histories or behaviours. The cascading effect of having multiple species within an area disturbed or impacted upon, can have accumulated consequences to multiple ecosystems and species, which are ignored.

The exclusion of zooplankton from the Marine Specialist Report and the Oil Spill dispersion modelling report (on the basis that in comparison to other areas within the South African EEZ, zooplankton concentrations in Block ER236 is relatively low), is a serious and significant omission, rendering the assessment rating on marine species incomplete / flawed. Despite zooplankton concentrations being known to be relatively low in the study area, zooplankton remains the greatest faunal group to be impacted upon in terms of biomass. Impact on zooplankton will have a cascading impact on the entire marine system.

³ Guastella, L. 2018. Review of Oil Spill modelling for ENI Proposed Exploration Drilling in Block ER236. Specialist report on the Environmental Impact Assessment for Proposed Exploration Drilling in Block ER 236, offshore of Kwa-Zulu Natal Coast of South Africa – Oil Spill Modelling Report, (Annexure D4). 9pp.

⁴ Department of Environmental Affairs, 2011: Coastal oil spill contingency plan: No. 20: Durban Zone: January 2011.

5. Inaccurate conservation status of species recorded

The tables within the Marine Specialist report which list the protection status of various species has many inaccuracies. It is recommended these are updated to give a better reflection of the severity of the threats on marine species. In addition, some groups, have generic paragraphs highlighting that they are protected under the Marine Living Resources Act, however this is no longer the Act under which marine protected species are being protected. In 2017, the Marine Threatened or Protected Species regulations were gazetted under National Environmental Management: Biodiversity Act, and the species listed. It is requested that the protection status of each of these are highlighted in the report, and best placed in the table with the IUCN listings. We suggest three columns: i) Global IUCN status, ii) Regional IUCN status and iii) National Protection status.

6. Postulated Recovery Rates lack scientific rigour

The DEIAR highlights that recovery is likely to be rapid in some cases. These statements are, however, made with reference to studies of oil platforms within cooler waters such as the North Sea and Alaska. The subtropical and warm-temperate waters of KwaZulu-Natal are starkly different in terms of recolonization abilities, and it is likely that this would also be the case in Kwa-Zulu Natal's deep water environments.

The literature acknowledges that biological systems in deep-water operate at a notably slower pace than in shallow waters⁵. Many deep-sea species typically have low metabolic rates, slow growth rates, late maturity, low levels of recruitment, and long life spans⁶. In addition, many deep-sea habitats harbour diverse faunal assemblages that are composed of a relatively large proportion and number of rare species but at low abundances⁷. In most deep-sea ecosystems, recovery can be very slow^{8,9}, making deep-sea species and assemblages particularly sensitive to anthropogenic impacts, with low resilience to disturbances from human activities^{10,11,12}. The assumption that impacts will persist over the short term seems unjustified and considering we have no real knowledge of the fauna and flora at that depth or their actual distribution, the majority of these ratings are highly speculative.

With reference to "reversibility", the following statement is questioned: *"Dissolved aromatic concentrations may, however, persist in the top few meters of the water column beneath the slick for a number of days, potentially resulting in acute toxicological effects in marine fauna coming in contact with the slick for extended periods. Should they occur, impacts would be partially (seabirds) or fully reversible (benthic*

⁵ Smith, C.R.(1994). Tempo and mode in deep-sea benthic ecology: punctuated equilibrium revisited. *Palaios* 9, 3–13.

⁶ McClain, C.R., and Schlacher, T.A.(2015). On some hypotheses of diversity of animal life at great depths on the seafloor. *Mar. Ecol.* 36,849–872.doi: 10.1111/maec.12288.

⁷ Glover, A.G., Smith, C.R., Paterson, G.L.J., Wilson, G.D.F., Hawkins, L., and Shearer, M.(2002). Polychaete species diversity in the central Pacific abyss: local and regional patterns, and relationships with productivity. *Mar. Ecol. Prog. Ser.* 240, 157–170. doi:10.3354/meps240157

⁸ Williams, A., Schlacher, T. A., Rowden, A. A., Althaus, F., Clark, M. R., Kloser, D. A., et al. (2010). Seamount mega benthic assemblages fail to recover from trawling impacts. *Mar. Ecol.* 31,183–199.doi:10.1111/j.1439- 0485.2010.00385.x

⁹ Vanreusel, A., Hilario, A., Ribeiro, P.A., Menot, L., and Arbizu, P. M.(2016). Threatened by mining, polymetallic nodules are required to preserve abyssal epifauna. *Sci.Rep.* 6:26808.doi:10.1038/srep26808

¹⁰ Schlacher, T.A., Baco, A.R., Rowden, A.A., O'Hara, T.D., Clark, M.R., Dower, C., et al.(2014). Seamount benthos in a cobalt-rich crust region of the central Pacific: Conservation challenges for future seabed mining. *Divers. Distrib.* 20, 491–502.doi:10.1111/ddi.12142

¹¹ Clark, M.R., Althaus, F., Schlacher, T.A., Williams, A., Bowden, D. A., Rowden, A. A.(2016). The impacts of deep-sea fisheries on benthic communities: are view. *ICES J.Mar. Sci.* 73(Suppl.1),i51–i69.doi:10.1093/icesjms/fsv123

¹² Cordes, E. E., et al. (2016). "Environmental Impacts of the Deep-Water Oil and Gas Industry: A Review to Guide Management Strategies. *Frontiers in Environmental Science* 4(58): 26.

macrofauna, fish and larvae and marine mammals and turtles)". In the case of seabirds, turtles and marine mammals, if these animals are not located, captured, treated and released, the impacts are not reversible in any way. In addition, once these animals are released, tracking them is costly and would most likely not occur. The assessment seemingly does not take into account those animals which may die before rescue and rehabilitation occurs. Offshore searches for affected fauna in such a vast area would be low on the list of priorities in an emergency. This section needs to be better researched and reported on.

7. Failure to adequately assess impacts on a species of high conservation importance

The knowledge we have on coelacanth life-history is minimal and any assumption on their well-being and distribution based on current depth records is unfounded. New depth and distribution records of well-known and abundant species are being reported on a daily basis and the current lack of knowledge on coelacanths leaves these assumptions invalid. In addition, there is concern that the statement on their sensitivity to hydrocarbons as 'unknown' is an attempt to down-play the seriousness of any potential impact. As with most marine life, hydrocarbons present a serious risk¹³, which cannot be under-rated or ignored.

8. Oil Spill Contingency Plan

In terms of the South African Maritime Safety Authority Act 5 of 1998, Section 52 delegates the responsibility for combating pollution of the sea and shoreline by oil to the Minister of Environmental Affairs (DEA). The implication of this is that the DEA is responsible for protection and clean-up measures to be taken once oil has been released into the sea, while SAMSA's responsibilities are limited to those actions required while the oil is within the confines of the ship.

With this said, it is understood that the National Oil Spill Contingency Plan (NOSCP) is incomplete and has not been subjected to the necessary scrutiny by provincial departments, organs of state, relevant national departments or public scrutiny.

Offshore oil and gas development is high risk and environmental protection should be of utmost importance. Therefore it is unreasonable for any offshore development to take place without the required measures in place, and the relevant departments being privy to their roles and responsibilities, which could potentially be enormous. In the case of an accident, within the Agulhas Current, any pollutant will affect adjacent provinces, therefore the Oil Spill Contingency Plan should include multiple provinces and national departments, hence a NOSCP is required.

In the DEIAR, there is an allowance for ENI/Sasol to develop a Contingency plan in the absence of the NOSCP: *"Prior to drilling, an Oil Spill Contingency Plan will be required to be submitted to SAMSA for approval and issuance of a certificate. Both PASA and the DEA will be required to comment on the OSCP prior to issuing of the certificate by SAMSA."*

¹³ Capuzzo, J.M. 1985. Biological effects of petroleum hydrocarbons on marine organisms: Integration of experimental results and predictions of impacts. *Marine Environmental Research*, 17(2-4): 272-276.

It is imperative for Ezemvelo to be given the opportunity to provide comment on the current draft OSCP. Thereafter, the final OSCP, ratified by DEA and PASA, should be made available in the Final EIA, being subjected to public review.

The inclusion of the chemical properties and expected toxicological effects of the anticipated dispersants to be used in the event of a spill would presumably be outlined in the OSCP. Given the serious health risks to both humans and marine life of dispersants^{14,15}, it is essential that attention is afforded to these issues and should also form part of the DEIAR.

9. Readiness for stranded, injured or oiled marine animals

The EMPr highlights that any injured sea birds which are found on the vessel as a result of collision or other operation will be *'humanly euthanised on board'* (Table 9.8: section 18). No detail is provided as to what methods are traditionally used to carry out euthanasia and whether euthanasia presents a last resort option or the only option. Given the use of helicopters between the shore and vessel on a daily basis, reasons for euthanasia are questioned as to why are these animals not afforded the chance to be rehabilitated or even transported back to land to be attended to by a veterinarian?

Although KwaZulu-Natal has an active Animal Stranding Network, coordinated by Ezemvelo, that is recognised as having a high standard of operation (the expertise among the people on this Network is probably the most skilled set of marine animal expertise in South Africa), the group is small and comprised of a collaboration of willing organisations and volunteers who undertake rescues and rehabilitation initiatives of marine species throughout the province. The equipment used is scant and spread thinly along the coastline. The Network deals with less than 100 animals per year. If an accident or any other detrimental operation in the vicinity of the drill ship were to occur, this group are not equipped to deal with a high load of animals within the province.

The DEIAR, OSCP plan and EMPr needs to demonstrate that sufficient funds have been specifically ring fenced by Eni to provide financial provision in the event of an inadvertent oil spillage.

10. The DEIAR makes no mention of post drilling monitoring

In the description of the decommissioning and abandonment phase the following is stipulated *"a final seabed and wellhead inspection will be performed with an ROV and finally the drillship and support vessels will depart the area"*.

¹⁴ McGowan CJ, Kwok RK, Engel LS, Stenzel MR, Stewart PA, Sandler DP. 2017. Respiratory, Dermal, and Eye Irritation Symptoms Associated with Corexit™ EC9527A/EC9500A following the Deepwater Horizon Oil Spill: Findings from the GuLF STUDY. Environ. Health. Perspect. 125(9): 097015. doi:10.1289/EHP1677.

¹⁵ Li FJ, Duggal RN, Oliva OM, Karki S, Surolia R, Wang Z, Watson RD, Thannickal VJ, Powell M, Watts S, Kulkarni T, Batra H, Bolisetty S, Agarwal A, Antony VB. 2015. Heme oxygenase-1 protects corexit 9500A-induced respiratory epithelial injury across species. PLoS One 10(4):e0122275. doi: 10.1371/journal.pone.0122275.

It is of serious concern that no mention is made of post-drilling environmental monitoring. If the exploration wells are abandoned and no production wells are expected to be drilled, environmental monitoring should be undertaken at various intervals, as with all developments which cause environmental damage. Recovery, at varying degrees have been assumed throughout the DEIAR but no monitoring to prove or confirm this has been proposed. Therefore recovery or lack thereof cannot be determined and the lack of data will continue to limit our ability to comment on further exploration projects which are proposed. Monitoring after the exploration drilling is essential to understand, recovery in our deep ocean ecosystems after these types of projects and will assist all parties in future developments of this nature.

It is therefore recommended that ENI/Sasol include in their *Financial Provision* document (Annex E) a budget to undertake environmental monitoring for at least a 10-year programme, with monitoring being undertaken four times per year for the first two years after decommissioning, then twice a year (winter and summer) for a further three years, and then annually for the remaining five years.

In addition, it remains unclear who is responsible if a plug leaks or the wellhead becomes unstable, over the long term, i.e. in 50-years from now, who is responsible for repairing, re-plugging or any other environmental rehabilitation? This is important information that needs to be included in both the DEIAR and EMPr.

11. Failure to consider / include new information on the KZN Bight

The *African Journal of Marine Science* published a special volume (Volume 38; 2016) on the KZN Bight, in which novel and new information was revealed of the area. The information within these papers have not been considered or cited in the DEIAR which is a serious exclusion to the oceanographic, geological and ecological information known for this area.

12. Invasive Species considerations downplayed

Reference is made in the DEIAR to the high possibility of invasive species through ballast water and on equipment which has been used in other areas. According to the report, the mitigation or management measures of this is to: *‘ensure all infrastructure (e.g. wellheads, BOPs and guide bases) that has been used in other regions is thoroughly cleaned before use in South Africa; and to avoid presence and spread out of invasive species by the implementation of a ballast water management plan, according to International Maritime Organization (IMO) guidelines and standards which govern the discharge of ballast waters at sea’.*

Although it is acknowledged that the probability of invasive species being introduced is relatively high, the DEIAR does not account for these structures providing stepping stones, through enhancing population connectivity¹⁶ for both native and invasive species, which has been demonstrated for shallow-water species that may not normally be able to disperse across large expanses of open water^{17,18,19}. The potential of this

¹⁶ Atchison, A.D., Sammarco, P.W., and Brazeau, D.A. (2008). Genetic connectivity on corals on the flower garden banks and surrounding oil/gas platforms, Gulf of Mexico. *J.Exp.Mar.Biol.Ecol.* 365,1–12.doi:10.1016/j.jembe.2008.07.002

¹⁷ Page, H.M., Dugan, J.E., Culver, C.S., and Hoesterey, J.C. (2006). Exotic invertebrate species on offshore oil platforms. *Mar.Ecol.Prog.Ser.* 325, 101–107.doi:10.3354/meps325101

occurring in deep water has never been demonstrated and is difficult to make predictions of what the benefits or harm with this increased availability of hard structures at depth could be²⁰.

13. Need and desirability - no reference to climate change and SA's agreements / obligations

The DEIAR does not adequately address the need and desirability of offshore exploration drilling with the intention to mine oil and gas off the KwaZulu-Natal coast. While it is acknowledged that the present DEIAR is for exploration drilling, if oil and gas is located and deemed viable, a mining application will follow. The DEIAR makes no attempt to comment on / investigate how the mining of oil and gas will influence / impact on South Africa's responsibility in responding to the Paris Agreement on climate change which was a key output of the Conference of Parties (COP21) held in Paris in 2015. The commitment to the agreement by South Africa resulted in the country needing to achieve a 42% reduction of its carbon emissions over 'business as usual' by 2025²¹. Mining of oil and gas will likely culminate in South Africa being unable to meet these targets unless it is sent offshore, which is counter intuitive and against the 'selling point' of the development of offshore oil and gas. The need and desirability of mining oil and gas as well as possible alternative "green" energy options should form part of the EIA.

14. Ship to shore disposal

The DEIAR is vague with respect to ship to shore disposal. No information is provided with respect to where the hazardous material will be taken (i.e. which landfill), what the time frames would be for certificates of disposal, if there are service provider/s who will/could offer this service. This level of detail is required for informed and defensible decision making.

15. Mitigation Measures

While it is noted that the DEIAR specifies the adoption of best practice guidelines for various phases of the operation, the DEIAR has not adequately considered and identified mitigation measure for *inter alia* light and noise. Equipment, vessel and helicopter maintenance to reduce noise cannot be regarded as being a mitigation measure - this is more a safety and economic measure.

No mitigation for offshore species is put forward in the DEIAR to reduce possible impacts on spawning, migration, seasonal occurrence, avoidance of certain species etc. The only mention of timing restrictions is that the survey is restricted to calmer sea periods to avoid rough sea conditions, in the summer months. This mitigation measure is not mitigation for environmental harm but an operational and safety measure.

¹⁸ Coutts, A.D., and Dodgshun, T.J. (2007). The nature and extent of organisms in vessel sea-chests: a protected mechanism for marine bioinvasions. *Mar. Pollut. Bull.* 54, 875–886. doi:10.1016/j.marpolbul.2007.03.011

¹⁹ Cordes, E. E., et al. (2016). "Environmental Impacts of the Deep-Water Oil and Gas Industry: A Review to Guide Management Strategies. *Frontiers in Environmental Science* 4(58): 26.

²⁰ Cordes, E. E., et al. (2016). "Environmental Impacts of the Deep-Water Oil and Gas Industry: A Review to Guide Management Strategies. *Frontiers in Environmental Science* 4(58): 26.

²¹ South Africa submitted their Intended Nationally Determined Contributions (INDCs) which makes the commitment that South Africa's emissions by 2025 and 2030 will be in a range of between 398 and 614 MT CO₂e. The objectives that will guide South Africa to meet its obligations include the following: (i) To effectively manage inevitable climate change impacts through interventions that build and sustain South Africa's social, economic and environmental resilience and emergency response capacity and (ii) To make a fair contribution to the global effort to stabilise greenhouse gas concentrations in the atmosphere at a level that avoids dangerous anthropogenic interference with the climate system within a timeframe that enables economic, social and environmental development to proceed in a sustainable manner.