



09 Septemba 2019

*Ireferentsi ye-ERM: 0414229*

*INombolo yeLungelo*

*IoPhononongo: 12/3/236*

**OKUJONGENE: Ne-EIA yoKubhola ngenjongo yoPhononongo ngaphakathi kwi-Offshore Block ER236, eKZN, eMzantsi Afrika: Ukuvunywa kweSicelo soGunyaziso olumalunga nezeNdalo nokusiNgqongileyo (*Environmental Authorisation Application*)**

Mthathi-nxaxheba ochaphazelekayo

Esi sisaziso esazisa ukuba iSebe leMithombo yeziMbiwa (*Department of Mineral Resources [DMR]*) linike imvume esiSigunyaziso esimalunga nezeNdalo nokusiNgqongileyo (*Environmental Authorisation [EA]*) ukulungiselela uKubhola ngenjongo yoPhononongo okucetywayo ngaphakathi kwi-Offshore Block ER236, KwaZulu Natal, eMzantsi Afrika ngokoMthetho oyi-National Environmental Management Act (NEMA) No. 107 ka-1998, ofakelwe izilungiso neMimiselo yoKuhlolwa koKuchaphazeleka kweNdalo nokusiNgqongileyo (NEMA) neMimiselo i-Environmental Impact Assessment Regulations, 2014, efakelwe izilungiso. Kunikwe imvume yeSigunyaziso esimalunga nezeNdalo nokusiNgqongileyo kubenzi-sicelo, i-Eni South Africa B.V. (Eni) ne-Sasol Africa (Pty) Ltd (Sasol), ngowe-26 Agasti 2019 yaye yathunyelwa kwi-opareyitha i-Eni ngowe-29 Agasti 2019.

Ukunikwa kwemvume ye-EA kuxhomekeke kwiqela lemiqathango, ethi, kunye nezizathu esixhasa isigqibo, zicaciswe kwi-EA (isiHlomelo A no-B ngokulandelelanayo), eziqhotyoshelwe njengesihlomelo 1. Imisebenzi eGunyazisiweyo ayiyi kuqalisa kwithuba leentsuku ezingamashumi amabini (20) ukususela kumhla wokukhutshwa kwesaziso sesigqibo.

Ukuba unqwenela ukufaka isibheni ukuchasa isigqibo okanye nawuphi na umba omalunga naso, isibheni esilolu hlobo mazingeniswe kwifom emiselweyo nangokungqinelana neSahluko 2 se-National Environmental Management Act, 1998, (Act 107 of 1998): IMimiselo i-National Appeals Regulations, 2014. Zonke izibheni mazingeniswe kwithuba leentsuku ezingamashumi amabini (20) ukususela kumhla wokukhutshwa kwesaziso sesigqibo (30 Septemba 2019). Zonke izibheni mazingeniswe kuMphathiswa weSebe leMicimbi yezeNdalo nokusiNgqongileyo, ngesiNgesi, yaye

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iikopi mazithunyelwe kuNdlunkulu we-DMR, kwi-Petroleum Agency of South Africa (PASA) nakwi-Eni (umsenzi-sicelo) ngenye yezi ndlela zilandelayo nangokweenkcukacha ezingezantsi:

**1. ISebe leMicimbi yezeNdalo nokusiNgqongileyo (*Department of Environmental Affairs*)**

Iya ku:

Mayiqwalaselwe: NguMlawuli weZibheno noKujongisiswa  
kwazo okuseMthethweni

I-imeyili: [appealsdirector@environment.gov.za](mailto:appealsdirector@environment.gov.za)

Iposi: Private Bag x 447, Pretoria, 0001

Ngesandla: Environment House, Corner Steve Biko and  
Soutpansberg Street, Arcadia, Pretoria,  
0083

**2. The Petroleum Agency SA**

Iya ku: The Chief Executive Officer

I-imeyili: [eaappeals@petroleumagency.co.za](mailto:eaappeals@petroleumagency.co.za)

Iposi: Private Bag x 5111, Tygervally, 7536

Ngesandla: Tygerpoort Building, 7 Mispel Road, Bellville, 7530

**3. ISebe leMithombo yeziMbiwa**

ICandelo leeNkonzo zoMthetho (*Legal Services Directorate*)

Iya ku: The Director of Legal Services

Ifeksi: 086 710 0877

Iposi: Private Bag x 59, Arcadia, 0007

Ngesandla: Trevenna Campus, Building 2C, Corner of  
Meintjies and Francis Baard Street, Sunnyside.

**4. Eni**

Iya ku: Nksz. Nicole Lomborg Eni South Africa B.V.

1<sup>st</sup> Floor Icon Building, Corner CubeWS Corner

Lower Long & Hans Strijdom Road

I-imeyili: [nicole.lomborg@eni.com](mailto:nicole.lomborg@eni.com)

Umnxeba: +27 (0)21 412 1582

Ukuba ufuna ingcaciso ngalo mba ungentla, uyacelwa ungathandabuzi ukuqhagamshelana ne-ofisi ye-ERM.

Owakho ngenene,



Vicky Stevens

Umsebenzi (Practitioner) yoVavanyo lokusiNgqongileyo

**ERM**

## APPENDIX 1

### Environmental Authorisation





## mineral resources

Department:  
Mineral Resources  
**REPUBLIC OF SOUTH AFRICA**

### ENVIRONMENTAL AUTHORISATION

Environmental Authorisation in terms of Regulation 24 of the National Environmental Management Act of 1998:  
Environmental Impact Assessment Regulations, 2014

**IN RESPECT OF**

**THE PROPOSED EXPLORATION DRILLING**

#### APPLICATION DETAILS

Application reference number	12/3/236
Holder of the Environmental Authorisation	Eni South Africa BV & Sasol Africa Limited
Location of the activity	Durban and Zululand Basins, off the East Coast of South Africa.
Size of the application areas	<ul style="list-style-type: none"> <li>- Northern area of interest: 1, 717.50 km<sup>2</sup>.</li> <li>- Southern area of interest: 2, 905 km<sup>2</sup>.</li> </ul>

This authorisation does not negate the holder of the authorisation of the responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the proposed activity.

## DECISION ON ENVIRONMENTAL AUTHORISATION

The Department is satisfied with the information made available to it, and subject to compliance with the conditions of this Environmental Authorisation, that the applicant should be authorised to undertake the proposed activities as specified below.

### ACTIVITY(S) AUTHORISED

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment Regulations, 2014 ("EIA Regulations") the Department hereby grants environmental authorisation to **Eni South Africa BV & Sasol Africa Limited** to undertake the list of activities specified in Section 3 below and as described in the Environmental Impact Assessment Report (EIAR) dated 14 December 2018.

The granting of this environmental authorisation is subject to compliance with conditions specified under section 5 below.

#### 1. DETAILS OF THE HOLDER OF THIS ENVIRONMENTAL AUTHORISATION

Eni South Africa BV & Sasol Africa Limited  
1<sup>st</sup> Floor Icon Building c/o CubeWS  
Cnr Lower Long & Hans Strijdom Road  
Foreshore  
8001

Contact Person: Ms. Nicole Lomborg  
Tel: +27 (0) 21 412 1582  
Email: nicole.lomborg@eni.com

## 2. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Environmental Resources Management Southern Africa (Pty) Ltd  
1<sup>st</sup> Floor, Great Westerford House  
240 Main Road  
Rondebosch  
South Africa

Contact Person: Ms. Vicky Stevens  
Tel: +27 (0) 21 681 5400  
Fax: +27 (0) 21 686 0736  
Email: [vicky.stevens@erm.com](mailto:vicky.stevens@erm.com)

## 3. LIST OF ACTIVITIES AUTHORISED

The following activities as listed under EIA Regulations are authorised:

<b>Activity Number:</b>	<b>14</b>
<b>Applicable Legislations:</b>	<b>EIA Regulations: GNR 983</b>
<b>Listed Activity:</b>	The development and related operation of facilities or infrastructure, for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80 cubic metres or more but not exceeding 500 cubic metres.
<b>Activity Number:</b>	<b>22</b>
<b>Applicable Regulations</b>	<b>EIA Regulations: GNR 983</b>
<b>Listed Activity:</b>	The decommission of any activity requiring- (i) a closure certificate in terms of section 43 of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002); or (ii) a prospecting right, mining right, mining permit, production right, or exploration right, where the throughput of the activity has reduced by 90% or more over a period of 5 years excluding where the competent authority has in writing agreed that such reduction in throughput does not constitute closure.



<b>Activity Number:</b>	<b>7</b>
<b>Applicable Regulations:</b>	<b>EIA Regulations: GNR 984</b>
<b>Listed Activity:</b>	The development and related operation of facilities or infrastructure for the bulk transportation of dangerous goods— (i) in gas form, outside an industrial complex, using pipelines, exceeding 1,000 metres in length, with a throughput capacity of more than 700 tons per day; (ii) in liquid form, outside an industrial complex, using pipelines exceeding 1,000 metres in length, with a throughput capacity of more than 50 cubic metres per day.
<b>Activity Number:</b>	<b>14</b>
<b>Applicable Legislations:</b>	<b>EIA Regulations: GNR 984</b>
<b>Listed Activity:</b>	The development and related operation of- (ii) an anchored platform; or (iii) any other structure or infrastructure on, below or along the seabed.
<b>Activity Number:</b>	<b>18</b>
<b>Applicable Regulations</b>	<b>EIA Regulations: GNR 984</b>
<b>Listed Activity:</b>	Any activity, including the operation of that activity which requires an exploration right as contemplated in section 79 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), including- (a) associated infrastructure, structures and earthworks.

The holder of the authorisation is authorised to conduct the following activity within the area described under item 4 below.



#### 4. DESCRIPTION OF THE APPLICATION AREA AND ACTIVITIES APPLIED FOR

The applicant proposes to drill up to six (6) exploration wells in exploration block ER 12-3-236, within two areas of interest:

- The northern area of interest of approximately 1, 717.50 km<sup>2</sup> in extent, which is located, at its closest point, approximately 62 km from the shore, in water depths ranging between 1,500 m and 2,100 m.
- The southern area of interest of approximately 2, 905 km<sup>2</sup> in extent, which is located, at its closest point, approximately 65 km from the shore, in water depths ranging between 2,600 m and 3,000 m.
- Equipment to be used during exploration well drilling include deep-water drillship, supply and standby vessels, and helicopter(s). The expected drilling depth would be between approximately 3,800 m and 4,100 m from the sea surface, through the seabed to the target depth in the northern area of interest, and around 5, 100 m in the southern area of interest.
- The coordinates of the application area are outlined in table 1 below.

Table 1: Coordinates of the Durban and Zululand Basins:

Northern area of interest:

Point	Latitude	Longitude
A	29°12'33.341"S	32°31'46.013"E
B	28°58'47.34"S	32°49'32.73"E
C	29°17'28.529"S	33°8'58.59"E
D	29°26'34.962"S	32°58'11.965"E
E	29°25'22.117"S	32°44'46.372"E

Southern area of interest:

Point	Latitude	Longitude
A	30°19'39.588"S	32°3'48.518"E
B	30°58'35.904"S	32°3'25.921"E
C	30°31'35.022"S	31°22'26.396"E
D	30°19'49.794"S	31°33'7.656"E

## 5. CONDITIONS OF THE ENVIRONMENTAL AUTHORISATION

### 5.1 SCOPE OF THE AUTHORISATION

- 5.1.1 The holder of this authorisation (hereafter referred to as the holder) is authorised to undertake exploration drilling programme, which involves drilling of up to six (6) wells, four (4) within the northern area of interest and two (2) within the southern area of interest.
- 5.1.2 The authorised activity must only take place within the application areas specified under item 4 above.
- 5.1.3 The holder is responsible for ensuring compliance with the conditions of this authorisation, and recommendations made in the EIAR and Environmental Management Programme Report (EMPR) dated 14 December 2018.
- 5.1.4 Any person(s) acting on behalf of the holder, inclusive of contractor(s), subcontractor(s), consultant(s), employee(s) are also subject to the conditions of this authorisation. This condition however does not exonerate the holder from its accountability and responsibility to ensure compliance with the conditions of this authorisation.
- 5.1.5 Any changes to, or deviations from, and amendments to the proposed activity, conditions of this authorisation, and recommendations in the EIAR and EMPR must be approved in writing by the Department before such changes, deviations or amendments are effected. The Department reserves the right to request the submission of information deemed necessary to assess and evaluate the significance and impacts of such changes, deviations and amendments. Any changes, deviations and amendments may be subject to the provisions of Chapter 5 of the EIA Regulations pertaining to the amendments of the environmental authorisation and EMPR.
- 5.1.6 This authorisation does not absolve the holder from complying with any other statutory obligations that may be applicable to the proposed activity.

## **5.2 NOTIFICATION AND APPEAL OF AUTHORISATION**

- 5.2.1 The holder must, in writing, within fourteen days of the date of this authorisation, notify all registered interested and affected parties (I&APs) of the outcome of the application.
- 5.2.2 The notification contemplated above must, amongst other issues:
  - 5.2.2.1 Stipulate the date of the decision, and the date of issue of the authorisation.
  - 5.2.2.2 Provide reasons for the decision.
  - 5.2.2.3 Inform I&APs of the Appeals Procedure provided for in terms of the National Environmental Management Act, 1998: National Appeals Regulations (GN R 993 of 08 December 2014).
  - 5.2.2.4 Draw the attention of the I&APs to the manner in which they may access the decision, including obtaining the copy of the authorisation.

## **5.3 COMMENCEMENT OF THE ACTIVITY(S)**

- 5.3.1 The authorised drilling programme shall not commence within 20 days from the date of the notification of the environmental authorisation decision, pending potential lodgement of appeal(s).
- 5.3.2 Where an appeal is lodged against the decision by any party, the authorisation or any provision or condition thereof will be suspended in accordance with section 43 (7) of the National Environmental Management Act, 1998; and as such, you may not commence with the drilling programme until a decision on the appeal has been taken.
- 5.3.3 A thirty (30) day written notice must be given to the Petroleum Agency SA before the authorised drilling programme and related activities commences.
- 5.3.4 The authorised activity(s) must commence within a period of three (3) years from the date of issue of this authorisation. The period for which the EA is granted will not be extended unless the process to amend the EA contemplated in the EIA Regulations is followed.
- 5.3.5 Any requests for extension of the commencement date of this authorisation should be lodged with the competent authority on condition that the environmental authorisation is valid on the date of receipt of such amendment application in accordance with Regulation 28 (1) of EIA Regulations.



## **5.4 MANAGEMENT, MONITORING AND AUDITING OF OPERATIONS INCLUDING REPORTING REQUIREMENTS**

- 5.4.1 The Environmental Management Programme (EMPR) submitted with the Environmental Impact Assessment Report (EIAR) is hereby approved. It is hence mandatory for the holder to implement all recommendations and management measures stipulated in the EMPR throughout all the phases of the proposed activity.
- 5.4.2 Any non-compliance with the EMPR constitutes non-compliance with this authorisation, and may result in its suspension and may render the holder guilty of an offence in terms of section 49A of NEMA and may, if convicted, be liable for penalties as contemplated in section 49B (1) of NEMA.
- 5.4.3 Should there be changes in the operation and management of the authorised activity, the EMPR must be amended to accommodate those changes and submitted to the competent authority for approval before implementation takes place.
- 5.4.4 The holder must undertake necessary measures to ensure that operators, contractors and subcontractors have full awareness of the prescribed mitigation measures or management actions on the EMPR before commencing with the authorised activity.
- 5.4.5 The EMPR must be included in all contractual agreements entered thereto between the holder and contractor(s). Furthermore, a copy of the EMPR must be kept onboard the drilling vessel/unit at all times.
- 5.4.6 The holder must, before the commencement of the authorised activity appoint an independent and experienced Environmental Control Officer (ECO) who will ensure that the conditions of this authorisation and requirements of the EMPR are implemented and adhered to.
- 5.4.7 The holder must submit weekly and monthly environmental monitoring reports during drilling operations. Furthermore, the holder must, within 60 days of the completion of exploration drilling operations, submit a close-out audit report.

## 5.5 SPECIFIC CONDITIONS

- 5.5.1 The holder must, within 30 days before the commencement of the authorised exploration drilling programme, distribute notifications to all key and registered stakeholders informing them of the drilling plans. The said notification must include the following:
- 5.5.1.1 Commencement date and anticipated duration of the drilling program;
  - 5.5.1.2 Sketch plan showing the operational area(s) including well coordinates;
  - 5.5.1.3 Details of the drilling unit/vessel and support vessels;
  - 5.5.1.4 Details of the ECO, and contact person for reporting environmental issues associated with the planned activity; and
  - 5.5.1.5 Procedure to lodge complaints and report any environmental issues arising from the proposed activity.
- 5.5.2 The holder must, within 60 days prior to the commencement of the proposed drilling operations, submit an Oil Spill Contingency Plan (OSCP). The OSCP must be developed in consultation with all relevant authorities, i.e. South African Maritime Safety Authority (SAMSA), Petroleum Agency SA and Department of Environmental Affairs: Oceans and Coast Branch.
- 5.5.3 The holder must, within 30 days prior to the commencement of the proposed drilling operations, submit all specific management plans identified in the EIAR i.e. Emergency Preparedness and Response Plan, Ballast Water Management Plan, Well Control Contingency Plan, Fisheries Management Plan, Oiled Wildlife Response Plan and Waste Management Plan.
- 5.5.4 The holder must annually assess environmental liabilities associated with the authorised activity and submit a financial provision review report in terms of section 24P of NEMA and Regulations Pertaining to the Financial Provisions for Prospecting, Exploration, Mining or Production Operations (GN R 1147 of 20 November 2015).
- 5.5.5 The holder must undertake pre-drilling survey at each well site to confirm the presence or absence of any aggregations of habitat-forming corals or sponges or any other environmentally sensitive features. The result of the pre-drilling survey, including Remotely Operated Vehicles footage, for each well site must be submitted to the Petroleum Agency SA within 48 hours prior to the commencement of the authorised drilling operations.

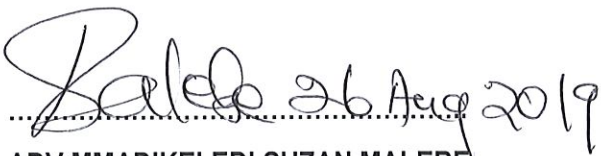
- 5.5.6 The holder must monitor the extent of cuttings dispersion during drilling operations using Remotely Operated Vehicles or equivalent technology. In addition, the holder must collect drill waste deposition information after the completion of well drilling to verify the drill waste deposition modeling predictions and report on information collected to the Petroleum Agency SA.
- 5.5.7 The holder must undertake pre-drilling and post drilling monitoring of the seawater column, benthic habitats and sediments within the proposed well sites, extending 500m from each well site. The pre-drilling and post drilling monitoring must include sampling of seawater and hydrographic profiling of the water column, the collection of sediment samples, which must be analysed for heavy metals and oil compounds, as well as describing the composition and condition of the soft bottom fauna. The results of the pre-drilling monitoring/sampling for each well site must be submitted to the Petroleum Agency SA, 30 days from the commencement of drilling programme of each well, and the post-drilling monitoring/sampling must be submitted to the Petroleum Agency SA, 30 days after the completion of drilling operations.
- 5.5.8 The holder must submit weekly laboratory tests conducted for toxicity, barite contamination and oil content during drilling operations on drill cuttings and water-based muds to confirm compliance with limitations prior to discharge.
- 5.5.9 In the event that the survey(s) conducted in accordance with condition 5.5.5 identify the presence of archaeological sites or shipwrecks, the holder must notify the South African Heritage Resources Agency (SAHRA) and the Petroleum Agency SA of the discovery.
- 5.5.10 The holder must report all emergency incidents to the Petroleum Agency SA within 24 hours of occurrence and address them in accordance with Section 30 of NEMA.
- 5.5.11 Illegal dumping of waste or any equipment aboard the drillship or vessel is prohibited.
- 5.5.12 In the event of loss of any equipment that presents risk to the navigational activities, other marine users and environment, measures to retrieve lost equipment must be undertaken, and such incident must be reported to the Petroleum Agency SA and South African National Hydrographic Office within 12 hours of occurrence.



- 5.5.13 A chance find procedure to identify any shipwreck missed during pre-drilling survey must be developed and submitted to the Petroleum Agency SA 30 days before exploration drilling operations commence in the area.
- 5.5.14 Continuous consultation with other marine users such as fishing industry bodies, SAN Hydrographic Office, South African Maritime Safety Authority, etc. shall be maintained in order to prevent any potential overlapping operations and to promote co-operation and successful use of the sea including promotion of safe navigation.
- 5.5.15 All recommended mitigation measures included in the EIAR/EMPR dated 14 December 2018 are deemed conditions of the authorisation and must therefore be adhered to.

## 6. GENERAL

In view of the above, and having taken into consideration environmental management principles as set out in section 2 of NEMA, and information presented in the EIAR and EMPR, and subject to compliance with conditions of the authorisation and recommendations of the EMPR, the Department is satisfied that the proposed activity will not be in conflict with the objectives of the Integrated Environmental Management set out in Chapter 5 of NEMA and will not result in any detrimental risks to the environment and public. This authorisation is accordingly granted.

A handwritten signature in black ink, appearing to read 'Suzan Malebe', with the date '26 Aug 2019' written below it.

ADV MMADIKELEDI SUZAN MALEBE

DEPUTY DIRECTOR-GENERAL: MINERAL REGULATION

DATE OF THE AUTHORISATION:



## APPENDIX 1

### REASONS FOR DECISION

#### 1. Information considered in making the decision

All the information presented to this Department was taken into account in reaching the decision. The information considered include amongst others:

- 1.1 The provisions of Chapter 5 of the NEMA which relates to Integrated Environmental Management and section 2 NEMA principles; the EIA Regulations and other relevant NEMA regulations and guidelines.
- 1.2 The information contained in the application for environmental authorisation received by the Petroleum Agency SA dated 24 August 2018.
- 1.3 The scoping report dated 08 March 2018 submitted with previous environmental authorisation application.
- 1.4 The information contained in the EIAR/EMPR dated 14 December 2018.
- 1.5 Supplementary comments requested by the Agency from the Department of Environmental Affairs: Oceans and Coasts on Oil Spill Modelling Report dated 27 March 2019.
- 1.6 Response report to the supplementary comments made on the Oil Spill Modelling Report dated 10 May 2019.
- 1.7 The results of the Public Participation Process submitted with the scoping report dated 08 March 2018 and EIAR dated 14 December 2018, which highlighted issues and concerns raised by various Interested and Affected Parties (I&AP) and responses by the EAP.
- 1.8 Issues and comments received from various state departments/organs, non-governmental organisations and interested and affected parties included in the EIAR dated 14 December 2018.
- 1.9 The information contained in the following specialists reports:
  - 1.9.1 Marine Ecology Assessment by Pisces Environmental Services (Pty) Ltd.
  - 1.9.2 Fisheries Impact Assessment by Capricorn Marine Environmental (Pty) Ltd.
  - 1.9.3 Maritime Heritage Impact Assessment by ACO Associates cc.
  - 1.9.4 Oil Spill and Drill Cuttings Modelling by Environmental Resources Management Southern Africa, peer reviewed by PRDW Consulting Port and Coastal Engineers

## **2. Submission and Consideration of the Scoping Report**

The applicant initially lodged an application for EA on 23 January 2018. Subsequent to that, a scoping report received within the prescribed submission date (i.e. 08 March 2018) was accepted on 16 April 2018. Following the acceptance of the scoping report, the applicant failed to submit the EIAR and EMP, as a result the said EA application lapsed. The applicant therefore lodged a new EA application over the same area on 24 August 2018. The applicant therefore did not have to comply with Regulation 21(1) of the EIA Regulations by submitting a scoping report within 44 days of the receipt of the application as the findings of the scoping report submitted for the initial EA application were still valid and the environmental context has not changed. In addition, the applicant complied with Regulation 21(2)(b) and (c) of the EIA Regulations as the registered I&APs were informed of the new EA application process.

The scoping report was considered, evaluated and accepted in accordance with the requirements of Regulations 21 and 22 and appendix 2 of the EIA Regulations based on the following:

- 2.1 The scoping report was subjected to a 30-day public consultation process and incorporated comments received from I&APs, Petroleum Agency SA, and state departments administering laws relating to matters affecting the environment.
- 2.2 The public consultation process carried out adhered to the requirements of Regulations 41 and 44 of the EIA Regulations. In this regard, I&APs were notified of the application through various means such as placing notices in various locations such as libraries, municipalities, port, etc., advertising project in several newspapers, sending correspondences (letters/emails) to various stakeholders, and holding public meetings.
- 2.3 The scoping report contained information set out in Appendix 2 of the EIA Regulations and in this regard, relevant policies and legislation were identified; the need and desirability of the proposed project motivated, alternatives identified, environmental attributes associated with the proposed activity(s) identified and assessed, preliminary impacts and risks identified, and key issues to be addressed in EIA phase identified.

## **3. Submission of the EIAR and EMP**

3.1 Regulation 23(1) (a) and (b) requires the applicant to submit:

- (a) The EIAR inclusive of any specialist reports, and an EMP within 106 days, which must have been subjected to a public consultation process of at least 30 days and which reflects incorporation of comments received; and



- (b) a notification in writing that the EIAR inclusive of any specialist reports, and an EMPR, will be submitted within 156 days of the acceptance of the scoping report, as significant changes have been made or significant new information has been added to the EIAR.

3.2 The EIAR and EMPR including the specialist studies were received by the Agency within the prescribed submission date i.e. 14 December 2018.

#### **4. Consideration of the EIAR and EMPR**

Regulation 18 requires the competent authority to take into consideration section 24O and 24(4) of the Act when considering the application for EA, the need for desirability of undertaking the proposed activity, and any guidelines published in terms of section 24J of the Act.

Regulation 23(3) further provides that the EIAR must contain all information set out in Appendix 3 and must address the requirements as determined in the regulations pertaining to the financial provisions for rehabilitation, closure and post closure of operations; and Regulation 23(4) requires the EMPR to contain all information set out in Appendix 4 of the EIA Regulations. The EIAR and EMPR were assessed taking into consideration the aforementioned requirements and the key significant issues that resulted in the Department's decision are set out as follows:

- 4.1 In terms of the need and desirability of the project, where proposed exploration drilling become successful, the project may provide the opportunity to fulfil Operation Phakisa's aim to unlock the ocean's economy. The long-term benefits would include job creation, increase government revenues, economic growth and reduce dependence on the importation of hydrocarbons.
- 4.2 The public consultation process undertaken by the EAP which includes undertaking several public consultation meetings, notifying I&APs, advertising the proposed project on various newspapers and subjecting Scoping and EIAR reports to a 30-day commenting period, consulting with various states departments and organs of states, and addressing comments received from all I&APs, was found to be in line with the requirements of EIA Regulations and related guidelines.
- 4.3 The environmental attributes were clearly identified; and the potential impacts on biophysical and socio-economic environment identified and assessed.
- 4.4 The methodology used to assess and evaluate potential impacts has provided a comprehensive assessment and provided clarity on the significance of potential impacts before and after the implementation of mitigation measures.

- 4.5 The mitigation measures to address all potential identified environmental impacts during all phases of the proposed exploration activity were recommended and aligned with identified potential impacts.
- 4.6 The profile and details of the EAP with respect to the qualifications and experience in environmental impact assessments and related projects has given confidence in the EAP's ability and competence to carry out the EIA process.
- 4.7 Four (4) project alternatives were identified during the EIA process, however not all alternatives are applicable due to the nature of proposed exploration drilling programme. The applicant considered two alternatives i.e. technology and no-go alternatives. The drillship selected as the preferred option under technology alternatives, due to its ability to maintain position using DPS which allows for minimal subsea disturbance and its ability to operate without moorings, was found to be acceptable.
- 4.8 The EIAR/EMPR dated 14 December 2018 identified all legislation and guidelines that have been considered in the preparation of the EIAR.

## **5. Key Findings**

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

- 5.1 All fundamental and procedural requirements prescribed in the applicable legislation have been satisfied.
- 5.2 The majority of the potential impacts associated with the planned drilling programme on the marine environment were assessed and rated to have negligible to low significance post-mitigation. The potential impacts relating to unplanned events such as accidental oil spillages were assessed to have minor to moderate significance post-mitigation. The said potential risks were assessed and reduced to a level that is as low as is reasonably practicable.
- 5.3 The proposed mitigation and management measures are aligned with the identified potential impacts. Furthermore, the implementation of mitigation measures in all phases of the proposed exploration activity will ensure that the planned activity will not result in any detrimental impacts on the environment.
- 5.4 The public consultation process undertaken by the EAP adhered to the minimum requirements as prescribed under Chapter 6 'Public Participation' of the EIA Regulations and related guidelines. In this regard, comments and issues related to the proposed exploration activity were addressed by the EAP and in addition, mitigation measures to address potential impacts raised by the I&APs have been included in the EMPR.

## **6. Conclusion**

In view of the above, and having taken into consideration environmental management principles as set out in section 2 of NEMA, and information presented in the EIAR and EMPR, and subject to compliance with conditions of the authorisation and recommendations of the EMPR, this Department is satisfied that the proposed activity 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 to any detrimental risks to the environment and public. The authorisation is accordingly granted.



**ADV MMADIKELEDI SUZAN MALEBE**

**DEPUTY DIRECTOR-GENERAL: MINERAL REGULATION**

**DATE:** 26 Aug 2019





## ISIHLOMELO 2

### IZIZATHU ZESIGQIBO

#### 1. linkcukacha eziqwalaselwa xa kuthathwa isigqibo

Zonke iinkcukacha ezinikwe eli Sebe zithathelwe ingqalelo xa bekufikelelwa esigqibeni.

linkcukacha eziqwalaselweyo ziquka oku, zikhona ezinye:

- 1.1 Okuqulathwe kwiSahluko 5 kwi-NEMA okubhekiselele kuLawulo oluManyeneyo lokusiNgqongileyo kunye necandelo 2 lemithetho ye-NEMA; iMigaqo ye- EIA kunye neminye imiqathango nemigaqo ye-NEMA.
- 1.2 linkcukacha eziqulathwe kwisicelo sokugunyaziswa kwezendalo esifunyenwe yi-Petroleum Agency SA zomhla we-24 August 2018.
- 1.3 Ingxelo yokugqibela yomhla we-08 March 2018 efakwe nesicelo esigqithileyo sokugunyazisa okusingqongileyo.
- 1.4 linkcukacha eziqulathwe kwi- EIAR/EMPR yomhla we-14 Disemba 2018.
- 1.5 Imihlomlo eyongezelelweyo efunwe yi-Arhente esuka kwi-Sebe leMicimbi yokusiNgqongileyo [Department of Environmental Affairs]: amaLwandle naManxweme kwiNngxelo yokuChithwa kwe-Oyile [Oil Spill Modelling Report ] yomhla wama- 27 March 2019.
- 1.6 Ingxelo yempendulo kwimihlomlo eyongezelelweyo eyenziwe kwiNngxelo yokuChithwa kwe-Oyile [Oil Spill Modelling Report] yomhla we 10 May 2019.
- 1.7 Iziphumo zeNkqubo yoLuntu yokuThatha iNxaxheba enikwe kunye nengxelo yokugqibela yomhla 08 March 2018 kunye ne- EIAR yomhla we- 14 December 2018, ezathi zagqamisa imiba kunye nezinto ezifuna ingqwalasela eziphakanyiswe yiMibutho eyahlukeneyo enoMdla neChaphazelekayo (I&AP) kunye neempendulo ze- EAP.
- 1.8 Imiba kunye nemihlomlo efunyenwe ngamasebe okanye iindawo ezahlukeneyo, imibutho engeyiyo ekarhulumente kunye nemibutho enomdla nechaphazelekayo equkwe kwi- EIAR yomhla we-14 December 2018.
- 1.9 linkcukacha eziqulethwe kwezi ngxelo zilandelayo zeencutshe:

- 1.9.1 UHlolo lweZilo neNdalo yaseManzini eyenziwe yiPisces Environmental Services (Pty) Ltd.
- 1.9.2 UHlolo lweGalelo lezokuLoba elenziwe yiCapricorn Marine Environmental (Pty) Ltd.
- 1.9.3 UHlolo lweGalelo leNkcubeko yaseLwandle [Maritime Heritage Impact Assessment] eyenziwe yi-ACO Associates cc.
- 1.9.4 UkuChithwa kwe-Oyile nokuGrunjwa kweMihlaba [Drill Cuttings Modelling] okwenziwe yi- Environmental Resources Management Southern Africa, ijongwe kwakhona ngabakwa-PRDW Consulting Port and Coastal Engineers

## 2. Ukunikwa nokuqwalaselwa kweNgxelo yeMida

Ekuqaleni lowo ufaka isicelo wafaka isicelo se- EA ngomhla we 23 January 2018. Emva koko, ingxelo yokugqibela eyafunyanwa ngomhla wokufaka izinto obubekiwe (oko kukuthi. 08 March 2018) yafunyanwa ngowe 16 April 2018. Ukulandela ukwamkela kwengxelo yokugqibela, lowo ufaka isicelo zange ayifake i- EIAR ne-EMPr, zaza iziphumo zaba kukuphelelwa kwesicelo se- EA. Lowo ufaka isicelo wafaka isicelo esitsha se- EA kwakwindawo enye ngomhla ka 24 Agasti 2018. Lowo ufaka isicelo ke ngoko wayengafanelanga ukuba alandele uMgaqo 21 (1) weMigaqo ye- EIA ngokuthi afake ingxelo yokugqibela kwiintsuku ezingama 44 zokufumana isicelo, nanjengoko okufunyenwe kwingxelo yokugqibela eyafakwa kwisicelo se-EA sokuqala isasebenza kwaye isimo sokusingqongileyo singekatshintshi. Ukongeza, lowo ufaka isicelo wahambelanda noMgaqo 21 (2)(b) kunye no (c) wemigaqo ye- EIA nanjengoko ii- I&AP zaziswayo ngenkqubo entsha yokufaka isicelo ye-EA.

Ingxelo yokugqibela yathathelwa ingqalelo, yahlolwa yaza yamkelwa ngokubhekiselele kwiimfuno zeMigaqo 21 no 22 kunye nesihlomelo 2 seMigaqo ye-EIA ebhekiselele koku kulandelayo:

- 2.1 Ingxelo yokugqibela yajongwa ngokwenkqubo edibanisana noluntu yeentsuku eziyi-30 yaye inemihlomlo efunyenwe kwii-I&AP, Petroleum Agency SA, kunye namasebe karhulumente abeka imithetho ebhekiselele kwimiba echaphazela okusingqongileyo.
- 2.2 Inkqubo edibanisana noluntu eyaqhutywayo yayihambisana neemfuno zeMigaqo 41 no 44 yeMigaqo ye-EIA. Kule meko, ii- I&AP zaziswa ngokufaka isicelo ngeendlela ezininzi ezifana nokubeka izaziso kwiindawo ezahlukeneyo ezifana namathala eencwadi,



oomasipalati, amanxweme, njalo njalo, kusaziswa ngeprojekthi kumaphepha-ndaba ahlukeneyo, kuthunyelwa iimbalelwano (iileta/ii-imeyili) kwabo bachaphazelekayo abahlukeneyo kwakhona kubanjwa iintlanganiso.

2.3 Ingxelo yokugqibela yayiquka iinkcukacha njengoko zibekwe kwiSihlomelo 2 seMigaqo ye- EIA yaye koku, imigaqo-nkqubo efanelekileyo kunye lolawulo yathi yakhethwa; kukhuthazwa imfuneko yeprojekthi ephakanyisiweyo, kwabekwa nezinye izintongaphandle kwayo, iimeko zokusingqongileyo eziyelele kwimisebenzi/umsebenzi ophakanyisiweyo zabekwa zaza zahlolwa, igalelo nemingcipheko yokuqala kunye nemiba engundoqo eza kujongwa kwisigaba se-EIA esibekiweyo.

### 3. Ukufakwa kwe- EIAR ne- EMPR

3.1 UMgaqo 23(1) (a) no (b) ufuna ukuba lowo ufaka isicelo afake:

- (a) I-EIAR equka naziphi iingxelo zeengcali, kunye ne- EMPR kwiintsuku eziyi 106, ekufuneka ibe ihambe ngokwenkqubo yokudibana noluntu, ibe yeyentsuku eziyi-30 ubuncinane yaye ibe iveza imihlomlo efunyenweyo; yaye
- (b) isaziso sembalelwano sokuba i- EIAR equka naziphi na iingxelo zeengcali, kunye ne- EMPR, iza kufakwa kwiintsuku eziyi 156 zokwamkelwa kwengxelo yokugqibela, nanjengoko utshintsho olubonakalayo sele lwenziwe okanye iinkcukacha ezibonakalayo ezintsha sele zifakiwe kwi- EIAR.

3.2 I-EIAR ne-EMPR equka izifundo zeengcali zafunyanwa yi-Arhente kwakwiintsuku zokufaka izinto ezibekiweyo oko kukuthi 14 December 2018.

### 4. Ukuqwalaselwa kwe- EIAR ne-EMPR

UMgaqo 18 ufuna lowo ukwaziyo ukusebenza, enegunya ukuba athathele ingqalelo icandelo 240 no 24(4) loMthetho xa eqwalasela isicelo se-EA, imfuneko yokwenza umsebenzi ophakanyisiweyo kunye nayiphi na imigaqo epapashwe ngokubhekiselele kwicandelo 24J loMthetho.

UMgaqo 23(3) kwakhona unika ukuba i-EIAR kufuneka ifake zonke iinkcukacha ezibekwe kwiSihlomelo 3 yaye kufuneka ijonge iimfuno njengoko zibekwe kwimigaqo ebhekiselele kokubekiweyo kwasezimalini okuza kulungiswa, iinkqubo zokuvala nezasemva kokuvala kunye noMgaqo 23(4) ofuna i-EMPR ukuba ibeneenkukacha zonke ezibekwe kwiSihlomelo

4 seMigaqo ye-EIA. I-EIAR ne-EMPR zihlolwe kuthathelwa ingqalelo ezi mfundo zikhankanywe ngasentla kunye nemiba engundoqo ekhokhelele kwisigqibo seSebe zabekwe ngolu hlobo lulandelayo:

- 4.1 Ngokubhekiselele kwimfuneko yeprojekthi, apho ukubhola ebekuphakanyiswe kube yimpumelelo, iprojekthi inganika ithuba lokufezekisa injongo yeNkqubo iPhakisa, yokuvula uqoqosho lwaselwandle. Inzuzo yexesha elide iza kuquka, ukwakha imisebenzi, ukunyusa ingeniso karhulumente, ukukhula koqoqosho kunye nokunciphisa ukuxhomekeka kwii-hydrocarbon ezisuka ngaphandle.
- 4.2 Inkqubo yokudibana noluntu ebiqhutywa yi- EAP, equka ukubamba iintlanganiso ngeentlanganiso zokudibana noluntu, ukwazisa ii-I&AP, intengiso yeprojekthi ephakanyisiweyo kumaphephandaba ahlukeneyo nokubeka iMida kunye neengxelo ze-EIAR kwixesha lokuhlomla leentsuku eziyi- 30, ukudibana namasebe karhulumente ahlukeneyo kuye neendawo zikarhulumente, ukujongana nemihlomlo efunyenwe kuzo zonke ii-I&AP, ifunyenwe ihamba ngokweemfuno zeMigaqo ye-EIA kunye nemikhomba-ndlela ehambelana noko.
- 4.3 Iimeko zasekuhlaleni zachazwa yaye kwajongwa kwaze kwahlolwa negalelo elingabakho kwindalo nakuqoqosho lwasekuhlaleni.
- 4.4 Indlela esetyezisiweyo yokuhlola igalelo elingabakho inike uhlobo lonke yaye inike ingcaciso kwigalelo elibonakala lingabakho ngaphambili nasemva kokuqhutywa kwamanyathelo okunciphisa oko.
- 4.5 Amananyathelo ajonge ukunciphisa zonke iimeko eziboniweyo ezingenzeka ngexesha lezigaba zonke zomsebenzi ophakanyisiweyo athi akhuthazwa aze alungelelaniswa kunye nokubonwe njengokungenzeka.
- 4.6 Ubume kunye neenkukacha ze-EAP ngokubhekiselele kwiziqinisekiso kunye namava okuhlola igalelo lokusingqongileyo kunye neeprojekthi ezibhekiselele koko, kuqinisekise ukuba i-EAP iyakwazi yaye izimisele ukwenza inkqubo ye-EIA.
- 4.7 Kwakhethwa ezinye iiprojekthi ezine (4) ngexesha lenkqubo ye-EIA, nangona kunjalo, akuzizo zonke ezenziwayo ngenxa yohlobo lokukopola nokubhola oluphakanyisiweyo. Lowo ufake isicelo wathathela ingqalelo imisebenzi emibini, oko kukuthi, ezobuchwepheshe kunye nezo zeendawo ekungafuneki zihanjwe. Uhlobo lwenqanawa i-drillship olwakhethwayo phantsi kobuchwepheshe, ngenxa yokuba ikwazi ukusebenza ngaphandle kokuba ikhonkxwe, lwathi lwamkelwa.
- 4.8 I-EIAR/EMPR yomhla we 14 December 2018 yakhetha yonke imigaqo nemithetho ethe

yaqwalaselwa xa kulungiswa i- EIAR.

## 5. Okubalulekileyo okwafunyanwayo

Ingqwalasela emandla kwiinkcukacha ezifakwe kwiSebe, ithe yakhokhelela kwezi zigqibo zilandelayo:

- 5.1 Zonke iimfuno ezingundoqo nezihamba ngokwenkqubo ezibekwe ngokomthetho osebenzayo zenziwe.
- 5.2 Igalelo elininzi lokungenzeka elibhekiselele kwinkqubo yokubhola ecetywa kwindawo engqongileyo yaselwandle yahlolwa yakalwa ukuze ibe nezinto ezithi mva zinciphise ukungakhathali. Igalelo elingabakho ngokubhekiselele kwizimo ezingacetywanga ezifana nokuchithakwa kwe-oyile ngempazamo zathi zahlolwa ukuba zinciphe okanye zibe phakathi. Imingcipheko ekhankanyiweyo yahlolwa yaza yancitshiswa ukuya kwiqondo apho isezantsi kangangoko.
- 5.3 Amanyathelo okunciphisa nawokulawula aphakanyisiweyo alungelelaniswa negalelo lokungenzeka okubekiweyo. Ngaphezu koko, ukwenziwa kwamanyathelo okunciphisa okungenzeka kuwo onke amabakala okubhola aphakanyisiweyo kuza kuqinisekisa ukuba umsebenzi ocetyiweyo awuyi kukhokhelela kulo naliphi na igalelo elingaphazamisana nokungqongileyo.
- 5.4 Inkqubo yokudibana noluntu eyenziwe yi-EAP ihambe ngokobuncinane beemfuno njengoko kubekwe phantsi kweSahluko 6 'Ukuthatha inxaxheba koLuntu' kweMigaqo ye-EIA kunye nemigaqo eyelene noko. Ngokwale meko, imihlomlo kunye nemiba ebhekiselele kulo msebenzi ithe yajongwa yi-EAP futhi ukongeza koko, amanyathelo anciphisa igalelo lokungenzeka ephakanyiswe zii-I&AP iqukiwe kwi-EMPR.