

1. INTRODUCTION

This chapter describes the purpose of this report, provides a brief description of the project background, summarises the legislative authorisation requirements and terms of reference, and describes the structure of the report and the opportunity for comment.

1.1 PURPOSE OF THIS REPORT AND OPPORTUNITY TO COMMENT

This Scoping Report has been compiled and distributed for review and comment as part of a Scoping and Environmental Impact Assessment (S&EIA) process that is being undertaken for the proposal by Rhino Oil & Gas Exploration South Africa (Pty) Ltd (hereafter referred to as “Rhino”) to apply for rights to undertake exploration activities in various inshore licence blocks off the South-West Coast of South Africa.

This report presents the process followed and findings of the scoping process to date. Interested and Affected Parties (I&APs) are asked to comment on the Scoping Report (see Section 1.6). The Scoping Report will then be updated, giving due consideration to the comments received, and submitted to the Petroleum Agency of South Africa (PASA)¹ for acceptance.

1.2 PROJECT BACKGROUND

In April 2015, Rhino lodged an application for an Exploration Right with PASA in terms of Section 79 of the Mineral and Petroleum Resources Development Act, 2002 (No. 28 of 2002) (MPRDA), as amended. PASA accepted the application on 22 May 2015.

The exploration licence area is approximately 16 190 km² in extent and is situated adjacent to the coast roughly between Saldanha Bay and Cape Agulhas and extends from the coast out to a maximum water depth of approximately 350 m (see Figure 1.1).

The proposed exploration programme in the proposed exploration licence area would commence with the acquisition and collation of existing data. Thereafter, multi-beam bathymetry and two-dimensional (2D) seismic surveys would be conducted to identify potential target areas for future exploration.

1.3 AUTHORISATION REQUIREMENTS

The proposed exploration programme requires authorisation in terms of both the MPRDA and the National Environmental Management Act, 1998 (No. 107 of 1998) (NEMA), as amended. These two regulatory processes are summarised below and presented in more detail in Chapter 2.

In terms of the MPRDA an Exploration Right must be issued prior to the commencement of any exploration activities. A requirement for obtaining an Exploration Right is that an applicant must comply with Chapter 5 of NEMA with regards to consultation and reporting.

In terms of the Environmental Impact Assessment (EIA) Regulations 2014, promulgated in terms of Chapter 5 of NEMA, an application for an Exploration Right requires Environmental Authorisation from the competent authority, the Minister of Mineral Resources (or delegated authority), to carry out the proposed exploration programme. In order for PASA to consider an application for Environmental Authorisation and make a recommendation to the Minister of Mineral Resources, a S&EIA process must be undertaken.

¹ PASA is the designated agency, in terms of Section 70 of the MPRDA, responsible for the regulation and administration of exploration and production applications and activities.

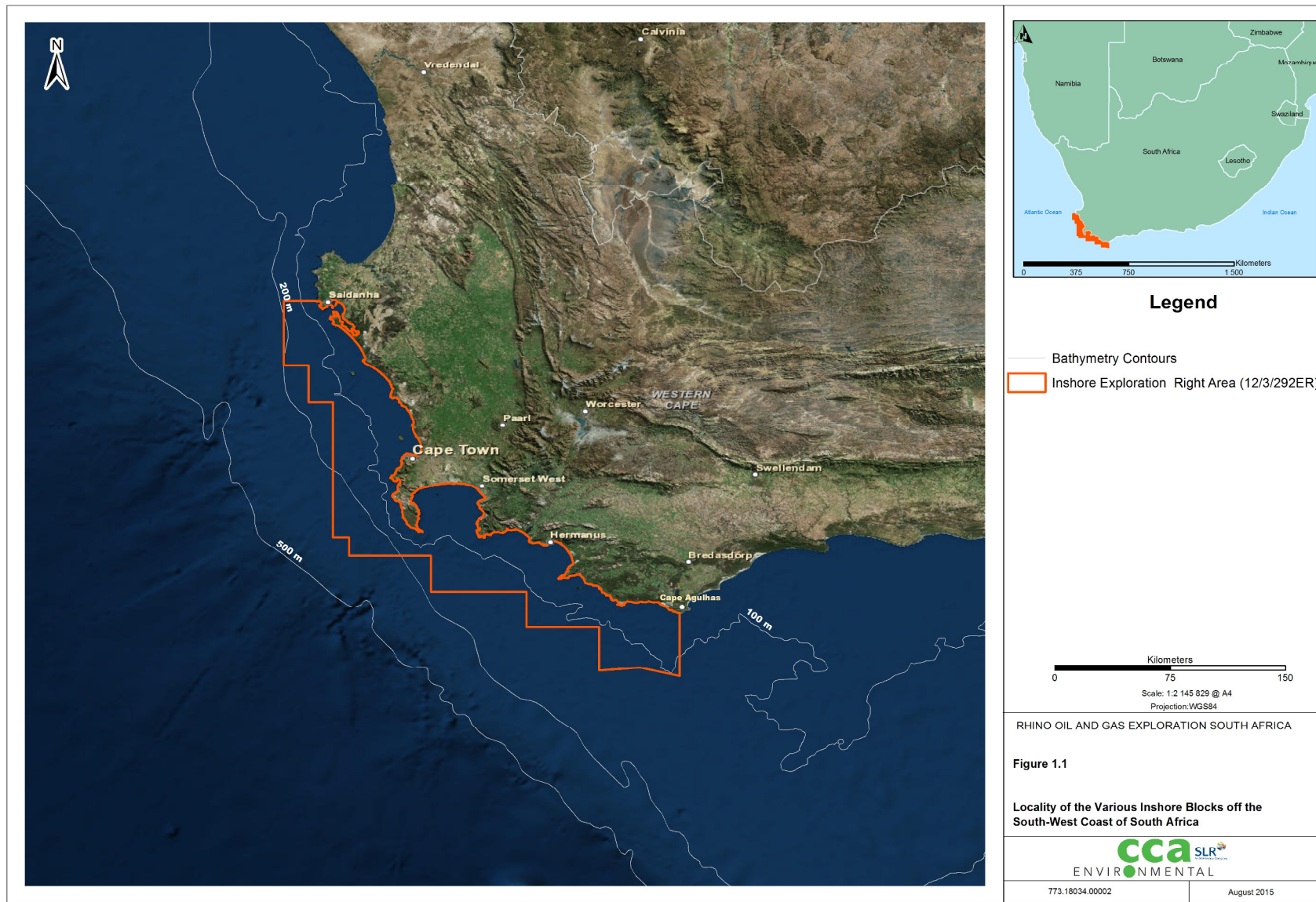


Figure 1.1: Locality of the various inshore licence blocks off the South-West Coast of South Africa.

CCA Environmental (Pty) Ltd (CCA) has been appointed by Rhino to undertake the S&EIA process to meet the relevant requirements of the MPRDA, NEMA and Regulations thereto.

1.4 TERMS OF REFERENCE

The terms of reference for the S&EIA are as follows:

1. Ensure the S&EIA is undertaken in accordance with the requirements of NEMA and the EIA Regulations 2014;
2. Ensure the S&EIA is undertaken in an open, participatory manner to ensure that all potential impacts are identified;
3. Undertake a formal public participation process, which specifically addresses the distribution of information to I&APs and provides the opportunity for I&APs to raise any concerns/issues, as well as an opportunity to comment on all S&EIA documentation;
4. Commission specialists to undertake studies, identified during the scoping process, to assess key issues and concerns; and
5. Integrate all the information, including the finding of the specialist studies, into an Environmental Impact Report (EIR) to allow an informed decision to be taken concerning the proposed project.

1.5 STRUCTURE OF THIS REPORT

This report consists of seven chapters and four appendices, the contents of which are outlined below.

Section	Contents
Executive Summary	Provides an overview of the main findings of the scoping process.
Chapter 1	Introduction Describes the purpose of this report, provides a brief description of the project background, summarises the legislative authorisation requirements, presents the terms of reference of the S&EIA, and describes the structure of the report and the opportunity for comment.
Chapter 2	Legislative requirements and study process Outlines the key legislative requirements applicable to the proposed exploration activities and outlines the methodology and I&AP consultation process followed in the study.
Chapter 3	Project overview Describes the need and desirability for the proposed project, provides general project information, an overview of the proposed exploration activities and a description of the project alternatives.
Chapter 4	Description of the affected environment Describes the existing biophysical and social environment that could potentially be affected by the proposed project.
Chapter 5	Key project issues Describes key issues associated with the proposed project.
Chapter 6	Proposed specialist studies Identifies the proposed specialist studies that would be undertaken in the next phase of the S&EIA and provides their terms of reference. The predefined rating scales that would be used to assess the significance of potential impacts are also presented.
Chapter 7	References Provides a list of the references used in compiling this report.

Section	Contents
Appendices	Appendix 1: PASA correspondence Appendix 2: Public Participation Process: Appendix 2.1: I&AP database Appendix 2.2: I&AP notification letter and BID Appendix 2.3: Advertisements Appendix 2.4: Notes of information-sharing meeting Appendix 2.5: I&AP correspondence (1st round of public participation) Appendix 2.6: Comments and Responses Report Appendix 3: Plan of Study for EIA Appendix 4: Undertaking by Environmental Assessment Practitioner

1.6 OPPORTUNITY TO COMMENT

This Scoping Report has been distributed for a 30-day comment period from **11 September 2015 to 1 October 2015** in order to provide I&APs with an opportunity to comment on any aspect of the proposed project and the findings of the scoping process. Copies of the full report have been made available on the CCA website (www.ccaenvironmental.co.za) and at the Cape Town Central Library (Drill Hall, Darling Street, Cape Town).

Any comments should be forwarded to CCA at the address, telephone/fax numbers or e-mail address shown below. For comments to be included in the updated Scoping Report, comments should reach CCA by **no later than 1 October 2015**.

CCA Environmental (Pty) Ltd
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2. LEGISLATIVE REQUIREMENTS AND EIA PROCESS

This chapter outlines the key legislative requirements applicable to the proposed exploration programme and outlines the methodology and I&AP consultation process followed in the S&EIA.

2.1 LEGISLATIVE REQUIREMENTS

2.1.1 OVERVIEW OF THE “ONE ENVIRONMENTAL SYSTEM”

The “One Environmental System” commenced on 8 December 2014 removing the environmental regulation of prospecting, mining, exploration and production and related activities from the MPRDA and transferring it to NEMA. Under the “One Environmental System”, the Minister of Mineral Resources (or delegated authority) is the competent authority responsible for issuing Environmental Authorisations in terms of NEMA for mining and petroleum related activities. The Minister of Environmental Affairs, however, remains the appeal authority for these authorisations.

2.1.2 MINERAL AND PETROLEUM RESOURCES DEVELOPMENT ACT, 2002

In terms of the MPRDA, an Exploration Right must be obtained prior to the commencement of any exploration activities.

A requirement for obtaining an Exploration Right is that an applicant must submit an application in terms to Section 79(1) of the MPRDA to the designated agency, and they must accept the application within 14 days if, *inter alia*, no other person holds a Technical Co-Operation Permit, Exploration Right or Production Right for petroleum over any part of the proposed licence area. If the application for an Exploration Right is accepted, the designated agency must request that the applicant comply with Chapter 5 of NEMA with regards to consultation and reporting (see Section 2.1.3 below).

As mentioned previously, in April 2015, Rhino lodged an application for an Exploration Right with PASA, who is the designated agency in terms of Section 70 of the MPRDA. PASA accepted the application on 22 May 2015 and requested that an application for Environmental Authorisation be submitted to them in terms of Regulation 16 of the EIA Regulations 2014.

2.1.3 NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998

Section 2 of NEMA sets out a range of environmental principles that are to be applied by all organs of state when taking decisions that significantly affect the environment. Included amongst the key principles is that all development must be socially, economically and environmentally sustainable and that environmental management must place people and their needs at the forefront of its concern, and serve their physical, psychological, developmental, cultural and social interests equitably. NEMA also provides for the participation of I&APs and stipulates that decisions must take into account the interests, needs and values of all I&APs.

Chapter 5 of NEMA outlines the general objectives and implementation of Integrated Environmental Management (IEM), which provides a framework for the integration of environmental issues into the planning, design, decision-making and implementation of plans and development proposals. Section 24 provides a framework for granting of Environmental Authorisations. In order to give effect to the general objectives of IEM, the potential impacts on the environment of listed activities must be considered,

investigated, assessed and reported on to the competent authority. Section 24(4) provides the minimum requirements for procedures for the investigation, assessment and communication of the potential impact of activities.

The EIA Regulations 2014 promulgated in terms of Chapter 5 of NEMA, and published in Government Notice (GN) No. R982, provides for the control of certain listed activities. These activities are listed in GN No. R983 (Listing Notice 1), R984 (Listing Notice 2) and R985 (Listing Notice 3) of 4 December 2014, and are prohibited until environmental authorisation has been obtained from the competent authority. Although the administration of applications for Environmental Authorisations has been delegated to PASA, the Minister of Mineral Resources remains responsible the granting of Environmental Authorisation in term of NEMA. Such Environmental Authorisation, which may be granted subject to conditions, will only be considered once there has been compliance with GN No. R982.

GN No. R982 sets out the procedures and documentation that need to be complied with when applying for environmental authorisation. A *Basic Assessment* process must be applied to an application if the authorisation applied for is in respect of an activity(ies) listed in Listing Notice 1 and / or 3 and an S&EIA process must be applied to an application if the authorisation applied for is in respect of an activity(ies) listed in Listing Notice 2.

The proposed project triggers Activity 18 contained in Listing Notice 2 (see Table 2.1), thus a full S&EIA process must be undertaken in order for PASA to consider the application in terms of NEMA and make a recommendation to the Minister of Mineral Resources.

Table 2.1: List of applicable activities in terms of Listing Notice 2 (GN No. R984).

Activity No.	Activity Description	Description of activity in relation to the proposed project
18	<i>Any activity including the operation of that activity which requires an Exploration Right as contemplated in Section 79 of the MPRDA, including associated infrastructure, structures and earthworks.</i>	The proposed exploration activities require an Exploration Right and an application has been submit to PASA. The proposed exploration activities associated with the Exploration Right are described in Chapter 3.

2.1.4 NATIONAL ENVIRONMENTAL MANAGEMENT: AIR QUALITY ACT, 2004

The National Environmental Management: Air Quality Act, 2004 (No. 39 of 2004) (NEM:AQA) regulates all aspects of air quality, including prevention of pollution, providing for national norms and standards and including a requirement for an Atmospheric Emissions Licence for listed activities, which result in atmospheric emissions and have or may have a significant detrimental effect on the environment. Activities that require an Atmospheric Emission Licence are listed in GN No. 893 (22 November 2013), published in terms of Section 21(1)(b) of the NEM:AQA. In terms of Section 22 of NEM:AQA no person may conduct a listed activity without an Atmospheric Emission Licence.

Although DEA: Air Quality Management Services has indicated that the offshore incineration of waste is a listed activity (Category 8.1) and requires an Atmospheric Emission Licence, Rhino has indicated that they would bring all waste to shore for disposal. Thus no offshore incineration of waste would be undertaken as part of the proposed project.

2.1.5 NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008

The National Environmental Management: Waste Act, 2008 (No. 59 of 2008) (NEM:WA) regulates all aspects of waste management and has an emphasis on waste avoidance and minimisation. NEM:WA creates a system for listing and licensing waste management activities. Listed waste management activities above certain thresholds are subject to a process of impact assessment and licensing. Activities listed in Category A require a Basic Assessment, while activities listed in Category B require an S&EIA.

DEA has indicated that NEM:WA is not applicable to offshore oil and gas operations. Thus a Waste Management Licence would not be required for offshore waste management activities, such as those related to sewage. These aspects will be managed in terms of and comply with the requirements of the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78).

2.1.6 NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003

The National Environmental Management: Protected Areas Act, 2003 (No. 57 of 2003) (NEM:PAA) regulates the proclamation and management of protected areas to provide for the protection and conservation of biological diversity, natural landscapes and seascapes in South Africa.

Chapter 2 of NEM:PAA identifies the system of protected areas in South Africa, which includes (but is not limited to) National Parks, Nature Reserves and Marine Protected Areas (MPA). Section 48A sets out various activities that are restricted from taking place within an MPA. Such activities include any activity which may have an adverse effect on the ecosystem of the area, undertaking mineral exploration, and production of petroleum and other fossil fuels.

In compliance with the above, no “data” acquisition would be undertaken within promulgated MPAs as part of the proposed exploration activities.

2.1.7 OTHER RELEVANT LEGISLATION

In addition to the foregoing, Rhino must also comply with the provisions of other relevant conventions and legislation, which includes, amongst other, the following:

International Marine Pollution Conventions

- International Convention for the Prevention of Pollution from Ships, 1973/1978 (MARPOL);
- Amendment of the International Convention for the Prevention of Pollution from Ships, 1973/1978 (MARPOL) (Bulletin 567 – 2/08);
- International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990 (OPRC Convention);
- United Nations Convention on Law of the Sea, 1982 (UNCLOS);
- Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 (the London Convention) and the 1996 Protocol (the Protocol);
- International Convention relating to Intervention on the High Seas in case of Oil Pollution Casualties (1969) and Protocol on the Intervention on the High Seas in Cases of Marine Pollution by substances other than oil (1973);
- Basel Convention on the Control of Trans-boundary Movements of Hazardous Wastes and their Disposal (1989); and
- Convention on Biological Diversity (1992).

Other International Legislation

- International Commission on Radiological Protection (ICRC); and
- International Atomic Energy Agency (IAEA) Regulations for the Safe Transport of Radioactive Material, 1984.

Other South African legislation

- Carriage of Goods by Sea Act, 1986 (No. 1 of 1986);
- Dumping at Sea Control Act, 1980(No. 73 of 1980);
- Hazardous Substances Act, 1983 and Regulations (No. 85 of 1983);
- Marine Living Resources Act, 1998 (No. 18 of 1998);
- Marine Traffic Act, 1981 (No. 2 of 1981);
- Marine Pollution (Control and Civil Liability) Act, 1981 (No. 6 of 1981);
- Marine Pollution (Prevention of Pollution from Ships) Act, 1986 (No. 2 of 1986);
- Marine Pollution (Intervention) Act, 1987 (No. 65 of 1987);
- Maritime Safety Authority Act, 1998 (No. 5 of 1998);
- Maritime Safety Authority Levies Act, 1998 (No. 6 of 1998);
- Maritime Zones Act 1994 (No. 15 of 1994);
- Merchant Shipping Act, 1951 (No. 57 of 1951);
- Mine Health and Safety Act, 1996 (No. 29 of 1996);
- National Environmental Management: Biodiversity Act, 2004 (No. 10 of 2004);
- National Environmental Management: Integrated Coastal Management Act, 2008 (No. 24 of 2008);
- National Heritage Resources Act, 1999 (No. 25 of 1999);
- National Nuclear Energy Regulator Act, 1999 (No. 47 of 1999);
- National Ports Act, 2005 (No. 12 of 2005);
- National Water Act, 1998 (No. 36 of 1998);
- Nuclear Energy Act, 1999 (No. 46 of 1999);
- Occupational Health and Safety Act, 1993 (No. 85 of 1993) and Major Hazard Installation Regulations;
- Sea-Shore Act, 1935 (No. 21 of 1935);
- Sea Birds and Seals Protection Act, 1973 (No. 46 of 1973);
- Ship Registration Act, 1998 (No. 58 of 1998);
- South African Maritime Safety Authority Act, 1998 (No. 5 of 1998);
- South African Maritime Safety Authority Levies Act, 1998 (No. 6 of 1998); and
- Wreck and Salvage Act, 1995 (No. 94 of 1995).

2.1.8 GUIDELINES AND POLICIES

The guidelines and policies listed in Table 2.2 have been / or will be taken into account during the S&EIA.

Table 2.2: Guidelines and policies relevant to the proposed project.

Guideline	Governing body	Applicability
Scoping, Integrated Environmental Management, Information Series 2 (2002)	DEA	This guideline was consulted to obtain guidance on how to implement scoping.
IEM Guideline Series (Guideline 9): Draft guideline on need and desirability in terms of the EIA Regulations 2010 (October 2012)	DEA	This guideline was consulted to inform the need and desirability of the proposed project.

Guideline	Governing body	Applicability
Stakeholder Engagement, Integrated Environmental Management, Information Series 3 (2002)	DEA	These public participation guidelines were consulted to ensure that an adequate public participation process is undertaken.
IEM Guideline Series (Guideline 7): Public participation in the EIA process (October 2012)		
Guidelines – Consultation with I&APs (December 2011)	PASA	
Specialist Studies, Integrated Environmental Management, Information Series 4 (2002)	DEA	This guideline was consulted to ensure adequate development of terms of reference for specialist studies.
Impact significance, Integrated Environmental Management, Information Series 5 (2002)	DEA	This guideline was consulted to inform the assessment of significance of impacts of the proposed project.
Cumulative Effects Assessment, Integrated Environmental Management, Information Series 7 (2004)	DEA	This guideline will be consulted to inform the consideration of potential cumulative effects of the proposed project.
Criteria for determining Alternatives in EIA, Integrated Environmental Management, Information Series 11 (2004)	DEA	This guideline was consulted to inform the consideration of alternatives.
Environmental Management Plans, Integrated Environmental Management, Information Series 12 (2004)	DEA	This guideline will be consulted to ensure that the Environmental Management Programme (EMP) has been adequately compiled.
Environmental Impact Reporting, Integrated Environmental Management, Information Series 15 (2004)	DEA	This guideline was consulted to inform the approach to impact reporting.

2.2 S&EIA PROCESS

2.2.1 OBJECTIVES

In accordance with Appendix 2 of GN No. R982, the objectives of the S&EIA are:

- To identify the relevant policies and legislation relevant to the activity;
- To present the need and desirability of the proposed activity and its preferred location;
- To identify feasible alternatives related to the project proposal;
- To ensure that all potential key environmental issues and impacts that would result from the proposed project are identified;
- To provide a reasonable opportunity for I&APs to be involved in the S&EIA process;
- To assess potential impacts of the proposed project alternatives during the different phases of project development;
- To present appropriate mitigation or optimisation measures to minimise potential impacts or enhance potential benefits, respectively; and
- Through the above, to ensure informed, transparent and accountable decision-making by the relevant authorities.

The S&EIA process consists of a series of steps to ensure compliance with these objectives and the EIA

Regulations 2014 as set out in GN No. R982. The process involves an open, participatory approach to ensure that all impacts are identified and that decision-making takes place in an informed, transparent and accountable manner.

A flowchart indicating the S&EIA process is presented in Figure 2.1.

2.2.2 ASSUMPTIONS AND LIMITATIONS

The S&EIA assumptions and limitations are listed below:

- The S&EIA assumes that CCA has been provided with all relevant project information and that it was correct and valid at the time it was provided;
- Specialists will be provided with all the relevant project information in order to produce accurate and unbiased assessments;
- There will be no significant changes to the project description or surrounding environment between the completion of the EIR and implementation of the proposed project that could substantially influence findings, recommendations with respect to mitigation and management, etc.; and
- The assessment will be based, to a large extent, on a generic description of the proposed exploration activities (including multi-beam bathymetry survey and seismic survey) and an indicative survey plan, as the specific details were not available at the time of writing this report (e.g. survey vessels, exact timing and duration, airgun and hydrophone array specifications, sound levels, etc.).

These assumptions and limitations, however, are not considered to have any negative implications in terms of the credibility of the results of the scoping process.

2.2.3 SCOPING PHASE

2.2.3.1 Pre-application public participation process

Although this phase is not a legislated requirement of the EIA Regulations 2014, it provides an opportunity to notify I&APs of the proposed project and to raise any issues or concerns regarding the proposed exploration activities.

Steps undertaken during this phase are summarised in Box 2.1 and all supporting information is presented in appendices to this report.

A total of nineteen written submissions were received during the pre-application public participation process (see Box 2.2 and Appendix 2.5). These relate to registration on the project database, registration on the project database, the impact of exploration activities on marine fauna and the fishing industry, and the potential impact on tourism activities.

All written comments received (including those raised at the information-sharing meeting) have been collated, and responded to, in a Comments and Responses Report (Appendix 2.6). The key issues identified by the project team, with I&AP input, are summarised in Chapter 5.

2.2.3.2 Project registration

An “Application Form for Environmental Authorisation” was submitted to PASA on 31 August 2015. Since the proposed exploration licence area is located in the offshore marine environment, permission to deviate from Regulations 41(2)(a)(i) and (ii), pertaining to the placement of a notice board on the site boundary as well as the boundary of any alternative site, was requested in the application form.

The application was acknowledged by PASA on 1 September 2015 (PASA reference number: 12/3/292). PASA correspondence is presented in Appendix 1.

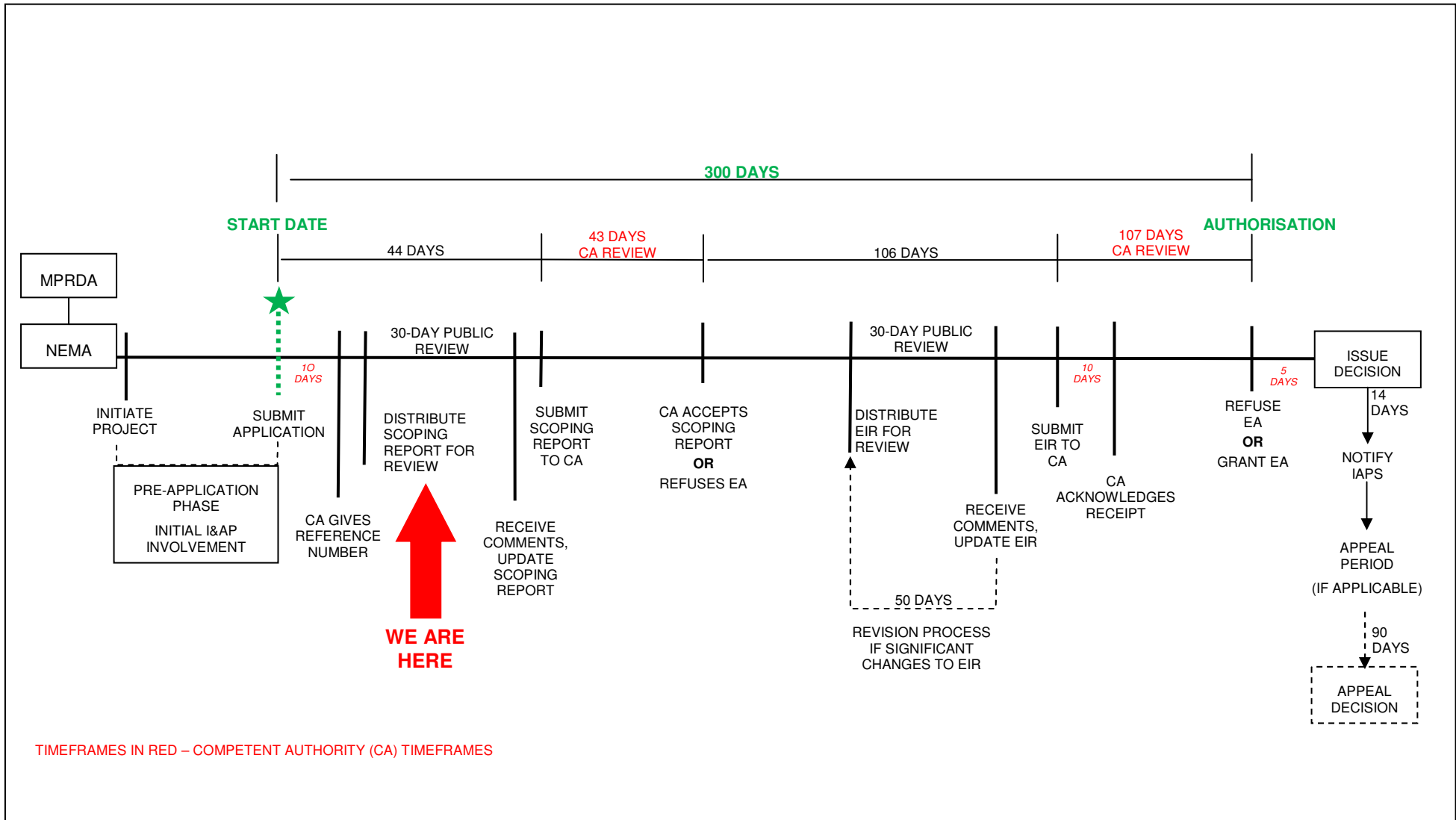


Figure 2.1: Flow diagram showing the S&EIA process.

2.2.3.3 Compilation and review of Scoping Report

This Scoping Report has been prepared in compliance with Appendix 2 of the EIA Regulations 2014 (see Table 2.3) and has been informed by comments received during the pre-application public participation process.

This report aims to present all information in a clear and understandable format suitable for easy interpretation by I&APs and authorities and provides an opportunity for I&APs to comment on the proposed project and findings of the scoping process to date (see Section 1.6 for details of the comment period).

Box: 2.1: Tasks undertaken during the pre-application public participation process.

1. PASA meeting

A meeting was held with PASA on 31 July 2015. The purpose of the meeting was to discuss the legislative requirements and the approach to the S&EIA process to ensure agreement and compliance.

2. Identification of I&APs

A preliminary I&AP database of authorities, Non-Governmental Organisations, Community-based Organisations and other key stakeholders was compiled using other databases of previous studies undertaken in the South-West Coast offshore region. Additional I&APs were added to the database based on responses to the advertisements and notification letter, and attendees at the Information-sharing Meeting. To date 202 I&APs have been registered on the project database (see Appendix 2.1).

3. Distribution of Background Information Document (BID)

A notification letter and BID were distributed for a 30-day registration and comment period from 5 August 2015 to 7 September 2015, which made provision for the two public holidays in August 2015 (see Appendix 2.2 for letter, BID and proof of distribution). The purpose of the letter and BID was to convey information on the proposed project and to invite I&APs to register on the project database and provide initial comment. To simplify the registration process, a Registration and Comment Form was distributed with the BID.

4. Advertisements

Advertisements announcing the proposed project, the availability of the BID, I&AP registration / comment period and Information-sharing Meeting were placed in the following regional and local newspapers in two languages (English and Afrikaans) (see Appendix 2.3):

- Regional newspapers: Cape Times (English) and Die Burger (Afrikaans) on 5 August 2015.
- Local newspapers:
 - > Weslander (English) and Hermanus Times (English) on 6 August 2015; and
 - > Suidernuus (English) on 7 August 2015.

5. Information-sharing Meeting

An Information-sharing Meeting was held during the BID comment period. The details of which are listed below.

Date:	20 August 2015
Location:	Two Oceans Aquarium, Cape Town
Time:	17h30 - 19h00
No. of attendees:	13

At the meeting Rhino and CCA provided a basic overview of the project proposal and S&EIA process, respectively. Attendees were then provided the opportunity to raise any issues or concerns regarding the proposed project. Copies of the BID and Registration and Comment Form were available for attendees to record in writing any issues or concerns relating to the proposed development. Minutes of these meetings (including presentation and attendance register) are presented in Appendix 2.4.

Box 2.2: List of I&APs that submitted written correspondence during the initial public participation process.**Authorities**

- CapeNature – Andrew Turner and Alana Duffell-Canham
- Transnet National Ports Authority – Craig Butcher

Organisations

- Sea Search Africa – Dr Simon Elwen & Dr Tess Gridley
- Western Province Deep Sea Angling Association – Malcolm Grant
- South African Consolidated Recreational Angling Association – Dr Aidan Wood
- Smit Amandla – Sandile Mtshali
- Trade Ocean Shipping Services – Paul Giusti
- Trans Marine Shipping – Anne Louw
- Robor (Pty) Ltd – Phillip Pretorius
- Nedbank – Thabo Thobejane
- Total Safety Services - Venesh Ramdhani
- Necotrans South Africa - Benott Buron
- Birdlife South Africa – Christina Hagen
- Petroleum Pipe Middle East - Fraser MacDonald
- Large Pelagic SMME Association - Michael Smith

2.2.3.4 Completion of the Scoping Phase

The following steps are envisaged for the remainder of the Scoping Phase (see Figure 2.1):

- After closure of the comment period, the Scoping Report will be updated to incorporate the comments received. All comments received during the review of this Scoping Report will be assimilated and responded to in an updated Comments and Responses Report; and
- The updated Scoping Report will be submitted to PASA for acceptance.

If the Scoping Report is accepted, the project will proceed onto the EIA Phase (see Section 2.2.4). A Plan of Study for EIA as required in terms of 2(i) of Appendix 2 of GN R982 is included in Appendix 3.

Table 2.3: Requirements of a Scoping Report in terms of the EIA Regulations 2014.

Appendix 2	Content of Scoping Report	Completed (Y/N or N/A)	Location in report
2(a)	<i>(i & ii) Details and expertise of the Environmental Assessment Practitioner (EAP) who prepared the report.</i>	Y	page ii
(b)	<i>The location of the activity, including:</i>	N/A	Section 3.2.2
	<i>(i) the 21 digit Surveyor General code of each cadastral land parcel; or</i>	N/A	
	<i>(ii) where available, the physical address and farm name</i>	N/A	
	<i>(iii) where the required information in items (i) and (ii) is not available, the coordinates of the boundary of the property or properties;</i>	Y	
(c)	<i>A plan which locates the proposed activity or activities applied for at an appropriate scale, or, if it is:</i>	Y	Figure 1.1
	<i>(i) a linear activity, a description and coordinates of the corridor in which the proposed activity or activities is to be undertaken; or</i>	N/A	
	<i>(ii) on land where the property has not been defined, the coordinates within which the activity is to be undertaken.</i>	N/A	
(d)	<i>A description of the scope of the proposed activity, including:</i>	Y	Section 3.3

Appendix 2	Content of Scoping Report	Completed (Y/N or N/A)	Location in report
	(i) all listed and specified activities triggered;	Y	Section 2.1
	(ii) a description of the activities to be undertaken, including associated structures and infrastructure.	Y	Section 3.3
(e)	A description of the policy and legislative context within which the development is proposed including an identification of all legislation, policies, plans, guidelines, spatial tools, municipal development planning frameworks and instruments that are applicable to this activity and are to be considered in the assessment process.	Y	Section 2.1
(f)	A motivation for the need and desirability for the proposed development including the need and desirability of the activity in the context of the preferred location.	Y	Section 3.1
(h)	A full description of the process followed to reach the proposed preferred activity, site and location within the site, including:	Y	Chapter 3
	(i) details of all the alternatives considered;	Y	Section 3.3 & 3.4
	(ii) details of the public participation process undertaken in terms of regulation 41 of the Regulations, including copies of the supporting documents and inputs;	Y	Section 2.2.3.1 & 2.2.3.2
	(iii) a summary of the issues raised by interested and affected parties, and an indication of the manner in which the issues were incorporated, or the reasons for not including them;	Y	Appendix 2.6
	(iv) the environmental attributes associated with the alternatives focusing on the geographical, physical, biological, social, economic, heritage and cultural aspects;	Y	Chapter 4
	(v) the impacts and risks identified for each alternative, including the nature, significance, consequence, extent, duration and probability of the impacts, including the degree to which these impacts (aa) can be reversed; (bb) may cause irreplaceable loss of resources; and (cc) can be avoided, managed or mitigated.	N	This will be presented in the EIR ²
	(vi) the methodology used in determining and ranking the nature, significance, consequences, extent, duration and probability of potential environmental impacts and risks associated with the alternatives;	Y	Chapter 6 & Appendix 3
	(vii) positive and negative impacts that the proposed activity and alternatives will have on the environment and on the community that may be affected focusing on the geographical, physical, biological, social, economic, heritage and cultural aspects;	Y	Chapter 5
	(viii) the possible mitigation measures that could be applied and level of residual risk;	N	This will be presented in the EIR ²
	(ix) the outcome of the site selection matrix;	N/A	
	(x) if no alternatives, including alternative locations for the activity were investigated, the motivation for not considering such; and	Y	Section 3.4
	(xi) a concluding statement indicating the preferred alternatives, including preferred location of the activity.	Y	

² For this Scoping Study it is considered premature to undertake an assessment of potential impacts and provide recommendations for mitigation measures without specialist input. An assessment of the identified potential impacts and proposed mitigation measures will be presented as part of the EIR which will be prepared in accordance with the Plan of Study for EIA (see Appendix 3).

Appendix 2	Content of Scoping Report	Completed (Y/N or N/A)	Location in report
(i)	<i>a plan of study for undertaking the environmental impact assessment process to be undertaken, including:</i>	Y	Appendix 3
(i)	<i>a description of the alternatives to be considered and assessed within the preferred site, including the option of not proceeding with the activity;</i>		
(ii)	<i>a description of the aspects to be assessed as part of the environmental impact assessment process;</i>		
(iii)	<i>aspects to be assessed by specialists;</i>		
(iv)	<i>a description of the proposed method of assessing the environmental aspects, including a description of the proposed method of assessing the environmental aspects including aspects to be assessed by specialists;</i>		
(v)	<i>a description of the proposed method of assessing duration and significance;</i>		
(vi)	<i>an indication of the stages at which the competent authority will be consulted;</i>		
(vii)	<i>particulars of the public participation process that will be conducted during the environmental impact assessment process; and</i>		
(viii)	<i>a description of the tasks that will be undertaken as part of the environmental impact assessment process;</i>		
(ix)	<i>identify suitable measures to avoid, reverse, mitigate or manage identified impacts and to determine the extent of the residual risks that need to be managed and monitored.</i>		
(i)	<i>An undertaking under oath or affirmation by the EAP in relation:</i>	Y	Appendix 4
(i)	<i>the correctness of the information provided in the report;</i>		
(ii)	<i>the inclusion of comments and inputs from stakeholders and interested and affected parties; and</i>		
	<i>(iii) any information provided by the EAP to interested and affected parties and any responses by the EAP to comments or inputs made by interested or affected parties;</i>		
(k)	<i>an undertaking under oath or affirmation by the EAP in relation to the level of agreement between the EAP and interested and affected parties on the plan of study for undertaking the environmental impact assessment</i>	Y	Appendix 4
(l)	<i>Where applicable, any specific information required by the competent authority.</i>	N/A	-
(m)	<i>Any other matter required in terms of section 24(4)(a) and (b) of the Act.</i>	N/A	-

2.2.4 EIA PHASE

2.2.4.1 Specialist studies

Two specialist studies will be undertaken to address the key issues that require further investigation and detailed assessment, namely: (1) the impact on marine fauna, and (2) the impact on fishing. A list of the specialists and their details are provided in Table 2.5.

The specialist studies will involve the gathering of data relevant to identifying and assessing environmental impacts that may occur as a result of the proposed project. These impacts will then be assessed according to pre-defined rating scales (see Section 6.3). Specialists will also recommend appropriate mitigation or optimisation measures to minimise potential impacts or enhance potential benefits, respectively. The terms of reference for these studies are presented in Sections 6.2.2 to 6.2.4.

Table 2.5: List of specialist studies and specialists.

No.	Specialist study	Specialist/s	Qualifications	Company	Terms of Reference
1	Marine fauna	Dr Andrea Pulfrich	PhD (Fisheries Biology), Christian-Albrechts University, Kiel, Germany	Pisces Environmental Services (Pty) Ltd	Section 6.2.3
2	Fishing	Mr Dave Japp	MSc (Ichthyology and Fisheries Science), Rhodes University	Capricorn Marine Environmental (Pty) Ltd	Section 6.2.4
		Ms Sarah Wilkinson	BSc (Hons) (Botany), University of Cape Town		

2.2.3.1 Integration and Assessment

The specialist information and other relevant information will be integrated into an EIR, which will include an Environmental Management Programme (EMP). The specialist studies will be included as appendices to the EIR. The EIR will be released for a 30-day comment period and all I&APs on the project database will be notified when the EIR is available for comment.

After closure of the comment period, all comments received on the draft report will be incorporated and responded to in a Comments and Responses Report. The draft report will then be updated, to which the Comments and Responses Report will be appended, and submitted to PASA for consideration and decision-making by the Minister of Mineral Resources.

The decision taken by the Minister of Mineral Resources will be advertised and distributed to all I&APs on the project database as part of the statutory appeal period.