

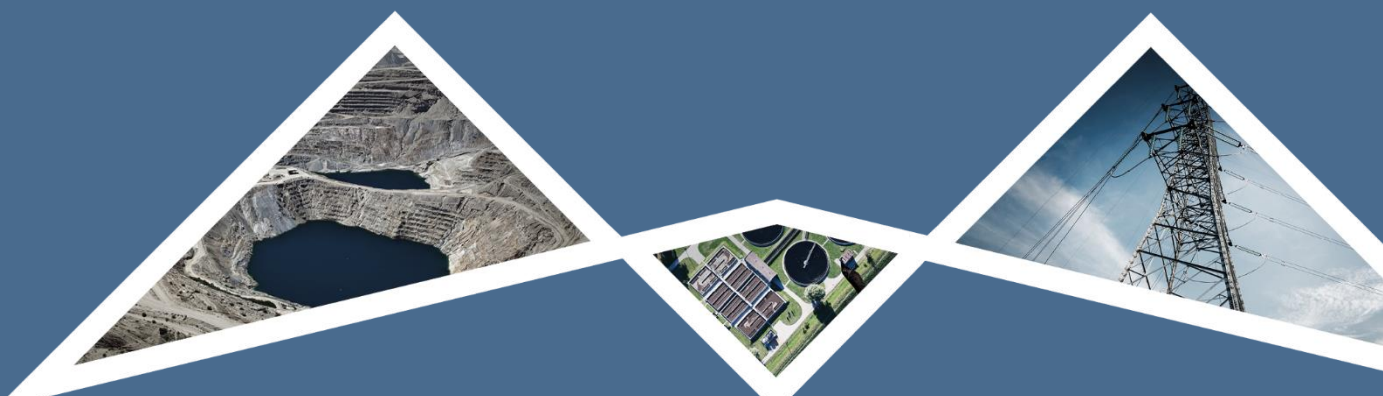


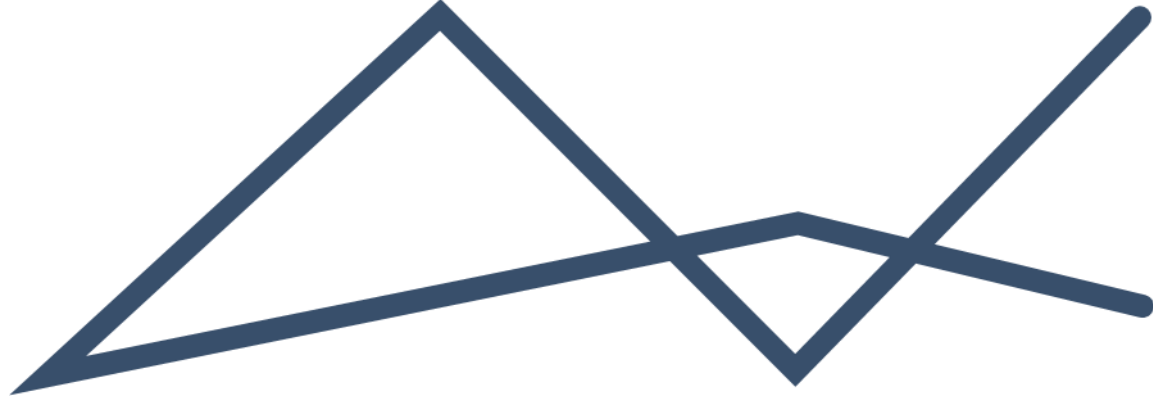
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# PUBLIC PARTICIPATION REPORT

TOSACO BLOCK 1 EXPLORATION RIGHT EIA PROJECT








### DOCUMENT DETAILS

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2021/10/15	REVISION 3	Public Participation Report for CA Submission

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Abbreviation List:

DMRE	Department of Mineral Resources and Energy
EA	Environmental Authorisation
EIA	Environmental Impact Assessment
I&AP	Interested and Affected Party
MPRDA	Mineral and Petroleum Resource Development Act
NEMA	National Environmental Management Act
PPP	Public Participation Process
PPR	Public Participation Report

## 1 INTRODUCTION

Tosaco Energy (Pty) Ltd (hereafter referred to as the applicant - Tosaco) has appointed Environmental Impact Management Services (Pty) Ltd (EIMS) as the Environmental Assessment Practitioner (EAP) to assist with undertaking the required authorisation processes (including the statutory public participation), and to compile and submit the required documentation in support of application for:

- Environmental Authorisation (EA) in accordance with the NEMA- Listed activity/ies:
  - NEMA GNR 984: Activity 18: 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; or
    - (b) the primary processing of a petroleum resource including winning, extraction, classifying, concentrating or water removal;
 but excluding the secondary processing of a petroleum resource, including the beneficiation or refining of gas, oil or petroleum products in which case activity 5 in this Notice applies.

Tosaco has applied for an Exploration Right for offshore oil and gas in Block 1, located along the West Coast of South Africa. The exploration works programme includes the following:

Year	Activity
1	<ul style="list-style-type: none"> <li>• Review of all available technical data:               <ul style="list-style-type: none"> <li>○ Geographical Information System (GIS) data;</li> <li>○ Geophysical data, geological data, borehole data and log data;</li> <li>○ Third party technical reports;</li> </ul> </li> <li>• Reprocessing of existing geological/geophysical data.</li> <li>• Preliminary estimation of contingent resources.</li> <li>• Prepare conceptual design and program of future geophysical and geological exploration and appraisal.</li> </ul>
2	<ul style="list-style-type: none"> <li>• Planning and preparation of possible seismic survey.</li> </ul>
3	<ul style="list-style-type: none"> <li>• Possible 2D and/ or 3D seismic survey.</li> <li>• Processing and interpretation of seismic data.</li> <li>• Evaluation and estimation of contingent resources based on new data.</li> </ul>

The proposed project area is defined as offshore exploration Block 1, located offshore between Alexander Bay, extending south along the western coastline to approximately Hondeklip Bay and approximately 250 km offshore of the coast of the Northern Cape. Block 1 outline corner coordinate points are as follows:

Point	Latitude	Longitude
1	28°38'05.74"S	16°27'16.69"E
2	28°48'53.51"S	16°18'33.84"E
3	30°00'01.41"S	14°25'59.40"E
4	30°00'01.23"S	17°09'39.83"E

## 2 OBJECTIVES OF THE PUBLIC PARTICIPATION

South Africa, being one of the countries with the most progressive constitutions, enshrined the public's right to be involved in decisions that may affect them in its Constitution. Section 57(1) of the new Constitution that provides: "The National Assembly may (b) make rules and orders concerning its business, with due regard to representative and participatory democracy, accountability, transparency and public involvement". This provision, along with several others gave rise to many new trends in South African legislation. In environmental legislation, the idea of public participation (or stakeholder engagement) features strongly and especially the National Environmental Management Act (Act 107 of 1998, NEMA) and the recent regulations passed under the auspices of this Act makes very strict provisions for public participation in environmental decision-making.



Public participation can be defined as...*"a process leading to a joint effort by stakeholders, technical specialists, the authorities and the proponent who work together to produce better decisions than if they had acted independently"*<sup>1</sup>. From this definition, it can be seen that the input of the public is regarded as very important indeed.

The PPP is designed to provide sufficient and accessible information to Interested and Affected Parties (I&APs) in an objective manner to assist them to:

- During the EIA Process:
  - Contribute relevant local information and knowledge to the environmental assessment;
  - Verify that their issues have been recorded;
  - Comment on the findings of the environmental assessments; and
  - Provide relevant local information and knowledge to the environmental assessment.

The PPP is a requirement of several pieces of South African Legislation and aims to ensure that all relevant I&APs are consulted, involved and their opinions are taken into account and a record included in the reports submitted to Authorities. The process ensures that all stakeholders are provided this opportunity as part of a transparent process which allows for a robust and comprehensive environmental study. The PPP for the necessary authorisation required for the proposed Offshore Project needs to be managed sensitively and according to best practises in order to ensure and promote:

- Compliance with international best practice options;
- Compliance with national legislation;
- Establishment and management of relationships with key stakeholder groups; and
- Encouragement of involvement and participation in the environmental study and authorisation/approval process.

As such, the purpose of the PPP and stakeholder engagement process is to:

- Introduce the proposed project and process for the authorisation project;
- Explain the environmental authorisation;
- Determine and record issues, concerns, suggestions, and objections to the project;
- Provide opportunity for input and gathering of local knowledge;
- Establish and formalise lines of communication between the I&APs and the project team;
- Identify all significant issues for the project; and
- Identify possible mitigation measures or environmental management plans to minimise and/or prevent negative environmental impacts and maximise and/or promote positive environmental impacts associated with the project.

This PPR lists all verbal and written issues raised by I&APs and stakeholders from the 30-day initial notification and call to register period from the 19 February 2021 to date. A breakdown of the PPP is given within the remaining sections of this PPR.

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<sup>1</sup> Greyling, T. (1999) Towards Managing Environmental Disputes: Appropriate Public Participation. Prepared for Conference on Environmental Dispute Resolution 10-11 June 1998, Fourways, Gauteng, Manyaka Greyling Meiring (Pty) Ltd, South Africa



## 2.1 Legal Compliance

The PPP must comply with all environmental legislation that requires public participation as part of an application for authorisation or approval; namely the National Environmental Management Act (NEMA, Act No. 107 of 1998).

Adherence to the requirements of the above-mentioned Act will allow for an Integrated PPP to be conducted, and in so doing, satisfy the requirement for public participation referenced in the Act. The details of the Integrated PPP are provided below.

## 3 IDENTIFICATION OF INTERESTED AND AFFECTED PARTIES (I&APS)

An initial I&AP database has been compiled from historic projects in the area and Windeed searches to obtain the contact details of the surrounding landowners. The I&APs referred to in the PPR include:

- Pre-identified and registered landowners and surrounding landowners;
- Pre-identified and registered key stakeholders;
- Regulatory authorities;
- Specialist interest groups; and
- All I&APs who responded to the initial notifications and requested to be registered.

Efforts to pre-identify key I&APs involved various avenues such as consultation with the proponent and known landowners within the study area, review of related previously conducted studies, and identification of key interest groups and authorities within the vicinity of the study area and municipality. Refer Appendix B 1 for the Key Stakeholder/I&AP Database.

All landowners whose properties are within the study area have been notified about the project via post, fax and/or email as well as through advertisements and/or site notices inviting them to participate in the EIA process. Refer to Appendix B 2 or the landowner, key stakeholder and I&AP initial notifications.

### 3.1 LIST OF KEY I&APS IDENTIFIED AND NOTIFIED

The following key I&APs, but not limited to, were notified of the proposed project and invited to participate in the public participation process:

#### 3.1.1 LANDOWNERS AND ADJACENT LANDOWNERS

- Alexkor Soc Ltd
- Camelot Trust
- D&L Familie Trust
- De Beers Consolidated Mines Pty Ltd
- De Beers Group Services
- Excellence Development Trust
- GCL Inv Pty Ltd
- Isinda Tient Pty Ltd
- Jaselra Trust
- JD Liebenberg Trust
- Marlene Meyer Trust
- Mille Inv 155 Pty Ltd
- National Republic of South Africa
- OCO Prop CC
- Pieter van Niekerk Familie Trust
- Pistorius Family Trust
- Port Nolloth Abalone
- Port Nolloth Abalone Pty Ltd
- Port Splendour Pty Ltd
- Richtersveld Local Municipality





- Richtersveld Sida Hub Communal Property Association
- Silverfontein Trust
- Strandveld Conservation Club
- Transnet Ltd
- van Der Westhuizen Familie Trust
- West Coat Resources

### 3.1.2 GOVERNMENT, NGOS AND OTHER KEY STAKEHOLDERS

- African Conservation Trust
- AfriForum
- Afro Energy (Pty) Ltd
- Agri South Africa
- Amahlubi Traditional Council
- Anadarko SA
- Anglo America
- Bakoena Traditional Council
- Birdlife South Africa
- Booie Brothers
- Bosworth Community
- Bothas Pass Community
- Cape Nature
- Coastal Links South Africa
- Commission on Restitution of Land Right (Northern Cape)
- Council of Geo Science
- CSIR
- Dargle Conservancy
- DEFF: Oceans and Coast
- Endangered Wildlife
- Endangered Wildlife Trust
- Eskom
- Ezemvelo KZN
- FishSA
- Fresh Tuna Exporters Association
- GroundWork
- Inert Fas Industries
- Kamiesberg Local Municipality
- Local Ward Councillors
- Maarifa Resources (Pty) Ltd
- Mattanja Eiendoms Belleggings (Pty) Ltd
- Nama Khoi Local Municipality
- Namakwa District Municipality
- Namibian Government
- National Department of Environment, Forestry and Fisheries
- National Department of Human Settlement, Water and Sanitation
- National Department of Rural Development and Land Affairs
- Northern Cape Department of Agriculture
- Northern Cape Department of Agriculture, Land Reform and Rural Development
- Northern Cape Department of Economic Development and Tourism
- Northern Cape Department of Environment and Conservation
- Northern Cape Department of Nature and Conservation
- Northern Cape Department of Roads and Public Works
- Northern Cape Department of Social Development
- Northern Cape Department of Water and Sanitation
- Northern Cape Provincial Heritage Resource Agency
- Northern Cape: Department of Transport, Safety and Liason



- Northern Free State Mineral Resources Stakeholder Forum
- Petroleum Agency SA
- PetroSA
- Rural Network; Landless People's Movement (LPM)
- SA Deepsea Trawling Industry Association
- SA Hake Longline Association
- SA Tuna Association
- SA Tuna Longline Association
- SAHRA
- SANBI
- SANPARKS
- Seizigyn (Pty) Ltd
- Sisonke Environmental Justice Network(SEIJN);
- Siyanqoba Rural Transformation Forum; Siyaphambili Emajuba Farmdwellers Association (SEFA)
- South African Association for Marine Biological Research (SAAMBR)
- South African National Biodiversity Institute
- South Durban Community Environmental Alliance (SDCEA)
- Sunbird Energy (Ibhubesi) (Pty) Ltd
- Sungu Petroleum (Pty) Ltd
- Tetra4 (Pty) Ltd
- Thombo Petroleum/ Africa Energy Corp
- Transnet
- Umzimvubu Catchment Partnership Programme(UCPP)
- University of Cape Town
- Vryheidsfront Plus
- WESSA
- Wildlife and Environment Society of South Africa (WESSA)
- Wildoceans
- World Wildlife Fund

Refer to Appendix B 1 for the complete I&AP Database.

## **4 NOTIFICATION OF INTERESTED AND AFFECT PARTIES**

This section provides details on the notifications that were distributed as part of the consultation process to date.

### **4.1 Initial Notification of Landowners and I&APs**

The PPP commenced on the 15<sup>th</sup> February 2021 with an initial notification and call to register. Notification during this initial consultation was given in the manner described below.

#### **4.1.1 REGISTERED LETTERS, FAXES AND EMAILS**

Notification letters registered mail in English and Afrikaans were distributed to pre-identified I&APs through either registered mail, faxes, and/or emails. Please refer to Appendix B 2 for initial notification and proof of initial notification.

The notification documents included the following information:

- List of anticipated activities to be authorised;
- Sufficient detail of the proposed development to enable I&APs to assess/surmise what impact the development will have on them or on the use of their land;
- The purpose of the proposed project;



- Details of the application processes associated with proposed activities;
- Details of the affected properties (including a locality map);
- Details of the South African environmental legislation that must be adhered to;
- Date by which the I&AP must register and send comments through to EIMS;
- Contact details of the EAP.

#### **4.1.2 Newspaper Advertisements**

Advertisements describing the proposed project and EIA process were placed in Die Plattelander, Gemsbok and the Northern Cape Provincial Gazette (in English and Afrikaans) with adequate circulation in the vicinity of the study area on the 19<sup>th</sup> February 2021 for both Die Plattelander and the Gemsbok and on the 17<sup>th</sup> March 2021 in the Gazette. The newspaper adverts included the following information:

- Project name;
- Applicant name;
- Project location;
- Nature of the activity;
- Legislative requirements; and
- Relevant EIMS contact person for the project.

Please refer to Appendix B 3 for proof of adverts placed.

#### **4.1.3 SITE NOTICE PLACEMENT**

Thirty (30) A1 Correx site notices (in English and Afrikaans) were placed at 30 locations along the coastline from Alexander Bay to Hondeklip Bay and within the surrounding directly affected communities the proposed project study area between the 16<sup>th</sup> February 2021 to the 18<sup>th</sup> February 2021. The on-site notices included the following information:

- Project name;
- Applicant name;
- Project location;
- Map of proposed project area;
- Project description;
- Legislative requirements; and
- Relevant EIMS contact person for the project.

Posters were placed at public venues such as the local community centres, shops and the local municipalities as far as possible. Door to door notification was also conducted, as far as possible, to notify the directly affected farm portions and ERF properties Please refer to Appendix B 4 f or proof of site notice and site notice distribution and proof of door-to-door notifications.



## 4.2 NOTIFICATION OF INTERESTED AND AFFECTED PARTIES OF REPORTS AND OTHER STUDIES

### 4.2.1 SCOPING PHASE NOTIFICATIONS

Notification (in English and Afrikaans) regarding the availability of the Scoping Report and associated appendices has been provided to pre-identified and registered I&APs were distributed through either fax, registered mail and/or emails. The notification includes details regarding where a hard copy of the report can be accessed. Contact details have been provided to I&APs if they require assistance accessing the information or require copies of the reports and the recorded presentation. Please refer to Appendix B 5 for the Scoping phase notifications and Appendix B 6 for Public Open Days undertaken.

The Scoping report and associated appendices have been made available for public review and comment from the Kamiesburg Local Municipality in Hondeklip Bay (of Wag Way street);

- Richtersveld Local Municipality in Port Nolloth (Main Road); and
- Community Center in Alexander Bay (Contact: Ralph van Reenen: 073 078 7238, 2 Weshoek Straat, Alexander Bay).

I&APs were also notified of the dates and venues for the public open days held between 10:00 – 15:00 from 13 April 2021 to 15 April 2021 in the following venues:

- 13 April 2021: Alexander Bay – Development Centre (Weshoek Straat);
- 14 April 2021: Port Nolloth – Richtersveld – Town Hall (169 Main Road); and
- 15 April 2021: Hondeklip Bay – Eric Baker – Community Hall (75 Main Road).

### 4.2.2 EIA PHASE NOTIFICATIONS

Notification (in English and Afrikaans) regarding the availability of the EIA Report and associated appendices has been provided to pre-identified and registered I&APs were distributed through either fax, registered mail and/or emails where contacts were available. The notification includes details regarding where a hard copy of the report can be accessed. Contact details have been provided to I&APs if they require assistance accessing the information or require copies of the reports and the recorded presentation. Please refer to Appendix B 7 for the proof of I&AP Notifications

- The EIA report and associated appendices have been made available for public review and comment from the Community Center in Alexander Bay (Contact: Ralph van Reenen: 073 078 7238, 2 Weshoek Straat, Alexander Bay);
  - Richtersveld Local Municipality in Port Nolloth (Main Road);
  - Nama Khoi Local Municipality in Kommagas (143 William vd Heever Street, Kommagas); and
  - Kamiesburg Local Municipality in Hondeklip Bay (of Wag Way street).
- I&APs were notified of the dates and venues for the public open days held between 10:00 – 16:00 from 17<sup>th</sup> August 2021 to 19<sup>th</sup> August 2021 in the following venues: Please refer to Appendix B 8 for Public Open Days undertaken.
  - 17 August 2021: Alexander Bay – Development Centre (Weshoek Straat);
  - 17 August 2021: Port Nolloth – Richtersveld – Town Hall (169 Main Road);
  - 18 August 2021: Kleinsee - West End Kleinsee (Servaas Daniel Maree, Kleinsee, 8282); and
  - 19 August 2021: Hondeklip Bay – Eric Baker – Community Hall (75 Main Road).



- I&APs were notified of the availability of the Public Meeting Afrikaans translated posters on the 27<sup>th</sup> August 2021.
- I&APs who could not attend the Public Open Days held in the various towns were notified of the opportunity to attend a Virtual Public Meeting which was held on the Teams Online Meeting Platform on the 27<sup>th</sup> August 2021. Please refer to Appendix B 9 for the Virtual Meeting undertaken.
- I&APs were notified about extension of the EIA Report availability for review and comment from the 03<sup>rd</sup> September to the 04<sup>th</sup> October 2021, the report was made available online and at the report review venues above.
- Further to the above, the local communities and small scale fisheries of the West Coast were notified of Focus Group meetings held from the 20<sup>th</sup> September 2021 to the 22<sup>nd</sup> September 2021 in the following venues:
  - 20 September 2021: Port Nolloth – Richtersveld – Council Chambers (516 Cnr Robson and Rowland Street) from 13:00 to 16:00;
  - 21 September 2021: Kleinsee –West End Kleinsee (Servaas Daniel Maree, Kleinsee, 8282) from 14:00 to 17:00; and
  - 22 September 2021: Hondeklip Bay – Eric Baker – Community Hall (75 Main Road) from 16:00 to 18:00.

Please refer to Appendix B 10 for the Focus Group Meetings that were undertaken.

### 4.3 SUMMARY OF PUBLIC PARTICIPATION OPPORTUNITIES

The table below provides a summary of the opportunities provided to I&APs for participation in the public participation process to date.

Table 1: Opportunities Provided for Public Participation

PUBLIC PARTICIPATION PHASE			
ACTION	DESCRIPTION	PUBLICATION/PLACE	DATE
Initial Public Notification (announcement of project and call to register)	Newspaper advertisements	Die Plattelander Gemsbok	19 <sup>th</sup> February 2021
	Newspaper advertisements	Northern Cape Provincial Gazette	17 <sup>th</sup> March 2021
	Placement of site notices.	30 A1 site notices (English and Afrikaans) along and around the study area (30 placement locations).	16 <sup>th</sup> to the 18 <sup>th</sup> February 2021
	Notification of landowners, occupiers, and other key I&APs.	Affected landowners and key I&APs were notified via email, fax, and/or post.	19 <sup>th</sup> February 2021
Scoping report public review and comment	Notification of landowners, occupiers, and other key I&APs.	Affected landowners, legal occupiers, and key I&APs were notified via email, fax, and/or post.	25 <sup>th</sup> March 2021



PUBLIC PARTICIPATION PHASE			
Scoping Phase Public Open Days	Notification of landowners, occupiers, and other key I&APs.	Affected landowners, legal occupiers, and key I&APs were notified via email, fax, and/or post.	31 <sup>st</sup> March 2021
EIA report public review and comment	Notification of landowners, occupiers, and other key I&APs.	Affected landowners, legal occupiers, and key I&APs were notified via email, fax, and/or post.	3 <sup>rd</sup> August 2021
EIA Phase Public Open Days	Notification of landowners, occupiers, and other key I&APs.	Affected landowners, legal occupiers, and key I&APs were notified via email, fax, and/or post.	17 <sup>th</sup> to the 19 <sup>th</sup> August 2021
EIA Phase Virtual Public Meeting	Notification of landowners, occupiers, and other key I&APs.	Affected landowners, legal occupiers, and key I&APs were notified via email, fax, and/or post.	27 <sup>th</sup> August 2021
EIA report public review and comment extension.	Notification of landowners, occupiers, and other key I&APs.	Affected landowners, legal occupiers, and key I&APs were notified via email, fax, and/or post.	03 <sup>rd</sup> September 2021
EIA Phase Focus Group Meetings	Notification of landowners, occupiers, and other key I&APs.	Affected landowners, legal occupiers, and key I&APs were notified via email, fax, and/or post.	20 <sup>th</sup> to the 22 <sup>nd</sup> September 2021

## 5 NOTIFYING INTERESTED AND AFFECTED PARTIES OF THE DECISION

Interested and Affected Parties will be notified via fax, registered mail and/or email of the decision once available including the appeal process should they wish to appeal the decision.

## 6 RECORD OF ISSUES RAISED

The comments presented in are those that have been received and addressed from 15<sup>th</sup> February 2021 to date and has been updated post the public review period of the EIA Report.

### 6.1 HOW ISSUES RAISED WERE ADDRESSED

Issues raised were addressed in a transparent manner and included in the compilation of the EIA Report to provide further suggestions and recommendations with regard to potential management options for impacts.

### 6.2 Summary of Comments That Were Received

To date comments have been received as per below:

- Registration of various I&APs;
- Requests for additional information relating to the BID and the locality of the proposed project area;
- Additional information provided to EIMS relating to the project such as:



- The project area falls within the scope of the Large Pelagic Long Line Operations;
- The project area falls within a Marine Protected Area; and
- Comments received on behalf of Green Connection on the Scoping Report;
- Comments received from South Durban Environmental Alliance on the Scoping Report;
- Comments received from the PASA on the Scoping Report;
- Comments received from the Northern Cape Department of Agriculture, Environmental Affairs, Land Reform and Rural Development.
- Comments received from PASA on the EIA Report;
- Requests for a virtual public meeting to be held;
- Queries from I&APs related to the EIA Phase public meetings held;
- Requests for information to be made available in Afrikaans;
- Requests for further consultations with the local small scale fishing communities of the West Coast;
- Comments received from The Green Connection on the EIA Report;
- Comments received from South Durban Environmental Alliance on the EIA Report;
- Comments received from Birdlife South Africa on the EIA Report;
- Comments received from Dr Jackie Sunde on the EIA report; and
- Comments on behalf of the Kobush Ontwikkelingsvereniging NPC on the EIA report.

All comments and/or queries received are included in this report and presented Appendix B 11 and Appendix B 10. These appendices have been updated post the review period of the EIA Report for submission to the competent authority. Please refer to Appendix B 12 for proof of correspondence.

## **7 CONCLUSIONS AND RECOMENDATIONS**

The comments received to date refers to registrations, requests for information, biodiversity, public participation, noise and the provision of additional information to EIMS. The comments and issues raised through the public participation has been considered and used inform the compilation of the EIA Report . This report has been updated for submission to the competent authority following the 60-day public review period of the EIA Report and associated appendices.