

## Appendix C6 – Comments and Responses Report

# BASIC ASSESSMENT FOR A PROSPECTING RIGHT APPLICATION FOR SOUTH AFRICAN SEA AREAS 4C AND 5C, WEST COAST, SOUTH AFRICA

## SECOND COMMENTS AND RESPONSES REPORT

### 1. INTRODUCTION

This Comments and Responses Report has been compiled as part of Basic Assessment process that is being undertaken for the proposal by De Beers Consolidated Mines (Pty) Ltd (De Beers) to undertake prospecting activities in South African Sea Areas 4C and 5C.

The updated Draft Basic Assessment Report (BAR) was distributed for a 30-day comment period from **4 February to 6 March 2023**. All comments received during this period have been collated and responded into this Comments and Responses Report. Where applicable, responses to comments and questions are given or cross-referenced to the relevant section of text in the Final Basic Assessment Report (BAR).

### 2. COMMENTS RECEIVED

A total of five submissions were received. Comments and issues are presented and responded to in Table 2-2 overleaf. No importance should be given to the order in which the comments are presented. As far as possible, comments are presented verbatim from written submissions.

**TABLE 2-1: LIST OF I&AP COMMENTS RECEIVED DURING THE EIA PROCESS**

	<b>SUBMITTED BY</b>	<b>DATE</b>	<b>METHOD</b>
1.	Jackie Sunde	17 February 2023	Email
2.	Elize Farre - Koingnaas Ratepayers Association	6 March 2023	Email
3.	Ruan Brand – South African Heritage Resources Agency	6 March 2023	Email
4.	Dawid Markus	6 March 2023	Email
5.	Christina Hagen – BirdLife South Africa	6 March 2023	Email

**Table 2-2: Summary table of comments received with responses from SLR and the project technical team, as appropriate**

NO.	ISSUE	COMMENT	RESPONSE
<b>1</b>	<b>JACKIE SUNDE</b>		
1.1	Nature of internal appeal process regarding the application for a Prospecting Right	<p>Please can you explain to me in a bit more detail what the grounds for the internal appeal process were (referred to below in your notification circulated in layperson's terms?:</p> <p><i>"The draft BAR and Environmental Management Programme (EMP) was made available for a 30-day public review and comment period from 4 June to 5 July 2021. Subsequently the application for EA was suspended pending an internal appeal process regarding the application for a prospecting right itself under the MPRDA. As noted above, the Prospecting Right Application has since been accepted by the DMRE and the original Application for EA was acknowledged on 29 November 2022. As the project proposal remains unchanged, the previous distribution of the draft BAR for public review and comment is regarded as a pre-application process for the Application for EA. The written submissions received during the previous draft BAR review and comment period have been collated, and responded to, in a Comments and Responses Report, which is appended to this report (refer to Appendix C4). It should be noted that all significant changes to the draft BAR are underlined and in a different font (Times New Roman) to the rest of the text."</i></p>	<p>The internal appeal process involved internal appeals against decisions of the Regional Manager: Northern Cape Region of the Department of Mineral Resources and Energy ("DMRE") under Section 96 of the Mineral and Petroleum Resources Development Act 28 of 2002 ("MPRDA"). Because of delays within the DMRE in processing applications that had been lodged by DBCM, DBCM's 4c and 5c Prospecting Rights lapsed on 8 February 2021. DBCM lodged new applications immediately on 9 February 2021 but on the same day a Second Applicant also lodged an application for a prospecting right over 4c and 5c. DBCM's application was rejected by the RM and the Second Applicant's application was accepted by the RM. DBCM lodged 2 appeals processes, one to set aside the rejection of its prospecting right application and the second one to appeal against the acceptance of the Second Applicant's application. Appeal decisions were handed down by the Director General: DMRE in terms of Section 96 of the MPRDA granting DBCM's appeal against the rejection of its prospecting right application (which is now accepted) and rejecting DBCM's appeal against the acceptance of the Second Applicant's application. Thus there are now 2 prospecting right applications over 4c and 5c, namely the DBCM application and the Second Applicant's application which are being processed in terms of Section 16 of the MPRDA as read with Section 9. DBCM has lodged an objection in terms of Section 10 of the MPRDA against the grant of the Second Applicant's application.</p>
<b>2</b>	<b>ELIZE FARRE - KOINGNAAS RATEPAYERS ASSOCIATION</b>		
2.1	Registration as an I&AP	I would like to be put on the Project Database for the Proposed Prospecting Activities offshore sea areas 4C and 5C, West Coast South Africa.	Ms Farre has been added to the Project database.

NO.	ISSUE	COMMENT	RESPONSE
2.2	Availability of public meeting notes	It would be appreciated if the Minute of the Public Meeting held 22 February 2013 at Hondeklipbaai be forwarded to me as we received the notification of the meeting too late to attend.	A copy of the meeting notes for the meeting held in Hondeklipbaai on 22 February 2023 is included in Appendix C5 of the Final Basic Assessment Report and were sent to Ms Farre on 13 March 2023.
<b>3 RUAN BRAND – SOUTH AFRICAN HERITAGE RESOURCES AGENCY</b>			
3.1	Project Information	<p>On 9 February 2021, De Beers Consolidated Mines (Pty) Ltd (DBCM) lodged an application for a prospecting right with the Department of Mineral Resources and Energy (DMRE) to undertake offshore diamond prospecting activities in Sea Areas 4C and 5C, off the West Coast of South Africa. The application was lodged in terms of Section 16 of the Mineral and Petroleum Resources Development Act, 2002 (No. 28 of 2002; MPRDA) (as amended). In terms of the Environmental Impact Assessment (EIA) Regulations, 2014 (as amended), promulgated in terms of the National Environmental Management Act (No. 107 of 1998; NEMA), an application for a prospecting right requires Environmental Authorisation (EA) from the competent authority, the Minister of Mineral Resources and Energy (or delegated authority), to carry out the proposed prospecting activities. An application for EA, in terms of NEMA, was submitted to the DMRE at the same time as the prospecting right application. In order for DMRE to consider an application for EA, a Basic Assessment (BA) process must be undertaken. SLR Consulting (South Africa) (Pty) Ltd (SLR) has been appointed by De Beers Marine (Pty) Ltd (DBM) on behalf of DBCM, as the independent Environmental Assessment Practitioner (EAP) to meet the relevant requirements of NEMA and the EIA Regulations, 2014 (as amended) and undertake an application for EA.</p> <p>The South African Heritage Resources Agency (SAHRA) would like to thank you for submitting the revised Draft Basic Assessment Report (DBAR) under section 38(8) of the National Heritage Resources Act, No 25 of 1999 (NHRA) for a Prospecting Right Application with DMRE Ref: NCS 30/5/1/1/2/1 (12857) PR for South African Sea Area 4C and 5C off the west coast of South Africa.</p>	This project information is correct.
3.2	Incorporation of previous SAHRA comments into BAR	The SAHRA issued a comment on the first version of the DBAR in July 2021. The scope of work has not changed from this comment being issued and the SAHRA is pleased to see that the SAHRA's comments on that version of the DBAR have been included in this revised version.	This confirmation that the previous comments provided by SAHRA have been satisfactorily addressed is acknowledged.

NO.	ISSUE	COMMENT	RESPONSE
3.3	Update of mitigation measures	The SAHRA remains satisfied with the recommended mitigation measures set out for archaeological heritage under section 5.4.1 and 7.8 of the DBAR. This section must however be updated to include the same mitigation measures for other forms of heritage, particularly relevant in this case are fossils, which have the potential of being accidentally disturbed whilst lying exposed on or just below the seabed. Once these have been incorporated, SAHRA has no reason to object to the proposed activities based on the mitigation measure for potential impacts to tangible heritage.	The relevant sections of the BAR and EMPr have been updated to include the following mitigation: <ul style="list-style-type: none"> <li>“Objects of cultural significance, including fossils, recovered during sample processing will be recorded and addressed in accordance with the requirements of the National Heritage Resources Act 1999.”</li> </ul>
3.4	Intangible Cultural Heritage	The SAHRA is also pleased to see information on intangible cultural heritage (ICH) being incorporated into the report under section 4.3.6. Although no impacts to ICH are foreseen, the public participation process may reveal ICH impacts, and these must be addressed to ensure that the ICH is being safeguarded during the course of these proposed activities. Under section 1.4.3 of the accompanying Environmental Management Programme (EMPr), applicable international legislation relevant to Archaeology and Cultural Heritage must be updated to include the 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage. Although South Africa is not yet state party to this convention, the process is underway, and South Africa has a National Policy on South African Living Heritage that speaks to this convention.	Section 1.4.3 of the Draft EMPr has been updated to include the 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage.
3.5	Requirements for any future submissions	Please note that all updates and/or changes to the project, supporting documentation, correspondence, reports, or any other work relating to the project must be uploaded to the case on SAHRIS to provide SAHRA with the opportunity to comment. SAHRA does not accept emailed documents or hard-copy documents received via post.	These requirements for any future submissions are noted.
<b>4</b>	<b>DAWID MARKUS</b>		
4.1	Objection	We are Interested and Affected Parties to this application on the West Coast of South Africa. Our objection to the granting of a prospecting right are as follows: <ul style="list-style-type: none"> <li>West Coast: Atlantic Ocean under Seized</li> </ul>	Your objection is noted and recorded here for consideration by the Competent Authority in decision-making.
4.2	Right to a healthy environment in terms of Section 24 of the Constitution	The environmental right - Section 24 (i) Section 24 of the Constitution states that: Everyone has the right to: an environment which is not harmful to their health or well-being. (ii) Article 24 specifically puts environmental rights into the context of human health, stating "Everyone has the right to an environment that is not harmful to their health	The Constitution recognises that all citizens have the right to an environment that is not harmful to their health or wellbeing, and it also recognizes the need for socio-economic development in the country. Thus, all development should be pursued in a way that is sustainable and does not harm the environment or the health of the people and strikes a balance

NO.	ISSUE	COMMENT	RESPONSE
		<p>or well-being;” As well as recognising the rights of future generations in the context of sustainable development.</p>	<p>between development and environmental protection. This can be achieved through responsible planning, implementation, and monitoring of development projects. The Basic Assessment Process undertaken for the proposed prospecting activities has assessed the potential environmental impacts associated with the proposed prospecting activities and provides recommendations for mitigation measures that must be put in place to mitigate any negative effects.</p>
4.3	<p>Impact on future tourism of the Namaqua Fossil Forest MPA</p>	<p>(iii) The fossil park can be promoted as a tourist attraction can be a sustainable livelihood for generations to come. It is in that spirit that we need to see the intention of the Constitution and the intention of the legislature.</p>	<p>The Namaqua Fossil Forest feature is a small unique seabed outcrop of fossilized yellowwood at 136 - 140 m depth, approximately 30 km offshore on the West Coast of South Africa. This small unique feature was observed within a 2 km<sup>2</sup> area and received full protection through the declaration in May 2019 of the much larger (~516 km<sup>2</sup>) encompassing Namaqua Fossil Forest MPA.</p> <p>While Sea Areas 4C and 5C overlap with the Namaqua Fossil Forest MPA, the MPA has been excluded from the prospecting right application, thus no geophysical surveying and sampling activities will occur within the MPA and there would be no conflict with any possible future tourism activities. Please note that the feature is located at water depths of approximately 136 – 140 m that make any potential tourism activities unlikely.</p>
4.4	<p>Irreversible damage to the marine environment</p>	<p>(iv) Irreversible damage will be done to the marine ecosystems and history taught us that De Beers are nowhere to be found when it comes to rehabilitation. A proven testimony of this is the mining dumps that were left with impunity within the west coast of Namaqua Land.</p>	<p>De Beers continues to comply with the applicable laws of the country, including those related to environmental management and rehabilitation requirements. For the proposed prospecting activities, no irreversible damage to the marine ecosystem is anticipated from the proposed sampling activities as full recovery of benthic biodiversity within the disturbed footprints would take place within the medium term due to natural sedimentation processes and recolonization by benthic communities. De Beers concluded all concurrent</p>

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			<p>rehabilitation before selling mineral rights to West Coast Resources (WCR). The sale to WCR incorporated the remaining rehabilitation requirements that would be completed as part of the remaining mining sequence. WCR has made provision for the rehabilitation requirement as approved by the DMRE. The mining rights and associated disturbances in the immediate vicinity of Hondeklipbaai have never been owned by De Beers, so De Beers cannot comment on these.</p>
4.5	No implementation of rehabilitation	(v) De Beers closed their mining operations in the area without honouring their SLP's and rehabilitation responsibilities and the only thing that sprang to one's mind that they are in full control of the government and that we are alternately dealing with a captured state, a David vs Goliath scenario.	<p>De Beers has not applied for closure of its mining operations in the area and continue to contribute to socio-economic projects within the area</p> <p>As noted in Section 3.1.3 of the BAR, an application for EA for a Prospecting Right must comply with the prescribed financial provision for the rehabilitation, closure and ongoing post decommissioning management of negative environmental impacts. Thus, DBCM would be required to put in place the necessary Financial Provision for the proposed prospecting activities. The Financial Provision must be made in advance and held in a trust or other financial instrument to ensure that the necessary funds are available when needed.</p> <p>The purpose of the Financial Provision is to ensure that the person responsible for the activity bears the cost of rehabilitating and managing the environmental impacts caused by the activity. This is intended to minimize the risk of environmental damage and ensure that the environment is restored to a sustainable state after the activity has ceased. See comment regarding rehabilitation in 4.4 above.</p>
4.6	Impact on future scientific research within the Namaqua Fossil	<p>Namaqua Fossil Forest a Marine Protected Area</p> <p>(i) A marine reserve is a type of marine protected area (MPA). An MPA is a section of the ocean where a government has placed limits on human activity. A marine reserve is a marine protected area in which removing or destroying natural or</p>	<p>As noted in 4.3 above, the MPA has been excluded from the prospecting right application, thus no geophysical surveying and sampling activities will occur within the MPA. Thus, no impacts on future scientific research within the MPA are</p>

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	Forest MPA	cultural resources is prohibited. 19 May 2022 <a href="https://education.nationalgeographic.org">https://education.nationalgeographic.org</a> › ... (ii) That allow scientists to compare the undisturbed areas of a reserve to those impacted by human activities. Through these experiments, scientists are better able to understand how human activities affect the marine environment.	anticipated.
4.7	Marine Protected Areas	From the Operation Phakisa website: ACTS REGULATIONS 1. National Environmental Management Protected Areas Act, 2003 National Environmental Management: Protected Areas Act, (57 of 2004): Regulations: Management of Namaqua Fossil Forest Marine Protected Area (42479 – GN 786 2. After the 2011 National Biodiversity Assessment noted that offshore ecosystems were poorly protected, the Offshore MPA project (2007- 2011) initiated plans to increase protection of offshore ecosystems, which were advanced towards implementation during Operation Phakisa Oceans Economy. A total of 22 new MPAs were gazetted for comment in 2016 as part of a lengthy consultation process. The South African Cabinet granted permission to declare a revised network of 20 new MPAs in October 2018. It took several months to prepare the declaration notices and final regulations. This culminated in the gazetting of 20 new MPAs on 23 May 2019. These take effect on 1 August 2019 and expand the protection of South Africa’s mainland ocean territory to 5%. 3. 20 new MPAs, and two expanded MPAs were identified through Operation Phakisa, a presidential project to fast-track the development of South Africa’s Ocean Economy. 4. The new MPAs will secure protection of marine habitats like reefs, mangroves and coastal wetlands which are required to help protect coastal communities from the results of storm surges, rising sea-levels and extreme weather. Offshore, these MPAs will protect vulnerable habitats and secure spawning grounds for various marine species, therefore helping to sustain fisheries and ensure long-term benefits important to food and job security.  PURPOSE OF MPA 1. The purpose for declaring this Marine Protected Area is:	As noted in 4.3 above, the MPA has been excluded from the prospecting right application, thus no geophysical surveying and sampling activities will occur within the MPA.

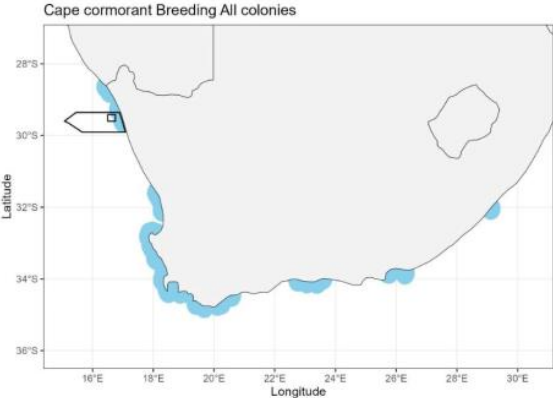


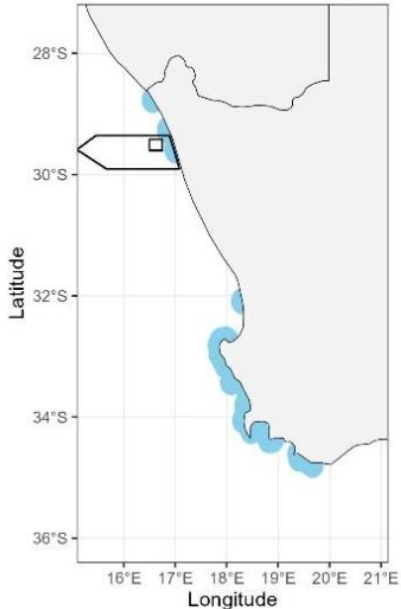
NO.	ISSUE	COMMENT	RESPONSE
		(a) to contribute to a national and global representative system of marine protected areas by providing protection to the benthic ecosystems of the inner shelf in this region; (b) to conserve and protect an in-situ fossilised forest and its associated cold water corals; and (c) to conserve and protect the biodiversity and ecological processes associated with these features.	
4.8	Impact of future mining	PROSPECTING AND MINING 1. Prospecting with the aim of mining will inevitably significantly reduced their populations. Increased activities further contributed to this population decline.	The current application relates to prospecting and not diamond recovery mining activities. Any future diamond recovery mining activities would be subjected to a separate Environmental Impact Assessment process which would consider the related impacts associated with diamond recovery mining activities specifically. The potential impact of the proposed prospecting activities has been assessed in the FBAR with the majority of the impacts being of short-term duration and limited to the immediate sampling or survey areas. As a result, the majority of the impacts associated with the geophysical survey or sampling activities are considered to be of INSIGNIFICANT to VERY LOW significance after mitigation.
4.9	Impact on the Namaqua Fossil Forest MPA	2. De Beers discovered the fossil park and it was declared a protected the area, and now wants to destroy it, Greed are taking center stage, when is enough enough?	See response in 4.7 above.

NO.	ISSUE	COMMENT	RESPONSE
4.10	Impact of future mining	<p>WHAT DOES MINING DO TO THE SEA?</p> <ol style="list-style-type: none"> <li>1. The most direct impacts at mining sites are destruction of natural land forms and the wildlife they host, compaction of the sea floor, and creation of sediment plumes that disrupt aquatic life.</li> <li>2. Nearby impacts include noise, electromagnetic effects, disruption of the larval supply, contamination and fluid flow changes.  <a href="https://www.biologicaldiversity.org">https://www.biologicaldiversity.org</a> › ...</li> <li>3. What are the challenges of deep-sea mining?                             <ol style="list-style-type: none"> <li>3.1. Deep-seabed mining also poses a potential risk for biodiversity loss, forced species migrations, and loss of connectivity that could lead to species extinctions in the deep ocean 34.06 Jul 2020 <a href="https://www.nature.com">https://www.nature.com</a> › articles</li> <li>3.2. Is deep-sea mining a cure for the climate crisis or a curse? 29 Aug 2021 — “Deep seabed mining will result in large-scale habitat removal,” it states. “It will also produce sediment plumes which will disrupt the marine ecosystems and alternately the fossil park.</li> <li>3.3 Deep Sea Mining                                      What is the issue?                                      Deep-sea mining is the process of extracting and often excavating mineral deposits from the deep seabed. The deep seabed is the seabed at ocean depths greater than 200 m, and covers about two-thirds of the total seafloor. Research suggests deep-sea mining could severely harm marine biodiversity and ecosystems, but we still lack the knowledge and means to implement protections.</li> </ol> </li> </ol>	<p>As noted in 4.8 above, the current application relates to prospecting and not diamond recovery mining activities. Furthermore, as noted in your comment, the “deep sea” mining activities referenced take place in water depths greater than 200 m, however, Sea Areas 4C and 5C are located in water depths of between 50 m and 200 m. In addition, the proposed geophysical surveys and sampling operations will however typically be focussed in areas where the water depth ranges from 70 m – 160 m.</p> <p>The impact of future diamond recovery mining will only be determined once we have completed the prospecting and if this project progresses to a Mining Right application. De Beers is committed to work with the relevant stakeholders and engage on their needs and impacts once we have the necessary approval required to proceed.</p>
4.11	Impact of sampling activities	<p>PROTECTIVE LAYER</p> <ol style="list-style-type: none"> <li>1. Nature protects itself and the fossil park is having a protective boundary to protect is from any harm just like the skin a fruit or any living being. Just imagine peeling off the skin of a fruit. The logic into prospecting and mining is that it can be fine to mine the protective layer and nothing will happen. This will inevitably cause harm in the long run.</li> <li>2. The whole the ecosystem will be compromise if the protective layer will be peeled off.</li> </ol>	<p>From this comment, it is not clear what is meant by the “protective layer”. As noted in 4.3 above, no activities would be undertaken in the Namaqua Fossil Forest MPA.</p> <p>The application for a prospecting right is premised on the fact that DBCM views the areas as being prospective for diamond recovery. If this is confirmed through the data that will be made available through the prospecting work, DBCM will proceed to apply to the DMRE to recover diamonds in the area.</p>

NO.	ISSUE	COMMENT	RESPONSE
		3. We understand the reasoning and argument of the application of a prospecting right but why continues if there is not an greedy appetite too mine in the foreseeable future.	Any future diamond recovery mining activities would be subjected to a separate Environmental Impact Assessment process which would consider the related impacts and mitigation associated with diamond recovery activities specifically.
4.12	Marine Protected Areas	WISDOM vs INTELLIGENCE 1. Wisdom comes from God and common sense are needed. 2. Offshore of the dry northwest Cape coast, near Kleinsee in the Northern Cape lies evidence of age-old forests; trunks of fossilized yellowwood trees covered in delicate corals. 3. In India the fossil Park might be millions of years old, and there are still work for scientists to explore the area. 4. The 20 new MPAs, and two expanded MPAs were identified through Operation Phakisa, a presidential project to fast-track the development of South Africa's Ocean Economy. The new MPAs will secure protection of marine habitats like reefs, mangroves and coastal wetlands which are required to help protect coastal communities from the results of storm surges, rising sea-levels and extreme weather. Offshore, these MPAs will protect vulnerable habitats and secure spawning grounds for various marine species, therefore helping to sustain fisheries and ensure long-term benefits important to food.	See response provided in 4.7 above.
4.13	Impacts on coastal fishing communities	Coastal communities are on the receiving end of bad decisions and a granting of a prospecting right can be detrimental for the existence and sustainability of fishing communities.	The potential impact on fisheries is assessed in Section 5.3.1 of the BAR. Of the fishing sectors that operate off the West Coast, the sectors that could potentially be affected include the pelagic long-line, demersal longline, tuna pole, traditional line-fish fisheries, small-scale fishers, as well as fishery research. However, given that the possible impacts on these fisheries would be limited to a small area within Sea Areas 4C and 5C and are deemed to be improbable and thus deemed to be of insignificant significance (with the implementation of mitigation) as the fishing vessels would be able to operate elsewhere outside of the exclusion zone within the entire extent of Sea Area 4C and 5C, the prospecting operations are

NO.	ISSUE	COMMENT	RESPONSE
			not anticipated to have any impact on the above-mentioned fisheries.
4.14	No implementation of rehabilitation	<p><b>LANDCLAIM AND REHABILITATION</b></p> <ol style="list-style-type: none"> <li>1. Landclaims were on the former De Beers mines, in HondeklipBay and De Beers ran away after the proclamation of the landclaim and left abandoned un-rehabilitated mines. They have not honour their promises in the past and history told us they are not trustworthy.</li> <li>2. De Beers is seen through the eyes of the locals as an unscrupulous gangster company with malicious intends and rape the local communities with total impunity.</li> <li>3. De Beers use their might to bully the locals, as if that is not enough they want to put the sea under SEIZE.</li> <li>4. If permission is granted than we will have no other option to approach to courts for remedial action, even if it means we will need to approach international communities for help.</li> <li>5. There is an adjacent MPA even though is tough to protect the protected I therefore refer to the area as "TAFFA'S FOSSIL PARK".</li> </ol> <p>Our humble request is not to allow De Beers to do prospecting.</p>	See responses provided in 4.5 above. Land claims are submitted against the state and not the current occupiers or owners of the land in question. This is a matter that is being handled by the Northern Cape Land Commission, and not by De Beers. De Beers worked closely with the Land Commissioner and ensured all the necessary steps and requirements were followed with regards to all its Land Claims. De Beers continues to work with all stakeholders where required as part of its engagement strategy built on finding solutions in a collaborative manner. Where stakeholders are aggrieved De Beers encourages them to lodge formal grievances which are recorded and responded to in line with De Beers Grievance management process. See comment regarding rehabilitation in 4.4 above.
<b>6</b>	<b>CHRISTINA HAGEN – BIRDLIFE SOUTH AFRICA</b>		
6.1	Impact of future mining on the Namaqua Fossil Forest MPA	The concession areas completely surround the Namaqua Fossil Forest MPA. While the MPA has been excluded from the prospecting activities, there is no mention in the report of potential impacts of prospecting activities specifically on the MPA (e.g. smothering of organisms due to release of sediments). This would also be a significant concern if commercial mining goes ahead in future.	The current application relates to prospecting and not diamond recovery mining activities. Any future diamond recovery mining activities would be subjected to a separate Environmental Impact Assessment process which would consider the related impacts associated with mining activities specifically. As noted in 4.3 above, the MPA has been excluded from the prospecting right application, thus no geophysical surveying and sampling activities will occur within the MPA and no impact on the MPA is anticipated.
6.2	Additional bird colonies	There are Cape and Bank cormorant colonies near the concession areas that were not mentioned in the Marine Faunal Assessment. Colonies at Penguin Rock and Kleinzee	The assessment of potential acoustic impacts of the geophysical surveys and sampling activities on marine fauna is

NO.	ISSUE	COMMENT	RESPONSE
		<p>overlap with the concession areas, while Matthew, Owen and Robbe Islands are 8 – 11 km to the north. The prospecting area will overlap with the foraging ranges of cormorants from these colonies (see maps below). As these birds spend considerable time in and underwater, they may also be affected by the additional underwater noise (directly due to avoidance of the area or indirectly due to changes in prey behaviour). We would recommend implementing buffer zones around the colonies of 30 km.</p>  <p>The map, titled 'Cape cormorant Breeding All colonies', shows the southern coastline of South Africa from approximately 16°E to 30°E longitude and 28°S to 36°S latitude. Several blue-shaded areas along the coast represent breeding colonies. Each colony is surrounded by a larger, light blue shaded area representing a 30 km buffer zone. A white arrow points to a specific colony on the west coast near 18°E, 30°S.</p> <p>Fig 1: Cape Cormorant breeding colonies with a 30 km radius which corresponds to the average maximum foraging distance.</p>	<p>summarised in Section 5.2.1 of the BAR and included in the Marine Faunal Specialist Assessment (see Appendix D1).</p> <p>The proposed geophysical surveys generally use higher frequency sources compared to seismic airgun sources and thus have much lower noise emissions that dissipate to safe levels over a relatively short distance. Thus, only directly below or within the sonar beam would receive sound levels be in the range where exposure results in trauma or physiological injury. Accordingly, the anticipated radius of influence of the proposed geophysical surveys would be significantly less than that for a deeper penetration low frequency seismic airgun array.</p> <p>The potential for physiological injury to fauna (including diving sea birds) from geophysical survey noise is expected to be low as it is assumed that highly mobile creatures such as diving sea birds would avoid severe sound sources at levels well below those at which discomfort occurs. Furthermore, any potential impacts would only take place in the event that the sea birds were underwater in close proximity to a noise source while it was operating at the same time, thus impacts would be on an individual level rather than population level. The impact of underwater noise generated during the prospecting operations is considered to be of low intensity in the survey/sampling area (i.e. highly localised) and for the duration of the sampling campaign. Thus, the significance of the impact of underwater noise on marine fauna was assessed to be of <b>VERY LOW</b> significance without and with mitigation.</p> <p>Given that the proposed prospecting activities would be undertaken in water depth ranges from 70 m – 160 m (and generally located further than 6 - 13 km offshore) no impacts</p>

NO.	ISSUE	COMMENT	RESPONSE
		<p>Bank cormorant Breeding All colonies</p>  <p>Fig 2: Bank Cormorant breeding colonies with a 20 km radius which correspondes to the average maximum foraging distance.</p>	<p>on the onshore bird colonies are anticipated. In light of the above, the implementation of any buffer for the proposed prospecting activities in sea areas 4C and 5C is not deemed necessary.</p>
	<p>Additional Mitigation Measures</p>	<p>Pelagic seabirds such as prions, storm petrels, and petrels are especially vulnerable to disorientation by light at sea and this can cause them to crash into structures. As these are small birds that can be hard to notice, especially if they fall into the sea after crashing, the number of birds affected is likely to be underestimated. Additional mitigation measures should be included in the EMPr including:</p> <ul style="list-style-type: none"> <li>• Changing the orientation of lights (e.g. not pointing directly out to sea).</li> <li>• Avoid operating extremely bright lights during foggy conditions as this exacerbates the impact on seabirds.</li> <li>• Ensure that personnel are adequately trained to care for any downed seabirds.</li> </ul>	<p>The relevant sections of the BAR and EMPr have been updated to state the following:</p> <ul style="list-style-type: none"> <li>• “Where feasible and where such is not required for vessel safety reasons, vessels should:                         <ul style="list-style-type: none"> <li>• adjust the orientation of lights (e.g. not pointing directly out to sea).</li> <li>• avoid operating extremely bright lights during foggy conditions (as this exacerbates the impact on seabirds).</li> <li>• ensure that personnel are adequately trained to care for any downed seabirds.”</li> </ul> </li> </ul>