

## **Appendix 1: Reasons for Decision**

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

All the information presented to the Department was considered in making the decision. The said information includes amongst others:

- 1.1 The provisions of Chapter 5 of the NEMA which relates to the Integrated Environmental Management and section 2 NEMA principles; the EIA Regulations, 2014 and other relevant NEMA regulations and guidelines.
- 1.2 Environmental Authorisation Application dated 17 March 2021.
- 1.3 The information contained in the Final Scoping Report dated 05 May 2021.
- 1.4 Information contained in the Environmental Impact Assessment Report (EIAR) and EMPR dated 15 October 2021.
- 1.5 The results of the Public Participation Process submitted with the EIAR, which highlighted issues, objectives, concerns and comments raised by various Interested and Affected Parties (I&APs) and responses by the EAP.
- 1.6 The information contained in the following specialist reports:
  - 1.6.1 Marine Faunal Assessment prepared by Pisces Environmental Services (Pty) Ltd.
  - 1.6.2 Fisheries Specialist Study prepared by CapMarine (Pty) Ltd.

### **2. Submission of the Environmental Impact Assessment Report and Environmental Management Programme**

- 2.1 Regulation 23(1) (a) and (b) requires the applicant to submit:
  - a) an environmental impact assessment report (EIAR) inclusive of any specialist reports, and an EMPR within 106 days from the date of the acceptance of the scoping report, which must have been subjected to a public consultation process of at least 30 days; or
  - b) a notification in writing that the EIR and an EMPR will be submitted within 156 of the acceptance of the scoping report by the competent authority.
- 2.2 The applicant requested a 35-day extension for the submission of the EIR and EMPR in accordance with Regulation 3(7) of the EIA Regulations. The extension was granted for the applicant to provide I& APs a further opportunity to comment on the project as some I& APs needed time to consult with relevant experts in order to submit informed comments. The EIAR, inclusive of specialist reports, and an EMPR were received by the Agency on 15 October 2021. The said reports were subjected to a public consultation process of 30 days and included comments received from I& APs.

### 3. Consideration of the EIAR and EMPR

Regulation 18 requires the competent authority to take into consideration section 24O and 24(4) of the Act when considering the application for EA, the need for and desirability of undertaking the proposed activity, and any guideline published in terms of section 24J of the Act. Furthermore, Regulation 23(3) provides that the EIAR must contain all information set out in Appendix 3 and must address the requirements as determined in the regulations pertaining to the financial provisions for rehabilitation, closure and post closure of operations; and Regulation 23(4) requires the EMPR to contain all information set out in Appendix 4 of the EIA Regulations,

The EIAR and EMPR were assessed taking into consideration the aforementioned requirements, and the key significant issues that resulted in the Department's decision are set out as follows:

- 3.1 The motivation for the need and desirability of the proposed development is in line with the requirements of the EIA Regulations, 2014 and it addressed key issues raised in the Needs and Desirability Guideline.
- 3.2 The public consultation process undertaken by the EAP which includes notifying and registering interested and affected parties, advertising the proposed project, subjecting Scoping and EIR reports to a 30-day commenting period, consulting with various interested and affected parties and addressing comments received, was in line with the requirements of EIA Regulations, 2014 and related guidelines.
- 3.3 The environmental attributes of the application area, potential impacts associated with the proposed seismic survey were identified and assessed.
- 3.4 The profile and details of the EAP with respect to the qualifications and experience in environmental impact assessments and related projects has given confidence in the EAP's ability and competence to carry out the EIA process.
- 3.5 Project Alternatives: The location, layout, technology, and no-go alternatives were identified. However due to the nature of proposed exploration operations, no in-depth assessments were carried out particularly on the location and technology as targeted area has to be explored to identify prospective areas; and 3D seismic survey is considered as a suitable technology to achieve the intended early phase exploration objectives.
- 3.6 The EIAR dated 15 October 2021 identified and considered application legislation and guidelines during the environmental impact assessment process.

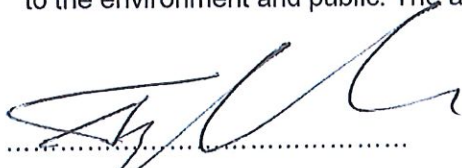
#### 4. Key Findings

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

- 4.1 All fundamental and procedural requirements prescribed in the applicable legislation have been satisfied.
- 4.2 The proposed exploration method i.e. 3D seismic survey is a widely used exploration technology during early phase of exploration world-wide. The said technology is currently used in South Africa and is generally regarded as non -intrusive in nature, except the potential impacts it poses on fisheries and marine fauna. However, the majority of the impacts associated with the planned exploration activities on fisheries and marine fauna have been assessed to be of low to very low significance with mitigation.
- 4.3 The identification and assessment of potential impacts of the activity, including cumulative impacts, was adequately undertaken, and the proposed mitigation and management measures are aligned with potential impacts. Furthermore, the implementation of mitigation measures in all phases of the proposed exploration activities will ensure that the planned activities will not result in any detrimental impact to the environment.
- 4.4 The public consultation process undertaken adhered to the minimum requirements as prescribed under Chapter 6 ' Public Participation' of the EIA Regulations, 2014 and related guidelines. In this regard, objections and concerns related to the proposed activities were addressed in the EIAR and EMPR. It is therefore our view that the EAP has complied with the requirements as outlined in Chapter 6 of the EIA Regulations, 2014.

#### 5. Conclusion

In view of the above, and having taken into consideration environmental management principles as set out in section 2 of NEMA, this Department is satisfied that the proposed activities will not be in conflict with the objectives of the Integrated Environmental Management set out in Chapter 5 of the National Environmental Management Act, 1998 and will not result to any detrimental risks to the environment and public. The authorisation is accordingly granted.



MR TSELISO MAQUBELA

DEPUTY DIRECTOR-GENERAL: MINERAL AND PETROLEUM REGULATION

DATE OF THE EA: 03-03-2022

