



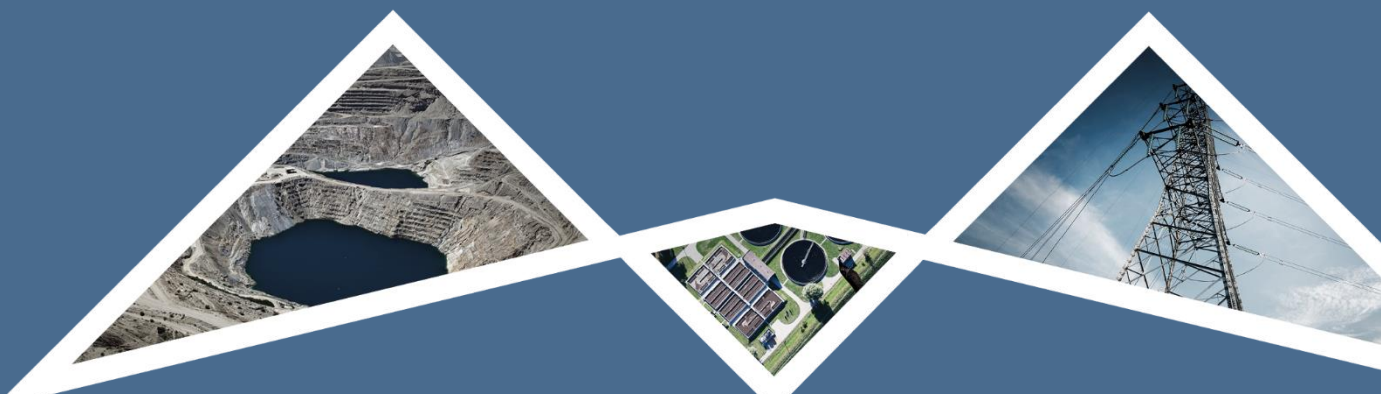
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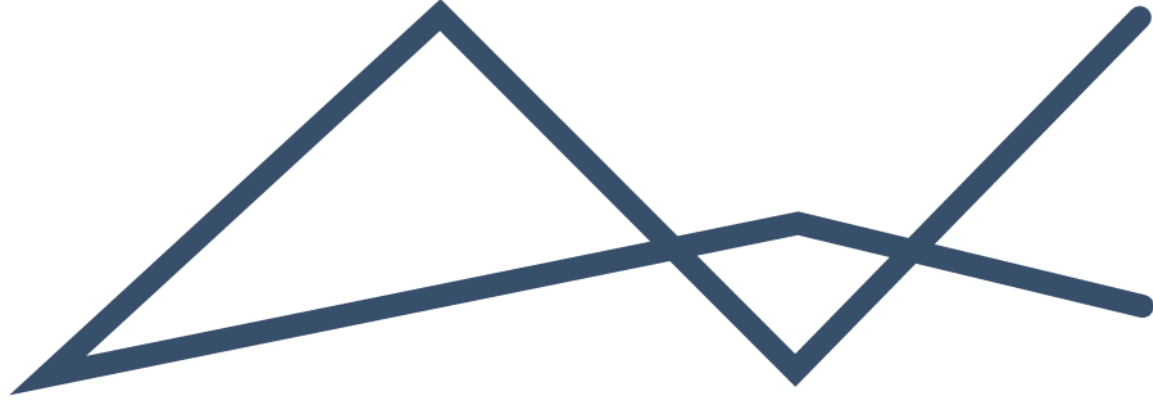
T 011 789 7170 E [info@eims.co.za](mailto:info@eims.co.za) W [www.eims.co.za](http://www.eims.co.za)

## FINAL REHABILITATION, DECOMMISSIONING AND CLOSURE PLAN:

PROPOSED TGS ORANGE BASIN RECONNAISSANCE PERMIT

PASA REFERENCE: 12/1/040





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<b>AUTHORIZED:</b>	Liam Whitlow	Submitted Electronically	2022/10/06

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# 1 INTRODUCTION

TGS Geophysical Company (UK) (hereafter TGS) has applied for Environmental Authorization for a 3D seismic survey off the West Coast of South Africa. Environmental Impact Management Services (Pty) Ltd (EIMS) has been appointed by TGS to prepare and submit an application for Environmental Authorisation (EA) as per the requirements of the Environmental Impact Assessment (EIA) Regulations, 2014, as amended, promulgated under the National Environmental Management Act (Act No. 107 of 1998- NEMA) and the requirements of the Minerals and Petroleum Resources Development Act (Act No. 28 of 2002 – MPRDA).

In accordance with Section 24P of the NEMA the Applicant must, before the Minister responsible for mineral resources issues the EA, comply with the prescribed financial provision for the rehabilitation, closure and ongoing post decommissioning management of negative environmental impacts. This Final Rehabilitation, Decommissioning and Closure Plan (FRDCP) aims to meet this requirement and has been prepared in accordance with the requirements of the NEMA Financial Provisioning Regulations (2015) (NEMA GNR 1147).

It should be noted that it is anticipated that the activities will have a limited impact on the receiving environment. The impacts will be limited to the planning and operational phases and it is not anticipated that there will be any need for closure or rehabilitation once the 3D surveys have been concluded. As such, closure of the project will be limited to the conclusion of the physical 3D surveys to be undertaken in the target area. This will mainly relate to the following impacts assessed as part of the operational phase:

- Waste generation and disposal; and
- Water contamination and pollution.

Residual impacts post completion of the seismic activities are limited (if any) and therefore there will be no requirements for closure, decommissioning and rehabilitation actions. The overall closure objective will be to ensure that the post closure environment aligns with the pre-development. Therefore, no financial provisions apply to this application.

According to the regulations, financial provision must be made for rehabilitation and remediation; decommissioning and closure activities at the end of prospecting, exploration, mining or production operations; and remediation and management of latent or residual environmental impacts which may become known in the future. In order to address these requirements, this document includes an annual rehabilitation plan, a final rehabilitation, decommissioning and mine closure plan, and an environmental risk assessment report.

Table 1 below lists the specific requirements that must be contained in each of the three plans as per the NEMA GNR 1147 Appendices 3, 4 and 5, as well as the associated section in this report where each requirement is addressed.

Table 1: NEMA GNR 1147 Appendix 3, 4 and 5 Requirements

No	Requirement	Relevant Section
<b>Annual Rehabilitation Plan – Appendix 3</b>		
3 (a)	details of the person or persons that prepared the plan, and timeframes of implementation of the current, and review of the previous rehabilitation activities;	Section 2
3 (b)	the pertinent environmental and project context relating directly to the planned annual rehabilitation and remediation activity;	Section 3.1.1
3 (c)	results of monitoring of risks identified in the final rehabilitation, decommissioning and mine closure plan with a view to informing rehabilitation and remediation activities;	To be confirmed after the first implementation



No	Requirement	Relevant Section
		of the Annual Rehabilitation Plan.
3 (d)	an identification of shortcomings experienced in the preceding 12 months;	Section 4
3 (e)	details of the planned annual rehabilitation and remediation activities or measures for the forthcoming 12 months;	Section 4
3 (f)	a review of the previous year's annual rehabilitation and remediation activities;	Section 4
3 (g)	costing;	Section 4
<b>Final Rehabilitation, Decommissioning and Mine Closure Plan – Appendix 4</b>		
3 (a)	details of the person or persons that prepared the plan;	Section 2
3 (b)	the context of the project, including material information and issues that have guided the development of the plan, an overview of the environmental context, the social context regarding closure activities and post-mining land use, stakeholder issues and comments, and the mine plan and schedule for operations;	Section 3.1
3 (c)	findings of an environmental risk assessment leading to the most appropriate closure strategy;	Section 3.2
3 (d)	design principles, including the legal and governance framework, the closure vision, objectives and targets, alternative closure and post closure options, a motivation for the preferred closure action, details of the closure and post closure period, details associated with any on-going research on closure options, and details of assumptions made to develop closure actions;	Section 3.4
3 (e)	a proposed final post-mining land use;	Section 3.5
3 (f)	closure actions required;	Section 3.6
3 (g)	a schedule of actions for final rehabilitation, decommissioning and closure;	Section 3.6
3 (h)	an indication of the organisational capacity that will be put in place to implement the plan, including the organisational structure;	Section 3.7
3 (i)	an indication of gaps in the plan;	Section 3.8
3 (j)	relinquishment criteria for each activity or infrastructure in relation to environmental aspects with auditable indicators;	Section 3.9
3 (k)	the closure cost estimation procedure;	Section 3.10



No	Requirement	Relevant Section
3 (l)	monitoring, auditing and reporting requirements which relate to the risk assessment, legal requirements and knowledge gaps;	Section 3.11
3 (m)	motivations for any amendments made to the final rehabilitation, decommissioning and mine closure plan, given the monitoring results in the previous auditing period and the identification of gaps as per 2(i).	Section 3.11
<b>Environmental Risk Assessment – Appendix 5</b>		
3 (a)	details of the person or persons that prepared the plan;	Section 2
3 (b)	details of the assessment process used to identify and quantify the latent risks;	Section 5.1
3 (c)	management activities;	Section 5.2
3 (d)	costing;	Section 5.2
3 (e)	monitoring, auditing and reporting requirements.	Section 5.2

## 2 DETAILS OF THE SPECIALIST

The details of the professionals who contributed to the preparation of the annual rehabilitation plan (ARP), final rehabilitation, decommissioning and mine closure plan (FRDCP) and environmental risk assessment (ERA) are provided in Table 2.

Table 2: Specialist Details

<b>Name of Practitioner</b>	<b>Mr Liam Whitlow</b>
<b>Tel No.:</b>	+27 11 789 7170
<b>E-mail:</b>	<a href="mailto:tgs@eims.co.za">tgs@eims.co.za</a>

### 2.1 EXPERTISE OF THE EAP

EIMS is a private and independent environmental management-consulting firm that was founded in 1993. EIMS has in excess of 29 years' experience in conducting EIA's. Please refer to the EIMS website ([www.eims.co.za](http://www.eims.co.za)) for further details of expertise and experience.

Liam holds a B. Sc. Hons degree in Environmental Management and has completed an additional B. Sc. honours course in applied limnology. In addition, he has completed a higher certificate in Project Management with Damelin Business School and a course on ISO14001 Auditing Principles and Environmental Management Systems Auditor Training. Liam is a registered professional natural scientist with the South African Council for Natural Scientific Professions. Liam's professional experience, gained over more than 17 years, lies mainly with environmental impact assessments including project managing significantly large EIA's in the mining and infrastructure sectors. Liam's other experience includes ISO14001, Site Assessments, Water-use licensing, Environmental monitoring, and Environmental Management Plans. Liam's experience lies mainly within South Africa, but he has been involved in projects in both Lesotho and Botswana.

## 3 FINAL REHABILITATION, DECOMMISSIONING AND CLOSURE PLAN (FRDCP)

According to the NEMA GNR 1147 the objective of the final rehabilitation, decommissioning and closure plan, is to identify a post-exploration land use that is feasible through-



- a) Providing the vision, objectives, targets and criteria for final rehabilitation, decommissioning and closure of the project;
- b) Outlining the design principles for closure;
- c) Explaining the risk assessment approach and outcomes and link closure activities to risk rehabilitation;
- d) Detailing the closure actions that clearly indicate the measures that will be taken to mitigate and/or manage identified risks and describes the nature of residual risks that will need to be monitored and managed post closure;
- e) Committing to a schedule, budget, roles and responsibilities for final rehabilitation, decommissioning and closure of each relevant activity or item of infrastructure;
- f) Identifying knowledge gaps and how these will be addressed and filled;
- g) Detailing the full closure costs for the life of project at increasing levels of accuracy as the project develops and approaches closure in line with the final land use proposed; and
- h) Outlining monitoring, auditing and reporting requirements.

This section of the report aims to achieve these objectives.

### **3.1 The Project Applicant/Proponent**

The applicant is the principal party (Proponent) of the project. For the purposes of this project it is understood that the Applicant role is fulfilled by the TGS. The legal accountability for correct implementation of the relevant requirements of the EA and EMPr falls primarily upon the applicant and must therefore be built into all contractor's contractual agreements. The applicant's role typically includes:

- Provide for all necessary supervision during the execution of the project including appointment of key personnel to act on his/her behalf during the project (e.g.: Project Manager). The key personnel will be tasked with ensuring that the various contractors/developers comply with the necessary provisions of the EA and EMPr;
- Ensure that the various contractors and applicable sub-contractors appoint a suitably qualified, competent Environmental Officer (EO) that will be responsible for among others, ensuring daily compliance with the EMPr and EA throughout the execution of the relevant project components;
- Appoint a suitably qualified, competent independent Environmental Control Officer (ECO) who will undertake periodic audits on the various contractors works and/or land parcels under development;
- Appoint an independent and suitably qualified MMO to monitor marine fauna for the duration of the survey;
- Appoint an independent and suitably qualified PAM operator to monitor marine fauna for the duration of the survey;
- Notify the relevant competent authority of changes in the development resulting in significant environmental impacts;
- Assess the various contractor's environmental performance during exploration, in consultation with the ECO;
- Ensure compliance with regulations;
- To implement the projects as per the approved project plan;
- To ensure that implementation is conducted in an environmentally acceptable manner;
- To comply with special conditions as stipulated by surrounding landowners during the negotiation process (if any); and



- To inform and educate all employees about the environmental risks associated with the different activities that should be avoided during the exploration process and lessen significant impacts to the environment.

Therefore, ultimately, the Applicant is responsible for the development and implementation of the EMPr and, where relevant, ensuring that the conditions in the EA are satisfied. Where exploration activities are contracted out (e.g. to Contractors and Subcontractors), the liability associated with non-compliance still rests with the Applicant (unless otherwise agreed upon between the authorities, the Applicant and the contracting parties). The Applicant (and not the Contractor) is therefore responsible for liaising directly with the relevant authorities with respect to the preparation and implementation of the EMPr and meeting authorisation conditions.

## 3.2 PROJECT AND ENVIRONMENTAL CONTEXT

This section aims to provide context and focus attention on the material information and issues that have guided the development of this FRDCP. Further details on the project and environmental context can be obtained from the BA Report.

### 3.2.1 PROJECT CONTEXT

Please refer to the detailed description of the project as provided for in Section 2 and 3 of the BA Report..

#### 3.2.1.1 LOCATION

The table below indicates the properties that fall within the Prospecting Right/ Environmental Authorisation Application Area:

Table 3: Locality details

<b>Project Area</b>	The proposed project area is located between approximately 120 km offshore of St Helena Bay, extending north along the western coastline to approximately 230 km offshore of Hondeklip Bay over a number of petroleum licence blocks.
<b>Application Area</b>	Proposed 3D Seismic Survey Area: approximately 54 000 km <sup>2</sup> in extent.
<b>Magisterial District</b>	Adjacent to the Namakwaland and West Coast District Municipalities.
<b>District Municipality</b>	Adjacent to the Namakwaland and West Coast District Municipalities.
<b>Local Municipalities</b>	Adjacent to various local municipalities: <ul style="list-style-type: none"> <li>• City of Cape Town;</li> <li>• Cederberg Local Municipality;</li> <li>• Saldanha Bay Local Municipality;</li> <li>• Bergrivier Local Municipality;</li> <li>• Swartland Local Municipality;</li> <li>• Nama Khoi Local Municipality;</li> <li>• Ritchersveld Local Municipality; and</li> <li>• Matzikama Local Municipality.</li> </ul>
<b>Petroleum License Blocks Covered by Application Area</b>	The following license blocks are covered by the application area: <ul style="list-style-type: none"> <li>• 12/3/274 ER;</li> <li>• 12/3/343 ER;</li> <li>• 12/3/339 ER;</li> <li>• 12/3/248 ER; and</li> <li>• Open area.</li> </ul>





### **3.2.1.2 DESCRIPTION OF PROPOSED ACTIVITIES**

Please refer to Section 3 of the BA Report. The only invasive reconnaissance activity is the potential 3D Seismic Survey.

### **3.2.1.3 LISTED AND SPECIFIED ACTIVITIES**

Please refer to Section 4 of the BA Report.

### **3.2.1.4 ENVIRONMENTAL AND SOCIAL CONTEXT**

Please refer to Section 8 of the BA Report.

### **3.2.1.5 STAKEHOLDER ISSUES AND COMMENTS**

Please refer to Section 7 and Appendix 2 of the BA Report. No significant issues or comments were raised during the public participation process relating to closure and post closure phase impacts or concerns.

## **3.3 ENVIRONMENTAL RISK ASSESSMENT**

Please refer to Section 9 of the BA Report. No decommissioning, closure or post closure phase impacts were identified in the project EIA. No project infrastructure will be established and there are not anticipated to be any residual risks.

## **3.4 ENVIRONMENTAL INDICATORS AND MONITORING**

Please refer to the EMPr (Appendix 5 of the BA Report). As noted above no impacts or risks have been identified which are applicable to the decommissioning, closure and post closure phase and consequently no additional environmental indicators or monitoring requirements are proposed.

## **3.5 DESIGN PRINCIPLES**

### **3.5.1 LEGISLATIVE AND GOVERNANCE FRAMEWORK**

The requirement for final rehabilitation and decommissioning stems primarily from the legislative requirements of the MPRDA and the NEMA. The relevant extracts from each of these are presented in this section. Please also refer to Section 4 of the BA Report for an overview of other enviro-legal requirements which may influence closure planning. The requirement for final rehabilitation and decommissioning stems primarily from the legislative requirements of the MPRDA and the NEMA. The relevant extracts from each of these are presented in this section. Please also refer to Section 4 of the BA Report for an overview of other enviro-legal requirements which may influence closure planning.

#### **3.5.1.1 MINERAL AND PETROLEUM RESOURCES DEVELOPMENT REGULATIONS**

The following extracts from the MPRDA Regulations are specifically applicable to the preparation of this FRDCP:

- Regulation 30(1) An exploration work programme must contain –
  - (h) an estimate of the expenditure to be incurred for each stage of the exploration operation where the expenditure must be broken down into -
    - (i) exploration costs; and
    - (ii) costs pertaining to the rehabilitation and management of environmental impacts.
- (3) Quarterly progress reports must be submitted within 21 days of the end of the particular quarter of the year
  - (v) a statement reflecting rehabilitation work completed and the rehabilitation work uncompleted.
- and must include-Regulation 31(4) Annual progress reports must be submitted within 60 days of calendar year end and must include -
  - (v) a statement reflecting rehabilitation work completed and rehabilitation work uncompleted.



### **3.5.1.2 NATIONAL ENVIRONMENTAL MANAGEMENT ACT (ACT 107 OF 1998)**

Prior to 8 December 2014, the environmental aspects of prospecting activities were regulated in terms of the MPRDA. Recent legislative amendments and the drive towards a 'one environmental system' have resulted in the inclusion of the requirement for rehabilitation and decommissioning and associated financial provisions into the NEMA. Specific sections of the act are extracted below:

- Section 24P: Financial provision for remediation of environmental damage:
  - (1) An applicant for an environmental authorisation relating to prospecting, exploration, mining or production must, before the Minister responsible for mineral resources issues the environmental authorisation, comply with the prescribed financial provision for the rehabilitation, closure and ongoing post decommissioning management of negative environmental impacts.
  - (2) If any holder or any holder of an old order right fails to rehabilitate or to manage any impact on the environment, or is unable to undertake such rehabilitation or to manage such impact, the Minister responsible for mineral resources may, upon written notice to such holder, use all or part of the financial provision contemplated in subsection (1) to rehabilitate or manage the environmental impact in question.
  - (3) Every holder must annually-
    - a. assess his or her environmental liability in a prescribed manner and must increase his or her financial provision to the satisfaction of the Minister responsible for mineral resources; and
    - b. submit an audit report to the Minister responsible for mineral resources on the adequacy of the financial provision from an independent auditor.
  - (4) (a) If the Minister responsible for mineral resources is not satisfied with the assessment and financial provision contemplated in this section, the Minister responsible for mineral resources may appoint an independent assessor to conduct the assessment and determine the financial provision. (b) Any cost in respect of such assessment must be borne by the holder in question.
  - (5) The requirement to maintain and retain the financial provision contemplated in this section remains in force notwithstanding the issuing of a closure certificate by the Minister responsible for mineral resources in terms of the Mineral and Petroleum Resources Development Act, 2002 to the holder or owner concerned and the Minister responsible for mineral resources may retain such portion of the financial provision as may be required to rehabilitate the closed mining or prospecting operation in respect of latent, residual or any other environmental impacts, including the pumping of polluted or extraneous water, for a prescribed period.
  - (6) The Insolvency Act, 1936 (Act No. 24 of 1936), does not apply to any form of financial provision contemplated in subsection (1) and all amounts arising from that provision.
  - (7) The Minister, or an MEC in concurrence with the Minister, may in writing make subsections (1) to (6) with the changes required by the context applicable to any other application in terms of this Act.

### **3.5.1.3 FINANCIAL PROVISIONING REGULATIONS**

On 20th November 2015 the Minister promulgated the Financial Provisioning Regulations under the NEMA. The regulations aim to regulate the determine and making of financial provision as contemplated in the NEMA for the costs associated with the undertaking of management, rehabilitation and remediation of environmental impacts from prospecting, exploration, mining or production operations through the lifespan of such operations and latent or residual environmental impacts that may become known in the future. These regulations provide for, inter alia:

- Determination of financial provision: An applicant or holder of a right or permit must determine and make financial provision to guarantee the availability of sufficient funds to undertake rehabilitation and remediation of the adverse environmental impacts of prospecting, exploration, mining or production operations, as contemplated in the Act and to the satisfaction of the Minister responsible for mineral resources.
- Scope of the financial provision: Rehabilitation and remediation; decommissioning and closure activities at the end of operations; and remediation and management of latent or residual impacts.



- Regulation 6: Method for determining financial provision – An applicant must determine the financial provision through a detailed itemisation of all activities and costs, calculated based on the actual costs of implementation of the measures required for:
  - Annual rehabilitation – annual rehabilitation plan
  - Final rehabilitation, decommissioning and closure at end of life of operations – rehabilitation, decommissioning and closure plan; and
  - Remediation of latent and residual impacts – environmental risk assessment report.
- Regulation 10: An applicant must-
  - ensure that a determination is made of the financial provision and the plans contemplated in regulation 6 are submitted as part of the information submitted for consideration by the Minister responsible for mineral resources of an application for environmental authorisation, the associated environmental management programme and the associated right or permit in terms of the Mineral and Petroleum Resources Development Act, 2002; and
  - Provide proof of payment or arrangements to provide the financial provision prior to commencing with any prospecting, exploration, mining or production operations.
- Regulation 11: Requires annual review, assessment and adjustment of the financial provision. The review of the adequacy of the financial provision including the proof of payment must be independently audited (annually) and included in the audit of the EMPR as required by the EIA regulations.

### **3.5.2 CLOSURE VISION, OBJECTIVE AND TARGETS**

It should be noted that it is anticipated that the activities will have a limited, short term impact on the receiving environment. The impacts will be limited to the planning and operational phases and it is not anticipated that there will be any need for closure or rehabilitation once the 3D surveys have been concluded. As such, closure of the project will be limited to the conclusion of the physical 3D surveys to be undertaken in the target area. This will mainly relate to the following impacts assessed as part of the operational phase:

- Waste generation and disposal; and
- Water contamination and pollution.

Residual impacts post completion of the seismic activities are limited (if any) and therefore there will be no requirements for closure, decommissioning and rehabilitation actions. The overall closure objective will be to ensure that the post closure environment aligns with the pre-development. Therefore, no financial provisions apply to this application.

### **3.6 FINAL POST EXPLORATION LAND USE**

Residual impacts post completion of the seismic activities are limited (if any) and therefore there will be no requirements for further closure, decommissioning and rehabilitation actions. The overall closure objective will be to ensure that the post closure environment aligns with the pre-development. Therefore, no financial provisions apply to this application.

### **3.7 CLOSURE ACTIONS**

It should be noted that it is anticipated that the activities will have a limited impact on the receiving environment. The impacts will be limited to the planning and operational phases and it is not anticipated that there will be any need for closure or rehabilitation once the 3D surveys have been concluded. As such, closure of the project will be limited to the conclusion of the physical 3D surveys to be undertaken in the target area. This will mainly relate to the following impacts assessed as part of the operational phase:

- Waste generation and disposal; and
- Water contamination and pollution.



Residual impacts post completion of the seismic activities are limited (if any) and therefore there will be no requirements for closure, decommissioning and rehabilitation actions. The overall closure objective will be to ensure that the post closure environment aligns with the pre-development. Therefore, no financial provisions apply to this application.

### **3.8 ORGANISATIONAL CAPACITY**

Please refer to Section 8 of the BA Report.

### **3.9 IDENTIFICATION OF CLOSURE PLAN GAPS**

Please refer to Section 12 of the BA Report.

### **3.10 RELINQUISHMENT CRITERIA**

It is understood that the residual impacts post completion of the seismic activities are limited (if any) and therefore there will be no requirements for closure, decommissioning and rehabilitation actions or relinquishment criteria.

### **3.11 CLOSURE COST**

It should be noted that it is anticipated that the activities will have a limited impact on the receiving environment. The impacts will be limited to the planning and operational phases and it is not anticipated that there will be any need for closure or rehabilitation once the 3D surveys have been concluded. As such, closure of the project will be limited to the conclusion of the physical 3D surveys to be undertaken in the target area. This will mainly relate to the following impacts assessed as part of the operational phase:

- Waste generation and disposal; and
- Water contamination and pollution.

Residual impacts post completion of the seismic activities are limited (if any) and therefore there will be no requirements for closure, decommissioning and rehabilitation actions. The overall closure objective will be to ensure that the post closure environment aligns with the pre-development. Therefore, no financial provisions apply to this application.

### **3.12 MONITORING, AUDITING AND REPORTING**

The requirement to monitor and audit should be carried through all phases of the proposed exploration activities (i.e. planning and operational phases). Please refer to the EMPr for the details regarding the monitoring of compliance and the specific monitoring tools and outcomes specified.

## **4 ANNUAL REHABILITATION PLAN**

No rehabilitation will be required for this activity and, such, there is no need for an annual rehabilitation plan.

## **5 ENVIRONMENTAL RISK ASSESSMENT – LATENT AND RESIDUAL ENVIRONMENTAL IMPACTS**

According to the Financial Provisioning Regulations (2015) the objective of the environmental risk assessment report that relates to latent and residual impacts is to:

- ensure timeous risk reduction through appropriate interventions;
- identify and quantify the potential latent environmental risks related to post closure;
- detail the approach to managing the risks;
- quantify the potential liabilities associated with the management of the risks; and
- outline monitoring, auditing and reporting requirements.



This section of the report aims to address these objectives separately in cases where they have not been considered in previous sections.

## **5.1 THE ASSESSMENT PROCESS USED AND DESCRIPTION OF LATENT ENVIRONMENTAL RISK**

Section 9 of the BA Report provides a detailed description of the environmental impact/risk identification and assessment (including the methodology and findings) undertaken for the proposed prospecting activities. The BA Report and EMPr have identified mitigation measures which, once implemented successfully, will result in the avoidance or acceptable reduction of the associated impact. No latent environmental risks were identified in the EIA Process. All potential impacts and associated management actions are limited to the construction and/or operational phases and are addressed in the EMPr.

## **5.2 MANAGEMENT ACTIVITIES, COSTING AND MONITORING REQUIREMENTS**

New international best practice guidelines that may be developed in the future, other than those already referred to in the BA Report and EMPr, and would need to be considered at such time. In addition, monitoring results and auditing reports, will inform the risk assessment further. No management activities or monitoring requirements were identified for the closure and post closure phase.