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## PUBLIC PARTICIPATION REPORT

MOTUOANE HENNENMAN PART II EA AMENDMENT





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## Abbreviation List:

DALRRD	Department of Land Reform and Rural Development
DFFE	Department of Forestry, Fisheries & the Environment
DWS	Department of Water and Sanitation
EA	Environmental Authorisation
EIA	Environmental Impact Assessment
EMPr	Environmental Management Programme
ER	Exploration Right
I&AP	Interested and Affected Party
NEMA	National Environmental Management Act
PASA	Petroleum Agency South Africa
PPP	Public Participation Process
PPR	Public Participation Report
SAHRA	South African Heritage Resources Agency



## 1 INTRODUCTION

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

- A Part 2 Amendment to the existing Environmental Authorisation (EA) in accordance with Regulation 31 of the National Environmental Management Act (Act 107 of 1998) (NEMA), Environmental Impact Assessment (EIA) Regulations, 2014 as amended.

Motuoane is the holder of an exploration right (ER) for hydrocarbons, granted in terms of Section 80 of the Mineral and Petroleum Resources Development Act (Act 28 of 2002 – MPRDA, as amended) on 18 October 2018. The originally approved exploration right is located over an area of approximately 149 377 hectares (ha), covering various farms near the town of Hennenman, within the Free State Province, extending north from approximately Theunissen, northeast towards Kroonstad, and east of Virginia and Hennenman. However, it must be noted that as holder of the ER, Motuoane were required to relinquish part of their land position when renewing the ER (twice now), the revised ER footprint currently covers an area of 95 483ha, over 50 000ha less than the initially approved area. An Environmental Authorisation in terms of the NEMA was issued to Motuoane for the exploration activities in September 2017 (ref: 12/3/315). The EA only made provision for three (3) drilling wells, and it did not include any seismic surveying. The applicant proposes to undertake an additional ten (10) new exploration boreholes, acquire ground based seismic surveys (~30km of new seismic transects) and update the Environmental Management Programme accordingly. An EA Amendment process has been initiated. The existing EA authorises the following listed activities:

- Listing Notice 1, Activity 27;
- Listing Notice 2, Activity 18; and
- Listing Notice 3, Activity 12.

All of the proposed additional activities fall within the existing approved Exploration Right area and EA extent. There will be no additional areas or petroleum resources added to the exploration right. Considering that the original EIA did not include the assessment of impacts associated with seismic surveys or the extent of the planned additional drilling wells, a Part 2 amendment process is required as stipulated in Regulation 31 of NEMA EIA Regulations, 2014 as amended.

The amendment study area can be subdivided into three sections namely, the far south, the south-central section and far north section. The far south and south-central sections are approximately 20km and 15km south of Virginia and can be accessed from the R73. The far north section is approximately 20km northeast of Welkom and can be accessed from the R34. The proposed seismic activities and majority of the proposed drilling wells (7 of 10) are concentrated within the south-central section with only one drilling activity proposed in the far south and two in the far north sections. Thirteen (13) farms and twenty-five (25) farm portions are directly affected by the proposed amendment as follows:

- Blijdschap Farm 218: Remaining Extent;
- Blomskraal Farm 216: Remaining Extent;
- Detente Farm 744: Remaining Extent, Ptn 1, Ptn 2 & Ptn 3;
- Erfenis Farm 328: Remaining Extent;
- Harmonia Farm 282: Remaining Extent;
- Kriegers Kraal Farm 708: Remaining Extent & Ptn 1;



- Le Roux Farm 717: Ptn 1;
- Le Roux Farm 766: Remaining Extent, Ptn 1 & Ptn 2;
- Nieuwjaarsbosch Farm 113: Remaining Extent;
- Nooitgedacht Farm 245: Remaining Extent & Ptn 1;
- Ongegund Farm 321: Remaining Extent & Ptn 1;
- Palmiet Fontein Farm 229: Remaining Extent, Ptn 1, Ptn 2 & Ptn 3;
- Siberiasfontein Farm 605: Remaining Extent & Ptn 1; and
- Eureka Farm 2101: Remaining Extent.

## 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 Public Participation Process (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 Environmental Authorisation Process:

- 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 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

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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



- 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 Public Participation Report (PPR) lists all verbal and written issues raised by I&APs during the call to register period from the 9<sup>th</sup> of May 2024 to date. A breakdown of the PPP is given within the remaining sections of this PPR.

## **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 requirements 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 to **Appendix C8** for the Key Stakeholder/I&AP Database.

### **3.1 LIST OF ORGANS OF STATE 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:



- Department of Mineral Resources and Energy: Free State
- Eskom Soc Ltd
- Fezile Dabi District Municipality
- Free State Department of Agriculture & Rural Development
- Free State Department of Cooperative Governance and Traditional Affairs
- Free State Department of Economic, Small Business Development, Tourism and Environmental Affairs
- Free State Department of Mineral Resources and Energy
- Free State Department of Police, Roads and Transport
- Free State Department of Public Works and Infrastructure
- Free State Department of Water and Sanitation
- Free State Development Corporation
- Free State Heritage Resources Authority
- Lejweleputswa Development Agency
- Lejweleputswa District Municipality
- Masilonyana Local Municipality
- Matjhabeng Local Municipality
- National Department of Agriculture, Land Reform and Rural Development (DALRRD)
- National Department of Forestry, Fisheries and Environment (DFFE)
- National Department of Transport
- National Department of Water and Sanitation (DWS)
- National Energy Regulator of South Africa (NERSA)
- National House of Traditional Leaders
- Petroleum Agency SA
- PetroSA
- South African Civil Aviation Authority (SACAA)
- South African Heritage Resources Agency (SAHRA)
- South African National Biodiversity Institute
- South African National Roads Agency Ltd: Eastern Region
- Transnet Soc Ltd
- Vaal Central Water

### 3.2 LIST OF OTHER KEY I&APS IDENTIFIED AND NOTIFIED

- Affected Landowners
- Afgri
- Afgri Agri Services
- African Conservation Trust
- AfriForum
- Agri Free State
- Agri SA
- Agri South Africa
- Air Traffic and Navigation Services (ATNS)
- Birdlife South Africa
- Botanical Society
- Centre for Environmental Rights
- Conservation South Africa (CSA)
- Council of Geoscience
- Earth Life Africa
- Endangered Wildlife Trust
- Eskom Soc Ltd
- Federation for a Sustainable Environment
- Free State Wetland Forum
- GroundWork SA





- GUBICO
- Matjhabeng Ratepayers Association
- Tara Wildlife SA
- Vrystaat Landbou/ Free State Agriculture
- WESSA

## 4 NOTIFICATION OF INTERESTED AND AFFECTED PARTIES

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

### 4.1 INITIAL NOTIFICATION OF KEY I&APS

The PPP commenced on the 9<sup>th</sup> of May 2024 with the placement of newspaper advertisements and site notices, with an initial call to register notification on the 10<sup>th</sup> of May 2024. Notification during this initial consultation was given in the manner described below.

#### 4.1.1 FAXES, EMAILS AND REGISTERED LETTERS

Notification letters in English, Afrikaans and Sesotho were distributed to pre-identified I&APS through either faxes, emails and/or registered letters.

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;
- Details of the South African environmental legislation that must be adhered to;
- Details regarding the public meeting (date, time, venue); and
- Contact details of the EAP.

Please refer to **Appendix C3** for the initial notification letters.

#### 4.1.2 SITE NOTICE PLACEMENT

Fifteen (15) A1 Correx site notices and six (6) A3 posters (in English, Afrikaans and Sesotho) were placed at twenty-one (21) locations along, and surrounding the perimeter of the proposed project study area on the 9<sup>th</sup> of May 2024. Additionally, fifteen (15) handouts of the initial notification letter (in English, Afrikaans and Sesotho) were placed at the Virginia and Welkom Public Libraries, respectively.

The on-site notices included the following information:

- Project name;
- Applicant name;
- Project location;
- Map of proposed project area;
- Project description;
- Legislative requirements;



- Details regarding the public meeting (date, time, venue); and
- Relevant EIMS contact person for the project.

Please refer to **Appendix C4** for proof of site notice and site notice distribution.

#### **4.1.3 NEWSPAPER ADVERTISEMENT**

Advertisements describing the proposed project and EIA process (in English, Afrikaans and Sesotho) were placed in the Vista Newspaper with circulation in the vicinity of the study area on the 9<sup>th</sup> of May 2024. The newspaper adverts included the following information:

- Project name;
- Applicant name;
- Project location;
- Nature of the activity;
- Legislative requirements;
- Details regarding the public meeting (date, time, venue); and
- Relevant EIMS contact person for the project.

Please refer to **Appendix C5** for proof of adverts placed.

## **4.2 PUBLIC MEETING**

A Public Meeting was held at Harmonie Primary School, 2 Vondeling Road, Glen Harmony Virginia, on the 15<sup>th</sup> of May 2024 from 15:00 to 17:00. All pre-identified I&APs were notified of the public meeting in the Initial Notification. All attendees were asked to sign the attendance register upon entering the facility and were encouraged to fill in the comment sheet or provide comments to the project email address should they have any comments/queries regarding the project. All attendees were informed that the presentation and meeting would be recorded to ensure an accurate record for the meeting minutes. A formal presentation was facilitated by EIMS followed by a questions and answers session where attendees could raise any questions, comments, or concerns.

Please refer to **Appendix C3** for the notification letters and **Appendix C7** for the Public Meeting Document.

## **4.3 NOTIFICATION OF INTERESTED AND AFFECTED PARTIES OF REPORT AVAILABILITY**

Notification regarding the availability of the report was provided to pre-identified and registered I&APs through either fax, email, and/or registered mail where contact details were available. The notification included details regarding where hard copies and electronic copies of the report can be accessed and contact details should I&APs require assistance accessing the information or require copies of the report.

Hard copies of the Draft Amendment Report were made available at three (3) Public Libraries, namely, Welkom Public Library, Virginia Public Library and Phomolong Public Library from the 16<sup>th</sup> of May 2024 until the 21<sup>st</sup> of June 2024. However, additional time was provided to PASA and EWT as requested to provide their comments on the report. The comments from PASA and EWT were received on the 1st and 9th of July 2024 respectively. During this additional review and comment period, comments were also received from DWS on the 24th of June. All comments have been captured, adequately responded to and added to the PPR. In addition, the comments have been considered and informed the immaterial changes to this Final Report.

Please refer to **Appendix C6** for the Draft Amendment Report Availability Notification and proof.



#### 4.4 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 Call to Register	Notification of landowners, occupiers, and other key I&APs.	Affected landowners and key I&APs were notified via email, fax, and/or post.	10 May 2024
	Placement of site notices, posters and handouts.	Fifteen A1 site notices and six A3 posters (English, Afrikaans and Sesotho) around the study area (21 placement locations). Fifteen handouts (English, Afrikaans and Sesotho) of the initial notification letters were placed at the Virginia and Welkom Public Libraries, respectively.	9 May 2024
	Newspaper advertisement	Notice (English, Afrikaans and Sesotho) was placed in the Vista Newspaper.	9 May 2024
Public Meeting	Public Meeting and Presentation	Harmonie Primary School, 2 Vondeling Road, Glen Harmony Virginia	15 May 2024 (15:00 – 17:00)
Draft Amendment Report for Public Review and Comment	Notification of landowners, occupiers, and other key I&APs.	Affected landowners and key I&APs were notified via email, fax, and/or post.  Hard copies of the report were placed at Welkom Public Library, Virginia Public Library and Phomolong Public Library.	16 May 2024 until 21 June 2024

#### 5 RECORD OF ISSUES RAISED

Comments on the proposed project were solicited from pre-identified and registered I&APs and key stakeholders. To date the following comments have been received:

- I&APs requesting to register for the project.
- I&APs requesting further information and relevant documentation regarding the project.
- Acknowledgements of receipt of the initial and report availability notifications from the Department of Water and Sanitation (DWS) and the Provincial Head of the DWS: Free State.



- Acknowledgement of receipt of the initial notification on behalf of the Director-General of the Department of Water and Sanitation.
- Acknowledgement of receipt of the initial notification from the Department of Land Reform and Rural Development (DALRRD).
- I&APs wishing to de-register from the I&AP database.
- Notification from the South African Heritage Resources Agency (SAHRA) to create a SAHRIS application. A SAHRIS application was made, and the relevant case officer was contacted.
- Eskom request for KMZ files and provided the Eskom requirements for work at or near Eskom infrastructure and servitudes.
- Confirmation from Transnet Pipelines that they are not affected by the proposed project.
- Comments from the Hennenman Farmers Union:
  - Expressed the significance of sustainable development and responsible environmental stewardship, and the importance that the Hennenman Farmers Union engaging in the process to seek clarity to ensure the interests of the community are safeguarded where matters concerning land use and resource exploitation arise.
  - The Hennenman Farmers Union requests more information regarding the project and procedural aspects of the amendment process as they had been approached by several farmers raising questions and apprehension regarding the project.
  - Specific requests include:
    - Details regarding the scope and objectives of the project in their district.
    - Clarification on the EIA procedures being undertaken, including potential risks or concerns identified, and the proposed mitigation measures.
    - Details regarding the timeline and stages of the Part II amendment process, along with opportunities for public consultation and participation.
  - Expressed that as stakeholders directly affected by the project, it is crucial that the Hennenman Farmers Union be adequately informed and involved in the process.
  - Explained that their aim is to engage constructively with all relevant stakeholders, including EIMS, to ensure that the interests of the farming community and the environment are considered appropriately and protected.
- Requests for copies of the Exploration Right and Environmental Authorisation.
- An I&AP contacted EIMS regarding their concern that they had been looking for has for a long time and visited the site in the morning on the R73 where they saw that a company was drilling there. The I&AP stated that they saw gas moving out of the soil and spreading out of the air and was interested in working with the client. EIMS attempted numerous times via phone calls and emails to contact the I&AP to request clarification regarding their comment, however, no response was received.
- Request to attend the public meeting.
- Request for a copy of the environmental authorisation and public meeting agenda and for all relevant documentation regarding the project.
- South African Civil Aviation Authority (SACAA) provided comments regarding the project that it is unlikely for further assessment and mitigation measures to be required considering that the screening



report provided a low sensitivity on civil aviation. SACAA made note of the requirements for all the temporary or permanent structure or machinery of height that will be utilized for proposed project must undergo a formal obstacle assessment to an approval. The client is required to follow the application procedure and process. EIMS provided clarity on why a formal obstacle assessment will not be required.

- DFFE Biodiversity Directorate:
  - Requested shapefiles and assigned case officers; provided comments that they have no objections to the project provided that all recommendations and proposed mitigation measures are recorded in the draft report and specialist studies are implemented and adhered to.
  - Provided comments on the Amendment Report stating that the Directorate does not have any objections to the report provided that all recommendations and proposed mitigation measures recorded in the draft report and specialist studies are implemented and adhered to.
- Enquiry regarding the processing plant for the gas, how the gas will be transported, if there is awareness being conducted regarding the activity and what level of awareness is being conducted. The I&AP asked if this region is the only region experiencing the type of fracking or mining and how the community participation was conducted in those areas. The I&AP asked if there are any training sessions similar to how the mining industry handles cyanide, different departments respond to disasters, and set procedures for how hospitals should handle patients being exposed.
- Request for I&AP registration, copies of the environmental authorization and agenda for the public meeting that was held and all relevant do
- The Department of Water and Sanitation (DWS) provided comments on the Environmental Management Programme. Please refer to the table of comments and responses in Appendix C10 for further details on the comments received and the responses provided.
- PASA provided comments and recommendations following the review of the Amendment Report. The comments were addressed and incorporated into the report where appropriate. Please refer to Appendix C10 for the table of comments and responses regarding the comments provided by PASA.
- Following the end of the public participation period, the Endangered Wildlife Trust (EWT) requested to be registered for the project and indicated that the EWT would provide comments. EWT was granted additional time to provide comment. The provided comments are summarized as follows:
  - The screening tool report of the proposed site footprint highlights that several species potentially occur in the proposed site. The site area falls within the distribution of Sungazer lizards (*Smaug giganteus*) and EWT recommends that a full survey be undertaken to locate the occurrence of Sungazer lizards which will only be necessary in the natural untransformed landscapes where Sungazer lizards are likely to be found. EWT indicates that if Sungazer lizards are found, then a buffer of 50m should be placed around the burrow to protect the Sungazer lizards from the impacts of the seismic survey.
  - The screening tool report also indicates that the area has endangered habitat type (Vaal-Vet Sandy Grassland) and is found in a Critical Biodiversity Area (CBA) 1 and CBA 2 areas. EWT recommends that it will be best to avoid these areas and focus on areas that are heavily degraded or are not within threatened ecosystems.

Please refer to **Appendix C9** for comments or issues received and **Appendix C10** for the proof of correspondence.



## **6 CONCLUSIONS AND RECOMENDATIONS**

The comments received from the initial call to register period and Report Availability public review period were used to inform the compilation of this PPR. This report has been updated for submission to the administrative authority, the Petroleum Agency South Africa (PASA).