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## PUBLIC PARTICIPATION PLAN

MOTUOANE HENNENMAN PART II EA AMENDMENT  
APRIL 2024





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## List of Abbreviations

DFFE	Department of Forestry, Fisheries and the Environment
DMRE	Department of Mineral resources and Energy
EAP	Environmental Assessment Practitioner
EA	Environmental Authorisation
EIA	Environmental Impact Assessment
EMPr	Environmental Management Programme
I&AP	Interested and Affected Party
MPRDA	Mineral and Petroleum Resources Development Act
NEMA	National Environmental Management Act
NWA	National Water Act
PASA	Petroleum Agency South Africa
PP	Public Participation
PPP	Public Participation Process



# 1 INTRODUCTION

Motuoane Energy (Pty) Ltd (Motuoane) compiled and submitted an application for an exploration right for hydrocarbons, in terms of the Mineral and Petroleum Resources Development Act (Act 28 of 2002 – MPRDA, as amended) to the Petroleum Agency South Africa (PASA) in 2016. The approved exploration area 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, north east towards Kroonstad, and east of Virginia and Hennenman. In accordance with the National Environmental Management Act (Act 107 of 1998, as amended) (NEMA) an application for Environmental Authorisation (EA) through a Scoping and EIA was submitted to PASA in 2017 in support of the application for the exploration right. The EA was issued in July 2017 (ref: 12/3/315). However, the EA only made provision for 3 drilling wells, and it did not include any seismic survey. As the applicant proposes to undertake an addition of ten (10) new exploration boreholes (13 drilling wells in total including the initial 3 which were approved), and approximately 25km of new seismic transects, 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.

It must be noted that onshore seismic surveys listing (Listing Notice 1, Activity 21C) was not listed at the time of the original EA, nor were onshore seismic's originally envisaged and included in the EIA. The applicant (Motuoane) proposes to expand their exploration activities to include 10 new additional drilling wells and also to undertake onshore seismic surveys of within an area of approximately 25km. 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.

Pre-application consultation with the Petroleum Agency South Africa (PASA) and the national Department of Forestry, Fisheries and the Environment (DFFE) was initiated on the 17<sup>th</sup> of October 2023 and completed on the 27<sup>th</sup> of March 2024. The intention of the pre-application consultation was to confirm the applicable process to be followed. The competent authority and national department both confirmed the Environmental Assessment Practitioner's (EAP's) perspective that no new listed activities are triggered by the additional ten (10) drilling wells. Further, as the ER period in question was approaching its expiration period, Motuoane has submitted an application for the renewal of the right (ER315 2<sup>nd</sup> renewal). A work program and budget has been submitted as part of the renewal as required and will be processed under Section 81 of MPRDA. Therefore, Section 102 of MPRDA cannot be applicable in this case as the work programme is being amended through Section 81 of the Act. Subsequently, LN21D cannot be then triggered and therefore, the correct application process will be an EA Part II Amendment Process and not a new environmental authorization.

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. Part 2 amended is undertaken when there is a change to the scope of a valid environmental authorisation where such change will result in an increased level or change in the nature of impact where such level or change in nature of impact was not:

- (a) assessed and included in the initial application for environmental authorisation; or
- (b) taken into consideration in the initial environmental authorisation; and
- the change does not, on its own, constitute a listed or specified activity.

This ensures that the changes, whilst not requiring a new EA, are still considered, assessed and relevant environmental controls implemented. Subsequently, a Part 2 amendment process is applicable to assess the impacts associated with the proposed 10 additional drilling wells and seismic surveys.



## 2 PURPOSE OF THE REPORT

According to Section (32)(a)(iv) of NEMA, the applicant must within 90 days of receipt by the competent authority of the application made in terms of regulation 31, submit to the competent authority a report which has been subjected to a public participation process, which had been agreed to by the competent authority, and which was appropriate to bring the proposed change to the attention of potential and registered interested and affected parties, including organs of state, which have jurisdiction in respect of any aspect of the relevant activity, and the competent authority, and which reflects the incorporation of comments received, including any comments of the competent authority.

According to Section (2)(4)(f) of NEMA, the participation of all Interested and Affected Parties (I&APs) must be promoted and all potential Interested and Affected Parties (I&AP's) must be informed early and in an informative and proactive way regarding applications that may affect their lives or livelihood. In order to give effect to the above sections, it is essential to ensure that there is adequate and appropriate opportunity for Public Participation (PP) in decisions that may affect the environment.

The purpose of this document is to provide the competent authority with direction on the public participation processes to be implemented for the project. It is the intention of EIMS to ensure that reasonable opportunity is provided for public participation and that all administrative actions are reasonable.

The NEMA EIA Regulations prescribe the minimum requirements for public participation as summarised in Table 1. The level of public participation required for the proposed project has been informed by:

- the scale of anticipated impacts of the proposed project;
- the sensitivity of the affected environment and the community interest in the matters related to the project; and
- the characteristics of the potentially affected parties.



### 3 LEGAL REQUIREMENTS

Chapter 6 of the NEMA EIA Regulations 2014, as amended (Government Notice R. 982 in Government Gazette No. 40772 of 07 April 2017) prescribes the minimum requirements for Public Participation through which all role players including potential I&APs, state departments, organs of state, and the competent authority (CA) to obtain clear, accurate and understandable information about the environmental impacts of the proposed activity or implications of a decision. These requirements and the sections of the report in which they have been addressed is provided in **Table 1**.

*Table 1: NEMA Listed Activities Relevant to Project*

GN 982, Reference	Content	Reference in Table 2
41 (2) (a)	Fixing a notice board at a place conspicuous to and accessible by the public at the boundary, on the fence or along the corridor of  (i) the site where the activity to which the application or proposed application relates is or is to be undertaken; and  (ii) any alternative site;	3.1i
41 (2) (b)	Giving written notice, in any of the manners provided for in section 47D of the Act, to—	
(i)	the occupiers of the site and, if the proponent or applicant is not the owner or person in control of the site	3.1c
(ii)	owners, persons in control of, and occupiers of land adjacent to the site where the activity is or is to be undertaken	3.1d
(iii)	the municipal councillor of the ward in which the site and alternative site is situated and any organisation of ratepayers that represent the community in the area;	3.1e
(iv)	the municipality which has jurisdiction in the area;	3.1f
(v)	any organ of state having jurisdiction in respect of any aspect of the activity; and	3.1g
(vi)	any other party as required by the competent authority;	3.1d & 3.1g
41 (2) (c)	placing an advertisement in—	
(i)	one local newspaper;	3.1h
(ii)	any official Gazette that is published specifically for the purpose of providing public notice of applications or other submissions made in terms of these Regulations;	N/A
42 (a)	A proponent or applicant must ensure the opening and maintenance of a register of interested and affected parties and submit such a register to the competent authority	3.1b
43 (1)	A registered interested and affected party is entitled to comment, in writing, on all reports or plans submitted to such party during the public participation	3.1j



GN 982, Reference	Content	Reference in Table 2
	process contemplated in these Regulations and to bring to the attention of the proponent or applicant any issues which that party believes may be of significance to the consideration of the application	
43 (1)	In order to give effect to section 24O of the Act, any State department that administers a law relating to a matter affecting the environment must be requested, subject to regulation 7(2), to comment within 30 days.	N/A

Table 2: Public Participation Procedure to be followed

No.	Public Participation Task to Be Performed	Mechanism for the Undertaking of the Public Participation Task	Date / Status
<b>3.1 SECTION 1: INITIAL PUBLIC PARTICIPATION AND NOTIFICATION OF DRAFT REPORT</b>			
<b>a.</b>	Initial Correspondence with PASA	A pre-application meeting with PASA was held on the 17 <sup>th</sup> of October 2023. The objective of the meeting was to present the project to the competent authority, identify listed activities and the applicable application process to be followed.	October-March 2024 <b>Completed</b>
<b>b.</b>	Identifying and approaching specific I&AP's	A register of all I&APs is currently opened and maintained. The I&AP database developed as part of the original EIA will also be incorporated.	Ongoing
<b>c.</b>	Written Notification of the owner or person in control of the site	<p>The approved exploration area 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, north east towards Kroonstad, and east of Virginia and Hennenman. Landowners will be provided with a notification letter which will include the following information:</p> <ul style="list-style-type: none"> <li>• Project name;</li> <li>• Applicant name;</li> <li>• Project location;</li> <li>• Project description; and</li> <li>• Relevant EIMS contact person for the project.</li> </ul> <p>Directly affected and adjacent landowners will be consulted thoroughly. Landowners affected (directly and adjacent) by the drill sites and seismic activities will be notified in writing, using available Deeds Office information and/or landowner databases. The process will include landowner identification through databases and landowner consultation during site assessments. Landowners will be consulted through means of telephone, emails, registered letters, facsimiles, open day meeting and/or knock and drop in addition newspaper adverts and site notices. Proof will be attached in the Amendment Application Form together with the Amendment Report.</p>	This task will be undertaken upon approval of the public participation plan in May 2024. Evidence will be included in the Amendment Report.





<b>d.</b>	Written Notification of occupiers of land adjacent to the site	Written notification will be provided to adjacent landowners during the initial public participation phase. This task will be undertaken by a combination of physically handing out notification letters and/or by distribution of notification letters (through email, fax or post) to I&APs. The notification will also be through means of site notices, newspaper advertisements and a gazette. Proof of such notification and an I&AP database will be included in the Amendment Report .	This task will be undertaken upon approval of the public participation plan in May 2024. Evidence will be included in the Amendment Report.
<b>e.</b>	Written Notification of the municipal councillor of the ward in which the site is situated.	The project is located within the Matjhabeng and Masilonyana Local Municipalities within the Lejweleputswa District Municipality, and the Moqhaka Local Municipality which is part of the Fezile Dabi District Municipality, in the Free State Province. All affected ward councillors will be provided with written notification by a combination of physically handing out notification letters and/or by emailing notification letters to the ward councillors.	This task will be undertaken upon approval of the public participation plan in May 2024. Evidence will be included in the Amendment Report.
<b>f.</b>	Written Notification of the municipality which has jurisdiction in the area	The project is located within the Matjhabeng and Masilonyana Local Municipalities within the Lejweleputswa District Municipality, and the Moqhaka Local Municipality which is part of the Fezile Dabi District Municipality, in the Free State Province. All local and district municipalities will be provided with written notification through letters and/or by emails.	This task will be undertaken upon approval of the public participation plan in May 2024. Evidence will be included in the Amendment Report.
<b>g.</b>	Written Notification of any organ of state having jurisdiction in respect of any aspect of the activity	Various organs of state have been identified as Commentary Authorities including national, provincial, regional and local departments will be provided with written notification through letters and/or by emails. The identified departments / organizations will be provided with a copy the notification letter and the Amendment Report.	This task will be undertaken upon approval of the public participation plan in May 2024. Evidence will be included in the Amendment Report.
<b>h.</b>	Placing an advertisement	A newspaper advertisement in three most common languages in the area (Sesotho, English, and Afrikaans) and will be placed in the relevant local/regional newspaper. The newspaper adverts will include the following information: <ul style="list-style-type: none"> <li>• Project name;</li> <li>• Applicant name;</li> <li>• Project location;</li> </ul>	This task will be undertaken upon approval of the public participation plan in May 2024. Evidence will be included in the Amendment Report.



		<ul style="list-style-type: none"> <li>• Project description;</li> <li>• Public Meeting Date, Time and Venue; and</li> <li>• Relevant EIMS contact person for the project.</li> </ul>	
i.	Fixing a notice board	<p>On-site notices presenting the project will be erected on site and within close proximity of the planned drill sites and seismic activities using A2 and A3 notice boards. The site notices will include the following information:</p> <ul style="list-style-type: none"> <li>• Project name;</li> <li>• Applicant name;</li> <li>• Project location;</li> <li>• Project description;</li> <li>• Public Meeting Date, Time and Venue; and</li> <li>• Relevant EIMS contact person for the project.</li> </ul> <p>Evidence of the placement will be provided in the Amendment Report.</p>	This task will be undertaken upon approval of the public participation in May 2024. Evidence will be included in the Amendment Report.
j.	Distribution of Amendment Report to registered I&APs and members of the public and notification of the availability of the report.	<p>The I&amp;AP database will be maintained throughout the duration of the project. The Draft Amendment Reports will be made available to the public and all registered IAPs through the following measures:</p> <ul style="list-style-type: none"> <li>• Online SMS portal will be used to send bulk SMSs to I&amp;APs where email addresses were not made available;</li> <li>• Electronic copies via a web link (EIMS Website) whereby the report can be downloaded; and</li> <li>• Nearest Public Libraries (Virginia, Welkom and Kroonstad).</li> </ul> <p>30 days will be provided for comment which is deemed to be a sufficient period for review of the Amendment Report and efforts will be made by EIMS to consult each registered IAP during this period where possible.</p>	This task will be undertaken after the approval of the PP Plan together with the initial public participation (notification & call to register) in May 2024.



<b>k.</b>	Distribution of the Amendment Report to organs of state having jurisdiction in respect of any aspect of the activity	<p>A list of organs of state will be maintained as part of the I&amp;AP database. The distribution method indicated above will be adopted for distributions to organs of state. Proof of submissions will be provided to PASA.</p> <p>30 days will be provided for comment as it is deemed to be a sufficient period for review of the DBAR and efforts</p>	This task will be undertaken after the approval of the PP Plan together with the initial public participation (notification and call to register in May 2024).
<b>l.</b>	Public Meeting / Open Day	<p>Although the proposed project is an amended of the existing and approved authorisation whereby the extensive public participation including public meetings and focus group meetings were undertaken for the original EA. The nature of the project (oil and gas exploration) is a contentious project. In addition, more than 5 years have lapsed since the original EA was issued and thereby highly likely there are new I&amp;APs and stakeholders. Therefore, a public meeting / open day will be undertaken for the project. I&amp;APs will be notified about the meeting in advance through telephone, emails, facsimiles, and/or registered letters. The notification will include the following information:</p> <ul style="list-style-type: none"> <li>• Project background;</li> <li>• Purpose / agenda; and</li> <li>• Date, time and location of the meeting.</li> </ul> <p>The public meeting will be held as follows:</p> <ul style="list-style-type: none"> <li>• Date: 15<sup>th</sup> May 2024</li> <li>• Time: 15h00 – 17h00</li> <li>• Venue: Harmony Primary School, 9 Vondeling Road Virginia</li> </ul> <p>The meeting will be recorded, and minutes compiled, the recordings and/or minutes will be provided if requested by the competent authority.</p>	This task will be undertaken after the approval of the PP Plan in parallel with the initial public participation (notification and call to register). Planned to be undertaken on the 15 <sup>th</sup> of May 2024.
<b>m.</b>	Competent Authority Site Visit	EIMS will await the request from PASA regarding a need for a site visit.	This task will be undertaken based on consultation with PASA.



### 3.2 SECTION 2: POST ENVIRONMENTAL AUTHORISATION PHASE

<b>a.</b>	Notification and Distribution of decision/outcome of Environmental Application to registered I&APs and organs of state.	All I&APs on the database will receive an email and/or letter on the decision made by the competent authority including a copy of the National Appeal Regulations 2014. A copy of the decision will be made available on request.	This task will be undertaken after a decision has been made by the competent authority. It is anticipated to be around October/November 2024.
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## 4 CONCLUSION

The Public Participation Plan will afford all potential and / or registered Interested and Affected Parties, including the competent authority and any other organs of state, an opportunity to become involved in the Amendment process and provide comments during the various phases of the project. EIMS will ensure that reasonable opportunity is provided for Public Participation and that all administrative actions are reasonable. The initial public participation / call to register will be undertaken simultaneously with the notification of the availability of the draft report for public review and comment. It must be noted that although the proposed project is an amended of the existing and approved authorisation whereby the extensive public participation including public meetings and focus group meetings were undertaken for the original EA. The nature of the project (oil and gas exploration) is a contentious project. In addition, more than 5 years have lapsed since the original EA was issued and thereby highly likely there are new I&APs and stakeholders. Therefore, a public meeting / open day will be undertaken for the project. The meeting will be recorded and minutes compiled, the recordings and/or minutes will be provided if requested by the competent authority. In addition, the previous extensive I&AP database will be used as a foundation for the current project, updated where necessary with the relevant affected and adjacent landowners, officials and departments form organs of state and municipalities.

According to Section (32)(a)(iv) of NEMA, the applicant must within 90 days of receipt by the competent authority of the application made in terms of regulation 31, submit to the competent authority a report which has been subjected to a **public participation process, which had been agreed to by the competent authority**, and which was appropriate to bring the proposed change to the attention of potential and registered interested and affected parties, including organs of state, which have jurisdiction in respect of any aspect of the relevant activity, and the competent authority, and which reflects the incorporation of comments received, including any comments of the competent authority. **Therefore, it is our request that PASA approves the PP Plan as detailed in this report.**