



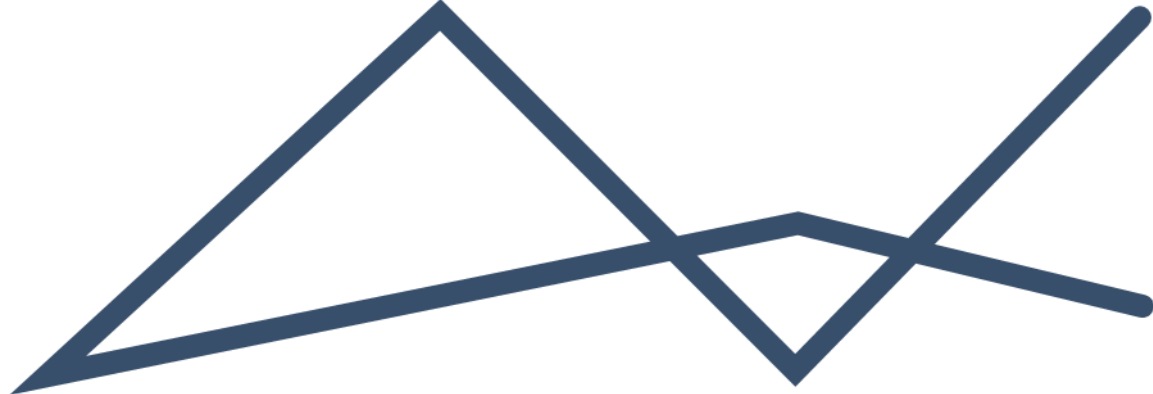
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T 011 789 7170 E [info@eims.co.za](mailto:info@eims.co.za) W [www.eims.co.za](http://www.eims.co.za)

## PUBLIC PARTICIPATION REPORT

TETRA4 PRODUCTION RIGHT EXTENSION, IN THE  
WELKOM/VIRGINIA AREA, FREE STATE PROVINCE





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|--------------------|---------------------|---------------------|------------|
| <b>COMPILED:</b>   | Alexander Msipa     | Sent Electronically | 2024/07/23 |
| <b>CHECKED:</b>    | Sikhumbuzo Mahlangu | Sent Electronically | 2024/07/23 |
| <b>AUTHORIZED:</b> | Liam Whitlow        | Sent Electronically | 2024/07/23 |

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# 1 INTRODUCTION

Tetra4 (Pty) Ltd (hereafter referred to as the applicant) has appointed Environmental Impact Management Services (Pty) Ltd (EIMS) as the Environmental Assessment Practitioner (EAP) to assist with undertaking the required authorisation processes (including the statutory public participation), and to compile and submit the required documentation in support of application for:

- Environmental Authorisation (EA) and amendments in accordance with the National Environmental Management Act- NEMA (Act 107 of 1998).
- Amendment of Rights Permits or Plans in accordance with Section 102 of the Mineral and Petroleum Resources Development Act – MPRDA (Act 28 Of 2002).

Additional listed activities and/or water uses may be identified during the application processes.

Tetra4 is the operator and holder of existing Exploration Rights and a Production Right, in the Matjhabeng and Masilonyana Local Municipalities, in terms of the Mineral and Petroleum Resources Development Act (No. 28 of 2002 - MPRDA). The Production Right covers an area of 187 000 ha and the 2 Exploration Rights cover a combined area of ~18 700 ha. Tetra4 intends to consolidate the Exploration Rights (including activities such as drilling of up to 18 wells) within the Production Right area. This consolidation will incorporate ~78 farm portions near the towns of Theunissen and Winburg in the south of the Production Right and Odendaalsrus and Allanridge in the north (comprising the Exploration Rights) into the Production Right. The Exploration Right (ER32) located north of the Production Right is approximately 7.2 km Northwest of Welkom and the Exploration Right (ER94) to the south of the Production Right is approximately 19.2 km South of Virginia. An MPRDA Section 102 application has been lodged to consolidate ER 32 and ER 94 (with associated exploration activities) into the Production Right and this process will also require an Environmental Authorisation application in terms of the National Environmental Management Act (Act 107 of 1998).

## 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:

- Verify that their issues have been recorded;
- Comment on the findings of the environmental assessments; 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



- 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
- 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 26th of May 2024 to date. A breakdown of the PPP is given within the remaining sections of this PPR.

### 3 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.

### 4 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 1 for the Key Stakeholder/I&AP Database.

## 4.1 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:

- 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
- Free State Provincial Shared Services Centre (PSSC) Offices
- Masilonyana Local Municipality
- Matjhabeng Local Municipality
- National Department of Agriculture Land Reform and Rural Development
- National Department Of Forestry, Fisheries and Environment
- National Department of Transport
- National Department of Water and Sanitation
- National Energy Regulator of South Africa
- National House of Traditional Leaders
- National Transmission Company of South Africa SOC (Ltd)
- Presidential Climate Change Commission
- Sedibeng Water
- South African Civil Aviation Authority
- South African Heritage Resources Agency (SAHRA)
- South African National Biodiversity Institute
- South African National Parks
- South African National Roads Agency Limited
- Transnet SOC Limited
- Ward Councillors



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

- Pre-identified and registered landowners and surrounding landowners
- Afgri
- Afgri Agri Services
- African Conservation Trust
- AfriForum
- Agri Free State
- Agri SA
- BirdLife South Africa
- Botanical Society
- Centre for Environmental Rights
- Conservation South Africa (CSA)
- Council of Geoscience
- Endangered Wildlife Trust
- Federation for a Sustainable Environment
- George Heritage Trust
- Greenpeace Africa
- Simon Van De Stel Foundation Southern Cape
- Tara Wildlife SA
- VEJA
- Wildlife and Environment Society of South Africa (WESSA)
- World Wildlife Fund
- Mining Affected Communities United in Action (MACUA)
- Mining and Environmental Justice Community Network of South Africa (MEJCON-SA)

## 5 NOTIFICATION OF INTERESTED AND AFFECTED PARTIES

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

### 5.1 INITIAL NOTIFICATION OF KEY I&APS

The PPP commenced on the 26th of May with an initial call to register notification. Notification during this initial consultation was given in the manner described below.

#### 5.1.1 INITIAL NOTIFICATION: EMAILS, FAXES, REGISTERED MAIL AND SMSS

Notification letters (in English, Afrikaans, and Sesotho) were distributed to pre-identified I&APS through email, faxes and/or registered mail. SMS notification messages (in English, Afrikaans, and Sesotho) were also sent to all I&APS where contact details were available.

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 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;



Contact details of the EAP.

Please refer to Appendix 2 for initial notification and proofs.

### 5.1.2 SITE NOTICE PLACEMENT

Eighty (80) A1 Correx site notices and Twenty-one (21) posters (in English, Afrikaans, and Sesotho) were placed at 101 locations along and surrounding the perimeter of the proposed project study area from the 26<sup>th</sup> to 29<sup>th</sup> of May 2024. The on-site notices included the following information:

- Project name;
- Applicant name;
- Project location;
- Map of the proposed project area;
- Project description;
- Legislative requirements; and
- Relevant EIMS contact person for the project.

Please refer to Appendix 3 for proof of site notice and site notice distribution.

### 5.1.3 NEWSPAPER AND GAZETTE NOTICE

Advertisements (in English, Afrikaans, and Sesotho) describing the proposed project and BA process were placed in the Vista Newspaper with circulation in the vicinity of the study area on the 30<sup>th</sup> of May 2024. The Gazette Notice was placed in the National Government Gazette on the 14<sup>th</sup> of June 2024. The newspaper and Gazette notices included the following information:

- Project name;
- Applicant name;
- Project location;
- Nature of the activity;
- Legislative requirements; and
- Relevant EIMS contact person for the project.

Please refer to Appendix 4 for proof of adverts and notices placed.

## 5.2 NOTIFICATION OF BASIC ASSESSMENT REPORT FOR PUBLIC REVIEW

Notification (in English, Afrikaans, Sesotho) regarding the availability of the Basic Assessment Report for public review and comment was provided to pre-identified and registered I&APs. The notifications were distributed through either email, registered mail, fax, and/or SMS, where contact details are available. Refer to Appendix 5 for proof of BAR availability notification.

Contact details were provided to I&APs should they require assistance accessing the information or require copies of the reports.

Hard copies of the Basic Assessment Report were made available for public review and comment for a period of 30 days from the 28<sup>th</sup> of August 2024 until the 27<sup>th</sup> of September 2024 at Theunissen Library, Welkom City Library, and Allanridge Public Library, in Free State.





The BAR Public Open Day took place on September 19, 2024, at the Theunissen Library Hall Welkom, from 12:00 to 17:00 and on September 20, 2024, at the Odendaalsrus Town Hall, from 08:00 to 13:00. The purpose of the meeting was to present and discuss the findings of the Basic Assessment Report with Interested and Affected Parties. Please refer to

Appendix **6** for Public Meeting Proof and

Please note that in an effort to protect the personal information of the Registered I&AP's the contact information of the I&APs will not be made publicly available. Should you require access to this document for the purposes of fulfilling your obligations under the NEMA EIA Regulations or other lawful right, please feel free to contact the EIMS Information officer at 011 789 7170 or [popia@eims.co.za](mailto:popia@eims.co.za)



Appendix 7 for a copy of the public meeting documents (presentation, and attendance register).

## 6 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                                     |
| <b>Initial Call to Register</b>  | Notification of landowners, occupiers, and other key I&APs. | Affected landowners and key I&APs were notified via email, fax, and/or post.  | <b>30 May 2024</b>                       |
|  | Placement of site notices.                                  | Eighty (80) Site Notice and Twenty (21) in (English, Afrikaans, and Sesotho) were placed along the study area within and around the study area (101 locations)        | <b>26 – 29 May</b>                       |
|  | Newspaper advertisement                                     | Notices were placed in the Vista News Newspaper   | <b>30 May 2024</b>                       |
|  | Gazette Notice  | Gazette Notices were placed in the National Government Gazette  | <b>14 June 2024</b>                      |
| <b>Availability of the BAR for Public review reports (Basic Assessment Report)</b> | Notification of landowners, occupiers, and other key I&APs. | Affected landowners and key I&APs were notified via either registered mail, SMS, fax, and/or email, where contact details are available.                              | <b>27 August 2024</b>                    |
|  | Report Placement (Hard Copy)                                | Two (2) hard copies of the report was submitted to the local public library where members of the public could access the report.                                      | <b>27 August 2024</b>                    |
|  | Report Placement (Soft Copy)                                | An electronic copy of the report was placed on the EIMS website. A data free service was made available to anyone who has limitations with respect to data downloads. | <b>27 August 2024</b>                    |
|  | Public Open Day   | The BAR Public Open Day was held at the Theunissen Library Hall Welkom, and the Odendaalsrus Town Hall.   | <b>19 and 20 September 2024</b>          |
| <b>Final Assessment Report (FBAR)</b>  | <b>Basic Report</b>   | Notification of FBAR to all registered I&APs via either email, fax, SMS and registered mail where contacts are available.   | <b>TBC upon finalisation of the FBAR</b> |



## 7 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&AP registration
- Request for project description, shapefile, and locality map.
- Request from the South African Civil Aviation Authority to update the relevant contact information for future environmental impact analysis reports, meeting requests, and requests for comments.
- Request from the South African National Roads Agency to update to send the notification letter to the relevant department.
- Request for copies of ER32 and ER94 to which this application for an EA relates.
- Confirmation of the inclusion and consultation of the Eskom and Vaal Central Water which service the area from Welkom to Virginia.
- Confirmation of the compliance of the PR Extension with the conditions and requirements of the Production Right and 2010 EMPR specific to the Production Right.
- Warburton Attorneys concerned about the Basic Assessment Report and process.
- Warburton Attorneys shared concerns about conducting a Basic Assessment at this current stage, deeming it inappropriate.
- Warburton Attorneys' objection to using a Basic Assessment Report (BAR) instead of a full Environmental Impact Assessment (EIA) due to the scale and complexity of Tetra4's project.
- Concerns that the BAR fails to assess the need and desirability in the context of agricultural land use and cumulative impacts on farming, livestock, and land use.
- Warburton Attorneys' BAR lacks the necessary detail for landowners to understand the full scope of Tetra4's exploration and production activities, particularly regarding infrastructure and drilling sites.
- Concern regarding the impacts of exploration and production wells and related infrastructure on properties, surface use, agriculture, and farming being understated.
- Warburton Attorneys' are concerned that the BAR lacks necessary specialist studies to support impact assessments.
- Mitigation measures in the BAR are insufficient to protect landowners' farming activities, surface rights, and property values.
- Warburton Attorneys shared concerns about the public participation process indicating that it was inadequate and did not provide enough time or proper engagement for landowners to review and comment on the project.
- Concerns about increased risk of stock theft and other security concerns due to Tetra4's activities on farmlands.
- Concerns over the long-term economic viability of agriculture in the affected area due to land fragmentation and reduced productivity from Tetra4's operations.
- Concern over veld fires due to Tetra4's gas flaring and activities on farmland, with insufficient fire risk mitigation.



- Department of Forestry Fisheries and the Environment (DFFE): Concerns about the potential negative effects on the Project Area of Influence ecosystems, including grassland vegetation types, Endangered and Least Concern ecosystem water sources, and wildlife habitats in relation to ER32, ER94.
- DFFE recommended the prevention of loss and fragmentation of vegetation communities and Critical Biodiversity Area in the area's vicinity of the project site.
- DFFE recommended the development of an Alien Invasive Species Plant Management Plan and Rehabilitation Plan.
- DFFE recommended that a permit must be obtained from relevant National and Provincial Authorities prior to the removal or damage to any protected area.
- Avoidance of any highly sensitive area near the development site.
- DFFE recommended the placement of buffers around highly sensitive habitats.
- Centre for Environmental Rights (CER) objections submitted on behalf of MACUA (Mining Affected Communities United in Action) and MEJCON-SA (Mining and Environmental Justice Community Network of South Africa).
- Objections to the reliance on Section 102 of the Mineral and Petroleum Resources Development Act (MPRDA), 2002. The objection argues that relying on Section 102 to consolidate exploration rights ER32 and ER94 circumvents crucial application processes and criteria for production rights.
- CER noted a concern that the project has been divided into smaller segments to bypass full environmental assessments, which could lead to underestimating cumulative impacts.
- Concerns over the application of a Basic Assessment instead of more thorough Scoping and Environmental Impact Reporting Processes (S&EIR).
- Concerns about the limitations of the Basic Assessment Report. CER noted that the BAR does not include a comprehensive assessment of the need and desirability of the project.
- CER noted a concern that a comprehensive climate change impact assessment must be conducted. They request that a full EIA be conducted and not merely a BAR and that the climate change impact assessment be one of the specialist studies compiled.
- A request for a socio-economic impact assessment to be conducted. The Free State is an agricultural hub, and the project would negatively affect food security, employment, and local livelihoods hence they need to assess socio-economic impacts.
- CER highlights the importance of effective public participation, particularly for marginalised and vulnerable communities like farmworkers and rural residents.
- PASA recommends that the use of above ground steel or plastic tanks must be used which should include a secondary containment barrier. The use of a pitless drilling, closed loop system, must be implemented in all circumstances where feasible. This is motivated by the mitigation hierarchy.
- PASA recommends that the Financial Provisioning include the quantum for the proposed exploration activities.
- PASA recommends that a defined time period for the completion of rehabilitation and commencement after drilling operations, must be provided as part of the mitigation measures.

All comments and/or queries received to date are included in this report and presented in Appendix 8 Please refer to Appendix 9 for proof of correspondence.

## 8 CONCLUSION AND RECOMMENDATIONS

This report has been updated for submission to the competent authority, following the 30-day public review period of the Basic Assessment Report and associated appendices.



## 9 APPENDICES

### Appendix 1: IAP Database

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## Appendix 2: Proof of Initial Notification

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## Appendix 3: Site Notice Proof

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## Appendix 4: Newspaper and Gazette Notice

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## Appendix 5: BAR Availability Notification

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## Appendix 6: Public Meeting Notification

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## Appendix 7: Public Meeting Documents

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## Appendix 8: Table of Correspondence

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## Appendix 9: Correspondence Document

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