

Comments and Responses 1610 Tetra PR Extension

Machiel du Plessis

Date 2024/07/11 Method Email

Comment

Please list / register company below as a interested and affected party on EIA reference number 1610

Response

Thank you for your email. I can confirm that you have been registered in our database as an Interested and Affected Party (I&AP). You will receive further correspondence regarding the progress of the project and the availability of the Basic Assessment Report

Ms MMatlala Rabothata

Date 2024/09/27 Method Email

Comment

DFFE Biodiversity Conservation 1.1 Plant Species Theme sensitivity is 'Low' for the ER32 PAOI due to the presence of low sensitivity species and it is 'Low' for the ER94 PAOI due to the presence of low sensitivity species. The iNaturalist database indicates that 283 species of plants are expected to occur within the PAOI. The Screening Tool does not list any flora SCC and the iNaturalist database lists two (2) flora SCC that may occur within the PAOI. Three (3) species of provincially protected plant were recorded for the ER94 PAOI - Aloe maculata, Boophone disticha and Olea europaea subsp. Africana. They are protected under the Free State Nature Conservation Ordinance No. 8 of 1969. No protected species were recorded for the ER32 PAOI. Eleven (11) Alien Invasive Plants (AIPs) species were recorded for the PAOI. 1.2 Animal Species Theme sensitivity is 'High' for the ER32 PAOI due to the possible presence of one high sensitivity avifauna species and several medium sensitivity fauna species and it is 'Medium' for the ER94 PAOI due to the presence of two medium sensitivity fauna species. Based on the South Africa Bird Atlas Project, Version 2 (SABAP2) database, 236 bird species have the potential to occur in the vicinity of the PAOI. Of these, and according to the Screening Tool, 15 species of avifauna SCC are expected for the PAOI. 1.3 The National Web based Environmental Screening Tool has characterised the aquatic theme sensitivity of the development footprint as 'Low' sensitivity while the larger regulated area traverse 'Very High' sensitivity. The ER32 PAOI overlaps with LC wetlands and the ER94 PAOI doesn't overlap with any relevant systems. The ER32 PAOI overlaps with non-priority wetlands and the ER94 PAOI also overlaps with non-priority wetlands. Multiple systems were identified within the 500 m regulated area of the ER32 drilling collars. These systems were identified as being depression wetlands. No wetlands were identified within the 500 m regulated area of the ER94 drilling collar. DFFE BC recommendations 2.1 The DFFE Directorate: Protected Areas Planning and Management Effectiveness must be added to the key stakeholder list for comments at email: mamudau@dff.gov.za for attention of MS M Madau. 2.2 Prevent the loss and fragmentation of vegetation communities and the CBA areas in the vicinity of the study area. Developments are not permitted on CBA irreplaceable. 2.3 The

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DFFE Biodiversity Conservation 1.1 Noted. A site walkdown / search and rescue will be undertaken prior to construction where applicable. Should protected species be identified, the necessary biodiversity permits will be applied for before they are disturbed. The species protected by the Free State Nature Conservation Ordinance are also included in Section 9.10.2, on p.116." 1.2 Noted. A site walkdown / search and rescue will be undertaken prior to construction where applicable. Should protected species be identified, the necessary biodiversity permits will be applied for before they are disturbed. 1.3 Noted. No activities will be allowed to encroach into a regulated area without a water use authorisation being in place from the Department of Water and Sanitation. DFFE BC recommendations 2.1 Noted. The DFFE Directorate: Protected Areas Planning and Management Effectiveness has been added to the key stakeholder list. 2.2 Mitigation to prevent the fragmentation of vegetation is included in the mitigations (p.181, section 10.2.2.3), however condition will be amended to included developments are not permitted in CBA irreplaceable areas. 2.3 The Alien Invasive Plant Species Management Plan and Rehabilitation Plan for the proposed activities will be developed prior to the commencement of construction activities associated with this application. 2.4 Should protected species be identified on the development footprint, the necessary biodiversity permits will be applied for prior to removal or damage of any protected plant species. 2.5 Noted. A preconstruction survey of the approved development footprint will be conducted. 2.6 Noted. Very highly sensitive habitats near the development footprint will be avoided where feasible and/or demarcated as No-Go areas 2.7 Buffers are included in the mitigations measures.

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Alien Invasive Plant Species Management Plan and Rehabilitation Plan must be developed and submitted as part of the final report to mitigate habitat degradation due to erosion and alien plant invasion. 2.4 Permit must be obtained from relevant National or Provincial Authorities prior to removal or damage of any protected plant species. 2.5 Preconstruction walk-through of the approved development footprint must be conducted by a qualified ecologist to ensure that sensitive habitats and Species of Conservation Concern (SCC) are avoided where possible. 2.6 Very highly sensitive habitats near the development footprint must be avoided or demarcated as No-Go areas (i.e. drainage lines, watercourses etc.) 2.7 Appropriate buffer must be established around highly sensitive habitats (i.e. Watercourses)

Ms Natasha Higgitt

Date 2024/08/28 Method Email

Comment

Good day, Please note that all development applications are processed via our online portal, the South African Heritage Resources Information System (SAHRIS) found at the following link: <http://sahra.org.za/sahris/>. We do not accept emailed, posted, hardcopy, faxed, website links or DropBox links as official submissions. Please create an application on SAHRIS for each EA application and upload all documents pertaining to the Environmental Authorisation Application Process. As per section 24(4)b(iii) of NEMA and section 38(8) of the National Heritage Resources Act, Act 25 of 1999 (NHRA), an assessment of heritage resources must form part of the process and the assessment must comply with section 38(3) of the NHRA. If a case already exists on SAHRIS regarding the development, please upload the documents to that case using the "Make an additional submission to an existing case" in the application selector wizard <https://sahris.org.za/form/application-selector>. Please ensure that all documents produced as part of the EA process are submitted as part of the application.

Response

Dear Natasha, Hello, I hope you are doing well. I have submitted the SAHRIS Application along with HIA and PIA for this project. The Case ID is 23444, and I have attached proof of submission for your reference. Could you please confirm if everything is in order from your side? Also, could you please provide an invoice for the Application payment made for this submission? Thank you!

Ms Ria Barkhuizen

Date 2024/07/11 Method Email

Comment

Good day Please forward your application to SANRAL Eastern Region erstatutory@nra.co.za as this falls under their jurisdiction. Kind regards

Response

Good day, Thank you, noted

GERT OOSTHUIZEN

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GERT OOSTHUIZEN

Date 2024/07/11 Method Email

Comment

Met verwysing na projek verwysings nommer 1610. Graag wil ek u net in kennis stel dat GERT GERHARDUS JOSEPHUS OOSTHUIZEN ID Nommer ***** *****, te wete gekom het van Tetra 4 se voorgenome projek beplan soos per projek nommer EIMS 1610 deur middel van 'n kennisgewing langs die R30 hoofweg. Sover ons te wete is, is die volgende gedeeltes ingesluit in die voorgenome projek: ***** Reg voorbehou om gedeeltes by te voeg soos meer inligting beskikbaar is. As trustee van Optavit Trust (eienaar van die bogemelde gedeeltes), asook huurder en okkupeerder van die gemelde gedeeltes wil ek graag die volgende persone lys as geaffekteerde partye tot hiedie projek soos per u kennisgewing. Ons versoek ook persoonlikke besoeke van alle kundiges wie aan hierdie studie gaan deelneem. U kan my gerus kontak indien u enige verdere navrae het. Met geweldige min inligting tov hierdie studie tot ons beskikking, glo ons u sal verstaan dit is onmoontlik om volledig kommentaar te lewer en dus vertrou ons u vind hierdie in orde.

Response

Thank you for your email. I have noted the points and the list of affected parties you mentioned. Rest assured, they have all been added to the I&AP database for the Tetra4 Production Right Extension project. A more detailed response will be shared with you and the relevant parties soon.

Mr Paul Wani Lado

Date 2024/09/02 Method Email

Comment

Good afternoon I received word of the BAR application for Tetra4’s production right expansion from a colleague. Could I be registered as an IAP and receive the relevant documents.

Response

Thank you for your email. Please note you and the listed parties have been registered as an IAP for the Tetra4 PR Extension Project

Date 2024/09/27 Method Email

Comment

CER (MACUA & MEJCON) Circumvention of process and criteria under the MPRDA 4.1 Our clients object to Tetra4’s reliance on section 102 of the MPRDA to significantly expand its authorised PR area by consolidating ER32 and ER94 (with associated exploration activities) within the PR as this will circumvent the application processes for exploration and production rights. 4.2 Section 102(1) of the MPRDA provides that certain rights, permits, programmes and plans in terms of the MPRDA and Environmental Management Programme (EMP) or an Environmental Authorisation (EA) issued in terms of NEMA may not amended or varied without the written consent of the Minister. Although section 102(1) is couched in prohibitory terms (...may not be amended or varied ... without the written consent of the Minister) the wording of the provision gives rise to the converse implication that with the written consent of the Minister such amendments or variations may occur. "4.3 It is submitted that section 102(1) should not

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CER (MACUA & MEJCON) Circumvention of process and criteria under the MPRDA "4.1 Tetra4's use of Section 102 of the MPRDA to expand its authorized PR area is not intended to circumvent the application process for exploration and production rights. Section 102 is primarily used to amend or vary existing mineral and petroleum rights, not to establish new ones. This S102 process typically includes expansions of Rights areas as well as additional mineral or resources. In this case, Tetra4 is proposing to consolidate two existing exploration rights (ER32 and ER94) within its existing production right (PR). This consolidation streamlines the administrative process and allows for more efficient and integrated operations. It also ensures an update to the environmental management programmes which leads to better mitigation options. It's important to emphasize that the proposed consolidation does not grant Tetra4 any new production rights or authorize any activities that were not previously permitted under the original ERs. The company

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be used to circumvent the various substantive requirements which must be considered when the Minister is deciding on whether to grant a PR, including whether: “a) the applicant has access to financial resources and has the technical ability to conduct the proposed production operation optimally; b) the estimated expenditure is compatible with the intended production operation and duration of the production work programme; c) the production will not result in unacceptable pollution, ecological degradation or damage to the environment; d) the applicant has the ability to comply with the relevant provisions of the Mine Health and Safety Act 29 of 1996; e) the applicant is not in contravention of any relevant provision of this Act; f) the applicant has complied with the terms and conditions of the exploration right, if applicable; g) the applicant has provided financially and otherwise for a prescribed social and labour plan; h) the petroleum can be produced optimally in accordance with the production work programme; i) the granting of such right will further the object referred to in section 2 (d) and (f) and in accordance with the Charter contemplated in section 100 and the prescribed social and labour plan.” (own emphasis)” 4.4 By contrast, section 102(1) of the MPRDA provides no substantive requirements which must be considered when deciding whether to approve the application for the amendment of rights, permits programmes and plans. In effect, the Minister has unbounded discretion. 4.5 Accordingly, the extension of an area covered by a right, permit, or permission should not be used to circumvent the application procedures which would be applicable to obtain a right, permit, or permission over such an area. In respect of “extension of the area covered by it”, an example which could fall within the permissible scope of an amendment under this section could be the: expansion of “a mining area to include an adjacent mining area covered by another mining right held by the same holder to consolidate the two mining areas under one mining right, and simultaneously abandoning the latter mining right.” “4.6 It is submitted that the proposed expansion through the consolidation of the exploration rights ER32 and ER94 within the PR should not fall within the permissible scope of an amendment under section 102 of the MPRDA because when the Minister granted Exploration Rights ER32 and ER94 the following jurisdictional facts were not considered: a) Whether the production will not result in unacceptable pollution, ecological degradation or damage to the environment. The issuing of an EA does not mean that the requirements of section 84(1)(c) of the MPRDA have been met. Section 240 of NEMA sets out the criteria to be considered by competent authorities when considering EA applications and consultation requirements and none of the criteria enumerated in that section refer to “unacceptable” pollution, degradation or damage to the environment, i.e. it is a criterion that is unique to the granting of a mining right or production right. b) Whether the applicant has complied with the terms and conditions of the exploration right, if applicable. c) Whether the applicant has provided financially and otherwise for a prescribed social and labour plan; d) Whether the petroleum can be produced optimally in accordance with the production work programme” 4.7 Basically, it is our client’s summation that the section 102 application for the proposed consolidation of ER32 and ER94 within the PR is meant to expedite the approval process without Tetra4 having to comply with

will still need to comply with all relevant environmental impact assessment requirements and obtain necessary permits before commencing any production activities within the expanded PR area.” “4.2 Section 102(1) of the MPRDA stipulates that certain rights, permits, programs, and plans cannot be amended or varied without the prior written consent of the Minister. This provision implies that the Minister possesses the discretionary authority to grant such amendments or variations, provided that the requisite conditions are fulfilled, and the Minister approves the proposed changes. Consequently, although Section 102(1) imposes a general prohibition, it concurrently establishes a mechanism for obtaining the Minister’s approval for specific amendments or variations. This approach enables flexibility and adaptability in the implementation of mining projects while ensuring that any changes are aligned with the objectives of the MPRDA and other pertinent legislation. It is imperative to note that the Minister’s consent is not a mere formality. Any request for an amendment or variation must be substantiated by a cogent justification and demonstrate that the proposed changes are in conformity with all applicable laws and regulations.” “4.3 As noted in response to item 4.1, Tetra4’s use of Section 102 of the MPRDA to expand its authorized PR area is not intended to circumvent the application process for exploration and production rights. The application submitted is for an amendment to an existing production right, making Section 102(1) of the MPRDA the relevant legal provision. As this is not a request for a new production right, Section 84(1) does not apply in this instance. ” 4.4 Your comment regarding the relevant legislation has been noted and carefully considered. As this matter involves an interpretation of legal provisions, your comments will be presented to the relevant authorities for their review and consideration in the decision making process. 4.5 Your comment regarding the relevant legislation has been noted and carefully considered. As stated above, the application submitted is for an amendment to an existing production right by consolidation of existing exploration rights held by the same holder, making Section 102 of the MPRDA the relevant legal provision. This, therefore, is by no means an effort to circumvent the application procedures but rather applying the procedures and/or processes as stipulated by the relevant legislation. 4.6 As stated above, the application submitted is for an amendment to existing production right, making Section 102(1) of the MPRDA the relevant legal provision. As this is not a request for a new production right, Section 84(1) does not apply in this instance. Furthermore, it is our view and understanding that when the Minister granted Exploration Rights ER32 and ER94, all relevant information available at the time was considered by the department in the decision to grant the exploration rights. “4.7 The Section 102 application for the proposed consolidation of ER32 and ER94 within the existing PR will follow the legislated approval process, and it does not eliminate the need for Tetra4 to demonstrate compliance with the necessary Production Works Program, Social and Labor Plan requirements. It is not the applicants intention to expedite any approval process but rather to follow the provisions stipulated in law and regulation. It is the understanding of the EAp that any Section 102 application for the extension of an area, does require the amendment of the applicable work programme and the Social and Labour Plan. Moreover, the exploration wells that will be

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the necessary Production Works Programme, Social and Labour Plan requirements. Further, it also has the effect that the requirements for applying for new production rights will not be applicable – the exploration wells that will be drilled and, if successful, converted into production wells will not have been assessed to determine whether the production will not result in unacceptable pollution, ecological degradation or damage to the environment nor will the economic viability of the project have been tested. 4.8 Furthermore, if those application procedures are not followed, interested and affected parties such as communities, landowners or occupiers of land who would normally be given notice of an application for a PR in respect of an area and be given the opportunity to comment (for example on the social and labour plan and production work programme) in respect thereof may be disadvantaged. Project splitting and circumvention of process under the NEMA 5.1 One of the consequences of dividing a project into parcels (ER32, ER94 and the existing PR) is that it allows an applicant to obtain approval for the less environmentally contentious parts of the project first. This can be considered as project splitting, that is, splitting a project into a number of separate ones that individually might not have significant impacts but would likely have significant impacts if production occurs within the exploration right area. Project splitting subsequently weakens argument against the project in respect of more environmentally sensitive areas. It will lead to underestimating the overall impact, affect the consideration of alternatives and fly in the face of our environmental framework's requirement of integrated environmental decision-making. Most certainly, it subverts the requirement to assess cumulative impacts. 5.2 Furthermore, we are concerned that the section 102 application triggers a Basic Assessment Report (BAR), as opposed to a Scoping and Environmental Impact Reporting Process (S&EIR) which effectively means that companies can get their foot in the door by applying for a PR and then applying for section 102 consent to amend and expand the PR with lower environmental threshold requirements to meet in the expansion. 5.3 A BAR applies to smaller scale activities with predictable impacts that are generally known and can be easily managed. However, the project area encompasses a total of approximately 205 733 ha and the fact that the exploration wells will be drilled and, if successful, converted into production wells without having to apply for a new PR circumvents the application of the provisions applicable when a new PR is applied for. The BAR does not assess and motivate for the need and desirability of the proposed expansion 6.1 Appendix 1 to the EIA Regulations 2014 states that one of the objectives of the basic assessment process is to “identify the alternatives considered, including the activity, location, and technology alternatives and describe the need and desirability of the proposed alternatives” inter alia. 6.2 There was no need and desirability assessment conducted in terms of the proposed expansion. The BAR thus does not meet the requirements contained in the EIA Regulations 6.3 An adequate need and desirability assessment should contain an analysis of the economic impacts, the necessity for the project as well as a consideration of the alternatives. "6.4 / 6.5 The energy crisis in South Africa is a reality that cannot be denied. However, the answer is not to lock into another fossil fuel-based energy system. There is a real need for a

drilled, if successful, will only be converted into production wells after a separate NEMA application process for the gas gathering pipelines is completed. That process will also assess the potential environmental impacts and economic viability of those wells being converted into production wells.

" 4.8 Public participation processes are applicable to all EA applications, Part 2 EA amendment applications, as well as amendments to the impact management outcomes of an EMPr. As per the EIA regulations, a formal public participation process was followed, relevant I&APs were given notice and were given opportunities to submit their comments to this application process. I&APs will, in accordance with the relevant legal provisions, continue to be engaged throughout this application process and any future applications. Project splitting and circumvention of process under the NEMA 5.1 This application is not regarded as 'project splitting' as being referred to. The potential cumulative impacts of the proposed project have been thoroughly addressed in the Basic Assessment Report (BAR). Furthermore, as stated in the BAR, should any production activities commence within the project area, a comprehensive Impact Assessment process, in accordance with the relevant legal provisions, will be undertaken to ensure that all potential environmental effects are identified and adequately mitigated. 5.2 Your concern is noted but is not applicable in the case of this application. Given that amendments to production rights are listed under Activity 21D of NEMA GNR983 Listing Notice 1, the process is to conduct a Basic Assessment in accordance with the Environmental Impact Assessment (EIA) regulations (GNR 982). The applicant has, and continues to endeavour to, comply with the stipulated legal provisions and requirements. 5.3 As stated above, a separate and comprehensive Impact Assessment process will need to be undertaken in support of an EA application to connect production wells, via gas gathering pipelines to the production network. The applicable provision of legislation will therefore not be circumvented. This Basic Assessment assesses the potential impacts associated with drilling up to 18 new production wells only. The BAR does not assess and motivate for the need and desirability of the proposed expansion 6.1 Noted. Please refer to Section 7 and Section 12.2 of the BAR for a description and assessment of alternatives. 6.2 Refer to section 6 of the BAR, page. 52, titled "Need and Desirability of the Proposed Activity". 6.3 Refer to section 6 of the BAR, page. 52, titled "Need and Desirability of the Proposed Activity". "6.4 / 6.5 The South African energy supply is dominated by coal. While the transition to a low-carbon electricity industry is essential, gas can play a crucial role as a bridge fuel. It offers a cleaner alternative to coal, providing a more sustainable energy source during the transition to renewables. Additionally, gas can help ensure grid stability and baseload power, which are vital during the integration of intermittent renewable sources. Investing in gas infrastructure can be a strategic move to secure energy supply and reduce reliance on coal while supporting the development of renewable energy technologies. A balanced approach that considers both short-term energy needs and long-term sustainability goals is necessary for South Africa's energy future." "6.6 It is important to note that the proposed project does not entail the extraction of gas, only exploration activities. While it's important to acknowledge the potential economic impacts of gas extraction, a balanced approach is necessary to consider both the potential

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low-carbon electricity industry. A rush to lock into gas would be an expensive mistake. The International Institute for Sustainable Development's ("IISD") report titled, Gas Pressure: Exploring the case for Gas-fired power in South Africa⁷, makes the case for avoiding large scale gas infrastructure while referring to South Africa's greenhouse gas reduction commitments, a better understanding of the science of climate change, a global shift away from fossil fuels and the falling price and advancing technology of renewable energy, inter alia. This is not addressed at all in the BAR application." 6.6 All the economic impacts of gas extraction must be comprehensively assessed. While gas is touted as a "bridging fuel" with economic benefits, regard must be had to the inevitable adverse economic impacts of locking South Africa into a long-term, large-scale gas industry with the associated infrastructure in the context of a world moving away from fossil fuel-based energy systems. Further regard must be had to the economic upheaval that gas projects have on impoverished communities, particularly farm-workers and farm-dwellers whose livelihoods will be uprooted should exploration and production begin. 6.7 Carbon Border Adjustment Mechanisms (CBAM) are becoming more widely implemented globally. This means that goods that have a higher carbon footprint will be taxed at higher rates. This will have ramifications for goods produced using fossil fuels such as gas and the countries that export or import them. 6.8 The risk of gas infrastructure becoming stranded assets is exacerbated by the ever-falling price of renewable energy and the advancements in the technology utilised in that sector, compounded further by the rate at which renewable energy infrastructure is being developed versus the lead time for gas exploration, production and associated infrastructure. 6.9 Furthermore, the potential job creation associated with a gas-based energy system must be clearly assessed against renewable alternatives. The impact that the proposed project will have on the unemployment that plagues South Africa must be assessed against the jobs and livelihoods that will be displaced should the project be authorised, which jobs and livelihoods would not be displaced were renewable energy alternatives to be preferred. 6.10 The assessment of alternatives is a crucial part of the EA (Environmental Authorisation) application process – this is a legal obligation in terms of NEMA. The EIA Regulations define alternatives as "different means of meeting the general purpose and requirements of the activity." In determining the feasibility and reasonability of the need and desirability of alternatives, regard must be had to; the general purpose and requirements of the activity, need and desirability, the need to avoid negative impact altogether, the need to minimise unavoidable negative impacts, the need to maximise benefits and the need for equitable distributional consequences. 6.11 The meaningful consideration of feasible and reasonable alternatives to the proposed project is an important consideration. This consideration must entail a description and comparative assessment of the advantages and disadvantages that the proposed project and alternatives will have. 6.12 It must be noted that South Africa does not have the infrastructure required for a gas-intensive energy system. The full life cycle emissions and other impacts of now developing upstream, midstream and downstream gas infrastructure must be assessed against clean and renewable alternatives that

benefits and costs. Furthermore, it is achievable to develop the exploration activities in tandem with the current land-use practices (farming). This can be achieved through the co-design of infrastructure, primarily located underground, allowing above ground activities such as agriculture to continue with minimal to no impact. The footprint of disturbance is small and should not interrupt the ongoing activities. It is also important to note that the use of gas is provided for and encouraged in South African policies and plans. Please refer to Section 6 of the BAR for the Needs and Desirability assessment." 6.7 The impacts associated with the proposed activity have been identified and assessed. Please refer to Section 6 of the BAR for the Needs and Desirability assessment. The potential implications of CBAM will need to be considered by the Applicant and the relevant offtakers. "6.8 The risk of gas infrastructure becoming stranded assets is noted and is a factor to be considered by the Applicant. Although there is a necessary global and local movement towards renewable energy sources, it is our understanding that at present the National Policy and Plans make provision for continued use of fossil fuels (including gas) in the energy mix in the near to medium term. Gas can provide reliable baseload power, which is essential for maintaining grid stability as intermittent renewable energy sources like wind and solar become more prevalent. Additionally, gas can enhance energy security by reducing reliance on coal and diversifying South Africa's energy mix. In addition, gas infrastructure, in relation to the Tetra4 field is the same as helium infrastructure. Helium demand is expected to increase in both the near and far future, thus making it highly unlikely that the asset and infrastructure will be stranded. 6.9 One of the main purposes of the BAR was to assess potential impacts associated with the proposed activity (PR extension and exploration activities) and not the comparison of energy systems. It is, however, noted that both gas-based energy and renewables play a significant role in the South African energy mix. 6.10 Noted. The assessment of alternatives was undertaken in the BAR. 6.11 As stated above, meaningful consideration of feasible and reasonable alternatives has been undertaken for this study. The "disadvantages" referenced correspond to the potential negative impacts that have been identified and thoroughly assessed throughout the BAR. To mitigate these impacts, a range of relevant measures have been proposed that are designed to minimize the impacts. 6.12 Noted. No response required. 6.13 The No-Go alternative has been assessed as part of the BAR. Activity alternatives have also been considered as part of the BAR. However, Tetra4 is a gas production company and does not engage in other development activities. 6.14 Refer to section 6 of the BAR, page. 52, titled "Need and Desirability of the Proposed Activity" 6.15 As stated above, the impacts associated with the proposed project have been assessed detail, including the consolidation of the exploration rights and its associated exploration activities. Table 11 in the BAR provides a Needs and Desirability Assessment as required. A comprehensive climate change impact assessment must be conducted 7.1 Noted. No response required. 7.2 Noted. Please refer to Sections 1.3, 5.18.6, 10.2 of the BAR which identifies and assesses the potential impact of fugitive GHG emissions associated with the proposed activities. Additionally, a high-level GHG emission inventory has been calculated and included as part of the final BAR, in Section 10.2.1.1.2, Table 38. 7.3 Noted. Please refer to

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do not cause the environmental and climate impacts, and which will come online faster and cheaper – including to the end-user. 6.13 The no-go alternative as well as renewable energy alternatives, inter alia, must also be meaningfully assessed before the proposed project can be authorised. 6.14 The failure to conduct a need and desirability assessment is a flaw that renders the BAR deficient in meeting the requirements as set out in the EIA Regulations. 6.15 Furthermore, the integration of exploration rights ER32 and ER94 into an existing PR circumvents the need to separately assess the impacts of the progression of each exploration right to a PR and renders the need for an adequate assessment of the need and desirability of the proposed expansion into the BAR. A comprehensive climate change impact assessment must be conducted 7.1 South Africa is a signatory to the Paris Agreement as well as the United Nations Framework Convention on Climate Change. There is thus a commitment by the country to ensure that we take steps to limit global temperature rise. As a country in sub-Saharan Africa, South Africa is more susceptible to the impacts of climate change, yet the country is falling behind in the global effort to reduce greenhouse gas emissions. South Africa's Nationally Determined Contributions ("NDCs") under the Paris Agreement is an annual GHG emissions in the range of 350 – 420 Mt CO₂ equivalent by 2030. Yet, at present governmental policy and actions are not on track to meet this target. 7.2 A key concern of gas extraction is the fugitive methane emissions (which form the bulk of the fugitive emissions referred to above). According to the United Nations Environment Programme (UNEP), in its May 2021 Global Methane Assessment Report, "In the absence of additional policies and measures, methane emissions are projected to continue rising through at least 2040. Current concentrations are well above levels in the 2° C scenarios used in the IPCC (Intergovernmental Panel on Climate Change) AR5. The Paris Agreement's 1.5° C target cannot be achieved at a reasonable cost without reducing methane emissions by 40–45 per cent by 2030. 7.3 Gas production is an environmental hazard as it contributes towards global warming through the release of methane. Methane is a potent greenhouse gas (GHG) that has a 28x higher global warming potential and is 84x more potent than carbon dioxide over a 20-year period⁹. Methane contributes a significant portion of the greenhouse gases causing climate change - up to 25% according to the IPCC's Fifth Assessment Report of 2013 (IPCC AR5)¹⁰. It is estimated that a mere 2.7% leakage rate will cancel out any climate benefits that gas has over coal¹¹. 7.4 Even the International Energy Agency advises that to achieve net zero by 2050 there must be no new investment in fossil fuel.²⁴ The IEA further confirms that there is no need for new oil and gas projects. The Net Zero by 2050: A Roadmap for the Global Energy Sector report confirms that the path to net-zero requires "immediate and massive deployment of all available clean and efficient energy technologies." 7.5 It is in this context that proposed Cluster 1 PR expansion of is applied for. Our client submits that a climate change impact assessment should be compiled for the proposed expansion and that it is essential that the full life cycle emissions are assessed, for Scopes 1, 2 and 3. 7.6 This is in line with the Thabametsi judgment¹², in which the Court held that climate change impact assessments should not just be a simple assessment of anticipated greenhouse gas emissions

response provided to Item 7.2. 7.4 Noted. The current South African energy plans and policy make provision for natural gas in the energy mix. An assessment of the National energy strategies and policy directions falls outside of the scope of this environmental assessment. 7.5 Sections 9.4 and 10.2.1 of the BAR includes the identification and assessment of potential climate change impacts. A high-level GHG emission inventory has been calculated and included as part of the final BAR, in Section 10.2.1.1.2, Table 38. The GHG emissions inventory is also discussed in the relevant impacts and mitigation sections. 7.6 See response to comment 7.5 7.7 As stated above, given that amendments to production rights are listed under Activity 21D of NEMA GNR983 Listing Notice 1, the appropriate process is to conduct a Basic Assessment in accordance with the Environmental Impact Assessment (EIA) regulations (GNR 982). Socio-economic impacts 8.1 No socio-economic specialist study was undertaken for this BAR, however, that is not to say socio-economic impacts were not considered. Refer to Sections 9.5 and Section 10.2 of the BAR. Furthermore, recent socio-economic specialist study undertaken for the Cluster 2 EIA (with similar activities and impacts) was consulted in the compilation of this report. The nature and scale of the proposed activities (18 wells) is not expected to have a significant impact on the broader socio-economic environment or the agricultural sector in the Free State. 8.2 Noted. Please refer to response provided to Item 8.1. 8.3 Noted. Please refer to response provided to Item 8.1. 8.4 The impact has been assessed, see p144 and 159, under the social impacts during the construction and operational phases of the project. As stated in the BAR, the above ground physical footprint of the proposed activities will be limited in nature during the construction phase and even lesser post construction as most infrastructure will be below surface. Impacts on agriculture are therefore expected to be minimal with mitigation. The reference to '...adverse impacts that similar projects have...' is not supported with any detail and therefore it is not possible to directly respond to this statement. "8.5 The proposed project's activities are designed to minimize disruption to agricultural livelihoods. As stated above, the project footprint is relatively small, approximately 0.25 hectares per drill pad, and short-lived (exploration takes place a few months), which reduces the potential impact on agricultural land and operations. While there may be temporary disruptions during construction or operation phases, Tetra4 is committed to working closely with local communities and affected landowners, as well as implementing mitigation measures to minimize any negative impacts on agriculture and related livelihoods." 8.6 As stated above Tetra4 is committed to working closely with local communities and affected landowners to limit any and all impacts as far as possible. As per the mitigation measures, landowners are approached with agreements that include compensation for any losses or damages caused by Tetra4 and the activities. The nature and extent of the proposed activity is such that there is not anticipated to be a significant economic displacement for farm owners, on condition that the statement management and mitigation measures are implemented. 8.7 Please refer to the responses provided above. 8.8 The socio-economic impacts associated with the proposed project have been assessed. No 'severe adverse socio-economic impacts' have been identified. Public participation 9.1 Noted. A public participation process as is required by the NEMA has been

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but rather a comprehensive assessment of the project's full life-cycle emissions, the carbon footprint of the project calculated for construction and decommissioning, the activities associated with the project, the physical risks from climate change to the project, and the ways in which the project might aggravate the impacts of climate change in the area. 7.7 We note that no climate change impact assessment was conducted and that further that the consolidation of ER32 and ER94 into an existing PR circumvents the need for a climate change impact assessment for each of the exploration rights. It is our submission that a full EIA should be conducted and not merely a BAR and that the climate change impact assessment should be one of the specialist studies compiled. Socio-economic impacts 8.1 Given the importance of the Free State as an agricultural hub, a socio-economic impact assessment is a vital part of any proposed project that would have an impact on it. However, there is no socio-economic assessment compiled for the proposed expansion. 8.2 The Lejweleputswa Integrated Development Plan acknowledges that the Free State contributes a large proportion of South Africa's food supply through a diversity of agricultural produce, notably maize. The Free State Growth and Development Strategy further acknowledges the importance of the agricultural sector and calls for the protection of agricultural land. The Free State Provincial Spatial Development Framework also provides for the promotion of the agricultural sector. 8.3 The presence of a large-scale agricultural industry is vital for food security, GDP growth and a source of employment for members of rural communities. This industry is even more vital in the midst of a climate emergency. 8.4 Given the adverse impacts that similar projects have on the agricultural industry, the impact of the proposed expansion on the agricultural industry should thus have been assessed. 8.5 Closely linked to the agricultural sector are the local communities whose livelihoods are dependent upon it. The agricultural sector is one of the leading sectors in terms of job creation in the Free State. It thus follows that any impacts on the agricultural sector would have an impact that not only threatens job security but also employment. 8.6 The economic displacement that would occur for farm owners would have a snowball effect on farmworkers and farm-dwellers, who would likely not receive any compensation for their displacement. The proposed expansion will likely lead to a worsening of poverty in the area. It is vital that an agricultural economist assesses the impacts of the proposed expansion. "8.7 Such assessment should ideally include; • An assessment of the socio-economic impacts of the project on the lives and livelihoods of all stakeholders, including farmworkers, farm-dwellers, farm owners and local communities; • An assessment of the impacts on food security; • An assessment of the impacts on the tourism sector, which is often linked to the agricultural sector; and • An assessment of the compensation to be awarded to those who will face displacement due to the proposed expansion." 8.8 Due to the severe adverse socio-economic impacts that the proposed expansion will have, we assert that no environmental authorisation should be granted until the impacts are assessed. Public participation 9.1 Public participation is an important Constitutional imperative, contained within the section 33 just administrative action provisions¹³. Given the impact of the extractives industry, it is one of the most crucial

undertaken. Please refer to Section 8 of the BAR. 9.2 The applicant is not applying for two new applications for PRs, instead the applicant is applying to amend the Production Right (Section 102) by consolidating existing ERs into its existing PR area. The rights of interested and affected parties has not been prejudiced. As noted in response to Item 9.1 a public participation process has been undertaken in accordance with legal requirements, and opportunity has been provided to I&APs to meaningfully engage in the process. 9.3 Various efforts were made to engage all I&APs including local farm dwellers and workers. These efforts are detailed both in the BAR and the public participation Report. 9.4 As stated above, various efforts were made to engage all I&APs including local farm dwellers and workers. These efforts are detailed both in the BAR and the public participation Report. Landowners with both ER areas were informed of the project and where possible meetings held with them. Landowners were requested to further indicate if there were any other legal occupiers of the land that they were aware of so that they too could be notified. Two separate public open days were also held in the respective project areas to accommodate all I&APs who wished to get more information through discussions with the EAP. No requests were received during the process for additional considerations for individuals with special needs. 9.5 As stated above, all landowners were contacted and registered as I&APs. Landowners were also requested for occupiers/tenants' contact information to be included in the I&AP communications. Additionally multiple notices in three local languages were placed at affected farms and surrounding areas, providing additional opportunities for I&APs to register. The inclusion of Cluster 2 in the EMPR 10.1 Noted. The EA for Cluster 2 was issued on the 13th of July 2023. This Cluster 2 EA was appealed and on the 1st of August 2024 a decision was taken by the Appeal authority to remit certain grounds of appeal for reconsideration pending certain amendments to the EIAR. It is understood that Tetra4 is in the process of complying with the appeal decision. The identified management and mitigation measures associated with the impacts identified in the BAR must be incorporated (through the relevant regulated processes if required) into the authorised EMPR for the Tetra 4 Production Right, if and when a decision is taken on this EA application. 10.2 Noted. 10.3 No unauthorised (Cluster 2) activities will be undertaken by the applicant until such time that an Environmental Authorisation specific to these activities is granted.

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aspects of the environmental authorisation process. 9.2 Interested and affected parties are prejudiced if extractive rights are amended by the use of the section 102 MPRDA mechanism, because this process deprives them of the rights they have in terms of new applications for PRs. This is because section 102 does not in and in and of itself invoke the peremptory provisions applicable in instances where a new PR is applied for - the applicant's invocation of section 102 to incorporate existing exploration rights into a PR is essentially two new applications for PRs brought under the provisions of section 102. 9.3 Farm workers and farm dwellers form part of the local community around which the expansion is proposed to occur. They form part of a category of people who often are plagued by high levels of poverty and are thus marginalised and vulnerable. We thus submit that the minimum requirements for public participation outlined in the EIA Regulations will not be sufficient. The characteristics of the potentially affected parties must be considered when planning the public participation processes for the proposed project. 9.4 It is pertinent to refer to the DFFE Public Participation Guidelines issued which state that where I&APs include rural or historically disadvantaged communities or people with special needs (e.g. illiteracy, disability, or any other disadvantage), the following could inter alia, be considered to facilitate their participation or overcome potential constraints: Announcing the public participation process on a local radio station in a local language, at an appropriate time (e.g., peak hours), using participatory rural appraisal and participatory learning and action approaches to build the capacity of the I&APs to engage and participate more effectively; holding separate meetings with vulnerable and marginalised groups; appropriate access to information must be provided and reasonable assistance to people with special needs must be provided. 9.5 Extra steps should arguably be taken to ensure that farm workers and farm dwellers on the target properties form part of the public participation process. Furthermore, information on how many households are situated on the target farms together with how many people work and/or live on the impacted farms must also be accurately gathered by the applicant to ensure that an appropriate public participation plan is implemented. The inclusion of Cluster 2 in the EMPr 10.1 We note that Cluster 2 areas have been included in the proposed expansion's EMPr. 10.2 We refer you to the decision of the Minister of Forestry, Fisheries and the Environment handed down on 1 August 2024 wherein he set aside the environmental authorisation for Cluster 2 and gave directives on resubmitting the EIA and EMPr for Cluster 2, inter alia, after giving IAPs a chance to comment on the revised application documents. 10.3 As far as it is included in the EMPr, any drilling done in terms of Cluster 2 will be outside of an authorisation and in contravention of the relevant legislation.

Mr Aluta Ntsuku

Date 2024/09/02 Method Email

Comment Response

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Mr Aluta Ntsuku

Greetings I here of humbly request documents of the application to participate in the environmental process for Tetra 4 mine, application/documents ref numbers is 1610

Dear , Thank you for your email. The Basic Assessment Report for the proposed Tetra4 Production Right Extension has been released for public review and comment for a period of 30 days until the 27th of September 2024. You can access the Report via the EIMS website here: <https://www.eims.co.za/public-participation/>. Please do not hesitate to contact us if have any comments or queries.

Date 2024/09/02 Method Email

Comment

Greetings I here of humbly request documents of the application to participate in the environmental process for Tetra 4 mine, application/documents ref numbers is 1610

Response

Thank you for your email. Please note you and the listed parties have been registered as an IAP for the Tetra4 PR Extension Project.

Ms Natasha Thomas

Date 2024/10/09 Method Email

Comment

PASA - Phumla Ngesi "1 The draft BAR indicates the following: "Sumps are dug and lined to prevent contamination". "In addition to the drill rig, lined sumps will be required to store and recirculate water for the drilling process." "Where practicable and feasible, Tetra4 will consider the use of pitless drilling during the exploration activities." The options regarding dug out drilling sumps are considered inadequate as there is no provision for secondary containment should the primary containment barrier fail, therefore there is a risk to the environment should the lining fail. Recommendation: It is recommended 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." "2 The draft BAR indicates the following: "Tetra4 has appointed Environmental Impact Management Services (Pty) Ltd (EIMS) to prepare and submit a Production. Right Extension Environmental Authorisation (EA) Application in terms of MPRDA Section 102 application, in terms of the Mineral and Petroleum Resources Development Act (No. 28 of 2002 - MPRDA), as well as in terms of the National Environmental Management Act (Act 107 of 1998 - NEMA) to consolidate ER32 and ER94 (with associated exploration "activities) into the Production Right." The section 102 application to amend the existing Cluster 1 production right is regulated by the Mineral and Petroleum Resources Development Act (MPRDA). The triggering of Listing Notice 1 Activity 21D of the Environmental Impact Assessment Regulations (EIA Regulations) requires an environmental authorisation (EA) application. Therefore, the EA application is required by the EIA Regulations and the section 102 application by the MPRDA. Recommendation: The following sentence is recommended: "Tetra4

Response

PASA - Phumla Ngesi 1 Pitless drilling is discussed in Section 7.4, 10.2.2 and 12.2.4 as alternatives considered. The use of a pitless drilling, closed loop system with a secondary containment barrier will be implemented by Tetra4 in all circumstances where feasible as recommended by PASA. The final BAR and EMPr have been updated to indicate this. 2 Noted, the sentence has been phrased as recommended. 3 Noted, the sentence has been amended as recommended. 4 Noted, the sentence has been amended. 5 Noted, sentence is revised. 6 The quote is cited, "(IPPC,2024)". 7 Noted, the term "drilling collar" has been amended to "drilling sites". 8 The No-Go alternative has been assessed as part of this BA. 9 This error has been noted, the dates have been amended accordingly in the final BAR. 10 Noted, map have been included in Appendix 5. 11 Noted, map have been included in Appendix 5. 12 Noted, the final BAR contains all impacts as well as associated mitigation measures. "13 Noted, the mitigation measures have been amended to include only the relevant activities to this project, i.e. roads and wells." 14 A fining system will be implemented for transgressions. Information on how fining will occur and what for, will be discussed with each affected landowner and transgressions detailed in the property access procedure. As such, they may vary by landowner and by proposed activity. "15 Response: Please note that this application for EA is not for a closure activity but instead for a mining right (i.e. PR extension), the Financial Provision Regulations therefore apply, and a Closure Plan as defined in GNR982 is not applicable. The FRDCP costing is based on the Proposed Regulations Pertaining to Financial Provisioning for the Mitigation and Rehabilitation of Environmental Damage Caused by Reconnaissance, Prospecting, Exploration, Mining or Production Operations (2022) that costing includes ""latent impacts associated with current disturbed area, the anticipated disturbance of

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appointed Environmental Impact Management Services (Pty) Ltd (EIMS) to prepare and submit an Environmental Authorisation (EA) Application in terms of, the Environmental Impact Assessment Regulations, 2014 as amended. The EA application supports the section 102 application, the objective of which is to amend the Production Right such that it consolidates ER 32 and ER 94 within the existing Cluster 1 Production Right." "3 The draft BAR indicates the following: "The granting of the EA will be guided by the requirements of both the National Environmental Management Act (NEMA) and the Minerals and Petroleum Resources Development Act (MPRDA)." The granting of the EA is guided by the NEMA and EIA Regulations and not the MPRDA. Recommendation: The following amendment is recommended: "The granting of the EA will be guided by the requirements of the National Environmental Management Act and the Environmental Impact Assessment Regulations, 2014 as amended."" "4 The draft BAR indicates the following: "These regulations, in terms of the NEMA, were amended in June 2010 and again in December 2014 as well as April 2017." The EIA Regulations was also amended during 11 June 2021. Recommendation: The following amendment is recommended: "These regulations, in terms of the NEMA, were amended in June 2010, December 2014, April 2017 as well as June 2021 ." " "5 The draft BAR indicates the following: "As part of the BA process, specialist input was obtained to delineate the watercourse as well as the 1 in 100-year floodlines and based on this input," The sentence does not appear to be complete. Recommendation: It is recommended that the sentence be appropriately completed." "6 The draft BAR indicates the following: "Greenhouse Gases (GHG) are defined as "Gaseous constituents of the atmosphere, both natural and anthropogenic, that absorb and emit radiation at specific wavelengths within the spectrum of radiation emitted by the Earth's surface, by the atmosphere itself and by clouds." A direct quote is used, and the citation is not acknowledged. Recommendation: It is recommended that in-text citation be used to acknowledge the quotation used. Editorials in this section includes the use of subscripts for gaseous molecules named." "7 The draft BAR indicates the following: "In summary, the location of the proposed drilling collars must be within the approved Production Right area, including the ER32 and ER94 (once incorporated). Therefore, an entirely different location within South Africa is not a feasible macro-alternative that can be further interrogated." It is understood that a "drilling collar" is a tool used during drilling operations. It therefore appears from the context of the location alternatives, that this is an error. It is noted that the term "drilling collar" is also used in the specialist reports and in throughout the basic assessment report. Recommendation: It is recommended that the sentence be amended to the following: "In summary, the location of the proposed drilling sites must be within the approved Production Right area, including the ER32 and ER94 (once incorporated). Therefore, an entirely different location within South Africa is not a feasible macro-alternative that can be further interrogated." It is recommended that the term "drilling collar" should be replaced by "drilling sites" throughout the document." "8 The draft BAR indicates the following: "The No Go alternative as a specific alternative is not considered feasible and has been scoped out at this stage of the BA phase assessment." The

the next year of mining operations"", as stated in Appendix 5. The current FRDCP is updated each year to include the planned activities for the forthcoming 12 months, since the proposed 18 wells are not planned for the next 12 months after EA approval, the wells are not included in the FRDCP costing. There will at all times be adequate financial provision to ensure that the requirements of the Annual Rehabilitation Plan, and Final Rehabilitation Decommissioning and Closure Plan (including latent and residual risks) can be implemented for the existing and planned (forthcoming 12 months) environmental liabilities. " 16 Noted. A high-level GHG emission inventory has been calculated and included as part of the final BAR, in Section 10.2.1.1.2, Table 38. The GHG emissions inventory is also discussed in the relevant impacts and mitigation sections. 17 Noted, the following will be included in the mitigation section: "Rehabilitation to take effect immediately following drilling operations."

Ms Natasha Thomas

“No Go” alternative must be assessed as part of the impact assessment. There is no other stage in which it can be assessed. Recommendation: It is recommended that the “No Go” alternative be assessed as part of this basic assessment." "9 The draft BAR indicates the following: “The BA report was made available for public review from 30th of July until 31st of August 2024”. The Public Participation Report indicates that the draft BAR was published for public review between 28 August 2024 and 27 September 2024. Recommendation: The following sentence is recommended: The BA report was made available for public review from the 28th of August until the 27th of September 2024”" "10 The draft BAR indicates the following: “A simplified soils map is provided in Figure 29 below and is representative of the baseline conditions. Detailed descriptions of the land terrain units associated with each featured land type are provided in the subsequent tables and figures. Appendix 5 includes a higher definition version of all the maps provided in the following figures.” Appendix 5 does not contain Figure 29. In addition, Figure 29’s legend is not readable. Recommendation: It is recommended that a readable version of Figure 29 and be included in Appendix 5." "11 The legend of Figure 40 is not readable. Recommendation:It is recommended that a higher resolution version of Figure 40 be included in Appendix 5." "12 The Terrestrial Biodiversity Assessment indicates the following regarding the buffer ingress with respect to the H.J Joel Private Nature Reserve of ER 94: “ER94 PAOI V7_P001 drilling collar is located approximately 1.9 km from the H.J Joel Private Nature Reserve and the V7_P003 drilling collar is located approximately 4.5 km from the H.J Joel Private Nature Reserve (Figure 3-10). The two abovementioned drilling collars are, therefore, situated within the 5 km protected areas buffer.” The draft BAR indicates the following: “However, for the ER94 PAOI, the situation is different. Two drilling collars, V7_P001 and V7_P003, are situated within the 5 km buffer zone surrounding the H.J. Joel Private Nature Reserve.....This information necessitates a closer examination of potential project impacts on the HJ Joel Private Nature Reserve during the environmental assessment process” The presented draft BAR should contain all assessed impacts. The final BAR should contain all assessed impacts. Recommendation: It is recommended that the said impacts be assessed and included in the final BAR." "13 Section 10.2.1 includes the mitigation measures from the existing production right’s EMPr and the extracted mitigation measures are applicable to the project activities. However, some of the content of these mitigation measures are not applicable to the project activities such as the mitigation measures regarding trenches, social and labour plan, and associated obligations (e.g. training), booster, compressor facility installations, pipelines etc. Recommendation: It is recommended that the applicable portions of the mitigation measures be highlighted for example by means of underlining or using a different font colour. This will help when examining the appropriateness of the mitigation measures against the project activities." "14 The draft BAR indicates the following: “A fining system must be put in place for any transgressions affecting the landowners.” It is not clear how the fining system will work, who will implement it and for which transgressions it is applicable. Recommendation: It is recommended that detailed information be provided." "15 The draft BAR indicates the

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following: "Tetra4 is currently applying for an extension of the production area and upon issuance of a new EA for the expanded area, Tetra4 will undertake an update of the existing FRDCP during the subsequent financial year. This update will include the consolidated Exploration Rights Areas, ER32 and ER94, and the planned exploration drilling activities for the following financial year. This revision process will ensure the FRDCP remains comprehensive and reflects the expanded operational footprint, including both the additional land and planned exploration activities." Regulation 19 of the EIA Regulations indicates that a BAR must be submitted together with specialist reports and a closure plan which was submitted for public comment for at least thirty (30) days. The Financial Provisioning report submitted only includes the quantum for applicable activities under the existing production right and excludes the quantum of the decommissioning of the proposed 18 wells. Recommendation: It is recommended that the Financial Provisioning include the quantum for the proposed exploration activities." "16 Greenhouse gas (GHG) emissions will be generated from the exploration activities. Recommendation: It is recommended that the GHG emission inventory be calculated to demonstrate and indicate the significance of these emissions at a national level. Thus, substantiating, why a climate change impact assessment is not required for this application." "17 The draft BAR indicates that rehabilitation must be done as soon as possible. Recommendation: It is recommended that a defined time period for the completion of rehabilitation and commencement after drilling operations, must be provided as part of the mitigation measures."

Lufuno Mukhuba

Date 2024/07/11 Method Email

Comment

Good day, I am writing this email to request for Thebelele Energy Facility (RF)(Pty) Ltd to be added as a I&AP with regards to the tetra right expansion as we are also currently also in the process of developing a Battery Energy Storage Facility of up to 100MW/400MWh, situated in the Masilonyana Local Municipality, Lejweleputswa District Municipality, Free State Province. We kindly request transparency with regards to the scoping process, survey, project description and map with affected areas and any other relevant studies or information that will be conducted that could affect our project.

Response

Good day Lufuno, Thank you for your email. I can confirm that you have been registered in our database as an Interested and Affected Party (I&AP). You will receive further correspondence regarding the progress of the project and the availability of the Basic Assessment Report.

Canny Mothapo

Date 2024/06/04 Method Email

Comment

Response

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Canny Mothapo

Good morning, May you kindly delist all other SACAA email addresses and please save and send your environmental impact analysis reports, meeting requests and request for comments to environment@caa.co.za, going forward please

Good day, Thank you, noted.

Ms Andrea Seibritz

Date 2024/06/14 Method Email

Comment

Good day I trust this email finds you well. I would like to register the SOLA Group as an I&AP for the proposed Tetra4 production right extension in the Welkom/Virginia area. Please add the following two emails on the list:

Response

Thank you for your email. We confirm that you have been registered in the I&AP database for this project.

Ms Nazley Towfie

Date 2024/09/27 Method Email

Comment

SOLA - Nazley Towfie 1 Section 102 application for consolidation of the Exploration Rights into the ProductionRight (PASA REFERENCE: 12/4/007) From the BAR, it is noted that Tetra4 intends to consolidate the Exploration Rights (ER32 and ER94, including the activities such as drilling of up to 18 wells), within the Production Right (pg ix)." It is further noted that "Exploration wells will be drilled and, if successful, converted into production wells. Eighteen (18) preliminary borehole locations have been proposed in the two exploration right areas. The drilling of exploration boreholes is a temporary and short-duration activity and the equipment to be used during drilling activities includes the use of a truck, trailer or skid-mounted drill rig (Figure 1) to drill to varying depths (~380 m to ~880 m) along known fault lines in order to strike the gas reserve, as well as other equipment such as an excavator, dozer, grader, water cart, light motor vehicle for transport of personnel and chemical toilets" (pg x) i. Please provide copies of ER32 and ER94 to which this application for an EA relates; ii. Please confirm that the EA to be issued by virtue of this application will only be in respect of the carrying out of the exploration activities authorized in terms of ER32 andER94? iii. Please confirm that the necessary process, including application for an EA will be attended to in the event the Applicant intends to apply for a production right specific to these exploration areas? " 2 Inclusion of "Cluster 2 EMP" in the EMP for the consolidation of ER32 and ER94 into the Production Right Please confirm why the Cluster 2 project, which is a separate phase and constitutes production activities, and which furthermore is still subject to the grant of an EA and associated EMP in light of the appeal against the grant of the Cluster 2 EA, has been included, at this point in time, as part of this

Response

SOLA - Nazley Towfie 1 Noted. Noted. i. Kindly find attached copies of ER32 and ER94 . Please also refer to the map provided in the link below for a spatial distribution of all of the Exploration and Production Rights- <https://petroleumagency.co.za/wp-content/uploads/2024/08/Hubmap0624.pdf> ii. Correct, the EA applied for is only for the Extension of the Production Right (i.e. amendment to the PR by consolidation the existing ERs into the PR), and associated exploration activities in ER32 and ER94. "iii. As and when further activities are required there will be a legal requirement for the assessment of impacts from those activities together with public consultation prior to authorisation and implementation. " 2 The EA for Cluster 2 was issued on the 13th July 2023. This Cluster 2 EA was appealed and on the 1st August 2024 a decision was taken by the Appeal authority to remit certain grounds of appeal for reconsideration pending certain amendments to the EIAR. Tetra4 is in the process of complying with the appeal decision. The identified management and mitigation measures associated with the impacts identified in the BAR must be incorporated (through the relevant regulated processes if required) into the authorised EMPR for the Tetra 4 Production Right, if and when a decision is taken on this EA application. Tetra4 will be guided by the regulator in this regard, however it is expected that the specific identified management and mitigation measures listed in this projects specific BAR will need to be incorproated into the authorised EMPR prevailing at the time of EA. The applicant intend to manage all their activities under a single EMPr to minimise the confusion and risk of operating from multiple EMPs. The current EMP was established when the initial Production Right was authorized and has been subsequently amended to incorporate changes

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Ms Nazley Towfie

consolidation applications EMP?" "3 Inclusion of interested and affected parties The I&AP listed on page 67 and 68, does not include Stakeholders such as; Eskom and Vaal Central Water which service the area from Welkom to Virginia. Please confirm these entities have been consulted during this process." 4 The 2010 EMP Production Right Please confirm that this consolidation application, is in compliance with the following conditions and requirements of the Production Right and 2010 EMPR specific to the Production Right:" i. The ROD following the submission of the 2010 EMPR also contains a clause 3.1.11 that clearly describes sensitive areas as "no go" and that they should be avoided. It explicitly states that in sensitive areas, a site specific site assessment must be carried out and submitted for the department's approval. ii. Condition 5.2.3 of the Production Right, which provides that "without derogating from the holders' other obligations in terms of this Production Right, the holder shall comply with the Environmental Management Programme."

related to the approval of Clusters 1 and 2 (pending final EA). " 3 Eskom and Vaal Central Water are both included in the I&AP Database and have been consulted during the process. 4 Statement noted. "i. The mitigation measures include avoiding ""no-go"" areas, (i.e. highly sensitive areas). Tetra4 is required to comply with the requirements of the authorised EMP. The sensitivity planning approach will continue to guide the preferred placement of wells during the drilling operations, in conjunction with specific landowner consultations and negotiations. This approach ensures a cautious and risk-averse strategy for future project planning." ii. Tetra4 is currently implementing the approved EMP in its operations and will also endeavour to comply with the requirements of its authorisations and associated management plans.

Mr Elias Sekaledi

Date 2024/07/16 Method Email

Comment

Good morning I am **** from Gosiya Pty Ltd. I would like to participate on Public platform for Tetra Environment project at Machabeng Municipality. I would like to register Gosiya as an interest party to this project. Kindly advise me accordingly

Response

Thank you for your email. I can confirm that you have been registered in our database as an Interested and Affected Party (I&AP). You will receive further correspondence regarding the progress of the project and the availability of the Basic Assessment Report

Ms Sarah Burford

Date 2024/09/09 Method Email

Comment

Good day, Kindly register myself, ***** and *****, both copied herein, as Interested and Affected Parties to the Tetra Production Right Extension EIA process: Please confirm receipt of this email and our registration as I&APs and further, what is the last day for submission of public comments. Kind regards,

Response

Thank you for your email. I can confirm that you have been registered as an Interested & Affected Party of the proposed Tetra4 PR Extension. Please note we have released the Draft Basic Assessment Report for public review and comment. You can find the report here: <https://www.eims.co.za/public-participation/> You are welcome to submit your comments on the BAR at any time before the 30-day review period lapses on the 27th of September. Feel free to contact us if you have any questions. Thank you.

Nolumanyano Camagu

Date 2024/07/11 Method Email

Comment

Response

Comments and Responses 1610 Tetra PR Extension

Nolumanyano Camagu

Can you please share a project description and a map of the TETRA4 Production Right Extension in the mean time?

Good day, Please see attached letter which includes the project description as well as the attached locality map.

Date2024/07/11MethodEmail

Comment

Trust this email finds you well. Pele Green Energy would like to register as an I&AP for the TETRA4 Production Right Extension. Best regards,

Response

Thank you for your email. I can confirm that you have been registered in our database as an Interested and Affected Party (I&AP). You will receive further correspondence regarding the progress of the project and the availability of the Basic Assessment Report.

Date2024/07/16MethodEmail

Comment

Thank you for providing the KMZ, locality Map. Please kindly provide us with the following • Exploration right for the area in blue (Flagged on the locality Map) • Detailed project description from Tetra4 • Indicative timeline. • List of land parcels that will be affected by the right extension

Response

My apologies for the delay in getting back to you in this regard. Kindly see the responses below: • Exploration right for the area in blue (Flagged on the locality Map) – The area in blue is an approved production right area and the orange and green are the approved exploration right areas. • Detailed project description from Tetra4 – Kindly see attached. • Indicative timeline. – The environmental authorisation application was submitted in July 2024 and the final Basic Assessment Report (BAR) is expected to be submitted mid-October 2024 after being subjected to a public participation process of at least 30 days. As a registered I&AP, you will be notified of an opportunity to comment on the BAR once it is made available for public review. • List of land parcels that will be affected by the right extension – Kindly see attached a list of land parcels that will be consolidated into the production right area. Feel free to contact us if you have any additional questions.

Wentzel Radcliffe

Date2024/09/02MethodEmail

Comment

Good day If possible, can you please provide the sites in KMZ file format for us to give comments as the there are many sites. Regards

Response

Thank you for your email. Please see the attached KML file. Feel free to contact us if you have any comments or queries.

Ms MIKAELLA BODEUX

Date2024/09/19MethodEmail

Comment

Response

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Ms MIKAELLA BODEUX

Warburton Attorneys Inc. (Optavit Boerdery (Pty) Ltd) 1.4.1 Undertaking a Basic Assessment process as opposed to a full Environmental Impact Assessment process is inappropriate (and incorrect) in the circumstances; 1.4.2 In light of Tetra4's intended broader project the BAR does not sufficiently assess need and desirability in the context of the prevailing agricultural and related land use, the impacts on such use, and does not adequately address the cumulative impacts of Tetra4's broader (and intended) activities; 1.4.3 The BAR does not sufficiently identify and assess the specific anticipated impacts, nor does it contain the necessary information for our client to understand the anticipated impact on their land use and, specifically, does not contain sufficient detail regarding the impacts on agricultural resources and activities; 1.4.4 The BAR is not supported by the required specialist studies; 1.4.5 The BAR does not provide sufficient mitigation measures and safeguards to protect landowners, their use and enjoyment of the surface of the land and farming activities; 1.4.6 The public participation process has not constituted meaningful participation and is flawed. 1.5 Our client seeks further information to properly understand the overall and cumulative activities Tetra4 is undertaking / intends to undertake to be in a position to properly consider the scope of Tetra4's exploration and production activities and meaningfully comment, including in this BAR process. The information requested is set out in paragraph 9 below. 1.6 Our client (and other landowners we represent) have repeatedly been trying their utmost to approach these processes and negotiations with Tetra4 in good faith to find ways to co-exist, whilst ensuring that landowners' interests and rights are properly protected. These comments are not intended to be obstructive but we submit that an EA cannot be approved on the basis of the this BAR for the reasons provided herein. 1.7 Please provide a copy of these comments directly to the Competent Authority in this format in addition to them being included in your comments and response report. 1.8 Please provide us with the details of the responsible person at the Competent Authority A Basic Assessment process is inappropriate in the circumstances 2.1 The BAR states in the Executive Summary, at page ix, that 'it constitutes listed activities in terms of NEMA Listing Notices 1, 2 and 3' (our emphasis). Listing Notice 2 activities require a scoping and environmental impact assessment process, yet only a basic assessment process has been undertaken. 2.2 Later in the BAR, it explains that this part of Tetra4's activities trigger National Environmental Management Act, 1998 (NEMA) Environmental Impact Assessment (EIA) Regulations Listing Notice 1 activities, in particular, activity 21D – requiring an amendment or variation of a right granted under the Mineral and Petroleum Resources Development Act, 2002 (MPRDA) and several other Listing Notice 1 activities. 2.3 Ostensibly this BAR encompasses 'certain amendments ... to the Production Right EMPr to include the Production Right Extension project as well as amendments and additions to mitigation measures that were identified during this assessment process.' 2.4 Conducting a basic assessment process at this stage is inappropriate (and incorrect) for several reasons including that: 2.4.1 Amendments to a broader Production Right EMPr through a basic assessment process aimed only at including exploration activities, where Tetra4 ultimately intends to exploit the resource through production (requiring

1.4.1. Assessment of the listed activities triggered by the proposed project was undertaken and the outcome of this assessment indicated that only Listing Notice 1 and 3 activities were triggered thus making a Basic Assessment appropriate. 1.4.2. Refer to section 6, p. 52 of the BAR for the Needs and Desirability, and section 10.2 that addresses the cumulative impacts for each phase of the project. Furthermore, the impact assessment methodology takes into account cumulative impacts. The nature and scale of the proposed activities (18 wells) is not expected to have a significant impact on the broader socio-economic environment or the agricultural sectors and land-uses. 1.4.3. All anticipated impacts of the proposed project have been assessed and mitigation measures proposed. Impacts on current land use are also assessed in the BAR. As represented in the BAR and discussed with your client at the open day meeting, none of the currently proposed exploration wells fall within your client's property. 1.4.4. The Department of Forestry, Fisheries, and Environmental Affairs (DFFE) Screening Tool Reports identified the necessary specialist studies to be included in the Basic Assessment (BA). In addition, a site sensitivity screening verification report was conducted to verify the appropriate level of assessment required from these specialist studies. All relevant specialist assessments have been completed and are included as appendices to the BA. 1.4.5. Mitigation measures applicable to the anticipated impacts have been discussed thoroughly in section 10.2 of the BAR. The EMPr includes various management and mitigation measures and safeguards which are aimed at protecting landowners and their use of their respective surface rights. 1.4.6. The public participation process for this project has adhered to the requirements outlined in the Environmental Impact Assessment (EIA) regulations. Ample opportunities were provided for stakeholders to engage with the project team, ask questions, and provide feedback. Optivit Boerdery was identified as a key stakeholder at the commencement of the process and was invited to participate throughout the stakeholder engagement process, including the initial opportunity to comment, the review of the BAR, as well as the opportunity to attend the public meetings. 1.5. Noted. Please refer to the response provide to Item 1.4.5. above, as well as Item 9 below. 1.6. Statement noted. Tetra4 has an obligation to comply with the requirement of their EA's and associated EMPr. 1.7. Please be advised that a verbatim copy of your comments, as received, and our corresponding responses will be integrated into the BA Report and subsequently presented to the Competent Authority for their consideration. A copy of the Final BAR, as submitted to the Competent Authority, will also be made available on the EIMS website. 1.8. The responsible person at the Competent Authority is Phumla Ngesi. The relevant contact details are: + 27 21 938 3500 plu@petroleumagencysa.com; MazwanaZ@petroleumagencysa.com (Ref: 12/4/007). A Basic Assessment process is inappropriate in the circumstances 2.1. Noted. Kindly note that this was an error and has been rectified. We can confirm that only Listing Notice 1 and 3 are triggered by the proposed project. Refer to page 23, Table 6 for the complete list of activities. Therefore, since only LN 1 and 3 are triggered, only a BA is required. 2.2. Noted. Please refer to response to Item 2.1 above. 2.3. Noted. 2.4. Noted. It is the EAPs understanding that based on the triggered listed activities, the

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a full EIA) is (at best) irregular; 2.4.2 Notwithstanding that Tetra4 may have an exploration right over these properties, it has not exercised this right (i.e. commenced under NEMA). This basic assessment process concerns the addition of properties and well drilling sites for exploration, with impacts that have not previously been assessed through an EIA process, thus necessitating and triggering Listing Notice 2 activities that require a full EIA. Within the current NEMA EIA regime and listing notices, it thus (at least) triggers Activity 18 of Listing Notice 2; 2.4.3 Moreover, with the ultimate aim being production, and the inclusion of these activities within a Production Right EMPR, a basic assessment process obscures the true nature of the activities Tetra4 intends; 2.4.4 Tetra4 has conducted (or intended) exploration and production activities simultaneously under its Phase / Cluster 1 and Phase / Cluster 2 EIAs. Their explanation for this (including to our clients) has been that these activities are inextricably linked in that once an exploration well/borehole has been drilled, and it is established there is gas, the well is then turned into a producing well. Tetra4 has said that to do otherwise is impractical; 2.4.5 For Tetra4 to now split the exploration and production components of its activities in this BAR is contrary to its previous approach, inconsistent with its previous representations to landowners, and appears to be aimed at avoiding an EIA process and obscuring the approval processes; 2.4.6 Tetra4 is undertaking parallel processes to amend its Production Right EMPR – i.e. through its Phase / Cluster 2 Project in respect of which its EA (obtained after a full EIA process) was successfully appealed.³ It is wholly confusing for landowners to understand the timeline and scope of the Production Right EMPr amendments and connection with this BAR process. This must be clarified; 2.4.7 Following a basic assessment approach in these circumstances will obscure the full scope of activities that are covered by Tetra4's Production Right EMPR (which is already unclear to landowners) and is contrary to the objects and requirements of NEMA,⁴ the EIA Regulations, and Listing Notices. 2.5 This BAR is fatally flawed in this regard. Insufficient consideration of need and desirability, assessment of impacts on agricultural and surface use and cumulative impacts 3.1 The BAR does not sufficiently assess need and desirability in the context of the prevailing agricultural and related land use, the impacts on such use, and does not sufficiently address the cumulative impacts of Tetra4's holistic activities, particularly on agricultural and related land use. 3.2 The motivations regarding the need and desirability of the project are not juxtaposed against the potential loss of agriculture, related jobs, impacts on livestock and surface land due to fragmentation, sterilization, deterioration of land, and loss of productivity. 3.3 It is a major concern that future gas production activities would come at the expense of the current land use i.e. agriculture. In this regard, the Minister⁵ has previously set aside a decision to grant an EA because it is imperative to preserve current land use, being commercial agriculture. 3.4 The intended exploration and (ultimately) gas production will significantly impact the economic viability of farms in the area and therefore food security in South Africa. The impacts on livestock and surface land use, and related risks are not properly considered in the BAR. In effect, the gas-producing operation may sterilize the land from an economic perspective. 3.4.1 Livestock: Other than acknowledging the use of land in the area for

Basic Assessment process has correctly been undertaken. 2.4.1. As outlined in the Project Description of the Basic Assessment Report (BAR), a distinct authorisation will be necessary should an exploration well be converted into a production well. This would necessitate a further activity specific assessment, including a new round of public participation. Tetra4 is strictly prohibited from commencing any production activities within the PR extension area without obtaining the requisite authorization. 2.4.2. Section 79 of the Mineral and Petroleum Resources Development Act (MPRDA) specifically addresses applications for Exploration Activities. As this project involves an amendment to an existing production right, rather than a new exploration activity, Section 79 does not apply. Moreover, Activity 18 of LN2 is not triggered because exploration activities are a permitted component of a production right. The proposed extension of the production right includes provisions for ongoing exploration, which aligns with the existing scope of the project. The extension areas would be an extension of the existing authorised production activities and production Right and would not require a distinct and separate new Production Right. 2.4.3. As stated above, a distinct authorisation will be necessary should an exploration well need to be converted into a production well in the future. This would necessitate a comprehensive activity specific environmental assessment, including a new round of public participation. Tetra4 is strictly prohibited from commencing any production activities within the PR extension area without obtaining the requisite authorization. 2.4.4. Noted. It is important to note that the activities associated with this application are slightly different to those that were applied for in both Clusters 1 & 2. Only exploration activities are proposed for this application, should any other activities not included in this application be necessary, these will need to undergo a separate process application process. 2.4.5. Noted. Tetra4 has no desire or intention to avoid an EIA process. The BA Process was followed as this is the legislated process applicable to the listed activity triggered. It is important to note that the activities associated with this application are different to those that were applied for in both Clusters 1 & 2. Only exploration activities are proposed for this application, should any other activities not included in this application be necessary, these will need to undergo a separate process application process. 2.4.6. It is essential to emphasize that Cluster 2, along with its associated EIA and EA application, constitutes a distinct and separate project from the present Production Right extension application. The Production Right extension application is exclusively focused on extending the existing Production Right by incorporating the exploration rights, which encompass the exploration drilling activities as detailed in the BAR. It is imperative to clarify that this application does not in any way seek authorization for other gas production activities. 2.4.7. Again, it must be stated that it is not the intention of this BAR to obscure the full scope of activities that are covered by Tetra4's Production Right EMPR. This BAR intends to assess the impacts of the exploration activities associated with the proposed Section 102 amendment. The intention of including the proposed management measures associated with this study into the existing EMPr is precisely to avoid the confusion of having multiple EMPrs for different areas. 2.5. We do not agree with this statement. It remains unclear which regulatory requirement has not been met to

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livestock grazing, the BAR and EMPR do not contain any specific consideration of the impacts or measures to mitigate against impacts on livestock. 3.4.1.1 Any well drilling or construction activities (whether for exploration or production) will impact the well-being of livestock, including their reproductivity and output. 3.4.1.2 Stock theft is a major concern and significant risk to our client's business – increased movement and activity on our client's land by third parties is likely to increase this risk, particularly where security protocols and stipulated mitigation measures are not adhered to. 3.4.1.3 Third parties accessing our client's land create a security risk not only to people living and working on the land but also to livestock. There have been instances where Tetra4/its agents have not adhered to security measures which has resulted in livestock loss and related damages. 3.4.1.4 The BAR only contains general provisions regarding damages which are insufficient to address the particular concerns regarding livestock. It also puts the burden on farmers to establish a causal nexus if they suffer damages where, for example, a gate is left open and cattle escape - which has been an issue in the past). This is insufficient. 3.4.1.5 Tetra4's ability to effectively, timeously, and efficiently remediate areas affected by its activities (see paragraph 6.5 below) may pose a significant risk to the proper mitigation and returning veld and land used for grazing back to a usable state. 3.4.2 Surface use and land value: The impacts of exploration and production wells and related infrastructure on properties, surface use, agriculture and farming are severely understated. It has become apparent in landowner negotiations with Tetra4 (on its Phase / Cluster 1 and 2 Projects) that there is a lack of full appreciation of the impacts that exploration and production wells and related infrastructure have on agriculture, farming practices, and output. 3.4.2.1 The impacts of exploration (and ultimately production) activities are not limited to the footprint of wells, pipelines, roads and related infrastructure. It is also not only limited in time or to the construction period. 3.4.2.2 Our client experienced (and still experiences) significant disruptions to their use and enjoyment of their land (some of which are illustrated in these comments) during the Phase / Cluster 1 Project which has a limited number of wells. They are facing significant disruption based on the large expansion contemplated in the Phase / Cluster 2 Project. The proposed layouts for the Phase / Cluster 2 project and the required servitudes will significantly affect any resale potential and value of the land – because of the transecting nature of the activities. This also underscores why a clearer indication of actual impacts must be identified as part of any impact assessment as outlined in paragraph 4 below. These concerns similarly apply in the context of this BAR and Tetra4's proposed extension – as it ultimately relates to the same broader exploration and production project. 3.4.2.3 Constructing exploration and production infrastructure and undertaking those activities significantly change the current use and enjoyment of the surface of the land. It results in a significant disturbance of farming (crop or livestock), which has been wholly underestimated by Tetra4 and their EAP. It not only affects the land where the activity footprint is/will be (e.g. the 50 x 50m area) and has a long-term impact beyond construction. It affects the workability of the remainder of the land parcels and/or productivity. 3.4.2.4 We illustrate this by example based on our client's recent

result in a fatally flawed BAR. The process and corresponding BAR complies with the requirements of the NEMA EIA Regulations. The activities have been defined, associated impacts have been identified and assessed, and where necessary relevant additional management and mitigation measures have been included. A public participation process has been undertaken in accordance with the regulatory requirements. Insufficient consideration of need and desirability, assessment of impacts on agricultural and surface use and cumulative impacts. 3.1. All anticipated impacts of the proposed project have been assessed and mitigation measures proposed. Impacts on current land use are also assessed in the BAR. Section 6 of the BAR is dedicated to the consideration and assessments of the needs and desirability of the project. As noted above, the nature and scale of the proposed activities (18 wells) is not expected to have a significant impact on the broader socio-economic environment or the agricultural sectors and land-uses. 3.2. Mitigation strategies have been implemented to safeguard against fragmentation, degradation, and a reduction in productivity during the execution of exploration drilling activities. As outlined in Table 11, page 59 of the BAR, reference number 2.5.13, it has been established that "this project will not sterilise existing land uses and therefore it will in fact result in higher economic returns per land area as both agriculture and gas exploration can occur simultaneously." It is not anticipated that the proposed exploration wells will result in significant loss of agriculture, related jobs, impacts of livestock and surface land due to fragmentation, sterilization, deterioration of land, or loss of productivity. 3.3. We duly acknowledge the concern regarding the potential repercussions of future gas production activities upon the prevailing agricultural land use. Nevertheless, we would like to emphasize that this application is only for exploration activities and mitigation measures have been recommended to mitigate anticipated impacts. 3.4. It is not anticipated that the drilling of exploration wells will impact the economic viability of the farms in the area significantly. We reiterate that this application exclusively pertains to exploration activities and the expansion of the production right area; it does not encompass any gas production activities. A distinct process and authorisation, necessitating a separate assessment and Public Participation Process, will be required should the exploration wells be transitioned into production wells. 3.4.1. We duly acknowledge the concern regarding the potential impacts of the project on livestock. Mitigation measures tailored to land use also take livestock into consideration, such as the fencing of drill pads during the construction. It is achievable to develop the exploration activities in tandem with the current land-use practices. This can be achieved through the co-design of infrastructure, primarily located underground, allowing above ground activities such as agriculture (including livestock) to continue with minimal to no impact. The footprint of disturbance is small and should not interrupt the ongoing activities. 3.4.1.1. We acknowledge the potential impacts of well drilling and construction activities on livestock, this will be for a limited time during the construction phase and measures to mitigate these have been proposed. To mitigate these risks, the following mitigation measures have been included the BAR: a) Noise and Vibration Mitigation: Employ noise-reducing equipment and techniques to reduce stress on livestock. b) Dust Control: Implement dust control measures to protect livestock from respiratory

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experience with Tetra4's activities and its impact on farming. Tetra4's Phase / Cluster 2 Project involves many exploration and production wells within or near agricultural / arable / cropland. (This may also be the case (intention or outcome) for the property subject to this BAR – but is impossible to determine because of the shortcomings of this BAR process.) During the construction and operation of wells and infrastructure proposed in the Phase / Cluster 2 Project farmers will not be able to farm efficiently in the same lines or areas because of the transecting nature of Tetra4's activities across farmlands. In other words, sinking a well is not limited to the well itself but roads and construction areas are needed to access the well site. Pipelines are required to connect wells etc. Those transecting activities cut through land and divide up large parcels into smaller parcels; that division significantly affects the way in which the land is worked/utilised, and its productivity. The transecting nature of the activities impacts the overall time and cost of farming and revenue. 3.4.2.5 Even after construction, the areas where the soil has been disturbed due to construction will never be the same, will be impacted permanently and the land will not offer the same productivity. 3.4.2.6 These impacts have generally been misconstrued and underappreciated and are not adequately considered in this BAR. 3.4.2.7 In respect of our client's property, which falls within the area which is the subject of this BAR, there will be impacts on livestock grazing that have not been properly determined or assessed – during construction and operation – whether for exploration or ultimately production. This will impact the productivity and reproductivity of the cattle, methods, farming practices and output. 3.4.2.8 Notwithstanding the BAR stating that the impacts of this project will not be long-term and that it will have little to no impact on above-ground activities such as agriculture, the reality is that the impact which exploration activities will have on agricultural activities and the value of the land will be long-term and will result in irreplaceable loss, particularly where farmers are forced to scale down or cease operations and the impacts on their farms are not properly rehabilitated. It is also the case where farmers' surface rights are so severely restricted that they cannot accommodate other projects or tenants on their land. 3.4.2.9 In addition, in light of the move to renewable energy and South Africa's Just Energy Transition, many farmlands are being earmarked for potential renewable energy projects, which can co-exist with farming, and supplement farmer income in tough economic times and times of inclement weather. Tetra4's exploration and production activities are proving to be a significant hindrance to these surface-use activities. In that respect, any statement that Tetra4's impact on surface uses is limited and not long-term is wholly inaccurate and understated. 3.4.2.10 The BAR fails to properly consider and measure the need not to affect the property values and surface use, and not fragment or disturb the agricultural land, to preserve agricultural land to ensure the continuation of food production for many more years and the associated socio-economic benefits. 3.4.3 Veld fires: The potential for and devastation caused by veld fires are a significant concern for landowners and farmers. 3.4.3.1 Veld fires pose a significant danger not only to people present and residing on the land but also to their inherent business, crops, livestock, houses, land value, personal and financial security. 3.4.3.2 Tetra4's gas flaring activities (in addition to its general activities

problems. c) Temporary Fencing: Use temporary fencing to restrict livestock access to construction areas and prevent accidents. Considering the limited spatial and temporal scale of the proposed activities it is not anticipated that there will be a significant impact on the well-being of livestock. 3.4.1.2. Impacts on safety and security have been identified and assessed in the BAR. Mitigation has also been proposed to combat the likely increased security risk during the Applicants presence on the properties. Tetra is also committed to working closely with landowners and local security teams to ensure the uphold the safety of the communities and that of its own workers. 3.4.1.3. We duly acknowledge the raised concern and have taken note of the comment. This matter will be promptly forwarded to Tetra4 for their immediate attention and subsequent resolution. As stated above Tetra is also committed to working closely with landowners to avoid such instances. Tetra4 has an obligation to comply with the requirements of the existing EMPR. 3.4.1.4. The participatory nature of the EIA process relies on blended information from all key stakeholders including affected parties to identify and manage impacts. You are requested to provide inputs should there be any additional provisions or specific considerations that you deem worthy of inclusion in the BAR. 3.4.1.5. Tetra 4 is required to rehabilitate according to the Final Rehabilitation, Decommissioning and Closure Plan (FRDCP), Annual Rehabilitation Plan (ARP), as well as the conditions in the EMPR. 3.4.2. We reiterate that this application exclusively pertains to exploration activities and the expansion of the production right area; it does not encompass any gas production activities. The proposed exploration drilling activities, characterized by their limited spatial extent and temporal duration, are anticipated to have a minimal impact on surface use and land value. 3.4.2.1. Statement noted. Please refer to response to Item 3.4.2 above. Potential environmental impacts associated with the proposed activities including those that extend beyond the direct footprint) have been identified, assessed and relevant management and mitigation measures proposed. 3.4.2.2. It must be noted that this application is different from the undertaken for Clusters 1 & 2 in that it only entails the activity of drilling exploration wells. No servitudes are required for this activity. In terms of past significant disruptions caused by another project which is not related to this application, the comments will be promptly forwarded to Tetra4 for their immediate attention and subsequent resolution with the affected parties. 3.4.2.3. As previously indicated, Tetra4 is committed to working together with affected landowners in the consideration of access and location of the drill sites to reduce and where possible eliminate any potential impact on farming activities during their operations. 3.4.2.4. We reiterate that this application exclusively pertains to the extension of the production right and the execution of exploration drilling activities; it does not encompass any gas production activities. Given the nature of the proposed exploration activities, the anticipated impact on land use will be minimal. Regarding access to the well sites, it is noteworthy that the proposed exploration drill sites are situated adjacent to existing access routes, thereby minimizing the necessity for traversing agricultural land. Tetra4 is required to engage with each individual affected landowner, discussing the specific details of the planned works on their respective properties. Tetra4 is obligated to take reasonable measures to prevent any disruption to the

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on the land) pose an inherent and significant risk for fire impacting on all of the aforementioned aspects. 3.4.3.3 Tetra4's ability to effectively, timeously, and efficiently remediate areas affected by its activities (see paragraph 6.5 below) may pose a significant risk to the proper mitigation of veld fires. 3.4.3.4 This has not been sufficiently assessed and identified in the BAR. Because of the serious nature of this risk, one would expect it to be assessed more thoroughly with a high-risk rating. This is not an aspect that has ostensibly been assigned a risk rating. The mitigation measures proposed are insufficient to address and mitigate this concern. 3.4.4 Cumulative impacts not adequately assessed: The BAR fails to properly assess and value the cumulative impacts of Tetra4's broader phased activities (currently Phase 1, Phase 2 and now this BAR) in light of its overall impacts. 3.5 Tetra4's intended activities (including its broader project) significantly impact our client's (and other affected farmers') private/residential use, fundamental business, livelihoods, and ability to derive value from the surface of their land. In our and our client's experience, the mitigation measures that have been included (for Phase 1 and 2 – and in this BAR and its EMPr) are insufficient to address or mitigate these impacts. 3.6 The implications under the Subdivision of Agricultural Land Act, 1970 and required approvals under that Act have not been considered and is a fatal flaw. 3.7 The BAR is deficient in the above respects. Inadequate information in the BAR 4.1 The BAR does not sufficiently identify and assess the specific anticipated impacts, nor does it contain the necessary information for our clients to understand the anticipated impact on their land use and, specifically, does not contain sufficient detail regarding the impacts on agricultural resources and related land use. 4.2 While the BAR identifies certain collar positions for the drilling of wells, these are stated as being preliminary. It is stated that an updated exploration model will be implemented based on initial drilling.⁷ This means that landowners effectively have zero certainty as to how many wells will be drilled on their respective properties nor where on their properties these wells will be located based on this BAR. 4.3 This has been a concern that landowners have raised throughout Tetra4's Phase / Cluster 1 and 2 Projects and still they have no certainty as to the overall and cumulative intended impacts on their existing land use. 4.4 It must be determined with more certainty what infrastructure is likely to be sited on a particular property. Assessments regarding the possible siting of infrastructure must be done during the impact assessment stage and not after the issuing of an authorisation – as this is central to determining the project's feasibility. At the very least, a conceptual infrastructure layout must be provided at the impact assessment stage so that landowners can meaningfully comment. As explained in paragraph 6.5.3 below, discussions between our clients and Tetra4 (after the grant of an authorisation) have not resulted in more clarity and have required considerable time commitments from our client. 4.5 It is also unclear what the total footprint of the drill site itself will be. While the BAR specifies that the drilling rig itself requires a 50m x 50m area,⁸ it is stated that the drilling rig will be accompanied by sumps, waste skips, parking spaces, temporary offices, storage facilities for equipment and ablutions.⁹ Figures 6 and 7 clearly illustrate that there is a distinction between the drill site and the drilling rig itself. The footprint, and therefore

landowners' utilization of their properties, encompassing farming activities, crop cultivation, irrigation systems. In the event of any loss of arable land, landowners or tenants shall be compensated in accordance with the stipulated landowner access agreements (contracts). Consequently, all infrastructure intended for placement on a particular property must be subject to discussion with each landowner, taking into account their specific farming practices and culminating in a formal written agreement prior to the commencement of construction. Section 3 and Appendix 5 of the BAR provides maps of the application area and the identified exploration well positions, it is therefore possible to determine the location of the proposed infrastructure and how such relates to your property. The potential impacts associated with these activities have been identified and assessed in the BAR. Furthermore, as represented in the BAR and discussed with your client at the open day meeting, none of the currently proposed exploration wells fall within your client's property. 3.4.2.5. While it is acknowledged that soil disturbance can occur due to construction activities, it is important to note that soil properties are subject to ongoing changes even when engaged in agricultural practices, such as nutrient depletion, soil erosion from tillage, and soil salinization from excessive irrigation. These factors also contribute to the potential reduction in land productivity. As outlined in the BAR, mitigation measures have been implemented to address these concerns, including the protection of topsoil resources and the rehabilitation of exposed earth with indigenous grasses. Additionally, there are documented instances of successfully rehabilitated wells that were directly drilled within agricultural land, where crop growth has remained unaffected. 3.4.2.6. Noted. 3.4.2.7. As addressed previously, we acknowledge the potential impacts of well drilling and construction activities on livestock. Mitigation measures have been proposed to deal with these. Tetra4 is further committed to engaging landowners with a view of understanding their unique operations and how they can work together with them to minimise any impacts. 3.4.2.8. Considering the limited duration of the exploration activities and the relatively small footprint of the proposed site (50m x 50m), the anticipated environmental impacts are not considered to be significant. Mitigation measures are also in place to further reduce potential impacts. It is not anticipated that the proposed exploration activities will result in long term irreplaceable loss or extended downscaling of farming operations. It is evident from the exploration activities undertaken by Tetra4 in the existing production right area that livestock farming and exploration activities can co-exist on condition that the identified management and mitigation measures are adhered to. Furthermore, the EMPr requires that landowners are compensated for any losses or damages incurred as a result of their operations. There is a legal requirement that the affected sites are adequately rehabilitated (please refer to Appendix 7). 3.4.2.9. It is our understanding that renewable energy projects do in most cases compete with agricultural activities for land and in most cases both Solar Pv and arable or grazing cannot occur on the same land. The need for short vegetation and separate livestock areas can pose challenges. Solar PV projects typically require a significantly larger surface footprint than gas exploration or production. 3.4.2.10. As previously stated, the proposed exploration activities are limited in nature and scale, this should not significantly affect

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the impact, of the additional infrastructure making up the drill site is not accounted for in the BAR. 4.6 It appears a separate EA will be required to connect the wells to a gas-gathering pipeline.¹⁰ This about-turn on Tetra4's previous approach (mentioned in paragraph 2.4.4 above) and their general piecemeal approach (which this extension forms part of) makes it impossible for landowners to understand and conceptualise the cumulative impact the gas production project will have on their land once it is fully operational. "4.7 It is furthermore unclear in the current BAR what aboveground infrastructure will be present during the transition from the exploration phase to the production phase. The BAR provides that "exploration boreholes that are successful (gas producing) will be turned into production wells by installing a valve within an underground concrete bunker with a manhole surface area of ~ 1.5 m²".¹¹ However, it is unclear when this conversion will take place and the infrastructure required (particularly aboveground) during these phases. The design for this infrastructure has also not been provided as part of the BAR. Any aboveground infrastructure which is present will cause a disturbance to farmers and the specifics and impact of this aboveground infrastructure simply is not dealt with in the BAR itself." 4.8 It is also incorrect to say that exploration drilling is a temporary activity and justify these activities on that basis when the reality is that the production activities which will follow will continue for several decades. The failure to consider the cumulative impact of this project is a significant shortfall in this process again underscoring the need for a more comprehensive EIA. 4.9 Landowners have asked to understand the full suite of environmental assessments and approvals in respect of which Tetra4 is carrying out its activities (or intends to undertake further activities) but this information has not been forthcoming. We request this information in paragraph 9 below. 4.1 Within this context, it is becoming increasingly difficult for landowners to orient themselves and understand which Phases of Tetra4's activities are covered under which approvals, both under NEMA and the MPRDA. None of the basic assessment processes or EIAs contain an understandable summary of which approvals and processes relate to which parts of Tetra4's broader process, with a proper record or reference to the relevant approvals. 4.11 These issues are material to the project's overall impact, placing affected landowners at a significant disadvantage in commenting on this BAR and also implicating the adequacy of the public participation process conducted pursuant to this BAR. Insufficient specialist studies 5.1 In addition to the impacts (and related BAR deficiencies) mentioned in paragraph 3 above - the BAR provides significance ratings for impacts that are not supported by the requisite underlying specialist studies. 5.2 It is unclear how such ratings could be accurately determined without the impacts being properly assessed by the requisite specialists. This again underscores why a basic assessment process is wholly inadequate in the circumstances. 5.3 Considering the successful appeal against Tetra4's Phase / Cluster 2 EA14 and the Minister's order that Tetra4 conduct additional studies, specifically an expanded climate change impact assessment¹⁵ and a hydrogeological study which considers impacts on river hydrology; at the very least similar studies are also relevant to the expansion which is the subject of this current BAR – as it forms part of the same broader project envisaged

property values or the surface use. Tetra4 acknowledges the important role played by the farming community in the region and intends work together with the communities to ensure its exploration activities have minimal impact on food production. Furthermore, the EMPr requires that landowners are compensated for any losses or damages incurred as a result of its operations. 3.4.3. The impact has been identified in the BAR and discussed in sections 10.2.1.2.4, and the relevant mitigations have been applied; "Tetra4 must become a member of the local firefighting association. Access routes and procedures in case of any veld fire must be determined and shared with the firefighting association, farm owners and Tetra4 staff." 3.4.3.1. The impact has been identified in the BAR and discussed in sections 10.2.1.2.4, and the relevant mitigations have been applied; "Tetra4 must become a member of the local firefighting association. Access routes and procedures in case of any veld fire must be determined and shared with the firefighting association, farm owners and Tetra4 staff." 3.4.3.2. Flaring activities are for a limited time and will be done under the supervision of a firefighting team with firefighting equipment, as included in the mitigation measures of the BAR. The drill site area will also be cleared of vegetation, minimizing the risk of veld fires. 3.4.3.3. See response to comment 3.4.3.2. 3.4.3.4. See response to comment 3.4.3.2. 3.4.4. Please note that the cumulative impacts discussed in this Basic Assessment Report (BAR) are specifically related to the current project application and proposed activities in relation to existing impacts. It is not anticipated that the proposed exploration wells within the extension area are likely to result in significant additional cumulative risks. 3.5. The BAR has been prepared utilizing the most current and relevant data available, encompassing all potential impacts that could have been anticipated. Should there be any additional impacts and/or mitigations that you would like to share, we request that you bring them to our attention. 3.6. Tetra4 is not absolved from complying with all other legal requirements including the Subdivision of Agricultural Land Act of 1970. The Act has been included in the legal section of the final BAR. 3.7. Noted. Inadequate information in the BAR 4.1. Impacts are identified by utilizing the most current and relevant data available, these impacts are listed in the executive summary in table 1, Section 10.2 and 10.3. Section 10.2.1.2.4 of the BAR specifically identifies and describes the impacts associated with existing agricultural land use. Should there be any additional impacts or specific concerns that you deem worthy of consideration, we request that you bring them to our attention. 4.2. The statement from the BAR being referred to here continues to state: "... a strategic assessment of transects has been undertaken as part of this BA process in order to identify areas of high sensitivity and no-go areas. The sensitivity planning approach will guide the preferred placement of wells and other infrastructure and will additionally be guided by specific landowner consultations and negotiations. In this manner, a risk-averse and cautious approach is able to be more fully realised in future project planning.", Therefore to say the landowner will have zero certainty is incorrect, landowners will be consulted prior locations of boreholes, before any activity takes place. 4.3. As previously stated, BAR has been prepared utilizing the most current and relevant data available, with any uncertainties or knowledge gaps explicitly articulated within the report. While the final well location may involve some degree of

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by Tetra4. 5.4 Moreover, specialist studies are required to properly assess the need and desirability, impact on land values, surface use, agriculture, and cumulative impacts as outlined in paragraph 3 above – of Tetra4’s intended activities. 5.5 These are fatal flaws of the process followed and the BAR. Inadequate mitigation measures and safeguards to protect landowners/farming 6.1 Based on our and our client’s experience and dealings with Tetra4 aimed at achieving arrangements for co-existence (a process required by Tetra4’s EMPR obligations), landowners' surface use rights have been treated as being subordinate to Tetra4’s MPRDA rights. With these bullying tactics, landowners are expected to yield to whatever surface use restrictions Tetra4 wishes to impose notwithstanding the provisions of agreements reached or existing EIA/EMPr obligations. 6.2 As we have outlined in these comments, exploration and production activities do not have the limited footprint or surface land impact that Tetra4 contends. Its activities will significantly limit the use and enjoyment of surface rights, the ability to utilize surface rights, affect land value and the ability to sell the land. The impacts in this regard are severely understated and cannot be mitigated. 6.3 The BAR identifies livelihoods as having a high significance rating¹⁶ and rightly so. A significant proportion of the “livelihoods” referred to in this context relate to the undisturbed use of the surface of the land, including for farming and related residential use. The BAR lists various mitigation measures to minimise the impact on this sensitivity.¹⁷ However, these mitigation measures are insufficient to adequately address the actual impacts on landowners, their use and enjoyment of their properties, and, in particular, farming operations. 6.4 Our client’s experience in the mentioned dealings with Tetra4 (under their Phase / Cluster 1 Project, and interactions under their Phase / Cluster 2 Project,) have illustrated that EMPR obligations are not afforded proper weight and adhered to as is required and prescribed. Our client is concerned that the proposed mitigation measures in this BAR and its EMPR are insufficient, will equally be disregarded, and may undermine previously stated mitigation measures (as there are now too many EMPR versions presented to I&APs it is impossible to make sense or consolidate which is the prevailing EMPR). 6.5 In respect of the current BAR we are concerned that the mitigation measures proposed for the items listed below are inadequate based on similar previously proposed mitigation measures. (This list is by no means exhaustive and is merely an illustration of this concern). 6.5.1 Roads: The BAR proposes that “if private roads are affected by project activities, it is the responsibility of Tetra4 to maintain these roads as long as they use it”.¹⁸ Similar measures under their Phase I activities have not been adhered to, despite this being repeatedly raised. For example, mitigation measures in the Phase / Cluster 1 EMPR regarding Tetra4’s road impacts¹⁹ include: 6.5.1.1 Mitigation measure 70, requires that “[i]f private roads are affected by project activities it is the responsibility of Tetra 4 to maintain these roads as long as they use it. Tetra4 should engage with the relevant farmers about road maintenance, as some of landowners have preferential ways in which the roads must be maintained. The road maintenance agreements must be formalised before construction commences. It is recommended that construction be planned for the dry season”; 6.5.1.2 Mitigation measure 92

uncertainty, inherent to the nature of the resource, the potential impacts of these wells have been carefully identified, and appropriate mitigation measures have been proposed. The implementation of these measures will result in only a temporary disruption to farming activities during the construction phase, allowing for the uninterrupted continuation of farming operations during the operational phase. In instances where losses can be directly attributed to the construction phase or even the operational phase, Tetra4 will be responsible for providing appropriate compensation. 4.4. Refer to the responses provided above to comments 4.2 and 4.3. 4.5. Refer to the following excerpt from the BAR, "In the event that the exploration activity starts the activity will typically require clearing a 50m x 50m area to accommodate the drilling rig, associated equipment laydown areas, power supply, namely a generator, and lined sumps for water storage and recirculation during drilling, Figure 6 provides an example of the proposed drill site layout.", it is therefore evident that the footprint of the activity is 50m x 50m and includes the listed infrastructure. Figure 7 is merely just a visual aid to showcase how a drill rig looks. 4.6. At present, only Cluster 1 has been granted authorization to proceed with gas production activities. The remaining Production Rights area is currently restricted from engaging in gas production activities until the requisite Environmental Impact Assessment (EIA) studies are completed and Environmental Authorization (EA) obtained. The application to extend the production right adheres to the same procedural requirements as the latter, stipulating that gas production activities cannot commence without an appropriate assessment and stakeholder engagement. The sole distinction lies in the inclusion of exploration activities associated with the exploration rights areas within the production right area.. 4.7. Given that this application exclusively pertains to the extension of the production right and exploration activities, incorporating information related to gas production would be premature and could potentially confusion as to what is being applied for. Should wells be converted to production wells then the surface infrastructure is likely to be similar to that currently being installed for the Cluster 1 area. However, the exact infrastructural requirements can only be confirmed once the nature and extent of the resource has been verified through the exploration activities. Once confirmed a further activity specific assessment, consultation process, and approval will be required before implementing. For any information pertaining to the facilities associated with gas production, we recommend referring to the documentation pertaining to Cluster 1 and Cluster 2. 4.8 We reiterate that this application exclusively pertains to the extension of the production right and the execution of exploration activities, which are inherently temporary in nature. Any gas production activities would require a distinct EIA and EA application and are therefore not included in this application, as they are not relevant to the scope of the present proposal. Whilst it is true that if a well is converted to production, then the infrastructure and production activity may extend for a longer period, the exact extent of such infrastructure is not currently known. Further it is not anticipated that all exploration wells will be converted to production. The production phase activities fall to be assessed and authorised as and when they can be adequately defined. 4.9. No request for the "full suite of environmental assessments and approvals" have been received during this process,

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provides that “[a]ny damage to public or private property, including roads, stormwater systems, fences, gates, buildings and other structures, pipes, lines and other utilities or infrastructure and movable properties, should be repaired, replaced or otherwise compensated for as agreed with the affected person”. 6.5.1.3 Our client has on several occasions, including directly with Tetra4’s CEO raised concerns regarding damage to roads on their property caused during Tetra4’s Phase 1 activities which needs to be repaired, to no avail. The result has been that landowners are forced to rehabilitate these roads at their own cost. This is unacceptable and hugely disruptive to farming operations both practically and economically. 6.5.2 Actual losses: The BAR proposes that “where the farmer does not agree with the compensation offered by Tetra4 related to loss of potential income due to exploration, construction or operational activities, Tetra 4 must appoint an agricultural economist at their cost to determine what the actual losses will be to the farmers due to the drilling and trenching activities on their properties”. 6.5.2.1 This same mitigation measure was proposed under the Phase / Cluster 2 EIA. In the engagements with Tetra4 on the Phase / Cluster 2 Project, it appears that this mitigation measure is being inadequately/incorrectly applied. Tetra4 did not appoint an agricultural economist to determine actual landowner losses but commissioned a much more limited study titled “An Estimation for the Total Gross Margin for Different Agricultural Enterprises in the Virginia Region of the Free State Province” (i.e., a Gross Margin Study). 6.5.2.2 The Gross Margin Study assesses regional crop averages and does not assess the “actual losses” of the affected farmers/farming operations, it does not consider each relevant growing methodology and crop or the individual yield on each farm, which varies from the regional average. The Gross Margin Study only accounts for profit loss which only compensates for the replacement value of the immediately affected crop and no other impacts – such as cumulative impacts on farming methods, reduced economies of scale, reduced output, impacts on employment etc. 6.5.2.3 Tetra4 has communicated an unwillingness to undertake a study that assesses actual losses and instead required that farmers appoint and undertake an equivalent Gross Margin Study. This is wrong because the Gross Margin Study does not assess actual losses, and it is wholly unreasonable for a proponent (who is required to undertake the requisite studies based on its impacts) to require affected landowners to undertake such studies at their expense. 6.5.3 Infrastructure in agricultural / arable land: There is nothing contained in the BAR which limits Tetra4 from placing infrastructure within certain sensitive areas, such as agricultural / arable lands (or in proximity to residences). The current statements / mitigation measures proposed in the BAR are insufficient and unclear. Statements like “as far as possible”²¹ have proven to be a challenge and used by Tetra4 in their favour. 6.5.3.1 Any infrastructure and exploration activities located within arable and/or croplands are significant, destructive and damaging to farming, and could result in farming being wholly uneconomical. This is central to the livelihood of landowners. 6.5.3.2 The BAR proposes that “construction and drilling be done outside the peak planting and harvesting seasons”.²² Although this may be preferable for accessing farmland during these busy seasons, it does not in any way mitigate the

all assessments done were attached as appendices to the BAR. In fact, no correspondence has been received from Warburtons with the exception of the comments sent on the 27th of September 2024 the last day of the comment period. It is therefore incorrect to say the information was not forthcoming in relation to this particular application. 4.10. From production perspective, there is only one authorisation issued and that covers the broader production area as well as the Cluster 1 activities and that is the authorisation that is currently being implemented and audited. 4.11. Ample opportunities were provided to landowners to engage with regards to the proposed project. The applicant's representative has also advised that prior to the commencement of the application process the affected landowners were provided with an initial opportunity to discuss the project and the upcoming application. 5.1. Relevant specialists’ studies have been undertaken to inform the BAR in support of this application and the impact ratings provided are supported by the specialist assessments done. 5.2. We have commissioned specialist studies to assess the potential environmental impacts of the project. These comprehensive assessments are included as appendices to the Basic Assessment Report (BAR) for public review. The BAR has been prepared in accordance with the Environmental Impact Assessment (EIA) regulations and the Department of Forestry, Fisheries, and Environmental Affairs (DFFE) Screening Tool report requirements regarding specialist studies. The EIA regulations do not require that the assessment of impacts must be undertaken by a 'specialist' for ALL impacts. The EAP is responsible for the identification and assessment of impacts, which in certain cases and themes is informed by the Specialist studies. A specialist is not required in all instances to accurately and adequately assess the significance of a potential impact. This requirement holds true irrespective of whether a Basic Assessment is undertaken, or a full Scoping and EIA is undertaken. 5.3. The supplementary studies pertain to the Cluster 2 Environmental Authorization (EA) and the associated gas production activities. Given that this application exclusively pertains to the extension of the production right and exploration activities, it is not necessary to undergo the same assessments. Moreover, the specialist assessments identified by the Department of Forestry, Fisheries, and Environmental Affairs (DFFE) Screening tool, as well as those highlighted in the Site Sensitivity Verification Report, have been incorporated into this project. 5.4. The soil and agriculture specialist study comprehensively evaluates the potential impacts on land use and land capability, as detailed in Section 9.7 of the BAR. The relevant assessment is also appended as Appendix 3. 5.5. The view that the process followed, and the BAR are fatally flawed are incorrect and unsubstantiated. Inadequate mitigation measures and safeguards to protect landowners/farming 6.1. While your observation is not directly related to the specific project application and BA under review, we believe it is valuable to share your perspective with Tetra4. Your comment will be forwarded to Tetra4 for their consideration and potential incorporation into future planning or operations. 6.2. The proposed project is not anticipated to affect the ability to sell the land should the landowner wish to do so. It is also not intended to limit the use and enjoyment of surface rights by landowners. This application relates to the drilling of exploration well only. 6.3. Please refer to the responses provided above. It is not anticipated that

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disturbing, lasting and significant impacts of exploration and production infrastructure on arable / croplands. 6.5.3.3 The landowners have repeatedly explained that any disturbance within arable and/or croplands, no matter when in the season this disturbance occurs, will result in a loss of revenue. Weather dependent, harvesting usually takes place around August/September and planting around October with preparation of the land taking place in between. Thus, there is no “convenient” or less impactful time of year during which Tetra4 can enter farmers’ properties and no measures that can truly mitigate this. 6.5.3.4 Any assessment of the impact which exploration activities may have, and the proposed mitigation measures in respect of these impacts, must take this into account. Currently, the BAR is deficient in this regard. 6.5.3.5 The BAR proposal that Tetra4 “ensure that as much of the infrastructure as possible is sited away from agricultural lands”²³ and that “wells and pipelines must be kept away from residences as far as possible”²⁴ does not fully appreciate the impact of Tetra4’s activities on landowners, their undisturbed enjoyment of their land for their business and residential use. Infrastructure must not be located within agricultural lands or within 1.5km of residences. It is unclear from the BAR to what extent such activities will take place. This information is required to understand the specific impacts on landowners. 6.5.3.6 The implementation of a similar approach/mitigation measures in the Phase / Cluster 2 Project has resulted in severe landowner uncertainty and constraints on landowner time. Post-authorisation discussions regarding infrastructure siting to avoid or limit impacts on arable land have taken considerable time away from landowners to conduct their own farming and business also affecting their livelihoods. In addition, landowners still have uncertainty as to the final intended infrastructure (e.g. number of wells on their properties). 6.5.3.7 Although Tetra4 is obliged, by the mitigation measures imposed on it, to consult and negotiate with landowners (taking their land use and farming activities into account), Tetra4 has characterised their engagements with landowners as being accommodative when, in fact, they are obligated to undertake these consultations. 6.5.3.8 As such, the mitigation measures should specifically state that no infrastructure is to be sited within arable land and impacts regarding proposed layouts must be assessed during the impact assessment stage. 6.5.4 Access arrangements: The BAR proposes that Tetra4 “implement the AgriSA farm access protocol for everybody that need [sic] to access the properties” and that “a system to arrange access to properties must be devised and formalised”. 6.5.4.1 Although similar access-related requirements are contained in its Phase / Cluster 1 EMP²⁶ and agreements, our client has repeatedly noted that such protocols are not followed. 6.5.4.2 Access requests are made at short/without proper notice outside of the agreed times, e.g. with a day’s notice/request, not containing specific details as to when access is required (e.g. ‘within the next few days’), or over weekends. 6.5.4.3 Our client has on several occasions come across people entering unauthorised areas of their land (e.g. roads leading to residences) or without having made prior arrangements. This is a serious threat to

the proposed exploration drilling will have a significant impact on livelihoods, the ability to continue farming operations, and the residential spaces, on condition that the stipulated management and mitigation measures are adhered to. 6.4. An EMP^r is a legally binding document and an extension of the associated EA, this requires the applicant’s compliance with the mitigation measures outlined therein. The applicant currently does and intends to manage all their activities under a single EMP^r to minimise the confusion and risk of operating from multiple EMP^rs. The Cluster 2 EMP^r as well as the EMP^r presented in this application will become binding on Tetra4 if, and when, an associated EA is issued. Until that stage the EMP^r authorised under the Cluster 1 EA remains the valid EMP^r. 6.5. Noted. Your suggestions and contributions are welcomed. 6.5.1. Noted. Tetra4 is required to adhere to the requirements of the EMP^r. Annual independent compliance audits are undertaken to audit compliance. It is suggested that where non-compliance is suspected that such be raised through the formal grievance and complaints mechanisms provided. 6.5.1.1. Noted. Please refer to the response provided to Item 6.5.1. 6.5.1.2. Noted. Please refer to response provided to Item 6.5.1. 6.5.1.3. Please refer to response provided to Item 6.5.1. While your observation is not directly related to the specific project application and BA under review, we believe it is valuable to share your perspective with Tetra4. Your comment will be forwarded to Tetra4 for their consideration and potential incorporation into future planning or operations. Your comments will further be forwarded to the decision-making authority. 6.5.2. Please refer to response provided to Item 6.5.1. 6.5.2.1. Please refer to response provided to Item 6.5.1. While your observation is not directly related to the specific project application and BA under review, we believe it is valuable to share your perspective with Tetra4. Your comment will be forwarded to Tetra4 for their consideration and potential incorporation into future planning or operations. Your comments will further be forwarded to the decision-making authority. 6.5.2.2. Please refer to response provided to Item 6.5.1. While your observation is not directly related to the specific project application and BA under review, we believe it is valuable to share your perspective with Tetra4. Your comment will be forwarded to Tetra4 for their consideration and potential incorporation into future planning or operations. Your comments will further be forwarded to the decision-making authority. 6.5.2.3. Please refer to response provided to Item 6.5.1. While your observation is not directly related to the specific project application and BA under review, we believe it is valuable to share your perspective with Tetra4. Your comment will be forwarded to Tetra4 for their consideration and potential incorporation into future planning or operations. Your comments will further be forwarded to the

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Date 2024/09/19 Method Email

Comment

Warburton Attorneys Inc. (Optavit Boerdery (Pty) Ltd) 1.4.1 Undertaking a Basic Assessment process as opposed to a full Environmental Impact Assessment process is inappropriate (and incorrect) in the circumstances; 1.4.2 In light of Tetra4's intended broader project the BAR does not sufficiently assess need and desirability in the context of the prevailing agricultural and related land use, the impacts on such use, and does not adequately address the cumulative impacts of Tetra4's broader (and intended) activities; 1.4.3 The BAR does not sufficiently identify and assess the specific anticipated impacts, nor does it contain the necessary information for our client to understand the anticipated impact on their land use and, specifically, does not contain sufficient detail regarding the impacts on agricultural resources and activities; 1.4.4 The BAR is not supported by the required specialist studies; 1.4.5 The BAR does not provide sufficient mitigation measures and safeguards to protect landowners, their use and enjoyment of the surface of the land and farming activities; 1.4.6 The public participation process has not constituted meaningful participation and is flawed. 1.5 Our client seeks further information to properly understand the overall and cumulative activities Tetra4 is undertaking / intends to undertake to be in a position to properly consider the scope of Tetra4's exploration and production activities and meaningfully comment, including in this BAR process. The information requested is set out in paragraph 9 below. 1.6 Our client (and other landowners we represent) have repeatedly been trying their utmost to approach these processes and negotiations with Tetra4 in good faith to find ways to co-exist, whilst ensuring that landowners' interests and rights are properly protected. These comments are not intended to be obstructive but we submit that an EA cannot be approved on the basis of the this BAR for the reasons provided herein. 1.7 Please provide a copy of these comments directly to the Competent Authority in this format in addition to them being included in your comments and response report. 1.8 Please provide us with the details of the responsible person at the Competent Authority A Basic Assessment process is inappropriate in the circumstances 2.1 The BAR states in the Executive Summary, at page ix, that 'it constitutes listed activities in terms of NEMA Listing Notices 1, 2 and 3' (our emphasis). Listing Notice 2 activities require a scoping and environmental impact assessment process, yet only a basic assessment process has been undertaken. 2.2 Later in the BAR, it explains that this part of Tetra4's activities trigger National Environmental Management Act, 1998 (NEMA) Environmental Impact Assessment (EIA) Regulations Listing Notice 1 activities, in particular, activity 21D – requiring an amendment or variation of a right granted under the Mineral and Petroleum Resources Development Act, 2002 (MPRDA) and several other Listing Notice 1 activities. 2.3 Ostensibly this BAR encompasses 'certain amendments ... to the Production Right EMPr to include the Production Right Extension project as well as amendments and additions to mitigation measures that were identified

Response

Warburton Attorneys Inc. (Optavit Boerdery (Pty) Ltd) 1.4.1 Assessment of the listed activities triggered by the proposed project was undertaken and the outcome of this assessment indicated that only Listing Notice 1 and 3 activities were triggered thus making a Basic Assessment appropriate . 1.4.2 Refer to section 6, p. 52 of the BAR for the Needs and Desirability, and section 10.2 that addresses the cumulative impacts for each phase of the project. Furthermore, the impact assessment methodology takes into account cumulative impacts. The nature and scale of the proposed activities (18 wells) is not expected to have a significant impact on the broader socio-economic environment or the agricultural sectors and land-uses. 1.4.3 All anticipated impacts of the proposed project have been assessed and mitigation measures proposed. Impacts on current land use are also assessed in the BAR. As represented in the BAR and discussed with your client at the open day meeting, none of the currently proposed exploration wells fall within your clients property. 1.4.4 The Department of Forestry, Fisheries, and Environmental Affairs (DFFE) Screening Tool Reports identified the necessary specialist studies to be included in the Basic Assessment (BA). In addition, a site sensitivity screening verification report was conducted to verify the appropriate level of assessment required from these specialist studies. All relevant specialist assessments have been completed and are included as appendices to the BA. 1.4.5 Mitigation measures applicable to the anticipated impacts have been discussed thoroughly in section 10.2 of the BAR. The EMPr includes various management and mitigation measures and safeguards which are aimed at protecting landowners and their use of their respective surface rights. 1.4.6 The public participation process for this project has adhered to the requirements outlined in the Environmental Impact Assessment (EIA) regulations. Ample opportunities were provided for stakeholders to engage with the project team, ask questions, and provide feedback. Optivit Boerdery was identified as a key stakeholder at the commencement of the process and was invited to participate throughout the stakeholder engagement process, including the initial opportunity to comment, the review of the BAR, as well as the opportunity to attend the public meetings. 1.5 Noted. Please refer to the response provide to Item 1.4.5. above, as well as Item 9 below. 1.6 Statement noted. Tetra4 has an obligation to comply with the requirement of their EA's and associated EMPr. 1.7 Please be advised that a verbatim copy of your comments, as received, and our corresponding responses will be integrated into the BA Report and subsequently presented to the Competent Authority for their consideration. A copy of the Final BAR, as submitted to the Competent Authority, will also be made available on the EIMS website. "1.8 The responsible person at the Competent Authority is Phumla Ngesi. The relevant contact details are: + 27 21 938 3500 plu@petroleumagencysa.com; MazwanaZ@petroleumagencysa.com (Ref: 12/4/007)." A Basic Assessment process is inappropriate in the circumstances 2.1 Noted. Kindly note that this was an error and has been

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during this assessment process.' 2.4 Conducting a basic assessment process at this stage is inappropriate (and incorrect) for several reasons including that: 2.4.1 Amendments to a broader Production Right EMPR through a basic assessment process aimed only at including exploration activities, where Tetra4 ultimately intends to exploit the resource through production (requiring a full EIA) is (at best) irregular; 2.4.2 Notwithstanding that Tetra4 may have an exploration right over these properties, it has not exercised this right (i.e. commenced under NEMA). This basic assessment process concerns the addition of properties and well drilling sites for exploration, with impacts that have not previously been assessed through an EIA process, thus necessitating and triggering Listing Notice 2 activities that require a full EIA. Within the current NEMA EIA regime and listing notices, it thus (at least) triggers Activity 18 of Listing Notice 2; 2.4.3 Moreover, with the ultimate aim being production, and the inclusion of these activities within a Production Right EMPR, a basic assessment process obscures the true nature of the activities Tetra4 intends; 2.4.4 Tetra4 has conducted (or intended) exploration and production activities simultaneously under its Phase / Cluster 1 and Phase / Cluster 2 EIAs. Their explanation for this (including to our clients) has been that these activities are inextricably linked in that once an exploration well/borehole has been drilled, and it is established there is gas, the well is then turned into a producing well. Tetra4 has said that to do otherwise is impractical; 2.4.5 For Tetra4 to now split the exploration and production components of its activities in this BAR is contrary to its previous approach, inconsistent with its previous representations to landowners, and appears to be aimed at avoiding an EIA process and obscuring the approval processes; 2.4.6 Tetra4 is undertaking parallel processes to amend its Production Right EMPR – i.e. through its Phase / Cluster 2 Project in respect of which its EA (obtained after a full EIA process) was successfully appealed.³ It is wholly confusing for landowners to understand the timeline and scope of the Production Right EMPr amendments and connection with this BAR process. This must be clarified; 2.4.7 Following a basic assessment approach in these circumstances will obscure the full scope of activities that are covered by Tetra4's Production Right EMPR (which is already unclear to landowners) and is contrary to the objects and requirements of NEMA,⁴ the EIA Regulations, and Listing Notices. 2.5 This BAR is fatally flawed in this regard. Insufficient consideration of need and desirability, assessment of impacts on agricultural and surface use and cumulative impacts 3.1 The BAR does not sufficiently assess need and desirability in the context of the prevailing agricultural and related land use, the impacts on such use, and does not sufficiently address the cumulative impacts of Tetra4's holistic activities, particularly on agricultural and related land use. 3.2 The motivations regarding the need and desirability of the project are not juxtaposed against the potential loss of agriculture, related jobs, impacts on livestock and surface land due to fragmentation, sterilization, deterioration of land, and loss of productivity. 3.3 It is a major concern that future gas production activities would come at the expense of the current land use i.e. agriculture. In this regard, the Minister⁵ has previously set aside a decision to grant an EA because it is imperative to preserve current land use, being commercial agriculture. 3.4 The intended exploration and (ultimately) gas production will

rectified. We can confirm that only Listing Notice 1 and 3 are triggered by the proposed project. Refer to page 23, Table 6 for the complete list of activities. Therefore, since only LN 1 and 3 are triggered, only a BA is required. 2.2 Noted. Please refer to response to Item 2.1 above. 2.3 Noted. 2.4 Noted. It is the EAPs understanding that based on the triggered listed activities, the Basic Assessment process has correctly been undertaken. 2.4.1 As outlined in the Project Description of the Basic Assessment Report (BAR), a distinct authorisation will be necessary should an exploration well be converted into a production well. This would necessitate a further activity specific assessment, including a new round of public participation. Tetra4 is strictly prohibited from commencing any production activities within the PR extension area without obtaining the requisite authorization. "2.4.2 Section 79 of the Mineral and Petroleum Resources Development Act (MPRDA) specifically addresses applications for Exploration Activities. As this project involves an amendment to an existing production right, rather than a new exploration activity, Section 79 does not apply. Moreover, Activity 18 of LN2 is not triggered because exploration activities are a permitted component of a production right. The proposed extension of the production right includes provisions for ongoing exploration, which aligns with the existing scope of the project. The extension areas would be an extension of the existing authorised production activities and production Right and would not require a distinct and separate new Production Right. " 2.4.3 As stated above, a distinct authorisation will be necessary should an exploration well need to be converted into a production well in the future. This would necessitate a comprehensive activity specific environmental assessment, including a new round of public participation. Tetra4 is strictly prohibited from commencing any production activities within the PR extension area without obtaining the requisite authorization. 2.4.4 Noted. It is important to note that the activities associated with this application are slightly different to those that were applied for in both Clusters 1 & 2. Only exploration activities are proposed for this application, should any other activities not included in this application be necessary, these will need to undergo a separate process application process. 2.4.5 Noted. Tetra4 has no desire or intention to avoid an EIA process. The BA Process was followed as this is the legislated process applicable to the listed activity triggered. It is important to note that the activities associated with this application are different to those that were applied for in both Clusters 1 & 2. Only exploration activities are proposed for this application, should any other activities not included in this application be necessary, these will need to undergo a separate process application process. 2.4.6 It is essential to emphasize that Cluster 2, along with its associated EIA and EA application, constitutes a distinct and separate project from the present Production Right extension application. The Production Right extension application is exclusively focused on extending the existing Production Right by incorporating the exploration rights, which encompass the exploration drilling activities as detailed in the BAR. It is imperative to clarify that this application does not in any way seek authorization for other gas production activities. 2.4.7 Again, it must be stated that it is not the intention of this BAR to obscure the full scope of activities that are covered by Tetra4's Production Right EMPR. This BAR intends to assess the impacts of the exploration activities

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significantly impact the economic viability of farms in the area and therefore food security in South Africa. The impacts on livestock and surface land use, and related risks are not properly considered in the BAR. In effect, the gas-producing operation may sterilize the land from an economic perspective. 3.4.1 Livestock: Other than acknowledging the use of land in the area for livestock grazing, the BAR and EMPr do not contain any specific consideration of the impacts or measures to mitigate against impacts on livestock. 3.4.1.1 Any well drilling or construction activities (whether for exploration or production) will impact the well-being of livestock, including their reproductivity and output. 3.4.1.2 Stock theft is a major concern and significant risk to our client's business – increased movement and activity on our client's land by third parties is likely to increase this risk, particularly where security protocols and stipulated mitigation measures are not adhered to. 3.4.1.3 Third parties accessing our client's land create a security risk not only to people living and working on the land but also to livestock. There have been instances where Tetra4/its agents have not adhered to security measures which has resulted in livestock loss and related damages. 3.4.1.4 The BAR only contains general provisions regarding damages which are insufficient to address the particular concerns regarding livestock. It also puts the burden on farmers to establish a causal nexus if they suffer damages where, for example, a gate is left open and cattle escape - which has been an issue in the past). This is insufficient. 3.4.1.5 Tetra4's ability to effectively, timeously, and efficiently remediate areas affected by its activities (see paragraph 6.5 below) may pose a significant risk to the proper mitigation and returning veld and land used for grazing back to a usable state. 3.4.2 Surface use and land value: The impacts of exploration and production wells and related infrastructure on properties, surface use, agriculture and farming are severely understated. It has become apparent in landowner negotiations with Tetra4 (on its Phase / Cluster 1 and 2 Projects) that there is a lack of full appreciation of the impacts that exploration and production wells and related infrastructure have on agriculture, farming practices, and output. 3.4.2.1 The impacts of exploration (and ultimately production) activities are not limited to the footprint of wells, pipelines, roads and related infrastructure. It is also not only limited in time or to the construction period. 3.4.2.2 Our client experienced (and still experiences) significant disruptions to their use and enjoyment of their land (some of which are illustrated in these comments) during the Phase / Cluster 1 Project which has a limited number of wells. They are facing significant disruption based on the large expansion contemplated in the Phase / Cluster 2 Project. The proposed layouts for the Phase / Cluster 2 project and the required servitudes will significantly affect any resale potential and value of the land – because of the transecting nature of the activities. This also underscores why a clearer indication of actual impacts must be identified as part of any impact assessment as outlined in paragraph 4 below. These concerns similarly apply in the context of this BAR and Tetra4's proposed extension – as it ultimately relates to the same broader exploration and production project. 3.4.2.3 Constructing exploration and production infrastructure and undertaking those activities significantly change the current use and enjoyment of the surface of the land. It results in a significant disturbance

associated with the proposed Section 102 amendment. The intention of including the proposed management measures associated with this study into the existing EMPr is precisely to avoid the confusion of having multiple EMPs for different areas. 2.5 We do not agree with this statement. It remains unclear which regulatory requirement has not been met to result in a fatally flawed BAR. The process and corresponding BAR complies with the requirements of the NEMA EIA Regulations. The activities have been defined, associated impacts have been identified and assessed, and where necessary relevant additional management and mitigation measures have been included. A public participation process has been undertaken in accordance with the regulatory requirements. Insufficient consideration of need and desirability, assessment of impacts on agricultural and surface use and cumulative impacts 3.1 All anticipated impacts of the proposed project have been assessed and mitigation measures proposed. Impacts on current land use are also assessed in the BAR. Section 6 of the BAR is dedicated to the consideration and assessments of the needs and desirability of the project. As noted above, the nature and scale of the proposed activities (18 wells) is not expected to have a significant impact on the broader socio-economic environment or the agricultural sectors and land-uses. 3.2 Mitigation strategies have been implemented to safeguard against fragmentation, degradation, and a reduction in productivity during the execution of exploration drilling activities. As outlined in Table 11, page 59 of the BAR, reference number 2.5.13, it has been established that "this project will not sterilise existing land uses and therefore it will in fact result in higher economic returns per land area as both agriculture and gas exploration can occur simultaneously." It is not anticipated that the proposed exploration wells will result in significant loss of agriculture, related jobs, impacts of livestock and surface land due to fragmentation, sterilization, deterioration of land, or loss of productivity. 3.3 We duly acknowledge the concern regarding the potential repercussions of future gas production activities upon the prevailing agricultural land use. Nevertheless, we would like to emphasize that this application is only for exploration activities and mitigation measures have been recommended to mitigate anticipated impacts. 3.4 It is not anticipated that the drilling of exploration wells will impact the economic viability of the farms in the area significantly. We reiterate that this application exclusively pertains to exploration activities and the expansion of the production right area; it does not encompass any gas production activities. A distinct process and authorisation, necessitating a separate assessment and Public Participation Process, will be required should the exploration wells be transitioned into production wells. 3.4.1 We duly acknowledge the concern regarding the potential impacts of the project on livestock. Mitigation measures tailored to land use also take livestock into consideration, such as the fencing of drill pads during the construction. It is achievable to develop the exploration activities in tandem with the current land-use practices. This can be achieved through the co-design of infrastructure, primarily located underground, allowing above ground activities such as agriculture (including livestock) to continue with minimal to no impact. The footprint of disturbance is small and should not interrupt the ongoing activities. "3.4.1.1 We acknowledge the potential impacts of well drilling and construction activities on livestock, this will be for a limited time during the

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of farming (crop or livestock), which has been wholly underestimated by Tetra4 and their EAP. It not only affects the land where the activity footprint is/will be (e.g. the 50 x 50m area) and has a long-term impact beyond construction. It affects the workability of the remainder of the land parcels and/or productivity. 3.4.2.4 We illustrate this by example based on our client's recent experience with Tetra4's activities and its impact on farming. Tetra4's Phase / Cluster 2 Project involves many exploration and production wells within or near agricultural / arable / cropland. (This may also be the case (intention or outcome) for the property subject to this BAR – but is impossible to determine because of the shortcomings of this BAR process.) During the construction and operation of wells and infrastructure proposed in the Phase / Cluster 2 Project farmers will not be able to farm efficiently in the same lines or areas because of the transecting nature of Tetra4's activities across farmlands. In other words, sinking a well is not limited to the well itself but roads and construction areas are needed to access the well site. Pipelines are required to connect wells etc. Those transecting activities cut through land and divide up large parcels into smaller parcels; that division significantly affects the way in which the land is worked/utilised, and its productivity. The transecting nature of the activities impacts the overall time and cost of farming and revenue. 3.4.2.5 Even after construction, the areas where the soil has been disturbed due to construction will never be the same, will be impacted permanently and the land will not offer the same productivity. 3.4.2.6 These impacts have generally been misconstrued and underappreciated and are not adequately considered in this BAR. 3.4.2.7 In respect of our client's property, which falls within the area which is the subject of this BAR, there will be impacts on livestock grazing that have not been properly determined or assessed – during construction and operation – whether for exploration or ultimately production. This will impact the productivity and reproductivity of the cattle, methods, farming practices and output. 3.4.2.8 Notwithstanding the BAR stating that the impacts of this project will not be long-term and that it will have little to no impact on above-ground activities such as agriculture, the reality is that the impact which exploration activities will have on agricultural activities and the value of the land will be long-term and will result in irreplaceable loss, particularly where farmers are forced to scale down or cease operations and the impacts on their farms are not properly rehabilitated. It is also the case where farmers' surface rights are so severely restricted that they cannot accommodate other projects or tenants on their land. 3.4.2.9 In addition, in light of the move to renewable energy and South Africa's Just Energy Transition, many farmlands are being earmarked for potential renewable energy projects, which can co-exist with farming, and supplement farmer income in tough economic times and times of inclement weather. Tetra4's exploration and production activities are proving to be a significant hindrance to these surface-use activities. In that respect, any statement that Tetra4's impact on surface uses is limited and not long-term is wholly inaccurate and understated. 3.4.2.10 The BAR fails to properly consider and measure the need not to affect the property values and surface use, and not fragment or disturb the agricultural land, to preserve agricultural land to ensure the continuation of food production for many more years and the associated socio-economic benefits. 3.4.3 Veld fires:

construction phase and measures to mitigate these have been proposed. To mitigate these risks, the following mitigation measures have been included the BAR: a) Noise and Vibration Mitigation: Employ noise-reducing equipment and techniques to reduce stress on livestock. b) Dust Control: Implement dust control measures to protect livestock from respiratory problems. c) Temporary Fencing: Use temporary fencing to restrict livestock access to construction areas and prevent accidents. Considering the limited spatial and temporal scale of the proposed activities it is not anticipated that there will be a significant impact on the well-being of livestock. " 3.4.1.2 Impacts on safety and security have been identified and assessed in the BAR. Mitigation has also been proposed to combat the likely increased security risk during the Applicants presence on the properties. Tetra is also committed to working closely with landowners and local security teams to ensure the uphold the safety of the communities and that of its own workers. 3.4.1.3 We duly acknowledge the raised concern and have taken note of the comment. This matter will be promptly forwarded to Tetra4 for their immediate attention and subsequent resolution. As stated above Tetra is also committed to working closely with landowners to avoid such instances. Tetra4 has an obligation to comply with the requirements of the existing EMPr. 3.4.1.4 The participatory nature of the EIA process relies on blended information from all key stakeholders including affected parties to identify and manage impacts. You are requested to provide inputs should there be any additional provisions or specific considerations that you deem worthy of inclusion in the BAR. 3.4.1.5 Tetra 4 is required to rehabilitate according to the Final Rehabilitation, Decommissioning and Closure Plan (FRDCP), Annual Rehabilitation Plan (ARP), as well as the conditions in the EMPr. 3.4.2 We reiterate that this application exclusively pertains to exploration activities and the expansion of the production right area; it does not encompass any gas production activities. The proposed exploration drilling activities, characterized by their limited spatial extent and temporal duration, are anticipated to have a minimal impact on surface use and land value. 3.4.2.1 Statement noted. Please refer to response to Item 3.4.2 above. Potential environmental impacts associated with the proposed activities including those that extend beyond the direct footprint) have been identified, assessed and relevant management and mitigation measures proposed. 3.4.2.2 It must be noted that this application is different from the undertaken for Clusters 1 & 2 in that it only entails the activity of drilling exploration wells. No servitudes are required for this activity. In terms of past significant disruptions caused by another project which is not related to this application, the comments will be promptly forwarded to Tetra4 for their immediate attention and subsequent resolution with the affected parties. 3.4.2.3 As previously indicated, Tetra4 is committed to working together with affected landowners in the consideration of access and location of the drill sites to reduce and where possible eliminate any potential impact on farming activities during their operations. "3.4.2.4 We reiterate that this application exclusively pertains to the extension of the production right and the execution of exploration drilling activities; it does not encompass any gas production activities. Given the nature of the proposed exploration activities, the anticipated impact on land use will be minimal. Regarding access to the well sites, it is noteworthy that the proposed exploration drill sites are

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The potential for and devastation caused by veld fires are a significant concern for landowners and farmers. 3.4.3.1 Veld fires pose a significant danger not only to people present and residing on the land but also to their inherent business, crops, livestock, houses, land value, personal and financial security. 3.4.3.2 Tetra4's gas flaring activities (in addition to its general activities on the land) pose an inherent and significant risk for fire impacting on all of the aforementioned aspects. 3.4.3.3 Tetra4's ability to effectively, timeously, and efficiently remediate areas affected by its activities (see paragraph 6.5 below) may pose a significant risk to the proper mitigation of veld fires. 3.4.3.4 This has not been sufficiently assessed and identified in the BAR. Because of the serious nature of this risk, one would expect it to be assessed more thoroughly with a high-risk rating. This is not an aspect that has ostensibly been assigned a risk rating. The mitigation measures proposed are insufficient to address and mitigate this concern. 3.4.4 Cumulative impacts not adequately assessed: The BAR fails to properly assess and value the cumulative impacts of Tetra4's broader phased activities (currently Phase 1, Phase 2 and now this BAR) in light of its overall impacts. 3.5 Tetra4's intended activities (including its broader project) significantly impact our client's (and other affected farmers') private/residential use, fundamental business, livelihoods, and ability to derive value from the surface of their land. In our and our client's experience, the mitigation measures that have been included (for Phase 1 and 2 – and in this BAR and its EMPr) are insufficient to address or mitigate these impacts. 3.6 The implications under the Subdivision of Agricultural Land Act, 1970 and required approvals under that Act have not been considered and is a fatal flaw. 3.7 The BAR is deficient in the above respects. Inadequate information in the BAR 4.1 The BAR does not sufficiently identify and assess the specific anticipated impacts, nor does it contain the necessary information for our clients to understand the anticipated impact on their land use and, specifically, does not contain sufficient detail regarding the impacts on agricultural resources and related land use. 4.2 While the BAR identifies certain collar positions for the drilling of wells, these are stated as being preliminary. It is stated that an updated exploration model will be implemented based on initial drilling. 7 This means that landowners effectively have zero certainty as to how many wells will be drilled on their respective properties nor where on their properties these wells will be located based on this BAR. 4.3 This has been a concern that landowners have raised throughout Tetra4's Phase / Cluster 1 and 2 Projects and still they have no certainty as to the overall and cumulative intended impacts on their existing land use. 4.4 It must be determined with more certainty what infrastructure is likely to be sited on a particular property. Assessments regarding the possible siting of infrastructure must be done during the impact assessment stage and not after the issuing of an authorisation – as this is central to determining the project's feasibility. At the very least, a conceptual infrastructure layout must be provided at the impact assessment stage so that landowners can meaningfully comment. As explained in paragraph 6.5.3 below, discussions between our clients and Tetra4 (after the grant of an authorisation) have not resulted in more clarity and have required considerable time commitments from our client. 4.5 It is also unclear what the total footprint of the drill site itself

situated adjacent to existing access routes, thereby minimizing the necessity for traversing agricultural land. Tetra4 is required to engage with each individual affected landowner, discussing the specific details of the planned works on their respective properties. Tetra4 is obligated to take reasonable measures to prevent any disruption to the landowners' utilization of their properties, encompassing farming activities, crop cultivation, irrigation systems. In the event of any loss of arable land, landowners or tenants shall be compensated in accordance with the stipulated landowner access agreements (contracts). Consequently, all infrastructure intended for placement on a particular property must be subject to discussion with each landowner, taking into account their specific farming practices and culminating in a formal written agreement prior to the commencement of construction. Section 3 and Appendix 5 of the BAR provides maps of the application area and the identified exploration well positions, it is therefore possible to determine the location of the proposed infrastructure and how such relates to your property. The potential impacts associated with these activities have been identified and assessed in the BAR. Furthermore, as represented in the BAR and discussed with your client at the open day meeting, none of the currently proposed exploration wells fall within your clients property." "3.4.2.5 While it is acknowledged that soil disturbance can occur due to construction activities, it is important to note that soil properties are subject to ongoing changes even when engaged in agricultural practices, such as nutrient depletion, soil erosion from tillage, and soil salinization from excessive irrigation. These factors also contribute to the potential reduction in land productivity. As outlined in the BAR, mitigation measures have been implemented to address these concerns, including the protection of topsoil resources and the rehabilitation of exposed earth with indigenous grasses. Additionally, there are documented instances of successfully rehabilitated wells that were directly drilled within agricultural land, where crop growth has remained unaffected." 3.4.2.6 Noted. 3.4.2.7 As addressed previously, we acknowledge the potential impacts of well drilling and construction activities on livestock. Mitigation measures have been proposed to deal with these. Tetra4 is further committed to engaging landowners with a view of understanding their unique operations and how they can work together with them to minimise any impacts. 3.4.2.8 Considering the limited duration of the exploration activities and the relatively small footprint of the proposed site (50m x 50m), the anticipated environmental impacts are not considered to be significant. Mitigation measures are also in place to further reduce potential impacts. It is not anticipated that the proposed exploration activities will result in long term irreplaceable loss or extended downscaling of farming operations. It is evident from the exploration activities undertaken by Tetra4 in the existing production right area that livestock farming and exploration activities can co-exist on condition that the identified management and mitigation measures are adhered to. Furthermore, the EMPr requires that landowners are compensated for any losses or damages incurred as a result of their operations. There is a legal requirement that the affected sites are adequately rehabilitated (please refer to Appendix 7). 3.4.2.9 It is our understanding that renewable energy projects do in most cases compete with agricultural activities for land and in most cases both Solar PV and arable or grazing cannot occur

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will be. While the BAR specifies that the drilling rig itself requires a 50m x 50m area,⁸ it is stated that the drilling rig will be accompanied by sumps, waste skips, parking spaces, temporary offices, storage facilities for equipment and ablutions.⁹ Figures 6 and 7 clearly illustrate that there is a distinction between the drill site and the drilling rig itself. The footprint, and therefore the impact, of the additional infrastructure making up the drill site is not accounted for in the BAR. 4.6 It appears a separate EA will be required to connect the wells to a gas-gathering pipeline.¹⁰ This about-turn on Tetra4's previous approach (mentioned in paragraph 2.4.4 above) and their general piecemeal approach (which this extension forms part of) makes it impossible for landowners to understand and conceptualise the cumulative impact the gas production project will have on their land once it is fully operational. "4.7 It is furthermore unclear in the current BAR what aboveground infrastructure will be present during the transition from the exploration phase to the production phase. The BAR provides that "exploration boreholes that are successful (gas producing) will be turned into production wells by installing a valve within an underground concrete bunker with a manhole surface area of ~ 1.5 m²".¹¹ However, it is unclear when this conversion will take place and the infrastructure required (particularly aboveground) during these phases. The design for this infrastructure has also not been provided as part of the BAR. Any aboveground infrastructure which is present will cause a disturbance to farmers and the specifics and impact of this aboveground infrastructure simply is not dealt with in the BAR itself." 4.8 It is also incorrect to say that exploration drilling is a temporary activity and justify these activities on that basis when the reality is that the production activities which will follow will continue for several decades. The failure to consider the cumulative impact of this project is a significant shortfall in this process again underscoring the need for a more comprehensive EIA. 4.9 Landowners have asked to understand the full suite of environmental assessments and approvals in respect of which Tetra4 is carrying out its activities (or intends to undertake further activities) but this information has not been forthcoming. We request this information in paragraph 9 below. 4.1 Within this context, it is becoming increasingly difficult for landowners to orient themselves and understand which Phases of Tetra4's activities are covered under which approvals, both under NEMA and the MPRDA. None of the basic assessment processes or EIAs contain an understandable summary of which approvals and processes relate to which parts of Tetra4's broader process, with a proper record or reference to the relevant approvals. 4.11 These issues are material to the project's overall impact, placing affected landowners at a significant disadvantage in commenting on this BAR and also implicating the adequacy of the public participation process conducted pursuant to this BAR. Insufficient specialist studies 5.1 In addition to the impacts (and related BAR deficiencies) mentioned in paragraph 3 above - the BAR provides significance ratings for impacts that are not supported by the requisite underlying specialist studies. 5.2 It is unclear how such ratings could be accurately determined without the impacts being properly assessed by the requisite specialists. This again underscores why a basic assessment process is wholly inadequate in the circumstances. 5.3 Considering the successful appeal against Tetra4's Phase /

on the same land. The need for short vegetation and separate livestock areas can pose challenges. Solar PV projects typically require a significantly larger surface footprint than gas exploration or production. 3.4.2.10 As previously stated, the proposed exploration activities are limited in nature and scale, this should not significantly affect property values or the surface use. Tetra4 acknowledges the important role played by the farming community in the region and intends work together with the communities to ensure its exploration activities have minimal impact on food production. Furthermore, the EMPr requires that landowners are compensated for any losses or damages incurred as a result of its operations. 3.4.3 The impact has been identified in the BAR and discussed in sections 10.2.1.2.4, and the relevant mitigations have been applied; "Tetra4 must become a member of the local firefighting association. Access routes and procedures in case of any veld fire must be determined and shared with the firefighting association, farm owners and Tetra4 staff." 3.4.3.1 The impact has been identified in the BAR and discussed in sections 10.2.1.2.4, and the relevant mitigations have been applied; "Tetra4 must become a member of the local firefighting association. Access routes and procedures in case of any veld fire must be determined and shared with the firefighting association, farm owners and Tetra4 staff." 3.4.3.2 Flaring activities are for a limited time and will be done under the supervision of a firefighting team with firefighting equipment, as included in the mitigation measures of the BAR. The drill site area will also be cleared of vegetation, minimizing the risk of veld fires. 3.4.3.3 See response to comment 3.4.3.2. 3.4.3.4 See response to comment 3.4.3.2. 3.4.4 Please note that the cumulative impacts discussed in this Basic Assessment Report (BAR) are specifically related to the current project application and proposed activities in relation to existing impacts. It is not anticipated that the proposed exploration wells within the extension area are likely to result in significant additional cumulative risks. 3.5 The BAR has been prepared utilizing the most current and relevant data available, encompassing all potential impacts that could have been anticipated. Should there be any additional impacts and/or mitigations that you would like to share, we request that you bring them to our attention. 3.6 Tetra4 is not absolved from complying with all other legal requirements including the Subdivision of Agricultural Land Act of 1970. The Act has been included in the legal section of the final BAR. 3.7 Noted. Inadequate information in the BAR 4.1 Impacts are identified by utilizing the most current and relevant data available, these impacts are listed in the executive summary in table 1, Section 10.2 and 10.3. Section 10.2.1.2.4 of the BAR specifically identifies and describes the impacts associated with existing agricultural landuse. Should there be any additional impacts or specific concerns that you deem worthy of consideration, we request that you bring them to our attention. 4.2 The statement from the BAR being referred to here continues to state: "... a strategic assessment of transects has been undertaken as part of this BA process in order to identify areas of high sensitivity and no-go areas. The sensitivity planning approach will guide the preferred placement of wells and other infrastructure and will additionally be guided by specific landowner consultations and negotiations. In this manner, a risk-averse and cautious approach is able to be more fully realised in future project planning.", Therefore to say the landowner will have zero

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Cluster 2 EA14 and the Minister's order that Tetra4 conduct additional studies, specifically an expanded climate change impact assessment¹⁵ and a hydrogeological study which considers impacts on river hydrology; at the very least similar studies are also relevant to the expansion which is the subject of this current BAR – as it forms part of the same broader project envisaged by Tetra4. 5.4 Moreover, specialist studies are required to properly assess the need and desirability, impact on land values, surface use, agriculture, and cumulative impacts as outlined in paragraph 3 above – of Tetra4's intended activities. 5.5 These are fatal flaws of the process followed and the BAR. Inadequate mitigation measures and safeguards to protect landowners/farming 6.1 Based on our and our client's experience and dealings with Tetra4 aimed at achieving arrangements for co-existence (a process required by Tetra4's EMPR obligations), landowners' surface use rights have been treated as being subordinate to Tetra4's MPRDA rights. With these bullying tactics, landowners are expected to yield to whatever surface use restrictions Tetra4 wishes to impose notwithstanding the provisions of agreements reached or existing EIA/EMPr obligations. 6.2 As we have outlined in these comments, exploration and production activities do not have the limited footprint or surface land impact that Tetra4 contends. Its activities will significantly limit the use and enjoyment of surface rights, the ability to utilize surface rights, affect land value and the ability to sell the land. The impacts in this regard are severely understated and cannot be mitigated. 6.3 The BAR identifies livelihoods as having a high significance rating¹⁶ and rightly so. A significant proportion of the "livelihoods" referred to in this context relate to the undisturbed use of the surface of the land, including for farming and related residential use. The BAR lists various mitigation measures to minimise the impact on this sensitivity.¹⁷ However, these mitigation measures are insufficient to adequately address the actual impacts on landowners, their use and enjoyment of their properties, and, in particular, farming operations. 6.4 Our client's experience in the mentioned dealings with Tetra4 (under their Phase / Cluster 1 Project, and interactions under their Phase / Cluster 2 Project,) have illustrated that EMPR obligations are not afforded proper weight and adhered to as is required and prescribed. Our client is concerned that the proposed mitigation measures in this BAR and its EMPR are insufficient, will equally be disregarded, and may undermine previously stated mitigation measures (as there are now too many EMPR versions presented to I&APs it is impossible to make sense or consolidate which is the prevailing EMPR). 6.5 In respect of the current BAR we are concerned that the mitigation measures proposed for the items listed below are inadequate based on similar previously proposed mitigation measures. (This list is by no means exhaustive and is merely an illustration of this concern). 6.5.1 Roads: The BAR proposes that "if private roads are affected by project activities, it is the responsibility of Tetra4 to maintain these roads as long as they use it".¹⁸ Similar measures under their Phase I activities have not been adhered to, despite this being repeatedly raised. For example, mitigation measures in the Phase / Cluster 1 EMPR regarding Tetra4's road impacts¹⁹ include: 6.5.1.1 Mitigation measure 70, requires that "[i]f private roads are affected by project activities it is the responsibility of Tetra 4 to maintain these roads as long as they use

certainty is incorrect, landowners will be consulted prior locations of boreholes, before any activity takes place. 4.3 As previously stated, BAR has been prepared utilizing the most current and relevant data available, with any uncertainties or knowledge gaps explicitly articulated within the report. While the final well location may involve some degree of uncertainty, inherent to the nature of the resource, the potential impacts of these wells have been carefully identified, and appropriate mitigation measures have been proposed. The implementation of these measures will result in only a temporary disruption to farming activities during the construction phase, allowing for the uninterrupted continuation of farming operations during the operational phase. In instances where losses can be directly attributed to the construction phase or even the operational phase, Tetra4 will be responsible for providing appropriate compensation. 4.4 Refer to the responses provided above to comments 4.2 and 4.3. 4.5 Refer to the following excerpt from the BAR, "In the event that the exploration activity starts the activity will typically require clearing a 50m x 50m area to accommodate the drilling rig, associated equipment laydown areas, power supply, namely a generator, and lined sumps for water storage and recirculation during drilling, Figure 6 provides an example of the proposed drill site layout.", it is therefore evident that the footprint of the activity is 50m x 50m and includes the listed infrastructure. Figure 7 is merely just a visual aid to showcase how a drill rig looks. 4.6 At present, only Cluster 1 has been granted authorization to proceed with gas production activities. The remaining Production Rights area is currently restricted from engaging in gas production activities until the requisite Environmental Impact Assessment (EIA) studies are completed and Environmental Authorization (EA) obtained. The application to extend the production right adheres to the same procedural requirements as the latter, stipulating that gas production activities cannot commence without an appropriate assessment and stakeholder engagement. The sole distinction lies in the inclusion of exploration activities associated with the exploration rights areas within the production right area. 4.7 Given that this application exclusively pertains to the extension of the production right and exploration activities, incorporating information related to gas production would be premature and could potentially confusion as to what is being applied for. Should wells be converted to production wells then the surface infrastructure is likely to be similar to that currently being installed for teh Cluster 1 area. However, the exact infrastructural requirements can only be confirmed once the nature and extent of the resource has been verified through the exploration activities. Once confirmed a further activity specific assessment, consultation process, and approval will be required before implementing. For any information pertaining to the facilities associated with gas production, we recommend referring to the documentation pertaining to Cluster 1 and Cluster 2. 4.8 We reiterate that this application exclusively pertains to the extension of the production right and the execution of exploration activities, which are inherently temporary in nature. Any gas production activities would require a distinct EIA and EA application and are therefore not included in this application, as they are not relevant to the scope of the present proposal. Whilst it is true that if a well is converted to production, then the infrastructure and production activity may extend for a longer period, the exact extent of such

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it. Tetra4 should engage with the relevant farmers about road maintenance, as some of landowners have preferential ways in which the roads must be maintained. The road maintenance agreements must be formalised before construction commences. It is recommended that construction be planned for the dry season"; 6.5.1.2 Mitigation measure 92 provides that "[a]ny damage to public or private property, including roads, stormwater systems, fences, gates, buildings and other structures, pipes, lines and other utilities or infrastructure and movable properties, should be repaired, replaced or otherwise compensated for as agreed with the affected person". 6.5.1.3 Our client has on several occasions, including directly with Tetra4's CEO raised concerns regarding damage to roads on their property caused during Tetra4's Phase 1 activities which needs to be repaired, to no avail. The result has been that landowners are forced to rehabilitate these roads at their own cost. This is unacceptable and hugely disruptive to farming operations both practically and economically. 6.5.2 Actual losses: The BAR proposes that "where the farmer does not agree with the compensation offered by Tetra4 related to loss of potential income due to exploration, construction or operational activities, Tetra 4 must appoint an agricultural economist at their cost to determine what the actual losses will be to the farmers due to the drilling and trenching activities on their properties". 6.5.2.1 This same mitigation measure was proposed under the Phase / Cluster 2 EIA. In the engagements with Tetra4 on the Phase / Cluster 2 Project, it appears that this mitigation measure is being inadequately/incorrectly applied. Tetra4 did not appoint an agricultural economist to determine actual landowner losses but commissioned a much more limited study titled "An Estimation for the Total Gross Margin for Different Agricultural Enterprises in the Virginia Region of the Free State Province" (i.e., a Gross Margin Study). 6.5.2.2 The Gross Margin Study assesses regional crop averages and does not assess the "actual losses" of the affected farmers/farming operations, it does not consider each relevant growing methodology and crop or the individual yield on each farm, which varies from the regional average. The Gross Margin Study only accounts for profit loss which only compensates for the replacement value of the immediately affected crop and no other impacts – such as cumulative impacts on farming methods, reduced economies of scale, reduced output, impacts on employment etc. 6.5.2.3 Tetra4 has communicated an unwillingness to undertake a study that assesses actual losses and instead required that farmers appoint and undertake an equivalent Gross Margin Study. This is wrong because the Gross Margin Study does not assess actual losses, and it is wholly unreasonable for a proponent (who is required to undertake the requisite studies based on its impacts) to require affected landowners to undertake such studies at their expense. 6.5.3 Infrastructure in agricultural / arable land: There is nothing contained in the BAR which limits Tetra4 from placing infrastructure within certain sensitive areas, such as agricultural / arable lands (or in proximity to residences). The current statements / mitigation measures proposed in the BAR are insufficient and unclear. Statements like "as far as possible"²¹ have proven to be a challenge and used by Tetra4 in their favour. 6.5.3.1 Any infrastructure and exploration activities located within arable and/or croplands are significant,

infrastructure is not currently known. Further it is not anticipated that all exploration wells will be converted to production. The production phase activities fall to be assessed and authorised as and when they can be adequately defined. 4.9 No request for the "full suite of environmental assessments and approvals" have been received during this process, all assessments done were attached as appendices to the BAR. In fact, no correspondence has been received from Warburtons with the exception of the comments sent on the 27th September 2024 the last day of the comment period. It is therefore incorrect to say the information was not forthcoming in relation to this particular application. 4.1 From production perspective, there is only one authorisation issued and that covers the broader production area as well as the Cluster 1 activities and that is the authorisation that is currently being implemented and audited. 4.11 Ample opportunities were provided to landowners to engage with regards to the proposed project. The applicant's representative has also advised that prior to the commencement of the application process the affected landowners were provided with an initial opportunity to discuss the project and the upcoming application. Insufficient specialist studies 5.1 Relevant specialists' studies have been undertaken to inform the BAR in support of this application and the impact ratings provided are supported by the specialist assessments done. "5.2 We have commissioned specialist studies to assess the potential environmental impacts of the project. These comprehensive assessments are included as appendices to the Basic Assessment Report (BAR) for public review. The BAR has been prepared in accordance with the Environmental Impact Assessment (EIA) regulations and the Department of Forestry, Fisheries, and Environmental Affairs (DFFE) Screening Tool report requirements regarding specialist studies. The EIA regulations do not require that the assessment of impacts must be undertaken by a 'specialist' for ALL impacts. The EAP is responsible for the identification and assessment of impacts, which in certain cases and themes is informed by the Specialist studies. A specialist is not required in all instances to accurately and adequately assess the significance of a potential impact. This requirement holds true irrespective of whether a Basic Assessment is undertaken, or a full Scoping and EIA is undertaken. " 5.3 The supplementary studies pertain to the Cluster 2 Environmental Authorization (EA) and the associated gas production activities. Given that this application exclusively pertains to the extension of the production right and exploration activities, it is not necessary to undergo the same assessments. Moreover, the specialist assessments identified by the Department of Forestry, Fisheries, and Environmental Affairs (DFFE) Screening tool, as well as those highlighted in the Site Sensitivity Verification Report, have been incorporated into this project. 5.4 The soil and agriculture specialist study comprehensively evaluate the potential impacts on land use and land capability, as detailed in Section 9.7 of the BAR. The relevant assessment is also appended as Appendix 3. 5.5 The view that the process followed, and the BAR are fatally flawed are incorrect and unsubstantiated. Inadequate mitigation measures and safeguards to protect landowners/farming 6.1 While your observation is not directly related to the specific project application and BA under review, we believe it is valuable to share your perspective with Tetra4. Your comment will be forwarded to Tetra4 for their consideration and

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destructive and damaging to farming, and could result in farming being wholly uneconomical. This is central to the livelihood of landowners. 6.5.3.2 The BAR proposes that “construction and drilling be done outside the peak planting and harvesting seasons”.²² Although this may be preferable for accessing farmland during these busy seasons, it does not in any way mitigate the disturbing, lasting and significant impacts of exploration and production infrastructure on arable / croplands. 6.5.3.3 The landowners have repeatedly explained that any disturbance within arable and/or croplands, no matter when in the season this disturbance occurs, will result in a loss of revenue. Weather dependent, harvesting usually takes place around August/September and planting around October with preparation of the land taking place in between. Thus, there is no “convenient” or less impactful time of year during which Tetra4 can enter farmers’ properties and no measures that can truly mitigate this. 6.5.3.4 Any assessment of the impact which exploration activities may have, and the proposed mitigation measures in respect of these impacts, must take this into account. Currently, the BAR is deficient in this regard. 6.5.3.5 The BAR proposal that Tetra4 “ensure that as much of the infrastructure as possible is sited away from agricultural lands”²³ and that “wells and pipelines must be kept away from residences as far as possible”²⁴ does not fully appreciate the impact of Tetra4’s activities on landowners, their undisturbed enjoyment of their land for their business and residential use. Infrastructure must not be located within agricultural lands or within 1.5km of residences. It is unclear from the BAR to what extent such activities will take place. This information is required to understand the specific impacts on landowners. 6.5.3.6 The implementation of a similar approach/mitigation measures in the Phase / Cluster 2 Project has resulted in severe landowner uncertainty and constraints on landowner time. Post-authorisation discussions regarding infrastructure siting to avoid or limit impacts on arable land have taken considerable time away from landowners to conduct their own farming and business also affecting their livelihoods. In addition, landowners still have uncertainty as to the final intended infrastructure (e.g. number of wells on their properties). 6.5.3.7 Although Tetra4 is obliged, by the mitigation measures imposed on it, to consult and negotiate with landowners (taking their land use and farming activities into account), Tetra4 has characterised their engagements with landowners as being accommodative when, in fact, they are obligated to undertake these consultations. 6.5.3.8 As such, the mitigation measures should specifically state that no infrastructure is to be sited within arable land and impacts regarding proposed layouts must be assessed during the impact assessment stage. 6.5.4 Access arrangements: The BAR proposes that Tetra4 “implement the AgriSA farm access protocol for everybody that need [sic] to access the properties” and that “a system to arrange access to properties must be devised and formalised”. 6.5.4.1 Although similar access-related requirements are contained in its Phase / Cluster 1 EMPR²⁶ and agreements, our client has repeatedly noted that such protocols are not followed. 6.5.4.2 Access requests are made at short/without proper notice outside of the agreed times, e.g. with a day’s notice/request, not containing specific details as to when access is required (e.g. ‘within the next few days’), or over weekends. 6.5.4.3 Our

potential incorporation into future planning or operations. 6.2 The proposed project is not anticipated to affect the ability to sell the land should the landowner wish to do so. It is also not intended to limit the use and enjoyment of surface rights by landowners. This application relates to the drilling of exploration well only. 6.3 Please refer to the responses provided above. It is not anticipated that the proposed exploration drilling will have a significant impact on livelihoods, the ability to continue farming operations, and the residential spaces, on condition that the stipulated management and mitigation measures are adhered to. 6.4 An EMPr is a legally binding document and an extension of the associated EA, this requires the applicant’s compliance with the mitigation measures outlined therein. The applicant currently does and intends to manage all their activities under a single EMPr to minimise the confusion and risk of operating from multiple EMPrs. The Cluster 2 EMPR as well as the EMPR presented in this application will become binding on Tetra4 if, and when, an associated EA is issued. Until that stage the EMPr authorised under the Cluster 1 EA remains the valid EMPr. 6.5 Noted. Your suggestions and contributions are welcomed. 6.5.1 Noted. Tetra4 is required to adhere to the requirements of the EMPr. Annual independent compliance audits are undertaken to audit compliance. It is suggested that where non-compliance is suspected that such be raised through the formal grievance and complaints mechanisms provided. 6.5.1.1 Noted. Please refer to response provided to Item 6.5.1. 6.5.1.2 Noted. Please refer to response provided to Item 6.5.1. "6.5.1.3 Please refer to response provided to Item 6.5.1. While your observation is not directly related to the specific project application and BA under review, we believe it is valuable to share your perspective with Tetra4. Your comment will be forwarded to Tetra4 for their consideration and potential incorporation into future planning or operations. Your comments will further be forwarded to the decision-making authority." 6.5.2 Please refer to response provided to Item 6.5.1. "6.5.2.1 Please refer to response provided to Item 6.5.1. While your observation is not directly related to the specific project application and BA under review, we believe it is valuable to share your perspective with Tetra4. Your comment will be forwarded to Tetra4 for their consideration and potential incorporation into future planning or operations. Your comments will further be forwarded to the decision-making authority." 6.5.2.2 Please refer to response provided to Item 6.5.1. While your observation is not directly related to the specific project application and BA under review, we believe it is valuable to share your perspective with Tetra4. Your comment will be forwarded to Tetra4 for their consideration and potential incorporation into future planning or operations. Your comments will further be forwarded to the decision-making authority. 6.5.2.3 Please refer to response provided to Item 6.5.1. While your observation is not directly related to the specific project application and BA under review, we believe it is valuable to share your perspective with Tetra4. Your comment will be forwarded to Tetra4 for their consideration and potential incorporation into future planning or operations. Your comments will further be forwarded to the decision-making authority as part of this B

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client has on several occasions come across people entering unauthorised areas of their land (e.g. roads leading to residences) or without having made prior arrangements. This is a serious threat to

Mr Bradley Gibbons

Date 2024/07/11 Method Email

Comment

Please register me and the Endangered Wildlife Trust as an interested and affected party for proposed Tetra 4 Production Right Extension in Welkom/Virginia area. The email addresses are as follows: ***** and *****

Response

Good day, Thank you for your email. I can confirm that you have been registered in our database as an Interested and Affected Party (I&AP). You will receive further correspondence regarding the progress of the project and the availability of the Basic Assessment Report.

Mr Tebego Kgaphola

Date 2024/08/28 Method Email

Comment

DFFE Directorate: Biodiversity Conservation hereby acknowledge receipt of the invitation to review and comment on the project mentioned on the subject line. Kindly note that the project has been allocated to Mrs ***** and Ms ***** (Copied on this email). In addition, kindly share the shapefiles of the development footprints/application site with the Case Officers. Please note: All Public Participation Process documents related to Biodiversity EIA review and any other Biodiversity EIA queries must be submitted to the Directorate: Biodiversity Conservation at Email: BCAdmin@dfre.gov.za for attention of Mr *****

Response

Good morning, We acknowledge receipt of your email as well as the allocated Case Officers. Do not hesitate to contact us if you have any comments or queries. Thank you.

Elmar Roberg

Date 2024/09/09 Method Email

Comment

Can you provide a kml file for the outline of the PR and the southern newly applied for area so that I can see whether this overlaps with an application of our own, please.

Response

Please see the attached KML file. Feel free to reach out, if you have any questions.