

# Strategic Environmental Assessment for Shale Gas Development in South Africa Meeting Notes

## Strategic Environmental Assessment for Shale Gas Development in South Africa: Process Custodians Group Meeting 3

**Date:**

03 May, 2016.

**Location:**

Demo Room, Building 22, CSIR Pretoria.

**List of attendees:**

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**Apologies received:**

- Shafick Adams (WRC)
- Barry Morkel (AEON)
- Morne du Plessis (WWF)

**Absent:**

- Intelligent Chauke (SALGA)
- Jeff Manuel (SANBI)
- Demetre Labadarios (HSRC)
- Marius Diemont (BUSA)

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## List of acronyms

ASSAf	Academy of Science of South Africa
BW	Beaufort West
CSIR	Council for Scientific and Industrial Research
CT	Cape Town
DEA	Department of Environmental Affairs
DPME	Department of Mineral and Energy
EDD	Economic Development Department
EIA	Environmental Impact Assessment
EMI	Electromagnetic Interference
FOD	First Order Draft
GFR	Graaff-Reinet
GTL	Gas-to-Liquid
IAIAsa	International Association for Impact Assessment South Africa
NORM	Naturally Occurring Radioactive Material
PCG	Process Custodians Group
PEC	Project Executive Committee
SALGA	South African Local Government Agency
SANS	South African National Standards
SEA	Strategic Environmental Assessment
SGD	Shale Gas Development
SKA	Square Kilometre Array
USA	United States of America
VW	Victoria West
Wits	University of the Witwatersrand
ZOD	Zero Order Draft

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## 1. Introduction and adoption of PCG Meeting #2 notes

### Actions from PCG Meeting #2 (22 October, 2015)

Action	Status
1. Share presentations, meeting notes, attendance register with the PCG, update spreadsheet of author teams for each strategic issue.	This action was completed via Dropbox on 04 November 2015.
2. Share draft "Chapter 1" (Scenarios and Activities Document) with the PCG.	This action was completed via Dropbox on 04 November 2015.
3. Distribute notices of the public outreach session to Local and District Municipalities.	Notices were distributed on 30 November 2015.
4. Distribute final public outreach itinerary to the PCG	This action was completed on 04 November 2015.
5. Provide feedback to the author teams on the importance of issues relating to high potential agricultural land, air quality and dust emissions, land restitution, land use and the effect on renewable energy, radioactive waste and institution capacity considerations.	Comments on the importance of these issues were consolidated into the comments on the ZOD and presented to the author teams on 30 November 2015.
6. Provide comments on the ZOD sent to the PCG on 13 October. Project team to collate comments and forward to author teams (including the comments made by the general public, via website). Comments will not be responded to individually.	Comments on the ZOD by the PCG and general public were presented to the author teams on 30 November 2015.
7. PCG Meeting #3 following peer-review of the First Order Drafts.	Peer Review of the FOD's began on 22 February, and the comments were shared with the author teams prior to the 2 <sup>nd</sup> Multi-Author Workshop on 18-20 April 2016. PCG meeting #3 was held on 03 May

The PCG members approved the meeting notes from PCG Meeting #2.

## 2. Update on project status and progress

- Presentation by Greg Schreiner (CSIR)
- With reference to the presented timeline for the entire SEA, it was indicated that the project is now in Phase 2 which is the **Scientific Assessment Phase**. The FOD's of the strategic issues chapters have been peer reviewed, and these comments have been addressed by the author teams who are in the process of drafting the Second Order Drafts (SOD's). The SOD's are to be submitted by the author teams by 31 May 2016, after which they will be released for public comment. Thereafter a Final Assessment Report will be finalised, which marks the end of Phase 2 of the project. This Final Assessment Report will provide the information basis for Phase 3.

### Outreach feedback and programme

- Three public briefings took place in Graaff- Reinet, Beaufort West and Victoria West on 10-12 November, and one full day stakeholder workshop was held in Cape Town at the Iziko Museum on 13 November.

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These locations were chosen to represent the three provinces of the study area based on accessibility and relatively large population sizes.

- People were able to register as stakeholders by filling in a form at the public briefings, which were incorporated into the SEA registered stakeholder database, which currently comprises ~450 registered stakeholders.
- Common concerns which arose at the public briefings included 1] a need for greater municipal and ward involvement in the public briefings, 2] governance/ policing (of regulations) issues, should shale gas development (SGD) be permitted to take place, and 3] the 17 strategic issues of the SEA and ensuring that all sensitive topics have been considered.
- Key learnings from the first round of public briefings, with particular reference to the first concern noted previously, resulted in the distribution of letters from the Minister of Environmental Affairs to the offices of the affected local municipalities, notifying them of the next round of public briefings to take place in May. In the letters the Minister requested the local municipalities to distribute notice of the public briefings (dates and times) through the Local Government structures, namely through Ward Councillors to encourage and promote attendance at the briefings.
- Additional key learning: pre-meetings with municipalities.
- The project team communicated to the PCG that the SOD's of the strategic issues chapters will be released for public comment mid-June, with 4 weeks provided for commenting.

### **Questions:**

- David Fig (Project 90 x 2030) queried whether the registered stakeholder database was openly available from the Shale Gas SEA website.
  - Greg Schreiner (CSIR) and Bob Scholes (Wits/CSIR) responded by stating that due to the Protection of Personal Information Act (2013), the CSIR is unable to share the information on the database as this would require permission from the stakeholders, but the CSIR would be able to provide metadata.
  - Greg Schreiner (CSIR) suggested a one page synopsis of metadata be provided to the PCG, which will include such information as the number of people from which provinces; and number and types of organisations.
  - The PCG members agreed to this suggestion.
- Wayman Kritzing (AgriSA) asked whether the Ministerial letters were addressed to all the municipal managers in the SEA study area.
  - Greg Schreiner (CSIR) responded by noting that letters were addressed only to municipalities in which the meetings will/ or have taken place. In addition, SALGA have been given the responsibility of notifying the Local Municipalities of the public briefing details.
  - Wayman Kritzing (AgriSA) raised concern that only a small portion of the provinces affected by the SEA will be represented at the meetings. He suggests contacting the District Municipalities in the affected provinces and requesting them to communicate the information to the Local Municipalities in their districts.
  - Sean O'Beirne (Chair/ IAIAAsa) reiterated that the SEA public briefings are not to be likened to an Environmental Impact Assessment (EIA) public participation process, but the shale

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- gas SEA public briefings are intended to reach a representative sample of people who are then able to transfer the information to other affected parties.
- Sean O'Beirne (Chair/IAIASa) thereby suggested contacting the District Municipalities for this purpose for next round of public outreach in July.
  - Bongani Sayidini (PetroSA) asked what the expectation of the PCG is to attend the public briefings.
    - Greg Schreiner (CSIR) responded by stating that there is no expectation for PCG members to attend the briefings, and feedback will be provided to the PCG at the next PCG meeting as to the outcome of the public briefings. Greg requested PCG members to distribute notice of the briefings through the relevant channels.

### Scenarios and Activities SOD

- The Scenarios and Activities SOD has been made available to the author teams for their assessments. The data on which the resource probability map is based provides the specialist teams with an area where SGD is most probable, but this is not definitive and further work still needs to be done. The Shale Gas Resource Probability map should not be published in isolation (without the 17 strategic issue chapters) to ensure the information conveyed therein is not misleading. The four scenarios are unpacked in great detail in the Scenarios and Activities Chapter, which provides a spatial indication of the footprint SGD, would potentially have. Peer Reviewers have assisted significantly with these calculations. The Chapter will be made available for public comment in June. The graphic representation of the potential footprint of the well pads is merely conceptual and the representations have not considered sensitive features or associated buffers.

### ***Questions:***

- Wayman Kritzinger (AgriSA) queried whether the economic trade-off between farming, with low profit margin over a longer time period, and SGD, with high profit margins over a relatively shorter time period, was considered in the Scenarios and Activities Chapter.
  - Bob Scholes (Wits/CSIR) responded by noting that the Scenarios and Activities Chapter does not constitute an assessment, but instead provides an input which the other chapters can use as a departure point for their assessments. The assessment is a separate step which is included in the specialist studies/ strategic issues chapters.

### Peer Review Process for FODs

- Based on the accepted strategic issues presented in the ZOD, peer review experts were identified for each strategic issue from the extensive literature collection of the shared library, as well as through recommendations from stakeholders, the PEC, PCG and authors.
- Peer reviewers are independent from the assessment writing process, and represent universities, consultancies, government agencies and others. A minimum of 2 peer reviewers was required for each chapter, with more complex and double chapters (i.e. surface and groundwater resources) having up to 6 peer reviewers. The chapters were reviewed by 45 international and 26 South African experts, predominantly from the USA and Australia, and also from Canada, France, the Netherlands, UK and Japan.
- Peer reviewers were provided with the ZOD and FOD of the Scenarios and Activities chapter for context, and an allocated time, which was suitable to the SEA timeframe for the peer review process, was provided to the experts within which to submit their comments. Comments were provided in a

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standardised template form, and additional reference materials were provided by some expert reviewers to the author teams. Author teams have responded to every comment and are in the process of incorporating the relevant comments into the SOD's.

- As a mandated item for PCG, the manner of author responses to the peer review and registered stakeholder comments must be checked by the PCG.

### 3. Preliminary feedback on Chapter First Order Drafts (FODs)

- Presentation by Bob Scholes (Wits/CSIR)
- Each chapter follows a particular structure which includes an Executive Summary; Introduction and Scope; Key potential impacts and their Mitigation; Risk Assessment; Best Practice Guidelines and Monitoring Requirements; Topic on which information is inadequate for decision- making; and References.
- The Risk Assessment follows a well- structured risk evaluation process, which involves defining the nature of the impact, mapping the receiving environments, defining mitigation technologies and consequence levels for each type of impact for each scenario. Each chapter provides spatially explicit risk maps which identify key issues that need to be addressed in terms of guidelines and regulations. The project team will use the risk assessment information to produce a risk surface for each type of impact, and subsequently a composite risk map will be created with reference to mitigation and another risk map without mitigation.
- Author teams are asked to consider what the implications are with respect to monitoring to end of activity, and in some cases beyond end of activity.

#### Questions:

- Rudi Dicks (DPME) questioned the inclusion of the “recent” report by the Academy of Science of South Africa (ASSAf) in the Scientific Assessment, and noted that the availability of the report for the Scientific Assessment is important.
  - Bob Scholes (Wits/CSIR) responded by reiterating that this Scientific Assessment did not conduct new research, and as such the ASSAf report is a key piece of information that the authors have not been able to access. Since all the strategic issues chapters raise concerns of legislative readiness for SGD, the ASSAf report would prove useful in the Assessment; should it become available prior to the due date for submission of the SODs. It may be problematic if the ASSAf report is presented as new material to stakeholders subsequent to the release of the SODs.
  - Greg Schreiner (CSIR) noted that the Project Team have been trying since mid-2015 to obtain the ASSAf report, and does not see it being resolved in next weeks.
  - Rudi Dicks (DPME) informed the PCG that it was agreed in cluster to make the ASSAf report available to the Project Team so that it may form part of the Scientific Assessment. Rudi suggested arranging the partial release of the report (limited sections) to the Project Team, as sections of the report are confidential.
- David Fig (Project 90x2030) queried whether Governance could be added as an independent strategic issue.
  - Bob Scholes (Wits/CSIR) responded by emphasising that each chapter is required to address the issue of governance, and therefore a standalone chapter focusing on

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governance would be a duplication of what is already laid out in the other strategic issues chapters.

- Stefan Cramer (SAFCEI) questioned how new science and information can be incorporated into the process.
  - Bob Scholes (Wits/CSIR) responded by highlighting that this is a common concern among assessments of this nature. Similarly to the Intergovernmental Panel on Climate Change, an agreed date is decided upon (deadline) which is the limit to which new information can be incorporated into the assessment. If a sufficient set of new information is found to be significant and which brings the initial assessment into question, the Project Team will consider its incorporation into the assessment if it is presented within the Scientific Assessment timeframes.
- Sean O'Beirne (Chair/IAIASa) posed the question as to how the DEA will address new findings once the SEA has been completed.
  - Dee Fischer (DEA) responded by stating that Government will utilise the Scientific Assessment, the 3<sup>rd</sup> phase of SEA and the ASSAf report. The findings of the ASSAf reports will not have a significant impact on the SEA up to this point, as the critical outcomes of the SEA e.g. baseline studies, guidelines for subsequent assessments etc., are what are important. The SEA will take on different forms in the future, but it is intended as a pre-fracking/ pre-shale gas assessment to determine how best to ask questions of policy and management. Using the SEA as a point of departure, different assessments can be done in future on a needs basis which will incorporate new science, evidence, technologies etc.
- Andrew Matjeke (EDD) stated concern as to the practical implementation of governance and policy, and the prolonged time it takes to inform municipalities when new policies are ready for implementation. Andrew noted that it would be beneficial for departments to actively participate in the process as to allow new information to be used/ synthesised as it is received, in an effort to reduce the time it takes to determine and implement new policies etc.
- Sean O'Beirne (Chair/IAIASa) queried whether the PCG will advocate guide the Phase 3 process?
  - Bob Scholes (Wits/CSIR) confirmed that Phase 3 of the SEA will involve close relations with the project team (CSIR, SANBI and CGS) and Government to discuss/ suggest best practice, monitoring guidelines, etc. based on the phase 2 Scientific Assessment findings.
  - Greg Schreiner (CSIR) further noted that the PEC includes an interministerial group, and as such Government is built into the process to allow for this.
- Selaelo Matlhane (SKA) questioned the ability to quantify information exchange between the different strategic issues chapters.
  - Bob Scholes (Wits/ CSIR) responded by noting that this ability varies between chapters, for example the Electromagnetic Interference (EMI) chapter involves physics based quantifications while the Sense of Place chapter is subjective. The authors have quantified as much information as possible i.e. location and lengths of roads etc., but cognisance must be given to the fact that the SEA does not replace an EIA which will provide greater details.
- Selaelo Matlhane (SKA) queried whether an EIA will be required for every site under application.

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- Bob Scholes (Wits/CSIR) confirmed that legislation remains unchanged, and if there is a triggered activity, an EIA will have to be conducted.
- Sean O’Beirne (Chair/IAIAsa) reaffirmed that the SEA will provide the grounding for future EIAs which would be required for the various applicants.
- Sean O’Beirne (Chair/IAIAsa) questioned whether the PCG will only have access to the Phase 3 Decision Making Framework along with general stakeholders e.g. through government gazette processes.
  - Greg Schreiner (CSIR) confirmed this and stated that the PCG provide input through to end of Phase 2 of the Scientific Assessment.

## 4. Feedback to PEC from the PCG

- Proposal for district municipalities to facilitate the dissemination of public briefing notices.
- Obtain partial access to the ASSAf report for inclusion in SODs.

## 5. Key actions and way forward

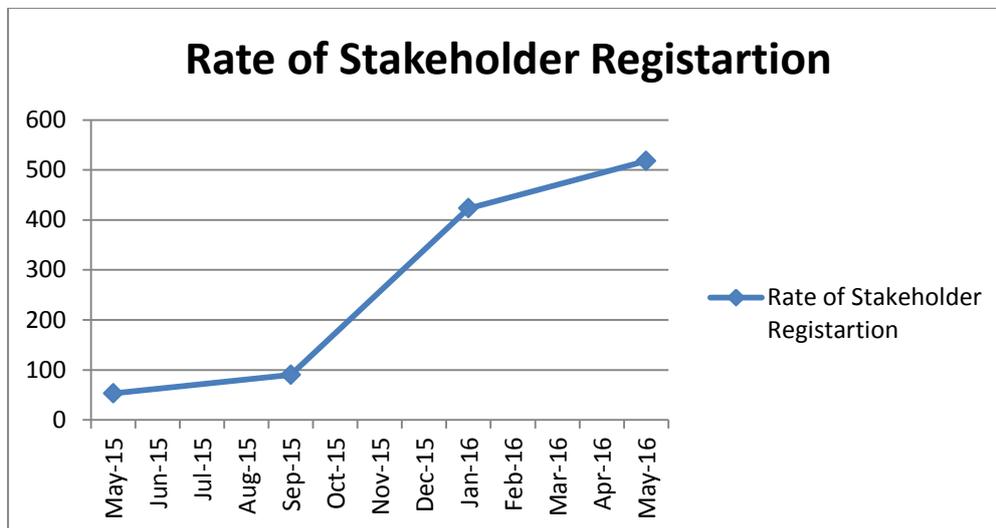
	Key Actions	Responsible party	Timeframe
1	Share presentations, meeting notes, attendance register with the PCG.	Project Team	End-May
2	Share a one page synopsis of registered stakeholder database to PCG	Project Team	End-May <b>APPENDIX A</b>
3	Receive SODs and responses to peer reviews from author teams	Project Team	End-May
4	Distribute notices of the public outreach session to Local and District Municipalities.	Project Team	End-June
5	Distribute final public outreach itinerary to the PCG	Project Team	Mid-June
7	Release SODs to stakeholders for comment (and Share consolidated comments spreadsheet for each strategic issue).	Project Team	14 June
8	Provide comments to the author teams on the SOD’s (Project team will collate all public/ stakeholder comments (including the comments made by the general public, via website). Comments will not be responded to individually)	PCG and Project Team	15 July
9	Public Outreach, Round 2 (GFR, BW, VW & CT)	Project Team	18-22 July
10	Multi-Author Team Workshop #3	Project Team	25-27 July
11	Final draft of Scientific Assessment due	Project Team	22 Aug
13	PCG Meeting #4 following peer-review of the Second Order Drafts.		26 Sept
14	Phase 2: Final Scientific Assessment	Project Team	Mid-Oct

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**APPENDIX A: Demographics of registered stakeholders**

**Registered Stakeholders in numbers**

The website of the Strategic Environmental Assessment was launched on 13 May 2015 after the parliamentary launch; from the date of the launch until end of June 2015 we received 53 online registrations. The period between 1 July and end 30 September a further 37 online registrations were received. During the period between 1 October -31 Jan 2016 there was a substantial increase in online registration, we received 333 registrations, this was mostly due to the first roadshows occurring during this time and a meeting registered stakeholders taking place in Cape Town. A total of 73 stakeholders have registered during the Public Briefings and they get notified via sms. The total number of the registered stakeholders on the database as of 27 May 2016 is 518.

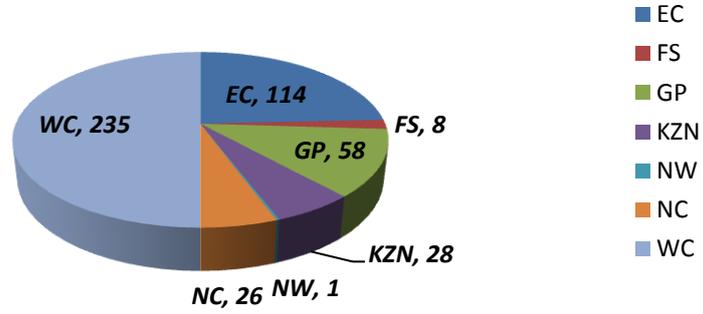


**Registered Stakeholders locality**

The registered stakeholders are based in various provinces around the country, namely Free State, Kwa-Zulu Natal, Gauteng, Eastern Cape, North West and Western Cape, most of them being based in the Western Cape. A number of online registrations have not indicated their province and cities therefore they have not been accounted for in the diagram below. In the Eastern Cape most of the stakeholders are based in Graff-Reinett and Port Elizabeth, in the Free State the majority is in Bloemfontein, in Gauteng there is an equal share between Pretoria and Johannesburg, KwaZulu Natal has the majority of stakeholders based in Durban and a few in Pietermaritzburg. Victoria West has most of the stakeholders in Northern Cape, and Western Cape is shared between Beaufort West and Cape Town.

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## Stakeholders



### Interest Category of Stakeholders

The interest of stakeholders is divided into four categories; Business, Private/ Personal, Academic and Government. The percentage of the stakeholders per category are shown in the graphic below.

## Stakeholders

