

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



Shale Gas Strategic Environmental Assessment Public Outreach:

Key Issues Raised by Stakeholders

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List of acronyms

ACED	African Clean Energy Developments
AEON	Africa Earth Observatory Network
ANC	African National Congress
ANCWL	African National Congress Women’s League
CER	Centre for Environmental Rights
CGS	Council for Geoscience
Cllr	Councillor
CSIR	Council for Scientific and Industrial Research
DA	Democratic Alliance
DEA	Department of Environmental Affairs
DEADP	Department of Environmental Affairs and Development Planning
AQM	Air Quality Management
DEDEAT	Department of Economic Development, Environmental Affairs and Tourism
DMR	Department of Mineral Resources
DTK	Daan Toerien Konsultante
EIA	Environmental Impact Assessment
EMG	Environmental Monitoring Group
EMPr	Environmental Management Programme
I&AP	Interested & Affected Parties
IDP	Integrated Development Plan
IEC	Independent Electoral Commission
NEMA	National Environmental Management Act
NMMU	Nelson Mandela Metropolitan University
NORMS	Naturally Occurring Radioactive Materials
PASA	Petroleum Agency South Africa
PCG	Process Custodians Group
PEC	Project Executive Committee
PPP	Public Participation Process
SA	South Africa
SAAE	South African Academy of Engineering
SABC	South African Broadcasting Corporation
SAFCEI	Southern African Faith Communities’ Environment Institute
SAHRC	South African Human Rights Commission
SAMWU	South African Municipal Workers’ Union
SANBI	South African National Biodiversity Institute
SAOGA	South African Oil & Gas Alliance
SCLC	Southern Cape Land Committee
SDF	Spatial Development Framework
SEA	Strategic Environmental Assessment
Tcf	Trillion cubic feet
TKAG	Treasure Karoo Action Group
UCT	University of Cape Town

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UFH University of Fort Hare
WESSA Wildlife and Environment Society of South Africa
WITS University of the Witwatersrand

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Graaff Reinet Public Meeting

Location	Venue	Date	Time	Attendance number
Graaff Reinet	Masizakhe Community Hall	09 November 2015	16:00- 19:00	~73

Attendance register

Name	Organisation	Email	Telephone
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Concerns Raised

Attendees raised the following concerns:

- Insufficient representation of the (potentially) affected communities at the meetings.
- Meetings were not properly or effectively advertised through the proper structures.
- Informing a few to communicate to the majority is not the correct path to follow.
- The voices of those employed elsewhere/ unable to attend the meeting for logistical reasons will be unheard.
- Suggestions/Recommendations for future meetings
- Increase the number of meetings to include other potentially affected areas.
- Follow proper communication routes and protocol prior to having the meetings, namely through local municipalities.
- Reconsider the time of meeting, with 16:00 being too early and suggest making it later, ~17:30.
- Obtain assistance for future meetings if large attendance is expected.
- Include Afrikaans and Xhosa for the information document.
- Representatives should be present at future meetings so that the information can be shared with those unable to attend the meeting.

Victoria West Public Meeting

Location	Venue	Date	Time	Attendance number
Victoria West	Town Hall	10 November 2015	16:00- 19:00	~25

Attendance Register

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Concerns Raised

Attendees raised the following concerns:

- Informing people of the meetings well in advance (>2 weeks).
- Queries on whether stakeholders would be able to aid in writing the chapters to improve relevance and whether municipalities could contact them in this regard.

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Discussion on strategic issues

Governance

- Major concerns around the policing of regulations, and who will be responsible e.g. the government, science councils, exploration/production companies, interested stakeholders etc.
- Suggests a trust fund be established for policing and for rectification (where possible) of any problems that may arise in future (example given of Soekor well near Aberdeen where toxic substances created problems at some distance from the well only years later).
 - Dee Fischer responded in that independent environmental audits will be built into the Environmental Management Programmes (EMPrs), which will be available to the public, in addition to the government policing that will take place. Monitoring committees and stakeholders may therefore access the EMPrs though new Environmental Impact Assessment (EIA) regulations and can take legal action where they see necessary.
- Concerns were raised about the policing in the event of the company being liquidated during the process.
 - Dee Fischer responded in that new regulations provide for annual, life-cycle and latent effects, including matters of liquidation. There is an incentive for companies to do annual rehabilitation in order to lower their long term risk and to reduce insurance costs.
- Questions raised as to how farmers would be compensated if something transpires that renders the land unusable (e.g. water contamination), and whether this this will be included in the SEA.
 - Bob Scholes responded by assuring attendees that each chapter must look at the entirety of the issues through all phases of development, including post closure, as part of the risk assessment process.
- Attendees query the point at which the risk is too great for shale gas development to continue.
 - Bob Scholes responded by referring to the scenarios and activities from which all chapters work from as a baseline, and states that this point may be determined using experience gained elsewhere in the world. Limits of acceptable change may also be used, which are set by national and international thresholds and expert opinion. The shale gas reserves are not concentrated over extensive distances, but occur in pockets, and if a pocket exists within close proximity to an important aquifer (for example), then recommendations would be made to avoid that portion of the gas reserve.
- Query as to whether the SEA will influence political decisions.
 - The project team is not responsible for political decisions by responded by saying that the SEA will influence how authorisations decisions are made on site specific EIA applications going forward for exploration and/or (in the future) production permits.

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Water

- Attendees raised concern that no insurance company would insure borehole water against contamination from shale gas development.
- Attendees stressed the fact that the town of Victoria West is entirely dependent on borehole water.
- Issues concerning the migration of groundwater and linkages of surface and groundwater were raised.
 - Greg Schreiner responded by agreeing that surface and groundwater are linked, and therefore a single author team, consisting of experts in both ground- and surface water has been assembled and indicated that the best mechanisms for baseline and on-going water monitoring is an expected output from this assessment.
- Attendees suggest water analysis be undertaken before and after shale gas development, and urge that someone (company) should be responsible if contamination has occurred.

Spatial Planning and Infrastructure

- Concerns as to what extent people retain control over what happens underneath their property (underground resources). For example if a well pad is constructed on a neighbouring farm but is drilled horizontally under their own farm; who has jurisdiction?
- Further issues of land zoning and spatial planning and infrastructure were raised.
- Suggests that project team take cognizance of the fact that Integrated Development Plans (IDPs) are created by consultants who produce theoretical documents which are not representative of the community.
- Concerns regarding validity and credibility of available IDPs, since they are firstly not up to date and secondly, are not effectively implemented.
- Suggestion that authors of spatial planning chapter contact people in the respective towns to get IDPs.
 - Greg Schreiner responded by informing attendees that the project involves the assessment of existing IDPs and Spatial Development Frameworks (SDFs) for existing information only, and for the spatial planning policy issues. New IDPs and SDFs will be not created during the assessment, but the assessment may be used to guide future IDP's and SDFs.

Human Health

- Concerns about chemicals used for fracking, and their carcinogenic properties.

Suggestions/Recommendations for future meetings

- Use of appropriate media should be considered to communicate meetings (e.g. local newspapers instead of regional/ provincial).

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Beaufort West Public Meeting

Location	Venue	Date	Time	Attendance number
Beaufort West	Rustdene Community Hall	11 November 2015	16:00- 19:00	~56

Attendance Register

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Concerns Raised

Attendees raised the following concerns:

- Unsuitable meeting date due to prior commitments (meetings).
- Question on whether it is better for an association to register as a single entity or for each member of the association to register.
- Councillors responsible for engaging with community were absent and there was insufficient representation of the (potentially) affected communities at the meetings.
- Institutions comprising the project team should be responsible for communicating the meeting details, not the municipality.
- Representatives from local papers and radio, sport clubs/ associations and the education and health sector are not present at the meetings.

Suggestions/Recommendations for future meetings

- Liaise with farmers associations prior to setting meetings so it does not clash with other planned meetings.
- Use of appropriate media should be considered to communicate meetings, and advise not to rely heavily on social media and radio etc.
- Use district municipality as point of entry into the community.
- Wards should distribute flyers for future meetings.
- Meet with sectors first in order to identify the correct people to communicate with for distribution of meeting information.

Shale Gas SEA Workshop for Registered Stakeholders

Location	Venue	Date	Time	Attendance number
Cape Town	Iziko Museum	13 November 2015	10:30- 15:30	~57

Attendance Register

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Concerns Raised

Attendees raised the following concerns:

- Government decisions are being made regardless of the SEA process and potential outcome thereof.
- Confusion about the mandate of the CSIR in implementing the SEA process.
- What will be achieved at the end of the SEA?
- Communications with Petroleum Agency of South Africa (PASA) on the process and whether PASA is warranting licenses.
- Feedback on the public participation undertaken in study area.
- How does this SEA relate to other similar processes?
- Why was the meeting held in Cape Town and not Johannesburg since the study area map implies a national concern?
 - Greg Schreiner responded by noting that by far the majority of registered stakeholders at the time of organising the workshop were based in and around the Cape Town region.
 - Hendrik Kotze responded by noting that round two of the public participation process (PPP) will likely include a meeting in Johannesburg or Pretoria.
 - Bob Scholes responded by noting that the web based reviews implemented within the process allows for comment from everywhere. Furthermore, the web based

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registration of stakeholders and the first round of the PPP allows the project team to ascertain the regional extent of stakeholders.

- Query about whether the DEA published Terms of Reference and contract between DEA and CSIR were publically available documents.
 - Bob Scholes responded by informing the attendees that the SEA Process Document which outlines the nuts and bolts of the SEA process is available to all on the project website. This document best captures the SEA process which has been significantly refined and enhanced since the publication of the DEA Terms of Reference. .
- How are gaps in research dealt with during the SEA process?
 - Bob Scholes responded by stating that each chapter highlights where information is missing and whether is it considered imperative to the study. A key outcome of the process is to identify and recommend future research to close that information gap.
- Concerns as to how any overlaps in strategic issues are assessed.

Discussion on strategic issues

Scenarios and Activities

- Concerns as to the fate of the coal industry and coal miners if, as indicated in the fourth scenario, 20tcf is discovered and shale gas development (and clean energy) replaces coal fired energy. Coal miners don't retro fit into shale gas development.
 - Bob Scholes responded by stating that coal resources are estimated to reach end of life between 2020-2030, and so shale gas development is not replacing new coal stations
- Attendees queried whether the cost of infrastructure is considered in the scenarios, for example the Gauteng Province have not invested properly for contaminated water.
 - Bob Scholes responded by indicating that it would be considered to an extent and perhaps it is best placed in each individual chapter, with particular reference to mitigation measures. Issue must be communicated to authors.

Terrestrial Biodiversity

- Will the risk assessment process consider population densities, particularly of people and (breeding) animals, as well as the relationship that exists between them?
 - Bob Scholes responded by stating that this consideration is subjective since such information does not currently exist in the literature. The assumptions made by the authors in their Chapters will be stated.
- Concerns as to the extent, in terms of time and space, to which the potential impacts will be investigated in the SEA.
 - Bob Scholes responded by assuring attendees that the impacts will be investigated as far as required from their point of origin e.g. greenhouse gas emissions is an

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international concern, energy pricing is a national concern, biodiversity for example might be more regional in its impacts .

- Best practices for restoration practices must be considered in the SEA?

Governance

- How will the SEA inform technical regulations of petroleum development?
 - Dee Fischer responds by emphasising that the development of regulations is an ongoing process which is under constant improvement. This process will augment those regulations if required.
- Concerns rose about extent of study area, and that marginalised areas are going unnoticed, particularly for those application areas in KwaZulu Natal.
 - Bob Scholes responded by explaining that the study area cannot be expanded at this point, but there is potential for this process to become the new norm and elude to the need for similar processes in such areas. The SEA findings will be able to inform other areas. The scope and the extent of the SEA is for dry gas from deep shale layers using hydraulic fracturing, this does not correspond with applications for exploration in the KZN Midlands which are for other minerals and exclude the proposal to undertake hydraulic fracturing.
- Why are certain areas excluded from the SEA?
 - Greg Schreiner responded by noting that the study area was delineated according to current exploration rights applications that have been submitted to PASA. Other technical cooperation areas were further back in the regulatory process and are not for dry gas from deep shale layers using hydraulic fracturing.
- Concern as to the identification of impacts specific to an area under consideration for fracking and how government will make decisions regarding such areas.
- Can a process be implemented through the SEA in which decisions are not made solely on political agendas?
 - Bob Scholes responded by noting that much work has been done to ensure the outcome of the SEA is not buried and cannot be embargoed by political agendas and that the outcomes are translated into gazetted regulations and best practise guidelines.
- Concerns about the effectiveness or credibility of current and future regulations, in terms of implementation and monitoring thereof.
- Concerns that the SEA does not include capacity analysis of the Departments of State, PASA and NEMA agencies.
- Would someone applying for an exploration permit be allowed to proceed?
 - Dee Fischer responded by informing the attendees that it would depend on where you are applying to do exploration, as the moratorium has been replaced in certain areas.
- Concerns as to the subjectivity of best practice according to different applicants.

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- Bob Scholes responded by assuring attendees that the benchmark of best practice will be set by the independent assessment, which would therefore prescribe best practices.
- Implementation of the SEA findings within decision making and whether new regulations would be devised to circumvent the potential findings and associated risks.
 - Bob Scholes responded by stating that the facts will be highlighted in the SEA and even if the assessment is disregarded in the decision making process, it should still be considered in order to understand the risks involved.

Water

- Potential negative impacts of fracking on water in particular and who will be responsible must be considered an important consideration.

Waste

- Does industry have an idea of what to do with the wastewater?
 - Bob Scholes responded by stating that the fracking fluid will most likely be sourced from outside the region, and South African regulations provide for disclosure of fracking additives. 70% of water used is returned to the surface and is re-used (depending on geological permeability). The water that returns to the surface may contain NORMS.
- Storage of radioactive waste, source pathways and parties responsible for its management is a key issue of concern.

Sense of Place

- Concerns as to the subjective nature of the sense of place issue.
- Would exclusion areas be determined by the SEA?
 - Bob Scholes responded by indicating that the strategic issues will list exclusion zones accordingly e.g. National parks, around towns etc. Further explains that this is why the risk assessment is spatially applied.

Economics

- Will a proper cost-benefit analysis be undertaken?
 - The project team responded by stating that the economic risks and opportunities associated with the 4 scenarios described in the SEA would be assessed. The SEA is set within a structured risk assessment approach so that all chapters and issues are consistent and comparable.
- Query as to whether fossil fuels would be subsidised.
- Attendees asked whether local people would benefit from job opportunities or if many of the jobs would be specialised?
 - Professor Cyril O'Connor (UCT) responded by noting that artisans would be required, but there are opportunities to develop these skills. However, it would be a challenge to get all government departments to work together to achieve this.

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Social Fabric

- Human rights concerns in terms of lack of representation in SEA process.
- Queries pertaining to forced access to property without the landowner's permission, and whether land owners are informed enough in this regard.
 - Bob Scholes responded by ensuring the presence of a Human rights Commission representative on the PCG. Emphasises that landowners must be informed and that the SEA needs to be completed and distributed to landowners as soon as possible prior to development.
- Concerns regarding the consultation of stakeholders in rural communities who do not have internet access. How are they engaged in order to contribute to the credibility of the process?
 - Bob Scholes responded by indicating this to be a challenge, but many streams of media are used to improve the database.
 - Hendrik Kotze responded by stating that civil society plays a great role in information distribution, and civil society organisations should collaborate to ensure participation by all.

National Energy Planning

- Concerns about the replacement of potential for renewable energy by fracking outfits in South Africa.

Suggestions/Recommendations for future meetings

- Specialist communicators should be used to convey information to rural Karoo population and Interested and Affected Parties (I&APs).
- Every type of waste involved in shale gas development should be itemised and the amount stated in the SEA document.
- Include the type of facilities that are required for waste management in the relevant chapter.
- Include renewable energy as a standalone chapter in the SEA due to its importance in the Karoo.
- Consider the weight of renewable energy in South Africa and whether it should be subsidised.