

**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 1**

Date:

22 July, 2015.

Location:

CSIR Pretoria.

List of attendees:

Name	Organisation
Bob Scholes	Wits/CSIR
Chantal Kisoon	SAHRC
Dee Fischer	DEA
Greg Schreiner	CSIR
Henk Coetzee	CGS
Jeanie le Roux	TKAG
Jeff Manuel	SANBI
Jessica Courtoreille	PetroSA
Luanita van der Walt	CSIR
Maarten De Wit	SEAON
Marius Diemont	BUSA
Morné du Plessis	WWF-SA
Mukandi Masithi	DPME
Nkhensani Golele	DPME
Patience Sehlapo	DEA
Paul Lochner	CSIR
Peter Price	ONPASA
Selaelo Matlhane	SKA-SA
Sean O'Beirne (Chair)	IAIA-SA
Shafick Adams	WRC
Stefan Cramer	SAFCEI
Surprise Zwane	DEA
Waymann Kritzinger	AgriSA

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List of acronyms

CER	Centre for Environmental Rights
CGS	Council for Geoscience
COGTA	Department of Cooperative Governance and Traditional Affairs
CRL	Culture, Religion, Language (Constitutional Body)
CSIR	Council for Scientific and Industrial Research
DAFF	Department of Agriculture, Forestry and Fisheries
DEA	Department of Environmental Affairs
DMR	Department of Mineral Resources
DoE	Department of Energy
DWS	Department of Water and Sanitation
EC	Eastern Cape
EIA	Environmental Impact Assessment
EWT	Endangered Wildlife Trust
IMC	Inter-Ministerial Committee
NC	Northern Cape
PASA	Petroleum Agency South Africa
PCG	Process Custodians Group
PEC	Project Executive Committee
SANBI	South African National Biodiversity Institute
SANEDI	South African National Energy Development Institute
SEA	Strategic Environmental Assessment
SGD	Shale Gas Development
TORs	Terms of Reference
WC	Western Cape

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1. SEA overview and points of clarification

- Presentation by Prof. Bob Scholes (Wits/CSIR)
- South African Cabinet has made decision to lift moratorium on the processing of shale gas Exploration Rights application, and government has stated that the processing of Exploration Rights for shale gas will continue. An EIA will be required for exploration Activities in accordance with the National Environmental Management Act (NEMA) listing regulations published in 2014. DEA wants to determine a phased approach to shale gas development (SGD). DEA and the SEA process cannot deliver a 'yes – no' answer to SGD, but can only assess existing information towards creating an evidence-based regulatory framework, thereby informing the conditions under which SGD could occur, if the resource is proven to be a viable one. DEA envisages that the SGD process should occur in a step-wise (phased) manner where an action (i.e. exploration) is followed by a phase of consideration and analysis to determine if and how next steps should be taken, and monitoring is continually carried out before and during all development of the phases.

Hydrocarbon resource considered in the SEA

- Even though Coalbed Methane is also an unconventional gas, the SEA will only consider shale gas. That is the scope of the SEA which has been determined by the government issued Terms of Reference for the project.

Target audience and users of the SEA

- The main user of the SEA is the Government consortium who commissioned the study and who will use it for decision-making purposes. Other important audiences and users include the SEA governance groups, industry, NGOs, scientists as well as general stakeholders looking to engage with information on shale gas.

SEA Process

- The SEA aims to i) describe the activities associated with SGD and where it is likely to occur; ii) identify and assess the key risks and opportunities of SGD within those areas; and iii) based on the evidence available, make recommendations for monitoring, decision-making, best practice etc.
- It is crucial that the Project Team has a clear understanding of what SGD entails and how it might unfold in South Africa. Technical information on the activities associated with SGD should be delivered by industry representatives where possible and other experts in the form of a Scenarios and Activities Document (which would form as an introductory Chapter in the SEA report).
- There were some uncertainties on the detailed SEA process from the PCG members, to assist in generating a higher level of clarity, a detailed '*Process Document*' has been included in the information distributed to the PCG.

2. Project governance and PCG TORs

- Presentation by Prof. Bob Scholes (Wits/CSIR).

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- The broad mandate of the PCG is to verify that the SEA **process** is credible, legitimate, and salient – i.e. the PCG has the role of ‘refereeing’ or officiating an established, recognised process put before them.
- The attendees agreed to their broad functional role/TORs as members of the PCG. These are provided in final revised format in the attached *Process Document*.
- Participating as a member of the PCG does not disqualify a member from other forms of participation and recourse.
- The approach to PCG conventions aims to be broadly consensual (as opposed to consensus dependant) and minority views will be captured where there is an ‘agree to disagree’ situation.
- Recommendations, concerns and points of impasse within the PCG that cannot be acted upon by the Project Team at the PCG meetings are relayed to the PEC who will act accordingly within their mandate to instruct the Project Team as needed. PEC meetings will be scheduled following PCG meetings so that this information can flow easily between the two groups.
- The PEC was asked whether additional organisations should be represented on the PCG. The following recommendations were made and responses have been determined by the Project Team and DEA.

Additional nominations to the PCG

Nomination	Made by	Response
Department of Agriculture, Forestry & Fisheries	Waymann Kritzinger (AgriSA)	Department of Agriculture Forestry and Fisheries (DAFF) sit on the PEC.
Centre for Environmental Rights (CER)	Marius Diemont (BUSA)	CER declined the invitation to act as a representative on the PCG.
Emerging farmers, farm workers, farm dwellers.	Stefan Cramer (SAFCEI)	Many of the other organisations and individuals on the PCG represent the interest of these people; however, if a specific community representative from a legitimate organisation can be identified this should be communicated to the Project Team.
Council for Traditional Leaders via National or Provincial Department of Cooperative Governance and Traditional Affairs (COGTA)	Mukandi Masithi (Presidency – DPME)	District and Local communities are represented through the South African Local Government Agency (SALGA) who sit on the PEC. The study area in question consist mainly of zoned agricultural land and not tribal land.
Other Constitutional Bodies (SAHRC only constitutional body) such as the Gender Commission and Culture, Religion, Language (CRL)	Chantal Kisoon (SAHRC)	It is the Project Teams position that Constitutional Bodies are adequately represented on the PCG by the SAHRC who could act as a conduit of information for these additional Constitutional Bodies as required.
Endangered Wildlife Trust (EWT) (PCG or other collaborative role like Specialist Team)	Jeanie Le Roux (TKAG)	Experts affiliated with EWT have already been identified to serve as Corresponding Authors/Experts.
CANSA-SA	Morné du Plessis (WFF-	The Project Team have proposed that

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	SA)	experts from CANSAs (as well as any other human health research institutions) will be better suited providing inputs to the report in the human health sections of the Water, Air Emissions, Social Fabric etc. Chapters
Experts with technical knowledge	Maarten de Wit (SAEON)	Experts with technical knowledge will be included in the scenarios and activities document as authors. Our understanding is that Peter Price (representing ONPASA) and Maarten de Wit (representing SAEON) both have what would constitute “technical knowledge”.
South African National Energy Development Institute (SANEDI)	Shafick Adams (WRC)	SANEDI are undertaking a study on the feasibility of shale gas in South Africa. DEA part of the steering Committee for this study. There is therefore interaction between DEA and SANEDI on the shale gas development issue already.

3. Study area, Strategic Issues and Specialist Teams

- Presentation by Greg Schreiner (CSIR)

Study area

- The extent of the study area was informed by the areas currently under applications for Explorations Rights (by the operators Shell, Bundu, Falcon). The official shapefiles from the Petroleum Agency of South Africa (PASA) delineating the existing Exploration Rights applications were used to define the study area (with a 20 km buffer around existing Exploration Rights application areas). The study area includes 27 local municipalities and encompasses 171 811 km².
- Additional stressors (such as proposed Uranium mining in the study area) will be acknowledged and considered in the SEA by the Specialist Teams if there are imminent development proposals on the table (the development proposals need to be more than a theoretical possibility, and must have received some kind of policy/government ‘green light’ e.g. the SKA or a development proposal which has received Environmental Authorisation). However, impacts associated with stressors other than SGD will not be assessed. These other stressors form part of the dynamic baseline of the Karoo where stressors such as climate change and land-use change are constantly driving changes, even in the absence of SGD.
- A strict materiality rule will be applied with regards to the potential of impacts originating within the study area, but having an effect beyond the boundary of the study area. If an impact of significance extends beyond the study area, it will have to be considered. An example is in the instance in the river-borne pollutants which may have downstream impacts beyond the delineation of the study area or the effects of GHGs on climate change (which has an international impact).

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Specialist Teams

- The Project Team proposes having expert authors to serve on the Specialist Teams. The role of the PCG is to approve the author teams based on expertise and balance, and suggest other authors if necessary.

4. Discussion points

Stakeholder engagement

- The mechanisms which exist for broad stakeholder engagement during the SEA process are outlined in the Process Document under the “Briefings and outreach rounds” section. These include (amongst others included in the Process Document):
 - Regional outreach (information sharing) meetings in the affected provinces (EC, WC, NC) to inform stakeholders of the SEA process (Round 1) and then findings (Round 2);
 - Stakeholder consultation and communication during the SEA process in through the website (<http://seasgd.csir.co.za/>). Registered stakeholders are also able to comment and provide input on SEA ‘report chapters’ through the website. Any person who has access to the website may ask questions about the process in an interactive blog. Queries are responded to by the Project Team;
 - Mechanisms will also be put in place to assist stakeholders who do not have internet access to be able to comment on the SEA ‘report chapters’;
 - Part of the sharing of information and receiving feedback will also be achieved through structures such as Provincial Government (to reach District and Local Municipalities), SALGA and the SEA governance structures.
- The SEA is not an EIA, and stakeholder engagement will not be approached in a traditional EIA sense where stakeholders are asked to raise their concerns and key issues. The SEA itself has gone through a process of identifying the key issues through mechanisms such as extensive scientific studies.
- The PCG noted that some of the challenges of the consultation will include:
 - Tensions in the Karoo around land, especially in smaller communities;
 - Access to information;
 - Opportunity to provide input into the SEA.

PCG Information sharing

- Information and discussions from PCG meetings is not confidential. As such, PCG members are free to report back to their constituencies, and share information with other stakeholders. However, there are exceptions where information might not be shared with the PCG – for example in the event that information such as the last known locality of a critically endangered species.

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Human rights

- There were concerns from the PCG that human rights and a “human rights based approach” would not be sufficiently incorporated and addressed as the SEA is not considering a human rights Strategic Issue as a chapter. The Project Team reiterated that human rights are a cross-cutting Strategic Issue which needs to bridge issue topics such as economics, social fabric, rights to resources such as water, ecosystem services etc. The Vision of the SEA was formulated by considering two key information sources, one of which was the National Development Plan 2012, the other was the South African Constitution which is the overarching human rights policy in South Africa.

SEA outputs and decision-making by Government

- Concerns were raised around SGD unfolding under auspices of Government, and that Government will make decisions without due consideration of evidence presented by the SEA. A decision was taken by Cabinet to undertake the SEA, which implies that many Ministries are involved and responsible for using the scientific evidence presented in a responsible manner. The Inter-Ministerial Committee (IMC) consists of many Departments (DEA, DWS, DMR, DoE, DST) which each have their own mandate; however a ‘steamrolling’ of one Department’s mandate over another would not be permitted in the IMC.

5. Key actions and way forward

Action	Responsible party	Timeframe
1. Consider and evaluate nominees to the PCG to determine whether they are appropriate, will contribute to a balanced group, and available. Contained herein.	Project Team	Mid - Aug, 2015
2. Provide the PCG with a “Process Document” describing the detailed SEA Process, public consultation, the structure and purpose of the PCG and a timeline of meeting dates for PCG engagement.	Project Team	Mid - Aug, 2015
3. Provide Integrating and Contributing Specialist Authors’ composition, information and <i>curriculum vitae</i> to PCG members for review.	Project Team	Early Sep, 2015