

Ms Bomo Edna Molewa
The Minister of Environmental Affairs
Department of Environmental Affairs
Environment House
473 Steve Biko
Arcadia
Pretoria
0083

Dear Minister,

GIVE PREVENTIVE POWER OVER ENVIRONMENTAL IMPACTS OF MINING BACK TO DEPARTMENT EXCLUSIVELY

PETITION TO: MINISTER OF DEPT. OF ENVIRONMENTAL AFFAIRS, MS BOMO EDNA MOLEWA, TO OBJECT TO THE PGS SEISMIC SURVEY APPLICATION, UNTIL THE REPEAL OF SECTION 38 + 39 (MINERALS AND PETROLEUM RESOURCES DEVELOPMENT ACT) HAS BEEN LEGALLY CHALLENGED BY HER DEPARTMENT.

In South Africa an environmental impact assessment for oil and petroleum exploration activities, is no longer mandatory because Section 39 of the Minerals and Petroleum Resources Development Act demanding environmental authorisation has been withdrawn. This blind spot in law regulating mining, effectively means that the oil and gas industry polices and monitors itself. Previously, any mining activity with potential threat to the environment would require an Environmental Impact Assessment (EIA) and/or Environmental Management Plan (EMP) and approval from the Department of Environmental Affairs.

In 2016 a marine seismic survey along the KwaZulu Natal coast, hauling a 48 air-gun array (high intensity sound cannons), was extended into the whale migration season. This happened despite known mitigation measures of avoiding the turtle hatching season (Dec to Mar), humpback whale migration (June to Nov) and the sardine run (June to July). 2016 recorded the highest number of whale strandings in the history of the east coast of South Africa.

Petroleum Geo-Services is applying for a reconnaissance permit for an area 284 881 km² in extent from Mossel Bay to Richards Bay, 15km from shore, covering many environmentally sensitive areas and biologically important migration routes, posing risk to many species of whale and dolphin, fish and turtle, as well as to tourism and fisheries.

These seismic surveys use extremely loud blasts able to penetrate deep into the sea floor for detecting oil deposits, every 10 seconds for 24 hours a day, for months at a time over large areas. Scientists have proven that seismic blasts can interrupt the communication, reproduction, navigation and eating habits essential to the survival of marine life, including whales, dolphins, turtles, fish and even plankton. These detonations also damage eggs, larvae and force fish and other marine species to temporarily migrate away from the affected area. Namibian tuna catch shrunk to 650 tonnes in 2013 from 4,046 tonnes in 2011, a direct result of the oil exploration on the Atlantic coast driving tuna from their normal migratory routes. Studies show that fish catch rates are significantly lowered by noise from air guns, indicating that increased human-produced noise in the ocean can adversely impact the food supply, employment and economies of a nation. Seismic airgun exploration poses an unacceptable risk of serious harm to marine life at the species and population levels, the full extent of which will not be understood until long after the harm occurs.

SLR, consultants on behalf of Petroleum Geo-services, have produced a 'nice to have' EMP which acknowledges that seismic surveys could potentially injure or kill whales, dolphins, turtles, seals, seabirds, crustaceans and already depleted fish stocks. This EMP quotes a low risk to most of these animals, except a medium risk for whales. These ratings are not based on rigorous scientific

research in South African waters and fauna, and cumulative effects on all these groups, as an ecological collective, is not considered. Cascading effects of causing harm to one group will inevitably cause harm to all groups and could prove immensely and profoundly detrimental to the marine environment.

SLR request comments on the EMP noting that an EMP is not required (<http://slrconsulting.com/za/slr-documents/pgs-speculative-2d-3d-surveys>). Neither Petroleum Geoservices, nor the oil and gas industry, are legally obliged to take any comments into consideration in their planning, allowing them to undertake seismic surveys heedless of environmental concerns and impacts.

South Africa cannot afford the loss of biodiversity to our oceans. We therefore request that you enforce cumulative-exposure limits for seismic noise and expert, independent and ecological baseline data for proper reference.

We also request that you challenge the repeal of S39, enacting regulation specific to stringent mitigation of seismic exploration of our coastline, preventing activities by the petroleum industry being conducted during the known breeding and migration periods of cetaceans, fish and turtles.

We look forward to your response.

Yours faithfully,

Jon Marshall
COASTWATCH KZN