

ENI EIA Grounds for Appeals – KM 14/09/19

General Concerns

ENI are attempting deep-water offshore oil drilling off the South African East Coast which also coincides with one of the fastest boundary currents in the world, which is the Agulhas.

Procedural

With respect to informed consent of all beneficiaries from a functioning coastline, shared ocean space and healthy atmosphere. Free, prior and Informed Consent (FPIC) could not have possibly been granted as there exist validated objections to the project. Communication does not equate to consent as has been taken. FPIC is mandatory under ILO 169 to which Italy is a signatory.

Within the commenting timeframe, I&APs were only given a 14 day extension. It is submitted that the extended commenting period was still an unreasonable amount of time in which to obtain necessary expert input on the voluminous and complex EIA report document. We point out that, in terms of regulation 3(8) of the Environmental Impact Assessment Regulations, 2014 (EIA Regulations), a 30 day commenting period is the minimum period for public participation.

A social impact assessment for the cumulative impacts of oil exploration and the consequences of combustion in relation to the climate disaster has yet to be acknowledged.

Technical

- The draft EIA report concludes that the post-mitigation potential risks of a catastrophic oil spill are either 'minor' or 'moderate'. To achieve this, ERM relies on risk significance ratings based on likelihood and consequence, combined with the results of its own Oil Spill Modelling (OSM) report. ERM's approach to this probabilistic risk assessment is replete with subjective value judgments, unsubstantiated assumptions, incomplete or missing information and plans, use of (at best) misleading data and inappropriate critical threshold values.
- ERM indicate that an unplanned/accidental event is defined as '*a reasonably foreseeable incident that is not anticipated to occur as part of the proposed project, but which may conceivably occur as a result of project activities (e.g. vessel accidents and loss of well containment/blowout), but with a low probability*' (emphasis added). The probability for an unplanned event is at odds with concept of itself.
- ERM states that the assessment of **likelihood** takes a qualitative approach based on professional judgment, experience from similar projects and interaction with the technical team. ERM admits that a qualitative approach is taken to the assessment of likelihood based on professional judgment, experience from similar projects and interaction with the technical team. This approach is highly subjective, and fails to specify whose professional judgement is relied upon (e.g. ERM EIA team members, Eni staff, other?)

Oil Spill Modelling compromised due to:

- Duration of Scenario 2a *Crude Blowout – Hole Collapse* and Scenario 2b *Crude Blowout – Cap Install* not adequately explained, substantiated or validated
- Volume of Scenario 2a *Crude Blowout – Hole Collapse* and Scenario 2b *Crude Blowout – Cap Install* not adequately substantiated or validated

- Misleading critical threshold assumptions used for oil spill modelling and interpretation of results
- Other various inconsistencies
- Oil Spill Contingency Plan in draft EIA violates requirement for public participation
- Failure to include Emergency Response Plan (ERP) in draft EIA violates requirement for public participation
- Design of Blowout Preventers used to provide well control in the event of an accidental well blowout fails to meet international standards

Ecological

- The region of drilling and seismic surveying overlaps with the distribution pathways of critically endangered (e.g. Natal Shy shark, Leatherback and Hawkbill turtles), endangered (e.g. scalloped and great hammerhead sharks, loggerhead and green turtles), vulnerable (e.g. manta rays, raggedtooth and whale sharks, olive ridley turtles and the Caspian tern) and protected species (e.g. Tiger sharks, natal wrasse, black oyster catcher, pilot whales, Risso's dolphins, South African fur seals).
- The region also lays in the migratory path for humpback and southern right whales, raggedtooth sharks, leatherback and loggerhead turtles and the economically significant sardine run.
- The region of drilling as well as of any associated pollution risk lay close to environmentally significant areas such as the Maputaland and St. Lucia Marine reserves, Tugela Banks MPA, Natal Bite, Protea Banks MPA, Aliwal Shoal and the iSimangiliso Wetland Park which is a world heritage site.
- The previous phase of the ENI project which dealt largely with below water seismic recon coincided with the highest stranding figures for marine mammals within the general region, including deepwater mammals such as dolphins.

Existential

- Fossil fuel exploration speaks to a larger social apathy by both the department and the companies involved with respect to not fully appreciating the threat of further oil consumption and production.
- South Africa is a signatory to the Paris agreement which has several nationally declared commitments with respect to reducing emissions and essentially limiting climate change.
- Durban and South Africa in general are already significantly impacted by climate threats, including floods and droughts which strain the fabric of a developing society and rubbish social gains made by indifferent exposure.
- Oil exploration has been predicated to be short term engaging, but with many negative impacts resulting at later stages, many of which will be externalized to the poor in developing countries such as those that exist in South Africa.
- Natural gas being used as a transition fuel does not mesh with the required decarbonization protocol required of the world required to confront the climate disaster. Methane of which natural gas is comprised of, is 23 orders of magnitude more damaging to the climate than CO₂ and the impacts cannot ever be fully absorbed or mitigated against.

- ENI are also attempting to utilize a skewed carbon budget allocation by converting regions of Africa to plantations in order to absolve themselves of carbon budget overspend. The ramifications for such projects deride biodiversity as well as land, food and residential sovereignty for African countries.