



**MINISTER
FORESTRY, FISHERIES AND THE ENVIRONMENT
REPUBLIC OF SOUTH AFRICA**

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Ms Nina Braude
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Dear Ms Braude

LEGAL INTERVENTIONS TO PREVENT FURTHER DECLINE IN AFRICAN PENGUIN NUMBERS IN ALGOA BAY IN LIGHT OF RECOMMENCEMENT OF OFFSHORE BUNKERING AND SHIP-TO-SHIP TRANSFER

I refer to your letter of 16 May 2024.

In your correspondence, you requested information regarding the involvement of the Department of Forestry, Fisheries and the Environment (DFFE) in Transnet National Ports Authority's (TNPA) Environmental Risk Assessment (ERA) process; details on the DFFE's engagements with the South African Maritime Authority (SAMSA); and the steps to be taken by the DFFE to regulate the environmental impacts of bunkering and ship-to-ship transfer (collectively STS bunkering).

In respect of the ERA, this was commissioned by TNPA and the DFFE was a commenting authority in this process. The DFFE provided its comments on numerous occasions. Insofar as you seek clarification that the "risk assessment" to which I referred to in my previous correspondence was the TNPA ERA, I can confirm that this is the case.

The DFFE attended the SAMSA hosted offshore regulators meeting on 21 February 2024. The purpose of this meeting was to engage authorities following its announcement that the SAMSA Board had decided to lift the moratorium and to process applications in terms of section 21(1)(b) of the Marine Pollution (Control and Civil Liability) Act, 1981 (Act No 6 of 1981) pertaining to offshore operations in Algoa Bay and other potential areas. The final ERA Report was thereafter made available to the DFFE on 11 April 2024.

The DFFE will further engage on the bunkering related issue with TNPA and SAMSA. It should, however, be noted that offshore bunkering operations are currently suspended pending investigations



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by the South African Revenue Services (SARS).

As a result of the removal of the environmental aspects from SAMSA's Code of Good Practice, the DFFE is in the process of developing regulations to address the environmental impacts of bunkering which the DFFE intends, in due course, to publish for public comment under the National Environmental Management: Integrated Coastal Management Act, 2008. This decision to develop regulations would have been communicated to stakeholders at the Offshore Environmental Working Group and the Offshore Operators Stakeholders Forum meetings scheduled for March 2024. However, as you are aware, these meetings were cancelled. The listing of bunkering and ship-to-ship transfer as an activity under section 24(2) of the National Environmental Management Act, 1998, is still under consideration.

We look forward to your input on the Draft Regulations once published for public comment.

Yours sincerely



MS B D CREECY, MP
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

DATE: 15/6/2024