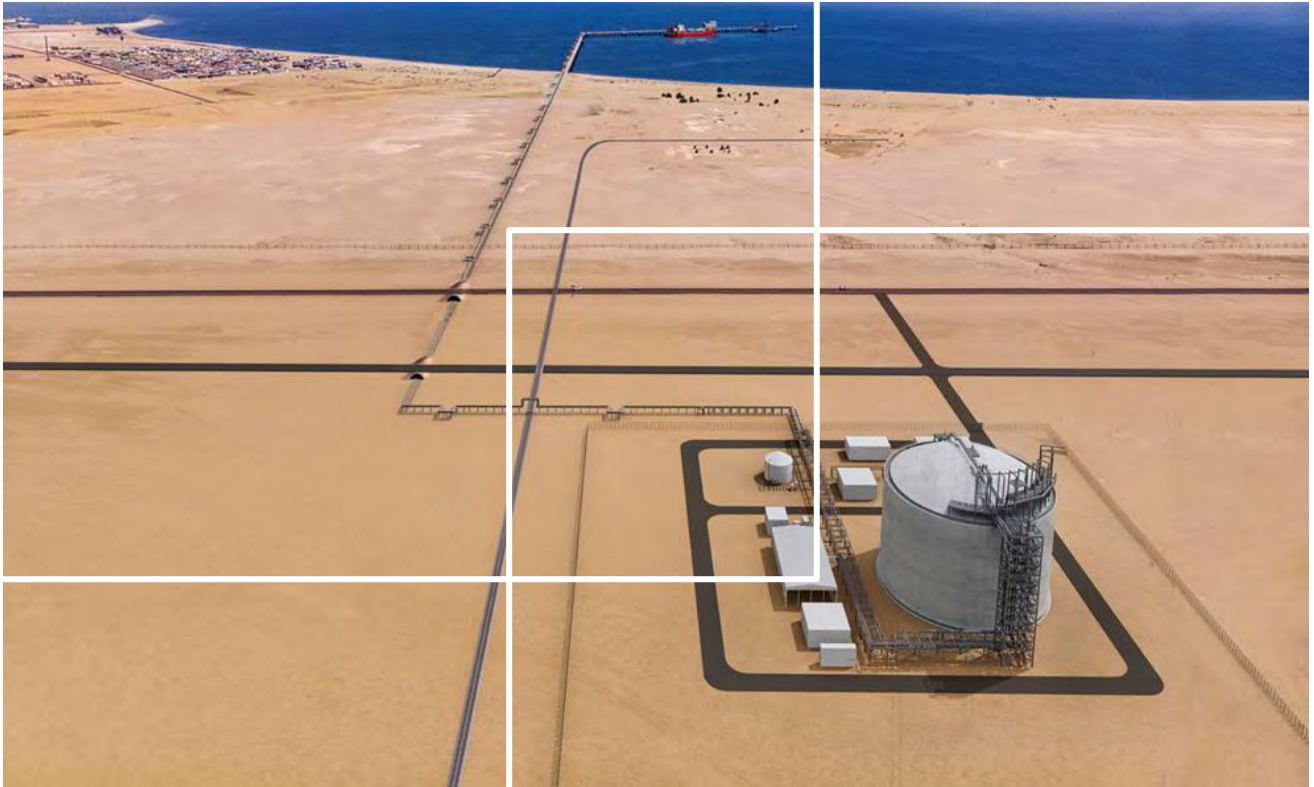




Submitted to: CMB.TECH Namibia (Pty) Ltd
Attention: Ms Liesbeth Verhaert
P.O Box 81588
Olympia
Windhoek, Namibia

ADDENDUM REPORT:

I&AP COMMENTS AND RESPONSES ON THE ESIA OF THE PROPOSED CONSTRUCTION OF THE AMMONIA TERMINAL, WALVIS BAY PORT AREA, ERONGO REGION, NAMIBIA

PROJECT NUMBER: ECC-145-453-REP-14-D

REPORT VERSION: REV 02

DATE: 12 DECEMBER 2024



TITLE AND APPROVAL PAGE

Project Name: I&AP comments and responses on the ESIA of the proposed
construction of the ammonia terminal, Walvis Bay port area,
Erongo Region, Namibia

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Status of Report: Final for Government Submission

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Date of issue: 12 December 2024

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ABBREVIATIONS

Abbreviation	Description
DEA	Department of Environmental Affairs
EAP	environmental assessment practitioner
ECB	electricity control board
ECC	Environmental Compliance Consultancy (Pty) Ltd
EMA	Environmental Management Act No.7 of 2007
ESIA	environmental and social impact assessment
ESMP	Environmental and social management plan
I&APs	interested and affected parties
JWBRA	Joint Walvis Bay Resident Association
LAC	Legal Assistance Centre

1 INTRODUCTION

1.1 PURPOSE OF THE COMMENTS CONSOLIDATED REPORT

This document, compiled after the designated review period, presents the comments received from the public and registered interested and affected parties (I&APs) regarding the draft environmental and social impact (ESIA) assessment report for the proposed ammonia terminal construction at Walvis Bay port area, Erongo Region, Namibia.

The draft ESIA was completed for the Project and undertaken in accordance with the requirements of the Environmental Management Act, 2007 (Act No. 7 of 2007) and the Environmental Impact Assessment Regulation, 2007 (No. 30 of 2011) gazetted under the Environmental Management Act (EMA), 2007 (Act No. 7 of 2007).

Environmental Compliance Consultancy (ECC) Pty Ltd, the appointed environmental assessment practitioner (EAP) for the project, prepared the relevant reports. The scoping report was available for public and registered I&AP review from June 10th to June 24th, 2024, the final scoping report was then submitted to DEA on the 20th of September 2024. Upon completion of the scoping phase the assessment phase commenced, the draft ESIA report was available for public and registered I&APs review from 2nd to 9th December 2024.

This document consolidates all comments received during the public review period for the assessment phase and presents the responses from ECC and the Proponent.

2 SUMMARY OF COMMENTS FROM I&APS

2.1 INTRODUCTION

In accordance with the Regulations of the EMA 2007, on 10 June 2024 the draft scoping report and was circulated to registered interested and affected parties (I&APs) and identified key stakeholders. The comments and responses relating to the scoping report were submitted as an addendum report with the final scoping report.

The draft ESIA was circulated similarly on 02 December 2024. A Walvis Bay resident sent a short supportive comment, and a separate letter (Appendix A) was submitted to ECC by a representative of the Legal Assistance Centre (LAC). These comments were captured in the “Comments and Responses” table that are presented in Table 1.

3 DRAFT ESIA – COMMENTS AND RESPONSES

Table 1 - Comments and feedback from the draft ESIA an ESMP during the public review period

Stakeholder name and method through which feedback was received	Comments/Questions Received	Response/Clarification
Mr. Thinus Lombard Walvis Bay resident – Received via email	– You have my full support as long as the correct procedures are followed and the necessary certificates obtained.	The Proponent intends to uphold the highest environmental and social health and safety standards and is appreciative of the support received from the public.
Ms Corinna van Wyk Legal Assistance Centre – Letter received via email	As the only human rights organization in Namibia undertaking to address concerns of environmental, human and sustainable development and as interested and affected party, we hereby offer some comments and concerns relating to the draft documents as provided on 2 December 2024. – At first glance, the LAC notes with grave concern that the opportunity to submit comments is strictly within the statutory period prescribed by Regulation 23 of the Environmental Management Act, 2007, and not within the 14 days period which has become customary.	We (ECC) acknowledge your concern; however, as the environmental assessment practitioner carrying out the environmental and social impact assessment, we are bound to the environmental impact assessment regulations as prescribed in the Environmental Management Act, 2007. Should an I&AP have required more time for their review we would have afforded this time to them. Any further comments can be submitted directly to the Environmental Commissioner at the Department of Environmental Affairs; Ministry of Environment, Forestry and Tourism.

Stakeholder name and method through which feedback was received	Comments/Questions Received	Response/Clarification
	- The proposed activity has not been previously undertaken in Namibia and raises potentially serious environmental and health concerns. The documents are of a technical nature and may require the services of an expert in environmental matters on hydrogen to enable I&APs to make informed decisions regarding the comments to be submitted. The timing at which the documents have been released to the public is not ideal. It is unclear whether the final report will still be uploaded this year or early next year.	As part of the ESIA process, a quantitative risk analysis (Appendix I of the ESIA) was conducted by Antea Group, who is an international and environmental consulting firm specialising in full-service solutions in the field of environment, health and safety, and sustainability. Additionally, the reports will be submitted to the competent authority, MME as well as MEFT to review the documents and provide an informed record of decision. The final submissions will be made before the end of 2024. Any additional comments or concerns regarding the Proposed Project can be submitted to the DEA's office following final submission.
	- LAC consequently demand, in the absence of a statutory requirement on you to do so, to inform us in writing once the final report has been uploaded on the DEA's website, to enable the LAC to meaningfully engage in the consultation process, which as you are aware has to be procedurally fair.	Well noted. ECC fully intends to provide a notification of the final submission of the ESIA and associated appendices to all registered and identified interested and affected parties and will make all documents available on ECC's website: https://eccenvironmental.com/

Stakeholder name and method through which feedback was received	Comments/Questions Received	Response/Clarification
	The LAC should, if it is able to do so, consult with impacted communities in the interim. Should it emerge that communities are aggrieved by the proposed activity the LAC may then again consider what further actions are warranted as the circumstances dictate.	This comment is well received and noted. ECC has had an extensive public consultation period throughout the year which included various public engagements in Walvis Bay, Swakopmund and Arandis. Public participation continues to be a fundamental aspect of the ESIA process. We encourage you to view our public consultation register as per Appendix B of the report (https://eccenvironmental.com/download/the-proposed-construction-of-an-ammonia-terminal-at-the-walvis-bay-port-area-erongo-region-namibia/)
	Secondly, some major deficiencies noticed in the ammonia terminal ESMP document include the following: - There are no details that would allow stakeholders to evaluate if sufficient budget and staff allocations are being made to carry out the plan effectively. - The plan says (p.28) that it will “Investigate the idea of employing an Environmental Officer during the construction phase(s) to ensure compliance and minimise the overall impact on the flora and the environment.” This does not provide any assurance that the role will be filled by a	This comment is noted. The language will be revised where applicable. Budget allocations for employee roles are generally not included in the ESMP, however a note will be added to the ESMP ensuring that the proponent does make budgetary provision for this.

Stakeholder name and method through which feedback was received	Comments/Questions Received	Response/Clarification
	qualified individual, nor that budget allocations will be made to ensure compliance and minimal impact. – Similarly, many management commitments use weak noncommittal language like “can”, “should”, and “consider” as opposed to words like “will”, “shall”, and “must”. Some additional examples of this type of noncommittal commitments include: ○ Consider immediate adoption of Drones that are battery powered or fuelled by hydrogen fuel cells for aerial inspection” (p.34) ○ Spill kits should be available” (p.18)	
	– There is an extreme lack of detail in the ESMP with respect to how monitoring or mitigation will take place. ESIA’s typically must include sufficiently detailed plans that a reader could carry out the plan with respect to each mitigation action as well as the sampling and monitoring that will take place. For example, tables 4, 5, and 6 vaguely list some of the key issues and then list the Monitoring Requirements for each section as short, vague bullet points such as: – “Daily visual inspections	The mitigation measures table included for every Project phase in the ESMP has a section called “management commitments” which provides guidelines and mitigation measures to be followed for every Project activity. Monitoring requirements are included to ensure compliance to mitigation measures and provide guidelines on how often these inspections are done. Furthermore, the ESMP includes the responsible party to be held accountable. Where applicable and as recommended by specialists’, record details required are included, i.e., noise.

Stakeholder name and method through which feedback was received	Comments/Questions Received	Response/Clarification
	– Weekly checks on rehabilitation plants – Monthly monitoring and awareness” This provides no information about what visual inspections will assess or how they would be documented. And there is no additional descriptive text that accompanies the tables– the tables provide a high-level list of issues and that is all. One would expect to not only have detailed information regarding the inspection protocols, for example, but also an annex of the inspection report template that the project proponents plan to use and complete daily.	During the Project activities, The Proponent is required to submit bi-annual monitoring and mitigation reports whereby evidence of compliance to the ESMP is expected to be submitted to MEFT.
	– Mitigation measures imply that sensitive plants and animals will be relocated, but there is no detail regarding how, by whom (trained professionals?), or what measures will be taken to ensure that relocation is successful. For example, the ESMP mentions weekly checks on moved plants, but does not discuss care or watering regimes that would be necessary to ensure they have the best chance of re-establishing in the new location. Many relocation efforts fail, and the plants die due to lack of appropriate relocation site selection, poor handling during the process, and insufficient care	Although sections on flora was included in the ESMP as a precautionary measure. The ESIA has identified flora to be a non-significant impact as the biodiversity assessment has identified that the Project area is barren with limited vegetation on the site. Additionally, it was advised that an environmental officer be employed to ensure proper relocation and compliance with the ESMP. The ESMP is the overarching tool and there will be many site specific standard operating procedures that includes the finer

Stakeholder name and method through which feedback was received	Comments/Questions Received	Response/Clarification
	provided after relocation to enable the plants to survive and take root in the new location.	details such as who, when and how and this is part of any good environmental management system.
	The ESMP mentions that the project manager has a responsibility to “Report any non-compliance or accidents to the regulatory authority” but does not provide any detail on which authorities are the relevant ones for the most likely types of non-compliance and accidents.	Well noted. The regulatory authorities of potential accidents will be included in the final ESMP.

4 ACKNOWLEDGEMENTS

Through the ESIA process, the Proponent and ECC have endeavoured to provide a platform to hear and address all relevant comments put forward by I&APs. ECC would like to thank the I&APs and stakeholders for providing feedback during the scoping phase of the ESIA process. We acknowledge and appreciate the time required to review these documents and ECC genuinely appreciate the input provided by I&APs. The valuable feedback received during the ESIA process will ensure a robust impact assessment is submitted to the relevant authorities for a record of decision to be made. ECC acknowledges that constructive feedback results in an improved ESIA and a project that is understood by the community and I&APs.

APPENDIX A - LETTER RECEIVED FROM MS. CORINNA VAN WYK (LAC) ON THE 9TH OF DECEMBER 2024

P O Box 604
4 Marien Ngouabi Street
Windhoek
Namibia



LEGAL ASSISTANCE CENTRE

Recipient of the UNICEF Maurice Pate Human Rights Award – 1997

Toni Hancox (Director)
Corinna van Wyk
Chloe Brandt
Nambili Shipena

9 December 2024

Our Ref: GH_CleanergyAmmoniaTerminal_Walvis Bay_cww

P O Box 91193

Klein Windhoek, Namibia

BY EMAIL

info@eccenvironmental.com

Dear Sir / Madam

**Re: Proposed Construction of Ammonia Terminal at the Walvis Bay Port area, Erongo
Region, Namibia – Comments and Concerns**

The above subject matter and your call for comments as interested and affected party received
on 2 December 2024 refers.

Thank you for this opportunity to provide comments.

As the only human rights organization in Namibia undertaking to address concerns of
environmental, human and sustainable development and as interested and affected party, we
hereby offer some comments and concerns relating to the draft documents as provided on 2
December 2024.

1. At first glance, the LAC notes with grave concern that the opportunity to submit comments
is strictly within the statutory period prescribed by Regulation 23 of the Environmental
Management Act, 2007, and not within the 14 days period which has become customary.

Trustees of the Legal Assistance Trust:

Clement Daniels (Chairperson)	Norman Tjombe	Taamba Iithete
Toni Hancox (ex officio)	Gladice Pickering	

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2. The proposed activity has not been previously undertaken in Namibia and raises potentially serious environmental and health concerns. The documents are of a technical nature, and may require the services of an expert in environmental matters on hydrogen to enable I&APs to make informed decisions regarding the comments to be submitted. The timing at which the documents have been released to the public is not ideal. It is unclear whether the final report will still be uploaded this year or early next year.
3. LAC consequently demand, in the absence of a statutory requirement on you to do so, to inform us in writing once the final report has been uploaded on the DEA's website, to enable the LAC to meaningfully engage in the consultation process, which as you are aware has to be procedurally fair.
4. The LAC should, if it is able to do so, consult with impacted communities in the interim. Should it emerge that communities are aggrieved by the proposed activity the LAC may then again consider what further actions are warranted as the circumstances dictate.
5. Secondly, some major deficiencies noticed in the ammonia terminal ESMP document include the following:
 - 5.1 There are no details that would allow stakeholders to evaluate if sufficient budget and staff allocations are being made to carry out the plan effectively.
 - 5.2 The plan says (p.28) that it will ***“Investigate the idea of employing an Environmental Officer during the construction phase(s) to ensure compliance and minimise the overall impact on the flora and the environment.”*** This does not provide any assurance that the role will be filled by a qualified individual, nor that budget allocations will be made to ensure compliance and minimal impact.
 - 5.3 Similarly, many management commitments use weak noncommittal language like “can”, “should”, and “consider” as opposed to words like “will”, “shall”, and “must”. Some additional examples of this type of noncommittal commitments include:

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Nambili Shipena

- 5.4 "Consider immediate adoption of Drones that are battery powered or fuelled by hydrogen fuel cells for aerial inspection" (p.34)
- 5.5 "Spill kits should be available" (p.18)

6. There is an extreme lack of detail in the ESMP with respect to how monitoring or mitigation will take place. ESIs typically must include sufficiently detailed plans that a reader could carry out the plan with respect to each mitigation action as well as the sampling and monitoring that will take place. For example, tables 4, 5, and 6 vaguely list some of the key issues and then list the Monitoring Requirements for each section as short, vague bullet points such as:

- "-Daily visual inspections*
- Weekly checks on rehabilitation plants*
- Monthly monitoring and awareness"*

This provides no information about what visual inspections will assess or how they would be documented. And there is no additional descriptive text that accompanies the tables—the tables provide a high-level list of issues and that is all. One would expect to not only have detailed information regarding the inspection protocols, for example, but also an annex of the inspection report template that the project proponents plan to use and complete daily.

7. Mitigation measures imply that sensitive plants and animals will be relocated, but there is no detail regarding how, by whom (trained professionals?), or what measures will be taken to ensure that relocation is successful. For example, the ESMP mentions weekly checks on moved plants, but does not discuss care or watering regimes that would be necessary to ensure they have the best chance of re-establishing in the new location. Many relocation efforts fail and the plants die due to lack of appropriate relocation site selection, poor

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handling during the process, and insufficient care provided after relocation to enable the plants to survive and take root in the new location.

8. The ESMP mentions that the project manager has a responsibility to "Report any non-compliance or accidents to the regulatory authority", but does not provide any detail on which authorities are the relevant ones for the most likely types of non-compliance and accidents.

We hope the above is accepted and considered thoroughly before moving ahead with the project. We recommend a comprehensive review and additional studies to assess the potential impacts, which will ensure the protection of our environment and communities.

Thank you for considering these submissions.

Sincerely,

Corinna van Wyk
Project Coordinator | Legal Practitioner
Land Environment and Development (LEAD) Project
Legal Assistance Centre

Trustees of the Legal Assistance Trust:

Clement Daniels (Chairperson)	Norman Tjombé	Taamba Iithete
Toni Hancox (ex officio)	Gladice Pickering	