



groundWork

Environmental justice action

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29 September 2020

Your Ref: PASA: 12/3/350 ER
Our Ref: gW-RHIN-350

RECIPIENTS:

SLR Consulting (South Africa) (Pty) Ltd
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For the attention of: Matthew Hemming

By email: 7201803400016@slrconsulting.com; mhemming@slrconsulting.com

Copied to:

Ms L Mekwe General Manager - regulation

By email: plu@petroleumagencysa.com

RE: COMMENTS AND REQUEST FOR RHINO OIL AND GAS EXPLORATION SOUTH AFRICA TO WITHDRAW THEIR APPLICATION FOR AN EXPLORATION RIGHT FOR PETROLEUM (350 ER)

1. groundWork requests that Rhino Oil and Gas South Africa (Pty) Limited withdraw its Application for an Exploration Right for Petroleum in terms of Section 79 of the Minerals and Petroleum Resources Development Act, 2002 (No. 28 of 2002) (MPRDA) (Ref 12/3/350 ER) for the petroleum minerals oil, gas, condensate, coal bed methane, helium and biogenic gas. It is noted that **the sole purpose of holding such a right is to identify viable petroleum resource areas with the intention to extract these resources which will include extraction methods such as fracking and/or drilling.** Exploration/Prospecting for identifying the potential petroleum resources with the intention to extract through fracking and/or drilling is inappropriate, unwanted, not needed and undesired in promoting development that is socially, economically and environmentally sustainable. It has no purpose but profit and will violate people's physical, psychological, developmental, cultural and social rights and destroy the environment in which they live. The high number of objections received from interested and affected parties is proof thereof.

Trustees: Faried Esack, Joy Kistnasamy, Judy Bell, Patrick Kulati, Richard Lyster, Mawande Mazibuko



2. In terms of Appendix 2 to the EIA regulations of the National Environmental Management Act (Act No. 107 of 1998):

1. *The objective of the scoping process is to, through a consultative process—*
 - (a) *identify the relevant policies and legislation relevant to the activity;*
 - (b) *motivate the need and desirability of the proposed activity, including the need and desirability of the activity in the context of the preferred location;*

We note the following:

- 2.1. There is no need and desirability for petroleum exploration with the intention to extract through fracking and/or drilling, within South Africa and particularly within the water factories and fertile lands that protect our biodiversity and food security. The Scoping report cannot in not in any way justify the need for gas as a source of energy to be obtained through threatening people's water and food security, as well as biodiversity that form part of intricate ecosystems that sustain life and ensure our ability to survive.
- 2.2. The application fails to take into consideration the broader context of global temperature increases associated with increased fossil fuels development.
- 2.3. Section 4.2.8 of the Scoping document falsely alludes to the Paris Agreement being in support of gas as a bridging fuel. This is not stated anywhere in the Paris Agreement and is misleading the public into believing that gas is in anyway better, 'cleaner' or less emitting than coal. The increase in petroleum development will in fact increase greenhouse gas emissions which is contradictory to achieving emissions reductions.
- 2.4. The appropriateness of this application is questionable as it does not fit into the mid- to long- term energy and climate change strategy of the country. The proposed project is misaligned/out of place from the strategic context of development within a low carbon economy and in building climate resilience as part of broader societal needs and as part of regional and local planning. The presidency is committed to the just transition to a low carbon economy and climate resilient society.
- 2.5. Climate resilient societies need to protect their water resources, carbon sinks, soil, biodiversity, ensure food security and find sustainable and climate friendly energy sources to ensure their ability to weather the impacts of climate change.
- 2.6. Petroleum exploration conducted with the intention to extract through fracking and/or drilling that will require vast quantities of water averaging 20 million litres of water per drill well with about 20 wells per square kilometre and therefore the need to identify vast quantities of water is an important consideration of exploration that is deliberately kept out of this Scoping Report.
- 2.7. Energy may be obtained through alternative and more sustainable means.
- 2.8. There is therefore no need or desirability to invite petroleum exploration with the intention to extract through fracking and/or drilling. And there is therefore no need for the exploration right or finance to allow/enable/engage in an unneeded and undesirable activity.



3. It is noted that scoping document does not identify suitable alternatives to petroleum exploration and extraction that are compatible with a credible response to climate change and more sustainable.
4. Furthermore, the scoping document does not fully explore the no-go alternative in the context of petroleum exploration with the intention to extract with fracking and/or drilling.
5. We note that the public notification and public participation process leading up to the Scoping Phase to be flawed, unfair, unjust and contrary to the constitutional principles of openness, fairness, inclusiveness, accountability and transparency. It is noted that **not all land users, community land dwellers and landowners were notified within the affected area.**
6. Furthermore:
 - 6.1. We are aware that Annexure 3 to the Directions Regarding Measures to Address, Prevent and Combat the Spread of COVID-19 Relating to National Environmental Management Permits and Licences published by the Department of Environment, Forestry and Fisheries in terms of the Disaster Management Act mandates that you prepare and submit a written public participation plan containing proposals on how the identification of and consultation with all potential I&APs will be ensured in accordance with regulation 41(2)(a) to (d) of the EIA Regulations or proposed alternative reasonable methods as provided for in regulation 41(2)(e) of the EIA Regulations.
 - 6.2. We understand that SLR has not made provision for the use of radio advertisements, for distribution of notices at places that are accessible to potential I&APs, or for contacting community representatives as outlined in the Directives
 - 6.3. In addition, the Directions state that applicants, environmental assessment practitioners, specialists and professionals, where relevant, must ensure that all reasonable measures are taken to identify potential I&APs for purposes of conducting public participation on the application and to ensure that, as far as is reasonably possible, taking into account the specific aspects of the application:
 - (a) information containing all relevant facts in respect of the application or proposed application is made available to potential I&APs; and
 - (b) participation by potential or registered I&APs has been facilitated in such a manner that all potential or registered I&APs are provided with a reasonable opportunity to comment on the application or proposed application.
7. We are of the view that these steps mandated in the NEMA and the Directions have not been followed by SLR. Public participation should allow for adequate and meaningful consultation with sufficient time and process to engage with the affected people in order for the process to be inclusive, transparent, just and fair. We therefore request:



- 7.1. That the Public Participation Plan is reviewed and updated per NEMA and Annexure 3 of the Directions, outlining your plans to consult with all potentially impacted communities as referred to in 2. above. Any Petroleum Exploration activity with the intention to extract through fracking and drilling will result in adverse impacts on the environment and people's lives and the assessment should therefore allow fair time and process with all potentially impacted I&APs.
- 7.2. An updated comprehensive I&AP list and methods of notification to be made transparent and available that includes all community land dwellers, land users and landowners within the affected areas. Thus far only a fraction of the landowners have been notified and **none** of the community land dwellers and land users.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Avena Jacklin'.

groundWork
Avena Jacklin
Climate and Energy Justice Campaign Manager