



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

APPEAL QUESTIONNAIRE

An electronic copy of this questionnaire may be obtained from:

Mr Z Hassam at telephone: 012 399 9356 or e-mail:

AppealsDirectorate@environment.gov.za

Once completed, this document must be forwarded to:

E-mail: AppealsDirectorate@environment.gov.za

And please copy to:

The Petroleum Agency SA, The Chief Executive Officer

Email: plu@petroleumagencyrsa.com

Department of Mineral Resources, Legal Services Directorate

No email address given for this, so use this one :

Email: Abraham.nieman@dmr.gov.za

Appellant's contact information:

Name:	The GroundWork Trust OBO Rural Network
Address:	6 raven Street, Pietermaritzburg, 3200
Phone:	033-342 5662
Cell:	072-923 1942
Email:	samuel@groundwork.org.za
Project information: Exploration Right Application for Petroleum Products	

Project name	Rhino Oil and Gas: Exploration Right Application for Petroleum Products on Various Farms in the Free State Province.
Authorisation register number as on environmental authorisation	12/3/317 ER
Authorisation date as on environmental authorisation	2 nd October, 2017

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- *To assist in this regard, the following questions are listed as a guideline only – more space may be used if necessary:*

1. Are you lodging this appeal as an individual or on behalf of a community/organisation? ³

Individual	Community/ organisation X
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If on behalf of a community or organisation, please provide proof of mandate to do so.

Since June 2017, we as The Groundwork Trust (groundWork) and the Church Land Programme (CLP) have been in consultation with farm-dweller and labour tenant communities in the farmlands of Northern KwaZulu-Natal around the towns of Utrecht, Newcastle, Danhausser, Dundee and Vryheid. During each of the many meetings and discussions we have had with these communities, it became apparent that these communities comprised of the groupings mentioned above, included land restitution applicants who had not been consulted and did not have any prior knowledge of this application. We were therefore, after each meeting, given the mandate to represent these communities in this matter and we have as part of this Document signatures of the community representatives as selected by the respective communities. We have also attached to this application the signatures of affected persons from these respective communities.

2. Is your appeal based on factors associated with the process that was followed by the applicant in obtaining authorisation?

Yes	X	No	
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Please provide reasons:

Based on our interaction with these affected communities it has become apparent that the whole EIA process prejudiced them by the fact that they were not effectively consulted and informed on the true nature of this development. In fact, they were not even given an opportunity to register as interested and affected parties – hence our representing them in this appeal. The applicant of this development through the appointed EIA practitioner did not take adequate measures to ensure that all I&As are contacted; by this we mean, while some of the land owners (farmers) were contacted no deliberate effort was made by the applicant to effectively engage with farm dwellers and labour tenants. By virtue of them not being land owners now, the applicant did not see it fit to address their concerns and needs effectively.

We attended three of the five public participation meetings held for this application and in all incidences the affected communities were opposed to this development to an extent that two of these meetings were actually disrupted by the community people. A lot of the communities' concerns which included the potential impacts of Fracking on their water, farming livelihoods and health, were left out of the final report submitted to PASA thus raising a lot of ethical issues on the validity of the final report submitted for approval.

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Please provide reasons:

- While the present project is restricted to aerial surveys, it is intended to pave the way for increasingly invasive exploratory activities if any potential for unconventional gas is confirmed, we want to submit that the precautionary principle has not been applied here in that this phase of the development will pave the way for further explorative activities should sufficient reserves of unconventional gas be found in the earmarked region. Exploration may lead to extraction and so impacts have to be assessed up front. Not only are subsequent phases of the development invasive and an environmental threat in themselves, they will pave the way for the actual extraction of unconventional gas which we are opposed to on behalf of the respective communities hereby represented. we would also like to emphasise that slicing up the project into discrete activities is a tactic to obscure environmental and social impacts. Throughout the world there is growing evidence of short and long term negative impacts caused by the unconventional gas industry. Germany, Ireland, France, Canada and Bulgaria have banned the unconventional gas industry and Scotland has just announced they are indefinitely extending the moratorium on hydraulic fracturing for unconventional gas.
- In the case of South Africa, a recent Eastern Cape High Court ruling retrospectively set aside the 2015 decision by the Minister of Mineral Resources to enact regulations for petroleum exploration and production (fracking regulations). These Fracking regulations that have been set aside *retrospectively*, which have been in place since 2015 were the regulatory basis for the granting of unconventional gas exploration and production rights in South Africa. By virtue of this, we are vehemently opposed to this authorisation and we request that this application be put aside.

4. Would you agree to the activity proceeding if your concerns can be addressed by rectifying the process or mitigating or eliminating the impacts of the activity?

Yes	<input type="checkbox"/>	No	X
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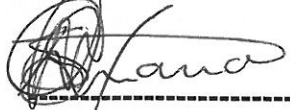
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I declare that the contents of this submission are to the best of my knowledge the truth and I regard this declaration as binding on my conscience.

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T N MTHEHLA Thola Kele nokuthula mthehla

Rural Network

 SAMUEL CHABEMAZA

groundWork

DATE: 19-10-17

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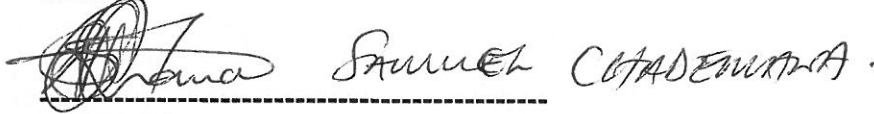
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SEIJN



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Yes	<input type="checkbox"/>	No	X
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Yes	X	No	<input type="checkbox"/>
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JJ Mdebe Hadebe

BOTHASPASS COMMUNITY

Samuel CHADENWA

groundWork

DATE: 19-10-17

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environmental affairs

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Email: Abraham.nieman@dmr.gov.za

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Name:	The GroundWork Trust OBO Siyanqoba Rural Transformation Forum
Address:	6 raven Street, Pietermaritzburg, 3200
Phone:	033-342 5662
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Yes	X	No	
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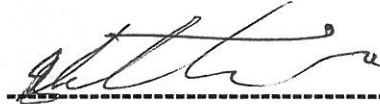
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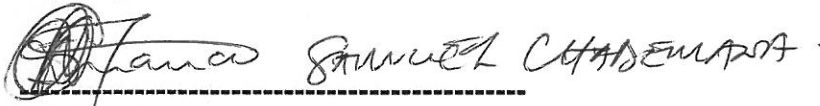
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Siyanqoba



groundWork

WITNESS



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Address:	6 raven Street, Pietermaritzburg, 3200
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7

8. **DECLARATION:**

I declare that the contents of this submission are to the best of my knowledge the truth and I regard this declaration as binding on my conscience.

APPELLANT

 (SHEMBISO MAHLABA) 

LPM

 STANLEY CHADENANA

groundWork

DATE: 19-10-17

Resources used for research for this letter

×In November 2016, South Africa's Council for Scientific and Industrial Research (CSIR) published a detailed report <https://seasgd.csir.co.za/scientific-assessment-chapters/> on fracking: the report is a technical analysis for the Department of Environmental Affairs' Strategic Environmental Assessment on fracking. The CSIR studied the scientific, economic and environmental impacts of fracking.

The CSIR report clearly shows that the number of potential jobs from fracking is limited. Furthermore, only 10% to 35% of jobs from fracking will be filled by local people, and those jobs will be low-skilled.

Three primary fears exist about the destruction of jobs, as expressed by local activists and organisations: 1) Farmers will sell their land and move elsewhere. Farmworkers, who are unable to move like farm owners, will then lose their jobs and there will be negative knock-on effects on households and communities. 2) Water pollution will cause a decline in agricultural activity and may reduce the "Karoo Lamb" brand. 3) Land prices, pushed upwards from the development of fracking, will bar emerging farmers from entering the agricultural sector.

Physicians for Social Responsibility

National Resources Defence Council (NRDC)

Department of Mineral Resources. Report of Investigation of Hydraulic Fracturing in the Karoo Basin of South Africa

Sustainable Development 02/2017. R. Luxemburg Stiftung Southern Africa

AgriSA G. Smith. Fracking and Water: Is there enough to go around

Karoo Shale Gas Strategic Environmental Assessment

Shale Gas: A Review of the Economic, Environmental and Social Sustainability. 2016. J. Cooper, L. Stamford & A. Azapagic.