

## RESPONSE TO DRAFT EI REPORT FOR RHINO EXPLORATION APPLICATION 295ER, AUGUST 2016

Submitted on behalf of the UMZIMVUBU CATCHMENT PARTNERSHIP PROGRAMME (UCPP)  
11 September 2016

### Context for objection:

We hereby provide, without prejudice, our response as a collective of interested and affected parties living and working in the Matatiele area for which application to explore has been submitted. We also attached a petition signed by over 500 local residents and school children to this effect.

**We strongly object to the application**, albeit it in a revised form: our objections are based on both **need & desirability**, as well as **cumulative impacts**, and **we support the no-go alternative** mentioned in item 6.4 of the Executive summary.

We believe that both our Constitution and the National Environmental Management Act make provision for our concerns to be not just heard, but taken seriously, based on the spirit of good governance and the right to a healthy environment for all citizens.

**We also make reference to our previous submissions made during the scoping phase**, upon which this submission is based.

We make this submission based on the content of the draft EIR executive summary, and information provided at a public reporting session held on 24 August 2016 in Matatiele. Due to the immense size of the report ( a full lever arch file), and the limited capacity of most of us to properly assess, digest or comment effectively on the technical nature of this report, we consider this to be a strategic prejudice to our effective participation as directly affected parties.

We understand that the exploration activities have been reduced to remote and aerial-based techniques, including full tensor gradiometry gravity survey (which no-one here fully understands and is understandably therefore suspicious of), and that no core drilling or seismic exploration are proposed as part of this application. While we appreciate this, we still maintain that the **exploration should be withdrawn as there is no suitable manner in which any below ground resources can be safely exploited in a water catchment area such as the upper Umzimvubu. The risks remain too high, based on retrospective evidence emerging from the Marcellus shale belt in the USA, as well as the risks of sound groundwater governance capacity in our own country.**

As mentioned in our response to the Scoping report, we also maintain that it is unfair and prejudiced upon us as affected people, whose very lives and livelihoods depend upon the land and its resources which the applicant intends to explore and exploit, to have to wade through, understand and comment on such a dense and complex report, **in our spare time**, and we reserve the right to submit further comment as the need arises. SLR Consulting may be paid for their time to compile this report, but we as affected people are already being negatively impacted upon through having to give up productive time to reading this voluminous and complicated report in the time permitted within the public consultation timeframe.

### Need & desirability:

The application needs to be seen in the wider context of national energy, environmental and climate change mitigation plans. Rhino is only including limited convenient context to justify its needs.

**Desirability is frankly questioned here:** The draft Integrated Energy Plan, Renewable Energy White Paper and Roadmap, numerous COP agreements, National Climate change response, Green Economy strategy etc all refer here.

Coal bed-sourced methane (NH4) is indicated as a far more problematic greenhouse gas than CO2 (Bill McKibben, *Global Possibilities*, 25 March 2016). In the light of South Africa's commitment to reducing carbon emissions, **is the pursuit of unconventional gas extraction a prudent strategy?** In the spirit of NEMA, this brings the need and desirability of the proposed activity starkly into question. **We request a full motivation with costings in the EIA phase of why the pursuit of fossil fuels (shale gas and coal bed methane) is more feasible and sustainable over renewable energy sources**, with the costing including long term socio-economic and ecological elements.

**We frankly question who this application is desirable for**, and for how long: an offshore based company? Related state interests? Or the people of South Africa who must bear the consequences of damaged groundwater and related health impacts in production areas?

The Bill on Preservation and Development of Agricultural Land proposes that it will prevail over any other national acts where valuable range and agricultural land exists (section 4.1 (a) and (c), and that when another organ of state makes a decision regarding agricultural land, of which most of the ER295 exists, it must have regard to conditions made under this Act (section 31 (1), obviously when the Bill is enacted. The primary land use in the target area is for subsistence and emerging commercial agriculture, and we maintain that this **exploration application is in direct conflict with this current agricultural land use**.

### **Cumulative impacts:**

The scoping and draft EIR note that "hydraulic fracturing could be one of the potential techniques for gas production".

This is acknowledged, and as such the queries posed by IAPs regarding *fracking* as an ultimate impact or eventual outcome of the exploration phase **must be taken seriously and not brushed off as irrelevant issues for the exploration phase assessment**. The risks posed by cumulative impacts **MUST** be considered, and not fobbed off for the next phase of EIA related to prospecting or production. Any area which would pose constraints to production through unconventional extraction should be excluded from exploration. These constraints must include at minimum the elements of biodiversity, water, legal, socio-economic and health concerns.

The upper Umzimvubu landscape in the target area consists of valuable ecological infrastructure and agricultural land, providing water, grazing, livelihoods, cultural and recreational resources for thousands of often vulnerable people who have no other livelihood opportunities. It is an important area of resilience to climate change unknowns, and tampering with both surface and below ground ecological architecture will compromise its ability to buffer the rest of the catchment against such unknowns.

We have grave concerns that should any potential resources be identified during aerial survey, that no legislation will prevent our sadly corrupt and frankly untrustworthy legal system from protecting our rights, and on these grounds that **NO EXPLORATION SHOULD OCCUR**.

We submit that the state should be **exploring alternative bundles of energy options**, including renewables and the phasing out of oil and gas based products, to meet its national demand, reducing the huge reliance on fossil fuels and imports, and developing the local economic sector which can be grown through production and development of these cleaner renewable options and opportunities.

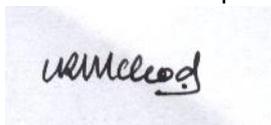
**In summary, we object to the application to explore, on the grounds of its complete undesirability and incompatibility with this landscape, and through the extreme prejudice to and disrespect for the inhabitants of the Matatiele area, their livelihoods and their way of life.**

**We request that the application be withdrawn as a no-go activity, with no satisfactory justification for its need or desirability, as it places an unmitigatable risk upon the integrity of the ecological resources and livelihoods dependent upon the of the upper Umzimvubu catchment which constitutes the Matatiele area.**

Yours in good faith, and in the interests of protecting what we cannot afford to lose.



Sinegugu Zukulu  
Chairperson



Nicky McLeod  
Secretary

*On behalf of the UCPP membership, signed onto the MoU since May 2013*