

RESPONSE TO SCOPING REPORT FOR RHINO EXPLORATION APPLICATION 295ER, MARCH 2016

Submitted by the UMZIMVUBU CATCHMENT PARTNERSHIP PROGRAMME (UCPP)

11 April 2016

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. Due to the immense size of the scoping report (over 200 pages of small technical script), and the limited capacity of most of us to properly assess, digest or comment effectively on this report, we make this submission based mainly on the content of the executive summary, with reference to the specific items in the main report body. The mere volume of this report is a strategic prejudice to our effective participation as affected parties.

We also submit 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 interests of protecting what we cannot afford to lose.

COMMENTS ON SCOPING REPORT, AS PER EXECUTIVE SUMMARY LAYOUT

1. Introduction

Page i, first paragraph:

Coal bed-sourced methane (NH₄) (page i of executive summary) 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.

Second para: 'Non-invasive' techniques are questioned here: vibroseis-truck based seismic testing is disruptive to soil and aquatic biota. Explosive-shot surveys according to the process description provided on page 2-21 of the scoping report, require 'drilling of shallow holes between 5 and 30m deep, which are filled with explosive charge designed to propagate into the earth. If a blast crater is made this is filled up immediately'. This technique is clearly invasive, with high risk of creating 30m deep (and no indication of how wide) blast craters. **We strongly object to this process being undertaken** in any areas defined as a CBA, NFEPA, sensitive area in the District EMF, wetland or riparian buffer, within 1km of a supply borehole or residential area, within any grazing area, or anywhere within the entire viewshed of the Mehlooding trail or Ongeluknek nature reserve.

2. Project description

Page iii, first para: exclude residential use areas – villages must be delineated out. What buffer is provided for this?

Page iv, second para: S48 of the MRPDA requires exclusion of all areas zoned for protected areas as well all properties zoned for urban / residential use. **Should rural villages be excluded from this protection because they don't fall under a town planning scheme?** We request clarity here on how SPLUMA is affected by, or affects, this issue.

3. Hydraulic Fracturing or not?

Page iv, penultimate para: "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.

4. Legal framework

Page v, second para:

This is short sighted and unacceptable in the light of potential socio-economic and wider environmental impacts. Need to consider additional authorisation requirements including National Water Act 36 of 1998, CARA, Mountain Catchments Act, IPLRA, ESTA. See item 6 below as well.

5. Need & desirability

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.

6. Alternatives considered

Page v, second half of page:

There has been wholly unsatisfactory, and in fact complete lack of, consideration or even identification of constraints which could restrict or prohibit exploration activities through documented management commitments. Matatiele Local Council has adopted a resolution (May 2015) to declare the upper catchment as a water factory, through NEMPAA and/or the Mountain Catchment Areas Act, in the context of the NWRS2, and this would preclude any activities which may have potential to contradict the protection of water security and strategic water source efforts. There is intent to pursue stewardship status of varying degrees for various parcels of land as outlined in the draft stewardship plan adopted by the MLM. This area should thus naturally be excluded from the application as potential Protected Areas, along with a 5km buffer zone around the proclaimed Ongeluksnek / Malekhalonyane Nature Reserve.

7. Public Participation methods

UCPP members (which represent over 34 local organisations including MLM, Trad Authorities and Departments) have found the PP wholly unsatisfactory, with divide and rule tactics being used through smaller separate meetings, insufficient information being provided, disrespectful treatment of Chiefs and leadership and a proper public meeting only being arranged at the demand of UCPP. We reject the manner and method in which the public participation has been facilitated, and submit that it has not been compliant with NEMA regulations, nor with its spirit and intent.

8. Results of Public Consultation

The exec summary states that the majority of IAPs are 'strongly particular (it does not state about what), ... and that there is a resounding NO to the application'. **Is this not clear enough? The themes for this opposition unpacked in the report clearly indicate the deep and broad concerns of the public who live in the area.**

The public has not been effectively consulted: if the process had been thorough, the message from IAPs would be so clear that **this scoping report should indicate a withdrawal of the application with no further EIA phase, in response to and with respect for the thousands of affected people.**

9. Baseline environment

Extensive negative impacts with minimal risk mitigation are outlined here, indicating that at least SLR has taken some of the seriousness of the application and the local concerns into account. However, we note that the following are not sufficiently noted in the report:

- **Impacts on soil biota** (not just structure) from seismic shock / vibration: this needs to be clearly articulated and researched beyond any reasonable doubt, as it has massive potential to impact negatively on an agriculturally dependent area.
- **The entire area consists of CBA 1or 2 (terrestrial and aquatic) as well as extensive NFEPA wetlands**, as shown in the maps in section 5.6 of main report body. As a precautionary principle, this should preclude any activity which has a potential to impact negatively on the integrity of the above status.

10. Anticipated issues and impacts

Physical impacts 10.1

- Effects on borehole lining integrity: supply wells support most of Matatiele's population, including the upper catchment villages, and damage to their integrity poses a significant threat to sustained water quality and quantity. The extensive dolerite dykes which house these boreholes are at severe risk of fracture with consequent impact on water supply integrity.
- The area constitutes the ecological infrastructure and catchment for a million downstream users. **We posit that altered geohydrological regimes and interaction with groundwater pose an extreme, intense, widespread and long term risk.**
- Specify volumes of water required for drilling operations. If over 80 KL, it will trigger the need for a Water Use License, an in already stressed catchment. A Resource Quality Objectives and Classification study has just commenced, and exploration activities will NOT contribute any quality value to water resources, and may in fact detract significantly from compliance with achieving these quality objectives through the threat of future contamination.

Socio-economic 10.3

- With reference to pages xii and xiv: Disruption of current land use, disturbance to livestock and cropping, reduction in land value, related loss of income, air quality impacts, safety and security issues, compromising main area attractions...Can these HONESTLY be traded for the promise of 25 jobs during exploration? We aren't allowed to mention future activity impacts related to production process such as fracking (page vii, last para), so **the promise of jobs and economic growth for the Matatiele area emanating from production (which will highly likely include hydraulic fracturing) cannot be used as a selling point here either.**
- The Applicant disregards the highly personal interest of the IAPs and simply applies an impersonal recipe to secure its interests. Applicant clearly does not give importance to the individual needs and context of affected communities. These are the people who will have to live with and pay for the aftermath of the Applicant's exploration.

Local limitations to exploration are clearly evident (section 10.4). The report is obviously a cut and paste exercise, as it refers to 'strong public opposition in KZN' (last para on page xv). Matatiele is in the Eastern Cape. This is another indication of the disrespectful manner in which the assessment and the application are being carried out.

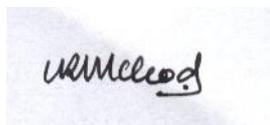
In summary, we object to the application to explore, on the grounds of the comments above, and through the extreme prejudice to and disrespect for the inhabitants of the Matatiele area, their livelihoods and their way of life.

We request that the application be withdrawn as a no-go activity with no satisfactory justification for its need or desirability, other than to enrich a foreign company at the expense of 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



Sinegugu Zukulu
Chairperson



Nicky McLeod
Secretary

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