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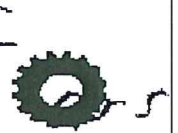
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ENVIRONMENTAL AFFAIRS & TOURISM



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The Manager

SLR Global Environmental Solutions

Per facsimile: 011 467 0978

Dear Sir/Madam

Re: **DEPARTMENTAL COMMENTS: SCOPING REPORT - APPLICATION FOR ENVIRONMENTAL AUTHORISATION FOR EXPLORATION RIGHTS ON**

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The Manager

SLR Global Environmental Solutions

Per facsimile: 011 467 0978

Dear Sir/Madam

Re: DEPARTMENTAL COMMENTS: SCOPING REPORT - APPLICATION FOR ENVIRONMENTAL AUTHORISATION FOR EXPLORATION RIGHTS ON VARIOUS FARMS IN THE MAGISTERIAL DISTRICTS OF MATATIELE AND MOUNT FLETCHER IN THE EASTERN CAPE, RHINO OIL AND GAS TO THE PETROLUEM AGENCY OF SOUTH AFRICA (PASA) ON BEHALF OF THE DEPARTMENT OF MINERAL RESOURCES (DMR) AS DELEGATED

The Scoping Report dated 7 March 2016 bears a reference,

1. Following in-depth scrutiny of the report the Department would like to advise as follows;
 - 1.1. The need and desirability assessment (section 4):
 - 1.1.1 adequately considers available tools, policies and guidelines in the mining and environmental sector or at large, governance,
 - 1.1.2 draws lessons from countries and or places that have had the oil and gas industries and benefitted from these,
 - 1.1.3 fails to recognise and/or consider what challenges have been faced by those countries because of the oil and gas industry operations.
 - 1.2 As suggested by SLR (section 5), the PASA should seriously consider the objection raised by registered interested and affected parties (I&AP's) to the development proposal.
 - 1.3 The assessment of alternatives (section 5):
 - 1.3.1 in most cases identifies that as the current application is for the early phase of exploration to determine the presence of an oil and/or gas resource that could be investigated further.
 - 1.3.2 *"no detailed exploration nor permeability testing, pressure testing or hydraulic fracturing is included in this application"* and

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S.B



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- 1.3.3 “the need for such activities, if at all, can only be determined once the early phase exploration has provided the necessary information”.
- 1.3.4 Notwithstanding the contents of section 6.4.1.1, fails to indicate what informed the selection of the general preferred site (the bigger site) even for the early phase exploration that is intended to provide information for the later stages.
- 1.3.5 This is emphasised, although the Department notes the consideration of the PASA HUBMAP that identifies areas of existing exploration rights and/or activities thereof, and the identified bigger area does not feature therein, there could be or there are other areas which also do not feature, but were not opted for.
- 1.3.6 The assessment of the no-go alternative is considered to be narrow and contain less information because *inter alia*:
- although possible negative impacts and positive impacts are considered, no weighting of the negative versus the positive impacts was done,
 - notwithstanding the contents of section 7 (proposed significance rating in the full environmental impact assessment (EIA) phase)), the Department is of the view that if the negative impacts (socio-economic, biophysical and cultural aspects) out-weigh the positive impacts, the no-go alternative should then be opted for and only if the positive impacts out-weigh the negative impacts can there be chances to even consider the application for a positive decision.
- 1.4 The Department recognises the indication that in some areas the exploration may be subject to limitations or total exclusions due to existing land uses and or tools that prohibit development in and around such areas, in law. Among these
- The Ongeluksneck nature reserve, which in terms of the National Environmental Management, Protected Areas Act, 2003 (Act No. 56 of 2003) is a protected area.
 - The Maloti Drakensburg Trans Frontier Conservation and Development Area,
 - The Maputaland Albany Pondoland Biodiversity hotspot,
 - The Drakensburg Alpine Centre of Endemism and
 - As highlighted in section 5 of the report.
- Impact assessment (extent) must seriously consider how much these could be effected, whether or not buffers are to be observed, in case the impact goes beyond and actually infringe into the buffered area/s.

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- 1.5 In line with points number 1.3 and 1.4, the scoping report failed to recognise the effect of cumulative impacts in the impact assessment section (section 6).
 - 1.6 The Department would like cumulative impact assessment to be seriously considered.
- 2 The Department is convinced the scoping report may not contain fatal flaws that may jeopardise the success of the application but in the light of the anticipated later activities and failure to consider cumulative impacts and all else highlighted herein as having been missed, the competent authority may not have sufficient information at hand to make an informed decision, which in terms of regulation 22 (b) (ii) of the EIA regulations 2014 may lead to refusal of environmental authorisation.

It is unlawful for a listed activity to be commenced with without prior environmental authorisation in terms of section 24F of the National Environmental Management Act, 1998 (Act No. 107 of 1998).

I trust that you will find all the above to be in order. Should there be any queries regarding this matter, do not hesitate to contact the undersigned.

Yours faithfully

Mtonjeni Siyabulela Banard

Assistant Director
Environmental Quality Management
Alfred Nzo Region

Date: 11/04/2016