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**SLR CONSULTING**

**ATTENTION: Matthew Hemming and Stella Moeketse**

**P.O. Box 1596**

**Cramerview**

**2060**

19 November 2015

**RE: Rhino Oil & Gas application (PASA 295ER) for prospecting in the Matatiele area**

Dear Sir/Madam

We write in response to the draft scoping report dated October 2015, as well as the public consultation process, and meeting held in Matatiele on 9<sup>th</sup> November 2015.

As previously indicated in our submission of the 9<sup>th</sup> October 2015, and which is not appended along with other written submission in the DSR (last appendix, unnumbered), we represent an alliance (the Umzimvubu Catchment Partnership Programme / UCPP) of over 34 local organisations in the Umzimvubu catchment, mostly located in the Matatiele area and further downstream within the Umzimvubu catchment, all of whom have subscribed to a common vision of **restoration of the catchment to secure strategic water resources and ecological services, for the benefit of the more than 1 million people dependent upon such resources in the wider catchment.**

We oppose **the validity of the application to explore**, on the grounds of both the unsatisfactory scoping process, as well as the risk posed by exploration and mineral development to the area:-

- i. **Complete dissatisfaction with the scoping process:**
  - a. **highly flawed and exclusionary public consultation process**, and disrespect for the Traditional Authorities who are the land rights custodians and key affected parties. Communication regarding the application has been far short of sufficient to notify and allow opportunity for commentary by the estimated 50 000 rural residents of the target area, most of whom speak Sotho or Xhosa, and many of whom are illiterate and don't have access to newspapers and internet. A public meeting was only held at our insistence on behalf of the members we represent, and the resounding response to the application from this meeting was a unanimous NO to the application and to any form of exploration which could threaten our water resources.
  - b. **The draft scoping report does not provide any spatial indication of buffered no-go areas** such as water supply points, or any effort to delineate such areas which may NOT be explored and developed for hydraulic fracturing, as required by MPRDA R466 S122. It does show that the entire target area is identified in the Provincial Biodiversity Plan as Critical Biodiversity Areas (aquatic and

terrestrial) which should ring alarm bells and provide enough reason for a **risk averse no-go approach**.

- c. Please refer to the attached summary of the DSR by our legal advisor which provides further detail on the above procedural concerns.

ii. **Risk posed to groundwater, livelihoods and biodiversity:**

- a. **Matatiele is 100% dependent upon groundwater sources** for all of its municipal water services and surface freshwater replenishment. There are a multitude of risks posed by both the proposed exploration activities (seismic survey and core drilling) as well as the development activities which this could lead to if viable resources are identified underground. The intersection and linking of aquifers and surface water during core drilling and the use of unspecified drilling augmentation fluids is clearly a risk in the exploration yet this has been glossed over.
- b. The 2013 SANBI Biodiversity Guidelines, as well as NEMPAA and NEMBA, all provide for protection of biodiversity and indicate that **mining in such areas may well be incompatible with existing use and authorizations not granted**. Exploration activities such as seismic survey and core drilling pose a high risk to disturbance of soil biota, wetlands and riparian zones, as well as borehole integrity.
- c. Seismic surveys and core drilling activities, as indicated in your BID, pose risks for inter alia farm safety, soil and land capability, heritage resources, groundwater and socio-economic factors: the latter is of huge concern, where most rural residents of the target area derive their livelihoods from subsistence and commercial agriculture. The Mehloing hiking trail also runs right through the target area, and the presence of trucks and crews creating noise and vibration will have a direct impact on the sense of place and integrity of the landscape.

We insist, as key IAPs, that the scoping report reflect the following:

1. The **unanimous rejection** by over 140 IAPs (mostly local citizens), including the Chief of the Mabenyeng area (western portion of target zone) of the application 295ER to explore, as demonstrated at the Matatiele public meeting on 9<sup>th</sup> November 2015 at Nokwezi hall.
2. The absence of any consultation process in the Municipal area of Mount Fletcher, which comprises the South Western half of the area;
3. The absence of any consultation process in the deep rural area abutting the escarpment;
4. An **appropriate and detailed buffering of all sensitive features** (water supply sources (weirs, springs, boreholes, rivers), proposed stewardship sites, wetlands, CBAs, NFEPA's and all riparian zones) be undertaken, as per the NWA, NEMBA, NEMPAA, new MPRDA R466 S122 specifications and other pertinent legislation, to exclude potential impacts of exploration.
5. It must be noted that the new 2015 National Water Resource Strategy (NWRS2) provides for 'water factory' identification and protection, and that **the Matatiele Local Municipality has intention to declare most of its jurisdictional area as a water factory**, and to proclaim various levels of biodiversity stewardship protection and protected area status (land above the 1750m contour) for seven proposed parcels of land.

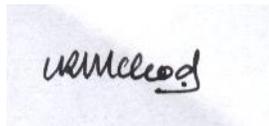
We believe that should the above points be taken properly into account, that this application should be refused. An **extension of time for the public consultation process** to allow for appropriate and complete consultation with all affected parties, effective spatial / GIS screening of no-go zones as part of screening and scoping to identify whether progressing to EI stage is in fact warranted. However, as stated in the BID, current work may have limited impacts, but approval on the basis of exploration findings may have future cumulative

and greater and impacts, and may be difficult to stop if investment has been made. On this basis, we call for a halt to the process and a withdrawal of the application to explore.

**We also call for a moratorium on this, and any current and pending applications, and their inclusion in the current CSIR SEA (Strategic Environmental Assessment, a R12 million project) for South Africa, which currently excludes the Matatiele and adjacent KZN application targets.**

We trust that our collective concerns will be duly considered during the compilation of your scoping report, and look forward to your response, and to a copy of the final scoping report when it is submitted to PASA on the 26<sup>th</sup> November 2015.

yours faithfully

A handwritten signature in black ink, appearing to read "Nicky McLeod", is centered above the name of the signatory.

Sinegugu Zukulu  
Chairperson

and

Nicky McLeod  
secretary