

To:

The Honourable Minister Barbara Creecy
Minister of Environment, Forestry and Fisheries

For attention:

Realeboga Tlhoaele

Director: Appeals and Legal Review

By email: rthoaele@environment.gov.za

Appeals@environment.gov.za / appealsdirectorate@environment.gov.za

Copy to:

Pieter Alberts

Director; Legal Services of Department of Mineral Resources

By email: Pieter.Alberts@dmre.gov.za

Dr Phindile Masangane

Chief Executive Officer: PASA

By email: EAappeals@petroleumagencysa.com

Rhino Oil and Gas Exploration South Africa (Pty) Ltd (c/o Environmental Assessment Practitioner, Matthew Hemming)

Environmental Consultant: SLR Consulting

By email: 7201803400016@slrconsulting.com / tsmithard@rhinosourcesltd.com / mhemming@slrconsulting.com

REF: PASA 12/3/350

17th of March 2021

Dear Honourable Minister

APPEAL IN TERMS OF APPEAL IN TERMS OF THE SECTION 43(2) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 106 OF 1998 AGAINST THE ENVIRONMENTAL AUTHORISATION GRANTED TO RHINO OIL AND GAS EXPLORATION SOUTH AFRICA (PTY) LIMITED

1. We address you as groundWork, the Vaal Environmental Justice Alliance (VEJA), Environmental and Rural Solutions (ERS), the South African Water Caucus (SAWC), and the Botshabelo Unemployed Movement (BUM) the Appellants in relation to the above matter.
2. groundwork is an environmental justice and non-profit organization that works with South and Southern African communities on environmental justice and human rights issues focusing on coal, climate and energy justice, waste and environmental health. groundwork works with a number of community groups throughout South Africa including: the Vaal Environmental Justice Alliance; South Durban Community Environmental Alliance; Mfuleni Community Environmental Justice Organisation; South African Waste Pickers' Association; and Highveld Environmental Justice Network; Support Centre for Land Change; Environmental and Rural Solutions and the South African Water Caucus. groundwork is a registered I&AP in respect of the application process for the Authorisation.
3. The Vaal Environmental Justice Alliance (VEJA) is an environmental justice and non-profit organisation based in Vanderbijl Park, working on environmental justice and human rights issues, focusing on fossil fuels, waste and climate and energy justice. VEJA supports and collaborates with several organizations, including the National Water Caucus, Sasolburg Air Quality Monitoring Committee (SAQMC), Justice and Peace, and the Samancor Chemical Workers Committee, and also engages with local and provincial government and industries in the area, to promote a healthy, safe and sustainable environment. VEJA are the co-secretariat of the National Water Caucus.
4. Environmental and Rural Solutions (ERS) is an organization working in the Eastern Cape, KwaZulu-Natal and Lesotho environmental and tourism sector. They are the co-secretariat for the local Umimvubu Catchment Partnership Programme with thirty two members.
5. The South African Water Caucus (SAWC) is a national water network consisting of NGOs, community-based organisations and academia within eight provinces in South Africa including KwaZulu Natal and the Free State. Its objective is to defend and advance the water rights of citizens of South Africa. The SAWC secretariat is shared with VEJA and Environmental Monitoring Group (EMG).
6. The Botshabelo Unemployed Movement (BUM) are a community-based social justice organization based in the Free State working to strengthen the capacity of marginalized unemployed people including the youth and opening up platforms for their voices to be heard. BUM are the coordinators of the national Assembly of the Unemployed.
7. This is an appeal to the Honourable Minister of Environment, Forestry and Fisheries, directed at the Director: Appeals and Legal Review of the Department of Environment, Forestry and Fisheries (DEFF), to set aside the above environmental authorisation with reference number PASA: 12/3/350 ER issued by the Deputy Director-General: Mineral and Petroleum Regulation, to Rhino Oil and Gas Exploration South Africa (Pty) Ltd on 12 February 2021.
8. In terms of regulation 4(2)(a) of the National Environmental Management National Appeal Regulations, 2014 ("the Appeal Regulations"), an appeal submission must be submitted in writing in the form obtainable from the appeal administrator, and must be accompanied by: a statement setting out the grounds of appeal; supporting documentation which is referred to in the Appeal

submission; and a statement by the appellant to confirm compliance with regulation 4(1) of the Appeal Regulations – which is the requirement that an appellant submit an appeal to the appeal administrator, and a copy to the applicant, any registered interested and affected party (I&AP) and organ of state with an interest in the matter within 20 days from the date that the notification of the authorisation was sent to I&APs by the applicant.

9. Notification of the environmental authorisation was sent to I&APs on 25th of February 2021, and accordingly this appeal is submitted within 20 days of being notified of this decision. A copy of the email from the Environmental Assessment Practitioner is attached hereto.

10. We enclose and hereby submit the following:

10.1. The Appellants' detailed Grounds of Appeal, together with supporting documentation as **Annex A**; and

10.2. DEFF's prescribed appeal response form containing the grounds of appeal, in Word format, attached as **Annex B**.

11. In compliance with regulation 4(2)(iii) read with regulation 4(1) of the Appeal Regulations, we hereby confirm that:

11.1. this letter, with the attached Appeal submissions and supporting documentation, is copied – and will be sent simultaneously – to the Director: Legal Services of the Department of Mineral Resources, to the Chief Executive Officer of the Petroleum Agency South Africa ,and to Rhino Oil and Gas Exploration South Africa (Pty) Ltd care of the Environmental Assessment Practitioner, SLR Consulting.

11.2. The Environmental Assessment Practitioner has provided us with the email addresses of a number of registered I&APs, so we have sought, to the best of our ability, to comply with this legal requirement by sending a copy of the appeal to these I&APs by email. A copy of this email is attached hereto, as **Annex C**.

11.3. We have endeavoured to comply with the 20-day timeframe for the filing of this appeal, although it appears that we were not duly notified of the decision in accordance with the timeframes of regulation 4(1)(b) of the Appeal Regulations.

12. Kindly confirm receipt of this letter and the enclosed annexes comprising the Appeal.

13. Should you have any queries in relation to this Appeal, or require any additional information, please let us know.

14. Kindly also keep us updated on the progress of the Appeal.

Yours faithfully,



groundWork

Per: Avena Jacklin



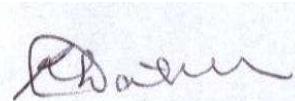
The Vaal Environmental Justice Alliance

Per: Samson Mokoena



The South Africa Water Caucus

Per: Samson Mokoena



Environmental Rural Solutions

Per: Sissie Matela



Botshabelo Unemployed Movement

Per: Khokoma Motse