



To:

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

For attention: **Department of Forestry, Fisheries and the Environment
Appeals and Legal Review Directorate**

Attention: Director: Appeals and Legal Review

Per Email: appeals@dffe.gov.za / appeal@dffe.gov.za

Copy to: **Petroleum Agency SA**

Attention: The Chief Executive Officer

Per Email: EAappeals@petroleumagency.co.za

Copy to: **Department of Mineral Resources and Energy**

Attention: Director: Legal Services

Per Email: Pieter.Alberts@dmre.gov.za

Copy to: **SLR Consulting (Pty) Ltd**

Attention: TEEPSA-DWOB

Per E-mail: teepsa-dwob@slrconsulting.com

Copy to: **TotalEnergies EP South Africa BV**

Contact Person: Appeals Coordinator

Per E-mail: TEEPSA-DWOB@slrconsulting.com

Dear Honourable Minister

APPEAL IN TERMS OF THE SECTION 43(2) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 106 OF 1998, AGAINST THE ENVIRONMENTAL AUTHORISATION GRANTED TO TOTALENERGIES EP SOUTH AFRICA FOR THE PROPOSED EXPLORATION WELL DRILLING IN BLOCK DEEP WATER ORANGE BASIN OFF THE WEST COAST OF SOUTH AFRICA

DMRE REF: TEEPSA 12/3/343

1. We hereby submit two appeals to the Honourable Minister of Environment, Forestry and Fisheries, directed at the Director: Appeals and Legal Review of the Department of Forestry, Fisheries and the Environment, to set aside:
 - 1.1. the environmental authorisation issued by the Director-General: Mineral and Petroleum Regulation, to TotalEnergies EP South Africa BV on 23 October 2023; and
 - 1.2. the environmental authorisation issued by the Director-General: Mineral and Petroleum Regulation, to Sezigyn Proprietary Limited on the 30 November 2018.

2. This appeal is made jointly by The Green Connection and Natural Justice.
 - 2.1. The Green Connection is a registered non-governmental organisation, that believes that economic growth and development, improvement of socio-economic status and conservation of natural resources can only take place within a commonly understood framework of sustainable development. The Green Connection aims to provide practical support to both the government and non-governmental/civil society sectors, which are an integral part of sustainable development.
 - 2.2. Natural Justice: Lawyers for Communities and the Environment, a non-profit organisation specialising in environmental and human rights law in Africa – with a focus on the pursuit of social and environmental justice for local and indigenous communities. Natural Justice offers direct support to local and indigenous communities impacted by the ever-increasing demand for land and resources, through legal empowerment.
3. 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.
4. Notification of both of the environmental authorisations was sent to I&APs on 25 October 2023. And as a result the appeal falls due on 14 November 2023. We note that in its notification, Total advised I&APs that a NEMA internal appeal was applicable to the 2019 decision to grant Sezigyn environmental authorisation.
5. In compliance with regulation 4(2)(iii) read with regulation 4(1) of the Appeal Regulations, we hereby confirm that:
 - 5.1. 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, to TotalEnergies EP South Africa Block 567 (Pty) Ltd, and to the Environmental Assessment Practitioner, SLR Consulting (Pty) Ltd;
 - 5.2. the appeal submission will be sent by email, as far as reasonably possible, to the email addresses of registered I&APs as provided by SLR Consulting.
6. We enclose and hereby submit the following, in respect of TEEPSA’s environmental authorisation (October 2023):
 - 6.1. a copy of the email from the Environmental Assessment Practitioner is attached hereto as **Annex A**.
 - 6.2. the detailed Grounds of Appeal, together with supporting documentation as **Annex B**;
 - 6.3. a copy of the email sent to I&APs as **Annex C** to follow; and
 - 6.4. the DFFE’s appeal response form containing the grounds of appeal, in Word format, as **Annex E**.
7. We enclose and hereby submit the following, in respect of Sezigyn’s environmental authorisation (November 2018):
 - 7.1. a copy of the letter from the Total is attached hereto as **Annex F**.

- 7.2. the DFFE's appeal response form containing the grounds of appeal, in Word format, as **Annex G**.
8. The latter appeal will be distributed to the same I&APs.
 9. The Appellants have sought, to the best of their ability, to comply with the legal requirements of the National Appeal Regulations.
 10. Please confirm receipt of this letter and the enclosed annexes comprising the Appeal.
 11. Should you have any queries in relation to this Appeal, or require any additional information, please let us know.
 12. Kindly also keep us updated on the progress of the Appeal.

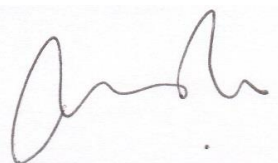
Yours faithfully,



NATURAL JUSTICE

Per: Melissa Groenink

melissa@naturaljustice.org



ADRIAN POLE ATTORNEYS

Adrian Pole

On behalf of The Green Connection

adrian@adrianpole.co.za