

SUBIFLEX (PTY) LTD

THE DUEL PROJECT

Public Participation Report

**(as part of the Draft Environmental Impact Assessment Report for the
Re-application)**

SEPTEMBER 2019

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1 INTRODUCTION

Public participation provides the opportunity for Interested and Affected Parties (IAPs) to participate on an informed basis, and to ensure that their needs and concerns are considered during the impact assessment process. The Public Participation Process is aimed at achieving the following:

- Provide an overview of the baseline conditions to IAPs and authorities
- Provide opportunities for IAPs and the authorities to obtain clear, accurate and understandable information about the expected environmental and socioeconomic impacts of the proposed development;
- Establish a formal platform for the public and communities with the opportunity to voice their concerns and to raise questions regarding the project;
- Utilise the opportunity to formulate ways for reducing or mitigating any negative impacts of the project, and for enhancing its benefits;
- Enable project proponent to consider the needs, preferences and values of IAPs in their decisions; and
- Clear up any misunderstandings about technical issues.

It should be noted that this report is provided with the Draft Environmental Impact Assessment Report for the re-application. Comments made through the previous processes have been included as far as it is related to Environmental baselines and impacts. Comments on process have been excluded as this is a new process being followed.

2 BACKGROUND TO THE STAKEHOLDER ENVIRONMENT

2.1 Introduction and Locality

The proposed mine development is located 54 km north of Makhado town (previously Louis Trichardt) in the Makhado Local Municipal area, Ward 21 in the Vhembe District

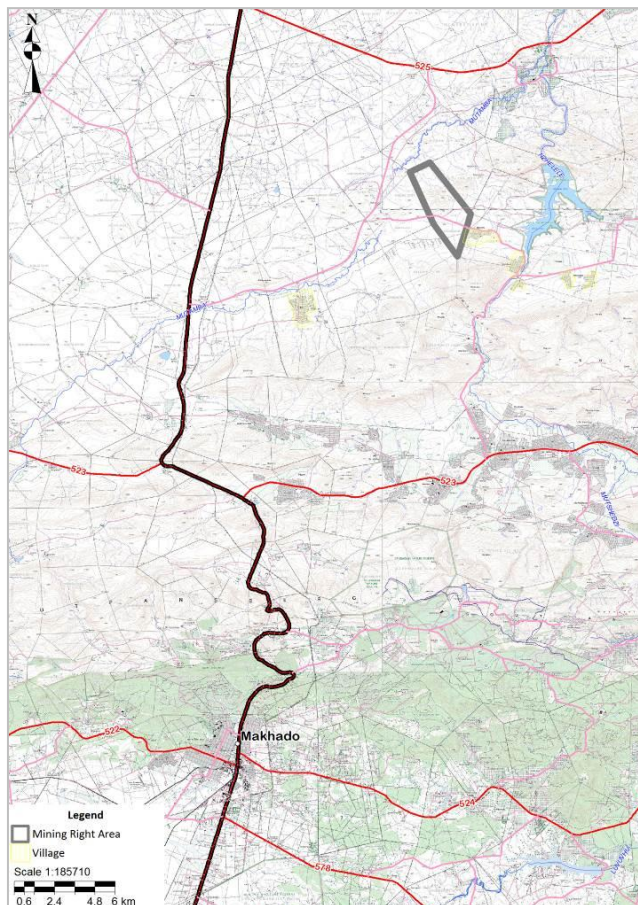


Figure 1: Project Locality

2.2 Landowner

PROPERTY	TITLE DEED LANDOWNER	TITLE DEED	TRADITIONAL AUTHORITY
The Duel 186 MT RE	Clint Howes Familie Trust		None

2.3 Land Claimants: Nemamilwe Community

The land claimants on the Mining Right Application property are the Nemamilwe Trust as per the Government Gazette.

PROPERTY DESCRIPTION	LAND CLAIMS	CURRENT STATUS
The Duel 186 MT RE	Land claim lodged by the Nemamilwe Trust	Research Report completed and land claim accepted on 1 October 2010. Land claim validation completed and approved. Land Claim Report attached as App 1-6.

2.4 Neighbouring Traditional Leadership and Communities

2.4.1 Makushu Traditional Leadership and Community

The Makushu village is under the jurisdiction of the Mphephu Traditional Authority with a local Traditional Leader. The village was established in 1980 and has been settled here for the last 30 years. The people of Makushu originally come from the Musina area. There are currently approximately 173 households and a population of 913 people.

The community has established a Committee to facilitate participation, information sharing and the conduct of specialist studies during the Environmental Impact Assessment Process.

2.4.2 Mosholombe Traditional Leadership and Community

The Mosholombe village is under the jurisdiction of the Mphephu Traditional Authority with a local Traditional Leader. The village was established in 1980 and has been settled here for the last 30 years. The people of Mosholombe originally come from the Pontdrift area. There are currently approximately 118 households and a population of 596 people.

The community has established a Committee to facilitate participation, information sharing and the conduct of specialist studies during the Environmental Impact Assessment Process.

2.4.3 Pfumembe Traditional Leadership and Community

The Pfumembe village is under the jurisdiction of the Mphephu Traditional Authority with a local Traditional Leader. There are currently approximately 120 households and a population of 720 people.

The community has established a Committee to facilitate participation, information sharing and the conduct of specialist studies during the Environmental Impact Assessment Process.

2.5 Local Government

The project area is located within the Vhembe District, and in the Makhado Local Municipality's Ward 21. The figure below indicates the demarcation areas in respect of the project area.

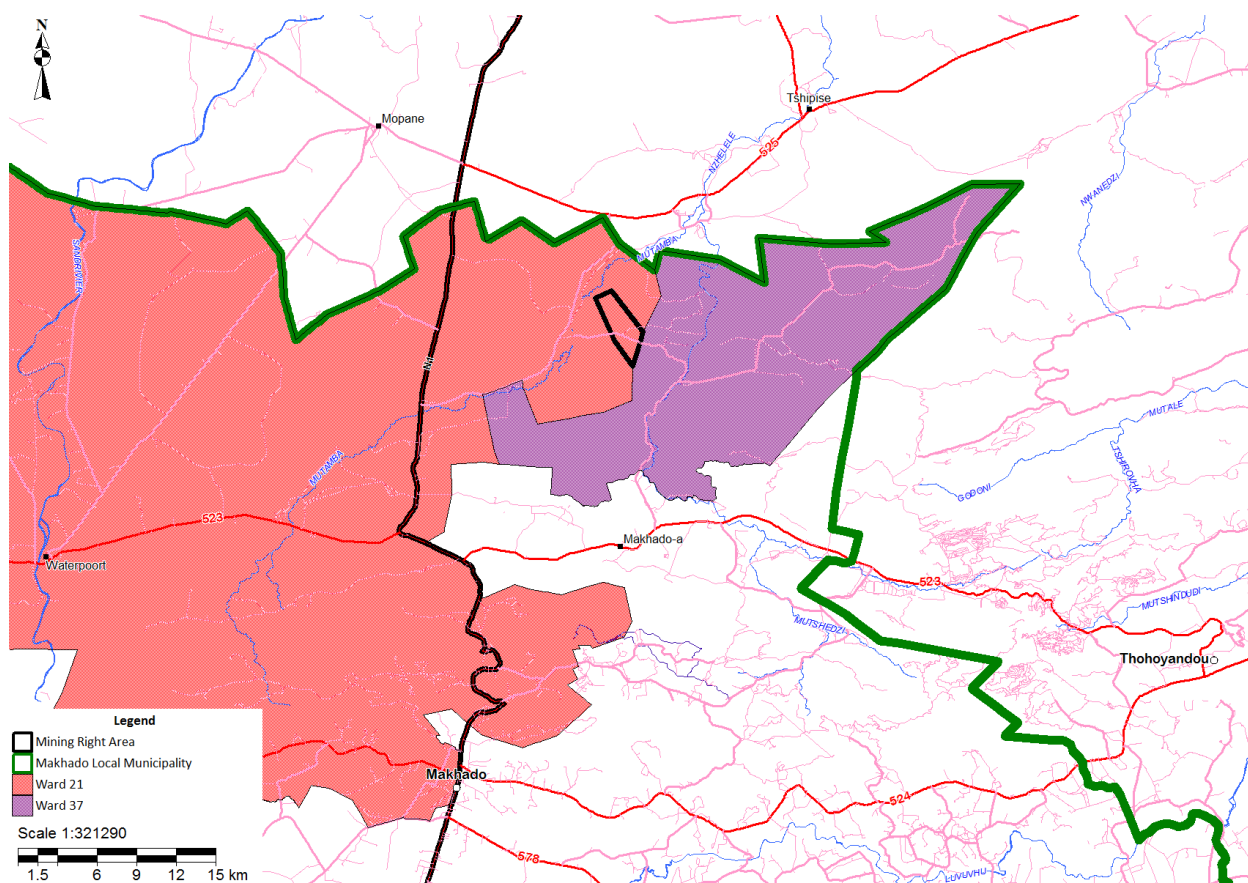


Figure 2: Municipal and Ward boundaries

2.6 Relevant National and Provincial Authorities

The following Government Departments are included in the Interested and Affected Party Register due to their relevancy to the project:

- Limpopo Department of Mineral Resources
- Limpopo Department of Economic Development, Environment and Tourism (LEDET)
- Limpopo Department of Water and Sanitation (DWS)
- Limpopo Department of Rural Development and Land Reform: Regional Land Claims Commission
- Limpopo Department of Agriculture and (DoA)
- Limpopo Department of Cooperative Governance and Traditional Affairs
- Limpopo Department of Education
- Limpopo Department of Transport
- Limpopo Department of Health
- Vhembe District Municipality
- Makhado Local Municipality

Additional Authorities and Agencies included in the IAP register are:

- South African Heritage Resource Agency (SAHRA)

- Limpopo Heritage Resource Agency (LIHRA)
- South African National Roads Agency (SANRAL)
- Environmental NGO's and Advocacy Groups
- Business Associations
- Hunters Associations

2.7 Adjacent Affected Landowners and Parties

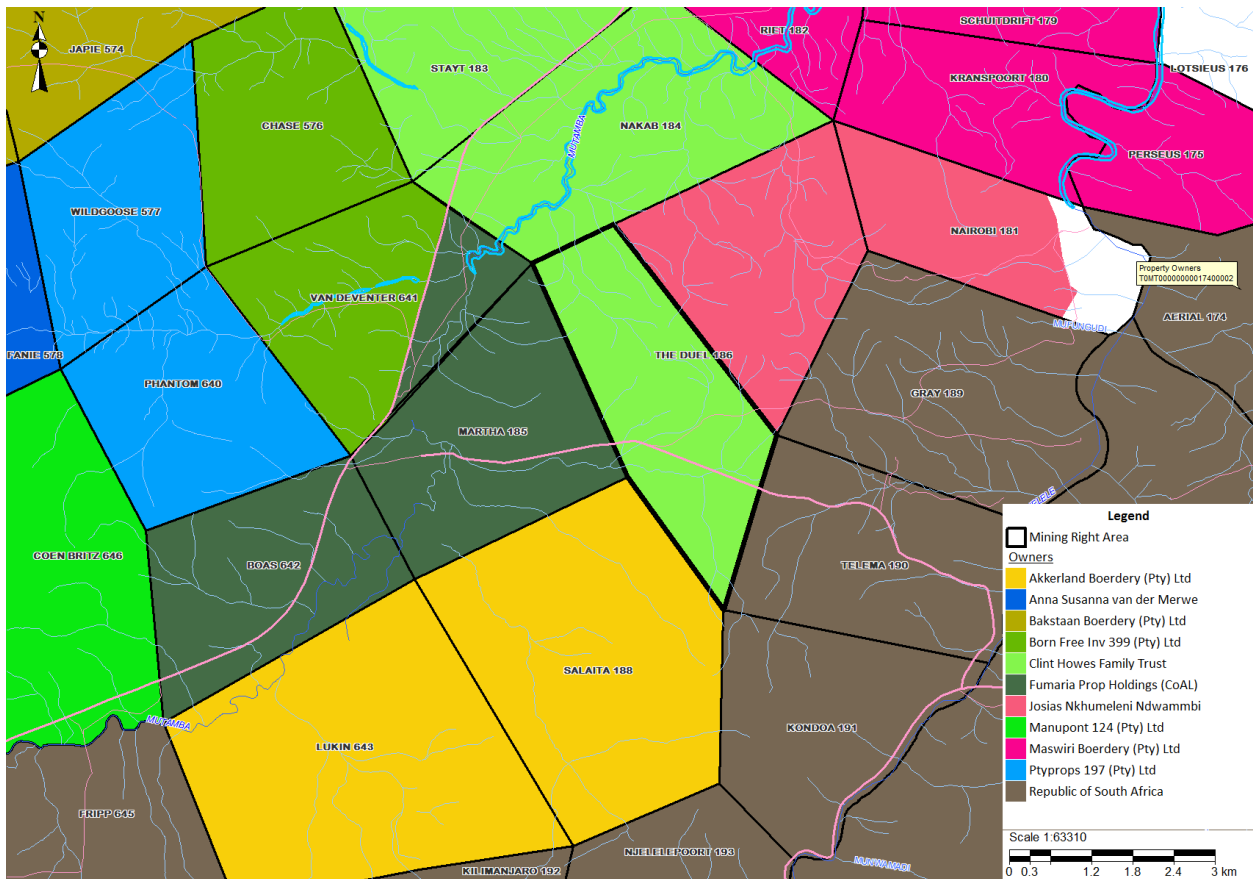


Figure 3: Neighbouring Landowners

3 PUBLIC PARTICIPATION PROCESS

The following diagram indicate the process, where we are now (☀) and the steps to follow.

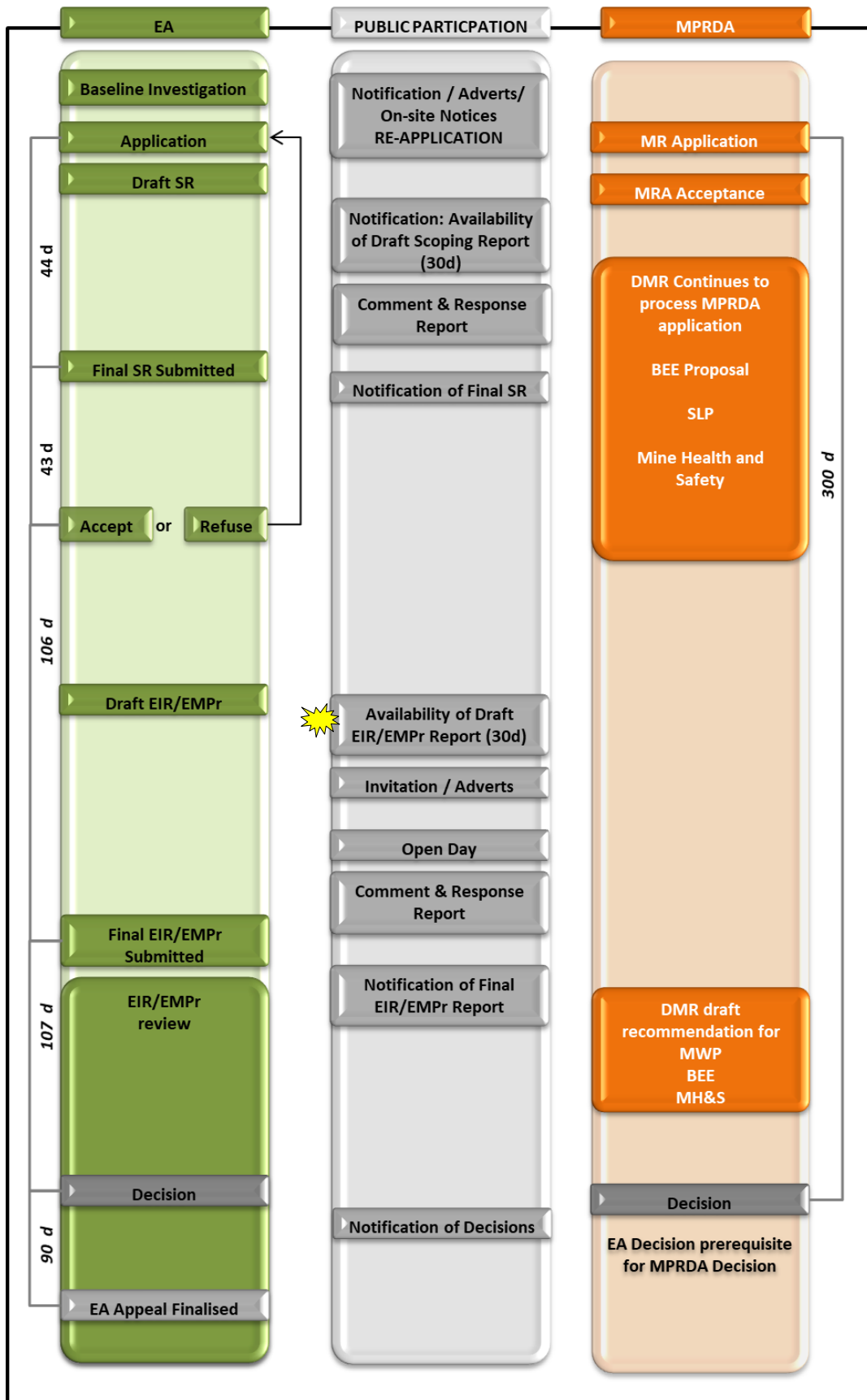


Figure 4: Public Participation Process (Draft EIA/EMPr Phase)

4 RESULTS OF THE PUBLIC PARTICIPATION PROCESS

4.1 Register of Interested and Affected Parties (IAPs)

A list of potential interested and affected parties were compiled as part of the previous application in 2015 and updated during February 2019. The register includes all relevant Government Departments and other agencies, landowner, land claimants, neighbouring landowners and neighbouring Traditional Leadership and communities and Environmental Interest groups / NGO's.

The I&AP register was opened in June 2015 and are maintained and updated throughout the process as required by the National Environmental Management Act, and EIA Regulations, 2014. Please refer to Appendix 1-1 for a copy of the I&AP Register as at the availability of the draft EIA/EMPr Report.

4.2 Written Notice of the Application

The following written notifications (Appendix 1-2) were sent in the announcement of the project and application:

Table 1: Notification table

STAKEHOLDER GROUP	INTERESTED & AFFECTED PARTY	METHOD OF NOTIFICATION	DATE OF NOTIFICATION	
Organs of State	Relevant Authorities contained in the Authority Register	Notification Letter emailed	1 Feb 2019	
		Notification of DSR by email and hand-delivery	18 Feb 2019	
		Submission of Final Scoping Report	4 April 2019	
		Acceptance of Final Scoping Report and Commencement of the EIA Phase	16 July 2019	
Municipalities	District and Local Municipalities as contained in the IAP Register	Notification Letter emailed	1 Feb 2019	
		Notification Letter hand-delivered to Ward Councillor	1 Feb 2019	
		Notification of DSR by email and hand-delivery	18 Feb 2019	
		Submission of Final Scoping Report	4 April 2019	
Landowner, Lawful Occupier, Community	Landowners identified as contained in the Property Register	Acceptance of Final Scoping Report and Commencement of the EIA Phase	16 July 2019	
		Advertisement placed / On-site notices	1 Feb 2019	
		Notification Letter emailed	1 Feb 2019	
		Notification of DSR by email and hand-delivery	18 Feb 2019	
	Traditional Authorities / Leaders	Submission of Final Scoping Report	Acceptance of Final Scoping Report and Commencement of the EIA Phase	4 April 2019
			Advertisement placed / On-site notices	1 Feb 2019
			Notification Letter emailed / hand-delivery	1 Feb 2019
			Mphephu meeting	4&12 Feb 2019
	Land Claimants / Communities	Notification of DSR by email and hand-delivery	Submission of Final Scoping Report	18 Feb 2019
			Acceptance of Final Scoping Report and Commencement of the EIA Phase	4 April 2019
			Advertisement placed / On-site notices	1 Feb 2019
			Notification Letter emailed / hand-delivery	1 Feb 2019
		Nemamilwe Trust meeting	12 Feb 2019	

STAKEHOLDER GROUP	INTERESTED & AFFECTED PARTY	METHOD OF NOTIFICATION	DATE OF NOTIFICATION
		Submission of Final Scoping Report Acceptance of Final Scoping Report and Commencement of the EIA Phase	18 Feb 2019 4 April 2019 16 July 2019
Other IAPs	Environmental NGO's / Conservation Organisations	Advertisement placed / On-site notices Notification Letter emailed Notification of DSR by email and hand-delivery Submission of Final Scoping Report Acceptance of Final Scoping Report and Commencement of the EIA Phase	1 Feb 2019 1 Feb 2019 18 Feb 2019 4 April 2019 16 July 2019
	VMRSF	Advertisement placed / On-site notices Notification Letter emailed Notification of DSR by email and hand-delivery Response to document request received on 19 Mar 2019 Submission of Final Scoping Report Acceptance of Final Scoping Report and Commencement of the EIA Phase	1 Feb 2019 1 Feb 2019 18 Feb 2019 19 Mar 2019 4 April 2019 16 July 2019
	Other, as registered	Advertisement placed / On-site notices Notification Letter emailed Notification of DSR by email and hand-delivery Submission of Final Scoping Report Acceptance of Final Scoping Report and Commencement of the EIA Phase	1 Feb 2019 1 Feb 2019 18 Feb 2019 4 April 2019 16 July 2019

The Announcement of the intent to submit a re-application was sent to all I&APs and contained the following information:

- Details of the application or proposed application which is subjected to public participation
- Explanation of the proposed project's nature, location and planned activity
- Stating the required regulated processes in terms of the relevant legislations
- Stating where further information on the application can be obtained
- Stating the manner in which a person can become involved / register as an Interested and Affected Party

The Announcement of the availability of the Draft Scoping Report was sent to all I&APs and contained the following information:

- Stating how and where the Report can be obtained
- Stating to whom I&APs can submit comments
- Stating where further information on the process can be obtained

The Announcement of the availability of the Final Scoping Report was sent to all I&APs and contained the following information:

- Stating the Department of Mineral Resources accepted the Draft Scoping Report
- Stating how and where the Report can be obtained

- Stating the required regulated processes in terms of the relevant legislations
- Stating where further information on the process can be obtained

The Announcement of the acceptance of the Final Scoping Report was sent to all I&APs and contained the following information:

- Stating the Department of Mineral Resources accepted the Final Scoping Report
- Stating the required regulated processes in terms of the relevant legislations
- Stating the commencement of the EIA Process

4.3 Advertisements and On-site Notifications

The following advertisements (Appendix 1-3) were placed for announcing the project and application:

Table 2: Advertisement Table

TYPE OF MEDIA	NAME OF MEDIA	DISTRIBUTION	DATE OF PLACEMENT
Newspaper	Limpopo Mirror	Limpopo Province	1 Feb 2019

The following on-site notifications (Appendix 1-4) were placed for announcing the project and application:

Table 3: On-site notices table

LOCATION OF NOTICE	NAME OF LOCATION	COORDINATE OF PLACEMENT	DATE OF PLACEMENT
Project Property Boundary	Entrance to The Duel	22,759815°S; 30,048157°E	1 Feb 2018
Neighbouring Communities	Adjacent to Makushu Community	22,760952°S; 30,053895°E	31 Jan 2018
	Adjacent to Mosholombe Community	22,761755°S; 30,060366°E	31 Jan 2018
	Dzanani Shopping Centre	22,897642°S; 30,037721°E	31 Jan 2018
Municipality	Makhado Local Municipality	23,0430088°S; 29,9070275°E	1 Feb 2018
Public Places	Tshipise Garage & Shop	22,604406°S; 30,171108°E	31 Jan 2018

4.4 Availability of Project Documentation

The following documents were made available throughout the process:

Table 4: Public Documents table

DOCUMENT	TIMEFRAME	DATE OF AVAILABILITY	DATE OF COMMENT CLOSURE
Notification letter & Registration form	Ongoing throughout the process	1 Feb 2019	Not applicable
The Draft Scoping Report (DSR)	30 days	15 Feb 2019	15 March 2019
The Final Scoping Report		5 April 2019	Not applicable

4.5 I&AP Engagements and Meetings

The following Engagements have been held and records are attached as follows:

- Notification of project re-application and request for registration attached as Appendix 1-2
- Minutes of meetings with Mphephu Traditional Authority, the Nemamilwe Trust and One-on-one Engagements attached as Appendix 1-5
- Comments received from the previous process to date as contained in the Comments and Response Report attached as Appendix 1-6
- Written submissions received on the re-application from organs-of state and/or other interested and affected parties attached as Appendix 1-7

Table 5: Engagement session table

PARTY	TYPE OF ENGAGEMENT	DATE OF ENGAGEMENT
AFFECTED PARTIES		
Landowners		
Project Landowners	Notification of re-application (App1-2) Availability of DSR (App 1-2)	1 Feb 2019 18 Feb 2019
Lawful occupier/s of the land		
No occupants on property	Not applicable	Not applicable
Land Claimants		
Land Claimants & DRDLR	Notification of re-application (App1-2) One-on-One meeting (App1-5) Availability of DSR (App 1-2)	1 Feb 2019 12 Feb 2019 18 Feb 2019
Municipality		
Ward Councillors	Notification of re-application (App1-2) One-on-one engagement (App 1-5) Availability of DSR (App 1-2)	1 Feb 2019 31 Jan 2019 18 Feb 2019
District Municipality	Notification of re-application (App1-2) Availability of DSR (App 1-2)	1 Feb 2019 18 Feb 2019
Local Municipality	Notification of re-application (App1-2) Availability of DSR (App 1-8)	1 Feb 2019 18 Feb 2019
Traditional Leaders		
No Traditional Authority on property	Not applicable	Not applicable
Communities		
No communities residing on property	Not applicable	Not applicable
Organs of State		

PARTY	TYPE OF ENGAGEMENT	DATE OF ENGAGEMENT
DMR	Notification of re-application (App1-2) Availability of DSR (App 1-8) MRA acceptance letter (App 1-8) EA acknowledgement letter (App 1-8) Submission of Final Scoping Report Acceptance of Final Scoping Report and Commencement of the EIA Phase	1 Feb 2019 18 Feb 2019 20 March 2019 12 March 2019 4 April 2019 16 July 2019
LEDET	Notification of re-application (App1-2) Availability of DSR (App 1-8) Submission of Final Scoping Report Acceptance of Final Scoping Report and Commencement of the EIA Phase	1 Feb 2019 18 Feb 2019 4 April 2019 16 July 2019
DWS	Notification of re-application (App1-2) Availability of DSR (App 1-8) Submission of Final Scoping Report Acceptance of Final Scoping Report and Commencement of the EIA Phase	1 Feb 2019 18 Feb 2019 4 April 2019 16 July 2019
DRDLR	Notification of re-application (App1-2) Availability of DSR (App 1-2) Submission of Final Scoping Report Acceptance of Final Scoping Report and Commencement of the EIA Phase	1 Feb 2019 18 Feb 2019 4 April 2019 16 July 2019
Department of Agriculture	Notification of re-application (App1-2) Availability of DSR (App 1-8) Submission of Final Scoping Report Acceptance of Final Scoping Report and Commencement of the EIA Phase	1 Feb 2019 18 Feb 2019 4 April 2019 16 July 2019
SAHRA / LIHRA	Notification of re-application (App1-2) Upload of DSR (App 1-8) Submission of Final Scoping Report Acceptance of Final Scoping Report and Commencement of the EIA Phase	1 Feb 2019 18 Feb 2019 4 April 2019 16 July 2019
OTHER AFFECTED PARTIES		
Adjacent landowners		
Landowners adjacent to the project area	Notification of re-application (App1-2) Availability of DSR (App 1-2) Submission of Final Scoping Report Acceptance of Final Scoping Report and Commencement of the EIA Phase	1 Feb 2019 18 Feb 2019 4 April 2019 16 July 2019
Adjacent Traditional Leaders		
Mphephu Traditional Authority	Notification of re-application (App1-2) Meetings (App 1-5) Availability of DSR (App 1-2) Submission of Final Scoping Report Acceptance of Final Scoping Report and Commencement of the EIA Phase	1 Feb 2019 4 Feb 2019 12 Feb 2019 18 Feb 2019 4 April 2019 16 July 2019
Makushu, Mosholombe, Pfumembe & Nemamilwe Traditional Leaders	Notification of re-application (App1-2) One-on-One Engagements (App1-5) Availability of DSR (App 1-2) Submission of Final Scoping Report Acceptance of Final Scoping Report and Commencement of the EIA Phase	1 Feb 2019 31 Jan 2019 18 Feb 2019 4 April 2019 16 July 2019
Adjacent communities		
Makushu, Mosholombe, Pfumembe Communities	Notification of re-application (App1-2) On-site notices (App1-4)	1 Feb 2019 1 Feb 2019

PARTY	TYPE OF ENGAGEMENT	DATE OF ENGAGEMENT
	Availability of DSR (App 1-2) Submission of Final Scoping Report Acceptance of Final Scoping Report and Commencement of the EIA Phase	18 Feb 2019 4 April 2019 16 July 2019
INTERESTED PARTIES		
VMRSF	Notification of re-application (App1-2) Availability of DSR (App 1-2) Submission of Final Scoping Report Acceptance of Final Scoping Report and Commencement of the EIA Phase	1 Feb 2019 18 Feb 2019 4 April 2019 16 July 2019
All other parties on register	Notification of re-application (App1-2) Availability of DSR (App 1-2) Submission of Final Scoping Report Acceptance of Final Scoping Report and Commencement of the EIA Phase	1 Feb 2019 18 Feb 2019 4 April 2019 16 July 2019

4.6 Comments and Response Report

Table 6: Comments and Response Summary

INTERESTED AND AFFECTED PARTIES		DATE COMMENTS RECEIVED	ISSUES RAISED	EAPS RESPONSE TO ISSUES AS MANDATED BY APPLICANT	CONSULTATION STATUS (CONSENSUS, DISPUTE, NOT FINALISED)
AFFECTED PARTIES					
Landowners					
Project Landowners					
Lawful occupier/s of the land					
No occupants on property		Not applicable	Not applicable	Not applicable	Not applicable
Land Claimants					
Nemamilwe Trust		X 1 Feb 2019 12 Feb 2019	In support of project		Consensus
Municipal Councillor					
Ward Councillor		X 31 Jan 2019	In support of the project Ongoing consultation	Invitations to meetings	Consensus
Municipality					
District Municipality		X No comments			
Local Municipality		X 4 Sept 2015	The following must be addressed in the EIA: <ul style="list-style-type: none"> ▪ Identification of relevant sustainable business skills ▪ Historic information ▪ Present land use ▪ Rezoning of land 	The benefits will be addressed pre-commencement of the mine development Present land use has been addressed in the land use, soils and land capability report as well as the social impact assessment Rezoning application can only be done once a decision on the Mining Right has been made	Not finalized
Traditional Leaders					
Property does not fall under a Traditional Authority		Not applicable			
Communities					
No communities residing on the Infrastructure Properties		Not applicable			
Organs of State					
Department of Mineral Resources		X 12 Mar 2019 20 Mar 2019 26 June 2019	Acknowledgement of EA application Acceptance of MR application Acceptance of Scoping Report	All relevant Departments were consulted and results are included in this CRR. The Scoping Report was submitted 3 April 2019 and accepted on 26 June 2019.	Not finalised

INTERESTED AND AFFECTED PARTIES		DATE COMMENTS RECEIVED	ISSUES RAISED	EAPS RESPONSE TO ISSUES AS MANDATED BY APPLICANT	CONSULTATION STATUS (CONSENSUS, DISPUTE, NOT FINALISED)
Department of Environmental Affairs	X	<p>30 Nov 2015</p> <p>18 Mar 2019</p> <p>26 April 2019</p>	<p>Area fall within the CBA 1 and 2, to include an ecological assessment</p> <p>The following aspects to be addressed in the EIA/EMPr:</p> <ul style="list-style-type: none"> • Transformation of the vulnerable Soutpansberg Mountain bushveld & less threatened Musina Mopane Bushveld vegetation types • Loss of protected and threatened tree species due to activities of the proposed mining development • Potential invasion or spread of the new and recorded exotic andf alien invasive plants in and around the area. • Potential loss of traditional medicinal plants • Potential destruction of habitat preferred by mammals, especially protected and threatened • Proposed development falls within CBA 1 and CBA 2 with management objectives: natural state, and mining activities are not desired in this area. • Mining and biodiversity guidelines, the area fall within “highest biodiversity importance” with high risk for mining activities <p>Address the following in the EIA in addition to the above:</p> <ul style="list-style-type: none"> • Biodiversity permits from DAFF for reloction of protected species • No activities on the ridges on the western and eastern side of site, if they are to be mined, a biodiversity off-set strategy must be developed for approval • Water Use Licence Application to DWS • Compilation of a Rehabilitation Plan for approval by DMR • Compilation of a Reclamation Plan for approval by DMR • Biodiversity and Land Management Plan & Monitoring Programme to LEDET for approval • Vegetation removal only on designated areas • Stormwater control 	<p>An ecological assessment was conducted in 2015 and updated and expanded for the new application. Commitments for mitigation, management, and monitoring are addressed in the EMPr.</p>	<p>Not finalised</p>

INTERESTED AND AFFECTED PARTIES		DATE COMMENTS RECEIVED	ISSUES RAISED	EAPS RESPONSE TO ISSUES AS MANDATED BY APPLICANT	CONSULTATION STATUS (CONSENSUS, DISPUTE, NOT FINALISED)
			<ul style="list-style-type: none"> • Chance finds of heritage resources • Spillage of hazardous substances • Water Management Plan • Development not to encroach on Protected Areas • Surface water monitoring • Groundwater monitoring, quality and level • Groundwater contamination procedures • Social impacts and Management to be addressed in the SLP for approval by DMR • Dust Management Plan as part of the EMPr • Waste Management Licence for waste water treatment facility from National DEA • Appointment of an Independent Environmental Control Officer • Subiflex must contribute to Strategic Environmental tools, programmes and projects within the province. Method of contribution to be agreed 		
Department of Water and Sanitation	X	18 Jan 2016	Identification of water resource Storm water control measures to be implemented Monitoring boreholes upstream and downstream	The water requirements have been determined but further investigation is required to evaluate options. Noted	Not finalised
Department of Rural Development and Land Reform	X	16 Sept 2015		A letter acknowledging the land claims by Nemamilwe Community on The Duel 186 MT was delivered to DRDLR and stamped by DRDLR as proof of delivery.	Consensus
Department of Agriculture	X	4 Sept 2015	Is underground mining a possibility Post mining land use objective	The geology in the area is such and the coal depth is too shallow, therefore complete underground mining is not possible The current land use is grazing, and therefore the proposed post mine land use would probably also be grazing. This will be addressed in more detail in the Environmental Impact Assessment.	Consensus
South African Heritage Resources Agency	X	12 April 2019	No objection with regard to development Appointment of a Stone Age specialist to undertake post EIA Phase 1B assessment of the Stone Age material	Aspects for post-EIA management of heritage and palaeontological resources will be dealt with in the Archaeological and Heritage Strategy identified in the	Not finalised

INTERESTED AND AFFECTED PARTIES		DATE COMMENTS RECEIVED	ISSUES RAISED	EAPS RESPONSE TO ISSUES AS MANDATED BY APPLICANT	CONSULTATION STATUS (CONSENSUS, DISPUTE, NOT FINALISED)
			<p>The discovery of undetected heritage remains must be reported to the archaeologist, who will then comply with the necessary legal requirements</p> <p>Palaeontology assessment before the commencement of the project.</p> <p>Training of mine environmental officer to identify fossils during excavations</p> <p>Procedure for chance finds of heritage and palaeontological fossils</p>	EMPr.	
OTHER AFFECTED PARTIES					
Adjacent landowners					
Landowners adjacent to the project area	X	4 Feb 2019	Kuduland Conservancy – destination and method of transport of product (Siding)	The washed coal will be transported via road to a nearby siding. The destination is unknown at this stage and will be dependent on the market and any off-take agreements once mining commences.	Not finalised
Adjacent Traditional Leaders					
Mphephu Traditional Authority	X	4 Feb 2019	Mphephu has established a coordinating process for all new developments, so as to review benefits and ensure local communities' benefit. Benefits must be presented to Mphephu before communities are engaged.	Meeting held on 12 Feb 2019. Benefits in terms of shareholding will be discussed in line with the Mining Chart requirements once a decision on the Mining Right has been received from DMR.	Not finalised
Adjacent communities					
Makushu, Mosholombe, Pfumembe	X	11 April 2015 13 June 2015 5 Sept 2015	<p>Resettlement of households close to mine area</p> <p>Concerned about graves that would need to move</p> <p>Benefits to the community: roads are a primary need</p> <p>Benefits and shareholding of the community</p>	<p>The EIA and specialist studies will determine what the impacts are and to what extent they can be mitigated to avoid resettlement/relocation.</p> <p>Benefits in terms of shareholding will be discussed in line with the Mining Chart requirements once a decision on the Mining Right has been received from DMR.</p>	Not finalised
INTERESTED PARTIES					
VMRSF	X	17 Sept 2015	Cumulative impact of the project on the Vhembe District, especially groundwater impacts	As far as possible, and as far as information was available, as presented in the Groundwater Impact Slides where	Not finalised

INTERESTED AND AFFECTED PARTIES	DATE COMMENTS RECEIVED	ISSUES RAISED	EAPS RESPONSE TO ISSUES AS MANDATED BY APPLICANT	CONSULTATION STATUS (CONSENSUS, DISPUTE, NOT FINALISED)
	<p>19 Mar 2019</p> <p>20 Mar 2019</p>	<p>Request additional documentation of the 2015 process including the Appeal documentation and decision</p> <p>Access to IAPs of the Appeal documentation and previous EIA/EMPR.</p> <p>We do not think the draft Scoping Report meets the minimum requirements for a scoping report:</p> <ul style="list-style-type: none"> • Policies & Legislation • Alternatives assessment is required in order to confirm that technology contemplated • Applicable international conventions • The need and desirability of the proposed Project 	<p>the Makhado and General Projects impact was incorporated.</p> <p>The IAPs were duly notified of the original decision on 2 February 2017. The appeal was made available to all IAPs on 9 February 2019.</p> <p>The complete Appeal documentation with supporting Appendices was provided to on 9 February 2017. The previous draft and final EIA/EMPR were made available to IAPs 4 May 2016 and 21 June 2016 respectively. You did not comment on any of these documents. We contend that you have had ample time to review the documents in 2016 and 2017 and failed to provide comments.</p> <p>The case law presented as part of your comments in respect of climate change is directed at a coal-fired power station and would not necessary be applicable to coal mines. We take note of your concern and will highlight this to the Competent Authority. If the Competent Authority requires such a study for decision-making, we will instruct the necessary specialists to conduct such.</p> <p>The definition of “alternatives” as provided in regulation 1 of the EIA Regulations. The development alternatives considered are indicated in Section 8.1 of the draft Scoping Report. We agree that the authorities need to consider international conventions to which SA is party in their decision-making.</p> <p>The Plan of Study clearly indicates that a macro-economic impact analysis, which</p>	

INTERESTED AND AFFECTED PARTIES	DATE COMMENTS RECEIVED	ISSUES RAISED	EAPS RESPONSE TO ISSUES AS MANDATED BY APPLICANT	CONSULTATION STATUS (CONSENSUS, DISPUTE, NOT FINALISED)
		<p>Failure to adequately capture Part 2 of Appendix 2 content requirements</p> <p>Specialist Studies, i.e. Traffic Impact Assessment, Climate Change Assessment, Health Assessment, Cost Benefit Analysis, Biodiversity Assessment, Air Quality Assessment</p>	<p>includes a detail Cost Benefit Analysis, is being performed</p> <p>The listed activities as indicated in Table 1 must be read with Figure 5, which details the listed activity and the thresholds. We submit that the description of the proposed activity and listed activities are adequate and meet the requirements of Appendix 2.</p> <p>This re-application comes some 4 years after the original specialist fieldwork was conducted. The environmental context in the area has not changed significantly, nor has the mining and infrastructure footprint been altered from the 2015 submission. The findings of the specialist reports are therefore considered valid for this reapplication. However, the following specialist reports will be reviewed to confirm the baseline environmental context, and is inclusive of a biodiversity assessment, contrary to what you indicated in your comments:</p> <ul style="list-style-type: none"> • Terrestrial assessment • Freshwater assessment • Geohydrological assessment and bulk water options • Heritage and Palaeontological impact assessment • Social impact assessment, which includes the Health Impact Assessment <p>Traffic Impact Assessment: Given the fact that the final destination of the product has not yet been confirmed as it will be dependent on the market and any off-take agreements once mining commences, it will be superfluous to conduct a Traffic Impact Assessment at</p>	

INTERESTED AND AFFECTED PARTIES		DATE COMMENTS RECEIVED	ISSUES RAISED	EAPS RESPONSE TO ISSUES AS MANDATED BY APPLICANT	CONSULTATION STATUS (CONSENSUS, DISPUTE, NOT FINALISED)
			<p>Cumulative Assessment</p> <p>Public Participation for the Water Use Licence Application</p>	<p>this point in time. The environmental or community context in the area has not changed dramatically. It is therefore unclear what would cause the inevitably changed ambient air quality in the area.</p> <p>The cumulative assessment will only be conducted during the EIA Phase. We submit that the main cumulative impacts associated with the project has been identified, as presented in Section 8.5.11 of the report.</p> <p>Further public participation will be conducted for the water use licence and waste management licence applications, as per the legal requirements and/or applicable directives by the responsible Authority.</p>	
All other parties on register	X				

A detailed Comment and Response Report (CRR) is attached as Appendix 1-6. Copies of written submissions are included in Appendix 1-7.

5 FURTHER IAP ENGAGEMENT SESSIONS

5.1 Authority Engagement

The draft EIAR/EMPr will be provided to all relevant Departments (including District and Local Municipal representatives) for their comments and inputs.

5.2 Land claimants of Application Property

Land Claimants on the application property is and will be engaged throughout the process.

5.3 Engagement of neighbouring Traditional Leadership and Communities

Traditional Leadership will be invited to the scheduled public meeting.

5.4 Public Meeting

A combined Community and Public Meeting will be held where all IAPs will be provided with an opportunity to raise concerns, make comments and/or suggestions to the EAP and the Applicant. The meeting will be held within the Municipal area in proximity to the communities. The proceedings will be translated into Venda.

5.5 Availability of the EIAR/EMPr

The draft EIAR/EMPr will be made available for 30 calendar days. Notification will be sent to all registered IAPs indicating where copies of the report can be accessed. Hard copies of the reports will be submitted to relevant Authorities and will also be placed in the Public Places. The report will be available for download or a Compact Disc can be posted on request. Provision will be made to facilitate access to the report by communities.

**APPENDIX 1-1:
INTERESTED AND
AFFECTED PARTY LIST**

The Duel Coal Project
Interested and Affected Party Register

Category	Title	Initials	First Name	Last Name	Designation	Organisation
Tourism	Mr	H	Pieter	Erasmus	General Manager	Tshipise Forever Resort
Tourism	Mnr	K	Kobus	Tait	Managing Director	Forever Resorts Aventura (Pty) Ltd
Research Institution	Dr	I	Ian	Gaigher		Lajuma Research Centre/ Vhembe
Provincial Government	Mr	M	Michael	Buys	Deputy Director: Vhembe District (Land Reform)	Department of Rural Development and Land Reform
Provincial Government	Ms	N	Ngaka	Dumalisile	HOD	COGHSTA
Provincial Government	Mr	T	Thivhulawi	Kolani	Deputy Director: Environment	Department of Mineral Resources
Provincial Government	Mr	NS	NS	Kgopong	HOD	Department of Economic Development, Environment &
Provincial Government	Ms	SH	SH	Mabuda	District Office	COGHSTA
Provincial Government	Mrs	J	Jacoline	Maisela	HOD	Department of Agriculture
Provincial Government	Mr	F	Foletji	Mahlakoane	Director	Fisheries (DAFF)
Provincial Government	Ms	L	Lilly	Maja	Acting General Manager: SEZ	Department of Economic Development, Environment &
Provincial Government	Adv	T	T	Maphiswana	Director: Vhembe District	Department of Transport (DOT)
Provincial Government	Mr	T	Tele	Maphoto	Land Claims Commissioner	Department of Rural Development
Provincial Government	Ms	T	Telly	Mashau	Official	Department of Mineral Resources
Provincial Government	Ms	C	Connie	Mathumo	Planner: Vhembe District (SPLUM)	Department of Rural Development
Provincial Government	Mr	DT	D	Seroka	HOD	Department of Public Works, Roads &
Provincial Government	Mr	V M	Victor Mafemane	Mongwe	Senior Manager – Environmental Impact Management	Department of Economic Development, Environment &
Provincial Government	Mr	KS	KS	Ndou	Director: Traditional Affairs	COGHSTA
Provincial Government	Ms	P	Portia	Ravhugoni	Heritage Practitioner	Limpopo Heritage Resource Agency
Provincial Government	Mr	D	David	Nethengwe	Senior Manager: Water Allocation	Department of Water & Sanitation
Provincial Government	Mr	T	Tlhagala	Ngoasheng	Manager: Environmental Impact Management for Mopane & Vhembe District	Department of Economic Development, Environment & Tourism (LEDET)
Provincial Government	Ms	H	Henley	du Plessis	Director: Policy Coordination and Strategic Planning	Department of Transport (DOT)
Provincial Government	Mr	T	Timmy	Shilenge	Head of Programmes: SPLUM	Department of Rural Development
Provincial Government	Mr	M	Melton	Tshilio	Head of Programmes: Land Reform	Department of Rural Development
Parastatel	Mr	N	Nomasonto	Ndlovo	CEO	Limpopo Tourism & Parks
Neighbour	Mnr	A	Arnold	Cloete		Akkerland Boerderye (Pty) Ltd
Neighbour	Ms	F	Flo	Duval	Corporate Affairs Manager	MC Mining
Neighbour	Mr	J	Johan	Fourie		
Neighbour	Mnr	A	Andries	Fourie		Maswiri Boerdery (Pty) Ltd
Neighbour	Mr	E	Evert & Mari	Fourie		Maswiri Boerdery (Pty) Ltd Maswiri Safari's
Neighbour	Mr	A M	Alec Mario	Leask		
Neighbour	Mr	M J N	Marnus Josias Nkhumel	Ndwammbi		
Neighbour	Mr		JP	Nel		
Neighbour	Mr		Peter	Nicholson		
Neighbour	Mr		Julius	Raal		
Neighbour	Mr	W	Wulf	Schwerdfeger		Ekland Safari
Neighbour	Mr	P	Phillip	Snyman		
Neighbour	Mnr	J	Johan	Steenkamp		Akkerland Boerderye (Pty) Ltd
Neighbour	Mr		M	Veeto		
Neighbour	Mr		Christo	Voster		
Neighbour	Mr	HNM	BJN	Voster		
Neighbour	Mr		Tony	Zambakides		
Local Government (District)	Mr	S	Stan	Matloga	IDP Manager	Vhembe District Municipality
Local Government (District)	Mr	M	Mukundi	Mushaphi	Local Economic Development Manager	Vhembe District Municipality
Local Government (District)	Mr	L	Luruli	Mavhungu	Executive Mayor	Vhembe District Municipality
Local Government (District)	Mr	R	Rueben	Rambado	Acting Municipal Manager	Vhembe District Municipality
Local Government (District)	Ms	M	Mamagudie	Rampfumedzi	IDP Co -ordinator	Vhembe District Municipality
Local Government	Mr	F	Frank	Chililo	Ward Councillor: Ward 37 Head of Community Services	Makhado Local Municipality
Local Government	Mr	R	Robert	Magada	Ward Councillor: Ward 21	Makhado Local Municipality
Local Government	Mr	S A	S A	Mathonsi	LED Manager	Makhado Local Municipality
Local Government	Mr	P	Patrick	Sidimela	IDP Coordinator	Makhado Local Municipality
Local Government	Ms	H M	Hilda Mpho	Mudau	Environmental Impact Assessment Practitioner	Makhado Local Municipality
Local Government	Mr	R	Rudzani	Phalandula	Head of Development Planning	Makhado Local Municipality
Local Government	Mr	P	Patrick	Sidimela	LED Manager	Makhado Local Municipality
Local Government	Mrs	D	Dakalo	Sinthumule	Director: Planning	Makhado Local Municipality
Local Government	Mr	NF	Freddy	Tshivhengwa	Municipal Manager	Makhado Local Municipality
Land Claimant Representative	Mr	NA	Ntseni Alfred	Nemamilwe	Chairperson	Nemamilwe Land Claimants
Land Claimant Representative	Mr	L	Lindilani	Sikhitha	Representative	Nemamilwe Family
Interested Party	Mrs	M	Makhadu	Nebulu		Tshivhidzo (Mamvuka) Community
Interested Party	Mr	T	Thomas	Tshilongo		Mudimeli Community
Interested Party	Mr	P	Phineas	Tshivhidzo		Tshivhidzo (Mamvuka) Community
Interested Party	Ms	L	Livhuwani	Tshivhidzo		Tshivhidzo (Mamvuka) Community
Interested Party	Mrs	T	Tshifhiwa	Tshivhidzo		Tshivhidzo (Mamvuka) Community
Interested Party	Mrs	J	Johanna	Tshivhidzo		Tshivhidzo (Mamvuka) Community
Interested Party	Mr	E	Ewart	Tshivhidzo		Tshivhidzo (Mamvuka) Community /
Hunters Association	Mrs	M	Marie	Mostert	Secretary	Soutpansberg Bosveld
Farmers Association	Mrs	H	Hes	Bayes	Secretary	Soutpansberg Distriks Landbou Unie
Farmers Association	Ms	E	Erika	Helm		Soutpansberg Distriks Landbou Unie
Environmental NGO	Ms	J	Jack	Brotherton	Spokesman	Greater KuduLand Conservancy
Environmental NGO	Dr	N	Norbert	Hahn		Institute of Conservation and Natural History of the Soutpansberg
Environmental NGO	Mr	H B	Howard	Knott	Owner	Greater KuduLand Conservancy
Environmental NGO	Mr	J	Jabu	Linden	Conservation and Development Committee's member	Vhembe Biosphere Reserve
Environmental NGO	Mnr	F	Francis	Nicholson	Chairperson	Makhado Action Group
Environmental NGO	Mr	E	Ernst	Retief	Important Bird Areas Programme & Community-based Conservation	Birdlife South Africa

The Duel Coal Project
Interested and Affected Party Register

Category	Title	Initials	First Name	Last Name	Designation	Organisation
Environmental NGO	Mr	J	John	Rosmarin	Chairperson	Vhembe Biosphere Reserve
Directly Affected Landowner	Mnr	C	Clint	Howes	MRA Landowner	Clint Howes Family Trust
Community Representative	Mr	PE	Phillip Elias	Kharivha	Community Member / Rep	Mosholombe Community
Community Representative	Mrs	E	Elisa	Maema	Musholombi Traditional member	Musholombi Traditional Leadership
Community Representative	Mr	S T	Simon Tshikonelo	Mafukuduvha	Secretary	Makhado Project Community
Community Representative	Ms	MN	Maria Ndweleni	Makushu	Makushu Traditional Leader	Makushu Traditional Leadership
Community Representative	Mr	P	Patrick	Makushu	Makushu Traditional member	Makushu Traditional Leadership
Community Representative	Mr	A	Andries	Masuwa	Community Member / Rep	Makushu Community
Community Representative	Mrs	EN	Esther Nditsheni	Motapa	Community Member / Rep	Makushu Community
Community Representative	King	T	Tony	Mphephu	Traditional Leader	Mphephu Traditional Authority
Community Representative	Chief	P S T	Tumelo	Musholombe	Musholombi Traditional Leader	Musholombi Traditional Leadership
Community Representative	Chief	R S	R S	Nepfumembe	Traditional Leader	Pfumembe Traditional Leadership
Community Representative	Mrs	M	Maria	Raphulu	Community Member / Rep	Mosholombe Community
Community Representative	Mr	A	Albert	Sithole	Community Member / Rep	Mosholombe Community
Community Representative	Mr	N	Nicholus	Tshinyelo	Community Member / Rep	Makushu Community
Business & Commerce	Me	E	Soekie	Bierma	Secretary	Chamber of Commerce Soutpansberg
Business & Commerce	Mr	A	Ashmjta	Patel	Owner	H.K Patel General Dealer
Advocacy Groups	Me	I	Inge	Gilfillan	Sekretaresse	Voorsittersvereniging & Erfenisstigting
Advocacy Groups	Mr	A	Andre	Naude	Voorsitter:Belangegroep	Chairpersons Association/ Coxwell,
Advocacy Groups	Mr	C	Christo	Rheeders	Legal rep	Vhembe Mineral Resources Forum
Advocacy Groups	Mr	A	Antonie	Van Staden		Vhembe Mineral Resources Forum
Advocacy Groups	Mr	P	Phile	Van Zyl	Chairperson	Vhembe Mineral Resources Forum
Advocacy Groups	Ms	J	Justine	Sweet	Legal rep	Vhembe Mineral Resources Forum

APPENDIX 1-2: PROJECT NOTIFICATIONS



The Duel Coal Project

Ref no: TDC001

1 February 2019

Dear Stakeholder,

NOTICE OF THE RE-APPLICATION FOR A MINING RIGHT AND ENVIRONMENTAL AUTHORISATION FOR THE DUEL COAL PROJECT ON THE REMAINING EXTENT OF THE DUEL 186 MT, MAKHADO LOCAL MUNICIPALITY, VHEMBE DISTRICT: LIMPOPO REGION

Subiflex (Pty) Ltd (Reg. No: 2010/019233/07), applied for a mining right for coal, pseudocoal and torbanite/oilshale in terms of section 22 of the Mineral and Petroleum Resources Development (MPRDA) Act 28 of 2002 (as amended) on 30 July 2015 in respect of the Remaining Extent of the farm The Duel 186 MT and for Environmental Authorisation in terms of section 24 of the National Environmental Management (NEMA) Act 107 of 1998 (as amended) and the Environmental Impact Assessment (EIA) Regulations of 2014 (as amended in 2017).

The Department of Mineral Resources (DMR) refused the said application on 19 January 2017, due to the fact that the Department of Economic Development, Environment and Tourism (LEDET) did not support the granting of the Environmental Authorisation for reasons which the DMR felt was not addressed sufficiently by the applicant. Subiflex submitted an appeal to the Department of Environmental Affairs (DEA) on 8 February 2017, which appeal was dismissed by the Minister of Environmental Affairs on 23 February 2018.

Following consultation with authorities, Subiflex was advised to re-submit its applications for a Mining Right and Environmental Authorisation. It is Subiflex's intent to utilise knowledge gained and comments received from the previous process to ensure due consideration is given to all aspects of the project and process, whilst reviewing certain biophysical and cultural aspects to update the 2016 specialist findings.

The proposed mine development is located 54 km north of Louis Trichardt in Ward 21 of the Makhado Local Municipal area, in the Vhembe District, and is planned as a combination of open pit and underground mining with a potential Life-of-Mine (LOM) of 24 years. It is noted that the scope of the overall activity has not been changed for this re-application, and is summarised below.

The envisaged mining method for the open pit area is a conventional drill and blast operation with truck and shovel, load and haul. Underground mining operations will commence from year 10 onwards for a period of 5 years. Access will be from selected positions in the open pit and the coal will be mined through the long-wall methodology. After underground activities have been completed, the access to the underground areas will be closed followed by the final rehabilitation of the open pit. The proposed infrastructure to be developed include a Coal Handling Processing Plant, overburden waste and discard dumps, access and haul roads, clean and dirty water management systems and auxiliary infrastructure (workshop, store, office, change house, electrical power supply and security fencing). The washed coal will be transported via road to a nearby siding. The final discard material from the plant will be disposed of in the mined-out open pit. In the event that the pit is unavailable due to existing mining activities, the discard material will

be placed on an interim surface discard dump, from where it will be reclaimed and dumped into the mined-out open pit towards the end of the mine life as part of the rehabilitation of the mining site.

As a previously registered Interested and Affected Party (IAP) you are hereby duly notified of Subiflex's intent to re-apply for a Mining Right and an Environmental Authorisation.

You are requested to confirm your continued interest in the project and to provide us with any updated contact details and/or additional comments in the attached *IAP Registration and Comment Form*.

Please feel free to contact the Public Participation Office should you have any queries regarding this notification of the way forward on this re-application.

Regards,

Susan van Eeden

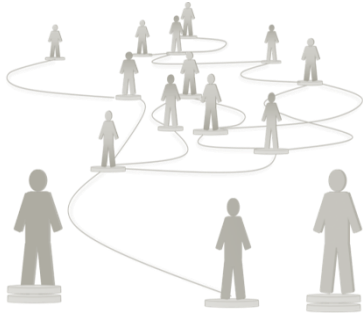
Public Participation Office

PO Box 13509, Sinoville, Pretoria

Tel: (012) 543 9093

Fax: 086 602 5566

Email: theduel.application@gmail.com



The Duel Coal Project

February 2019

IAP REGISTRATION AND COMMENT FORM

Title		First Name:		Surname	
Company / Organisation:					
Designation:					
Home town / Property					
Postal Address					
		Postal Code			
Physical Address					
		Postal Code			
Contact details		Tel:		Fax:	
		Email:		Cell:	
I wish to confirm my interest in the project				Yes	No
I wish to be removed from the IAP register				Yes	No
I wish to register as an IAP				Yes	No
My interest in the project is:					
Please write comments and questions here?					
<i>Please feel free to attached a separate written submission</i>					
Please add any person you think may be interested and affected parties					
Full Name		Company / Organisation			
Company / Organisation:					
Contact details		Tel:		Fax:	
		Email:		Cell:	
Please send your Registration and Comments to:					
Lizinda Dickson or Susan van Eeden					
Address	PO Box 13509, Sinoville, Pretoria	Email	theduel.application@gmail.com		
Tel:	(012) 543 9093	Fax:	086 602 5566		



The Duel Coal Project

Ref no: TDC001

18 February 2019

Dear Stakeholder,

RE: RE-APPLICATION FOR ENVIRONMENTAL AUTHORISATION FOR SUBIFLEX (PTY) LTD IN RESPECT OF THE REMAINING EXTENT OF THE FARM THE DUEL 188 MT IN THE MAGISTERIAL DISTRICT OF MAKHADO IN LIMPOPO PROVINCE: DRAFT SCOPING REPORT FOR COMMENT

The attached notification of 1 February 2019 in respect of The Duel Coal Project refers.

The Draft Scoping Report is available for comments. Access it by requesting a CD from the Public Participation Office; hard copy at the Makhado Local Municipality, hard copy at the Nemamilwe Trust; hard copy at the Mphephu Traditional Authority office; or by downloading it from the following link: <https://document.sharefile.com/f/fo6ada5f-9b80-4439-be16-8ca637148937>.

Comments should be forwarded to our Public Participation Office within 30 days of this submission, on or before **20 March 2019**.

You can provide your comments by emailing or faxing it to the Public Participation Office at the contact details below.

Lizinda Dickson / Susan van Eeden

Tel: 012 543 9093; Fax: 086 602 5566; Email: theduel.application@gmail.com

Should you require any further clarity feel free to contact our Public Participation Office.

Yours sincerely,

Regards,

Susan van Eeden

Public Participation Office



The Duel Coal Project

Ref no: LP 30/5/1/2/2/10167 MR

4 April 2019

Dear Stakeholder,

RE: RE-APPLICATION FOR ENVIRONMENTAL AUTHORISATION FOR SUBIFLEX (PTY) LTD IN RESPECT OF THE REMAINING EXTENT OF THE FARM THE DUEL 186 MT IN THE MAGISTERIAL DISTRICT OF MAKHADO IN LIMPOPO PROVINCE: FINAL SCOPING REPORT

Subiflex (Pty) Ltd (Reg. No: 2010/019233/07) re-applied for a mining right for coal, pseudocoal and torbanite/oilshale in terms of section 22 of the Mineral and Petroleum Resources Development (MPRDA) Act 28 of 2002 (as amended) on 18 February 2019 in respect of the Remaining Extent of the farm The Duel 186 MT and for Environmental Authorisation (EA) in terms of section 24 of the National Environmental Management (NEMA) Act 107 of 1998 (as amended) and the Environmental Impact Assessment (EIA) Regulations of 2014 (as amended in 2017). The EA application was acknowledged by Department of Mineral Resources (DMR) on 12 March 2019. The Mining Right application was accepted (acknowledged) by the DMR on 20 March 2019. The Draft Scoping Report was made available for comments from 18 February 2019 to 20 March 2019.

Thank you for all the comments received. The Final Scoping Report has been submitted to DMR and is available for Interested and Affected Parties at the following link: <https://document.sharefile.com/d-s1342c44b86046239>

For any further information or to submit any additional comments to be taken into consideration during the EIA Phase, please email or fax the Public Participation Office at the contact details below.

Lizinda Dickson / Fransis de la Rosa

Tel: 012 543 9093; Fax: 086 602 5566; Email: theduel.application@gmail.com

Yours sincerely,

Regards,

Fransis de la Rosa

Public Participation Office



The Duel Coal Project

Ref no: LP 30/5/1/2/2/10167 MR

16 July 2019

Dear Stakeholder,

RE: RE-APPLICATION FOR ENVIRONMENTAL AUTHORISATION FOR SUBIFLEX (PTY) LTD IN RESPECT OF THE REMAINING EXTENT OF THE FARM THE DUEL 186 MT IN THE MAGISTERIAL DISTRICT OF MAKHADO IN LIMPOPO PROVINCE: ACCEPTANCE OF FINAL SCOPING REPORT

Subiflex (Pty) Ltd (Reg. No: 2010/019233/07) re-applied for a mining right for coal, pseudocoal and torbanite/oilshale in terms of section 22 of the Mineral and Petroleum Resources Development (MPRDA) Act 28 of 2002 (as amended) on 18 February 2019 in respect of the Remaining Extent of the farm The Duel 186 MT and for Environmental Authorisation (EA) in terms of section 24 of the National Environmental Management (NEMA) Act 107 of 1998 (as amended) and the Environmental Impact Assessment (EIA) Regulations of 2014 (as amended in 2017). The EA application was acknowledged by Department of Mineral Resources (DMR) on 12 March 2019. The Mining Right application was accepted (acknowledged) by the DMR on 20 March 2019. The Draft Scoping Report was made available for comments from 18 February 2019 to 20 March 2019.

The Final Scoping Report was submitted to the DMR on 3 April 2019 and has been accepted by DMR on 26 June 2019. The EIA process has therefore commenced in line with the tasks contemplated in the Plan of Study.

A Public Open Day Meeting will be held in September 2019. Details of this meeting will be finalised and sent out before 25 August 2019.

For any further information or to submit any additional comments to be taken into consideration during the EIA process, please email or fax the Public Participation Office at the contact details below.

Lizinda Dickson / Fransis de la Rosa

Tel: 012 543 9093; Fax: 086 602 5566; Email: theduel.application@gmail.com

Yours sincerely,

Regards,

Fransis de la Rosa

Public Participation Office

**APPENDIX 1-3:
ADVERTISEMENTS**

Audited Distribution Figures 01/2018 - 03/2018
BEST SELLING LOCAL NEWSPAPER IN LIMPOPO SINCE 2006!

Awards for Leopards' coach and striker - page 2

Parents shut John Muthelwana School down - page 2

Sweet revenge for Black Leopards - page 19

Rambau murder case: Four arrested



The late Mr Marks Rambau.

By Eimon Tshikhudo
The police in Polokwane made a breakthrough in the murder case of a senior government official in Limpopo, Mr Marks Rambau, when they arrested four people.
Rambau, of Flora Park in Polokwane, disappeared last

week and was found dead and partly burnt at the old Peter Mokaba Stadium. After his body was identified, the police discovered that his two vehicles were also missing.
A task team set up to investigate the case did sterling work and two suspects were arrested. The first two to be arrested were Clement Grobosa Imazobli (27), a Nigerian citizen, and Comfort Khomoso Mankuru (24), who appeared in court, together with two other accused who were arrested on Saturday for possession of suspected stolen property.

Ebrahim Rafiahmed (27) appeared for possession of a suspected stolen Jeep Wrangler and Dakalo Mukweho (25) was arrested for possession of a suspected stolen cellphone. Both items belong to the deceased.
Limpopo police spokesperson Brigadier Modafela said the four had appeared in the Polokwane Magistrate's Court on Monday. "They were remanded in custody until 6 February, pending further police investigations," Modafela said.



Accused

Clement Grobosa Imazobli (27).
Comfort Mankuru (24).
Mr Ebrahim Rafiahmed (27).
Mr Dakalo Mukweho (25).
Photos provided by SAPS

Funeral turns into celebrations

By Eimon Tshikhudo
The good news of the arrest of the suspects in the murder case of well-known public servant Mr Marks Rambau turned his solemn and sombre funeral service into cheers and clapping of hands.
During her speech on Saturday, transport MRC Makama

Makharapeje announced the arrest of the suspects in the brutal murder of Rambau. Rambau, of Masiya village in Vuwani, was deputy director at the Department of Transport in Polokwane at the time of his death. He disappeared for four days from his house, and it was only through the help of a security guard who witnessed his dumping and reported it to

the police that he was found. His body was found partly burnt next to the Peter Mokaba Stadium. After the discovery of his body, his Jeep and Polo vehicles were also found to be missing. Rambau was buried after a memorial service held in Polokwane and another held on Friday at his home town of Vuwani. - *Continues on p12*

2016 VW Jetta

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www.ayobmotors.co.za
AYOB MOTORS
Tel: (015) 516 5175

abc
Audited Distribution Figures

ISSN 2409-4394
9 772409 678009

Family fill up.

FAMILY TREAT
6 PIECE **165.90**
9 PIECE **187.90**
10 PIECE **209.90**

Family Treat includes 2 Large Chips - CHOOSE any 3 sides

KFC "It's finger lickin' good"

(continued from p14)
NETSIANDA INCORPORATED

NOTICE TO CREDITORS IN TERMS OF SECTION 29 (1) OF THE ADMINISTRATION OF ESTATES ACT 56 OF 1965
 Estate Late MUTHIGÉ NDIVHUWO LIVINGSTONE (ID NO: 610606 0567 08 1, married to Muthiga Delantzi Sylvis of House No 2400 Mankwena Location, Thohoyandou, Limpopo province who died on the 7th October 2018. Estate number: 2900/2018.
 Master's office: Thohoyandou. Persons having claims against this estate are called to lodge their claims within 30 days from date of publication.
SIGNED AT THOHAYANDOU ON THIS 15th DAY OF JANUARY 2019.
NETSIANDA INCORPORATED
 Block C, 3rd Floor
 Office No: 90, Umdav Building
 THOHAYANDOU/0950
 TEL/FAX: 015 965 0016
 FAX/EMAIL: 095 609 2492
 E-MAIL: info@netsianda-incorporatedattorneys.co.za

PANDELANI LIPHOSA ATTORNEYS

NOTICE IN TERMS OF SECTION 29(5) OF ACT 56 OF 1965
 Kindly be informed that the First and Final Liquidation and Distribution Account of the ESTATE LATE MUSHIANA MBLAHEZI THAPHELO, Identity number 991014 5444 08 4, who resided at Tshakhuma, who died on the 20th 08 JUNE, was married to Mushiana Aokwaniwi. Estate Number: 1954/2018 will be open for inspection for a period of 21 (twenty one) days from the date of this publication at the office of the Master and Magistrate as stated below. Should no objection thereto be lodged with the Master concerned during the specified period, the executor will proceed to make payments in accordance with the accounts.
MASTER'S OFFICE: THOHAYANDOU MAGISTRATE'S COURT, THOHAYANDOU
R. LIPOHOSA ATTORNEY NEXT TO MAKHARELA CLINIC
 CELL: 092 565 0631 / 092 395 0506
 EMAIL: rliphosa@gmail.com
 Ref: Pandelani Liphosa

SHERIFF THOHAYANDOU

LOWER & HIGH COURT MR TG MALIPHASHWA
 In the magistrate's court for the district of Vhembe held at Thohoyandou.
 In the matter between TSHIDINO PATRICK LAMIBANI (Creditor) and NDUVHINI BOSONI MORHONI LAMIBANI (Debtor)
 Case no: 656/18
NOTICE OF PROPOSED SALE IN EXECUTION IN TERMS OF SECTION 71(A) OF THE ACT 22 OF 1944 AS AMENDED.
 Please take note that:

In pursuance of a ruling of the above court and in accordance with a warrant of execution issued, the under mentioned goods have been removed.
 Also take note that the attachment in respect of the goods has either been issued i.e.o. rule 51(7) of the above act. Please note further that unless such goods are claimed and removed after payment of inter alia storage (i.e. Storage fees are charged at the rate of R150.00 per day since the removal day) and sheriff's costs, they will be sold in execution by public auction on the 2nd February 2019 at Shayanidima Industrial area.
DESCRIPTION OF GOODS:
 Toyota Rav 4 Reg no 600055L
 NT NATHOHO ATTORNEYS
 2nd Floor Umdav Building Thohoyandou.

SHERIFF THOHAYANDOU

LOWER & HIGH COURT MR TG MALIPHASHWA

In the matter between KUBASA KALUMILUDZI CHANCLIN (Creditor) and MAMINGO NDIRALANI O & O Estate Mankwena Vigan (Debtor)
 Case no: 495/14
NOTICE OF PROPOSED SALE IN EXECUTION IN TERMS OF SECTION 71(A) OF THE ACT 22 OF 1944 AS AMENDED.
 Please take note that in pursuance of a ruling of the above court and in accordance with a warrant of execution issued, the under mentioned goods have been removed.
 Also take note that the attachment in respect of the goods has either been issued i.e.o. rule 51(7) of the above act. Please note further that unless such goods are claimed and removed after payment of inter alia storage (i.e. Storage fees are charged at the rate of R150.00 per day since the removal day) and sheriff's costs, they will be sold in execution by public auction on the 2nd February 2019 at Shayanidima Industrial area.
DESCRIPTION OF GOODS:
 Toyota Quantum Reg no 6U 47 RD GP
 Mvundlela & Associates Office no 97, Block C, UMDAV Building, Thohoyandou.

SUBIRLEX (PTY) LTD

PUBLIC PARTICIPATION NOTIFICATION PROPOSED THE DUEL COAL PROJECT (Ref No: TDC003)
 Notice is given of the Intent to submit an application for a Mining Right and Environmental Authorisation for the Duel Coal Project in terms of the following legislation (as amended):
 Mining Right application to the Department of Mineral Resources ("DMR") in terms of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002); and Environmental Authorisation application to the

URBAN AND RURAL DYNAMICS

APPLICATION FOR THE CONSOLIDATION AND REZONING OF ERVEN 1552 AND 1563, MUTALE EXTENSION 1
 THULAMELA LAND USE MANAGEMENT SCHEME 2006.
 We Urban and Rural Dynamics, being the authorised agent of the registered owners of the properties mentioned below, hereby give notice as per below manner: Erven 1552 and 1563 Mutale extension 1 Limpopo Province in terms of section 62 (1) and section 71 of the Thulamela Local Municipality Spatial

Planning and Land Use Management by-law 2005, (DR, SDF read together with provision of Spatial Planning and Land Use Management Act 26 of 2018, that we have made simultaneous application to the Thulamela Local Municipality for the amendment of Land Use Scheme, 2006, by rezoning and consolidation of Erven 1552 and 1563 from Residential 1 to Business 1.
 Details of the abovementioned proposals (Plans and particulars of the application) will be inspected during normal office hours at the office of a Town Planner at Thulamela Local Municipality, Tembamba, Mutale for the period of 30 days from the first day of the publication. Any person who cannot write may come during office hours to advise office where a staff member will assist to transcribe that person's comments or representations.
 Written objections to the proposals must be lodged with office of a Town Planner, Thohoyandou Civic Centre, Old Agrarian Building, Thohoyandou and New Municipal Building, Next to Maneno Station Building, Mutale.

TR URGENT ATTORNEYS
NOTICE TO CREDITORS IN TERMS OF SECTION 29 (1) OF THE ADMINISTRATION OF ESTATES ACT 56 OF 1965
 All persons having claims against the undermentioned estate must lodge it with the Executor concerned within 30 days (or as indicated) from date of publication hereof. Estate number: 002820/2018
Master's Office: Thohoyandou, Surname MUKWEVHO, Christian names: MGBONGI MATHEWS, Date of birth: 01-07-1953 Id No: 520706092064. Last address: Fondera. Date of death: 2018-12-18. Name and Address of Executor or Authorised agent: TR URGENT ATTORNEYS, Portion 2 of 22, First Floor, New Civic Centre, Old Handicare Market and Thulamela Municipality Office, Thohoyandou, 0950.
 Ref: T R URGENT

URBAN AND RURAL DYNAMICS

APLIKESHENI YA CONSOLIDATION AND REZONING YA ZWINTENZI 1552 NA 1563, MUTALE EXTENSION 1
 URBAN AND RURAL DYNAMICS
 THULAMELA LAND USE MANAGEMENT SCHEME 2006.
 Rine vha Urban and Rural Dynamics, vha limelwa vha mulayoni vha vhaane vha maru o mahlwa nge afho fho dia, i khoutu dia ndivhadzo nge ndila i twalaho: Erven 1552 and 1563 Mutale extension 1 Limpopo Province, nge i khathalanyo ya 62 (1) na 71 ya mulayo wa Thulamela Local Municipality Spatial Planning and Land Use Management by-law 2005, (DR, SDF) fho vha vhaane na phurorolenti ya Spatial Planning and Land Use Management Act 26 of 2018, urho ba khumbulo nge mbiti Madipalani wa Thulamela Local Municipality vha ba Residential 1 vha ka Business 1, i khathilhi na uranganyisa culantaf fho vha uli vha hahlelental tsheni.
 Zwivadombedwa and pulano vva khunguvudzo bulidzo zedzululwa nge tshetshinga tsha muthumo ofelini vva Mupulani vva dorobo Thulamela Local Municipality, Mutale, luvha madvutva a 20, vhaone kundivha avutala vha do tangandvha ofelini dia mupulani vva dorobo hane vha do vana muthuane a do vha tshu nge tsheni na tsheni. Khanedano ya makhumbulo vva luvha ofelini vva mupulani vva dorobo, uwanala lha hali address: Thohoyandou Civic Centre, Old Agrarian Building, Thohoyandou and New Municipal Building, Next to Maneno Station Building, Mutale.

VENTER & VENTER INC.
 IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF THULAMELA
 HELD AT THOHAYANDOU
 CASE NUMBER: 794/2018
 In the matter between: TAKALANI SIPHI EXECUTION CREDITOR and TSHIFHIWA UKOTO EXECUTION DEBTOR
NOTICE OF SALE IN EXECUTION
 IN COMPLIANCE with the judgment of the Magistrate's Court of THOHAYANDOU and the warrant of execution served on the 16th day of OCTOBER 2018 the under mentioned goods will be sold in execution on the 15th day of FEBRUARY 2019 at 11:00 AM at BIANCA LOGISTICS, TSHIGUVHU STREET, INDUSTRIAL SITE, SHANADIMA to the highest bidder.

URBAN AND RURAL DYNAMICS

APLIKESHENI YA CONSOLIDATION AND REZONING YA ZWINTENZI 1552 NA 1563, MUTALE EXTENSION 1
 URBAN AND RURAL DYNAMICS
 THULAMELA LAND USE MANAGEMENT SCHEME 2006.
 Rine vha Urban and Rural Dynamics, vha limelwa vha mulayoni vha vhaane vha maru o mahlwa nge afho fho dia, i khoutu dia ndivhadzo nge ndila i twalaho: Erven 1552 and 1563 Mutale extension 1 Limpopo Province, nge i khathalanyo ya 62 (1) na 71 ya mulayo wa Thulamela Local Municipality Spatial Planning and Land Use Management by-law 2005, (DR, SDF) fho vha vhaane na phurorolenti ya Spatial Planning and Land Use Management Act 26 of 2018, urho ba khumbulo nge mbiti Madipalani wa Thulamela Local Municipality vha ba Residential 1 vha ka Business 1, i khathilhi na uranganyisa culantaf fho vha uli vha hahlelental tsheni.

URBAN AND RURAL DYNAMICS

APPLICATION FOR THE CONSOLIDATION AND REZONING OF ERVEN 1552 AND 1563, MUTALE EXTENSION 1
 THULAMELA LAND USE MANAGEMENT SCHEME 2006.
 We Urban and Rural Dynamics, being the authorised agent of the registered owners of the properties mentioned below, hereby give notice as per below manner: Erven 1552 and 1563 Mutale extension 1 Limpopo Province in terms of section 62 (1) and section 71 of the Thulamela Local Municipality Spatial

VENTER & VENTER INC.
 IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF THULAMELA
 HELD AT THOHAYANDOU
 CASE NUMBER: 794/2018
 In the matter between: TAKALANI SIPHI EXECUTION CREDITOR and TSHIFHIWA UKOTO EXECUTION DEBTOR
NOTICE OF SALE IN EXECUTION
 IN COMPLIANCE with the judgment of the Magistrate's Court of THOHAYANDOU and the warrant of execution served on the 16th day of OCTOBER 2018 the under mentioned goods will be sold in execution on the 15th day of FEBRUARY 2019 at 11:00 AM at BIANCA LOGISTICS, TSHIGUVHU STREET, INDUSTRIAL SITE, SHANADIMA to the highest bidder.

VACANCIES

MMC has Civil contractor posts available for: Road, Buildings, Electrical, Mechanical, Health & Safety. 3 Years experience needed.
 Send CV's to:
 office2work@yahoo.com
 or call Samuel at 082 526 4559

Build It

MAKHADO VACANCY

DRIVER needed at Build It Makhado

Please contact:
 064 402 66 88/ 081 496 3802
 limpopobuildit@gmail.com

VHEMBE T.V.E.T. COLLEGE
 Site no 203, Private Bag X2136, Sibasa, 0970, Limpopo
 • Tel: (015) 963 3156 / 963 3657 • Fax: (015) 963 3154
 • E-mail: letcol@vweb.co.za

NOTICE OF CANCELLATION OF TENDERS AS PER THE BELOW ERRORS

1. The College would like to inform all bidders that the security Tenders have been cancelled due to the administration errors as per the below information:

REF:	Advertised Period:	Enq:
VTVET NO:61/2018	31/08/18to04/10/18	Mr Manena SR/
VTVET NO:60/2018		Mphahlele ND
VTVET NO:55/2018	And	015 963 3156
VTVET NO:56/2018		
VTVET NO:62/2018	26/10/18to23/11/18	
VTVET NO:57/2018	(VTVET68 / 2018)	
VTVET NO:59/2018		
VTVET NO:58/2018		
VTVET NO:68/2018		

Corrective measures
 The College acknowledges the occurred error in relation to security services tenders on the pricing schedule and the tenders will be re-advertised as part of the corrective actions and all affected bidders will be entitle to receive the document for free of charge.

VACANCIES
VACANCY in Nzhelele
Sales person in motor spare shop.
 Contact Usman: 084 408 9362



PRODUCTION MANAGER

We require the services of a Production Manager for a Macadamia Nut processing plant. Candidates must have the following qualifications and experience.
Candidate requirements:
 • National Technical Certificate 6 or equivalent
 • Advanced computer skills, especially Excel
 • Leadership, Public relation, skills
 • Personal management experience
 • Speak Afrikaans and English fluently
 • Experience in Factory management
 • Experience of ISO 22000/ FSSC 22000/ HACCP
 • Quality output and continuous improvement mindset
 • Outgoing personality
 • Be able to manage a labor team in such a way that production targets, safety standards are met.
 • Must have excellent written and verbal communication skills to maintain good and balanced interpersonal relationship with the working force, growers and clients.
 • Alignment with company values - Integrity, passion, hard work, mentorship and development of staff
 • Self-disciplined team leader, a team player honest and of high integrity.
 • Willing to work overtime and weekends when needed.

E-mail CV to:
 gm@royalmacadamia.co.za
 The Company offers a competitive salary. Applications closes on 08 February 2019. If not contacted before 12 February 2019 regard applications as unsuccessful.

SUBIFLEX (PTY) LTD

**PUBLIC PARTICIPATION
NOTIFICATION
PROPOSED
THE DUEL COAL PROJECT
(Ref No: TDC001)**

Notice is given of the intent to resubmit an application for a Mining Right and Environmental Authorisation for The Duel Coal Project in terms of the following legislation (as amended): Mining Right application to the Department of Mineral Resources ("DMR") in terms of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002); and Environmental Authorisation application to the

DMR in terms of the National Environmental Management Act (Act 107 of 1998) and the 2014 Environment Impact Assessment ("EIA") Regulations (as amended in 2017).

PROPONENT: Subiflex (Pty) Ltd

LOCATION: The application area is located on the Remaining Extent of the farm The Duel 186 MT, Makhado Local Municipality, Vhembe District, Limpopo Province.

APPLICATION PROCESS: The application for a Mining Right triggers a Scoping and Environmental Impact Reporting ("S&EIR") process as contemplated in regulation 21 to regulation 24 of the 2014 EIA Regulations.



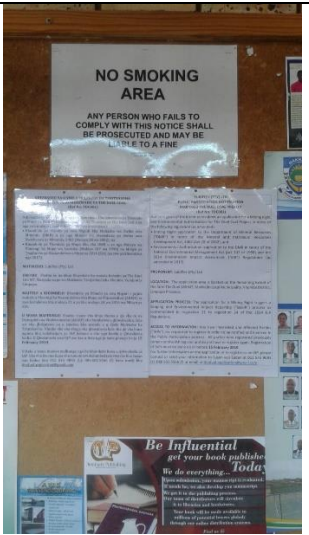
ACCESS TO INFORMATION: Any new Interested and Affected Parties ("IAPs") are requested to register in order to be notified and involved in the Public Participation process. All parties who registered previously remain on the IAP register and do not have to register again. Registration of IAPs must be done on or before **15 February 2019**.


For further information on the application or to register as an IAP, please contact or send your information to Susan van Eeden at 012 543 9093 (t); 086 602 5566 (f) or email at theduel.application@gmail.com

**APPENDIX 1-4: ON SITE
NOTICES**

PUBLIC NOTICE REPORT

LOCATION OF NOTICE	NAME OF LOCATION	COORDINATE OF PLACEMENT	DATE OF PLACEMENT	PHOTO
Project Property Boundary	Entrance to The Duel	22,759815°S; 30,048157°E	1 Feb 2018	
Neighbouring Communities	Adjacent to Makushu Community	22,760952°S; 30,053895°E	31 Jan 2018	

LOCATION OF NOTICE	NAME OF LOCATION	OF	COORDINATE OF PLACEMENT	DATE OF PLACEMENT	PHOTO
	Adjacent to Mosholombe Community		22,761755°S; 30,060366°E	31 Jan 2018	
	Mphephu Traditional Authority		22,897642°S; 30,037721°E	31 Jan 2018	
Municipality	Makhado Municipality	Local	23,0430088°S; 29,9070275°E	1 Feb 2018	

LOCATION OF NOTICE	NAME OF LOCATION	COORDINATE OF PLACEMENT	DATE OF PLACEMENT	PHOTO
Public Places	Tshipise Garage & Shop	22,604406°S; 30,171108°E	31 Jan 2018	

APPENDIX 1-5: MEETINGS

THE DUEL PROJECT

Stakeholder Engagement Meeting

MEETING MINUTES

Type of Meeting: Mphephu Traditional Authority Introduction Meeting

Date: 4 February 2019

Time: 10H00

Venue: Mphephu Tribal office

1 OPENING AND WELCOME

The meeting was chaired by Adv. Mathivha, and all was welcomed to the meeting. Apologies were rendered for starting late.

2 ATTENDANCE REGISTER AND APOLOGIES

The attendance register was circulated. The following parties were introduced:

- Lucky Ngale and Lizinda Dickson from Diphororo Development, appointed to conduct the Public Participation Process as required by the National Environmental Management Act.
- Adv. Mathivha and Mr Malitsha representatives from the Mphephu Traditional Authority

The following apologies were rendered:

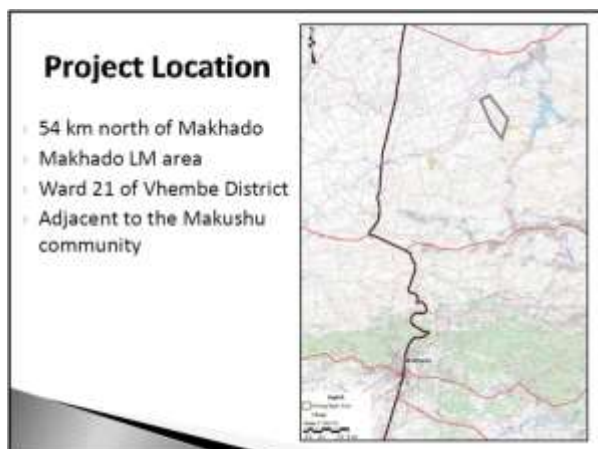
- King Mphephu could not attend due to other outstanding matters within the Tribal Council

3 BACKGROUND TO THE PROJECT AND PROCESS

Lizinda Dickson provided background to the project. Subiflex (Pty) Ltd, applied for a mining right and Environmental Authorisation in 2015 on the Remaining Extent of the farm The Duel 186 MT for the Duel Coal Project.

The Department of Mineral Resources (DMR) refused the said application in the beginning of 2017, due to the fact that the Department of Economic Development, Environment and Tourism (LEDET) did not support the granting of

the Environmental Authorisation for reasons which the DMR felt was not addressed sufficiently by the applicant. Subiflex submitted an appeal to the Department of Environmental Affairs (DEA), which

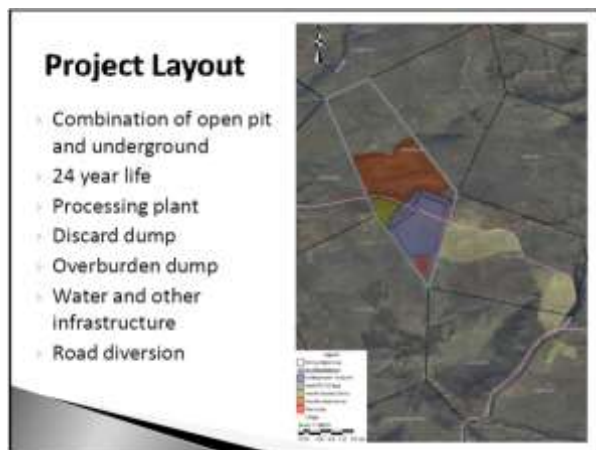


appeal was dismissed by the Minister of Environmental Affairs on 23 February 2018. Following consultation with authorities, Subiflex was advised to re-submit its applications for a Mining Right and Environmental Authorisation. Therefore, Subiflex intends to now resubmit the application.

The property is privately owned by Clint Howes and currently under land claim by the Nemamilwe's, which we understand have been approved. Makushu, Mosholombe and Pfumembe resides in the vicinity of the farm and they are under the jurisdiction of the Mphephu Traditional Authority. We were advised by the Traditional Leaders of these communities to engage with the Traditional Authority.

Engagements took place in 2015 – 2016 regarding the application, we were present for a meeting to present the findings of Environmental Impact Assessment to the Mphephu Traditional Authority, but the meeting could not take place because the King was not available.

The envisaged mining method for the open pit area is a conventional drill and blast operation with truck and shovel, load and haul. Underground mining operations will commence from year 10 onwards for a period of 5 years. Access will be from selected positions in the open pit and the coal will be mined through the long-wall methodology. After underground activities have been completed, the access to the underground areas will be closed followed by the final rehabilitation of the open pit. The proposed



infrastructure to be developed include a Coal Handling Processing Plant, overburden waste and discard dumps, access and haul roads, clean and dirty water management systems and auxiliary infrastructure (workshop, store, office, change house, electrical power supply and security fencing). The washed coal will be transported via road to a nearby siding. The final discard material from the plant will be disposed of in the mined-out open pit. In the event that the pit is unavailable due to existing mining activities, the discard material will be placed on an interim surface discard dump, from where it will be reclaimed and dumped into the mined-out open pit towards the end of the mine life as part of the rehabilitation of the mining site.

The re-application requires that an Environmental Impact Assessment process be followed. It is Subiflex's intent to utilise knowledge gained and comments received from the previous process to ensure due consideration is given to all aspects of the project and process, whilst reviewing certain biophysical and cultural aspects to update the 2016 specialist findings.



The following questions were asked regarding the above section:

Question / Comment	Stakeholder	Response
Who are the shareholders of Subiflex?	Adv Mathivha	Subiflex are owned by Oripfa and Signet Coal.
<p>The Mphephu Traditional Authority has established a structure that oversees development in their area. The purpose of this structure is to ensure benefits reached the affected communities. Those communities affected have representation on this structure. The process is as follows: The company must present its plans specifically in terms of ownership to the King, if he is satisfied the matter is then presented to those affected communities, and then the process can proceed thereafter.</p> <p>Nemamilwe is part of the Mphephu Traditional Authority, and they will be called together with the other communities once a presentation has been done to the King and he is satisfied with the proposal from Subiflex.</p> <p>Once the presentation has taken place, within 1 week we can meet with the communities and the process can continue.</p>	Adv Mathivha	<p>Noted.</p> <p>In this case the land is being claimed by the Nemamilwe's and as land claimants we must engage them. How does this fit into your process?</p> <p>How long will this process take?</p>


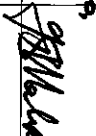


4 CLOSURE

A follow-up meeting to be scheduled to present the shareholding to the King.

THE DUEL COAL PROJECT

Attendance Register

Meeting with: Mphahlele Tebo Authority Date: 4/2/2019 Time: _____ Venue: _____

No	Surname and Initials	Organisation	Position	Contact Number	Email address	Signature
1	Adus. Mathibela MH	King's office	Adressor & Spokesman	079 8927721	mathandumathiba@gmail.com	
2	MALITSHA S.I	King's office	Deputy Manager	076 307 9504	smalitsha@yahoo.com	
3	Diphoso Uzinda	Diphoso Deu	Public Particip.	0529222261	uzinda@diphoso	
4	Lucky NGA CE	Diphoso Deu	Public Participation	076773 9197	luckyngace@gmail.com	
5						
6						

THE DUEL PROJECT

Stakeholder Engagement Meeting

MEETING MINUTES

Type of Meeting: Mphephu Traditional Authority Introduction Meeting

Date: 12 February 2019

Time: 10H00

Venue: Mphephu Tribal office

1 OPENING AND WELCOME

The meeting was chaired by Adv. Mathivha, and all was welcomed to the meeting. Apologies were rendered for starting late.

2 ATTENDANCE REGISTER AND APOLOGIES

The attendance register was circulated. The following parties were introduced:

- Lucky Ngale from Diphororo Development, appointed to conduct the Public Participation Process as required by the National Environmental Management Act.
- Surprise Nefolovhodwe, Orifha Mining, shareholder of Subiflex
- Adv. Mathivha, Mr MT Tshinavhe and Mr Malitsha representatives from the Mphephu Traditional Authority

The following apologies were rendered:

- King Mphephu could not attend due to other outstanding matters within the Tribal Council

3 PRESENTATION OF CORPORATE SOCIAL INVESTMENT

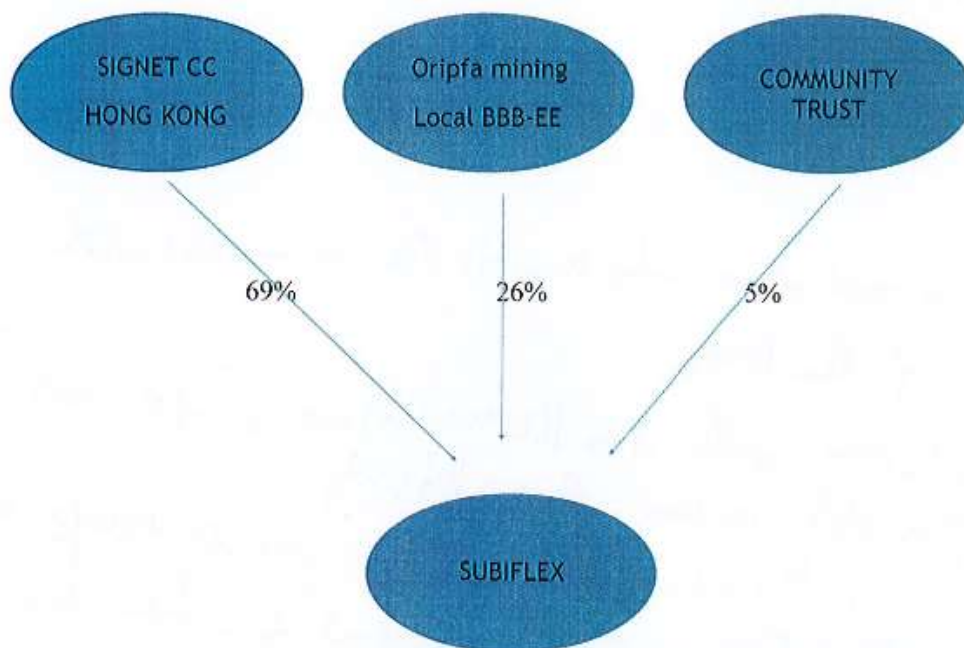
As requested during the meeting held on 4 February 2019, Subiflex provided the following presentation:

Subiflex has applied for the grant of a Mining Right for coal over a portion of the farm The Duel, Vhembe District. On the award of the Mining Right, Subiflex will commence with and undertake a project in respect of the mining and sale of coking coal and thermal coal. The project will be funded for the majority by foreign capital investment into South Africa; and the coking coal fraction produced by the project will be sold either into overseas markets or at import parity prices into the local markets.

The current shareholders of Subiflex, as their corporate social investment strategy, intend to devolve 5% of the equity ownership of the project to a broad based black economic empowerment initiative. In this regard, the shareholders intend to establish a trust for the benefit of the local community in the immediate vicinity of the farm The Duel, and to transfer 5% of the shareholding of Subiflex to the

Trust for no consideration. The holding of the Trust into the project will be non-dilutable, and the Trust will be entitled, as a shareholder of Subiflex, to receive 5% of all dividends distributed. The Trust will not be obliged to pay for its shares.

Community representatives will be invited to serve as trustees of the Trust, which will be independent from and not answerable in any way to the current shareholders of Subiflex. The Trust, as a completely independent entity, will be entitled to appoint a pro rata number of the directors of Subiflex, who will participate fully in the management and control of the affairs of the company. It is intended that the shareholding of Subiflex, on the undertaking of the project, will be as per the diagram:



The following questions were asked regarding the above section:

Question / Comment	Stakeholder	Response
It is 2-3 years that the Kings office has been waiting for Mr Surprice Nefolovhodwe and his mother and there was no response since then.	Adv Mathivha	Surprise Nefolovhodwe: I was in this office for the Matsa mining project and when finished I was suddenly called into a meeting by Chief Nepfumembe and Prince Mosholombi. In that meeting Margaret the Tribal Council secretary and Lovemore Tshivhula were part of meeting.
The project documents that are to be submitted to DMR must not be	MT Tshinavhe	Surprise: We need to remember that DMR has a time line, which we must take

Question / Comment	Stakeholder	Response
submitted until you have met with the official office of the King, in order to get the blessings of the King.		seriously or our application can be stopped so we need to keep to our time of submission.
Who is the face of Subiflex, It's important to know that.	Adv Mathiba	Surprise: I am the face of Subiflex
You can't go to the communities without first getting the blessings of the King	Malitsha	Lucky: That's understood but there are processes that should be run in parallel, as we need to adhere to the regulated timeframes.
We had a meeting with the Nemamilwe's and they agreed that they will work together with the Tribal Council under the King.	Adv. Mathivha	We will also communicate our discussions to the Nemamilwe's as they are the land claimants on the application area.
The percentage allocated for the community is far too little. If this is the percentage then how much will be allocated to the King? This percentage is not right for the community. You need to go and study the Mining Charter or did you study something around the revised mining charter. We need to be transparent in this shareholding issue and who is Oripfa mining with 26% BBB - EE?	Mr. Tshinavhe	Surprise: You need to understand that I started this whole process on my own including the drillings at various areas of the farm. When I started experiencing financial challenges to take the project forward, and after looking for a funder locally, I opted for overseas assistance. With regard to the Mining Charter I've not gone through it yet, but will make a follow up so that if the proposed community shareholding is not in line with the revised Mining Charter we can correct it. Oripfa is my company.
Did you do the drilling yourself? It's better that you write a proper proposal not this two-page information and it must include the exact position of the farm. The sooner you attend to the issue of shareholding and you know the culture you need to do when sitting with the King.	Mr. Tshinavhe Adv Mathiba	Surprise: We will respond as soon as we can.






4 CLOSURE

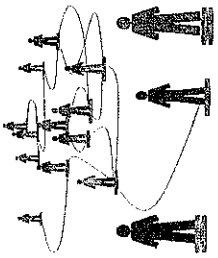
The meeting was closed.

THE DUEL COAL PROJECT

Attendance Register

Meeting with: King & His Advisers Date: 12/02/2019 Time 10H00 Venue: ROYAL GUEST HOUSE

No	Surname and Initials	Organisation	Position	Contact Number	Email address	Signature
1	NEAVE A.C.	Diphokoro Den	Public Facilitation	0826478459 0767739127	luckygale@gmail.com	
2	NEFOLOVHODWE T.S	SUBIFLEX	DIRECTOR	0724050535	surprise.19@cloud.com	
3	MATHA VHA M.H.	king's OFFICE	Advisor	0798927791	makademathvha@gmail.com	
4	ISHAYHE M.T.	Royal.	advisor	0735964661	musletum@gmail.com	
5	MAZITSHA S.I	KING'S OFFICE	Personal Assistant to the King	0763079504	smalitska@yahoo.com	
6						



The Duel Coal Project

Ref Number: TDC001

Applicant: Subiflex (Pty) Ltd

Applications: Mining Right Application, Environmental Authorisation & Waste Management License Application

Location: Remaining Extent of The Duel 186 MT In The Makhado Local Municipality, Vhembe District

Environmental Assessment Practitioner: Marietjie Eksteen, Jacana Environmentals cc

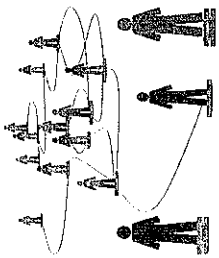
Date: 1 February 2019

Public Participation Office: Tel: (012) 543 9093 Fax: 086 602 5566

Email: theduel.application@gmail.com

HAND-DELIVERY OF NOTIFICATION

Title	First Name & Surname	Position / Designation	Organisation	Community (if applicable)	Property (if applicable)	Contact details
MR	PATRICK	Mamulu		Mamulu		Tel no: 082 953 6875
	Nomamile	CHAIR				Fax no:
						Cell no:
						Email: Patmonem@yqsh.com
						Signature: [Signature]
						Tel no:
						Fax no:
						Cell no: 0715473454
						Email:
						Signature: Makubum NE



The Duel Coal Project

Ref Number: TDC001

Applicant: Subiflex (Pty) Ltd

Applications: Mining Right Application, Environmental Authorisation & Waste Management License Application

Location: Remaining Extent of The Duel 186 MT In The Makhado Local Municipality, Vhembe District

Environmental Assessment Practitioner: Marietjie Eksteen, Jacana Environmentals cc

Date: 1 February 2019

Public Participation Office: Tel: (012) 543 9093 Fax: 086 602 5566

Email: theduel.application@gmail.com

HAND-DELIVERY OF NOTIFICATION

Title	First Name & Surname	Position / Designation	Organisation	Community (if applicable)	Property (if applicable)	Contact details
MIS	M. TSEISI	Secretary	Mphophuthi			Tel no: 018 973 0138 Fax no: Cell no: 072 845 2229 Email: Signature: <i>[Signature]</i>
Ms	Shumani MELIISHA	PA	King's office			Tel no: 015 973 9803 Fax no: Cell no: 076 307 9504 Email: smalitsha@yahoo.com Signature: <i>[Signature]</i>

Title	First Name & Surname	Position / Designation	Organisation	Community (if applicable)	Property (if applicable)	Contact details
MR	R.S. Nephumbe	Chief		Nephumbe		Tel no: Fax no: Cell no: 0763792998 Email: Signature: Nephumbe RS
MR	Moshombe S Tumelo	Chief		Mushombe		Tel no: Fax no: Cell no: 0720734512 Email: Signature: Moshombe ST
MR	CHUHO N.F	WARD CIR (37)	WARUHO MUNICIPALITY	-		Tel no: Fax no: Cell no: 0716739725 Email: chiiiofranie@gmail.com Signature:
						Tel no: Fax no: Cell no: Email: Signature:
						Tel no: Fax no: Cell no: Email: Signature:



The Duel Coal Project

Ref no: TDC001

18 February 2019

Dear Stakeholder,

RE: RE-APPLICATION FOR ENVIRONMENTAL AUTHORISATION FOR SUBIFLEX (PTY) LTD IN RESPECT OF THE REMAINING EXTENT OF THE FARM THE DUEL 188 MT IN THE MAGISTERIAL DISTRICT OF MAKHADO IN LIMPOPO PROVINCE: DRAFT SCOPING REPORT FOR COMMENT

The attached notification of 1 February 2019 in respect of The Duel Coal Project refers.

The Draft Scoping Report is available for comments. Access it by requesting a CD from the Public Participation Office; hard copy at the Makhado Local Municipality, hard copy at the Nemamilwe Trust; hard copy at the Mphephu Traditional Authority office; or by downloading it from the following link: <https://document.sharefile.com/f/fo6ada5f-9b80-4439-be16-8ca637148937>.

Comments should be forwarded to our Public Participation Office within 30 days of this submission, on or before **20 March 2019**.

You can provide your comments by emailing or faxing it to the Public Participation Office at the contact details below.

Lizinda Dickson / Susan van Eeden

Tel: 012 543 9093; Fax: 086 602 5566; Email: theduel.application@gmail.com

Should you require any further clarity feel free to contact our Public Participation Office.

Yours sincerely,

Regards,

Susan van Eeden

Public Participation Office

Susan van Eeden
18/2/19



The Duel Coal Project

Ref no: TDC001

18 February 2019

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Yours sincerely,

Regards,

Susan van Eeden

Public Participation Office

Ramada N.A
18/02/2019

**APPENDIX 1-6: COMMENTS
AND RESPONSE REPORT**

THE DUEL COAL PROJECT RE-APPLICATION
Comments and Response Report including historical content comments and new comments received
prior to the Draft EIA Report
September 2019

NO	COMMENTS	STAKEHOLDER	RESPONSE (AT THE TIME OF COMMENT)
	AFFECTED PARTIES		
1	LANDOWNERS		
	You indicated wetlands, where on the map is the wet zone?	Clint Howes Focus Group Meeting 5 Sept 2015	Marietjie Eksteen indicated the wetlands on the presentation and described them.
	Does local procurement also include me?	Clint Howes Focus Group Meeting 5 Sept 2015	Subiflex responded that it does.
2	LAWFUL OCCUPIERS		
2.1	No occupants on property		
3	LAND CLAIMANTS		No Comments
4	MUNICIPALITY		
4.1	You need to identify relevant sustainable business skills including local suppliers e.g. trucking.	LED Officer Makhado LM Focus Group Meeting 4 Sept 2015	Noted.
4.2	Heritage resources needed in order to keep the historic information of the area.	IDP Makhado LM Focus Group Meeting 4 Sept 2015	Noted.
4.3	What is the present land use?	Mathonsi Makhado LM	Grazing, game farming.

Public Participation Process

Comments and Response Report including historical content comments and newer comments received prior to the Draft EIA / EMP Report

NO	COMMENTS	STAKEHOLDER	RESPONSE (AT THE TIME OF COMMENT)
		Focus Group Meeting 4 Sept 2015	
4.4	The rezoning of the land use must be done with the relevant department in the local Government in order to qualify the mining right.	Town Planning Makhado LM Focus Group Meeting 4 Sept 2015	We first have to do the water use and waste license application, then rezone thereafter.
5	TRADITIONAL LEADERS		
5.1	No Traditional Authority on Property		
6	COMMUNITIES		
6.1	No Community residing on Property		
7	ORGANS OF STATE		
7.1	Was it not possible to avoid the agricultural land by mining underground?	Clement Mokgotho DAFF Authority meeting 5 Sept 2015	The geology in the area is such and the coal depth too shallow, to allow for complete underground mining.
7.2	Have you identified what the water source will be?	Winnie Phuluwa DWS Authority meeting 5 Sept 2015	The water requirements have been determined but further investigation is required to evaluate options. The water use license will not be applied for now, and will only be submitted once more information is available in this regard.
7.3	Subiflex should look at reusing treated effluent, e.g. Dzanani sewage effluent.	Winnie Phuluwa DWS Authority meeting 5 Sept 2015	Noted, this will be investigated.
7.4	As the Department of Agriculture, we have a mandate to protect good agricultural land, what is the post mining objective for land-use?	Clement Mokgotho DAFF Authority meeting 5 Sept 2015	The current land use is grazing/game farming, and therefore the proposed post-mining land use would probably also be grazing. This will be addressed in more detail in the EIA.
	The proposed site falls within the Critical Biodiversity Area	LEDET	Noted. The CBA areas are being considered as part of the

Public Participation Process

Comments and Response Report including historical content comments and newer comments received prior to the Draft EIA / EMP Report

NO	COMMENTS	STAKEHOLDER	RESPONSE (AT THE TIME OF COMMENT)
	<p>(CBA) 1 and 2 and the following are development objectives in those areas:</p> <ul style="list-style-type: none"> ▪ For CBA 1: No further loss of natural habitat should occur i.e. land in this category should be maintained as natural vegetation cover as far as possible. ▪ For CBA 2: Loss of natural habitat should be minimized, i.e. land in this category should be maintained as natural vegetation cover as far as possible. ▪ In light of point 6 above, it is required that an Ecological assessment (including other studies planned to be undertaken) and Environmental Management Programme take into consideration the above mentioned recommendations. 	Letter 30 Nov 2015	<p>Biodiversity specialist report.</p> <p>Note: As part of this re-application, the Biodiversity specialists will conduct further field assessments and update the specialist report with any new information gathered.</p>
7.5	Storm water control measures should be implemented for the collection of surface run-off as per draft scoping report.	DWS Letter 18 Jan 2016	Noted. The EMPr contains a conceptual stormwater management plan, which will be designed appropriately prior to submission of the IWULA.
7.6	The Department requires monitoring boreholes upstream and downstream of the activity that will be used to detect ground water pollution emanating from the activity.	DWS Letter 18 Jan 2016	Noted. Refer to proposed monitoring programme in the EMPr.
7.7	Your application for Environmental Authorisation lodged on 18 February is hereby acknowledged.	DMR 12 Mar 2019	Noted
7.8	You are requested in terms of Section 24 K of National Environmental Management Act, Act 107 of 1998, as amended to consult with any organ of state responsible for administering legislation relating to matters affecting the environment and submit three copies of Scoping Report in terms of Regulations 21 of 2014 EIA Regulations. The SR must also include proof and results of consultation undertaken with	DMR 12 Mar 2019	All relevant Departments were consulted and results are included in this CRR. The Scoping Report was submitted 3 April 2019.

Public Participation Process

Comments and Response Report including historical content comments and newer comments received prior to the Draft EIA / EMP Report

NO	COMMENTS	STAKEHOLDER	RESPONSE (AT THE TIME OF COMMENT)
	the above mentioned state Departments.		
7.9	The SR reflected above has to be submitted within 44 calendar days from the date of lodgement of your application for EA. Failure to submit such reports as prescribed, your application for EA will be considered being lapsed and would not be processed further, unless an extension has been granted in terms of Regulation 3(7) of 2014 EIA Regulations.	DMR 12 Mar 2019	The Scoping Report was submitted 3 April 2019 and accepted on 26 June 2019.
7.10	Acknowledgment of your application does not grant you permission to commence with the activities applied for. Commencement of a listed activity without Granted Environmental Authorisation constitutes an offence in terms of Section 49A (1) (a) of NEMA, 1998 (Act 107 of 1998) as amended and upon conviction for such an offence, a person is liable to a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 years, or to both such fine and such imprisonment.	DMR 12 Mar 2019	Noted
7.11	The Department advice that issues pertaining to water resources for the proposed mining be communicated with the Department of Water and Sanitation as there is a potential for the proposed mine to trigger water use as stipulated in section 21 of the National Water Act 1998 (Act No 39 of 1998)	LEDET 18 Mar 2019	Noted. It is important to note that the approach for The Duel Coal Project is to first apply for the Mining Right and associated Environmental Authorisation. Once this process is completed and the applicant has conducted further feasibility studies and detail designs in respect of its development, the applications for the Waste Management Licence (WML) in terms of the National Environmental Management: Waste Act (NEMWA), 2008 (Act 59 of 2008) and the Water Use Licence (WUL) in terms of the National Water Act (NWA), 1998 (Act 36 of 1998), as amended, will be submitted to the relevant authorities.
7.12	The following must be addressed to enable an informed	LEDET	The issues raised are addressed in the revised specialist

Public Participation Process

Comments and Response Report including historical content comments and newer comments received prior to the Draft EIA / EMP Report

NO	COMMENTS	STAKEHOLDER	RESPONSE (AT THE TIME OF COMMENT)
	<p>decision making:</p> <p>a. The proposed mining development will further transform both the vulnerable Soutpansberg Mountain bushveld and less threatened Musina Mopane Bushveld vegetation types in and around the area.</p> <p>b. There is expected loss of protected and threatened tree species due to activities of the proposed mining development.</p> <p>c. The activities of the proposed development could trigger further invasion or spread of the new and recorded exotic and alien invasive plants in and around the area.</p> <p>d. There is expected loss of traditional medicinal plants due to the activities of the proposed development.</p> <p>e. The proposed development could destroy habitat preferred by mammals in and around the proposed site, especially protected and threatened.</p> <p>f. The proposed development falls within CBA 1 and CBA 2 which emphasize that the land use management objectives should remain at natural state and minimized, respectively. Please note mining activity are not desirable in such areas.</p> <p>g. According to Mining and biodiversity and guidelines, falls within highest biodiversity importance, with highest risk for mining activities.</p>	18 Mar 2019	<p>reports submitted in support of the draft EIAR as follow:</p> <ul style="list-style-type: none"> • Terrestrial – Scientific Terrestrial Services (STS): Initial field assessments were undertaken during February 2015. To provide updated information of the floral and faunal ecology associated with the study area, a second field assessment was undertaken from the 26th to the 28th of February 2019, and the reports updated accordingly. • Freshwater – Scientific Aquatic Services (SAS): Initial field assessments were undertaken during February 2015. To provide updated information of the aquatic (freshwater) resources associated with the study area, a second field assessment was undertaken from the 26th to the 28th of February 2019, and the reports updated accordingly. <p>Refer to Section 8.3 of the EIAR.</p> <p>Commitments for mitigation, management, and monitoring are addressed in the EMPr.</p>
7.15	From a heritage resources management point of view, we have no objection with regard to the development. SAHRA may, however, require the appointment of a Stone Age specialist to undertake a post-EIA Phase 1B assessment of the	Nokukhanya Khumalo Heritage Officer SAHRA 12 Apr 2019	<p>A commitment is made to conduct the following:</p> <ul style="list-style-type: none"> • Develop and implement a Heritage Management Plan prior to mining. • Conduct a Phase 1B assessment of the Stone Age material prior to construction activities.

Public Participation Process

Comments and Response Report including historical content comments and newer comments received prior to the Draft EIA / EMP Report

NO	COMMENTS	STAKEHOLDER	RESPONSE (AT THE TIME OF COMMENT)
	Stone Age material.		A preliminary Heritage Management Plan and Chance Find Protocol is included in the EMPr.
7.16	The discovery of undetected heritage remains must be reported to the archaeologist, who will then comply with the necessary legal requirements.	Nokukhanya Khumalo Heritage Officer SAHRA 12 Apr 2019	Refer to Chance Find Protocol in the EMPr.
7.17	<p>The development area is underlain mostly by the unfossiliferous Soutpansberg Group in the northern and the central portions of the development area and the Palaeozoic Karoo Supergroup covers the rest of area. The Karoo Supergroup formations could contain significant fossil assemblages. These formations will be directly affected by the mining activities, which could result in the permanent damage of fossils contained in the rock units. Therefore:</p> <ul style="list-style-type: none"> ▪ A thorough examination by a palaeontologist is required on the exposures of the Karoo Supergroup strata present within the project area (i.e., a Full Palaeontological Impact Assessment Study on these exposures) before the commencement of the project. This would allow a meaningful evaluation of the presence of potentially fossiliferous strata within that area. If fossil materials prove to be present the process would allow the identification of any such fossils that should either be protected completely or could have damage mitigation procedures emplaced to minimise negative impacts. 	Nokukhanya Khumalo Heritage Officer SAHRA 12 Apr 2019	<p>A desk-top palaeontological assessment was conducted by Dr. Barry Millsteed of BM Geological Services in August 2015. Subsequently, Chris Jones (Pr.Sci.Nat.) of the University of Limpopo revisited the project site in February 2019 and has submitted a confirmation statement in support of the assessment by BM Geological Services.</p> <p>Refer to Section 8.3.1.3.2 of the EIAR and Appendix 10.</p> <p>Commitments for mitigation, management, and monitoring are addressed in the EMPr. Also refer to Chance Find Protocol in the EMPr.</p>

Public Participation Process
Comments and Response Report including historical content comments and newer comments received prior to the Draft EIA / EMP Report

NO	COMMENTS	STAKEHOLDER	RESPONSE (AT THE TIME OF COMMENT)
	<ul style="list-style-type: none"> ▪ Should any fossil materials be identified SAHRA informed of the discovery a palaeontologist should then be mandated to inspect the fossil materials and ascertain their scientific and cultural importance as part of a Phase 2 Palaeontological Impact Investigation study. ▪ A significant potential benefit of the examination of the mine excavations associated with the construction of the projects is that currently unobservable fossils may be uncovered. Suitable staff members of the mining company (e.g., the environmental officer) who have the correct training and clearance to access the working mine faces should be trained to recognise the types of fossils that may be encountered during the ongoing mining operations. It is unlikely that plant macrofossils will be encountered in the coal seam(s), but may well be encountered in the hanging and foot walls as well as in any siliciclastic partings contained within the coal (and that will be exposed on the working mine face). ▪ The mining company should mandate the trained employees to make regular examinations of the working mine faces and determined if fossil materials are present. The interval between inspections will be dependent upon the rate of progress of the mining activities, but should not be conducted on less than a monthly basis. ▪ If fossil materials are identified, the infrastructure construction or the mining activity in that area should be temporarily halted and a professional palaeontologist contracted to assess the scientific value of the fossils. 		

Public Participation Process

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NO	COMMENTS	STAKEHOLDER	RESPONSE (AT THE TIME OF COMMENT)
	<ul style="list-style-type: none"> ▪ Should scientifically or culturally significant fossil material exist within the project areas the negative impact upon it would be mitigated by its excavation (under permit from SAHRA) by a palaeontologist and the resultant material being lodged with an appropriately permitted institution. 		
7.18	<p>The SAHRA Archaeology, Palaeontology, Meteorites (APM) Unit requests a field-based assessment by a Stone Age Archaeology specialist to be conducted and submitted to SAHRA for comment as part of the EIA process, as per the recommendation in the HIA report. The APM units also requests a field-based Palaeontological Impact Assessment (PIA) by a palaeontological specialist to be conducted and submitted. As per the recommendation in the Desktop Palaeontological Heritage Impact Assessment. Since the project is coal mining, the PIA must contain a Chance Find Procedure and a Monitoring Program.</p>	<p>Nokukhanya Khumalo Heritage Officer SAHRA 12 Apr 2019</p>	<p>Refer to the responses above.</p>
7.19	<p>The Department advises that issues pertaining to water resources for the proposed mining be communicated with the Department of Water and Sanitation as there is a potential for proposed mine to trigger water use as stipulated in Section 21 of the National Water Act, 1998 (Act No 36 of 1998).</p> <ul style="list-style-type: none"> ▪ The protected species such as the Sclerocarya birrea subsp. Caffra (Marula Tree), Adansonia digitate, Lonchocarpus capassa, Combretum imberbe and Boscia albitrunca; ▪ There are also medicinal species within the proposed mining are; ▪ The subject development property is currently physically 	<p>LEDET 26 Apr 2019</p>	<p>Noted, as indicated in the final Scoping Report and draft EIAR.</p>

Public Participation Process

Comments and Response Report including historical content comments and newer comments received prior to the Draft EIA / EMP Report

NO	COMMENTS	STAKEHOLDER	RESPONSE (AT THE TIME OF COMMENT)
	<p>divided by an access gravel road into two portions;</p> <ul style="list-style-type: none"> ▪ A portion of the site is used for animal grazing; ▪ The surrounding land uses are mainly rural residential subsistence farming and game farming; ▪ There is existing human settlement located adjacent to the proposed project area (i.e. Makushu and Mosholombe Villages); and ▪ A portion of the subject development site consists of a ridge (koppie) on the western and eastern sides. 		
7.20	<p>The following must be addressed to enable an informed decision making by the Competent Authority (i.e. DMR): The Department's comments dated 18 March 2019 must be read in conjunction with these comments unto the EIA Process.</p> <ul style="list-style-type: none"> ▪ All necessary Biodiversity Permit must be obtained from this Department and the Department of Agriculture, Forestry and Fishery (DAFF) in respect of the rescuing and relocation of protected and any other flora and fauna species from one area to another prior commencement of the rescue and relocation activities. ▪ The proposed mining activities must not take place on the ridges on the western and eastern sides of the site. ▪ As per above, if the edge areas are to be mined, a biodiversity offset strategy must be developed and approved by this Department. Concomitantly, Biodiversity Offset Area must be identified and surrendered for the rescue and relocation of classes of flora and fauna species. Proof that such a Biodiversity Offset Area has been 	LEDET 26 Apr 2019	<p>Commitments for mitigation, management, and monitoring are addressed in the EMPr.</p> <p>Also refer to aspects for inclusion as condition for authorisation, e.g.:</p> <ul style="list-style-type: none"> • Revisit the final mining footprint area and placement of infrastructure: - Avoid placement of any infrastructure in the sensitive Soutpansberg Mountain Bushveld and Wetland and Riparian habitat units to the north of the mountain crest. • Apply for the necessary Water Use and Waste Management licences. • Protected and RDL floral and faunal (smaller species) relocation, monitoring and management plan must be designed and implemented by a suitably qualified specialist and should address all species which can be successfully rescued and relocated. • Apply for the necessary protected species permits for relocation and/or destruction. • Establish an indigenous nursery. • Implement an awareness program to inform mine personnel and local communities about the importance of faunal species and habitat conservation.

Public Participation Process

Comments and Response Report including historical content comments and newer comments received prior to the Draft EIA / EMP Report

NO	COMMENTS	STAKEHOLDER	RESPONSE (AT THE TIME OF COMMENT)
	<p>secured must be submitted to this Department prior commencement of any activity in furtherance of the proposed development on site.</p> <ul style="list-style-type: none"> ▪ An Integrated Water Use Licence (IWUL) for the use of water and pollution of water resources must be obtained from the Department of Water and Sanitation (DWS) prior to commencement with the proposed development. ▪ A proper Rehabilitation Plan must be developed and approved by the DMR. ▪ A proper Reclamation Plan must be developed and approved by the DMR. ▪ A Biodiversity and Land Management Plan must be developed in order to ensure the creation of corridors that will limit the negative effects of habitat fragmentation. Furthermore, a monitoring programme to this effect must be submitted to this Department for approval and implemented thereafter throughout the project life cycle. ▪ The removal of the vegetation should only take place on the designated area proposed for the above mentioned development. ▪ Stormwater control must be designed to adequately control the volume, speed and location of runoff, to avoid soil erosion and contamination of the other water sources. ▪ Preservation and appropriate management of any new discoveries of archaeological, historical and any site or land of cultural value within the project boundary must be enforced, should these be discovered during construction; Limpopo Heritage Resource Agency (LIHRA) and/or South 		<ul style="list-style-type: none"> • Develop Rehabilitation Plan / Land Use Management Plan (Reclamation Plan). • Develop and implement a Biodiversity Action Plan (BAP), including avifaunal plan. • Conduct rehabilitation trials in line with the Reclamation Plan. • Determination of environmental offset programme(s) together with relevant stakeholders and authorities. • Subiflex must contribute to Strategic Environmental tools, programmes and projects within the province. The method of contribution must be agreed with LEDET.

Public Participation Process

Comments and Response Report including historical content comments and newer comments received prior to the Draft EIA / EMP Report

NO	COMMENTS	STAKEHOLDER	RESPONSE (AT THE TIME OF COMMENT)
	<p>African Heritage Resource Agency (SAHRA) must be informed immediately about such a discovery.</p> <ul style="list-style-type: none"> ▪ Should spillage of any hazardous substance occur during construction, it must be reported to the Regional Director; DWA or his/her representative immediately, within 24 hours of such spillage. Hazardous waste shall then be collected and disposed of at an approved licenced disposal facility designed for such particular waste. ▪ Water Management plan must be developed with specific reference to monitoring surface ground water levels as well as the water quality. This should also include aquatic bio-monitoring as may be required by water use authorisation. ▪ The proposed mine and its associated infrastructure must not encroach unto the protected areas in the vicinity of the proposed mining area such as the Nzhelele Nature Reserve (to the east of the site) and the Honnet Nature Reserve (to the north-east of the site). 		
7.21	<p>Operational aspect of the proposed mine:</p> <ul style="list-style-type: none"> ▪ Monitoring and reporting on the state of the surface water resource must be carried out on a regular basis (timeframes to be negotiated with DMR and DWS) to detect early and mitigate appropriately the impacts from the mining activities as they arise. ▪ The groundwater level and quality monitoring must be conducted throughout the Life of the Mine. The monitoring programme must be observe groundwater flow direction, quality and level trends with relation of the pre- 	<p>LEDET 26 Apr 2019</p>	<p>Commitments for mitigation, management, and monitoring are addressed in the EMPr.</p> <p>A detailed monitoring programme is included in the EMPr – refer to Section 7 of the EMPr.</p> <p>Also refer to response above.</p>

Public Participation Process

Comments and Response Report including historical content comments and newer comments received prior to the Draft EIA / EMP Report

NO	COMMENTS	STAKEHOLDER	RESPONSE (AT THE TIME OF COMMENT)
	<p>mining reference conditions, and ultimately monitor and mitigate trends with relation to the pre-mining reference conditions, and ultimately monitor impacts during the construction, operation and closure phases of the proposed development.</p> <ul style="list-style-type: none"> ▪ Where groundwater contamination has been detected within the mining area, the Department of Water and Sanitation (DWS) must be notified immediately and remediation efforts agreed upon with the DWS must be undertaken immediately. ▪ Should spillage of any hazardous substance occur during construction, it must be reported to the Regional Director: DWS or his/her representative immediately, within 24 hours of such spillage. Hazardous waste shall then be collected and disposed of at an approved licenced disposal facility designed for such particular waste. ▪ Water Management plan must be developed with specific reference to monitoring surface ground water levels as well as the water quality. This should also include aquatic bio-monitoring as may be required by water use authorisation. ▪ Preservation and appropriate management of any new discoveries of archaeological, historical and any site or land of cultural value within the project boundary must be enforced, should these be discovered during construction; Limpopo Heritage Resource Agency (LIHRA) and/or South African Heritage Resource Agency (SAHRA) must be informed immediately about such a discovery. 		

Public Participation Process

Comments and Response Report including historical content comments and newer comments received prior to the Draft EIA / EMP Report

NO	COMMENTS	STAKEHOLDER	RESPONSE (AT THE TIME OF COMMENT)
	<ul style="list-style-type: none"> ▪ All the social issues raised in the SR in respect of employment, economic and physical displacement, must be well addressed in the social labour plan to be approved by the DMR. ▪ A Dust Management Plan (DMP) must be developed and be submitted to this Department as part of an updated environmental management programme report (EMPr) for approval prior commencement of any construction activities on site. The DMP must: <ul style="list-style-type: none"> ○ Identify all possible sources of dust within the project area; ○ Detail the best practicable measures to be undertaken to mitigate dust emissions; ○ Detail an implementation schedule for the DMP; ○ Identify the line management responsible for the implementation of the DMP; ○ Fallout dust monitoring must be carried out to assess the level of air pollution during the construction and the operational phases of the mine; and ○ Develop a register for recording of all complaints received in respect of dust fallout and for the recording of all follow-up actions undertaken and the responses to the complaints. ▪ A Waste Management Licence (WML) for the construction of wastewater treatment facility for hazardous waste must be obtained from the National Department of Environmental Affairs (DEA) prior commencement of 		

Public Participation Process
Comments and Response Report including historical content comments and newer comments received prior to the Draft EIA / EMP Report

NO	COMMENTS	STAKEHOLDER	RESPONSE (AT THE TIME OF COMMENT)
	activities on site.		
7.22	<p>Appointment of an Independent Environmental Control Officer:</p> <ul style="list-style-type: none"> ▪ The applicant must appoint a suitably experienced Environmental Control Officer (ECO) for the construction phase of the development that will have the responsibility to ensure that the mitigation / rehabilitation measures referred to in this EA are implemented and to ensure compliance with the provisions of an approved EMPr. ▪ The ECO must ensure that record of all activities are kept on site, problems identified, transgressions noted and a task schedule of tasks undertaken. 	<p>LEDET 26 Apr 2019</p>	Noted.
	<p>Environmental Commitment by Subiflex (Pty) Ltd</p> <p>The applicant (Subiflex (Pty) Ltd) must contribute to the development of Strategic Environmental tools, programmes and projects within the Province. This contribution could be in different forms e.g.; financial; technical and provisions of information as will be agreed upon with the Department.</p>	<p>LEDET 26 Apr 2019</p>	As above.
7.23	<p>The Scoping Report and Plan of Study for Environmental Impact Assessment received by the Department on 3 April 2019 has reference.</p> <p>The Department has evaluated the submitted SR and Plan of Study for Environmental Impact Assessment and is satisfied that the documents comply with the minimum requirements of Appendix 2(2) of NEMA EIA Regulations, 2014 and it is hereby accepted in terms of regulations 22(a) of the NEMA EIA Regulations, 2014.</p>	<p>DMR 26 June 2019</p>	Noted with thanks.
7.24	You may proceed with the environmental impact assessment	DMR	Noted

Public Participation Process

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NO	COMMENTS	STAKEHOLDER	RESPONSE (AT THE TIME OF COMMENT)
	process in accordance with the tasks contemplated in the Plan of Study for Environmental Impact Assessment as required in terms of the NEMA EIA Regulations, 2014.	26 June 2019	
7.25	Please ensure that comments from all relevant stakeholders are submitted to this office with the Environmental Impact Assessment Report and Environmental Management Programme. This includes but is not limited to SAHRA, LEDET, DAFF, DWS. Proof of correspondence with the various stakeholders must be included in the EIAR. Should you be unable to obtain comments, proof of attempts that were made to obtain comments should be submitted.	DMR 26 June 2019	Noted
7.26	In addition, the following amendments and additional information are required for the EIAR and EMPr: a. Details of the future land use for the site and infrastructure after decommissioning in 20-30 years. b. The total footprint of the proposed development should be indicated. c. Should a Water Use Licence be required, proof of such application needs to be submitted. d. Possible impacts and effects of the development on the ecology with regard to lowland-highland interface in the locality should be indicated. e. Possible impacts and effects of the development on the surrounding industrial area should be indicated. f. Information on services required on the site, e.g. sewage, refuse removal, water, electricity, etc, and the supplier(s)' agreement / confirmation should be submitted. g. A construction and operational phase of the EMPr should	DMR 26 June 2019	This information is included in the EIA / EMPr

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NO	COMMENTS	STAKEHOLDER	RESPONSE (AT THE TIME OF COMMENT)
	include impacts mitigation and monitoring measures. h. Should blasting be required, appropriate mitigation should be provided.		
7.27	The applicant is hereby reminded to comply with the requirements of regulation 3 of the EIA Regulations, 2014 with regards to the time period allowed for complying with requirements of the Regulations.	DMR 26 June 2019	Noted
7.28	Please ensure that the EIAR includes the A3 size locality maps of the area and illustrates the exact location of the proposed development. The maps must be of acceptable quality and as a minimum, have the following: <ul style="list-style-type: none"> ▪ Maps are relatable to one another; ▪ Co-Ordinates; ▪ Legible legends ▪ Indicate alternatives; ▪ Scale and ▪ Vegetation types of the study area 	DMR 26 June 2019	These maps will be included in the EIA / EMPr
7.29	Further, it must be reiterated that, should an application for Environmental Authorisation be subjected to any permits or authorisations in terms of the provisions of any Specific Environmental Management Acts (SEMAs), proof of such application will be required.	DMR 26 June 2019	This will be addressed in the EIA / EMPr
7.30	All specialists' reports must be signed off by a registered person and must have recommendations.	DMR 26 June 2019	Noted
7.31	You are requested to submit three copies of the EIAR and EMPr and at least one electronic copy of the complete EIAR / EMPr to this office.	DMR 26 June 2019	Noted
7.32	Your attention is brought to Section 24F of the NEMA which	DMR	Noted

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	stipulates that “no activity may commence prior to an environmental authorisation being granted by the competent authority”.	26 June 2019	
OTHER AFFECTED PARTIES			
8	ADJACENT LANDOWNERS		
8.1	Where would the coal be transported to, which rail siding?	Howard Knott Greater KuduLand Safari’s 4 Feb 2019	The washed coal will be transported via road to a nearby siding. The destination is unknown at this stage, and will dependent on the market and any off-take agreements once mining commences.
9	ADJACENT TRADITIONAL AUTHORITIES		
9.1	Subiflex must present all community benefits to the Mphephu Traditional Authority for consideration. We have established coordination and review mechanism to ensure community benefit from development in the area.	Adv Mathivhe Mphephu Traditional Authority 5 Feb 2019	Meeting is scheduled for 12 Feb 2019. The outcome of the meeting is that Mphephu Traditional Authority requires a firm commitment to community shareholding in the mine venture. Follow-up meetings to be scheduled.
10	ADJACENT COMMUNITIES		
10.1	We support the mine development, but please consider that we have livestock, and farming activities that are our livelihood, and if affected by mining will impact our way of living.	Petros Ndou Mosholombe Community Leaders Meeting 11 April 2015	As part of the EIA, a Social Impact Assessment will be conducted that entails a detailed survey of the households in Makushu and Mosholombe, this study will determine the impact and propose mitigation measures. Note: As part of this re-application, the SIA will be updated with new extensions to the community and their grazing areas.
10.2	Is it possible that the mine can operate with this village staying intact, i.e. not necessary to relocate?	Tataic Ndou Mosholombe Community Leaders Meeting 11 April 2015	With the right mitigation measures, anything is possible. The EIA and specialist studies will determine what the impacts are and to what extent they can be mitigated to avoid relocation.
10.3	Construction of roads is a primary need in this area and should be a priority.	Tataic Ndou Mosholombe	Services such as roads are normally Government’s responsibility. In further engagement with Government this

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		Community Leaders Meeting 11 April 2015	will be raised and determined if it is accommodated in their development planning.
10.4	Except for jobs what are the other benefits and will the community be involved in ownership of the mine?	Mr Peter Tshobe Community Meeting 13 June 2016	The process has only commenced now and further engagements surrounding benefits need to take place. Shareholding to communities must be discussed and all affected communities will be involved.
10.5	Will the mine give bursaries and internships before the mine commences or will you do so only after commencing operations?	Makhadzi Community Meeting 13 June 2016	Bursaries are part of the SLP which is only implemented once a Mining Right is granted. There will be time during the construction phase to do skills development.
10.6	Makushu is quite supportive of this project, but we are concerned about cracking of houses during blasting, dust and our livestock.	Esther Mutopa Community Meeting 13 June 2016	We have only started with studies now, so we are busy determining what the impacts will be. Normally a survey of all the houses are done where we record all existing cracks and the state of the house, then if the house cracks due to mining operations, the mine will have to fix the house or compensate the home owner. Dust – There are mitigation measures that are put in place to minimize the amount of dust produced, it is one of the procedures that the mine has to comply with. Animals and Plants – Trees and animals will be moved to other areas, and when the mine is done mining they have to replant grass and plants so the land can be reused for grazing. The mining company must have permits to move trees and animals.
10.7	I am staying next to farm where mining will take place and I might need to be relocated. Will the mine notify people in time if indeed the need arises for them to relocate?	Sarie Makane Community Meeting 13 June 2016	In the studies we might find that some houses must be moved, if those houses do not want to move then the project cannot move forward. All we ask is that you be patient give us time to do the studies and follow the processes then we will come back to you with a final plan and answers to your questions before taking a decision.

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NO	COMMENTS	STAKEHOLDER	RESPONSE (AT THE TIME OF COMMENT)
10.8	<p>How far from the community will the mining operations be?</p> <p>How strong are your blasting materials and what effect will they have on people's houses?</p> <p>Particles from coal are smelly and flammable how will you prevent those from affecting the people in the community, they burn even when it is raining.</p> <p>There are lots of problems with the mines concerning dust - what measures are you putting in place that the community does not get affected?</p>	<p>Abraham Ntumela</p> <p>Community Meeting</p> <p>13 June 2016</p>	<p>If we cannot mitigate all impacts to such an extent that it does not impact adversely and get dust under control to such an extent that it does not impacts on houses in the community, then the community must not give us their support and there is no sense in going ahead with the project.</p>
10.9	<p>Where will the project get water from?</p>	<p>Chief Mosholombi</p> <p>Mosholombe Community Leader</p> <p>Community Committee Meeting</p> <p>5 Sept 2015</p>	<p>So far the quantities required by the project has been studied and determined. Further work is now required on the options available for water supply to the mine.</p>
10.10	<p>Will there be a community skills audit?</p>	<p>Mr Maluleke (Makushu)</p> <p>Community Committee Meeting</p> <p>5 Sept 2015</p>	<p>It's beneficial to do a skills assessment but better to do it at least six months before the opening of the mine because if handled earlier the information can be out dated, resulting in having to redo it. Seeing that the mine still need to comply with a number of legal requirements it would be too soon at this stage.</p>
10.11	<p>The Nemamilwe Community's imminent ownership of the surface rights to the Farm Duel 186 MT, will extend their relationship with the Subiflex/Signet project beyond that of an affected and interested party. The utilisation of the mining rights by Subiflex/Signet is therefore extremely important to the long term development and sustainability of the Nemamilwe community at large.</p>	<p>Patrick Nemamilwe</p> <p>Community member and Business man in the local area</p> <p>21 July 2015</p>	<p>Acknowledgement of comments received sent 26 July 2015. Referral to Subiflex to engage on SLP services.</p>

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NO	COMMENTS	STAKEHOLDER	RESPONSE (AT THE TIME OF COMMENT)
11	INTERESTED PARTIES		
11.1	What will the cumulative impact of the project be on the Vhembe District?	James Hayes Vhembe Mineral Resources Forum Emails 17 Sept 2015	As far as possible, and as far as information was available, the cumulative groundwater impacts are addressed in the groundwater specialist study. Note: The groundwater study will be reviewed and updated as part of this re-application.
11.2	We need to be informed of all information regarding this project.	Erika Helm Waterpoort Farmers Union 7 Feb 2019	Email acknowledged. The Waterpoort Farmers Union is an IAP and received all information to date.
11.3	We represent the Vhembe Mineral Resources Stakeholders Forum ("VMRSF"). We have been instructed to review the abovementioned draft Scoping Report made available for comment by 20 March 2010. In order to enable us to submit comments with due regard to necessary information as contemplated in, amongst others, Regulation 41 (6) of the Environmental Impact Assessment Regulations published in terms of the National Environmental Management Act, please provide us with the following: 2.1. proof of acceptance by the Department of Mineral Resources of the application for a mining right; 2.2. a copy of the official application form for the environmental authorisation as well as proof of its acceptance; 2.3. a copy of the Department of Mineral Resources' letter refusing environmental authorisation which appears may be dated 19 January 2017; 2.4. a copy of the appeal submitted on 8 February 2017, as indicated in the draft Scoping Report;	Christo Reeders Vhembe Mineral Resources Forum 19 March 2019	Thank you for your letter, please find below our responses as per the items in your letter as well as a download link for the documents requested: 2.1: We have requested the acceptance letter from Subiflex. In order to prevent delay on your request, we submit the other documents as per below. This document will be forwarded to you once received. Note: The acceptance of the MRA was received from Subiflex on 26 March, and is dated 20 March. 2.2: The EA application and annexures were included in the download link provided to the IAPs on 18 February 2019. For your convenience we include this again in Subfolder 2.2 of the download link provided below. The acknowledgement letter from DMR dated 14 March 2019 is included in Subfolder 2.2. 2.3: The refusal letter is included in Subfolder 2.3 of the download link. The IAPs were duly notified of this decision on 2 February 2017 – refer to proof of notification in Subfolder 2.8.

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	<p>2.5. a copy of the appeal decision dated 23 February 2018;</p> <p>2.6. your written confirmation that</p> <p>2.6.1. a further public participation process will be conducted in relation to waste management licensing and water use licensing requirements; and</p> <p>2.6.2. the cumulative impacts of these activities have therefore not been considered as part of the scoping process;</p> <p>2. 7. a copy of the final report submitted in 2016; and</p> <p>2.8. proof of notification to interested and affected parties in relation to sub- items 3, 4, 5 and 7 above.</p> <p>Bearing in mind that the deadline for comments on the draft Scoping Report is tomorrow and that, as a bare minimum, we ought to have been provided with this information months ago, kindly provide us with the requested information at your earliest convenience.</p>		<p>2.4: The appeal submitted on 8 February 2017 is included in Subfolder 2.4 of the download link. The appeal was made available to all IAPs on 9 February 2017 – refer to proof of notification in Subfolder 2.8.</p> <p>2.5: The copy of the appeal decision dated 23 February 2018 is included in Subfolder 2.5 of the download link. According to the Appeals Regulations the responsibility to notify registered IAPs of the appeal decision lies with the Appeal Authority, not with the Applicant or Appellant.</p> <p>2.6.1: Further public participation will be conducted for the water use licence and waste management licence applications, as per the legal requirements and/or applicable directives by the responsible Authority.</p> <p>2.6.2: The cumulative impacts related to water and waste management were indeed considered as part of the Scoping process, please refer to S8.5, and specifically S8.5.11 of the DSR, as well as Table 22.</p> <p>2.7: The final EIAR/EMPr submitted in 2016 is included in Subfolder 2.7. The IAPs were duly notified of the availability of the draft documents on 4 May 2016 and the final documents on 21 June 2016 – refer to proof of notification in Subfolder 2.8.</p> <p>2.8: The proof of notification to IAPs in relation to sub-items 3, 4 and 7 above is included in Subfolder 2.8. Sub-item 5 is not applicable.</p> <p>The documents requested as referred to above is available from the following link: https://document.sharefile.com/d-s24189316c3d485db</p>

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11.4	<p>As you know, we represent the Vhembe Mineral Resources Stakeholders Forum ("VMRSF") and have been instructed to review the abovementioned draft Scoping Report made available for comment by today, 20 March 2010. Thank you for so promptly providing us with the additional information requested in our correspondence of yesterday. What concerns us is that when we compared yesterday's information against what was contained in at least the two links provided to us previously, yesterday's information had not been made available previously. While we have done our best to review the substantial information (including the lengthy appeal), there may well be additional aspects which we would wish to raise on our client's behalf. Should the draft Scoping Report be approved which for the reasons set out below, we do not support, we will submit further comments to the Competent Authority on the final document, as we are entitled to do. We assume that access to the additional documents have been provided to other interested and affected parties, inclusive of the Competent Authorities, for purposes of meeting their right to all relevant information to enable informed commenting and decision making. We await your confirmation in this regard.</p>	<p>Christo Reeders Vhembe Mineral Resources Forum 20 March 2019</p>	<p>The complete Appeal documentation with supporting Appendices was provided to all registered IAPs including yourself and the Competent and other Authorities on 9 February 2017. The documentation made available on the above date is the exact same documents made available to you on 19 March 2019.</p> <p>The previous draft and final EIA/EMPr were made available to all registered IAPs including yourself on 4 May 2016 and 21 June 2016 respectively. You did not comment on any of these documents.</p> <p>Therefore, we contend that you have had ample time to review the documents in 2016 and 2017, and failed to provide comments.</p> <p>In addition, you only requested the additional information on 19 March 2019, merely one day before the closing date for comments on the draft Scoping Report. This indicates that you had no intention of providing detail comments on the draft report.</p>
11.5	<p>Further to the above, we note that the acceptance letter from the Department of Mineral Resources in respect of the prospecting right is still pending, as is the letter of acceptance of the environmental authorisation application itself. We confirm that we have seen the Department's acceptance of the draft Scoping Report on 19 February 2019. Please provide</p>	<p>Christo Reeders Vhembe Mineral Resources Forum 20 March 2019</p>	<p>Please note that all correspondence has clearly stated that the application is for a Mining Right and not a Prospecting Right as noted in your comments.</p> <p>The Mining Right was accepted on 20 March 2019, a copy of the letter of acceptance will be forwarded to you and included in the PP records submitted with the final Scoping</p>

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	us with a timeline of events that details your client's steps in the course of the process and compliance with the prescribed time frames.		<p>Report.</p> <p>The EA Application has been acknowledged by DMR on 12 March 2019, the draft Scoping Report was acknowledged and not accepted as stated in your comments.</p> <p>The following timeline of events is provided:</p> <ul style="list-style-type: none"> Date of Application of Mining Right, Environmental Authorisation and Waste Management Licence on 18 February 2019 Date of acknowledgement of EA Application on 12 March 2019 Date of Mining Right Application acceptance on 20 March 2019 Draft Scoping Report was made available for comment 19 February 2019 – 20 March 2019 Date on which Final Scoping Report must be submitted: 4 April 2019.
11.6	We do not think the draft Scoping Report meets the minimum requirements for a scoping report as contemplated in Regulation 21(3) of the Environmental Impact Assessment Regulations as read with Appendix 2. On the basis of what we set out below we submit that the Competent Authority ought to refuse the environmental authorisation since the applicant is not able to ensure compliance with these requirements within the prescribed timeframes	Christo Reeders Vhembe Mineral Resources Forum 20 March 2019	We disagree with your statement that the Scoping Report does not meet the minimum requirements due to the reasons set-out below.
11.7	<u>Process concerns:</u> As a preliminary comment, it is our view that the draft Scoping Report including its content, has not been made adequately accessible to all interested and affected parties including inasmuch as the content is not likely to be readily and easily understood by the average layman and therefore fails to enable informed participation	Christo Reeders Vhembe Mineral Resources Forum 20 March 2019	<p>The Draft Scoping Report was made available to all IAPs for a commenting period of 30 days, as per the requirements of the EIA Regulations. All IAPs was notified of its availability. See timeline of events above.</p> <p>A Non-Technical Executive Summary will be included in the EIAR and will be translated into Venda. A Public Meeting</p>

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	<p>and comment.</p> <p>Please provide us with a timeline of events including the date that this present application was first submitted.</p>		<p>will also be conducted during the EIA Phase during which the IAPs can clarify any issues that are not clear.</p> <p>It is noted that consultation in excess of the minimum requirements took place during the previous application during which the IAPs could raise any concerns. It is further noted that at no one stage during this and the previous process did any of the other IAPs raise the concern that the content is not <i>readily and easily understood</i>.</p>
11.8	<p><u>The objectives of the Scoping Report have not been met:</u></p> <p>One of the objectives of scoping is to identify policies and legislation which are relevant to the activity. The policies and legislation listed in the Scoping Report are insufficient. By way of example (and therefore not exhaustive as it is neither our role nor our responsibility to conduct a regulatory compliance scan on the applicant's behalf), and despite the fact that the proposed mine is for coal and it appears that a secondary coal processing facility is contemplated, we note no reference to the National Climate Change White Policy as read with pending regulatory developments in that context including in relation to both adaptation and mitigation measures, South Africa's nationally determined contributions and the 2017 judgement of the Gauteng High Court in <i>Earth Life Africa v Minister of Environmental Affairs</i> and another, a copy of which is attached. By implication, there has then been no assessment of the climate change impacts of the proposed project whatsoever. In the current global climate, this represents a startling and deeply concerning omission.</p>	<p>Christo Reeders Vhembe Mineral Resources Forum 20 March 2019</p>	<p>The Scoping Report clearly indicates that the list of strategies, guidelines and other documents of importance to this project is not exhaustive.</p> <p>The case law presented as part of your comments in respect of climate change are directed at a coal-fired power station and would not necessary be applicable to a coal mine.</p> <p>The main contributor to Greenhouse Gas emissions at coal mines are methane (CH₄). The potential exists for pockets of methane to be present in the coal seams which will be mined. The methane present in the coal seams enters the atmosphere when it is disturbed or exposed to the atmosphere. The amount of methane released during mining depends on several factors, the most important of which is the coal rank, seam depth and method of mining. Methane emission per ton of coal is much lower from surface than underground mining as the gas content is lower with shallow seams. We are therefore of the opinion that the impact will be very low for The Duel Project as it is mainly an opencast mine.</p> <p>However, we take note of your concern and will highlight this to the Competent Authority. If the Competent Authority requires such a study for decision-making, we will instruct the necessary specialists to conduct such.</p>
11.9	<p><u>The objectives of the Scoping Report have not been met:</u></p>	<p>Christo Reeders</p>	<p>The definition of “alternatives” as provided in regulation 1</p>

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	<p>In the absence of a climate change study, it is submitted that an alternatives assessment is required in order to confirm that technology contemplated, inclusive of abatement technology, is adequate and representative of, best available technology. It is noted that this is also one of the objectives of scoping and this objective has also, therefore, not been met.</p>	<p>Vhembe Mineral Resources Forum 20 March 2019</p>	<p>of the EIA Regulations (as amended in 2017) are: “alternatives”, in relation to a proposed activity, means different means of meeting the general purpose and requirements of the activity, which may include alternatives to the—</p> <ul style="list-style-type: none"> (a) property on which or location where the activity is proposed to be undertaken; (b) type of activity to be undertaken; (c) design or layout of the activity; (d) technology to be used in the activity; or (e) operational aspects of the activity; <p>and includes the option of not implementing the activity. The development alternatives considered are indicated in Section 8.1 of the draft Scoping Report. During the EIA Phase, and depending on the impact modelling by the specialists, alternative management measures will be identified to mitigate the potential impacts Also refer to our response above.</p>
11.10	<p><u>The objectives of the Scoping Report have not been met:</u> Also missing is any reference to applicable international conventions to which South Africa is a party pertaining to biodiversity, for example. It is submitted that the authorities have a constitutional imperative to take international law into account when considering and taking decisions which have an impact on rights incorporated into the Bill of Rights including Section 24 of the Constitution.</p>	<p>Christo Reeders Vhembe Mineral Resources Forum 20 March 2019</p>	<p>We agree that the authorities need to consider international conventions to which SA is party in their decision-making. The legislative framework will be revisited during the EIA Phase as appropriate and in consultation with the Competent Authority.</p>
11.11	<p><u>The objectives of the Scoping Report have not been met:</u> In the absence of these aspects having received the necessary attention, it must be reasonably concluded that the need and desirability of the proposed project and the need for further</p>	<p>Christo Reeders Vhembe Mineral Resources Forum 20 March 2019</p>	<p>The Plan of Study clearly indicates that a macro-economic impact analysis, which includes a detail Cost Benefit Analysis, is being performed. The detail will be provided in the EIAR. Externalities analysis, including environmental,</p>

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	<p>consideration thereof has not been properly considered and addressed. In this regard, we, submit it would be prudent that a comprehensive Cost Benefit Analysis be conducted in order to support informed decision making which properly considers the various pillars of sustainability. Mining has come to be regarded (incorrectly so) as being the most beneficial vehicle for "socio-economic improvement". This is, it is submitted, in the absence of proper evidence, no longer a sustainable or correct approach. Areas like that which is to be mined hold significant value for current and future generations and that value must be properly determined and compared against open cast mining's significant impacts before any assumptions are made. That value is also found in the area's tourism value- and potential. Moreover, the costs of coal globally and locally must be assessed. Health costs, particularly from a groundwater over burdening potential and air quality, must also be considered.</p>		<p>community and land use externality impacts, forms part of the CBA. Please refer to Section 9.1 of the draft Scoping Report that details the land use alternative options and macro-economic study that are investigated.</p>
11.12	<p>As a consequence of the above gaps, it must be concluded that the draft Scoping Report also fails to identify the key issues to be addressed in the assessment phase as is required of a Scoping Report.</p>	<p>Christo Reeders Vhembe Mineral Resources Forum 20 March 2019</p>	<p>For the reasons indicated in the responses above, we disagree with this statement.</p>
11.13	<p><u>Failure to adequately capture Part 2 of Appendix 2 content requirements</u> From a content perspective, it is our view that the Report does not meet the content requirements of regulation 2(1) generally, and more specifically, as follows: "(d)(i) a description of the scope of the proposed activity, including all listed and specified activities triggered"- the</p>	<p>Christo Reeders Vhembe Mineral Resources Forum 20 March 2019</p>	<p>The listed activities as indicated in Table 1 must be read with Figure 5, which details the listed activity and the thresholds. One would reasonably assume that any person who reviews the adequacy of the listed activities would have to also review the listing notices to ensure full legal compliance. We submit that the description of the proposed activity and listed activities are adequate and meet the requirements of</p>

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	format in terms of which the listed activities have been detailed, is unintelligible to an ordinary interested and affected party. By way of example only, we refer to Table 1 which, rather than list the activities in detail, simply references the activity and listing notice number. Although an attempt has been made to contextualise this by way of Figure 5, it is submitted that this is not adequate. The end result of the content is that in order to properly consider which listed activities are triggered, an interested and affected party conducting a review of the draft Scoping Report must also then conduct a review of the listing notices in order to determine which listed activity, including in relation to thresholds, is triggered;		Appendix 2.
11.14	"(e) a description of the policy and legislative context within which the development is proposed including an identification of all legislations policies, plans, guidelines, spatial tools, municipal development planning frameworks and instruments that are applicable to this activity and are to be considered in the assessment process" - as set out above, the policy and regulatory context is inadequate;	Christo Reeders Vhembe Mineral Resources Forum 20 March 2019	Refer to response No. 11.13 above.
11.15	"(f) a motivation for the need and desirability for the proposed development including the need and desirability of the activity in the context of the preferred location"- our concerns regarding the need and desirability of the project are set out above. In addition, we note the real potential for over-supply as a consequence of both the diminishing need for coal, both globally and locally; and, on the applicant's version, the likely presence of additional coal mines	Christo Reeders Vhembe Mineral Resources Forum 20 March 2019	Please refer to Section 9.1 of the draft Scoping Report that details the land use alternative options and macro-economic study that are being investigated. Given the current ownership of the portion of land it is submitted that the No-Go (or Status Quo) Option is in fact the only alternative at this time.

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	commencing activities in the immediate vicinity. This must question the very feasibility of the proposed mine. Yet a further misbegotten belief that is prevalent, is that the granting of a mining rights application is an inalienable right that is there merely for the taking. Your client's vague assertion that the only alternative to mining is the "no go" option, under the circumstances where the target property abuts the Nzhelele Nature Reserve, is entire nonsense;		
11.16	"(h) a plan of study for undertaking the environmental impact assessment process to be undertaken (as read with (h)(i) to (x)" - given the above, the plan of study, inclusive of specialist studies to be conducted, is inevitably lacking inasmuch as it does not provide for, amongst others, a Traffic Impact Assessment, a Climate Change Impact Assessment, a Health Impact Assessment and a Cost Benefit Analysis.		<p>Traffic Impact Assessment: Given the fact that the final destination of the product has not yet been confirmed as it will be dependent on the market and any off-take agreements once mining commences, it will be superfluous to conduct a Traffic Impact Assessment at this point in time. This could rather be a condition for approval, prior to construction.</p> <p>Climate Change Impact Assessment: Refer to response No. 11.8 above.</p> <p>Health Impact Assessment: The health aspects are addressed in the Social Impact Assessment and a separate assessment is not considered necessary.</p> <p>Cost-Benefit Analysis: Refer to response No. 11.11 above.</p>
11.17	We note with concern, that despite LEDET's concerns your client persists in relying on specialist studies conducted in 2015. Without a proper report being prepared by each of the various specialists which confirms that the information contained therein remains currently valid, this is simply not acceptable. Most concerning is the apparent intention not to conduct a new biodiversity assessment despite LEDET's	Christo Reeders Vhembe Mineral Resources Forum 20 March 2019	This re-application comes some 4 years after the original specialist fieldwork was conducted. The environmental context in the area has not changed significantly, nor has the mining and infrastructure footprint been altered from the 2015 submission. The findings of the specialist reports are therefore considered valid for this re-application. However, the following specialist reports will be reviewed to confirm the baseline environmental context, and is inclusive of a biodiversity assessment, contrary to what you indicated

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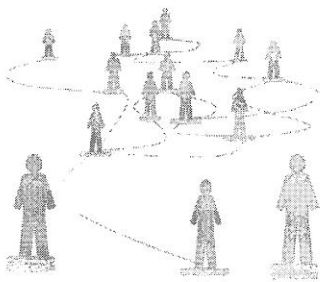
NO	COMMENTS	STAKEHOLDER	RESPONSE (AT THE TIME OF COMMENT)
	<p>concerns regarding the proposed mine falling within Limpopo's Critical Biodiversity Area 1, which led to, what we submit was the correct refusal of the first application for authorisation.</p>		<p>in your comments:</p> <ul style="list-style-type: none"> • Terrestrial (fauna & flora) assessment • Freshwater (wetlands & aquatic) assessment • Geohydrological assessment and bulk water options • Heritage and Palaeontological impact assessment • Social impact assessment <p>Since the mining and infrastructure layout and scheduling remain the same, the other specialist impact assessments will not change in respect of the impact modelling and the 2015 specialist reports will therefore be utilised without any further work, including soils, surface water (hydrology), air quality, noise, visual, blasting and macro-economic.</p>
11.18	<p>We note also no intention to update the Air Quality Report which, of necessity, requires an assessment of the inevitably changed ambient air quality and the cumulative impacts of other projects in the area (inclusive of the CoAL projects and the Makhado Special Economic Zone, if these proceed).</p>	<p>Christo Reeders Vhembe Mineral Resources Forum 20 March 2019</p>	<p>None of the mentioned projects have commenced, nor has the environmental or community context in the area changed dramatically. It is therefore unclear what would cause the inevitably changed ambient air quality in the area.</p>
11.19	<p><u>Cumulative impacts</u> We also note that the proposed cumulative assessment is woefully inadequate. It must include, as a minimum, climate change considerations, health impacts, biodiversity and socio-economic impacts.</p>	<p>Christo Reeders Vhembe Mineral Resources Forum 20 March 2019</p>	<p>The cumulative assessment will only be conducted during the EIA Phase. We submit that the main cumulative impacts associated with the project has been identified, as presented in Section 8.5.11 of the report.</p>
11.20	<p>Water use license application We assume that despite the parallel process contemplated in the Water Use License and Appeals Regulations, 2017, no water use license application has been submitted yet. We assume a further public participation process will be</p>	<p>Christo Reeders Vhembe Mineral Resources Forum 20 March 2019</p>	<p>Further public participation will be conducted for the water use licence and waste management licence applications, as per the legal requirements and/or applicable directives by the responsible Authority.</p>

Public Participation Process

Comments and Response Report including historical content comments and newer comments received prior to the Draft EIA / EMP Report

NO	COMMENTS	STAKEHOLDER	RESPONSE (AT THE TIME OF COMMENT)
	conducted when that application is made. Kindly confirm your client's intentions in this regard.		
11.21	On the basis of what we say above, we submit that the applicant ought to prudently withdraw the application. Kindly confirm receipt of this letter and ensure that we are provided a response as well as a copy of the final Scoping Report submitted (in the event that the applicant persists in its application).	Christo Reeders Vhembe Mineral Resources Forum 20 March 2019	Receipt confirmed on 25 March 2019.
11.22	Kindly provide a copy of the scoping report as submitted together with a copy of the DMR's letter of acceptance of the report.	Justine Sweet / Christo Reeders Vhembe Mineral Resources Forum 16 July 2019	Thank you for your request. Please see below mail (reference to a mail previously sent) sent on 4 April 2019 with attachments. You will find that in the letter there is a link from which the Final Scoping Report can be downloaded. Please let me know if you are unable to open it. Also attached is the letter received from DMR accepting the Final Scoping Report as requested.
11.23	Please advise when we can expect the draft EIAR to be made available for comment as well as the date of the proposed public participation meeting in order to ensure that we are afforded adequate opportunity to make representations.	Justine Sweet / Christo Reeders Vhembe Mineral Resources Forum 20 Aug 2019	Notifications of the availability of the Draft EIA and the meeting date will be sent out next week. (Week of 26 – 30 Aug) Final arrangements are just being made.

**APPENDIX 1-7: WRITTEN
SUBMISSIONS**



The Duel Coal Project

February 2019

IAP REGISTRATION AND COMMENT FORM

Title	MS	First Name:	ERIKA	Surname	HELM
Company / Organisation:	WATERPOORT FARMER'S UNION				
Designation:					
Home town / Property	MEMBER'S INTEREST				
Postal Address	PO Box 26			Postal Code	09105
	WATERPOORT				
Physical Address				Postal Code	
Contact details	Tel:		Fax:	086 648 2635	
	Email:	erikahelm@mweb.co.za		Cell:	0796996032
I wish to confirm my interest in the project	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	
I wish to be removed from the IAP register	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	
I wish to register as an IAP	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	
My interest in the project is:					
Please write comments and questions here?	I need to be informed of all information regarding this project.				
<i>Please feel free to attached a separate written submission</i>					
Please add any person you think may be interested and affected parties					
Full Name				Company / Organisation	
Company / Organisation:					
Contact details	Tel:		Fax:		
	Email:		Cell:		
Please send your Registration and Comments to:					
Lizinda Dickson or Susan van Eeden					
Address	PO Box 13509, Sinoville, Pretoria		Email	theduel.application@gmail.com	
Tel:	(012) 543 9093		Fax:	086 602 5566	

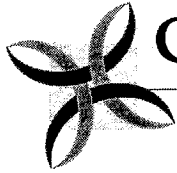


The Duel Coal Project

February 2019

IAP REGISTRATION AND COMMENT FORM

Title	Mr	First Name:	Howard	Surname	Knott	
Company / Organisation:	Greater Kudu Land Safari					
Designation:	Director					
Home town / Property	Tshipise Werkplaats					
Postal Address	P.O. Box 1385 Louis Trichardt				Postal Code	0920
Physical Address	Werkplaats Tshipise				Postal Code	0901
Contact details	Tel:	0155390720	Fax:			
	Email:	howard@greaterkuduland	Cell:	082 8929809		
I wish to confirm my interest in the project	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>		
I wish to be removed from the IAP register	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>		
I wish to register as an IAP	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>		
My interest in the project is:						
Please write comments and questions here?						
I would like to know where the coal will be transported to in other words to which Rail siding						
Please feel free to attached a separate written submission						
Please add any person you think may be interested and affected parties						
Full Name				Company / Organisation		
Company / Organisation:						
Contact details	Tel:			Fax:		
	Email:			Cell:		
Please send your Registration and Comments to:						
Lizinda Dickson or Susan van Eeden						
Address	PO Box 13509, Sinoville, Pretoria		Email	theduel.application@gmail.com		
Tel:	(012) 543 9093		Fax:	086 602 5566		



CHRISTO REEDERS ATTORNEYS

ENVIRONMENTAL LAW • MINING LAW • COMMERCIAL LITIGATION

19 March 2019

The Coal Duel Project
Public Participation Office
PO Box 13509
Sinoville
Pretoria

Attention: Ms Lizinda Dickson

By e-mail: theduel.application@gmail.com

Copy to:

Jacana Environmentals CC
7 Landdros Mare Street
Polokwane

Attention: Ms Marietjie Eksteen

By e-mail: marietjie@jacanacc.co.za

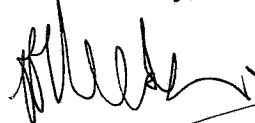
Dear Madams,

DRAFT SCOPING REPORT: SUBIFLEX (PTY) LTD; NO FILE REFERENCE NUMBER AVAILABLE, ALTERNATIVELY, REF: DUEL 001 / DMR REFERENCE: LP 30/5/1/2/2/10113 MR [REFERENCES OBTAINED FROM HISTORICAL CORRESPONDENCE DATED 2 FEBRUARY 2016]

1. We represent the Vhembe Mineral Resources Stakeholders Forum ("VMRSF"). We have been instructed to review the abovementioned draft Scoping Report made available for comment by 20 March 2010.
2. In order to enable us to submit comments with due regard to necessary information as contemplated in, amongst others, Regulation 41(6) of the Environmental Impact Assessment Regulations published in terms of the National Environmental Management Act, please provide us with the following:

- 2.1. proof of acceptance by the Department of Mineral Resources of the application for a mining right;
 - 2.2. a copy of the official application form for the environmental authorisation as well as proof of its acceptance;
 - 2.3. a copy of the Department of Mineral Resources' letter refusing environmental authorisation which appears may be dated 19 January 2017;
 - 2.4. a copy of the appeal submitted on 8 February 2017, as indicated in the draft Scoping Report;
 - 2.5. a copy of the appeal decision dated 23 February 2018;
 - 2.6. your written confirmation that:
 - 2.6.1. a further public participation process will be conducted in relation to waste management licensing and water use licensing requirements; and
 - 2.6.2. the cumulative impacts of these activities have therefore not been considered as part of the scoping process;
 - 2.7. a copy of the final report submitted in 2016; and
 - 2.8. proof of notification to interested and affected parties in relation to sub-items 3, 4, 5 and 7 above.
3. Bearing in mind that the deadline for comments on the draft Scoping Report is tomorrow and that, as a bare minimum, we ought to have been provided with this information months ago, kindly provide us with the requested information at your earliest convenience.

Yours faithfully,



CHRISTO REEDERS ATTORNEYS

From: theduel.application@gmail.com
Sent: Tuesday, 19 March 2019 14:18
To: 'Christo Reeders'
Cc: 'Justine Sweet'; marietjie@jacanacc.co.za; hcr@crattorneys.co.za
Subject: RE: SCAN_20190319_115445562.pdf

Hallo Christo / Justine –

Thank you for your letter, please find below our responses as per the items in your letter as well as a download link for the documents requested:

- 2.1: We have requested the acceptance letter from Subiflex. In order to prevent delay on your request, we submit the other documents as per below. This document will be forwarded to you once received.
- 2.2: The EA application and annexures were included in the download link provided to the IAPs on 18 February 2019. For your convenience we include this again in Subfolder 2.2 of the download link provided below. The acknowledgement letter from DMR dated 14 March 2019 is included in Subfolder 2.2.
- 2.3: The refusal letter is included in Subfolder 2.3 of the download link. The IAPs were duly notified of this decision on 2 February 2017 – refer to proof of notification in Subfolder 2.8.
- 2.4: The appeal submitted on 8 February 2018 is included in Subfolder 2.4 of the download link. The appeal was made available to all IAPs on 9 February 2018 – refer to proof of notification in Subfolder 2.8.
- 2.5: The copy of the appeal decision dated 23 February 2018 is included in Subfolder 2.5 of the download link. According to the Appeals Regulations the responsibility to notify registered IAPs of the appeal decision lies with the Appeal Authority, not with the Applicant or Appellant.
- 2.6.1: Further public participation will be conducted for the water use licence and waste management licence applications, as per the legal requirements and/or applicable directives by the responsible Authority.
- 2.6.2: The cumulative impacts related to water and waste management were indeed considered as part of the Scoping process, please refer to S8.5, and specifically S8.5.11 of the DSR, as well as Table 22.
- 2.7: The final EIAR/EMPr submitted in 2016 is included in Subfolder 2.7. The IAPs were duly notified of the availability of the draft documents on 4 May 2016 and the final documents on 21 June 2016 – refer to proof of notification in Subfolder 2.8.
- 2.8: The proof of notification to IAPs in relation to sub-items 3, 4 and 7 above is included in Subfolder 2.8. Sub-item 5 is not applicable.

The documents requested as referred to above is available from the following link:

<https://document.sharefile.com/d-s24189316c3d485db>

Regards

Lizinda Dickson

Public Participation Office
PO Box 13509, Sinoville, Pretoria
Tel: (012) 543 9093
Fax: 086 602 5566
Email: theduel.application@gmail.com

From: Christo Reeders <christo.reeders@crattorneys.co.za>
Sent: Tuesday, 19 March 2019 11:58
To: marietjie@jacanacc.co.za; Lizinda Dickson <theduel.application@gmail.com>
Cc: Justine Sweet <jsw@crattorneys.co.za>
Subject: SCAN_20190319_115445562.pdf
Importance: High

Dear Madam,

Please see the attached letter.

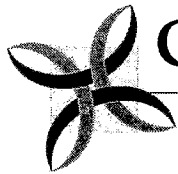


83 Kerry Road
Parkview
Johannesburg
2193

622 Olivia Street
Garsfontein
Pretoria
0060

PO Box 1138
Houghton
2041

Tel: 087 809 0406
Mobile: 082 882 0826
Email: hcr@crattorneys.co.za



CHRISTO REEDERS ATTORNEYS

ENVIRONMENTAL LAW • MINING LAW • COMMERCIAL LITIGATION

20 March 2019

The Coal Duel Project
Public Participation Office
PO Box 13509
Sinoville
Pretoria

Attention: Ms Lizinda Dickson

By e-mail: theduel.application@gmail.com

Copy to:

Jacana Environmentals CC
7 Landdros Mare Street
Polokwane

Attention: Ms Marietjie Eksteen

By e-mail: marietjie@jacanacc.co.za

Dear Madams,

DRAFT SCOPING REPORT: SUBIFLEX (PTY) LTD

As you know, we represent the Vhembe Mineral Resources Stakeholders Forum ("VMRSF") and have been instructed to review the abovementioned draft Scoping Report made available for comment by today, 20 March 2010.

1. Thank you for so promptly providing us with the additional information requested in our correspondence of yesterday. What concerns us is that when we compared yesterday's information against what was contained in at least the two links provided to us previously, yesterday's information had not been made available previously. While we have done our best to review the substantial information (including the lengthy appeal), there may well be additional aspects which we would wish to raise on our client's behalf. Should the draft Scoping

Report be approved, which for the reasons set out below, we do not support, we will submit further comments to the Competent Authority on the final document, as we are entitled to do. We assume that access to the additional documents have been provided to other interested and affected parties, inclusive of the Competent Authorities, for purposes of meeting their right to all relevant information to enable informed commenting and decision making. We await your confirmation in this regard.

2. Further to the above, we note that the acceptance letter from the Department of Mineral Resources in respect of the prospecting right is still pending, as is the letter of acceptance of the environmental authorisation application itself. We confirm that we have seen the Department's acceptance of the draft Scoping Report on 19 February 2019. Please provide us with a timeline of events that details your client's steps in the course of the process and compliance with the prescribed time frames.
3. We do not think the draft Scoping Report meets the minimum requirements for a scoping report as contemplated in Regulation 21(3) of the Environmental Impact Assessment Regulations as read with Appendix 2. On the basis of what we set out below, we submit that the Competent Authority ought to refuse the environmental authorisation since the applicant is not able to ensure compliance with these requirements within the prescribed timeframes.

Process concerns

4. As a preliminary comment, it is our view that the draft Scoping Report, including its content, has not been made adequately accessible to all interested and affected parties including inasmuch as the content is not likely to be readily and easily understood by the average layman and therefore fails to enable informed participation and comment.
5. Please provide us with a timeline of events including the date that this present application was first submitted.

The objectives of the Scoping Report have not been met

6. One of the objectives of scoping is to identify policies and legislation which are relevant to the activity. The policies and legislation listed in the Scoping Report are insufficient. By way of example (and therefore not exhaustive as it is neither our role nor our responsibility to conduct a regulatory compliance scan on the applicant's behalf), and despite the fact that the proposed mine is for coal and it

appears that a secondary coal processing facility is contemplated, we note no reference to the National Climate Change White Paper as read with pending regulatory developments in that context including in relation to both adaptation and mitigation measures, South Africa's nationally determined contributions and the 2017 judgement of the Gauteng High Court in *Earth Life Africa v Minister of Environmental Affairs and another*, a copy of which is attached. By implication, there has then been no assessment of the climate change impacts of the proposed project whatsoever. In the current global climate, this represents a startling and deeply concerning omission.

7. In the absence of a climate change study, it is submitted that an alternatives assessment is required in order to confirm that technology contemplated, inclusive of abatement technology, is adequate and representative of, best available technology. It is noted that this is also one of the objectives of scoping and this objective has also, therefore, not been met.
8. Also missing is any reference to applicable international conventions to which South Africa is a party pertaining to biodiversity, for example. It is submitted that the authorities have a constitutional imperative to take international law into account when considering and taking decisions which have an impact on rights incorporated into the Bill of Rights including Section 24 of the Constitution.
9. In the absence of these aspects having received the necessary attention, it must be reasonably concluded that the need and desirability of the proposed project and the need for further consideration thereof has not been properly considered and addressed. In this regard, we submit it would be prudent that a comprehensive Cost Benefit Analysis be conducted in order to support informed decision making which properly considers the various pillars of sustainability. Mining has come to be regarded (incorrectly so) as being the most beneficial vehicle for "socio-economic improvement". This is, it is submitted, in the absence of proper evidence, no longer a sustainable or correct approach. Areas like that which is to be mined hold significant value for current and future generations and that value must be properly determined and compared against open cast mining's significant impacts before any assumptions are made. That value is also found in the area's tourism value- and potential. Moreover, the costs of coal globally and locally must be assessed. Health costs, particularly from a groundwater over burdening potential and air quality, must also be considered.

10. As a consequence of the above gaps, it must be concluded that the draft Scoping Report also fails to identify the key issues to be addressed in the assessment phase as is required of a Scoping Report.

Failure to adequately capture Part 2 of Appendix 2 content requirements

11. From a content perspective, it is our view that the Report does not meet the content requirements of regulation 2(1) generally, and more specifically, as follows:

- 11.1. "(d)(i) a description of the scope of the proposed activity, including all listed and specified activities triggered" - the format in terms of which the listed activities have been detailed, is unintelligible to an ordinary interested and affected party. By way of example only, we refer to Table 1 which, rather than list the activities in detail, simply references the activity and listing notice number. Although an attempt has been made to contextualise this by way of Figure 5, it is submitted that this is not adequate. The end result of the content is that in order to properly consider which listed activities are triggered, an interested and affected party conducting a review of the draft Scoping Report must also then conduct a review of the listing notices in order to determine which listed activity, including in relation to thresholds, is triggered;

- 11.2. "(e) a description of the policy and legislative context within which the development is proposed including an identification of all legislation, policies, plans, guidelines, spatial tools, municipal development planning frameworks and instruments that are applicable to this activity and are to be considered in the assessment process" - as set out above, the policy and regulatory context is inadequate;

- 11.3. "(f) a motivation for the need and desirability for the proposed development including the need and desirability of the activity in the context of the preferred location" - our concerns regarding the need and desirability of the project are set out above. In addition, we note the real potential for over-supply as a consequence of both the diminishing need for coal, both globally and locally; and, on the applicant's version, the likely presence of additional coal mines commencing activities in the immediate vicinity. This must question the very feasibility of the proposed mine. Yet a further misbegotten belief that is prevalent, is that the granting of a mining rights application is an inalienable right that is there merely for

the taking. Your client's vague assertion that the only alternative to mining is the "no go" option, under the circumstances where the target property abuts the Nzhelele Nature Reserve, is entire nonsense;

- 11.4. "(h) a plan of study for undertaking the environmental impact assessment process to be undertaken (as read with (h)(i) to (x))" - given the above, the plan of study, inclusive of specialist studies to be conducted, is inevitably lacking inasmuch as it does not provide for, amongst others, a Traffic Impact Assessment, a Climate Change Impact Assessment, a Health Impact Assessment and a Cost Benefit Analysis.
12. We note with concern, that despite LEDET's concerns your client persists in relying on specialist studies conducted in 2015. Without a proper report being prepared by each of the various specialists which confirms that the information contained therein remains currently valid, this is simply not acceptable. Most concerning is the apparent intention not to conduct a new biodiversity assessment despite LEDET's concerns regarding the proposed mine falling within Limpopo's Critical Biodiversity Area -1, which led to, what we submit was the correct refusal of the first application for authorisation.
13. We note also no intention to update the Air Quality Report which, of necessity, requires an assessment of the inevitably changed ambient air quality and the cumulative impacts of other projects in the area (inclusive of the CoAL projects and the Makhado Special Economic Zone, if these proceed).

Cumulative impacts

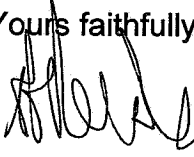
14. We also note that the proposed cumulative assessment is woefully inadequate. It must include, as a minimum, climate change considerations, health impacts, biodiversity and socio-economic impacts.

Water use licence application

15. We assume that despite the parallel process contemplated in the Water Use Licence and Appeals Regulations, 2017, no water use licence application has been submitted yet. We assume a further public participation process will be conducted when that application is made. Kindly confirm your client's intentions in this regard.
16. On the basis of what we say above, we submit that the applicant ought to prudently withdraw the application.

17. Kindly confirm receipt of this letter and ensure that we are provided a response as well as a copy of the final Scoping Report submitted (in the event that the applicant persists in its application).

Yours faithfully,

A handwritten signature in black ink, appearing to be a stylized name, possibly "Christo Reeder".

CHRISTO REEDERS ATTORNEYS

**APPENDIX 1-8:
AUTHORITY
COMMUNICATIONS**

18/2/19



18 February 2019

Limpopo Department of Economic Development, Environment and Tourism
Private Bag X9484
Polokwane
0700

Attention: Mr TR Ngoasheng

RE: RE-APPLICATION FOR ENVIRONMENTAL AUTHORISATION FOR SUBIFLEX (PTY) LTD IN RESPECT OF THE REMAINING EXTENT OF THE FARM THE DUEL 188 MT IN THE MAGISTERIAL DISTRICT OF MAKHADO IN LIMPOPO PROVINCE: DRAFT SCOPING REPORT FOR COMMENT

The attached notification of 1 February 2019 in respect of The Duel Coal Project refers.

Attached herewith the Draft Scoping Report for your attention. Comments should be forwarded to our Public Participation Office within 30 days of this submission, on or before **20 March 2019**.

You can provide your comments by emailing or faxing it to the Public Participation Office at the contact details below.

Lizinda Dickson / Susan van Eeden

Tel: 012 543 9093; Fax: 086 602 5566; Email: theduel.application@gmail.com

Should you require any further clarity feel free to contact our Public Participation Office.

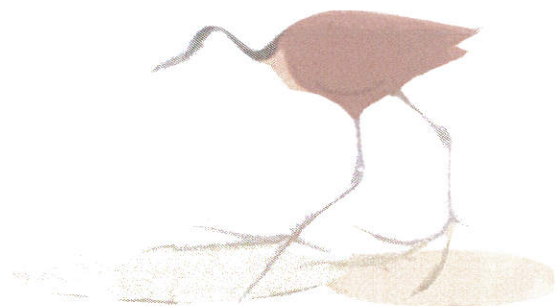
Yours sincerely,

A handwritten signature in black ink, appearing to read 'Marietjie Eksteen', with a horizontal line underneath the name.

MARIETJIE EKSTEEN

Jacana Environmental CC
7 Landdros Mare Street, Polokwane
PO Box 31675, Superbia, 0759
marietjie@jacanacc.co.za

Co Reg. Nr.: CK2005/136263/23
Member: M. Eksteen





18 February 2019

Limpopo-Northwest Proto CMA
Department of Water and Sanitation
Private Bag X9506
Polokwane
0700

Attention: Mr David Nethengwe

RE: RE-APPLICATION FOR ENVIRONMENTAL AUTHORISATION FOR SUBIFLEX (PTY) LTD IN RESPECT OF THE REMAINING EXTENT OF THE FARM THE DUEL 188 MT IN THE MAGISTERIAL DISTRICT OF MAKHADO IN LIMPOPO PROVINCE: DRAFT SCOPING REPORT FOR COMMENT

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Lizinda Dickson / Susan van Eeden

Tel: 012 543 9093; Fax: 086 602 5566; Email: theduel.application@gmail.com

Should you require any further clarity feel free to contact our Public Participation Office.

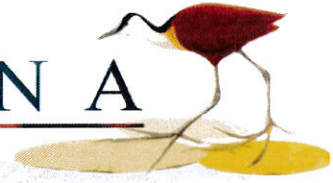
Yours sincerely,

MARIETJIE EKSTEEN

DEPARTMENT OF WATER AFFAIRS
DEPARTMENT OF WATER AFFAIRS
REGIONAL OFFICE
RECEIVED
REGIONAL OFFICE
RECEIVED
17 FEB 2019
18 FEB 2019
PRIVATE BAG X9506 POLOKWANE 0700
PRIVATE BAG X9506 POLOKWANE 0700
LIMPOPO PROVINCE
LIMPOPO PROVINCE

Jacana Environmentals CC
7 Landdros Mare Street, Polokwane
PO Box 31675, Superbia, 0759
marietjie@jacanacc.co.za

Co Reg. Nr.: CK2005/136263/23
Member: M. Eksteen



18 February 2019

Limpopo Department of Agriculture, Forestry and Fisheries
Private Bag X9487
Polokwane
0700

Attention: Mr F Mahlakoane

RE: RE-APPLICATION FOR ENVIRONMENTAL AUTHORISATION FOR SUBIFLEX (PTY) LTD IN RESPECT OF THE REMAINING EXTENT OF THE FARM THE DUEL 188 MT IN THE MAGISTERIAL DISTRICT OF MAKHADO IN LIMPOPO PROVINCE: DRAFT SCOPING REPORT FOR COMMENT

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You can provide your comments by emailing or faxing it to the Public Participation Office at the contact details below.

Lizinda Dickson / Susan van Eeden

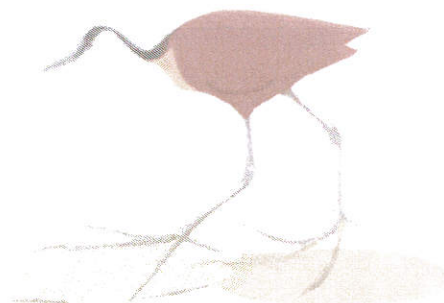
Tel: 012 543 9093; Fax: 086 602 5566; Email: theduel.application@gmail.com

Should you require any further clarity feel free to contact our Public Participation Office.

Yours sincerely,

MARIETJIE EKSTEEN

Mahlakoane
18/02/2019





18 February 2019

Makhado Local Municipality
Private Bag X2596
Louis Trichardt
0920

Attention: Ms Hilda Mudau

RE: RE-APPLICATION FOR ENVIRONMENTAL AUTHORISATION FOR SUBIFLEX (PTY) LTD IN RESPECT OF THE REMAINING EXTENT OF THE FARM THE DUEL 188 MT IN THE MAGISTERIAL DISTRICT OF MAKHADO IN LIMPOPO PROVINCE: DRAFT SCOPING REPORT FOR COMMENT

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You can provide your comments by emailing or faxing it to the Public Participation Office at the contact details below.

Lizinda Dickson / Susan van Eeden

Tel: 012 543 9093; Fax: 086 602 5566; Email: theduel.application@gmail.com

Should you require any further clarity feel free to contact our Public Participation Office.

Yours sincerely,

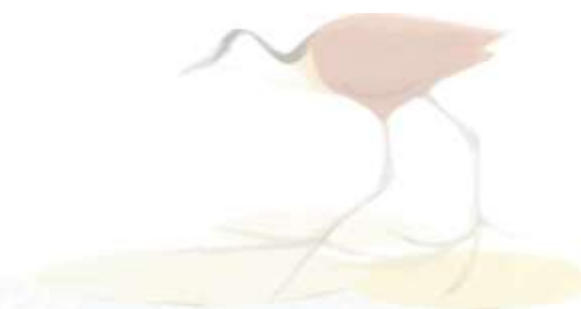


18/02/2019

MARIETJIE EKSTEEN

Jacana Environmental CC
7 Landdros Mare Street, Polokwane
PO Box 31675, Superbia, 0759
marietjie@jacanacc.co.za

Co Reg. Nr.: CK2005/136263/23
Member: M. Eksteen





PER EMAIL

19 February 2019

Limpopo Department of Economic Development, Environment and Tourism
Attention: Mr TR Ngoasheng

Limpopo-Northwest Proto CMA: Department of Water and Sanitation
Attention: Mr David Nethengwe

Limpopo Department of Agriculture, Forestry and Fisheries
Attention: Mr F Mahlakoane

Makhado Local Municipality
Attention: Ms Hilda Mudau

RE: RE-APPLICATION FOR ENVIRONMENTAL AUTHORISATION FOR SUBIFLEX (PTY) LTD IN RESPECT OF THE REMAINING EXTENT OF THE FARM THE DUEL 186 MT IN THE MAGISTERIAL DISTRICT OF MAKHADO IN LIMPOPO PROVINCE: DRAFT SCOPING REPORT FOR COMMENT

The above submission of 18 February 2019 refers.

Please note that the application for Environmental Authorisation is in respect of the Remaining Extent of the farm **The Duel 186 MT**, and not for the Remaining Extent of the farm The Duel 188 MT, as incorrectly stated in the submission letter to your office.

Further it is noted that the Department of Mineral Resources allocated the following reference number to the project: **LP30/5/1/2/2/10167MR**

Kindly update your records accordingly.

Yours sincerely,

MARIETJIE EKSTEEN

Jacana Environmentals CC
7 Landdros Mare Street, Polokwane
PO Box 31675, Superbia, 0759
marietjie@jacanacc.co.za

Co Reg. Nr.: CK2005/136263/23
Member: M. Eksteen



SAHRIS

MyDashboard Explore Create Calendar Maps Help

Heritage Cases *The Duel Coal Mine* has been updated.

Heritage Cases

The Duel Coal Mine

2 reads

CaseHeader	LocationInfo	Admin
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ProposalDescription:
 The Duel Coal Project will be a combination of open pit and underground mining and has a potential Life-of-Mine (LOM) of 24 years. The envisaged mining method for the open pit area is a conventional drill and blast operation with truck and shovel, load and haul. Underground mining operations will commence from Year 10 onwards for a period of 5 years. Access will be from selected positions in the open pit and the coal will be mined through the long-wall methodology. After underground activities have been completed, the access to the underground areas will be closed followed by the final rehabilitation of the open pit.

ApplicationDate: Monday, February 18, 2019 - 13:24
CaseID: 13495
Applicants: [Subiflex \(Pty\) Ltd](#)
Consultants/Experts: [Marietjie Eksteen](#)
OtherReferences:

Dept	CaseReference	DueDate	FinalDecision
	LP30/5/1/2/2/10167MR	20/03/2019	

Heritage Reports: [The Duel HIA](#)
ReferenceList:

AdditionalDocuments

1. [The Duel Draft Scoping Report.pdf](#)
2. [The Duel PoSS.pdf](#)
3. [The Duel PP Report.pdf](#)
4. [The Duel Baseline Report.pdf](#)
5. [The Duel EAP CV.pdf](#)

[Back to Top](#)

South African Heritage Resources
 Agency (SAHRA)
 Head Office
 111 Harrington Street
 CAPE TOWN
 8001

PO Box 4637
 Cape Town, 8000
 Tel 021 462 4502/Fax 021 462 4509
 Email info@sahra.org.za
 Web www.sahra.org.za (<http://www.sahra.org.za>)



An agency of the Department of Arts & Culture

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Chat (6)



24 April 2019

Limpopo Department of Economic Development, Environment and Tourism
Private Bag X9484
Polokwane
0700

Attention: Mr Victor Mongwe

RE: APPLICATION FOR ENVIRONMENTAL AUTHORISATION LODGED IN TERMS OF SECTION 24 OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998), AS AMENDED, READ WITH REGULATION 21 OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED IN 2017) FOR A MINING RIGHT AND RELATED INFRASTRUCTURAL ACTIVITIES ON THE REMAINING EXTENT OF THE FARM THE DUEL 186 MT SITUATED IN MAKHADO LOCAL MUNICIPALITY IN LIMPOPO REGION: SUBIFLEX (PTY) LTD: DMR REFERENCE NO. LP 30/5/1/2/3/2/1/10167 EM

With reference to the attached notification, herewith a hard copy of the final Scoping Report as requested by your Department.

You can provide your comments by emailing or faxing it to the Public Participation Office at the contact details below.

Lizinda Dickson / Susan van Eeden

Tel: 012 543 9093; Fax: 086 602 5566; Email: theduel.application@gmail.com

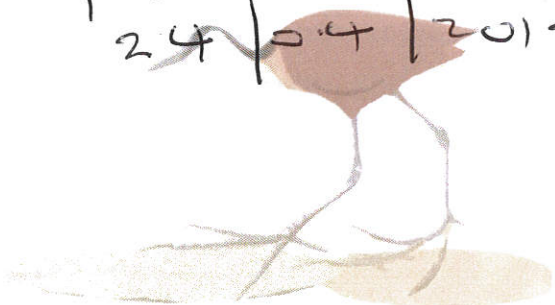
Yours sincerely,

MARIETJIE EKSTEEN

Mkhon beni RV
24/04/2019

Jacana Environmentals CC
7 Landdros Mare Street, Polokwane
PO Box 31675, Superbia, 0759
marietjie@jacanacc.co.za

Co Reg. Nr.: CK2005/136263/23
Member: M. Eksteen





The Duel Coal Project

Ref no: LP 30/5/1/2/2/10167 MR

4 April 2019

Dear Stakeholder,

RE: RE-APPLICATION FOR ENVIRONMENTAL AUTHORISATION FOR SUBIFLEX (PTY) LTD IN RESPECT OF THE REMAINING EXTENT OF THE FARM THE DUEL 186 MT IN THE MAGISTERIAL DISTRICT OF MAKHADO IN LIMPOPO PROVINCE: FINAL SCOPING REPORT

Subiflex (Pty) Ltd (Reg. No: 2010/019233/07) re-applied for a mining right for coal, pseudocoal and torbanite/oilshale in terms of section 22 of the Mineral and Petroleum Resources Development (MPRDA) Act 28 of 2002 (as amended) on 18 February 2019 in respect of the Remaining Extent of the farm The Duel 186 MT and for Environmental Authorisation (EA) in terms of section 24 of the National Environmental Management (NEMA) Act 107 of 1998 (as amended) and the Environmental Impact Assessment (EIA) Regulations of 2014 (as amended in 2017). The EA application was acknowledged by Department of Mineral Resources (DMR) on 12 March 2019. The Mining Right application was accepted (acknowledged) by the DMR on 20 March 2019. The Draft Scoping Report was made available for comments from 18 February 2019 to 20 March 2019.

Thank you for all the comments received. The Final Scoping Report has been submitted to DMR and is available for Interested and Affected Parties at the following link: <https://document.sharefile.com/d-s1342c44b86046239>

For any further information or to submit any additional comments to be taken into consideration during the EIA Phase, please email or fax the Public Participation Office at the contact details below.

Lizinda Dickson / Fransis de la Rosa

Tel: 012 543 9093; Fax: 086 602 5566; Email: theduel.application@gmail.com

Yours sincerely,

Regards,

Fransis de la Rosa

Public Participation Office



mineral resources

Department:
Mineral Resources
REPUBLIC OF SOUTH AFRICA

Private Bag X 9467, Polokwane, 0700, Tel: 015 287 4700, Fax: 015 297 7230
DME Building, 101 Dorp Street, Polokwane, 0699

Enquiries: Ms. M.M. Sathekge **Ref:** LP 30/5/1/2/3/2/1 (10167) EM
E-Mail Address: Mapula.Sathekge@dmr.gov.za
Sub-Directorate: Mine Environmental Management

REGISTERED MAIL

The Director(s)
Subiflex (Pty) Ltd
P. O. Box 11638
Bendor Park
POLOKWANE
0713

For attention: Surprise Nefolovhodwe
CC: Marietjie Eksteen

E-mail: surprise.tn@icloud.com
E-mail: marietjie@jacanacc.co.za

SCOPING REPORT (SR) SUBMITTED IN SUPPORT OF AN ENVIRONMENTAL AUTHORISATION FOR A MINING RIGHT APPLICATION IN TERMS OF SECTION 24 OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT (NEMA), 1998 (ACT 107 OF 1998) AS AMENDED READ WITH REGULATION 21 OF THE ENVIRONMENTAL IMPACT ASSESSMENT (EIA) REGULATIONS, 2014 IN RESPECT OF THE REMAINING EXTENT OF THE FARM THE DUEL 186 MT, SITUATED IN MAKHADO LOCAL MUNICIPALITY: LIMPOPO REGION.

The Scoping Report (SR) and Plan of Study for Environmental Impact Assessment received by the Department on **03 April 2019** has reference.

1. The Department has evaluated the submitted SR and Plan of Study for Environmental Impact Assessment and is satisfied that the documents comply with the minimum requirements of Appendix 2(2) of NEMA EIA Regulations, 2014 and it is hereby accepted in terms of regulation 22(a) of the NEMA EIA Regulations, 2014.
2. You may proceed with the environmental impact assessment process in accordance with the tasks contemplated in the Plan of Study for Environmental Impact Assessment as required in terms of the NEMA EIA Regulations, 2014.
3. Please ensure that comments from all relevant stakeholders are submitted to this office with the Environmental Impact Assessment Report (EIAR) and Environmental Management Programme (EMPr).

This includes but is not limited to the South African Heritage Resources Authority (SAHRA), Department of Economic Development, Environment and Tourism (LEDET), Department of Agriculture, Forestry and Fisheries (DAFF) and Department of Water and Sanitation (DWS). Proof of correspondence with the various stakeholders must be included in the EIAR. Should you be unable to obtain comments, proof of attempts that were made to obtain comments should be submitted.

4. In addition, the following amendments and additional information are required for the EIAR and EMPr:
 - a) Details of the future land use for the site and infrastructure after decommissioning in 20-30 years.
 - b) The total footprint of the proposed development should be indicated.
 - c) Should a Water Use License be required, proof of such application needs to be submitted.
 - d) Possible impacts and effects of the development on the ecology with regard to lowland-highland interface in the locality should be indicated.
 - e) Possible impacts and effects of the development on the surrounding industrial area should be indicated.
 - f) Information on services required on the site, e.g. sewage, refuse removal, water, electricity, etc, and the supplier(s)' agreement/ confirmation should be submitted.
 - g) A construction and operational phase of the EMPr should include impacts mitigation and monitoring measures.
 - h) Should blasting be required, appropriate mitigation measures should be provided.
5. The applicant is hereby reminded to comply with the requirements of regulation 3 of the EIA Regulations, 2014 with regards to the time period allowed for complying with the requirements of the Regulations.
6. Please ensure that the EIAR includes the A3 size locality maps of the area and illustrates the exact location of the proposed development. The maps must be of acceptable quality and as a minimum, have the following attributes:
 - Maps are relatable to one another;
 - Co-ordinates;
 - Legible legends;
 - Indicate alternatives;
 - Scale and
 - Vegetation types of the study area.
7. Further, it must be reiterated that, should an application for Environmental Authorisation be subjected to any permits or authorisations in terms of the provisions of any Specific Environmental Management Acts (SEMAs), proof of such application will be required.
8. All specialists' reports must be signed off by a registered person and must have recommendations
9. You are requested to submit three (3) hard copies of the EIAR and EMPr and at least one electronic copy (CD) of the complete EIAR and EMPr to this office.
10. Your attention is brought to Section 24F of the NEMA which stipulates that "no activity may commence prior to an environmental authorisation being granted by the competent authority".

Yours faithfully


.....

REGIONAL MANAGER: MINERAL REGULATION

LIMPOPO REGION

DATE: 26/06/2019



mineral resources

Department:
Mineral Resources
REPUBLIC OF SOUTH AFRICA

Private Bag X 9467, Polokwane, 0700, Tel: 015 287 4700, Fax: 086 710 1448
DME Building, 101 Dorp Street, Polokwane, 0699

Enquiries: Ms. M.M. Sathekge **Ref:** LP 30/5/1/2/3/2/1(10167) EM

E-Mail Address: Mapula.Sathekge@dmr.gov.za

Sub-Directorate: Mine Environmental Management

REGISTERED MAIL

The Director(s):
Subiflex (Pty) Ltd
P.O. Box 11638
BENDOR PARK
0713

For attention: Surprise Nefolovhodwe
CC: Marietjie Eksteen

E-mail: surprise.tn@icloud.com

E-mail: marietjie@jacanacc.co.za

ACKNOWLEDGMENT OF AN APPLICATION FOR ENVIRONMENTAL AUTHORISATION LODGED IN TERMS OF SECTION 24 OF NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) READ WITH REGULATION 21 OF THE ENVIRONMENTAL IMPACT ASSESSMENT (EIA) REGULATIONS, 2014 FOR MINING RIGHT AND RELATED INFRASTRUCTURAL ACTIVITIES ON THE REMAINING EXTENT OF THE FARM THE DUEL 186 MT, SITUATED IN MAKHADO LOCAL MUNICIPALITY: LIMPOPO REGION.

The above matter has reference;

I refer to the abovementioned matter and confirm that your application for Environmental Authorisation herein referred to as "EA" lodged on **18 February 2019** is hereby acknowledged.

You are requested in terms of Section 24 K of National Environmental Management Act, Act 107 of 1998, as amended to consult with any organ of state responsible for administering legislation relating to matters affecting the environment and submit three (3) copies of **Scoping Report (SR)** in terms of Regulation **21 of 2014 EIA Regulation**. The said **SR** must also include proof and results of consultation undertaken with the above mentioned state Departments.


The **SR** reflected above has to be submitted within **44 Calendar days** from the date of lodgement of your application for EA. Failure to submit such reports as prescribed, your application for EA will be considered

being lapsed and would not be processed further, unless an extension has been granted in terms of Regulation 3(7) of 2014 EIA Regulation.

Acknowledgement of your application does not grant you permission to commence with the activities applied for.

Commencement of a listed activity without Granted Environmental Authorisation constitutes an offence in terms of Section 49A (1) (a) of NEMA, 1998 (Act 107 of 1998) as amended and upon conviction for such an offence, a person is liable to a fine not exceeding R10 million or to imprisonment for a period not exceeding ten years, or to both such fine and such imprisonment.

Kind Regards,

pp. 

REGIONAL MANAGER: MINERAL REGULATION

LIMPOPO REGION

DATE: 12-03-2019



mineral resources

Department:
Mineral Resources
REPUBLIC OF SOUTH AFRICA

Private Bag X 9467, Polokwane, 0700, Tel: 015-287 4700, Fax: 015-287
4706

101 Dorp Street, Polokwane, 0699

From: Directorate Mineral Regulation: Limpopo Region
Enquiries: Bongani Hlatshwayo Ref: LP30/5/1/2/2/ 10167MR
e-mail: Bongani.Hlatshwayo@dmr.gov.za

Registered Mail

Subuflex (Pty) Ltd
P O Box 21
Bendor
Polokwane
0700

Fax: 086 6025 442
Tel: 072 5064 659

Attention: Oscar Miyambu.

ACCEPTANCE FOR A MINING RIGHT: SUBUFLEX (PTY) LTD ON THE REMAINING EXTENT OF THE FARM THE DUEL 186 MT, SITUATED IN THE MAGISTERIAL DISTRICT OF MAKHADO.

I refer to the abovementioned matter and I confirm that your application for a mining right of **Coal, Pseudocoal and Torbanite/Oil Shale** in terms of section 22(1) of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002) has been accepted.

In terms of Section 22 (4) of the Act, you are therefore required to do the following:

- (a) Notify in writing and consult with the landowner or lawful occupier and any other affected party; and
- (b) Consult with the Department of Land Affairs if the land is state owned, in the event that the land is subject to land restitution consult office of the Commission of Restitution for Land Rights and submit the result of such consultation to this office on or before the **06 May 2019 (30 days)**.

(c) You are requested in terms of Section 23 (1) (h) of the Act to give effect to the object referred to in Section 2 (d) of the Act. In this regard, you are required to submit by no later than the 18 June 2019 the following documents:

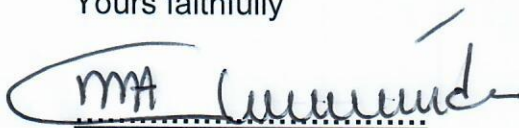
- duly signed shareholders agreement;]
- Share certificates and shareholder's registers;
- Articles and memorandum of association of the company;
- Details relating to funding (all relevant agreements); and
- Any other agreement or documents relating to the agreement

Acceptance of your application does not grant you the right to commence with mining operations. Your application will be evaluated / processed and a recommendation on the granting / refusal of the right will be forwarded to the Minister or her delegate. Any person operating without a prospecting / mining right or mining permit will be in contravention of Section 5(4) of the MPRDA and would be guilty of an offence in terms of the relevant Act.

N.B Notwithstanding the fact that reasonable care was taken in verifying the existence of rights, permits and prior applications this office reserves the right to consider and/or effect the provisions of sections 9(1) (a), 9 (1) (b) and 22 (2) (b) of the Minerals and Petroleum Resources Development Act (Act 28 of 2002 as Amended).

Should it transpire at later stage that an old encumber the area under application order right, the Department will be entitled to refuse this application based on the fact that an old order right for the same minerals, has already been granted to another entity, as the granting thereof would be contrary to the provisions of the Minerals and Petroleum Resources Development Act, 2002 (Act 28 of 2002 as Amended).

Yours faithfully



**REGIONAL MANAGER
LIMPOPO REGION**

DATE: 20/03/2019



an agency of the
Department of Arts and Culture

T: +27 21 462 4502 | F: +27 21 462 4509 | E: info@sahra.org.za
South African Heritage Resources Agency | 111 Harrington Street | Cape Town
P.O. Box 4637 | Cape Town | 8001
www.sahra.org.za

Enquiries: Nokukhanya Khumalo

Tel: 021 462 4502

Email: nkhumalo@sahra.org.za

CaseID: 13495

Date: Friday April 12, 2019

Page No: 1

Interim Comment

In terms of Section 38(8) of the National Heritage Resources Act (Act 25 of 1999)

Attention: Subiflex (Pty) Ltd

63 Compensatie Str, Polokwane, 0699
PO Box 11638, Bendor Park, Polokwane

The Duel Coal Project will be a combination of open pit and underground mining and has a potential Life-of-Mine (LOM) of 24 years. The envisaged mining method for the open pit area is a conventional drill and blast operation with truck and shovel, load and haul. Underground mining operations will commence from Year 10 onwards for a period of 5 years. Access will be from selected positions in the open pit and the coal will be mined through the long-wall methodology. After underground activities have been completed, the access to the underground areas will be closed followed by the final rehabilitation of the open pit.

Thank you for notifying SAHRA on the proposed mining activities for coal, pseudocoal and oilshale on farm The Dual 186 MT remaining extent in the Vhembe District within the Limpopo province.

Jacana Environments cc (Jacana) was appointed by Subiflex (Pty) Ltd to undertake the re-application for Environmental Authorisation (EA) and Mining Right for the Dual Coal Project. A Draft Scoping Report was submitted in terms of the National Environmental Management Act, 1998 And the National Environmental Management Waste Act, 2008 in respect of listed activities that have been triggered by applications in terms of the Mineral and Petroleum Resources Development Act, 2002 (MPRDA) (as amended).

The development area is located 20km north-east of Tshipise and 50m south-east of Makushu with a total extent of 888.5039 hectares. The project will be a combination of an open pit mine and underground mining and it has the potential life-of-mine (LOM) of 24 years. The mining methods will include conventional drilling for the open pit and blast operation with truck and shovel along with load and haul. The long-wall underground mining method will commence from year 10 for a period of 5 years and then the access to underground area will be closed followed by final rehabilitation of the open pit.

The proposed infrastructure to be developed includes Coal Handling Processing Plant (CHPP), Overburden Waste Dump, Temporary Discard Dump, Haul roads, Pollution Control Dams, Raw water storage facility and distribution systems along with Access road and Auxiliary infrastructure including a workshop and store, office



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T: +27 21 462 4502 | F: +27 21 462 4509 | E: info@sahra.org.za
South African Heritage Resources Agency | 111 Harrington Street | Cape Town
P.O. Box 4637 | Cape Town | 8001
www.sahra.org.za

and change house, electrical power supply and security fencing.

R & R Cultural Resource Consultants and BM Geological Services have been appointed to provide heritage specialist input into the EA process as per section 24(4)b(iii) of NEMA and section 38(8) of the National Heritage Resources Act, No 25 of 1999 (NHRA).

Roodt, F. November 2014. Phase 1 Heritage Impact Assessment Report The Duel 186 Mt Remaining Extent Vhembe District Municipality Limpopo.

There is evidence for Stone Age remains in the proposed area of development (recording 2-6). No intact primary heritage sites, formal tools and rock art sites were observed during the survey. Middle Stone Age flakes are however prominent in the area and Earlier Stone Age material is also present. The Stone age material is of low significance and no further assessment is necessary. No Iron Age sites were recorded, but Non-diagnostic potsherds, which are of low significance, were observed in the area (recording 1).

Recommendations

- From a heritage resources management point of view, we have no objection with regard to the development. SAHRA may, however, require the appointment of a Stone Age specialist to undertake a post-EIA Phase 1B assessment of the Stone Age material.
- The discovery of undetected heritage remains must be reported to the archaeologist, who will then comply with the necessary legal requirements.

Millstead, B.D. August 2015. Desktop Palaeontological Heritage Impact Assessment Report On The Site Of Subiflex (Pty) Ltd's Proposed Coal Mine To Be Located On The Farms Lotsieus 176 Mt, Kranspoort 180 Mt, Nairobi 181 Mt And The Duel 186 Mt, Approximately 54 Km North Of Makhado, Limpopo Province

The development area is underlain mostly by the unfossiliferous Soutpansberg Group in the northern and the central portions of the development area and the Palaeozoic Karoo Supergroup covers the rest of area. The Karoo Supergroup formations could contain significant fossil assemblages. These formations will be directly affected by the mining activities, which could result in the permanent damage of fossils contained in the rock units.

Recommendations



an agency of the
Department of Arts and Culture

T: +27 21 462 4502 | F: +27 21 462 4509 | E: info@sahra.org.za
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P.O. Box 4637 | Cape Town | 8001
www.sahra.org.za

Enquiries: Nokukhanya Khumalo

Tel: 021 462 4502

Email: nkhumalo@sahra.org.za

CaseID: 13495

Date: Friday April 12, 2019

Page No: 3

- A thorough examination by a palaeontologist is required on the exposures of the Karoo Supergroup strata present within the project area (i.e., a Full Palaeontological Impact Assessment Study on these exposures) before the commencement of the project. This would allow a meaningful evaluation of the presence of potentially fossiliferous strata within that area. If fossil materials prove to be present the process would allow the identification of any such fossils that should either be protected completely or could have damage mitigation procedures emplaced to minimise negative impacts.
- Should any fossil materials be identified SAHRA informed of the discovery (as required in Section 3.3 above). A palaeontologist should then be mandated to inspect the fossil materials and ascertain their scientific and cultural importance as part of a Phase 2 Palaeontological Impact Investigation study.
- A significant potential benefit of the examination of the mine excavations associated with the construction of the projects is that currently unobservable fossils may be uncovered.
- Suitable staff members of the mining company (e.g., the environmental officer) who have the correct training and clearance to access the working mine faces should be trained to recognise the types of fossils that may be encountered during the ongoing mining operations. It is unlikely that plant macrofossils will be encountered in the coal seam(s), but may well be encountered in the hanging and foot walls as well as in any siliciclastic partings contained within the coal (and that will be exposed on the working mine face).
- The mining company should mandate the trained employees to make regular examinations of the working mine faces and determined if fossil materials are present. The interval between inspections will be dependent upon the rate of progress of the mining activities, but should not be conducted on less than a monthly basis.
- If fossil materials are identified, the infrastructure construction or the mining activity in that area should be temporarily halted and a professional palaeontologist contracted to assess the scientific value of the fossils.
- Should scientifically or culturally significant fossil material exist within the project areas the negative impact upon it would be mitigated by its excavation (under permit from SAHRA) by a palaeontologist and the resultant material being lodged with an appropriately permitted institution.

Interim Comment

The SAHRA Archaeology, Palaeontology, Meteorites (APM) Unit requests a field-based assessment by a Stone Age Archaeology specialist to be conducted and submitted to SAHRA for comment as part of the EIA process, as per the recommendation in the HIA report. The APM units also requests a field-based Palaeontological Impact Assessment (PIA) by a palaeontological specialist to be conducted and submitted. As per the recommendation in the Desktop Palaeontological Heritage Impact Assessment. Since the project is



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T: +27 21 462 4502 | F: +27 21 462 4509 | E: info@sahra.org.za
South African Heritage Resources Agency | 111 Harrington Street | Cape Town
P.O. Box 4637 | Cape Town | 8001
www.sahra.org.za

Enquiries: Nokukhanya Khumalo
Tel: 021 462 4502
Email: nkhumalo@sahra.org.za
CaseID: 13495

Date: Friday April 12, 2019
Page No: 4

coal mining, the PIA must contain a Chance Find Procedure and a Monitoring Program.

Further comments will be provided once the EIA report, its appendices and the Stone Age specialist report along with the field based PIA are submitted to the case.

Should you have any further queries, please contact the designated official using the case number quoted above in the case header.

Yours faithfully

Nokukhanya Khumalo
Heritage Officer
South African Heritage Resources Agency

Phillip Hine
Acting Manager: Archaeology, Palaeontology and Meteorites Unit
South African Heritage Resources Agency

ADMIN:

Direct URL to case: <http://www.sahra.org.za/node/521208>
(, Ref: LP30/5/1/2/2/10167MR)



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Department of Arts and Culture

T: +27 21 462 4502 | F: +27 21 462 4509 | E: info@sahra.org.za
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P.O. Box 4637 | Cape Town | 8001
www.sahra.org.za

Enquiries: Nokukhanya Khumalo
Tel: 021 462 4502
Email: nkhumalo@sahra.org.za
CaseID: 13495

Date: Friday April 12, 2019
Page No: 5

Terms & Conditions:

1. This approval does not exonerate the applicant from obtaining local authority approval or any other necessary approval for proposed work.
2. If any heritage resources, including graves or human remains, are encountered they must be reported to SAHRA immediately.
3. SAHRA reserves the right to request additional information as required.



HAND DELIVERY

6 May 2019

Regional Manager: Mineral Regulation
Department of Mineral Resources: Limpopo Region
Private Bag X9467
Polokwane
0700

Attention: Ms MM Sathekge (Mine Environmental Management)

RE: APPLICATION FOR ENVIRONMENTAL AUTHORISATION LODGED IN TERMS OF SECTION 24 OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998), AS AMENDED, READ WITH REGULATION 21 OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED IN 2017) FOR A MINING RIGHT AND RELATED INFRASTRUCTURAL ACTIVITIES ON THE REMAINING EXTENT OF THE FARM THE DUEL 186 MT SITUATED IN MAKHADO LOCAL MUNICIPALITY IN LIMPOPO REGION: SUBIFLEX (PTY) LTD: DMR REFERENCE NO. LP 30/5/1/2/3/2/1/10167 EM

The final Scoping Report for the above project submitted to your Department on 4 April 2019 refers.

Attached herewith comments received from the commenting Authorities to date:

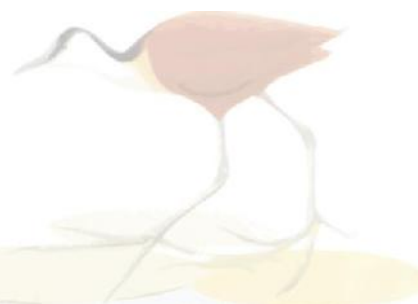
1. Limpopo Department of Economic Development, Environment and Tourism (LEDET) comments on draft Scoping Report, dated 18 March 2019
2. LEDET comments on final Scoping Report, dated 26 April 2019
3. South African Heritage Resources Agency (SAHRA) interim comments, dated 12 April 2019

Yours sincerely,

MARIETJIE EKSTEEN

Jacana Environmental CC
7 Landdros Mare Street, Polokwane
PO Box 31675, Superbia, 0759
marietjie@jacanacc.co.za

Co Reg. Nr.: CK2005/136263/23
Member: M. Eksteen





LIMPOPO

PROVINCIAL GOVERNMENT
REPUBLIC OF SOUTH AFRICA

DEPARTMENT OF
ECONOMIC DEVELOPMENT, ENVIRONMENT & TOURISM

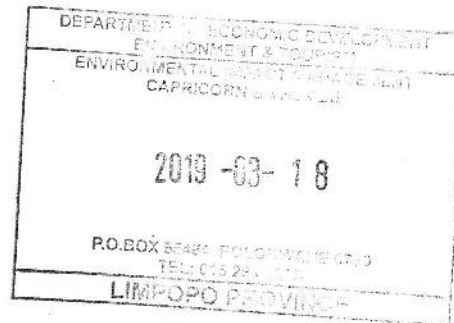
Ref: 12/119/CR-V77 Enq: Mothapo SW Tel: (015) 293 8827 Fax: 015 295 5792
E-mail: mothaposw@ledet.gov.za

Jacana Environmentals cc
7 Landros Mare Street
POLOKWANE
0700

For attention: Marietjie Eksteen

E-mail: marietjie@jacanacc.co.za

Fax no: 086 602 5566



COMMENTS ON THE SCOPING REPORT FOR THE PROPOSED DUEL COAL PROJECT IN THE REMAINING EXTENT OF THE FARM DUEL 186 MT WITHIN MAKHADO LOCAL MUNICIPALITY OF VHEMBE DISTRICT

The Department of Economic Development, Environment and Tourism ("the Department") has reviewed the content of the draft Scoping Report received on **18 February 2019** by Jacana Environmental Cc for Subiflex (Pty) Ltd and submit the following comments:

1. The Department advice that issues pertaining to water resources for the proposed mining be communicated with the Department of Water and Sanitation as there is a potential for the proposed mine to trigger water use as stipulated in Section 21 of the National Water Act 1998 (Act No 39 of 1998)
2. The following must be addressed to enable an informed decision making:
 - a. The proposed mining development will further transform both the vulnerable Soutpansberg Mountain bushveld and less threatened Musina Mopane Busheveld vegetation types in and around the area.
 - b. There is expected loss of protected and threatened tree species due to activities of the proposed mining development.
 - c. The activities of the proposed development could trigger further invasion or spread of the new and recorded exotic and alien invasive plants in and around the area.
 - d. There is expected loss of traditional medicinal plants due to the activities of the proposed development.
 - e. The proposed development could destroy habitat preferred by mammals in and around the proposed site, especially protected and threatened.

HEAD OFFICE

20 Hans Van Rensburg Street / 19 Biccard Street, Polokwane, 0700, Private Bag X 9484, Polokwane, 0700
(Switchboard) Tel: +2715 293 8300 Website: www.ledet.gov.za

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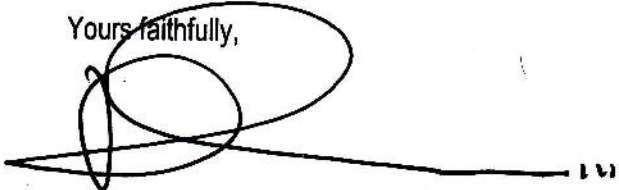
@LimpopoLEDET

DEPARTMENT OF ECONOMIC DEVELOPMENT, ENVIRONMENT AND TOURISM

- f. The proposed development falls within CBA 1 and CBA 2 which emphasize that the land use management objectives should remain at natural state and minimized, respectively. Please note mining activity are not desirable in such areas.
- g. According to Mining and biodiversity and guidelines, falls within 'highest biodiversity importance' with highest risk for mining activities.

For any queries with regard to this correspondence, please contact the Department at the above contact details.

Yours faithfully,



**CONTROL ENVIRONMENTAL OFFICER GRADE B
ENVIRONMENTAL IMPACT MANAGEMENT**

DATE: 18 03 2019

Cc: Subiflex (Pty) Ltd

Attention: Surprise TN

DEPARTMENT OF ECONOMIC DEVELOPMENT ENVIRONMENT AND TOURISM ENVIRONMENTAL IMPACT MANAGEMENT CAPRICORN DISTRICT
2019-03-18
P.O. BOX 5000, MAFIKENG 0700 TEL: 011 708 1011
LIMPOPO PROVINCE

E-mail: surprise.tn@icloud.com



LIMPOPO

PROVINCIAL GOVERNMENT
REPUBLIC OF SOUTH AFRICA

DEPARTMENT OF
ECONOMIC DEVELOPMENT, ENVIRONMENT & TOURISM

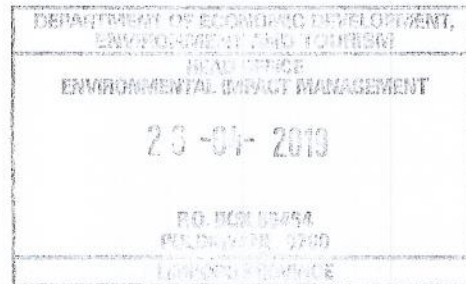
Ref: 12/1/9/CR-V80 Enq: Mthombeni R V Tel: 015 293 8342 Fax: 015 295 5792
E-mail: mthombeniRV@ledet.gov.za

Jacana Environmentals cc
7 Landros Mare Street
POLOKWANE
0700

For attention: Marietjie Eksteen

E-mail: marietjie@jacanacc.co.za

Fax no: 086 602 5566



RE: COMMENTS ON THE FINAL SCOPING REPORT FOR THE PROPOSED DUEL COAL PROJECT IN THE REMAINING EXTENT OF THE FARM DUEL 186 MT WITHIN MAKHADO LOCAL MUNICIPALITY OF VHEMBE DISTRICT

1. The above matter bears reference.
2. The Department of Economic Development, Environment and Tourism ("the Department") has reviewed the contents of the final Scoping Report (SR) received on 24 April 2019 compiled by Jacana Environmental Cc for Subiflex (Pty) Ltd, and hereby submit the following comments:
 - 2.1 The Department advises that issues pertaining to water resources for the proposed mining be communicated with the Department of Water and Sanitation as there is a potential for the proposed mine to trigger water use as stipulated in Section 21 of the National Water Act, 1998 (Act No 36 of 1998).
 - 2.2 Findings of the site inspection undertaken by the officials from the Department on 16 April 2019 revealed the following:
 - There are protected species such as the *Sclerocarya birrea* subsp. *caffra* (Marula tree), *Adansonia digitate*, *Lonchocarpus capassa*, *Combretum imberbe* and *Boscia albitrunca*;
 - There are also medicinal species within the proposed mining area;
 - The subject development property is currently physically divided by an access gravel road into two portions;
 - A portion of the site is used for animal grazing;
 - The surrounding land uses are mainly rural residential, subsistence farming and game farming
 - There is existing human settlement located adjacent to the proposed project area (i.e., Makushu and Mosholombe Villages); and
 - A portion of the subject development site consists of a ridge (koppie) on the western and eastern sides.

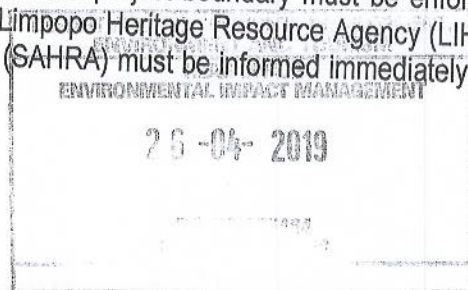
HEAD OFFICE

20 Hans Van Rensburg Street / 19 Biccard Street, Polokwane, 0700, Private Bag X 9484, Polokwane, 0700
(Switchboard) Tel: +2715 293 8300 Website: www.ledet.gov.za

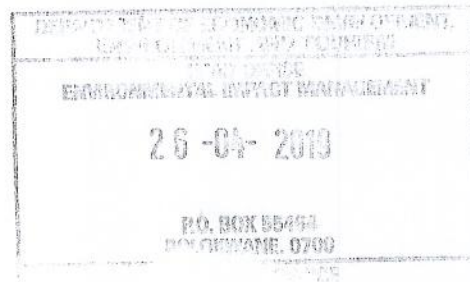
The heartland of southern Africa - development is about people!

3. The following must be addressed to enable an informed decision making by the Competent Authority (i.e., Department of Mineral Resources – DMR):
 - 3.1 The Department's comments dated 18 March 2019 must be read in conjunction with these comments unto the EIA process.
 - 3.2 All necessary Biodiversity Permit must be obtained from this Department and the Department of Agriculture, Forestry and Fisheries (DAFF) in respect of the rescuing and relocation of protected and any other flora and fauna species from one area to another prior commencement of the rescue and relocation activities.
 - 3.3 The proposed mining activities must not take place on the ridges on the western and eastern sides of the site.
 - 3.4 As per item 3.3 above, if the ridge areas are to be mined, a biodiversity offset strategy must be developed and approved by this Department. Concomitantly, Biodiversity Offset Area must be identified and surrendered for the rescue and relocation of classes of flora and fauna species. Proof that such a Biodiversity Offset Area has been secured must be submitted to this Department prior commencement of any activity in furtherance of the proposed development on site.
 - 3.5 An Integrated Water Use Licence (IWUL) for the use of water and pollution of water resources must be obtained from the Department of Water and Sanitation (DWS) prior to commencement with the proposed development.
 - 3.6 A proper Rehabilitation Plan must be developed and approved by the Department of Mineral Resources.
 - 3.7 A proper Reclamation Plan must be developed and approved by the Department of Mineral Resources.
 - 3.8 A Biodiversity and Land Management Plan must be developed in order to ensure the creation of corridors that will limit the negative effects of habitat fragmentation. Furthermore, a monitoring programme to this effect must be submitted to this Department for approval and implemented thereafter throughout the project life cycle.
 - 3.9 The removal of the vegetation should only take place on the designated area proposed for the above mentioned development.
 - 3.10 Stormwater control must be designed to adequately control the volume, speed and location of runoff, to avoid soil erosion and contamination of the other water sources.
 - 3.11 Preservation and appropriate management of any new discoveries of archaeological, historical and any site or land of cultural value within the project boundary must be enforced, should these be discovered during construction; Limpopo Heritage Resource Agency (LIHRA) and/or South African Heritage Resource Agency (SAHRA) must be informed immediately about such a discovery.

- 3.12 Should spillage of any hazardous substance occur during construction, it must be reported to the Regional Director: DWA or his/her representative immediately, within 24 hours of such spillage. Hazardous waste shall then be collected and disposed of at an approved licensed disposal facility designed for such particular waste.
- 3.13 Water Management plan must be developed with specific reference to monitoring surface ground water levels as well as the water quality. This should also include aquatic bio-monitoring as may be required by water use authorisation.
- 3.14 The proposed mine and its associated infrastructure must not encroach onto the protected areas in the vicinity of the proposed mining area such as the Nzhelele Nature Reserve (to the east of the site) and the Honnet Nature Reserve (to the north-east of the site).
4. **OPERATIONAL ASPECT OF THE PROPOSED MINE**
- 4.1 Monitoring and reporting on the state of the surface water resources must be carried out on a regular basis (timeframes to be negotiated with DMR and DWS) to detect early and mitigate appropriately the impacts from the mining activities as they arise.
- 4.2 The groundwater level and quality monitoring must be conducted throughout the Life of the Mine. The monitoring programme must observe groundwater flow direction, quality and level trends with relation to the pre-mining reference conditions, and ultimately monitor and mitigate impacts during the construction, operation and closure phases of the proposed development.
- 4.3 Where groundwater contamination has been detected within the mining area, the Department of Water and Sanitation (DWS) must be notified immediately and remediation efforts agreed upon with the DWS must be undertaken immediately.
- 4.4 Should spillage of any hazardous substance occur during construction, it must be reported to the Regional Director: DWS or his/her representative immediately, within 24 hours of such spillage. Hazardous waste shall then be collected and disposed of at an approved licensed disposal facility designed for such particular waste.
- 4.5 Water Management plan must be developed with specific reference to monitoring surface ground water levels as well as the water quality. This should also include aquatic bio-monitoring as may be required by water use authorisation.
- 4.6 Preservation and appropriate management of any new discoveries of archaeological, historical and any site or land of cultural value within the project boundary must be enforced, should these be discovered during construction; Limpopo Heritage Resource Agency (LIHRA) and/or South African Heritage Resource Agency (SAHRA) must be informed immediately about such a discovery.



5. All the social issues raised in the SR in respect of employment, economic and physical displace, land claims etc. must be well addressed in the social labour plan to be approved by the DMR.
6. A Dust Management Plan (DMP) must be developed and be submitted to this Department as part of an updated environmental management programme report (EMPr) for approval prior commencement of any construction activities on site. The DMP must:
 - 6.1. Identify all possible sources of dust within the project area;
 - 6.2. Detail the best practicable measures to be undertaken to mitigate dust emissions;
 - 6.3. Detail an implementation schedule for the DMP;
 - 6.4. Identify the line management responsible for the implementation of the DMP;
 - 6.5. Fallout dust monitoring must be carried out to assess the level of air pollution during the construction and the operational phases of the mine; and
 - 6.6. Develop a register for recording of all complaints received in respect of dust fallout and for the recording of all follow-up actions undertaken and the responses to the complaints.
7. A Waste Management Licence (WML) for the construction of wastewater treatment facility for hazardous waste must be obtained from the National Department of Environmental Affairs (DEA) prior commencement of activities on site.
8. **APPOINTMENT OF AN INDEPENDENT ENVIRONMENTAL CONTROL OFFICER**
 - 8.1 The applicant must appoint a suitably experienced Environmental Control Officer (ECO) for the construction phase of the development that will have the responsibility to ensure that the mitigation/rehabilitation measures referred to in this EA are implemented and to ensure compliance with the provisions of an approved EMPr.
 - 8.2 The ECO must ensure that record of all activities are kept on site, problems identified, transgressions noted and a task schedule of tasks undertaken.
9. **ENVIRONMENTAL COMMITMENT BY SUBIFLEX (PTY) LTD**
 - 9.1 The applicant (Subiflex (Pty) Ltd must contribute to the development of Strategic Environmental tools, programmes and projects within the Province. This contribution could be in different forms e.g.; financial; technical and provision of information as will be agreed upon with the Department.



DEPARTMENT OF ECONOMIC DEVELOPMENT, ENVIRONMENT AND TOURISM

For any queries with regard to this correspondence, please contact the Department at the above contact details.

Yours faithfully,

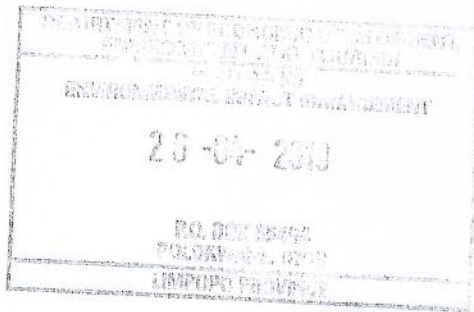


**DIRECTOR
ENVIRONMENTAL IMPACT MANAGEMENT**

DATE: 26/04/2019

Cc: The Department of Mineral Resources
Cc: Subiflex (Pty) Ltd

Attention: Mulaudzi NJ Fax no: 015 297 7230
Attention: Surprise TN E-mail: surprise.tn@icloud.com





Lizinda Dickson <theduel.application@gmail.com>

Notification of Acceptance of Scoping Report - The Duel Project

Justine Sweet <jsw@crattorneys.co.za>
To: Lizinda Dickson <theduel.application@gmail.com>
Cc: Christo Reeders <christo.reeders@crattorneys.co.za>

Tue, Jul 16, 2019 at 10:52 AM

Good morning

Kindly provide a copy of the scoping report as submitted together with a copy of the DMR's letter of acceptance of the report.

Thank you and regards
Justine

[Quoted text hidden]

<12-07-2019 The Duel FSR Acceptance Notice (1).pdf>



Lizinda Dickson <theduel.application@gmail.com>

Notice

Lizinda Dickson <theduel.application@gmail.com>

Fri, Jul 19, 2019 at 9:28 AM

To: Justine Sweet <jsw@crattorneys.co.za>, Christo Reeders <christo.reeders@crattorneys.co.za>

Bcc: Marietjie Eksteen <marietjie@jacanacc.co.za>

Good day -

Thank you for your request. Please see below mail sent on 4 April 2019 with attachments. You will find that in the letter there is a link from which the Final Scoping Report can be downloaded. Please let me know if you are unable to open it. Also attached is the letter received from DMR accepting the Final Scoping Report as requested.

Kind regards

Fransis de la Rosa

Public Participation

The Duel Project

0125439093

----- Forwarded message -----

From: **Lizinda Dickson** <theduel.application@gmail.com>

[Quoted text hidden]

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2 attachments



03-04-2019 The Duel FSR Notice.pdf

236K



DMR Acceptance of FSR.pdf

573K



Lizinda Dickson <theduel.application@gmail.com>

Notice

Justine Sweet <jsw@crattorneys.co.za>
To: Lizinda Dickson <theduel.application@gmail.com>
Cc: Christo Reeders <christo.reeders@crattorneys.co.za>

Tue, Aug 20, 2019 at 4:35 PM

Dear Fransis and Lizinda

Please advise when we can expect the draft EIAR to be made available for comment as well as the date of the proposed public participation meeting in order to ensure that we are afforded adequate opportunity to make representations.

Many thanks and regards

Justine Sweet

[Quoted text hidden]



Lizinda Dickson <theduel.application@gmail.com>

Notice

Lizinda Dickson <theduel.application@gmail.com>
To: Justine Sweet <jsw@crattorneys.co.za>
Cc: Christo Reeders <christo.reeders@crattorneys.co.za>

Wed, Aug 21, 2019 at 1:20 PM

Good day Justine -

Notifications of the availability of the Draft EIA and the meeting date will be sent out next week. Final arrangements are just being made.

Kind regards
Fransis de la Rosa

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