



mineral resources & energy

Department:
Mineral Resources and Energy
REPUBLIC OF SOUTH AFRICA

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Ref: (WC) 30/5/1/1/3/2/1/10424PR
Sub-Directorate: Mine Environmental Management

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Attention: Mr. J. van der Westhuizen
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ACCEPTANCE AND COMMENTS ON THE FINAL SCOPING REPORT SUBMITTED FOR THE ENVIRONMENTAL AUTHORISATION LODGED IN TERMS OF SECTION 24 OF NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AS AMENDED, READ WITH REGULATION 21 OF THE ENVIRONMENTAL IMPACT ASSESSMENT (EIA) REGULATIONS, 2014 AS AMENDED, FOR PROSPECTING RIGHT APPLICATION INCLUDING BULK SAMPLING FOR DIAMOND (ALLUVIAL), DIAMOND AND DIAMOND (GENERAL) ON SEA CONCESSION 12B, IN THE MAGISTERIAL DISTRICT OF VAN RHYNSDORP.

1. Your scoping report was examined by the Department and found that it meets the requirements stated in the Environmental Impact Assessment Regulations of 2014 as amended. Therefore, it is accepted, and you are advised to continue with the tasks contemplated in the plan of study for environmental impact assessment.
2. You must within 106 days of the acceptance of the scoping report submit an environmental impact report inclusive of any specialist reports, and an environmental management programme, which must

have been subjected to a public participation process of at least 30 days and which reflects the incorporation of comments received, including any comments of the competent authority.

3. Public participation must be conducted in accordance with Chapter 6 of the 2014 Environmental Impact Assessment Regulations as amended. In terms of Regulation 7(2) "the competent authority or EAP must consult with every organ of state that administers a law relating to a matter affecting the environment relevant to that application for an environmental authorisation when such competent authority considers the application and unless agreement to the contrary has been reached the EAP will be responsible for such consultation".
4. The EAP is therefore requested to consult environmental impact report inclusive of specialist reports, and an EMPr/closure Plan with every organ of state that administers a law relating to a matter affecting the environment as stipulated on regulation 7(2) of 2014 EIA Regulations as amended and to notify the Department of Mineral Resources of such consultation with the organ of state and include all the comments from all relevant stakeholders and must be presented in a tabular format that includes the EAP's response to all the issues raised. Should you be unable to obtain comments, proof of the attempts that were made to obtain comments must be enclosed in the EIR to be submitted to the department.
5. Please ensure that comments from all relevant stakeholders are submitted to the Department with the Environmental Impact Assessment Report (EIAR). This includes but is not limited to the Provincial Heritage Resources Authority (Heritage Western Cape), Cape Nature, Department of Environmental Affairs and Development Planning (DEA&DP), Department of Agriculture, Department of Water and Sanitation (DWS) and the local Municipality.
6. Consultation must be extended to the following potential parties:
 - Since the activities will impact on the marine living resources, consultation must also be extended to the Department of Environment, Forestry and Fisheries. You are requested to locate the relevant divisions within the Department.
 - Since the proposed prospecting area share the same boundary with declared environmental protected area, consultation must be extended to the South African National Biodiversity Institute (SANBI).

- You are requested to consult with Maritime Transport to determine shipping lanes on the proposed prospecting location.
 - Furthermore, you are required to extend consultation to the fishing communities around the area.
7. The following information are required to be included in the EIR & environmental management programme (EMPr):
- The EAP is advised to take into consideration comments and issues raised during scoping phase when preparing the EIA&EMPr by addressing all the issues raised by I&As including authorities and engage with these Departments to resolve possible concerns, misunderstanding or objections.
 - The EMPr must include how the quantum for financial provision for remediation and rehabilitation was calculated and the method of financial provision.
 - Distance of proposed prospecting location to the protected area.
 - The impact assessment must determine the breeding seasons and migration routes and describe how the prospecting activities will be managed to avoid and/or minimize the impacts.
 - Adequate motivation why noise and fisheries specialist studies are not undertaken as part of the EIA process.
 - How you intend to monitor the migration of the pollution plume particularly at bulk sampling phase.
 - Closure plan in accordance with appendix 5 of the NEMA EIA Regulations, 2014 as amended.
 - The total footprint and depth of the proposed development should be indicated.
 - Possible impacts and effects of the development on the surrounding environment; and
 - A construction and operational phase inclusive of mitigation and monitoring measures.
8. With regards to the submission of the EIA; in a case where there are significant changes in the information that was previously submitted; you will need to notify the Department in writing of such changes within the 106 days stated above and submit an environmental impact report within 156 days of acceptance of the scoping report by the Department.
9. Please ensure that the EIA 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 indicate associated infrastructure/s, sensitive environmental and buffer areas.
10. 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) and other legislations, proof of such application will be required.

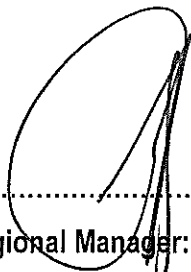
11. You are requested to upload the EIA&EMPr onto SAMRAD online and submit two (2) hard copies of the EIA&EMPr including a CD to this Regional Office.

12. 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.

NB: Regulation 45 of 2014 EIA Regulations as amended stipulates that "an application in terms of these Regulations lapses and a competent authority will deem the application as having lapsed, if the applicant fails to meet any of the time-frames prescribed in terms of these Regulations, unless extension has been granted in terms of regulation 3(7)."

Hope you find the above in order, for any clarity please do not hesitate to contact me.

Kind Regards,



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Regional Manager: Mineral Regulation

Western Cape Region

Date:

