

DMR Ref: NC206/00130 MR

File Ref. 20190716-Tshipi EMP Amendment_Notice of EA Letter

Project Reference: 710.20008.00041

16 July 2019

ATTENTION: INTERESTED AND/OR AFFECTED PARTIES**TSHIPI BORWA MINE WASTE ROCK DUMP EXTENSION PROJECT: ISSUE OF ENVIRONMENTAL AUTHORISATION**

Dear Interested and/or Affected Party

As an interested and/or affected party (I&AP) registered on the project's database you have been notified of the Scoping and Environmental Impact Assessment process for the above-mentioned project.

This letter serves to inform you that the Department of Mineral Resources (DMR) has granted Environmental Authorisation for the Waste Rock Dump Extension Project and associated infrastructure at the Tshipi Borwa Mine. The Environmental Authorisation was issued to Tshipi é Ntle Manganese Mining (Pty) Ltd on 3 July 2019. Should you wish to receive a copy of the Environmental Authorisation, these can be requested from SLR Consulting (South Africa) (Pty) Ltd. The DMR's reasons for the decision are attached as Annexure A.

Should you wish to appeal the DMR decision, your appeal must be lodged in terms of Chapter 2 of the National Appeal Regulations, 2014 within 20 calendar days from the date of this notification. An appeal must be submitted to the Appeals Administrator in writing, by one of the methods outlined below, and on a form obtainable from the appeal authority.

A prescribed appeal form, as well as assistance regarding the appeal process is obtainable from the office of the Appeal Authority at: Tel. 012 399 9000 or Email. Appealsdirector@environment.co.za.

Submit your appeal to:	
Attention:	Appeals Directorate and Legal Review Department of Environmental Affairs
By post:	Private Bag X 447, Pretoria, 0001
By hand:	Environmental House, corner Steve Biko and Soutpansberg Roads, Arcadia, Pretoria, 0083
Email:	appealsdirector@envrionment.gov.za
Fax:	012 359 3609
An electronic copy (word document format) of the appeal and supporting documentation must also be submitted to Mr. Ziyaad Hassam.	
Attention:	Mr Ziyaad Hassam at the Appeals Directorate
Tel:	012 399 9000
Email:	appealsdirector@envrionment.gov.za



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The procedure pertaining to the administration and processing of appeals in terms of the National Appeal Regulations, 2014 is outlined in Annexure B.

If you have any queries please do not hesitate to contact the undersigned.

Kind regards

Marline Medallie

EAP and Project Manager

For SLR Consulting (South Africa) (Pty) Ltd



ANNEXURE A: DMR's REASONS FOR THE DECISION

ANNEXURE 1:

REASONS FOR THE DECISION

In reaching its decision, the competent authority, inter alia, considered the followings:

- a) The information contained in the Environmental Authorisation application form received by the competent authority on the 15th of November 2018, the Scoping Report received by the competent authority on the 21st of January 2019, the Environmental Impact Assessment Report (EIAR) and Environmental Management Programme (“EMPr”)/closure plan received by the competent authority on 30th of April 2019;
- b) Relevant information contained in the Departmental information base, including, the Department’s circular on the One Environmental Management System dated 8 December 2014;
- c) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (“NEMA”);
- d) The comments received from Interested and Affected Parties (“I&APs”) and the responses provided thereon, meetings, as included in the EIR submitted on the 30th of April 2019;
- e) Biodiversity study; fauna and flora habitat specialist report conducted on the month of May 2018 and also incorporated in the EIR & EMPr report;
- f) Ground water study; Storm water Management plan and water balance dated June 2018;
- g) Soils and land study dated 12 June 2018
- h) Air quality study conducted on the month of May 2018
- i) This application was submitted in terms of the 2014 as amended NEMA Environmental Impact Assessment Regulations (“EIA Regulations”);

- j) The sense of balance of the negative and positive impacts and proposed mitigation measures;
- k) Heritage Impact Assessment (HIA) conducted on the 25th of May 2018 to determine if there are any archaeological and/ or Paleontological sites that may be impacted upon by the proposed prospecting activities (Act 25 of 1999) was incorporated in the EIR report;
- l) Preliminary closure plan conducted in August 2018, closure liability and the financial provision quantum submitted on the 20th of June 2019;
- m) Letter of agreement and rehabilitation strategy between Tshipi and Mamatwan Waste Rock Dump;
- n) A copy of the title deeds for portion 8 of the farm Mamatwan 331 for Tshipi e ntle Manganese Mining.
- o) The Company has the financial provision to the amount of **R122, 927, 489.77** provided for the rehabilitation of the current and future impacts, which is in line with mining activities for the rehabilitation and/ or management of negative environmental impact and the additional listed activities is covered and it deemed sufficient to cover the rehabilitation cost.

All information presented to the competent authority was taken into account in the consideration of the application for an additional environmental authorisation. A summary of the issues which, according to the competent authority, were the most significant reasons for the decision is set out below.

1. Exemption

No Exemption from NEMA and its Regulation was granted to the applicant by the competent authority. No Public Participation Process ("PPP") in accordance with Regulation 4(3) in terms of the National Exemption Regulations and Regulation 41 in terms of the EIA Regulation 2014 was conducted by the Department of Mineral Resources; the applicant and the Environmental Assessment Practitioner did the PPP and the Department was satisfied with the documentation that was submitted as a proof of the whole process.

2. Public Participation

No deviations requested and accepted by the Department from certain requirements of Regulation 41 of Government Notice No. R326.

The PPP conducted as part of the EIAR process included:

- Notification to landowner and adjacent landowners;
- registered letters and e-mail correspondent;
- Newspaper adverted notice;
- fixing a notice board at the site and any alternative site where the listed activity/ies;

All the concerns raised by I&APs were responded to and adequately addressed during the PPP. Specific management and mitigation measures have been considered in this environmental authorisation and in the EMP/closure plan to adequately address the concerns raised.

The Department concurs with the Environmental Assessment Practitioner's responses to the issues raised during the PPP and has included appropriate conditions in this environmental authorisation.

3. Alternatives

The proposed mining operation and current proposed site shows to have an overall high, medium to low negative impact on the environment. Any alterations to the site layout or prospecting and prospecting related activities may result in a lesser significant impact on the environment, but not significant enough to consider the alternative.

There were no other alternatives in regard to the preferred site, since the mine does not have enough space for conducting mining activities or infrastructure.

4. Impacts, assessment and mitigation measures

All the negative impacts identified and assessed shall be mitigated in accordance with the Environmental Management programme mitigation measures.

5. NEMA Principles

The NEMA Principles (set out in Section 2 of NEMA, which apply to the actions of all Organs of State, serve as guidelines by reference to which any Organ of State must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), inter alia, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between Organs of State through conflict resolution procedures; and
- the selection of the best practicable environmental option.

6. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this environmental authorisation, and compliance with the EMP/closure plan, the competent authority is satisfied that the proposed listed activity/ies will not conflict with the general objectives of Integrated Environmental Management stipulated in Chapter 5 of NEMA and that any potentially detrimental environmental impacts resulting from the listed activity/ies can be mitigated to acceptable levels.

-END-

ANNEXURE B: ADMINISTRATION AND PROCESSING OF APPEALS (CHAPTER 2 OF THE NATIONAL APPEAL REGULATIONS, 2014)

4. Appeal Submission

1) An appellant must submit the appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party and any organ of state with interest in the matter, within 20 days from:

- (a) the date that the notification of the decision for an application for an environmental authorisation or a waste management licence was sent to the registered interested and affected parties by the applicant; or
- (b) the date that the notification of the decision was sent to the applicant by the competent authority, issuing authority or licensing authority, in the case of decisions other than those referred to in paragraph (a).

2) An appeal submission must be -

- (a) submitted in writing in the form obtainable from the appeal administrator ; and
- (b) accompanied by -
 - (i) a statement setting out the grounds of appeal;
 - (ii) supporting documentation which is referred to in the appeal submission; and a statement, including supporting documentation, by the appellant to confirm compliance with regulation 4(1) of these Regulations.

5. Responding Statement

The applicant, the decision-maker, interested and affected parties and organ of state must submit their responding statement, if any, to the appeal authority and the appellant within 20 days from the date of receipt of the appeal submission.

6. Appeal Panel

1) If the appeal authority reasonably believes that expert advice must be sought or that an appeal panel must be appointed, the appeal administrator must source an independent expert or constitute an independent appeal panel, or both, within 10 days from the date of receipt of an instruction from the appeal authority.

2) The appeal panel contemplated in sub regulation (1) may consist of such number of independent experts and with such expertise as the Appeal Authority may deem necessary under the circumstances;

3) The expert or appeal panel must provide advice to the appeal administrator within 10 days from the receipt of an instruction from the appeal administrator.

7. Recommendations and Decisions on Appeals

1) The appeal administrator must make a recommendation on the appeal to the appeal authority within 30 days of receipt of the responding statement referred to in regulation 5 of these Regulations, in the event that an independent expert has not been sourced or an independent appeal panel has not been constituted.

2) The appeal administrator must make a recommendation on the appeal to the appeal authority within 10 days of receipt of the advice referred to in regulation 6(2) of these Regulations, in the event that an independent expert has been sourced or an independent appeal panel has been constituted.

3) The appeal authority must reach a decision on an appeal, and notify the appellant, applicant, and any registered interested and affected party , within 20 days of the recommendation on the appeal by the appeal administrator.

4) The decision contemplated in sub regulation (3) must contain written reasons for the decision.

8. Communication

1) A person may deliver documents in terms of these regulations by using one of the delivery methods referred to in section 47D of the Act.

2) In order to meet the time periods determined in these regulations, the person referred to in sub regulation (1), must also email, fax or hand deliver the document to the recipient, if the document is delivered by ordinary mail or registered mail.