

**YELLOWWOOD TRUST SAND MINING ON  
THE FARM AKERMANS KRAAL 11 RD,  
ALIWAL NORTH MAGISTERIAL DISTRICT,  
EASTERN CAPE PROVINCE**

**COMMENTS AND RESPONSE REPORT**

**DEPARTMENT REFERENCE NUMBER:**

EC 30/5/1/3/2/10570 MP

**MARCH 2020**



## NOTIFICATION OF APPLICATION TO STAKEHOLDERS DURING INITIAL PUBLIC PARTICIPATION PHASE

*COMMENTING PERIOD: 15 AUGUST - 27 SEPTEMBER 2019*

During the Initial public participation process, the stakeholders and I&AP's were informed of the project by means of background information documents that were either delivered by hand or sent directly to the contact persons. The commenting period was allowed from 15 August – 27 September 2019. The following I&AP's, neighbours and stakeholders were informed of the project:

STAKEHOLDERS				
TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACT DETAILS	CONTACTED DATE	RESPONSE RECEIVED
Mr Cira Ngetu	Department of Economic Development, Environmental Affairs and Tourism	<a href="mailto:cira.ngetu@deaet.ecape.gov.za">cira.ngetu@deaet.ecape.gov.za</a>	15 August 2019	16 August 2019
Cira Ngetu confirmed receipt of the BID and responded that the relevant manager will revert back promptly. Thozamile Babane responded on 16 August 2019 that the site falls under Joe Gqabi Region and further communication must be addressed to the DEDEAT Regional Manager: Joe Gqabi Region for attention Ms Andiswa Qinisile.				
Greenmined acknowledged receipt of the correspondence from DEDEAT on 19 August 2019 and confirmed that Ms A Qinisile was registered on behalf of the DEDEAT-Joe Gqabi Region and will be kept informed during the EIA process.				
Mr Yawa	Department of Labour	<a href="mailto:mzie.yawa@labour.gov.za">mzie.yawa@labour.gov.za</a>	15 August 2019	No Comments Received
Mr MD Qwase	Department of Public Works	<a href="mailto:thandiswa.gqeke@ecdpw.gov.za">thandiswa.gqeke@ecdpw.gov.za</a>	15 August 2019	No Comments Received

STAKEHOLDERS				
TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACT DETAILS	CONTACTED DATE	RESPONSE RECEIVED
Mr Lumkile Ngada	Department Of Rural Development and Agrarian Reform	<a href="mailto:lumkile.ngada@live.co.za">lumkile.ngada@live.co.za</a>	15 August 2019	No Comments Received
Mr Babini Mbewu	Department of Rural Development and Land Reform	<a href="mailto:babini.mbewu@drdlr.gov.za">babini.mbewu@drdlr.gov.za</a>	15 August 2019	No Comments Received
Mr J Mhlomi	Department of Transport	<a href="mailto:angie.majongile@dot.ecprov.gov.za">angie.majongile@dot.ecprov.gov.za</a>	15 August 2019	No Comments Received
Ms P Makhanya	Department Of Water and Sanitation	<a href="mailto:MakhanyaP@dwa.gov.za">MakhanyaP@dwa.gov.za</a>	15 August 2019	No Comments Received
Mr Aphelele Tomsana	Eskom	<a href="mailto:TomsanA@eskom.co.za">TomsanA@eskom.co.za</a>	15 August 2019	No Comments Received
Mr Zolile Williams	Joe Gqabi District Municipality	<a href="mailto:bukelwa@jgdm.gov.za">bukelwa@jgdm.gov.za</a>	15 August 2019	No Comments Received
Me Fezeka Ntlemeza	Walter Sisulu Local Municipality	<a href="mailto:fezeka.ntlemeza@wslm.gov.za">fezeka.ntlemeza@wslm.gov.za</a>	15 August 2019	No Comments Received

STAKEHOLDERS				
TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACT DETAILS	CONTACTED DATE	RESPONSE RECEIVED
Cllr W Mokhoabane	Walter Sisulu Local Municipality Ward 10	<a href="mailto:Bulelani.litompana@wslm.gov.za">Bulelani.litompana@wslm.gov.za</a>	15 August 2019	No Comments Received
Heritage Official	South African Heritage Resources Agency (SAHRA)	SAHRIS website	15 August 2019	No Comments Received

SURROUNDING LANDOWNERS / INTERESTED AND AFFECTED PARTIES				
TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACT DETAILS	CONTACTED DATE	RESPONSE RECEIVED
Mr JJ Snyman (Thabang Trust)	Portion 2 of Akermans kraal 111	<a href="mailto:koos@jsconstruction.co.za">koos@jsconstruction.co.za</a>	26 August 2019	No Comments Received
Mr Willem J Herselman	Portion 5 of Orange Fontein 63	<a href="mailto:lizanneh@absa.co.za">lizanneh@absa.co.za</a>	26 August 2019	No Comments Received

**SURROUNDING LANDOWNERS / INTERESTED AND AFFECTED PARTIES**

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACT DETAILS	CONTACTED DATE	RESPONSE RECEIVED
Me Adele Bekker (Mr & Mrs Bredenkamp)	Portion 2 (Remaining Extent) of Orange Fontein 63	<a href="mailto:admin@aliwalhighschool.co.za">admin@aliwalhighschool.co.za</a>	26 August 2019	No Comments Received
Mr George F Roelofse	Portion 1 (Remaining Extent) of Akermans kraal 11)	051 633 2603	26 August 2019	No Comments Received
Mr Siphofane (Melkspruit Communal Prop Association)	Portion 0 (Remaining Extent) of Melk Spruit 12)	<a href="mailto:siphofane@hotmail.com">siphofane@hotmail.com</a>	26 August 2019	No Comments Received
Mr JJ Watkins	Portion 0 (Remaining Extent) of Rotondo 1046)	<a href="mailto:rotondo@nokwi.co.za">rotondo@nokwi.co.za</a>	26 August 2019	No Comments Received
Mr JAK Strydom (Strydom Prime Genetics (Pty) Ltd)	Portion 0 (Remaining Extent) of Mooiplaas 1087	Hand delivery	26 August 2019	No Comments Received

## SUMMARY OF INITIAL PARTICIPATION PROCESS

The I&AP's and stakeholders were informed of the proposed project through:

- telephonic discussions;
- direct communication with background information documents (hand delivered, email, registered mail);
- placement of on-site notices; and
- placement of an advertisement in The Reporter newspaper on 16 August 2019.

Only the Department of Economic Development, Environmental Affairs and Tourism registered on the project during the initial public participation phase.

The Department of Rural Development and Land Reform was contacted to was contacted on the 13<sup>th</sup> of September 2019 to determine whether a land claim has been registered over the earmarked property. To date no response was received from the DRDLR.

The Draft Basic Assessment Report will be published and a 30-days commenting period will be allowed. Comments received on the DBAR will be incorporated into the Final Basic Assessment Report to be submitted to the DMR for decision making.

See attached as Appendix G2 proof of the correspondence with the I&AP's and stakeholders during the public participation process.

## NOTIFICATION OF DRAFT BASIC ASSESSMENT REPORT TO STAKEHOLDERS DURING PUBLIC PARTICIPATION PHASE

*COMMENTING PERIOD: 8 NOVEMBER – 9 DECEMBER 2019*

In accordance with the timeframes stipulated in the EIA Regulations of December 2014 (amended by GNR 326 effective 7 April 2017) the Draft Basic Assessment Report (DBAR) was compiled and was distributed for comment and perusal to the I&AP's and stakeholders listed above. A 30-day commenting period, ending 09 December 2019, was allowed for perusal of the documentation and submission of comments.

STAKEHOLDERS				
TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACT DETAILS	CONTACTED DATE	RESPONSE RECEIVED
Mr Andiswa Qinisile	Department of Economic Development, Environmental Affairs and Tourism – Chris Hani Region	<a href="mailto:Andiswa.Qinisile@dedea.gov.za">Andiswa.Qinisile@dedea.gov.za</a>	8 November 2019	No Comments Received
Mr Thomzamile Babane	Department of Economic Development, Environmental Affairs and Tourism - Joe Gqabi Region	<a href="mailto:Athenkosi.ntshinka@dedea.gov.za">Athenkosi.ntshinka@dedea.gov.za</a>	8 November 2019	9 December 2019
<p>Comments received from DEDEAT on the DBAR:</p> <p>“.....Following review of the submitted DBAR, Department submits the following comments and concerns for the proposed activity: -</p> <ol style="list-style-type: none"> <li>1. Public participation undertaken for the project is not adequate. Please note “you are required to contact department of economic, small business development, tourism and environmental affairs” and please note that a note board must be written at least with two official language.</li> <li>2. Impacts assessments and proposed mitigations associated with the activity is insufficient and inadequately assessed; the report is silent about cumulative impacts of this proposed sand mining operations such; alien invasive control measures, sedimentation control and dust suppression measure.</li> <li>3. An Aquatic Ecology Assessment needs to be undertaken with regards to the impacts associated with the project and mitigation measure that will reduce negative impacts on the environment.</li> <li>4. Please note the river, stream, and associated tributaries must be treated as sensitive environmental areas.</li> </ol> <p>Please note that the recommendations are legal binding and can jeopardize success of the application.”</p>				

STAKEHOLDERS				
TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACT DETAILS	CONTACTED DATE	RESPONSE RECEIVED
<p>Response to DEDEAT on the DBAR comments:</p> <p>“We refer to your letter dated 09 December 2019 sent in response to the draft Basic Assessment Report (DBAR) and Environmental Management Programme (EMPr) circulated for public comment in respect of the mining permit application on Portion 0 (Remaining Extent) of the farm Akermans kraal No 11 RD, in the Aliwal North magisterial district of the Eastern Cape Province. We would like to thank you for participating in this process and for your valued comments.</p> <p>We confirm that your response will be added to the final BAR and/or EMPr, but wish to respond directly as follows:</p> <p><b>Ad paragraph 1</b></p> <p><i>“Public participation (PP) undertaken for the project is not adequate. Please note “you are required to contact department of economic, small business development, tourism and environmental affairs” and please note that a note board must be written at least with two official languages.”</i></p> <p>Greenmined takes note of your request that the Department of Economic, Small Business Development, Tourism and Environmental Affairs (DESBTEA) must be informed of the project. Although the proposed mining area does not extend into the Free State Province, the DESBTEA will be informed of the project and afforded an opportunity to comment on the DBAR &amp; EMPr.</p> <p>During the initial public participation process two English notice boards were placed to inform the general public of the proposed activity. The community of Aliwal North is well versed in English and it was therefore not deemed necessary to display the on-site notices in two languages. Chapter 6 of the EIA Regulations also does not require the on-site notice to be in “<i>at least two official languages</i>”, In light of this, we respectfully request you to consider this request. Should you, however, still insist the notices to be bi-lingual, will you please indicate which two languages are to be used as both Afrikaans and Xhosa is used in the area?</p> <p><b>Ad paragraph 2</b></p> <p><i>“Impacts assessments and proposed mitigation associated with the activity is insufficient and inadequately assessed; the report is silent about cumulative impacts of this proposed sand mining operation such; alien invasive control measures, sedimentation control and dust suppression measures.”</i></p> <p>We take note of you comment, and will assess the possibility of cumulative impacts that may result from the proposed activity. However, please note that alien invasive control measures, sediment control and dust suppression measures were assessed and mitigation proposed on the following pages of the DBAR and EMPr (non-exhaustive list):</p> <p>3 Alien Invasive Control Measures:</p>				



STAKEHOLDERS				
TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACT DETAILS	CONTACTED DATE	RESPONSE RECEIVED
				<ol style="list-style-type: none"> <li>1. <i>Site Specific Groundcover</i> – Page 60</li> <li>2. <i>Impacts and risks identified</i> – Page 62, 65</li> <li>3. <i>Proposed Mitigation Measures – Topsoil Management</i> – Page 75</li> <li>4. <i>Proposed Mitigation Measures – Management of Invasive Plant Species</i> – Page 78</li> <li>5. <i>Full description of the process undertaken to identify, assess and rank the impacts and risks the activity will impose on the preferred site</i> – Page 84, 86, 87</li> <li>6. <i>Assessment of each identified potentially significant impact and risk</i> – Page 89</li> <li>7. <i>Proposed Impact Management Objectives and the Impact Management Outcomes for Inclusion of the EMPR</i> – Page 103</li> <li>8. <i>Impacts to be mitigated in their respective phases</i> – Page 115 – 117</li> <li>9. <i>Impact Management Outcomes</i> – Page 128</li> <li>10. <i>Impact Management Actions</i> – Page 135</li> <li>11. <i>Mechanisms for monitoring compliance with and performance assessment against the environmental management programme</i> – Page 156</li> <li>12. <i>Invasive Plant Species Management Plan attached as Appendix K</i></li> <li>13. <i>Environmental Impact Statement attached as Appendix I</i></li> </ol> <p>∩ Sedimentation Control:</p> <ol style="list-style-type: none"> <li>1. <i>Site Specific Groundcover</i> – Page 60</li> <li>2. <i>Proposed Mitigation Measures – Storm Water Mitigation</i> – Page 77</li> <li>3. <i>Summary of specialist reports</i> – Page 93</li> <li>4. <i>Proposed Impact Management Objectives and the Impact Management Outcomes for Inclusion of the EMPR</i> – Page 102</li> <li>5. <i>Impacts to be mitigated in their respective phases</i> – Page 124</li> <li>6. <i>Impact Management Actions</i> – Page 142</li> <li>7. <i>Mechanisms for monitoring compliance with and performance assessment against the environmental management programme</i> – Page 163</li> <li>8. <i>Risk Matrix Assessment attached as Appendix H</i></li> </ol> <p>∩ Dust Suppression Measures:</p> <ol style="list-style-type: none"> <li>1. <i>Description of the activities to be undertaken - Water Use</i> – Page 26</li> <li>2. <i>Impacts and risks identified</i> – Page 63, 64</li> <li>3. <i>Proposed Mitigation Measures – Fugitive Dust Emission Mitigation</i> – Page 74</li> <li>4. <i>Full description of the process undertaken to identify, assess and rank the impacts and risks the activity will impose on the preferred site</i> – Page 84, 86</li> <li>5. <i>Assessment of each identified potentially significant impact and risk</i> – Page 89</li> </ol>

STAKEHOLDERS				
TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACT DETAILS	CONTACTED DATE	RESPONSE RECEIVED
				<p>6. <i>Summary of specialist reports – Page 93</i></p> <p>7. <i>Proposed Impact Management Objectives and the Impact Management Outcomes for Inclusion of the EMPR – Page 99</i></p> <p>8. <i>Impact on the socio-economic conditions of any directly affected person – Page 109</i></p> <p>9. <i>Volume and rate of water use required for the operation – Page 113</i></p> <p>10. <i>Impacts to be mitigated in their respective phases – Page 118</i></p> <p>11. <i>Impact Management Outcomes – Page 129</i></p> <p>12. <i>Impact Management Actions – Page 136</i></p> <p>13. <i>Mechanisms for monitoring compliance with and performance assessment against the environmental management programme – Page 157</i></p> <p>14. <i>Manner in which risk will be dealt with in order to avoid pollution or the degradation of the environment – Page 166</i></p> <p>15. Environmental Impact Statement attached as Appendix I</p> <p><b>Ad paragraph 3</b></p> <p><i>“An Aquatic Ecology Assessment needs to be undertaken with regards to the impacts associated with the project and mitigation measures that will reduce negative impacts on the environment.”</i></p> <p>Greenmined takes note of your request. The specialist that compiled the Risk Matrix Assessment (Appendix H of the DBAR) will be appointed to compile an Aquatic Ecology Assessment. This assessment will be incorporated into the FBAR that will be available for your perusal and commenting.</p> <p><b>Ad paragraph 4</b></p> <p><i>“Please note the river, stream, and associated tributaries must be treated as sensitive environment areas.”</i></p> <p>Your above comment is noted. Please be advised that the Applicant is in the process of applying for an authorisation from the Department of Water and Sanitation to allow the proposed mining of sand from the riverbed. No mining will commence prior to receipt of the DWS water use authorisation.</p> <p>We trust that you will find our response to your comments in order <b>and look forward to your urgent reply regarding the on-site notices</b>. If we do not receive a response from you on or before 10 January 2020 it will be accepted that you are in agreement with our response and no longer require any additional action. Please do not hesitate to contact me in the event of any uncertainties.”</p>

STAKEHOLDERS				
TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACT DETAILS	CONTACTED DATE	RESPONSE RECEIVED
Further response received from DEDEAT, on 11 December 20219, in response to Greenmined's reply to the DBAR comments:				
"The department hereby acknowledges and appreciate your steady response. Please note comments and response must be included in Final Basic Assessment and submitted to the Competent Authority for decision making."				
Mr Yawa	Department of Labour	<a href="mailto:mzie.yawa@labour.gov.za">mzie.yawa@labour.gov.za</a>	8 November 2019	No Comments Received
Mr MD Qwase	Department of Public Works	<a href="mailto:thandiswa.gqeke@ecdpw.gov.za">thandiswa.gqeke@ecdpw.gov.za</a>	8 November 2019	No Comments Received
Mr Lumkile Ngada	Department Of Rural Development and Agrarian Reform	<a href="mailto:lumkile.ngada@live.co.za">lumkile.ngada@live.co.za</a>	8 November 2019	No Comments Received
Mr Babini Mbewu	Department of Rural Development and Land Reform	<a href="mailto:babini.mbewu@drdlr.gov.za">babini.mbewu@drdlr.gov.za</a>	8 November 2019	No Comments Received
Mr J Mhlomi	Department of Transport	<a href="mailto:angie.majongile@dot.ecprov.gov.za">angie.majongile@dot.ecprov.gov.za</a>	8 November 2019	No Comments Received
Ms P Makhanya	Department of Water and Sanitation – Eastern Cape	<a href="mailto:MakhanyaP@dwa.gov.za">MakhanyaP@dwa.gov.za</a>	8 November 2019	No Comments Received

STAKEHOLDERS				
TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACT DETAILS	CONTACTED DATE	RESPONSE RECEIVED
Mr Klaas Moos	Department of Water and Sanitation – Free State	<a href="mailto:MoosK@dws.gov.za">MoosK@dws.gov.za</a>	8 November 2019	13 November 2019
<p>Summary of the acknowledgement of receipt of the Water Use Licence Application (11 November 2019):</p> <p><i>“The Department of Water and Sanitation hereby acknowledges receipt of your water use licence application, which was received on, 31 October 2019.</i></p> <p><i>The regulations regarding the procedural requirements for water use licence applications and appeals (NO.R. 267 of 24 March 2017, Government Gazette No. 40713) requires that a site inspection be conducted with applicants to determine the applicable water uses and information requirements. However the responsible officer will communicate with you if the application requires a site inspection.”</i></p>				
Greenmined acknowledged receipt of the comments received from DWS on 15 November 2019.				
Mr Aphelele Tomsana	Eskom	<a href="mailto:TomsanA@eskom.co.za">TomsanA@eskom.co.za</a>	8 November 2019	No Comments Received
Mr Zolile Williams	Joe Gqabi District Municipality	<a href="mailto:bukelwa@jgdm.gov.za">bukelwa@jgdm.gov.za</a>	8 November 2019	No Comments Received
Me Fezeka Ntlemeza	Walter Sisulu Local Municipality	<a href="mailto:fezeka.ntlemeza@wslm.gov.za">fezeka.ntlemeza@wslm.gov.za</a>	8 November 2019	No Comments Received

STAKEHOLDERS				
TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACT DETAILS	CONTACTED DATE	RESPONSE RECEIVED
Cllr W Mokhoabane	Walter Sisulu Local Municipality Ward 10	<a href="mailto:Bulelani.litompana@wslm.gov.za">Bulelani.litompana@wslm.gov.za</a>	8 November 2019	No Comments Received
Heritage Official	South African Heritage Resources Agency (SAHRA)	SAHRIS website	8 November 2019	No Comments Received

SURROUNDING LANDOWNERS / INTERESTED AND AFFECTED PARTIES				
TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACT DETAILS	CONTACTED DATE	RESPONSE RECEIVED
Mr JJ Snyman (Thabang Trust)	Portion 2 of Akermans kraal 111	<a href="mailto:koos@jsconstruction.co.za">koos@jsconstruction.co.za</a>	8 November 2019	No Comments Received
Mr Willem J Herselman	Portion 5 of Orange Fontein 63	<a href="mailto:lizanneh@absa.co.za">lizanneh@absa.co.za</a>	8 November 2019	No Comments Received

**SURROUNDING LANDOWNERS / INTERESTED AND AFFECTED PARTIES**

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACT DETAILS	CONTACTED DATE	RESPONSE RECEIVED
Me Adele Bekker (Mr & Mrs Bredenkamp)	Portion 2 (Remaining Extent) of Orange Fontein 63	<a href="mailto:admin@aliwalhighschool.co.za">admin@aliwalhighschool.co.za</a>	8 November 2019	No Comments Received
Mr George F Roelofse	Portion 1 (Remaining Extent) of Akermans kraal 11)	051 633 2603	8 November 2019	No Comments Received
Mr Siphofane (Melkspruit Communal Prop Association)	Portion 0 (Remaining Extent) of Melk Spruit 12)	<a href="mailto:siphofane@hotmail.com">siphofane@hotmail.com</a>	8 November 2019	No Comments Received
Mr JJ Watkins	Portion 0 (Remaining Extent) of Rotondo 1046)	<a href="mailto:rotondo@nokwi.co.za">rotondo@nokwi.co.za</a>	8 November 2019	No Comments Received

**SUMMARY OF SECOND PHASE PARTICIPATION PROCESS**

The Department of Economic Development, Environmental Affairs and Tourism commented on the DBAR, and accordingly the Department's comments were incorporated into the amended DBAR, that will once again be published for an additional 30-days commenting period (ending 20 April 2020) to the I&AP's and stakeholders.

## **SUMMARY OF SECOND PHASE PARTICIPATION PROCESS**

As requested by DEDEAT, the Department of Economic, Small Business Development, Tourism and Environmental Affairs will also be supplied with a copy of the amended DBAR for their perusal and commenting.

See attached as Appendix G2 proof of the correspondence with the I&AP's and stakeholders during the public participation process.