

Annex E

Comments and Responses Report

Stakeholder	Stakeholder Category	Stakeholder Sub-Category	Comment	Date	Source	Response
Questions of Clarity around the Proposals						
ZH Luhlanga	Government stakeholders	Dr Pixley Kalsaka Seme Local Municipality – Speaker of the House	Question on the distance from the existing mine to the proposed mine. In addition whether mining activities would continue at the existing mine	2011/07/20	Meeting with municipality	The proposed facility is approximately 10 km west from the existing facility. It should be noted that mining activities at the existing mine stop once the mineral resource in that area had been depleted (between 3 – 5 years). Processing activities would continue to take place at the existing facility for a period of 10 to 20 years.
CJF Greyling	Private Landowner	Private Landowner	Query as to why the shaft and surface infrastructure located at Adit A is not located on the Kransbank farm (a more direct routing from the existing facility)	2011/07/21	Meeting with CJF Greyling	Various factors informed the identification of potential coal access locations. Please refer to Chapter 7 of the Draft Scoping Report.
CJF Greyling	Private Landowner	Private Landowner	Would like confirmation on the exact location and extent of the mining at Adit A.	2011/07/21	Meeting with CJF Greyling	Please refer to Sections 2.2 and 2.3 in Chapter 2 of the Draft Scoping Report.
CJF Greyling	Private Landowner	Private Landowner	Request for more information on mining aspects including the type of coal to be mined, depth and thickness of layers to be mined.	2011/07/21	Meeting with CJF Greyling	Coal to be mined is bituminous, depth 30-300 meters and thickness 1.5-4 meters. Please refer to Section 2.2 in Chapter 2 of the Draft Scoping Report.
CJF Greyling	Private Landowner	Private Landowner	Request for confirmation that the underground mine (aside from those areas that have been identified as having new infrastructure) will not affect any surface infrastructure or people living on top of the land.	2011/07/21	Meeting with CJF Greyling	Mining design criteria have been established to eliminate the possibility of surface subsidence.

CJF Greyling	Private Landowner	Private Landowner	Mr CJF Greyling raised the concern that exploration holes are too close to his house and next to his gate / fences and that he does not want them so close, 200m to 300m would not make that much difference but means a lot if it is not at his gate. He requested them not closer than 300m from his farm yard.	2011/07/28	Meeting with CJF Greyling	Noted. This request was communicated to Kangra Coal. Kangra Coal has taken the 300 meter request into account and in future will adhere to the required distance.
G Loubser	Environmental Organisation	MEPA (Mkhondo Environmental Protection Association)	Mrs Loubser believed that all applications to new prospecting and mining activities (licenses / rights / expansions) have been placed under moratorium in Mpumalanga to at least September 2011. Why would Kangra not be subjected to this moratorium?	2011/08/16	Written comment	This moratorium applies strictly to new prospecting rights in Mpumalanga Province. Kangra Coal had established prospecting rights prior to the moratorium and is seeking mining rights (to which the moratorium does not apply).
A Burns	Environmental Organisations	WWF-SA - Coordinator Enkangala Grassland Project	The properties fall within a proposed section 49 exclusion zone submitted by Mpumalanga Tourism and Parks Agency (MTPA) to the DMR last year. The reason for this proposed exclusion zone is to prevent further incompatible and hydrologically destructive activities from taking place in catchments considered to be of high value from a water production perspective.	2011/08/16	Written comment	Noted. This will need to be dealt with through the EIA process. The MTPA has been identified as a key commenting authority in the process and this issue will be discussed with them.
EIA Process						
General suggestion	Government stakeholders	Dr Pixley Kalsaka Seme Local Municipality	ERM was recommended to make direct contact with farm owners, rather than just rely on the PPP. Similarly, for affected communities, he noted that distribution of flyers is not sufficient and that these would need to be augmented with face-to-face engagement to ensure full understanding.	2011/07/20	Meeting with municipality	Noted. The PPP has been expanded to allow for more direct contact with these directly affected communities. Please refer to Chapter 5 of the Draft Scoping Report.
O Mavuso	Government stakeholders	Dr Pixley Kalsaka Seme Local Municipality - Director of Urban & Economic Development	Draft Scoping Report should be sent to the Director of Planning and Economic Development. He will champion this internally, summarising key aspects of the project for Council.	2011/07/20	Meeting with municipality	ERM agreed to provide the Draft Scoping Report to Mr. Mavuso.

General suggestion	Government stakeholders	Mkhondo Local Municipality	It was suggested that ERM should work with councillors (Ward 2) to identify the directly and indirectly affected stakeholders as well as other possible interested stakeholders.	2011/07/21	Meeting with municipality	Noted. ERM will make contact with this councillor to discuss further.
General suggestion	Government stakeholders	Mkhondo Local Municipality	Suggestion that the establishment of a stakeholder database would need to occur through an information gathering process.	2011/07/21	Meeting with municipality	Noted. This information gathering is underway and will continue throughout the EIA process. A significant database has already been constructed. See Chapter 5 of the Draft Scoping Report as well as Annex B.
General suggestion	Government stakeholders	Mkhondo Municipality	The Mkhondo Municipality proposed a combined meeting with the Dr Pixley Kalsaka Seme Municipality (if necessary) as the project spans across both municipalities.	2011/07/21	Meeting with municipality	Noted. Efforts will be made to convene such a meeting.
Chief Mthethwa	Government stakeholders	Traditional Authority	Chief Mthethwa noted the importance of engaging with the relevant communities and indicated this could be achieved through engaging with the correct Traditional Authority.	2011/07/21	Meeting with municipality	Noted. ERM will continue to engage with both the Traditional Authorities and directly through other community structures.
Chief Moloji	Traditional Authorities	Traditional Authority	Request for materials to be translated into Sesotho in the future. Disagreement on the use of isiZulu as a means of communication for the PPP.	2011/07/29	Meeting with Chief Moloji	Noted. Materials from the Scoping Phase will be translated into Sesotho as well as isiZulu, Afrikaans and English.
D Yende	Community stakeholders	Yende community – Chairperson of the CPA	Raised concerns about the existing relationship between Kanluka and Kangra Coal where engagement has not been extended to other communities. Noted potential to cause fragmentation between communities.	2011/07/22	Meeting with D Yende	Noted. ERM has communicated this to Kangra Coal. The PPP is aimed at engaging with all Interested and Affected parties.
D Yende	Community stakeholders	Yende community – Chairperson of the CPA	Request for full inclusion of all 7 of the CPAs in the area, including the 3 directly affected landowner-CPAs and the 4 neighbouring landowner-CPAs in the PPP and in any negotiations with Kangra Coal.	2011/07/22	Meeting with D Yende	Noted. All of these communities will be included in the PPP. It should, however, be noted that directly affected communities will be engaged with differently from neighbouring communities because of the difference in the way in which the project will impact upon them.

A Steenkamp	Environmental organisations	Birdlife South Africa: Wakkerstroom - Centre Manage	Recommended that there is sufficient interest to run a public meeting in Wakkerstroom.	2011/07/21	Meeting with A Steenkamp	ERM believes that there are advantages of convening an integrated meeting where stakeholders with different interests come together. There will, however, be opportunities to engage through one-on-ones or bilaterals with stakeholders in Wakkerstroom if required/requested.
A Steenkamp	Environmental organisations	Birdlife South Africa: Wakkerstroom - Centre Manage	Recommended proactive and positive engagement with stakeholders, identifying the fact that stakeholders can take an aggressive approach during EIA processes.	2011/07/21	Meeting with A Steenkamp	Agreed. To date, ERM has proactively sought to identify key stakeholders, including stakeholders with an environmental interest. More extensive engagement is also planned with key stakeholder groups.
D Yende	Community stakeholders	Yende community – Chairperson of the CPA	Raised concern about the proposed location of the meeting, and potential need for transportation to be arranged.	2011/07/22	Meeting with D Yende	Noted. Transportation to the meeting will be offered to directly affected communities.
Chief Mthetwa	Government Stakeholder	Traditional Authority	Will you follow the same EIA process as you would for a new mine? Is the fact that the project is called an expansion meaning that it will be ordinarily shorter process and fewer certification and authorisation processes compared to that of setting-up a new mine?	2011/12/20	Meeting with Chief Mthetwa	The word “expansion” is merely used to express that Kangra Coal propose to expand their current mining activities into a new coal resource. ERM is currently carrying out a detailed EIA exercise and is facilitating application/licensing processes that a new mine would also need to carry out. In short, we will be following the same EIA process that a new mine would need to follow.

Peter Moloi (Chief Moloi's spokesperson)	Traditional Authorities	Traditional Authority	The silence on our part about the project was beginning to shutter the hope of job creation by the proposed expansion of the mine. Is there anything that the TA can do to fast track the project?	2011/12/20	Meeting with Peter Moloi	ERM will be carrying out the EIA process in strict compliance with the requirements in the National Environmental Management Amendment Act (Act 62 of 2008), the Mineral and Petroleum Resources Development Act (Act 28 of 2002) and the National Environmental Management Waste Act (Act 59 of 2008). Only once the necessary licenses and authorisations have been obtained can Kangra Coal implement the proposed Project.
Ground Water and Water Quality Issues						
CJF Greyling	Private Landowner	Private Landowner	Concerns were raised over the impact the proposed project would have on water in the area in the long run in particular once coal had been removed.	2011/07/21	Meeting with CJF Greyling	Concerns around both surface- and groundwater will be an important issue that will be investigated through the EIA.
CJF Greyling	Private Landowner	Private Landowner	It was noted that the holes drilled during prospecting by Kangra Coal and their contractors were not filled immediately..	2011/07/21	Meeting with CJF Greyling	Noted. Kangra Coal has taken action to address this concern. Environmental Compliance Reports confirming this have been submitted to the authorities.
CJF Greyling	Private Landowner	Private Landowner	Request to have access to the detailed Hydrology report (where the impact on each spring needs to be assessed). He also requested for the water specialist reports produced by ERM to be provided to him.	2011/07/21	Meeting with CJF Greyling	The raw data for his farms will be made available to him by Kangra Coal. Please refer to Chapter 8 of the Draft Scoping Report for the interpretation of the technical baseline studies. Detailed hydrological impact assessment studies will be undertaken as part of the EIA study.

CJF Greyling	Private Landowner	Private Landowner	Request for a guarantee and plan to be provided by Kangra Coal outlining how potential draining of water from the farm will be addressed. Mr CJF Greyling commented that there are natural fountains all over his large property used as drinking water for his livestock. If these fountains dry out, he will hold the company responsible for the impact this will have to his farming activities.	2011/07/21	Meeting with CJF Greyling	A management plan including mitigation measures will be developed as part of the EIA and the draft will be made available to Registered Interested and Affected Parties (I&APs) for comment during the Impact Assessment Phase. Mr Greyling will be invited to be part of the process of identifying, assessing impacts and developing possible mitigation measures.
O Mavuso	Government stakeholders	Dr Pixley Kalsaka Seme Municipality - Director of Urban & Economic Development	Common concerns that would need to be considered included the impact on water resources.	2011/07/20	Meeting with municipality	Potential water impacts will be identified and assessed through the EIA process.
A Burns	Environmental Organisations	WWF-SA - Coordinator Enkangala Grassland Project	Given the proximity to the Heyshope dam (which is vital for Eskom's energy production in South Africa), we again feel it would be short sighted to allow any further coal mining activities (in the vicinity of the dam) that could potentially impact on the water quality of this strategically important water resource.	2011/08/16	Written comment	The technical design specialists claim that the project has been designed to eliminate impacts to water in the natural environment. This will be tested through the EIA process. A representative from Eskom will be invited to be part of the process.
C Ah Shene Verdoorn	Environmental Organisation	BirdLife South Africa	BirdLife South Africa submitted noted a concern of the impact of coal mining on the water quality of the Assegai Catchment, which will definitely have knock-on effects on Heyshope Dam (27°00'S; 30°46'E), and could have severe negative impacts for avifauna, where Heyshope Dam is an important site for a large number of birds.	22/08/2011	Written comment	The technical design specialists claim that the project has been designed to eliminate impacts to water in the natural environment. This will be tested through the EIA process. A representative from Eskom will be invited to be part of the process.
Air Emissions and Air Quality						

O Mavuso	Government stakeholders	Dr Pixley Kalsaka Seme Municipality - Director of Urban & Economic Development	Common concerns identified that would need to be considered included NO _x and SO _x emissions.	2011/07/20	Meeting with municipality	Noted. Potential air quality impacts will be identified and assessed through the EIA process. Results will be included in the Draft Environmental Impact Report (DEIR) and made available to I&APs for comment during the Impact Assessment Phase.
Chief Moloji	Traditional Authorities	Traditional Authority	Raised concern over the release of harmful fumes as well as odours that may emanate from proposed project activities.	2011/07/29	Meeting with Chief Moloji	
CJF Greyling	Private Landowner	Private Landowner	Concern that the dust from the proposed activities at Adit A will directly affect land for grazing. Also noted that the dust will affect properties south of the site due to prevailing winds in the area.	2011/07/21	Meeting with CJF Greyling	
Socio-Economic and Community issues						
ZH Luhlanga	Government stakeholders	Dr Pixley Kalsaka Seme Local Municipality – Speaker of the House	Question as to how this proposed project will benefit their community, not only from an employment perspective but also in terms of sustainable development and investment in the area.	2011/07/20	Meeting with municipality	The Social and Labour Plan (SLP) for this project has been aligned to the LED (Local Economic Development) Plan of the local municipality. This will further be assessed through the EIA process. Results will be included in the DEIR and made available to I&APs for comment during the Impact Assessment Phase.
VD Nkosi	Government stakeholders	Mkhondo Local Municipality - Member of the Mayoral Committee	Question about the potential for job creation and the number of jobs that would be created.	2011/07/21	Meeting with municipality	Kangra Coal responded approximately 750 existing direct and 150 indirect jobs would be saved (by avoiding closing down of the existing operations) through this proposed intervention. An estimated additional 300 jobs could potentially be created as a result of the proposed project.

General concern	Government stakeholders	Mkhondo Local Municipality	The potential negative impacts of the proposed mine (in addition to the impacts of the existing mine) were raised. This was mainly due to increased trucks on the road and the associated increase in fatalities.	2011/07/21	Meeting with municipality	There will be no increase in the number of coal haulage trucks on the road. Coal will be transported from the new facilities to the existing facilities by an extension of the current conveyor system.
Hon BH Mtshali	Government stakeholders	Dr Pixley Kalsaka Seme Local Municipality - Mayor	Question on the number of people that would have to move as a result of the proposed project.	2011/07/21	Meeting with municipality	It was estimated that 35 households may need to be moved, but noted that these were early projections and this is currently being further investigated. The resettlement action planning (including confirmation of who needs to move and how they will be compensated) falls outside of the remit of the EIA.
Chief Moloi	Traditional Authorities	Traditional Authority	Request for meaningful jobs to be created for the community as a result of the proposed project.	2011/07/29	Meeting with Chief Moloi	Kangra Coal responded approximately 750 existing direct and 150 indirect jobs would be saved (by avoiding closing down of the existing operations) through this proposed intervention. An estimated additional 300 jobs could potentially be created as a result of the proposed project.
CJF Greyling	Private Landowner	Private Landowner	Request for a meeting with Kangra Coal to speak about compensation for the use of CJF Greyling's land.	2011/07/21	Meeting with CJF Greyling	This request has been communicated to Kangra Coal.
D Yende	Community stakeholders	Yende community – Chairperson of the CPA	Raised the importance of ensuring sustainable benefits to the community for the long term (including unborn generations).	2011/07/22	Meeting with D. Yende	The benefit will be assessed through the EIA process. The legally required SLP has been developed to address benefits to the community.
D Yende	Community stakeholders	Yende community – – Chairperson of the CPA	Noted potential conflict within the Yende Community particularly with the election of a new Chairperson. It was noted that Mr. D. Yende may not remain the chairperson of the CPA after this election process.	2011/07/22	Meeting with D. Yende	Noted. This will be considered in future engagement in the area.

General concern	Community stakeholders	Kanluka community – members of the CPA	Voiced the concern that just because less surface infrastructure is being proposed on the Kanluka property (compared to other properties), this should not decrease the flow of benefits to the community. Kanluka would like to see benefits from the proposed project.	2011/07/22	Meeting with Kanluka community	Compensation associated with physical or economic resettlement will be determined through a separate process. The benefits of the proposed project will, however, be identified and assessed through the EIA.
CJF Greyling	Private Landowner	Private Landowner	He was also worried that the mine would attract and poach his skilled people to work on the mine. He has 5 good drivers that he cannot afford to lose.	2011/07/21	Meeting with CJF Greyling	Noted. This concern has been communicated to Kangra Coal.
Rooikop Committee	Community stakeholders	Rooikop community – Representatives of the Committee	The Rooikop community submitted a letter, attached at the end of this table. The letter raised concerns about: <ul style="list-style-type: none"> • The ownership of the land on which they live and their relationship with Kangra Coal (the owners) as well as Kangra' tenants (farmers in the area); • The non-delivering on various promises Kangra was said to have made to the Rooikop community (including monthly stipends, employment, services and maintenance of houses, safety practices associated with houses and preventing cracking, support for an orphanage); • Constraints Kangra's Coal's tenants place on their ability to own cattle; and • Input on who they can address their issues and concerns to (e.g., Kangra Coal, the relevant municipal councillor). 	2011/08/05	Written comment	Noted. ERM will organise a meeting with the leadership of this community to discuss relevance of the concerns raised to this process.
Environmental Concerns						
A Steenkamp	Environmental organisations	Birdlife South Africa: Wakkerstroom - Centre Manage	Noted the area is a very sensitive environment with key wetland areas and significant birdlife (also from a national perspective).	2011/07/21	Meeting with A Steenkamp	Noted. Please refer to Chapter 8 for baseline assessments made to this effect. A detailed ecological impact assessment and associated mitigation measures will be provided in the Draft EIR Report.

O Mavuso	Government Stakeholders	Dr Pixley Kalsaka Seme Local Municipality - Director of Urban & Economic Development Public	It was stressed that consideration should already be taken of mine closure and rehabilitation.	2011/07/20	Meeting with municipality	Noted. Kangra Coal is legally obliged to make financial provision for mine closure and establish a mine closure plan in order to acquire their Mining Right (MPRDA). The mine closure plan will be informed by the EIA results.
A Burns	Environmental Organisations	WWF-SA - Coordinator Enkangala Grassland Project	Large portions of the proposed expansion project fall within catchment areas classed as "irreplaceable" and "highly significant" in terms of the MBCP. These catchments form the headwaters of the Usutu river system and the intended operations would impact on the Hlelo and Assagai rivers (both of which are tributaries to the Usutu river). It is also clear that substantial wetlands are located on the properties in question.	2011/08/16	Written comment	The EIA will consider the MBCP and therefore these concerns. Lisa van Dongen emailed all the environmental stakeholders identified to date to recognise the concerns the sector had already raised, in particular the point that several stakeholders raised around perceived red flags with the proposed project. It noted that the technical studies undertaken as part of the scoping work also identified a number of ecological sensitivities that need to be investigated in more depth during the impact assessment phase (See Chapter 10 of the Draft Scoping Report). It also noted that the ERM team was in the process of re-designing the EIA process, and in particular the PPP, so as to ensure that stakeholder issues raised could
G Loubser	Environmental Organisation	MEPA (Mkhondo Environmental Protection Association)	Mrs Gudrun raised the concern that given that the community has already lodged complaints of pollution with Kangra and other relevant parties regarding its current activities, why in your company's opinion would Kangra be authorised to expand without having addressed our current concerns? How would Kangra deal with added potential environmental risks, whilst not having successfully demonstrated to this community that it can deal with current challenges?	2011/08/16	Email to Lisa Van Dongen	

C Ah Shene Verdoorn	Environmental Organisation	BirdLife South Africa	BirdLife South Africa noted to be opposed to environmentally harmful activities, especially mining in sensitive areas such as wetlands within Important Bird Areas (IBAs). The Proposed Project falls within an area identified by BirdLife South Africa as a global IBA, namely the Grassland Biosphere Reserve SA020. Birdlife South Africa is concerned by the environmental impacts of this proposed expansion that cannot be mitigated.	2011/08/22	Written comment	<p>be thoroughly aired and discussed through the process and that stakeholders are given the opportunity to meaningfully engage in the process of identifying and assessing impacts.</p> <p>It is proposed that a management plan including mitigation measures be developed as part of the EIA, where the environmental stakeholders will be given an opportunity to have input into this plan through the process.</p>
Concerns Relating to Buildings and Infrastructure						
General suggestion	Community Stakeholders	Kanluka community – Members of the CPA	Raised the concern that the underground mine will cause cracks in their aboveground structures. This was raised in the context of suggestions that these stakeholders would not need to relocate where underground mining was taking place.	2011/07/22	Meeting with Kanluka community	Mining design criteria have been established to eliminate the possibility of surface subsidence. The impacts of the underground mine on people at the surface will be explored further in the EIA.
A Steenkamp	Environmental Organisations	Birdlife South Africa: Wakkerstroom - Centre Manage	Noted that Wakkerstroom has already experienced negative impacts due to mining in the area particularly truck traffic on roads resulting in damage to the roads	2011/07/21	Meeting with A Steenkamp	There will be no increase in the number of coal haulage trucks on the road. Coal will be transported from the new facilities to the existing facilities by an extension of the current conveyor system.
Miscellaneous						
CL Greyling	Neighbouring landowner	Neighbouring landowner	Noted that he is fully aware of EIA processes and the potential (negative) impacts of mining projects	2011/07/21	Meeting with CL Greyling	Noted. CL Greyling was invited to be involved in the process.

Chief Moloji	Traditional Authorities	Traditional Authority	Request for private meeting or a discussion with Kangra Coal regarding royalties.	2011/07/29	Meeting with Chief Moloji	This falls outside the scope of the process. Compensation associated with physical or economic resettlement will be determined through a separate process. The process will, however, identify and assess the benefits of the proposed project through the EIA.
Teboho Klonderboy	Public	Member of the Public	Asked whether people with disabilities will be welcomed onto the project.	2011/07/29	Written comment	<p>A representative of Kangra Coal has confirmed that the facilities have been designed to accommodate people with physical disabilities.</p> <p>ERM replied in an email stating that the PPP would also consider the needs of people with disabilities. For example, the building used for the public meeting would have appropriate facilities for access.</p>