

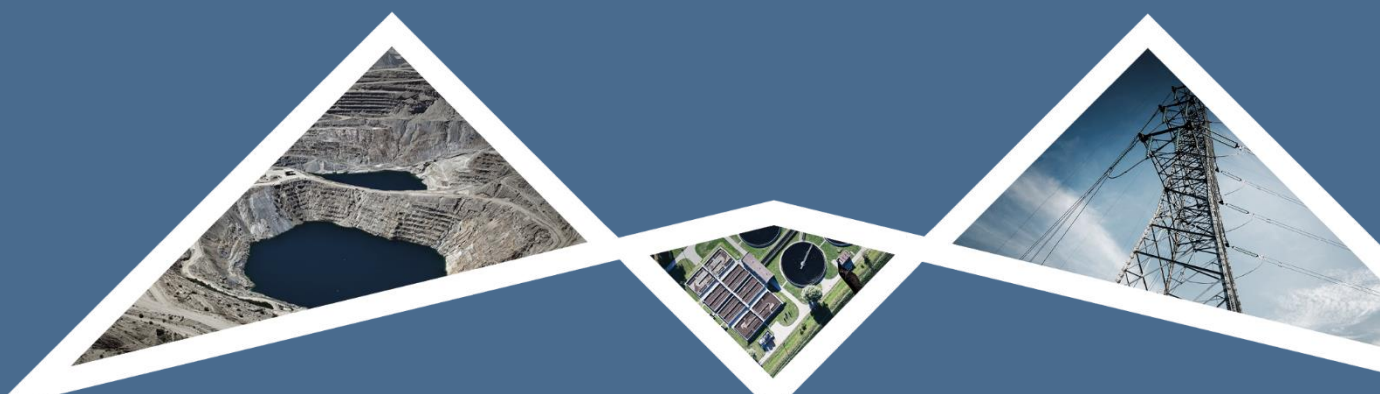


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COMMENTS AND RESPONSES REPORT

BLACK MOUNTAIN MINING- WITPUTS PROSPECTING RIGHT
PROJECT





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1 INTRODUCTION

South Africa, being one of the countries with the most progressive constitutions, enshrined the public's right to be involved in decisions that may affect them in its Constitution. Section 57(1) of the new Constitution that provides:

"The National Assembly may (b) make rules and orders concerning its business, with due regard to representative and participatory democracy, accountability, transparency and public involvement."

This provision, along with several others gave rise to many new trends in South African legislation. In environmental legislation, the idea of public participation (or stakeholder engagement) features strongly and especially the National Environmental Management Act (Act No. 107 of 1998 - NEMA) and the recent regulations passed under the auspices of this Act makes very strict provisions for public participation in environmental decision-making.

Public participation can be defined as *"a process leading to a joint effort by stakeholders, technical specialists, the authorities and the proponent who work together to produce better decisions than if they had acted independently"* (Greyling, 1999, p. 20). From this definition, it can be seen that the input of the public is regarded as very important indeed.

The Comments and Responses Report (CRR) lists all verbal and written issues raised by interested and affected parties (I&APs) and stakeholders during the 30 day comment period of the Basic Assessment process. A breakdown of the public participation process is given within the following sections.

2 METHODOLOGY

The public participation process follows the requirements of Section 41 of the 2014 EIA Regulations promulgated under the National Environmental Management Act (Act 107 of 1998).

2.1 I&AP IDENTIFICATION

Regulation 41 the 2014 EIA Regulations requires that in cases where the applicant is not the owner or person in control of the land on which the activity is to be undertaken, that the applicant must give notice to the owner or person in control of the land on which the activity is to be undertaken. Landowners were identified and registered as key I&APs, landowner contact details were obtained through Windeed searches and consultation with the developer and adjacent landowners. The Department of Rural Development and Land Reform was also consulted to query on any existing land claimants, and it was confirmed that there are no land claims on the affected properties.

The I&AP database was compiled containing the following categories of stakeholders:

- Host Communities;
- Landowners;
- Lawful Land Occupier;
- Department of Land Affairs;
- Any other person (including adjacent and non-adjacent properties) whose socio-economic conditions may be directly affected by the proposed prospecting operation;
- Local Municipality;
- The relevant Government Departments, agencies and institutions responsible for various aspects of the environment and for infrastructure which may be affected by the proposed project.
- Agricultural Sector;
- Organised Business;
- Other organisations, clubs, communities, and unions; and
- Various NGO's.



The I&AP database is included in Section 3.1 below.

2.2 OPPORTUNITIES FOR PUBLIC PARTICIPATION

This section provides an overview of the opportunities provided to I&APs for participation in the proposed construction of the road, bridges and associated borrow areas.

2.2.1 NOTIFICATION OF I&APs

All I&AP's were notified of the proposed Prospecting Right Application via the following methods:

- 1) Registered letters, emails, faxes or SMS;
- 2) Background Information Document;
- 3) Questionnaires;
- 4) Placement of ten (5 English and 5 Afrikaans) A2 Correx Site Notices in various locations on the site;
- 5) Placement of a newspaper advert in the Gemsbok Newspaper on 26 July 2019; and
- 6) Placement of a Notice in the Northern Cape Provincial Government Gazette on 19 August 2019.

Please also refer to Appendix B for proof of notification sent to I&APs and for proof of correspondence with I&APs.

Description of the Information Provided to the Community, Landowners and I&AP's

Notification documents sent to all pre-identified I&AP's included the following information:

- The site plan;
- List of activities to be authorised;
- Scale and extent of activities to be authorised;
- Typical impacts of activities to be authorised;
- The duration of the activity;
- Sufficient detail of the intended operation to enable them to assess what impact the activities will have on them or on the use of their land);
- The purpose of the proposed project;
- The prospecting methods to be used;
- Details of the affected properties (including parent farm and portion);
- Details of the MPRDA and NEMA Regulations that must be adhered to;
- The minerals being prospected for;
- The information contained in the BAR and EMPR;
- Date by which comment, concerns and objections must be forwarded through to EIMS; and
- Contact details of the Environmental Assessment Practitioner (EAP).



In addition, a questionnaire was included in the registered letters, emails and facsimiles sent and requested the following information from I&AP's:

- To provide information on how they consider that the proposed activities will impact on them or their socio-economic conditions;
- To provide written responses stating their suggestions to mitigate the anticipated impacts of each activity;
- To provide information on current land uses and their location within the area under consideration;
- To provide information on the location of environmental features on site, to make written proposals as to how and to what standard the impacts on site can be remedied.
- To mitigate the potential impacts on their socio-economic conditions to make proposals as to how the potential impacts on their infrastructure can be managed, avoided or remedied;
- Details of the landowner and information on lawful occupiers;
- Details of any communities existing within the area;
- Details of any Tribal Authorities within the area;
- Details of any other I&AP's that need to be notified;
- Details on any land developments proposed;
- Details of any perceived impacts to the environment that should be considered in the BAR; and
- Any specific comments, concerns or objections to the proposed prospecting operation.

All registered I&AP's will be notified of the availability of the draft version of the BAR, which will be available for 30 days from 13 January 2020 to 12 February 2020, for review and comment. Comments obtained during the BAR process and the responses of the EAP will be included in the Final BAR.

2.2.2 FORMAL OPPORTUNITIES FOR PUBLIC PARTICIPATION

One notification advertisement was placed in one local newspaper, Die Gemsbok, and a notice was placed in the Northern Cape Provincial Government Gazette. Notifications were also sent to the landowners and adjacent landowners via email, fax, registered mail and SMS (see Appendix B2: Key Stakeholder Notification). Physical notices were also placed on site and delivered to the properties (access permitting).

TABLE 1: OPPORTUNITIES PROVIDED FOR PUBLIC PARTICIPATION

Action	Description	Publication/Place	Date
Announcement of Project	Landowner and Pre-Identified I&AP Notification	Physical delivery	22-26 July 2019
		Emails/ faxes/ registered mail/ SMS	7-8 August 2019
Public Notification	Placement of site notices	Refer to section 2.2.1 above	22-26 July 2019
Announcement of Project	Newspaper advertisement	Gemsbok	26 July 2019



Action	Description	Publication/Place	Date
Announcement of Project	Provincial Gazette Notice	Northern Cape Provincial Gazette	19 August 2019
Public Notification	Availability of the Draft Basic Assessment Report for public review.	Notification of availability was sent to all registered I&APs via e-mail, fax, post or SMS.	7 February 2020
Public Notification	Notification of Authority decision on the Final Basic Assessment Report	Notification of decision will be sent to all registered I&APs via e-mail, fax and post	TBC

2.2.3 BASIC ASSESSMENT REPORT NOTIFICATION

As part of the Public Participation Process the registered I&APs were given an opportunity to comment on the BA Report to be submitted to the Competent Authority. The Basic Assessment Report was made available for review at Pofadder Public Library. The Basic Assessment Report was also placed on the EIMS website (www.eims.co.za) and available for download. The registered I&AP's were advised of the availability of the Basic Assessment Report and requested to submit comments to EIMS within a specified comment period. All comments received from I&APs will be submitted together with the BAR to the Competent Authorities for decision-making.



3 APPENDICES

3.1 Appendix B1: I&AP Database



3.2 Appendix B2: Key Stakeholder Notification



3.3 Appendix B3: Site Notifications and Adverts



3.4 Appendix B4: I&AP Correspondence



3.5 Appendix B5: Consultation Report