

ENVIRONMENTAL IMPACT



MANAGEMENT SERVICES

# COMMENTS AND RESPONSES REPORT

AROAMS PROSPECTING RIGHT PROJECT, NORTHERN  
CAPE PROVINCE

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Environmental Impact Management Services (Pty) Ltd

Unit 1, Esplanade Suites, 12 Clifford Street

Quigney, East London.

P.O. Box 19731, Tecoma, 5214

Tel: +27(0)43 722-7572

Fax: +27(0)86 571-9047



*Leaders in Environmental Management*



## AROAMS PROSPECTING RIGHT PROJECT

### COMMENTS AND RESPONSES REPORT

#### DOCUMENT CONTROL

	Name	Signature	Date
<b>Compiled:</b>	Bakholise Jojo		
<b>Checked:</b>	GP Kriel		
<b>Authorized:</b>	Liam Whitlow		

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#### REVISION AND AMENDMENTS

Date	No.	Description Of Revision Or Amendment
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2017/07/24	1	Comments and Responses Report

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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 Response Report (CRR) lists all verbal and written Comments 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

### 2.1. PUBLIC PARTICIPATION METHODOLOGY

The Public Participation Process (PPP) is a requirement of several pieces of South African Legislation and aims to ensure that all relevant I&AP's are consulted, involved and their opinions are taken into account and a record included in the reports submitted to Authorities. The process ensures that all stakeholders are provided this opportunity as part of a transparent process which allows for a robust and comprehensive environmental study.

The legal landowners and other pre-identified key I&AP's were sent an initial notification letter on the 09 June 2017, disseminated via email and registered mail. I&AP's were provided a period of 14 days (from 09 June 2017 to 23 June 2017). to register for the proposed project. Subsequent notifications were sent as I&APs were identified. All pre-identified and registered I&AP's will be further notified of the availability of the BAR for review and comment. All comments received during this period will be included in this BAR submitted to the Commenting Authority.

## 2.2. IDENTIFICATION OF I&AP'S

An initial I&AP list was compiled using WinDeed searches to determine the contact details of the registered landowners of the project affected land parcels. The I&AP database was compiled containing the following categories of stakeholders:

- Host Communities;
- Landowners;
- Traditional Authority;
- Land Claimants;
- 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 the proposed prospecting operation;
- The 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.

## 2.3. LIST OF AUTHORITIES IDENTIFIED AND NOTIFIED

The following authorities have been identified and notified of the proposed Aroams Prospecting Right Application:

- Nama Khoi Local Municipality
- Khai Ma Local Municipality;
- Namakwa District Municipality;
- Northern Cape Department of Mineral Resources;
- Northern Cape Department of Environment and Nature Conservation (DENC): Springbok;
- Department of Water and Sanitation
- Northern Cape Department of Agricultural & Land Reform ;

- Northern Cape Department of Rural Development and Land Reform ;
- Northern Cape Department of Roads Transport and Public Works;
- South African Heritage Resources Agency.

## 2.4. LIST OF KEY STAKEHOLDERS IDENTIFIED AND NOTIFIED

The following key stakeholders have been identified and notified of the proposed Aroams Prospecting Right Application:

- Aggeneys Community Forum
- Agri Namakwa;
- Boesmanland Farmers Union;
- Pofadder Landbou Vereniging;
- Riemvasmaak Community Conservancy;
- Khai Ma Tourism;
- Khai Ma Business Forum
- Augrabies Falls National Park;
- Wildlife and Environment Society of South Africa (WESSA) (Northern Cape Regional Office);
- Endangered Wildlife Trust;
- Botanical Society;
- Namakwaland Action Group/Nago;
- Conservation South Africa (CSA);
- Environmental Monitoring Group;
- South African Heritage Resources Agency;
- SANBI
- Eskom;
- SANRAL

## 2.5. LIST OF SURROUNDING SURFACE RIGHTS HOLDERS/LAND OWNERS IDENTIFIED AND NOTIFIED

The following surrounding surface rights holders/landowners of the area under application have been identified and notified of the proposed Aroams Prospecting Right application:

- Abri van Niekerk;
- Albertus Roux;
- Black Mountain Mining;

The I&AP database is included in Section 29.2

## 2.6. NOTIFICATION OF I&AP'S

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

- 1) Registered letters, emails and faxes;
- 2) Background Information Document;
- 3) Questionnaires;
- 4) Placement of thirty (3 English and 3 Afrikaans) A2 Correx Site Notices in various locations on the site;
- 5) Placement of a newspaper advert in the Gemsbok Newspaper on 09 June 2017.

### **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.

I&AP's will be provided a period of 14 days, from 9 June 2017 to 23 June 2017, to register as I&AP's for the proposed project.

## 2.7. DRAFT BASIC ASSESSMENT REPORT NOTIFICATION

All registered I&AP's will be notified of the availability of the BAR for review and comment. The BAR will be available for 30 days from 23 June 2017 to 25 July 2017, for review and comment. Comments obtained during the BAR process and the responses of the EAP will be included in the Final BAR as per the summary table below (**Error! Reference source not found.**).



### 3. COMMENTS RAISED BY I&AP'S

The following comments were received during the PPP and summarised in Table 1 below for submission to the DMR.

**TABLE 1: SUMMARY OF COMMENTS RAISED BY I&AP'S**

Interested and Affected Parties	Consulted	Date	Issue	Response	Report Reference
<b>KEY STAKEHOLDERS</b>					
<b>Landowner</b>					
<b>Mr De Waal</b>	EIMS	15 June 2017	Mr Carstens contacted EIMS on behalf of Mr De Waal and requested background information on the project.	EIMS responded to Mr Carstens by forwarding the Background Information Document (BID) to him. EIMS also updated Mr De Waals email address in the I&AP database	N/A
<b>Mr Abraham Benjamin Maas</b>	EIMS	21 June 2017	Mr Maas submitted his I&AP registration form and confirmed that he is the owner of Naip Boerdery, he left a comment advising that should there be any further visits on the property, contact should be made with Danie van der Westhuizen	EIMS responded to Mr Maas thanking him and confirming receipt of his registration form.	N/A

<b>Ms Abrahams</b>	EIMS	3 July 2017	<p>Ms Abrahams emailed EIMS highlighting a few comments, she stated that she would like EIMS to register SANRAL as an I&amp;AP, she also gave the following comments, If services need to be constructed parallel within 60m measured from the road reserve fence, over or under the national road, (in this case the N14) the service owner must apply for a written permission from SANRAL, before any work may be carried out. Attached please find an application form for the proposed encroachment. She went on to say that SANRAL requires detail plans for approval of any alteration or upgrading measures that are required at any access - intersection with N14 National Road. The plans must be produced</p>	<p>EIMS thanked Ms Abrahams for her comments and confirmed that SANRAL is already registered as an I&amp;AP. EIMS assured her that her comments would be included in the basic assessment report and that the requirements submitted by SANRAL are forwarded to the applicant for action should the proposed development be approved by the Department of Mineral Resources.</p>	N/A
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			<p>by an ECSA registered consulting engineer. All cost associated with road alteration or upgrading will be for the applicants account and that Access information - Kilometre distance nearest to the access (see attached form, on which you can see the blue marker boards every 200m along the National Road). The status of the access – gravel or surfaced roads, with or without turning lanes.</p>		
<b>Natasha Higgitt</b>	EIMS	26 June 2017	<p>Ms Higgitt thanked EIMS for notifying SAHRA of the proposed development and also advised EIMS that SAHRA does not accept hardcopy, emailed, posted or website linkes as official submissions. Natasha asked that EIMS create an application on the SAHRIS and upload all documents to the application and that once all documentts have been</p>	<p>EIMS thanked Ms Higgitt and quoted the case ID number to her, EIMS also notified Ms Higgitt that the status has been changed to submitted.</p>	N/A

			uploaded EIMS must change the status of the case from draft to submitted and then inform her and reference the case ID number.		
<b>Dr Stefan Cramer</b>	EIMS	05 July 2017	Dr Cramer sent a request to EIMS asking to be registered as an I&AP for the Aroams prospecting right project.	EIMS thanked Dr Cramer and confirmed that he has been registered as an I&AP.	N/A
<b>Mr Jan Rooi</b>	EIMS	21 June 2017	Mr Rooi stated that BMM had been producing in their municipal area for the last 39 years (Khai Ma), that includes the following towns: Pella, Pofadder, Onseepkans, Witbank and Aggeneys. He further mentioned that Pella is directly dependent on the mine. The mine originally belonged to Gold Fields SA, then Anglo American and is currently owned by Vedanta Resources. Gold Fields and Anglo did not know the meaning of Social Responsibility and they did nothing for the community. Vedanta is busy following in the same trend.	A community meeting was held with the Pofadder, Pella, Aggeneys communities on 21 June 2017. During this meeting Mr Rooi raised his concerns and these were addressed. Please refer to the attached meeting minutes in Appendix B2.	N/A

			<ol style="list-style-type: none"> <li>1. Social and ethics committee Company Act Amendment of Section 72 of Act 71 of 2008 Section 72(a) does not exist for the mine.</li> <li>2. One percent (1%) of their yearly profit to the community is not being done.</li> <li>3. Twenty six percent (26%) BEE was also not applied and this will now be increased to 30% which will never happen.</li> <li>4. The social and labour plan does not recognise the community of Pella.</li> <li>5. Contractors earn millions or Rands on the mine but they do not fulfil their social responsibility.</li> <li>6. Maybe social responsibility does not appear on the tender document.</li> </ol>		
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			<p>7. The other changes to the mining charter will also not be implemented.</p> <p>Our question is that can a Prospecting licence be issued to BMM if the mine does not implement its social responsibility. Maybe this is the wrong platform, but we hope that you can assist. Perhaps this email should be addressed to DMR, we don't know.</p>		
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