

Environmental Impact Management Services (Pty) Ltd
Registration Number: 92/05927/07
Directors: T. Nkhahle, A. Smith, L. Whitlow



27 July 2017

Our ref: GPK/as1/1179B

Federation for a Sustainable Environment (FSE),
Postnet Suite 87
Private Bag X033
RIVONIA
2128

Mrs Marriette Lieferink

Dear Madam:

RE: AROAMS 57 PROSPECTING RIGHT PROJECT: FSE'S COMMENTS

EIMS hereby confirms receipt of your correspondence on 26 July 2017. Please be advised that FSE has been registered as an Interested and Affected Party (I&AP) for the following Black Mountain Mining Prospecting Right applications: Aroams 57 (1179B), Koa Valley (1179A) as well Nooisabes 51 (1179C).

FSE's comments with regards to the Basic Assessment Report (BAR) for Aroams Prospecting Right Application have been noted. Although the comment period for the draft Basic Assessment Report was from 23 June to 24 July, EIMS acknowledges and appreciates FSE's contribution and will ensure that FSE's correspondence and comments are submitted to the Department of Mineral Resources (DMR) for their consideration during adjudication of the application.

Based on the inferences that FSE has drawn from the BAR, it should be clarified that the prospecting application will follow a phased approach. At the end of each phase there will be a brief period of compiling and evaluating results. The results will not only determine whether further prospecting activities proceed, but also the manner in which it will go forward. The proposed drill sites will cover an area of approximately 1000 m² and not 7000m², the latter refers to the total area including the area that may be required for access routes on site. EIMS has noted FSE's issues of concern as highlighted in bold typography in the correspondence and confirms that the majority of these points are findings that are contained in the BAR. Please refer Table 1 below for EIMS' responses to the comments received.

EIMS appreciates the contribution of FSE and wishes to thank you for your invaluable input. Please do not hesitate to contact EIMS should you have any queries or concerns.

Sincerely,

GP Kriel

Table 1: FSE’s Comments and EIMS Responses

Item no.	FSE’s Comment	EIMS Response
	<p>In view of the aforesaid concerns, we hereby request that the EAP incorporates the findings and recommendations of the following documents in its final Report:</p>	<p>The comment period for the Aroams Draft Basic Assessment Report was from 23 June 2017 to 24 July 2017 and has therefore ended. Consequently, the final BAR has been compiled and submitted to the DMR. However, EIMS have registered the FSE as an interested and affected party for these applications in order to ensure that you receive notifications in future regarding the outcome of the DMR decision making process.</p>
1	<p>The DEA, DMR and SANBI’s Mining and Biodiversity Guidelines and in particular the risks and implications of the prospecting application within a highest biodiversity important area such as a FEPA and a Ramsar Site, critically endangered and endangered eco-system and a critical biodiversity area.</p>	<p>Thank you for your comments, it is noted that the application area falls within a terrestrial Critical Biodiversity Area (CBA) and within 1km of a River and wetland Freshwater Ecosystem Priority Area (FEPA) as stated in the BAR. According to the Mining and Biodiversity Guideline, this places the application area within category B of the guidelines which includes biodiversity priority areas where mining is not legally prohibited, but where there is a very high risk due to their potential biodiversity significance and importance to ecosystem services.</p> <p>In line with the implications for mining detailed in the guideline, the following steps have been taken:</p> <ul style="list-style-type: none"> • An environmental Authorisation application in terms of NEMA has been submitted for the relevant listed activities that the proposed prospecting activities may trigger within CBAs. • With regards to proximity of the proposed prospecting activities to a river and wetland FEPA, a generic 100m buffer has been recommended around river and wetland FEPAs. This generic buffer has the potential to be amended following a site-based level assessment and consideration of risk of proposed development and the proposed mitigation measure. This is also in line with Regulation 4 of GN704 of the National Water Act

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		<p>(NWA) which prohibits any underground or opencast mining, prospecting or any other operation or activity under or within the 1:50 year flood-line or within a horizontal distance of 100 meters from any watercourse or estuary, whichever is the greatest. It is therefore envisaged that prior to commencement of invasive prospecting activities, a specialist would be consulted to confirm the presence and significance of the biodiversity features identified during the basic assessment.</p> <ul style="list-style-type: none"> An environmental management programme has been compiled to ensure that the negative impacts associated with the prospecting activities are avoided or prevented, minimized and rehabilitated as appropriate. The EMPr also requires that the applicant obtains all relevant permits including water use licences and permits for the removal of protected species, if the results of site specific assessment reveals the need for such permits. <p>It is acknowledged that Authorizations may well not be granted. If granted, the authorization may set limits on allowed activities and impacts, and may specify biodiversity offsets that would be written into licence agreements and/or authorizations.</p>
2	<p>The DWS' Reconciliation Strategies for Large Bulk Water Supply Systems: Orange River Final Reconciliation Strategy (November 2014)) which shows a growing deficit. Please see subjoined graph. The EAP's statement that <i>"the Lower Orange WMA is in surplus which is available for allocation to users or to large projects and also ecological reserve at Orange River mouth Ramsar site (DWAf, 2004)"</i> is outdated.</p>	<p>Thank you for bringing this to our attention. It is noted also that one of the Reconciliation Options considered in the report that reduce the water use or water requirements is Compulsory Licencing and as such with reference to Section 21.3 of the BAR, it is anticipated that abstraction related water uses may be applicable and it was recommended that this be confirmed with the Department of Water and Sanitation prior to commencement of the invasive prospecting activities that require the use of water. Should any of the NWA Section 21 water uses become</p>

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3	<p>The EAP's and Applicant's rehabilitation criteria do not meet the standard for rehabilitation in terms of the Appendix 5 of the 2014 EIA Regulations. In terms of the Regulations the environment affected by the undertaking of any listed activity or specified activity and associated closure must be remediated/rehabilitated to its natural or predetermined state or to a land use which conforms to the generally accepted principle of sustainable development and not merely to "a satisfactory standard".</p>	<p>applicable, then the Applicant will need to apply for the relevant water uses from the Department of Water and Sanitation prior to undertaking such activities.</p> <p>The use of the term "satisfactory standard" in Section 22.4.1 is further expanded on in the rehabilitation objectives outlined in this section of the BAR, one of them being the "<i>Re-establishment of the pre-developed land capability to allow for a suitable post-mining land use</i>". Please also refer to Table 8 in Appendix E of the BAR where it is also stated that "<i>Sites must be restored to the original condition with vegetation cover (where applicable) equalling the surrounding vegetation cover;</i>" in compliance with MPRDA, NEMA and the rehabilitation plan. As detailed in Section 3.6.3 of the Final Rehabilitation, Decommissioning And Closure Plan, landform, erosion control and re-vegetation is an important part of the rehabilitation process. Landform and land use are closely interrelated, and the landform should be returned as closely as possible to the original landform. Community expectations, compatibility with local land use practices and regional infrastructure, or the need to replace natural ecosystems and faunal habitats all support returning the land as closely as possible to its original appearance and productive capacity. In this regard, it is therefore our opinion that the current rehabilitation criteria does meet the standard for rehabilitation in terms of the Appendix 5 of the 2014 EIA Regulations.</p>

Andisiwe Stuurman

From: Andisiwe Stuurman <andisiwe@eims.co.za>
Sent: Friday, 28 July 2017 14:57
To: Mariette Liefferink
Cc: GP Kriel; Bakholise
Subject: Re: AROAMS 57 PROSPECTING RIGHT PROJECT: FSE'S COMMENTS
Attachments: 1179B_Response letter to FSE Comments_170728_GP-signed.pdf

Good day Mrs Liefferink,

Thank you for contacting EIMS. Please find the attached correspondence in response to FSE's comments received on 26 July 2017.

Please do not hesitate to contact EIMS should you have any queries or concerns.

Kind Regards,

Andisiwe Stuurman

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On 26 July 2017 at 15:51, Mariette Liefferink <mariette@pea.org.za> wrote:

Dear Andisiwe

I refer to our telephonic discussion this afternoon.

Please confirm receipt of the attached document.

Best Regards

Mariette Liefferink

CEO: FEDERATION FOR A SUSTAINABLE ENVIRONMENT

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