



# COMMENTS AND RESPONSES REPORT

NOOISABES 51 PROSPECTING RIGHT PROJECT,  
NORTHERN CAPE PROVINCE

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## NOOISABES 51 PROSPECTING RIGHT PROJECT

### COMMENTS AND RESPONSES REPORT

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#### REVISION AND AMENDMENTS

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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 23 June 2017, disseminated via email and registered mail and faxes. I&AP's were provided a period of 14 days (from 23 June 2017 to 07 July 2017) to register for the proposed project. Subsequent notifications were sent as I&APs were identified. All pre-identified and registered I&AP's were 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 Nooisabes Prospecting Right Application:

- Nama Khoi 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 Nooisabes 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;
- South African National Roads Agency Limited (SANRAL);
- NCBM Exploration (Pty) Ltd;
- Mr Pieter van der Merwe;
- Mr Louw;
- Ms Samantha Titus;
- Mr D Jacobs;
- Mr AB Maass;
- Mr JJ Mostert;

- Mr F Schutte;
- Mr Van den Heever;
- Mr Horacius Meintjies;
- Mr Ainslie Vosloo;
- Mr Abrie Van Niekerk.

## 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 Nooisabes Prospecting Right application:

- Nama-Khoi Local Municipality

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 (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 23 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 were provided a period of 14 days, from 23 June 2017 to 07 July 2017, to register as I&AP's for the proposed project.



## 2.7. DRAFT BASIC ASSESSMENT REPORT NOTIFICATION

All registered I&AP's were notified of the availability of the BAR for review and comment. The BAR was made available for 30 days from 13 July 2017 to 14 August 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 (Table 1).

### 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 ISSUES RAISED BY I&AP'S**

Interested and Affected Parties	Consulted	Date	Issue	Response	Report Reference
<b>KEY STAKEHOLDERS</b>					
<b>Registered I&amp;APs</b>					
<b>Mr Edward Cloete</b>	EIMS	28 June 2017	Mr Edward sent an email to EIMS informing EIMS that he is no longer in service of Khai-Ma Municipality and he directed us to Mr Alfredo Green.	EIMS thanked Mr Cloete and informed him that the I&AP database would be updated accordingly	N/A
<b>Ms Natasha Higgitt</b>	EIMS	28 June 2017	Ms Higgitt thanked EIMS for notifying SAHRA of the proposed development, she also further advised that SAHRA does not accept hardcopy, emailed, posted or website links as official submissions. She advised EIMS to create an application on SAHRIS and then upload all documents to the application and that once all documents have been uploaded, EIMS should change the status of the case from draft to submitted.	EIMS thanked Ms Higgitt and informed her that a heritage case has been created on SAHRIS and gave her the case ID number. Ms Higit was informed that the status of the case has been changed to submitted.	N/A

Interested and Affected Parties	Consulted	Date	Issue	Response	Report Reference
<b>Mr Meintjies</b>	EIMS	03 July 2017	Mr Meintjies sent an email to EIMS on the 24th of June stating his interest in the project.	EIMS thanked Mr Meintjies for his email and sent him a notification letter, a BID and a registration form	N/A
<b>Ms Natasha Higgitt</b>	EIMS	18 July 2017	Ms Higgitt thanked EIMS for notifying SAHRA regarding the BAR. She advised that SAHRA does not accept posted, hardcopy, emailed or website links as official submissions and requested that EIMS submit the DBAR and all appendices to the case on SAHRIS i.e. SAHRIS Case ID 11308 ( <a href="http://sahra.org.za/sahris/cases/nooisabes-51-prospecting-right-project">http://sahra.org.za/sahris/cases/nooisabes-51-prospecting-right-project</a> ). Ms Higgitt requested to be informed me when this had been completed so that she may begin to review the documents.	EIMS thanked Ms Higgitt for her email and informed her that the BAR and its appendices have been uploaded on the SAHRIS case 11308 for your review.	N/A