



COMMENTS AND RESPONSES REPORT

KOA VALLEY PROSPECTING RIGHT PROJECT,
NORTHERN CAPE PROVINCE

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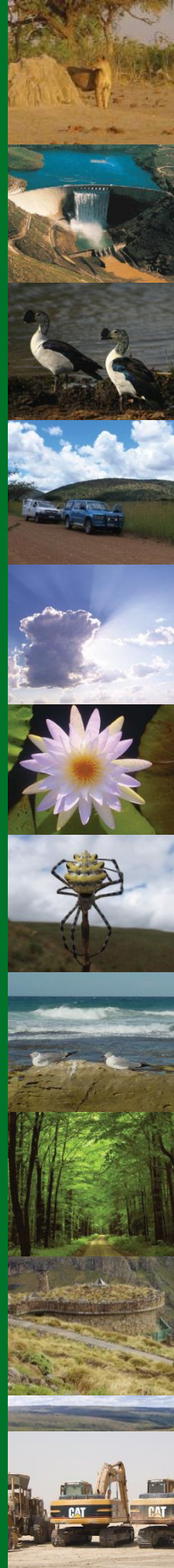
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KOA VALLEY PROSPECTING RIGHT PROJECT

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REVISION AND AMENDMENTS

Date	No.	Description Of Revision Or Amendment
2017/07/24	0	Comments and Responses Report

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TABLE OF CONTENTS

LIST OF TABLES.....
APPENDICES
1. INTRODUCTION	2
2. METHODOLOGY.....	2
2.1. Public Participation Methodology.....	2
2.2. Identification of I&AP's.....	2
2.3. List of Authorities Identified and Notified	3
2.4. List of Key Stakeholders Identified and Notified	4
2.5. List of Surrounding Surface Rights Holders/Land Owners Identified and Notified	4
2.6. Notification Of I&AP's.....	5
Description of the Information Provided to the Community, Landowners and I&AP's.....	6
2.7. Draft Basic Assessment Report Notification	7
3. COMMENTS RAISED BY I&AP'S.....	8

LIST OF TABLES

TABLE 1: SUMMARY OF COMMENTS RAISED BY I&AP'S.....	8
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APPENDICES

Appendix B1: Interested & Affected Parties Database

Appendix B2: Notification of I&APs

Appendix B3: Advertisements and Notices

Appendix B4: Consultation Report

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 (IRR) 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 were further notified of the availability of the BAR for review and comment. All comments received during this period were included in this BAR submitted to the Commenting Authority. Results of the consultation are summarised in the Consultation Report attached as Appendix B4.

2.2. IDENTIFICATION OF I&AP'S

The applicant provided EIMS with a database of landowners for the application farms and the adjacent farms. 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 Spionkop 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;
- Northern Cape Department of Water and Sanitation
- Northern Cape Department of Agricultural & Land Reform ;
- Northern CapeDepartment 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 Spionkop 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
- Succulent Karoo Ecosystem Programme (SKEP)
- 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 Spionkop Prospecting Right application:

- Khai Ma Loal Municipality;
- Nama Khoi Local Municipality;
- Mr Elton (de) Vries;
- Mr Louw;
- Mr FB Agenbag;
- Mr AJ de Waal
- Mr D D Jacobs;
- Mr JJ Mostert;
- Mr D Maasdorp;
- Black Mountain Mining;
- Pofadder Meent;
- Mr Eppie Agenbag,;
- Mr N van den Heever;
- Mr J Compion;
- Mr S Goosen;
- Mr AB Maass;
- Mr F Schutte;
- Mr Deon van Vuuren.

The I&AP database is included in Appendix B1.

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 (7 English and 7 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 were 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 were notified of the availability of the BAR for review and comment. The BAR was made 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 are included in the Final BAR as per the summary table (Table 1) below.

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
Key Stakeholders					
Landowner					
Mr Deon Maasdorp	EIMS	2017/06/12	Mr Maasdorp submitted his I&AP registration form and confirmed that he is the owner of the remaining extent of the farm Zuurwater 62 earmarked for prospecting. Mr Maasdorp stated that the farm is currently used for grazing and possible land developments within the application are include a possible solar farm. Mr Maasdorp also stated that	EIMS thanked Mr Maasdorp for his comments. Mr Maasdorp was advised that his comments were noted and will be included in the Comments and Responses Report and submitted to the Competent Authorities for consideration.	N/A

			he is willing to allow prospecting to progress within his property and that he would seek compensation for such an activity on his property.		
Mr FB Agenbag	EIMS	2017/07/18	Mr Agenbag submitted his I&AP registration form and confirmed that he is a landowner for one of the properties earmarked for prospecting (pre-identified for Haramoep 53 Portion 1). Mr Agenbag stated that his interest in the proposed project is a mutually beneficial win-win situation for both parties. Mr Agenbag described the receiving environment as grass and duneveld, as well as mountains with rare	EIMS thanked Mr Mostert for his comments and informed him that EIMS would include his comments in the report to the Department (DMR).	N/A

			<p>vegetation i.e. rare Elephant's trunk, "plakkies", milk-bush species and bulbous plants. The grassveld is used for grazing for cattle, sheep, goats and game. There is a large power line that traverses the western side of the farm. Mr Agenbag mentioned that a Solar farm is proposed for the part close to the Eskom power line that could possibly cross the Koa Valley. It was also mentioned that mining activities will influence the landowner's socio-economic status if grazing/ tourism/ accommodation on the farm will be affected. As subsistence farmers, failure to</p>		
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			<p>compensate adequately for the loss of land will negatively affect our socio-economic status. Security is affected by uncontrolled movement of people that come and go and that the farm owner often has no control over. Mr Agenbag requested that they must be informed at all times regarding people that access their farm as they already struggle with livestock and game theft. Mr Agenbag concluded by stating that there is a need for discussions. All communication to please be in Afrikaans.</p>		
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Dr Stephan Cramer	EIMS	2017/06/17	Dr Cramer who is a Science advisor at the Southern African Faith Communities Environment Institute (safcei) sent an email to EIMS on 17 June 2017 requesting to be included in the I&AP database.	EIMS thanked Dr Cramer and confirmed that he would be included in the I&AP database.	N/A
Mr Carstens	EIMS	2017/06/15	Mr De Waal contacted EIMS on behalf of Mr Carstens and requested background information on the project.	EIMS responded to Mr Carstens by forwarding the Background Information Document (BID) to him. EIMS also added Mr Carstens to the I&AP database	N/A
Mr Edmund Agenbag	EIMS	2017/06/29	Mr Edmund Agenbag submitted his I&AP questionnaire on the 29 th of June 2017. Mr Agenbag is an Eskom official and he is also an occupier of the farm Oonab-Noord 609.	EIMS thanked Mr Agenbag for submitting his questionnaire. EIMS reassured Mr Agenbag that even though the prospecting will have an impact on vegetation, the impact however is anticipated to be of	N/A

			Mr Agenbag described the receiving environment as farming, grazing and vegetation fields. Mr Agenbag highlighted his concerns stating that vehicles will destroy vegetation and grazing fields. He also highlighted that the project will cause a security hazard and a risk of animal theft.	low significance. Mr Agenbag was also advised that with regards to the security concerns, it is anticipated that the impact will also be of low significance since the people on site will be limited to the Applicant, contractor and geologists for the topographical and geophysical surveys.	
Ms Natasha Higgitt	EIMS	24 July 2017	Ms Higgitt noted the Basic Assessment Report submitted and the appointment of ArchaeoMaps and Banzai Environmental (Pty) Ltd were appointed to conduct the Heritage Component of the BAR. Ms Higgitt noted the recommendations included	EIMS thanked Ms Higgitt for the correspondence and advised that all comments and recommendations had been noted. EIMS advised Ms Higgitt that these would be included in the final BAR which would be uploaded to SAHRIS as requested.	N/A

			<p>in the BAR. Ms Higgit further stated that SAHRA Archaeology, Palaeontology and Meteorites (APM) Unit has no objection to the proposed development and accepts the heritage specialist reports and the recommendations contained therein. The recommendations contained within the reports and the following conditions must be included in the Environmental Management Programme (EMPr):</p> <ul style="list-style-type: none">• The Final BAR and appendices must be submitted to SAHRA for record purposes;		
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			<ul style="list-style-type: none">• If any evidence of archaeological sites or remains (e.g. remnants of stone-made structures, indigenous ceramics, bones, stone artefacts, ostrich eggshell fragments, charcoal and ash concentrations), fossils or other categories of heritage resources are found during the proposed development, SAHRA APM Unit (Natasha Higgitt/John Gribble 021 462 5402) must be alerted. If unmarked human		
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			<p>burials are uncovered, the SAHRA Burial Grounds and Graves (BGG) Unit (Mimi Seetelo 012 320 8490), must be alerted immediately. A professional archaeologist or palaeontologist, depending on the nature of the finds, must be contracted as soon as possible to inspect the findings. If the newly discovered heritage resources prove to be of archaeological or palaeontological significance, a Phase 2 rescue operation may be</p>		
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			<p>required subject to permits issued by SAHRA; and</p> <p>If the development receives an Environmental Authorisation (EA), SAHRA must be informed and all documents pertaining to the EA must be uploaded to the SAHRIS Case file.</p>		
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