



mineral resources

Department:
Mineral Resources
REPUBLIC OF SOUTH AFRICA

Private Bag X 14, Springbok, 8240, Cnr Van der Stel & Van Riebeeck, Hopley Centre Building, Springbok, 8240

Tel: 027 712 8175 Fax: 027 712 1959 Enquiries: Linda Njemla Email: Linda.Njemla@dmr.gov.za,

Ref: NCS30/5/1/1/3/2/1 (12069) EM

From: Mineral Regulation Sub-Directorate: Mine Environmental Management

The Directors
Witkop Fluorspar Mine (Pty) Ltd
P. O. Box 688
Stellenbosch
7599

Attention: Attention: Johannes Erasmus

Email: jaco@sakg.co.za

AN ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 of 1998) AS AMENDED (NEMA) AND THE ENVIRONMENTAL IMPACT ASSESSMENT (EIA) REGULATIONS, 2014 FOR PROSPECTING FOR "GYPSUM" ON ON PORTIONS 1, 2 AND REMAINING EXTENT OF FARM VERDOORST KOLK 342 SITUATED IN THE MAGISTERIAL DISTRICT OF KENHARDT: NORTHERN CAPE REGION.

With reference to the abovementioned application, please be advised that the Department has decided to **grant** an environmental authorisation in terms of Section 24L of National Environmental Management Act (Act 107 of 1998) as amended. The environmental authorisation and reasons for the decision are attached herewith.

In terms of regulation 4 (2) of the Environmental Impact Assessment Regulations of 2014, you are instructed to notify all registered interested and affected parties, in writing within 14 (Fourteen) calendar days, from the date of the Department's decision in respect of your application and the relevant provisions regarding the lodgement of appeal must be provided for in terms of the National Appeal Regulations of 2014.

Should you wish to appeal any aspect of the decision, you must submit the appeal to the Minister of Environmental Affairs and a copy of such appeal to the Department of Mineral Resources (Northern Cape Regional Office), within 20 days from the date of notification, and such appeal must be lodged as prescribed in by Chapter 2 of the National Appeal Regulations of 2014, by means of the methods as per prescribed below:

Appeal to the Department of Environmental Affairs

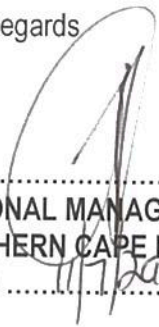
Attention : Directorate Appeals and Legal Review
Email : appealsdirectorate@environment.gov.za
By post : Private Bag X 447, **PRETORIA**, 0001
By hand : Environmental House, Corner Steve Biko and Soutpansberg Street, Arcadia, **Pretoria**, 0083

Copy of the lodged appeal to the Department of Mineral Resources

Attention : Regional Manager: Northern Cape Region
By facsimile : (027) 712 1959
E-mail : Pieter.Swart@dmr.gov.za and copy linda.njemla@dmr.gov.za
By post : Private Bag X 14, **Springbok**, 8240
By hand : Hopley Centre Building, Corner van der Stel & van Riebeeck Street, **Springbok**, 8240

Should you decide to appeal, you must comply with the National Appeal Regulation of 2014 in relation to notification of all registered interested and affected, and a copy of the official appeal form can be obtained from the Department of Environmental Affairs.

Kind Regards



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REGIONAL MANAGER: MINERAL REGULATION
NORTHERN CAPE REGIONAL OFFICE
DATE: 11/1/2015



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Private Bag X 14, Springbok, 8240, Cnr Van der Stel & Van Riebeck, Hopley Centre Building, Springbok, 8240

ENVIRONMENTAL AUTHORISATION

Reference number:	NCS30/5/1/1/3/2/1 (12069) EM
Last amended:	First issue
Holder of authorisation:	Witkop Fluorspar (Pty) Ltd
Location of activities:	Portions 1, 2 and Remaining extent of Farm Verdoorst Kolk 342 Situated in The Magisterial District of Kenhardt: Northern Cape Region.

DECISION

ACRONYMS

BAR:	Basic Assessment Report
DEA	Department of Environmental Affairs
DEPARTMENT:	Department of Mineral Resources.
EA:	Environmental Authorisation.
ECO:	Environmental Control Officer
EIA REGULATIONS:	EIA Regulations, 2014
EIA:	Environmental Impact Assessment.
EMPr:	Environmental Management Programme
IEA:	Integrated Environmental Management
I&AP:	Interested and Affected Parties
MPRDA:	Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002), as amended
NEM:WA:	National Environmental Management: Waste Act, 2008 (Act 59 of 2008), as amended
NEMA:	The National Environmental Management Act, 1998 (Act 107 of 1998), as amended
S&EIR:	Scoping and Environmental Impact Report
SAHRA:	South African Heritage Resource Agency

The Department is satisfied, on the basis of information availed to it and subject to compliance with the conditions of this integrated environmental authorisation, that the applicant should be authorised to undertake **NEMA EIA** listed activities specified below. Details regarding the basis on which the Department reached this granting decision are set out in Annexure "I" of this environmental authorisation.

ACTIVITY APPLIED FOR

By virtue of the powers conferred on it by NEMA and NEMWA, the Department hereby grants an application for EA by **Witkop Fluorspar (Pty) Ltd** with the following contact details –

P. O. Box 688
Stellenbosch
7599

Physical address: 2nd Floor, A-Block, Octo Place, Electron Avenue, Technopark, Stellenbosch

Tel no: 021 880 1170

Fax no. 086 010 3516

Cell: 082 310 9612

Email: jaco@sakg.co.za

to undertake the following activities listed in the NEMA EIA Regulation.

NEMA: LISTED ACTIVITIES:

Listed activities on listing notice 1 of the EIA Regulations R. 327 of 2017 as:-

Activity Number 19 – “The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse; but excluding where such infilling, depositing, dredging, excavation, removal or moving—

- (a) will occur behind a development setback;(b)
- (b) is for maintenance purposes undertaken in accordance with a maintenance management plan;
- (c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;
- (d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or
- (e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.”

Activity Number 20 – “Any activity including the operation of that activity which requires a prospecting right in terms of section 16 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), including associated infrastructure, structures and earthworks, directly related to prospecting of a mineral resource, including activities for which an exemption has been issued in terms of section 106 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002).”

Activity Number 22 – “The decommissioning of any activity requiring –

- (i) a closure certificate in terms of section 43 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002); or
- (ii) a prospecting right, mining right, mining permit, production right or exploration right, where the throughput of the activity has reduced by 90% or more over a period of 5 years excluding where the



competent authority has in writing agreed that such reduction in throughput does not constitute closure;
but excluding the decommissioning of an activity relating to the secondary processing of a –

- (a) mineral resource, including the smelting, beneficiation, reduction, refining, calcining or gasification of the mineral resource; or
 - (b) petroleum resource, including the refining of gas, beneficiation, oil or petroleum products; –
- in which case activity 31 in this Notice applies.”

Activity Number 27 – “The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for—

- (i) the undertaking of a linear activity; or
- (ii) maintenance purposes undertaken in accordance with a maintenance management plan.

Activity Number 30 – “Any process or activity identified in terms of section 53(1) of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004).

Listed activities on listing notice 3 of the EIA Regulations R. 327 of 2017 as:-

Activity Number 12 – “The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.

g. Northern Cape

- i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;
- ii. Within critical biodiversity areas identified in bioregional plans;
- iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuary, whichever distance is the greater, excluding where such removal will occur behind the development setback line on even in urban areas; or
- iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning.

Listed in the NEMWA Activities R.921 as

Disposal of waste

Category A 13: The disposal of domestic waste generated on premises in areas not serviced by the municipal service where the waste disposed does not exceed 500kg per month.

Category A 14: The storage, treatment or processing of animal manure at a facility with a capacity to process



Category A 15: The establishment or reclamation of a residue stockpile or residue deposit resulting from activities which require a prospecting right or mining permit, in terms of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002).

The proposed EA application entails the following activities:

- Non-Invasive Prospecting (literature survey & target identification)
- Primary & Secondary Drilling and Sampling
- Pre-feasibility Studies
- Site clearance and vegetation removal;
- Access and haul road development;
- Site camp and ablution facility
- Sample storage & laydown; and hydrocarbon storages area; and
- Rehabilitation

Detailed specifications of the activity are as follows:

Proposed prospecting details are as follows:
Primary Drilling & Sampling (50 holes), Secondary Drilling & Sampling (200 holes)[0.625 Ha] Access Roads (3m wide x 1,008m length = 3,024 m ²) Sample storage & laydown area ± 1000m ² Ablution facility 10m ² Hydrocarbon storage area of volumes less than 30m ³ - and area of 125m ²
21 digit surveyor general code
C03600000000034200000 C03600000000034200001

The granting of this IEA is subject to the conditions set out below (site specific) and in **Annexure 2** (Departmental standard conditions).The Environmental Management Programme (EMPr) attached as part of reports for the above development submitted as part of the application for an EA is hereby approved and must be adhered to throughout the life cycle of the operation.

EA SITE SPECIFIC CONDITIONS

1. Protected plant species must not be removed (disturbed, cut and destroy their products which may not be possessed, collected, removed, transported, exported, donated, purchased or sold) unless the necessary permission is granted by the Department of Agriculture, Forestry and Fisheries (DAFF).
2. All development footprint areas and areas affected by the proposed development must remain as small as possible and must not encroach onto the surrounding sensitive areas and the associated buffer zones
3. An Integrated Water Use License (IWUL) must be obtained from the Department of Water and Sanitation (DWS) prior commencement of activity.



4. Wetland and riverine areas are to be considered as no go zones unless authorisation is obtained. Ensure that construction activities are outside the demarcated wetland area. No activity should be allowed to encroach on to wetland system.
5. The applicable requirements with respect to relevant legislation pertaining to occupational health and safety must be adhered to.
6. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a landfill licensed in terms of the applicable legislation.
7. The waste storage facility shall be structured to the National Environmental Management Waste Act, 2009.
8. Dust at the haul roads shall meet the required norms and standards as per the National Environmental Management Air Quality Act, 2004.



ANNEXURE 1: REASONS FOR THE DECISION

1. Background

- (i) Witkop Fluorspar (Pty) Ltd lodged an application for an IEA for activities listed in the EIA Regulations on the 27 September 2017 as:

Listed activities on listing notice 1 of the EIA Regulations R. 327 of 2017 as:-

Activity Number 19 – “The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse; but excluding where such infilling, depositing, dredging, excavation, removal or moving—

- (f) will occur behind a development setback;(b)
- (g) is for maintenance purposes undertaken in accordance with a maintenance management plan;
- (h) falls within the ambit of activity 21 in this Notice, in which case that activity applies;
- (i) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or
- (j) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.”

Activity Number 20 – “Any activity including the operation of that activity which requires a prospecting right in terms of section 16 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), including associated infrastructure, structures and earthworks, directly related to prospecting of a mineral resource, including activities for which an exemption has been issued in terms of section 106 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002).”

Activity Number 22 – “The decommissioning of any activity requiring –

- (iii) a closure certificate in terms of section 43 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002); or
 - (iv) a prospecting right, mining right, mining permit, production right or exploration right, where the throughput of the activity has reduced by 90% or more over a period of 5 years excluding where the competent authority has in writing agreed that such reduction in throughput does not constitute closure;
- but excluding the decommissioning of an activity relating to the secondary processing of a –
- (c) mineral resource, including the smelting, beneficiation, reduction, refining, calcining or gasification of the mineral resource; or
 - (d) petroleum resource, including the refining of gas, beneficiation, oil or petroleum products; –
- in which case activity 31 in this Notice applies.”

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- (iii) the undertaking of a linear activity; or
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- ii. Within critical biodiversity areas identified in bioregional plans;
- iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuary, whichever distance is the greater, excluding where such removal will occur behind the development setback line on even in urban areas; or
- iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning.

Listed in the NEMWA Activities R.921 as

Disposal of waste

Category A 13: The disposal of domestic waste generated on premises in areas not serviced by the municipal service where the waste disposed does not exceed 500kg per month.

Category A 14: The storage, treatment or processing of animal manure at a facility with a capacity to process in excess of 1ton per day.

Category A 15: The establishment or reclamation of a residue stockpile or residue deposit resulting from activities which require a prospecting right or mining permit, in terms of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002).

2. Information considered in making the decision

In reaching its decision, the Department took, *inter alia*, the following into consideration -

- a) The information contained in the application form received by the Department on 27 September 2017;



- b) The information contained in the final Basic Assessment Report submitted on the 13th February 2018, inclusive of the Environmental Management Programme that contains all the environmental risk associated with the project as well as the mitigation measures;
- c) The objectives and requirements of the applicable and relevant legislation, policies and guidelines and the EIA Regulations of 2014;
- d) Public Participation Process (PPP) conducted by the applicant for a minimum of 30 days;
- e) The comments received from Interested and Affected Parties (“I&APs”) and the responses provided thereon, as included in the BAR;

3. Key factors considered in making the decision

All the information presented to the Department was taken into account upon the Department’s consideration of the application. A summary of the issues which, in the Department’s view, were of the most significance are set out below.

- a. The procedure that has been followed is in accordance with the NEMA and the EIA Regulations of 2017.
- b. A sufficient Public Participation Process (PPP) was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations R 982 of 2017 for public involvement. The environmental impacts associated with the proposed activity will be addressed by the proposed mitigation measures outlined in the EMP_r compiled by Cabanga Concepts CC t/a Cabanga Environmental.
- c. The Constitution of the Republic of South Africa, 1996, the NEMA principles that promotes sustainable development and other Specific Environmental Management Acts.
- d. Biodiversity Assessment was done and completed in March 2017 by Peter Kimberg of “The Biodiversity Company” and a full report was submitted. This assessment has shown that the project does not pose any risk to biodiversity in the area.
- e. A Wetland Ecological Assessment Report compiled by Caroline Wallington of Cabanga Environmental revealed that the proposed prospecting drilling programs are associated with an ephemeral depression wetland known as Verdoorskolk pan and its drainage wetlands. These pans do not fit within the normal scope of the typical wetland assessment tools that are available and therefore it is difficult to score them based on these tools. As a result their value/sensitivity/importance are always underestimated; thus expert opinion and interpretation is important and the precautionary approach has been adopted herein regarding the risk and impact assessment. According to the Northern Cape provincial biodiversity assessment, the wetlands are identified as Critical Biodiversity Area 1 (CBA1), which is the highest rank of biodiversity importance possible for the area. The site investigation concluded that these wetlands are overall in a largely natural condition (PES of B) with very high ecological importance and are supplying important ecosystem goods and services to the region. The DWS 21 c and i risk assessment protocol was followed to determine the risk posed by the prospecting borehole sampling in the plan, where it is concluded that the preliminary drilling program can be mitigated and managed to a Low Risk. However, the secondary drilling program is assessed to be of Moderate Risk even with mitigation and therefore a water use license is required prior to commencement. The impact assessment methodology led to the conclusion that, with mitigation, the preliminary drilling program is expected to have Moderate-Low impact whereas the secondary drilling program is expected to have a Moderate impact regarding the below ground activity (i.e. drilling 5m) and a Moderate-Low impact for the surface disturbance. Mitigation measures are included herein that can be done in addition to



mitigation measures proposed in other reports. It must be noted that the assessment contained herein has only assessed the prospecting activities and not the risk of the potential mining of the pan. This will need to be done through an additional process.

- f. In summary with regards to biodiversity, the National Biodiversity Assessment, 2011 indicates the threat status of the ecosystem as Least Threatened (LT) and not protected. According to the C.A.P.E Fine Scale Biodiversity Planning Project (2009) the pan area was classed as a terrestrial Critical Biodiversity Area (CBA) 2. Subsequently in 2016, the Department of Environment and Nature Conservation reviewed the CBA Map for Northern Cape and revised the status of the pan to a terrestrial CBA1, with the surrounding areas being classed as terrestrial CBA2. No aquatic CBA or ESAs were identified on site or within the immediate area. The pan and associated wetlands are classed as NFEPA Rank 2 wetlands of National importance. However, the environmental impacts associated with the proposed activity will be addressed by the proposed mitigation measures outlined in the EMPr compiled by Michelle Venter of Cabanga Environmental and this is compiled in satisfactory manner.
- g. During the Heritage Assessment six sites of cultural heritage significance were identified within the immediate project area. Four of these are grave sites and two are residential sites. It has been recommended that the graves and two residential sites remain *in situ*. These should be fenced off where necessary and a buffer zone of 20m implemented. The South African Heritage Resource Agency accepted this report and recommended that 30m buffer instead of 20m be implemented.
- h. The Palaeontologist Consultant Prof Marion Bamford has compiled Palaeontological Impact Assessment report. The report revealed that the rocks in the area are mudstones of the Prince Albert Formation from the settling of marine or deltaic suspension muds. Sterile Jurassic dykes are close by. However, since there is an extremely small chance of finding fossils a chance find protocol and monitoring programme are included. The project may proceed as far as the palaeontology is concerned.
- i. A Rehabilitation Strategy Report has been prepared by the applicant by Cabanga Environmental.
- j. A financial provision of an amount of R220 000.00 (bank guarantee) has been received on the 14th May 2018.

4. Findings

After consideration of the information and factors listed above, the Department made the following findings –

- a) The project poses no threat to biodiversity as well as human. The information provided by the specialists who conducted the studies shows no significant impact to the environment and mitigation measures have been recommended. The potential impacts on the proposed site were clearly investigated and mitigation measures outlined.
- b) Public Participation Process (PPP) attached in terms of the EIA Regulations R.982 of 2014. The PPP included, *inter-alia*, the following:
 - A newspaper advertisement was placed in the local newspaper “Gemsbok” on the Noordwester/Messenger” on 10th November 2017;
 - Notices were placed at the project site (Site notices were erected on site and at other strategic places);
 - Notices were sent to all key stakeholders and the registered interested and affected parties including State Departments;
 - Registration on a database for Background Information Documents (BID);



- No objection was received from the consulted interested and affected parties;
- c) The calculation of the financial provision of an amount of R220 000.00 (bank guarantee) was seen to be sufficient to cover all the rehabilitation costs.

