



mineral resources

Department:
Mineral Resources
REPUBLIC OF SOUTH AFRICA

Private Bag x14, Springbok 8240, Andia Building, Voortrekker Street, Springbok 8240
Tel: 027- 712 8163. Fax 027-7121959; E-mail: deidre.williams@dmr.gov.za.
Ref: NCS 30/5/17372/1 (847)MP

20 October 2010

REGISTERED MAIL

The Director
SAHRA

P O Box 4637
CAPE TOWN
8000

There is a graveyard in the area - need evidence of the absence of material + position of the graveyard -

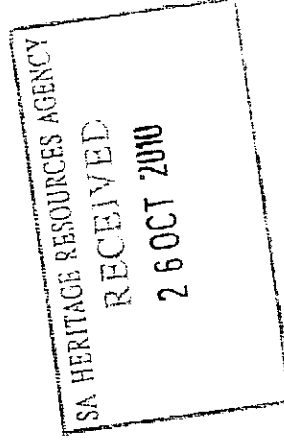
CONSULTATION IN TERMS OF SECTION 40 OF THE MINERAL AND PETROLEUM RESOURCES DEVELOPMENT ACT, 2002 (ACT 28 OF 2002) FOR THE APPROVAL OF THE ENVIRONMENTAL MANAGEMENT PLAN IN RESPECT OF A PORTION OF ERF 516 PORT NOLLOTH ADMINISTRATIVE DISTRICT: NAMAQUALAND

APPLICANT: E.S. KOTZE

1. Attached herewith, please find a copy of the Environmental Management Plan to the received from the above-mentioned applicant, for your comments.
2. It would be appreciated if you could forward any written comments or requirements your department may have in the case in hand to this office on or before **30 November 2010**.
3. Consultation in this regard has also been initiated with other relevant Sate departments.
4. Your co-operation will be appreciated.

Yours faithfully

**REGIONAL MANAGER: MINERAL REGULATION
NORTHERN CAPE REGION**

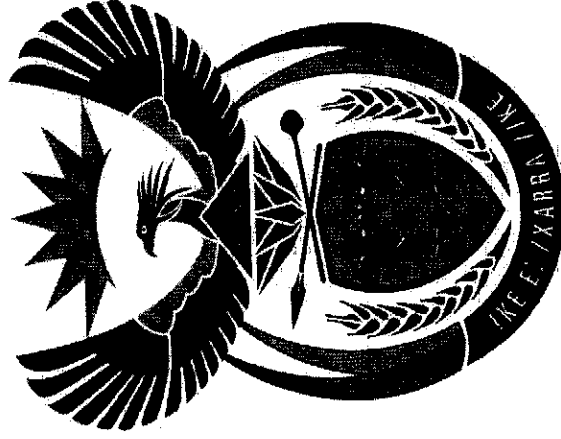


File number: NC-S 30/5/1/1/2/ 847MP

DEPARTMENT OF MINERALS AND ENERGY

ENVIRONMENTAL MANAGEMENT PLAN

Submitted in support of application for a ,mining permit.
Section 39 and Regulation 52 of the Minerals and Petroleum Resources Development Act, 2002 (Act 28 of 2002)



DEPT. VAN ERFGEREDE EN
ENERGIE
PRIVAATSKOPPERING SAAG X14
2010 -10- 13
SPRINGBOK 6340
DEPT. OF MINERALS AND
ENERGY

Application for a:

Mining Permit

Applicant: Edie Sebulon Kotze
ID: 4701295038086
Farm: portion of ERF 516 Port Nolloth Township
District: Namaqualand Northern Cape
Mineral: Diamonds (Gemstone)
Date: 13 September 2010

A.1 INTRODUCTION

This document aims to provide a simplified national standard for applicants for mining permits to comply with the relevant legislation and environmental regulations as apply to their respective applications in terms of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002) (MPRDA).

Applicants in this sector of the mining industry typically disturb smaller surface areas of land, whether drilling boreholes, small trenches, or mining on a small area, less than 1,5 hectares of land, under a mining permit as contemplated in Section 27 of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002)

A.2 SCOPE

This document is intended for use by applicants for mining permits. Typically, operations in this sector of the mining industry:

- Use little or no chemicals to extract mineral from ore,
- Work on portions of land of 1,5 hectares in size or smaller,
- Disturb the topography of an area somewhat but have no significant impact on the geology

A.3 PURPOSE

This document aims to:

- Provide a national standard for the submission of Environmental Management Plans for the types of applications mentioned above.
- Ensure compliance with Regulation 52 of the MPRDA.
- Assist applicants by providing the information that the Department of Minerals and Energy (DME) requires in a simple language and in a structured, prescribed format, as contemplated in Regulation 52 (2) of the (MPRDA).
- Assist regional offices of the DME to obtain enough information about a proposed mining operation to assess the possible environmental impacts from that operation and to determine corrective action even before such right is granted and the operation commences.

A.4 USE OF THE DOCUMENT:

The aim is ultimately to (a) gather information from applicants themselves; (b) to assess the impact of the operation based on that information and then (c) to guide the applicant to mitigate environmental impacts to limit damage to the environment. Section C of the document gathers demographic information about the applicant. Section C gathers the information that will be used in the Environmental Impact Assessment. Regional office of the DME will do the scoring for the impact assessment rating in Section D. Section F (the Environmental Management Plan) of the document is prescriptive and gives guidance to the miner on how to limit the damage of the operation on the environment. This part may be added to by the regional manager, who has the prerogative to decide whether this Environmental Management Plan will adequately address the environmental impacts expected from the operation or whether additional requirements for proper environmental management need to be set. Where these additional requirements are set, they will appear in Section G of this document. The Environmental Management Plan (Section F) of the document is legally binding once approved and, in the undertaking contained in Section H, the applicant effectively agrees to implement all the measures outlined in this Environmental Management Plan.

A.6 OTHER RELEVANT LEGISLATION

Compliance with the provisions of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002) and its Regulations does not necessarily guarantee that the applicant is in compliance with other Regulations and legislation. Other legislation that may be immediately applicable includes, but are not limited to:

- National Monuments Act, 1969 (Act 28 of 1969).
- National Parks Act, 1976 (Act 57 of 1976)
- Environmental Conservation Act, 1989 (Act 73 of 1989)
- National Environmental Management Act, 1998 (Act No. 107 of 1998)
- Atmospheric Pollution Prevention Act, 1965 (Act 45 of 1965)
- The National Water Act, 1998 (Act 36 of 1998)
- Mine Safety and Health Act, 1996 (Act 29 of 1996)
- The Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983).

A.7 WORD DEFINITIONS

In this document, unless otherwise indicated, the following words will have the meanings as indicated here:

Act (The Act)	Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002)
Borehole	A hole drilled for the purposes of prospecting i.e. extracting a sample of soil or rock chips by pneumatic, reverse air circulation percussion drilling, or any other type of probe entering the surface of the soil.
CARA	The Conservation of Agricultural Resources Act
EIA	An Environmental Impact Assessment as contemplated in Section 38(1) (b) of the Act
EMP	An Environmental Management Plan as contemplated in Section 39 of the Act
Fauna	All living biological creatures, usually capable of motion, including insects and predominantly of protein-based consistency.
Flora	All living plants, grasses, shrubs, trees, etc., usually incapable of easy natural motion and capable of photosynthesis.
Fence	A physical barrier in the form of posts and barbed wire and/or "Silex" or any other concrete construction, ("palisade"- type fencing included), constructed with the purpose of keeping humans and animals within or out of defined boundaries.
House	any residential dwelling of any type, style or description that is used as a residence by any human being
NDA	National Department of Agriculture
NWA	National Water Act, Act 36 of 1998
Pit	Any open excavation
"Porrei"	The term used for the sludge created at alluvial diamond diggings where the alluvial gravels are washed and the diamonds separated in a water-and-sand medium.
Topsoil	The layer of soil covering the earth which- (a) provides a suitable environment for the germination of seed; (b) allows the penetration of water; (c) is a source of micro-organisms, plant nutrients and in some cases seed; and (d) is not of a depth of more than 0,5 meters or such depth as the Minister may prescribe for a specific prospecting or exploration area or mining area.
Trench	A type of excavation usually made by digging in a line towards a mechanical excavator and not pivoting the boom – a large, U-shaped hole in the ground, with vertical sides and about 6 – 8 meters in length. Also a prospecting trench.
Vegetation	Any and all forms of plants, see also Fauna
DWAF	The Department of Water Affairs and Forestry – both national office and their various regional offices divided across the country on the basis of water catchment areas.
MPRDA	the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002)
EMPlan	An Environmental Management Plan as contemplated in Regulation 52 of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002) – this document.

C. ENVIRONMENTAL IMPACT ASSESSMENT:

C.1	DESCRIPTION OF THE ENVIRONMENT LIKELY TO BE AFFECTED BY PROPOSED MINING OPERATIONS: (REGULATION 52(2)(a))
C 1.1	Landscape surrounding the proposed operation. The area form part of a development of a mariculture farm and no further environmental aspects will be affected.
C 1.2	Description of the type of soil found on the surface of the site The mining area is situated within a dam to be filled with sea water. All topsoil and overburden has been removed. Only a thin layer (0.5m) of overburden and gravel is present on the bedrock that will be processed during this operation.
C 1.3	Depth of the topsoil
	0 - 300 mm X
	300 - 600 mm
	600 mm +
C 1.4	Vegetation growing naturally in the area around the site There will be no impact on vegetation as all vegetation were removed to develop the dam to be filled with seawater. Mining will only take place within the dam.
C 1.5	What animals naturally occur in the area? Large herbivores are absent due to the altered habitat and conflicting land use. The faunal component are mainly represented by small mammals and reptiles. The habitat are however well represented in the surrounding area.
C 1.6	Protected areas close to the proposed operation?
	Yes
	No X
C 1.7	Mineral to be mined
	Diamonds
C 1.8	Type of equipment that will be used: Mining will only involve the cleaning of the existing dam floor to bedrock and in pit screening of material. Excavations will be done by hand using picks and shovels. The overburden remaining after screening will be used to level the dam floor or will be dump on the dam wall. The diamond gravel concentrate recovered will be removed off site to be analyzed and sorted on a daily basis making use of "bushman jigs"

C.2	IMPACT ON THE NATURAL ENVIRONMENT? (REGULATION 52(2)(b))
C 2.1	Ultimate depth of the proposed mining operations
	0 - 5m X
	6 - 10m
	10 - 25m
	25m +
C 2.2	Total area of all excavations
C 2.3	Size of each excavation before it is filled NA no backfilling
	<10 X 10m (1.5) Ha
	<20 X 20m
	>20 X 20m
C 2.4	Prospecting boreholes or trenches
C 2.5	Preparation of food on the site and firewood Collection
	Yes N.A.
	No X
C 2.6	Extraction of water from a river, stream, dam or pan for use by the proposed operation
	Yes
C 2.7	Name of this water body
	No X
C 2.8	Where will water be obtained? The concentrate will be processed off site making use of sea water
	N.A.

**C.5 IMPACT ON THE CULTURAL HERITAGE OF THE SURROUNDING ENVIRONMENT?
REGULATION 52(2)(b)**

C.5.1 Graveyards within 1 kilometer of the area	Yes	X
	No	

Mining operation will take place within a constructed dam to be filled with sea water after mining is completed. Any artifact present was already removed while constructing the dam. No build structures older than 60 years are present or any other cultural or historic asset.

C.6 SPECIFIC REGULATORY REQUIREMENTS

C.6.1 Air quality Management and Control (Regulation 64)

Mining will only take place by making use of manual labor and no machinery will be used. Mining operation will have no significant impact on the quality of the air due to the remoteness of the area.

C.6.2 Fire Prevention (Regulation 65)

No fire risk

C.6.3 Noise control (Regulation 66)

There will be no significant noise impact due to the remoteness of the area and mining operations will only take place between sunrise and sunset. No machinery will be used

C.6.4 Blasting, vibration and shock (Regulation 67)

Blasting: **No**

How often? **NA**

C.6.5 Disposal of waste material (Regulation 69)

No waste dump will be present as mining will take within the existing dam and overburden will be used to level the dam floor or to build up the dam wall. No domestic or any other waste will be generated during the mining operation. The small amount of domestic waste from the 4 workers will be collected in refuge bags and disposed of at the municipal waste disposal site on a daily basis.

C.6.6 Soil pollution and erosion control (Regulation 70)

6.6.1 Indicate how topsoil will be handled on the area.

No topsoil is present as all topsoil and overburden was removed during construction of the dam.

6.6.2 Describe how spills of oil, grease, diesel, acid or hydraulic fluid will be dealt with.

No fuel and lubricants will be used on site and mining will only take place making use of manual labor and small tools.

6.6.3 Description of the storage facilities available for the above fluids:

No fluids will be stored on the mining area

C.7 Financial provision: (Regulation 54)

The amount that is necessary for the rehabilitation of damage caused by the operation, both at sudden closure during the normal operation of the project and at final, planned closure will be estimated by the regional office of the DME, based on the information supplied in this document. The estimated amount is actually zero (appendix 2) as there will be no impact on the environment but provision is made for unforeseen impacts. This amount will reflect how much will it cost the Department to rehabilitate the area disturbed in case of liquidation or absence.

Financial provision required here: R 5 000.00 (see appendix 2 and section G3)	
What method will be used to furnish DME with this financial provision?	
Cash deposit	
Bank guarantee	X
Trust Fund	
Other: (specify) (Note: other methods must be approved by the Minister)	

C.8 Monitoring and performance assessment.

Regulation 55 of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002) clearly describes the process and procedure as well as requirements for monitoring and auditing of the performance of this plan to adequately address environmental impacts from the operation.

C.8.1 Description of how the adequacy of this programme will be assessed and how any inadequacies will be addressed. (Regulations 55(1) and 52(2)(e))

I will, on a bi-monthly basis, check every aspect of my operation against the prescriptions given in Section F of this document and, if I find that certain aspects are not addressed or impacts on the environment are not mitigated properly, I will rectify the identified inadequacies immediately. Regular monitoring of all the environmental management measures and components shall be carried out to ensure that the provisions of this program are adhered to. Inspections and monitoring shall be carried out on both the implementation of the program and the impact on the environment. Visual inspections on erosion and physical pollution shall also be carried out on a regular basis. Reports confirming compliance with various points identified in the environmental management program with layout plans will be submitted to the Regional Manager on an annual basis. Rehab estimates will be updated on a regular basis and updated copies will be submitted on a annual basis to the Regional Manager. Any emergency or unforeseen impact will be reported as soon as possible. An assessment of environmental impacts that were not properly addressed or were unknown when the program was compiled shall be carried out and added as a corrective action.

C.9 Closure and Environmental objectives: (Regulation 52(2)(f))


C.9.1 Intended end use for the area prospected after closing of operations.

The environment affected by the mining operations shall be rehabilitated, to its pre mining state. Land use in the form of mariculture will be the same as before mining. The affected environment shall revert back to a dam to be filled with seawater for the cultivation of abalone.

E UNDERTAKING:

I, Edie Sebulon Kotze, the applicant for a mining permit hereby declare that the above information is true, complete and correct. I undertake to implement the measures as described in Sections F and G hereof. I understand that this undertaking is legally binding and that failure to give effect hereto will render me liable for prosecution in terms of Section 98 (b) and 99 (1)(g) of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002). I am also aware that the Regional Manager may, at any time but after consultation with me, make such changes to this plan as he/she may deem necessary.

Signed on this 13th day of September 2010 at **Springbok**

.....


Signature
E.S. Kotze

with all the statutory requirements which must be met in order to mine, which includes the implementation of this EMP.

- If operations are to be conducted in an area that has already been disturbed, the holder must reach specific agreement with the Regional Manager concerning the responsibilities imposed upon himself/herself pertaining to the rehabilitation of the area and the pollution control measures to be implemented.

F 2 INFRASTRUCTURAL REQUIREMENTS

F 2.1 TOPSOIL

- Topsoil shall be removed from all areas where physical disturbance of the surface will occur.
- All available topsoil shall be removed after consultation with the Regional Manager prior to the commencement of any operations.
- The topsoil removed, shall be stored in a bund wall on the high ground side of the mining area outside the 1:50 flood level within the boundaries of the mining area.
- Topsoil shall be kept separate from overburden and shall not be used for building or maintenance of access roads.
- The topsoil stored in the bund wall shall be adequately protected from being blown away or being eroded.

F 2.2 ACCESS TO THE SITE

F 2.2.1 Establishing access roads on the site

- The access road to the mining area and the camp-site must be established in consultation with the landowner and existing roads shall be used as far as practicable.
- Should a portion of the access road be newly constructed the following must be adhered to:
 - The route shall be selected that a minimum number of bushes or trees are felled and existing fence lines shall be followed as far as possible.
 - Water courses and steep gradients shall be avoided as far as is practicable.
 - Adequate drainage and erosion protection in the form of cut-off berms or trenches shall be provided where necessary.
- If imported material is used in the construction or upgrading of the access road this must be listed in C.2.17
- The erection of gates in fence lines and the open or closed status of gates in new and existing positions shall be clarified in consultation with the landowner/tenant and maintained throughout the operational period.
- No other routes will be used by vehicles or personnel for the purpose of gaining access to the site.

F 2.2.2 Maintenance of access roads

- In the case of dual or multiple use of access roads by other users, arrangements for multiple responsibility must be made with the other

- Lighting and noise disturbance or any other form of disturbance that may have an effect on the landowner/tenant/persons lawfully living in the vicinity shall be kept to a minimum.

F 2.3.2 Toilet facilities, waste water and refuse disposal

- As a minimum requirement, the holder of a mining permit shall, at least, provide pit latrines for employees and proper hygiene measures shall be established.
- Chemical toilet facilities or other approved toilet facilities such as a septic drain shall preferably be used and sited on the camp site in such a way that they do not cause water or other pollution.
- The use of existing facilities must take place in consultation with the landowner/tenant.
- In cases where facilities are linked to existing sewerage structures, all necessary regulatory requirements concerning construction and maintenance should be adhered to.
- All effluent water from the camp washing facility shall be disposed of in a properly constructed French drain, situated as far as possible, but not less than 200 metres, from any stream, river, pan, dam or borehole.
- Only domestic type wash water shall be allowed to enter this drain and any effluents containing oil, grease or other industrial substances must be collected in a suitable receptacle and removed from the site, either for resale or for appropriate disposal at a recognised facility.
- Spills should be cleaned up immediately to the satisfaction of the Regional Manager by removing the spillage together with the polluted soil and by disposing of them at a recognised facility.
- Non-biodegradable refuse such as glass bottles, plastic bags, metal scrap, etc., shall be stored in a container at a collecting point and collected on a regular basis and disposed of at a recognised disposal facility. Specific precautions shall be taken to prevent refuse from being dumped on or in the vicinity of the camp site.
- Biodegradable refuse generated from the office/camp site, processing areas vehicle yard, storage area or any other area shall either be handled as indicated above or be buried in a pit excavated for that purpose and covered with layers of soil, incorporating a final 0,5 metre thick layer of topsoil (where practicable). Provision should be made for future subsidence of the covering.

F 2.3.3 Rehabilitation of the office/camp site

- On completion of operations, all buildings, structures or objects on the camp/office site shall be dealt with in accordance with section 44 of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002), which states:
 - (1) *When a prospecting right, mining right, retention permit or mining permit lapses, is cancelled or is abandoned or when any prospecting or mining operation comes to an end, the holder of any such right or permit may not demolish or remove any building, structure, object -*

- Equipment used in the mining process must be adequately maintained so that during operations it does not spill oil, diesel, fuel, or hydraulic fluid.
- Machinery or equipment used on the mining area must not constitute a pollution hazard in respect of the above substances. The Regional Manager shall order such equipment to be repaired or withdrawn from use if he or she considers the equipment or machinery to be polluting and irreparable.

F 2.4.3 Waste disposal

- Suitable covered receptacles shall be available at all times and conveniently placed for the disposal of waste.
- All used oils, grease or hydraulic fluids shall be placed therein and these receptacles will be removed from the site on a regular basis for disposal at a registered or licensed disposal facility.
- All spills should be cleaned up immediately to the satisfaction of the Regional Manager by removing the spillage together with the polluted soil and by disposing of them at a recognised facility.

F 2.4.4 Rehabilitation of vehicle maintenance yard and secured storages areas

- On completion of mining operations, the above areas shall be cleared of any contaminated soil, which must be dumped as referred to in section F 2.4.3 above.
- All buildings, structures or objects on the vehicle maintenance yard and secured storage areas shall be dealt with in accordance with section 44 of the Mineral and Petroleum Resources Development Act, 2002.
- The surface shall then be ripped or ploughed to a depth of at least 300mm and the topsoil previously stored adjacent the site, shall be spread evenly to its original depth over the whole area. The area shall then be fertilised if necessary (based on a soil analysis).
- The site shall be seeded with a vegetation seed mix adapted to reflect the local indigenous flora.
- If a reasonable assessment indicates that the re-establishment of vegetation is unacceptably slow, the Regional Manager may require that the soil be analysed and any deleterious effects on the soil arising from the mining operation be corrected and the area be seeded with a seed mix to his or her specification.

F 3 OPERATING PROCEDURES IN THE MINING AREA

F 3.1 LIMITATIONS ON MINING

- The mining for precious stones shall take place only within the approved demarcated mining area.
- Mining may be limited to the areas indicated by the Regional Manager on assessment of the application.
- The holder of the mining permit shall ensure that operations take place only in the demarcated areas as described in section F 1.1.2 above.

- The area shall be fertilised if necessary to allow vegetation to establish rapidly. The site shall be seeded with a local or adapted indigenous seed mix in order to propagate the locally or regionally occurring flora.
- If a reasonable assessment indicates that the re-establishment of vegetation is unacceptably slow, the Regional Manager may require that the soil be analysed and any deleterious effects on the soil arising from the mining operation, be corrected and the area be seeded with a vegetation seed mix to his or her specification.

F 3.4 PROCESSING AREAS AND WASTE PILES (DUMPS)

F 3.4.1 Establishing processing areas and waste piles

- Processing areas and waste piles shall not be established within 100 metres of the edge of any river channel or other water bodies.
- Processing areas should be established, as far as practicable, near the edge of excavations to allow the waste, gravel and coarse material to be processed therein.
- The areas chosen for this purpose shall be the minimum reasonably required and involve the least disturbance to vegetation.
- Prior to development of these areas, the topsoil shall be removed and stored as described in paragraph F 2.1 above.
- The location and dimensions of the areas are to be indicated on the layout plan and once established, the processing of ore containing precious stones shall be confined to these areas and no stockpiling or processing will be permitted on areas not correctly prepared.
- Tailings from the extraction process must be so treated and/or deposited that it will in no way prevent or delay the rehabilitation process.

F 3.4.2 Rehabilitation of processing areas

- Coarse natural material used for the construction of ramps must be removed and dumped into the excavations.
- On completion of mining operations, the surface of the processing areas especially if compacted due to hauling and dumping operations, shall be scarified to a depth of at least 300mm and graded to an even surface condition and the previously stored topsoil will be returned to its original depth over the area.
- Prior to replacing the topsoil the material that was removed from the processing area will be replaced in the same order as it originally occurred.
- The area shall then be fertilised if necessary to allow vegetation to establish rapidly. The site shall be seeded with a local, adapted indigenous seed mix.
- If a reasonable assessment indicates that the re-establishment of vegetation is unacceptably slow, the Regional Manager may require that the soil be analysed and any deleterious effects on the soil arising from the mining

- (b) *the scope of the assessment;*
- (c) *the procedure used for the assessment;*
- (d) *the interpreted information gained from monitoring the approved environmental management programme or plan;*
- (e) *the evaluation criteria used during the assessment;*
- (f) *the results of the assessment; and*
- (g) *recommendations on how and when deficiencies that are identified and/or aspects of non-compliance will be rectified.*
- (4) *The holder of a prospecting right, mining right or mining permit may appoint an independent qualified person(s) to conduct the performance assessment and compile the performance assessment report provided that no such appointment shall relieve the holder of the responsibilities in terms of these regulations.*
- (5) *Subject to section 30(2) of the Act, the performance assessment report submitted by the holder shall be made available by the Minister to any person on request.*
- (6) *If upon consideration by the Minister, the performance assessment executed by the holder is not satisfactory or the report submitted by the holder is found to be unacceptable, the holder must-*
- (a) *repeat the whole or relevant parts of the performance assessment and revise and resubmit the report; and/or*
- (b) *submit relevant supporting information; and/or*
- (c) *appoint an independent competent person(s) to conduct the whole or part of the performance assessment and to compile the report.*
- (7) *If a reasonable assessment indicates that the performance assessment cannot be executed satisfactorily by the holder or a competent person(s) appointed by the holder, the Minister may appoint an independent performance assessment person(s) to conduct such performance assessment. Such appointment and execution shall be for the cost of the holder.*
- (8) *When the holder of a prospecting right, mining right or mining permit intends closing such operation, a final performance assessment shall be conducted and a report submitted to the Minister to ensure that -*
- (a) *the requirements of the relevant legislation have been complied with;*
- (b) *the closure objectives as described in the environmental management programme or plan have been met; and*
- (c) *all residual environmental impacts resulting from the holder's operations have been identified and the risks of latent impacts which may occur have been identified, quantified and arrangements for the management thereof have been assessed.*
- (9) *The final performance assessment report shall either precede or accompany the application for a closure certificate in terms of the Act.*

F 4.2 Compliance reporting / submission of information

- **Layout plans will be updated on a regular basis and updated copies will be submitted on a biennial basis to the Regional Manager**
- **Reports confirming compliance with various points identified in the environmental management programme will be submitted to the Regional Manager on a regular basis and as decided by the said manager**
- **Any emergency or unforeseen impact will be reported as soon as possible.**
- **An assessment of environmental impacts that were not properly addressed or were unknown when the programme was compiled shall be carried out and added as a corrective action.**

F 5 CLOSURE

When the holder of a mining permit or reconnaissance permission intends closing down his/her operations, an environmental risk report shall accompany the application for closure. The requirements of such a risk report is contained in Regulation 60 of the Regulations promulgated in terms of the Act and is quoted below :

F 5.1 ENVIRONMENTAL RISK REPORT

An application for a closure certificate must be accompanied by an environmental risk report which must include-

- (f) a description of the methods to decommission each prospecting or mining component and the mitigation or management strategy proposed to avoid, minimize and manage residual or latent impacts;
- (g) details of any long-term management and maintenance expected;
- (h) details of financial provision for monitoring, maintenance and post closure management, if required;
- (i) a plan or sketch at an appropriate scale describing the final land use proposal and arrangements for the site;
- (j) a record of interested and affected persons consulted; and
- (k) technical appendices, if any.

F 5.4 TRANSFER OF ENVIRONMENTAL LIABILITIES TO A COMPETENT PERSON

Should the holder of a prospecting right, mining permit or reconnaissance permission wish to transfer any environmental liabilities and responsibilities to another person or persons, the following will pertain:

- (1) An application to transfer environmental liabilities to a competent person in terms of section 48) of the Act, must be completed on Form O as set out in Annexure 1 to the Regulations and be lodged to the Minister for consideration.
- (2) The holder of a prospecting right, mining right or mining permit may transfer liabilities and responsibilities as identified in the environmental management plan and the required closure plan to a competent person as contemplated in Regulation 58.
- (3) When considering the transfer of environmental liabilities and responsibilities in terms of section 48) of the Act, the Minister must consult with any State department which administers any law relating to matters affecting the environment.
- (4) No transfer of environmental liabilities and responsibilities to a competent person may be made unless the Chief Inspector of Mines and the Department of Water Affairs and Forestry have confirmed in writing that the person to whom the liabilities and responsibilities is transferred to, have the necessary qualifications pertaining to health and safety and management of potential pollution of water resources.

F 5.5 NOTES ON LEGAL PROVISIONS

NOTE:

The holder of a prospecting right, mining permit or reconnaissance permission must also take cognisance of the provisions of other legislation dealing with matters relating to conservation, and which include, *inter alia*, the following:

- * National Monuments Act, 1969 (Act 28 of 1969).
- * National Parks Act, 1976 (Act 57 of 1976)
- * Environmental Conservation Act, 1989 (Act 73 of 1989)
- * National Environmental Management Act, 1998 (Act No. 107 of 1998)
- * Atmospheric Pollution Prevention Act, 1965 (Act 45 of 1965)
- * The National Water Act, 1998 (Act 36 of 1998)
- * Mine Safety and Health Act, 1996 (Act 29 of 1996)
- * The Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983).

J. APPROVAL

Approved in terms of Section 39(4) of the Mineral and Petroleum Resources Development Act, 2002 (Act 29 of 2002)

Signed at.....this.....day

of.....2010

.....

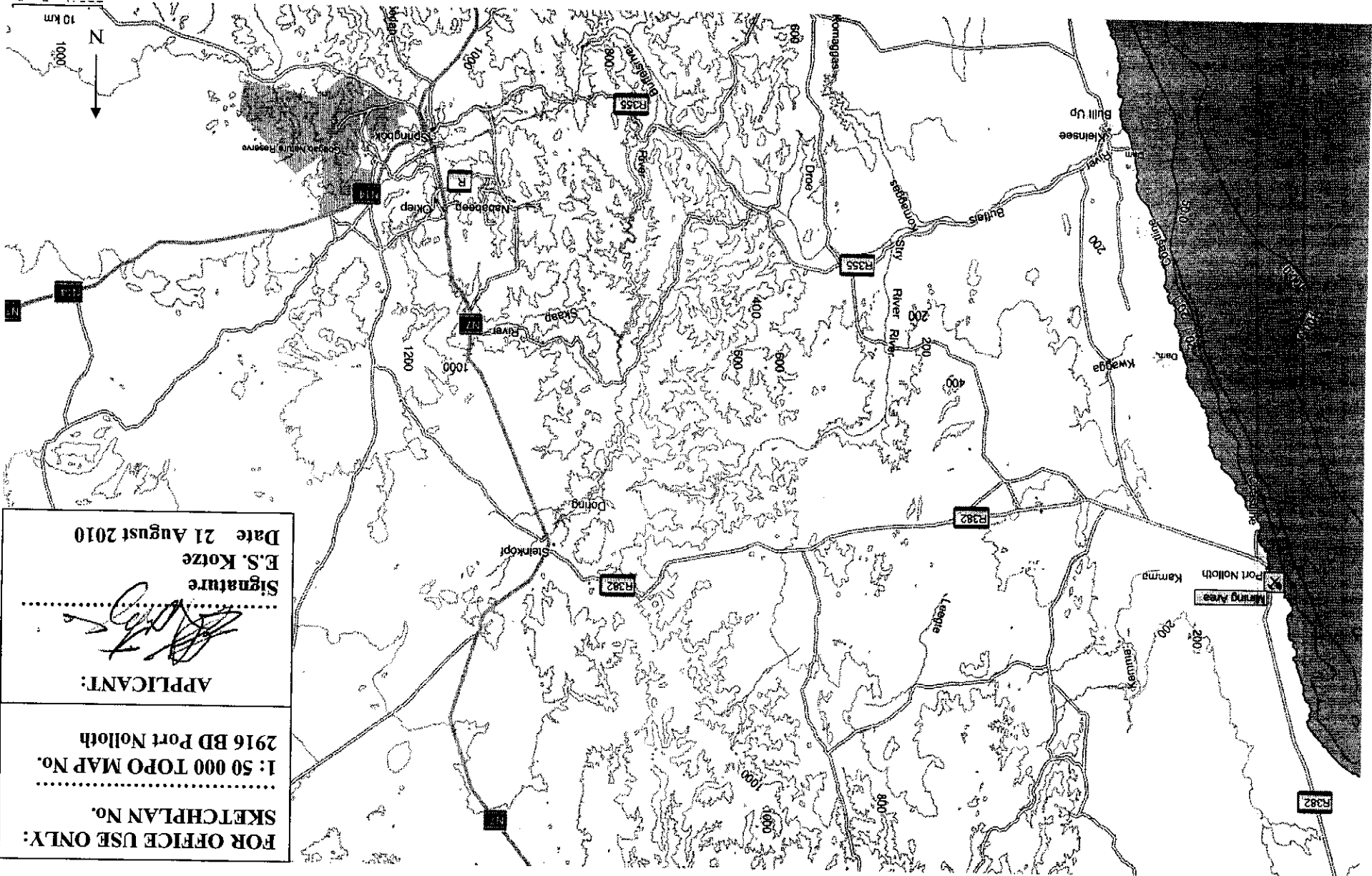
REGIONAL MANAGER

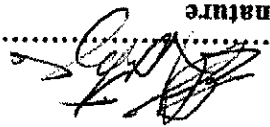
REGION: NORTHERN CAPE

This document has been compiled by the Directorate: Mine Environmental Management of the Department of Minerals and Energy at their Head Office in Pretoria. Any comments, suggestions or inputs will be sincerely appreciated. If you have any comments or suggestions regarding this document or its application, please forward your contribution to:

The Director: Mine Environmental Management Tel : 012 317 9288
Private Bag X 59 Fax: 012 320 6786
PRETORIA
E-mail: dorothy@mepta.pwv.gov.za

APPENDIX 1a Locality plan contemplated in regulation 2(2) read with regulation 2(3) of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 30 of 2002)



<p>FOR OFFICE USE ONLY: SKETCHPLAN No. I: 50 000 TOPO MAP No. 2916 BD Port Nolloth</p>	<p>APPLICANT:  Signature E.S. Kotze Date 21 August 2010</p>
---	---



APPENDIX 1c Landscape

APPENDIX 2: ESTIMATED REHABILITATION COST

1 General

The area will be rehabilitated with the original land use mariculture in mind and the productivity of the area after closure will be the same as before mining operations started. Due to the specific nature of this operation there will be no impact on the natural or social environment and the applicant has only make provision for unforeseen impacts.

Rehabilitation cost is estimated with the proposed end-state in mind and is calculated according to the categories listed in Section F of the EMP. Although the applicant has his own equipment the tariffs for equipment is based on local hiring tariffs in Springbok the nearest town.

2 Estimated rehabilitation cost including old disturbances

2.1 Rehabilitation of access roads

No access roads will be constructed only existing farm roads will be used.

Cost: R0.00

2.2 Rehabilitation of the office/camp site

No permanent structure will be build and operations will be run from Port Nolloth 2Km away.

Cost: R0.00

2.3 Rehabilitation of vehicle maintenance yard and secured storage areas

Mining will take place by hand.

Cost: R0.00

2.4 Rehabilitation of excavation areas

Mining is taking place within a dam that will be filled with sea water for the cultivation of abalone an therefore backfilling is not an option and only the dam floor needs to be leveled. No dumps will be created and rehabilitation will only include profiling.

Extent:

15 000m²
10 hours.

Duration of rehabilitation: @ 4 hours per Ha

Equipment required:

- Manual labor @ R200.00/h for levelling of dam floor

R 2 000.00
R 2 000.00

Cost: