



mineral resources & energy

DMRE 11

Department:
Mineral Resources and Energy
REPUBLIC OF SOUTH AFRICA

Private Bag X33, Welkom, 9460, Tel: 057 391 1342, Fax: 057 357 6003

The Strip Building, 314 Stateway Street, Welkom, 9459

Enquiries: Ms. T.J. Makhokha Ref: FS 30/5/1/2/3/2/1 (10057) EM

E-Mail Address: Tshifiwa.Makhokha@dmre.gov.za

Sub-Directorate: Mine Environmental Management

BY REGISTERED MAIL

The Directors

Mahoko Recovery and Refining (Pty) Ltd

P.O Box 3566

Halfway House

1685

Attention: Mr. P.L. Mahoko

Fax no: 083 690 3780



ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 of 1998) AS AMENDED (NEMA), THE ENVIRONMENTAL IMPACT ASSESSMENT (EIA) REGULATIONS 2014 AS AMENDED, FOR MINING RIGHT ON PORTION 6 OF THE FARM SAAIPLAAS 690, SITUATED WITHIN THE MAGISTERIAL DISTRICT OF VIRGINIA IN THE FREE STATE PROVINCE.

With reference to the abovementioned application, please be advised that the Department has decided to grant an environmental authorisation in terms of the National Environmental Management Act, 1998 (Act 107 of 1998). 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 as amended 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 an 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 (Free State 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 as amended by means of the methods as per prescribed below:

Appeal must be submitted in writing to the Department of Environmental Affairs


Attention : Adv M. Rakgogo, Acting Director: Appeals and legal Review
Email : appeals@environment.gov.za
Tel : (012) 399 9626
By post : Private Bag X447, Pretoria, 0001
By hand : Environmental House, (473 Steve Biko) Corner Steve Biko and
Soutpansberg Street, Arcadia, Pretoria, 0083

Copy of the lodged appeal to the Department of Mineral Resources

Attention : Regional Manager: Free State Region
By facsimile : 057 357 6003
E-mail : mamokete.mpatane@dmre.gov.za
By post : Private Bag X33, Welkom, 9460
By hand : The Strip Building, 314 Stateway Street, Welkom, 9459

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 parties, and a copy of the official appeal form can be obtained from the Department of Environmental Affairs.

Your Faithfully



K. KEWUTI
REGIONAL MANAGER: MINERAL REGULATION

FREE STATE REGION

DATE: 28/05/2021



mineral resources & energy

Department:
Mineral Resources and Energy
REPUBLIC OF SOUTH AFRICA

DMRE 11

Private Bag X33, Welkom, 9460, Tel: 057 391 1323, Fax: 057 357 6003
The Strip Building, 314 Stateway Street, Welkom, 9459

GRANTED ENVIRONMENTAL AUTHORISATION

Reference number: FS 30/5/1/2/3/2/1 (10057) EM
Last amended: First Issue
Holder of Authorisation: Mahoko Recovery and Refining (Pty) Ltd
Location of activity: In respect of portion 6 of the farm Saaiplaas 690, situated within the Magisterial district of Virginia in the Free State province.

DECISION



ACRONYMS

NEMA: The National Environmental Management Act, 1998 (Act 107 of 1998), as amended
DEPARTMENT: Department of Mineral Resources
EA: Environmental Authorisation
EA Integrated Environmental Authorisation
EMPr: Environmental Management Programme
BAR: Basic Assessment Report
S&EIR: Scoping and Environmental Impact Report
I&AP: Interested and Affected Parties

ECO: Environmental Control Officer
SAHRA: South African Heritage Resources Agency
EIA
REGULATIONS: EIA Regulations, 2014
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
NWA: National Water Act, 1998 (Act 36 of 1998) as amended
EIA: Environmental Impact Assessment.

FINANCIAL PROVISIONING REGULATIONS: The National Environmental Management Act, 1998 (Act 107 of 1998), Regulations Pertaining to the Financial Provision for prospecting, Exploration, mining or Production operations

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this environmental authorisation, that the company should be authorised to undertake **NEMA EIA** listed activity specified below. Details regarding the basis on which the Department reached this granting decision are set out in **Annexure "1"** and **"2"** of this environmental authorisation.

ACTIVITY APPLIED FOR

By virtue of the powers conferred on it by NEMA, the Department hereby **Grants** an EA to **Mahoko Recovery and Refining (Pty) Ltd** with the following contact details –

Mahoko Recovery and Refining (Pty) Ltd
P. O Box 3566
Halfway House
1685

Contact person: Mr. P.L. Mahoko
Fax: 086 609 8740
E-mail: mahokoresources@hotmail.com



to undertake the following activities listed in the EIA Regulations 2014:

NEMA: Listed Activities:

Listed in the EIA Regulations R.325 of 2014 as amended:-

ACTIVITY NUMBER	LISTED ACTIVITY
NEMA LISTING NOTICE 2 GNR.325	
GNR 325 Listing Notice 2 Activity 17:	<p>Any activity including the operation of that activity which requires a mining right as contemplated in section 22 of the Mineral and Petroleum Resources Development Act, 2002 (Act No.28 of 2002), including</p> <ul style="list-style-type: none"> (a) Associated infrastructure, structures and earthworks, directly related to the extraction of a mineral resource; or (b) The primary processing of a mineral resource including winning, extraction, classifying, concentrating, crushing, screening or washing; <p>But excluding the secondary processing of a mineral resource, including the smelting, beneficiation, reduction, refining, calcining or gasification of the mineral resource in which case activity 6 in this Notice applies.</p>

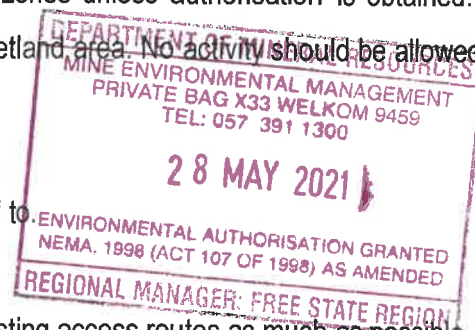
Detailed specifications of the activity are as follows:

Mining right activity details are as follows:	
Area under application – 7.3 ha	
The operation of mining that will be adopted for this operation will be opencast mining for gold and sand from the waste dump;	
<p>The equipment that will be used for this operation will be front end loader, dump trucks, conveyor belts and sizing plant; and</p> <p>Existing gravel road used to link the proposed mine dump and the main road will be used;</p>	

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

EA SITE SPECIFIC CONDITIONS

1. Avifaunal species identified within the project area must be protected.
2. All areas of sensitivity must be taken into consideration and avoided during the design of infrastructure layout.
3. Indigenous animals and birds that are found in the area must not be harmed and must be protected as far as it is practicable.
4. 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).
5. All development footprint areas and areas affected by the activity must remain as small as possible and must not encroach onto the surrounding sensitive areas and the associated buffer zones.
6. Wetland and riverine areas are to be considered as no go zones unless authorisation is obtained. All construction activities must remain outside the demarcated wetland area. No activity should be allowed to encroach on to wetland systems.
7. Recommendations from all specialist reports must be adhered to.
8. The construction vehicle and machinery must make use of existing access routes as much as possible, before adjacent areas are considered for access.
9. The operational activities and relevant rehabilitation of disturbed areas should be monitored against the improved EMPr and all other relevant environmental legislation.
10. A copy of the EMP should be made available onsite at all times.
11. You have to implement all the proposed mitigation measures set out in the EMPr.
12. All the vehicles must be maintained off site at the contractor's workshop and no workshop to be established.



ANNEXURE 1: REASONS FOR THE DECISION

1. Background

Mahoko Recovery and Refining (Pty) Ltd submitted an application for an EA for activities listed in the EIA Regulations 2014 as amended as:

NEMA: Listed Activities:

Listed in the EIA Regulations R.325 of 2014 as amended:-

ACTIVITY NUMBER	LISTED ACTIVITY
NEMA LISTING NOTICE 2 GNR.325	
GNR 325 Listing Notice 2 Activity 17:	Any activity including the operation of that activity which requires a mining right as contemplated in section 22 of the Mineral and Petroleum Resources Development Act, 2002 (Act No.28 of 2002), including (a) Associated infrastructure, structures and earthworks, directly related to the extraction of a mineral resource; or (b) The primary processing of a mineral resource including winning, extraction, classifying, concentrating, crushing, screening or washing; But excluding the secondary processing of a mineral resource, including the smelting, beneficiation, reduction, refining, calcining or gasification of the mineral resource in which case activity 6 in this Notice applies.

Mahoko Recovery and Refining (Pty) Ltd appointed Engedi Mineral and Energy (Pty) Ltd to undertake the Scoping and EIA process as required by Regulation 21 and 23 of the EIA Regulations 2014 as amended.

2. Information considered in making the decision

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

- The information contained in the application form received by the Department on the **10th of December 2019**;
- The information contained in the Scoping report received by the Department on the **19th of February 2020**;



- c) The information contained in the Revised Environmental Impact Assessment Report (EIAR) received by the Department on the **11th of November 2020**;
- d) The objectives and requirements of the applicable and relevant legislation, policies and guidelines and the EIA Regulations of 2014 as amended; and
- e) The PPP process attached in the EIA and EMPR and the attendance register attached in the EIA and EMPR;
- a) The Ecological Survey submitted to this office on the **14th of May 2021** compiled by Mr. P.J. du Preez from EnviroNiche Consulting;
- b) The Archeological Impact Assessment submitted to this office on the **14th of May 2021** compiled by Mr. N. Mathoho from Millenium Heritage Group;
- c) The applicant has complied with the provisions of the NEMA: Regulations Pertaining to the Financial Provision for Prospecting, Exploration, Mining or Production Operations by committing to provide financial provision as per regulation 8 read with regulation 11 of the said Regulations. The applicant had provided an amount of **R 128, 074.49 (One Hundred and Twenty Eight Thousand Seven Four Rand and Forty Nine Cents only)** as financial provision for rehabilitation purposes to cater for rehabilitation; and
- d) The findings of the pre-approval inspection conducted by Ms. T.J. Makhokha and Ms. N.Mhlarhi of this Department with Mr. M. Mahoko representative of Mahoko Recovery and Refining (Pty) Ltd on the 02nd of October 2020.

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) A sufficient PPP was undertaken and the company has satisfied the minimum requirements as prescribed in the EIA Regulations for public involvement;



- b) The environmental impacts associated with the activities will be addressed by the implementation of mitigation measures outlined in the revised EIA and EMPR compiled by Engedi Mineral and Energy (Pty) Ltd and submitted to the Department on the 11th of May 2018.

4. Findings

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

- a) The potential impacts on the site were clearly investigated and mitigation measures outlined.
- b) The PPP has complied with Chapter 6 of the EIA Regulations R.982 of 2014. The PPP included, *inter-alia*, the following:
- Background information document,
 - Notification letter to land owners,
 - Notification letter to Regulatory authorities,
 - A newspaper advertisement was placed on the local newspaper dated 17 January 2020 for Scoping Report and 28 August 2020 for EIAR and EMPr,
 - Notices were placed at the project site,
 - Correspondence to and from IAPs,
 - Comments received during the review process, and
 - I&AP Database.



ANNEXURE 2: DEPARTMENTAL STANDARD CONDITIONS

1. SCOPE OF AUTHORISATION

- 1.1 The holder of the EA shall be responsible for ensuring compliance with the conditions contained in the EA. This includes any person acting on the holder's behalf, including but not limited to an agent, servant, contractor, subcontractor, employee, consultant or any person rendering a service to the holder of EA.
- 1.2 Any changes to, or deviation from the project description set out in this EA and the approved EMPr must be approved in writing by the Department before such changes or deviation may be effected. In assessing whether to grant such approval or not, the Department may request such information as is deemed necessary to evaluate the significance and impacts of such changes or deviation and it may be necessary for the holder of the EA to apply for further authorisation in terms of the EIA Regulations 2014 as amended.
- 1.3 The activity (ies), which is/are authorised, may only be carried out at the property (ies) indicated in the EA and or on the approved EMPr.
- 1.4 Where any of the holder of the EA contact details change including name of the responsible person, physical or postal address/ or telephonic details, the holder of the EA must notify the Department as soon as the new details become known to the holder of the EA.
- 1.5 The EA does not negate the responsibility of the holder to comply with any other statutory requirements that may be applicable to the undertaking of such activity (ies).
- 1.6 The holder of EA must ensure that all areas where the authorized activities occur have controlled access to ensure safety of people and animals.

2. APPEAL OF AUTHORISATION

- 2.1 The holder of the EA must in writing, within 14 (fourteen) calendar days from the date of this decision and in accordance with regulation 4(2) of the EIA Regulation do the following:
- 2.2 Notify all registered I&APs of –



2.2.1 The outcome of the application;

2.2.2 The date of the decision;

2.2.3 The date of issue of the decision and;

2.2.4 The reasons for the decision as included in Annexure 1 and Departmental Standard Conditions in Annexure 2.

2.3 Draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the NEMA: National Appeals Regulations,

2.4 Draw the attention of all registered I&APs to the manner in which they may access the decision.

2.5 Provide the registered I&APs with:

2.5.1 Name of the holder (entity) of this EA

2.5.2 Name of the responsible person for this EA

2.5.3 Postal address of the holder;

2.5.4 Telephonic and fax details of the holder and

2.5.5 E-mail address of the holder if any.



3. COMMENCEMENT OF THE ACTIVITY (IES)

3.1 The facilities and infrastructure outlined in the revised EIR and EMPr dated the 11th of May 2018 must be constructed on the site identified for the activity.

3.2 Water from the mining area and related activities must be treated before it is discharged into any natural watercourse or water system.

3.3 Water monitoring must be done as per the conditions set out in the water use license or as per DWS standards.

3.4 Mining and related activities must be implemented and managed in a way that pollution and reduction of ground water is prevented.

3.5 Environmental damage must be minimised to the extent that they are acceptable to all parties involved.

3.6 All other monitoring and mitigation measures outlined in the EIA and EMPR must be strictly adhered to at all times.

- 3.7 No activity is to occur within wetlands and their 100m buffer zones, within rivers and their 100m buffer zones/ 1: 100 year flood line without the necessary authorization under NEMA and NWA.
- 3.8 Protected species must remain in situ until the necessary permits are obtained under NEM: BA.
- 3.9 Heritage sites and 50m buffer zones must be preserved at all times unless the necessary permits are obtained under SAHRA.
- 3.10 In order to ensure safety, all employees must be given the necessary personnel protective equipment (PPE).
- 3.11 This EA must be provided to the site operator and the requirements thereof must be made fully known to him or her.
- 3.12 Access routes for mining vehicles and machinery must be clearly marked and appropriate signalling must be posted to that effect. Furthermore, movement of mining vehicles and machinery must be restricted to areas outside of the drainage line or wet areas.
- 3.13 Appropriate notification sign must be erected at the mining site, warning the public (residents, visitors etc.) about the hazard around the mining area and presence of heavy vehicles and machinery.
- 3.14 Mining must include design measures that allow surface and subsurface movement of water along the drainage lines so as not to impede natural surface and subsurface water flow, and drainage measures must promote the dissipation of storm water runoff.
- 3.15 The holder of the EA must note that in terms of the National Forest Act, 1998 (Act No.84 of 1998) protected plant species, also listed in must not be cut, disturbed, damaged, destroyed and their products must not be possessed, collected, removed, transported, exported, donated, purchased or sold unless permission is granted by the Department of Agriculture, Forestry and fisheries.
- 3.16 Any activity proposed within the water courses and associated buffer zones, including rehabilitation must be authorized by the DWS in terms of section 21 (c) & (i) of the National Water Act, 1998 (Act 36 of 1998).
- 3.17 The mining activity foot print must fall outside the 1:100 year flood line of the watercourse or 100m from the edge of the feature, whichever distance is the greatest.
- 3.18 Mining activities must not take place on sensitive areas as indicated on the sensitivity map, the sensitivity map must be considered when selecting areas to be disturbed.
- 3.19 If any soil contamination is noted at any phase of the proposed activity (ies), the contaminated soil must be removed to a licensed waste disposal facility and the site must be rehabilitated to the satisfaction of this Department and Department of Water and Sanitation. The opportunity for the onsite remediation and re-use of contaminated soil must be investigated prior to the disposal and this Department must be informed in this regard.
- 3.20 An integrated waste management approach must be implemented that is based on waste minimization and must incorporate avoidance, reduction, recycling, treatment, reuse and disposal where appropriate.

