



DEPARTMENTAL REFERENCE NO: To be confirmed

Applicant:

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BACKGROUND INFORMATION DOCUMENT

19 August 2019

To whom it may concern

RE: NOTICE OF APPLICATION IN TERMS OF SECTION 27 OF THE MINERALS AND PETROLEUM RESOURCES DEVELOPMENT ACT, 2002 (ACT NO 28 OF 2002) AND THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998 NEMA) AS WELL AS THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED 2017).

BACKGROUND INFORMATION

Portion 0 (Remaining Extent) of the farm Akermans Kraal 11 RD in the Aliwal-North magisterial district is mainly used for agricultural purposes (crop cultivation & grazing). In 2014, the land use of the property was extended to include sand mining from the riverbed of the Orange River within a 1.2 ha area (Permit No: EC 1/2014 MP). Upon expiry of the said permit the landowner, Yellowwood Trust ("hereinafter referred to as "the Applicant"), identified the need to mine the sand resource from the Orange River. The Applicant therefore intends applying for a sand mining permit over a 2.8 ha area that extends across the previous sand mining footprint (see Figure 1). The proposed mining footprint was restricted to the already disturbed areas on the farm, so as to limit the removal of natural occurring vegetation.

SITE DESCRIPTION

The proposed site is located ±12 km north-west of Aliwal-North on the western bank of the Orange River. The extent of the proposed mining footprint is 2.8 ha, and the GPS coordinates of the area are as listed below.

GPS COORDINATES OF MINING PERMIT AREA	
DEGREES MINUTES SECONDS	DECIMAL DEGREES
A. 30°40'18.12"S; 26°38'03.23"E	A. -30.671690°S; 26.634230°E
B. 30°40'17.58"S; 26°38'04.53"E	B. -30.671544°S; 26.634593°E
C. 30°40'18.68"S; 26°38'06.69"E	C. -30.671856°S; 26.635192°E
D. 30°40'19.96"S; 26°38'05.92"E	D. -30.672211°S; 26.634977°E
E. 30°40'20.48"S; 26°38'06.85"E	E. -30.672355°S; 26.635237°E
F. 30°40'19.09"S; 26°38'07.59"E	F. -30.671967°S; 26.635443°E

the goal isn't to live forever, it is to protect a planet that will

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GPS COORDINATES OF MINING PERMIT AREA	
DEGREES MINUTES SECONDS	DECIMAL DEGREES
G. 30°40'19.43"S; 26°38'10.22"E	G. -30.672064°S; 26.636172°E
H. 30°40'25.73"S; 26°38'09.58"E	H. -30.673813°S; 26.635994°E
J. 30°40'25.52"S; 26°38'06.31"E	J. -30.673755°S; 26.635085°E
K. 30°40'20.94"S; 26°38'07.15"E	K. -30.672482°S; 26.635319°E
L. 30°40'20.07"S; 26°38'05.88"E	L. -30.672243°S; 26.634966°E
M. 30°40'25.01"S; 26°38'02.85"E	M. -30.673615°S; 26.634126°E
N. 30°40'24.81"S; 26°38'01.47"E	N. -30.673560°S; 26.633741°E
P. 30°40'21.17"S; 26°38'03.79"E	P. -30.672547°S; 26.634385°E



Figure 1: Satellite view of the proposed mining permit area of Yellowwood Trust (red polygon) in relation to the previous permit area (blue polygon).

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LEGAL COMPLIANCE

The proposed project triggers the following listed activities in terms of the National Environmental Management Act, 1998 (Act 107 of 1998) and the Environmental Impact Assessment Regulations 2014 (as amended 2017) and therefore requires an environmental impact assessment (EIA) (basic assessment process) that assess project specific environmental impacts and alternatives, consider public input, and propose mitigation measures, to ultimately culminate in an environmental management programme that informs the competent authority (Department of Mineral Resources) when considering the environmental authorisation:

■ GNR 327 Listing Notice 1 of 2017 Activity 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.

■ GNR 327 Listing Notice 1 of 2017 Activity 21:

Any activity including the operation of that activity which requires a mining permit in terms of section 27 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.*

■ GNR 327 Listing Notice 1 of 2017 Activity 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.*

■ GNR 327 Listing Notice 1 of 2017 Activity 26:

Residential, retail, recreational, tourism, commercial, or institutional developments of 1 000 square meters or more, on land previously used for mining or heavy industrial purposes.



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GNR 324 Listing Notice 3 of 2017 Activity 12:

The clearance of an area of 300 square meters or more of indigenous vegetation.

i) Eastern Cape Province

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.

OTHER LEGISLATION TRIGGERED BY THE PROPOSED PROJECT:

■ An application for a Mining Permit in terms of Section 27 of the Mineral and Petroleum Resources Development Act, 2002 (Act No 28 of 2002) will be submitted to the Department of Mineral Resources – Eastern Cape Province.

■ An application for a water use authorisation will be submitted to the Department of Water and Sanitation in terms of the National Water Act, 1998 (Act No 36 of 1998).

PROJECT DESCRIPTION

Yellowwood Trust Ltd intends applying for a permit to mine sand from a portion of Portion 0 (Remaining Extent) of the farm Akermans kraal 11 in the Aliwal-North magisterial district of the Eastern Cape Province. The proposed mining footprint will be 2.8 ha and will be developed over an area previously used for the mining of sand from the riverbed. The position of the permit area was chosen to avoid the disturbance of natural occurring vegetation.

The proposed operation is representative of the small scale mining industry where the mineral (sand) is loaded with an excavator onto tractor-drawn tippers that will haul the sand from the river to the stockpile area (within the 2.8 ha mining area). At the stockpile area the sand will be screened (if required) and stockpiled until loaded by a front-end-loader (FEL) onto trucks that will transported the material to clients. All mining related activities will be contained within the approved mining permit boundaries, and from previous experience it is known that the river will annually replenish the sand resource during periods of high flow (approximately October – March). No mining will take place during these high flow periods, and all machinery and equipment will be removed from the riverbed.

The proposed sand mine will appoint ±4 employees, and due to the small scale of the operation no permanent infrastructure, other than a chemical toilet and the sand screen, will be established within the mining footprint. The Applicant has an existing workshop ±3 km from the proposed mining area where chemicals and fuels will be stored and vehicle/equipment maintenance will be done.

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ACCESS ROUTE:

- The proposed mining area will be reached via an existing farm road that has previously been used to access the mining area.
- Access into the river will be via the existing path that extends from the stockpile area to the riverbed.

WATER USE:

- No washing of sand is needed and water requirements will mainly be for dust suppression on the access road.
- Any water required for the implementation of the project will be bought and transported to site.

ELECTRICITY USE:

- The proposed project will make use of the existing power supply at the site (used by the previous sand mine).
- No new connections or upgrade of the power infrastructure is required.

BRIEF SITE DESCRIPTION

GEOLOGY:

Sand transported from Lesotho and the larger upstream catchment is deposited during periods of high flow into the Orange River. The upper part of the catchment consists of Basalt from the Drakensberg, which overlies various layers of sandstone from the Clarens, Elliot and Molteno formations. Below these, the Karoo sediments from the Beaufort Group occur and the river flows through these for the last couple of kilometres, before reaching the study area. In close proximity to the identified sand bank, an intrusive dolerite ridge extends into the river from the eastern bank that creates eddies in the river (high flow). These ensure that the sandbank on the western bank is continuously replenished.

HYDROLOGY:

The proposed mining area will be within the riverbed of the Orange River (along the western bank) that is located within the Kraai Sub-Water Management Area which is managed as part of the Upper Orange Water Management Area by the Department of Water and Sanitation (DWS). As mentioned earlier, the earmarked sandbank in the river has previously been mined. This application intends to win sand from the same sandbank during low flow periods, without mining having an impact on the flow of the river. A freshwater impact assessment will assess the potential impacts of the proposed mining operation on the Orange River system.

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FAUNA AND FLORA:

According to Mucina and Rutherford (2012) the vegetation type of the surrounding natural areas are known as the Upper Gariiep Alluvial Vegetation (AZa4) which is listed as a vulnerable ecosystem. According to the Eastern Cape Biodiversity Conservation Plan (as shown in the figure below), the proposed mining area falls within a Critical Biodiversity Area (CBA 2). As mentioned earlier, the site specific footprint of the proposed sand mine was chosen to extend over the previously disturbed areas (refer to Figure 1) and no undisturbed alluvial vegetation needs to be removed to allow the continuation of the proposed activity.

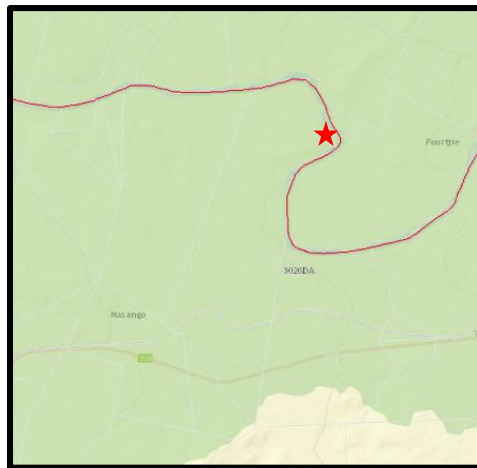


Figure 2: Proposed mining area (red star) in relation to the CBA 2 area (shaded green area).

Although the proposed project will not necessitate the removal of undisturbed alluvial vegetation, the removal of some indigenous vegetation may be necessary should these plants germinate within the proposed stockpile area during periods of low mining activity. Activity 12 of Listing Notice 3 was therefore included as a possible listed activity that may be triggered by the proposed project.

The fauna present within the boundaries of the property mainly comprise of cattle with some natural occurring small mammals, reptiles and various bird species. No resident protected or red data faunal species were identified within the earmarked footprint, and the project is expected to have a negligible impact in this regard. As mining will only take place during the dry periods, no impact on the river's aquatic life is expected. This will be verified by the freshwater specialist.

LAND USE:

The project area is located in the Walter Sisulu municipal area, with Aliwal-North being the nearest town. The land use of the earmarked property and surrounding farms mainly comprise extensive agricultural practices such as centre pivot irrigation, dry land crop cultivation and grazing (cattle), mixed with occasional small scale mining.



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AIR AND NOISE QUALITY:

According to the wind statistics as presented on Windfinder.com the prevalent wind direction distribution for the Aliwal-North area is in a north-western direction for most of the year. During the summer months the wind may also blow towards the south-east. Due to the nature of the operations the dust levels are expected to be low.

The ambient noise levels of the greater surrounding area is low, with the noise levels of the study area (immediate surroundings) being very low and only impacted on by the various farming operations. Due to the small scale of the proposed operation the cumulative impact on the noise levels of the receiving environment is expected to be negligible.

HERITAGE:

The proposed mining footprint where selected over an area that has previously been used for sand mining and therefore no sites of archaeological or cultural importance is expected within the footprint. The approved EMPR of the previous mining permit states that: "*Although the surrounding area is rich in fossils they do not occur in the vicinity of the mining area*".

FINAL REHABILITATION

Due to the nature of the project, no permanent buildings/infrastructure will have to be removed upon closure of the mining area. The decommissioning phase will mainly entail the removal of the mining equipment from the riverbed, removal/levelling of all stockpiles the chemical toilet and sand screen, and the landscaping of the stockpile footprint to return it to agricultural use. At this stage the following baseline rehabilitation actions are proposed from which a detailed closure plan will be developed:

- Rehabilitation of all the disturbed surface areas shall entail landscaping, levelling, sloping, top dressing, land preparation, seeding (if required), and weed / alien clearing.
- All equipment, and other items used during the mining period will be removed from the site in accordance with section 44 of the MPRDA, 2002.
- Waste material of any description, including receptacles, scrap, rubble and tyres, will be removed entirely from the mining area and disposed of at a recognized landfill facility. It will not be permitted to be buried or burned on the site.
- The rehabilitation area will be cleared of weeds and invader plant species. Priority will be given to species regarded as Category 1a and 1b invasive species in terms of NEM:BA (National Environmental Management: Biodiversity Act 10 of 2004 and regulations applicable thereto).
- Final rehabilitation shall be completed within a period specified by the Regional Manager.



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APPLICATION FOR CLOSURE

Once the full mining area was rehabilitated the mining permit holder will submit a closure application to the Department of Mineral Resources in accordance with section 43(4) of the MPRDA, 2002 that states: “An application for a closure certificate must be made to the Regional Manager in whose region the land in question is situated within 180 days of the occurrence of the lapsing, abandonment, cancellation, cessation, relinquishment or completion contemplated in subsection (3) and must be accompanied by the prescribed environmental risk report”. The Closure Application will be submitted in terms of Regulation 62 of the MPRDA, 2002, and Government Notice 940 of NEMA, 1998.

PUBLIC INVOLVEMENT

This document is to inform you about the proposed activity and to determine whether there are any concerns or objections from interested and affected parties (I&AP's) that need to be considered.

As interested and affected party you are kindly requested to complete the comments form and give any comment/concern or input with regard to the current land use of the area, the environment as well as socio-economic conditions that you feel might be affected by the proposed activity. When submitting response please provide suggestions to mitigate the anticipated impact of each identified activity.

Please contact Christine Fouche at the contact details as presented in the letterhead or at christine.f@greenmined.co.za through any means should you need more information, have additional language requirements, have concerns or comments that need to be considered or if you want to be registered as an interested and/or affected party and would like to receive a copy of the Draft Basic Assessment (DBAR) on or before 20 September 2019. If we do not receive any comments from you on or before 20 September 2019, it will be accepted that you do not have any objections/comments with regard to the project and do not require any further documentation.

A register of interested and affected parties (I&AP's) will be opened and maintained containing the names, contact details and address of all persons who have submitted written comments, attended meetings or have in writing requested to be registered and all organs of state which have jurisdiction in respect of the activity. Please note that only registered I&AP's and stakeholders will be entitled to comment on reports and plans to be submitted to the Department provided that the party provide its name, contact details and address and discloses any direct business, financial, personal or other interest which he/she may have in the approval or refusal of the applications.

The Draft Basic Assessment Report (DBAR) will be submitted to the Department of Mineral Resources – Eastern Cape (DMR) for review purposes. This report will also be made available to the public for a 30 days review period. An electronic copy of the report will be published on the Greenmined Environmental website



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(www.greenmined.com). All registered I&AP's and stakeholders will be notified of the commenting period in advance as above.

The DBAR will then be updated to reflect the comments received during the public commenting period. Thereafter, the Final Basic Assessment Report (FBAR) will be submitted to DMR for its consideration as part of the authorization process in terms of the NEMA, 2014 regulations (as amended 2017). A copy of the final report will be made available on the Greenmined Environmental website. All registered I&AP's and stakeholders will be notified in writing within 14 days of the date of the decision of the outcome of the application, including the reasons for the decision and the right of appeal.

CONTACT DETAILS

Name/Name	
Organisation/Instansie	
Interest/Belange	
Postal Address/Pos Adres	
Tel	
Fax/Faks	
E-mail/E-pos	



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COMMENTS/ OPMERKINGS

Object / No Objection:	
Request additional information:	
Concerns:	

Signature: _____



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Are there any other organisations or individuals that you feel should be invited to comment? If so, please provide their contact details:

Contact name:
Organisation (if applicable):
Address:
Tel:
Fax
E-mail

Your feedback is valued and will be addressed appropriately.

Kind Regards

A handwritten signature in black ink that reads 'Fouche'.

.....
Christine Fouche
Greenmined Environmental