

ZANDBERG SANDPUT (PTY) LTD

**APPLICATION TO EXPAND THE EXISTING MINING RIGHT
FOOTPRINT OF THE ZANDBERG SAND MINE**

COMMENTS AND RESPONSE REPORT

DEPARTMENTAL REFERENCE NUMBER:

WC 30/5/1/2/2/87 MR & WC 30/5/1/2/2/10080 MR

FEBRUARY 2022



NOTIFICATION OF SECTION 102 AMENDMENT APPLICATION TO STAKEHOLDERS AND I&APS DURING INITIAL PUBLIC PARTICIPATION PHASE

COMMENTING PERIOD: 28 JANUARY – 02 MARCH 2020

During the initial public participation process the stakeholders and I&AP's were informed of the project by means of background information documents that were sent directly to the contact persons. A 30 days commenting period was allowed that expired 02 March 2020. The following table provides a list of the I&AP's and stakeholders that were informed of the project:

INITIAL PUBLIC PARTICIPATION PROCESS - STAKEHOLDERS			
TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
Mr Jan van Staden Mr Patrick van Coller Me Elkerine Rossouw	Breede-Gouritz Catchment Management Agency	28 January 2020	26 February 2020
<p>Comments received from BGCMA:</p> <p>“The Breede-Gouritz Catchment Management Agency (BGCMA) has received the Notice of Application as indicated above on 30 January 2020. BGCMA has no objections to the proposed development. However, the following is noted:</p> <ul style="list-style-type: none"> a) There's little to no stockpiling is required and no washing of sand is needed which means that the sand mining operation will not require the use of water; and b) The mining footprint will expand over an area classified as a phase 2 FEPA (Freshwater Priority Area) according to the National Wetlands and NFEPA map of SANBI. Therefore, the conservation status of the area will be assessed and discussed during the EIA process of this application. <p>Therefore, through acknowledgment of watercourses (drainage lines) in the area earmarked for sand mining expansion, impacts on the watercourses should be evaluated in the EIA process as they will assist in the type of Water Use Authorisation triggered by the proposed sand mining activities. BGCMA would therefore, make final comments when the impacts on the watercourses (drainage lines) have been properly evaluated under the EIA process.</p>			

INITIAL PUBLIC PARTICIPATION PROCESS - STAKEHOLDERS

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<p>General</p> <ul style="list-style-type: none"> ⌘ No water must be taken from a water resource for any purpose without authorisation from the National Water Act, 1998 (Act 36 of 1998). ⌘ No water or water containing waste may be disposed without authorisation from the National Water Act, 1998 (Act 36 of 1998) and National Environmental Management: Waste Act, 2008 (Act 59 of 2008). ⌘ No unauthorised activities should take place within a regulated area of a watercourse. ⌘ All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use must be adhered to. ⌘ No pollution of surface water or groundwater resources may occur. ⌘ Stormwater management must be addressed in terms of flooding, erosion and pollution potential. ⌘ No stormwater runoff from any premises contain waste, or water containing waste emanating from industrial activities and premises may be discharged into a water resources. Polluted stormwater must be contained. <p>Please be advised that no activities may commence without the appropriate approvals/authorisations where needed from the responsible authority. The onus remains with the registered property owner to confirm adherence to any relevant legislation that such activities might trigger and/or need authorisation for. This office reserves the right to amend and revise its comments as well as to request any further information.”</p>			
<p>Response from Greenmined to the comments received:</p> <p>“Greenmined herewith acknowledge receipt of your correspondence received 27 February 2020 on the proposed Section 102 amendment application of Zandberg Sandput (Pty) Ltd in the Robertson area. We registered the Breede-Gouritz Catchment Management Agency (BGCMA) as a stakeholder on the project, and will henceforth keep you posted on the progress of the Environmental Impact Assessment process as well as supply you with a copy of the draft scoping report (DSR) for your perusal. Your comments will be incorporated and addressed as part of the EIA documents that will all be available for public perusal. We trust you find this in order. Please do not hesitate to contact me in the event of any uncertainties.”</p>			
Mr HF Prins	Cape Winelands District Municipality Development Planning	28 January 2020	No Response Received

INITIAL PUBLIC PARTICIPATION PROCESS - STAKEHOLDERS

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
Me Alana Duffell-Canham	CapeNature	28 January 2020	3 February 2020
<p>Mr Rhett Smart requested a copy of the Scoping Report for the attention of Me Vicki Hudson.</p>			
<p>Greenmined acknowledged receipt of the request on 6 February 2020 and will supply CN with a copy of the DSR for their perusal.</p>			
Mr Cor van der Walt Mr Jan Smit	Department of Agriculture and Forestry	28 January 2020	No Response Received
Mr J Scholtz	Department of Economic Development and Tourism	28 January 2020	No Response Received
Me Adri La Meyer	Department of Environmental Affairs and Development Planning - Western Cape	28 January 2020	28 January 2020
<p>Me A La Meyer acknowledged receipt of the BID and registered the DEA&DP as commenting authority.</p>			
<p>The DEA&DP was registered as commenting authority on the project and will be supplied with copies of all the public documents.</p>			

INITIAL PUBLIC PARTICIPATION PROCESS - STAKEHOLDERS

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
Me Candice van Reenen	Department of Labour	28 January 2020	No Response Received
Me Juanita Fortuin	Department of Rural Development and Land Reform	28 January 2020	No Response Received
Dr Robert Macdonald	Department of Social Development	28 January 2020	No Response Received
Me Jacqui Gooch	Department of Transport and Public Works	28 January 2020	30 January 2020
<p>Mr Lyle Martin confirmed receipt of the BID and informed that the matter is receiving attention and that a further communication will be addressed to us (Greenmined) as soon as circumstances permit.</p>			
<p>To date no further correspondence were received from DTPW.</p>			
Me Melissa Lintnaar-Strauss	Department of Water and Sanitation	28 January 2020	28 January 2020
<p>Me Nelisa Ndobeni and Me Melissa Lintnaar-Strauss responded that the Breede-Gouritz Catchment Management Agency (BGCMA) must be informed of the proposed project.</p>			

INITIAL PUBLIC PARTICIPATION PROCESS - STAKEHOLDERS

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
The BGCMA was informed of the proposed project.			
Mr R Khan	Department of Water and Sanitation - Provincial	28 January 2020	No Response Received
Mr Toni Parkes	Eskom Ltd	28 January 2020	No Response Received
Me Waseefa Dhansay	Heritage Western Cape	28 January 2020	28 January 2020
Me Waseefa Dhansay requested a NID to be submitted to HWC for their perusal.			
The NID was submitted to HWC on 10 February 2020.			
<p>On 19 February 2020, HWC responded on the NID as follows:</p> <p>“Heritage Western Cape is in receipt of your application for the above matter received on 10 February 2020. This matter was discussed at the Heritage Officers meeting held on 17 February 2020. You are hereby notified that, since there is reason to believe that the proposed development will impact on heritage resources, HWC requires that a Heritage Impact Assessment (HIA) that satisfies the provisions of section 38(3) of the NHRA be submitted. This HIA must have specific reference to the following:</p> <p>∞ Archaeological Impact Assessment;</p>			

INITIAL PUBLIC PARTICIPATION PROCESS - STAKEHOLDERS

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
<p>⌘ Palaeontological Impact Assessment;</p> <p>The required HIA must have an integrated set of recommendations. The comments of relevant registered conservation bodies and the relevant Municipality must be requested and included in the HIA where provided. Proof of these requests must be supplied. Please note, should you require the HIA to be submitted as a Phased HIA, a written request must be submitted to HWC prior to submission. HWC reserves the right to determine whether a phased HIA is acceptable on a case by case basis.</p> <p>This decision is subject to an appeal period of 14 working days. The appeal period shall be taken from the date above. It should be noted that for an appeal to be deemed valid it must refer to the decision, it must be submitted by the due date and it must set out the grounds of the appeal. Appeals must be addressed to the official named above and ti sit eh responsibility of the appellant to confirm that the appeal has been received within the appeal period. Applicants are strongly advised to review and adhere to the time limits contained the Standard Operational Procedure (SOP) between DEADP and HWC. The SOP can be found using the following link http://www.hwc.org.za/node/293.</p> <p>HWC reserves the right to request additional information as required.”</p>			
<p>The appropriate specialists were appointed and the HIA will be send to HWC as soon as possible, as well as incorporated into the DEIAR.</p>			
Me Tracy Brunings	Langeberg Local Municipality	28 January 2020	28 January 2020
<p>Comments received from Langeberg Local Municipality:</p> <p>The municipality awaits the Application Scoping Report, and requested additional information regarding botanical environmental assessment and the visual impact. The municipality is concerned about:</p> <ul style="list-style-type: none"> ⌘ the scale, and need and desirability of the extension application, ⌘ the area is not used for agricultural purposes but is pristine natural vegetation, ⌘ natural vegetation should be re-established if the area is permitted to be mined. 			

INITIAL PUBLIC PARTICIPATION PROCESS - STAKEHOLDERS

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
<p>Response to the comments received from the LLM:</p> <p>“Greenmined Environmental herewith thank you for your interest in the project, and acknowledge receipt of your correspondence received 28 January 2020 regarding the proposed Section 102 amendment application to be submitted on behalf of Zandberg Sandput (Pty) Ltd. We registered the Langeberg Municipality as a stakeholder on the project, and will henceforth keep you posted on the progress of the Environmental Impact Assessment process as well as supply you with a copy of the draft scoping report (DSR) for your perusal.</p> <p>We take note of your concerns as listed in the attached BID. We will include your correspondence in the DSR and assess it as part of the Draft Environmental Impact Assessment Report that will also be available for your perusal. In the interim, please note that although the proposed extension extends over ±108 ha, it is proposed that the current 1 ha strip-mining method continues should the application be approved. In light of this the mined out area (1 ha) will be rehabilitated prior to the mining of a consecutive strip (1 ha). The botanist was tasked to identify sensitive areas where mining should not be allowed. The findings of the specialist will be incorporated into the DEIAR to be distributed for perusal and commenting. We trust you find this in order. Please do not hesitate to contact me in the event of any uncertainties.”</p>			
Cllr SW Strauss	Langeberg Local Municipality Ward 5	28 January 2020	No Response Received
SAHRIS on-line system	SAHRA	28 January 2020	No Comments Received

INITIAL PUBLIC PARTICIPATION PROCESS - SURROUNDING LANDOWNERS / INTERESTED AND AFFECTED PARTIES

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
Lamaison Goree Trust ✂ AN Viljoen ✂ Philipe du Toit ✂ Jan de Necker ✂ Philip & Almien du Toit	Neighbours: ✂ Portion 0 of Zand Berg 101 ✂ Portion 0 of Zandbult 98 (P du Toit) ✂ Portion 2 (RE) of Appels Drift 107 (AN Viljoen) ✂ Portion 0 of Farm 109 (AN Viljoen)	28 January 2020	No Response Received
Deorista 113 (Pty) Ltd ✂ Jan Rabie	Neighbour: ✂ Portion 0 of Die Gwarries 93 ✂ Remaining Extent of Laughing Waters 96	28 January 2020	No Response Received
Schalk Colyn Trust ✂ Schalk Colyn	Neighbour: ✂ Portion 2 (RE) of Klip Berg 136	28 January 2020	No Response Received
Mazi (Pty) Ltd ✂ Alba Lambrecht	Neighbour ✂ Remainder of Farm 194	28 January 2020	No Response Received
Deo Volente Sand-mine ✂ Deb Blake-Satchel	Interested and Affected Party	-	10 February 2020

Me Deb Stachel registered as I&AP on the project.

Greenmined acknowledged receipt of Me Satchel's registration on 10 February 2020 and confirmed that she will be notified of the DSR.

SUMMARY OF INITIAL PUBLIC PARTICIPATION PROCESS

The I&AP's and stakeholders were informed of the proposed project through:

- ✘ telephonic discussions;
- ✘ direct communication with background information documents (email, registered mail);
- ✘ placement of on-site notices; and
- ✘ the placement of an advertisement in the Breederivier Gazette newspaper on 28 January 2020.

The following &AP's and stakeholders registered on the project:

- ✘ Breede-Gouritz Catchment Management Agency;
- ✘ CapeNature;
- ✘ Department of Environmental Affairs and Development Planning (DEA&DP);
- ✘ Department of Transport and Public Works (DTPW);
- ✘ Heritage Western Cape (HWC);
- ✘ Langeberg Local Municipality (LLM);
- ✘ D Satchel (Deo Volente Sand-mine).

The Draft Scoping Report (DSR) was subsequently compiled and all the I&AP's and stakeholders listed above were contacted and provided with a chance to comment on the Draft Scoping Report. A 30 days commenting period was allowed for perusal of the documentation by the I&AP's and stakeholders. Comments received on the DSR was added to the Final Scoping Report that was submitted to DMR for review. See attached Appendix H2 for proof of the correspondence with the I&AP's and stakeholders during the public participation process.

NOTIFICATION OF THE DRAFT SCOPING REPORT'S AVAILABILITY TO STAKEHOLDERS AND I&APS

COMMENTING PERIOD: 12 JUNE – 17 JULY 2020

In accordance with the timeframes stipulated in the EIA Regulations, 2014 (as amended by GNR 326 effective 7 April 2017) the Draft Scoping Report (DSR) was compiled to allow perusal of the report by the I&AP's and stakeholders listed above. A 30-day commenting period, ending 17 July 2020, was allowed for perusal of the documentation and submission of comments. The following table provides a list of the I&AP's and stakeholders that were informed of the availability of the DSR:

DRAFT SCOPING REPORT COMMENTING PERIOD - STAKEHOLDERS			
TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
Mr Jan van Staden Mr Patrick van Coller Me Elkerine Rossouw	Breede-Gouritz Catchment Management Agency	12 June 2020	No response received
Mr HF Prins	Cape Winelands District Municipality Development Planning	12 June 2020	No Response Received
Mr Rhett Smart Me Vicki Hudson	CapeNature	12 June 2020	No Response Received
Mr Cor van der Walt Mr Jan Smit	Department of Agriculture, Forestry and Fisheries	12 June 2020	No Response Received
Mr J Scholtz	Department of Economic Development and Tourism	12 June 2020	No Response Received

DRAFT SCOPING REPORT COMMENTING PERIOD - STAKEHOLDERS			
TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
Me Adri La Meyer	Department of Environmental Affairs and Development Planning - Western Cape	12 June 2020	20 July 2020
<p>Comments received from the DEA&DP on the DSR (20 July 2020):</p> <p>“1. Directorate: Development Management (Region 1) – Ms Ayesha Hamdulay:</p> <p>1.1. It is noted that several non-perennial drainage lines traverse the proposed mining right expansion area. Activity 19 of Listing Notice 1 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (“NEMA”) Environmental Impact Assessment (“EIA”) Regulations, 2014 (as amended) has however not been applied for.</p> <p>1.2. It is further noted that haul roads may be required. Please be advised that should new roads wider than 4m be established in areas containing indigenous vegetation, Activity 4 of Listing Notice 3 of the NEMA EIA Regulations, 2014 (as amended) will be applicable.</p> <p>1.3. The applicability of Activity 19 of Listing Notice 1 and Activity 4 of Listing Notice 3 of the NEMA EIA Regulations, 2014 (as amended) must be confirmed in the Final Scoping Report (“FSR”) to be submitted to the competent authority. Should the mentioned listed activities be applicable to the proposed mine expansion, an amended application form must be submitted to the competent authority and the impacts associated with the listed activities must be assessed and reported on in the Draft EIA Report.</p> <p>1.4. Following the above, not all the impacts associated with the proposed mine expansion have been identified in the DSR for further assessment in the environmental impact reporting (“EIR”) phase. Per paragraph 1.1. above, drainage lines traverse the proposed mine expansion area; however, the impacts on watercourses have not been identified in the DSR for further assessment in the EIA phase. (In this regard, also refer to paragraph 2.1. below.)</p> <p>1.5. Furthermore, page 53 of the DSR states that “<i>It is known that the water table in the valley below the mine is ±3 m under the surface.</i>” The depth of mining and whether the proposed sand mining activities will have an impact on groundwater resources, were not indicated in the DSR. This information must be provided in the Draft EIA Report.</p> <p>1.6. Per the DSR, the proposed mine expansion area falls within a Critical Biodiversity Area (“CBA”). Please be advised that this Directorate does not support mining within</p>			

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			<p>a CBA. The description of alternatives does not clearly illustrate how the mitigation hierarchy was considered when selecting the preferred (and only) site and layout alternatives. Alternatives that avoid CBAs must be further investigated and reported on in the Draft EIA Report.</p> <p>1.7. It is noted that the Provincial Department of Agriculture (“DoA”) has not been included in the list of state Departments to be consulted as part of the EIA process. Please ensure that said Department is consulted for comment. Depending on the comments obtained from the Provincial DoA, an agricultural impact assessment be required.</p> <p>1.8. The Plan of Study for EIA must be updated to include all the impacts that will be assessed and all the specialist studies that will be undertaken during the EIR phase.</p> <p>1.9. In terms of GN No. 960 of 5 July 2019, the submission of a report generated from the National Web Based Environmental Screening Tool (“Screening Tool”) is a compulsory requirement when applying for environmental in terms of the NEMA EIA Regulations, 2014 (as amended). If not yet undertaken, the EAP is advised to urgently consult the Screening Tool and generate a screening report. Based on the findings of the screening report, the EAP will be required to either appoint additional specialists to undertake the identified specialist studies, or to provide a motivation in the FSR and Plan of Study for EIA why the specialist studies will not be undertaken or deemed necessary for the EIA process. Should additional specialist studies identified by the Screening Tool be undertaken, the Plan of Study for EIA must be amended to indicate which additional specialist studies will be undertaken.</p> <p>1.10. The EAP is advised to consider the “<i>Procedures for the Assessment and Minimum Criteria for Reporting on identified Environmental Themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998, when applying for environmental authorisation</i>” (“the protocols”), promulgated in GN No. 320 of 20 March 2020, which came into effect on 9 May 2020. If evidence can be provided to the Competent Authority to show that a specialist study for which a protocol has been prescribed was initiated prior to 9 May 2020, then the protocol in question does not have to be complied with. For those specialist studies where no specific protocol has been prescribed, the level of assessment must comply with the requirements of Appendix 6 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) EIA Regulations, 2014 (as amended). The Final Scoping Report submitted to the Competent Authority, as well as the draft EIA Report once released for comment, must be clear which protocols apply and which do not.</p> <p>2. Directorate: Pollution and Chemicals Management – Ms Shehaam Brinkhuis:</p> <p>2.1. Drainage lines and wetlands, including areas identified as National Freshwater Priority Areas which fall within the Breede River catchment, occur within the proposed mining expansion area. This Directorate supports the recommendation of the Breede-Gouritz Catchment Management Agency that an evaluation of watercourses is warranted in the EIR phase of the application. It is further recommended that such evaluation is undertaken by a suitably qualified and experienced freshwater</p>

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			<p>ecologist/specialist. The Plan of Study for EIA should thus be amended to include a Freshwater Impact Assessment.</p> <p>2.2. Site-specific hydrology and geohydrology has been detailed on pages 66 to 68 of the DSR. The description provided, extracted from previously compiled reports, clearly indicates that the proposed mining expansion area and the establishment of mining activities across a substantial area shall have a significant impact on groundwater resources. Thus, it is recommended that input be obtained from a suitably qualified and experienced geohydrologist to inform the EIR phase. Per paragraph 2.1. above, the Plan of Study for the EIA should be amended to include a Geohydrological Impact Assessment.</p> <p>2.3. Further to paragraphs 2.1. and 2.2. above, it is noted that the potential impacts of the proposed mine expansion on water resources and freshwater features have not been adequately identified and described during the scoping phase. Sufficient consideration should be given to these potential impacts in the Draft EIA Report.</p> <p>2.4. Storm-water runoff must be controlled to ensure that on-site activities do not culminate in off-site pollution, erosion or sedimentation. It is recommended that the EIR phase make provision for the inclusion of a storm water management plan. Such a storm water management plan should also describe the proposed methods to prevent contaminated or polluted storm water from being released into the receiving environment, with attention paid to potentially sensitive areas yet to be identified by specialists during investigation of the proposed mine expansion area.</p> <p>2.5. Although acknowledged that the proposed mining method may limit the pollution potential (as stated on page 27 of the DSR), it is noted that pollution and contamination may still occur and it is recommended that potential pollution impacts due to mining activities, are more thoroughly considered. It is essential that identified pollution impacts are adequately addressed and management measures must be proposed in the Environmental Management Programme (“EMPr”) to be submitted with the EIA Report.</p> <p>3. Directorate: Waste Management – Mr Lance Anders:</p> <p>3.1. Table 1, page 14 of the DSR indicates the applicable listing notices and listed activities, without providing an explanation of the listed activities. Please discuss or write out each applicable listed activity for better understanding by interested and affected parties of the listed activities.</p> <p>3.2. Page 20 of the DSR indicates that alternative dust suppression methods will be utilised, however these methods were not indicated. Since the Western Cape is a water scarce province, the applicant must ensure that only non-potable water is used for dust suppression. Dust suppression measures must be detailed in the EMPr.</p> <p>3.3. Waste management impacts, including <i>inter alia</i>, the storage, handling, transport and disposal of all waste types, must be addressed in the EMPr.</p>

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<p>4. Directorate: Air Quality Management – Ms Gavaza Mhlarhi / Mr Peter Harmse:</p> <p>4.1 This Directorate awaits the Draft EIA Report and EMPr to provide comment. Please ensure that the EMPr provide management measures for dust and noise impacts associated with the proposed mining operations.”</p>			
<p>Greenmined acknowledged (21 July 2020) receipt of the comments on the draft Scoping Report and confirmed that the comments will be incorporated into the final Scoping Report (FSR), and (upon approval of the FSR) addressed in the draft Environmental Impact Assessment Report that will be published for public commenting.</p> <p>In addition to the above, the following comments were elaborated on in the FSR:</p> <p>1.1. It is noted that several non-perennial drainage lines traverse the proposed mining right expansion area. Activity 19 of Listing Notice 1 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (“NEMA”) Environmental Impact Assessment (“EIA”) Regulations, 2014 (as amended) has however not been applied for.</p> <p><i>As mentioned earlier, the layout of the allowable mining areas, within the footprint of the proposed extension area, will be assessed during the EIA phase upon receipt of the specialist findings. Presently, it is proposed that buffer no-go areas will be demarcated around the drainage lines and no infilling, depositing, dredging, excavation, removal or moving of soil from a drainage line is envisioned. Therefore, the proposed project does not trigger Activity 19 of Listing Notice 1. However, as mentioned in the Plan of Study for the EIA Process the applicability of the listed activities will be confirmed and if needed aligned with the project proposal once the preferred alternative was finalised.</i></p> <p>1.2. It is further noted that haul roads may be required. Please be advised that should new roads wider than 4m be established in areas containing indigenous vegetation, Activity 4 of Listing Notice 3 of the NEMA EIA Regulations, 2014 (as amended) will be applicable.</p> <p><i>The comment is noted, however, presently no roads wider than 4 m are proposed.</i></p> <p>1.3. The applicability of Activity 19 of Listing Notice 1 and Activity 4 of Listing Notice 3 of the NEMA EIA Regulations, 2014 (as amended) must be confirmed in the Final Scoping Report (“FSR”) to be submitted to the competent authority. Should the mentioned listed activities be applicable to the proposed mine expansion, an amended application form must be submitted to the competent authority and the impacts associated with the listed activities must be assessed and reported on in the Draft EIA Report.</p>			

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<p><i>Presently, neither Activity 19 of Listing Notice 1 nor Activity 4 of Listing Notice 3 is deemed applicable to this application.</i></p> <p>1.4. Following the above, not all the impacts associated with the proposed mine expansion have been identified in the DSR for further assessment in the environmental impact reporting (“EIR”) phase. Per paragraph 1.1. above, drainage lines traverse the proposed mine expansion area; however, the impacts on watercourses have not been identified in the DSR for further assessment in the EIA phase. (In this regard, also refer to paragraph 2.1. below.)</p> <p><i>This impact was added to the Scoping Report and will be further assessed in the EIA phase.</i></p> <p>1.5. Furthermore, page 53 of the DSR states that “<i>It is known that the water table in the valley below the mine is ±3 m under the surface.</i>” The depth of mining and whether the proposed sand mining activities will have an impact on groundwater resources, were not indicated in the DSR. This information must be provided in the Draft EIA Report.</p> <p><i>The approximate depth of mining and potential impact on groundwater resources will be discussed in the Draft EIA Report.</i></p> <p>1.7. It is noted that the Provincial Department of Agriculture (“DoA”) has not been included in the list of state Departments to be consulted as part of the EIA process. Please ensure that said Department is consulted for comment. Depending on the comments obtained from the Provincial DoA, an agricultural impact assessment be required.</p> <p><i>The Department of Agriculture (DoA) were supplied with a copy of the background information document as well as invited to comment on the draft Scoping Report (refer to Appendix 5 for proof thereof). To date no feedback/comments was received from the DoA.</i></p> <p>1.8. The Plan of Study for EIA must be updated to include all the impacts that will be assessed and all the specialist studies that will be undertaken during the EIR phase.</p> <p><i>This request was incorporated into this document, the Final Scoping Report.</i></p> <p>1.9. In terms of GN No. 960 of 5 July 2019, the submission of a report generated from the National Web Based Environmental Screening Tool (“Screening Tool”) is a compulsory requirement when applying for environmental in terms of the NEMA EIA Regulations, 2014 (as amended). If not yet undertaken, the EAP is advised to urgently consult the Screening Tool and generate a screening report. Based on the findings of the screening report, the EAP will be required to either appoint additional specialists</p>			

DRAFT SCOPING REPORT COMMENTING PERIOD - STAKEHOLDERS			
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<p>to undertake the identified specialist studies, or to provide a motivation in the FSR and Plan of Study for EIA why the specialist studies will not be undertaken or deemed necessary for the EIA process. Should additional specialist studies identified by the Screening Tool be undertaken, the Plan of Study for EIA must be amended to indicate which additional specialist studies will be undertaken.</p> <p><i>The abovementioned report generated from the National Web Based Environmental Screening Tool ("Screening Tool") was submitted to the competent authority with the EA Application form. The report was accompanied by a cover letter discussing the specialist studies deemed applicable to this application. However, this information was also added to the final Scoping Report under Section 3(c) Description of aspects to be assessed by specialist.</i></p> <p>1.10. The EAP is advised to consider the "Procedures for the Assessment and Minimum Criteria for Reporting on identified Environmental Themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998, when applying for environmental authorisation" ("the protocols"), promulgated in GN No. 320 of 20 March 2020, which came into effect on 9 May 2020. If evidence can be provided to the Competent Authority to show that a specialist study for which a protocol has been prescribed was initiated prior to 9 May 2020, then the protocol in question does not have to be complied with. For those specialist studies where no specific protocol has been prescribed, the level of assessment must comply with the requirements of Appendix 6 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) EIA Regulations, 2014 (as amended). The Final Scoping Report submitted to the Competent Authority, as well as the draft EIA Report once released for comment, must be clear which protocols apply and which do not.</p> <p><i>The botanical study as well as the archaeological- and palaeontological impact assessments were initiated in April 2020 and will therefore be in accordance with the requirements of Appendix 6 of NEMA EIA Regulations 2014 (as amended). Should any further specialist studies be required for which a protocol has been prescribed then the protocol in question will be complied with.</i></p> <p>2.1. Drainage lines and wetlands, including areas identified as National Freshwater Priority Areas which fall within the Breede River catchment, occur within the proposed mining expansion area. This Directorate supports the recommendation of the Breede-Gouritz Catchment Management Agency that an evaluation of watercourses is warranted in the EIR phase of the application. It is further recommended that such evaluation is undertaken by a suitably qualified and experienced freshwater ecologist/specialist. The Plan of Study for EIA should thus be amended to include a Freshwater Impact Assessment.</p> <p><i>As mentioned earlier, the layout of the allowable mining areas, within the footprint of the proposed extension area, will be assessed during the EIA phase upon receipt of the specialist findings. Presently, it is proposed that buffer no-go areas will be demarcated around the drainage lines and no mining of the drainage lines are envisioned. Should the drainage lines be excluded from the mining footprint the potential impact of the proposed activity on watercourse is deemed to be of low significance, and in our opinion a Freshwater Impact Assessment is not applicable.</i></p>			

DRAFT SCOPING REPORT COMMENTING PERIOD - STAKEHOLDERS			
TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
<p>2.2. Site-specific hydrology and geohydrology has been detailed on pages 66 to 68 of the DSR. The description provided, extracted from previously compiled reports, clearly indicates that the proposed mining expansion area and the establishment of mining activities across a substantial area shall have a significant impact on groundwater resources. Thus, it is recommended that input be obtained from a suitably qualified and experienced geohydrologist to inform the EIR phase. Per paragraph 2.1. above, the Plan of Study for the EIA should be amended to include a Geohydrological Impact Assessment.</p> <p><i>The approximate depth of mining and potential impact on groundwater resources will be discussed in the Draft EIA Report, and if deemed applicable the opinion of a groundwater specialist will be obtained and added to the DEIAR.</i></p> <p>2.3. Further to paragraphs 2.1. and 2.2. above, it is noted that the potential impacts of the proposed mine expansion on water resources and freshwater features have not been adequately identified and described during the scoping phase. Sufficient consideration should be given to these potential impacts in the Draft EIA Report.</p> <p><i>This impact was added to the Scoping Report and will be further assessed in the EIA phase.</i></p> <p>2.4. Storm-water runoff must be controlled to ensure that on-site activities do not culminate in off-site pollution, erosion or sedimentation. It is recommended that the EIR phase make provision for the inclusion of a storm water management plan. Such a storm water management plan should also describe the proposed methods to prevent contaminated or polluted storm water from being released into the receiving environment, with attention paid to potentially sensitive areas yet to be identified by specialists during investigation of the proposed mine expansion area.</p> <p><i>The requested storm water management plan will be incorporated into the DEIAR.</i></p> <p>2.5. Although acknowledged that the proposed mining method may limit the pollution potential (as stated on page 27 of the DSR), it is noted that pollution and contamination may still occur and it is recommended that potential pollution impacts due to mining activities, are more thoroughly considered. It is essential that identified pollution impacts are adequately addressed and management measures must be proposed in the Environmental Management Programme (“EMPr”) to be submitted with the EIA Report.</p> <p><i>The potential pollution impacts will be further discussed and assessed in the DEIAR, and management measures will be proposed in the EMPr to be submitted with the DEIAR.</i></p>			

DRAFT SCOPING REPORT COMMENTING PERIOD - STAKEHOLDERS			
TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
			<p>3.1. Table 1, page 14 of the DSR indicates the applicable listing notices and listed activities, without providing an explanation of the listed activities. Please discuss or write out each applicable listed activity for better understanding by interested and affected parties of the listed activities.</p> <p><i>A full description of the listed activities was added to this report.</i></p> <p>3.2. Page 20 of the DSR indicates that alternative dust suppression methods will be utilised; however, these methods were not indicated. Since the Western Cape is a water scarce province, the applicant must ensure that only non-potable water is used for dust suppression. Dust suppression measures must be detailed in the EMPr.</p> <p><i>The following alternative dust suppression measures were proposed on page 20 of the DSR:</i></p> <ul style="list-style-type: none"> ⌘ <i>The speed of all mining equipment/vehicles will be restrictions to 20 km/h on the internal farm roads/haul roads to minimize dust generation;</i> ⌘ <i>The removal of vegetation will only be done immediately prior to the mining of an area in an attempt to lessen denuded areas (acting as dust source) to the absolute minimum.</i> <p><i>The requirement that only non-potable water may be used for dust suppression was added to the FSR and will also form part of the DEIAR.</i></p> <p>3.3. Waste management impacts, including <i>inter alia</i>, the storage, handling, transport and disposal of all waste types, must be addressed in the EMPr.</p> <p><i>The requested information will be incorporated in the EMPR that will accompany the DEIAR.</i></p>
			<p>Additional response, to the comments received from the DEA&DP on the DSR (20 July 2020), was added to the DEIAR:</p> <ul style="list-style-type: none"> ⌘ <i>1.1 It is noted that several non-perennial drainage lines traverse the proposed mining right expansion area. Activity 19 of Listing Notice 1 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (“NEMA”) Environmental Impact Assessment (“EIA”) Regulations, 2014 (as amended) has however not been applied for.</i> ⌘ <i>2.1. Drainage lines and wetlands, including areas identified as National Freshwater Priority Areas which fall within the Breede River catchment, occur within the proposed mining expansion area. This Directorate supports the recommendation of the Breede-Gouritz Catchment Management Agency that an evaluation of watercourses is warranted in the EIR phase of the application. It is further recommended that such evaluation is undertaken by a suitably qualified and experienced freshwater ecologist/specialist. The Plan of Study for EIA should thus be amended to include a Freshwater Impact Assessment.</i>

DRAFT SCOPING REPORT COMMENTING PERIOD - STAKEHOLDERS			
TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
			<ul style="list-style-type: none"> • Refer to Part A(1)(g)(i) Details of the development footprint alternatives considered – S102 Application – Layout Alternatives. <p>⋈ 1.4. <i>Following the above, not all the impacts associated with the proposed mine expansion have been identified in the DSR for further assessment in the environmental impact reporting (“EIR”) phase. Per paragraph 1.1. above, drainage lines traverse the proposed mine expansion area; however, the impacts on watercourses have not been identified in the DSR for further assessment in the EIA phase. (In this regard, also refer to paragraph 2.1. below.)</i></p> <p>⋈ 2.3. <i>Further to paragraphs 2.1. and 2.2. above, it is noted that the potential impacts of the proposed mine expansion on water resources and freshwater features have not been adequately identified and described during the scoping phase. Sufficient consideration should be given to these potential impacts in the Draft EIA Report.</i></p> <ul style="list-style-type: none"> • Refer to Part A(1)(g)(v) Impacts and risks identified including the nature, significance consequence, extent, duration and probability of the impacts, including the degree to which these impacts; • Part A(1)(g)(viii) The possible mitigation measures that could be applied and the level of risk; • Part A(1)(h) Full description of the process undertaken to identify, assess and rank the impacts and risks the activity will impose on the preferred site (In respect of the final site layout plan) through the life of the activity. <p>⋈ 1.5. <i>Furthermore, page 53 of the DSR states that “It is known that the water table in the valley below the mine is ±3 m under the surface.” The depth of mining and whether the proposed sand mining activities will have an impact on groundwater resources, were not indicated in the DSR. This information must be provided in the Draft EIA Report.</i></p> <ul style="list-style-type: none"> • Refer to Part A(1)(g)(iv)(1)(a) Type of environment to be affected by the proposed activity – Hydrology and Geohydrology; and • Part A(1)(g)(iv)(1)(c) Description of specific environmental features and infrastructure on the site – Site Specific Hydrology and Geohydrology. <p>⋈ 1.6 <i>Per the DSR, the proposed mine expansion area falls within a Critical Biodiversity Area (“CBA”). Please be advised that this Directorate does not support mining within a CBA. The description of alternatives does not clearly illustrate how the mitigation hierarchy was considered when selecting the preferred (and only) site and layout alternatives. Alternatives that avoid CBAs must be further investigated and reported on in the Draft EIA Report.</i></p> <ul style="list-style-type: none"> • Refer to Part A(1)(g)(i) Details of the development footprint alternatives considered – S102 Application; • Part A(1)(g)(iv)(1)(c) Description of specific environmental features and infrastructure on the site – Site Specific Mining and Biodiversity Conservation Areas & Site Specific Vegetation; and • Appendix I2 for the Botanical Study and Assessment.

DRAFT SCOPING REPORT COMMENTING PERIOD - STAKEHOLDERS

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
<p> <i> ✎ 1.9. In terms of GN No. 960 of 5 July 2019, the submission of a report generated from the National Web Based Environmental Screening Tool (“Screening Tool”) is a compulsory requirement when applying for environmental in terms of the NEMA EIA Regulations, 2014 (as amended). If not yet undertaken, the EAP is advised to urgently consult the Screening Tool and generate a screening report. Based on the findings of the screening report, the EAP will be required to either appoint additional specialists to undertake the identified specialist studies, or to provide a motivation in the FSR and Plan of Study for EIA why the specialist studies will not be undertaken or deemed necessary for the EIA process. Should additional specialist studies identified by the Screening Tool be undertaken, the Plan of Study for EIA must be amended to indicate which additional specialist studies will be undertaken. </i> </p> <p> <i> ✎ 2.1. Drainage lines and wetlands, including areas identified as National Freshwater Priority Areas which fall within the Breede River catchment, occur within the proposed mining expansion area. This Directorate supports the recommendation of the Breede-Gouritz Catchment Management Agency that an evaluation of watercourses is warranted in the EIR phase of the application. It is further recommended that such evaluation is undertaken by a suitably qualified and experienced freshwater ecologist/specialist. The Plan of Study for EIA should thus be amended to include a Freshwater Impact Assessment. </i> </p> <p> <i> ✎ 2.2. Site-specific hydrology and geohydrology has been detailed on pages 66 to 68 of the DSR. The description provided, extracted from previously compiled reports, clearly indicates that the proposed mining expansion area and the establishment of mining activities across a substantial area shall have a significant impact on groundwater resources. Thus, it is recommended that input be obtained from a suitably qualified and experienced geohydrologist to inform the EIR phase. Per paragraph 2.1. above, the Plan of Study for the EIA should be amended to include a Geohydrological Impact Assessment. </i> </p> <p> The FSR identified the following specialist studies deemed applicable to this application: </p> <ul style="list-style-type: none"> • Botanical Impact Assessment; • Archaeological Impact Assessment; and • Palaeontological Impact Assessment. <p> DMRE approved the FSR on 02 October 2020 and did not request additional specialist studies to be conducted. </p> <p> <i> ✎ 2.4. Storm-water runoff must be controlled to ensure that on-site activities do not culminate in off-site pollution, erosion or sedimentation. It is recommended that the EIR phase make provision for the inclusion of a storm water management plan. Such a storm water management plan should also describe the proposed methods to prevent contaminated or polluted storm water from being released into the receiving environment, with attention paid to potentially sensitive areas yet to be identified by specialists during investigation of the proposed mine expansion area. </i> </p> <ul style="list-style-type: none"> • Refer to Appendix Q for a copy of the Storm Water Management Plan. 			

DRAFT SCOPING REPORT COMMENTING PERIOD - STAKEHOLDERS

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
<p>⌘ 2.5. <i>Although acknowledged that the proposed mining method may limit the pollution potential (as stated on page 27 of the DSR), it is noted that pollution and contamination may still occur and it is recommended that potential pollution impacts due to mining activities, are more thoroughly considered. It is essential that identified pollution impacts are adequately addressed and management measures must be proposed in the Environmental Management Programme (“EMPr”) to be submitted with the EIA Report.</i></p> <ul style="list-style-type: none"> • Refer to Part A(1)(d)(ii) Description of the activities to be undertaken – 1.2.5 Waste Management Programme; • Part A(1)(g)(v) Impacts and risks identified including the nature, significance consequence, extent, duration and probability of the impacts, including the degree to which these impacts; • Part A(1)(g)(viii) The possible mitigation measures that could be applied and the level of risk – Waste Management; • Part A(1)(l) Proposed impact management objectives and the impact management outcomes for inclusion in the EMPr; • Part B(1)(d)(ix) Impacts to be mitigated in their respective phases; • Part B(1)(g-k) Mechanisms for monitoring compliance with and performance assessment the environmental management programme and reporting thereon, including monitoring of impact management actions, monitoring and reporting frequency, responsible person, time period for implementing impact management actions, mechanism for monitoring compliance; and • Part B(1)(m)(ii) Manner in which risks will be dealt with in order to avoid pollution or the degradation of the environment. 			
<p>⌘ 3.1. <i>Table 1, page 14 of the DSR indicates the applicable listing notices and listed activities, without providing an explanation of the listed activities. Please discuss or write out each applicable listed activity for better understanding by interested and affected parties of the listed activities.</i></p> <ul style="list-style-type: none"> • Refer to Part A(1)(d)(i) Listed and specified activities. 			
<p>⌘ 3.2. <i>Page 20 of the DSR indicates that alternative dust suppression methods will be utilised; however, these methods were not indicated. Since the Western Cape is a water scarce province, the applicant must ensure that only non-potable water is used for dust suppression. Dust suppression measures must be detailed in the EMPr.</i></p> <ul style="list-style-type: none"> • Refer to Part A(1)(d)(ii) Description of the activities to be undertaken – 2.3.4 Water Use; and • Part A(1)(g)(viii) The possible mitigation measures that could be applied and the level of risk – Air and Noise Quality. 			
<p>⌘ 3.3. <i>Waste management impacts, including inter alia, the storage, handling, transport and disposal of all waste types, must be addressed in the EMPr.</i></p>			

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<ul style="list-style-type: none"> • Refer to Part A(1)(d)(ii) Description of the activities to be undertaken – 1.2.5 Waste Management Programme; • Part A(1)(g)(v) Impacts and risks identified including the nature, significance consequence, extent, duration and probability of the impacts, including the degree to which these impacts; • Part A(1)(g)(viii) The possible mitigation measures that could be applied and the level of risk – Waste Management; • Part A(1)(l) Proposed impact management objectives and the impact management outcomes for inclusion in the EMPr; • Part B(1)(d)(ix) Impacts to be mitigated in their respective phases; • Part B(1)(g-k) Mechanisms for monitoring compliance with and performance assessment the environmental management programme and reporting thereon, including monitoring of impact management actions, monitoring and reporting frequency, responsible person, time period for implementing impact management actions, mechanism for monitoring compliance; and • Part B(1)(m)(ii) Manner in which risks will be dealt with in order to avoid pollution or the degradation of the environment. 			
Me Candice van Reenen	Department of Labour	12 June 2020	No Response Received
Me Juanita Fortuin	Department of Rural Development and Land Reform	12 June 2020	No Response Received
Dr Robert Macdonald	Department of Social Development	12 June 2020	No Response Received
Me Jacqui Gooch	Department of Transport and Public Works	12 June 2020	13 July 2020
<p>Comments submitted by the DTPW on the DSR:</p> <p>“...A fleeting look at the Scoping Report shows that the comment from our letter dated 19 February 2020 has been recorded and noted. The Branch has no further</p>			

DRAFT SCOPING REPORT COMMENTING PERIOD - STAKEHOLDERS			
TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
comment at this stage.”			
Mr R Khan	Department of Water and Sanitation - Provincial	12 June 2020	No Response Received
Mr Toni Parkes	Eskom Ltd	12 June 2020	No Response Received
Me Waseefa Dhansay	Heritage Western Cape	12 June 2020	15 June 2020
<p>Response received from HWC on the DSR notification:</p> <p>“Please note in order for HWC to provide a formal comment the proposal, a formal Notification of Intent to Develop is required to be submitted.”</p>			
<p>Greenmined responded on 15 June 2020 as follows:</p> <p>“The NID for the project was already submitted on 10 February 2020, upon which HWC responded with a request for an HIA on 19 February 2020 (see attached). The specialists were accordingly commissioned to do the HIA (inclusive of a palaeontological opinion). However, as HWC is registered as an I&AP on the EIA process the notice that the draft Scoping Report (DSR) is ready for comments were sent to you as a curtsy and to keep you informed on the process. We also loaded the DSR onto the SAHRIS website for ease of reference. As soon as the HIA is ready we will load it onto SAHRIS and notify you accordingly. The HIA will also form part of the draft Environmental Impact Assessment Report to be compiled upon approval of the final Scoping Report.”</p>			

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<p>HWC responded (15 June 2020) that they will await the submission of the HIA and provide comments thereon.</p> <p>The HIA was loaded onto the SAHRIS website on 27 July 2020. The findings of the HIA was also incorporated into the DEIAR. To date no additional response was received from HWC.</p>			
Me Tracy Brunings	Langeberg Local Municipality	12 June 2020	13 July 2020
<p>Comments received from the LLM on the DSR:</p> <p>“...The following statistics must be provided with regard to the proposed large scale expansion:</p> <ul style="list-style-type: none"> ✘ How much of the currently approved 17,65 ha has already been mined? ✘ How many hectares are still available to be mined? ✘ How many years will it take to mine this remaining approved mine area? ✘ Why is such large extension (108,3851ha.) being applied for? (If 17,68ha. was sufficient for sand mining for a 30+yr period, it would seem unnecessary to apply for more than a ±20ha expansion at this stage). <p>The scoping report still refers to the land as being used for agriculture and returning the use after mining to agricultural (pp 19, 38, 63, 71, 75, 81, 82, 87, 90, 97). This is clearly a cut and paste error from another application, and must be corrected throughout the document. Pg 58 summarises the conservation status of the natural vegetation which covers the entire site, and it is clear that there is no agricultural activity on this land and that should mining be permitted, natural vegetation should be re-established in terms of the rehabilitation process, not agricultural crops.”</p>			
<p>Response to the DSR comments received from the LLM (14 July 2020):</p> <p>“...We take note of your request for additional information, and will incorporate and discuss the request in the draft Environmental Impact Assessment Report (DEIAR) to</p>			

DRAFT SCOPING REPORT COMMENTING PERIOD - STAKEHOLDERS			
TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
			<p>be circulated for public comments upon approval of the final Scoping Report.</p> <p>Regarding your comment about the agricultural use of the property: There was no copy and paste error. The land earmarked for the proposed expansion is currently zoned for agricultural purposes. The Department of Environmental Affairs and Development Planning confirmed on 09 March 2020 that: <i>“Agricultural Land is defined in the Regulations as being land outside the physical outer edge of the existing urban edge. Whether the land has been cultivated or irrigated in the preceding 10 years is irrelevant in respect of this category of land development”</i>. In light of this, the land use description of the earmarked area cannot be anything other than agriculture even though the footprint is presently covered with natural vegetation. Upon closure of the mine, the use of the mining footprint will be returned to the landowner to allow him to continue farming the property (whether through grazing of natural vegetation or active cultivation). We take note of your suggestion that natural vegetation should be established on the rehabilitated areas. Your request will be forwarded to the botanist responsible for the Botanical Impact Assessment and his suggestions will be incorporated into the Rehabilitation and Closure Plan that will form part of the DEIAR.”</p>
			<p>Further comments received from the LLM (14 July 2020):</p> <p>“...I stand by my comments regarding the land use of the property and wish the following noted: The scoping report refers to the land as being used for agricultural purposes and returning the use after mining to agricultural (pp 19, 38, 63, 71, 75, 81, 82, 87, 90, 97). This is misleading to those who read the report as there is no conventional agricultural activity on the portion of land where the mine expansion is proposed, as is clear from the extract below from Cape Farm Mapper, and from a site visit. Whilst the land is zoned Agricultural zone I, and despite the legal definitions of “Agricultural land”, the current use of this land is vacant, natural vegetation. Pg 58 of the scoping report summarises the vulnerable conservation status of much of the natural vegetation which covers the site. Accordingly, should mining be permitted, natural vegetation should be re-established in terms of the rehabilitation process. Alternatively, if agricultural crops are proposed to be established, this must be addressed in the EIA in terms of the proposed extent and nature of crops, to enable the relevant Departments to comment meaningfully.</p>

DRAFT SCOPING REPORT COMMENTING PERIOD - STAKEHOLDERS

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
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Greenmined acknowledged response (14 July 2020) of the comments and confirmed that it will be incorporated into the final Scoping Report and the draft EIAR.

Additional response, to the comments received from the LLM on the DSR (13 July 2020), was added to the DEIAR:

- ⌘ *How much of the currently approved 17,65 ha has already been mined?*
 - Approximately 9 ha of the approved mining area has been mined.
 - Refer to Part A(1)(g)(iv)(a) Type of environment affected by the proposed activity – Visual Characteristics.

- ⌘ *How many hectares are still available to be mined?*
 - Approximately 8.6 ha of the approved area is still available to be mined.

- ⌘ *How many years will it take to mine this remaining approved mine area?*

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			<ul style="list-style-type: none"> • The MR holder mines approximately 0.5 ha per year depending on market demand and sales. In this circumstance, it should take ±17 years to mine the remaining approved area. • Refer to Part A(1)(d)(ii) Description of the activities to be undertaken – 2.3 Operational Phase. <p>∞ <i>Why is such large extension (108,3851ha.) being applied for? (If 17,68ha. was sufficient for sand mining for a 30+yr period, it would seem unnecessary to apply for more than a ±20ha expansion at this stage).</i></p> <ul style="list-style-type: none"> • Refer to Part A(1)(f) Need and desirability of the proposed activities – Section 102 Amendment Application; • Part A(1)(g)(i) Details of the development footprint alternatives considered – S102 Application; • Part A(1)(g)(x) Statement motivating the alternative development location within the overall site – S102 Application; and • Part A(1)(k)(i) Summary of the key findings of the environmental impact assessment. <p>∞ natural vegetation should be re-established in terms of the rehabilitation process, not agricultural crops</p> <ul style="list-style-type: none"> • Refer to Part A(1)(d)(ii) Description of the activities to be undertaken – 2.4 Decommissioning Phase; • Appendix I1 – Botany Study and Assessment, 2020; • Appendix M – Closure Plan.
Cllr SW Strauss	Langeberg Local Municipality Ward 5	12 June 2020	No Response Received
SAHRIS on-line system	SAHRA	12 June 2020	No Comments Received

DRAFT SCOPING REPORT COMMENTING PERIOD - SURROUNDING LANDOWNERS / INTERESTED AND AFFECTED PARTIES

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
Lamaison Goree Trust ✂ AN Viljoen ✂ Philipe du Toit ✂ Jan de Necker ✂ Philip & Almien du Toit	Neighbours: ✂ Portion 0 of Zand Berg 101 ✂ Portion 0 of Zandbult 98 (P du Toit) ✂ Portion 2 (RE) of Appels Drift 107 (AN Viljoen) ✂ Portion 0 of Farm 109 (AN Viljoen)	12 June 2020	No Response Received
Deorista 113 (Pty) Ltd ✂ Jan Rabie	Neighbour: ✂ Portion 0 of Die Gwarries 93 ✂ Remaining Extent of Laughing Waters 96	12 June 2020	No Response Received
Schalk Colyn Trust ✂ Schalk Colyn	Neighbour: ✂ Portion 2 (RE) of Klip Berg 136	12 June 2020	No Response Received
Mazi (Pty) Ltd ✂ Alba Lambrecht	Neighbour ✂ Remainder of Farm 194	12 June 2020	No Response Received
Deo Volente Sand-mine ✂ Deb Blake-Satchel	Interested and Affected Party	12 June 2020	No Response Received

SUMMARY OF SECOND PHASE PUBLIC PARTICIPATION PROCESS

As mentioned earlier, the Draft Scoping Report was compiled and all the I&AP's and stakeholders listed above were contacted and provided with a chance to comment on the Draft Scoping Report. A 30 days commenting period were allowed for perusal of the documentation by the I&AP's and stakeholders. Comments were received from the following stakeholders:

- ⌘ Department of Environmental Affairs and Development Planning (DEA&DP);
- ⌘ Department of Transport and Public Works (DTPW);
- ⌘ Heritage Western Cape; and
- ⌘ Langeberg Local Municipality (LLM).

See attached Appendix H2 for proof of the correspondence with the I&AP's and stakeholders during the public participation process.

NOTIFICATION OF THE STAKEHOLDERS AND I&AP'S THAT THE FINAL SCOPING REPORT WAS SUBMITTED FOR APPROVAL

The Final Scoping Report was submitted to the Department of Mineral Resources and Energy for approval and the I&AP's and stakeholders were accordingly notified.

FINAL SCOPING REPORT NOTIFICATION - STAKEHOLDERS			
TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
Mr Jan van Staden Mr Patrick van Coller Me Elkerine Rossouw	Breede-Gouritz Catchment Management Agency	28 July 2020	No response received
Mr HF Prins	Cape Winelands District Municipality Development Planning	28 July 2020	No Response Received
Mr Rhett Smart Me Vicki Hudson	CapeNature	28 July 2020	No Response Received
Mr Cor van der Walt Mr Jan Smit	Department of Agriculture, Forestry and Fisheries	28 July 2020	No Response Received
Mr J Scholtz	Department of Economic Development and Tourism	28 July 2020	No Response Received
Me Adri La Meyer	Department of Environmental Affairs and Development Planning - Western Cape	28 July 2020	No response received

FINAL SCOPING REPORT NOTIFICATION - STAKEHOLDERS

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
Me Candice van Reenen	Department of Labour	28 July 2020	No Response Received
Me Juanita Fortuin	Department of Rural Development and Land Reform	28 July 2020	No Response Received
Dr Robert Macdonald	Department of Social Development	28 July 2020	No Response Received
Me Jacqui Gooch	Department of Transport and Public Works	28 July 2020	26 August 2020
<p>Comments submitted by the DTPW on the FSR (26 August 2020):</p> <p>“...The branch has no additional comment on the Final Scoping Report. Our letter dated 19 February 2020 is still applicable.”</p>			
Mr R Khan	Department of Water and Sanitation - Provincial	28 July 2020	No Response Received
Mr Toni Parkes	Eskom Ltd	28 July 2020	No Response Received

FINAL SCOPING REPORT NOTIFICATION - STAKEHOLDERS

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
Me Waseefa Dhansay	Heritage Western Cape	28 July 2020	No Response Received
Me Tracy Brunings	Langeberg Local Municipality	28 July 2020	28 July 2020
<p>Me Brunings requested a copy of the FSR section with comments from IAP's on 28 July 2020.</p> <p>Greenmined supplied Me Brunings with a copy of the Comments and Response Report that was attached to the FSR on 29 July 2020.</p>			
Cllr SW Strauss	Langeberg Local Municipality Ward 5	28 July 2020	No Response Received
SAHRIS on-line system	SAHRA	28 July 2020	No Comments Received

FINAL SCOPING REPORT NOTIFICATION - SURROUNDING LANDOWNERS / INTERESTED AND AFFECTED PARTIES

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
Lamaison Goree Trust ✘ AN Viljoen ✘ Philipe du Toit ✘ Jan de Necker ✘ Philip & Almien du Toit	Neighbours: ✘ Portion 0 of Zand Berg 101 ✘ Portion 0 of Zandbult 98 (P du Toit) ✘ Portion 2 (RE) of Appels Drift 107 (AN Viljoen) ✘ Portion 0 of Farm 109 (AN Viljoen)	28 July 2020	No Response Received
Deorista 113 (Pty) Ltd ✘ Jan Rabie	Neighbour: ✘ Portion 0 of Die Gwarries 93 ✘ Remaining Extent of Laughing Waters 96	28 July 2020	No Response Received
Schalk Colyn Trust ✘ Schalk Colyn	Neighbour: ✘ Portion 2 (RE) of Klip Berg 136	28 July 2020	No Response Received
Mazi (Pty) Ltd ✘ Alba Lambrecht	Neighbour ✘ Remainder of Farm 194	28 July 2020	No Response Received
Deo Volente Sand-mine ✘ Deb Blake-Satchel	Interested and Affected Party	28 July 2020	No Response Received

WAY FORWARD

The draft Environmental Management Impact Assessment Report and EMPR were compiled (2020) and the stakeholders and I&AP's were provided with a chance to comment on the document. A 30 days commenting period were allowed for perusal of the documentation by the I&AP's and stakeholders. The comments received on the DEIAR & EMPR (2020) were incorporated into the amended EIAR & EMPR (2022) to be redistributed for public comments.

See attached Appendix H2 for proof of the correspondence with the I&AP's and stakeholders during the public participation process.

NOTIFICATION OF THE DRAFT ENVIRONMENTAL IMPACT ASSESSMENT REPORT'S AVAILABILITY TO STAKEHOLDERS AND I&APS

COMMENTING PERIOD: 29 OCTOBER – 30 NOVEMBER 2020

In accordance with the timeframes stipulated in the EIA Regulations, 2014 (as amended by GNR 326 effective 7 April 2017) the Draft Environmental Impact Assessment Report (DEIAR) was compiled to allow perusal of the report by the I&AP's and stakeholders listed above. A 30-day commenting period, ending 30 November 2020, was allowed for perusal of the documentation and submission of comments. The following table provides a list of the I&AP's and stakeholders that were informed of the availability of the DEIAR:

DRAFT ENVIRONMENTAL IMPACT ASSESSMENT REPORT NOTIFICATION – STAKEHOLDERS (2020)			
TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
Mr Jan van Staden Mr Patrick van Coller Me Elkerine Rossouw	Breede-Gouritz Catchment Management Agency	29 October 2020	No response received
Mr HF Prins	Cape Winelands District Municipality Development Planning	29 October 2020	No Response Received
Mr Rhett Smart Me Vicki Hudson	CapeNature	29 October 2020	1 December 2020
...Please note that our comments only pertain to the biodiversity related impacts and not to the overall disability of the application.			

DRAFT ENVIRONMENTAL IMPACT ASSESSMENT REPORT NOTIFICATION – STAKEHOLDERS (2020)

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
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Desktop Information:

The application area for the expansion of the mine is classified as Critical Biodiversity Area (CBA) I across the full extent according to the Western Cape Biodiversity Spatial Plan (WCBSP). There are several minor tributaries mapped originating on the ridge to the west of the site which terminate in the sand dune plume on site. The only wetland mapped on site according to the NFEPA mapping is the artificial dam associate with the existing mining activity and wetlands surrounding this.

The vegetation types present according to the National Biodiversity Assessment (NBA) classification are Breede Sand Fynbos (listed as Vulnerable) over most the area with North Sonderend Sandstone Fynbos (listed as Least Concern) along the north western boundary. The listing stayed the same for both vegetation types between the 2011 NEM:BA gazette and the draft 2018 NBA threat assessment. The Upper Breede Fine Scale Planning (FSP) Vegetation Mapping is a finer scale product than the NBA vegetation mapping and has been round-troughed (Helme, 2007). The FSP vegetation types mapped for the site are Mc Gregor Arid Fynbos which more or less corresponds to the North Sonderend Sandstone Fynbos although it extends further on to the site in the north and falls within this vegetation type's broader grouping. The Breede Sand Fynbos is also an FSP vegetation type and occupies most of the area mapped as such by the NBA, except for the south eastern section, which is classified as Sandberg Arid Alluvium Fynbos, which falls under the Broader Breede Sand Fynbos grouping.

Botanical Assessment

The botanical assessment has provided the desktop information but has not referred to the FSP mapping, although this does not differ much for this site. The botanical assessment for the previous expansion has also been included however the 2020 study is more relevant and the two reports do not contradict one another. The botanical assessment has mapped habitat units across the site consisting of fynbos on stabilised dunes, fynbos on mobile and semi-stabilised dunes, sandstone fynbos and drainage lines. The habitat types have been grouped according to NBA vegetation types with the fynbos on stabilised, semi-stabilised and mobile dunes consisting of Breede Sand Fynbos and the sandstone fynbos consisting of North Sonderend Sandstone Fynbos. The sensitivity of the vegetation across the entire site is classified as high sensitivity. The conservation value of the habitats is rated as high apart from the mobile and semi-stabilised dunes which are moderate-high.

A total of seven plant Species of Conservation Concern (SCCs) were encountered in the field survey. It must however be noted that the fieldwork was not undertaken in an optimal time of year to identify ephemeral seasonal species which are only identifiable in late winter/spring and mya have been dormant. The localities of the SCC populations have not been indicated, which is necessary in order to determine which populations may be affected by the proposed mine expansion.

The conclusion of the botanical assessment states that the classification as CBA I is supported and accordingly the permissible land uses within CBA are referred to, for which mining is not an appropriate land use. The desired management objective for CBA I is to "maintain in a natural or near natural state, with no further loss of natural habitat" (Pool-Stanvliet et al, 2007). The conclusion further states that the northern section is more uniform and hence of lower conservation value and is therefore acceptable for the proposed mining expansion. We wish to query this contradiction, as this area consists of CBA I and was rated of high sensitivity and high

DRAFT ENVIRONMENTAL IMPACT ASSESSMENT REPORT NOTIFICATION – STAKEHOLDERS (2020)

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
<p>conservation value. The proposal is that the remainder of the area which formed part of the mining application area to the south should be conserved as a biodiversity offset.</p> <p>Biodiversity Offset</p> <p>Should a biodiversity offset be considered for the mining proposal, it must comply with the Draft Western Cape Guideline on Biodiversity Offsets (2015) and the Draft National Policy on Biodiversity Offsetting in South Africa (2018). The core principle for the consideration of a biodiversity offset is the mitigation hierarchy, which entails first avoid, then minimize, then mitigate/rehabilitate and only then offset the residual impact if it is of high or medium significance. The first step of avoidance would include investigation of alternative locations, but this is not always possible for mineral deposits, however construction sand is not a rare mineral resource and therefore the importance of this mineral resource relative to other deposits of sand for exploitation would need to be taken into consideration relative to the loss of CBA I habitat.</p> <p>Following thorough application of the mitigation hierarchy, including motivation of the need and desirability, a biodiversity offset would need to be implemented should the proposed mining expansion be contemplated further. It should be noted that habitat that is considered irreplaceable is not offsetable. The biodiversity offset would need to aim for “like for like” as far as possible in protecting the same habitat that will be lost. The area which will need to be conserved is determined in accordance with the ratios in the above-mentioned guidelines and policy. The ratios are determined both by the WCBSP category of the habitat and the threat status of the vegetation type. CBA I and Critically Endangered ecosystems require offsets at a ratio of 1:30 meaning the offset must be equivalent to 30 times the size of the habitat lost, although modifiers can be applied depending on other factors.</p> <p>The biodiversity offset that has been proposed in the botanical assessment is framed as a conservation set-aside whereby the remainder of the application area is proposed for conservation and is typically where the development is on a transformed footprint, unlike this case where a biodiversity offset is a requirement due to loss of valuable habitat. This area could be suitable for the target offset area or part thereof, however the biodiversity offset needs to be determined in accordance with the guidelines as described above. The biodiversity offset should be determined through an independent biodiversity offset specialist study, which must also include operation and implementation. The broad landscape should be included with the investigation of the most suitable target site for the biodiversity offset and should take into consideration existing protected area expansion initiatives and connectivity.</p> <p>Wetland Delineation Study</p> <p>A wetland delineation study has been undertaken which describes the importance of groundwater for the dune plume, with the groundwater seeping out at the base of the mine face and is then trenched into the dam directly downstream within the current mining footprint. As described above the watercourse which ordinate on the Sandberg ridge dissipate into the groundwater once they reach the dune plume. The existing mining activity has already modified the surface and ground hydrology.</p>			

DRAFT ENVIRONMENTAL IMPACT ASSESSMENT REPORT NOTIFICATION – STAKEHOLDERS (2020)

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
<p>CapeNature agrees with the evaluation of the wetland conditions being anthropogenically influenced, however an important factor that has not been adequately addressed is the impact of the expansion of mining. As discussed, the freshwater within the dune plume is mainly within the aquifer, therefore the mining could expose the aquifer and will alter the hydrodynamics of both the surface and groundwater. While exposure of groundwater will not directly impact freshwater habitat, it will be essential that mine plan takes groundwater and drainage into account in order to minimise the impact. A stormwater management plan has been compiled and included in an appendix, and must be integrated with the rehabilitation and closure plan.</p> <p>Rehabilitation and Closure</p> <p>A closure plan has been included as an appendix and the proposed end use of the mine is to return it to natural vegetation, with rehabilitation taking place progressively as mining proceeds. It should however be emphasized that the proposal is not to restore the original vegetation on site but instead to rehabilitate to functional habitat (which would be of lower conservation value than the original vegetation on site), which we agree is a more realistic goal. The design and rehabilitation will also ensure that there is free drainage of water to minimise impacts on hydrology which is supported. CapeNature recommends that a suitably qualified specialist be appointed to undertake rehabilitation.</p> <p>Conclusion</p> <p>In conclusion, CapeNature does not support the application as currently proposed as it will result in the loss of ±27 ha of CBA I habitat. The localities of the SCC populations need to be indicated in order to assess the impact and a spring survey is required in order to identify any SCCs which may have been dormant when the January survey was undertaken. Should the mining proposal be considered further a biodiversity offset study will need to be undertaken after applying the mitigation hierarchy and need and desirability will need to be motivated.</p>			
<p>Following receipt of the CN comments on the 2020 DEIAR, the project proposal was revisited and subsequently amended to the proposed expansion of the existing mining area with only ±4 ha of which the loss to the CBA will be offset on the remaining natural areas on the property.</p> <p>The amended project proposal and preliminary offset plan was presented, during a virtual meeting, to Mr Smart (CN) on the 16th of November 2021.</p>			
<p>Preliminary comments received from CN on 07 January 2022 regarding the amended project proposal:</p> <p>“CapeNature commented on the Draft EIA Report in which we indicated that we do not support the application as it will result in the loss of approximately 27 ha of Critical Biodiversity Area 1 (CBA), consisting of Breede Sand Fynbos. We further indicated that if the application were to be considered further, a biodiversity offset which complies</p>			

DRAFT ENVIRONMENTAL IMPACT ASSESSMENT REPORT NOTIFICATION – STAKEHOLDERS (2020)

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
<p>with the Draft Western Cape Guideline on Biodiversity Offsets (2015) and the Draft National Policy on Biodiversity Offsetting in South Africa (2018) would need to be investigated.</p> <p>A biodiversity offset study was commissioned and a meeting was held with CapeNature on 16 November 2021 to present the proposed offset. This correspondence is based on the presentation and meeting and provides a preliminary recommendation regarding the offset proposal based on the information provided and therefore supplements the comments on the Draft EIA Report.</p> <p>The context of the project was presented with regards to need and desirability as this is an important consideration if a biodiversity offset is to be implemented. It was clarified that there are currently no other operational sand mines within the Central Breede Valley, with closest mine near Worcester (±60 km away) and therefore there is a high demand for use of the product from the current mine and further expansion, which is required for construction.</p> <p>The proposed mining area has been revised as a result of the biodiversity offset study, with the correct implementation of the mitigation hierarchy (avoid, minimize, mitigate/rehabilitate and only then offset the residual impact). As a result, the proposed mining area has been greatly reduced in extent, from 27 ha to 4 ha. It is important to therefore highlight that by undergoing the mitigation hierarchy through the biodiversity offset study that the loss of habitat and impact on biodiversity has been greatly reduced, even without the offset.</p> <p>In terms of the mitigation hierarchy full avoidance is not possible as the remaining sand resource on site is all located within CBA. In terms minimizing the impact, this was undertaken through refined sensitivity mapping and was informed by the existing specialist studies and amendments, a site visit and additional butterfly and faunal specialist studies. Factors which were included were connectivity, edge effects, more diverse and better condition vegetation communities and threatened butterfly localities. Three alternatives were identified, namely: expansion to the north west; expansion to the south west; and expansion to the west in two sections separated by a watercourse and buffer. The latter has been selected as the preferred alternative. With regards to the third step in the mitigation hierarchy, the end use of the proposed mine is to return to natural vegetation and the site does have rehabilitation potential, although this is dependent on the depth of the sand to the bedrock after mining.</p> <p>With regards to the offset ratios, a ratio of 1:30 has been proposed, as the site is located within a CBA. According to the National Biodiversity Offset Guideline (March 2021), CBA 1 should be considered irreplaceable and therefore falls under the ambit of ecological compensation whereby the highest ratio applies. As indicated in the presentation, the Western Cape Guidelines (2015) refers to the threat status of the vegetation types for the ratios, and in this case is 1:3 for Breede Sand Fynbos, which was listed as Vulnerable in the 2011 NEMBA gazette of threatened ecosystems and also in the first draft of the revised list of threatened ecosystems (2018) provided to key stakeholders for review. However, the draft revised list of threatened ecosystems in need to protection was released on 5 November 2021, in which Breede Sand Fynbos is not listed as Critically Endangered, although the offset ratios are currently calculated according to the remaining extent and not the threat status. CapeNature supported the use of a ratio of 1:30 in initial engagements and is still endorsed. The highest ratio for the various criteria would always apply. Therefore, the offset requirement for the loss</p>			

DRAFT ENVIRONMENTAL IMPACT ASSESSMENT REPORT NOTIFICATION – STAKEHOLDERS (2020)

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
<p>of 4 ha is 120 ha.</p> <p>Investigation of the proposed target offset site started with remainder of the same property where mining is taking place. As there is a large area of CBA remaining on site for the current mining proposal, the target offset could be fully achieved on the same property (would not have been possible with the original proposal). The proposed offset site was based on the refined mapping from the botanical specialist, with the targeted area being the pristine Breede Sand Fynbos on site, thereby ensuring that the offset targets like for like in the best condition. The proposed offset area incorporates this area along with intervening areas to create a less convoluted conservation area, resulting in a target offset area of 164 ha, which exceeds the offset requirements.</p> <p>In summary, CapeNature supports this proposal as a preliminary recommendation to inform decision-making. The offset meets the necessary requirements in terms of the biodiversity offset guidelines and will contribute towards the conserving priority biodiversity and the conservation estate. We do however recommend that a full biodiversity offset report is included with the final submission and should provide recommendations for inclusion as conditions of approval in the environmental authorisation (should this be issued). The location of the offset on the same property is potentially easier than off site, in terms of cost, time, practicality and involvement of additional parties.</p> <p>CapeNature will not comment on the additional faunal and butterfly assessments or the refined botanical sensitivity mapping here, as we would require the full reports in order to do this. Based on the information provided however, it is apparent that the findings of these studies have been incorporated into the biodiversity offset, including habitat provision for threatened butterfly species. As previously indicated, the proposed biodiversity offset must be presented to the CapeNature Protected Area Expansion and Stewardship Review Committee on 2 February 2022, in order to provide a final recommendation, specifically regarding the protected area status. Preliminary costing has been provided for securing the site and for management. Further details regarding the logistics, costs and roles and responsibilities can be finalized in and included in the final submission. The current proposal provides for full responsibility by the applicant and the project team, but certain actions can only be undertaken by the responsible authorities. We recommend that the applicant should provide a written commitment to securing the offset in the submission of the final report.”</p>			
<p>Additional comments received from CN on the DEIAR (2022), as well as during the meeting with the CapeNature Protected Area Expansion and Stewardship Review Committee (02 February 2022) will be incorporated into the FEIAR and EMPR to be submitted to the DMRE for decision making. The recommended written commitment (by the MR Holder) will also for part of the FEIAR and EMPR.</p>			
<p>Mr Cor van der Walt</p> <p>Mr Jan Smit</p>	<p>Department of Agriculture, Forestry and Fisheries</p>	<p>29 October 2020</p>	<p>No Response Received</p>

DRAFT ENVIRONMENTAL IMPACT ASSESSMENT REPORT NOTIFICATION – STAKEHOLDERS (2020)

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
Mr J Scholtz	Department of Economic Development and Tourism	29 October 2020	No Response Received
Me Adri La Meyer	Department of Environmental Affairs and Development Planning - Western Cape	29 October 2020	3 December 2020

Comments received from DEA&DP on the 2020 DEIAR & EMPR:

The Draft Scoping Report (“DSR”) dated June 2020, the Department’s comments thereto dated 20 July 2020, and the e-mail notification of 29 October 2020 regarding the availability of the Draft Environmental Impact Assessment (“EIA”) Report, refer.

The Department apologises for the slight delay in submitting comments on the Draft EIA Report. Please find consolidated comments from various directorates within the Department on the Draft EIA Report dated October 2020 that was downloaded from the website of the environmental assessment practitioner.

1. Directorate: Development Facilitation – Ms Adri La Meyer:

1.1 It is not apparent from Appendix A1 and Appendix A2 what the extension are of the preferred layout alternative entails. Both mine plans indicate the entire extent of the originally proposed 108.3 ha mining right expansion area, in addition to the existing, approved 17.68 ha mining footprint. The proposed mine design plan included as Appendix C does indicate the proposed extension area of the preferred layout alternative (Layout Alternative 1). Please amend both mine plans to indicate the extent (27 ha) of the preferred layout alternative in relation to the originally proposed 108 ha mining area, i.e. Appendix C must be overlain on the mine plans. A final layout plan must be compiled, which excludes the southern portion of the proposed mining footprint.

1.2 Further to the above, throughout the Draft EIA Report and in Appendices A1 and A2 it is indicated that the mining expansion area is 108.3 ha, thus resulting in a total mining area of 126 ha. The Final EIA Report must clearly indicate that the southern portion (81 ha) of the originally proposed mining expansion area will be excluded from mining activities.

1.3 Please note that Appendix F1 only contains the converted mining right for the initial 7.48 ha mining area, which was valid until 28 February 2016. The mining right renewal until May 2047 and the subsequent 10.2 ha extension granted in December 2018 were not included as appendices to the Draft EIA Report.

DRAFT ENVIRONMENTAL IMPACT ASSESSMENT REPORT NOTIFICATION – STAKEHOLDERS (2020)

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
<p>1.4 Page 26 of the Draft EIA Report indicates that Appendix F2 contains a copy of the rezoning approval by Langeberg Municipality in March 2018. Please be advised that Appendix F2 contains correspondence from the then Breede River Winelands Municipality dated 02 August 2002 in relation to a consent use for existing mining activities.</p> <p>1.5 Final comment from Heritage Western Cape in response to the Heritage Impact Assessment compiled by ACO Associates CC dated April 2020 must be included in the Final EIA Report to be submitted to the competent authority.</p> <p>2. Directorate: Development Management (Region 1) – Ms Ayesha Hamdulay:</p> <p>2.1 Although the area to be mined has been reduced to 27 ha, the area is still located within a Critical Biodiversity Area (“CBA”). As previously indicated in our comments on the DSR, this Directorate does not support mining within a CBA.</p> <p>2.2 It is noted that an on-site area of 81 ha will be set aside as a biodiversity offset. Please be advised that comments must be obtained from CapeNature regarding the proposed offset and must be included in the Final EIA Report.</p> <p>2.3 The EMPr must be updated to include fines for non-compliance.</p> <p>3. Directorate: Pollution and Chemicals Management – Ms. Shehaam Brinkhuis:</p> <p>3.1 It is essential that the 100 m buffer to the northern drainage line is always treated as a “no-go” area for not only mining, but also any other associated activities, such as gaul roads, lay-down areas, etc. Furthermore, the identified greater “no-go” area of 81 ha should be strictly enforced.</p> <p>3.2 The Storm Water Management Plan dated October 2020 as contained in Appendix Q must be implemented, with ongoing monitoring of effectiveness and adjustments undertaken where required. The recommendation for the storm water management plan to be reviewed biennially and adjusted to reflect the site- specific conditions relating to the storm water control, is strongly supported.</p> <p>3.3 Please amend the EMPr to include reference to section 30 of the NEMA, 1998 pertaining to the control of incidents, and not only reference in terms of “housekeeping” and waste management. In the event of a significant accidental spill or leak of hazardous substances during any phase of the proposed activities, such an incident(s) must be reported to all relevant authorities, in accordance with section 30 of NEMA, 1998. It is recommended that the final bullet point on page 221 of the EMPr and section 8 of the Emergency Response Procedures be amended to include the requirement that any incident must also be reported to this Directorate.</p>			

DRAFT ENVIRONMENTAL IMPACT ASSESSMENT REPORT NOTIFICATION – STAKEHOLDERS (2020)

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
<p>4. Directorate: Waste Management – Mr Lance Anders:</p> <p>4.1 This Directorate is satisfied that its comments on the DSR have been adequately addressed in the Draft EIA Report and EMPr.</p> <p>5. Directorate: Air Quality Management – Ms Gavaza Mhlarhi / Mr Peter Harmse:</p> <p>5.1 it is noted that fugitive dust emissions will occur from mining activities and the potential establishment of haul roads. The management actions related to dust mitigation indicated in the Draft EIA Report and the mitigation measures relating to dust emissions indicated in the EMPr are supported and must be strictly implemented.</p> <p>5.2 It is noted that noise generated by the proposed activities will have a limited impact. All noise levels of machinery and work activities on-site must be monitored and controlled on. The sources of impacts during sand mining activities would likely be from operational vehicles and machinery which should be monitored for excessive emissions, as stipulated in the EMPr.</p> <p>6. The applicant is reminded of its “general duty of care towards the environment” as prescribed in section 28 of NEMA, 1998 which states that “every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or topped, to minimise and rectify such pollution or degradation of the environment.”</p>			
<p>Additional response to the comments received from the DEA&DP on the 2020 DEIAR (10 January 2022):</p> <p>1.1 Refer to Appendix A for a copy of the Regulation 2.2 Mine Plan;</p> <p>1.2 Refer to Part A(1)(d)(ii) Description of the activities to be undertaken – 2. S102 Application;</p> <p>1.3 Refer to Appendix F1;</p> <p>1.4 Refer to Appendix F2;</p> <p>1.5 This will be added to the FEIAR once received;</p> <p>2.1 Refer to Part A(1)(d)(ii) Description of the activities to be undertaken – Site Specific Mining and Biodiversity Conservation Areas;</p> <p>2.2 Refer to Part A(1)(g)(iii) Summary of issued raised by I&AP’s as well as Appendix >> for a copy of the Comments and Response Report;</p> <p>2.3 Refer to Part B(1)(g-k) Mechanisms for monitoring compliance with and performance assessment the environmental management programme and reporting thereon –</p>			

DRAFT ENVIRONMENTAL IMPACT ASSESSMENT REPORT NOTIFICATION – STAKEHOLDERS (2020)

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
<p>List of Non-compliance Penalties.</p> <p>3.1 Refer to Part A(1)(g)(iv)(c) Description of specific environmental features and infrastructure on the site – Site Specific Hydrology and Geohydrology; Appendix G3 for the Wetland Delineation Report; Appendix G4 for the Floodline Determination Report.</p> <p>3.3 Refer to Part A(1)(g)(viii) The possible mitigation measures that could be applied and the level of risk – Waste Management; Part B(1)(g-k) Mechanisms for monitoring compliance with and performance assessment the environmental management programme and reporting thereon; Appendix R Emergency Response Procedures;</p>			
Me Candice van Reenen	Department of Labour	29 October 2020	No Response Received
Me Juanita Fortuin	Department of Rural Development and Land Reform	29 October 2020	No Response Received
Dr Robert Macdonald	Department of Social Development	29 October 2020	No Response Received
Me Jacqui Gooch	Department of Transport and Public Works	29 October 2020	7 November 2020

Comments submitted by the DTPW on the 2020 DEIAR & EMPR (07 November 2020):

“...It is noted in the DSR that our conditions previously specified in our letter dated 19 February 2020 are being implemented. We have no further comment.”

DRAFT ENVIRONMENTAL IMPACT ASSESSMENT REPORT NOTIFICATION – STAKEHOLDERS (2020)

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
Mr R Khan	Department of Water and Sanitation - Provincial	29 October 2020	No Response Received
Mr Toni Parkes	Eskom Ltd	29 October 2020	No Response Received
Me Waseefa Dhansay	Heritage Western Cape	29 October 2020	No Response Received
Me Tracy Brunings	Langeberg Local Municipality	29 October 2020	No Response Received
Cllr SW Strauss	Langeberg Local Municipality Ward 5	29 October 2020	No Response Received
SAHRIS on-line system	SAHRA	29 October 2020	No Response Received

DRAFT ENVIRONMENTAL IMPACT ASSESSMENT REPORT NOTIFICATION - SURROUNDING LANDOWNERS / INTERESTED AND AFFECTED PARTIES

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
Lamaison Goree Trust AN Viljoen Philipe du Toit Jan de Necker Philip & Almien du Toit	Neighbours: Portion 0 of Zand Berg 101 Portion 0 of Zandbult 98 (P du Toit) Portion 2 (RE) of Appels Drift 107 (AN Viljoen) Portion 0 of Farm 109 (AN Viljoen)	29 October 2020	No Response Received
Deorista 113 (Pty) Ltd Jan Rabie	Neighbour: Portion 0 of Die Gwarries 93 Remaining Extent of Laughing Waters 96	29 October 2020	No Response Received
Schalk Colyn Trust Schalk Colyn	Neighbour: Portion 2 (RE) of Klip Berg 136	29 October 2020	No Response Received
Mazi (Pty) Ltd Alba Lambrecht	Neighbour Remainder of Farm 194	29 October 2020	No Response Received
Deo Volente Sand-mine Deb Blake-Satchel	Interested and Affected Party	29 October 2020	No Response Received

SUMMARY OF PUBLIC PARTICIPATION PROCESS

The comments received on the 2020 draft EIA & EMPR lead to the reduction of the proposed extension area, and subsequent revision of the DEIAR & EMPR (2022). The revised DEIAR & EMPR, will be circulated for public commenting over a 30-day commenting period ending on 17 February 2022. The comments received on the DEIAR & EMPR will be incorporated into the final EIAR & EMPR to be submitted to the DMRE for decision making.

See attached Appendix H2 for proof of the correspondence with the I&AP's and stakeholders during the public participation process.

NOTIFICATION OF THE AMENDED DRAFT ENVIRONMENTAL IMPACT ASSESSMENT REPORT'S AVAILABILITY TO STAKEHOLDERS AND I&APS

COMMENTING PERIOD: 14 JANUARY 2022 – 17 FEBRUARY 2022

The comments received on the 2020 draft EIA & EMPR lead to the reduction of the proposed extension area, and subsequent revision of the DEIAR & EMPR. The revised DEIAR & EMPR (2022), was also circulated for public commenting over a 30-day commenting period that ended on 17 February 2022, and the comments received on the 2022 DEIAR & EMPR were incorporated into the final EIA & EMPR, to be submitted for decision making to DMRE. The following table provides a list of the I&AP's and stakeholders that were informed of the availability of the 2022 DEIAR:

DRAFT ENVIRONMENTAL IMPACT ASSESSMENT REPORT NOTIFICATION – STAKEHOLDERS (2022)			
TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
Mr Jan van Staden Mr Patrick van Coller Me Elkerine Rossouw	Breede-Gouritz Catchment Management Agency	14 January 2022	16 February 2022
<p>Comments received from BGCMA on the 2022 DEIAR & EMPR:</p> <p>“BGCMA has no objection to the proposed application; however, has the following comments:</p> <ul style="list-style-type: none"> ⌘ It is noted that the proposed mine expansion sites are within 500 m radius of wetlands. Please note that any activity within the 1:100 year floodline or within 100 metres of a watercourse (river, spring, natural channel, a lake or am) or within a 500 m radius from the delineated boundary (extent) of any wetland or pan triggers a water use activity in terms of Section 21 (c) & (i) of the National Water Act, 1998 (Act 36 of 1998). A Water Use Authorisation Application needs to be lodged with the Department of Water and Sanitation by following this link: http://www.dwa.gov.za/ewulaasprod/Register.aspx. ⌘ It is noted that there is a dam on site which is not authorised and not registered in BGCMA records. The source of water to fill the dam, the purpose of the dam and 			

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<p>size of the dam is not indicated. This information should be submitted to this office before Section 21(c) & (i) Water Uses Authorisation Application is lodged in order to determine if there will be a need to include this water use in the application.</p> <ul style="list-style-type: none"> ✘ Disposal of sewage must at all times comply with the requirements of Section 22 and 40 of the National Water Act of 1998 (Act 36 of 1998). ✘ All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use must be adhered to. ✘ No water must be taken from a water resource for any purpose without authorisation from the National Water Act of 1998 (Act 36 of 1998). ✘ No waste or water containing waste may be disposed without authorisation from the National Water Act of 1998 (Act 36 of 1998) and National Environmental Management: Waste Act, 2008 (Act 59 of 2008). ✘ The minimising of waste must be promoted and alternative methods for waste management must be investigated. ✘ No pollution of surface water or groundwater resources may occur. ✘ Stormwater management must be addressed both in terms of flooding, erosion and pollution potential. ✘ No stormwater runoff from any premises containing waste, or water containing waste emanating from industrial activities and premises may be discharged into a water resource. Polluted stormwater must be contained. <p>Please be advised that no activities may commence without the appropriate approvals/authorisations where needed from the responsible authority. The onus remains with the registered property owner to confirm adherence to any relevant legislation that such activities might trigger and/or need authorisation for.”</p>			
<p>Response from Greenmined to BGCMA sent on 17 February 2022:</p> <p>“Greenmined herewith acknowledges, and thank you for, the comments submitted on the DEIAR for the proposed expansion of the Zandberg Sandput (Pty) Ltd mining area on Portion 4 of the farm Zandberg Fontein No 97 in the Robertson area. Your comments will be incorporated into the final Environmental Impact Assessment Report to be submitted to the DMRE for decision making, and will also be shared with the consultants responsible for the Water Use Authorisation Application for their attention and handling in terms of the NWA, 1998.”</p>			
Mr HF Prins	Cape Winelands District Municipality Development Planning	14 January 2022	No Response Received

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Mr Rhett Smart Me Vicki Hudson	CapeNature	14 January 2022	17 February 2022

Comments received from CN on the 2022 DEIAR & EMPR (17 February 2022):

“Background

CapeNature did not support the application as initially presented in the Draft Environmental Impact Assessment (EIA) Report and Environmental Management Programme Report (EMPr) as the proposal would result in the loss of approximately 27 ha of Critical Biodiversity Area (CBA) verified as high sensitivity habitat in the botanical assessment. Subsequent to this a biodiversity offset study was commissioned which has resulted in a revised mining proposal and additional ecological specialist assessments. CapeNature provided a preliminary response regarding the proposed biodiversity offset which has been included in the comments and response report. It should however be noted that our initial comments did not only pertain to the biodiversity offset.

As a result of the implementation of the mitigation hierarchy which is central to biodiversity offsets the proposed mining area has been reduced from 108 ha to 4 ha which is a significant reduction. The proposal will still result in the loss of 4 ha of CBA for which a biodiversity offset is proposed. Due to the relatively large remaining extent of natural habitat on the property outside of the current and proposed mining area the proposed offset could be accommodated on the same property. In addition to the reduced area, the mining methodology has been amended to provide for a bench mining method whereby each bench is mined and progressively rehabilitated.

Botanical Assessment

The botanical assessment has been amended to reflect the revised proposal. A second site assessment was undertaken in a more optimal time of year (August) and included the entire property which could also then be used to inform the location of the offset. This resulted in an increase of the plant species list from 63 species to 109 species, with 56 of these species within the Breede Sand Fynbos habitat which is targeted for mining and the offset. Detailed descriptions are however only provided for the habitat units within the Breede Sand Fynbos which would be affected by the mining. Two additional Species of Conservation Concern (SCCs) were encountered, but do not occur within the affected footprint. The botanical assessment recommended that Alternative 1 is the preferred alternative as the fewest individuals of SCCs would be

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affected, although Alternative 3 would still be acceptable.

Alternative 2 is least preferred as this will impact on the highest number of SCCs. We wish to query the impact assessment section for the potential impacts on vegetation and SCCs, which was rated as high negative before mitigation and medium negative after mitigation, which was the same as the previous assessment. The impacts will be reduced compared to the previous proposal as a result of the greatly minimized footprint and the implementation of a biodiversity offset. The proposed mitigation measures in the botanical assessment are supported. Search and rescue of geophytes and succulents through translocation has been included and these specimens should be kept at an on-site nursery and used in the rehabilitation of the mine and other disturbed areas on site. We recommend that the Karoo Botanical Gardens should be contacted to determine if they wish to obtain any plant material for cultivation, in particular SCCs and including collection of cuttings and seed for species which are not suitable for translocation (e.g. the microphyllous shrub SCCs).

Rehabilitation of the mined area will also play an important role in determining the long term impact of the activity. The revised botanical assessment has included rehabilitation specifications which are supported. A list of species has been included, which should be integrated with the search and rescue programme as listed above. Collection of seed and cuttings can be extended beyond the mining footprint, provided the permits are obtained from CapeNature. The rehabilitation would need to take cognisance that pioneer species are required for initial establishment and therefore the SCCs should be carefully located. The closure plan has been amended to include the recommendations of the botanical assessment with the aim of re-establishing Breede Sand Fynbos on the mined area. The report indicates that this is challenging which we agree with. The succession of the vegetation from establishment of pioneer vegetation to the establishment of the original sand fynbos vegetation has not been fully described. We recommend that a restoration specialist should be appointed to advise regarding the rehabilitation on site with the aim of re-establishing Breede Sand Fynbos on site.

Terrestrial Fauna Assessment and Butterfly Survey

A terrestrial fauna assessment was undertaken as a result of the screening tool which identified the possibility of the presence of the following threatened fauna species Black Harrier (*Circus maurus*, Endangered), Verreaux’s Eagle (*Aquila verreauxii*, Vulnerable) and Riverine Rabbit (*Bunolagus monticularis*, Critically Endangered). Butterfly species were assessed in a separate assessment. The assessment indicated that the mining footprint is unlikely to provide important habitat for the two bird species as the adjacent mountains are more suitable habitat for the Verreaux’s Eagle and the Black Harrier requires relatively dense cover. The mining footprint is small relative to the home ranges of these species and the remaining surrounding habitat. Of the bird species of conservation concern, the Agulhas Long Billed Lark (*Certhilauda brevirostris*) was the only one rated as high likelihood of occurrence. It is noted that the species is largely restricted to the Agulhas Plain and Overberg wheatbelt and reportedly occurs within the Breede Valley to Worcester although this has not been confirmed by bird atlas data (Peacock 2015). All of the mammal species of conservation concern which

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could occur on the site are rated as low likelihood, which included the Riverine Rabbit. We recommend that the rating for Riverine Rabbit should rather be noted as unknown than low, as consultation with the Endangered Wildlife Trust (EWT) has revealed that the lack of records within the Breede Valley may be as a result of low sampling effort rather than real absence. Previous surveys in 2006 and 2007 resulted in only one unconfirmed debatable sighting. The habitat selection in areas outside the Nama Karoo (e.g. Little Karoo) has revealed a wider range than only riparian vegetation. We therefore recommend that the ecological monitoring requirements for the offset should include an additional activity of camera trap surveys specifically targeted at Riverine Rabbits, but should also include other fauna species. No other faunal groups were highlighted or discussed.

The findings of the fauna assessment are that the proposed mine is acceptable provided the proposed mitigation measures are implemented. CapeNature wishes to recommend that mitigation measures are put in place for fossorial (i.e. burrowing) faunal species in areas proposed to be mined. The preferred alternative is Alternative 3, as this will have reduced edge effects. A separate butterfly assessment was undertaken for *Aloeides lutescens* (Endangered) which was flagged in the screening tool. Four site surveys were undertaken between September and December, including surveys during the flight period of *A. lutescens*, however this species was not encountered. *Chrysoritis rileyi* (Endangered) was however recorded on site, which was not flagged in the screening tool. A second potential SCC occurs on site, namely an undescribed subspecies of *Chrysoritis pyroeis* which has not been evaluated. Detailed surveys for these two species revealed the presence of *C. rileyi* within Alternative 1 and both species in the northern part of Alternative 2, however none were encountered within Alternative 3. The proposed offset area was confirmed to contain habitat for the two butterfly SCC species recorded and is therefore a suitable mitigation measure if Alternative 3 is selected. We wish to note that *Thestor kaplani* (Critically Endangered) was mentioned in the terrestrial fauna assessment as a species flagged in the screening tool, however this species is not mentioned in the butterfly survey report. It is noted that there is at least one record of *C. rileyi* within an area disturbed by mining. We recommend that the lepidopterist should be consulted to advise regarding the rehabilitation of the mining area to optimise the rehabilitated area as habitat for the SCC butterfly species occurring on site.

Watercourse Delineation and Habitat Assessment and Floodline Determination Study

A new watercourse delineation and habitat assessment was undertaken in addition to the previous wetland delineation report. The study encompassed the regulated 500 m buffer around the proposed alternative footprints and identified the presence of an artificial wetland within the footprint of the mined area downslope of the proposed extension area leading into an artificial dam. In addition to this, an unchanneled valley bottom wetland was identified to the south of the proposed mining area. The description of the freshwater features within the current mining area in the new watercourse delineation report differs from the previous wetland delineation report. CapeNature supports the findings from the new report as these appear more accurate than the descriptions from the previous report. The new report describes the wetland as artificial as a result of the mining activity which has lowered the ground level exposing the groundwater at the base of the slope, following which the water is then directed to the dam whereas the previous report only referred to artificial trenching of water into the dam. The presence of wetlands within the alternative footprints for

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expansion was investigated, in particular Alternative 3 which contains the thalweg (lowest point) along the slope with a watercourse mapped dissipating upslope of this. The report states that was no evidence of the presence of wetlands based on soil indicators. The report further indicates that there is no evidence of an episodic drainage line which transports water only during rainfall events (e.g. signs of run-off), due to the sandy substrate which promotes infiltration of water flow into the dune sand and groundwater interflow.

As indicated the other method of wetland delineation apart from soils is the presence of hydrophilic vegetation, particularly in sandy soils which don't always have well developed mottling under wetland conditions. The report indicates that only dryland species were encountered and that "the brown grass contributes to the appearance of a drainage line". It should however be noted that the botanical assessment mapped this as a drainage line, which was one of the three habitat units assessed in detail. The recommendation in the botanical assessment for drainage lines is that they should be regarded as no-go areas unless approved by the hydrologist/wetland specialist. The recommendation of the watercourse delineation and habitat assessment is that all three alternatives are acceptable as they will not impact directly on any watercourses or wetlands. The artificial wetland has resulted due to the mining activities and therefore no specific mitigation measures are proposed. CapeNature wishes to query whether the feature mapped as a drainage line in the botanical assessment requires any specific mitigation in particular related to drainage whether it is defined as a watercourse in terms of the National Water Act or not. A floodline determination study was undertaken which refers to the feature described above as a drainage line however it confirms that this is an ephemeral feature and further that this is not a defined feature. The floodline determination does not further assess the freshwater features or hydrology on site, but instead determines the 1 in 100 year floodline for the Breede River which is a fair distance and elevation downslope from the site which is unsurprisingly well outside of the floodline. We therefore wish to query the discrepancy between the mapping and definition in the botanical assessment, the watercourse delineation and habitat assessment and floodline determination study regarding the potential freshwater feature traversing Alternative 3. The stormwater management plan has been amended from the previous version in accordance with the revised proposal. However, we recommend that this needs to be finalized based on the outcome of the determination of the presence of a drainage line or not, as the run-off from this feature would need to be adequately managed and mitigated.

Biodiversity Offset Report

CapeNature commented previously on the biodiversity offset as referred to above, however prior to the compilation of the biodiversity offset report. The biodiversity offset report has taken into account all of the ecological specialist studies referred to above. Rehabilitation has been discussed as a step in the mitigation hierarchy. The biodiversity offset report has recommended Alternative 3 as the preferred alternative weighing up the various impacts as described above, even although not the preferred alternative from a mining perspective. Alternative 3 has accordingly also been recommended as the overall preferred alternative in the Draft EIA Report/EMPr which CapeNature agrees with pending the outcome from the further investigation regarding the potential drainage line as discussed above. The offset requirements at a ratio of 1:30 for the loss of 4 ha was 120 ha. The area of remaining Breede Sand Fynbos on site apart from the small, degraded patch in the north amounts to ±120 ha. This has

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<p>been included in the offset area along with adjacent vegetation types to create a less convoluted conservation area configuration resulting in a total offset area of 169 ha. Targeting Breede Sand Fynbos will ensure “like for like” and provide protection for this poorly protected vegetation type under increasing threat and proposed to be listed as Critically Endangered. CapeNature supports the proposed biodiversity offset area as indicated in our initial comments and in the minutes of the stewardship review committee meeting on 1 February 2022.</p> <p>Preliminary costing and proposed conditions of approval have been provided in the offset study. These conditions will ensure that the operational arrangements regarding the implementation of the offset will be realized. This is an important component of the long term feasibility of the offset. CapeNature has clarified that all costs associated with the biodiversity offset are to be provided by the applicant in accordance with the “polluter pays’ principle enshrined in NEMA.</p> <p>Conclusion</p> <p>CapeNature does not object to the revised development proposal and associated biodiversity offset as currently proposed, which is a significant improvement on the previous proposal. There are however several issues as discussed above that must be addressed before the submission of the Final EIA Report/EMPr. In particular, the presence of the drainage line and associated mitigation measures must be clarified. Should this be satisfactorily addressed, CapeNature agrees with the selection of Alternative 3 as the preferred alternative.”</p>			
<p>Response to the comments submitted by CN on the DEIAR & EMPr:</p> <p>Botanical Assessment</p> <p>The recommendation that the Karoo Botanical Gardens should be contacted to determine if they wish to obtain any plant material for cultivation, in particular SCCs and including collection of cuttings and seed for species which are not suitable for translocation (e.g. the microphyllous shrub SCCs) was added to the possible mitigation measures listed in this report, as well as the EMPr. Refer to Part A(1)(g)(viii) <i>The possible mitigation measures that could be applied and the level of risk – Management of Vegetation Removal and Conservation of the CBA</i>, and Part B(1) <i>Mechanisms for monitoring compliance with and performance assessment the environmental management programme and reporting thereon, including g) Monitoring of Impact Management Actions, h) Monitoring and reporting frequency, i) Responsible persons, j) Time period for implementing impact management actions, k) Mechanism for monitoring compliance.</i></p>			

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Further to this, the recommendation that a restoration specialist be approached regarding the rehabilitation on site with the aim of re-establishing Breede Sand Fynbos was also incorporated into the FEIAR & EMPR. Refer to Part A(1)(g)(viii) *The possible mitigation measures that could be applied and the level of risk – Landscaping of Mining Area*, and Part B(1) *Mechanisms for monitoring compliance with and performance assessment the environmental management programme and reporting thereon, including g) Monitoring of Impact Management Actions, h) Monitoring and reporting frequency, i) Responsible persons, j) Time period for implementing impact management actions, k) Mechanism for monitoring compliance.*

Terrestrial Fauna Assessment and Butterfly Survey:

The comment regarding the likelihood of occurrence of the Riverine Rabbit is noted, and was added to the FEIAR under Part A(1)(g)(iv)(c) *Description of specific environmental features and infrastructure on the site – Site Specific Fauna*. The recommended camera trap surveys and mitigation measures regarding fossorial faunal species were incorporated into the FEIAR under Part A A(1)(g)(viii) *The possible mitigation measures that could be applied and the level of risk – Protection of Fauna*, and Part B(1) *Mechanisms for monitoring compliance with and performance assessment the environmental management programme and reporting thereon, including g) Monitoring of Impact Management Actions, h) Monitoring and reporting frequency, i) Responsible persons, j) Time period for implementing impact management actions, k) Mechanism for monitoring compliance.*

Dr Dave Edge (lepidopterists) confirmed that *Thestor kaplani* is highly unlikely to occur in the Breede River valley, since the only place where it has ever been recorded is near Greyton on the southern slopes of the Riviersonderend mountains. The only commonality between the two habitats is that *Thestor kaplani* occurs in FFs13 North Sonderend Sandstone Fynbos, and this occurs on the north western boundary of the Zandberg site, at higher elevations. However, the areas where the possible mining extensions are planned do not contain this vegetation type, which has a rocky substrate. Further to this, the absence of *T. kaplani* during the various site visits conducted by the specialists to the study area supports the above.

The recommendation regarding the lepidopterist, was incorporated into the FEIAR under Part A A(1)(g)(viii) *The possible mitigation measures that could be applied and the level of risk – Landscaping of Mining Area*, and Part B(1) *Mechanisms for monitoring compliance with and performance assessment the environmental management programme and reporting thereon, including g) Monitoring of Impact Management Actions, h) Monitoring and reporting frequency, i) Responsible persons, j) Time period for implementing impact management actions, k) Mechanism for monitoring compliance.*

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<p>Watercourse Delineation and Habitat Assessment and Floodline Determination Study:</p> <p>The author is referred to page 47 of the BSA where the botanist notes that: “<i>Although drainage lines are considered here as no-go areas, the authors of this report would cede such a view if the input of a wetland/water specialist will be obtained. If such a specialist proposes adequate mitigation measures, then alternative area 3 can be considered as intermediate in mining preference between areas 1 and 2.</i>”. The findings of the WDHA therefore supersedes the BSA in all water related matters and the findings and recommendations of Afzelia was likewise employed in this report.</p> <p>The WDHA confirms that there is no watercourse/drainage line within the footprint of S3 (despite the BSA alluding to there being one), and therefore did not propose any watercourse/drainage line specific mitigation measures for the area. The feature (alluded to in the BSA) is not defined as a watercourse in terms of the NWA, 1998.</p> <p>Further to this, the DWS Risk Assessment’s outcome showed a risk rating of Low, which qualifies the development (within 500 m of a wetland) for authorisation under the provisions of a General Authorisation in terms of the NWA, 1998 instead of a full Water Use Licence Application to be approved by the BGCMA as the competent authority in all water related matters.</p> <p>Conclusion:</p> <p>As mentioned earlier, the hydrologist confirmed that there is no drainage line within the footprint of S3, and therefore no mitigation measures were proposed in this regard. Also note that the WDHA takes precedence over the BSA in all water related matters.</p>			
<p>Mr Cor van der Walt Mr Jan Smit</p>	<p>Department of Agriculture, Forestry and Fisheries</p>	<p>14 January 2022</p>	<p>14 January 2022</p>
<p>Mr Layman requested an electronic/hard copy of the DEIAR & EMPR on behalf of the Department of Agriculture.</p>			

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<p>Greenmined delivered a memory stick with an electronic copy of the DEIAR & EMPR to DAFF on 18 January 2022, after which no additional comments were received from the DAFF.</p>			
Mr J Scholtz	Department of Economic Development and Tourism	14 January 2022	No Response Received
Me Adri La Meyer	Department of Environmental Affairs and Development Planning - Western Cape	14 January 2022	17 February 2022
<p>Comments received from DEA&DP on the 2022 DEIAR & EMPR (17 February 2022):</p> <p>“....Please find consolidated comments from various directorates within the Department on the Revised Draft EIA Report dated January 2022 that was downloaded from the website of the environmental assessment practitioner.</p> <p>1. Directorate: Development Management (Region 1) – Ms Ayesha Hamdulay.....:</p> <p>1.1. This Directorate notes that the proposed mining expansion area has been reduced to approximately 4ha with a proposed 169 ha biodiversity offset area, based on comments received from CapeNature. Final comments from CapeNature must be obtained and included in the Final EIA Report.</p> <p>1.2. All the mitigation measures as proposed in the various specialist reports must be implemented.</p> <p>1.3. Should the competent authority grant the amendment of the mining right; it should be noted that this Directorate deems the best practicable environmental option to be Site Alternative 3.</p> <p>2. Directorate: Development Facilitation – Mr Ralph van Delin.....:</p> <p>2.1. This Directorate notes that its comments on the Draft EIA Report have been adequately responded to and proof of relevant documentation were provided. This Directorate has no further comments on the Revised Draft EIA Report.</p>			

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<p>3. Directorate: Pollution and Chemicals Management – Ms Shehaam Brinkhuis.....:</p> <p>3.1. This Directorate previously commented on the Draft EIA Report and notes the responses provided in combination with the additional information, as contained in the Revised Draft EIA Report and Environmental Management Programme (“EMPr”), Comments and Response Report, and additional specialist input, which largely address the comments raised by this Directorate. It is recommended that the proposed mitigation measures be strictly implemented and always adhered to. This Directorate therefore has no further comment at this stage of the application.</p> <p>4. Directorate: Waste Management – Mr Lance Anders.....:</p> <p>4.1. This Directorate has no further comments on the Revised Draft EIA Report.</p> <p>5. Directorate: Air Quality Management – Mr Sibusiso Sinuka.....:</p> <p>5.1. This Directorate notes that all environmental impacts associated with the proposed activity relating to air quality have been adequately addressed. This Directorate has no further comments on the Revised Draft EIA Report.</p> <p>6. The applicant is reminded of its “general duty of care towards the environment” as prescribed in section 28 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) which states that “Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment.....”</p>			
Me Candice van Reenen	Department of Labour	14 January 2022	No Response Received
Me Juanita Fortuin	Department of Rural Development and Land Reform	14 January 2022	No Response Received

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Dr Robert Macdonald	Department of Social Development	14 January 2022	No Response Received
Me Jacqui Gooch	Department of Transport and Public Works	14 January 2022	20 January 2022
<p>Comments submitted by the DTPW on the 2022 DEIAR & EMPR:</p> <p>“Cognisance is taken of the draft EIA report. The Branch offers no objection to the proposal to expand the mine.”</p>			
Me Abbygail Botha	Eskom Ltd	14 January 2022	25 January 2022
<p>Comments received from Eskom on the 2022 DEIAR & EMPR:</p> <p>“I hereby inform you that Eskom has no objection to the proposed work indicated on your drawing in principle. This approval [wayleave] is valid for 12 months only, after which reapplication must be made if the work has not been completed.</p> <p><u>1. Eskom services are affected by your proposed works and the following must be noted:</u></p> <p>a) Eskom has no objection to the proposed work and include a drawing indicating Eskom 11kV/LV underground services in close proximity. b) Please note that underground services indicated are only approximate and the onus is on the applicant to verify its location. c) There may be LV overhead services / connections not indicated on this drawing. d) The successful contractor must apply for the necessary agreement forms and additional cable information not indicated on included drawing, in order to start construction.</p>			

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Application for Working Permit must be made to: Customer Network Centre: WORCESTER - Adrian Issel..... Include Eskom Wayleave as-built drawings and all documentation, when applying for Working Permit. Should it be necessary to move, relocate or support any existing services for possible future needs, it will be at the developer's cost. Application for relocating services must be made to Sabelo Potela....

2. Underground Services:

The following conditions to be adhered to at all times:

- a) Works will be carried out as indicated on plans.
- b) No mechanical plant to be used within 3.0 m of Eskom underground cables.
- c) All services to be verified on site.
- d) Cross trenches to be dug by hand to locate all underground services before construction work commences.
- e) If Eskom underground services cannot be located or is grossly misplaced from where the wayleave plan indicates, then all work is to be stopped and Graham Hector from the Land Development Office to be contacted....., to arrange the capturing of such services.
- f) In cases where proposed services run parallel with existing underground power cables the greatest separation as possible should be maintained with a minimum of 1000mm.
- g) Where proposed services cross underground power cables the separation should be a minimum of 300mm with protection between services and power cables. (Preferably a concrete slab)
- h) No manholes; catch- pits or any structure to be built on top of existing underground services.
- i) Only walk-behind (2 ton Bomac type) compactors to be used when compacting on top of and 1 metre either side of underground cables.
- j) If underground services cannot be located then the Customer Network Centre (CNC) should be consulted before commencement of any work.

3. O.H. Line Services:

- a) The following building and tree restriction on either side of centre line of overhead power line must be observed:

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Voltage	Building restriction either side of centre line
11 / 22kV	9.0 m
66kV	11.0 m
132kV	15.5 m

b) No construction work may be executed closer than 6 (SIX) metres from any Eskom structure or structure-supporting mechanism.

c) No work or no machinery nearer than the following distances from the conductors:

Voltage	Not closer than:
11 / 22kV	3.0 m
66kV	3.2 m
132kV	3.8 m

d) Natural ground level must be maintained within Eskom reserve areas and servitudes.

e) That a minimum ground clearance of the overhead power line must be maintained to the following clearances:

Voltage	Safety clearance above road:
11 / 22kV	6.3 m
66kV	6.9 m
132kV	7.5 m

f) That existing Eskom power lines and infrastructure are acknowledged as established infrastructure on the properties and any rerouting or relocation would be for the cost of the applicant/developer.

g) That Eskom rights or servitudes, including agreements with any of the landowners, obtained for the operation and maintenance of these existing power lines and infrastructure be acknowledged and honoured throughout its lifecycle which include, but are not limited to:

- i. Having 24 hour access to its infrastructure according to the rights mentioned in (a) above,
- ii. To perform maintenance (structural as well as servitude – vegetation management) on its infrastructure according to its maintenance programmes and schedules,
- iii. To upgrade or refurbish its existing power lines and infrastructure as determined by Eskom,
- iv. To perform any other activity not listed above to ensure the safe operation and maintenance of the Eskom power lines or infrastructure.

h) Eskom must have at least a 10m obstruction free zone around all pylons (not just a 10m radius from the centre).

DRAFT ENVIRONMENTAL IMPACT ASSESSMENT REPORT NOTIFICATION – STAKEHOLDERS (2022)

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
<p>i) Eskom shall not be liable for the death or injury of any person, or for loss of or damage to any property, whether as a result of the encroachment or use of the area where Eskom has its services, by the applicant, his/her agent, contractors, employees, successors in title and assignee.</p> <p>j) The applicant indemnifies Eskom against loss, claims or damages, including claims pertaining to interference with Eskom services, apparatus or otherwise.</p> <p>k) Eskom shall at all times have unobstructed access to and egress from its services.</p> <p>l) Any development which necessitates the relocation of Eskom’s services will be to the account of the developer.</p> <p>m) Lungile Motsisi, Eskom: Transmission must be contacted..... to comment on behalf of the 400 kV OVERHEAD POWERLINES, NO WORK WITIN THIS SERVITUDE OR UNDERNEATH POWERLINES IS ALLOWED until comment from Eskom Transmission has been obtained.</p> <p><u>4. NOTE:</u> Wayleaves, Indemnity form (working permit) and all as-built drawings issued by Eskom to be kept on site at all times during construction period.”</p>			
<p>Response from Greenmined sent to Eskom on 02 February 2022:</p> <p>“Thank you for the comments and map that you send regarding this application. The Eskom requirements will be incorporated into the final Environmental Impact Assessment Report of the project, to be submitted to the DMRE for decision making. As interested party, Eskom will be informed of the departmental decision in due course.”</p> <p>Additional remark regarding the Eskom comments:</p> <p>∞ Refer to Figure 76, as well as Appendix H for a copy of the Eskom map submitted with the above comments. From the map it is clear that there are no power lines (above- or underground) within any of the proposed extension alternative areas (S1/S2/S3), with the nearest power line being >270 m south of the lowest point of S1. In light of this, the comments of Eskom are noted, but not relevant to the specific study area (S1-S3). Care will however be taken when the boundaries of the biodiversity offset area are demarcated not to damage any Eskom property.</p>			
Me Waseefa Dhansay	Heritage Western Cape	14 January 2022	No Response Received

DRAFT ENVIRONMENTAL IMPACT ASSESSMENT REPORT NOTIFICATION – STAKEHOLDERS (2022)

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
Me Tracy Brunings	Langeberg Local Municipality	14 January 2022	17 February 2022
<p>Comments received from the LLM on the 2022 DEIAR & EMPr:</p> <p>“The original proposal to expand the Zandberg Sandput mining area by more than 100ha. was not supported (refer to email dated 10/11/2020). The current application for the expansion of the Zandberg Sandput mining area by 4ha. (Alternative Site 1) is supported, subject to compliance with the EMPr and the relevant mitigating measures and monitoring programmes (including buffer areas, rehabilitation requirements and biodiversity offsets). These measures will assist in aligning the proposal more closely with the Langeberg SDF, 2015 and the WC Rural Development Guidelines, 2019 which aim to minimise loss of habitat and ecosystem functionality in Core 1 SPCs. The application in terms of the LLUP Bylaw, 2015 is awaited.”</p>			
Cllr SW Strauss	Langeberg Local Municipality Ward 5	14 January 2022	No Response Received
SAHRIS on-line system	SAHRA	14 January 2022	No Response Received

DRAFT ENVIRONMENTAL IMPACT ASSESSMENT REPORT NOTIFICATION - SURROUNDING LANDOWNERS / INTERESTED AND AFFECTED PARTIES

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
Lamaison Goree Trust AN Viljoen Philipe du Toit Jan de Necker Philip & Almien du Toit	Neighbours: Portion 0 of Zand Berg 101 Portion 0 of Zandbult 98 (P du Toit) Portion 2 (RE) of Appels Drift 107 (AN Viljoen) Portion 0 of Farm 109 (AN Viljoen)	14 January 2022	No Response Received
Deorista 113 (Pty) Ltd Jan Rabie	Neighbour: Portion 0 of Die Gwarries 93 Remaining Extent of Laughing Waters 96	14 January 2022	No Response Received
Schalk Colyn Trust Schalk Colyn	Neighbour: Portion 2 (RE) of Klip Berg 136	14 January 2022	No Response Received
Mazi (Pty) Ltd Alba Lambrecht	Neighbour Remainder of Farm 194	14 January 2022	No Response Received
Deo Volente Sand-mine Deb Blake-Satchel	Interested and Affected Party	14 January 2022	No Response Received

SUMMARY OF PUBLIC PARTICIPATION PROCESS

The comments/response received on the 2022 draft EIA & EMPR from the following entities:

- ✘ CapeNature;
- ✘ Department of Environmental Affairs and Development Planning;
- ✘ Department of Agriculture;
- ✘ Department of Transport and Public Works;
- ✘ Eskom;
- ✘ Breede Gouritz Catchment Management Agency; and
- ✘ Langeberg Local Municipality

,were incorporated into the final EIAR & EMPR to be submitted to the DMRE for decision making.

See attached Appendix H2 for proof of the correspondence with the I&AP's and stakeholders during the public participation process.

-END OF COMMENTS AND RESPONSE REPORT-