

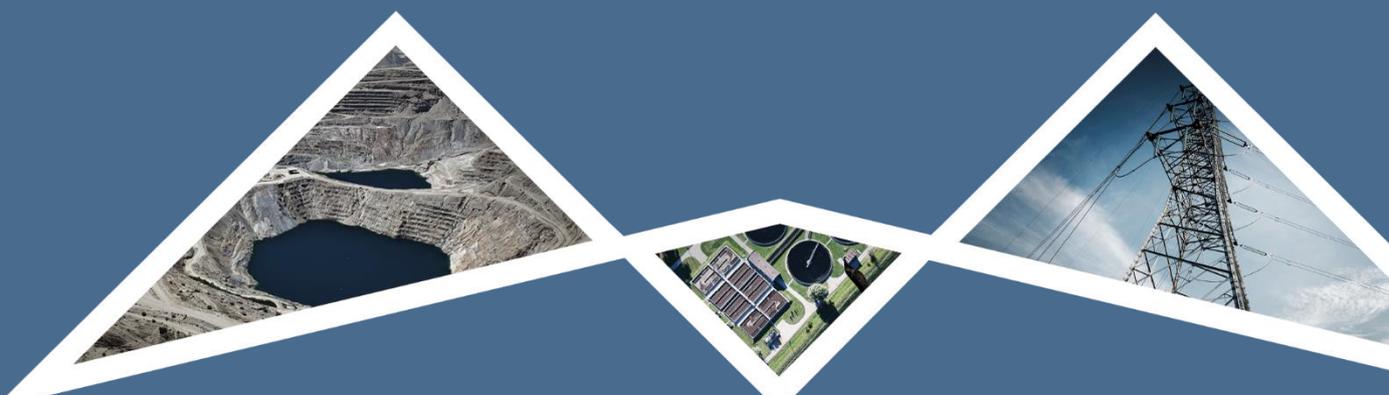


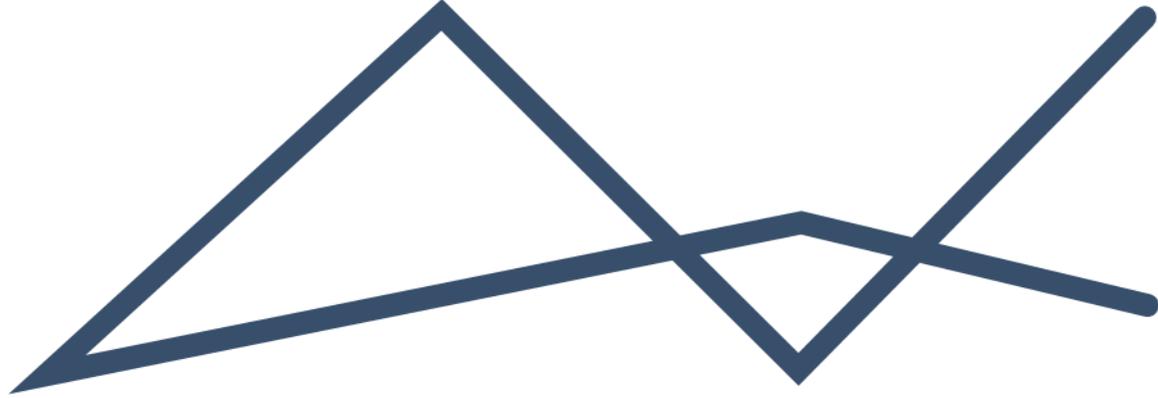
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PUBLIC PARTICIPATION REPORT

KALABASFONTEIN PROJECT





DOCUMENT DETAILS

EIMS REFERENCE: 1244
DOCUMENT TITLE: Kalabasfontein Project - Public Participation Report

DOCUMENT CONTROL

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REVISION AND AMENDMENTS

REVISION DATE:	REV #	DESCRIPTION
2018/07/06	ORIGINAL DOCUMENT	Version 0
2018/08/13	REVISION 1	Version 1



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1 INTRODUCTION

Environmental Impact Management services (Pty) Ltd. (EIMS) has been appointed by Forzando Coal Mines (Pty) Ltd. to assist with undertaking the necessary environmental authorisation application for the Kalabasfontein Project. This application is for the extension of the current mining areas (under Section 102 of MPRDA (Act No. 28 of 2002)) by inclusion of contiguous areas which are held under Prospecting Rights 1035PR & 1170PR into the Forzando South Coal Mining Right (380MR).

The project footprint falls within the Msukalingwa Locality Municipality, Mpumalanga. The project area covers Portions 7, 8, RE, 11 and 13 of Farm Kalabasfontein 232 IS. The mining area is situated 20 kilometres north of Bethal and 20 kilometres east of Ga-Nala (Kriel). This Public Participation Report (PPR) has been compiled as an Appendix to the Scoping Report that has been prepared in support of the EA application and the WULA.

2 OBJECTIVES OF THE PUBLIC PARTICIPATION

South Africa, being one of the countries with the most progressive constitutions, enshrined the public's right to be involved in decisions that may affect them in its Constitution. Section 57(1) of the new Constitution that provides: "*The National Assembly may (b) make rules and orders concerning its business, with due regard to representative and participatory democracy, accountability, transparency and public involvement*". This provision, along with several others gave rise to many new trends in South African legislation. In environmental legislation, the idea of public participation (or stakeholder engagement) features strongly and the NWA and the recent regulations passed under the auspices of this Act makes very strict provisions for public participation in environmental decision-making.

Public participation can be defined as..."*a process leading to a joint effort by stakeholders, technical specialists, the authorities and the proponent who work together to produce better decisions than if they had acted independently*" (Greyling, 1999, p. 20). From this definition, it can be seen that the input of the public is regarded as very important indeed.

The PPP is designed to provide sufficient and accessible information to Interested and Affected Parties (I&APs) in an objective manner to assist them to:

- During the Scoping Phase:
 - Register for the project;
 - Raise issues of concern and suggestions for enhanced benefits;
 - Verify that their issues have been recorded;
 - Assist in identifying reasonable alternatives; and
 - Provide relevant local information and knowledge to the environmental assessment.
- During the Environmental Impact Assessment (EIA) Phase:
 - Contribute relevant local information and knowledge to the environmental assessment;
 - Verify that their issues have been considered in the EIA process; and
 - Comment on the findings of the environmental assessments.
- During the decision-making phase:
 - Obtain information on the outcome, i.e. the competent authority's decision, and how and by when the decision can be appealed.

The PPP is a requirement of several pieces of South African Legislation and aims to ensure that all relevant I&APs are consulted, involved and their opinions are taken into account and a record included in the reports submitted to Authorities. The process ensures that all stakeholders are provided this opportunity as part of a transparent process which allows for a



robust and comprehensive environmental study. The PPP for the necessary authorisation and amendment processes for Forzando South Coal Mine needs to be managed sensitively and according to best practises in order to ensure and promote:

- Compliance with international best practice options;
- Compliance with national legislation;
- Establishment and management of relationships with key stakeholder groups; and
- Encouragement of involvement and participation in the environmental study and authorisation/approval process.

As such, the purpose of the PPP and stakeholder engagement process is to:

- Introduce the proposed new infrastructure, facilities and any amendments to existing licences;
- Explain the environmental authorisations and amendments (if any) required;
- Determine and record issues, concerns, suggestions, and objections to the project;
- Provide opportunity for input and gathering of local knowledge;
- Establish and formalise lines of communication between the I&APs and the project team;
- Identify all significant issues for the project; and
- Identify possible mitigation measures or environmental management plans to minimise and/or prevent negative environmental impacts and maximise and/or promote positive environmental impacts associated with the project.

This PPR lists all verbal and written issues raised by I&APs and stakeholders from the 30-day initial notification and call to register period, from the 20th June 2018 to date. I&APs have also been notified of the period of the availability of the Scoping Report for public review and comment, which commenced on the 10th July 2018 until the 10th August 2018. In order to present the findings of the Scoping Report to the public and to solicit comments on the report, a public meeting was held on the 25th July 2018 at the Bethal Public Library (Danie Nortje Street, Contact Bettie Jordan, 017 624 3029) from 13h00 to 15h00. A breakdown of the PPP is given within the remaining sections of this PPR.

2.1 LEGAL COMPLIANCE

The PPP must comply with all environmental legislation that requires public participation as part of an application for authorisation or approval; namely:

- The Mineral and Petroleum Resources Development Act (Act No. 28 of 2002 - MPRDA);
- The National Environmental Management Act (Act No. 107 of 1998 - NEMA); and
- The National Water Act (Act No. 36 of 1998 – NWA).

Adherence to the requirements of the above-mentioned Acts will allow for an Integrated PPP to be conducted, and in so doing, satisfy the requirement for public participation referenced in the Acts. The details of the Integrated PPP are provided below. The PPP further follows the requirements of Sections 17 to 19 of GNR 267 (2017) promulgated under section 26(1)(k) and 41(6) of the National Water Act, 1998 (Act No. 36 of 1998), as amended.

3 IDENTIFICATION OF INTERESTED AND AFFECTED PARTIES (I&APS)

An initial I&AP database has been compiled from an existing database provided by the client and Windeed searches. The I&APs referred to in the PPR include:

- Pre-identified and registered landowners and surrounding landowners;
- Pre-identified and registered key stakeholders;



- Regulatory authorities;
- Specialist interest groups; and
- All I&APs who responded to the initial notifications and requested to be registered.

Efforts to pre-identify key I&APs involved various avenues such as consultation with the proponent and known landowners within the study area, review of related previously conducted studies, and identification of key interest groups and authorities within the vicinity of the study area and municipality. Refer Appendix 2 a for the Key Stakeholder/I&AP Database.

All landowners whose properties are within the study area have been notified about the project via post, fax and/or email as well as through advertisements and/or site notices inviting them to participate in the EIA process. Refer to Appendix 2 b for the landowner, key stakeholder and I&AP initial notifications.

3.1 LIST OF AUTHORITIES IDENTIFIED AND NOTIFIED

The following, but not limited to, Government Authorities were notified of the proposed project:

- Mpumalanga Department of Agriculture, Rural Development, Land and Environmental Affairs
- Mpumalanga Department of Economic Development and Tourism
- Mpumalanga Department of Health
- Mpumalanga Department of Human Settlement
- Mpumalanga Department of Mineral Resources
- Mpumalanga Department of Public Works, Roads and Transport
- Mpumalanga Department of Social Development
- Mpumalanga Department of Water and Sanitation
- Mpumalanga Lakes District Protection Group
- Mpumalanga Tourism and Parks Agency
- National Department of Agriculture, Forestry and Fisheries
- National Department of Environmental Affairs
- National Department of Mineral Resources
- National Department of Rural Development and Land Reform
- National Department of Water and Sanitation
- Gert Sibande District Municipality
- South African National Roads Agency Limited (SANRAL)
- Eskom Holdings SOC Limited
- Transnet SOC Limited
- Msukaligwa Local Municipality

3.2 LIST OF KEY STAKEHOLDERS IDENTIFIED AND NOTIFIED

- Mpumalanga Landbou (Agri SA Mpumalanga)
- Endangered Wildlife Trust
- SANBI - Working for Wetlands
- Wildlife and Environment Society of South Africa (WESSA)
- Eskom
- AFGRI-SA
- SANPARKS
- Birdlife South Africa
- Federation for a Sustainable Environment
- Homeland Mining and Energy SA (HMESA)



4 NOTIFICATION OF INTERESTED AND AFFECT PARTIES

This section provides details on the notifications that were distributed as part of the consultation process to date.

4.1 INITIAL NOTIFICATION OF LANDOWNERS AND I&APS

The PPP commenced on the 20th of June 2018 with an initial notification and call to register ending on the 20th of July 2018. Notification during this initial consultation was given in the manner described below.

4.1.1 REGISTERED LETTERS, FAXES AND EMAILS

Notification letters (in English and Afrikaans), faxes, and/or emails were distributed to all pre-identified key I&APs including government organisations, Non-Government Organisations, relevant municipalities, ward councillors and other organisations that might be affected. Please refer to Appendix 2 b for the Key Stakeholder and I&AP initial notification.

The notification documents included the following information:

- List of anticipated activities to be authorised;
- Sufficient detail of the proposed development to enable I&APs to assess/surmise what impact the development will have on them or on the use of their land;
- The purpose of the proposed project;
- Details of the application processes associated with proposed activities;
- Details of the affected properties (including a locality map);
- Details of the South African environmental legislation that must to be adhered to;
- Date by which the I&AP must register and send comments through to EIMS;
- Details of Scoping Report Period and Public Meeting details and
- Contact details of the EAP.

4.1.2 BACKGROUND INFORMATION DOCUMENT (BID)

A Background Information Document (BID) in English was prepared and distributed by post with the registered letters, faxes and e-mails and made available on the EIMS website (www.eims.co.za). Please refer to Appendix 2 b. The BID contains the following information:

- Project name;
- Applicant name;
- Project location (including map of study area);
- Description of the EA application process, EIA flow chart, and public participation process;
- Information on future document review opportunities;
- A detailed questionnaire/ I&AP registration form; and
- Relevant EIMS contact person for the project.



4.1.3 NEWSPAPER ADVERTISEMENTS

Advertisements describing the proposed project and EIA process were placed in newspapers with circulation in the vicinity of the study area. The initial advertisements were placed in the Ridge Times (English advert) and the Highvelder (English and Afrikaans adverts) on 22nd June 2018. The newspaper adverts included the following information:

- Project name;
- Applicant name;
- Project location;
- Nature of the activity;
- Legislative requirements; and
- Relevant EIMS contact person for the project.

Please refer to Appendix 2 e proof of advertisement placements.

4.1.4 SITE NOTICE PLACEMENT

Twenty-one (21) A1 Correx site notices (in English and Afrikaans) were placed at 21 locations along and within the perimeter of the proposed project study area on the 20th of June 2018. The on-site notices included the following information:

- Project name;
- Applicant name;
- Project location;
- Map of proposed project area;
- Project description;
- Legislative requirements; and
- Relevant EIMS contact person for the project.

Posters, BIDs, site poster handouts were left at the Bethal Public Library and the Local Municipality Office (next to the library). Please refer to Appendix 2 d for proof of site notice placement and poster placement.

5 NOTIFICATION OF INTERESTED AND AFFECTED PARTIES OF REPORTS AND OTHER STUDIES

Notification regarding the availability of the Scoping Report has been provided to registered I&APs in the following manner:

- Notification letters (in English and Afrikaans), faxes, registered mail and/or emails were distributed to all pre-identified key I&APs as well as &APs registered during the initial notification period; and
- Notification documents included details on the duration of the Scoping Report review period, as well as where the report will be available for public review.

The Scoping Report was made available for public review from 10th July 2018 until 10th August 2018 for a period of 30 days. Please refer to Appendix 2 e for proof of scoping notification.

In order to present the findings of the Scoping Report to the public and to solicit comments on the report, a public meeting was held on the 25th July 2018 at the Bethal Public Library (Danie Nortje Street, Contact: Bettie Jordan on 017 624 3029) from 13h00 to 15h00. Please refer to Appendix 2 f for minutes from the public meeting.



5.1 SCOPING PHASE MEETINGS

5.1.1 AFGRI AGRI SERVICES

A meeting was held with Boshoff Smuts Inc. acting on behalf of AFGRI AGRI Services (hereafter referred to AFGRI) to discuss the impact of the project on AFGRI infrastructure. AFGRI owns and operates the majority of silos located in the Mpumalanga Province. It was requested that the Blasting and Vibration specialist determine how far the AFGRI silos are from the project area and identify any risks to the silos. Please refer to Appendix 2 f for the minutes from the focus group meeting.

5.1.2 SCOPEING PHASE PUBLIC MEETING

A public meeting was held at the Bethal Public Library on the 25th of July 2018. The purpose of the meeting was to provide a high-level overview of the project and present the findings from the scoping phase. Comments were recorded during the meeting. The primary comments raised at the meeting included jobs, impacts on the community, benefits for the community and the impacts on water. A discussion was had regarding the choice of Bethal Public Library for the meeting. Please refer to Appendix 2 f for minutes from the meeting.

TABLE 1: OPPORTUNITIES PROVIDED FOR PUBLIC PARTICIPATION

PUBLIC PARTICIPATION PHASE			
ACTION	DESCRIPTION	PUBLICATION/PLACE	DATE
Initial Public Notification (announcement of project and call to register)	Newspaper advertisements (English and Afrikaans).	Ridge Times and Highvelder	22 nd June 2018
	Placement of site notices.	21 A1 site notices (English and Afrikaans) within and around the study area (21 placement locations). Poster placement in Bethal Town	20 th June 2018
	Notification of landowners, occupiers, and other key I&APs.	Affected landowners and key I&APs were notified via email, fax, and/or post.	20 th June 2018
Scoping Phase	Notification of landowners, occupiers, and other key I&APs.	Affected landowners, legal occupiers, and key I&APs were notified via email, SMS, fax, and/or post.	10 th July 2018
Scoping phase public meeting	Notification of landowners, occupiers, and other key I&APs.	Affected landowners, legal occupiers, and key I&APs were notified about the public meeting which included date, venue and time, via email, fax, and/or post.	25 th July 2018



6 INTERESTED AND AFFECTED PARTIES

Please refer to Appendix 2 a for the I&AP database of landowners, legal occupiers, and other key stakeholders.

6.1 ACCESS AND OPPORTUNITY TO COMMENT ON ALL WRITTEN SUBMISSIONS

Please refer to Section 5.

6.2 RESPONSE TO COMMENTS RECEIVED: FEEDBACK TO INTERESTED AND AFFECTED PARTIES

Please refer to Section 7.2 and Appendix 2 h for the table of correspondence received from the I&APs and responses provided to them.

6.3 DISCLOSURE OF INTERESTED AND AFFECTED PARTIES INTERESTS

Please refer to Section 5.

6.4 NOTIFYING INTERESTED AND AFFECTED PARTIES OF THE DECISION

Interested and Affected Parties will be notified via fax, registered mail and/or email of the decision once available including the appeal process should they wish to appeal the decision.

7 RECORD OF ISSUES RAISED

The issues and responses in Appendix 2 h are those that have been provided and addressed from 20th June 2018 to date and have been updated post the public review period of the Scoping Report.

7.1 HOW ISSUES RAISED WERE ADDRESSED

Issues raised were addressed in a transparent manner and included in the compilation of the Scoping Report for proposed Kalabasfontein Project, in the following manner:

- Issues raised were used quantitatively to calculate the significance of impacts both real and perceived; and
- Issues raised were used to provide further suggestions and recommendations with regard to potential management options for impacts.

7.2 SUMMARY OF ISSUES THAT WERE RAISED

All comments and/or queries received are included in this report and presented in Appendix 2 i for submission to the competent authority (DMR).

8 ADDRESSING COMMENTS AND CONCERNS RAISED BY THE INTERESTED AND AFFECTED PARTIES

Please refer to Section 7.1.

9 CONCLUSIONS AND RECOMMENDATIONS

The majority of the received comments to date refer to registration, water, jobs and agriculture. All comments received were responded to and the issues raised to date are addressed in the Scoping Report. The PPR has been updated and resubmitted to the Department of Mineral Resources (DMR) (the competent authority), following the 30-day public review period of the Scoping Report.