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The Regional Manager
Department of Mineral Resources
Western Cape Province

By email

Dear Sir

Namaquasfontein Boerdery Trust's(NBT) comments on Draft EMP for PR3 ref WC30/5/1/12/434PR

I will address the comments by page and bulletpoint number, followed by a summary of the relevant facts and opinionson page 2.

P7. 1st par: The applicants had no legal tenure on the land, and had at least once trespassed on the land (by own admission).See detailed submission by Verlorenvlei Coalition (VC) in this regard.

P7. Under heading: **Why prospecting?**

1 st par: The presence of other metals including rare earths have been common knowledge for a long time. It is extremely misleading that rare earths are better off mined than left underground as implied by Bongani.

P9. Batla is NOT listed on Alternex Stock Exchange in France. It has its company details posted on a notice board of Euronext – a “Facebook for Companies”. This is more misinformation, typical of Bongani’s conduct f the last 5 years.

P 10. Our VC geologists who have much more mining experience than the Bongani geologists strongly refute the claim of 60m² used per drill site. They are of opinion that it is at least twice this about 140m² or more.

P16. A.9. Technical competence:

The CV’s of Creo Design’s Dr.Johan Hattingh does not show the correct expertise for such a prospect ref Dr H Grütter’s objection to PR Application dated 24 April 2010.Same for Prof. Rozendaal See summary attached.

Nor can we find concrete evidence of the applicants actually mining in any large scale.
Thus we challenge this point.

P20. C1.3. Topsoil is 600 mm + not 0-300 mm.

P23 C2.5. At the PP meeting it was stated that no persons will reside on site.This has subsequently been confirmed by Withers Environmental Consultants(WEC) by email.More evidence of the shoddy work done by WEC/Bongani.

P23 C2.7. The landowners have already indicated that they have not been convinced at all by the merits of this application. Water will not be made available. The Krom Antonie’s Water Users Association (KAWUA) is the local water authority and will not allocate water for prospecting.

C2.8. Same as above.

P24. C2.9. That results in over 3 million litres of water for the prospecting alone. KAWUA will not condone this, nor support the application for a water permit for this..

P24 C2.10. The status quo of no access to the land remains. Bongani have no legal tenure here.

C2.12. This is another 378000 litres of water that the KAWUA will not allow.

P25 C2.14. The landowners have spoken. They oppose this application as it has no merit and it will damage their farming operations irreparably. There will be no consulting with Bongani.

P26 C4.6. This is type of comment has been evident in Bongani`s submissions or public appearances since 2005. We have had to endure references to lazy farmworkers, had our staff referred to as “die volkies” and on 28 April 2010 the same staff were asked where their “Baas” was. Now this: There are in fact 81 or 50% of the proposed holes less than 1 km from 7 homesteads and a further 35 holes within 1 km of a further 4 homesteads. It is assumed that Bongani do not believe that Black and Brown people live in homesteads. One wonders what Bongani’s BEE partners think of this? Children residing in these homes will be unable to do their homework or study for exams as a result of the proposed drilling.

P26 C4.7. More of the same. There are no fewer than 24 proposed drilling sites within 1 km of an obvious graveyard. Bongani’s work in this respect is as erroneous as their assumption that Riviera Tungsten will be economically viable in the next three generations at very least, if ever.

P28 C6.3. See comments on C4.6

The landowners of Portion 1 of Farm 297 have explained in detail why this cannot be done (Objection NBT dated 30 April 2010-attached) There will be no consultation with WEC/ Bongani.

P32 C6.7.6. Water. Bongani intends to use 3 million litres of water for drilling alone. In this column they are trying to downplay the amount by referring to it as 3000 m³ of water. Add to this a further 378 000 litres of water to be consumed by employees. This is unacceptable to the KAWUA.

P34 C7. The given guarantees are laughable and hopelessly inadequate. Refer to VC objection. At the going rate of US\$ 6000/ hole, Bongani has to furnish and account for a further R 7.7 million in compensation for the holes alone. This excludes agricultural losses that are likely to run into several million rands as well. The VC geologists contend that the prospecting alone should cost closer to R 100 million and not the R 23 million as suggested by Bongani.

Conclusion: Bongani’s financial provision is hopelessly inadequate and incorrectly catered for. A Fatal Flaw in their PR Application.

P42. Last column: It was erroneous to send a letter to Mr Gerber in Afrikaans. His home language is English.

P49 F2.3.1: We have written confirmation from WEC that indeed no such camps are planned.

P53 F3.2: The local authority for water use is the KAWUA. The KAWUA will not grant permission for water use other than for local agriculture and household use.

Photos:

Photo 1: More typical Bongani work. The photo is from North East to South West and not South -North as indicated by the caption.

Photo 7: That bridge does not exist anymore. The homes ignored by Bongani are in the background.

SUMMARY

As a directly affected landowner through its financial interdependence with Little Swift Investments (LSI) the trustees of NBT have had to make our decisions on the proposed Prospecting/Mining just as the Department now has to:

If there was financial merit to these applications it would follow that there would be some financial incentive for us through negotiations with the applicants. We would naturally have to be entirely convinced that such financial benefits to us would not lead to ANY harm to the environment, our fellow farmers and the local- or downstream communities.

If the applications lacked financial merit or posed ANY threat whatsoever to the groups listed above we would not consider the applications favourably and would thus oppose them on an informed basis, after considering all the facts.

Removing the emotion of living in such a beautiful water catchment area entirely, we were faced with two scenarios and groups

Scenario one: Prospecting and Mining Group Bongani Minerals and WEC

This group believe there is merit in prospecting and mining for various minerals, in the Valley.Tungsten,Molibdenum and Rare Earths being the main ones.

Bongani Minerals are the” want to be “Junior Miners.They are a vey vague entity who have not in almost 5 years made it remotely clear who they really are, what their actual physical experience in mining is,what their correct BEE status is,nor what their financial ability is.

They have done the oppsite:They have cast serious doubt as to who they really are.Their diagrams lead one to empty shell companies funded by more vague entities and they make misleading claims about the main “mother”entity (Batla) being listed on the Alternext in France.Upon enquiry we found that Batla is in fact not listed on the Alternext but that the company details are posted on the Euronext Free Exchange-a “Facebook for Companies” Even there, their situation looks dire- a plummeting share price and no audited financials for more than two yearsA Newsletter on their own website states that “listing on the Alternext remains a priority”, but they are waiting for better financial times..It is obvious they are a Private company in trouble.

They have shown disrespectful attitudes towards African- and Brown residents of this Valley from their first meeting with landowners on October 22 2005 right through until today with their blatant disrespect for the homes of African and Brown people.

They have shown flagrant disregard for the law in this Province through their involvement with Elsana Quarry outside Malmesbury .The landowner had to revert to the Court to have his rights protected.The court found in his favour on 19 December 2009.

Bongani have failed to convince us of the merit of this application.They have succeeded in convincing us that they have made some sort of political representation to achieve their goals.

Bongani have been assisted by a host of various advisors and specialists for the past five years.Most recently they have engaged WEC, who in turn consult with various Specialists.

The head of WEC is Aubrey Withers. He personally conveyed to me on 28 April 2010 that they(WEC) were “clueless on mining” .WEC’s list of work done in the past bears this out.They operated in other spheres- Golfing Estates,Housing Developments etc.To adress this he appointed Ms. Mari de Villiers a young lady with “five year’s experience of handling PR and MR applications in 7 provinces” but NO RELEVANT hands on MINING experience.Her glaring lack of relevant knowledge and experience is blatantly exposed as various people WITH the RELEVANT experience make short work of her her simple PWP ,PR application and Draft EMP and treat it with the disdain it deserves.

Dr.Johan Hattingh of Creo Design is spared either.Serious questions about his relevant experience get asked by Geologists IN the field of active mining.It can be assumed that he made contributions to the PWP,PR application and Draft EMP.These documents suffered the same fate as the supporting documents of the previous PR and MR applications brought by Bongani-The sharp questions asked by Geologists with HIGHLY relevant qualifications and experience remain unanswered and uncontested.

Advisor Prof.A Rozendaal is spared to some degree as far as relevant experience goes.Even if one has to go back as far as the early 1990’s when he worked for Miners Goldfields.Since then he has been an Academic at the University of Stellenbosch(US).He teaches Geology and has had a more than average interest in Riviera Tungsten (RT)Both undergraduate- and postgraduate students do work and research on RT.Through various publications and presentations (freely available in the public domain) as recent as 2010 we know that Prof.Rozendaal is of opinion that RT is at best marginal .

Scoresheet Group one:

The entity of Bongani remains vague and their only advisor with almost relevant experience is of opinion that RT is at best marginal.

SCENARIO TWO : Mining is inappropriate and sustainable Farming must continue

GROUP TWO: Verlorenvlei Coalition(VC) comprising of 49 Organisations who in turn represent thousands of individuals and a further excess of 1500 individual members from all over the World

The opinions of the VC are echoed by literally thousands of individuals, All the Government Departments who have dealt with the Bongani applications, the Media, Organised Labour, Finance Experts, Geologists active in Mining and obviously Civic- and Environmental Groups

The VC are assisted by more than a dozen Geologists who are active in Mining and Exploration with HIGHLY RELEVANT experience and qualifications.

One such a Geologist is Dr. Herman Grütter (PhD). He is a Senior Geologist with BHP Billiton, one of the two biggest and most respected Mining Houses in the World. He resides in Vancouver Canada. Why Vancouver? Because it is the Epicentre of Exploration and Mining in North America. He is surrounded by literally hundreds of Junior Miners such as Bongani. He listens to their stories and hears their presentations on potential resources that they hope his company would buy from them and turn into proclaimed Reserves. They would then make their money and everybody would be happy. He works through their data and scrutinises the facts. He does the Financial Viability Calculations. This is what he does. Everyday. More relevant experience does not exist.

If RT had any financial merit he would have instructed BHP Billiton accordingly. He hasn't. In fact he has consistently said that RT fails dismally to compare with World Tungsten/Molibdenum/Rare Earth deposits. This for various reasons such as poor Strip Rate, poor Grade and the like.

He has exposed the work done by Bongani's advisors as being completely off the mark. All his opinions are backed up with documented proof. (Of better deposits etc.)

His work gets peer-reviewed within the VC by the other geologists in the VC. They endorse it.

Furthermore the VC has at their disposal the services of Specialists in the fields of Finance, Geo Hydrology, Agriculture, The Law and any discipline relevant to these Applications.

They unequivocally and convincingly inform us that these Applications hold GREAT risk to our Environment (especially the crucial resource WATER), my fellow farmers in the Valley, and our local- and downstream communities.

THE VC's and Advisor's Scoresheet

Easily understood credible Organisations backed by Experts with HIGHLY Relevant Experience and Qualifications.

All oppose prospecting and mining for clear, concise and factually supported reasons: RT is NOT financially viable and poses great risk to the Environment and Communities.

NBT's VERDICT:

We are ENTIRELY convinced that Anglo American and JCI were correct when they abandoned RT as unviable in the early 1980's.

We are convinced that nothing has changed through new assays, the presence of Rare Earths, the Price of APT, better extraction methods or anything Bongani might suggest.

For the reasons set about above the Trustees of NBT have decided to REJECT the Applications and Claims made Bongani and their Advisors. We believe they are as misguided as their work suggests.

We expect the DMR and other Government Departments to do the same.

We DEMAND that Moutonshoek be declared a Mining “NO GO ZONE”

Yours truly,

Dr. Bennie van der Merwe
Trustee NBT