



Withers Environmental Consultants

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The Regional Manager
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Department of Mineral Resources
Cape Town
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30 May 2010

Dear Sir

Comments on the Draft Environmental Management Plan (EMP) prepared in support of an application for a Prospecting Right in terms of section 16 of the MPRDA to the Department of Mineral Resources (DMR) on 26 March 2010 for prospecting of tungsten ore, molybdenum ore, rare earths, copper ore, zinc ore, gold ore and silver ore on Portion 1 of the Farm Namaquasfontein No. 76; Portion 13 of the Farm Namaquasfontein No. 76; Remaining Extent of Portion 6 (a portion of Portion 2) of the Farm Namaquasfontein No. 76; Portion 1 of Farm No 297 (“the affected properties”), ref. WC30/5/1/1/2/434PR

INTRODUCTION

This document contains the comments of the Verlorenvlei Coalition, a broad-based coalition of labour, civic organisations, environmental groups and local residents (a full list of Coalition members at the time of writing was attached as **Annexure A** to the Coalition’s objection of 26 April 2010), on the contents of the Draft EMP prepared in support of Bongani Minerals Pty Ltd’s application for a prospecting right (“the PRA”) on the affected properties, with your reference No.: 07/11/1190.¹

¹ In this document, we refer to the following applications in respect of the affected properties submitted to DMR by Bongani Minerals as follows: the first application for a mining right accepted by the DMR on 25 March 2009 under the MPRDA for the mining of tungsten ore and molybdenum ore on Portions 1, 6, 13 of the farm Namaquasfontein No. 76 and Portion 1 of Farm No. 297, Piketberg dated April 2009 (Ref. No. WC 30/5/1/2/2(328) MR): “the first mining right application”; the new and second mining right application accepted by the DMR on 28 September 2009 in terms of the MPRDA for the mining of tungsten ore and molybdenum ore on Portions 1, 6, 13 of the farm Namaquasfontein No. 76 and Portion 1 of Farm No. 297, Piketberg (Ref. no. WC 30/5/1/2/2/385MR): “the second mining right application”; and the new prospecting right application accepted by the DMR on 31 March 2010 for prospecting of tungsten ore, molybdenum ore, rare earths, copper ore, zinc ore, gold ore and silver ore on the affected properties: “the new prospecting right application”.

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RESERVATION OF RIGHTS

The Coalition's objection to proposed prospecting and mining

The Coalition submitted objections to the prospecting right application on 26 April 2010 and 28 May 2010. The comments in this document should not in any way be interpreted as a departure from the Coalition's position that prospecting itself will have a significant negative impact on existing land use, business confidence, capital investment and property value in the Moutonshoek Valley, and the wellbeing of the residents and workers of Moutonshoek; and that authorising prospecting would be inappropriate, no matter what the outcome of the prospecting, since authorising mining in due course would not be reasonable for all the reasons set out in our objections.

As before, the Verlorenvlei Coalition reiterates its profound and unequivocal objection to any proposal of mining in the Verlorenvallei (the catchment area upstream from the Verlorenvlei). This area is a productive, profitable and economically growing part of the Bergriver Municipality that not only provides agricultural products for the Western Cape economy and for export, but employs hundreds of people, most of whom would lose their jobs and housing if the proposed mine goes ahead.

Most businesses and residents in the Verlorenvallei rely on ground and surface water resources, which are at serious risk of pollution by the proposed mine. In addition, this mine would be directly upstream from the Verlorenvlei wetland, a site internationally recognised under the Ramsar Convention on Wetlands 1971 and in respect of which South Africa, as a contracting party, has an international law obligation to protect.

Late submission of comments on EMP

In the BID, WEC set a unilateral deadline of 18 May 2010 for the submission of comments on the Draft EMP. The Draft EMP was only available to interested and affected parties (IA&Ps) on 19 April at the earliest, and the Comments and Response Table was only available on 24 May 2010. During this same period, I&APs also had to prepare comprehensive objections to the prospecting right application. Given that all I&APs are doing this in their spare time, we have had precious little time to assess the Draft EMP. In the circumstances, we advised WEC on 18 May 2010 that we would not be able to submit comments by 18 May 2010. We have in any event been advised by the DMR's Western Cape Regional Offices that comments on the Draft EMP will be accepted until at least 30 May 2010.

Further submission of comments on financial provision

In addition, the Coalition had great difficulty in getting a copy of the DMR's Guideline Document for the Evaluation of the Quantum of Closure-Related Financial Provision provided by a Mine, which we needed – to assess whether the proposed very low amount of R80,000 for all rehabilitation cost complies with the Guideline. The DMR's website (where this document is stored) has been down for approximately 2 weeks (and still is as we finalise these comments), and we were advised by the DMR that

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the Mineral Regulation section of the Department in Pretoria has been moving offices and are therefore unable to assist us. We made numerous phone calls (even to the Minister's Office) and sent numerous emails to various DMR officials at the DMR's Cape Town office on 27 and 28 May 2010, with no reply (copies of these emails are available on request). On 27 May 2010, WEC provided us with a portion of the document only. We finally obtained a complete copy from an environmental consultant after 17:00 on 28 May 2010.

Considering these difficulties, we reserve the Coalition's rights to submit further comments on the calculation of the financial provision after these comments have been submitted.

In its comments, the Coalition will first deal with the requirements of the MPRDA and whether the Draft EMP meets these requirements, and then turn to its specific objections to prospecting on the affected properties.

REQUIREMENTS OF THE MPRDA

1. Baseline information and description of the environment

S.39(3)(a) of the MPRDA states that an applicant who prepares an environmental management programme or an environmental management plan must "establish baseline information concerning the affected environment to determine protection, remedial measures and environmental management objectives". Reg 52(2)(a) provides that the EMP must be "substantially in the standard format provided by the Department" and "must include a description of the environment likely to be affected by the proposed prospecting operation".

In response, the description of the affected environment in the Draft EMP is no more than seven paragraphs (C.1.1 to 1.6) of the most general description, and contains no references to sources of information except for a cursory reference to an "initial inspection" conducted by Dr Boucher (C.1.4).

The only reference to "baseline information" is under Phase 2 of the "Proposed Prospecting Method", where it is suggested that 10 groundwater boreholes are proposed to be drilled "to test the sustainable yields and quality... of the groundwater in the study area, and to obtain baseline groundwater information."

How can appropriate mitigation measures for prospecting – 160 drilling holes – be proposed or assessed without a more detailed geological, hydrogeological, soil and biodiversity assessment of the affected environment? Because of the first and second mining rights and environmental impact assessment applications previously submitted and withdrawn by Bongani, and the scoping reports submitted in those applications, we know that at least some of the information exists. This information should be included in the EMP before being considered for approval.

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In particular, the Coalition submits that:

- § all Red Data species occurring on the affected properties must be listed before drilling can start;
- § a plant catalogue for the affected properties be completed and provided to all affected landowners. The Coalition would like to nominate a botanist to do this, namely Nick Helme. Mr Helme has already done extensive plant surveys in the area; and
- § a soil specialist must provide a detailed soil classification map so that drilling in sensitive areas (particularly wetlands and any areas which have the potential to become wetlands) can be avoided.

2. Investigate, assess and evaluate potential impacts

S.39(3)(b) requires an applicant to “investigate, assess and evaluate the impact of his or her proposed prospecting or mining operations on -

- i. the environment;**
- ii. the socio-economic conditions of any person who might be directly affected by the prospecting or mining operation; and**
- iii. any national estate referred to in section 3(2) of the National Heritage Resources Act, 1999 (Act No. 25 of 1999), with the exception of the national estate contemplated in section 3(2)(i)(vi) and (vii) of that Act.”**

Reg 52(2)(b) requires the Draft EMP to include an assessment of the potential impacts on the environment, socio-economic conditions and cultural heritage, if any.

This requirement is responded to in sections C.2, C.4 and C.5 of the Draft EMP. Section C.2, dealing with the impact of the proposed prospecting on the natural environment, makes no mention whatsoever of impact on fauna or flora, save for stating that no trees will be uprooted during prospecting. How will the project team avoid removing any of the vegetation types listed in section C.1.4, or detrimentally affecting the habitat of any of the animals listed in section C.1.5, particularly with the ECO only visiting the drilling sites once a week?

Information provided in relation to the impact of the proposed prospecting on the socio-economic environment (section C.4) only deals with the handful of people who will be employed for the prospecting work, and totally excludes the impact of the proposed prospecting (and the prospecting right application) on the existing socio-economic conditions in the Moutonshoek Valley. In its objections to the prospecting right application of 26 April 2010 and 28 May 2010, the Coalition has provided evidence of how the prospecting right application alone has already detrimentally affected property values, capital investment, employment and business confidence in the Valley. None of these issues appear in the Draft EMP.



3. Pollution, environmental degradation and waste

S.39(3)(d) of the MPRDA requires an applicant to describe the manner in which he or she intends to -

- i. modify, remedy, control or stop any action, activity or process which causes pollution or environmental degradation;**
- ii. contain or remedy the cause of pollution or degradation and migration of pollutants; and**
- iii. comply with any prescribed waste standard or management standards or practices.”**

Reg 52(2)(c) requires the Draft EMP to include “a summary of the assessment of the significance of the potential impacts, and the proposed mitigation and management measures to minimise adverse impacts and benefits”.

The Coalition also wants the following requirements to be incorporated in the EMP to minimise the impact of core drilling:

- § The contractor must make use of existing tracks wherever possible to reach the drill site.
- § Every effort must be made to minimise the amount of area to be cleared.
- § Non-toxic, biodegradable cutting or drilling fluids shall be used. Material Safety Data Sheets of these fluids must be provided to the ECO before drilling may start.
- § The drilling fluid system must be well managed to ensure that no water with high levels of suspended solids enters the natural environment.
- § As soon as a borehole has served its purpose, it must be caulked for its full depth, plugged and capped. The Coalition needs to understand what material Bongani proposes to use for this process – at a minimum, the full depth of the borehole must be grouted with a sand/cement mortar. This is to reduce the possible effect of water bridging between faults and aquifers and passing through the possible deleterious minerals that may be exposed.
- § The area that was disturbed by the drilling operation must be rehabilitated, as far as is practicable, to its original state.
- § Photographs of each drilling site, for monitoring purposes, must be taken before and after drilling.
- § A site clearance checklist should be prepared to confirm that the site has been cleared of all litter, scrap metal etc. and has been adequately rehabilitated. This must be signed by the drill foreman, the geologist, the ECO and the landowner.
- § The drill rig must be set up on a PVC lining to collect any spills.
- § Drilling must commence with casing until a suitable point can be determined to set the surface casing. The surface casing must be set at this point with the intention of removing this casing upon hole completion unless instructed otherwise. Coring equipment will then be run into the hole and the borehole will be drilled to completion.
- § Fresh drilling water and muds must be contained in separate tanks and lined sumps alongside the rig and the utmost care should be taken to avoid spillage.
- § Water carting must be carried out by a separate water truck fitted with tanks



and a transfer pump, or via PVC poly pipelines.

- § All oils, fuels and drilling muds on site should be stored in suitable bundled containers. If drill sites are deemed too far apart, additional chemical toilets may be required. The drill sites must be cleaned and rehabilitated upon completion of the borehole. Borehole plugs must be fitted on completion of the hole (consisting of a robust mechanical locking device and wooden plug and a cement grout plug added above).
- § There must be no washing of oil rigs/support vehicles or trucks on site to avoid ghries/oil and silicate dust waste.

4. Environmental awareness plan

S.39(30(c) stipulates that an applicant must develop an environmental awareness plan describing the manner in which the applicant intends to inform his or her employees of any environmental risks which may result from their work and the manner in which the risks must be dealt with in order to avoid pollution or the degradation of the environment.

In the Draft EMP, the only mention made of such awareness to be raised among employees is included in the work to be done by the environmental compliance officer (ECO) (section 6.8.2 in the Draft EMP). The Draft EMP states that the ECO will meet with the prospecting team before prospecting “to enlighten them regarding the environmental sensitivities of the site and how to go about their surveys and drilling methodology and site husbandry, so as to prevent negative environmental impacts from occurring, i.e. conduct an environmental induction training programme.” We are not provided with any details of what such a training programme entails, and particularly the content and duration of such training programme – is this a ten minute pep talk?

The Coalition is particularly concerned about the fact that the ECO only intends to visit drilling sites “at least once a week and when a drill rig moves to a new prospecting location”, while the Drilling Manager controls “daily on-site activities”. We have no information about the qualifications and experience of the Drilling Manager. The Coalition requires the terms of reference for the Drilling Manager so that we can comment thereon, as well as proof that compliance with the EMP would be included as a key deliverable in the drilling contract/s, with specific breach clauses dealing with cancellation of those contracts should there be non-compliance with the EMP.

5. Financial provision

As mentioned in the introduction to this document, the Coalition will submit further comments on the calculation of the financial provision in Appendix B to the Draft EMP, which amounts to a grand total of R77,629.50. At this stage we can just make the following comments:

- § On the face of it, the calculation seems woefully inadequate. It is hard to imagine that full rehabilitation of a 1 km road, 3m wide, will cost less than R8,000. More generally, Bongani appears to equate their financial

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responsibilities for all environmental issues with at most 1% of a R23,5m proposed prospecting budget.

- § Moreover and in any event, the calculation in Appendix B appears to be the calculation of the cost of rehabilitating two 1600m³ pits, while the PWP itself proposes 160 drill sites of 60m² each. Is the calculation done for one drill site, or is this supposed to provide for all 160 drill sites?
- § In any event, below the Coalition submits arguments as to why the size of each drill site should be increased to at least 144m².
- § In addition, Bongani has demonstrably not considered the financial implications of many of the environmental impacts commonly associated with prospecting, have made no financial (nor EMP) provision for specific emergency-type environmental outcomes that reasonably can be expected to occur during an extended prospecting programme. An obvious example is flooding and uncontrolled flushing of effluent and drill cuttings from drill-sites during periods of heavy winter rainfall. We also do not see any “detailed itemisation of all actual costs” required for premature closure (reg 54 (1)(a)) or post-closure management of residual and latent environmental impacts (reg 54(1)(c)).

Finally, the Coalition notes that cost estimates pertaining to environmental issues in Part K of the PWP provide for:

- only R60,000 as a rehabilitation bond;
- only R10,000 for staff training related to environmental issues;
- unspecified rehabilitation costs included inside the Phase-2A RC and Phase-2B core drilling cost estimates. Since the Coalition previously questioned the adequacy of the drilling costs estimates (e.g. IAP Grutter comment on Bongani PRA100425), we submit that minimal budgetary provision actually exists to remediate drill sites; and
- zero compensation in any form to affected parties.

6. Planned monitoring and performance assessment

Reg 52(2)(e) requires the EMP to contain “planned monitoring and performance assessment of the environmental management plan”. The only monitoring and performance assessment provided for in the Draft EMP is the work to be done by the ECO (section F.4). The Coalition has a number of concerns about what has been proposed in the Draft EMP.

Firstly, the ECO will be appointed by Bongani, which inherently creates questions about the independence and objectivity of such an ECO. The Coalition wants to be consulted on the appointment of the ECO prior to such appointment being made, and will also suggest its own candidate, locally based, with suitable qualifications and experience. The Coalition also nominates that landowners be included in this consultation.

Secondly, the Coalition is not satisfied with a weekly site visit to each drill site, or when problems arise. We insist that the ECO is sent in before moving to each new

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site, to check the status of the site, particularly soil types and vegetation, including naturally occurring plants. We also require that the ECO visits each drill site four times per day (i.e. 16 rounds) to ensure that the ECO can adequately manage environmental impacts and is present if something goes wrong.

Thirdly, the Coalition wants to prepare or at least provide inputs into the ECO checklist, instead of it being prepared unilaterally by Bongani after approval of the EMP (section C. in the Draft EMP).

Finally, the Coalition insists that the EMP includes the establishment of an Environmental Monitoring Committee (EMC) as is customary of any major environmental authorisation. Such an EMC must include at least representatives of:

- § Bongani;
- § WEC;
- § the Coalition;
- § affected landowners;
- § local business;
- § NGOs, particularly those advocating issues which are of direct relevance for the project; and
- § relevant government departments as observers on the EMC.

Terms of reference for the EMC can be agreed at a later stage, but will primarily be focused on monitoring compliance with the EMP.

7. Closure and environmental objectives

Reg 52(2)(f) requires an applicant to specify “closure and environmental objectives”. In response, at C.9 Bongani simply states that “[p]rospecting activities are not expected to have significant impacts on agricultural land or any sensitive habitats after rehabilitation. The affected areas will therefore revert back to their former land use, namely agriculture.”

Coalition member and racehorse breeder Namaquasfontein Boerdery Trust (NBT) has commented in detail on this in their objection of 30 April 2010. There are many problems associated with the drilling of holes in the paddocks and on the centre pivot that provides the bulk of their feed. NBT contends that the prospecting alone will deal a fatal blow to its viable and respected business.

8. Record and results of public participation

Reg 52(2)(g) requires the EMP to contain “a record of the public participation undertaken and the results thereof”. As at time of preparing these comments on the EMP, the Coalition has seen minutes of the NGO Focus Group meeting, the landowners’ meeting and a Comments and Response Table for the Public Meeting. We only received the Comments and Response Table on 24 May 2010, and have not had sufficient time to prepare comments and corrections of this Table. We reserve the Coalition’s rights to submit our comments on this in the future.

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9. Undertaking re execution of EMP

We assume that a duly authorised representative of Bongani will sign the undertaking on p.44 of the Draft EMP in accordance with reg 52(2)(h).

OTHER COMMENTS

10. Ad paragraph A1. Introduction, Project Background (p.7 of the Draft EMP)

Misleading statements about reasons for delay in mining right applications

On a number of occasions in this process, WEC has stated that the failure to complete the EIA and the Environmental Management Plan (EMP) in the first mining right application within the statutory timeframe was partly due to the fact that specialist consultants were not allowed access to the properties in question. The Coalition strongly disagrees with this statement, and has asked WEC to refrain from repeating that statement in future.

In correspondence to the Coalition, WEC repeatedly has blamed the delays on the “ridiculous” timeframes in the MPRDA (Mr Withers’ email to the Coalition dated 15 October 2009), being 180 days from being notified by DMR to commence the EIA (s.39(1) of the MPRDA).

Secondly, as far as the Coalition is aware, no notice had been given by your Department to Bongani to commence the EIA in the first mining right application in accordance with s.39(1), and therefore no specialist studies could in any event commence.

Thirdly, the Coalition has repeatedly and in writing committed itself and its members to a high quality, legally compliant EIA process as required by the MPRDA. In a letter to WEC dated 12 August 2009, we explained that we regarded a meeting with WEC regarding access to properties for the specialist studies before the closing date for comments on the FSR in the first mining right application, being 21 August 2009, as premature (as it surely was), and requested more details of the activities required to conduct the various studies on the affected properties. The requested “Scope of Works” report for all the specialist scientists was only provided to the Coalition on 22 October 2009.

With respect, in these circumstances it is unacceptable that WEC deems fit to blame landowners or the Coalition for the failure to complete the EIA and EMP within the statutory timeframes. We now insist that the Draft EMP be amended to delete this incorrect statement.

We also find a statement in section C.2.10 that “the owner of [*sic*] is currently denying the project team access to his land”. It is not clear to which owner this statement refers, but as things stand, neither the applicant nor the project team has any legal right whatsoever to enter onto the affected properties without the owners’ consent.

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We insist that the Draft EMP be amended to delete this misleading statement.

Misrepresentation regarding Batla's alleged listing

The Draft EMP states that “Batla is a fully fledged mining investment company with business operations in South Africa, Lesotho and Namibia. The Company successfully listed a portion of its shareholding during May 2007 on the Alternex Stock Exchange in France.”

Batla is not listed on the Alternex Stock Exchange in France. Upon our enquiry on 25 May 2010, the Coalition was informed by Euronext that Batla was in fact listed on the NYSE Euronext Free Exchange (*March Libre*). According to the Batla Minerals SA January 2010 Newsletter, “the transfer to Alternext is still a priority, but the project has been put on hold until economic conditions improve”. Most importantly, a prerequisite for listing on Alternex would be up-to-date audited financial statements. Batla has not made publicly available audited financials for two years since March 2008, at which time it reported a Net Asset Value of €5 million, and a recorded loss of €2.5 million.

11. Ad paragraph A.2.1 Scope of the Proposed Project (p.10 of the Draft EMP)

Size of the drill sites

In this paragraph, it is stated that “[t]he area of each drill site which will be disturbed (surface) will be approximately 60m² in extent, which will include two water pits of 2.5m x 2.5m x 1.7m deep.”

The Coalition disputes the calculation of 60m² as the area that will be disturbed by each drill site. 60m² may accommodate the drill rig, once in position, but does not take into account the manoeuvring into position of the drill rig, the generator required to power the drill rig, the support vehicles, the water tank/reservoir, the water truck that will have to deliver water to the site, trucks to remove the drilled core to be analysed off-site in Piketberg (for a full list of equipment to be used, see C.1.8 in the Draft EMP). In addition, Section F.2.3 and 2.4 mentions an “*on-site site office, temporary camp site (with caravans and or tents), temporary vehicle maintenance area and laydown/storage area may be required for the proposed prospecting activities.*” We have since been advised by WEC that:

- § the vehicle maintenance area will no longer be required, but that some members of the drill team may sleep on site from time to time (this is despite a previous undertaking that no-one will stay over on the site); and
- § *“Die volgende tydelike infrastruktuur sal waarskynlik opgerig word: Een of meer Chemiese toilette, en een of twee 14-voet skeepshouers of ‘n tent en/of karavaan vir bergingsdoeleindes. Benodighede soos pype sal waarskynlik by dieselfde area as die skeepshouer (of tent en karavaan) gestoor word. Die plasing van so ‘n bergingsarea sal vooraf met die relevante grondeienaar ooreengekom word.”*

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Either way, we are now well beyond any possible suggestion of a drill site of only 60m².

The Coalition requires that this calculation be revised throughout the Draft EMP (including the calculation of the financial provision) to at least 144² (12mx12m).

Demarcation of the drill sites

The Coalition also insists that the drill site must be fenced or flagged off in order to control the extent of the equipment storage area and vehicle turning area.

12. Ad paragraph C.1.3 Depth of topsoil

The topsoil on the affected properties is at least 600 mm deep, and not 0-300 mm as suggested in the Draft EMP.

13. Ad paragraph C.2.4, C.2.7 and C.2.10 Location of drill sites

In these sections, Bongani goes to great lengths to state that the drill sites will not be “within a 100m horizontal distance (or within the 1:50 year flood line) of any surface water course”. The Coalition disputes this statement. The Creo Designs array of boreholes is not superimposed over fine scale maps and is therefore not a true reflection of impact on water courses. After submission of these comments, the Coalition will deliver a satellite map that shows the proposed boreholes and existing watercourses, superimposed. (This file is too big to email and will have to be delivered on a CD.)

Secondly, the Coalition disputes the statement that Bongani does not require authorisations under NEMA or the NWA to implement the PWP. In section C.2.9 of the Draft EMP, Bongani states that it requires approximately 70,000 litres of water for the initial filling of the four drill pits, with each drill pit to be refilled with about 200 litres of water per day. Bongani averages this out as 5,800 litres of water per day.

However, s.24 of National Environmental Management Act, 1998 (Act 107 of 1998) (“NEMA”) as read with the the environmental impact assessment regulations issued under NEMA (Government Notice No. R385, 21 April 2006, GG No. 28753) and Listing Notice 1 (Government Notice No. R.386, 21 April 2006, GG No. 28753) requires an authorisation where “there is an abstraction of groundwater at volume where any general authorisation under the National Water Act, 1998 will be exceeded. A general authorisation is required for abstracting more than 50m³ (50,000 litres) from surface water or 10m³ (10,000 litres) from groundwater on any given day (REF). It therefore appears that the initial 70,000 litres required for the initial filling will trigger the need for an authorisation under the NWA and therefore an environmental authorisation under NEMA.



14. Ad paragraph A.8.1 Proposed prospecting method (pp.14 and 16 of the Draft EMP)

Under Phase 1e it is stated that: *“The information gained from the Electromagnetic Survey may result in a possible review of proposed drill positions. If this does prove to be the case, such minor amendment to both the Prospecting Work Programme and Environmental Management Plan will be lodged with the DMR to cater for such changes. Note however that even though the positions of the drill holes may alter slightly, the method and environmental impact mitigation measures will not require adjustment.”*

Under Phase 2, the following is stated: *“The borehole site layout provided in **Figure 3** is a slightly amended version of the plan submitted with the Prospecting Right application to the DMR on 26 March 2010. The amendments are based on the outcome of the impact assessment that was undertaken during compilation of this EMP, and mainly involved removing certain borehole sites and moving certain sites to limit environmental impacts, especially in the stream beds of the area. Note that the positions of these boreholes may change based on the results of the non-invasive prospecting. Should such relocation of the boreholes occur, an amendment to the Prospecting Work Programme (PWP) and the EMP will be lodged at the DMR.”*

With respect, the topography, geology, hydrogeology and biodiversity of sites vary from site to site, and will require adjusted environmental impact mitigation measures. Should the PR application and an EMP be approved by the DMR, the Coalition reserves all its rights to object to and comment on any proposed amendments to the EMP and the PWP, and asks the DMR to ensure that any proposed amendments be put to interested and affected parties in compliance with the Promotion of Administrative Justice Act, 3 of 2000 (PAJA) as read with s.6 of the MPRDA.

15. Ad Paragraph A.9 Technical ability of the applicant (p.16 of the Draft EMP)

As we did on our objection to the PR application submitted on 26 April 2010, the Coalition questions the bare minimum of information provided in support of the bald claim that Bongani and Dr Johan Hattingh “have been involved in the mining and prospecting industry for a number of years, and have in that time gained sufficient knowledge in the safe and optimal methodologies in prospecting and rehabilitation practices for prospecting operations and mining.” The Coalition submits that detailed CVs of Johan Hattingh and all other geologists to be used on site must be submitted as part of the EMP and that such CVs specify the drill-metres at named projects previously under their direct supervision. Having inspected the currently listed experience, the Coalition sees little evidence that Bongani and its technical team have directly relevant experience in conducting hard-rock or base metal prospecting on any scale comparable to that contemplated in the PWP.

Furthermore, the statement that “[c]ontractors will be appointed to conduct the drilling on site” is insufficient information in support of the technical ability of the applicant – the Coalition requires sight of the terms of reference for the tender for such contractors.

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16. Ad paragraph C.2.5 and F.2.3 Personnel living on drill sites

The Draft EMP states that “[a]n on-site site office, temporary camp site (with caravans and or tents), temporary vehicle maintenance area and laydown/storage area may be required for the proposed prospecting activities. Siting of these areas will be negotiated with the applicable land owner(s).”

In correspondence, WEC has advised the Coalition as follows:

“Geen ‘vehicle maintenance yard’ sal op die terrein opgerig word nie. ‘n Bakkie, wat toegerus sal wees met die nodige gereedskap, sal beskikbaar wees vir herstelwerk aan toerusting. Hierdie herstelwerk sal in terme van streng maatreëls plaasvind, soos vervat in die EMP.”

We assume that the reference to a “temporary vehicle maintenance area” will therefore be removed from the final EMP.

As mentioned above, WEC has also advised us that:

§ *“Die volgende tydelike infrastruktuur sal waarskynlik opgerig word: Een of meer Chemiese toilette, en een of twee 14-voet skeepshouers of ‘n tent en/of karavaan vir bergingsdoeleindes. Benodighede soos pype sal waarskynlik by dieselfde area as die skeepshouer (of tent en karavaan) gestoor word. Die plasing van so ‘n bergingsarea sal vooraf met die relevante grondeienaar ooreengekom word.”*

The Draft EMP states that “Drilling and pump testing personnel will, however, temporarily live close to the drill sites (with the permission of the land owners).”

At the public meeting and at the NGO focus group meeting I&APs were assured that no-one will reside on drill sites. This was confirmed by WEC in an email to the Coalition (24 May 2010):

“Geen personeel sal deurlopend op die terrein kamp nie. Daar sal enkele gevalle wees waar personeel moontlik op die terrein sal moet oorbly (met toestemming van die relevante grondeienaar), soos wanneer 72-uur toetspomp aktiwiteite op sommige van die grondwaterboorgate uitgevoer moet word. Die kern-boorwerk personeel, en ander grondwaterboorwerk personeel, sal elders geakkomodeer word. Die Finale EMP sal ook hiervolgens aangepas word. ‘n Sekuriteitswag sal aangestel word om die boor-toerusting deur die nag op te pas, indien dit blyk dat vandalisme kan plaasvind. Die wag sal ook aan die relevante EMP maatreëls moet voldoen (bv. dat geen vure gemaak moet word nie, ens.)”

The landowners advise the Coalition that they will not give permission for anyone other than one security guard to remain on their property outside of drilling hours.



17. Ad paragraph C.2.7-9, C.2.12 and C.6.7.6 Water required for drilling

According to the numbers provided in the Draft EMP, Bongani will require more than 3 million litres of water for drilling, plus another 378 000 litres of water for employees. No request has been made for the use of existing water resources for drilling to the Kromantones Water Users' Association (KAWUA), established in terms of the National Water Act, 1998. According to the chairperson of KAWUA, it is the responsibility of KAWUA to decide on all water allocation within its catchment area, and that all water allocation must be done with reference to the protection and sustainability of the source. Until such time as the KAWUA can be persuaded that prospecting will not have any effect on the water source, it will not approve such water use. See the objection of the KAWUA dated 26 April 2010.

18. Ad paragraph C.2.14 and 15 and F.2.2.2 Roads

The Coalition requires that compensation for re-gravelling the access roads must be agreed in the EMP and money provided for this. A strict road maintenance schedule must be agreed by Bongani Minerals to grade and re-surface the road. Axle weights of trucks collecting core samples must be limited (to avoid damage to pipelines and compaction).

The Coalition is very concerned about the impact of added heavy traffic from the drilling team on the quality of the affected roads, both in relation to:

- § the bruising of export fruit in transit to the ports (see NBT objection to the PRA dated 30 April 2010); and
- § the risk to injury of the valuable racehorses transported by racehorse breeders Moutonshoek and Wilgerbosdrift to stallions all over the country during breeding season, and the visit of other breeders to stallions of Moutonshoek and Wilgerbosdrift.

19. Ad paragraph C.4.6 Distance of operations from residential area Ad paragraph C.5.1 Distance of operations from graveyards, old houses and sites of historic significance

The Draft EMP states that *"The proposed prospecting site is situated in a rural valley, and no formal residential areas are situated in close proximity to the site. Approximately 8 drilling sites will however be situated within 1km from farm houses. The closest site will be situated approximately 400m from a farm house."*

This is not correct. In fact 81 (50%) of the proposed drilling holes are less than 1 km from 7 homesteads and a further 35 holes within 1 km of a further 4 homesteads. These homes can clearly be seen in Photo 7 in the Draft EMP. These are the homes of some of the black and coloured residents of the valley. A number of the proposed holes are less than 250 metres away from homes where children of school-going age reside. The noise and disruption will make it impossible for them to study and do their homework.

The Draft EMP further states that *"No graveyards, old houses and/or sites of historic significance situated in close proximity to the proposed prospecting sites are currently known to the environmental consultant."*

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This again is incorrect. No fewer than 24 proposed drilling sites are within 1 km of an obvious graveyard.

20. Ad paragraph C.6.3 Noise control

Geologists advising the Coalition dispute the suggestion in the Draft EMP that a drill rig makes no more noise than a tractor. Any one of the four contemplated drill rigs would therefore inevitably create an unwanted noise impact, to which can be added the noise of industrial trucks servicing the drill sites. It is also important to understand that drilling teams are paid per metre drilled per day, implying there is little incentive for them to maintain a low-noise profile in the “*very quiet area*” that is Moutonshoek.

This kind of noise is extremely disruptive for the farming carried out at Moutonshoek, namely racehorse breeding, particularly during breeding season. Coalition member NBT explained in great detail in their objection of 30 April 2010 and in objections to the previous PR and MR applications why both the physical appearance and presence, as well as the noise generated by these proposed drilling rigs, are entirely incompatible with racehorse breeding. This for reasons of safety and wellbeing of the mares and foals, food production and the damage to the brand that they have carefully developed over years.

The covering of mares takes place from 1 September to 25 December each year. Foals are born from 1 August to 25 November each year. Before foals are one month old, they are put in foal camps with their mothers until they are at least 6 months old. The proposed drilling is closest to these camps, which is the only suitable accommodation for both breeding mares and foals on the farms. Both breeding mares and foals subjected to drilling noise are likely to try to flee the situation - possibly running into pole fences - refuse to drink water and abort fetuses.

It is therefore impossible to set limits for drilling that are compatible with racehorse breeding. But the Coalition in any event insists that:

- § No drilling may take place on Saturdays, Sundays or public holidays (the Draft EMP proposes that drilling will take place Monday to Friday, as well as every second Saturday).
- § No drilling may take place after hours, i.e. before 8:00 or after 17:00.
- § No drilling may take place during breeding season, which is generally between August and December.
- § No drilling may take place in areas currently used for food production for horses in their respective growing seasons.

21. Ad paragraph 6.8.2 of the Draft EMP

The Draft EMP states the following:

“If the ECO at any stage indicates to the Contractor that the relevant requirements of the EMP is not being complied with, he will issue the

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necessary instructions (verbally to the Prospecting Manager and/or Drilling Contractor and in writing in the ECO Checklist) for mitigation.

If mitigation is not timeously applied and environmental degradation continues, the ECO will issue fines. (Appropriate fines will be agreed on between Bongani Minerals and the drilling contractors upon appointment. Such fines will be donated to the local school or local social upliftment programme) If mitigation is still not applied, the ECO will instruct the relevant prospecting team to stop its activities until such time that the necessary measures have been satisfactorily undertaken.

The ECO will also inform the relevant officials of the DWA and the DMR of serious non-compliance issues and transgressions. Only once all prescribed environmental control mechanisms and/or conditions of approval have been implemented to the satisfaction of the ECO and/or the relevant officials, will instructions be given to re-commence with the contract. The ECO Checklist will record any irregularities or non-compliance with the EMP. Such instructions can also be followed up with a fax to the prospecting manager and/or Drilling Contractor.”

The Coalition contends that the consequences of non-compliance with the EMP, and the “enforcement” powers given to the ECO, are completely inadequate. It is important to remember that non-compliance with the EMP is a criminal offence, liable on conviction to a fine of R500,000 or ten years imprisonment or both. Yet the Draft EMP proposes to give the ECO the power to decide which of these offences are “serious”, and allows Bongani to agree its own fines with the drilling contractors. This is completely unacceptable and against the intention of the MPRDA.

The Coalition therefore insists on the following additional requirements in the EMP:

- § all non-compliance with the EMP must be reported by the ECO to the Chairperson of the EMC (see above) and the DMR and DWA;
- § when non-compliance is detected by the ECO or the EMC (or anyone else), all drilling must cease until the non-compliance has been remedied;
- § the Coalition must be consulted on the determination of “appropriate fines” to be imposed on the drilling contractors;
- § the Coalition must be consulted on the donation of fines to “the local school or local social upliftment programme”; and
- § landowners must have the right to ask for drilling to be suspended if the drilling is causing harm or distress to residents or livestock.

22. Security on the site

Security on the sites is not dealt with at all in the Draft EMP. The Coalition needs the following:

- § the project team must provide the Coalition with evidence of police clearance of all workers that form part of the drilling team;

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- § all workers must wear identity tags, and no individuals without such identity tags may be allowed on the site or anywhere on the affected properties;
- § no workers may approach residential areas without supervision from the project team.

23. Comments on photos in the EMP

Photo 1: This photo is from North East to South West and not South-North as indicated by the caption.

Photo 7: The bridge in this photo does not exist anymore. The homes referred to above in response to par. C.4.6 are in the background.

Kindly acknowledge receipt of this document.

Verlorenvlei Coalition

Signed by the Chairperson

Date: 30 May 2010

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