



REFERENCE NUMBER: E12/2/3/2-F3/12-0245/07
ENQUIRIES: Ms. M. Schippers
DATE OF ISSUE: 15 MAY 2015

Ms. C. Kriel
Postnet Suite No. 132
Private Bag X18
MILNERTON
7435

For Attention: Ms. C. Kriel

Tel: (082) 558 4081
Email: carina2kriel@gmail.com

Dear Madam

RE: ALLEGED TRANSGRESSIONS WITH RESPECT TO THE MINING OF MINERALS AND ASSOCIATED INFRASTRUCTURE ON THE BEACH ADJACENT TO FARM GEELWAL KAROO NO. 262, VREDENDAL.

Your correspondence with respect to the alleged transgressions regarding the mining operations at the Mineral Sands Resources ("MSR") mine on the beach adjacent to the Farm Geelwal Karoo No. 262, Vredendal received by this Department on 06 April 2015, refers.

1. According to the aforementioned correspondence, the following alleged non-compliance's and transgressions have occurred:
 - 1.1. The construction of a 'jetty like' structure within the sea;
 - 1.2. The removal of unauthorised material from a decommissioned mine in a nature reserve;
 - 1.3. The expansion of the Secondary Concentration Plant Area of the mine without obtaining environmental authorisation;
 - 1.4. The installation of pipelines for the transportation of tailings to the beach outside the approved mining footprint;
 - 1.5. Mining within the conservation areas; and
 - 1.6. Mining activities are occurring within the 10m buffer area from the toe of the cliff.
2. With respect to the construction of a 'jetty like' structure within the sea, the following must be noted:
 - 2.1. Based on the information provided, it would appear that the construction of a 'jetty like' structure may have triggered Activity 15 and Activity 17 of GN. No. R983 of the NEMA EIA Regulations, 2014 (if the footprint of the structure be 50m² or more) and has triggered Activity 19 of GN. No. R983 of the NEMA EIA Regulations, 2014.

- 2.2. Written Environmental Authorisation ("EA") would therefore have been required from the Department of Mineral Resources ("DMR") as the competent authority to consider applications for EA in terms of the NEMA for activities relating to mining, exploration, and prospecting.
 - 2.3. Since DMR is the competent authority, you are hereby required to refer the matter of the alleged construction of a 'jetty like' structure by MSR to the DMR. This Directorate has however issued a letter to the DMR for further consideration.
3. With respect to the alleged removal of unauthorised material from a decommissioned mine in a nature reserve, the following must be noted:
 - 3.1. CapeNature in their comment (dated 07 April 2015) indicated the following:
 - 3.1.1. MSR approached the Knersvlake Nature Reserve in 2014 to negotiate the sale of the excavated marble stockpile situated at the farm Moedverloren of the reserve.
 - 3.1.2. MSR concluded an agreement with the landowner of the excavated marble stockpile for the removal of marble from the farm Moedverloren.
 - 3.1.3. At an on site meeting held between MSR and Cape Nature, the mining company requested permission for the removal of the marble from the farm Moedverloren.
 - 3.1.4. Since no listed activities appeared to be triggered in terms of the NEMA EIA Regulations (as the removal of marble would occur in the existing footprint, access is only gained via the existing road and no damage to the adjacent vegetation occurred), permission was granted for the removal of marble from the excavated marble stockpile on the farm Moedverloren.
 - 3.2. In light of the above, it can be concluded that MSR obtained approval for the removal of marble from the excavated marble stockpile on the farm Moedverloren of the reserve and MSR did not contravene the NEMA EIA Regulations, 2014 in this regard.
 4. With respect to the expansion of the secondary concentration plant area, the following must be noted:
 - 4.1. As indicated in point 2.2. of this correspondence, the Minister for Mineral Resources is the competent authority to consider applications for EA in terms of the NEMA for activities relating to mining, exploration, and prospecting.
 - 4.2. This Directorate issued correspondence to the holder of the EA on 07 April 2015 which indicated that they have unlawfully commenced with Activity 13 of GN. No. R546 of the NEMA EIA Regulations, 2010. The similarly listed activity in terms of the NEMA EIA Regulations, 2014, is Activity 27 of GN. No. R983 of 04 December 2014.
 - 4.3. The holder of the EA was informed that they are required to obtain EA for the unlawful commencement of a listed activity in terms of the NEMA EIA Regulations from the competent authority (DMR).
 5. With respect to the pipelines for the transportation of tailings to the beach, mining within the 10m buffer area from the toe of the cliff and mining in the conservation areas, the following must be noted:
 - 5.1. A compliance monitoring site visit was conducted by officials of this Directorate on 24 February 2015.

5.3. This Directorate requested that an external auditor be appointed to compile an Audit Report to illustrate how the conditions of the EA and the Environmental Management Programme are complied with. This Directorate awaits the submission of the Audit Report by the holder of the EA.

6. This Department reserves the right to revise or withdraw comments or request further information based on any information received.

Your interest in the future of our environment is greatly appreciated.

Yours faithfully



HEAD OF DEPARTMENT

Copies to: (1). Mr J.Briers (Department of Mineral Resources)
(2). Mr. E. Cloete (CapeNature)
(3). Mr. B. Smit (Matzikama Municipality)
(4). Ms. S. Du Plessis (Olifantsriver Estuary Management Forum)
(5). Mr. C. Malherbe (West Coast District Municipality)

Fax: (021) 427 1046
Fax: (086) 556 8584
Fax: (027) 213 3238
Fax: (027) 215 1685
Fax: (022) 433 8484

Appendix A

Compliance letter issued by this Department (dated 07 April 2015) to the holder of the EA



REFERENCE NUMBERS: E12/2/3/2-F3/12-0245/07

ENQUIRIES: Ms. M. Schippers

DATE OF ISSUE: 07 APR 2015

The Director
Mineral Sands Resources (Pty) Ltd.
Postnet Suite 2
Private Bag X18
MILNERTON
7435

Attention: Mr. M. Caruso

Tel: (021) 555 2860

Fax: (021) 555 2860

Dear Sir

COMPLIANCE WITH THE CONDITIONS OF AUTHORISATION FOR THE MINING OF MINERALS AND ASSOCIATED INFRASTRUCTURE ON THE BEACH ADJACENT TO FARM GEELWAL KAROO NO. 262, VREDENDAL.

The Environmental Authorisation ("EA") issued by this Department on 25 July 2012 (Reference No: E12/2/3/2-F3/12-0245/07), the notification of commencement of construction dated and received by the Department on 23 August 2013, this Directorate's acknowledgement thereof dated 03 September 2013, the compliance monitoring site visit conducted by officials of this Department on 16 July 2014, this Department's correspondence dated 23 October 2014, the Audit Report dated 24 November 2014 and received by this Department on 25 November 2014, this Directorate's acknowledgment thereof dated 11 December 2014, the compliance monitoring site visit conducted by officials of this Department on 24 February 2015 and the concerns of alleged non-compliance with the EA and the Environmental Management Programme ("EMP") received by this Directorate on 11 March 2015, refer.

1. The following concerns were highlighted in the complaint received:
 - 1.1. Mining is taking place in the conservation area and outside the approved mine plan area;
 - 1.2. Mining is taking place within the buffer area (10m from the toe of the cliff);
 - 1.3. Unauthorised roads are being used to gain access to a mining area which falls outside the approved mine plan area. These roads have not been designed to handle the mining equipment; and

- 1.4. Additional areas have been cleared outside the approved mine plan area for the storage of mining equipment.
2. With respect to compliance site visit conducted on 24 February 2015 and the information provided at the site visit, the following was revealed (Please refer to Appendix A for pictures):
 - 2.1. The main access road to the mining site was widened by 4 meters and it was indicated by the representatives of Mineral Sands Resources that only existing access roads are used;
 - 2.2. The buffer areas from the toe of the cliff were delineated and no mining occurred in the buffer areas;
 - 2.3. The area accommodating the Secondary Concentration Plant ("SCP") has been expanded by approximately 3.8ha to accommodate the Primary Beach Concentrators ("PBC")(which was intended and authorised to be located on the beach); and
 - 2.4. Consideration has not been given to the 'no-go' areas as determined by Bliff Lewis Geometrics which was included as a condition of the EA and mining is occurring in the 'no-go' areas.
3. With respect to the clearance of an area of approximately 3.8ha the following must be noted:
 - 3.1. You have unlawfully commenced with a listed activity in terms of the NEMA EIA Regulations prior to obtaining environmental authorisation from the competent authority.
 - 3.2. Since the Minister responsible for mineral resources is the competent authority to consider applications for environmental authorisation in terms of the NEMA for activities, which relate to prospecting, exploration, mining or operations, you are required to obtain environmental authorisation for the unlawful commencement of a listed activity from the competent authority (in this instance the Department of Mineral Resources ("DMR")) to undertake the listed activity in terms of the NEMA EIA Regulations, which is triggered by the proposed development.
4. With respect to the PBC, it is noted that the PBC is not located on the beach as was intended and authorised. However, an application to amend the EMP has been submitted to the DMR which will address the new location of the PBC.
5. With respect to mining in the 'no-go' areas (conservation area), the following must be noted:
 - 5.1. The current mining operations are not in accordance with condition 18 of the EA issued on 25 July 2012;
 - 5.2. While it is noted that you have submitted an application to amend condition 18 of the EA, the application to amend the condition of the EA has not been finalised; and
 - 5.3. As such, no mining activities may occur within the 'no-go' areas.
6. Please note that the Audit Report dated 24 November 2014 and received by this Department on 25 November 2014 was inadequate as it did not illustrate your compliance with the conditions of the EA and the EMP.
7. In light of the above non-compliance issues and the complaints received by this Directorate, you are required to appoint an external auditor (not Mineral Commodities) to compile an Audit Report which must illustrate how the conditions of the EA and EMP are complied with. Further, the Audit Report must address the complaints received (as indicated in point 1 of this letter). A map (scale 1: 50 000)

indicating the approved access roads, the approved mining area and the 'no-go' areas (conservation area) overlayed with the current mining activities must be included in the Audit Report.

8. The Audit Report requested above must be submitted within **30 days** of the date of this letter.
9. Should the Audit Report not be submitted within 30 days of the date of this letter, the matter will be referred to this Department's Directorate: Environmental Compliance and Enforcement for further consideration.
10. Be advised that this Directorate may conduct further compliance visits as deemed necessary and that you may be informed of these visits accordingly.

This Directorate reserves the right to revise or withdraw comments or request further information based on any information received.

Yours faithfully



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HEAD OF DEPARTMENT

Copies to: (1) Ms. F. Abrahams (DEA&DP: Directorate: Environmental Governance)
(2) Mr. J. Pekeur (Matzikama Municipality)
(3) Ms. R. Janse van Rensburg (GCS (Pty) Ltd.)
(4) Mr. J. Briers (Department of Mineral Resources)

Fax: (021) 483 2797
Fax: (027) 213 3238
Fax: (011) 803 5726
Fax: (021) 427 1046

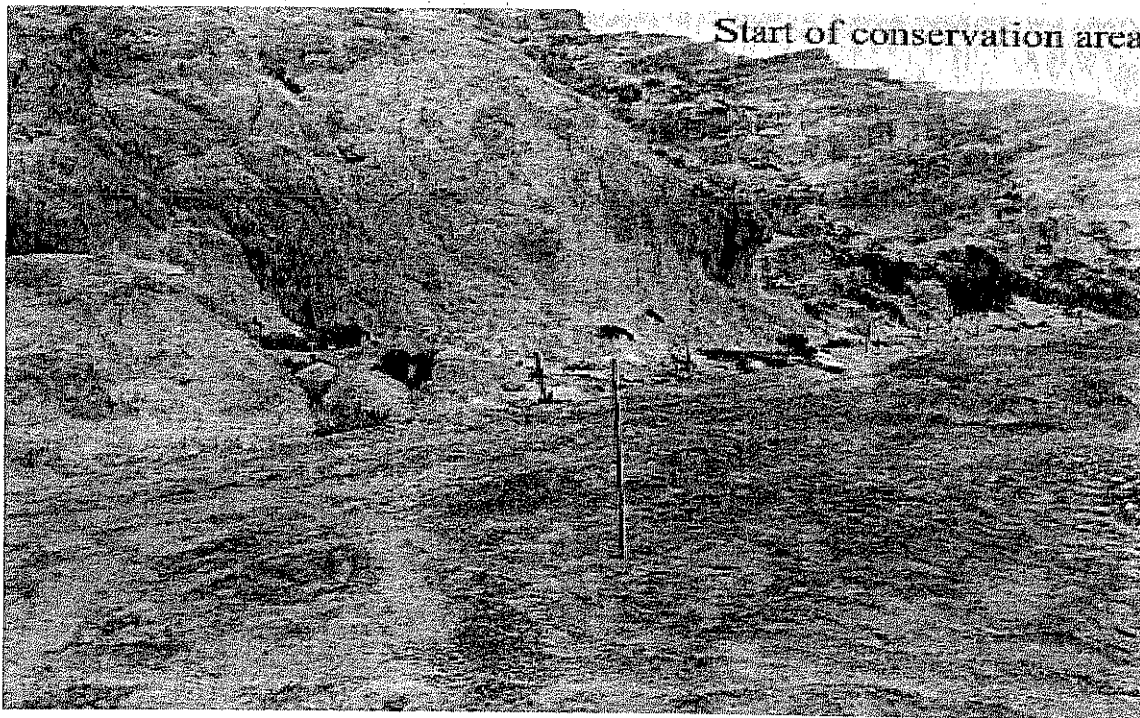
Appendix A

PBC



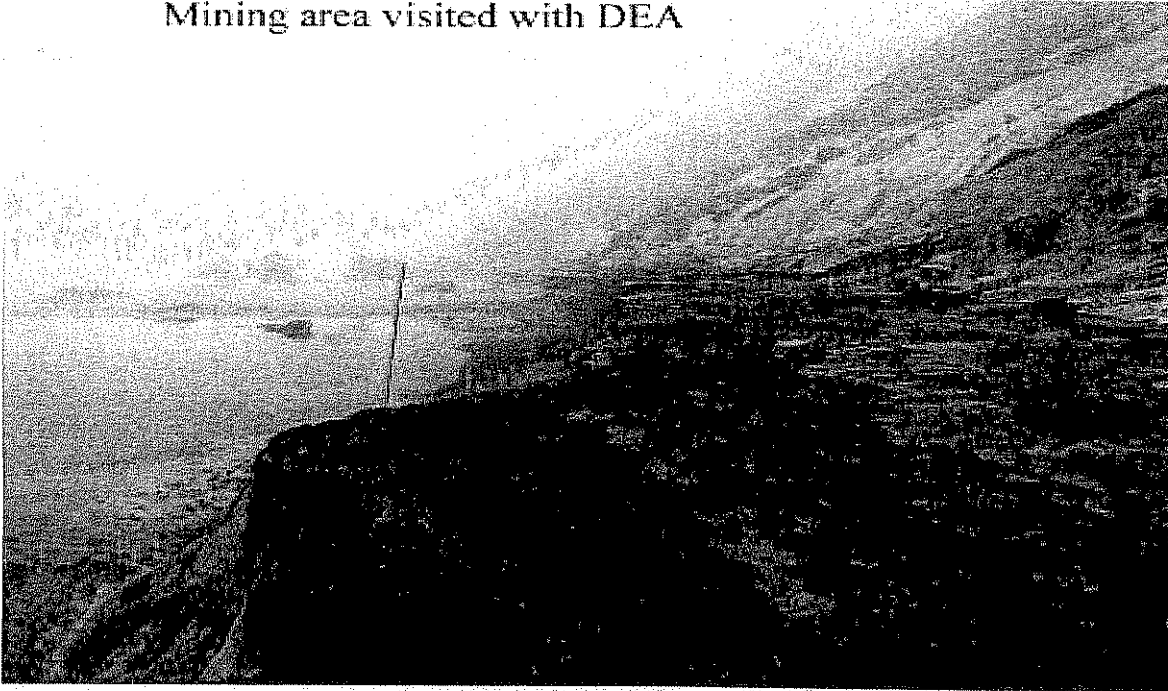
Picture 1: PBC located next to the SCP.

Start of conservation area



Picture 2: View of the start of the Conservation area

Mining area visited with DEA



Picture 3: View of the buffer area that has been delineated and an area where active mining occurs.