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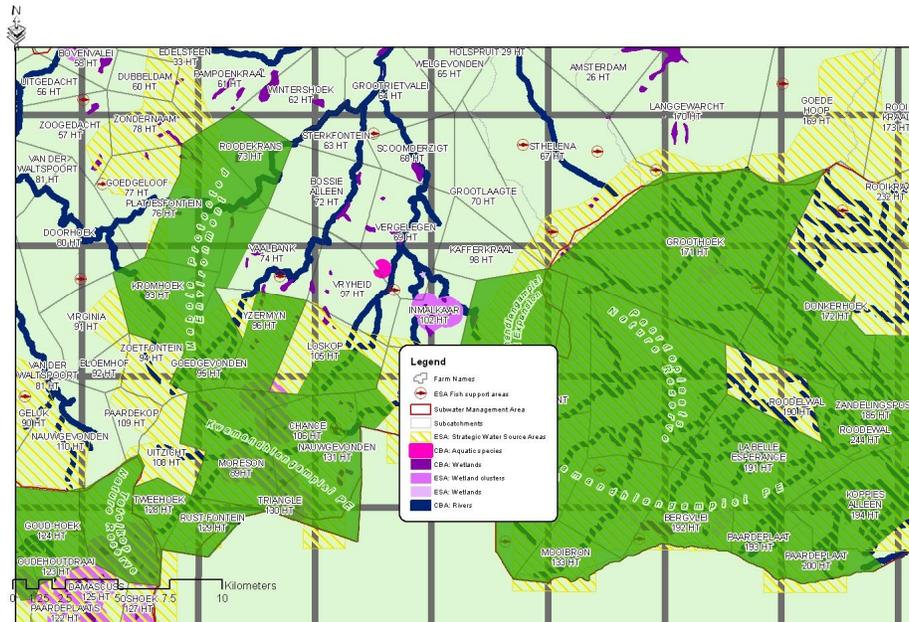
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Dear Ms. Grimett

**HEREWITH MTPA'S COMMENTS OF THE FINAL ENVIRONMENTAL IMPACT REPORT WITH SPECIFIC REFERENCE TO THE YZERMYN UNDERGROUND COAL MINE. COMMENTS INCLUDE THOSE ON THE RISK ASSESSMENT DONE BY ECOPARTNERS FOR THE ATHA GROUP. WAKKERSTROOM, MPUMALANGA PROVINCE.**

Ecopartners correspondence, reference 14/12/16/3/3/2/639 and NEAS reference DEA/EIA 0001965/2013 of 10/02/2015 has reference.

The declaration of the Mabola Protected Environment in terms of the National Environmental Management: Protected Areas Act, 2003 (Act no .57 of 2003) (As amended) has been Gazetted on 22 January 2014 notice 20 of 2014 no 2251 by the MEC for the Department of Economic Development, Environment and Tourism in Mpumalanga. (Figure 1. MBSP, 2014)



**Fig. 1. Map indicating the Mabola Protected Environment in relation to Kwamandhlangampisi PE and Tafelkop Nature Reserve.**

MTPA has before abovementioned declaration was in place applied in 2010 to the National Minister of Minerals and Energy through the Mpumalanga Regional Manager at RMDEC to considered it to Sterilize these marginalized minerals under Sec. 49 of the MPRDA in 2010, based on the 2004 National Spatial Biodiversity Assessment and to exclude those farms from future mining.

The National Protected Areas Expansion Strategy has since 2004 initiated a formal program in the Wakkerstroom area to formally protect this national biodiversity asset. Many applications for Prospecting and mining were turned down by the MTPA EIA Unit within this proposed Protected Environment . The Mpumalanga RM from DMR after consultation during a RMDEC sitting committed his office to put any new applications on hold until a ruling was made by the DMR Minister.

The Declaration of the Mabola Protected Environment was thus a milestone achieved with regards to Cooperative Governance and this specifically between Mining and Biodiversity.

The purpose for the declaration of Mabola Protected Environment is:

1. To enable the owners of the land to take collective action to conserve biodiversity on their land and to seek legal recognition therefore (28) (2) (b).

**The Atha Group has no surface rights.** Not even in portion 1 of Yzermyn 96 HT, (where they intend to place their above ground structures) that lies outside the Protected Environment but inside the MPRDA Sec 49 restricted area.

2. To protect the area if the area is sensitive to development due to its biological diversity , natural characteristics , scenic and landscape value and the provision of environmental goods and services (28)(2)(c)(i)(ii)(iv)(v);

According to the Mpumalanga Biodiversity Sector Plan (2014) the study area is located in an area identified as Critical Biodiversity irreplaceable and CBA optimal areas and is those areas of highest biodiversity value outside formal protected areas. These land category areas must be managed for biodiversity conservation to meet the SANBI national targets set for grassland areas. The Aquatic Biodiversity assessment indicates an extensive network of Critical Biodiversity Rivers and Seepage wetlands which provide habitat for a rich variety of organisms and sustainable supply of clean water for thousands of humans downstream.

3. To protect a specific ecosystem (28)(2)(d) Endangered Wakkerstroom montane grassland.

4. To ensure that the use of natural resources in the area is sustainable (28)(2)(b).

The final Atha EMIR for the proposed Coal Mining operation will permanently threaten approximately 4000 ha of the geology, degrade the soils, the grazing and wetland systems, the pollution plume and possible AMD decant will pollute the waters downstream and reduce the biodiversity status and desirability for future land uses in this currently high biodiversity and high sensitive area. The protected Area status will protect the ecosystem against such negative degradation and will ensure sustainable use over the long term.

Very little of South Africa's grassland areas remain intact whilst there are many areas outside this designated Conservation area where Coal mining are permitted. Atha- Africa has the opportunity to apply to mine in many lower risk areas.

The Atha/Ecopartners has recognized the Mining and Biodiversity Guidelines (2013) as a document that provides explicit direction in terms of where mining –related impacts are legally prohibited, where biodiversity priority areas may present high risks for mining and where biodiversity may limit the potential for mining but still persists to challenge the strategically planned and now proclaimed Biodiversity Protection areas.

After assessing the Final EIR and specifically the Risk assessment report together with the mitigation proposals and mitigation costs the following shortcomings and basic flaws were detected.

**a) Baseline Environmental studies:**

1. The EcoPartners map on page 214, fig 7-43 Mabola Protected Environment is inaccurate and misleading. The Mabola Protected Environment is larger and linked to KwaMandlangimpisi Protected Environment. The EcoPartners reference to the MTPA application Section 49 under the MPRDA with regards to portion 1 of Yzermyn 96 HT and other farms during the comments and response report is inaccurate and misleading. MTPA did not publish the report nor did we supply Atha with the whole picture. It was handed over for DMR 's Minister to peruse.
2. The EMP from EcoPartners indicates that the hydrocensus with regards to wetlands were delineated through desktop studies and that most of the numerous fountains, critical wetland sources not at all assessed. In fact the report indicates that all the GPS data tabulated on pg 181 and 182 are false and fabricated. This is poor and unacceptable.
3. The water contribution of the affected wetlands to the critical biodiversity rivers and other streams were not quantified. Dry periods amount of water compared to the wet season were not calculated. The report stated that the fountains were not thoroughly assessed and amount of water they produced not measured. This information is critical to determine the effect of dewatering and to mitigate the dry out effect during the proposed mining period of 15 years. Data lacks critical information to determine the extent of mitigation measures.
4. Delta H's Groundwater model stated on page 53," Groundwater dependant eco-systems and yields of springs (water supply) located within the significant zone of dewatering of the shallow aquifer, limited to the site boundaries, could be negatively impacted and some may dry up during the life of mine"
5. The recommendation that the treated decant water post closure emanating from the treatment plant be discharged to the adjacent hillslope seepage wetlands making use of a spigot which then drains into a sand filter along the edge of the hillslope seepage wetland to allow for recharge of the hillslope wetland and ensure reaching the valley bottom wetland resource is further cleansed and contributes to the instream flow of the local drainage network **is very vague and might mislead** many readers. The Ecopartner report stated that the water treatment plant is proposed to treat decant water post closure. There are no indications of how the wetlands and fountains will be fed with clean water especially in the dry seasons from day 1 that dewatering occurs. This explanation of discharging treated water into the hillslopes post closure will be too late. The plan is not feasible and practical.

**b) Cost analysis :**

1. There are no indications of any specifications of such a treatment plant, if it will be neither a passive or active treatment plant nor the capacity thereof, details about brine management and pollution control dams.
2. The Question needs to be asked as to whom will fund the operation and maintance of the water treatment plant for the next hundred years that polluted water will decant.

3. A detailed cost analysis of the water irrigation system to prevent the dry out and destruction of wetlands and grassveld of the proposed 4000 ha mining footprint in the Mabola Protected Environment is required. These areas will be dewatered during the underground mining (Dewatered cone) from the start of underground mining operation. The quantification of the volume of clean water needed to mitigate this uncontrolled impact could have been informed if proper baseline studies were done. The cost determination to maintain this irrigation over the 15 year lifespan would have been possible.
4. The acknowledgement of Atha Africa-ventures of the implications of these mitigation measures at this scale needed in order to maintain this highly sensitive environment (High risk wetlands and fountains ) would make this coal mining project a no go option. The whole mining target area is inundated with seepage wetlands and water recharge areas.

**c) Prospecting programme:**

MTPA has requested the applicant to produce a map indicating the prospecting borehole plan. The vague Prospecting borehole plan provided in the EIR indicates that Atha has bored drill holes in wetlands and wetland buffers which were not permitted.

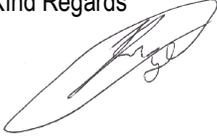
**Recommendations:**

Based on the environmental significance of the Study area and the marginal mineral deposits it is proposed that the most appropriate long-term investment that should be made within this Agricultural landscape is for biodiversity conservation and associated compatible land uses. MTPA does not foresee any way that Conservation, Tourism and Coal mining in this instance Atha-Africa can coexist. The Lease area borders on Legally Protected Areas, with the protected buffers where "Mining is Prohibited". The Final Atha-Africa Ventures Environmental Impact Assessment Report had a few basic flaws with regards to their impact assessment, mitigation methods and long term financial provision.

The MBSP indicates that many low risk areas surrounding these irreplaceable areas for mining does exist where mining and Agriculture might coexist if the strategic planning is done responsibly.

Taking all the factors into account MTPA does not support the change in land use of these farms.  
The Precautionary principle of Sustainable development should be the decision maker's best practical and socially responsible option.

Kind Regards



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**MR. F.N.KRIGE**  
**LAND USE ADVISORY UNIT**  
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**MTPA**  
**DATE: 3/03/2015**



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