



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Private Bag X 447 · PRETORIA · 0001 · Fedsure Building · 315 Pretorius Street · PRETORIA
Tel (+ 27 12) 310 3911 · Fax (+ 2712) 322 2682

NEAS Reference: DEA/EIA/0001965/2013

DEA Reference: 14/12/16/3/3/85

Enquiries: Fiona Grimett

Telephone: 012-395-1793 Fax: 012-320-7539 E-mail: fgrimett@environment.gov.za

Annexure K

Ms Charlaine Baartjies
EcoPartners
PO Box 73513
FAIRLAND
2030

Fax No: 086 539 6127

PER FACSIMILE / MAIL

Dear Ms Baartjies

REJECTION OF THE ENVIRONMENTAL IMPACT ASSESSMENT REPORT FOR THE PROPOSED YZERMYN UNDERGROUND COAL MINE NEAR WAKKERSTROOM, MPUMALANGA PROVINCE

The Final Environmental and Social Impact Assessment Report (EIAR) received on 09 January 2014, this Department's letter dated 26 March 2014, and the correspondence and amended application form for environmental authorisation received on 27 March 2014 refer.

The EIAR is hereby rejected by the Department in terms of regulation 34(2)(b) of the EIA Regulations, 2010. The EIAR must be amended to address the following issues.

Layout Alternatives

- a) The EIAR concludes that the preferred surface layout design not be considered for development, given the sensitivities pertaining to the site. It further recommends that an alternative layout design be considered and that this layout be reassessed to determine whether both environmental and socio-economic aspects can be accommodated. The Department agrees with this recommendation. Please confirm whether an alternative layout can be proposed, which will allow the proposed mine to coexist within this sensitive area, given the Department's concerns with regards to biodiversity, outlined in point b) below.
- b) Amend the EIAR to include the new layout plan and update the specialist studies to include for the assessment of the new alternative layout.
- c) Please also include an updated layout map, showing the exact locations and footprints of the development and associated infrastructure and no-go/sensitive areas. Please also include in the report an indication of the amount of vegetation required to be cleared for the development (as per the new layout).

Biodiversity Concerns

The Department has identified a number of biodiversity concerns, which need to be taken into consideration and/or addressed in the EIAR:

- d) The study area contains at least one ecosystem (Wakkerstroom/Luneburg Grasslands) listed in terms of the National Environmental Management Biodiversity Act, 2004 (NEMBA). It could also contain Paulpietersburg Moist Grassland, Eastern Temperate Freshwater Wetlands and Eastern Highveld Grassland, listed as Vulnerable. This was not identified in the biodiversity study, and is an omission that needs to be rectified. The biodiversity study only looked at Mucina and Rutherford classifications, not the NEMBA-listed ecosystems.
- e) The site is largely classified as Irreplaceable in the Mpumalanga Biodiversity Conservation Plan. Please be advised that unless ground-truthing has been undertaken to prove that the development does not impact on the reason for the classification, this may constitute a fatal flaw.
- f) The area has a high occurrence of wetlands of very high ecological importance. This could be an indication that groundwater is very close to the surface and that any impact on either may be transferred to the other. In the National Freshwater Priority Areas maps, this area is classified as an NFEPA Priority Area, which means that it is critical for the sustained supply of potable water for downstream communities. Dewatering of this area at the rates proposed in the study will lead to the lowering of the water table, which is likely to have a very high negative impact on biodiversity, food production and water provisioning to areas downstream.
- g) The mine cannot operate without dewatering activities. In the light of the above, this application cannot be considered without the identification of the downstream water areas, the water users dependent on the water, and a quantification of the dewatering effect on the economic activities downstream, including increase in droughts and floods. This information needs to be included in the amended EIAR.
- h) The EIAR states that there may be potential for Acid Mine Drainage resulting from the Alfred Seam. It recommends that additional ground and surface water studies be undertaken in order to adequately quantify the anticipated impacts from the proposed mine. The Department supports the recommendation for additional studies in the amended EIAR, investigating the potential impact of AMD.
- i) This application falls within the Grassland Important Bird Area (IBA). This IBA has been recognised by BirdLife South Africa and BirdLife International as both a national (SA 125) and global (ZA 016) IBA that is critical for the conservation of IUCN Red Data List (i.e. threatened) bird species, grassland endemic bird species and congregatory waterbirds.
- j) The list of Red Data bird species (in the EIAR) that potentially occur in the project area fails to include the regionally Critically Endangered and southern African endemic Rudd's Lark (*Heteromirafra ruddi*). Approximately 85% of the global population of Rudd's Lark is confined to the grasslands within a 50 km radius around Wakkerstroom.
- k) The study area is surrounded by protected areas to the south and east of the site, and some of the land parcels in the application are part of a declared Protected Environment. As such, please be advised that a mining license cannot be issued without the express permission of the Minister of Environmental Affairs.


Additional Requirements

- a) The specialist studies do not appear to include an assessment of the alternative layout options and access routes identified in the EIAR. Page 273 of the EIAR further states that some of the associated infrastructure (e.g. laydown / construction areas, access roads and pipelines) required for the proposed mine were not assessed, as the final layout plan was not available at the time of completing certain of the specialist studies. Please ensure that all associated infrastructure required for the mine is assessed in the report and specialist studies. This includes the portion of the road that will need to be re-aligned for the new location of the discard dump. Also include an assessment of the shorter alternative access road proposed in the EIAR.
- b) Please ensure that all listed activities, in terms of GN R. 544, 545 and 546, are discussed in the EIR, including the pipelines required for the transportation of water and dangerous goods, reservoirs, and any culverts/ bridges required for the access roads (provide a description of these activities).
- c) Page 218 of the EIAR states that a geology/geotechnical specialist study was not required. This Department however requires that a geotechnical study / specialist opinion be included in the EIAR, in order to address the issue of mine stability and the potential for subsidence (as requested in the acceptance of FSR letter dated 9 October 2013).
- d) Please address the issue of whether the generators alone are sufficient to supply power for the Life of Mine (LOM), or whether the viability of the mine is dependent on the future approval of an alternative power source. Please note that the Department does not support incremental decision making, should the viability of the mine depend upon the future approval of additional power lines or power stations.
- e) The significance of the potential cumulative impacts has not been indicated in the report (Section 10.3 of the EIAR). Please provide an indication of cumulative impact significance.
- f) The contact details (telephone, fax and email) of the commenting authorities must be included in the stakeholder database, as per Regulation 55(1) of GN R. 543. Please also include these details in the cover letter of the amended EIAR.
- g) Ensure that the environmental management programme (EMPr) includes the details and expertise of the person who prepared the report, a description of the aspects of the activity covered by the EMPr (i.e. project description) including a layout map with no-go areas clearly identified, and an indication of the time periods within which the measures contemplated in the EMPr must be implemented, as per Regulation 33 of GN R. 543.
- h) Declarations of independence forms for the specialists and an indication of the expertise of specialists must also be included in the report, as per Regulation 32(3)(a) and (b) of GN R. 543 (forms available from the Department).
- i) The Department recommends further consultation with the South African Heritage Resource Agency (SAHRA), considering that the heritage impact study submitted to SAHRA was a pre-feasibility study and the layout of the mine was yet to be finalised at the time of consultation.
- j) The applicant is hereby reminded to comply with the requirements of regulation 67 of GN R. 543, with regard to the time period allowed for complying with the requirements of the regulations, and GN R. 543(56) with regard to the allowance of a comment period for interested and affected parties (I&APs) on all reports submitted to the competent authority for decision-making. The amended EIAR must be made available to I&APs for comment. Both the Department of Water Affairs and the Department of Agriculture Forestry and Fishery must be consulted for further inputs.

The Department will further consider the application upon on receipt of the amended EIAR.

You are hereby reminded of Section 24F of the National Environmental Management Act, Act No 107 of 1998, as amended, that no activity may commence prior to an environmental authorisation being granted by the Department.

Yours faithfully



Mr Ishaam Abader

Deputy Director-General: Legal, Authorisations, Compliance & Enforcement

Department of Environmental Affairs

Letter signed by: Ms Milicent Solomons

Designation: Director: Integrated Environmental Authorisations

Date: 16/05/2014.

CC:

Mr Morgam Munsamy	Atha Africa Ventures (Pty) Ltd	Fax: 011 784 7467
Ms Nellisiwe Mlangeni	MDEDECT	Fax: 013 766 4614
Mrs J du Plessis	DMR	Fax: 013 690 3288