



**THE ENDANGERED WILDLIFE TRUST'S COMMENTS ON THE ENVIRONMENTAL IMPACT
ASSESSMENT AND ENVIRONMENTAL MANAGEMENT REPORT FOR THE PROPOSED COAL
MINING OPERATION FOR WILLIAM PATRICK BOWER (PTY) LTD ON THE FARMS GROENVLEI
353JT AND LAKENVLEI 355JT**

Mining Right Application (MP30/5/1/2/2/505MR)

I. INTRODUCTION

1. The Endangered Wildlife Trust (EWT) was established in 1973 and is a non-governmental, non-profit, citizen organisation dedicated to conserving the diversity of species in southern Africa. It is a fully accredited non-governmental member of the World Conservation Union (IUCN).

The EWT is dedicated to conserving threatened species and ecosystems in Southern Africa to the benefit of all people. In order to fulfill this mission it:

- Initiates and implements conservation research and action programmes;
- Prevents species extinctions and maintains biodiversity and ecosystem functioning;
- Supports sustainable natural resources and management;
- Communicates the principles of sustainable living and empowering people by capacity building, education and awareness programmes to the broadest possible constituency;
- Takes a strong leadership and advocacy role in promoting environmental and social justice.

The EWT achieves its conservation goals through specialist, thematic programmes, designed to maximise effectiveness in the field and enhance the development of skills and capacity. Our dedicated, specialist programmes collectively coordinate around 80 projects throughout southern Africa. These programmes focus on specific issues, species and ecosystems ranging from conserving wetlands and grasslands to addressing the irresponsible use of poisons and agro-chemicals to protecting the last remaining Blue Swallows that breed in South Africa.

2. The EWT programmes with a specific interest and focus in the proposed project area are:
 - a. The EWT's African Crane Conservation Programme (EWT-ACCP)

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The EWT-ACCP commits to a future where all of Africa's crane species are secure - a future where people cooperate to protect and restore wild populations and their ecosystems. These efforts sustain the ecosystems on which cranes depend, to the benefit of countless other species. The Steenkampsberg Plateau, and the Lakenvlei wetland complex and its catchment in particular, are home to all three of South Africa's crane species, namely the locally Vulnerable Blue *Anthropoides paradiseus* and Grey Crowned *Balearica regulorum* Cranes and the Critically Endangered Wattled Crane *Buggeranus carunculatus*. All three species breed within the Lakenvlei wetland and catchment, and Blue Cranes nest in the surrounding area, and specifically related to this application, on Groenvlei. Lakenvlei currently holds one of the only two regular breeding pairs of Wattled Cranes remaining in Mpumalanga, and its catchment one of only two wintering flocks of Grey Crowned Cranes on the Steenkampsberg.

b. The EWT's Threatened Grassland Species Programme (EWT-TGSP)

The main aim/goal of the EWT-TGSP is to develop an ecosystems approach towards grassland conservation by implementing conservation actions for priority areas within grasslands by focusing on priority species. The programme is also driven towards securing sustainable utilization of grasslands and their associated wetlands and protecting intact systems and their ecological integrity and biodiversity. Further than this, the grasslands of South Africa and the Steenkampsberg in particular form the catchment for four of South Africa's large rivers, the Olifants, Sabie, Elands and Crocodile Rivers all originate from this high altitude plateau and rely on the integrity of this region to continue to provide multiple ecosystem services to the local area and the far ranging reaches of these rivers lengths. This region is home to two vulnerable and endemic grassland birds, the Yellow-breasted Pipit *Anthus Chloris* and the Rudds Lark *Heteromirafra ruddi* and a vulnerable and endemic mammal, the Rough-haired Golden Mole *Chrysospalax villosus*.

II. COMMENTS

The EWT's comments on the Environmental Impact Assessment and Environmental Management Report for the proposed coal mining operation for WPB Colliery (Pty) Ltd on the farms Groenvlei 353JT and Lakenvlei 355JT, are as follows:

General

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Section 10(1) (b) of the Mineral Petroleum Resources Development Act, 28 of 2002 (MPRDA) requires the Regional Manager to call upon interested and affected parties to submit their comments regarding an application within 30 days from the date of the notice. Kindly note that we are still waiting for proof that the requirement for this notification has been met.

In terms of our previous request, we are still waiting for clarity on whether a prospecting right has in fact been granted for the farms in question – and would appreciate follow up on this. If a prospecting right has been granted to the applicant, please provide documentary proof as well as details on the process followed in obtaining such a right.

In general, on reading through the Draft specialist report and final Environmental Impact Assessment and Environmental Management Report, the impacts to the environment are significant considering the mine will only be in operation for between three and five years, and will employ only 23 people, of which only nine are unskilled labour. It is unlikely therefore that all 23 families benefitting from the mining operation will be from the local community. It was stated at the Public Participation meeting on 29 August 2011 that 43 jobs would be created, of which 21 would be for unskilled labour. It was also implied that the R18 million generated from the mine annually would go into the local economy. When questioned about this, Menco stated that about R17.5 million would go to the hired contractor without any guarantee that this person would be sourced locally. The longer term environmental effects are of specific concern though, drawing attention to the geo hydrological report that predicts through modelling that the hydrological plume with pollutants may only reach Lakenvlei within 10 years, i.e. a minimum of 5 years after the mine has closed.

Considering the area is zoned as tourism and agriculture in the Emakhazeni Environmental Management Framework, it is surprising that the impact of the mining operation on these industries has not been explored more fully. It has only been considered under the specialist report on the visual impact, and focused from a few cottages within clear view of the proposed mining site. However, note was made that travellers would have a negative approach to the mining operation. Both agriculture and tourism are long term industries, unlike the mining operation, and hence the mining could have significant long term economic effects on the area.

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In the overall Executive Summary, the report acknowledges only that no threatened species were seen on the site in winter. As the site visit was conducted in May/June when most birds would have moved off the site, and the fact that the full specialist report acknowledges the list of all potential birds (including a number of threatened species) to be found on site, it is important to consider the full aspect of this. Further to this, the report acknowledges only the impact on the bird species on site. However, the impact of the mining operations, through increased disturbance, noise and visibility, could have significant impacts on birds and mammals within close to medium proximity to the mine. Listed impacts included habitat loss, loss of Red Data species, and changes in migration routes. Mitigating efforts to reduce the impact on species on site, will have little impact on those close to the mining operation. This is of significant concern, as all three crane species breed within the neighbouring Lakenvlei wetland and catchment, and Blue Cranes nest in the surrounding area, and specifically related to this application, on Groenvlei. Lakenvlei currently holds one of the only two regular breeding pairs of Wattled Cranes remaining in Mpumalanga, and its catchment one of only two wintering flocks of Grey Crowned Cranes on the Steenkampsberg.

The EWT provided the following comment on the draft Scoping Report:

Reference is made to the fact that the proposed project will trigger certain activities listed in terms of the National Environmental Management Act, (107 of 1998) Environmental Impact Assessment Regulations, 2010. It is however not clear what process will be followed to obtain the required authorisation from the Department of Environmental Affairs. Kindly provide details on the process to be followed in this regard.

The response from the Consultant in the Issues and Response Register is as follows:

*'An application letter will be submitted to Mpumalanga Department: Economic Development, Environment and Tourism. An EIA/EMP process will be followed accompanied by specialist studies. (sic).'*¹

There is still no clarity on whether any NEMA EIA listed activities are triggered by the Proposed Colliery, and if so, whether an application for authorisation from the Department of Environmental Affairs as the decision maker will be submitted.

Under the executive summary the following is noted:

¹ Page 4-75 of the Draft EIA and EMP Report

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There has previously been opencast and underground mining on the property by a different mining company, but rehabilitation was not done after these mining activities. There still seem to be enough remaining coal resources to warrant a viable mining operation. Currently, there is also an operational sand quarry on site.

Section 22 (2) (b) of the MPRDA provides that –

(2) The Regional Manager must accept an application for a mining right if—

(a) ...

(b) no other person holds a prospecting right, mining right, mining permit or retention permit for the same mineral and land.

Is there an existing mining and or prospecting right on the property in question?

Water Use Licence

*'The proposed mining area falls within a water stressed catchment that necessitates the implementation of water demand and conservation strategies. The water use authorisation process will be regulated through the National Water Act, 1998 (Act 36 of 1998).'*²

S.41(4) of the National Water Act, 1998 (NWA) expressly provides that the Minister (or catchment management agency, as the case may be) may require the applicant in a water use licence application to implement specified measures to bring the application to the attention of relevant organs of state, interested persons and the general public, and to satisfy the responsible authority that the interests of any other person having an interest in the land will not be adversely affected.

The EWT hereby formally notifies that it wishes to be consulted in and comment on the water use licence application submitted by William Patrick Bower (Pty) Ltd as part of the WPB Colliery, and therefore requests that it be notified of and consulted in any such application.

Comments on the specific specialist report

- **Appendix 7: Surface water assessment**

J Mare who conducted the assessment is registered as a Microbiologist, and hence we ask that proof of their experience and knowledge on water assessments be provided.

² Page 2-5 of the Draft EIA and EMP

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Although all of the maps outlining the footprint of the mining operation include an area that extends into the Olifants River Catchment (via the Steelpoort River), only the Inkomati River Water Management Area was considered in this report. Two important springs for the Lakenvlei complex arise within this footprint, one of them being an artesian spring, and hence this needs to be included in the report. In addition, no full assessments of the current state, ecosystem services and delineation were conducted on wetlands either on the broader Groenvlei or Lakenvlei farms, with particular note of the wetland clearly shown on Groenvlei, below the mining operation. Note too that this wetland is a Blue Crane nesting site, which will no doubt be abandoned as a result of the mining.

The report notes that the water uses were related to the pollution control facilities required for water management, and hence the mine would therefore not contribute towards the stressed needs for the catchment. This needs additional explanation.

- **Appendix 8: Geohydrology**

This report thankfully includes both the Inkomati and Olifants River Catchments. The delineated area of the aquifer clearly covers both the Groenvlei and the Lakenvlei wetland complex. It is imperative to note that the Lakenvlei wetland complex is highly dependent on the aquifer. The report though outlines that the aquifer is reasonably sensitive to contamination and care should be taken with any activities that could generate pollutants. Modelling also suggests that the pollution from mining will reach the Lakenvlei complex only years after the mining has been completed, and hence the impact is long term. However in the short term, the water drawdown will impact on one of the tributaries of the Lakenvlei wetland complex. For this reason it is important that the impact of this on the broader Lakenvlei is determined.

- **Appendix 11: Avifauna**

Although the Mpumalanga Terrestrial Biodiversity Assessment (CPLAN) classifies the proposed mining area as an area of No Natural Habitat Remaining as well as an area of Least Concern, the area abuts a critical habitat. Any sensitive species occurring in the critical habitats could be impacted upon by the activities on the mining site.

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Table 3-2 uses international IUCN Red Data List categories. It would be important to note that Wattled Cranes are classified as Critically Endangered in South Africa – with only around 260 left in the country.

Point 5.2.2 – note that disturbance not only affects species on site, but those within sight or hearing distance of activities as well. The Steenkampberg has already experienced a significant decline in crane numbers over the past four decades and this type of disturbance will increase the potential for the loss of further pairs of each of the crane species.

The avifaunal assessment requires considerable revision and a number of things mentioned within this report suggest that the author is neither an experienced nor trained ornithologist. In the text that follows the italicized text is copied and pasted from the report with text following as comments about these extracts.

1. **4.1 Limitations of the site visit** *The site visit was conducted in the dry winter months and therefore most of the migratory species would already have left the area. The weather was cold with a breeze blowing.* This is not a minor limitation and no recognised ornithologist would undertake or have faith in the results of a survey conducted in the winter only. This report is entirely insufficient based on this alone and without a detailed summer survey this report cannot be considered sufficient for the given purposes.
2. *Francolinus spp.* There is no such thing as this genus in South Africa and this further suggests that the author has limited up-to-date knowledge of ornithology.
3. *A total of 19 bird species (Table 4-2) was identified on the properties (transect area and surround) and the immediate surroundings during the two-day site visit. There were no waterbirds on or close to the stream. A flock of Common Waxbills (Estrilda astrild) was seen in the reeds adjacent to the stream. A Pied Crow (Corvus albus) was observed closer to the town of Belfast.* As mentioned above the use of a mid-winter survey carried out over only a two day sampling period is completely insufficient and cannot be considered to be of any use for these purposes. The fact that only 19 species were identified adds support to this. This is a feeble attempt at trying to survey this area and should be disregarded.

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4. *Species such as larks, pipits and longclaws will usually persist on the remaining areas of Grassland on the applicable properties and will use the secondary habitat after rehabilitation.* This statement needs to be supported by cited, peer reviewed publications. The author will note that there are a number of publications illustrating the sensitivity of numerous Lark and Pipit species to disturbance and finding peer reviewed literature to support this statement will be difficult if not impossible.
5. *Swallows and martins will also remain on the property due to their aerial foraging habitat, combined with a potential increase in insect abundance as a result of an increased rate of nutrient recycling on the mined area.* Again, this statement needs to be supported by cited, peer reviewed publications. And again there is very much doubt as to whether this statement can be supported by any research work. Aerial insectivores cover vast areas and their presence or absence has no significance or meaning with regards to the ecological integrity of an area, in fact their presence can be a sign of poor habitat condition based on an increase in termitaria due to soil compaction. The author should be reminded that a select few species which are habitat specialists and hence sensitive to disturbance of this potential can be considered and commented on in this manner.
6. *Increase in traffic does not usually deter kestrel species and they will feed in the rehabilitated areas.* Please refer to the point above with regards to aerial insectivores, again kestrel numbers are often a sign of degraded habitat due to increased diurnal rodent numbers and statements of this sort lend no credibility to the assessment at all and again should be disregarded.
7. *Korhaan and bustard species that forage in short-grass habitat will be less affected than those that forage in long-grass habitat, as they can forage in the rehabilitated areas (South African National Biodiversity Institute, Background Information Report No.4a 2006).* This is yet another example of the two above statements and while referenced this is not a peer reviewed publication and suggests that the author is scratching for literature with little effort at finding credible supporting documentation.
8. *The Helmeted Guineafowl (Numida meleagris) can be found on re-vegetated sites due to tree roosts, drinking water, cover and food such as insects, seeds and underground bulbs (Africa –*

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Birds & Birding 2004). Ian Little published this as a result of his BSc honours research and again this is neither peer reviewed nor is it relevant. Again this species is not indicative of intact habitat and again illustrates the limited capacity of the author to interpret ornithological data in a way that would be required to assess the impacts of the proposed activities on the avian community.

9. *Mining activities should be confined to the mine site in as small a footprint as possible to keep natural areas on the applicable properties. As species of conservation importance occur in this area, it will be important to ensure that some natural areas remain on the properties as habitat for these species.* These recommendations are neither sufficient mitigation nor a reasonable ecological requirement for the sustainable retention of any specialist, sensitive or rare species that may occur in the given area.
10. Opening sentence of conclusion *The various phases of the proposed mining development will have negative effects of high to low significance on the bird species on the applicable properties and the surrounding areas.* This statement does not mean anything!!!
11. *The proposed project site is in an Important Bird Area and many endemic birds and birds of conservation concern occur in the area. Trends in the abundance and distribution of bird species (especially endemic species and birds on the IUCN Red Data List) in this IBA should be monitored twice a year (winter and summer). This can be done through further SABAP2 atlassing or specialist studies. In addition the applicant should also investigate applying to universities to initiate a Honours or Masters project investigating for instance habitat use by species, breeding patterns of species as well as the effects of mining on species in the area.* All of this will be too late for the given system and monitoring the loss of species is not mitigation and goes against the purposes of an impact assessment.

Given the above eleven comments it is recommended that this assessment be redone.

In Closing

The Endangered Wildlife Trust is opposed to this mining operation based primarily on its long term impacts on the threatened species of the area, the aquifers on which the wetlands and many of the neighbouring farmers depend, and its impact on the tourism industry.

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