



mineral resources

Department:
Mineral Resources
REPUBLIC OF SOUTH AFRICA

**GUIDELINE FOR THE COMPILATION
OF AN
ENVIRONMENTAL MANAGEMENT
PLAN**

**TO BE SUBMITTED WITH
APPLICATIONS FOR A PROSPECTING RIGHT
IN TERMS OF THE MINERAL AND PETROLEUM
RESOURCES DEVELOPMENT ACT, 2002,
(ACT NO. 28 OF 2002) (the Act)**

PREAMBLE

In terms of section 17(1) of the Act, the Minister must, subject to subsection 17(4), grant a prospecting right if-

- (a) the applicant has access to financial resources and has the technical ability to conduct the prospecting operation optimally in accordance with the prospecting work programme,
- (b) the estimated expenditure is compatible with the proposed prospecting operation and duration of the prospecting work programme,
- (c) the prospecting will not result in unacceptable pollution, ecological degradation or damage to the environment,
- (d) the applicant has the ability to comply with the relevant provisions of the Mine Health and Safety Act, 1996 (Act No 29 Of 1996); and
- (e) the applicant is not in contravention of any other relevant provision of the Act.

Unless an Environmental Management Plan, which meets the requirements of the provisions of section 39 (4) of the Act, has been submitted it cannot be concluded that the prospecting will not result in unacceptable pollution, ecological degradation or damage to the environment.

This guideline is intended to assist applicants to comply with the aforesaid granting criteria insofar as they relate to other relevant provisions of the Mineral and Petroleum Resources Development Act and Regulations, through the compilation of the prescribed Environmental Management Plan for prospecting right applications to be submitted together with any application for a prospecting right in on accordance with the provisions of section 39 (4) (a) of the Act.

Applicants must submit the findings resulting from their research and analysis (supporting information may be attached as annexures) and provide all the information required herein, whilst ensuring that the information required is placed correctly in the relevant sections of the Environmental Management Plan, in the order, and under the provided headings as follows:-

IDENTIFICATION OF THE APPLICATION IN RESPECT OF WHICH THE ENVIRONMENTAL MANAGEMENT PLAN IS SUBMITTED.

The applicant is required to include (at the beginning of the Environmental Management Plan) a duplicate of all the information contained in Parts A and C of Form B, Annexure I of the application for a prospecting right. The applicant must ensure that the contact person and correspondence address for the application are those of an authorised representative of the company who can be officially corresponded with in terms of compliance during the application process and, where applicable, after a right has been granted.

1 REGULATION 52 (2): Description of the environment likely to be affected by the proposed prospecting or mining operation

The applicant must specifically in this section:

- 1.1 Describe the environment on site relative to the environment in the surrounding area.
- 1.2 Describe the specific environmental features on the site applied for which may require protection, remediation, management or avoidance.
- 1.3 Include a map showing the spatial locality of all environmental, cultural/heritage and current land use features identified on site.
- 1.4 Confirm specifically in this section whether or not the description of the environment has been compiled with the participation of the community, the landowner and interested and affected parties,
- 1.5 If the description of the environment has not been compiled with the participation of any of the community, the landowner or interested and affected parties, a detailed explanation must be provided why not and how description of the baseline environment was arrived at if the landowner did not afford access thereto.

2 REGULATION 52 (2) (b): Assessment of the potential impacts of the proposed prospecting or mining operation on the environment, socio-economic conditions and cultural heritage.

- 2.1 **Describe the proposed prospecting or mining operation**, which description must
 - 2.1.1 include a list of all the main prospecting activities (e.g. access roads, topsoil storage sites and any other basic prospecting design features
 - 2.1.2 include a plan showing the spatial location and aerial extent of the aforesaid main activities with dimensions or a conceptual plan of a drill site including dimensions and all potential infrastructure.
 - 2.1.3 include an indication of the phases (construction, operational, decommissioning) and estimated time frames in relation to the implementation of these activities and infrastructure. The potential impacts must be identified per activity/process or infrastructure in the relevant phases.
 - 2.1.4 include any listed activities (in terms of the NEMA EIA regulations) which will be occurring within the proposed project.

2.2 **Identify the potential impacts** which identification must:-

- 2.2.1 include a list of the potential impacts **of each** of the aforesaid main prospecting and listed activities.
- 2.2.2 describe all potential cumulative impacts.
- 2.2.3 Include a specialist report with regards to the investigation, assessment and evaluation of cultural and heritage resources, in consultation with regional organs of state e.g. SAHRA, tasked with a cultural and heritage mandate and in cognisance of local knowledge (community and landowner)
- 2.2.4 include a list of potential impacts on communities, individuals or competing land uses in close proximity to the proposed prospecting activity. If no such impacts are identified this must be specifically stated together with a clear explanation why this is not the case.
- 2.2.5 confirm specifically in this section whether or not the list of potential impacts has been compiled with the participation of the landowner and interested and affected parties,
- 2.2.6 include a detailed explanation why not, in cases where the list of potential impacts has not been compiled with the participation of the landowner, considering that the prerogative to accept such explanation or not remains with the State.
- 2.2.7 include a specialist report relating to the investigation, in line with the baseline information and proposed activities.

3 **REGULATION 52 (2) (c): Summary of the assessment of the significance of the potential impacts and the proposed mitigation measures to minimise adverse impacts.**

3.1 **Assessment of the significance of the potential impacts** which includes:-

- 3.1.1 The criteria of assigning significance to potential impacts
- 3.1.2 a list of the potential impacts **identified in respect of each** of the aforesaid main prospecting activities during the different phases together with the corresponding significance assessment
- 3.1.3 a summary of the assessment of potential cumulative impacts, and

3.2 Proposed mitigation measures to minimise adverse impacts.The applicant must in suitably cross referenced format provide:-

3.2.1 A list of actions, activities, or processes that have sufficiently significant impacts to require mitigation.

3.2.2 List of appropriate technical or management options chosen and a concomitant list of options chosen to modify, remedy, control or stop any action, activity, or process which will cause significant impacts on the environment, socio-economic conditions and historical and cultural aspects as identified. (attach detail of each technical or management option as appendices)

3.2.3 A review the significance of the identified impacts in relation to mitigation measures proposed.(ie, the impact rating after bringing mitigation into consideration).

4 REGULATION 52 (2) (d): Financial provision.The applicant is required to-

4.1 Identify the disturbance for which financial provision must be made.

4.1.1 Provide a plan showing the location and aerial extent of the aforesaid main mining actions, activities, or processes anticipated, which plan must include all the items referred to in the guideline for the calculation of the quantum, for each of the construction operational and closure phases of the operation.

4.1.2 Align rehabilitation with the closure objectives

4.1.2.1 ensure that the rehabilitation plan is compatible with the closure objectives determined in accordance with the baseline study as prescribed.

4.1.3 Calculate the quantum.

4.1.3.1 Provide a calculation of the quantum of the financial provision required to manage and rehabilitate the environment, in accordance with the guideline prescribed in terms of regulation 54 (1) in respect of each of the phases referred to.

4.1.4 Undertake to provide financial provision

4.1.4.1 indicate that the required amount will be provided should the right be granted.

5 REGULATION 52 (2) (e): Planned monitoring and performance assessment of the environmental management plan.

The applicant is required to:-

- 5.1 Provide a list of identified impacts which will require monitoring programmes.
- 5.2 Describe the functional requirements for the said monitoring programmes.
- 5.3 Define the roles and responsibilities for the execution of the monitoring programmes.
- 5.4 Commit to time frames for monitoring and reporting.

6 REGULATION 52 (2) (f): Closure and environmental objectives.

The applicant is required to:-

- 6.1 Include a rehabilitation plan showing the areas and aerial extent of the main prospecting activities, including the anticipated prospected area at the time of closure.
- 6.2 Include an identification of the closure objectives and the extent to which they have been aligned to the baseline environment described under Regulation 52 (2) (a) described herein.
- 6.3 Confirm specifically that the environmental objectives in relation to closure have been consulted with landowner and interested and affected parties.

7 REGULATION 52 (2) (g): Record of the public participation and the results thereof.

7.1 Identification of interested and affected parties.

- 7.1.1 Name the community or communities identified, or explain why no such community was identified.
- 7.1.2 Specifically state whether or not the Community is also the landowner.

- 7.1.3 State whether or not the Department of Land Affairs been identified as an interested and affected party.
- 7.1.4 State specifically whether or not a land claim is involved.
- 7.1.5 Name the Traditional Authority identified
- 7.1.6 List the landowners identified by the applicant. (Traditional and Title Deed owners)
- 7.1.7 List the lawful occupiers of the land concerned.
- 7.1.8 Explain whether or not other persons' (including on adjacent and non-adjacent properties) socio-economic conditions will be directly affected by the proposed prospecting or mining operation and if not, explain why not.
- 7.1.9 Name the Local Municipality.
- 7.1.10 Name the relevant Government Departments, agencies and institutions responsible for the various aspects of the environment and for infrastructure which may be affected by the proposed project.
- 7.1.11 Submit evidence that the landowner or lawful occupier of the land in question, and any other interested and affected parties including all those listed above, were notified.

7.2 The details of the engagement process.

- 7.2.1 Provide a description of the information provided to the community, landowners, and interested and affected parties to inform them in sufficient detail of what the prospecting or mining operation will entail on the land, in order for them to assess what impact the prospecting will have on them or on the use of their land;
- 7.2.2 Provide a list of which of the identified communities, landowners, lawful occupiers, and other interested and affected parties were in fact consulted.
- 7.2.3 Provide a list of their views raised in regard to the existing cultural, socio-economic or biophysical environment, as the case may be.
- 7.2.4 Provide a list of their views raised on how their existing cultural, socio-economic or biophysical environment potentially will be impacted on by the proposed prospecting or mining operation.
- 7.2.5 Provide list of any other concerns raised by the aforesaid parties.
- 7.2.6 Provide the applicable minutes and records of the consultations as appendices.
- 7.2.7 Provide information with regard to any objections received.

7.3 Details regarding the manner in which the issues raised were addressed.

7.3.1 Include all the items to be included in the list referred to in the concomitant section of the guideline posted on the official website of the Department.

8 SECTION 39 (3) (c) of the Act: Environmental awareness plan.

The environmental awareness plan must:-

- 8.1 describe how the applicant intends to inform his or her employees of any environmental risk which may result from their work,
- 8.2 describe the manner in which the risk must be dealt with in order to avoid pollution or degradation of the environment.
- 8.3 describe the general environmental awareness training and training on dealing with emergency situations and remediation measures for such emergencies.

9 SECTION 39 (4) (a) (iii) of the Act: Capacity to rehabilitate and manage negative impacts on the environment.

Section 39 (4) (a) (iii) of the Act, read together with section 37 (2) of the Act, requires that the applicant must have the capacity, or have provided for the capacity, to rehabilitate and manage negative impacts on the environment.

This requirement **is not** the same as that for financial provision, which concerns the financial risk to the State and, which may not necessarily be accessible to the applicant to fund rehabilitation or manage the environment. The applicant is required to:-

- 9.1 State the amount it requires to both manage and rehabilitate the environment, and provide a detailed explanation as to how the amount was derived
- 9.2 Specifically confirm that the stated amount has been adequately provided for in the corresponding budget reflected in the Prospecting Work Programme as required in Accordance with Regulation 7 (1) (j) (ii).

10 REGULATION 52 (2) (h): Undertaking to execute the environmental management plan.

The Environmental Management Plan will, should it comply with the provisions of section 39 (4)(a) of the Act and the right be granted, be approved and become an obligation in terms of the right issued. As part of the proposed Environmental Management Plan, the applicant is required to provide an undertaking that it will be executed as approved.

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