



mineral resources

Department:
Mineral Resources
REPUBLIC OF SOUTH AFRICA

**GUIDELINE FOR THE COMPILATION
OF AN ENVIRONMENTAL IMPACT
ASSESSMENT AND AN
ENVIRONMENTAL MANAGEMENT
PROGRAMME**

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

PREAMBLE

In terms of section 23(1) of the Act, the Minister must grant a mining right if-

- (a) The mineral can be mined optimally in accordance with the mining work programme,
- (b) The applicant has access to financial resources and has the technical ability to conduct the proposed mining operation optimally,
- (c) The financing plan is compatible with the intended mining operation and the duration thereof,
- (d) the mining will not result in unacceptable pollution, ecological degradation or damage to the environment,
- (e) the applicant has provided financially or otherwise for the prescribed social and labour plan,
- (f) the applicant has the ability to comply with the relevant provisions of the Mine Health and Safety Act, 1996 (Act No 29 of 1996),
- (g) the applicant is not in contravention of any other relevant provision of the Act, and
- (h) the granting of such right will further the objects referred to in section 2(d) and (f) and in accordance with the charter contemplated in section 100 and the prescribed social and labour plan.

Unless an Environmental Management Programme, which meets the requirements of the provisions of section 39 (4) of the Act, has been submitted it cannot be concluded that the mining 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 appendices) and provide all the information required herein, whilst ensuring that the information required is placed correctly in the relevant sections of the Environmental Management Programme, 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 Programme) a duplicate of all the information contained in Parts A and C of Form B, Annexure I of the application for a mining 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.

SECTION 1

ENVIRONMENTAL IMPACT ASSESSMENT

Section 39 (3) (a) and (b) of the Act, read together with Regulation 50, requires the establishment of baseline information concerning the affected environment, and an investigation, assessment and evaluation of the impact of the proposed mining operation on the environment, on the socio-economic conditions of any persons who may be directly affected thereby, and on any national estate referred to in section 3(2) of the National heritage resources Act, 1999 (Act 25 of 1999).

REGULATION 50 (a).

This provision clearly requires an understanding of three elements, namely (1) the baseline environment, (2) the proposed mining operation, and (3) the identification of potential impacts that the said actions, activities or processes will have on the environment. The applicant must therefore provide a description of:-

1. **The baseline environment** – Read together with section 39 (3) (a) the intention of this description is to determine protection, remedial measures and environmental management objectives. To this end the applicant must specifically in this section:-
 - 1.1. Provide a concise description of the environment on site relative to the environment in the surrounding area.
 - 1.2. Provide a concise description of each of the existing environmental aspects both on the site applied for and in the surrounding area which may require protection or remediation.
 - 1.3. Provide a concise description of the specific land uses, cultural and heritage aspects and infrastructure on the site and neighbouring properties/farms in respect of which the potential exists for the socio-economic conditions of other parties to be affected by the proposed mining operation.
 - 1.4. Include an annotated map showing the spatial locality and aerial extent of all environmental, cultural/heritage, infrastructure and land use features identified on site and on the neighbouring properties and farms.
2. **The proposed mining operation** – The applicant must specifically in this section:-
 - 2.1. Specify the mineral to be mined.
 - 2.2. Specify the mining method to be employed at the level of opencast, underground, stoping, stooping, total extraction, bord and pillar, block caving, shrinking, dredging, pumping, monitoring, etc. and provide a concise description of the intended magnitude thereof, in terms of volumes, depth and aerial extent.
 - 2.3. provide a list of all the main mining actions, activities, or processes, such as, but not limited to, access roads, shafts, pits, workshops and stores, processing plant, residue deposition sites, topsoil storage sites, stockpiles, waste dumps, access roads dams, and any other basic mine design features.
 - 2.4. Provide a plan showing the location and aerial extent of the aforesaid main mining actions, activities, or processes as required to calculate the financial provision in accordance with the Department's published guideline. (Reg. 51 (b) (v)).
 - 2.5. Provide a list any listed activities (in terms of the NEMA EIA regulations) which will be occurring within the proposed project.

- 2.6. Provide an indication of the phases (construction, operational, decommissioning) and estimated time frames in relation to the implementation of these actions, activities or processes and infrastructure.
3. **The potential impacts** – The applicant must specifically in this section, and in the relevant phases:-
- 3.1. Provide a list of the potential impacts, including acid mine drainage and/ or groundwater contamination where applicable, on environmental aspects separately in respect **of each** of the aforesaid main mining actions, activities, processes, and activities listed in the NEMA EIA regulations.
 - 3.2. Include into the aforesaid list, the potential impacts of the mining operation on any cultural and/ or heritage resources which may be applicable. In cases where such features are not applicable the applicant must still include the item in the list and describe it as not applicable.
 - 3.3. Provide a list of all impacts that may potentially emanate from each activity, present on site, which is listed in terms of the NEMA EIA regulations.
 - 3.4. Provide a list of all potential cumulative environmental impacts.
 - 3.5. State specifically whether or not there is a risk of acid mine drainage or potential groundwater contamination associated with the mineral to be mined, and if such a risk is associated with the mineral to be mined provide a summary of the findings and recommendations of a specialist geo-hydrological report in that regard.

REGULATION 50 (b)

This provision, requires an understanding of two additional elements, namely (1) the alternative land uses or developments that may be affected by the proposed mining operation, and (2) the identification of potential impacts that the said alternative land uses or developments will have on the environment, including cumulative impacts. The applicant must therefore provide a description of:-

4. **The alternative land use or developments that may be affected** – The applicant must specifically in this section:-
- 4.1. Provide a concise description of the alternative land use of the area in which the mine is proposed to operate.
 - 4.2. provide a list and description of all the main features and infrastructure related to the alternative land uses or developments
 - 4.3. Provide a plan showing the location and aerial extent of the aforesaid main features of the alternative land use and infrastructure related to the alternative land development.
5. **The potential impacts of the alternative land use or development** – The applicant must specifically in this section:-
- 5.1. Provide a list of the potential impacts **of each** of the aforesaid main features and infrastructure related to the alternative land use or development and related listed activities.
 - 5.2. Describe all potential cumulative impacts of the main features and infrastructure related to the alternative land use or development.

REGULATION 50 (c)

This Regulation, read together with Section 39 (3) (b) (ii) and (iii) of the Act and with Regulations 50 (d) and 51 (a) (iii), requires an assessment and evaluation of the impact of the proposed mining operation on the environment, the socio-economic conditions of directly affected persons, and any national estate referred to in section 3 (2) of the National Heritage Resources Act, 1999 (Act 25 of 1999). *Firstly*, in order to meet these requirements the social and cultural impacts must also be identified, and *secondly*, the potential impacts must be evaluated. The applicant must therefore provide:-

6. An identification of potential social and cultural impacts. The applicant must specifically in this section:-

- 6.1. provide a list of potential impacts of the proposed mining operation on the socio-economic conditions of other parties' land use activities both on the site and on adjacent and non adjacent properties and farms to the extent that their socio-economic conditions may be directly affected. If no such impacts are identified this must be specifically stated together with a clear explanation why this is not the case.
- 6.2. Include into the aforesaid list, the potential impacts of the mining operation on any cultural and/ or heritage resources which may be applicable. In cases where such features are not applicable the applicant must still include the item in the list and describe it as not applicable.
- 6.3. In cases where cultural impacts have been identified, describe the cultural aspect that will potentially be affected, and describe the potential impact on such cultural aspect.
- 6.4. In Cases where heritage features have been identified, describe such heritage feature and describe the potential impact on such heritage feature.
- 6.5. Quantify the impact on the socio-economic conditions of directly affected persons, as determined by the findings and recommendations of a specialist report in that regard.
 - 6.5.1. State the amount, of the quantified potential impact expressed in terms of the loss in value of property or infrastructural assets that will potentially be impacted upon as a result of the mining activity.
 - 6.5.2. State the amount, of the quantified potential impact expressed in terms of the loss in net present value of commercial, economic or business activity which will be impacted upon as a result of the mining activity.
 - 6.5.3. State, the sum of the amounts, referred to in paragraphs 6.5.1 and 6.5.2 above.

7. An assessment and evaluation of potential impacts.- The applicant must specifically in this section:-

- 7.1. Provide a complete list of each potential impact identified in paragraphs 3 and 6 above. The applicant must:-

- 7.1.1. Ensure that the list of impacts listed in paragraph 7.1 above includes (in compliance with the provisions of section 39 (3) (d) (i) of the Act) the list of all potential environmental impacts that may emanate separately from the main mining actions, activities, processes, and activities listed in the NEMA EIA regulations.
 - 7.1.2. Ensure that the list of impacts listed in paragraph 7.1 above includes the risk of acid mine drainage and groundwater contamination. If the potential for acid mine drainage does not apply, **the item must still be listed** and then be dealt with as not applicable.
 - 7.1.3. Ensure that the list of impacts listed in paragraph 7.1 above includes the list of all the potential environmental impacts on cultural and heritage resources in the area.
 - 7.1.4. Ensure that the list of impacts rated includes the list of potential impacts on the socio-economic conditions of other parties who may be directly affected by the proposed mining operation.
 - 7.1.5. Ensure that the list of impacts rated includes the list of potential cumulative environmental impacts.
- 7.2. Provide a complete concomitant impact rating for each potential impact listed in paragraph 7.1 above in terms of its nature, extent, duration, probability and significance.
- 7.3. Provide a definition of the criteria used for each of the variables used for rating potential impacts. In this regard the applicant must:-
- 7.3.1. Ensure that the potential impacts are rated specifically with the assumption that no mitigation measures are applied.
- 7.4. Provide an indication of the phases (construction, operational, decommissioning) and estimated time frames in relation to the potential impacts rated.

REGULATION 50 (d)

This provision requires a comparative assessment of the identified land use and development alternatives and their potential environmental, social and cultural impacts. The applicant is required to:-

- 8. identify the alternative land uses which will be impacted upon, which identification must;
 - 8.1. Indicate whether the proposed mining will impede the land use, or whether it will prevent the land use.
 - 8.2. Indicate whether the said land uses will be impeded or prevented permanently or temporarily.
 - 8.3. Indicate the period for which the land use will be impeded or prevented, in cases where the alternative land use will be impeded temporarily.
- 9. Provide, in listed format, the results of a specialist study, which study must be conducted in accordance with generally accepted principles of sustainable development by integrating social, economic and environmental factors into a comparison of the costs and

benefits of the alternative land uses with those of the mining operation on an equitable basis.

10. Attach the specialist study as an annexure.

REGULATION 50 (e)

This regulation requires the applicant to determine the appropriate mitigation measures for each significant impact of the proposed mining operation. This requirement is not intended to be a duplication of Regulation 51 (b), which requires the description of the mitigation measures in detail. It is only intended to determine the appropriate type of mitigatory measure to be applied in the Environmental Management Programme. Under this regulation, therefore, the applicant is required to:-

11. Provide a list of all the significant impacts as identified in the assessment conducted in terms of Regulation 50 (c) and

- 11.1. Include into the list, the source of the impact by specifying the relevant action, activity or process from which the potential impact emanates.
- 11.2. Ensure that the impacts relating to post closure management of mine sites, cumulative impacts, and acid mine drainage or ground water contamination are also dealt with.

REGULATION 50 (f)

This Regulation requires the provision of details of the engagement process of interested and affected persons followed during the course of the assessment and an indication of how the issues raised by interested and affected persons have been addressed. This requires that the applicant *firstly*, indicates how the interested persons were identified, *secondly* confirms the details of the engagement process with the affected parties, and *thirdly* how the issues raised by the interested parties were addressed. The applicant is required to provide information on:-

12. **The identification of interested and affected parties:-** the applicant must:-

- 12.1. List the names of the landowners and other affected persons in respect of the land uses which have been identified on the property and on adjacent and non adjacent farms that may be affected by the proposed mining operation.
- 12.2. List the relevant Local Government, Provincial Government Departments, Land Claims Commissioner and Traditional Authorities that were consulted.
- 12.3. List the relevant Government agencies and institutions responsible for the various aspects of the environment and for infrastructure that were consulted.
- 12.4. List the relevant local communities that were consulted.

13. **The details of the engagement process.** The applicant must:-

- 13.1. Confirm that both the Local Government and the Provincial Government have been consulted with regard to any economic development plans or proclaimed nature reserves in the area, and provide detail in that regard.
- 13.2. Confirm that the land claims commissioner has been consulted with regard to any land claims in the area
- 13.3. Confirm that the nature and scope of the mining project and the typical impacts of such a mining operation on the environment have been fully explained to the interested and affected parties, including the affected landowners, SARHA and the communities concerned and that they have been consulted with regard to how they will be affected.
- 13.4. Confirm which specialists, knowledgeable persons and knowledgeable institutions have been consulted and indicate in what regard.

14. Details regarding the manner in which the issues raised were addressed. The applicant must:-

- 14.1. Confirm specifically in this section whether or not the description of the environment under Regulation 50 (a) has been compiled with the participation of the landowner, interested and affected parties, and the communities concerned.
- 14.2. confirm specifically in this section whether or not the list of potential impacts under Regulation 50 (a) has been compiled with the participation of the landowner and interested and affected parties,
- 14.3. confirm specifically in this section whether or not the list of potential impacts related to social and cultural impacts under Regulation 50 (c) has been compiled with the participation of the parties who may be directly affected.
- 14.4. Provide a list, of the issues raised by the interested and affected parties referred to in paragraph 13 above, and indicate where they have been accommodated in this document.

REGULATION 50 (g)

This regulation requires the applicant to identify knowledge gaps and report on the adequacy of predictive methods underlying assumptions and uncertainties encountered in compiling the required information. The specialist studies must give an indication of the accuracy of the methods and tools utilised. The duration and scope of these investigations must be reflective of the nature of the aspect under investigation. The applicant must:-

15. The appropriate mitigatory measures for each significant impact of the proposed mining operation. The applicant must:-

- 15.1. Report on the adequacy of predictive methods utilised.
- 15.2. report on the adequacy of underlying assumptions
- 15.3. Report on uncertainties in the information provided.

REGULATION 50 (h)

16. Description of the arrangements for monitoring and management of environmental impacts. The applicant must:-

- 16.1. Provide a list of identified impacts which will require monitoring programmes.
- 16.2. specify the functional requirements for the said monitoring programmes
- 16.3. define the roles and responsibilities for the execution of the monitoring programmes and
- 16.4. Specify the time frames for monitoring and reporting.

REGULATION 50 (i)

This regulation requires the inclusion of technical and supporting information as appendices. The contents of the EIA must be a clear and concise description of the findings, interpretation and conclusions of the applicant, or the findings and recommendations of specialist reports. Supporting information must therefore not be included in the EIA, but when relevant it must be provided as appendices to the EIA. The following information is required as appendices:-

17. Inclusion of technical and supporting information. The applicant must:-

- 17.1. Attach a specialist report regarding 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)
- 17.2. Attach a specialist report with regard to the determination and description of the baseline environment
- 17.3. Attach a specialist geo-hydrological report in cases where the mineral commodity to be mined has the potential to generate acid mine drainage or result in the contamination of groundwater.
- 17.4. Attach a specialist report on the impact of the proposed mining operation on the socio-economic conditions of directly affected parties.
- 17.5. Attach a specialist study informing the comparative land use assessment referred to in paragraph 9 herein, and the information in paragraph 6.5 herein, which study must be conducted in accordance with generally accepted principles of sustainable development by integrating social, economic and environmental factors into a comparison of the costs and benefits of the alternative land uses with those of the mining operation on an equitable basis
- 17.6. Attach any other specialist reports that may be required.

SECTION 2

ENVIRONMENTAL MANAGEMENT PROGRAMME

The Environmental Management Programme contemplated in section 39 (1) of the Act requires the submission of information that complies with the provisions of section 39 (4) (a) of the Act, and meets the requirements of Regulation 51. The said regulation has two parts, referring (a) to the description of environmental objectives, and (b) to an outline of the implementation programme.

Regulation 51 (a)

This regulation requires a description of the environmental objectives and specific goals for mine closure, the management of identified environmental impacts emanating from the mining operation, the socio economic conditions as identified in the social and labour plan, and historical and cultural impacts, if applicable.

1. **Description of environmental objectives and specific goals for mine closure.** The applicant is required to modify, remedy, control or stop any action, activity or process that could impact negatively on the socio-economic conditions of the persons concerned.
 - 1.1. Provide a list of environmental aspects that describe the pre-mining environment as informed by the description of the baseline environment contained in the foregoing environmental impact assessment that will serve to guide the setting of environmental objectives for mine closure.
 - 1.2. Provide a list of the measures required to contain or remedy any causes of pollution or degradation or the migration of pollutants, both for closure of the mine and post-closure.

2. **Description of environmental objectives and specific goals for the management of identified environmental impacts emanating from the proposed mining operation.** This description must be informed by the information provided in the EIA in terms of Regulation 50 (h). The applicant is required to:-
 - 2.1. Provide a list of identified impacts which will require monitoring programmes.
 - 2.2. Provide a list of the source activities that are the cause of the impacts which require to be managed.
 - 2.3. List those management activities which, where applicable, will be conducted daily, weekly, monthly, quarterly, annually or periodically as the case may be in order to control any action, activity or process which causes pollution or environmental degradation.
 - 2.4. Define the roles and responsibilities for the execution of the monitoring and management programmes.

3. **Description of environmental objectives and specific goals for the socio-economic conditions as identified in the social and labour plan.** The applicant must:-
 - 3.1. Provide a list describing various aspects of the socio-economic conditions in the vicinity of the mine, as identified in the Social and Labour plan.

- 3.2. Provide a list describing specific environmental objectives and goals to control, remedy or stop potential impacts emanating from the mine such as noise air quality, blasting vibrations, access roads, safety, etc. which may impact on communities and interested and affected parties identified in the social and labour plan.

4. Description of environmental objectives and specific goals for historical and cultural aspects.

- 4.1. Provide a list of stated environmental objectives and goals in respect of historical and cultural aspects identified in specialist studies conducted during the EIA phase.

Regulation 51 (b) – Outline of the implementation programme

This Regulation read with the provisions of section 39 (3) (d) (i) of the Act requires a description of the technical and management option chosen (a) in respect of each action, activity or process which causes pollution or environmental degradation for (b) each environmental impact, socio economic condition, and historic and cultural aspect and (c) for each phase of the mining operation. The applicant is required to:-

5. Describe the appropriate technical and management options chosen for each environmental impact, socio-economic condition and historical and cultural aspect in each phase of the mining operation, as follows;

- 5.1. Provide a list for each phase (construction, operational, closure and post closure) of the mining operation, describing each action, activity or process, including any NEMA EIA Regulation listed activity, which causes pollution or environmental degradation that will be conducted during that phase.

- 5.1.1. Indicate which of the aforesaid actions, activities or processes will cause significant impacts on the environment, the socio-economic conditions of directly affected persons, and on historical and cultural aspects, as identified in accordance with Regulation 50 (c).

- 5.2. Provide a concomitant list describing the appropriate technical or management 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.

- 5.2.1. Each technical or management option must be further described in detail, in suitably cross referenced format and where necessary, appendices must be attached.

6. Provide Action plans to achieve the objectives and specific goals contemplated in Regulation 50 (a).

- 6.1. Provide concomitant time schedules that describe in detail the deadlines for each action to be undertaken to implement each technical or management option chosen to prevent, manage and remediate each environmental impact, socio-economic condition and historical and cultural aspect, as identified. The time schedules must indicate:-

- 6.1.1. Specific timeframes during which each technical or management options chosen for the prevention of impacts will be in place such as, but not limited to the construction of clean and dirty water systems, access control during blasting, etc.
- 6.1.2. Specific timeframes for the implementation of each technical or management option chosen to remediate impacts such as, but not limited to, the various stages of rehabilitation work during the various phases of the mining operation, arrangements to remedy socio-economic or cultural impacts, etc
- 6.1.3. Specific timeframes for the management of environmental impacts such as, but not limited to dust suppression, noise control, environmental monitoring, etc.
- 6.1.4. Provide detail of those management activities which, where applicable, will be conducted daily, weekly, monthly, quarterly, annually or periodically as the case may be in order to manage the identified impacts effectively.

7. Procedures for environmentally related emergencies and remediation

7.1. Provide an Environmental Emergency plan, which plan must include

- 7.1.1. A description of the ongoing monitoring and management measures to be implemented, to provide the early warning systems necessary to avoid environmental emergencies.
- 7.1.2. a description of procedures that will be in place in cases of environmental related emergencies,
- 7.1.3. The technical, management and financial options that will be in place to deal with the remediation of impacts in cases of environmental emergencies.

8. Planned monitoring and environmental management programme performance assessment.

- 8.1. Provide a description of planned monitoring of the aspects of the environment which may be impacted upon. Such description must include;
 - 8.1.1. A list of the environmental aspects that will be monitored.
 - 8.1.2. A description of the manner in which the monitoring will be conducted, and the location where each monitoring activity will be carried out.
 - 8.1.3. A description of the various standards that must be maintained, which standards must meet the requirements of the regulatory authority concerned, or the relevant SABS standard as the case may be.
 - 8.1.4. A description of the frequency of the monitoring to be conducted in each specific case.
 - 8.1.5. A description of the analysis to be conducted, the frequency thereof, and the records to be kept.
 - 8.1.6. A description of the standard procedures for cases where the results of monitoring indicate non-compliance with the relevant standards.
- 8.2. Provide a description as to how the implementation of the action plans contemplated in regulation 51 (b) (ii) as described will be monitored as described in paragraph 6 of the EMP will be monitored.
- 8.3. State the frequency that the performance is proposed to be reported on for assessment purposes.

9. Financial provision in relation to the execution of the environmental management programme:- The applicant is required to-

- 9.1. Provide a plan showing the location and aerial extent of the aforesaid main mining actions, activities, or processes anticipated to be conducted until the resource is depleted, as required to calculate the financial provision in accordance with the Department's published guideline. This plan must show the annual progress of the mining operation relative to the overall plan.
 - 9.1.1. Ensure that the rehabilitation plan is compatible with the closure objectives determined in accordance with the baseline study as prescribed.
 - 9.1.2. Refer to Regulation 54(1) 2 and complete the standard guideline document developed for financial provision. Complete the standard guideline in respect of all the main mining actions activities or processes anticipated to be conducted until the resource is depleted.
- 9.2. Complete 10 forecasts (one for each of the first 10 years of operation) and to then determine the progressive total in year 10 (excluding concurrent rehabilitation). The progressive total determined for Year 10 must be specifically stated.
- 9.3. Confirm the amount that will be provided should the right be granted.
- 9.4. Provide details of the method of providing financial provision contemplated in Regulation 53.

10. Environmental Awareness Plan (Section 39 (3) (c))

The applicant must in this section include an environmental awareness plan in accordance with Section 39 (3) (c). This Plan must:-

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

11. Attachment of specialist reports, technical and supporting information.

- 11.1. All supporting information that remains necessary to submit, and specialist reports not already attached in terms of the EIA should be attached as appendices

12. SECTION 39 (4) (a) (iii), Capacity to manage and rehabilitate the environment

Section 39 (4) (a) (iii) of the Act, read together with section 37 (2) of the Act, requires that the applicant will 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:-

- 12.1. State the amount it requires to both manage and rehabilitate the environment, and provide a detailed explanation as to how the amount was derived; which amount should not be less than the sum of the amounts reflected in paragraph 9.1.3 herein, and the amount reflected in paragraph 6.5.3 of the EIA.

- 12.2. Specifically confirm that the stated amount has been adequately provided for in the corresponding budget reflected in the Mining Work Programme as required in Accordance with Regulation 11 (1) (g) (iv).

13. UNDERTAKING

- 13.1. The Environmental Management Programme 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 Programme, the applicant is required to provide an undertaking that it will be executed as approved and that the provisions of the Act and regulations thereto will be complied with.

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