

Interested and Affected Parties	Date Comments Received	Issues raised	EAP's response to issues as mandated by the applicant	Consultation Status
Centre for Environmental Rights	24 February 2017 (on BID), 29 May 2017 (on prior Scoping Report), 11 May 2018 (on updated Scoping Report) and 18 October 2018 (on the draft EIA Report)	<p>MSR is attempting to circumvent the refusal of their prospecting right applications for the proposed Mine extension areas by submitting an amendment in terms of section 102 of the MPRDA.</p> <p>It is not the purpose of section 102 of the MPRDA to enable a mining company to mine new areas that were not part of its original mining right application, nor to significantly expand the mining area delineated in its mining right.</p> <p>SRK is conducting a public participation process in support of an application which is not permitted in law and SRK's role in this process is contrary to the requirements of Regulation 13 of the EIA Regulations, 2014.</p> <p>The Background Information Document does not include Activity 20 in Listing Notice 1, or Activity 17 in Listing Notice 2. MSR is accordingly seeking to mine entirely new areas, without applying for a mining right, and without applying for environmental authorisation to mine.</p> <p>It is not the purpose of or within the scope of section 102 of the MPRDA to enable a mining company to mine large new areas that were not part of its original mining right application, nor to significantly expand the mining area delineated in its mining rights. Using section 102 to significantly expand an authorised mining area is an unlawful circumvention of the application process for prospecting and mining rights.</p> <p>Given that this application is not permitted by law, the CER reiterates its objection to this application in its entirety, and therefore to the EIA.</p>	<p>once mining activities have progressed to the next work face.</p> <p>Your comment has been noted. SRK was appointed to undertake the EIA process for the mine extension and is not dealing directly with the application in terms of Section 102 of the MPRDA. SRK will be guided by the DMR's response to MSR on whether the pursued application approach is feasible.</p> <p>MSR is not applying for a Prospecting Right in terms of Section 16 of the MPRDA.</p> <p>SRK was appointed to undertake the EIA process for the mine extension. Activity 17 of GN R984 has been included in the EA application.</p> <p>Your comment has been noted. SRK was appointed to undertake the EIA process for the mine extension and is not dealing directly with the application in terms of Section 102 of the MPRDA. SRK will be guided by the DMR's response to MSR on whether the pursued application approach is feasible.</p>	<p>Finalised in terms of this EIA process (but issue may be addressed directly by MSR)</p> <p>Finalised in terms of this EIA process</p>

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Dinah Louw	29 May 2017 (on prior Scoping Report) and 8 May 2018 (on updated Scoping Report)	<p><i>applicant thus acknowledges that the proposed activity would not satisfy sustainable development principles.</i></p> <p>The use of Section 102 to apply for an extension to Tormin Mine is the incorrect process to follow as the additional mining areas cannot be seen as an extension of the Mining Right areas for the following reasons:</p> <ul style="list-style-type: none"> • The proposed mine extension area is significantly larger than the approved mining area; • The extension area is not contiguous to the approved mining area; and • The extension area is geographically and environmentally different. <p>The intention of the Section 102 process is being misused by MSR to expedite the approval process without complying with the necessary Mining Works Programme and Social and Labour Plan requirements. It also means that the economic viability of the project does not have to be tested through comprehensive mine economic calculations.</p> <p>MSR has no regard for compliance with any of its EAs; the South African regulatory framework, or for the local community in which it operates. DMR should therefore not grant MSR any new rights.</p>	<p>Your comment has been noted. SRK was appointed to undertake the EIA process for the mine extension and is not dealing directly with the application in terms of Section 102 of the MPRDA. DMR accepted MSR's application.</p> <p>A MWP has been submitted to DMR for their consideration. The MWP includes economic calculations to determine the financial feasibility of the proposed mine extension.</p>	Finalised in terms of this EIA process
			<p>In January 2017, MSR applied for EA for the proposed extension of Tormin Mine through an EIA process in terms of NEMA, undertaken by SRK. On 22 November 2017, the DMR refused the EA at the Scoping Phase, citing a requirement to undertake a section 24G process in terms of NEMA for the rectification of unlawful activities. MSR appointed SRK to undertake a s24G application process in terms of NEMA and Government Notice (GN) R698 of 2017 for two activities identified in the EMPR Performance Assessment of Tormin Mine conducted by Jomela Consulting (Pty) Ltd in February 2018:</p> <ul style="list-style-type: none"> • Clearing an additional 3.9 ha area adjacent to the processing (plant) facilities, used for stockpiling; and 	Finalised in terms of this EIA process

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		<p>As practitioners contracted to manage the expansion of this project, it is incumbent that you are fully briefed on the background of this mine and ignorance of prior activity is not an option:</p>	<p>On a factual point we would like to clarify that SRK is undertaking the EIA process, but is not managing the expansion of the project. SRK was appointed to undertake the EIA process for the mine expansion, and has not reviewed previous authorisation conditions pertaining to existing mine operations as part of this process.</p> <p>Auditing of current mining activities is required in terms of the MPRDA and is conducted through EMPPr Performance Assessments that are submitted to the DMR. EMPPr Performance Assessments were undertaken by Jomeia in January 2017 and February 2018.</p>	<p>Finalised in terms of this EIA process</p>
		<p>As you point out in the Scoping Report, this application is to extend the mining right as per section 102 of the MPRDA. However in the comments section you rebut the preliminary comments of CER, saying that this is not a section 102 but that this is being reviewed? So is this application a section 102 application or not?</p>	<p>The response to CER's comment clearly states that MSR is applying for a Section 102 application for the mine extension, which is not dealt with by SRK.</p> <p>DMR has accepted MSR's application.</p>	<p>Finalised</p>
		<p>This application should and cannot be for a section 102 application as the proposed activities are on entirely new and previously unconsidered areas. It is my understanding that any new areas and activities require a de novo application, not an extension under a section 102 application.</p> <p>The only part of this application that may be able to be included in a section 102 is that of the increase of footprint and expansion of activities around the operating plant. In saying this, I must note that this plant has been allowed to increase its footprint in a manner that would not have been allowed, in my opinion, had this expansion occurred under the old dual environmental management system under the auspices of DEADP/ DEA. DMR has, in my opinion allowed irregular expansion, on ill-informed grounds, of the plant footprint.</p>	<p>In January 2017, MSR applied for EA for the proposed extension of Tormin Mine through an EIA process in terms of NEMA, undertaken by SRK. On 22 November 2017, the DMR refused the EA at the Scoping Phase, citing a requirement to undertake a section 24G process in terms of NEMA for the rectification of unlawful activities. MSR appointed SRK to undertake a s24G application process in terms of NEMA and Government Notice (GN) R698 of 2017 for two activities identified in the EMPPr Performance Assessment of Tormin Mine conducted by Jomeia Consulting (Pty) Ltd in February 2018:</p>	<p>Finalised in terms of this EIA process</p>

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Jan Briers	31 May 2017 (on prior Scoping Report) and 12 May 2018 (on updated Scoping Report)	<p>We note that most of the activity already underway on this mine, and as proposed in your application, falls clearly within the designated coastal zone. As such it is incumbent upon the relevant authority, DEA:O&C, to oversee and participate in this process. This has not occurred.</p> <p>How can a Scoping Report for mine extension be submitted prior to the approval of the Prospecting Right application?</p>	<p>The DEA:O&C was included as an automatically registered I&AP and was sent a copy of the Scoping Report for comment.</p>	Finalised
		<p>The Scoping Report fails to acknowledge the conservation/tourism value of this stretch of coastline and the uniqueness of the red Garnet beaches.</p>	<p>MSR is not applying for a Prospecting Right in terms of Section 16 of the MPRDA. MSR can submit a Section 102 application without a Prospecting Right. DMR must advise on whether the pursued Section 102 application approach is feasible.</p> <p>SRK was appointed to undertake the EIA process for the mine expansion, and does not deal directly with the application in terms of the MPRDA.</p>	Finalised in terms of this EIA process
		<p>The scope of public participation process should have been much wider and more inclusive because of the sensitivity of the coastline and the extent of the project.</p>	<p>The need to increase the role of the tourism sector for the region is discussed in the Policy and Legislative Context and Need and Desirability sections of the EIA Report.</p> <p>Socio-economic (including tourism) and visual impacts have been assessed in the detailed Impact Assessment (Appendix 10).</p>	Finalised
			<p>As required by the EIA Regulations, 2014, relevant local, provincial and national authorities, conservation bodies, local forums and representatives and surrounding land owners and occupants have been notified of the EIA.</p> <p>Newspaper advertisements announcing the EIA process, availability of the Scoping Report for review and inviting IAPs to register on the project database were placed in a regional newspaper (Die Burger) and a local newspaper (Ons Kontrei).</p>	Finalised

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Piet Klease (private)	4 October 2018 (on draft EIA report)	<u>The Lutzville West community supports the proposed extension of Tormin Mine as they provide jobs to the community.</u>	DMR will consider relevant aspects in their decision on whether to grant the Section 102 application submitted by MSR. <u>Your comment is noted.</u>	<u>Finalised</u>
Fabian Tities (private)	4 October 2018 (on draft EIA report)	<u>Communication between Tormin Mine and the local community must be improved.</u> <u>If the beach along the coastline is not registered with the Matzikama Municipality, then mining can take place there.</u>	<u>Your comment is noted. MSR recently appointed a new manager to attend to and improve community relations.</u> <u>Your comment is noted. MSR will obtain relevant approval.</u>	<u>Finalised</u>
Guillaume Nel Environmental Consultants (GNEC) on behalf of Nakkie Pienaar (surrounding land owner)	16 October 2018 (on draft EIA Report)	<u>The scope of a Section 102 amendment application does not allow for the applicant to commence with mining activities. The current application process is flawed and not in line with the MPRDA. Application should be made for a new Mining Right in terms of Section 22 of the MPRDA, because the proposed new mining areas did not form part of the original mining right application.</u> <u>The impact of the proposed mining on the broader society and the natural environment is not appropriately taken into account.</u>	<u>DMR must advise on whether the pursued Section 102 application approach is feasible.</u> <u>SRK was appointed to undertake the EIA process for the mine expansion and does not deal directly with the application in terms of the MPRDA.</u>	<u>Finalised</u>
		<u>Due to the sensitive nature of coastal ecosystems, it is alarming that expansion of the current mine area is applied for due to previous non-compliances.</u>	<u>SRK has managed a comprehensive EIA process, including acceptance of a Scoping Report which incorporated a Plan of Study for the EIA. The EIA Report is based on the findings of the specialist studies commissioned for the EIA.</u>	<u>Finalised</u>
		<u>The proposed mining activities will result in the loss of fauna and flora. It is not agreed that the proposed mining</u>	<u>Your comment is noted. MSR appointed SRK to undertake a s24G application process in terms of NEMA and Government Notice (GN) R698 of 2017 for rectification of unlawful activities identified in the EMPr. Performance Assessment of Tormin Mine conducted by Jamela Consulting (Pty) Ltd in February 2018.</u> <u>Potential ecological impacts were assessed by independent specialists and not found to be of</u>	<u>Finalised</u>

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