

**PROPOSED PROSPECTING RIGHT WITH BULK SAMPLING
OVER VARIOUS FARMS IN THE HAY AND KURUMAN
ADMINISTRATIVE DISTRICTS, NORTHERN CAPE**

COMMENTS AND RESPONSES REPORT

DEPARTMENT REFERENCE NUMBER:

NC 30/5/1/1/2/13826 PR

OCTOBER 2024



NOTIFICATION OF PROSPECTING RIGHT APPLICATION AND DRAFT SCOPING REPORT TO STAKEHOLDERS AND I&APS DURING PUBLIC PARTICIPATION

COMMENTING PERIOD: 22 FEBRUARY – 25 MARCH 2024

The relevant landowners, stakeholders and I&AP's were informed of the prospecting right application by means of an advertisement in the Noordkaap Bulletin, and on-site notices that were placed at conspicuous places. A notification letter inviting comments on the DSR over a 30-days commenting period (ending 25 March 2024) was sent to the landowners, lawful occupier, neighbouring landowners, stakeholders, and any other I&AP that may be interested in the project. Further to this an advertisement was placed in the Noordkaap Bulletin inviting the surrounding landowners whose contact details could thus far not be obtained to register on the project. All the notices and advertisements were available in both Afrikaans and English. Also refer to Appendix I for the proof of public participation conducted thus far. The following table provides a list of the I&AP's and stakeholders that were informed of the project:

STAKEHOLDERS			
TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
Mr Klaas Teise	John Taolo Gaetsewe District Municipality	22 February 2024	No Comments received
Mrs Boipelo D Motlhaping	Joe Morolong Local Municipality	22 February 2024	No Comments received
Cllr Tumelo I Gaobuse	Joe Morolong Local Municipality – Ward 4	22 February 2024	No Comments received

STAKEHOLDERS

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
Mr Alfred Tieties	ZF Mgcawu District Municipality	22 February 2024	No Comments received
Mr Gaonyadiwe H Mathobela	Tsantsabane Local Municipality	22 February 2024	No Comments received
Cllr. Lindiwe Misah Teise	Tsantsabane Local Municipality – Ward 7	22 February 2024	No Comments received
Mr Isak Visser	Pixley ka Seme District Municipality	22 February 2024	No Comments received
Mr Xolile Geco	Siyancuma Local Municipality	22 February 2024	No Comments received
Mr. Johannes George	Siyancuma Local Municipality Ward 1	22 February 2024	No Comments received
Mr Harry Teko Kolberg	Siyancuma Local Municipality Ward 7		
Mr W D Mothibi	Department of Agriculture, Land Reform and Rural Development	22 February 2024	No Comments received
Mr B Fisher	Department of Agriculture, Environment Affairs, Rural Development and Land Reform	22 February 2024	No Comments received

STAKEHOLDERS

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
Mrs H Samson	Department of Economic Development and Tourism	22 February 2024	No Comments received
Mr Kholekile Nogwili	Department of Roads and Public Works	22 February 2024	No Comments received
Ms Kelebogile Moalosi	Department of Water and Sanitation	22 February 2024	06 May 2024
<p>Me Mudau confirmed on 06 May 2024 that a copy of the scoping report was received by DWS. It was further noted by Me Mudau that a water use authorisation for the prospecting activity is required for the product stockpiles, overburden stockpiles, water evaporation sump.</p>			
<p>Greenmined confirmed receipt of the comments on 09 May 2024 and responded that the comments will be shared with the Applicant for his consideration and action once the non-invasive prospecting activities indicated the areas to be sampled (invasive prospecting).</p>			
Mr Albanie	Department of Labour	22 February 2024	No Comments received
Kahliso Makale	Eskom	22 February 2024	No Comments received
SAHRIS	South African Heritage Resource Agency	22 February 2024	No Comments received

STAKEHOLDERS

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
Pabalelo Mokale	Department of Land Affairs	10 January 2024	15 January 2024

The Commission on Restitution of Land Rights confirmed on 15 January 2024 that no land claims appears on their database in respect of the properties this application extends across.

LANDOWNER AND INTERESTED & AFFECTED PARTIES

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
United Manganese of Kalahari (Pty) Ltd	<ul style="list-style-type: none">• Botha No 313• Portion 1 of Botha No 313• Smartt No 314	22 February 2024	15 February 2024 & 19 February 2024

Mr Phayane registered as the representative of UMK, following which Mr Mudau requested to be registered as an I&AP on behalf of UMK on 19 February 2024.

Greenmined acknowledged both registrations and supplied Mr Mudau with a copy of the Regulation 2.2 Project Map. Both parties were invited to comment on the DSR. To date no additional comments were received from UMK.

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TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
<p>On 01 July 2024 Greenmined informed UMK that following a remote surveying exercise it was decided that the farm Botha No 313 will be excluded from any prospecting and/or bulk sampling as this farm did not show any economic viability or quality of the mineral under application (kieselguhr/diatomite). It was noted that this decision will be incorporated and discussed in the draft environmental impact assessment report (DEIAR) that will be available for perusal.</p>			
<p>Kudumane Manganese Resources (Pty) Ltd & Malan Scholes Incorporated</p>	<ul style="list-style-type: none"> • Devon No 277 • Portion 2 of York A No 279, • Portion 11 of York A No 279, • Portion 1 of Telele No 312 	<p>22 February 2024</p>	<p>13 February 2024 & 27 February 2024 & 25 March 2024 & 26 March 2024</p>
<p>KMR registered (13 February 2024) as I&AP's on the project and noted that as surface right holder, they appeal the application.</p>			
<p>Greenmined acknowledged the registration and appeal of KMR. KMR was invited to comment on the DSR.</p>			
<p>On 27 February 2024 Me Ramsay of Malan Scholes Incorporated informed that as KMR is a holder of a mining right (NC 30/5/1/2/2/10053 MR) on the farm Devon No 277 the company is an I&AP and would therefore like to be registered on the project. Me Ramsay also enquired/requested the following:</p> <ol style="list-style-type: none"> 1. confirmation as to whether the Prospecting Right application lodged by K2022641005 (South Africa) Proprietary Limited, has been accepted; 2. if the Prospecting Right Application has been accepted, please provide a copy of the letter recording the acceptance by the Regional Manager of the Prospecting Right Application; and 3. a copy of the Scoping Report (and any other relevant documents) prepared by Greenmined Environmental (Pty) Ltd. 			
<p>On 28 February 2024, Greenmined acknowledged that KMR is registered as I&AP on the project. Greenmined also responded as follows to the query/request of Me Ramsay:</p>			

LANDOWNER AND INTERESTED & AFFECTED PARTIES

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
<p>1. "The application was accepted by the DMRE on 13 December 2023;</p> <p>2. Attached (to the response email) please receive a copy of the said acceptance letter;</p> <p>A copy of the draft Scoping Report is available on our website at www.greenmined.com/prospecting-rights/ under the heading <i>K2022641005(South Africa) (Pty) Ltd, NC 30/5/1/1/2/13826 PR</i>. However, should you not be able to download the report from the website please let me know and I will gladly supply you with a WeTransfer link to the document. Please note the commenting period on the DSR expires on 25 March 2024 as we have to prepare the Final Scoping Report for timeous submission to the DMRE."</p>			
<p>Additional comments received from Malan Scholes Incorporated on behalf of KMR:</p> <p>"1.1 We act for Kudumane Manganese Resources Proprietary Limited ("KMR").</p> <p>1.2 We refer to your notice dated 22 February 2024 ("22 February Notice"), which enclosed a link containing, inter alia, the draft scoping report ("Draft Scoping Report") prepared by Greenmined Environmental Proprietary Limited ("Greenmined"), the environmental assessment practitioner ("EAP") appointed by K2022641005 (South Africa) Proprietary Limited (the "Applicant"), for purposes of the Applicant's application for an environmental authorisation ("EA Application") in terms of part 3 of Chapter 4 of the Environmental Impact Assessment Regulations, 2014 (GNR 982 of 4 December 2014), as amended ("EIA Regulations"), published in terms of the provisions of the National Environmental Management Act, 107 of 1998, as amended ("NEMA"). A copy of the 22 February Notice is attached hereto as Annexure "A".</p> <p>1.3 The EA Application has been submitted by the Applicant in pursuance of a prospecting right ("Prospecting Right Application") with Department of Mineral Resources and Energy ("DMRE") reference number: NC 30/5/1/1/2/13826 PR in accordance with section 16 of the Mineral and Petroleum Resources Development Act, 28 of 2002, as amended ("MPRD Act"), inclusive of bulk sampling, for the minerals diatomite, diatomaceous earth and kieselguhr in respect of the following farms –</p> <p>1.3.1 in the Kuruman District –</p> <p>1.3.1.1 Portion 1 and the Remaining Extent of the farm Botha No 313; and</p> <p>1.3.1.2 Portion 1 and the Remaining Extent of farm Devon No 277 (the "Farm Devon");</p> <p>1.3.2 in the Hay District –</p> <p>1.3.2.1 Portions 4 and 5 of the farm Bermolli No 583;</p>			

LANDOWNER AND INTERESTED & AFFECTED PARTIES

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<p>1.3.2.2 Portion 1 and the Remaining Extent of farm Engelsdraai No 221; 1.3.2.3 Portion 1 and the Remaining Extent of the farm Witdraai No 204; and 1.3.2.4 Portions 1, 2 and the Remaining Extent of the farm Vaalwater No 84;</p> <p>all situated within the Northern Cape Province (“Prospecting Right Area”).</p> <p>1.4 The purpose of this letter is to provide comments, in terms of regulation 43 of the EIA Regulations, by KMR (being a registered interested and affected party (“I&AP”)), in the form of an objection and to bring specific issues to the attention of, inter alia, Greenmined and the DMRE. The comments and objections submitted by KMR are set out in paragraph 2 below.</p> <p>1.5 On 12 February 2024, Tshifhiwa Nemakhavhani (“Nemakhavhani”), a SHERQ Manager employed by KMR, came across the Prospecting Right Application notification (“Prospecting Right Application Notification”) advertised alongside the main entrance gate of the Farm Devon. The Prospecting Right Application Notification advised I&APs of the Applicant’s Prospecting Right Application for the minerals diatomite, diatomaceous earth and kieselguhr, in respect of the Prospecting Right Area. A photograph of the Prospecting Right Application Notification taken by Nemakhavhani on 12 February 2024 is attached hereto as Annexure “B”.</p> <p>1.6 Subsequent to KMR becoming aware of the Applicant’s Prospecting Right Application and on 13 February 2024, Baratang Mothobi (“Mothobi”) of KMR, registered KMR as an I&AP. A copy of the email trail in which Mothobi registered KMR as an I&AP as well as confirmation of registration from the EAP, is attached hereto as Annexure “C”.</p> <p>1.7 In terms of the Prospecting Right Application Notification, Greenmined advised that the “[D]raft Scoping Report (DSR) will be available for public comment from 22 February 2024“. On 22 February 2024, KMR received an email (“22 February Email”) from the EAP in which to notify KMR that the Draft Scoping Report was now available for comment. A copy of the 22 February Email is attached hereto as Annexure “D”.</p> <p>1.8 In light of the fact that KMR was notified in the 22 February Email that the Draft Scoping Report was available for comment from 22 February 2024, KMR’s comments are submitted on 25 March 2024, being within the prescribed 30-day period.</p> <p>1.9 KMR is the Holder, as defined in section 1 of the MPRD Act, of a Mining Right (“KMR Mining Right”) for “Manganese Ore” in respect of, inter alia, the Farm Devon 227, situated in the Magisterial District of Kuruman, Northern Cape (“KMR Mining Right Area”). The KMR Mining Right commenced on 20 January 2017 and will continue to be in force for a period of 20 years, ending on 19 January 2037. A copy of the KMR Mining Right is attached hereto as Annexure “E”.</p>			

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<p>1.10 KMR subsequently applied for and was granted consent in terms of section 102 of the MPRD Act (“Section 102 Amendment”) to include the minerals “[B]anded Iron Formation, Calcrete and Wesselite” in the KMR Mining Right. A copy of the Section 102 Amendment is attached hereto as Annexure “F”.</p> <p>1.11 In addition to being the Holder of the KMR Mining Right, KMR owns the following properties –</p> <p>1.11.1 Portion 1 and the Remaining Extent of the Farm Devon (which fall within the Applicant’s Prospecting Right Area);</p> <p>1.11.2 Portions 2 and 11 of the Farm York A 279; and</p> <p>1.11.3 Portion 1 of the farm Telele 312.</p> <p>1.12 In accordance with the KMR Mining Right, KMR -</p> <p>1.12.1 is currently conducting opencast Mining Operations on the farm Hotazel 280;</p> <p>1.12.2 is engaged in an exploration campaign which seeks to optimise opencast resources and thereby increase the overall life of mine on the farm Kipling 271</p> <p>1.12.3 intends to establish a Waste Dump on the Western side of the farm Devon (“Waste Dump”). The Waste Dump is an authorised facility;</p> <p>1.12.4 intends to conduct concurrent rehabilitation activities at the Devon pit located on the farm Devon;</p> <p>1.12.5 intends to expand mining operations to the orebody on the farm Devon (including underground mining); and</p> <p>1.12.6 intends to develop a blasting contractor site on the Eastern side of the farm Devon.</p> <p>1.13 In addition to being the Holder of the KMR Mining Right in respect of the KMR Mining Area, KMR is the Holder of a Mining Right for “Manganese Ore” (“York Mining Right”) in respect of the “Remainder and Portion 1 of the farm Telele No 312, Remainder and Portion 2 of the farm York” situated in the Magisterial District of Kuruman, Northern Cape Province (“York Mining Right Area”). A copy of the York Mining Right is attached hereto as Annexure “G”.</p> <p>1.14 It is evident from the plan attached to the KMR Mining Right, that the KMR Mining Area and the York Mining Area are situated directly opposite one another. In accordance with both the KMR Mining Right and the York Mining Right, KMR intends to –</p> <p>1.14.1 commence with underground Mining Operations which is intended to stretch from the farm Devon to the farm York; and</p> <p>1.14.2 migrate the waste collected at the farm York to the farm Devon, once the Waste Dump has been established by KMR.</p> <p>1.15 Importantly, the underground mining activities on the farm Devon are authorised in KMR’s existing approvals.</p> <p>2 Comments and Objections in respect of the Draft Scoping Report</p>			

LANDOWNER AND INTERESTED & AFFECTED PARTIES

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<p>2.1 Premature submission of the EA Application</p> <p>2.1.1 According to page 134 of the Applicant’s Draft Scoping Report – “[T]he <u>environmental authorization- and prospecting right application</u> in terms of the NEMA: EIA Regulations, 2014 (as amended) and the MPRDA, 2002 respectively <u>were submitted to the DMRE on 12 October 2023</u> and accepted on 13 December 2023 [our emphasis].”</p> <p>2.1.2 It therefore appears that the Applicant submitted the Prospecting Right Application and the EA Application simultaneously on 12 October 2023.</p> <p>2.1.3 Regulation 16 (2)(a) of the EIA Regulations prescribes that –</p> <p>“[A]n <u>application for an environmental authorisation may</u> – (a) where applicable, <u>only be submitted after the acceptance of an application for any right, permission, permit or consent in terms of the Mineral and Petroleum Resources Development Act, 2002</u> [our emphasis].”</p> <p>2.1.4 The EIA Regulations clearly provide that the Applicant could only submit its EA Application <u>after</u> the acceptance of the Prospecting Right Application by the Regional Manager. Yet, it is clear from the Prospecting Right Application acceptance letter (“Acceptance Letter”), that the Regional Manager only accepted the Applicant’s Prospecting Right Application on 13 December 2023, being some 2 months after the EA Application was submitted by the Applicant. A copy of the Acceptance Letter dated 13 December 2023, is attached hereto as Annexure “H”.</p> <p>2.1.5 In light of the above, it is clear that the Applicant failed to comply with the provisions of regulation 16 of the EIA Regulations. Accordingly, KMR is of the view that the EA Application by the Applicant must be withdrawn and resubmitted by following the appropriate procedure provided for in the EIA Regulations.</p> <p>2.2 Socio-economic Impacts and Benefits</p> <p>2.2.1 In motivating for the need and desirability of the proposed Prospecting Operations by the Applicant, Greenmined on page 35 of the Draft Scoping Report states that the “proposed labour component of the proposed project will be ±15 to 20 labourers that will be hired from the local communities.” Greenmined goes further on page 39 of the Draft Scoping Report to state that “[T]his is of crucial importance in municipal areas with very high unemployment rates.”</p>			

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<p>2.2.2 Appendix 2 to the EIA Regulations outlines the objective of the scoping process contemplated in regulation 21 of the EIA Regulations. Appendix 2 provides that a Scoping Report must “motivate the need and desirability of the proposed activity, including the need and desirability of the activity in the context of the preferred location”.</p> <p>2.2.3 Yet, the Draft Scoping Report provides no detail regarding how the Applicant intends on creating employment opportunities and how the employment of the “±15 to 20 labourers” will in fact benefit the local community.</p> <p>2.2.4 In respect of the “[O]ption of not implementing the activity (No-go Alternative)”, on page 46 of the Draft Scoping Report, Greenmined states that –</p> <p>“If the no-go alternative is implemented the land in question cannot be prospected for kieselguhr, which may result in a loss of an economically viable natural resource that can be used in a variety of industries. <u>The no-go option will further entail a loss of employment opportunities, as well as socio-economic benefits and growth development opportunities.</u> Given the high level of unemployment and poverty in the Hay and Kuruman Magisterial Districts the loss of such opportunities is considered significant [our emphasis].”</p> <p>2.2.5 Without disclosing the anticipated economic, social and growth development opportunities of the project, it impossible to ascertain whether or not proceeding with the proposed Prospecting Operations is preferred over alternative uses of the properties.</p> <p>2.2.6 In the absence of the aforementioned details, the Applicant has simply failed to motivate the need and desirability of the proposed Prospecting Operations, as required in Appendix 2.</p> <p>2.2.7 Considering that the proposed Prospecting Operations and possible future Mining Operations are invasive in nature and will result in significant environmental impacts, the Draft Scoping Report must specify, in detail, that the actual anticipated socio-economic benefits, despite the potential environmental impacts, outweigh other possible land uses. This is particularly so considering KMR’s existing rights in respect of the Farm Devon. This is addressed in further detail below.</p> <p>2.3 Impact of the Applicant’s Prospecting Operations on KMR</p> <p>2.3.1 As indicated in paragraph 11.12 above, in accordance with the KMR Mining Right, KMR –</p> <p>2.3.1.1 intends to establish the Waste Dump on the Western side of the farm Devon;</p> <p>2.3.1.2 intends to conduct concurrent rehabilitation activities at the Devon pit located on the farm Devon;</p>			

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<p>2.3.1.3 intends to expand mining operations to the orebody on the farm Devon; 2.3.1.4 intends proceeding with underground mining on the farm Devon; and 2.3.1.5 intends to develop infrastructure in respect of the proposed underground mining activities on the Eastern side of the farm Devon.</p> <p>2.3.2 On page 3 of the Draft Scoping Report, Greenmined states that – “[T]he proposed activity entails prospecting with bulk sampling. <u>Prospecting will be conducted using a combination of non-invasive and invasive activities. The invasive prospecting will include drilling and trenching.</u> The only other alternative would be to prospect the area without bulk sampling [our emphasis].”</p> <p>2.3.3 Greenmined goes further on page 4 of the Draft Scoping Report to state that – “[T]he Applicant proposes to use <u>air drills for RAB (rotary air blast) drilling and reverse circulation drilling and diamond drill rigs will be used for core drilling.</u> Geophysical equipment will be needed for ground electro-magnetic, magnetic and gravity surveys.</p> <p>The <u>bulk sampling trenches/pits will be dug by excavator,</u> upon which the loosened material will be moved by FEL to the crushing/milling plant. The material will be crushed, screened, and sized to stockpiles from where it will be transported off-site by trucks [our emphasis].”</p> <p>2.3.4 It is therefore clear that the proposed Prospecting Operations by the Applicant will directly impact on KMR’s existing and future operations on the Farm Devon.</p> <p>2.3.5 On page 40 of the Draft Scoping Report, Greenmined states that – “[D]ue to the nature of invasive prospecting activities, the location of drill holes and sampling sites can to a certain extend be moved to avoid structures and/or sensitive areas where possible.”</p> <p>2.3.6 Yet, Greenmined fails to provide I&APs with any drill site coordinates in respect of the Prospecting Right Area. Considering that the Applicant’s EA Application Area relates to, inter alia, Portion 1 and the Remaining Extent of the Farm Devon, it is inevitable that the proposed drillholes will be located within the KMR Mining Right Area.</p> <p>2.3.7 In fact, on page 131 of the Draft Scoping Report, Greenmined states that the “preferred drilling, trenching and pitting locations will be determined following the outcome of phases 1 & 2 and the mapping of geological survey data.” It is submitted that the DMRE cannot make an informed decision on the Applicant’s EA Application or the Prospecting Right Application if the proposed drill site coordinates are not provided to both the DMRE and I&APs. The drill site coordinates cannot be determined subsequent to the granting of the EA Application to the Applicant.</p> <p>2.3.8 KMR, as an I&AP, is entitled to all the information relating to the proposed Prospecting Operations by the Applicant, which includes KMR being provided with the exact co-ordinates at which the Applicant intends on conducting Prospecting Operations.</p>			

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<p>2.3.9 It is self-evident that drilling activities cannot be permitted above the areas where KMR will be conducting (authorised) underground mining and / or in close proximity to the Waste Dump and KMR's surface infrastructure. The health, safety and environmental impacts of any simultaneous operations must be considered by the Applicant in its EA Application. It appears that the Applicant has no intention of assessing these impacts.</p> <p>2.3.10 The failure by Greenmined and the Applicant to provide KMR with the necessary information relating to the intended prospecting activities by the Applicant, means that KMR cannot assess the potential impacts of the proposed Prospecting Operations and bulk sampling on KMR, both as the Holder of the KMR Mining Right and the owner of Portion 1 and the Remaining Extent of the Farm Devon.</p> <p>2.3.11 It is submitted by KMR that it would be impossible for KMR to conduct its intended future operations on the Farm Devon and the farm York in circumstances where the Applicant is conducting drilling and bulk sampling.</p> <p>2.4 Failure to apply for a Waste Management Licence in terms of the National Environmental Management: Waste Act, 29 of 2008, as amended ("NEM:WA")</p> <p>2.4.1 On the cover page (page 13) of the Draft Scoping Report, Greenmined states that the EA Application is submitted by the Applicant in terms of NEMA and in terms of the provisions of NEM:WA. It is clear that Greenmined intends to submit the EA Application on behalf of the Applicant as an integrated environmental authorisation application.</p> <p>2.4.2 In terms of section 24L (1) of NEMA – “[A] competent authority empowered under Chapter 5 to issue an environmental authorisation and any other authority empowered under a specific environmental management Act may agree to issue an <u>integrated environmental authorisation</u> [our emphasis].”</p> <p>2.4.3 Yet, despite referring to an integrated environmental authorisation on the cover page of the Draft Scoping Report, no further references are made to an integrated environmental authorisation application by Greenmined.</p> <p>2.4.4 In fact, on page 20 to 21 of the Draft Scoping Report in highlighting the “[L]isted and specified activities triggered by the proposed activities”, Greenmined fails to refer to which activities listed in the List of waste management activities that have, or are likely to have, a detrimental effect on the environment (GN 921 of 29 November 2013) (“List of Waste Management Activities”), will be triggered as a result of the proposed Prospecting Operations and bulk sampling by the Applicant.</p>			

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<p>2.4.5 On page 26 of the Draft Scoping Report, Greenmined states that - “any available topsoil in the earmarked areas will be <u>stripped and stockpiled for the duration of the activities</u>. Topsoil removal will be restricted to the exact footprint of each prospecting site during the invasive phases of the activity. <u>The topsoil will be stockpiled at a designated signposted area to be replaced during the rehabilitation of the area</u> [our emphasis].”</p> <p>2.4.6 Further on page 45 of the Draft Scoping Report, Greenmined states that – “[T]he bulk sampling trenches/pits will be dug by excavator, upon which the loosened material will be moved by FEL to the crushing/milling plant. The material will be <u>crushed, screened, and sized to stockpiles from where it will be transported off-site by trucks</u> [our emphasis].</p> <p>2.4.7 In the context of NEM:WA, a residue stockpile is defined as “any debris, discard, tailings, slimes, screening, slurry, waste rock, foundry sand, beneficiation plant waste, ash or any other product derived from or incidental to a mining operation and which is stockpiled, stored or accumulated for potential re-use, or which is disposed of, by the holder of a mining right, mining permit, production right or an old order right [our emphasis]”.</p> <p>2.4.8 Considering the broad definition of residue stockpile, it is clear that the stockpiles referred to in the Draft Scoping Report will trigger the listed activity relating to the establishment of a residue stockpile referenced in NEM:WA and its relevant listing notice. KMR therefore submits that Greenmined and the Applicant are required to apply for a waste management licence and are required to do so simultaneously with the EA Application.</p> <p>2.5 Failure to apply for a water use licence (“WUL”) in terms of the National Water Act, 36 of 1998, as amended (“NWA”)</p> <p>2.5.1 On page 106 of the Draft Scoping Report, Greenmined states as follows – “[A] hydrologist will be contracted to undertake a desktop Freshwater Assessment (wetland and aquatic) of the study area during the EIA process. The scope of work includes a desktop based investigation of the watercourses and wetlands within the study area supported by a site verification visit...The report will be compiled in accordance with the requirements in the latest NEMA Minimum Requirements and Protocol for Specialist Aquatic Biodiversity Impact Assessment as contained in the “Procedures to be followed for the assessment and minimum criteria for reporting of identified environmental themes of Section 45 (a) and (h) of the National Environmental Management Act, 1998, when applying for Environmental Authorization”, contained in Government Gazette No. 43855 (30 October 2020) and the requirements of the <u>Department of Water & Sanitation for Water Use Licensing, as outlined in the ‘Regulations Regarding the Procedural Requirements for Water Use License Applications and Appeals’</u> contained in the Government Gazette No. 40713 of 24 March 2017 [our emphasis].”</p>			

LANDOWNER AND INTERESTED & AFFECTED PARTIES

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<p>2.5.2 It is further stated on page 124 of the Draft Scoping Report that – “[S]hould a water use authorisation be applicable to the project, the PR Holder must always adhere to the conditions thereof.”</p> <p>2.5.3 Significantly, in paragraph 2(b) of the Acceptance Letter (attached hereto as Annexure “H”), the Regional Manager directs the Applicant to “[L]odge an application in terms of the National Water Act No.36 of 1998 with the Department of Water Affairs with immediate effect”. Despite being directed to apply for a WUL in terms of the NWA “with immediate effect”, KMR has not been notified of any such WUL application.</p> <p>2.5.4 On page 30 of the Draft Scoping Report states that – “[T]he drilling operation requires ±1 000 l of water day while the bulk sampling activities will necessitate ±10 000 l/day. Water will also be used for dust suppression at the prospecting sites and access roads. <u>Potable water will daily be transported to site by the employees, while the process water will be bought from a local sources (to be identified) in the vicinity of the prospecting activities and transported to site in a water truck(s) [our emphasis].</u>”</p> <p>2.5.5 The Draft Scoping Report fails to specify –</p> <p>2.5.5.1 which local “source” the Applicant intends to make use of; and</p> <p>2.5.5.2 if the local source is able to meet the water quality and quantity required by the Applicant.</p> <p>3 Conclusion</p> <p>3.1 It is evident from the comments in paragraph Error! Reference source not found. That the Applicant’s EA Application and the Draft Scoping Report are flawed due to a failure to comply with the EIA Regulations and to disclose critical information to I&APs. It is submitted by KMR that the Draft Scoping Report should be rejected by the DMRE.</p> <p>3.2 As provided in regulation 44 of the EIA Regulations, these comments must be recorded in the reports and plans to be submitted to the competent authority pursuant to the EA Application.</p> <p>3.3 If the Draft Scoping Report is accepted by the DMRE (which decision would, in KMR’s view, be unlawful), KMR reserves the right to challenge such decision and to comment on any environmental impact assessment report and environmental management programme relating to the EA Application.”</p>			

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<p>Greenmined responded (26 March 2024) to the comments received from Malan Scholes Incorporated as follows:</p> <p>“Greenmined herewith acknowledge receipt of your correspondence dated 25 March 2024 on behalf of KMR regarding the prospecting right application submitted by K2022641005 (South Africa) (Pty) Ltd over various properties in the Hay and Kuruman Districts. We thank you for taking part in the public participation process and the comments submitted on the draft scoping report (DSR).</p> <p>We take note of your concerns, and incorporated the comments into the Final Scoping Report that will be submitted to the Department of Mineral Resources and Energy (DMRE) for consideration. All comments/objections will be discussed with the Applicant, and specialists of the project team for their perusal and input. The comments/objections will further be assessed and responded to in the Draft Environmental Impact Assessment Report. All comments, concerns and/or objections received as part of the public participation process will be listed in the EIA documents to be submitted to the DMRE for consideration.”</p>			
<p>Additional response to the above-mentioned comments of Malan Scholes Incorporated that appeared in the FSR:</p> <p><i>Paragraph 2.1.1 – 2.1.5 Premature submission of the EA Application:</i></p> <p>Since the One Environmental System came into effect on 08 December 2014, the Ministers of the Mineral Resources and Energy, Environmental Affairs, and Water agreed to streamline the environmental approvals, monitoring, and enforcement for mining related applications. A key feature of the OES is that the Minister of Mineral Resources is the competent authority under NEMA for the issuing of EAs to authorise listed activities that is directly related to a) prospecting or exploration of a mineral; or b) extraction and primary processing of a mineral. Subsequently, the DMRE requires all applicants to submit the EA Application simultaneously with the Prospecting/Mining Right Application on the departmental online platform known as SAMRAD. Prospecting/Mining Right applications that are not accompanied by an EA Application are deemed incomplete. Therefore, in terms of the DMRE requirements, there is no grounds for the claim that the EA Application was submitted prematurely, and or wrongfully accepted by the DMRE.</p> <p><i>Paragraph 2.2.1 – 2.2.7 Socio-economic Impacts and Benefits; and Paragraph 2.3.1 – 2.3.11 Impact on the Applicant’s Prospecting Operations on KMR:</i></p> <p>To give meaningful response the results of the specialist studies are needed and therefore all inputs received during the public participation process will be assessed and/or responded to in the DEIAR. The aim of the scoping report is to identify the aspects to be evaluated in the assessment phase. The aim of the EIAR, in contrast, is</p>			

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<p>to determine the nature, significance, consequence, extent, duration, and probability of the impacts occurring to inform identified preferred alternatives, and the degree to which these impacts can be reversed, avoided, managed, or mitigated.</p> <p>As mentioned earlier, should this application be successful, and the invasive prospecting commence, the Applicant will engage the landowners of the PR footprint regarding technical arrangements for the co-existence of the applicable entities on the same land. These negotiations will in particular consider the mining operations on the farms Devon No 277, Botha No 313, and Bermolli No 583 owned by mining companies.</p> <p><i>Paragraph 2.4.1 – 2.4.8 Failure to apply for a Waste Management Licence in terms of the NEM:WA:</i></p> <p>Page 14 of the Scoping Report (DSR & FSR) notes that: <i>“In terms of section 16(3)(b) of the EIA Regulations, 2014, any report submitted as part of an application must be prepared in a format that may be determined by the Competent Authority and in terms of section 17 (1) (c) the competent Authority must check whether the application has taken into account any minimum requirements applicable, or instructions or guidance provided by the competent authority to the submission of applications. It is therefore an instruction that the prescribed reports required in respect of applications for an environmental authorisation for listed activities triggered by an application for a right or permit <u>are submitted in the exact format of and provide all the information required in terms of this template.</u> Furthermore, please be advised that failure to submit the information required in the format provided in this template will be regarded as a failure to meet requirements of the Regulation and will lead to the Environmental Authorisation being refused.”</i></p> <p>Considering this, the Scoping Report format is prescribed by the DMRE and may not be altered by the EAP. The cover page (page 13) referred to by Malan Scholes Incorporated is part of the prescribed DMRE scoping report format for applications in terms of the NEMA, and/or NEM:WA in respect of listed activities that have been triggered in terms of the MPRDA. The proposed prospecting right application does not trigger listed activities in terms of the NEM:WA nor is there a need for an integrated environmental authorisation and therefore the EA Application did not consider such listed activities.</p> <p><i>Paragraph 2.5.1 – 2.5.5.2 Failure to apply for a water use licence in terms of the NWA:</i></p> <p>Presently it is not expected that the proposed prospecting activities will trigger listed activities in terms of the NWA should the mitigation measures, buffer zones and recommendations of the specialists (to be incorporated into the DEIAR) be implemented. The mitigation measures of the DEIAR will elaborate on the water use of the proposed activities to ensure compliance of the project with the relevant legislation.</p>			

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On 26 March 2024 Malan Scholes Incorporated notified Greenmined that KMR intends to lodge an appeal to the Director-General of the DMRE as well as the Regional Manager of the DMRE-NC in accordance with the provisions of section 96 of the MPRDA as read with regulation 94 of the regulations promulgated under the MPRDA (as amended) against the acceptance of the Applicant's prospecting right application. Said appeal was submitted to the relevant parties on the same day.

On 01 July 2024 Greenmined informed Malan Scholes Incorporated and KMR that following a remote surveying exercise it was decided that the Remaining Extent of the farm Devon No 277 will be excluded from any prospecting and/or bulk sampling as this farm did not show any economic viability or quality of the mineral under application (kieselguhr/diatomite). It was noted that this decision will be incorporated and discussed in the draft environmental impact assessment report (DEIAR) that will be available for perusal.

Additional response to the above comments received from Malan Scholes Incorporated (on the DSR) upon compilation of the DEIAR;

Paragraph 2.2 & 2.3:

As stipulated in *Part A(1)(g)(i) Details of the development footprint alternatives considered - c) Design and Layout of the Activity*, although potential target areas were identified on the farms Devon No 277 and Botha No 313, both farms (including all relevant portions and remainders) were subsequently excluded from the invasive prospecting and/or bulk sampling programme, thereby removing the potential impact that the proposed activities may have on the KMR operations.

Also refer to:

- *Part A(1)(f) Need and desirability of the proposed activities.*
- *Part A(1)(g)(iv)(1)(a) Type of environment affected by the proposed activity – 11 Socio-Economic Environment.*
- *Part A(1)(u)(i)(1) Impact on socio-economic conditions of any directly affected person.*

Paragraph 2.5:

Refer to the following sections (amongst others) where the possibility for a water use authorisation are discussed:

- *Part A(1)(e) Policy and Legislative Context.*

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<ul style="list-style-type: none"> • <i>Part A(1)(g)(iv)(c) Description of specific environmental features and infrastructure on the site - Site Specific Hydrology.</i> • <i>Part A(1)(g)(viii) The possible mitigation measures that could be applied and the level of risk.</i> • <i>Part A(1)(j) Summary of specialist reports.</i> • <i>Part A(1)(k)(i) Summary of the key findings of the environmental impact assessment.</i> • <i>Part B(1)(d)(viii) Has a water use license been applied for?</i> 			
<p>On 10 September 2024, DMRE Legal Services (National) informed the Applicant that the application in terms of Section 96(2) of the MPRDA by KMR was granted and therefore subsequently suspends the decision of the DMRE-NC to accept the prospecting right application. Following discussions with the national and regional DMRE offices, the Applicant lodged its own Section 96 appeal against the decision of the DMRE (National) to suspend the acceptance letter on the basis that the farm Devon No 277 will be omitted from the prospecting right application. This application is pending with the DMRE.</p> <p>The proposal (to omit the said farm) was accordingly incorporated into this document, specifically in <i>Part A(1)(g)(i) Details of the development footprint alternatives considered</i>. Following discussions with the DMRE-NC (competent authority) it was confirmed that the public participation process can continue while the Applicant's Section 96 application is being considered by the DMRE (National).</p>			
Transnet Ltd	<ul style="list-style-type: none"> • Portion 1 of Devon No 277 • Portion 1 of Perth No 276 • Portion 3 of York A No 279 	22 February 2024	07 March 2024
<p>Comments received from Transnet on 07 March 2024:</p> <p>“The proposed prospecting area shown in Figure 1 below crosses over Transnet’s cadastral boundary and therefore will affect Transnet. The red polygon indicates the Prospecting right application area numbered from A to N. The green lines denotes Transnet cadastral boundary. This is directly south of the Hotazel Station precinct and crosses the railway line over Land Asset No. KHX0327 being PTN 1 of the farm Devon No 277, Admin District Kuruman in the Joe Morolong Municipal area. The dark blue line denotes a pipeline servitude 4 km in length that requires confirmation by TFR, whether still in use or not.</p> <p>We hereby wish to draw the attention of the applicant to Section 48(1) of the Minerals and Petroleum Resources Development Act, 2002 which stipulates as follows:</p>			

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“48(1) Subject to section 20 of the National Parks Act, 1976 (Act No 57 of 1976), and subsection (2), no reconnaissance permission, prospecting right, mining right or mining permit may be issued in respect of-
(a) land comprising a residential area;
(b) any public road, railway, or cemetery;
(c) any land being used for public or government purposes or reserved in terms of any other law; or
(d) areas identified by the Minister by notice in the Gazette in terms of section 49.”

Please note that under no circumstances will or do Transnet SOC permit, grant permission or consent to any prospecting or mining activities on its properties. As far as the adjacent properties to the railway line is concerned, your attention is drawn to Regulation 17(6)(a) of the Mine Health and Safety Act, 1996 which determines that no mining operations may be carried out under or within a horizontal distance of 100 m from buildings, roads, railways, reserves etcetera.

Figure 1:



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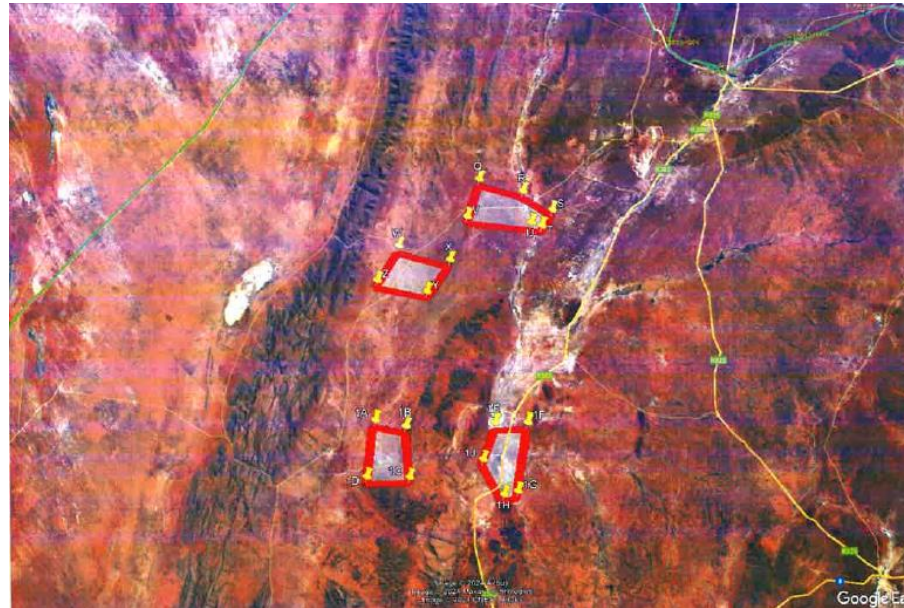
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The four red polygons below in Figure 2 denotes a further 4 proposed protecting areas. These 4 proposed prospecting areas are ± 25.5 km's south of Postmasburg station and ± 28 km's east of the Sishen to Saldanha ORE line and will thus not affect Transnet.

Figure 2:



Greenmined responded as follows on 13 March 2024 to the comments received from Transnet:

“Thank you for your correspondence on the prospecting right (PR) application submitted by K2022641005 (South Africa) (Pty) Ltd over (amongst others) the farm Devon No 277. We do take note that no prospecting will be allowed within a horizontal distance of 100 m from the railway line, and has also shared this with the Applicant.

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<p>The Applicant confirmed that should the PR application be successful, they will declare/demarcate a no-go buffer zone of a 110 m around the railway line (crossing through Devon No 277) and that no prospecting will be done/allowed within this buffer area. This commitment will also be added to the Final Scoping Report to be submitted to the DMRE for approval, and should the FSR be approved, the commitment will also be incorporated into the Environmental Impact Assessment Report and Environmental Management Programme also to be approved by the DMRE.</p> <p>In short, should this prospecting right application be approved, we do confirm that no prospecting will occur within 110 m of the railway line crossing through Devon No 277.”</p>			
<p>On 01 July 2024 Greenmined informed Transnet that following a remote surveying exercise it was decided that Portion 1 of the farm Devon No 277 will be excluded from any prospecting and/or bulk sampling as this farm did not show any economically viability or quality of the mineral under application (kieselguhr/diatomite). It was noted that this decision will be incorporated and discussed in the draft environmental impact assessment report (DEIAR) that will be available for perusal.</p> <p>Considering the above the potential impact that prospecting may have had on the railway infrastructure has been removed.</p>			
Mr PJ van der Byl Lambrechts & Me C Lambrechts	Portion 4 of Bermolli No 583	Invited to register on the project through the Noordkaap Bulletin advertisement (22 February 2024) & emailed 05 March 2024	05 March 2024
Me Lambrechts registered as I&AP on the project.			
Greenmined acknowledged receipt of the registration on 06 March 2024.			
Sishen Iron Ore Company (Pty) Ltd & CDH	<ul style="list-style-type: none"> • Portion 5 of Bermolli No 583 • RE of Farm No 542, • Portion 2 of Farm No 542 • Portion 3 of Farm No 542 	22 February 2024	26 February 2024 & 25 March 2024

LANDOWNER AND INTERESTED & AFFECTED PARTIES**TITLE, NAME AND SURNAME****AFFILIATION/KEY STAKEHOLDER STATUS****CONTACTED DATE****RESPONSE RECEIVED**

Comments received from SIOC on 26 February 2024:

“Please note that Sishen Iron Ore Company (SIOC) is an interested and affected party (“I&AP”) K2022641005 in respect of the prospecting right/bulk sampling application submitted by (South Africa) (PTY) LTD with reference number NC 30/5/1/1/2/13826 PR.

SIOC hereby requests that it be registered as an I&AP as part of this application, with the following information:

Name	Izak Gous
Organisation	SIOC, Kolomela Mine
Telephone	0605016625
Fax	NA
Cell	0605016625
Postal address	Private Bag X3003
Physical address	21 Main Street Postmasburg
Email	izak.gous@angloamerican.com
Preferred method of communication	Email

Please provide information on the following aspects:

1. Ground water quantity and quality
 - a. What water sources will be used to conduct the planned activities. What measures will be undertaken to monitor possible impacts (ground and surface water) and what mitigation measures will be implemented in impacted areas.
 - b. What volume of water will be abstracted per locality.
 - c. What measures will be implemented to ensure effective monitoring of water quality on site as well as on neighboring properties.
2. Air quality management

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<p>a. What measures will be implemented to ensure dust are adequately monitored and effectively controlled?</p> <p>3. Access road</p> <p>a. The additional traffic might detrimentally impact the condition of the R383 and subsequently impact road safety for other users.</p> <p>4. Security and access control</p> <p>a. How will access to the site be managed?</p> <p>b. What measures will be put in place to ensure the safety and security of neighboring landowners will not be compromised?</p> <p>5. Veld fire management</p> <p>a. What measures will be put in place to prevent fires, and if a fire does occur, will a competent team be available to respond to the fire.</p> <p>6. Waste management</p> <p>a. What measures will be implemented to ensure sound waste management practices.</p> <p>7. Hygiene</p> <p>a. Will sanitation facilities be made available to the workforce. How will this process be managed.</p> <p>8. Physical environment</p> <p>a. What will be done to minimize the physical footprint of the planned project. This refers to access roads, drilling sites and laydown areas among others.</p> <p>b. What measures will be implemented to ensure all nationally and provincially protected fauna and flora species are correctly identified and protected during the project.</p> <p>c. Indicate where maintenance on equipment will be done during this project.</p> <p>d. How will an environmental emergency such as hydrocarbon contamination be address.</p> <p>e. Describe the planned refuelling process.</p> <p>In addition to the above, please provide us with any other applicable information to the project. Please also confirm that SIOC has now been registered as an I&AP in accordance with the information set out in the table above.”</p>			

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			<p>Greenmined further responded (04 March 2024) to SIOC's comments as listed below:</p> <p>“Thank you for taking part in the public participation process of this prospecting right application submitted by K2022641005 (South Africa) (Pty) Ltd with reference number NC 30/5/1/1/2/13826 PR.</p> <p>We do acknowledge receipt of your comments that will also be incorporated into the Final Scoping Report, that will be submitted for approval to the Department of Mineral Resources and Energy (DMRE). Due to the technical nature of the comments it will be assessed and responded to in the Draft Environmental Impact Assessment Report (DEIAR), which report will follow should the DMRE approve the final Scoping Report. The DEIAR will furthermore incorporate the applicable specialist studies that will also consider the comments received from SIOC. As registered, I&AP, SIOC will be invited to comment on the DEIAR once available.”</p>
			<p>Additional comments received from CDH on behalf of SIOC on 25 March 2024:</p> <p>“1 We act on behalf and on the instructions of Sishen Iron Ore Company ("SIOC/Client"), a private company with limited liability, registered as such in accordance with the laws of the Republic of South Africa, with registration number 2000/011085/07.</p> <p>2 SIOC operates the Kolomela Mine in terms of a mining right, with DMRE reference number NC 30/5/1/2/2/069 MR ("Kolomela Mining Right"), consisting of the sole and exclusive right to mine iron ore on and under a number of properties. SIOC is also the surface rights holder of the following properties –</p> <p>2.1 Portion 5 of Farm Bermolli 583; 2.2 Remaining Extent of Farm No 542, 2.3 Portion 2 of Farm No 542; and 2.4 Portion 3 of Farm No 543</p> <p>3 The Applicant applied for a prospecting right with bulk sampling for kieselguhr over various properties ("PR Application"). In terms of section 16(1) of the Mineral and Petroleum Resources Development Act 28 of 2002 ("MPRDA"), the Applicant would need to obtain the necessary environmental authorisations, approvals, licences and/or consents as prescribed under the National Environmental Management Act 107 of 1998 ("NEMA") and the Environmental Impact Assessment Regulations, 2014, as amended ("EIA Regulations"), prior to commencement of any prospecting related activities. Given this, the Applicant attended to the submission of the environmental authorisation application ("EA Application").</p>

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			<p>4 SIOC has obtained various biodiversity permits and licences in terms of the Northern Cape Nature Conservation Act 9 of 2009 and National Forest Act 84 of 1998 since the commencement of operations at the Kolomela Mine in 2011.</p> <p>5 The Northern Cape Department of Agriculture, Environmental Affairs, Rural Development and Land Reform ("DAERL") informed SIOC in 2014 that the cumulative impacts of the various biodiversity permits will be taken into account and may require a biodiversity off-set in relation to the mining activities associated with the Kolomela Mining Right. In 2019 DAERL confirmed that a biodiversity off-set will need to be established by SIOC and as part of this obligation, SIOC has engaged extensively with DAERL and Northern Cape Protected Area Expansion Review Committee ("NCPAERC"), which engagement has included the acceptance of several properties as being suitable for biodiversity offset purposes given its current ecological sensitivity ("Kolomela Biodiversity Off-Set Areas"). The acceptance of the Kolomela Biodiversity Off-Set Areas is attached hereto as Annexure "A".</p> <p>6 The Kolomela Biodiversity Off-Set Areas include Portion 4 and 5 of Farm Bermolli 583. Based on correspondence received from the relevant authorities, once the required administrative processes have been completed the proposed Kolomela Biodiversity Off-Set Areas are set to be formally declared as a nature reserve under the National Environmental Management Protected Areas Act 57 of 2003.</p> <p>7 We also thought it pertinent to highlight that the Department of Forest, Fisheries and Environment ("DFFE") as well as the DAERL are both in agreement that, considering the pending declaration of the Kolomela Biodiversity Off-Set Areas as a nature reserve, no mining or prospecting related activities are allowed to be conducted over these properties.</p> <p>8 The DFFE and DAERL recently objected against the grant of an environmental authorisation for a mining right application in relation to Portion 5 of the Farm Bermolli and another property set to be included within the proposed Kolomela Biodiversity Off-Set Areas. Although the objections were made in relation to a mining right application, the same stance will be applicable to this prospecting right application as prospecting is a precursor to mining. The objections by the DFFE and DAERL are attached hereto as Annexure "B" and Annexure "C" respectively.</p> <p>9 We attended to the review of the Draft Scoping Report and have the following comments, questions and queries in relation to the report. We would be grateful to receive Greenminded's responses to each of the queries as indicated in the table below –</p>

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TITLE, NAME AND SURNAME		AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
Item	Query	Greenmined Response		
1.	Given the identified Kolomela Biodiversity Off-Set Areas and the current position of the DFFE and DAERL against any mining or prospecting in relation to the Kolomela Biodiversity Off-Set Areas, we kindly request that Portion 4 of the Farm Bermolli and Portion 5 of the Farm Bermolli be excluded from this EA Application as well as the PR Application.			
2.	<p>We note that the No-Go Alternative as discussed on pages 5 and 46 of the Draft Scoping Report fails to make any mention of the proposed Kolomela Biodiversity Off-Set Areas planned over Portion 4 and Portion 5 of the Farm Bermolli.</p> <p>We recommend that the No-Go Alternative should include that a nature reserve is set to be established on Portion 4 and Portion 5 of the Farm Bermolli. The current No-Go Alternative is misleading and fails to provide all the required information to the competent authority.</p>			
3.	<p>We note that pages 5 and 46 of the Draft Scoping Report provide that an advertisement is set to be published in the Noorkaap Bulletin. We further note that Appendix 5 provides an example of the advertisement.</p> <p>The Draft Scoping Report as well as the annexures thereto fail to provide any proof of publication of the advertisement. We kindly request to be provided with proof of publication of said advertisement.</p>			

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4.	<p>We note that page 31 of the Draft Scoping Report provides that 4 x 30 ton flatbed trucks will be required to transport prospecting and bulk sampling material.</p> <p>Given the size of the trucks, will the expansion of the existing roads be required and has this been considered as a potential listed activity under the EIA Regulations?</p>		
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Item	Query	Greenmined Response
5.	<p>We note that the Draft Scoping Report includes various references as well as figures captured from the DFFE Screening Report.</p> <p>The Draft Scoping Report as well as the annexures thereto made available during the public participation process fail to include the DFFE Screening Report. We kindly request to be provided with a copy of the DFFE Screening Report.</p>	

10 Thank you for the opportunity to comment on the Draft Scoping Report and we look forward to your responses to our queries.

11 Should you have any further queries, please do not hesitate to contact us.”

Greenmined responded, on 26 March 2024, as listed below to the comments received from CDH on 25 March 2024:

“Greenmined herewith acknowledge receipt of your correspondence dated 25 March 2024 on behalf of SIOC regarding the prospecting right application submitted by K2022641005 (South Africa) (Pty) Ltd over various properties in the Hay and Kuruman Districts. We thank you for the valuable information provided that has also been shared with the Applicant.

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Your correspondence was incorporated into the final Scoping Report that must be submitted to the DMRE for consideration by 29 March 2024. As a result of the strict tight timeframes on the scoping phase of an environmental impact assessment (EIA), your correspondence cannot be answered in detail in this phase of the EIA, however the following sections of the final Scoping Report were amended to allow for the assessment of your comments should the DMRE approve the scoping report and allow the EIA process to continue:

- Section 2(f) Need and desirability of the proposed activities;
- Section 2(h)(i)(c) Design and layout of the activity;
- Section 2(h)(iv)(1)(b) Description of the current land uses;
- Section 2(h)(iv)(1)(c) Description of specific environmental features and infrastructure on the site – Site Specific Groundcover and Biodiversity Conservation Areas;
- Section 2(i) Impacts Identified;
- Section 3(i) Measures to avoid, reverse, mitigate, or manage identified impacts and to determine the extent of the residual risks that need to be managed and monitored;
- Section 3(k) Other matters required in terms of section 24(4)(a) and (b) of the Act.

Please take note that all your comments and enquires will be assessed and responded to in the Draft Environmental Impact Assessment Report (DEIAR) that will also incorporate specialist studies and recommendations.

As you are aware SIOC is a registered I&AP on this project to which the contact details of CDH were added. Hence forth we will keep both SIOC and CDH informed on the progress of the EIA as well as afford you an opportunity to comment on the DEIAR should the DMRE approve the final Scoping Report.

For ease of reference please find attached proof of the advertisements that appeared in the Noordkaap Bulletin.

As Portion 4 and 5 of Bermolli No 583 has not yet been declared a nature reserve as part of the Kolomela Biodiversity Offset Area we advise that you take note of the consultation requirements stipulated in Sections 32 and 33 of the Protected Areas Act, 2003 (Act No 57 of 2003) attached hereto for ease of reference.”

Further response to the comments received from CDH on behalf of SIOC:

1. *Given the identified Kolomela Biodiversity Off-Set Areas and the current position of the DFFE and DAERL against any mining or prospecting in relation to the Kolomela Biodiversity Off-Set Areas, we kindly request that Portion 4 of the Farm Bermolli and Portion 5 of the Farm Bermolli be excluded from this EA Application as well as the PR Application.*

LANDOWNER AND INTERESTED & AFFECTED PARTIES

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
<p>It was noted that both the DFFE and DAERL letters attached to the correspondence received from CDH only mention Portion 5 of Bermolli No 583 amongst the other properties listed in the letters. Portion 4 of Bermolli No 583 is not mentioned in the said letters. It is also clear from the correspondence received from CDH that Portion 5 (and Portion 4) of Bermolli No 583 is still “candidate” offset receiving areas and that these areas has not yet been declared as biodiversity offset area/nature reserve. However, the matter will be considered during the EIA process and design/layout alternatives will be contemplated. The outcome will be discussed in the DEIAR.</p> <p>2. <i>We note that the No-Go Alternative as discussed on pages 5 and 46 of the Draft Scoping Report fails to make any mention of the proposed Kolomela Biodiversity Off-Set Areas planned over Portion 4 and Portion 5 of the Farm Bermolli. We recommend that the No-Go Alternative should include that a nature reserve is set to be established on Portion 4 and Portion 5 of the Farm Bermolli. The current No-Go Alternative is misleading and fails to provide all the required information to the competent authority.</i></p> <p>The proposed declaration of Portion 4 and 5 of Bermolli No 583 as part of the Kolomela Biodiversity Offset Area was added to the final scoping report under the following sections:</p> <ul style="list-style-type: none"> • <i>Section 2(f) Need and desirability of the proposed activities;</i> • <i>Section 2(h)(i)(c) Design and layout of the activity;</i> • <i>Section 2(h)(iv)(1)(b) Description of the current land uses;</i> • <i>Section 2(h)(iv)(1)(c) Description of specific environmental features and infrastructure on the site – Site Specific Terrestrial Biodiversity, Conservation Areas, Groundcover and Fauna;</i> • <i>Section 2(i) Impacts Identified;</i> • <i>Section 3(i) Measures to avoid, reverse, mitigate, or manage identified impacts and to determine the extent of the residual risks that need to be managed and monitored;</i> • <i>Section 3(k) Other matters required in terms of section 24(4)(a) and (b) of the Act.</i> <p>, and as mentioned earlier design/layout alternatives to possibly accommodate an offset area will be contemplated and discussed in the DEIAR.</p>			

LANDOWNER AND INTERESTED & AFFECTED PARTIES

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
			<p>3. <i>We note that pages 5 and 46 of the Draft Scoping Report provide that an advertisement is set to be published in the Noorkaap Bulletin. We further note that Appendix 5 provides an example of the advertisement. The Draft Scoping Report as well as the annexures thereto fail to provide any proof of publication of the advertisement. We kindly request to be provided with proof of publication of said advertisement.</i></p> <p>Please refer to Appendix 5.2 for proof of the publication of the advertisements in the Noordkaap Bulletin.</p> <p>4. <i>We note that page 31 of the Draft Scoping Report provides that 4 x 30 ton flatbed trucks will be required to transport prospecting and bulk sampling material. Given the size of the trucks, will the expansion of the existing roads be required and has this been considered as a potential listed activity under the EIA Regulations?</i></p> <p>As mentioned under <i>Section 2(d)(ii) Description of the activities to be undertaken – Access Roads</i>, the farm roads will be upgraded where necessary to allow the comfortable movement of the prospecting machinery/vehicles. Where needed jeep-tracks will be opened from the main farm road to the specific prospecting sites in agreement with the landowners. These tracks will be temporary and will be rehabilitated once prospecting ceases and if the landowner do not wish the track to remain. The jeep-track route will as far as possible avoid sensitive vegetated areas (to be identified by an ecologist), watercourses, and cultivated area and must be approved by the ECO prior to use. Presently the maximum width of a track is expected to be ±5 m. Further to this, the upgrade of the roads/tracks is provided for in Listing Notice 2 Activity 19 (as amended).</p> <p>5. <i>We note that the Draft Scoping Report includes various references as well as figures captured from the DFFE Screening Report. The Draft Scoping Report as well as the annexures thereto made available during the public participation process fail to include the DFFE Screening Report. We kindly request to be provided with a copy of the DFFE Screening Report.</i></p> <p>As confirmed by CDH the findings of the DFFE Screening Report were available in the DSR, as it also forms part of the FSR. The DFFE Screening Report was also submitted to the DMRE in support of the Environmental Authorisation Application. The report does not form part of the DSR/FSR as it is not considered a public document. However, CDH would be able to obtain an independent report from the DFFE screening tool (public) website should the application footprint, specified in this report and the attached maps, be mapped.</p>

LANDOWNER AND INTERESTED & AFFECTED PARTIES

TITLE, NAME AND SURNAME

AFFILIATION/KEY STAKEHOLDER STATUS

CONTACTED DATE

RESPONSE RECEIVED

Additional response to the comments received from Mr Izak Gous on behalf of SIOC Kolomela Mine upon compilation of the DEIAR;

Paragraph 1:

The drilling operation requires ±1 000 l of water/day while the bulk sampling activities will necessitate ±10 000 l/day. Water will be used for dust suppression at the prospecting sites and access roads. Potable water will daily be transported to site by the employees, while the process water will be bought from registered local sources (to be identified) in the vicinity of the prospecting activities and transported to site in a water truck(s).

Once the final target areas were identified the PR Holder will identify the available water sources within the proximity. As water will be obtained from registered sources the PR Holder will have to comply with the standards/requirements of the source's authorisation. Water tally sheets will be maintained to monitor water use quantity and baseline water quality results will be obtained prior to use.

Also refer to the following sections where the possible impact on water sources are discussed and mitigation measures proposed:

- *Part A(1)(g)(iv)(c) Description of specific environmental features and infrastructure on the site - Site Specific Hydrology.*
- *Part A(1)(g)(viii) The possible mitigation measures that could be applied and the level of risk.*
- *Part A(1)(j) Summary of specialist reports.*
- *Part A(1)(k)(i) Summary of the key findings of the environmental impact assessment.*
- *Part B(1)(d)(viii) Has a water use license been applied for?*

Paragraph 2:

Refer to:

- *Part A(1)(g)(viii) The possible mitigation measures that could be applied and the level of risk – Air Quality and Noise Ambiance.*

LANDOWNER AND INTERESTED & AFFECTED PARTIES

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
<p><u>Paragraph 3:</u></p> <p>Refer to:</p> <ul style="list-style-type: none"> • <i>Part A(1)(d)(ii) Description of the activities to be undertaken – Access Roads.</i> • <i>Part A(1)(d)(ii) Description of the activities to be undertaken – Traffic Requirements.</i> • <i>Part A(1)(g)(viii) The possible mitigation measures that could be applied and the level of risk – Access Road Mitigation.</i> <p><u>Paragraph 4:</u></p> <p>Refer to:</p> <ul style="list-style-type: none"> • <i>Part A(1)(g)(viii) The possible mitigation measures that could be applied and the level of risk – Management of safety and security risk posed by prospecting activities to residents</i> • <i>Part A(1)(u)(i(1) Impact on the socio-economic conditions of any directly affected person.</i> <p><u>Paragraph 5:</u></p> <p>Refer to:</p> <ul style="list-style-type: none"> • <i>Part A(1)(g)(viii) The possible mitigation measures that could be applied and the level of risk – Fire Risk Management.</i> <p><u>Paragraph 6 & 7:</u></p> <p>Refer to:</p> <ul style="list-style-type: none"> • <i>Part A(1)(d)(ii) Description of the activities to be undertaken – Waste Handling.</i> • <i>Part A(1)(d)(ii) Description of the activities to be undertaken – Servicing and Maintenance.</i> • <i>Part A(1)(g)(viii) The possible mitigation measures that could be applied and the level of risk – Waste Management.</i> 			

LANDOWNER AND INTERESTED & AFFECTED PARTIES

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
<p><u>Paragraph 8:</u></p> <p>Refer to:</p> <ul style="list-style-type: none"> • <i>Part A(1)(g)(i) Details of the development footprint alternatives considered.</i> • <i>Part A(1)(g)(iv)(c) Description of specific environmental features and infrastructure on the site - Site Terrestrial Biodiversity, Conservation Areas, Groundcover and Fauna.</i> • <i>Part A(1)(g)(viii) The possible mitigation measures that could be applied and the level of risk – Terrestrial Biodiversity, Conservation Areas, Groundcover and Fauna.</i> • <i>Part A(1)(m) Final proposed alternatives.</i> • <i>Part A(1)(g)(viii) The possible mitigation measures that could be applied and the level of risk – Waste Management.</i> 			
<p>Additional response to the comments received from CDH on behalf of SIOC Kolomela Mine upon compilation of the DEIAR;</p> <p><u>Item 1 & 2:</u></p> <p>As noted in <i>Part A (1)(g)(i) Details of the development footprint alternatives considered - c) Design and layout of the activity</i>, although Minrom identified a potential target area on Portion 5 of Bermolli No 583 (Figure 8), the Applicant decided that the farm (including both Portion 4 and 5) will be excluded from the invasive prospecting and/or bulk sampling programme, and therefore no invasive prospecting will take place on either of these properties.</p> <p>The no-go option was accordingly updated to include both Portion 4 and 5 of Bermolli No 583 regarding invasive prospecting as mentioned in <i>Part A(1)(g)(i) Details of the development footprint alternatives considered - f) Option of not implementing the activity (No-go Alternative)</i>.</p> <p><u>Item 3:</u></p> <p>Please refer to Appendix I2 for proof of the publication process thus far conducted.</p>			

LANDOWNER AND INTERESTED & AFFECTED PARTIES			
TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
<p><u>Item 4:</u></p> <p>As mentioned in <i>Part A(1)(d)(ii) Description of the activities to be undertaken – Access Roads</i>, the farm roads will be upgraded where necessary to allow the comfortable movement of the prospecting machinery/vehicles. Where needed jeep-tracks will be opened from the main farm road to the specific prospecting sites in agreement with the landowners. These tracks will be temporary and will be rehabilitated once prospecting ceases and if the landowner do not wish the track to remain. The jeep-track route will as far as possible avoid sensitive vegetated areas, watercourses, and cultivated area and must be approved by the ECO prior to use. Presently the maximum width of a track is expected to be ±5 m. Further to this, the upgrade of the roads/tracks is provided for in GNR 983 of 2014 (as amended) Activity 20.</p>			
Van der Byl Boerdery (Pty) Ltd & Me Valerie Sieberhagen	<ul style="list-style-type: none"> Engelsdraai No 221 Portion 1 of Engelsdraai No 221 Remaining Extent of Farm No 218 Portion 2 of Farm No 218 	22 February 2024	Various telephonic discussions.
<p>Apart from telephonic discussions with this landowner, Greenmined did not yet receive any written correspondence regarding the project. However, as landowner, Me Sieberhagen is considered a registered I&AP for both the Remaining Extent and Portion 1 of Engelsdraai No 221 that will be kept informed throughout the EIA process.</p>			
KG Mining (Pty) Ltd & Mr and Mrs Maritz	<ul style="list-style-type: none"> Witdraai 204 Portion 1 of Witdraai 204 Portion 1 of Farm No 203 Portion 2 of Farm No 203 	22 February 2024	No comments received
Abraham Willem Adriaan van Wyk Testamentêre Trust & Me TJ van Wyk & Me M and Mr PJ van Biljon	<ul style="list-style-type: none"> Vaalwater No 84 Portion 1 of Vaalwater No 84 Portion 2 of Vaalwater No 84 Farm No 570 	22 February 2024	No comments received

LANDOWNER AND INTERESTED & AFFECTED PARTIES			
TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
T&B van Wyk Familie Trust (Tok van Wyk)	Moidraai No 310	Invited to register on the project through the Noordkaap Bulletin advertisement (22 February 2024) & emailed 05 March 2024	No comments received
ERG Management (South Africa) (Pty) Ltd	Portion 1 of Kongoni No 311	22 February 2024	No comments received
Assmang Ltd (Blackrock Mine Operations)	Telele No 312	22 February 2024	01 March 2024
Me C Vries registered Blackrock Mine Operations as an IAP on this project.			
Greenmined acknowledged receipt of the registration on 04 March 2024.			
Ampie Coetsee	Roldraai No 333	22 February 2024	No comments received
Eben Anthonissen	Perth No 276	22 February 2024	No comments received
Saltrim Ranches (Pty) Ltd	Middelplaats No 332	22 February 2024	No comments received

LANDOWNER AND INTERESTED & AFFECTED PARTIES			
TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
Dawid Fourie	Annex Langdon No 278	22 February 2024	No comments received
Jacobus Petrus Jansen	York A No 279	23 February 2024	No comments received
TJ Jansen	York 279 Portion 12	23 February 2024	No comments received
DP World previously known as Imperial Logistics South Africa Group (Pty) Ltd	Portion 13 of York A No 279	Invited to register on the project through the Noordkaap Bulletin advertisement (22 February 2024) & emailed 05 March 2024	25 March 2024 & 26 March 2024
<p>Mr W Pretorius asked confirmation whether his property (Portion 13 of York No 279) borders the proposed PR application area.</p> <p>Upon confirmation that the said property borders the proposed application area, Mr Pretorius requested a full version of the DSR, and confirmed that DP World acquired Imperial Logistics South Africa Group (Pty) Ltd.</p>			
<p>Greenmined responded on 26 March 2024 that the property does border the application area, and that Mr Pretorius was registered as I&AP on the project and will be kept informed throughout the EIA process.</p>			
<p>Greenmined, supplied Mr Pretorius with a copy of the DSR as well as the link to the website where the full report and appendices can be accessed. Any additional comments received from Mr Pretorius will be incorporated into the DEIAR that will follow should the FSR be approved.</p>			
Eksteen Kotze	Farm No 231	Invited to register on the project through the Noordkaap Bulletin advertisement (22	No comments received

LANDOWNER AND INTERESTED & AFFECTED PARTIES			
TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
		February 2024) & emailed 28 February 2024	
Kriel Boerdery Trust	<ul style="list-style-type: none"> • RE of Farm No 228 • Portion 1 of Farm No 228 	Telephonic discussions with Mr Kriel as he does not have an email.	Mr Kriel confirmed that he has no comments or objections.
Mr HT Snijman & Hennie Tjaart Snijman Testamentêre Trust	<ul style="list-style-type: none"> • Remaining Extent of Watervlak No 585, • Portion 2 of Watervlak No 60 • Remaining Extent of Gras Vlakte No 61, • Remaining Extent of Farm No 223 	22 February 2024	No comments received
Floradale Boerdery CC	Farm No 230	Invited to register on the project through the Noordkaap Bulletin advertisement (22 February 2024) & emailed 05 March 2024	No comments received
Pieter Bredenkamp Trust	Farm No 222	Invited to register on the project through the Noordkaap Bulletin advertisement (22 February 2024) & emailed 05 March 2024	No comments received
Coeta-M Trust	Farm No 224	Invited to register on the project through the Noordkaap Bulletin advertisement (22 February 2024) & emailed 05 March 2024	No comments received
QCK Lezmin 4677 (Pty) Ltd	Portion 3 of Farm No 210	Invited to register on the project through the Noordkaap Bulletin advertisement (22 February 2024) & emailed 05 March 2024	No comments received

LANDOWNER AND INTERESTED & AFFECTED PARTIES			
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Johannes Hendrik Coetzee	<ul style="list-style-type: none"> • Paauwvontein No 209 • Portion 1 of Gekonsolideerde Plaas No 210 	Invited to register on the project through the Noordkaap Bulletin advertisement (22 February 2024) & emailed 05 March 2024	No comments received
Maarten Coetzee Lambrechts	<ul style="list-style-type: none"> • Farm No 200 • Portion 1 of Farm No 200 • Farm No 201 • Portion 1 of Farm No 201 • Portion 1 of Farm No 202 • Farm No 203 • Oudemeideskloof No 205 	Invited to register on the project through the Noordkaap Bulletin advertisement (22 February 2024) & emailed 05 March 2024	No comments received
Adam Johannes Christiaan Van Wyk	Cone No 82	Invited to register on the project through the Noordkaap Bulletin advertisement (22 February 2024) & emailed 05 March 2024	No comments received
Abrie Nel & Me DGS Murray	Zaai Plaats No 83	Invited to register on the project through the Noordkaap Bulletin advertisement (22 February 2024) & emailed 05 March 2024	No comments received
Paul van Zyl	Kopje No 85	Invited to register on the project through the Noordkaap Bulletin advertisement (22 February 2024) & emailed 05 March 2024	No comments received
Frederick Petrus Van der Schyff	<ul style="list-style-type: none"> • RE of Dell No 92 • RE of Range No 93 	Invited to register on the project through the Noordkaap Bulletin advertisement (22 February 2024) & emailed 05 March 2024	No comments received

LANDOWNER AND INTERESTED & AFFECTED PARTIES

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACTED DATE	RESPONSE RECEIVED
Jacobus Wessel Van Niekerk	<ul style="list-style-type: none"> • Matsap No 81 • Farm No 79 	Invited to register on the project through the Noordkaap Bulletin advertisement (22 February 2024) & emailed 05 March 2024	No comments received
Oberholster Anna Gertruida B/E & Oberholster Anna Gertruida Trust	<ul style="list-style-type: none"> • Bergenaars Pad No 225 • Farm No 220 	Invited to register on the project through the Noordkaap Bulletin advertisement (22 February 2024) & emailed 05 March 2024	No comments received
Roelof Jacobus Coetzee	Paardekloof No 219	Invited to register on the project through the Noordkaap Bulletin advertisement (22 February 2024) & emailed 05 March 2024	No comments received
Mr A Williams	Postmasburg Boervereniging (Agri Postmasburg)	22 February 2024	Mr A Williams was registered as I&AP on the project as he represents Agri Postmasburg.

SUMMARY OF PUBLIC PARTICIPATION PROCESS THUS FAR

The I&AP's and stakeholders were informed of the proposed project and invited to comment on the DSR through:

- telephonic discussions;
- direct notification with notification documents;
- placement of on-site notices;
- the placement of advertisements in the Noordkaap Bulletin.

To date comments/objections/registrations were received from the following entities:

- Blackrock Mine Operations;
- DWS;
- Kudumane Manganese Resources (Pty) Ltd & Malan Scholes Incorporated (MSI);
- Mr A Williams (Agri Postmasburg);
- Me C Lambrechts (Portion 4 of Bermolli No 583);
- Mr J Bredenkamp (Portion 3 of Gekonsolideerde Plaas No 210);
- Mr W Pretorius (DP World formerly known as Imperial Logistics South Africa Group (Pty) Ltd / Portion 13 of York No 279);
- Sishen Iron Ore Company (SIOC) & Cliffe Dekker Hofmeyr (CDH);
- Transnet SOC Ltd; and
- United Manganese of Kalahari (Pty) Ltd.

All stakeholders and registered I&AP's will be invited to comment on the DEIAR. Also refer to Appendix I for the proof of public participation conducted thus far.

-END OF COMMENTS AND RESPONSE REPORT-