

COMMENTS AND RESPONSE REPORT

MIDDELWATER EXPLORATION CO (PTY) LTD INTENDS
TO APPLY FOR A PROSPECTING RIGHT ON THE FARM
MIDDELWATER 18, PORTION 0 (ALSO KNOWN AS
REMAINING EXTENT) SIYATHEMBA LOCAL
MUNICIPALITY, PIXLEY KA SEME DISTRICT
MUNICIPALITY, PRIESKA ADMINISTRATIVE DISTRICT,
NORTHERN CAPE PROVINCE

REFERENCE NUMBER: NC 30/5/1/1/2/ 12268 PR

NOTIFICATION OF APPLICATION TO STAKEHOLDERS AND I&AP'S DURING INITIAL PUBLIC PARTICIPATION PHASE

COMMENTING PERIOD: 15 AUGUST - 17 SEPTEMBER 2018

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACT DETAILS	CONTACTED DATE	RESPONSE RECEIVED
Mrs H Samson Me Nadia Paulse	Department of Economic Development and Tourism	npaulse@ncpg.gov.za	15 August 2018	No Comments Received
Mr Kholekile Nogwili	Department of Roads and Public Works	KNogwili@ncpg.gov.za	15 August 2018	No Comments Received
Mr W D Mothibi	Department of Agriculture, Land Reform and Rural Development	fortunec@ncpg.gov.za	15 August 2018	No Comments Received
Ms Mangalane Du Toit	Department of Rural Development and Land Reform (DRDLR) - Land Claims	Mangalane.DuToit@drdlr.gov.za	15 August 2018	No Comments Received
Mr Albanie	Department of Labour	zolile.albanie@labour.gov.za	15 August 2018	No Comments Received
Director for Environmental Quality Management Mr B Fisher	Department of Environment and Nature Conservation	bfisher@ncpg.gov.za, nuys.denc@gmail.com	15 August 2018	6 September 2018

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACT DETAILS	CONTACTED DATE	RESPONSE RECEIVED
<p><u>Response received on 6 September 2018:</u></p> <p>Please take note provincial permits are needed for drilling at sites where any specially protected and protected plant and animal species are impacted / destroyed/ moved in terms of the Northern Cape Nature Conservation Act no 9 of 2009.</p> <p>Permits are also needed for instances where indigenous plant species are impacted up to 100m from middle of roads and rivers (regulation 51(1)) or for large scale clearing (regulation 51 (2)).</p> <p>An offset study is needed as the development falls in a CBA area. Please also consult the FEPA map and the Wetland offset guide as the one section in your map looks like it could be a possible drainage line. Wetland offset guide http://www.wrc.org.za/Knowledge%20Hub%20Documents/Research%20Reports/TT%20660%20-%20Jo_web.pdf</p>				
<p><u>Greenmined Environmental replied on 27 August 2018:</u></p> <p>Thank you for the information regarding the provincial permits needed for the prospecting site. All prospecting activities will be taking place in the already existing gravel/farms roads and no areas will need to be opened for the proposed prospecting activities.</p> <p>If we need to open an area where protected plant or animal species occur, we will apply for the relevant permits.</p> <p>We are also in process of appointing a Botanical and Wetland Specialist to conduct studies on the farm.</p>				
Me Melinda Mei	Water Quality Management: Orange Proto-CMA	MeiM@dws.gov.za	15 August 2018	No Comments Received
Me Jacoline Mans	Department of Agriculture, Forestry and Fisheries	JacolineMa@daff.gov.za	15 August 2018	21 August 2018

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACT DETAILS	CONTACTED DATE	RESPONSE RECEIVED
<p><u>Response received 21 August 2018:</u></p> <p>The company is to not cut, disturb or destroy any protected tree. The company is not to possess, collect remove or transported any protected trees without any permissions from the minister. Licence needs to be obtained if any protected tree must be removed that would be valid for 2 years. protected trees are located in the area, where a buffer should be maintained. CBA of the Northern cape map must be overlayed to see if the site falls within in CBA area. DENC must be contacted.</p>				
<p><u>Greenmined Environmental replied on 2 October 2018:</u></p> <p>No removal, destroying or cutting any protected trees as listed by the commenting letter.</p> <p>Map of the proposed prospecting site on the Northern Cape Critical Biodiversity Area (CBA) as requested in point 2.3. From this map, the proposed prospecting area does fall within a CBA and ESA and therefore Nature Conservation will be consulted.</p>				
Municipal manager Mr R Stadhouer	Siyathemba Local Municipality	hettie@siyathemba.gov.za	15 August 2018	No Comments Received
Cllr Pieter Willem Saaiman	Siyathemba Local Municipality Ward 5	hettie@siyathemba.gov.za	15 August 2018	No Comments Received
Municipal Manager Mr. R. E. Pieterse	Pixley Ka Seme District Municipality	mm@pksgdm.gov.za	15 August 2018	No Comments Received
Mev Elsa De Hart Me Fatima Daniels Mr Leon Jacobs	Petrus Jacobus De Hart Trustees	Fatima.daniels@standardbank.co.za leon.jacobs@standardbank.co.za	17 August 2018	No Comments Received

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACT DETAILS	CONTACTED DATE	RESPONSE RECEIVED
Mr Pieter Erasmus Me Cornelia Erasmus	Panagis Vervoer Pty Ltd	0712301669@vodamail.co.za 0712301669@vodamail.co.za	17 August 2018	27 August 2018
Mr Pieter Erasmus and Me Cornelia Erasmus registered as I&AP's				
Greenmined Environmental acknowledge registration.				
Mr Daniel Barend Lubbe	DB Lubbe Family Trust	db.prieska@gmail.com	17 August 2018	No Comments Received
Director/s	DJ Cloete & Fourie Pty Ltd	Spitskop Farm Prieska, Northern Cape 8940	17 August 2018	No Comments Received
Director/s	GF Diamond Mining PTY Ltd	1 Noakes Ave De Beers Kimberley 8301	17 August 2018	No Comments Received
Director/s	Great Force Investments 3 Pty Ltd	PO Box 895, Robertson 6705	17 August 2018	No Comments Received

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACT DETAILS	CONTACTED DATE	RESPONSE RECEIVED
Director/s	Hentiq 2338 PTY Ltd	Spitskop Farm Prieska, 8940	17 August 2018	No Comments Received
Trustees	K & G Vlok Trust	PO Box 7166 Flamwood Klerksdorp, 2575	17 August 2018	No Comments Received
Mr Lohan Faber	Mr Lohan Faber	40 Bender Street, Kimberley 8301	17 August 2018	No Comments Received
ALS(Wadala) Mining	Mr Oosthuizen	roosthuizen950@gmail.com	19 October 2018	No Comments Received
Upload onto SAHRIS on 17 August 2018				

SUMMARY OF PARTICIPATION PROCESS

1. The I&AP's and stakeholders were informed of the proposed project through:

- telephonic discussions,
- direct communication with notification letters,
- placement of on-site notices, and
- placement of advert in the Express Northern Cape on 15 August 2018

The following I&AP's registered on the project:

- Department of Environment and Nature Conservation (Me Natalie Uys)
- Department of Agriculture, Forestry and Fisheries (Me Jacoline Mans)
- Panagis Vervoer Pty Ltd (Mr Pieter Erasmus and Me Cornelia Erasmus)

See attached Appendix A as proof of the correspondence with the I&AP's and stakeholders during the public participation process.

NOTIFICATION OF THE DRAFT BASIC ASSESSMENT TO STAKEHOLDERS AND I&AP'S DURING SECOND PUBLIC PARTICIPATION PHASE

COMMENTING PERIOD: 6 NOVEMBER – 9 DECEMBER 2018

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACT DETAILS	CONTACTED DATE	RESPONSE RECEIVED
Mrs H Samson Me Nadia Paulse	Department of Economic Development and Tourism	npaulse@ncpg.gov.za	6 November 2018	No Comments Received
Mr Kholekile Nogwili	Department of Roads and Public Works	KNogwili@ncpg.gov.za	6 November 2018	No Comments Received
Mr W D Mothibi	Department of Agriculture, Land Reform and Rural Development	fortunec@ncpg.gov.za	6 November 2018	No Comments Received
Ms Mangalane Du Toit	Department of Rural Development and Land Reform (DRDLR) - Land Claims	Mangalane.DuToit@drdlr.gov.za	6 November 2018	No Comments Received
Mr Albanie	Department of Labour	zolile.albanie@labour.gov.za	6 November 2018	No Comments Received
Director for Environmental Quality Management Mr B Fisher	Department of Environment and Nature Conservation	bfisher@ncpg.gov.za, nuys.denc@gmail.com	6 November 2018	No Comments Received

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACT DETAILS	CONTACTED DATE	RESPONSE RECEIVED
Me Melinda Mei	Water Quality Management: Orange Proto-CMA	MeiM@dws.gov.za	6 November 2018	No Comments Received
Me Jacoline Mans	Department of Agriculture, Forestry and Fisheries	JacolineMa@daff.gov.za	6 November 2018	No Comments Received
Municipal manager Mr R Stadhouer	Siyathemba Local Municipality	hettie@siyathemba.gov.za	6 November 2018	No Comments Received
CLlr Pieter Willem Saaiman	Siyathemba Local Municipality Ward 5	hettie@siyathemba.gov.za	6 November 2018	No Comments Received
Municipal Manager Mr. R. E. Pieterse	Pixley Ka Seme District Municipality	mm@pkSDM.gov.za	6 November 2018	No Comments Received
Mev Elsa De Hart Me Fatima Daniels Mr Leon Jacobs	Petrus Jacobus De Hart Trustees	Fatima.daniels@standardbank.co.za leon.jacobs@standardbank.co.za	6 November 2018	No Comments Received
Mr Pieter Erasmus Me Cornelia Erasmus	Panagis Vervoer Pty Ltd	0712301669@vodamail.co.za 0712301669@vodamail.co.za	6 November 2018	27 August 2018
OBJECTION AGAINST AN APPLICATION FOR A PROSPECTING RIGHT: MIDDELWATER EXPLORATION CO (PTY) LTD / MIDDELWATER 18 We confirm that we act on behalf of Panagis Vervoer (Pty) Ltd, who is the surface owner of Portion 1 (Dagbreek) of the farm Middelwater 18, Registration Division: Prieska, Northern Cape Province, Extent: 4282.6508 hectares, held under Title Deed: T62464/2009.				

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACT DETAILS	CONTACTED DATE	RESPONSE RECEIVED
<p>Our client is a neighbour and thus an interested and affected party in the application for the prospecting right by Middelwater Exploration Co (Pty) Ltd (“the Applicant”) on the Remaining Extent of the farm Middelwater 18, Registration Division: Prieska, Northern Cape Province, Extent: 6821.1414m, held under Title Deed: T11568/1967, by the Trustees of the Petrus Jacobus de Hart Trust, to prospect for Beryllium, Cobalt, Copper, Feldspar, Gold, Iron Ore, Lead, Lithium, Manganese, Mica, Nickel, Silver, Tantalum, Tin, Tungsten, Uranium and Zinc. We request that all future correspondence is directed to our office for the attention of Japie van Zyl.</p> <p>In terms of Regulation 41(2)(b)(ii) of the National Environmental Management Act (“NEMA”) a neighbour of a farm over which an application for a prospecting right is submitted is an interested and affected party who must be consulted with. Our client was not consulted with as interested and affected party.</p> <p>We have notified the Department of Mineral Resources (“DMR”) that we object against the application for the prospecting right. The Constitutional Court has held in the Bengwenyama Minerals (Pty) Ltd case that consultation regarding a prospecting right, means:</p> <p><i>(a) inform the landowner in writing that his application for prospecting rights on the owner’s land has been accepted for consideration by the Regional Manager concerned;</i></p> <p><i>(b) inform the landowner in sufficient detail of what the prospecting operation will entail on the land, in order for the landowner to assess what impact the prospecting will have on the landowner’s use of the land;</i></p> <p><i>(c) consult with the landowner with a view to reach an agreement to the satisfaction of both parties in regard to the impact of the proposed prospecting operations;”</i></p> <p>As advised herein, the applicant has not fulfilled the duty to consult with our client as interested and affected party. As our client is entitled to the information relating to the application for the prospecting right permit we kindly as a matter of urgency request: a copy of the application for the prospecting right;</p> <ol style="list-style-type: none"> 1. a copy of the prospecting work programme; 2. a copy of the environmental management plan (including but not limited to the scoping reports and the application for the environmental authorization); 3. proof of the applicant’s access to financial resources and technical ability to conduct 4. the prospecting operations optimally; 5. a copy of the financing plan; 6. reasons why the prospecting will not result in unacceptable pollution, ecological degradation or damage to the environment; 				

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACT DETAILS	CONTACTED DATE	RESPONSE RECEIVED
<p>7. proof that the applicant has the ability to comply with the relevant visions of the Mine Health and Safety Act;</p> <p>8. a copy of the Regulation 2(2) map.</p> <p>We kindly also receive the following information:</p> <ol style="list-style-type: none"> 1. When and where will the foreseen activities be undertaken? 2. How many people will be employed for the prospecting activities and be present while prospecting is conducted? 3. How the applicant foresees to get access to the Property? 4. We need full particulars of the rehabilitation plan. How rehabilitation will be conducted and the amount to be provided as a rehabilitation guarantee? 5. Where will water be obtained? 6. What will be done to comply with the Mine Health and Safety Act and to prevent damages and losses to and of animals, people, etc.? 7. How dust control will be undertaken? 8. How many earth moving machines will be brought to the Property? 9. Why will the prospecting activities not result in significant pollution, ecological degradation and damage to the environment? 10. Copies of all the specialist studies undertaken. 11. A copy of the technical and financial report submitted with the application for the prospecting right. 12. Copies of all the documents that makes up the public participation process. 13. Copy of the acceptance letter. 14. Copies of all the documents that made up the application for the prospecting right. <p>Our client reserves her rights to amplify her objection once the information and documents as requested have been provided and our client had the opportunity to study these. All our client's rights are and remain reserved.</p>				

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACT DETAILS	CONTACTED DATE	RESPONSE RECEIVED
<p>N/A</p> <p>Dear Mr van Zyl,</p> <p>The above matter as well as your letter dated 23 October 2018 refers.</p> <p>Your client (Panagis Vervoer (Pty) Ltd) has indeed been registered as an interested and affected party and have been consulted with regards to this application. Please find attached hereto the background information document sent to your client, as well as proof that it was delivered.</p> <p>We would also like to confirm that your client, whilst registering as an I&AP indicated that they have no objections to the proposed prospecting right application. Please also find attached hereto the completed forms received from your client. Also attached hereto is the regulation 2.2 map, as requested.</p> <p>Therefore your correspondence came as quite a surprise to us as your client already indicated that there is no objection to this application.</p> <p>We would like to bring to your attention that your quoted case of Bengwenyama Minerals (Pty) Ltd refers to consultation with the landowner with regards to a prospecting right application. Your client is however not the landowner, but only a neighbour to the property on which the application is made.</p> <p>Please note that your client will continue to receive information on the progress of this application and will also be invited to a public participation meeting.</p> <p>We trust you will find this in order.</p>				
Mr Daniel Barend Lubbe	DB Lubbe Family Trust	db.prieska@gmail.com	6 November 2018	No Comments Received

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACT DETAILS	CONTACTED DATE	RESPONSE RECEIVED
AANSOEK VIR PROSPEKTEER REG: MIDDELWATER EXPLORATION COMPANY: PLAAS MIDDEWATER NO 18, DISTRICT PRIESKA				
<p>1. Ons rig hierdie brief aan u in opdrag van die trustees van die DB Lubbe Familie Trust wie die geregistreede eieneaar is volgende ongeroerende eindeom, naamlik:</p> <p>Gedeelte 2 van die Plaas Nommer 18 Gelee in Afdeling Prieska, Provinsie Noordkaap Groot 4283, 4047Ha Gehou kragtens transportakte nommer T46987/2011</p> <p>2. Vanwee die trust se eneinaarskap van voormelde einddom, is die trust 'n geinstreseerde en geaffekteerde party ingevolgte die wet op MPRDA en NEMA.</p> <p>3. Dit is ons opdrag om op record te plaas dat Middelwater Exploration Company op die datum hiervan nog nie met ons klient gekonsulteer het nie. In hierdie verband plaas ons voort op record dat die gee van 'n kennisgewing neie konsultasie data stel nie en is dit 'n voorveiresite van ons klient dat daar met ons klient geskakel wrd en in konsultasie gevoer word wat betref die voorgenome prospekter aktiwitietite van Middelwater Exploration Company. In hierdie verband hou ons klient se regte voor.</p> <p>4. Wat betref die inligtingsdokument gedateer 17 August 2018 soos aan ons kline beskikbaar gestel, is di tons opdrag om die volgende komenraar daaraangaande te lewer:</p> <p>5. Bykomed tot bogenoemde moet die volgende aspekte in oorweging genem word deur die applicant (vir inoeging in die voorgestelde oppervlaksgebruiksooreenkoms), naamlik:</p> <p>5.1. 'n Rehabilitasie bedrag ten bedra van R100 000 moet by Duncan & Rotman Ing inbetaal word as sekuriteit vir die rehabilitasie verpligtinge van die applicant. Hierdie versoek is bykomend tot die rehabilitasie waarborg wat deur die DMR vereis sal word.</p> <p>5.2. Die toegangspad wat strek tussen Prieska en Marydale na die eiendom van ons kliënt, moet deur die applicant instand gehou word aangesien ons kliënt van hierdie toegangspad gebruik vir die vervoer van landbou produkte. Die instandhouding van hierdie pad is van karinale belang veral indien u kliënt se swaar voertuie op 'n daaglikse basis die pad gaan gebruik.</p> <p>5.3. Ons kliënt verlang da nook dat 'n bedrag van R 1000 per boorgat plus BTW betaal word aan ons klient vir die hindernis wat versoorsaak gaan word weens die teenwoordigheid op ons kliënt se eindom van die applicant en die applicant se kontrakteurs.</p> <p>5.4. Daar mag onder geen omstandighede water onttrek word vanuit boorgate op ons kliënt se eiendom of vanuit enige ander waterbron behalwe met die goedkeuring vand DWS hieraangaande word versoek.</p> <p>5.5. Behoorlike sekuriteitsreelings moet in plek gestel word. 'n toegangsprotokol moet ook onderhandel word.</p> <p>6. Ter afsluiting vestig ons u aandag daarop dat die eiendom gesoneer is vir landbou doeleindes en nie vir mynbou doeleindes nie. Ons kliënt kan dus nie toestemming verleen dat daar prospekter werksaamhede op die eiedom verrig word altevorens die eiendom hersoneer is vir die gebruik daarvan soos</p>				

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<p>beoog deur U kliënt. In hierdie verband sal ons kliënt natuurlik geken moet woes in die aansoek vir die toestaan van hersoneeringins gebruik en sal u kliënt uitsluitlik verantwoordelik gehou moet word vir die betaling van verhoogde belasting wat gehef mag word vanewee die hersonering van die eindom.</p> <p>7. Ons ontvang da nook graag die volgende:</p> <p>7.1. Bewys van aanamae can die pllikant se aansoek uitgereik deur die streeksbestuurder van die DMR.</p> <p>7.2. 'n afskrif van die volledige aansoek soos ingedien deur die applikant by die DMR.</p> <p>8. Ons behoud al ons kliënt se regte voor.</p>				
<p>A letter has been send to the DB Lubbe Trust attorneys in this regard. No prospecting will be done on Portion 2 of the Farm Middelwater Portion 18.</p>				
ALS (Wadala)Mining	Mr Oosthuizen	roosthuizen950@gmail.com	6 November 2018	30 November 2018
<p>We have lodged an Prospecting Right application for Kunswa Mining on the same property for Diamonds, please explain how the operation will be prospecting simultaneously.</p>				

TITLE, NAME AND SURNAME	AFFILIATION/KEY STAKEHOLDER STATUS	CONTACT DETAILS	CONTACTED DATE	RESPONSE RECEIVED
<p>Middelwater Exploration Co (Pty) Ltd intends to apply for a prospecting right on the farm Middelwater 18 PR, portion 0 (also known as remaining extent), Siyathemba Local Municipality, Pixley Ka Seme District Municipality, Prieska Administrative District, Northern Cape Province. The farm Middelwater 18 is situated approximately 33 km North-West of Prieska, Northern Cape Province, adjacent to the Orange River. The commodity of interest is Beryllium, Cobalt, Copper, Feldspar, Gold, Iron Ore, Lead, Lithium, Manganese, Mica, Nickel, Silver, Tantalum, Tin, Tungsten, Uranium and Zinc. The prospecting methods will entail exploration drilling of the proposed footprint area, and is described below:</p> <p>Description of planned non-invasive activities:</p> <ul style="list-style-type: none"> ■ Desktop studies [Month 0 – 3] ■ Geological Field Mapping [Month 3 - 6] ■ Ground Magnetic Survey [Month 3 - 6] <p>Description of Planned Invasive Activities:</p> <ul style="list-style-type: none"> ■ Drilling: <p>Due to the remote location of the excavation area, the potential impacts on the surrounding environment associated with prospecting is deemed of low significance. It is proposed that all prospecting related temporary infrastructure will be contained within the boundary of the prospecting area. As no permanent buildings will be established on site the layout / position of the temporary infrastructure will be determined by the prospecting progress and available space within the ±5842.33Ha of prospecting area. Middelwater Exploration Co (Pty) Ltd will make use of temporary infrastructure during the prospecting operations. Prospecting only to be done in gravel roads, where no flora will need to be removed or disturbed. Workers will be transported to and from the site daily.</p> <p>As Middelwater Exploration Co (Pty) Ltd and Kunswa Mining will not be mining for the same minerals on the property, with different prospecting methods to be applied, the two companies can operate simultaneously on the same property. As mentioned above, Middelwater Exploration will conduct their prospecting drill holes in the roads that enter the site to minimise the impact on the environment. As the property is located in a CBA area, a letter was received from DAFF indicating that provisional permits are needed to prospect close to the FEPA and Wetlands areas. Middelwater Exploration will not be prospecting close to any rivers or offset areas as in the case with diamond mining. Please refer to the map attached, indicating the proposed prospecting boreholes that is located within the roads to site.</p>				
<p>Upload onto SAHRIS on 6 November 2018</p>				

SUMMARY OF PARTICIPATION PROCESS

The I&AP's and stakeholders were informed of the proposed project through:

- telephonic discussions,
- direct communication with notification letters,
- placement of on-site notices, and
- placement of an advertisement in the Express Northern Cape on 15 August 2018

The Draft Basic Assessment Report was subsequently compiled and all the I&AP's and stakeholders listed above will be contacted and provided with a chance to comment on the Draft Basic Assessment Report. A 30 days commenting period will be allowed for perusal of the documentation by the I&AP's and stakeholders. Comments received on this document will be added to the Final Scoping Report to be submitted to DMR for review.

See attached Appendix A as proof of the correspondence with the I&AP's and stakeholders during the public participation process.

