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Department:
Environment & Nature Conservation
NORTHERN CAPE PROVINCE
REPUBLIC OF SOUTH AFRICA

Private Bag X6102, Kimberley, 8300, Metlfe Towers, T-Floor, Tel: 053 807 7300, Fax: 053 807 7328

Equiries :
Dipatlisilo : Ms. L Karsten
Navrae :
Imibuzo
Reference :
Tshupelo : **NC/EIA/NAM/KHA/AGG/2012**
Verwysing : **NCP/EIA/0000155/2012**
Isalathiso

Date : 12th August 2013
Letlha :
Datum :
Umhla :

Mr. P.D Venter
Blackmountain Mining (Pty) Ltd
Private Bag X01
Black Mountain
Aggeneys
8893

054 – 983 9353
pdventer@blackmountain.co.za

Dear Sir

THE GRANTING OF THE ENVIRONMENTAL AUTHORISATION FOR: GN.R544: ACTIVITIES 9(I) (II), 10 (I) (II), 11 (I) (II) (III) (IV) (V) (VI) (VII),(IX) (X) , 11,13,18,22,23,26,37,38,47, AND GN.R 545: ACTIVITIES 3,5,6,8,11,15,26, AND GN R546: ACTIVITIES 4,12,13,14,16: GAMSBERG ZINK MINE AND ASSOCIATED INFRASTRUCTURE, AT APPROXIMATELY 15KM EAST OF AGGENEYS, ALONG THE EASTERN BORDER OF THE N14 NATIONAL ROAD, ALSO THE TRANSMISSION LINE FROM THE EXISTING AGGENEYS SUB-STATION TO THE GAMSBERG MINE, KHAI-MA LOCAL MUNICIPALITY, NAMAKWA DISTRICT MUNICIPALITY, NORTHERN CAPE PROVINCE.

By virtue of the powers conferred to me by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Regulations, 2010, **THE DEPARTMENT HEREBY GRANTS THE ENVIRONMENTAL AUTHORISATION** FOR: GN.R544: ACTIVITIES 9(I) (II), 10 (I) (II), 11 (I) (II) (III) (IV) (V) (VI) (VII),(IX) (X) , 11,13,18,22,23,26,37,38,47, AND GN.R 545: ACTIVITIES 3,5,6,8,11,15,26, AND GN R546: ACTIVITIES 4,12,13,14,16: GAMSBERG ZINK MINE AND ASSOCIATED INFRASTRUCTURE, AT APPROXIMATELY 15KM EAST OF AGGENEYS, ALONG THE EASTERN BORDER OF THE N14 NATIONAL ROAD, ALSO THE TRANSMISSION LINE FROM THE EXISTING AGGENEYS SUB-STATION TO THE GAMSBERG MINE, KHAI-MA LOCAL MUNICIPALITY, NAMAKWA DISTRICT MUNICIPALITY, NORTHERN CAPE PROVINCE. A detailed description of the activity is given in the Final Environmental Impact Assessment Report and Environmental Management Plan Dated May 2013; subject to the conditions listed in the environmental authorisation the environmental authorisation and reasons for the decision are attached herewith.

In terms of regulation 10(2) of the Environmental Impact Assessment Regulations, 2010, you are instructed to notify all registered interested and affected parties, in writing and within seven (7) calendar days of receiving of this letter, of the Department's decision in respect of your application as well as the provisions regarding the making of appeals that are provided for in the regulations.

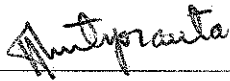
Permit 43/2013

Your attention is drawn to Chapter 7 of the Regulations which regulates appeal procedures. Should you / any person affected by this decision wish to appeal any aspect of the decision, you or a person affected by this decision must, *inter alia*, lodge a notice of intention to appeal, as prescribed in regulation 62 of Environmental Impact Assessment Regulations, 2006, with the Member of the Executive Council, Ministry of Environment and Nature Conservation within 10 days of receiving this letter, by means of one of the following methods:

By facsimile: (053) 832 1026;
By post: Private Bag x 6102, Kimberley, 8300 or
By hand: T-Floor, Metlife Towers, Kimberley, 8300.

Should you decide to appeal, you must serve a copy of your notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection.

Yours faithfully



Mr. JJ Mutyorauta: Director

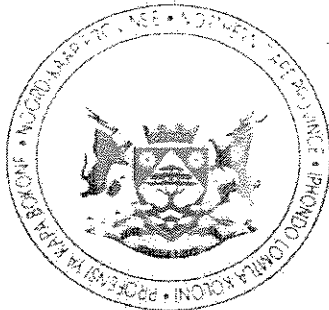
Environmental Quality management

Department of Environment and Nature Conservation

DATE OF DECISIONS: 13th August 2013

Cc: Attention: Mr. S. Heather-Clark
Environmental Resources Management Southern Africa
Tel: 021 702 9100
Fax: 021 701 7900
McI.pillay@erm.com

Northern Cape Province
DEPARTMENT OF
ENVIRONMENT & NATURE
CONSERVATION



Porofensi Ya Kapa Bokone
LEFAPHA LA TIKOLOGO LE
TSHOMARELO YA THLAGO

ENVIRONMENTAL AUTHORISATION

in terms of National Environmental Management Act, 1998 (Act No. 107 of 1998) and the
Environmental Impact Assessment Regulations, 2010

Authorisation Register Number:	Permit 43/2013
Reference Number:	NC/BA/NAM/KHA/AGG/2012 NCP/EIA/0000155/2012
Last Amended:	N/A
Holder of Authorisation:	BLACK MOUNTAIN MINING (PTY) LTD
Location of activity:	APPROXIMATELY 15 KM EAST OF AGGENEYS, ALONG THE EASTERN BORDER OF THE N14 NATIONAL ROAD.

DEFINITIONS

Activity means an activity identified in Government Notice No. R. 544, R. 545 and No. R. 546 of 2010 as a listed activity.

Applicant means a person who submitted an application.

Application means an application for an environmental authorization in terms of chapter 3 of these regulations

Basic Assessment means a process contemplated in regulation 21

Basic Assessment Report means a report contemplated in regulation 22

EAP means an environmental assessment practitioner as defined in section 1 of the Act

Environmental management plan means an environmental management plan in relation to identified or specified activities envisaged in chapter 5 of the Act and described in regulation 33

Interested and affected parties means a interested and affected party contemplated in section 24(4)(d) of the Act, and which in terms of that section includes

- Any person, group of persons or organisation interested in or affected by an activity, and
- Any organ or state that may have jurisdiction over any aspect of the activity

Public participation process means a process in which potential interested and affected parties are given an opportunity to comment on, or rare issues relevant to, specific matters

The Act means the National Environmental Management Act, 1998 (Act No. 107 of 1998)

DECISION

The Department is satisfied, on the basis of information available to it and subject to compliance with conditions of this environmental authorisation, that the applicant should be authorised to undertake the activity specified below.

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

ACTIVITIES AUTHORISED

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Regulations, 2010 the Department hereby authorises –

Black Mountain Mining (Pty) Ltd

with the following contact details –

Mr. P. D. Venter
Private Bag x01
Black Mountain
Aggeneys
8893
Tel: 054 983 9256
Fax: 054 983 9353

To undertake the following activities (hereafter referred to as "the activities") –

*Gamsberg Zink Mine and associated infrastructure in Northern Cape
(GN.R 544, activities 9 (i), (ii), 10 (i), (ii), 11 (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix), (x), (xi), 11, 13, 18, 22, 23, 26, 37, 38, 47, GN.R 545, activities 3, 5, 6, 8, 11, 15, 26, GN.R 546 activities 4, 12, 13, 14, 16 and 19)*

At approximately 15 km east of Aggeneys, along the eastern border of the N14 National Road, also the transmission line from the existing Aggeneys sub-station to the Gamsberg Mine which falls in the jurisdiction of Khai-Ma Local Municipality of the Namaqua District Municipality hereafter referred to as "the property".

The granting of this Environmental Authorisation is subject to the conditions set out below.

CONDITIONS

Scope of authorisation:

1. Authorisation of the activity is subject to the conditions contained in this authorisation, which conditions form part of the environmental authorisation and are binding on the holder of the authorisation.
2. The holder of the authorisation shall be responsible for ensuring compliance with the conditions by any person acting on his or her behalf, including but not limited to, an agent, sub-contractor, employee or person rendering a service to the holder of the authorisation.
3. The activity(s) which is authorised may only be carried out at the property indicated above.
4. Any changes to, or deviations from, the project description set out in this authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further authorisation in terms of the regulations.
5. This authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.

General conditions:

6. A copy of this authorisation must be kept at the property where the activities will be undertaken. The authorisation must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property.
7. Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/ or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.
8. In all other cases, the holder of the authorisation must notify the Department, in writing, within seven (7) days if a condition of this authorisation is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
9. Non-compliance with a condition of this authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the regulations.
10. This authorization is subject to the approval by the relevant local authorities i.e. in terms of any relevant legislation administered by those local authorities.
11. The activity may not commence without the necessary permits/licenses/approvals and/or service agreements, where it is relevant, from or with the relevant regulatory authorities whether national, provincial or local (these include but are not limited to National Department of Water and Environmental Affairs, National Department of Agriculture, Forestry and Fisheries, Department of Cooperative Governance and Human settlement, Department of Water Affairs, Department of Minerals and Resources, Department of Energy, Department of Roads & Public Works, Department of Transport, Department Arts & Culture, Department of Sports and Recreation, South African Heritage Resources Agency, South African Civil Aviation Authority).
12. The activity, including site preparation, may not commence before the thirty (30) day appeal period expires or until such time as the Department has considered any appeals that have been lodged:

- a. One week's written notice must be given to the Administrator: Impact Management Unit (Ms. T. Makaudi) as well as Compliance and Enforcement Unit before commencement with the activity.
 - b. Such notice shall make clear reference to the site location details and the reference number given above.
 - c. The said notice must also include proof of compliance with the following conditions described herein:
 - i. Conditions: 23
13. The applicable conditions of this authorization must form part of all contractors' and sub-contractors' conditions of contract. A performance-based requirement with regard to environmental impact management must be included in all contracts related to any aspect of this authorization.
 14. The applicant must carry out regular environmental audits to establish compliance with the conditions of this authorization and contracts.
 15. Records relating to the compliance/non-compliance with the conditions of the authorization and contracts must be kept in good order. Such records must be made available to the Department within 7 (seven) days of receipt of a written request by the Department for such records.
 16. Any complaints regarding the said development must be brought to the attention of the Department within 24 hours after receiving the complaint. A complaints register must be kept up to date for inspection by the Department.
 17. Officials in the employ of the Department shall be given access to the property as described above (see detailed description of the activity) for the purposes of assessing and/or monitoring compliance with the conditions contained in this Record of Decision. Where the activity is located on a third party's property the applicant shall be responsible to arrange access for departmental officials.
 18. This Department may add to, change and/or amend any of the conditions in this authorization if, in the opinion of the Department, the addition, change or amendment is environmentally justified. In event that such impacts exceed its significance as predicted in the independent consultant's environmental scoping report and supporting documentation, the authorization may be withdrawn after proper procedures were followed.
 19. In the event of any dispute concerning the significance of a particular impact, the opinion of this department in respect of its significance will prevail.
 20. This Department and any national department, provincial department, local authorities or committees appointed in terms of the conditions of this application or any other public authority or organization shall not be held responsible for any damage or losses suffered by the applicant or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the applicant with the conditions of approval as set out in this document or any other subsequent document emanating from these conditions of approval.
 21. The applicant shall be responsible for all costs necessary to comply with the above conditions unless otherwise specified.
 22. The applicant must apply the principle of best practicable environmental option for all technologies used/implemented during construction.

Appeal of authorisation:

23. The holder of the authorisation must notify every registered interested and affected party, in writing and within 12 (twelve) days, of receiving notice of the Department's decision to authorise the activity.

24. The notification referred to in 23 must –

- specify the date on which the authorisation was issued;
 - inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the regulations; and
 - advise the interested and affected party that a copy of the authorisation and reasons for the decision will be furnished on request.
25. If the applicant should appeal against this Environmental Authorisation, he/she must inform all interested and affected persons that such an appeal is being lodged with the MEC and if requested, the applicant/appellant must provide those persons with reasonable access to a full copy of the appeal within a reasonable time before expiry of the thirty day appeal period.

Management of activity:

26. The Environmental Management Programme ("EMPr") dated May 2013 submitted as part of the application for environmental authorisation is approved and must be implemented.

Monitoring:

27. An Environmental Control Officer (ECO) must be appointed to oversee the implementation of the EMPr dated May 2013 as well as to ensure that the mitigation measures and recommendations referred to in this authorisation and the Final Environmental Impact Report (EIR) dated June 2013 are implemented.
28. Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.

Recording and Reporting to the Department:

29. The holder of the authorization must submit an environmental audit report to the Department upon the completion of construction and rehabilitation of the activities. The environmental audit report must-
- 29.1 Indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the environmental authorisation conditions as well as the requirements of the EMP.

Commissioning of the activity:

30. The authorised activities shall not commence within thirty (30) days of the date of signature of the authorisation.
31. Should you be notified by the minister/ MEC of a suspension of the authorisation pending appeal procedures, you shall not commence with the activities unless authorised by the minister/ MEC in writing.
32. The conditions of this authorization must be brought to the attention of all persons (employees, sub- consultants, etc.) associated with the undertaking of this activity and the applicant must take measures necessary to bind such persons to these conditions.
33. All recommendations and mitigation measures as laid down in the final Environmental Impact Report (EIR) dated June 2013 and EMPr dated May 2013 are binding and must be implemented.
34. A storm water management plan must be in place before construction starts. Storm water drainage must be designed in a way that soil erosion is minimized. Erosion, during construction, operation and decommissioning phases, resulting from the project must be avoided.
35. All the necessary permits must be obtained from all the relevant authorities before commissioning of the proposed project starts.
36. Should any protected trees and other vegetation be destructed, relocated and/or disturbed, permits must be obtained from the Department of Environment and Nature Conservation (Directorate: Conservation).

Operation of the activity:

37. All access roads must be well maintained at all times.
38. The design of the tailings dam must be in such a way that it will minimize potential seepage of tailings into the groundwater.
39. Dust minimization measures must be in place for the mine area as well as the Loop 10 road.
40. All hazardous waste must be disposed off at a registered landfill site designed for hazardous waste.
41. The Kloof area must be excluded from the mining area and demarcated as a no-go area. It is stipulated in the EIR Report that the Kloof is considered to be an irreplaceable habitat and is considered non-offsetable.
42. Monitoring of the ground water at the tailings facility, waste rock dumps and the open pit must be done monthly. The monitoring should start before the construction phase, during the lifespan of the mine as well as at decommissioning of the mine.
43. Regular dust monitoring must also be done along the Loop 10 road and areas within the vicinity of sensitive habitats on site.
44. Black Mountain Mine must adhere to actions taken on the monitoring plans i.e dust, ground water, noise and vibration as stated in the meeting notes of 15 July 2013. This document also forms part of this RoD and is binding.
45. On-going consultation and engagement with the Khai-Ma Local Municipality must be done throughout the lifespan of the mine as to ensure that mining town of Aggeneys will be sustainable after closure of the mine.
46. All recommendations and mitigation measures as stipulated in the various specialists reports attached as Annexure A1-4, Annexure B- F, and Annexure G1- 15 forms part of this Rod and are binding and must be adhered to.
47. On-going rehabilitation of the mine must be done as to avoid any irreversible ecological damage to the site.
- 48. The following conditions as laid down by Ms. Elsabe Swarts: Research and Development Support, Department of Environment and Nature Conservation is binding and must be adhered to and implemented;**

Special biodiversity off-set conditions:

49. The Applicant shall secure in perpetuity, through one or more of the mechanisms provided for in section 20 or 23 of the National Environmental Management: Protected Areas Act (Act 57 of 2003 – as amended, hereinafter referred to as NEMPA) areas and/or properties and/or portions of properties which, individually or collectively, comprise at least the following areas of substantially intact habitat that house the following vegetation types (as defined by Mucina L and Rutherford MC (eds) 2006. *The Vegetation of South Africa, Lesotho, and Swaziland*. Strelitzia 19. South African National Biodiversity Institute, Pretoria):
 - 49.2. 3 700 ha of Aggeneys Gravel Vygieveld, including those component habitats supporting quartz gravel communities and those that are range restricted or which support localised and endemic plant species;
 - 49.3. 2 200 ha of Bushmanland Inselberg Shrubland, including those habitat units supporting large succulent plants on the south facing aspects;
 - 49.4. 4 000 ha of Bushmanland Arid Grassland, including those component habitats supporting calcrete gravel communities; and
 - 49.5. 2 000 ha of azonal vegetation types comprising ephemeral river courses and outwash plains contained within the vegetation types listed above.

50. A Legal Agreement must be signed between the DENC and Black Mountain Mine (BMM) within 1 year after receipt of a positive RoD from the DENC. Failure to do so will result in the withdrawal of the positive RoD.
51. Commitments and penalties regarding the non-compliance to any of the RoD recommendations relating to the Offset must be addressed within the Legal Agreement between the DENC and BMM.
52. The areas or properties or portions of properties to be secured by the Applicant to satisfy the requirements specified above shall, as far as reasonably possible:
 - 52.2. be contiguous;
 - 52.3. provide for the persistence of the ecological processes that would maintain the biodiversity features of those habitats and vegetation specified under point 1;
 - 52.4. conserve the habitat and any known occurrences of threatened endemic species (including local, regional and national spatial scales) which may be, or might become, endangered by the proposed mining operation and related activities (refer to specialist reports' species list for reference); and
 - 52.5. form a cohesive unit that can be managed as an ecologically viable protected area in the long term. Alternatively, insofar as the areas are not contiguous, form discrete but still functional units, each managed as an ecologically viable protected area in the long term.
53. The areas or properties must be secured by the Applicant and the requisite consent for the declaration obtained by the DENC within 5 years of the commencement of the authorised activities of this application.
54. The specifics of the biodiversity outcomes and corresponding areas to be secured as the biodiversity offset shall be set out in the Legal Agreement (as stated under point 2).
55. The Applicant shall not commence with, or cause the commencement of, the activities which are the subject of this Authorisation before the Offset Agreement has been entered into, i.e. signed by both parties.
56. The Legal Offset Agreement shall provide for *inter alia*:
 - 56.2. The roles and responsibilities of the parties;
 - 56.3. the time frames by which areas or properties are to be identified and secured by the Applicant;
 - 56.4. any activity required to be undertaken by the Applicant in order to facilitate the declaration of the aforementioned areas or properties as a protected area(s) under the Act;
 - 56.5. the identification and assignment of a suitable management authority or other implementing agent, if required, for the implementation of the and/or the proposed biodiversity offset areas;
 - 56.6. any required rehabilitation or immediate conservation and/or environmental management requirements;
 - 56.7. the development of a management plan in accordance to NEMPA Section 41, including explicit provision for monitoring and evaluation;
 - 56.8. the provision of financial and other resources required to secure, establish, rehabilitate and manage the areas for the lifespan of the mine, plus additional 10 years after closure certification has been obtained;
 - 56.9. the monitoring, reporting and auditing of the financial resources provided above;

- 56.10. independent performance auditing of the implementation and performance of the biodiversity offset areas at 3-yearly intervals;
 - 56.11. dispute resolution; and
 - 56.12. breach, rectification and penalty provisions, including, but not limited to, the suspension of authorisation and financial liabilities and/or penalties.
 - 56.13. The applicant must commit to the revision of their EMP to incorporate recent developments relating to this mining application, i.e. offset agreements.
57. The Applicant shall establish and provide operational support to a biodiversity offsets liaison committee. This committee shall comprise at least one officer of this Department and one representative of the Applicant, to oversee implementation and management of the biodiversity offset areas and areas declared as protected areas under the control or ownership of the Applicant;
 58. Further to the requirements set out under point 1, the Applicant agrees to set aside those natural portions of their own properties (i.e. BMM properties Bloemhoek 61, Gams 60, Aggenys 56 RE, Aroams 57 RE and Uitkyk 889) not being actively being mined, on which mining will not be pursued under the current application, and specifically to consent to their declaration as a Protected Environment under Section 28 of NEMPA.
 59. The Applicant shall draw up a Biodiversity Management Plan for the properties referred to under point 10 within 6 months of receiving this authorisation. The Biodiversity Management Plan must be included as part of the EMP pertaining to this application, and be approved by the DENC.
 60. The Applicant specifically consents to secure and declare any area currently owned, leased or purchased for biodiversity offset purposes as a protected area in terms of NEMPA, to sign all relevant documentation, and to use best endeavours to facilitate the declaration of the protected area(s) within timelines agreed upon in the Legal Agreement.

Site closure and Decommissioning:

61. Should the activity ever cease or become redundant, the applicant shall undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and competent authority at that time.

DURATION AND PERIOD OF VALIDITY

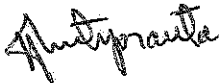
This activity(s) must commence within a period of three (3) years from the date of issue. If commencement does not occur within that period and the intention is to extend the validity period of the authorization, an application for amendment to extend the validity period must be launched at least six months before the validity period lapses. If commencement of the activity does not occur within that period, the authorization lapses and a new application for environmental authorization must be made in order for the activity to be undertaken.

APPEAL

In terms of Chapter 7 of Environmental Impact Assessment Regulations, 2010, if the applicant or a person affected by this Decision wishes to appeal this decision, a notice of intention to appeal must be lodged within Twenty (20) days after date of the decision, and an appeal must **be lodged within thirty (30) days after lapsing of 20 days contemplated in regulation 60 (1)** of lodging of the notice to appeal to:

The Member of the Executive Council
Ministry of Environment & Nature Conservation
Private Bag X6102
Kimberley
8300
Fax: (053) 8321032

Appeals must comply with the provisions of Chapter 7 of Environmental Impact Assessment Regulations, 2010 Government Notice No. R. 543 of 18 June 2010.



MR J.J MUTYORAUTA
DIRECTOR ENVIRONMENTAL MANAGEMENT
DEPARTMENT OF ENVIRONMENT & NATURE CONSERVATION

DATE **OF** **ENVIRONMENTAL**

AUTHORISATION: 13th August 2013

ANNEXURE 1: REASONS FOR DECISION

1. Background

The applicant, Black Mountain Mine (Pty) Ltd applied for authorization to carry on the following activities –
Gamsberg Zink Mine and associated infrastructure in Northern Cape
(GN.R 544, activities 9 (i), (ii), 10 (i), (ii), 11 (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix), (x), (xi), 11, 13, 18, 22, 23, 26, 37, 38, 47, GN.R 545, activities 3, 5, 6, 8, 11, 15, 26, GN.R 546 activities 4, 12, 13, 14, 16 and 19)

The applicant appointed Environmental Resource Management Southern Africa (Pty) Ltd to undertake an environmental impact assessment process.

The Environmental Impact Assessment process was followed due to the fact that the proposed construction of the Gamsberg Zink Mine and associated infrastructure requires an EIR process in terms of the EIA Regulations of 2010. The EAP on behalf of the applicant submitted the application for authorization. The competent Authority received, acknowledged and requested the EAP to submit the S & EIR. Site visit conducted by the case officer on the 11th of September 2012. The Environmental Authorization is therefore issued.

2. Information considered in making the decision

In reaching its decision, the Department took, *inter alia*, the following into consideration -

- a) The information contained in the final EIR and EMP.
- b) The meeting notes between the adjacent farmers and Black Mountain on the 15th of July 2013.
- c) The draft biodiversity off-set conditions as set out by DENC: Research and Development Support.
- d) Critical Biodiversity Area Map of Namakwa District by Phillip Desmet, Alex Marsh and Enrico Oosthuysen.
- e) The comments received from interested and affected parties as included in the environmental impact assessment.
- f) Relevant information contained in the Departmental information base including -
 - *Public Participation Guidelines* of 2006.
 - *EIA Regulations, 2010*
- g) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and
- h) The findings of the site visit undertaken by Ms. L. Karsten on 11th of September 2012.

3. Key factors considered in making the decision

- a) All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below.
- b) The Environmental Impact Assessment report's findings, EMP findings and Specialist Studies' findings, given the nature of the project and the site conclude that the potential impacts associated with the proposed activity are of a nature and extent that can be reduced by the introduction of appropriate mitigation measures.
- c) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA regulations, 2010 for public involvement.

4. Findings

After consideration of the information and factors listed above, the Department made the following findings -

- a) All mitigation measures and recommendations as laid down in the final Environmental Impact Assessment report and EMP are binding and must be implemented, unless stated differently in this Environmental Authorization.
- b) The commencement of the authorized activity will not affect the right of other parties adversely.
- c) The legal and procedural requirements have been complied with and the information contained in the final Environmental Impact Assessment report and Appendixes is to the satisfaction of this Department.
- d) The environmental impacts associated with the proposed activity can be reduced to acceptable levels if properly managed.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorization, the proposed activity will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated to acceptable levels. The application is accordingly granted.