

7 PUBLIC PARTICIPATION PROCESS

7.1 INTRODUCTION

Consultation with Interested and Affected Parties (I&APs) forms an integral component of an ESIA process. It enables *inter alia* directly affected and neighbouring landowners, authorities, civic groups, stakeholders and the general community to raise and/or identify issues and concerns relating to the proposed activity, which they feel should be addressed in the ESIA process.

This Section provides an overview of the Public Participation Process (PPP) and describes what engagement activities have been undertaken to date and includes the next steps in the public engagement process.

7.2 OBJECTIVES OF THE PUBLIC PARTICIPATION PROCESS

The PPP has been designed to achieve the following objectives:

- To ensure that stakeholders are well informed about the proposed development;
- To provide a broad set of stakeholders sufficient opportunity to engage and provide input and suggestions on the Project;
- To verify that stakeholder issues have been accurately recorded;
- To draw on local knowledge in the process of identifying environmental and social issues associated with the Project and to involve stakeholders in identifying ways in which these can be addressed; and
- To comply with the legal requirements and international good practice.

7.3 PHASES OF THE PUBLIC PARTICIPATION PROCESS

The PPP has been designed around five phases within the ESIA process, namely:

Initial Consultation

- Identification of additional stakeholders;
- Engagements with key stakeholders including representatives from the local municipalities, farmer's association and environmental NGO's;
- Providing information of the Project and the associated processes to stakeholders;

- Obtain issues of concern, comments and suggestions from key stakeholders; and
- Invite stakeholders to register as I&APs.

Pre-scoping Phase

- Officially initiates, and notifies the public of, the formal ESIA process;
- Distribution of a Project Background Information Document (BID), placement of statutory adverts and site notices;
- Engagements with key stakeholders including representatives from the local and district municipalities, farmers association, directly affected landowners and environmental NGOs;
- Obtain issues of concern, comments and suggestions from stakeholders; and
- Invite stakeholders to register as I&APs.

Scoping Phase

- Acknowledge and forward suggestions for enhanced Project benefits and reasonable alternatives to the applicant;
- Verify that issues raised by stakeholders have been accurately recorded; and
- Record and address concerns, suggestions and comments about the Project, the Draft Scoping Report and the Draft Plan of Study for EISA phase.

Impact Assessment Phase

- Provide the draft ESIA Report and ESMP for I&AP review;
- Allow I&APs to comment on findings of the impact assessments as well as in the development of appropriate mitigation measures; and
- Verify that issues raised by stakeholders have been accurately recorded.
- Finalise ESIA Report and distribute for 21 day public comment period and simultaneously submit to the DENC.

Decision Making Phase

- Notifying I&APs of the outcome of the decision by the relevant authorities; and
- Notifying I&APs of the appeals process and how they can engage this process.

Given the sensitivities around the biodiversity associated with the Project location and high rate of unemployment in the region, it is important that stakeholders from the district and local municipalities, environmental bodies and landowners are given the opportunity to participate in the process. Notification activities have been designed to ensure that stakeholders are invited to be involved in the process.

Stakeholders are grouped into the following categories:

- Government: National, Provincial, District and Local authorities;
- Landowners: Directly affected and surrounding landowners;
- Communities: Surrounding communities;
- Adjacent Landowners: Neighbouring farm owners and communities;
- Non-Governmental Organisations (NGOs): Environmental organisations and social focused organisations;
- Business: small medium enterprises and formal organisations; and
- Unions.

A stakeholder database has been compiled and will continue to be updated throughout the PPP. The existing full stakeholder database is appended as *Annex C*.

PUBLIC PARTICIPATION ACTIVITIES UNDERTAKEN DURING THE SCOPING PHASE

Table 7.1 below provides details of the public participation activities that were undertaken during the scoping phase, as part of the ESIA process. For specific details (eg meetings minutes, stakeholders present at meetings, specific issues raised etc.) on each of the public participation activities listed below please refer to the Final Scoping Report.

Table 7.1 *Public Participation Activities during the Scoping Phase*

Activity	Details
Initial consultation	
Meeting with authorities.	Provision of information and general discussion around the Gamsberg Project. The following authorities were consulted on 10 July 2012: <ul style="list-style-type: none"> • Department of Mineral Resources (DMR); • Department of Environment and Nature Conservation (DENC); and • Department of Water Affairs (DWA).

Meeting with key stakeholders.	<p>Provision of information and general discussion around the Gamsberg Project. The following key stakeholders were consulted on 20 and 21 June 2012:</p> <ul style="list-style-type: none"> • Pella Local Municipality and community leaders (20 June, Pella); • South African National Botanical Institute (SANBI) (20 June, Springbok); • Khai-Ma Local and Namakwa District Municipalities (21 June, Pofadder); and • Pofadder Landbou Vereniging (21 June, Pofadder).
Identification of stakeholders.	Stakeholder database which includes interested and affected parties from various sectors of society including directly affected and adjacent landowners in and around the Project area.
Pre-Scoping Phase	
Distribution of Project announcement letter and Background Information Document (BID).	BID and announcement documentation emailed and posted to stakeholders on 30 July 2012. (Registration period of 30 days: 30 July – 29 August 2012).
Placing of adverts.	Afrikaans adverts were placed in the Die Plattelander (3 August 2012), Die Namakwalander (3 August 2012), Eland (8 August 2012), Die Burger West (5 August 2011) newspapers and English adverts were placed in the Die Gemsbok (3 August 2012).
Putting up of site notices.	<p>Eight Afrikaans and eight English site notices were put up at the Project area, local libraries, municipal offices and frequently visited shops or recreational venues Pella, Aggeneys and Pofadder:</p> <ul style="list-style-type: none"> • Gamsberg Project area; • Aggeneys Kaffee; • Aggeneys Recreation Hall; • Black Mountain Main Building Aggeneys; • Pella Library; • Pella Municipal Office; • Pofadder Library; and • Pofadder Municipal Office.
Meetings with relevant stakeholders.	<p>Meetings and telephonic consultations were conducted with the following stakeholders in mid-August 2012:</p> <ul style="list-style-type: none"> • Landowners/farmers telephonic consultations (27 July); • Environmental NGOs telephonic consultations (8 August); • Pofadder Landbou Vereniging meeting (15 August, Pofadder); • Conservation South Africa, SANBI and NAGO meeting (16 August, Springbok); and • Khai-Ma Local Municipality meeting (16 August, Pofadder).
Obtained comments from stakeholders.	Comments, issues of concern and suggestions received from stakeholders are included in the Final Scoping Report.
Scoping Phase	
Announcement of DSR.	<p>Draft Scoping Report announcement letter sent to all I&APs on the database on 9 November 2012. An English and Afrikaans adverts was placed in the following newspapers:</p> <ul style="list-style-type: none"> • Die Gemsbok; • Die Plattelander; • Die Namakwalander;

	<ul style="list-style-type: none"> • Eland; • Die Burger West; and • Express Northern Cape.
Making Draft Scoping Report available to I&APs.	<p>Draft Scoping Report in English, a Non-Technical Summary in English and Afrikaans accompanying documents were placed at the following public places within the Project area:</p> <ul style="list-style-type: none"> • Pofadder Public Library; • Pofadder Local Municipal Offices; • Springbok Municipal Offices; • Springbok Library; • Aggeneys Public Library; • Pella Public Library and Local Municipality; and • Project website.
Draft Scoping Report available for I&AP review	The Draft Scoping Report was made available for a 30 day period for I&AP review from the 9 November – 14 December 2012.
Stakeholder meetings to present Draft Scoping Report.	<p>Details of public meetings undertaken during the Scoping Phase are as follows:</p> <ul style="list-style-type: none"> - Pofadder Community Hall 27 November 2012 16:00 – 18:00 - Pella Community Hall 28 November 2012 16:00 – 18:00 - Aggeneys Recreational Club 29 November 2012 16:00 – 18:00 <p>Details of focus group meetings undertaken during the Scoping Phase are as follows:</p> <ul style="list-style-type: none"> - Pofadder Landbou Community Hall - Pofadder Farmers Association 28 November 2012 10:00 – 12:00 - Conservation South Africa Offices - Social and Environmental Non-Governmental Organisations 28 November 2012 16:00 – 18:00
Obtain comments from stakeholders on the Draft Scoping Report.	Comments, issues of concern and suggestions received from stakeholders during the Draft Scoping Report public review period were captured in the Comment and Response Report. These comments were addressed in the Final Scoping Report, which was distributed for a public comment period.
Making Final Scoping Report available to I&APs	The Final Scoping Report was simultaneously submitted to the competent authority and made available to I&APs for a 21 day comment period (from 14 January 2013 to the 4 February 2013). During this time the public could submit their comments directly to DENC.

Figure 7.1 and Figure 7.2 below are pictures taken from the public meetings held in the towns of Pella and Pofadder.

Figure 7.1 *Pictures taken during the Public Meeting held in Pella (dated 28 November 2012)*



Figure 7.2 *Pictures taken during the Public Meeting held in Pofadder (dated 27 November 2012)*



7.6 PUBLIC PARTICIPATION DURING THE IMPACT ASSESSMENT PHASE

Public participation during the impact assessment phase of the ESIA revolves around a review of the findings of the ESIA, presented in the ESIA Report, and associated specialist studies. As such, stakeholder engagement activities are generally undertaken during this phase of the project in order to meet the following objectives:

- To provide further information on the project and to inform I&APs of where new/updated information can be found;

- To provide I&APs with information on the key findings from specialist studies conducted; and
- To involve I&APs in identifying mitigation measures proposed to reduce these impacts (or to maximize positive impacts).

In order to meet such objectives, the ESIA Report and associated EMPr (attached as Annex D) have been made available for public comment. This period extends until the 23 May 2013.

I&APs were notified timeously of the availability of this report, of how to obtain it, and of the date and venue of the meetings where the content of the reports would be presented for comment. In addition to this, stakeholders were encouraged to comment either in writing (mail or email), by attending the stakeholder meetings or by telephonic consultation. These notifications took the form of advertisements as shown in *Table 7.2* below.

In addition to this, an announcement letter was sent to all I&APs listed on the above mentioned stakeholder database on 22 April 2013. Refer to Annex C for the full list of stakeholders included in the above mentioned stakeholder database.

Specific information on the PPP activities that were undertaken during the ESIA phase of the Project, are provided in *Table 7.2* below.

Table 7.2 *Public Participation Undertaken during the ESIA Phase*

Activity	Details
ESIA Phase	
Announcement of Draft ESIA report.	<p>A Draft ESIA report announcement letter was sent to all I&APs on the database on 22 April 2013. Adverts placed in the following newspapers:</p> <ul style="list-style-type: none"> • Die Gembok; • Die Plattelander; • Die Namakwalander ; • Eland; • Die Burger West; and • Express Northern Cape. <p>Copies of the adverts are contained in Annex E.</p>
Making Draft ESIA report available to I&APs.	<p>The Draft ESIA report in English, a Non-Technical Summary in English and Afrikaans accompanying documents were placed at the following public places within the Project area:</p> <ul style="list-style-type: none"> • Pofadder Public Library; • Pofadder Local Municipal Offices; • Springbok Municipal Offices; • Springbok Library; • Aggeneys Public Library; • Pella Public Library and Local Municipality; • Project website. <p>(Draft ESIA public review period ends 23 May 2013).</p>

Making the Draft ESIA Report available to I&APs	The Draft ESIA report and associated documents were placed on the following website: http://www.erm.com/gamsberg-ESIA
Stakeholder meetings.	<p>Details of public meetings undertaken during the ESIA phase are as follows:</p> <ul style="list-style-type: none"> - Pella Community Hall 14 May 2013 - Aggeneys Recreational Club 15 May 2013 - Pofadder Community Hall 16 May 2013 <p>Details of focus group meetings during the ESIA phase are as follows:</p> <ul style="list-style-type: none"> - Pofadder Landbou Community Hall - Pofadder Farmers Association 16 May 2013 - Conservation South Africa Offices - Social and Environmental Non-Governmental Organisations 15 May 2013
Obtain comments from stakeholders.	Comments, issues of concern and suggestions received from stakeholders on the Draft ESIA Report will be captured in the Comment and Response Report (in the Final ESIA), which will also be made available to I&APs. The Comment and Response Report will also be distributed to all I&APs who submitted comment.
Making ESIA Report available to I&APs	The Final ESIA Report <u>was</u> simultaneously submitted to competent authority and made available to I&APs. A public review period of 21 days <u>was</u> provided for I&APs to provide comments directly to DENC.

7.7

COMPETENT AUTHORITY'S DECISION

Once the DENC has taken a decision about the ESIA process in terms of NEMA, the public participation office will immediately notify I&APs of this decision and of the opportunity to appeal. This notification will be provided as follows:

- A letter will be sent out, personally addressed to all registered I&APs, summarising the authority's decision and explaining how to lodge an appeal should they wish to; and
- An advertisement to announce the Competent Authority's decision will be published in the relevant newspapers.

Please note that National Department of Environmental Affairs decision on the waste management license application will be advertised, together with the decision made by DENC on the ESIA process. The requirements for the National Heritage Resources Act (59 of 208) are met within the ESIA process. However,

SAHRA will grant a Record of Decision prior to the issuing of the Environmental Authorisation.

Upon issuing, the environmental authorisation will be submitted to the DMR for decision making on the amendment of the existing EMPr. The decision on the EMPr amendment is expected within 4 months of issuing of the environmental authorisation.

Upon issuing of the environmental authorisation and amended EMPr, the DWA will make a decision on the water use license application. Once satisfied, the DWA will issue their decision on the water use license application.

Lastly, once the aforementioned decisions are issued and construction phase is complete, the DENC will then issue a decision on the atmospheric emissions license application, within 6 months of the operational phase.

7.8

NEXT STEPS IN THE ESIA PROCESS

The next steps in the process include:

- This Final ESIA was sent out to I&APs for a 21 day comment period and submitted to the competent Authority who will make a decision on the application.
- I&APs will be notified of the decision of the competent Authority
- I&APs will be given an opportunity to appeal the decision. They will be notified of the decision and commencement of the appeal period by advertisement in the newspapers used during the EIA process.