



## **N’Komati Anthracite (Pty) Ltd – N’Komati Anthracite Mine**



### **Integrated Environmental Authorisation Process for Open Cast Mining Areas and Expansion of the Madadeni Underground**

### **Comments and Response Report: Final EIA**

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Date: April 2024

DMRE Reference Number: MP 30/5/1/2/2/89 MR

# N’Komati Anthracite Mine - Integrated Environmental Authorisation for Open Cast Mining Areas and Expansion of the Madadeni Underground Area

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<p>VERSION CONTROL</p> <p>Alta van Dyk Environmental cc</p> <p>Version: Final for DMRE</p> <p>Approved by: <u>Alta van Dyk</u></p> <p>Signed: </p> <p>Position: Technical Director</p> <p>Date: April 2024</p>
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# 1 INTRODUCTION AND BACKGROUND

This Comments and Responses Report (CRR) captures the comments and issues raised by Interested and Affected Parties (I&APs) and authorities during the following phases and activities that formed part of the process:

- Pre-application engagement
- 30-day comment period for the proposed project (scoping phase & EIA phase)
- The various sources of the comments and responses contained in this report were gathered through the following:
  - Comments and responses raised by the Regulatory Authority, the Department of Mineral Resources (DMR) during the pre-application consultation meeting held on the 24 August 2023
  - Comments raised through community consultation (scoping phase):
    - Focus Group Meeting held with Matsamo Traditional Council on the 25 August 2023
    - Focus Group Meeting held with Mawewe Traditional Council on the 25 August 2023
    - Focus Group Meeting with the N’Komati Community Working Group held on the 24 August 2023
    - Focus Group Meeting held with the Sugarcane Farmers Association on the 24 August 2023
    - Focus Group Meeting held with the Kwa-lugedlane Traditional Council on the 14 September 2023
  - Comments raised through community consultation (EIA phase)
    - Focus Group Meeting held with Matsamo Traditional Council on the 19 February 2024
    - Focus Group Meeting held with Mawewe Traditional Council on the 19 February 2024
    - Focus Group Meeting with the N’Komati Community Working Group held on the 20 February 2024
    - Focus Group Meeting held with the Sugarcane Farmers Association on the 19 February 2024
    - Focus Group Meeting held with the Kwa-lugedlane Traditional Council on the 19 February 2024
    - Public Open day for the Madadeni Community on the 21 February 2024
    - Public Open Day for the Mangweni Community on the 21 February 2024
    - Public Open Day for the Matsamo Community on the 22 February 2024

This CRR is a dynamic document and has been continuously updated during the key stages of the Scoping and EIA process to report back on comments raised and the responses provided.

The necessity for the CRR is based on Regulation 44 of the National Environmental Management Act’s (NEMA) Environmental Impact Assessment (EIA) Regulations of 2014 (as amended).

Table 1 and Table 2 indicate the name of the I&AP, their organization, the date of the receipt of the comments, their communication methods as well as the response of Alta van Dyk Environmental and N’Komati Anthracite Mine to the comment. This report contains all comments that have been received to date on the project. All comments received during the review period of the Draft Scoping Report and Draft EIA Report have been captured in this CRR and form an annexure to the Final Environmental Impact Report.

Table 1: Pre-Application Phase Comments & Responses

Nr.	Organisation/Commentator	Comment	Date	Source	Response
<b>Pre-Consultation Meetings</b>					
1		Based on the presentation the Consultant is clear on the process that needs to be followed.			The comment has been acknowledged by Alta van Dyk Environmental (Pty) Ltd (AvDE).
2	Department of Mineral Resources and Energy Mr Mashudu Mulaudzi	<p>Public Participation is critical, and the process shall be broadened where possible. As a mine how would you deal with these concerns raised by the communities for example:</p> <ul style="list-style-type: none"> <li>How will blasting impacts be managed specifically around the underground mining areas. In terms of the opencast mining, the mine does maintain the radius between the communities and the operations.</li> <li>Issues of Public Participation, EMPr consolidation, additional infrastructure are all addressed during the scoping phase to avoid issues in the EIA phase.</li> <li>Ensure that the communities concerns and associated mitigation measures are incorporated throughout the life of mine.</li> </ul>	24 August 2023	Pre-Application Meeting	<p>Public Participation will be undertaken in terms of Regulation 41 of the EIA Regulations 2014 (as amended). Currently Focus Group Meetings with the following parties are underway:</p> <ul style="list-style-type: none"> <li>Matsamo Traditional Council</li> <li>Mawewe Traditional Council</li> <li>N’Komati Community Working Group</li> <li>Sugarcane Farmers Association</li> <li>Kwa-lugedlane Traditional Council</li> </ul>

Table 2: Scoping Phase Comments & Responses

Nr.	Organisation/Commentator	Comment	Date	Source	Response
<b>DMRE</b>					
1	Department of Mineral Resources and Energy Themba Mazibuko	<p>The Scoping Report (SR) and Plan of Study for the Environmental Impact Assessment received by the Department on 4 October 2023 refers.</p> <ol style="list-style-type: none"> <li>The department has evaluated the submitted SR and Plan of the Study for the Environmental Impact Assessment and is satisfied that the documents comply with the minimum requirements of Appendix 2(2) of the National environmental Management Act, 1998 (as amended) (NEMA) Environmental Impact assessment (EIA) Regulations, 2014. The SR is hereby accepted by the Department in terms of Regulation 22(a) of the NEMA EIA Regulations, 2014.</li> <li>You may proceed with the Environmental Impact Assessment Process in accordance with the tasks contemplated in the Plan of study for Environmental Impact Assessment as required in terms of the NEMA EIA Regulations, 2014.</li> <li>Please ensure that comments from all relevant stakeholders are submitted to the Department with the Environmental Impact Assessment Report (EIAR). This includes but is not limited to the Provincial Heritage Resources Authority, Department of Agriculture, Forestry and Fisheries (DAFF), Department of Water and Sanitation (DWS), Mpumalanga Department of Public Works, Roads and Transport and the Local Municipality (Nkomazi Local Municipality). Proof of correspondence with the various stakeholders must be included in the EIAR. Should you be unable to obtain comments, proof of the attempts that were made to obtain comments should be submitted to the Department.</li> <li>It should be noted that the Department requires the following to be provided/included and form part of the final EIR and EMPr to be submitted. <ol style="list-style-type: none"> <li>The financial provision calculations must be provided for the proposed activities.</li> <li>The layout plan to be submitted must depict the location and aerial extent of all proposed mining activities.</li> <li>A map at an appropriate scale which superimposes the proposed activity and its associated structures and infrastructure on the environmental sensitivities of the preferred site indicating any areas that should be avoided, including buffers. All maps must be visible in A3 with clear legend.</li> <li>Public Participation Process must be transparent, and all comments received during the process must be incorporated into the comments and response report of the final Environmental Impact Report.</li> <li>Proof of correspondence with the various stakeholders must be included in the EIAR. Should you be unable to obtain comments, proof of the attempts that were made to obtain comments should be submitted to the Department.</li> <li>All comments from interested and affected parties must be adequately addressed in the final Environmental Impact Report.</li> <li>Furthermore, you are reminded to consult with all the Traditional Authorities in which this mine fall within its jurisdiction, and also provide record of consultation and involvement of the surrounding communities.</li> </ol> </li> </ol>	18 January 2024	Acceptance Letter via email	<p>The acceptance of the scoping report is noted.</p> <p>Noted</p> <p>Comments provided by the stakeholders during the scoping phase has been provided in the Comment and Response Report (Appendix C). All comments received during the availability of the Draft EIA will be documented and submitted with the Final EIA.</p> <p>The financial provision calculations have been undertaken and included under Appendix D11 and Chapter 12 of the EIR.</p> <p>The layout plan is provided in Chapter 2 and Appendix B.</p> <p>The project infrastructure map is provided in Chapter 2 of the Draft EIA and Appendix B. The Environmental Sensitivity map is provided in Chapter 9 and Appendix B.</p> <p>All comments received to date on the proposed project have been captured in the Comments and Response Report (CRR) which is included under Appendix C.</p> <p>Proof of correspondence is included under Appendix C.</p> <p>Comments received from stakeholders have been addressed as part of the EIR.</p> <p>The following Traditional Authorities have been consulted as part of the process:</p> <ul style="list-style-type: none"> <li>Mawewe Tribal Authority.</li> <li>Matsamo Tribal Authority.</li> </ul>

Nr.	Organisation/Commentator	Comment	Date	Source	Response
		4.8 Any other matters required in terms of Appendix 3 (3) and Appendix 4 (1) of the EIA Regulation 2014			<ul style="list-style-type: none"> <li>Kwalugedlane Tribal Authority.</li> </ul> Proof of consultation is provided in Appendix C.
		5.The applicant is hereby reminded to comply with the requirements of Regulation 3 of the EIA regulations, 2014 with regards to the time and period allowed for complying with the requirements of the Regulations.			The EIR has been compiled in terms of Appendix 3 (3) and the EMPr in terms of Appendix 4 (1). Refer to Chapter 1.7 and 1.8 of the EIR.
		6.Please ensure that the EIAR includes the A3 size locality map of the area and illustrates the exact location of the proposed development. The map must be of acceptable quality and as a minimum, have the following attributes, maps are related to one another, Co-ordinates, Legible legends, Indicate alternative, Scale and Vegetation types of the study area.			Noted
		7.Your attention is brought to Section 24F of the NEMA which stipulates "that no activity may commence prior to an Environmental Authorisation being granted by the competent authority".			A3 Locality and Sensitivity maps have been provided in Appendix B.
					Noted
<b>Commentary Authorities</b>					
1	Ehlanzeni District Municipality Lebogang Mdluli	Kindly note that Ehlanzeni District Municipality has received the draft scoping report for the Open Cast Mining Area and Expansion of Madadeni Underground Area and EMPr Consolidation and Amendment. The municipality is therefore requesting for a site visit at the development site. The proposed date for the site visit is the 18th September 2023 at 10H00 onsite. Your positive response will be highly appreciated.	5 September 2023	Email	Thank you very much for your email. As discussed telephonically the project is in the scoping phase and the plan of study has been detailed in the scoping report. The specialist studies have not yet been undertaken.  Kindly confirm if you would still like to proceed with the site visit for the scoping phase or undertake the site visit during the EIA phase. The Draft EIA report will also be available for a 30-day comment period.  Should you wish to proceed with the site visit kindly provide two tentative dates. I do note the 18th of September, please share your availability for another date also in order for me to confirm the project teams availability
		Kindly take note that I will do the site visit during the draft EIA phase.	11 September 2023	Email	Thank you for the feedback
		Thank you so much for your response.			
2	South African Heritage Resources Agency  Natasha Higgitt	SAHRA notes the pending heritage specialist studies. The assessment of the impact to heritage resources must comply with section 38(3) of the NHRA. The reports must also comply with the 2007 Minimum Standards: Archaeological and Palaeontological Components of Impact Assessments and the 2012 Minimum Standards: Palaeontological Components of Heritage Impact Assessments. SAHRA awaits the submission of the reports and the draft EIA inclusive of appendices before further comments are issued. Should you have any further queries, please contact the designated official using the case number quoted above in the case header.	19 September 2023	SAHRIS	The comment provided by SAHRA has been acknowledged by Alta van Dyk Environmental Consultants. A Heritage Impact Assessment and Paleontological Impact Assessment has been commissioned as part of the EIA. These specialist reports will be loaded onto SAHRIS together with the Draft EIA report once available for the 30-day comment period.
3	Department of Rural Development Land and Environmental Affairs Mpumalanga Province Mr Xolani Nkosi	The draft Scoping report which was submitted by you in respect of the abovementioned application and received by the Department on 28 August 2023 refers. The Department has considered the content of the report, and has the following comments:  The final basic assessment process should provide proof of compliance with Regulation 40(3).  The final scoping report must include an issues and response report, as well as copies of and responses to comments received from all I&APs, including these comments.  The Wetland and Riparian survey, wherein wetlands and riparian areas are not only delineated, but also classified and characterised, and buffer zones and no-go areas must be identified to retain wetland and riparian function.  A storm water management plan must be informed by a hydrological report, the slope analysis and the watercourse/wetland assessment. Please note that this Department does not support the direct introduction of storm water into any watercourse without prior management, such as attenuation  Specialist studies must inform the design and location of infrastructure, including watercourse crossings. Where bridges across watercourses are proposed, bridge design must be analysed as part of the EIA process, and the requisite specialist input in terms of aquatic impacts must be considered. Co-ordinates of the final positions (which positions reflect lowest impact) of any bridges must be provided at the draft EIA stage  You are reminded that the final layout plan to be provided in the Environmental Impact Assessment Report and the EMPr must clearly superimpose the proposed activity and its associated structures and infrastructure on the environmental sensitivities of the preferred	29 September	Email	The process followed is a Scoping and EIA. The final Scoping Report will be submitted to the Competent Authority for decision making. Regulation 40 (3) has been considered and Interested and Affected Parties were provided with the 30-day comment period from 28 August until 28 September 2023 to comment of the Draft Scoping Report.  Appendix B10 of the Final Scoping Report included the Comments and Response Report and Appendix B9 includes the comments received to date on the application.  The comment is acknowledged, the Wetland assessment has been commissioned as part of the Scoping & EIA process. The comments provided by the department will be considered as part of the assessment.  A hydrological assessment has been commissioned as part of the Scoping & EIA process. The comments provided by the Department will be considered as part of the assessment.  The comment has been noted. At this stage there are no bridges that form part of the scope of work.  The composite map will be provided as part of the Draft EIA report.

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		site, including watercourses, wetlands, associated buffer zones, sensitive terrestrial ecological features, geotechnical zones, indicating any areas that should be avoided.			
		This Department is otherwise satisfied with the Plan of Study.			The approval of the plan of study is acknowledged by Alta van Dyk Environmental.
		You are reminded of the requirements of Regulation 19(1), and that if such requirement is not met, the application will lapse in terms of the provisions of Regulation 45.			The application is for a Scoping & EIA process and not a Basic Assessment Process. Regulation 21 will be applied in such instance.
4	Inkomati Usuthu Catchment Management Agency Sandile Dlamini	<p>Reference is made to the above-mentioned report received on 24 August 2023 with the reporting deadline of 24 October 2023.</p> <p>The Inkomati-Usuthu Catchment Management Agency (IUCMA) assessed the report and has no objection towards the project. The following comments are made for noting and actioning.</p> <p><b>Site clearance</b> - The mining area will require land clearance as part of mine site establishment. And during the development of the box-cut, the overburden material will be removed and stockpiled.</p> <p>The Applicant must ensure that clearing of vegetation is limited to the effective mining area. Excessive wash- down of soils and sediments shall be prevented by ensuring that there is no digging and stockpiling of soil during rainy season to prevent surface run-off.</p> <p><b>Carbonaceous material</b> – The Applicant has indicated that there will be several overburden stockpile areas, in Mangweni, Block L and Madadeni.</p> <p>Reasonable measures must be taken to avoid pollution of ground and surface water resources due to the disposal and stockpiling of carbonaceous/hazardous material.</p> <p><b>Regulated area</b> – It is indicated that there will be a need for additional mining infrastructure such as pipeline crossing the Komati River.</p> <p>The Applicant must note that no activity must be located within a regulated area unless authorisation is granted for such activity. A Regulated area is the outer edge of the 1:100-year floodline or delineated riparian habitat or whichever is the greatest. In the absence of determined 1:100- year flood-line or riparian zone, 100 metres from the edge of the watercourse must be considered. The regulated buffer zone for wetland or a pan is a 500 metres radius from the delineated boundaries. The Applicant should be aware that the locating any facility or engaging in any activity within the regulated area is a water use and must be authorised</p> <p>The Applicant must ensure that the invasive alien plant species eradication plan is implemented throughout the life span of the proposed project.</p> <p>From the report and identified activities, the possible water uses that will be triggered in terms of Section 21 of the National Water Act (Act 36 of 1998) (NWA) are as follows:</p> <p>Section 21 (a) - Taking water from a water resource.  Section 21 (c) and (i) - mining activities located a regulated area.  Section 21(g) - disposing of waste in a manner which may detrimentally impact on a water resource;  Section 21 (i) - altering the bed, banks, course or characteristics of a watercourse;  Section 21 (j) - removing, discharging or disposing of water found underground if it is necessary for the efficient continuation of an activity or for the safety of people; and</p> <p>In terms of section 22(1) of the NWA “a person may only use water-</p>	12 October 2023	Email	<p>The statement has been acknowledged by Alta van Dyk Environmental.</p> <p>Site clearance will be limited to the mining areas only. In order to prevent sedimentation of the watercourse the following mitigation measures have been included in the EMPr: Development (if not already in place), update (if in place) and implementation of a site-specific Stormwater Management Plan/Procedure which meets the requirements of the National Water Act (Act 36 of 1998) GN704 Regulations inclusive but not limited to:</p> <ul style="list-style-type: none"> <li>• The design and implementation of effective clean and dirty water separation systems on site.</li> <li>• The design and implementation of the minimum design requirements to adhere to the capacity requirements for dirty water containment facilities in terms of GN704.</li> <li>• The design and implementation of suitable energy dissipating structure where clean storm water enters the natural receiving water resource.</li> </ul> <p>Aimed at the protection of topsoil stockpiles aimed at curbing soil erosion and siltation</p> <ul style="list-style-type: none"> <li>• The site-specific Stormwater Management Plan/Procedure should take into consideration when facilities were approved (under which legislation).</li> <li>• The site-specific Stormwater Management Plan/Procedure should take into consideration the approved technical design of the facilities (according to which existing and new facilities should adhere to)</li> </ul> <p>In terms of the Stormwater Management Plan compiled for the proposed project, paddocks are proposed next to/against the stockpiles to ensure that all stormwater run-off and associated suspended particles are contained in the paddocks.</p> <p>The proposed project does not include the construction of a pipeline.</p> <p>The site already has an alien invasive plant species plan in place. The site will however update the plan as and when required.</p> <p>A Water Use License Application is underway. The project has been loaded on e-wulaas with a reference number WU32991.  The applicable water uses are as follows:</p> <ul style="list-style-type: none"> <li>• Section 21 (c) and (i) - mining activities located a regulated area.</li> <li>• Section 21(g) - disposing of waste in a manner which may detrimentally impact on a water resource;</li> <li>• Section 21 (i) - altering the bed, banks, course or characteristics of a watercourse;</li> <li>• Section 21 (j) - removing, discharging or disposing of water found underground if it is necessary for the efficient continuation of an activity or for the safety of people; and</li> </ul> <p>A Water Use License Application is underway. The project has been loaded on e-wulaas with a reference number WU32991.</p>

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		(a) without a licence- i. If that water use is permissible under Schedule 1; ii. If that water use is permissible as a continuation of an existing lawful use (section 32); or iii. If that water use is permissible in terms of general authorisation issued under section 39; (b) if the water use is authorised by a licence under this Act; or (c) if the responsible authority has dispensed with a licence requirement under subsection (3)". Therefore, any other water use activities associated with this project that are not permissible as indicated above, must be authorized prior to such water use activities taking place.				
		Any pollution incidents originating from the proposed activity must be reported to the Responsible Authority within 24 hours.				The comment has been noted and will be included in the EMPr for inclusion in the incident management protocol.
		The Applicant is therefore advised to engage with IUCMA or DWS for the guidance on the requirements for water use authorization process. In addition, water use applications can be lodged on-line via the e-WULAAS platform accessible at <a href="http://www.dws.gov.za">www.dws.gov.za</a> .				The comment has been acknowledged by Alta van Dyk Environmental. The project has been loaded on e-wulaas and a Water Use License is underway.
5	Mpumalanga Tourism and Parks Agency N Dibakwane	The map in the draft Scoping Report indicates that proposed study area borders an Unsurveyed State Land. The MTPA would like to recommend that this area is properly surveyed for Wetlands, CBA rivers, and Species of Conservation Concern (SCC). These studies must form part of the final Scoping/ Basic Assessment or Environmental Impact Reports	22 November 2023	Email	A Wetland Assessment and a Terrestrial Biodiversity Assessment has been commissioned as part of the Scoping & EIA process. These reports document the watercourses, CBA areas and SCC. The specialist studies are included in Appendix D of the Draft EIR. The sensitive areas have been mapped out as part of the assessment and avoided where possible. Due to the presence of the resource, certain wetland areas were unavoidable hence a Water Use License Application has been triggered. Mitigation measures associated with the wetland areas have been included in the EMPr.	
		The MBSP terrestrial assessment map, figure 1, and freshwater assessment map figures 2, should be used to inform the expansion and opencast mining areas.				
		The MTPA takes note of the content of the draft scoping report and will provide comments once all the necessary feasibility studies have been conducted and submitted. The MTPA looks forward to receiving the Environmental Impact Report once it is ready for comment				A copy of the Draft EIR will be made available for review and comment during the 30-day comment period.
<b>Focus Group Meetings</b>						
1	Sugar Cane Farmers	Compensation for land lost to farming must be discussed with the affected farmers.	24 August 2023	Focus Group Meeting	The Environmental Authorisation Process focuses on the environmental and social impacts associated with the proposed mining activities. For each potential impact, mitigation measures are proposed to be implemented as to reduce such impacts. The process may provide for a commitment to enter into written agreements, i.e., compensation where sugarcane farming is impacted, but these agreements are separate to the Environmental approval process. Once a decision has been made by the Department of Mineral Resources and Energy commitment from the mine in terms of compensation to the respective landowners will be discussed.	
2		If a farmer loses his/her field due to mining activities, one of his/her children should be trained and employed by the Mine as compensation.			N'Komati Anthracite Mine compensates the land user in terms of the published formula as per the SA Canegrowers Association, which is an industry norm and updated annually as per crop prices and yields.	
3		Loss of employment by farm labourers should be compensated with re-skilling and employment at the Mine.				
4		The farmers request the Mine to help with fixing the roads in their fields and fencing, especially during harvesting time so they can access fields			The mine's leadership is committed to assisting the communities in areas within which the mine operates as far as is practicable. This specific request can be evaluated by the mine for consideration in the Social Labour Plan.	
5		The Mine (liaison officer) is requested to respond fast to requests, concerns, and issues.			The mine's Social Development team holds meetings with the established working group every two months whereby feedback on concerns or issues raised are addressed.	
6		N'komati must make an effort to properly rehabilitate land previously used for mining to ensure it can be re-used again for sugar cane farming. There is currently no example of rehabilitated land being used for farming			Rehabilitation is undertaken in accordance with the mine's closure and rehabilitation plan as approved by the DMRE. The Mine is required to submit an annual closure liability report which outlines the commitments made by N'Komati Anthracite (Pty) Ltd mine on the rehabilitation of mining areas. Activities undertaken at the Mine are in line with the approved Environmental Management Programme (EMPr). The mine is required to comply with and will be audited on and reported to the DMRE.	
7		Farmers are concerned that the Mine does not compensate them for costs incurred towards the National Irrigation Board. Even when they are no longer using the land for farming, they are still liable to paying for water and their contract with the mine does not include this cost.			N'Komati Anthracite mine has confirmed that costs associated with water and electricity are covered by the mine and that the landowners do not incur these costs. Any grievance with the mine can be submitted to the established N'Komati Working Group which is the link between the communities and the mine.	
8		The farmers need the mine to visit them and discuss their concerns.			The mine's leadership is committed to assisting the communities in areas within which the mine operates as far as is practicable. The mine's Social Development team holds meetings with the	



Nr.	Organisation/Commentator	Comment	Date	Source	Response
					established working group every two months whereby feedback on concerns or issues raised are addressed.
9		Areas that will be impacted by mine must be pegged so that farmers can see what land will be lost.			Should the DMRE grant the environmental authorisation, the ariel extent of the mining areas and associated infrastructure will be clearly demarcated in line with the Environmental Management Programme (EMPr).
10	Community Working Group	The community wants a guarantee that local people will be employed by the mine (not foreigners or people not residing in the local areas).	24 August 2023	Focus Group Meeting	N’Komati Anthracite Mine has a valid Social and Labour Plan approved in terms of the of the Mineral and Petroleum Resources Development Act (MPRDA) Regulations supporting the mining operations. In terms of the SLP, the community will benefit from employment, procurement opportunities, training and development as well as community outreach projects. Opportunities available at the mine are advertised through the following means: <ul style="list-style-type: none"> <li>• Working Groups</li> <li>• Community Centres</li> <li>• Newspaper Adverts; and</li> <li>• Website</li> </ul> In order to prioritise local employment, job advertisements set forth by the mine, includes a clause that stipulates all job applications should be accompanied by a letter from the trust indicating that the applicant belongs to the community.
11		Concern that underground mining will impact on the river and ground water. The river is the most important source of water in the area.			The mine operates in terms of an existing and valid Water Use License (WUL) issued by the Department of Water and Sanitation (DWS). Groundwater and surface water is monitored in line with the mine’s monitoring programme and the WUL. In accordance with the WUL requirements, the water quality data is submitted to the DWS.
					In relation to the current Integrated Development Environmental Impact Assessment, a Geohydrological assessment will be undertaken to assess the positive and negative impacts associated with the proposed project.
					In terms of surface water, a wetland assessment and a hydrological assessment will be commissioned to assess the potential impacts of the proposed mining activities on the surface water resources.
					The findings of the study will be revealed during the EIA phase of the project and through the availability of the Draft EIA report. All registered Interested and Affected Parties will be provided with details of the availability of the Draft report as soon as this information becomes available.
12		The Mine must market itself to the neighbouring schools and take some learners for further training in Mine work. The mine must make mining attractive to local children so that they can have an interest to study mining related skills.			Through the Human Resources Department N’Komati mine has commenced with career guidance counselling at local schools. Community projects within schools have been initiated and the mine will investigate expanding on such projects.
13		The mine should plough back to the community through skills development for mining jobs, entrepreneurs, and rehabilitation of farming land by local people.			The mine has various channels through which benefits to the local communities are realised. This includes local employment and procurement, and commitments made in terms of the mine’s approved Social Labour Plan programmes.
14		The mine must rehabilitate the land so that we can continue to exercise farming as our livelihoods option.			Rehabilitation is undertaken in accordance with the mines closure and rehabilitation plan as approved by the DMRE. The Mine is required to submit an annual closure liability report which outlines the commitments made by N’Komati Anthracite (Pty) Ltd mine on the rehabilitation of mining areas. Activities undertaken at the Mine are in line with the approved Environmental Management Programme (EMPr). The mine is required to comply with and will be audited on and reported to the DMRE.
15	The Eco company employed by the mine is not locally based.	Local suppliers are also utilised by the mine for support services. The mine will look into the further inclusion of local contractors.			
16	Concerns were raised regarding poor water quality caused by mining and how this impacts negatively on the community water users.	The mine operates in terms of an existing and valid Water Use License (WUL) issued by the Department of Water and Sanitation (DWS). Groundwater and surface water is monitored in line with the mine’s r monitoring programme and the WUL. In accordance with the WUL requirements, the water quality data is submitted to the DWS.  In relation to the current Integrated Development Environmental Impact Assessment, a Geohydrological assessment will be undertaken to assess the positive and negative impacts associated with the proposed project.  In terms of surface water, a wetland assessment and a hydrological assessment will be commissioned to assess the potential impacts of the proposed mining activities on the surface water resources.			

Nr.	Organisation/Commentator	Comment	Date	Source	Response
					The findings of the study will be revealed during the EIA phase of the project and through the availability of the Draft EIA report. All registered Interested and Affected Parties will be provided with details of the availability of the Draft report as soon as this information becomes available.
17		There is destruction of medicinal plants by mining and requested the mine to involve traditional practitioners for the preservation of medicinal plants.			Prior to the commencement of construction, a site walkover could be undertaken with one of the traditional healers to identify medicinal plants. These plants can either be removed by the traditional healer, or marked with high visibility flag to be avoided.
18		The present roads were not made for trucks; hence the need for renovations.			The upgrade and maintenance of roads relates to infrastructure services under the responsibility of the Local Municipality. There are instances whereby the mine works together with local government to contribute to the communities' infrastructure needs.
19		How are we going to love mining if we are not involved in core mining activities? The Mine must involve local people for the Trucking Business; instead of one foreign company (Reinard).			The mine has various channels through which benefits to the local communities are realised. This includes local employment and procurement, and commitments made in terms of the mine's approved Social Labour Plan programmes.
20		With the life of mine of 20 years, it means that people from other places will be benefitting for the next 20 years, while we as the local communities will be watching them benefit, with no benefits for us.			The mine's Procurement Procedures are diligently followed in the appointment of vendors/contractors. All candidates are measured against a criterion and need to meet the necessary requirements.  Opportunities available at the mine are advertised through the following means: <ul style="list-style-type: none"> <li>• Working Groups</li> <li>• Community Centres</li> <li>• Newspaper Adverts; and</li> <li>• Website</li> </ul> In order to prioritise local employment, job advertisements set forth by the mine, includes a clause that stipulates all job applications should be accompanied by a letter from the trust indicating that the applicant belongs to the community.
21		There is too much dust and trucks cause accidents (carrying coal, sugarcane, and sand).			In terms of the existing Environmental Management Programme (EMPr), the mine conducts dust monitoring using dust buckets. In addition to dust monitoring the following air quality mitigation measures are implemented: <ul style="list-style-type: none"> <li>• dust suppression on dirt roads and areas of potential risk;</li> <li>• Vehicle speed restriction</li> </ul>
22		There is a concern about lack of transparency on the Trust Fund for Underground Mining; yet this fund could help develop the community. Request that proposed expansion plans can only happen once the trust monies have been paid.			The Community Trust is in process. The mine is busy with discussion with the Traditional Authority. The mine follows a communication protocol and any communication to the communities regarding the Trust Fund should be through the Traditional Authority.
23		The Community requests to be given 5% of the extracted coal to be sold locally to create job opportunities for them.			Negotiations around the Trust Fund is underway between the mine and the Traditional Authority. Any benefits to the community will be through the Trust Fund.
24	Mawewe Traditional Council	The Mawewe Council is not happy with the Mine for failing to engage them about the expansion of the mine (including underground mining) before bringing in AVDE for a formal discussion. Concerns that Nkomati management does not have any respect for the local leadership structures.	25 August 2023	Focus Group Meeting	According to Regulation 12 of the Environmental Impact Assessment Regulations the proponent (N'Komati Anthracite Mine) must appoint an Environmental Assessment Practitioner to manage the process.  AvDE is an external and independent company appointed by N'Komati Anthracite mine to undertake this application process as well as the Public Participation process. Public Participation in terms of an Environmental Authorisation process is governed by the NEMA EIA Regulations.
25		Local children must be trained and employed by the mine.			The mine has various channels through which benefits to the local communities are realised. Through the Social and Labour Plan Commitments, the mine offers artesian/learnership programmes, bursaries and internships.
26		The mine does not respect our graves			In terms of the Scoping and EIA process a Heritage Impact Assessment has been commissioned. The study will identify any features of cultural and heritage features of significance including graves that are located within the study area. Where possible buffers will be assigned to the features and as far as possible remain untouched. Should there be instances where relocation of graves is required, consultation with the families and the South African Heritage Resources Agency's Heritage will be undertaken.  Any grievances in terms of grave disturbances shall be submitted to the mines Social Performance office.
27		The community is currently hostile to the Mine; hence the urgent need for the Mine to meet the Chief and negotiate land-use matters.			The mine's Social Development team holds meetings with the established working group every two months whereby feedback on concerns or issues raised are addressed.

Nr.	Organisation/Commentator	Comment	Date	Source	Response
28		The leadership say they are blamed by the community for siding with the mine, and there are allegations that leadership structures are being paid by the mine for misleading the communities.			The mine has confirmed that the representatives and leadership are volunteers from the community.
29		As the leadership, we are aware that the mine cannot employ everyone, but it can at least provide skills to local community members so they can get opportunities to work at the mine.			The mine has various channels through which benefits to the local communities are realised. Through the Social and Labour Plan Commitments, the mine offers artesian/learnership programmes, bursaries and internships.
30		The Mawewe Traditional Council will report to the Chief about the Mines intension to expand the mining areas and then they will make further inputs to AVDE.			The Mawewe Traditional Council has been provided with a copy of the Draft Scoping Report. According to legislative requirements the report is available for review and comment until the 28 September 2023.
31	Matsamo Traditional Council	How big is the affected Matsamo Tribal Area?	25 August 2023	Focus Group Meeting	Approximately 33ha will be used for the greater Block L mining block, access road and berm. An area of approximately 31 ha has been earmarked for the discard facility. However, the engineering designs of the facility is underway and the dimension of the facility is yet to be confirmed.
32		What will the Life of Mine be following this environmental authorisation? Can the Mine indicate business opportunities available to the community?			N'Komati Anthracite mine has a mining right that is valid from 19 February 2021 until 18 February 2051. In an event where mining continues beyond the 30-year period the mine will apply to the DMRE for a renewal.
33		What programme is available to rehabilitate the land for farming? The council is concerned that rehabilitation of land is done by ECO company instead of a local company			The mine will preferentially recruit novice and entry level positions from the local community with only positions that cannot be filled locally advertised, and filled further afield. In terms of the proposed mining areas, individuals currently employed by N'Komati Mine will remain employed. This will prevent any downscaling in the near future. Once the mine has reached the point where local procurement is required, the mine's Procurement Procedures are diligently followed in the appointment of vendors/contractors.
34		A concern that big non-local entrepreneurs are given businesses by the mine instead of local people (e.g., trucking business). There is no window of opportunity for local businesses and entrepreneurs			There is an upfront agreement with the Sugarcane farmers that the land will be rehabilitated and planted subsequent to mining as per the agreement per area. Local suppliers are also utilised by the mine for support services. The mine will look into the further inclusion of local contractors.
35		The minutes/comments must also be sent to the participants for follow-up purposes.			The mine's Procurement Procedures are diligently followed in the appointment of vendors/contractors. All candidates are measured against a criterion and need to meet the necessary requirements.
36		Agriculture Specialists is also required in addition to the identified specialists.			The minutes of the meeting will be distributed to all attendees and submitted to the DMRE as part of the Final Scoping Report.
37		Traffic specialists must also be invited to assess the impacts on the roads and traffic.			As part of the Soils and land Capability assessment, has been commissioned as part of the EIA process. The study will also focus on the potential impact on soils and the land capability including agriculture. The Study will be available during the EIA phase of the project and Interested and Affected Parties will be given the opportunity to comment on the report.
38		The Mine Management must meet with the Tribal Council to establish good communication and relationships. Local leadership must be empowered with the correct information so that they are able to relay mine information to their communities with confidence.			Internal mine roads will be used in support of the proposed mining activities. The proposed project does not include any upgrades to the beneficiation plant, hence the amount of product produced remains. It is not anticipated that vehicles to and from the mine will increase.
39		The mine management must be available when we need them, currently they only come to us when they need us for their EIA processes, but when we need them they are not available.			A Working Group has been established, whereby each Traditional Authority has a representative. The Delegation has been assigned by the Traditional Authority to engage with the mine and provide feedback to the Traditional Authority. Meetings between the mine and the working group are held every second month.
40		The Mine must compensate both the land owner (the Chief with Royalties) and land-user (individual farmers) for the loss of productive land. The office of the Chief must also be involved in determining compensation rates for the farmers with the mine and in any land use agreements entered into with the communities/farmers.			There are two distinct process that are followed. Firstly, the mine negotiates with the Traditional Authority for the Right to Occupy. Secondly if there is a current land user e.g., sugarcane farmer, then there is a separate agreement in place with the land user.
41		The once off skilling is not good. Children of farmers who lost land should be trained for employment in the Mine.			N'Komati Anthracite Mine uses the published formular as per the SA Canegrowers Associations, which is an industry norm and updated annually as per crop prices and yields. Right to Occupy is signed with the Tribal Authority. The lease agreement is with the landowner.
42	The average compensation of 80 tonnes per hectare should be revisited because it disadvantages many farmers.	N'Komati Anthracite Mine compensates the land user in terms of the published formular as per the SA Canegrowers Association, which is an industry norm and updated annually as per crop prices and yields.			
43	How much water does the Mine use per month?	N'Komati Anthracite Mine compensates the land user in terms of the published formular as per the SA Canegrowers Association, which is an industry norm and updated annually as per crop prices and yields.			
		The process water used for the operations at the mine is obtained from the approved process water dams, old mine voids, recycled plant water and water from within the pits. With the focus being on using recycled water, there is no municipal water used in process.			

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					<p>Potable water for consumption is brought in from the town whilst water from the licensed boreholes (WUL: 05/X13J/ACGIJ/1864) is used for the change houses and ablutions – already approved areas.</p> <p>According to the mine the monthly volumes are as follows:</p> <p>a) 15,000 KL for cleaning;</p> <p>b) 40,000KL for the plant</p> <p>c) 800 KL for drinking</p>
44	Kwa Lusedlane Traditional Council	There is a lack of a professional and transparent relationship between N’Komati Mine and the Traditional Houses in the area due to outstanding issues. There are fears that if these are not resolved before N’Komati receives the Environmental Authorisation, then the history of outstanding and ongoing legacy issues will continue.	14 September 2023	Focus Group Meeting	<p>A Working Group has been established, whereby each Traditional Authority has a representative. The Delegation has been assigned by the Traditional Authority to engage with the mine and provide feedback to the Traditional Authority. Meetings between the mine and the working group are held every second month. These platforms have been established whereby the communities can raise their comments and grievances.</p> <p>The mine has a Social and Labour Plan in Place, which addresses economic development in the area. Currently the mine is working closely with the Traditional Authority, Local Municipality, and local government to achieve the projects set forth in the plan. The SLP has been fundamentally approved by the DMRE.</p> <p>The mine has implemented projects that have been committed as part of the 2021 to 2025 SLP.</p> <p>The mine has implemented projects that have been committed as part of the 2021 to 2025 SLP.</p> <p>Opportunities available at the mine are advertised through the following means:</p> <ul style="list-style-type: none"> <li>• Working Groups</li> <li>• Community Centres</li> <li>• Newspaper Adverts; and</li> <li>• Website</li> </ul> <p>In order to prioritise local employment, job advertisements set forth by the mine, includes a clause that stipulates all job applications should accompany a letter from the trust indicating that the applicant belongs to the community.</p> <p>The mine submits a financial provision to the DMRE on an annual basis in terms of rehabilitation once the mining operations ceases. Activities undertaken at the Mine are in line with the approved Environmental Management Programme (EMPr). The mine is required to comply with and will be audited on and reported to the DMRE.</p> <p>The mine operates in terms of an existing and valid Water Use License (WUL) issued by the Department of Water and Sanitation (DWS). Groundwater and surface water is monitored in line with the mine’s r monitoring programme and the WUL. In accordance with the WUL requirements, the water quality data is submitted to the DWS.</p> <p>In terms of the existing Environmental Management Programme (EMPr), the mine conducts dust monitoring using dust buckets. In addition to dust monitoring the following air quality mitigation measures are implemented:</p> <ul style="list-style-type: none"> <li>• dust suppression on dirt roads and areas of potential risk</li> <li>• Vehicle speed restriction</li> </ul> <p>Protocol was followed and consultation with the leadership was undertaken prior to 2021 with regards to the 2021-2025 SLP.</p> <p>Subject to approval by the DMRE and the Local Municipality, such can be considered and investigated by the mine as a project of the SLP.</p> <p>Over and above the SLP commitments, the mine assist with outreach programmes in career guidance, road maintenance and training of youth operators.</p> <p>The Public Participation Process is undertaken in line with the National Environmental Management Act (Act 107 of 1998) Environmental Impact Assessment Regulations, 2014 as amended. The following has been undertaken thus far in support of Public Participation:</p> <ul style="list-style-type: none"> <li>• Placement of a newspaper advert in the lowveld newspaper on 24 August 2023</li> <li>• Placement of site notices around the project study area</li> <li>• Email notification and distribution of the Background Information Document to I&amp;IAPs on the project data base informing them of the proposed project</li> </ul>
45		N’Komati Mine is not open about the information and opportunities it provides. Therefore, there needs to be a solid foundation and working relationship with N’Komati Mine established through open communication and trust.			
46		There is no proper agreement or Memorandum of Understanding (MOU) in place with the community regarding the mine's operations and social development plans.			
47		N’Komati Mine has only implemented a few social development projects and the chief feels they could do more.			
48		Opportunities from the mine are not actually benefiting community members - the chief wants to ensure the community truly benefits from the mining project through jobs, projects, and development.			
49		Health and safety of the communities in 5, 15, 20 years if the mining operation is extended, and we are worried that the mine will not be there to assist them then.			
50		N’Komati mine is implementing some Social and labour Plan (SLP) projects, they were not consulted as the community and leadership to provide inputs into these SLP projects.			
51		Request for N’Komati to assist with issues like water provision or infrastructure projects for the community?			
52		What is N’Komati doing to encourage community faith and motivate the community to support them?			
53	It seems as if AVDE is only engaging a few stakeholders, but there are other community stakeholders who should be involved in these processes.				

Nr.	Organisation/Commentator	Comment	Date	Source	Response
					<ul style="list-style-type: none"> <li>• SMS Notification to Interested and Affected Parties on the availability of the Draft Scoping Report</li> <li>• Email notification to Registered I&amp;As on the availability of the Draft Scoping Report</li> <li>• Focus Group Meetings <ul style="list-style-type: none"> <li>○ Matsamo Traditional Council</li> <li>○ Mawewe Traditional Council</li> <li>○ N’Komati Community Working Group</li> <li>○ Sugarcane Farmers Association</li> <li>○ Kwa-lugedlane Traditional Council</li> </ul> </li> <li>• Availability of the Draft Scoping Report at the following places: <ul style="list-style-type: none"> <li>○ Malelane Library</li> <li>○ Matsamo Traditional Council Offices</li> <li>○ Mawewe Traditional Council Offices</li> <li>○ Kwa-lugedlane Traditional Council Offices</li> <li>○ Mangweni Youth Advisory Centre</li> <li>○ On the AvDE website: <a href="http://www.altavandykenvironmental.co.za">www.altavandykenvironmental.co.za</a></li> <li>○ Offices of Alta van Dyk Environmental Consultants, 4 Garcia Peak, Midlands Estate, Centurion, Gauteng.</li> </ul> </li> </ul>
54		Some community members live closely to the mine operations and have experienced blasting activities which have caused their houses to crack.			There are prior agreements with each village, and specific needs are addressed accordingly by the mine. Any grievance with the mine can be submitted to the established N’Komati Working Group which is the link between the communities and the mine.
55		The community has raised concerns about pollution from mining activities and overall safety.			<p>The mine submits a financial provision to the DMRE on an annual basis in terms of rehabilitation once the mining operations ceases.</p> <p>Activities undertaken at the Mine are in line with the approved Environmental Management Programme (EMPr). The mine is required to comply with and will be audited on and reported to the DMRE.</p> <p>The mine operates in terms of an existing and valid Water Use License (WUL) issued by the Department of Water and Sanitation (DWS). Groundwater and surface water is monitored in line with the mine’s r monitoring programme and the WUL. In accordance with the WUL requirements, the water quality data is submitted to the DWS.</p> <p>In terms of the existing Environmental Management Programme (EMPr), the mine conducts dust monitoring using dust buckets. In addition to dust monitoring the following air quality mitigation measures are implemented:</p> <ul style="list-style-type: none"> <li>• dust suppression on dirt roads and areas of potential risk</li> <li>• Vehicle speed restriction</li> </ul>
56		There is currently no proper working agreement in place between the mine and the community in terms of implementing the Social and Labour Plan			Protocol was followed and consultation with the leadership was undertaken prior to 2021 with regards to the 2021-2025 SLP. The SLP has been fundamentally approved by the DMRE.
57		Certain community members engage in farming activities but do not own any land. All agreements must be entered with the Chief, not his subjects			There are two distinct process that are followed. Firstly, the mine negotiates with the Traditional Authority for the Right to Occupy. Secondly if there is a current land user eg sugarcane farmer, then there is a separate agreement in place with the land user.
58		The mine to develop water reticulation systems to assist the communities with recycled water.			N’Komati Anthracite Mine uses the published formular as per the SA Canegrowers Associations, which is an industry norm and updated annually as per crop prices and yields. Right to Occupy is signed with the Tribal Authority. The lease agreement is with the landowner
59		There is an Open Cast Mini Pit Rehabilitation in the community, but they do not understand that process.			The water from the mine is recycled and used back in the process as per the mines water balance and the approved Water Use Licence issued by the Department of Water and Sanitation (DWS). Should the mine make provision for water to be used for irrigation, authorisation from the DWS will be required as the water will need to be treated to a specific standard.
60		The mining operation is not compliant with the Mining Charter.			Rehabilitation at the Mangweni mini pit has been undertaken to a certain extent which has now stopped due to the area been earmarked for future mining. Rehabilitation of the Mangweni pit has been included in the annual financial provision submitted to the DMRE.
61		There is no working agreement in place for addressing the long-term impacts of the mine and how they can be mitigated.			The mine reports its level of compliance with the mining Charter on an annual basis as provided for in the Mineral and Petroleum Resources and Development Act 28 of 2002.
					Activities undertaken at the mine are in line with the approved Environmental Management Programme (EMPr). The mine is required to comply with and will be audited on and reported

Nr.	Organisation/Commentator	Comment	Date	Source	Response
					to the DMRE. The established working group is a platform whereby community representatives and leaders are able to engage with the mine.
62		Overall, the community is unhappy with how the mine has treated them and feels that the trust and relationship between the two parties have been damaged. The chief has expressed a desire to establish a working relationship and will only support initiatives that bring development to his community.			The comment has been acknowledged by the mine. The mine values the relationship between the Traditional Authority; hence platforms such as the working groups have been established.

Table 3: EIA Phase Comments and Responses

Nr.	Organisation/Commentator	Comment	Date	Source	Response
<b>Commentary Authorities</b>					
1	Ehlanzeni District Municipality Lebogang Mdluli	Ehlanzeni District Municipality — Community Services Department: Environmental Management Unit would like to acknowledge the receipt of the above-mentioned report and has conducted a site visit on the 12 of March 2024 to assess the site for the proposed expansion of the existing mine. The district has no objection on the proposed expansion, considering that the content of the report has outlined the activities, environmental impacts and the associated mitigation measures, however the district would like to give emphasis to the following matters.	19 March 2024	Email	The comment provided by the district is acknowledged by AvDE.
2		The exhuming or removal of the graves on site must be authorized by South African Heritage Resource Agency (SAHRA) in terms of the National Heritage Resources Act, Act No 25 of 1995. The affected family members and communities must be engaged in-depth to ensure proper understanding of all the exhumation and relocation processes.			A phase 1 Heritage Impact Assessment has been undertaken for the proposed project. The report has been loaded on to the South African Heritage Resource Information System (SAHRIS). SAHRA will provide a way forward on the process to be followed, in line with the findings of the HIA.
3		As stated in the report, the authorized service provider for waste collection must ensure that all general waste collected from the site is disposed at the registered landfill site (Steenbok landfill) and proof of disposal must be readily available on the premises			The comment is acknowledged and has been included in the EMPr.
4		All hazardous waste temporarily stored onsite, awaiting collection by an approved service provider must be handled with precaution to avoid spillages and must be disposed at an authorized hazardous waste disposal facility.			The comment is acknowledged and has been included in the EMPr.
5		The effluent from septic tanks must be disposed at an authorized Wastewater Treatment Works (WWTW) as mentioned in the report and records of disposal must be kept on site (disposal certificates/ municipal receipt).			The comment is acknowledged and has been included in the EMPr.
6		Section 25 (2) of the National Environmental Management: Waste Act, (Act 59 of 2008), indicates that the person responsible for transporting waste must take all reasonable measures to prevent any spillage of waste or littering from the vehicle transporting the waste in all phases of the development.			The mine has an appointed service provider for the transport of effluent to the WWTW.
7		According to the National Environmental Management: Air Quality Act 34 Of 2004 the development does not trigger the listed activities however, monitoring of the dust fallout must be done continuously to ensure the minimum emission standards are met and emission report must be submitted to the Ehlanzeni District Municipality, Air Quality Officer on a quarterly basis.			The mine currently undertakes fall out dust monitoring on a monthly basis at 16 stations around the mining operations. The report is currently being submitted to the DMRE on a monthly, quarterly and annual basis. The request for the submission of the Dust Monitoring reports to the Ehlanzeni District Municipality has been acknowledged by the mine and included as an EMPr commitment.
8		The previously rehabilitated areas (open pits and underground void), including areas that are still to be rehabilitated must be properly filled to prevent sinkholes, soil erosion, and open pits may pose risk of future incidents to communities around the mine. Therefore, the concurrent rehabilitation process occurring on site as mentioned in the report are highly recommended and appreciated.			Your comment is acknowledged. The mine will undertake the proposed activities as per the mine plan which is inclusive of concurrent rehabilitation.
9		Waste storage areas must have bunded wall to contain any potentially polluting materials that can lead to ground contamination.			The comment is acknowledged and has been included in the EMPr.
10		All spillages must be cleaned immediately as it is practically possible to avoid soil and water pollution (including the nearby Komati River).			The comment is acknowledged and has been included in the EMPr.
11		The quality of water supply (boreholes) on the premises must comply with the specifications of the South African National Standards 241 for drinking water, with regards to microbiological, chemical and physical quality.			Currently the mine has a WUL in place for the abstraction and use of borehole water for potable purposes. The mine uses the Reverse Osmosis plant for the treatment of the borehole water for potable use. Samples are taken on a monthly basis for quality check. The samples are analysed by an independent laboratory Aquatico, which is SANAS accredited. The samples are currently being analysed in terms of the SANS 241 limits.
12		Building of residential homes within the specified buffer zones must be prohibited.			N'Komati mine supports the principal of the buffer zone, and intends to work together with the Local Municipality and Traditional Authority to prevent encroachment.
13		The applicant of the proposed expansion must be responsible for compliance with the provisions for Duty of Care and remediation of environmental damage contained in Section 28 of National Environmental Management Act, Act No 107 of 1998.			The comment is acknowledged and has been included in the EMPr.
14		Your correspondence, with Ref: MP30/511W2189 MR of date 14/02/2024 has reference.			14 March 2024

Nr.	Organisation/Commentator	Comment	Date	Source	Response
		<p>Background NKomati Anthracite Mine is an existing opencast strip and underground mining operation. The applicant, proposes to develop 5 opencast mining areas, expand the previously approved underground mining and to establish supporting infrastructure (overburden stockpiles and discard dump, berms, and haul roads).</p> <p>Comments The sensitivity of the proposed activity area was assessed according to the Mpumalanga Biodiversity Sector Plan (MBSP; MTPA, 2014). This sensitivity is assessed in terms of terrestrial and freshwater assessments. In the MBSP, sensitive areas are identified in terms of Critical Biodiversity Areas (CBAs) and Ecological Support Areas (ESAs). CBAs and ESAs are deemed to be necessary to ensure protection of biodiversity, environmental sustainability, and human well-being, and are to remain unaltered.</p> <p>According to the MBSP terrestrial assessment, figure 1, the proposed activity will occur within an Other Natural Areas, Moderately and Heavily Modified areas. According to the freshwater assessment (Figure 2), the mining activity will occur in areas with CBA Wetlands, ESA wetlands, Other natural areas, and Heavily Modified areas.</p>			
15	Mpumalanga Tourism and Parks Agency K. Malele; N.B Baloyi	The MTPA has no objections to the proposed mining development but would like to recommend the following: Where vegetation will be removed, it is recommended that the removal is restricted to areas where the construction of the proposed development will occur or where infrastructure will be placed.			The comment is acknowledged and has been included in the EMPr.
16		All plants of conservation concern that cannot be avoided, excluding large trees, must be relocated into a nursery. The rescued plants should be used in landscaping and rehabilitation.			Prior to the commencement of the construction, a site walkthrough will be undertaken whereby all protected trees and Species of Conservation Concern will be marked. The mine will apply for the required permits for removal. The condition has been included in the EMPr.
17		An allocation of sufficient budget must be made for rescuing and nursing plants of conservation concern, including translocation or transplanting, supervision, compost, watering, maintenance and a nursery.			The comment is acknowledged and has been included in the EMPr.
18		Protected trees should be conserved in-situ and avoided by the proposed development. Where not possible, permits to move or destroy these species must be obtained from the relevant competent authority prior to development commencement			Prior to the commencement of the construction, a site walkthrough will be undertaken whereby all protected trees will be marked. The mine will apply for the required permits for removal/destruction.
19		Bird breeding areas and nests should be avoided by mining. Where not possible, permits to destroy, disturb or relocate protected bird species must also be obtained from the relevant competent authority.			The comment is acknowledged and has been included in the EMPr.
20		Newly disturbed sites must be monitored for erosion and invasive species on an on-going basis. All declared alien plants must be identified and managed according to the Conservation of the Agricultural Resource Act (No. 43 of 1983).			The comment is acknowledged and has been included in the EMPr.
21		To prevent contamination of the riparian area, surface and ground water, strict regulations must be in place and implemented in order to contain all waste and potential hydrocarbon pollution arising from the operational phase.			Operational mitigation measures are outlined in Section 9 of the wetland assessment report, which comprehensively addresses these activities. The primary impacts targeted by these measures relate to water quality deterioration. Through the implementation of the strategies detailed in this section, efforts are directed towards minimizing and mitigating the adverse effects on water quality as a result of these activities, thereby ensuring the preservation and health of the wetland ecosystem. The comment is acknowledged and has been included in the EMPr together with the mitigation measures as provided in the Wetland Assessment and in the Groundwater Report.
22		Riparian vegetation removal should be avoided as much as possible with reasonable mitigation measures in place and implemented in accordance with Section 28 of NEMA.			The comment is acknowledged and has been included in the EMPr. Mining activities generally avoid riparian habitats, but the riparian area affected by Block L is currently unavoidable due to the schedule and mining progression. A compensation strategy to mitigate the impacts on this riparian area includes improving the remaining riparian area by removing alien invasive species and stabilizing erosion through the installation of in-stream erosion prevention measures. To mitigate the loss of catchment flow, all clean water around Block L will be diverted and separated from the dirty water. A combination of improvement measures and clean water diversion will ensure the continuous functioning of the riparian area.
23		CBA Wetlands must be delineated and avoided with a 500-meter buffer with no mining in the buffered area, throughout the mining activities.			According to the MBSP freshwater sensitivity map (2019), the only CBA Wetland Identified is located south of the project area, where the existing Madadeni Open Pit is situated. Approval was obtained for the diversion of the watercourse in this area, as outlined in WUL 05/X13J/ICGIJ/12737. A wetland assessment conducted to support this application, along with ground truthing and delineation, determined the extent of the watercourse.  The watercourses and the surrounding area have been affected not only by existing mining activities but also by housing, associated infrastructures, and agricultural activities, particularly

Nr.	Organisation/Commentator	Comment	Date	Source	Response
					<p>cultivation across the remaining unchanneled valley bottom wetland. The area designated as CBA currently includes the approved river diversion, disturbed riparian area, and remnants of unchanneled valley bottom wetland impacted by agricultural and upstream developmental activities.</p> <p>Due to landscape changes, only small remnants of wetland remain on-site, primarily unchanneled valley bottom wetland, much of which is extensively cultivated, with the rest significantly impacted by housing development upstream. The majority of the watercourses are classified as diversion and riparian area.</p> <p>Considering the existing approvals in place, particularly for mining activities, including existing cultivation in remnant valley bottom wetland, exclusion is no longer relevant. Assessments of activities within the regulated area (500m radius of watercourse) were addressed during the licensing phase of existing authorisations. However, any additional onsite and cumulative impacts resulting from existing and proposed activities will be addressed as part of the existing conditions within the WUL and EMPr, as well as additional measures proposed in the Wetland Assessment Report to ensure continuous improvement of these watercourses.</p>
24		<p>Although the ESA wetlands on the proposed sites have been moderately modified and critically modified, they still provide important ecological services in the area. These wetlands will be affected by the Block L mining footprint and Opencast pits; hence mitigation and offset plans must be put in place to compensate for the impacts on these wetlands caused by the mining activities. Examples of such would be the development of artificial wetlands and a water treatment plant. The artificial wetlands could be optimally positioned at the lowest decant point of all the 5 proposed opencasts.</p>			<p>Mitigation measures as included in the Wetland Assessment Report has been included as part of the EMPr. The loss of riparian habitat below Block L necessitates the development of a compensation/offset strategy. Currently the mine has identified wetlands within the mining rights area that does not form part of the mine plan, as it is an initiative of the mine to conserve these wetlands. Measures such as removing alien vegetation, stabilising erosion, revegetating exposed areas, and redirecting clean water around the mining block to these areas to compensate for the loss of catchment and water input can be considered by the mine.</p> <p>The loss of isolated seep wetlands, assessed as non-functional with PES categories ranging from E to F and classified as low/marginal in Importance and Sensitivity, is unavoidable. As part of compensating for the loss of these non-functional systems, the focus should shift to improving the remaining watercourses onsite that provide continuity and corridors for various species in the area.</p> <p>The purpose of a Water Treatment Plant (WTP) is to address water quality concerns and potentially improving water quality. According to the Future Flow report compiled in 2023, decant is expected from the opencast mining areas. Geochemical characterization of the material indicates that no acid mine drainage conditions are expected to form, and leach testing shows element concentrations that comply with leach concentration guideline values</p>
25		A Water Use Licence must be obtained from the relevant competent authority.			A Water Use License Application is currently underway. The e-wulaas reference number is WU32991.
26		The water within the underground shafts from the drawdown of groundwater must be pumped to the surface, treated to acceptable standards and then discharged to the environment. This highlights the importance of having a water treatment plant for this mining operations.			<p>Through the existing WUL, the mine is authorised for a Section 21 f, for the discharge of treated mine void water into the Komati River. However currently fissure water is pumped to the north void and used as make up water for the processing plant, which forms part of the operations approved water balance. Currently water is not discharged into the Komati River, in instances where the water is required to be discharged, such is communicated with the DWS as well as the water quality of the water that is discharged.</p> <p>According to the Future Flow report compiled in 2023, Geochemical characterization of the material indicates that no acid mine drainage conditions are expected to form, and leach testing shows element concentrations that comply with leach concentration guideline values</p>
27	Eskom Ms Mendy Nemanashi	<p>N'KOMATI ANTHRACITE MINE-INTEGRATED ENVIRONMENTAL AUTHORISATION FOR OPEN CAST MINING AREAS AND EXPANSION OF THE MADADENI UNDERGROUND AREA.</p> <p>This notice affects the existing Eskom Distribution line, Figtree /Mgobodzi 22kV Line which traverse the proposed areas. Eskom Distribution will raise no objection to the proposed development, provided Eskom's rights and services are acknowledged and respected at all times. There is 9 &amp; 15,5 meters building and tree restriction on either side of the Centre lines of the 22kV power line which must be adhered to in all future development and or construction. Eskom's rights are protected by servitude.</p> <p>Further to the above the following conditions must be adhered to and accepted in writing before any construction procedures: -</p> <ol style="list-style-type: none"> <li>1. Eskom Distribution shall at all times have unobstructed access to and egress from its services.</li> <li>2. The applicant will adhere to all relevant environmental legislation. Any cost incurred by Eskom Distribution as a result of non-compliance will be charged to the applicant.</li> <li>3. No construction or excavation work shall be executed within 11 metres from any Eskom power line structure, and/or within 11 metres from any stay wire.</li> </ol>	20 March 2024	Email	<p>The comment provide by Eskom has been acknowledged by the N'Komati Mine and Alta van Dyk environmental. As confirmed by Eskom an existing Eskom Distribution line, Figtree /Mgobodzi 22kV Line will be affected by the proposed project.</p> <p>The project is in the Environmental Impact Assessment Phase and the Final Environmental Impact Assessment Report will be submitted to the DMRE for decision making. Should the DMRE grant authorisation for the proposed development, then N'Komati Anthracite Mine will engage with Eskom as per the procedures detailed in your response regarding the possible relocation of the powerline. Such will also be included in the EMPr as a commitment.</p>



Nr.	Organisation/Commentator	Comment	Date	Source	Response
		<p>4. If Eskom has to incur any expenditure in order to comply with statutory clearances or other regulations as a result of the applicant's activities or because of the presence of his equipment or installation within the servitude or wayleave area, the applicant shall pay such costs to Eskom on demand.</p> <p>5. Changes in ground level may not infringe statutory ground to conductor clearances or statutory visibility clearances. After any changes in ground level, the surface shall be rehabilitated and stabilised so as to prevent erosion. The measures taken shall be to Eskom's requirements.</p> <p>6. Eskom Distribution shall not be liable for the death of or injury to any person or for the loss of or damage to any property whether as a result of the encroachment or of the use of the area where Eskom Distribution has its services, by the applicant, his/her agent, contractors, employees, successors in title and assigns.</p> <p>7. The applicant indemnifies Eskom against loss, claims or damages including claims pertaining to interference with Eskom Distribution services or apparatus or otherwise. The applicant's attention is drawn to section 27(3) of the Electricity Act 1987, as amended in 1994, which stipulates that the applicant can be fined and/or imprisoned as a result of damage to Eskom's apparatus.</p> <p>8. No mechanical equipment, including mechanical excavators or high lifting machinery, shall be used in the vicinity of Eskom's apparatus and/or services, without prior written permission having been granted by Eskom. If such permission is granted the applicant must give at least seven working days prior notice of the commencement of work The Eskom's authorised area representative for the Kamhushwa CNC: Jerry Mkhonto, at Tel 013 791 0319/ 082 547 6819 Email: MkhontJS@eskom.co.za. This allows time for arrangements to be made for supervision and/or precautionary instructions to be issued.</p> <p>9. Under no circumstances shall rubble, earth or other material be dumped within the servitude or Way Leave restriction area. The applicant shall maintain the area concerned to Eskom's satisfaction. The applicant shall be liable to Eskom for the cost of any remedial action which has to be carried out by Eskom.</p> <p>10. The clearances between Eskom's live electrical equipment and the proposed construction work shall be observed as stipulated by Regulation 15 of the Electrical Machinery Regulations of the Occupational Health and Safety Act, 1993 (Act 85 of 1993).</p> <p>11. Eskom may stipulate any additional requirements to illuminate any possible exposure to Customers or Public to coming into contact or be exposed to any dangers of Eskom plant.</p> <p>12. Costs incurred by Eskom to comply with statutory requirements in terms of an applicant's (or his contractors) works, equipment or plant in the servitude area, shall be paid to Eskom on demand.</p> <p>13. If for any reason the structure is required to be moved or dismantled the applicant will be responsible for the removal and/or possible re-location of the attachment.</p> <p>14. No work may commence unless Eskom has received the applicant's written acceptance of the conditions specified in the letter of consent and/or permit and the approval is valid for a period of 60 days from date of letter.</p> <p>15. The applicant or his / her contractor on site must at all times be in possession of the letter of consent. Should the site agent or contractor on site not be able to produce the required approval on inspection, all site activities will be stopped.</p> <p>16. Eskom's rights and duties in the servitude shall be accepted as having prior right at all times and shall not be obstructed or interfered with. NOTE: Where and electrical outage is required, at least fourteen workdays is required to arrange same.</p> <p>17. Eskom Standard gates must be installed in the road reserve fence to ensure access to Eskom's services.</p> <p>18. Statutory clearances as specified by the Occupational Health and Safety Act, 1993 (Act 85 of 1993), Regulation 15 of the Electrical Machinery Regulations, shall be complied with. Should the applicant or his contractor damage any of Eskom services during commencement of any work whatsoever, then Eskom's 24-hour Contact Centre Tel: 08600 37566 must be dialed immediately to report the incident.</p> <p>Any relocation of Eskom's services, due to this construction, will be for the account of the Applicant.</p> <p>The Applicant will also be responsible for granting Eskom an alternative route for the power line. The Eskom Customer Contact Centre at 08600 37566 must be contacted in connection with any line deviation and costs.</p>			

Nr.	Organisation/Commentator	Comment	Date	Source	Response
		<p>Attached Annexes D (Letter of consent) and E (Indemnity Form) must be completed and returned to this office before commencement of any operations, maps indicating positions of Eskom Distribution services and Clearance standards.</p> <p>We thank you and hope you will find the above in order. Should you have technical queries on the Eskom standards and specifications please feel free to phone our Asset Creation, Manager Design Engineering Marumo at Tel: +27 13 693 3735 or email: MarumoS@eskom.co.za</p>			
28	South African Heritage Resources Agency	<p>Final Comment In terms of Section 38(4) of the National Heritage Resources Act (Act 25 of 1999) Alta van Dyk Environmental Consultants CC have been appointed by N’Komati Anthracite (Pty) Ltd to undertake an Environmental Authorisation Application for proposed mining activities at Mangweni, Mpumalanga Province (MP 30/5/1/2/2/89 MR). A Draft Scoping Report (DSR) has been submitted in terms of the National Environmental Management Act, 1998 (NEMA) and the EIA Regulations for activities that trigger the Mineral and Petroleum Resources Development Act, 2002 (MPRDA)(As amended). The proposed activities will include the establishment of new open cast mining areas and the expansion of existing underground mining areas, overburden stockpiles, berms and haul roads. The DSR notes that a Heritage and Palaeontological Impact Assessment will be conducted as part of the EA process. In an Interim Comment issued on the 19/09/2023, SAHRA noted the pending heritage reports. Since the issuing of the Interim Comment, the DEIA and Heritage reports have been submitted (14/02/2024). Banzai Environmental (Pty) Ltd and PGS Heritage (Pty) Ltd were appointed to provide heritage specialist input into the EA process in terms of section 24(4)b(iii) of NEMA and section 38(8) of the National Heritage Resources Act, Act 25 of 1999 (NHRA). Butler, E. 2023. Palaeontological Impact Assessment: N’komati Anthracite Mine Extension, in the Barberton Magisterial District, Mpumalanga Province The proposed development footprint is underlain by superficial sediments and the Vryheid Formation. No fossils were identified as part of the field assessment. A Chance Fossil Finds Procedure is recommended to be implemented. Hardwick, S and Fourie, W. 2023. Heritage Impact Assessment Process for the N’Komati Anthracite Mine, near Komatipoort in the Mpumalanga Province.</p> <p>A total of 95 heritage resources were identified within the proposed development area. These include Stone Age lithic scatters of low heritage significance, a total of 12 clusters of Later Iron Age settlements, four known graves and three potential additional graves of high heritage significance.</p> <ul style="list-style-type: none"> <li>• Clusters 1-12 will be impacted and must be mitigated by recording of the sites i.e. (a) map indicating the position and footprint of all features (b) photographic recording of all features (c) measured drawings of the site, and full scale archaeological excavations;</li> <li>• Possible graves: Apply for test excavation and/or GPR permit to determine if the feature is a grave; If human remains are discovered a grave relocation process is recommended as a mitigation and management measure. This will involve the necessary social consultation and public participation process before grave relocation permits can be applied for with the SAHRA BGG under the NHRA and National Health Act regulations;</li> <li>• Burial grounds (NKM23/100-2 and NKM23/105): The site should be demarcated with a 100-meter no-go-buffer zone and the grave should be avoided and left in situ.</li> <li>• A Grave Management Plan should be developed for the graves, to be implemented during the construction and operation phases (with approval from SAHRA BGG);</li> <li>• If the site is going to be impacted directly and the graves need to be removed, a grave relocation process for this site is recommended as a mitigation and management measure. This will involve the necessary social consultation and public participation process before grave relocation permits can be applied for with the SAHRA BGG under the NHRA and National Health Act regulations;</li> <li>• In addition, an archaeologist should be on-site at all times when any mining related work is undertaken until the mitigation has been completed and a destruction permit issued by SAHRA;</li> <li>• When graves are discovered/uncovered the site should be demarcated with a 100-meter no-go-bufferzone and the grave should be avoided.</li> <li>• If, during test excavations, it is determined that the feature is not a grave, no further mitigation will be required.</li> <li>• A Chance Finds Protocol must be implemented.</li> </ul>	27 March 2024	SAHRIS	The comment by SAHRA as provided in the Heritage Impact Assessment has been acknowledged by AvDE and the N’Komati Anthracite Mine.

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		The following comments are made as a requirement in terms of section 38(8) of the NHRA in the format provided in section 38(4) of the NHRA and must be included in the Final EIA and EMPr:  38(4)a – The SAHRA Development Applications Unit (DAU) has no objections to the proposed development;			The comment has been acknowledged by AvDE and captured in this Comments and Response report for consideration by the Competent Authority when making their decision on the application.
		38(4)b – The recommendations of the specialists are supported and must be adhered to. Further additional specific conditions are provided for the development as follows:  Areas not surveyed due to access issues must be surveyed prior to the commencement of the construction phase. An updated HIA must be submitted to SAHRA for comment. No construction in these areas may commence without comments from SAHRA in this regard. SAHRA reserves the right to object to the development and/or impose additional conditions based on the results of the requested report;			The comment has been acknowledged and included in the EMPr. A Heritage Consultant will be consulted prior to the construction activities to ensure that areas that form part of the proposed project have all been assessed.
		Permits in terms of section 35 of the NHRA must be applied for from SAHRA in order to conduct the recommended mitigation measure for the archaeological sites and for the GRP/test excavation of the possible graves. No construction may commence before mitigation has been completed; The Grave Management Plan must be submitted to SAHRA prior to the commencement of the construction phase for approval.			The comment has been acknowledged and included in the EMPr.
		If it is not possible to avoid impacting the identified graves, a social consultation process must be completed. If the identified Next of Kin agree to the relocation of graves, a permit in terms of section 36(3) of the NHRA may be applied for prior to the construction phase;			The comment has been acknowledged and included in the EMPr.
		Any monitoring reports must be submitted to SAHRA upon completion of the construction phase;			The comment has been acknowledged and included in the EMPr.
		38(4)c(i) – If any evidence of archaeological sites or remains (e.g. remnants of stone-made structures, indigenous ceramics, bones, stone artefacts, ostrich eggshell fragments, charcoal and ash concentrations), fossils or other categories of heritage resources are found during the proposed development, SAHRA DAU (Natasha Higgitt 021 202 8660/ nhiggitt@sahra.org.za) must be alerted as per section 35(3) of the NHRA. Non-compliance with this section of the NHRA is an offense in terms of section 51(1)e of the NHRA and item 5 of the Schedule			The comment has been acknowledged and included in the EMPr.
		38(4)c(ii) – If unmarked human burials are uncovered, the SAHRA DAU (Natasha Higgitt 021 202 8660/ nhiggitt@sahra.org.za) must be alerted immediately as per section 36(6) of the NHRA. Non-compliance with this section of the NHRA is an offense in terms of section 51(1)e of the NHRA and item 5 of the Schedule;			The comment has been acknowledged and included in the EMPr.
		38(4)d – See section 51(1) of the NHRA regarding offences;			The comment has been acknowledged.
		38(4)e – The following conditions apply with regards to the appointment of specialists:  i) If heritage resources are uncovered during the course of the development, a professional archaeologist or palaeontologist, depending on the nature of the finds, must be contracted as soon as possible to inspect the heritage resource. If the newly discovered heritage resources prove to be of archaeological or palaeontological significance, a Phase 2 rescue operation may be required subject to permits issued by SAHRA;			The comment has been acknowledged and included in the EMPr.
		The Final EIA and EMPr must be submitted to the SAHRIS application for record purposes			The Final EIA report will be submitted to SAHRA via SAHRIS once the report has been submitted to the DMRE.
		The decision regarding the EA application must be submitted to the SAHRIS application for record purposes.			Once the DMRE makes a decision on the application, such will be communicated to SAHRA via SAHRIS.
<b>Focus Group Meetings</b>					
29	Sugar Cane Farmers Association	It is not first time AvDE comes to engage the community, but it is my first time attending and I do not understand how come that is the case.	19 February 2024	Focus Group Meeting	Focus group meetings were held during the Scoping phase of the project and again during the EIA phase. In terms of the Scoping phase, the invitation for the Focus Group Meetings was sent to Liaison Officer of the Sugar Cane Farmers Association. with the intention that the invitation is extended to the members of the association. The public has an opportunity throughout the Scoping and EIA phase to provide comments. You are still able to provide your comments during the EIA phase of the project. The comment period ends on the 18 March 2024.
30		We recently saw contractors around the area, drilling holes and we are concerned because there are farmers residing nearby- will they be required to relocate			The mine undertook exploration activities to gather information on the anthracite deposit and mining conditions. Exploration drilling does not warrant the mine to undertake any mining activities in that area. The mine will require an Environmental Authorisation from the

Nr.	Organisation/Commentator	Comment	Date	Source	Response
					Department of Mineral resources and Energy before any anthracite can be mined. The adjacent farmers and residents will be informed of the intention to mine as part of the environmental authorisation process. The mine is also continuously looking into how it can protect and preserve the sugar cane fields and make sure previously disturbed farms should be properly rehabilitated, as they are of value.
31		What would happen to the foreign nationals that work in the farms because if for instance the farms were to move or be relocated, the farmers would benefit but the employees will not. Will N’Komati also compensate the farmworkers as well?			The land use is responsible for its own employees. N’Komati Anthracite Mine compensates the land user in terms of the published formular as per the SA Canegrowers Association, which is an industry norm and updated annually as per crop prices and yields.
32		Is it possible for a farmer to apply as a contractor to the mine if he gets resettled and compensated?			Opportunities available at the mine are advertised through the following means: <ul style="list-style-type: none"> <li>• Working Groups</li> <li>• Community Centres</li> <li>• Newspaper Adverts; and</li> <li>• Website</li> </ul> Anyone can apply for opportunities at the mine as long as they meet the requirements set forth in the advertisements, which is inclusive of their skill set.
33		The drilling has been happening since 2018 and the people affected have been compensated far less than they should – the mine is still using the old compensation rates. Can the mine revise these rates?			N’Komati Anthracite Mine uses the published formular as per the SA Canegrowers Associations, which is an industry norm and updated annually as per crop prices and yields. The mine will communicate new rates as they are published.
34		Can AvDE or the mine share the EIA presentation with leaders as many farmers are not aware of this information.			A copy of the presentation was shared to the Sugar Cane Farmers Association.
35		The mine needs to stop with the excuse that our children are not hired because of experience. We spend a lot of money training our children for mine work and yet they still fail to get employment because they do not have the preferred 5 years working experience.			The mine has to comply with the Mine Health and Safety Act of 1997, hence mine’s Human Resource and recruitment procedures are diligently followed in the appointment of mine personnel. Since the mine has ramped up its operations, the mine has undertaken training of operators in 2022 until 2023. Approximately 59 local community members were trained and appreciated for the job. Currently there are approximately 634 employees and subcontractors at the mine, with 532 employees and subcontractors being from the local communities. In order to prioritise local employment, job advertisements set forth by the mine, includes a clause that stipulates all job applications should be accompanied by a letter from the Tribal Authority indicating that the applicant belongs to the community.
36		The mine to train and upskill our children (through on the job training) as employment for local children is key for them.			The mine has various channels through which benefits to the local communities are realised. Through the Social and Labour Plan Commitments, the mine offers artesian/learnership programmes, bursaries and internships.
37		If the mine is confident that they are employing locally, can these locally employed people be presented to the communities at a community event so that their parents, community leaders and other members of the community can see and confirm that these employees are from the local areas and have been trained or are working at the mine			Parading hired local community members would be unprofessional. The alternative would be having a function and acknowledging local personnel by awarding certificates of appreciation. Eg . Mandela Day or Appreciation Day.
38	Mawewe Traditional Council	The mine publishes employment posts, but our children do not get jobs because the mine offers these opportunities to people who do not stay in the local area. For example, only 2 out of 1000 at the mine are from local communities	19 February 2024	Focus Group Meeting	The mine has to comply with the Mine Health and Safety Act of 1997, hence mine’s Human Resource and recruitment procedures are diligently followed in the appointment of mine personnel. Since the mine has ramped up its operations, the mine has undertaken training of operators in 2022 until 2023. Approximately 59 local community members were trained and appreciated for the job. Currently there are approximately 634 employees and subcontractors at the mine, with 532 employees and subcontractors being from the local communities. In order to prioritise local employment, job advertisements set forth by the mine, includes a clause that stipulates all job applications should be accompanied by a letter from the Tribal Authority indicating that the applicant belongs to the community.
39		Corruption is real and for as much as AvDE is saying that there are three departments including the Mineral Resources (DMR) who interjects to provide final decisions – that is not the case - money talks. The leaders should be involved in the employment processes and power must be taken away from the departments.			The Environmental Authorisation Process is governed by legislation and requires that potential Interested and Affected Parties are afforded the opportunity to comment on the application and receive feedback. The concerns and comments provided during the process are documented and submitted to the decision-making authority, which is the DMRE, through the Final Environmental Impact Assessment Report and the Comments and Response Report. With respect to this application, the DMRE is the decision-making authority who will decide if the application will be authorized or not. The decision will be made by taking into account the information submitted to them by the independent Environmental Assessment Practitioner and in the case of this application is Alta van Dyk Environmental Consultants. The SAHRA is a Commentary Authority in terms of this application, and they were provided the opportunity to comment of the application documentation. In terms of the Water use License Application, the Department of Water and Sanitation will be the Competent Authority.

Nr.	Organisation/Commentator	Comment	Date	Source	Response
40		People even get fake signatures of residency from the villagers, and this is an issue. The mine needs to involve the leaders in the process of recruitment to assist with the verifications of applicants.			In order to prioritise local employment, job advertisements set forth by the mine includes a clause that stipulates all job applications should be accompanied by a letter from the trust indicating that the applicant belongs to the community.
41		There are trucks roaming around but none of those trucks are from Mawewe.			Currently the anthracite is sold at the gate and the consumers use their own trucks to haul the anthracite.
42		There is an influx of people into local communities because the mine offers migrants' jobs instead of the locals. For that, the Mawewe community does not see eye to eye with the mine/ are not happy with the mine.			The mine has various channels through which benefits to the local communities are realised. This includes local employment and procurement, and commitments made in terms of the mine's approved Social Labour Plan programmes.  The mine's Procurement Procedures are diligently followed in the appointment of vendors/contractors. All candidates are measured against a criterion and need to meet the necessary requirements.  Opportunities available at the mine are advertised through the following means: <ul style="list-style-type: none"> <li>• Working Groups</li> <li>• Community Centres</li> <li>• Newspaper Adverts; and</li> <li>• Website</li> </ul> In order to prioritise local employment, job advertisements set forth by the mine, includes a clause that stipulates all job applications should be accompanied by a letter from the trust indicating that the applicant belongs to the community.
43		The mine to present the local people that are skilled or employed by the mine to the community as proof that Mawewe people are employed.			Parading hired local community members would be unprofessional. The alternative would be having a function and acknowledging local personnel by awarding certificates of appreciation. Eg . Mandela Day or Appreciation Day.
44		Medicinal plants and other important herbs are getting lost and traditional healers in the area are affected because they use these for their services. Thus, request that all traditional healers and people knowledgeable about medicinal plants are invited to assist with identification of these plants (then mine can relocate or demarcated the area).			Prior to the commencement of construction, a site walkover could be undertaken with one of the traditional healers to identify medicinal plants. These plants can either be removed by the traditional healer (if no permits are required). The mine is required to apply to the DFFE for the removal of protected trees and to the to MPTA for the removal of any Species of Conservation Concern.
45		Land for agriculture and livestock farming is also affected – mine needs to provide alternative land for these.			Over and above the SLP commitments, the mine assist with outreach programmes in career guidance, road maintenance and training of youth operators.
46		There is a lack visible community developments although there is a mine in the area. The mine must plough back to the community, especially in through infrastructure development.			There are prior agreements with each village, and specific needs are addressed accordingly by the mine. Any grievance with the mine can be submitted to the established N'Komati Working Group which is the link between the communities and the mine.
47		There are cracked houses in the community			The mine works through the DMRE and the Local Municipality regarding the SLP commitments. The provision of schools is the responsibility of the Department of Education and does not fall within the mandate of the mine.
48		There are not enough schools in the area- children walk long distances to get to schools. The existing schools are overcrowded and need more classes.			The upgrade and maintenance of roads, recreational facilities, and lighting relates to infrastructure services under the responsibility of the Local Municipality. There are instances whereby the mine works together with local government to contribute to the communities' infrastructure needs.
49		Mawewe road is still not in good conditions although the mine attempted to fix some potholes and on the main road.			A Working Group has been established, whereby each Traditional Authority has a representative. The Delegation has been assigned by the Traditional Authority to engage with the mine and provide feedback to the Traditional Authority. Meetings between the mine and the working group are held every second month
50		There is a lack of recreational facilities in the area.			The mine has confirmed that the representatives and leadership are volunteers from the community.
51		There is a need for high mast lights in the area			Sikhwahlane is not directly impacted as no mining activities will be undertaken in Sikhwahlane, but they are an affected community due to proximity to the mine.
52		Communities are aggrieved that the consultations by the mine are only being done when the mine requires permits but do not consult further after these permits are granted.			A copy of EIA was made available through the N'Komati Anthracite environmental officer.
53		The leaders indicated that they are criticised and insulted by the community members because of attending meetings with the mine while there are no improvements in the community – there is a perception that leaders receive some payment from the mine. Thus, leaders requested for a good working relationship with the mine.			As planning for the community meeting had already been finalised and invitations sent out it was agreed that at least one representation from the Traditional Council will be present.
54		Based on the map, how is Sikhwahlane is impacted?			
55	MatsamoTraditional Council	The two Ndunas that were present in the meeting were attending for the first time since the consultations started in 2022 due to internal conflict or dynamics within their community. They requested for a copy of the draft EIA, indicating that since it has gone to the chief who resides in Schoeman, further away from the project site, it would be very hard for them to get access to the document unless the chief shares it	19 February 2024	Focus Group Meeting	
56		There is a possibility that the traditional council would have a meeting at the same time as the proposed community meeting and that this may cause some challenges for AvDE to continue the meeting with the community.			

Nr.	Organisation/Commentator	Comment	Date	Source	Response
57	Kwalugedlane Traditional Council	The chief owns land – How is he going to be involved in the process of this EIA since you only mentioned three government pillars?	19 February 2024	Focus Group Meetings	The Environmental Authorisation Process is governed by legislation and requires that potential Interested and Affected Parties are afforded the opportunity to comment on the application and receive feedback. The concerns and comments provided during the process are documented and submitted to the decision-making authority, which is the DMRE, through the Final Environmental Impact Assessment Report and the Comments and Response Report. With respect to this application, the DMRE is the decision-making authority who will decide if the application will be authorized or not. The decision will be made by taking into account the information submitted to them by the independent Environmental Assessment Practitioner and in the case of this application is Alta van Dyk Environmental Consultants. The SAHRA is a Commentary Authority in terms of this application, and they were provided the opportunity to comment of the application documentation. In terms of the Water use License Application, the Department of Water and Sanitation will be the Competent Authority.
58		Page 9 of the BID is written Madadeni – is it a typing error?			No it is not an error. The spelling is Madadeni.
59		Request for the project locality map to be shared with the chief.			The project locality map was shared through the BID and the Draft EIA document which was delivered to the council.
60		Please notify the chief first prior to any meetings taking place with the community and share the meeting agenda on time to avoid creating issues or misunderstandings between the community and the leadership			The comment has been acknowledged, hence the meeting with the Traditional Council was undertaken prior to the public open day.
61		Please ensure that you increase your security for the meeting that will take place with the community as they are a bit volatile			The comment has been acknowledged and the mine has organised security for the open day.
62		Will you loud hail for the community?			The project will not be advertised through loud hail. Protocol has been followed and communication to the community regarding the open day was through the following means: 1. Through the N’Komati Community Working Group and Focus Group meetings 2. Through the Traditional Authorities and Focus Group Meetings 3. By placing of site notices at the following places: a. Madadeni Clinic – Mawewe b. Computer Training Centre – Mangweni c. Siahwahlane Clinic - Matsamo The mine will however consider loud hail for future engagements.
63		Chief indicated receipt of the EIA draft report and commented that it was a large document and has not yet read through it. However, as soon as he is done, he will provide his inputs.			The comment has been acknowledged.
64		Will the mine be preparing any refreshments for the community?			Water will be provided by the mine for the duration of the meeting.
65		The Chief invited the mine representatives to come and join an event that was being planned for the community by the chief in collaboration with the department of education and the South African Police services on the 22 February 2024.			The comment has been acknowledged.
66		The mine needs to have a strategy on how to show their presence (visibility) to the community.			Currently the mine works through an established and recognised Nkomati Working Group. Meetings with the Working Group is held on a quarterly basis and as and when necessary. The mine also communicates with local schools regarding bursaries and internships. Road shows will also be held in terms of the 2025 cycle of the SLP. In terms of the current SLP cycle, the mine has funded the Clinic, constructed two community hall and undertook maintenance on the local roads.
67	There is an issue of people who are working at the mine with fake residential addresses. These are done in Internet Café centres and to combat this, the mine needs to improve visibility of the hired people to the community	In order to prioritise local employment, job advertisements set forth by the mine, includes a clause that stipulates all job applications should be accompanied by a letter from the trust indicating that the applicant belongs to the community.			
68	N’Komati Community Working Group	General workers should be local people not far away people.	20 February 2024	Focus Group Meetings	The mine has various channels through which benefits to the local communities are realised. This includes local employment and procurement, and commitments made in terms of the mine’s approved Social Labour Plan programmes.  The mine’s Procurement Procedures are diligently followed in the appointment of vendors/contractors. All candidates are measured against a criterion and need to meet the necessary requirements.  Opportunities available at the mine are advertised through the following means: <ul style="list-style-type: none"> <li>Working Groups</li> <li>Community Centres</li> <li>Newspaper Adverts; and</li> <li>Website</li> </ul>
69		The Life of mine is almost 20years. The mine needs to be more visible and create more awareness in terms of skills development opportunities, bursaries and learnerships they offer			Through the Human Resources Department N’Komati mine has commenced with career guidance counselling at local schools. Community projects within schools have been initiated and the mine will investigate expanding on such projects.

Nr.	Organisation/Commentator	Comment	Date	Source	Response
70		A lot of medicinal plants in the Madadeni area that needs to be fenced off or relocated because traditional healers use these medicines. The mine does not have an existing access control for these plants, it would be good to develop one.			In addition, through the Social and Labour Plan Commitments, the mine offers artesian/learnership programmes, bursaries and internships. Prior to the commencement of construction, a site walkover could be undertaken with one of the traditional healers to identify medicinal plants. These plants can either be removed by the traditional healer (if no permits are required). The mine is required to apply to the DFFE for the removal of protected trees and to the MPTA for the removal of any Species of Conservation Concern. In addition, as concurrent rehabilitation is proposed, areas that have been already rehabilitated will serve as an area for re-planting of SCC.
71		There is a lot of water in the mine- maybe there needs to be an establishment of community vegetables gardens for alternative livelihoods			The process water used for the operations at the mine is obtained from the approved process water dams, old mine voids, recycled plant water and water from within the pits. With the focus being on using recycled water, so no municipal water is used in process. Subject to approval by the DMRE, DWS and the Local Municipality, such can be investigated by the mine as a project of the SLP.
72		The mine and community to cooperate to avoid quarrels. Eg: Have a protocol that states the impacts and measures in place for livestock found inside the mine footprint.			The mine has a full-time security on the onsite. The mine has an ongoing commitment to prevent cattle from entering the mining area through perimeter fencing.
73		Conduct a baseline study or similar regarding the access/availability of agricultural land for communities to use.			A Soils and land Capability assessment has been commissioned as part of this EIA process. The report has been included in Appendix D of the EIA report. Sugar cane farming is evident within the mine area. The Tribal Authority controls access to farming land and not the mine. There is an upfront agreement with the Sugarcane farmers that the land will be rehabilitated and planted subsequent to mining as per the agreement per area.
74		Capacitate people by training them for jobs outside of mining. Develop small business opportunities.			Through the Social and Labour Plan Commitments, the mine offers artesian/learnership programmes, bursaries and internships.
75		Does the mine have a community newsletter. Mine uses Lowveld newsletter, but it needs to be localised e.g. newsletter with pictures; flyers with photos. Have a column for grievances and have it translated to the local language			The mine does not have a newsletter available for the local community. The communities have access to information through an established and recognised N’Komati Working Group Forum through which grievances are reported and communication about the mine.
76		Alot of the houses in the area are cracked and at this point the community members are not sure if this is due to the mine activities or not because the houses were not built to withstand blasting.			There are prior agreements with each village, and specific needs are addressed accordingly by the mine. Any grievance with the mine can be submitted to the established N’Komati Working Group which is the link between the communities and the mine.
77		The houses which had cracks were identified and defects were fixed although other households’ defects still have not been fixed and some households were relocated by the mine.			
78		Houses at Mangweni have been fixed twice and at Sikhwahlane they have not yet been fixed. There were 2 reported fly rocks incidents in 2022 but there were no fatalities were incurred			
79		Although the mine attends to the safety incidents and other grievances, they have not yet established a procedure for recording all the incidents and grievances.			The communities have access to information through an established and recognised N’Komati Working Group Forum through which grievances are reported and communication about the mine. The mine commits to addressing the reported grievances through the working group.
80		Community members requested a big project like private hospital or private school for Nkomati area and or Debushing and fencing of garden projects for Matsamo community (mine challenges).			The mine works through the DMRE and the Local Municipality regarding the SLP commitments.
81		Did the mine the mine loud hailed for this EIA PPP			The project will not be advertised through loud hail. Protocol has been followed and communication to the community regarding the open day was through the following means: 1. Through the N’Komati Community Working Group and Focus Group meetings 2. Through the Traditional Authorities and Focus Group Meetings 3. By placing of site notices at the following places: a. Madadeni Clinic – Mawewe b. Computer Training Centre – Mangweni c. Siahwahlane Clinic - Matsamo The mine will however consider loud hail for future engagements
82	Madadeni Community Meeting	While we appreciate the consultation, the community is not well represented. The leaders of the community are not present at this meeting, and we wonder why that is the case.	21 February 2024	Public Open Day	Protocol has been followed and communication to the community regarding the open day was through the following means: 1. Through the N’Komati Community Working Group and Focus Group meetings 2. Through the Traditional Authorities and Focus Group Meetings 3. By placing of site notices at the following places: a. Madadeni Clinic – Mawewe b. Computer Training Centre – Mangweni c. Siahwahlane Clinic - Matsamo Focus Group Meetings were held with the leaders and the details are as follows: • 19 February 2024 o Mawewe Tribal Authority
83		There is a good representation from the youth, we cannot stop the meeting because the chief and some elders are not in this meeting. The youth need employment, they need skills development opportunities and training.			

Nr.	Organisation/Commentator	Comment	Date	Source	Response
					<ul style="list-style-type: none"> <li>○ Matsamo Tribal Authority</li> <li>○ Kwalugedlane Tribal Authority</li> <li>○ Sugar Cane Farmers Association</li> </ul> <p>Through the Social and Labour Plan Commitments, the mine offers artesian/learnership programmes, bursaries and internships. Over and above the SLP commitments, the mine assist with outreach programmes in career guidance, and training of youth operators.</p>
84		There is no cohesion within the community (two different groups, each with its own chief). The chiefs must not be involved in projects that affect the community people - Leave politics out.			The mine works through the DMRE and the Local Municipality regarding the SLP commitments. The Traditional Council forms part of the Local Municipality.
85		At some point the people protested at the gates of the mine trying to voice their concerns which led to a case being opened against the community member. The mine does not do right by the community. The mine needs to stop running away from community and start being transparent			The mine works through the established and recognised N’Komati Working Group Forum. It is important to note that the interim interdict (MRCC74/2024) is for specific individuals and not the whole community.
86		There are high rates of unemployment in the area			Approximately 59 local community members were trained and appreciated for the job. Currently there are approximately 634 employees and subcontractors at the mine, with 532 employees and subcontractors being from the local communities. The mine has various channels through which benefits to the local communities are realised. Through the Social and Labour Plan Commitments, the mine offers artesian/learnership programmes, bursaries and internships, for example, the mine took about 50 people for employment (Block L) and that the employment process was followed accordingly (including doing tests).
87		If Madadeni must approve the expansion of the mine, the mine needs to change how they treat us.			The Regulators (DMRE) will decide whether to grant or not grant approval of the Environmental Authorisation subject to specific conditions. In terms of Chapter 6 of the EIA Regulations, consultation with the public is required to be undertaken. The comments provided are captured in this Comments and Response Report for decision making by the DMRE. The N’Komati mine is committed through the ongoing consultation with the established and recognised N’Komati Working Group.
88		Since AvDE indicated that they had meetings since 2022, what have they done already to change the perceptions?			The meetings held in 2020 was for a separate environmental approval process and not this current EIA. The proposed activities at the mine requires environmental approval from the DMRE and a scoping and EIA process is required. The first phase was the scoping phase when AvDE presented the project. Now the project is in the EIA phase and AvDE is presenting the findings of the specialist studies. Since 2022, the mine has established a clinic, upgraded roads, and constructed two community halls. The mine has also ramped up its operations with the creation of employment and training for the local community. Since the mine has ramped up its operations, the mine has undertaken training of operators in 2022 until 2023. Approximately 59 local community members were trained and appreciated for the job.
89		We are scared of signing the register and the mine later uses those as proof against us to say they agreed to projects when they did not			Signing the attendance register is for attendance to the meeting and not agreement to the project.
90		The mine has been in operation for so long but there are no benefits for the community. The community has been complaining and nothing has been done until this point.			It is important to note that in 2020 N’Komati Mine was placed under business rescue by Afrimat Limited. Afrimat acquired full ownership of N’Komati Mine in 2021. Since then, the mine has established a clinic, upgraded roads, and constructed two community halls. The mine has also ramped up its operations with the creation of employment and training for the local community.
91		HR/Nduna must scrutinise residential addresses received from job applicants to confirm if they are local or not. The suggested solution is that HR must go to the residential area to verify authenticity of documentation and or do house visits to confirm applicants			In order to prioritise local employment, job advertisements set forth by the mine, includes a clause that stipulates all job applications should be accompanied by a letter from the Tribal Authority indicating that the applicant belongs to the community.
92		The mine must commit itself to employ and skill Madadeni people in the remaining 14 years.			Through the Social and Labour Plan Commitments, the mine offers artesian/learnership programmes, bursaries and internships. Over and above the SLP commitments, the mine assist with outreach programmes in career guidance, and training of youth operators.
93		There must be a clause to give tender to new truckers in the extended mine and a clause to reskill people for mining (5year contracts)			<p>The mine has various channels through which benefits to the local communities are realised. This includes local employment and procurement, and commitments made in terms of the mine’s approved Social Labour Plan programmes.</p> <p>The mine’s Procurement Procedures are diligently followed in the appointment of vendors/contractors. All candidates are measured against a criterion and need to meet the necessary requirements.</p> <p>Opportunities available at the mine are advertised through the following means:</p> <ul style="list-style-type: none"> <li>• Working Groups</li> <li>• Community Centres</li> </ul>



Nr.	Organisation/Commentator	Comment	Date	Source	Response
					<ul style="list-style-type: none"> <li>Newspaper Adverts; and</li> <li>Website</li> </ul>
94		The mine must not focus a lot on experience but train people for employment.			Through the Social and Labour Plan Commitments, the mine offers artesian/learnership programmes, bursaries and internships. Over and above the SLP commitments, the mine assist with outreach programmes in career guidance, and training of youth operators. Since the mine has ramped up its operations, the mine has undertaken training of operators in 2022 until 2023. Approximately 59 local community members were trained and appreciated for the job.
95		There is a need for business and skills development opportunities.			
96	Mangweni Community Meeting	There was no loud hailing about the meeting. Most of the people saw the invite on Facebook and as such feel that the meeting should not proceed.	21 February 2024	Public Open Day	Protocol has been followed and communication to the community regarding the open day was through the following means: <ol style="list-style-type: none"> <li>Through the N’Komati Community Working Group and Focus Group meetings</li> <li>Through the Traditional Authorities and Focus Group Meetings</li> <li>By placing of site notices at the following places: <ol style="list-style-type: none"> <li>Madadeni Clinic – Mawewe</li> <li>Computer Training Centre – Mangweni</li> <li>Siahwahlane Clinic - Matsamo</li> </ol> </li> </ol> <p>Focus Group Meetings were held with the leaders and the details are as follows:</p> <ul style="list-style-type: none"> <li>19 February 2024 <ul style="list-style-type: none"> <li>Mawewe Tribal Authority</li> <li>Matsamo Tribal Authority</li> <li>Kwalugedlane Tribal Authority</li> <li>Sugar Cane Farmers Association</li> </ul> </li> </ul> <p>The mine will however consider loud hail for future engagements</p>
97		On the 13 December 2023 the community representative went to the Department of Mineral Resources and Energy (DMRE) to discuss the issues that they have with the mine. However, until now the issues are not yet attended to by the mine. The SLP section 54 is still not implemented.			The mine is in the process of implementing the SLP cycle (2020 to 2025). Community projects have been completed all and the mine is embarking on skills development.
98		The chief was supposed to call the community and explain about this meeting, but this was not done.			The mine together with AvDE has followed protocol by informing the chief of the proposed project and the associated EIA.
99		The community members indicated that their forums have been destroyed because of these issues.			The N’Komati Working Group which is the link between the communities and the mine is active and has not changed.
100		There is high unemployment rate, and the mine is not doing anything about this.			Currently there are approximately 634 employees and subcontractors at the mine, with 532 employees and subcontractors being from the local communities. The mine has various channels through which benefits to the local communities are realised. Through the Social and Labour Plan Commitments, the mine offers artesian/learnership programmes, bursaries and internships. Since the mine has ramped up its operations, the mine has undertaken training of operators in 2022 until 2023. Approximately 59 local community members were trained and appreciated for the job
101		The meeting must be called off and issues must not be raised. Issues will be raised in the next meeting where many people will be present.			Comment has been acknowledged by AvDE.
102		<ul style="list-style-type: none"> <li>The community then made the following request for the next meeting in Mangweni: <ul style="list-style-type: none"> <li>The chief, the mine representative (Mr Duze) and working committee (Mr Sylvester) to be available for the meeting.</li> <li>The copy of the Social and Labour Plan document</li> <li>The financial report of the mine from 2016.</li> </ul> </li> </ul>			This request falls out of the scope of the EIA. The mine will engage with the N’Komati Working Group members on this request. In addition, Afrimat acquired full ownership of the N’Komati Mine in 2021. The financial reports of the mine are available in the public domain, the Afrimat website: <a href="https://www.afrimat.co.za/investment-case/financials/">https://www.afrimat.co.za/investment-case/financials/</a> as well as the Johannesburg Stock Exchange website: <a href="https://www.jse.co.za/">https://www.jse.co.za/</a>
103		Matsamo Community Meeting			We are grateful that the mine was expanding as they believed that there would be more employment opportunities for them
<b>Interested and Affected Parties</b>					
104	Ralph Repinga Sydney Repinga  Affected Community Members and Farmers	<p>COMMENTS ON THE DRAFT EIR AND EMPR: N’KOMATI ANTHRACITE (PTY) LTD – ‘KOMATI ANTHRACITE MINE –INTEGRATED ENVIRONMENTAL AUTHORISATION PROCESS FOR OPEN CAST MINING AREAS AND EXPANSION OF THE MADADENI UNDERGROUND AREA</p> <p>The N’Komati Anthracite Mine (N’Komati) has an existing mining right (MP30/5/1/2/2/89 MR), which was renewed on 19 February 2021 and is valid for a period of 30 years and allows for both open cast and underground mining. The mining right covers an area of 11812.4450 hectares (ha). The Mineral Rights Property Description is provided in Table 2-1 of the Draft EIR.</p> <p>The Mine is situated approximately 50 kilometres south of Komatipoort, 10km west of the Mozambique Border and 6.5 kilometres north of the town Tonga. The mine is situated within the jurisdiction Nkomazi Local Municipality within the Elanzeni District Municipality. The Local</p>	18 March 2024	Email	<p>As an Interested and affected Party you are welcome to provide comments on the proposed project. The Draft Environmental Impact Assessment Report has been placed out for public review from the 16 February until 18 March allowing the public to provide their comments.</p> <p>The mining will only be undertaken on certain portions of the mining rights area not all farm portions will be impacted. The mine plan has already quantified the potentially impacted area and the required mitigation measures in place through the EMPr.</p> <p>The comment of your farms located downstream of the mine bears reference. The mine operates in line with the approved WUL and water quality monitoring points are sampled as per the WUL. Water quality monitoring is undertaken upstream (SRW01), Midstream (MD01 &amp;</p>

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		<p>Municipality forms the eastern section of the Mpumalanga province with prominent towns such as Malelane, Komatipoort, Tonga, Kamhushwa and Hamathecia. The regional locality map is provided in Figure 2-2. The locality map showing the current and approved operations is provided in Figure 2-3. The locality map showing the infrastructure that forms part of this application is provided in Figure 2-4. The properties associated with this application are as follows:</p> <ul style="list-style-type: none"> <li>• Wildebeest 494 JU</li> <li>• Rusplek 495 JU</li> <li>• Sweet Home 496 JU</li> <li>• Matabula 701 JU (previously documented as surveyed state land)</li> <li>• Kwa-Hoyi 612 JU (previously documented as Bonnie Vale 497 JU and Excelsior 498 JU)</li> </ul> <p>We would like to submit our comments and concerns regarding this proposed project as Interested and Affected Parties on this project in respect of the sugarcane farms located at Kwa-Lugedlane Farming areas as an adjacent land occupier in respect to the farms located on Murray 502 JU and Kwa-Hoyi 612 JU as part of the Figtree Sugarcane Farming Projects.</p> <p>We have farms located downstream and adjacent to the proposed mining areas and we will be significantly impacted by these proposed mining activities.</p>			<p>MD02) and downstream (SRW03) of the mine. According to the Water Quality report compiled by Aquatic (2023) with a data range from 01/08/2022 to 31/07/2023. The majority of the annual average concentrations or the concentrations recorded throughout the annual period complied with the limits stipulated by the South African Water Quality Guideline (SAWQG) for Agricultural use and Livestock watering for the receiving environment localities. No annual average concentrations exceeding the SAWQG for Agricultural use and Livestock watering were recorded for localities SRW01 and SRW03.</p>
		<p>Nkomati Anthracite Mine is currently impacting and this project will further impact on available agricultural arable and grazing areas, social and the environment at large.</p>			<p>The N’Komati Anthracite mine is an existing operation that is currently operating within its approved Mining Rights Area and in terms of an Environmental Management Programme (EMPR) approved by the Department of Mineral Resources and Energy.</p> <p>The proposed new activities as well as the expansion of the underground mine area warrants and Environmental Impact Assessment to be undertaken in terms of the National Environmental Management Act (Act 107 of 1998) Environmental Impact Assessment (EIA) Regulations 2014 (as amended). An impact assessment has been undertaken as part of the EIA process where potential impacts have been assessed and ranked with the associated mitigation measures. These mitigation measures have also been included in the EMPr for implementation by the mine should the DMRE grant approval. In addition, with the implementation of the roll-over method of mining, concurrent rehabilitation will be implanted allowing the area to be returned to its natural pre-mining state as far as possible.</p>
		<p>COMMENTS AND CONCERNS: Proposed Madadeni Underground Expansion Project and Opencast Areas: Noted that some of the access portals are located within the previously mined out pits (Liviero Nkomati Anthracite Opencast). These mined out opencast areas are located within 200m of the Komati River. These pits are parts of the areas where concurrent rehabilitation was supposed to have been undertaken. But looking at the current plan it seems as if the mine is not planning to rehabilitate these areas anytime soon.</p>			<p>Not all areas have been rehabilitated due to the fact that these opencast cast areas (already disturbed) will be used to access the underground mining areas. Using the existing opencast mining area as a portal to access underground will limit disturbance on surface as access will be through an already disturbed area which reduces vegetation clearance. According to the mine plan, this area will also be used for stockpile areas which reduces vegetation clearance as the areas is disturbed.</p>
		<p>Based on the current stormwater management plan and evident from the site photos, it is evident that dirty mine affected water from these pits is currently draining into the Komati River.</p>			<p>The current stormwater management plan (approved as part of WUL No 05/X13J/ICGIJ/12737). The Stormwater Management Plan has been compiled to comply with Regulations on Use of Water for Mining and Related Activities Aimed at the Protection of Water Resources Government Notice 704 (GNR 704) under the National Water Act (Act No. 36 of 1998) in South Africa that places restrictions on mining operations for the purpose of protecting water resources. The existing Stormwater Management Plan includes the following</p> <ul style="list-style-type: none"> <li>• Diversion trenches which diverts clean water around the mining areas</li> <li>• Protection berm around open pit areas, to serve as protection from ingress by the Komati River during storm events</li> <li>• Paddocks around the toe of the stockpile area to contain erosion and sedimentation</li> </ul>
		<p>The mined-out areas are previously destroyed some of the tributaries of the Komati River, thus severely impacting on the catchment yield.</p>			<p>No tributaries have been destroyed. A river diversion from the west exists at the Madadeni mining area. The river diversion forms part of the mine plan and the existing WUL.</p>
		<p>The following has been noted based on the undertaken hydrological and geohydrological studies, which shows that this project is impacting and will continue to significantly impact on the quantities and qualities of the Komati River.</p>			<p>According to the Groundwater Assessment undertaken by Futurflow (2023), “It is calculated that the maximum reduction in flow volume in the Komati River due to dewatering of the Mangweni opencast mine areas is approximately 10 to 20 m3/day. This is less than 1 % of the total flow in the Komati River. Taking into consideration the low permeability of the clayey material, as well as the high flow volume in the Komati River, the impact on the stream flow volume will be negligible”.</p>
		<p>The proposed underground and opencast expansions are located within the 100-year floodlines of the Komati River and within the watercourses. The floodlines in proximity to the mining areas seem to have been done to fit the planned mining areas, which is a bit</p>			

Nr.	Organisation/Commentator	Comment	Date	Source	Response
		<p>questionable. It is recommended that the proposed mining activities must be moved to be outside of the 500m of the watercourse since this will severely impact on the Komati River. No need for applying for a water use licence to mine these areas. These areas should be considered as a no-go areas at all.</p>			<p>As indicated in the specialist report the impact of streamflow volume will be negligible.</p> <p>According to the Groundwater Assessment undertaken by Futurflow (2023)</p> <p>“In terms of the geochemical assessment undertaken:</p> <ul style="list-style-type: none"> <li>• No acid mine drainage conditions are expected to form from any of the material types that will be handled on site (topsoil, overburden, interburden, floor, anthracite seams);</li> <li>• None of the material types will cause leach qualities where any elements exceed the Regulation 635 Leach Concentration thresholds (LCT0).</li> </ul> <p>The groundwater flow directions will be directed towards the mining areas due to mine dewatering lowering the groundwater levels around the mining areas. The surface stockpiles are planned to be located close to each of the pit areas, meaning that the surface stockpiles will fall within the zone of influence of the groundwater level drawdown cones, and groundwater flow directions will be towards the pits. This will prevent contamination to migrate away from the mining areas during the operational life of mine.</p> <p>The comment on the credibility of the Floodline bears reference, according to the N’Komati Anthracite Stormwater Management Plan undertaken by HEES (2023) the proposed opencast mining falls out of the 1:100-year floodline. The HECRAS model from the Hydrologic Engineering Centre, US Army Corps of Engineers (Brunner, 2010) was utilised to model the floodlines. The input into this model required cross sections of the flow channel, the peak flows, the roughness estimate and the boundary conditions. The position of the cross sections for this project is shown in Figure 8 2 (N’Komati Anthracite Stormwater Management Plan compiled by HEES: 2023) and was extracted from the Lidar survey data. The mine plan was adapted to incorporate and be outside the floodline delineation.</p> <p>In terms of surface water quality, the mine operates in line with the approved WUL and water quality monitoring points are sampled as per the WUL. Water quality monitoring is undertaken upstream (SRW01) and downstream (SRW03) of the mine. According to the Water Quality report compiled by Aquatic (2023) with a data range from 01/08/2022 to 31/07/2023, the majority of the annual average concentrations or the concentrations recorded throughout the annual period complied with the limits stipulated by the South African Water Quality Guideline (SAWQG) for Agricultural use and Livestock watering for the receiving environment localities. No annual average concentrations exceeding the SAWQG for Agricultural use and Livestock watering were recorded for localities SRW01 and SRW03.</p> <p>According to GN 4167 General Authorisation – Impeding or diverting the flow of water in a watercourse OR altering the bed, banks, course or characteristics of a watercourse, the definition of the regulated area is provided as follows:</p> <p>Regulated area of a water course means</p> <ol style="list-style-type: none"> <li><i>The outer edge of the 1 in 100-year flood line or delineated riparian habitat, whichever is the greatest distance, measured from the middle of the watercourse of a river, spring, natural channel, dams and lakes;</i></li> <li><i>In the absence of a determined 1 in 100-year flood line or riparian area as contemplated in (a) above the area within 100m distance from the edge of a watercourse where the edge of the watercourse (excluding flood plains) is the first identifiable annual bank fill flood bench (subject to compliance to section 144 of the National Water Act 36 of 1998)</i></li> <li><i>In respect of a wetland: a 500 m radius around the delineated boundary (extent) of any wetland (including pans);</i></li> </ol> <p>As per the definition of the regulated area the proposed mining activities fall out of the regulated area in terms of the Komati River. Due to the availability of the resource as well as the already established mine and beneficiation plant, the mine proposes to undertake activities within wetland areas, hence in order to ensure legislative requirements are met a WUL process is currently underway. The DWS is the competent authority to make a decision on the wetlands impacted on by mining.</p>
		<p>The area has a shallow groundwater aquifer which is feeding the Komati River (Table 5.10 of the Groundwater Impact Assessment Report).</p>			<p>Comment is acknowledged. Only one borehole is privately owned, with the remaining being monitoring boreholes.</p>

Nr.	Organisation/Commentator	Comment	Date	Source	Response																																
		<p>Not sufficient groundwater monitoring boreholes have been drilled to ascertain the impacts of the proposed activities to the Komati River. Additional boreholes must be drilled and this should be used to update the groundwater assessment report including the model in order to make an informed decision.</p>			<p>The Groundwater assessment used the Hydrocensus boreholes, which provides a representation of the groundwater levels and any potential impacts. Other than the groundwater assessment, the mine currently monitors the following boreholes as per the WUL.</p> <table border="1" data-bbox="1911 317 2772 779"> <thead> <tr> <th>Ref</th> <th>Description</th> </tr> </thead> <tbody> <tr> <td>GCS01</td> <td>Nkomati washing plant, U/G operations</td> </tr> <tr> <td>GCS02</td> <td>Nkomati U/G workings</td> </tr> <tr> <td>GCS03</td> <td>Nkomati U/G workings</td> </tr> <tr> <td>GW01</td> <td>Nkomati groundwater seepage at U/G entrance</td> </tr> <tr> <td>MGCS04</td> <td>Down gradient of Madadeni Opencast area, close to Komati</td> </tr> <tr> <td>MGCS05</td> <td>Down gradients of Madadeni Opencast area</td> </tr> <tr> <td>MGCS06</td> <td>Up gradient of Madadeni O/C</td> </tr> <tr> <td>MGCS07</td> <td>Down gradient of Madadeni Opencast Washing Pit</td> </tr> <tr> <td>NBH01</td> <td>Nkomati production B/H in wash plant area, West of O/C</td> </tr> <tr> <td>NBH02</td> <td>Nkomati South West of O/C void</td> </tr> <tr> <td>NBH03</td> <td>Nkomati North East of O/C void, between void and Komati River</td> </tr> <tr> <td>NBH05</td> <td>Nkomati down gradient of make-up water and slurry dams</td> </tr> <tr> <td>NBH06</td> <td>Nkomati North of make-up water and slurry dams</td> </tr> <tr> <td>NBH07</td> <td>East bank of Komati River, N'Komati Underground Operations</td> </tr> <tr> <td>NBH08</td> <td>North of Nkomati U/G operations</td> </tr> </tbody> </table> <p>These boreholes are monitored on a quarterly basis as per the existing WUL and monitoring reports submitted to the DWS quarterly. It is important to note that in 2022 the mine has sampled four additional boreholes to ramp up its monitoring:</p> <ul style="list-style-type: none"> <li>• NBH09</li> <li>• NBH10</li> <li>• NKBH4</li> <li>• NKBH2</li> </ul> <p>In addition, Annual Surface and Groundwater Quality Reports are compiled by Aquatico which presents the data from the Nkomati Anthracite environmental monitoring programme while effectively indicating compliance with the applicable policy of regulating authorities.</p> <p>The need for additional boreholes has been acknowledged by the mine as mining activities progresses, so by 2029 when the greater Block L will be effectively mined additional boreholes between the Komati River and opencast mining areas will be considered.</p> <p>Other than the groundwater assessment that formed part of this EIA, the mine is required in terms of WUL 27/2/2/X913/14/3 Appendix V Condition 4.2.4 to update the geohydrological Studies and model for its operations annually.</p> <p>This borehole (NKBH1) is downstream of the mine and closer to vegetable and poultry corporation and this assessment did not investigate the impacts of their activities on the groundwater. NKBH1 borehole is a monitoring borehole and is not used for potable water.</p> <p>According to the Water Quality report compiled by Aquatic (2023) with a data range from 01/08/2022 to 31/07/2023, the aluminium levels recorded at the surface water monitoring points (including downstream of the Komati River) were within the limits of South African Water Quality Guideline (SAWQG) for Agricultural use and Livestock watering. In addition, Biomonitoring is undertaken by the mine as per the WUL seasonally to monitor the ecological integrity of receiving water bodies relative to the N'Komati Mine activities. The June 2023 Biomonitoring Survey was undertaken by Clean Stream (Biological Services (Pty) Ltd. During the June 2023 sampling, the points sampled were classified as having no lethal toxicity hazard.</p> <p>The Financial provisioning and rehabilitation plan is updated on an annual basis and submitted to the DMRE. Should decanting be required at closure, the Financial provisioning and rehabilitation plan will be updated accordingly. The Financial provision has been calculated in accordance with the 2021 Regulations for the first year of operations.</p> <p>The statement makes reference to both existing operations that are managed in terms of the approved EMPr as well as the proposed new activities which will be in line with the EMPr. Housekeeping has been included as part of the EMPr.</p>	Ref	Description	GCS01	Nkomati washing plant, U/G operations	GCS02	Nkomati U/G workings	GCS03	Nkomati U/G workings	GW01	Nkomati groundwater seepage at U/G entrance	MGCS04	Down gradient of Madadeni Opencast area, close to Komati	MGCS05	Down gradients of Madadeni Opencast area	MGCS06	Up gradient of Madadeni O/C	MGCS07	Down gradient of Madadeni Opencast Washing Pit	NBH01	Nkomati production B/H in wash plant area, West of O/C	NBH02	Nkomati South West of O/C void	NBH03	Nkomati North East of O/C void, between void and Komati River	NBH05	Nkomati down gradient of make-up water and slurry dams	NBH06	Nkomati North of make-up water and slurry dams	NBH07	East bank of Komati River, N'Komati Underground Operations	NBH08	North of Nkomati U/G operations
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		<p>Several chemical exceedances have been identified, which includes aluminium. The SANS241:2015 guideline value for aluminium is 0.3 mg/l. At concentrations above 0.5 mg/l no acute health effects are expected. As it is known, elevated concentrations of aluminium may cause long-term neurotoxic effects.</p>																																			
		<p>This relationship has not been conclusively demonstrated on several studies forming part of the Olifants River. Furthermore, severe aesthetic effects (discoloration) occur in the presence of iron or manganese. This has shown to impact significantly on the aquatic life including fish and crocodiles which are prevalent on the Komati River. The Komati River is of high importance to the local landowners including the sugar farmers and local communities as it is their only source of water within this municipal area.</p>																																			
		<p>Post closure decant of mine affected water will take place. As part of commitment by the mine in dealing with post closure decant water, the financial provision must include the post closure treatment of the contaminated water.</p>																																			
		<p>The below statement made on the groundwater impact assessment study does not show or give any confidence on the commitment from the mine:</p>																																			
		<p><b>Groundwater potential contaminants</b></p>																																			

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		<p>“The opencast and underground mine areas, overburden material and topsoil stockpile areas, product stockpile, crush and screen area, and PCD act as potential sources of contamination to the aquifers. For the purpose of this discussion it is assumed that good housekeeping such as storage of potentially hazardous material will be within properly constructed and lined or paved areas. Oil traps will be sized, operated and maintained to contain all discarded oil from working areas etc”.</p>			
		<p>Based on previous compliance for this mine, it is evident that the recommended mitigation measures will not be implemented and/or maintained. This will thus have a significant impact to the watercourses both surface and groundwater resources.</p>			<p>Activities undertaken at N’Komati Anthracite Mine are in line with the approved Environmental Management Programme (EMPr). N’Komati Anthracite Mine is required to comply with and will be audited on and reported to the DMRE. The mine undertakes performance assessments every two years in line with the EMPr. In terms of the WUL the mine undertakes WUL audits annually which is submitted to the DWS.</p>
		<p>Financial Provision The calculated financial provision is excessively low for the scale of mining that is planned to be undertaken.</p>			<p>The plan in the DEIR is for the entire life of man. The Financial provision has been calculated in accordance with the 2021 Regulations for the first year of operations. The quantum calculation is additional to what is already in place.</p>
		<p>The quantities used do not correspond to the surface disturbances planned for the proposed activities.</p>			<p>The rates are obtained from:</p>
		<p>The rates used cannot be attained even if you use your own machineries and equipment.</p>			<ul style="list-style-type: none"> <li>• Previous similar projects and are subject to review as it was not tendered for in this specific project. However, N’Komati Mine has a contractor on site can provide the rate for the excavation and hauling of material.</li> <li>• Spreadsheet provided by the Department of Forestry, Fisheries &amp; the Environment for low-risk closure liability.</li> </ul>
		<p>The rehabilitated post closure areas are mostly planned as grazing and final void to be left. It should be noted that these areas are mostly used as arable land. Thus, the final land use should meet these criteria. Also, no final voids are to be left since these will pose significant health and safety risk to the communities and the local municipality.</p>			<p>Overburden material is removed and then the Anthracite. The overburden material is placed back into the pit. A deficit exists as the anthracite seam is removed. In order to prevent complete depression of the area and to optimise arable land for cultivation a void will remain. The voids form part of the mine plan, these voids fill up with water to be used for irrigations. The voids will be safeguarded by the mine as per the closure plan, with the allowance of supply for irrigation.</p>
		<p>It is thus recommended that the Financial Provision, Rehabilitation and Closure Plan must be revised to show confidence that the mine will not do what it is currently practicing of not undertaking the committed concurrent rehabilitation. Currently several old pits have been left unrehabilitated by the mine.</p>			<p>The mine plan and the EMPr has accommodate for open voids.</p>
		<p>This report including the revised EIR and EMPr will need to be re-issued as part of the public participation process to ensure that Interested and Affected Parties are given the opportunity to further comment on the corrected and revised reports.</p>			<p>The Draft report has already been made available for the 30 day comment period. The Final EIA will be submitted to the DMRE. You will be provided access with the Final EIA report inclusive of the Comments and Response Report. Responses to your comments have been addressed and they do not warrant updating of the specialist reports.</p>
		<p>Socio Economic and Blasting Impact Assessment</p>			<p>Comment is acknowledged.</p>
		<p>The extent of the N’Komati Mine Mining Rights Area is presented in Error! Reference source not found. Just a technical reference correction to be made.</p>			<p>The N’Komati mine has been in contact with the DMRE to address suitable measures around blasting. A survey will be undertaken in line with the approved guidelines, however the current challenge the mine experiences is that community members do not want to allow the mine access to their properties. The undertaking of a crack survey has been included in the EMPr. Currently Blast controls are implemented through independent blast monitoring consultants. The mine has a complaints procedure in place whereby the community is able to report any complaints to the community blast monitors.</p>
		<p>The following social and environmental issues were raised by the communities as part of this process and the answers provided were vague and do not give any confidence that the mine will take these matters further.</p>			<p>These comments were addressed as part of the scoping phase. Kindly refer to the CRR.</p>
		<p>Below are the comments Some community members live closely to the mine operations and have experienced blasting activities which have caused their houses to crack. A detailed blasting and crack survey will need to be undertaken on all houses/structures located within 2 km radius of the proposed mining areas where blasting will be undertaken.</p>			<p>All communication is undertaken through the established and recognised N’Komati Working Group, which is the link between the community and the mine. Since 2022, the mine has established a clinic, upgraded roads, and constructed two community halls. The mine has also ramped up its operations with the creation of employment and training for the local community.</p>
		<p>The community has raised concerns about pollution from mining activities and overall safety.</p>			<p>A Section 102 application will be undertaken by the Mine for the Amendment of the Mine Works Programme. The mine is not amending the Mining Right. Agreements are already in place in terms of the existing mining activities. The EIA process may provide for a commitment to enter into written agreements, i.e., compensation where sugarcane farming is impacted, but these agreements are separate to the Environmental approval process and is ongoing with the mine and the land users/landowners. The mine has already initiated discussions on this matter and once a decision has been made by the Department of Mineral Resources and Energy</p>
		<p>Currently, there are no proper working arrangements in place between the mine and the community in terms of implementing the Social and Labour Plan.</p>			
		<p>It should be emphasized that landowners and/or users agreements forms part of the mining rights and the environmental authorisation process since that later will give access to the holder of the right to proceed with the mining activities since this is an amendment to the currently approved mining right (MPRDA Section 102 amendment). Therefore, it is critical that the mine commits on ensuring that such agreements are in place or under discussion with the affected landowners and/or users.</p>			

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		Evidence of lease agreements between the mine, affected Tribal Authorities and the Department of Agriculture, Land Reform and Rural Development (As the registered landowner for these properties is the state), which is held on behalf of the affected Tribal Authorities.			commitment from the mine in terms of compensation to the respective landowners will be discussed.
		Formal agreements to be in place with the current landowners (Tribal Authorities as representatives of the communities). This compliance requirement to the mining charter in terms of ownership must be in place as part of this mining right prior to the grant or amending this application.			These are confidential agreements between the mine and land users and landowners and cannot be shared with the public
		Formal agreements to be in place with the current land occupiers who are using these farms for beneficiary use since those who were benefiting on the land will now lose their source of income.			The Community Trust is in process for communities around the mine. The mine is busy with discussion with the Traditional Authority. The mine follows a communication protocol and any communication to the communities regarding the Trust Fund should be through the Traditional Authority.
		The ineffective implementation of the Social and Labour Plan (SLP) might impact on this application. The mine must ensure that a consultative process on the SLP is undertaken to ensure that the interests of the communities are well represented. The current failure by the mine to adhere to the SLP shows that it is not interested in improving the conditions of the local communities. It should be indicated that the SLP will be adversely monitored by the affected communities to ensure proper implementation			There are two distinct process that are followed. Firstly, the mine negotiates with the Traditional Authority for the Right to Occupy. Secondly if there is a current land user e.g., sugarcane farmer, then there is a separate agreement in place with the land user. Right to Occupy is signed with the Tribal Authority. The lease agreement is with the landowner. These agreements are currently in place.
		Also critical is the involvement of the municipality on the review and implementation of the SLP.			The mine is compliant in terms of the current cycle (2021 to 2025). Ongoing consultation with the N’Komati Working Group Members. As of 2025 the mine with commence with consultations regarding the new SLP cycle.
		There are no working agreements in place for addressing the long-term impacts of the mine and how they can be mitigated. This includes the impact on water qualities and quantities, noise, blasting and vibrations damages to properties, etc. The generic mitigation measures will need to be firmed up to reflect commitment by the mine including the person to deal with in case of complaints. A formal working agreement to be compiled, documented and maintained between the affected Tribal Authorities on behalf of the communities and the mine.			Consultations with the Nkomazi Local Municipality is ongoing and will continue as per the Mining Charter.
		The focus groups meeting minutes shows that there was representation from the farmers sugarcane associations, but the attendance registers attached do not show that the sugarcane farmers were represented at all. None of the association members are on the attendance register.			Mitigation measures included in the EMPr are inclusive of those that has been provided by the Specialist Studies. Where applicable the specialists are registered with their specific professional bodies and required to abide by the code of conduct set forth by the respective bodies. In addition, the specialist reports are undertaken in terms of Appendix 6 of the EIA Regulations (2014) as amended. The Specialist Studies are included in Appendix D of the EIA report. The N’Komati Working Group has been established which is the link between the mine and the communities. Representatives from the Tribal Authorities form part of this working group.
		A detailed Agricultural Economic Assessment to quantify the impact of these mining activities versus agriculture will need to be undertaken. This will assist the farmers to make an informed decision about the proposed mining operations and also be able to quantify the potential losses when ceasing the current source of income from farming and how will these impacts be compensated by the mine. Taking note that the mine stated that “N’Komati Anthracite Mine compensates the land user in terms of the published formular as per the SA Canegrowers Association, which is an industry norm and updated annually as per crop prices and yields”. This compensation will be the basis, but a detailed assessments per farm need to be undertaken in order to prevent generalization on the losses since the crop production on the different farms are totally different.			The meeting was held with the Sugar Cane Farmers Association and not the individual farmers.
		Conclusion There are fundamental errors in the Draft EIR as advertised. The Draft EIR must therefore be corrected and advertised again for comments. Above the mentioned concerns, the EAP therefore needs to action the following:  Update the Draft EIR and EMPr including the specialists’ studies that have been recorded above to include the requested updates and re-advertise the updated Draft EIR and EMPr for further comments by the Interested and Affected Parties.			N’Komati Anthracite Mine compensates the land user in terms of the published formular as per the SA Canegrowers Association. The mission of the SA Cane Growers Association is to “To play a leading role in growing sugarcane and diverse production opportunities for cane growers, through innovation, research, specialised services and products”. The vision of the SA Came Growers Association is to “To play a leading role in growing sugarcane and diverse production opportunities for cane growers, through innovation, research, specialised services and products”. The SA Cane Grower’s Association undertakes ongoing research and analysis; hence a Recoverable Value (RV) payment system is used for the compensation of the land user. The calculation is undertaken through an independent company (SA Canegrowers Association) who has a direct interest in Sugar Cane Farmer as per the vision and missions of the company. The landuse is compensated in line with the RV price. Since the standard/RV price is already in place with the SA Canegrowers Association, an Agricultural Economic Assessment is not deemed necessary.
		Update the Draft EIR to include the omitted specialist studies and those to be revised, which will include: <ul style="list-style-type: none"> <li>• Visual Impact Assessment</li> <li>• Climate Change Impact Assessment;</li> <li>• Agricultural Economic Impact Assessment.</li> </ul>			The Draft EIA has been placed in the public domain for the 30-day comment period. The comments raised in your submission has been adequately addressed. The comments will be submitted as part of the FEIA report to the DMRE for decision making.
					<b>Visual Impact Assessment</b> The concept of a Visual Impact Assessment (VIA) plays a significant role in the understanding of how a project influences the visual attributes of the landscape and how these changes influence the community within the area. The initial establishment of the Mining operations and its associated infrastructure has already altered the visual landscape of the area. Hence the

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		<p>Attend to the above indicated concerns regarding the impact of the mine, especially with respect to hydrological, geohydrological, socio-economic, blasting and financial provision.</p> <p>We assume that a separate Water Use Licence Application (WULA) process is being undertaken for the new water use licence activities and that this application will also be subjected to the required public participation process as required in terms of the National Water Act, Act 36 of 1998 as amended. Taking note that the WULA was not issued for public review with this Draft EIR and EMP.</p> <p>We also cannot ascertain whether any rezoning has been done for the current and proposed mining areas from agricultural to mining. We will appreciate if clarity or confirmation that rezoning has been done.</p> <p>Currently several dumps and mined out pits with voids filled with mine affected water have been left unrehabilitated within the extent of the mining right area. These old mining pits need to be rehabilitated to ensure that mining areas are made available to the community for use where possible and also reduce unsafe and contaminated disturbed areas.</p>			<p>continuation of mining activities is not seen as new impacts. The visual aspect has been assessed as part of the EIA and mitigation measures assigned to any potential impacts that may arise. In addition, the proposed mine activities include concurrent rehabilitation in order to reduce any potential visual intrusion.</p> <p><b>Climate Change Impact Assessment</b> A specific Climate Impact Assessment has not been undertaken, as the existing beneficiation plant will be utilised and the plant will not be expanded. The distribution of the truck traffic generated by the proposed operations is expected to be in the same ratios as existing. In addition, air quality impacts have been assessed through the Air Quality Impact Assessment, and flood events will be assessed as part of the Hydrological Assessment.</p> <p><b>Agricultural Economic Impact Assessment.</b> N’Komati Anthracite Mine compensates the land user in terms of the published formular as per the SA Canegrowers Association. The mission of the SA Cane Growers Association is to “To play a leading role in growing sugarcane and diverse production opportunities for cane growers, through innovation, research, specialised services and products”. The vision of the SA Cane Growers Association is to “To play a leading role in growing sugarcane and diverse production opportunities for cane growers, through innovation, research, specialised services and products”. The SA Cane Grower’s Association undertakes ongoing research and analysis, hence a Recoverable Value (RV) payment system is used for the compensation of the land user. The calculation is undertaken through an independent company (SA Canegrowers Association) who has a direct interest in Sugar Cane Farmer as per the vision and missions of the company. The landuse is compensated in line with the RV price. Since the standard/RV price is already in place with the SA Canegrowers Association, an Agricultural Economic Assessment is not deemed necessary.</p> <p>The plan of study was approved by the DMRE on the 18 January 2024.</p> <p>All comments raised has been responded to.</p> <p>Public Participation for the WUL is undertaken in line with the Regulations regarding the procedural requirements for water use license applications and appeals (2017). The WUL is in progress through the DWS online system. Further information on the WUL can be obtained from the EAP.</p> <p>According to the N’Komati Anthracite mine, the areas proposed to be mined is unsurveyed Tribal Land.</p> <p>Not all areas have been rehabilitated due to the fact that these opencast cast areas (already disturbed) will be used to access the underground mining areas. Using the existing opencast mining area as a portal to access underground will limit disturbance on surface as access will be through an already disturbed area which reduces vegetation clearance. According to the mine plan, this area will also be used for stockpile areas which reduces vegetation clearance as the areas is disturbed. Rehabilitation at the Mangweni mini pit has been undertaken to a certain extent which has now stopped due to the area been earmarked for future mining. Un used areas will be suitably rehabilitated as per the mines rehabilitation plan. The existing voids have been authorised as part of the WUL and will form part of the greater rehabilitation of the mine.</p>
105	Mr Joel Mkhabela	<p>We welcome the presentation by Alta van Dyk, it was much informative. I strongly agree with the expansion of the Madadeni opencast but not with the underground area. The small-scale sugarcane grower will be affected or unless the mine buy them out with reasonable amount.</p> <p>I propose the new site should be given to young local business and training the unskilled youth. It must be a clause for development the new area and business, skill development. We need clinic upgrade, gravel of streets, local HR and mine engineer.</p>	22 February 2024	Email	<p>The comment has been acknowledged by AvDE and the mine. In terms of compensation of the affected land user, N’Komati Anthracite Mine compensates the land user in terms of the published formular as per the SA Canegrowers Association, which is an industry norm and updated annually as per crop prices and yields.</p> <p>Opportunities available at the mine are advertised through the following means:</p> <ul style="list-style-type: none"> <li>• Working Groups</li> <li>• Community Centres</li> <li>• Newspaper Adverts; and</li> <li>• Website</li> </ul> <p>In order to prioritise local employment, job advertisements set forth by the mine, includes a clause that stipulates all job applications should be accompanied by a letter from the trust indicating that the applicant belongs to the community.</p> <p>N’Komati Anthracite Mine has a valid Social and Labour Plan (SLP) approved in terms of the of the Mineral and Petroleum Resources Development Act (MPRDA) Regulations supporting the mining operations. In terms of the SLP, the community will benefit from employment,</p>

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					<p>procurement opportunities, training and development as well as community outreach projects. Through the Social and Labour Plan Commitments, the mine offers artesian/learnership programmes, bursaries and internships. Over and above the SLP commitments, the mine assist with outreach programmes in career guidance, and training of youth operators. In terms of the current SLP cycle, the mine has funded the Clinic, constructed two community halls and undertook maintenance on the local roads.</p> <p>Your comments have been captured in this Comments and Response Report (CRR), which will be submitted to the DMRE for consideration in their decision-making process.</p>
106	Mr Bernard Ngomane	<p>APPLICATION FOR EXTENTION OF THE CLOSING DATE.</p> <p>We have a court interdict that Nkomati Anthracite mine has filed against the communities Case number: MRCC 74/2023</p> <p>As the communities we cannot participate on your consultation and comments until the final judgment on the 18 April 2024.</p> <p>Therefore, we demand the extension of the due date to move to October 2024 to have enough time to prepare for the consultation and comments, we further demand that we must be alerted by communication on anything or meetings that touches our area. As we never seen any of your first consultations. Involving us shows to respects our rights and the MPRDA guidelines.</p> <p>We hope this demand we be considered as we are the custodians of the land and we are under the power of the traditional authorities.</p>	15 March 2024	Email	<p>Thank you for your correspondence. The letter provided to Alta van Dyk Environmental (Pty) Ltd on the 15 March 2024 bears reference. Alta van Dyk Environmental (Pty) Ltd has been appointed by N’Komati Anthracite Mine as an independent Environmental Assessment Practitioner (EAP) to undertake the application for environmental authorisation. The matter raised on your submission was forwarded to Terblanche Attorneys who are the attorneys of record and act on behalf on N’Komati Anthracite under case number MRCC74/2024. A response from Terblanche Attorneys is attached together with the interim order.</p> <p>A response to your request in terms of the extension of the Public Participation comment period due to case MRCC74/2024 is as follows:</p> <ul style="list-style-type: none"> <li>• The interim order (refer to paragraphs 3) does not interdict no member of the public to engage with Alta van Dyk Environmental on the Scoping &amp; EIA process and participate in the public participation and consultation activities.</li> <li>• The public consultation meetings were held at neutral venues as follows: <ul style="list-style-type: none"> <li>○ Madadeni Community Hall – 21 February 2024</li> <li>○ Mangweni Community Hall – 21 February 2024</li> <li>○ Siahwahlane Community Hall – 22 February 2024</li> </ul> </li> </ul> <p>The community was provided with the opportunity to attend these meetings, obtain more information about the proposed project as well as provide comments on the project.</p> <ul style="list-style-type: none"> <li>• In terms of the National Environmental Management Act (107 of 1998), Environmental Impact Assessment Regulations (2014) as amended, the Draft Environmental Impact Assessment Report was made available for a 30 day comment period from the 16 February until 18 march 2024 through the following means: <ul style="list-style-type: none"> <li>○ Alta van Dyk Environmental website: <a href="https://www.altavandykenvironmental.co.za/public-documents/">https://www.altavandykenvironmental.co.za/public-documents/</a></li> <li>○ N’Komati Anthracite Mine Security Office, Mpumalanga.</li> <li>○ Mawewe Tribal Authority Offices.</li> <li>○ Matsamo Tribal Authority Offices.</li> <li>○ Kwalugedlane Tribal Authority Offices.</li> <li>○ Mangweni Youth Advisory Centre.</li> <li>○ Malelane Public Library, Park Street, Malelane, Mpumalanga.</li> <li>○ Offices of Alta van Dyk Environmental Consultants, 4 Garcia Peak, Midlands Estate, Centurion, Gauteng</li> </ul> </li> <li>• An Environmental Impact Assessment Process is governed by the timeframes stipulated in the Environmental Impact Assessment Regulations (2014) as amended. Your proposal of October 2024 falls completely out of the legislated timeframe as required by legislation.</li> </ul> <p>Based on the above-mentioned points, your request for an extension of the timeframe cannot be implemented due to the following reasons:</p> <ul style="list-style-type: none"> <li>○ The public was afforded the opportunity to comment on the project as per the legislated timeframes</li> <li>○ MRCC74/2024 does not interdict participation of the community in the EIA process</li> <li>○ Public Participation has been undertaken in terms of Regulation 41 of the EIA Regulation (2014) as amended and the process in governed by legislated timeframes.</li> </ul>
107		<p>Do an announcement on the local radio station and put the notices at the affected area e.g shops at Madadeni, and do a loud telling 2 days before the meeting. That is how we do an official meeting. Malelane library, Tonga magistrate is not affected with the mine. Alert the custodians of the land. By so doing the community will be well prepared to participate.</p>	21 March 2024	Email	<p>Public Participation has been undertaken in line with Chapter 6 of the EIA regulations (2014) as amended.</p> <p>AvDE followed protocol in terms of the announcement of the Public Open Day. The following was undertaken:</p> <ol style="list-style-type: none"> <li>1. Invitation was sent to the N’Komati Working Group which is the link between the mine and the communities. The invitation was sent out on the 13<sup>th</sup> of February 2024.</li> <li>2. Meeting was held with the N’Komati Working Group on the 20 February 2024 to inform the group of the EIA phase and the Public Open Day</li> </ol>



Nr.	Organisation/Commentator	Comment	Date	Source	Response
					<p>3. In addition, focus group meetings were held with the following Traditional Councils prior to the public open day to ensure that the chiefs are informed and that communication is shared with the community</p> <ul style="list-style-type: none"> <li>a. Focus Group Meeting held with Matsamo Traditional Council on the 19 February 2024</li> <li>b. Focus Group Meeting held with Mawewe Traditional Council on the 19 February 2024</li> <li>c. Focus Group Meeting held with the Kwa-lugedlane Traditional Council on the 19 February 2024</li> </ul> <p>4. Site notices were placed at the following venues inviting the communities to the Public Open Day:</p> <ul style="list-style-type: none"> <li>a. Madadeni Clinic – Mawewe</li> <li>b. Computer Training Centre – Mangweni</li> <li>c. Siahwahlane Clinic - Matsamo</li> </ul>