



# mineral resources & energy

Department:  
Mineral Resources and Energy  
REPUBLIC OF SOUTH AFRICA

Private Bag X9, Rogge Bay, 8012, Tel: (021) 427 1000, Fax: (021) 427 1046

44 Strand Street, MAP House, 7<sup>th</sup> Floor, Cape Town, 8001

Enquiries: Willy van Breda EAPASA: Registration No. 2021/4134

Email: [willy.vanbreda@dmre.gov.za](mailto:willy.vanbreda@dmre.gov.za) Ref: (WC) 30/5/1/1/3/2/1 (10454) PR

Sub-Directorate: Mine Environmental Management

Fish By The Sea (Pty) Ltd  
PO Box 8037  
Elandsfontein  
1406

**Attention:** Charl van Wyk  
**Email:** [charl@talentpac.com](mailto:charl@talentpac.com)  
**Cc email:** [bernard@enviroafrica.co.za](mailto:bernard@enviroafrica.co.za)

**REGULATION 23(1)(b) TIMEFRAME EXTENSION WITH RESPECT TO AN APPLICATION FOR ENVIRONMENTAL AUTHORISATION LODGED IN TERMS OF SECTION 24 OF NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) (NEMA) AS AMENDED, READ IN CONJUNCTION WITH THE ENVIRONMENTAL IMPACT ASSESSMENT (EIA) REGULATIONS AS AMENDED, 2014 FOR A PROSPECTING APPLICATION FOR DIAMONDS (ALLUVIAL), DIAMONDS (GENERAL) AND DIAMONDS ON A PORTION OF PORTION 4 OF RIETFontein EXTENSION 151, PORTION OF PORTION 4 OF GRAAUWDUINEN 152 WITH THE INCLUDING ADJACENT SURFZONE UP TO LOW WATER MARK BUT EXCLUDING THE AREA 31.49 METERS BELOW THE LOW WATER MARK, SITUATED IN THE MAGISTERIAL DISTRICT OF VAN RHYNSDORP: WESTERN CAPE REGION.**

Your e-mail dated 23 July 2024 bears reference.

1. You indicated that reasons for the request for extension are as follow:
  - a) Significant new information was added to the specialist reports for the application while the public participation process on the Draft EIA was underway and the new information requires significant changes to be made to the EIA. The new information has therefore not yet been made available for Interested and Affected Parties to comment on for at least 30 days, hence this notification in terms of Regulation 23(1)(b).

b) The extension will accommodate the above-mentioned reasons to allow the applicant enough time for review of comments and incorporation of mitigation measures in the final EIA and EMPR.

2. In light of the above, you have notified this office of an extension of timeframes for the submission of the final EIA and EMPR in terms of Regulation 23(1)(b) of NEMA EIA Regulations (as amended), which states that:

*A notification in writing that the environmental impact report inclusive of any specialists reports, and an EMPR, will be submitted within 156 days of acceptance of the scoping report by the competent authority, as significant changes have been made or significant new information has been added to the environmental impact report or EMPR, which changes or information was not contained in the reports consulted on during the initial public participation process contemplated in subregulation (1)(a), and that the revised environmental impact report or EMPR will be subjected to another public participation process of at least 30 days.*

3. Based on motivation provided, the Department thereof **accepts** your request to extend the timeframes for the submission of the final EIA and EMPR in this regard, you are requested to submit the final EIA and EMPR **on/or before 12 September 2024**.

**NB: Regulation 45 of NEMA: EIA Regulations stipulates that "an application in terms of these Regulations lapses and a competent authority will deem the application as having lapsed, if the applicant fails to meet any of the time-frames prescribed in terms of these Regulations, unless extension has been granted in terms of Regulation 3(7) or 23(1)(b)."**

Templates for the above-mentioned documents can be obtained on the Department of Mineral Resources and Energy website ([www.dmre.gov.za](http://www.dmre.gov.za)) or from this regional office on request.

  
.....  
**REGIONAL MANAGER: MINERAL REGULATION**

**WESTERN CAPE REGION**

**DATE: 24/7/2024**



## mineral resources & energy

Department:  
Mineral Resources and Energy  
REPUBLIC OF SOUTH AFRICA

Private Bag X9, Rogge Bay, 8012, Tel: (021) 427 1000, Fax: (021) 427 1046  
44 Strand Street, MAP House, 7<sup>th</sup> Floor, Cape Town, 8001  
**Enquiries:** Willy van Breda **EAPASA:** Registration No. 2021/4134  
**Email:** [willy.vanbreda@dmre.gov.za](mailto:willy.vanbreda@dmre.gov.za) **Ref:** (WC) 30/5/1/1/3/2/1 (10454) PR  
**Sub-Directorate:** Mine Environmental Management

Fish By The Sea (Pty) Ltd  
PO Box 8037  
Elandsfontein  
1406

**Attention:** Charl van Wyk  
**Email:** [charl@talentpac.com](mailto:charl@talentpac.com)  
**Cc email:** [bernard@enviroafrica.co.za](mailto:bernard@enviroafrica.co.za)

**ACCEPTANCE OF SCOPING REPORT LODGED IN TERMS OF SECTION 24 OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 of 1998) AS AMENDED, READ WITH REGULATION 21 OF THE ENVIRONMENTAL IMPACT ASSESSMENT (EIA) REGULATIONS, 2014 AS AMENDED, FOR A PROSPECTING RIGHT APPLICATION FOR DIAMONDS (ALLUVIAL), DIAMONDS (GENERAL) AND DIAMONDS ON A PORTION OF PORTION 4 OF RIETFontein EXTENSION 151, PORTION OF PORTION 4 OF GRAAUWDUINEN 152 WITH THE INCLUDING ADJACENT SURFZONE UP TO LOW WATER MARK BUT EXCLUDING THE AREA 31.49 METERS BELOW THE LOW WATER MARK, SITUATED IN THE MAGISTERIAL DISTRICT OF VAN RHYNSDORP: WESTERN CAPE REGION.**

1. Your Scoping Report submitted on 19 February 2024 was examined by the Department and found that it meets the requirements stated in the Environmental Impact Assessment Regulations of 2014 as amended. Therefore, it is accepted and you are advised to continue with the tasks contemplated in the plan of study for environmental impact assessment.
2. You must within 106 days of the acceptance of the scoping report submit an environmental impact report inclusive of any specialist reports, and an environmental management programme, which must have been subjected to a public participation process of at least 30 days and which reflects the incorporation of comments received, including any comments of the competent authority. Please note that this is inclusive of weekends but exclusive of public holidays and the period from 15 December 2020 to 05 January 2021.
3. The following information are required to be included in the EIR & environmental management programme (EMPr):

- a) The EMPr must include how the quantum for financial provision for remediation and rehabilitation was calculated and the method of financial provision;
  - b) Specialist studies mentioned in the Plan of Study consisting of:
    - Terrestrial Biodiversity Study;
    - Marine Ecology Impact Assessment;
    - Paleontology Impact Assessment;
    - Archeological and Cultural Impact Assessment;
  - c) Locality maps of the area and illustrates the **exact location (with coordinates)** of the proposed **twenty prospecting pits and access roads** to be used for prospecting activities;
  - d) Closure plan in accordance to appendix 5 of the NEMA EIA Regulations, 2014 as amended;
  - e) Possible impacts and effects of the development on the surrounding environment;
  - f) A operational phase in the EMPr to include mitigation and monitoring measures;
4. Public participation must be conducted in accordance to Chapter 6 of the 2014 Environmental Impact Assessment Regulations as amended. In terms of Regulation 7(2) "the competent authority or EAP must consult with every organ of state that administers a law relating to a matter affecting the environment relevant to that application for an environmental authorisation when such competent authority considers the application and unless agreement to the contrary has been reached the EAP will be responsible for such consultation".
5. The EAP is therefore requested to consult environmental impact report inclusive of specialist reports, and an EMPr/closure Plan with every organ of state that administers a law relating to a matter affecting the environment as stipulated on regulation 7(2) of 2014 EIA Regulations as amended and to notify the Department of Mineral Resources of such consultation with the organ of state and include all the comments from all relevant stakeholders and must be presented in a tabular format that includes the EAP's response to all the issues raised. Should you be unable to obtain comments, proof of the attempts that were made to obtain comments must be enclosed in the EIR to be submitted to the department.
6. With regards to the submission of the EIR; in a case where there are significant changes in the information that was previously submitted; you will need to notify the Department in writing of such changes within the 106 days stated above and submit an environmental impact report within 156 days of acceptance of the scoping report by the Department.

7. Please ensure that the EIR includes the A3 size locality maps of the area and illustrates the exact location (with coordinates) of the proposed prospecting pits. The maps must be of acceptable quality and indicate access roads, associated infrastructure and sensitive environmental features;
8. Should an application for Environmental Authorisation be subjected to any permits or authorisations in terms of the provisions of any Specific Environmental Management Acts (SEMAs) and other legislations, proof of such application will be required.
9. You are requested to upload the EIR and EMPr onto SAMRAD online and submit two (2) hard copies of the EIR and EMPr including an electronic copy to this Regional Office.
10. 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.

NB: Regulation 45 of 2014 EIA Regulations as amended stipulates that "an application in terms of these Regulations lapses and a competent authority will deem the application as having lapsed, if the applicant fails to meet any of the time-frames prescribed in terms of these Regulations, unless extension has been granted in terms of regulation 3(7)."

Hope you find the above in order, for any clarity please do not hesitate to contact me.

**Kind Regards**



**Regional Manager: Mineral Regulation**

**Western Cape Region**

Date: 04/04/2021