mineral & petroleum resources
Department: Mineral and Petroleum Resources
REPUBLIC OF SOUTH AFRICA

APPROVED

WESTERN CAPE REGION
Tel: 021 427 1000; **Fax:** 021 427 1046
Private Bag X9 Roggebbaai, 8012; 7th Floor, MAP House, 44 Strand Street, Cape Town, 8012
From: Mineral Regulation **Sub-Dire ctorate:** Mine Environmental Management
Enquiries: Linda Njemla **EAPASA Reg No:** 2019/1312 **E-mail:** Linda.Njemla@dmpr.gov.za
Ref No.: WC 30/5/1/1/2(10522)PR

The Directors
Trans Atlantic Diamond (Pty) Ltd
4 Bree Street
Office 1603, Portside
Cape Town
8001

Attention: Anthony Peter
E-mail: anthony@transatlanticgemsales.com

Dear Sir

ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (NEMA) AS AMENDED, AND THE ENVIRONMENTAL IMPACT ASSESSMENT (EIA) REGULATIONS, 2014 AS AMENDED, FOR A PROSPECTING RIGHT APPLICATION OFFSHORE SEA CONCESSION 11C, SITUATED IN THE MAGISTERIAL DISTRICT OF VAN RHYNSDORP: WESTERN CAPE REGION

With reference to the above-mentioned application, please be advised that the Department has decided to **grant** environmental authorisation in terms of the National Environmental Management Act (Act 107 of 1998). The environmental authorisation and reasons for the decision are attached herewith.

In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations of 2014, you are instructed to notify all registered interested and affected parties, in writing within 14 (fourteen) calendar days, from the date of the Department's decision in respect of your application and the relevant provisions regarding the lodgement of appeal must be provided for in terms of the National Appeal Regulations of 2025 *GGN 52269, GNR. 5985* of 13 March 2025.

Should you wish to appeal any aspect of the decision, you must submit the appeal to the Minister of Environment, Forestry and Fisheries and a copy of such appeal to the Department of Mineral and Petroleum Resources (Western Cape Regional Office), within 20 days from the date of notification, and such appeal must be lodged as prescribed in by Chapter 2 of the National Appeal Regulations of 2025, *GGN 52269, GNR. 5985* of 13 March 2025 by means of the methods as prescribed below:

Appeal to the Department of Forestry, Fisheries and the Environment:

Attention : Directorate Appeals and Legal Review
Email : appeals@dffe.gov.za
By post : Private Bag X 447, **PRETORIA**, 0001
By hand : Environmental House, Corner Steve Biko and Soutpansberg Street, Arcadia, **Pretoria,** 0083

In addition, please provide a copy of the lodged appeal to the Department of Mineral and Petroleum Resources.

Attention : Regional Manager: Western Cape Region
By facsimile : (021) 427 1046
E-mail : Pieter.Swart@dmpr.gov.za
By post : Private Bag X 09, ROGGEBAAI, 8012
By hand : 7th Floor, MAP House, 44 Strand Street, Cape Town, 8001

Should you decide to appeal, you must comply with the National Appeal Regulation of 2014 in relation to notification of all registered interested and affected, and a copy of the official appeal form can be obtained from the Department of Environment, Forestry and Fisheries.

Kind Regards

REGIONAL MANAGER: MINERAL REGULATION
WESTERN CAPE REGIONAL OFFICE
DATE: 3/11/2026

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petroleum resources

Department:
Mineral and Petroleum Resources
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WESTERN CAPE REGION
Tel: 021 427 1000; **Fax:** 021 427 1046
Private Bag X9 Roggebbaai, 8012; 7th Floor, MAP House, 44 Strand Street, Cape Town, 8012
From: Mineral Regulation **Sub-Dire ctorate:** Mine Environmental Management

Environmental Authorisation in terms of
National Environmental Management Act, 1998 (Act 107 of 1998) as amended ("NEMA") and 2014 EIA Regulations as amended
For
Gold ore, platinum group metals, iron ore, silver ore, diamond (general and alluvial), Titanium, heavy minerals and gemstone

Reference number:	WC 30/5/1/1/2(10522)PR
Last amended:	First issue under this reference number but second issue for the Sea Concession Area under the same company
Holder of authorisation:	Trans Altantic Diamond (Pty) Ltd
Location of activities:	Offshore Sea Concessions 11C, situated in the Magisterial District of Vanrhynsdorp.

DECISION

ACRONYMS

SR:	Scoping Report
EIR:	Environmental Impact Report
DEPARTMENT:	Department of Mineral and Petroleum Resources
DFFE:	Department of Forestry, Fisheries & the Environment
ECO:	Environmental Control Officer
EA:	Environmental Authorisation
EIA:	Environmental Impact Assessment
EIR:	Environmental Impact Report
EIA REGULATIONS:	EIA Regulations, 2014 as amended
EMPr:	Environmental Management Programme
HWC:	Heritage Western Cape
I&AP:	Interested and Affected Parties
MPRDA:	Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002), as amended
NEMA:	National Environmental Management Act, 1998 (Act 107 of 1998), as amended
NEMWA:	National Environmental Management: Waste Act, 2008 (Act 59 of 2008), as amended
SAHRA:	South African Heritage Resources Agency

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this environmental authorisation, that the applicant should be authorised to undertake **NEMA EIA** listed activities specified below. Details regarding the basis on which the Department reached this granting decision are set out in **Annexure "1"** and **"2"** of this environmental authorisation.

ACTIVITY APPLIED FOR

By virtue of the powers conferred on it by NEMA, the Department of Mineral and Petroleum Resources hereby **Grants** an Environmental Authorisation (EA) to **Trans Atlantic Diamond (Pty) Ltd** with the following contact details –

Trans Altantic Diamond (Pty) Ltd
4 Bree Street
Office 1603, Portside
Cape Town
8001

Attention: Anthony Peter
E-mail: anthony@transatlanticgemsales.com
Cell: 084 568 9204

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to undertake the following activities listed in the NEMA: EIA Regulations:

LISTED ACTIVITIES AUTHORISED:

Listed Activities	**Activity and/or project description**
Listing notice 1 of the EIA Regulations R. 327 of 2017 as amended by GN 327 of April 2017 and amended by GNR 501 of June 2021:- **Activity 20** Any activity including the operation of that activity which requires a Prospecting Right in terms of section 16 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), as well as any other applicable Activity, contained in this Listing Notice or Listing Notice 3 of 2014 required to exercise a prospecting right.	The proposed prospecting programme comprises: • Acoustic and geophysical surveys; • Van Veen grab sampling; • Vibrocoring; • Drill coring; • Collection of geological samples for prospecting purposes only; and • Associated support activities. The application does not include: • Bulk sampling; • Pilot mining; • Commercial extraction of minerals; or • Mining activities. The prospecting programme is limited to the collection of geological information to determine the existence, extent and economic potential of mineral resources.

Proposed Prospecting details are as follows:
The holder is hereby authorised to undertake prospecting which will be undertaken in four phases, combining non-invasive and invasive sampling methods to evaluate the mineral potential of Concession Area 11C.

1. **Phase 1 – Desktop Study and Acoustic Surveys**
   - Existing data will be reviewed and high-resolution acoustic surveys conducted to map the seabed.
   - The surveys will identify potential target areas for sampling and areas requiring avoidance, while also informing the design of subsequent sampling methods.
   -
2. **Phase 2 – Van Veen Grab and Core Sampling**
   - **Van Veen grab sampling** will be undertaken at 20–50 locations to collect sediment samples for biological, environmental, and geotechnical investigations.
   - The activity will disturb approximately **5 m²** of seabed and remove about **1.5 m³** of sediment.
   - **Core sampling** will be conducted at 100–200 locations to investigate seabed geology, sediment layers, and geotechnical conditions.
   - Core sampling will disturb approximately **1.57 m²** and remove about **4.71 m³** of material.
3. **Phase 3 – Drill Sampling**

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   - An initial **150 drill samples** will be collected, followed by up to **150 additional samples** where warranted.
   - These 300 samples will disturb approximately **1 500 m²** of seabed.
   - If results indicate a potentially economic resource, up to **20 resource development areas** (each no larger than 500 m × 300 m) may be investigated further through an additional **1 200 drill samples**, disturbing approximately **6 000 m²**.
4. **Phase 4 – Feasibility Study and Resource Estimation**
   - Information gathered during the preceding phases will be analysed to estimate resources and assess the economic viability of potential diamond or other mineral mining operations.

Overall Environmental Footprint

The combined disturbance from Phases 1–3 is estimated at approximately **7 507 m² (0.75 hectares)**, representing only **0.0005% of the total Concession Area 11C**.

The authorisation does not include Bulk sampling; Pilot mining; Commercial extraction of minerals; or Mining activities.

21-digit surveyor general code
Not applicable

The granting of this EA is subject to the conditions set out below (site specific) and in **Annexure 2** (Departmental Standard Conditions). The EMPr attached as part of the reports for the above development submitted as part of the application for an EA complies with

Section 24N of NEMA, Appendix 4 of the EIA Regulations, 2014 as amended and is hereby approved and must be adhered to throughout the life cycle of the operation.

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INTRODUCTION

The Department considered the application for Environmental Authorisation submitted in terms of section 24 of the National Environmental Management Act, 1998 (Act 107 of 1998) ("NEMA"), together with the BAR, EMPr, specialist studies, public participation documentation, and all comments received from Interested and Affected Parties (I&APs).

The Department also considered objections submitted by Trans Hex Operations (Pty) Ltd ("THO"), including objections relating to public participation, disclosure of information, the environmental assessment process followed, and the applicant's technical and financial capability.

Having considered all relevant information as required by section 24O of NEMA, the Department has decided to grant Environmental Authorisation for the proposed prospecting activities for the reasons set out below in Annexure 1.

ANNEXURE 1: REASONS FOR THE DECISION

After careful consideration of the information and factors listed in the documents, the Department made the following findings.

1. The prospecting programme consists of acoustic surveys, Van Veen grab sampling, drill coring and associated geological investigations conducted solely for prospecting purposes. The Van Veen grab is a low-impact sampling tool used primarily to collect small sediment samples and baseline environmental information, such as benthic fauna data, for environmental assessment purposes and does not constitute mineral bulk sampling. Similarly, the proposed 300 drill samples, with an estimated seabed disturbance footprint of approximately 1,500 m², are intended for geological assessment and resource evaluation only. As no large-scale dredging or extraction of seabed gravels for commercial evaluation is proposed, and the sampling methodology has been described as not constituting bulk sampling, the activities are more appropriately classified as prospecting drill sampling rather than bulk sampling. The work is limited to

the collection of geological information to determine the existence, extent and economic potential of mineral resources.

2. COMPLIANCE WITH THE EIA REGULATIONS

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The Department is satisfied that the proposed activities trigger Listing Notice 1 activities under the Environmental Impact Assessment Regulations and that a Basic Assessment process is the legally prescribed environmental assessment process.

Applicable environmental assessment process is determined by the listed activities triggered under the NEMA EIA Regulations. Prospecting activities such as acoustic surveys, grab sampling and drill coring generally fall within Listing Notice 1 Activity 20 and are therefore subject to a Basic Assessment process unless a specific Listing Notice 2 activity is triggered. The significance of the mineral resource, the possibility of future mining, or concerns regarding cumulative impacts do not in themselves require an S&EIR process, as cumulative impacts must be assessed in both BAR and S&EIR processes. Unless it can be demonstrated that bulk sampling or another specific Listing Notice 2 activity is triggered, there is a strong legal basis for the use of a Basic Assessment process for Sea Concession 11C.

Additionally, No evidence was submitted demonstrating that the proposed prospecting activities trigger any activity listed under Listing Notice 2 that would require a Scoping and Environmental Impact Reporting (S&EIR) process.The prospecting methodology is substantially similar to prospecting methodologies previously assessed through a Basic Assessment process.

Accordingly, the Department finds that the Basic Assessment process complied with the requirements of the EIA Regulations and constituted the appropriate assessment process for the proposed activity.

3. CONSIDERATION OF SPECIALIST STUDIES

The Basic Assessment process included specialist investigations into marine ecology, fisheries, marine fauna, heritage resources, socio-economic impacts, shipping activities and cumulative impacts. The findings of these studies indicate that the proposed prospecting activities in Sea Concession Area 11C will result in impacts that are generally of low significance and can be adequately managed through the implementation of the mitigation measures contained in the Environmental Management Programme (EMPr).

3.1 **Marine Ecology and Fisheries:** The Marine Impact Assessment identified potential impacts associated with acoustic surveys, vessel operations, seabed sampling, drilling activities, sediment disturbance and waste generation. The specialist concluded that:

a) The total seabed disturbance footprint is approximately 7 507 m² (0.75 ha), representing approximately 0.0005% of the total concession area.
b) Impacts on benthic habitats are localised, temporary and reversible.
c) Fine sediment plumes generated by sampling activities are expected to be short-lived and limited in extent.
d) Impacts on fish, plankton and invertebrates were assessed as insignificant to very low.
e) The most significant ecological impact relates to acoustic disturbance of marine mammals, which was assessed as Medium negative significance before mitigation and Low significance after mitigation.
f) Impacts on seabirds, turtles and other marine fauna can be reduced to very low or insignificant significance through implementation of monitoring, exclusion zones and soft-start procedures.

The specialist concluded that no ecological fatal flaws were identified and that prospecting can proceed provided that the recommended mitigation measures are implemented.

3.2 **Fisheries Assessment** considered potential impacts on small pelagic purse seine fisheries; tuna pole and line fisheries; traditional linefish fisheries; and kelp harvesting operations. The assessment found that:

a) Fishing effort within the concession area is relatively low.
b) Prospecting activities are temporary and localised.
c) Exclusion of fishing vessels from operational areas would be short-term.
d) Impacts on tuna, linefish and kelp harvesting sectors are insignificant.
e) Impacts on the Small Pelagic Purse Seine sector are very low and become insignificant after mitigation.

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The specialist concluded that prospecting activities are unlikely to result in material economic losses to the fishing industry.

3.3 **Marine Mammals, Seabirds and Turtles:** The specialist assessed potential impacts associated with acoustic survey equipment and vessel movements. The assessment found that:

a) Humpback whales, Southern Right whales, Heaviside's dolphins and Dusky dolphins may occur within the broader project area.

b) Acoustic survey equipment may temporarily alter behaviour, communication and movement patterns of marine mammals.

c) No permanent population-level impacts are expected.

d) Vessel collision risks are low and can be effectively mitigated through speed restrictions and onboard monitoring.

e) Impacts on seabirds and turtles are low to insignificant following implementation of mitigation measures.

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The specialist concluded that the proposed activities are acceptable provided that the prescribed monitoring and mitigation measures are implemented.

3.4 **Heritage Impact Assessment** considered impacts on submerged prehistoric heritage resources; marine archaeological resources; shipwrecks; and palaeontological resources. The assessment concluded that:

a) The likelihood of impacting maritime archaeological resources is low due to the limited occurrence of known shipwrecks within the concession area.
b) Potential impacts on prehistoric and palaeontological resources are very low.
c) The collection and retention of sediment cores may contribute positively to scientific understanding of prehistoric landscapes and palaeo-environments.
d) Appropriate chance-find procedures and specialist review of recovered material will adequately manage heritage risks.

No heritage fatal flaws were identified.

3.5 **Socio-Economic Assessment** concluded that:

a) Prospecting activities will not result in significant negative impacts on coastal communities.
b) The offshore location of the concession area limits interaction with local subsistence and small-scale fishers.
c) The project may contribute positively through expenditure, procurement opportunities, employment and future resource development potential.

d) Although positive socio-economic impacts are expected to be limited during the prospecting phase, the information generated may contribute to future economic opportunities.

3.6 **Shipping and Navigation** assessment found that:

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a) The concession area is located outside major shipping routes.
b) Impacts on commercial shipping traffic are insignificant.
c) Standard maritime navigation procedures and notices to mariners will adequately manage navigational risks.

4. CONSIDERATION OF ENVIRONMENTAL IMPACTS

The Department is satisfied that:

i. The receiving environment was adequately described;
ii. Potential impacts (negative and positive impacts) on the marine environment were identified and assessed;
iii. Cumulative impacts were considered as the cumulative Impacts assessment recognised that marine prospecting and mining activities occur elsewhere along the West Coast. The assessment concluded that:
   a) Cumulative impacts on marine mammals may increase to Medium significance even after mitigation.
   b) However, the contribution of the proposed prospecting activities to overall cumulative impacts is relatively small due to the limited scale and duration of the project.
   c) Implementation of all project-specific mitigation measures remains adequate to manage the Applicant's contribution to cumulative impacts.
iv. Appropriate mitigation measures were proposed;
v. Monitoring measures were included in the EMPr; and
vi. The impacts associated with the prospecting activities can be managed to acceptable levels.
vii. The Department notes that these matters are primarily relevant to the assessment of a Prospecting Right application under the MPRDA and do not constitute environmental impacts requiring assessment under NEMA.

The specialist assessments did not identify any impacts that cannot be avoided, mitigated or managed through the implementation of the approved EMPr. The Department is therefore satisfied that the proposed prospecting activities can be undertaken in an environmentally acceptable manner.

5. PUBLIC PARTICIPATION PROCESS

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The Department is satisfied that the public participation process complied with the requirements of NEMA and the EIA Regulations. The following were implemented.

- Placement of several community notices (Afrikaans and English) in central public locations
- Notification letters were e-mailed to the Authorities and the Registered Interested & Affected Parties and were requested to provide comments;
- Access to reports at public libraries and online,
- Public open days;
- Background Information Document (BID);
- Stakeholders had access to reports both electronically and in hard copy
- A newspaper advertisement was placed in the local is a regional newspaper (Cape Argus in Afrikaans) and one local newspaper (Ons Kontrei in Afrikaans and English) on 13 March 2026; and
- A register of all the interested and affected parties was created.

The Department considered objections alleging that the applicant failed to provide the entire Prospecting Right application and all supporting documentation submitted through SAMRAD. as well as the previous lapse of a prospecting right

The Department finds that:

a) NEMA and the EIA Regulations require disclosure of information relevant to the environmental assessment process;
b) The BAR, EMPr, specialist studies and supporting environmental documentation were made available for public review;
c) The EIA Regulations do not require publication of all documents submitted in support of a Prospecting Right application under the MPRDA;
d) Interested and Affected Parties were afforded a reasonable opportunity to review environmental information and submit comments; and
e) No evidence was presented demonstrating that any environmental impact could not be assessed because of the alleged absence of Prospecting Right application documents.

The previous lapse of a prospecting right does not establish environmental non-compliance or demonstrate any potential environmental harm. The relevant consideration under NEMA is whether the proposed activity can be undertaken in an environmentally sustainable manner. The Department therefore finds that the previous lapse of a Prospecting Right does not constitute a basis for refusing Environmental Authorisation.

ENVIRONMENTAL AUTHORISATION SITE SPECIFIC CONDITIONS

1. Prospecting and must be conducted in accordance with the approved EMPr, attached site layout plan and recommendations of the specialist reports.

2. The Holder must comply with all applicable legislation, including but not limited to: Mineral and Petroleum Resources Development Act 28 of 2002 (MPRDA), National Environmental Management: Integrated Coastal Management Act 24 of 2008, Marine Living Resources Act 18 of 1998, National Heritage Resources Act 25 of 1999 and Applicable international maritime conventions including MARPOL.

3. At least two independent MMSOs must be appointed during daylight acoustic survey operations.

4. A minimum 30-minute pre-survey visual scan must be undertaken before acoustic equipment is activated.

5. Passive Acoustic Monitoring (PAM) must be used during night-time operations or periods of poor visibility.

6. A Shipboard Oil Pollution Emergency Plan (SOPEP) must be maintained onboard all vessels.

7. Any shipwreck, archaeological material or fossil identified during prospecting must result in immediate cessation of work in the affected area and notification of SAHRA.

8. Notice to Mariners must be issued through the South African Navy Hydrographic Office before commencement of each survey campaign.

9. Stakeholders must be notified both before commencement and upon completion of each survey campaign.

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10. The EA holder shall ensure that:

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10.1 All noise-generating equipment must implement a gradual ramp-up (soft start) to allow marine mammals to vacate the area.

10.2 A minimum 500 m exclusion zone is established around operating equipment for whales and operations must cease or not commence if whales are observed within the exclusion zone.

10.3 Any marine mammal injury, stranding, or collision is reported to the competent authority within 24 hours.

10.4 Night lighting is minimised to essential operational requirements only, use downward-directed, shielded lighting and avoid high-intensity white/blue spectrum lighting where feasible.

10.5 A trained personnel onboard to safely capture and release disoriented seabirds and keep a bird-handling kit onboard is mantained.

10.6 No disposal of organic waste overboard. Waste must be stored securely to avoid attracting seabirds.

11. A suitably trained Marine Mammal Observer (MMO) shall be appointed during acoustic geophysical surveys.

12. Soft-start procedures shall be implemented during seismic operations.

13. Turbidity-generating activities shall be managed to minimise plume dispersion to reduce impacts on fisheries.

14. Offshore refuelling shall comply with South African Maritime Safety Authority requirements.

15. The Holder shall maintain ongoing stakeholder engagement throughout the operational period.

16. Halt the survey if any marine mammals show affected behaviour within 500m of the survey vessel or equipment until the mammal has vacated the area.

17. Avoid planning of geophysical surveys during the movement of migratory cetaceans (particularly baleen whales) from their southern feeding grounds into low latitude waters (beginning of June to end of November) and ensure that migration paths are not blocked by sonar operations.

18. Where reasonably practicable, prospecting surveys should be planned outside periods of peak fishing activity and a Fisheries Liaison Officer shall be appointed.

19. Daily Navigational Warnings must be issued via the South African Naval Hydrographic Office for the duration of survey and sampling operations.

20. Key stakeholders, including FishSA, SAPFIA, West Coast Rock Lobster Association, SA Linefish Associations, BSASA, SANHO, and DFFE VMS Unit, must be notified prior to commencement of operations, and again upon completion.

21. Vessels must operate at speeds and with equipment settings that minimize acoustic and physical disturbance to marine species which must not exceed 12 knots and must be reduced to less than 10 knots within 25 km of the coastline and when marine mammals are present.

22. Failure to comply with these conditions including condition in Annexure 2 or if significant non-compliance is identified it may result in suspension, amendment, or withdrawal of this Environmental Authorisation.

ANNEXURE 2: DEPARTMENTAL STANDARD CONDITIONS

1 SCOPE OF AUTHORISATION

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1.1 The approved Environmental Management Programme (EMPr) forms part of this EA and is legally binding. The holder of the EA must be responsible for ensuring compliance with the conditions contained in the EA and the EMPr. This includes any person acting on the holder's behalf, including but not limited to an agent, servant, contractor, subcontractor, employee, consultant or any person rendering a service to the holder of EA.

1.2 Any changes to, or deviation from the project description set out in this EA must be approved in writing by this Department before such changes or deviation may be effected. In assessing whether to grant such approval or not, the Department may request such information as is deemed necessary to evaluate the significance and

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10. Stakeholders must be notified both before commencement and upon completion of each survey campaign.

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1.2 Any changes to, or deviation from the project description set out in this EA must be approved in writing by this Department before such changes or deviation may be effected. In assessing whether to grant such approval or not, the Department may request such information as is deemed necessary to evaluate the significance and impacts of such changes or deviation and it may be necessary for the holder of the EA to apply for further authorisation in terms of the EIA Regulations as amended.

1.3 The activities, which are authorised, must only be carried out at the property indicated in the EA and the approved EMPr.

1.4 When any of the holders of the EA contact details change including name of the responsible person, physical or postal address or telephonic details, the holder of the EA must notify the Department as soon as the new details become known to the holder of the EA.

1.5 The EA does not negate the responsibility of the holder to comply with any other statutory requirements that may be applicable to the undertaking of such activity (ies).

1.6 The holder of EA must ensure that all areas where the authorised activities occur have controlled access to ensure safety of people and animals.

2 APPEAL OF AUTHORISATION

2.1 The holder of the EA must in writing, within 14 (fourteen) calendar days from the date of this decision and in accordance with EIA Regulation 4(2) do the following:

2.2 Notify all registered I&APs of –

- **2.2.1** The outcome of the application;
- **2.2.2** The date of the decision;
- **2.2.3** The date of issue of the decision and;
- **2.2.4** The reasons for the decision as included in Annexure 1 and Departmental standard conditions in Annexure 2.

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2.3 Draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations.

2.4 Draw the attention of all registered I&APs to the manner in which they may access the decision.

2.5 **Copy of the lodged appeal must be addressed to the Department of Mineral and Petroleum Resources on the address given on Page 2 of the EA.**

2.6 Provide the registered I&APs with:

2.6.1 Name of the holder (entity) of this EA;

2.6.2 Name of the responsible person for this EA;

2.6.3 Postal address of the holder;

2.5.4 Telephonic and fax details of the holder and

2.5.5 E-mail address of the holder if any.

3 COMMENCEMENT OF THE ACTIVITY (IES)

3.1 In order to ensure safety, all employees must be given the necessary personnel protective equipment (PPE) and any employee without PPE must not be allowed on site.

3.2 This EA must be provided to the site operator and the requirements thereof must be made fully known to him or her.

3.3 Consultation must be done with key stakeholders prior to commencement of activities. Stakeholders must be provided with navigational coordinates of the sampling areas, timing and durations of activities and implications thereof. This includes Fishing Associations, Department of Forestry, Fisheries and Environment, South African Maritime Safety Authority (SAMSA), South African Navy Hydrographic Office, overlapping and neighbouring Petroleum License Holders and Transnet National Ports Authority.

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3.4 Required safety zones around the vessels should be communicated via issuing of Daily Navigational Warnings for the duration of the sampling operations through the South African Naval Hydrographic Office.

3.5 Prospecting activities must be limited to the actual footprint in accordance with the approved layout plan, and mitigation measures must be implemented to reduce the risk of the environment. The Holder shall implement all mitigation measures contained in the EMPr and ensure all contractors comply with the EMPr.

3.6 Vessels used during the life of mine must be certified for seaworthiness through an appropriate internationally recognised certification programme. Proof must be submitted to the Department prior to commencement of activities.

3.7 All vessel used during prospecting (including supporting vessels) must ensure compliance with MARPOL 73/78 standards and Annexes, this includes discharges to sea [vessel machinery spaces (bilges), ballast water and deck drainage, sewage, food (galley) wastes, and detergents].

3.8 Avoid and minimize the discharge of galley waste material should obvious attraction of marine fauna be observed. No disposal within 3 nm of the coast. Disposal between 3 nm and 12 nm of the coast must be comminuted to particle sizes smaller than 25 mm.

3.9 An integrated waste management approach that is based on waste minimization (waste management hierarchy) must be implemented and must incorporate avoidance, reduction, recycling, treat, reuse and disposal where appropriate. Ensure that no refuse generated in the prospecting area is placed, buried, dumped or deposited on the adjacent properties or public places and open space.

3.10 Keep a record of lost equipment and all items lost overboard and not recovered. When any items that constitute a seafloor or navigational hazard are lost on the seabed, or in the sea:

- Complete a standard form / record sheet, which records the location, date and cause of loss, details of equipment type, weather, sea state, etc.
- Notify SAMSA and SAN Hydrographer.
- Request that SAN Hydrographer send out a Notice to Mariners with this information.

3.11 Waste generated during sampling activities that would not be discharged at sea must be stored safely and transported onshore to a registered disposal facility. Proof of disposal at a registered disposal facility must be kept and produced to any official of this Department on request.

3.12 In terms of sections 28 and 30 of NEMA, any costs incurred to remedy environmental damage must be borne by the person responsible for the damage. It is therefore imperative that the holder of the EA reads through and understand the legislative requirements pertaining to the project. It is the holder of EA responsibility to take reasonable measures which include informing and educating contractors and employees about environmental risks of their work and training them to operate in an environmentally acceptable manner.

3.13 Should any heritage material and/or shipwrecks be exposed during operation or any actions on the site, these must immediately be reported to the South African Heritage Resource Agency (SAHRA) (in accordance with the applicable legislation). Heritage material and/or shipwrecks uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from the South African Heritage Resource Agency (SAHRA).

3.14 Compliance with the requirements of MARPOL Annex VI - Prevention of Air Pollution from Ships will be required for all vessel engines and where vessels are fitted with garbage incinerators

3.15 Noise generated by survey and sampling activities must fall within an acceptable range of most fish and marine mammals.

3.16 The holder of EA must ensure that any water uses listed in terms of Section 21 of National Water Act must get authorisation from Department of Water and Sanitation prior to the commencement of such activity (ies).

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3.17 This EA does not purport to absolve the holder of EA from its common law obligations towards the owner of the surface of land affected.

3.18 The holder of EA must ensure that rehabilitation of the disturbed areas caused by operation at all times comply with the approved EMPr.

3.19 This EA may be amended or withdrawn at any stage for non-compliance and provides no relief from the provisions of any other relevant statutory or contractual obligations.

3.20 An appeal under Section 43(7) of the National Environmental Management Act (NEMA), Act 107 of 1998 (as amended) suspend an EA or exemption or any provisions of conditions attached hereto, or any directive unless the Minister directs otherwise.

3.21 Should you be notified by the Minister of a suspension of the authorisation pending appeal procedure, you may not commence with the activity (ies) until such time that the Minister allows you to commence with such activity (ies) in writing.

3.22 The Department reserves the right to audit and/or inspect the activity (ies) without prior notification at any reasonable time and at such frequency as may be determined by the Regional Manager.

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3.23 Subject to the commencement and duration requirements of the MPRDA and NEMA for the listed prospecting, the EA is valid for the period for which the Prospecting Right is granted provided that this activity commences within 5 years. If the commencement of the proposed activities does not occur within the specified period, the EA lapses and a new application for EA in terms of the NEMA and the EIA Regulations must be made for the activity to be undertaken.

3.24 Subject to the commencement and duration requirements of the MPRDA, the EA is valid for the period for which the Prospecting Right is granted. When the renewal application of the Prospecting Right is lodged; the EA validity, obligations and liabilities which were attached thereto immediately before the date on which it lapsed continue to be valid until the decision of the renewal is made and become valid again with the intervals of the approved renewal period.

3.25 This EA will only be effective on the event that a corresponding Prospecting Right is issued in terms of MPRDA as amended and none of the activities listed in this EA may commence without a Prospecting Right.

3.26 The listed activity (ies), including site preparation, must not commence within 20 (twenty) calendar days of the date of the notification of the decision being sent to the registered I&APs. In the event that an appeal is lodged with the appeal administrator, the effect of this environmental authorisation is suspended until such time as the appeal is decided.

3.27 Should there be any conflicting conditions between this EA and other approval granted by other authorities, it is upon the holder of EA to bring it to the attention of the Department for resolution.

4 MANAGEMENT OF ACTIVITY (IES)

4.1 A copy of the EA and EMPr must be kept at on board the vessel that will be used to undertake the activities. The EA and EMPr must be produced to any authorised officials of the Department who request to see it and must be made available for inspection by any employee or agent of the holder of the EA who works or undertakes work at the property (ies).

4.2 The contents of the EMPr and its objectives must be made known to all contractors, subcontractors, agent and any other people working on the site, and any updates or amendments to the EMPr must be submitted to the Department for approval.

4.3 Any complaint received from the I&AP during all phases of the operation must be attended to as soon as possible and addressed to the satisfaction of all concerned interested and affected parties.

4.4 The holder of the EA must prevent nuisance conditions or health hazards, or the potential creation of nuisance conditions or health hazards.

4.5 The holder of the EA must ensure that all non-recyclable waste are disposed of at a waste management facilities licensed to handle such wastes and all recyclable waste are collected by licensed waste management facilities for recycling, reuse or treatment.

4.6 Non-compliance with any condition of this EA and the approved EMPr is an offence in terms of section 49A(1)(c) of NEMA and may result in criminal proceedings and issuing of a directive in terms of Section 28 and or a compliance notice in terms of section 31L of NEMA.

4.7 Only listed activity (ies) that are expressly specified in the EA must be undertaken, any additional or new activities not specified herein must be applied for by the holder and authorised by the competent authority before such activities may be commenced with. This condition is also applicable in the case of the amendment, addition, substitution, correction, and removal or updating of any detail in the aforesaid EA.

4.8 The Holder of EA must appoint the ECO before commencement of activities and ensure that the name and contact details of the ECO is made available to the Regional Manager within 30 days of commencement. The holder of EA must also ensure that an ECO is always available on site to ensure that activities at all times comply with the issued EA and approved EMPr.

4.9 The ECO must:

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4.9.1 Keep and maintain a detailed incidents register (including any spillages of fuels, chemicals or any other material).

4.9.2 Keep a complaint register on site indicating the complaint and how the issues were addressed, what measures were taken and what the preventative measures were implemented to avoid re-occurrence of complaints.

4.9.3 Keep records relating to monitoring and auditing on site and avail them for inspection to any relevant authorised officials.

4.9.4 Keep copies of all environmental reports submitted to the Department.

4.9.5 Keep the records of all permits, licences and authorisations required by the operation.

4.9.6 Compile a monthly monitoring report and make it available to the Department if requested.

4.9.7 The duties and responsibility of the ECO must not be seen as exempting the holder of the EA from the legal obligations in terms of the NEMA.

4.10 The footprint of the activities must be limited on the areas authorised for the actual prospecting works and operational activities and all areas outside of the footprint must be regarded as a "no go" areas.

5 REPORTING TO THE DEPARTMENT

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5.1 The holder of EA must:

5.1.1 Submit an Environmental Audit Report to this Department biennial bases and such report must be done by qualified independent Environmental Assessment Practitioner and the audit report must specify whether conditions of this environmental authorisation and EMPr/closure plan are adhered to;

5.1.2 The audit report must be in accordance to appendix 7 of the 2014 EIA regulations as amended;

5.1.3 identify and assess any new impacts and risks as a result of undertaking the activities, if applicable;

5.1.4 identify shortcomings in the EMPr/closure plan, if applicable;

5.1.5 identify the need, if any, for any changes to the management, avoidance and mitigation measures provided for in the EMPr;

5.1.6 if applicable, specify that the corrective action/s taken for the previous audit's non-conformities, was adequate and must;

5.1.7 be submitted by the holder to the competent authority within 30 days from the date on which the auditor finalised the audit.

5.2 Should any shortcomings in terms of Regulation 34(4) be identified, the holder must submit recommendation to amend the EMPr/closure plan in order to rectify any shortcomings identified with the aforementioned audit report.

5.3 The holder of the EA must annually assess the environmental liabilities of the operation by using the master rates in line with the applicable Consumer Price Index (CPI) at the time and address the shortfall on the financial provision submitted in terms of section 24P of NEMA.

5.4 The holder of the EA must, within 24 hours of any incidents occurring, notify the Competent Authority of the occurrence or detection of any incident on the site, or incidental to the operation of the site, which has the potential to cause, or has caused pollution of the environment, health risks, nuisance conditions or water pollution.

5.5 The holder of the EA must, within 14 days, or a shorter period of time, if specified by the Competent Authority from the occurrence or detection of any incident referred to in condition 5.4, submit an action plan, which must include a detailed time schedule, and resource allocation signed off by top management, to the satisfaction of the Competent Authority of measures taken to –

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5.5.1 Correct the impact resulting from the incident;
5.5.2 Prevent the incident from causing any further impact; and
5.5.3 Prevent a recurrence of a similar incident.
5.5.4 In the event that measures have not been implemented within 21 days of the incident referred to in condition 5.4, or measures which have been implemented are inadequate, the Competent Authority may implement the necessary measures at the cost of the holder of the EA.

6 EMERGENCY PREPAREDNESS PLAN

6.1. The holder of the EA must draft, maintain and implement an emergency preparedness plan and review it annually when conducting audit and after each emergency and or major accident. The plan must, amongst others, include:

6.1.1 Fire
6.1.2 Spillage

6.1.3 Natural disasters such as floods

6.1.4 Industrial action

6.1.5 Contact details of police, ambulances and any emergency center closer to the site.

6.2 The holder of EA must ensure that an up-to-date emergency register is kept during all phases of the operation.

6.3 The holder of the EA must, within 30 days prior to the commencement of the activities submit Emergency Preparedness Plan and Response Plan and Ballast Water Management Plan.

6.4 The holder of the EA must report all emergency incidents to the Department within 24 hours of occurrence and address them in accordance with section 30 of NEMA.

7 INVESTIGATIONS

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7.1. If, in the opinion of the Competent Authority, nuisances or health risks may be or is occurring on the site, the holder of the EA must initiate an investigation into the cause of the problem or suspected problem.

7.2. If, in the opinion of the Competent Authority, pollution may be or is occurring, the holder of the EA must initiate an investigation into the cause of the problem or suspected problem. Such investigation must include the monitoring of the water quality variables and air quality, at those monitoring points and such frequency as may be specified by the Competent Authority.

7.3. Investigations carried out in terms of conditions 8.1 and 8.2 above must include the monitoring of the relevant environmental pollution and/or degradation, nuisance and health risk variables, at those monitoring points and such frequency to be determined in consultation with the Competent Authority.

7.4. Should the investigation carried out as per conditions 8.1 and 8.2 above reveal any unacceptable levels of pollution, the holder of the EA must submit mitigation measures to the satisfaction of the Competent Authority.

7.5. The holder of the EA must comply with Section 28 of the NEMA and conduct prospecting activities in an environmentally friendly manner.

8 COMMISSIONING AND DECOMMISSIONING

8.1 The commissioning and decommissioning of individual activity within the overall listed prospecting activities must take place within the phases and timeframes as set out in EMPr.

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10 SITE CLOSURE

10.1 The holder of EA must apply for a closure certificate in terms of Section 43 of Mineral and Petroleum Resources Development Act (Act 28 of 2002), as amended within 180 days of occurrence of lapsing, abandonment, cancellation, cessation, relinquishment and completion of development.

10.2 The application for closure indicated above must be submitted together with all relevant documents as indicated in Section 43 of Mineral and Petroleum Resources Development Act (Act 28 of 2002), as amended.

10.3 The holder of EA remains responsible for any environmental liability, pollution or ecological degradation, the pumping and treatment of extraneous water, compliance with the conditions of EA, management and sustainable closure thereof until the Minister has issued a Closure Certificate in terms of Section 43 of Mineral and Petroleum Resources Development Act (Act 28 of 2002). Where necessary the Minister may retain certain portion of financial provision for residual, health or environmental impacts that might be known in future.

11 NEMA PRINCIPLES

The NEMA Principles (set out in Section 2 of NEMA, which apply to the actions of all Organs of State, serve as guidelines by reference to which any Organ of State must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;

- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between Organs of State through conflict resolution procedures; and
- the selection of the best practicable environmental option.

12 DISCLAIMER

The Department of Mineral and Petroleum Resources in terms of the conditions of this environmental authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

13 RECOMMENDATIONS

In view of the above, the NEMA principles, compliance with the conditions stipulated in this EA, and compliance with the EMPr/closure plan, the competent authority is satisfied that the proposed listed activities will not conflict with the general objectives of Integrated Environmental Management stipulated in Chapter 5 of NEMA, and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.**The authorisation is accordingly granted.**

Your interest in the future of our environment is appreciated.

Kind Regards,

APPROVED

REGIONAL MANAGER: MINERAL REGULATION
WESTERN CAPE REGIONAL OFFICE
DATE: 3/7/2020