

Activists and state departments fear Elandsfontein mine could damage area

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A new phosphate mine on the West Coast is being challenged by environmental activists and state departments who say the mine has been unlawfully established and fear it could damage the surrounding sensitive environment.



Elandsfontein phosphate mine. Photo: Kropz

The Elandsfontein mine borders the West Coast National Park and is about 3km from where the fossilised remains of the Saldanha Man were found.

The mining company, previously known as Elandsfontein Exploration and Mining and now known as Kropz, managed to secure a mining licence in January 2015 and a water use licence in April 2017, despite strong opposition, including court action. Patrice Motsepe's firm, African Rainbow Capital, owns a 25% share in the Elandsfontein mine. Kropz says the mine is situated on the second largest deposit of phosphate in South Africa and will create about 300 permanent jobs.

Kropz has now halted the commissioning of the mine for an "extended period" due, among other things, to "a long delay in the issuing of the mine's water use licence, which has consequently impacted on the mine's ability to access suitable ore required to achieve target rock phosphate concentrate grade".

"The situation has been further aggravated by technical issues identified during commissioning, as well as the fact that current world rock phosphate prices have reached a ten-year low, decreasing by almost 30% since Elandsfontein was awarded its mining right," said the mine in a statement.

The West Coast Environmental Protection Association has been fiercely opposed to the mine since its conception. The association is currently involved in a court application to review the granting of the mining right and is appealing against the granting of the water use licence in the Water Tribunal.

However, Kropz told *GroundUp* that it has not been notified by the Department of Water and Sanitation, of an appeal against the water use licence.

Minister of environmental affairs questions Kropz's mining rights

Two recent appeals by the Department of Environmental Affairs and Development Planning and West Coast Environmental Protection Association against approvals given to the mine have been dismissed by the Minister of Environmental Affairs, Edna Molewa.

In both decisions, the minister said that she believed that the fact that the Department of Mineral Resources had granted a mining right to Kropz without environmental authorisation (EA), "casts doubt on the validity of the mining decision".

She said that Kropz's mining activity "was unlawful when it first commenced and continues to be unlawful to the extent that such mining activity is ongoing".

But, because the review against the approval to mine was still ongoing and these particular appeals related to this, Molewa said that she had to decide this appeal on the basis that the approval was correct.

When asked about this, Michelle Lawrence, technical director for Kropz, said that "in law, all administrative decisions - such as a mining right - have legal consequences until they are reviewed and set aside by a competent court". She said: "In this instance, the minister of mineral resources must first review the decision of the director general to grant the mining right before a competent court can review it."

SANParks' change of heart

SANParks, which manages the West Coast National Park, had initially objected to the granting of the water use licence, but later withdrew its objection. Its opposition was based on several specialists' reports and consultations carried out over 12 months. "Extreme caution should be exercised in all proposed mining activities due to the very sensitive nature of the area," SANParks said then.

SANParks said the mining activity would be in the buffer zone of the park. According to the West Coast National Park Management Plan for the period 2013-2023, Elandsfontein is located within the "buffer zone".

According to the plan, "buffer zones" are areas outside the park but where land use change could have an effect on the park. The Elandsfontein area is seen as key to the "long term persistence of biodiversity in and around the park".

However, Kropz says that "from a legal perspective" no buffer zones have been established around the park as the buffer zone has not been published in the *Government Gazette*, and so is not "official".

SANParks also expressed concern about excess, contaminated water left over after Kropz had drained the area for mining: "There are major concerns about the possible creation of artificial wetlands in the park and the water not being returned to the aquifer as planned, thus potentially endangering the Langebaan Lagoon."

SANParks has not responded to *GroundUp's* questions about why the objections were withdrawn, despite numerous

requests.

Concerns over fossils and fresh water

Elandsfontein farm is the site of numerous fossil discoveries. A report commissioned by Kropz on the possible effect of the mining activity on the fossils in the area states that unless measures are taken, mining will have a direct negative impact on the fossil content in the ground. But if measures are put in place to prevent the loss of fossils, the report says, that the impact will actually be positive as hidden fossils could be found.

However, the report states: "There remains a medium to high risk of valuable fossils being lost in spite of management actions to mitigate such loss."

Another report commissioned by Kropz on how mining would affect fresh water in the area says that the only likely impact of the mine would be on the Langebaan Lagoon and that this was "highly unlikely" due to the distance between the mine and the lagoon.

Concerns over mining since 2011

Even in the early days of the project, there was opposition from local environmental groups, residents and several state departments.

In 2011, the initial prospecting application was refused by the Department of Mineral Affairs because "the proposed prospecting activities fall within a critical biodiversity area".

Kropz appealed against this, claiming that the critical biodiversity areas "have not been adopted in terms of the National Environmental Management Act". The Elandsfontein mining area is also not classified as "critically endangered" and is only classified as "vulnerable" according to the Act.

The minister of mineral resources then granted the prospecting right in 2013.

In late 2014, the environmental sub-directorate recommended rejecting Kropz's application for a mining right, saying that "the granting of this right would only result in unacceptable pollution, avoidable ecological degradation or damage to the environment".

The Department of Water Affairs was also "not in favour of mining rights being allowed... due to the impact on the ground water resources".

The West Coast Environmental Protection Association has also strongly objected to the Saldanha Bay Municipality's intention to use water from the aquifer and supply it to the mine, "to effectively circumvent the prohibition in the water use licence".

Kropz said the company was investigating whether it could also supply water to the municipality from the aquifer to assist the municipality in the drought.

The municipality had appointed a hydrogeologist to investigate this.

Kropz said requests to meet with the chair of the West Coast Environmental Protection Association had been declined.

Source: *GroundUp*

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