

## Brian Whitfield

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**From:** IQ <IQ@dffe.gov.za>  
**Sent:** Monday, 04 December 2023 14:08  
**To:** Brian Whitfield  
**Subject:** IQ/2023/288: Guidance on LN2 Activities 20 and 20A

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Brian,

The intention of the amendments to the mining-related EIA Regulations Listing Notice 2 activities including 20 and 20A, published under Government Notice No. 517 in Government *Gazette* No. 38282 on the 11 June 2021, was to ensure that all the associated activities (i.e. any activity contained in the relevant Listing Notices) required to exercise the permission, right, permit, or consent required in terms of the Mineral and Petroleum Resources Development Act, are included in the listing of the mining right or permission and do not require additional individual applications for such associated activities. This will also ensure that the Minister responsible for mineral resources is the competent authority for the activities associated with mining. In practical terms, **ONLY ONE** activity (such as Activity 20A of LN2) should be indicated in the application form and all associated activities (i.e. activities required for must be covered under that one application. **The project description and environmental impact assessment should therefore deal with the entire scope of the operation and all the possible impacts that may transpire from such development/ operation.** All relevant aspects of the proposed development should be duly considered and assessed, so as to be appropriately authorised. The **EMPr** should contain all identified impacts and provide the mitigation actions that will achieve the desired impact management outcomes.

Please note that the above only applies in the case where a **new** mining application is required and not where there is an existing mining right. If the applicant already has a mining right or the mining right process is already underway, then any associated activities would not be part of a mining application and the provincial authority would be the CA (unless one of the other grounds in section 24C is applicable to make the Minister the CA), **if any EIA activity is indeed triggered.** For further guidance on the EIA process requirements, kindly liaise with the respective competent authority.

Identification of the licensing authority and assistance for waste management licenses in terms of the NEMWA should be sought from the Directorate Licensing at the DFFE's CD: Hazardous Waste and Licensing at (CD: HWL) at [licensing@dffe.gov.za](mailto:licensing@dffe.gov.za) (please copy Mr. Lucas Mahlangu, [Lmahlangu@dffe.gov.za](mailto:Lmahlangu@dffe.gov.za) ) for guidance.

Regards,

Betty Mdala  
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**From:** Brian Whitfield <[brian@eims.co.za](mailto:brian@eims.co.za)>  
**Sent:** Tuesday, October 24, 2023 10:14 AM  
**To:** IQ <[IQ@dffe.gov.za](mailto:IQ@dffe.gov.za)>

Cc: Liam Whitlow <[liam@eims.co.za](mailto:liam@eims.co.za)>

Subject: Guidance on LN2 Activities 20 and 20A

Good day IQ team.

We are in the early stages of commencing an integrated EIA for a Coal Bed Methane Production Right project which would include onshore hydraulic fracturing.

A preliminary list of applicable NEMA and NEMWA listed activities associated with this project is shown below.

NEMA LN1		NEMA LN2		NEMA LN3		NEM:WA	
6	34	1		2		A1	
8	41	2		4		A5	
9	45	4		12		A6	
10	46	5		13		A7	
11	47	6		14		A12	
12	48	7		15		A13	
13	50	15		16		A14	
16	51	20		22		B1	
19	53	20A		23		B10	
21	56	25		24		B11	
21C	57					C1	
21D	59					C2	
21F	60					C6	
24	66A					C7	
25	67						
28							

**QUESTION:** Apply for all NEMA activities or only LN2 Activity 20 (production right) and/or 20A (hydraulic fracturing)?

We note that LN2 Activities 20 and 20A contain the following wording:

- Activity 20: Any activity including the operation of that activity which requires a production right in terms of section 83 of the Mineral and Petroleum Resources Development Act, **as well as any other applicable activity as contained in this Listing Notice, in Listing Notice 1 of 2014 or Listing Notice 3 of 2014, required to exercise the production right.**
- Activity 20A: Hydraulic fracturing including the operation **as well as any other applicable activity as contained in this Listing Notice, in Listing Notice 1 of 2014 or Listing Notice 3 of 2014, required for hydraulic fracturing and related operation.**

Based on the above bolded wording of Activities 20 and 20A, would you please advise if the intention is that only the above activities are applied for in the Environmental Authorisation application form. In other words, leave out the LN1, LN3 and other LN2 activities from the application form?

Furthermore, depending on your guidance on the above, should we apply for either Activity 20 **OR** Activity 20A or should both Activity 20 **AND** Activity 20A be applied for?

KIND REGARDS  
BRIAN WHITFIELD



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