

Mtunzini

SOS Mtunzininews update NO. 6, 2 September 2011.

SOSMtunzini (Save Our Sands) is the joint campaign of the MRA (Mtunzini Residents Association) and the Mtunzini Conservancy to address the proposed sand dune mining to the North and the South of Mtunzini. The **Mtunzini Residents Association** (Reg. No. 2003/022172/08) and the **Mtunzini Conservancy** (Reg. No. 2007/006455/08) are both Section 21 companies. The Mtunzini Conservancy has Section 18A tax status and can issue tax certificates for donations made.

So where are we now?

progress since Newsletter No 5

- **2 June 2011:** Exxaro notifies us of their intention to erect a wire fence around their Fairbreeze C Extension property bordering Mtunzini and immediately makes a start.
- **15 July 2011:** We object to the Department of Water Affairs (DWA) about the ecologically unfriendly razor wire fence Exxaro has erected that not even a rat can get through.
- **28 July 2011:** The DAEARD and the DWA find Exxaro in contravention of the Water Use Licence issued in July 2007 and Exxaro are to address the contraventions within a time frame which we are not privy to. We await the outcome.
- **14 July 2011:** Exxaro submit their Final Basic Assessment Report (fBAR) to the Government. We are not informed and discover this by chance.
- **25 July 2011:** **Upon our request** Exxaro delivers to us a digital copy of the fBAR document.
- **29 July 2011:** **Upon our request** Exxaro delivers to us printed copies (incomplete) of the document set at 5:30 pm a full 15 days after the authorities received their copies.

30th August: We have just been informed by KZN MEC for the Environment that our appeal against the decision to follow a BAR process rather than that of a full Scoping and Environmental Impact Assessment (S&EIA) has been dismissed. While disappointing, this is not unexpected. It is just a step in the process.

The legal position

We are pleased with our legal progress to date, and our lawyer has assured us that we have a solid case and a great chance of success in eventually overturning the BAR decision and getting the project under the full scrutiny of an S&EIA. We think that a properly managed S&EIA with full participation of the Interested and Affected Parties and Stake Holders that is not under the undue time pressure of Exxaro will result in a better outcome or stop the project entirely.

We do now need to raise substantial further funds towards legal and professional fees and Public Relations. This will enable us to respond to the fBAR, bring an interdict against any premature start by Exxaro, to generate substantial public awareness, and

Maximum short term gain for a few, maximum long term degradation for the many

This, in a nut shell, sums up the Exxaro KZN Sands projects in Zululand. The proposed Fairbreeze mine will apparently generate R1.2 billion profit per annum for its shareholders, has an expected life of about 11 years, will generate no new permanent jobs, and no lasting benefit to the local community and stake holders.

The mine itself will permanently destroy about 4000ha of productive agricultural land together with its landscape. The two waste storage facilities, otherwise known as slimes dams, will transform another 600 ha of productive agricultural land into a mine dump that will become the dominant feature of the landscape visible from kilometres away.

Exxaro have now submitted their fBAR (final Basic Assessment Report) WUL (Water Use Licence) to the authorities and we await the outcome. The most galling thing is that each volume has a picture on its cover of the beautiful rural landscape of Zululand that they are about to smash. To any disinterested official opening the document it must appear that all is well if that is what it is going to look like and that it is an entirely benign project! Exxaro's hubris will get them someday!

It is an interesting situation on two counts

1. The volume of issues raised in the fBAR and the increased level of risk associated with the massive waste storage dams clearly shows that the authorities were not presented with all the information necessary to make such a crucial decision to depart from the normal and expected path of a full Scoping and EIA. We have now been informed that our internal appeal to the MEC against the decision to allow Exxaro to do the easier, shorter Basic Assessment and escape the full scrutiny of a Scoping exercise has been dismissed.
2. Second is the quality of the fBAR and WULA that has been submitted. These reports appear to be masters of the glib answer and have obviously been done in great haste to meet Exxaro's profit

participate meaningfully in the full S&EIA.

Contributions

Once again we thank you for your wonderful support, both financial and intellectual. Unfortunately this will be a long grind and we do still need your ongoing support to fund and argue our opposition to this mine that, if it were to go ahead in its present form, will forever after blot our landscape and the east coast of KZN.

The Mtunzini Conservancy is a Section 21 Company with s18 (a) Tax status which means we can issue tax certificates. If you have any queries in this regard please contact me, Jim Chedzey on 083 326 0698, or one of the other Committee members.

Contributions may be made to Mtunzini Conservancy at any branch or via the internet to:

**MTUNZINI CONSERVANCY
FNB, branch code 220130.
Cheque Account no. 62093027475**

**Please fax proof of payment with your name (or business name), address, telephone number, and email address to:
086 512 6476 or email bwkewley@telkomsa.net**

If you have any queries, please contact one of the SOS Mtunzini committee members:

Stan Whitfield	083 655 8983
Barbara Chedzey	083 326 0699
Doggy Kewley	083 630 1839
Wendy Forse	082 722 3333
Jim Chedzey	083 326 0698

Hillendale mine – Exxaro's Achilles heel

The Exxaro Hillendale mine is the model for the Fairbreeze mine where Mining will start 100 m south of Mtunzini village boundary if allowed to proceed as proposed.

Why do we say it is Exxaro's Achilles heel? We have seen the fBAR submitted by Exxaro to the competent authorities and there is no evidence to show that they will be able to rehabilitate the Hillendale mine. Strangely the report does not highlight this serious deficiency, but appears rather to trivialise it. Inability to rehabilitate is a clear show stopper and must prevent the Fairbreeze project from proceeding.

The Hillendale mine is supposed to be the model for rehabilitating the Fairbreeze mine. The mining process is the same; the proposed use of "reconstituted soil" is the same. The series of pictures that follow of the Hillendale mine after the area received about 200 ml of rain tells a story.

related time constraints that have nothing to do with the environmental issues. They are full of inconsistencies due to long time lapses in the project, frequent changes to mine plan, and inability to generate suitable data on important matters like rehabilitation and off set plans. As a result we have a fragmented approval process rather than a coherent one which is to our utmost disadvantage. Exxaro seem to be of the opinion that because they received approval for the relatively small C Ext ore body 5 years ago they should automatically be allowed to proceed with a completely different project 4 times the size of the approved one. Crucial content is absent with respect to rehabilitation, an auditable EMP (Environmental Management Plan), the WUL and even regional planning approvals.

Rehabilitation

Exxaro are supposed to rehabilitate Hillendale and Fairbreeze mines to previous land use: Hillendale to sugar cane and Fairbreeze to gum plantation. See the series of pictures at the end of the newsletter and Google the Hillendale mine north of Mtunzini and you will see the devastation that we can expect here.

The WUL (Water use licence)

It seems that some mining companies, which appear to include Exxaro, manage to mine without a water use licence in our water poor country.. It is apparently a criminal offence to operate a mine without an Integrated Water Use Licence. As recently as May 2010 Exxaro appeared to be operating without such licences at the Arnot Colliery, Grootpan Colliery, Glisa Colliery, and Mooifontein Colliery. The same appears to apply to the Exxaro Hillendale mine. Exxaro seem to think that the risk of serious consequences are acceptably low! One has to wonder why such blatant transgressions of our environmental law are condoned by the authorities. The region is generally short of water and the Fairbreeze mine will use about 49ML (49 million litres) of water per day – the equivalent of at least 50 golf courses or 2500 medium size swimming pools per day. The mine and infrastructure will destroy wetlands. The proposed off sets appear unsuitable and are not agreed or clearly defined in the report and therefore not auditable. This is unacceptable showing a clear bias in favour of Exxaro.

It tells a story of an environmental disaster caused by apparent neglect and hubris. Neglect because Exxaro have neglected to find a means of rehabilitation, and hubris because Exxaro continue, despite visible evidence to the contrary, claim to be on schedule with rehabilitation and able to recreate highly productive agricultural soil from soil that has been completely destroyed, i.e. the entire profile and structure shattered by high pressure water, separated by centrifuge into its constituent parts, the heavy metals removed, the nutrients and minerals washed out, and then the sand tailings simply dumped back in a heap with about 1.8m of "reconstituted soil" squeezed out on top. All this without the use of top soil which their soil experts say is fundamental to any hope of possible rehabilitation. It seems they are prepared to completely sacrifice rehabilitation for the value of the minerals in the top soil!

So let the pictures do the talking! You decide. The question is should a company be permitted to wreak such environmental havoc on ecosystems of sustainable agriculture and potential for eco-tourism in the interest of short term gain for themselves and their shareholders.

Exxaro's Hillendale mine in pictures – our future? Don't let it happen!

The series of pictures shown below are all of the Exxaro Hillendale mine taken 2 days after the recent heavy rain event of the 27th July 2011 and clearly illustrates the lack of rehabilitation on the mine site, the problems that they are having stabilising the site, the massive erosion and loss of soil polluting the surrounding areas. These pictures give us some idea of what we are likely to face if the Exxaro Fairbreeze mine is allowed to proceed. We need your support to prevent this disaster for Mtunzini and ultimately for the whole of the East Coast of KZN.

Hillendale mine: next to human settlement



Exxaro KZN Sands Hillendale mine next to UVS and Ezikaweni settlements. This is what it will look like south of Mtunzini, and east of the N2 if the mine goes ahead.

Hillendale mine slimes dam



On the other side of the N2, south of Mtunzini, will be two slimes dams 4 times the size of the one at Hillendale which is shown above. The massive Fairbreeze slimes dams will stretch for 4km immediately west of the N2, will be 1.2km wide, cover about 600 ha, and be as high as 37m above ground at the highest point.

Massive Erosion at Exxaro Hillendale mine



More extreme erosion of reconstituted soil on the mined dunes of Exxaro's Hillendale mine after the rains of 27 July 2011. The "reconstituted" soil, placed in banded paddocks on the surface over the sand tailings, in which the crops are supposed to grow, is extremely unstable and vulnerable to erosion. The paddocks and berms have created a massive erosion hazard and the results are plain to see. It is doubtful whether it will ever be possible to rehabilitate these previously productive soils to once again produce commercially viable crops as they are required to do. With this record at Hillendale, should Exxaro be allowed to simply go ahead and mine at Fairbreeze with exactly the same plan?

Exxaro's Hillendale Mine: no visible meaningful rehabilitation after 8 years.



Pictures taken after the heavy rains of 27 July 2011. No visible sign of successful rehabilitation at Hillendale despite the claims of Exxaro that rehabilitation is on schedule and successful. There is serious visible erosion, wash, and pollution of the environment. Again the question needs to be asked: why should Exxaro be allowed to proceed with the Fairbreeze mine if it is going to obliterate wetlands and turn agricultural land into some sort of Mars scape?

Mine closure at Hillendale?

The Hillendale mine is due to close in about 12 months. By law there must be a Mine Closure Plan that details precisely how closure will take place and what must be done to achieve rehabilitation. Above all the plan must be auditable. The actions and results visible on these pictures are a clear departure from the EMPR (Environmental Management Plan Report) and one wonders how they are going to meet their legal requirements in terms of the Mine Closure Plan and the EMPR.

Objectives. What are we trying to achieve?

1. Change the BAR (Basic Assessment Report) to a full S&EIA (Scoping &EIA) before a RoD (Record of Decision) is issued based on the BAR.
2. Through a comprehensive S&EIA ensure rehabilitation, the mining process, and the cost to the environment and community are thoroughly investigated and inform the DAEARD.
3. That as a minimum the Fairbreeze mine is not able to start until there is hard empirical evidence to show that the Hillendale mine has been successfully rehabilitated.
4. Ultimately we aim to stop the Fairbreeze mine, and finally sand mining on the Eastern seaboard which has high populations, sensitive environments, tourism, and commercial agriculture and forestry industries.

The event time line from start to end of News letter No. 5

- **13 Aug 2010:**Exxaro announce intention to mine.
- **5 Nov 2010:** Exxaro publish BID (Background Information Document) and period for comment closes on 10 Dec 2010
- **31 Jan 2011:**MRA (Mtunzini Residents Association) and Mtunzini Conservancy hold a public meeting to gauge the feeling of the town. The attendees unanimously decided to oppose the mine.
- **25 Mar 2011:**dBAR (draft Basic Assessment Report) published for comment with final comments deadline 20 May 2011.
- **14 Apr 2011:** Our appeal submitted to DAEARD (Department of Agriculture and Environmental Affairs and Rural Development) against decision to allow Exxaro to undertake a BA (Basic Assessment) instead of full S&EIA (Scoping & Environmental Assessment)..
- **10 May 2011:** Exxaro Public Participation meeting held on 10th May.