



Black Mountain Mining - Gamsberg

**Biodiversity Offset Agreement
Steering Committee Meeting:**

14 September 2020

DENC

	AGENDA ITEMS	RESPONSIBLE PERSON	Decision	Time
1.	Opening and Welcome	Mr Kabelo Mohibidu HOM		15 min
2.	Silent Prayer/ Meditation	All		1 min
3.	Attendance and Apologies	All		5 min
4.	Approval of Agenda	Mr Kabelo Mohibidu HOM	DC 1: Approval of Agenda	5 Min
5.	Opening Remarks/Comments	MEC Mase Manopole		10 min
6.	Overview of the Gamsberg Biodiversity Offset Agreement (BOA)	Ms Marie Parramon-Gurney		10 min
7.	Improving the Efficiency of the Gamsberg BOA Steering Committee	Mr J Smit & Mr A Abrahams	DC 2: Agreement on new engagement rules document, with immediate effect	10 min
8.	Independent Audit: Objectives and Findings	Ms Marie Parramon-Gurney	Discussion and DC 3, if required: on publication of audit	10 min
9.	Action Plan to Address Independent Audit Findings	Mr J Smit & Mr A Abrahams	<p>DC 4: Agreement on Action plan and next steps and priorities, as well as way to monitor and oversee progress (i.e. Task Force? Or others?).</p> <p>Discussion & DC 5</p> <p>Discussion on DENC position on clause 5 and way forward proposed forward with broader landscape and cumulative approach to impacts and compensation approach, engagement with DEA</p>	30 min

	AGENDA ITEMS	RESPONSIBLE PERSON	Decision	
10.	Implementation of Independent Audit Recommendations	Mr J Smit & Mr A Abrahams	Discussion and DC 6: on amendment process for BOA and EA Discussion and DC 7: on implementation for each recommendations, yes, no, why if no	20 min 20min
11.	IUCN Support: Key Priorities for Next 3 Months	Ms Rachel Asante-Owusu	DC 8: Agree on proposed priorities	5 min
12.	Gamsberg Nature Reserve Trust	Mr C Witbooi	Discussion and DC 9: agree next steps and timeframes with new trustee and next meeting	5 min
13.	Gamsberg Nature Reserve Strategic Management Plan	Mr A Abrahams	Discussion and DC 10: agree on next steps and timeframes	5 min
14.	Any Other Business 14.1. New/existing Environmental authorization Processes: 14.2 other	All		5 min
15	Date of Next SC Meeting	All		5 min
16.	Closing Remarks and Way Forward	MEC Mase Manopole		10 min

Gamsberg Biodiversity Offset Agreement:

Ms Marie Parramon-Gurney



Gamsberg Biodiversity Offset Agreement - Overview





Legal Origins of the BOA



EA 12 August 2013. Conditions 50 to 60 of the EA (Amendment 2)

Give effects to EA: Condition 50:

“A legal Agreement must be signed between DENC and Black Mountain Mine (BMM) within 1 year after receipt of a positive RoD from DENC. Failure to do so will result in the withdrawal of the positive RoD”

Signed between DENC and BMM on 16 October 2014.



Rationale for the approach adopted in the BOA



BOA is the result of many **biodiversity trade-off and compromises** - in favour of the project going ahead.

Under a strict application of the mitigation hierarchy and internationally recognised offset best practices and policies, **this project should not have been approved, as it will result in the loss of irreplaceable biodiversity.**

Considering the economic and social benefits from the project, **a compromise was agreed.**



Rationale for the approach adopted in the BOA



The BOA contains a **pragmatic compromise** in that **BMM would be required to purchase 7 farms from a list of 12 farms pre-selected (Clause 6 of BOA) and the commitment to protect selected BMM properties**, containing key critically endangered species (Clause 5 of BOA).

Impossible or too expensive for BMM to purchase properties to compensate for all the sub-habitats requirements as per the Biodiversity Offset Report.

Not meeting strict like for like requirements, was deemed acceptable due to its specific contribution to **supporting a landscape approach towards conservation in the Bushmanland landscape**.

This **approach informed the Vedanta/BMM requirement for no net loss**.



Background about IUCN Role



Since 26 Feb 2013: IUCN has a collaboration agreement with BMM to support them with their biodiversity management approach, including the BOA.

IUCN was supposed to be the auditor for the first audit, but it was agreed at 1st SC that IUCN had a conflict of interest and it was better to use another organisation to conduct the audit.

SC decided that IUCN should however remains as an observer for the SC and LC, which has been the case since 2016. it was also decided that IUCN will support the SC with the independent audit process, to ensure a level of oversight.

Improving the Efficiency of the Gamsberg BOA Steering Committee:

Messrs. A Abrahams & K Smit

Decision: Agreement on new engagement rules document, with immediate effect

Objective:

- To improve the efficiency of the SC and LC regarding the implementation of the BOA;
- To address the Independent Auditors finding regarding Clause 3.1 “to co-operate in good faith in implementing & executing BOA with focus on ongoing protection & maintenance of the BMM properties (Clause 5)”;
- Recommended by IR that this Improvement Plan needs to be presented and approved by SC;

General duties of the parties (Clause 3):

- Parties agreed to continue to act in good faith with a sincere intention to deal fairly with each other;
- “Good faith” - the honest & transparent dealing and implementation of BOA through open, transparent & written communication;
- Committed to proper, transparent & honest communication & timely execution of tasks as per BOA

Handover to successors:

- The turnaround of human resources at DENC & BMM has contributed to delays in the implementation of BOA;
- The parties undertake to ensure that current employees will do a comprehensive handover.

1.2 Document control:

- Improvements regarding document control/archiving of all documentation are required to ensure easy access by both parties, successors & all members of the LC & SC;
- Central document control system is required;
- This will include, but not limited to the following:
 - Biodiversity Offset Agreement and all Annexures;
 - Steering and Liaison Committee Meeting documentation:
 - Final agendas; Attendance registers; Presentations; Approved/signed-off minutes; Action trackers
 - Roles and responsibilities;
 - Audit Reports;
 - Terms of references;
- Appointment of a dedicated and independent secretariat to assist both the LC & SC to assist with:
 - Compilation, documentation and management of the above; and
 - Roles and responsibilities of the secretariat (discussion and decision).

Rules of engagement (for approval at SC)

- Formal written communication
 - Formal communication in writing regarding the following:
 - Implementation BOA;
 - Amendment of the BOA if / when required;
 - Reporting on any issues / disputes that may require clarification;
 - Any other matter that require written communication between the parties;
 - Any new or proposed EA process (both BMM and DENC) – to ensure alignment regarding any BMM & external developments surrounding BMM & Offset areas.
 - Acknowledge & provide each other with written proof of receipt of DBARs & related documents submitted within the BMM and Offset areas; and
 - DENC needs to comment within the required time period on any EA processes.
- Acknowledgement that formally written communication (above) was received with a written response – 72 hours or as agreed

Steering & Liaison Committee Meetings:

- Meeting invites:
 - Scheduled 2 months in advance or as agreed at SC/LC meetings; &
 - Include final minutes of previous meeting.
- Written apologies in advance - 2 weeks;
- Agenda & agenda points - submitted 3 weeks in advanced;
- Submission of draft minutes of meetings - submitted 72 hrs;
- Review & comment period - 72 hours;
- If no formal comments are submitted in 80 hrs after review & comment period lapse, the meeting minutes will be accepted as approved;
- Specific roles & responsibilities & decision-making requirements for individuals of both parties need to be clarified upfront;
- Final minutes to be submitted - 24 hours after all comments were received;
- Meeting Minutes have to include Action Table with task number, task description responsible person, timeframe
- Final Minutes to be signed-off at the next meeting & submitted with draft minutes of the next meeting to all

Meeting Agenda and structure (revised and agreed at today meeting) and have to include the following points:

- Compliance with Clause 6: Purchase of additional properties: Status of implementation; risk and concern;
- Protected Area Management Plan: Status of implementation, risk and concerns;
- Management of BMM Properties: Status of implementation, risk and concerns;
- Implementation of Monitoring Protocols: Status of implementation, results, risks and concern;
- Risk/non-compliance's identified in terms of BOA;
- Trust operations;
- Update on BOA Implementation tracker - to track progress to ensure compliance;
- Any new Environmental Authorization process; and.
- Other

Independent Audit: Objectives and Findings

Ms Marie Parramon-Gurney

Discussion and DC 3, if required: on publication of audit



Independent Audit: Objectives and Findings

**Steering Committee
24 August 2020**





Rational for Audit



Part of the BOA

Independent review of the implementation of this Agreement

- 14.7. A review of this Agreement by an Independent Auditor or team of Independent Auditors shall be undertaken every five (5) years with the first review to be undertaken upon the expiry of the five (5) year period calculated from the date of signature of this Agreement.
- 14.8. The purpose of the review contemplated in clause 14.7 shall be to:
 - 14.8.1. determine compliance with the provisions of this Agreement by the Parties;
 - 14.8.2. determine the adequacy of the implementation of the Biodiversity Offset in terms of this Agreement; and
 - 14.8.3. provide recommendations to the Steering Committee on *inter alia* improving and/or enhancing the implementation of the Biodiversity Offset, including recommendations to adjust the financial provisions in terms of clause 10, where required.
- 14.9. The Parties shall co-operate in good faith with the Independent Auditor or team of Independent Auditors in order to enable the Auditors to achieve the objectives in clause 14.8.



Selection of auditor



Overseen by IUCN

ToR developed by IUCN, agreed by parties and SC

Budget agreed by parties and SC

Review criteria, panel and matrix agreed by all

4 proposal received, reviewed and assessed (independent technical and financial review, and anonymous review)

1 rated way higher than the other: Amaryllis Biodiversity Consulting (Pty) Ltd (Amaryllis)



Audit Process



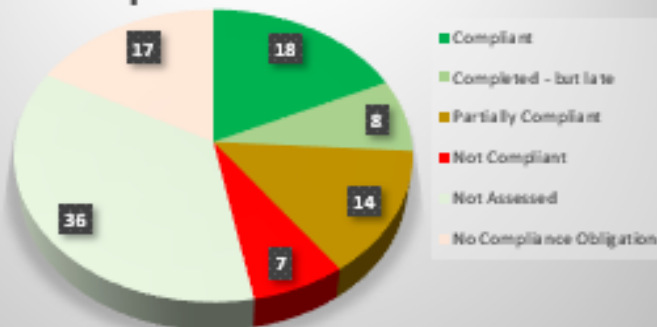
The first independent review (IR) or independent audit (IA), was undertaken **from August 2019 to November 2019.**

The first audit report, December 2019, identified various implementation challenges and interpretation issues to be addressed by the parties.

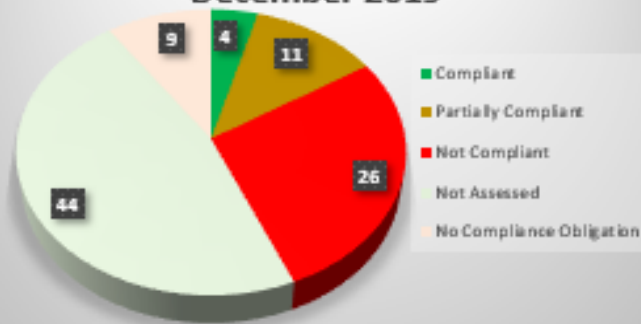
It was **therefore agreed by the parties that a follow-up audit would be conducted in March 2020** to revisit work in progress regarding the closure of partially compliant and non-compliant findings of the original audit and the implementation of recommendations made by the Independent Auditor.

The follow-up Audit Report was finalised in April 2020.

**Independent Close-out Audit
Compliance - March 2020**



**Independent Audit Compliance -
December 2019**



	Audited				Not audited	
	Compliant	Completed - but late	Partially Compliant	Not Compliant	Not Assessed	No Compliance Obligation
Close out Audit (March 2020)	18	8	14	7	36	17
	47%				53%	
	38%	17%	30%	15%	Next Audit	Ensure Action completed
Final Audit Report (Dec 2019)	4	0	11	26	44	9
	44%				56%	
	10%	0%	27%	63%	Next Audit	Ensure Action completed

Action Plan to Address Independent Audit Findings – Non-Compliant Findings

Messrs K Smit & A Abrahams

Decision: Agreement on Action plan and next steps and priorities, as well as way to monitor and oversee progress (i.e. Task Force? Or others?).

Clause	Description	Action	Who	When	Status
3.9	The Agency, and failing it The Trust, shall cause annual financial reports to be prepared regarding the allocation and use of funds paid by BMM to it in terms of this Agreement. Such annual reports shall be provided to BMM, DENC and to the Steering Committee within sixty (60) days from 28 February every year commencing on 1 March 2014.	Ensure monthly bank statement filed and archive	Trustees	Monthly	Due to absence of Agency/Trust this could not commence
		Monthly statement and Trustee Agenda Point to track financial management	Trustees	Monthly	
		Compilation and submission of Annual Financial Report	Financial auditor	28-Feb-21	
		Submission of Financials Report by Trust to BMM, DENC and SC	Trustees	30-Mar-21	
7.3	All properties, or portions thereof, secured by BMM for the purposes of clause 6 shall be adequately fenced by BMM as soon as reasonably possible after those properties have been secured by BMM. Such properties shall be fenced either as one area or individually, depending on the circumstances, and shall be otherwise rehabilitated at the sole and exclusive cost of BMM.	Compile terms of reference/fencing specifications	K Smit	Aug-19	Completed
		Approval of fencing specifications	A Abrahams	Aug-19	Completed
		Test the Market	J Marais	Nov-19	Completed
		Engagement with Phakamani to assist with local service providers	J Marais/C Witbooi	Mar-20	In progress
		Identification of local service providers	J Marais	Oct-20	
		Re-submission of ToR	K Smit/J Marais	Nov-20	
		Tender evaluation	K Smit/J Marais	Jan-21	
		Appointment	J Marais	Feb-21	
		Commencement of fencing	K Smit/J Marais	Feb-21	
		Completion of fencing	K Smit/J Marais	Jul-22	
		Clarification of rehabilitation measures	A Abrahams	Aug-19	Completed
		Rehabilitation – inclusion in strategic management plan	A Abrahams	Aug-20	In progress
10.9.1	The provision of and operating costs of two (2) office units within the town of Aggeneys or another site to be agreed by the Parties;	Rehabilitation – funding and execution	K. Smit		
		Public Works site visit	K Smit	18-Nov-19	Completed
		Information request:	PW	19-Dec-19	Completed
		Aerial Photographs	K Smit	04-Feb-20	Completed
		BVI reports	K Smit	06-Feb-20	Completed

	Description	Action	Who	When	Status
10.9.2	The provision of and operating costs of three (3) accommodation units to house employees responsible for the day to day management of the Protected Areas; and	Location of boreholes /dams/ Infrastructure	K Smit	07-Feb-20	Completed
		As built drawings	K Smit	21-Jul-20	In progress - 9/10 as-built drawings completed
		Conditional assessment report and cost estimates for infrastructure rehabilitation/refurbishment	DRPW – B. Barends	28-Jul-20	In progress - awaiting as-built drawings
		Cost calculation for operational costs of offices and accommodation	D. Badenhorst	28-Jul-20	In progress – dependent on DRPW Report
		Transfer of Gamsberg Nature Reserve properties to Province of the Northern Cape	DRPW – B. Barends	05-Aug-20	In progress – dependent on DRPW Report

Action Plan to Address Independent Audit Findings – Non-Compliant findings

Messrs K Smit & A Abrahams

Decision: Agreement on Action plan and next steps and priorities, as well as way to monitor and oversee progress (i.e. Task Force? Or others?).

Discussion on DENC position on clause 5 and way forward proposed forward with broader landscape and cumulative approach to impacts and compensation approach, engagement with DEA

Clause	Description	Action	Who	When	Status
*5.1	In accordance with the terms of this Agreement, BMM hereby agrees to protect the biodiversity and ecological functioning of the surface areas of the BMM Properties through appropriate provisions, restrictions and monitoring mechanisms as contained and/or to be contained in the EMP and/or the BMP.	EkoTrust Contract Amendment	K Smit	Dec-20	Completed
		Infield Assessment (commenced in March 2020)		Oct-20	In Progress
		Report Writing	K Smit	Dec-20	In Progress
		EkoTrust Contract Amendment	K Smit	Dec-20	Completed
		EkoTrust attend Workshop - to align	K Smit	Feb-20	Completed
		Site-specific management measures to protect biodiversity within the set-a-side areas by means of proper management measures to be implemented if and where prospecting activities may take place, land use allowed, no go areas etc.	K Smit	Dec-20	In Progress
		Investigate the conservation value of Haramoep	K Smit	Dec-20	In Progress
		Evaluation of fencing and recommended fencing requirements of set-a-side areas	K Smit	Dec-20	In Progress
		Set-aside areas delineated in update BMP 2019	K Smit	Dec-20	Completed
		Fencing - evaluation of all CAMP fences include n EkoTrust work			In Progress
		Additional locks	N MacDonald	May-20	Completed
		Detailed Counts - June and July 2020 (report compilation and mapping in progress)	N MacDonald	20-Aug	Completed
		Evaluation of access control measures - tail cameras	N MacDonald	Sep-20	In Progress
		Additional Resources - to assist with Implementation and Management- Approved By GM	K Smit	Jul-20	Completed
		ToR	K Smit	Aug-20	Completed
*5.3	The Parties acknowledge and agree that the protection of the BMM Properties shall be managed and implemented through the EMP and/or the BMP.	Commercial Process	J Marais	Sept 20	
		Evaluation of proposals	K Smit /J Marais	Sep-20	
		Appointment	K Smit /J Marais	Oct-20	
		DENC to review BMP 2019 and provide comments and recommendations	E Swart	Feb-20	
		DENC to review CAMP 2020 and provide comments and recommendations	E Swart	Dec-20	CAMP delayed due to COVID-19

Clause	Description	Action	Who	When	Status
5.4	BMM shall, at its sole and exclusive cost, protect and maintain the areas of the BMM Properties as contemplated in clause 5.1 for a period of at least the duration of mining operations of the Gamsberg Zinc Mine Project plus a further ten (10) year period after a closure certificate has been applied for from the relevant authorities for the Gamsberg Zinc Mine Project.	Steercom (Bi-weekly progress with WC)	K Smit	Jun-20	In place
		Working Committee (Weekly)	K Smit	Jun-20	In place
		Gap analysis (Exploration, mine design, Biodiversity and Environmental SWOT Analysis)	WC	03-Jul-20	Completed
		Risk Assessment	WC	17-Jul-20	Completed
			WC	31-Jul-20	Ongoing
		Conceptual Design (taking mitigation hierarchy in consideration)	R Opperman	27-Mar-21	
		Biodiversity Assessment - Baseline	K Smit	May-21	
		Biodiversity Assessment - Cumulative Impacts	K Smit	May-21	
		Biodiversity Assessment - Offset requirements/compensation	K Smit	Jun-21	
		Biodiversity Assessment - Identification of Offset candidate/other measures	K Smit	Jun-21	
		Medium to long term Biodiversity Strategic Plan (Big Syncline, Gamsberg S, E Kloof, Smelter, Swartberg, SEZ)	K Smit	Jun-21	
		Authorities consultations - DEA, DMR, DENC	K Smit	Aug-21	
		BOA Amendment / New BOA	H Uys/K Smit	Aug-21	

Action Plan to Address Independent Audit Findings – Partially Compliant Findings

Messrs K Smit & A Abrahams

Decision: Agreement on Action plan and next steps and priorities, as well as way to monitor and oversee progress (i.e. Task Force? Or others?).

Clause	Description	Action to ensure full compliance	Who	When		
3. GENERAL DUTIES OF THE PARTIES -						
*3.1	The Parties agree to cooperate in good faith regarding the implementation and execution of the Biodiversity Offset and with a view to ensuring the on-going protection and maintenance of the areas of land contemplated in clause 5.	Compilation of Improvement plan (as discussed under Agenda Point 7)	K Smit/A Abrahams	May-20		
		Present Improvement Plan to SC for approval	K Smit/A Abrahams	Aug-20		
		Implementation and execution of approval plan	All SC & LC Members			
		See Action regarding Protection of BMM Properties				
3.3	BMM and DENC shall implement and execute the Biodiversity Offset in accordance with the relevant clauses of this Agreement and/or the provisions of the Management Plan (where applicable) to be prepared in terms of this Agreement.	Close Partially Compliance and address Non -Compliance - see each Clause actions for required action				
6. DECLARATION OF ADDITIONAL LAND AS A PROTECTED ENVIRONMENT AND/OR NATURE RESERVE						
6.3	BMM shall use its best endeavours to ensure that land required to be secured by BMM in terms of clause 6.1 shall include areas of land and/or properties and/or portions of properties which, either individually or collectively, comprise of at least the following areas of substantially intact habitat of Recognised Vegetation Types:	As outcome of Biodiversity Workshop, all parties (DENC, BMM and External Specialist agreed that the original objective of the BOA was to secure 7 Properties). It was therefore agreed that BMM have to secure additional 3 properties by 1 April 2024.	K Smit / C Witbooi	Apr-24		
6.3.1	At least 3 700ha of land comprising Aggeneys Gravel Vygieveld, with component habitats supporting quartz gravel communities & those that are range restricted or which support localised and endemic plant species;					
6.3.2	At least 3 200ha of Bushmanland Inselberg Shrubland, including those habitat units supporting large succulent plants on the south facing aspects;	BMM to compile purchase plan to secure additional 3 farms by 1 April 2024				
6.3.3	At least 4 000ha of Bushmanland Arid Grassland, including those component habitats supporting calcrete gravel communities; and					
6.3.4	At least 2 000ha of azonal vegetation types compromising Bushmanland ephemeral river courses and outwash plains.					

Clause	Description	Action to ensure full compliance	Who	When
6.4.1	Within the First Time Period, secure <u>at least</u> four (4) of the Nearby Properties listed in Annex "B1", and do all that is necessary in order to make those properties (or portions thereof, as the case may be) available to DENC for declaration by the MEC as protected areas; and	Secure a B1 property as part of the 3 additional properties to close the PC compliant gap regarding the 4 x B 1 properties Ensure that any variation going forward regarding timeframes are either included in BOA Amendment / that written variation of the agreement are conducted if and when required and if parties agree Ensure that when any future properties are secured that BOA are implemented according to Action Plan compiled for new properties secured	K Smit / C Witbooi	When new farms secured
12.2	The Steering Committee shall meet twice per annum (unless otherwise agreed by the Steering Committee in writing). It shall <i>inter alia</i> :-	Ensure Steering Committee meeting occur twice a years	SC	Bi-annually
*12.2.1	Oversee the implementation of the Agreement including the adequacy of the biodiversity outcomes, and effective management thereof;	Implement roles and responsibilities, general rules of engagement as well as Improvement plan as presented at SC	SC	Aug-20
*12.2.2	Receive recommendations from the Independent Auditor, the Liaison Committee or other body regarding the adequacy of the implementation of the Agreement, including the adequacy of the financial provisions, biodiversity outcomes and management effectiveness;	SC to agree at meeting on recommendations of the IA to be taken forward (Agenda Point 10 of SC 24 Aug 2020)	SC	Aug-20
*13.1	The Parties agree that a Liaison Committee shall be established. The Liaison Committee shall have such responsibilities as are described in the Management Plan to be prepared in terms of this Agreement, including management and operational issues relating to the Biodiversity Offset and to participate in the periodic review by the Independent Auditor in accordance with clause 14.7-14.10 of this Agreement.	LC to meet once Management Plan approved to compile action tracker, roles and responsibilities and evaluate implementation according to plan	LC	Sep-20
		LC must make written recommendation on at least a quarterly basis to SC regarding any aspect of Management Plan once implementation have commence	LC	Quarterly
		All communication/reporting from LC to SC must be in writing	LC	Going forward
*13.2	The Liaison Committee shall report to the Steering Committee, in writing, regarding the management and operation of the Biodiversity Offset, and the performance of the Liaison Committee's functions in terms of the Management Plan.	All communication/reporting from LC to SC must be in writing. LC to compile action to monitor, evaluate and action implementation on quarterly basis in order to report back to SC on regular basis (at least quarterly or as needed) m	LC	Going forward

Implementation of Independent Audit Recommendations

Messrs A Abrahams & K Smit – SC Members to make decision regarding way forward

Discussion and DC 7: on implementation for each recommendations

1	Annual Independent Audits instead to 5 yearly - highlight non-conformances as these arose.
2	Increase number of Steering Committee meetings from 2 to 3 annually - to address non-compliance issues as they arise.
3	Define "protection of biodiversity & ecological functioning of the surface areas of the BMM properties" (set-asides) to clarify conservation commitments on these areas.
4	Restrict further prospecting on BMM set-asides without written agreement by both implementing parties.
5	Amend BOA to state that BMM needs to formally notify DENC when it intends to submit an application for EA to prospect or mine on any of its set-aside areas.
6	Include commitment to undertake specialist studies that demonstrate prospecting activities will not negatively impact on the ecological functioning of sensitive biodiversity on the BMM set-aside areas as part of BAR submissions in advance of applications for EA.
7	BMM to appoint a specialist team including appropriate biodiversity and legal expertise to assess the necessity for an additional BOA versus an amendment to the existing BOA to address prospecting on set-aside areas for Gamsberg SE and Big Syncline properties. This was a condition of the exploration EA.
8	Clause 10.6 & 10.7 refer to the "5 year period" in respect of which payments are due. If by amending the Second Time Period, the parties also intended to amend clauses that refer to a "five year period", then it is recommended that the parties amend the BOA to reflect their intention.
9	Revise Clause 10.9 - payments are only required following formal appointment of Management Authority
10	Reconsider structure of SC to facilitate decision-making and follow-up on actions and responsibilities of the implementing parties.
11	Amend the BOA to clarify distinct roles of LC & SC (overlapping of functions)
12	Amending the BOA to include additional punitive conditions where obligations have not been met.
13	Consider including legal and/or technical experts where committee members cannot understand the BOA and implementation requirements.

14	Actions raised during the LC must be prioritised by IP. One way of ensuring this would be to follow up on accomplishment of these objectives in the future LC meeting as well as future SC meetings – accountability. Included these action in their KPI.
15	Amend the BOA clause 15.4 to reflect the intentions of the parties and avoid conflicting interpretations
16	Include clear definitions of terms such as: 'biodiversity offset', 'protected area', and 'set-aside areas'.
17	Revise the offset requirement in BOA if necessary in terms of 'Recognised Vegetation Types' and sensitive habitats based on residual impact assessments including the impacts on Big Syncline and Gamsberg South and East.
18	Revisit the offset requirements if monitoring highlights significant changes in impact predictions. (& update BMP).
19	Include appropriate specialists/consultants in offset implementation when technical discrepancies arise.
20	Include cumulative impacts into consideration. It is recommended that the offset is looked at in a more holistic, integrated way (consider all of Vedanta's mining developments in the region)
21	Update Clause 5 to stipulate activities permitted on the set-aside properties & agreements required between the IP prior to submission of Basic Assessments for future prospecting applications.
22	Update conservation requirements for the "Recognised Vegetation Types" based on the recalculations undertaken, residual impacts calculated and revised offset requirements developed by biodiversity specialists and/or reviewed by external biodiversity specialists.
23	Revise the mechanism of implementation for the additional offset
24	Revise timeframe requirements to achieve the additional offset and the consequences of the additional offset.
25	Include requirement for additional oversight by biodiversity specialists.
26	The additional offset may require a separate Management Agent, Management Plan and Financial Provisions.
27	Additional special provisions would be required to address permissions required for exploration and/or mining on the set-aside properties in the absence of declaration of these areas as formally protected under the Protected Areas Act.

Amendment of BOA:

- 1. Immediate:** Addressing Independent Auditor Recommendation on existing BOA and as agreed during Audit process
- 2. Medium term:** BOA Amendment according to the outcome of Biodiversity Workshop
 - Technical experts recognised that some mining or/and exploration activities could take place under strict conditions;
 - DENC insisted that due to their legal mandate & role as biodiversity custodian, they cannot, legally, approve any activities whether exploration or mining on the listed BMM properties;
 - DENC indicated that one option would be for BMM to elevate the discussion to national level with the DEA & DMR to seek their approval;
 - Such an approval would have to be informed by a broader socio-economic and biodiversity strategy developed by BMM;
 - BMM to incorporate all planned projects and related impacts from BMM expansion in the region, taking a cumulative and integrated approach, and it would have to outline the proposed commitments of BMM to address such impacts, through the mitigation hierarchy & the full suites of compensation measure;
 - BMM have commence with compilation of Broader Biodiversity Strategy, taking all proposed developments into consideration (Gamsberg South, East, Kloof and Big Syncline – u/g; Big Syncline, Swartberg o/c; Smelter, SEZ);
 - Way forward – discussion by all
 - Gamsberg SE exploration optimisation Project

IUCN Support: Key Priorities for Next 3 Months

Ms Rachel Asante-Owusu



IUCN support of BOA: Key Priorities



- **Keep Momentum:** IUCN to support parties to deliver on work plan commitments in timely manner
- **BOA Amendment:** IUCN to devise work plan based on agreed SC process for amending BOA.
- **Clarification of Clause 5:** IUCN will facilitate discussion with other stakeholder (as/if agreed by Parties) support engagement and negotiation process regarding changes of Clause 5.
- **Independent Review:** IUCN will manage next independent review and undertake a pre review of BOA to prepare Parties for Independent Review.

Gamsberg Nature Reserve Trust

Mr C Witbooi

1. Gamsberg Nature Reserve Trust (GNRT) was formally established in March 2020
2. Funds transferred into the trust bank account as per requirements of Clause 10 of the BOA
3. First Board of Trustee Meeting held 5 June 2020
4. Resignation of trustee Ms. N van Olmen in June 2020
5. DENC to nominate trustee to replace Ms. van Olmen
6. Gamsberg Nature Reserve Trust received request for funding to undertake peer review of Gamsberg Nature Reserve Strategic Management Plan (SMP);
7. DENC to submit updated proposal and quotations for consideration by the GNRT;
8. Copy of Final Draft SMP was submitted to the Board of Trustees for comment

Gamsberg Nature Reserve Strategic Management Plan

Mr A Abrahams

1. Final draft strategic management plan (SMP) and annual plan of operation (AOP) completed in June 2020;
2. Advertisement to notify Interested and Affected Parties (I&As) regarding the availability of SMP and AOP for public comment will be carried in local newspaper Die Plattelander on Friday 18 September 2020;
3. Hard copies of the SMP will be placed at libraries and municipal offices in Springbok, Aggeneys and Pofadder for perusal by I&As;
4. The period for I&AP review is thirty (30) days and comments received from I&APs will be considered and incorporated into the SMP;
5. External review of the SMP will be done – initial quotations sourced from three (3) service providers and Gamsberg Nature Reserve Trust to approve funds for external peer review upon submission of formal request (including updated quotations) for funding;
6. Submission of final SMP for approval by MEC by mid-December 2020



1. Environmental authorization Process

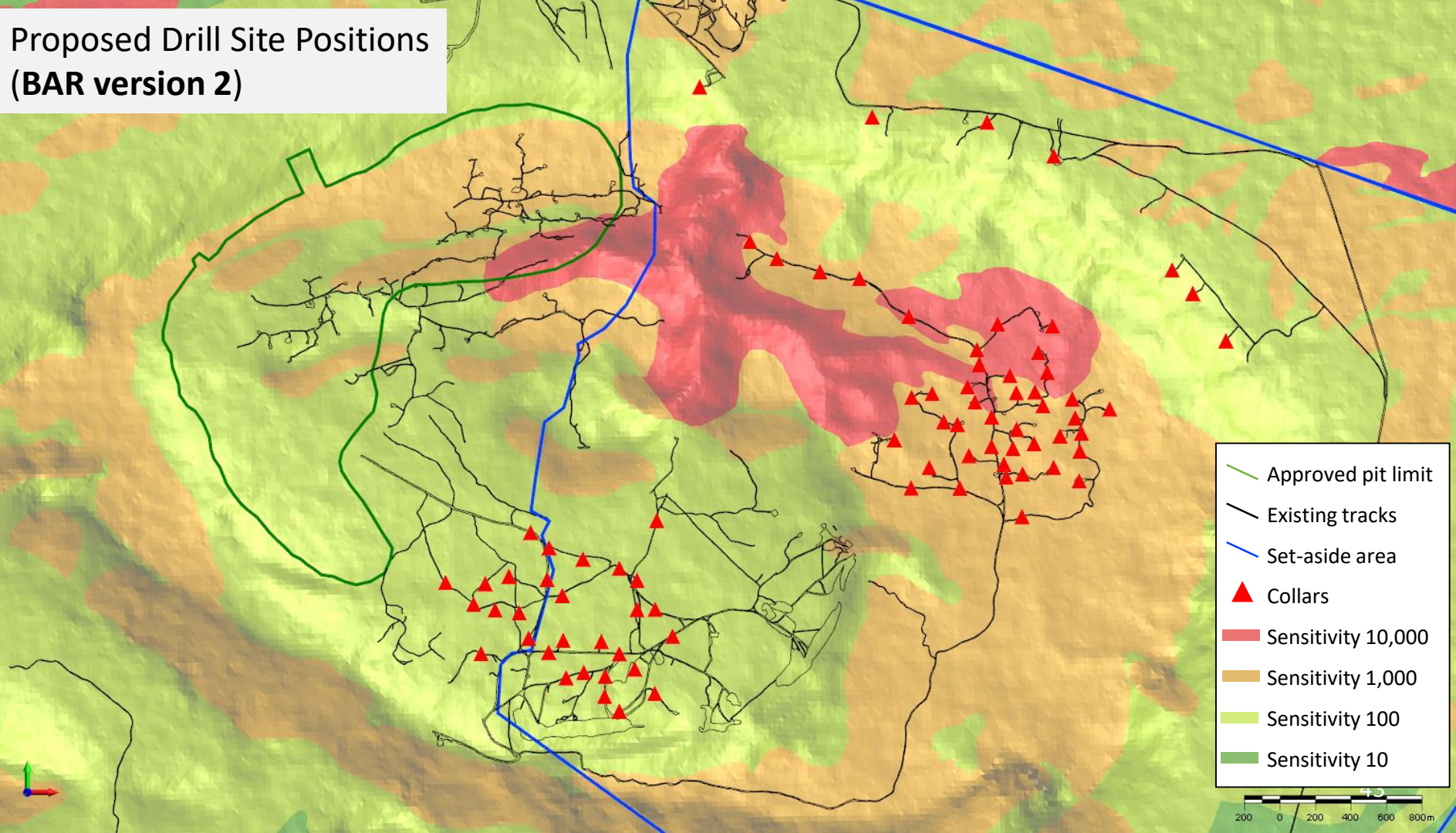
- Resubmission of Gamsberg SE DBAR
 - EndemicVision, BMM and DENC meeting on 7 August 2020;
 - BMM revised Gamsberg SE exploration optimisation plan;
 - Authorities and I&AP Public notified 10 July and 28 July regarding process;
 - Infield assessment on baseline flora, impact assessment and offset requirements in progress;
 - Meeting with DENC will be schedule for 18 Sept 2020 to discuss findings and DENC's inputs on way forward
- Gamsberg Smelter EA Process;
- Gamsberg Smelter Pella Water pipeline BAR;
- Geelstert 1 & 2 PV Solar Farms (
- Boesmanland Solar Farm EA Amendment (Ptn 6 of Zuurwater 62) – Approved on 12 August 2020
- Strategic Economic Zone – EISA

- Major revision of Gamsberg East/South drill plan (BAR v4)
- Key objective to avoid environmental impacts as far as practically possible
- No new tracks
- No new drill pads, all proposed drill pads on previously disturbed pads
- Two drill pads on existing roads (both at base of mountain)
- Only single drill pad within area of sensitivity >10,000 (existing pad and track)

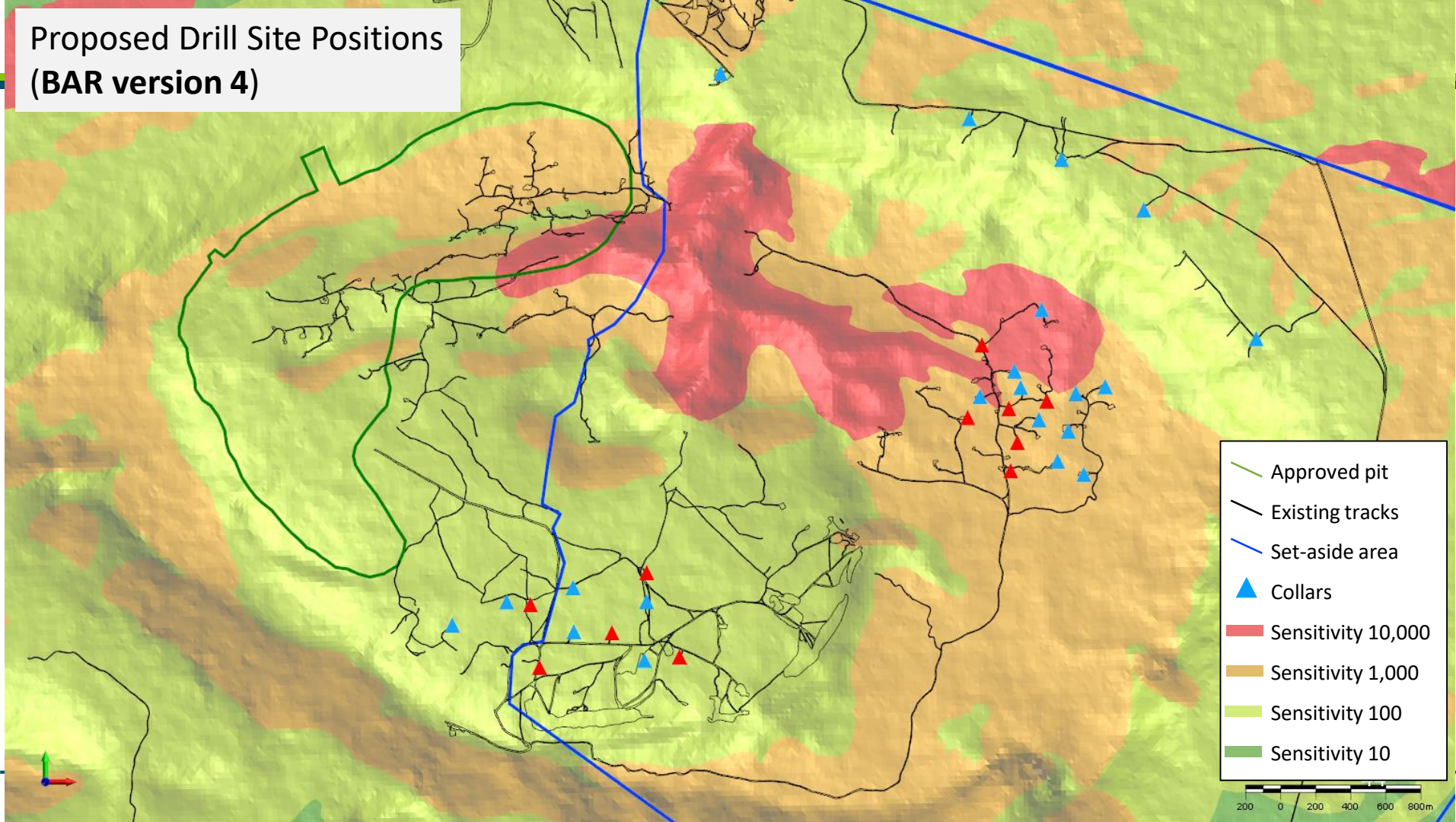
		BAR v2	BAR v4	Comments
Gamsberg East	New Collars	7	0	No new tracks or collars
	Existing Collars	30	14	One existing collar sens >10,000
	Collars on Roads	13	2	All on outside of inselberg
	TOTAL	50	16	
Gamsberg South	New Collars	0	0	
	Existing Collars	11	5	
	Collars on Roads	19	0	
	TOTAL	30	5	

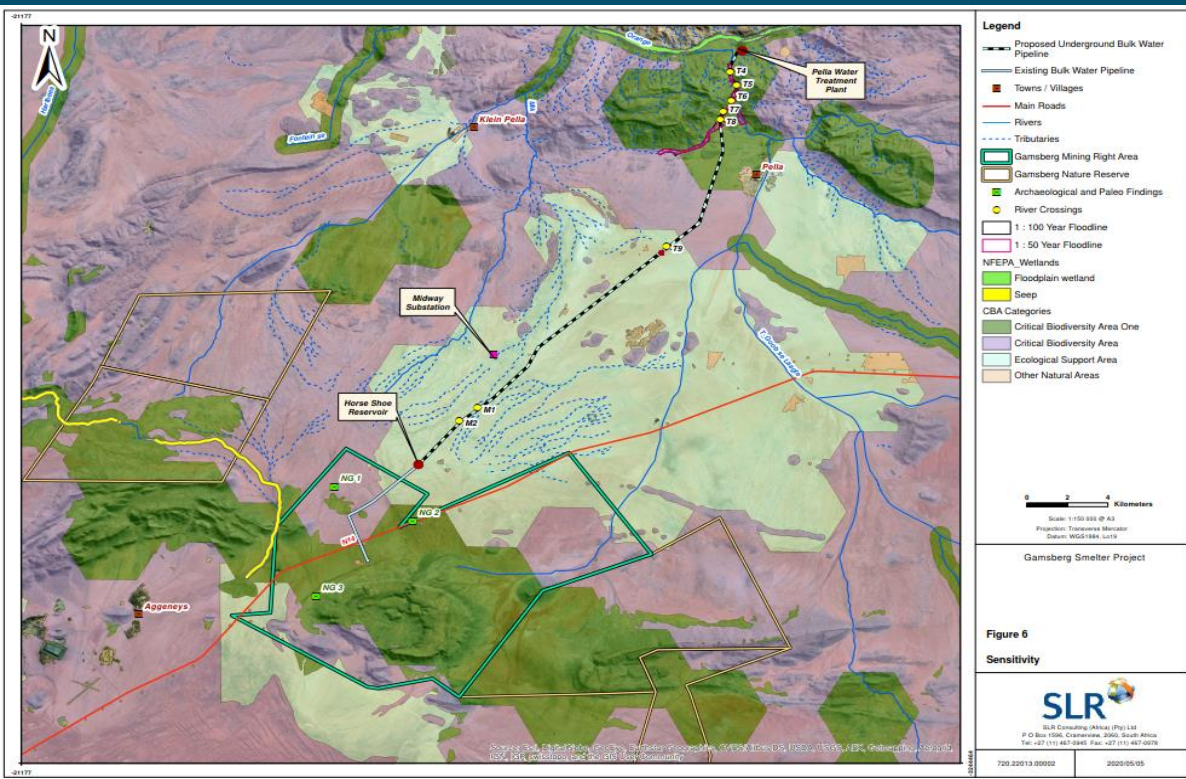


Proposed Drill Site Positions (BAR version 2)



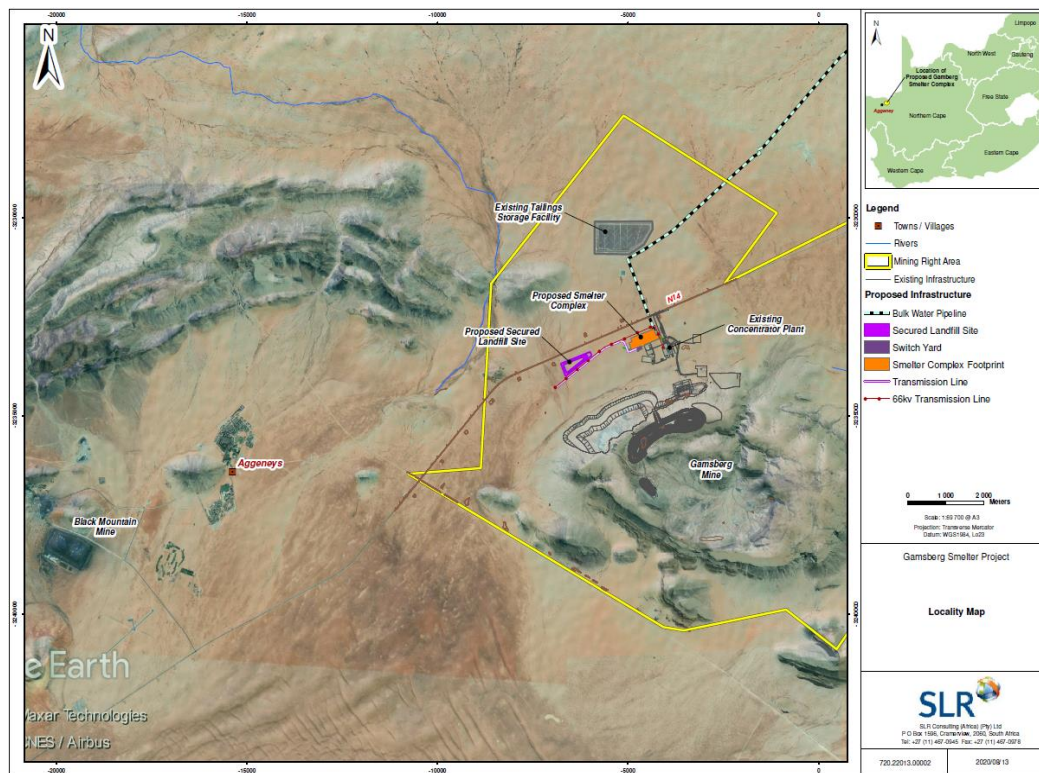
Proposed Drill Site Positions (BAR version 4)





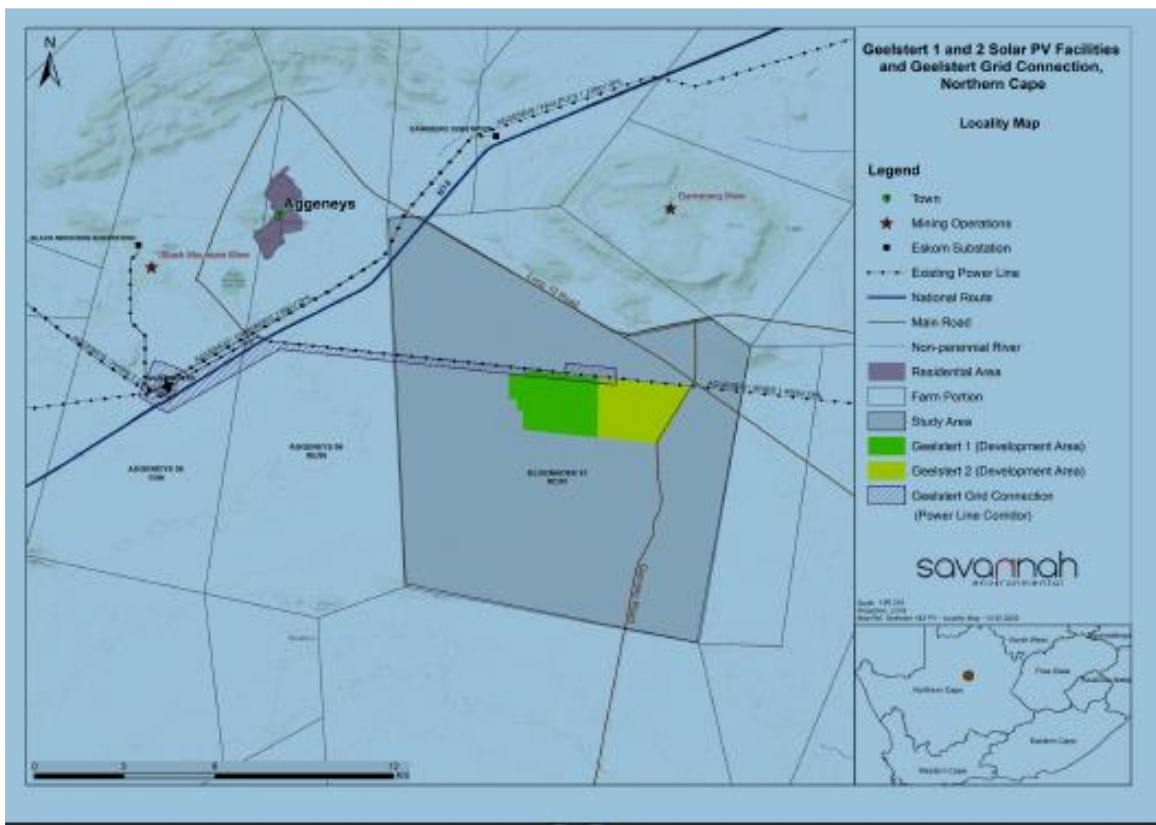
Pella Pipe line

- Upgrade Pella water treatment works (Replace low-lift pumps, New low-lift pipeline, New flash mixer, clarifier and dosing unit, New filtration unit, Midway substation)
- Replacement and upgrade of current UG line
- Basic Assessment conducted
- National Water Act General Authorization application
- Bushmanland Arid Grassland Crossing and ephemeral tributaries
- Main sensitive environment is T-Gooob se Laagte River is a largely natural (class B) river



Gamsberg Smelter

- Refine Zinc Concentrate to produce 300 000tpa Special high grade zinc
- 450 000tpa Sulphuric Acid
- 290 000tpa Jarosite which will be stabilised to Jarofix for disposal
- Scoping report submitted to DMR after consultation for approval – received
- Interrelated impact of Air emissions (SO₂) and potential ground water contamination on Biodiversity
- Modelled Air emission plumes
- Acquiring ambient air quality monitoring equipment (SO₂, NO_x)
- Biodiversity report peer reviewed by Susie Brownlie
- Infra structure placement to avoid critical and sensitive biodiversity



Geelster 1 and Geelster Solar Development:

The development of 2 separate solar photovoltaic (PV) facilities, each with a contracted capacity of up to 125MW;

- Grid connection is proposed on a site located approximately 11km southeast
- On REM Bloemhoek 61;
- Connected to the Aggeneys Main Transmission Substation
- The grid connection will traverse six
- REM Bloemhoek 61;
- REM and Ptn 1 Farm Aggeneys 56 (BMM);
- Ptn 2, 12 and 13 of the Farm Aggeneys 56

