

ANNEXURE 1  
FORMS

Form 1

REPUBLIC OF NAMIBIA  
ENVIRONMENTAL MANAGEMENT ACT, 2007

(Section 32)

## APPLICATION FOR ENVIRONMENTAL CLEARANCE CERTIFICATE



## PART A: DETAILS OF APPLICANT

1. Name: (person or business) Iris Elizabeth ELLEN Ingrid Kahl
2. Business Registration / Identity No. 370520 00059  
(if applicable)
3. Correspondence Address: P.O. Box 213
4. Name of Contact Person: Riaan Lombard
5. Position of Contact Person: GEO. COO
6. Telephone No.: +264 811 22 33 57
7. Fax No.:
8. E-mail Address : (if any) riaan.lombard@kahlgroup.net

☐ Tick (☐) the appropriate box

**PART B: SCOPE OF THE ENVIRONMENTAL CLEARANCE CERTIFICATE**

1. The environmental clearance certificate is for: Transferred of ECC for

- ☐ Mining operations ML 105 A-D  
☐  
☐

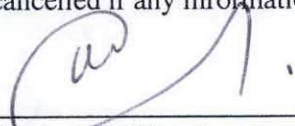
2. Details of the activity(s) covered by the environmental clearance certificate:

[Note: Please attach plans to show the location and scope of the designated activity(s), and use additional sheets if necessary:

Title of Activity: Mining & Quarrying  
Nature of Activity: Mining operations  
Location of Activity: NNWP Etongo Region  
Scale and Scope of Activity: Medium operations

**PART C: DECLARATION BY APPLICANT**

I hereby certify that the particulars given above are correct and true to the best of my knowledge and belief. I understand the environmental clearance certificate may be suspended, amended or cancelled if any information given above is false, misleading, wrong or incomplete.

 Riaan Lombard COO  
Signature of Applicant Full Name in Block Letters Position

on behalf of Imis E.E.I. Kahl 9/06/2020  
Date

# elspe

Minerals (Pty) Ltd

MINISTRY OF ENVIRONMENT, FORESTRY AND TOURISM
DIRECTORATE OF ENVIRONMENTAL AFFAIRS
10 JUN 2020
Tel: 061 264 2111
RECEIVED 2
Signature:.....

Faraday Street no. 1  
P.O. Box 2130  
Otjiwarongo  
Tel: +264 67 30 7888  
Fax: +264 67 30 7889  
E-mail: namgyp@gmail.com

## Transfer of the Environmental Clearance Certificate

9 June 2020

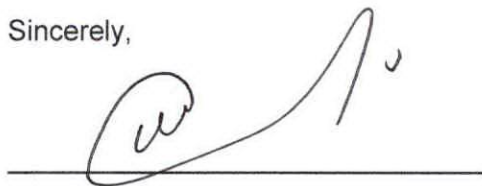
Mr. Timoteus Mufeti  
Environmental Commissioner  
Ministry of Environment, Forestry and Tourism  
Tel: +264-61-284 2701

Dear Mr. Timoteus Mufeti

Herewith we request for the transfer of the Environmental Clearance Certificate for Elspe Minerals (Pty) Ltd to the name of Mrs Iris Elisabeth Ellen Ingrid Kahl. The reason for this being that Mrs Kahl is the mining license holder and Elspe Minerals is the operating company.

I hope you find the above in order

Sincerely,



Riaan Lombard  
Chief Operating Officer / General Manager  
Elspe Minerals (Pty) Ltd  
[riaan.lombard@kahlgroup.net](mailto:riaan.lombard@kahlgroup.net)  
+264 81 122 3357

**Elspe Minerals (Pty) Ltd**  
Reg No: 670  
P.O. Box 2130, 1 Faraday Street  
Otjiwarongo, Namibia  
Phone: +264 81 122 3357  
[riaan.lombard@kahlgroup.net](mailto:riaan.lombard@kahlgroup.net)





REPUBLIC OF NAMIBIA

## MINISTRY OF ENVIRONMENT AND TOURISM

Tel: (00 26461) 284 2111  
Fax: (00 26461) 229 936

Cnr Robert Mugabe &  
Dr Kenneth Kaunda Street  
Private Bag 13306  
Windhoek  
Namibia

Enquiries: Mr. Josafat K Hiwana  
E-mail: [josafat.hiwana@met.gov.na](mailto:josafat.hiwana@met.gov.na)

18 January 2018

### OFFICE OF THE ENVIRONMENTAL COMMISSIONER

The Managing Director  
ELSPE Minerals  
P.O. Box 213  
Otjiwarongo  
Namibia

Dear Sir/Madam

**SUBJECT: ENVIRONMENTAL CLEARANCE CERTIFICATE FOR MINING OF GYPSUM ON CONCESSIONS MINING LICENCE (ML) 105A-D SITUATED IN NAMIB NAUKLUFT PARK, ERONGO REGION**

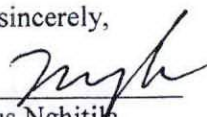
The Environmental Management Plan submitted is sufficient as it made provisions of the environmental management concerning the proposed activities. From this perspective, regular environmental monitoring and evaluations on environmental performance should be conducted. Targets for improvements should be established and monitored throughout this process.

This Ministry reserves the right to attach further legislative and regulatory conditions during the operational phase of the project.

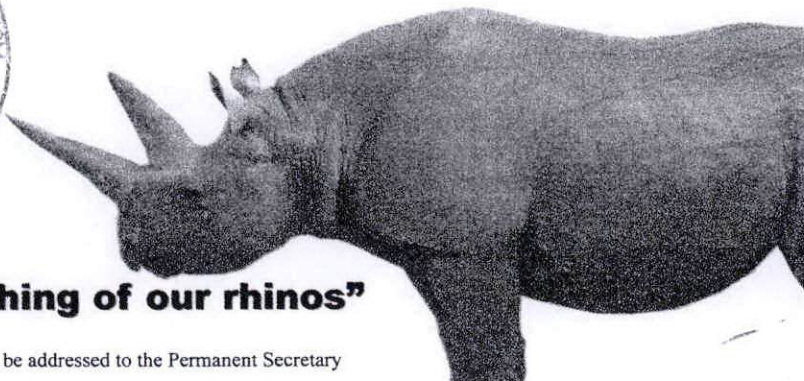
On the basis of the above, this letter serves as an environmental clearance certificate for the project to continue. However, this clearance letter does not in any way hold the Ministry of Environment and Tourism accountable for any misleading information, nor any adverse effects that may arise from this project's activities. Instead, full accountability rests with ELSPE Minerals.

This environmental clearance is valid for a period of 3 (three) years, from the date of issue unless withdrawn by this office.

Yours sincerely,

  
Teofilus Nghitila

**ENVIRONMENTAL COMMISSIONER**



**"Stop the poaching of our rhinos"**

All official correspondence must be addressed to the Permanent Secretary



#### **Annex 1: Conditions applicable to Environmental Clearances in Proclaimed Protected Areas**

1. Conditions of the Park entry permits should be adhered to at all time.
2. Rehabilitation/Mitigation work, especially, the removal and replanting of vegetation to be conducted in consultation with the National Botanical Institute in the Ministry of Agriculture, Water and Forestry, and the progress to be reported to the Ministry of Environment and Tourism regional office and to the Deputy Director of Wildlife Monitoring and Research.
3. All provisions of applicable legislation and regulations concerning protected areas apply.
4. This Environmental Clearance shall serve as a contract of agreement between the holder and the Ministry of Environment and Tourism, but it does not in any way make the Ministry of Environment and Tourism responsible for any wrong or insufficient information provided, nor any adverse effects that may arise from this project's activities. Instead, full responsibility and accountability rest with the developer and his/her consultants.
5. The Holder of this Environmental Clearance (hereafter referred to as the Holder) assumes full responsibility and liability for the safety and conduct of employees, contractors and/or visitors.
6. The Holder agrees to fully indemnify the Government of the Republic of Namibia in the event that the Government is held liable in respect of any loss, damage or injury sustained to an employee, contractor and/or visitor whilst such employee, contractor and/or visitor is in the Park under the auspices, direction or invitation of the holder.
7. Entry and exit points to the Park as well as the driving routes to be followed in the Park shall be determined by this Ministry in its sole discretion and shall be communicated to the Holder in writing. The Holder shall strictly adhere to the designated entry points, exit points and driving routes.
8. Only existing tracks or roads may be used unless prior approval is obtained from the Ministry.
9. All tracks or roads must be established, constructed and rehabilitated under the supervision of officials designated by the Ministry for this purpose.
10. The Holder shall erect a signboard not smaller than 70 cm in height and 100cm in width, at the major entrance/s to each of its license areas, specifying the number of the license, the duration of its validity and the name of the license holder, and a contact name and number for enquiries.
11. The Holder acknowledges that designated staff of this Ministry may monitor the Park and the activities of the Holder within the park in order to verify adherence to the conditions imposed in this authorization. The Holder undertakes to give its full cooperation to the designated staff in this regard.
12. In the event that an application to renew the clearance is received, the renewal of this clearance is entirely within the discretion of the Ministry and the Holder should entertain no expectation of whatsoever nature in that regard. In this regard, this Ministry accepts no responsibility of whatsoever nature, for any expenditure which the Holder incurs in order to exercise its rights and obligations in terms of this clearance, and which expenditure is rendered redundant or futile in the event that this clearance is not extended.
13. In the event that the Ministry extends the clearance for an additional period, the Ministry reserves the right to impose additional conditions or amend existing conditions of this



authorization, and the Holder agrees to be bound by such additional and/or amended conditions.

14. In the case of non-compliance with any of these conditions, the clearance can be terminated by the Ministry at any time by written notice to the holder, including the reasons for such termination. Notice of termination in terms hereof will not detract from any of the Holder's obligations pertaining to the clearance, including the implementation of the environmental management plan and the rehabilitation of disturbed areas or other impacts caused by the Holder.
15. A six monthly report on project progress and environmental management profile, starting from date of commencement of operations, must be submitted by the Holder to the Ministry of Environment and Tourism, particularly, the directorates of Environmental Affairs, and Parks and Wildlife Management.
16. Boating, biking, swimming, fishing, hunting, wood gathering or the collection of soil, insects, birds, animals and plants, including the introduction of pets and weapons of all types, are strictly prohibited within the jurisdiction of a protected area.
17. Unless permitted by the Ministry of Environment and Tourism, the operation of an aircraft and the construction of a runway, including any other attempt to harvest natural resources for any form of construction purposes, shall not be allowed in all protected areas. Where the construction of structures is allowed, the design of such structures must be of a temporary nature.
18. There shall be no voluntary disposal of any form of waste in all protected areas of the Republic of Namibia. A suitable waste storage facility must be constructed to serve as a waste retention device prior to transportation out of the protected area.
19. Using the best and affordable methodology, the Holder must ensure that all mining or quarrying and exploratory operations are thoroughly rehabilitated prior to closure of the operation. Wherever possible, the Holder must proceed with the rehabilitation process concurrently with the progression of the project rather than wait until the damage is far beyond the available means of management.
20. The general standard for all rehabilitation processes must at all costs aim at restoring the natural character of the environment to the satisfaction of the Ministry of Environment and Tourism. Such rehabilitation processes shall be inspected and certified satisfactory or unsatisfactory by the Ministry of Environment and Tourism. Where a certificate of unsatisfactory is issued, the Holder shall be advised to carry-out certain tasks to meet the requirements. Failure to meet the basic rehabilitation requirements shall be regarded by this Ministry as a breach of this contract and of which serious consequences shall follow.
21. If the EIA/EMP report for a given exploration or mining or quarrying require the services of an external reviewer, the Holder shall bear the full cost of the review of that particular report. Under such circumstances, this Ministry shall only pronounce its decision on the issue once the full cost of the review is paid-out to the reviewer.
22. Finally, the Holder is advised that these conditions shall be reviewed and refined on a regular basis to ensure compliance and sound management of our protected areas. From this perspective, and depending on site specifics and the technical nature of a given project, further conditions shall be attached to guide the operations of such projects.



REPUBLIC OF NAMIBIA

**PRO-FORMA ENVIRONMENTAL CONTRACT**

WHEREAS the Applicant/ Company referred to below, has been notified under section 48(4) of the Minerals (prospecting and Mining) Act, 1992 that the Minister of Mines and Energy is prepared to grant the applicant a ML 105 A-B subject to certain terms and conditions and;

WHEREAS such terms and conditions include the condition precedent that the applicant enters into an Environmental Contract with the Government of Namibia;

IT is hereby agreed as follows:

1. PARTIES.

The parties to this contract are: Iris Elizabeth Ellen Ingrid Kahl  
(hereinafter referred to as the "Holder") being the holder of Non Exclusive Prospecting Licence/ Exclusive Prospecting Licence/ Reconnaissance License/ Mining Claim(s)/Mining License/ (delete those not applicable) ML 105 A-B  
no -----

on the one hand, and THE GOVERNMENT OF NAMIBIA  
(Hereinafter referred to as "the Government")

duly represented by:

THE MINISTRY OF ENVIRONMENT, FORESTRY & TOURISM (METF)  
and THE MINISTRY OF MINES & ENERGY (MME)

on the other.

2. GENERAL OBLIGATIONS.

- 2.1 The provisions contained in this contract are in addition to and do not detract from any obligations which the Holder may have under the Minerals (Prospecting and Mining) Act, 1992 (the Act).
- 2.2 The Holder recognises that its prospecting / mining operations may have significant impacts on the environment. Accordingly the Holder undertakes that during the course of its operations it will take every practicable step necessary to ensure the mitigation of such impacts. In doing so it will liaise with the MEFT and MME as provided for in 3.3 and 4 below.



- 2.3 In particular the Holder will undertake necessary and adequate steps to ensure that environmental damage is reduced to a minimum and prevented, as is practicable.
- 2.4 Should the Holder not carry out its environmental obligations it shall be liable for the environmental damage that may result. In this regard the Government reserves the right to:
- 2.4.1 demand at any time financial or other guarantees to restore the environment or mitigate environmental damage which has, or which may occur, as a result of the Holder's activities;
  - 2.4.2 itself undertake such mitigatory or restorative measures and to recover the costs thereof from the Holder;
  - 2.4.3 claim compensation for environmental damage, which may have been brought about by the Holder's activities.
- 2.5 The Holder shall on completion or suspension of its operations, ensure that the impact on the environment is minimised and that every reasonable and practicable step is undertaken to ensure that the environment is left in a reasonable state. The provisions of clause 2.4 apply *mutatis mutandis* to environmental damage evident after prospecting; mining or other operations have been suspended or completed.
- 2.6 The Holder acknowledges that should it apply for a mining licence in consequence of its prospecting or other operations, it will have to comply with Namibia's National Environmental Assessment Policy (Directorate of Environmental Affairs, Jan, 1995) and that this will entail the carrying out of an Environmental Assessment (EA).

### 3. THE ENVIRONMENTAL CONDITIONS

- 3.1 In accordance with section 68(f) of the Act, which provides that an application for a licence shall contain particulars of the existing condition of the environment, an estimate of the effect which the proposed operations may have, and the proposed steps to be taken to prevent or minimise such effect, the Holder has attached Environmental Conditions marked Appendix A.
- 3.2 The Holder acknowledges that once the MEFT and MME has determined that the information furnished in Appendix A is satisfactory, it will form part of this contract.
- 3.3 The Holder warrants that the information contained in Appendix A is to the best of its knowledge and belief true and correct and that it will notify the Government of any material changes therein. Should there be such material changes, the Government reserves the right to re-negotiate the terms and conditions of this agreement.



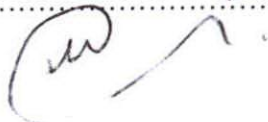
4. COMPLIANCE AND NOTIFICATION

- 4.1 The Holder acknowledges that the reports, which it is obliged to furnish to the MME (which is provided for in the notice from the office of the Mining Commissioner under section 48(4) of the Act) will include an Environmental Report.
- 4.2 The Holder acknowledges that officials from the MME and/or the MEFT may at any time conduct a compliance and/or performance inspection of its operations.
- 4.3 The Holder will keep records of its environmental performance and make these available to the officials referred to in 4.2.

SIGNED AT Windhoek on this 09 day of JUNE.....2020

For the Holder:  
(duly authorised thereto)

Riaan Lombard



For the Government of Namibia:

.....  
Mr. E. Shivolo  
Mining Commissioner  
Ministry of Mines and Energy

and

.....  
Timoteus Mufeti  
Environmental Commissioner  
Ministry of Environment, Forestry and Tourism