



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, 33 of 1992 (hereinafter "the Act"), that the Minister of Mines and Energy is prepared to grant the applicant a **Mining Claims** 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 **Simon Christoph Nembungu** (hereinafter referred to as "the Holder") being the holder of Non-Exclusive Prospecting Licence (~~delete those not applicable~~) number **1912**  
**MC-72853-72857**

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

duly represented by: THE MINISTRY OF ENVIRONMENT & TOURISM (MET), 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 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 MET 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 insofar, as is practicable.
- 2.4 Should the Holder not carry out its environmental obligations it shall be liable for the environmental damage which 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 measure 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, January 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 MET 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 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 MME and/or MET 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 26 DAY OF JANUARY 2022**

For the Holder:  
(Duly authorised thereto)



For the Government of Namibia:

Mr Timoteus Mufeti  
Environmental Commissioner  
Ministry of Environment and Tourism

And



Mr Erasmus Shivolo  
Mining Commissioner  
Ministry of Mines and Energy



REPUBLIC OF NAMIBIA

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MINISTRY OF ENVIRONMENT, FORESTRY AND TOURISM

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Department of Environmental Affairs and Forestry  
Private Bag 13306, Windhoek  
Tel. + 264 61 2842811; Fax. + 264 61 229936

Enquiries: Josafat K Hiwana  
Josafat.hiwana@mef.gov.na

23 February 2022

Simon Christoph Nembungu  
P.O. Box 344  
Khorixas  
Namibia

**ENVIRONMENTAL CONTRACT FOR MINING CLAIM 72853 - 72857**

Please study the **Environmental Conditions**, should you be satisfied with them, kindly initial each page and sign the last page.

Once you have done this, please return the original to me so that it can be counter-signed. Should you not agree with any of the environmental conditions, you are invited to propose modifications for us to consider.

Thank you,

Timoteus Mufeti  
**ENVIRONMENTAL COMMISSIONER**

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**Environmental Contract for** MC 72853 - 72857

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## **ENVIRONMENTAL CONDITIONS FOR MINING CLAIM 72853 - 72857**

### **1. Pollution and waste**

1.1 No toxic or hazardous chemicals may be brought into the prospecting area or deposited thereon (this excludes the use of petrol & diesel as fuel).

1.2 All domestic refuse and industrial waste will be deposited in a designated municipal refuse dump at regular intervals, but at least once every three months. No refuse may be dumped or buried within the prospecting or surrounding area, except if the landowner has an own specific designated refuse site for this purpose. Dumping of refuse on this site shall be negotiated with the landowner. It is permissible to store refuse temporarily in containers until such time as they are ready for removal. During such temporary storage, all paper and plastic refuse should be incinerated to avoid wind-blown litter. All attempts should be made to keep the area clean.

1.3 Pit latrines (toilets) will be provided for, and used by, all staff. Non-specific shallow pits may be used for toilets where small groups of people (< five) are staying in an area for less than one week with approval of the landowner.

### **2. Vehicles and Earthmoving equipment**

2.1 Vehicular movement shall be restricted to existing fence-lines, roads and tracks wherever possible. Where it is unavoidable that vehicles and machinery need to create new roads or tracks, these new access routes shall be carefully planned so as not to cause unnecessary environmental damage. In any event, no new road may be established without the prior approval of the landowner.

2.2 Any trenches where prospecting or mining has been completed, shall be systematically backfilled with overburden and topsoil, and the area rehabilitated to as near as possible a natural state.

2.3 Notwithstanding clause 2.1, during the reconnaissance and planning phase of exploration, off-road vehicle access is permitted to areas where tracks are sparse. Specifically this access is to define places to which tracks may at a later stage be constructed. Such access is subject to prior approval by the landowner.

### **3. Water**

3.1 Water shall be used sparingly and all reasonable attempts will be made to avoid water wastage.

3.2 Water shall be used only for human consumption, washing and essential prospecting-related activities.

### **4. Protection of Fauna and Flora**

4.1 No hunting wood or plant collecting shall be allowed within the prospecting or surrounding area. The collecting of dead wood for domestic use may only take place with the concurrence of the landowner.

4.2 Every effort shall be made avoid starting veld fires. Should a fire occur as a direct or indirect result of the companies' activities, the company/ claim holder shall make every reasonable effort to extinguish such fire.

4.3 The company/ claim holder shall provide written instructions to its entire staff and sub-contractors to this effect.

### **5. Interaction with neighbouring communities and / or tourists**

5.1 The company/ claim holder shall maintain good relations with any surrounding communities, and shall not deny any person transit rights through the prospecting area. This condition is mainly relevant for prospecting activities on state lands.

### **6. Rehabilitation**

- 6.1 The company/ claim holder shall ensure that sufficient funds are available to affect appropriate rehabilitation of environmental damage.
- 6.2 The company/ claim holder shall ensure that rehabilitation of exploration trenches / holes / pits will take place within 8 weeks of the completion of exploration at any site.
- 6.3 Under no circumstances, shall trenches / holes / pits be left in a state where their existence endangers human or animal life.

**7. Monitoring and reporting**

- 7.1 The company/ claim holder shall submit every six months an Environmental Report to the Ministry of Environment, Forestry and Tourism according to the prescribed format.
- 7.2 Staff from the Ministry of Environment, Forestry and Tourism and / or the Ministry of Mines and Energy may at any time inspect prospecting areas.

**8. General**

The conditions stated in this notification are in addition to and do not detract from any obligations which the prospecting company may have under the Minerals (Prospecting and Mining) Act, 1992 The Nature Conservation Ordinance (Ordinance 4 of 1975), or the attached Pro-Forma Environmental Contract including the Environmental Questionnaire for Prospecting in Namibia, being Appendix A.

We agree to abide by the Pro-Forma Environmental Contract and the Environmental Conditions.

For the Holder:  
(Duly authorised thereto)

  
Simon Christoph Nembungu

09.03.2022  
Date

.....  
Timoteus Mufeti  
**ENVIRONMENTAL COMMISSIONER**  
Ministry of Environment, Forestry and Tourism

.....  
Date



## REPUBLIC OF NAMIBIA

# ENVIRONMENTAL QUESTIONNAIRE FOR MINING CLAIMS IN NAMIBIA

### BEING APPENDIX A TO THE ENVIRONMENTAL CONTRACT

#### 1. BACKGROUND INFORMATION

- 1.1 Companies/Natural persons applying for **MINING CLAIMS** must complete this questionnaire. (Please fill in ALL questions).
- 1.2 The answers provided in this questionnaire shall be regarded as commitments which will become part of the **Environmental Contract** between the Holder and the Government of the Republic of Namibia, duly represented by the Ministry of Environment and Tourism (MET) and the Ministry of Mines and Energy (MME).
- 1.3 Once the Holder has completed this questionnaire MET and MME will either accept/reject/request further information regarding the environmental commitments made therein. MET and MME reserve the right to add further conditions.
- 1.4 Once agreed to by all parties concerned, the completed questionnaire shall form part of the **Environmental Contract**.
- 1.5 Please attach a map of the mining claim area and a copy of the application to register mining claims.

#### 2. Holder details

2.1 Name of Holder	<b>Simon Christoph Nembungu</b>
2.2 Name of Mining Claim Holder (if different from 2.1)	
2.3 Telephone, Fax, Cell Phone and/or E-Mail	Tel: Fax: E-Mail: Cell: <b>0812905551 or 0813451054</b>
2.4 Postal Address  Residential/Registered Address	<b>PO Box 344, Khorixas, Namibia</b>  <b>ERF 1354B Hollywood Street, Khorixas, Namibia</b>
2.5 Reference Number	NEPL No: <b>1912</b> Expiry: <b>04 November 2022</b>
2.6 Registered Number(s)	<b>72853,72854,72855,72856 and 72857</b>
2.7 Location (Farm, District, Region) of mining claim(s)	<b>Renosterkop # 389</b>
2.8 Group(s) of Mineral(s) to be mined	<b>Semi-precious stones</b>

2.9 How many people will work on your mining claim, and where will they live?

Number of people	Where will they live?
1-10	They will stay at farm homestead area

### 3. Environmental commitments

#### 3.1 Pollution and Waste

3.1.1 What will you do with **normal litter** (e.g. Kitchen spoils, cans, bottles, paper, etc.)?

**We will use metal drums, whereby on monthly basis it will be taken to Khorixas dump-site which is about 45km from the farm.**

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3.1.2 What **industrial waste** will be generated and what will you do with it (e.g. old machinery, vehicles, building rubble, batteries, paint, thinners, vehicle oil, etc.)?

**Industrial waste are mostly recyclable, we will use safe methods for safe keeping.**

**(Kept in constructed store rooms) We will utilize companies that are registered to buy or discard recycle materials. Building materials to be disposed at the nearest dump-site in Khorixas.**

**Decorative materials are not going to be used as our structures will be of moveable corrugated iron.**

3.1.3 Describe what type of **toilet facilities** will be provided.

**Air-drop toilets will be constructed at designated areas.**

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#### 3.2 Vehicle, earthmoving equipment, drilling and blasting

3.2.1 List the type and quantity of vehicles, earthmoving equipment, drilling equipment, and other machinery likely to be used on your mining claim (e.g. 2 x bakkies; 1 x bulldozer, etc.)

Vehicles:

**2-3, 4x4 Vehicles**

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Earthmoving equipment:

**Excavator,**

**Front-end loader and,**

**Bulldozer if needed**

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Drilling equipment:

**Air compressor for purpose of braking and drilling of small holes.**

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Other equipment and/or machinery:

Not really known at the time of application for ECC and if any other equipment going to be used, the relevant authorities will be notified.

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3.2.2 Describe the environmental damage that is likely to result from the use of vehicles and machinery within the mining claim area (e.g. on the landscape in general, soil, vegetation, noise, dust, etc.).

Vehicles will be restricted to an existing roads, tracks and fence lines. New access routes for vehicles and machinery will be planned carefully to minimize environmental damage. All new routes will be planned and constructed with the authorisation of the landowner.

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Trenches will be continuously closed created during prospecting and mining, will be back filled and closed to look near natural state.

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Noise and dust will be minimal.

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3.2.3 How will you control the movement of vehicles and machinery in order to minimise environmental damage?

Movement of vehicles and machinery will be restricted to the existing routes, tracks and fence Lines.

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3.2.4 Which routes will be used by vehicles to get to your mining claim and state whether you intend making new roads or tracks (both to your mining claim and within your mining claim)?

Existing routes will be used for the purpose to get to the mining claim and within the mining claim. The area interested mining was never inhabited by humans and our intention is to make new routes to the mining claims with permission of landowner.

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3.6.3 If such sites are known, how will you avoid damaging them?

**Will follow the new conditions setup by National Heritage Council.**

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3.6.4 If such sites are discovered after you have started working your mining claim, would you accept new conditions to this contract so that they can be properly protected?

Yes:   X                                        No:                                             Unsure:       

**3.7 Rehabilitation**

3.7.1 When will you rehabilitate the environmental damage done during prospecting? (Tick the appropriate box)

I have no intention of rehabilitating any damage         
On a continuous basis (i.e. simultaneous with prospecting)   X    
Only after all prospecting has finally been completed         
I don't know       

3.7.2 Describe the programme of mining from the start and the methods to rehabilitate damage.

**The claim holder shall ensure that sufficient funds are available to rehabilitate the environmental damage cause by him or company.**

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**4. Existing Damage**

Describe what environmental damage exists in your mining claim area now, in other words, damage caused by someone else before you began working on the mining claim. Where possible, provide evidence such as photos, statements, etc.

**Not any known by me, unless the community living in the near area and known by them.**

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I hereby declare that the information provided in this questionnaire, is to the best of my knowledge, accurate and correct, and that I'm prepared to keep to the commitments stated therein.

  
Mining Claim Holder  
(Or Authorised Representative)

K. W. Mathoek  
Place

26/01/2022  
Date



MINISTRY OF FINANCE

- Cash
- Postal Order, etc.
- Cheques

Bank Code 

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Cheque No. 

--	--	--	--	--	--	--	--	--	--

Account No. 

--	--	--	--	--	--	--	--	--	--

Receipt

P 8499843

Collection for Ministry of Mines and Energy

Received the amount of One Thousand Two Hundred Dollar  
& Fifty Namibian Dollars Only Cents NS 1 250-00

In respect of the following liability MC: 72853, 72854, 72855  
72856, 72857

Allocation 3115-22-000-000-611

To Simon Christoph Nambungu  
P O Box 344  
Khorixas  
0812905551  
 Please write clearly

Receiver of Revenue



## License Details

Simon



MC- (Pre-Application\_MC\_3864)

Application (Pre-Application)

### Mining Claim

### Coordinates and Shape

#### Coordinates

Official Area: 17.8553 Ha

Coordinate system: GCS Bessel 1841

Order	Latitude	Longitude
Part 1		
1	20° 28' 06.47" S	15° 16' 44.09" E
2	20° 28' 06.13" S	15° 17' 04.95" E
3	20° 28' 15.70" S	15° 17' 04.89" E
4	20° 28' 16.28" S	15° 16' 44.38" E

#### Shape



Legend  
[Red outline] Claim  
[Blue outline] District  
[Black outline] Division



AS

## License Details

*Simon*



MC- (Pre-Application\_MC\_3866)

Application (Pre-Application)

### Mining Claim

#### Coordinates and Shape

##### Coordinates

Official Area: 17.5535 Ha

Coordinate system: GCS Bessel 1841

Order	Latitude	Longitude
Part 1		
1	20° 27' 57.18" S	15° 16' 43.27" E
2	20° 27' 56.68" S	15° 17' 04.42" E
3	20° 28' 06.13" S	15° 17' 04.95" E
4	20° 28' 06.47" S	15° 16' 44.09" E

##### Shape



Legend  
□ Unknown  
□ Status  
□ Boundary



*A*

## License Details

*Simon*



MC- (Pre-Application\_MC\_3868)

Application (Pre-Application)

### Mining Claim

#### Coordinates and Shape

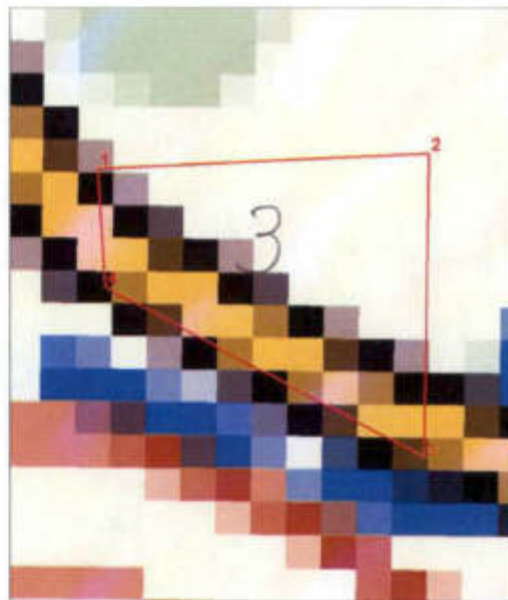
##### Coordinates

Official Area: 10.7398 Ha

Coordinate system: GCS Bessel 1841

Order	Latitude	Longitude
Part 1		
1	20° 28' 16.31" S	15° 16' 51.11" E
2	20° 28' 15.70" S	15° 17' 04.89" E
3	20° 28' 28.55" S	15° 17' 04.69" E
4	20° 28' 21.32" S	15° 16' 51.42" E

##### Shape



Legend  
[Red box] Claim  
[Blue box] District  
[Black box] Township



*AP*





## License Details

*Simon*

MC- (Pre-Application\_MC\_3870)

Application (Pre-Application)

### Mining Claim

### Coordinates and Shape

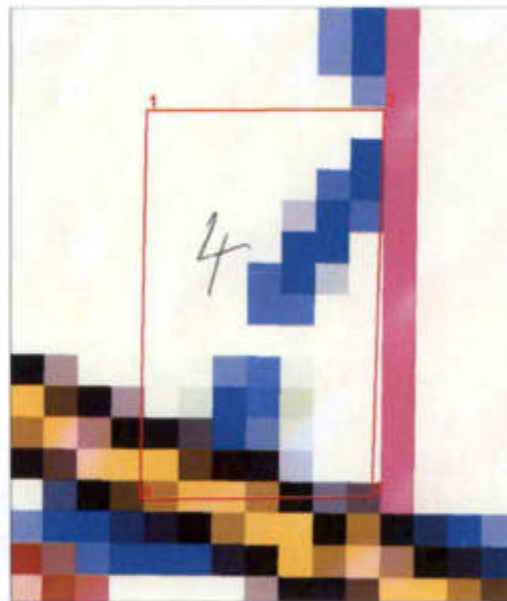
#### Coordinates

#### Shape

Official Area: 15.6604 Ha

Coordinate system: GCS Bessel 1841

Order	Latitude	Longitude
Part 1		
1	20° 28' 11.31" S	15° 17' 04.97" E
2	20° 28' 11.30" S	15° 17' 15.33" E
3	20° 28' 28.46" S	15° 17' 14.78" E
4	20° 28' 28.55" S	15° 17' 04.69" E



Legend

- Unknown
- Unknown
- Unknown



*AS*

## License Details

*Simon*



MC- (Pre-Application\_MC\_3871)

Application (Pre-Application)

### Mining Claim

### Coordinates and Shape

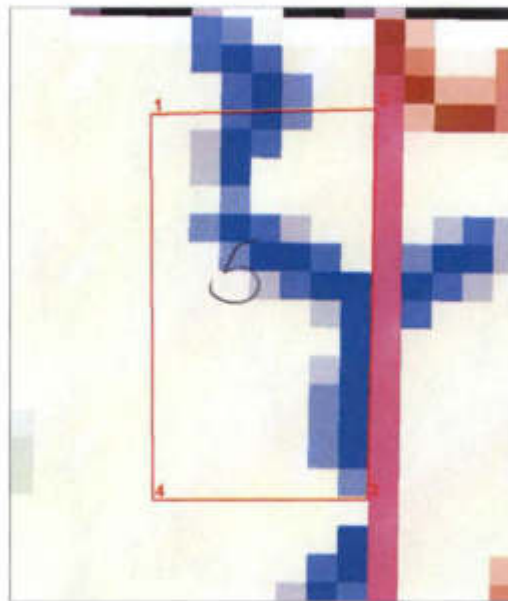
#### Coordinates

Official Area: 18.0213 Ha

Coordinate system: GCS Bessel 1841

Order	Latitude	Longitude
Part 1		
1	20° 27' 52.40" S	15° 17' 04.86" E
2	20° 27' 52.17" S	15° 17' 15.77" E
3	20° 28' 11.30" S	15° 17' 15.33" E
4	20° 28' 11.31" S	15° 17' 04.96" E

#### Shape



*B*