

**CHAPTER 6:**

**PUBLIC CONSULTATION**

**DRAFT REPORT**

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## CHAPTER 6. PUBLIC CONSULTATION

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### 6.1 THE ENVIRONMENTAL SCOPING REPORT

Consultations in Windhoek, Swakopmund and Walvis Bay with the authorities, sectoral groups and the public were undertaken during 20 to 23 September 2011. In addition on 01 November 2011 a fisheries specialist (appointed by the proponent) met with the Confederation of Namibian Fishing Associations (CNFA) and NatMIRC.

The consultation process has been undertaken in accordance with the Environmental Assessment Policy, which was approved in August 1994 by the Namibian Cabinet and subsequently incorporated into the Environmental Management Act (Act No. 7 of 2007).

Namibian Marine Phosphates (Pty) Ltd appointed:

- Windhoek-based Enviro Dynamics (Pty) Ltd to facilitate these meetings;
- Mr. P Morant of the CSIR to verify due protocol was observed and to review the report; and
- Mr. J Midgley of J Midgley and Associates cc, to manage the process.

The draft environmental scoping report for the project “The proposed dredging of marine phosphates from Mining Licence Area 170 Public Consultation and Disclosure was:

- Submitted to MET & MME on 17<sup>th</sup> November 2011<sup>1</sup>;
- Circulated via email notification to all registered I&APs for review, with a review period of two weeks (18<sup>th</sup> November to 02<sup>nd</sup> December 2011), and
- Comments received were compiled and submitted as the Final report to MET & MME in December 2011<sup>2</sup>.

The comments received throughout the process have been integrated into the scope of works of the marine component of the EIA as is relevant. Several of the issues raised have been incorporated as appropriate into the terrestrial component of the Project EIA. These comments have assisted in the establishment of the ToRs for the specialist studies and the EIA itself. These ToRs are detailed in the Appendix 7 of the scoping report.

A summary of the key issues raised through the public participation process is presented below. Full disclosure of the “issues and responses” and reports related to the environmental assessment process are available on the Enviro Dynamics web site: <http://www.envirod.com>.

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<sup>1</sup> Appendix 2f

<sup>2</sup> Appendix 2f

**Table 6.1: Summary of issues resulting from the Public Participation process.**

<b>SUMMARY OF ISSUES raised by public</b>	
<b>Governance</b>	<ul style="list-style-type: none"> <li>• Make public all the directors and shareholders of companies constituting NMP, especially Tungeni Investments.</li> <li>• The validity of the ESIA process without the validity of the EMA of 2007.</li> <li>• The degree of influence public input can have on the outcome of an EIA.</li> <li>• Flawed EIA process for prospecting (Bulk sampling done without an EIA).</li> <li>• Lack of environmental regulations and lack of communication between ministries.</li> <li>• Commit to significant relevant marine system research to understand its processes and its recovery from the impacts of the phosphate project.</li> <li>• Independent monitoring of ongoing activity and obligation to report regularly about environmental and social effects.</li> <li>• Commit to and plan for ecological restoration from the outset.</li> <li>• Lack of capacity of Namibian Government to handle such a project, since it is also a world first.</li> <li>• Allow MFMR to conduct a baseline study of the habitat before the final decisions are to be made.</li> </ul>
<b>The EIA Process</b>	<ul style="list-style-type: none"> <li>• The ML and EPL were granted without an EIA, thus integrity has been compromised.</li> <li>• The precautionary principle should be followed. The proponent has the duty to prove, the absence of scientific certainty is no excuse.</li> <li>• On what basis did MFMR agree to NMPs dredging activity within the 200m depth contour?</li> <li>• Independent review needed of the EIA process.</li> <li>• Brainstorming between scientists and marine practitioners.</li> <li>• Need for deep-sea marine biologist.</li> <li>• Poor scientific baseline data on all aspects of dredging impact.</li> </ul>
<b>Biogeochemical impacts</b>	<ul style="list-style-type: none"> <li>• Consider the footprint of the impact.</li> <li>• Scale and extent of impacts resulting from hydrogen sulphide release on water quality, marine life and aquaculture.</li> <li>• Impacts on the habitats and ecosystem.</li> <li>• The influence of 'fines' (fine sediment particle's) on photosynthesis of phytoplankton.</li> <li>• The release of heavy metals.</li> <li>• Anoxia.</li> <li>• Better understanding of phosphate cycle, especially the role of chemotrophs.</li> <li>• Radioactive status of the marine phosphate vs. phosphate mined on land.</li> </ul>

<b>SUMMARY OF ISSUES raised by public</b>	
	<ul style="list-style-type: none"> <li>• Effects of plume and sediment release on water column and quality, fauna and flora.</li> <li>• Release of nutrients into water column and associated impacts, and change in Redfield ratios.</li> <li>• Consider the Benguela current's flow.</li> <li>• There is a close link between the water column and the sediment layer. It is important to not look at them separately.</li> </ul>
<b>Benthic impacts</b>	<ul style="list-style-type: none"> <li>• Consider meio and micro-benthos as well, not only macro.</li> <li>• Sampling for benthic macro fauna is coarse both in terms of the distance between transects and between sampling stations along the transects</li> <li>• Consider benthic species mapping.</li> <li>• Impacts on the food source.</li> <li>• How localized is disturbance of benthic communication?</li> <li>• Total destruction of the benthic layer and the effect of the possible re-colonization of benthic communities.</li> <li>• Loss of sea life and the resulting economic impact.</li> <li>• Proliferation of bacteria which may affect the quality of the fish.</li> </ul>
<b>Marine fauna – flora impacts</b>	<ul style="list-style-type: none"> <li>• Impact on pelagic species, big and small.</li> <li>• Impacts on hake, monkfish and gobies, also considering their spawning grounds.</li> <li>• Impacts on the Walvis Bay Ramsar site and lagoon.</li> <li>• Impacts on seabirds.</li> <li>• The composition of the species make-up.</li> <li>• Alteration of fish migration patterns and impact on fishing industry.</li> </ul>
<b>Cumulative impacts</b>	<ul style="list-style-type: none"> <li>• The buffer zone around 200m isobaths to prohibit mining.</li> <li>• Rehabilitation and the impact of the project on the whole area over 300 years.</li> <li>• Cumulative effect of additional phosphate mines and the effect on economics, natural environment and socio-economic aspects.</li> <li>• Strategic Environmental Assessment is called for.</li> <li>• Cumulative effects of a number of industrial parks at the coast.</li> <li>• Join the planning for this project with Regional Planning and the long-term planning of the Walvis Bay Municipality.</li> <li>• Consider the cumulative effects of both the onshore and offshore components of the project.</li> <li>• The cumulative impact of diamond and phosphate mining should be assessed.</li> <li>• This project may be the first of many, thus many may follow.</li> </ul>

<b>SUMMARY OF ISSUES raised by public</b>	
<b>Socio-Economic impacts</b>	<ul style="list-style-type: none"> <li>• Employment opportunities on land and onboard the vessel.</li> <li>• Skills transfer.</li> <li>• Impact on marine fauna and flora and associated impact on economics such as job loss in the fishing and aquaculture industries.</li> <li>• Benefits to ordinary Namibians and local economy.</li> <li>• IRR of 25% is low. There is a vast resource, but NMP only intends to mine small quantities. Over supply and price collapse.</li> <li>• Influx of workers adding to the burden on already pressurized resources.</li> <li>• Fishing has been many people’s livelihood for many years, thus a negative impact on marine life can impact this livelihood strategy.</li> <li>• The mining operational area coincides with fishing operations.</li> <li>• Tourism and the new eco-tourism venture near the project site on land.</li> </ul>
<b>Project Matters</b>	<ul style="list-style-type: none"> <li>• Possibility of small-scale pilot operation.</li> <li>• Identify financiers of the project.</li> <li>• Impact of operations on the Kuiseb Delta.</li> <li>• We are attempting something in a third world country that has never been done elsewhere in first world countries. Lack of benchmark to compare project with.</li> <li>• Synergies with Gecko.</li> <li>• Impacts of beneficiation processes.</li> <li>• Limitation at the harbour with bulk handling facilities.</li> </ul>
<b>General</b>	<ul style="list-style-type: none"> <li>• Consider <i>Clostridium botulinum</i>.</li> <li>• Visual pollution.</li> <li>• This information can contribute to the knowledge base of that area since we are now heading towards ecosystem management rather than single stock assessments.</li> </ul>

## 6.2 THE ENVIRONMENTAL IMPACT ASSESSMENT REPORT

This report addressed the full scope of activities of the marine component of the project. The principal components of this report are:

- The description of the identified impacts (Environmental Impact Assessment);
- The determination of the severity of the impacts (Environmental Impact Assessment), and
- The establishment of mitigation measures for those impacts determined to have a significant impact, where such measures mitigate the negative impacts of the project to acceptable levels (Environmental Management Plan Report).

### **6.3 THE EIA & EMPR REVIEW PROCESS**

Review is an integral part of the EIA process. Therefore the EIA and EMPR report are:

- Made available to the all registered I&APs and the relevant authorities for review;
- Made available on the Enviro Dynamics web site: <http://www.envirod.com>, with registered stakeholders advised;
- Made available in public libraries in Windhoek and Walvis Bay with registered stakeholders advised, and
- Provided to MET, MME and MFMR.

The comments received on the EIA and EMPR are seen as critical in the evaluation of the proposed project.

The received comments will be compiled into an integrated report:

- Made available on the Enviro Dynamics web site: <http://www.envirod.com>, with registered stakeholders advised;
- Made available in public libraries in Windhoek and Walvis Bay with registered stakeholders advised, and
- Provided to MET, MME and MFMR.

#### **Approval**

On the completion of these processes the authorities will be in a position to advise the project proponent of their decision.

If the application is successful an Environmental Contract will be established and co-signed by the relevant authorities and the proponent. The EC, a legally binding document will describe the conditions of approval.

### **6.4 RIGHT OF APPEAL**

Section 50 of the Environmental Management Act (Act No 2007) allows for any person aggrieved by a decision of the Environmental Commissioner to appeal to the Minister.

Section 51 of the Act allows for any person aggrieved by a decision of the Minister, to appeal to the High Court.