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REPORT:

ADDENDUM TO THE SCOPING REPORT - JINDAL IRON ORE MINE PROJECT ON EPLS 4194 AND 4013

PROJECT NUMBER: ECC-148-464-REP-20-D

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Project Name:	Addendum to the scoping report - Jindal Iron Ore Mine Project on EPLs 4194 and 4013
Client Company Name:	Jindal Mining Namibia (Pty) Ltd.
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TABLE OF CONTENTS

LIST OF FIGURES

LIST OF TABLES

APPENDICES

ABBREVIATIONS

Abbreviation	Description
CV	curriculum vitae
EAP	environmental assessment practitioner
EC	Environmental Commissioner
ECC_1	Environmental clearance certificate
ECC_2	Environmental Compliance Consultancy
EMA	Environmental Management Act No. 7 of 2007
EPL	Exclusive prospecting licence
ESIA	Environmental and social impact assessment
ESMP	Environmental and social management plan
GDP	Gross domestic product
FYPG	Farm Progress Private ICAO Identifier
FYWH	Hosea Kutako International Airport ICAO Identifier
H.K.I.A.	Hosea Kutako International Airport
I&APs	Interested and affected parties
ICAO	International Civil Aviation Organisation
MC	Mining Commissioner
MEFT	Ministry of Environment, Forestry and Tourism
MME	Ministry of Mines and Energy
WKH	Dr Werder, Kauta & Hoveka Legal Practioners

1 INTRODUCTION

1.1 PURPOSE OF THE COMMENTS CONSOLIDATION REPORT

This document has been compiled following the required period of review to be provided for public and registered interested and affected parties (I&APs) to have access to and opportunity to comment in writing on the draft scoping report for the Jindal Iron Ore Mine on EPLs 4194 and 4013 (the Project) before submission to the Environmental Commissioner.

The revised draft scoping report was completed for the Project and undertaken in accordance with the requirements of the Environmental Management Act, 2007 (Act No. 7 of 2007) and the Environmental Impact Assessment Regulation, 2007 (No. 30 of 2011) gazetted under the Environmental Management Act (EMA), 2007 (Act No. 7 of 2007).

This document compiles all comments received during the public review periods from registered I&APs during the first and second rounds of public review of both revision 1 (Rev01) and 2 (Rev02) of the draft scoping report; and presents the responses from ECC as the appointed environmental assessment practitioner (EAP) for the Project, Jindal Mining Namibia (Pty) Ltd (herein referred to as the Proponent) and specialists engaged in the assessment.

2 SUMMARY OF COMMENTS FROM I&APS

2.1 INTRODUCTION

In accordance with the Regulations of the EMA 2007, on the 21st of June 2024, the draft scoping report was circulated electronically to all registered interested and affected parties (I&APs) and identified key stakeholders for a period of 14 days (from 21 June 2024 to 5 July 2024). Submissions received from individuals were collated in a separate "Comments and Responses" table presented in Table 1. On the 12th of July, the final scoping report was also circulated to registered I&APs. Upon receiving feedback from the I&APs, this final scoping report was amended and then re-circulated to I&APs as the revised draft scoping report for another round of public review on the 13th of August for a period of 7 days (from 13 August 2024 to 20 August 2024). Submissions received from I&APs are collated in a separate "Comments and Responses" table presented in Table 2.

2.2 KEY FEEDBACK ON ISSUES OF CONCERN

The draft scoping report was provided to all I&APs, identified stakeholders and made publicly available on ECC's website. This public review period is set out to solicit comments, and feedback, and allow genuine participation in the final phase of the ESIA process. The key area raised from the review of I&AP comments can be summarised as follows:

Impact of the Project on Biodiversity and Local Tourism

The Project is located in a prominent tourism hotspot, surrounded by numerous high-end lodges, guesthouses, and hunting farms. The potential impacts of the Project on local biodiversity and Tourism expressed by I&APs include:

- Increased dust affecting air quality,
- Elevated noise levels from blasting and truck movements,
- Light pollution,
- Land clearing impacting biodiversity,
- Increased crime and poaching.

The value offered by these establishments is largely derived from the scenic aesthetics of the biophysical environment in which they are situated. The construction and operation of the project may adversely impact the area's aesthetics and biodiversity by obstructing scenic views, driving away wildlife, increasing light pollution, and elevating dust and ambient noise levels. This may reduce the value of these properties and diminish their attractiveness as eco-tourist destinations, resulting in a loss of revenue for affected businesses and adversely impact the tourism industry in the area.

Various specialist assessments have been scoped and are now underway to understand the extent of the identified impacts as well as the best ways to mitigate and manage them.

<u>Displacement of Residents from their Homes</u>

The EPLs comprise several farms and residential properties. Many of the affected farmers and residents worry that they will ultimately be displaced from their homes and farms due to the Project's impacts and operations. Farm owners and residents have expressed strong concerns over the potential displacement from their homes due to the proposed development of a mine on their properties. They fear the loss of their homes, and livelihoods, which are intrinsically linked to the land they have occupied for several decades. The prospect of being uprooted from their communities and the disruption of their tourism and agricultural activities are major points of distress.

The proponent understands and deeply respects the concerns expressed by farm owners and residents regarding potential displacement from their homes due the Project. It is not the Proponent's intention to disrupt the lives and livelihoods of the community. The Proponent is committed to working collaboratively with all stakeholders to find mutually beneficial solutions. This includes exploring alternative land use plans, offering fair compensation, and ensuring that any relocation, if absolutely necessary, is conducted with utmost care and respect for the affected families.

2.3 SUMMARY OF FEEDBACK FROM THE REVISED DRAFT SCOPING REPORT

The general concerns from Dr Werder, Kauta and Hoveka Inc. Legal Practitioners, Notaries and Conveyancers (herein referred to as WKH), on behalf of their clients, whom now includes the majority of private farm owners which the boundaries of EPLs 4013 and 4194 surround or are located adjacent to, focus on potential "material irregularities" regarding the renewal of EPL 4013 by the MME, the procedure followed by the EAP in conducting the ESIA public consultation process, as well as additional environmental and social impact concerns regarding the proposed Project. The full summary of the communications between WKH, the EAP and the Mining Commissioner (MC) of MME is detailed below in Table 2.

<u>Renewal and non-reduction of EPLs 4013 and 4194:</u>

Letters sent by WKH to the MC on 24 April 2024, 16 July 2024 and 30 July 2024, detail WKH's investigation into the renewals of EPL 4013 and EPL 4194. WKH's 16 July 2024 letter details that EPL 4013 was renewed six times from 19 June 2008 to 6 November 2024, allegedly in excess of the legally permissible limit in accordance with the Minerals (Prospecting and Mining) Act, 1992 Section 71, with EPL 4013 receiving an additional four-month extension from November 2024 to March 2025. Moreover, EPL 4013 was renewed for prospecting area sizes that allegedly do not comply with the prescribed limits outlined in the Act. WKH subsequently requested proof of the Minister's approval as required under sections 71(2) and 71(2)(b) of the Act, as well as the signed meeting minutes held to confirm such approval made by the Minister of MME.

The MC responded to WKH's 24 April 2024 letter on 22 July 2024 with a letter stating that the Minister has the authority to renew a licence if deemed desirable and in the interest of developing the mineral resource, even beyond a third renewal, without a specified timeframe. In the case of EPLs 4013 and 4194, the MC stated that the discovery of a mineral resource required further exploration activities to fully assess the resource, leading to the renewal of the EPLs.

On 30 July 2024, WKH sent a response letter to the MC regarding the MC's 22 July 2024 response letter alleging that, based on WKH's inspection of the MME's file on EPL 4013, the renewals and non-reduction of the EPL 4013 prospecting area was done contrary to law because the Mining Commissioner acted *ultra vires* and outside the scope of his authority, because the Minister had not granted the approvals required by the Act. WKH further requested the MC provide WKH, in respect of both the decision to approve the renewals as well as the decision which led to the non-reduction of the prospecting area for EPL 4013, with the approvals granted by the Minister and the signed and approved minutes of the relevant meetings where such approval was granted.

Procedure followed by the EAP for the ESIA public consultation process as per the EMA and its associated regulations:

On 15 April 2024, WKH notified ECC that they were acting on behalf of their client, Mr. Robert Douglas Wirtz, the owner of Farm Koanus No. 121. WKH requested, in accordance with sub-regulation 21(2), confirmation of whether the following public consultation measures were followed:

- Posting notice boards in a publicly visible location.
- Providing written notice to the owners and occupiers of land adjacent to the site, the local authority council, regional council, traditional authority, and any other relevant state body.
- Publishing advertisements once a week for two consecutive weeks in at least two national newspapers.

WKH also requested a list of all Interested and Affected Parties (I&APs) who were notified about the project as well as access to the I&AP register. WKH also stated that the above-mentioned notices must indicate that the application will be submitted to the Environmental Commissioner. ECC responded to WKH on 24 May 2024 with a letter providing proof of all the measures complied with as stipulated in sub-regulation 21(2) of the Regulations.

Furthermore, in a letter sent to ECC on 18 July 2024, WKH requested that the EAP disclose to the competent authority and Environmental Commissioner (EC) all material information in the possession of the EAP that reasonably has or may have the potential of influencing any decision to be taken with respect to the Project application, in accordance with sub-regulations 4(c) and (d) of the Environmental Impact Assessment Regulations No. 30 of 2012. Regarding the final scoping report submitted to the competent authority and circulated amongst I&APs, in the same letter, WKH also noted that the CV of the EAP who prepared the report was not included, as required by sub-regulation 8(a), and that its annexures did not contain the letter sent by WKH to the EAP on 15 April 2024 nor the email sent by WKH to ECC on 24 May 2024. Proof of the above mentioned was requested of the EAP by WKH.

In a response letter sent to WKH on 5 August 2024, ECC confirmed that all material information was shared with MME, MEFT, and registered I&APs. ECC acknowledged that the "Appendix - EAP CVs" was not included in the table of contents of the scoping report, but that EAPs are required to submit the annexure to MEFT when uploading the final scoping report via the MEFT online portal. ECC further informed WKH that the inclusion of "Appendix - EAP CVs" would be included in a revised draft version of the scoping report that would be re-circulated for a second public review period. ECC further explained that WKH's communications were excluded from the public consultation document since WKH was not currently registered as an I&AP, but would be added with WKH's consent. ECC also invited WKH to register as an I&AP for the proposed Project and provided WKH with the relevant registration form to do so.

Revised Draft Scoping Report I&AP Comments:

On 20 August 2024, WKH sent ECC a letter registering WKH as an I&AP as well as stating that WKH is now authorised to represent the following affected farm owners:

- Mr Robert Douglas Wirtz of Farm Koanus No 121
- Ms Antje Kesselmann of Farm Progress No 506
- Mr Rainer Halenke of Farm Hohenau No 81
- Mr Johan Kotze of Farm Wolfsgrund No 122, Farm Rainhof No 123, and Farm Otjimukona No 532
- Mr Jorn Bremmand of Farm Grasland No 80 and Farm Neu Bismark No 426

Furthermore, WKH requested that all letters between WKH and the MC should be disclosed to the EC by the EAP, that WKH may institute formal legal action against the MC, and that WKH continues to engage with the MC regarding the alleged material irregularities with regard to the renewal and non-reduction of EPL 4013.

Regarding WKH's EAP public consultation process concerns, WKH requested that the EAP amend the revised final scoping report and annexures to include:

- The issues raised in WKH's 15 April 2024 letter and 24 May 2024 email to ECC,
- WKH's concerns regarding the potential impact on property values of affected farms,
- WKH's request for additional environmental impact specialist studies,
- The location of potentially affected graves, and
- Additional general concerns.

These requested revisions have been included in this Rev03 Addendum to the Scoping Report Annexure in this section, Table 2 below, and Appendix A below.

3 DRAFT SCOPING REPORT – COMMENTS AND RESPONSES

Table 1 - I&AP comments and responses from comments received on 5 July 2024:

Stakeholder Details	I&APs Question/Comment	EAP Response
Renate and Wolfgang Raith **Sonja and Mike Kibble with Cara and Alec** **Antje and Heiko Kesselmann with Luca and Leo** **Gabriela and Jürgen Senke with Luke** **Mike Kibble Safaris / Progress Farming & Guest Farm / Progress Park & Fly / Progress Private Airfield (FYPG)**	About 30 graves from the previous century	A heritage/archaeological assessment will be conducted to identify and assess potential impacts on archaeological/heritage resources arising from the proposed activities. Mitigation and management measures recommended as an outcome of the assessment will be incorporated into the Project's environmental management plan. The location of the suggested 30 graves has been requested by the EAP from the I&AP who submitted this comment.
	Complete destruction of environment to operate exclusive hunting safaris	A biodiversity assessment will be conducted to define the bio-physical (vertebrate fauna; including avian species & flora) environment relevant to the project area(s) and assess the significance and impact of construction and long-term operation of the various project components on the fauna and flora at the proposed site. Mitigation and management measures recommended as an outcome of the assessment will be incorporated into the Project's environmental management plan.
	Loss of natural surroundings to operate guest farms for international tourists	A visual assessment will be conducted to evaluate the potential visual effects of a proposed development or project on the landscape and viewsheds. Mitigation and management measures recommended as an outcome of the assessment will be incorporated into the Project's environmental management plan.

Stakeholder Details	I&APs Question/Comment	EAP Response
	Drop of water level of entire area Large-scale water & aquifer contamination	A hydrological and hydrogeological impact assessment will be conducted to assess surface and groundwater quality and quantity relevant to the Project while assessing the significance of development and environmental impact that the Project may have on the hydrological/hydrogeological environment and other users at the proposed Project site. A geochemical impact assessment will be conducted to assess the potential of waste rock to produce acid that may lead to acid mine drainage during leech events and the impacts that this may have on the biotic and hydrologic/hydrogeological environments and provide mitigation measures.
	Large scale air & dust pollution (also for international airport)	An air quality assessment will be conducted to evaluate the potential air quality impacts of the Project on surrounding sensitive receptors, including residents, local projects/businesses, local aerodromes (e.g. FYWH and FYPG) and the tourism sector.
	Sharp increase in poaching, trespassing Sharp increase in criminal activities	Security measures will be implemented to monitor the access of individuals to the camp and mine site, including rigorous checks for those entering and leaving. Mine employees will travel by company-arranged buses to and from the camp at the end of their shifts. Employees will undergo search procedures on entering and leaving the site. The workers will have access to various amenities such as three meals per day, laundry and cleaning services, recreational activities, and a kiosk, which will provide for their basic needs within the camp.

Stakeholder Details	I&APs Question/Comment	EAP Response
	Loss of our family home for 40 years (40+ family members)	Should anyone need to be relocated, or any business be lost due to the operation of the mine, reasonable compensation will be provided.
	Loss of farmyard to operate our park & fly business	
	Our workers and their families loose their homes (about 20 people)	
	Loss of our entire cattle farming operation, running in excellent condition for over 40 years	A Socio-economic impact assessment will be conducted to evaluate the current socio-economic state of the area and its inhabitants. Should anyone need to be relocated, or any business be lost due to the operation of the mine, reasonable compensation will be provided.
	Loss of our ability to produce food for Namibia	
	10 employees loose their permanent work	Should anyone need to be relocated, or any business be lost due to the operation of the mine, reasonable compensation will be provided.
	Significant noise pollution, spoiling our country environment	A noise impact assessment will be conducted to assess the potential noise impacts of the proposed project on surrounding sensitive receptors, including residents, businesses, wildlife, and the tourism sector. While identifying potential impacts, the assessment will also evaluate increased noise effects, and provide recommendations to manage and mitigate these impacts.
	Impact on gravel road M51	A traffic assessment is being conducted for potential traffic impacts of the proposed project on surrounding sensitive receptors, including residents, businesses, commuting traffic, and the tourism sector. Mitigation and management measures recommended as an outcome of the assessment will be incorporated into the Project's

Stakeholder Details	I&APs Question/Comment	EAP Response
		environmental management plan. Additionally, the mine will ensure the continued maintenance of the M51.
	Loss of private airfield for flying	An air quality assessment will be conducted to evaluate the potential air quality impacts of the Project on surrounding sensitive receptors, including residents, local projects/businesses, local aerodromes (e.g. FYWH and FYPG) and the tourism sector. Should an airfield need to be relocated, or any aviation related business be lost due to the operation of the mine, reasonable compensation will be provided.
	Current lifestyle estate plans in the pipeline now impossible	Comment noted.
	Loss of fencing, infrastructure, buildings, pipelines, water installations	Should there be any damage to local infrastructure by the mine, reasonable compensation will be provided.
	What assurance do we have that local Namibians and NOT foreigners /Mauritians / Indians will be employed?	The proponent is committed to prioritizing local hiring and ensuring that the benefits of this project are realized within the Namibian community. Furthermore, the Proponent has established a local hiring policy that prioritizes Namibian candidates for all job openings. This policy is designed to maximize the employment opportunities for local residents and ensure that the community directly benefits from the mine's operations.
	In the past, during the initial prospecting phase, Jindal lost the court case due to numerous transgressions. So, if that is their track record, how will the rest going to be?	The Proponent has confirmed that this comment is misrepresented as there is no court case. Jindal has been operating in a responsible manner internationally operating in several jurisdictions and international operations.

Stakeholder Details	I&APs Question/Comment	EAP Response
		Furthermore, the Proponent will comply with all relevant Namibian regulations, are committed to following international and Namibian mining best practices and standards and are doing a robust ESIA to ensure all potential environmental and socio-economic impacts are identified, addressed and mitigated through a robust Environmental and Social Management Plan (ESMP). If there is a Jindal related court case that are aware of, please feel free to inform the EAP with specific details.
	Blasting process's impact on buildings, the international airport and its effect on tourism as the biggest contributor to GDP	A blast and vibration assessment will be conducted to assess the impacts of blasts and vibrations that emanate from operations at the proposed Jindal Iron Ore Mine site on nearby farms, communities, lodges, wildlife and the H.K.I.A. The assessment will evaluate the cumulative impacts of project operations and provide recommendations to manage the potential effects.
	Concern about the ability to rehabilitate the area at the end of the mining phase	Ways in which to rehabilitate during and post-closure will be looked at as part of the closure plan which will be developed to meet the standards requirements of the draft Namibian Mine Closure Framework and international best practices before the construction and operation of the mine take place.

Table 2 - A summary of the communications between WKH, the EAP and the MC – MME.

Summary of Letter	Response
WKH Letter sent to ECC on the 15th of April 2024 via email (included in Attachment B – Public Consultation Document to the revised draft scoping report)	

• Letter submitted in reference to stakeholder letter submitted on the 28th of March 2024 to potentially interest and affected parties.
• WKH submitted a letter to the EAP informing the EAP that they were acting on behalf of their client Mr. Robert Douglas Wirtz, owner of Farm Koanus No. 121.
• WKH requested in terms of sub regulation 21(2), whether the following public consultation measures were adhered to:
  o Fixing of notice boards in a conspicuous place to the public
  o Giving written notice to the owners and occupiers of land adjacent to the site, local authority council, regional council, traditional authority and any other organ of state having jurisdiction in respect to any activity
  o Advertisements once a week for two consecutive weeks in at least two national newspapers.
• Provide a list of a all I&APs, that were notified and request access to I&AP register.
• The abovementioned notices must state that the application is to be submitted to the Environmental Commissioner.
	The EAP sent a response letter to WKH via email on the 24th of May 2024.
	
	The letter detailed the steps taken by the EAP to fulfill sub regulation 21(2) of the EMA (included in Attachment B – Public Consultation Document to the revised draft scoping report).

<table>
<tr><th colspan="2"><u>WKH Letter sent to the MC (MME) on the 24th of April 2024 via email (included in Attachment B – Public Consultation Document to the revised draft scoping report)</u></th></tr>
<tr><td>• WKH submitted a letter to the MC informing the MC that they were acting on behalf of their client Mr. Robert Douglas Wirtz, owner of Farm Koanus No. 121.
• EPLs 4013 and 4194 held by brake Trading (Pty) Ltd were renewed several times over a period of 17 years, ten years in excess of the legally permissible limit in accordance with the Minerals (Prospecting and Mining) Act, 1992 (herein referred to as the Act), Section 71.
• WKH further requested proof of the ministerial approval as per Section 71 (2) of the Act.</td><td>The EAP did not respond to this letter as it was addressed to the Mining Commissioner, however this letter has been included in the revised draft scoping report Attachment B – Public Consultation Document submitted to both the MC at MME and the EC at MEFT for their review.</td></tr>
<tr><th colspan="2"><u>WKH email sent to ECC on the 24th of May 2024 (Figure 1)</u></th></tr>
<tr><td>1. Please see attached hereto our letter submitted to the Commissioner of Mines, for your records.
2. Kindly furnish us with a reply to our letter sent on 15 April 2024.</td><td>The EAP responded to this email on the 24th of May with the requested response letter to WKH's letter sent to the EAP on the 15th of April 2024.</td></tr>
<tr><th colspan="2"><u>WKH Letter sent to the MC (MME) on the 16th of July 2024 (Figure 2)</u></th></tr>
<tr><td>• Was a follow up letter to the letter sent to the MC on the 24th of April 2024.
• The letter furthered WKH's investigation into the renewals of EPL 4013 and EPL 4194. Of which EPL 4013 had been renewed six times as well as renewed for an additional 4 months from November 2024 to March 2025.
• Further to this, EPL 4013 was renewed for prospecting area sizes contrary to the prescribed sizes contained in the Act.</td><td>The EAP did not respond to this letter as it was addressed to the Mining Commissioner, however this letter has been included in the revised draft scoping report Attachment B – Public Consultation Document submitted to both the MC at MME and the EC at MEFT for their review.</td></tr>
</table>

• WKH subsequently requested the approval granted by the Minster as per section 71(2) and 71(2) (b) of the Act.	
WKH Letter sent to ECC on the 18th of July 2024 via email (Figure 3)	
• This letter requested for proof that all material information received by the EAP from the Proponent should be disclosed to the EC as per sub regulations 4 (c) and (d) of the Environmental Impact Assessment Regulations No. 30 of 2012 (herein referred to as the Regulations). • With regard to the final scoping report submitted: o the CV of the EAP who prepared the report could not be located as per sub regulation 8(a). o The scoping report and the attached annexures did not include the letter sent by WKH to the EAP on the 24th of May 2024. • Proof of the abovementioned point was requested.	The EAP submitted a response to this WKH letter via email on the 5th of August 2024 (shown in Figure 6). In the EAP's response letter: • The EAP informed WKH that all material information within their possession has been disclosed to MME as the competent authority, MEFT and registered I&APs. • The EAP informed WKH that EAP CVs are submitted as part of the ECC application on the MEFT portal, but thanked WKH for noting that the EAP CVs were not listed as an appendix in the scoping report and assured WKH that this would be rectified, and a revised scoping report would be re-circulated for another round of public review. • Regarding the claim that material issues raised in WKH 15th of April 2024 letter and 24 May 2024 email were omitted from the scoping report Appendix B – Public Consultation Document, the EAP informed WKH that WKH had not, to date requested to be registered as an I&AP and therefor, communications between WKH and the EAP were not included in the public consultation document. However, upon request and with WKH's consent, these communications would be included in the public comments document and addendum report as appendices to the revised scoping report. This was included in the revised scoping report. • The EAP also encouraged WKH to officially register as an I&AP and provided the I&AP registration form.

<table>
<tr><th colspan="2"><u>MC response letter to WKH on the 22nd of July 2024 (Figure 4)</u></th></tr>
<tr><td>The MC informed WKH that the Minister has the right to renew a licence if it is desirable and in the interest of the development of the mineral resource on a third or subsequent number of occasions.
In regard to EPLs 4013 and 4194, due to the mineral resource discovered, more exploration activities were necessary to delineate the resource and thus the EPLs were renewed.</td><td>WKH submitted a response to this letter to the MC on the 30th of July 2024 (shown in
Figure 5).
WKH informed the MC, that the MC at the time of the renewals acted outside of their jurisdiction as the granting of the additional years, beyond the 7 years stated in the Act as well as the approval of the non-reduction of the EPLs was only the Minister's right to grant such extensions.
The proof of the approvals by the Minister as stated being attached to the MCs letter was not attached.
WKH requested proof of the approval of the renewal and non-reduction of EPL 4013 by the Minister as well as proof of the signed and approved minutes of the relevant meetings where such approval was granted.</td></tr>
<tr><th colspan="2"><u>WKH Letter sent to ECC on the 20th of August 2024 via email (Figure 7)</u></th></tr>
<tr><td>This WKH letter was in response to the EAP's 5th of August 2024 letter.
WKH is now authorized to represent Mr Robert Douglas Wirtz of Farm Konanus No. 121, Ms Antje Keselmann of Farm Progress No.</td><td><u>EAP Response:</u></td></tr>
</table>

506, Mr Rainer Halenke of Farm Haohenau No. 81, Mr Johan Kotze of Marula Game Ranch, Farm Wolfsgrund No. 122, Farm Rainhof No. 123, and Farm Otjimukona No. 532, and Mr Jorn Bremmand of Farm Grasland No. 80 and Farm Neu Bismark No. 426.	• The EAP has noted that WKH is now authorized to act on behalf of these farm owners.
<u>Continued engagement with the MC</u> • Submission of letters to the EAP documenting the communication between WKH and the MC of MME. • Request of receipt of proof that the above letters submitted to the EAP have been submitted to the EC of MEFT	**<u>Continued engagement with the MC</u>** • This comment has been noted and all communications between WKH and the EAP will be included in the scoping report appendices depending on the date of receipt, either Appendix B • Public Consultation Document (for communications dated on or before the 21st of June 2024) or Appendix C – The Addendum Report (for communications dated on or after the 12th of July 2024). This will be shared with WKH and I&APs once the revised final scoping report is submitted to the competent authority - MME and MEFT for a record of decision.
<u>Scoping Report and concerns</u> • WKH requested a revision of the scoping report to include all letters and annexures submitted to the EAP. • In terms of the Gazette 8402 of 2024 and per section 4 (1)(b) of the Local Authorities Act, 1992 the boundaries of the local authority of Windhoek have been altered to add Farm Koanus No. 121, Portion A of Farm Stolzenfeld No. 89, the remaining extent of Altz-Farm Stolzenfeld No. 442, Farm Waldburg No. 82, Portion 1 of Farm Elisenhohe No. 88 and the remaining extent of Farm Elisenhohe No.	**<u>Scoping Report and concerns</u>** • All communications between WKH and the EAP will be submitted to the MC at MME and the EC at MEFT for their review. • This comment has been noted and the potential impact will be assessed in the socio-economic study as part of the detailed environmental and social impact assessment (ESIA).

88. This development has resulted in the value of the farms increasing significantly, which value will be severely diminished should this project be allowed to continue. **Additional Studies** • We herewith request that the following studies be performed to address our Clients' concerns, and look forward to receipt of all studies done or to be done regarding the project: o hydraulic study; o geo-hydraulic study; o aquatic study; o acid drainage study; o an environmental impact assessment of the harbour to be used for exportation of the products produced; o land use assessment; and o geochemical assessment – both static and kinetic	**Additional Studies** • This comment has been noted. • The requested hydraulic and geo-hydraulic studies have been commissioned and the outcomes of those assessments will form part of the ESIA. • An aquatic study has not been deemed necessary as per the findings of the scoping study. However, should you possess more information as to why this study is vital, please do share that with the EAP. • A geochemical study will be commissioned of which potential acid drainage impacts will be assessed. The outcomes of that assessment will form part of the ESIA. • The harbour does not form part of the scope for this Project and therefore, any potential impacts to the harbour due to the exportation of the products produced will not be assessed in this assessment. However, should you possess more information as to why this study is vital, please do share that with the EAP. • A soil and land use study has been commissioned and the outcomes of that assessment will form part of the ESIA. • A geochemical assessment will be commissioned that will include static testing. Based on the results of the static testing, further

	kinetic testing will be conducted if deemed necessary. The outcomes of the geochemical assessment will form part of the ESIA.
Graves There are graves located at the Ou huis Post, corner of M 51 & D 1458	**Graves** • A heritage and cultural study has been commissioned and the outcomes of that assessment will form part of the ESIA. The Heritage Impact Assessment Specialist commissioned has been made aware of this comment.
General Concerns Our clients would like to reiterate the following concerns to be taken into account: o mass loss of employment; o damage to the vibrant tourism industry in the area, which is a valuable part of the Namibian economy o viability and feasibility concerns of an iron ore mine in the areas in question, especially in light of similar activities previously attempted be undertaken in said area.	**General concerns** • A socio-economic study has been commissioned and the impact of the Project on employment and tourism will be assessed as part of that study and will form part of the ESIA. • The Proponent is currently undertaking a definitive feasibility study to assess the viability and feasibility of the Project. The outcomes of that assessment will be made available to the public once complete.

4 ACKNOWLEDGEMENTS

Through the ESIA process, the Proponent and ECC have endeavoured to provide a platform to hear and address all relevant comments put forward by I&APs. ECC would like to thank the I&APs and stakeholders for providing feedback during the scoping phase of the ESIA process.

We acknowledge and appreciate the time required to review these documents and ECC genuinely appreciates the input provided by I&APS. ECC acknowledges that constructive feedback results in an improved ESIA and a project that is understood by the community and I&APs.

APPENDIX A – LETTERS RECEIVED FROM I&APS

Matt Totten <mtotten@eccenvironmental.com>

Fwd: JINDAL IRON ORE PROJECT ON EPLS 4013 AND 4194

Jané Louw <louw@wkh-law.com> Fri, May 24, 2024 at 9:15 AM
To: Stephan Bezuidenhout <stephan@eccenvironmental.com>, "mtotten@eccenvironmental.com" <mtotten@eccenvironmental.com>
Cc: "jessica@eccenvironmental.com" <jessica@eccenvironmental.com>, Juzelri Moolman <moolman@wkh-law.com>, "info@eccenvironmental.com" <info@eccenvironmental.com>, Abe Malherbe <malherbe@wkh-law.com>

Good Day,

Trust you are well.

1. Please see attached hereto our letter submitted to the Commissioner of Mines, for your records.
2. Kindly furnish us with a reply to our letter sent on 15 April 2024.

Sincerely,

JANE LOUW

ASSOCIATE

BSC BCOM LLB

T: +264 (0) 61 275 550 | F: +264 (0) 61 238 802

www.wkh-law.com

3rd Floor, WKH House, Ausspannplatz Jan Jonker Road, Windhoek, Namibia

P.O. Box 864/822 Windhoek

DR WEDER, KAUTA & HOVEKA INC.

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Figure 1 - WKH email sent to ECC on the 24th of May 2024.

LETTER TO THE MME MINING COMMISSIONER SENT FROM WKH LEGAL PRACTITIONERS ON 16 JULY 2024:

DR WEDER, KAUTA & HOVEKA INC.

WINDHOEK
WKH House
Jan Jonker Road
Ausspannplatz
PO Box 864/822
Namibia
Tel: +264 61 275 550

ONGWEDIVA
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Tel: +264 65 230 014

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Tel: +264 64 447 100

WALVIS BAY
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Cnr of Theo Ben Gurirab
Ave & Johnson Fwafwa
Mabakeng Street
PO Box 4500
Namibia
Tel: +264 64 211 880

GROOTFONTEIN
23B Hidipo Hamutenya
Street, PO Box 29240,
Namibia
Tel: +264 67 248 700

DIRECTORS
A Swanepoel, B.Com LLB
P U Kauta, B.Jur LLB
A A J Naude, B.Jur LLB
C H Visser, BA LLB
C R J Potgieter, B.Com LLB
F N Kishi, B.Proc
L T van den Berg, BLC LLB
R B Strauss, B.Com LLB
B Greyvenstein, B.Proc
V M Hanongo Halkali, LLB
M D Erkana, LLB
P H K Botha, B.Com LLB
R Brayer, LLB
C M Tjihero, B.Jur LLB
R J Matherbe, B.A LLB
M U Kuzeeko, LLB, LLM (Tax)
H van Schalkwyk, LLB
L Martins, B.A LLB
T Lwindiso, B.Jur, LLB, M.Eng
S Wagner, B.A, LLB

ASSOCIATES
S Mariz, B.Jur LLB
D F Malherbe, B.Proc B.A (Hons)
W H Visser, B.A LLB
G Louw van Wyk, B.A LLB
J G van der Merwe, B.A LLB
A I Dos Santos, B.A LLB, LLM
M Tjitaero, B.Jur LLB
P M Hango, B.Jur LLB
E M T Shigwedha, B.Jur LLB
S Venter, LLB
S P Paulus, LLB
C Turck, LLB
T Martin, BSOC, LLB
S H Jansen, LLB, LLM
A Kühner, B.Com, LLB
S Louw, B.Sc, B.Com LLB
J Moolman, B.A. LLB, LLM
C V Vogel, LLB

CONSULTANTS
S Cowley, [illegible] LLB

DR WEDER, KAUTA & HOVEKA INCORPORATED
Reg. No. 2006/127
VAT No. [illegible]
www.wkh-law.com
Authorised and Regulated by the Law Society of Namibia

16 July 2024

The Commissioner of Mines
Ministry of Mines
6 Aviation Road
Windhoek
Namibia

Our Ref: JL/102979
Reply To: commercial.secretary@wkh-law.com
Enquiries: Ilga van Wyk
Your Ref: EPLS 4013, 4194
ATT: Isabella Chirchir

Dear Madam

RE: EPL 4013 and EPL 4194

1. Our letter dated 24 April 2024 bears reference and we confirm that we are still awaiting a formal response thereto.

2. We confirm that we continue act on behalf of Mr. R.D. Wirtz (**"Client"**), who has instructed us to address this letter to you.

3. We confirm that we received the Ministry's file contents for EPL 4013, but not for EPL 4194.

4. After perusing the file contents, the following facts have become evident.

	Application date	Term (Dates)	Term (years)	Area (ha)
Original application	6 March 2008	19 June 2008 – 18 June 2011	3	30 000
1st Renewal	13 June 2011	19 June 2011 – 18 June 2013	2	30 000
2nd Renewal	25 March 2013	19 June 2013 – 18 June 2015	2	30 000
3rd Renewal	9 May 2015	19 June 2015 – 18 June 2017	2	30 000
4th Renewal	22 March 2017	19 June 2017 – 18 June 2019	2	29 964.7296

5th Renewal	22 May 2019	26 March 2020 – 25 March 2022	2	21 679.9218
6th Renewal	28 January 2022	7 November 2022 – 6 November 2024	2	21 679.9218

5. According to the Ministry's file, the expiry date of EPL 4013 is 6 November 2024. However, according to the Ministry's Cadastre Map, it only expires on 25 March 2025.

6. Section 71 of the Minerals (Prospecting and Mining) Act, 1992 (**"Act"**) states the following:

   (1) Subject to the provisions of this Act, an exclusive prospecting licence shall be valid –

   (a) for such period, not exceeding three years, as may be determined by the Minister at the time of the granting of such licence; and

   (b) for such further periods, not exceeding two years at a time, as may be determined by the Minister at the time of the renewal of such licence as from the date on which such licence would have expired if an application for its renewal had not been made.

   (2) An exclusive prospecting licence shall not be renewed on more than two occasions, unless the Minister deems it desirable in the interests of the development of the mineral resources of Namibia that an exclusive prospecting licence be renewed in any particular case on a third or subsequent occasion.

7. Thus, in terms of section 71 of the Act, an exclusive prospecting licence may not be granted for a period exceeding 3 years, and thereafter, the exclusive prospecting licence may be renewed only twice for periods not exceeding 2 (two) years at a time, save where the Minister deems it appropriate to renew an exclusive prospecting licence for a third or subsequent time.

8. EPL 4013 was evidently renewed 6 times for periods of 2 years each, and it appears that a 7th renewal took place for a period of 4 months, causing EPL 4013 to expire in March 2025.

9. Furthermore, section 72(1)(b) of the Act states the following:

   An application for the renewal of an exclusive prospecting licence shall not be made

   (i) in the case of a first application for the renewal of such licence, in respect of any land greater in extent than 75 per cent of the prospecting area in respect of which such licence has been issued; or

   (ii) in the case of any other application for the renewal of such licence, in respect of any land greater in extent than 50 per cent of the prospecting area existing at the date of such application

3

without the approval of the Minister, granted in the interest of the development of the mineral resources of Namibia and on good cause shown by the holder of the exclusive prospecting licence in question.

10. Thus, the first renewal of an EPL may only be for 75% of its prospecting area, and any subsequent renewal may only be for 50% of the prospecting area of the previous renewal.

11. EPL 4013 was renewed 3 (three) times for 100% of its prospecting area. Its 4th renewal was for a size of 99.88% of the prospecting area. Its 5th renewal was for a size of 72.35% of the prospecting area. Its 6th renewal was again for 100% of the prospecting area.

12. The renewal of EPL 4013 by the then Mining Commissioner shows a blatant disregard for the law, and the Mining Commissioner acted *ultra vires* in that he acted beyond the scope of his powers and authority by –

    12.1. renewing EPL 4013 6 times, where the Act only allows for 2 renewals; and

    12.2. renewing EPL 4013 for prospecting area sizes which are contrary to the prescribed sizes contained the Act;

    without the requisite and prescribed approval granted by the Minister.

13. In the premises, please provide us with -

    13.1. the approval granted by the Minister contemplated in section 71(2) and 72(1)(b) of the Act, and

    13.2. the signed and approved minutes of the relevant meetings where such approval was granted,

    within 30 days of receipt of this letter, failing which our Client will approach the High Court of Namibia for the setting aside of the granting of all renewals of EPL 4013, as well as launching a formal investigation of corruption into the Ministry of Mines and Energy.

14. Our Client reserves his right pursue any other action available in terms of any other laws, and furthermore reserves his right to institute any action it deems fit in relation to EPL 4194.

Kind regards,

DR. WEDER, KAUTA & HOVEKA INC.
PER: J MOOLMAN

Criminal syndicates may attempt to induce clients to make payments due to WKH Inc. into bank accounts that do not belong to WKH Inc. This form of fraud may be perpetrated through e-mails, letters and electronic or other correspondence that may appear to have emanated from WKH Inc. Before making any payment to WKH Inc., clients must ensure that the account into which payment will be made is a legitimate bank account of WKH Inc. If at any time clients are not certain of the correctness of the bank account into which a payment due to WKH Inc., will be made, clients should immediately contact WKH Inc.

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Figure 2 - Letter to the MME Mining Commissioner sent from WKH Legal Practitioners on 16 July 2024.

LETTER TO ECC SENT FROM WKH LEGAL PRACTITIONERS ON 18 JULY 2024:

DR WEDER, KAUTA & HOVEKA INC.
LEGAL PRACTITIONERS | NOTARIES | CONVEYANCERS

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Namibia
Tel: +264 64 211 880

GROOTFONTEIN
23B Hidipo Hamutenya Street, PO Box 29240,
Namibia
Tel: +264 67 248 700

18 July 2024

Our Ref: MAT102979
Reply To: commercial.secretary@wkh-law.com
Enquiries: Ilga van Wyk
Your Ref: ECC-148-464-LET-07-A

ENVIRONMENTAL COMPLIANCE CONSULTANCY (PTY) LTD
PO BOX 91193
KLEIN WINDHOEK
WINDHOEK

Dear Sir/Madam,

RE: **SUBMISSION OF THE FINAL SCOPING REPORT AND PRELIMINARY EMP FOR THE PROPOSED CONSTRUCTION AND OPERATION OF THE JINDAL IRON ORE MINE ON EPLS 4194 AND 4013, KHOMAS REGION, NAMIBIA.**

1. We refer to the above as well as your email, scoping report, and annexures thereto, dated 12 July 2024.

2. We confirm that we continue to act herein on behalf of Mr. Robert Douglas Wirtz (our "Client").

LETTER TO COMMISSIONER OF MINES

3. We attach hereto our letter submitted to the Commissioner of Mines on the 17th of July 2024.

4. To date, we have not received any reply to letters sent to the Commissioner of Mines, despite following up on a regular basis.

5. Sub-regulations 4(c) and (d) of the Environmental Impact Assessment Regulations GN 30/2012, (the "**Regulations**") provide that an EAP must –

"*(c) comply with the Act, these regulations, guidelines and other applicable laws and*

(d) disclose to the proponent, competent authority and the Environmental Commissioner all material information in the possession of the EAP that reasonably has or may have the potential of influencing –

(i) any decision to be taken with respect to the application in terms of the Act and these regulations; or

(ii) the objectivity of any report, plan or document to be prepared by the EAP in terms of the Act and these regulations" (emphasis added).

2

6. As such, we look forward to receipt of proof of such disclosure and trust that you will consider these material issues with the appropriate level of urgency.

<u>SCOPING REPORT</u>

7. Sub-regulation 8(a) of the Regulations provides that a scoping report must include "*the curriculum vitae of the EAP who prepared the report*". We have not been able to locate the curriculum vitae in the scoping report or annexures thereto.

8. Sub-regulation 8(f)(iv) of the Regulations provides that a scoping report must include -

"*details of the public consultation process conducted in terms of regulation 7(1) in connection with the application, including -*
(iv) *a <u>summary of the issues raised by interested and affected parties</u>, the date of receipt of and the response of the EAP to those issues*" (emphasis added).

9. Neiter the scoping report nor the annexures thereto contain the issues raised in our letter dated 15 April 2024 or the email sent to you on the 24th of May 2024.

10. Kindly provide proof that the above requirements have been complied with.

Sincerely,

DR WEDER, KAUTA & HOVEKA INC

PER: JA LOUW

Criminal syndicates may attempt to induce clients to make payments due to WKH Inc. into bank accounts that do not belong to WKH Inc. This form of fraud may be perpetrated through e-mails, letters and electronic or other correspondence that may appear to have emanated from WKH Inc. Before making any payment to WKH Inc., clients must ensure that the account into which payment will be made is a legitimate bank account of WKH Inc. If at any time clients are not certain of the correctness of the bank account into which a payment due to WKH Inc., will be made, clients should immediately contact WKH Inc.

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Figure 3 - Letter to ECC sent from WKH Legal Practitioners on 18 July 2024.

MC RESPONSE LETTER TO WKH ON THE 22ND OF JULY 2024:

REPUBLIC OF NAMIBIA

MINISTRY OF MINES AND ENERGY

Tel.: +264 61 284-8111
Fax: +264 61 284-8366
E-mail: info@mme.gov.na
Website: www.mme.gov.na

1 Aviation Road
Private Bag 13297
WINDHOEK

Enquiries: Mr A Ilende
Reference: 14/2/4/1/4013 & 4194

22 July 2024

Ms J Moolman
Weder, Kauta and Hoveka Inc.
P. O. Box 864
Ausspannplatz
WINDHOEK

Dear Moolman,

RE: EPL 4013 AND EPL 4194

I refer to your letter dated 24 April 2024.

As clearly stated in your letter under paragraph 5 quoting section 71 (1) and (2) in the Minerals (Prospecting and Mining) Act. No. 33 or 1992, the Minister will renew an exploration licence if it is desirable in the interest of the development of the mineral resources in any case on a third or subsequent occasion and no time frame is indicated.

In the case of the two EPLs, there is a mineral resource discovered and more exploration activities need to be conducted to delineate the resource. Due to that discovery, the Minister renewed the two above-mentioned EPLs and the copies of that approvals are attached hereto.

Should you need more clarity about the issue, please do not hesitate to contact us.

Yours Sincerely,

MINISTRY OF MINES AND ENERGY
MINING COMMISSIONER
22/07

Isabella Chirchir
Mining Commissioner

MC Private Bag 13297
9000 WINDHOEK
OFFICIAL

All official correspondence must be addressed to the Executive Director

Figure 4 - MC response letter to WKH on the 22nd of July 2024.

WKH RESPONSE LETTER TO MC ON THE 30TH OF JULY 2024:

COPY

wkh

DR WEDER, KAUTA & HOVEKA INC

MINISTRY OF MINES AND ENERGY
MINING COMMISSIONER
2024 -07- 31
MC
Private Bag 13297
9000 WINDHOEK
OFFICIAL

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Cnr of Theo Ben Gurirab
Ave & Johnson Ewafwa
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Namibia
Tel: +264 64 211 880

GROOTFONTEIN
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Street, PO Box 29240,
Namibia
Tel: +264 67 248 700

DIRECTORS

ASSOCIATES

CONSULTANTS

DR WEDER, KAUTA & HOVEKA INCORPORATED

30 July 2024

The Commissioner of Mines
Ministry of Mines
6 Aviation Road
Windhoek
Namibia

Our Ref: JL/102079
Reply To: commercial.secretary@wkh-law.com
Enquiries: Ilga van Wyk
Your Ref: EPLS 4013, 4194
ATT: Isabella Chirchir

Dear Madam

RE: EPL 4013 and EPL 4194

1. Your letter dated 22 July 2024 refers. We thank you for your response.
2. We confirm that we continue act on behalf of Mr. R.D. Wirtz (**"Client"**).
3. In our letter of 16 July 2024, we raise two issues, namely
   3.1. That EPL 4013 have been renewed beyond what is allowable (**"the Renewals"**) in terms of the Minerals (Prospecting and Mining) Act, 1992 (**"Act"**) and
   3.2. That the size of the prospecting area of EPL 4013 has not been reduced with the renewal thereof in the manner as prescribed by the Act (**"the Non-Reduction of the Prospecting Area"**)
4. The Renewals and the Non-Reduction of the Prospecting Area can only be justified if the Minister has granted the approvals envisaged by the Act.
5. From our inspection of the Ministry's file on EPL 4013, it appears that the Renewals and Non-Reduction of the Prospecting Area was granted and approved by the Mining Commissioner then in office. In other words, the Renewals and Non-Reduction of the Prospecting Area was done contrary to law because the Mining Commissioner acted *ultra vires* and outside the scope of his authority, because the Minister has not granted the approvals required by the Act.
6. In paragraph 3 of your letter, you state that "... the Minister renewed the two abovementioned EPLs and the copies of that approvals are attached hereto." however, there was no attachments to your letter.

2

7. Following the above, kindly provide us, in respect of **both** the decision to approve the Renewals as well as the decision which lead to the Non-Reduction of the Prospecting Area, with -

   7.1. the approval granted by the Minister contemplated in section 71(2) and 72(1)(b) of the Act, and

   7.2. the signed and approved minutes of the relevant meetings where such approval was granted,

   within 30 days of receipt of this letter, failing which our Client will approach the High Court of Namibia for the setting aside of the granting of all renewals of EPL 4013.

8. Our Client reserves his right pursue any other action available in terms of any other laws, and furthermore reserves his right to institute any action it deems fit in relation to EPL 4194.

Kind regards,

J Moolman

DR. WEDER, KAUTA & HOVEKA INC.
PER: J MOOLMAN

Figure 5 - WKH response letter to MC on the 30th of July 2024.

5 AUGUST 2024 ECC RESPONSE LETTER TO WKH LEGAL PRACTITIONERS' 18 JULY 2024 LETTER:

Environmental Compliance Consultancy (Pty) Ltd
PO Box 91193 Klein Windhoek Namibia
info@eccenvironmental.com
www.eccenvironmental.com
+264 81 669 7608

ECC-148-464-LET-28
5 August 2024

ATT: Mrs. Moolman and Ms. Louw on behalf of Mr. Robert Douglas Wirtz of Farm Koanus
PO Box 864/822
Windhoek
Namibia

Without prejudice

Dear Madams,

RE: SUBMISSION OF THE FINAL SCOPING REPORT AND PRELIMINARY EMP FOR THE PROPOSED CONSTRUCTION AND OPERATION OF THE JINDAL IRON ORE MINE ON EPLS 4194 AND 4013, KHOMAS REGION, NAMIBIA.

1. We refer to your above 18 July 2024 letter.
2. We acknowledge you act on behalf of your client, Mr. Robert Douglas Wirtz who is a registered Interested & Affected Party (I&AP) for the proposed Jindal Iron Ore Mine on EPLs 4194 and 4013 within the Khomas Region, Namibia (herein after referred to as "the Project").
3. We confirm receipt of your 17 July 2024 letter to the Mining Commissioner.
4. With regard to sub-regulations 4(c) and (d) of the Environmental Impact Assessment Regulations GN 30/2012, (the "Regulations"), we hereby confirm that we comply with the Act, these regulations, guidelines and other applicable laws, and disclose to the proponent, competent authority and the Environmental Commissioner all material information in our possession that reasonably has or may have the potential of influencing any decision to be taken with respect to the application in terms of the Act and these regulations.
5. Kindly specify what information you would like us to provide you with regarding your request for "proof of such disclosure" with reference to point number 4 above.
6. Regarding Sub-regulation 8(a) of the Regulations providing that the scoping report must include "the curriculum vitae (CV) of the EAP who prepared the report", please see the requested EAP CV attached. Also, please note that EAPs are required to submit their CV's to the Ministry of Environment, Forestry and Tourism (MEFT) via the online MEFT portal when uploading the Project final scoping report.

Environmental Compliance Consultancy (Pty) Ltd | Registration Number: 2022/0593 1

Environmental Compliance Consultancy (Pty) Ltd
PO Box 91193 Klein Windhoek Namibia
info@eccenvironmental.com
www.eccenvironmental.com
+264 81 669 7608

Notwithstanding the fact that the CVs are submitted to Government with the submission of the application as mentioned above; we do concede that the draft scoping report issued to the public did not have the EAP CV attached. We are committed to ensuring that the process of the application is followed, and that the intention of meaningful public consultation and engagement is undertaken throughout the impact assessment process. Therefore, we hereby wish to advise that the scoping report will be reissued for a further 7 day public review period to include the EAP curriculum vitae annexure. We thank you for bringing this to our attention.

7. With regard to your claim that there were material issues raised in your 15 April 2024 letter and 24 May 2024 email that should have been included in the Project Public Consultation document, please note the following points:

7.1. Dr. Weder, Kauta & Hoveka Inc. (WKH) has not made a request to register as a Project I&AP; as you are not registered as I&AP, nor did you inform us that your communication to our office was intended to form part of the official record of the impact assessment for the project, your letter and email were not included in the public consultation record, for that reason.

7.1.1. However, in response to your instruction in the above-mentioned letter, we did register your client as an I&AP for the Project.

7.1.2. Should WKH wish to register as an I&AP for the Project, please complete and submit the attached I&AP registration form.

7.1.3. Should WKH register as an I&AP for the Project, and should you request it, we will include your aforementioned letter and email to ECC, and our responses thereof, in the revised scoping report's Public Consultation Register.

7.2. Your 15 April 2024 letter made a list of direct requests from ECC relating to providing you evidence of public consultation, which we responded to in our 24 May 2024 letter and provided all evidence of such requests and details thereof. There has been no acknowledgment of our letter nor further requests or questions, therefore we assume you are satisfied with the information provided.

7.3. For the record we note that we responded to, and willingly engaged with you in response to your requests, as set out below:

7.3.1. Request to register your client as an I&AP, which we did on 15 April 2024.

Environmental Compliance Consultancy (Pty) Ltd
PO Box 91193 Klein Windhoek Namibia
info@eccenvironmental.com
www.eccenvironmental.com
+264 81 669 7608

7.3.2. Request to provide proof of compliance with sub-regulation 21(2), which we provided in our 24 May 2024 response letter.

7.3.3. Request for access to the register of I&APs in terms of sub-regulation 22(2), which we provided in our 24 May 2024 response letter.

7.3.4. Your statement regarding sub-regulation 21(3)(b)(i), which we responded to in our 24 May 2024 response letter.

7.4. As your 24 May 2024 email only made the following statement and direct request, these items were not included as comments in the Project's Public Comment Register:

7.4.1. Notification of sending your 24 April 2024 letter to the Mining Commissioner.

7.4.2. A request to provide you with a response letter to you 15 April 2024 letter, which we did on 24 May 2024.

8. Should you or your client have any further questions or require more information about the proposed Project or ESIA process, please do not hesitate to contact ECC.

Yours sincerely,

Stephan Bezuidenhout
stephan@eccenvironmental.com

Jessica Bezuidenhout Mooney
jessica@eccenvironmental.com

Environmental Compliance Consultancy (Pty) Ltd | Registration Number: 2022/0593 3

Figure 6 - 5 August 2024 ECC Response Letter to WKH Legal Practitioners' 18 July 2024 Letter.

WKH LETTER SENT TO ECC ON THE 20TH OF AUGUST 2024 VIA EMAIL

WINDHOEK
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DR WEDER, KAUTA & HOVEKA INC.
LEGAL PRACTITIONERS • NOTARIES • CONVEYANCERS

20 August 2024

Our Ref: MAT102979
Reply To: louw@wkh-law.com
moolman@wkh-law.com
CC: commercial.secretary@wkh-law.com
Enquiries: Jane Louw
Your Ref: ECC-148-464-LET-07-A

ENVIRONMENTAL COMPLIANCE CONSULTANCY (PTY) LTD
PO BOX 91193
KLEIN WINDHOEK
WINDHOEK

Dear Sir/Madam,

RE: **SUBMISSION OF THE FINAL SCOPING REPORT AND PRELIMINARY EMP FOR THE PROPOSED CONSTRUCTION AND OPERATION OF THE JINDAL IRON ORE MINE ON EPLS 4194 AND 4013, KHOMAS REGION, NAMIBIA.**

1. We refer to the above, your letter dated 5 August 2024, as well as your email and scoping report dated 13 August 2024.

2. We confirm that we continue to act herein on behalf of Mr. Robert Douglas Wirtz, the owner of Farm Koanus Number 121, and that we have furthermore been authorised to represent herein Antje Kesselmann of Progress Farming Co (Pty) Ltd, the owner of Farm Progress Number 506; Rainer Halenke, the owner of Farm Hohenau Number 81; Johan Kotze of Marula Game Ranch, the owner of Farm Wolfsgrund Number 122, Farm Rainhof Number 123, and FarmOtjimukona Number 532; and Jorn, the owner of Farm Grasland Number 80 and Farm Neu Bismark Number 426 (our "**Clients**").

3. We herewith submit that the contents of this letter are intended to form part of the official record of the impact assessment for the project described above.

4. We attach our I&AP Registration Form hereto as Annexure "**A**".

CONTINUED ENGAGEMENT WITH THE COMMISSIONER OF MINES

5. We attach hereto our letter submitted to the Commissioner of Mines dated 16 July 2024, their reply dated 22 July, and our further response dated 30 July 2024 as Annexures "B", "C", and "D".

6. Sub-regulations 4(c) and (d) of the Environmental Impact Assessment Regulations, Government Gazette No. 4878 of 2012, GN 30/2012, (the "**Regulations**") provide that an EAP must –

"*(c) comply with the Act, these regulations, guidelines and <u>other applicable laws</u> and*

(d) <u>disclose</u> to the proponent, competent authority and the Environmental Commissioner <u>all material information</u> in the possession of the EAP that reasonably has or may have the potential of influencing –

(i) <u>any decision</u> to be taken with respect to the application in terms of the Act and these regulations; or

(ii) the objectivity of any report, plan or document to be prepared by the EAP in terms of the Act and these regulations" (emphasis added).

7. As such, we look forward to receipt of proof of disclosure of the contents of this letter, as well as the letters addressed to the Commissioner of Mines, made to the Environmental Commissioner, and trust that you will consider these issues with the appropriate level of urgency.

8. Due to the material irregularities associated with the EPLs, we may institute formal legal action against the Commissioner of Mines. We continue to engage with the Commissioner of Mines on a regular basis in this regard.

<u>SCOPING REPORT AND CONCERNS</u>

9. Sub-regulation 8(f)(iv) of the Regulations provides that a scoping report must include -

"*details of the public consultation process conducted in terms of regulation 7(1) in*
connection with the application, including -

(iv) a <u>summary of the issues raised by interested and affected parties</u>, the date of receipt of and the response of the EAP to those issues" (emphasis added).

10. Kindly revise the scoping report and the annexures thereto by including the issues raised in our letter dated 15 April 2024, the email sent to you on the 24th of May 2024, and the contents of this letter.

Local Authority Area

11. In terms of Government Gazette No. 8402 of 2024, GN 209/2024, as per section 4(1)(b) of the Local Authorities Act, 1992 (Act No. 23 of 1992), the boundaries of the local authority area of Windhoek have been altered by adding Farm Koanus No. 121, Portion A of Farm Stolzenfeld No. 89, the remaining extent of Altz-Farm Stolzenfeld No. 442, Farm Waldburg No. 82, Portion 1 of Farm Elisenhohe No. 88 and the remaining extent of Farm

Elisenhohe No. 88. We have attached an extract of the Government Gazette hereto as Annexure "E" for your convenience.

12. This development has resulted in the value of the farms increasing significantly, which value will be severely diminished should this project be allowed to continue.

13. We trust that you will treat this development and the legal consequences which flow therefrom with the appropriate attention.

Additional Studies

14. We herewith request that the following studies be performed to address our Clients' concerns, and look forward to receipt of all studies done or to be done regarding the project:

    14.1. hydraulic study;

    14.2. geo-hydraulic study;

    14.3. aquatic study;

    14.4. acid drainage study;

    14.5. an environmental impact assessment of the harbour to be used for exportation of the products produced;

    14.6. land use assessment; and

    14.7. geochemical assessment – both static and kinetic.

Graves

15. There are graves located at the Ou huis Post, corner of M 51 & D 1458.

General Concerns

16. Our Clients would like to reiterate the following concerns to be taken into account:

    16.1. mass loss of employment;

    16.2. damage to the vibrant tourism industry in the area, which is a valuable part of the Namibian economy;

16.3. viability and feasibility concerns of an iron ore mine in the area in question, especially in light of similar activities previously attempted to be undertaken in said area.

17. We look forward to receipt of the revised final scoping report.

Sincerely,

DR WEDER, KAUTA & HOVEKA INC

PER: JA LOUW

Figure 7 - WKH Letter sent to ECC on the 20th of August 2024 via email.

I&AP Comments Letter sent to ECC on 5 July 2024:

Concerns for Progress # 506

1. about 30 graves from the previous century
2. complete destruction of environment to operate exclusive hunting safaris
3. loss of natural surroundings to operate guest farm for international tourists
4. drop of water level of entire area
5. large scale water & aquifer contamination
6. large scale air & dust pollution (also for international airport)
7. sharp increase in poaching, trespassing
8. sharp increase in criminal activities
9. loss of our family home for 40 years (40+ family members)
10. loss of farmyard to operate our park & fly business
11. our workers and their families loose their homes (about 20 people)
12. loss of our entire cattle farming operation, running in excellent condition for over 40 years
13. loss of our ability to produce food for Namibia
14. 10 employees loose their permanent work
15. significant noise pollution, spoiling our country environment
16. impact on gravel road M51
17. loss of private airfield for flying
18. current lifestyle estate plans in the pipeline now impossible
19. loss of fencing, infrastructure, buildings, pipelines, water installations
20. loss of cheetah habitat, vulture breeding pairs, red hartebeest birth grounds, game in general
21. what assurance do we have that local Namibians and NOT foreigners / Mauritians / Indians will be employed?
22. In the past, during the initial prospecting phase, Jindal lost the court case due to numerous transgressions. So if that is their track record, how will the rest going to be?
23. blasting process's impact on buildings, the international airport and its effect on tourism as the biggest contributor to GDP
24. concern about the ability to rehabilitate the area at the end of the mining phase

Figure 8 - I&AP Comments Letter sent to ECC on 5 July 2024.