

YOUENS



ATTORNEYS

**Environmental Law Specialists**

Directorate: Mineral Regulation  
KwaZulu-Natal Regional Office  
Per Email: sizo.mkhize@dmr.gov.za  
Attention: Mr Sizo Mkhize

AND TO:  
Department of Mineral Resources  
Per Email: karoon.moodley@dmr.gov.za  
Attention: Mr Karoon Moodley

AND TO:  
Department of Mineral Resources  
Private Bag X154307  
Durban  
4000  
ATTENTION: Ms Ncamisile Mtshali  
PER E-MAIL: Ncamisile.Mtshali@dmr.gov.za

1 September 2016

Dear Madam/Sir

**MINING RIGHT REFERENCE KZN 30/5/1/2/2/10060 MR: FULENI RESERVE, IBUTHO COAL (PTY)  
LTD**

We refer to the abovementioned application and the DMR's acceptance thereof dated 16 January 2015. Such application expired on 15 January 2016 and, as far as we are aware, no further application by Ibutho Coal has been made since.

Kirsten Youens  
B.Soc.Sc LLB LLM (Env) *cum laude*  
Telephone: +27 32 947-0207 Facsimile: +27 0866 052-635 Cellphone: +27 61 226 6868  
Physical Address: 107A Colwyn Drive, Sheffield Beach, KZN, 4420  
Postal Address: P O Box 6189, Zimbali, 4418

YOUENS



ATTORNEYS

**Environmental Law Specialists**

In terms of Section 22 (4)(b) of the Mineral and Petroleum Resources Development Act (the Act), if the Regional Manager accepts the application, the Regional Manager must notify the applicant in writing to notify and consult with interested and affected parties within 180 days from the date of the notice. We, nor our clients have not been notified of any further applications and therefore assume that there is currently no Mining Rights Application before the DMR in respect of the Fuleni Reserve.

In the event that further submissions have been made without our knowledge, kindly provide us, as a matter of urgency, with the following:

- a. The latest mining rights application made by Ibutho Coal (Pty) Ltd and all supporting documentation including a mining work programme, a social and labour plan and detailed proof of the applicant's technical ability to mitigate and rehabilitate environmental impacts.
- b. Technical assessment to show Ibutho Coal (Pty) Ltd has the technical ability to conduct the proposed mining application optimally.
- c. Proof that satisfies the Department that Ibutho Coal (Pty) Ltd is capable of mining in such a way that will not result in acceptable pollution, ecological degradation or damage to the environment.
- d. A map of the prospecting area and the area for which the mining rights has been submitted.
- e. Results of the samples taken during prospecting.
- f. Details of shareholders, holding companies and proof that the Ibutho Coal has the financial capabilities to conduct the proposed mining application and rehabilitation thereof optimally.
- g. The DMR's acceptance letter thereof.

Kirsten Youens

B.Soc.Sc LLB LLM (Env) *cum laude*

Telephone: +27 32 947-0207 Facsimile: +27 0866 052-635 Cellphone: +27 61 226 6868

Physical Address: 107A Colwyn Drive, Sheffield Beach, KZN, 4420

Postal Address: P O Box 6189, Zimbali, 4418

YOUENS



ATTORNEYS

**Environmental Law Specialists**

h. An update, if any, regarding the EIA process given that the initial one has now lapsed.

We look forward to your urgent attention and response.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'K Youens', is placed over a light blue, textured rectangular background.

Kirsten Youens

Kirsten Youens  
B.Soc.Sc LLB LLM (Env) *cum laude*  
Telephone: +27 32 947-0207 Facsimile: +27 0866 052-635 Cellphone: +27 61 226 6868  
Physical Address: 107A Colwyn Drive, Sheffield Beach, KZN, 4420  
Postal Address: P O Box 6189, Zimbali, 4418