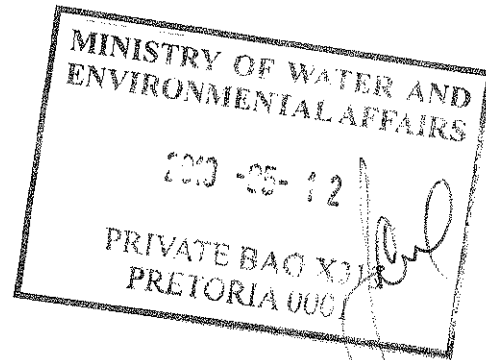




**water affairs**

Department:  
Water Affairs  
REPUBLIC OF SOUTH AFRICA




Enquiries: A Matukane  
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Reference: 6/2/2/6


MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS

NATIONAL ASSEMBLY: QUESTION 1276 FOR WRITTEN REPLY

A draft reply to the above-mentioned question asked by Mrs A T Lovemore (DA); is attached for your consideration.

  
DIRECTOR-GENERAL (Acting)  
DATE: 10/5/10

✓  
DRAFT REPLY APPROVED/AMENDED

  
MS B P SONJICA, MP  
MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS  
DATE: 2010-05-19

NATIONAL ASSEMBLY

FOR WRITTEN REPLY

QUESTION NO 1276

DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 16 APRIL 2010  
(INTERNAL QUESTION PAPER NO. 11)

**1276 Mrs A T Lovemore (DA) to ask the Minister of Water and Environmental Affairs:**

- (1) Whether her department has issued a water use licence to a certain person (name furnished) for sand mining in the Mogol River in Limpopo; if so, (a) what are the (i) details and (ii) conditions of the licence, (b) what is the duration of the licence and (c) on what basis was the decision made to issue the licence;
- (2) Whether compliance with the conditions has been monitored and enforced; if not, why not; if so, what are the details of the monitoring and enforcement;
- (3) whether she has been informed of a letter by her regional office to the said person approving the sand mining operation; if not, what is the position in this regard; if so,
- (4) Whether this letter serves as a licence as required by the National Water Act, Act 36 of 1998; if not, why not; if so, what are the relevant details;
- (5) whether she has been informed that the sand mining operation impacts on the irrigation operations of riparian farmers; if not, what steps will she take to investigate the matter; if so, (a) what action has been taken and (b) will be taken to protect the interests of the riparian farmers?

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**REPLY:**

- (1) No, a water use licence has not been issued; however my Department issued a general water use authorisation to Mr L Fourie on 1 March 2010.
- (1)(a)(i) The letter instructed Mr L Fourie to comply with Government Gazette no 32805, notice no. 1199 dated 18 December 2009 which is a General Authorization relating to section 21 (c) and (i) water uses as defined in National Water Act , act 36 of 1998 (The Act).
- (1)(a)(ii) The notice in the Gazette referred to in (1)(a)(i) above has conditions stipulating what Mr. L Fourie and any other entity or person is/are required to comply with when exercising water uses in terms section 21 (c) and (i) of The Act.
- (1)(b) The duration is subject to:
  - Schedule 3 of the Gazette referred in (1)(a)(i)
  - The existence of a valid mining permit in terms of Mineral and Petroleum Resources Development Act, 2002 (Act no. 28 of 2002) and
  - Continued compliance with conditions stipulated in Gazette referred in (1)(a)(i) and any other circumstances associated with/or resulting from the activity that can be detrimental to water resource (i.e. Mokolo River )

- (1)(c) Taking note that sand is supplied to the construction of Medupi Power Station which is a national strategic project for socio-economic development and that the protection of Mokolo River as a water resource can be achieved sustainably with continued monitoring and rehabilitation, my Department agreed with Mr. L Fourie based on the conditions in the Gazette.
- (2) Compliance monitoring was conducted on 12 March 2010 during which no non-compliance cases were identified, and rehabilitation through planting of grass and trees on the cleared banks was ongoing. Mr. L Fourie has submitted two sets of water sampling analysis results and is required to continue with the taking and analysis of water samples on a bi-weekly basis whenever he undertakes sand mining (i.e. sand mining occurs only during low river flows and the latest was undertaken in December 2009 with the next one expected during the winter season).
- (3) The authority to approve a sand mining operation rests with the Department of Mineral Resources in terms of the Mineral and Petroleum Resources Development Act, 2002 (Act no. 28 of 2002). Regarding the letter issued by my Department's Regional Office: Limpopo, it should be noted that not all correspondence and/or decisions relating to water use authorisations are relayed to my office. I was however briefed on the matter through a reply to my enquiry pursuant to receiving a complaint from the Mokolo Residents Association dated 10 February 2010.
- (4) The letter required Mr. L Fourie to comply with Government Gazette no 32805, notice no. 1199 dated 18 December 2009 which is a General Authorization relating to section 21 (c) and (i) water uses as defined in National Water Act , act 36 of 1998.
- (5) My Department's Regional Office: Limpopo conducted site inspections on 29 December 2009, 27 January 2010, 17 February 2010 and 12 March 2010 and no interference with the water flow regime could be observed. The Mokolo Irrigation Board, which is an organisation representing irrigation farmers in the area, has participated in a number of stakeholder engagement meetings held by my Department's Regional Office on the matter. The latest meetings were held on 9 December 2009 and 12 March 2010, and no concerns relating to irrigation were raised during these meetings.