

NO.	DATE	AFFILIATION	REFERENCE NO.	COMMENTS	RESPONSE	RESPONDENT
PRE-APPLICATION PHASE						
1.	2016-11-03	CapeNature (Garth Mortimer)	SD14/2/6/1/1/1_Prodecures	Cape Nature notified that they are the commenting authority for the proposed project	Please refer to Appendix 5.1.6.1	EnviroAfrica
POST-APPLICATION SCOPING REPORT FOR COMMENT						
1.	2017-06-26	DEADP (Samornay Smidt)	16/3/3/2/E3/10/1003/17	Acknowledgement of receipt of Application	Please refer to Appendix 6.2	EnviroAfrica
2.	2017-07-03	DEADP (Samornay Smidt)	16/3/3/2/E3/10/1003/17	Acknowledgement of receipt of Draft Scoping Report for comment	Please refer to Appendix 6.3	EnviroAfrica
3.	2017-07-17	Overberg District Municipality	18/5/54	Currently the report only addresses the main activity namely construction of a new dam of 9.55 ha. The report should also include the associated activities such as the proposed (1) 105ha citrus orchard and (2) 1,5km pipeline. Please see Appendix (Appendix 5.2.3.1)	(1) The citrus orchard will be developed on agricultural land previously used for wheat farming. Thus, new land will not be disturbed, and no activities will be triggered in terms of NEMA. (2) The construction of the pipeline is mentioned in the Report. The proposed pipeline will be constructed on previously disturbed agricultural land. No activities in terms of NEMA will be triggered.	
4.	2017-07-18	BGCMA (V Ligudu)	3/10/2/H60K/Van Der Wattskraal 399/5	BGCMA confirms the receipt of the WULA	Please refer to Appendix 5.2.3.2	
5.	2017-07-25	DEADP	16/3/3/2/E3/10/1003/17	Appendix 5.2.3.3 3.1 Page 7 of the Draft SR refers to 105ha of citrus orchards for cultivation. Please clarify whether this cultivation triggers any listed activities. If so, will it be included in	Noted and addressed in the Scoping Report. The citrus orchard will be developed on agricultural land previously used for wheat farming. Thus, new land will not be disturbed	

				the current application or was EA already issued	and no activities will be triggered in terms of NEMA.	
				3.2 It is noted that a 1.5km long pipeline will be installed. There is however no indication of how this component of the proposal relates to the applicable listed activities. If this component triggers any of the listed activities, more details must be included in the project description.	Noted and addressed in the Scoping Report. The proposed pipeline will be constructed on previously disturbed agricultural land. No activities in terms of NEMA will be triggered.	
				3.3 Comments must be obtained from the Breede Gouritz Catchment Management Agency. This must include a comment with regards to the additional water rights required and confirmation that there are no conflicts in terms of existing water rights, the proposed water use and its allocation. In addition, the comment should include preliminary input with regards to the dam safety aspects.	Noted, Breede Gouritz Catchment Management Agency is a registered I&APs and the Post-Application SR was submitted to them for comment. No comments have been received as of yet. If comments are received, these will be incorporated in the EIR. Application for a Water Use License has been submitted. Please see Appendix 5.2.3.2 & 5.2.3.8	
				3.4 Proof of compliance with all public participation steps undertaken, as required in terms of Regulation 41 of GN No 326 of NEMA EIA Regulations, 2014, as amended must be included in the Final SR.	Noted, please refer to Section 7 of the Scoping Report and Appendix 4 for proof of the public participation undertaken. Appendix 5.2.3 serves as proof that the Post-Application Scoping report was made available to all I&APs and state organisations	
				3.5 A Comments and Response (C&R) report that includes all the comments	Noted. This document serves as the Updated C&R report (Appendix	

				received must be included in the final SR as well as copies of comments received.	4.2.3). Comments received is added as Appendix 5.2.3.1 – 5.2.3.8	
				3.6 The following content requirements as outlined in Appendix 2 of GN No 326 of NEMA EIA Regulations, 2014 as amended must be addressed: 2(1)(a)(ii) the expertise of the EAP, including a curriculum vitae	Please see Appendix 10 for the CVs of the relevant EAPs. Mr Peet Botes is the supervising EAP.	
				2(1)(b)(i) the 21 digit Surveyor General code for each cadastral land parcel	Please refer to Section 5 of the EIR for the SG code.	
				2(g) v)-(xi) the impacts and risks which have informed the identification of each alternative...including preferred location of the activity	Risks associated with Alternative B (not preferred) was not conducted as the dam would have fallen on neighbouring land and permission to develop was not received from the neighbour. Therefore, Alternative A (preferred alternative) was chosen as the preferred site. A comprehensive risk assessment will be conducted once specialist studies is received.	
				2 (h) plan of study content requirements must be met	Noted and supported	
				3.7 Original signed and dated applicant declaration is required to be submitted with the Final SR	Noted, please see copies attached as Appendix 11 . Originals will be included with the Final EIR	

				3.8 Original signed and dated EAP and specialist declaration are also required with the Final SR	Noted, please see Appendix 11 . Originals will be included with the Final EIR	
				3.9 Omission of any information in terms of Appendix 2 of GN No, 326 with respect to the final submission to the Department of the SR and EMP, may result in the application for EA being refused	Noted	
5	2017-08-02	DEADP	16/3/3/2/E3/10/1003/17	Acknowledgement of receipt of the Final Scoping report for decision.	Appendix 6.4	EnviroAfrica
LATE COMMENTS ON SCOPING REPORT FOR COMMENT						
1	2017-08-10	Cape Nature (Colin Fordham)	14/2/6/1/7/3_SWEL/399/5_2017/CF098	<p>Appendix 5.2.3.4</p> <p>1. CapeNature supports the Environmental Assessment Practitioner (EAP) obtaining a botanical impact assessment for the Environmental Impact Report phase of the project. Given the sensitivity of the vegetation unit in the region.</p> <p>It is further recommended that:</p> <p>1.1 The specialist must have in-depth knowledge of the local vegetation type present on site to, <i>inter alia</i>, determine the desirability of the dam and infrastructure within the critically endangered vegetation, to look for the presence of red data species (especially those CapeNature has</p>	<p>The Specialist, Dr Dave Mc Donald appointed to undertake the Botanical was the preferred specialist because of his sound knowledge of the vegetation of that specific area. Please see Appendix 7.3 for his full report and Section 9 of the EIR for a summary of specialist findings.</p> <p>Noted and supported. Dr Dave Mc Donald was informed of Cape Natures recommendations/ terms of reference. Please see Appendix 7.3 and Section 9 of the EIR for a summary of specialist findings.</p>	

				<p>record of occurring in the regions such as the endangered <i>Ixia longituba</i>), to make recommendations regarding the where the dam is proposed and to give a reasoned opinion on the likely effects that developing the site will have on meeting the conservation targets.</p> <p>1.2 The appointed botanical specialist must please consult the Terms of Reference for the consideration of biodiversity in environmental assessment and decision-making in the Fynbos Forum Ecosystem Guidelines for Environmental Assessment in the Western Cape v 2 (de Villiers <i>et al.</i>, 2016)⁵ and Appendix 6 to the EIA Regulations, GN No. R.982 of 4 December 2014.</p> <p>2. Similarly CapeNature also supports the appointment of a wetland specialist as stated by the EAP. This report will accurately delineate the extent of any freshwater resources and determine the impact that proposed development would have on the surrounding freshwater ecosystems.</p>	<p>Natasha van Haar from EnviroSwift was appointed to conduct the Freshwater Impact Assessment. Please refer to Appendix 7.2 for the full report and Section 9 in the EIR for a summary of specialist findings.</p>	
--	--	--	--	--	--	--

				<p>Suggested Terms of Reference for this study include (but are not limited to):</p> <p>2.1 Accurate wetland or riparian system delineation and characterisation as per DWAF (2008)6. The proposed dam and infrastructure footprint should be overlaid on this map to accurately determine the impact this development would have on the freshwater resources. Suitable buffers should be also be delineated (if possible).</p> <p>2.2 Should any freshwater systems be determined to be at risk of being impacted by the development, in line with DWS (2014)7 guidelines the specialist must determine the Present Ecological State (PES) and Ecological Importance and Sensitivity (EIS), which will in turn determine the DWS Recommended Ecological Category (REC) of such systems. The specialist is advised to consult Ollis et al. (2013)8 for characterisation of freshwater habitat type, then depending on the characterisation of the system the following is methods can be utilised:</p>	<p>Noted and supported. Please refer to the Freshwater Impact Assessment Report in Appendix 7.2.</p> <p>Noted and supported. Please refer to the Freshwater Impact Assessment Report in Appendix 6.2 as well as Section 9.2 of the Environmental Impact Report for a summary of the specialist findings.</p>	
--	--	--	--	--	--	--

				<p>2.2.1 Should any of the systems be characterised as a River or Riparian systems Kleynhans (1996)⁹ and Kleynhans (1999)¹⁰ can be used to determine PES and EIS such systems.</p> <p>2.2.2 Should any of the systems be classified as a wetland system Macfarlane et al. (2009)¹¹ and Duthie (1999)¹² can be used to determine PES and EIS for such systems.</p> <p>2.2.3 For wetland systems it is also recommended that the wetland ecosystem services tool (Kotze et al. 2008b)¹³ be used to assist in determining wetland EIS scores.</p> <p>2.2.4 Following delineation and REC determination of the freshwater habitat suitable buffers should be delineated and used to inform layout design.</p> <p>2.2.5 If applicable, it is also recommended that the specialist consider using the buffer tool developed by: Macfarlane, D.M. and Bredin, I.P. 2016. Buffer zone guidelines for rivers, wetlands</p>	<p>Noted and supported. Please refer to the Freshwater Impact Assessment Report in Appendix 7.2 as well as Section 9.2 of the Environmental Impact Report for a summary of the specialist findings to answer comments 2.2.1 – 2.2.5</p>	
--	--	--	--	--	--	--

				<p>and estuaries. Part 2: Practical Guide. WRC Report No (tbc), Water Research Commission, Pretoria.</p> <p>2.3 Identification, prediction and description of the potential impacts of the proposed development on the delineated wetland/riparian areas and the significance of these impacts (qualitative assessment), must be determined.</p> <p>2.4 Mitigative measures for the abovementioned identified impacts must be stated and rehabilitation measures proposed should decommissioning of the development take place.</p>	<p>Noted and supported. Please refer to the Freshwater Impact Assessment Report in Appendix 7.2 as well as Section 9.2 of the EIR for a summary of the specialist findings</p> <p>Noted and supported. Please refer to the Freshwater Impact Assessment Report in Appendix 7.2 as well as Section 9.2.3 of the EIR for a summary of mitigation measures.</p>	
				<p>3. Details regarding the spillway including details relating to the envisaged dimensions, slope and outlet design will be required. Concentration of water flow combined with acceleration of flow velocity is a leading cause of</p>	<p>Noted and supported. Please refer to the Freshwater Impact Assessment Report in Appendix 7.2 as well as Section 9.2 of the Environmental Impact Report for a summary of the specialist findings, specifically section 9.2.3 for mitigation measures as</p>	

				<p>erosion in watercourses. It is therefore recommended that the spillway discharge be designed to be as diffuse as possible. In addition to which, it is recommended that the design consider structures that can reduce the velocity of the water discharged from the spillway. Examples of such structures include the construction of stepped spillway, impact boxes, or stilling basins. Either way, suitable structures must be designed to return water velocity and dissipation back to its natural state, upon discharge from the spillway. This could mitigate downstream impacts.</p>	<p>recommended by the specialist for velocity and erosive potential. Please also refer to Preliminary Design Report for the construction of Dasberg dam which looks specifically at slope stability, outletworks, hydrology, spillway and quality control, Appendix 9.</p>	
				<p>4. Upstream dams are known to be a primary threat to floodplain wetland Geomorphological health. According to Macfarlane <i>et al.</i> (2009)¹⁴ the damming of water results in sediment settling out of the water column and water released from the dam is therefore effectively starved of sediment. This sediment starved water often results in erosion of downstream floodplain wetlands. Sediment is</p>	<p>The specialist, Natasha van Haar from EnviroSwift, was contacted to help answer this specific comment and this was the response:</p> <p>“Most sedimentary features are not static, but exist because of constant balance of sediment input and output. The comment makes it sound like the dam will increase erosion. It doesn’t really. It just decreases the accretion portion of the equation and therefore causes net erosion. When</p>	

				<p>essential for floodplain wetland geomorphological health and functioning as it builds alluvial ridges, results in channel aggradation, and in general maintains natural dynamics of floodplains. How do the dam engineers and wetland specialists propose this impact of sediment starvation be mitigated?</p>	<p>sediment input and output (above) are in balance, the feature remains constant in scale and nature. If sediment input from upstream is reduced by a dam, then the feature, in this case a floodplain wetland, will gradually retreat to a new equilibrium, which might even be a complete loss of the feature. Another impact is the erosion of the riverbed (by the same method) to bedrock in places which changes habitat for benthic species. However, in my opinion, the above is not really applicable to the system in question. The watercourse is best described as an unchannelled valley bottom wetland. The NFEPA wetland layer classifies the feature as a floodplain and valley head seep, I assume that is where reviewer got the information. In addition, the lack of vegetation downstream, dumping of rocks within the watercourse and agriculture will most likely introduce large quantities of sediment into the system, which in turn would then "counterbalance" any potential impact the dam would have".</p> <p>Please refer Appendix 5.2.3.7 for the email from the Specialist.</p>	
--	--	--	--	---	--	--

2	2017-08-11	HWC	17062212AS0720E	<ol style="list-style-type: none"> 1. You are here notified that, since there is no reason to believe that the proposed dam expansion will impact on heritage resources, no further action under Section 38 if the NHRE (Act25 of 1999) is required. 2. However, should any heritage resources, including of evidence of graves and human burials, archaeological material and paleontological material be discovered during the execution of the activities above, all works must be stopped immediately and HWC must be notified without delay. 	Appendix 5.2.3.5 Noted and supported and included in the EIR and EMP.	
Comments from DEADP on Scoping Report for decision						
1.	2017-09-05	DEADP	16/3/3/2/E3/10/1003/17	Appendix 5.2.3.6 <ol style="list-style-type: none"> 1. DEADP Accepts the final scoping report. The final scoping report submitted to the department on 25 July 2017 and the Departmental letter issued on 2 August 2017, refer 	Appendix 5.2.3.6	
				<ol style="list-style-type: none"> 2. This letter serves to inform you that the abovementioned document has been accepted by the Department. 	Thank you	
				<ol style="list-style-type: none"> 3. Chapter 4, Point 5, page 14 describing the site alternatives considered does not include a description of the preferred site 	Notes, please refer to Section 4.1.2 of the EIR.	

				alternatives. A description of the preferred site alternative must be included in the draft EIA Report		
				4. Page 7, paragraph 3 refers to 24 000m ³ and 240 000m ³ of existing water extraction. You are required to amend the Scoping Report to reflect the correct amount of existing extraction rights.	Noted and corrected, it should be 240 000m ³ of existing water extraction rights. Please refer to s	
				5. Page 7 of the final SR refer to "105ha of citrus orchards for cultivation" Please provide this Department with a description and layout plan to depict where the citrus orchards will be located and to demonstrate that it does not trigger any of the potential listed activities.	It should be noted that existing historical crop lands will be used for the cultivation of citrus orchards and the footprint will not be enlarged. It is thus not virgin/natural soil that will be disturbed but previously cultivated/ ploughed land. 5 ha of orchards will be cultivated on Remainder of Van Der Wattskraal 399 (West of the N2) and the rest of the 100 ha will be developed on Portion 5 of Van Der Wattskraal 399. Please refer to Appendix 2.2 for Layout Plans. Figure 1 shows the two properties on which orchards will be developed (5 ha of orchards will be developed on Remainder of Van Der Wattskraal 399 (West of the N2) and the rest of the 100 ha will be cultivated on Portion 5 of Van Der Wattskraal 399). Figure 2 shows Portion 5 of Van Der Wattskraal 399	

					currently divided into fields in proximity to the proposed Dasberg Dam. Figure 3 shows the layout plan of the planned orchard cultivation. 5 ha of orchards on Remainder of Van Der Wattskraal 399 (west of the N2) and the rest of the 100 ha will be developed on Portion 5 of Van Der Wattskraal 399.	
				6. The weir upgrade refers to expansion of less than 100m ³ . This should be 100m ² . Please rectify. Although it is indicated that the proposed upgrade will be below the 100m ² threshold, Activity 19 of GN No. 327 may still be triggered by the proposed upgrade. No information/ details have been provided to substantiate this. A description and location should therefore be provided and included in the layout plan to demonstrate that it does not trigger the potential listed activity.	With further investigation, based on the Departments queries, the EAP would like to clarify the scope of of the project which does not require the upgrade of the weir, which the EAP has mentioned erroneously. The weir does not form part of the scope and will not be upgraded and will be used as it.	
				7. The Department notes that a Water Use License application (WULA) was submitted to the DWAS. Please note that proof of submission of the WULA and WULA assessment information must be provided to this Department with the Draft EIA	Please refer to the BGCMA reference number: Ref 4/5/1/H10J/Dasberg 399/5 . Please see Appendix 5.2.3.2 . Please also refer to comments from BGCMA attached as Appendix 5.2.3.7	

				report submitted for decision-making.		
				<p>8. Comments must be obtained from BGCMA to confirm that sufficient water rights are attached to the proposed farm in order to allow the development thereof and that there are no conflicts in terms of the proposed water use and its allocation. Please note: insufficient water rights allocated to the subject portions proposed for development may warrant a flaw to the proposal based on the need to develop. In addition, the amount of water available for storage may also have implications for the dam capacity required, which in turn can result in additional alternatives.</p>	<p>Please refer to comments received from BGCMA attached as Appendix 5.2.3.2. confirming that BGCMA received a WULA with regards to the proposed development of the Dam.</p> <p>Please also refer to an email from the Water Use Officer, Vhengani Ligulu confirming that the Farm 5/399 has confirmed existing water use rights and regarding the proposed water use the WULA is underway. With regards to dam safety, an application was lodged to DWS. Appendix 5.2.3.7</p>	
				<p>9. The project description specifies that a new pipeline (approx. 1.5km) "...does not trigger any listed activities in terms of the NEMA EIA Regs...". No information/ details have been provided to substantiate this. The location and extent of the pipeline and associated infrastructure should therefore be provided and included in the layout plan to demonstrate that it does not</p>	<p>Please refer to Appendix 2.3 for the layout plan of the proposed pipeline.</p> <p>The pipeline will be approximately 1.5km long and 250mm in diameter and will be constructed from the dam to the N2, where it will connect with an existing pipeline. The route has been chosen to avoid the streams to the west of the property (Portion 5 of Farm van der Wattskraal No. 399) and will border cultivated land. It is proposed the</p>	

				trigger the potential listed activities.	pipeline will cross the N2 within an existing sheep culvert and connect to the existing pipeline on Remainder of the Farm Wattskraal No. 399.	
				10. The Department advised that the EIA report must contain all information set out in the Appendix 3 of GN No 326 and must include the information requested in the letter.	Noted and supported	
				11. An EMPr that contains all information set out in Appendix 4 of the EIA Regs 2014 must be compiled that address the potential environmental impact of the activity on the environment throughout the project life cycle etc.	Noted and Supported. Please find the EMPr attached as Appendix 11.	
				12. Note that the specialist reports must be appended to the EIA report, please ensure specialist reports contain information as specified in Appendix 6 of GN NO. 326.	Noted and Supported. Please find the specialist studies attached as Appendix 7.1; 7.2 and 7.3	
				13. The EAP must record and respond to all comments received. The comments and responses must be captured in a Comment and Response report and must include a description of the public participation process followed. This report must also be included in the public participation	Noted and supported. This document serves as the updated comments and response report. This report is appended to the EIA report which will be made available to all I&APs for comment. All comments are included as Appendix 5.2.3.1 – 5.2.3.8	

				information to be attached to the EIA report submitted for decision. 14. Please ensure that the comments from all the relevant Organs of State, including any comments from this Department, are submitted within the EIA report.		
				15. The Department awaits the submission of a minimum of two printed copies of the draft EIA report and EMPr to the Department for a 30-day comment period. The draft EIR and EMPr must also be made available to all relevant State Departments	Noted and supported.	
				16. The Final EIR report and EMPr must be submitted to this Department for decision within a period of 106 days from the date of this letter	Noted	
				17. If the Final EIR and EMPr are not submitted within the prescribed timeframe, the application will lapse and the file will be closed, Should you wish to pursue the application again, a new application process would have to be initiated.	Noted and supported	