

NO.	DATE	AFFILIATION	REFERENCE NO.	COMMENTS	RESPONSE	RESPONDENT
POST-APPLICATION SCOPING REPORT FOR COMMENT						
1.	2017-10-03	DEADP (Loretta Osborne)	16/3/3/2/E3/10/1005/17	Acknowledgement of receipt of Application and Draft Scoping Report for comment	Please refer to Appendix 6.2	EnviroAfrica
2.	2017-10-27	Overberg District Municipality (Francois Kotze)	18/5/5/4	<p>Appendix 5.2.3.1</p> <p>1. ODM notes that the development site does intersect with a CBA and ESA that does give the site some level of conservation value. According to the vegetation map the site falls within Greyton Shale Fynbos, that is listed as an endangered ecosystem with irreversible loss of natural habitat. It is therefore important that all natural areas be conserved as far as possible and further degradation prevented. A botanical assessment is required in order to determine the impact the development will have on the abovementioned ecosystems and to further assess the application in terms of the alternative site proposals.</p> <p>2. An assessment should also be done pertaining to the impact of the development (dam of 130 000m² and weir) on the immediate flooded area as well as downstream habitats and/or users.</p>	<p>Noted and supported. Dr Dave Mc Donald was appointed as the Botanical Specialist because of his sound knowledge of the vegetation and habitat.</p> <p>Noted. The Freshwater Impact Assessment evaluates the impact of the development on the immediate flooded area. The Freshwater specialist was notified and affect of the development on downstream habitats/ users will be addressed in the EIR.</p>	EnviroAfrica

				<p>3. The wetland/riparian habitat within the development site should be rehabilitated to restore the integrity of the hydrological and vegetative components of the system and to enhance the ecosystems services rendered by these wetlands. This will include the removal of alien invasive vegetation followed by the active replanting of indigenous vegetation.</p> <p>4. As per the Alien and Invasive Species Regulation of 2014 each land owner is responsible for the management of invasive species on their properties. Therefore, any listed alien and invasive species should be removed as part of the construction phase and a follow-up must be conducted within 12 months and annually therefore as part of a maintenance programme.</p>	<p>Noted and supported. The EMPr and River Maintenance Management Plan (MMP) will address alien eradication and revegetation.</p> <p>Noted and supported. The EMPr and River Maintenance Management Plan (MMP) will address alien eradication and revegetation. The EMPr and MMP will be updated when all specialist reports were received.</p>	
3.	2017-10-24	BGMA (V Ligundu)	4/10/2/H70B/Van Der Wattskraal 294/3&5	<p>Appendix 5.2.3.2</p> <p>1. BGCMA acknowledge receipt of the Scoping Report for comment</p> <p>2. BGCMA acknowledge receipt of a WULA regarding the proposed activities.</p>	<p>Noted</p> <p>Noted</p>	EnviroAfrica

				<p>3. The Dam Safety Regulation requirements as published in GNR 39 of 24 Feb 2014 must be adhered to</p> <p>4. A rehabilitation plan must be drawn prior to construction, and must include the monitoring programme that will assess the progress of rehabilitation.</p> <p>5. Please note that engaging in activity that triggers the NWA without authorisation is an offence and will result in BGCMA taking legal action.</p>	<p>Noted. A dam safety application has been logged. Please refer to the Preliminary Design Report Appendix 7.2</p> <p>Noted and supported.</p> <p>Noted</p>	
4.	2017-10-26	DEADP(Loretta Osborne)	16/3/3/2/E3/10/1005/17	<p>Appendix 5.2.3.3</p> <p>2.1 Since water will be abstracted from the watercourse where the Eksteenkoof weir is located, you are requested to provide this office within written proof that the watercourse has sufficient capacity to provide the necessary water to the proposed dam. Confirmation of the availability of water must be provided together with the final EIR.</p> <p>2.2 The Department notes that the DWS has been consulted with respect to the requirement for a WULA in terms of the NWA Act no. 36 of 1998. Ito the Agreement for the One Environmental System the process for a WULA and EIA</p>	<p>Noted. The necessary documentation will be provided in the Draft EIR for comment if not the Final EIR</p> <p>Noted and supported</p>	<p>EnviroAfrica</p> <p>EnviroAfrica</p>

				must be aligned and integrated with respect to the fixed and synchronised timeframes.		
				2.3. As mentioned in the draft Scoping report, the vegetation type, Greyton Shale Fynbos, is classified as Vulnerable as per Section 52 of the NEMA: Biodiversity Act. The statement is incorrect, and the final EIA report must be amended to include the correct classification.	Noted, the correct classification will be included once the Botanical Impact Assessment report findings are included.	
				2.4 DEADP requested to confirm whether the weir will be expanded. Should it be expanded, Activity 48 of Listing Notice 327 and Activity 23 of Listing Notice 324 will be triggered by the expansion.	No not be expanded. It was flooded and damaged and will only be repaired. Please refer to the page 3 of the WULA Application Document Appendix 7.2	
				2.5. Note that since Activity 14 of Listing Notice No 324 is triggered, Activity 12 of Listing Notice No 327 will not be applicable to the proposed development.	Noted	
				2.6 The co-ordinates of the weir are further north-west than the proposed site, this must be corrected prior to submission of the final Scoping Report	Noted and corrected. S34°4'57.01", E20°01'57.19".	
				2.7 The draft Scoping report refers to the cultivation of 55ha of soil for nut orchards. You are required to provide more details with regards to the abovementioned activity.	Please refer to Appendix 2.2 for the layout plan for the proposed 55ha BEE orchards (nuts and vineyards 50/50), indicated in orange on the plan. The proposed land is previously ploughed cow pastures;	

					however, the area has been invaded by alien vegetation. The green areas on the map is what DWS requested as evidence of current plants with current legal water uses.	
				2.8 Please provide period for which when the EA is required as well as an indication of the date on which the activity will be concluded.	The completion date is expected to be winter 2018, provided the WULA and EA is granted and will happen in phases as finances allow.	
				2.9. Comments from the relevant authorities must be obtained, included and addressed	Noted and supported. Comments were captured in this report (C&R) Appendix 5.2.3 and comments are attached as Appendix 5.2.3.1 – 5.2.3.4	
				2.10 Comments received during the Scoping Public Participation Process form the I&APs and a Comments and Response Report (C&R) that adequately address any highlighted issues must be included in the Final Scoping report.	Noted and supported. Comments were captured in this report (C&R) Appendix 5.2.3 and comments are attached as Appendix 5.2.3.1 – 5.2.3.5	
5.	2017-10-26	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>	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. The Botanical Impact Assessment Findings will be included in the EIR for comment	

				<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 record of occurring in the regions such as the vulnerable <i>Aspalathus calcarata</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>Noted and supported. Dr Dave Mc Donald was informed of Cape Natures recommendations/ terms of reference. Findings will be included in the EIR for comment.</p>	
				<p>2. CapeNature would like to also remind the land owner that in terms of the Conservation of Agricultural</p>	<p>Noted. The landowner will be informed of this. The EMPr and River Maintenance Management</p>	

				Resources Act NO 43 of 1983, (CARA) landowners must prevent the spread of alien invasive plant species on the property. The level of alien infestation is therefore not been seen as reducing the sensitivity of the site, not is the subsequent removal of alien vegetation from a property regarded as a mitigation measure due to this is a legal requirement. Infestation by alien plant does not necessarily mean that an area is not important for biodiversity as some vegetation type are particularly prone to invasive alien infestation but may recover when cleared of alien vegetation.	Plan (MMP) will address alien eradication and revegetation.	
				3. In addition to CARA, ito the Alien and Invasive Species Regulation, specific alien plant species (e.g. <i>Acacia mearnsii</i>) are either prohibited or listed as requiring a permit; aside from restricted activities concerning, <i>inter alia</i> , their spread, and should be removed; without the use of heavy machinery (as this could trigger activities lister ito the EIA Regs).	Noted	
				4. Regarding the Freshwater Assessment, CapeNature would like to submit the following comments: 4.1 No GPS points were supplied for the exact location of the dam and weir, however from the maps CapeNature	Please refer to Section 5.1 for corrected coordinates. Cognisance is taken in this regard and the	

				<p>was able to approximate the locations of the project. If this process was accurate, the project falls within sub-quaternary catchment H60K and there are both Cape kurper <i>Sandelia capensis</i> and Cape galaxias <i>Galaxias zebratus</i> records in what could be the river in question that the applicant wishes to divert from. Both these species are currently listed as Data Deficient in the latest IUCN assessment (Tweddle <i>et al.</i>, 2009)7 due to taxonomic uncertainty. Each is a species complex.</p> <p>Therefore, a suitable fish survey of the area and Ichthyological Specialist Report will be required prior to making a final recommendation. If fish are confirmed to be present, a number of sites up and downstream of the weir will need to be surveyed to determine the extent of fish presence in both zones</p> <p>4.2 CapeNature recommends that an offstream dam be considered as an alternative for the project, despite potential soil profile statements, the freshwater specialist should also assess such an option and provide comment regarding the suitability of this design.</p>	<p>Freshwater Specialist has was contacted regarding this suggestion. More information to be provided in the EIR for comment.</p> <p>Cognisance is taken in this regard and the Freshwater Specialist has been notified of this comment. More information to be provided in the EIR for comment.</p>	
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				<p>4.3 Figures regarding the volume of water the nut trees require need to be included in the assessment. Do these trees require constant watering to be productive and how will they be irrigated.</p> <p>4.4 Where are the 55ha of lands proposed? Will there be any runoff from the orchards and are these virgin lands? Will the farmer be fertilising these orchards? All these aspects require freshwater specialist comment to determine if irrigating 55ha will negatively impact nearby freshwater resources.</p> <p>4.5 It is unclear why the freshwater specialist did not conduct SASS surveys both in the upper more intact zone of the watercourse 1 (weir) and at a site some distance below the weir. CapeNature is of the opinion that one SASS assessment site is not significant enough to be able to accurately assess the system.</p>	<p>The new 55ha BEE development would include nuts and vineyards (50/50) and will be irrigated by micro and drip methods, depending on soil type, usually around 6000m³/ha/a. Irrigation is needed during dryer summer seasons.</p> <p>The new 55ha BEE development would include nuts and vineyards (50/50) on previously ploughed cow pastures. Irrigation will be monitored by moisture measurements and thus not much runoff will occur (except for winter months). The farmer will use cow manure for organic fertilizer. Refer to Appendix 2.2 for the layout plan of the proposed BEE development.</p> <p>The Freshwater Specialist, Natasha van Haar was contacted in this regard. Her response: “The upstream reach above the collapsed weir had limited habitat (too encroached and narrower) thus sampling straddled the above and downstream of the weir to combine the SASS invertebrate community. The overall SASS was more representative of the affected</p>	
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				<p>4.6 Should this application be approved strict adherence to adequate mitigation measures proposed and ecological flow releases will need to implement and adhered to especially during the operational phase. Without ecological flow (especially during the dryer summer months), the existence of the faunal component within the ecosystem would be severely compromised. The application discusses how abstraction would only occur during winter months, however monitoring of these measures is often difficult. CapeNature recommends that engineering input be sourced by the EAP to assist the Department in this regard. Ideally a form of a suitable valve could be installed that does not permit the applicant from abstracting all available water would be ideal. Additional engineering investigation into an abstraction method (which cannot be tampered with), and will maintain ecological flow would be ideal</p>	<p>reach, which is in the downstream reach.</p> <p>Cognisance is taken in this regard and the Freshwater Specialist and engineers has been notified of this comment. More information to be provided in the EIR for comment.</p>	

				<p>5. 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 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.</p>	<p>Noted and supported. Please refer to the Freshwater Impact Assessment Report in Appendix 4.1 for mitigation measures as recommended by the specialist for velocity and erosive potential. A summary of the findings will be included in the EIR for comment. Please also refer to Preliminary Design Report, which looks specifically at slope stability, outletworks, hydrology, spillway and quality control, Appendix 7.2</p>	
				<p>6. 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 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</p>	<p>The specialist, Natasha van Haar from EnviroSwift, was contacted to help answer this specific comment. Her response: "This question applies more to a wetland systems? I think each case must be considered based on the reach-specific evidence with understanding of the upstream catchment processes and land-uses. Sound sediment management is important to restore the rehabilitation potential of a system. Reduction in sediment supply (sediment starvation) can be mitigated by; reconstruction of side flowing channels from upstream dams because hydrological impacts upstream like large dams upstream</p>	

				<p>engineers and wetland specialists propose this impact of sediment starvation be mitigated?</p>	<p>which do not allow for release of flow and declining flow velocity limit the ability of moving water to transport sediment, therefore one of the options to introduce sediment is upstream tributaries to allow sediment transportation.</p> <p>Removal of flowing restrictions promotes unwanted flooding in some areas and purposefully relocates this to designated areas, increases river flows downstream with sufficient sediment load for habitat creation. The removal of invasive vegetation and artificial dense rough vegetation from the banks and riparian zone (banks and flood zone) will help to increase sediment transportation to downstream systems, invasive vegetation on mountain stream usually reduce sediment trapping potential. The removal and modification of existing weirs and structures can restore free flowing natural conditions and can increase sediment delivery to downstream reaches. The removal of the mid channel bars have the potential sediment trapping, small scale</p>	
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					<p>removal of individual sedimentary bars at sites.</p> <p>Removal of sediment within channels should be avoided through dredging and other forms because it will lead to sediment starvation and increase in erosion. Historically modified channels which are large and allowing accumulation of sediment, should be rehabilitated back into their former state to encourage natural processes and sediment deposition and faster flows to help with sediment downstream”.</p>	
				7. The Mountain Catchment Areas Act (Act 63 of 1970) should be referenced and referred to accordingly.	Noted. Please refer to Section 3.7 of the report.	EnviroAfrica
				8. The source of dam building materials needs to be defined as a license from DMR may be needed.	Building materials will be from within the dam basin, soil tests were done and proofed to be adequate and sufficient to use for building the earth dam wall	Sarel Bester Ingenieurs
				9. The EAP should rectify the typos in the EMP report. There is reference to house construction and proximity	Noted. The Draft EMPr will be updated when all specialist reports have been received.	EnviroAfrica

				to the Breede Rivier (not applicable here) p25 section 6.7		