

NO.	DATE	AFFILIATION	REFERENCE NO.	COMMENTS	RESPONSE	RESPONDENT
<b>POST-APPLICATION SCOPING REPORT FOR COMMENT</b>						
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 <b>Appendix 6.2</b>	EnviroAfrica
2.	2017-10-27	Overberg District Municipality (Francois Kotze)	18/5/5/4	<p><b>Appendix 5.2.3.1</b></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 000m<sup>2</sup> 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. Please refer to his report <b>Appendix 7.3</b></p> <p>Noted. The Freshwater Impact Assessment evaluates the impact of the development on the immediate flooded area. The Freshwater specialist was notified and effect of the development on downstream habitats/ users will be addressed in</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>the EIR. Please refer to <b>Appendix 7.2</b> for the impact report.</p> <p>Noted and supported. The EMPr and River Maintenance Management Plan (MMP) will address alien eradication and revegetation. Please refer to <b>Appendix 11 and 12</b></p> <p>Noted and supported. The EMPr and River Maintenance Management Plan (MMP) will address alien eradication and revegetation. Please refer to <b>Appendix 11 and 12</b></p>	
3.	2017-10-24	BGMA (V Ligundu)	4/10/2/H70B/Van Der Wattskraal 294/3&5	<p><b>Appendix 5.2.3.2</b></p> <p>1. BGCMA acknowledge receipt of the Scoping Report for comment</p>	Noted	EnviroAfrica

				<p>2. BGCMA acknowledge receipt of a WULA regarding the proposed activities.</p> <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</p> <p>Noted. A dam safety application has been logged. Please refer to the Preliminary Design Report <b>Appendix 9.2</b></p> <p>Noted and supported, a rehabilitation plan will be drawn prior to construction starts.</p> <p>Noted</p>	
4.	2017-10-26	DEADP (Loretta Osborne)	16/3/3/2/E3/10/1005/17	<p><b>Appendix 5.2.3.3</b></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>Noted. BGCMA and Sarel Bester Ingenieurs was contacted in this regard and confirmed that a Hydrology study was conducted which confirms sufficient water (<b>Appendix 5.3.3.1</b> for a summary of the Hydrology report) and the WULA Application document (<b>Appendix 9.1</b>) which describes and summarise the results relating to the Mean</p>	EnviroAfrica

					Annual Runoff and 50% ecological reserve, existing water use rights and the new application for the taking of 120 000m <sup>3</sup> . Please refer to <b>Appendix 5.3.1</b> for email correspondence with BGCMA and Sarel Bester Ingenieurs.	
				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 must be aligned and integrated with respect to the fixed and synchronised timeframes.	Noted and supported. The WULA was submitted in 2016. The Department was contacted to advise on the process to follow. Please refer to <b>Appendix 5.3.1</b> for proof of email correspondence.	EnviroAfrica
				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 corrected.	
				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 WULA Application Document <b>Appendix 9.1</b>	
				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 <b>Appendix 2.2</b> 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 land currently being cultivated 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) <b>Appendix 5.2.3</b> and comments are attached as <b>Appendix 5.2.3.1 – 5.2.3.4</b> . The updated C&R report is included as <b>Appendix 5.3</b> comments are attached as <b>Appendix 5.3.1 – 5.3.7</b>
				2.10 Comments received during the Scoping Public Participation Process form	Noted and supported. Comments were captured in this report (C&R)

				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.	<b>Appendix 5.2.3</b> and comments are attached as <b>Appendix 5.2.3.1 – 5.2.3.5</b> . The updated C&R report is included as <b>Appendix 5.3</b> comments are attached as <b>Appendix 5.3.1 – 5.3.7</b>	
5.	2017-10-26	Cape Nature (Colin Fordham)	14/2/6/1/7/3_SWEL/399/5_2017/CF098	<p><b>Appendix 5.2.3.4</b></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. The Botanical Impact Assessment Findings was included in the EIR for comment. For the full report refer to <b>Appendix 7.3</b>.</p> <p>The Botanist Mr Peet Botes was asked to give input with regards to the impact of the rehabilitation of the weir on the vegetation. Please refer to <b>Appendix 7.3.2</b></p> <p>Noted and supported. Dr Dave Mc Donald was informed of Cape Natures recommendations/ terms of reference. Findings was included in the EIR for comment. For the full report refer to <b>Appendix 7.3</b>.</p>	

				<p>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)<sup>5</sup> and Appendix 6 to the EIA Regulations, GN No. R.982 of 4 December 2014.</p>	<p>Noted and supported</p>	
				<p>2. CapeNature would like to also remind the land owner that in terms of the Conservation of Agricultural 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</p>	<p>Noted. The landowner will be informed of this. The EMPr and River Maintenance Management Plan (MMP) address alien eradication. Please refer to <b>Appendix 11 &amp;12.</b></p>	

				<p>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.</p>		
				<p>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).</p>	<p>Noted and included in the MMP <b>Appendix 12</b></p>	
				<p>4. Regarding the Freshwater Assessment, CapeNature would like to submit the following comments:</p> <p>4.1 No GPS points were supplied for the exact location of the dam and weir, however from the maps CapeNature 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>zebratus</i> records in what could be the river in question that the applicant wishes to divert from. Both these species are</p>	<p>Please refer to Section 5.1 for corrected coordinates. An Ichthyologist, Dr Bruce Paxton was appointed to conduct a freshwater fish study as recommended by Cape Nature. For the full report refer to <b>Appendix 7.4</b>, a summary of the findings is included in section 10.4 of the draft EIR for comment.</p>	

				<p>currently listed as Data Deficient in the latest IUCN assessment (Tweddle <i>et al.</i>, 2009)<sup>7</sup> due to taxonomic uncertainty. Each is a species complex. 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 off-stream 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>Cognisance is taken in this regard. Sarel Bester Ingenieurs was contacted. Their response is discussed as a site alternative in section 4.1 of the EIR report. Their response (<b>Appendix 5.3.6</b>) as follows “The off-stream option is not quite feasible in terms of technical and design aspects. If one study the farming unit in terms of the contours, it is obvious that not only is the unit rather small but also has a rather flat topography bordering the Riviersonderend River. This implies that a natural dam basin is scarce also in terms of the soil types when considering sealing the dam. This further means that the dam costs will rise significantly when</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>regarding topography and sealing of the wall.</p> <p>Alternatives were researched in our Feasibility Study as the first step of assisting the client. The other option that was also researched was also an in-stream dam. Please refer to attached maps regarding alternatives (with and without contours).</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 6000m<sup>3</sup>/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.</p> <p>Refer to <b>Appendix 2.2</b> for the layout plan of the proposed BEE development.</p>	
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				<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>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</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 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. (See <b>Appendix 5.3.2</b> for email correspondence). This comment links to the recommendations made by Dr Du Preeze dated 21-01-2018 below and recommendations made by the Freshwater and Fish specialist. The EAP fully support these views and suggest that the EA for the dam and weir rehabilitation be granted, on the condition that the engineers design a suitable structure to ensure enough water remains in the Eksteenkloof stream when water is extracted for the dam. The engineers confirm that they can design such a</p>	
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				<p>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>structure with the relevant guidance from the department and specialists.</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 <b>Appendix 4.1</b> 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 <b>Preliminary Design Report</b>, which looks specifically at slope stability, outlet works, hydrology, spillway and quality control, <b>Appendix 9.2</b></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)<sup>14</sup> the damming of water results in sediment settling out of the water column and</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 system? I think each case must be considered based on the reach-specific</p>	

				<p>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 engineers and wetland specialists propose this impact of sediment starvation be mitigated?</p>	<p>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 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</p>	
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					<p>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 has the potential sediment trapping, small scale 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> <p><b>Appendix 5.3.3</b></p>	
				<p>7. The Mountain Catchment Areas Act (Act 63 of 1970) should be referenced and referred to accordingly.</p>	<p>Noted. Please refer to Section 3.7 of the report.</p>	<p>EnviroAfrica</p>

				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 to the Breede River (not applicable here) p25 section 6.7	Noted. The Draft EMPr was updated ( <b>Appendix 11</b> ).	EnviroAfrica
<b>COMMENTS ON FINAL SCOPING REPORT FOR DECISION</b>						
1.	2018-01-08	DEADP (Loretta Osborne)	16/3/3/2/E3/10/1005/17	2. Acceptance of the Final Scoping report and plan of study	Please refer to <b>Appendix 6.3.2</b>	EnviroAfrica
				3. You are reminded of the Departments comment issued o 26 October 2017, which must be sufficiently addressed during the EIA phase, in the draft EIR report	Please note that this comments and response report was updates and the comments made by the Department 20-10-2017 were revisited. Noted please refer to response to the comments above.	
				4 Since Activity 14 of the GN 324 is applied for, Activity 12 of GN 327 will not be applicable to the proposed development	Noted and corrected	
				5 Page 16 of the FSR refers to vegetation type Greyton Shale Fynbos as vulnerable. However, ito Section 52 of NEMBA, it is classified as endangered. You are hereby advised to amend the vegetation classification upon submission of the draft EIA report.	Noted and corrected	
				6 During the PPP, Cape Nature highlighted that a fish survey of the area is required	Noted. Dr Bruce Paxton from Freshwater Research Centre was	

				<p>prior to CapeNature issuing their final comment.</p>	<p>appointed as the Freshwater fish specialist. Please refer to <b>Appendix 7.4</b> for full report Section 10.4 of the EIR for a summary.</p>	
				<p>7 Cape Nature also recommended that an off-stream alternative is considered as part of the EIA assessment. This Department requires information whether this option would be reasonable and feasible to be considered as part of the EIA assessment. Should it be reasonable and feasible, the draft EIA Report must be amended to include the off-stream alternative and the related freshwater impact to be assessed by the freshwater specialist.</p>	<p>Cognisance is taken in this regard. Sarel Bester Ingenieurs was contacted. Their response is discussed as a site alternative in section 4.1 of the EIR report. Their response (<b>Appendix 5.3.6</b>) as follows "The off-stream option is not quite feasible in terms of technical and design aspects. If one study the farming unit in terms of the contours, it is obvious that not only is the unit rather small but also has a rather flat topography bordering the Riviersonderend River. This implies that a natural dam basin is scarce also in terms of the soil types when considering sealing the dam. This further means that the dam costs will rise significantly when regarding topography and sealing of the wall.</p> <p>Alternatives were researched in our Feasibility Study as the first step of assisting the client. The other option that was also researched was also an in-stream dam. Please refer to</p>	

					attached maps regarding alternatives (with and without contours).	
				8. You are advised that the EIA report must contain all information set out in Appendix 3 of GN 326 of 7 April 2017 and must be also include the information requested in this letter. Omission of any of the said information may result in the application for EA being refused.	Noted.	
				9 Please be reminded that all recommendations and mitigation measures proposed by the EAP and specialist studies must be incorporated in the Draft EIR and EMPr	Noted. Please refer to section 10 of the EIR and 6 of the EMP.	
				10 Note that the specialist reports must be appended to the draft EIR. Please ensure specialist reports contain all information specified in Appendix 6 of GN 326 of 7 April 2017.	Noted. Please refer to <b>Appendix 7.1 – 7.4</b>	
				11 The Maintenance and Management Plan (MMP) does not contain adequate detail of on-going maintenance activities. The description of on-going maintenance activities must therefore be elaborated e.g. maintenance of the weir if it breaks in the future and more detail with respect to the methods that will be used for implementation, frequency at which it will be implemented, and the parties responsible for the required actions. In addition, expected outcome (targets) for	Please refer to the updated MMP <b>Appendix 12.</b>	

				the on-going maintenance activities must also be included and must be quantified (anticipated success percentage as described in the Department's Guidelines for Compiling a MMP).		
				12 In terms of the agreement of the One Environmental System of the Water Act, the process for a WULA and for an EIA must be aligned and integrated with respect to the fixed and synchronised timeframes, as prescribed in the EIA Regs of a WULA to the DWS, as well as the WULA assessment information must be provided to this Department with the final EIR.	The WULA application was logged in 2016, before the formal implementation of the One Environmental System. The Department was also asked to advise with in this regard. Please refer to <b>Appendix 5.3.7</b> for email correspondence.	
				13 The EAP must submit a minimum of two printed copies of the draft EIA report and EMPr must also be made available to all relevant State Departments/ Organs of stat...,for a 30-day comment period. The EAP must notify the Department in writing of the date the draft EIR and EMPr was submitted to the relevant State Departments/ organs of stat and clearly indicate whether or notified of the 30-day commenting period ito section 240 NEMA It is imperative that the State Departments/ Organs of state are in possession of the draft reports when the EAP issues them notice ito section 240 NEMA. The EAP is responsible for such consultation. The EAP is responsible for such consultation. The EAP must include proof of such notification to the relevant	Noted. Please refer to the IAP list. The Draft EIA report for comment will be sent out to all on the IAP list, comments will be obtained and included in the next Draft EIR.	

				State Departments/ Organs of state in terms of Section 240(2) and (3) NEMA in the Draft EIA report, where appropriate. Comments for DWS/ BGCMA must also be obtained.		
				14 Please ensure that comments from all the relevant Organs of State, including any comments from the Department, are submitted with the Final EIA report.	Noted. The Comment and Response report (C&Rr) will be updated and comments will be included in Appendix 5.	
				15 You must now proceed with the EIA process in accordance with the task outlined in the plan of study of the EIA.	Thank you and noted	
				16 The Department awaits the submission of the EIA Report a prescribed by the EIA Regs. The EIA and EMPr must be submitted to the Department in 106 days from the date of this letter. However, if significant changes have been made and new information has been added, an additional 50 days would be required for submission. The additional 50 days must include a minimum 30-day commenting period for public participation.	Noted and supported	
				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	

2	23-01-2018	Dr Du Preeze, Dasberg Bewarea		<p><b>Appendix 5.3.4</b> 1 Dear Inge</p> <p>This letter is drafted as an opinion from the chairman of Dasberg Bewarea, the owners of the Dasberg mountain water catchment areas. Our purpose is to protect the fauna and flora of this beautiful and pristine Cape fynbos land. The quest is to achieve a balance of retaining enough water in the Kloof for the ecological infrastructure while water is also extracted for agricultural purposes.</p> <p>In Eksteenskloof is a dam from which Schalk Viljoen (Dasberg boerdery) has 240 000m3 existing water rights per year (to avoid confusion it is repeated that Dasberg Bewarea owns the land and a completely different entity namely Dasberg Boerdery extracts water from here). Schalk Viljoen has applied for a further 120 000m3 per year from here and the Jonkers (Sangasdrift Trust) has applied for 120 000m3 of water from the same Kloof to be extracted 2km lower down.</p> <p>In this mountain stream are two indigenous species of fish (Cape galaxias and Cape kurper). There are also many other aquatic species in the river - some possibly unknown to mankind. Dasberg Bewarea, the owners of this land, is concerned that in dry times there may not</p>	<p>Dr Du Preeze was thanked for his input and his recommendations were forwarded to the relevant engineers (Sarel Bester Ingenieurs BK) who is handling the WULA application and weir and dam designs (<b>Appendix 5.3.4 &amp; 5.3.4.1</b>). This comment links with suggestions made by Cape Nature (See comment 4.6 dated 2017-10-26 above) and recommendations made by the Freshwater and Fish specialist. The EAP fully support these views and suggest that the EA for the dam and weir rehabilitation be granted, on the condition that the engineers design a suitable structure to ensure enough water remains in the Eksteenkloof stream when water is extracted for the dam.</p>	
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				<p>be enough water in Eksteenskloof to sustain the delicate balance of the ecosystem, because of too much water extraction.</p> <p>Possible solutions:</p> <p>1) Below the top dam in Eksteenskloof is an existing waterpipe with a T-connection. This connection has a small diameter and could be left open to ensure a constant flow of water below the dam wall.</p> <p>2) At the weir 2km lower down in the Kloof an open waterpipe underneath the weir lower than the extraction point could ensure a continuous flow of water.</p> <p>3) Extraction of high volumes of water should only take place during times of good rainfall when there is a surplus of water in the Kloof.</p>		
COMMENTS ON DRAFT EIR (FEB 2018) FOR COMMENT						
1.	12-02-2018	DEADP (Loretta Osborne)	16/3/3/2/E3/10/1005/17	DEADP Acknowledge receipt of Draft EIR for comment <b>Appendix 6.4.1</b>	Noted	EnviroAfrica
2.	26-02-2018	Madie Coetzee (Swellendam Municipality)		<b>Appendix 5.4.2</b> Your submission dated 9 February 2018 refers. Circulation to our offices is appreciated. Our comments are as follows: <ol style="list-style-type: none"> <li>In terms of the Swellendam Spatial Development Framework, 2015, the following is of relevance: "with over 90% of</li> </ol>	<ol style="list-style-type: none"> <li>The new 55ha BEE development would include nuts and vineyards (50/50) and will be irrigated by micro and drip methods,</li> </ol>	

				<p>water used for irrigation, it would ne prudent for specific attention to be given to the continuous improvement of irrigation practices and the maximisation of the benefits derives. “</p> <p>2. In terms of the Swellendam Integrated Zoning Scheme, 2014, the property is zoned “Agricultural Zone” and the establishment of an irrigation dam is permissible in term of the zoning.</p> <p>3. Flood mitigation measures need to be considered in the event of structural failure.</p>	<p>depending on soil type, usually around 6000m<sup>3</sup>/ha/a. Irrigation is needed during dryer summer seasons</p> <p>2. Noted</p> <p>3. Noted. The engineers conducting the weir and dam structure designs was be notified to keep flooding in mind when designing these structures. See <b>Appendix 5.4.2.1</b> for proof that engineers were notified.</p>	
3.	13-03-2018	DEADP (Loretta Osborne)	16/3/3/2/E3/10/1005/17	<p><b>Appendix 5.4.3</b></p> <p>1 The Draft EIR and letter dated 9 February 2018, as received by fie Department on the same day, refer.</p> <p>2 The Department has the following comments that must be addressed and included in the final EIR:</p> <p>2.1 It is noted that Activity 14 as defined in Government Notice No. 324 as it is</p>	<p>2.1 Due to previous comments from DEADP (Dated 08-01-2018) Activity</p>	

				<p>expected to be within a critical biodiversity area. Please note that the CBA or ecosystem service areas identified in systematic biodiversity plans has not been adopted by the competent authority or in bioregional plans. Therefore, should this be the only trigger then the aforementioned activity will not be applicable. However, Activity 12 as defined in GN 327 will be applicable.</p> <p>2.2 Proof of the notifications and copies of the notification letters sent to I&amp;APs for comment on the Draft EIR must be included.</p> <p>2.3 A summary of the issues raised by interested and affected parties, and an indication of the manner in which these issues were incorporated, or the reason for not including them in the final EIR.</p> <p>2.4 All representations and comments received must be included in the final EIR and any response by the EAP to those representations and comments</p>	<p>12 of GN 327 was removed but has been be included again.</p> <p>2.2 Please refer to <b>Appendix 5.4.1</b> for proof that the draft EIR for comment (Dated Feb 2018) was sent out to all registered I&amp;APs for comments.</p> <p>2.3 Issues raised by I&amp;APs are captured in this comments and response report. Valid Recommendations made by I&amp;APs (i.e. by Cape Nature) were included in the EMPr. Please refer to <b>Appendix 5.4.2 – 5.4.5.5 for copies of comments received.</b></p> <p>2.4 Issues raised by I&amp;APs are captured in this comments and response report.</p>	
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				must be tabulated in a comments and response report.	Please refer to <b>Appendix 5.4.2 – 5.4.5.5 for copies of comments received as well as corresponding emails.</b>	
4	15-03-2018	BGCMA	4/10/2/H60K/Van der Wattskraal 394/3&5	<b>Appendix 5.4.4</b> The comments provided by BGCMA on 24 October 2017 still applies. All relevant sections and regulations of the NWA Act 36 Of 1998 regarding water use must be adhered	Please refer to the comments and response dated 24-10-2017 above.	
5	22-03-2018	Cape Nature (Chanel Rampartab)	SSD14/2/5/1/7/3/ Dam_Weir_Riviersonderend	<b>Appendix 5.4.5</b> CapeNature would like to thank you for the opportunity to comment on the application. In addition to CapeNature's comments to the post-application scoping report and plan of study (October 2017), we would like to provide the following comments. Please note that our comments only pertain to the biodiversity-related impacts and not to the overall desirability of the application.  1 The botanical specialists for both the weir and dam sites ascribe the degraded status of the sites to the presence of alien vegetation. However, the presence of alien vegetation does not necessarily negate the biodiversity value of the site. Note that in terms of the Conservation of Agricultural Resources Act (CARA 1983) and NEM:BA Alien and Invasive Species Regulations (2014), all landowners are required to	1 Noted and supported the MMP discusses alien vegetation eradication.	

			<p>implement an alien invasive management plan. From historical satellite imagery, it is evident that the clearing of black wattle <i>Acacia mearnsii</i> has taken place successfully along the watercourse and CapeNature commends the clearing efforts of the landowners in this regard. As the various species of alien trees on site are thinned out, the indigenous vegetation will recover.</p> <p>2 CapeNature generally does not support the development of in-stream dams. According to email correspondence from the engineers, an off-stream dam site was investigated as an alternative, but was declared unfeasible. The email references diagrams that were not made available. The final EIR should contain further evidence that the alternative dam site is unfeasible.</p> <p>3 The development will have the greatest impact on the ecological reserve. The ecological reserve is critical to the freshwater ecology and floral and faunal assemblages on site and downstream of the site. Given the current drought situation in the Western Cape, it is important to ensure that the <b>ecological reserve receives sufficient flow</b>. While the application mentions winter-only abstraction, this is difficult to monitor;</p>	<p>2 Email correspondence with Sarel Bester Ingenieurs regarding the feasibility of an off-stream dam alternative was included as <b>Appendix 5.3.6</b>. The engineers believe that there is no feasible alternative for the dam. Please refer to email correspondence with Cape Nature and Sarel Bester Ingenieurs <b>Appendix 5.4.5.1</b>.</p> <p>3 Please refer to <b>Appendix 5.4.5.4</b> for the email correspondence between the EAP and BGCMA regarding this comment from Cape Nature. The main points being <b>(1)</b> Engineered solution to ensure the ecological reserve is adhered to, <b>(2)</b> hydrology/ more information on anticipated water flow, <b>(3)</b> the ecological reserve:</p>	
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				<p>therefore, an <b>engineered solution</b> must be implemented to prevent complete shut-off of the valve. Since the tributary flows into the Sondered River, which is further constrained by the Theewaterskloof Dam, CapeNature suggests that the applicant provide more information on the <b>anticipated water flow into the ecological reserve during both the dry summer months</b> and the wet winter months according to standards from the Department of Water and Sanitation.</p>	<p><b>(1)Engineers solution:</b> Sarel Bester Ingenieurs provided BGCMA with a letter (see point 6 of <b>Appendix 5.4.5.4.1</b>) where they confirm that the weir and dam designs will only be finalised as per recommendations/ stipulations set out by the WUL/ EA to ensure that the ecological reserve is adhered to. <b>BGCMA: The license if approved will stipulate conditions to mitigate the environmental impacts. After issuance of the license, the applicant is required to submit the final designs for approval before construction begins.</b></p> <p><b>(2)More information on anticipated water flow:</b> BGCMA already recommended a private hydrological study be done (see <b>Appendix 5.4.5.4.2</b> for the summary of the Hydrology report). This summary shows the last 70 years' average flow values in Eksteenkloof and when looking at the mean annual runoff, there is very little to no water flowing there in summer, so to determine the anticipated flow during summer months will be useless. The WULA is also just for the taking of winter surplus water. No further hydrology studies are</p>	
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				<p>\</p>	<p>required? BGMCM: So far information and studies received are enough.</p> <p><b>(3)Ecological reserve:</b> It was agreed upon that an Ecological Reserve of 50% will be left in the river which is more than the normal recommended 12 – 25%/45%???. BGCMA: “In terms of the ecological water requirements, the available Reserve suggest that the requirement at this quaternary catchment is about 25% of the MAR. The trick is that the Reserve that is available is for the main stem of Riviersonderend River, into which this specific tributary flows. I am of the opinion that the 50% of flow that is suggested would be enough, but the exact percentage for this tributary will be received once the Reserve is received from Water Ecosystems. The only other Reserve for the Kwassadie tributary in the same quaternary catchment requires only 17 % of the MAR for the Ecological Water Requirements. I will therefore be able to make a final response in terms of the Reserve, when the approved Reserve is received, but I do think</p>	
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				<p>4 The SASS findings were based on a single assessment. Ideally, several SASS assessments should be conducted both at the weir and downstream of the weir in order to draw general conclusions.</p>	<p>that the 50% suggested will be enough”</p> <p>4. Please refer to <b>Appendix 5.4.5.2</b> for the email correspondence between the EAP, Natasha van Haar who conducted the Freshwater Impact Assessment, and Cape Nature with regards to this comment. Natasha’s 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 reach, which is in the downstream reach”. Limited habitat refers to inadequate availability of habitat ranging across specified biotopes (e.g. Stones-in current-across the river and up and down the riffle, vegetation was also restrictive at the time. The</p>	
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				<p>5 CapeNature is in support of the <u>recommendations</u> presented in the botanical, freshwater ecology and freshwater fish specialist reports for the weir and dam sites. In general, CapeNature supports the EMP and in addition, suggests that the following are also included:  <u>Vegetation and freshwater:</u></p> <ul style="list-style-type: none"> <li>• Water flow into the ecological reserve must be implemented and adhered to as it is critical to the ecology of the region. To ensure this, the valve must be designed to prevent a complete shut-off.</li> <li>• No non-native fish species may be stocked in the dam, which could increase invasion risk into the watercourse.</li> </ul>	<p>most common error of SASS comes from not covering all biotopes adequately and it was not possible to wade through the most important parts of the upstream section to collection samples where the old weir was “</p> <p>Please also refer to the photographs as requested by Cape Nature.  <b>Appendix 5.4.5.2.1</b></p> <p>5 All valid recommendations were included in <b>section 6 of the EMPr.</b></p> <ul style="list-style-type: none"> <li>• Noted and supported. the final weir and dam design should include this recommendation.</li> <li>• Please refer to <b>Appendix 5.4.5.3</b> for email correspondence between the EAP and the Fish Specialist, Dr Bruce Paxton</li> </ul>	
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				<ul style="list-style-type: none"> <li>• Efforts must be made to relocate fish out of the construction footprint to upstream areas to minimise mortality during the construction phase</li> </ul>	<p>regarding this recommendation. The fish specialist agrees with this recommendation and has been included in the EMPr.</p> <ul style="list-style-type: none"> <li>• Please refer to <b>Appendix 5.4.5.3</b> for email correspondence between the EAP and the Fish Specialist, Dr Bruce Paxton regarding this recommendation.</li> </ul> <p>The Fish specialist response were as follow: “Cape Nature’s recommendation to move fish away from the construction site is unworkable. Firstly, fish are mobile and will likely move downstream back towards the construction site, or through it if that is possible. Secondly, there is insufficient habitat upstream to support large fish populations and sudden influxes of migrants will be disruptive to existing populations. Once construction begins, the fish will likely start moving downstream to avoid the disturbance area anyway. Much more importantly, during the construction phase, every effort should be made to keep</p>	
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				<ul style="list-style-type: none"> <li>• Construction material should be certified free of invasive alien plant seed to prevent infestation in the watercourse.</li> </ul> <p><u>Pipeline:</u></p> <ul style="list-style-type: none"> <li>• The pipeline trench should be dug by hand to avoid any unnecessary pollution and destruction of vegetation from heavy machinery.</li> <li>• The working buffer on either side of the pipeline can be reduced from the proposed 5 m to 1 m, thereby reducing the footprint from approximately 3 500 m<sup>2</sup> to 750 m<sup>2</sup> along the 350 m length of pipeline.</li> </ul> <p><u>Fire:</u></p> <ul style="list-style-type: none"> <li>• No intentional fires shall be burned on site. Fynbos is a fire-driven ecosystem. Coupled with the alien tree infestation, the site may have a high fire risk. All vegetation that will be</li> </ul>	<p>sediment out of the river so that downstream populations are not affected”.</p> <ul style="list-style-type: none"> <li>• Noted and included in the EMP<sub>r</sub> and MMP</li> </ul> <p>Please refer to <b>Appendix 5.4.5.5</b> for email correspondence between the EAP and the engineers regarding these recommendations.          “The type and size of furrow that needs to be dug for a minimum of 150mm pipe over a minimum of 350m according to SANS standards would not be feasible to be dug by hand, especially in a rocky area. Therefore a 2m buffer would not suffice for the necessary machinery, we suggest a minimum of 8m wide buffer.”</p> <ul style="list-style-type: none"> <li>• Noted included in the EMP<sub>r</sub></li> </ul>	
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