



REFERENCE: 16/3/3/2/E3/10/1005/17

ENQUIRIES: Lorretta Osborne

DATE: 2018 -01- 08

The Trustees
Sangasdrift Trust
P.O. Box 15
BONNIEVALE
6730

Attention: Ms O Jonker

Tel: (023) 616 2143

Fax: (023) 616 2675

Dear Madam

ACCEPTANCE OF THE FINAL SCOPING REPORT AND PLAN OF STUDY FOR AN ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") IN TERMS OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) FOR THE PROPOSED CONSTRUCTION OF HUT DAM ON PORTIONS 3 AND 5 OF FARM VAN DER WATSKRAAL NO. 394 AND THE RECONSTRUCTION OF AN EXISTING WEIR ON REMAINDER OF FARM NO. 234, SWELLENDAM

1. The final Scoping Report and the letter dated 6 November 2017, as received by the Department on the same day and the Departmental letter issued on 7 November 2017, refer.
2. This letter serves to inform you that the abovementioned document has been accepted by the Department.
3. You are reminded of the Department's comment issued on 26 October 2017, which must be sufficiently addressed during the EIA phase, in the draft EIA Report.
4. Since Activity 14 of Government Notice ("GN") No. 324 is applied for, Activity 12 of GN No. 327 will not be applicable to the proposed development.
5. Page 16 of the final Scoping Report refers to vegetation type Greyton Shale Fynbos as vulnerable. However, in terms of Section 52 of the National Environmental Management: Biodiversity Act (Act No. 10 of 2004), it is classified as endangered. You are hereby advised to amend the vegetation classification upon the submission of the draft EIA Report.
6. During the Public Participation Process, CapeNature highlighted that a fish survey of the area is required prior to CapeNature issuing their final comment. Please be advised that the aforementioned must be included in the draft EIA Report.

7. CapeNature also recommended that an off-stream alternative is considered as part of the EIA assessment. This Department requires confirmation 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 impacts to be assessed by the freshwater specialist.
8. You are advised that the EIA Report must contain all information set out in Appendix 3 of GN No. 326 of 7 April 2017 and must also include the information requested in this letter. Omission of any of the said information may result in the application for Environmental Authorisation being refused.
9. Please be reminded that all recommendations and mitigation measures proposed by the Environmental Assessment Practitioner and specialist studies must be incorporated into the draft EIA Report and EMPr.
10. Note that the specialist reports must be appended to the draft EIA Report. Please ensure that these specialist reports contain all information specified in Appendix 6 of GN No. 326 of 7 April 2017.
11. The Maintenance 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 future and dam maintenance in case of silt build-up. The method statements should contain more detail with respect to the methods that will be used for implementation, the frequency at which it will be implemented, and the parties responsible for the required actions. In addition, expected outcome (targets) for the on-going maintenance activities must also be included and must be quantified (anticipated success percentage as described in this Department's Guideline for Compiling a MMP).
12. In terms of the Agreement for the One Environmental System (section 50A of the NEMA and sections 41(5) and 163A of the National Water Act, 1998 (Act No. 36 of 1998) ("NWA") the processes for a Water Use Licence Application and for an EIA must be aligned and integrated with respect to the fixed and synchronised timeframes, as prescribed in the EIA Regulations, 2014 (as amended), as well as the 2017 WULA Regulations. Proof of submission of a Water Use Licence Application ("WULA") to the Department of Water and Sanitation, as well as the WULA assessment information must be provided to this Department with the final EIA Report.
13. In addition to the above, the Environmental Assessment Practitioner ("EAP") must submit a minimum of two printed copies of the draft EIA Report and EMPr to the Department for a **30-day** comment period. The draft EIA Report and EMPr must also be made available to all relevant State Departments/Organs of State that administer laws relating to a matter affecting the environment, for a 30-day comment period. The EAP must notify the Department in writing of the date the draft EIA Report and EMPr was submitted to the relevant State Departments/Organs of State and clearly indicate whether or not such State Departments/Organs of State were notified of the

30-day comment period in terms of Section 24O of NEMA. It is imperative that State Departments/Organs of State are in possession of the draft Reports when the EAP issues them with the notice in terms of Section 24O of NEMA. **Please note that the EAP is responsible for such consultation.** Therefore, it is requested that the EAP include proof of such notification to the relevant State Departments/Organs of State in terms of Section 24O(2) and (3) of NEMA in the draft EIA Report, where appropriate. **Comment from the Department of Water and Sanitation/ Breede Gouritz Catchment Management Agency and the Department of Agriculture 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.
15. You must now proceed with the EIA process in accordance with the tasks outlined in the plan of study for the EIA.
16. The Department awaits the submission of the EIA Report as prescribed by the EIA Regulations 2014. In accordance with Regulation 23(1) of GN No. 326 of 7 April 2017, the EIA Report and EMPr must be submitted to this Department for decision within a period of **106 days** from the date of this letter. If however, significant changes have been made or significant new information has been added to the EIA Report, the applicant/EAP must notify the Department that an additional 50 days (i.e. 156 days from the date of the acceptance of the Scoping Report by the Department) would be required for the submission of the EIA Report. The additional 50 days must include a minimum 30-day commenting period to allow registered I&APs to comment on the revised report and/or additional information.
17. If the EIA Report and EMPr are not submitted within the prescribed timeframe, the application will lapse in terms of Regulation 45 of GN No. 326 of 7 April 2017 and your file will be closed. Should you wish to pursue the application again, a new application process would have to be initiated. A new Application Form would have to be submitted and the prescribed application fee would have to be paid again.
18. Kindly quote the abovementioned reference number in any future correspondence in respect of the application.
19. Please note that the activity may not commence prior to an Environmental Authorisation being granted by the Department. It is an offence in terms of Section 49A of the NEMA for a person to commence with a listed activity unless the Department has granted an environmental authorisation for the undertaking of the activity. Failure to comply with the requirements of Section 24F and 49A of the NEMA will result in the matter being referred to the Environmental Compliance and Enforcement Directorate of this Department for prosecution. A person convicted of an offence in terms of the above is liable to a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment.

20. This Department reserves the right to revise or withdraw comments or request further information from you based on any information that might be received.

Yours faithfully



**HEAD OF COMPONENT
ENVIRONMENTAL IMPACT MANAGEMENT SERVICES
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

CC: (1) Ms I Erasmus (EnviroAfrica)
(2) Mr R Brunnings (Swellendam Municipality)

Fax: (086) 512 0152
Fax: (028) 514 2694