

REFERENCE: 16/3/3/2/B5/2/1054/20

DATE: 28 January 2021

The Board of Directors
Jade Hills Farming (Pty) Ltd
Po Box 72
CERES
6835

Attention: Mr Jean Faul

Cell: 083 256 2567

E-mail: jeanfaul@lando.co.za

Dear Sir

ACCEPTANCE OF THE FINAL SCOPING REPORT AND PLAN OF STUDY FOR ENVIRONMENTAL IMPACT ASSESSMENT (“EIA”) IN TERMS OF THE EIA REGULATIONS, 2014 FOR THE PROPOSED CONSTRUCTION OF THE NEW JADE HILLS DAM ON PORTION 26 OF FARM STINKFONTEIN NO. 383, CERES.

1. The Final Scoping Report and letter dated 3 December 2020 and this Department's acknowledgement thereof issued on 8 December 2020, refer.
2. This letter serves to inform you that the Final Scoping Report has been accepted by the Department on condition that the following be addressed in the EIA Report:
 - 2.1 It was noted that an 8.6ha listed water use is available for irrigation but that 10.5ha of fruit orchards are proposed. Confirmation must be provided that sufficient water use rights are available for irrigation of the proposed 10.5ha fruit orchards and that there are no conflicts in terms of the proposed water use and its allocation. Please note: Insufficient water rights allocated to the site for cultivation may warrant a flaw to the proposal based on the need to irrigate the extent of the proposed fruit orchards.
 - 2.2 The Botanical Impact Assessment (“BIA”) compiled by PB Consult Environmental Management Services dated 4 March 2019 concluded that the proposed dam will not have a significant botanical impact since the site and its immediate surroundings are considered transformed with no natural veld remaining, except for a few hardy indigenous species. Aside from the recommendation that the land between the dam and the rocky ridge should not be cultivated, it is not apparent whether the BIA included an assessment of the area designated for the 10.5ha fruit orchards. It is therefore required that the botanical impact statement be expanded to determine whether proposed cultivation area will result in the clearance of indigenous vegetation and confirm the level and nature of the botanical impacts associated with the proposed 10.5ha fruit orchards.

- 2.3 If the proposed 10.5ha cultivation area triggers any of the listed activities in terms of NEMA EIA Regulations, 2014, it must be included, assessed and addressed in the in the EIA Report.
3. It was noted that this Department's comment dated 26 November 2020 on the Draft Scoping Report was responded to in the cover letter attached to the Final Scoping Report. Please note that all comments must be responded to in the Comments and Response Report.
 4. You are hereby advised that the EIA Report must contain all the information set out in Appendix 3 of the EIA Regulations, 2014 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.
 5. An Environmental Management Programme ("EMPr") that contains all information set out in Appendix 4 of the EIA Regulations, 2014 must be compiled that addresses the potential environmental impacts of the activity on the environment throughout the project life cycle, i.e. the EMPr must address impacts in respect of the planning and design, pre-construction and construction activities, operation of the activity, rehabilitation of the environment and closure/decommissioning (if applicable). The Department would like to advise that in compiling the EMPr the Department's Guideline for Environmental Management Programmes (available from the Department's website (http://www.westerncape.gov.za/eng/your_gov/406/services/11537/10199) must be taken into account.
 6. Note that the specialist reports must be appended to the EIA Report. Please ensure that these specialist reports contain all the information specified in Appendix 6 of the EIA Regulations 2014.
 7. In addition to the above, the Environmental Assessment Practitioner ("EAP") must submit an electronic copy 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.
 8. The EAP must record and respond to all comments received. The comments and responses must be captured in a Comments and Response Report and must also include a description of the public participation process followed. This report must also be included in the public participation information to be attached to the EIA report submitted for a decision.
 9. Please ensure that comments from all the relevant Organs of State, including any comments from the Department, are submitted with the EIA Report.
 10. You must now proceed with the EIA process in accordance with the tasks outlined in the Plan of Study for EIA.
 11. The Department awaits the submission of the EIA Report as prescribed by the EIA Regulations 2014. In accordance with Regulation 23(1) of the EIA Regulations 2014, 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.

12. If the EIA Report and EMPr are not submitted within the prescribed timeframe, the application will lapse in terms of Regulation 45 of the EIA Regulations 2014 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.
13. Please note that an electronic copy of the EIA Report and EMPr must be submitted to the Department for decision.
14. Kindly quote the abovementioned reference number in any future correspondence in respect of the application.
15. 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.
16. This Department reserves the right to revise or withdraw comments or request further information from you based on any new or revised information that might be received.

Yours faithfully

HEAD OF COMPONENT
ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 1
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Cc: (1) Mr Clinton Geyser (EnviroAfrica)
(2) Mr David Nasson (Witzenberg Municipality)

E-mail: clinton@enviroafrica.co.za
E-mail: admin@witzenberg.gov.za