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The Board of Directors
Black Orchid Farming (Pty) Ltd.
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8012

Attention: Hannah Young

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Dear Sir or Madam

COMMENT ON THE PRE-APPLICATION DRAFT SCOPING REPORT AND PLAN OF STUDY FOR ENVIRONMENTAL IMPACT ASSESSMENT REPORTING IN TERMS OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE PROPOSED DEVELOPMENT OF AN INSTREAM DAM ON PORTION 2 AND 3 OF THE FARM NO.1100, BONATHABA, MALMESBURY

1. The draft Scoping Report, Appendices and Plan of Study for Environmental Impact Reporting dated December 2020 that were received by this Department via electronic mail on 15 December 2020, refer.
2. Having considered the information contained in the aforementioned report, this Department in accordance with Regulation 7 (5) of the Environmental Impact Assessment ("EIA") Regulations as defined in Government Notice ("GN") No. R. 982 of 2014 (as amended), hereby provides the following comments with regard to the proposed development:
 - 2.1. **Alternatives:** It is noted that a single site/location alternative, two layout alternatives and the 'no-go' alternative were considered. These alternatives have been satisfactorily described in your Draft pre-application Scoping Report.

Specialist Assessment Reports: It is noted that you intend to conduct a Freshwater Impact Assessment, Botanical Impact Assessment and to also submit a Notice of Intent ("NID") to Heritage Western Cape regarding the potential heritage-related impacts of the proposed development. Please include the comment from CapeNature and the National Department of Water and Sanitation on the pre-application Draft Scoping Report when submitting your next pre-application report. Furthermore, the Heritage Impact Assessment must also be conducted if Heritage Western Cape requests that the Heritage Impact Assessment be undertaken or if any Interested and Affected Party requests that the Heritage Impact Assessment be undertaken and provides sufficiently strong motivation for making the request.

- 2.2. **Water Use Licence Application:** It is noted that a Water Use Licence ("WULA") is required from the National Department of Water and Sanitation for the proposed development. Please ensure that proof of having lodged the WULA is submitted together with your Draft Environmental Impact Report ("EIR"), should you decide to proceed with the pre-application process to the Environmental Impact Reporting phase.

- 2.3. **Plan of Study:** Please be informed that this Department has not noted any issues of significant concern in the Plan of Study included in your pre-application Draft Scoping Report.
3. In terms of Section 2(1)(g)(iii) of Appendix 2 of the EIA Regulations, 2014 (as amended), please include the issues raised by Interested and Affected Parties, and an indication of the manner in which the issues were adequately taken into account in your next pre-application report,
 4. Please note that the activity must not be commenced with prior to an environmental authorisation being granted by the competent authority. It is prohibited in terms of the NEMA for a person to commence with a listed activity unless the competent authority has granted an environmental authorisation for the undertaking of the activity. Failure to comply in terms of this prohibition will result in the matter being referred to the Environmental Law Enforcement Directorate of this Department for possible prosecution. A person convicted of an offence in terms of the above is liable for a fine not exceeding R5 000 000 or to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment.
 5. Kindly quote the abovementioned reference number in any future correspondence regarding the pre-application case.
 6. This Department reserves the right to revise its initial comments and request further information from you based on any new or revised information received.

Yours faithfully

pp HEAD OF DEPARTMENT

Copied to: Anthony Mader

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