

**DRAFT SCOPING REPORT: BONATHABA, PORTION 2 & 3 FARM 1100;
DIVISION MALMESBURY; SWARTLAND MUNICIPALITY**



APPLICANT: Black Orchid Farming (Pty) Ltd

COMMENT AND RESPONSE REPORT

(DEA&DP Ref. No: 16/3/3/6/1/F5/16/2089/20)

No.	Comment Date, Comment Format, Organisation/I&AP	Comment	Response from EAP/Applicant/Specialist/Project Manager
Comments Received on Pre-Application Scoping Report			
1	Format: Email Letter I&AP: Department of Agriculture: Sustainable Resource Management (Mr Jan Smit) jans@elsenburg.com	Please provide postal address, email and contact number of the office. Also provide the name of a contact person for the land user, landowner or applicant.	Respondent: EAP Please see details below:

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		<p>Proponent</p> <p>Name of Applicant/Proponent: Black Orchid Farming Pty (Ltd)</p> <p>Name of contact person for Applicant/Proponent (if other): Ms Mine van Wyk</p> <p>Company/ Trading name/State Department/Organ of State: Black Orchid Farming Pty (Ltd)</p> <p>Company Registration Number:</p> <p>Postal address: P.O. Box 6100 Roggebaai Postal code: 8012</p> <p>Telephone: (021) 421 2129 Cell: 082 511 6036</p> <p>E-mail: Mine.van.wyk@uff.co.za Fax: (021) 421 0510</p> <p>Company of EAP: EnviroAfrica</p> <p>EAP name: Anthony Mader</p> <p>Postal address: P.O. Box 5367, Helderberg Postal code: 7135</p> <p>Telephone: (021) 851 1616 Cell: 083 309 9211</p> <p>E-mail: anthony@enviroafrica.co.za Fax: (086) 512 0154</p> <p>Qualifications: BSc; BSc (Honours) - in Environment, Ecology and Conservation; PhD (currently completing)</p> <p>EAPASA registration no: N/A</p>	<p>Respondent: EAP and</p> <p>Please note that as per the notification email (dated 15th December 2020), the link to our website, containing the pertinent document, was provided under the "Projects for Public Participation" Tab -> "<i>Bonathaba Dam_ Pre-Application Scoping Report</i>" -> "<i>Appendix 9_ Water Use Rights – Bergrivier Besproeiingsraad – 06 June 2019</i>". Please see link provided to site for convenience: https://enviroafrica.co.za/wp-</p>
		<p>It is stated that, the application is for the storage of an existing water use that could never be potted before. Appendix 9 was not included. Does this "existing water use" refer to summer or winter water listed at the Irrigation Board?</p>	

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			content/uploads/2020/12/Appendix-9_-Water-Use-Rights-Bergrivier-Besproeingsraad-06-June-2019.pdf .
		<p>The Botanical Study (Annexure 8.1) was not included in the e-mail.</p>	<p>Respondent: EAP Please note that as per the notification email (dated 15th December 2020), the link to our website, containing the pertinent document, was provided under the "Projects for Public Participation" Tab -> "Bonathaba Dam_ Pre-Application Scoping Report" -> "Appendix 8.1_ Botanical Report". Please see link provided to our site for convenience: https://enviroafrica.co.za/wp-content/uploads/2020/12/Appendix-8.1_-_Botanical-Report.pdf .</p>
		<p>The proposed development will impact on HUAL. It is stated that on the context of the entire farm the clearance of 10.4ha of agricultural crops will not significantly impact on the potential of the farm. This is an unsubstantiated statement.</p> <ul style="list-style-type: none"> • What is the actual impact on production and loss of jobs? • How, when and where will the existing perennial crops be replaced? Is there enough HUAL on the farming unit to do the replacement? • What is the potential of the land that will be lost? 	<p>Respondent: Applicant</p> <p>The impact on production and job losses would not be affected due to the following reasons. The current plantings on the area affected consist of the following. 3Ha lemons, planted in 1994. 2.2Ha Tawny grapes, planted 2014. 2.5 Ha Magenta planted 2016. 1.5 Ha Sugra 19 planted in 2012 and Crimson 1.2 Ha planted in 2008.</p> <ul style="list-style-type: none"> • The lemons are already reaching the end of the profitability in terms of tree age, production and quality of fruits. This area was earmarked for replacement in the short term. 6Ha new Lemons were planted in 2016 to replace the current 5 ha's that needs to be replanted due to age. • The Tawny and Magenta cultivars are currently under a lot of pressure from international markets due to very low demand for this specific cultivars due to cultivar characteristics that is not acceptable because of quality, condition and shelf life. Therefore also needs to be uprooted due to very low income. • The Crimson and Sugra 19 field struggles with consistent low yields that is also not viable to continue with. • Alternative area's on the farm can also be utilized for new plantings of the 10.4 Ha's that will be used for the dam. 6 Ha's has already been newly planted with lemons. Only 4.4 Ha's will be needed to replace the total area of the fields lost. This would be covered in the yearly long term replanting strategy for the farm that consist between 5% to 10 % of the farms planted area.

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			<ul style="list-style-type: none"> Although there is an area of land lost the total area of the dam in reflection of the farms size is less than 3%. If the dam and water security does not take place this can have a huge implication crop losses in case of drought's and water shortages. This will have a direct negative influence on employment security e.g., job losses as well as loss of production and loss of income.
		<p>Freshwater: The drainage lines (\pm 3.3km) is mostly dry, but runoff will accumulate during rains. Steep slopes may have a high erosion potential.</p> <ul style="list-style-type: none"> Where the drainage line has been straightened, the channels have eroded. How will the erosion be managed, mitigated and prevented. How will silting up of the dam be prevented? What is the quality of the runoff water? Will contaminated saline water enter the dam and contaminate the potted water? 	<ul style="list-style-type: none"> Erosion mitigation measures (including but not limited to gabions, silt fences, retention basins, detention ponds, interceptor ditches, seeding and sodding, riprap of exposed embankments, erosion mats and/or mulching, etc.) shall be implemented where applicable. Exposed areas, susceptible to erosion, must be rehabilitated. Soils can also be stabilized by planting indigenous vegetation characteristic of the vegetation type. Silting will be reduced / prevented by the implementation of erosion mitigation measures. It is not envisaged that saline water will enter the dam as water will be abstracted from the Bergrivier (please see Appendix 9 - Water Use Rights).
		<p>The two alternatives are located within the same footprint with one marginally larger than the other.</p> <ul style="list-style-type: none"> What informed the size of the proposed dam and how does the smaller dam alternative impact on the long term development, irrigation requirements and risk management of the farm? 	<p>Respondent: Applicant</p> <p>Although there is an area of land lost the total area of the dam in reflection of the farms size is less than 3%. If the dam and water security does not take place this can have a huge implication crop losses in case of drought's and water shortages. This will have a direct negative influence on employment security e.g. job losses as well as loss of production and loss of income.</p> <p>Moreover, although the larger size layout (Alternative 2) will result in a larger footprint, the cost/storage ratio is considered viable under the circumstances relative to the (i) irrigational requirements of the Bonathaba Farm and (ii) site conditions.</p>

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2	<p>Format: Email Letter I&AP: Department of Environmental Affairs and Development Planning (DEA&DP) Bernard.Kgosana@westerncape.gov.za</p>	<p>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</p> <p>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.</p> <p>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:</p>	<p>Respondent: EAP</p> <p>1. Thank you for commenting on the Pre-Application Scoping Report. The Application Form and Draft Scoping Report will be submitted in due course.</p>
		<p>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.</p>	<p>2.1. The proposed site for the development of the Bonathaba Dam is considered the best and most economically feasible site (Alternative 1) relative to the existing conditions (i.e. disturbed vegetation, gravitational benefits, etc) of the area-to-be-developed. No other feasible alternatives were considered as the remainder of Portion 2 and Portion 3 are undesirable for the nature of the proposed development due to (i) contours associated with the remainder of the site are not suitable for the development of a dam, and (ii) already transformed (namely agricultural crops and processing facility) where the development of the dam on remaining area of Portion 2 and Portion 3 of Farm No. 1100, Bonathaba, will result in a larger impact on existing agricultural fields. Thus, the proposed location is the only available site on the two properties owned by the applicant for the proposed development. As per the Botanical Assessment (Appendix 8.1), the majority of the proposed developmental footprint will overlap areas currently under permanent crops (mostly table grapes) whereas approximately 8.8ha of already disturbed vegetation will be impacted [as area was previously under wheat cultivation (see Figure 7 of Appendix 8.1) until 2006 and subsequently left lying fallow]. Few indigenous plant species were observed with most plants observed being</p>

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		<p>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.</p> <p>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.</p> <p>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.</p>	<p>weeds or pioneer species. The specialist also noted that the small watercourse associated with the study area has been previously impacted – the nature of the impact characteristic of intensive agricultural landscape practices. Therefore, no other site alternatives were considered and investigated.</p> <p>2.2. Noted. A WULA will be lodged.</p> <p>Noted. A Botanical Impact Assessment (Appendix 8.1) and Freshwater Report (Appendix 8.2) have been conducted. A NID has been submitted to HWC (Appendix 8.3.2; case reference number: 20051901).</p> <p>2.3. Noted. It is acknowledged that the competent authority does not have any significant concern regarding the plan of study.</p>
		<p>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,</p>	<p>3. Noted. All issues raised have been addressed / will be addressed in the Draft Environmental Impact Report (EIR) phase.</p>

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		<p>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.</p> <p>5. Kindly quote the abovementioned reference number in any future correspondence regarding the pre-application case.</p> <p>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.</p>	<p>4. Noted.</p> <p>5. Noted.</p> <p>6. Noted. Thank you for providing comment on the Pre-Application Scoping Report.</p>