

EIA REFERENCE NUMBER: 16/3/3/2/F5/16/2015/21
ENQUIRIES: Bernard Kgosana
DATE OF ISSUE: 01 JULY 2021

The Director
Black Orchid Farming (Pty) Ltd.
P.O. Box 6100
ROGGEBAAI
8012

Attention: Ms. H. Young

Tel.: (021) 421 2129
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Dear Madam

ACCEPTANCE OF THE FINAL SCOPING REPORT ("SR") AND PLAN OF STUDY FOR AN ENVIRONMENTAL IMPACT ASSESSMENT REPORTING PROCESS IN TERMS OF THE NEMA EIA REGULATIONS, 2014 (AS AMENDED) FOR THE PROPOSED DEVELOPMENT OF AN IN-STREAM DAM ON PORTION 2 AND 3 OF THE FARM NO. 1100, BONATHABA, MALMESBURY.

1. The final SR dated May 2021 and received by this Department via electronic mail correspondence on 17 May 2021 and this Directorate's acknowledgement dated 27 May 2021, refers.
2. This letter serves to inform you that the abovementioned document has been accepted by the Directorate on condition that the Plan of Study be amended to include the following:
 - 2.1. This Directorate notes that the very high sensitivity rating for the agricultural theme, as identified by the Screening Report (dated 13 October 2020), has been disputed and determined to be of medium significance by the EAP due to the fact that although agricultural land will be lost, the proposed development is required to ensure that the long-term viability and sustainability of the production of table grapes and citrus through a reliable water supply. According to the Protocols, where the information gathered from the site sensitivity verification differs from the designation of very high and it is found to be medium sensitivity, an **Agricultural Compliance Statement** must be provided.
3. Contents of the Environmental Impact Assessment ("EIA") Report
 - 3.1. You are hereby advised that the Environmental Impact Assessment ("EIA") Report must contain all information set out in Appendix 3 of the NEMA EIA Regulations, 2014 (as amended) 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.

4. Draft Environmental Management Programme ("EMPr")
 - 4.1. The EMPr must contain all information set out in Appendix 4 of the NEMA EIA Regulations, 2014 (as amended) and must address 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 (<https://www.westerncape.gov.za/eadp>) must be taken into account.
5. Specialist studies
 - 5.1. Note that the specialist report(s) must be appended to the EIA Report. Please ensure that these specialist reports contain all the information specified in Appendix 6 of the NEMA EIA Regulations, 2014 (as amended).
6. Public Participation
 - 6.1. In addition to the above, the Environmental Assessment Practitioner ("EAP") must submit a minimum of one electronic copy of the draft EIA Report and EMPr to this Directorate 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.
 - 6.2. The EAP must record and respond to all comments received. The comments and responses must be captured in a Comments and Responses 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 decision making purposes.
 - 6.3. Please ensure that comments from all the relevant Organs of State, including any comments from the Department, are submitted with the EIA Report.
7. You may now proceed with the EIA process in accordance with the tasks outlined in the plan of study for the EIA.
8. The Department awaits the submission of the EIA Report and EMPr as prescribed by the NEMA EIA Regulations 2014 (as amended) and which must be submitted to this Department for decision-making 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.
9. If the EIA Report and EMPr is not submitted within the prescribed timeframe, the application will lapse in terms of Regulation 45 of the NEMA EIA Regulations, 2014 (as amended) 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.

10. Please note that Circular DEA&DP No. 0001/2021 which must be read together with Circular DEA&DP No. 0024/2020 dated 30 September 2020 as well as Circular DEA&DP No. 0023/2020 (dated 8 December 2020, must be considered when submitting reports and other documentation to this Department.
11. Kindly quote the abovementioned reference number in any future correspondence in respect of the application.
12. 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 may result in the matter being referred to the Environmental Compliance and Enforcement Directorate of this Department for further consideration. 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.

The Directorate reserves the right to revise or withdraw comments or request further information based on any information received.

Yours faithfully

p.p. _____

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

Copied to: (1) Mr. A. Mander, (EnviroAfrica cc)
(2) Ms. N. Ndobeni, (Department of Water and Sanitation)
(3) Mr. J. Scholtz, (Swartland Municipality)

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