

**EIA REFERENCE:** 16/3/3/2/B5/2/1029/21

**DATE:** 25 August 2021

The Board of Directors  
TSR Boerdery (Pty) Ltd.  
P. O. Box 86  
**KOUE BOKKEVELD**  
6836

**Attention: Mr. Theo van Rooyen**

Cell: (083) 275 7298

E-mail: [tsr@howbill.co.za](mailto:tsr@howbill.co.za)

Dear Sir

**ACCEPTANCE OF THE FINAL SCOPING REPORT AND PLAN OF STUDY FOR AN ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE EIA REGULATIONS, 2014 (AS AMENDED) WITH RESPECT TO THE PROPOSED DEVELOPMENT OF AN IN-STREAM DAM ON PORTION 1 OF THE FARM KLEINVLEI NO. 209, CERES**

1. The final Scoping Report and Plan of Study ("SR&PoS") and supporting documentation received by the Department via electronic mail correspondence on 15 July 2021, and the acknowledgement thereof dated 21 July 2021, refer.
2. This letter serves to inform you that the abovementioned document has been accepted by the Department on condition that the Plan of Study be updated to include a description of the alternatives to be considered and assessed.
3. You are hereby advised that the EIA Report must contain all information set out in Appendix 3 of the 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 Environmental Authorisation being refused.
4. An Environmental Management Programme ("EMPr") that contains all information set out in Appendix 4 of the EIA Regulations, 2014 (as amended) 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 must be used.
5. Note that the specialist reports must be appended to the EIA Report. Please ensure that the specialist reports meet the requirements of Appendix 6 of the EIA Regulations, 2014 (as amended).
6. In addition to the above, the Environmental Assessment Practitioner ("EAP") must submit a copy of the draft EIA Report and EMPr to the Department for a commenting period of thirty (30) days. The draft EIA Report and EMPr must be made available to all relevant State Departments/Organs of State that administer laws relating to a matter affecting the environment, for a commenting period of thirty (30) days. The EAP must notify the Department, in writing, of the date the draft EIA Report and EMPr were 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 opportunity to comment in terms of Section 24O of the NEMA. It is imperative that State Departments/Organs of State be in possession

of the draft Reports when the EAP issues them with the notice in terms of Section 24O of the 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 the NEMA in the draft EIA Report, where appropriate.

7. 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 include a description of the Public Participation Process ("PPP") followed. The Comments and Responses Report must be included in the public participation information to be attached to the EIA Report submitted for a decision. Please ensure that comments from all the relevant State Departments/Organs of State, including any comments from the Department, are submitted with the EIA Report.
8. You must now proceed with the EIA process in accordance with the tasks outlined in the Plan of Study for the EIA Report.
9. The Department awaits the submission of the EIA Report as prescribed by the EIA Regulations, 2014 (as amended). In accordance with Regulation 23(1) of the EIA Regulations, 2014 (as amended), the EIA Report and EMPr must be submitted to the 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) is required for the submission of the EIA Report. The additional 50 days must include a minimum commenting period of thirty (30) days to allow registered Interested and Affected Parties ("I&APs") to comment on the revised report and/or additional information.
10. 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 (as amended) and your case 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 to the Department and the prescribed application fee would have to be paid again.
11. Please note that one electronic copy of the EIA Report and EMPr must be submitted to the Department for decision-making.
12. You are reminded that it is prohibited in terms of Section 24F 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 the prohibition will result in the matter being referred to the Environmental Law Enforcement Directorate of the Department for possible prosecution. A person convicted of an offence in terms of the above is liable for a fine not exceeding R10 000 000 or to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment.
13. Kindly quote the abovementioned reference number in any future correspondence regarding the application.
14. The Department reserves the right to revise or withdraw its comments and request further information from you based on any information received.

Your interest in the future of the environment is greatly appreciated.

Yours faithfully

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**HEAD OF COMPONENT**

**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

CC: Mr. C. Geyser (EnviroAfrica cc)

Mr. D. Nasson (Witzenberg Municipality)

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