



GA Environment

COMMENTS & RESPONSE REPORT (CRR)

FOR THE PROPOSED LOWER COERNEY BALANCING DAM,

SUNDAYS RIVER VALLEY LOCAL MUNICIPALITY, EASTERN CAPE PROVINCE

DFFE REFERENCE: 14/12/16/3/3/2/2222

MAY 2023

TABLE OF CONTENTS

1. INTRODUCTION	3
1.1 Summary of Key tasks undertaken Initial Public Participation	3
1.2 Summary of Public Participation Process Tasks during the Scoping Phase	4
1.3 Summary of Public Participation Process Tasks during the EIA Phase	4
1.4 Protection of Personal Information Act (POPIA).....	5
1.5 Public Participation Procedure followed	5
1.6 Comments and Responses for the project.....	5
2 SUMMARY COMMENTS AND CONCLUSION.....	32

1. INTRODUCTION

This Comments and Responses Report (CRR) is in line with the requirements of Regulation 44 of the National Environmental Management Act's (NEMA) Environmental Impact Assessment (EIA) Regulations of 2014 (as amended). The CRR captures the comments and issues raised by Interested and Affected Parties (I&APs) and authorities during the initial notification phase, the Scoping Phase and the Environmental Impact Assessment Phase of the Proposed Lower Coerney Balancing Dam, Sundays River Valley Local Municipality, Eastern Cape Province (DFFE REFERENCE: 14/12/16/3/3/2/2222).

The purpose of this comments and responses document is to outline the public participation process to date and provide the competent authority and all Interested and Affected Parties (I&APs) with the issues and concerns, questions and suggestions raised by I&APs during the public participation process for the project.

1.1 Summary of Key tasks undertaken Initial Public Participation

Various Interested & Affected Parties (I&APs), adjacent landowners, surrounding residents as well as various government departments and parastatals have been involved in the Public Participation Process (PPP) undertaken to date. Comments raised by the Competent Authority as well as various Interested and Affected Parties (I&APs) have been addressed in this report. The summary of the PPP that commenced in October 2021 for the initial phase is provided as follows:

- Initial site visit and engagement with the Scheepersvlakte Farm Representatives, the Lower Sundays River Water Users Association (LSRWUA) and Die Kooperasie (Scheepersvlakte) Farm Development was undertaken in October 2021;
- A newspaper advertisement was placed on page 6 of the 30th of November 2021 edition of The Herald Newspaper distributed throughout the entire Port Elizabeth Region (**Appendix E2**);
- On-site notices presenting the project were erected within the site, local shops, LSRWUA Irrigation Board, Municipal Library, along public roads and areas visible to the public on the 30th of November and 1st of December 2021 (**Appendix E4**);
- Notification letters were compiled and distributed to adjacent landowners and in the Kirkwood residential area on the 30th of November and 1st of December 2021 (**Appendix E3**); and
- The first focus group meeting was held between the EAP (GA Environment), developer (DWS), LSRWUA and Scheepersvlakte Farms representatives on the 26th of May 2022 (**Appendix E9.2**).

Please refer to **Appendix E** of the Environmental Impact Assessment Report (EIR) for Public Participation undertaken during the initial public participation phase. An additional public participation process in accordance with the NEMA EIA Regulations was undertaken during the Scoping Phase and is discussed in the next section.

1.2 Summary of Public Participation Process Tasks during the Scoping Phase

The Draft Scoping Report was placed for public comment at the Kirkwood Library and the LSRWUA. Based on Regulation 40(1) of the NEMA (1998) EIA Regulations, 2014, as amended, the Report was placed at these facilities for the legislated period of at least 30 days. The Draft Scoping Report was issued out for public review from the **14th of October 2022 to the 14th of November 2022**. The placing of the Draft Scoping Report allowed I&APs adequate time to review the details of the project and provide, in writing, comments and concerns relating to the proposed Lower Coerney Balancing Dam. Hardcopies of the report were also provided to the following main stakeholders / commentary authorities:

- Department of Economic Development, Environmental Affairs;
- Ward Cllr;
- Sundays River Valley Local Municipality;
- Sarah Baartman District Municipality;
- Nelson Mandela Bay Metropolitan Municipality; and
- Lower Sundays River Valley Water Use Association

The report was also placed the Kirkwood Public Library for Public Access. Electronic copies via a web link whereby the report and its appendices could be downloaded was provided to all registered I&APs. All registered I&APs were informed of the availability of the report through e-mails and proof of the notification was kept. Online SMS portal was used to send bulk SMSs to I&APs where email addresses were not made available (**Appendix E5.4**). All comments received during the review of the Draft Scoping Report was captured and included in the Final Scoping Report and submitted to the Department of Forestry, Fisheries and the Environment (DFFE). Please refer to **Appendix E** for Public Participation undertaken for the DSR. Additional public participation in line with NEMA (1998) EIA Regulations, 2014, as amended was undertaken during the EIA Phase and is discussed in the next section.

1.3 Summary of Public Participation Process Tasks during the EIA Phase

The Draft EIR was placed at Kirkwood Public Library and made available electronically for Public Review and Comment for the legislated 30 days (31st March 2023 to 4th May 2023). Hardcopies were also provided to Ward Cllr, Sundays River Valley Local Municipality, Sarah Baartman District Municipality, Nelson Mandela Bay Metropolitan Municipality, Department of Economic Development, Environmental Affairs and Tourism and Lower Sundays River Water Use Association. E-mail notifications and telephone calls were used to notify all registered I&APs about the availability of the Report. Reminder email was sent to all I&APs on the 21st of April 2023 (**Appendix E6**). The following meetings were held for the project during the EIA Phase:

- A second focus group meeting between the main stakeholders was held on the 14th of April 2023 (**Appendix E9.4**);
- A public meeting was held on the 20th of April 2023 at the Lower Sundays River Water Use Association near the proposed development site. All I&APs were invited to the meeting on the

4th of April 2023 and reminder emails were sent to the I&APS on the 17th of April 2023 (**Appendix E9.1**);

- A site meeting was held on the 21st of April 2023 at the proposed development site. All I&APs were invited to the meeting on the 4th of April 2023 and were reminded at the Second Focus Group Meeting and at the public meeting (**Appendix E9.2**); and
- A final main stakeholder meeting to discuss operational issues which emanated from the public meeting was held on the 26th of April 2023 (**Appendix E9.5**).

All comments received during the public participation process have been recorded and the EAP has provided adequate response as far as possible as captured in this Comments and Responses Report.

1.4 Protection of Personal Information Act (POPIA)

In terms of Section 11 of the Protection of Personal Information Act (POPIA), all personal information collected was processed lawfully and explicitly for the EIA Process. On the 1st of July 2021, all applicable sections of the Protection of Personal Information Act (POPI) become relevant to the public participation process of NEMA activities and all walks of life. The purpose of this Act is to:

- give effect to the constitutional right to privacy, by safeguarding personal information when processed by a responsible party, subject to justifiable limitations; and
- regulate the manner in which personal information may be processed, by establishing conditions, in harmony with international standards, that prescribe the minimum threshold requirements for the lawful processing of personal information.

For this reason, all personal information (email addresses, contact numbers, physical address, gender, race) were blanked out and excluded from the Public Participation section and only provided to DFFE officials who do not require consent to receive such information in the performance of their official duties. These measures were put in place to protect the personal information of all parties and safeguard their privacy in terms of the POPI Act.

1.5 Public Participation Procedure followed

The provision of public participation tasks has been outlined in **Table 1**, undertaken as per the minimum requirements for Public Participation through which all role players including potential I&APs, state departments, organs of state, and the competent authority (CA) were consulted to obtain clear, accurate and understandable information about the environmental impacts of the proposed activity or implications of a decision.

1.6 Comments and Responses for the project

All comments and responses for the project are outlined in **Table 2**. Key issues obtained during the public participation process have been summarised as follows:

- **Engineering services:**
 - There were concerns raised the current bulk water supply to the NMBM.
 - There were recommendations that the small farm dam on Scheepersvlakte Farms (currently under construction) could be used by DWS for additional storage to the Coerney Dam since the dam has already been built.

- **Operational Phase:**
 - Concerns were raised on the implementation timeframes for the project due to the current water shortages in the region;
 - Questions were raised regarding the possibility of citrus farming community directly abstracting the water from the Lower Coerney Dam for irrigation; and
 - Questions were also raised regarding the feasibility of Farm Scheepersvlakte Farming Community abandoning the small Scheepersvlakte Dam and pumping water for the main Scheepersvlakte Dam once Coerney Dam is in the operational phase.
- **Compensation for Landownership:**
 - There were concerns on the compensation process for obtaining the land rights to develop on the three directly affected properties, especially Farm Enon Mission property; and
 - It was identified that the proposed Coerney Dam footprint overlaps with approximately 36ha of planned agricultural land, DWS will have to negotiate with Farm Scheepersvlakte Farming Community for the overlapping agricultural land to be incorporated into the dam footprint.

It is the EAP's recommendation that the land negotiations and operational arrangements should be addressed before the construction phase to eliminate potential operational issues associated with the proposed development.

Table 1: Detailed Public Participation Tasks undertaken for the project

No.	PUBLIC PARTICIPATION TASK PERFORMED	MECHANISM FOR THE UNDERTAKING OF THE PUBLIC PARTICIPATION TASK	Status / Action
Section 1. Initial Public Participation Phase			
1.1	Pre-application meeting	A pre-application meeting with the competent authority (DFFE) for the Environmental Authorisation (EA) was not undertaken as the proposed activity and process to be followed were well understood.	Completed
		A pre-application meeting with DWS for the Water Use Authorisation was undertaken in December 2021.	Completed
1.2	Identifying and approaching specific I&AP's	A register of all I&APs was opened and is continuously being updated throughout the project. The I&AP Register has been attached as Appendix E7 of the EIR .	Completed
1.3	Written Notification of the owner or person in control of the site	There are three directly affected properties; Portion 7 of the Farm Scheepersvlakte No. 98 (C0760000000009800007), Farm 713 Uitenhage (C07600000000071300000) and the Remaining Extent of Farm 40 Farm Enon Mission 574 (C07600000000075800000) owned by Scheepersvlakte Farms CC, Venter Wildlife Trust and the Moravian Church in South Africa respectively. Landowner Consent Forms are attached in the EA Application Form.	Completed
1.4	Written Notification of occupiers of land adjacent to the site	Hard copies of the notification letters were distributed to the farming community as well as the nearest town (Kirkwood) in November and December 2021. Refer to Appendix E3 of the EIR .	Completed
1.5	Written Notification of the municipal councillor of the ward in which the site is located.	The ward councillor was informed verbally during the knock and drop as well as through an email during the initial public participation phase in November and December 2021. Refer to Appendix E3 of the EIR .	Completed
1.6	Written Notification of the municipality which has jurisdiction in the area.	Notification letters were sent through e-mail to the following municipal departments: <ul style="list-style-type: none"> • Sundays River Valley Local Municipality; • Sarah Baartman District Municipality; and • Nelson Mandela Bay Metropolitan Municipality. Refer to Appendix E5 of the EIR .	Completed
1.7	Written Notification of any organ of state having jurisdiction in respect of any aspect of the activity	The following Organs of State were identified as Commentary Authorities and notified through e-mail and hardcopies: <ul style="list-style-type: none"> • Eastern Cape Department of Agricultural And Land Affairs; • The Department of Economic Development, Environmental Affairs; • The Department of Water and Sanitation (Eastern Cape); • Eastern Cape Provincial Heritage Resources Authority; and • South African Heritage Resources Agency. Refer to Appendix E2 of the EIR .	Completed
1.8	Placing an advertisement	A newspaper advertisement was placed on page 6 of the 30 th of November 2021 edition of The Herald Newspaper distributed throughout the entire Port Elizabeth Region. Refer to Appendix E2 of the EIR .	Completed

No.	PUBLIC PARTICIPATION TASK PERFORMED	MECHANISM FOR THE UNDERTAKING OF THE PUBLIC PARTICIPATION TASK	Status / Action
1.9	Fixing a notice board	<p>English Site Notices detailing the proposed activity as well as the contact details of the EAP were placed on site. On-site notices were placed on the 30th of November and 1st of December 2021 in the following areas:</p> <ul style="list-style-type: none"> • On site boundaries; • Kirkwood Public Library; • Kirkwood Spar; • Lower Sundays River Water Use Association; • Local shop along R336; • Scheepers Vlake Dam; • Saint Colmcille Public S School; and • Sundays River Valley Aided Hospital. <p>The notice board and proof of its placement is included in Appendix E4 of the EIR.</p>	Completed
1.10	Focus Group Meeting	The first focus group meeting was held between the EAP (GA Environment), developer (DWS), LSRWUA and Scheepersvlakte Farms representatives on the 26 th of May 2022 (Appendix E9.1).	Completed
Section 2: Public Review of the Draft Scoping Report			
2.1	Notification of the availability of the report and Distribution of Draft Scoping Report (DSR) to registered I&APs and members of the public.	The DSR was issued out for public review for a legislated period of 30 days. The Public review period commenced on the 14 th October 2022 and ended on 14 th November 2022. All registered I&APs received e-mail notifications with the link to the softcopy of the report. Hardcopies of the DSR was made available for public review at the Kirkwood Public Library and the LSRWUA. The reports were made available for review Monday to Friday between 09:00 to 16:00 hrs.	Completed
2.2	Distribution of DBAR to organs of state having jurisdiction in respect of any aspect of the activity	<p>The following commenting authorities were provided with copies of the DSR for review and input:</p> <ul style="list-style-type: none"> • Sundays River Valley Local Municipality; • Sarah Baartman District Municipality; • Nelson Mandela Bay Metropolitan Municipality. • Eastern Cape Department of Agricultural and Land Affairs; • The Department of Economic Development, Environmental Affairs; • The Department of Water and Sanitation (Eastern Cape); • Eastern Cape Provincial Heritage Resources Authority; and • South African Heritage Resources Agency. 	Completed
2.3	Public Meeting	The need for a public meeting was to be determined by the response received in the Initial Public Participation phase and the initial period following the circulation of the DSR. No public open day or meeting was held for the project during this period.	Completed

No.	PUBLIC PARTICIPATION TASK PERFORMED	MECHANISM FOR THE UNDERTAKING OF THE PUBLIC PARTICIPATION TASK	Status / Action
2.4	Focus Group Meeting with representatives of organs of state having jurisdiction	The first focus group meeting was held between the EAP (GA Environment), developer (DWS), LSRWUA and Scheepersvlakte Farms representatives on the 26 th of May 2022 (Appendix E9.2), a second Focus Group meeting was held on the 14 th of April 2023 of the Draft EIR. No Focus Group Meeting was held during this period.	Completed
2.5	Competent Authority Site Visit	A site visit would only be undertaken if it was deemed necessary by the competent authority for the applications (DFFE / DWS). No officials' site visit was undertaken for the project for the EA during this phase. However, a site inspection meeting was undertaken with the DWS Licensing Officials in May 2022.	Undertaken for WULA
Section 3: Public Review of the Draft Environmental Impact Assessment Report			
3.1	Notification of the availability of the Draft Environmental Impact Assessment Report (EIR) and Distribution to registered I&APs and members of the public.	<p>The Draft (EIR) was issued out for public review for a legislated period of 30 days. The hardcopy was provided to following stakeholders for public review:</p> <ul style="list-style-type: none"> • Kirkwood Public Library and Lower Sundays River Water Use Association (Public Access); • Sundays River Valley Local Municipality; • Ward Cllr; • Sarah Baartman District Municipality; • Nelson Mandela Bay Metropolitan Municipality; • Eastern Cape Department of Agricultural and Land Affairs; and • The Department of Economic Development, Environmental Affairs. <p>The Draft EIR (softcopies) was circulated to the following Stakeholders:</p> <ul style="list-style-type: none"> • Department of Environment, Forestry and Fisheries: Biodiversity Unit; • Department of Agriculture, Forestry and Fisheries; • Kirkwood Public Library; • Lower Sundays River Water Use Association; • Sundays River Valley Local Municipality; • Ward Cllr; • Sarah Baartman District Municipality; • Nelson Mandela Bay Metropolitan Municipality; • Eastern Cape Department Of Agricultural And Land Affairs; • The Department of Economic Development, Environmental Affairs; • The Department of Water and Sanitation (Eastern Cape); • Eastern Cape Provincial Heritage Resources Authority; • South African Heritage Resources Agency; • Scheepersvlakte Farms / Die Kooperasie: Farming Development; • Citrus Grower's Association: Community Development Forum; and 	Completed

No.	PUBLIC PARTICIPATION TASK PERFORMED	MECHANISM FOR THE UNDERTAKING OF THE PUBLIC PARTICIPATION TASK	Status / Action
		<ul style="list-style-type: none"> Registered Interested and Affected Parties. <p>The Draft EIR was also made available on the GladAfrica One Drive. All registered I&APs were been informed of its availability and provided with a link.</p>	
3.2	Public Meeting	Based on the nature of the proposed development, the proposed site, the surrounding farming communities, the need for desirability for the dam and feedback received during the initial public participation, it was anticipated that a Public Open day will not be required for this project. However, the developer (DWS) requested for a public meeting to allow all I&APs an opportunity to be given information about the project and raise queries and concerns on the EA application. The public meeting was held on the 20 th of April 2023 (Appendix E9.4).	Completed
3.4	Focus Group Meeting with representatives of organs of state having jurisdiction	The first focus group meeting was held between the EAP (GA Environment), developer (DWS), LSRWUA and Scheepersvlakte Farms representatives on the 26 th of May 2022 (Appendix E9.2), a second Focus Group meeting was held on the 14 th of April 2023 (Appendix E9.3). A final Stakeholder Engagement Meeting was held on the 26 th of April 2023 (Appendix E9.5). The attendance registers of the public meeting, focus group meetings and stakeholder engagement meeting and the minutes are provided Appendix E9 .	Completed
3.5	Competent Authority Site Visit	The competent authority has requested for a site inspection during the EIR Phase. The EAP notified the Case Officer about the site visit which was undertaken on the 21 st of April 2023. The Case Officer indicated that a Competent Authority Site Visit will be undertaken once the Final EIR and Application Form have been submitted. Necessary arrangements will be made with the department.	Case Officer to confirm date
Section 4: Post Authorisation Notification Phase			
4.1	Notification and Distribution of decision/outcome of Environmental Application to registered I&APs and organs of state.	The I&AP database was maintained throughout the duration of the project. All IAPs on the database will receive an email or SMS notification of the decision made by DFFE including a copy of the National Appeal Regulations 2014. A copy of the decision will be circulated to registered IAPs.	To be undertaken on receipt of the decision

Table 2: Comments and responses received during Initial Public Participation and Scoping Phase

	NAME AND SURNAME OF PARTY/PARTIES	COMMENTS/QUESTIONS/CONCERNS	ORGANISATION /COMMUNITY	SOURCE AND DATE OF COMMENT	EAP's RESPONSE
1. Comments on the Draft Environmental Impact Assessment Report					
1	<p>Mr. Lunga Dlova Tel: (012) 399 8524 Email: LDlova@dfpe.gov.za</p> <p>CC: Administrator Ms. Lydia Kutu Tel: (012) 399 9370 Email: LKutu@dfpe.gov.za</p>	<p>Dear Mr. Mabunda</p> <p>COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT ASSESSMENT REPORT FOR THE PROPOSED CONSTRUCTION OF A BALANCING DAM WITHIN THE SUNDAYS RIVER VALLEY LOCAL MUNICIPALITY, EASTERN CAPE PROVINCE.</p> <p>The Application for Environmental Authorisation and Draft Environmental Impact Assessment Report (EIAR) received by the Department on 31 March 2023, refer.</p> <p>This letter serves to inform you that the following information must be included in the final EIAR:</p> <p>(a) Specific comments</p> <ul style="list-style-type: none"> • Recommendations provided by specialist reports must be considered and used to inform the preferred layout alternative. • Please ensure that all mitigation recommendations are in line with applicable and most recent guidelines. • The final EIAR must provide the technical details for the proposed facility in a table format as well as their description and/or dimensions. A sample of the minimum information required is listed on page 2 of the EIA information as requested in the acceptance of SR. 	Competent Authority: Department of Forestry, Fisheries and the Environment	Letter via Email dated Wednesday 26 th of April 2023	<ul style="list-style-type: none"> • Specialist recommendations have been considered in informing the preferred alternatives as indicated in Chapter 6 of the EIR. • The specialist studies were undertaken in accordance with NEMA Regulations for specialist studies and Protocols for specialist assessments inclusive of specialist declaration and limitations as well as undertaken in the appropriate season. As such, the recommendations are applicable and most recent guidelines. • The technical information of the proposed development are indicated in Table 5 (Page 41) of the EIR.

		<p>(b) Public Participation Process</p> <ul style="list-style-type: none"> • The final EIAr must comply with all conditions of the acceptance of the scoping report signed on 18 January 2023, comments on the draft EIAr must address all comments contained in the FSR and this letter. • The EAP must provide proof that the key stakeholders received written notification of the proposed activity as well as the draft EIAr. <p>(c) Cumulative Assessment</p> <ul style="list-style-type: none"> • Should there be any other similar projects within a 30km radius of the proposed development site, the cumulative impact assessment for all identified and assessed impacts must be refined to indicate the following: <ul style="list-style-type: none"> ➢ Identified cumulative impacts must be clearly defined, and where possible the size of the identified impact must be quantified and indicated, i.e. hectares of cumulatively transformed land. ➢ Detailed process flow and proof must be provided, to indicate how the specialist's recommendations, mitigation measures and conclusions from the various similar developments in the area were taken into consideration in the assessment of cumulative impacts and when the conclusion and mitigation measures were drafted for this project. ➢ The cumulative impacts significance rating must also inform the need and desirability of the proposed development. ➢ A cumulative impact environmental statement on whether the proposed development must proceed. <p>(d) Environmental Management Programme</p> <ul style="list-style-type: none"> • The EMPr must also include the following: 			<ul style="list-style-type: none"> • The Final EIR complies with all conditions of the acceptance of the scoping report signed on 18 January 2023. All comments received on the Draft EIR have been captured and addressed accordingly in this Final Comments and Responses Report. • Proof of hardcopy submission of the Draft EIR, email notifications of the availability of the Draft EIR, public meeting, focus group meeting and stakeholder engagement meetings, attendance registers and minutes are provided in Appendix E of the EIR. • A cumulative impacts significance rating methodology was provided and how it was used to assess cumulative impact. The cumulative impact assessment was also defined. Refer to Chapters 8 and 9 of the EIR. <p>A process flow on recommendations and mitigations from specialist studies and similar projects was provided and how it was incorporated into the overall cumulative impact assessment for the project. Refer to Chapters 9 & 10 of the EIR.</p> <p>A comprehensive cumulative impacts significance rating methodology which also informed the need and desirability of the project was provided. Refer to Chapter 8 of the EIR.</p> <p>A cumulative impact environmental statement and why the proposed development should proceed is provided in Chapters 10 & 11 of the EIR.</p>
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	<ul style="list-style-type: none"> • All recommendations and mitigation measures recorded in the EIAr and the specialist studies conducted. • An environmental sensitivity map indicating environmental sensitive areas and features identified during the assessment process. • Measures to protect hydrological features such as streams, rivers, pans, wetlands, dams and their catchments, and other environmental sensitive areas from construction impacts including the direct or indirect spillage of pollutants. • The EMPr must include a provision to make the following reports available to the Department and applicable competent authority on request: alien/invasive plant management report; plant rescue and protection report; and re-vegetation and habitat rehabilitation report. • In addition to the above, the EMPr must comply with Appendix 4 of the EIA Regulations, 2014, as amended. <p>General</p> <p>The EIAr must provide the technical details for the proposed facility in a table format as well as their description and/or dimensions. A sample of the minimum information required is listed under point 2 of the EIA information required for solar energy facility as requested in the acceptance of the SR.</p> <p>Please also ensure that the final EIAr includes the period for which the Environmental Authorisation is required and the date on which the activity will be concluded as per</p>			<ul style="list-style-type: none"> • The EMPr has considered the recommendations and mitigation measures indicated by the specialist assessments. • The EMPr provided a site specific sensitivity map consisting of data obtained from the specialist assessments. • The EMPr has incorporated mitigation measures from the specialist studies such maintaining the 18m buffer from the riparian areas outside of the development footprint. • The following Reports have been compiled to support the application and have been provided to the Department (DFFE) as part of the Final EIR: <ol style="list-style-type: none"> 1. Rehabilitation Plan (Appendix G2); 2. Alien Invasive Management Plan (Appendix G3); and 3. Erosion and Soil Management Plan (Appendix G4) • A comprehensive EMPr complying with Appendix 4 of the EIA Regulations, 2014 was compiled for the project (Appendix G1). • The technical information of the proposed development are indicated in Table 5 (Page 41) of the EIR. It must be noted that the proposed development is not a solar energy facility, but rather water storage facility (balancing dam). • Since the set construction dates cannot be confirmed, it is recommended that the period of validity for the Environmental Authorisation be stipulated as 10 years
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		<p>Appendix 3 of the NEMA EIA Regulations, 2014, as amended.</p> <p>You are further reminded to comply with Regulation 23(1)(a) of the NEMA EIA Regulations, 2014, as amended, which states that: <i>“The applicant must within 106 days of the acceptance of the scoping report submit to the competent authority -</i></p> <p><i>(a) an environmental impact assessment report inclusive of any specialist reports, an EMPr, a closure plan in the case of a closure activity and where the application is a mining application, the plans, report and calculations contemplated in the Financial Provisioning Regulations, which must have been subjected to a public participation process of at least 30 days and which reflects the incorporation of comments received, including any comments of the competent authority.”</i></p> <p>Should there be significant changes or new information that has been added to the EIAR or EMPr which changes or information was not contained in the reports or plans consulted on during the initial public participation process, you are required to comply with Regulation 23(1)(b) of the NEMA EIA Regulations, 2014, as amended, which states: <i>“The applicant must within 106 days of the acceptance of the scoping report submit to the competent authority – (b) a notification in writing that the documents contemplated in subregulation 1(a) will be submitted within 156 days of acceptance of the scoping report by the competent authority or where regulation 21(2) applies, within 156 days of receipt of the application by the competent authority, as significant changes have been made or significant new information has been added to the documents, which changes or information was not contained in the original documents consulted on during the initial public participation process contemplated in subregulation (1)(a), and that the revised documents contemplated in subregulation 1(a) will be subjected to another public participation process of at least 30 days”.</i></p>			<p>post Environmental Authorisation as indicated in Section 11.2 of the EIR.</p> <ul style="list-style-type: none"> • The timeframes are noted. The Final EIR which consists of Specialist Studies, EMPr and was subjected to 30-day public review has been submitted within the 106 days after approval of the Scoping Report.
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		<p><i>Should you fail to meet any of the timeframes stipulated in Regulation 23 of the NEMA EIA Regulations, 2014, as amended, your application will lapse.</i></p> <p><i>You are hereby reminded of Section 24F of the National Environmental Management Act, Act No. 107 of 1998, as amended, that no activity may commence prior to an Environmental Authorisation being granted by the Department.</i></p> <p><i>Yours sincerely</i></p>			<ul style="list-style-type: none"> The comment is noted. No activity currently being applied for on this project will commence without authorisation.
2	<p>Deon Heyns Tel: 084 513 3522 Email: deonh@humkoop.co.za</p>	<p>Dear Vukosi</p> <p>Thanks for the opportunity to comment on your Draft EIR.</p> <p>Scheepersvlakte farms do not have objections to your Draft EIR.</p> <p>There is however two issues still outstanding, but are work in progress which would not have any effect on your current process. The two outstanding issues are:</p> <ol style="list-style-type: none"> 1. The negotiation between Scheepersvlakte, DWAF and LSRWUA on pumping rights directly from the Coerney dam. 2. Negotiations between Scheepersvlakte and DWAF about the land that will be affected by the water in the Coerney Dam. <p>We will arrange meetings to solve these issues.</p> <p>Kind regards</p>	Scheepersvlakte Farms	Email dated Thursday the 4 th of May 2023	<p>The EAP acknowledges that there are no objections on the proposed development from the Scheepersvlakte Farming Community.</p> <p>The issues have been escalated for the attention of the developer (DWS) that necessary land acquisition and operational (pumping) arrangements will need to be undertaken. In addition, the EAP has laid the foundations as the discussions between the affected parties have since commenced during the Main Stakeholder Engagement Meeting held on the 26th of April 2023. Furthermore, the EAP has recommended in the Final EIR that the necessary acquisitions and operational permitting should be undertaken before the construction phase to avoid project delays and/or layout plan.</p>
3	<p>Joey Van Rooyen Tel: 0828504990 Email: VanRooyenJC@dws.gov.za</p>	<p>Good day Vukosi</p> <p>Trust all is well?</p>	DWS Land Rights Administration	Email dated Wednesday the 26 th of April 2023	<p>The proposed Lower Coerney Balancing Dam site is located on Portion 7 of the Farm Scheepersvlakte No. 98 (C0760000000009800007), Farm 713 Uitenhage (C07600000000071300000) and the Remaining Extent of Farm 40 Farm Enon Mission 574</p>

		<p>Apology I only had a few minutes to attend to the meeting before I had to attend a meeting with SC on Clan William. Thus I was not able to understand the land issues. Please be so kind to advise what kind of land is affected and what is the ownership status. What approval did you obtain and from who</p> <p>Kind regards Joey LAND RIGHST ADMINISTRATION Pretoria 012 3368635/0828504990</p>			<p>(C0760000000075800000) owned by Scheepersvlakte Farms CC, Venter Wildlife Trust and the Moravian Church in South Africa respectively.</p> <p>The proposed development site is located within the Scheepersvlakte Citrus Farm Region close to the town of Kirkwood. The adjacent land uses are citrus farms and several waterbodies (dams and canals) that support the farming community.</p> <p>Landowner Consent forms for all directly affected properties are attached in Appendix 3 of the application form for the EIA process only. DWS will need to undertake necessary land acquisition process to obtain the land rights for the development.</p>
4	<p>Kamogelo Mathetja Tel: 0828504990 Email: KMathetja@dfpe.gov.za</p>	<p>Dear Sir/Madam DFPE Directorate: Biodiversity Conservation hereby acknowledge receipt of the invitation to review and comment on the project mentioned on the subject line. Kindly note that the project has been allocated to Mrs. M Rabothata and Mr. K Mathetja (Both copied on this email). In addition, kindly share the shapefiles of the development footprints/application site with the Case Officers.</p> <p>Please note: All Public Participation Process documents related to Biodiversity EIA review and any other Biodiversity EIA queries must be submitted to the Directorate: Biodiversity Conservation at Email: BCAdmin@environment.gov.za for attention of Mr. Seoka Lekota</p> <p>Regards, Kamogelo</p>	DFPE Directorate: Biodiversity Conservation	Email dated Monday the 3 rd of April 2023	<p>The kml and shapefile of the proposed development footprint/application site were sent to Mrs. M Rabothata and Mr. K Mathetja on Monday the 17th of April 2023. The Case Officers were also reminded that all comments on the Draft EIR shall be submitted to GA Environment (Pty) Ltd by no later than the 4th of May 2023 for the attention of Vukosi Mabunda through the use of the following means, Tel: 011 312 2537, e-mail: vukosim@gaenvironment.com or environment@gaenvironment.com (Appendix E6.2).</p> <p>It must be noted that the no comments were received from DFPE Directorate: Biodiversity Conservation at the time of finalization of this Comments and Responses Report.</p>
2. Comments on the Main Stakeholder Engagement Meeting					
1	<p>Masixole Matinise Tel: 071 491 7884 Email: Masixole.matinise@drdar.gov.za</p>	Inquired on which specialist studies were undertaken and how they were identified	Department of Rural Development and	Stakeholder Meeting held on 26 th April 2023	The EAP indicated that the specialist studies are guided by the DFPE National Web-Based Screening Tool Report which identified sensitivities and required specialist studies based on the proposed development, the nature

			Agrarian Reform (DRDAR)		<p>and extent of the development. There is however, an allowance for the EAP to motivate as to why certain identified specialist studies are not recommended and not to be undertaken. The specialist studies undertaken for the Proposed Coerney Balancing Dam as per the National Web-Based Screening Tool Report and EAP assessment were:</p> <ol style="list-style-type: none"> 1. Terrestrial Biodiversity Impact Assessment; 2. Aquatic Biodiversity Impact Assessment; 3. Phase I Heritage Impact Assessment; 4. Palaeontological Impact Assessment; and 5. Agricultural Impact Assessment <p>Refer to Section 2.2 of the EIR for the motives for the specialist assessments.</p>
2	<p>Deon Heyns Tel: 084 513 3522 Email: deonh@humkoop.co.za</p>	<p>Indicated that the developer (DWS), Lower Sundays River Water Use Association (LSRWUA), DRDAR and Farm Scheepersvlakte Farms will still need to meet and finalize two issues outside of the EIA Process:</p> <ol style="list-style-type: none"> 1. Land negotiations for the 36ha of planned agricultural land which the proposed dam will require; and 2. The issues pertaining to pumping of water from either Coerney Dam or Scheepersvlakte Dam once Coerney Dam is operational 	Scheepersvlakte Farms	Stakeholder Meeting held on 26 th April 2023	<p>The issues have been escalated for the attention of the developer (DWS) that necessary land acquisition and operational (pumping) arrangements will need to be undertaken. In addition, the EAP has laid the foundations as the discussions between the affected parties have since commenced during the Main Stakeholder Engagement Meeting held on the 26th of April 2023. Furthermore, the EAP has recommended in the Final EIR that the necessary acquisitions and operational permitting should be undertaken before the construction phase to avoid project delays and/or layout plan.</p>
3	<p>Vukosi Mabunda Tel: 082 048 9840 Email: vukosim@gaenvironment.com</p>	<p>Reminded the stakeholders to provide comments if any on the Draft EIR. Should no comments be received by the 4th May 2023 cut-off day, the EAP will assume that the stakeholder does not have any objections against the proposed development</p>	GA Environment (Pty) Ltd	Stakeholder Meeting held on 26 th April 2023	<p>The EAP provided I&APs and stakeholders will multiple opportunities to provide comments on the project and indicated in Appendix E of the EIR. The only formal comments received after the extensive engagements with stakeholders were from Scheepersvlakte Farm, DFFE and DWS Land and Rights Unit which have been captured in this Comments and Responses Report.</p>
3. Comments on the Public Meeting					

1	Masixole Matinise Tel: 071 491 7884 Email: Masixole.matinise@drdar.gov.za	Inquired of extent of the study area covered by the Agricultural Impact Assessment Study	Department of Rural Development and Agrarian Reform (DRDAR)	Public Meeting held on 20 th April 2023	The Agricultural Impact Assessment Report (Appendix F1), undertaken by the Biodiversity Company (2023), assessed the agricultural impact from a holistic view, but largely focused on the local impacts which will be caused by the proposed development of the Coerney Dam.
2	Masixole Matinise Tel: 071 491 7884 Email: Masixole.matinise@drdar.gov.za	Reemphasized that DWS and Scheepersvlakte Farms must engage as soon as possible to discuss the approximately 36ha of planned agricultural land that will be lost due to the construction of the dam. Furthermore, DRDAR would like to be part of those discussions.	Department of Rural Development and Agrarian Reform (DRDAR)	Public Meeting held on 20 th April 2023	The EAP escalated the matter for the attention of DWS and Scheepersvlakte Farming Community that necessary land acquisition arrangements will be required. In addition, the EAP has laid the foundations as the discussions between the affected parties have since commenced during the Main Stakeholder Engagement Meeting held on the 26 th of April 2023. Furthermore, the EAP has recommended in the Final EIR that the necessary acquisitions should be undertaken before the construction phase to avoid project delays and/or layout plan.
3	Rudi Herholdt Tel: 083 968 8168 Email: rudih@srvm.gov.za	Indicated that he does necessary visions how the Sundays River Valley Local Municipality will benefit from the project as although it is located within their jurisdiction area, the proposed Coerney Balancing Dam is aimed at providing emergency supplying to Nelson Mandela Bay Metropolitan Municipality.	Sundays River Valley Local Municipality	Public Meeting held on 20 th April 2023	The proposed dam is a balancing dam aimed at providing up to 21-days emergency water supply to Nelson Mandela Bay Metropolitan Municipality, however there will be temporary employment opportunities for the locals during construction phase and the dam will be used to provide additional water supply for the surrounding citrus farmers for irrigation which will boost the socio-economic aspects of the municipality.
4	Rudi Herholdt Tel: 083 968 8168 Email: rudih@srvm.gov.za	Indicated that if the locals from Sundays River Valley Local Municipality is to benefit from employment opportunities, then DWS must prioritize SMME's from the local municipality	Sundays River Valley Local Municipality	Public Meeting held on 20 th April 2023	The DWS will prioritize local employment as far as possible. There is however, no guarantee that the SMME's which will be appointed will all be from the local municipality as there could be certain special skills required for the construction phase which the local municipality does not necessarily have.
5	Deon Heyns Tel: 084 513 3522 Email: deonh@humkoop.co.za	Reemphasized the feasibility of Scheepersvlakte Farms pumping directly from Coerney Dam once it is in the operation phase	Scheepersvlakte Farms	Public Meeting held on 20 th April 2023	As per information obtained from DWS, it may not be feasible to cater for any additional pumping from Coerney Dam as the proposed Coerney Dam is a balancing storage dam. Lower Sundays River Water Use Association have indicated that it may be possible for Scheepersvlakte Farms to pump water from the existing Scheepersvlakte Dam once the Coerney Dam is in the operational phase.

6	Portia Makhanya Tel: 083 782 9916 Email: makhanyap@dws.gov.za	Reemphasized the concerns about the lack of participation in the EIA Process by the Sundays River Valley Local Municipality, Sarah Baartman District Municipality, Nelson Mandela Bay Metropolitan Municipality and DWS Eastern Cape Region	DWS	Public Meeting held on 20 th April 2023	The EAP has explored all possible platforms (telephone calls, physical verbal discussion, emails, focus group meeting invite, public meeting invites, site visit and main stakeholders meeting. etc.,) and other means necessary to engage the main stakeholders and participate in the EIA process through emails, The only formal comments received after the extensive engagements were from Scheepersvlakte Farm.
4. Comments on the Second Focus Group Meeting					
1	Ruffus Maloma Tel: 082 334 3102 Email: ruffus.maloma@drdar.gov.za	Inquired about the arrangements between the developer and the farmers as approximately 36ha of planned agricultural land will be lost to the dam	Department of Rural Development and Agrarian Reform (DRDAR)	Meeting held on 14 th April 2023	The EAP has escalated the matter for the attention of DWS and Scheepersvlakte Farming Community that necessary land acquisition arrangements will be required. The EAP has laid the foundations as the discussions between the two affected parties have since commenced during the Main Stakeholder Engagement Meeting held on the 26 th of April 2023.
2	Deon Heyns Tel: 084 513 3522 Email: deonh@humkoop.co.za	Re-inquired about the feasibility of Scheepersvlakte Farms pumping directly from Coerney Dam once it is in the operation phase	Scheepersvlakte Farms	Meeting held on 14 th April 2023	As per information obtained from DWS, it may not be feasible to cater for any additional pumping from Coerney Dam as the proposed Coerney Dam is a balancing storage dam. Lower Sundays River Water Use Association have indicated that it may be possible for Scheepersvlakte Farms to pump water from the existing Scheepersvlakte Dam once the Coerney Dam is in the operational phase.
3	Dayton Tagwi Tel: 067 415 8085 Email: TagwiD@dws.gov.za	Raised concerns about the lack of participation in the EIA Process by the Sundays River Valley Local Municipality, Sarah Baartman District Municipality, Nelson Mandela Bay Metropolitan Municipality and DWS Eastern Cape Region	DWS	Meeting held on 14 th April 2023	The EAP tried by all means necessary to engage the main stakeholders and participate in the EIA process through emails, focus group meeting, public meeting, site visit and main stakeholders meeting. The only formal comments received after the extensive engagements were from Scheepersvlakte Farm.
5. Comments on the Final Scoping Report					
1	Mr. Lunga Dlova Tel: (012) 399 8524 Email: LDlova@dffe.gov.za CC: Administrator Ms. Lydia Kutu Tel: (012) 399 9370 Email: LKutu@dffe.gov.za	Dear Ms Fourie The final Scoping Report (SR) and the Plan of Study for Environmental Impact Assessment dated 25 November 2022 and received by the Department on 25 November 2022, refer.	Department of Forestry, Fisheries and the Environment	Acceptance Letter dated 18 January 2023 received via email dated 19 January 2023.	The acceptance letter of the Final Scoping Report as received on 19 th January 2023 is welcomed.

		<p>The Department has evaluated the submitted final SR and the Plan of Study for Environmental Impact Assessment dated 25 November 2022 and is satisfied that the documents comply with the minimum requirements of the Environmental Impact Assessment (DA) Regulations, 2014, as amended. The FSR is hereby accepted by the Department in terms of Regulation 22(1)(a) of the EIA Regulations, 2014, as amended.</p> <p>You may proceed with the environmental impact assessment process in accordance with the tasks contemplated in the Plan of Study for Environmental Impact Assessment as required in terms of the EIA Regulations, 2014, as amended.</p> <p>In addition, the following amendments and additional information are required for the EIAR:</p> <p>(a) <u>Public Participation</u></p> <p>(i) Please ensure that comments from all relevant stakeholders are submitted to the Department with the EIAR. This includes but is not limited to the Sarah Baartman District Municipality, Department of Water and Sanitation: Eastern Cape Region, Nelson Mandela Bay Municipality, Sundays River Valley Municipality, Eastern Cape Heritage, Eastern Cape Department of Economic Development, Environmental Affairs and Tourism, Eastern Cape Department of Agricultural and Land Affairs. Lower Sundays River Water Users Association, SAHRA), the Endangered Wildlife Trust (EWT), BirdLife SA, and the Department of Environment, Forestry and Fisheries: Directorate Biodiversity and Conservation.</p> <p>(ii) Please ensure that all issues raised and comments received during the circulation of the draft SR and draft EIAR from registered I&APs and organs of state which have jurisdiction in respect of the proposed activity are adequately addressed in the final EIAR. Proof of</p>			<p>The EAP acknowledges the approval of the FSR and allowance to proceed with the EIR. The EIR was undertaken as indicated in the Plan of Study in the FSR.</p> <p>The Draft EIR will be provided to the main stakeholders, commentary authorities and authorities with jurisdiction as well as I&APs. Proof of submission and notification will be provided to the competent authority in the Final EIR.</p> <p>All comments received from initial public participation and Draft Scoping Report have been attached in Appendix E of the EIR and are addressed in this report. It must be noted that comments on the DSR were only received from DFFE. The Draft EIR will be provided to the</p>
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	<p>correspondence with the various stakeholders must be included in the final EIAR. Should you be unable to obtain comments, proof should be submitted to the Department of the attempts that were made to obtain comments.</p> <p>(iii) A Comments and Response trail report (C&R) must be submitted with the final EIAR. The C&R report must incorporate all comments for this development. The C&R report must be a separate document from the main report and the format must be in the table format as indicated in Appendix 1 of this comments letter. Please refrain from summarising comments made by I&APs. All comments from I&APs must be copied verbatim and responded to clearly. Please note that a response such as "noted" is not regarded as an adequate response to I&AP's comments.</p> <p>(iv) Comments from I&APs must not be split and arranged into categories. Comments from each submission must be responded to individually.</p> <p>(v) The Public Participation Process must be conducted in terms of Regulation 39, 40, 41, 42, 43 & 44 of the EIA Regulations, 2014, as amended.</p> <p>(vi) The EAP is requested to contact the Department to make the necessary arrangements to conduct a site inspection prior to the submission of the final EIAR.</p> <p>(b) <u>Layout & Sensitivity Maps</u></p> <p>(i) The EIAR must provide the four corner coordinate points for the proposed Lower Coerney Balancing Dam (degrees, minutes, seconds — format)</p> <p>(c) <u>Specialist assessments</u></p>			<p>main stakeholders, commentary authorities and authorities with jurisdiction as well as I&APs. Proof of submission and notification will be provided to the competent authority in the Final EIR.</p> <p>All comments received and EAPs response will be provided in the Final Comments and Responses Report.</p> <p>The Draft EIR will be provided to the main stakeholders, commentary authorities and authorities with jurisdiction as well as I&APs. Proof of submission and notification will be provided to the competent authority in the Final EIR.</p> <p>All comments received and EAPs response as indicated in the Scoping Acceptance Letter will be provided in the Final Comments and Responses Report.</p> <p>The comments have been separated according to the phase during the EIA when they were received for ease of reference and are responded to individually.</p> <p>The Public Participation Process is conducted in terms of Regulation 39, 40, 41, 42, 43 & 44 of the EIA Regulations, 2014, as amended</p> <p>The EAP will liaise with the Case Officer for the application (Mr. Lunga Dlova) to make necessary arrangement to conduct a site inspection. Proof of the site inspection will be provided in the Final EIR.</p> <p>The approximate coordinates of the site are 33°26'29.77"S and 25°37'23.68"E. The site four corners as indicated in Section 1.2 of the EIR are A (33°26'58.50"S; 25°37'25.62"E), B (33°26'47.71"S; 25°37'40.91"E), C (33°25'51.99"S; 25°37'21.39"E) and D (33°25'50.53"S; 25°37'28.72"E).</p>
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		<p>(i) The EAP must ensure that the terms of reference for all the identified specialist studies must include the following:</p> <ul style="list-style-type: none"> ➤ A detailed description of the study's methodology; indication of the locations and descriptions of the development footprint, and all other associated infrastructures that they have assessed and are recommending for authorisations. <p>➤ Provide a detailed description of all limitations to the studies. All specialist studies must be conducted in the right season and providing that as a limitation will not be allowed.</p> <p>➤ Please note that the Department considers a 'no-go' area, as an area where no development of any infrastructure is allowed; therefore, no development of associated infrastructure including access roads is allowed in the 'no-go' areas.</p> <p>➤ Should the specialist definition of 'no-go' area differ from the Departments definition; this must be clearly indicated. The specialist must also indicate the 'no-go' area's buffer if applicable.</p> <p>➤ All specialist studies must be final, and provide detailed/practical mitigation measures for the preferred alternative and recommendations, and must not recommend further studies to be completed post EA.</p> <p>➤ Should a specialist recommend specific mitigation measures, these must be clearly indicated.</p> <p>➤ Regarding cumulative impacts:</p>			<p>The specialist studies were undertaken in accordance with NEMA Regulations for specialist studies and Protocols for specialist assessments inclusive of specialist declaration and limitations as well as undertaken in the appropriate season. Detailed description of methodology, assessment areas, gaps and limitations and associated infrastructures and associated mitigation measures as well as recommendations for authorisations is indicated in the respective reports.</p> <p>The specialists have provided detailed descriptions of all gaps and limitations to their assessments and detailed methodology indicating the assessment methods and periods (seasons) as per the protocols.</p> <p>The site sensitivities are indicated in the specialists reports (Appendix F of the EIR). There are no identified no go areas within the proposed footprint. However, the notable restriction is the 18m buffer zone around riparian areas outside the dam footprint as well as adjacent intact vegetation and habitats.</p> <p>The specialist studies have been finalized. The reports have been attached to the Final EIR (Appendix F) to assist DFFE with decision making.</p> <p>Specialist mitigations and recommendations are indicated in the respective reports in Appendix F of the EIR, highlighted in Chapter 9 of the EIR and indicated in the EMPr.</p> <p>A cumulative impacts significance rating methodology was provided and how it was used to assess cumulative</p>
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		<ul style="list-style-type: none"> - Clearly defined cumulative impacts and where possible the size of the identified impact must be quantified and indicated, i.e. hectares of cumulatively transformed land. - A detailed process flow to indicate how the specialist's recommendations, mitigation measures and conclusions from the various similar developments in the area were taken into consideration in the assessment of cumulative impacts and when the conclusion and mitigation measures were drafted for this project. - Identified cumulative impacts associated with the proposed development must be rated with the significance rating methodology used in the process. - The significance rating must also inform the need and desirability of the proposed development. - A cumulative impact environmental statement on whether the proposed development must proceed. <p>(ii) Should the appointed specialists specify contradicting recommendations, the EAP must clearly indicate the most reasonable recommendation and substantiate this with defensible reasons; and where necessary, include further expertise advice.</p> <p>(d) General</p> <p>(i) The EIA must provide the technical details for the proposed facility in a table format as well as their description and/or dimensions.</p>			<p>impact. The cumulative impact assessment was also defined. Refer to Chapters 8 and 9 of the EIR.</p> <p>A process flow on recommendations and mitigations from specialist studies and similar projects was provided and how it was incorporated into the overall cumulative impact assessment for the project. Refer to Chapters 9 & 10 of the EIR.</p> <p>A cumulative impacts significance rating methodology was provided and how it was used to assess cumulative impact. Refer to Chapters 8 and 9 of the EIR.</p> <p>A comprehensive cumulative impacts significance rating methodology which also informed the need and desirability of the project was provided. Refer to Chapter 8 of the EIR.</p> <p>A cumulative impact environmental statement and why the proposed development should proceed is provided in Chapters 10 & 11 of the EIR.</p> <p>A review of the specialist studies found that there are no contradicting findings against the proposed dam. The specialist recommended that the proposed development be considered for approval.</p> <p>The detailed project description is provided in Section 1.4 and Chapter 3 of the EIR.</p>
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		<p>(ii) A construction and operational phase EMPr that includes mitigation and monitoring measures must be submitted with the final EIAR.</p> <p>The applicant is hereby reminded to comply with the requirements of Regulation 45 of GN R982 of 04 December 2014, as amended, with regard to the time period allowed for complying with the requirements of the Regulations.</p> <p>You are hereby reminded of Section 24F of the National Environmental Management Act, Act No. 107 of 1998, as amended, that no activity may commence prior to an environmental authorisation being granted by the Department.</p> <p>Yours faithfully</p>			<p>A construction and operational phase EMPr that includes mitigation and monitoring measures has been compiled and attached as Appendix G1 of the EIR.</p> <p>The comment is noted and associated reports will be submitted within the stipulated timeframes.</p> <p>The comment is noted. No activity currently being applied for on this project will commence without authorisation.</p>
6. Comments on the Draft Scoping Report					
1	<p>Mr. Lunga Dlova Tel: (012) 399 8524 Email: LDlova@dfre.gov.za</p> <p>CC: Administrator Ms. Lydia Kutu Tel: (012) 399 9370 Email: LKutu@dfre.gov.za</p>	<p>Dear Mr. Mabunda</p> <p>COMMENTS ON THE DRAFT SCOPING REPORT FOR THE PROPOSED LOWER COERNEY BALANCING DAM, SUNDAYS RIVER VALLEY LOCAL MUNICIPALITY, EASTERN CAPE PROVINCE.</p> <p>The Application for Environmental Authorisation and Draft Scoping Report (SR) dated 14 October 2022 and received by the Department in October 2022, refer.</p> <p><u>This letter serves to inform you that the following information must be included to the Final Scoping Report:</u></p> <p>(a) Listed Activities</p> <ul style="list-style-type: none"> Please ensure that all relevant listed activities are applied for, are specific and can be linked to the development activity or infrastructure as described in the project description. 	<p>Department of Forestry, Fisheries and the Environment</p>	<p>Email dated 11 November 2022</p>	<ul style="list-style-type: none"> All relevant and specific listed activities for the proposed project have been applied for as indicated in the application form, DSR and FSR.

		<ul style="list-style-type: none"> ● If the activities applied for in the application form differ from those mentioned in the final SR, an amended application form must be submitted. Please note that the Department's application form template has been amended and can be downloaded from the following link: https://www.environment.gov.za/documents/forms <p>(b) Public Participation Process</p> <ul style="list-style-type: none"> ● Please ensure that all issues raised and comments received during the circulation of the SR from registered I&APs and organs of state which have jurisdiction (including this Department's Biodiversity Section) in respect of the proposed activity are adequately addressed in the Final SR. <p>Proof of correspondence with the various stakeholders must be included in the Final SR. Should you be unable to obtain comments, proof should be submitted to the Department of the attempts that were made to obtain comments. The Public Participation Process must be conducted in terms of Regulation 39, 40 41, 42, 43 & 44 of the EIA Regulations 2014, as amended.</p> <ul style="list-style-type: none"> ● A comments and response trail report (C&R) must be submitted with the final SR. The C&R report must incorporate all historical comments for this development. The C&R report must be a separate document from the main report and the format must be in the table format as indicated in Annexure 1 of this comments letter. Please refrain from summarising comments made by I&APs. All comments from I&APs must be copied verbatim and responded to clearly. Please note that a response such as "Noted" is not regarded as an adequate response to I&AP's comments. 			<ul style="list-style-type: none"> ● All relevant and specific listed activities for the proposed project applied for as indicated in the application form, DSR and FSR do not differ. ● All comments received from initial public participation and Draft Scoping Report have been attached in Appendix E of the EIR. It must be noted that comments on the DSR were only received from DFFE. All comments received and EAPs response are provided in this Comments and Responses Report. ● All commentary authorities, stakeholders and I&APs were provided with an opportunity to review and comment on the DSR. Refer to Chapter 7 of the FSR for public participation undertaken and Appendix E of this EIR for evidence of such measures.
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		<ul style="list-style-type: none"> ● The final SR must provide evidence that all identified and relevant competent authorities have been given an opportunity to comment on the proposed development, particularly the Eastern Cape Environmental Department, the District and Local Municipalities. <p>(c) Specialist Assessments</p> <ul style="list-style-type: none"> ● According to the environmental sensitivities of the proposed project area as summarised in Table 6 (page 42 – 43), the listed specialist assessments identified by the Environmental Screening Tool must be included in the final Scoping Report. Also, a motivation by the EAP must be provided where a study is not recommended. ● Specialist studies to be conducted must provide a detailed description of their methodology, as well as indicate the locations and descriptions of turbine positions, and all other associated infrastructures that they have assessed and are recommending for authorisations. ● The specialist studies must also provide a detailed description of all limitations to their studies. All specialist studies must be conducted in the right season and providing that as a limitation, will not be accepted. ● Should the appointed specialists specify contradicting recommendations, the EAP must clearly indicate the most reasonable recommendation and substantiate this with defensible reasons; and where necessary, include further expertise advice. ● It is further brought to your attention that Procedures for the Assessment and Minimum Criteria for Reporting 			<ul style="list-style-type: none"> ● All commentary authorities, particularly Local Municipality, District Municipality, Metropolitan Municipality and the Eastern Cape Environmental Department. Refer to Chapter 7 of the FSR for public participation undertaken and Appendix E of this EIR for evidence of such measures. ● The specialist studies indicated in the FSR which are: <ul style="list-style-type: none"> ➤ Terrestrial Biodiversity Impact Assessment; ➤ Aquatic Biodiversity and Wetland Impact Assessment; ➤ Desktop Palaeontological Impact Assessment; ➤ Agricultural Impact Assessment; and ➤ Heritage Impact Assessment – Compliance Statement. These Specialists were undertaken and provided in Appendix F of the EIR. ● The specialist studies were undertaken in accordance with NEMA Regulations for specialist studies and Protocols for specialist assessments inclusive of specialist declaration and limitations as well as undertaken in the appropriate season. Detailed description of methodology, assessment areas, and associated infrastructures and associated mitigation measures as well as recommendations for authorisations is indicated in the respective reports. ● The EAP is independent and a review of the specialist reports found no contradicting recommendations against the development.
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		<p>on identified Environmental Themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998, when applying for Environmental Authorisation, which were promulgated in Government Notice No. 320 of 20 March 2020 (i.e. "the Protocols"), and in Government Notice No. 1150 of 30 October 2020 (i.e. protocols for terrestrial plant and animal species), have come into effect. Please note that specialist assessments must be conducted in accordance with these protocols.</p> <p>(d) Cumulative Assessment</p> <ul style="list-style-type: none"> ● Should there be any other similar projects within a 30km radius of the proposed development site, the cumulative impact assessment for all identified and assessed impacts must be refined to indicate the following: <ul style="list-style-type: none"> ➤ Identified cumulative impacts must be clearly defined, and where possible the size of the identified impact must be quantified and indicated, i.e. hectares of cumulatively transformed land. ➤ Detailed process flow and proof must be provided, to indicate how the specialist's recommendations, mitigation measures and conclusions from the various similar developments in the area were taken into consideration in the assessment of cumulative impacts and when the conclusion and mitigation measures were drafted for this project. ➤ The cumulative impacts significance rating must also inform the need and desirability of the proposed development. ➤ A cumulative impact environmental statement on whether the proposed development must proceed. <p>General</p>			<ul style="list-style-type: none"> ● The specialist studies comply and were undertaken in accordance with the Procedures for the Assessment and Minimum Criteria for Reporting on identified Environmental Themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998, when applying for Environmental Authorisation. ● At the time of compilation of the report and this CRR, the EAP was aware of a similar project (smaller Scheepersvlakte Dam) immediately south of the study area the cumulative impacts were assessed in the EIR. ➤ Detailed description of the cumulative impact is indicated in Chapters 9 & 10 of the EIR. ➤ A process flow on recommendations and mitigations from the similar project was provided and how it was incorporated into the overall cumulative impact assessment for the project. Refer to Chapters 9 & 10 of the EIR. ➤ A cumulative impacts significance rating methodology was provided and how it was used to assess cumulative impact. Refer to Chapter 8 of the EIR. ➤ A cumulative impact environmental statement on why the proposed development must proceed is provide in Chapters 10 & 11 of the EIR.
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		<ul style="list-style-type: none"> You are further reminded to comply with Regulation 21(1) of the NEMA EIA Regulations 2014, as amended, which states that: <i>"If S&EIR must be applied to an application, the applicant must, within 44 days of receipt of the application by the competent authority, submit to the competent authority a scoping report which has been subjected to a public participation process of at least 30 days and which reflects the incorporation of comments received, including any comments of the competent authority"</i> You are further reminded that the final SR to be submitted to this Department must comply with all the requirements in terms of the scope of assessment and content of Scoping reports in accordance with Appendix 2 and Regulation 21(1) of the EIA Regulations 2014, as amended. Further note that in terms of Regulation 45 of the EIA Regulations 2014, as amended, this application will lapse if the applicant fails to meet any of the timeframes prescribed in terms of these Regulations, unless an extension has been granted in terms of Regulation 3(7). You are hereby reminded of Section 24F of the National Environmental Management Act, Act No. 107 of 1998, as amended, that no activity may commence prior to an Environmental Authorisation being granted by the Department. 			<ul style="list-style-type: none"> The Draft Scoping Report and EA Application Form were submitted on 14th October 2022. The FSR was submitted on 25th November 2022 within the 44 day period. The FSR was approved on the 20th January 2023. This FSR was submitted to DFFE and met all the requirements in terms of the scope of assessment and content of Scoping reports in accordance with Appendix 2 and Regulation 21(1) of the EIA Regulations 2014, as amended. The FSR was approved on the 20th January 2023. The comment is noted and associated reports will be submitted within the stipulated timeframes. The comment is noted. No activity currently being applied for on this project will commence without authorisation.
7. Comments from the First Focus Group Meeting					
1	Dayton Tagwi Tel: 067 415 8085 Email: TagwiD@dws.gov.za	Inquired about the compensation to the farmers for the land required for the dam	DWS	Meeting held on 26 th May 2022	It is the understanding of EAP as indicated in the meeting that the DWS pays per market value of the required land and such will be discussed with the affected landowners during the detailed design phase.

2	Deon Heyns Tel: 084 513 3522 Email: deonh@humkoop.co.za	Proposes that the small farm dam on Scheepersvlakte Farms could be used by DWS for additional storage to the Coerney Dam since the dam has already been built.	Scheepersvlakte Farms	Meeting held on 26 th May 2022	The proposal was acknowledged, however, Coerney Dam cannot be shifted as this will compromise the capacity and integrity of the dam. DWS may include the small farm dam in the detailed design of Coerney Dam to explore the possibility of additional capacity and supply in the region.
3	Deon Heyns Tel: 084 513 3522 Email: deonh@humkoop.co.za	Inquired on the plans for the Scheepersvlakte Dam after the development of Coerney Dam and if it would be possible to pump from Scheepersvlakte Dam for the Farm.	Scheepersvlakte Farms	Meeting held on 26 th May 2022	<p>It must be noted that Scheepersvlakte Dam was established as a balancing dam for the canal system in the area and will continue to serve that purpose. In addition, pumping from Scheepersvlakte Dam after the development of Coerney Dam can only be possible once the canal break has been successfully reinstalled.</p> <p>In a meeting held in May 2019, this item (temporary pumping from Scheepersvlakte Dam) was discussed and agreed upon in principle. However, during the feasibility study, it was found that the temporary pumping is not recommended. Furthermore, in theory it is possible to temporarily pump water from the Scheepersvlakte Dam, but it is practically impossible due to the increased abstraction rate required by the Nelson Mandela Bay Municipality.</p>
4	Menard Mugumo Tel: 082 804 5162 Email: MugumoM@dws.gov.za	Inquired if the Scheepersvlakte Farms will be pumping the water directly from the Coerney Dam.	DWS	Meeting held on 26 th May 2022	According to DWS, the agreement, in principle, is that Scheepersvlakte Farms can pump directly from the dam, but the LSRWUA will control and monitor the usage of the water. The agreement still needs to be formalized by Southern Operations.
5	Deon Heyns Tel: 084 513 3522 Email: deonh@humkoop.co.za	Emphasized that the Region is currently experiencing shortages of water supply and the project is supposed to address these water issues, so why is the dam only planned to be operational in six years' time?	Scheepersvlakte Farms	Meeting held on 26 th May 2022	<p>The project is currently in the planning phase, which will be followed by two to three years for the design and finally about four years for the construction phase. This is the best-case scenario.</p> <p>The dam was approved as an emergency project by the previous Minister of Water Affairs to fast track the project, however the design process is progressing slower than it should. Internal processes need to be followed to ensure the project is successfully implemented.</p>

6	Deon Heyns Tel: 084 513 3522 Email: deonh@humkoop.co.za	Emphasized that the Region is currently experiencing shortages of water supply and the project is supposed to address these water issues, so why is the dam only planned to be operational in six years' time?	Scheepersvlakte Farms	Meeting held on 26 th May 2022	<p>The project is currently in the planning phase, which will be followed by two to three years for the design and finally about four years for the construction phase. This is the best-case scenario.</p> <p>The dam was approved as an emergency project by the previous Minister of Water Affairs to fast track the project, however the design process is progressing slower than it should. Internal processes need to be followed to ensure the project is successfully implemented.</p>
8. COMMENTS ON INITIAL PUBLIC PARTICIPATION					
1	Xola Mnfonintsha Tel: 067 428 2222 Email: xolam@srvm.gov.za	Sundays River Valley Local Municipality purchases water from Lower Sundays River Water Users Association (LSRWUA)	Sundays River Valley Local Municipality	Knock & Drop in November 2021	Thank you for your information, LSRWUA have already been contacted and are a key stakeholder in the project.
2	Rudi Herholdt Tel: Email: rudih@srvm.gov.za	Concerned about the bulk water supply to the Nelson Mandela Bay Municipality	Sundays River Valley Local Municipality	Knock & Drop in November 2021	Thank you for your comment. One of the primary objectives of the proposed Lower Coerney Balancing Dam is to provide up to 21-Day emergency water supply to the Nelson Mandela Bay Municipality as to address the current low water supply to the municipality.
3	Jowayne Claasen Tel: 081 871 6268 Email: jowayne2009@gmail.com	Enon Bersheba to be consulted during the public participation process.	Witrivier Communal Property Association	Knock & Drop in November 2021	Thank you for your comment. Enon Bersheba and Mr. Claasen have been engaged during the initial public participation and will be offered the opportunity to participate in the public review and comment of this Draft Scoping Report as well as the Draft Environmental Impact Report.
4	John Kobe Tel: 071 010 1155 Email:	In support of the dam, but employ local residents for the construction phase.	Kirkwood Resident	Knock & Drop in November 2021	Thank you for your comment. There is a likelihood of temporary employment during the construction phase and permanent employment during the operational phase of the project. The Contractor is expected to recruit skilled and semiskilled labour during the construction phase where feasible and DWS will assess the availability of necessary skilled workers within the community for the operational phase.
5	Skhanyisele Pangwa Tel: 042 230 0313	Please send notification in advance	Department of Justice Kirkwood	Knock & Drop in November 2021	Thank you for your comment. The Department of Justice Kirkwood will be notified on the availability and

	Email: spangwa@justice.gov.za				opportunity to participate in the public review and comment of this Draft Scoping Report as well as the Draft Environmental Impact Report.
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2 SUMMARY COMMENTS AND CONCLUSION

The Comments and Response Report (CRR) has taken into consideration all steps undertaken to inform I&APs of the proposed development. Registered Interested and affected parties were afforded an opportunity to register comments and provide input on the proposed development throughout all phases of the project. During the public review period of the Scoping Report, comments were only received from the Department of Forestry, Fisheries and the Environment. The Draft EIR was made available to all registered I&APs, stakeholders, municipalities with jurisdiction and commentary authorities. The EAP Developer and EAP went beyond the minimum guidelines for public participation as indicated in Chapter 6 of NEMA EIA Regulations, 2014 as amended to engage I&APs, especially stakeholders during the EIA Phase through the focus group meeting, public meeting, site visit and main stakeholder engagement meeting. All comments received during the 30-day public review of the Draft EIR will have been captured and addressed in this Final Comments and Responses Report as well as the Final EIR which has been submitted to the department (DFFE) for final decision making.