



forestry, fisheries & the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

Private Bag X 447· PRETORIA 0001· Environment House 473 Steve Biko Road, Arcadia· PRETORIA

DFFE Reference: 14/12/16/3/3/2/2222
Enquiries: Mr Lunga Dlova
EAPASA Registration Number: 2021/3237
Telephone: (012) 399 8524 E-mail: LDlova@dffe.gov.za

Ms Chriselna Fourie
Department of Water and Sanitation
Private Bag X313
PRETORIA
0001

Telephone Number: 012 336 7740
Cell phone Number: 082 809 2355
Email Address: FourieC2@dws.gov.za

PER E-MAIL / MAIL

Dear Ms Fourie

ACCEPTANCE OF THE SCOPING REPORT FOR THE PROPOSED LOWER COERNEY BALANCING DAM WITHIN THE SUNDAYS RIVER VALLEY LOCAL MUNICIPALITY, SARAH BAARTMAN DISTRICT MUNICIPALITY IN THE EASTERN CAPE PROVINCE.

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.

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 (EIA) 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.

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.

In addition, the following amendments and additional information are required for the EIAR:

(a) Public Participation

- (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.
- (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 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.

- (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.
- (iv) Comments from I&APs must not be split and arranged into categories. Comments from each submission must be responded to individually.
- (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.
- (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.

(b) Layout & Sensitivity Maps

- (i) The EIAr must provide the four corner coordinate points for the proposed Lower Coerney Balancing Dam (degrees, minutes, seconds – format)

(c) Specialist assessments

- (i) The EAP must ensure that the terms of reference for all the identified specialist studies must include the following:
 - 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.
 - 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.
 - 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.
 - 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.
 - **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.**
 - Should a specialist recommend specific mitigation measures, these must be clearly indicated.
 - Regarding cumulative impacts:
 - 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.

- (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 expert advice.

(d) General

- (i) The EIA must provide the technical details for the proposed facility in a table format as well as their description and/or dimensions.
- (ii) A construction and operational phase EMP that includes mitigation and monitoring measures must be submitted with the final EIA.

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.

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.

Yours faithfully



Mr Vusi Skosana

Acting Chief Director: Integrated Environmental Authorisations

Department of Forestry, Fisheries and the Environment

EAPSA Registration Ref: 2019/92

Date: 18 January 2023

cc:	Mr Vukosi Mabunda	GA Environment (Pty) Ltd	Email: vukosim@gaenvironment.com / environment@gaenvironment.com
	Unati Daniels	Sarah Baartman District Municipality	Email: danielsu@sbdm.co.za
	Dayalan Jeff Govender	EC Department of Economic Development, Environmental Affairs and Tourism	Email: Dayalan.Govendor@dedea.gov.za

Annexure 1

Format for Comments and Response Trail Report:

Date of comment, format of comment name of organisation/I&AP	Comment	Response from EAP/Applicant/Specialist
09/01/2023 Email Department of Environment, Forestry and Fisheries: Priority Infrastructure Projects (John Doe)	Please record C&R trail report in this format Please update the contact details of the provincial environmental authority	EAP: (Noted) The C&R trail report has been updated into the desired format, see Appendix K EAP: Details of provincial authority have been updated, see page 16 of the Application form





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Tel(+27 12) 399 9000

Enquiries: Devinagie Bendeman Telephone: 012 399 9337 E-mail: vbendeman@dfpe.gov.za

Mr. Vusi Skosana
Director: IEA: National Integrated Authorisations

Dear Mr. Skosana

APPOINTMENT AS ACTING CHIEF DIRECTOR: INTEGRATED ENVIRONMENTAL AUTHORISATIONS FOR THE PERIOD 19 DECEMBER 2022 – 31 JANUARY 2023

I hereby inform you that I have decided to appoint you as Acting Chief Director: Integrated Environmental Authorisations, for the period of 19 December 2022 - 31 January 2023 whilst Mr Sabelo Malaza is fulfilling his temporary reassignment function at the Forestry Branch.

All the correspondence and other documents that are usually signed by the Chief Director: Integrated Environmental Authorisations must be signed under Acting Chief Director: Integrated Environmental Authorisations during the above-mentioned period.

Your appointment in the above acting position remains subject to the provisions of the Public Service Act, 1994 (Proclamation No. 103 of 1994), as amended, the Government Employees Pension Fund Act, 1996 (Proclamation No. 21 of 1996), the regulations promulgated under these Acts and relevant circulars.

In the execution of your duties and the exercising of the powers delegated to you, you will furthermore be subjected to the provisions of the Public Finance Management Act, compliance with the Promotion of Access to Information Act, Promotion of Administrative Justice Act, the Minimum Information Security Standard, Departmental Policies and other applicable legislations with the Republic of South Africa. You are therefore advised to make yourself familiar with the provisions of these legislations and policies and the amendments thereof. (Copies of Departmental policies can be obtained from the Human Resource Office).

Please accept my heartfelt gratitude for all your assistance on behalf of the department.

Yours sincerely

Ms Devinagie Bendeman
Deputy Director-General: RSCM (Regulatory Compliance and
Sector Monitoring)
Date: 1 December 2022

ACKNOWLEDGEMENT

I ACCEPT / ~~DO NOT ACCEPT~~
appointment as Acting Chief
Director: Integrated Environmental
Authorisations.

Signed:

Date: 05 December 2022