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Email: salomonp@nemai.co.za

Our Reference: 10315/Let78

07 December 2010

Attention: Interested and Affected Party

Re: Notice of Environmental Authorisation – Mokolo and Crocodile River (West) Water Augmentation Project (MCWAP): Augment Supply from Mokolo Dam (DEA Reference No: 12/12/20/1465)

This serves as notification that an Environmental Authorisation, subject to conditions, has been issued by the Department of Environmental Affairs (DEA) for the abovementioned project on **03 December 2010**. The aforementioned authorisation is issued in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998), following the undertaking of a Scoping and Environmental Impact Assessment (EIA) Process (according to Government Notice No. R.385) for the following listed activities:

- Government Notice No. R.386: 1(k), 1(l), 1(m), 4, 7, 12, 15, 20, and
- Government Notice No. R.387: 1(n) and 2.

A copy of the Environmental Authorisation can be obtained from Nemai Consulting (contact details below) on request or it can be downloaded from the DWA web page under the following link: <http://www.dwa.gov.za/Projects/MCWAP/documents.aspx>.

Parties wishing to formally appeal this authorisation must lodge a notice of intent to appeal with the Minister within **twenty (20) days** after the date of the decision, by means of one of the following methods:

By Facsimile: 012 320 7561; or
By Post: Department of Environmental Affairs
Private Bag X447
Pretoria
0001, or
By hand: Fedsure Forum Building,
2nd Floor North Tower
Corner Van der Walt and Pretorius Streets
Pretoria

A copy of the official appeal form can be obtained from DEA from the following party:

Mr T Zwane	Appeals Administrator	Tel: 012 310 3929	TZwane@environment.gov.za
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Interested and Affected Parties wishing to formally appeal must follow the following procedure, in accordance with Chapter 7 of the EIA Regulations, 2010 (as summarised at the end of this letter):

The appellant must within ten (10) days of lodging the notice of intention to appeal, provide a copy of the notice to the applicant and a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.

Copies of the abovementioned notices should also be submitted to:

Nemai Consulting C.C.
Attention: Mr. Salomon Pienaar
By Hand: 147 Bram Fischer Drive, Ferndale, 2194
By Post: P.O. Box 1673, Sunninghill, 2157
Fax: (011) 781 1731
e-mail: salomonp@nemai.co.za

The authorised activity or activities shall not commence within thirty (30) days of the date of signature of the authorisation. An appeal under section 43 of the National Environmental Management Act (NEMA), Act 107 of 1998 (as amended), does not suspend an environmental authorisation or exemption, or any provisions or conditions attached thereto, or any directive, unless the Minister, MEC or delegated organ of state directs otherwise.

Please note: An appeal against a decision must be submitted to the Department of Environmental Affairs who will lodge it with the Minister of Justice and Constitutional Development.

To reiterate, the notice of intention to appeal must be lodged by no later than Tuesday, **11 January 2011**. The appeal must be lodged by no later than 30 days (Thursday, **10 February 2011**) following the submission of the notice of intention to appeal.

Please contact us for any queries in this regard.

Yours Sincerely
Salomon Pienaar



Nemai Consulting C.C.

APPEAL PROCEDURE IN TERMS OF CHAPTER 7 OF THE NEMA EIA REGULATION, 2010 AS PER GN R.543 OF 2010 TO BE FOLLOWED BY THE APPLICANT AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF NOTIFICATION OF AN ENVIRONMENTAL AUTHORISATION

INTERESTED AND AFFECTED PARTY
1. Receive notice of Environmental Authorisation (EA) from Applicant / Consultant.
2. Within 20 days after the date of decision, notify the relevant Appeal Authority of the intention to appeal.
3. Applicant must within 10 days of having submitted the notice of intention to appeal, as indicated in 2 above, provide the applicant with- 3.1. A copy of the notice of intention to appeal; and 3.2. A notice indicating where and for what period the appeal submission will be available for inspection by the applicant.
4. The appeal must be submitted to the Appeal Authority within 30 days after the lapsing of the 20 days period which is allowed for the submission of the notice of intention to appeal.
5. An applicant that receives notice of an appeal may submit a responding statement to the relevant Appeal Authority or designated organ of state within 30 days from the date the appeal submission was lodged with the Appeal Authority.

NOTES:

1. An appeal against a decision must be lodged with:
 - a) The Minister of Water and Environmental Affairs if the decision was issued by the Director-General of the Department of Environmental Affairs (or another official) acting in his/ her capacity as the delegated Competent Authority;
 - b) The Minister of Justice and Constitutional Development if the applicant is the Department of Water Affairs and the decision was issued by the Director-General of the Department of Environmental Affairs (or another official) acting in his/ her capacity as the delegated Competent Authority;
 - c) The MEC if the decision was issued by the Head of Department (or another official) acting in his/ her capacity as the delegated Competent Authority; or
 - d) The delegated organ of state where relevant.
2. An appeal lodged with:
 - a) The Minister of Water and Environmental Affairs must be submitted to the Department of Environmental Affairs;
 - b) The Minister of Justice and Constitutional Development must be submitted to the Department of Environmental Affairs;
 - c) The MEC must be submitted to the provincial department responsible for environmental affairs; or
 - d) The delegated organ of state, where relevant, must be submitted to the delegated organ of state.
3. An appeal must be:
 - (a) on an official form obtainable or published from the relevant Appeal Authority; and
 - (b) accompanied by –
 - (i) a statement setting out the grounds of appeal;
 - (ii) supporting documentation which is referred to in the appeal and is not available to the relevant Appeal Authority;
 - (iii) a statement that the appellant has complied with regulation 60(2) or (3) has been complied with together with copies of the notices referred to in regulation 60; and
 - (iv) the prescribed appeal fee, if any.
4. A copy of the official appeal form can be obtained from:
MTH Zwane, Senior Legal Administrator (Appeals): Tel: 012 310 3929, TZwane@environment.gov.za