

Donavan Henning

From: Nicky Naidoo
Sent: 12 December 2009 10:27
To: Donovan Henning
Cc: Salomon Pienaar
Subject: FW: Mokolo and Crocodile River (West) Water Augmentation Project (MCWAP)

From: Nicky Naidoo
Sent: 11 December 2009 14:03
To: 'Adam Gunn'
Cc: 'marthavanderhyde@eversheds.co.za'
Subject: RE: Mokolo and Crocodile River (West) Water Augmentation Project (MCWAP)

Dear Adam

I have responded to this query in my previous email. Unfortunately we will not be able to extend the review period. Although you received your personal copy of the reports on 01/12/09, the reports were available for review on the DWA website since 02 November 2009. In addition, the Regulations require that a 30 review period is granted however we put the document out for public review for 40 days.

Finally, public meetings were held on 11 and 12 November 2009 to give everyone an opportunity to raise concerns.

Should you have any queries please do not hesitate to contact me.

Regards

Nicky Naidoo

Nemai Consulting

Tel : (011) 781 1730
Fax : (011) 781 1731
Mobile: 082 330 9510
Email : nickyn@nemai.co.za

Address: 147 Bram Fischer Drive, Ferndale, 2194
Postal Address: PO Box 1673, Sunninghill, 2157

From: Martha van der Hyde [mailto:marthavanderhyde@eversheds.co.za] **On Behalf Of** Adam Gunn
Sent: 11 December 2009 11:15
To: Nicky Naidoo
Cc: Adam Gunn
Subject: Mokolo and Crocodile River (West) Water Augmentation Project (MCWAP)

Dear Madam

Please see attached letter for your attention.

Kind regards

Martha Van Der Hyde
Secretary to Adam Gunn
Eversheds

Tel (27 11) 286 6900

Fax 086 646 6335

Direct (27 11) 523 6162

Email marthavanderhyde@eversheds.co.za

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Aurecon

Att: Mr Fanie Vogel
Technical Director : Water Resources Management

Per e-mail: fanie.vogel@af.aurecongroup.com

Date 11 August 2009
Your ref
Our ref I19469/Adam Gunn/mvdh
Direct dial (27 11) 523-6160
Direct fax 086-646-6076
adamgunn@eversheds.co.za
Docex 7 Sandton Square

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Dear Mr Vogel

MOKOLO AND CROCODILE RIVER WEST WATER AUGMENTATION PROJECT

1. We refer to our letter dated 2 July 2009 and look forward to your urgent response thereto.

Yours faithfully



Adam Gunn
Director
For  EVERSHEDS

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Donavan Henning

From: Nicky Naidoo
Sent: 12 December 2009 10:27
To: Donovan Henning
Cc: Salomon Pienaar
Subject: FW: Information requested

From: Nicky Naidoo
Sent: 11 December 2009 13:20
To: 'Adam Gunn'
Subject: RE: Information requested

Dear Adam

It would not be possible to extend the review period as we are submitting the Scoping Reports and Basic Assessment Report on 15 December 2009. You are well come to submit your comments after the review period which we will still consider in the EIR phase. We have received many comments after the Scoping registration period which were not possible to include in the Scoping Report hence we have indicated to such IAPs that we will still consider these comments in the EIR phase. Likewise we will still consider your comments.

Jus to be clear, the information provided below should not hold up your comments on the Scoping Report. The Scoping Report outlines the approach going forward. If you have any queries regarding these reports please feel free to send your comments to F Vogel and copy me.

Please do not hesitate to call me should you have any queries.

Regards

Nicky Naidoo

Nemai Consulting

Tel : (011) 781 1730
Fax : (011) 781 1731
Mobile: 082 330 9510
Email : nickyn@nemai.co.za

Address: 147 Bram Fischer Drive, Ferndale, 2194
Postal Address: PO Box 1673, Sunninghill, 2157

From: Adam Gunn [mailto:adamgunn@eversheds.co.za]
Sent: 11 December 2009 11:15
To: Nicky Naidoo
Subject: RE: Information requested

Thanks Nicky

Very cumbersome and difficult to access.

Please would you grant an extension of time to comment on the Draft Scoping until 23 December 2009?

Kind regards

Adam Gunn
Director
Eversheds

Tel. (27 11) 286-6900
Fax. 086-646-6076
Direct. (27 11) 523-6160
Cell. (27 72) 533 4399
Email. AdamGunn@eversheds.co.za

From: Nicky Naidoo [mailto:NickyN@nema.co.za]
Sent: 08 December 2009 02:10 PM
To: Adam Gunn
Subject: Information requested

Dear Adam

Without regard to the information you requested, below is a list of documents that can be downloaded from the DWA website.

Access to the site can be obtained as follows:

- i. Launch Internet Explorer Browser
- ii. Open www.dwaf.gov.za to obtain access to DWA Home Page
- iii. In the left hand column, open [Documents](#)
- iv. Open the [Search](#) menu and choose [Integrated Water Resource Planning – WMA Documents](#)
- v. Any of the following documents can be downloaded:
 - [WMA01: Limpopo Water Management Area](#)
Overview of Water Resources and Utilization (Report number: P WMA 01/000/00/0203), September 2003
 - [WMA01: Limpopo Water Management Area](#)
Water Resources Situation Assessment (Report number: P WMA 01/000/00/0101), July 2003
 - [WMA01: Limpopo Water Management Area](#)
Limpopo Water Management Area: Internal Strategic Perspective, November 2004
 - [WMA01: Limpopo Water Management Area](#)
The Mokolo River Catchment: Study Report: Validation of the Existing Lawful Water Use (PWMA 01/A42/00/02007), January 2007
 - [WMA03: Crocodile \(West\) and Marico Water Man. Area](#)
Overview of Water Resources and Utilization (Report number: P WMA 03/000/00/0203), September 2003
 - [WMA03: Crocodile \(West\) and Marico Water Man. Area](#)
Water Resources Situation Assessment (Report number: P WMA 03/000/00/0101), April 2002
 - [WMA03: Crocodile \(West\) and Marico Water Man. Area](#)
Marico: Internal Strategic Perspective (Report number: P WMA 03/000/00/0404), February 2004

- WMA03: Crocodile (West) and Marico Water Man. Area
Crocodile (West): Internal Strategic Perspective (Report number: P WMA 03/000/00/0303), February 2004
- Crocodile (West) River Reconciliation Strategy
- Large Bulk Water Supply Reconciliation Strategy for the Vaal River System
Will be available Soon

The National Water Act, the first edition of the National Water Resource Strategy etc can also be downloaded from the DWA Home Page.

I know that this may be an information overload but we thought it best that you were referred to all the relevant documents. You will need to review all these documents as the answers to your queries are contained in the different documents.

F Vogel is in the process of drafting a letter to address the status of current investigations. Unfortunately not all studies have been completed but I think it is important that you are kept inform of the progress of these studies.

Should you require any additional information please do not hesitate to contact me.

Regards
Nicky Naidoo

Nemai Consulting

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Fax : (011) 781 1731
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Donavan Henning

From: Nicky Naidoo
Sent: 25 November 2009 09:58
To: adamgunn@eversheds.co.za
Cc: Fanie Vogel; Pieter Basson; Ilze Harmse; Ockie van den Berg; Barend Smit; Donavan Henning; Salomon Pienaar
Subject: FW: Mokolo and Crocodile River
Attachments: Aurecon 02.07.09.doc

Dear Adam

I had a discussion with Aurecon yesterday regarding the concerns you raised at the Waterberg Strategic Forum. Aurecon is in the process of preparing a response although please be reminded that some of the information you requested may not necessarily be available at the moment however the response will reflect the status of the various studies.

In terms of the environmental issues raised in your letter, Donavan Henning responded to these queries on 26 August 2009 on the day he received your letter.

Please do not hesitate to contact Donavan Henning, Salomon Pienaar or myself should you have any further queries.

Regards

Nicky Naidoo

Nemai Consulting

Tel : (011) 781 1730
Fax : (011) 781 1731
Mobile: 082 330 9510
Email : nickyn@nemai.co.za

Address: 147 Bram Fischer Drive, Ferndale, 2194
Postal Address: PO Box 1673, Sunninghill, 2157

From: Adam Gunn [mailto:adamgunn@eversheds.co.za]
Sent: 25 November 2009 06:46
To: Nicky Naidoo
Subject: FW: Mokolo and Crocodile River

Dear Nicky

This is the letter that we have sent several times to Aurecon and also more recently to NEMAI and have not received a response. Not even an acknowledgement of receipt from Aurecon.

Kind regards

Adam Gunn
Director
Eversheds

Tel. (27 11) 286-6900
Fax. 086-646-6076
Direct. (27 11) 523-6160
Cell. (27 72) 533 4399
Email. AdamGunn@eversheds.co.za

From: Martha van der Hyde
Sent: 03 July 2009 02:09 PM
To: fanie.vogel@af.aurecongroup.com
Cc: Adam Gunn
Subject: Mokolo and Crocodile River

Dear Sir

Please see attached letter for your attention.

Kind regards

Martha Van Der Hyde
Secretary to Adam Gunn
Eversheds

Tel (27 11) 286 6900
Fax 086 646 6335
Direct (27 11) 523 6162
Email marthavanderhyde@eversheds.co.za

Typed, checked by Caroline Mulholland and sent in Adam Gunn's absence

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Donavan Henning

From: Adam Gunn [adamgunn@eversheds.co.za]
Sent: 25 November 2009 10:46
To: Nicky Naidoo
Cc: LEAF; julia@ekowild.co.za; Donovan Henning; Salomon Pienaar; westwits@cybertrade.co.za; Pieter Basson; Barend Smit; Fanie Vogel; Ockie van den Berg
Subject: RE: MCWAP: Public Meetings and Review of Scoping Reports

Thanks Nicky

Re point 1
Noted

Re point 2
I think this is misleading although possibly not material. Scoping and basic assessment reports should be called just that not "draft environmental reports".

Re point 3
Please send me a CD.

Re point 4
The impression given to the meeting is that the scheme is feasible. You highlight exactly my concern- we don't know if it is feasible because the reserve has not yet been done. Thus it is a foregone conclusion that it will be done regardless of the results of any studies. Please confirm whether the water is required for Medupi.

Kind regards

Adam Gunn
Director
Eversheds

Tel. (27 11) 286-6900
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Direct. (27 11) 523-6160
Cell. (27 72) 533 4399
Email. AdamGunn@eversheds.co.za

From: Nicky Naidoo [mailto:NickyN@nema.co.za]
Sent: 25 November 2009 10:11 AM
To: Adam Gunn
Cc: LEAF; julia@ekowild.co.za; Donovan Henning; Salomon Pienaar; westwits@cybertrade.co.za; Pieter Basson; Barend Smit; Fanie Vogel; Ockie van den Berg
Subject: RE: MCWAP: Public Meetings and Review of Scoping Reports

Dear Adam

Please see my response below to your queries raised:

- (1) You should forward all comments to Salomon Pienaar and copy Donovan Henning and myself.
- (2) The attached document states that the draft environmental report will be available from 02 November to 11 December 2009 and not the draft EIR report. The Scoping Report and Basic Assessment report are environmental reports.

(3) All environmental reports are available on the DWA websites. In addition, we sent a CD to Mr Berry who we thought would have shared a copy with you as it is our understanding that he is part of LEAF. If you cannot access the DWA website we will gladly send you a CD of the reports. Please confirm if this necessary.

(4) We will request the technical information from the relevant parties in the team. As a point of correction Ockie Van Den Berg mentioned that the reserve determination studies were currently ongoing. I will send you an email regarding the status of the reports mentioned in your email by Tuesday, 01 December 2009.

I trust that the above is in order.

Regards

Nicky Naidoo

Nemai Consulting

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Email : nickyn@nemai.co.za

Address: 147 Bram Fischer Drive, Ferndale, 2194
Postal Address: PO Box 1673, Sunninghill, 2157

From: Adam Gunn [mailto:adamgunn@eversheds.co.za]
Sent: 25 November 2009 06:47
To: Nicky Naidoo
Cc: LEAF; julia@ekowild.co.za; Donovan Henning; Salomon Pienaar; westwits@cybertrade.co.za
Subject: FW: MCWAP: Public Meetings and Review of Scoping Reports

Dear Nicky

1. Thanks for the offer to assist. May I take it that I should use you as the official point of contact from NEMAI's side for all information on MCWAP?
2. The attached document, in bold and underlined states that the Draft EIR will be available for public comment from 2 November to 11 December 2009. I requested a copy on CD and was informed that only the scoping report is available. Please clarify.
3. Please provide the relevant document (scoping or EIR) by return or if too large, please courier me a CD. Reasonable costs are tendered, if necessary.
4. LEAF and other individual landowners principle concern is that we have not been provided with one shred of scientific information that suggests that the Crocodile River can support the proposed off-take (300 mil cubic metres per annum).
Your specific response to the questions below is required:
 - 4.1 Medupi (currently under construction) requires this water. What if the Crocodile cannot support the scheme. Medupi must be stopped.
 - 4.2 Ockie van den Berg repeatedly states that "there is lots of information in the public domain which shows that this scheme will work". Please provide this. For a start:
 - 4.2.1 flow meter readings from weirs near Vlieepoort which will prove that the 300 mil cubic metres can be supplied without detrimentally affecting the Crocodile or Limpopo Rivers downstream of the intended weir;
 - 4.2.2 reserve determinations for the Crocodile, Limpopo and Mokolo Rivers; and
 - 4.2.3 catchment studies for Crocodile, Limpopo and Mokolo Rivers.

Kind regards

Adam Gunn
Director
Eversheds

Tel. (27 11) 286-6900
Fax. 086-646-6076
Direct. (27 11) 523-6160
Cell. (27 72) 533 4399
Email. AdamGunn@eversheds.co.za

From: Salomon Pienaar [mailto:SalomonP@nemai.co.za]
Sent: 29 October 2009 07:02 PM
To: undisclosed-recipients
Subject: MCWAP: Public Meetings and Review of Scoping Reports

Dear Sir / Madam

The Department of Water Affairs (DWA) commissioned the Mokolo and Crocodile (West) Water Augmentation Project (MCWAP) Feasibility Study to establish how water demands can be met for planned and anticipated developments in the Lephalale area. The proposed components of MCWAP include the following:

- Phase 1 - transfer scheme from the Mokolo Dam;
- Phase 2 - transfer scheme from the Crocodile River (West) to Lephalale area; and
- De-bottlenecking of an existing pipeline that stretches from Mokolo Dam to Lephalale.

Nemai Consulting was appointed by DWAF as the independent Environmental Assessment Practitioner (EAP) to undertake the environmental assessments for MCWAP, in accordance with Government Notice No. R385, R386 and R387 promulgated in terms of the National Environmental Management Act (No. 107 of 1998).

In accordance with regulation 58 of Government Notice No. R385, this serves as notification of the review process for the MCWAP draft Environmental Reports and of the public meetings that have been scheduled to present the findings contained in these documents. Further information regarding the aforementioned is contained in the attached notice and MCWAP Phase 1 - Executive Summary.

Please note that the sizing and location of the MCWAP-related infrastructure takes place within a dynamic planning environment, with role-players such as the intended end users of the transferred water, affected landowners, authorities and other stakeholders. The information presented in the draft Environmental Reports is consistent with what was communicated to Interested and Affected Parties (I&APs) during public participation up to 19 June 2009. Subsequent project modifications that emanated from discussions with the I&APs, findings from specialist studies and technical considerations will be conveyed during the public participation of the EIA phase (MCWAP Phase 1 and Phase 2) and will be incorporated into the draft EIA report, which will be lodged in the public domain.

We would like to take this opportunity to express our sincerest gratitude to all the parties that have participated to date. Your valuable contributions are gratefully acknowledged.

Kind Regards

Salomon Pienaar

Nemai Consulting

Tel : (011) 781 1730
Fax : (011) 781 1731
Mobile: 073 183 1722
Email : salomonp@nemai.co.za
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Donavan Henning

From: Donavan Henning
Sent: 26 August 2009 12:32
To: Adam Gunn
Cc: Salomon Pienaar
Subject: RE: MCWAP

Dear Adam

Your correspondence has been forwarded to Aurecon (Fanie Vogel, Werner Comrie and Johan Pienaar) and DWA (Ockie van den Berg). We have also spoken to Mr Comrie from Aurecon and requested that a response to your letter (dated 02 July 2009) be given the necessary priority. The matters raised by you and your Client are also considered crucial issues in terms of the EIA.

Currently the Scoping Reports (Phase 1 and Phase 2) and Basic Assessment Report (De-bottlenecking) are busy being finalised, with the necessary input from the Technical Module team and DWA. Thereafter, all Interested and Affected Parties will be notified of the details for public review and the open days to present these reports. We hope to start a newsletter soon for the project following feedback from the DWA Communication Department.

Regards
Donavan Henning

Nemai Consulting

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From: Adam Gunn [mailto:adamgunn@eversheds.co.za]
Sent: 26 August 2009 11:30
To: Donavan Henning
Subject: MCWAP

Dear Donovan

1. Further to the meeting held at the Aurecon offices the attached correspondence was sent to Aurecon requesting the information that was discussed at the meeting. We have not had the courtesy of a response. This does not bode well for the public participation and transparency of the project. As the entity responsible for public participation, could you assist my client in insisting that Aurecon responds?
2. What is the status of the project? We have not heard a word in recent months?

Kind regards

Adam Gunn
Director
Eversheds

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Cell. (27 72) 533 4399
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Donavan Henning

From: Adam Gunn [adamgunn@eversheds.co.za]
Sent: 30 October 2009 09:16
To: Donavan Henning
Cc: Fanie Vogel; Salomon Pienaar; mark berry
Subject: RE: MCWAP: Public Meetings and Review of Scoping Reports

Yes, except that you have already shot yourself in the foot as the volumes were pre-determined even at scoping phase (with no reserve determinations).

So what the project says is- this is how much we will take forget about the environment/anyone else's rights.

If anyone has the will to take this to court then they already have a good case.

Kind regards

Adam Gunn
Director
Eversheds

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From: Donavan Henning [mailto:DonavanH@nemai.co.za]
Sent: 30 October 2009 06:45 AM
To: Adam Gunn
Cc: Fanie Vogel; Salomon Pienaar
Subject: RE: MCWAP: Public Meetings and Review of Scoping Reports

Hi Adam

At this stage we are still conducting the Scoping exercise. According to the programme, the EIR should be available by end of February 2010 (subject to DEA's approval of the Scoping Report and Plan of Study for the EIA). It is thus the Scoping Report that will be lodged for review from 02 November 2009.

The intermediate Reserve Studies commissioned by DWA for the Mokolo and Crocodile systems are still underway, and we are engaging with the respective Professional Service Providers.

The Scoping Report (and more specifically the pending EIR) will elaborate on the water requirements and associated influence on the affected water resources.

Please contact me for any further queries.

Regards
Donavan Henning

Nemai Consulting

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From: Adam Gunn [mailto:adamgunn@eversheds.co.za]
Sent: 29 October 2009 20:46
To: Salomon Pienaar
Subject: RE: MCWAP: Public Meetings and Review of Scoping Reports

Thanks Salomon

Please send me the draft EIR on CD when ready.

Where are the ecological reserve studies and figures? The scam/scheme is illegal without these.

I trust the EIR will be more specific- facts figures. What developments, how much demand for water, how much water will be drawn from Mokolo Dam, what is the yield of Mokolo Dam, how much water will be left in the Crocodile and Mokolo Rivers is the scam is implemented. If you can't answer these questions then the process is a complete waste of time- you may as well just go and put in the pipelines now.

Kind regards

Adam Gunn
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From: Salomon Pienaar [mailto:SalomonP@nemai.co.za]
Sent: 29 October 2009 07:02 PM
To: undisclosed-recipients
Subject: MCWAP: Public Meetings and Review of Scoping Reports

Dear Sir / Madam

The Department of Water Affairs (DWA) commissioned the Mokolo and Crocodile (West) Water Augmentation Project (MCWAP) Feasibility Study to establish how water demands can be met for planned and anticipated developments in the Lephalale area. The proposed components of MCWAP include the following:

- Phase 1 - transfer scheme from the Mokolo Dam;
- Phase 2 - transfer scheme from the Crocodile River (West) to Lephalale area; and
- De-bottlenecking of an existing pipeline that stretches from Mokolo Dam to Lephalale.

Nemai Consulting was appointed by DWAF as the independent Environmental Assessment Practitioner (EAP) to undertake the environmental assessments for MCWAP, in accordance with Government Notice No. R385, R386 and R387 promulgated in terms of the National Environmental Management Act (No. 107 of 1998).

In accordance with regulation 58 of Government Notice No. R385, this serves as notification of the review process for the MCWAP draft Environmental Reports and of the public meetings that have been scheduled to present the findings contained in these documents. Further information regarding the aforementioned is contained in the attached notice and MCWAP Phase 1 - Executive Summary.

Please note that the sizing and location of the MCWAP-related infrastructure takes place within a dynamic planning environment, with role-players such as the intended end users of the transferred water, affected landowners, authorities and other stakeholders. The information presented in the draft Environmental Reports is consistent with what was communicated to Interested and Affected Parties (I&APs) during public participation up to 19 June 2009. Subsequent project modifications that emanated from discussions with the I&APs, findings from specialist studies and

technical considerations will be conveyed during the public participation of the EIA phase (MCWAP Phase 1 and Phase 2) and will be incorporated into the draft EIA report, which will be lodged in the public domain.

We would like to take this opportunity to express our sincerest gratitude to all the parties that have participated to date. Your valuable contributions are gratefully acknowledged.

Kind Regards

Salomon Pienaar

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Dear Ms Naidoo

Marico Crocodile Water Augmentation Project ("MCWAP") – Comments on Scoping Report

1. We act on behalf of Limpopo Environmental Action Forum ("**LEAF**").
2. On behalf of our client we have requested an extension of time within which to submit comments on the MCWAP project. You have refused this request and our client's rights in this regard remain fully reserved. We note that a copy of the Scoping Report was only provided to us on 1 December 2009.
3. To the extent that we have been able to go through and review the Scoping Report in this short period of time, we note that the level of detail included in the Scoping Report is hopelessly inadequate to allow for any meaningful review and comment. The precise volumes of water which the project aims to off-take and supply to Lephalale is not included in the Scoping Report. Nor are the demand requirements of each development. The methods of treating water and problems with water quality are also not addressed in the Scoping Report. We understand that this is a Scoping Report and that these issues will be address in detail in the EIR however a Scoping Report should provide enough detail to allow for a meaningful understanding of the project. The Scoping Report as presented does not allow for such input.
4. Our client's central concern with MCWAP is that it is not technically feasible or environmentally feasible. There does not in our opinion seem to be enough water

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in the Crocodile River system to support this project. Nothing in the Scoping Report evidences otherwise.

5. To have any meaning whatsoever the Scoping Report should at least convince the reader that the Project is possible and *inter alia* there is enough water in the Crocodile scheme at sufficient quality to support this scheme. The Scoping Report is also vague and embarrassing in that it does not give any or sufficient weighting to the huge negative impact on downstream users and the riverine environment downstream. The bushveld and all its users are dependant in one form or another either on the river directly or on groundwater which to a large extent relies on the Crocodile River.
6. The Crocodile River is a major tributary of the Limpopo and no significance is attached to the fact that this will have a major impact on a significant international water course. In our client's opinion the Scoping Report is fatally deficient.
7. We hereby submit that the terms of reference for the specialist studies are largely inadequate for the project. Most importantly, the absolutely critical component of the specialist studies for the EIR must be to determine whether there is enough water in the Crocodile River system to support this project and if the project goes ahead to determine what the massive negative impact will be on downstream users. The terms of reference provided in the "Ecological Study – Aquatic" on page 143 of the draft Scoping Report for MCWAP phase II are inadequate. Our client hereby demands that a detailed water balance is included in the specialist terms of reference which should include reference and cognisance of the legal requirements of the system in terms of the National Water Act which requires that the ecological reserve is given effect to. Secondly we demand that the huge negative impact on downstream users and the aquatic environment is studied in detail. It is submitted that the specialist appointed to undertake the aquatic study is also not experienced enough with only 6 years of experience.

Yours faithfully

For  EVERSHEDES



NEMAI Consulting

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Dear Ms Naidoo

Mokolo and Crocodile River (West) Water Augmentation Project (MCWAP)

1. The above matter refers.
2. As you are aware we act on behalf of several landowners and the Limpopo Environmental Action Forum ("**LEAF**"). We note that the closing date for submissions on the Scoping Report is 11 December 2009.
3. Request is hereby made for an extension of time within which to comment on the Scoping Report. We were only provided with a copy of the Scoping Report on 1 December 2009.
4. Our clients' comments will be submitted to Nemai by 23 December 2009.

Yours sincerely



Adam Gunn
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