

APPENDIX A

COMMENTS FROM DEA ON THE FINAL EIA REPORT



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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PER FACSIMILE / MAIL

Dear Mr Henning

REJECTION OF THE ENVIRONMENTAL IMPACT ASSESSMENT REPORT FOR THE PROPOSED UMKHOMAZI WATER PROJECT PHASE 1 – RAW WATER INFRASTRUCTURE KWA-ZULU NATAL PROVINCE

The final Environmental Impact Assessment Report (EIR) dated November 2016 and received by the Department on 10 November 2016 has reference.

The Department herewith rejects the final EIR dated November 2016 in terms of sub-regulation 34 (2) (b) of the Environmental Impact Assessment Regulations, 2010 submitted for environmental authorisation for the abovementioned project. The reason for this decision is outlined below:

- As currently proposed, the project has the potential to inflict detrimental impacts upon species of conservation significance.
- The proposed development has the potential to result in the species becoming locally extinct in South Africa and this is of National and International relevance. The final EIR report and specialist avifaunal study are considered not to provide sufficient information on potential impacts on Blue Swallows or potential mitigation and remedial measures that will allow for an informed decision making on the proposed development.
- Furthermore, insufficient information is provided in respect of the potential loss of forage areas within the basin of the proposed balancing dam and what impact this could have on the breeding success of this critically endangered species.
- Insufficient attention has been given to the consideration of the three alternative locations for the proposed balancing dam and tunnel alignment.
- Equally important, the portions of the proposed site support populations of *Capys penningtoni* (Pennington's Protea butterfly) and *Gnomeskelus fluvialis* (Riverine Keeled Millipede) this is of high biodiversity concerns given that the species occurs in and around Mkhomazi River Valley Region of KwaZulu Natal and nowhere else in the world. In the absence of appropriate mitigation measures, the proposed development would result in habitat destruction and extinction of the species.

- The recommendations in the Aquatic Impact Assessment are deemed incomplete as they do not adequately quantify and assess the cumulative and residual impact of the proposed development on aquatic species as well as wetland habitats, on and around the proposed site.
- The re-alignment of the R617 a regionally important Provincial Road, would require that portions of the Impendle Nature Reserve would need to be de-proclaimed in order to accommodate this re-alignment. This triggers requirements in terms of the NEM: Protected Areas Act.
- There is lack of clarity as to the location and acceptability of potential offset sites to compensate the residual impact of the proposed development. It also remains unclear if the proposed offsets would be feasible, practical and lawful.

This letter serves to inform you that the following additional information must be submitted to this Department as a matter of urgency:

- The Geological Study done by an independent geologist to investigate the vibration and noise impacts on the Blue Swallows and their nesting sites. The geologist must investigate the vibration effect on the nest within the geological formation present in the study area, taking into consideration the time of the year that the birds nest as well as the position underground.
- The binding agreement between the applicant and relevant provincial authority in respect of de-proclamation of portions of the Impendle Nature Reserve.
- The analysis of the balancing dam, tunnel and road alignments alternatives that includes a thorough, comparable and independent consideration of these alternatives taking into account the social, economic and environmental costs and benefits in addition to technical aspects.
- The Offset Feasibility Assessment which includes the following:
 - ❖ Wetland offsets, once identified, need to meet DWS standards, as set out in the Wetland Offset Guideline.
 - ❖ Methodology for assessing residual impacts and targets (using available national and international best practice guidelines and policies);
 - ❖ Identification of residual impacts and targets (the assessment must provide quantification of identified residual impacts and offsets targets);
 - ❖ Offset aims, objectives and indicators;
 - ❖ Offset site selection and prioritization (a suitable site or sites must be selected and evaluated in terms of suitability for offsetting, land ownership, efficiency and effectiveness);
 - ❖ Land-owner engagement (proof of engagement with landowner/s on each of the sites identified, and the outcomes of such engagement);
 - ❖ Budgeting:
 - ✚ Budget for detailed planning and legal approvals
 - ✚ Establishment costs
 - ✚ Rehabilitation costs
 - ✚ Long term management costs
 - ✚ Employment opportunities
 - ❖ Governance framework:
 - ✚ Finance sources and structures
 - ✚ Institutional structures and arrangements
 - ❖ Legal compliance requirements (WULA; EIA etc)
 - ❖ Monitoring, evaluation and reporting.
- The catchment management plan. This is the most logical mitigation measure to ensure the lifespan of the dam.
- The amended EMP to include measures dictated by new investigation and to provide sound and appropriate mitigation measures regarding the highlighted impacts of the proposed development on the environment.

In terms of regulation (56) (1), please note that registered I&APs are entitled to comment in writing on all written submissions and in terms of sub-regulation (2) of the mentioned regulation, before you submits a final report compiled in terms of these regulations to the competent authority, you must in terms of sub-regulation (3) (e) and (g), give I&APs access to and opportunity to comment on the reports. According to regulation 56, sub-regulation (1) (a) (i), the comments must be submitted in writing within 21 days.

In terms of regulation 24(2) you are entitled **to resubmit the EIR after making the necessary amendments**. The Department reserves the rights to revise or withdraw its comments or request further information from you based on any information received. 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 sincerely



Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs
Letter signed by: Ms Pumeza Skepe-Mngcita
Designation: Deputy Director: CIPS & S24G
Date: 13/02/2017

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