

APPENDIX O

MINUTES OF BLUE SWALLOWS WORKING GROUP MEETING

	FINAL MINUTES Blue Swallows Working Group	Queries: Donavan Henning ☎ 011 781 1730 ✉ 011 781 1731 ✉ donavanh@nemai.co.za
Client Details:	 water & sanitation Department: Water and Sanitation REPUBLIC OF SOUTH AFRICA	Project Name: uMkhomazi Water Project Phase 1: Raw Water
Date:	12 September 2016	Time: 10h00 – 12h30
Chairperson:	B Coverdale	Venue: EKZNW, Queen Elizabeth Park, Pietermaritzburg

Note: These minutes are not intended as a verbatim transcript of the meeting, but rather as a summary of the salient discussions which took place.

Attendance
Refer to the completed Attendance Register contained in Appendix A.
<p><u>Apologies:</u></p> <ul style="list-style-type: none"> • S Gear (Birdlife SA); • G Subramanian (Umgeni Water); • J Nyakale (TCTA); and • N Chapman (Roselands).

Item.	Description	Action	Target Date
1.	Welcome & Introduction		
1.1	The meeting commenced at approximately 10H15. B Coverdale from Ezemvelo KZN Wildlife facilitated the meeting and welcomed everyone present. The attendees were requested to introduce themselves.	-	-
2.	Acceptance of the Agenda		
2.1	The following change to the agenda was proposed and accepted: <ul style="list-style-type: none"> • A Armstrong requested to provide comments on Herpetofauna and Invertebrates upfront and then to be excused to conduct fieldwork at Impendle. 	-	-
3.	Herpetofauna and Invertebrates		
3.1	A Armstrong made reference to the obligations stated in the Constitution with regards to Environmental Rights, which he emphasised needed to be kept in mind during the discussions to follow. He indicated that the requirements of a suitably qualified consultant included the use of the appropriate tools-of-trade, such as up-to-date Red Lists and Atlases, to identify the threatened fauna and flora species in the project area. He stated that the consultant is not fulfilling his professional duty if these are not used. He stated that there were various shortcomings in the Terrestrial Ecological Report, such as the failure to identify the Endangered Pennington's Protea Butterfly at the site. He also noted concern with regards to the timing of the survey and the absence of fieldwork to verify occurrence of identified endangered	D Henning	23-09-16

Item.	Description	Action	Target Date
	species, with concomitant mitigation measures. He indicated that local ecological experts should also have been consulted. D Henning suggested that the specialist that compiled the Terrestrial Ecological Report schedule a meeting with the relevant local experts and that the gaps in this report be addressed.		
3.2	A Marchant indicated that certain protected trees that occur in the project area such as Black Stinkwood had also not been identified, and that Tree Hyrax had also been omitted from the list of mammals in the Terrestrial Ecological Report. He further noted that the report indicates that Oribi 'potentially occur' in the area, which should be revised to 'definitely occur'.	-	-
3.3	B Coverdale emphasised that the deficiencies in the Terrestrial Ecological Report needed to be rectified and that the author needed to engage with the local ecological experts.	D Henning	23-09-16
4.	Purpose of the Meeting		
4.1	D Henning explained that the aims of the meeting were as follows: 1. To provide an overview of the proposed uMkhomazi Water Project Phase 1 (uMWP-1) – Raw Water and Potable Water Components; 2. To present the status of the Environmental Impact Assessment (EIA), with a focus on the Raw Water component; 3. To provide an overview of the findings of the Avifauna Study; 4. To discuss the proposed Blue Swallows Management Strategy for uMWP-1; and 5. To establish Terms of Reference (ToR) for the uMWP-1 Blue Swallows Working Group.	-	-
5.	Presentations		
5.1	Overview of uMWP-1		
5.1.1	K Bester from the Department of Water and Sanitation (DWS) presented the following (refer to copy of presentation contained in Appendix B): <ul style="list-style-type: none"> Project background and motivation - <ul style="list-style-type: none"> Need for additional augmentation; Water balance and supply area of the Mgeni Water Supply System; Water availability in the uMkhomazi River catchment - <ul style="list-style-type: none"> Scheme layout; Raw water components; Potable water components; Project summary - <ul style="list-style-type: none"> Programme and Cost; and Institutional and financial arrangements. 	-	-
5.1.2	A Marchant indicated that the dam will only have a lifespan of 50 years and catchment management is thus crucial. D Henning noted that the EIA Report recommended the investment in ecological infrastructure in the uMkhomazi River catchment.	-	-
5.1.3	C Hughes enquired about the Unit Reference Value (URV) determined for uMWP-1.	-	-

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	<p>K Bester indicated that the URV for desalination these days is approximately R15/kilolitre and for the transfer scheme it was calculated at about R8/kilolitre, taking into consideration various factors.</p> <p>C Hughes indicated that she is involved in an initiative of the Green Fund that looks at Ecological Infrastructure. She noted that that URV that had been calculated as part of this venture, which took into consideration the rehabilitation of the catchment, was far lower than the URV for uMWP-1. She emphasised that more water can be gained through catchment management.</p>		
5.1.4	<p>S McKean noted that catchment management will reduce siltation, which will lengthen the lifespan of the dam.</p> <p>K Bester mentioned that siltation had been considered as part of the Feasibility Study for uMWP-1.</p>	-	-
5.1.5	S McKean noted that there is an opportunity to involve rural communities in catchment management if the project proceeds.	-	-
5.1.6	<p>B Coverdale expressed concern over the perception that the Environmental Authorisation would be issued and that the EIA was merely a paperwork exercise. He further noted that other options needed to be considered.</p> <p>D Henning explained that the slide presented by K Bester, which made reference to receiving Environmental Authorisation, was compiled for project planning purposes. He indicated that the EIA had already commenced in 2013 and had been extended to consider alternatives. He also indicated that the Scoping and EIA Reports included a section on screened alternatives in terms of meeting the objective of increasing the water available in the Mgeni Water Supply System. This included Water Conservation and Demand Management, re-use of treated effluent, groundwater and desalination. He noted it was found that the volume of water required is too large to be satisfied by these options. He also indicated that various augmentation schemes had been assessed as part of the Pre-feasibility Study which lead to the recommendation of the uMWP-1.</p>	-	-
5.1.7	<p>S Lekota stated that apart from technical and economic factors the analysis of alternatives needed to also consider the environment. He also indicated that the mitigation hierarchy needed to be applied to the impacts identified as part of the project.</p> <p>D Henning noted that environmental factors had also been included in the assessment of the alternatives.</p>	-	-
5.2	Overview of EIA for uMWP-1		
5.2.1	<p>D Henning briefly presented the following (refer to copy of presentation contained in Appendix B):</p> <ul style="list-style-type: none"> • Status of the EIA process; • Content of the draft EIA Report – <ul style="list-style-type: none"> ○ Legal framework; ○ Profile of the receiving environment; 	-	-

Item.	Description	Action	Target Date
	<ul style="list-style-type: none"> ○ Specialist studies; ○ Impact assessment; ○ Analysis of alternatives; ○ Public participation; and ○ Conclusions and key recommendations. 		
5.2.2	A Marchant raised a concern with regards to the inclusion of coordinates of protected plant species in the Terrestrial Ecological Report. The relevant attendees confirmed that this should be excluded.	-	-
5.2.3	I Felton noted that the matters raised at the meeting should have been identified during Scoping, as the EIA process is already far advanced. He indicated that the authorities needed to make informed decisions. He urged the parties present to provide comments on the final EIA Report, based on the issues raised, which will be taken into consideration by the Department of Environmental Affairs (DEA) Case Officer.	-	-
5.2.4	I Felton stressed the need to apply the mitigation hierarchy and in those cases where impacts could not be prevented or minimised, offsets needed to be considered to achieve no net loss of ecosystems.	-	-
5.2.5	I Felton suggested that the scope of the Blue Swallows Working Group be changed to include overall biodiversity associated with uMWP-1. This recommendation was agreed to by the parties present.	-	-
5.2.6	<p>N Pillay enquired about the visual impacts to the Impendle Nature Reserve and how it had been considered in the EIA Report.</p> <p>D Henning indicated that a visibility analysis had been done as part of the Visual Impact Assessment. He noted that the waterbody would be visible from the Impendle Nature Reserve and that the dam wall would only be visible when water levels were low in the impoundment.</p>	-	-
5.2.7	N Pillay stated that the impact of the tunnel on other sensitive species such as the Hilton Daisy also needed to be considered.	-	-
5.2.8	B Seele stated that the Terrestrial Ecological Report incorrectly indicated that the Hilton Daisy was not endemic to South Africa. She suggested that this report be redone by another specialist.	-	-
5.3	Overview of Avifauna Study		
5.3.1	J Smallie presented an overview of the findings from the Avifauna Study, with specific reference to Blue Swallows (refer to copy of presentation contained in Appendix B).	-	-
5.3.2	A Marchant indicated that Blue Swallows no longer occur in Kaapsehoop (Mpumalanga) and that they are only to be found in KwaZulu-Natal Mistbelt Grasslands, which further emphasises the plight of this species.	-	-
5.3.3	N Theron noted that the impacts to Blue Swallows included the potential loss of feeding areas. J Smallie to update his report accordingly.	J Smallie	23-09-16
5.3.4	<p>M van Deventer indicated that he is more concerned about the risk posed by tunnelling. He requested clarity regarding whether the Blue Swallows are foraging in the area to be affected by the balancing dam.</p> <p>J Smallie noted that the inundation area of the balancing dam includes grassland.</p> <p>N Theron indicated that he is unsure whether this area is used for foraging and he suggested that this area be explored further.</p>	-	-

Item.	Description	Action	Target Date
5.3.5	A Marchant raised a concern with regards to the risk posed to the forest patches on the slopes to the north of the R617 road deviation, within the Impendle Nature Reserve. He stated that provision needs to be made to protect these forests.	D Henning	19-09-16
5.3.6	B Seele stated that the first time that they had heard of geotechnical investigations were during a recent meeting with members of the project team. D Henning indicated that reference to geotechnical investigations is made throughout the EIA Report and specific provision is made in the Environmental Management Programme (EMPr) to manage related environmental impacts. He noted that the risks posed by the geotechnical investigations to Blue Swallows required additional attention, which needed to be addressed as part of the proposed mitigation strategy.	-	-
5.3.7	A Marchant highlighted the risks of poaching associated with geotechnical investigations. D Henning indicated that the EMPr includes mitigation measures in this regard.	-	-
5.3.8	S Lekota asked if the Avifauna Study had considered both IUCN and CMS Lists in terms of the conservation status of Blue Swallows. J Smallie indicated that the latest Red Data Book had been used. He will confirm in terms of the CMS list.	J Smallie	19-09-16
5.3.9	S McKean enquired whether the power line associated with the project will traverse the Impendle Nature Reserve. D Henning indicated that the power line route to the north-west of the dam had been excluded during the Scoping phase due to the risks to the nature reserve.	-	-
5.3.10	A Marchant indicated that the noise and vibration associated with tunnelling needed to be predicted. D Henning noted that a noise and vibration specialist opinion will be appended to the final EIA Report. He also indicated that the Blue Swallows Management & Mitigation Strategy makes provision for baseline monitoring.	D Henning	<i>To be confirmed</i>
5.3.11	B Seele stated that according to Wakelin and Hill (2007), no grassland within 4km of Blue Swallow nests should be destroyed.	-	-
5.3.12	A Marchant asked about the possibility of acquiring land adjacent to Blue Swallow areas to rehabilitate as part of offsets. D Henning noted that offsets were considered and further detail would be provided as part of the proposed Blue Swallows Management & Mitigation Strategy.	-	-
6	Blue Swallows Management & Mitigation Strategy		
6.1	D Henning indicated that the following project components were identified to potentially pose risks to Blue Swallows: • R617 deviation;	-	-

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	<ul style="list-style-type: none"> Blasting and major earthworks – Smithfield Dam & associated works; Tunnel inlet and spoil site; Tunnel central adit and spoil site; Tunnel outlet; Tunnel shafts and access; Tunnelling; Blasting and major earthworks – Langa Balancing Dam and associated works; and Access roads to Langa Balancing Dam. 		
6.2	<p>D Henning indicated that the mitigation strategy proposed the establishment of the Blue Swallows Working Group, which need to meet at regular intervals of the project life-cycle. He noted that the Working Group currently includes representatives from –</p> <ul style="list-style-type: none"> o Ezemvelo KZN Wildlife; o Birdlife SA; o Endangered Wildlife Trust; o DEA; o KZN Department of Economic Development, Tourism and Environmental Affairs (EDTEA); o WildSkies Ecological Services; o Umgungundlovu District Municipality; o DWS; o Umgeni Water; o TCTA; o Roselands; o General conservation groups; and o Key Landowners - Baynesfield Estate and Trewirgie Farm. 	-	-
6.3	<p>D Henning provided an overview of the proposed Blue Swallows Management & Mitigation Strategy, which consists of the following:</p> <ol style="list-style-type: none"> 1) <u>Pre-construction Phase</u> - <ol style="list-style-type: none"> a. Compile ToR for Blue Swallows Monitoring Programme with the Working Group; b. Specialist to conduct a thorough avifaunal walk-through of all project components to identify any areas of particularly high sensitivity and requiring mitigation. Identify breeding sites and develop case specific mitigation measures. Sites to be mapped and recorded. c. Ongoing baseline monitoring (avifauna as well as noise and vibration) of recorded sites and other areas with high probability of occurrence (minimum of 12 month prior to construction). d. Develop Blue Swallows Management & Mitigation Plan, which needs to be reviewed by the Working Group before submission to DEA for decision-making. 2) <u>Construction Phase</u> - <ol style="list-style-type: none"> a. Monitoring during construction – <ol style="list-style-type: none"> i. Avifauna - status and impacts; ii. Noise and Vibration - limits and baseline; 3) <u>Post-construction Phase</u> - <ol style="list-style-type: none"> a. Monitoring of status during post-construction. Timeframes to be 	-	-

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	established with the Working Group.		
6.4	B Coverdale noted that the Management & Mitigation Strategy should be expanded to include other biodiversity issues.	D Henning	To be confirmed
6.5	A Marchant cautioned that the acceptance of the Management & Mitigation Strategy may be regarded as conceding defeat.	-	-
6.6	<p>I Felton stated that in terms of the mitigation hierarchy, the last form of mitigation is offsets and sufficient information needs to be available to allow for decision-making in this regard.</p> <p>D Henning indicated that the EIA recommends that the following forms of biodiversity offsets be investigated:</p> <ul style="list-style-type: none"> Land under the Protected Area Expansion Programme that is representative of the Impendle Nature Reserve; Rehabilitation of wetlands along the Mbangweni River and uMlaza River; and Rehabilitation of KZN Mistbelt Grassland. <p>D Henning further explained that the areas of ecosystems to be lost are quantified in the EIA, together with an explanation of the status of these systems. He noted that it is recommended in the EIA Report that the Biodiversity Offset Plan be developed in the pre-construction phase, following further investigations.</p>	-	-
6.7	<p>S Lekota noted that the impacts caused by historical land use such as agriculture also needed to be understood.</p> <p>D Henning indicated that this will also be ascertained as part of baseline monitoring.</p>	-	-
6.8	<p>B Seele noted the involvement and commitment of the Seele Family in terms of the conservation of Blue Swallows. She indicated that monitoring must be undertaken by an experienced person due to the sensitivity of the species to any disturbance. She further read from the Avifauna Study in terms of Blue Swallows that <i>“given its dire conservation status, there should be no tolerance for additional impacts on this species, particularly in one of its core range areas”</i>.</p> <p>J Smallie explained that the intention behind the proposed monitoring programme is to make use of the existing monitoring structures.</p>	-	-
6.9	<p>A Marchant asked if the wetlands to be rehabilitated on Baynesfield Estate, as part of the suggested biodiversity offsets, are located near the Blue Swallow areas.</p> <p>D Henning indicated that these wetlands are downstream of the proposed balancing dam, near the Blue Swallow nesting sites.</p>	-	-
6.10	<p>A Marchant enquired about the impacts to groundwater, as Blue Swallow nests are created in sinkholes.</p> <p>K Bester explained the tunnelling process and indicated that the tunnel will be lined with concrete, based on the findings of geotechnical investigations.</p>	-	-
6.11	I Felton mentioned that the establishment of an offset committee could be included by DEA as a condition in the authorisation, if granted. He	-	-

Item.	Description	Action	Target Date
	noted that the impacts to Blue Swallows are more difficult to quantify as compared to other environmental features. He further stated that biodiversity offsets need to be catered for in the project budget to allow the funders to consider this matter upfront. He also indicated that the government structure in terms of the implementation of the biodiversity offsets needed to be established and taken into consideration during decision-making.		
6.12	N Theron noted that the biodiversity offsets could benefit grassland overall, even though there is not a large area of grassland to be lost. However, it is not possible to offset Blue Swallows as a flagship species. He also enquired about avoiding construction over the breeding season. D Henning indicated that provision will be made for the avoidance of high-risk areas, such as the tunnel shaft in the eastern part of the project area and geotechnical investigations near nesting areas, during the breeding season as part of the proposed Blue Swallows Management & Mitigation Plan.	-	-
6.13	D Henning stated that it is intended to include the proposed Blue Swallows Management & Mitigation Strategy, with comments from the Working Group, in the final EIA Report. He noted that this approach had also been discussed with DEA prior to the meeting.		
6.14	C Hughes indicated that based on her past experience she does not have any confidence in the implementation of an EMP and compliance monitoring thereof in light of the sensitive nature of Blue Swallows.	-	-
6.15	M van Deventer stated that corrective measures need to be considered to prevent impacts to Blue Swallows. D Henning indicated that this will form part of the proposed Blue Swallows Management & Mitigation Plan.	-	-
6.16	B Seele emphasised that this project will impact on almost half of the remaining Blue Swallow population, and could lead the overall extinction of the species.	-	-
6.17	A Marchant stressed that there is no room for error in terms of Blue Swallows, and the worst case scenario needs to be taken into consideration.	-	-
6.18	A Marchant indicated that a combined management plan needs to be compiled for biodiversity, which also includes other sensitive species such as Oribi, cranes, butterflies, etc.	D Henning	<i>To be confirmed</i>
6.19	B Seele noted that they could argue for an alternative route for the tunnel. D Henning indicated that a change in the tunnel alignment is under technical consideration and a write-up on this will be included in the final EIA Report.	K Bester	<i>To be confirmed</i>
6.20	A Marchant mentioned that the minimum monitoring frequency needed to be stipulated. D Henning noted that the monitoring ToR will be developed in consultation with the Working Group.	-	-
6.21	I Felton stated that monitoring is not mitigation, but rather provides the information with which to respond. He supported the need for corrective	-	-




Item.	Description	Action	Target Date
	measures.		
6.22	S McKean stated that the Working Group needs to work together and not against each other.	-	-
7	BSWG Terms of Reference		
7.1	D Henning suggested that a follow up meeting be held with the Working Group during the review period of the final EIA Report to discuss the ToR.	D Henning	<i>To be confirmed</i>
8	General		
8.1	No matters discussed under this item.	-	-
9	Way Forward & Close		
9.1	B Coverdale noted the following in terms of a way forward: <ul style="list-style-type: none"> • He advised the attendees of the meeting to provide comments on the final EIA Report; • He noted that the Working Group will be included as a condition of the Environmental Authorisation, if granted; • He indicated that adequate ToR are required for biodiversity monitoring; and • The details of the follow-up meeting for the Working Group will be confirmed. 	-	-
9.2	B Coverdale thanked all parties present for their attendance and participation. The meeting was concluded at approximately 13H00.	-	-




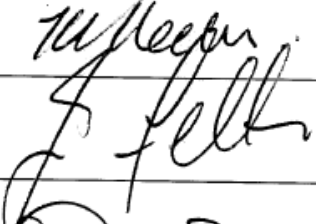
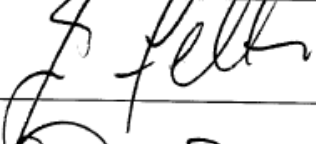
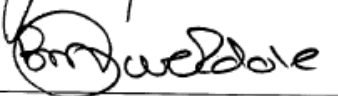
APPROVAL OF MINUTES

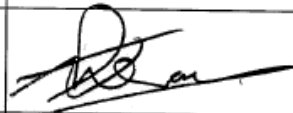

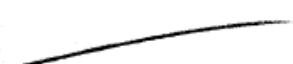


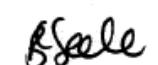
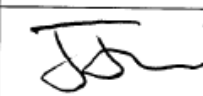
Minutes approved by: Ezemvelo KZN Wildlife_____
(B. Coverdale)_____
Date**Minutes compiled by: Nema Consulting**_____
(D. Henning)_____
Date

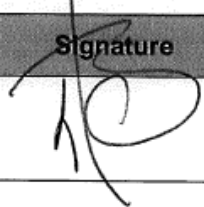
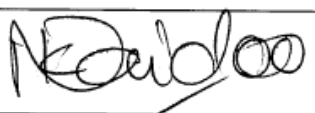
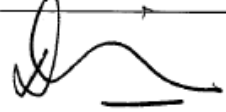
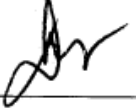
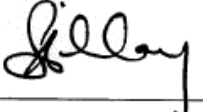


APPENDIX A

ATTENDANCE REGISTER

	ATTENDANCE REGISTER – Blue Swallows Working Group	Queries:	Donavan Henning ☎ 011 781 1730 ☎ 011 781 1731 ✉ donavanh@nema.co.za
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Date:	12 September 2016	Time:	10h00 – 12h30
Chairperson:	DEA	Venue:	EKZNW, Queen Elizabeth Park, Pietermaritzburg

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APPENDIX B

COPIES OF PRESENTATIONS