

**COMMENTS AND RESPONSE REGISTER: REHABILITATION OF THE OLD TUG JETTY SHEET PILE WALL AT THE PORT OF PORT ELIZABETH**

**PROJECT NAME:**

**THE PROPOSED REHABILITATION OF THE OLD TUG JETTY SHEET PILE WALL AT THE PORT OF PORT ELIZABETH, WITHIN NELSON MANDELA BAY METROPOLITAN MUNICIPALITY IN THE EASTERN CAPE PROVINCE**

**REPORT TITLE:**

**COMMENTS AND RESPONSES REPORT (CRR)**

**DFFE REF: 14/12/16/3/3/2/2326**

**DATE: 10 JULY 2023**

**PREPARED BY:**

**ABANTU ENVIRONMENTAL CONSULTANTS (PTY) LTD**

**ON BEHALF OF:**



**TRANSNET SOC LTD**



OFFICE	ADDRESS	CONTACT DETAILS
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**DOCUMENT REVISION STATUS**

<b>REVISION</b>	<b>PREPARED BY:</b>	<b>REVIEWED BY:</b>	<b>APPROVED BY</b>
00	Mrs Andisiwe Stuurman Xuma ( <b>Senior Environmental Consultant</b> )	Dr Patrick Sithole (EAP)  Mr. Sive Mlamla (Project Manager)	Dr Patrick Sithole (EAP)
<b>Date</b>	25 November 2022	05 December 2022	12 December 2022
01	Mrs Andisiwe Stuurman Xuma ( <b>Senior Environmental Consultant</b> )	Mr. Sive Mlamla (Project Manager and EAP)	Dr Patrick Sithole (EAP)
<b>Date</b>	March 2023	March 2023	March 2023
02	Mrs Andisiwe Stuurman Xuma ( <b>Senior Environmental Consultant</b> )	Mr. Sive Mlamla (Project Manager and EAP)	Dr Patrick Sithole (EAP)
	April 2023	April 2023	April 2023
03	Mrs Andisiwe Stuurman Xuma ( <b>Senior Environmental Consultant</b> )	Mr. Sive Mlamla (Project Manager and EAP)  	Dr Patrick Sithole (EAP)  
<b>Date</b>	July 2023	July 2023	July 2023

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## **1. INTRODUCTION**

Transnet is proposing the rehabilitation of the Old Tug Jetty sheet pile wall which is located within the port of Port Elizabeth and within Ward 5 of Nelson Mandela Bay Metropolitan Municipality in the Eastern Cape Province.

The Jetty was constructed in the mid 1970's and comprises of steel interlocking 'U' steel sheet pile sections together with dead man anchors and a concrete capping beam. The extent of the site is 246 m with an advertised berth depth of -4 m CD (Chart Datum). Both structures extend into the seawaters by 6 m each, total extension of 12 m (width) from the existing structures and the site extents are 246 m (length), hence, the development footprint of the port or harbour will be increased or expanded by approximately 2952 m<sup>2</sup> in total. The quay wall is currently being used for the berthing of fishing vessels and trawlers. The northern extent of the back of quay area is used for the transshipment of cargo and supplies, while the southern extent is used for boat maintenance.

### **Motivation**

The sheet piles have corroded significantly with large holes visible in the tidal zone. These holes have caused leaching of backfill material resulting in the subsidence of the back of quay area. Transnet National Port Authority (TNPA) has undertaken numerous repair campaigns involving filling holes with soilcrete. However, the continued deterioration of the sheet pile wall has resulted in an unsustainable maintenance regime. This led to the establishment of this project, which is to develop a long-term repair solution to make the quay safe to use and require minimum maintenance.

### **Alternatives**

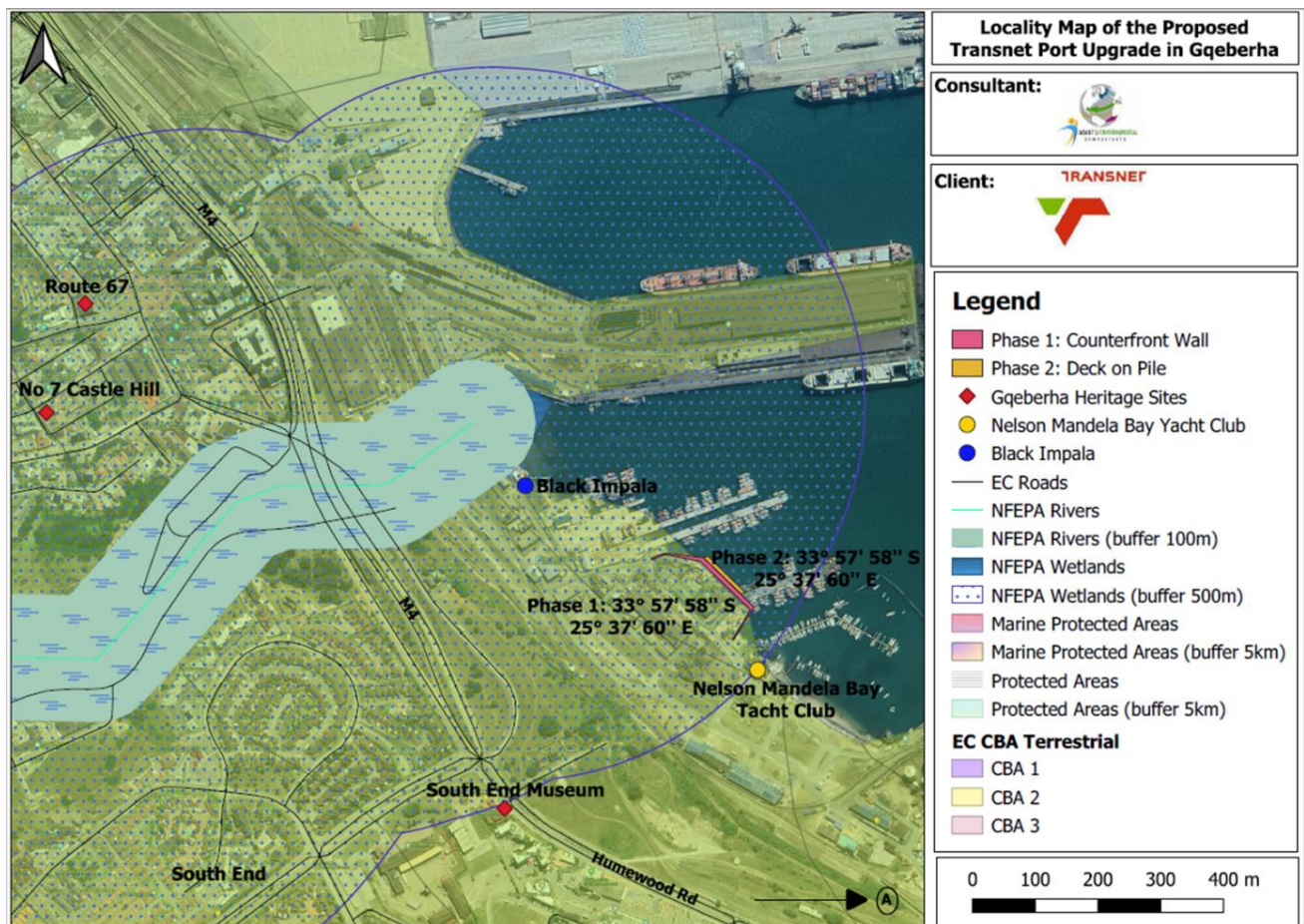
PRDW were appointed by Transnet to conduct a pre-feasibility (FEL 2) study for the rehabilitation of the Old Tug Jetty sheet pile wall. A set of rehabilitation concepts for the Old Tug Jetty sheet pile wall were developed based on typical marine structure types, construction techniques, functional requirements, and existing site conditions. A pre-screening assessment of the concepts was then undertaken using a high level, qualitative, multi-criteria analysis to eliminate options that were not considered viable, or which had fatal flaws. Thereafter, the remaining options were assessed in a multi-criteria analysis to determine the preferred solution. The full set of Old Tug Jetty sheet pile wall rehabilitation options that were considered for the pre-screening assessment are detailed in the draft EIA report. All the rehabilitation options presented assume that the existing Old Tug Jetty sheet pile wall will be abandoned and buried and the back of quay area

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remediated. Please refer to the full optioneering and multicriteria analysis report which has been attached as Appendix C of the Final Scoping Report (FSR).

**Preferred rehabilitation option (proposed upgrade)**

Based on the outcomes of the optioneering and multi-criteria analysis, a counterfort wall and deck on pile hybrid structure was selected as the preferred rehabilitation option for the Old Tug Jetty sheet pile wall. This option comprises of 2 phases. Phase 1 entails the construction of a counterfort wall with a berth depth of -5.2m CD. Phase 2 expansion entails construction of an adjoining deck on pile structure partially supported by the counterfort wall with a design berth depth of -6.5m CD. Both structures extend into the existing seawaters by 6 m each resulting in a total extension of 12 m from the existing structures.



**Figure 1.** *Locality and sensitivity map*

This report outlines the public engagement process to be undertaken for the Draft Environmental Assessment Report (DEIAR), encompasses evidence of public participation and provides a detailed Comments and Responses Register (CRR). The report entails public process evidence for this proposed development's

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previously lapsed application (14/12/16/3/3/2/2227) submitted on 24 October 2022 and the current application (14/12/16/3/3/2/2326) submitted on 08 March 2023.

## **2. PURPOSE OF PUBLIC PARTICIPATION**

The Public Participation Process (PPP) is a requirement of several pieces of South African Legislation and aims to ensure that all relevant Interested and Affected Parties (I&APs) are consulted, involved and their opinions are considered and a record included in the reports submitted to Competent Authorities. The process ensures that all stakeholders are provided this opportunity as part of a transparent process which allows for a robust and comprehensive environmental study.

The public participation (PP) process has been undertaken in line with the requirements of the NEMA EIA Regulations, 2014 as amended. The primary aim of the public participation process is to ensure that:

- Information that reasonably has or may have the potential to influence any decision regarding an application is made available to potential stakeholders and I&APs;
- Potential or registered I&APs, including the Competent Authority, may be provided with an opportunity to comment on reports and plans; and
- Comments received from potential stakeholders and I&APs are recorded and incorporated into the FSR to be submitted to the Competent Authority.
- The primary objectives of the public participation process are to:
  - Inform and notify potentially I&APs of the proposed application (explain steps that were taken to achieve this);
  - Initiate or promote meaningful and timeous participation of I&APs by providing proof that notice boards, advertisements and notices notifying potentially interested and affected parties of the proposed application have been displayed, placed, or given;
  - Maintain a list of all persons, organization and organs of state that were registered as interested and affected parties in relation to the application;
  - Identify issues and concerns of key stakeholders and I&APs with regards to the application for the proposed project;
  - Provide a summary of the issues raised by interested and affected parties, the date of receipt of and the response of the EAP to those issues; and
  - Provide responses to I &AP's queries.

The PPP for this project has been undertaken in accordance with the requirements of the NEMA, as well as the principles of Integrated Environmental Management (IEM). IEM implies an open and transparent participatory process, whereby stakeholders and other I&APs are afforded an opportunity to comment on the project.

### **3. METHODOLOGY**

The section below describes the different methodologies employed to identify and notify potential I&APs about the public participation process (PPP) regarding the proposed Old Tug Jetty Sheet Pile Wall Rehabilitation project.

#### **3.1 Identification of I&APs**

An initial I&AP list was compiled using records from previous studies undertaken to determine the contact details of government officials, businesses, environmental and ocean organisations, universities and other relevant stakeholders. Landowners were identified using windeed searches and through consultation with identified I&APs as well as the applicant. The I&AP database was compiled containing the following categories of stakeholders:

- The competent authority
- Directly impacted landowners/occupiers
- Adjacent landowners/occupiers
- Relevant organs of state departments
- Municipalities
- Ward councilors and other key stakeholders.

Registered I&APS have been kept abreast of the application and Scoping process and receive notification when there is opportunity to provide comment. A database of registered I&APs is attached as Appendix E1 of this report.



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### 3.2 List of Authorities and Key Stakeholders Identified

The table below presents a list of authorities and key I&APs identified during the scoping process (also refer to **Appendix E 1**)

**Table 1.** I&APs tables (detailed database appended as Appendix E1)

I&AP Category	Name	Organization	Contact Detail
Competent Authority	Ms. Makhosi Yeni	Department of Forestry, Fisheries and the Environment	MYeni@dffe.gov.za
Competent Authority	Ms. Thandeka Mbambo	Department of Forestry, Fisheries and the Environment	OCEIA@dffe.gov.za
Competent Authority	Mr Seoka Lekota	Department of Forestry, Fisheries and the Environment	'BCAdmin@environment.gov.za'
Competent Authority	Mr Sydney Nkosi	DFFE: Protected Areas Systems Management	shnkosi@environment.gov.za
Directly impacted landowners/occupiers	Ms Pamela Yoyo	Transnet SOC Ltd	pamela.yoyo@transnet.net
Adjacent Landowners	Ms. Renee DeKlerk	Transnet SOC Ltd	Renee.DeKlerk@transnet.net
Relevant organs of state departments	Mr. Andries Struwig	Eastern Cape Department of Economic Development, Environmental Affairs and Tourism	Andries.Struwig@dedia.gov.za
	Mr. Dayalan Govender	Eastern Cape Department of Economic Development, Environmental Affairs and Tourism	dayalan.govender@dedia.gov.za

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I&AP Category	Name	Organization	Contact Detail
	Ms Natasha Higgitt	SAHRA	nhiggitt@sahra.org.za.
	Mrs. Afika Maxongo	Eastern Cape Provincial Heritage Resources Authority	africam@ecphra.org.za
	Mr. Mark Mandita	Eastern Cape Provincial Heritage Resources Authority	markm@ecphra.org.za
	Ms. Ntombiyamayirha Mpumela	Department of Water and Sanitation	MpumelaN@dws.gov.za
	Mr. Siyabonga Ngcobo	Department of Water and Sanitation	NgcoboS@dws.gov.za
	Ms. Shane Gertze	ECPTA	Shane.Gertze@ecpta.co.za
	Ms. Phumza Mathumba	Department of Agriculture, Rural Development and Land Reform	phumza.mathumba@drdlr.gov.za
	Mr. Zibule Bolana	Department of Agriculture, Rural Development and Land Reform	Zibule.Bolana@dalrrd.gov.za
	Mr Simphiwe Dlamini	South African National Defence Force	'siphiwe.dlamini@dod.mil.za'
Municipality	Ms. Teresa Wiegand	NMBMM	twiegand@mandelametro.gov.za
	Mr. Lonwabo Ngoqo	NMBMM	cm@mandelametro.gov.za
	Mr. John Mervyn Mitchell	NMBMM	stagmitchell@gmail.com

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<b>I&amp;AP Category</b>	<b>Name</b>	<b>Organization</b>	<b>Contact Detail</b>
Ward councillors	Ms. Terri Stander	NMBMM	ward5@mandelametro.gov.za
	Mr Renaldo Gouws	NMBMM	Ward2@mandelametro.gov.za
Other Stakeholders	Mr. Dale Clayton	Zwartkops Conservancy	dale@zwartkopsconservancy.org
	Dr Tommy Bornman	SEAON	tommy@saeon.ac.za
	Ms. Marjorie Makama	Coega	marjorie.makama@transnet.net
	Mr Simphiwe Silwana	Coega	Simphiwe.Silwana@coega.co.za
	Mr Simlindele Manqina	Coega Development Corporation	simlindele.manqina@coega.co.za
	Ms Kirsten Day	Bird Life	kirsten.day@birdlife.org.za
	Mr. Sibongile Dimbaza	Nelson Mandela Bay Business Chamber	baygrow@nmdbbusinesschamber.co.za / info@nmdbbusinesschamber.co.za
	Port Elizabeth Office	South African Maritime Safety Authority	pereception@samsa.org.za
	Mr. Mzwandile Mjadu	South African National Parks	Mzwandile.Mjadu@sanparks.org
	Mr. R. Adams	WWF SA	Radams@wwf.org.za
	Mr. Fani	Commercial Marine PE	orders@commercialmarine.co.za
	Mr. Lloyd Mthembo	Black Impala	blackimpala@info.co.za

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<b>I&amp;AP Category</b>	<b>Name</b>	<b>Organization</b>	<b>Contact Detail</b>
	Mr. Martel	Nelson Mndela Bay Yatch Club	info@nmbyc.co.za / martel@nmbyc.co.za

## **COMMENTS AND RESPONSE REGISTER: REHABILITATION OF THE OLD TUG JETTY SHEET PILE WALL AT THE PORT OF PORT ELIZABETH**

### **3.3 Notification of Interested and Affected Parties**

The Public Participation Process (PPP), amongst other things, is guided by provisions contained in Chapter 6 of the amended (07 April 2017) Environmental Impact Assessment Regulations, 2014, published under Government Notice No. 982. The process in nature must be transparent, inclusive, accessible, clear and engaging for all stakeholders as well as potential and registered Interested & Affected Parties (I&APs).

The methodology that was used to distribute the public participation process include:

- A newspaper advert
- Provincial Gazette
- Postal notifications
- Site notices
- I&APs email notifications
- Two public participation meetings (One physical and One virtual)

During the Scoping phase of this project, the key objective of public participation was to provide I&APs with an opportunity to provide comment and input in the planning phase of the project. Issues of concern and suggestions raised by I&APs have been addressed and responded to as required in the Scoping Report, and I&APs were also given the opportunity to comment on the findings of both the Scoping and EIA Reports and findings of the Specialist studies during the specified comment periods. I&APs were provided with a 30-day comment period in which to raise issues and / or concerns in response to the Background Information Document.

A draft Scoping Report (dSR) was compiled and made available for public comment for a period of 30 days, where after the Final Scoping Report (FSR) including Comments and Responses from the public was submitted to the Competent Authority, DFFE during April 2023. On 26 May 2023, the DFFE accepted the FSR and confirmed that the project may proceed to the Impact Assessment Phase.

This Draft Environmental Impact Report (DEIR) will be made available for a 30 day comment period during July 2023. Thereafter the Final Environmental Impact Report (FEIR), together with all comments and responses from the public will be submitted to DFFE for decision. I&APs will be notified in writing of any decisions made by DFFE after submission of the FEIR. Please note that communications regarding the process and the availability of reports will only be sent to registered I&APs.

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### 3.3.1 Newspaper Advert

For the current application, an advert was placed on the Government Gazette (13 March 2023) and one notice has been published in the Provincial government gazette on 10 July 2023. For the lapsed application a newspaper advert was placed in the Daily Dispatch on 21 October 2022, this is a provincial publication (refer to **Figure 2** and **Figure 3**). The advert described the proposed project and EIA process advising I&APs to register to receive notifications regarding opportunities to participate in the EA process. A notification of availability of the draft Scoping Report was also included in the publication.

The newspaper advertisements and notice included the following information:

- Project name;
- Applicant name;
- Project location;
- Nature of the activity;
- Listed Activities triggered;
- Venue where Report has been placed for public review and timeframe of availability for comment;
- Details of public meeting date and venue;
- Relevant EAP contact person for the project.

Proof of advert placement in the Government Gazette and the newspaper is included as Appendix E2. Evidence of the notices is also placed in the figures below.

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PROVINSIALE KOERANT, 13 MAART 2023

No. 4895 3

## GENERAL NOTICES • ALGEMENE KENNISGEWINGS

### GENERAL NOTICE 87 OF 2023



#### SCOPING AND EIA PROCESS FOR THE PROPOSED REHABILITATION OF THE OLD TUG JETTY SHEET PILE WALL IN THE PORT OF PORT ELIZABETH WITHIN THE NELSON MANDELA BAY MUNICIPALITY, EASTERN CAPE PROVINCE: INVITATION TO REGISTER AND COMMENT ON THE DRAFT SCOPING REPORT

Notice is given in terms of Regulation 41 of the 2014 (as amended) Environmental Impact Assessment Regulations, promulgated under Section 24(5) of the National Environmental Management Act (Act No. 107 of 1998 – NEMA), of an application for an Environmental Authorisation and a Scoping and EIA Process

**Applicant:** Transnet SOC LTD

**Environmental Assessment Practitioner (EAP):** Abantu Environmental Consultants (Pty) Ltd

**Application:** Full Scoping and Environmental Impact Assessment (EIA)

**Competent Authority:** Department of Forestry, Fisheries and Environment (DFFE)

#### Nature and Locality of the Activity:

Transnet SOC LTD is proposing the rehabilitation of the Old Tug Jetty Sheet Pile Wall which is located within the Port of Port Elizabeth. Phase 1 entails the construction of a counterfort wall with a berth depth of - 5.2m CD. The Phase 2 expansion entails construction of an adjoining deck on pile structure partially supported by the counterfort wall with a design berth depth of -6.5m CD. Both structures extend into the seawaters by 6 m each, total extension of 12 m (width) from the existing structures and the site extents are 246 m (length), hence, the development footprint of the port or harbour will be increased or expanded by approximately 2952 m<sup>2</sup> in total.

#### Listed Activities

The following listed activities will be triggered.

Listing Notice 1 (GNR 327) Activity 17 (i)(iii)(v) (a)(c)(d)(e)	Listing Notice 1 (GNR No. 327) Activity 52	Listing Notice 3 (GNR No. 324) Activity 23 (ii) (a)(c) a.i.(bb)(ee)(gg)(hh)
Listing Notice 1 (GNR No. 327) Activity 19	Listing Notice 1 (GNR No. 327) Activity 55 (i)(ii)(v) (a)(d)(e)(f)	Listing Notice 3 (GNR No. 324) Activity 26 i
Listing Notice 1 (GNR No. 327) Activity No. 19A (i)(ii)(iii)	Listing Notice 1 (GNR No. 327) Activity 65 (i) (ii)	Listing Notice 2 (GNR No. 325) Activity No. 14 (i)(ii)
Listing Notice 1 (GNR 327) Activity 31 (i)(ii)(v)(v) (a)(b)	Listing Notice 3 (GNR No. 324) Activity 14 (ii) (a)(c) a.i.(bb)(ff)(hh)(ii) ii. (cc)	Listing Notice 2 (GNR No. 325) Activity 26 (i)(iii)(v) (a)(d)(e)(f)
Listing Notice 1 (GNR No. 327) Activity 54 (i)(iii)(v) (a)(b)(c)(d)(e)		

A dumping at sea permit application will also be lodged in terms of section 71(1) of the Integrated Coastal Management Act (Act No. 24 of 2008) and section 2 of the Dumping at Sea Regulations (GN.R 711) of 2017.

Interested and Affected Parties (I&APs) are invited to register and comment on the Draft Scoping Report that is available for public comment for a period of 30 days from **10 March 2023 to 14 April 2023**. One public meeting will be held where the contents of the Draft Scoping Report will be discussed.

- One virtual meeting via **Microsoft Teams** will be hosted on **Thursday 30 March 2023 at 11:00 am**. A link will be distributed to all potential and registered I&APs.

The draft Scoping Report is available on the following platforms:

- Abantu Environmental Consultants' website: <https://abantuenvironmental.co.za/>, and at the following public places:

Public Place	Locality	Contact Person	Tel No
North End Library	12 Mount Rd, Mt Croix, Gqeberha, 6001	Sive Mlamla	078 2078278

This gazette is also available free online at [www.gpwonline.co.za](http://www.gpwonline.co.za)

Figure 2. Government Provincial Gazette page 1

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4 No. 4895

PROVINCIAL GAZETTE, 13 MARCH 2023



All comments, queries, objections, and registrations must be directed to:

**Abantu Environmental Consultants (Pty) Ltd**  
**Mrs Andisiwe Stuurman-Xuma**  
33 Prince Alfred, North End, Gqeberha, 6001  
Cell: 081 410 2569  
Fax: 086 685 9536  
E-Mail: [PE-EIA@abantuenvironmental.co.za](mailto:PE-EIA@abantuenvironmental.co.za)

This gazette is also available free online at [www.gpwonline.co.za](http://www.gpwonline.co.za)

Figure 3. Government Provincial Gazette page 1





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## Abantu Environmental Consultants - Transnet: Scoping & EIA

21 October 2022

f t p e



**SCOPING AND EIA PROCESS FOR THE PROPOSED REHABILITATION OF THE OLD TUG JETTY SHEET PILE WALL IN THE PORT OF PORT ELIZABETH WITHIN THE NELSON MANDELA BAY MUNICIPALITY, EASTERN CAPE PROVINCE: INVITATION TO REGISTER AND COMMENT ON THE DRAFT SCOPING REPORT**

Notice is given in terms of Regulation 41 of the 2014 (as amended) Environmental Impact Assessment Regulations, promulgated under Section 24(5) of the National Environmental Management Act (Act No. 107 of 1998 – NEMA), of an application for an Environmental Authorisation and a Scoping and EIA Process

**Applicant:** Transnet SOC LTD  
**Environmental Assessment Practitioner (EAP):** Abantu Environmental Consultants (Pty) Ltd  
**Application:** Full Scoping and Environmental Impact Assessment (EIA)  
**Competent Authority:** Department of Forestry, Fisheries and Environment (DFFE)  
**Nature and Locality of the Activity:**

Figure 4: Placement of notice on Daily Dispatch Live (online platform)

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**Applicant:** Transnet SOC LTD

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**Application:** Full Scoping and Environmental Impact Assessment (EIA)

**Competent Authority:** Department of Forestry, Fisheries and Environment (DFFE)

**Nature and Locality of the Activity:**

Transnet SOC LTD is proposing the rehabilitation of the Old Tug Jetty Sheet Pile Wall which is located within the Port of Port Elizabeth. Phase 1 entails the construction of a counterfort wall with a berth depth of - 5.2m CD. The Phase 2 expansion entails construction of an adjoining deck on pile structure partially supported by the counterfort wall with a design berth depth of -6.5m CD. Both structures extend into the seawaters by 6 m each, total extension of 12 m (width) from the existing structures and the site extents are 246 m (length), hence, the development footprint of the port or harbour will be increased or expanded by approximately 2952 m<sup>2</sup> in total.

**Listed Activities**

The following listed activities will be triggered.

Listing Notice 1 (GNR No. 327) Activity No. 17 (i)(ii)(iv)(v) (a)(c)(d)(e)	Listing Notice 1 (GNR No. 327) Activity 52	Listing Notice 3 (GNR No. 324) Activity 23 (ii) (a)(b) a.i.(bb)(ee)(gg)(hh)
Listing Notice 1 (GNR No. 327) Activity No. GNR 327 Activity 19	Listing Notice 1 (GNR No. 327) Activity No. Activity 55 (i)(iii)(iv)(v)(a)(d)(e)(f)	Listing Notice 3 (GNR No. 324) Activity 26
Listing Notice 1 (GNR No. 327) Activity No. 19A (i)(ii)(iii)	Listing Notice 1 (GNR No. 327) Activity No. 65 (i) (ii)	Listing Notice 2 (GNR No. 325) Activity No. 14 (i)(ii)
Listing Notice 1 (GNR No. 327) Activity No. 54 (i)(ii)(iv)(v)(a)(c)(d)(e)	Listing Notice 3 (GNR No. 324) Activity No. 14(ii)(a)(b) a.i.(bb)(ff)(hh)(ii)	Listing Notice 2 (GNR No. 325) Activity No. 26 (i)(iii)(iv)(v)(a)(d)(e)(f)

A dumping at sea permit application will also be lodged in terms of section 71(1) of the Integrated Coastal Management Act (Act No. 24 of 2008) and section 2 of the Dumping at Sea Regulations (GN.R 711) of 2017.

Interested and Affected Parties (I&APs) are invited to register and comment on the Draft Scoping Report that is available for public comment for a period of 30 days from 24 October 2022 to 25 November 2022. Two public meetings will be held where the contents of the Draft Scoping Report will be discussed.

- One physical meeting will be held at Shop 14 C, Dolphins Leap Centre, Cnr of LaRoche Drive & Beach Road, Humewood on Thursday 10 November 2022 at 11:00 am.
- One virtual meeting via Microsoft Teams will be hosted on Thursday 17 November 2022 at 11:00 am. A link will be distributed to all potential and registered I&APs.

**The draft Scoping Report is available on the following platforms:**

- Abantu Environmental Consultants' website: <https://abantuenvironmental.co.za/> and at the following public places:

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*Figure 5. Newspaper advert*

### 3.3.2 Site Notices

Site notices (A2 size) were placed in strategic areas around Gqeberha, specifically targeting public areas near the site and in the nearby commercial areas (refer to **Figure 4-Figure 10**). A copy of the site notice is included as Appendix E4. Photographic record of site notices placed is included below.



**Figure 6.** Site notice placed in next to Virgin Active Humewood

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Figure 7. Site notice close-up view at Virgin Active Humewood



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**Figure 8.** Site notice placed in next to the Tramways along Lower Valley Road towards the port



**Figure 9.** Site notice close-up view along the Lower Valley Road to the port

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**Figure 10.** Site notices placed in next to Black Impala Tshisanyama (adjacent business, 300m away north east of the site)



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**Figure 11.** Site notice placed in next to Eyethu Fishing – Adjacent business



**Figure 12.** Site notice placed within the port

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**Figure 10.** Site notice



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### **3.3.3 I&APs Email Notification**

Initial notification letters were sent to pre-identified I&APs through emails on 24 October 2022. Email notifications were sent again on 10 March 2023 since the previous application had lapsed, Email notifications will be sent to registered IAPs shortly after the amended EA application and Draft EIA Report has been submitted to the competent authority. Please refer to Appendix E3 for initial notification and Appendix E6 for proof of correspondence.

The notification documents included the following information:

- List of anticipated activities to be authorised;
- Background Information Document which contained adequate detail of the proposed development to enable I&APs to assess/surmise what impact the development will have on them or on the use of their land;
- The motivation of the proposed project;
- Details of the application processes associated with proposed activities;
- Details of the affected properties (including a locality map);
- Details of the South African environmental legislation that must be adhered to;
- Venue where Report has been placed for public review and timeframe of availability for comment;
- Details of public meeting date and venue;
- Contact details of the EAP.

### **3.3.4 Meetings**

Two public meetings were held where the contents of the Draft Scoping Report were discussed.

- One physical meeting was held at Shop 14 C, Dolphins Leap Centre, Cnr of LaRoche Drive & Beach Road, Humewood on Thursday 10 November 2022 at 11:00 am.

There were no I&APs present at the physical meeting and thus it was adjourned at 12pm. The attendance register of the attendees as well as presentation shared at the virtual meeting is attached as Appendix E5 of this report.

One virtual meeting was held during March 2023 for the new EA application. Interested and Affected Parties (I&APs) are invited to register and comment on the Draft Environmental Impact Assessment (EIA) Report that is available for public comment for a period of 30 days from 10 July 2023 to 11 August 2023. Two public meetings will be held where the contents of the Draft EIA Report will be discussed.

- Two virtual meetings via Microsoft Teams will be hosted on Friday 14 July 2023 and Friday 28 July 2023 at 11:00 am. A link will be distributed to all potential and registered I&APs..

## 4. COMMENT AND RESPONSE REGISTER

**Table 2** and **Table 3** present a comprehensive record of comments submitted by I&APs from the initial notification of the project until the Scoping phase of the EIA process. Please refer to Appendix E for a full account of comments and responses as well as copies of all correspondences between the EAP and I&APs.

**Table 2.** Comments and response register for 2022 EA Application

#	Date of comment, format of comment name of organisation/I&AP,	Comment	Response from EAP/Applicant/Specialist
1	12/07/2022 Email Department of Forestry, Fisheries and Environment (DFFE)	DFFE responded and confirmed that no pre-application meeting was required.	The DFFE has been contacted for pre-application meeting request for the proposed project. Relevant project information was provided.
2	24/10/2022 Email Abantu Environmental Consultants	Responses received are detailed below.	The EAP sent a notification to identified I&APs regarding the proposed project and availability of the Draft Scoping Report. This included details on the venue where the hard copy DSR was placed as well as the date and venue for the public meetings,
3	25/10/2022 Email DFFE	Dear Sir/Madam Acknowledgement of Receipt of the New Application Form and Draft Scoping Report for Environmental Authorisation or The Proposed Rehabilitation of the Old Tug Jetty Sheet Pile Wall at The Port Of Port Elizabeth, within Nelson Mandela Bay Metropolitan Municipality, Eastern Cape Province.	The EAP sent an email to DFFE on 24 October 2022 with proof of EA Application submission on the online system as well as the required document control form.
		The Department confirms having received the Application Form and Draft Scoping Report for Environmental Authorisation for the abovementioned project on 24 October 2022. You have submitted these	Thank you, the EAP notes that acknowledgement of the EA Application from the Department is noted to have been received on 25 October 2022.

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#	Date of comment, format of comment name of organisation/I&AP,	Comment	Response from EAP/Applicant/Specialist
		documents to comply with the Environmental Impact Assessment (EIA) Regulations, 2014, as amended.	
		Kindly note that your application for Environmental Authorisation falls within the ambit of an application applied for in terms of Part 3 of Chapter 4 of the EIA Regulations, 2014, as amended. You are therefore referred to Regulation 21 of the EIA Regulations, 2014 as amended	The EAP notes the requirements for submission of a scoping report to the competent authority as detailed in Regulation 21 of the EIA Regulations, 2014 as amended
		Please take note of Regulation 40(3) of the EIA Regulations, 2014, as amended, which states that potential Interested & Affected Parties, including the Competent Authority, may be provided with an opportunity to comment on reports and plans contemplated in Regulation 40(1) of the EIA Regulations, 2014, as amended, prior to the submission of an application but must be provided an opportunity to comment on such reports once an application has been submitted to the Competent Authority.	The EAP notes that once an application has been submitted to the Competent Authority, it is mandatory that potential Interested & Affected Parties, including the Competent Authority, be provided with an opportunity to comment on reports and plans contemplated in Regulation 40(1) of the EIA Regulations, 2014. The EAP commits to ensure that process will be followed. I&APs and the CA were notified of the application and a 30-day public comment period was afforded as outlined in this CRR.
		Note that in terms of Regulation 45 of the EIA Regulations, 2014, as amended, this application will lapse if the applicant fails to meet any of the timeframes prescribed in terms of these Regulations, unless an extension has been granted by the Department in terms of Regulation 3(7) of the EIA Regulations, 2014, as amended.	The timeframes stipulated in Regulation 45 of the EIA Regulations, 2014, are noted. An extension of time in terms of Regulation 3(7) of the Regulations has been lodged to the department to accommodate the recommended I&APs as per comment number 18 of this CRR.

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#	Date of comment, format of comment name of organisation/I&AP,	Comment	Response from EAP/Applicant/Specialist
		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. Kind Regards, Lydia Kutu	The EAP and Applicant note that the proposed activity may not commence prior to an Environmental Authorisation being granted by the Department.
4	25/10/2022 Email DFFE Oceans & Coasts	Good Day Andisiwe This email serves to acknowledge receipt of the below request for comments on the Scoping And EIA Process For The Proposed Rehabilitation Of The Old Tug Jetty Sheet Pile Wall At The Port Of Port Elizabeth, Within Nelson Mandela Bay Metropolitan Municipality In The Eastern Cape Province (Ref:2022-07-0010). Kindly note that a site inspection is required before comments can be provided for this application. Proposed Dates: 03, 04 November 2022. Kindly confirm which day of the proposed dates would be suitable.  Regards Thandeka Mbambo on behalf of Oceans & Coasts EIA	An email was written in response indicating the following: Good day Ms Mbambo, Thank you for your email. The proposed site inspection is welcomed by the EAP and Applicant; however, the Applicant's engineering team is only available on the 7 or 8 November 2022. Please kindly indicate if these alternative dates would be acceptable to DFFE Oceans & Coasts. Please note that I have attached a copy of the Draft Scoping Report for review and comment. The report can also be downloaded from the link below: <a href="https://drive.google.com/file/d/1vCxGBvWv7qEekn9KHIDG4-30J6G9MvmT/view?usp=sharing">https://drive.google.com/file/d/1vCxGBvWv7qEekn9KHIDG4-30J6G9MvmT/view?usp=sharing</a>  Regards, Andisiwe Xuma
5	27/10/2022 Email DFFE Oceans & Coasts Thandeka Mbambo	Good Day Andisiwe Thank you for your email. Kindly note that the team will in the area on the proposed dates to conduct other site inspections. Therefore, the proposed date of 03 November (preferably) or 04 November 2022 would be ideal. Should the EAP and/or applicant be available to answer report-related questions, this should suffice.	An email was written in response indicating the following: Good day Ms Mbambo, This is to confirm that the EAP and Applicant will be available for the site inspection on 4 November 2022.  Kind Regards, Andisiwe Xuma

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#	Date of comment, format of comment name of organisation/I&AP,	Comment	Response from EAP/Applicant/Specialist
		Kindly confirm if we can still try and schedule the inspection on this date or whether another date should be explored.  Kind Regards	
6	24/11/2022 Email Siseko Mnqanqeni	Mr Mnqanqeni sent an email to the EAP with his I&AP registration form. The Electricity and Energy department of Nelson Mandela Bay Municipality indicated that they are in support of the proposed project. <b>Comment:</b> No objections against the project.	An email was written in response indicating the following: Good day Mr Mnqanqeni, Thank you for your email, your registration form and comments have been noted. Regards, Andisiwe Xuma
7	21/11/2022 Email DFFE Ms Milicent Solomons	<b>Project Title</b> The project title has been phrased as proposed rehabilitation not the proposed development. Please clarify?	The NEMA EIA Regulations, 2014 (as amended) define “development” as the building, erection, construction or establishment of a facility, structure or infrastructure, including associated earthworks or borrow pits, that is necessary for the undertaking of a listed or specified activity, <b>but excludes any modification, alteration or expansion of such a facility, structure or infrastructure</b> , including associated earthworks or borrow pits, and excluding the redevelopment of the same facility in the same location, with the same capacity and footprint; The term rehabilitation used in the context of this project refers to the extension and thus expansion of the existing sheet pile wall through the construction of a counterfort wall and an adjoining deck on pile structure partially supported by the counterfort wall. A thin layer of existing rock fill in front of the sheet pile wall will be excavated and a filter fabric will be laid on top of the rock fill and along the vertical extents of the sheet pile wall. A stone bed is then placed on top of the filter fabric to create a level bed for the precast counterfort units. The counterfort wall is then seated

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#	Date of comment, format of comment name of organisation/I&AP,	Comment	Response from EAP/Applicant/Specialist
			on the stone bed and scour rock placed on top of its toe. Thereafter, the wall will be backfilled with quarry run and the concrete and civil work completed. The old sheet pile wall will be encased by the proposed counterfort wall and cope, hence the project can rather be described as an expansion of the existing structure than a new development.
8	21/11/2022 Email DFFE Ms Milicent Solomons	<p><b><u>Application form and Listed Activities</u></b></p> <ul style="list-style-type: none"> <li>It has been noted that Activity 17 of LN 1 has been applied for as the proposed development will take place within the existing Port of Port Elizabeth. Furthermore, Figure 1 and locality maps in the draft SR shows the location of the area where the development will take place. Based on the above, you are requested to explain whether the exclusion (activity 17(aa)), stipulated in LN 1 is not applicable.</li> </ul> <p>Should it not be applicable, you are advised to ensure that only relevant activities and sub-activities including the exclusions are indicated in the final SR.</p>	<p>The exclusion in LN1 activity 17 (aa) stipulates that (aa) the development of infrastructure and structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</p> <p>LN1 Activity 17 is included in the listed activities applied for because the proposed rehabilitation will increase the development footprint of the port by extending the structures seawards.</p> <p>The NEMA EIA Regulations, 2014 (as amended) define “development footprint” as any evidence of physical alteration as a result of the undertaking of any activity”</p>
9	21/11/2022 Email DFFE Ms Milicent Solomons	It has been noted that for the applicability of activity 19 and 19A of LN1 word such as “anticipated” have been used. Please refrain from using such word/s, since it creates an uncertainty regarding the applicability of the listed activity for the proposed development.	The activity descriptions in the EA and FSR have been updated accordingly and the EAP will refrain from using such words in the applicability description.
10	21/11/2022 Email DFFE Ms Milicent Solomons	Activity 54 and 55 of LN 1 have been applied for. However, four main activities (i.e., (i), (iii), (iv) and (v)) and sub-activities (i.e., a, c, d, and e) have been quoted in the application form and the description of the portion to which the applicable listed activity relates to	After careful consideration of the mentioned activities, the EAP has decided to remove (iv) as well as sub activity c from LN 1 Activity 54 and 55. The only remaining sub-activities under LN 55 are (a)(c)(f). The activity description has been updated to ensure

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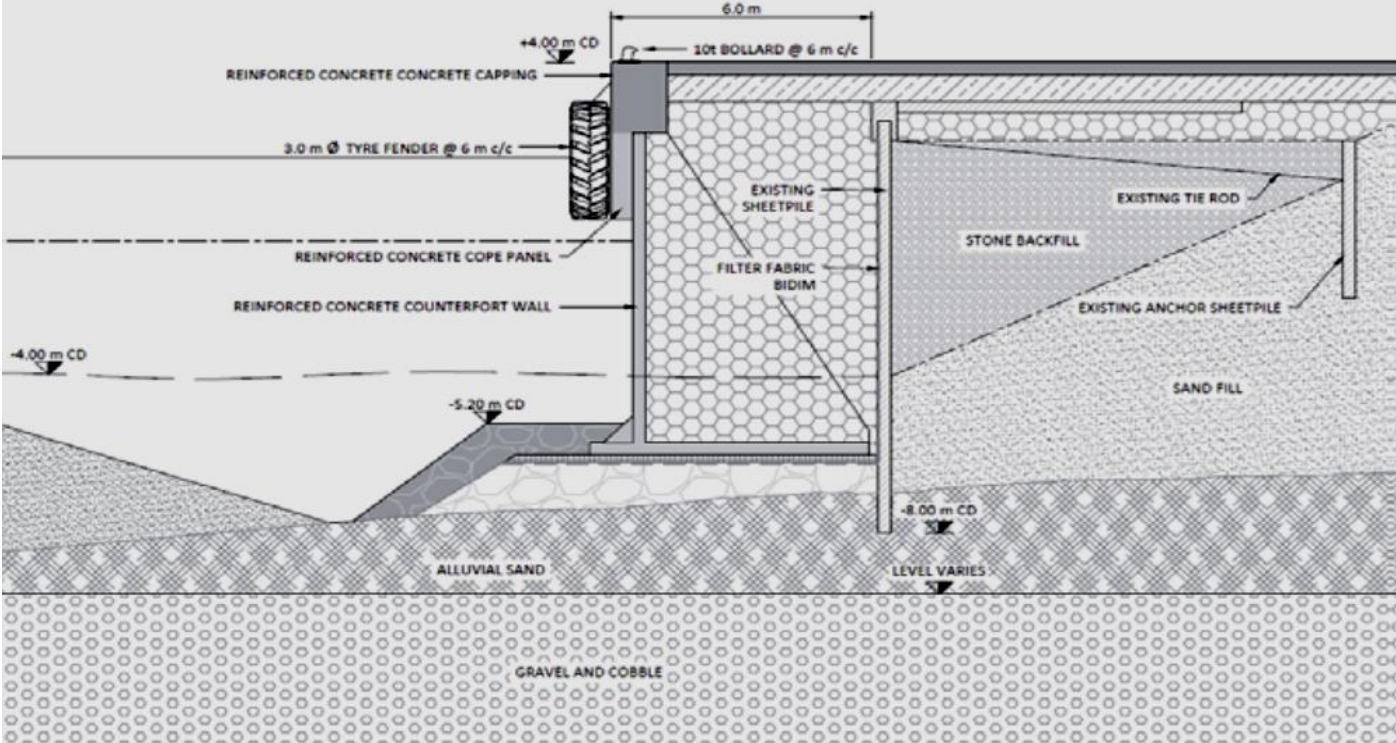
#	Date of comment, format of comment name of organisation/I&AP,	Comment	Response from EAP/Applicant/Specialist
		mentioned that “the expansion of jetty (quay) by a counterfort wall and deck on pile hybrid will occur in the sea and within the littoral active zone of the sea”. Please ensure that only the applicable main activity/ies and sub-activity/ies are applied for and include all the exclusions for this listed activity. Please ensure that only the applicable main activity/ies and sub-activity/ies are applied for and include all the exclusions for this listed activity.	it describes all the remaining quoted activities. Exclusions have been inserted.
11	<b>21/11/2022</b> <b>Email</b> <b>DFFE</b> <b>Ms Milicent Solomons</b>	For activity 65 of LN1, all the main activities have been included in the application form. Please ensure that only the applicable main activity/ies are applied for.	It is the view of the EAP that the existing sheet pile wall can be described as an anchored platform as well as a permanent structure along the seabed and hence both the main activities have been applied for.
12		It has been noted that there is inconsistency of activities and sub-activities in relation to Activity 14 in the application form and draft SR, therefore, you are advised to rectify such and ensure only relevant/applicable activities and sub-activities are applied for. You are advised to rectify the inconsistency of activities and sub-activities in relation to this activity in the application form and draft SR and ensure only relevant/applicable activities and sub-activities are applied for.	The EAP has rectified the issues and ensure that all listed activities applied for are included in the FSR. Only relevant/applicable activities and sub-activities will be included.
13	<b>21/11/2022</b> <b>Email</b> <b>DFFE</b> <b>Ms Milicent Solomons</b>	Activity 26 of LN3 have been applied for, however two main activities (i.e., (i) and (ii)) have been quoted in the application form. Please ensure that only applicable main activities are included in the application form and the description of the project clarify how the activity is	The Old Tug Jetty sheet pile wall rehabilitation project is divided into two phases. Phase 1 entails the construction of a counterfort wall with a berth depth of -5.2 m CD. Thereafter, if there is sufficient demand for a deeper berth, the structure can be upgraded by implementing phase 2. Phase 2 expansion entails



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#	Date of comment, format of comment name of organisation/I&AP,	Comment	Response from EAP/Applicant/Specialist
		<p>triggered. Please include all the exclusions for this listed activity.</p> <ul style="list-style-type: none"> <li>• Please ensure that all relevant listed activities are applied for, are specific and can be linked to the development activity or infrastructure as described in the project description. In addition, the onus is on the applicant and the Environmental Assessment Practitioner (EAP) to ensure that all the applicable listed activities are included in the application and the final SR. Failure to do so may result in unnecessary delays in the processing of the application.</li> </ul>	<p>the construction of an adjoining deck on pile structure partially supported by the counterfort wall with a design berth depth of - 6.5 m CD. Thus, this activity is triggered because phase 2 will only commence if there is sufficient demand for a deeper berth. Both structures extend into the existing seawaters by 6 m each resulting in a total extension of 12 m from the existing structures, hence the development footprint of the port will increase. The exclusion does not apply because none of the excluded listed activities are applicable to the proposed project.</p> <p>The EAP will ensure that all relevant listed activities are applied for.</p>
14		<p>If the activities applied for in the application form differ from those mentioned in the draft SR, an amended application form must be submitted with the final SR. Please note that the Department's application form template has been amended and can be downloaded from the following link  <a href="https://www.environment.gov.za/documents/forms">https://www.environment.gov.za/documents/forms</a>.</p>	<p>The actual listed activities are the same between the Application Form and DSR. However, there are some differences noted in the main and sub activities of the EA application form. The EA application has been updated to incorporate the feedback received from the Department and ensure that only relevant listed activities are applied for. The updated EA will be submitted with the final SR.</p>
15	<p>21/11/2022                      Email                      DFFE                      Ms Milicent Solomons</p>	<p><b><u>Project description</u></b></p> <ul style="list-style-type: none"> <li>• It has been mentioned on page 19 of the draft SR that the “existing sheet pile will be abandoned and buried, and the back of quay will be remediated”. You are advised to provide details of where the sheet pile will be abandoned and buried and ensure compliance with the relevant Act.</li> </ul>	<p>As illustrated in the Figure below, which is also included as Figure 4 in the DSR, the counterfort units will be placed proud of the existing sheet pile wall. There will be infilling of rock material between the old sheet pile wall and the new counterfort units with the construction of a new elevated cope, totally encasing the existing sheet pile wall, hence the term “buried and abandoned”. The EAP will rephrase this paragraph so that it is clear that the old sheet pile wall will remain, but will be abandoned and encased by the new structure, covered by the counterfort wall, it will not be visible due to backfilling and concrete capping.</p>

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#	Date of comment, format of comment name of organisation/I&AP,	Comment	Response from EAP/Applicant/Specialist
			
16	<p>21/11/2022 Email DFFE Ms Milicent Solomons</p>	<p><b>Alternatives</b> The CA acknowledged that only the preferred alternatives in terms of site and layout alternatives and no-go alternative (indicated on page 5 and 51 of draft SR) will be assessed. However, in terms of Appendix 2 (2) (1) (g) (i) (v) (vi) of the NEMA EIA Regulations, 2014, as amended, you are required to provide details of the all the alternatives considered for this development and indicate the preferred alternatives.</p>	<p>A detailed assessment of alternatives was undertaken during the feasibility study conducted by PRDW on behalf of Transnet. A copy of this report has been included as Appendix C of the DSR. It is the EAP's request that this report be accepted by the Department as a written proof of an investigation undertaken and motivation since no reasonable or feasible alternatives exist in terms of Appendix 2.</p>

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#	Date of comment, format of comment name of organisation/I&AP,	Comment	Response from EAP/Applicant/Specialist
		Alternatively, you should submit written proof of an investigation and motivation if no reasonable or feasible alternatives exist in terms of Appendix 2.	
17	21/11/2022 Email DFFE Ms Milicent Solomons	<p><b><u>Layout &amp; Sensitivity Maps</u></b></p> <ul style="list-style-type: none"> <li>• The locality maps included in the draft SR are hereby acknowledged, however, it has been noted that the screening tool indicate sensitive themes. Therefore, you are advised to provide a layout and sensitivity maps that address the findings of the specialist considering the sensitivity themes from the screening tool. Please be advised that Google maps will not be accepted.</li> <li>• Please ensure that the above map has a clear legend that communicate with details of the map.</li> </ul>	Several maps have been included in section 4 of the DSR which indicate the sensitivity of the site including proximity to protected areas, NFEPA wetland and Rivers, Marine Protected Areas and Critical Biodiversity Areas. The EAP has also included a formal map of the Palaeontological sensitivity in the FSR which contains a legend that illustrates the details of the map.
18	21/11/2022 Email DFFE Ms Milicent Solomons	<p><b><u>Public Participation Process</u></b></p> <ul style="list-style-type: none"> <li>• Please ensure that comments from all relevant stakeholders are submitted to the Department with the final SR. This includes but not limited to the Department of Forestry, Fisheries, and the Environment (DFFE): Biodiversity Planning and Conservation (BCAdmin@environment.gov.za); DFFE: Oceans and Coast; DFFE: Protected Areas; Department of Human Settlement; Water and Sanitation; Eastern Cape Department of Economic Development, Environmental Affairs and Tourism; Department of Agriculture, Rural Development and Land Reform (DARDLR); Eastern Cape Parks and Tourism Agency (ECPTA); Zwartkops Conservancy; SEAON; Coega IDZ; Nelson Mandela Bay Yatch Club; Black Impala; Commercial Marine PE; SANParks; WWF SA; South African Maritime Safety</li> </ul>	The EAP has ensured that all comments received from interested and affected parties are submitted with the Final SR. The recommended key stakeholders are noted and will be included in all correspondence regarding the proposed project.

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#	Date of comment, format of comment name of organisation/I&AP,	Comment	Response from EAP/Applicant/Specialist
		Authority; Nelson Mandela Bay Business Chamber; Eastern Cape Heritage Authority, South African Heritage Resources Agency (SAHRA); Birdlife South Africa; South African National Defense Force; and the affected district and local municipalities as well as municipal councilors.	
19	<b>21/11/2022</b> <b>Email</b> <b>DFFE</b> <b>Ms Milicent Solomons</b>	Proof of correspondence with the various stakeholders must be included in the Final SR. Should you be unable to obtain comments, proof must be submitted to the Department of the attempts that were made to obtain comments. The Public Participation Process must be conducted in terms of Regulations 39, 40, 41, 42, 43 & 44 of the EIA documents Regulations 2014, as amended and the approved Public Participation Plan.	All correspondence sent to stakeholders as well as any responses received are submitted with the Final SR. The EAP will continue to ensure that the PP process is conducted in line with the NEMA EIA Regulations, 2014 as amended.
20	<b>21/11/2022</b> <b>Email</b> <b>DFFE</b> <b>Ms Milicent Solomons</b>	<ul style="list-style-type: none"> <li>• The comments and response trail report (C&amp;R) must be submitted with the Final SR. The C&amp;R report must incorporate all comments for this development. The C&amp;R report must be a separate document from the main report and the format must be in the table format as indicated in Annexure 1 of this comments letter.</li> <li>• Please ensure that all issues raised, and comments received during the circulation of the SR from registered I&amp;APs and organs of state which have jurisdiction (including this Department's comments) in respect of the proposed activity are adequately addressed. Comments made by I&amp;APs must be comprehensively captured (copy verbatim if required) and responded to clearly and fully. Please note that a response such as</li> </ul>	<p>All proof of notification and correspondence with Interested &amp; Affected Parties are incorporated in the Comments and Responses Report which will be included as an appendix of the FSR. The recommended format will be adhered to. The original response received as well as a summary of issues raised will be provided in the (C&amp;R) Report.</p> <p>The EAP has updated the Draft Scoping Report according to issues raised and comments received during the public review process of the SR and ensure that the issues are addressed adequately. All issued have been captured as comprehensively as possible and responses clarify concerns and respond fully to each issue raised.</p>

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#	Date of comment, format of comment name of organisation/I&AP,	Comment	Response from EAP/Applicant/Specialist
		"Noted" is not regarded as an adequate response to I&AP's comments.	
21	21/11/2022 Email DFFE Ms Milicent Solomons	<p><b>Specialist Assessments</b></p> <p>The plan of study for the Environmental Impact Assessment (EIA) phase on page 106-117 of the draft scoping report (SR) and the desktop review on page 92-94 regarding the Specialist studies to be conducted including brief explanation on those to be excluded are hereby noted. However, you are hereby drawn to the following:</p> <ul style="list-style-type: none"> <li>• Specialist Declaration of Interest forms must be attached for all specialist studies to be conducted in the final SR. The forms are available on Department's website (please use the Department's template).</li> <li>• Specialist studies to be conducted must provide a detailed description of their methodology, as well as indicate the locations and descriptions of proposed rehabilitation, and all other proposed structures that they have assessed and are recommending for authorisations.</li> </ul>	<p>The EAP notes the recommendations of the competent authority and has ensured that these are included in the FSR and applicable specialist reports.</p> <p>The Specialist Declaration of Interest in the Department's template are submitted with the FSR. This is done for all specialist studies conducted.</p> <p>The specialist reports will include a detailed description of their methodology, as well as indicate the locations and descriptions of proposed rehabilitation, and all other proposed structures that they have assessed and are recommending for authorisations.</p>
22	21/11/2022 Email DFFE Ms Milicent Solomons	<ul style="list-style-type: none"> <li>• The specialist studies must also provide a detailed description of all limitations to their studies. All specialist studies must be conducted in the right season and providing that as a limitation, will not be accepted.</li> <li>• Should the appointed specialists specify contradicting recommendations, the EAP must clearly indicate the most reasonable recommendation and substantiate</li> </ul>	<p>Assumptions and Limitations of the various studies are included in the various specialist reports.</p> <p>If there are any contradicting recommendations identified, the EAP will indicate the most reasonable recommendations, where required</p>

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#	Date of comment, format of comment name of organisation/I&AP,	Comment	Response from EAP/Applicant/Specialist
		this with defensible reasons; and where necessary, include further expertise advice.	
23	21/11/2022 Email DFFE Ms Milicent Solomons	<ul style="list-style-type: none"> <li>Ensure that specialist studies as identified in the screening tool, comply with the requirements of GN 320 of 20 March 2020 and GN 1150 of 30 October 2020, unless proof is provided that indicates that the specialist study was commissioned within 50 days after the date of gazetting of the notice i.e., 20 March 2020 and was commissioned prior to 30 October 2020 respectively. Failure to comply with the abovementioned notices presents a risk to this application.</li> </ul>	The EAP will ensure that the specialist studies conducted comply with requirements of GN 320 of 20 March 2020 and GN 1150 of 30 October 2020.
		<ul style="list-style-type: none"> <li>Please note further that the protocols require certain specialists' to be registered with SACNASP. Refer to the relevant protocols in this regard.</li> </ul>	The EAP will ensure that the appointed specialists are registered with SACNASP where it is a requirement of the relevant protocols.
24	21/11/2022 Email DFFE Ms Milicent Solomons	<ul style="list-style-type: none"> <li>Please include a table in the final SR summarising the specialist studies required by the Screening Tool, a column indicating whether these studies will be conducted or not, and a column with motivation for any studies that will not be undertaken. Please note that if any of the specialists' studies and requirements recommended in the Department's Screening Tool are not commissioned, motivation for such must be provided in the report, as per the requirements of the Protocols.</li> </ul>	A Table has been included in the Final SR which summarises the specialist studies required by the Screening Tool, a column indicating whether these studies will be conducted or not, and a column with motivation for any studies that will not be undertaken
		<ul style="list-style-type: none"> <li>Please also ensure that the final SR includes the Site Verification Report as required by the relevant environmental themes and assessments.</li> </ul>	A site verification report has been included in the FSR.



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#	Date of comment, format of comment name of organisation/I&AP,	Comment	Response from EAP/Applicant/Specialist
		<ul style="list-style-type: none"> <li>Should it be determined that there is a need for additional specialist studies to be undertaken based on the outcome of public participation, these must be commissioned and be included in the draft EIA reports for public comment.</li> </ul>	<p>The EAP has not received a request or recommendation for additional specialist studies so far.</p>
25	<p>21/11/2022 Email DFFE Ms Milicent Solomons</p>	<p><b>General</b> You are further reminded to comply with Regulation 21(1) of the NEMA EIA Regulations 2014, as amended, which states that: “If S&amp;EIR must be applied to an application, the applicant must, within 44 days of receipt of the application by the competent authority, submit to the competent authority a scoping report which has been subjected to a public participation process of at least 30 days and which reflects the incorporation of comments received, including any comments of the competent authority”</p>	<p>The general requirements of Regulation 21(1) of the NEMA EIA are noted. In light of the comments received from the Department regarding the scoping report, the EAP has submitted a request for an extension of timeframes in line with Regulation 23 (1) (b) of the NEMA EIA Regulations 2014, as amended. The EAP is of the view that additional time is required prior to finalizing the Scoping report due to the following reasons: 1. The comments from the DFFE recommended that the EAP includes comments from some key stakeholders in the Final Scoping Report. This includes DFFE: Biodiversity Planning and Conservation (BCAdmin@environment.gov.za) and DFFE: Protected Areas who were not part of the initial notification list when the DSR was made available for public review. DFFE: Biodiversity Planning and Conservation has indicated that directorate will revert back to the EAP with comments by 3/01/2023 (correspondence attached). This then means that if the Scoping report is finalized and submitted within the current timeframe, the comments from key stakeholder will not be included. 2. The comments received from the DFFE require some updates to be made on the EA application and DSR, additional time is required to ensure that all issues raised are addressed adequately and that the applicant has sufficient time to review the application prior making the DSR available again for a 30-day</p>

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			<p>public review and subsequent submission of the FSR to the competent authority.</p> <p>Given the above reasons, the EAP requests that the competent authority considers the proposed extension of up to 60 days, excluding the shutdown period (15th December 2022 to 05th January 2023), in order to allow for adequate consultation of key stakeholders and finalization of the DSR.</p>
		<p>You are further reminded that the final SR to be submitted to this Department must comply with all the requirements in terms of the scope of assessment and content of Scoping reports in accordance with Appendix 2 and Regulation 21(1) of the EIA Regulations 2014, as amended.</p>	<p>The EAP will ensure that the scope of assessment and content of the Scoping report complies with Appendix 2 and Regulation 21(1) of the EIA Regulations 2014, as amended.</p>
		<p>Further note that in terms of Regulation 45 of the EIA Regulations 2014, as amended, this application will lapse if the applicant fails to meet any of the timeframes prescribed in terms of these Regulations, unless an extension has been granted in terms of Regulation 3(7).</p>	<p>The timeframes stipulated in Regulation 45 of the EIA Regulations, 2014, are noted. The EAP is awaiting response from the Department regarding the request for extension of timeframes submitted.</p>
		<p>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.</p>	<p>The EAP and Applicant note that the proposed activity may not commence prior to an Environmental Authorisation being granted by the Department.</p>
	<p><b>01/12/2022</b> <b>Email</b> <b>Abantu EC</b></p>	<p>The EAP sent out notification to additional IAPs identified by the competent authority, the email read as follows: Good day All, Please find the attached notification letter and Draft Scoping Report regarding the proposed rehabilitation of</p>	<p>Responses received from the Biodiversity Conservation Directorate as well as Oceans and Coasts Branch have been detailed below. No other responses have been received from the other IAPs.</p>



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#	Date of comment, format of comment name of organisation/I&AP,	Comment	Response from EAP/Applicant/Specialist
		<p>the Old Tug Jetty Sheet Pile Wall at the Port of Port Elizabeth. Your comments would be greatly appreciated.</p> <p>Please do not hesitate to contact Abantu Environmental Consultants should you require any further information.</p> <p>Regards,</p>	
	<p><b>06/12/2022</b>  <b>Email</b>  <b>Abantu EC</b></p>	<p>Dear Madam</p> <p><b>Request For Extension of Timeframes for The Submission of The Final Scoping Report for The Proposed Rehabilitation of The Old Tug Jetty Sheet Pile Wall at The Port of Port Elizabeth</b></p> <p>Abantu Environmental Consultants applied for Environmental authorisation to the DFFE on 24 October 2022 for the above-mentioned project. The Draft Scoping Report (DSR) was made available to the public and the competent authority for review for a period of 30 days from 24 October to 25 November. The DFFE submitted comments on the draft scoping report to the EAP on 21 November 2022 (attached).</p> <p>In light of the comments received from the Department regarding the scoping report, the EAP would like to request for an extension of timeframes in line with Regulation 3 (7) of the NEMA EIA Regulations 2014, as amended states that:</p> <p>“In the event where the scope of work must be expanded based on the outcome of an assessment done in accordance with these Regulations, which outcome could not be anticipated prior to the undertaking of the assessment, or in the event where</p>	<p>The case officer responded on 07/12/2022 in an email that read as follows:</p> <p>Dear Mrs Xuma</p> <p>You are advised to submit the request online to <a href="mailto:EIAApplications@dffe.gov.za">EIAApplications@dffe.gov.za</a></p> <p>Regards  Makhosazane Yeni</p>

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		<p>exceptional circumstances can be demonstrated, the competent authority may, prior to the lapsing of the relevant prescribed timeframe, in writing, extend the relevant prescribed timeframe and agree with the applicant on the length of such extension.”</p> <p>The EAP is of the view that additional time is required prior to finalizing the Scoping report due to the following reasons:</p> <ol style="list-style-type: none"> <li>1. The comments from the DFFE recommended that the EAP includes comments from some key stakeholders in the Final Scoping Report. This includes DFFE: Biodiversity Planning and Conservation (BCAdmin@environment.gov.za) and DFFE: Protected Areas who were not part of the initial notification list when the DSR was made available for public review. DFFE: Biodiversity Planning and Conservation has indicated that directorate will revert back to the EAP with comments by 3/01/2023 (correspondence attached). This then means that if the Scoping report is finalized and submitted within the current timeframe, the comments from key stakeholder will not be included.</li> <li>2. The comments received from the DFFE require some updates to be made on the EA application and DSR, additional time is required to ensure that all issues raised are addressed adequately and that the applicant has sufficient time to review the application prior to submission of the FSR.</li> </ol>	

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#	Date of comment, format of comment name of organisation/I&AP,	Comment	Response from EAP/Applicant/Specialist
		<p>Given the above reasons, the EAP requests that the competent authority considers the proposed extension of up to 60 days, excluding the shutdown period (15th December 2022 to 15th January 2023), in order to allow for adequate consultation of key stakeholders and subsequent finalization of the DSR.</p> <p>We would like to thank the department for constructive feedback received. Please do not hesitate to contact Abantu should you have any further queries or concerns.</p> <p>Sincerely, Dr Patrick Sithole (Pr.Sci.Nat, Reg EAP (EAPASA))</p>	
	<p><b>08/12/2022</b> <b>Email</b> <b>Abantu EC</b></p>	<p>The EAP forwarded the request of extension of timeframes to the address stipulated by the case officer. The mail sent read as follows:</p> <p>Good day, Please find the attached request for extension of timeframes for submission of the Final Scoping Report. The request was originally submitted to the case officer on 06 December 2022, however as per the correspondence below, Ms Yeni advised that the request be submitted to EIAApplications@dffe.gov.za, Regards,  Mrs Andisiwe Stuurman Xuma</p>	<p>Mahlatse Shubane from DFFE sent an email to the EAP advising that the extension requests for both 14/12/16/3/3/2/2234 and 2227 be withdrawn and submitted under a different regulation. The email read as follows:</p> <p>Dear Patrick,</p> <p>Please note that I have spoken to one of your colleague (his name is Mlamla) and he promised to come back to me at 10h30. Apparently, there are requests submitted to the Department for the abovementioned projects and it's about regulation 3(7). My understanding are as follows: Regulation 3(7) is applicable if the situation/circumstances is exceptional; Currently your situation is not exceptional and Mlamla indicated that you require only additional 50 days in order to deal with the comments provided by this Department and afford other I&amp;APs opportunity to provide their inputs.</p>

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			<p>So I am here in order to advice that according to Admin, the above mentioned requests has been captured as Regulation 3(7) and we are expected to respond because it regulation 3(7). As per Mlamla kindly withdraw your initial requests and submit new requests which will explicitly state that your is for additional 50 days in terms of regulation 23 (1) (b).</p> <p>Your speedy response will greatly appreciated. Best regards,</p>
	<p><b>09/12/2022</b> <b>Email/letter</b> <b>Abantu EC</b></p>	<p>Good day, The EAP would like to withdraw the previous request for Regulation 3 (7) Extension of Timeframes and hereby submits the attached request of extension of timeframes in terms of Regulation 23 (1) (b) of the NEMA EIA Regulations, as amended. Regards,</p>	<p>The DFFE responded on 12/12/2022 with an email that reads as follows: Dear Andisiwe. We acknowledge receipt of the withdrawal email for Regulation 3(7) request for the above-mentioned application received on 08 December 2022. The Regulation 3(7) request for the application for EA with the reference number 14/12/16/3/3/2/2227 is now deemed withdrawn on the Departments side. In addition to the above, Kindly be informed that Regulation 23(1)(b) of the EIA Regulations, 2014 as amended states that: “The applicant must within 106 days of the acceptance of the scoping report, or, where regulation 21(2) applies, within 106 days of the date of receipt of the application by the competent authority, submit to the competent authority- a notification in writing that the documents contemplated in subregulation 1(a) will be submitted within 156 days of acceptance of the scoping report by the competent authority or where regulation 21(2) applies, within 156 days of receipt of the application by the competent authority, as significant changes</p>

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#	Date of comment, format of comment name of organisation/I&AP,	Comment	Response from EAP/Applicant/Specialist
			<p>have been made or significant new information has been added to the documents, which changes or information was not contained in the original documents consulted on during the initial public participation process contemplated in subregulation (1)(a), and that the revised documents contemplated in subregulation 1(a) will be subjected to another public participation process of at least 30 days.”</p> <p>As such, department cannot consider your notification in terms of Regulation 23(1)(b), as your application process is still in the Scoping phase, and an acceptance of the Scoping Report has not been issued which will enable the provisions of Regulation 23 of the EIA Regulations, 2014 as amended to come into effect. Kindly peruse the Regulations, to determine the appropriate provision which is applicable for your request for extension. Please contact your allocated official for further information or clarity on the matter.</p> <p>EIA Applications Integrated Environmental Authorisations Department of Forestry, Fisheries and the Environment</p>
	<p><b>12/12/2022</b> <b>Email</b> <b>Abantu EC</b></p>	<p>Good Day, Thank you for the email below. After careful review of the regulations and the information provided below, the EAP has determined that Regulation 3(7) is the appropriate provision which is applicable for the request for extension. As such, please find the attached letter of request for the above-mentioned project. Regards,</p>	<p>The DFFE responded on 14/12/2022 with an email that reads as follows: Dear Andisiwe. Please note that according to our records, the application is lapsed. Please note that we cannot consider your request for extension in terms of Regulation 3(7) as the application for Environmental Authorisation lapsed on 07 December 2022. If you wish to continue with the proposed development, a new application for EA must be lodged to this Department, in accordance with its current rules and requirements.</p>

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#	Date of comment, format of comment name of organisation/I&AP,	Comment	Response from EAP/Applicant/Specialist
			<p>If you have any queries, please contact Ms. Yeni, Mr. Shubane and/or Ms. Letlalo who are copied in this email. Please do not copy this mailbox in your correspondences.</p> <p>EIA Applications Integrated Environmental Authorisations Department of Forestry, Fisheries and the Environment</p> <p>Please note that this email is for the receipt and processing of online applications only, and is not monitored for responses. All queries must be directed to EIAadmin@dffe.gov.za.</p>
	<p><b>12/12/2022</b> <b>Phone call</b> <b>DFFE</b> <b>Mr Maradwa</b></p>	<p>The EAP received a call from Mr Maradwa of DFFE advising that the extension of timeframes request can no longer be processed as the application had lapsed.</p>	<p>The EAP informed Mr Maradwa that the initial extension of timeframes request was submitted on 06/12/2022 prior to lapsing of the application and that the withdrawal of the Regulation 3(7) application was based on the advice given by the DFFE official. The EAP sent an email to Mr Maradwa which reads as follows: Good Day Mr Maradwa, Thank you for the call today. As discussed, the withdrawal of the initial Regulation 3(7) timeframe extension application was based on advice from Mahlatse Shubane as per the email below. We understand the requirements of the Regulations and will await a decision from the Department. Regards,  Andisiwe Xuma</p>
	<p><b>12/12/2022</b> <b>Email</b> <b>Abantu EC</b></p>	<p>The EAP sent a letter to the case officer in response to the comments received from the DFFE. The email stated as follows: Good day Ms Yeni,</p>	<p>No response received from DFFE.</p>

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		<p>Please find the attached letter in response to the comments received from the Department on 21 November 2022.</p> <p>Regards, Mrs Andisiwe Stuurman Xuma</p>	
	<p><b>12/12/2022</b> <b>Email</b> <b>DFFE O&amp;C</b> <b>Thandeka Mbambo</b></p>	<p>Dear Mrs Andisiwe Stuurman Xuma Subject: Comments on the Draft Scoping Report for the Proposed Rehabilitation of the Old Tug Jetty Sheet Pile Wall at the Port of Port Elizabeth, within Nelson Mandela Bay Metropolitan Municipality in the Eastern Cape Province</p> <p>The Department of Forestry, Fisheries, and the Environment (DFFE) of the Branch Oceans &amp; Coasts (O&amp;C) appreciates the opportunity given to provide comments on the draft scoping report for the proposed rehabilitation of the old tug jetty sheet pile wall at the Port of Port Elizabeth, within Nelson Mandela Bay Metropolitan Municipality in the Eastern Cape Province. The recommendations provided are in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998), ("NEMA") and the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) ("ICM Act") and aim to advance the principles of integrated coastal management and further promote sustainable development of coastal zones.</p>	<p>Thank you for the comments submitted, the Scoping and EIA Process will adhere to NEMA Act and associated Regulations and ensure that the principles of integrated coastal management and sustainable development of coastal zones are promoted in this development.</p>
		<p>The Branch O&amp;C is mandated to ensure the holistic management of the coast and estuarine areas as an integrated system and promote coordinated coastal</p>	<p>The EAP notes the mandate of the Oceans &amp; Coasts branch and welcomes recommendations that are in line with integrated coastal management principles.</p>

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		<p>management. In line with integrated coastal management principles, it ensures that the ecological integrity, natural character, and economic, social, and aesthetic value of coastal zones are maintained and that people, properties, and economic activities are protected against the impacts of dynamic coastal processes. To ensure the achievement of its mandate, this Branch ensures carefully planned developments using long-term management tools, such as integrated coastal management, to enhance the protection of coastal resources whilst increasing the efficiency of their uses.</p>	
		<p>1. While this Branch notes the need and desirability of this development proposal in terms of future economic development and alignment with the Port expansion Plans, however, cognisance is given to the proposed environmental and social impacts that the rehabilitation of the Old Tug Jetty sheet pile wall will have during the construction and operational phases. These include increased sedimentation and water pollution during construction (deposition of material and dredging); the potential impact of the project on aquatic species; the management of waste during the project construction phase; the potential impact of noise and air emissions; the potential impact of climate change events on the integrity of the structure and potential socio-economic impacts on nearby port users, terminal operators, etc. and surrounding communities in terms of their ability to maintain sustainable livelihoods.</p>	<p>It is recognised that the proposed project will have environmental and social impacts on the marine environment and surrounding communities. The EIA team is undertaking an assessment to determine the significance of these impacts and will as part of the draft EIA Report include mitigation measures to avoid or minimize these impacts. This will include recommendations from the Specialist studies that are currently in progress. The Branch O&amp;C will have an opportunity to review these recommendations and mitigation measures at the relevant stage of the EIA Process.</p>



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		<p>2. Taking this into account, the Branch O&amp;C will provide detailed comments and recommendations as part of the subsequent public participation when the following specialist studies have been undertaken and more information is available on the anticipated impacts:</p> <ul style="list-style-type: none"> <li>- Marine Water &amp; Sediment Quality Impact Assessment</li> <li>- Marine Ecological Impact Assessment</li> <li>- Social Impact Assessment</li> <li>- Geotechnical Survey</li> <li>- Topographical Survey</li> <li>- Bathymetry Survey</li> </ul>	<p>The EAP will greatly appreciate comments and recommendations from the Branch O&amp;C when the Draft EIAR is made available for public review. Please note that the following specialist studies are being undertaken as part of the EIA study:</p> <ol style="list-style-type: none"> <li>1. Marine Ecology Impact Assessment</li> <li>2. Sediment Quality Impact Assessment</li> <li>3. Water Quality Impact Assessment</li> <li>4. Heritage Impact Assessment</li> <li>5. Paleontological Impact Assessment</li> <li>6. Socio-Economic Impact Assessment</li> </ol> <p>The Geotechnical survey and , Topographical/Bathymetry Survey have been conducted by Transnet and will form part of the EIA process.</p> <p>Notwithstanding, please refer to pages 45-46, 60-65 and 95-97 of the Feasibility report conducted by PRDW on behalf of Transnet, where information on geotechnical and bathymetry surveys conducted is included. An extract of the report is included below:</p> <p><b>“2.7 Bathymetry</b></p> <p>A single-beam survey of the seabed is annually carried out by Transnet Dredging Services. This survey shows the depths directly in front and along the sheet pile wall range from -3.2m CD to -4.3m CD. This slopes down into the berth pocket of Old Tug Jetty which has a depth ranging from -6.7m CD to -7.2m CD.</p>

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			<p>The berthing depth in front of the sheet pile wall is advertised as -4m CD, gradually deepening to -6.5m CD at the Old Tug Jetty.</p> <p><b>2.8 Geotechnical conditions</b></p> <p>In 2015, Jeffares &amp; Green (Pty) Ltd conducted a geotechnical investigation in the Port of Port Elizabeth. The investigation was undertaken for the construction of the proposed 40 ton slipway as well as for the construction of the two Lead-in jetties. The geotechnical investigation comprised of a drilling campaign consisting of 12 rotary drilled boreholes cores, 6 along the proposed slipway and 6 cores along the two Leadin jetties. The investigation used rotary core drilling to depths between -21.96m CD to -25.56m CD.</p> <p>Due to the close proximity of these boreholes to the site and the required level of design, this geotechnical investigation was deemed fit for this study.</p> <p>According to Jeffares &amp; Green, alluvium/fill dominated all boreholes and is mainly comprised of sub-angular to rounded gravel, cobbles and minor boulders of quartzitic sandstone and gravelly sand. The boreholes indicate the absence of hard rock and the harbour area is significantly inconsistent in its horizontal and vertical profile, showing wide variability in strata levels. Based on the founding structures for the adjacent Old Tug Jetty and Lead-in Jetties and the results from the interpretative geotechnical report undertaken by Jeffares &amp; Green, the preferred structure should minimise piled foundations.</p> <p>It is recommended that for the following project phase (FEL 3 study), a detailed geotechnical investigation along the Old Tug</p>

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			<p>Jetty sheet pile wall be undertaken to confirm the soil properties and material stratigraphy.”</p> <p>Transnet is currently undertaking a Detailed Geotechnical Investigation which will also be made available to inform the EIA process.</p>
		<p>Kindly note that this Branch reserves the right to revise its comments and request further information based on any additional information received. All correspondence, documentation, and/or requests (hard copy and an electronic copy) should be submitted to our office via email to OCEIA@dffe.gov.za / or Physical Address: Department of Forestry, Fisheries &amp; the Environment (DFFE), Branch: Oceans and Coast, 2 East Pier Building, East Pier Road, Victoria and Alfred Waterfront, Cape Town, 8001.</p>	<p>The EAP notes that subsequent comments will be received from the Branch O&amp;C during the public review of the Draft EIA. The contact details for submission of correspondence, documentation, and/or requests is noted.</p>
	<p><b>09/01/2023</b>  <b>Email</b>  <b>DFFE</b>  <b>Mashudu Mudau</b></p>	<p>Dear Mrs Xuma</p> <p>Comments on the Draft Scoping Reports for The Proposed Rehabilitation of The Old Tug Jetty Sheet Pile Wall at The Port of Port Elizabeth, Within Nelson Mandela Bay Metropolitan Municipality in the Eastern Cape Province</p> <p>The Directorate: Biodiversity Conservation has reviewed and evaluated the report. The Directorate: Biodiversity Conservation does not have any objections to the Draft Scoping Report (DSR) &amp; Plan of Study however the FSR must comply with all conservation planning programmes and or tools.</p>	<p>The EAP appreciates the time taken to review the report and provide feedback. The EIA process will make use of all available conservation planning programmes and or tools including the National Web Based Screening Tool, the Eastern Cape Biodiversity Conservation Plan (ECBCP) as well as the NMBMM Bioregional Plan.</p>
		<p>However, the proposed project falls within an area identified as a Critical Biodiversity Area (CBA)</p>	<p>It is noted and identified in Section 4.1.6 of the Draft Scoping Report that the proposed project falls within a Critical Biodiversity</p>

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		<p>according to the Eastern Cape Biodiversity Conservation Plan (ECBCP) as well as the NMBMM Bioregional Plan. Therefore, it should be highly noted that the Directorate does not support any development within a very highly sensitive area that will result with significant negative residual impacts after mitigation.</p>	<p>Area (CBA). It is recognised that the proposed project will have environmental and social impacts on the marine environment and surrounding communities. The EIA team is undertaking an assessment to determine the significance of these impacts and will as part of the draft EIA Report include mitigation measures to avoid or minimize these impacts. This will include recommendations from the Specialist studies that are currently in progress. The Biodiversity Conservation Directorate will have an opportunity to review these recommendations and mitigation measures at the relevant stage of the EIA Process. However, the output of the Screening Tool Report indicates that the project area has low sensitivity in terms of aquatic biodiversity, plant species and terrestrial biodiversity and medium sensitivity in terms of animal species. From the site verification conducted, it is clear that the site is transformed due to existing developments in the area thus it is not anticipated that the project will result with significant negative residual impacts after mitigation.</p>
		<p>NB: The Public Participation Process documents related to Biodiversity EIA for review and queries should be submitted to the Directorate: Biodiversity Conservation at Email; BCAdmin@environment.gov.za for attention of Mr. Seoka Lekota.</p>	<p>The contact details for submission of correspondence, documentation, and/or requests is noted, and the EAP will send all Public Participation Process documents to this address.</p>
	<p><b>10/01/2023</b> <b>Email</b> <b>Abantu EC</b></p>	<p>In response to the rejection of the extension of timeframes request, the EAP sent the following query to the case officer: Good day Ms Yeni, The correspondence below regarding EA Application REF:14/12/16/3/3/2/2227 refer. The EAP acknowledges that the subsequent request for</p>	<p>No response has been received from Ms Yeni, however the following response was received from Mr. Shubane: Dear Andisiwe Xuma, Considering that the application has lapsed, a new application must be lodged via online portal. Regards,</p>

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		<p>extension of timeframes submitted could not be processed due to lapsing of the EA application. The EAP will thus be submitting a new EA application together with the Final Scoping Report which has already been subjected to public participation in the previous process in line with Regulation 21 (2)(b)(c). Notification will be sent to all identified IAPs of the intention to resubmit the application.</p> <p>Please kindly confirm if the Department supports this approach and if the EAP can thus proceed as such.</p> <p>Regards,</p> <p>Andisiwe Xuma</p>	

**Table 3:** Comments and responses for the 2023 EA Application

Date of comment, format of comment name of organisation/I&AP,	Comment	Response from EAP/Applicant/Specialist
25/01/2023 Email Sive Mlamla	Mr Mlamla submitted a pre-application meeting request to the Chief Director: Integrated Environmental Authorisations for the proposed Transnet projects in East London and PE. A cover	The meeting request was accepted and scheduled for 02 February 2023. Approved Minutes of the meeting are attached to Appendix E3.

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	letter, project programme, locality maps and meeting agenda was included in the email.	
<p><b>24/02/2023</b>  <b>Email</b>  <b>Andisiwe Xuma</b></p>	<p>Ms Xuma sent a query to DFFE IQ Department requesting confirmation on the applicability of the identified listed activities especially considering the exclusions in LN1: Listed activity 17 and 19 and LN2: Activity 26.                      A follow up email was sent on 06 March 2023.</p>	<p>The queries department forwarded the message internally on 28/03/2023:                      Dear Colleagues</p> <p>Kindly assist the enquirer with the query below (it seems rather a matter of implementation, than interpretation).</p> <p>Kindly keep in mind the following –</p> <ul style="list-style-type: none"> <li>-the definitions under the National Ports Act and its sub- ordinate legislations does not apply for the purposes of the EIA Regulations, 2014 (as amended) and that the EIA Regulations rather defines development footprint (any evidence of physical alteration as a result of undertaking any activity). The development footprint must thus be confirmed by the applicant and competent authority in this context.</li> <li>-Activity 6 of Listing Notice 2 must be considered where the proposed development of facilities or infrastructure relates to any process or activity which requires a permit or licence or an amended permit or licence in terms of national or provincial legislation governing the generation or release of emissions, pollution or effluent (for example, an AEL, any authorisation/ permit / general authorisation under the National Water Act, or National Environmental Management: Integrated Coastal Management Act etc.) unless any of the exclusions listed, are applicable.</li> </ul> <p>Considering the reference to the 2017 Listing Notices (LNS) below, it may be prudent to check that the correct LNs were considered, given that the EIA Regulations, 2014 (as amended)</p>

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		<p>was amended again on 11 June 2021 (Government Notice 517 in Government Gazette 44701.</p> <p>Regards Chantal Engelbrecht</p>
<p><b>08/09/2023</b> <b>Email</b> <b>Andisiwe Xuma</b></p>	<p>Good day, Please find the attached document control form and screenshot which serves as proof of submission of the EA and Draft scoping report for the above-mentioned project.</p> <p>Regards, Andisiwe Xuma</p>	<p>DFFE responded in an email on 09/03/2023 as follows: Dear Andisiwe</p> <p>14/12/16/3/3/2/2326</p> <p>Acknowledgement Of Receipt Of The New Application And Draft Scoping Report For Environmental Authorisation Following A Scoping Assessment Process For The Proposed Rehabilitation Of The Old Tug Jetty Sheet Pile Wall At The Port Of Port Elizabeth In The Eastern Cape.</p> <p>The Department confirms having received the Application form and Draft Scoping Report for Environmental Authorisation for the abovementioned project on 08 March 2023. You have submitted these documents to comply with the Environmental Impact Assessment (EIA) Regulations, 2014, as amended.</p> <p>Kindly note that your application for Environmental Authorisation falls within the ambit of an application applied for in terms of Part 3 of Chapter 4 of the EIA Regulations, 2014, as amended. You are therefore referred to Regulation 21 of the EIA Regulations, 2014 as amended.</p>

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		<p>Please take note of Regulation 40(3) of the EIA Regulations, 2014, as amended, which states that potential Interested &amp; Affected Parties, including the Competent Authority, may be provided with an opportunity to comment on reports and plans contemplated in Regulation 40(1) of the EIA Regulations, 2014, as amended, prior to the submission of an application but must be provided an opportunity to comment on such reports once an application has been submitted to the Competent Authority.</p> <p>Note that in terms of Regulation 45 of the EIA Regulations, 2014, as amended, this application will lapse if the applicant fails to meet any of the time-frames prescribed in terms of these Regulations, unless an extension has been granted by the Department in terms of Regulation 3(7) of the EIA Regulations, 2014, as amended.</p> <p>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.</p> <p>Kindly quote the abovementioned reference number in any future correspondence in respect of the application.</p> <p>EIA Applications</p>



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<p><b>10/03/2023</b>  <b>Email</b>  <b>Andisiwe Xuma</b></p>	<p>An email notification was sent to registered Interested and affected parties which reads as follows:                      Good day All,                      Please find the attached notification letter regarding the availability of the Draft Scoping Report for the proposed rehabilitation of the Old Tug Jetty Sheet Pile Wall at the Port of Port Elizabeth. The public comment period will be from 10 March 2023 to 14 April 2023.                      Please do not hesitate to contact Abantu Environmental Consultants should you require any further information.</p> <p>Regards,                      Mrs Andisiwe Stuurman Xuma</p>	
<p><b>10/03/2023</b>  <b>Call</b>  <b>Mashudu Mudau(DFFE)</b></p>	<p>Ms Mudau called to confirm that an email regarding the availability of the DSR had been received by the biodiversity directorate, She wanted to confirm if it was the same project as the one where comments had already been provided in 2022 by the BCA Directorate,</p>	<p>Ms Xuma confirmed that the Draft scoping report had not changed significantly since the first application however it is a requirement to provide I&amp;APs with an opportunity to comment.</p>
<p><b>14/03/2023</b>  <b>Email</b>  <b>Nwabisa Release (Nelson Mandela Metro)</b></p>	<p>Good day                      Please note : The above EIA was attended to on 24th November 2022.                      Kindly see comments attached for your attention.                      Regards                      Nwabisa Release</p>	<p>Ms Andisiwe Xuma responded on 14 March 2023 as follows:                      Good day Ms Release,                      Thank you for your email, the notification has been resent because the previous application lapsed, and a new application was submitted to DFFE. The Draft scoping report has not changed significantly since the first application however it is a requirement to provide I&amp;APs with an opportunity to comment.</p>

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		<p>The comments provided will be included in the Final Scoping report.</p> <p>Regards, Andisiwe Xuma</p>
<p><b>14/03/2023</b> <b>Email</b> <b>Andisiwe Xuma</b></p>	<p>Ms Xuma sent an email to SANBI which reads as follows: Good Day, Abantu Environmental consultants has been appointed to conduct a Scoping and EIA process for the proposed rehabilitation of the Old Tug Jetty sheet pile wall which is located within the port of Port Elizabeth in Nelson Mandela Bay Metropolitan Municipality in the Eastern Cape Province. As per the attached screening tool report, we would like to request the name of the following species: <u>Animals</u> Sensitive species 8 The EAP is Dr Patrick Sithole (EAPASA) No. 2016/27 Pr.Sci.Nat Reg No. 400264/07.</p> <p>Regards, Andisiwe Xuma</p>	<p>SANBI responded on 14/03/2023: Hi Andisiwe,</p> <p>Please note that the Screening Tool report includes lists of bird, mammal, reptile, amphibian, butterfly and plant species of conservation concern known or expected to occur on the proposed development footprint. Some of these SCC are sensitive to illegal harvesting. Such species have had their names obscured and are listed as sensitive plant unique number / sensitive animal unique number. Should such species appear in the Screening Tool report the Environmental Assessment Practitioner (EAP) is required to email eiadatarequests@sanbi.org.za listing all sensitive species with their unique identifier. SANBI will release the actual species name after the details of the requester have been documented.</p> <p>As per the best practise guideline that accompanies the protocol and screening tool, please, remember that the name of the sensitive species may not appear in the final EIA report nor any of the specialist reports released into the public domain. It should be referred to as sensitive plant or sensitive</p>

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		animal and its threat status may be included, e.g. critically endangered sensitive plant or endangered sensitive animal.
<p><b>27/03/2023</b>  <b>Email</b>  <b>Andisiwe Xuma</b></p>	<p>An email was sent to DWS to follow up on comments on the DSR:</p> <p>Good Day Ms Vongwe,</p> <p>We would like to request comments from the DWS regarding the above-mentioned project and attached Draft Scoping Report. Notification was sent to 'MpumelaN@dws.gov.za' and 'NgcoboS@dws.gov.za', but no response has been received yet. It would be appreciated if you could please kindly forward an alternative contact detail for comments for the PE Region.</p> <p>Regards,</p> <p>Andisiwe Xuma</p>	
<p><b>27/03/2023</b>  <b>Email</b>  <b>Andisiwe Xuma</b></p>	<p>An email was sent to registered IAPs to notify them about a virtual public meeting:</p> <p>Good Day All,</p> <p>As a registered Interested and Affected Party (I&amp;AP) for the above-mentioned project., you are hereby invited to the virtual public meeting which will be held on 30 March 2023 at 11 am. The report has been made available electronically at <a href="https://abantuenvironmental.co.za/">https://abantuenvironmental.co.za/</a> under the Home Tab. A hard copy of the report can be accessed at North End Library at 12 Mount Rd, Mt Croix, Gqeberha, 6001.</p> <p>The 30-day public comment period runs from 10 March 2023 to 14 April 2023. The Scoping Report describes the proposed project and</p>	

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	<p>the environmental authorisation and associated public participation process. All I&amp;APs are encouraged to comment on the report and raise questions or issues of concern.</p> <p>Regards,</p> <p>Mrs Andisiwe Stuurman Xuma</p>	
<p><b>29/03/2023</b> <b>Email</b> <b>DWS (Marissa Bloem)</b></p>	<p>Good day Ms Xuma</p> <p>Please find attached comments from the Department of Water and Sanitation for the above mentioned project.</p> <p>Kind regards Marisa</p>	<p>A response was sent on 06/04/2023: Good day Ms Bloem,</p> <p>Abantu Environmental Consultants hereby acknowledge the comments from the DWS on 29 March 2023. It is noted that Section 21 (c) and (i) is not applicable due to the project taking place in a marine environment. The proponent will be advised to obtain a water use authorisation from the DWS prior to commencement, should the proposed activity trigger Section 21 of the National Water Act.</p> <p>Regards,</p> <p>Andisiwe Xuma</p>
<p><b>06/04/2023</b> <b>Email</b> <b>Andisiwe Xuma</b></p>	<p>An email was sent to NMU and NMBMM: Good day All,</p> <p>Please find the attached notification letter regarding the availability of the Draft Scoping Report for the proposed rehabilitation of the Old Tug Jetty Sheet Pile Wall at the Port of Port Elizabeth. The public comment period will be from 10 March 2023 to 14 April 2023. The proposed activity will take place within 5km of the Cape Recife Nature Reserve and the Nelson Mandela University Private Nature Reserve, thus comment from the Management Authority in terms of the</p>	<p><b>No response received yet.</b></p>

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	<p>National Environmental Management: Protected Areas Act, 2003 would be appreciated.</p> <p>Please do not hesitate to contact Abantu Environmental Consultants should you require any further information.</p> <p>Regards,</p> <p>Mrs Andisiwe Stuurman Xuma</p>	
<p><b>05/04/2023</b>  <b>Email</b>  <b>Department of Forestry, Fisheries and the Environment: Integrated Environmental Authorisations: Priority Infrastructure Developments (Olivia Letlalo)</b></p>	<p><b>Application forms and Listed Activities</b></p> <p>It has been noted that for the applicability of GNR 324 Activity 14, word such as “may” have been used. Please refrain from using such word/s, since it creates an uncertainty regarding the applicability of the listed activity for the proposed development.</p>	<p><b>EAP:</b> The Environmental Authorisation (EA) application form and Draft Scoping Report (DSR) has been thoroughly reviewed and updated certainty wording. The use of words such as “may” and likely has been eliminated from GN.R R324 Activity 14 and GNR 324 Activity 23 in the Listed activities Section.</p>
	<p>The Department noted that the project falls within the CBA and within 5km of the Cape Recife Nature Reserve and the Nelson Mandela University Private Nature Reserve, therefore, approval from the Management Authority in terms of the National Environmental Management: Protected Areas Act, 2003; Section 50 (5) must be submitted with the final SR.</p>	<p><b>EAP:</b></p> <p>The Eastern Cape Biodiversity Conservation Plan (ECBCP) indicates that the site falls within a Terrestrial Critical Biodiversity Area (CBA 2), however, site verification revealed that the area is transformed due to the existing port infrastructure and there is no vegetation present on site. The site also falls in an Ecological Support Area category (ESA 1) on the Eastern Cape Biodiversity</p>

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		<p>Conservation Plan (ECBCP) Aquatic habitats however the screening tool report indicated that the aquatic sensitivity of the area is low. The Biodiversity Planning and Conservation Directorate of the DFFE has been contacted for comments on the proposed development and thus far no objections to the project have been received.</p> <p>Further, the proposed development falls within a 5km radius from the protected areas and not inside the reserves. The National Environmental Management: Protected Areas Act, 2003; Section 50 (5) stipulates “No development, construction or farming may be permitted in a nature reserve or world heritage site without the prior written approval of the management authority”. Therefore, the proposed development is exempt from obtaining approval in terms of the NEM: PAA as it is not inside a protected area. The relevant authority (ECPTA) which is the management authority for the provincially declared protected areas has been notified of the development and no comments have been received to date. The EAP will follow up with ECPTA and try to get comments regarding the proposed project. At the time of submission of the FSR, no comments have been received from the ECPTA, nonetheless, the clarity will be sought and presented in the subsequent PPP of draft EIR.</p>
	<p>Ensure that the project description on the amended application form includes the coordinates of the proposed development and must be provided in degrees, minutes and seconds using Hartebeest Hoek 94; WGS84 co-ordinate system.</p>	<p><b>EAP:</b> The geographic coordinates of the proposed development have been included in the Project Description section of the application in DMS format of the Hartebeest Hoek 94; WGS84 co-ordinate system.</p>
	<p>Please ensure that all relevant listed activities are applied for, are specific and can be linked to the development activity or infrastructure</p>	<p><b>EAP:</b> A thorough review of the listed activities has been done to ensure that all relevant listed activities are applied for and that the EA application form listed activities mirror those in the Final</p>

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	as described in the project description. In addition, the onus is on the Applicant and the Environmental Assessment Practitioner (EAP) to ensure that all the applicable listed activities are included in the application and the final SR. Failure to do so may result in unnecessary delays in the processing of the application.	Scoping Report (FSR), The descriptions linking the proposed activities to the identified triggered Listed Activities are worded to ensure applicability to the proposed project is clear.
	If the activities applied for in the application form differ from those mentioned in the draft SR, an amended application form must be submitted with the final SR.	<b>EAP:</b> At submission, it was ensured that activities detailed in the application form are the same as those in the DSR. Notwithstanding, due diligence has been applied to the FSR to ensure correct and accurate alignment. An amended application is being submitted with the FSR due to changes made in the project description and addition of GNR 327 Activity 15.
	Please note that the Department's templates have been amended and can be downloaded from the following link. <a href="https://www.environment.gov.za/documents/forms">https://www.environment.gov.za/documents/forms</a> . Therefore the amended EAP's declaration form should be submitted with the final SR and kindly refer this Department as Department of Forestry, Fisheries (DFFE) and not Department of Environmental Affairs (DEA).	<b>EAP:</b> An attempt was made to source the EAP declaration form which is said to be amended, a form was downloaded from the Department's website, however, the form in the website is the same as what was submitted with the DSR, no amendments were identified. Subsequently, the forms were emailed to DFFE on the 14 April 2023 to confirm correctness. However, no response has been received to afford confirmation, thus, the initially submitted EAP declaration is appended with the FSR. If a later version is made available, this will be submitted at EIA Phase.
	<p><b>Alternatives</b>                      Alternatives that have been considered in terms of Sheet Pile Wall Options on page 47 to 48 of the draft scoping reported are hereby noted.</p> <p>Considering the number of alternatives provided, you are advised to include potential alternatives and the preferred in the final report.</p> <p>It must be noted that positive and negative impacts that the proposed activity and alternatives will have on the environment and on the</p>	<p><b>EAP:</b></p> <p>The alternatives considered in terms of the Sheet Pile Wall options is detailed on page 46 to 51 of the DSR.</p> <p>Regarding inclusion of potential and preferred alternatives into FSR, it must be noted that Table 6 of the DSR provides all the ten (10) alternatives (options) for the rehabilitation of the Old Tug Jetty Sheet Pile Wall and option number 8 is the preferred option. Therefore, the caption of the table is renamed to <b>Sheet pile wall</b></p>

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	community that may be affected is clear in the final report. In addition, feasible and reasonable alternative that can be considered for the decision making must be included in the final report.	<p><b>rehabilitation alternatives.</b> The other alternatives were eliminated as potential alternatives due to feasibility considerations and hence the preferred alternative and the no-go alternative are the only alternatives considered further in the assessment.</p> <p>Table 8 of the DSR presents a summary of results of the pre-screening assessment that was undertaken to evaluate the alternatives based on a multi-criteria analysis which takes factors such as health and safety, environmental impact, constructability, localisation, maintainability, capital cost and upgradeability into consideration. The full the pre-feasibility report is given in Appendix C of the DSR and this is also be appended to the FSR.</p>
	You are further required to provide details of the all the alternatives considered for this development and indicate the preferred alternatives as per Appendix 2 (2) (1) (g) (i) (v) (vi) of the NEMA EIA Regulations, 2014, as amended in the final report.	<p><b>EAP:</b></p> <p>Appendix 2 (2) (1) (g) (i) (v) (vi) of the NEMA EIA Regulations, 2014, as amended requires that the EAP provide details of the all the alternatives considered for this development and indicate the preferred alternatives. A detailed assessment of alternatives was undertaken during the feasibility study conducted by PRDW on behalf of Transnet. A copy of this report has been included as Appendix C of the DSR. It is the EAP's request that this report be accepted by the Department as a written proof of an investigation undertaken and motivation since no reasonable or feasible alternatives exist in terms of Appendix 2. Thus, only the preferred alternatives in terms of site and layout alternatives and no-go alternative will be assessed</p>
	Alternatively, you should submit written proof of an investigation and motivation if no reasonable or feasible alternatives exist in terms of Appendix 2.	<p><b>EAP:</b></p> <p>A motivation letter was attached in Appendix C of the DSR in which the EAP requested the Competent authority to accept the Pre-feasibility report conducted as a written proof an investigation conducted. The outcome of that investigation indicated that all the</p>



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		alternatives considered as per Table 8 of the DSR are not feasible, hence the preferred alternative and the no-go alternative are the only alternatives considered further in the assessment.
	<p><b>Layout &amp; Sensitivity Maps</b></p> <p>The CA acknowledge that the locality map has been included as Appendix 7.</p> <p>Since the screening tool indicate sensitive themes to be affected on site, you are advised to provide a layout and sensitivity map that address the findings of the specialist considering the sensitivity themes from the screening tool.</p> <p>In addition, the abovementioned maps must include:</p> <ul style="list-style-type: none"> <li>● All supporting onsite infrastructure e.g., roads (existing and proposed),</li> <li>● The location of sensitive environmental features on site e.g., CBAs, heritage sites, wetlands, drainage lines etc. that will be affected,</li> <li>● Buffer areas of the abovementioned features; and</li> <li>● All “no-go” areas.</li> </ul>	<p><b>EAP:</b></p> <p>The acknowledgment Appendix 7 is noted.</p> <p>A layout map superimposed to the environmental sensitivity has been created in relation to:</p> <ul style="list-style-type: none"> <li>● All supporting onsite infrastructure e.g., roads (existing and proposed),</li> <li>● The location of sensitive environmental features on site e.g., CBAs, heritage sites, wetlands, drainage lines etc. that will be affected,</li> <li>● Buffer areas of the abovementioned features; and</li> <li>● All “no-go” areas.</li> </ul>
	The above map must be overlain with a sensitivity map and their associated infrastructure.	<p><b>EAP:</b></p> <p>The layout map of the associated infrastructure has been superimposed to the environmental sensitivity layers.</p>
	Please be advised that Google maps will not be accepted.	<p><b>EAP:</b></p> <p>The requirement is noted and has been be adhered to.</p>

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	Please ensure that the above map has a clear legend that communicate with details of the map	<p><b>EAP:</b></p> <p>The map contains all the basic map elements including a clear legend of all features depicted.</p>
	<p><b>Public Participation Process</b></p> <p>Please ensure that comments from all relevant stakeholders are submitted to the Department with the final SR.</p> <p>This includes but not limited to the Department of Forestry, Fisheries, and the Environment (DFFE): <b>Biodiversity Planning and Conservation</b> (<a href="mailto:BCAdmin@environment.gov.za">BCAdmin@environment.gov.za</a>); <b>DFFE: Oceans and Coast</b>; <b>DFFE: Protected Areas</b>; Department of Human Settlement; Water and Sanitation; Eastern Cape Department of Economic Development, Environmental Affairs and Tourism; Department of Agriculture, Rural Development and Land Reform (DARDLR); Department of Water and Sanitation (DWS); Department of Mineral Resources and Energy (DMRE); Eastern Cape Heritage Authority, South African Heritage Resources Agency (SAHRA); Birdlife South Africa; the affected district and local municipalities as well as municipal councilors.</p>	<p><b>EAP:</b></p> <p>The EAP has ensured that all comments received from interested and affected parties are submitted with the Final SR. The recommended key stakeholders are noted and are part of the I&amp;APs included in our database. All registered I&amp;APs have been notified of the availability of the DSR, some have submitted comments which are included in the Comments and Responses Report to be submitted with the FSR.</p>
	Proof of correspondence with the various stakeholders must be included in the Final SR. Should you be unable to obtain comments, proof must be submitted to the Department of the attempts that were made to obtain comments.	<p><b>EAP:</b></p> <p>All correspondence between the EAP and stakeholders are submitted with the Final SR. The EAP will continue to ensure that the PP process is conducted in line with the NEMA EIA Regulations, 2014 as amended.</p>

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	The Public Participation Process must be conducted in terms of Regulations 39, 40 41, 42, 43 & 44 of the EIA Regulations 2014, as amended and the approved Public Participation Plan.	<b>EAP:</b> The Public Participation Process is being conducted in terms of the EIA Regulations 2014, as amended and the approved programme.
	The comments and response trail report (C&R) must be submitted with the Final SR. 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 Annexure 1 of this comments letter.	<b>EAP:</b> All proof of notification and correspondence with Interested & Affected Parties are be incorporated in the Comments and Responses Report which are included as an appendix of the FSR. The recommended format is adhered to. The original response received as well as a summary of issues raised will be provided in the (C&R) Report.
	Please ensure that all issues raised, and comments received during the circulation of the previously draft SR and this report from registered I&APs and organs of state which have jurisdiction (including this Department's comments) in respect of the proposed activity are adequately addressed. Comments made by I&APs must be comprehensively captured (copy verbatim if required) and responded to clearly and fully. Please note that a response such as "Noted" is not regarded as an adequate response to I&AP's comments.	<b>EAP:</b> The EAP has updated the Draft Scoping Report according to issues raised and comments received during the public review process of the SR and ensure that the issues are addressed adequately. All issues are captured as comprehensively and responses clarify concerns and respond fully to each issue raised.
	<b>Specialist Assessments</b> It is noted that on page 7 of 16 of the screening tool report dated 03 August 2022, the proposed site has very high sensitivity on archaeological and cultural heritage theme, paleontology theme, defense theme and civil aviation theme. It also highlighted medium sensitivity on animal species theme and low sensitivity on aquatic biodiversity theme. Therefore, you are advised to submit a site verification report and motivation for the exclusions of any specialist studies identified by the screening tool.	<b>EAP:</b> A site verification report has been included in Section 5.2.3 page 97-102) of the DSR. The report provides detail of the site inspection conducted and considers the sensitivities highlighted in the screening tool report. Please refer to Table 12 and Table 13 of the DSR for motivation for the exclusions of any specialist studies identified by the screening tool. A site verification report is also appended to the FSR.

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	The plan of study for the Environmental Impact Assessment (EIA) phase on page 95 to 102 included in the draft scoping report (SR) and the desktop review regarding the Specialist studies to be conducted including brief explanation on those to be excluded as detailed on page 96 to 97 of the draft SR are hereby noted.	<b>EAP:</b>  The acknowledgment is noted.
	You are hereby drawn to the following which must be considered by the specialists:	
	Specialist Declaration of Interest forms must be attached for all specialist studies to be conducted the Final SR. The forms are available on Department's website (please use the Department's template).	<b>EAP:</b> The specialist declaration forms are submitted with the FSR.
	Specialist studies to be conducted must provide a detailed description of their methodology, as well as indicate the locations and descriptions of proposed rehabilitation, and all other proposed structures that they have assessed and are recommending for authorisations.	<b>EAP:</b> All specialists' studies are to be ensured that they comply with this requirement.
	The specialist studies must also provide a detailed description of all limitations to their studies. All specialist studies must be conducted in the right season and providing that as a limitation, will not be accepted.	<b>EAP:</b> All specialists' studies are to be ensured that they comply with this requirement.
	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 expertise advice.	<b>EAP:</b> A critical review and synthesis of specialists' recommendations will be done, <i>inter alia</i> , considering this recommendation.
	Ensure that specialist studies as identified in the screening tool, comply with the requirements of GN 320 of 20 March 2020 and GN	<b>EAP:</b>

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	1150 of 30 October 2020, unless proof is provided that indicates that the specialist study was commissioned within 50 days after the date of publishing of the notice i.e., 20 March 2020 and was commissioned prior to 30 October 2020 respectively. Failure to comply with the abovementioned notices presents a risk to this application.	The EAP will ensure that the specialist studies conducted comply with requirements of GN 320 of 20 March 2020 and GN 1150 of 30 October 2020.
	Please note further that the protocols require certain specialists' to be registered with SACNASP. Refer to the relevant protocols in this regard.	<b>EAP:</b> The EAP will ensure that the appointed specialists are registered with SACNASP where it is a requirement of the relevant protocols.
	Please include a table in the final SR summarising the specialist studies required by the Screening Tool, a column indicating whether these studies will be conducted or not, and a column with motivation for any studies that will not be undertaken. Please note that if any of the specialists' studies and requirements recommended in the Department's Screening Tool are not commissioned, motivation for such must be provided in the report, per the requirements of the Protocols.	<b>EAP:</b> Please refer to Table 12 on page 96 to 97 of the draft DSR, this table lists the specialist studies required by the Screening Tool, with a column indicating whether these studies will be conducted or not, and a column with motivation for any studies that will not be undertaken .
	Should it be determined that there is a need for additional specialist studies to be undertaken based on the outcome of public participation, these must be commissioned and be included in the draft EIA reports for public comment.	<b>EAP:</b> The requirements are noted and will be adhered to, however no additional specialists have been requested to date.
	<b>General</b> You are further reminded to comply with Regulation 21(1) of the NEMA EIA Regulations 2014, as amended, which states that: <i>"If S&amp;EIR must be applied to an application, the applicant must, within 44 days of receipt of the application by the competent authority, submit to the competent authority a scoping report which has been subjected to a public participation process of at least 30 days and</i>	<b>EAP:</b> The EA application accompanied by the Comments and Response Register (CRR) and the Draft Scoping Report (FSR) was submitted to DFFE on 08 March 2023. Final FSR submission to DFFE will be on or before the 21 April 2023, i.e. within 44 days.

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	<i>which reflects the incorporation of comments received, including any comments of the competent authority”</i>	
	You are further reminded that the final SR to be submitted to this Department must comply with all the requirements in terms of the scope of assessment and content of Scoping reports in accordance with Appendix 2 and Regulation 21(1) of the EIA Regulations 2014, as amended.	<b>EAP:</b> The EAP has ensured that the scope of assessment and content of the Scoping report complies with Appendix 2 and Regulation 21(1) of the EIA Regulations 2014, as amended.
	Further note that in terms of Regulation 45 of the EIA Regulations 2014, as amended, this application will lapse if the applicant fails to meet any of the timeframes prescribed in terms of these Regulations, unless an extension has been granted in terms of Regulation 3(7).	<b>EAP:</b> The timeframes stipulated in Regulation 45 of the EIA Regulations, 2014, are noted.
	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.	<b>EAP:</b> The EAP and Applicant note that the proposed activity may not commence prior to an Environmental Authorisation being granted by the Department.
<p><b>14/04/2023</b> <b>Email</b></p> <p><b>Andisiwe Xuma</b></p>	<p>Good Day Ms Letlalo,</p> <p>We would like to request the latest template of the DFFE EAP Declaration of interest form as the one on the Departments website still reflects the old DEA logo (attached).</p> <p>Kind Regards,</p> <p>Andisiwe Xuma</p>	<p><b>No response</b></p>
<p><b>17/04/2023</b> <b>Email</b> <b>Department of Forestry, Fisheries and the</b></p>	<p>The Department of Forestry, Fisheries, and the Environment (DFFE), Branch Oceans &amp; Coasts (O&amp;C) appreciates the opportunity granted to comment on the Draft Scoping Report for the proposed rehabilitation of the Old Tug Jetty Sheet Pile Wall at the Port of Port Elizabeth, within Nelson Mandela Bay Metropolitan Municipality in the</p>	<p><b>EAP:</b> The acknowledgement is noted and the recommendations provided will be taken into consideration.</p>

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<p><b>Environment: Integrated Environmental Authorisations: Oceans &amp; Coasts: Coastal Development &amp; Protection (Thandeka Mbambo)</b></p>	<p>Eastern Cape Province. This Branch has provided recommendations in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998), (“NEMA”) and the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) (“ICM Act”).</p>	
	<p>The Branch O&amp;C has the mandate to ensure the holistic management of the coast and estuarine areas as an integrated system and promote coordinated coastal management. It ensures that the ecological integrity, natural character, and economic, social, and aesthetic value of coastal zones are maintained to ensure that people, properties, and economic activities are protected against the impacts of dynamic coastal processes.</p>	<p><b>EAP:</b> The EAP notes the mandate of the Oceans &amp; Coasts branch and welcomes recommendations that are in line with integrated coastal management principles.</p>
	<p>Guided by the principles of integrated coastal management, this Branch promotes developments that promote socially justified sharing of benefits derived from a resource-rich coastal area and strives to ensure that the principles of sustainable development are upheld.</p>	<p><b>EAP:</b> The mandate of the O&amp;C branch is noted and the EAP will ensure that principles of sustainable development are upheld in this EIA Process.</p>
	<p>The proposed project is located in an area that has been transformed through existing developments of the harbour and port. It has been demonstrated that this proposal relates to a maintenance project which aims to reconstruct collapsed or deteriorating infrastructure in the Port to sustain and improve the operational efficiency of the Port. The property on which the development is proposed to be situated is currently used for the activity applied for i.e., the existing Old Tug Jetty and similar land uses. Subject to the implementation of stringent</p>	<p><b>EAP:</b> The opinion of the Brach O&amp;C on the impact of the proposed project is valued and appreciated. The EAP will ensure that stringent environmental management measures, specialist recommendations, and advice received as part of the overall public participation process will be incorporated into the FSR and the Environmental Impact Report (EIR) of this project.</p>



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	environmental management measures, specialist recommendations, and advice received as part of the overall public participation process, this Branch is of the view that this development should not result in long-term, cumulative, and unintended impacts on the receiving environment.	
	This Branch is <b>in support</b> of the competent to grant environmental authorisation for the proposed rehabilitation of the old tug jetty sheet pile wall at the Port of Port Elizabeth, within Nelson Mandela Bay Metropolitan Municipality in the Eastern Cape Province, subject to the Environmental Assessment Practitioner (EAP) addressing the comments and recommendations stipulated below.	<p><b>EAP:</b> The support for this application by the O&amp;C branch is noted and welcomed and all the recommendations provided will be addressed.</p>
	<b>Recommendations for the Attention of the Environmental Assessment Practitioner (EAP) and the Competent Authority (CA)</b>	
	The report specifies that Both structures extend into the seawaters by 6 m each, total extension of 12 m (width) from the existing structures and the site extents are 246 m (length), hence, the development footprint of the port or harbour will be increased or expanded by approximately 2500 square metres in total. According to the Department of Forestry, Fisheries & the Environment (DFFE) Coastal Viewer coastal vulnerability risk profile for the selected site, the Port and proposed site location for the positioning of the proposed structures as the Old Tug Jetty is rated as of low risk for coastal flooding risk. However, the area around the port has a very high to moderate risk of coastal flooding due to exposure to open waters. In terms of the long-term coastal erosion risk, the Old Tug Jetty is identified as being of very low risk, however, the area on the outer sides of the port has a very high to moderate risk of long-term erosion.	<p><b>EAP:</b> The EAP appreciates the detail provided on the coastal vulnerability risk profile of the Old Tug Jetty. The information on the coastal flooding risk of the development site and its surrounds is noted and will be included in further assessment of the proposed project. The long-term coastal erosion risk of the Old Tug Jetty as well as the other sides of the Port will be forwarded to the Applicant for their information and processing.</p>
	Figure 3 on Appendix A also indicates that the estuarine erosion risk within the port is moderate with some areas showing high risk in terms of estuarine flooding. Figure 4 reveals that the estuarine flood risk is	<p><b>EAP:</b> The erosion risk status of the environment of the proposed development is noted and appropriate mitigation will be</p>

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	<p>mostly moderate, with a small area within the port susceptible to a high risk of exposure to flooding. Adequate provision needs to be made into the design to ensure that these potential risks and mitigated.</p>	<p>recommended accordingly for incorporation into the detailed design.</p>
	<p>On page 50 of the report, Table 8 details the pre-screening assessment <i>summary of results (preferred options numbered in red) (PRDW, 2019)</i>. As part of the results, four options were selected for the holistic assessment of which two options: <i>Option 1 Counterfort deck on pile hybrid and Option 2: Deck on pile notably rated higher in terms of their viability when considering: the health considerations, environmental considerations, constructability, localisation, maintainability, and capital costs. Table 9: Multi-criteria assessment – base case weightings (PRDW, 2019)</i>. Page 51 further details the multi-criteria assessment weightings and scores assigned. However, it is unclear how the scores for the optioneering and multi-criteria analysis were done to determine the values assigned and how the deck on the wharf was disqualified as the preferred alternative. Further clarity is sought on this aspect.</p>	<p><b>EAP:</b> A detailed assessment of alternatives was undertaken during the feasibility study conducted by PRDW on behalf of Transnet. A copy of this report has been included as Appendix C of the DSR. Please kindly refer to the detailed methodology is contained in the feasibility report.</p>
	<p>The report details that, at present, the sheet piles have corroded significantly with large holes visible in the tidal zone which have further resulted in the leaching of backfill material resulting in the subsidence of the back of the quay area. To mitigate future risks, how has the material that has been selected as the preferred alternative considered issues of corrosion and leaching? Further to this, what is the anticipated future maintenance regime that will be associated with the selected alternative? Further clarity is sought on this aspect.</p>	<p><b>Applicant:</b> The proposed solution entails the construction of a counterfort and deck-on-pile hybrid solution. The counterfort wall is a reinforced concrete structure and will entirely encase the existing steel sheet pile structure, eliminating the risks associated with its current condition. Concrete, the selected material for the proposed solution, is inherently not susceptible to corrosion and better suited for the conditions. It is therefore highly unlikely that similar deterioration and leaching will occur. The maintenance regime will conform to the TNPA asset maintenance guidelines where annual asset inspections are conducted, which informs maintenance work to be</p>

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		executed for the following financial year. Maintenance will therefore be conducted on an ad-hoc basis.
	<p>The report correctly identifies that the harsh marine environment near the Port has had a negative corrosive and chemically reactive effect on various structures, infrastructure, and facilities within the Port. Regular maintenance activities are therefore required to counter the aforementioned effects. The assertion that “Most equipment pivotal to sustain port business and services is old and require replacement” further strengths the need for ensuring the selection of an alternative that has taken cognisance of the potential impact of climate change and risk vulnerability status of the proposed site to climate change and climate change impacts. How have climate change considerations been factored into the preferred design and selection of the preferred construction method (as it relates to time, extent, and duration of impact- on marine and aquatic species), future maintenance regime (considering issues relating to the management of waste during the project construction phase, the potential impact of noise and air emissions events on the integrity of the structure.</p>	<p><b>EAP:</b> The potential impact of climate change events on the integrity of the structure has been identified as one of the issues to be assessed further in the EIA phase of the project. The infrastructure must be designed to be resilient against anticipated climate change events such changes in sea levels and wind and waves. It is important to understand that the proposed sheet pile wall design wall will be sufficient to prevent any overtopping and flooding of the port infrastructure from the sea. Mitigations on potential climate change impacts will be considered on the detailed design and the mitigations on waste management, noise and air quality will be made to minimise such impacts during construction phase.</p> <p><b>Applicant:</b> The proposed solution entails the construction of a counterfort and deck-on-pile hybrid solution. The counterfort wall is a reinforced concrete structure and will entirely encase the existing steel sheet pile structure, eliminating the risks associated with its current condition. Concrete, the selected material for the proposed solution, is inherently not susceptible to corrosion and better suited for the conditions. It is therefore highly unlikely that similar deterioration and leaching will occur. The maintenance regime will conform to the TNPA asset maintenance guidelines where annual asset inspections are conducted, which informs maintenance work to be executed for the following financial year. Maintenance will therefore be conducted on an ad-hoc basis.</p>
	The report specifies that the construction process would commence with the dredging of marine sediment construction process consists	<b>EAP:</b>

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	<p>of dredging marine sediment. It further details that this will consist of the excavation of a thin layer of existing rock fill in front of the sheet pile wall. As the proposed project will involve dredging beyond maintenance dredging (i.e., dredging below the depths that the port was originally dredged to), this project cannot be accommodated under TNPA's existing maintenance dredging permit. A new capital permit must be applied for. Please note that the requirements for a capital dredging Dumping at Sea permit include:</p> <ul style="list-style-type: none"> <li>- Completed application form (application form attached) (including volumes to be dredged, details of proposed dumpsite - presumably the existing dumpsite, which is used by the Port of Port Elizabeth, and investigation of alternatives to dumping at sea).</li> <li>- Sediment specialist study (including sediment characterisation and sediment chemistry). This report may not be older than two years at the time of application.</li> </ul>	<p>A dredging permit application will be lodged by the Marine Specialist on behalf of the applicant. The forms will be completed and a sediment specialist study will accompany the application.</p>
	<p>The applicant is further urged to engage with Ms. Jessica Mans (JMans@dffe.gov.za) on any further questions for further clarity or on the application process. For ease of reference, the Capital dredging permit for dumping at sea application forms have been attached.</p>	<p><b>EAP:</b> The contact official's details are noted and will be forwarded to the client</p>
	<p>As part of the construction process, the report specifies that a filter fabric will be laid on top of the rock fill and along the vertical extents of the sheet pile wall. A stone bed will then be placed on top of the filter fabric to create a level bed for the precast counterfort units. The counterfort wall will then be seated on the stone bed and scour rock placed on top of its toe. Thereafter, the wall will be backfilled with quarry run, and the concrete and civil work completed. Finally, the quay furniture will be installed. Further clarity is required on the material type to be used for the filter fabric. Detailed information is required on the type of stones that will be used for the stone bed to inform the maintenance requirements. Further consideration of aspects like long-term durability and stability, material availability, and</p>	<p><b>Applicant:</b> The filter fabric will consist of a typical non-woven needle punched geotextile bidim. As far as possible, such material will be locally sourced.</p> <p>The material for the stone bed will consists of quarry run sourced from an existing local quarry. No maintenance of the stone bed is expected as is typical with marine infrastructure. Material is accordingly selected and designed in accordance with the design life associated with the structure (50-years). Durability and stability are therefore considered and included in the detailed design.</p>

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	<p>proposed construction method vs the environmental and economic impact of the proposed material are key aspects that need to inform decision-making on the preferred alternative and approved methodology for construction.</p>	<p>Environmental impact and constructability were criteria used in the multi-criteria analysis when determining the preferred solution. Furthermore, the construction phase will, as far as possible, endeavour to utilize locally sourced material and Contractors as per the Transnet Procurement Procedures Manual. Environmental impacts will therefore be limited or mitigated as far as possible whilst simultaneously stimulating the local economy.</p>
	<p>The proposed project may result in some erosion and sedimentation of watercourses due to excavation and backfilling. There is also a possibility of contamination of watercourses due to spillages caused by plant and equipment used during the undertaking of works. Stringent environmental management measures will need to be implemented throughout all proposed development phases to ensure that this impact is minimised and mitigated</p>	<p><b>EAP:</b> It is noted that the proposed project occurs in a marine environment and that there is a potential for erosion, sedimentation and water pollution during construction. Mitigations on erosion, sedimentation, contamination, spillages and similar impacts will be included in the EIA Report and EMP of the project.</p>
	<p>Environmental awareness training, daily inspection of plant and equipment for faults as well as storage of plant and equipment at least 50m from a watercourse are some of the measures that will be implemented to avoid contamination and pollution. Where pollution and contamination cannot be avoided, measures such as recycling, waste separation, and disposal of waste at licensed facilities will be implemented to reduce the impacts.</p>	<p><b>EAP:</b> It will be ensured that all these mitigations are included in the final reports for implementation at construction phase.</p>
	<p>The quay wall is currently being used for the berthing of fishing vessels and trawlers. The northern extent of the back of the quay area is used for the transshipment of cargo and supplies, while the southern extent is used for boat maintenance. Agriculture and processing of agricultural products play a significant role in the local economy and therefore any project that seeks to strengthen and sustain ocean economy industries is beneficial. While is acknowledged that the proposed project will create employment opportunities for individuals and businesses in the municipality, the period of this employment is short (approximately 12 months) and</p>	<p><b>EAP:</b> Prior and during the construction stage, the business currently relying on the quay wall are consulted to understand their operations and to ensure that business activities are not negatively impacted. Adequate planning and completion of the project on time will be key to reducing the financial risk to surrounding businesses. A grievance mechanism will be established on site during construction so that there is open and ongoing communication between the appointed contractor and the surrounding businesses.</p>

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	thus, it could be argued that this constitutes temporary employment whereas the project could potentially financially impact businesses currently operating within this space.	
	The applicant should note that the purpose of the ICM Act doesn't only seek to promote or conserve the coastal environment, but it also seeks to ensure that coastal development and use of natural resources within the coast is socially- economically justifiable and ecologically sustainable. This is to ensure that the Constitution in section 24(b)(iii) which speaks of a secured ecologically sustainable development and use of natural resources while promoting justifiable economic and social development is realised or achieved. Page 140 of the Scoping Report on para... 7.3. doesn't describe the impact to the boat repairers/maintainers, fishing vessels and transhipment of supplies. What are the alternatives during the time of decommissioning and re-rebuilding or upgrade of the Old Tug jetty sheet pile wall? Further clarity is sought to address this concern.	<b>EAP:</b> The potential socio-economic impacts on nearby port users, terminal operators etc. and surrounding communities is identified in Section 6.8 of the DSR. Section 7.3 of the report has been amended to include a description of the impacts on the boat repairers/maintainers, fishing vessels and transhipment of supplies. Alternatives during the time of decommissioning and re-rebuilding or upgrade of the Old Tug jetty sheet pile wall will also be assessed and provided in the EIA phase.
	The Social Impact Assessment should demonstrate how potential socio-economic impacts on nearby port users, terminal operators, etc., and surrounding communities in terms of their ability to maintain sustainable livelihoods and how these groups have been considered and factored into the construction schedule and timeframes for proposed construction.	<b>EAP:</b> A specialist has been appointed and the SIA study will be commissioned and ensured to capture impacts proposed development on port users, terminal operators, etc., and surrounding communities in terms of their ability to maintain sustainable livelihoods and how these groups have been considered and factored into the construction stage.
	Stringent environmental management measures will need to be implemented throughout all proposed development phases to ensure that this impact is minimised and mitigated.	<b>EAP:</b> The recommendation is noted and will be adhered to.
	Further comments and recommendations will be provided as part of the subsequent public participation process when the Hydrological, Hydrogeological, and Aquatic Impact Assessment Studies have been made available.	<b>EAP:</b> Section 5.2.2 of the FSR details Specialist Studies Required by the Screening Tool and those selected for the proposed

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		<p>development. Please note that the following specialist studies are being undertaken as part of the EIA study:</p> <ol style="list-style-type: none"> <li>1. Marine Ecology Impact Assessment</li> <li>2. Sediment Quality Impact Assessment</li> <li>3. Water Quality Impact Assessment</li> <li>4. Paleontological Impact Assessment</li> <li>5. Socio-Economic Impact Assessment</li> </ol> <p>Hydrological, Hydrogeological, and Aquatic Impact Assessment Studies do not constitute the specialist studies selected for the proposed development.</p>
	<p>Section 63 of the ICM Act states that, when environmental authorization for coastal activities is applied for in terms of Chapter 5 of the National Environmental Management Act, the competent authority must take into account all relevant factors including whether coastal public property, the coastal protection zone or coastal access land will be affected, and if so, the extent to which the proposed development or activity is consistent with the purpose for establishing and protecting those areas, the socio-economic impact of the proposed activities and the likely effects of coastal processes on the developmental proposal.</p>	<p><b>EAP:</b> The EAP takes notes of the information and it will be included in the Comments and Responses Report to be submitted to the Competent Authority.</p>
	<p>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 before an Environmental Authorisation is granted by the Department.</p>	<p><b>EAP:</b> The EAP and Applicant note that the proposed activity may not commence prior to an Environmental Authorisation being granted by the Department.</p>
<p><b>20/04/2022</b> <b>Email</b> <b>Andisiwe Xuma</b></p>	<p>Ms Xuma sent a response letter to DFFE O&amp;C:</p> <p>Good Day Ms Mbambo,</p> <p>Please find the attached response letter to the comments received from Branch O&amp;C on 17 April 2023.</p>	<p>Ms Mbambo responded as follows: Good Day Andisiwe</p> <p>The attached response letter is noted and further comments will be made as part of the subsequent public participation process should any further input be required.</p>

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	<p>Regards,</p> <p>Andisiwe Xuma</p>	<p>Kind Regards</p> <p>Thandeka Mbambo on behalf of Oceans &amp; Coasts EIA</p>
<p>26/05/2023 Email DFFE Olivia Letlalo</p>	<p>The final Scoping Report (FSR) and the Plan of Study for Environmental Impact Assessment (PoSEIA) dated 19 April 2023 and received by the Competent Authority (CA) on 21 April 2023, refer.</p> <p>The CA has evaluated the submitted final SR and the PoSEIA dated 19 April 2023 and is satisfied that the documents comply with the minimum requirements of the Environmental Impact Assessment (EIA) Regulations, 2014, as amended. The final SR is hereby accepted by the CA in terms of Regulation 22(1)(a) of the EIA Regulations, 2014, as amended. I</p> <p>You may proceed with the environmental impact assessment process in accordance with the tasks contemplated in the PoSEIA as required in terms of the EIA Regulations, 2014, as amended.</p>	<p><b>EAP:</b></p> <p>The EAP notes the approval of the final Scoping Report (FSR) and the Plan of Study for Environmental Impact Assessment (PoSEIA) and will proceed with EIA process in accordance with the tasks contemplated in the PoSEIA as required in terms of the EIA Regulations, 2014, as amended.</p>
	<p>In addition, the following amendments and additional information must be incorporated in the Environmental Impact Assessment Report (EIAR):</p> <p><b>a) Specific comment</b></p> <ul style="list-style-type: none"> <li>According to page 59 of the final SR and the description of triggered activities under Listing Notice (LN) 3 “the proposed project is located within 5km of a formal Protected Areas, Cape Recife Nature Reserve and the Nelson Mandela University Private Nature Reserve. It has further been noted that SANParks and Eastern Cape Parks and Tourism Agency (ECPTA) have been identified as management authorities and</li> </ul>	<p><b>EAP:</b></p> <p>The EAP has sent email correspondence to ECPTA regarding the proposed project however no response has been received to date. On 09 June 2023, the EAP called the ECPTA and it was indicated that the Cape Recife Nature Reserve is managed by Nelson Mandela Metro Municipality and Nelson Mandela University Private Nature Reserve is a private reserve managed by the university.</p> <p>Upon consultation with the Nelson Mandela Metro Municipality, the EAP was advised that Mr George Branford</p>



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	<p>included in this project as Interested and Affected Parties (I&amp;APs)". However, page 61 of the Comments and Response Report (CRR) indicated that "the proposed development falls within a 5km radius from the protected areas and not inside the reserves and therefore, the proposed development is exempt from obtaining approval in terms of the NEM: PAA as it is not inside a protected area. The relevant authority (ECPTA) which is the management authority for the provincially declared protected areas has been notified of the development and no comments have been received to date". You are requested to provide the following with the final EIAr:</p> <ul style="list-style-type: none"> <li>➤ Written confirmation from the management authorities indicating that the proposed development does not fall or occur within the protected area.</li> <li>➤ Should it be confirmed that the site falls within the protected area, you are advised to submit S50 approval in terms of NEM: PAA for the proposed development from the management authority/ies.</li> <li>➤ Proof that the relevant management authority/ies have been consulted regarding the proposed development.</li> </ul>	<p>is responsible for Environmental Management within the municipality, an email has been sent to 'gbranford@mandelametro.gov.za' to request confirmation that the proposed development does not fall or occur within the protected area in terms of the National Environmental Management: Protected Areas Act, 2003. The same email was also sent to 'grysbok@mandela.ac.za' and 'info@mandela.ac.za' in order to get written confirmation from Nelson Mandela Metro Municipality. The ECPTA ('info@ecpta.co.za' ) was also copied in the correspondence. Proof of this correspondence is attached. The EAP will include all responses received in the Comments and Responses Report (CRR). It is recommended for the department to consider reviewing the environmental sensitivity maps and closely assess protected areas in relation to the proposed development. The development is quite distant from the protected areas, located closer to the edge of the buffer approximately ±3 km away from the protected areas.</p>
	<p><b>b) Listed Activities</b></p> <ul style="list-style-type: none"> <li>• It has been noted on Figure 3 on page 19 and confirmed on page 37 of the final SR that the area where the proposed development will take place has been transformed and within the port or harbour. Therefore, ensure that relevant listed activities are applied for, and the exclusions are considered for the applicable listed activities.</li> </ul>	<p>It is true that the proposed activity will take place in the existing Port of Port Elizabeth which is a transformed area. However due to the new structures that will be constructed as part of the rehabilitation of the Old Tug Jetty Sheet pile wall, there will be new physical disturbances to the marine environment. The EAP will once again carefully assess the listed activities applied for and ensure that only relevant listed activities are applied for,</p>

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		and the exclusions are considered for the applicable listed activities.
	<ul style="list-style-type: none"> <li>It has been noted that there are activities that are triggered as the structures extend by 6m and 12m and the port or harbour will increase or expand, however, there is inconsistency regarding the square metres in which the port or harbour will be increased or expanded. Please ensure the aforesaid inconsistency is addressed adequately in the final report and applicable listed activity is applied for.</li> </ul>	The project description and applicability description in the listed activities states that it is anticipated that the development footprint of the port or harbour will be increased or expanded by approximately 2500 square metres in total. The EAP will ensure that any identified consistencies are addressed in the EIA Report.
	<ul style="list-style-type: none"> <li>It has been noted that exclusion in relation to activities 19 and 19A of LN 1 are not applicable because the “development setback is not known”, however, the description of activity 14 in LN 3 indicate that the “proposed development will occur in front of a development setback”. Please clarify the correctness and applicability of the applied activity/ies as well as the exclusion in relation to the proposed development.</li> </ul>	It is true that at this stage, the development setback is not known and hence the activities related to the development setback were excluded in LN1 Activity 19 and 19A. The wording “in front of a development setback” has been removed from LN 3 Activity 14. The exclusion in sub activity (c) which states that “(c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse; <b>excluding the expansion of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour.</b> ” Has been considered, however it is not applicable because the development footprint of the existing harbour will be increased.
	<ul style="list-style-type: none"> <li>The CA acknowledge that activity 26 of LN 3 has been applied for, however, page 20 of 41 of the application form indicates that “thereafter, if there is sufficient demand for a deeper berth, the structure can be upgraded by implementing phase 2”. The above statement creates uncertainty as to whether this activity is listed or not. Please ensure that this statement is corrected in the EIA phase to assist the CA in</li> </ul>	The EA application form has been updated to replace the phrase “Thereafter, if there is sufficient demand for a deeper berth, the structure can be upgraded by implementing phase 2” with the phrase “Phase 2 will commence after construction of phase 1 when there is sufficient demand for a deeper berth.” The EA will ensure

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	determining the applicability of this activity for the proposed development.	that all uncertainty is eliminated so that the CA can adequately determine the applicability of LN3 activity 26.
	<ul style="list-style-type: none"> <li>The final EIAR must provide an assessment of the impacts and mitigation measures for each of the listed activities applied for.</li> </ul>	Suitable mitigation measures will be included in the draft EIA Report for each of the impacts identified and for each of the listed activities applied for.
	<ul style="list-style-type: none"> <li>Please ensure that all relevant listed activities are applied for, are specific and can be linked to the development activity or infrastructure as described in the project description. In addition, the onus is thus on the applicant and the environmental assessment practitioner (EAP) to ensure that all the applicable listed activities are included in the application. Failure to do so may result in unnecessary delays in the processing of the application.</li> </ul>	The EAP has done a thorough review of the listed activities to ensure that all relevant listed activities are applied for and that the listed activities are specific and can be linked to the development activity or infrastructure as described in the project description.
	<ul style="list-style-type: none"> <li>If the activities applied for in the application form differ from those mentioned in the final EIAR, an amended application form must be submitted. Please note that the Department's application form template has been amended and can be downloaded from the following link <a href="https://www.environment.gov.za/documents/forms">https://www.environment.gov.za/documents/forms</a>.</li> </ul>	An amended application will be submitted with the draft EIA Report due to changes made in the applicability description in LN 3 activity 26.
	<p>c) Public Participation</p> <ul style="list-style-type: none"> <li>Please ensure that comments from all relevant stakeholders and registered I&amp;APs are consulted and informed of the proposed project (amongst include but not limited, Department of Forestry, Fisheries, and the Environment (DFFE): Protected Areas Planning and Management Effectiveness Directorate, Biodiversity Planning and Conservation (BCAdmin@environment.gov.za), Oceans &amp; Coasts: Coastal Development and Protection; Eastern Cape Department of Economic Development, Environmental</li> </ul>	The EAP will ensure that all comments received from stakeholders and registered I&APs are submitted with the Final EIA Report. The recommended key stakeholders are noted and registered in the project I&APs database. All registered I&APs will be notified of the availability of the Draft EIAR.

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	<p>Affairs and Tourism, Eastern Cape Provincial Heritage Resources Authority, Department of Water and Sanitation, Eastern Cape Parks and Tourism Agency (ECPTA), Department of Agriculture, Rural Development and Land Reform, Telkom, South African Heritage Resources Agency (SAHRA), South African National Defence Force, Local interest groups, for example: Ward Councillors and surrounding landowners, and local municipalities are submitted to the Department with the final EIAR.</p>	
	<p>d) Alternatives</p> <ul style="list-style-type: none"> <li>The CA acknowledged the submission that feasibility study was undertaken and revealed that there are no reasonable or feasible alternatives for the proposed development. You are advised to provide proof of investigation and motivation if no reasonable or feasible alternatives in the final report or provide details of other alternatives considered for this development that meet the requirements of Appendix 2 (2) (1) (g) (i) (v) (vi) of the NEMA EIA Regulations, 2014, as amended in the final report.</li> </ul>	<p>The EAP and applicant is of the view that no feasible or reasonable fundamental alternatives exist since the location of the proposed development is linked to the Old Tug Jetty Sheet Pile wall. In the submitted pre-feasibility report, an Optioneering and Multi-Criteria Analysis sub-report (pages 91 to 136 of 427) is included. This explains the investigations undertaken to determine the most suitable solution for the rehabilitation of the Old Tug Jetty sheet pile wall. This section describes the 10 options considered, further reduced to 4 options using a pre-screening assessment, and the determination of the preferred solution using a multi-criteria analysis. The proposed counterfort wall and deck on pile hybrid structure was selected through robust investigation and optioneering. A modification to the current design has been recommended by the aquatic ecology specialist to include engineering design strategies for reducing existing impacts, such as surface runoff storage systems to limit the ingress of contaminants into the waterbody. This proposed modification will thus be assessed as Design Alternative 2</p>

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	<p>e) Layout &amp; Sensitivity Maps</p> <ul style="list-style-type: none"> <li>• It has been noted that Appendix 7 has been submitted with the final SR. This CA reiterates that the final layout of the proposed development must include the following but not limited to: <ul style="list-style-type: none"> <li>➢ The map showing the location of the old tug jetty.</li> <li>➢ The position of the area to be rehabilitated of the old tug jetty (the proposed new area).</li> <li>➢ The associated activities and all supporting onsite infrastructure e.g., roads (proposed and existing).</li> <li>➢ Quay furniture to be installed (Fenders; Bollards; Safety ladders; Life-saving equipment; and Quayside service requirements.</li> <li>➢ Show the area that will be constructed and expanded as per project description on page 18 of the final SR.</li> <li>➢ The location of sensitive environmental features on site e.g., CBAs, heritage sites, wetlands, drainage lines etc. that will be affected.</li> <li>➢ Buffer areas of the sensitive area to be affected; and</li> <li>➢ All “no-go” areas.</li> </ul> </li> <li>• The above map must be overlain with a sensitivity map. All available biodiversity information must be used in the finalisation of the map and infrastructure must not encroach on highly sensitive areas as far as possible.</li> <li>• Ensure that similar colours are not used to differentiate between infrastructure. i.e., items must be easily distinguishable on the legend.</li> <li>• Please ensure that the above map has a clear legend that communicate with details of the map.</li> </ul>	<p>The EAP notes the requirements of the CA regarding the information that must be presented in the Final Layout Map and will ensure that this is provided and overlain with the sensitivity map. The colour scheme used to represent the different features will be carefully selected so that all features are easily distinguishable and represented clearly on the map legend.</p>

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	<ul style="list-style-type: none"> <li>• Google maps will not be accepted for decision-making purposes.</li> </ul>	
	<p>f) Specialist assessments</p> <ul style="list-style-type: none"> <li>• It has been indicated on page 115 of the final SR that Water and Sediment Quality specialist has been appointed, however, page 96 to 97 of the final SR and page 11 of the site sensitivity verification report indicated that the following specialist studies will be conducted in the EIA phase. Please ensure that relevant specialist studies are conducted for the proposed development and submitted with the final report             <ul style="list-style-type: none"> <li>➢ Aquatic Biodiversity Impact Assessment.</li> <li>➢ Avian Impact Assessment.</li> <li>➢ Palaeontology Impact Assessment.</li> <li>➢ Landscape/Visual Impact Assessment.</li> <li>➢ Socio-Economic Impact Assessment.</li> <li>➢ Animal Species Assessment.</li> <li>➢ Marine Impact Assessment; and</li> <li>➢ Geotechnical Assessment.</li> </ul> </li> <li>• It is brought to your attention that Procedures for the Assessment and Minimum Criteria for Reporting on identified Environmental Themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998, when applying for Environmental Authorisation, which were promulgated in Government Notice No. 320 of 20 March 2020 (i.e., “the Protocols”), and in Government Notice No. 1150 of 30 October 2020, have come into effect. Please note that specialist assessments (for all environmental themes identified by screening tool) must be conducted in accordance with these protocols unless proof is provided to</li> </ul>	<p>The specialist studies will be undertaken as indicated in page 96 to 97 of the final SR and page 11 of the site sensitivity verification report. Dr Brent Newman (CSIR) is the specialist that has been appointed to undertake the following studies:</p> <ul style="list-style-type: none"> <li>• Aquatic Biodiversity Impact Assessment</li> <li>• Marine Impact Assessment</li> <li>• Avian Impact Assessment</li> <li>• Animal Species Assessment.</li> </ul> <p>The sediment and water quality assessment forms part of the Marine Impact Assessment. The above studies will be encompassed in a single Marine Ecology Report.</p> <p>Dr Solomon Owolabi will undertake the following assessments:</p> <ul style="list-style-type: none"> <li>• Palaeontology Impact Assessment.</li> <li>• Landscape/Visual Impact Assessment.</li> </ul> <p>Dr Anton De Wit is appointed to conduct the Socio-Economic Impact Assessment. The Geotechnical Assessment will be undertaken by Transnet.</p> <p>All draft specialist Reports will be submitted for review and comment during the EIA phase public comment period. The EAP will ensure that all specialist reports comply with Procedures for the</p>

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	<p>demonstrate that the specialist assessments were commissioned prior to 50 days after the promulgation of GN 320 and after promulgation of GN1150 (30 October 2020).</p> <ul style="list-style-type: none"> <li>• Additionally, the protocols specify that an assessment must be prepared by a specialist who is an expert in the field and is SACNASP registered for e.g.an aquatic assessment must be prepared by a specialist registered with SACNASP, with expertise in the field of aquatics sciences.</li> </ul>	<p>Assessment and Minimum Criteria for Reporting on identified Environmental Themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998 and that the specialists are suitably registered with SACNASP where required.</p>
	<ul style="list-style-type: none"> <li>• The EAP must ensure that the terms of reference for all the identified specialist studies include the following: <ul style="list-style-type: none"> <li>➢ 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.</li> </ul> </li> </ul>	<p>The EAP will ensure that the specialist reports contain a detailed description of 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 authorisation.</p>
	<p>You are advised to provide a table listing all the specialist studies undertaken with the recommendation for the proposed development in terms of the alternatives that are preferred based on the findings of their study.</p>	<p>A table containing all the specialist studies undertaken and recommended preferred alternatives will be included in the EIA reports.</p>
	<ul style="list-style-type: none"> <li>➢ 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.</li> </ul>	<p>An assumptions and limitations section will be Included in all the specialist Reports. The EAP will ensure that the specialists take seasons into consideration.</p>
	<ul style="list-style-type: none"> <li>➢ 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.</li> </ul>	<p>The departments definition of a no-go area is noted and is not different from that of the EAP.</p>

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	<p>➤ 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.</p>	<p>Any differences in definition will be clearly communicated in the specialist reports.</p>
	<p>➤ All specialist studies must be final, and provide detailed/practical mitigation measures for the preferred alternatives and recommendations, and must not recommend further studies to be completed post EA.</p>	<p>The specialist studies submitted with the final EIA Report will be final and will be made available for review by all registered I&amp;APs during the public comment period.</p>
	<p>➤ Should a specialist recommend specific mitigation measures, these must be clearly indicated.</p>	<p>The EAP will ensure that the specialists include a section for specific mitigation measures.</p>
	<p>➤ Should the appointed specialists specify contradicting recommendations, the EAP must clearly indicate the most reasonable recommendation and substantiate this with defensible reasons; and were necessary, include further expertise advice.</p>	<p>Where there are contradicting recommendations identified, the EAP will recommend the most reasonable recommendation and substantiate this with defensible reasons; and were necessary, include further expertise advice.</p>
	<p>➤ It is the responsibility of the EAP to confirm the list of specialist assessments and to motivate in the assessment report, the reason for not including any of the identified specialist studies including the provision of photographic evidence of the site situation. The site sensitivity verification for each of the recommended studies, as per the protocols, must be compiled and attached.</p>	<p>The EAP has submitted a list of specialist assessments to be undertaken in page 96 to 97 of the final SR and motivation has been provided where any of the identified specialist studies has not been included. Each of the specialists as per the required protocols. will be required to compile a sensitivity verification</p>
	<ul style="list-style-type: none"> <li>As such, all the specialists must submit Specialist Declaration of Interest forms which indicate the scientific organisation registration/member number and status of registration/membership for each specialist</li> </ul>	<p>Specialist declaration of interest forms and the registration certificates will be submitted for each specialist.</p>
	<ul style="list-style-type: none"> <li>Please also ensure that the final EIAR includes the Site Verification Report and Compliance Statements (where applicable) as required by the relevant themes and protocols.</li> </ul>	<p>A site Verification Report was included in Appendix D of the FSR and will be appended in the Final EIA report including Compliance Statements (where applicable) as required by the relevant themes and protocols.</p>



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	<p>g) Cumulative Impact Assessment</p> <ul style="list-style-type: none"> <li>• It has been noted on page 39 of the final SR that, no unacceptable cumulative impacts have been identified so far and it will be confirmed upon completion of the specialist studies. As a result, you are requested to provide the confirmation from the specialists in the final EIAR regarding cumulative impacts.</li> <li>• You are advised to ensure that the cumulative impact is assessed and included in the final EIAR in terms of the EIA Regulations, 2014</li> </ul>	<p>Confirmation from the specialists and assessment of cumulative impacts will be undertaken during the EIA phase and included in the final EIAR</p>
	<p>h) Environmental Management Programme (EMPr)</p> <ul style="list-style-type: none"> <li>• Ensure that the EMPr in terms of Appendix 4 of the EIA Regulations includes mitigation and monitoring measures for the proposed rehabilitation and must be submitted with the final EIAR.</li> </ul>	<p>An EMPr which complies with Appendix 4 of the EIA Regulations will be submitted with the final EIAR.</p>
	<p>General</p> <p>The EAP must provide an outline of where in the final draft EIAR each of this CA's comments are addressed. This must be a separate document and must submitted as an appendix to the draft EIAR.</p> <p>The applicant is hereby reminded to comply with the requirements of Regulation 45 of GN R982 of 04 December 2014, as amendment, regarding the time allowed for complying with the requirements of the Regulations.</p> <p>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.</p>	<p>An outline of where each of the CA's comments have been addressed will be provided in the draft EIA report. This will be a separate document attached as an appendix to the draft EIAR.</p> <p>The timeframes stipulated in Regulation 45 of the EIA Regulations, 2014, are noted.</p> <p>The EAP and Applicant note that the proposed activity may not commence prior to an Environmental Authorisation being granted by the Department</p>

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<p><b>09/06/2023</b>  <b>Email</b>  <b>Abantu</b>  <b>Environmental</b>  <b>Andisiwe Xuma</b></p>	<p>An email was sent to Nelson Mandela Metro Municipality and Nelson Mandela University which states:                      Good day All,</p> <p>Please find the attached notification letter regarding proposed Rehabilitation of the Old Tug Jetty Sheet Pile Wall. During the Scoping phase, it was identified that the proposed activity is located within 5km of the Cape Recife Nature Reserve and the Nelson Mandela University Private Nature Reserve, thus comment from the Management Authority is required to confirm that the proposed development does not fall or occur within the protected area in terms of the National Environmental Management: Protected Areas Act, 2003.</p> <p>A copy of the Final Scoping Report as well as kml file of the project area is attached to facilitate the request.</p> <p>Please do not hesitate to contact Abantu Environmental Consultants should you require any further information.</p> <p>Regards,</p> <p>Mrs Andisiwe Stuurman Xuma</p>	<p>No response has been received yet</p>
<p><b>26/06/2023</b>  <b>Email</b>  <b>Abantu</b>  <b>Environmental</b>  <b>Andisiwe Xuma</b></p>	<p>Good Day,                      The email below refers, please kindly provide written confirmation as requested.                      Regards,                      Andisiwe Xuma</p>	<p>No response has been received yet</p>

## **5. DECISION NOTIFICATION**

Once the EAP has received confirmation from DFFE that the Impact Assessment Phase may commence, the Draft Environmental Impact Report (DEIR) will be compiled and made available for a 30-day comment period. Thereafter the Final Environmental Impact Report (FEIR), together with all comments and responses from the public will be submitted to DFFE for decision. I&APs will be notified in writing of any decisions made by DFFE after submission of the FEIR. Please note that communications regarding the process and the availability of reports will only be sent to registered I&APs.

## **6. CONCLUSION**

The 30-day public participation which commenced from 10 March 2023 to 14 April 2023 and 24 October to 25 November 2022, for the current and lapsed EA application, respectively, were duly concluded and all comments received and responses given are entailed in this CRR. For the lapsed application, additional comments were received from key stakeholders identified by the Competent Authority during December 2022 and January 2023. Following a lapsed EA application, a new public comment period was run from 10 March to 14 April for the updated Draft Scoping Report. The relevant aspects from the CRR will be investigated further in the EIA Phase of this project. Overall, the PPP is in favour of the development as no fatal flaws emerged besides minor issues addressed by updating the DSR which now reflect in the Final Scoping Report (FSR).

## **APPENDICES**

**Appendix E 1:** I&AP Database

**Appendix E 2:** Advertisements

**Appendix E 3:** Initial Notification and Proof of Initial Notification

**Appendix E 4:** Site Notice Placement

**Appendix E 5:** Public Meetings Documentation

**Appendix E 6:** Proof of Correspondences