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Ref: EDMS 202454

Enviroworks

Att: Mrs. Megan Smith

Suite 1064

Private Bag X2

Century City

7446,

Tel: 021) 527 7084 **Email:** Megan.smith@enviroworks.co.za

Dear Mrs. Smith

SUBJECT: COMMENTS ON THE PROPOSED RESTORATION AND MAINTENANCE OF THE BLUESTONE QUARRY WALL, ROBBEN ISLAND

The Oceans & Coasts (O&C) Branch of the Department of Environment Forestry and Fisheries (**DEFF**) has reviewed the Proposed Restoration and Maintenance of the Blue Stone Quarry Wall, Robben Island in the Western Cape in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998), ("**NEMA**") and has provided inputs based on coastal considerations and objectives in terms of the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) ("**ICM Act**").

1. The Environmental Assessment Practitioner (EAP) must take note that the Branch O&C has a mandate to protect the ecological integrity, natural character and the economic, social and aesthetic value of the coastal zone; as well as to protect people, property and economic activities from risks arising from dynamic coastal processes. It further ensures that the use of natural resources in the coastal zone and development associated with the coastal zone is socially and economically justifiable and ecologically sustainable. The EAP is reminded that comments and recommendations as provided below are intended to ensure the achievement of the aims and objectives of the ICM Act and guarantees that the coastal environment will be protected and conserved throughout all phases.

2. National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) ("ICM Act") Sections to be adhered to and implemented by the applicant and Competent Authority (CA):

3. Section 63 of the ICM Act: Environmental authorisations for coastal activities
 - 3.1 Considering what the CA must take into account in terms of Section 63 of the ICM Act that we recommend before an EA is granted, the CA must ensure that sufficient measures to avoid, manage, minimize and mitigate potential adverse impacts in the coastal zone have been identified, addressed and mitigation measures are provided adequately within the Environmental Management Programme report (EMPr), or Maintenance Management Plan (MMP) or EA conditions; and
 - 3.2 Additionally, the CA must take into account the following but not limited to: proposed project associated operational activities; and project potential Impacts on African Penguin, African Black Oystercatcher, Kelp Gulls, Caspian Terns, cormorants, existing structure, the sea, proximity to the nearest Estuary and Marine Protected Area, existing and proposed setback line, and management lines.

4. For the attention of the EAP and CA:
 - 4.1 The applicant must take into account, adhere to and implement the relevant section of the National "ICM Act" applicable to this project;
 - 4.2 To ensure that pollution in the coastal environment and seawater contamination is minimized, we recommend that only work necessary must be undertaken within the CPP. Additionally, no camping site should be planned and established within the CPP;
 - 4.3 No construction activities with the potential to affect the general public to enjoy the coast should be scheduled and take place during peak season;
 - 4.4 Where possible, construction activities should be flexible avoid heavy rain and stormy days. Historical data must be used for best time period allocation;
 - 4.5 Due to natural processes such as sea-level rise, current change, wind speed, erosion, accretion, flooding etc that take place within the coastal environment, mostly influenced by climate change, structures constructed within Coastal Public Property and the sea are likely to require maintenance from time to time in our experience. To ensure that no additional strain is placed

and exposed to our already vulnerable and sensitive coastal environment and the species found within, we recommend when planning for activities associated with the maintenance of the Quarry wall, the designs should avoid areas that has been identified as sensitive and offer important functions, such as habitat and breeding areas where threatened and near-threatened species such as African Penguin, African Black Oystercatcher, Kelp Gulls and Caspian Terns which are considered of important status have been identified to exist. The plan should pay special attention to the lifespan of the Quarry wall and ensuring that the methodology used will be of long term;

- 4.6 Robben Island is home to several endangered and protected species of seabird including penguins, gulls, terns, cormorants, and African Black Oystercatcher. The area where construction is planned is an important breeding site for a large colony of Kelp gulls and swift terns and most recently Cape cormorants. The area for construction is also a landing area or access point for African penguin from foraging;
- 4.7 The most important fact is that for the last few years, a large colony of Cape cormorants has bred in and around the Blue Stone Quarry. Cape cormorants, like African penguins, are listed as an endangered species and will be affected by the construction. The applicants never mentioned the timing at which the construction will begin. And to avoid disturbances to breeding seabirds which are in dire protection, it is recommended that no construction be allowed between September and March during which Kelp gulls, swift terns, Caspian terns and Cape cormorants are breeding;
- 4.8 Therefore, we recommend that construction should be scheduled to avoid any identified local species breeding and migration routes and seasons. Historical data must be used to identify local species and check previous breeding and migration seasons and movements that have the potential of being affected. Furthermore, the constructor is obliged to remain within the designated construction areas and not squander around as most of the birds will be breeding and disturbances should be kept minimal. If done from April to September it must be noted that African penguins will be breeding and any interaction with them is prohibited;
- 4.9 Furthermore, clearing of vegetation for construction purposes should be scheduled where it is only necessary to avoid loss of vegetation and retain as much vegetation as possible so that the area can continue to function and offer services in the best sustainable way as possible;

- 4.10 A large colony of Cape cormorants approximately 2 000 pairs in size has formed at the Blue Stone Quarry. Kelp gull's colonies have also significantly increased. It is our view that vehicle strikes have the potential of killing penguins and disturbing the movement of birds, and can maim one of a breeding pair to have a detrimental impact on caring for chicks or future breeding. A maimed bird has a very slight likelihood of survival. Taking into account the sensitivity of the proposed site and vulnerable species that occur, we recommend that only necessary activities that cannot be performed by persons without the use of vehicles and machinery need to be considered and approved. Therefore, Construction and transportation methodologies that can be performed without the use of vehicles and machinery should be prioritized;
- 4.11 Correspondingly we are extremely concerned that over the past years, Perimeter Road has been closed to traffic for months when Kelp gulls, swift terns, Hartlaub's were breeding, when there are chicks in the gull and tern colonies, to prevent roadkill. With a six-month construction period, likely, the situation where chicks have hatched and are starting to run freely around in the colonies along Western Perimeter Road will arise. The EAP needs to provide information on what additional mitigation measures will be put in place to prevent traffic running over these young birds and if a fence will be erected along both sides of the road;
- 4.12 Furthermore, it is our view that vehicles and machinery have the potential of releasing fuel and oil emissions while in operation. It is our view that the concentrations will be low if vehicles and machinery that will be used are maintained well and inspected regularly by the building contractor. Therefore, we recommend that no vehicles and machinery should be scheduled to be refueled within the coastal zone;
- 4.13 We concur for the appointment of the Control Environmental Officer (CEO) who will ensure that identified mitigation measures and recommendations are taken into account, adhered and implemented. The CEO will also be responsible for undertaking site inspections to ensure compliance with the EA conditions to ensure that the marine ecosystem will be protected and conserved during construction and maintenance phases throughout all phases of this proposed project. Furthermore, the CEO must ensure that employees are aware of the procedure to be followed, and ensures that necessary materials and equipment are available for dealing with spills and leaks;
- 4.14 Correspondingly, it is our firm view that before any action is taken a new and up to date, Avifaunal assessment must be carried out. Only then can a proper assessment be made of the

- impact of the restoration project, and whether the detrimental impacts on both penguins, swift terns and Cape cormorants can be mitigated to a sufficient extent for the project to proceed in its present form, or whether a different approach to commemorating the history of the quarry may need to be envisaged;
- 4.15 You are kindly reminded of your duty of care towards the coastal environment in accordance with section 58 of the ICM Act read together with section 28 of NEMA which states that “Every person who causes, has caused or may cause an adverse effect on the coastal environment must take reasonable measures to prevent such adverse effect from continuing, recurring or occurring or, in so far as such harm to the coastal environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such adverse effect on the coastal environment” by taking into consideration and implement recommendations provided in this comments document recommending measures to be undertaken to ensure the coastal zone is protected, preserved and managed;
- 4.16 Kindly note that the activity may not commence prior to an environmental authorisation being granted by the CA. It is an offence in terms of section 49A “NEMA” for a person to commence with a listed activity unless the CA has granted an environmental authorisation for the undertaking of the activity. A person convicted of an offence in terms of the above is liable to a fine not exceeding 10 million or to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment; and
- 4.17 Please be advised that the Sub Directorate: Coastal Development and Protection within the Branch: O&C is responsible for coordinating and facilitating EIA comments and advice for developments within the marine environment. Kindly forward request of EIA Comments to, Email: OCeia@environment.gov.za.

NB: With the above-mentioned recommendations and conditions, the Branch: O&C has no objections to the proposed Restoration and Maintenance of the Blue Stone Quarry Wall, Robben Island, and recommends for the implementation of the applicant preferred Option 1 conditional that the timing of construction do not coincide with the breeding of the mentioned birds, and mandatory stringent conditions imposed to the applicant to comply to in all phases of this proposed project.

These comments must be sent to the CA for consideration and implementation, and the EAP is kindly requested to submit proof of such submission to us.

Kindly note that the **Department reserves the right to revise its comments and request further information based on any additional information that might be received.** All future correspondence and documentation (hard copy and an electronic copy) must be submitted to our office via OCeia@environment.gov.za / or Physical Address: **Department of Environment Affairs (DEA), Branch: Oceans and Coast, 2 East Pier Building, East Pier Road, Victoria and Alfred Waterfront, Cape Town, 8001.**

Yours Sincerely

A handwritten signature in black ink, appearing to read 'J. Peters', written over a white background.

ACTING DIRECTOR: COASTAL CONSERVATION STRATEGIES

DATE: 26/02/2021