

COMMENTS AND RESPONSE TRAIL REPORT: ESTABLISHMENT OF A WIND ENERGY FACILITY SITUATED ON THE EASTERN PLATEAU (SOUTH), NEAR DE AAR, NORTHERN CAPE PROVINCE: PART 1 APPLICATION FOR AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION AND DRAFT AMENDMENT MOTIVATION REPORT

A Public Participation Process (PPP) in accordance with Chapter 6 of the EIA Regulations (2014), as amended, for the Establishment of a Wind Energy Facility situated on the Eastern Plateau (South), near De Aar, in the Northern Cape Province (also referred to as the De Aar 2 South WEF), has been undertaken to provide Interested and Affected Parties (I&APs) with an opportunity to comment on the Application for Amendment of the EA and associated draft Amendment Motivation Report.

The Public Participation Process included the following, amongst others:

- **Advertisements** (in English and Afrikaans) were placed in the local *The Echo (De Aar)* newspaper on 25 November 2022, and the regional *Noordkaap Bulletin* newspaper on 1 December 2022, notifying potential I&APs of the EA Amendment Application and associated draft Amendment Motivation Report, and inviting member of the public to register as I&APs and to submit comments. Refer to Annexure G1 of the final Amendment Motivation Report.
- **Site notices** (in English and Afrikaans) were placed at visible locations within the site and/or at the boundary of the site. The notices notified I&APs of the Amendment Application process and associated draft Amendment Motivation Report, and invited members of the public to register as I&APs, and to submit comments. Refer to Annexure G2 of the final Amendment Motivation Report.
- **Written notifications** (sent via email or post) to registered I&APs notifying them of the availability of the updated Amendment Application form and draft Amendment Motivation Report for review and comment. Refer to Annexure G4 of the final Amendment Motivation Report for the notifications, and to Annexure G3a for the I&AP database.
- I&AP's (including relevant Organs of State and State Departments) were given an opportunity to review and comment on the updated Amendment Application form and draft Amendment Motivation Report for a 30 day **I&AP comment period** (excluding the period 15 December – 5 January)¹, i.e. from 2 December 2022 – 23 January 2023. Refer to Annexure G6 of the final Amendment Motivation Report.
- Copies of the updated Amendment Application form and draft Amendment Motivation Report were made available as follows during the I&AP comment period:
 - A hard copy of the draft Amendment Motivation Report (which included the updated Amendment Application form) was lodged at the Hennie Liebenberg Public Library in De Aar (Station Street, De Aar). Refer to Annexure G5.
 - An electronic copy of the draft Amendment Motivation Report (which included the updated Amendment Application form) was made available for download on the Holland & Associates Environmental Consultants website (www.hollandandassociates.net).
 - Upon request, the updated Amendment Application form and draft Amendment Motivation Report were available to I&APs via electronic file transfer or Dropbox link. (Note: The Dropbox links were provided in the cover email for notifications sent to I&APs via email). Electronic copies of the updated Amendment Application form and draft Amendment Motivation Report on CD or USB were available on request. Refer to Annexure G4.
 - An outline of the updated Amendment Application form and draft Amendment Motivation Report could be provided verbally (telephonically) to I&APs who are illiterate and/or those with disabilities and/or any other disadvantage, if necessary. Such I&APs could provide their comments via telephone and/or sms (if preferred), and such comments would be included in the Comments and Responses Report.
- A stakeholder meeting was held with Birdlife South Africa (BLSA) on 7 February 2023. Refer to Annexure G9 of the Final Amendment Motivation Report.
- Any additional I&APs who registered during the public participation process have been added to the registered I&AP database. (Refer to Annexure G3b).
- All comments received have been incorporated into this Comments and Response trail report (C&R), and are included in the final Amendment Motivation Report (in

¹ As per the EIA Regulations, 2014, as amended, "For any action contemplated in terms of these Regulations for which a timeframe is prescribed, the period of 15 December to 5 January must be excluded in the reckoning of days".

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Annexure G6) that is being submitted to DFFE for decision making.

This Comments and Response Trail Report (C&R) provides the comments submitted in writing during the 30 day Interested & Affected (I&AP) comment period on the updated Amendment Application form and draft Amendment Motivation Report, i.e. from 2 December 2022 – 23 January 2023 (excluding the period 15 December 2022 – 5 January 2023) (as well as late comments received), and provides the project team’s (Applicant/ EAP/ Specialists, as appropriate) responses thereto.

Note: For ease of reference to I&APs, comments from the same I&AP are displayed together and chronologically in the table, as opposed to the comments appearing in date order, as received.

Table 1: Comments and Response Trail Report (C&R)

No.	Date of comment, format of comment, name of organisation / I&AP	Comment	Response from EAP / Applicant / Specialist
1	2 December 2022 Email DFFE Directorate: Protected Areas (Rofhiwa Magodi)	1.1. Kindly remove me from your database as I’m no longer working with EIAs, remove me from both emails gmail and work email address. You can keep Thivhulawi on the list.	1.1. Tilly Watermeyer (TW) of Holland and Associates Environmental Consultants (H&A) responded on 5 December 2022: Thank you for your email. Your request is noted. We will remove you (gmail and work email addresses) from the database. We will keep Thivhulawi on the database.
2	5 December 2022 Email Endangered Wildlife Trust (Lourens Leeuwner)	2.1. Please send all correspondence to EIA@ewt.org.za and remove me from the list.	2.1. TW responded on 5 December 2022: Thank you for your email. Your request is noted. We will remove you from the database, but keep EIA@ewt.org.za on the list.
3	5 December 2022 Email	3.1. DFFE Directorate: Biodiversity Conservation hereby acknowledge receipt of the invitation to review and comment on the project mentioned on the subject line. Kindly note that the project has been allocated to Mrs P	3.1. TW responded on 6 December 2022:

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	DFFE Directorate: Biodiversity Conservation (Kamogelo Mathetja)	<p>Makitla and Ms M Mudau (Both copied on this email) and will revert back with comments by 23/01/2023.</p> <p>Please note: All Public Participation Process documents related to Biodiversity EIA review and any other Biodiversity EIA queries will be submitted to the Directorate: Biodiversity Conservation at Email: BCAdmin@environment.gov.za for attention of Mr Seoka Lekota</p>	<p>Thank you for acknowledging receipt of our email notification for the abovementioned project. We look forward to your Directorate's comments.</p> <p>Kindly note that all comments submitted by Interested and Affected Parties (I&APs) during the I&AP comment period will be recorded in a Comments & Response Trail Report (C&R report), which will include all comments submitted by I&APs and the project team's responses. The Comments and Response Trail Report will be submitted to the Department of Forestry, Fisheries and the Environment (DFFE) together with the final Amendment Motivation Report for decision making, in due course.</p>
3a	<p>20 January 2023</p> <p>Email</p> <p>DFFE Directorate: Biodiversity Conservation (Mashudu Mudau)</p>	3a.1. Thank you for the reminder. We will be providing comments within the timeframe.	<p>3a.1. TW responded on 20 January 2023:</p> <p>Thank you for your email. We look forward to receiving your Directorate's comments.</p>
3b	<p>23 January 2023</p> <p>Email</p> <p>DFFE Directorate: Biodiversity Conservation (Ms. Mashienyane Portia Makitla)</p>	3b.1. Attached please find the comments from Biodiversity Conservation Directorate for your attention.	<p>3b.1. TW responded on 23 January 2023:</p> <p>Thank you very much for the comments from the Biodiversity Conservation Directorate.</p> <p>Kindly note that all comments submitted by Interested and Affected Parties (I&APs) during the I&AP comment period will be recorded in a Comments & Response Trail Report (C&R report), which will</p>

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			include all comments submitted by I&APs and the project team's responses. The Comments and Response Trail Report will be submitted to the Department of Forestry, Fisheries and the Environment (DFFE) together with the final Amendment Motivation Report for decision making, in due course."
3c	<p>23 January 2023</p> <p>Comments sent via an email</p> <p>DFFE Directorate: Biodiversity Conservation (Mr. Seoka Lekota, letter signed by Ms MP Makitla)</p>	<p>3c.1. COMMENTS ON THE DRAFT PART 1 DRAFT AMENDMENT MOTIVATION REPORT FOR MULILO ESTABLISHMENT OF A WIND ENERGY FACILITY SITUATED ON THE EASTERN PLATEAU (SOUTH) NEAR DE AAR, NORTHERN CAPE PROVINCE</p> <p>The Directorate: Biodiversity Conservation reviewed and evaluated the draft reports.</p> <p>The proposed amendments to the project description, will not result in an increase in the size of the approved development footprint for the project. The footprint will remain the same (as authorised) or be reduced. The proposed amendments does not trigger any new listed activities.</p> <p>The proposed final layout turbine positions will remain within the assessed and authorised project footprint Furthermore, all the proposed 28 positions (of which 26 would be developed) have been assessed. No</p>	<p>3c.1. The Environmental Assessment Practitioner (EAP), Nicole Holland (NH) of Holland & Associates Environmental Consultants (H&A), responded as follows:</p> <p>It is noted that the DFFE's Biodiversity Conservation Directorate does not have any objections to the proposed amendments provided that all recommendations and mitigation measures are included in the final EMPr and adhered to by the holder of the environmental authorisation as amended. All recommendations and mitigation measures provided by the specialists have been included in the final amended EMPr which will be submitted to DFFE for decision-making.</p> <p>All public participation communication with the Biodiversity Conservation Directorate has been via the BCAdmin@environment.gov.za channel, for attention Mr Seoka Lekota.</p>

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		<p>significant changes to the receiving environment have occurred since the original EIA.</p> <p>Based on the information above, the Directorate does not have any objections to the proposed amendment provided that all recommendations and mitigation measures recorded in the Draft motivational report and specialist studies will be included in the final EMPr and adhered to.</p> <p>In conclusion, all 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 the attention of Mr. Seoka Lekota.</p>	
4	<p>9 December 2022</p> <p>Email</p> <p>South African Radio Astronomy Observatory (SARAO) (Thato Nape)</p>	<p>4.1. Enclosed is the SARAO response letter concerning De Aar 2 South WEF.</p>	<p>4.1. TW responded on 12 December 2022:</p> <p>“hank you for the South African Radio Astronomy Observatory’s (SARAO) comments.</p> <p>Kindly note that all comments submitted by Interested and Affected Parties (I&APs) during the I&AP comment period will be recorded in a Comments & Response Trail Report (C&R report), which will include all comments submitted by I&APs and the project team’s responses. The Comments and Response Trail Report will be submitted to the Department of Forestry, Fisheries and the Environment (DFFE) together with</p>

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			the final Amendment Motivation Report for decision making, in due course.
4a	<p>9 December 2022 (letter dated 8 December 2022)</p> <p>Letter sent via email</p> <p>South African Radio Astronomy Observatory (SARAO) (Mr Selaelo Matlhane)</p>	<p>4a.1. RE: APPLICATION FOR AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION: WIND ENERGY FACILITY (WEF) SITUATED ON THE EASTERN PLATEAU (SOUTH) NEAR DE AAR, NORTHERN CAPE PROVINCE.</p> <p>This letter is in response to the proposed wind energy facility and its possible impact on the Square Kilometre Array radio telescopes.</p> <p>SARAO has undertaken a high-level impact assessment based on the information provided for the De Aar 2 South Wind Energy Facility located at coordinates 30°35'25.02"S 24°16'52.93"E. It was determined that the project represents a low risk of interference to the nearest SKA radio telescope with a compliance surplus of 37.94 dBm/Hz. As such, we do not have any objection to the proposed development.</p> <p>Thank you for your correspondence, our office remains open to discuss any matter relating to the above.</p>	<p>4a.1. The EAP responded as follows:</p> <p>It is noted that SARAO has undertaken a high-level impact assessment based on the information provided for the De Aar 2 South Wind Energy Facility and have found that the project poses a low risk of interference to the nearest SKA radio telescope with a compliance surplus of 37.94 dBm/Hz. Considering this, it is noted that SARAO do not have any objection to the proposed development.</p>
5	<p>13/12/2022</p> <p>Email</p>	<p>5.1.</p> <p>Please find herein the attached letter for the above mentioned.</p>	<p>5.1. The EAP responded via email on 13 December 2022 as follows:</p> <p>Thank you. Received.</p>

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	Department of Forestry, Fisheries and the Environment (DFFE): Integrated Environmental Authorisations (Lydia Kutu)	<p>Please do not respond to this mailbox with any queries related to the decision been issued. All queries on the attached decision must be directed to official whose contact details is listed as enquiries.</p> <p>I hope you find all in order.</p> <p>Thank you.</p>	
5a	<p>13/12/2022</p> <p>Letter (dated 12 December 2022) received via email on 13 December 2022</p> <p>Department of Forestry, Fisheries and the Environment (DFFE): Integrated Environmental Authorisations (<i>per Ms Millicent Solomons, signed by Ms Olivia Letlalo on the former's behalf.</i>)</p>	<p>5a.1.</p> <p>COMMENTS ON THE APPLICATION FOR AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 01 MARCH 2013 FOR THE CONSTRUCTION OF A WIND ENERGY FACILITY SITUATED ON THE EASTERN PLATEAU (SOUTH) NEAR DE AAR IN THE NORTHERN CAPE PROVINCE</p> <p>The Environmental Authorisation (EA) issued for the above application by this Department on 01 March 2013, the amendment to the EA dated 21 May 2013, 14 August 2014, 25 January 2016, 07 April 2016, 05 July 2018, 06 September 2019, 24 August 2020, and 21 June 2021, respectively as well as the application for amendment of the EA received by the Competent Authority (CA) on 02 November 2022, and the acknowledgement letter dated 14 November 2022, and the draft Motivation Report received by the CA on 02 December 2022 refer.</p>	

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		<p><u>This letter serves to inform you that the following information must be included to the final Motivation Report:</u></p> <p><u>Application Form</u></p> <ul style="list-style-type: none"> It has been noted that the number of turbines will be reduced to up to 26 in the amendment application, while in the draft EMPr and layout refers to 28 turbines. Please ensure you are consistent in terms of the number of the turbines to be constructed and ensure it aligns with the final EMPr and layout map. 	<p>The EAP responded as follows:</p> <p>Both the EA amendment application and associated Draft Amendment Motivation Report (December 2022), and draft EMPr with associated draft Final Layout Plan (November 2022) included a note that the then proposed final layout consisted of up to 28 possible Wind Turbine Generator (WTG) positions, of which a maximum of 26 WTGs would be constructed.</p> <p>However, based on DFFE’s comment, the Applicant has decided to refine the proposed Final Layout Plan to a 26-turbine layout to avoid confusion, i.e. to include only the 26 turbines in the final layout that will be constructed if the amendments sought to the current EA are approved. In this regard, WTG numbers 9 and 13 have been removed from the 28-turbine position layout that was included in the Draft Motivation Report (and draft amended EMPr (November 2022)). The proposed 26-turbine Final Layout is included in Figure 2 of the final Amendment Motivation Report. (Note that no other changes to turbine positions have been undertaken, only the removal of 2 turbine positions and very minor micro-siting of Turbines 11 and 25 to ensure that the turbines are not within the jackal buzzard buffer</p>

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			<p>areas. Furthermore, please note that the numbering of the turbines has remained the same as the draft Final Layout Plan included in the draft Amendment Motivation Report (and draft Amended EMPr). Accordingly, whilst there are turbines numbered 27 and 28 in the updated Final Layout Plan included in Figure 2 of the final Amendment Motivation Report, there are only 26 turbines in the layout, as turbine positions 9 and 13 have been removed and the numbering of the remaining turbines has been left unchanged. Note also that the proposed Final Layout is included for indicative purposes only in the EA amendment motivation report, as the Final Layout will be submitted to DFFE together with the final amended EMPr for approval shortly (DFFE Ref: 12/12/20/2463/MP1), as required in terms of Conditions of Authorisation 13, 14 and 15 of the EA).</p> <p>The Applicant responded as follows:</p> <p>The final amended EMPr and the final layout map now indicate 26 turbine locations, as recommended by the Department in its comment.</p>
		<p>5a.2.</p> <ul style="list-style-type: none"> • It has been noted that activity 15 of GN R 545 is applied for as it has been indicated that it was omitted, however, the area has been assessed. You are advised to submit with the final motivation similarly listed activity in terms of the EIA Regulation 	<p>5a.2. The EAP responded as follows:</p> <p>That is correct. The inclusion of Activity 15 of GN R 545 into the EA has been applied for since it was erroneously omitted from the original EA Application, whilst the transformation of more than 20 ha was</p>

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		<p>2014, as amended, as well as evidence that the area has been assessed.</p>	<p>indeed assessed by the specialists and EAP in the initial EIA process. Evidence that the area has been assessed is included in Section 2.3 of the final Amendment Motivation Report.</p> <p>The 2014 EIA Regulations, as amended, similarly listed activity that is the equivalent to Activity 15 of GN R545 is Activity 15 of Listing Notice 2 of GN R.984, as amended. The latter listed activity has been included in the updated EA Amendment Application Form and associated final Amendment Motivation Report (refer to Section 2.3), and evidence that the area has been assessed is included in the same Section (2.3) of the final Amendment Motivation Report.</p>
		<p>5a.3.</p> <ul style="list-style-type: none"> • It has been noted that the amendment included the construction of new roads and upgrading of existing roads with a width of 10m during the construction phase and rehabilitated to 6m during operations, however, the length of the abovementioned roads is not indicated in the application form. Therefore, the review of the information submitted indicate the following: <ul style="list-style-type: none"> ➤ The proposed amendment will result in a listed activity been triggered and an environmental 	<p>5a.3. The EAP responded as follows:</p> <p>The proposed new roads, and section of road to be upgraded, would have a 6m width (with a 10m <u>working width</u> during construction, rehabilitated to the final 6m width for the operational phase). The length of road to be upgraded would be less than 1 km in length, and the length of proposed new roads is approximately 39km. (The Application Form for Amendment of the EA and associated Final Amendment Motivation Report have been updated to include the approximate lengths of the proposed new</p>

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		<p>authorisation must be obtained prior commencement of construction.</p> <ul style="list-style-type: none"> ➤ The Environmental Assessment Practitioner (EAP) indicated during the pre-application meeting of 27 June 2022 that the activity related to roads construction did not trigger a listed activity as it was “not relevant at the time of the original application and the roads were not wider than 4m”. In addition, it was indicated that activity 4 of Listing Notice 3 only triggered if specific geographic areas are affected. 	<p>roads and proposed upgraded section of road). It is the EAPs understanding that the proposed amendments will not result in triggering a new EIA listed activity.</p> <p>Regarding Activity 4 of Listing Notice 3, the upgrading of the roads does not trigger this activity because specific geographic areas designated as the relevant receiving environments are not affected. In this regard, the following should be noted:</p> <ul style="list-style-type: none"> • Whilst there was an NPAES focus area on a section of the site at the time of the original EIA process for the project in 2011/2012 (in terms of the NPAES 2010), there is no longer an NPAES focus area on the site in terms of the currently adopted NPAES (2018). There is therefore no NPAES focus area on the site. • There are no CBAs impacted by the proposed amendments on the site. • No expansion of roads would occur within a watercourse, or within 32m or 100m of a watercourse, and the length of road to be upgraded is less than 1km. • No roads would be widened by more than 6m. • The proposed amendments to the project description will not result in an increase in the size of the approved development footprint for the authorised WEF.

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			<p>The Applicant responded as follows:</p> <p>The length of the section of road that will be upgraded is less than 1 km in length. All other roads will be newly constructed roads. The length of the aforementioned roads is indicated in the updated application form. All required listed activities for road construction have previously been authorised and the proposed amendments do not trigger new listed activities.</p>
		<p>5a.4.</p> <p><u>Draft Motivational Report</u></p> <ul style="list-style-type: none"> • It is noted on Page 7 of the application form and page 15 of the draft Motivation Report, that condition 7 of the EA with regards to commencement of the activity must be changed by additional two (2) years, post the (10) years period ending on 01 March 2023. This request adds two years from the original ten years validity period. As such, you are requested to submit the following additional information for the CA to be able to process to make an informed decision: <ul style="list-style-type: none"> ➤ A detailed motivation as to why the CA should extend the commencement period of the authorised development, including the advantages and disadvantages associated with 	<p>5a.4.</p> <p>The Applicant responded as follows:</p> <p>A Part 1 EA amendment application was submitted for a 9-month extension on 02 November 2022, to which the Department responded on the 14th November 2022 with an email that included the following statement "<i>Please note that since you are requesting extension beyond 10 years, the EA can be extended by up to additional 10 years. If you restrict yourself to 9 months period and you do not commence within this period, you will be required to follow the similar process required to extend beyond 10 years</i>".</p> <p>The Applicant therefore re-evaluated the potential time periods, and decided, following the Department's advice, to request a 2-year extension</p>

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		<p>the approval or refusal to the request for extension.</p>	<p>to the current authorisation's validity period, in order to cater for the unlikely event that construction is delayed. Currently construction commencement is planned for approximately September / October 2023.</p> <p>Advantages (associated with approval of the proposed amendments) include: 140MW of power will be taken up by the private off-taker, meaning 140MW would not need to be supplied by Eskom, therefore taking pressure off the grid and reducing the need for load-shedding to other sectors and communities. The project would also have positive impacts on the local economy (including employment) and social conditions. The scientific knowledge gained as being one of the first projects to implement extensive operational mitigations at the start of operations (i.e. pro-actively).</p> <p>The EAP added:</p> <p>A detailed motivation for the proposed extension of the validity period of the current EA is included in Section 2.1 of the Amendment Motivation Report, including the advantages and disadvantages associated with the approval or refusal of the request for extension of the validity period (refer to sections 2.1.2 and 2.1.3 of the Amendment Motivation Report).</p>

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		<p>5a.5.</p> <ul style="list-style-type: none"> ➤ The status (baseline) of the environment (social and biophysical) that was assessed during the initial assessment (by the relative specialist, if applicable), 	<p>5a.5. The EAP responded:</p> <p>An extract from the original Final Environmental Impact Assessment (EIA) Report (Aurecon, 2012) has been attached as Annexure J to the Amendment Motivation Report and it contains a full description of the status (baseline) environment assessed during the initial assessment (2012). Furthermore, the specialists have also addressed the status (baseline) of the environment that was assessed during the initial assessment in their respective and contemporaneous specialist statements for the EA amendment process (refer to specialist statements/reports that collectively comprise Annexure E).</p>
		<p>5a.6.</p> <ul style="list-style-type: none"> ➤ The current status of the assessed environment (social and biophysical) (by the relative specialist, if applicable), 	<p>5a.6. The EAP responded:</p> <p>All specialists have provided a description of the current status of the environment (in their respective fields). Please refer to Section 4.1. of the Amendment Motivation Report for a summary of the specialist's findings, and to Annexures E1 – E11 for each specialist's letter/ report detailing as such.</p>
		<p>5a.7.</p> <ul style="list-style-type: none"> ➤ A review of all specialist studies undertaken, and a detailed assessment, including a site verification report providing an indication of the 	<p>5a.7. The EAP responded:</p> <p>The Terms of Reference for the specialist's inputs is contained in Section 4.1. of the Amendment Motivation Report and the specialists' inputs (including their respective site sensitivity verification)</p>

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		<p>status of the receiving environment (by the relative specialist, if applicable),</p> <ul style="list-style-type: none"> ➤ The terms of reference for the specialist reports and declaration of interest of each specialist must be provided, 	<p>are detailed in Section 4.2. of the Amendment Motivation Report. Section 3.3. of the Final Amendment Motivation Report contains a summary of each specialist's site sensitivity verification report.</p> <p>The respective specialists' declarations of interest are contained within Annexure H1 of the Amendment Motivation Report.</p>
		<p>5a.8.</p> <ul style="list-style-type: none"> ➤ The report mentioned above, must indicate if the impact rating as provided in the initial assessment remains valid; if the mitigation measures provided in the initial assessment are still applicable; or if there are any new mitigation measures which need to be included into the EA, should the request to extend the commencement period be granted by the CA, 	<p>5a.8. The EAP responded:</p> <p>The Amendment Motivation Report indicates whether the impact ratings provided in the initial assessment remain valid and whether the mitigation measures provided in the initial assessment are still applicable (refer to Section 4.2 and Table 13 of the Final Amendment Report). Any new mitigation measures recommended (in addition to those already included in the draft amended EMPr (2022) are included in the motivation report. Please refer to Section 4.2. of the Amendment Motivation Report for details on the impact ratings and mitigation measures and whether or not these have changed since the original assessment.</p>
		<p>5a.9.</p> <ul style="list-style-type: none"> ➤ An indication if there are any new assessments/guidelines which are now relevant to the authorised development which were not undertaken as part of the initial assessment, 	<p>5a.9. The EAP responded:</p> <p>Section 4.2. of the Amendment Motivation Report contains summaries of all the specialists' findings, including discussions of whether there are any new</p>

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		<p>must be taken into consideration and addressed in the report,</p>	<p>assessments/guidelines now relevant to the authorised development which were not considered as part of the initial assessment. Refer also to Annexures E1 – E11 for each specialist’s letter detailing as such.</p>
		<p>5a.10.</p> <ul style="list-style-type: none"> ➤ A description and an assessment of any changes to the environment (social and biophysical) that has occurred since the initial EA was issued, 	<p>5a.10. The EAP responded:</p> <p>Section 4.2. of the Amendment Motivation Report contains summaries of all the specialists’ findings, including their description and assessment of any changes to the environment that has occurred since the initial EA was issued. Refer to Annexures E1 – E11 for each specialist’s input, in full, and to Table 13 for a summary of the findings.</p>
		<p>5a.11.</p> <ul style="list-style-type: none"> ➤ A description and an assessment of the surrounding environment, in relation to new developments or changes in land use which might impact on the authorised project, the assessment must consider the following: <ul style="list-style-type: none"> ✓ similar developments within a 30km radius, ✓ Identified cumulative impacts must be clearly defined, and where possible the size of the identified impact must be quantified and indicated, i.e., hectares of cumulatively transformed land. 	<p>5a.11. The EAP responded:</p> <p>The Amendment Motivation Report contains the findings of the cumulative assessments undertaken by each specialist, taking into consideration the current surroundings. Please refer to the “cumulative impacts” subsections in Section 4.2. of the Amendment Motivation Report for a summary of each specialists’ findings (containing their cumulative impact assessment findings), and to Annexure K for the Cumulative Map showing similar projects within a 30km radius of the site (as per the DFFE Renewable Energy EIA Application (REEA) database 2022 Q2).</p>

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		<ul style="list-style-type: none"> ✓ Detailed process flow and proof must be provided, to indicate how the specialist's recommendations, mitigation measures and conclusions from the various similar developments in the area were taken into consideration in the assessment of cumulative impacts and when the conclusion and mitigation measures were drafted for this project. ✓ The cumulative impacts significance rating must also inform the need and desirability of the proposed development. ✓ A cumulative impact environmental statement on whether the proposed development must proceed. 	<p>A process flow is provided below: Specialist investigations → specialist amendment reporting (for EA amendment application and EMPr and Layout Plan finalisation process), including assessment of cumulative impacts → review/update of draft EMPr (2022) based on specialist and EAP mitigation measures (separate process to EA amendment process) → Part 1 EA amendment application form → update of specialist inputs to address DFFE comments → compilation of draft Amendment Motivation Report (including specialist findings, conclusions and recommended mitigation measures) → public participation period for the updated Application form and draft Amendment Motivation Report → compilation of the Comments and Response Trail Report (including obtaining specialist responses to comments raised on cumulative impacts) → updating the draft Amendment Motivation Report to final Amendment Motivation Report → submission of updated Application form and final Amendment Motivation Report to DFFE for decision-making.</p>
		<p>5a.12.</p> <ul style="list-style-type: none"> • The exact reasons why the project has not commenced since the EA was issued and the reasons that will be linked to number of years requested for this extension of validity. 	<p>5a.12. The EAP responded:</p> <p>Chapter 2 (“Motivation for the Proposed Amendments”), Section 2.1. of the Amendment Motivation Report contains a detailed description of the Applicant’s reasons for the delayed commencement of the development, as well as the</p>

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			motivation for the proposed 2-year extension to the EA validity period.
		<p>5a.13.</p> <p><u>Public participation</u></p> <ul style="list-style-type: none"> Input from relevant Biodiversity stakeholders regarding the revised mitigation measures by the Avifaunal Specialists need to be sought and addressed considering that both this amendment and the application for layout plan approval are for the same project. Information on this must be clear in the final Motivation Report. 	<p>5a.13. The EAP responded:</p> <p>Notification of the public participation process and request for comment was sent on 2 December 2022 to all relevant stakeholders, including relevant biodiversity stakeholders such as BirdLife South Africa (BLSA) and the Endangered Wildlife Trust (EWT), and a reminder email was sent on 16 January 2023, a week before the end of the public comment period. Please refer to Annexure G8 for proof of attempts to obtain comments from biodiversity stakeholders.</p> <p>Comment on the draft Amendment Motivation Report was received from the DFFE Biodiversity and Conservation Directorate, which indicated -“... <i>the Directorate does not have any objections to the proposed amendment provided that all recommendations and mitigation measures recorded in the Draft motivational report and specialist studies will be included in the final EMPr and adhered to.</i>” Please refer to their full comment in 3c of this C&R report.</p> <p>Furthermore, BirdLife South Africa (BLSA) submitted a comment on 26 January 2023 (three days day out of time), and BLSA’s slightly late comment has been</p>

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			<p>included and substantively responded to in this C&R (refer to Section 9 below, and to Annexure G7).</p> <p>A stakeholder meeting was also held with BLSA's authorised representative on 7 February 2023 (which meeting included the EAP, the avifaunal specialists, and the Applicant's authorised representatives) in order to provide an opportunity for open discussion with BLSA and the project team, and to provide clarity on some of the questions/ comments in BLSA's comment dated 26 January 2023 in the interim, and while the formal C&R was being drafted. Annexure G9 to the final Amendment Motivation Report comprises the agreed minutes of the 7 February 2023 meeting with BLSA.</p> <p>The Applicant responded as follows:</p> <p>It should furthermore be noted that Dr Rob Simmons (associate at the Sir Percy Fitzpatrick Institute of African Ornithology, raptor biologist, and member of the Birds and Renewable Energy Specialist Group (BARESG) was consulted regarding the proposed amendments and he gave input into the formulation of the revised mitigation measures, which he deemed appropriate and suitable for the project and in order to reduce potential avifaunal impacts.</p>

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		<p>5a.14.</p> <ul style="list-style-type: none"> Please ensure that comments from all relevant stakeholders are submitted to the CA with the final Motivation Report. This includes but not limited to the Northern Cape Department of Environment and Conservation, South African Heritage Resources Agency (SAHRA), the Department of Forestry, Fisheries and the Environment: Directorate Biodiversity and Conservation at BCAdmin@dffe.gov.za; Department of Agriculture, Land Reform; EWT-Wildlife and Energy programme, Birdlife South Africa, Renosterberg Local Municipality, Pixley ka Seme District Municipality, Department of Water and Sanitation (DWS), and South African Astronomical Observatory (SAAO). 	<p>5a.14. The EAP responded:</p> <p>All comments received from stakeholders have been submitted together with the final Amendment Motivation Report (refer to Annexure G6 and G7). These include comments from:</p> <ul style="list-style-type: none"> The South African Heritage Resources Agency (SAHRA); South African Radio Astronomy Observatory (SARAO); Northern Cape Department of Agriculture, Environmental Affairs, Rural Development and Land Reform (DAELR) Department of Forestry, Fisheries and the Environment: Directorate Biodiversity and Conservation BLSA Read receipts were obtained from SG Booysen and LE Andrews from the Emthanjeni Local Municipality and from the following Pixley Ka Seme District Municipality email address: pixley@albieswireless.co.za <p>Note: The Department of Water and Sanitation (DWS) have issued a General Authorisation (GA) for the project in terms of the National Water Act (NWA), Act No. 36 of 1998 (on 27 September 2022), and did not submit further comment during this PPP. Refer</p>

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			to Annexure H3 for the GA letter. Additionally, the Renosterberg Local Municipality approved the rezoning of the project land on 2 December 2022 and again on 12 January 2023. Please refer to Annexure H4.
		<p>5a.15.</p> <ul style="list-style-type: none"> Furthermore, ensure that all issues raised, and comments received during the circulation of the draft motivation reports from registered I&APs and organs of state which have jurisdiction in respect of the proposed activity are adequately addressed in the final Motivation Report. 	<p>5a.15. The EAP responded:</p> <p>All issues raised and comments received during the public participation period for the draft Amendment Motivation Report have been addressed in the Final Amendment Motivation Report and in this Comments and Response Report, which is attached to the final Amendment Motivation Report as Annexure G6.</p> <p>Please refer to Section 5 of the final Amendment Motivation Report for the full Public Participation Process (PPP) breakdown and Annexure G of the final Amendment Motivation Report for the proof of PPP.</p>
		<p>5a.16.</p> <ul style="list-style-type: none"> Proof of correspondence with the various stakeholders must be included in the final Motivation Report. This must indicate that this draft Motivation Report has been subjected to 30 days public participation process, stating the start and end date of the PPP. Should you be unable to obtain comments, proof should be submitted to the 	<p>5a.16. The EAP responded:</p> <p>Proof of correspondence with stakeholders is attached as Annexure G4 and G8 to the final Amendment Motivation Report. All public participation documentation (for example, but not limited to, the I&AP Notification Letter, the proof of notification and stakeholder comments) is</p>

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		<p>Department of the attempts that were made to obtain comments.</p>	<p>contained within Annexure G which proves that the draft Amendment Motivation Report has been subjected to 30 days of public participation (2 December 2022 – 23 January 2023, excluding the period 15 December – 5 January). The start and end dates of the public comment period were included in the notification letter that was addressed to all registered I&APs.</p> <p>Proof of attempts to obtain comments from various stakeholders is also contained in Annexure G8.</p>
		<p>5a.17.</p> <ul style="list-style-type: none"> A Comments and Response trail report (C&R) must be submitted with the final Motivation Report. 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. Please refrain from summarising comments made by I&APs. All comments from I&APs must be copied verbatim and responded to clearly. Please note that a response such as “noted” is not regarded as an adequate response to I&AP’s comments. 	<p>5a.17. The EAP responded:</p> <p>This Comments and Response trail Report (C&R) has been submitted as Annexure G6 to the final Amendment Motivation Report. The C&R report contains all comments received during the 30 day public participation period (as well as the late comment received from BLSA on 26 January 2023) and is formatted in a table format, as per the format required by the Department.</p> <p>All comments have been copied verbatim (not summarised), excluding the greetings, and have been responded to thoroughly and clearly. No comments have been responded to with “noted”.</p>

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		<p>5a.18.</p> <p>General</p> <p>You are further reminded to comply with Regulation 32(1)(a) of the NEMA EIA Regulations, 2014, as amended, which states that: <i>“The applicant must within 90 days of receipt by the competent authority of the application made in terms of regulation 31, submit to the competent authority –</i></p> <p><i>(a) a report, reflecting—</i></p> <p><i>(i) an assessment of all impacts related to the proposed change,</i></p> <p><i>(ii) advantages and disadvantages associated with the proposed change; and</i></p> <p><i>(iii) measures to ensure avoidance, management and mitigation of impacts associated with such proposed change; and</i></p> <p><i>(iv) any changes to the EMP, which report-</i></p> <p><i>(aa) had been subjected to a public participation process, which had been agreed to by the competent authority, and which was appropriate to bring the proposed change to the attention of potential and registered interested and affected parties, including organs of state, which have jurisdiction in respect of any aspect of the relevant activity, and the competent authority, and</i></p> <p><i>(bb) reflects the incorporation of comments received, including any comments of the competent authority.”</i></p>	<p>5a.18. The EAP responded:</p> <p>It should be noted that the Department’s acknowledgement of receipt email (issued by the Department on 14 November 2022) for the application for amendment of the Environmental Authorisation confirmed that the Application for Amendment of the Environmental Authorisation falls within the ambit of amendments to be applied for in terms of Part 1 of Chapter 5 of the EIA Regulations, 2014, as amended, and referred the Applicant to Regulation 30 of the EIA Regulations, as amended (refer to Annexure H6 for the DFFE acknowledgement email). The acknowledgement email further requested the Applicant to submit the additional information in terms of Regulation 30(1)(a) of the EIA Regulations, 2014, as amended, and not Regulation 31 or 32 of the EIA Regulations, as referred to in the Department’s comment dated 12 December 2022. Accordingly, the additional information as requested by DFFE in their correspondence dated 14 November 2022 has been prepared in terms of Regulation 30(1)(a) of the EIA Regulations, 2014, as amended, as stipulated in the DFFE acknowledgement email dated 14 November 2022.</p> <p>The Amendment Motivation Report that has been compiled includes the information specified in the</p>

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			<p>DFFE correspondence dated 14 November 2022, including an assessment of all impacts related to the proposed amendments, amongst others, in compliance with Regulation 30(1)(a) of the NEMA EIA Regulations, 2014, as amended. (Updates to the draft EMPr are being addressed in the separate EMPr and Layout Plan finalisation process for the project that is in progress (DFFE Ref: 12/12/20/2463/MP1).</p>
		<p>5a.19. Should there be significant changes or new information that has been added to the Motivation Report or EMPr which changes or information was not contained in the reports or plans consulted on during the initial public participation process, you are required to comply with Regulation 32(1)(b) of the NEMA EIA Regulations, 2014, as amended, which states: <i>“the applicant must, within 90 days of receipt of the application by the competent authority, submit to the competent authority – (b) a notification in writing that the report will be submitted within 140 days of receipt of the application by the competent authority, as significant changes have been made or significant new information has been added to the report, which changes or information was not contained in the report consulted on during the initial public participation process contemplated in sub regulation (1)(a) and that the</i></p>	<p>5a.19. The EAP responded:</p> <p>No significant changes or significant new information have been added to the Amendment Motivation Report since the draft Amendment Motivation Report was made available for comment by all registered I&APs.</p> <p>The Applicant is aware of the provisions of Section 24F of the National Environmental Management Act, Act No 107 of 1998, as amended.</p>

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		<p><i>revised report will be subjected to another public participation process of at least 30 days”.</i></p> <p>In the event where sub regulation (1)(b) applies, the report, which reflects the incorporation of comments received, including any comments of the competent authority, must be submitted to the competent authority within 140 days of receipt of the application by the competent authority.</p> <p>Should you fail to meet any of the timeframes stipulated in Regulation 32 of the NEMA EIA Regulations, 2014, as amended, your application will lapse.</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>	
6	<p>14/12/2022</p> <p>Letter received via email</p> <p>South African Heritage Resources Agency (SAHRA) (Natasha Higgit)</p>	<p>6.1.</p> <p align="center">Final Comment</p> <p align="center">In terms of Section 38(4), 38(8) of the National Heritage Resources Act (Act 25 of 1999)</p> <p>Attention: Longyuan Mulilo De Aar 2 South (Pty) Ltd</p>	<p>6.1. No substantive response needed as these are statements of fact.</p> <p>Please note that the Applicant (and holder of the EA) is Mulilo De Aar 2 South (Pty) Ltd, and not Longyuan Mulilo De Aar 2 South (Pty) Ltd. The change in holder was effected by way of an amendment to the first environmental authorisation granted for this project,</p>

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		<p>Proposed Wind Energy Facility situated on the Eastern Plateau (south) near De Aar in the Northern Cape Province: Application for Amendment of Environmental Authorisation (DEA Ref No.: 12/12/20/2463/AM3)</p> <p>Holland & Associates Environmental Consultants has been appointed by Mulilo De Aar 2 South (Pty) Ltd to undertake an Environmental Authorisation (EA) Amendment application for the authorised Wind Energy Facility (WEF) situated in the eastern plateau (south) near De Aar, Northern Cape Province (DEA Ref: 12/12/20/2463/1/AM9).</p> <p>A Draft Amendment Motivation Report has been submitted in terms of the National Environmental Management Act, Act 107 of 1998 (NEMA) and the NEMA Environmental Impact Assessment (EIA) Regulations. The amendment includes several updates to the project description, increase the width of roads to 6 m and upgrade to sections of existing roads, and an increase the size of foundations.</p> <p>Marion Bamford Consulting and ACO Associates CC have been appointed to provide input into the EA Amendment application as per section 24(4)b(iii) of NEMA and section 38(8) of the National Heritage Resources Act, Act 25 of 1999 (NHRA).</p>	<p>as amended (EA amendment decision dated 21 May 2013 (DEA Ref: 12/12/20/2463/1), which amendment was approved by DFFE on 7 April 2016 (DEA Ref: 12/12/20/2463/AM4).</p>

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		<p><i>Bamford, M. 2022. Specialist Statement – Palaeontology Mulilo De Aar 2 South Wind Energy Facility: EA Amendment Application</i></p> <p>The specialist has confirmed that the impact rating and mitigation measures provided in the initial assessment are still valid and no new mitigation measures are required to be added to the EA or EMPr.</p> <p><i>Gribble, J. 2022. Mulilo De Aar 2 South Wind Energy Facility: Part 1 Environmental Authorisation Amendment Application: Heritage Specialist Impact Statement</i></p> <p>A walkdown was conducted as per previous recommendation. This walkdown identified four heritage resources that include surface scatters of Stone Age lithics of medium heritage significance, historical ash heap and historical werfs of low heritage significance.</p>	
		<p>6.2.</p> <p>Recommendations provided in the walkdown report include the following:</p> <ul style="list-style-type: none"> The final layout plan avoids the three archaeological sites identified in the 2011 HIA. None of these sites will thus be impacted by the final layout plan and the requirement that they are archaeologically sampled can fall away; 	<p>6.2. No response needed as this is a statement, and is correct.</p>

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		<p>6.3</p> <ul style="list-style-type: none"> All identified stone-walled kraals must be avoided during construction. ACO has provided the locations of these kraals for inclusion in the Environmental Sensitivity Map for the final layout plan and the kraal complexes must be demarcated prior to construction and labelled as no go areas during construction; 	<p>6.3. The EAP responded:</p> <p>All recommendations by the heritage specialist have been adhered to in terms of the proposed final layout plan and included in the amended EMPr. All identified stone-walled kraals have been avoided in the proposed Final Layout Plan and will be clearly demarcated as no go areas prior to construction. A Heritage Sensitivity Map has been compiled and will be included in the final amended EMPr, to clearly show the location of the kraal complexes and heritage buffers, for ease of reference.</p>
		<p>6.4.</p> <ul style="list-style-type: none"> The 500 m buffers in place around the Kranskop and Vendussie Kuil farm werfs will remain although: The small overlap of the laydown area and access road with the Kranskop buffer is permitted; and the access road within the Vendussie Kuil buffer is permitted, but that instead of constructing a new road within a short distance of the farm complex, the section of the existing farm road within the buffer is upgraded to serve as the access road, thereby limiting the impacts of the WEF on the farm complex; 	<p>6.4. The EAP responded:</p> <p>No response needed as this is a statement, and correctly reflects the recommendations of the heritage specialist. All recommendations by the heritage specialist have been adhered to and are reflected in the final site layout plan and amended EMPr.</p>

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		6.5. <ul style="list-style-type: none"> • 30 m buffer to be adhered to around G113 or the site must be mitigated; 	6.5. The EAP responded: All recommendations by the heritage specialist have been adhered to and are reflected in the final layout plan and included in the amended EMPr for the project.
		6.6. <ul style="list-style-type: none"> • 60 m to be adhered to around G110 or the site must be mitigated; 	6.6. The EAP responded: All recommendations by the heritage specialist have been adhered to in the Final Layout Plan and included in the amended EMPr for the project.
		6.7. <ul style="list-style-type: none"> • 20 m buffer to be adhered to around JG104 and JG134 or the sites must be mitigated. 	6.7. The EAP responded: All recommendations by the heritage specialist have been adhered to in the final layout plan and are included in the amended EMPr for the project.
		6.8. <ul style="list-style-type: none"> • The specialist states that the proposed EA amendments will result in a reduction in the physical WEF footprint and the impacts to heritage resources. Larger hardstands and wider roads may result in limited and minor impacts that can be mitigated. 	6.8. No response required as this is a statement, which correctly reflects what was indicated by the heritage specialist.

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		<p>6.9.</p> <p>Final Comment</p> <p>The following comments are made as a requirement in terms of section 3(4) of the NEMA Regulations and section 38(8) of the NHRA in the format provided in section 38(4) of the NHRA and must be included in the Final Amendment Report and EMPr:</p> <ul style="list-style-type: none"> • 38(4)a – The SAHRA Archaeology, Palaeontology and Meteorites (APM) Unit no objections to the proposed amendment to the development; 	<p>6.9. The EAP responded:</p> <p>It is noted that the SAHRA Archaeology, Palaeontology and Meteorites (APM) Unit has no objections to the proposed amendment to the development.</p> <p>SAHRA’s Final Comment has been included in the Final Amendment Report – refer to Annexure H5).</p>
		<p>6.10.</p> <ul style="list-style-type: none"> • 38(4)b – All previously provided conditions by the heritage specialists must be adhered to as stated in the letter issued on the SAHRIS Case application on 08/03/2016 (http://sahra.org.za/sahris/node/358381) with the exception of the walkdown requirement, as this has been completed; 	<p>6.10. The EAP responded:</p> <p>All conditions provided by the heritage specialists and as stated in the letter issued by SAHRA on 08/03/2016 have been adhered to in the finalisation of the site layout plan. The findings from the walkdown conducted by the heritage specialist in 2022 informed the finalisation of the site layout plan. Note that the heritage specialist stated in the heritage walkdown report (2022) (included in Annexure E4 of the Amendment Motivation Report) for the Final Layout that the recommendations included in the heritage walkdown report (2022) replace those included in the HIA (2011) and Addendum report (2015).</p>

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		<p>6.11.</p> <ul style="list-style-type: none"> 38(4)c(i) – If any evidence of archaeological sites or remains (e.g. remnants of stone-made structures, indigenous ceramics, bones, stone artefacts, ostrich eggshell fragments, charcoal and ash concentrations), fossils or other categories of heritage resources are found during the proposed development, SAHRA APM Unit (Natasha Higgitt/Phillip Hine 021 462 5402) must be alerted as per section 35(3) of the NHRA. Non-compliance with section of the NHRA is an offense in terms of section 51(1)e of the NHRA and item 5 of the Schedule; 	<p>6.11. The EAP responded:</p> <p>This condition is included in the Amended EMPr (in SDEMA4.13 <i>“Protection of archaeological and palaeontological remains”</i>).</p>
		<p>6.12.</p> <ul style="list-style-type: none"> 38(4)c(ii) – If unmarked human burials are uncovered, the SAHRA Burial Grounds and Graves (BGG) Unit (Thingahangwi Tshivhase/ Ngqabutho Madida 012 320 8490), must be alerted immediately as per section 36(6) of the NHRA. Non-compliance with section of the NHRA is an offense in terms of section 51(1)e of the NHRA and item 5 of the Schedule; 	<p>6.12. The EAP responded:</p> <p>This condition is included in the amended EMPr (in SDEMA4.13 <i>“Protection of archaeological and palaeontological remains”</i>).</p>
		<p>6.13.</p> <ul style="list-style-type: none"> 38(4)d – See section 51(1) of the NHRA regarding offences; 	<p>6.13. The EAP responded:</p> <p>In terms of offences, the Applicant has taken note of Section 51(1) of the NHRA. The Amended EMPr refers to Section 51(1) of the NHRA in terms of</p>

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			offences (in SDEMA4.13 “ <i>Protection of archaeological and palaeontological remains</i> ”).
		<p>6.14.</p> <ul style="list-style-type: none"> • 38(4)e – The following conditions apply with regards to the appointment of specialists: • i) If heritage resources are uncovered during the course of the development, a professional archaeologist or palaeontologist, depending on the nature of the finds, must be contracted as soon as possible to inspect the heritage resource. If the newly discovered heritage resources prove to be of archaeological or palaeontological significance, a Phase 2 rescue operation may be required subject to permits issued by SAHRA 	<p>6.14. The EAP responded:</p> <p>This condition is included in the final EMPr (in SDEMA4.13 “<i>Protection of archaeological and palaeontological remains</i>”).</p>
		<p>6.15.</p> <ul style="list-style-type: none"> • The decision regarding the EA Amendment Application must be communicated to SAHRA and uploaded to the SAHRIS Case application. <p>Should you have any further queries, please contact the designated official using the case number quoted above in the case header.</p>	<p>6.15. The EAP responded:</p> <p>Once a decision on the amendment application has been issued by DFFE, SAHRA (along with all other registered I&APs) will be notified of the decision and the notification letter will be uploaded to the SAHRIS Case application.</p>

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7	<p>17/01/2023</p> <p>Email to Zanlele Manyathi of Transnet (EAP was copied into email)</p> <p>Transnet (Annelize Harmse)</p>	<p>7.1.</p> <p>Good Morning</p> <p>The attached EA Amendment application is for your further attention, please.</p> <p>Regards</p> <p>Annelize Harmse</p> <p>Chief Admin Official</p>	<p>7.1. The EAP did not respond to the email because the email was not addressed to them. The EAP was only copied into the email.</p>
8	<p>17/01/2023</p> <p>Email</p> <p>Northern Cape Department of Agriculture, Environmental Affairs, Rural Development and Land Reform (DAERL) (Natalie Uys)</p>	<p>8.1.</p> <p>Thank you for sending.</p> <p>I've read through the letter and just want some clarification on the following statements –</p> <p><i>"Removing the specified MW generation capacity per turbine (currently stipulated as "2.3MW – 6.0MW") to facilitate selection of the optimum wind turbine available at design phase".</i></p> <p>Please indicate if they are planning to put up bigger turbines based on the foundation amendments because both the bat and avifauna specialist report background indicate that smaller turbines will be installed.</p>	<p>8.1. TW of H&A responded on 19 January 2023:</p> <p>Thank you for your email.</p> <p>Kindly note that the Applicant is not applying to construct turbines bigger than the currently authorised dimensions (maximum 120m hub height & maximum 165m rotor diameter), i.e. there are no proposed changes to the maximum turbine specifications (size). The request to remove the currently specified MW generation capacity per turbine from the project description (specified 2.3MW – 6.0MW) is due to turbine technology advancements (and competition amongst suppliers) that now allow for turbines of the same size to produce more MW than previous models. In line with South Africa's urgent need for power and the emphasis on renewable energy to meet Renewable Energy targets and the requirements of the IRP, there is a need to maximise the efficiency of the project to produce as</p>

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			<p>much renewable energy from the same, or smaller footprint and/or turbine size.</p> <p>Furthermore, the applicant is reducing the maximum number of turbines authorised from 61 to 26, and it is proposed to add the words “up to” in front of the currently authorised turbine dimensions for hub height and rotor diameter simply to allow for the possibility of smaller turbines needing to be constructed, if required, due to suppliers. Kindly note that the bat and avifauna specialists both support the amendment to remove the specified MW generation capacity per turbine and include the words “up to” in front of the authorised turbine dimensions, and they have considered the maximum turbine dimensions in their assessments (as a worst-case scenario). The proposed amendment to the foundation dimensions is to align with the current wind turbine technology available in the market for turbines with rotor diameter and hub height specifications as specified in the environmental authorisation, as amended, and not for the construction of larger turbines than what is currently authorised.</p> <p>Kindly note that all comments submitted by Interested and Affected Parties (I&APs) during the I&AP comment period will be recorded in a Comments & Response Trail Report (C&R report), which will include all comments submitted by I&APs and the project team’s responses. The Comments and</p>

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			<p>Response Trail Report will be submitted to the Department of Forestry, Fisheries and the Environment (DFFE) together with the final Amendment Motivation Report for decision making, in due course.</p> <p>Please do not hesitate to contact me should you have any further queries.</p>
8a	<p>19/01/2023</p> <p>Email</p> <p>Northern Cape Department of Agriculture, Environmental Affairs, Rural Development and Land Reform (DAERL) (Natalie Uys)</p>	<p>8a.1.</p> <p>Thank you for the indepth clarification.</p>	<p>8a.1. No response required as Ms Uys is thanking TW for the information provided in the previous comment (8.1.).</p>
8b	<p>23/01/2023</p> <p>Email</p> <p>Northern Cape Department of Agriculture, Environmental Affairs, Rural Development and Land Reform (DAERL) (Elsabe Swart)</p>	<p>8b.1.</p> <p>All the best with 2023 and all it will have to offer!</p> <p>Attached, please find our comments on the above amendment application.</p> <p>Please feel free to contact Natalie should you have any questions.</p>	<p>8b.1. TW responded on 24 January 2023:</p> <p>Thank you, and all the best to you too for 2023.</p> <p>Thank you very much for the comments from the Department of Agriculture, Environmental Affairs, Rural Development and Land Reform.</p> <p>Kindly note that all comments submitted by Interested and Affected Parties (I&APs) during the I&AP comment period will be recorded in a Comments &</p>

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			<p>Response Trail Report (C&R report), which will include all comments submitted by I&APs and the project team's responses. The Comments and Response Trail Report will be submitted to the Department of Forestry, Fisheries and the Environment (DFFE) together with the final Amendment Motivation Report for decision making, in due course.</p>
8c	<p>23/01/2023</p> <p>Letter sent via an email</p> <p>Northern Cape Department of Agriculture, Environmental Affairs, Rural Development and Land Reform (DAERL) (Natalie Uys & Elsabe Swart)</p>	<p>8c.1.</p> <p>RE: ESTABLISHMENT OF A WIND ENERGY FACILITY SITUATED ON THE EASTERN PLATEAU (SOUTH) NEAR DE AAR, NORTHERN CAPE PROVINCE: PART 1 APPLICATION FOR AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION: AVAILABILITY OF THE DRAFT AMENDMENT MOTIVATION REPORT FOR COMMENT PUBLIC PARTICIPATION PROCESS (DFFE REF No.: 12/12/20/2463/1/AM9) (DENC REF No. NC/BA/14/PIX/EMT/DEA5/2014)</p> <p>Your Draft Amendment Motivation Report and subsequent Biodiversity Appendices for the Eastern Plateau (South) near De Aar, Northern Cape Province (DFFE REF No.: 12/12/20/2463/1/AM9) (DENC REF No. NC/BA/14/PIX/EMT/DEA5/2014), dated December 2022 has reference:</p>	<p>8c.1. The EAP responded:</p> <p>It is apparent that the draft Amendment Motivation Report included a minor editorial error in that it referred to "<u>Addendum</u> E5" in the sentence being referred to instead of "<u>Annexure</u> E5" (i.e. the report included "Annexures" and not "Addenda". The reference "Appendix 1 of Addendum E5" accordingly is meant to state "Appendix 1 of Annexure E5". This minor editorial error has been corrected in the final Amendment Motivation Report.</p> <p>The above said, kindly note that Appendix 1 of Annexure E5 was attached to the draft Motivation Report, i.e. it is the first Appendix to the specialist comment (in Annexure E5) and it duly included the avifaunal walkthrough report.</p> <p>Please do not hesitate to contact us in future should you have any queries or problems locating any of the Annexures.</p>

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		<p>1. Comment: The specific mitigation actions that have been incorporated into the EMPR regarding Verreux eagles could not be determined as the reference mentioned on page 61 could not be found: <i>“The information reference on page 61 relating to the EMPR recommendations could not be located (See - “proposed revised mitigation measures are detailed in the avifaunal walkthrough report for the updated EMPr [refer to Appendix 1 of Addendum E5]”</i>”</p>	<p>Please also note that Appendix 1 of Annexure E5, the <i>Avifaunal Walkthrough Report</i> also formed part of the draft amended EMPr and updated Site Layout Plan process for this project (De Aar 2 South WEF) which was recently out for public comment (14 November 2022 - 14 December 2022). L Geldenhuis from the Northern Cape DAERL provided comment on these documents on 23 November 2022, and stated the following regarding the revised avifaunal mitigation measures: <i>“The development area is within the Platberg-Karoo Important Bird Area, but the extensive mitigation measures and layout changes that have been included in the EMPr to minimise the development’s impact on avifauna are expected to be sufficient.”</i></p>
		<p>8c.2. 2. The amendment for the reduction of the number of turbines and reduction of the height of the turbines are supported.</p>	<p>8c.2. The EAP responded: It is noted that DAERL supports the reduction in the number of turbines and the potential reduction in the height of the turbines (please note that the height of the turbines is only being reduced if necessary). The maximum height (hub height) of the turbines would be 120 m and the maximum rotor diameter would be 165 m, as per the current environmental authorisation.</p>
		<p>8c.3.</p>	<p>8c.3. Chris van Rooyen and Albert Froneman (the avifaunal specialists who undertook and reported on further avifaunal impact-related reporting for the</p>

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		<p>3. That being said, the adjusted turbine layout still resides in a high Verreaux eagle sensitive area and within close proximity to nests. Verreaux eagle mortalities also have been reported at the 2x existing wind energy facilities in the area. It is recommended that the EMPr includes the mitigation actions as specified in the Birdlife South Africa Guidelines (Birdlife South Africa, 2021):</p> <p>a. <i>"The Environmental Management Programme (EMPr) must include specific, measurable and timebound impact management objectives and actions to further minimise the risk of collisions and disturbance.</i></p> <p>b. <i>Operational phase mitigation (e.g. shut-down on demand) must be proactively implemented (section 5.2)</i></p> <p>c. <i>Steps must be taken to avoid increasing the prey population (and thereby attracting eagles to the wind farm). For example, excavated rocks (attractive to hyrax prey) and animal carcasses should be removed.</i></p> <p>d. <i>No construction activities (e.g. new roads) should be allowed within 1 km of nests during the breeding season (i.e. from when egg laying is expected to start, until the fledgling has left the nest normally between April and October) (section 6.8).</i></p> <p>e. <i>Operational-phase monitoring (carcass searches and breeding activity) must be implemented for</i></p>	<p>current amendment application) responded as follows:</p> <p>a) Noted. The EMPr will be updated to ensure these objectives are met.</p> <p>b) That is part of the proposed mitigation. A programme of observer-based Shutdown on Demand (SDoD) to reduce potential SCC turbine collisions will be implemented for the whole wind farm. Trigger species are the following: Verreaux's Eagle, Martial Eagle, Black Stork, Lanner Falcon, Tawny Eagle, Lesser Kestrel, Amur Falcon, Cape Vulture and White-backed Vulture. The details of the SDoD (number of observation points, training of observers and scheduled shifts) will be determined in consultation with the avifaunal specialist, who must be appointed shortly after financial close of the project, and prior to construction commencing. The SDoD programme must be in place when the turbines start turning in the testing phase.</p> <p>c) Rock piles will be removed, and where it is impractical to remove them, they will be filled in and compacted with topsoil to prevent the rock piles from becoming attractive habitat for Rock Hyrax,</p> <p>d) No construction activities (e.g. new roads) will take place within 1km of a VE nest during the breeding season.</p>

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		<p><i>the lifespan of the facility and eagle fatalities must be immediately reported to BirdLife South Africa and the relevant conservation authority (section 6.8).</i></p> <p><i>f. All nests within 7-10 km of the nearest turbine should be monitored for breeding activity throughout the lifespan of the wind farm (including during construction), but care must be taken to ensure that monitoring activities do not disturb breeding birds. Occupancy and the outcome of nesting must be reported on annually (section 6.8).</i></p> <p><i>g. As far as possible, powerlines associated with the facility should be constructed underground. Where this is not possible, structures must be designed to eliminate the risk of electrocution”</i></p>	<p>e) Operational monitoring will be implemented according to the BLSA best practice guidelines. Live bird monitoring will be implemented for Years 1 – 3, and then again in Year 5 and every five years thereafter. Carcass searches and nest monitoring will be implemented for the lifetime of the facility.</p> <p>f) Nest monitoring will be implemented for the lifetime of the facility.</p> <p>g) All internal 33kV medium voltage cables will be buried if technically and practically possible. Those sections where the 33kV medium voltage cable cannot be trenched due to technical or environmental reasons, but needs run on overhead poles, the proposed pole designs will be approved by the avifaunal specialist, to ensure that the designs are raptor-friendly.</p> <p>The Applicant responded:</p> <p>The revised final turbine layout does not result in any turbine being in close proximity to a Verreaux’s eagle nest. The EA condition states that “<i>No wind turbine must be erected within 800m radius of the Booted Eagle and the Verreaux’s Eagle nests at...</i>”. Turbine positions in the adjusted turbine layout far exceed this requirement.</p>

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			<p>b. Shut-down on demand (SDoD) is a mitigation measure included in the updated EMPr which will be proactively implemented as per the avifaunal specialists' recommendation.</p> <p>c. This is a mitigation measure included in the updated EMPr. It states: <i>"Care must be taken not to create habitat for prey species that could draw priority raptors into the area and expose them to collision risk. Rock piles must be removed or covered and compacted with topsoil to prevent them from becoming habitat for Rock Hyrax (Dassie)."</i></p> <p>f. Appropriate nest monitoring will form part of the ToR for the bird specialist appointed during the operational phase.</p> <p>g. All above ground pylon structures will be designed to avoid electrocution risk, and the exact structures will be approved by an avifauna specialist, who will also inspect them, once constructed (i.e., "as built") to ensure effectiveness.</p>
		<p>8c.4. 4. The EMPr must also cater for curtailment /shutdown during locust migrations.</p>	<p>8c.4.</p> <p>The Applicant responded:</p> <p>It is our understanding that this comment is related to the potential increase in bird (and particularly raptor) foraging behaviour during locust outbreaks. The recommend shutdown / curtailment would not be to protect locusts, but to protect foraging birds. This by</p>

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			<p>default will happen, as permanent ongoing SDoD (all turbines) and curtailment (selected turbines) is in place to reduce bird impact, at all times, including when there are locust outbreaks.</p> <p>Chris van Rooyen and Albert Froneman (the avifaunal specialists') responded:</p> <p>It is recommended that the SDoD programme includes Ludwig's Bustard, Lesser Kestrel and Amur Falcon as trigger species. These are the species that will most likely be impacted should any locust irruptions take place, as they might be attracted in large number to flocks of flying locusts.</p>
		<p>8c.5.</p> <p>5. Provincial permits will be needed for clearing and handling of protected flora, as well as the handling of protected fauna. Estimated numbers must be provided for specially protected and protected flora when applying for permits.</p>	<p>8c.5. The Applicant responded:</p> <p>The Applicant has recently submitted an application to the Northern Cape DAERL for the required permits based on the results of the final ecological walk downs for the project.</p>
9	<p>26/01/2023</p> <p>Email</p> <p>BirdLife South Africa (Samantha Ralston-Paton)</p>	<p>9.1.</p> <p>Please see the attached comments. Apologies for the late submission, but we have struggling to keep up with the flood of EIA applications related to renewables.</p>	<p>9.1. TW responded on 27 January 2023:</p> <p>Thank you for the comments from BirdLife South Africa.</p> <p>We would like to set up a meeting with you to discuss BirdLife's comments and concerns. Kindly confirm at</p>

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		<p>Please do not hesitate to contact me if you have any questions.</p>	<p>your earliest convenience if you would be available for a meeting next week Tuesday or Wednesday.</p> <p>Kindly note that all comments submitted by Interested and Affected Parties (I&APs) will be recorded in the Comments & Response Trail Report (C&R report), which will include all comments submitted by I&APs and the project team's responses. The Comments and Response Trail Report will be submitted to the Department of Forestry, Fisheries and the Environment (DFFE) together with the final Amendment Motivation Report for decision making, in due course.</p> <p>We look forward to your response.</p>
9a	<p>26/01/2023</p> <p>Letter sent via an email</p> <p>BirdLife South Africa (Samantha Ralston-Paton)</p>	<p>9a.1.</p> <p>REL ESTABLISHMENT OF A WIND ENERGY FACILITY SITUATED ON THE EASTERN PLATEAU (SOUTH) NEAR DE AAR, NORTHERN CAPE PROVINCE: PART 1 APPLICATION FOR AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION: AVAILABILITY OF THE DRAFT AMENDMENT MOTIVATION REPORT FOR COMMENT PUBLIC PARTICIPATION PROCESS</p> <p>DFFE REF No.: 12/12/20/2463/1/AM9, DENC REF No. NC/BA/14/PIX/EMT/DEA5/2014</p>	<p>9a.1. No response required as this is a factual statement. Responses to the substantive comments received from BLSA are detailed below.</p>

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		<p>Thank you for the opportunity comment on the above application. BirdLife South Africa acknowledges that environmental authorisation for the project was granted for a larger number of turbines and that the receiving environment has not changed significantly since. The proposed reduction in the number of turbines is therefore welcome. However, we note the following concerns:</p>	
		<p>9a.2.</p> <p>1. New information</p> <p>New information has since come to light that indicates that the impacts on threatened bird species are likely to be much more significant than initially predicted. In light of this new information, we cannot support the proposed development (even with the proposed amendments), or the of the extension of the environmental authorisation.</p> <p>This new information includes a) a much better understanding of the risk wind turbines pose to Verreaux’s Eagle (e.g. as summarised in BirdLife South Africa’s second edition the Guidelines for Verreaux’s Eagle and Wind Farms, 2021), b) more robust data (for the site, from adjacent operational wind farms and wind farms regionally)m and c) new tools to predict where Verreaux’s Eagle might be at risk within the landscape (e.g. Verreaux’s Eagle Risk Assessment Model, VERA).</p>	<p>9a.2.</p> <p>The EAP responded:</p> <p>The avifaunal specialists confirmed that the new information referred to by BLSA was considered and taken into consideration in the avifaunal reports (i.e. the walkthrough survey report for the EMPr update and Layout Plan finalisation process, as well as the avifaunal report for the EA amendment process).</p> <p>The Avifaunal specialists (Chris van Rooyen and Albert Froneman) responded:</p> <p>We believe that the fact that the applicant already has a valid authorisation for 61 turbines, is a fact that cannot be ignored and that a reasonable compromise should be found between the legitimate expectations of the applicant and the potential negative impacts on Verreaux’s Eagles. We further feel that the current layout, coupled with the extensive mitigation that is</p>

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		<p>We note that a significant number of proposed turbines are located within high-risk areas identified by the VERA and verified by site-specific data collection. We are concerned that despite the reduced number of turbines, there is a significant risk of fatalities of Verreaux’s Eagle and other threatened bird species. Although the avifaunal assessment indicates the amendment will result in a reduced “collision risk rating”, potential fatality rates for threatened species have not been estimated with and without mitigation (e.g. using collision risk modelling and/or drawing on operational phase motoring data from nearby wind farms).</p>	<p>proposed, constitute such a compromise as it will reduce the risk of turbine collisions. We want to stress that if this was a brand-new project, we would have insisted on a strict application of the latest VE guidelines, but under the current circumstances, we are satisfied that the combination of reduced turbines and extensive mitigation (SDoD, curtailment, and blade painting) will reduce the risk of collisions, even if it does not eliminate it entirely. It should be pointed out that even a strict application of the VERA model still does not eliminate the risk of collisions, as collisions also take place in VERA low risk zones. This is also a valuable opportunity to test the proposed combination of mitigation measures, given the fact that we already have very good baseline data on the mortality rates at the adjacent De Aar 2 North wind farm.</p> <p>The Applicant responded:</p> <ol style="list-style-type: none"> 1. New information. <p>The latest new information on bird impacts was available to the specialists and was considered in the design of the final layout, and the updated specialist recommendations.</p> <ol style="list-style-type: none"> a) The applicant is aware of the risk that turbines pose to Verreaux’s Eagle. It should be noted that the updated guidelines (Guidelines for Verreaux’s Eagle and Wind Farms, 2021, 2nd edition), were

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			<p>released well after the applicant had begun additional bird monitoring in 2020 and well after the layout finalisation process had begun. To finalise the layout, the applicant did nonetheless consider the guidelines at the time, and even though the project was previously authorised. The VERA model was run by the applicant (when it was still in beta/testing phase), and the vast majority of turbines were removed from high-risk areas. The project's avifaunal specialists (who have considerable expertise and experience, and extensive and in-depth knowledge of the site and surrounding areas) is in support of the proposed amendments.</p> <p>b) The avifaunal specialists considered the available mortality data when assessing and commenting on the EA amendments and the final layout. Chris van Rooyen, one of the avifaunal specialists, is the same person who is working currently on the operational sites near De Aar and is aware of the impacts there. The lessons learnt from these operational sites were considered in assessing the new proposed layout.</p> <p>c) When the applicant began the process of further bird monitoring in 2019/2020 and in order to inform the final layout, the VERA model was in a testing/ non-final phase. Nevertheless, the model was run and the outputs used to guide the final placement</p>

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			<p>of turbines. Thirty-five (35) turbines were removed from the 61-turbine layout assessed in the authorised Part 2 EA amendment process in 2015 – 2016. Further to this, the applicant contends that there are legal impediments to retrospective application of “guidelines” in respect of an already authorised project. The project has authorisation to construct 61 turbines, and the current proposed amendments are a significant improvement from a bird impact perspective than what is currently authorised. If the current authorisation had been effected (subject of course to final layout and EMPr approval first being obtained) by the commencement of construction at the time it was granted (i.e. without the proposed and significant reduction of turbines as described above) the VERA model would have played no role because it was not yet in existence.</p> <p>Forty-eight (48) turbines were in the VERA high risk areas, if one considers the 61 turbine layout submitted to the department with the 2016 Part 2 amendment (that was approved). Furthermore, a number of these were substantially closer to Verreux’s Eagle nests, as the current EA condition regarding exclusion buffers, says turbines only need to be 800m away from nests. The new proposed 26 turbine layout has only 14 turbines within high-risk areas and all turbines are >2,4 km from a known nest.</p>

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			<p>We believe that, due to these layout changes, as well as the extensive mitigation measures proposed (which will become legally incumbent on the operator to implement), potential mortalities of Verreux's Eagles (and other threatened bird species) will not be significant and will be outweighed by the myriad of other positive impacts from the project.</p>
		<p>9a.3.</p> <p>2. Cumulative impacts</p> <p>We are especially concerned about the risk cumulative impacts on populations of threatened bird species. It is unclear if there was any biological rationale for using a 30 km radius when assessing cumulative impacts on birds, and we suggest that it would be more appropriate to expand this radius to include a more ecologically appropriate area (e.g. the karoo biome).</p> <p>Although the avifaunal specialist has access to, and was in fact responsible for, post-construction monitoring of impacts on birds at the nearby De Aar 2 and Maanhaarberg wind farms, the avifaunal report fails to consider the impacts of these facilities on birds in the cumulative impact assessment.. The specialist assessment of cumulative impacts (i.e. that the significance of cumulative impacts would be high</p>	<p>9a.3.</p> <p>The EAP responded as follows:</p> <p>The Terms of Reference for specialist inputs were compiled in terms of the additional information requested by DFFE in the latter's correspondence dated 12 December 2022. In this regard, the aforementioned correspondence indicated the following "... <i>the assessment must consider the following: similar developments within a 30km radius...</i>". The latest available data from the DFFE website was utilised to inform the cumulative assessments (i.e. REEA 2022, Q2 and well as the DFFE Screening Tool Report).</p> <p>The De Aar 2 North and De Aar Maanhaarberg WEF projects were taken into account in the avifaunal specialists' cumulative assessment, and reference is made in the avifaunal specialists' report to both the</p>

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		<p>with regards to collision mortality but it could be reduced to moderate with appropriate mitigation) is at odds with the following quote taken from the monitoring report for De Aar 2 (year 4) (van Rooyen and Froneman 2022):</p> <p>“For Red Data species which have been killed at the wind farm, the estimated (adjusted) mortality rates for the directly affected populations exceed the ORNIS 1% criterion, (except in the case of Cape Vultures and White-backed Vultures, where the regional and directly affected population is the same thing, and Lanner Falcon where the single mortality is deemed to have been a wandering individual). According to the ORNIS 1% criterion, this is significant and may have resulted in the directly affected populations becoming sink populations i.e. a population that would go extinct if it were not for the constant input of immigrants from nearby source populations.”</p> <p>In light of the above, we suggest that the opinion reflected in the amendment application that the cumulative impact on birds is “acceptable” should be revisited.</p>	<p>De Aar 2 North WEF and De Aar Maanhaarberg WEFs.</p> <p>The Applicant responded:</p> <p>The 30km radius is a standard “guide” distance recommended by the DFFE for consideration of cumulative impacts. While DFFE did not provide a biological reasoning for this distance, it is fit for purpose from a biological point of view, because the key species (the Verreaux’s Eagle) generally has a territory up to 12km from its nest. A review of the whole Karoo population for a cumulative impact assessment (which would require consideration of a number of impacts and projects, of which information is not readily available) is best undertaken by an NGO or government department on a larger regional scale. Such a detailed cumulative impact assessment is beyond the scope of a single project EA amendment process.</p> <p>We suggest that taking quotes from a report is not ideal, as all reports should be read in their entirety and this quote should have been placed in its proper context. The quote from (van Rooyen and Froneman 2022), relates only to the directly affected population (i.e. the DAP) which for that project was defined as 20 individuals. As this is a very small population, any impacts are likely to have a significant effect.</p>

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			<p>The avifaunal specialists (Chris van Rooyen and Albert Froneman) responded as follows:</p> <p>The 26 turbines of the De Aar 2 South WEF constitute 17% of the total number of planned and existing turbines, as currently authorised by the valid environmental authorisation granted to the holder (which is also the applicant in the present amendment process). As such, the De Aar 2 South WEF's contribution to the total number of turbines, and by implication to the cumulative impact of all the planned turbines, is relatively Moderate, which can be reduced to Low with the mitigation proposed in the updated EMPr.</p>
		<p>9a.4.</p> <p>3. Operational phase mitigation</p> <p>We recognise that a significant amount of thought and analysis has gone into designing the operational phase mitigation strategy. However, we are concerned that “acceptability” of the impacts of the proposed development, depends on a suite of expensive, complex, imperfect and at times untested operational phase mitigation measures. We have the following questions and concerns:</p>	<p>9a.4.</p> <p>The Applicant responded:</p> <p>Agreed that “a significant amount of thought and analysis has gone into designing the operational phase mitigation strategy”. The Applicant also notes and acknowledges BLSA's endorsement in this respect.</p> <p>The applicant confirms that the mitigations are not overly expensive or complicated to implement, and sufficient resources will be made available to do so, and also to monitor the effectiveness of the mitigations as implemented. As the mitigation</p>

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		<p><i>a) Curtailment thresholds:</i> It is unclear how these were determined? Is there a biological basis to these thresholds (e.g. estimated fatality rates), or were these thresholds based feasibility for the applicant?</p>	<p>measures have been designed and planned as part of the project development, they have thus also been considered in the financial model of the project and sufficient funding will be made available to ensure proper implementation.</p> <p>The proposed mitigations are not overly complex.</p> <p>Blade painting (the first primary mitigation strategy) has been tried and tested internationally, and suitable allowance will be made to paint the blades during the manufacturing stage (so that the blades are already painted when installed). This method is also significantly cheaper and easier than painting blades retrospectively (i.e. postconstruction of the relevant turbine, and installation of the turbine blades). Recently, blades have been painted at the Hopefield Wind Farm for bird mitigation, following CAA approval.</p> <p>Shut-down on demand (the second primary mitigation strategy) has been implemented on various wind farms around the world, including in South Africa. It has been shown to be very effective in South Africa in preventing mortalities of large raptors. While it is acknowledged that it is not a 100% effective solution, no 100% effective solutions exist, as even AI based automated SDoD systems are not 100% effective. The SDoD programme will also</p>

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			<p>create extensive training and employment opportunities.</p> <p>It is noted that the project avifaunal specialists are the same specialists who implemented this strategy at the Excelsior wind farm in SA. Furthermore, the applicant has actively engaged with the SAWEA EWG and Biotherm Energy (BTE), to fully understand the implications and requirements to implement this mitigation. SDoD has been successfully implemented at the Excelsior Wind Farm in South Africa: Excelsior. It has been found to be effective and it has not resulted in significant losses on energy output for the facilities.</p> <p>The third primary mitigation strategy, curtailment of selected high-risk turbines, is an additional “fail-safe” mitigation.</p> <p>The applicant contends that there is a need to implement mitigation measures at new WEFs in SA to tests and monitor their effectiveness.</p> <p>The curtailment thresholds were selected as follows:</p> <ul style="list-style-type: none"> ○ Curtailment threshold for summer and autumn (1 November to 31 May): 80% or higher probability of flying. ○ Curtailment threshold for winter and spring (1 June to 31 October): 60% or higher probability of flying. The lower threshold is to reduce the

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			<p>likelihood of impact on dependent chicks/fledglings.</p> <ul style="list-style-type: none"> ○ The thresholds were selected both on a biological basis and on a feasibility basis. It should be noted that the automatic curtailment is an additional curtailment, over and above the curtailment applied to all turbines, in all conditions (except at night), through the SDoD programme. <p>A wind farm can't be built if it is not economically sustainable - this is true for all development, and all new energy development.</p>
		<p>9a.5.</p> <p><i>b) Turbines to be curtailed:</i> Not all turbines within the high-risk area, as identified by VERA, have been earmarked for curtailment. The reasons for this, and rationale for disregarding VERA in favour for proximity to nests, is not clear.</p>	<p>9a.5. The Applicant responded:</p> <p>Firstly, it should be stated that all 26 turbines are subject to potential curtailment through the SDoD programme. The automatic curtailment is an additional form of curtailment as explained above. The VERA model was most certainly considered when deciding which 8 turbines should be curtailed. Of all turbines in the High VERA area, the 8 were selected that were closest to Verreaux's Eagles nests and also which coincided with observed flight activity of eagles. Some of the 8 turbines are very high yielding, demonstrating that economics and yield were not the determining factors in selecting the</p>

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			<p>turbines to be curtailed, but rather it was risk of potential impact on Verreaux's Eagles that was the determining factor. SDOD will result in curtailment of all turbines if needed.</p> <p>Automated curtailment is an additional layer of mitigation that will be applied to 8 turbines that are in the VERA high risk areas and closest to Verreaux's Eagles nests, and which were agreed to by the project's avifaunal specialist.</p>
		<p>9a.6. c) <i>EMPr</i>: The applicant's track record for submitting operational phase-monitoring reports timeously 1 and more importantly the slow pace of implementing mitigation measures to address significant negative impacts on birds at their two nearby wind farms is a concern. This is of relevance as a copy of the EMPr is not included in the application. It is therefore not possible to check whether the environmental management actions and outcomes/objectives are adequate and detailed enough (i.e. specific, timebound and measurable) to avoid similar challenges with this proposed development. It is also not clear if the conditions under which curtailment must be implemented are described in sufficient detail to be audited and enforceable.</p>	<p>9a.6.</p> <p>The Applicant responded:</p> <p>The applicant is Mulilo De Aar 2 South (Pty) Ltd, a special purpose vehicle established as the project company. The shareholders in this entity are TotalEnergies Marketing South Africa (Pty) Ltd and K2015270381 (South Africa) (Pty) Ltd t/a Mulilo South Wind Holdco (whose ultimate parent company is Mulilo Energy Holdings (RF) (Pty) Ltd ("MEH")). The project was developed by Mulilo Renewable Project Developments ("MRPD").</p> <p>The applicant must be viewed independently from the operational wind projects referred to, namely the De Aar 2 North and De Aar Maanhaarberg WEF projects.</p>

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		<p>Footnote: The avifaunal monitoring year 4 report for De Aar 2 North and Maanharberg were only received this week, despite the monitoring period ending December 2021.</p>	<p>MEH indirectly holds only a 20% shareholding in each of the operational wind projects. The majority shareholder in the two operational wind projects is Longyuan South Africa Renewables (“Longyuan”). MRPD was involved in the early-stage development of the two operational wind projects, but once operational, the majority shareholder has controlled the management and operation of the projects, including control of the operational phase bird monitoring and Mulilo’s input and influence has been limited.</p> <p>As demonstrated, the shareholding in the applicant is distinct from the two operational wind projects referred to. The operator will be a separate entity and will not be associated with the operational wind projects. The shareholders in the different projects have different policies and interests. The applicant will ensure that all operational phase monitoring reports are submitted timeously. There is thus no basis on which to compare the applicant with the operational wind projects and no such comparison should be drawn.</p> <p>The EAP responded as follows:</p> <p>A copy of the draft amended EMPr was not included in this EA amendment application, as this is a Part 1 application for amendment of the EA. The EMPr</p>

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			<p>update and Final Site layout process is being run as a separate process to this Part 1 EA amendment process. BirdLife South Africa was notified of the public participation period for the draft amended EMPr and Layout Plan finalisation process, and was invited to comment and provided with access to the EMPr. In this regard, BLSA were notified on 14 November 2022, and a reminder email was sent on 8 December 2022 (a Dropbox link to the draft Amended EMPr and Final Layout Plan was included in the email notification). A read receipt was obtained from Samantha Ralston-Paton (energy@birdlife.org.za) on 21 November 2022. Furthermore, on 30 January 2023, the EAP emailed the draft EMPr to BLSA in response to this particular comment.</p> <p>Please note that the Avifaunal Walkthrough Report, which informed all revised mitigation measures included in the draft amended EMPr (November 2022), was also attached as Appendix 1 to the Avifaunal Statement (Annexure E5) of the draft Amendment Motivation Report that was made available for I&AP comment for this EA amendment application process.</p> <p>In the stakeholder meeting with Samantha Ralston-Paton of BLSA on 7 February 2023 for the EA amendment process, Ms Ralston-Paton indicated that she will still review the draft amended EMPr and</p>

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			provide further comment to Holland & Associates Environmental Consultants for consideration in the finalisation of the EMPr (i.e. in the separate EMPr and Layout Plan finalisation process).
		<p>9a.7.</p> <p>d) <i>Operational phase monitoring</i>: We suggest that monitoring impacts on birds should take place for the lifespan of the facility and all turbines should be surveyed for fatalities. This will be essential to confirm if mitigation is indeed effective. We suggest that this increased effort (from the minimum recommended in the Best Practice Guidelines) in is appropriate given the significance of the risk, the importance of operational phase mitigation to reduce this risk, and that an adaptative management strategy is proposed (which by definition requires effectiveness and outcomes of actions to be monitored).</p>	<p>9a.7.</p> <p>The Avifaunal specialists responded:</p> <p>We support this recommendation (the recommendation to monitor effectiveness and outcomes of actions).</p> <p>The Applicant responded:</p> <p>Agreed that operational monitoring of mortality impacts should be for the life span of the facility, but the scope there of should be flexible and advised by the projects specialist based on levels of impacts observed.</p> <p>The EAP responded:</p> <p>The avifaunal specialists' recommendations regarding operational phase monitoring includes the following (amongst others):</p> <ul style="list-style-type: none"> • As a minimum, operational live-bird monitoring should be undertaken for the first three years of operation, and then repeated again in year five and every five years thereafter for the operational lifetime of the facility. The exact

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			<p>scope and nature of the post-construction monitoring will be determined on an ongoing basis by the specialist, based on the results of the monitoring through a process of adaptive management, and should be sufficient to monitor the impact of the facility and the effectiveness/ non-effectiveness of the mitigation measures.</p> <ul style="list-style-type: none"> Depending on the results of the operational monitoring, a range of mitigation measures will have to be considered if the impact on mortality turns out to be significant, including expanding automated curtailment to additional problem turbines during high-risk periods. <p>Furthermore, carcass searches and nest monitoring will be implemented for the lifetime of the facility's energy generation operations (as discussed with BLSA at the meeting of 7 February 2023). This recommendation will be included into the final Amended EMPr that will be submitted to DFFE for approval.</p>
		<p>9a.10. e) <i>Biodiversity Offsets</i>: Experience at other wind farms in South Africa suggests that operational phase mitigation (e.g. shutdown on demand) can</p>	<p>9a.10. The Applicant responded:</p>

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		<p>help reduce, but not eliminate the risk of fatalities. We therefore suggest that a requirement for biodiversity offsets to be secured if residual negative impacts are recorded be included as a condition or approval and reflected in the EMPr.</p>	<p>We suggest that well before offsets are considered, should operational phase mitigation be found to be less effective than desired, this should be investigated, and improvements should be made to the mitigations (i.e. adaptive management). The specialist appointed to monitor impacts during operations can then consider offsets as part of adaptive management, if residual impacts become biologically significant, and only if all other mitigation measures are proven not to be effective, as determined by the specialist at the time.</p> <p>The Avifaunal specialists responded:</p> <p>We support the principle of an offset if all other mitigation measures are proven not to be effective.</p> <p>The EAP responded:</p> <p>The Amended EMPr will be updated to include the requirement for biodiversity offsets, in the event that the avifaunal specialist undertaking the operational monitoring deem fatality levels to be of biological significance and all of the mitigation measures as ineffective, at which stage the details of the biodiversity offsets can be determined in consultation with BLSA and the avifaunal specialist, if they become necessary.</p>

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		<p>9a.11.</p> <p>4. Conditions of approval</p> <p>The motivation report suggests that there are no new mitigation measures (related to impacts on birds) that should be included into the environmental authorisation. However, the report does not include a detailed review of the conditions of approval alongside the key mitigation measures proposed by the specialists. For example, we suggest that consideration should be given to including conditions related to shut down on demand, curtailment and burying collector lines underground. We also suggest that there should be a requirement for regular audits, that include a review of the results and recommendations arising from operational phase monitoring of birds, and for the timeous submission of monitoring reports to stakeholders.</p> <p>Please do not hesitate to contact us if anything is unclear.</p>	<p>9a.11. The EAP responded:</p> <p>The avifaunal specialists' mitigation measures (including those relating to SDoD, curtailment, and burying of lines/ cables (if technically and practically possible)) are included in the amended EMPr, which will be submitted to DFFE in due course for decision-making, as required in terms of the Conditions of Authorisation in the EA. Once approved, the EMPr is a legally binding document that must be adhered to by the Applicant, i.e. the EMPr would be an extension of the Conditions of the EA, as specified in Condition 18 of the EA which states "<i>The provisions of the approved EMPr including are an extension of the conditions of this EA and therefore noncompliance with them would constitute noncompliance with the EA</i>". Accordingly, even if a mitigation is not specified as a Condition of Authorisation in the EA, the EMPr is seen as an extension of the EA and is therefore also legally binding.</p> <p>However, in light of the BLSA's comment, the EA Amendment Motivation Report has been updated to include a recommendation (in Section 6 – "Conclusions and Recommendations") for the inclusion of requirements for operational phase audits, as well as avifaunal mitigation measures related to SDoD, curtailment and burying collector lines underground (if technically and practically</p>

COMMENTS AND RESPONSE TRAIL REPORT: ESTABLISHMENT OF A WIND ENERGY FACILITY SITUATED ON THE EASTERN PLATEAU (SOUTH), NEAR DE AAR, NORTHERN CAPE PROVINCE: PART 1 APPLICATION FOR AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION AND DRAFT AMENDMENT MOTIVATION REPORT

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			<p>possible), as Conditions of the Environmental Authorisation, in addition to these being included in the amended EMPr that will be submitted to DFFE for approval in due course, as discussed with BLSA at the meeting on 7 February 2023 (the minutes of which are included in Annexure G9 of the Final Amendment Motivation).</p> <p>The Avifaunal specialists responded:</p> <p>Our understanding is that these conditions are included as part of the EMPr and therefore they are legally binding anyway.</p>