



environment, forestry
& fisheries

Department:
Environment, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

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Enviroworks

Att: Mrs. Megan Smith

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Private Bag X2

CENTURY CITY

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

Dear Mrs. Megan Smith

SUBJECT: COMMENTS ON THE REVISED MAINTENANCE MANAGEMENT PLAN FOR THE PROPOSED RESTORATION AND MAINTENANCE OF THE BLUESTONE QUARRY WALL, ROBBERN ISLAND

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

The Environmental Assessment Practitioner (EAP) must take note that the Branch O&C has a mandate to protect the ecological integrity, natural character and the economic, social and aesthetic value of the coastal zone; as well as to protect people, property and economic activities from risks arising from dynamic coastal processes.

It further ensures that the use of natural resources in the coastal zone and development associated with the coastal zone is socially and economically justifiable and ecologically sustainable. The EAP is reminded that comments and recommendations as provided below are intended to ensure the achievement of the aims and objectives of the ICM Act and guarantees that the coastal environment will be protected and conserved throughout all phases.

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

1. Section 63 of the ICM Act: Environmental authorisations for coastal activities

1.1 In terms of Section 63 of the ICM Act, is a recommendation of this Branch that the CA ensure that that the applicant has provided a comprehensive assessment of the associated long-term unintended and cumulative impacts as well as recommend appropriate measures that ensure that potential adverse impacts in the coastal zone is prevented, avoided, managed, minimized and mitigated and that sensitive marine ecosystems will be protected and conserved. The CA is further reminded to ensure that the measures, as identified in the Environmental Management Programme report (EMPr), or Maintenance Management Plan (MMP) or EA conditions will be implemented; and that in cases where the applicant has failed to implement these outlined measures, that remedial measures are undertaken to ensure the ecological integrity of this environment is restored.

2. Recommendations For Further Inclusion and for the attention of the EAP and CA:

2.1 As per the recommendations of the avifaunal specialists and the Implementation Plan (2020), all restoration activities should be planned to begin mid-winter 2021 and continue uninterrupted up to a year (detailed timeline as stipulated in the 2020 Implementation Plan). ALL construction works should be scheduled around daytime hours between 09:00 and 17:00 every day to ensure that noise and disturbance impacts are minimized, and that movement of penguins is avoided.

2.2 As per the avifaunal specialist recommendations, only ONE access and exit road for the vehicles is recommended. This Branch is in support of this proposal for all vehicles to access the site via the North through Cornelia Road to avoid disturbing any Penguins as they cross the road at the quarry.

- 2.3 Following the successful implementation of proposed maintenance measures, a period of monitoring and evaluation of the restored wall should continue annually to ensure that the status quo of the wall is maintained.
- 2.4 The applicant should note that, maintenance works that have not been specified or in this scope of assessment should only be carried out based on the avifaunal specialist recommendations, after a survey of the avifauna breeding areas has been conducted by an avifaunal specialist or the SANCOBB seabird ranger to ensure that any sensitive bird species may be breeding within or directly adjacent to the quarry are avoided.
- 2.5 The report specifies that during maintenance activities, the installation of temporary wooden boardwalks for the movement of the personnel and wheelbarrows may occur. The applicant should ensure that all temporary structures are removed following completion of proposed maintenance activities.
- 2.6 The applicant should take reasonable and legislative measures to prevent negative environmental impacts, and as such will maintain all facilities and infrastructure in good working order to effectively fulfil its intended purpose and to prevent negative environmental impacts. The applicant should further take responsibility for effecting any amendments to the approved MMP, as well as ensuring the any changes are submitted to the designated EAP for approval should there be a change in the maintenance activities in the scope of work or impacts.
- 2.7 The applicant should consider, adhere to and implement the relevant section of the National "ICM Act" applicable to this project.
- 2.8 To ensure that pollution in the coastal environment and seawater contamination is minimized, we recommend that only work necessary must be undertaken within the CPP. Additionally, no camping site should be planned and established within the CPP;
- 2.9 This Branch reiterates the sentiments that Robben Island is home to several endangered and protected species of seabird including penguins, gulls, terns, cormorants, and African Black Oystercatcher. The area where construction is planned is an important breeding site for a large colony of Kelp gulls and swift terns and most recently Cape cormorants. The area for construction is also a landing area or access point for African penguin from foraging. The applicant should ensure that the construction schedule and proposed maintenance measures follows the specified implementation timeline to avoid breeding seasons.
- 2.10 ALL construction activities should be limited to the construction area.

- 2.11 Furthermore, clearing of vegetation for construction purposes should be scheduled where it is only necessary to avoid loss of vegetation and retain as much vegetation as possible so that the area can continue to function and offer services in the best sustainable way as possible.
- 2.12 A large colony of Cape cormorants approximately 2 000 pairs in size has formed at the Blue Stone Quarry. Kelp gull's colonies have also significantly increased. It is our view that vehicle strikes have the potential of killing penguins and disturbing the movement of birds, and can maim one of a breeding pair to have a detrimental impact on caring for chicks or future breeding. A maimed bird has a very slight likelihood of survival. Taking into account the sensitivity of the proposed site and vulnerable species that occur, we recommend that only necessary activities that cannot be performed by persons without the use of vehicles and machinery need to be considered and approved. Therefore, Construction and transportation methodologies which could be conducted without the use of vehicles and machinery should be considered and prioritized.
- 2.13 The EAP specifies that one vehicle (4x4) vehicle will only be used to transport materials to and from the quarry. The applicant should note that, a Construction Off-Road Vehicle permit (ORV) could be required to authorize the transportation of materials in and out of the quarry during construction. The ORV Off-Road Vehicle Regulations regulate driving within the coastal zone and ensure that development is undertaken in an environmentally friendly and sustainable manner. Upon receipt of Environmental authorization, the applicant will be required to apply for a Construction Off-Road Vehicle Permit. The applicant must consult this department's DFFE: Branch O&C contact details to obtain an ORV permit ORVPermitting@environment.gov.za.
- 2.14 Correspondingly we are extremely concerned that over the past years, Perimeter Road has been closed to traffic for months when Kelp gulls, swift terns, Hartlaub's were breeding, when there are chicks in the gull and tern colonies, to prevent roadkill. With a six-month construction period, likely, the situation where chicks have hatched and are starting to run freely around in the colonies along Western Perimeter Road will arise. The EAP needs to provide information on what additional mitigation measures will be put in place to prevent traffic running over these young birds and if a fence will be erected along both sides of the road;
- 2.15 This Branch further reiterates that NO_vehicles and machinery should be scheduled to be refueled within the coastal zone to mitigate impacts of potential releasing fuel and oil emissions

- while in operation. All vehicles operating within this space should be in good condition and inspected regularly by the building contractor.
- 2.16 We concur for the appointment of the Control Environmental Officer (CEO) who will ensure that identified mitigation measures and recommendations are considered, adhered and implemented. The CEO will also be responsible for undertaking site inspections to ensure compliance with the EA conditions to ensure that the marine ecosystem will be protected and conserved during construction and maintenance phases throughout all phases of this proposed project. Furthermore, the CEO should ensure that ALL staff be inducted at the start of the restoration works to ensure that they are aware of the contents of the MMP and that they are aware of the procedure to be followed and ensure all the necessary material and equipment are available for dealing with spills and leaks.
- 2.17 You are kindly reminded of your duty of care towards the coastal environment in accordance with section 58 of the ICM Act read together with section 28 of NEMA which states that “Every person who causes, has caused or may cause an adverse effect on the coastal environment must take reasonable measures to prevent such adverse effect from continuing, recurring or occurring or, in so far as such harm to the coastal environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such adverse effect on the coastal environment” by taking into consideration and implement recommendations provided in this comments document recommending measures to be undertaken to ensure the coastal zone is protected, preserved and managed;
- 2.18 Kindly note that the activity may not commence prior to an environmental authorisation being granted by the CA. It is an offence in terms of section 49A “NEMA” for a person to commence with a listed activity unless the CA has granted an environmental authorisation for the undertaking of the activity. A person convicted of an offence in terms of the above is liable to a fine not exceeding 10 million or to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment; and
- 2.19 Please be advised that the Sub Directorate: Coastal Development and Protection within the Branch: O&C is responsible for coordinating and facilitating EIA comments and advice for developments within the marine environment. Kindly forward request of EIA Comments to, Email: OCeia@environment.gov.za.

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

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

Kindly note that the **Department reserves the right to revise its comments and request further information based on any additional information that might be received.**

All future correspondence and documentation (hard copy and an electronic copy) must be submitted to our office via OCeia@environment.gov.za / or **Physical Address: Department of Environment Affairs (DEA), Branch: Oceans and Coast, 2 East Pier Building, East Pier Road, Victoria and Alfred Waterfront, Cape Town, 8001.**

Yours Sincerely

A handwritten signature in black ink, appearing to be a stylized name or set of initials.

ACTING DIRECTOR: COASTAL CONSERVATION STRATEGIES

DATE: 21 JUNE 2021