

**RESPONSE TO COMMENTS ON THE REVISED MAINTENANCE MANAGEMENT PLAN FOR THE PROPOSED
RESTORATION
AND MAINTENANCE OF THE BLUE STONE QUARRY (“BSQ”) WALL, ROBBEN ISLAND**

Cape Nature comments (Received 24.06.2021)

CapeNature would like to thank you for the opportunity to comment on this application. Our comments are as follows.

1. It appears that the breeding habitat of African penguin and disturbance to African penguin during breeding season has been mitigated due to the penguins altering their route to their colony as reported in the avifaunal assessment.

2. Indicate the timeframe that will be allowed for construction to be completed and confirm whether construction can be completed in this timeframe. If not, then unfortunately maintenance of the nature proposed in the MMP should be a no-go; and it should be considered to look to maintaining the remaining sections of the wall with works that will take less time and not disturb breeding seabirds in the area.

EAP response: Within the revised MMP, it states that the initial restoration works will be completed within a year of the start of the works. The works within the implementation plan (2020) indicate that the works can be completed within one year.

3. Should the timeframe for construction be appropriate (in that it will not disturb breeding colonies and allow for completion of the project), the following mitigations should also be adhered to: 3.1 Interaction with any avifauna must be prohibited.

3.2 No extensive use of construction vehicles.

3.3 No vehicles or human presence at the quarry or on the road at night.

3.4 Use spotters to guide vehicles on the road and usher any avifauna off the road.

3.5 Insert temporary speedbumps on the road to enforce speed limits.

3.6 An independent monitor must be appointed to monitor construction activities daily.

3.7 ECO must conduct weekly site visits, with reports submitted within the same week of inspection.

EAP response: The above-mentioned mitigation measures will be included in the Final MMP.

4. Disturbance to breeding colonies penguins, cormorants, gulls and terns will not be supported. The disturbance to the penguin colony appears to have been mitigated given the new route utilised by penguins.

EAP response: The comment has been noted.

5. Indicate the impacts and mitigations regarding the tidal action to the penguin breeding site, given that the restored wall may block tidal flows and affect water quality.

EAP response: As per the appointed avifaunal specialist (Professor Underhill), the penguins are not necessarily breeding in the quarry itself at the present moment. They do, however, use the water in the quarry to wash themselves. Given that the quarry naturally recharges with freshwater from ground water, there should be negligible risk of decreasing water quality.

6. Indicate the impacts and mitigations regarding the quarry tidal pool that acts as a nursery.

EAP response: As per the appointed avifaunal specialist (Professor Underhill), the penguins are not currently using the quarry as nursery.

7. Indicate the impacts associated with the dyke construction on the penguins making landfall.

EAP response: These impacts have been included in the revised MMP.

8. Indicate the moulting times of the penguins and impact of the proposed works on moulting penguins.

EAP response: African Penguins usually moult from November to January. Given the conservative approach of the proposed scope of works, there will be limited impact to moulting birds given that all the mitigation measures listed in the MMP are implemented.

9. There is no certainty that the cormorants will abandon the rock pile and fully use the harbour for nesting. If some cormorant return to the rock pile, would it not cause them to abandon chicks if disturbed?

EAP response: According to the appointed avifaunal specialist, Prof. Underhill, past references have indicated that the Cormorants have bred largely at the harbour. Should the works continually be implemented from mid-winter, it will discourage the Cormorants from breeding in the stockpile and quarry. In the event that some individuals do decide to breed there, a Marine TOPs permit has been applied for, on behalf of Robben Island Museum, to ensure that there is a permit in place in the event that threatened avifauna are disturbed.

10. Under the current circumstances and provided cormorant fully utilise the harbour for breeding instead of the rockpile, nesting sites of seabird species do not appear to be affected. Disturbance to cormorants is not supported, if they choose to continue nesting on the rockpile.

EAP response: The comment has been noted. Please note that a Marine TOPS permit will be applied for based on the fact that some harassment of threatened birds may be required to implement the Scope of Works.

11. All recommendations proposed by the avifaunal assessment must be implemented.

EAP response: The comment has noted and will be include in the Final MMP.

12. The MMP is supported provided no breeding areas are disturbed or access to breeding areas is inhibited, that all recommendations of the avifaunal assessment are implemented, and pending the outcome of the requested impacts and mitigations above.

EAP response: The comment has noted.

13. No tourists or staff must be allowed to the restored wall at any time. Only staff performing essential duties should be allowed at the restored wall. The heritage will be maintained by the fact the wall has been restored and remains.

EAP response: The comment has noted and will be include in the Final MMP.

City of Cape Town comments (Received 23.06.2021)

2.1. The City notes that although some of the comments previously raised have been addressed and incorporated into the Revised Maintenance Management Plan (RMMP), many issues remain unaddressed.

2.2. In particular, points 1.7.5 and 1.7.6 of the City's comments relating to alternative methods for celebrating the heritage of the site, have not been addressed, whereby the City's heritage official, Mr Dave Hart, suggested it may be more appropriate to preserve the remaining extent of the original wall, as well as the breached section, in testimony to what the prisoners were up against, i.e. the ongoing futility of hard labour maintaining a wall that would be periodically washed away. It was therefore proposed during the site inspection that future maintenance would cause less disturbance if it were symbolic only. For example, surviving ex-political prisoners and their family members could attend an annual ceremony to symbolically replace on stone each into the wall. This would also free up budget

for much needed maintenance to the existing prison or for other conservation or social development initiatives on the Island.

EAP response: the above comment has already been addressed in previous responses to City of Cape Town's comments in consultation with the Robben Island Museum's appointed Heritage Practitioner for the project (please see the Comment and Response report). In short, the ceremonial act is not feasible given the mandate to preserve the historical integrity of the wall and its Outstanding Universal Value. Please see below the previous statement by the appointed Heritage Practitioner, Dr Edward Matenga:

Statement of significance of the wall

The Bluestone Quarry wall was constructed by political prisoners using locally available materials, in large part by-product waste from the stone quarry. More than a thousand prisoners worked in the quarry. It was not because the prison authorities did not have funds to build a solid and permanent sea barrier. As the ex-prisoners testified, they were aware of the futility of offloading sand and grit to buttress the wall only to find it washed away by the waves the following day, a situation which the warders were cynically aware of. The Wall and Quarry therefore preserve memories of man's endurance against adversities imposed by his own kind. The wall is one of the surviving symbols of punishment with production. A number of political and social activities affecting the course of the political struggle and the lives of the inmates took place at the quarry. The first hunger strike took place at the quarry in 1966, which brought the attention of the warders to the welfare of the prisoners. Prisoners also shared information and ideas, passing notes which they hid in wall. Political education was also conducted at the quarry. Educated colleagues taught their less fortunate colleagues literary skills. The prisoners sang songs which subtly expressed their grievances against the status. The potency of song as a catalyst in cultivating solidarity and collective resolve among comrades in the South African liberation struggle is all too well known. The prisoners turned adversity to their advantage using the wall as a windshield and a cache for sensitive information. The wall and quarry is a monument to the resilience and fortitude of those who were subjected to extreme persecution and indignity for their political convictions.

As per the National Resources Act (25 of 1999), the principles for heritage resource management state that:

1 (a) Heritage resources have lasting value in their own right and provide evidence of the origins of South African society and as they are valuable, finite, non-renewable and irreplaceable they must be carefully managed to ensure their survival;

(4) Heritage resources form an important part of the history and beliefs of communities and must be managed in a way that acknowledges the right of affected communities to be consulted and to participate in their management;

(7) The identification, assessment and management of the heritage resources of South Africa must—

(a) take account of all relevant cultural values and indigenous knowledge systems;

(b) take account of material or cultural heritage value and involve the least possible alteration or loss of it;

(c) promote the use and enjoyment of and access to heritage resources, in a way consistent with their cultural significance and conservation needs;

(d) contribute to social and economic development;

(e) safeguard the options of present and future generations; and

(f) be fully researched, documented and recorded.

Dr Matenga and Robben Island Museum do not believe that the above-mentioned principles can be achieved by not fully restoring the Blue Stone Quarry wall.

Please also note the importance of restoring the wall is also included in the Implementation Plan (2020).

2.3. Please refer to the City's previously submitted comments, dated 05 March 2021 and 19 March 2021 (Annexures A and B respectively) for detailed issues to be addressed.

EAP Response: Please note that because the scope of works has significantly changed since the above-mentioned comments have been received, many of the detailed comments in Annexure A and B are no longer applicable. It is preferential to submit comments that specific to the Scope of Works at hand. Nevertheless, all the comments received during previous public participation process for this project have been addressed accordingly in the Maintenance Management Plan.

2.4. The main issue of a 'listed activity' being triggered for the reconstruction of the blue stone quarry wall is still outstanding. The City believes that given that the previous environmental authorisation for the reconstruction of the wall has lapsed, that a fresh environmental impact assessment (Basic Assessment Report) should be provided to consider the impacts of the proposed wall reconstruction on the birds and heritage resources.

EAP response: The above comment has been extensively addressed in previous responses to the City of Cape Town. The below comment still stands:

“Development” as per NEMA (Act 107 of 1998) is defined as means the building, erection, construction or establishment of a facility, structure or infrastructure, including associated earthworks or borrow pits, that is necessary for the undertaking of a listed or specified activity, but excludes any modification, alteration or expansion of such a facility, structure or infrastructure, including associated earthworks or borrow pits, and excluding the redevelopment of the same facility in the same location, with the same capacity and footprint

Therefore, the restoration works comply with the definition of “maintenance” as stipulated in NEMA (Act 107 of 1998): *“means actions performed to keep a structure or system functioning or in service on the same location, capacity and footprint”*. In order to conduct the maintenance works, a Maintenance Management Plan must be first approved (as per Activity 19a of Listing Notice 1) Therefore, the maintenance works outlined in the draft MMP are directly in line with the guidelines for an MMP as described in NEMA (Act 107 of 1998).

Please note that application of the listed activities has already been discussed and approved by the Department of Forestry, Fisheries, and Environment (DFFE).

3. Further Comments and Recommendations

3.1. The proposed reconstruction of the wall does not fall within the scope of the definition of ‘maintenance’ or ‘restoration’,

EAP response: Please see the response to comment 2.4 for the definitions of the maintenance as per NEMA (act 104 of 1998) and how the proposed works directly fits into the definition of maintenance.

3.2. P16 of 48: The proposed method of jackhammering the stones in a warehouse at the harbour is not necessarily consistent with the original construction method, and therefore may lack heritage authenticity. The South African Heritage Resources Agency (SAHRA) should verify this. The jackhammering at the harbour may disturb the vast roosting site of the cormorants.

EAP response: Please note that a SAHRA heritage permit has been applied for and SAHRA has been included as an I&AP for the Maintenance Management Plan. Should they have any comments on the manner in which the wall is be restored, they will be considered.

Some of the original stones have been washed away by wave action. Using only the rocks provided at the wall will result in the wall being unstable and potentially not consistent with the original aesthetics

of the wall. The additional stones will be used to provide strength and stability to the wall (i.e. tie stones) ensuring the longevity of the wall. The material of the stones has been confirmed to be the same material as the stones that were originally used in the wall. The jackhammering is only used to shape the stones into the correct sizes and shapes for placement.

Based on the ICOMOS, Authenticity is the ability of a property to convey its OUV (Outstanding Universal Value). For World Heritage Sites, the test for authenticity is based on four attributes:

- Design
- Material
- Workmanship
- Setting

The restoration of the Blue Stone Quarry Wall meets two of the above attributes fully and only partially for the remaining attributes (i.e., workmanship and material). However, as far as practically possible, Robben Island Museum have committed to fulfil the Material and Workmanship attributes of the Blue Stone Quarry Wall. This is being done by manually dry stacking the original wall rocks back into the wall. Where this method and material is no longer available or practical, similar imported material is being brought in to strengthen the wall. The only way this can be done, is by shaping the rocks via Jack hammer. This is not unusual practice for important heritage sites (Please see Alberts and Hazen, 2010). As per Alberts and Hazen (2010): *“Identifying and maintaining authenticity and integrity at cultural heritage sites are challenging goals, however. The concepts are difficult to define and are open to different interpretations in different cultural settings. Additionally, the diversity of sites and wide variety of influences on them require individualized approaches to preservation in many cases”*.

Please also see the Implementation Plan (2020) for a justified reason for introducing tie stones and thus, using different method for crushing material.

3.3. P18 of 48: The statement that “No ablution facilities will be available on site and that staff will be transported to off-site ablution facilities as needed” is unacceptable, and will result in pollution in the area. It is imperative to provide ablution facilities on construction sites at a ratio of one ablution facility per 15 workers. Hand-washing facilities / sanitizer must also be provided.

EAP response: Ablution facilities will be provided at the harbour which is only a six-minute drive from the quarry. Although the facilities are referred to as “off-site”, they are still located on the property. The main reason for not provided ablution facilities at the quarry, is the large risk of potential pollution

of the marine environment in the event of leak or spillage. Please note that sanitizer facilities will be provided at the quarry.

3.4. Mapping: Fig 4: Pg. 20 of 48: General site layout plan: Conventions on the map are to be shown properly. Use lines to show polygons, rather than clusters of 3 small blocks. This is unacceptable for mapping conventions. What is shown in the legend, must be exactly the same as the conventions used on the map. Differentiate between laydown area and no-go area - these are shown as being in white on the legend, but are not shown as such on the map. The map indicates vast areas surrounded by "substantial retaining walls" shown in orange polygons - please correct this. This map fails to communicate the correct messages and must be corrected.

EAP response: The layout map will be amended to ensure the correct legend is used to adequately present the attributes on the map.

3.5. Chapter 5: Summary of the main impacts: p21 of 48: the document notes that 'small amounts of domestic waste will be generated by the personnel during refreshment intervals. Lack of proper management of the waste on site may lead to wind-blown litter.' The workers must be trained by the EAP not to litter during their refreshment intervals. Littering is an offence and constitutes unacceptable behaviour in any public place. Along with a consistent education program, there should be a system of penalties for workers caught in the act of littering.

EAP response: The comment has been noted the ECO on site will train the personnel on waste management. A designated environmental officer will also conduct daily litter checks to ensure waste is correctly handled.

3.6. P22 of 48: The statement "The restoration of the BSQ wall and subsequent maintenance activities will positively impact the cultural heritage of the BSQ by preserving the historical integrity of the quarry" is questionable. Historical integrity also relates to methods of construction. If jackhammers were not used historically, they shouldn't need to be used now. The rocks that were in the wall are all still available on the site to be repositioned into the wall without necessitating jackhammers. Existing unshaped stones comprise the random packed dry stone wall.

EAP response: Although many of the original wall rocks are still present at the quarry, some material has been washed away. Should only the rocks on site be used for the restoration of the quarry wall, there is a large risk that the wall may require more regular maintenance. By introducing tie stones or imported stones (of the same material as the wall stones), the wall is strengthened ensuring the longevity of the wall. To avoid the introduced stones affecting the aesthetics of the wall, the stones need to be shaped correctly to be dry packed. This can only be practically done using a jackhammer.

As per Alberts and Hazen (2010): "Identifying and maintaining authenticity and integrity at cultural heritage sites are challenging goals, however. The concepts are difficult to define and are open to different interpretations in different cultural settings. Additionally, the diversity of sites and wide variety of influences on them require individualized approaches to preservation in many cases".

3.7. Fig 5: P22 of 48: Locality of important heritage structure elements within the BSQ wall that must be avoided: Provide a more detailed map showing the actual extent of all the heritage areas shown in point form, e.g., the Concrete platform (3m x 3m), or the Loading Bay - 3m x 7m. Shed foundation must have dimensions so people know the extent of what is protected.

EAP response: Please note that the reason why the localities of the heritage items have been removed is because the risk of these aspects being impacted during the works are negligible. Nevertheless, the revised MMP will be reviewed to include the extent of the heritage elements in the immediate vicinity of the wall.

3.8. Pg. 28 of 48: "Do: Clear your work areas of litter at the end of each day." This statement is problematic and implies it is acceptable to drop litter during the day as long as it is cleared at the end of the day. Rather, at no time leave litter lying around as it can be blown into the sea. Clearing litter at the end of the day is futile as wind will have distributed the litter elsewhere by this stage, and the area would be left untidy during the day which is undesirable. Good housekeeping principles require that a site is kept clean and free of litter at all times. The principle of placing litter in appropriate litter receptacles as and when required, should be applied, or being careful not to bring any litter to site is preferable. All materials are on site already – loose stones to be reconstructed into a wall.

EAP response: The final MMP will include the aspect of appropriately disposing of litter correctly and avoiding litter at all costs.

3.9. On page 32 of 48 in the MMP, in table 9.1 Mitigation measures, in Section 1.1, it would help to clarify what type of Marine TOPS Permit would be applied for, and what activity it is in relation to. "Harassment" due to the removal of rocks from the stockpile is only mentioned seven pages later in Section 1.10.r.

EAP response: The final MMP will the type of Marine TOPS permit and what activities will result in harassment of the birds.

3.10. The Avifaunal Specialists' recommendation for total exclusion of humans from the Murrays Bay Harbour breakwater during winter and spring 2021 is supported as a pragmatic solution to mitigate the impacts of the restoration of the Blue Stone Quarry wall on Cape Cormorants.

EAP response: The comment has been noted.

3.11. P39 of 48: Point l (before m): 'Train drivers' should read 'truck drivers'.

EAP response: The revised MMP will amended accordingly.

3.12. P39 of 48: Point t: The sentence should read "the personnel are prohibited from loud singing or shouting", rather than 'loud signing' which is silent.

EAP response: The revised MMP will amended accordingly.

3.13. P43 of 48: Mitigation / Management Measures: Point c: "All staff must undertake environmental awareness training to understand the environmental sensitivities of the site provided by the ECO." The responsibility for training must rest with the ECO not the staff. Please amend to, "All staff must be provided with / undergo environmental awareness training to understand the environmental sensitivities of the site, provided by the ECO."

EAP response: The revised MMP will amended accordingly.

3.14. The Avifaunal Specialists' suggestion to capitalise on an opportunity to build nest boxes into the drystone wall to attract Leach's Storm Petrel to start breeding on Robben Island is a "nice to have" rather than a guaranteed gain for conservation. It must also be done under guidance from the Heritage Specialists, as there should not be any major distraction from the cultural significance of this wall. Should Robben Island Museum choose to pursue the installation of nest boxes into the Blue Stone Quarry wall, the nest boxes should be monitored for potentially unwanted inhabitants such as rats.

EAP response: The comment has been noted. Should the nest boxes be considered a viable option for the wall, it will be included under the guidance of a Heritage Specialist and will be monitored for rats.

3.15. The City recommends that a follow up site inspection be conducted during construction as well as after the restoration of the Blue Stone Quarry wall.

EAP response: A site inspection can be granted in communication with Robben Island Museum and the appointed ECO.

4. Conclusion

4.1. The City supports the Revised Maintenance Management Plan, provided that the issues identified in sections 2 and 3 are addressed satisfactorily.

DEA&DP comments (Received 24.06.2021)

3. It is noted that the batching plant and site/construction camp have been excluded from the MMP and that no indigenous vegetation will be cleared for the proposed restoration and maintenance activities.

EAP Response: The above comment is correct; no batching plant will be required nor will any indigenous vegetation be removed.

4. The Department is further pleased to note that the environmental control officer will undertake bimonthly site visits during phases when restoration activities and maintenance activities occur.

EAP response: The comment is noted.

5. It appears that the Revised MMP is only for the proposed restoration and maintenance of the Blue Stone Quarry Wall ("BSQW") within the next five years whereas the Draft MMP was for the restoration and maintenance of the BSQW and the reinstatement of the limestone pathway along the top of the BSQW. Please confirm that the reinstatement of the limestone pathway has been excluded from the scope of work for the revised MMP?

EAP response: The reinstatement of the limestone walkway has been removed from the scope of works. Should Robben Island Museum want to reinstate the walkway at a later stage, it will be treated as separate works and the correct process will be followed for Environmental Authorisation.

6. It is further noted that an updated Avifaunal Impact Assessment Report was compiled by The Biodiversity & Development Institute dated May 2021. The Avifaunal Impact Assessment Report and the Implementation Plan compiled by Archaeological and Heritage Services Africa (Pty) Ltd (Revised September 2020) recommended that restoration activities should commence mid-winter 2021 and continue uninterrupted up to a year. It was further recommended that restoration activities should take place between 09h00 and 17h00 each day to ensure that the movement of penguins are avoided. The Avifaunal Impact Assessment Report stated that "Overall, the risks to the two endangered species (African Penguin and Cape Cormorant) posed by this project are medium to high, so it will be imperative that all the mitigation measures and recommendations listed above be put in place and are strictly adhered to keep impacts to a minimum." Considering that the commenting period on the Revised MMP ends on 24 June 2021 and the Final MMP must still be submitted to the competent authority for adoption, how will the recommendations of the specialists be influenced should restoration and maintenance activities only commence in late spring or early summer 2021, or would the restoration and maintenance activities be shifted to the winter of 2022? Comments from the avifaunal and archaeological/ heritage specialists must be obtained regarding the rescheduling of restoration and maintenance activities and how it would impact the African Penguin and Cape Cormorant.

EAP response: There is already an arrangement with the Department of Forestry, Fisheries, and Environment that they expedite the decision-making process to ensure the restoration works can begin in July 2021.

7. It is again reiterated that both aspect 1.12 of the table in section 9.1 of the Revised MMP and the Emergency Response Plan relating to spillage of diesel or hazardous substances should include the stipulation of adherence to section 30 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") pertaining to the control of incidents. In the event of a significant spill or leak of hazardous substances used during the proposed activities, such an incident(s) must also be

reported to the Directorate: Pollution and Chemicals Management in accordance with section 30 of the NEMA, 1998.

EAP response: The Final Maintenance Management Plan will include the stipulation that must be an adherence to section 30 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (“NEMA”) pertaining to the control of incidents. In the event of a significant spill or leak of hazardous substances used during the proposed activities, such an incident(s) must also be reported to the Directorate: Pollution and Chemicals Management in accordance with section 30 of the NEMA, 1998.

8. Please note that the Environmental Impact Assessment (“EIA”) Regulations should be referenced as the NEMA EIA Regulations, 2014 (as amended).

EAP response: The Final Maintenance Management Plan will be amended accordingly.

9. The applicant is reminded of its “general duty of care towards the environment” as prescribed in section 28 of the NEMA, 1998 which states that “Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment.”

EAP response: The comment has been noted.

10. Please direct any enquiry via e-mail to Ms Adri La Meyer, who will forward your enquiry to the relevant official for a response.

11. The Department reserves the right to revise or withdraw its comments and request further information based on new information received.

EAP response: The above comments have been noted.

DFFE comments (Received 17.06.2021)

- i. It is noted that the submitted draft MMP triggers the exclusion of activity 19A and all sub listing activities (i, ii and iii) have been applied for and included in the MMP. You are therefore requested to include the description of proposed project which is applicable to the listed activity. Please ensure that all relevant listed activities are applied for, are specific and can be linked to the development activity or infrastructure as described in the project description. Only sub listing activities applicable to the proposed development must be applied for and assessed.
- ii. Please ensure that the proposed maintenance works to be undertaken does not trigger any listed activities that may require environmental authorization.
- iii. Please ensure that all other maintenance and remedial work activities must be within and must not result in any expansion of the existing footprints of the affected relevant structures.
- iv. Please be advised that should any revision of your development comprise any other activities that constitute a listed activity/ies as defined in GN R983, R984 and R985 of 04 December 2014 as amended, an Application for Environmental Authorisation must be lodged with the relevant Competent Authority prior to the commencement of construction activities.

EAP response: The above comments have been noted and will be adequately included in the Final Maintenance Management Plan. The Final Maintenance Management Plan will include that any current and future maintenance work must not trigger any listed activities. Please note that should

any of the proposed works trigger a listed activity, an environmental authorisation will be applied for accordingly.

- v. A comments and Response report (C&R) of all comments received from Interested and affected parties (I&Aps) as well as this Department must be submitted with the final MMP. The C&R report must

Chief Directorate: Integrated Environmental Authorisations

incorporate all comments for this development and responses provided for each comments. Please note that a response such as "Noted" is not regarded as an adequate response to I&Aps' comments.

EAP response: The above comments have been noted. A final Comment and Response Report will be included in the Final submission of the MMP.

- vi. Kindly ensure to include the contact details for the applicant in the final MMP.
- vii. Recommendations of the Avifaunal impact Assessment must be incorporated in the MMP.
- viii. The MMP must include the Specialist Declaration of Interest form for the Avifaunal Specialist on the Department's template and the template can be obtained from the Department's website.

EAP response: The revised MMP will be reviewed to ensure the contact details of the applicant are included. Please note that all recommendations listed in the Avifaunal Assessment have been included in the MMP. The specialist declaration has been included as part of the avifaunal assessment.

Earthwatch comments (Received 22.06.2021)

Limiting working hours

The proposed mitigation to reduce the impact of people working in the quarry is to limit the hours of work to 9am to 5pm. While it is true that penguins are moving much less during these hours, the selection of times is based on data I provided on the hours of movement from a transponder reader situated from time to time at a place where penguins cross the road on their way to and from the quarry. There are two important caveats to the use of this data. First, the times given are the times at which the birds cross the road and NOT the times when they are in the quarry and most likely to be disturbed by people. In the morning birds, after crossing the road take typically 20 to 40 minutes to cross over the revetment wall or the scree; and in the evenings birds take typically 40 to 50 minutes from reaching the bottom of the revetment wall outside the quarry before they have climbed over the wall, walked or swum across the quarry, climbed back out of the quarry and crossed the road on their

way back to their nests. More important though, is the fact that these times are very much dependent on weather and the times of sunset and sunrise. If one is to take as a rough guide that working hours should be set such that no more than 10% of the birds should be impacted (which in my view is still rather high) then work should not start any earlier than 90 (preferably 120) minutes after sunrise and should cease no later than 120 minutes before sunset. But there should be a further caveat, that on foggy mornings work should not begin until 60 minutes after the fog has cleared. This is because the penguins tend only to go to sea at that time. Using these guidelines should allow for longer working days in the summer months to offset the loss of working hours on the winter.

EAP response: Please note that the works are proposed start at 09:00 and end at 17:00, both times suit the general comment of starting 120 minutes after sunrise and 60 minutes before sunset. Should fog occur, extra stringent mitigation measures will be implemented to avoid the movement of penguins including avoiding the penguin pathway stipulated in the avifaunal assessment.

The route to the quarry

The second mitigation proposed to reduce the impact on the penguins' movements is to specify the route to be followed by any traffic associated with the project. The avifaunal assessment is that the least impact will occur if traffic comes in from the north following a route along Cornelia Road to the Quarry. The argument made is that there has been a movement of penguins away from the forested area along Cornelia Road and towards the South end of the Island. So that few penguins are now crossing Cornelia Road –it is argued by coming in from the north and thus not crossing the pathways at the quarry, less overall disturbance will occur. However, there are still plenty of penguins that come ashore along the east coast of the island between the harbour and the Sea Challenger wreck. On June 2nd when I left the quarry shortly after sunset (at 17:52) there were 16 penguins still in the process of crossing the quarry. As I drove back along Cornelia Road I saw 18 penguins waiting to cross Cornelia Road. This suggests that the number of penguins coming ashore on the North East coast of the island and crossing Cornelia Road to reach their nests is similar to the number that come ashore at the quarry. Hence I remain unconvinced that the disturbance that will be caused by having vehicles drive along the northern section of Cornelia Road (a route that is hardly used at all (only security vehicles and researchers have any reason to drive along this stretch) is significantly lower than that which would be caused by having the same traffic cross the penguin pathway at the quarry. In short, either option will adversely affect penguins travelling between their nests and the ocean.

EAP response: Please note that comment refers to observing penguins after 17:00 which is irrelevant to the current works since transport of the personnel back to the harbour is recommended to be

before 17:00. As per the avifaunal assessment, the EAP agrees there is more penguin activity after 17:00.

In my opinion there is no clear case as to which route to the quarry is likely to be of least harm. If the project is approved then I suggest a meeting with all the avifaunal and other ecological experts should be held to evaluate the two routes as an aid to making a decision. But I further recommend that the situation is constantly monitored and if any detrimental effects are seen (e.g. sudden reduction in numbers of birds using certain pathways in the mornings or evenings, birds injured near the roadside, or abandonments of nests within a few metres of the roadside where additional traffic passes) then the situation is re-evaluated and the routes changed accordingly.

EAP response: The discussions between the appointed specialists and stakeholders including Earthwatch and SANCOBB has already occurred. During the compilation of the avifaunal assessment report, both Earthwatch and SANCOBB were consulted to ensure that all impacts on avifauna were taken into consideration in the avifaunal assessment. This correspondence is included as an appendix to the avifaunal assessment report.

However, should DFFE find it necessary that additional discussions must take place, these discussions should be led by Robben Island Museum and relevant specialists including Earthwatch.

Please note that an ECO and bird monitor will be monitoring any bird incidents throughout the duration of the works.

Further mitigations are proposed in terms of the speed limit etc. viz:

Keep strictly to the speed limit of 40km/h on the island and slow down even further to 20km/h in the vicinity of nesting sites and penguin crossings.

The road must be checked for any penguins or chicks crossing the road before a vehicle accesses the site. And

EAP response: The comments/ mitigation measures have been noted and have already been included in the MMP.

During breeding times of the birds, staff must ensure the roads are clear of chicks and other birds before using the road

EAP response: The comment has been noted and has already been included in the MMP.

These are all laudable, but can they actually be enforced? In my experience few drivers keep to the speed limits on the island and there is no effort to enforce the limit. The limit of 20kph in the vicinity of nest sites and crossing would apply to the entire length of the journey to the quarry on the proposed northerly route as penguins breed close to (within 5m of) the road along the entire length of Cornelia Road. It is not just the road that should be checked for penguins and chicks, an area up to at least 5m either side of the road should be checked. Penguins can be startled by passing vehicles and will run off, but they have no road sense and the direction they run in is as likely to be into as away from the road. Some form of enforcement will be needed – my suggestion would be to obtain and use a speed gun to be used by the penguin monitor or RIM staff and fine the contractors should they be caught speeding.

EAP response: Please note that a designated environmental officer will be always on site and will monitor the speed of the vehicles. An appointed ECO will also be appointed to monitor speed and bird incidents bi-monthly. The usage of a speed gun must be approved by Robben Island Museum and will be explored as an option for ensuring that the speed limit is adhered to.

A further question is how many trips will need to be made each day. Clearly some trips will be needed to transport the rocks that need to be broken up to and from the site where the jackhammer will operate. Also, it is likely that some comfort breaks for the workers will be needed. The more trips that are made the greater are the risks to the birds, so some thought needs to be given to setting up a system that combines trips to keep the number to the absolute minimum required.

EAP response: Three main trips will be required:

- One in the morning (to bring rocks and personnel to site)
- One in the afternoon (at 12:00, to ensure personnel can use the bathroom)
- One in the late afternoon (to take rocks and personnel to the harbour)

Working from the North and continuous working

Two further actions are proposed by the avifaunal report: starting the work at the north end of the quarry and working southwards and beginning the work as soon as possible and then working consistently everyday until the work is completed. There are good reasons for both these recommendations, but there are also many drawbacks and the balance of what procedures will have the least bad outcomes needs some discussion. The reason for starting as soon as possible is to minimise the risk that other seabirds - gulls, terns and cormorants - will start to breed in the quarry before the work begins and thus further delay the work until they have completed their breeding. It would not be legal to disturb birds breeding in the quarry so if they do choose to breed there it is inevitable that work on the wall would have to stop. The reason for continuous working is that seabirds

in general and penguins in particular can become habituated to changes in their environment so if disturbance is necessary its impact can be minimised if the level of disturbance remains constant so that as birds become habituated the overall impact may slowly reduce.

EAP response: Please note that a Marine TOPS permit will be applied for, and should it be granted, disturbing the birds will be permitted provided that any conditions of the permit are implemented. This TOPS permit has been applied for in the event there are any direct conflicts with threatened birds. As per the avifaunal specialist's recommendations, continuous working within the quarry should deter any avifauna from breeding in the quarry, ensuring that they choose a different suitable area for breeding for the season. This reduces the risk that any breeding birds will be directly disturbed by the workings in the quarry.

However, there are potential problems with both of these actions. First, when the project was first envisioned it was made quite clear that the project would be completed in a relatively short timescale - a maximum build period of 6 months was agreed for the original larger scale project. This was important as it permitted the project to be carried out in the summer months when penguin breeding was at its lowest and the penguins were mostly moving to sea well before 9 am and not returning to their nests until late afternoon thus allowing plenty of time in the middle of the day to avoid clashes between the workers and the penguins. While the birds may become habituated to seeing people in the quarry, the effects will become increasingly important as the work moves southwards. The hope is that by starting in the North penguins will be less disturbed and will by the time the work reaches the southern area where the penguins are most likely to come into conflict with the workers they will have become somewhat habituated to their presence. There is however, no evidence that this will happen.

EAP response: As per discussion with the appointed avifaunal specialists, there is substantial evidence that showcases that Penguins can become habituated to human presence and movement including Boulders Beach or at Stony Point. As per the Professor Les Underhill response: *"In these [Stony Point and Boulders Beach] places they [the penguins] are habituated to people coming and going. This was what underpinned our recommendation for continuous restoration work. As long as a group of people behaves consistently, the penguins will habituate to them. The experience during oil spills bears this out; the penguins adapt their behaviour within weeks to levels of disturbance orders of magnitude larger than what will occur during this restoration project."*

A further issue will occur when the work reaches the southern end of the quarry where the penguins crossing the revetment wall will come into direct conflict with people working to shore the wall up where it is being undercut by the action of the ocean (see below for more detail).. Without knowing

the timescale of the project (the rate at which the work will move from North to South) it is not possible to assess the impact the work is likely to have on birds returning from the sea in the evenings or going to sea in the mornings.

EAP response: As per discussion with the appointed avifaunal specialists and after consulting the avifaunal assessment, the new penguin crossing is a 20-30 m south of where the works will end. Therefore, no impact to the new penguin crossing is expected. Given that the works will be conducted between 09:00 and 17:00 every day, this should also avoid direct conflict with any penguins.

The penguins on Robben breed throughout the year with maximum breeding numbers around May and June and minimum numbers around November to January. It is mainly during the breeding season that penguins follow predictable patterns of attendance at the colonies – this is because they have to feed their chicks and so need to follow a pattern that maximises their foraging opportunities (i.e. they are largely restricted to the daylight hours). When they are not breeding penguins do not need to feed as much and can adjust their patterns of behaviour to fit other priorities. The result is that patterns of attendance at the colonies become unpredictable at these times making mitigations such as limiting working hours less effective in limiting damaging disturbance to the penguins.

EAP response: The comment has been noted. The avifaunal impact assessment and MMP have adequately taken into account the various impact that the proposed works may have on avifauna in the area including penguins. The general consensus and evidence at hand (from the above comments and those comments from Professor Underhill, the specialist who conducted the avifaunal assessment) is that penguins are more active in the mornings (at around sunrise) and at dusk (They are renowned Crepuscular species) even during times that they are not breeding. Because working times will only be from 09:00 until 17:00 (or just before to allow for travel) and thus after and before the major penguin traffic events, it is not expected that there to be direct conflict with most of the penguins. Moreover, the walkway that 90% of penguins use is 20-30m below any working area. These two facts, and given that stringent mitigations measures for prevent road kill, it is expected that there all significant impacts to penguins will be effectively mitigated.

Breaking rocks at the harbour and reducing disturbance at the harbour

It is proposed that to avoid noise disturbance at the quarry site the use of a jackhammer to break up larger rocks into pieces that are suitable for the wall construction should be carried out at the harbour and the broken rocks then driven to the site as needed. In a separate mitigation to attempt to provide further breeding space for Cape Cormorants, it is suggested that all disturbance on the long arm at the harbour is stopped. These two interventions are incompatible – the noise from the jackhammer would

not only affect the nesting cormorants, but also affect visiting tourists. It seems to me that it would be much better to identify a place well away from people and nesting birds for the jackhammer work (possibly on the airfield?). Possibly the same location could have toilet facilities for the workers which could help to reduce the total number of trips made.

EAP response: Please note that Jackhammering will be done at a warehouse approximately 100 meters away from the actual harbour. Therefore, it is not expected that noise will significantly impact any avifauna that may breed in the harbour.

The repairs on the South revetment wall where the penguins now cross: an issue not addressed in the proposal

If one looks at the outside of the revetment wall below and just to the east of the point at which penguins climb the wall to get into the quarry, it is very clear that storm damage has seriously undercut the structure (see figure 2) and that some considerable reconstruction will be required to stabilise and repair the wall here. I cannot see how that work can be carried out without interdicting the current route the penguins take to climb the wall for the duration of the work. By the time the work reaches this area all the work to the north will have been completed so there will no longer be any easy route to the south over the original now collapsed wall. Once work starts along this section, the danger of a collapse of the overhang to workers at the base of the wall will almost certainly mean that safety and health considerations will force the partial demolition of this section and hence remove at a stroke the penguins only remaining route ashore.

I do not have any solution to this issue. But it may be possible to develop plans that allow the work to be phased to allow that there is always an easy route for the birds to cross the quarry wall (e.g. creating a ramp up over the rebuilt outer wall) and encouraging birds to use that route by the judicious use of fences, etc. If that can be done then once the penguins do actually take up the alternative route – and only once they have done so – it could be possible to work on the section of wall where the penguins currently cross.

EAP response: As per the appoint Heritage Specialist, Dr Edward Matenga:

“Concerning the overhanging wall pictured, there are methods to shore up the wall without disturbing it. It is not possible that the penguins are crossing right down the overhang! They are crossing from a point to the south of the overhang where the slope gradient permits crossing [This is also as per the Avifaunal Assessment Report]. There is an Occupational Health and Safety Plan in place. A condition survey of the existing walls was undertaken in Nov 2019 and we know the sensitive areas and we have a plan in dealing with them.”

Please also note that as per the discussions with appointed Heritage and Avifaunal specialists, the southern penguin route will not be impacted by the proposed works since the penguin route takes place approximately 20-30 m below the proposed works.

Cormorants

The proposal suggests reducing disturbance to the cormorants that breed on the long arm so as to provide additional nesting habitat in the hope that this will discourage cormorants breeding anywhere near the quarry. I rather doubt this will be effective. It is notoriously difficult to persuade any birds to choose to breed where one would prefer they did. The cormorants that have in recent years chosen to breed on the north west area of the island, near the quarry, have always had the opportunity to join the majority of the Cape cormorants that breed at the long arm of the harbour wall on Robben, but they have chosen to form a 'breakaway' breeding group. Nonetheless it can do no harm to improve the breeding environment at the harbour and may be effective. But this is not a sufficient mitigation to reliably prevent Cape cormorants choosing to breed at the quarry.

EAP response: The comment has been noted. As per the recommendations of the avifaunal specialist, the promotion of the Cape Cormorants breeding at Murray's Harbour will be included in the final MMP because it is one of the only solutions or mitigation measures to reducing the impact on the Cape Cormorants at the stockpile.

It is notable that now (June 2021) large numbers (>250) of Cape cormorants are choosing to roost overnight in the quarry occupying the rocks between the two pools inside the quarry and also on the internal revetment walls. If this behaviour continues then the probability of their choosing to breed there later this year becomes significant. Should the cormorants start breeding in the quarry then any human activity within the quarry walls would most certainly disturb them sufficiently that they would abandon their nests. Such harassment of an endangered species would not be permissible under TOPS. So in that event the project could not begin this year or if started would have to be abandoned.

EAP response: Please note that the same recommendation stands for disturbing Cape Cormorants in the Quarry as with disturbing Cape Cormorants in the stockpile. The recommendation would be to discourage breeding in the quarry and encourage breeding in Murray's Harbour to avoid any significant impact to the Cape Cormorants. This is done by continuously working in the Quarry from mid-winter and also ensure that maintenance activities cease at Murray's Harbour.

Please note that a Marine TOPS permit has been applied for so that there may be a permit in place to “legally” harass threatened birds provided that all the conditions in the permit have been met.

Other seabirds

At present the only other seabirds that may be affected adversely are the Kelp gulls that are roosting along the Eastern perimeter road and the Caspian tern that has returned to the Blue Stone Quarry and may start to breed there again. The Kelp gulls are of little concern, but could pose a Safety and Health risk to workers at the site if they are disturbed. The Caspian terns are a rare bird in this area and deserve some protection if at all possible.

Although they are not currently breeding in the area, it is always possible that next season, swift terns and or Hartlaub’s gulls may choose to breed at or close to the quarry. Disturbing them once they start to gather to breed would contravene TOPS legislation so a contingency plan should be in place before permission is given for the work to commence.

EAP response: As per discussions with avifaunal specialist, breeding of Swift Terns and any other avifauna within the Quarry is expected to be discouraged before they choose their breeding localities for the season by ensuring that the personnel continuously work on the wall from mid-winter. Therefore, ensuring that the avifauna choose a different breeding site other than the Quarry reducing the conflict with the birds.

Monitoring the impact of the work

If this project does go ahead, then it will be very important to monitor very carefully the full impact it has on the avifauna and if these impacts are seen to be serious for there to be a mechanism in place to provide further mitigations or if necessary to stop work completely. This is particularly the case for the impact on breeding African penguins as this species is in rapid decline. It is now on the cusp of becoming critically endangered. Around 10% of the population of the species breeds on Robben Island making it one of the four most important colonies, so a project that will impact up to 20% of the population on the island has the potential to cause immeasurable damage.

Such monitoring has to happen in real time and there needs to be a mechanism whereby actions can be taken very quickly to deal with any adverse effects on the penguins that are found. This work will need to be funded as the analysis will take up time for which somebody will need to be employed, and there are capital (equipment) and consumable (batteries, etc.) costs to the necessary work required to collect the data.

As a minimum, passive transponder readers should be set up along the route penguins take to and from the quarry (realistically two readers are needed as one is not sufficient to cover both the major road crossing points). The Earthwatch project is willing and able to provide one such reader. Further camera traps should be placed at fixed locations to ensure as far as possible that all birds crossing the quarry are recorded along with the times they pass. The Earthwatch project can provide up to six cameras for this purpose; I estimate up to 12 cameras may be required to provide full coverage. The data from these cameras and transponder readers will need to be downloaded and analysed at least once a week so that changes in commuting behaviour can be seen and where necessary adjustments to the operating procedures (working times and locations, routes, etc.) can be modified before serious negative impacts occur. Similar monitoring is required at a site not disturbed by the work so that changes that are due to natural conditions prevailing at the time can be distinguished from changes that are caused by disturbance at the quarry.

EAP response: Since the significant impact on the Penguins are expected to be avoided provided that the mitigation measures are implemented, and the penguin route is 20-30 m south of the proposed works, the appointment of an independent bird monitor, installation of two transponder readers and the installation of several camera traps to monitor minimal impact on the penguins is financially impractical and excessive.

Nevertheless, an independent bird monitor will be appointed (whether it will be the SANCOBB ranger or a newly appointed monitor) and a designated environmental officer will be on site. An independent ECO will also be appointed to conduct bi-monthly monitoring visits. These appointed personnel are expected to be enough to monitor the impact on the Penguins and other avifauna.

OCEIA comments (Received 21.06.2021)

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.

EAP response: The comment has been noted.

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.

EAP response: The comment has been noted and as per the revised MMP, the above-mentioned mitigation measures have been included in the MMP.

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.

EAP response: The comment has been noted and as per the revised MMP, the above-mentioned mitigation measure has been included in the MMP.

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.

EAP response: The comment has been noted and will be included in the Final MMP.

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.

EAP response: The comment has been noted and will be included in the Final MMP.

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.

EAP response: The comment has been noted and will be included in the Final MMP.

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.

EAP response: The comment has been noted and will be included in the Final MMP.

2.7 The applicant should consider, adhere to and implement the relevant section of the National "ICM Act" applicable to this project.

EAP response: The comment has been noted and the relevant section of the National ICM Act will be included in the Final MMP where applicable.

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, a camping site should be planned and established within the CPP;

EAP response: The comment has been noted and will be included in the Final MMP. Please note that a construction camp is not necessary for this project.

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.

EAP response: The comment has been noted and will be included in the Final MMP.

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.

EAP response: The comment has been noted and will be included in the Final MMP. Please note that no vegetation clearance will not be required for this project.

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.

EAP response: The comment has been noted and will be included in the Final MMP.

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.

EAP response: The comment has been noted and will be included in the Final MMP.

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, where 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;

EAP response: The comment has been noted. Various additional mitigation measures to avoid vehicle strikes have been included in the revised MMP.

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.

EAP response: The comment has been noted and will be included in the Final MMP.

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.

EAP response: The comment has been noted and will be included in the Final MMP.

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;

EAP response: The comment has been noted and the NEMA duty of care principles will be considered in compiling the final MMP.

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;

EAP response: The comment has been noted it will be communication with Robben Island Museum that no restoration can begin without authorisation.

SANCOBB comments (Received 22.06.2021)

Please find some more specific comments to the document below:

- 4.3.: Anticipated restoration and maintenance activities and site layout plan:

- Large rocks will need to be moved from the stockpile close to BSQ to the warehouse at the harbour, thus vehicle use will be more than just for personnel transport, most likely several times a day.

EAP response: The revised MMP states that a vehicle will be used for transport of rocks *and* personnel. However, the amount of travel will be restricted. It is also not suspected that much travel will take place at the start of the restoration works because the movement of rocks will only be extensively required for when the imported material is used.

- It is doubtful that the large rocks can be only transported from the stockpile to the road by wheelbarrow. How will they be lifted from the stockpile and transported to the road and loaded onto the vehicle?

EAP response: There is no indication that rocks cannot be transported via a wheelbarrow. The distance from the stockpile to the road is relatively short. To minimise impacts on the vegetation and avifauna, no vehicles will be allowed on the vegetation. No heavy machinery will be allowed on the site and thus, the rocks will have to be placed on the vehicle by hand.

- How many daily trips to the site are expected, for staff transport, transport to ablution facilities, for rock transport etc? During the site visit, it was discussed that either no vehicle access would be allowed or limited to once in the morning and once in the afternoon, this is clearly not that case.

EAP response: It is expected that vehicle transport will be limited to three times a day :

- Once in the morning (to bring material and personnel to the site)
- Once in the late afternoon (before 17:00) (To take material and personnel to the harbour)
- Once at lunch time (for bathroom breaks)
- Will there be any shade provided for the laydown area? The risk is that nearby vegetation will be used for shade if no other shade is provided (as well as for quick toilet breaks).

EAP response: No shade will be providing, should the personnel require shade, a small gazebo (if the wind is not too strong) can be erected which will have no impact on the surrounding environmental.

- The access to the stockpile is located south of where the penguins cross, thus the statement that the access via Cornelia Road from the north will avoid disturbance to penguins crossing is not correct. How close will the vehicle be allowed to be to the stockpile? Where is the turning around area for the vehicle on the road?

EAP response: The turn around site will be restricted to an area that is already disturbed. This includes the area that will be used for the lay down area.

As per the discussion with the appointed avifaunal specialist, Professor Les Underhill, should the stockpile be accessed during the middle of the day, when the penguins are utilising the walkway the least, minimal conflict with the penguins is expected. Given that the stockpile will only need to be accessed once a day or once every second day, penguin conflict is expected to be negligible. Driving to the stockpile on the tar will also not affect the penguin walkway itself. It is

only when vehicles are driving on the walkway on off-road areas, which is strictly prohibited, will the walk way be impacted.

- Please correct the spelling of SANCCOB on page 13 (and page 33 &40).

EAP response: The MMP will amended accordingly.

- Monitoring requirements going forward would need to be discussed with SANCCOB regarding the use of the SANCCOB Ranger as this position is funding dependent and SANCCOB cannot commit to have a ranger based on Robben Island for the entire duration of the proposed monitoring period (especially if future maintenance is required).

EAP response: The comment has been noted. Should Andile not be available, Robben Island Museum will have to appoint an independent monitor or request that Sabelo (the Environmental Manager) act as a Seabird Ranger.

Table 4:

- Noise impact: Movement of vehicles and restoration activities will not only be nuisance to the local bird population but cause severe disturbance preventing birds from breeding in the area. The species affected include endangered seabirds like African penguins and Cape cormorants, whose breeding attempts should not be discouraged but rather encouraged seeing their current population declines.

EAP response: The comment has been noted. Seeing as though the perimeter road is regularly used by vehicles, it is not expected that usage of vehicles for the proposed works will create significant additional impact. Nevertheless, vehicle movement is expected to be restricted to three times a day, minimising noise impacts from the vehicles. Although not related to noise, mitigations measures related to preventing roadkill have been included in the MMP.

- Small amounts of domestic waste will be generated by the personnel during refreshment intervals. Lack of proper management of the waste on site may lead to wind-blown litter –a proper management of domestic waste needs to be implemented.

EAP response: The comment has been noted. The appointed ECO will be required to train all personnel on waste management.

Ecology Fauna:

- The removal of the stockpile will result in disturbance and loss of suitable habitat for indigenous fauna using the stockpile. Has there been a specialist report on the reptile fauna on Robben Island?

EAP response: In short, no, not at least for this current Scope of Works. It is in the EAP's (a suitably qualified Ecologist) professional opinion that impact to reptile fauna will be negligible and thus, a full faunal impact assessment was not required for the proposed works. The stockpile is a relatively small (~ 0,15 ha) in comparison to the remaining existing habitat immediately surrounding the stockpile. Should any reptiles be displaced during the movement of rocks from the stockpile, they will be able to find refuge in the abundance of habitat surrounding the stockpile.

However, it will be included in the Final MMP that a snake handler will be required to check the stockpile for any species inhabiting the stockpile and remove them carefully to an appropriate habitat.

Ecology Avifauna:

- The plan does not adequately describe the level of sensitivity and should state the conservation status of the African penguin and Cape cormorants. The restoration work will certainly impact these species.

EAP response: The avifaunal assessment has been conducted by suitably qualified individuals with sound knowledge of Robben Island avifauna. The assessment has assessed several impacts to both bird species and clearly states that there will be a significant impact on the African Penguins and Cape Cormorants should the mitigations not be implemented. Therefore, the Maintenance Management Plan does not separate from the fact that the proposed works will impact the two mentioned species. However, given the mitigation measures listed in the MMP, it is expected that this impact will be reduced to an acceptable level.

African penguins:

- the restoration does not only alter the pathways and access points but operations of up to a year (and then repeatedly if further maintenance is needed which is suspected) may also prevent birds breeding in the area, which would reduce the number of breeding pairs of this endangered species. In recent years, the area around the Blue Stone Quarry has become more important for the birds. Numbers of African penguins breeding on Robben Island have declined over the last years and this, together with the dramatic decline of the species at some of the other main colonies, may lead to the species being classified as “Critically endangered” by the IUCN soon. Any disturbance of this species, including displacement from potential breeding sites (by reducing access roads or disturbance along the way), will lead to further population declines and can push this species over the edge of extinction. Robben Island Museum (RIM) might need to re-evaluate their stance on biodiversity, seeing that the African penguin and other seabirds are already used as a tourist attraction for people to visit Robben Island.

EAP response: Based on the avifaunal assessment, conducted by suitable qualified avifaunal specialists with decades of experience, the impact of the proposed works on the breeding birds in the immediate vicinity will be negligible should the mitigation measures noted in the Avifaunal Assessment be implemented.

The proposed works are not expected to impact the Penguin access road that 90% of penguins use especially since there are no works that will destroy this access road. The road is also a “no-go” areas as stipulated in the revised MMP and the risk of roadkill will be significantly reduced given the mitigation measures such as reduced vehicle speed.

Although some penguins (approximately 10%) do use the access route that goes through the quarry, the appointed avifaunal specialist recommends that the proposed restoration works be conducted

continuously and from the North to the South to encourage these penguins to use the southern access route. By implementing this mitigation measures, the impact on the penguins is significantly reduced.

Cape cormorant:

In 2021 (and in previous years), the Cape cormorants bred on the harbour breakwaters AND on the stockpile at the BSQ, thus having breeding space available at the harbour does not mean Cape cormorants won't attempt to also breed close to the BSQ. As for African penguins, breeding of Cape cormorants must be encouraged, seeing their population declines, not discouraged. We are also not sure where other potential breeding areas mentioned in the Avifaunal Report are? We have spoken to several researchers that have worked on seabirds on Robben Island for several years and we can't remember Cape cormorants breeding at different sites besides the harbour and the BSQ. Large numbers of Cape cormorants are currently (June 2021) roosting at the BSQ and it is to be expected that these birds will initiate breeding at the site in the near future again. Being a TOPS listed species, any form of harassment (in terms of approaching nest sites, destruction of nest sites, removing of eggs or birds) will result in legal action being taken against the person responsible.

EAP response: As per the Avifaunal Assessment, the impact on the Cape Cormorants can be mitigated by encouraging Cape Cormorants to nest in the breakwater or harbour. As mentioned in the Avifaunal Assessment, this is to be done before the Cape Cormorants choose their nesting areas for the season. It is unlikely that Cape Cormorants will choose to breed in the stockpile and not the breakwater during their next breeding season since the restoration works will already be underway, discouraging breeding in the stockpile/quarry and encourage breeding in the breakwater. By not implementing maintenance activities in the breakwater (as recommended in the avifaunal assessment), the Cape Cormorants should choose to breed in the breakwater and not the stockpile/quarry.

Please note that as per the Avifaunal Specialist, Professor Les Underhill, there is photographic evidence that the Cape Cormorants have bred in other areas other than the breakwater and Blue Stone Quarry (please see below). This indicates that the Cormorants will choose to breed at a suitable alternative habitat should it be necessary.



Figure 1: Cape Cormorants breeding near the second wreck, south of the Sea Challenger; 7 December 2020.

Other species:

Swift terns are not mentioned here, however, Robben Island is South Africa's largest breeding colony for this species and swift terns have used the area around the BSQ in previous years to breed. The species has been disturbed at other sites closer to the inhabited parts of Robben Island, however the BSQ site has experienced the least human disturbance making it an important refuge and breeding area for the Swift terns. Disturbance of swift terns at the BSQ will lead to birds breeding at the settlement or at other sites with planned development, like Alpha 1.

Seeing that maintenance is planned or predicted for several years following the reconstruction of the quarry wall, the "temporary disturbance" mentioned would rather be permanent or repeated disturbance which would lead to birds not being able to breed in the area at least for several years. Seeing that other areas of the island are also being disturbed regularly or affected by planned developments (like the Alpha 1 development, extension of tourism activities etc), this will lead to cumulative disturbance and reduced breeding space at different sites on the island and threaten the successful breeding of several seabird species, including those listed as threatened by the IUCN and protected under the TOPS regulations, in the long run. The biodiversity and its protection should be in RIM's interest as besides the historic importance of the island, an important draw card for future tourism activities and thus the financial sustainability of RIM is the biodiversity, especially the seabird and bird species found on the island.

EAP response: Because of the conservative nature of the proposed works, the impact to Swift Terns is expected to be limited. Moreover, as per the avifaunal assessment, swift terns are breeding

around the Blue Stone Quarry and not within it. Since the area surrounding the quarry is not included in the scope of works, besides the stockpile, the impact on the Swift Terns is expected to be negligible provided that the noise mitigation measures are adhered to.

Nevertheless, should there be evidence that the Swift Terns are breeding in the quarry, the same mitigation stands as for the impact to the Cape Cormorants. As per discussions with the appointed avifaunal specialist (Professor Les Underhill), should the proposed works be conducted continuously from mid-winter, it will prevent the Swift Terns from breeding in the quarry reducing direct conflict with the birds during breeding season. Swift Terns are expected to only breed from February 2022 and by that time, the works would have well underway, discouraging any Swift Terns from breeding in the quarry. Professor Underhill have also made it clear that Swift Terns choose different breeding areas every year and acknowledge that there is sufficient breeding habitat for the Terns on the island should they not be able to breed in the quarry (They have used the edge of the island and the Village as breeding areas in past according Professor Underhill).

6.3. ECO's role:

ECO visits are required before the start of the restoration activities to assess bird activity on site. If birds are being found to actively breed in the close proximity to BSQ, restoration work will not be able to commence, especially if it is a TOPS listed species, such as African penguin, Cape cormorant or swift tern. Bi-monthly visits are not sufficient to identify disturbance issues to the local avifauna or misbehaviour on the side of the construction team.

EAP response: It is standard practice for an ECO to conduct a "hand over" site inspection to indicate any additional sensitive areas. Please note that a TOPS permit has been applied for all listed threatened species since some of the proposed scope of works will be considered "harassment".

Daily monitoring is recommended, however, roles and responsibilities of ECOs and avifaunal monitors need to be clarified, as well as the financial reimbursement for monitoring and assessments.

EAP response: Should any additional assessments or monitoring be required by avifaunal monitors; this have to be led by a discussion and agreement between Robben Island Museum and SANCOBB. Details of financial reimbursements are outside of the scope of the MMP.

• 8. Specialist Assessment:

Looking at Figure 4 it is not clear how the area around the penguin crossing can be a no go area but the stockpile south of the penguin crossing will need to be accessed for rock collection. Again, where will be the furthest southern location the vehicle can access to collect rocks? Will all rocks be transported by wheelbarrow to the vehicle stationed north of the penguin crossing? Where will the vehicle turn around?

EAP response: The Final MMP will include the most southern section where vehicles will be limited. It is expected to be directly across from the stockpile where vehicle will only have access mid-day. The remaining comments have been addressed in the above responses.

As mentioned above, Cape cormorants have always bred at the Murray Harbour, including in years when also breeding at the BSQ location. Thus, even though a call for no disturbance at the breakwater at the harbour is desired (and should already be the case), this will be by no means a security that Cape cormorants won't also attempt to breed at the BSQ site. Once breeding has commenced by the Cape cormorants, all work would have to stop as approaching a breeding Cape

cormorant by less than 5m, destruction of nests, removal of nest content etc is all considered as “harassment” in the TOPS regulations and legal actions may be taken against any person contravening to these regulations.

EAP response: Please note that a Marine TOPS permit has been applied for, ensuring that any harassment to threatened species is permitted provide that any conditions of the permit are adhered to.

Who will fund the independent bird monitor and will that be a separate person than the ECO? Will the bird monitor have the authority to stop work with immediate effect?

EAP response: The bird monitor is suggested to be Andile Mduli. Should certain activities extend beyond the current bird monitor’s job description, the requirement of an additional bird monitor will have to be led by a discussion and agreement between SANCOBB and Robben Island Museum.

An ECO is a separately appointed person apart from the bird monitor. The bird monitor will be allowed to stop works with immediate effect.

9.1. Mitigation measures for environmental impacts associated with proposed maintenance activities:

1:10 Ecology

a &b) Is there an Incident Response Plan for handling bird incidents? What incidents do you envisage?

EAP response: Yes, an incident response plan for bird incidents has been included in the MMP.

o f) Mr Andile Mduli is the RIM/SANCCOB Seabird Ranger, Mr Sabelo Mdlala is RIM’s Environmental Manager

EAP response: The comment has been noted. The MMP will be amended accordingly.

o g) What is a minimum regarding vehicle traffic? Several trips to and from the quarry are anticipated which will cause major disturbance along a long section of the African penguin colony (starting at the harbour all along Cornelia Road). What are rules regarding road kills, disturbance of nests close to the road, penguins observed running away?

EAP response: There are 3 trips expected to be conducted during the day (one in the morning, one in the afternoon, and one in the late afternoon).

Mitigation measures regarding road kills and avifauna disturbance have been addressed in the revised MMP.

o q) what do you consider necessary harassment? Seeing that harassment is strictly prohibited.

Harassment in THREATENED OR PROTECTED MARINE SPECIES REGULATIONS (2017) is defined as:

“harassing” means behaviour or conduct that threatens, disturbs or torments a live specimen of a listed threatened or protected marine species, and includes—

(a) the insertion or attachment of a tag or other device to a listed threatened or protected marine species;

(b) in the case of a whale, approaching a whale with a vessel or aircraft closer than 300 meters;

(c) in the case of a white shark, approaching a white shark predating on natural prey with a vessel or aircraft closer than 80 meters;

(d) in the case of turtles, photographing or shining a light at a turtle at night, climbing on, touching or flipping over a turtle or digging up turtle nests or eggs;

(e) in the case of dolphins, driving through a school of dolphins;

(f) in the case of seals and sea birds, approaching a colony with a vessel closer than 15 meters or any person approaching a colony closer than 5 meters;

(g) in the case of seabirds, disturbing, digging up or destroying nests or eggs, and

(h) in the case of a whale shark and a basking shark, approaching a whale shark or basking shark closer than 20 meters;

Please note that Marine TOPS permit has been applied for, for the proposed works that are considered harassment as per above.

o aa) further consultation between SANCCOB and RIM is needed to determine the role of the RIM/SANCCOB Seabird Ranger in this process

EAP Response: The comment has been noted although beyond the scope of a MMP.

o gg) what is the process for maintenance work in regards to breeding birds, will maintenance work be delayed if birds are observed breeding at the site?

EAP Response: The process of future maintenance works have been detailed in the MMP. Should any future maintenance be required, bird breeding areas will have to be identified and the maintenance works to be planned accordingly.

o Ll) the access to the stockpile in relation to the no-go zones and especially the penguin crossing is still not clear.

EAP Response: This comment has been addressed in above responses.

o Mm) is there a snake handler permanently on the island?

EAP Response: yes, Robben Island Museum's environmental manager is a trained snake handler.