(1)

ADVENTURE PROVINCE
Eastern Cape
PARKS & TOURISM AGENCY

Department of Environmental Affairs
Private Bag X447
Pretoria
0001

DEA reference: 14/12/16/3/3/2/464
SRK reference: 478867
ECPTA reference: EIA/2015/001

Date: 9 December 2016

ATTENTION: Ms Millicent Solomons / Mr Muhammad Essop

Delivered: By email (msolomons@environment.gov.za; messop@environment.gov.za; NRump@srk.co.za; WMarais@srk.co.za

ECPTA COMMENTS ON FINAL ENVIRONMENTAL IMPACT ASSESSMENT REPORT FOR THE PROPOSED INYANDA – ROODEPLAAT WIND ENERGY FACILITY SITUATED IN THE GROOT WINTERHOEK MOUNTAINS WEST OF THE TOWN OF UITENHAGE, EASTERN CAPE.

The Eastern Cape Parks & Tourism Agency (ECPTA) has reviewed the responses of the environmental assessment practitioner and the various specialists to our comments on the Draft Environmental Impact Report (DEIR) for the above-mentioned proposal. The issues that we have raised have not been adequately addressed in the Final Environmental Impact Report (FEIR). The ECPTA remains opposed to the proposed wind energy facility and we believe that environmental authorization should not be granted.

The comment below must be read in conjunction with the previous input provided by the ECPTA, including written comment submitted on the Draft EIA Report on the 20 May 2016. Our principal objections are laid out below.

1. The area is exceptionally important for avifauna:
    a. The area is exceptionally important for birds, and features a high diversity of raptors and other large birds, such as bustards, storks and cranes (some of the species present have been listed in our comments on the DEIR). Of particular significance, the area has exceptionally high densities of raptors, such as Verreaux's eagle and African crowned eagle. The site also features many species of special concern, including threatened and endemic species such as black harrier and hottentot buttonquail. The significance of this area for birds has been understated in the report and this could potentially lead the decision-maker to not appreciate this fact. The FEIR also makes a reference to the area being outside of an Important Bird Area (IBA), further creating the impression that the area is of low importance for birds. In fact, the Groendal region is exceptionally important for avifauna conservation and features the same values as those occurring in the Kouga-Baviaanskloof IBA.
    b. Many of the species occurring on the proposed site are particularly vulnerable to the impact of wind energy facilities, as has been discussed in our previous comments on the DEIR.

2. There is uncertainty around the impacts to avifauna and there is a potential for severe impacts:

   a. Our concerns regarding the potential impacts of the facility on birds are shared by a number of experts (consult the comments and response section of the DEIR). These concerns have not been given due consideration and have largely been dismissed on the stated strength of the assessment contained within avifauna specialist study. It is our contention that this assessment is insufficiently conservative and that it understates the likelihood of impact to bird species and overstates the confidence in predicting impacts.

   b. Collision risk modelling has been employed as a tool to predict the impacts on only a subset of the species that could be affected by the development. The utility of collision risk modelling needs to be understood and several studies caution against the overreliance on such models (Madders & Whitfield 2006, Whitfield 2009, Chamberlain et al. 2006). The model outputs are very sensitive to the validity of the assumptions made regarding the input data, most notably the assumptions made regarding avoidance rates. No data are available on the avoidance rates of the species present on the site and generic avoidance rates from analogous species from different continents have been used. As a consequence, the confidence in the impact rating must be reduced. It is incorrect to assign a "high" confidence to the assessments. It cannot be said with the level of certainty indicated in the assessment that the windfarm will not have high or very high impacts on avifauna.

   c. Even if the models are accepted to be an accurate estimation of the actual mortality that will arise from the development, the avifauna specialist has identified that significant impacts may occur. In the avifauna impact assessment, it is stated: "*Quantitative collision risk assessment and new survey data have reduced the uncertainty of the assessment, but there still remains the potential for a significant collision risk to this species [Verreaux's eagle], and, on the basis of the new 2015- 16 data, to Black Harrier as well".* The comments of Lucia Rodriguez in the DEIR relating to Verreaux's eagle mortality due to wind energy facilities are particularly alarming (a total of six recorded mortalities, with four at a single facility). The comments of Dr Alan Lee regarding the potential extirpation of black harriers from the site, if the outputs of the model are accepted, are equally alarming.

   d. In order to reduce impacts to an acceptable level, the specialist has recommend essential mitigation measures that are not feasible or ecologically appropriate, as will be discussed in the next paragraph.

3. There is a reliance on unfeasible and ecologically unsound mitigation measures to reduce the impact on avifauna

   a. In response to the ECPTA's comment relating to the vulnerability of certain bird species to the impacts of wind energy facilities, the avifauna specialist responded "*...this is acknowledged in the assessment. Where such species have been shown to be using the wind farm site and where any effect is potentially significant, appropriate mitigation measures have been proposed to avoid any significant impact*"

   b. In response to our concern regarding the possible increase in mortality of Verreaux's eagle, the avifauna specialist responded that *"[an increase of 2% in mortality] ...was a worst case result in the absence of any mitigation. The conclusion reached was that mitigation was necessary in light of the prediction and therefore a range of measures were proposed".*

   c. Similarly in a number of other responses to the ECPTA's and other IAPs concerns, the avifauna frequently highlights the reliance on mitigation measures. Below are some examples to illustrate (but it should be noted that the reliance on mitigation to reduce impacts is repeated frequently in the response to comments):

      i. In response to concerns about the area being a source for juveniles to disperse from the response was "*This may be the case if the impacts were not mitigated, but the package of mitigation measures proposed will ensure that impacts do now occur*",

ii. In response to concerns about the loss of territorial birds creating a sink that would draw other birds in, it was stated that *"this is one reason why mitigation measures would be implemented – to ensure that the mortality levels that could bring about such effects would not be reached"*,

iii. In response to Verreaux's eagle flight lines intersecting with turbine locations *"This species would be at risk of collision and that is why mitigation measures would be implemented to ensure that this is not significant"*

d. In the final avifauna specialist report, '"off-site habitat management" is listed as an essential requirement to avoid impacts on Verreaux's eagle and black harrier.

e. The details of "off-site habitat management" are not described and it is unclear what exactly is proposed. The FEIR states that *"the operational details of how and where off-site habitat management measures recommended below will best be implemented have not yet been determined".* This level of vagueness is not acceptable considering that this has been used to justify the reduction of the significance of impacts on avifauna. Previously the avifauna specialist had suggested using cabbages and potatoes to lure hyraxes away from the wind energy facility, but he has subsequently indicated that this idea has been abandoned. The remaining details of the proposed off-site habitat management program include only vague statements, such as the following:

i. *"Implement a management programme within the Verreaux's Eagle nest buffers to enhance the food resources away from the wind farm"*

ii. *"...management' includes... measures to improve ecological resources for key species outside of the wind farm"*; and

iii. *"...enhance the food resources away from the wind farm, and hence reduce eagle flight activity within the wind farm"*.

f. It is ecologically inappropriate to interfere with natural processes in the manner suggested by the avifauna specialist, especially within a wilderness setting. Altering the distribution of food resources in a landscape is likely to have substantial impacts not only on individual species (including non-target species), but also on the functioning of the ecosystem. Ecological systems are complex and the cascading impacts of such actions on other trophic levels cannot be predicted with any degree of confidence. There is no evidence to support that the simplistic predicted outcome of hyraxes merely moving from one area to another, and that this will result in the desired outcome of raptors following and thus avoiding collisions. The proposed mitigation measure merely raises more questions, none of which have been dealt with in the assessment. For example, how will hyrax density be manipulated across the landscape? Is this even desirable? How will changes in distribution and abundance of hyraxes impact on other trophic levels? If hyraxes become more abundant through this scheme, what will the impacts be on their habitat? How will this influence the distribution and abundance of other hyrax predators, including damage-causing mesopredators, such as jackal and caracal? What impacts will a corresponding increase in the abundance of other mesopredators have on the ecosystem (e.g. through apparent competition) and on human activity? What would stop hyraxes from recolonizing areas around turbines once abundance is elevated in the off-site areas?

g. Similarly to the "off-site habitat management" measures, the proposed "on-site habitat management" measures are likely to be ineffectual and appear to be merely a justification for reducing the impact ratings rather than a set of feasible solutions. The suggestion for *"a carrion removal programme based on post-construction monitoring results"* is bizarre. Carrion is not a significant reason for the high raptor density in the area. The mountain fynbos systems do not support high densities of large mammals and as a result there is

very little carrion available to scavengers. In addition, carrion does not form a large proportion of the diet of the raptors present - they are all active hunters.

h. Similarly the proposal to *"avoiding increasing attractive habitat for Rock Hyrax by removing all mounds of aggregate or rock created during construction"* does not address the fact there is already abundant habitat for hyraxes in the vicinity of the site.

i. The avifauna specialist has been intractable in his continued support for habitat management as a proposed mitigation measure for impacts on raptors. In his response to our comments, the avifauna specialist states *"...BirdLife International detail case studies where habitat improvements have been delivered alongside wind farm developments"* and cites Gove et al. (2013). A review of Gove et al. (2013) presents and altogether different perspective. The case mentioned by Gove et al. (2013) of habitat improvement alongside a wind farm development relates to restoration of natural habitat (heathland and blanket bog) through clearing of conifer plantations and other activities. This is not comparable to the habitat management programme proposed for Inyanda wind energy facility. The proposed site for the Inyanda wind energy is a pristine natural environment. The proposed mitigation measures will interfere with natural ecological functioning and not enhance it.

j. The avifauna specialist has used the off-site habitat management to justify reducing the impacts of habitat loss through displacement and has stated that *"...any lost foraging areas resulting from displacement would be more than offset by the enhanced habitat quality over the rest of the range"*. How will this be achieved? How will the already pristine habitat be "improved" for raptors what are the ecological consequences of this? There is nothing to substantiate this claim.

k. The environmental assessment practitioners themselves have expressed reservations about the proposed habitat management programme (see page 173 of the FEIR) yet have curiously made provision for the implementation of these mitigation measures to reduce the significance of impacts to avifauna.

l. The ECPTA stands by its initial contention that the proposed habitat management mitigation measures are inappropriate, unacceptable and should not be implemented. Consequently, all of the "with-mitigation" impact ratings that rely on habitat management should be disregarded.

m. An additional recommended mitigation measure is the *"Management of the remaining parts of the site for conservation, in terms of a stewardship agreement and management plan integrating the ecological requirements of the raptors on the site"*. It is not clear how this would mitigate the impacts of the turbines, considering that the site already represents optimal, untransformed habitat for raptors.

n. *"Turbine shutdown on demand"* is recommended as "a*s a back-up response should the number of collisions actually approach the worst-case predictions"*. The ECPTA has no confidence in that this will be implemented should the wind energy facility become operational.

4. The visual impacts, including the impacts on the wilderness character and on sense of place, will be unacceptable

a. In Section 6.2 of the Final EIR, it is stated that *"The visual impacts are predicted to be high and negative and are in all probability incongruent with the visual expectations of visitors to declared natures reserves and the goals of the custodians of the protected areas in the vicinity of the development."* This statement represents a softer stance that what was displayed by the environmental impact assessment practitioner in the DEIR where it was stated that *"The EIA has sought to investigate the concerns raised by ECPTA which it is expected would inform their final position regarding the development. However, in the context of the predicted visual impact, and if the lack of support from these custodians persists, then this suggests that the development should not be authorised"*. The significance rating of the visual intrusion on sense of place during operation was rated as very high in the assessment. The ECPTA submits that this represents a fatal flaw and that

environmental authorisation should not be granted on this basis alone (notwithstanding the impacts on avifauna, which should also be regarded as fatal flaws).

b. The ECPTA's mentioned in its comments on the DEIR that Groendal is declared as a Wilderness Area and must retain its intrinsically wild appearance. In response to our comment it is stated that *"Specific reference is made in Section 6.2 of both the Draft and Final versions of the EIR to the conflict between the Groendal Wilderness Area and visual impacts. Attempts by the Applicant to resolve this conflict through a stewardship agreement with the ECPTA have not been successful, as evidenced by this comment."* It is unclear how a biodiversity stewardship agreement with the ECPTA would resolve visual impacts of the wind energy facility. Instead, is stated in the FEIR that the possibility of a biodiversity stewardship agreement is contingent on environmental authorisation for the proposed activity being granted. As mentioned in our previous set of comments, this represents a fundamental misunderstanding of the nature of the Eastern Cape Biodiversity Stewardship Program.

Yours sincerely

Vuyani Dayimani

Chief Executive Officer

(2)

Marais, Wanda

From: Alan Lee <alan.tk.lee@googlemail.com>
Sent: 07 December 2016 01:22 PM
To: Marais, Wanda; msolomons@environment.gov.za; messop@environment.gov.za
Cc: Brian Reeves
Subject: PROPOSED INYANDA-ROODEPLAAT WIND ENERGY FACILITY, FARM ROODEPLAAT, UITENHAGE, EASTERN CAPE
Attachments: Alan Lee Comments on the avifaunal impact assessment report for the Inyanda.pdf

Dear Honorable Persons,

The environmental impact of the proposed development (reference below) will be unacceptable. As it appears SRK did not pay attention to the document I compiled regarding this in their summary report, the summary report cannot be taken at face value.

SINCE WE APPEAR TO LIVE IN A WORLD WHERE FACTS NO LONGER MATTER BUT ONLY THE LOUDEST VOICE WINS, I REITERATE LOUDLY: THE IMPACTS AND RISKS OF THIS DEVELOPMENT ARE HIGHER THAN ANY BENEFITS.

I pledge my support to Eastern Cape Parks and Tourism Agency for their ongoing opposition to this development.

My report is attached again for reference.

Thank you for your attention

Regards,

Dr Alan Lee

Editor-in-chief @
Ostrich: Journal of African Ornithology

Postdoctoral Research Fellow @
DST-NRF Centre of Excellence at the Percy FitzPatrick Institute of African Ornithology, University of Cape Town

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On 07/12/2016, Marais, Wanda <WMarais@srk.co.za> wrote:
> To Authorities, Stakeholders & Interested and Affected Parties,
>
> REMINDER: PROPOSED INYANDA-ROODEPLAAT WIND ENERGY FACILITY, FARM
> ROODEPLAAT, UITENHAGE, EASTERN CAPE DEA Reference: 14/12/16/3/3/2/464
>
> This serves as a general reminder that the deadline for submission of
> comment on the Final Environmental Impact Report (FEIR) for the
> proposed Inyanda-Roodeplaat Wind Energy Facility, expires at 17h00 on
> 9 December 2016.
>
> Please ensure that your comment is submitted timeously so that it may
> be considered by the Competent Authority during the decision-making process.
>
> Written comment must be submitted by to:
> Ms Milicent Solomons / Muhammad Essop

Comments on the Inyanda-Roodeplaat proposed windfarm with details on the avifaunal impact assessment report.

12 May 2016

Author: Dr Alan Tristram Kenneth Lee

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0447521254

Author details:

I am a post-doctoral research fellow at the University of Cape Town at The Percy FitzPatrick Institute of African Ornithology, funded by the South African National Biodiversity Institute. Any opinions expressed in this document are my own and may not represent those of these institutions. I have conducted research into the status of Fynbos endemic birds over a period of five years, including field work around the proposed windfarm location. I have published several peer-reviewed articles on fynbos birds (Lee and Barnard, 2015a, Lee et al., 2015, Lee and Oswald, 2015, Lee and Barnard, 2012, Lee and Barnard, 2013, Lee and Barnard, 2015b, Lee and Barnard, 2014, Lee and Simmons, 2014, Milne et al., 2015); and support several students continuing studies on these birds. I am considered an expert in my field. This information is pertinent given the site of the proposed windfarm in fynbos. I have received no financial incentive in writing this report, and have no vested interests for or against the development of the Inyanda-Roodeplaat proposed windfarm.

Author position on windfarms:

With global temperatures reaching record levels in 2016, it is clear that clean energy resources are essential to the future wellbeing of mankind and the environment. Currently, I am usually in favour of well-planned 'alternative' energy sources; including solar, nuclear, wind and tidal. I have reviewed one other windfarm proposal (Potjiesberg, Uniondale) and registered no objection.

Author position on the proposed Inyanda-Roodeplaat windfarm:

The development as proposed of the Inyanda-Roodeplaat windfarm is unacceptable on the following grounds:

1. Placement: the location between protected areas is undesirable for a variety of reasons. The placement violates basic paradigms of spatial development planning e.g. clustering of similar land-use types.

2. Positioning: the remoteness of the site implies huge environmental impact in terms of maintenance and associated carbon footprint which annuls the 'for' argument i.e. mitigation of climate change. In addition, infrastructural development in terms of powerline infrastructure to connect the development to the grid is a clear and present danger to vulnerable avifauna.

3. Fire Risk: The site is high altitude, and with emerging evidence of increased lightning strike due to wind-turbines, the development may result in higher fire danger indices which is of special concern due to the location in a fire prone habitat-type (fynbos).

4. Necessity: I understand that a large number of wind farms have been approved, and there does not appear an urgent need for this particular windfarm.

5. Environmental impact: impact is large over several taxonomic groups, especially birds. The final avifaunal impact assessment clearly points to a severe impact for global population of Black Harrier, and potentially a negative impact on Verreaux's Eagle populations despite the statement of limited or low avifaunal impact in the executive summary. I have concerns over the impact of the development on fynbos endemic bird species, especially the endangered Hottentot Buttonquail for which there has been no impact assessment, but for which fatalities due to building strikes are recorded. However, the presence of nesting Black Harriers, which are globally threatened and endemic to southern Africa in my mind is sufficient motivation to abandon this windfarm development.

6. Insufficient mitigation: while the mitigation scheme appears magnanimous, it unfortunately will not result in a zero casualty count for vulnerable raptors.

7. Questionable Environmental Impact Assessment integrity: I have deep reservations as to the executive summary statement of the final avifaunal assessment in the light of the history of the assessment and information (and lack of information) presented in the results section of the assessment by S Percival. The rest of this document elaborates on this concern.

Introduction

The following are comments made on the avifaunal impact assessment for the above mentioned windfarm authored by Steve Percival available at: http://www.srk.co.za/sites/default/files/File/South-Africa/publicDocuments/Inyanda/Appendices/Inyanda_Roodeplaat_Avifanual_Assessment_SP_Final.pdf accessed on 10 May 2016.

In this report I include extracts from the Percival report as: Written: *text from report in italics.* A page number proceeds the relevant statements.

My comments pertaining to the extracted statements are made below the extracted statement, with **the use of bold font to highlight important issues**.

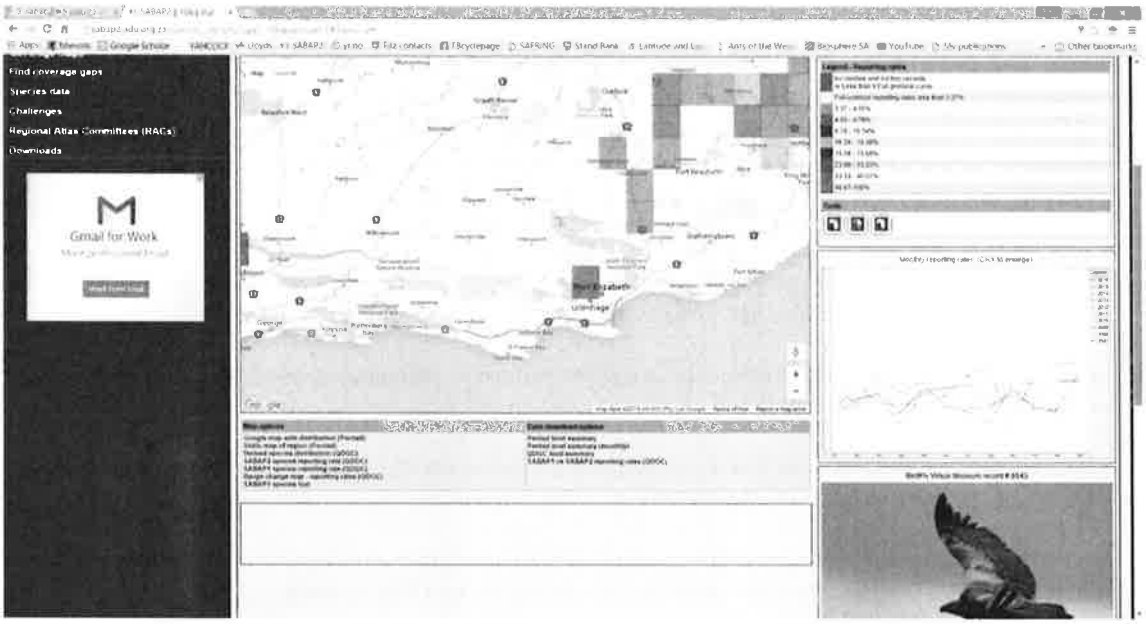
I have the following non-exhaustive list of specific comments:

The word 'significant' is used to describe several scenarios as in 'not significant'. The term has very strong implications as should not be used without the presentation of some statistical test that informs the reader of the degree of significance associated with the statement. There is a trend to use this word in EIA statements which instils false confidence in the reader given that certainly for many statements in which this word is used, the statement is subjective.

Page 2 (Executive Summary):

Written: *The vantage point surveys showed that the Development site was overflown by a range of raptor species, including regular Verreaux's Eagle, Black Harrier, Jackal Buzzard, Rock Kestrel, and occasional Martial Eagle and Booted Eagle.*

The species lists presented has a major set of raptors, which are known to be vulnerable to wind turbine strikes. However, it omits Cape Vulture which I have seen at Groendal Nature Reserve (GNR; this sighting can be validated through Dr Ben Smit, Nelson Mandela Metropolitan University ornithologist: smitbe@gmail.com). Cape Vulture is a species of very high risk of collision with turbines. This species is not mentioned at all anywhere in the avifaunal report or appendices. It is likely rare or vagrant, but of concern that it has not been detected by the survey teams given its undoubted presence. SABAP2 data suggests it occurs in 4.5 to 6.8% of lists for eastern Groendal (but I do not know the number of lists for that site). This is a rare bird in the region, and it completely possible the limited number of field days have failed to detect this species at the windfarm site despite the species presence. It should also be noted that Western Groendal is mostly inaccessible to contributors to the SABAP2 project due to lack of road infrastructure and thus the lack of reports for this region do not indicate absence.



Screenshot of Cape Vulture distribution in the vicinity of the proposed windfarm development, taken 12 May 2016 from: http://sabap2.adu.org.za/species_info.php?spp=106&section=1#menu_left

Written: *An additional five bird species were classed as high sensitivity...*

The list that follows this statement includes 9 species, not 5. Nine species appear in the supporting table to this statement in the EIA document.

Written:
Collision risk modelling showed two key species to be at particular risk of collision, Black Harrier and Verreaux's Eagle, with a ***predicted annual collision rate of 1.5 and 2.6*** *respectively based on the most recent 2015-16 data.*
These were the only two species for which the collision risk with the wind turbines was considered to be potentially significant, though for both the change to the existing population mortality would only be small (representing an increase of about 2% over the existing baseline mortality for each regional population).

The annual collision rates estimated here is very high – above the 1% threshold requiring further investigation (see section 81). The quantifier above (*change to existing population mortality would only be small*) is unwarranted, and in fact untrue. For an estimated Black Harrier population of 500, over 10 years we would have a global population loss of 15 individuals or 3% from 1 windfarm! Furthermore, this is based on a high threshold of avoidance, which does not appear to be supported. This is unacceptable for the number of turbines in conjunction with other environmental concerns as stated in the report on page 12 it is written:

The SNH (2006) wider countryside assessment guidance defines the key significance test as follows: "An impact should be judged as of concern where it would adversely affect the favourable conservation status of a species, or stop a recovering species from reaching favourable conservation status, at international or national level or regionally."

Written: *Five additional species endemics to South Africa were also recorded, and a further 21 near endemics.*

The true number of SA endemics is 18, meaning that 28% of SA endemics can be found on the site, and a total of 38% of SA endemic and near-endemics bird species. If >30% of SA's 68 endemic and near endemic bird

species including most of the fynbos biome restricted bird species have been recorded at the site, this means **the site meets international Important Bird Area (IBA) criteria according to BirdLife International** - http://www.birdlife.org/datazone/info/ibacriteria. This fact is not mentioned. The proposed wind farm is certainly very close to (if not actually within) the existing Kouga-Baviaans IBA.

Written:
Following mitigation, the residual ornithological effects of the Development will be a non-significant loss of a small amount of habitat to turbine bases and tracks, and a non-significant risk of disturbance and collision.

The above statement implies that mitigation will offset bird strike. Mitigation does not reduce risk of collision to 0 (details further below on the specifics).

Using evidence from existing wind farms it is considered unlikely that this will have any long term impact on the integrity of the study area's ornithological features or the conservation status of the species found here.

There are no existing windfarms for which comparisons can be made in mountain fynbos habitat to the best of my knowledge and none is cited in the reference list, so this statement is currently not supported.

Overall, there are not likely to be any significant impacts on ornithology as a result of the Development assuming that the mitigation measures identified in this report are adopted.

This conclusion cannot be made from the information provided so far in the document. It also hangs carefully on unquantifiable assumptions:

a. that mitigation measure identified are adopted;
b. mitigation measures actually work.

It is also in stark contrast to the supporting information (Appendix 1: http://www.srk.co.za/sites/default/files/File/South-Africa/publicDocuments/Inyanda/Appendices/App_1_-_Inyanda_Roodeplaat_WEF_final_precon_report_JS_v2_20150306.pdf), which states: ***Disturbance of birds, displacement of birds, and destruction of bird habitat are likely to be of high to very high significance in our opinion.***

Collision and electrocution of birds on the overhead grid connection power line is predicted to be of high significance.

We would therefore recommend against the construction of this facility

The replacement of the original consultant who wrote this statement now with an overseas consultant is deeply suspicious given the contrasting views with no statement of explanation or reconciliation. The burden must now lie on SRK consulting to prove that there is no foul play.

There are no discussions of the impacts of the further 3 endangered species: Ludwig's Bustard, Yellow-Billed Stork, Hottentot Buttonquail. Mitigation is only discussed for Ludwig's Bustard and Blue Crane.

The opening summary by SM Percival of the reviewed document does not address conservation of 9 species of High Conservation Importance. An example would be the impacts on gene flow of biome-restricted species and generally immobile species e.g. Cape Rockjumper, which display limited dispersal abilities, and for which the position of the wind-farm may pose a serious barrier.

Avifaunal Appendix 2 is a critique of Appendix 1, upon which improved VP surveys were conducted. **The data from the second survey show a higher risk of collision compared to the initial survey yet comes to an opposing conclusion compared to the first survey (avifaunal Appendix 1).**

Page 3: Specialist details.

All of the stated experience is with UK/European birds with the exception of New Zealand. Is the consultant really qualified to present an informed opinion on the subject of South African avifauna?

Written: *He has been studying the conservation ecology of bird populations since 1983.*

The implication of this statement is the consultant is a conservation biologist/scientist but a Google Scholar search reveals no researcher profile for Steve Percival, so it is hard to determine the academic credentials of the author in light of this interpretation (searches also included SM Percival). While there are at least 5 peer-reviewed publications that can be linked to this name and birds, the most recent appears to be 2005. This is a very sparse academic publication record for the >30 year period given.

Page 7

Written: *(Jenkins et al. 2012, 2015)*

Jenkins 2012 is not in the reference list. This error also appears in Appendix 2/3 suggesting copy pasting writing style, which I suspect is also the case for the final document.

Page 11

Written: *Scottish Natural Heritage (2006) for the wider countryside, the UK Institute for Ecological and Environmental Management (2006) and Percival (2007)*

White Percival 2007 is in the reference list, the other 2 citations are not.

Page 18:

The error that appears in the summary regarding number of species of High conservation status is repeated here in point 47.

Written:
49. The Ornithological Impact Assessment presented in this report has focused on the key species of conservation importance that could be adversely affected by the Development, ***including all of the very high and high value species,*** *and those that could be vulnerable to wind farm construction and operation.*

This statement is not true: there is great emphasis on raptors, but none on buttonquail, Ludwig's Bustard or Yellow-billed Stork or any of the 9 species of High conservation importance.

Page 19, section 58.

This paragraph discusses avoidance rates of raptors of wind turbine areas. They highlight collision avoidance. This paragraph is UK biased, like much of the content of this report, **and fails to point out that a recent Black Harrier fatality was attributed to powerline collision:** http://blackharrierspace.blogspot.co.za/2016/01/x-raying-black-harriers.html. There also exists knowledge of collisions with both Verreaux's Eagle and Black Harrier with wind turbines within the South African ornithological community, which S Percival is either not aware of or has chosen to ignore for this report. I need to stress that these impacts exist within the very short history of wind-turbines in South Africa: long term consequences are likely drastic.

Page 19, section 58.

This paragraph discusses the findings of the publication by Marques et al 2014 in the light of mitigation, highlighting 'successful' mitigation strategies. It should be noted that the **successful strategies REDUCE BUT DO NOT COMPLETELY STOP FATALITIES.** Marques et al 2014 also state:

Due to this complexity, no simple formula can be broadly applied in terms of mitigation strategies.

Page 21, section 68, Collision risk modelling.

The author of the report cites the current work as *'a previous report (Percival et al 2015)'*

This is the reference from the reference list:
Percival, S.M. 2015. Inyanda Roodeplaat Wind Farm Ornithological Review and Assessment Update: Final Report. Ecology Consulting/Shoney Wind report to Afri-Coast Engineers SA (Pty) Ltd.

Page 21, section 69.

A reference needs fixing: Urquhart 2010

Section 71,

Body sizes and baseline mortality rates were taken from Roberts Birds of South Africa (Hockey et al. 2005).

Hockey et al. 2005 provide no baseline mortality rates. If the baseline mortality rates are not actually made up, then there needs to be a better explanation of how they were calculated. It should also be noted that all metrics used in the collision risk modelling are NOT BASED ON THE TARGET SPECIES but on proxy measures.

Section 78,

This paragraph justifies using the 98% or 99% avoidance level in collision analysis.

Written: *The Golden Eagle is recognised as the Verreaux's Eagle's closest relative (Wink and Sauer-Gürth 2000)**. However, a more precautionary approach has been adopted in this assessment, as previously.*** *Given that the Inyanda Roodeplaat eagles occur at a much lower density (approximately 2.4/100km$_2$) than the white-tailed eagles at Smøla where a density of 73/100km$_2$ has been recorded with 13 pairs of white-tailed eagle nesting in the wind farm which extends over 17.3km$_2$, Bevanger et al. 2009) and that the eagle core ranges have been buffered, it is not considered appropriate to apply as low a rate as 95% to the Verreaux's Eagle or for any other modelled species at Inyanda Roodeplaat.*

Apart from the incomplete sentence highlighted above, **this is contradictory: a precautionary approach would be to use 95% avoidance.** The justification for not using this based on the density of White-tailed Eagle is poor especially given THAT **AVOIDANCE RATE IS NOT KNOWN AND THERE IS NO EVIDENCE LINKING DENSITY TO**

AVOIDANCE RATE. Avoidance rate as described is a species specific metric based on individual behaviour in the presence of turbines.

Table 12: The reader should realise that potential strike rates are as high as 7 individuals per year for Black Harrier. Even at the 99% avoidance rate, the predicted strike rate of 1.5 birds per year means that in 2 years the 3 Black Harriers of Inyanda Roodeplaat will be killed and continue to pose a threat to birds that will certainly continue to pass through the area.

Section 82: *The region has been taken as the **Karoo biome** (Mucina and Rutherford 2006, and with reference to the WWF Karoo eco-region).*

THE WINDFARM SITE IS IN THE FYNBOS BIOME. ALL SUBSEQUENT CALCULATIONS MAY NEED TO BE REDONE.

Table 14: The values in this table in relation to mortality rate are not found in Hockey et al 2005.
Table 14: The values in this table do not add up or make sense.
It appears from Verreax's Eagle that the formula for baseline mortality is = adult mortality % * pairs * 2. The values for Martial Eagle and Booted Eagle then don't make sense.

Table 15: % increase over baseline mortality is >1% for both Verreaux's Eagle and Black Harrier. How can magnitude of effect be classed as LOW given Section 81?

Section 81: *In the UK a 1% increase over the baseline mortality is now frequently being used as an initial filter threshold above which they may be a concern with the predicted collision mortality (and hence requiring further investigation).*

Section 122: *The wind farm landowner plans to put 16,000 ha within his ownership into stewardship as part of the mitigation programme.* While this may be conciliatory, it needs to be confirmed or made conditional on granting any developmental rights.

A selection of publications by A. Lee pertaining to fynbos birds research

LEE, A. T. & BARNARD, P. (2015a) Spatial and temporal patterns of insect-order activity patterns in the fynbos, South Africa. *Journal of Entomology and Zoology Studies,* **tbc**.

LEE, A. T., BARNARD, P. & HOCKEY, P. A. (2015) Population metrics for fynbos birds, South Africa: densities, and detection and capture rates from a Mediterranean-type ecosystem. *Ostrich*, 1-9.

LEE, A. T. & OSWALD, K. N. (2015) Rock Kestrel attack on a Cape Rockjumper caught in a spring trap. *Afring News,* **44,** 11-15.

LEE, A. T. K. & BARNARD, P. (2012) Endemic Fynbos avifauna: comparative range declines a cause for concern. *Ornithological Observations,* **3,** 19-28.

LEE, A. T. K. & BARNARD, P. (2013) The Birds of Blue Hill Nature Reserve: The Fynbos Endemic Bird Survey. *Afring News,* **42,** 21-28.

LEE, A. T. K. & BARNARD, P. (2014) Aspects of the ecology and morphology of the protea seedeater, Crithagra leucopterus, a little-known fynbos endemic. *African Zoology,* **49,** 295-300.

LEE, A. T. K. & BARNARD, P. (2015b) Endemic birds of the Fynbos biome: a conservation assessment and impacts of climate change. *Bird Conservation International,* **26,** 52-68.

LEE, A. T. K. & SIMMONS, R. (2014) What's eating Black Harriers Circus maurus? Two predation events camera-recorded on a ground nesting raptor. *Gabar*, 1-4.

MILNE, R., CUNNINGHAM, S. J., LEE, A. T. K. & SMIT, B. (2015) The role of thermal physiology in recent declines of birds in a biodiversity hotspot. *Conservation Physiology,* **3: doi:10.1093/conphys/cov048**.

Copies of these and other publications are available at:

http://www.bluehillescape.co.za/Peru/aims.html

3

ZUNGAH SAFARIS

... your very own piece of Africa

Second submission: 8 December 2016

Attention: Ms Milicent Solomons / Mr Muhammad Essop
CC: Ms. Wanda Marais

Comments on the Final Environmental Impact Report: Proposed Inyanda- Roodeplaat Wind Energy Facility, Farm Roodeplaat, Uitenhage, Eastern Cape
DEA Reference: 14/12/16/3/3/2/464

Dear Sir/Madam

I, the owner of a bordering farm, oppose the erection of the Roodeplaat wind energy facility and our initial comments dated 20 May 2016 submitted to the EAP (SRK) remain. We are of the opinion that our comments were not addressed appropriately in the FEIAR. In addition we would also like to add the following additional comments/concerns:

- In the amended application form dated 10 November 2016 (which we as I&APs have not been notified of or been supplied with) states that: "*Written notices were sent to the owners and/or occupants of land immediately surrounding the site and to numerous organs of state*". Please can you elaborate on how we were notified as we cannot find any such notifications – email, post, fax etc. The first notification received by ourselves was when Mr H Newcombe emailed Mr C Bolton on 12 January 2016 requesting him to sign WUA forms for a proposed river crossing. At no stage were we asked to even provide permission for use of this internal access road? It is understood that DRPW gave the proponent permission to use these minor roads as they are proclaimed, however, in terms of access to our private property, no discussions or agreements have been conducted with us. Should any agreement on access to this property be reached, who will take responsibility for loss of wildlife should gates be left open etc? Who will impose penalties to the contractors and compensate me for any loss?
- We as surrounding landowners were also not notified of the Final Scoping report, submission thereof or the availability of the Draft EIAR. It was bought to our attention by an unrelated person visiting the area. In addition it seems that no public meeting was held to discuss the DEIAR. Is this correct? If a public meeting was indeed held, why have we not been notified of the date of this meeting?
- It has also been noted that the EAP did not assess Site alternatives and the response to not doing this has been stated in the FEIAR as: "*No other site alternatives were considered as part of this EIA. Typically site alternatives would need to be included in the scoping phase of an EIA, however the DEA's acceptance of the Final Scoping report (without site alternatives) seems to suggest that the competent authority did not consider assessment of additional site alternatives to be essential in this case*". Do you as the competent authority and SRK as the EAP deem this appropriate - to not assess site alternatives when there is an outcry from so many I&APs? In addition as mentioned by other I&APs, there are degraded land better suited for such a development. Why has this not been considered?
- Please note that we could not find responses to our comments on the progress of other related authorizations as requested on 20 May 2016. Please can you/the EAP refer us to the applicable section where these comments were addressed/responded to?

As mentioned above, our comments dated 20 May 2016 stands.

I hope the concerns raised will be duly noted and taken into consideration before making a final decision.

Kind Regards
Christopher Bolton & associates

Christopher Bolton

Charles William Bolton

(4)

THE ELANDS RIVER CONSERVANCY

ELANDS RIVER VALLEY

UITENHAGE

PO BOX 736, UITENHAGE, 6230

COMMENTS BY THE ELANDS RIVER CONSERVANCY (ERC) ON THE FINAL ENVIRONMENTAL REPORT (FEIR) FOR THE PROPOSED INYANDA ROODEPLAAT WIND ENERGY FACILITY DEA REF: 14/12/16/3/3/2/464 AS PREPARED BY SRK CONSULTING, PUBLISHED NOVEMBER 2016.

The members of the ERC, as conservationists, will oppose any development that is detrimental to the environment. All our concerns, as listed in our previous comments during the scoping and draft phase (and not properly addressed in the FEIR) are still valid, but the following issues are added to our opposing of the wind farm.

Communication

In our comment on the Draft Environmental Scoping Report of the proposed project the ERC mentioned that we were granted an extra 2 (two) week period to comment on the report, due to the ERC being

excluded of communication (although we were registered as an Interested and Affected Party (IAP)).

The ERC attended the public meeting arranged by Coastal and Environmental Services on the 23rd of October 2013, in the Feathermarket Hall in Port Elizabeth after being informed about the meeting by a fellow IAP.

It is alarming that no public meetings were arranged with IAP's by the "new" consultants, SRK Consulting, since 2013. The ERC considers itself a key stakeholder and IAP as it represents 33 landowners, covering an area of 11,600 hectares bordering the proposed wind farm.

Fire

In the FEIR it is mentioned that a Key Stakeholder meeting (to which the ERC was not invited) was arranged at the ECPTA offices in Newton Park (December 2015). At the meeting Brian Reeves requested that the fire management plan should allow for a natural fire regime and that no active burning should be allowed.

In 2005 the Elands River Valley had devastating fires that caused extensive damage to farms and to Mountain-to-Ocean's plantations. In 2015 the western side of the valley burnt down as a result of lightning.

The Elands River Valley has an active and well operating Fire Protection Association (FPA). Members abide by the rules of the FPA (for example not burning without a permit which is issued according to a fire index) and by the rules of the National Fire Act (residents do not burn if there is a regional fire prohibition).

Below please find a copy of an email from Llise Dodd in her capacity as the secretary of the ERC and the FPA, to SRK regarding our concerns regarding Mr. Watson's attitude towards fire management. We are also concerned about the erection of high structures (like the wind turbines) in an area prone to fires caused by lightning.

Hi Wanda,

I would like to bring the following under your attention as the Elands River Conservancy (ERC) is registered with SRK Consulting as an Interested and Affected party (IAP) regarding the proposed Inyanda Wind Energy Facility with reference number DEA REF: 14/12/16/3/3/2/464:

In November/December 2013 (the Environmental Impact Assessment was already in process) we asked Marc Hardy (CESNET) to investigate the road being bulldozed on the property being assessed for Inyanda. The owner reacted by saying he is making a firebreak (The National Veld and Fire Act prohibits mechanical methods being used to make firebreaks) and that the road has nothing to do with the proposed project on his property.

- On the 16th of February 2014 a member of the Elands River Fire Protection Association (FPA) alerted the committee of a fire on Mr Watson's farm. The FPA monitored the situation, but the fire was apparently brought under control by the owner.

- On 23 October 2016, there was once again a fire on Mr Watson's farm, but this time it was heading in the direction of the neighbouring farm, Tiptree. The

owner, Mr Main-Sheard, was out of town and members of the FPA and Mr Main-Sheard's employees managed to bring the fire under control.

- On 20 November 2016, there was another fire alert, this time from Mountain to Ocean's (MTO's) lookout, which spotted the smoke on the Watson's farm.

All three incidents took place on Sundays - this is a problem as residents are often not at home and their employees are not working - and the last two incidents took place while there is a National Fire Prohibition Notice listed. (It might be that the building of the roads and the fires are connected.)

We shall appreciate it if you could investigate the matter as

1) It is important for your credibility as environmental consultants and "fire" and "roadmaking" is part of your Final Environmental Impact Report.

2) If a fire spreads from Mr Watson's property to Mr Watson's neighbours (of which all are members of the FPA and/or ERC) it will have legal consequences for him. (MTO is also a member of our FPA and borders the Elands River Valley.) High structures, like wind turbines, attract lightning as your desktop studies show.

I hope you can resolve the matter with your client.

Kind regards

Powerlines

The erection of transmission lines from the proposed wind farm runs through an entirely different area as the wind farm itself and should therefore be registered as a separate Environmental Impact Assessment; this was not done in this instance and we therefore regard it as a fatal flaw.

Conclusion

The Herald reported on 21 June 2016 on the proposed wind farm project (The article is also attached). The ERC stated that "we need

wind farms in this country, but they should be built in the right places". Mr. Watson reacted emotionally and said "...everywhere you go you will find lunatics that are opposed to a wind farm".

His reaction indicates that he is not concerned about the position of the wind farm, but worries that "lunatics" will stand in his way of building a wind farm. His Project Manager never returned *The Herald's* phone calls.

Alternative energy is the energy of the future as fossil fuels are being depleted at staggering rates. The South African climate lends itself to the utilization of alternative energy sources and we have the opportunity to become world leaders in this regard, but it cannot be done to the detriment of the environment; we need to protect as much as possible of our natural, pristine areas as possible.

Wind farm plan opposed

Fears project would ruin eco-tourism potential

Lee-Anne Butler
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RESIDENTS and property owners near the picturesque Baaviaanskloof and Groendal Nature Reserve near Patensie are up in arms over a proposed wind farm project headed by Port Elizabeth businessman Ronnie Watson.

Watson, brother of EP rugby president Cheeky Watson, is behind Inyanda Energy Projects which proposes to construct a wind energy facility between the towns of Patensie and Kirkwood, within the Sundays River Valley Municipality.

But residents and landowners describe the site as beautiful and unspoilt and argue that the construction of a wind farm will ruin its eco-tourism possibilities.

Elands River Conservancy (ERC) secretary Lise Dodd said the organisation, which represents 23 landowners over 11 600ha along the proposed site, opposes the construction of a wind farm in the area.

She said while the ERC strongly supported renewable energy sources, the construction of the wind farm in that area would have a negative and irreversible effect.

"The ERC aims to preserve the area as a tourism concentrated area. It is located between the Groendal Nature Reserve and the Baaviaanskloof which is a world heritage site," she said.

UNSPOILT PLOT: The area, near Patensie, where the wind farm will be located if approved

"The construction of this wind farm will degrade the area but we need to protect the plant life, animal life and tourism here.

"We need wind farms in this country but they should be built in the right places."

She said the construction phase would also lead to erosion as roads would have to be constructed to allow huge trucks and cranes to the turbine sites.

"We live in this area and it is so pristine and beautiful.

"Mr Watson already went ahead and bulldozed a road here while the EIA (environmental impact assessment) was taking place," Dodd said the area was home to endangered plants like cycads, and animals like the Cape mountain leopard, the klipspringer, grysbok, bushbuck and the blue duiker.

Concerned property owner Marthinus Beers said the northern view of his 700ha property would face the proposed wind farm if it is given the go-ahead.

"There are many places that are in dire need of development. This area is not one of those places.

"You cannot just put a wind farm anywhere, especially here, at the detriment of the mountain.

"This is a beautiful area and a great tourist attraction," he said.

He said most of the area was inaccessible due to deep kloofs, which was why it had been relatively untouched.

Briers's attorney, Susan Campbell, said the draft EIA had been released for comments but had been requested by the department not to proceed until criminal proceedings for the road – which was allegedly constructed illegally – have been completed.

"If they choose to ignore our request, the consultants will conduct a final EIA and that will then be submitted for a final period of comments," she said.

"The final period and the comments will then be submitted to the Department of Environmental Affairs for a final decision."

When approached for comment on Friday, Watson refused, saying the project manager would call The Herald yesterday to provide comment.

"I do not like The Herald. We have a project manager and he will call you.

"We have done nothing new here and everywhere you go you will find lunatics that are opposed to a wind farm.

"The Herald targets me personally. This is not the first time and I do not like that.

"Reporters are the scum of the earth and 99% of what they report are lies," he said.

However, Watson's project manager failed to call yesterday and did not answer his phone.

According to a draft environmental impact report which was released recently, the 12 000ha area, which is located on 24 property portions, has favourable wind conditions sufficient to support a wind farm.

This has been confirmed by on-site wind monitoring that has been ongoing since June 2012.

The project will have about 35 turbines which will generate up to 167.2MW installed capacity on a number of properties, referred to collectively in the report as the farm Roodeplaat, situated in the Groot Winterhoek mountains west of Uitenhage.

Economic Development, Environmental Affairs and Tourism spokesman Tobile Gowa said so far, the Eastern Cape had been awarded 16 wind farms and one solar farm, with a total investment value of R33.7-billion, and 18 132 job-years (a job for one year) being created over the life of the projects.

He said there were 10 facilities in place generating 730MW of power, and that up to December last year, 2 317 gigawatt-hours of electricity had been generated, helping to improve the reserve margin of the national electricity grid and prevent load-shedding.

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BirdLife
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PBO Exemption No: 930004518

9 December 2016

Milicent Solomons & Muhammad Essop
Department of Environmental Affairs
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Final EIR for the Proposed Inyanda-Roodeplaat Wind Energy Facility, Farm Roodeplaat, Uitenhage, Eastern Cape
DEA Reference: 14/12/16/3/3/2/464

Thank you for the opportunity to comment on the above report.

BirdLife South Africa would like to reiterate that we do not support the proposed development. The careful location of wind farms is of the utmost importance if impacts on birds are to be minimised, and minimising impacts is critical if significant cumulative negative effects on biodiversity are to be avoided in the face of the large-scale roll-out of renewable energy.

We are of the opinion that the proposed location of the wind farm is undesirable from a planning perspective. The proximity to protected areas, the presence of critical biodiversity areas, and the location within an area designated as part of the Protected Areas Expansion Strategy are of particular concern. In addition to this, the avifaunal impact assessment confirmed that there is a significant risk to birds without mitigation.

There are a number of shortcomings in the avifaunal assessment, these include that the site was poorly covered by vantage point surveys, leaving a significant part of the site unstudied (27 proposed turbines were outside the area covered by vantage point monitoring). The collision-risk model was based on inadequate data (i.e. collected for a short period of time, with limited coverage - it has not been demonstrated that it is a representative sample of bird movements on site). We understand that additional bird surveys have been conducted (were due to be competed in July 2016), but although requested from the environmental assessment practitioner, this information has not been made available for review. This data could substantially affect the impact predictions and recommended mitigation measures.

The impact assessment relies heavily on mitigation measures to reduce the significance of impacts and Dr Pecival goes so far as to suggest that there will be a net benefit to birds. It is not clear how this conclusion was reached, what assumptions were made, or what metrics were used.

We are concerned that the recommended mitigation measures largely comprise of management in the operational phase of the wind farm - ignoring the mitigation hierarchy. To quote from the avifaunal specialist assessment: "*It is usual practice when designing a wind farm to use the baseline ornithological data to inform that design to minimize any ornithological impacts. However, for the Inyanda Roodeplaat WEF, the limited coverage of the vantage point surveys of bird flight activity within/around the wind farm makes that task currently very difficult*". It appears that the only attempt to minimize impacts through amending the layout was through implementing generic buffers around Martial Eagle and

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Reg No: 001 – 298 NPO
PBO Exemption No: 930004518

Verreaux's Eagle nests. No layout mitigation was suggested for Black Harrier, which was also recorded nesting on site. All three species have been confirmed to be vulnerable to colliding with turbines.

We are of the opinion that the proposed buffers are likely to be inadequate. BirdLife South Africa recommends generic buffers of 3 km around Verreaux's Eagle nests. This distance is the radius of the mean 90% utilization distributions, based on data from eagles tracked using GPS during the pre-breeding season in the Cederberg and Sandveld (Murgatroyd pers comm.). It is also roughly half the mean inter-nest distance averaged across sites in South Africa. We suggest that these buffers should be considered to be of high sensitivity and development of turbines should be avoided *unless there is sufficient data to confirm there is a low risk to birds*. No such data has been presented for the site.

It is also important to recognise that nest buffers alone are unlikely to eliminate the risk of collisions. We therefore also recommend that other areas associated with high risk (e.g. topographic features and other areas regularly used by eagles) are also avoided. This has not been addressed in the assessment.

With little attempt made to mitigate impacts though the wind farm layout, the impact assessment turns to on-site and off-site habitat management, with shut-down on demand as last resort. On-site habitat management effectively involves ensuring the habitat is managed in a way that does not attract more raptors during and after construction. In other words, this would ensure the risk to birds is not increased further, but it will not necessarily reduce the risk below the current predicted levels.

The next proposed mitigation measure is off-site habitat management, to attract raptors away from the site. According to the avifaunal specialist "*The mitigation is based on proven measures that have been shown to be effective in similar situations elsewhere. These are measures that have been implemented successfully at many wind farm sites, and include specific measures that have been developed for Verreaux's Eagle in South Africa*". The only reference provided to support this claim is Walker *et al.* 2005. The example cited by Walter et al. (2015) involves a wind farm in Scotland where a plantation was felled with the aim of mitigating the potential loss of foraging habitat to the wind farm, and of drawing eagles away from the wind farm. This is a very different situation to the proposed Iyanda Roodeplaat wind farm as it involved the restoration of habitat previously not available (i.e. creating new habitat). Marquea et al. (2015) summarise other examples and suggest that this has potential as a mitigation measure, but its effectiveness has not been proven. We question the appropriateness of supplementary feeding of hyrax as this may have knock-on ecological impacts. We understand that the ecological specialist has also expressed reservations about this approach.

Stewardship and improved management of the remaining farm is welcomed, but no indication is given of its current ecological condition and present use by raptors, or to what extent it is anticipated to change with improved management (are there existing eagle territories?). Furthermore, since there is no evidence that wind farms displace Verreaux's Eagle and Martial Eagle, it is unclear to what extent and under what circumstances the eagles would be drawn away from the wind farm to the stewardship site.

This leaves shut-down-on-demand as the primary measure proposed to mitigate impacts. BirdLife South Africa encourages this approach where there are unanticipated negative impacts, but we (and our BirdLife International partners) are of the opinion that the best way to avoid impacts is to appropriately locate and design wind farms where the risks to birds are minimal. Shut-down-on demand should not replace careful planning and design of wind farms. It is also does not provide a perfect remedy to collision-related mortality.

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PBO Exemption No: 930004518

Similarly, while we encourage the marking of powerlines as a mitigation measure to reduce the risk of collisions, this too is not a perfect solution. For example, bird flights diverters may not be effective in reducing mortalities of Ludwigs Bustard (although this is implied to be effective in the EIR).

Finally, we would like to clarify that our involvement with the proposed Witberg Wind Farm was as an interested and affected party; we did not collaborate with Dr Pecival any more than we engage with specialists working on other proposed wind farms. Furthermore, the circumstances around our engagement with Witberg was quite different - the project was approved in 2012 based on what we would now consider to be a scoping study and Dr Pecival's involvement was after the environmental authorisation was issued. BirdLife South Africa has expressed our concerns about Witberg in subsequent amendment applications.

Thank you for taking the time to consider our input. Please do not hesitate to contact us if you have any questions or require any clarification.

Yours sincerely

Samantha Ralston-Paton
Birds and Renewable Energy Manager

And

Simon Gear
Policy and Advocacy Manager

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To: Ms Milicent Solomons /Muhammad Essop Department of Economic Affairs
Email: msolomons@environment.gov.za ; messop@environment.gov.za

Copy: Wanda Marais SRK Consulting
Email: wmarais@srk.co.za

From: Lucia Rodrigues Western Cape Black Eagle Project
Email: signet@webafrica.org.za 9 December 2016

FINAL ENVIRONMENTAL IMPACT REPORT: PROPOSED INYANDA-ROODEPLAAT WEF.
Ref: 14/12/16/3/3/2/464

I am writing in my personal capacity as a volunteer researcher of Verreaux's Eagles.
My project; Western Cape Black Eagle Project is registered and supported by the Birds of Prey Programme, Endangered Wild Life Trust (EWT). I have been studying populations of Verreaux's Eagles throughout the Western Cape since 2004. I have written various articles and my data have contributed towards a PhD students' thesis. I am commenting on the FEIR because I hope my input, based on years of monitoring these birds, will assist in providing a better understanding of their spatial requirements and as such contribute towards minimising displacement through disturbance and fatalities through collisions with turbines and related infrastructure.

In his Final Avifaunal Assessment Dr. Steve Percival (page 13 paragraph 21) states that field surveys were set to continue until July 2016 in order to complete the full 12 months. No such report has been made available therefore all predicted ecological effects and assumptions of mortality are based on data collected over the period August 2015 – January 2016. This is significant because it only covers one complete stage of the Verreaux's Eagle breeding cycle and that is of a chick on the nest with both adults provisioning it. The chick would have fledged at the end of the year, but it takes several weeks before it gains enough confidence to fly freely, therefore that data has not been made available; neither had the data on territorial displays before egg laying, nor the adult flights during incubation. By Dr Steve Percival's own admission, " *Assumptions have therefore needed to be made on flight activity outside this period,* ....."

Throughout his report one is assured that there are many examples at "*wind farm sites in the UK, with similar large raptor flight densities to Inyanda Roodeplaat, where collision rates have generally been very low and not considered to be significant*". One cannot accept a statement like this at face value without comparing topographical and other environmental features between the Inyanda-Roodeplaat site and those alluded to in the UK. These are factors that influence flight behaviour.

There are no Golden Eagles left in England, therefore I assume when the report states that there are " *no Golden Eagle collisions at all reported to date in the UK, despite their presence at several operational sites*" these are found in Scotland. Dr Steve Percival uses this statement to support his claim that mitigation measures implemented in the UK will prevent significant collision mortalities in South Africa. Once again this statement is difficult to accept without comparing those sites to Inyanda-Roodeplaat.
How close to Golden Eagle territories are these wind energy facilities?
How many pairs within 10 kilometres of these WEF's?
How do the topographical and other environmental factors compare to Inyanda-Roodeplaat?

It is incorrect (page 23 paragraph 78) to draw parallels between different species of large eagles and regard the data comparative to such an extent that one can extrapolate cause and effect across continents and vastly contrasting biomes. To draw parallels between the density of White-tailed Eagles in Smola with that of the Verreaux's Eagle population at the Inyanda Roodeplaat site is misleading. White-tailed Eagles are gregarious in nature; they roost together in winter months and therefore have a high tolerance of other eagles' proximity when breeding. Verreaux's Eagles are highly territorial. They only occur in pairs or as singletons. They do not tolerate close proximity of their own or other eagle species and as such breed further apart than the White-tailed Eagles. Verreaux's Eagles are vigorous defenders of their territory. They are silent eagles and use their expansive flight displays to mark and defend their territories. This is but one of the factors that make them so prone to collision with turbines.

I agree with the statement in the FEIR's executive summary that the challenge for the DEA is to take a decision that is sustainable in the long term. I am concerned about the mitigation measures suggested in the Final Avifaunal Assessment because I feel they fall far short of what is required to ensure the continued presence of a healthy Verreaux's Eagle population in the area.
The proposed buffer of 1.5 kilometres around nests falls far short of the recommended 3 kilometres in BirdLife SA's" Guidelines for Verreaux's Eagles and Wind Energy Facilities" document. This document which has been drawn up with the input of major role players on both sides of the wind energy development spectrum also states that "*any turbines placed within an area regularly used by Verreaux's Eagles should be deemed significant risk*". Other suggested mitigation measures such as supplementary feeding, predator control and increasing food availability need to be interrogated.

1. Predator control; does that mean killing predators that would compete for the same food source as the eagles and thereby increasing the food availability?
2. Supplementary feeding; does that entail maintaining feeding stations of vegetable material for rock hyrax or a feeding station with the carcasses of dead animals for the eagles to scavenge?

Neither of these two suggestions is sustainable and to read that"*such measures have been successfully implemented (in the UK) at several wind farms, including for golden eagles*" once again needs to be supported by data included as part of the Avifaunal Assessment. These are complex issues to consider which surely will result in unforeseen negative ecological impacts?

The Executive Summary's final analysis states that "*the topography of the site constrains positioning of infrastructure and turbines and repositioning may not be technically feasible.*"

The conclusion must be that this site is not suitable for the development of a wind energy facility. At the outset, in June 2014 Jon Smallie's, Wild Skies Pre-construction Bird Monitoring Report considered the risk of collision with turbines for the resident Verreaux's Eagle population as high. Juxtaposed to the significant risk of collision for all raptor species at this site, is the inescapable truth that "*space and appropriate sites for wind farms is not a limiting factor in South Africa and that more suitable sites can be developed to meet the country's energy need at less risk to avifauna".*

Lucia Rodrigues.

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Email:

9 December 2016

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Dear Ms. Solomons

COMMENTS ON THE FINAL ENVIRONMENTAL IMPACT REPORT ("FEIR"), PROPOSED INYANDA-ROODEPLAAT WIND ENERGY FACILITY, FARM ROODEPLAAT, UITENHAGE, EASTERN CAPE

DEA Reference: 14/12/16/3/3/2/464

I have been requested by Marthinus Briers to submit comments on his behalf in respect of the DEIR and the FEIR in respect of the abovementioned project.

Marthinus Briers **"MB"** is a neighbour and registered interested and affected party "IAP"

Comments to the DEIR were submitted to Ms. Marais during May 2016.

The Final Environmental Impact Report ("FEIR") has now been submitted to DEA.

I am disappointed that none of the concerns expressed in the comments have been taken into account.

The issues relating to the unlawful commencement have not been addressed, despite the fact that the unlawful commencement relates to the project under consideration.

The criminal case relating to the unlawful commencement has not yet been finalised.

Another issue that has not been addressed, is the reason why the applicant changed consultants.

In the absence of an explanation, this raises questions regarding the objectivity of the EAP.

The Department is therefore requested to ensure that the FEIR is submitted to an independent EAP for peer review.

The Department is furthermore requested to establish from the previous EAPs why they were replaced by the applicant and the previous EAPs should be consulted about the unlawful commencement of the road.

The Department is respectfully requested to refuse the environmental authorisation until such time as the unlawful commencement has been dealt with in terms of section 24G of NEMA and until such time as the criminal proceedings have been finalised.

Submitted by MS Campbell on behalf of Marthinus Briers on 9 December 2016.

THE COMMENTS TO THE DEIR SUBMITTED IN MAY 2016 ARE INCLUDED BELOW.

COMMENTS TO DEIR

GUIDE TO COMMENTS:

Extracts from the DEIR are preceded by **"DEIR"** and in italics.

Comments on the extracts are preceded by **"COMMENT: MB".**

1. **ENVIRONMENTAL AUTHORISATION "EA"PROCESS**
   It is submitted that the EA process has not been compliant with NEMA and the NEMA 2010 Regulations on the grounds set out hereunder:

1.1 UNLAWFUL COMMENCEMENT OF LISTED ACTIVITY: CONSTRUCTION OF ACCESS ROAD

DEIR:

1 Background and Introduction

Inyanda Energy Projects (Pty) Ltd proposes to construct a Wind Energy Facility (WEF) of up to187.2 MW installed capacity on a number of properties, referred to collectively in this report as the farm Roodeplaat, situated in the Groot Winterhoek Mountains west of the town of Uitenhage in the Eastern Cape. An Environmental Impact Assessment (EIA) for the project was started by Coastal Environmental Services (CES, and now trading as EOH Coastal Environmental Services) in January 2013, and a Draft Scoping Report was issued for public and stakeholder comment in November 2013, as per the requirements of the NEMA 2010 EIA regulations . At that stage the project applicant was Ingeprop, and an application for environmental authorisation was lodged with the Department of Environmental Affairs (DEA) in January 2013The EA process commenced in January 2013.

COMMENT MB: The EA process was started by Coastal Environmental Services "CES" and commenced in January 2013. The Draft Scoping Report was issued in November 2013. During 2013 the Applicant commenced with the construction and/or upgrade of a road without environmental authorisation. This access road was indicated on the Site Development Plan and formed an integral part of the proposed activity for which environmental authorisation was required. A Google Earth photograph of the property in 2004 "Annexure A" clearly depicts a narrow access track to the property. The commencement of the construction of a portion of the new or upgraded access road is clearly visible on a Google Earth photograph of 13/09/2013 "Annexure B". A photograph of 10/03/2016 "Annexure C" provides proof that the illegal road construction continued beyond September 2013. The applicant therefore unlawfully commenced with a listed activity that was included in the application under consideration.

This amounts to a contravention of section 24F of NEMA. The relevant provision is set out hereunder:

24F. Prohibitions relating to commencement of continuation of listed activity.

(1) Notwithstanding any other Act, no person may –

(a) commence an activity listed or specified in terms of section 24(2)(a) or (b) unless the competent authority or the Minister or Minerals and Energy, as the case may be, has granted an environmental authorisation for the activity

It is submitted that the EA process should have been suspended or abandoned when it became known that the illegal activity had commenced and that the section 24G procedure in NEMA should have been followed in respect of the unlawful commencement of the construction of the road.

A matter of concern is that the Applicant appointed a new EAP, SRK Consulting "SRK", to complete the EIA process commenced by CES, including the finalisation of the scoping report.

No reason is provided for the replacement of the firm conducting the EIA process. It is submitted that the replacement of the EAP constitutes a contravention of the 2010 NEMA Regulations. This aspect will be elaborated on in paragraph 1.2 below.

It is submitted that the manner in which the unlawful commencement is dealt with by SRK is unsatisfactory and falls short of the standards relating to objectivity in regulation 17 of the NEMA 2010 Regulations.

The relevant provisions are included below:

17. General requirements for EAPs or a person compiling a specialist report or undertaking a specialised process
An EAP or person compiling a specialist report or undertaking a specified process appointed in terms of regulation 16(1) must-
(a) be **independent;**

(c) **perform the work relating to the application in an objective manner, even if this results in views and findings that are not favourable to the applicant;**

(f) **disclose to the applicant and the competent authority all material information in the possession of the EAP or person compiling a specialist report or undertaking a specified process that reasonably has or may have the potential of influencing-**
(i) any decision to be taken with respect to the application by the competent authority in terms of these Regulations; or
(ii) the objectivity of any report, plan or document to be prepared by the EAP or person compiling a specialist report or undertaking a specified process in terms of these Regulations for submission to the competent authority.

The aspect of the unlawful commencement of the road is not raised or dealt with in any of the reports by SRK, but is raised by IAAPs and commenting authorities. This aspect should have been raised by SRK and should not have been left to commenting parties and authorities.

It is submitted that the responses thereto from SRK are both unsatisfactory and contradictory. A few examples from the **Executive Summary** are included hereunder:

On 31/03/2015 A Southwood from DEDEAT commented:

The Department will only comment once transgression (construction of roads) by Applicant being investigated by Compliance and Enforcement Section is resolved.

On 20/03/2015 B Reeves from ECPTA commented:

Is it true that a road has already been constructed for this development? We have requested DEDEAT and DEA to investigate the matter further.

SRK response:

We are aware of a road on the site constructed prior to SRK being appointed. ***One of the internal access roads in the proposed site development plan does largely coincide with this existing road,*** *however, we cannot state whether this road was constructed for the purpose of the wind farm.*

The response from SRK confirms that the road, that was constructed prior to their appointment, largely coincides one of the proposed internal access roads, but indicates that they cannot state whether the road was constructed for the purpose of the wind farm.

NEMA defines "**commence**" as:

> the start of any physical implementation in furtherance of a listed activity or specified activity, including site preparation and any other action on the site or the physical implementation of a plan, policy, programme or process, but does not include any action required for the purposes of an investigation or feasibility study as long as such investigation or feasibility study does not constitute a listed activity or specified activity;

It is hard to fathom how SRK could have any doubt that an access road, that will be necessary to access portions of the wind farm, was not constructed for the purpose of the wind farm.

The response is most unsatisfactory and SRK should establish from the previous consultants, CES and the applicant when the road was constructed and make an objective assessment following the investigation. The EAP should enquire into the road without fear or favour and should not blindly accept the explanation of the applicant. It stands to reason that, as the road largely coincides with an internal access road in the site development plan, it follows that the road was constructed in furtherance of a listed activity. The EAP has to make an objective determination of the facts on the ground and the process to be followed and is obliged to include relevant information even if it is detrimental to the applicant's case.

On 07/04/2015 The Eastern Cape Parks & Tourism Agency (ECPTA) commented:

Illegal construction of roads is in contravention of NEMA and triggers various listed activities under 2010 EIA Regulations. Noted that SRK was aware of the construction and did not reference it in the FSR even though activity 3 of Listing Notice 3 of GNR 546 is discussed on page 6. EAP should address this in future reports and inform the relevant authority.

SRK response:

This Draft EIR describes and assesses the roads that are proposed as part of wind farm development. SRK has been informed that the road referred to in this comment is not part of the proposed project and as such has not specifically been assessed in this EIR. SRK is further of the understanding that the legality of the road has been assessed by DEA and to our knowledge no case has been opened against the landowner by either DEA or DEDEAT.

The EAP errs in blindly accepting the allegation that the access road is not part of the development. This response contradicts the response to ECPTA above, in which it is acknowledged that the road is similar to a proposed road on the site development plan. The EAP should have asked the question whether the development can proceed without use of the access road. The answer is clearly no.

The response from the EAP is furthermore vague and irrational and does not disclose who informed it that the road is not part of the project and on what grounds the explanation has been accepted. It is furthermore not for the EAP to accept an unconvincing explanation from the applicant, but the EAP is required to objectively establish the facts and make its own reasoned assessment. The EAP may not adopt a "head in the sand" or a "see no evil hear no evil" approach, but is expected to make an objective and professional assessment of the facts at its disposal.

The EAP cannot abdicate responsibility to the DEA or DEDEAT by making the vague statement that "*to our knowledge no case has been opened against the landowner either by DEA or DEDEAT*".

The statement is in any event inaccurate, as the writer established on 17 May 2016 from Mr. De Villiers of DEDEAT, that a criminal case has been investigated against the applicant and that a case docket has been submitted to the National Director of Public Prosecutions for a decision regarding prosecution.

It is well known that criminal prosecutions for environmental crimes are only considered in instances where serious contraventions have occurred and it is disconcerting that the EAP can make the inaccurate statement that no case has been opened, without first personally and objectively establishing the facts.

The EAP is expected to objectively establish whether the construction of the road constituted unlawful commencement of a listed activity and should have advised the applicant that due to the clear contravention of section 24F, the procedure in section 24G of NEMA had to be followed and finalised, before the current process could proceed.

It is therefore submitted that the EAP can no longer hide behind ignorance relating to the road and/or accept the denial of the applicant relating to the purpose of the road.

The EAP has a duty to establish from the previous EAP, CES, what the position is regarding the road and should confirm with Mr. De Villiers that a criminal prosecution is pending and therefore stay the EIA process and advise the applicant to proceed with a section 24G process.

Due to the fact that a criminal docket has been submitted to the NDPP, the provisions of section 24G (7) should apply. The relevant section is included for ease of reference:

(7) If, at any stage after the submission of an application in terms of subsection (1), it comes to the attention of the Minister, Minister for mineral resources or MEC, that **the applicant is under criminal investigation for the contravention of or failure to comply with section 24F(1**) or section 20(b) of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), **the Minister,** Minister responsible for mineral resources or MEC **may defer a decision to issue an environmental authorisation until such time that the investigation is concluded and**—

(a) the National Prosecuting Authority has decided not to institute prosecution in respect of such contravention or failure;

(b) the applicant concerned is acquitted or found not guilty after prosecution in respect of such contravention or failure has been instituted; or

(c) the applicant concerned has been convicted by a court of law of an offence in respect of such contravention or failure and the applicant has in respect of the conviction exhausted all the recognised legal proceedings pertaining to appeal or review.

It is submitted that the same should apply to the current EIA proceedings and the EAP is requested to inform the Minister of the pending criminal proceedings. The Minister should be requested to defer any decision in this matter pending the finalisation of the criminal and the section 24G proceedings.

The applicant may not circumvent the provisions of sections 24G and F of NEMA, by unlawfully commencing with a listed activity during the course of the EIA process, when the EIA process includes the same activity.

Allowing the applicant to proceed with the current application in these circumstances would result in the EAP and the Competent Authority allowing and assisting the applicant to flout the EIA provisions of NEMA.

It would set a precedent and create a loophole whereby applicants could unlawfully commence with listed activities, prior to the finalisation of the EIA process and thereby escape the punitive provisions in section 24G of NEMA.

1.2 REPLACEMENT OF THE EAP DURING THE EIA PROCESS

DEIR: *In October 2014, Inyanda Energy Projects (Pty) Ltd appointed SRK Consulting (South Africa) (Pty) Ltd (SRK) to complete the EIA process commenced by CES, including the finalisation of the scoping report. CES have subsequently provided all relevant documentation, including (but not limited to) public participation material, generated in the EIA process up to the date that SRK was appointed.*

COMMENT MB:

As stated in 1.1 above, the applicant unlawfully commenced with a listed activity during the time that CES were appointed for the EIA process.

No reasons are provided for the termination of the mandate of CES and the appointment of SRK to complete the EIA process.

Regulation 16 of the 2010 EIA regulations regulates the appointment of an EAP.

> 16. Appointment of EAPs to manage applications
>
> (1) **Before** conducting basic assessment or S&EIR, an applicant must appoint an EAP at own cost to manage the application.
> (2) The applicant must-
> (a) take all reasonable steps to verify whether the EAP to be appointed complies with regulation 17(a) and (b); and
> (b) provide the EAP with access to all information at the disposal of the applicant regarding the application, whether or not such information is favourable to the applicant.

The above regulation therefore makes it mandatory that the EAP has to be appointed **before** the commencement of the EIA process. The regulations do not make provision for the replacement of an EAP after the process has commenced.

It is therefore submitted that the replacement of the EAP in this matter is not permitted by the regulations and that the appointment of SRK midway through the process is unlawful.

An applicant who wants to terminate the mandate of the EAP should commence with the process *ab initio*, as an EAP may only be appointed prior to commencement of the process.

In exceptional circumstances it may be permissible to request the Competent Authority to condone the replacement of the EAP, for example in the case of illness or death or in the event that the EAP no longer practices. This aspect has however not been fully researched and it may not be permissible to replace the EAP once the process has commenced.

There are a number of reasons why the regulations provide for the appointment of the EAP before the EIA process commences and why no provision is made for the replacement of the EAP.

The main reason relates to the independence and objectivity of the EAP. If an applicant were permitted to replace an EAP at will, the situation could arise where "EAP shopping" occurs. Much the same as in the case of "forum shopping" that existed under the Development Facilitation Act "DFA", when applicants could approach either the municipality or the DFA Tribunals for land use approvals and applicants would choose the forum where they hoped to get the best result.

In the case of EAPs applicants have many options and the danger exists that an applicant will replace an EAP when the applicant is not satisfied with the way the EAP is conducting the process or with the recommendations. If this were allowed, a competent and independent EAP stands to be replaced by a developer, who wants to influence the process and recommendations and who may consider the objectivity of the EAP as an obstacle to his plans. An applicant, who is not happy with the approach and/or recommendation of the EAP, can therefore continue to "shop" for an EAP who is more favourable to the proposed project. It stands to reason that if this were allowed, it would defeat the entire objective of having applications assessed by independent practitioners.

There is a reasonable suspicion that this may have occurred in this instance. The previous EAPs are experienced and professional and are regarded as specialists in the field of wind farms. It is therefore highly unlikely that CES was replaced due to incompetence.

The question that is not answered in the DEIR is why the original EAPs were replaced.

The current EAPs, alternatively the Competent Authority, are requested to ensure that full reasons for the replacement of the EAP are obtained from CES and the applicant. Proof of such reasons should also be obtained and included in the FEIR.

The previous consultant should specifically be asked to provide full details relating to the illegal road and whether the road was a factor in the replacement of the EAP.

The current situation, where an illegal road was built during the time that CES was appointed and the sidestepping of the issue by the current EAP, by pleading ignorance, is unacceptable and has to be corrected in the FEIR.

Kindly note that the integrity of the current EAP is not doubted but the commenter does not agree with the "hands off" approach followed by the current EAP, relating to the illegal road and the EAP is respectfully requested to rectify the situation in the FEIR.

The replacement of an EAP during the EIA process should not be permitted, save in exceptional circumstances and only with permission of the Competent Authority upon providing full reasons to the decision maker.

Allowing a developer to hire and fire an EAP because he does not agree with the EAP defeats the entire object of appointing independent consultants.

2. COMMENTS ON SPECIFIC SECTIONS OF THE REPORT

Conservation potential

DEIR: *The proposed wind energy facility is located within an area designated as a National Protected Areas Expansion Strategy Area (NPAES). The project study area forms a contiguous corridor linking two currently unconnected sections of the adjacent Groendal Nature Reserve. Although historically utilised for agricultural and livestock production purposes, these land portions have mostly been purchased by Mr Ronnie Watson (one of Inyanda Energy's associates), who is gradually converting these portions to game farming land uses.*

COMMENT MB: The location of the wind energy facility is wholly inappropriate within a NPAES area. The only suitable land use should be compatible with conservation use. The current land use or the no-go option is therefore clearly the most suitable land use.

DEIR: *Mr Watson is investigating the potential of entering into a stewardship agreement, as an offset to the impacts of a wind farm, with Eastern Cape Parks and Tourism Agency (ECPTA) for all 12,200 hectares of these portions which would provide a level of formal protection of this land for conservation purposes. Discussions regarding a stewardship agreement have been held between the relevant parks and conservation bodies at national and provincial level and representatives of the landowner outside of this EIA process. Indications from ECPTA during the scoping phase of the EIA process were that they are not supportive of the project in general. Should ECPTA consider the proposal viable it would be viewed as a biodiversity offset in the final version of this EIA reporting process.*

COMMENT MB: It is noted that ECPTA denies having any discussions with Mr. Watson relating to a stewardship agreement. This denial should be reflected in the report and Mr. Watson's allegations should not be included as if they are correct.

DEIR: *SRK's understanding is that the landowner's willingness to enter into a stewardship agreement with ECPTA for the portions of land in the study area is contingent on the development of a wind energy facility and as such a stewardship agreement with the ECPTA is a motivation for the development proposal.*

COMMENT MB: Mr. Watson's so-called willingness to enter into a stewardship agreement on condition that the wind energy facility is approved is, of no value as the proposed wind energy facility is in conflict with a conservation area and will defeat all conservation initiatives in the area. The conditional nature of Mr. Watson's offer is in any event not compatible with the spirit of conservation stewardship.

DEIR: *A different location*
High wind levels occur in specific areas across South Africa. A limited number of those areas are available for development. The main determinants in selecting the proposed location were:

- *Wind speed;*
- *Proximity to a grid connection point, and;*
- *Available land.*

Preliminary investigations have identified that the proposed project site meets these criteria and so different locations for the current project will not be considered. The wind resource and connectivity to the grid are the critical factors to the overall feasibility of the project. Based on the above, the scope of this EIA process does not include an assessment of site alternatives.

COMMENT MB: The above approach completely ignores the SEA conducted by the CSIR, in which the desirable area within which wind farms should be located is identified. The SEA is in the process of being

gazetted or may already have been gazetted. The main determinant should be whether the area has been identified in the CSIR study as optimal and desirable.

The determining factor should not be the ambitions of the applicant, but policy guidelines should direct whether the location is desirable for the proposed activity.

The area in which the proposed facility will be located falls within a CBA and has been identified for the expansion of formally protected areas. The area has not been identified for wind energy and for this reason the activity lacks desirability and the recommendation should be that the no-go option is the only sustainable option.
The proposed facility is nowhere near the optimal area identified in the SEA. A link to the area for the Eastern Cape will be forwarded under separate email.

The FEIR should state that there are a significant number of site alternatives within the CSIR indentified zone. Wind energy is a national priority, but not in this area and many site alternatives are located within the CSIR zone.
The property in question has been prioritised for conservation purposes and not for renewable energy purposes.

On page 65 at 3.2 the following issue was raised by an IAP:
IAP: *Please substantiate the opinion that developers may apply for renewable energy projects outside areas recommended by the SEA. This would defeat the objectives of having a SEA. This department supports the ECPTA's recommendation that this EIA process aligns itself with the outcomes of the SEA. The statement from CSIR's website is mainly an opinion. They do not know what will finally be gazetted.*

CES RESPONSE: *The SEA referred to is still under development and as such it is impossible for this EIA process align itself with any future outcomes or designations stemming from the SEA process. The lack of an SEA type policy at this time cannot preclude an applicant from continuing with the EIA process. It should be noted that the potential opportunity and constraint areas that would have to be defined in this SEA are those based on a broad scale study and should an applicant wish to conduct an application for a project that may fall in an eventually determined constraint zone they still have the legal right to proceed with an EIA application regardless.*

COMMENT MB: The above response is no longer relevant, as the SEA has now been completed and the document can be obtained from the CSIR. The guidelines and the proposed zone should inform this process and only in exceptional circumstances should the proposed zone be deviated form. The

applicant should be precluded from continuing, due to the NEMA contraventions and any future process should be informed by the SEA.

DEIR: *No-Go alternative*

The no development option assumes the site remains in its current state, i.e. agricultural land. The no-go alternative will be used as a baseline throughout the assessment process against which potential impacts will be compared in an objective manner and will be fully assessed in the EIR. The no-go alternative in this instance is that the farms within the study area would be fenced to enable stocking with endemic game species that would easily broach the current perimeter without fencing – such species include Burchell's zebra and cape eland. This may improve the commercial prospects of the farms, specifically in terms of game farming, hunting and/or game viewing, although there is currently no proposal to pursue such commercial activities. Therefore, the no-go alternative would see the current land use continuing, albeit it in a slightly modified way with the introduction of fencing (which is not precluded in the event that the wind farm is developed), and probably in the absence of a stewardship agreement with the ECPTA.

COMMENT MB:

What is currently described as the no-go alternative, in a slightly modified manner, amounts to a feasible and reasonable alternative to the wind farm. The owner can enter into agreements with other landowners and conservation agencies to create a greater conservation area. The owner should not be indulged in pursuing an undesirable land use.

The stewardship agreement will in any event not be entered into once the conservation potential of the land has been destroyed by the wind farm.

DEIR: *Topography*

The site is an area of steep hills arranged on an east-west axis, with slopes facing north and south. The elevation ranges between 280 and 1400 meters above sea level with steep hills and high summits. The site is transected by three rivers which flow in an easterly direction across the site. Furthest south is the Elands River. In approximately the centre of the site is the Kwazungu River. Furthest north is the Kariega River. The rivers are fed by numerous streams draining off the surrounding slopes.

COMMENT MB:

The topography and the presence of rivers, highlights the unacceptable and unmanageable negative environmental impacts that will extend beyond the site in question. The risk of erosion and pollution is unacceptably high and these impacts cannot be mitigated.

DEIR: *Hydrology*

The proposed project is located within the headwaters as well as catchment divide between the KwaZungu and Kariega / Holbrak rivers, adjacent to the Groendal Wilderness area. The hydrology of the area was characterised mostly by ephemeral flows within the several small tributaries / drainage lines observed associated with the mainstem rivers listed above. The instream areas are moderately steep to steep within the survey area and incised with no floodplain areas.

COMMENT MB: It is inconceivable that a project like this can be considered adjacent to a wilderness area and the negative impact on the entire area cannot be mitigated. The risk of pollution of the streams and erosion cannot be avoided.

The applicant has already displayed a disregard for legal prescripts, with the building of the illegal road and it is highly likely that the EMP will not be adhered to, thereby increasing the already high risk of irreversible negative environmental impact.

DEIR: *Current Land use*

The majority of study area is currently used as a private lodge and game farm by the landowner. The owner has removed livestock from his property. Consequently, the vegetation is in fairly good condition and as a result antelope species have begun to recolonize the area.

COMMENT MB: The current land use is clearly compatible with planning policies for the area and should continue. Should the applicant desire to invest in a wind energy farm, the current properties can be sold to a purchaser, interested in continuing the current land use and the applicant can purchase land within the CSIR identified zone for the wind farm.

3. RISK IF THEFT OF PROTECTED PLANTS, INCLUDING CYCADS

This risk has been raised by MB in previous comments and the response from the EAP was that measures will be taken to prevent theft of rare and protected plant as is done on other sensitive sites.

It is anticipated that 200 workers will be employed during the construction phase. It is submitted that even if theft of fauna and flora can be prevented during the construction phase, which is doubtful, the presence of rare and endangered species will be known to all persons associated with the project and upon completion the area can be visited for the purpose of stealing protected plants.

Theft of natural resources, such as cycads and rooiwortel, presents a huge challenge to conservation agencies and private landowners and exposing the area to 200 people will significantly increase the risk and may contribute to the extinction of some of these species.

4. CONCUSION

It is submitted that the process should be suspended pending the investigation of the illegal road and that the applicant should be advised to proceed with a section 24G rectification application upon finalisation of the criminal proceedings.

The outcome of the criminal matter should inform whether section 24G should be proceeded with and by the same token, the section 24G proceedings will inform whether the current application has a reasonable prospect of success.

Any future EA process should take into account and be guided by the CSIR SEA.

COMMENTS SUBMITTED ON BEHALF OF MARTHINUS BRIERS ON 20 MAY 2016 BY:
MS CAMPBELL
0825706894