



## **NOTIFICATION & BACKGROUND INFORMATION DOCUMENT (BID)**

### **Application for a General and Environmental Authorisation for the Sappi Dam Remediation, on Farm Ngodwana 1030 JT, Ngodwana, Mpumalanga Province.**

#### **PURPOSE OF THIS DOCUMENT**

The purpose of this document is to provide background information for the proposed project and to provide for objections, comments and contributions from stakeholders, with regards to potential environmental and water use impacts – which includes (but is not limited to): ecological, social, economic, physical, aesthetic, etc.

When an applicant proposes to undertake a Section 21 water use in terms of the National Water Act (NWA, Act 36 of 1998) or a Listed Activity in terms of the National Environmental Management Act (NEMA, Act 107 of 1998) as amended, an application must be made for authorisation. The applications must be supported by a report, which has been compiled following an assessment process.

**Ecoleges**, as an independent Environmental Consultant, has been appointed to manage the Public Participation Process (PPP) as part of both the Water Use and Environmental Authorisation processes. Water use authorisation is proposed via registration against General Authorisation (GA) for sections 21 (c) & (i) water uses as per Government Notice No. 509 of 26 August 2016 in terms of Section 39 of the National Water Act, 1998 (Act 36 of 1998). The Environmental Authorisation is to be undertaken via a Basic Assessment process in accordance with Regulations 19 & 20 of the EIA Regulations, 2014 promulgated in terms of section 24(5) and 44 of the National Environmental Management Act (Act 107 of 1998), as amended. While the General Authorisation process is not governed by any formal PPP, the Environmental Authorisation process must be undertaken in accordance with Chapter 6 of the Environmental Impact Assessment Regulations (GG No. 40772, GN No. 326, 07 April 2017) and section 47D of the National Environmental Management Act (Act 107 of 1998) as amended, and taking into consideration the Public Participation 2017 Guideline Document (DEA, 2017).

The GA registration will be submitted to and reviewed by the relevant competent authority, namely the Inkomati-Usuthu Catchment Management Agency (IUCMA), as the appointed agents on behalf of the provincial Department of Water & Sanitation (DWS) and the BA will be submitted for consideration to the Mpumalanga Department of Agriculture, Rural Development, Land and Environmental Affairs (MDARDLEA)

## APPLICABLE LEGISLATION

### Water Use

A General Authorisation registration is required for the construction-related remedial work on the SAPPI Ngodwana Dam, for the following water uses:

- **Section 21(c):** impeding or diverting the flow of water in a watercourse;
- **Section 21(i):** altering the bed, banks, course or characteristics of a watercourse

### Environmental Authorisation

An Environmental Authorisation is required for the construction-related remedial work on the dam as per the following Listed Activities through a Basic Assessment (BA) process:

#### Listing Notice 1 (GG No. 40772, GN No. 327, 07 April 2017):

##### **Listed Activity 19**

**The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;**

but excluding where such infilling, depositing, dredging, excavation, removal or moving—

- (a) will occur behind a development setback;
- (b) is for maintenance purposes undertaken in accordance with a maintenance management plan;
- (c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;
- (d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or
- (e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.

##### **Listed Activity 27**

**The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for—**

- (i) the undertaking of a linear activity; or
- (ii) maintenance purposes undertaken in accordance with a maintenance management plan.

#### Listing Notice 3 (GG No. 40772, GN No. 324, 07 April 2017):

##### **Listed Activity 4**

**The development of a road wider than 4 metres with a reserve less than 13,5 metres.**

##### **f. Mpumalanga**

##### **i. Outside urban areas:**

- (aa) A protected area identified in terms of NEMPAA, excluding disturbed areas;
- (bb) National Protected Area Expansion Strategy Focus areas;
- (cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;
- (dd) Sites or areas identified in terms of an international convention;
- (ee) Critical biodiversity areas** as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;
- (ff) Core areas in biosphere reserves; or
- (gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area** identified in terms of NEMPAA or from the core areas of a biosphere reserve, excluding disturbed areas, where such areas comprise indigenous vegetation; or

##### **ii. Inside urban areas:**

- (aa) Areas zoned for use as public open space; or
- (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.

**Listed Activity 12**

The **clearance of an area of 300 square metres or more of indigenous vegetation** except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.

**f. Mpumalanga**

- i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;
- ii. **Within critical biodiversity areas** identified in bioregional plans; or
- iii. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning or proclamation in terms of NEMPAA.

**Listed Activity 18**

The **widening of a road by more than 4 metres, or the lengthening of a road by more than 1 kilometre.**

**f. Mpumalanga****i. Outside urban areas:**

- (aa) A protected area identified in terms of NEMPAA, excluding conservancies;
  - (bb) National Protected Area Expansion Strategy Focus areas;
  - (cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;
  - (dd) Sites or areas identified in terms of an international convention;
  - (ee) Critical biodiversity areas** as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;
  - (ff) Core areas in biosphere reserves; or
  - (gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area** identified in terms of NEMPAA or from the core area of a biosphere reserve, where such areas comprise indigenous vegetation; or
- ii. Inside urban areas:
- (aa) Areas zoned for use as public open space; or
  - (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.

**Listed Activity 23**

**The expansion of—**

- (i) **dams or weirs where the dam or weir is expanded by 10 square metres or more; or**
- (ii) infrastructure or structures where the physical footprint is expanded by 10 square metres or more;

where such expansion occurs—

**(a) within a watercourse;**

- (b) in front of a development setback adopted in the prescribed manner; or
  - (c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse;
- excluding the expansion of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour.

**f. Mpumalanga****i. Outside urban areas:**

- (aa) A protected area identified in terms of NEMPAA, excluding conservancies;
- (bb) National Protected Area Expansion Strategy Focus areas;
- (cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;
- (dd) Sites or areas identified in terms of an international convention;
- (ee) Critical biodiversity areas** as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;
- (ff) Core areas in biosphere reserves;

**(gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area** identified in terms of NEMPAA or from the core area of a biosphere reserve, where such areas comprise indigenous vegetation; or

ii. Inside urban areas:

(aa) Areas zoned for use as public open space; or

(bb) Areas designated for conservation use in Spatial Development Framework.

## **PURPOSE OF THE PROJECT**

The overall objective is to undertake and complete a robust and defensible GA and BA process that will serve to inform the IUCMA & MDARDLEA's decision on the acceptability of the proposed project.

## **PROJECT DESCRIPTION**

The dam remediation is to ensure the continued safe operation of this Category III dam and the stability of the main and right flank embankments and its foundations.

The scope of construction works to be included in the rehabilitation and to be authorised is:

1. Stabilizing berm on the downstream face of the main embankment to RL 941.3 m, including approximately 30 000 m<sup>3</sup> of earthworks, a new internal drainage system (sand & gravel filters, rock toe and drain pipes with inspection concrete manholes) and gabion retaining walls.
2. Subsoil pipe drains above the berm of 133 m length with inspection concrete manholes.
3. Raising of the right flank embankment to prevent overtopping and failure during large floods and to improve the stability of the embankment (earthworks to be confirmed).

## **DESCRIPTION OF TASKS**

- An advertisement will be placed in the Laevelder Newspaper,
- Stakeholders, including landowners and land occupiers of neighbouring properties, other interested & affected parties, including the relevant authorities; will be notified of the proposed development in writing, and
- Notice boards advertising the applications will be placed in and around the site.
- Additional public participation processes may be undertaken in light of COVID-19 and prevailing Disaster Management Act Regulations to help ensure thorough dissemination & access of information to I&APs.

LOCATION

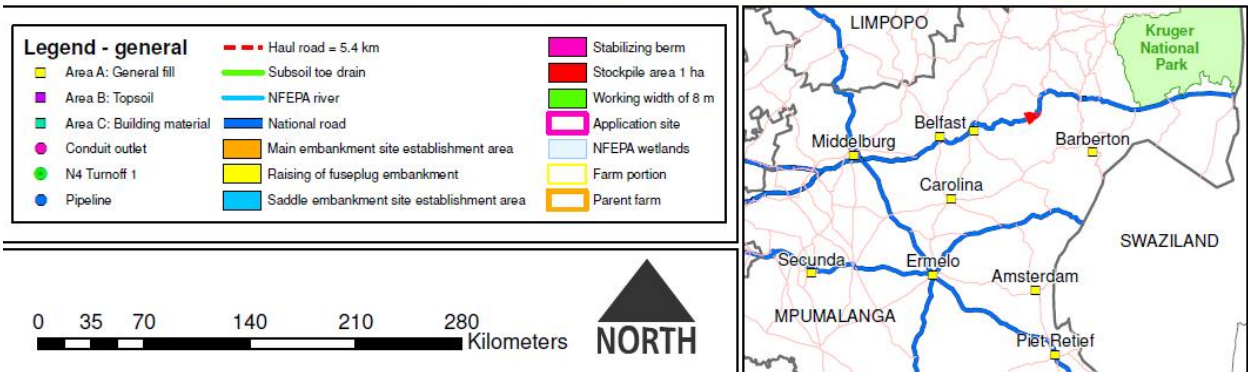
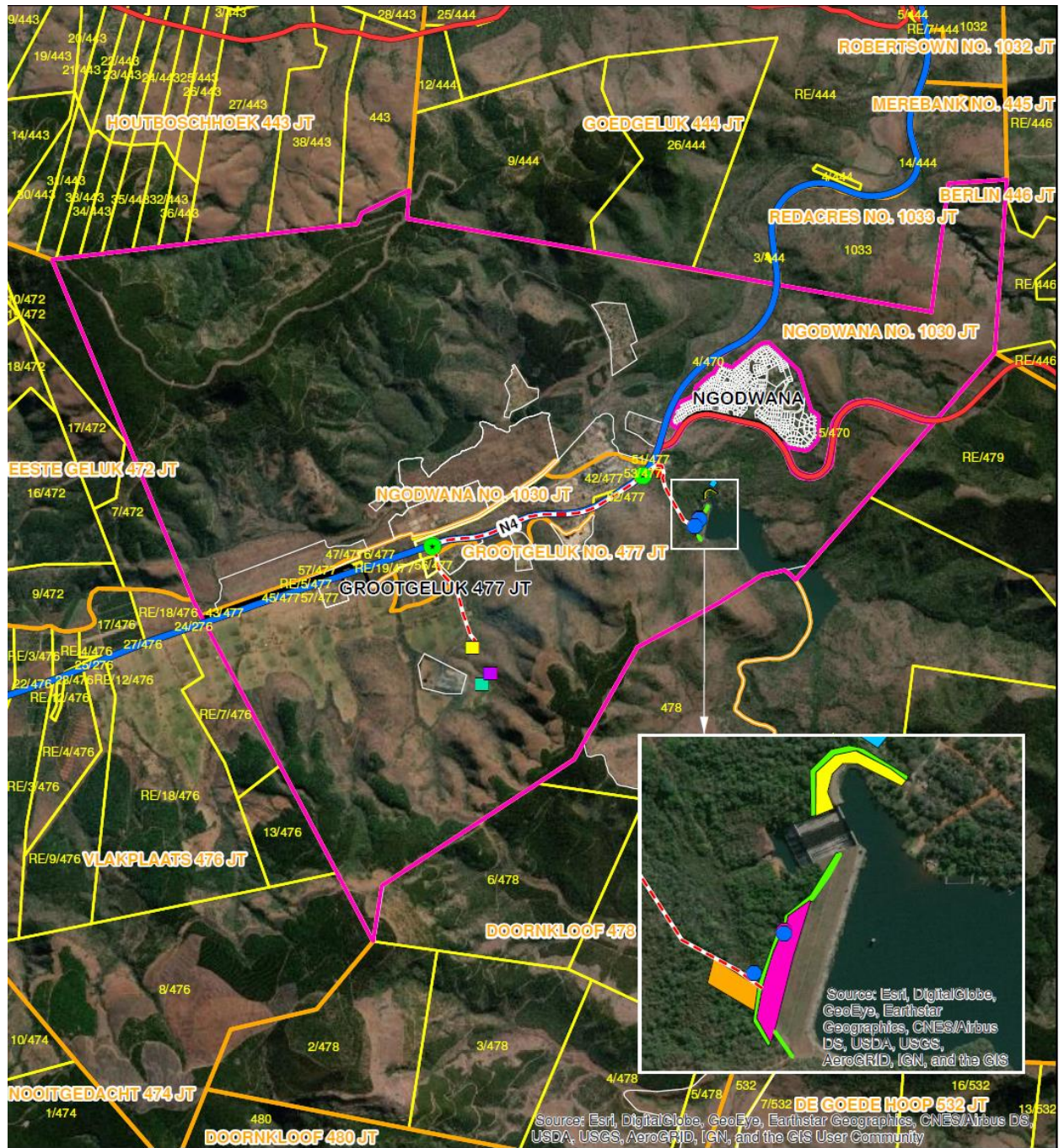


Figure 1: Portion 0 of Ngodwana 1030JT, Ngodwana, Mpumalanga Province.

## ANTICIPATED ISSUES

Environmental issues that may be addressed in the reports could include the following:

- Archaeological and Cultural Heritage Impact Assessment;
- Palaeontology Impact Assessment;
- Terrestrial Biodiversity Impact Assessment (incl. an Animal and Plant Species Assessment – Ecological Study).
- Aquatic Biodiversity Assessment ;
- Geotechnical Assessment;

### **YOUR COMMENTS PLEASE!**

Your comments on the proposed projects, the public participation process, and issues needing investigation, will assist the technical studies and the authorities in their consideration of the relevant environmental and social aspects.

You are invited to register as an Interested and Affected Party (I&AP) and to assist us in:

- identifying possible impacts of the proposed developments on the environment,
- making suggestions for mitigation and/or alternatives, and
- considering the “need” and “desirability”.

### **Mitigations**

Mitigation measures will be developed for the anticipated issues. Stakeholders are however welcome to comment on these issues and provide additional observations.

### **Alternatives**

Consideration of “Alternatives” is one element of the BA process. Its role is to provide a framework for sound decision-making based on the principle of sustainable development.

Alternatives should be identified as early as possible in the project cycle.

Ecolges not only welcomes stakeholders’ input/suggestions, but also urges the public to submit possible alternatives.

It is important to note that an alternative is defined as a different means of meeting the general purpose and requirements of the activity, which may include alternatives to-

- (a) the property on which or location where it is proposed to undertake the activity,
- (b) the type of activity to be undertaken,
- (c) the design or layout of the activity,
- (d) the technology to be used in the activity,
- (e) the operational aspects of the activity, and
- (f) the option of not implementing the activity.

When submitting alternatives, the recommended alternative must be:

- Practicable,
- Feasible,
- Relevant,
- Reasonable and
- Viable.

**Need and Desirability**

'Need and desirability' is determined by considering the broader societal/community needs and interests. The general meaning of need and desirability refers to time and place, respectively, i.e. is this the right time and is it the right place for locating the proposed activity.

To ensure that you are registered as an interested and/or affected party, please complete the enclosed REGISTRATION AND COMMENT SHEET and forward it to the address, fax or email provided below.

**Postal Address:**

P.O. Box 516  
Machadodorp  
1170

P.O. Box 9005  
Nelspruit  
1200

**Fax:** 086 697 9316

**E-mail:** [info@ecoleges.co.za](mailto:info@ecoleges.co.za) or [justin@ecoleges.co.za](mailto:justin@ecoleges.co.za)

**OR** For any enquiries or further information

Visit us at:

**Physical address:**

2 Generaal Street  
Machadodorp  
1170

**Cell:** 083 644-7179 (office) or 082 451 5608 (Justin Bowers)

**REGISTRATION AND COMMENT SHEET**

**SAPPI DAM REMEDIATION**

**ECOLEGES REFERENCE: 2020\_002P**

Title: \_\_\_\_\_ Name: \_\_\_\_\_

Surname: \_\_\_\_\_

Company Name / Interest Group: \_\_\_\_\_

\_\_\_\_\_

Postal or Residential Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Town / City: \_\_\_\_\_

Postal Code: \_\_\_\_\_

Tel: ( \_\_\_\_\_ ) \_\_\_\_\_

Cell: \_\_\_\_\_

Fax: ( \_\_\_\_\_ ) \_\_\_\_\_

E-mail address: \_\_\_\_\_

A registered interested and affected party is entitled to object and comment, in writing, on all written submissions including draft reports made to the competent authority provided that - (c) the interested and affected party discloses any direct business, financial, personal or other interest which that party may have in the approval or refusal of the application. Please supply such information in the space provided below.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Please indicate with an **X** whether you would like to be kept informed of the GA & BA process.

YES, I would like to be kept informed	
NO, I am not interested	

If "YES", how would you like to be informed? (please mark the appropriate block with an "X")

E-mail	
Fax	



