

Comments and Responses 1542 1542 Harmony Mispah TSF Reclam and Pipelines EIA WULA

Ms Ria Barkhuizen

Date 2022/11/29 Method Email

Comment

Good day Please supply SANRAL with an A4 locality map as well as GPS co-ordinates pertaining to your application. Maps and GPS co-ordinates together with the whole application can be emailed to nrstat@nra.co.za Kind regards

Response

Good morning Ria, Please find attached map and kmz file, as per your request below. Should you have any comments and/or queries, please feel free to contact EIMS. Regards,

Mr Livhuwani Ndou

Date 2022/11/24 Method Email

Comment

Dear Zanele For consideration. NB: Qaphela, please communicate Ms. Zanele Manyathi on the matter in future. Kind regards

Response

EIMS noted the email and deregistered Livhuwani Ndou from the project's I&AP database.

Mr Thami Hadebe

Date 2022/11/25 Method Email

Comment

Dear Mr Magaqa Your wayleave application with project reference 1542/QM/jp dated 24 November 2022 has reference. Transnet Pipelines, a division of Transnet SOC Limited, is not affected by the proposal. Your awareness of the existence of Transnet's pipeline servitudes and concern for their integrity is highly appreciated. This authorisation shall be valid for 48 months from the date - 25 November 2022.

Response

Greetings Mr MT Hadebe, Thank you for your correspondence. EIMS acknowledges receipt of the comment below from Transnet. Should you have any further comment and/or queries, please feel free to contact EIMS. Regards,

Ms Onalenna Mokoena

Date 2023/05/11 Method Email

Comment

Greetings I hope this email finds you well. I just want to find out if will the proposed Mispah TSF Reclamation Pipeline project affect Transnet's Railway line.

Response

Dear I&AP, Thank you for your message in relation to the proposed Mispah TSF Pipeline project. I have attached a KML file for your interest which illustrates the footprint of the project. The file also includes other features which might be of interest. As observable, the footprint of the project does not interact with any railway infrastructure. Should you have any other concerns or any further questions, please feel free to let me know.

Date	Method
2023/04/05	Email
Email from Seoka Lekota dated 05 April 2023	
Comment	Response
<p>According to the information provided in the report, a large portion of the proposed area falls within Ecological Support Area 1 (ESA 1), with a small portion classified as a Critical Biodiversity Area 1 (CBA 1).</p> <p>It is noted that the area is heavy modified due to the mining activities, the existing pipelines and associated infrastructure within the site. Due to the above Directorate: Biodiversity Conservation does not have objections to the project, however the recommendation made by the terrestrial specialist that the western portion of the project area, where the pipeline near Harmony Moab, should only be laid down along the existing road in a 'Medium' or 'Low' sensitivity habitat, must be adhered to. It is also recommended that this "High" sensitivity area be classified as a 'No-Go Area' in order to maintain the level of habitat integrity and it must also be noted that the Vaal River in an inherently a sensitive habitat due to the nature of rivers and must be treated accordingly.</p> <p>Furthermore, according to the protected area spatial datasets from SAPAD (2022) and SACAD (2022) the project area overlaps with the Mispah Game Farm, which is a protected area, therefore kindly liaise with Directorate: Protected Area at Nethonda@dffe.gov.za for attention of Mr. T Nethononda. The Public Participation Process documents related to Biodiversity EIA for review should be submitted to the Directorate: Biodiversity Conservation at Email: BCAdmin@dffe.gov.za for the attention of Mr. Seoka Lekota</p>	<p>EIMS noted the comments. An email has been sent on the 12th of April 2023 to the Directorate: Biodiversity Conservation Mr Seoka Lekota and Directorate : Protected Areas Mr. T Nethononda.</p> <p>The no-go areas and recommendations made by the biodiversity specialist will be adhered to and all recommendations of the specialist are included in the EMPr for the project.</p> <p>A site visit was held on 4 May with Mr Dave Hayter from Free State DESTEA to visit the protected area (Mispah Game Farm). During the site visit undertaken with you on 4 May 2023 it was indicated that the ecological importance of the protected area is extremely low due to the transformed nature of the site and that the protected area does not serve the intended purpose of conserving biodiversity in the province. It was also confirmed that DESTEA will submit comment to DFFE directly regarding this and that they had no concerns with the pipeline project proceeding as planned. A motivation to delist the property from the protect areas list was also drafted and submitted to DESTEA.</p>

Date	2023/04/11	Method	Email
Email from Sabelo Malaza dated 11 April 2023			
Comment	Response		
<p>a) Listed Activities, Application Form and Project Description</p> <p>It is imperative that the relevant authorities with jurisdiction in respect of geographically designated areas in terms of the GN R. 985 (Listing Notice 3) Activities are continuously involved throughout the basic assessment process. Written comments (or proof of consultation) must be obtained from the relevant management authority. In addition, a graphical representation of the proposed development within the respective geographical areas must be provided. Please also ensure that the potential impacts on the affected areas (i.e., critically biodiversity areas) are fully assessed.</p>	Please refer to Section 2.2 of the Final BAR.		
<p>b) Undertaking of an Oath</p> <p>(i) Please ensure that the final BAR includes an undertaking under oath or affirmation by the EAP (<u>administered by the Commissioner of Oaths</u>) as per Appendix 1(3)(r) of the NEMA EIA Regulations, 2014, as amended.</p>	Please refer to Section 1.2, 1.3 and 8 of the Final BAR for the details of the EAP and undertaking administered by the Commissioner of Oaths.		
<p>c) Public Participation Process</p> <p>(i) The following information must be submitted with the final BAR:</p> <ul style="list-style-type: none"> ➤ A list of registered interested and affected parties as per Regulations 42 of the NEMA EIA Regulations, 2014, as amended; ➤ Copies of all comments received during the draft BAR comment; and a comment and response report which contains all comments received and responses provided to all comments and issues raised during the public participation process for the draft BAR. Please note that comments received from this Department must also form part of the comment and response report. 	<p>(i) Information pertaining to the Public Participation Process is detailed in the following sections in the Final BAR</p> <ul style="list-style-type: none"> ➤ Refer to Section 6.7 and Appendix B1. ➤ Refer to Appendix B5 and B6. <p>(ii) Please refer to Section 6.8 of the Final BAR and Appendix B.</p> <p>(iii) Please refer to Appendix B of the Final BAR for proof of correspondence received for the project.</p> <p>(iv) Please refer to Section 6.7 to 6.8 and Appendix B – PPR of the Final BAR for the approved public participation plan and process followed for the project.</p>		

<p>(ii) Please ensure that all issues raised and comments received during the circulation of the draft BAR from registered I&APs and organs of state which have jurisdiction in respect of the proposed activity are adequately addressed in the final BAR.</p> <p>(iii) The final BAR must include proof of correspondence with the various stakeholders (including this Departments Directorate: Biodiversity Conservation, and the relevant heritage and agricultural authorities). Should you be unable to obtain comments, proof should be submitted to the Department of the attempts that were made to obtain comments.</p> <p>(iv) The Public Participation Process must be conducted in terms of the approved public participation plan and Regulations 39, 40, 41, 42, 43 7 44 of the EIA Regulations 2014, as amended. Please ensure that the BAR includes a copy of the approved public participation plan.</p>	
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General

Please also ensure that the final BAR includes the period for which the Environmental Authorisation is required and the date on which the activity will be concluded (for activities without operational aspects) as per Appendix I(3)(1)(q) of the NEMA EIA Regulations, 2014, as amended.

You are further reminded to comply with Regulation 19(1)(a) of the NEMA EIA Regulations, 2014, as amended, which states that: "Where basic assessment must be applied to an application, the applicant must, within 90 days of receipt of the application by the competent authority, submit to the competent authority- (a) a basic assessment report inclusive of any specialist reports, an EMP, a closure plan in the case of a closure activity and where the application is a mining application, the plans, report and calculations contemplated in the Financial Provisioning Regulations, which have been subjected to a public participation process of at least 30 days and which reflects the incorporation of comments received, including any comments of the competent authority. "

Should there be significant changes or new information that has been added to the BAR or EMP, which changes or information was not contained in the reports or plans consulted on during the initial public participation process, you are required to comply with Regulation 19(1)(b) of the NEMA EIA Regulations, 2014, as amended, which states: 'the applicant must, within 90 days of receipt of the application by the competent authority, submit to the competent authority - (b) a notification in writing that the documents contemplated in sub-regulation I(a) will be submitted within 140 days of receipt of the application by the competent authority, as significant changes have been made or significant new information has been added to the documents which changes or information was not contained in the original documents consulted on during the initial public participation process contemplated in sub-

The final BAR has been conducted as per the NEMA EIA Regulations, 2014 as amended. Refer to Section 1.1 and 3 for a detailed structure of the report in accordance to the EIA Regulations adhered to and the legislative context of the final BAR.

Please refer to Appendix H for the EMP.

regulation (I)(a) and that the revised documents will be subjected to another public participation process of at least 30 days. ';

Should you fail to meet any of the timeframes stipulated in Regulation 19 of the NEMA EIA Regulations, 2014, as amended, your application will lapse.

You are hereby reminded that Section 24F of the National Environmental Management Act, Act No. 107 of 1998, as amended, states that no activity may commence before the Department grants an Environmental Authorisation.

Date 2023/05/26 **Method** Email

Email correspondence with Dave Hayter, Department of Economic and Small Business Development, Tourism and Environmental Affairs (DESTEA), acting director: Biodiversity Management and Conservation - dated 26 May 2023

Comment

Good Morning Dave,

Further to our previous discussions please note that we now need to submit the Final Basic Assessment report for the Mispah pipeline project to DFFE due to time constraints in terms of the Environmental Authorization application process timeframes.

During the site visit undertaken with you on 4 May 2023 you had indicated that the ecological importance of the protected area is extremely low due to the transformed nature of the site and that the protected area does not serve the intended purpose of conserving biodiversity in the province. It was also confirmed that you would submit comment to DFFE directly regarding this and that you had no concerns with the pipeline project proceeding as planned. A motivation to delist the property from the protect areas list was also drafted and submitted through to you (attached again for reference).

As discussed could DESTEA please submit comment directly to Mr Thivhulawi Nethononda (0663361038 / TNETHONONDA@dffe.gov.za) at DFFE: Directorate: Protected Areas regarding this aspect of the project.

Kind Regards,