



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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PER MAIL / E-MAIL

Dear Sir/ Madam

APPLICATION FOR ENVIRONMENTAL AUTHORISATION: PROPOSED WILD COAST SPECIAL ECONOMIC ZONE (SEZ) IN MTHATHA, EASTERN CAPE PROVINCE.

The final Scoping Report (SR) and Plan of Study (PoS) for Environmental Impact Assessment dated June 2018 and received by the Department on 08 June 2018, refer.

The Department has evaluated the submitted final SR and the PoS for Environmental Impact Assessment dated June 2018 and is satisfied that the said documents comply with the minimum requirements of the Environmental Impact Assessment (EIA) Regulations, 2014, as amended. The FSR is hereby accepted by the Department in terms of Regulation 22(1)(a) of the EIA Regulations, 2014, as amended.

You may proceed with the environmental impact assessment process in accordance with the tasks contemplated in the Plan of Study for Environmental Impact Assessment as required in terms of the EIA Regulations, 2014, as amended.

In addition, the following amendments and additional information are required for the EIAR:

- a) The EIAR must provide the four corner coordinate points for the proposed development site(s) (note that if the site has numerous bend points, at each bend point coordinates must be provided).

Listed Activities

- b) Table 2-1 in the final Scoping Report dated June 2018 does not have a description of each listed activity applied for. You are kindly requested to include a description of each listed activity applied for, as you have done in Section 6 of the application form;
- c) Section 1.2 of the final Scoping Report dated June 2018 states that the Wild Coast Special Economic Zone (WCSEZ) will be phased (this application is for phase 1), however, Activity 67 of GN R.983 (as amended), which could be triggered, has not been included as a triggered listed activity. Please confirm that this activity is not triggered by the proposed development and explain why;

- d) Activity 9; 10; 12 and 24 of GN R.983 (as amended), as well as 4 and 14 of GN R.985 (as amended): The thresholds/capacities of the proposed activities must be determined and the project activity descriptions amended accordingly, as they are currently ambiguous and indefinite;
- e) If the activities applied for, or project descriptions in the application form differ from those mentioned in the EIAR, an amended application form must be submitted.

Public Participation Process

- f) The Public Participation Process (PPP) must be conducted in terms of Regulation 39, 40, 41, 42, 43 and 44 of the NEMA, EIA Regulations, 2014 (as amended).
- g) Comments on the draft EIAR must be obtained from the Biodiversity and Conservation unit of this Department;
- h) Please ensure that copies of original comments received from I&APs and organs of state, which have jurisdiction in respect of the proposed activity are submitted to the Department with the EIAR. Should you be unable to obtain such comments, proof should be submitted to the Department of the attempts that were made to obtain the comments;
- i) All issues raised and comments received during the circulation of the final Scoping Report from I&APs and organs of state, which have jurisdiction in respect of the proposed activity, are to be adequately addressed in the EIAR, including comments from this Department, and must be incorporated into the Comments and Response Report;

Specialist Studies

- j) A Phase 2 Heritage Impact Assessment study for Plot 2 must be included in the EIAR, as recommended in the desktop Heritage impact assessment, dated 28 February 2018.
- k) A Phase 1 Palaeontological Impact Assessment study for Plots 1 and 2 must be included in the EIAR, as recommended in the desktop Heritage impact assessment, dated 28 February 2018.
- l) A detailed Terrestrial Ecological Assessment and Wetland Assessment must be included in the EIAR, as per Section/Chapter 4 of the desktop Aquatic and Terrestrial Ecological Assessment, dated 18 January 2018.
- m) Signed specialist declaration of interest forms, for all specialist studies conducted as part of the proposed development, must be submitted together with the EIAR;
- n) Where specialist studies are conducted in-house or by a specialist other than a suitably qualified specialist in the relevant field, such specialist reports must be peer reviewed by a suitably qualified external specialist in the relevant field. The terms of reference for the peer review must include:
 - i. A CV clearly showing expertise of the peer reviewer;
 - ii. Acceptability of the terms of reference;
 - iii. Is the methodology clearly explained and acceptable;
 - iv. Evaluate the validity of the findings (review data evidence);
 - v. Discuss the suitability of the mitigation measures and recommendations;
 - vi. Identify any short comings and mitigation measures to address the short comings;

- vii. Evaluate the appropriateness of the reference literature;
- viii. Indicate whether a site-inspection was carried out as part of the peer review; and
- ix. Indicate whether the article is well-written and easy to understand.

Environmental Management Programme (EMPr)

- o) The EMPr to be submitted as part of the EIAR must comply with all the requirements in terms of the content of EMPs in accordance with Appendix 4 of the NEMA, EIA Regulations, 2014 (as amended).
- p) The EMPr must include the plans required as management measures, which include (but are not limited to):
 - i. Emergency response;
 - ii. Invasive alien plant management;
 - iii. Dust suppression;
 - iv. Waste management;
 - v. Site rehabilitation.
- q) The EMPr must not contain any ambiguity. Where applicable, statements must contain the word "must" instead of "should" or "may";
- r) Recommendations and mitigation measures recorded in the reports, including those from specialist studies, must be incorporated as part of the EMPr.

The applicant is hereby reminded that the EIAR to be submitted to this Department must comply with all the requirements in terms of the scope of assessment and content of EIARs in accordance with Appendix 3 and Regulation 23 of the NEMA, EIA Regulations, 2014 (as amended).

Please comply with the requirements of Regulation 45 of the Environmental Impact Assessment Regulations, 2014 published under Government Notice R982 in Government Gazette No. 38282 dated 04 December 2014, as amended ('the EIA Regulations, 2014'), with regard to the time period allowed for complying with the requirements of the Regulations.

Please ensure that the EIAR includes at least one A3 regional map of the area and the locality maps included in the EIAR illustrate the different proposed alignments. The maps must be of acceptable quality and as a minimum, have the following attributes:

- Maps are relatable to one another;
- Cardinal points;
- Co-ordinates;
- Legible legends;
- Indicate alternatives;
- Latest land cover;
- Vegetation types of the study area; and
- A3 size locality map.

Further, it must be reiterated that, should an application for Environmental Authorisation be subject to the provisions of Chapter II, Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999), then this Department will not be able to make nor issue a decision in terms of your application for Environmental Authorisation pending a letter from the pertinent heritage authority categorically stating that the application fulfils the requirements of the relevant heritage resources authority as described in Chapter II, Section 38(8) of the National Heritage Resources Act, 1999.

You are requested to submit two (2) copies of the Environmental Impact Report (EIAR) to the Department and at least one electronic copy (CD/DVD) of the complete final report with the hard copy documents.

You are hereby reminded of Section 24F of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended, that no activity may commence prior to an environmental authorisation being granted by the Department.

Yours sincerely



Mr Sabelo Malaza

Chief Director: Integrated Environmental Authorisations

Department of Environmental Affairs

Letter signed by: Ms. Pumeza Skepe-Mgcita

Designation: Deputy Director: CIPS & S24G

Date: 17/07/2018

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