

Appendix E

PUBLIC PARTICIPATION

Public participation

E1 – Adverts and Posters

E2 – Letter to I&AP's

E3 – Comments and Response Report: to be provided in the Final BAR

E4 – Record of Commenting Authorities contacted: to be provided in the Final BAR

E5 – I&AP database



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28 February 2014

Dear Sir / Madam,

WORKING FOR WETLANDS REHABILITATION PROJECT

PUBLIC PARTICIPATION PROCESS: 40 DAY COMMENT PERIOD ON DRAFT BASIC ASSESSMENT REPORT

DEA REFERENCE NUMBERS:

EASTERN CAPE Province Wetlands rehabilitation projects: 14/12/16/3/3/1/1136
FREE STATE Province Wetlands rehabilitation projects: 14/12/16/3/3/1/1130
GAUTENG Province Wetlands rehabilitation projects: 14/12/16/3/3/1/1132
KWAZULU-NATAL Province Wetlands rehabilitation projects: 14/12/16/3/3/1/1133
LIMPOPO Province Wetlands rehabilitation projects: 14/12/16/3/3/1/1129
MPUMALANGA Province Wetlands rehabilitation projects: 14/12/16/3/3/1/1128
NORTH WEST Province Wetlands rehabilitation projects: 14/12/16/3/3/1/1134
NORTHERN CAPE Province Wetlands rehabilitation projects: 14/12/16/3/3/1/1137
WESTERN CAPE Province Wetlands rehabilitation projects: 14/12/16/3/3/1/1131

This letter is available in any of the official languages on written request.

This letter serves to inform you of the South African National Biodiversity Institute's (SANBI's) proposal to rehabilitate a number of wetlands in South Africa. We would also like to notify you of your opportunity to comment on the proposed wetlands in which rehabilitation is proposed in terms of Regulations pursuant to the National Environmental Management Act, No. 107 of 1998 (as amended) (NEMA).

1. BACKGROUND INFORMATION

Working for Wetlands (WfWetlands) is a government programme managed by SANBI, and is a joint initiative of the Departments of Environmental Affairs (DEA), Water Affairs (DWA) and Agriculture, Forestry and Fisheries. The programme is mandated to rehabilitate damaged wetlands and to protect pristine wetlands throughout South Africa. Emphasis is placed on complying with the principles of the Expanded Public Works Programme which seeks to draw significant numbers of unemployed people into the productive sector of the economy, gaining skills while they work and increasing their ability to earn an income.

Aurecon South Africa (Pty) Ltd (Aurecon) has been appointed to undertake the project activities and associated reporting required by the WfWetlands Programme. The Aurecon team comprises Design Engineers and Environmental Assessment Practitioners (EAPs) who undertake the planning, design and authorisation components of the project. The Aurecon Team is assisted by an external team of Wetland Ecologists who provide scientific insight into the operation of wetlands and bring expert and often local knowledge of the wetlands. The project team is also complimented by the SANBI Provincial Coordinators (PCs) who are each responsible for provincial planning and implementation.

2. THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, NO. 107 OF 1998 (NEMA)

2.1 Basic Assessment

In terms of the environmental management principles of NEMA certain activities that may have a detrimental impact on the environment (termed Listed Activities) require Environmental Authorisation (EA) from DEA. Many activities associated with the rehabilitation of wetlands are Listed Activities in terms of GN.R544 Listing Notice 1 and GN.R546 Listing Notice 3 of NEMA:

- 11 and 18 of Listing Notice 1 in GN.R. 544, 2010; and
- 13 and 16 of Listing Notice 3 in GN.R. 546, 2010.

The requisite procedures for applying for an EA require that the Basic Assessment Process be undertaken where the biophysical and socio-economic impacts are identified and assessed. The process of Basic Assessment has been undertaken on behalf of SANBI by Aurecon (independent Environmental Assessment Practitioners), and separate Basic Assessment applications for each province have been submitted to DEA.

The Basic Assessment Reports (BARs) provide the findings of the associated investigations, and draft versions of these have been prepared and are available for public comment. The Draft BARs also include a description of all of the Wetland Projects that are proposed in each province, together with baseline information regarding the quaternary catchments and the wetland units that have been prioritised for the next planning cycle (2014/15). An EA is sought for each province, and if EA's are granted then they will permit the commencement of Listed Activities in the proposed Wetland Project areas.

A condition of the EA's will be that annual Rehabilitation Plans be submitted to DEA for approval after sufficient annual field work has been undertaken for each of the authorised Wetland Projects. These Rehabilitation Plans will include specialist reports prepared by the Wetland Ecologists (which provide a site description, detailed baseline information, and the wetland context within the greater catchment). The Rehabilitation Plans will also include the proposed interventions, their design details and specifications, and proposed locations. Opportunity will be provided at a later stage for registered I&APs (including landowners and State Departments) to comment on the annual Rehabilitation Plans.

2.2 Exemptions

SANBI has applied for two exemptions from the mandatory requirements of Basic Assessment. Firstly an exemption from NEMA GN R.543 16(1) 'Appointment of an EAP to manage applications' has been sought in order to address the involvement of both the Aurecon Design Engineers and the Aurecon EAPs in different phases of the same project as it may be deemed to be "circumstances that may compromise the objectivity of the EAP" (Definition of Independence: GN R.543). Since Exemption from "Independence" is not permitted, SANBI has requested an Exemption from appointing an EAP.

Secondly exemption has been sought from NEMA GN R.543 10 (2)(d) 'Publish a notice of the Department's decision'. Given the rural nature of the locations, it is anticipated that the general interest in the project will be limited to immediate and adjacent landowners / businesses, stakeholders, environmental watchdogs and authorities, all of whom will be notified directly of the Department's decision.

Please note that an integrated Public Participation Process (PPP) to simultaneously notify Interested and Affected Parties (I&APs) of the Basic Assessment and the exemption applications will be undertaken.

3. THE NATIONAL WATER ACT, NO. 36 OF 1998 (NWA)

Activities associated with rehabilitation of wetlands may constitute "water uses" in terms of the NWA, and may therefore require authorisations or licenses from DWA. In general, a water use must be licensed unless: a) it is listed in Schedule I of the NWA, b) is an existing lawful use, c) is permissible under a General Authorisation (GA), or if a responsible authority waives the need for a licence. GN. R. 1198 of 18 December 2009 introduced a GA for activities undertaken for the rehabilitation of wetlands for conservation purposes. Applications for a GA will be submitted to DWA simultaneously with the other authorisations required for this work.

4. OPORTUNITY TO PARTICIPATE

Public participation procedures are specified as a minimum requirement of Basic Assessment and must ensure that all I&APs (including State Departments) have an opportunity to participate in the process. The requisite Public Participation Process (PPP) in terms of NEMA has commenced, and to date has included the publication of national advertisements in the *Sunday Times* and *Die Rapport* on 2 March 2014 and the placement of site notices. The Draft BARs for each of the nine provinces will be made available for a **40 day** comment period from **Tuesday 4 March 2014 to Monday 14 April 2014** (please note that the Draft Rehabilitation Plans will be made available for comment at a later stage if EAs are obtained for the Wetland Projects in question). The Draft BARs are also available for download from the Aurecon website: <http://www.aurecongroup.com> (please indicate "Current Location" as "South Africa" and click on the "Public Participation" link, then "Environmental Projects" and then "SANBI Working for Wetlands" project).

In terms of regulations pursuant to NEMA, DEA will also contact any State Department that administers a law relating to a matter affecting the environment relevant to an application for EA. The State Department must submit comments within 40 days from the date on which DEA requests such comment. We anticipate this request to be made by 4 March 2014.

I&APs have until **14 April 2014** to submit their comments on the Draft BARs to the contact person below. I&APs should refer to the relevant DEA reference numbers for the relevant province as provided above. They must include their name, contact details and an indication of any direct business, financial, personal or other interest which they have in the applications in their submission.

Franci Gresse Tel: (021) 526 6022; Email: Franci.Gresse@aurecongroup.com; or
Claire Blanché Tel: (021) 526 6937; Email: Claire.Blanche@aurecongroup.com;
or Fax: (021) 526 9500 or Mail: PO Box 494, Cape Town, 8000.

5. WAY FORWARD

Following the 40 day public comment period, the Draft BAR will be updated by incorporating any I&AP comments received on the reports. The updated Final BARs will then be submitted to DEA for their decision. Registered I&APs will simultaneously be afforded a further **21 days** to provide comment on the Final BAR. Any further comments received after the 21 day comment period will be collated by Aurecon and submitted to DEA directly.

Once DEA have made their decision on the proposed project, all registered I&APs on the project database will be notified of the outcome of the decision within twelve (12) calendar days of the date of the decision. Should anyone (a member of public, registered I&AP or the Applicant) wish to appeal DEA's decision, a Notice of Intention to Appeal must be lodged with the Minister within twenty (20) calendar days of the date of the decision. If appeals are not received, then the Annual Rehabilitation Plans will be prepared for each authorised Wetland Project, circulated for comment to registered I&APs,

and submitted to DEA for approval. Interventions detailed in the 2014 Rehabilitation Plans will be carried out from April 2014 until March 2015.

Yours sincerely
AURECON



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DEA REFERENCE NUMBERS:
LIMPOPO Province Wetlands rehabilitation projects: 14/12/16/3/3/1/1129

This letter is available in any of the official languages on written request.

The South African National Biodiversity Institute (SANBI) proposes to rehabilitate a number of wetlands in South Africa. This letter serves to notify you, as the landowner/manager/occupant of a property on which such wetland rehabilitation work is proposed, that SANBI have applied to the Department of Environmental Affairs (DEA) to undertake certain activities associated with the rehabilitation in terms of Regulations pursuant to the National Environmental Management Act, No. 107 of 1998 (as amended) (NEMA). We would also like to inform you of your opportunity to comment on the Draft Basic Assessment Report.

1. BACKGROUND INFORMATION

Working for Wetlands (WfWetlands) is a government programme managed by SANBI, and is a joint initiative of the DEA, Water Affairs (DWA) and Agriculture, Forestry and Fisheries. The programme is mandated to rehabilitate damaged wetlands and to protect pristine wetlands throughout South Africa. Emphasis is placed on complying with the principles of the Expanded Public Works Programme which seeks to draw significant numbers of unemployed people into the productive sector of the economy, gaining skills while they work and increasing their ability to earn an income.

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