

## PROPOSED CONSTRUCTION OF THE DWARSRUG ACCESS ROAD FOR THE DWARSRUG WIND ENERGY FACILITY NEAR LOERIESFONTEIN, NORTHERN CAPE PROVINCE

Ref. No: NC/BA/09/NAM/HAN/CAL1/2019

### COMMENTS AND RESPONSES REPORT

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The proposed Dwarsrug Access Road for the Dwarsrug Wind Energy Facility's Basic Assessment process was announced on Thursday, 19 October 2018. All written comments received since the announcement of the Basic Assessment process have been included in this Comments and Responses Report (C&RR).

The C&RR also includes all written comments received on the Basic Assessment Report (BAR) which was made for a 30-day review and comment period from **Friday, 05 April 2019** to **Monday, 13 May 2019**. Comments received are captured in the C&RR are **verbatim** (as received per e-mail / letter).

**NOTE:** In terms Regulation 44(1) of the EIA Regulations of December 2014 (as amended on 07 April 2017), please note that the comments raised and responses provided at the various Focus Group Meetings held during the announcement phase of the Basic Assessment process have not been captured in this C&RR. The notes of the meetings are attached as **Appendix E6**.

#### List of Abbreviations / Acronyms

APM	Archaeology, Paleontology and Meteorites	DAFF	Department of Agriculture, Forestry and Fisheries
DBAR	Draft Basic Assessment Report	NCNCA	Northern Cape Nature Conservation Act
NFA	National Forests Act, Act 84 of 1998 (NFA)		

**1. WRITTEN COMMENTS RECEIVED ON BASIC ASSESSMENT REPORT: Organs of State**

NO.	COMMENT	RAISED BY	RESPONSE
1.	<p>The Directorate: Forestry Management (Other Regions) in the Department of Agriculture, <b>Forestry</b> and Fisheries (DAFF) is responsible for administration of the <b>National Forests Act, Act 84 of 1998 (NFA) and the National Veld and Forest Fires Act, Act 101 of 1998</b> as amended. The developer must take note of the following sections of the NFA:</p> <p>1.1. Section 12(1): "The Minister may declare-</p> <ul style="list-style-type: none"> <li>(a) a particular tree,</li> <li>(b) a particular group of trees,</li> <li>(c) a particular woodland; or</li> <li>(d) trees belonging to a particular species, to be a protected tree, group of trees, woodland or species.</li> </ul> <p>1.2. Section 15(1): "No person may-</p> <ul style="list-style-type: none"> <li>(a) Cut, disturb, damage or destroy any protected tree; or</li> <li>(b) Possess, collect, remove, transport, export, purchase, sell, donate or in any other manner acquire or dispose of any protected tree, or any forest product derived from a protected tree, except- <ul style="list-style-type: none"> <li>i. under a license granted by the Minister; or</li> <li>ii. in terms of an exemption from the provision of this subsection published by the Minister in the Gazette on the advice of the Council."</li> </ul> </li> </ul> <p>1.3. "Any person who contravenes the prohibition on-</p> <ul style="list-style-type: none"> <li>i. The cutting, disturbance, damage or destruction of temporarily protected trees or groups of trees referred</li> </ul>	<p>Jacoline Mans Chief Forester: NFA Regulation DAFF</p> <p>Letter: 16-04-2019</p>	<p>Comment noted, no response required.</p>

NO.	COMMENT	RAISED BY	RESPONSE
	<p>to in section 14(2) or protected trees referred to in section 15(1)(a); or</p> <p>ii. The possession, collection, removal, transport, export, purchase or sale of temporarily protected trees or groups of trees referred to in section 14(2) or protected trees referred to in section 15(1)(b), or any forest product derived from a temporarily protected tree, group of trees or protected tree, is guilty of a first category offence.</p>		
1.4.	Section 58 (1): "Any person who is guilty of a first category offence referred to in sections 62 and 63 may be sentenced to a fine or imprisonment for a period of up to three years, or to both a fine and such imprisonment."		
1.5.	The list of protected tree species under section 12(1) (d) of the National Forests Act, 1998 (Act No. 84 of 1998) is published annually; the most recent publication was in GN536 of 7 September 2018.		
2.	<b>COMMENTS ON BASIC ASSESSMENT REPORT</b>		
2.1.	Two alternative access roads were assessed. Pages land 15 of the Draft Basic Assessment Report (DBAR) stated that alternative 1 is approximately 11km long and is the preferred alternative. Alternative 2 is ± 8km. This does not correspond with the information supplied in the Ecological Impact Assessment Report, where Mr. Todd stated on page 37 that the Alternative 1 access road is the shortest. Please clarify.		This error has been corrected in the final Ecological Impact Assessment Report for submission along with the Final Basic Assessment report.
2.2.	Page 15 DBAR refers to applicable legislation. The Northern Cape Nature Conservation Act, Act 9 of 2009 (NCNCA) was not mentioned. A Flora Permit may be		The Northern Cape Nature Conservation Act was included in the Final Basic Assessment report.

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	required for relocation of provincially protected plant species such as <i>Hoodia gordonii</i> observed on site.		
2.3.	Scattered protected trees such as <i>Vachellia erioloba</i> and <i>Boscia albitrunca</i> can occur 60km north of Loeriesfontein, although seldom encountered in the affected Bushmanland Basin Shrubland. In the event that protected trees are encountered in the 12m wide road, the developer must apply for a Forest Act License prior to disturbance of protected trees.		Comment noted, this license will be applied for in the event that protected trees are encountered.
2.4.	Trees with bird nests may not be disturbed without a valid Fauna Permit from Nature Conservation, under the NCNCA, if affected.		Comment noted, this license will be applied for in the event that trees with bird nests are encountered.
2.5.	Getting a Forest Act License can take up to 30 days. License application forms are available on the Departmental website or at any Forestry Office. The Department may ask supporting documentation when assessing a license application. For construction activities of this nature, the following supporting documents are normally requested: <ul style="list-style-type: none"> <li>• <i>Completed License Application Form</i></li> <li>• <i>Accurate estimation of the number of trees to be felled per species</i></li> <li>• <i>Copy of the I.D. of the applicant (developer's representative)</i></li> <li>• <i>Copy of the Environmental Authorisation</i></li> <li>• <i>Flora Permit Reference Number</i></li> <li>• <i>Copy of Fauna Permit (if applicable)</i></li> </ul>		Comment noted, no response required.

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2.	<p><b>Interim Comment</b> The SAHRA Archaeology, Palaeontology and Meteorites (APM) Unit requests that the 2014 Palaeontological Assessment referenced in the HIA to be uploaded to the case for review.</p>	<p>Natasha Higgitt Heritage Officer SAHRA  Letter: 24-05-2019</p>	<p>Following this comment, this report was uploaded to SAHRIS for review by SAHRA.</p>
	<p>Further comments will be issued upon receipt of the above.</p>		<p>Following the upload of the HIA no comments have been received for inclusion in the final BAR. Proof of correspondence with SAHRA in order to obtain the final comment has been submitted in <b>Appendix E4</b>.</p>

## 2. WRITTEN COMMENTS RECEIVED ON BASIC ASSESSMENT REPORT: Stakeholders and Interested and Affected Parties

NO.	COMMENT	RAISED BY	RESPONSE
1.	<p>Your invitation for comments on you Assessment Report refers. I was approached by my client Sunay Mol, the registered owner of Narosies 228. She drew my attention to the fact that access roads over Narosies are involved, but it still has to be negotiated.</p> <p>I will be pleased if you could contact me in this regard and also note her concerns in this regard.</p>	<p>Alwyn Muller Attorney Louw and Muller Attorneys  E-mail: 04-04-2019</p>	<p>It can be confirmed that Mainstream Renewable Power made contact with both the affected landowner for Alternative 2 in November 2018 and as a follow-up with her attorney, Louw and Muller, in Loeriesfontein. During both these discussions it was acknowledged that Alternative 2, at this stage of the BA process, traverse the farm Narosies. However, both parties was informed that Alternative 2, from the applicant's preference is not the preferred alternative. Should the NC DENC approved Alternative 2, as an outcome of the BA studies, Mainstream would then contact the landowner and the attorneys to start the necessary and appropriate negotiations. This approach was confirmed in an email to both parties in Jun 2019.</p> <p>The concern raised by the landowner is a matter that Mainstream is committed to attend to once the decision-making authority had issued the EA.</p>

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2.	<p>I received confirmation from my team that this road upgrade will not impact our operations in that area.</p> <p>As Sentech we have no objections.</p>	<p>Marlon Finnis Executive: Operations SENTECH</p> <p>E-mail: 07-05-2019</p>	<p>SENTECH's no objection regarding the application is acknowledged.</p>
3.	<p>Die voorgestelde toegangsroetes is totaal onvoldoende. Soos reeds gesien en ondervind deur hierdie Unie word die Granaatboskolkpad vanaf Loeriesfontein as die enigste toegangsroete gebruik vir alle bedrywighede op die windplase, met 'n paar uitsonderings vanaf Brandvlei. Die werkers bly op Loeriesfontein, die toerusting word aangery vanaf Loeriesfontein, die turbines word aangery vanaf Loeriesfontein, alles met die Granaatboskolkpad vanaf Loeriesfontein.</p> <p><b>Translation:</b> The proposed access routes are totally inadequate. As already seen and experienced by the Union, the Granaatboskolk Road from Loeriesfontein is used as the only access route for all the wind farm activities, with some exceptions from Brandvlei. The worker force stays at Loeriesfontein, the equipment is transported from Loeriesfontein, including the turbines, all utilising the Granaatboskolk Road from Loeriesfontein.</p> <p>Soos reeds gemeld, kan sekere toerusting en vervoer dalk vanaf Brandvlei kom tot by windplaas. Feit van die saak is die enigste toegangsroete tot die Dwarsrug windplaas is met die Granaatboskolkpad. Die twee voorstelle op julle voorlegging</p>	<p>Lambert Brand Chairman: Loeriesfontein Farmers' Union</p> <p>E-mail: 09-05-2019</p>	<p>For each of the projects being proposed by Mainstreams in the Loeriesfontein area, and specifically those along the Granaatboskoll Road, Maintream undertakes and completes Traffic Assessments, determining the most appropriate roads for the delivery of project components and access to the project sites. To ensure that these project components arrives at the development sites in good condition, these assessments take into account the state of the roads available to the project sites, any major changes which need to be made to the roads, in order to handle the load and size of the trucks. The assessments also include Traffic Management Plans, which include measures to avoid, reduce and mitigate any impacts that can be expected. Given the delivery of the majority of material from Cape Town, the most feasible, and appropriate road to the Dwarsrug site is from Loeriesfontein along the Granaatboskolk Road.</p> <p>Once these assessments are completed, Mainstream then approaches the relevant road authorities to receive approval that the roads in question can be used, including any conditions they include in their authorisation and which need to be adhered to in respect of maintaining and upgrading the roads used during the period of construction.</p>

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	<p>is slegs kort stukkie pad vanaf die Granaatboskolkpad na die perseel toe.</p> <p><b>Translation:</b> As already mentioned, certain equipment and transport could utilise the road from Brandvlei to wind farm. The fact of the matter is the only access route to the Dwarsrug wind farm is on the Granaatboskolk Road. The two proposals on your submission are only for the short distance from the Granaatboskolk Road to the site.</p> <p>Dit is van uiterste belang dat Mainstream moet kennis neem dat geen werk op die perseel gedoen sal word as 'n ooreenkoms nie gemaak word ten opsigte van hergruis, onderhoud en instandhouding van die Granaatboskolk pad nie. Hierdie gemeenskap word elke slag met kort paaië en slenters probeer dwing om ontwikkeling toe te laat in ons gebied. Daarna onttrek die kontrakteurs wanneer die werk voltooi is en die gemeenskap sit met vernielde infrastruktuur.</p> <p><b>Translation:</b> It is of the utmost importance that Mainstream should note that no work will be done on their site if an agreement is not reached regarding the resurfacing and maintenance of the Granaatboskolk Road. Time and again the community is forced to accept developments into our area by developers taking short cuts. Thereafter, the developer's contractors withdraw when the work is completed, and the community is left with its infrastructure which is destroyed.</p>		<p>During the construction of Loeriesfontein and Khobab Wind Farms, Mainstream was required to adhere to a strict maintenance and management plan for the road as provided by the relevant road authority, to such a point that the road was in a better state than prior to construction. A copy of the authorisation which include the conditions, can be obtained from Mainstream on request.</p> <p>Following construction, Mainstream is required to handover responsibility of the road back to the road department, and no longer has authority to maintain the road, as it is a public road. It is important to note that it poor roads conditions would not be an advantage to Mainstream due to the expensive and sensitive technical components required for the construction of each wind turbine. It can therefore be reiterated that Mainstream cannot afford to take short cuts in the development of their projects. It is to Mainstream's advantage, and their business practice, to ensure that each and every permit, approval and conditions thereof are obtained, and more importantly, adhered to.</p> <p>Mainstream's contact details of the relevant representative has been provided to the Chairperson and Mainstream believes in an open and transparent process to ensure that communities that could be negatively impacted, <del>are</del></p>

NO.	COMMENT	RAISED BY	RESPONSE
	<p>Hiermee vra ek dat Mainstream met 'n geskrewe kontrak rakende die toegangsroetes na vore sal kom alvorens enige werk begin sal word. Dit moet 'n uiteensetting bevat van die plan ten opsigte van die hergruis, onderhoud en instandhouding van genoemde paaie. Dit is ook 'n hoofroete vir ons boeregemeenskap se bedrywighede en ons kan nie verdere vernietiging van ons infrastruktuur aanvaar nie.</p> <p><b><u>Translation:</u></b> It is herewith requested that Mainstream come forward with a written contract regarding the access routes before commencing with any work. This contract should include an outline of the plan regarding the resurfacing and maintenance of said roads. The road is also the major route for our farming community's operations and we cannot accept any further destruction of our infrastructure.</p>		<p>The request for a signed contract between Mainstream and the Farmers' Union, in Mainstream's opinion, does not seem like a workable solution as there are other developers in the area utilising the same road, Granaatboskolk, including the gypsum mines further north.</p> <p>It is important to note that in terms of the Dwarsrug Wind Farm project, separate to this application for an on-site access roads, Mainstream has consulted with the public as well as the necessary road authorities and has received conditional approval for the use of the Granaatboskolk road, specifically for the Dwarsrug Wind Farm project. Mainstream confirms that they will use, manage and maintain the road in accordance with the conditions received from the Northern Cape Department of Roads.</p> <p>As the access roads subject to this Basic Assessment process will be located on private farm land, maintenance and management of those roads will be done in consultation with the landowners concerned, as well as any legislated road requirements.</p>
	<p>Ek rig hierdie skrywe aan U names die Kommersiele Boere van Loeriesfontein Landbou- Unie. Ek hoop u sal ons betrek by die finale beplanning rakende hierdie toegangsroetes.</p> <p>Ek hoor graag van u</p> <p><b><u>Translation:</u></b></p>		<p>As undertaken on various other projects in the country, Mainstream can confirm that they will adhere to the agreed maintenance and management procedures as agreed with the relevant road authority, the Northern Cape Department of Roads and Public Works.</p> <p>During the construction phase, Mainstream will keep. As needed, the landowners informed regarding road matters and</p>



NO.	COMMENT	RAISED BY	RESPONSE
	<p>I am sending this letter to you on behalf of the Commercial Farmers of Loeriesfontein Agricultural Union and hope you will involve us in the final planning of these access routes.</p> <p>I look forward to hearing from you.</p>		<p>should Mainstream receives a formal request for a meeting, such a request will be considered at the appropriate time</p>
4.	<p>Cell C has reviewed your request and in consideration of the provisions of Section 29(1) (b) of the Electronic Communications Act no. 36 of 2005 (<b>"the Act"</b>). There is no possible impact of the proposed access road towards the Dwarsrug Wind Farm (140MW) Northern Cape facility on the Cell C network and services.</p> <p>From the information provided by yourselves and the Cell C analysis, Cell C does not have any objection with the construction of the proposed access road as Cell C does not have any infrastructure at the location of the proposed access road leading to the Dwarsrug wind farm facility.</p>	<p>Marius Claassen Executive Head: Radio Networks Cell C</p> <p>Letter: 13-05-2019</p>	<p>The information as provided by Cell C was acknowledged and noted.</p>

### 3. WRITTEN COMMENTS RECEIVED DURING BASIC ASSESSMENT ANNOUNCEMENT: Stakeholders and Interested and Affected Parties

NO.	COMMENT	RAISED BY	RESPONSE
1.	<p>As registered owner of the Farm Narosies, I am not aware of an agreement as to affect a road as per your Alternative 2.</p>	<p>Sunay Mol Landowner: Narosies</p> <p>Registration Form: 19-10-2018</p>	<p>The concern was forwarded to the Applicant who is responsible for liaising and negotiating servitudes, as and where required, with registered landowners.</p> <p><b>Applicant's Response:</b> Rebecca Thomas(RT) from Mainstream Renewable Power made contact with the landowner, Sunay Mol (Nov 2018). It was confirmed that Alternative 2 does traverse Narosies, however it was clarified to Sunay that that Alternative was not</p>

NO.	COMMENT	RAISED BY	RESPONSE
			the Mainstreams preferred alternative and only if Mainstream were requested to use that Alternative, as an outcome of the EIA, would they then approach Sunay Mol and Alwyn Muller (lawyer) to start the necessary negotiations. RT subsequently sent an email confirming this in writing (Jun 2019).
2.	Your notice of basic assessment process regarding the above-mentioned dated 19 October 2018 refers.  Transnet Freight Rail has no objection to your above-mentioned application because Transnet land is not affected. The closes railway line (Loop 7 – Loop 8) is approximately ± 1,1km to the North West.	Annelize Harmse Chief Admin Official: Western Region Transnet  Letter: 26-11-2018	Transnet information provided regarding their property and rail connection as well as the point that they do not have any objections regarding the application, is acknowledged.