

**AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION: PROPOSED WITBERG WIND ENERGY FACILITY AND ASSOCIATED INFRASTRUCTURE,
WESTERN CAPE PROVINCE**

DEA Ref. No: 12/12/20/1966/AM7

COMMENTS AND RESPONSES REPORT

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The Amendment Motivation Report's availability was announced on Wednesday, 14 November 2018 and was made available for an initial 30-day review and comment period from **Wednesday, 14 November** to **Friday, 14 December 2018**. All written comments received during the review and comment period is captured in the Comments and Responses Report.

The Revised Amendment Motivation Report's availability was announced on **Tuesday, 19 March 2019** and was made available for a 30-day review and comment period from **Wednesday 20, March 2019** to **Tuesday 23, April 2019**. Comments received during the review and comment period are included in this Comments and Responses Report and are included as **Appendix I6** to the Final Revised Motivation Report's submission to the Department of Environmental Affairs

LIST OF ABBREVIATIONS / ACRONYMS

C&RR	Comments and Responses Report	DAFF	Department of Agriculture, Forestry and Fisheries
DD	Deputy Director	DEA	Department of Environmental Affairs
DWS	Department of Water and Sanitation	EA	Environmental Authorisation
EAP	Environmental Assessment Practitioner	EMPr	Environmental Management Programme
EWT	Endangered Wildlife Trust	RI&AP	Registered Interested and Affected Party
SACAA	South African Civil Aviation Authority	SAHRA	South African Heritage Resources Agency
SANRAL	South African National Roads Agency Ltd	WC DEA&DP	Western Cape: Department of Environmental Affairs and Development Planning
WC T&PW	Western Cape: Transport and Public Works		

1. COMMENTS RECEIVED DURING REVISED MOTIVATION REPORT REVIEW PERIOD

NO.	COMMENT	RAISED BY	RESPONSE
1.	<p>Eskom requirements for work in or near Eskom servitudes:</p> <p>1.1. Eskom's rights and services must be acknowledged and respected at all times.</p> <p>1.2. Eskom shall at all times retain unobstructed access to and egress from its servitudes.</p> <p>1.3. Eskom's consent does not relieve the developer from obtaining the necessary statutory, land owner or municipal approvals.</p> <p>1.4. Any cost incurred by Eskom as a result of non-compliance to any relevant environmental legislation will be charged to the developer.</p> <p>1.5. If Eskom has to incur any expenditure in order to comply with statutory clearances or other regulations as a result of the developer's activities or because of the presence of his equipment or installation within the servitude restriction area, the developer shall pay such costs to Eskom on demand.</p> <p>1.6. The use of explosives of any type within 500 metres of Eskom's services shall only occur with Eskom's previous written permission. If such permission is granted the developer must give at least fourteen working days prior notice of the commencement of blasting. This allows time for arrangements to be made for supervision and/or precautionary instructions</p>	<p>John Geeringh Snr Consultant: Environmental Management Eskom GC: Land Development</p> <p>Letter: 25-03-2019</p>	<p>The applicant is cognisant of Eskom's requirements for work in or near Eskom servitudes, and will abide by Eskom's requirements during the construction and operation of the proposed project.</p>

NO.	COMMENT	RAISED BY	RESPONSE
	<p>to be issued in terms of the blasting process. It is advisable to make application separately in this regard.</p> <p>1.7. Changes in ground level may not infringe statutory ground to conductor clearances or statutory visibility clearances. After any changes in ground level, the surface shall be rehabilitated and stabilised so as to prevent erosion. The measures taken shall be to Eskom's satisfaction.</p> <p>1.8. Eskom shall not be liable for the death of or injury to any person or for the loss of or damage to any property whether as a result of the encroachment or of the use of the servitude area by the developer, his/her agent, contractors, employees, successors in title, and assignees. The developer indemnifies Eskom against loss, claims or damages including claims pertaining to consequential damages by third parties and whether as a result of damage to or interruption of or interference with Eskom's services or apparatus or otherwise. Eskom will not be held responsible for damage to the developer's equipment.</p> <p>1.9. No mechanical equipment, including mechanical excavators or high lifting machinery, shall be used in the vicinity of Eskom's apparatus and/or services, without</p>		

NO.	COMMENT	RAISED BY	RESPONSE
	<p>prior written permission having been granted by Eskom. If such permission is granted the developer must give at least seven working days' notice prior to the commencement of work. This allows time for arrangements to be made for supervision and/or precautionary instructions to be issued by the relevant Eskom Manager.</p> <p>1.10. Note: Where and electrical outage is required, at least fourteen work days are required to arrange it.</p> <p>1.11. Eskom's rights and duties in the servitude shall be accepted as having prior right at all times and shall not be obstructed or interfered with.</p> <p>1.12. Under no circumstances shall rubble, earth or other material be dumped within the servitude restriction area. The developer shall maintain the area concerned to Eskom's satisfaction. The developer shall be liable to Eskom for the cost of any remedial action which has to be carried out by Eskom.</p> <p>1.13. The clearances between Eskom's live electrical equipment and the proposed construction work shall be observed as stipulated by Regulation 15 of the Electrical Machinery Regulations of the Occupational Health and Safety Act, 1993 (Act 85 of 1993).</p> <p>1.14. Equipment shall be regarded electrically live and therefore dangerous at all times.</p>		

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	<p>1.15. In spite of the restrictions stipulated by Regulation 15 of the Electrical Machinery Regulations of the Occupational Health and Safety Act, 1993 (Act 85 of 1993), as an additional safety precaution, Eskom will not approve the erection of houses, or structures occupied or frequented by human beings, under the power lines or within the servitude restriction area.</p> <p>1.16. Eskom may stipulate any additional requirements to highlight any possible exposure to Customers or Public to coming into contact or be exposed to any dangers of Eskom plant.</p> <p>1.17. It is required of the developer to familiarise himself with all safety hazards related to Electrical plant.</p> <p>1.18. Any third party servitudes encroaching on Eskom servitudes shall be registered against Eskom's title deed at the developer's own cost. If such a servitude is brought into being, its existence should be endorsed on the Eskom servitude deed concerned, while the third party's servitude deed must also include the rights of the affected Eskom servitude.</p> <p><i>Eskom's Renewable Energy Generation Plant Setbacks to Eskom Infrastructure document included in Appendix I6</i></p>		

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2.	<p>The Department has the following comments on the abovementioned amendment application:</p> <p>a) <u>Public Participation</u></p> <p>(i) Please ensure that comments from all relevant stakeholders are submitted to the Department with the final report. This includes but is not limited to the Western Cape Department of Environmental Affairs and Development Planning, the Department of Forestry and Fisheries (DAFF), the Western Cape Department of Agriculture, the South African Civil Aviation Authority (SACAA), the Department of Transport, the Laingsburg Local Municipality, the Department of Water and Sanitation (DWS), the South African National Roads Agency Limited (SANRAL), the South African Heritage Resources Agency (SAHRA), the Endangered Wildlife Trust (EWT), BirdLife SA, the Department of Mineral Resources, the Department of Rural Development and Land Reform, and the Department of Environmental Affairs: Directorate Biodiversity and Conservation.</p> <p>(ii) Please ensure that all issues raised and comments received during the circulation of the revised draft report from registered I&APs and organs of state which have jurisdiction in respect of the proposed</p>	<p>Coenrad Agenbach Mmamohale Kabasa (Case Officer) DEA</p> <p>Letter: 10-04-019</p>	<p>Comments received to date from all relevant stakeholders, have been included within this Comments and Responses Report. Proof of correspondence to and from these stakeholders is included in Appendix 13 and Appendix 16 of the Revised Motivation Report.</p> <p>Comments received from registered I&APs and organs of state is included in Appendix 16 of the Final Revised Motivation Report as well as this Comments and Responses Report.</p>

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	<p>activity are adequately addressed in the final report. Proof of correspondence with the various stakeholders must be included in the final report. Should you be unable to obtain comments, proof should be submitted to the Department of the attempts that were made to obtain comments. The Public Participation Process must be conducted in terms of Regulation 39, 40, 41, 42, 43 & 44 of the EIA Regulations 2014 as amended,</p>		<p>Proof of distribution of the Revised Motivation Report is included in Appendix I2 and Appendix I3 including the reminders for submission of written comments.</p> <p>Savannah Environmental is cognisant of the need to comply with Regulations 39, 40, 41, 42, 43 and 44 of the EIA Regulations, 2014, as amended.</p> <p>» Regulation 39: It is confirmed that the registered landowner has been part of the consultation process for this application.</p> <p>» Regulation 40: The <u>Revised</u> Motivation Report has been made available to all registered I&APs and State Departments as required. To provide potential I&APs an opportunity to comment on the Revised Motivation Report, an advertisement was placed in a local community newspaper (Worcester Standard) as well as a regional newspaper (Cape Times). Proof of advertisement is included in Appendix I4.</p> <p>» Regulation 41: A site notice was erected at the commencement of the Amendment Application process. Proof of site notice is included in Appendix I4.</p>

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			<p>An advertisement was placed in a local community newspaper as well as in a regional newspaper. Proof of the advertisement is included in Appendix I4.</p> <p>» Regulation 42: A database with the contact details, as provided by I&APs, is included in Appendix I1.</p> <p>» Regulation 43: The Revised Motivation Report was made available for a 30-day public review period from 20 March 2019 to 23 April 2019. The revised Motivation Report was distributed to relevant Organs of State and a copy was made available at the Laingsburg Public Library, Van Riebeeck Street, Laingsburg. The Revised Motivation Report which has been submitted to the DEA, the Northern Cape DENC, and relevant Organs of State was also available for download from Savannah Environmental's website (https://www.savannahsa.com/public-documents/energy-generation/) or on CD on request from Savannah Environmental (Pty) Ltd.</p> <p>» Regulation 44: Comments from I&APs received throughout the Application process and those submitted during</p>

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			<p>the Revised Motivation Report 30-day review and comment period are included in this C&RR which is attached as Appendix I5 to this Final Motivation Report.</p>
	<p>(iii) A Comments and Response trail report (C&R) must be submitted with the final report. The C&R report must incorporate all comments for this development. The C&R report must be a separate document from the main report and the format must be in the table format as indicated in Annexure 1 of this comments letter. Please refrain from summarising comments made by I&APs. All comments from I&APs must be copied verbatim and responded to clearly. Please note that a response such as "noted" is not regarded as an adequate response to I&APs' comments.</p>		<p>As per Regulation 44, a C&RR has been drafted which includes all the written comments received on the Revised Motivation Report and is included in Appendix I5.</p> <p>Responses to written comments / concerns / issues raised have been provided and where applicable fully addressed by the project team. All comments received from registered I&AP have been recorded verbatim and have not been summarised. Proof of correspondence to and from these stakeholders is included in Appendix I3 and Appendix I6.</p>
	<p>(iv) The final report must also indicate that the draft report has been subjected to a public participation process.</p>		<p>Proof of the advertisement notifying potential I&APs of the availability of the Revised Motivation Report is included in Appendix I4 and proof of the notifications sent to registered I&APs on the project database is included in Appendix I2 and Appendix I3.</p>
	<p><u>General</u> Please ensure that all mitigation recommendations are in line with applicable and most recent guidelines.</p>		<p>Specialist studies have considered all applicable and most recent guidelines. Recommendations for mitigation have been made in accordance with these.</p>

NO.	COMMENT	RAISED BY	RESPONSE
	Please ensure that the final amendment assessment report complies with this letter, the comments issued on 13 December 2018 and the requirements of the EIA Regulations, 2014 as amended.		Comments received from the DEA on 13 December 2018, and where in this report these have been addressed, are detailed in Table 1 of the Revised Motivation Report.
3.	<p>TO WHOM IT MAY CONCERN</p> <p>With reference to the above, the following comments are put on record for due consideration (and where needed further investigation) by the relevant authorities. Issues are dealt with in bullet point chronological format in order to facilitate better understanding of a matter that has been made exceedingly complex due to an unduly long time period (almost 10 years) and numerous "amendments" sought from time to time.</p> <p>The focus is on PROCEDURE - dealing with the historical background in a compliance context. Some RECOMMENDATIONS are offered in conclusion.</p> <p><u>Procedural Background</u></p> <p>1. It is a matter of public record that this project started with a prima facie non-compliance with NEMA when a 13 km long road was constructed through highly sensitive quartzite veld on top of a mountain ridge in the Witteberg mountains. (Die Burger 7 Mei 2011 p.10).</p> <p>2. A subsequent rectification application for this unlawful commencement of a listed activity, was handled poorly with specific promises to inform</p>	<p>Meiring, Adv Abri I&AP</p> <p>Letter: 19-04-2019</p>	<p>According to the client's records, this road was authorised by the DEA on 13 October 2011 (DEA Ref. No: 12/12/20/1966) as part of the EIA for the Witberg wind farm.</p> <p>The S24G process was initiated in April 2011 and the final S24G report was submitted to DEA in June 2012. All I&APs were notified of the decision on the 24G</p>

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	I&AP's not honoured and an inexplicable delay of more than a year during which there were repeated requests for clarity by I&AP's. (E-mail record on file).		process I&APs on 1 September 2015. Advocate Meiring was included on all notifications.
3.	During this period numerous flaws in the documentation, ranging from the very name of the applicant to incorrect deadlines, had to be dealt with by I&AP's. (E-mail record on file).		It is unclear exactly what flaws are being referred to. However, the issue of the applicants' name is based on submission of the FEIAR under G7 Renewable Energies (Pty) Ltd and not the project SPV, Witberg Wind Power (Pty) Ltd. This error was rectified, and the EA issued in October 2011 was under the correct applicant which is Witberg Wind Power. All deadlines were in accordance with the environmental legislation at the time (NEMA 2010 regulations). Regardless, this has no bearing on the current amendment application.
4.	To further sully the process, a senior executive personally flew out from abroad to put totally uninvited and undue pressure on an important I&AP to drop his - already submitted - objections. (E-mail trail available, but to be kept confidential due to possible legal implications).		The meetings Mr Meiring is referring to were not held with himself personally but with a separate individual regarding an entirely different issue and process unrelated to the Witberg EIA. Furthermore, it is unclear how these meeting, which were held approximately 7 years ago, hold any relevance to the current amendment application.
5.	Politically connected persons were also approached to put pressure and it reached the stage where it was deemed necessary for me to formally expose these untoward actions at the highest level of the governing party in the Western Cape to "protect" a key I&AP from continued harassment. (E-mail record of meetings on file but to be kept confidential).		

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	<p>6. Despite this wholly unsatisfactory state of affairs (as well as the still outstanding 24G corrective action - 2. above) an application was made, directly to the National Minister, and an authorization obtained, dated 1 October 2011.</p>		<p>The Section 24G process and the EIA for the wind farm were undertaken concurrently. The S24G process has no legislated timeframes to which the authority must comply and thus the process can extend longer than a typical EIA process. The S24G application was 'granted' on 17 July 2015 on the grounds that the Department had authorised the road under the original EIA done for the Witberg WEF in which was authorised in October 2011.</p>
	<p>7. The most affected private I&AP's (landowners in the vicinity) decided that their appeals should be consolidated in a single submission and this important formal Appeal document, duly signed by all parties, was submitted.</p>		<p>The appeal referred to was received by the Department. The Minister, as per the Appeal Regulations, has the final decision regarding all appeals made against a project. The Minister's decision was made in accordance with the regulated timeframes relevant in the Appeal Regulations. The appeal decision however holds no bearing over the current application as the period for administrative justice has passed.</p>
	<p>8. The Minister decided to disregard this combined formal Appeal by the most affected I&AP's in its totality, simply because it arrived a day or two late - mainly due to signatures of the I&AP's having to be obtained. [This was considered to be irrational in the extreme and will, in my opinion, be held to be so by our Courts.] 10.</p>		
	<p>9. The I&AP's concerned then formed the reasonable view that sense would prevail (given the circumstances on the ground) and that the development would not go ahead before the expiry of its validity.</p>		<p>All legislated processes were followed in accordance with the relevant EIA Regulations at the time to ensure the validity of the Witberg EA and environmental compliance.</p>
	<p>10. On 9 December 2013 I&AP's were informed that an amendment to the above EA was issued on 26 November 2013 to extend the validity period</p>		<p>This was a minor mistake in the letter compiled. However, the Project Company is Witberg Wind</p>

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	<p>to 26 November 2015. This communication came from Witberg Wind Power (Pty) Ltd on a letterhead displaying "Witberg Wind Farm (Pty) Ltd" Reg. 2011/001791/07 which could not be explained by the purported Director, who signed.</p>		<p>Power (Pty) Ltd Reg. 2011/001791/07. However this has no bearing on the current application.</p>
	<p>11. The formal communication from the Department of Environmental Affairs dated 26 November 2013 then came to hand and made it clear that an application for amendment was in fact received by that Department on 07 November 2013 - presumably AFTER the expiry of the original term of validity. Be that as it may, the new validity period was expressly made subject to the condition stated as follows: "If commencement of the activity does not occur within that period (i.e. 02 (two)) years from 26 November 2013, the authorization lapses and a new application for environmental authorization must be made in order for the activity to be undertaken".</p>		<p>In terms of Chapter 5 of the 2014 EIA Regulations, as amended, and the EA for the project, it is possible for the applicant to apply for an amendment to the conditions of the EA. This includes the validity period for the EA.</p> <p>According to the client's records, the application for amendment referred to was submitted to the DEA on 06 November 2019. There was an appeal on the original EA and a new amended EA was issued on 29 November 2012. Using that as a base the application was submitted before the expiry date. However, this has no bearing on the current application</p>
	<p>12. It was common cause that this condition had not been complied with, when it came to light that a further extension was granted (arguably irregularly given the clear wording of 11. above) on 28 September 2015 extending the validity of the amended EA by a further two years. This time DEA stated unambiguously that "the EA lapses on 26 November 2017". This clearly was conclusive in law and provided legal certainty to the [&AP's who also had the legitimate expectation that</p>		<p>In terms of the EIA Regulations and the EA for the project, it is possible for the applicant to apply for an amendment to the conditions of the EA. This includes the validity period for the EA.</p>

NO.	COMMENT	RAISED BY	RESPONSE
	<p>they would have the opportunity to comment on a new EA or even EIA in due course, should the developer want to proceed.</p>		
	<p>13. However, on 07 December 2017 (i.e. more than ten days after the extended validity had LAPSED - as per 12. above) an e-mail from Witberg Wind Power was received stating that the validity period had been extended for a further 3 years (sic!) apropos an “amendment” granted on 06 December! It is of course a legal impossibility to “amend” a “lapsed” authorization — even if there had been prior due notice to I&AP’s, which there had NOT been. The copy of what seemed like an official letter from DEA, confirmed that the “amendment” was granted AFTER the validity had lapsed.</p>		<p>As per Regulation 28 (1A and 1B) of the 2014 EIA Regulations, as amended, “<i>The competent authority shall not accept or process an application for amendment of an environmental authorisation if such environmental authorisation is not valid on the day of receipt of such amendment application but may consider an application for environmental authorisation for the same development</i>” and “<i>An environmental authorisation which is the subject of an amendment application contemplated in this Chapter remains valid pending the finalisation of such amendment application</i>”. Therefore, it is legally valid for an EA which lapsed in November 2017 to only be extended in December 2017 as the application for extension was submitted in October 2017.</p>
	<p>14. As a reasonable I&AP the appropriate reaction could only have been to ignore a legal impossibility and to not waste time on any appeal procedure against a decision that was and will always be, ab initio void in law.</p>		<p>No response required.</p>
	<p>15. It follows that the further “amendment” now sought, to “extend” the validity to 2022 (!) MUST be seen as legally impossible as there is no current and valid EA.</p>		<p>As detailed under comment 13 above, it is legally valid for an EA which lapsed in November 2017 to only be extended in December 2017, as the application for extension was submitted in October 2017.</p>

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	<p>16. Quite apart from the legal position, there is the more important question of administrative justice. It is submitted that the repeated extension of the validity period is fundamentally undermining the whole purpose of impact assessment, as the environment is by its very nature dynamic.</p>		
	<p>17. It is submitted that, just on the face of it, the extension of an EA by more than ten years is unreasonable, excessive and likely to subvert our progressive environmental management legislation - which I have personally commended in Parliament on behalf of Organised Business as chair of the Business Parliamentary Office of SACOB (later of BUSA).</p>		<p>It is acknowledged that the environment is dynamic. Therefore, the application for validity extension submitted to the DEA has been supported by specialist inputs confirming whether the environment has changed or not. It is the conclusion of the specialists that the findings of the EIA remain valid, provided that the additional recommended mitigation measures that they have put forward are implemented. Extension of the EA beyond 10 years is made at the discretion of the DEA based on the information provided.</p>
	<p>18. Finally, I would like to know if there is any precedent for an extension of validity of some 11 years and, if not, the begging question would be why it should even be considered in THIS case, given its flawed and problematic history, as briefly outlined above.</p>		
	<p>19. I am strongly opposed to any purported "extension of validity" - both as a matter of law and as a matter of administrative justice, given the above. It will also undermine what is known as "environmental justice" on the one hand and much needed business certainty on the other should this procedure be further condoned going forward.</p>		<p>Adv Meiring's objection is noted as part of the process.</p>

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	<p>RECOMMENDATION</p> <p>It is respectfully submitted that this case has reached the stage where an entirely new environmental impact assessment has become an absolute necessity - should the developer want to proceed. A decision by the DEA to give effect to this would be in line with its core function as the custodian of our progressive environmental management regime and will underscore the whole rationale thereof. It will also promote the Constitutional principles at stake here as well as the rule of law - not to mention the public interest. It will also acknowledge the evolution of our understanding of the natural environment, climate and biodiversity over a period of ten years.</p>		<p>In terms of Chapter 5 of the 2014 EIA Regulations, as amended, and the EA for the project, it is possible for the applicant to apply for an amendment to the conditions of the EA. This includes the validity period. Extension of the EA beyond 10 years is made at the discretion of the DEA based on the information provided. It is acknowledged that the environment is dynamic. Therefore, the application for validity extension submitted to the DEA has been supported by specialist inputs confirming whether the environment has changed or not. It is the conclusion of the specialists that the findings of the EIA remain valid, provided that the additional recommended mitigation measures are implemented.</p>
4.	<p>The Motivation Report dated November 2018, the Department's comments thereto dated 14 December 2018, the e-mail notification of 19 March 2019 requesting comments on the Revised Motivation Report, and the Revised Motivation Report dated March 2019 as received by the Department on 20 March 2019 refer. Please find consolidated comment from various directorates within the Department on the Revised Motivation Report.</p>	<p>Gerhard Gerber Head of Department (on behalf of) DEA&DP Letter: 23-04-219</p>	
4.1.	<p>1. It is understood that the proposed amendment will not result in any significant increase in the nature or level of impacts pertaining to the ecology, avifaunal, noise, social, visual or</p>	<p>Shireen Pullen Directorate: Development Management (Region 3)</p>	<p>The revised Amendment Motivation Report confirms that the proposed amendment will not result in any significant increase in the nature or level of impacts pertaining to the ecology, avifaunal, noise, social,</p>

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	heritage related aspects of the receiving environment.		visual or heritage related aspects of the receiving environment.
	2. This Directorate is satisfied that its previous comment on the Motivation Report have been adequately addressed and that the similarly listed activities were highlighted, bringing the one consolidated environmental authorisation ("EA") in alignment with the requirements of the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended).		The Department's acknowledgement is noted. No further comment is required.
	3. This Directorate further appreciates the clarification provided in the Revised Motivation Report regarding the determination of the collision risk modelling predictions, and the process that was followed. However, the comment from BirdLife South Africa shows that the conservation status of the Verreaux's Eagle and the Martial Eagle have changed. As such, please confirm that this has been considered in the impact assessment. Furthermore, you are required to demonstrate how BirdLife South-Africa's Guidelines for Impact Assessment, Monitoring and Mitigation: Verreaux's Eagle and Wind Farms dated March 2017 have been considered, particularly regarding post-construction monitoring. These considerations must be addressed in consultation with BirdLife South Africa.		<p>The DEA's initial comment is appreciated.</p> <p>The specialist is aware of the change in status of both the Verreaux's and Martial Eagles. Dr Rob Simmons was in close contact with Martin Taylor, chief editor of the SA Red Data book on birds in 2014, as he was simultaneously writing the Namibian Red Data book published in 2015 (Simmons, Brown and Kemper 2015). He was thus aware of the change in status before 2015, when the studies of the young eagles were taking place on site (2014) and therefore subsequently when the monitoring reports were being produced.</p> <p>In terms of the consideration of BLSA Verreaux's Eagle guidelines (specifically with regards to post-construction monitoring), the avian specialist alerted the client that post-construction monitoring was necessary (as per the BLSA guidelines). The EMPr</p>

NO.	COMMENT	RAISED BY	RESPONSE
			states that "Post-construction bird monitoring must be undertaken in accordance with the relevant conditions of the environmental authorisation and the latest applicable bird monitoring guidelines for wind energy facilities".
	4. This Directorate further re-iterates that all specialist reports must comply with the requirements of Appendix 6 of the EIA Regulations, 2014 (as amended). Regulation 1(1)(a)(ii) of Appendix 6 states that all specialist reports must contain details of the expertise of that specialist to compile a specialist report, including a curriculum vitae. Please ensure that all the specialist reports appended to the Revised Motivation Report complies with this requirement.		CVs of specialists including details of expertise of specialists have been included in Appendix L of the Final Motivation Report.
	5. The Environmental Management Programme ("EMPr") must comply with section 24N of the National Environmental Management Act, 1998 (Act No. 107 of 1998). Since the EMPr has not yet been approved by the competent authority, it is believed that the EMPr must now comply with Appendix 4 of the EIA Regulations, 2014 (as amended). Unfortunately, there are many shortcomings in the Revised EMPr dated March 2019 and it does not yet meet all the requirements of Appendix 4. Further, the EMPr should not only state that a decommissioning plan must be compiled prior to decommissioning, but such a plan, which addresses each phase of		The EMPr was updated to address the requirements of Appendix 4 of the EIA Regulations, 2014 (as amended). Table 1.1 within the EMPr provides details of where these requirements are addressed. As stated in the EMPr, as part of the decommissioning phase the Project Company will undertake the required permitting processes applicable at the time of decommissioning. This is likely to include an Environmental Authorisation process, which will include a detailed EMPr.

NO.	COMMENT	RAISED BY	RESPONSE
	<p>decommissioning from cradle- to-grave, must be included as part of the EMPr.</p> <p>6. Notwithstanding the above, the Directorate has no objection to the proposed amendment only if there is adequate information available for the competent authority to make an informed decision on the amendment application. As such, all gaps in information/knowledge presented in the inputs provided, must be addressed prior to a final decision being taken.</p>		<p>The no objection from the Department is noted. All comments raised have been addressed as detailed in this Comments and Responses Report.</p>
4.2.	<p>This Directorate is satisfied that its comments of 14 December 2018 on the Motivation Report have been adequately addressed in the Revised EMPr dated March 2019. No further comment is offered.</p>	<p>Simone Bugan Directorate: Waste Management</p>	<p>The Department's acknowledgement is noted. No further comment is required.</p>
4.3.	<p>This Directorate has reviewed the Revised Motivation Report and does not anticipate any significant impacts on the local soil and water resources that may arise due to amendments proposed to the EA. It is however crucial that the Revised EMPr and appended management plans are comprehensively and consistently implemented with ongoing management and monitoring thereof, during the lifecycle of the proposed development.</p>	<p>Gunther Frantz Directorate: Pollution and Chemicals Management</p>	<p>The Department's comments regarding the implementation of the EMPr are noted. No further comment is required.</p>
4.4.	<p>This Directorate notes that its comments on the Motivation Report were addressed in the Revised EMPr dated March 2019. It is noted that dust abatement measures will include spraying of water and covering of stockpiled and transported materials. Due to the crippling drought experienced</p>	<p>Peter Harmse Directorate: Air Quality Management</p>	<p>The requirement to use only non-potable water for dust suppression has been added to the EMPr.</p>

NO.	COMMENT	RAISED BY	RESPONSE
	<p>in the Western Cape, this Directorate recommends that only non-potable water be used for dust suppression purposes.</p> <p>The Department reserves the right to revise or withdraw comments and request further information based on any or new information received.</p>		
5.	<p>I am involved, and have been since 2004, in research into the breeding biology of the Verreaux's Eagle in the Western Cape. The Witteberge population is part of that ongoing research. My project is registered and supported by the Birds of Prey Programme, Endangered Wildlife Trust.</p> <p>My interpretation of the situation is as follows and I am going to come straight to the point.</p> <p>A North American study based on factual data, encompassing 53 wind farms, reported a statistically significant effect of increased hub height on proportionately more avian fatalities.</p> <p>To test this theory, statistical modelling using these North American data and including existing South African (low confidence) data from operational wind farms, found that avian fatalities are expected to increase exponentially 2.6 fold from 6.2 to 22 birds per turbine per year as turbines are increased from 80 metres to 120 metres height.</p>	<p>Lucia Maria Rodrigues Western Cape Black Eagle Project</p> <p>Letter: 23-04-2019</p>	<p>We thank Lucia Rodrigues (LR) for her comments and recognise her as an authority on Verreaux's Eagle breeding and geographic range and location in the Western Cape.</p> <p>Birds & Bats Unlimited (BBU) did indeed attempt to get the possible data for avian fatalities to determine if taller turbines would increase fatalities. The only published data on this was by Scott Loss and colleagues (2013) in which, as stated, a significant increase in fatalities was found in a review of 53 North American studies. This was up to 80 m hub height. BBU attempted to determine if this held beyond 80 m HH by incorporating local BLSA data (6 points). The results were still significant but lower fatalities were found (with a decrease in the projected numbers).</p> <p>Combining the CRM (by Steve Percival – refer to Appendix A of the Final Motivation Report) with the Loss model was the only way to go forward, with two models giving different results.</p>

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	<p>Then in order to produce a statistical model that reduces the fatalities to an “acceptable” level, these data are combined with Steve Percival’s Collision Risk Model (CRM). Collision risk modelling is based on the theoretical probability that a bird will see and avoid the spinning turbines.</p> <p>Using site specific Verreux’s Eagle flight data, it was managed to bring the Verreux’s Eagle fatalities down to 0.56 per annum.</p> <p>Despite all logical and intuitive expectation (the North American study notwithstanding) CRM has statistically shown that the increase in the rotor swept area results in fewer collisions. There is also mention that the rotational speed of the longer blade is slower and may assist in reducing fatalities. However, how much slower is not mentioned.</p> <p>The author of the Birds and Bats report admits they are unable to determine why the two models give opposite results. One can only deduce that the sources from where these data originate differ too widely to be combined.</p> <p>The Revised Motivation Report lists the measures “available” to introduce further mitigations should</p>		<p>This approach was not an attempt to reduce the modelled fatalities to an “acceptable level”, but rather an attempt to take local data on eagles and combine it with a fatality study that encompasses all birds, not eagles alone (the Loss model). It is not known what proportion of the birds in the Loss model were eagles.</p> <p>The difference in results was unexplained, and until satellite tagging studies of the Witberg Eagles is undertaken to determine location and altitude precisely, it is not possible to give a definitive answer.</p> <p>However, some direction can be taken from Katzner et al’s (2012) work on satellite tagged Golden Eagles that are resident and migrant over mountainsides in the USA. While the migrant birds fly at blade swept heights averaging ~150m over summits and cliffs, the resident eagles flew on average at only ~50m over the same topography.</p> <p>Thus, by increasing turbines to 120m HH with a 50-60m blade the lower blade tip height is at 60m (i.e. 120-60 = 60 m). That is above the average height that eagles elsewhere fly. The higher the turbine the less impact for low-flying resident eagles (Journal of Applied Ecology 2012, 49, 1178–1186).</p>

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	<p>the recorded level of VE fatalities exceed 1.0 per annum.</p> <ul style="list-style-type: none"> • Black blade painting is mentioned several times, but we do not have the required authority from SA Civil Aviation yet. • Intense shortwave LED lighting; the effectiveness of which still needs to be investigated. • Shut down on demand, is hugely unpopular, because the last I heard, owners of the turbines compromise their warranty on the turbine's machinery. (not to mention loss in production) • DT Bird is hugely expensive, ZAR500 million per turbine, quoting 2017 prices. <p>So, listing these "solutions" provides no comfort; it's not a realistic scenario.</p> <p>To complicate matters further; we have hostile landowners. Mr Laurence Hart from Tweedside and Mr Jannie du Plessis from Elandsfontein, have between them burned and removed four nests, and killed at least one pair of eagles.</p> <p>They will thwart the attempts of post construction monitoring to accurately reflect fatalities therefore, turbine curtailment and DT Bird are not options for mitigation that will come up for consideration.</p> <p>I would like to see black blade painting as a condition before authority to continue with</p>		<p>The mitigations referred to in the comment are those used elsewhere in the world with varying degrees of success (the black-blade being shown the best results for reducing impacts).</p> <p>The use of black-blade mitigation is currently being investigated by the wind developers within the country. Feasibility of this mitigation is however dependent on technical considerations as well as the requirements of the CAA.</p> <p>The client can confirm with absolute certainty that no nests were burnt or destroyed by any landowners. Nor were any eagles killed by any landowners. Furthermore, the post-construction monitoring will be undertaken by a qualified avifaunal specialist and will be undertaken in accordance with the EMPr, EA as well as the relevant bird guidelines. If post-construction monitoring reveals significant unexpected impacts that require additional mitigation measures be implemented then this will be done in consultation with birdlife.</p> <p>This mitigation is proposed within the Motivation Report. It must be noted that this mitigation is</p>

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	<p>construction is given. It has been proven effective in the Norwegian White-tailed Sea Eagle study mentioned and the raptor population along the Witberg need all the protection we are able to afford them.</p>		<p>currently being investigated by the wind developers within the country. Feasibility of this mitigation is however dependent on technical considerations as well as the requirements of the CAA.</p>
	<p>I have been closely monitoring several nests within a 30 km radius, from the three affected Witberg Wind Farm nests. I would agree that the breeding season starts in April when the eagles start spending more time around their nest cliffs refurbishing their nests and displaying. June, July is generally when eggs are laid and incubation commences, which lasts 46 days. A lot less exuberant flying (displaying) takes place during this time. July to September there are chicks on the nest that require the adult's attention. So, I would prefer to see no construction within one kilometre extended to the end of September.</p>		<p>This is included in the EMPr for the project (refer to 10.3 of the construction EMPr). This will however be confirmed in consultation with the specialist prior to construction.</p>
	<p>Much is made about the recorded passage rate which has decreased over time. When one takes into account that the average passage rate for large birds, mainly eagles, (Turpie 2012) was on average 2.4 per hour, peaking at 6.9 in June, compared to the 0.12 passage rate per hour for Verreaux's Eagles in February 2019, it's obvious closer scrutiny of why this has occurred is required.</p>		<p>Passage Rates were indeed higher in early years of the study (2012 and 2014). The June study was a short one and more of a reconnoitre site visit. Passage Rates may thus be inflated in short field visits.</p>
	<p>The first field observations as recorded in the 2012 Turpie report were undertaken over a 12 month period during five site visits in June, August and November 2011 and January and April 2012. Flight</p>		<p>No response required.</p>

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	<p data-bbox="311 237 992 387">data was collected from 4 vantage points along the Witberg ridge. Passage rates for large birds, mainly eagles, were high. Average of 2.4 per hour, peaking in June at 6.9 per hour.</p> <p data-bbox="311 395 992 663">The 2014 Birds Unlimited report sourced its flight data from fewer vantage points and four site visits, namely June, October and December 2014 and January 2015. No visits in April or May to record the flying activity pre-egg laying and arriving for their first site visit the last three days in June when eggs had already been laid.</p> <p data-bbox="311 871 992 1098">One can expect the least amount of eagle activity in the vicinity of their nest cliffs between breeding seasons. And February falls neatly into the middle of the lull in activity. It is therefore of no surprise to me that passage rates declined even further to 0.21 after 3 days of observation in early February 2019.</p>		<p data-bbox="1373 395 2040 507">The 2014 report was aimed at recording the flights of young eagles – as this was raised by Lucia Maria Rodrigues previously as missing from the CRM.</p> <p data-bbox="1373 555 2040 858">Given that only one nest was active, fewer Vantage Points were needed over the year-long monitoring of the young eaglet. The June visit was to determine if any nests were active and October (young fledging), December (first flights) and January (longer exploratory flights before dispersing) were all timed according to the stage of eaglet development.</p> <p data-bbox="1373 874 2040 1058">Passage Rates may be dependent upon many factors, not least of which are the conditions in the environment. More eagles may be present and more active when food and breeding conditions are right.</p> <p data-bbox="1373 1114 2040 1377">It is no surprise that Mean Annual rainfall for the 2012 monitoring was classed as normal to above normal while the subsequent years were lower and 2016-2017 and 2017-2018 were classed as drought. The accidental wild fire in February 2016 would have simultaneously reduced primary productivity and food for the eagles' main prey – Rock Hyrax. Almost</p>

NO.	COMMENT	RAISED BY	RESPONSE
	<p data-bbox="309 316 992 544">Surely its evident that if one combines flight data from subsequent site visits, collected over fewer hours from fewer vantage points and during times when flight activity is expected to be low, with flight data collected in 2012, the result will be a decline in overall passage rates?</p> <p data-bbox="309 675 842 703">I would like to recommend the following;</p> <ul data-bbox="309 715 992 1177" style="list-style-type: none"> <li data-bbox="309 715 824 743">• Peer review of all the statistical data <li data-bbox="309 754 992 938">• 3 kilometre buffers around active and inactive nests, including the Elandsfontein site where nests have been destroyed. I am not convinced the monitoring has been rigorous enough throughout. <li data-bbox="309 949 992 1018">• Conditional black blade painting from the onset of operation. <li data-bbox="309 1029 992 1098">• No construction within one kilometre of the nest extended to the end of September <li data-bbox="309 1109 992 1177">• 24 month post construction monitoring as per the BLSA criteria 		<p data-bbox="1370 236 2045 304">none were recorded in the 2019 site visit, supporting this scenario.</p> <p data-bbox="1370 316 2045 427">The reduced rainfall is the most likely reason for reduced Passage Rates, not monitoring shortfalls or inappropriate seasons.</p> <p data-bbox="1370 475 2045 659">It may be of interest that over 400 hours of avian monitoring has now been done for the Witberg Wind Farm site, well before the BLSA guidelines called for such extensive monitoring protocols, and well above most other proposed wind farm sites.</p> <ul data-bbox="1370 675 2045 1374" style="list-style-type: none"> <li data-bbox="1370 675 2045 743">• There is no objection to the point raised regarding peer review of the statistical data. <li data-bbox="1370 754 2045 1217">• The 1.5 km buffers around the eagle nests was not taken lightly. BLSA guidelines recommend 3km buffers unless research/monitoring shows that little or no flight activity occurs in these areas. BBU data indicates 7 flights in 333 hours of observation at nest 1, meaning that the risk of impact is very low within 3 km of the nest – and thus even lower within 1.5 km. The Elandsfontein pair appear to have relocated to the Witteberge Private Nature Reserve (visited in February 2019), and have not re-built their nest within the 1.5 km buffer. <li data-bbox="1370 1228 2045 1374">• The use of black-blade mitigation is currently being investigated by the wind developers within the country. Feasibility of this mitigation is however dependent on technical

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			<p>considerations as well as the requirements of the CAA.</p> <ul style="list-style-type: none"> • Restriction of construction between July and September is included in the EMPr for the project (refer to 10.3 of the construction EMPr). This will however be confirmed in consultation with the specialist prior to construction. • Post-construction in accordance with the guidelines is included as a requirement within the EMPr.
6.	<p>1. <u>CapeNature Stewardship Sites</u> (Section 2 - Stakeholders: CapeNature comment item 1.4.3 in your Comments & Responses Report)</p> <p>1.1. No consultation The specific Stewardship Sites were not listed in your Comments & Responses Report and there was no consultation from any of your specialist consultants with the Witteberg Nature Reserve, an adjoining Contract Nature Reserve stewardship site.</p> <p>1.2. Visual Impact The visual impact on, and possible devaluation of, the 15 subdivided Resort Zone I and II plots located within the Witteberg Nature Reserve stewardship site has not been done. The only visual impact that was done is from the entrance gate to the said property.</p>	<p>Frik Linde Witteberg Private Nature Reserve Homeowners Association E-mail: 23-04-2019</p>	<p>The Witteberg Nature Reserve is included on the project database and therefore would have received all the project notifications and requests for comment. No comments were however received.</p> <p>The visual impact on sensitive receptors was considered within the EIA undertaken for the project. The purpose of the amendment is to compare the impacts associated with the amended project specifications to those expected in the EIA (refer to Appendix G of the final Motivation report). A comparative assessment was therefore undertaken. It was concluded that the proposed amendments to the wind turbines and related infrastructure would</p>

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			therefore result in no change in the overall visual impact significance ratings in relation to those of the previous authorised proposals.
	<p>1.3. Noise impact No noise impact (at all frequency levels) was undertaken anywhere within the Witteberg Nature Reserve stewardship site. The impact not only on humans, but also on all fauna within the reserve, needs to be assessed.</p>		The noise impact on sensitive receptors was considered within the EIA undertaken for the project. Sensitive receptors within the study area are detailed in the specialist noise inputs to the Motivation Report (refer to Appendix F). These include receptors within the project boundary and outside of the boundary. It was concluded that the cumulative impact modelling results indicate that the SANS 10103:2008 day/night limit of 45 dB(A) will not be exceeded at any of the noise sensitive areas. This includes the cumulative impacts from the other seven windfarms that were modelled. The noise generated by the wind turbines will be masked by the wind and so will unlikely have an impact on the animals.
	<p>2. <u>Climate impact on regional level</u> Although the impact of large wind turbines, especially when located on top of a mountain range, on the regional climate has been reported before, no climate impact assessment report has been done at all. Regional climate impacts can affect all properties near the said wind farm, especially those located to the south and southeast of this wind farm.</p>		International research on impacts on the regional climate indicate some impact on local climate (directly underneath the turbines) through an increase in temperature, and possibly wind direction and rainfall also on a local scale). There is no research on impacts within South Africa.
	<p>3. <u>Mountains Matter</u> We see little respect for the Witteberg mountain range in the application for this wind farm. We</p>		Impacts on sensitive environments, including visual impacts and sense of place, were considered through the original EIA process. The purpose of the

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	<p>believe that a special report related specifically to the impacts on the mountainous aspect should be done, as per the below-listed #mountainmatter initiatives. One would have thought that environmental consultants like yourselves would have paid attention to this aspect.</p> <p>https://www.weforum.org/agenda/2019/04/why-mountain-matter-more-than-you-think/ http://www.mountainresearchinitiative.org/index.php/who-we-are/why-mountains-matter</p>		<p>amendment is to compare the impacts associated with the amended project specifications to those expected in the EIA. A comparative assessment was therefore undertaken related to the impacts identified through the EIA process. No additional impacts were identified by any of the specialists involved in the amendment process.</p>
	<p>4. <u>Gouritz Cluster Biosphere Reserve</u> We are concerned that the Gouritz Cluster Biosphere Reserve, a UNESCO site in which the Witberg Wind Farm is located, does not feature prominently on your I&APs list, being South Africa's 7th, and largest biosphere reserve. We believe that Savannah Environmental should have made a special effort to obtain their input and that seemingly not having done so, should urgently obtain their input before proceeding.</p>		<p>The public participation process followed during the amendment process complied with the EIA Regulations, 2014, as amended. To ensure that as many public members and/or organisations, such as nature reserves, biosphere reserves, NGOs, etc register their interest in the project.</p> <p>Savanah Environmental has followed up on comments from the Gouritz Cluster Biosphere Reserve and any comments received will be submitted to the DEA.</p>
	<p>5. <u>Previous extensions of the environmental authorization</u> Previous extensions of the environmental authorisation were granted before, without proper process and procedures having being followed in our opinion. We believe a completely</p>		<p>In terms of the EIA Regulations and the EA for the project, it is possible for the applicant to apply for an amendment to the conditions of the EA. Extension of the EA beyond 10 years is made at the discretion of the DEA based on the information provided. It is acknowledged that the environment is dynamic.</p>

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	<p>new, comprehensive environmental application needs to be prepared and submitted, taking into account all the changes to the environment and the region in the approximately ten years since the original application was prepared, submitted and authorised.</p>		<p>Therefore, the application for validity extension submitted to the DEA has been supported by specialist inputs confirming whether the environment has changed or not. It is the conclusion of the specialists that the findings of the EIA remain valid, provided that the additional recommended mitigation measures are implemented.</p>
	<p>Submitted on behalf of the homeowners:</p> <ul style="list-style-type: none"> • Prof. V. Burch • Dr. L. de Villiers • Mr. T Lewis • Mr. F Linde • Ms. T Archer 		<p>Submission on behalf of homeowners of the Witteberg Private Nature Reserve Homeowners Association is herewith acknowledged.</p>

2. COMMENTS RECEIVED DURING MOTIVATION REPORT REVIEW PERIOD: Organs of State

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7.	The Directorate: Biodiversity Conservation has reviewed and evaluated the aforementioned report including its specialist's studies and have the following recommendations for implementation:	Mr Stanley Tshitwamulomoni Acting Director: Biodiversity Conservation	
7.1.	The pre-construction walk through with an ecological specialist must be undertaken to fine tune the final positioning of the turbines in order to avoid impacting on species of conservation concern;	DEA Letter: 10 Dec 2018	A pre-construction walk-through has been recommended by the ecological specialist (Appendix D). This requirement has also been added to the EMPr (Appendix K). The pre-construction walk-through will accordingly advise on the final micro-siting of the wind farm and final layout, which will need to be approved by the Department of Environmental Affairs (DEA). The pre-construction walk through will identify the ecological species of conservation concern that will either need to be avoided by the micro-siting of the wind turbines and other project components or will advise which specific plant species will require a permit for removal / relocation.
7.2.	Limit construction activities to seasons when birds are not breeding;		It is stated as a mitigation measure in the avifaunal addendum report (Appendix B) construction activities not to take place during the breeding season for sensitive species including the Verreaux's and Booted Eagle. In this respect, the avifaunal specialist's mitigation measures are as follows: (i) not constructing within 1000-m of Verreaux's Eagle nests or Booted Eagle nest during their early breeding season (May – June) or small-chick rearing season (June – July). For breeding Booted Eagles, the seasons to avoid are

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			August – September. These measures have been included in the EMPr for implementation (Appendix K).
7.3.	No construction is allowed within the 1000m of Verreaux's Eagle nests or Booted Eagle nest during their early breeding season or small chick rearing season;		As per comment above.
7.4.	Post-construction monitoring must effectively duplicate the baseline work, with the addition of surveys for collision and electrocution victims under the turbines and ancillary power infrastructure;		This has been included as a mitigation measure (see Section 4.3 of the EMPr in Appendix K).
7.5.	All species listed in terms of TOPs and Red Data list must not be disturbed or removed without a permit from relevant authorities;		<p>All permits that are required will be applied for from the Western Cape Department of Environmental Affairs and Development Planning (WC DEA&DP) and / or the Department of Agriculture, Forestry and Fisheries (DAFF) as and where required and implemented prior to construction.</p> <p>In addition to obtaining the relevant permits, the layout has been amended as a mitigation measure to avoid the avifaunal no-go area (see Figure 7.1 and Figure 7.2 in the Revised Motivation Report) to avoid disturbance to red data avifaunal species (Verreaux's and Booted Eagle).</p>
7.6.	Vegetation clearing prior and during construction must be limited to the footprint of the proposed development;		This has been included as a mitigation measure (see Section 4.1 & Section 4.2 of the EMPr in Appendix K).
7.7.	Anti-collision devices such as bird flappers must be installed on all high risk sections of the powerline to forewarn birds of the risk,		This has been included as a mitigation measure (see Section 4.1 of the EMPr in Appendix K).

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7.8.	All disturbed and cleared areas must be re-vegetated with indigenous perennial shrubs and grasses from the local area; and		This has been included as a mitigation measure (see Section 4.1 of the EMPr in Appendix K).
7.9.	Concurrent rehabilitation and alien vegetation control program within all sensitive areas must be implemented.		A re-vegetation and habitat rehabilitation plan has been provided in the ecological specialist letter (Appendix D). These have been included accordingly in Appendix C of the EMPr (see Appendix K). The requirement for concurrent rehabilitation and alien vegetation control program in sensitive areas is included as a mitigation measure in the EMPr (see Section 4.2 of the EMPr in Appendix K).
	The overall biodiversity objective is to minimise loss to biodiversity as possible. In order to achieve this objective, the above-mentioned recommendations must be adhered to.		The recommendations have been taken into account and included in the EMPr (Appendix K) as appropriate.
8.	The Department has the following comments on the abovementioned amendment application:	Mr Coenrad Agenbach DD: Strategic Infrastructure Developments DEA Letter: 13 Dec 2018	Amendment 6 has been removed from the request for amendment. As such, the requested details are not required for the proposed amendment and have not been included in this application. The Application and revised motivation report have been updated accordingly to reflect the change. See Section 2 of the revised motivation report.
2.1.	Amendments applied for: (i) Amendment 6, as applied for requests the department to amend the wind monitoring mast from 80m to 120m. It must be noted that the EA does not include the wind monitoring mast. As such, the EAP is to provide the details in the EIAR where the mast was specified, provide confirmation if the mast was constructed or not, the date it was constructed and provide the authorisation for said wind monitoring masts.		
	(ii) The EAP is requested to consolidate all the conditions from the previous amendments and		

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	<p>appeal decisions that needs to be added into the EA.</p> <p>(iii) The EAP is required to submit a revised, signed application form that does not include the proposed amendment number 6.</p>		<p>Amendment 6 has been removed from the request for amendment and has been removed from the updated application form submitted to the DEA.</p>
2.2.	<p>Public participation:</p> <p>(i) Please ensure that comments from all relevant stakeholders are submitted to the Department with the final report. This includes but is not limited to the Western Cape Department of Environmental Affairs and Development Planning, the Department of Forestry and Fisheries (DAFF), the Western Cape Department of Agriculture, the South African Civil Aviation Authority (SACAA), the Department of Transport, the Laingsburg Local Municipality, the Department of Water and Sanitation (DWS), the South African National Roads Agency Limited (SANRAL), the South African Heritage Resources Agency (SAHRA), the Endangered Wildlife Trust (EWT), BirdLife SA, the Department of Mineral Resources, the Department of Rural Development and Land Reform, and the Department of Environmental Affairs: Directorate Biodiversity and Conservation.</p> <p>(ii) Please ensure that all issues raised and comments received during the circulation of the draft report from registered I&APs and organs of state which have jurisdiction in respect of the proposed activity</p>		<p>It can be confirmed that the Organs of State and Stakeholders mentioned are registered on the project database, and received the initial draft Motivation Report for comment. The <u>Revised</u> Motivation Report will also be released to these Organs of State and stakeholder for comment.</p> <p>Proof of delivery will be included in the Final Revised Motivation Report.</p> <p>The SACAA has provided conditional approval for the 27-wind turbine layout and this is attached to the revised motivation report (See Appendix L of the revised motivation report). However, please note that the Holder of the EA will request the SACAA for an amendment of this conditional approval to refer to the correct layout and updated turbine specifications, once this Part 2 Amendment has been concluded and deemed successful.</p> <p>All comments received from stakeholders and RI&APs are captured in this C&RR, and comments received on the Revised Motivation Report will be included in the</p>

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	<p>are adequately addressed in the final report. Proof of correspondence with the various stakeholders must be included in the final report. Should you be unable to obtain comments, proof should be submitted to the Department of the attempts that were made to obtain comments. The Public Participation Process must be conducted in terms of Regulation 39, 40, 41, 42, 43 & 44 of the EIA Regulations 2014 as amended.</p> <p>(iii) A Comments and Response trail report (C&R) must be submitted with the final report. The C&R report must incorporate all comments for this development. The C&R report must be a separate document from the main report and the format must be in the table format as indicated in Annexure 1 of this comments letter. Please refrain from summarising comments made by I&APs. All comments from I&APs must be copied verbatim and responded to clearly. Please note that a response such as “noted” is not regarded as an adequate response to I&AP's comments.</p> <p>(iv) The final report must also indicate that this draft report has been subjected to a public participation process.</p>		<p>Final Revised Motivation Report which will be submitted to the DEA for decision-making.</p> <p>Proof of delivery and follow-up e-mails will also be included in the Final Revised Motivation Report.</p> <p>It can be confirmed that the C&RR format complies with the DEA requirements as set out in their letter dated 13 December 2018 and that comments have not been summarized, but captured verbatim.</p> <p>Proof of circulation of the draft Motivation Report and the Revised Motivation Report will be included in the Final Revised Motivation Report.</p>
2.3.	<p>Layout & Sensitivity Maps</p> <p>(i) All preferred turbine positions must be clearly numbered. The turbine position numbers must be consistently used in all maps to be included in the final report.</p>		<p>Refer to the Revised Motivation Report (Figure 2.1 and Figure 7.1).</p>

NO.	COMMENT	RAISED BY	RESPONSE
	(ii) The final report must provide the technical details for the proposed facility in a table format as well as their description and/or dimensions. A sample for the minimum information required is listed under point 2 of the EIA information required for wind energy facilities below.		Refer to Section 2.4 d) of the Revised Motivation Report.
	(iii) A copy of the final layout map must be submitted with the final report. All available biodiversity information must be used in the finalisation of the layout map. Existing infrastructure must be used as far as possible e.g. roads. The layout map must indicate the following:		Refer to Figure 7.1 and Figure 7.2 of the Revised Motivation Report.
	➤ The envisioned area for the wind energy facility; i.e. placing of wind turbines and all associated infrastructure should be mapped at an appropriate scale.		Refer to Figure 7.1 and Figure 7.2 of the Revised Motivation Report.
	➤ All supporting onsite infrastructure such as laydown area, guard house, control room, and buildings, including accommodation etc.		Refer to Figure 7.1 and Figure 7.2 of the Revised Motivation Report. Note that there is no guard house and accommodation proposed on the site.
	➤ All necessary details regarding all possible locations and sizes of the proposed satellite substation, the main substation and internal powerlines;		Refer to Section 2.4 d) of the Revised Motivation Report and to Figure 7.1 and Figure 7.2 of the Revised Motivation Report.
	➤ All existing infrastructure on the site, especially internal roads infrastructure;		Refer to Figure 7.1 and Figure 7.2 of the Revised Motivation Report.
	➤ The location of sensitive environmental features on site e.g. CBAs, heritage sites, wetlands, drainage lines etc. that will be affected by the facility and its associated infrastructure;		Refer to Figure 7.1 and Figure 7.2 of the Revised Motivation Report.

NO.	COMMENT	RAISED BY	RESPONSE
	<ul style="list-style-type: none"> ➤ Buffer areas; and <hr/> <ul style="list-style-type: none"> ➤ All “no-go” areas. <hr/> <p>(iv) The final report must include an environmental sensitivity map indicating environmental sensitive areas and features identified during the assessment process.</p> <hr/> <p>(v) The final report must include a map combining the final layout map superimposed (overlain) on the environmental sensitivity map.</p>		<p>Refer to Figure 7.1 and Figure 7.2 of the Revised Motivation Report.</p> <hr/> <p>Refer to Figure 7.1 and Figure 7.2 of the Revised Motivation Report.</p> <hr/> <p>Refer to Figure 7.1 and Figure 7.2 of the Revised Motivation Report.</p> <hr/> <p>Refer to Figure 7.1 and Figure 7.2 of the Revised Motivation Report.</p>
2.4.	<p>Specialist assessments</p> <hr/> <p>(i) All the attached specialist studies must indicate and make recommendations for 25 wind turbine positions. There seems to be discrepancies between the number of turbines requested for the amendment, and the numbers being assessed in the various studies</p> <hr/> <p>(ii) The maps used within the specialist studies must comply with comment c(i) of this comments letter</p> <hr/> <p>(iii) The EAP must ensure that the terms of reference for all the identified specialist studies must include the following:</p> <ul style="list-style-type: none"> ➤ A detailed description of the study's methodology; indication of the locations and descriptions of the development footprint, and all 		<p>All the attached specialist studies indicate and make recommendations for the 25 wind turbine positions, as requested (see Appendix A – H).</p> <hr/> <p>All the attached specialist studies (see Appendix A – H) contain maps (where relevant) with all preferred turbine positions clearly numbered and are consistently used in all maps within the revised motivation report.</p> <hr/> <p>Detailed methodologies have been provided for the collision risk modelling (Appendix A), bats, (Appendix C), ecology (Appendix D), heritage (Appendix E),</p>

NO.	COMMENT	RAISED BY	RESPONSE
	<p>other associated infrastructures that they have assessed and are recommending for authorisations.</p> <p>➤ Provide a detailed description of all limitations to the studies. All specialist studies must be conducted in the right season and providing that as a limitation will not be allowed.</p> <p>➤ Please note that the Department considers a 'no-go' area, as an area where no development of any infrastructure is allowed; therefore, no development of associated infrastructure including access roads is allowed in the 'no-go' areas.</p> <p>➤ Should the specialist definition of 'no-go' area differ from the Departments definition; this must be Clearly indicated. The specialist must also indicate the 'no-go' areas buffer if applicable.</p>		<p>visual (Appendix G) and social (Appendix H) have in the original specialist studies. Therefore, it is not required that these methodologies are repeated in the addendum reports. However, detailed methodologies have been provided for avifauna (Appendix B) and noise (Appendix F) addendum reports as required.</p> <p>All specialist studies have provided a description of all limitations to the respective studies (Appendix A – H), with the exception of ecology and bats as there were no limitations to the addendum studies. However, the limitations were provided in the original specialist study and therefore did not need to be repeated in the addendum report.</p> <p>In addition, no limitations in terms of timing of the assessments have been provided in any of the specialist studies (Appendix A – H).</p> <p>This is acknowledged. Please see response below.</p> <p>The classification of sensitivity areas used by the specialists are as follows:</p> <ul style="list-style-type: none"> • Very High sensitivity – no-go; • High sensitivity (including associated buffers) – acceptable with intense mitigation;

NO.	COMMENT	RAISED BY	RESPONSE
	<p data-bbox="365 753 1048 900">➤ All specialist studies must be final, and provide detailed/practical mitigation measures and recommendations, and must not recommend further studies to be completed post EA.</p> <p data-bbox="365 1031 1048 1139">➤ Should specialist recommend specific mitigation measures for identified turbine positions, these must be clearly indicated.</p>		<ul data-bbox="1496 240 2150 347" style="list-style-type: none"> • Medium sensitivity (including associated buffers) – acceptable with mitigation; • Low – acceptable. <p data-bbox="1447 400 2150 740">The definition of a no-go area for the avifaunal specialist study differs slightly from the above classification however, in that it considers that no wind farm related development and associated infrastructure are allowed in the “no-go” areas with the exception of the access roads required for the proposed development. Refer to the avifauna specialist addendum report (Appendix B – see Section 5, Table 10).</p> <p data-bbox="1447 756 2150 1018">All specialist studies have provided practical mitigation measures and recommendations where relevant (Appendix A - H). No further addendum specialist studies have been recommended for further study to inform the proposed amendment. The specialist studies submitted are considered final for the amendment application.</p> <p data-bbox="1447 1034 2150 1374">No specific mitigation measures have been provided for identified turbine numbers (see Appendix A - H). However, at a general level, the ecological specialist has recommended that the final development footprint should be subject to a pre-construction walk-through to inform the final placement of roads and turbines as well as locate and identify species of conservation concern that are within the development footprint (Appendix D).</p>

NO.	COMMENT	RAISED BY	RESPONSE
	<ul style="list-style-type: none"> ➤ Clearly defined cumulative impacts and where possible the size of the identified impact must be quantified and indicated, i.e. hectares of cumulatively transformed land. ➤ A detailed process flow to indicate how the specialist's recommendations, mitigation measures and conclusions from the various similar developments in the area were taken into consideration in the assessment of cumulative impacts and when the conclusion and mitigation measures were drafted for this project. ➤ Identified cumulative impacts associated with the proposed development must be rated with the significance rating methodology used in the process. ➤ The significance rating must also inform the need and desirability of the proposed development. ➤ A cumulative impact environmental statement on whether the proposed development must proceed. <p>(iv) Should the appointed specialists specify contradicting recommendations, the EAP must clearly indicate the most reasonable recommendation and substantiate this with defensible reasons: and were necessary, include further expertise advice.</p>		<p>Assessment of cumulative impacts have been provided for all specialist studies (Appendix A – H), as requested.</p> <p>Please refer to cumulative impact section in all specialist studies (Appendix A – H).</p> <p>Please refer to cumulative impact section in all specialist studies (Appendix A – H).</p> <p>Please refer to cumulative impact section in all specialist studies (Appendix A – H).</p> <p>Please refer to cumulative impact section in all specialist studies (Appendix A – H).</p> <p>No contradicting recommendations have been proposed by the specialists with that of the recommendations of the EAP (see Appendix A - H).</p>
2.5.	The Environmental Management Programme (EMPr) to be submitted as part of the final report must include the following:		

NO.	COMMENT	RAISED BY	RESPONSE
	(i) All recommendations and mitigation measures recorded in the final report and the specialist studies conducted.		All recommendations and mitigation measures recorded in the revised motivation report and associated specialist studies are included in the EMPr (Appendix K).
	(ii) The final site layout map.		Refer to Section 1 of the EMPr (Appendix K).
	(iii) Measures as dictated by the final site layout map and micro-siting.		Refer to Section 1 of the EMPr (Appendix K).
	(iv) An environmental sensitivity map indicating environmental sensitive areas and features identified during the basic assessment process.		Note that an EIA process was undertaken and not a Basic Assessment process for the original application. An amendment application is now being undertaken as submitted herein. For the environmental sensitivity map indicating environmental sensitive areas, please refer to Section 1 of the EMPr (Appendix K).
	(v) A map combining the final layout map superimposed (overlain) on the environmental sensitivity map.		Refer to Section 1 of the EMPr (Appendix K).
	(vi) An alien invasive management plan to be implemented during construction and operation of the facility. The plan must include mitigation measures to reduce the invasion of alien species and ensure that the continuous monitoring and removal of alien species is undertaken.		Refer to Appendix B of the EMPr (Appendix K).
	(vii) A plant rescue and protection plan which allows for the maximum transplant of conservation important species from areas to be transformed. This plan must be compiled by a vegetation specialist familiar with the site and be implemented prior to commencement of the construction phase.		Refer to Appendix D of the EMPr (Appendix K).

NO.	COMMENT	RAISED BY	RESPONSE
	<p>(viii) An avifauna monitoring and management plan to be implemented during the construction and operation of the facility. This plan must be drafted by a suitably qualified avifauna specialist.</p>		<p>Refer to Appendix G of the EMPr (Appendix K). Reputable avifaunal specialists' have formulated the current Birdlife South Africa Best Practice Guidelines for assessing and monitoring the impact of wind energy facilities on birds in South Africa. At this stage, it is premature to compile a detailed avifauna monitoring and management plan for the construction and operation phase of the Witberg WEF, as it is unknown when construction of the facility will commence given the uncertainty of the current REIPPP programme bid process, and where possible updates to the guidelines may have been made at a later stage which will need to be incorporated into the detailed avifauna monitoring and management plan for the construction and operation phase. As such, the Birdlife South Africa Best Practice Guidelines for assessing and monitoring the impact of wind energy facilities on birds in South Africa are provided to which are to be complied with when the detailed avifauna monitoring and management plan is compiled. This must however must be undertaken prior to construction.</p>
	<p>(ix) A re-vegetation and habitat rehabilitation plan to be implemented during the construction and operation of the facility. Restoration must be undertaken as soon as possible after completion of construction activities to reduce the amount of habitat converted at any one time and to speed up the recovery to natural habitats.</p>		<p>Refer to Appendix C of the EMPr (Appendix K).</p>

NO.	COMMENT	RAISED BY	RESPONSE
	(x) An open space management plan to be implemented during the construction and operation of the facility.		Refer to Appendix E of the EMPr (Appendix K).
	(xi) A traffic management plan for the site access roads to ensure that no hazards would result from the increased truck traffic and that traffic flow would not be adversely impacted. This plan must include measures to minimize impacts on local commuters e.g. limiting construction vehicles travelling on public roadways during the morning and late afternoon commute time and avoid using roads through densely populated built-up areas so as not to disturb existing retail and commercial operations.		Refer to Appendix H of the EMPr (Appendix K).
	(xii) A transportation plan for the transport of components, main assembly cranes and other large pieces of equipment.		Refer to Appendix H of the EMPr (Appendix K).
	(xiii) A storm water management plan to be implemented during the construction and operation of the facility. The plan must ensure compliance with applicable regulations and prevent off-site migration of contaminated storm water or increased soil erosion, The plan must include the construction of appropriate design measures that allow surface and subsurface movement of water along drainage lines so as not to impede natural surface and subsurface flows. Drainage measures must promote the dissipation of storm water run-off.		Refer to Appendix I of the EMPr (Appendix K).

NO.	COMMENT	RAISED BY	RESPONSE
	(xiv) A fire management plan to be implemented during the construction and operation of the facility.		Refer to Appendix J of the EMPr (Appendix K).
	(xv) An erosion management plan for monitoring and rehabilitating erosion events associated with the facility. Appropriate erosion mitigation must form part of this plan to prevent and reduce the risk of any potential erosion.		Refer to Appendix F of the EMPr (Appendix K).
	(xvi) An effective monitoring system to detect any leakage or spillage of all hazardous substances during their transportation, handling, use and storage. This must include precautionary measures to limit the possibility of oil and other toxic liquids from entering the soil or storm water systems.		Refer to Appendix K of the EMPr (Appendix K).
	(xvii) Measures to protect hydrological features such as streams, rivers, pans, wetlands, dams and their catchments, and other environmental sensitive areas from construction impacts including the direct or indirect spillage of pollutants.		Refer to Section 4.2 Objective 13 of the EMPr (Appendix K).
	The EAP must provide detailed motivation if any of the above requirements is not required by the proposed development and not included in the EMPr.		Detailed motivation has been provided for DEA comment (e)(viii) above. No other detailed motivation is required.
2.6.	General		
	Please ensure that all mitigation recommendations are in line with applicable and most recent guidelines.		It can be confirmed that the mitigation recommendations are in line with applicable and most recent guidelines.
	Please note that in terms of regulation 32 of EIA regulations 2014 as amended, the applicant is required within a specified timeframe to submit a report to this Department in light of the proposed amendments.		The revised motivation report will be submitted within the legislated timeframes as required (i.e. submission deadline 14 May 2019).

NO.	COMMENT	RAISED BY	RESPONSE
9.	<p>Due to the reduction, change in location and specification of the turbines as well as other changes, it prompted an application for an amendment of the environmental authorization.</p> <p>This Branch offers no objection to the application.</p>	<p>SW Carstens WC T&PW Letter: 12 Dec 2018</p>	<p>No objection to the project is hereby acknowledged.</p>
10.	<p>Please find consolidated comment from various directorates within the Department on the Amendment Motivation Report.</p>	<p>WC DEA&DP Letter: 14 Dec 2018</p>	
10.1.	<p>Increase the range of hub height from 92m to a range from 02m up to 120m;</p>	<p>Ms Jessica Christie Directorate: Development</p>	
10.1.1.	<p>Since it is requested that the amendments and appeal decisions for this project are consolidated into one environmental authorisation, it is unclear to this Directorate whether the consolidated EA, if granted, would be aligned with the requirements of the 2014 Environmental Impact Assessment ("EIA") Regulations (as amended). This Directorate believes that it should be aligned, and that all similarly listed activities should have been considered and included in the amendment application.</p>	<p>Management</p>	<p>Please refer to Section 2 of the revised motivation report.</p>
10.1.2.	<p>The Ornithological Collision Risk Modelling Update Report dated 25 July 2018 compiled by Ecology Consulting was based on the approved layout that authorised 27 turbines. Since the compilation of said report, a statement was issued by the specialist on 21 August 2018, assessing the new proposed layout of 25 wind turbines. It is unclear from the Ornithological Collision Risk Modelling Update Report how the collision risk modelling</p>		<p>Please refer to Section 4 of the CRM report (Appendix A).</p>

NO.	COMMENT	RAISED BY	RESPONSE
	<p>predictions were determined. It is however noted that there are tables with calculations, but the process is still not clear. This Directorate is concerned that interested and affected parties ("IA&Ps") may not understand the risk modelling process as the report is highly technical.</p>		
10.1.3.	<p>As with the collision risk modelling predictions indicated above, it is not clear how the predictions in the Avifauna Impact Report compiled by Birds Unlimited were determined. The following extract is taken from page 3 of the Avifauna Impact Report:</p> <p><i>"The CRM estimated 0.36 Verreaux's Eagle adult and juvenile fatalities annually (Percival 2018) with taller 120-m turbines, (and 0.41 eagles for 105-m turbines, and 0.46 eagles for 92-m turbines). We conclude that by combining the two models we estimate that between 0.72 Verreaux's Eagles (120- m turbines), 0.82 eagles (105- m turbines) and 0.92 eagles (92-m turbines) may be killed annually. For Booted Eagles the equivalent figures are 0.08 Booted Eagle <u>Aquila hieraetus</u> fatalities (for all turbine heights) will occur per year. Further mitigations are required if the level of eagle fatalities exceeds 1.0 Verreaux's Eagles per year to reach acceptable levels."</i></p>		<p>Please refer to Section 5 and Appendix 1 of the avifauna addendum report (Appendix B).</p>
10.1.3.1	<p>However, further in the Avifauna Impact Report it is written that through the review of data from operational farms, a median rate of mortality was determined as 4.1 birds/turbine/year. Further along the report, (page 22) it is written that the model forecasting fatalities at the new hub height of 120m and 25 wind turbines is 400 birds (assumed per annum?) and for eagles alone, the model</p>		<p>Please note that the avifauna report has been updated. Please refer to Appendix B for the latest revision and figures.</p>

NO.	COMMENT	RAISED BY	RESPONSE
	suggests a 2-fold increase in fatalities when hub heights are increased from 92m to 120m.		
10.1.3.2	These values appear to question the suitability of the entire development proposal since the number of eagles in the area are already very limited and what can be deduced from all these calculations and predictions in the various reports, is that the populations of the eagles will be decimated within 2-3 years once the WEF is operational.		Please note that the avifauna report has been updated. Please refer to Appendix B for the latest revision and figures.
10.1.4.	The comparative assessment of heritage impacts indicates that the main impact on heritage resources was identified in 2011. However, the methodology used in determining the impact ratings (extent, duration, magnitude, probability, significance, reversibility, etc.) was not included and it is thus difficult to understand how the description of the nature of the impact relates to the magnitude and the probability of the impact, given that the visual impact of the WEF is high, which obviously has a definite impact on the sense of place.		Please refer to Appendix 1 in the updated Heritage Addendum Report (Appendix E).
10.1.5.	Section 5.5.1 of the Amendment Motivation Report states that "The impact relates to the affect (sic) the proposal will have on the setting around the site, especially with respect to important heritage sites such as Matjiesfontein that has a remote sense of place on the edge of the great Karoo. The industrialising of the surrounding rural and remote areas will have an impact on the sense of place.		The proposed impact has been rated as "probable" and "medium", given that the proposed amendments have not yet been approved which decreases the likelihood of the impact occurring. In addition, the magnitude is medium given that the wind turbines have been reduced to 25 wind turbines when compared with the 27 wind turbine layout, and two wind turbines (turbines 10 and 18) have been relocated which reduces the potential magnitude of the impact.

NO.	COMMENT	RAISED BY	RESPONSE
	This impact related mostly to the operational phase of the project." It is unclear how the probability and the significance of the proposed amendment could be rated as "probable" and "medium" when the increased wind turbine specifications will cause a greater impact, compared to the probability of "definitive" and "high" negative significance for the authorised development		
10.1.6.	The advantages and the disadvantages regarding the wind turbines as indicated in the Amendment Report to the Visual Impact Assessment ("VIA") compiled by Bernard Oberholzer dated 5 November 2018, are unclear		To clarify, the reduction of wind turbines from a 27-wind turbine layout to a 25-wind turbine layout mean that the clutter of turbine in totality are reduced which is an advantage. In addition to this, and with the relocation of wind turbines two wind turbines (turbines 10 and 18), the viewshed analysis and photomontages have changed slightly in terms of visibility, thereby indicating that the visibility of the turbines would be largely imperceptible.
10.1.6.1	Said report indicates that "the relocation of three turbines further west" could be regarded as an advantage. It is unclear which three turbines and where west is, is referred to.		Please refer Section 6 of the updated visual addendum report (Appendix G). This advantage has been revised.
10.1.6.2	The statement that "the relocation of the substation on the same ridge as the turbines" could also be an advantage, is also unclear as it is not indicated on a plan. Based on the maps provided, the relocation of the substation could not be detected as the Amendment Report to the VIA was the only specialist study that indicated this.		Please refer Section 6 of the updated visual addendum report (Appendix G). This advantage has been revised.
10.1.6.3	The powerline connection further east is also not understood, as it is unclear where the original position		The powerline connection is clearly shown in the relevant specialist addendum reports (Appendix A –

NO.	COMMENT	RAISED BY	RESPONSE
	was. Again, no other specialist report indicated this change and the impact it may or may not have.		H) , and was taken into consideration accordingly. Please refer to the updated specialist reports.
10.1.6.4	The impact that the access roads where the turbine positions have changed, was also not indicated in the Amendment Report to the VIA.		Please refer to Figure 2 and Figure 3 of the visual addendum report which shows the change in access roads (Appendix G).
10.1.7.	The Environmental Management Programme ("EMPr") dated November 2018 must comply with the requirements of section 24N of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"). Since the EMPr was not yet approved, it must also comply with Appendix 4 of the EIA Regulations, 2014 (as amended). Unfortunately, the EMPr does not meet all the requirements of Appendix 4 of the EIA Regulations, 2014 (as amended) and should be updated to reflect the requirements of the applicable legislation.		Please refer to the revised EMPr (Appendix K). The EMPr has been revised in accordance with Appendix 4 of the EIA Regulations (2014), as amended.
10.1.8.	The section in the EMPr dealing with bird and bat monitoring post-construction, indicates that for both animal species, post-construction monitoring must be undertaken in accordance with the relevant conditions of the environmental authorisation and the latest applicable bird monitoring guidelines for wind energy facilities. This Directorate is concerned about these statements as the specialists must provide monitoring procedures and recommendations for monitoring. The specialists and environmental assessment practitioner should provide recommendations to the competent authority for post-construction monitoring, and the competent authority should then decide whether these recommendations are sufficient. Failure to include such		Recommendations have been provided by the avifaunal specialist for requirements that need to be included in the avifaunal construction and operation monitoring and management plan. However, as motivated for the response to DEA comment (e)(viii) above, at this early stage, it is premature to compile a detailed avifauna monitoring and management plan for the construction and operation phase of the Witberg WEF, as it is unknown when construction of the facility will commence given the uncertainty of the current REIPPP programme bid process, and where possible updates to the guidelines may have been made at a later stage which will need to be incorporated into the detailed avifauna monitoring

NO.	COMMENT	RAISED BY	RESPONSE
	information in the EMPr highlights severe gaps in knowledge in the amendment application		<p>and management plan for the construction and operation phase. As such, the Birdlife South Africa Best Practice Guidelines for assessing and monitoring the impact of wind energy facilities on birds in South Africa are provided (see Appendix G of the EMPr in Appendix K of the revised motivation report) to which are to be complied with when the detailed avifauna monitoring and management plan is compiled. This must however must be undertaken prior to construction.</p> <p>In terms of bat monitoring and management plans, much like the motivation provided in terms of the response to DEA comment (e)(viii) above, the study design of the operational monitoring must comply with the latest version of South South African Bat Assessment Advisory Panel (SABAAP) operational guidelines that will be in force at the time that such a study can be designed once the layout is finalised and approved. And of course, that time is only in the future and it cannot be predicted what details will be in the guidelines by then. The detailed bat monitoring and management plans has been recommended to be compiled prior to construction when that may be at some time in the future.</p>
10.1.9.	Based on the insufficient information stated above, this Directorate recommends that the Amendment Motivation Report and relevant specialist studies be revised, and sufficient information be provided to allow this Directorate to provide more informed comments.		The relevant comments and updates to the revised motivation report and associated specialist comments have been responded to herein and are provided accordingly in the revised motivation report and associated appendices (Appendix A – H).

NO.	COMMENT	RAISED BY	RESPONSE
10.2.	The following amendments to the EMPr are proposed:	Ms Simone Bugan Directorate: Waste Management	
10.2.1.	Aspect 16 in section 4.1 should be amended to ensure that waste skips should be covered as far as possible to limit the occurrence of wind-blown litter.		Please refer to Objective 16.2 in Section 4.1 of the revised EMPr (Appendix K).
10.2.2.	Vegetation clearance should preferably be phased as work is required in certain areas, as opposed to clearance of the entirety of the site at once. If this is not practical, and the entire site will be cleared at the start of the contract, the cleared areas must be stabilised immediately to control dust.		Please refer to Objective 3.6 & 5.9 in Section 4.2 of the revised EMPr (Appendix K).
10.2.3.	Wherever possible, indigenous vegetation should be trimmed rather than cleared.		Please refer to Objective 5.10 in Section 4.2 of the revised EMPr (Appendix K).
10.2.4.	Cleared vegetation is not allowed to be dumped anywhere, other than at an approved waste disposal facility or at an area agreed to by the environmental control officer.		Please refer to Objective 5.11 in Section 4.2 of the revised EMPr (Appendix K).
10.2.5.	Wherever possible and where the material is suitable, vegetation should be chipped for later use as mulch in landscaped areas or for stabilisation purposes; or it should be taken to a green waste/ compost facility for compost production.		Please refer to Objective 5.12 in Section 4.2 of the revised EMPr (Appendix K).
10.2.6.	Invasive alien plants that are removed from the site should not be chipped for mulch if they are in a seed-bearing stage to prevent further distribution of alien plant seeds. Such material should be disposed of at a suitable waste disposal facility. Wherever possible, suitable larger stumps should be made available to the local community for further use.		Please refer to Objective 5.13 in Section 4.2 of the revised EMPr (Appendix K).

NO.	COMMENT	RAISED BY	RESPONSE
10.2.7.	<p>The EMPr must provide an indication of the expected quantities of waste to be generated during the construction and operational phases of the proposed development. Whilst it is recognised that very little solid waste will be generated during the operational phase, please be advised that should more than 100m³ of general waste, and/or more than 80m³ of hazardous waste be stored for a period exceeding 90 days, the storage of such waste must adhere to the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008): National Norms and Standards for the Storage of Waste promulgated in Government Notice ("GN") No. 926 of 29 November 2013. If the above thresholds are met, the waste storage facility must also be registered on this Department's Integrated Pollutant and Waste Information System (http://ipwis.pgwc.gov.za/ipwis3/public).</p>		<p>It is confirmed that no more than 100m³ of general waste, and/or more than 80m³ of hazardous waste will be stored for a period exceeding 90 days, such that the storage of such waste does not trigger the requirements in terms of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008): National Norms and Standards for the Storage of Waste promulgated in Government Notice ("GN") No. 926 of 29 November 2013.</p>
10.3.		<p>Mr Peter Harmse Directorate: Air Quality Management</p>	
10.3.1.	<p>This Directorate notes that potential dust impacts during the various phases of the proposed development have been addressed in the EMPr. The generation of dust must comply with the National Dust Control Regulations (GN No. R. 827 of 1 November 2013), promulgated in terms of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004) ("NEM:AQA"). The Amendment Motivation Report and EMPr must be</p>	<p>WC DEA&DP</p>	<p>Please refer to Objective 3.7 in Section 4.2 of the revised EMPr (Appendix K).</p>

NO.	COMMENT	RAISED BY	RESPONSE
	amended to include the requirements of the NEM:AQA and the National Dust Control Regulations.		
10.3.2.	The EMPr must provide more information on what the dust abatement measures will entail.		Please refer to Appendix C and Appendix H in the revised EMPr (Appendix K) for further dust abatement measures.
10.3.3.	This Directorate notes that the Re-Modelling of the Noise Impact Assessment compiled by Safetech dated 1 August 2018 indicated that the proposed amendment would not exceed the current SANS 10103: 2008 limit of 45 dB(A) at any of the noise sensitive areas, including the cumulative impacts from other wind energy facilities. The findings of the Noise Impact Assessment re-modelling exercise are acceptable to this Directorate.		The acceptability of the findings of the Noise Impact Assessment re-modelling exercise from Directorate are hereby acknowledged.
10.3.4.	The applicant is reminded of its general duty of care and the remediation of environmental damage in terms of section 28(1) of the NEMA, 1998 which specifically states that: <i>"...Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment..."</i>		The revised EMPr has been compiled in response to this to ensure that reasonable measures have been provided to prevent such pollution or degradation from occurring, continuing or recurring. Please refer to Appendix K for the revised EMPr.
10.4.	The Department reserves the right to revise or withdraw comments and request further information based on any or new information received.		The Department's right to reserve the right to revise or withdraw comments and request further information based on any or new information received is hereby acknowledged.

3. COMMENTS RECEIVED DURING MOTIVATION REPORT REVIEW PERIOD: Stakeholders and I&APs

NO.	COMMENT	RAISED BY	RESPONSE
1.	Following a review of the EA motivation report and appendices, CapeNature would like to make the following comments/recommendations:	Mr Colin Fordham Manager: Scientific Services CapeNature Letter: 13 Dec 2018	
1.1.	The cumulative impact needs to be assessed relative to all approved WEFs in the region and all specialists need to take this into consideration.		Please refer to cumulative impact section in all specialist studies (Appendix A – H).
1.2.	All maps still seem to illustrate the extent of 27 turbines and it is unclear where the new locations of the 25 turbines will be situated?		Please refer to the updated all specialist studies (Appendix A – H) which refer to a 25-wind turbine layout.
1.3.	The noise impact on fauna was not considered, has this changed considerably?		It is not expected that the noise impact on fauna will have changed considerably to what was assessed.
1.4.	The ecological specialist report and all other relevant reports, need to be updated to include consideration of the WCBSP (2017) data, in terms of impact assessment and sensitivity ratings, not Skowno et al. (2009). In addition to which the following aspects WCBSP (2017) data need to be considered:		Consideration was given in the relevant ecological specialist letter (Appendix A). It was noted that in terms of this layer there are no CBA1 or CBA 2 areas within the development footprint. The drainage features of the site are classified as Ecological Support Areas and as these areas are classified as Very High sensitivity, impact on these features would be minimal and provided that erosion and other impacts on the site are adequately mitigated, then impact on the functioning of the ESAs would be low
1.4.1.	CBA regions are areas delineated that are in a natural condition that are required to meet biodiversity targets, for species, ecosystems or ecological processes and infrastructure. As stipulated in the Land Use Advice (LUA) Handbook (Pool-Stanvliet et al. 2017) although the Farms		It was confirmed with the specialist that in terms of the 2017 Western Cape Biodiversity Sector Plan (WC BSP) layer, there are no CBA 1 or CBA 2 areas within the proposed development footprint. The drainage features of the site are classified as Ecological Support Areas and as these

NO.	COMMENT	RAISED BY	RESPONSE
	<p>may have undergone a level of disturbance, this cannot be used as motivation for establishing of development within CBA or ESA areas. It should be noted that it is the landowner's responsibility to ensure his property is suitably maintained at a level consistent with LUA guidelines. The loss of the CBA on the site will therefore compromise conservation targets and the loss of ESA would compromise the CBA. Could the EAP discuss this development in context with the CapeNature LUA guideline document? Reference to this document was not found within any of the reports.</p>		<p>areas are classified as Very High sensitivity, impact on these features would be minimal however, and provided that erosion and other impacts on the site are adequately mitigated, then impact on the functioning of the ESAs would be low.</p> <p>In terms of CapeNature Land Use Advice (LUA) Handbook, the development of a wind farm is compatible with areas that are classified as Other Natural Areas.</p>
1.4.2.	<p>Should the EAP wish to determine why particular WCBS layers are present in a region, the reasons layer of the dataset should be interrogated accordingly.</p>		<p>The technical assistance provided in terms of why particular WCBS layers are present in a region are hereby appreciated.</p>
1.4.3.	<p>There is no mention of the stewardship sites located to the north and south of the WEF properties and how these may influence impact assessment ratings, from a biodiversity perspective.</p>		<p>It has been stated by the ecological specialist that although there are some stewardship sites in the broader vicinity of the site, these are more than 1.5km away from the turbines and direct impact on terrestrial fauna and flora within these areas is not likely.</p>
1.5.	<p>CapeNature has previously received disturbing reports one a number of controversies attached to this WEF development, including the removal of an Eagle nest and harassing birds to get them to move out of the area. The previous Avifaunal specialist reports (while thorough), did not make provision for how the newly fledged chicks of the Verreaux's Eagle would use the landscape. This study was commissioned in order to provide this information and CapeNature has the following comments and recommendations:</p>		<p>A recommendation Eagle persecution agreement has been included as a recommendation that is to be included in the environmental authorisation. Please refer to Section 6 of the avifaunal report (Appendix B), as well as Section 9 of the revised motivation report.</p>

NO.	COMMENT	RAISED BY	RESPONSE
1.5.1.	CapeNature remains concerned that this is the third specialist employed on this site, was the current specialist supplied all of the data collated by previous specialists? If so, it is unclear why this was stipulated to be only a one year study, when only one of the five eagle nests were active? This severely constrains the results and conclusions due to limitation associated with such a small sample set. CapeNature however, strongly maintains all mitigations as supplied by the specialist must be implemented as and when required. These include (but are not limited to):		It can be confirmed that all relevant reports and data have been provided to the avifauna specialists for the proposed amendment application for consideration in this amendment. Please refer to Appendix A & Appendix B for the latest assessments.
1.5.1.1.	Bird flight diverters be fitted to all overhead power lines and where possible lines should be buried especially on-site		Please refer to Objective 21.8 in Section 4.1 and Objective 10.5 in Section 4.2 of the revised EMPr (Appendix K).
1.5.1.2.	Post-construction monitoring is imperative. If eagle fatalities exceed 0.72 per year for the site mitigation measures must be implemented. Turbines killing one or more threatened species per year must be mitigated which may include one or more of the following: <ul style="list-style-type: none"> • One blade painted a different (colour subject to Civil Aviation regulations) • Fitting turbines with automated deterrents • Shut-down-on-demand of specific turbines 		Please refer to Objectives 11.3 to 11.7 in Section 4.3 of the revised EMPr (Appendix K).
1.5.1.3.	Post-construction monitoring to be done over a period of a minimum of 24 months, which can be extended based on the outcomes of the monitoring.		A post-construction and operation monitoring and management plan will be undertaken in accordance with the latest South Africa Best Practice Guidelines for assessing and monitoring the impact of wind energy facilities on birds in South Africa as and when required. At this stage, it is premature to compile a detailed avifauna monitoring and

NO.	COMMENT	RAISED BY	RESPONSE
			<p>management plan for the construction and operation phase of the Witberg WEF, as it is unknown when construction of the facility will commence given the uncertainty of the current REIPPP programme bid process, and where possible updates to the guidelines may have been made at a later stage which will need to be incorporated into the detailed avifauna monitoring and management plan for the construction and operation phase. As such, the Birdlife South Africa Best Practice Guidelines for assessing and monitoring the impact of wind energy facilities on birds in South Africa are provided to which are to be complied with when the detailed avifauna monitoring and management plan is compiled. This must however must be undertaken prior to construction.</p>
1.5.1.4.	<p>No turbines to be constructed within at least 1.5 km from known Verreaux's Eagle Nests. CapeNature noted in previous letters that there were 5 different nests, yet in this assessment there was only one, which is a direct concern.</p>		<p>Please refer to the latest avifauna addendum assessment which included for a recent follow up site visit, and the resultant findings in terms of nesting activity (Appendix B). Further please note that all turbines are located 1.5km away from the known Verreaux's Eagle Nests.</p>
1.5.1.5.	<p>Considering the issues around the removal of the nests, a written agreement with the landowner regarding the protection of the nest and allowing monitors onto the property to monitor nests must be reached as a condition in the authorisation</p>		<p>This recommendation is proposed in the revised motivation report. Please refer to Section 9 of the revised motivation report.</p>
1.5.1.6.	<p>No construction work within 1000m of the nests of any Booted and Verreaux's Eagles during the breeding season of these two species.</p>		<p>Please refer to Objectives 10 in Section 4.2 of the revised EMPr (Appendix K).</p>
1.6.	<p>Lastly on page 25 of the avifaunal report by Birds & Bats Unlimited the authors refer to a monitoring program that</p>		<p>A post-construction and operation monitoring and management plan will be undertaken in accordance with</p>

NO.	COMMENT	RAISED BY	RESPONSE
	<p>the Witberg Wind Power (Pty) Ltd will develop as one of the conditions specified by the Department of Environmental Affairs. From the paragraph it is deduced that this has already be compiled and CapeNature would like to request a copy if possible?</p>		<p>the latest South Africa Best Practice Guidelines for assessing and monitoring the impact of wind energy facilities on birds in South Africa as and when required. At this stage, it is premature to compile a detailed avifauna monitoring and management plan for the construction and operation phase of the Witberg WEF, as it is unknown when construction of the facility will commence given the uncertainty of the current REIPPP programme bid process, and where possible updates to the guidelines may have been made at a later stage which will need to be incorporated into the detailed avifauna monitoring and management plan for the construction and operation phase. As such, the Birdlife South Africa Best Practice Guidelines for assessing and monitoring the impact of wind energy facilities on birds in South Africa are provided to which are to be complied with when the detailed avifauna monitoring and management plan is compiled. This must however must be undertaken prior to construction.</p>
1.7.	<p>Given the above there is insufficient information for CapeNature to formulate an informed opinion on the proposed EA amendment application. CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.</p>		<p>Cape Nature's right to reserve the right to revise initial comments and request further information based on any or new information received is hereby acknowledged. However, Cape Nature are referred to the revised motivation report and associated specialist studies (Appendix A - H) and EMPr (Appendix K) for consideration.</p>
2.	<p>The South African National Roads Agency SOC Limited (SANRAL) has received background information and a site layout plan for this project and based on the proximity of the project in relation to the nearest National</p>	<p>Nicole Abrahams Environmental Coordinator: Western Region SANRAL</p>	<p>Should the amendments received environmental authorization and should the project proceed to construction, the service owner will apply for a written permission from SANRAL, before any work is carried out.</p>

NO.	COMMENT	RAISED BY	RESPONSE
	<p>Road N1, it appears that SANRAL could be impacted by this development.</p> <p>If services need to be constructed over or under the national road, (in this case the N1) or within 60m measured from the road reserve fence, the service owner must apply for a written permission from SANRAL, before any work may be carried out. Attached please find an application form for the proposed encroachment.</p>	<p>Letter: 11 Jan 2019</p>	
3.	<p>On the 11 December 2018 I received an email reminder that the comment period for the draft Motivation Report for the above project ended on Friday, 14 December 2018. However, I had not received the any notices prior to this, other than an email in August asking for confirmation that BirdLife South Africa wanted to remain an interested and affected party (I&AP). My colleague, Dale Wright, also received the reminder, but not the first notification of the opportunity to comment. It is unclear if this problem extended to other I&APs. On 12 December I requested an extension, but received no response from Savannah. On returning from leave I followed up, inquiring what a reasonable deadline was for comment and still await a response to this question. We trust that this input will be considered and encourage you to follow up with other I&APs to confirm if they received the initial notification.</p>	<p>Samantha Rolston-Paton Birds and Renewable Energy Manager BirdLife SA</p> <p>Letter: 11 Jan 2019</p>	<p>The matter was researched and found that the e-mail notification of the availability of the draft Amendment Motivation Report was sent to all Registered I&APs on the project database.</p> <p>It can be confirmed that no other RI&AP reported not receiving the e-mail notification of the availability of the draft Amendment Motivation Report.</p> <p>Follow up emails were sent subsequent to this, and receipt of emails from our publicprocess@savannahsa.com email address used to communicate with Registered I&APs, was confirmed on the 19 March 2019 by Mr. Dale Wright.</p>
3.1.	<p>Changes in turbine specifications:</p>		<p>The response from the avifaunal specialist (Dr. Rob Simmons) is as follows:</p>

NO.	COMMENT	RAISED BY	RESPONSE
	<p>There is limited scientific literature to shed light on the debate whether larger turbines will result in increased fatality rates and if this could be balanced by the increase power output (see for e.g. Marques et al. 2014).</p> <p>While we welcome the proposed reduction in the number of turbines, we remain concerned that the data collected is out of date and inadequate for the purposes of assessing and mitigating the impacts associated with increasing the turbine size (see below, plus our comments dated 29 July 2015).</p>		<p>Loss et al. (2013) summarised and re-analysed the data from 53 studies on exactly this topic in the USA. They found a strong and positive relationship between turbine height and fatalities – higher turbines kill significantly more birds than smaller turbines. Because it is an exponential increase it is difficult to see how a decrease in turbines (to reduce fatalities) could compensate for the decrease in total power output. Nevertheless, the Collision-Risk model using flight data from the previous work indicated that at the Witberg fewer fatalities of Verreaux's Eagles are expected.</p> <p>It is not certain how the data can be considered "inadequate". The data cover two and a half years and over 350 hours and assessed all nest sites in all seasons under all weather conditions. It is doubted that there are many other wind farm sites that have this high level of focused research. It is also noted that the data were collected in a period when rainfall was normal, (in fact 100-150% above average in 2012 according to SAWS) and thus the eagles were breeding. There has been a drought in the Karoo since 2016 according to SAWS, and the two Witberg landowners that were spoken to recently by the avifaunal specialist in February 2019, stated that as little as 0-25% of the average (July 2016-June 2017) and 25-75% of the average (July -Dec 2018) was received. Given these drought conditions, had we collected data more recently it is likely that no breeding Verreaux's Eagles (VE) would have been apparent and a false impression of breeding and flights would have been apparent. It is accepted that the</p>

NO.	COMMENT	RAISED BY	RESPONSE
			original flight heights were collected in bands (0-30 m, 30-130m and above 130 m) and this made it difficult to re-calibrate the risks to eagles in the CRM when the turbine dimensions changed. However, the specialist is satisfied that the data used in the assessment is adequate, but not perfect.
3.2.	Extension of the validity of the EA: BirdLife South Africa is of the opinion that there are very good reasons to limit the period that environmental authorisations are valid for. These include that:		
3.2.1.	The receiving environment, and thus the environmental impact (including cumulative impact) may change;		See response to Point 3.4 below.
3.2.2.	There could be advances in our understanding of the nature and significance of impacts, and how to assess and mitigate impacts;		See response to Point 3.5 below.
3.2.3.	There could be economic and technological advances, both with regards to the project infrastructure and mitigation options;		See response to Point 3.6 below.
3.2.4.	The need and desirability of the project, and availability of alternatives to meet the need, could change; and		See response to Point 3.7 below.
3.2.5.	Lessons could be learned from procedural and operational challenges faced at operational projects.		See response to Point 3.8 below.
3.3.	A project approved some years ago may not be the best practicable environmental option when considered with today's insights. While BirdLife South Africa understand the challenges renewable energy developers face with regards to the timing of the Renewable Energy Independent Power		The above points were taken into consideration as per the avifaunal specialist report (refer to Appendix B).

NO.	COMMENT	RAISED BY	RESPONSE
	<p>Producer Procurement Programme, and we encourage the adoption of new, more efficient technologies, we do suggest that it is important to revisit impact assessment with the above points in mind and avoid perpetuating mistakes of the past.</p>		
3.4.	<p><i>Has the receiving environment, and thus the environmental impact (including cumulative impact) changed?</i></p> <p>Although the amendment report by Birds and Bats Unlimited concludes that the baseline environment has not changed, we can find no evidence that that they visited the site more recently than January 2015. We suggest that as a minimum a site visit, and nest site survey would have been appropriate. In particular we suggest that it would be important to determine if the Verreaux's Eagle territory where the nest was illegally destroyed prior to the 20-14/2015 survey (i.e. Elandsfontein) has been reoccupied and if nesting has resumed. Similarly, it would be useful to record any other changes in the use of and location of other nesting areas as this may affect flight patterns and thus the risk of collisions. In short, we do not know if the receiving environment has changed.</p>		<p>The response from the avifaunal specialist (Dr. Rob Simmons) is as follows:</p> <p>This statement is true and this precipitated a 2019 site visit to check on nests, habitat and the general environment. This was undertaken early February 2019. Please note that the original data were collected on the Elandsfontein nest site when it was active in 2011-2012. So those data are included in the original Turpie et al. (2012) report.</p> <p>The 3-day site visit in February 2019 determined if the receiving environment had indeed changed and the whether the number of eagles and nests on site had changed. Our visit took place from 9-11 February and included:</p> <ul style="list-style-type: none"> (i) surveys of all four large eagle nests (Verreaux's and Martial) known on the site, (ii) vantage point surveys along the top ridge for flying eagles (iii) photographic records of all the known nests, (iv) walking surveys of different sections of the veld to determine health and differences from 2015. (v) discussions with the two land-owners/farmers (Lawrence Hart and Jan du Plessis)

NO.	COMMENT	RAISED BY	RESPONSE
			<p>The results are added to the Amendment Report, with the main conclusions that:</p> <ul style="list-style-type: none"> a) the habitat has been severely negatively affected by a combination of a large wild fire in February 2016 and two years of drought; b) fewer small birds were recorded on both the Witberg Ridge and the surrounding plains; c) nevertheless, eagles were present: An adult Martial Eagle was present on the transmission line pylons below the proposed WEF and at least one of the two Verreaux's Eagle (VE) nests on the north-facing ridge had been active this year (Nest 1 eastern-most) as judged by fresh "white-wash" (faeces). Both were photographed; d) The VE nest on Elandsfontein was still absent – no nests have been re-built on this southern-most cliff-face; e) However, the pair of eagles were recorded perched above the nest site and hunting along the southern ridge that runs east-west from Mr du Plessis's farm house, using the ridge tops as vantage points for hunting.
3.5.	<i>Have there been advances in our understanding of the nature and significance of impacts, or how to assess and mitigate impacts?</i>		<p>The response from the avifaunal specialist (Dr. Rob Simmons) is as follows: This was known and pointed out in the 2015 report by Birds Unlimited (Appendix B) on the flights of the juvenile Verreaux's Eagles (Simmons and Martins 2015).</p>

NO.	COMMENT	RAISED BY	RESPONSE
	<p>The potential significance of impacts on birds has changed from when the environmental authorisation was issued in 2011. At that time of the EIA, Verreux's Eagle was not threatened; it is now listed as regionally Vulnerable.</p> <p>Martial Eagle has also been up-listed from Vulnerable to Endangered. At the time of the initial EIA, there were also no confirmed fatalities of Verreux's Eagle or Martial Eagle at wind energy facilities. We now know that these species are at risk, including beyond the recommended nest buffers. We also know that the area as exceptionally high passage rates of Verreux's Eagle.</p> <p>There have also been significant improvements in the type and amount of data collected for avifaunal impact assessments in South Africa. The first avifaunal impact assessment study falls well short of what is currently considered to be international best practice.</p> <p>These shortcomings have been addressed, to some extent, through the pre-construction monitoring programme and subsequent reports. However, project has been compromised incremental decision- making. Once the EA was issued (which was based on inadequate information) the focus of specialist assessments was how to minimise impacts, not whether or not the project should go ahead.</p>		<p>It is accepted by the avifaunal specialist that for the farm, overall the passage rate were high, but most of the hunting was done out over the plains to the north of nest 1 and 2. Within the areas close to the nests- with the precautionary buffers around the eagle nests- have exceptionally low Passage Rates for Verreux's Eagles (and zero for Martial Eagles) as reported in our Amendment report. There were 7 flights in 333 hours within the 3.0 -1.5 km buffer around the VE 1 Bantam nest (a very low Passage Rate of 0.021 eagles/h) for example. Therefore, the BLSA statement needs some qualification – in the critical areas.</p> <p>The avifaunal specialist has stated in response that this is true since the guidelines were not available in 2012, but from the number of hours and the years covered, sufficient data was collected to get a good understanding of the sensitive areas.</p> <p>It was responded by the avifaunal specialist that it is true that all the monitoring took place before the VE guidelines were published in 2017. Nevertheless, in total, 6 visits (and 213 hours) were undertaken in 2011-2012 and another 4 visits (and 160 hours) in 2014-2015. The recent 2019 visit logged a further 28 hours. This cover 2.5 years of monitoring, satisfying BLSA's 2-year monitoring requirements. It is also close to the number of hours recommended given that there were 3 VPs and a total of [213+160+28 =] 401 hours of VP observations in the WEF over 2 years; the number of hours per VP per year</p>

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	<p>The additional avifaunal studies also fall short of what is recommended in BirdLife South Africa's 2017 Guidelines on Verreux's Eagle and Wind Farms. This recommends that if wind turbines are proposed within areas likely to include Verreux's Eagle territory, vantage points should be monitored for at least 72 hours per year, and if turbines are proposed within areas associated with high flight activity or risky behaviour (including topographic features and within 3 km of nests), monitoring should be extended for two years.</p>		<p>(401 / 3 / 2) was 67 h /VP/yr – not far short of the 72 h suggested by BLSA, well before it was published. Thus, it is felt that most of the requirements required were satisfied to gain a good understanding of where the adult and juvenile Verreux's Eagles at Witberg fly and thus the risks.</p> <p>It was responded by the avifaunal specialist that the assessment of flight heights in the bands explained above was an oversight, but the fact that the eagle rarely ventured into band between 3 km and 1.5 km means that the heights become less important.</p>
3.6.	<p><i>Have there been economic and technological advances?</i></p> <p>This appears to be the only issue that has been considered in the application. We put forward that just as the applicant should be able to benefit from technological advances, the environment should also benefit from new information and better understanding of the issues.</p>		<p>The response from the avifaunal specialist (Dr. Rob Simmons) is as follows:</p> <p>It is acknowledged that as the applicant should be able to benefit from technological advances, the environment should also benefit from new information and better understanding of the issues. As such, the latest scientific research and technology in terms of mitigation measures will be applied such as with the stipulated mitigation measures proposed by the avifaunal specialist (refer to Section 5 of the avifaunal addendum report – Appendix B).</p>
3.7.	<p><i>Has the need and desirability of the project changed?</i></p> <p>While there is undoubtedly a need for renewable energy in South Africa, we now know that much of South Africa has feasible wind resource. A substantial number of wind farms also have environmental authorisation in South Africa; enough for our energy targets to be met. The</p>		<p>In terms of meeting the national requirements of the IRP (2010) with regards to renewable energy objectives, this need and desirability has not changed and serves as the main reason for the applicant wishing to proceed with the proposed development.</p>

NO.	COMMENT	RAISED BY	RESPONSE
3.8.	<p>need and desirability of the project has almost certainly changed.</p> <p><i>Lessons from procedural and operational challenges at other wind energy facilities.</i></p> <p>We are of the opinion that it is a good idea to revisit the conditions of authorisation and EMPr's whenever amendments or extensions to the validity of authorisations are applied for, as this is an opportunity to address any shortcomings and implementation challenges identified at operational projects.</p> <p>We note the following points for completeness sake, but this should not be construed as an endorsement of the application.</p> <p>To reduce the risk of fatalities as a result of electrocution or collisions with powerline infrastructure we recommend the inclusion of a new condition of approval. This should require that all internal powerlines (i.e. between turbines) must be underground and follow the access roads, except where this is not a geotechnically feasible. The design of all above-ground powerlines must be confirmed to bird-friendly by the Endangered Wildlife Trust's Wildlife and Energy Programme, and should be marked with bird flight diverters.</p>		<p>The conditions of the original environmental authorisation, subsequent appeal decisions and amendments have been revisited in the revised motivation report. Please refer to Section 2 and 3 of the revised motivation report.</p> <p>The recommendations of BLSA to bury all internal powerlines (except where it is not geotechnically feasible) have been provided for in the EMPr (Appendix K) which will be required to be implemented.</p>

NO.	COMMENT	RAISED BY	RESPONSE
	<p>We have encountered significant reluctance to implement operational phase mitigation (e.g. shutdown on demand, or painting a turbine blade) at operational wind farms in South Africa. Concerns expressed include the cost, impact on turbine manufacturer guarantees, and that there is limited evidence to demonstrate the effectiveness of this approach in similar circumstances. There has also been some debate around appropriate thresholds for action. To date, only one wind farm in South Africa has implemented any sort of shut-down-on-demand programme and none have expressed any willingness to paint turbine blades. We therefore recommend that the EMPr and EAs be far more explicit with regards to the EMPr objectives, targets, actions, and thresholds for additional mitigation.</p> <p>The condition 40 of the authorization (as amended) is therefore of concern (i.e. "should any unanticipated negative impacts be recorded, Witberg Wind (Pty) Ltd commits to reducing these impacts. Mitigation measures to achieve this include shutting down problem turbines, if this is deemed necessary"). This condition is open-ended and ambiguous. Reference to "unanticipated" impacts is problematic as bird fatalities, including of threatened species, are anticipated at this proposed wind farm - it is the number of fatalities that is uncertain. It is also not clear who is responsible for deciding when and what mitigation is "necessary" and what criteria should be used.</p>		<p>It is agreed that explicit conditions and thresholds are required to be enforced if fatalities are encountered. The applicant has agreed to look into the possibility of black-blade mitigation at the Witberg site if deemed required.</p> <p>An adaptive avifaunal monitoring and management plan will be compiled should the project receive preferred bidder status, which will detail the specific mitigation measures, including shutting down of problem turbines etc. It is uncertain at this stage, when the project may actually proceed. Therefore, it is premature to have detailed roles and responsibilities in terms of this at this point.</p>

NO.	COMMENT	RAISED BY	RESPONSE
	<p>The EMPr and amendment application does make some proposals for thresholds for additional mitigation, but are we very concerned that this could be interpreted sanctioning unsustainable fatality rates. The threshold put forward in the EMPr is that all turbines killing one or more Red Data Book bird per year must be painted or fitted with an automated deterrent or curtailment device (operational phase objective 11). In other words, if fatalities are spread equally across the wind farm, 25 Red Data Book birds could be killed at the wind farm, with no mitigation action recommended by the EMPr!</p> <p>The amendment report by Birds and Bats Unlimited suggests a very different threshold – i.e. one Verreaux’s Eagle fatality per year for the whole wind farm - but it does suggest that turbines with high fatality rates (e.g. Red Data Book bird per turbine per year) should be the focus of mitigation efforts. Given that multiple threatened birds have been precited to be killed at the facility over its lifetime, we also question the “wait and see” approach to implanting operational phase mitigation. We suggest that the proactive implementation of automated shutdown on demand would help minimise fatalities from the outset.</p>		<p>The avifaunal specialist responded that in their own work at an operational wind farm in the Eastern Cape, 25% of the turbines killed 75% of all raptors (Simmons and Martins unpubl report 2019). Similar numbers are apparent from other wind farms like Altamont and in Spain where 15% of the turbines killed the majority of raptors. Given this, it is very likely that mitigating a few turbines with a single black-blade will reduce any mortality to low levels on the farm. Therefore, by mitigating a few turbines fatalities can be reduced substantially. Theoretically, BLSA are correct that 25 eagles could be killed, but empirical evidence suggests this is far from reality.</p> <p>The response from the avifaunal specialist (Dr. Rob Simmons) is as follows: It is reminded that the main mitigation already planned and implemented is to place the turbines away from high use raptor areas. This has been done in numerous iterations and the two collision-risk models. The black blade and shut down on demand are secondary measures to reduce fatalities, not the primary ones. However, BESA agreed to look into black blade mitigation as the turbines are constructed not after they are operational.</p>
3.9.	In general, the EMPr is poorly written, with little apparent attention to detail. For example:		Please refer to the revised EMPr (Appendix K).

NO.	COMMENT	RAISED BY	RESPONSE
3.9.1.	The stated objective (11) of the operational phase EMPr is “Loss of habitat-disturbance or destruction and monitor potential injury to avifauna and fatalities” – the objective should surly be to minimize the loss of habitat etc.?		Please refer to Section 10 and 11 the revised EMPr (Appendix K), the objectives have been seperated.
3.9.2.	It fails to recognize that shortcomings of the impact assessment and mitigation strategy could be responsible for high fatality rates, citing the major risk being a result of changes in flight patterns (11.3, operational phase).		<p>Please see responses above in terms of adequate mitigation measures, and requirement for adaptive management in Objective 11.5 in the revised EMPr (Appendix K).</p> <p>In general, this criticism could be raised for any wind farm, as before operations begin it is always unknown what fatalities may occur. The mitigations in terms of reduction in the number of turbines and their placement outside high use areas – gleaned from over 400 h of observations over 2.5 years in all seasons, allows some certainty that all adequate precautions have been undertaken. Moreover, Dr. Steve Percival's CRM (Appendix A) shows that the proposed wind turbine placement are suitable positions to reduce eagle fatalities, strengthens this position.</p>
3.9.3.	There is unnecessary repetition (e.g. 21.6 and 21.8 of construction phase EMPr could be merged).		Please refer to the revised EMPr (Appendix K). Note that there are no objectives in terms of 21.6 and 21.8 in Section 4.2 construction phase of the EMPr. If the error is still present, please state the page number for ease of reference.
3.9.4.	It includes outdated reference to pre-construction monitoring (e.g. 21.7, construction phase).		Please refer to the revised EMPr (Appendix K). Note that there are no objectives in terms of 21.6 and 21.8 in Section 4.2 construction phase of the EMPr. If the error is still present, please state the page number for ease of reference.
3.9.5.	Is inconsistent with some of the recommendations of the specialist (e.g. Dr Simmons recommends construction		Please refer to the revised EMPr (Appendix K) and the updated avifaunal specialist report (Appendix B). The updated avifaunal specialist report refers to 24 months

NO.	COMMENT	RAISED BY	RESPONSE
	<p>phase monitoring of birds, this is recommended in the EMPr).</p>		<p>which is consistent with the current South Africa Best Practice Guidelines 2015. However, a post-construction and operation monitoring and management plan will be undertaken in accordance with the latest South Africa Best Practice Guidelines for assessing and monitoring the impact of wind energy facilities on birds in South Africa as and when required. At this stage, it is premature to compile a detailed avifauna monitoring and management plan for the construction and operation phase of the Witberg WEF, as it is unknown when construction of the facility will commence given the uncertainty of the current REIPPP programme bid process, and where possible updates to the guidelines may have been made at a later stage which will need to be incorporated into the detailed avifauna monitoring and management plan for the construction and operation phase. As such, the Birdlife South Africa Best Practice Guidelines for assessing and monitoring the impact of wind energy facilities on birds in South Africa are provided to which are to be complied with when the detailed avifauna monitoring and management plan is compiled. This must however must be undertaken prior to construction.</p>
3.9.6.	<p>It is inconsistent with the recommendations of BirdLife South Africa and EWT's Best Practice Guidelines (e.g. with regards to the recommended duration of post-construction monitoring (11, operational phase).</p>		<p>It has been recommended that a post-construction and operation monitoring and management plan will be undertaken in accordance with the latest South Africa Best Practice Guidelines for assessing and monitoring the impact of wind energy facilities on birds in South Africa as and when required. At this stage, it is premature to compile a detailed avifauna monitoring and management plan for the construction and operation phase of the Witberg WEF, as it</p>

NO.	COMMENT	RAISED BY	RESPONSE
			<p>is unknown when construction of the facility will commence given the uncertainty of the current REIPPP programme bid process, and where possible updates to the guidelines may have been made at a later stage which will need to be incorporated into the detailed avifauna monitoring and management plan for the construction and operation phase. As such, the Birdlife South Africa Best Practice Guidelines for assessing and monitoring the impact of wind energy facilities on birds in South Africa are provided to which are to be complied with when the detailed avifauna monitoring and management plan is compiled. This must however must be undertaken prior to construction.</p>
3.9.7.	<p>It does not provide details on the roles and responsibilities for drafting and implementing the Adaptive Management Plan, or I&AP consultation related to this</p>		<p>Please refer to the revised EMPr (Appendix K).</p>
3.9.8.	<p>It does not address the protection and monitoring of Verreux's Eagle nest sites, has been recommended by Dr. Simmons.</p>		<p>Protection measures have been included in Section 9 of the revised motivation report with regards to including a condition in the EA that the landowners do not persecute the Vulnerable red data eagles breeding on their property. In addition, please refer to the comment 3.9.6 above in terms of post-construction and operation monitoring and management.</p>
3.10.	<p><i>Conclusion</i></p> <p>BirdLife South Africa does not support the application to extend the validity of the environmental authorisation. While we respect the applicant's wish to benefit from the increased efficiency of new, larger turbines, we suggest that that the entire project should be considered in light</p>		<p>The conclusion of BLSA is respected and the detail with which have been brought to bear in their critique. However, it is countered that BLSA have overlooked all the Collision-Risk modelling, turbine placement adjustments, reduced turbine numbers and future mitigation measures that have been put in place to minimise negative impacts to the eagle. The current avifaunal specialist report have made a</p>

NO.	COMMENT	RAISED BY	RESPONSE
	<p>of the most recent information and insights, not just one aspect of it. We caution against continuing with incremental decision-making.</p> <p>Based on the available information we are of the opinion that there are more suitable areas for the development of wind energy in South Africa, and that the proposed Witberg Wind Farm poses an unnecessary risk to biodiversity. There is no certainty that mitigation will be effective, and we do not believe that the EMPr is adequate to ensure that the predicted impacts on threatened species will be mitigated.</p>		<p>number of improvements including of which is a recent site visit to provide updated and recent findings on the activity of the red data raptor species of concern on the Witberg site. In addition, the extensive observations of over 400 h and the two CRMs have shown the turbines are very unlikely to be risky to the eagles. However, if the wind turbines still present a risk or result in an actual collision, then another set of mitigations will be triggered to reduce fatalities to minimal levels.</p>

4. OTHER

5.1. General Comments

NO.	COMMENT	RAISED BY	RESPONSE
1.	<p>After receiving the reminder e-mail that the review and comment period on the draft Amendment Motivation Report is nearing its end, Savannah Environmental was informed that as a RI&AP he requested that all communication be sent to him by registered mail</p>	<p>Adv Abrie Meiring RI&AP Telephone: 11 Dec 2018</p>	<p>The information regarding the request to received communication and documentation per registered mail has not been forwarded from the EAP who undertook the EA process for the project.</p> <p>In was agreed with Adv Meiring that the draft Amendment Motivation Report will be courier to him. The Report was courier on the 20th of December 2018 and received by Adv Meiring at his place of retreat in Betty's Bay on the 21st of December 2018.</p> <p><i>Proof of Delivery included in Appendix I.</i></p>

NO.	COMMENT	RAISED BY	RESPONSE
2.	In response to Savannah Environmental's e-mail reminder for comments on the draft Motivation Report dated 11 Dec 2018, Savannah Environmental's attention was drawn to the fact that BirdLife SA did not receive the notification informing them of the of availability of the report for review and comment.	Samantha Ralston-Paton, Birds and Renewable Energy Manager BirdLife SA Telephone: 11 Dec 2018	The matter was researched and found that the e-mail notification of the availability of the draft Amendment Motivation Report was sent to all RI&APs on the project database. BirdLife SA was informed on 11 Dec 2018, per SMS, of the Release Code to download the report from Savannah Environmental's website. Proof of SMS included in Appendix I.

5.2. Request for Registration as I&AP

NO.	COMMENT	RAISED BY	RESPONSE
1.	I would hereby wish to register as an I&AP for this particular project.	Nicole Abrahams Environmental Coordinator: Western Region SANRAL Letter: 11 Jan 2019	Nicole Abrahams has been included accordingly in the I&AP database for the project. Please refer to Appendix I2 in the revised amendment motivation report.