

22 March 2017

DEDEA Ref No: Pending

Dear Interested and Affected Party

Invitation to Register and Comment on the activity below:

NOTICE OF AN ENVIRONMENTAL AUTHORISATION PROCESS FOR THE PROPOSED CONSTRUCTION OF TWO WATER STORAGE DAMS ON OAKVALE FARM AND BASUTO CAVE FARM, NEAR ELLIOT, IN THE SAKHISIZWE LOCAL MUNICIPALITY, EASTERN CAPE PROVINCE.

PROJECT DETAILS:

Moira Cloete Environmental Consulting has been appointed by the Oakvale Trust (Mr. G.R. Christiane - Proponent) to conduct the Environmental Authorisation process for the proposed construction of two water storage dams on two Farms owned by the Proponent in the Sakhisizwe Municipality, Eastern Cape Province:

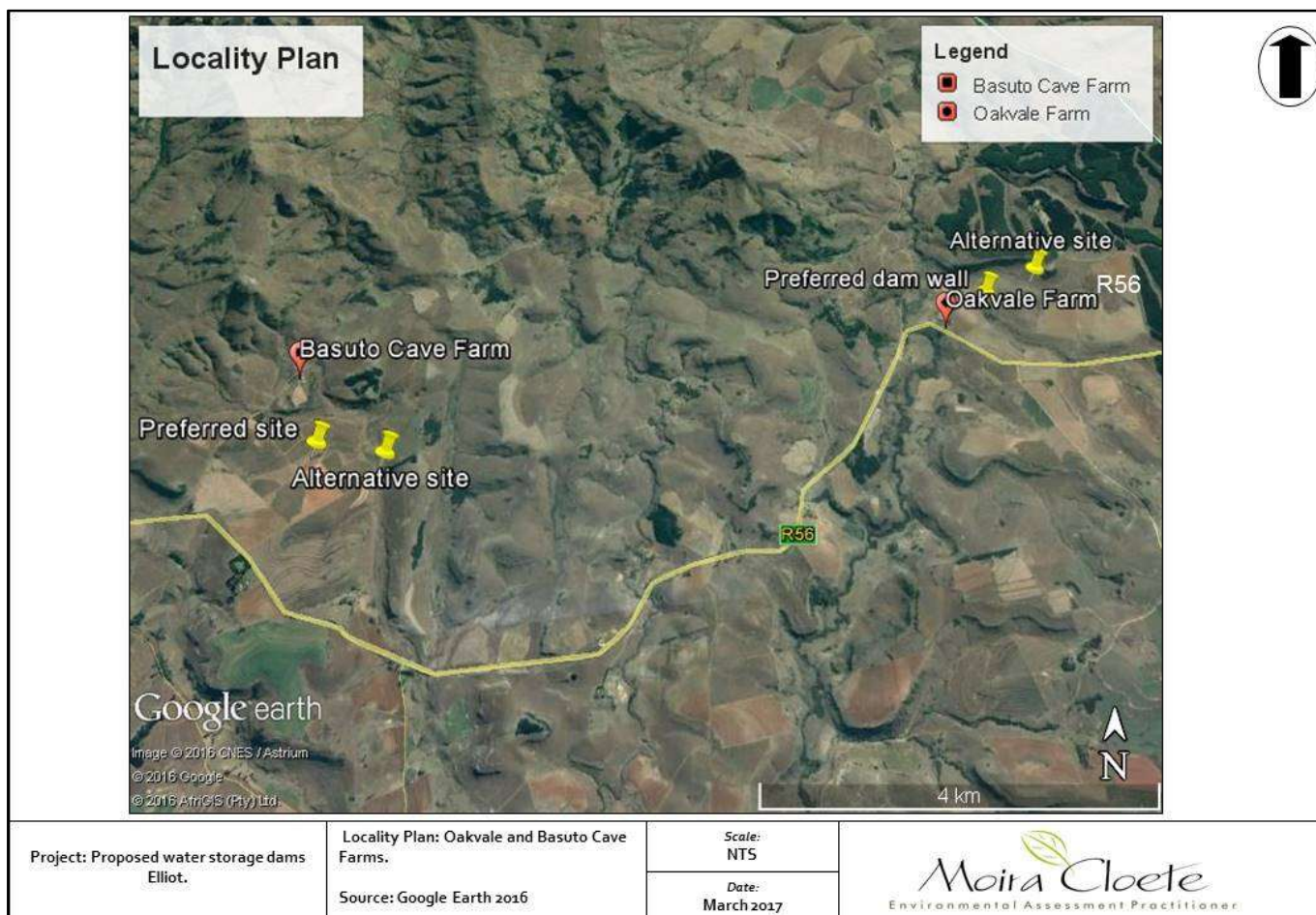
- Farm Oakvale no 1204
- Portion 1 of the Farm Basuto Cave No. 107

The Proponent is a large commercial farmer in the Elliot area, specializing in producing predominantly seed potatoes, dry beans and maize cash crops as well as livestock enterprises comprising cattle and sheep. The cash crop enterprises are very labour intensive with over 200 seasonal and permanent employees required to complete the planting, harvesting and marketing preparations.

The application for Environmental Authorisation will be conducted in accordance with the Environmental Impact Assessment (EIA) Regulations (2014) promulgated under the National Environmental Management Act, 1998 (Act 107 of 1998) (NEMA) which came into effect on 8 December 2014.

PROJECT LOCATION:

Farm 1024, Oakvale and Farm 107, Basuto Cave, are both situated in the Sakhisizwe Local Municipal area, Division Elliot, Eastern Cape. Both farms are owned by the Proponent.



The Applications will require Environmental Authorisation subject to two Basic Assessment Environmental Impact Assessment processes for each of the proposed dam sites.

The Proponent is a large scale commercial farmer in the Elliot district who wishes to expand his farming operations to minimise risk by planting and rotating potatoes and maize under centre pivot irrigation systems. In order to do this, a guaranteed supply of water is required in the form of water storage dams on the two Farms mentioned above. In addition, the two dams will serve as stock watering facilities for the cattle and sheep enterprises which form part of the commercial farming operations. It is important to note that both water storage dams will be off stream storage dams thus minimising the impact to downstream users.

A simultaneous application is also underway where a Water Use License Application (WULA) is being applied for from the Department of Water and Sanitation (DWS)'s East London Office, in accordance with Section's 21 and 27 of the National Water Act, 1998.

National Environmental Management Act, (Act 107 of 1998), Requirements:

The Proponent, Oakvale Trust, is applying for the authorisation of listed development activities DEDEAT.

This is being done in terms of Section 24G of the National Environmental Management Act, 1998 (Act 107 of 1998) for the undertaking of listed activities in terms of Government Notice No.983, Activities 12, 13, 19 & 27 and Government Notice No. R 985, Activities 6, 12, 14 & 18 of the Environmental Impact Assessment Regulations, 2014, promulgated in terms of Section 24(5) of the National Environmental Management Act (Act No 107 of 1998).

Listed Activities applied for:

Government Notice Regulation 983: Listing Notice 1.

Government Notice Regulation 985: Listing Notice 3.

Listing Notice 1 of 2014:	
GNR 983 Item no 12:	<p>"The development of...</p> <ol style="list-style-type: none"> i. Canals ii. Channels iii. Bridges iv. Dams v. Weirs vi. Bulk storm water outlet structures etc. <p>Where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line".</p> <p>A watercourse is defined as:</p> <ol style="list-style-type: none"> a) A river or spring; b) A natural depression in which water flows regularly or intermittently c) A wetland, lake or dam into which, or from which, water flows; and d) Any collection of water which the Minister may, by notice in the Gazette, declare to be a watercourse, e) And a reference to a watercourse includes, where relevant, its bed and banks; and <p>A wetland is defined as land which is transitional between terrestrial and aquatic systems where the water table is usually at or near the surface, or the land is periodically covered with shallow water, and which land in normal circumstances supports or would support vegetation typically adapted to life in saturated soil.</p> <p>The proposed dams both fall within 32m of a watercourse. The proposed Oakvale dam does lies within an "artificial" wetland area, created by the construction of a railway line in the past.</p> <p>The proposed Basuto Cave dam lies within a watercourse which leads into a small wetland system downstream.</p>
Item no 19:	<p>"The infilling or depositing of any material of more than 5 cubic meters into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic meters from</p> <ol style="list-style-type: none"> i) A watercourse ii) The sea etc." <p>Both proposed dam sites will be constructed by excavating the dam basin area and depositing soil/gravel in the area proposed for the dam walls.</p>
Item no 27:	<p>The clearance of an area of 1 hectare or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for-</p> <ol style="list-style-type: none"> (i) the undertaking of a linear activity; or (ii) maintenance purposes undertaken in accordance with a maintenance management plan. <p>Both dam sites will exceed 1ha in size once the peak water level holding capacity is reached.</p>
GNR 985 Listing Notice 3:	
Item no 12:	<p>The clearance of an area of 300m² or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan. In the Eastern Cape (ii) within critical biodiversity areas identified in bioregional plans.</p> <p>Both dam sites will require the clearance of vegetation which will be undertaken as part of the dam construction activities.</p>
Item no 14:	<p>The development of(iv) dams, where the dam including infrastructure and water surface area exceeds 10m² in size. In the Eastern Cape (ff) critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans.</p> <p>Both dam sites fall within terrestrial and aquatic Critical Biodiversity Conservation Areas identified in the SANBI Eastern Cape Biodiversity Conservation Plan.</p>

Additional Statutory Approvals

- Approval in terms of Section 38 of the National Heritage Resources Act 25 of 1999.
- Water Use License Application in terms of Sections 21 and 27 of the National Water Act of 1998.

Environmental Impacts/Issues identified to date:

- Site clearance works of the dam and access roads required to reach each dam site which will have negative impacts on vegetation and associated biodiversity impacts in an area identified by the South African National Biodiversity Institute (SANBI), as Critical Biodiversity Area.
- Both dam sites will be within 32m of water course which ultimately flow into the Xuka river system.
- Soil disturbance and compaction impacts due to the dam construction activities.
- The inundation of water into areas which previously were not inundated or partially inundated.
- Possible downstream impacts on wetland areas which will be affected through the impoundment of water which previously flowed freely through these areas.
- Potential heritage (cultural, archaeological, or paleontological) impacts due to the dam sites combined total development area which requires a palaeontological and archaeological screening assessment for potential impacts.

Public Participation Process

The Public Participation Process (PPP) is defined under Regulation No 41 of the 2014 EIA Regulations. This includes:

- Advertising in at least one local newspaper (advertisement appeared in the Barkly Reporter on the 14/10/2016)
- Fixing a notice board at the entrance to the site (23/10/2016).
- Providing written notice to:
 - The occupiers of the site,
 - The owner/person in control of the site,
 - Adjacent landowners,
 - The municipal ward councillor and rate payers/civic organisation,
 - The relevant Local Municipality and,
 - Any organ of State that has jurisdiction in respect of any aspect of the activity.
- Maintaining an Interested and Affected Party (I&AP) Register.
- Recording any comments relating to the project within the statutory time frame allowed for commenting purposes (30 days from the date of advertisement).

Stakeholders are invited to register as Interested and Affected Parties (I&APs) and to participate by identifying issues of concern and making suggestions for consideration regarding the office development within a timeframe of 30 days from the date of the advertisement appearing in the local newspaper.

All comments/concerns will be responded to and included in the final I&AP Register which will be submitted to DEDEAT to enable them to make an informed decision with regards to the development proposal.

Once an Environmental Authorisation is received, it will be distributed to the registered I&AP's who may appeal to the Minister or MEC of Environmental Affairs who oppose the DEDEAT decision.

Project Team

Moira Cloete is a self-employed Independent Environmental Assessment Practitioner (EAP) based in Elliot in the Eastern Cape. Ms Cloete holds a BSc (Hons) degree in Environmental Management, has extensive experience in all spheres of Environmental Management, and has worked on a number of projects ranging from EIA's for landfill sites through to onsite monitoring for road, forestry and dam projects. Ms. Cloete has gained substantial experience in conducting and completing on site environmental assessments, environmental audits, environmental management programmes and waste management projects.

Oakvale Trust is the Proponent for the project and is represented by Mr. Garrick Christiane for the duration of the project.

I&AP Roles and Responsibilities for the Project

This Background Information Document (BID) serves as notice of the proposed office development taking place, and serves as a request for any comments regarding the proposal.

Should you be interested in registering as an 'Interested and Affected Party' and/or in submitting comments or information on the proposals, please respond below to register your interest.

Comments, Concerns and Issues:

Name :	
Organisation:	
Contact details:	
Telephone/Cell number:	
Fax number:	
Email address:	
Physical Address:	
Postal Address:	

- Do you wish to be registered as an 'Interested and Affected Party for the EIA process?

Yes

No

- Do you have any concerns which you believe should be addressed in the EIA and which you would like to bring to the attention of the EIA team? *[Additional space for comment is provided overleaf.]*

- Are there any additional interested and affected parties (I&APs) that you feel should be consulted in the course of the EIA? If yes, please indicate contact name, email address and/or telephone number so we may contact this person or organisation:

THANK YOU FOR YOUR COOPERATION

Please submit comments using the following details:

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Due date for I&AP registration and Comment
19th April 2017