

APPLICATION FOR AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION: PROPOSED CASTLE WIND ENERGY FACILITY NEAR DE AAR, NORTHERN CAPE PROVINCE

DEA Ref. No: 14/12/16/3/3//2/278

COMMENTS AND RESPONSES REPORT

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The Amendment Motivation Report's availability was announced on Wednesday, 03 July 2019 and was made available for a 30-day review and comment period from **Wednesday, 03 July 2019** to **Friday, 02 August 2019**. Comments received during the announcement phase and the review and comment period of the Amendment Motivation Report are included in this Comments and Responses Report and is included as **Appendix E5** of the Revised Amendment Motivation Report.

A Revised Amendment Motivation Report will be made available for a 30-day review and comment period from **Day, date Month 2019** to **Day, date Month 2019**. All comments received on the Revised Amendment Motivation Report will be included in the Final Amendment Motivation Report as **Appendix E5** for submission to the Department of Environment, Forestry and Fisheries.

LIST OF ABBREVIATIONS / ACRONYMS

AIA	??	ATNS	Air Traffic and Navigation Services
BGG	Burial Grounds and Graves	CNS	Communication, Navigation and Surveillance
DEA	Department of Environmental Affairs	I&AP	Interested and Affected Party
SAHRA	South African Heritage Resources Agency	SSR	Secondary Surveillance Radar

1. COMMENTS RECEIVED ON MOTIVATION REPORT

NO.	COMMENT	RAISED BY	RESPONSE
1.	Please find attached Eskom requirements for works at or near Eskom infrastructure. Please also find an updated Setbacks document which will be applicable to the amendment application.	John Geeringh Senior Consultant Environmental Management	The Applicant acknowledges Eskom's requirements for work at or near Eskom infrastructure and confirms that it will adhere to Eskom's requirements during the detailed design, construction and operation of the project. Eskom's right's and services are acknowledged and Eskom's requirements in relation thereto will be adhered to.
	Please just check in terms of the setbacks document for the distances allowed for the bigger turbines.	Group Capital Division: Land	
	<u>Eskom requirements for work at or near Eskom infrastructure</u>	Development and Management	
	1. Eskom's rights and services must be acknowledged and respected at all times.	Eskom	
	2. Eskom shall at all times retain unobstructed access to and egress from its servitudes.	E-mail: 03-07-2019	
	3. Eskom's consent does not relieve the developer from obtaining the necessary statutory, land owner or municipal approvals.		The Applicant received a letter from Eskom on 27 July 2015, see attached, that stated a setback distance of 590m away from the existing Hydra-Roodekuil 220kV line will be acceptable, layout has not change since then. Final turbine layout after micro sitting will comply with the offset. A formal application will be sent to Eskom if setback distance is infringed on. This response was communicated to Eskom.
	4. Any cost incurred by Eskom as a result of non-compliance to any relevant environmental legislation will be charged to the developer.		
	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.		
	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		

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	<p>working days prior notice of the commencement of blasting. This allows time for arrangements to be made for supervision and/or precautionary instructions to be issued in terms of the blasting process. It is advisable to make application separately in this regard.</p>		
	<p>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>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>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 prior written permission having been granted by Eskom. If such permission is granted the developer</p>		

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	<p>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>Note: Where and electrical outage is required, at least fourteen work days are required to arrange it.</p>		
10.	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.		
11.	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.		
12.	The clearances between Eskom's live electrical equipment and the proposed construction work shall be observed as stipulated by <i>Regulation 15 of the Electrical Machinery Regulations of the Occupational Health and Safety Act, 1993 (Act 85 of 1993)</i> .		
13.	Equipment shall be regarded electrically live and therefore dangerous at all times.		
14.	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		

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	<p>occupied or frequented by human beings, under the power lines or within the servitude restriction area.</p> <p>15. 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>16. It is required of the developer to familiarise himself with all safety hazards related to Electrical plant.</p> <p>17. 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>		
2.	<p>The proposed Castle Wind Energy Facility is in close vicinity to De Aar Aerodrome and Military, the relevant stakeholders should be contacted to make comments regarding the proposed wind energy facility (i.e. De Aar Military).</p> <p>We would have to conduct a formal Communication, Navigation and Surveillance (CNS) assessment as per South African Civil Aviation Authority (SACAA) request, due to the possible impact on the ATNS Secondary Surveillance Radar (SSR).</p> <p>The line of sight may be affected upon a Terrain profile assessment, as the radar extends to a 200NM radius.</p> <p>The proposed could create a blanking effect and reflections.</p>	<p>Simphiwe Masilela Obstacle Evaluator COO – Air Traffic Services ATNS</p> <p>E-mail: 05-07-2019</p>	<p>The Applicant acknowledges the ATNS requirement in respect of the De Aar Aerodrome and Military. The applicant received a letter from CAA for the Castle WEF stating that in principle they have no objections to the proposed project. Conditional approval will be granted , subject to an in-depth assessment of turbine layout. The in-depth assessment of turbine layout, which will be done by ATNS, in accordance with Civil Aviation Technical Standards will only be done closer to construction. This response was communicated to ATNS.</p> <p>ATNS assessment has been commissioned and is currently underway</p>

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	<p>We request that you please update us should there be any new developments that may affect our interests. We will duly conduct assessments as required when the project is ready for construction upon a formal request. Please note there is a charge attached to this service. Please note, for us to carry out a successful assessment we require the following information:</p> <ol style="list-style-type: none"> 1. LOCATION (Co-ordinates WGS84 system) for each turbine. 2. SITE/GROUND ELEVATION (AMSL) for each turbine. 3. THE NUMBER OF WIND TURBINES 4. KMZ FILE FOR THE PROPOSED SITE 5. HEIGHT TO TOP OF STRUCTURE (in meters) <p>Furthermore, we kindly request that all queries or new applications to be forwarded to the Obstacle Evaluators on the following: ObstacleEvaluator@atns.co.za</p>		
3.	<p>Thank you for the opportunity to comment on the above application. While we support most of the findings and recommendations of the Avifauna Comparative Assessment and have the following comments and recommendations:</p> <ol style="list-style-type: none"> 1. The Avifauna Comparative Assessment relies on field data collected approximately 5 years ago (the avifaunal assessment was dated October 2014). There appears to have been no attempt to revisit the site to determine if the receiving environment has significantly changed. With an operational wind farm 	<p>Samantha Ralston-Paton Birds and Renewable Energy Project Manager BirdLife SA Letter: 01-08-2019</p>	<p>Following the comments received from Birdlife SA, the Avifaunal specialist conducted a three day site visit in early September 2019. During this time the site was examined as thoroughly as possible by vehicle and on foot, and particular attention was paid to the previously known Verreux's Eagle nest sites near site. Three nests have been confirmed during</p>

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	adjacent to the site, the receiving environment has almost certainly has changed. We recommend that, as an absolute minimum, that the location and occupancy of important sites (e.g. nests) be checked. It is also possible that the presence of turbines might have influenced how some species use the area. This need to be addressed in the assessment.		the site visit, the closest of these nests is active and the territory is occupied by a pair of adult eagles. The layout now adheres to the new best practice guidelines and a 3km no-go buffer is implemented around the nest (see in Appendix A in the revised Draft Motivation report).
2.	The use of the term "residual risk" in the Avifauna Comparative Assessment is confusing and does not appear to be in line with the definition provided in the report		This has been corrected in the revised Draft Motivation report. The assessment of residual risk has been updated in Appendix A of the revised Draft Motivation report.
3.	BirdLife South Africa has previously noted our concern about the risk of cumulative negative impacts on birds from this and other renewable energy infrastructure in the area (e.g see our comments on the EIA). We remain concerned and agree with the avifaunal assessment that the cumulative risk to birds is of high negative significance.		The avifaunal specialist has assessment the cumulative impacts on avifauna in the updated assessment, this has been included in Appendix A of the revised Draft Motivation report.
4.	It has now been confirmed that threatened species, such as and Martial Eagle and Verreauxs' Eagle are at risk of turbine collisions. Fatalities have been reported at other wind energy facilities in South Africa, including wind energy facilities not far from this site ¹ . We also know that nest buffers alone are not adequate to protect eagles from this risk.		In conjunction with the buffers imposed on the layout in the amendment process, the avifaunal specialist recommended additional mitigation measures and an Operational Phase Mitigation Plan to be included in the updated EMPr, refer to Section 5 of the Avifaunal assessment (Appendix A of the revised Motivation report) and the Updated EMPr (Appendix G).
5.	The context of the site (e.g. within an Important Bird and Biodiversity Area) and risk of cumulative impact impacts must be considered when assessing the		The avifaunal specialist has assessment the cumulative impacts on avifauna in the updated assessment, this has

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	impacts and determining an appropriate mitigation strategy.		been included in Appendix A of the revised Draft Motivation report.
6.	We note that the avifaunal specialist recommends that if significant impacts are observed during operation that these must be mitigated, but no details are provided. We urge that a more proactive approach be adopted to minimise risk to birds. Why wait until significant impacts are observed?		The avifaunal specialist included an Operational Phase Mitigation Plan to be included in the updated EMPr, refer to Section 5 of the Avifaunal assessment (Appendix A of the revised Motivation report) and the Updated EMPr (Appendix G).
7.	It has been our experience that wind energy facilities in South Africa can significantly delay implementing specialists' recommendations for operational-phase mitigation at wind energy facilities - if they are implemented at all. To date, there also appears to have been little oversight or enforcement to ensure operational-phase impacts of wind energy facilities on birds are mitigated. We therefore urge that the conditions of authorisation and EMPr be strengthened, to ensure that predicted impacts on threatened species are proactively and timeously addressed, and that mitigation is enforceable.		
8.	We also recommend that operational phase mitigation (and compensation) options, timeframes and triggers for action should be detailed in a contingency plan (this should be periodically reviewed and where necessary, updated). This plan will help avoid any delays and debates and will allow the applicant to plan accordingly.		
	Thank you for considering our input.		

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4.	<p>As the proposed amendments will not result in a change of layout or additional infrastructure, the SAHRA Archaeology, Palaeontology and Meteorites (APM) Unit has no objection to the proposed amendment to the authorised development. The following conditions contained within the Final Comment issued on the 14 July 2015 (https://sahris.sahra.org.za/node/314997) are still outstanding and must be completed prior to construction:</p> <ul style="list-style-type: none"> <li data-bbox="360 587 1048 699">• <i>The power line options should be subject to a walk-through by an archaeologist and a palaeontologist once these have been decided;</i> <li data-bbox="360 707 1048 978">• <i>According to the AIA report the majority of the heritage resources identified apart from Sites 6 & 9 will not be impacted. SAHRA recommends that these two sites should be safeguarded and not be impacted. If it is not possible to move the turbines SAHRA should be notified as soon as possible;</i> <li data-bbox="360 986 1048 1257">• <i>The recommendations of the palaeontologist is fully supported, however, it is further recommended that the developer should engage a palaeontologist to investigate excavation areas for the turbine locations. The schedule for the inspections should be negotiated with the palaeontologist.</i> <p>The above conditions apply to the proposed amended development (with further details for clarity provided</p>	<p>Natasha Higgitt Heritage Officer SAHRA</p> <p>Letter: 06-08-2019</p>	<p>The applicant notes SAHRA's comment, the proposed amendments will not result in a change of layout or additional infrastructure.</p> <p>The comment is acknowledged, the power line options will be subject to a walk-through by an archaeologist and a palaeontologist once these have been decided.</p> <p>The comment is acknowledged, Sites 6 & 9 will not be impacted and will be safeguarded. Should this not be the case, the turbines will be moved during micro siting and SAHRA will be notified as soon as possible.</p> <p>The comment is acknowledged, the applicant will engage a palaeontologist to investigate excavation areas for the turbine locations and the schedule for the inspections will be negotiated with the palaeontologist.</p> <p>The conditions listed will be adhered to.</p>

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	<p>below) and the following additional conditions must be complied with:</p> <ul style="list-style-type: none"> <li data-bbox="315 312 1059 427">• The Final Amendment Report and EMPr must be uploaded to the SAHRIS application for record purposes; <li data-bbox="315 427 1059 587">• The walk-through referred to in the Final Comment must be accompanied by a report on the results of the walk-through that must be submitted to SAHRA for comment; <li data-bbox="315 587 1059 783">• The condition provided in the Final Comment referring to the safeguarding of site 6 and 9 is hereby amended to provide for a 30 m no-go buffer-zone around the sites to allow for the safeguarding of the sites; <li data-bbox="315 783 1059 1023">• The condition provided in the Final Comment that refers to the engagement with a palaeontologist regarding excavation areas for the turbine locations must be accompanied by a report on the results of the engagement that must be submitted to SAHRA for comment; <li data-bbox="315 1023 1059 1374">• If any evidence of archaeological sites or remains (e.g. remnants of stone-made structures, indigenous ceramics, bones, stone artefacts, ostrich eggshell fragments, charcoal and ash concentrations), fossils or other categories of heritage resources are found during the proposed development, SAHRA APM Unit (Natasha Higgitt/Phillip Hine 021 462 5402) must be alerted. If unmarked human burials are uncovered, the SAHRA Burial Grounds and Graves (BGG) Unit 		<p></p> <p>The final Amendment Motivation Report and EMPr will be uploaded to SAHRIS. This is stipulated in the EMPr</p> <p>The comment is acknowledged, the report on the results of the walk-through will be submitted to SAHRA for comment.</p> <p>The comment is acknowledged, a 30m no-go buffer-zone around the sites will be implemented.</p> <p>The comment is acknowledged, the report on the results of the engagement will be submitted to SAHRA for comment.</p> <p>The correct procedure will be followed should any evidence of archaeological sites be discovered. Should any unmarked human burials be uncovered, the SAHRA Burial Grounds and Graves Unit will be alerted immediately.</p>

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	<p>(Thingahangwi Tshivhase/Mimi Seetelo 012 320 8490), must be alerted immediately as per section 35(3) and 36(6) of the NHRA. A professional archaeologist or palaeontologist, depending on the nature of the finds, must be contracted as soon as possible to inspect the findings. If the newly discovered heritage resources prove to be of archaeological or palaeontological significance, a Phase 2 rescue operation may be required subject to permits issued by SAHRA;</p> <ul style="list-style-type: none"> The decision regarding the Amended EA Application must be communicated to SAHRA and uploaded to the SAHRIS Case application. <p>Should you have any further queries, please contact the designated official using the case number quoted above in the case header</p>		<p>The comment is acknowledged, the final decision regarding the Amendment application will be communicated to SAHRA and uploaded to SARHIS.</p>
5.	<p>The Environmental Authorisation (EA) for the above-mentioned project dated 08 May 2015 and your application form and draft amendment report received by the Department on 03 July 2019, refer.</p> <p>The Department has the following comments on the abovementioned amendment application:</p> <ol style="list-style-type: none"> Please ensure that all issues raised and comments received from registered I&APs and organs of state which have jurisdiction (including this Department's Biodiversity Section) in respect of the proposed activity are adequately addressed in the final report. 	<p>Herman Albert Case Officer DEA</p> <p>Letter: 06-08-2019</p>	<p>The Motivation Report was delivered to the DEA's Biodiversity Conservation Section (see proof included in Appendix E3) and no written comments was received.</p> <p>Responses to comments / concerns / issues raised have been responded to and where applicable fully addressed by the project team.</p>

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	<p>ii. 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 and 44 of the EIA Regulations 2014 as amended.</p>		<p>Proof of all correspondence between Organs of State, key stakeholders and the project team is included in Appendices E2 and E3. Proof of attempts to secure written comments are also included in Appendices E2 and E3.</p> <p>The public participation process undertaken for this Environmental Authorisation process has been conducted in terms of Regulation 39, 40, 41, 42, 43 & 44 of the EIA Regulations 2014 as amended.</p> <p>Proof of the Public Participation Conducted is Included in Appendices E2, E3, E4 and E6</p>
	<p>iii. A Comments and Response trail report (C&R) must be submitted with the final report. The C&R report 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>The Comments and Responses Report compiled for this Amendment Application was formatted as per the DEA requirements and is attached as a separate document to the Final Motivation Report as Appendix E5. It can be confirmed that all written comments received have been captured in the Comments and Responses Report in verbatim format and adequately responded to.</p>
	<p>iv. Should there be other similar developments within the 30km radius of the proposed development, please ensure that the cumulative impact assessment for all identified and assessed impacts indicates the following:</p>		<p>All specialists have assessed cumulative impacts in the reports, these will be submitted with the Revised Draft Motivation report. These reports are included as Appendix A-D.</p>

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	<ul style="list-style-type: none"> • Identified cumulative impacts must be clearly defined, and where possible the size of the identified impact must be quantified and indicated, i.e. hectares of cumulatively transformed land. • Detailed process flow and proof must be provided, 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. • The cumulative impacts 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 or not. 		
	v. Please ensure that all mitigation recommendations are in line with applicable and most recent guidelines.		The comment is acknowledged, additional mitigation measures recommended by the avifaunal and bat specialist are in line with applicable and most recent guidelines. The 3km Verreux's Eagle buffer was added during the amendment process due to new guidelines that came into effect and the bat sensitivity buffer was increased in order to be in line with current guidelines.
	vi. The final amendment report must contain an EMPr reflective of the changes or improvements the		The comment is acknowledged the EMPr has been updated with additional mitigation measures recommended by

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	<p>proposed application will have on the EA and the previous EMPr.</p> <p>Please note that in terms of regulation 32 of EIA regulation 2014 as amended, the applicant is required within a specified timeframe to submit a report to this Department in light of the proposed amendments.</p> <p>Further note that in terms of Regulation 45 of the EIA Regulations 2014 as amended, this application will lapse if the applicant fails to meet any of the timeframes prescribed in terms of these Regulations, unless an extension has been granted in terms of Regulation 3(7).</p> <p>You are hereby reminded of Section 24F of the National Environmental Management Act, Act No. 107 of 1998, as amended, that no activity may commence prior to an Environmental Authorisation being granted by the Department.</p>		<p>specialists. This is reflected in Appendix G of the revised Draft motivation report.</p> <p>The comment is noted. An extension was applied for in terms of Regulation 32(1)(b) of the EIA Regulations, 2014, as amended; <i>a notification in writing may be submitted to the competent authority that the report will be submitted within 140 days of receipt of the application by the competent authority, as significant changes have been made or significant new information has been added to the report, which changes or information was not contained in the report consulted on during the initial public participation process contemplated and that the revised report will be subjected to another public participation process of at least 30 days.</i> The Final Motivation Report will therefore be submitted to the DEA for decision-making within 140 days. The competent authority acknowledged this notification, proof is included in Appendix H of the Revised Draft Motivation report.</p> <p>This comment is acknowledged, no activity will commence prior to an environmental authorization.</p>

2. OTHER

2.1. Request for Release Code to access Report on Website

NO.	COMMENT	RAISED BY	RESPONSE
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1.	Thank you for the notification. Please could you provide me with the release code for the website	Veronique Fyfe Project Manager G7 Renewable Energies (Pty) Ltd E-mail: 03-07-2019	The Release Code was e-mail to the I&AP on 04/07/2019.
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2.2. Request to Register as an I&AP

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1.	Would it be possible to get a copy of the Castle Wind Energy Facility Motivation report and to register as an I&AP if possible?	Jonathan Visser I&AP E-mail: 02-08-2019	Proof of Registration on the project database and the Release Code was e-mailed on 05/08/2019.