

APPENDIX G: COMMENTS AND RESPONSE REPORT

STAKEHOLDER/ I&AP DETAILS	DATE	TOPIC	COMMENTS RECEIVED	EAP/SPECIALIST RESPONSES
EAP Team CES	3 June 2019	Initial Notification and BID	Sent to all registered Stakeholders and I&APs.	Sent to all registered Stakeholders and I&APs. See Appendix F for a copy of the notification.
EAP Team CES	10 June 2019	Registered Mail Hard Copies and Globeglight copies sent to key stakeholders	Sent to all registered Stakeholders and I&APs.	Sent to all registered Stakeholders and I&APs. This included a letter addresses to each key stakeholder and specific the public review dates of the Draft BAR. See Appendix F for a copy of the registered mail and Globeflight slips.
EAP Team CES	12 June 2019	Notification of Draft BAR for Public Review		Sent to all registered Stakeholders and I&APs. Public review of the Draft BAR was from the 12 th of June 2019 until the 14 th of July 2019. See Appendix F for a copy of the notification.
Bathandwa Ncube National DFFE (Case Officer)	15 July 2019	Listed Activities	Please ensure that all relevant listed activities are applied for, are specific and can be linked to the development activity or infrastructure as described in the project description.	Please see the refined listed activities in Table 3.2 (Listed Activities triggered by the proposed Umsobomvu Infrastructure) of this report as well as in Section 7 of the updated Application. The refined listed activities include more specific descriptions of each activity, and some listed activities have been removed. <u>No additional listed activities have been included.</u> May 2021 Update: Please note that the project description and listed activities have been updated in the Amended Application Form and Draft Amended BAR. An Amended Application Form has been submitted with the Draft Amended BAR.
			An amended application form must be submitted which includes the listed activity and sub-activities i.e. 14 (xi) (a)(i)(bb). Further, in terms of Listing Notice 3, ensure the activities relate to the relative triggers in each province regarding Listing Notice 3 and indicate the sub activity trigger in each province e.g. 14 (xii) (a) (i)(bb) and 14 (xii) (g)(ii)(bb)(ee).	
			With reference to Activity 47 and 49 of Listing Notice 1 of the EIA Regulations, 2014, as amended, please confirm whether this activity will trigger. Kindly indicate the relevance of the activity and consider the definitions of 'Expansion', as contained in the EIA Regulations, 2014, as amended.	

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				<p>Umsobomvu Infrastructure) of this report as well as in Section 7 of the updated Application.</p> <p>May 2021 Update: Please note that the project description and listed activities have been updated in the Amended Application Form and Draft Amended BAR. An Amended Application Form has been submitted with the Draft Amended BAR.</p>
			<p>Kindly provide clarity or further information with regards to Activity 24 of Listing Notice 1. Is this activity in reference to the construction of a new road? How does this relate to the access point and amending access routes?</p>	<p>Listing Notice 1 activity 24(ii) is not relevant to or triggered by the proposed Umsobomvu Infrastructure Development because the Applicant is proposing the upgrade of existing farm roads and jeep tracks. Please see the refined listed activities in Table 3.2 (Listed Activities triggered by the proposed Umsobomvu Infrastructure) of this report as well as in Section 7 of the updated Application.</p> <p>May 2021 Update: Please note that the project description and listed activities have been updated in the Amended Application Form and Draft Amended BAR. An Amended Application Form has been submitted with the Draft Amended BAR.</p>
			<p>The use of the words 'may', 'should', 'could', 'would' is discouraged. Please ensure to use more definitive language and be sure that the activity is triggered i.e. the development will trigger.</p>	<p>Please see the refined listed activities in Table 3.2 (Listed Activities triggered by the proposed Umsobomvu Infrastructure) of this report as well as in Section 7 of the updated Application. The vague language in the activity descriptions has been updated to include more definitive language.</p>

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				May 2021 Update: Please note that the project description and listed activities have been updated in the Amended Application Form and Draft Amended BAR. An Amended Application Form has been submitted with the Draft Amended BAR.
			If the activities applied for in the application form differ from those mentioned in the final BAR, an amended application form must be submitted. Please note that the Department's application form template has been amended and can be downloaded from the following link https://www.environment.gov.za/documents/forms .	Please see the refined listed activities in Table 3.2 (Listed Activities triggered by the proposed Umsobomvu Infrastructure) of this report as well as in Section 7 of the updated Application. The refined listed activities include more specific descriptions of each activity, and some listed activities have been removed. No additional listed activities have been included. May 2021 Update: Please note that the project description and listed activities have been updated in the Amended Application Form and Draft Amended BAR. An Amended Application Form has been submitted with the Draft Amended BAR.
		Layout & Sensitivity Maps	The map provided in the application form utilises similar colours for "Clipped NC CBA 1" and "Clipped NC CBA 2", as well as "Proposed linear infrastructure" and "Existing Roads", which makes it difficult to distinguish between the two.	The Application Map, included in Appendix 7 of the Application Form, has been updated in the Application Form. In addition, the Umsobomvu Infrastructure KMZ files have been included on a flash disk to accompany the Final BAR submission. May 2021 Update: Please note that the project maps have been updated throughout.
			The figures provided in the draft Basic Assessment Report utilise similar colours for "Proposed internal overhead lines" and "Proposed access routes" and it is difficult to distinguish between the two.	The maps in the Umsobomvu Final BAR have been updated, and each component has been labelled. Please see Chapter 2 (Layout Map) and Chapter 7 (Description of the Environment).

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				May 2021 Update: Please note that the project maps have been updated throughout.
			Kindly provide KMZ files for the proposed infrastructure that is compatible with Google Earth to ensure efficient review.	The Umsobomvu Infrastructure KMZ files have been included on a flash disk to accompany the Final BAR submission.
			<p>Please provide a layout map (A3), which indicates the following:</p> <ul style="list-style-type: none"> • The proposed infrastructure which includes all supporting onsite infrastructure, existing roads, new roads (if applicable), access points, route corridor, route alternatives, etc. indicating the length and width. • Powerline connection routes (including pylon positions) (where they are not along internal roads) to the distribution/transmission network. • If possible, include the line/route alternative within the corridor. • Batching plant(s), switching stations(s) and collector substation(s) sites, including their footprints. • Soil heaps (temporary for topsoil and subsoil, and permanently for excess material). • Buildings, including accommodations (if applicable). • The location of sensitive environmental features on-site, e.g. CBAs, heritage sites, wetlands, drainage lines, surface water, pans, nesting areas, etc. that will be affected. • All buffer areas. • All no-go areas. <p>The layout map must be overlain by a sensitivity map and a cumulative map which shows neighbouring renewable energy developments and existing grid infrastructure. Additionally, please provide a map with the proposed infrastructure overlain with the approved infrastructure</p>	<p>* Please note: the location of the soil heaps is yet to be determined. These locations will be finalised prior to the commencement of construction and included in the Final EMPr.</p>

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			under the application for the Wind Farm i.e. 14/12/16/3/3/2/730. Please note that the Department considers a 'no-go' area as an area where no development or any infrastructure is allowed, therefore, no development or associated infrastructure including access roads and internal cables, is allowed in 'no-go' areas.	
		Project Description	The project description provided under Chapter 2 of the BAR states that the proposed development includes: <ul style="list-style-type: none"> 'New access point and amended access road routes; the construction of two (2) batching plants, temporary laydown areas and construction areas; the construction of internal overhead lines with a 33 kV switching station of 20 m x 20 m; and the construction of a collector substation.' There is no further information on the above and this is insufficient. Please provide more detail on each of the proposed infrastructure i.e. dimensions, length, area covered, coordinates, etc.	Please see Section 2.2 of Chapter 2 (Project Description) in this report which contains a detailed project description, inclusive of dimensions, lengths, development footprints, etc. May 2021 Update: Please note that the project description and listed activities have been updated in the Amended Application Form and Draft Amended BAR. An Amended Application Form has been submitted with the Draft Amended BAR.
		Public Participation Process	The Public Participation Process must be conducted in terms of Regulations 39, 40, 41, 42, 43 & 44 of the EIA Regulations 2014 as amended.	Please refer to Chapter 5, which details the PPP which has been undertaken to date and Appendix F, which includes proof of correspondence.
			Please ensure that all issues raised and comments received during the circulation of the draft BAR from registered I&APs and organs of state which have jurisdiction in respect of the proposed activity are adequately addressed and included in the final BAR. This includes amongst others, the South African Heritage Resources Agency (SAHRA).	Chapter 5 details the PPP which has been undertaken to date and Appendix F contains proof of attempts made to obtain comments. This table (Appendix G) is the Comments and Response Report and contains all comments which were received during the public review of the Draft BAR. The provincial heritage authorities, Eastern Cape Provincial Heritage Resources Authority (ECPHRA) and Ngwao Boswa Kapa Bokoni is the Provincial Heritage Resources Authority of the Northern Cape Province were

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				included as stakeholders during the PPP on the Draft BAR. The Draft BAR and Appendices were uploaded onto the SAHRIS site via SAHRIS, sahris.sahra.org.za, for SAHRA comment. Proof included as Appendix F. Ms Natasha Higgitt was assigned as the Case Officer.
			Copies of original comments received from I&APs and organs of state, which have jurisdiction in respect of the proposed activity are submitted to the Department with the Final BAR.	Please refer to Appendix F for proof of written notice for the availability of the Draft BAR for comment. This includes copies of e-mails which were sent to stakeholders and I&APs, proof of registered mail and waybills as proof of hard copy and/or soft copy delivery of the Draft BAR via courier. In addition, copies of original comments have been included in Appendix F.
			Proof of correspondence with the various stakeholders must be included in the final BAR. Should you be unable to obtain comments, proof should be submitted to the Department of the attempts that were made to obtain comments. In terms of Regulation 41 (2) (b) of the EIA Regulations, 2014, as amended, please provide proof of written notice for the availability of the BAR for comment.	Please refer to Appendix F for proof of written notice for the availability of the Draft BAR for comment. This includes copies of e-mails which were sent to stakeholders and I&APs, proof of registered mail and waybills as proof of hard copy and/or soft copy delivery of the Draft BAR via courier. In addition, copies of original comments have been included in Appendix F.
			All issues raised and comments received during the circulation of the draft BAR from I&APs and organs of state which have jurisdiction in respect of the proposed activity are adequately addressed in the final BAR, including comments from this Department, and must be incorporated into a Comments and Response Report.	Chapter 5 details the PPP which has been undertaken to date and Appendix F contains proof of attempts made to obtain comments. This table (Appendix G) is the Comments and Response Report and contains all comments which were received during the public review of the Draft BAR as well as responses to the comments.
			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	Copies of original comments have been included in Appendix F.

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			as “noted” is not regarded as an adequate response to an I&AP’s comments.	
			The attendance register and minutes of any meetings held by the Environmental Assessment Practitioner (EAP) with Interested and Affected Parties (I&APs) and other role players must be included in the final BAR.	Public meetings were held during the EIA Process for the original Umsobomvu Wind Energy Facility (WEF) project, due to a large number of I&APs expressing interest in the proposed WEF. However, the only comments received on the Umsobomvu Infrastructure Development were received from the Department (national DEA). Therefore, a public meeting was not deemed necessary during the PPP on the Umsobomvu Infrastructure Development project.
			Should the appointed specialists specify contradicting recommendations, the EAP must clearly indicate the most reasonable recommendation and substantiate this with defensible reasons; and where necessary, include further expert advice.	Should there be contradictions between the recommendations contained in the Final BAR and the specialist recommendations, the specialist recommendations relating to a specific specialist field must take precedence over the recommendations of the EAP.
		Specialist Assessments	Comments must be sourced from DEA- Biodiversity and Conservation Directorate. Further to that, these comments must be addressed and incorporated in the final Basic Assessment Report.	A copy of the Draft BAR and a personalised cover letter (Appendix F and screenshot in row below) were submitted to DEA Biodiversity on the 10 th of June 2019 for review and comments. The copy was received on the 11 th of June 2019.
			You are requested to submit original signed Specialist Declaration of Interest forms (completed in full) for each specialist study conducted. The forms have been updated and are available on the Department's website (please use the Department template).	Please see the specialist declarations attached to each specialist report/opinion letter in Appendix C.

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			<p>As a commenting authority for the proposed project you are receiving this parcel. As per the regulations, this parcel consists of the following:</p> <ul style="list-style-type: none"> 2 x softcopies of the Umsobomvu Infrastructure Application and Draft Basic Assessment Report (and associated documentation); Please note that this softcopy also includes the Coleskop Infrastructure documentation, as well as the Umsobomvu EA Amendment Documentation <p>All Interested and Affected Parties are hereby notified of the availability of the <u>Draft Basic Assessment Report (and all associated documentation)</u> is available public review and comment. The review period is from 12th June 2019 to 14th July 2019. The documentation is available for review and comment at the following address:</p> <ul style="list-style-type: none"> The CES website at the following link: http://www.cesnet.co.za/coleskop-and-umsobomvu 	
		Generic Environmental Management Programme (EMPr)	The generic EMPr is considered incomplete as Part B: Section 2 is not signed. Ensure that an originally signed document is submitted with the final BAR.	Please note that Part B: Section 2 of the attached Generic EMPr has been signed, please see amended EMPr attached as Appendix E.
			The maps included only outline the affected properties. None of the proposed infrastructure is imposed onto the map. Kindly ensure that these maps are updated to illustrate the proposed development overlain on the output maps from the Screening Tool. Consult Section 7.2 under Part B: Section 2 for further clarity.	The maps have been updated by downloading the DEA Spatial Tool data, for each of the sensitivities, and overlaying them with the proposed Umsobomvu Infrastructure in Quantum GIS. These maps have replaced the initial maps in the Generic EMPr. Please see Appendix E.
			Point 7.1.1 in Part B: Section 2, needs to match the details of the applicant as contained in the Application form. Please amend the name of the applicant. All reference thereafter needs to refer to the applicant as identified in the Application form, i.e. Umsobomvu Wind Power (Pty) Ltd. Ensure that consistency is maintained.	The Applicant details have been amended to Umsobomvu Wind Power (Pty) Ltd throughout the updated Generic EMPr (Appendix E).
		General	<p>The EAP is requested to contact the Department to make the necessary arrangements to conduct a site inspection after the submission of the final BAR.</p> <p>You are further reminded that the final BAR to be submitted to this Department must comply with all the requirements in terms of the scope of assessment and content of basic assessment reports in accordance with Appendix 1 and Regulation 19(1) of the EIA Regulations,</p>	<u>The Environmental Authorisation must be valid for a period of five (5) years to allow time for bidding, as part of the Umsobomvu I Wind Energy Facility, and construction. The date on which the activity commences and is concluded will be determined by the bidding process.</u>

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			<p>2014 as amended. Ensure that one USB copy of the final BAR accompanies the hard copy document.</p> <p>Please also ensure that the Final BAR includes the period for which the Environmental Authorisation is required and the date on which the activity will be concluded as per the Appendix 1(3)(1)(q) of the NEMA EIA Regulations, 2014, as amended.</p> <p>You are further reminded to comply with Regulation 19(1)(a) of the NEMA EIA Regulations, 2014, as amended, which states that: <i>“Where basic assessment must be applied to an application, the applicant must, within 90 days of receipt of the application by the competent authority, submit to the competent authority –</i></p> <p>(a) basic assessment report, inclusive of specialist reports, an EMPr, and where applicable a closure plan, which have been subjected to a public participation process of at least 30 days and which reflects the incorporation of comments received, including any comments of the competent authority.”</p> <p>Should there be significant changes or new information that has been added to the BAR or EMPr which changes or information was not contained in the reports or plans consulted on during the initial public participation process, you are therefore required to comply with Regulation 19(b) of the NEMA EIA Regulations, 2014, as amended, which states:</p> <p><i>‘the applicant must, within 90 days of receipt of the application by the competent authority, submit to the competent authority –</i></p> <p>(b) a notification in writing that the basic assessment report, inclusive of specialist reports an EMPr, and where applicable, a closure plan, will be submitted within 140 days of receipt of the</p>	

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			<p>application by the competent authority, as significant changes have been made or significant new information has been added to the basic assessment report or EMPr or, where applicable, a closure plan, which changes or information was not contained in the reports or plans consulted on during the initial public participation process contemplated in sub regulation (1)(a) and that the revised reports or, EMPr or, where applicable, a closure plan will be subjected to another public participation process of at least 30 days".</p> <p>Should you fail to meet any of the timeframes stipulated in Regulation 19 of the NEMA EIA Regulations, 2014, as amended, your application will lapse.</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>	
EAP Team CES	19 August 2019	CES uploaded the HIA and PIA to SAHRIS, as required by the specialist input		See Appendix F for proof of the SAHRIS Upload.
Natasha Higgitt SAHRA	6 September 2019	SAHRA Interim Comment (1)	<p><i>Almond, J. E. 2018. Palaeontological specialist assessment: combined desktop and field-based study. Umsobomvu 1 Wind Energy Facility near Middelburg, Pixley ka Seme & Chris Hani District Municipalities, Northern and Eastern Cape.</i></p> <p>The report assessed the entire WEF inclusive of the infrastructure developments and wind turbines. The impacts of the proposed infrastructure footprint are not made clear in the report. The entire proposed</p>	<p>These comments were sent to the appointed Archaeological (Heritage) and Palaeontological Specialists to address. The specialists each provided cover letters in response to SAHRA's comments. Please see copies of these cover letters in Appendix F.</p> <p><u>Natura Viva cc (PIA) Cover Letter:</u></p>

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			<p>development area is underlain by the sediments of the Beaufort Group which include the Adelaide Subgroup and Katberg Formation which are known to contain fossils such as vertebrates, trace fossils and rarer vascular plant fossils. Several large vertebrate burrows were identified 100 m from the proposed access route. These formations are overlain by Late Caenozoic superficial deposits where no fossils were observed.</p> <p><i>Anderson, G. 2018. Heritage Survey of the Umsobomvu 1 Wind Energy Facility, Eastern and Northern Cape.</i></p> <p>The report assessed the entire WEF inclusive of the infrastructure developments and wind turbines. The impacts of the proposed infrastructure footprint are not made clear in the HIA. A total of 24 heritage resources were identified that include surface scatters of Stone Age lithics, rock art shelters, stone walls and historical structures.</p> <p>The SAHRA Archaeological, Palaeontological and Meteorites (APM) Unit requests that letters drafted by the appointed heritage specialists be submitted that clearly indicates the impact of the proposed infrastructure development, as per the current application, on identified heritage resources. It has not been made clear as to the impacts of the current proposed development on identified heritage resources. These letters must include maps of the identified heritage resources relative to the proposed infrastructure footprints as detailed in the dBAR and contain specific recommendations for the development. Further comments will be issued upon receipt of the above requested letters. The applicant is advised to extend the EA process in terms of section 19(1)b of the NEMA Regulations in order to comply with this comment.</p>	<p><i>"An initial combined desktop and field-based palaeontological heritage assessment of the original Umsobomvu Wind Energy Facility (WEF) near Middelburg, Eastern Cape, was submitted by Almond (2015). A palaeontological assessment for the revised Umsobomvu 1 WEF was subsequently submitted by Almond (2018). This second report, which addressed the specific infrastructure for the Umsobomvu 1 WEF, concluded that:</i></p> <ul style="list-style-type: none"> <i>• Due to (1) the general scarcity of fossil remains, especially in the upland areas where the majority of the infrastructure will be situated, (2) the moderately high levels of near-surface bedrock weathering and baking of sediments by dolerite intrusions, as well as (3) the extensive superficial sediment cover observed within most of the study area, the overall impact significance of the construction phase of the proposed alternative energy project is assessed as LOW.</i> <i>• Given the low impact significance of the proposed Umsobomvu 1 WEF near Middelburg as far as palaeontological heritage is concerned, no further specialist palaeontological heritage studies or mitigation are considered necessary for this project, pending the potential discovery or exposure of substantial new fossil remains during development. There are no objections on palaeontological heritage grounds to authorization of the amended WEF development."</i>

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				<p><i>"This letter is to confirm that these conclusions also apply to the revised infrastructure for the Umsobomvu 1 WEF, as depicted in the latest kmz files provided by EOH and addressed in the most recent report by Almond (2018). These infrastructural developments include the following components..."</i></p> <p><u>Umlando (HIA) Cover Letter:</u></p> <p><i>"Umlando undertook the heritage survey for the proposed Umsobomvu windfarm in 2013. Subsequent to the initial report the areas was divided into three aspects: Umsobomvu 1 WEF, Coleskop WEF and Eskom MTS. There has been a slight change to the original layout with the addition of the following features. This letter deals with the changes to the Umsobomvu 1 WEF:</i></p> <ul style="list-style-type: none"> <i>• Creating a new access point and upgrading existing jeep tracks and farm roads of approximately 5.7 km in length to create new access road routes. These roads will be expanded to 12 m in width during the construction phase and rehabilitated to 5 m in width during the operational phase;</i> <i>• The construction of two (2) concrete batching plants, temporary laydown areas and construction areas. Each will consist of a concrete and/or steel batching plant of approximately 11 250 m², a temporary laydown area of approximately 22 500 m² and a construction compound area of approximately 11 250 m². The combined</i>

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				<p>total area to be cleared for these two (2) concrete batching plants, temporary laydown areas and construction areas is approximately 90 000 m² (9 ha);</p> <ul style="list-style-type: none"> The construction of internal overhead lines with a 33 kV switching station of approximately 30 m x 30 m. The total area to be cleared for the switching station is approximately 900 m² (0.09 ha); and The construction of a collector substation of up to 100 m x 100 m (1 ha). <p><i>"These changes do not affect any of the sensitive areas and/or heritage sites recorded during then original survey. Fig 1 [see copy of letter, inclusive of map, in Appendix F] shows the new access road and batching plants. All heritage sites and their management is conditional in the EA and is also reiterated as part of the amendment. Some of this is specific to the approved access road and the batching plants, mini subs etc. Roads have not changed (in terms of specs) since the original EIA and specialist reports and were approved at 12m wide, rehabbed to 5m, and restricted in places by heritage and ecological constraints."</i></p>
EAP Team CES	9 September 2019	Notification of Final BAR Submission	Sent to all registered Stakeholders and I&APs.	See Appendix F for a copy of the notification.
Natasha Higgitt SAHRA	22 November 2019	SAHRA Interim Comment (2)	In an Interim Comment issued on 06/09/2019, SAHRA requested that letters drafted by the appointed heritage specialists be submitted that clearly indicates the impact of the proposed infrastructure development on identified heritage resources. These letters were to include maps of the identified heritage resources relative to the proposed	EAP Responses submitted to the DFFE on the 25th of November 2019 as the Final BAR had already been submitted to the DFFE in September 2019: Please find the second set of SAHRA Interim Comments attached for the abovementioned developments. Please note that the Palaeontological and Heritage

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			<p>infrastructure footprints as detailed in the dBAR and contain specific recommendations for the development.</p> <p>Since the issuing of the Interim Comment, letters from the specialists have been submitted.</p>	<p>Specialists have classified both the Coleskop and Umsobomvu Infrastructure Development sites as having sensitivity with low negative significance because the development layouts have avoided the identified (during the Coleskop WEF and Umsobomvu WEF assessments) sensitive Palaeontological and Heritage sensitive sites. However, the Specialists have stated that their mitigation measures provided in their assessments of the Coleskop WEF and Umsobomvu WEF sites (sites which include the Infrastructure Development Sites as well as a more extensive area) are relevant to the infrastructure developments to ensure that the impacts on these resources remain low/negligible.</p>
			<p><i>Almond, J. E. 2019. Palaeontological Heritage Resources Comment: Umsobomvu 1 Wind Energy Facility near Middelburg, Pixley ka Seme & Chris Hani District Municipalities, Northern and Eastern Cape (DEA Reference Number: 14/12/16/3/3/1/2040).</i></p> <p>The letter notes the change in the layout of the certain elements of the proposed development and states that the previous conclusions of the 2018 PIA will remain the same. No map of the palaeontological resources has been provided, such as the Lystrosaurus, vertebrate burrows, plant material and possible tetrapod tracks in relation to the amended development layout. Nor has an impact assessment been conducted.</p>	<p>EAP Responses submitted to the DFFE on the 25th of November 2019 as the Final BAR had already been submitted to the DFFE in September 2019: Please refer to APPENDIX: GPS LOCALITY DATA FOR NUMBERED SITES MENTIONED IN TEXT (Pages 74 to 77) of the Umsobomvu Palaeontological Assessment Report, submitted as part of the Umsobomvu Infrastructure Development Basic Assessment Report, for the coordinates of the identified sensitive Palaeontological Sites within the site. These have been mapped on Page 57. In addition, please refer to the Umsobomvu Palaeontological Opinion Letter which should be read with the Umsobomvu Palaeontological Assessment Report.</p>
			<p><i>Anderson, G. 2019. Umsobomvu WEF Layout Revision.</i></p>	<p>EAP Responses submitted to the DFFE on the 25th of November 2019 as the Final BAR had</p>

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			<p>The letter notes that changes in the layout of the certain elements of the proposed development and states that the previous conclusions of the 2018 HIA remain valid and that the amended layout will not affect any of the sensitive areas and/or heritage sites. No impact assessment has been conducted (i.e. instances where the author notes that the site is currently not affected, or if a road is built in the area etc) are not clear examples of impact assessments to heritage resources. Specific management measures, i.e. no-go buffer zones, monitoring and management procedures are expected to be provided here.</p>	<p>already been submitted to the DFFE in September 2019: Please refer to the Umsobomvu Heritage Survey Report. Page 21 includes the coordinates of all sensitive heritage features (mapped on Pages 16, 17 and 20) which were identified by the Heritage Specialist. In addition, the descriptions of these Heritage Features each include the (1) significance, (2) mitigation and the (3) SAHRA rating in the assessments on Pages 22 to 55.</p>
			<p>Interim Comment</p> <p>The provided letters have not fully addressed our initial concerns raised in the previously issued Interim Comment. The following outstanding issues must be addressed before further comments are provided:</p> <p>The PIA letter requires a map of identified palaeontological resources in relation to the proposed development layout and an impact assessment of the identified palaeontological resources.</p> <p>The HIA letter requires an assessment of the impact to the identified heritage resources, with specific recommendations for management of these impacts. Additionally, the map provided on page three must be revised to provide greater clarity on the location of the resource relative to the proposed development i.e. zoom insert maps.</p> <p>Additionally, the dBAR must be amended to include the above information.</p>	<p>EAP Responses submitted to the DFFE on the 25th of November 2019 as the Final BAR had already been submitted to the DFFE in September 2019: <i>"The Draft and Final BARs for the Coleskop Infrastructure Development and the Umsobomvu Infrastructure Development included Palaeontological and Heritage Specialist assessments, including the identification of impacts and suitable mitigation measures. Please kindly indicate whether or not this is necessary?"</i></p>

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			Further comments will be issued upon receipt of the above documents.	
EAP Team CES	9 September 2019	Notification of Final BAR Submission	Sent to all registered Stakeholders and I&APs.	See Appendix F for a copy of the notification.
EAP Team CES	11 February 2020	Notification of EA Refusal	Sent to all registered Stakeholders and I&APs.	See Appendix F for a copy of the notification.
EAP Team CES	6 May 2021	CES uploaded the Draft Amended Reports to SAHRIS		See Appendix F for proof of the SAHRIS Upload.
EAP Team CES	7 May 2021	Notification of Draft Amended BAR for Public Review - post	Sent to all registered Stakeholders and I&APs.	See Appendix F for a copy of the notification. The Draft Amended BAR was available for Public Review for a thirty (30) day period, from the 10 th of May until the 8 th of June 2021.
EAP Team CES	10 May 2021	Notification of Draft Amended BAR for Public Review - email		
Stakeholders and I&APs		DFFE Acknowledgement of receipt of Draft Amended BAR and responses to the notification		See Appendix F for copies of these emails.
John Geeringh Eskom	10 May 2021	Eskom Infrastructure	<p>Please find attached Eskom general requirements for works at or near Eskom infrastructure and servitudes should any of the proposed activities take place close to such infrastructure.</p> <p>Eskom requirements for work in or near Eskom servitudes.</p> <ol style="list-style-type: none"> 1. Eskom's rights and services must be acknowledged and respected at all times. 2. Eskom shall at all times retain unobstructed access to and egress from its servitudes. 3. Eskom's consent does not relieve the developer from obtaining the necessary statutory, landowner or municipal approvals. 	These Eskom requirements have been added to <u>Section 9.1: Recommendations</u> in <u>Chapter 9: Recommendations and Conclusions</u> of the Final Amended BAR as well as to <u>Section 5.2: BAR, Specialist and Stakeholder Mitigation and Management Measures</u> of <u>Chapter 5: Impact Management Actions</u> of the Final EMPr.

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			<p>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>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>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 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</p>	

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			<p>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 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 Note: Where and electrical outage is required, at least fourteen work days are required to arrange it.</p> <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.</p> <p>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.</p> <p>12. 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>13. Equipment shall be regarded electrically live and therefore dangerous at all times.</p> <p>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 occupied or frequented</p>	

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			<p>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>	
Bathandwa Ncube National DFFE (Case Officer)	3 June 2021	(a) Listed Activities	<p>1. Please ensure that all relevant listed activities are applied for, are specific and can be linked to the development activity or infrastructure as described in the project description. Only activities applicable to the development must be applied for and assessed.</p> <p>2. If the activities applied for in the application form differ from those mentioned in the final BAR, an amended application form must be submitted.</p> <p>3. It is imperative that the relevant authorities are continuously involved throughout the basic assessment process as the development property possibly falls within geographically designated areas in terms of numerous GN R. 985 Activities. Written comments must be obtained from the relevant authorities and submitted to this Department. In addition, a graphical representation of the proposed development within the respective geographical areas must be provided.</p>	<p>1. The listed activities applied for in the Updated Application Form (July 2021), attached to the Final Amended BAR submission, and the Final Amended BAR have been updated to remove the listed activities which were assessed and found to be "not relevant" to the development activities and to ensure that the listed activities in the Updated Application Form and the Final Amended BAR align.</p> <p>2. The Application Form has been updated and the Updated Application Form (July 2021) forms part of the Final Amended BAR submission.</p> <p>3. The PPP on the Draft Amended BAR has been undertaken in accordance with the approved Public Participation Plan. The Stakeholder and I&AP Database has been updated, since the version contained in the Public Participation</p>

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				<p>Plan, to include additional individuals as well as to remove those that requested to be removed in terms of POPIA. Please refer to <u>Section 5.5: Proof of Public Participation</u> for the updated Stakeholder and I&AP Database as well as <u>Appendix F: Proof of Public Participation</u>, the latter includes proof of comments received and attempts made to obtain comments from the relevant authorities.</p> <p>Please refer to <u>Appendix 7</u> in the Updated Application Form and <u>Chapter 7: Description of the Environment</u> in the Final Amended BAR for graphical representations of the proposed development within the respective geographical areas.</p>
		(b) Layout and Sensitivity Maps	<p>4. Please provide a layout map which indicates the following:</p> <ul style="list-style-type: none"> i. The proposed infrastructure which includes all supporting onsite infrastructure existing roads, new roads (if applicable), access points, route corridor, route alternatives etc.; ii. The proposed grid infrastructure overlain by the sensitivity map; iii. The location of sensitive environmental features on site e.g. CBAs, heritage sites, wetlands, drainage lines, surface water, nesting areas, heritage sites etc. that will be affected; iv. Buffer areas; and v. All “no-go” areas. <p>5. The layout map must be overlain by a sensitivity map <u>and</u> a cumulative map which shows neighbouring renewable energy developments and existing grid infrastructure.</p>	<p>4. Please refer to <u>Appendix H: DFFE Comment Maps</u> in the Final Amended BAR.</p> <p>5. Please refer to <u>Appendix H: DFFE Comment Maps</u> in the Final Amended BAR.</p> <p>* Please note that where map layers were not visible due to the amount of information requested to be included on the map, the information has been included in separate maps so that all requested layers are visible/distinguishable.</p>

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			<p>6. Additionally, please provide a map with the proposed infrastructure overlain with the approved infrastructure under the application for the Wind Farm i.e. 14/12/16/3/3/2/730.</p> <p>7. Google maps will not be accepted.</p>	<p>6. Please refer to <u>Appendix H: DFFE Comment Maps</u> in the Final Amended BAR, which contains the proposed infrastructure as well as the authorised infrastructure in terms of EA 14/12/16/3/3/2/730.</p> <p>7. The requested maps have been created using Quantum GIS. However, please note that the Heritage and Palaeontological Specialists created their maps using Google Earth. The specialist sensitivity layers have been added to the Sensitivity Map and mapped using GIS. Please also note that the corner point coordinates in the Final Amended EIR were depicted using Google Earth but the associated Layout Map was created using GIS.</p>
		(c) Specialist Assessments	<p>8. All specialist studies must be final, and provide detailed/practical mitigation measures for the preferred alternative and recommendations, and must not recommend further studies to be completed post EA.</p> <p>9. Should the appointed specialists specify contradicting recommendations, the EAP must clearly indicate the most reasonable recommendation and substantiate this with defensible reasons; and where necessary, include further expertise advice.</p>	<p>8. The specialist Cover Letter and Impact Assessments have been finalised. However, and with regards to further studies to be included post EA, the Ecological Specialist has recommended <i>“Ground-truthing of all the infrastructure areas prior to vegetation clearing. This must inform any minor re-alignments where appropriate”</i> and the Palaeontological Specialist has recommended a <i>“Chance Fossil Find Procedure”</i>, which is included as Appendix 1 of the Palaeontological Cover Letter and Impact Assessment.</p> <p>9. No contradictions in the specialist recommendations have been identified by the EAP Team.</p>
		(d) Public Participation Process	<p>10. Comments must be obtained from this Department’s Biodiversity Conservation directorate at BCAdmin@environment.gov.za.</p>	<p>10. Please refer to the correspondence between the EAP’s Team and the DFFE: Biodiversity and Conservation division in this table (the</p>

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				Comments and Response Report) as well as <u>Appendix F: Proof of Public Participation</u> in the Final Amended BAR.
			11. The Public Participation Process must be conducted in terms of the approved Public Participation Plan dated 05 October 2020.	11. The PPP has been undertaken in accordance with the approved Public Participation Plan. The Stakeholder and I&AP Database has been updated, since the version contained in the Public Participation Plan, to include additional individuals as well as to remove those that requested to be removed in terms of POPIA. Please refer to <u>Section 5.5: Proof of Public Participation</u> for the updated Stakeholder and I&AP Database as well as <u>Appendix F: Proof of Public Participation</u> .
			12. Please ensure that all issues raised and comments received during the circulation of the amended draft BAR from registered Interested and Affected Parties (I&APs) and organs of state, as listed in your I&APs Database, and others that have jurisdiction in respect of the proposed activity are adequately addressed and included in the final BAR. 13. Copies of original comments received from I&APs and organs of state, which have jurisdiction in respect of the proposed activity are submitted to the Department with the final BAR. 14. Proof of correspondence with the various stakeholders must be included in the final BAR. Should you be unable to obtain comments, proof should be submitted to the Department of the attempts that were made to obtain comments. In terms of Regulation 41(2)(b) of the EIA Regulations, 2014, as amended, please provide <u>proof</u> of written notice for the availability of the BAR for comment. 15. All issues raised and comments received during the circulation of the draft BAR from I&APs and organs of state	12. Please see this table, which is <u>Appendix G: Comments and Response Report</u> of the Final Amended BAR. In addition, please refer to <u>Section 5.5: Proof of Public Participation</u> for the updated Stakeholder and I&AP Database as well as <u>Appendix F: Proof of Public Participation</u> . 13. Please refer to <u>Appendix F: Proof of Public Participation</u> in the Final Amended BAR for copies of the original comments received from I&APs and organs of state. 14. Please refer to <u>Appendix F: Proof of Public Participation</u> in the Final Amended BAR for copies of the original comments received from I&APs and organs of state as well as proof of attempts made to obtain comments. 15. Please see this table, which is <u>Appendix G: Comments and Response Report</u> of the Final Amended BAR. 16. This Comments and Response Report (Appendix G/this table) is a separate report,

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			<p>which have jurisdiction in respect of the proposed activity are adequately addressed in the final BAR, including comments from this Department, and must be incorporated into a Comments and Response Report (CRR).</p> <p>16. The CCR must be a separate document from the main report and the format must be in the table format as indicated in <i>Annexure 1</i> of this comments letter.</p> <p>17. Comments must not be split into categories. Comments from each submission must be responded to individually.</p> <p>18. 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 an I&AP’s comments.</p>	<p>which includes the details requested in <i>Annexure 1</i> of the Department’s comments letter.</p> <p>17. Comments have been allocated “topics” according to headings in comment letters, but it must be noted that comments from each submission have been responded to individually.</p> <p>18. Comments have not been summarised and responses do not include terms such as “noted” or similar responses.</p>
			<p>19. Minutes and attendance registers (where applicable) of any physical/virtual meetings held by the Environmental Assessment Practitioner (EAP) with Interested and Affected Parties (I&APs) and other role players must be included in the final BAR.</p>	<p>19. No physical or virtual meetings were requested by registered Stakeholders or I&APs and no meetings were therefore held during the public review of the Draft Amended BAR.</p>
		(e) Environmental Management Programme	<p>20. The EMPr must include all recommendations and mitigation measures recorded in the BAR and the specialist studies conducted.</p>	<p>20. The Final EMPr includes the recommendations and mitigation measures which are included in the BAR and the specialist studies, as well as the stakeholder recommendations (where applicable).</p>
			<p>21. The EMPr must be developed in terms of Appendix 4 of the EIA Regulations, 2014 as amended and must include (but not limited to) the following plans and measures:</p> <ul style="list-style-type: none"> i. Re-vegetation and habitat rehabilitation; ii. Alien invasive management; iii. Stormwater management; iv. Emergency response; v. Fire management; and vi. Erosion Management. 	<p>21. The EMPr has been developed in accordance with Appendix 4 of the NEMA EIA Regulations. Please refer to Appendix E of the Final EMPr for the requested management plans and measures.</p>

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			22. The EMPr must distinguish between impact management actions and impact management outcomes.	Please refer to <u>Chapter 5: Impact Management Actions</u> and <u>Section 10.1: Impact Management Outcomes</u> of the Final EMPr.
			23. The EMPr must not contain any ambiguity. Where applicable, statements containing the word “should” or “may” are to be amended to “must”.	Where applicable, the Final EMPr has been updated to avoid ambiguity and to limit the use of terms such as “should” or “may”.
		General	<p>Please also ensure that the final BAR includes the period for which the Environmental Authorisation is required and the date on which the activity will be concluded as per Appendix 1(3)(1)(q) of the NEMA EIA Regulations, 2014, as amended.</p> <p>Should you fail to meet any of the timeframes stipulated in Regulation 19 of the NEMA EIA Regulations, 2014, as amended, your application will lapse.</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>	The Environmental Authorisation must be valid for a period of ten (10) years to allow time for bidding, as part of the Umsobomvu Wind Energy Facility, and construction. Once preferred bidder status has been received, the construction period will be between eighteen (18) and twenty-four (24) months.
Natasha Higgitt SAHRA (Case ID: 14224)	4 June 2021	[Background – previous BAR and specialist assessment submission in 2019]	<p>EOH Coastal and Environmental Services have been appointed by Umsobomvu Wind Power (Pty) Ltd to undertake an Environmental Authorisation (EA) Application for the proposed associated Infrastructure for the Umsobomvu Wind Facility, near Noupoot and Middelburg in the Eastern and Northern Cape Province.</p> <p>It is noted that the proposed development falls within two provinces. SAHRA has jurisdiction to provide comments for the Northern Cape Province only in terms of section 38 of the National Heritage Resources Act, Act 25 of 1999 (NHRA). Comments for the Eastern Cape portion of the development must be sought from the</p>	

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			<p>Eastern Cape Provincial Heritage Resources Authority (ECPHRA).</p> <p>A draft Basic Assessment Report (dBAR) has been submitted in terms of the National Environmental Management Act, No 107 of 1998 (NEMA) and the NEMA Environmental Impact Assessment (EIA) Regulations. The proposed development will include a new access point and amended access routes, two batching plants, internal overhead powerline with a 33kV switching station of 20 m x 20 m and a collector substation.</p> <p>Natura Viva cc and Umlando: Archaeological Surveys and Heritage Management were appointed to provide the heritage specialist component as part of the EA in terms of section 24(4)b(iii) of the NEMA and section 38(8) of the NHRA.</p> <p><i>Almond, J. E. 2018. Palaeontological specialist assessment: combined desktop and field-based study. Umsobomvu 1 Wind Energy Facility near Middelburg, Pixley ka Seme & Chris Hani District Municipalities, Northern and Eastern Cape.</i></p> <p>The report assessed the entire WEF inclusive of the infrastructure developments and wind turbines. The impacts of the proposed infrastructure footprint are not made clear in the report. The entire proposed development area is underlain by sediments of the Beaufort Group which include the Adelaide Subgroup and Katberg Formation which are known to contain fossils such as vertebrates, trace fossils and rarer vascular plant fossils. Several large vertebrate burrows were identified 100 m from the proposed access route. These formations are</p>	

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			<p>overlain by Late Caenozoic superficial deposits where no fossils were observed.</p> <p>Recommendations provided in the report include the following:</p> <ul style="list-style-type: none"> • During the construction phase all deeper (> 1 m) bedrock excavations should be monitored for fossil remains by the responsible ECO; • A Chance Fossil Finds Procedure is recommended; • These mitigation recommendations should be incorporated into the Construction Environmental Management Programme (EMPr) for the Umsobomvu 1 Wind Energy Facility. <p><i>Anderson, G. 2018. Heritage Survey of the Umsobomvu 1 Wind Energy Facility, Eastern and Northern Cape.</i></p> <p>The report assessed the entire WEF inclusive of the infrastructure developments and wind turbines. The impacts of the proposed infrastructure footprint are not made clear in the HIA. A total of 24 heritage resources were identified that include surface scatters of Stone Age lithics, rock art shelters, stone walls and historical structures.</p> <p>In an Interim Comment issued on 06/09/2019, SAHRA requested that letters drafted by the appointed heritage specialists be submitted that clearly indicates the impact of the proposed infrastructure development on identified heritage resources. These letters were to include maps of the identified heritage resources relative to the proposed infrastructure footprints as detailed in the dBAR and should contain specific recommendations for the development.</p>	

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			<p>Since the issuing of the Interim Comment, letters from the specialists have been submitted.</p> <p><i>Almond, J. E. 2019. Palaeontological Heritage Resources Comment: Umsobomvu 1 Wind Energy Facility near Middelburg, Pixley ka Seme & Chris Hani District Municipalities, Northern and Eastern Cape (DEA Reference Number: 14/12/16/3/3/1/2040).</i></p> <p>The letter notes the change in the layout of certain elements of the proposed development and states that the previous conclusions of the 2018 PIA will remain the same. No map of the palaeontological resources has been provided, such as the Lystrosaurus, vertebrate burrows, plant material and possible tetrapod tracks in relation to the amended development layout. Nor has an impact assessment been conducted.</p> <p><i>Anderson, G. 2019. Umsobomvu WEF Layout Revision.</i></p> <p>The letter notes that changes in the layout of certain elements of the proposed development and states that the previous conclusions of the 2018 HIA remain valid and that the amended layout will not affect any of the sensitive areas and/or heritage sites. No impact assessment has been conducted (i.e. instances where the author notes that the site is currently not affected, or if a road is built in the area etc) are not clear examples of impact assessments to heritage resources. Specific management measures, i.e. no-go buffer zones, monitoring and management procedures are expected to be provided here.</p>	

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			<p>In an Interim Comment issued on the 22/11/2019, SAHRA stated that the provided letters did not address the initial concerns raised in the previously issued Interim Comment.</p> <p>Since the issuing of the Interim Comment, SAHRA was notified that the EA application had been refused on 19/12/2019.</p>	
		[Background – Draft Amended BAR and updated specialist assessments submission in 2021]	<p>Since the refusal of the EA in 2019, an amended BAR has been submitted for comment, along with updated heritage assessments (06/05/2021).</p> <p><i>Almond, J. E. 2021. Palaeontological Heritage Assessment: Desktop Study. Ancillary infrastructure for the Umsobomvu 1 Wind Energy Facility near Middelburg, Pixley ka Seme & Chris Hani District Municipalities, Northern and Eastern Cape Provinces.</i></p> <p>The proposed development footprint is underlain by potentially fossiliferous Permo-Triassic sedimentary rocks of the Beaufort Group and the unfossiliferous Karoo Dolerite suite, which are overlain by Late Caenozoic superficial sediments of low palaeosensitivity. No fossil sites are located within the development footprint for the ancillary infrastructure. A Chance Fossil Finds Procedure is recommended to be implemented and is provided in the report.</p> <p><i>Anderson, G. 2021. Heritage Cover Letter and Impact Assessment: Umsobomvu WEF Layout Revision</i></p> <p>One heritage site will be impacted by the updated proposed development, namely the proposed road. This site is a surface scatter of Middle Stone Age lithics of low significance. This site is located in the Northern Cape</p>	

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			<p>Province. A permit application is required to mitigate the impact to the site.</p> <p>The updated BAR includes the following recommendations for heritage resources:</p> <ul style="list-style-type: none"> • A buffer zone of 50 m must be maintained around the site; • Monitoring of all substantial bedrock excavations for fossil remains by the ECO, with reporting of new palaeontological finds (notably fossil vertebrate bones and teeth) to ECPHRA (Eastern Cape) or SAHRA (Northern Cape) for possible specialist mitigation; • Should the proposed road upgrade affect the UMZ014 heritage site, a permit will be required prior to the commencement of the construction phase; • The necessary permit must be obtained from SAHRA prior to the commencement of vegetation clearing; and • The identified heritage site, any other identified heritage sites, must be monitored by an archaeologist during the construction phase. 	
		Final Comment	<p>The following comments are only relevant for the Northern Cape section of the proposed development.</p> <p>The following comments are made as a requirement in terms of section 3(4) of the NEMA Regulations and section 38(8) of the NHRA in the format provided in section 38(4) of the NHRA and must be included in the Final BAR and EMPr:</p>	<p>These SAHRA mitigation measures have been added to <u>Section 9.1: Recommendations</u> in <u>Chapter 9: Recommendations and Conclusions</u> of the Final Amended BAR as well as to <u>Section 5.2: BAR, Specialist and Stakeholder Mitigation and Management Measures</u> of <u>Chapter 5: Impact Management Actions</u> of the Final EMPr.</p> <p>A copy of this Final Amended BAR and the associated reports will be uploaded to the SAHRIS site under Case 14224. In addition, once</p>

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			<ul style="list-style-type: none"> 38(4)a – The SAHRA Archaeology, Palaeontology and Meteorites (APM) Unit has no objections to the proposed development; 38(4)b – The recommendations provided by the heritage specialists and BAR are supported and must be adhered to. Specific conditions are provided for the development as follows; A Monitoring report by the ECO on all substantial excavations must be submitted to SAHRA upon completion of the construction phase; Should it not be possible to avoid the identified heritage site, a permit in terms of section 35 of the NHRA and Chapter II and IV of the NHRA regulations must be applied for from SAHRA prior to the construction phase. No mitigation may occur without a permit issued in this regard; An archaeological monitoring report conducted by the appointed qualified archaeologist must be submitted to SAHRA upon completion of the construction phase; 38(4)c(i) – 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 as per section 35(3) of the NHRA. Non-compliance with section of the NHRA is an offense in terms of section 51(1)e of the NHRA and item 5 of the Schedule; 38(4)c(ii) – If unmarked human burials are uncovered, the SAHRA Burial Grounds and Graves 	a decision has been made by the DFFE, the decision will be uploaded to the SAHRIS site under Case 14224.

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			<p>(BGG) Unit (Thingahangwi Tshivhase/Mimi Seetelo 012 320 8490), must be alerted immediately as per section 36(6) of the NHRA. Non-compliance with section of the NHRA is an offense in terms of section 51(1)e of the NHRA and item 5 of the Schedule;</p> <ul style="list-style-type: none"> • 38(4)d – See section 51(1) of the NHRA; • 38(4)e – The following conditions apply with regards to the appointment of specialists: <ul style="list-style-type: none"> i) If heritage resources are uncovered during the course of the development, a professional archaeologist or palaeontologist, depending on the nature of the finds, must be contracted as soon as possible to inspect the heritage resource. 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; • The Final BAR and EMPr must be submitted to SAHRA for record purposes; • The decision regarding the EA Application must be communicated to SAHRA and uploaded to the SAHRIS Case application. 	
EAP Team CES	10 May 2021	Notification of Draft Amended BAR for Public Review - email	Sent to all registered Stakeholders and I&APs, including Mr Shonisani Munzhedzi and Mr Simon Malete from the DFFE Biodiversity Conservation division as included in the Stakeholder and I&AP Database in the approved Public Participation Plan.	See Appendix F for a copy of the notification. The Draft Amended BAR was available for Public Review for a thirty (30) day period, from the 10 th of May until the 8 th of June 2021.
BC Admin DFFE Biodiversity and Conservation	18 June 2021	Follow up email – sent to Mr Shonisani Munzhedzi, Mr Simon Malete as well as to BC Admin		Please see the notification of Draft Reports for Public Review in the email below, which was sent to Mr Shonisani Munzhedzi and Mr Simon Malete from the Biodiversity Conservation division on the 10th of May 2021. Please kindly let us know whether you have comments on the

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		[as per DFFE comment request]		<p>Coleskop Infrastructure Development (DFFE Reference No.: 14/12/16/3/3/1/2039) and the Umsobomvu Infrastructure Development (DFFE Reference No.: 14/12/16/3/3/1/2040) Draft Amended Basic Assessment Reports (BARs) which are available at http://www.cesnet.co.za/coleskop-umsobomvu-infrastructure-amended-ba?</p> <p>I have attached the Coleskop Infrastructure Development (DFFE Reference No.: 14/12/16/3/3/1/2039) comments, dated the 2nd of December 2019, which were submitted on the previous Final BAR and sent directly to the Department by the Biodiversity Conservation division. As mentioned, the attached comments were submitted directly to the Department and were not sent to CES until these were requested from the Case Officer during the Appeal on the 10th of March 2020. Please kindly let us know whether the same was submitted for Umsobomvu Infrastructure Development (DFFE Reference No.: 14/12/16/3/3/1/2040). In addition, please let us know whether further comments will be submitted prior to the finalisation of the Amended BARs?</p>
	28 June 2021	Follow up email – sent to Mr Shonisani Munzhedzi, Mr Simon Malete as well as to BC Admin [as per DFFE comment request]	Kindly note that the previous comments on the mentioned project are still valid.	I am following up on my email below. Please kindly let us know whether the Biodiversity Conservation division has any comments on the Coleskop Infrastructure Development (DFFE Reference No.: 14/12/16/3/3/1/2039) and the Umsobomvu Infrastructure Development (DFFE Reference No.: 14/12/16/3/3/1/2040) Draft Amended Basic Assessment Reports (BARs)?

STAKEHOLDER/ I&AP DETAILS	DATE	TOPIC	COMMENTS RECEIVED	EAP/SPECIALIST RESPONSES
	08 July 2021	Follow up email – requesting a copy of the previous comments submitted to the DFFE and any additional comments on the Draft Amended BAR.		Thank you for the feedback below. Would you please send us a copy of the comments which were previously submitted on the Umsobomvu Infrastructure Development (DFFE Reference No.: 14/12/16/3/3/1/2040)? The Case Officer sent us a copy of the comments which were submitted on the Coleskop Infrastructure Development (DFFE Reference No.: 14/12/16/3/3/1/2039) but we have not received a copy of the Umsobomvu Infrastructure comments.
	14 July 2021			I am following up on my email below, would you please send us a copy of the comments which were previously submitted on the Umsobomvu Infrastructure Development Final BAR (DFFE Reference No.: 14/12/16/3/3/1/2040)? These comments were previously submitted directly to the Department, subsequent to the submission of the Final BAR, and we have not received a copy. We would like to include these comments in the Final <i>Amended</i> BAR and update the EMPr to include your recommendations.
			<p>Our telephonic conversation refers.</p> <p>Kindly find the attached comments. Unfortunately, we do not have any records of the draft amended BAR but due to the new information in the draft report we will look at the draft amended BAR and provide you with comments latest Friday.</p> <p>The Directorate: Biodiversity Conservation reviewed and evaluated the Final Basic Assessment Report (FBAR) for the abovementioned project and its specialist studies within the Eastern and Northern Province and does not have any</p>	<p>Thank you for sending us the comments which were submitted on the previous Final BARs. As per the email thread below (10 May and 18 June), the Draft Amended BARs are available on the CES website: http://www.cesnet.co.za/coleskop-umsobomvu-infrastructure-amended-ba.</p> <p>Thank you. We will hold off submitting the Final Amended BARs until we have received feedback this Friday.</p>

STAKEHOLDER/ I&AP DETAILS	DATE	TOPIC	COMMENTS RECEIVED	EAP/SPECIALIST RESPONSES
			<p>objections to the proposed development. Therefore in order to achieve the overall biodiversity objective of minimising loss to biodiversity as possible the following recommendation must be adhered to:</p> <ul style="list-style-type: none"> • A final avifaunal walk through must be conducted prior to construction to ensure that all the avifaunal aspects have been adequately managed and to ground truth the final layout of all infrastructure; • Anti-collision devices such as bird flappers must be installed on all high risk sections of the powerline to forewarn birds of the risk; • All areas with habitat rich and high concentration of flora and fauna must be avoided; • The proposed development footprints must be surveyed during peak flowering season prior to construction; • Rescue operation of all listed species suitable for translocation within the development footprint that cannot be avoided must be conducted. Affected individuals must be translocated to a similar habitat outside the development footprint and marked for monitoring purposes; • All species listed in terms of TOPs and Red Data list must not be disturbed or removed without a permit from relevant authorities; • All disturbed, exposed earth and cleared areas must be rehabilitated with indigenous vegetation and topsoil from local area; • Concurrent rehabilitation and alien vegetation control program within all sensitive areas must be implemented; and • Alien invasive plant species in and around wetland areas must be removed in terms of Conservation of Agricultural Resources Act (CARA) and National 	

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			<p>Environmental Management Biodiversity Act (NEMBA) and follow up actions for at least five years need to take place.</p> <p>The proposed development must comply with all the requirements as outlines in the EIA guideline for renewable energy projects and the Best Practice Guideline for Birds and Wind Energy for assessing and monitoring the impact of wind energy facilities on birds in Southern Africa.</p>	
	19 July 2021			I am following up on the correspondence below. Please kindly let me know if you have updated and/or additional comments on the Draft Amended BARs?
	20 July 2021	Comment Letter	<p>Please find the attached revised FBAR comments for your further processing.</p> <p>The Directorate: Biodiversity Conservation reviewed and evaluated the revised Final Basic Assessment Report (FBAR) for the above-mentioned project and its specialist studies within the Eastern and Northern Cape Province. Based on the findings of the original and revised report the proposed Coleskop and Umsobomvu Infrastructure Development will not result in any VERY HIGH negative ecological impacts which could present a fatal flaw to the proposed development. Therefore, the Directorate does not have any objections to the proposed development and the comments dated 2 December 2019 still stands.</p> <p>NB: The Public Participation Process documents related to Biodiversity EIA for review and enquiries should be submitted to the Directorate: Biodiversity Conservation at Email: BCAdmin@environment.gov.za for attention of Mr. Seoka Lekota.</p>	

