



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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PER E-MAIL / MAIL

Dear Ms Strong

COMMENTS ON THE DRAFT SCOPING REPORT FOR THE PROPOSED 250 MW MARALLA EAST WIND ENERGY FACILITY SOUTH OF THE TOWN OF SUTHERLAND WITHIN THE LAINGSBURG AND KAROO HOOGLAND LOCAL MUNICIPALITIES IN THE WESTERN AND NORTHERN CAPE PROVINCES

The draft Scoping Report (SR) dated September 2016 and received by this Department on 16 September 2016 refers.

This Department has the following comments on the abovementioned application:

- i. Please ensure that all relevant listed activities are applied for, are specific and that it can be linked to the development activity or infrastructure as described in the project description.
- ii. If the activities applied for in the application form differ from those mentioned in the final SR, 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>.
- iii. Please ensure that the application form is signed by the applicant and that the land owner consent form has been signed.
- iv. It is noted that the development footprint falls across the Northern and Western Cape provinces. Please ensure that all the applicable activities have been identified and are included in the application form and will be assessed during the EIAr process.
- v. It is imperative that the relevant authorities are continuously involved throughout the EIAr 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.
- vi. The Environmental Assessment Practitioner provide additional information detailing the specifications of the proposed dangerous goods (GN R. 985 Activity 10) i.e. quantities, type of goods etc. In addition the impacts associated with this activity must be assessed.
- vii. The final SR must provide evidence that all identified and relevant competent authorities have been given an opportunity to comment on the proposed development; particularly the Square Kilometre Array South Africa, and the South African Astronomical Observatory.

- viii. The Public Participation Report must contain clear and legible copies of the newspaper adverts.
- ix. Please ensure that all issues raised and comments received during the circulation of the SR from registered I&APs and organs of state which have jurisdiction (including this Department's Biodiversity Section) in respect of the proposed development are adequately addressed in the Final SR. Proof of correspondence with the various stakeholders must be included in the Final SR. 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.
- x. A comments and response trail report (C&R) must be submitted with the final SR. The C&R report must incorporate all historical comments for this development. The C&R report must be a separate document from the main report and the format must be in the table format as indicated in Annexure 1 of this comments letter.
- xi. Please provide a description of any identified alternatives for the proposed activity that are feasible and reasonable, including the advantages and disadvantages that the proposed activity or alternatives will have on the environment and on the community that may be affected by the activity as per Appendix 2 of the EIA Regulations, 2014. Alternatively, you should submit written proof of an investigation and motivation if no reasonable or feasible alternatives exist in terms of Appendix 2.
- xii. 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.
- xiii. Where specialist studies are conducted in-house or by a specialist other than a suitably qualified specialist in the relevant field, such specialist reports must be peer reviewed by a suitably qualified external specialist in the relevant field. The terms of reference for the peer review must include:
 - A CV clearly showing expertise of the peer reviewer;
 - Acceptability of the terms of reference;
 - Is the methodology clearly explained and acceptable;
 - Evaluate the validity of the findings (review data evidence);
 - Discuss the suitability of the mitigation measures and recommendations;
 - Identify any shortcomings and mitigation measures to address the shortcomings;
 - Evaluate the appropriateness of the reference literature;
 - Indicate whether a site-inspection was carried out as part of the peer review; and
 - Indicate whether the article is well-written and easy to understand.
- xiv. Therefore, peer reviewers details must be included in the final scoping report for the following specialist reports: Noise specialist study, traffic specialist study, social study, soil, land capability specialist study and wetland specialist study.
- xv. It is noted that the property is affected by numerous watercourses and NFEPA wetlands, and that activities that may trigger Section 19 and Section 21 of the National Water Act No. 36 of 1998 were applied for/included in the application form. Please note that a separate hydrological impact assessment must be conducted to assess the impacts of the proposed development on the surface hydrology of the area. The terms of reference for the study must include, *inter alia* the following:
 - Identification and sensitivity rating of all surface water courses for the impact phase of the proposed development;
 - Identification, assessment of all potential impacts to the water courses and suggestion of mitigation measures; and,
 - Recommendations on the preferred placement of the parabolic troughs and all associated infrastructure and preference must be provided to the avoidance of the watercourses on the property.
- xvi. Due to the number of similar applications in the area, all the specialist assessments must include a cumulative environmental impact assessment for all identified and assessed impacts. The cumulative impact assessment must indicate the following:
 - 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.
- xvii. The terms of reference for the ecological assessment must also investigate the following:
- The property falls within the National Protection Areas Expansion Strategy Focus Area (NPAES). The ecological study must assess the impact on the proposed development on the integrity of the NPAES in the area.
 - Must indicate the location of both private and government nature protection areas in the area.
 - Must indicate and describe the competing land uses in the area.
- xviii. The Bat and Avifaunal specialist assessments must assess and make recommendations for definite measurements for the preferred hub heights and rotor diameter.
- xix. The final SR must investigate and identify all traffic impacts and geotechnical impacts associated with the proposed development.
- xx. The final Scoping Report must indicate all private and government nature protection areas in the area, including any Important Bird Areas.
- xxi. The final Scoping Report must indicate and describe the competing land uses in the area including the proposed project. This must further motivate the desirability of locating the wind energy facility at the preferred location.
- xxii. In accordance with Appendix 2 of the EIA Regulations 2014, the details of—
- (i) the EAP who prepared the report; and
 - (ii) the expertise of the EAP to carry out Scoping and Environmental Impact assessment procedures; must be submitted.
- xxiii. You are further reminded that the final SR to be submitted to this Department must comply with all the requirements in terms of the scope of assessment and content of Scoping reports in accordance with Appendix 2 and Regulation 21(1) of the EIA Regulations, 2014.
- xxiv. Further note that in terms of Regulation 45 of the EIA Regulations 2014, this application will lapse if the applicant fails to meet any of the timeframes prescribed in terms of the these Regulations, unless an extension has been granted in terms of Regulation 3(7).

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.

Yours faithfully



Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs
Signed by: Mr Coenrad Agenbach
Designation: Deputy Director: Strategic Infrastructure Developments
Date: 12/10/2016

cc:	J Nyker	BioTherm Energy (Pty) Ltd	Email: eiaadmin@biothermenergy.com
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Annexure 1

Format for Comments and Response Trail Report:

Date of comment, format of comment name of organisation/I&AP,	Comment	Response from EAP/Applicant/Specialist
27/01/2016 Email Department of Environmental Affairs: Strategic Infrastructure Development (John Soap)	Please record C&R trail report in this format Please update the contact details of the provincial environmental authority	EAP: (Noted)The C&R trail report has been updated into the desired format, see Appendix K EAP: Details of provincial authority have been updated, see page 16 of the Application form