



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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DEA Reference: 14/12/16/3/3/2/965

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PER E-MAIL / MAIL

Dear Ms Strong

COMMENTS ON THE DRAFT SCOPING REPORT FOR THE PROPOSED CONSTRUCTION OF THE 150 MW LETSOAI CONCENTRATED SOLAR POWER (CSP) 1 FACILITY AND ITS ASSOCIATED INFRASTRUCTURE ON THE FARM HARTEBEEST VLEI 86 WITHIN THE KHAI-MA LOCAL MUNICIPALITY, NORTHERN CAPE PROVINCE

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

This Department has the following comments on the abovementioned application:

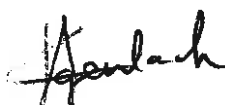
- i. Please ensure that all relevant listed activities are applied for, are specific and that it can be linked to the development activity or infrastructure as described in the project description.
- ii. If the activities applied for in the application form differ from those mentioned in the final SR, 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 all issues raised and comments received during the circulation of the draft SR 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 SR.
- iv. 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.
- v. 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.
- vi. 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.

- vii. 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.
- viii. 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.
- ix. Should there be 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.
- x. It is imperative that a reliable water source is secured for the success of this project. The Department requests that a non-binding water confirmation letter from the Department of Water and Sanitation form part of the stakeholders engagement report.
- xi. The water specialist study must evaluate water source alternatives for the facility and must assess the cumulative impacts of all similar type solar facilities on the property on water resources in the area. The Department also requests that alternatives in terms of water sources required for the development be assessed in detail.
- xii. A cumulative assessment must be undertaken for the sourcing of water as there are numerous other facilities in the region.
- xiii. The terms of reference of the Avifaunal Assessment to be conducted must include, *inter alia* the following:
 - Determine the impacts that the proposed activity (including the powerline) may have on avifauna;
 - Must cover at a minimum the summer and winter seasons;
 - The assessment must include mitigation measures to discourage the avifauna from entering the solar field as well and limit nesting and breeding grounds within the solar field.
 - The avifaunal specialist study must be expanded to include vantage point surveys as well as flight paths to consider how birds will move through the property. The study must also propose adequate mitigation measures to reduce the facilities impacts on avifauna frequenting the area.
 - Assess the cumulative impact on avifauna within the site and within the local area.
- xiv. An Agricultural Specialist Study must be conducted. The terms of reference for the study must include, *inter alia* the following:
 - Assessment of the loss of agricultural land;
 - The current state of agricultural activities on land;
 - The impact of the loss of agricultural land within the property as well as the cumulative impact of the loss of agricultural land on the site and within the area.
- xv. Scoping specialist studies, if applicable, must be submitted to the Department with the final SR.
- xvi. The specialist studies conducted must be specific to each of the sites applied for. The specialist must provide recommendations and mitigation measures specific to each site and the EAP must provide mitigation measures; an assessment and recommendations for each site as well as the cumulative impacts for each of the facilities.
- xvii. The final SR must include comments from Birdlife South Africa.
- xviii. This Department requires a cumulative impact assessment to be undertaken in the final SR to determine potential fatal flaws.

- xix. This Department requests the EAP to include the specialist consultants who will conduct the specialist assessments.
- xx. 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 short comings and mitigation measures to address the short comings;
 - 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.
- xxi. This Department requests the EAP to familiarise themselves with the requirements of Appendix 2 of GNR 982 of the EIA Regulations, 2014 and ensure that the final SR submitted to this Department for consideration meets the requirements in terms of identifying, assessing and providing mitigation measures of the impacts on the alternative and preferred sites.
- xxii. 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 1 (2) (e) and 3 (1) (h) (i) of GN R.982 of 2014. Alternatively, you should submit written proof of an investigation and motivation if no reasonable or feasible alternatives exist in terms of Appendix 1.
- xxiii. In accordance with Appendix 1 (3) (1) (a) 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.
- xxiv. 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.
- xxv. 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: 13/10/2016

cc:	Ms Jasandra Nyker	BioTherm Energy (Pty) Ltd	Email: eiaadmin@biothermenergy.com
	Ms D Makaudi	NC DENC	Email: tmakaudi@half.ncape.gov.za

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