

Comments and Responses Report – Retrospective Part 2 Environmental Authorisation Amendment Application: 75 MW Humansrus Photovoltaic (PV) 1 Solar Power Facility

Name	Department/ Farm/ Association	Date comment received	Method of comments submitted	Comments raised	Responses
Benjamin Kolberg	Groenwater Community Leadership	08-06-2023	Email	<p>Please be advised that Groenwater Community Leadership request a separate consultation at your convenient time.</p> <p>The attached photo reflects the previous engagement pertaining to any development in the Photovoltaic (PV) 1 Solar Power Facility.</p> <p>Our engagement is centred around graves within the facility.</p>	<p>09-06-2023: The EAP responded via email and confirmed receipt of the I&amp;APs comments.</p> <p>03-07-2023: The EAP responded via email and requested the I&amp;AP to provide formal comments (objections) to the Environmental Authorisation amendment application, in writing (email) for further engagement and response.</p> <p>Refer to final formal response below dated: 05-09-2023.</p>
Benjamin Kolberg	Groenwater Community Leadership	09-06-2023	Email	<p>Please don't be confused the Groenwater I am referring to is the Groenwater Stasie, there are two communities, the other Groenwater you have already invited them for consultation at Refentse Primary School.</p> <p>The Groenwater that I am referring is the Groenwater which belong to the traditional council.</p> <p>Please contact me on Monday so I can explain to you.</p>	<p>12-06-2023: The EAP responded via email and confirmed receipt of the I&amp;APs comments.</p> <p>03-07-2023: The EAP responded via email and requested that the I&amp;AP to provide formal comments (objections) to the Environmental Authorisation amendment application, in writing (email) for further engagement and response.</p> <p>Refer to final formal response below dated: 05-09-2023.</p>
Mr Sabelo Malaza; Nyiko Nkosi	Department of Forestry, Fisheries and the Environment	15-06-2023	Email	<p><b>COMMENTS ON THE DRAFT AMENDMENT REPORT FOR THE APPLICATION FOR AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION (EA) ISSUED ON THE 23 FEBRUARY 2012 AS AMENDED, FOR THE CONSTRUCTION OF THE 75 MW HUMANSRUS PHOTOVOLTAIC (PV) 1 SOLAR POWER FACILITY (REFERRED TO AS LESEDI POWER COMPANY) ON THE FARM HUMANSRUS (FARM 469) WITHIN THE TSANTSABANE LOCAL MUNICIPALITY, NORTHERN CAPE PROVINCE</b></p> <p><i>The Environmental Authorisation (EA) for the above-mentioned project dated 23 February 2012, the application for amendment of the EA and the draft amendment report received by the Department on 23 May 2023 and the acknowledgement letter dated 31 May 2023, refer.</i></p> <p><u><i>This letter serves to inform you that the following information must be included to the final Amendment Report:</i></u></p> <p><b>(a) Amendments applied for</b></p> <p>(i) The submitted application form and the amendment report are not specific with regard to the section of the EA that needs to be amended. You are therefore requested to amend the application form to specify the EA sections where the proposed amendments need to be reflected. For example, for the amendment that relates to the inclusion of the 22kV in the EA, you need to specify the section of the EA where this needs to be included, and it must be reflected as “from” and amended “to”.</p>	<p>Formal response drafted by the EAP dated 05-09-2023. as detailed below.</p> <p>Noted.</p> <p>(a)(i) The requested amendments have been made to the Application Form for Part 2 Environmental Authorisation Amendment. All revisions made in the Application Form are highlighted in yellow. The revised Application Form will be submitted to the Department together with the final Environmental Impact Assessment Report.</p> <p>(a)(ii) The requested clarification has been included in the Application Form for Environmental Authorisation amendment. The amended application form will be submitted to the Department together with the final Environmental Impact Assessment Report. It is required and requested for the Department to approve the</p>

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				<p>(ii) The Department has noted that the amended EMPr and layout have been submitted as part of the draft Motivational Report. However, you still need to indicate under the amendment applied for that you require the amended EMPr to be approved. Therefore, you are requested to clarify whether the EMPr to be submitted with the final Report requires the department's approval.</p> <p>(iii) As discussed during the pre-application meeting, you indicated that all these infrastructures applied for as part of the application for amendment of EA have already been built on-site, and it is in operation; the purpose of the request for amendment of the EA is for you to align the existing infrastructure with the authorised EA and to obtain retrospective EA amendment. You are therefore requested to reference this in all documentation related to the application for amendment of EA. This must also be included in the amended application form to be submitted.</p>	<p>amended OEMP and layout plan, as submitted together with the final Environmental Impact Assessment Report.</p> <p>(a)(iii) The requested reference to the retrospective Environmental Authorisation amendment has been included in the Application Form for Environmental Authorisation amendment as well as the final Environmental Impact Assessment Report. The amended application form will be submitted to the Department together with the final Environmental Impact Assessment Report.</p>
				<p><b>(b) Listed Activities</b></p> <p>(i) Kindly ensure that no new listed activities are triggered by the proposed amendments. The EAP is to ensure that all the amendments applied for does not trigger any listed or specified activity as outlined in Regulation 31 of the EIA Regulations, 2014 as amended.</p> <p>(ii) If there are new activities that are being triggered a new process must be followed. Also please be reminded that the onus is on the applicant to ensure that all relevant and applicable listed activities are considered and assessed before the commencement of any activities.</p>	<p>Noted. It has been confirmed that no new listed activities are triggered by the proposed amendments.</p>
				<p><b>(c) Certified copies of the EA</b></p> <p>The copies of the EA and EA amendment appended to the application form is not certified. You are requested to submit certified copies of the EA and its amendment with the final amendment report.</p>	<p>Certified copies of the previous Environmental Authorisations were included in the application form submitted to the Department. Please refer to Appendix 2. The Commissioner of Oaths stamps, dated 15 February 2023, can be found on each page of the Environmental Authorisation and Environmental Authorisation amendment.</p>
				<p><b>(d) Public Participation Process</b></p> <p>(i) The following information must be submitted with the final Amendment Report:</p> <p>a) A list of registered interested and affected parties as per Regulation 42 of the NEMA EIA Regulations, 2014, as amended;</p> <p>b) Copies of all comments received during the Draft Amendment Report comment period; and</p> <p>c) A <b>comment and response report</b> which contains all comments received and responses provided to all comments and issues raised during the public participation process for the Draft Amendment Report. Please note that comments received from this Department must also form part of the comment and response report.</p> <p>(ii) Please ensure that all issues raised, and comments received during the circulation of the Draft Amendment Report from registered I&amp;APs and organs of state which have jurisdiction (including this <b>Department's Biodiversity Section</b>) in respect of the proposed activity are adequately addressed in the final Amendment Report.</p> <p>(iii) Department's comments on the draft Amendment Report must also form part of comments and Response Report.</p>	<p>Noted. The requested information has been included in the final Environmental Impact Assessment Report.</p>

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				<p>(iv) Proof of correspondence with the various stakeholders must be included in the final Amendment Report. Should you be unable to obtain comments, proof should be submitted to the Department of the attempts that were made to obtain comments. The Public Participation Process must be conducted in terms of Regulation 39, 40, 41, 42, 43 &amp; 44 of the EIA Regulations 2014, as amended.</p> <p>(v) The final report must also indicate that this draft report has been subjected to a public participation process.</p>	
				<p><b>General:</b> Should you fail to meet any of the timeframes stipulated in Regulation 32 of the NEMA EIA Regulations, 2014, as amended, your application will lapse.</p>	Noted.
				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.	Noted. The Applicant takes note of this.
Daniel K Muller	Kgatelopele Business Community Contractors Forum	20-06-2023	Email	<p>Whilst we on this platform...</p> <p>Kindly take note that tacit reference to the Communal Property Association Act 28 of 1996.</p> <p>It is also our contestation in due consideration of the pending engagement talks to be reserved for the Director General as enhanced by SAHA.</p> <p>This is becoming increasingly vital to have pre-talks with all relevant stakeholders prior the abovementioned interactions.</p> <p>Earlier discussion prior your site establishment was running smoothly but evaporated in thin air ever since.</p> <p>We will not allow same this time around as this is exclusively a Heritage insist by which our ancestors calling for.</p> <p>We recommend that you and team render an alternative meeting date soonest... We will follow-up by the 27th of June 2023.</p> <p>Please spearhead your intent with the necessary vigour soonest...</p>	<p>03-07-2023: The EAP responded via email and requested that the I&amp;AP to provide formal comments (objections) to the Environmental Authorisation amendment application, in writing (email) for further engagement and response.</p> <p>Refer to final formal response below dated: 05-09-2023</p>
Natasha Higgitt	South African Heritage Resources Agency (SAHRA)	23-06-2023	Email	<p><b>Final Comment</b> <b>In terms of Section 38(4), 38(8) of the National Heritage Resources Act (Act 25 of 1999)</b> <u>Attention: Lesedi Power Company (Pty) Ltd.</u></p> <p><b>The Part 2 EA Amendment application has been lodged with the Department of Forestry, Fisheries and the Environment (DFFE) (the Competent Authority) in terms of the National Environmental Management Act (NEMA), 1998 (Act No. 107 of 1998), as amended, and the Environmental Impact Assessment (EIA) Regulations, 2014 (Regulations in terms of sections 24(5) and 44 of the NEMA,</b></p>	Formal response drafted by the EAP dated 05-09-2023 as detailed below.

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				<p>1998), as amended on 7 April 2017 and 11 June 2021. For this EA Amendment application, a Part 2 EA Amendment process will be conducted as there has been a change in scope of the EA for the Lesedi Power Company. The Applicant, Lesedi Power Company (Pty) Ltd., has appointed EARTHnSKY Environmental (Pty) Ltd. as the independent Environmental Assessment Practitioner (EAP) to facilitate the application process. The existing Lesedi Solar Power Facility is located 4 km southeast of the Groenwater settlement and 30 km east of Postmasburg in the Northern Cape. Construction of the Lesedi Solar Power Facility commenced in November 2012, within the EA validity period (August 2011 to August 2014) and is currently operational. Full operations of the Lesedi Solar Power Facility commenced on 21 May 2014 and the facility is expected to have an operational lifespan of around 25 years. The Applicant, is applying for various amendments to its existing EA (12/12/20/1903/1, dated 23 February 2012) issued for the 75 MW Humansrus Photovoltaic (PV) 1 Solar Power Facility (referred to as Lesedi Power Project).</p> <p>EarthnSky Environmental has been appointed by Oakleaf Investment Holdings 79 (RF)(Pty) Ltd (Trading as Lesedi Power Company) to conduct an Environmental Authorisation (EA) Amendment Application for the 75MW Humansrus PV 1 Solar Power Facility, near Metsimatala, Northern Cape Province (DFFE Ref: 2022-09-0038).</p> <p>The EA for the development was issued on the 29/08/2011 (12/12/20/1903/1). SAHRIS Case ID 1566 (<a href="https://sahris.sahra.org.za/cases/groenwater-solar">https://sahris.sahra.org.za/cases/groenwater-solar</a>) has reference. SAHRA issued a Final Comment on the 21/04/2011, noting no objections to the development and provided conditions (<a href="https://sahris.sahra.org.za/node/110321">https://sahris.sahra.org.za/node/110321</a>).</p> <p>A draft Amendment Report has been submitted in terms of the National Environmental Management Act, 1998 (NEMA) and the 2017 NEMA Environmental Impact Assessment (EIA) Regulations. The proposed amendments will include to amend the size and location of the substation, to include the above ground 22kv powerlines between the northern solar field and substation, to accommodate the temporary storage of up to 300 waste solar PV panels, to align the authorised development footprint with the farm boundary, to accommodate the overburden stockpile, to include three autonomous weather stations. It is noted that the development and the amendments has been constructed and is operational.</p> <p>Dr Gideon Groenewald and APelser Archaeological Consulting were appointed to provide heritage specialist input into the EA Amendment process as required by section 24(4)b(iii) of NEMA and section 38(8) of the National Heritage Resources Act, Act 25 of 1999 (NHRA).</p> <p><i>Groenewald, G. 2023. Desktop Palaeontological Assessment: Independent Review of existing PIA and Addendum Document/Letter with Palaeontology Impact</i></p>	

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				<p><i>Assessment: The Environmental Authorisation Amendment Application for the 75 Mw Humansrus Photovoltaic (PV) 1 Solar Power Facility (Referred to as Lesedi Power Company), Northern Cape.</i></p> <p>The report notes that the results of the original PIA are valid and relevant for the proposed amendments.</p> <p>Recommendations provided in the report include the following:</p> <ul style="list-style-type: none"> <li>• The on-site manager must be informed that significant areas are underlain by rocks with a very high sensitivity for palaeontological heritage. The areas not underlain by dolomite will have a moderate sensitivity for palaeontological heritage and no fossils are expected to be found after conclusion of the development; The project will require a formal "Chance Find Protocol" (attached to this report) that will have to be upgraded during the implementation phase of the project;</li> <li>• NOTE: It is the professional opinion of Dr Gideon Groenewald, accredited palaeontologist, that NO FURTHER mitigation is needed for Palaeontological Heritage at this site and that the operational activities of this project, as presently defined, will have no negative impact on Palaeontological Heritage, as long the recommendations of the Chance Find Protocol (attached) is adhered to;</li> <li>• Recommendations for palaeontological monitoring and mitigation will have to be incorporated into the EMPr for approval by the SAHRA.</li> </ul> <p><i>Pelser, A. 2023. RE: Desktop Independent Review and Addendum Document with Heritage Impact Assessment for the Environmental Authorisation Amendment Application for the 75 MW Humansrus Photovoltaic (PV) 1 Solar Power Facility (Referred to as Lesedi Power Company), Northern Cape</i></p> <p>The previously identified heritage sites have not been impacted by the construction of the development.</p> <p>Recommendations provided in the report include the following:</p> <ul style="list-style-type: none"> <li>• To avoid any possible negative future impacts on the known and recorded sites, however, it is furthermore recommended that the proposed mitigation measures related to the sites (more specifically the Humansrus Homestead, family graveyard and related sites) by strictly adhered to;</li> <li>• No maintenance activities may take place within 30m of these areas;</li> <li>• Consideration of the development of a Cultural Heritage Management Plan (CHMP) and / or Grave Site Management (as required by the Competent Authority) for archaeological, cultural heritage resources of significance and must be completed (if required for operational/maintenance activities).</li> <li>• Finally, based on all the evidence obtained during the desktop study and the information provided, it is therefore recommended that Exemption from undertaking any further Phase I Heritage Impact Assessments as part of this</li> </ul>	

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				<p>Part 2 EA Amendment Application for the proposed 75 MW Humansrus Photovoltaic (PV1) Solar Power Facility be granted to the Applicant.</p> <p><b>Final Comment</b>  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 Amendment Report and EMPr:</p> <ul style="list-style-type: none"> <li>• 38(4)a – The SAHRA Development Applications Unit (DAU) has no objections to the proposed development;</li> <li>• 38(4)b – The recommendations of the specialists and in the EMPr are supported and must be adhered to. Further additional specific conditions are provided for the development as follows:</li> <li>• The recommended CHMP must be developed and submitted to SAHRA within one year of the granting of the amendment;</li> <li>• 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 (Natasha Higgitt 021 202 8660/ nhiggitt@sahra.org.za) 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;</li> <li>• 38(4)c(ii) – If unmarked human burials are uncovered, the SAHRA DAU (Natasha Higgitt 021 2028660), 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;</li> <li>• 38(4)d – See section 51 of the NHRA regarding offences;</li> <li>• 38(4)e – The following conditions apply with regards to the appointment of specialists:</li> <li>• With reference to the mitigation work noted above, a qualified archaeologist must be appointed to undertake the work in terms of the permit applied for as noted above;</li> <li>• 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;</li> <li>• The Final Amendment Report and EMPr must be submitted to SAHRA for record purposes;</li> <li>• The decision regarding the EA Amendment Application must be communicated to SAHRA and uploaded to the SAHRIS Case application.</li> </ul> <p>Should you have any further queries, please contact the designated official using the case number quoted above in the case header.</p>	<p>Formal response drafted by the EAP dated 05-09-2023 as detailed below.</p> <ul style="list-style-type: none"> <li>• Noted.</li> <li>• Noted and agreed. The recommendations will be included in the final OEMP to be submitted to the DFFE for review and approval.</li> <li>• Noted and agreed. A CHMP and Graves Register has been developed (as attached in Annexure C of the OEMP) for the grave sites inside the South Site Solar PV Array area, and will be submitted to SAHRA.</li> <li>• Noted, this provision has been included in the OEMP.</li> <li>• Noted, this provision has been included in the OEMP.</li> <li>• Noted. The Applicant takes note of this.</li> <li>• Noted, this provision has been included in the OEMP.</li> <li>• Noted, this provision has been included in the OEMP.</li> <li>• Noted, the Final EIR and OEMP. will be submitted to SAHRA once finalised, as requested.</li> <li>• Noted, the Decision on the Amendment Application will be submitted to SAHRA once received from DFFE, as requested.</li> </ul>

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Jason Gerber	Solar Reserve South Africa (Jasper Power Plant)	26-06-2023	Email	We have no comments on the EIA report as these have no impact on the Jasper Power Plant operations, thank you.	07-07-2023: Formal response drafted and emailed by EAP confirming receipt of the I&APs comments which will be incorporated into the final report and the Comments and Responses Report.
Lizell Stroh	South African Civil Aviation Authority	26-06-2023	Email	<p>Good day Lizette, kindly find an extract from the CARS towards Obstacle for your respected information (Department of Transport Civil Aviation Act, 2009 (Act No. 13 of 2009) Twenty-Sixth Amendment of the Civil Aviation Regulations, 2023 was attached to the email).</p> <p>Kindly find links to the caa website, towards process and procedures to follow, with regards to Solar projects.</p> <p>Kindly note for SACAA Security reasons the provided link <a href="http://www.dropbox.com/sh/ey7b9gtcajyw6yi/AACbmW-VaquX0SIVFrk2-k6Wa?dl=0">www.dropbox.com/sh/ey7b9gtcajyw6yi/AACbmW-VaquX0SIVFrk2-k6Wa?dl=0</a> is not accessible.</p> <p>A Google Drive link was requested.</p>	<p>26-06-2023: Formal response drafted and emailed by EAP confirming receipt of the I&amp;APs comments. A Google Drive link with all of the reports for public review was sent by the EAP to the I&amp;AP via email on 04-07-2023.</p> <p>Formal response drafted by the EAP dated 04-08-2023 as detailed below:</p> <ul style="list-style-type: none"> <li>• Provided SACAA approval record for Humansrus Solar Power Facility (referred to as Lesedi) on 10-06-2012.</li> <li>• Made reference to South African Obstacle File (SOF 20230713.csv) which appears to indicate that the attached approval has been replaced.</li> <li>• Requested confirmation from SACAA on the way forward.</li> </ul> <p>No further comments have been received from SA CAA to date.</p>
Johan Gous		27-06-2023	WhatsApp	<p>Evening Lizette, at the moment I don't think it helps anymore to raise any objections to the projects. I don't think our objections were taken seriously at all in the past. What really worries me is the consumption of underground water for the energy project as well as the influence of the entire project on our climate. The influence on our temperatures as well as the influence on our rainfall. With the initial studies, we as an agricultural association expressed our concern about the above points, including the influence on bird life and the blinding effect of the mirrors on motorists because the project is so close to the road, but it feels to me that objections are just swept out of the way and projects steam ahead. Thanks for the opportunity to say something, Johan Gous, jhgous2@gmail.com</p>	<p>28-06-2023: Formal response drafted and sent via WhatsApp by EAP noting the following:</p> <ul style="list-style-type: none"> <li>• Confirming receipt of the I&amp;APs comments which will be responded to and incorporated into the final report and the Comments and Responses Report.</li> </ul> <p>Formal response drafted and sent via WhatsApp by EAP on 05-09-2023 noting the following:</p> <ul style="list-style-type: none"> <li>• Confirming incorporation of the I&amp;APs comments into the report and the Comments and Responses Report.</li> <li>• As the construction of the Lesedi Solar Power Facility has been completed and the Facility is operational, the EAP are unfortunately not able to provide additional responses to the concerns that the I&amp;AP has raised. The Applicant has however provided the following additional responses. <ul style="list-style-type: none"> <li>○ Lesedi does not extract any groundwater (there are no boreholes on the facility). Water is supplied by Sedibeng Water and water consumption during the operational phase is limited to washing solar panels (when needed), and for office use.</li> <li>○ Lesedi PV Solar Facility has a net positive impact on the environment as renewable energy displaces coal-fired electricity production, thereby reducing impacts of climate change.</li> <li>○ The comment on 'the blinding effect of the mirrors' is more relevant to the neighbouring CSP plant (under construction) as the matt finish on the solar PV panels does not promote reflection.</li> </ul> </li> <li>• The operation of the Facility is bound to the requirements of their Environmental Authorisation and approved Environmental Management Programme. Compliance to these two documents is also audited.</li> <li>• Any further complaints can, however, be submitted to the Facility or the DFFE for investigation.</li> </ul>

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Vincent Muila	Department of Mineral Resources and Energy	28-06-2023	Email	No objection with the proposed project	03-07-2023: Formal response drafted and sent via email by EAP noting the following: <ul style="list-style-type: none"> <li>Confirming receipt of the I&amp;APs comments which will be incorporated into the final report and the Comments and Responses Report.</li> </ul>
Mashudu Mudau	Department of Forestry, Fisheries and the Environment	29-06-2023	Email	<p>Good day Lizette.</p> <p>Thank you for the notification. You will receive information regarding the case officers for the project.</p> <p>However kindly note that the Directorate: Biodiversity and Conservation will not be able to provide comments within the stipulated dates, therefore we will follow the legislative timeframe of 30 days for PPP.</p> <p>I trust you find all in order</p>	19-07-23: Formal response drafted and emailed by EAP noting and agreeing with the comments.
Kamogelo Mathetja	Department of Forestry, Fisheries and the Environment	29-06-2023	Email	<p>Dear Sir/Madam</p> <p>DFFE Directorate: Biodiversity Conservation hereby acknowledge receipt of the invitation to review and comment on the project mentioned on the subject line. Kindly note that the project has been allocated to Mrs M Rabothata and Mr K Mathetja (Both copied on this email). In addition, kindly share the shapefiles of the development footprints/application site with the Case Officers.</p> <p>Please note: All Public Participation Process documents related to Biodiversity EIA review and any other Biodiversity EIA queries must be submitted to the Directorate: Biodiversity Conservation at Email: BCAdmin@environment.gov.za for attention of Mr Seoka Lekota</p>	03-07-2023: Formal response drafted and emailed by EAP supplying the respective shapefiles as requested by the DFFE Biodiversity Conservation Section.
Benjamin Kolberg	Groenwater Community Leadership	04-07-2023	Email	Noted, will do by the end of the week, although we are concerned that your facility has already been built without proper consultation. In fact as we speak everything should have been suspended so that we engaged the legal authority being the South African Heritage Resources agency. Your Client is in breach of section 38 environmental act (Nema).	Formal response drafted and emailed by EAP on 05-09-2023 detailing the following: <ul style="list-style-type: none"> <li>Acknowledgement of their comments and concerns raised.</li> <li>Responses to their respective comments as follows: <ul style="list-style-type: none"> <li>We refer to the initial Environmental Impact Assessment (EIA) process undertaken in terms of the National Environmental Management Act (Act 107 of 1998) (NEMA) for the proposed development of the solar facility with Environmental Authorisation (EA 12/12/20/1903) issued in terms of NEMA (dated 29/08/2011).</li> <li>During this EIA process, extensive Public Participation (PP) and stakeholder engagement process were undertaken in accordance with NEMA and the EIA Regulations as required. The Environmental Authorization (DEA Reference number 12/12/20/1903/1) confirms this by stating "sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements prescribed in the EIA Regulations, 2006 for public involvement".</li> <li>We further make specific reference to NEMA section 24(4)b(iii) which states "investigation, assessment and evaluation of the impact of any proposed listed or specified activity on any national estate referred to in section 3(2) of the National Heritage Resources Act (NHRA), 1999 (Act No.25 of 1999),</li> </ul> </li> </ul>
Benjamin Kolberg	Groenwater Community Leadership	04-07-2023	Email	I am sorry i wanted to refer to this clause that we were not consulted beforehand: SECTION 38 (1) AND SECTION 38 (8) As per Section 38 (1) (e) of the National Heritage Resources Act (NHRA), No. 25 of 1999, submission of the Notification of Intent to Develop (NID) must be initiated at the earliest stage of development. Should the development trigger any other legislation, practitioners are able to submit the NID to Heritage Northern Cape (NC) prior to formal submission to other statutory bodies in order to comply with the NHRA. The authority will determine if a heritage impact assessment (HIA) will be required. Section 38(8) of the NHRA states that if the development activities listed in Section 38(1) must be subjected to an environmental impact assessment (EIA) in terms of NEMA, separate HIA and approval from the relevant heritage resources authority is not required, provided that the environmental authority must:	



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				<p>1. Ensure that if the relevant heritage resources authority requires an HIA, the application fulfils the requirements of the heritage resources authority in terms of Section 38(3) of the NHRA, and</p> <p>2. The comments and recommendations of the relevant heritage resources authority have been considered prior to granting the environmental authority's consent.</p>	<p>excluding the national estate contemplated in section 3(2)(i)(vi) and(vii) of that Act;</p> <ul style="list-style-type: none"> <li>○ As well as the provisions and requirements of the NHRA, specifically Section 38 which requires a Heritage Impact Assessment (HIA) to be undertaken as required.</li> <li>○ A HIA was undertaken as part of the original EIA process. This assessment was undertaken by an independent specialist, Mrs. L. Webley (University of Cape Town) (dated 03/12/2010). The HIA report was included in the public participation process as well as in final EIA report and Environmental Management Programme (EMPr) which was submitted to the Department of Environmental Affairs (DEA) as well as to the South African Heritage Resources Agency (SAHRA) for review.</li> <li>○ SAHRA consent was issued (dated 21/04/11 and attached to this email as reference) concluded the following: "If the recommendations made in the specialist report and in this comment are adhered to, the SAHRA unit has no objection to the development in terms of archaeological component of heritage resources. If any new evidence of archaeological sites or artefacts, paleontological fossils, graves or other heritage resources are found during the development, construction or mining, SAHRA and a professional archaeologist must be alerted immediately".</li> <li>○ The recommendations made in the HIA and by SAHRA were included in the OEMP and Environmental Authorisation, as required;</li> <li>○ Compliance with the EA and OEMP were continuously assessed throughout the construction and operational phases by independent auditors and the Department of Environmental Affairs, as required;</li> <li>○ During the construction phase, unmarked graves within the solar field were discovered. A Heritage Specialist was notified immediately and on SAHRA's instructions the graves were fenced off and remain protected.</li> <li>○ As part of this Part 2 EA Amendment application process, a Heritage Review and Statement was undertaken by an independent specialist (Mr. Anton Pelsler, dated 0302/2023) and this report was also distributed for Public Participation and to DFFE and SAHRA for review and comment.</li> <li>○ SAHRA comments dated 23/06/23 concluded the following: <ul style="list-style-type: none"> <li>• 38(4)a – The SAHRA Development Applications Unit (DAU) has no objections to the proposed development;</li> <li>• 38(4)b – The recommendations of the specialists and in the EMPr are supported and must be adhered to. Further additional specific conditions are provided for the development as follows: <ul style="list-style-type: none"> <li>• The recommended CHMP must be developed and submitted to SAHRA within one year of the granting of the amendment;</li> <li>• 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 (Natasha Higgitt 021</li> </ul> </li> </ul> </li> </ul>

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					<p>202 8660/ <a href="mailto:nhiggitt@sahra.org.za">nhiggitt@sahra.org.za</a>) 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;</p> <ul style="list-style-type: none"> <li>• 38(4)c(ii) – If unmarked human burials are uncovered, the SAHRA DAU (Natasha Higgitt 021 2028660), 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;</li> <li>• 38(4)d – See section 51 of the NHRA regarding offences;</li> <li>• The Final Amendment Report and OEMP must be submitted to SAHRA for record purposes;</li> <li>• The decision regarding the EA Amendment Application must be communicated to SAHRA and uploaded to the SAHRIS Case application.</li> </ul> <ul style="list-style-type: none"> <li>○ The Applicant takes note of the comments raised by SAHRA and will comply with the requirements listed.</li> <li>○ Any final / additional comments made by DFFE and SAHRA will be included in the OEMP.</li> </ul> <p>Based on the information detailed above, together with the substantive supporting evidence on hand from the legislative processes undertaken during the original EIA and responding consents received from SAHRA, we are of the opinion that the requirements in terms of stakeholder engagement and compliance with the requirements of the NEMA, the EIA Regulations and the NHRA have been met and adhered to by the Applicant at all times.</p>
Mr Seoka Lekota	Department of Forestry, Fisheries and the Environment	25-07-2023	Email	<p><b>COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED PART 2 ENVIRONMENTAL AUTHORISATION AMENDMENT APPLICATION: 75 MW HUMANSRUS PHOTOVOLTAIC (PV) 1 SOLAR POWER FACILITY, NORTHERN CAPE</b></p> <p>The Directorate: Biodiversity Conservation reviewed and evaluated the report.</p> <p>Based on the information provided in the report, nationally and provincially protected plant species were observed on site. <i>Harpagophytum procumbens</i> subsp <i>procumbens</i> (devil's claw) could be present in the area that the site is situated in, although it was not recorded in walked transects at the time of the assessments. Furthermore, the site is situated in the Griqualand West Centre of Endemism (GWC). Lastly, the Groenwaterspruit and adjacent grasslands dominate the overhead powerlines area.</p> <p>Given the above, the Directorate Biodiversity Conservation support the proposed amendments with the following recommendations:</p> <ul style="list-style-type: none"> <li>• The protected species must be avoided as much as possible. However, in cases whereby avoiding is not possible, relevant permits from the relevant authorities must be obtained for any disturbance of such species.</li> </ul>	<p>Formal response drafted and emailed by EAP on 05-09-2023 detailing the following:</p> <ul style="list-style-type: none"> <li>• Acknowledgement of the Department's comments.</li> <li>• The Department to take note that the solar power facility is an existing facility. The operational phase commenced on 21 May 2014 and the estimated lifespan of the facility is up to 25 years.</li> <li>• An avifauna specialist (S. Todd) was commissioned during the pre-construction phase to review the proposed alignment and detailed design of the pylons and powerlines. The Corporate Environmental Specialist from Eskom (R. Kruger) confirmed in January 2013 that the structural design of the overhead powerlines <u>was considered safe, posed no significant risk to birds</u>, and complied with the Eskom Biodiversity Standard (32-815), as required in the Environmental Authorisation.</li> <li>• Bird flappers/diverters were installed on the overhead powerlines to deter flight collisions.</li> <li>• The Environmental Management Programme includes the monitoring of overhead powerlines for collision mortality of avi-fauna, as well as the maintenance of the existing bird flapper infrastructure on the overhead powerlines.</li> </ul>

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				<ul style="list-style-type: none"> <li>• Any disturbed areas on site must be rehabilitated with endemic plant species.</li> <li>• Watercourses and grasslands present suitable habitats for avifaunal species. With the proposed overhead powerlines, there's a risk of collision or electrocution for avifaunal species. Post-construction monitoring is recommended along with the installation of appropriate bird diverters to minimize the potential risk of collision trauma in birds.</li> <li>• The Avifaunal Monitoring Programme must comply with all the requirements as outlined in the Environmental Impact Assessment (EIA) guideline for renewable energy projects and the Best Practice Guideline for Birds &amp; Solar Energy for assessing and monitoring the impact of solar energy facilities on birds in Southern Africa.</li> </ul> <p>All Public Participation Process documents related to Biodiversity EIA review and any other Biodiversity EIA queries must be submitted to the Directorate: Biodiversity Conservation at Email: <a href="mailto:BCAdmin@environment.gov.za">BCAdmin@environment.gov.za</a> for attention of <b>Mr Seoka Lekota</b>.</p>	<ul style="list-style-type: none"> <li>• An Avifaunal Monitoring Programme was not a requirement of the Environmental Authorisation (12/12/20/1903/1) issued for the solar power facility as part of the original EIA process.</li> <li>• We have consulted an Avi-fauna specialists and it appears that the Environmental Impact Assessment (EIA) guideline for renewable energy projects was published in 2015 and was not yet in effect at the time that the original EIA was finalised for the solar power facility. The first EA was issued August 2011. The Best Practice Guideline for Birds &amp; Solar Energy for assessing and monitoring the impact of solar energy facilities on birds in Southern Africa was published in 2017 and was not yet in effect at the time that the original EIA was finalised for the solar power facility.</li> </ul>