

**APPENDIX E8**  
**COMMENTS & RESPONSES REPORT**



**HARMONY MOAB KHOTSONG SOLAR PV FACILITY LOCATED NEAR VIERFONTEIN, FREE STATE PROVINCE**  
**DESTEA Ref. No. EMB/11(i),12(ii)(a)(c),14,19,28(i)(ii),1,15,4(b)(i)(gg),10(b)(i)(gg)(hh),12(b)(i),14(ii)(a)(c)(b)(1)(hh)/22/39**  
**NEAS Ref Nr: FSP/EIA/0000481/2022**

**COMMENTS AND RESPONSES REPORT**

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Information regarding the Basic Assessment and Public Participation process for the proposed Harmony Moab Khotsong Solar PV as well as technical project details, was made available with the distribution of the Background Information Document (BID) on **Monday, 26 September 2022**. The BID served to invite Interested and Affected Parties (I&APs) to register their interest in the project and to submit any comments / queries that they might have. The cover letter accompanying the BID served to notify I&APs that the Basic Assessment (BA) Report is available for review and comment.

The BA Report was made available for a 30-day review and comment period from **Monday, 26 September 2022** to **Wednesday, 26 October 2022**. All written comments received on the BA Report have been included in this Comments and Responses Report (C&RR) which is being submitted with the final BA Report to the Department of Economic, Small Business Development, Tourism and Environmental Affairs for their acceptance.

The C&RR is included as **Appendix E8** as a separate document to the final BA Report.

**Note:** Comments received have been captured verbatim and have not been edited for typing or grammatical errors.

## LIST OF ABBREVIATIONS / ACRONYMS

APM	Archaeology, Palaeontology and Meteorites Unit	NEMA	National Environmental Management Act
BAR	Basic Assessment Report	SAHRA	South African Heritage Resources Agency
BGG	Burial Grounds and Graves	SAHRIS	South African Heritage Resources Information System
DESTEA	Department of Economic, Small Business Development, Tourism and Environmental Affairs	SANDF	South African National Defense Force
DWS	Department of Water and Sanitation	PV	Photovoltaic
EMPr	Environmental Management Programme	WUL	Water Use License
NHRA	National Heritage Resources Agency		

## 1 COMMENTS SUBMITTED DURING THE BASIC ASSESSMENT INITIATION AND BASIC ASSESSMENT REPORT COMMENTING PERIOD

### 1.1 Organs of State

No.	Comment	Raised by	Response
1.	<p>I confirm that the nodal point for your applications is: dfacmiem@gmail.com</p> <p>I am just one of various Stakeholders.</p> <p>We (Stakeholders for the DOD response) may not respond if the correct internal SANDF processes are not followed.</p> <p>You have also not attached any KML / KMZ files on any of the Harmony applications (Moab / One / Target / Joel), nor this one.</p>	<p>Lt Col Francois Strydom CMIS Division: Directorate CMI Static Systems Radio Spectrum &amp; Radio Facility Management SANDF</p> <p>E-mail: 26 September 2022</p>	<p>The internal nodal point process for applications to the SANDF was acknowledged.</p> <p>It was confirmed that Maj JR Kenny: Chief of Logistics (email address: dfacmiem@gmail.com) were notified of the application on 26 September 2022 (proof of correspondence included in <b>Appendix E6: Comments Received</b> of the final BAR).</p>
2.	<p>Your e-mail below is noted. The Moab Khotsong project will be commented on by my colleague as it is in her area.</p> <p>I propose that you send notification of projects to the Provincial Head (Dr Ntuli) at email address-ntulit@dws.gov.za so that they can be co-ordinated from there.</p>	<p>Boitumelo Melato DWS</p> <p>E-mail: 28 September 2022</p>	<p>The information provided was acknowledged and the relevant BAR was courier to the relevant Official (proof of correspondence included in <b>Appendix E6: Comments Received</b> of the final BAR).</p>
3.	<p>For Consultation with the DWS Free State Regional Office Upper Orange and Middle Vaal kindly send the documents as follows: Dr T Ntuli Provincial Head: Free State Department of Water and Sanitation Private Bag 528 Bloemfontein 9300 Attention: Director: RCE</p> <p>For courier the physical address is as follows: Dr T Ntuli</p>	<p>Sibo Mdhului Compliance Monitoring &amp; Enforcement DWS</p> <p>E-mail: 28 September 2022</p>	

No.	Comment	Raised by	Response
	<p>Provincial Head: Free State Department of Water and Sanitation 2nd Floor Bloem Plaza Building Cnr Charlotte Maxeke and East Burger Street Bloemfontein 9300 Attention: Director: RCE</p> <p>You may get clarity on all water use authorization and registration matters from Mr Vernon Blair Tel: +27(0) 51 405 9000 Cell: +27(0) 82 807 3552 E-mail: blairv@dwa.gov.za Kindly send both hardcopy and disc documents.</p>		
4.	<p>The Department of Water and Sanitation has no objection towards the proposed project on condition that the following is adhered to:</p> <ul style="list-style-type: none"> <li>• The applicant must ensure the storm water run-off has to be directed away from the site to ensure the separation of clean and dirty water.</li> <li>• No activities may take place, without the necessary authorisation from this Department, within a horizontal distance of 100 m from any watercourse or estuary or within a 500 m radius from a delineated boundary of any a wetland or pan.</li> <li>• The Plant should be sited, designed and managed so that the quality of surface and groundwater in the vicinity are not degraded by runoff, leaching or seepage from the site or waste utilization areas.</li> <li>• Zero discharge of contaminated surface water.</li> <li>• Monitoring must take place on a continuous basis to ensure the above.</li> </ul>	<p>George Nel DWS  Letter: 04 October 2022</p>	<p>Please refer to Objective 9 of <b>Appendix G</b> – Facility EMPR, where a requirement for a stormwater management plan is included. This requirement has been expanded to ensure that these conditions are also contained in the stormwater plan to be developed by the contractor prior to commencement of construction. In addition, the requirement towards appropriate water use authorization has also been included.</p> <p>A comprehensive storm water management has been recommended as part of the requirements for authorization to ensure that all freshwater systems are maintained. Please refer to <b>Appendix 9</b> of the Generic Substation and OHL EMPrs (attached to the final BAR as <b>Appendix G1 and G2</b>).</p>

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	<ul style="list-style-type: none"> <li>The storage of material, chemicals, fuels, etc. must not pose a risk to the surrounding environment and this includes surface and groundwater resources. Temporary bunds must also be constructed around chemical or fuel storage areas to contain possible spillages. Such storage areas must be located outside the 1:100 year floodline of a river and must be fenced to prevent unauthorised access into the area. The maintenance of vehicles and equipment used for any purpose during the prospecting activity will take place only in the maintenance yard area.</li> </ul>		<p>Please refer to Objective 14 of <b>Appendix G</b> – Facility EMPR, where these requirements have been incorporated verbatim.</p> <p>Please further refer to <b>Appendix G</b> – Generic substation EMPr: Section C – 8.3 (wetlands) where these requirements have been included verbatim.</p>
	<ul style="list-style-type: none"> <li>The applicant must comply with all the conditions of the National Water Act (Act 36 of 1998)(NWA).</li> </ul>		<p>Please refer to Objective 6 of <b>Appendix G</b> – Facility EMPR and <b>Appendix G</b> – Generic substation EMPr: Section C – 8.3 (wetlands), specifically for the requirement that all water use activities must have the necessary authorisation from the DWS under the National Water Act (Act 36 of 1998) (NWA).</p>
	<ul style="list-style-type: none"> <li>Registration of water uses under Section 21 of the NWA is compulsory.</li> </ul>		<p>Comment acknowledged. No further action required.</p>
	<ul style="list-style-type: none"> <li>The proposed operation must not contravene Government Notice 704 (4 June 1999, Vol. 408, No. 20119) regarding the 'Regulations on use of water for mining and related activities aimed at the protection of water resources', in terms of the NWA.</li> </ul>		<p>Comment acknowledged. No further action required.</p>
	<p>In terms of Section 22 of the NWA a person may only use water without a license:</p> <ul style="list-style-type: none"> <li>If that water use is permissible under Schedule 1.</li> <li>If that water use is permissible as a continuation of an existing lawful use.</li> <li>If that water use is permissible in terms of a General Authorisation issued under Section 39 of the NWA.</li> </ul>		<p>Comment acknowledged. No further action required.</p>
	<p>In terms of Section 4(1) of the NWA a person may use water from a water resource for purposes such as reasonable domestic use, domestic gardening, animal watering, firefighting and recreational use, as set out in Schedule 1.</p>		<p>Comment acknowledged. No further action required.</p>
	<p>To apply for authorisation and registration of water uses the responsible official can be contacted at the following address: Deputy Director: Water Use</p>		<p>The contact details for the application for a WUL, as provided, are acknowledged and no further action required.</p>

No.	Comment	Raised by	Response
	Attention: Mr. V Blair Private Bag 528, Bloemfontein, 9300 Telephone: 051 405 9000		
5.	The Department has no comments at the moment, therefore you may proceed compiling the final Basic Assessment Report. The final BAR should be submitted with 1 hard copy and a soft copy.  Please note that applied activity may not commence prior to an Environmental Authorisation been granted by this Department.	D Mokoena Case Officer DESTEA  Letter: 25 October 2022	The "no comments" are acknowledged and the requirements for the submission of the final BAR will be complied with.  The applicant is aware that no construction activities can be commenced without the required Environmental Authorisation been granted by the DESTEA.
6.	<p><b>Final Comment</b></p> <p>The following comments are made as a requirement in terms of 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> <ul style="list-style-type: none"> <li>• 38(4)a – The SAHRA Archaeology, Palaeontology and Meteorites (APM) Unit has no objections to the proposed development;</li> <li>• 38(4)b – The recommendations of the specialists are supported and must be adhered to. No further additional specific conditions are provided for the development;</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 APM Unit (Sityhgilelo Ngcatshat/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;</li> </ul>	Sityhilelo Ngcatsha Archaeology, Palaeontology, Meteorite Assistant SAHRA and Phillip Hine Manager: Archaeology, Palaeontology and Meteorites Unit  Letter: 07 November 2022	It is noted that the SAHRA Archaeology, Palaeontology and Meteorites (APM) Unit has no objections to the development of Moab Khotsong Solar PV Facility.  The recommendation made by SAHRA has been included in the EMPr ( <b>Appendix G</b> of the final BA Report).

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	<ul style="list-style-type: none"> <li>• 38(4)c(ii) – If unmarked human burials are uncovered, the SAHRA Burial Grounds and Graves (BGG) Unit (Thingahangwi Tshivhase/Ngqabutho Madida 012 320 8490), must be alerted immediately as per section 36(6) of the NHRA. Non-compliance with section of the NHRA is an offence in terms of section 51(1)e of the NHRA and item 5 of the Schedule;</li> </ul>		<p>The recommendation made by SAHRA has been included in the EMPr (<b>Appendix G</b> of the final BA Report).</p>
	<ul style="list-style-type: none"> <li>• 38(4)d – See section 51 of the NHRA regarding offences;</li> </ul>		<p>Section 51(1) of the NHRA regarding offences is noted. No further response is required.</p>
	<ul style="list-style-type: none"> <li>• 38(4)e – The following conditions apply with regards to the appointment of specialists:                             <ul style="list-style-type: none"> <li>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;</li> </ul> </li> </ul>		<p>The conditions with regards to the appointment of specialist is noted and has been included in the EMPr (<b>Appendix G</b> of the final BA Report).</p>
	<ul style="list-style-type: none"> <li>• The Final BAR must be submitted to SAHRA for record purposes;</li> </ul>		<p>The Final BAR will be uploaded to CaseID 19413 as requested.</p>
	<ul style="list-style-type: none"> <li>• The decision regarding the EA Application must be communicated to SAHRA and uploaded to the SAHRIS Case application.</li> </ul>		<p>The EA will be uploaded to CaseID 19413 once received.</p>