

APPENDIX C8
COMMENTS & RESPONSES REPORT



**HARMONY ONE PLANT SOLAR PV FACILITY, ASSOCIATED INFRASTRUCTURE AND ELECTRICAL GRID INFRASTRUCTURE LOCATED NEAR WELKOM, FREE STATE
PROVINCE**

**(DESTEA Reference No.: EMS/11(i), 12 (ii) (a) cc, 14, 19, 24 (ii), I, 15, 4 (b) (i) (gg), 12 (b) (i), 14 (ii) (a) (b) (i) (hh)/22/13
NEAS Ref No.: FSP/EIA/0000478/2022)**

COMMENTS AND RESPONSES REPORT

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Information regarding the Scoping and Environmental Impact Assessment (S&EIA) and Public Participation processes for the proposed Harmony One Plant Solar PV as well as technical project details, was made available with the distribution of the Background Information Document (BID) on **Wednesday, 24 August 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 Scoping Report is available for review and comment.

The Scoping Report was made available for a 30-day review and comment period from **Wednesday, 24 August 2022** to **Friday, 23 September 2022**. All written comments received on the Scoping Report have been included in this Comments and Responses Report (C&RR) which was submitted with the final Scoping Report to the Department of Economic, Small Business Development, Tourism and Environmental Affairs (DESTEA) for their acceptance.

The Environmental Impact Assessment Report (EIAR) was made available for a 30-day review and comment period from **Friday, 11 November 2022** to **Monday, 12 December 2022**. All written comments received on the EIAR been included in this Comments and Responses Report (C&RR) which will be submitted with the final EIAR to the DESTEA for decision-making.

The C&RR is included as **Appendix C8** as a separate document to the final EIAR.

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

NOTE:
In terms of Regulation 44(1) of the EIA Regulations 2014, as amended, please note that the comments raised, and responses provided at the various virtual Meetings held during the 30-day review period of the Scoping Report are attached as **Appendix C7** of the final EIAr.

LIST OF ABBREVIATIONS / ACRONYMS

APM	Archaeology Palaeontology & Meteorite Unit	EIAr	Environmental Impact Assessment Report
BGG	Burial Grounds and Graves	EMPr	Environmental Management Programme
CBA	Critical Biodiversity Area	FS	Free State
DESTEA	Department of Economic, Small Business Development, Tourism and Environmental Affairs	HC	Hard Copy
DWS	Department of Water and Sanitation	NHRA	National Heritage Resources Act
DALRRD	Department of Agriculture, Land Reform and Rural Development	NWA	National Water Act
DFFE BC	Department of Forestry, Fisheries and the Environment: Biodiversity Conservation Directorate	PHRA	Provincial Heritage Resources Agency
EA	Environmental Authorisation	SAHRA	South African Heritage Resources Agency
EAP	Environmental Assessment Practitioner	SAHRIS	South African Heritage Information System
EIA	Environmental Impact Assessment		

1 COMMENTS RECEIVED DURING THE ENVIRONMENTAL IMPACT ASSESSMENT REPORT COMMENTING PERIOD

1.1 Organs of State

No.	Comment	Raised by	Response
1.	As per your email of the 11 November 2022, I have noted that the farms that you are talking about belongs to the mine so in this instance it will be of great idea to communicate with them. For any clarity please contact Me.	Makwadi Moloji FS: DALRRD E-mail: 21 November 2022	The Applicant for this application is Freegold Harmony (Pty) (a subsidiary of Harmony Gold Mining Company Ltd). It can be confirmed that the EAP and public participation consultant are in consultation with the Applicant.
2.	<p>Final Comment</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 EIA and EMPr:</p> <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 of the specialists are supported and must be adhered to. Further additional specific conditions are provided for the development as follows: <ul style="list-style-type: none"> If site HM4 cannot be avoided in the course of development, a destruction permit must be applied for from the Free State PHRA. 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 (Sityhilelo Ngcatsha/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; 	<p>Sityhilelo Ngcatsha Archaeology, Palaeontology, Meteorite Assistant SAHRA</p> <p>Letter: 09 December 2022</p>	<p>It is noted that the SAHRA Archaeology, Palaeontology and Meteorites (APM) Unit has no objections to the development of Harmony One Plant Solar PV Facility.</p> <p>Comment acknowledged. The recommendations of specialists are supported. The applicant will be advised to apply for a destruction permit from the Free State PHRA if site HM4 cannot be avoided. However, the current footprint has been designed to avoid this heritage site.</p> <p>The recommendation made by SAHRA has been included in the EMPr (Appendix J of the final EIA Report).</p>

No.	Comment	Raised by	Response
	<ul style="list-style-type: none"> <li data-bbox="174 277 968 483">• 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 data-bbox="174 483 968 581">• 38(4)d – See section 51 of the NHRA regarding offences; <li data-bbox="174 581 968 984">• 38(4)e – The following conditions apply with regards to the appointment of specialists: <ul style="list-style-type: none"> <li data-bbox="226 651 968 748">• 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 data-bbox="226 748 968 984">• 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 data-bbox="174 984 968 1146">• The Final EIA 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. 		<p data-bbox="1268 277 1990 483">The recommendation made by SAHRA has been included in the EMPr (Appendix J of the final EIA Report).</p> <p data-bbox="1268 483 1990 581">Section 51(1) of the NHRA regarding offences is noted. No further response is required.</p> <p data-bbox="1268 581 1990 984">The conditions with regards to the appointment of specialist is noted and has been included in the EMPr (Appendix J of the final EIA Report).</p> <p data-bbox="1268 984 1990 1146">The final EIAR and EMPr will be uploaded onto SAHRIS CaseID 19408. Once the EA has been issued, the EA will be uploaded onto SAHRIS CaseID 19408.</p>
3.	1. It is indicated that grid connection power lines will be situated approximately 50m from the edge of the Witpan [Witpan] Dam. Please note that this Department does not allow any activity within a 500-metre radius of a wetland therefore a Water Use License will be required for Section 21 (c) & 21(i) which are respectively defined as "impeding or diverting the flow of water in a watercourse" and	M Makhura Case Officer DWS (Ref No.: 16/2/7/C404/D1)	This comment may refer to the alternative layout originally considered within the specialist reports. The preferred layout as considered in the EIAR indicates that the grid connection power line is located within 300m of the Witpan Dam. It has been acknowledged that it is still within a 500-metre radius of a wetland, and therefore a Water Use License will be required for

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	"altering the bed, banks, course or characteristics of a watercourse under the National Water Act (NWA).	Letter: 09 December 2022	Section 21 (c) & 21(i). A WUL application has been initiated with the Department of Water and Sanitation, and a RAM is being prepared to consider the risk of infrastructure within 500m of any water resource.
2.	It is noted that the water that will be required for both construction and operation will be sourced directly from the Mine. However should the applicant intent to drill a borehole as additional source of water an application for section 21(a) water use will be required.		The Applicant is not currently intending to drill a borehole as additional source of water. However, should this change, the applicant is aware that an application for a Section 21(a) water use would be required.
3.	Storm water must be managed and channelled effectively also the details of the storm water management plan must be forwarded to the Local Municipality for approval.		Objective 5 of Appendix J – Facility EMPR includes a requirement for a stormwater management plan. This requirement has been expanded to ensure that these conditions are also contained in the stormwater management plan to be developed by the contractor prior to commencement of construction.
4.	It is important to note that responsibility rests with the applicant to ensure that the necessary authorisations required for undertaking any water uses as listed under Section 21 of the NWA are timeously applied for.		The responsibility and requirement relating to the requirements of the National Water Act have been detailed, as required in the EIAR and EMPR. The need to comply with the requirements of the NWA has been communicated to the Applicant.
5.	Notwithstanding the above, the responsibility rests with the applicant to identify any sources or potential sources of pollution from his undertaking and to take appropriate measures to prevent any pollution of the environment. Failure to comply with the requirements of the National Water Act, 1998 (Act 36 of 1998) could lead to legal action being instituted against the applicant.		
6.	In case of leakages or spillages of hydrocarbons this Department must be informed within 24 hours and immediate clean-up procedure must be conducted as stipulated in section 19 of the National Water Act; (Act 36 of 1998), any clean-up of the contaminants must be disposed of in a permitted hazardous landfill site and remediation report for the clean-up measures must be sent to the Department for comments before implementation.		

No.	Comment	Raised by	Response
	<p>7. In cases where the applicant intent to construct any underground installations (e.g., batteries), the applicant is required to provide this Department with any information regarding any underground installation. The applicant must also ensure to put measures to minimize the potential for leakage and contamination of water resources.</p> <p>The applicant must ensure that all hazardous and domestic waste generated is disposed of at a licensed landfill site. A signed copy of service agreement shall be submitted to this Department to demonstrate that indeed provision will be made to render such services.</p> <p>In conclusion it is recommended that the applicant should, at all times, take note of the pollution control provisions of the Section 19 (1) of the National Water Act 1998, which states that: <i>19 (1) An owner of land, a person in control of land or a person who occupies or uses the land on which —</i> <i>(a) any activity or process is or performed or undertaken; or</i> <i>(b) any other situation exists which causes, has caused or is likely to cause pollution of a water resource, must take all reasonable measures to prevent any such pollution of a water resource, from occurring, continuing, or recurring.</i></p> <p>The applicant is also requested to inform the DWS of any incidents that are likely to have a pollution impact on water resources in relation to the proposed activity, within 24 hours of the occurrence of such incidents</p>		<p>Objective 12 and Objective 13 of Appendix J – Facility EMPr, includes the appropriate measures for handling, management and storage of waste. This requirement has been expanded to ensure that these conditions are also contained in the waste management plan to be developed by the contractor prior to commencement of construction.</p> <p>The responsibility and requirement relating to the requirements of the National Water Act have been detailed, as required in the EIAR and EMPr. The need to comply with the requirements of the NWA has been communicated to the Applicant.</p>
4.	<p>This office has evaluated the above-mentioned document and the comments that have been sent to your office dated 20 September 2022 still applies.</p>	<p>B Melato Case Officer DWS (Ref.No.: 16/2/7/C404/D1/3</p>	<p>It is acknowledged that the case officer has no additional comments further to those comments provide in the Scoping Phase.</p>

No.	Comment	Raised by	Response
		Letter: 12 December 2022	The responses provided to the comments dated 20 September 2022 under section 2.1, comment number 2 below have reference.
5.	After the review on the draft Environmental Impact Assessment Report (Draft EIAR) for the above mentioned-development, the Department does not have any comments. Therefore, the applicant may continue to submit the final EIAR.	Boipelo Mogorosi Case Officer DESTEA Letter: 14 December 2022	It is acknowledged that the DESTEA has no comment on the EIAR.
6.	<p>Based on the information provided in the report, the site falls within the Vaal-Vet Sandy Grassland (EN) vegetation type. However, the vegetation type is currently heavily affected by extensive transformation of agriculture, urban expansion and mining operations. Areas identified as Critical Biodiversity Area (CBA 1) represent remnant patches of the natural threatened Vaal-Vet Sandy Grassland which would therefore be regarded as being of very high conservation value. Large portions of the site have been completely transformed while significant disturbance is also present. The following were noted:</p> <p>Despite the largely transformed condition of the site, fairly large areas of remaining natural grassland are also still present, and these areas clearly have a high conservation value, The development footprint encroaching into the CBA 1 with very high and high sensitivity must be moved away from the development or be placed on heavily disturbed areas and must be completely avoided by any associated activities.</p> <p>The grid connection corridor is located within CBA1 areas. Linear activities, such as electricity lines, are generally permitted within CBA's, however, disturbance must be minimal.</p> <p>The natural pan wetlands in the north western portion of the site provide a higher abundance of resources and are also able to sustain a diverse</p>	<p>M Rabothata Case Officer DFFE: BC Letter: 15 December 2022</p>	<p>The preferred development footprint (indicated with orange shading in the sensitivity map in Figures 2 & 9.1 of the Final EIA Report) does not encroach in the CBA1 areas (as indicated in red shading on the sensitivity maps). The northern portion of the development area (comprising Vaal-Vet Sandy Grassland and CBA1 rating) has been excluded entirely from the preferred development footprint and the necessary mitigation implemented to ensure no indirect impacts affect the sensitive habitats (refer to Chapters 7 and 9 of the Final EIA Report).</p> <p>The Department's position that the grid corridor (i.e. linear activities) are permitted to encroach on CBA1 areas with minimal disturbance has been noted. Mitigation measures are provided in the EMPr attached as Appendix J to the final EIA report.</p> <p>The preferred PV development footprint indicate that all wetland areas are avoided and excluded. The preferred layout</p>

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	<p>and large mammal population. These wetland areas must be avoided and excluded from development.</p>		<p>as considered in the EIAR indicates that the grid connection power line is located within 300m of the Witpan Dam. It has been acknowledged that it is still within a 500-metre radius of a wetland, and therefore a Water Use License will be required for Section 21 (c) & 21(i). A WUL application has been initiated with the Department of Water and Sanitation, and a RAM is being prepared to consider the risk of infrastructure within 500m of any water resource.</p>
	<p>A grid connection powerline situated adjacent to the Witpan, an exceedingly large pan system located along the north eastern border of the site may however still have some impact on it. It is recommended that an appropriate buffer be established around medium sensitive habitats (i.e. Pans and Wetlands.)</p>		<p>This comment may refer to the alternative layout originally considered within the specialist reports. The preferred layout as considered in the EIAR indicates that the grid connection power line is located within 300m of the Witpan Dam. It has been acknowledged that it is still within a 500-metre radius of a wetland, and therefore a Water Use License will be required for Section 21 (c) & 21(i). A WUL application has been initiated with the Department of Water and Sanitation, and a RAM is being prepared to consider the risk of infrastructure within 500m of any water resource.</p>
	<p>The total number of 88 bird species were observed on the study area. Approximately 11 threatened or near threatened species is known to be present in the wider study area with only three species recorded on the study area. However, a large percentage of the species recorded in the study area was represented by waterbirds and shorebird taxa. It is recommended that suitable bird repelling structures and bird diverters be considered to avoid collision of birds with the power line.</p>		<p>Mitigation measures (including recommendations to use suitable bird diverters) are included in the EMPr attached as Appendix J to the final EIA report.</p>
	<p>Therefore, the development may proceed to the next final stage of the EIA process provided the recommendations mentioned above and detailed in the report are adhered to and be considered in the final report.</p>		<p>The recommendations of the Department have been considered through the EIA process. The northern portion of the development area (comprising Vaal-Vet Sandy Grassland and CBA1 rating) has been excluded entirely from the preferred development footprint and the necessary mitigation implemented to ensure no indirect impacts affect the sensitive habitats (refer to Chapters 7 and 9 of the Final EIA Report). The</p>
	<p>The final report 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 & Solar Energy for</p>		

No.	Comment	Raised by	Response
	assessing and monitoring the impact of solar energy facilities on birds in Southern Africa.		EIA process conducted complied with the EIA Regulations, 2014, as amended and the Best Practice Guideline for Birds and Solar Energy.
	In conclusion, please note that 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 .		All Public Participation Process documents related to Biodiversity EIA review and any other Biodiversity EIA are submitted as requested.

2 COMMENTS RECEIVED DURING THE SCOPING REPORT COMMENTING PERIOD

2.1 Organs of State

No.	Comment	Raised by	Response
1.	<p>Your e-mail below is noted. Kindly send a hard copy of the scoping reports to this office for comments. The documents must be addressed as follows:</p> <p>Attention: Dr T Ntuli Department of Water and Sanitation Corner Charlotte Maxeke and East Burger 2nd Floor: Bloem Plaza Building Bloemfontein</p>	<p>Boitumelo Melato Administrator DWS</p> <p>E-mail: 31 August 2022</p>	<p>The request for a HC of the Scoping Report was acknowledged and the HC of the Scoping Report was courier on 28 August 2022 (proof included in Appendix C4: OoS Correspondence).</p>
2.	<p>This office has evaluated the Draft Scoping Report and the comments are as follows.</p> <ul style="list-style-type: none"> The applicant must take note that any development within 500m from the boundary of any wetland requires to be authorised according to the Department's regulation. The authorisation must be obtained prior commencement of the project. The applicant must clearly state where water for this project will be obtained from and for which stages of the project will it be used. The volumes of water to used must be clearly stated. Soil and stormwater management must be put in place through all stages of the project. All sections of the National Environmental Act: Waste Act (Act 59 of 2008) pertaining to the disposal of waste must be adhered to. All fuel and lubricants must be stored in sealed containers at least 100m from the nearest water course and all reasonable precautions must be taken to prevent any possible pollution. 	<p>Letter: 20 September 2022</p>	<p>The comment has been noted, where applicable the applicant will proceed with obtaining a water use license or general authorization from DWS for any infringement within regulated areas.</p> <p>Water for construction purposes will be sourced from the Target mining facility, elements such as dust suppression will fall within the scope</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</p> <p>The recommendations will be included within the Environmental Management Programme (EMPr) for the project.</p>

No.	Comment	Raised by	Response
	<ul style="list-style-type: none"> Sanitary conveniences which causes or is likely to cause pollution of a water resource should not be located within the 1:50 year flood line or 100m of any watercourse or borehole. The applicant shall further note that in terms of Section 19(1) of the National Water Act: Act 36 of 1998 it is stated that: An owner of land, a person in control of land or a person who occupies or uses the land on which — (a) any activity or process is or was performed or undertaken, or (b) any other situation exists, which causes, has caused or likely to cause pollution to a water resource must take all reasonable measures to prevent any such pollution from occurring, continuing or recurring". Therefore, any pollution incident(s) originating from this project shall be reported to Department of Water Sanitation: Free State Operations within 24 hours. All the commitments stipulated in the various parts of this report must be adhered to and any deviations must be reported to this Department. Further comments, if any, will be provided during the Environmental Impact Assessment process. 		<p>The recommendations will be included within the Environmental Management Programme (EMPr) for the project.</p> <p>All processes as stated in the Scoping Report, and in the event any water uses as defined in Section 21 of the Water Act will be adhered to as per the legislation.</p> <p>All processes followed are per the National Environmental Management act of 1997.</p>
3.	<p>Interim Comment</p> <p>The SAHRA APM Unit notes the heritage specialist studies along with the recommendations provided therein.</p> <p>Further comments will be issued once the Draft EIA report and its appendices has been submitted to the case.</p>	<p>Sityhilelo Ngcatsha Archaeology, Palaeontology, Meteorite Assistant</p> <p>and</p> <p>Philip Hine Manager: Archaeology, Palaeontology and Meteorite Unit SAHRA</p>	<p>The EIA Report and its appendices will be uploaded onto SAHRIS CaseID 19408 once available for review and comment.</p>

No.	Comment	Raised by	Response
		Letter: 07 September 2022	
4.	<p>The Department of Economic, Small Business Development, Tourism and Environmental Affairs (DESTEА) - "The Department" has reviewed the draft Scoping report received on 08 September 2022 for the above-mentioned project. The following need to be corrected and/or included when submitting the Final Scoping report:</p> <ul style="list-style-type: none"> Provide two (2) hard copies and one (1) soft copy of Final Scoping Report. Provide a Civil Aviation Compliance Statement in accordance with the Screening Tool Protocols A signed declaration of interest for the Social Impact Report. A signed declaration of interest for the Social Impact Report All comments and inputs from stakeholders and I&APs must be included in the final Scoping Report. <p>Please note that the applied activity may not commence prior to an Environmental Authorisation been granted by this Department.</p>	<p>Tlotliso Hanong Case Officer DESTEА</p> <p>Letter: 30 September 2022</p>	<p>The request has been noted and the following has been provided:</p> <p>Two (2) hard copies and One (1) soft copy</p> <p>The request has been sent to the applicant and proof of application and correspondence with CAC will be provided with the draft EIA report</p> <p>Please see Appendix N – Specialist declaration for the signed social and visual declarations.</p> <p>All comments received from stakeholders and I&APs are included in Appendix C6: Comments Received of the final Scoping Report and have been captured in this C&RR that is attached as Appendix C8: Comments & Responses Report to the final Scoping Report.</p> <p>This comment has been noted, no activity will take place without the proper authorizations in place.</p>

2.2 Key Stakeholders and Interested and Affected Parties (I&APs)

No	Comment	Raised by	Response
	No Comments received		