

CHAPTER FOUR: ENVIRONMENTAL IMPACT ASSESSMENT PROCESS AND PUBLIC PARTICIPATION

4.1 INTRODUCTION

The following chapter of the report provides an overview of the EIA process for the proposed development with particular attention to the steps in the Scoping Process and public participation component of the EIA.

4.2 LEGAL CONTEXT FOR THIS EIA

Section 24(1) of NEMA provides as follows:

"In order to give effect to the general objectives of integrated environmental management laid down in this Chapter, the potential impact of the environment of listed activities must be considered, investigated, assessed and reported on to the competent authority charged by this Act with granting the relevant environmental authorization."

The reference to "listed activities" in section 24 of NEMAA relates to the NEMA EIA regulations, 2010 (as amended) and published in Government Notice R 543, 544, 545 and 546 on the 18 June 2010 in Government Gazette 33306, which require that either Basic Assessment, or a Scoping and Environmental Impact Assessment Process is undertaken prior to commencement of activities on site. The project requires full Scoping and Environmental Impact Assessment in order to obtain Environmental Authorization for activities listed in GN R 544, 545 and 546, for which the decision-making authority is the Provincial Department of Economic Development, Environmental Affairs and Tourism (DEDEAT).

All the activities that require environmental authorization are specifically referred to in the application form prepared and submitted to the DEDEAT on the 7 February 2012, attached as Appendix B of this report. Acknowledgement of receipt of the application dated 22 February 2012 was received from DEDEAT, and project reference number EC06/LN2/M/12-10 has been assigned to this application (included in Appendix B of this report). The tables below indicate the listed activities which require environmental authorisation.

Table 4.1 Listed activities according to GN R 544 and 546 requiring Basic Assessment in terms of the NEMA EIA Regulations, 2010 (as amended)

Activity Number	Project Component
GN R544 (Listing Notice 1)	
11. The construction of: (iv) dams; where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.	As part of the expansion of existing operations it may be necessary to construct a balancing dam or reservoir to enable irrigation of the additional 300 ha of cultivated land. The balancing dam may be located within 32 metres of a drainage line (watercourse) on the site.
18. The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells,	Two drainage lines traverse the proposed site. Roads and associated infrastructure may have to be constructed across these drainage lines to facilitate

<p><i>shell grit, pebbles or rock of more than 5 cubic metres from:</i> (i) a watercourse;</p>	<p>access and agricultural production at the site. This could result in the infilling or depositing or removal of material from a watercourse.</p>
<p>42. <i>The expansion of facilities for the storage, or storage and handling, of a dangerous good, where the capacity of such storage facility will be expanded by 80 cubic metres or more.</i></p>	<p>The storage volume for dangerous goods to be stored at the farm will be determined during the EIA process. It is anticipated that the existing chemical store has sufficient capacity to accommodate the increased storage needs of the expanded operation. The applicant will install additional shelving in the existing building, in which case this listed activity will not apply. However the activity has been included in the application until it can be confirmed through the EIA process, that the existing facility does not need to be expanded.</p>
GN R546 (Listing Notice 3)	
<p>2. <i>The construction of reservoirs for bulk water supply with a capacity of more than 250 cubic metres.</i> (a) <i>In Eastern Cape, Free State, KwaZulu-Natal, Limpopo, Mpumalanga and Northern Cape provinces:</i> iii. <i>Outside urban areas, in:</i> (dd) <i>Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</i> (ff) <i>Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve;</i></p>	<p>This site is adjacent to the Addo Elephant National Park; and portions of the site fall within a CBA1 as defined in the ECBCP. As part of the expansion of existing operations it may be necessary to construct a balancing dam or reservoir to enable irrigation of the additional orchards. The volume of the balancing dam will be determined in consultation with the technical specialists during the EIA process.</p>
<p>4. <i>The construction of a road wider than 4 metres with a reserve less than 13,5 metres.</i> (a) <i>In Eastern Cape, Free State, KwaZulu-Natal, Limpopo, Mpumalanga and Northern Cape provinces:</i> ii. <i>Outside urban areas, in:</i> (ee) <i>Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</i> (gg) <i>Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core areas of a biosphere reserve;</i></p>	<p>This site is adjacent to the Addo Elephant National Park and portions of the site fall within a CBA1 as defined in the ECBCP. Internal roads wider than 4 meters will be created to facilitate access and agricultural production at the site.</p>
<p>12. <i>The clearance of an area of 300 square metres or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation.</i> (a) <i>Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;</i></p>	<p>The study site includes vegetation identified as Albany Alluvial Vegetation which has been listed in terms of section 52 of the NEMBA as an Endangered ecosystem. The project may require the clearing of portions of indigenous Albany Alluvial Vegetation, and may exceed 300m².</p>
<p>13. <i>The clearance of an area of 1 hectare or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation,</i> ... (a) <i>Critical biodiversity areas and ecological</i></p>	<p>This site is adjacent to the Addo Elephant National Park and portions of the site fall within a CBA1 as defined in the ECBCP. The vegetation proposed for clearing will exceed 1 ha and is predominantly indigenous.</p>

<p><i>support areas as identified in systematic biodiversity plans adopted by the competent authority.</i></p> <p><i>(c) In Eastern Cape, Free State, KwaZulu-Natal, Limpopo, Mpumalanga, Northern Cape and Western Cape:</i></p> <p><i>ii. Outside urban areas, the following:</i></p> <p><i>(ff) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve;</i></p>	
<p>14. <i>The clearance of an area of 5 hectares or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation,...</i></p> <p><i>(a) In Eastern Cape, Free State, KwaZulu-Natal, Gauteng, Limpopo, Mpumalanga, Northern Cape, Northwest and Western Cape:</i></p> <p><i>i. All areas outside urban areas.</i></p>	<p>The vegetation proposed for clearing will exceed 5 ha and is predominantly indigenous. No spatial instruments identifying areas for agriculture or afforestation have been adopted by the competent authority. The site is located outside an urban area.</p>
<p>16. <i>The construction of:</i></p> <p><i>(iv) infrastructure covering 10 square metres or more where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.</i></p> <p><i>(a) In Eastern Cape...</i></p> <p><i>ii. Outside urban areas, in:</i></p> <p><i>(ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</i></p>	<p>The site is outside an urban area and portions of the site fall within a CBA1 as defined in the ECBCP. Infrastructure (gravel roads) may be required to be constructed through water courses on the site. This will be determined through the wetland specialist assessment.</p>
<p>23. <i>The expansion of facilities or infrastructure for the storage, or storage and handling of a dangerous good, where such storage facilities will be expanded by 30 cubic metres or more but less than 80 cubic metres.</i></p> <p><i>(a) In Eastern Cape, Free State, KwaZulu-Natal, Limpopo, Mpumalanga and Northern Cape provinces:</i></p> <p><i>ii. Outside urban areas, in:</i></p> <p><i>gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve;</i></p>	<p>The site is located within 10 km of Addo Elephant National Park. The storage volume for dangerous goods to be stored at the farm will be determined during the EIA process. It is anticipated that the existing chemical store has sufficient capacity to accommodate the increased storage needs of the expanded operation. The applicant will install additional shelving in the existing building, in which case this listed activity will not apply. However the activity has been included in the application until it can be confirmed through the EIA process, that the existing facility does not need to be expanded.</p>

Table 4.2 Listed Activities in GN R 545 requiring Scoping and EIA in terms of the NEMA EIA Regulations, 2010 (as amended).

Activity Number	Project Component
GN R545 (Listing Notice 2)	
<p>16. <i>The physical alteration of virgin soil to agriculture, or afforestation for the purposes of commercial tree, timber or wood production of 100 hectares or more.</i></p>	<p>The proposed agricultural expansion will result in the removal of existing vegetation and the alteration of virgin soil to agriculture of approximately 300ha.</p>

A precautionary approach has been followed in completing the above Tables of Listed Activities, in that, if there is any doubt at this stage of the project planning, whether or not an activity is included in the project design, then the activity is listed. This list may be refined during the course of the EIA.

The EIA process is a planning, design and decision making tool which needs to show the responsible authority, DEDEAT, and the project proponent, San Miguel Fruits SA (Pty) Ltd, what the consequences of their choices will be in biophysical, social and economic terms. As such it identifies potential impacts that the project may have on the environment as well as identifying potential constraints the environment may place on the development. The EIA makes recommendations to mitigate potentially negative impacts and maximize potentially positive impacts associated with the project.

4.2.1 Legislation and Guidelines Pertinent to this EIA

The scope and content of this Draft Scoping Report has been informed by the following legislation, guidelines and information series documents:

- National Environmental Management Act (NEMA)(Act 107 of 1998) (As amended)
- National Heritage Resources Act (NHRA) (Act 25 of 1999)
- National Water Act (Act 36 of 1998)
- Municipal Systems Act (Act 32 of 2000)
- EIA Regulations published under Chapter 5 of the NEMA on 18 June 2010 (GN 543, 544, 545 and 546 in Government Gazette 33306)
- Guidelines published in terms of the NEMA EIA Regulations, in particular:
 - Guideline 3: General Guide to Environmental Impact Regulations, 2006 (DEAT, June 2006)
 - Guideline 4: Public Participation in support of the Environmental Impact Assessment Regulations, 2006 (DEAT, May 2006)
 - Guideline 5: Assessment of alternatives and impacts in support of the Environmental Impact Assessment Regulations, 2006 (DEAT, June 2006)
- Integrated Environmental Management Information Series (Booklets 0 to 21) published by DEAT over the period 2002 to 2005.
- Hazardous Substances Act 15 of 1973

4.3 OVERVIEW OF THE EIA PROCESS

In terms of the above a full Scoping and Environmental Impact Assessment is being undertaken as guided by the procedure described in regulations 26 to 35 of the NEMA EIA regulations, 2010 promulgated in terms of Section 24(5) of the Act. The main stages in the EIA process and the estimated schedule are provided in the table below.

Table 4.3 Proposed EIA Schedule

Activity	Date
Submit notification to Authorities and Application Form	February 2012
Compile Draft Scoping Report and POS for EIA	March 2012
Public Review of Draft Scoping Report	April 2012
Amend and Submit Final Scoping Report and POS for EIA	Early June 2012
Initiate specialist studies in parallel to approval for POS for EIA	June 2012

Compile Draft Environmental Assessment	August 2012
Public Review of the Draft Environmental Impact Assessment	September 2012
Compile Final EIA and EMPr and submit to Authorities	Early November 2012
Authority Decision making period and appeals	As per regulations

4.3.1 Principles for Scoping and Public Participation

The Scoping and EIA process is being driven by a stakeholder engagement process that will include inputs from affected organs of state, interested and affected parties (I&APs), specialists and the project proponent.

Guideline 4 on “Public Participation in support of the EIA Regulations”, published by DEAT in May 2006, states that public participation is one of the most important aspects of the environmental authorisation process. This stems from the requirement that people have a right to be informed about potential decisions that may affect them and that they must be afforded an opportunity to influence those decisions. Effective public participation also improves the ability of the competent authority to make informed decisions and results in improved decision-making as the view of all parties are considered (DEAT, 2006: pg 9).

An effective public participation process could therefore result in stakeholders working together to produce better decisions than if they had worked independently. The DEAT (2006) Guideline on Public Participation further notes that:

“The public participation process:

- Provides an opportunity for interested and affected parties (I&APs) to obtain clear, accurate and comprehensive information about the proposed activity, its alternatives or the decision and the environmental impacts thereof;
- Provides I&APs with an opportunity to indicate their viewpoints, issues and concerns regarding the activity, alternatives and /or the decision;
- Provides I&APs with the opportunity of suggesting ways of avoiding, reducing or mitigating negative impacts of an activity and for enhancing positive impacts;
- Enables the applicant to incorporate the needs, preferences and values of affected parties into the activity;
- Provides opportunities to avoid and resolve disputes and reconcile conflicting interests; and
- Enhances transparency and accountability in decision making.”

Public participation is a process and vehicle to provide sufficient and accessible information to I&APs in an objective manner to assist I&APs to identify issues of concern, to identify alternatives, to suggest opportunities to reduce potentially negative or enhance potentially positive impacts, and to verify that issues and/or inputs have been captured and addressed during the assessment process.

The NEMA EIA regulations, 2010, section 54, further notes:

(e) using reasonable alternative methods, as agreed to by the competent authority, in those instances where a person is desiring of but unable to participate in the process due to

–

(i) illiteracy;

(ii) disability; or

(iii) any other disadvantage

The EAP is currently not aware of participants that desire to, but are unable to participate in the process for the reasons listed. However the Ward Councillor representing the area has been notified of the project in order to ensure that the local community are represented in the EIA process. While none are currently planned, one-on-one meetings with the councillor and community representatives will be held upon request.

4.4 SCOPING PROCESS

This Scoping process is planned and conducted in a manner that is intended to provide sufficient information to enable the authorities to reach a decision regarding the scope of issues to be addressed in the EIA, and in particular to convey the range of specialist studies that will be included as part of the Environmental Impact Assessment phase of the EIA, as well as the approach to these specialist studies. Within this context, the objectives of this Scoping process are to:

- Identify and inform a broad range of stakeholders about the proposed development;
- Clarify the scope and nature of the proposed activities and the alternatives being considered;
- Conduct an open, participatory and transparent approach and facilitate the inclusion of stakeholders' concerns in the decision-making process;
- Identify and document the key issues to be addressed in the forthcoming Environmental Assessment Phase of the EIA, through a process of broad-based consultation with stakeholders;
- Ensure due consideration of alternative options in regard to the proposed development, including the "No development" option.

This section provides an overview of the tasks that were undertaken in the Scoping Phase, with a particular emphasis on providing a clear record of the public participation process followed.

Task 1: I&AP identification, registration and database maintenance

Drawing on experience in the local area, an initial database of I&APs was developed for the Scoping process, this included the identification of and notification to surrounding landowners. Surrounding landowners were identified through a site visit followed up by telephonic confirmation where required, and a deeds search (Windeed). Each I&AP so identified was provided with a notification letter (letter 1 to I&APs), which included a background information document on the project and EIA process, a locality map and a comment form. At the start of the EIA process the database contained **31 I&APs** which were proactively identified before the initiation of the process.

On 10 February 2012 written notification of the Scoping and EIA process was sent to all I&APs on the project database via Letter 1. Appendix F contains copies of correspondence sent to I&APs. A 30 day comment period was allowed for I&APs to register their interest on the project database and raise issues for inclusion in the Draft Scoping Report. This period extended from 10 February to 12 March 2012.

While I&APs were encouraged to register their interest in the project from the start of the process, following the public announcements (see Step 2 below), the identification and registration of I&APs will be ongoing for the duration of the study. The following provides an overview of I&APs registered on the project database from the outset of the process:

- Local Government Departments (Sundays River Valley Municipality: Municipal Manager, Environmental Office)
- Provincial Government Departments (DEDEAT, DAFF, DWA, SAHRA)
- Surrounding Landowners (Including SANParks)
- Ward Councillor, Ward 8

Appendix E of this report contains copies of the comment forms received from I&APs requesting to register their interest in the project. The database has been updated to indicate interaction with I&APs and is attached as Appendix D. At the time of release of the Draft Scoping Report **32 I&APs** were registered on the project database.

It must be noted that while not required by the regulations, those I&APs identified at the outset of the Scoping Process will remain on the project database and will be kept informed of all opportunities to comment and will only be removed from the database by request. To date no I&APs have requested to be removed from the project database.

In terms of the electronic database, I&AP details will be regularly captured and automatically updated as and when information is distributed to or received from I&APs. This ongoing and up-to-date record of communication will be an important component of the public participation process to reflect the interaction with I&APs throughout the process.

Task 2: Announcement of Scoping Process and Public Participation

In order to notify and inform the public of the proposed project and invite members of the public to register as I&APs, the project and EIA process was announced as follows:

- Advertisement in one local newspaper:
 - The Herald, 10 February 2012
- Notice Board on site
 - A notice board announcing the EIA process and providing the contact details for the project and EIA process was placed at the entrance to the site.
- Letter 1 to I&APs: Notice of the EIA Process
 - Letter 1 to I&APs included a Background Information Document (BID), locality map and comment form.
- Website
 - The BID and comment form for the project were placed on the following website www.publicprocess.co.za

A 30 day registration period was provided during this first step in the public participation process. Appendix C contains copies of the site notice board and newspaper advertisement placed. Appendix F contains copies of correspondence sent to I&APs.

Task 3: Authority Consultation

All public participation documentation will be sent to the decision-making authorities (Provincial DEDEAT) as well as other affected organs of state (DWA, SAHRA, SRVM) included on the I&AP database. Input from authorities will be included in the Issues and Responses Trail for the Scoping and EIA process.

In order to initiate the EIA process, notification of the process, as well as an application form was submitted to the Department of Economic Development, Environmental Affairs and Tourism (DEDEAT) on 7 February 2012, attached as Appendix B(1) of this report. Acknowledgement of receipt of the application, dated 22 February 2012, was received from Provincial DEDEAT on 23 February 2012 and project reference number EC06/LN2/M/12-10 assigned to this application (included in Appendix B(3) of this report).

Task 4: Scoping and Identification of Issues

An important element of the Scoping process is to identify issues raised during the Scoping Process for further evaluation in the environmental assessment phase of the EIA. In order to ensure a comprehensive range of issues are identified the following sources have been used for the identification of issues:

- Review of existing information
 - Regional Biodiversity Planning Documentation (STEP, ECBCP, NSBA (VegMap))
 - Technical Information provided by San Miguel Fruits SA (Pty) Ltd
- Scoping of issues with I&APs
 - Issues and concerns raised via email and written correspondence
- Specialist site visit on 10 February 2012 to identify issues requiring further specialist assessment
- Scoping of issues with relevant authorities (DWA, DEDEAT, SAHRA)

An important element of the Scoping process is to evaluate the issues raised through the Scoping interactions with authorities, the public, the specialists on the EIA team and the project proponent. In accordance with the philosophy of Integrated Environmental Management, it is important to focus the EIA on the key issues. To assist in the identification of key issues, a decision-making process is applied to the issues raised, based on the following criteria:

- Whether or not the issue falls within the scope and responsibility of the River Bend Citrus EIA
- Whether or not sufficient information is available to respond to the issue raised without further specialist investigation.

The Issues and Responses Trail below indicates the issues raised prior to the release of the Draft Scoping Report for review. Appendix E contains copies of the correspondence received (via fax, email or written correspondence). In line with the criteria outlined above, a response to the issue raised has been provided by the EIA team. The following provides a summary of the issues raised prior to the release of the DSR for review, the number in brackets, indicates the number of times a specific issue has been raised.

- Impacts on the biophysical environment (1)
- Potential Socio Economic Impacts (1)
- EIA and Public Participation (3)
- General (3)

Issues raised prior to the release of the Draft Scoping Report

1. Impacts on the Biophysical Environment

NO	ISSUES RAISED	COMMENTATOR	DATE	RESPONSE
1.2	The valley bushveld is a very sensitive area.	Simon Barkhuizen, Zuurberg Nguni Boerdery	<i>No date, faxed comment form</i>	It is recommended that a vegetation specialist assessment is undertaken during the EIA phase of the assessment which will identify the vegetation on the site, as well as its sensitivity and make recommendations for the development of the site.

2. Potential Socio-Economic Impacts

NO	ISSUES RAISED	COMMENTATOR	DATE	RESPONSE
2.1	I am concerned about crime in the area after the development.	Simon Barkhuizen, Zuurberg Nguni Boerdery	<i>No date, faxed comment form</i>	It is not anticipated that the development will result in an increase in crime levels in the area. It is generally accepted that the provision of permanent employment results in employment creation and a positive impact on crime. The property is zoned for agricultural use. A specialist socio-economic impact assessment is not proposed to be undertaken during the EIA phase of the assessment.

3. EIA and Public Participation Process

NO	ISSUES RAISED	COMMENTATOR	DATE	RESPONSE
3.1	Would you be so kind as to register me as an interested party for the above.	Patrick Cull, independent media	10Feb2012, Email	The commentator was included on the project database, and provided with a Background Information Document for the project.
3.2	Request to register.	Pieter Nortje, Adjacent Landowner	<i>No date, faxed comment form</i>	The commentator was included on the project database, and provided with a Background Information Document for the project.
3.3	The development will have a negative impact on the area. (The applicant) owns other parcels of land that would have a better impact than the proposed site.	Simon Barkhuizen, Zuurberg Nguni Boerdery	<i>No date, faxed comment form</i>	<p>The applicant has identified this portion of the site as most suitable for the expansion of agricultural activities as it is adjacent to existing farming infrastructure (access and irrigation canals), which form a key component of the development.</p> <p>The negative as well as the positive impacts of the proposed expansion of the agricultural activities will be identified and assessed through the EIA process. Recommendations will be made to mitigate potential negative impacts and enhance potential project benefits.</p>

4. General

NO	ISSUES RAISED	COMMENTATOR	DATE	RESPONSE
4.1	I have no objections to the proposed expansion.	Trevor Hayter, Adjacent Landowner	24Feb2012 , email	This comment is noted.
4.2	I lease the affected property.	Simon Barkhuizen, Zuurberg Nguni Boerdery	No date, faxed comment form	This comment is noted.
4.3	The proposed property lies within a conservancy.	Simon Barkhuizen, Zuurberg Nguni Boerdery	<i>No date, faxed comment form</i>	According to the farm manager, Rory Niven, River Bend Citrus is not a signatory to a conservancy agreement.

Task 5: Review of the Draft Scoping Report

At the time of the release of the DSR for review there were **32** I&APs registered on the project database. Two requests to register were received during the Draft Scoping Report review period. The database has been updated to indicate interaction with I&APs and comments received, **34 I&APs** are currently registered on the project database.

All I&APs on the database were notified in writing via Letter 2, dated 5 April 2012, of the release of the Draft Scoping Report for a 34 day comment period, which extended from the **10 April 2012 to the 14 May 2012**. The time period was extended to 34 days to accommodate holidays which fell over the comment period. Included with Letter 2 was an Executive Summary of the Draft Report as well as a comment form. A copy of the Draft Scoping Report was placed on the project website www.publicprocess.co.za

The Draft Scoping Report was prepared utilizing information from the following sources:

- Consultation with selected specialists
- Review of existing information
- I&AP consultation process

The following indicates the process for the distribution of information during the review period of the Draft Scoping Report:

- Report Distribution
 - Affected organs of state were provided with a hard copy or CD version of the Draft Scoping Report
- A copy of the report was placed on the following project website www.publicprocess.co.za
- Letter 2 to I&APs: All I&APs were notified in writing of the 30 day comment period, which extended from the **10 April 2012 to the 14 May 2012**
- One on one meetings were not held as none were requested by any of the key I&APs. A telephonic consultation was held with SANParks on the 9 May 2012 and the 17 May 2012, which was followed up with email confirmation. A copy of this communication is contained in Appendix E of this report.
- The Councillor for the area was provided with a CD copy of the report.

The Issues and Responses Trail below indicates the comments received during the Draft Scoping Report review period. Appendix E contains copies of all correspondence received during the DSR review period (via fax, email or written correspondence). A Copy of the correspondence sent to I&APs during the review of the Draft Scoping Report is included as Appendix F

The following provides a summary of the issues raised prior to the release of the DSR for review, the number in brackets, indicates the number of times a specific issue has been raised.

- Impacts on the Biophysical Environment (3)
- Issues related to wetlands and watercourses (2)
- Potential visual impacts (1)
- EIA and Public Participation (3)

Comments received during the review of the Draft Scoping Report

1. Impacts on the Biophysical Environment

NO	ISSUES RAISED	COMMENTATOR	DATE	RESPONSE
1.1	<p>This letter serves as an initial formal SANParks response to the application by San Miguel Fruits SA (Pty) Ltd to expand their citrus cultivation on Farm 82 Wolwe Kop and to Portion 1 of Farm 77 Wellshaven and Portion 3 of Farm 77 Honeyvale.</p> <p>SANParks is concerned about more intensive landuse in the areas earmarked, as they fall within the park's Priority Natural Areas¹ of the buffer zone of the park (Figure 1), and have been identified as Critical Biodiversity Area One² by the Eastern Cape Biodiversity Conservation Plan (ECBCP, 2007) (Figure 2).</p> <p>While in principal, SANParks is opposed to development in Park buffer zones, on the basis that any land scale transformation of agricultural land to a more intensive land use in buffer areas around National Parks will inevitably have a negative impact on the reserve, SANParks does acknowledge that this development is on the periphery of the buffer zone in an already transformed area. While still concerned about development in the Park buffer zone, and harbouring a number of reservations, SANParks will not in principal oppose the extension of existing agricultural activities on the transformed areas of the three cadastres under consideration, namely Farm 82 Wolwe Kop, Portion 1 of Farm 77 Wellshaven and Portion 3 of Farm 77 Honeyvale, provided the following steps for mitigating negative impacts on the park are employed:</p> <p><u>Note from Public Process Consultants: mitigatory measures proposed are included in the relevant sections of this issues trail.</u></p>	Peter Bradshaw, SAN Parks	4 May 2012, letter (via email dated 17 May 2012)	<p>This comment is noted. The original concession agreement with SANParks was amended to, amongst others, expressly state the original intention of the parties to the agreement. This includes, amongst others, that the land west of the Zuurberg Road is for citrus cultivation and the land east of the Zuurberg road is to form part of Addo Elephant National Park.</p> <p>The inclusion of the affected area in a CBA1 is one of the key triggers for listed activities in terms of GN R546 of the NEMA EIA Regulations 2010, for which authorisation is sought under this assessment process.</p>
1.2	<ul style="list-style-type: none"> Transformation and development is contained within the existing high disturbance footprint, avoiding the less disturbed vegetation on the hills and slopes to the north, east and northeast on Portion 1 of Farm 77 Wellshaven and Portion 3 of Farm 77 Honeyvale 	Peter Bradshaw, SAN Parks	4 May 2012, letter (via email dated 17 May 2012)	The biodiversity specialist study to be undertaken in the EIA phase of the assessment will determine the sensitivity of the vegetation and habitat in the affected area. The findings of the biodiversity specialist study will identify potential No-Go areas for development, and guide the layout of the proposed agricultural expansion.
1.3	<ul style="list-style-type: none"> A buffer between the planting of citrus and the park boundary would also serve to reduce potential spray drift 	Peter Bradshaw, SAN Parks	4 May 2012, letter	The negative as well as the positive impacts of the proposed expansion of agricultural activities will be identified and

NO	ISSUES RAISED	COMMENTATOR	DATE	RESPONSE
	from agricultural activities entering and impacting on the park		<i>(via email dated 17 May 2012)</i>	assessed through the EIA process. Recommendations will be made to mitigate potential negative impacts and enhance potential project benefits. The maintenance of a vegetated buffer between the property boundary and the developed area will be considered as a potential mitigation measure in the EIA phase of the assessment.

2. Issues related to wetlands and watercourses

NO	ISSUES RAISED	COMMENTATOR	DATE	RESPONSE
2.1	In order for this office to make an informed decision about the proposed expansion of the citrus farm, the following information should be submitted: <ul style="list-style-type: none"> • A clear and detailed 1: 50 000 map indicating the watercourses in the vicinity of the proposed expansion site. • Watercourses (if any) in the vicinity of the proposed citrus farm must be delineated to indicate the 1:100 year floodline or riparian zone, whichever is the greatest. • The proposed expansion should not affect any wetlands. If wetlands are present and will be affected, wetland delineation must be conducted and a technical report reflecting wetland studies should be submitted to this office. 	Marisa Bloem, Dept of Water Affairs	5April 2012, email	A wetland specialist assessment will be undertaken as part of the EIA phase specialist studies. The terms of reference for the wetland specialist assessment are outlined in Chapter 6 of this report and include, inter alia: <ul style="list-style-type: none"> • The identification, delineation and mapping of any wetlands or watercourses on site. • Analysis of the potential aquatic sensitivity of these features. • Details of the Present Ecological State (PES) of each watercourse and wetland. <p>Consultation between the Department of Water Affairs and the wetland specialist will take place during the assessment process.</p>
2.2	Please note that any activities that fall within 500 metre radius from the boundary of any wetland constitute a water use authorisation in terms of section 21 (c) and (i) of the National Water Act.	Marisa Bloem, Dept of Water Affairs	5April 2012, email	The wetland specialist study will determine whether there are wetlands on or within a 500 metre radius of the affected area; and make recommendations for the management of potential impacts on these features, as well as, the requirements of Section 21(c) & (i) of the National Water Act.

3. Potential Visual Impacts

NO	ISSUES RAISED	COMMENTATOR	DATE	RESPONSE
3.1	As the potential development lies within the identified viewshed protection area ³ of the park, we request that infrastructure development and potential wind breaks are sensitive of this fact, particularly with regards to height. Further, that there is a buffer allowed between the planting of	Peter Bradshaw, SAN Parks	<i>4 May 2012, letter (via email dated 17 May 2012)</i>	A vegetated buffer along the boundary of the site may screen the orchards from the view of passing motorists on the Zuurberg road; however this will be of limited use in screening the site from viewpoints within the Park. A specialist visual impact assessment is not proposed to be undertaken during the EIA

NO	ISSUES RAISED	COMMENTATOR	DATE	RESPONSE
	citrus and the park boundary to offset the visual impact			<p>phase of the assessment.</p> <p>The Sundays River Valley is a well-known citrus growing area; and the site is backed by existing orchards and other cultivated areas. Therefore the additional orchards are unlikely to negatively impact on the sense of place associated with the area. The applicant does not intend to construct any large warehouses or industrial infrastructure not in keeping with the surrounding landscape.</p>

4. EIA and Public Participation Process

NO	ISSUES RAISED	COMMENTATOR	DATE	RESPONSE
1	Request to register.	Malcolm Rutherford, Adjacent Landowner	<i>No date, faxed comment form</i>	The commentator has been registered on the project database since the beginning of the EIA process, and will be kept on the database throughout the process
2	Request to register.	Erica Smythe, Assistant to Malcolm Rutherford	23April 2012, email	The commentator was included on the project database.
3	This office acknowledges receipt of the Background Information Document (BID) for the abovementioned development (Proposed Expansion of Agriculture on the River Bend Citrus Farm, near Addo, Sundays River Valley Municipality) from Public Process Consulting.	Marisa Bloem, Dept of Water Affairs	5April 2012, email	Noted

Task 6: Final Scoping Report and Plan of Study for EIA (Current Stage in the Process)

The Final Scoping Report includes the Plan of Study (POS) for EIA which outlines the next stage in the process and provides a Terms of Reference for specialist studies to be undertaken as part of the EIA process. The POS for EIA is subject to the approval of the authorities and may require amendment. All issues and concerns raised by I&APs during the Scoping Process have been included in the Final Scoping Report.

The Final Scoping Report, together with the Plan of Study for EIA, has been prepared for submission to the Provincial DEDEAT for their decision-making, utilising information from the following sources:

- Consultation with selected specialists
- Review of existing information
- I&AP consultation process
- Input from affected organs of state

All I&APs on the project database will be provided with written notification of the submission of the Final Scoping Report to the authorities for their decision making (Letter 3 to I&APs). Any additional comments on the Final Scoping Report are to be submitted directly to the relevant authorities, with a copy thereof sent to Public Process Consultants.

This step marks the end of the public participation process for the Scoping Phase of the EIA process. The next steps in the EIA process are outlined in Chapter Six of this report.

4.5 CONCLUDING REMARKS

No issues have been raised by I&APs which require additional specialist assessments to be undertaken in the EIA phase of the assessment. The specialist studies which are proposed to form part of the EIA process are outlined in Chapter 6 of this Report.