

EXECUTIVE SUMMARY

PROJECT BACKGROUND AND OVERVIEW

The project applicant, Sun Orange Farms (Pty) Ltd, proposes to expand citrus production at their existing operations on the Remainder of Farm 632, Sundays River Valley Municipality (SRVM), which measures approximately 459ha in extent, hereinafter referred to as Sontule. In order to supply the proposed development with the required irrigation water, an irrigation dam is proposed to be constructed with a storage capacity of approximately 49 000m³ (3.7ha footprint). The farm is currently zoned Agriculture I and the area to be cultivated, including associated infrastructure, has been determined by the outcome of the various specialist assessments forming part of this Scoping and Environmental Impact Assessment (Scoping and EIA) Process.

Irrigation water for the development is proposed to be supplied from the LSRWUA canal system via an existing dam on the farm and conveyed into the proposed new balancing dam via a \varnothing 315mm uPVC pipeline of approximately 1.4km in length. Irrigation water will be supplied from the new dam with uPVC pipes varying in internal diameter between 250mm and 315mm. Additionally, irrigation water will be reticulated within the orchards via a network of underground PVC irrigation pipes and valves, with varying internal diameters (between \varnothing 60mm and \varnothing 160mm). No logistical services area is required as the applicant will make use of existing support infrastructure (offices, stores, workshops) on the farm to provide technical and logistical support.

The Farm Sontule is located ~11km south-east of Kirkwood and ~12km west of Addo (as the crow flies), in the SRVM. The farm can be directly accessed off the tarred R336 (Kirkwood/ Addo Road) which is adjacent to the northern boundary of the farm. The nearest boundary of the Addo Elephant National Park is located more than 11km east of the farm and therefore, project activities proposed to take place on this property do not trigger listed activities which would require the assessment of impacts on the National Park.

A detailed project description is provided in Chapter Two of the EIA report.

In terms of the NEMA EIA Regulations 2014 (as amended), published in GN R326, 327, 325 and 324, promulgated under Chapter Five of the National Environmental Management Act (Act 107 of 1998) (NEMAA), and published in Government Gazette 40772 on the 7 April 2017, the project requires full Scoping and Environmental Impact Assessment (Scoping and EIA), prior to the commencement of any activities on the site due to, amongst others, activities listed in Listing Notice 2 (GN R325), namely:

“15. The clearance of an area of 20 hectares or more of indigenous vegetation, excluding where such clearance of indigenous vegetation is required for -...”

OVERVIEW OF THE EIA PROCESS AND PUBLIC PARTICIPATION

This Draft EIA has been preceded by a comprehensive Scoping Process with the Final Scoping Report (FSR), including the Plan of Study for EIA, being submitted to the Department of Economic Development, Environmental Affairs and Tourism (DEDEAT) on the 08 July 2022. On 22 August 2022 acceptance of the FSR and approval of the Plan of Study for EIA was received from the DEDEAT. This marked the end of the Scoping Phase of the EIA Process. The project then moved into the EIA Phase of the assessment.

Separate specialist assessments to address the key issues identified during the Scoping Process, are outlined below:

- Biophysical (Biological and Physical) site assessment including the undertaking of a Terrestrial and Aquatic Biodiversity Impact Assessments to:
 - Identify potential project related impacts on natural vegetation and faunal habitat associated with the area under assessment.
 - Conduct an aquatic survey to identify and map aquatic features associated with the area under assessment, if any.
 - Assign suitable buffers for aquatic features identified, if any.
 - Provide comment on the potential impact of the proposed development on Aquatic and Terrestrial Critical Biodiversity Areas (CBAs), as identified in the Eastern Cape Biodiversity Conservation Plan (ECBCP).
 - Allow for the determination of suitable buffers associated with meeting biodiversity conservation targets specific to the vegetation types associated with the area under assessment, and in line with those targets indicated by the relevant planning frameworks for the area.
- The undertaking of a Phase 1 Paleontological and Phase 1 Archaeological Impact Assessment to identify heritage resources, materials and artefacts that occur within the area under assessment and recommendations regarding the conservation thereof.
- The undertaking of a Traffic Impact Assessment to determine the impact of the additional trip generation and the suitability of the proposed access point to ensure safe access and egress from the site.
- The undertaking of a Soil Suitability Assessment in the form of a Land Capability Study, to determine the suitability of the soil for the establishment of citrus orchards, including slope analysis of the site, to inform the proposed layout.
- The undertaking of a Visual Impact Assessment to determine the potential effect on the visual environment and sense of place of the study area.

The primary objective of EIA Phase of the assessment is to present to I&APs and affected/ Juristic Organs of State and State Departments an overview of the predicted impacts, proposed mitigation measures (both positive and negative), closure outcomes, residual impacts of the activity and management actions required to avoid or mitigate the negative impacts; or enhance the positive impacts of the project. This report is being released for a 32-day I&AP review period to enable the authorities and I&APs to provide input and comment before the report is finalised and submitted to the DEDEAT for their decision-making. The comment period for the Draft EIA Report extends from the **8 September 2022 to the 10 October 2022**. A copy of the Draft EIA Report and EMPr can be downloaded from the website www.publicprocess.co.za.

For further details on the EIA Process and Public Participation see Chapter Four of the EIA Report.

A summary of the identified impacts and recommended mitigation measures from each specialist study is outlined in the relevant sections below.

ECOLOGICAL IMPACTS AND RECOMMENDED MITIGATION

Terrestrial Biodiversity

The following table provides a summary of the key direct and indirect impacts associated with the development. Only impacts that are rated as having a potential *Medium to High or Very High* negative impact are listed below:

Development phase	Impact type	Impact	Rating	
			Without mitigation	With mitigation
Construction:	Direct:	Loss of vegetation due to clearing	Medium (-)	Low (-)
		Loss of ESA due to clearing	Medium (-)	Low (-)
		Loss of flora and fauna species of special concern during vegetation clearing	Medium (-)	Low (-)
		Fragmentation of natural habitat due to clearing	Medium (-)	Low (-)
		Loss of flora and faunal habitat due to clearing	Medium (-)	Low (-)
Operational:	Direct:	Fragmentation of natural habitat	Medium (-)	Low (-)
		Loss of flora & fauna habitat	Medium (-)	Low (-)
		Indirect	Loss of flora and fauna SCC due to poaching / illegal harvesting	Medium (-)

The following recommendations are made with regards to the mitigation and management of impacts on vegetation:

- Connectivity must be maintained along the watercourses and adjacent slopes, neither of which are suited to citrus orchards.
- Ecological connectivity will be partly retained between the recommended ecological corridors and the surrounding undeveloped farms to the east, west and south; however, perimeter security fencing will restrict free movement of certain faunal groups (larger mammals and tortoises). Faunal movement between corridors on the east and west side of the farm portion will also be impeded by citrus orchards (existing and proposed). Recommended solutions would be to retain a vegetated strip (± 50 m wide) along the western and southern boundary.
- No species of conservation concern having an Endangered, Critically Endangered or Vulnerable status were recorded during the site visit.
- Permits are required to be obtained from DFFE for the removal / damage to tree species protected in terms of the National Forests Act (Act No. 84 of 1998).
- Several flora species are present that are generally more widespread and not under threat but are protected in terms of the Provincial Nature Conservation Ordinance. Similarly, several protected faunal species are also likely present. A flora and fauna search and rescue will enable these species to be identified and relocated before any vegetation clearing commences.

Aquatic Biodiversity Features (Artificial and Natural)

The site assessment confirmed that there are a number of non-perennial tributaries falling within the project area. These non-perennial tributaries likely historically drained into the perennial Sundays River system, however, there has been complete alteration/disconnection of the non-perennial tributaries falling within the project footprint and the Sundays River. Drainage lines appear more pronounced at their source where they are at a steeper gradient (and erosion is also present) and become less pronounced further downslope where the gradient becomes gentler, with the dispersion of potential flow more extensive and uneven making definite drainage paths difficult to detail. No natural wetlands were identified on the property under assessment, and a number of water storage dams occur within and surrounding the project footprint. The following table provides a summary of the key direct and indirect impacts associated with the development. Only impacts that are rated as having a potential *Medium to High or Very High* negative impact are listed below:

Development phase	Impact type	Impact	Rating	
			Without mitigation	With mitigation
<u>Planning and Design:</u>	Direct:	Loss of riparian habitat at watercourse crossings and habitat around the dams.	Medium (-)	Low (-)
	Indirect:	Potential pollution of ground and surface water.	Medium (-)	Low or Very Low (-)
<u>Construction</u>	Direct:	Loss of riparian habitat at watercourse crossings and habitat around the dams	Medium to Low (-)	Low (-)
	Indirect:	Changes to hydrological regimes of the non-perennial rivers and drainage lines.	Medium (-)	Low (-)
	Indirect:	Potential pollution of all water resources within and surrounding the development footprint.	Medium (-)	Low to Very Low (-)
	Indirect:	Increase in sedimentation and turbidity levels of instream habitats (non-perennial rivers and drainage lines).	Medium (-)	Low (-)
<u>Operational:</u>	Direct:	Loss of and alteration of riparian habitat	Medium (-)	Low (-)
	Indirect:	Changes to the hydrological regime of the watercourses affected by the development proposals.	Medium (-)	Low (-)
	Indirect:	Increase in sedimentation and turbidity levels of surrounding watercourses and increase in the potential for erosion.	Medium (-)	Very Low (-)
	Indirect:	Potential pollution of all water resources within and surrounding the development footprint.	Medium (-)	Low (-)

The following recommendations are made with regards to the mitigation and management of impacts on Aquatic features:

- Appropriate stormwater protection measures should be incorporated around structures crossing watercourses
- Stormwater management and management of potential runoff as a result of irrigation must be in place. This could be in the form of berms or swales to capture and attenuate the runoff.
- A rehabilitation and alien vegetation management plan must be developed for implementation
- Construction work within areas associated with the pipeline crossings should be short-term with disturbed areas rehabilitated as soon as construction is complete to reduce the possibility of erosion of the areas and resultant sedimentation of the watercourses
- The proposed water storage dam and any other storage facilities should be lined and designed in such a way that prevents contamination of surrounding ground and surface water
- Prevent clearing to no more than the minimum width required

- All hazardous substances and hazardous waste (if any) must be stored in existing impermeable structures placed at the logistical services area
- Temporary stormwater and erosion control infrastructure must be put in place and monitored during the construction phase

All of the Biophysical impacts (vegetation, faunal and aquatic) that have been rated as having a potential *Medium to High Negative* impact can be mitigated to *Medium* or *Low Negative* or *Neutral*. For further information on the Ecological Impact Assessment and the Aquatic Impact Assessment see Chapters Six and Seven, respectively of the EIA Report.

HERITAGE IMPACTS AND RECOMMENDATIONS

Archaeological

The main impact on archaeological sites/remains (if any) will be the physical disturbance of the material and its context. The clearing of the vegetation may expose, disturb and displace archaeological sites/material. However, from the investigation it would appear that the proposed areas earmarked for development are of low archaeological sensitivity. The Middle Stone Age stone tools observed in the area to be developed are considered to be of **low cultural significance**, because they are in secondary context and not associated with any other archaeological remains. Notwithstanding, important materials may be covered by soil and vegetation. There are no known graves or buildings older than 60 years on the area surveyed. The potential impact on buried pre-colonial archaeology sites/remains during the proposed development has been rated as **Low Negative (-)** before mitigation and **Neutral (0)** after mitigation. The cumulative impact of the developments therefore does not change the overall impact rating of **Low Negative(-)**.

Palaeontological

Given (1) the small (partially disturbed) footprint of the proposed agricultural expansion, (2) the likely deeply weathered condition of the underlying Mesozoic bedrocks near-surface, as well as (3) the low palaeontological sensitivity of the overlying superficial sediments, the palaeontological heritage impact significance of all components of the proposed agricultural expansion is assessed as **LOW (negative)** without mitigation. Current impacts on palaeontological heritage within the wider project area involve on-going destruction of newly exposed fossils by natural weathering and erosion processes (Impacts due to farming activities or illegal fossil collection here are likely to be negligible).

Of the fossils found on the Remainder of Farm 632, no fossil sites lie within the project footprint and therefore no mitigation measures are recommended in this regard. Thus, there are no objections on palaeontological heritage grounds to authorisation of the proposed Sontule Citrus agricultural development. No further palaeontological heritage studies or specialist mitigation are required for the proposed developments, pending the potential discovery or exposure of any significant fossil remains (e.g. vertebrate bones and teeth, large blocks of petrified wood, shelly fossil horizons) during the construction phase.

The following actions are recommended:

- Although it would seem unlikely that any significant archaeological remains will be exposed during the development, there is always a possibility that human remains and/or other archaeological remains such as freshwater shell middens and historical material may be uncovered during the development. Should such material be exposed during construction, all work must cease in the immediate area (depending on the type of find) and it must be reported to the archaeologist at the Albany Museum in Makhanda (Grahamstown) (Tel: 046 6222 312) or to the Eastern Cape Provincial Heritage Resources Authority (Tel: 043 7450 888), so that a systematic and professional investigation can be undertaken.
- All clearing activities and other developments must be monitored. Managers/foremen should be informed before clearing/construction starts on the possible types of heritage sites and cultural material they may encounter and the procedures to follow when they find sites.
- Should fossil remains such as bones, shells or petrified wood be discovered during construction, these should be safeguarded (preferably in situ) and the ECO should alert the Eastern Cape Provincial Heritage Resources Authority (ECPHRA. Contact details: Mr Sello Mokhanya, 74 Alexander Road, King Williams Town 5600; Email: smokhanya@ecphra.org.za). This is so that appropriate mitigation (e.g. recording, sampling or collection) can be taken by a professional palaeontologist. The specialist involved would require a collection permit from ECPHRA. Fossil material must be curated in an approved repository (e.g. museum or university collection) and all fieldwork and reports should meet the minimum standards for palaeontological impact studies developed by SAHRA (2013).

For further information on the Heritage Impact Assessment see Chapters Nine (Archeology) and Ten (Paleontology) of the EIA Report.

TRAFFIC IMPACTS AND RECOMMENDATIONS

The following conclusions can be drawn from the traffic specialist study:

- Access to the proposed orchard expansion can be provided directly from MR00471 (R336) via the existing access point at km 34.700; and
- A total of between 6 and 8 trips per day during the harvesting season (equating to between 604 and 756 trips per harvesting season) will be generated during the operational phase of the full development. This will result in a 1% increase in traffic per day for the R336.
- The impacts will have minimal impact on the operational capacity of the adjacent road network should regular maintenance be conducted.

The table below provides a summary of the key direct and indirect impacts associated with the development that have been identified by the traffic specialist. Only impacts that are rated as having a potential *Medium to High* or *Very High* negative impact are listed below:

Development Phase	Impact	Rating	
		Without mitigation	With mitigation
Construction	Additional traffic volumes	Medium (-)	Low (-)
Construction	Traffic Safety Impact due to slow moving traffic	High (-)	Medium (-)
Operational	Traffic safety due to additional traffic	High (-)	Medium (-)
Operational	Deterioration of Public Road Network	Medium (-)	Low (-)
Operational	Generation of Dust on Gravel Access Road	Medium (-)	Neutral (o)

In view of the findings of this study, it is recommended that:

- This TIA be approved by SANRAL SOC;
- Access to the proposed development be gained via the existing access point at km 34.700 on MR00471 (R336) as indicated on Figure 2 (in Chapter Eleven); and
- Suitable warning signage be erected on the approaches to the access point as indicated on Figure 2 (in Chapter Eleven).

For further information on the Traffic Impact Assessment see Chapter Eleven of the EIA Report.

VISUAL IMPACTS AND RECOMMENDATIONS

The Project's visual impact will cause changes in the landscape that are noticeable to receptors living in and visiting residences, tourist areas, and public roads to the south, north and east of the project site. It has been established that the most sensitive receptors are visitors to and residents of the property immediately to the south of the site. Tourism (hunting and a small guest lodge) and sporting (long-range target shooting) activities occur here. However, views from the property towards the project activities already contain features associated with citrus production and the ever-increasing establishment of shade cloth structure, thus reducing the significance of the potential visual impact of the proposed Sontule project.

The significance of the worst-case scenario impact on the various sensitive receptor areas during the Construction Phase is a direct negative impact that is partially reversible (should the project not proceed to the Operational Phase). The impact is predicted to be **Medium Negative (-)**, i.e. the impact/risk will result in a moderate alteration of the environment where the environment continues to function but in a modified manner. It will have an influence on decision-making if not mitigated. The impact can be reduced with the implementation of the appropriate mitigation measures, but the significance of the impact is likely to remain Medium (-).

During the Operational Phase, a direct, partially reversible (should the shade cloth structures be removed) negative impact is predicted. The long-term impact is assessed as **Medium Negative (-)**, i.e. the impact/risk will result in a moderate alteration of the environment where the environment continues to function but in a modified manner. The impact would remain Medium (-) even with the effective implementation of mitigation measures.

When taken together with the negative impacts of existing citrus orchards under shade cloth, which occur across the study area and the sub-region, the negative cumulative effect would remain **Medium Negative (-)**. However, the proposed Sontule project would not appear uncharacteristic when set against the visual attributes of the site's immediate surroundings and the dominant land use of the sub-region.

The following recommendations of significance have been provided by the visual specialist:

- Establish a 50m buffer zone of indigenous vegetation along the southern boundary and a 10m buffer along the site's western edge.

- Natural colours (i.e., green or brown) to be used for side walls of the shade cloth.
- Maintain shade cloth in a good condition.
 - Regular checks should be undertaken for damaged, tears or flapping shade cloth and must be repaired as soon as possible.
- Should operations (i.e., picking season) occur outside of normal daylight working hours, appropriate lighting (of appropriate lumen and downward angles) should be ensured.

ASSESSMENT OF ALTERNATIVES

The following alternatives were identified for consideration in this assessment:

- No-Go alternative
- Property/ Location alternatives
- Land-Use alternatives
 - Grazing/ game
 - Citrus orchard establishment
- Layout alternatives (development footprints)

The No-Go option would entail not clearing the site for the proposed expansion of citrus orchards and a new off-stream farm dam, whilst retaining the remainder of the Sundays Valley Thicket. This will include the continued encroachment of exotic and invasive vegetation, if not actively controlled, and the resultant continued degradation of the vegetation over time. Conversely the No-Go option would result in the loss of potentially productive agricultural land in an area known for citrus production and at a site that forms part of an existing working citrus farm. The No-Go option would result in the loss of a capital investment estimated to be approximately R25 million. The operational phase of the project will result in the creation of 97 employment opportunities with an annual income of approximately ~R3 million. In addition, since the applicant, Sun Orange Farms (Pty) Ltd forms part of a broad-based black ownership scheme, the No-Go option would mean that several historically disadvantaged individuals do not receive the benefits of the proposed expansion. The No-Go option would result in a loss of these economic opportunities, as well as the increased production of food for local and international markets, which is considered to be a negative impact.

While the No-Go option will have no significant negative biophysical environmental impacts, it will result in the loss of positive social and economic benefits which are associated with the Go option. Finally, the No-Go option will result in the farm not being optimally utilized for agriculture, for which it is zoned and well positioned. Therefore, the **No-Go option is not the preferred alternative**.

Sontule was considered suitable for the agricultural expansion of this nature due to amongst others, the fact that there is existing citrus and associated infrastructure on the farm, the availability of the land, soil suitability, and biophysical attributes (vegetation and aquatic) which would allow for cultivation, as well as conservation. In addition, the proposed site was identified due to its close proximity to existing irrigation infrastructure, access to irrigation water (LSRWUA canal system) and the logistical services area on the same farm which will be required to service the additional orchards.

The preferred land-use, layout and technical alternatives are described in full in Chapter Five of the EIA Report. Positive impacts associated with the **Go option** are maximizing the use of available agricultural land whilst generating income from foreign currency (through export of citrus), thereby contributing to local economic growth, as well as assist in stimulating local markets. The proposed development footprint has been informed by the relevant specialist assessments and mitigation measures have been recommended in order to reduce the impact of the proposed development on the biophysical environment.

OVERALL EVALUATION OF IMPACTS

The proposed agricultural development is in line with the Sustainable Development Goals adopted by South Africa in 2015 as well as the objectives of the National Development Plan (2030).

In addition, agriculture was highlighted in President Ramaphosa's State of the Nation Address in 2020 as one of the areas with the highest growth potential. Similarly, the 2019 South African SDG Country Report identified targets addressing SDG objectives in the food and beverage sector as having the most enabling conditions. Investments in this sector – particularly agriculture – are strongly linked with ending poverty, living dignified lives, and the ability to make the most of educational and economic opportunities. The following extracts from the South Africa SDG Investor Map (UNDP, 2020¹) have reference:

- *"The sector is also fairly resilient to economic shocks, has high potential for job creation and is important for export-led growth."*
- *"The sector has remained relatively protected during COVID-19, with limited job losses."*

¹ UNDP South Africa Country Office (2020) The South Africa SDG Investor Map, Pg 47, 49.

- *“As a key link between people and planet, investments in agriculture can help achieve multiple SDGs. Although primary agriculture only constitutes 2.9% of GDP (2018), the broader value chain is estimated to contribute 12% to GDP. Furthermore, it is significant to the broader development agenda as a driver of employment (9% of the total workforce works in this sector) and future job creation.”*

With regards to citrus as a subsector of labour-intensive agriculture, The NDP (2030; Page 222), states the following:

“There are about 60 000 hectares of citrus trees in South Africa. The employment requirement to produce citrus fruit is estimated at one worker per hectare, about 60 000 workers are employed on citrus farms. Direct downstream labour requirements for citrus are estimated at one labourer per 2 500 cartons packed: with about 100 million cartons packed per year, some 40 000 jobs are created in packing plants for a period of six months, or 20 000 full-time equivalents. In addition, there are labour requirements for transportation, warehousing, port handling, research and development, and processing. From 2000 to 2010, the citrus-farming area increased by 28 percent, from 47 000 to 60 000 hectares.”

The Final Integrated Development Plan for the SRVM (SRVM IDP 2016/ 2017), indicates that the current unemployment rate in the municipal area may be as high as 38.54%. The Agricultural sector provides room for growth in terms of employment opportunities, as it currently represents ~11% of the employment for the SRVM area (Final SRVM IDP 2015/ 2016). Additionally, the SRVM IDP (2015/ 2016; Page 36) states that: *“The municipality can boast its ecotourism and agricultural potential.”* Finally, the following statement is given by the SRVM Spatial Development Framework (SRVM SDF 2013; Page 8): *“The agricultural sector is one of the key economic drivers of the Sundays River Valley Municipality.”*

It is the applicant’s intention to build on this economic base in the SRVM, by making optimum use of the available resources in the area, i.e. available land zoned as agriculture, the availability of a sustainable supply of irrigation water from the LSRWUA canal system, the suitability/ fertility of the soils, as well as the available work force from local communities. By making use of this labour market, the proposed development would also support the vision of the Sundays River Valley Local Economic Strategy as outlined in the SRVM SDF (2013) which indicates agriculture, as a Local Economic Development Priority and identifies the need to *“...expand the agricultural section in the region.”*, as an Economic Development Objective.

The proposed agricultural expansion will create additional direct permanent, as well as seasonal employment opportunities. In addition, a number of indirect, employment opportunities associated with the fruit packing industry, transportation and logistical companies, purchasing, as well as hiring of various products (chemicals, pallets, cartons), are anticipated to be created. During the operational phase of the development, it is estimated that 12 new skilled and 85 unskilled employment opportunities will be created at a value of ~R3 million per annum. Labour will be sourced locally from communities in the SRVM and Nelson Mandela Bay Municipality (NMBM).

Based on the experience of the EAP, land available for cultivation, which is situated adjacent to existing agricultural areas, is zoned for agricultural use, has existing water use rights, suitable soils, and is near the LSRWUA canal system, is becoming scarce in the Sundays River Valley.

The additional clearance of ~147ha will result in ~38% (175ha) of the original extent of the near-natural and degraded vegetation on the farm being **retained**. By adopting the proposed no-go areas and all mitigation measures recommended by the Biodiversity Specialists, the biodiversity pattern target area for the various vegetation types, and the ecological and hydrological process areas on the farm will be safeguarded.

By applying the mitigatory measures proposed for the *Construction Phase* direct and indirect impacts of medium to high significance can be reduced to impacts of *medium to low negative impacts*. The key direct and indirect impacts associated with the *Operational Phase* of the development can, by applying the mitigatory measures proposed be reduced from negative impacts of high to medium significance to impacts of *medium to low negative or neutral impacts*.

The Environmental Assessment process has not identified any negative impacts that should be considered “fatal flaws” from an environmental perspective, and thereby necessitate substantial re-design or termination of the project. Taking into consideration the findings of the EIA process, it is the opinion of the Environmental Assessment Practitioner that the project benefits outweigh the negative residual environmental impacts, provided that the specified mitigation measures are applied effectively, it is proposed that the project receive environmental authorization in terms of the EIA process.