



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Private Bag X 447- PRETORIA · 0001- Environment House · 473 Steve Biko, Arcadia- PRETORIA
Tel (+ 27 12) 399 9372

DEA Reference: 12/12/20/720/AM4

Enquiries: Ms Zamalanga Langa

Telephone: (012) 399 9389 E-mail: zlanga@environment.gov.za

Mr John Geeringh
Eskom Holding SOC Limited
P.O. Box 1091
JOHANNESBURG
2000

Telephone Number: (011) 516 7233
Email Address: john.geeringh@eskom.co.za

PER E-MAIL / MAIL

Dear Mr Geeringh

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 06 NOVEMBER 2007 FOR THE CONSTRUCTION OF THE ESKOM KUDU INTEGRATED PROJECT 400KV TRANSMISSION LINE IN THE NORTHERN CAPE AND WESTERN CAPE PROVINCES.

The Environmental Authorisation (EA) issued for the above-mentioned application by this Department on 06 November 2007, the first amendment to the EA dated 22 September 2011 and the second EA amendment dated 20 March 2014, your application for amendment of the EA received by this Department on 27 November 2017, the acknowledgement letter dated 12 December 2017, the draft report received on 27 November 2017, the comments issued by this Department on 25 January 2018 and the final report received on 21 February 2018, refers.

Based on a review of the reason for requesting an amendment to the above EA, this Department, in terms of Chapter 5 of the Environmental Impact Assessment (EIA) Regulations, 2014 as amended, has decided to amend the condition 3.2.15 of the EA dated 06 November 2007, as follows:

From:

An offset in the ratio of 1ha:10-20ha must be considered because of the uniqueness of the vegetation that will be impacted on in the northern most section (Oranjemund-Gromis). This offset must be linked to the Orange River Mouth Ramsar site, which is in the process of being proclaimed a protected area (letter from Department of Tourism, Environment and Conservation, dated 28 March 2007).

Is amended to:

An offset in the ratio of 1ha:10-20ha must be considered because of the uniqueness of the vegetation that will be impacted on in the northern most section (Oranjemund-Gromis). This offset must be linked to a national protected area.

M-1

Reason for amendment:

Eskom conducted a study to determine suitable land close to the Orange River Mouth Ramsar site to comply with condition 3.2.15 of the EA, however, it has proven impractical to purchase and conserve a suitable section of land to include in the Orange River Mouth Ramsar site to act as a biodiversity offset. The area around the proposed Orange River Mouth Ramsar site is for the most part irreparably damaged beyond conservation due to mining activities, the town of Alexander Bay, the Alexander Bay airport and other activities around it.

Given the above-reasons, an alternative site was investigated with the South African National Parks (SANParks) together with input from a botanical specialist (Mr. Nick Helme) on the eastern part of Vyftienmyl se Berg (refer to Appendix F5), to be secured as an offset area. The Vyftienmyl se Berg is directly linked to the proclaimed Richtersveld National Park. Eskom submitted the biodiversity input to the Northern Cape Department of Environment and Nature Conservation (DENC) following which the DENC responded with a letter supporting the proposed new offset site. Further, the DENC indicated that the Orange River Mouth Ramsar site is affected by various obstacles making it less suitable to act as an offset area.

Eskom has acquired all the servitudes except for a portion where the power line crosses through the Namaqua National Park area which belongs to SANParks as the conditions from SANParks for granting servitude require Eskom to comply with two conditions in the original EA, i.e. 3.2.14 and 3.2.15. Eskom has, therefore, acquired approximately 630 of land on a portion of Farm Oograbies 148 Portion 2 (refer to Appendix A) from Richtersveld Local Municipality to add to the Richtersveld National Park to comply with condition 3.2.14 as agreed with SANParks. The DENC has alerted Eskom to condition 3.2.15 and required compliance thereto when Eskom applied for a permit for vegetation removal to facilitate construction.

Eskom is thus requesting the DEA to consider amendment of the condition as indicated above to conclude the matter and to ensure that SANParks grants Eskom the permission to construct the power line and apply for a servitude area through the Namaqua National Park. It is critical for this right to construct to be given to Eskom to ensure the project can be completed on time.

This amendment letter must be read in conjunction with the EA dated on 06 November 2011 and its amendments dated 22 September 2011 and 20 March 2015.

In terms of Regulation 4(2) of the National Environmental Management Act: the Environmental Impact Assessment Regulations, 2014, as amended (the EIA Regulations), you are instructed to notify all registered interested and affected parties, in writing within 14 (fourteen) days of the date of this EA, of the Department's decision as well as the provisions regarding the submission of appeals that are contained in the Regulations.

In terms of the Promotion of Administrative Justice Act, 2000 (Act No 3 of 2000), you are entitled to the right to fair, lawful and reasonable administrative action; and to written reasons for administrative action that affects you negatively. Further your attention is drawn to the provisions of the Protection of Personal Information Act, 2013 (Act no. 4 of 2013) which stipulates that the Department should conduct itself in a responsible manner when collecting, processing, storing and sharing an individual or another entity's personal information by holding the Department accountable should the Department abuses or compromises your personal information in any way.

Your attention is drawn to Chapter 2 of National Environmental Management Act, 1998 (Act No. 107 of 1998) National Appeal Regulations published under Government Notice R993 in Government Gazette No. 38303 dated 08 December 2014 (National Appeal Regulations, 2014), which prescribe the appeal procedure to be followed. Kindly include a copy of this document (National Appeal Regulations, 2014) with the letter of notification to interested and affected parties in this matter.

Should any person wish to lodge an appeal against this decision, he/she must submit the appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party, and any organ of state with interest in the matter within 20 days from the date that the notification of the decision was sent to the registered interested and affected parties by the applicant; or the date that the notification of the decision was sent to the applicant by the Department, whichever is applicable.

Appeals must be submitted in writing in the prescribed form to:

Director: Appeals and Legal Review of this Department at the below mentioned addresses.

By email: appealsdirector@environment.gov.za

By hand: Environment House
473 Steve Biko Street
Arcadia
Pretoria
0083; or

By post: Private Bag X447
Pretoria
0001

Please note that in terms of Section 43(7) of the NEMA, the lodging of an appeal will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged, you may not commence with any activity authorised in the EA until such time that the appeal is finalised.

To obtain the prescribed appeal form and for guidance on the submission of appeals, please visit the Department's website at https://www.environment.gov.za/documents/forms#legal_authorisations or request a copy of the documents at appealsdirector@environment.gov.za.

Yours faithfully



Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs
Date: 04/06/2018

cc:	Ms Muyandziwa Rikhotso	Nsovo Environmental Consulting	Email: admin@nsovo.co.za
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