

COMMENTS AND RESPONSE REPORT

PROPOSED ST HELENA WATERCOURSE CROSSING

CONTENTS

Comments received during the review of the Draft Basic Assessment Report (20 September 2012 to 31 October 2012)

1. INTRODUCTION

This Comment and Response Report (CRR) holds all comments received from Interested and Affected Parties (I&APs) during the Public Participation Process (PPP) for the Draft Basic Assessment Report for the proposed St. Helena Watercourse Crossing.

2. CONTRIBUTIONS BY I&APs

Comments have been received from a number of I&APs during the PPP to date. Table 1 lists these contributors.

Table 1: Stakeholders from who comments have been received

No	Name	Organisation
COMMENTS RECEIVED DURING THE DRAFT BASIC ASSESSMENT REPORT (BAR) REVIEW PERIOD		
01	Ms. Corinda Rix	TRONOX
02	Ms. C George	DEADP
03	ML Watters	Western Cape Government: Department Transport and Public Works
04	Theo Rebel	Saldanha Bay Municipality
05	Alana Duffell-Canham	CapeNature
06	Val Priestley	Cape West Coast Biosphere Reserve
07	Nelisa Ndobeni	Department of Water Affairs
08	Nelisa Ndobeni	Department of Water Affairs
09	Troy Smuts	Heritage Western Cape
10	Cor van der Walt	Western Cape Department of Agriculture
11	Mr HSC Steenkamp	Interested and Affected Party

3. COMMENTS RECEIVED DURING THE DRAFT BAR REVIEW PERIOD

No	Date	NAME & ORGANISATION	COMMENTS	RESPONSE
1	18 Oct 2012 Email	Ms. Corinda Rix TRONOX	Hi Tashriq I spoke to you two weeks ago i.c.w. with the document for above mentioned project. Can you please mail it to me. You can mail up to 10MB at a time and you can mail the documents to rix@webgateway.co.za . Thank you Corinda Rix Projects Clerk Engineering - Projects	The Draft BAR and supporting appendices were emailed to Ms Corinda Rix on 19 October 2012.
2	29 Oct 2012 Fax: Ref No. 16/3/1/6/6/F2 /5/3207/12	Ms. C George DEADP WC	Dear Sir COMMENTS ON THE DRAFT BASIC ASSESSMENT REPORT FOR THE PROPOSED ST. HELENA WATERCOURSE CROSSING The Draft Basic Assessment Report (BAR) for the Proposed St. Helena Watercourse Crossing, dated and received from Arcus GIBB on 19 September 2012 by this Directorate and the email notification received from Arcus GIBB on the 23 September 2012, refer. When reviewing the draft BAR, this Directorate considers the following National Environmental Management Principles, <i>inter alia</i> , which states that “ <i>Environmental management must be integrated, acknowledging that all elements of the environment are linked and interrelated, and it must take into account the effects of decisions on all aspects of the environment and all people in the environment by pursuing the selection of best practicable</i> ”	Thank you for your comment. Please refer to the Final Basic Assessment Report which clarifies most of the comments raised below and sheds more light on the project. With regard to the alternatives proposed, technology alternatives are the only alternatives available to the project (as outlined the in the Draft BAR). There are no feasible site, layout or activity alternatives. The box culvert structure that is proposed is the most effective way to widen the existing crossing. The need and desirability section and Section B(4) has been updated and clarified.

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			<p><i>environmental option</i>" (Section 2(4)(b) of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended ("NEMA")). The NEMA defines the "<i>best practicable environmental option</i>" as "<i>the option that provides the most benefit or causes the least damage to the environment as a whole, at a cost acceptable to society, in the long term as well as in the short term.</i>" This forms the context of the following comments.</p> <p>This Directorate has the following comments on the draft BAR:</p> <ol style="list-style-type: none"> 1.The overall report was considered to be of a low quality and did not meet the basic requirements of a BAR. The lack of appropriate information in this report does not support informed decision making. 2. The description of the alternatives is inadequate. The alternatives should include, inter alia, reasonable and feasible technology/design alternatives for the proposed watercourse crossing structures as a minimum. Furthermore, the description of the no-go alternative needs to be clarified (Pg 4). 3. The need and desirability of the proposed activity has not been adequately discussed in the draft BAR. There is no mention of the underground cable installation in the need and desirability section. The reasoning describing why, inter alia, the road needs to be upgraded in the first instance and why the cable needs to be laid underground was not included in the need and desirability section. 4. Section B(4) is incomplete as the site also contains natural vegetation. 5. The specifications of the proposed activity alternatives, inter alia, the quantity of soil and rock that will be excavated from and around the watercourse, 	<p>Your comments are noted. The engineers on the project have now determined that due to the soil conditions present, activity 18 of GN R544 is triggered (approximately 108 m³ of material will be removed / deposited within the watercourse).</p> <p>Please refer to Appendix E of the Final BAR for proof of public consultation (this proof was not available at the time of release of the Draft BAR). The I&AP database that was used was the same database as the St Helena Wind Farm and all I&APs were notified of the availability of the Draft BAR.</p> <p>The Western Cape Department of Agriculture has provided comment on the Draft BAR. Cape Nature has been consulted and their comments are addressed within this CRR and attached as Appendix E of the Final BAR. GIBB is therefore of the opinion that there are no serious flaws in the public participation process that has been followed.</p> <p>The Ecological Specialist Report assessed the entire site for the St Helena Wind Farm, and the study assessed the impacts on watercourses. The study outlined certain mitigation measures to limit the severity of the impacts on the watercourse (as outlined in Section D2 of the Draft BAR). It should be kept in mind that this study was approved as part of the St Helena Wind Farm development.</p> <p>Please refer to the Final BAR which outlines the impact assessment methodology used and</p>

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			<p>must be detailed in the report. Note that this may trigger an additional listed activity, namely Activity 18 of G.N. No. R544.</p> <p>6. The Public Participation Process (PPP) information is inadequate. The following must be included in the BAR.</p> <p>a. Proof of advertisement in local newspapers, proof of notice boards and evidence of notices that were sent to the Interested and Affected Parties (I&APs). Significant concerns and questions include:</p> <p>a. A list of I&APs was included in the draft BAR. There is no indication of whether these were for the specific watercourse crossing proposal, or the list used for the wind turbine application. Was everyone on the list of I&APs contacted for comment on this application?</p> <p>b. The comment by the Western Cape Department of Agriculture, attached to this report, is for the entire Wind Energy Facility and not specifically for the upgrade of the road and laying down of cables, which includes a watercourse crossing. Further comment from the Western Cape Department of Agriculture must be obtained.</p> <p>c. Due to the sensitive nature of the natural environment, CapeNature must be consulted and their comments included.</p> <p>There appears, therefore, to be serious flaws in the PPP and in the reporting of such in the draft BAR.</p> <p>7. Having considered the information presented in the ecological specialist report (prepared by David Hoare, 11 November 2011), the report is considered to be inadequate. The following concerns have informed this evaluation:</p> <p>a. The specialist did not conduct a site visit. A site visit is necessary in order to provide accurate information</p>	<p>the report addresses the most significant impacts related to the project.</p> <p>Please refer to Appendix F of the Final BAR for the revised EMP. Based on the nature and scale of the development as well as the status of the drainage line, it was determined that it is not necessary to compile a storm water and erosion management plan at this stage. As state in the EMP the Environmental Control Officer (ECO) will determine if an erosion and storm water management plan needs to be compiled based on the site and climate conditions at the time of construction.</p>

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			<p>on the fauna and flora that occur in the area.</p> <p>b. The specialist report was very general, was for the wind turbine application, and not specific to the watercourse crossing.</p> <p>c. Figure 7, which indicates the infrastructure on the site, does not clearly indicate where the access road and the underground cable will cross the watercourse. Furthermore, the layout of the wind turbines differs from the layout in Appendix A of the draft BAR.</p> <p>d. The specialist did not adequately describe the impacts that the proposed access road and the laying down of cables will have on the overall biodiversity at the site and the biodiversity outside of the proposed development site, including the downstream environment.</p> <p>e. The box culvert watercourse crossing alternative was not described or the impact of the technology/design assessed or recommendations pertaining to technology/design included in the specialist report.</p> <p>8. Specific concerns that relate to the draft BAR impact assessment section for the preferred alternative for the upgrade of the road and the underground cables involving a watercourse crossing includes the following:</p> <p>i. The methodology and criteria of determining the severity of the impacts of the proposed activities on the environment has not been included. The methodology of the impact assessment must be included in the BAR.</p> <p>ii. The access road and underground cable crosses the watercourse, which is identified as a remaining extent</p>	

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			<p>of an Endangered Ecosystem as per the National List of Terrestrial Threatened Ecosystems in South Africa (2011). Thus, the impacts on fauna and flora must be included in the BAR and detailed mitigation measures must be included in this section.</p> <p>iii. The impact and mitigation of the loss of individuals of threatened tree species, i.e. White Milkwood trees, must also be discussed in the BAR.</p> <p>iv. All relevant impacts (including the impacts mentioned in the specialist report) must be discussed in the BAR.</p> <p>9. Concerns regarding the Environmental Management Plan (EMP) are as follows:</p> <p>a. The EMP indicates, on page 17, that the internal access roads affect two watercourses. This statement must be clarified. This application reports a crossing of one watercourse near WTG 2 only.</p> <p>b. A detailed stormwater management plan and erosion management plan must be included in the EMP.</p> <p>c. An indication of financial provision for the implementation of the EMP must be outlined in the EMP.</p> <p>d. Time frames for all activities outlined in the EMP must be included in the EMP.</p> <p>e. In general, the EMP was considered to be vague, would be difficult to monitor and enforce and does not meet the required standard.</p> <p>This Directorate reserves the right to revise or</p>	

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			<p>withdraw any comments or request further information based on any information that might be received.</p> <p>Your interest in the future of our environment is greatly appreciated.</p> <p>Yours faithfully, Head of Department</p>	
3	26 Oct 2012 Fax Ref No. 13/3/5/1- 24/98	ML Watters Dept of Transport and Public Works	<p>Dear Sir</p> <p>NOTICE OF A BASIC ASSESSMENT PROCESS FOR THE PROPOSED ST HELENA WATERCOURSE CROSSING (DEA REF NO 14/12/16/3/3/1/652) AND AVAILABILITY OF THE DRAFT BASIC ASSESSMENT REPORT</p> <p>1. Your letter dated 19 September 2012 with reference J30212 refers.</p> <p>2. The Electrawinds Seeland (Pty) Ltd Wind Farm project requires a private road, that crosses a perennial stream, to be upgraded.</p> <p>3. The developers are proposing that the access road be widened and compacted, and larger stream crossing structure be constructed to allow for transportation of the turbine components.</p> <p>4. The affected length of road is approximately 66 meters.</p> <p>5. The road to be upgraded is a private road although access to it is via OP7675.</p> <p>6. This Branch offers no objection to the project, subject to the following:</p> <p>6.1. The District Roads Engineer's (DRE)</p>	<p>Thank you for your comment.</p> <p>Mr. Dana van der Westhuizen will be informed by the developer of the construction timeline prior to construction commencing.</p>

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			<p>representative Mr. Dana van der Westhuizen (Tel: (o22 433 8512, Cell: 082 557 7687) is informed of the project timeline.</p> <p>6.2. The developer maintains OP7675 to the satisfaction of the District Road Engineer, Ceres.</p> <p>Yours faithfully, ML Watters</p>	
4	26 Oct 2012 Email	Theo Rebel Saldanha Bay Municipality	<p>To whom it may concern, attached please find the comment of Saldanha Bay Municipality on the above matter, for your attention.</p> <p>Dear Sir/Madam,</p> <p>COMMENTS ON THE DRAFT BASIC ASSESSMENT REPORT FOR THE PROPOSED ST HELENA WATERCROSSING- FARM 47 LANGKLIP (SALDANHA)</p> <p>This application merely concerns the crossing of a small non-perennial stream on the farm Langklip 47 for the purpose of an internal link road and cable route for the proposed wind energy facility on this farm. The Saldanha Bay Municipality has the following comments to offer:</p> <p>a. The municipality has on record that an Environmental Authorization was issued by DEA on 02/03/2012 for a wind energy facility on the above farm. In this respect the following is uncertain:</p> <ul style="list-style-type: none"> • Why was this proposed water crossing not applied for or foreseen during the initial application for environmental authorization? • Secondly, it is noted that the said Environmental Authorization permit holder 	<p>Thank you for your comment. As outlined in the BAR, the application for the crossing of a watercourse is currently being undertaken as it was omitted in the application for environmental authorisation for the St Helena Wind Farm.</p> <p>As indicated by the DEA's comments attached in Appendix H of the Final BAR, the impacts associated with the crossing of watercourses by access roads have been assessed in the approved Environmental Impact Assessment for the whole wind energy facility, but they have not been specifically applied for and therefore a new application process must be undertaken.</p> <p>The holders rights of the Environmental Authorisation for the St Helena Wind Farm is in the process of being transferred to Electrawinds Seeland (Pty) Ltd.</p> <p>A land use application was submitted to the Municipality in February 2012. Carmen Lambrechts is the allocated case officer and she has also confirmed receipt of the Amended Site Development Plan subsequent to the application.</p>

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			<p>is specified as being 'Just Energy'- is still this the case and if so, why is the application of the water crossing then made in the name of 'Electrawinds Seeland (Pty) Ltd'?</p> <ul style="list-style-type: none"> • Thirdly, why is this particular application for a local water crossing made to DEA and not to DEADP Western Cape Provincial Government? <p>b. It should also be noted that although DEA may have issued an Environmental Authorization, a relevant application in terms of the Land Use Planning Ordinance, 15 of 1985, still has to be made for the necessary land use approvals. Such an application will have to include a very detailed site development plan, which will then have to form part of an eventual approval. In this respect, the following should be noted:</p> <ul style="list-style-type: none"> • No land use approval has been issued by the municipality. • The fact that certain conditions for possible inclusion in an eventual EA are suggested below, must not be construed as an in principle approval or support for the land use application and as such it cannot commit the municipality/council to a positive decision in this regard. • It is rather awkward to be considering an environmental impact assessment on a small detailed water crossing when a land use application with a detailed site development has not even been considered. 	<p>The DEA is acting as the Competent Authority as the current application as it is intricately related to the application authorised by the DEA for the St Helena Wind Farm.</p>

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			<p>c. Should an environmental authorization be issued for this proposed water crossing as part of the proposed wind farm development at least the following conditions should be imposed.</p> <ul style="list-style-type: none"> • The submission and approval of the necessary and relevant land use application(s) inclusive of the detailed site development plan. • The permit holder be the same as for the EA issued on 02/03/2012 or the latter be amended and proof be submitted to the municipality. • That the proposed water crossing will be only for access and underground cable to proposed mast/turbine nr. 2/ • Implementation of all suggested mitigating measures as set out on Tables 1-5 (pages 22-26) of the Draft Basic Assessment Report September 2012, ref. J30212. • All the relevant conditions as set out in the EA dated 02/03/2012 must be made applicable as well. <p>Regards Executive Mayor (Mr. FJ Schippers) Saldanha Bay Municipality</p>	<p>These conditions are noted.</p>
5	8 Oct 2012 Email	Alana Duffell- Canham CapeNature	<p>Dear Ms Nortje</p> <p>Re: Proposed St Helena Community Wind Farm Development, Farm Langeklip 47 – Watercourse Crossing Draft Basic Assessment Report.</p>	<p>Thank you for your comment.</p> <p>It will be recommended that an ECO be appointed to oversee the construction and implementation of the EMP (attached as</p>

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			<p>DEA ref: 12/12/16/3/3/1/652</p> <p>CapeNature would like to thank you for the opportunity to comment on this application and would like to make the following comments:</p> <ol style="list-style-type: none"> 1. The river crossing site occurs in an area covered by Saldanha Granite Strandveld, which is considered to be an endangered vegetation type. However, the vegetation along the existing "twee-spoor pad" has been degraded and is not considered to have high conservation value. Therefore, from a terrestrial biodiversity perspective we do not object to the proposed road widening and crossing structure. 2. Although the stream over which a crossing structure is proposed is non-perennial , it is important to not impede water flow and to prevent pollution from entering the stream. We do not object to the proposed use of a pre-cast concrete culvert but this should be checked and cleared of debris regularly. 3. The ECO should pay special attention not only to this river crossing, but to all road widening activities for the entire site to ensure that no unnecessary clearing or trampling of natural vegetation occurs. <p>CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.</p> <p>Yours sincerely Alana Duffell-Canham For: Manager (Scientific Services)</p>	<p>appendix F).</p>
6	27 Sept 2012 Email	Val Priestley Cape West Coast Biosphere Reserve	<p>Dear Elizabeth</p> <p>Please register the Cape West Coast Biosphere Reserve as an Interested and Affected Party. Kindly send me all the relevant information on a CD to</p>	<p>Email reply: 30 October 2012</p> <p>The St Helena Watercourse Crossing Public Participation office acknowledges receipt of your email dated 27 September 2012.</p>

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			<p>CWCBR P O Box 283 Darling 7345.</p> <p>Many thanks and have an excellent day.</p> <p>Kind regards Val Priestley</p>	<p>Please find attached hereto the soft copies of the report.</p>
7	21 Sept 2012 Email	<p>Nelisa Ndobeni</p> <p>Department of Water Affairs</p>	<p>To whom it may concern,</p> <p>This email is regarding the notification below. Please can a hardcopy of the BAR be submitted to the following address:</p> <p>Department of Water Affairs Private Bag X16 Sanlamhof 7532</p> <p>Kind Regards, Nelisa</p>	<p>Email reply: 8 November 2012</p> <p>The St Helena Watercourse Crossing confirms receipt of your email dated 21 September 2012.</p> <p>The BAR was submitted to MAR Khan at the Department of Water Affairs on 17 September 2012. It was hand delivered by our driver and received by Jonathan.</p> <p>An electronic copy of the Draft BAR was emailed to Nelisa Ndobeni on 08 November 2012.</p>
8	23 Oct 2012 Email	<p>Nelisa Ndobeni</p> <p>Department of Water Affairs</p>	<p>Dear Madam,</p> <p>DRAFT BASIC ASSESSMENT REPORT FOR THE ST HELENA WATERCOURSE CROSSING</p> <p>The Department has received the abovementioned report dated 19 September 2012 with reference number J30212.</p> <p>This Department has the following recommendations and comments with regards to the proposed activity.</p> <ol style="list-style-type: none"> 1. No pollution of the surface water or ground water resources may occur due to the activities on the property. 2. Measures to control illegal dumping of 	<p>Thank you for your comment and the contents of your letter is noted.</p> <p>The Water Use License will be re-submitted to the Department of Water Affairs during the week of 10 December 2012. No abstraction of surface or ground water is anticipated. Please refer to Appendix I for the confirmation of water availability from the Saldanha Bay Municipality.</p> <p>No pollution of the surface water or ground water will occur due to the activities referred to in the final BAR, as well as measures to control illegal dumping of construction waste will be put in place, storm-water runoff will be controlled and all waste will be disposed and managed according to the relevant legislation.</p>

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			<p>construction waste must be put in place as this may result in pollution to the surface water.</p> <ol style="list-style-type: none"> 3. Please note that the previous water use licence application that was submitted to the Department has been withdrawn as Seeland Wind Farm did not receive the “preferred bidder status” on the 2nd window of bidding. Therefore, without the issuance of the water use licence, the proposed activity cannot commence. It is recommended that a new water use licence application be submitted to the Department. 4. No abstraction of surface or groundwater may take place without prior authorisation from this Department, unless it is a Schedule 1 Use or an Existing Lawful Use. 5. Please provide proof of the agreement between the applicant and the municipality for the use of 24 kL of greywater for construction purposes. 6. Storm-water runoff must be controlled to ensure that on-site activities do not culminate in off-site pollution. 7. Solid waste and hazardous must be disposed of at a licensed waste management facility and must also be managed in accordance with the requirements of the relevant legislation. 8. All the requirements of the National Water Act, 1998 (Act 36 of 1998) must be adhered to at 	<p>As stated in the EMP the Environmental Control Officer (ECO) will determine if an erosion and storm water management plan needs to be compiled based on the site and climate conditions at the time of construction.</p> <p>GIBB would like to assure the Department that all requirements of the National Water Act, 1998 (Act No. 36 of 1998) will be adhered to at all times (such measures have been included in the EMP).</p>

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			<p>all times.</p> <p>Should you have questions please to not hesitate to contract this office.</p> <p>Yours faithfully Chief Director: Western Cape</p>	
9	18 Sept 2012 Email	Troy Smuts Heritage Western Cape	<p>To whom it may concern,</p> <p>Heritage Western Cape requires a Notification of Intent to Develop (NID) to be submitted regarding the proposed St Helena Watercourse crossing (DEA Ref: 14/12/16/3/3/1/652) as required by Section38(8) of the National Heritage Resource Act (Act 25 of 1999). If this form has not already been submitted, please complete and submit the attached NID form and checklist and send through one hardcopy and one digital copy (on a CD) along with any associated documentation to the HWC offices.</p> <p>Regards, Troy Smuts</p>	<p>Thank you for your comment.</p> <p>A NID was submitted to Heritage Western Cape on 05 December 2012. GIBB would like to point out to the Department that Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) is not triggered by the development (widening and hardening of 66.4 m of an existing access road).</p>
10	04 Dec 2012 Post	Cor van der Walt Western Cape Department of Agriculture	<p>The Western Cape Department of Agriculture has no objection provided that all control measures is implemented to prevent any form of degradation to the natural resources.</p> <p>Please take note:</p> <ul style="list-style-type: none"> • That this is only a recommendation to the relevant deciding Authorities in terms of the Subdivision of Agricultural Land Act 70 of 1970, Conservation of Agricultural Resources Act no 43 of 1983 and the Land Use Planning Ordinance 15 of 1985. • Kindly quote the above-mentioned reference number in any future correspondence in respect of 	<p>Thank you for participating in the process. GIBB notes the contents of your comment.</p>

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			<p>the application.</p> <ul style="list-style-type: none"> The Department reserves the right to revise initial comments and request further information based on the information received. 	
11	18 November 2012 Post	Mr HSC Steenkamp I&AP	<p>“Ek verstaan glad nie wat daar beplan word nie. Julle sal dit vir my moet verduidelik. Ons is ‘n water arm streek. Ek kan nie goedkeuring vir so ‘n projek gee nie.”</p> <p>Translation: <i>I do not understand what is being planned. You will have to explain it to me. We are a water poor area and I cannot give my approval for a project of this nature.</i></p>	<p>Thank you for your comment.</p> <p>Mr Steenkamp was contacted once GIBB received this letter, and it was explained to him that this project is not a water abstraction project. It is a access road that will be upgraded, and as such it crosses a drainage line.</p>