

Legal EIA

NEMA is the primary South African legislation governing the requirements for environmental assessment. The Environmental Impact Assessment (EIA) Regulations published on 18 June 2010 under NEMA as Government Notices No. R543 to 546 prescribes Basic Assessment Processes and Scoping and Environmental Impact Reporting Processes ("Full" EIA) that need to be followed. This is prior to certain listed activities receiving Environmental Authorisation from the relevant competent authorities. An Applicant, who intends applying for such an authorisation for a listed activity, must appoint a suitably experienced independent Environmental Assessment Practitioner (EAP) to manage the application. The EAP must then determine whether a Basic Assessment or "Full" EIA is required.

A "Full" EIA must be applied to an application with two or more listed activities if any one or more of the activities trigger a "Full" EIA, even if the other activities trigger only a Basic Assessment.

Basic Assessment Process

Basic Assessments are legally required for certain listed activities where the impact is typically relatively moderate. Such activities are listed in:

- **GNR544 - 'Listing Notice 1'**
- **GNR546 - 'Listing Notice 3'**, which identifies activities that require environmental authorisation within specified geographical areas.

"Full" EIA - Scoping and EIA

Activities listed as requiring a "Full" EIA process are typically more detrimental than those requiring a Basic Assessment. "Full" EIAs apply for activities listed in:

- **GNR545 - 'Listing Notice 2'**

Public Participation Process

Environmental Management Programme (EMP)

PPP and EMP are prescribed for both Basic Assessments and "Full" EIAs.

Purpose of an EIA

The purpose of an EIA is to identify and assess the potential environmental impacts and develop a set of appropriate mitigation measures for any impacts rated as significant.

The mitigation measures can then be incorporated as a set of environmental specifications in a project specific EMP or an organisational Environmental Management System (EMS).

A Public Participation Process (PPP) will be run as part of the EIA, the PPP will include identification and notification of potential Interested and Affected Parties (I&APs), public review of draft and final documents and public meetings.

Listed Activities Triggered by the Proposed Port Expansion

Due to the many components of the proposed Port expansion project several Listed Activities are triggered. Note that at this stage the identification of Listed Activities is preliminary since the engineering feasibility studies are still in progress. At this stage potential listed activities include amongst others:

Listing Notice	Activity Number	Pertaining to
GN 544	2, 28	Atmospheric Emission License
	10, 38	Electricity Infrastructure
	14, 43	Construction in costal public property
	16, 45	Construction or earth moving in the bay
	18	Dredging and depositing of material in the bay
GN 545	22	Extension of stockyard service roads
	24	Transformation of vacant land for the stockyard expansion
	54	Expansion of the berth on the sea bed
	14	Construction of the new berth on the sea bed
	15	Physical alteration of undeveloped land - stockyard
	24	Construction of facilities in the bay associated with ships

