

FINALMINUTES OF MEETING



CLIENT	: Eskom Holdings Limited
PROJECT	: Nuclear-1 EIA and EMP
PURPOSE	: Authority Meeting with the Department of Environmental Affairs (DEA), Eskom and Department of Environmental Affairs and Development Planning (DEA&DP)
PLACE	: DEA&DP Offices, 1 Dorp Street, Cape Town
DATE & TIME	: 03 August 2010; 14h00 – 15h30

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Attached:

- 1) Agenda for meeting
- 2) Presentation delivered at the meeting

	DESCRIPTION	ACTION	DEADLINE
1.	<p>WELCOME AND INTRODUCTIONS</p> <p>JMB chaired the meeting and thanked the commenting and decision-making authorities for being present. A round of introductions was made.</p>		
2.	<p>AIM AND EXPECTED OUTCOMES OF THE MEETING</p> <p>JMB explained that the purpose of this authority meeting was for the Environmental Assessment Practitioner (EAP) to present the findings of the Draft Environmental Impact Report (EIR) to the Western Cape commenting authority and to discuss the DEA&DP's comments on the Draft EIR and EMP with the EAP and Eskom, the Applicant.</p>		
3.	<p>DRAFT EIR AND EMP OVERVIEW AND DEA&DP's COMMENTS</p> <p>The attached presentation was delivered by JMB of GIBB. Some slides were not presented, with permission from the audience, due to time constraints but are included in the appendices.</p> <p>TC What is the status of the invertebrate and wetland specialist study?</p> <p>JMB This study, as well as others, has been very detailed and a number of visits were undertaken by the invertebrate specialist team to the three sites being assessed. The specialist did, however, request additional field surveys be undertaken in the December/ January period in order to survey the butterflies, in particular. A survey was undertaken last December but the weather and specialist's time constraints resulted in only a few days being available to the team to catch the insects. Additional surveys, in the appropriate seasons, were recommended in the specialist report included in the Draft EIR.</p> <p>Post-meeting note: Dr. Peter Hawkes of Afribugs, the invertebrate specialist, has confirmed with the EAP that he considers the present invertebrate surveys to be adequate for the purposes of this EIA. This includes the recommendations made regarding the area of least invertebrate faunal sensitivity on the Thyspunt site. Additional surveys of the various invertebrate taxa will, however, be undertaken and included in the Final EIR.</p> <p>The outcome of these specialist studies could impact the final decision. Would this be in addition to the previous study? Will the studies occur after the decision is taken?</p> <p>TC GIBB has recommended in Draft EIR that once a decision is taken and if it is positive, that detailed biophysical surveys be undertaken by suitably experienced and qualified technical experts. These surveys would aim to provide guidance to Eskom on the final alignment of the access roads within the road corridor assessed, positioning of the 'foot print' of the buildings, etc. within the EIA corridor assessed, so that the potential</p>		

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JMB	impacts are minimised.		
	The invertebrate specialist observed a fairly uniform habitat within parts of the Thyspunt site and took guidance from the flora specialist regarding habitat sensitivity and homogeneity, both of which are likely to affect the presence of certain invertebrate taxa. GIBB has a good understanding of the areas of least sensitivity on each of the three sites as the sensitivity maps of all 24 specialists have been overlain to form a composite sensitivity map. GIBB has made a recommendation that the infrastructure be located in the area of least sensitivity at each of the sites. In terms of exactly where specific components of the infrastructure will be located, this would be determined by specialists on site, as previously mentioned.		
DH	Regarding the wetland studies, the specialist's (Dr. Liz Day) main concern was that when you excavate land for the nuclear terrace, it might 'dry out' the upstream wetlands. The geohydrologists have drilled additional boreholes and undertaken, together with the wetland specialist, additional studies since the publishing of the Draft EIR. The results received thus far from this additional monitoring work have made the specialists far more certain of their findings and this has been reported at recent Key Focus Group and public meetings.		
JMB	An addendum to the revised specialist report will contain this additional monitoring information and be included in the Revised Draft EIR.		
4.	TIMELINES AND PROJECT SCHEDULE		
JMB	Eskom has indicated that the utility would like to start construction in 2011. Although this was stated, this is a highly optimistic date and it is likely to be 2013, with the first unit being operational in 2020 or thereafter depending on the commencement of construction. The construction period is 8 to 9 years in duration, with a peak construction period of 2 to 3 years. Construction of the proposed power station is dependent on over 30 other authorisations, other than the National Environmental Management Act and the National Nuclear Regulator Act authorisation.		
5.	GENERAL DISCUSSION		
TC/PH	Several of DEA&DP's comments have been excluded from the Draft EIR. It is extremely important that all comments obtained by organs of state be contained in the report and available for public comment. Omitting comments from DEA&DP, or any other organ of state, is considered by the DEA&DP as a fundamental and legal flaw in the EIA process.		
CA	The DEA cannot treat all organs of state as Interested and Affected Parties (I&APs), as it will be chaotic for decision-making and will set an unfavourable precedent. Decision-making should fall on the decision-making authority after considering comments received. The DEA must discuss this internally before providing a response to the DEA&DP.		
PH	It is not a problem if there is absolute consistency in the comments issued by the DEA. It is however a		

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	problem when there are distinctly different comments being made. If there is a disagreement regarding the potential impacts of the proposed development amongst the various stakeholders, it is extremely important for transparent communication in the process.		
ZT	A legal precedent has already been set regarding the above issue. The EIA Regulations in fact designate all organs of state, including DEA&DP, as I&AP. All comments taken into consideration for decision-making must be included in the report. This does not require that the competent authority agree with these comments. Such discrepancies could result in appeals.		
	He further indicated that there was a difference between comments made internally between the two departments and those that are made as part of an EIA process.		
CA	The DEA will review this issue with our legal team and determine how to proceed. If this is a legal requirement then the DEA will adhere to the Regulations.		
JM	As the EAP, we appreciate the DEA&DP's comments regarding the Department's interpretation of the law and will also get a legal opinion on the matter.		
PH	The technical reviews of specialist reports also need to be included in the report if they indicate a difference of opinion between specialists that could be fundamental to decision-making.		
JMB	GIBB undertook these internal quality reviews of specialist reports to ensure the specialist reports were of an excellent quality. The technical reviewer looked specifically at the technical content of the specialist reports, and provided comments regarding further information that needed to be in the reports. GIBB discussed the issues raised by the reviewers with the specialists and in most cases changed their reports as per the reviewer's comments.		
ZT	GIBB is attempting to produce a high quality EIA and to be absolutely transparent in the EIA process. To this end audio-recordings of meetings have been sent to all the authorities and the members of the public, where requested; draft minutes of all public, key stakeholder and Key Focus Group meetings have been distributed for a 14-day comment period; and draft and final minutes posted for public viewing on the two EIA websites (www.eskom.co.za and www.gibb.co.za). A number of specialists have provided interested parties feedback on their specialist reports at KFG meetings.		
JMB	Post meeting note: The technical reviews were only carried out on the first draft of specialist reports. A considerable amount of work has been carried out by the various specialists, subsequent to the review, based on the formal technical reviews and specific public input. These reviews were for internal quality review purposes.		
	If these technical reports are used to put emphasis on a particular point, they will have no standing in the EIA		

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	process. This was not the intention of the technical reviews. GIBB commissioned the reviews to ensure thoroughness and quality of the specialist studies and reports.		
PH	The public need to be able to access all information related to potential impacts that are relevant to the application and decision-making. The DEA&DP is concerned that the EIAs for the transmission lines for each alternative site are being undertaken separately. To make an informed decision, holistic consideration must be taken into account, rather than incremental decision-making.		
PH	It is important to look at all EIAs for the three alternative sites together with the EIAs for the transmission lines, as the potential impacts of the lines will likely far exceed that of the actual building infrastructure. This also applies to the construction villages.		
JMB	GIBB has assessed the potential impacts of constructing, operating and decommissioning a nuclear power station (including all associated infrastructure) at each site in as much detail as possible. The information gained in the transmission lines EIAs for each site, as available at the time, have been taken into account in the plant EIA process.		
DH	If the transmission site doesn't get approved, it is Eskom's understanding that the power plant will not 'go ahead'. Regarding construction villages, the intention is to build the villages within areas already designated as residential areas. Eskom has had discussions with the applicable authorities pertaining to the prospective sites and the social impacts of potential housing has been discussed in the Social Impact Assessment. Post meeting note: The Duynefontein and Thyspunt Transmission Line EIRs are likely to be submitted for public review prior to the end of 2010 and would therefore be submitted to the authorities for approval at a similar time to the plant EIA. Eskom notes the concerns raised and undertakes to work with the EAPs to ensure these EIAs are fast-tracked.		
PH	If the potential impacts have been assessed, then that is fine.		
JMB	Specifically regarding the Thyspunt site, certain staff will live in Jeffrey's Bay. Humansdorp also has a lot of vacant land, earmarked for housing. The current socio-economic situation in Humansdorp could potentially benefit from this development.		
PH/ZT	This information should be in the report to conclude and deal with the potential impacts and clarify the significance of the issues up front. These should not be left outstanding for incremental decision-making at a later date.		
TC	There is too little information regarding housing in the site plan for Bantamsklip site. The area surrounding the		

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	<p>site is not as developed as the other sites. There needs to be more detail to indicate what would be needed in terms of housing for site staff and construction workers. The towns close by are not equipped to absorb staff housing, and would cause a massive impact for infrastructure and local towns. The scale of the potential impact to these towns and the cumulative impact of the staff village are unknown.</p>		
JMB	<p>It is GIBB's understanding that Eskom will undertake separate EIAs for the housing requirements, should these be required.</p>		
ZT	<p>What is Eskom's intention for the Bantamsklip and Duynefontein sites?</p>		
DH	<p>Eskom's intention is to use all three sites for further development of nuclear generation infrastructure if the Integrated Resource Plan (due to be promulgated in September 2010) indicates that nuclear will be part of South Africa's energy mix. The EIA for Nuclear-2 will commence very soon and the transmission line EIAs would therefore remain relevant. If South Africa decides to proceed with a nuclear fleet of 20 000 MW it will be necessary to initiate a strategic process to look at other potential sites suitable for nuclear in South Africa.</p>		
6.	<p>CLOSE</p> <p>JMB thanked all for their valuable input to the meeting and future contribution to the EIA process. She extended an invitation to meet again with the commenting authorities should this be needed.</p> <p>The meeting was closed at approximately 15h30.</p>		