

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

EIA: 12/12/20/944

**FOR THE PROPOSED ESKOM NUCLEAR POWER STATION AND
ASSOCIATED INFRASTRUCTURE**

**REVISED DRAFT ENVIRONMENTAL IMPACT ASSESSMENT
REPORT**

**MINUTES OF AUTHORITY MEETING: SOUTH AFRICAN HERITAGE
RESOURCES AGENCY (SAHRA)**

**SAHRA HEAD OFFICE, 111 HARRINGTON STREET, CAPE TOWN
24 MAY 2011**

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PREFACE

Should participants who attended the meetings require any changes to these proceedings, please notify the Public Participation Office (nuclear1@gibb.co.za) in writing within 14 days of receipt.

In order to provide a structure and to enable the reader to follow the proceedings with ease the minutes have not been captured verbatim and post-meeting notes have been added for clarity and information purposes and are indicated in **bold**.

1. ATTENDANCE

1.1. Attendance – South African Heritage Resources Agency (SAHRA)

| Name | Position/Role |
|---------------------------|---|
| Mr Dumisani Sibayi | Executive Officer: Heritages Resources Management |
| Ms Sonja Warnich-Stemmet | Acting Provincial Manger, SAHRA Western Cape Office |
| Ms Colette Scheermeyer | Archaeology, Palaeontology and Meteorite Unit |
| Ms Nonofho Ndobochani | Archaeology, Palaeontology and Meteorite Unit |
| Mr Andrew Salomon | Archaeology, Palaeontology and Meteorite Unit |
| Dr Mariagrazia Galimberti | Archaeology, Palaeontology and Meteorite Unit |
| Adv. Michael Petersen | Legal Advisor |

1.2 Attendance – Eskom Holdings Limited (Eskom)

| Name | Position/Role |
|-------------------|--|
| Ms Deidre Herbst | Senior Manager: Environmental Management |
| Mr Mervin Theron | Manager: Regulation and Localisation |
| Ms Lorraine Ndala | Senior Environmental Advisor |
| Mr Samson Malaka | Senior Advisor: Project Management |

1.3 Attendance – Environmental Consulting Team (GIBB)

| Name | Organisation | Role in the project |
|----------------------|----------------------|--|
| Ms Jaana-Maria Ball | Arcus GIBB (Pty) Ltd | Nuclear-1 EIA: Project Manager |
| Mr Reuben Heydenrych | Arcus GIBB (Pty) Ltd | Senior Environmental Scientist |
| Mr Ryan Dolan | Arcus GIBB (Pty) Ltd | Environmental Scientist (Minute-taker) |

1.4 Apologies

| Name | Organisation | Role in the project |
|-----------------|--|---------------------------------|
| Mr Tim Hart | Archaeology Contract Office, University of Cape Town | Independent Heritage Specialist |
| Mr Phillip Hine | Archaeology, Palaeontology and Meteorite Unit | SAHRA |

2. WELCOME AND INTRODUCTIONS

Mr Dumisani Sibayi, Executive Officer of the SAHRA Heritage Resources Management Division, welcomed everyone to the meeting and invited a round of introductions. Mr Sibayi reiterated that the purpose of the meeting should be for attendees to find solutions to the issues at hand without compromising on the respective mandates of the organisations present.

Participants were reminded that the meeting was being recorded and that draft minutes of the meeting would be available afterwards for comment.

3. AIM AND EXPECTED OUTCOME OF THE MEETING

Mr Sibayi handed over discussion to Ms Jaana-Maria Ball (GIBB), who explained that GIBB, the independent Environment Impact Practitioners, would provide a brief overview of the Revised Draft Environmental Impact Report, as well as key changes to the Draft Environmental Impact Report and the Heritage Assessment. She explained that the presentation would be followed by a discussion regarding the current status of the report, and the way forward in the EIA process. This discussion would also cover the pending application with the SAHRA for a permit to conduct test excavations for archaeological sites on the Thyspunt site.

4. PRESENTATION: FINDINGS ON THE DRAFT ENVIRONMENTAL IMPACT ASSESSMENT REPORT AND THE HERITAGE REPORT

Ms Ball and Mr Reuben Heydenrych presented a brief overview of the findings of the Revised Draft Environmental Impact Report (EIR) and the Heritage Assessment (refer to presentation slides provided in Appendix 2), with focus on key changes to the documents.

The issues raised and discussed following GIBB's presentation are captured in the table presented in Appendix 1.

5. ISSUES AND COMMENTS RAISED AND DISCUSSED

5.1 Issues and Comments raised

The table contained in Appendix 1: "Record of Issues Raised and Discussed" details the issues, comments and concerns, which were raised and discussed at the meeting.

6. WAY FORWARD AND CLOSING REMARKS

6.1 Minutes of Meetings

Ms Ball indicated that the EIA Team would endeavour to distribute the minutes of the meeting to SAHRA shortly after the meeting.

Once received, those present will have 14 days to verify the accuracy of the minutes and provide their comments to the GIBB Public Participation Office.

6.2 Timeframes

In terms of the timeframes, the SAHRA personnel were informed that the period for public review and comments for the Revised Draft EIR has been extended, as requested by various

I&APs. The deadline for submission of comments is 07 August 2011. The SAHRA was respectfully asked to submit comments on the Heritage Impact Assessment within this time period.

Comments received will be used to produce the Final EIR, which will then be submitted to the Department of Environmental Affairs (DEA) (the decision-making authority for the EIA) for their consideration. The final EIR, which will consider the comments from the SAHRA will also be submitted to the SAHRA for a decision on the preferred site.

The timeframe for submission of the Final EIR to the DEA will depend on the quantity and type of comments that are received from I&APs during the review period.

A letter will be sent to all registered I&APs informing them of the authority's decision.

6.3 Concluding Remarks

Mr Sibanyi thanked everyone for constructive engagement and agreed that the SAHRA will finalise processing the application submitted by the Heritage Specialist, Mr Hart, for the 'test' excavations. He agreed that the Agency would do its best to provide comments regarding any information gaps in the Heritage Impact Assessment that must be addressed prior to consideration and decision by the SAHRA.

APPENDIX 1: RECORD OF ISSUES RAISED AND DISCUSSED

| AUTHORITY MEETING: SAHRA HEAD OFFICE, CAPE TOWN (24 MAY 2011) | | | |
|--|----------------------------------|--|---|
| No | Name | Comment | Response |
| | Ms Jaana-Maria Ball, GIBB | Many members of the public requested that the comment period for Revised EIR be extended beyond the required 45 days. This has been granted and the deadline for submissions has been extended to 07 August 2011. | |
| | Dr Mariagrazia Galimberti, SAHRA | <p>She requested clarification on the size of the property at the Thyspunt site.</p> <p>She asked if the figure in the presentation included additional land that Eskom plans to purchase.</p> | <p>Ms Ball of GIBB responded that the figures listed on Slide 23 do not include the additional hectares for roads, etc. While the Thyspunt site area is indicated at 1 638 ha, GIBB is recommending that the footprint of the infrastructure be located in approximately 174 ha. Further, a recommendation from all specialist studies indicates that a 200 m buffer zone be maintained along the coastline.</p> <p>No it does not include the land that has been and will be purchased in the future. The additional land that Eskom purchases will not increase the size of the recommended footprint for the site. Subsequently it would result in a higher percentage of Eskom's land being designated for conservation purposes.</p> |
| | Ms Jaana-Maria Ball, GIBB | In March 2011, the archaeology specialist, Dr Tim Hart, produced a mitigation study based on the concerns of the SAHRA regarding the suitability of the Thyspunt site from a heritage perspective. This application for permit has been re-submitted to SAHRA for consideration by the panel. It is the understanding of GIBB that this is still pending approval. | Mrs Ndobochani clarified that there are two issues regarding Thyspunt, the impact assessment, and the application for test excavations following the findings of the impact assessment. SAHRA has responded to the archaeological and palaeontological impact assessment. In a meeting that followed this response, Eskom and GIBB indicated that they needed to do test excavations for the area that was not surveyed – hence the application for a permit to do test excavations. SAHRA is |

| AUTHORITY MEETING: SAHRA HEAD OFFICE, CAPE TOWN (24 MAY 2011) | | | |
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| No | Name | Comment | Response |
| | | In the recommendations of GIBB, it is stated that one condition for the permit being granted is that the specialist gain further access to the site able to conduct test excavations to verify the sensitivity and quality of heritage on site. This has been reflected in the application to SAHRA. | finalising this application. |
| | Ms Deidre Herbst, Eskom | There have been some applications submitted by the specialist, Mr Hart, for a permit to excavate on site for an in-depth heritage study. These were declined by the SAHRA based on the premise that the excavations were too extensive. As such, test excavations were later proposed, but a decision on this permit has been delayed for a total of eight months. Mr Hart has modified his application according to concerns from the SAHRA and Eskom wishes this process to move forward. | Ms Ndobochani answered that Mr Hart applied to the SAHRA for a permit to do test excavations, which was submitted to the permit committee. SAHRA had a meeting with Mr Hart in January 2011 to contextualise the application within the broader project area and to make it more clear for re-submission to the committee. She stated that SAHRA has been giving timely responses to the applicant, its only that these were not favourable to Eskom. In the whole process for this application, feedback has been given to the specialist, and this included having meetings with him at times. After re-consideration of the application, the specialist was to provide a map, which the SAHRA has received from Mr Hart a week prior to this meeting, and SAHRA staff are currently in the process of finalising the application. SAHRA will assess whether all required information is included for consideration of the application. |
| | Ms Deidre Herbst, Eskom | Eskom requests that the comments provided to Mr Hart be clear and that he is aware of what he needs to do to address issues on time. Eskom is relying on the SAHRA and Mr Hart to get answers and to move forward. This process has been frustrating to Eskom given the various delays in considering the application for a permit to carry out the test pits. | Adv. Petersen answered that the SAHRA is the responsible authority for conservation of heritage resources in terms of the Constitution as well as within the relevant legislation. It is therefore within SAHRA's jurisdiction to adhere to its prescribed processes and procedures for consideration of an application. In the event that certain information is required and the consultant does not provide this information, the SAHRA has the right to request this information. The SAHRA understands it |

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| No | Name | Comment | Response |
| | | | is a time-consuming process and that this can be frustrating to the Applicant, but this is within the mandate of SAHRA. |
| | Ms Deidre Herbst, Eskom | Eskom understands and respects the mandate of the Agency. As this process has been going since August 2010, it is important that all parties move forward, regardless of the cause of the delay. Eskom would expect that the Agency communicate clearly and timeously with the specialist to ensure he can provide necessary information for consideration of the application. | <p>Ms Scheermeyer answered that in terms of the permit application, once the SAHRA receives the information that was requested of the Applicant, the Agency has the responsibility to bring these concerns back to the committee to discuss and to reach a consensus. If at any point, this legislative process has not been conducted according to legal obligations, the decision can be challenged in court. Therefore it is required that the SAHRA follow the process as required.</p> <p>Ms Herbst responded that Eskom understands that the SAHRA is not trying to deliberately delay the process.</p> |
| | Ms Nonofho Ndobochani, SAHRA | The SAHRA has indicated in the past that it does not support the development as it has been presented to the Agency through impact assessment reports. An official response was given to that effect, which Eskom currently has. Following a meeting held last year, a revised Heritage Impact Assessment has been prepared and submitted to SAHRA. The SAHRA will review the report and comment accordingly. | Mr Sibayi indicated that while the SAHRA supports the mandate of Eskom in providing electricity, this should be done within the context of heritage recommendations. |
| | Mr Mervin Theron, Eskom | Mr Theron asked if the SAHRA has deadlines and a timeline for commenting and consideration of applications. | <p>Ms Scheermeyer of the SAHRA indicated that permits are circulated the committee on Fridays every two weeks.</p> <p>Ms Ball responded to confirm that this EIA is being considered under the 2006 National Environmental Management Act (NEMA) EIA Regulations. GIBB would like to respectfully request that the SAHRA comment within the 90-day Comment Period.</p> |

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| No | Name | Comment | Response |
| | Ms Deidre Herbst, Eskom | In terms of the SAHRA as a commenting authority, Eskom would like to receive comments regarding anything that is missing from the draft Heritage Report. The Agency will be given an opportunity at a later date to consider the overall suitability of the site and subsequent decision for approval. At this time, Eskom would simply like the SAHRA to indicate if there are any gaps in the Heritage Impact Assessment that would impair their ability to make a decision later on. | Ms Ball clarified by stating that the SAHRA should simply comment at this point on gaps in the Heritage Impact Assessment. The SAHRA will be given an opportunity to approve/ disapprove the proposed development once the Final EIR is submitted to the DEA. |
| | Ms Jaana-Maria Ball, GIBB | The Heritage Impact Assessment and the Visual Impact Assessment should be considered together by the SAHRA. GIBB requests that the SAHRA reads the Visual Impact Assessment within the context of heritage, specifically regarding the photomontage taken from Rebelsrus included in the presentation. | |
| | Mr Reuben Heydenrych, GIBB and Ms Deirdre Herbst, Eskom | One of the findings from the specialist study is that the Thyspunt site may qualify as a UNESCO World Heritage Site. Ms Herbst requested information regarding what the process would be if the site is determined to be a World Heritage Site. She requested clarification whether this designation would stop the power station from moving forward. | Mr Sibayi of the SAHRA said that in terms of this affecting the proposed activities, the site would also have to be indicated as a heritage site at the national level for this to be a consideration. Such a designation would need to first be proposed and later approved by the relevant committee. The responsible committee would be in the Eastern Cape. Ndobochani indicated that Mr Hart was not saying Thyspunt is worth of world heritage status, he was using the UNESCO definition of 'cultural landscape'. |
| | Ms Jaana-Maria Ball, GIBB | The understanding from GIBB is that this process might be extensive. Ms Ball requested information regarding who is responsible for moving this process | To add to Ms Ball's comment, Ms Herbst asked if the terms of the SAHRA's requests were met accordingly, would the potential designation of this site as a World Heritage Site derail |

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| No | Name | Comment | Response |
| | | forward and why the site hasn't been designated as a heritage site yet. | <p>approval of the development</p> <p>Ms Ndobochani responded that this should be addressed with Department of Environmental Affairs (DEA), as they are the authority on designating a World Heritage site.</p> <p>Adv Petersen of the SAHRA said that the issue of this delaying the process will have to be looked at and confirmed. After assessing this issue, the SAHRA will provide a clarification in writing. However, at this time the way forward should deal with the site in terms of its current designation. In other words, the EIA should not consider the site as a World Heritage Site.</p> |
| | Adv Michael Petersen SAHRA | As no one attending this meeting is on the permit committee, no one in attendance from the SAHRA has authority to make a decision on permit applications. So it is also important to clarify that the purpose of the meeting from the SAHRA's perspective is for information sharing. | |
| | Ms Jaana-Maria Ball, GIBB | There has been a request from the Thyspunt Alliance requesting a meeting with the Gamtkwa Khoisan Council in the St. Francis area. GIBB has been addressing the larger tribe (First Nation Tribe), under which GIBB has been informed the various Councils sit. GIBB has been approaching the chief of relevant tribes for public participation purposes, and they are then responsible for inviting other councils. Ms Ball requested feedback from the SAHRA as to whether the method of addressing the tribe chief is adequate for the purposes of public participation. | <p>Mr Sibayi of SAHRA said that this can potentially be dangerous as various tribes do not recognize certain kings or other tribes. It is important that various measures be taken to advertise public participation</p> <p>Adv Petersen of SAHRA added that one would first want to verify that the Chiefs are registered and recognised at the government level. To be safe, it is best to simply advertise for public participation from the general public.</p> |

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|--|------------------------------|--|--|
| No | Name | Comment | Response |
| | Ms Jaana-Maria Ball, GIBB | Ms Ball explained the extensive public participation process that GIBB has been conducting, including various public participation meetings, advertisements, as well as the translations of the Executive Summaries and public open day material in three languages. Specifically, she referred to one public meeting in Oyster Bay; a second meeting in St. Francis Bay, that is likely to be attended by members of the Khoisan Council; followed by a meeting with the First Nation Chief; then in the evening with the Sea Vista community. The following day there will be a public meeting in Humansdorp. It is GIBB's priority to involve marginalised communities and the public participation process has reflected this. | |
| | Ms Jaana-Maria Ball, GIBB | She requested verification on how to find the names of tribes recognised by the government. | Adv Petersen indicated that he would provide appropriate contact details after the meeting. Ms Ndobochani said another way of confirming the communities affected by a proposed project is to look at Section 38(3)(e) of the National Heritage Resources Act. |
| | Mr Dumisani Sibayi, SAHRA | Mr Sibayi indicated that he is from the Eastern Cape and that he understands and respects the need of inhabitants to have access to electricity. The SAHRA is not trying to block the development of a nation, but rather to ensure it is done in a way which respects the heritage of South Africans. Ultimately, the decision depends on the members of the permit committee (in terms of permit applications). | |

APPENDIX 2: PRESENTATION OF REVISED DRAFT ENVIRONMENTAL IMPACT REPORT

APPENDIX 3: ATTENDANCE REGISTER