

APPENDIX C
RESPONSES TO LONG SUBMISSIONS

SCIENTIFIC SERVICES

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reference SSD14/2/6/1/7/4/Wind_Caledon
date 7 December 2012

Gibb Engineering and Science
P.O. Box 3965
Cape Town
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By email: caledonwindeia@gibb.co.za

To whom it may concern

Re: Additional Information submitted to the Department of Environmental Affairs (DEA), New Micro-Sited Layout and Inclusion of a New Listed Activity for the Proposed Caledon Wind Farm

CapeNature would like to thank you for the opportunity to comment on the proposed development and would like to make the following comments. Please note that our comments only pertain to the biodiversity related impacts and not to the overall desirability of the proposed development.

CapeNature is of the opinion that a revised report, which addresses the additional listed activity, must be released for comment and submitted to DEA. The EIA report does contain generic information about the impact on watercourses, however it is necessary to provide specific information on the two water crossings identified.

The watercourse on the west of the R43 is listed as a National Freshwater Ecosystem Priority Area (NFEPA) and both watercourses are listed as wetlands in the Overberg Conservation Plan. It is recommended that an appropriately qualified specialist undertakes a screening study of the watercourse crossings and that this is incorporated into the amended report to be submitted. This opinion has been expressed in previous correspondence from CapeNature, and has been a requirement for other wind farm applications.

CapeNature takes note of the letter from the developer confirming that Electrawinds agrees to enter into a stewardship agreement should the development be approved. CapeNature requests that there is an additional letter of good intent submitted, confirming that all the relevant landowners are also willing to agree to stewardship on their land. Reference to these letters must be included in the conclusions and recommendations of the EIA Report. The full extent of the stewardship area must be determined in collaboration between the botanical specialist and CapeNature, to ensure that all the conservation worthy areas are included in the stewardship conservation area.

CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.

Yours sincerely

A handwritten signature in black ink, appearing to read "Rhett Smart", with a horizontal line underneath.

Rhett Smart

For: Manager (Scientific Services)

cc Mahlatse Shubane, Department of Environmental Affairs

Ayesha Hamdulay, Department of Environmental Affairs and Development Planning

Our Reference: J29164 Caledon Wind Farm
DEA Reference: 12/12/20/1701



14 December 2012

Attention:

Mr Rhett Smart
Cape Nature
Scientific Services

Tshwane

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Dear Sir

RESPONSE TO YOUR COMMENTS SUBMITTED ON THE ADDITIONAL INFORMATION SUBMITTED TO THE DEA FOR THE CALEDON WIND FARM DATED 07 DECEMBER 2012

Your letter dated 07 December 2012 has reference. GIBB (Pty) Ltd (GIBB) would like to thank you for your inputs into the Environmental Process, and would like to respond to your letter as follows:

Concerns surrounding the watercourse crossings:

At the time of submission of the EIA report, the internal access roads did not cross any watercourses; however the EIA report and ecological specialist study did assess the potential impacts of access roads on watercourses. The specialist studies included mitigation measures and recommendations made should any watercourse be affected.

Based on the fact that there are now two watercourse crossings due to re-alignment of internal access roads (as per the requirements of the Western Cape Department of Agriculture), a water use license application (WULA) will be submitted to the Department of Water Affairs post this environmental application process. As part of the WULA process an aquatic study will be undertaken as supporting information. The WULA will detail the crossings and GIBB recommends that the WULA be a condition of this environmental authorisation (should a positive decision be issued). No construction may occur across these watercourses until a WUL is obtained.

As previously communicated in a letter to Cape Nature (Samantha Ralston on 20/05/2012) GIBB will also make the recommendation for the involvement of a specialist aquatic scientist to assist the ECO, in the event that issues requiring specialist knowledge arise during construction. These commitments will be included in the Final EMP.

Concerns surrounding the Stewardship Agreement:

The land lease agreement between the Project Company and the landowners was structured in such a manner, that the project will hold legal rights over the entire property. The land owner will not have the rights to enter into the Stewardship programme themselves, without prior written consent from Caledon Wind. Therefore the Stewardship programme is with the Project Company, rather than with land owners. If however, the land ownership changes, this will place Cape Nature in a position where it will be required to re-negotiate with possible new land owners from time to time, without any certainty that the new land owners may or may not continue with the Stewardship programme.



GIBB Holdings Reg: 2002/019792/02
Directors: R. Vries (Chairman), Y. Frizlar, B. Hendricks, M. Mayat

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A list of divisional directors is available from the company secretary.



The duration is linked to the land lease agreement period (20 years+20 years). As per the commitment letter (dated 30 July 2012), which confirmed the developers commitment to enter into the Stewardship Programme for as long as the proposed wind farm is in operation on the land in question, the periods are for an initial 20 years, with an extension period of 20 years thereafter (dependant on governments approval / willingness to continue purchasing power from the facility). As project developers, we cannot commit to any period beyond our lease agreements. After the expiration of the lease Agreement period, Cape Nature would need to negotiate with the Land owner for extension of the Stewardship programme.

The 300 hectares of land that has been primarily determined, is the minimum amount of land that will be allocated to the Stewardship programme. Should the development be approved the full extent of the stewardship area will be determined jointly by; Cape Nature, the botanical specialist, the landowners and the project developers (as requested). The area that will be targeted will be that of Pristine Renosterveld, and Fynbos and then moderate degraded Renosterveld and Fynbos.

Caledonwind and the Theewaterskloof Community Trust will financially contribute towards the stewardship programme for as long as the Wind Farm is in existence and assist as and where possible.

Should you have any further comments please submit them directly to the Case officer:

Mahlatse Shubane
Department of Environmental Affairs
Integrated Environmental Authorisations
Email: MShubane@environment.gov.za
Tel: (012) 395 1781
Fax: (012) 320 7539

Please copy GIBB in all communication:

The Caledon Wind Farm EIA Public Participation Office
The Administrator
PO Box 3965, Cape Town, 8000
Tel: (021) 469 9180 / 9100
Fax: (021) 424 5571
Email: caledonwindeia@gibb.co.za

Please do not hesitate to contact me should you have any queries.

Kind Regards



Sukie Paras
for GIBB (Pty) Ltd

ADDITIONAL COMMENT ON FINAL EIA REPORT

FOR CALEDON WIND FARM

**DEA 12/12/20/1701
DEA&DP E12/2/4/7-E4/5-CJ2247/11**

BACKGROUND

Gibb's letter of 31 October 2012 to I&APs refers to the availability of additional information relating to the amended application for environmental approval of Caledon Wind Farm. This report comments on this additional information and associated correspondence.

The FEIR was issued in February 2012, and final comments made in early April. We are now told that DEA had discussions with the applicant on 18 July that resulted in an instruction to Gibb to address the concerns of Dept of Agriculture and CapeNature, resulting in a new layout (revision map 10) on 14 August. Neither the minutes of this meeting nor the instruction from DEA to Gibb have been submitted by Gibb as records.

There is confusion over the dates of issue and modification of latest revisions 10 and 13 of the proposed site layout drawing P9089 in relation to earlier maps used for the impact assessments in the FEIR itself, and to recent apparent approval by Dept of Agriculture and CapeNature.

SUMMARY OF COMMENTS

The general quality of communications from Gibb is considered to be inadequate, evasive and misrepresentative, leading to the belief that the environmental decision to authorise this project may be made on the basis on faulty, missing or outdated information:

- 1) There are missing letters from DEA (3 Feb 2012 to DEA&DP) and DEA&DP (29 Nov 2012 to DEA).
- 2) My request for an explanation for Gibb's request by letter of 14 August 2012 to DEA to confirm Authorisation *by return mail* was responded to by Email on 22 November 2012 by "The DEA to date has not indicated whether a positive or negative EA will be issued".
- 3) The original FEIR of February 2012 has presumably not been rejected by DEA, yet the design layout has been changed and Revision 10 submitted in August 2012, which has also not been rejected. Revision 13 (September 2012) has been released with changes to turbine access roads, and 6 less turbines.

- 4) CapeNature appears to have approved Revision 10 in their letter of 21 August 2012, whilst Dept of Agriculture have approved the later Revision 13 by Email on 15 October 2012, which *entailed moving many turbines from cultivated areas to the edge of, or into, Renosterveld areas*. Contrary to Gibb's statement, this does not represent 'micro-alignment', but includes major repositioning and removal of turbines.
- 5) The specialist studies, leading to the impact assessments and mitigation measures, therefore barely relate to the final Revision 13 layout.
- 6) There are statements in Gibb's letters to DEA that contradict the data shown in the Revision 13 final layout map.
- 7) The CapeNature Stewardship proposals by the Applicant, considered to be a major mitigating measure, are not convincing and may not be legally enforceable.

On the basis of the above, it is considered that this revised application is fatally flawed.

1. Visual impact and tourism

The findings of the SIA indicate that the proposed Wind Farm conflicts with a number of location based spatial planning principles. All of the northeastern part of the site falls within an area which has been identified as consisting of "mountains, hills and prominent ridgelines". Development of structures on these features is strongly discouraged in the provincial Guideline for Development on Mountains, Hills and Ridges (2003)(ref 1). This principle is reiterated in the Regional Assessment (ref 2).

The remainder of the site is located in an area identified as "restricted". Most of this area falls *within the 2 km buffer zone of roads identified as scenic routes*. Many of the proposed turbines are too close to the R43 road, many less than 200m away.

The significance of the impact on the sense of place and landscape is linked to the importance of tourism to the local economy over the 20-40 years of the project and the location of the site in terms of key tourist routes in the area, specifically the N2, R43 and R406. The Helderstroom Road also has potential to become an important tourist route. The Caledon Tourism Association's marketing strategy for the area is also strongly linked to the rural, scenic character of the area and is based on a concept of "scenic meanders". These meanders, and also the biking and hiking trails already bringing tourists into the area, are not compatible with arrays of huge industrial turbines that dominate the landscape.

As anticipated in the findings of the VIA, the possibility of mitigating these impacts through the recent micro-placement of individual wind turbines has been shown to produce no improvements. Specifically the proposed locations of a number of turbines on the prominent East/West ridge line are problematic. Significant negative impacts on a portion of the R43, the western tarred section of the Helderstroom Road and the established Rouxwil Guest Farm are likely. It is still recommended that *development along the relevant ridge line should be avoided*.

These impacts would be compounded by the development of more than one Wind Farm in the area. Of specific concern is the cumulative impact on the landscape around the N2 corridor and R43. Based on the findings of the VIA and SIA the establishment of more than one, large Wind Farm in the area was *therefore not supported* and the recent reduction to 31 turbines has produced no significant improvements.

Ref 1: Provincial Government Western Cape: Department of Environmental Affairs and Development Planning (2002). *Guideline for the Management of Development on Mountains, Hills and Ridges in the Western Cape*.

Ref 2: Theewaterskloof Local Municipality (March 2010). *Theewaterskloof Municipality Wind Energy Regional Assessment*.

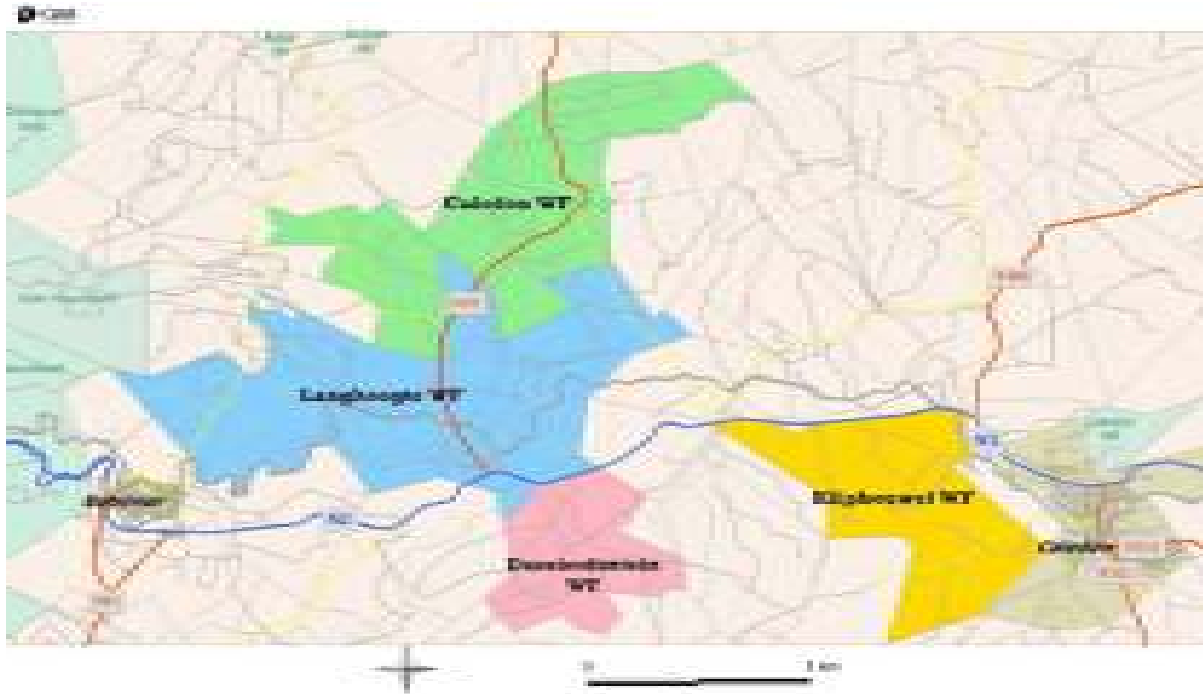


Figure 1: Part of Overberg showing 4 potential Wind Farms

Although the high significance rating means that the visual impact *should strongly influence* the decision as to whether to authorise the implementation of the project or not, various comments have been added in the FEIR:

- It was noted that the TWK Regional Assessment was carried out at a relatively coarse resolution, suggesting that mitigation in the form of micro-siting of the turbines and infrastructure may therefore be possible – this is considered unrealistic.
- There is also evidence to suggest that in countries where wind farms have been established, the visual presence of the turbines has become accepted and, although the sense of place will be altered by the addition of new vertical elements, this might be seen by many as positive in the long term – this is rubbish.
- It must be noted that the visual impact is only one factor that needs to be taken into consideration in the decision making process and other factors may ultimately carry more weight – this is not a known NEMA principle.
- It appears that no tourist facilities, except for the views from the top of Swartberg in the Caledon Nature Reserve, will be directly visually affected, such facilities as the Caledon Spa and Casino being shielded to views of the Wind Farm – this is not reflected in the SIA.
- The visual impacts are entirely reversible should the wind farm be decommissioned after the initial 20 year lifespan of the turbines – true, although the Applicant’s business plan includes an extension for a further 20 years.

Not one of these tendentious statements has been substantiated by a specialist, and should therefore be removed from the decision making process.

On the other hand, the following comments from the FEIR conclusions truthfully state that the overall significance of the visual impact of the development will be high, *irrespective of any visual mitigation* that may be undertaken, because:

- The exceptional and unique visual nature of the environment.
- The scale of the turbines and the area over which they will be spread.

- Many of the turbines are sited along a visually dominant ridgeline.
- The large view shed that will be created.
- The need for safety measures such as the white colour of the turbines for visibility during the day and the presence of the aviation warning lights at night.
- The blades of the turbines will be moving, thus drawing the attention of the viewer.
- The presence of several elevated viewpoints which will allow panoramic views over the entire view shed.
- The change in the sense of place within the valley that will be incurred by the new visual elements (of industrial appearance) that will be introduced by the Wind Farm.
- The presence of the N2, R43 and R406 scenic routes that carry a large number of visitors through the area.

2. Impacts on natural vegetation and agricultural land

Important findings of the Flora Specialist study (section 17.2) were:

- The majority of the study area (>60%) is cultivated or disturbed land of Low botanical sensitivity, and presents no botanical constraints to the proposed facility. This leaves about 1400 ha of the total 3500 ha site area as good condition natural vegetation, or vegetation capable of being restored. Response 1 of the 20 August letter from Gibb to CapeNature refers to about 300 ha of untransformed renosterveld (groundtruthed according to Gibb), and presumably taking into account the reduced area of the current site.
- There are two natural vegetation types on site, one of which is regarded as Critically Endangered on a national basis and the other Vulnerable, and most of the remaining areas of natural vegetation can be expected to support various plant Species of Conservation Concern. Significant portions of the study area support vegetation in medium to pristine condition, and were mapped as being of High sensitivity in the baseline study of Helme (2009).
- Overall the proposed WEF is likely to have an unacceptable Medium – High negative impact on the vegetation on site, prior to mitigation.

Development was proposed outside the identified High sensitivity areas, where all roads, cables etc should be located at least 30m from the edge of such areas. However, even with considerable scaling down of the proposed development, it is very evident that most of the turbines are still placed in intrusive positions on the main ridge and much too close to the scenic roads.

The DEA, in their conditions of approval of the FSR, asked for certain issues to be considered and addressed in the EIR, including an indication of totally denuded area, as opposed to impacted Renosterveld where rehabilitation is possible. The latest revised site map fails to do this, showing Renosterveld as 'good condition', 'moderate' or 'secondary degraded'. The extent of the land to be managed, maybe somewhere between 300 ha and 1400 ha, is not defined. It is not clear if the intention is to manage, and therefore fence off to exclude grazing farm stock animals, one large area or several discrete smaller areas. This is surely fundamental both to the costs of the Stewardship programme and to the responsibilities of the farmers/landowners – and possibly to the authorisation decision.

CapeNature in particular have strongly advocated their Stewardship Programme which is intended to conserve and restore areas of Renosterveld in particular on a permanent basis, through agreements with the landowners/farmers and the Wind Farm proponents, which would include:

- Restricted grazing of the specified area(s); none in the early years in the spring flowering season.
- Annual management of alien vegetation.
- Removal of sheep feed bins locally, to avoid attracting Blue Cranes etc too near to turbines.
- Agreements for *perpetuity*, which may be unacceptable to the farmers/landowners.

- Several farmers/landowners, with different priorities etc.
- Detailed survey and botanical assessment of the area(s) to be managed.
- Over the expected term of 40 years, Renosterveld management may require the controlled use of fire, or it will inevitably happen naturally.

The absence of any agreements thus far, the total silence from the land owners and the curious wording of the letter of intent of 30 July 2012 from Caledon Wind Energy Trading Pty Ltd, whereby Caledon Wind "agrees to make available to the CapeNature Stewardship Programme as much of the Renosterveld on the land under our lease agreement as the Programme needs on inception of the lease agreement with the land owner" together suggest a lack of purpose in this matter. The likelihood of DEA being unable to enforce compliance for up to 40 years must also be considered.

Whilst the proposed WEF could even have a Low or Medium positive impact if all areas of High sensitivity vegetation in the study area are managed appropriately, the likelihood of this happening is considered to be low and cannot be assumed. *Therefore, the negative impact must be considered as remaining unacceptably Medium-High.*

This subject is confused by the existence of comments and conclusions in the specialist studies that inform the EIA, and the FEIR itself which has not yet been amended, that conflict with recent reports from Gibb. The agricultural specialist report in the FEIR states that very little of the area contains high potential soils, and all land types are dominated by low potential soils. Furthermore, the low rainfall in the area means that there is only limited potential for arable agriculture and that the soils are suited for extensive grazing at best.

According to the Department of Agriculture, many of the proposed wind turbine sites were on actively cultivated lands in a region considered to be one of the best winter small grain producing areas in the Western Cape. They refer to Regulations that do not permit renewable energy structures, their foot print or service areas supporting infrastructure or access routes in any form or for any purpose on areas currently being cultivated or on land that has been cultivated in the last ten years. They requested all the turbines etc to be moved, without compromising the project feasibility, *to non-arable land*. The result is that many of the turbines and roads have now been *repositioned to inside or at the very edges of natural vegetation*.

The map does not show the 30m buffer between road and natural vegetation, there is no specification of the required road structure and composition to carry the heavy loads and there is no indication as to whether the compacted additional width needed and the cable trench should be between road and natural vegetation, or on the other side. *A fully dimensioned sectional drawing is required with details of drainage*. Full details of the natural vegetation restoration program to be carried out after construction are also required.

Recent proposals may significantly affect the impact on agricultural land. The bulk of the concrete and steel turbine tower foundations, and the crane hard standings, could be set deeper below final ground surface so that there is no risk to damage to farming implements, with suitable soil on top. Therefore, the only area lost is about 8m diameter under the tower, about 50 m² per turbine. The lay down areas, which are only stripped and compacted, can be rehabilitated for agricultural uses. *This procedure cannot be applied fully within any areas of restorable Renosterveld where the initial construction and any subsequent major equipment replacement would destroy the vegetation for 40 years or, more likely, permanently.*

Gibb's response to DEA&DP (page 3 of letter of 14 August to DEA) misrepresents the degree of compliance with the mitigation measures of the botanical study – specifically the statements that "the botanist's recommendations should be made conditional in any Authorisation issued" and that "the conditions must include measures in section 11 of the botanical report of November 2011 and Table 1 of the botanist's correspondence dated 30 September 2011". Specific omissions are:

- The removal of turbines T1, T2 and T4, because of the access road being partly in high sensitivity natural vegetation, has not been carried out,
- Moving of access road between T8 and T9 has been done, but it is now repositioned 80m into the neighbouring farm's land,

- Overhead cable between T17 and T36, maybe replaced by T16 and T35, but no such cable is shown.

The same report revealed that the existing farm track up the northeastern part of the site, along the ridge with T1 to T9a turbines, will need significant upgrading. Shown on some earlier maps (see Figure 8 of DEIR), but not included in the FEIR, it is evident that nearly all the adjoining land south east of these turbines is protected natural vegetation. Widening and upgrading this track will drive a significant 'corridor' through this relatively unspoilt area. Although environmental impacts are supposed to include relevant areas outside the defined project boundary, *for some reason this was not done for this EIA.*

Gibb's letter to CapeNature of 20 August 2012 (pages 1 and 3) makes contentious statements that are favourable to the applicant:

- "300 ha of untransformed renosterveld available for stewardship programme" – how much more of the estimated 1400 ha is capable of being restored and conserved?
- "All turbines now removed from renosterveld" – except T9a, T23, T27 and T66; many more intrude into renosterveld, and T1 and T2 are in fynbos areas. T16 lies in a Renosterveld area shown in previous maps, but erased from revision 13.
- "70% of access roads will be from existing farm tracks" – map (revision 13) indicates a much lower %, which will need considerable structural upgrading as well as widening.
- "None of the new access roads will traverse Renosterveld" – except T1-T2, T2-T4a, T4a-T6a, T7- T9a (also through adjacent property), TT33-T35, T38-T14a, T66-T68.

Much of the recent new road alignment is shown with the roads along edges of major renosterveld areas, the required 30m separation not clearly shown, if indeed it has actually been considered.

3. Avifaunal impact

The statement is made by Gibb in the letter to CapeNature of 20 August 2012 (response 3) that "in the absence of firm monitoring data, the specialist Mr van Rooyen made conservative recommendations, so as to ensure that any areas that proved to be of particular bird sensitivity would be protected".

The avifaunal report states that "Determination of the actual use of these slopes by soaring species will require further surveys during the pre-construction period", referring to the extensive main ridge to the north east of the proposed site where 8 turbines are still positioned. As no monitoring has been done, there is no indication of the presence of priority species, or indeed any other species, in this specific area, obviously therefore no indication of the usage of this ridge by soaring birds and hence no understanding of the significance of any potential impact. The precautionary principle has been ignored here.

It is relevant that the turbines proposed for this area of ridge would create a High visual impact, a significant destruction of natural vegetation and a wide swathe of clearance of vegetation for road widening.

The potential impacts on birds, caused by displacement and turbine collision are stated to be of Low Significance, with medium-low confidence levels (except for displacement during construction which was assessed with a high level of confidence). These 'assessments' will contribute to the decision-making process, regardless of the following:

- No baseline data (collected over 12 months) of bird presence and movement in the area of the site,
- No assessment of use of water courses and dams, or of the ridges by soaring birds,
- No attempted assessment of the cumulative impact from several Wind Farms in the area,

- The possibility that the construction phase may overlap the bird breeding season.

4. Impacts caused by overhead cables

Gibb's response of 20 August 2012 to CapeNature (comment 3, page 3) refers to "one link of 19 km" of overhead cable. This distance must be confirmed. The information is new to the project. The Avifauna report also refers broadly to the impact of overhead power lines on bird collisions, proposing mitigation by the use of flight diverters. The EIA states (page 5) that it will investigate whether power lines should be above or below ground, or a combination thereof, and (page 10) that alternative alignments for the transmission lines will be assessed in the Impact Assessment phase. Appendix S2 Figure 6 shows an early site layout with one overhead cable from the new substation along the Hawston View road to turbine T28, and another to T17. Also, 2 'corridors' between the substation and T39 are showed, with no further details and no explanation. Review of chapter 4, which should discuss the various alternatives, *does not reveal any further detail and does not give any comparison of any alternatives.*

If the routing of the overhead cables is as shown in Figure 6 of Appendix S2, confirmation must be requested as it is clear that a significant amount of renosterveld may be affected by the northern route. Gibb comments that "overhead cables will be used in order to limit disturbance of the veld", having just described the veld under this 19 km link as a mixture of agricultural land and degraded Renosterveld. This is nonsense.

Impact assessment does refer to collision of Priority bird species with the proposed power lines. The likelihood of this occurring is considered highly probable. This is considered to have a long term negative impact of medium significance on the local Priority species populations. Annual mortalities have been estimated at up to 10% of the Blue Crane population and 30% of the Denham's Bustard population in the Overberg (ref 3). Even so, the impact significance is only assessed as Medium, reduced to Low with mitigation.

The Heritage impact assessment assumed that the cultural impact of the overhead cables would be of Low significance, largely based on their position hidden away from the public. *It is therefore important to clarify exactly where these cables are and to re-assess the impacts.*

Ref 3: Appendix K of FEIR – Bird Impact Assessment Study (page 26).

5. Deviation from NEMA Regulations

CapeNature's letter of 2 December 2011, reinforced by DEA&DP in their letter of 14 June 2012, expresses concerns about the unofficial deviation from the NEMA Regulations in terms of the environmental authorisation being considered, and possibly granted, prior to the completion of site surveys and monitoring programmes. Thus, the significance levels of the impacts are being assessed based largely on conjecture, with low levels of confidence, and the mitigation measures are similarly based.

The whole attitude is summed up by the implications of Gibb's letter of 14 August 2012 to DEA, which requests feedback as to whether a positive or a negative decision will be received – *by return mail the very next day.*

6. Fire impact

Although Gibb has been informed that there may be a substantial fire risk, either caused by turbine problems, accidents during construction, or resulting from managed or natural veld fires, their sole response is to include standard clauses in the EMP and then state that these are sufficient, *with no*

consideration whatsoever of veld fires. In the event that a Stewardship agreement is properly considered, how will fire risk to the turbines be managed? Alternatively, how can the renosterveld be correctly managed for maybe 40+ years without regular, controlled fires? *These risks and their associated costs have been ignored in the EIA Report.*

7. Wetlands and water courses

Gibb's response (ref 2.10) of 14 August 2012 letter to DEA again misrepresents the facts when it is stated that "the two turbines that required a river crossing have been removed from the latest layout". Roads/cables trenches between turbines 25 and 26, also between 66 and 68, clearly traverse water courses. Many other new or upgraded roads are shown adjacent to stretches of water courses in Revision 13. *Gibb's belief that a specialist wetland study is not required is not substantiated.*

There is also no clarity regarding the storm water runoff from new and upgraded roads and from hard standings, especially where the roads are not substantially parallel to the contours.

8. The Impact statement

Referring to Gibb's letter of 20 August 2012 to CapeNature, 'comment 2' refers to concern that the EIA process has been "constrained by the lack of detailed site assessments, and lack of clarity with regards to certain impacts ..."

The derivation of the general impact statement is considered to be highly tendentious and flawed with statements such as "The two main negative bio-physical impacts are the contentious impacts on birds and bats. However, the specialists involved believe that with suitable phasing of the project and the correct monitoring procedures these impacts are no longer of a High negative significance rating and are not fatal flaws of the proposed development". Also "In weighing up the potential negative and positive cumulative impacts, the balance of probabilities is that the positive cumulative impacts outweigh the negative" (both come from the FEIR section 17.4.2).

Although the methodology used to evaluate the residual significance of impacts is defined, there are very obvious problems with the objectivity of some assessments and the comparisons between different impacts. As in the paragraph above, the EIA clearly cancels out the medium positive impact of generating 243 MW of green energy with the medium negative impact on tourism (now that the application is for 93 MW, should the assessment be revised?). Also, the local employment opportunities during construction were rated medium positive, compared with a medium negative rating for affects of non-local construction workers (crime, health).

The important residual Negative impacts of Medium or High significance remain:

- Natural vegetation, unless mitigated by the Stewardship agreement which is very unlikely,
- Avifauna, unless monitoring demonstrates otherwise,
- Bats, unless monitoring demonstrates otherwise,
- Visual sense of place and landscape quality (especially cumulative), cannot be mitigated,
- Tourism, second only to agriculture in importance for regional development.

The only Positive potential impact of High significance would be indirect social benefits from the TWK Community Development Trust, currently of unknown value, arising from an indeterminate share in the generated electricity, which may in fact only replace funding from other sources. The benefits of this Trust must be properly evaluated in comparison with municipal funding, including government grants, and actual local employment associated with the Wind Farm.

9. Comment from Theewaterskloof (TWK) municipality

TWK are a staunch supporter of wind energy in the municipal area but have previously given an assurance that no wind energy facilities would be allowed in the 2 km buffer zone along the N2 (which has been classified as a scenic route within this area), especially in the area where the road descends the Houw Hoek Pass towards Bot Rivier and Caledon. In addition, it is the stated intention of the municipality that wind energy facilities should not be visible along the N2. These 2 comments were reported to Gibb who responded in the IRR (page 25 of 75) "Comment noted and captured accordingly for authority review and decision-making. This comment has also been forwarded to the Theewaterskloof Municipality for comment".

The above comments were made by Mr J Visagie, TWK Development Dept, *now working for the applicant*. TWK have not responded to the request from Gibb to confirm the above. There is no official comment from TWK concerning the DEIR or FEIR, certainly not as stated by Gibb in Appendix C (latest IRR revised).

Without written confirmation of the approval by TWK Municipality of this proposed Wind Farm, it is considered that statements attributed to TWK in the EIA that are favourable to the project should be treated with caution. It is bad practice for Gibb to suggest such approval when in fact it did not exist at the time.

10. Revised responses report

Following DEA&DP's criticism in their letter of 14 August 2012 that the IRR did not show responses to all the comments and queries from I&APs, the revised version remains substantially the same, with only a few additions – for example, TWK Community Trust, Eskom's input, details of site power lines, contradictory requirements from CAA and LUPO, guideline setbacks, grading of Renosterveld for rehabilitation, impacts on tourism. There are many other items either not responded to fully or accurately. There has been no response to my further comments on the FEIR issued on 2 April 2012.

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This Report was authored by a registered I&AP resident of Greyton, near Caledon, Western Cape whose only interest in this project is based on environmental and social issues, who understands and accepts the need for reducing dependence on fossil fuels, and increasing the relative utilisation of renewable energy in South Africa.



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Jacqueline de Goede	Gibb (Pty) Ltd

Our Reference: J29164 Caledon Wind Farm
DEA Reference: 12/12/20/1701



14 December 2012

Attention:

Mr Brian McMahon
Interested and Affect Party

Dear Sir

Tshwane

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RESPONSE TO YOUR COMMENTS SUBMITTED ON THE FINAL EIA REPORT FOR THE CALEDON WIND FARM DATED 04 DECEMBER 2012

Your letter dated 04 December 2012 has reference. GIBB (Pty) Ltd (GIBB) would like to thank you for your inputs into the Environmental Process, and would like to respond to your letter as follows:

Concerns surrounding the Stewardship Agreement:

The Stewardship Agreement that has been entered into with Cape Nature is based on conserving and protecting the Renosterveld and Fynbos within the area. The 300 hectares of land that has been primarily determined as the untransformed Renosterveld area within the lease area, is the minimum amount of land that will be allocated to the Stewardship programme. Should the development be approved this land will be determined jointly by; Cape Nature, the botanical specialist, the landowners and the project developers, (as requested by Cape Nature). The area that will be targeted will be that of Pristine Renosterveld, and Fynbos and then moderate degraded Renosterveld and Fynbos as confirmed with Cape Nature. The final size of the area will then be jointly determined. The commitments letter (dated 30 July 2012) signed by the Developer will be binding onto the developer should the project be approved. The developer cannot make commitments that they are not authorised to do, such as committing the land to the programme for a period longer than their lease agreement. Caledonwind and the Theewaterskloof Community Trust will financially contribute towards the stewardship programme for as long as the Wind Farm is in existence and assist as and where possible.

Concerns surrounding Fire Management:

The Environmental Management Plan submitted to the DEA outlines the measures put in place to prevent accidental fires starting due to negligence by contract workers. The development will contribute to strengthening the existing local fire fighting systems that are in place. The Farmers that do periodic controlled burning (with the necessary approvals); will still continue, with mutual agreement with the project developers. The Stewardship area will be under the management of Cape Nature.



GIBB Holdings Reg: 2002/019792/02
Directors: R. Vries (Chairman), Y. Frizlar, B. Hendricks, M. Mayat

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A list of divisional directors is available from the company secretary.



Concerns surrounding Avifauna (Birds & Bats)

As stated in the letter to Cape Nature (dated 14 August 2012), Caledon Wind has appointed experts for both bird and bat monitoring, subject to being granted environmental authorisation. The applicant expects that it will be possible to gather a minimum of a year's data prior to construction. Caledon Wind has committed to working with the appointed specialist avifauna consultants and Cape Nature Conservation to resolve any problems that are identified as a result of the monitoring in relation to the approved turbine positions.

Concerns surrounding Layout Revision 10 vs Layout Revision 13:

The revisions to the micro – siting (revision 10 and 13) presented in August and September 2012 are the results of comments made by Cape Nature and the Western Cape Department of Agriculture respectively (as requested by the DEA in July 2012).

Layout 13 is the latest layout that is proposed. Layout 10 was the layout that was proposed based on Cape Nature's comments (as submitted on 14 August 2012), and subsequent to this Layout 13 was drafted to meet Western Cape Department of Agriculture's requirements as discussed in several meetings between the developer and the Department of Agriculture. Not only the position but also the construction method of the turbines, foundations and their hard standing area was discussed with the Department of Agriculture to meet their requirements. Based on Department of Agriculture's comments, on revision 10, Turbine 12a was put on the border with it partially being on cultivated land and partially on degraded Fynbos. Turbines 9a and 66 have not moved from revision 10 which was approved by Cape Nature. Turbines 23 and 27 are indeed placed on secondary degraded Renosterveld, but do not break any commitments made to Cape Nature regarding placing Turbines within areas which the Avifauna and Flora specialists regarded as problematic with particular emphasis on avifauna and bat sensitivity areas. It should be noted that all the Turbines that were positioned in sensitive areas that Cape Nature had concerns with (regarding avifauna and bat sensitivity) were removed from revision 10 and revision 13. As indicated in the letter towards Cape Nature dated 14/08/2012, where construction is close to remaining areas of Renosterveld, these will be fenced off and access to construction teams will be prohibited, as also set out in the Draft EMP. Electrical cables will be laid down within the road structures and not adjacent to the roads within natural vegetation.

Please note that Cape Nature has commented on the micro-sited layout (revision 13) and has not objected to the layout in those comments and the commitments towards Cape Nature's Stewardship Programme to put sensitive areas in conservation..

Concerns surrounding wetlands and water courses

Based on the fact that there are now two watercourse crossings due to re-alignment of internal access roads, a water use license application (WULA) will be submitted to the Department of Water Affairs post this environmental application process. The WULA will detail the crossings as will be a condition of this environmental authorisation (should a positive decision be issued). No construction may occur across these watercourses until a WUL is obtained.

Concerns surrounding overhead lines

In the one link of 19 km where the cable traverses a portion of mixed use agricultural and degraded Renosterveld, and the developer proposes to use overhead cables in order to limit disturbance of the veld. As stated in the EMP all overhead powerlines will have bird diverters attached to them for the entire length of the line.

Concerns surround Deviation from NEMA Regulations:

It is GIBB's opinion that no deviation from the National Environmental Management Act, 1998 (Act 107 of 1998) EIA Regulations has occurred. The statement that you refer to, was a request to confirm whether or not a decision will be issued in time to complete a BID submission to the Department of Energy, and not to influence the process in anyway. As previously iterated, the DEA has to date not indicated whether a positive or negative decision will be issued.

Comments from Theewaterskloof (TWK) Local Municipality:

The documents referred to from TWK are the strategic planning documents in which they express their support for renewable energy projects. No comments were received from the Municipality on the EIA report.

Concerns surrounding the revised responses report:

The revised issues and response report that was submitted to the DEA on 14 August 2012 was an addendum to the previous reports submitted to the DEA and not a stand-alone document.

GIBB would like to state that the rest of the comments you have raised have been previously noted, addressed and included in the submission of Final EIA report to the DEA for their consideration and decision making.

Should you have any further comments please submit them directly to the Case officer:

Mahlatse Shubane
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Please copy GIBB in all communication:

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The Administrator
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Please do not hesitate to contact me should you have any queries.

Kind Regards



Sukie Paras
for GIBB (Pty) Ltd

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Sukie Paras, Jaqueline de Goede, Gibb

By email: caledonwindeia@gibb.co.za

Mahlatse Shubane, DEA. By email: mshubane@environment.gov.za

5 December 2012

COMMENTS ON ENVIRONMENTAL IMPACT ASSESSMENT FOR THE PROPOSED CALEDON WIND FARM, WESTERN CAPE PROVINCE: NOTIFICATION OF THE AVAILABILITY OF ADDITIONAL INFORMATION SUBMITTED TO THE DEPARTMENT OF ENVIRONMENTAL AFFAIRS (DEA), NEW MICRO – SITED LAYOUT AND INCLUSION OF A NEW LISTED ACTIVITY

Dear Ms. Paras,

Please find below my comments on the additional information.

1. Motivation for addressing the listed activity as part of the original submission

This motivation is utterly without merit. The quoted sections of the EIA, namely Section 3.4.4, Chapters 8 to 16 of the Final EIA Report and the Faunal Specialist report (pages 14 & 19) were studied. None of them addressed the potential impacts on the crossing of watercourses.

There were no references whatsoever in Chapter 11 – 16.

Chapter 8 (Flora) only mentions watercourses to emphasize their importance as ecological corridors. Chapter 10 (Avifauna) describes the importance of drainage lines and wetlands for roosting and breeding of certain species, with particular reference to Blue Cranes.

Chapter 9 (Fauna) and the Faunal Specialist report (pages 14 & 19) merely stated that *“Proper culvert and bridge structures are required for wetland crossings”*, and that a *“Water Use License”* is required in such instances.

There is absolutely no way in which the quoted information can be interpreted to support the opinion from Gibb that *“the listed activity has already been adequately assessed and will be mitigated according to the suggested measures.”* Quite simply, no mitigation measures have been described, and the listed activity 1(m) of Government Notice No. R386 of the 2006 EIA Regulations should and must be fully assessed in accordance with the Regulations. This is confirmed in the letter from DEADP (dated 14/06/2012), Directorate: Land Management specifically requesting that a wetland study be performed before authorisation can be considered, and furthermore reaffirms that any building within 32 m of a watercourse, including wetlands triggers the need for an environmental authorisation.

2. Further Comments

Natural vegetation

I reiterate that **all** areas of renosterveld and fynbos have conservation value and that the grading adopted by Gibb has no foundation in science, and is designed solely to suit the developer's wishes. The reality of any conservation and/or Stewardship arrangements are utterly unclear and unsatisfactory. To quote CapeNature: *“However, the conservation of the remaining habitat will not alter significance of the loss of habitat to the development. Less*

than the conservation threshold for Western Ruens Shale Renosterveld remains and any further loss will further threaten the long-term survival of this ecosystem.”

The DEA made the following a condition of acceptance of scoping: *“An indication of totally denuded area, as opposed to impacted Renosterveld where rehabilitation is possible..”*

There would appear to be an inherent conflict between the requirements of the Department of Agriculture seeking to protect all agricultural lands, and CapeNature which is attempting to conserve the natural environment and biodiversity including preservation of renosterveld, and protection for the various species of fauna dependent upon it. The latest layout (Map Rev-13) has resulted in the movement of specified turbines and infrastructure either immediately adjacent to, or actually within, areas of renosterveld. We are also assured that existing farm tracks will be used where possible but the reality is that the roads needed for this development far exceed the dimensions of farm tracks with wide areas of disturbed land around them. This will no doubt avoid agricultural land and inevitably encroach on natural vegetation.

Additionally, there is a real risk of extensive spreading of **alien invasive vegetation** in all disturbed areas which will in turn further spread and lead to more degradation of the remaining natural environment.

Avifauna

There will be widespread disturbance and outright loss of several types of habitat, including wetlands and watercourses, with negative impacts on fauna and avifauna.

It is unclear how extensive overhead lines will be. These need to be specified, mapped and then assessed by the avifauna specialist for the potential impact on bird species of conservation interest. The high collision mortality of Blue Cranes and Denham’s Bustards directly caused by overhead power lines in the Overberg is well known.

Preconstruction monitoring recommended by the specialist has not been performed so the presence of TOPS species, including but not restricted to Blue Cranes, use of watercourses and farm dams, and use of slopes and ridges by soaring species have not been observed or quantified.

Bats

We repeat our previous comment on the so-called Bat Study contained within the Fauna Report: *“No baseline on-site monitoring has been performed, only speculations based on desk-top studies and therefore this report is nothing more than a scoping study with an unjustified impact assessment; it provides insufficient information for the competent authority to form an opinion and make a decision.”*

We are therefore in agreement with DEADP’s comment *“The faunal impact assessment only dealt very briefly with bats and does not constitute a detailed study on their activity and presence in the area or the anticipated impacts thereon.”*

To quote from the Draft EMP: *“Implement an environmental monitoring programme prior to construction to document the impact on affected bat species. This should involve the following: Determine densities of affected species within the area occupied by the wind farm before construction;- Document patterns of bat movement in the vicinity of the WEF;*

The DEA, in their scoping approval, made it a condition that the EIA should contain a report on resident and migrating bats.

It is still clear that pre-construction expert bat studies have not been done. A Bat Specialist is mentioned, but not named, and no reports have been provided if indeed the specialist has performed a study.

A preconstruction bat specialist monitoring study must be conducted over a full year and in accordance with the “South African Good Practice Guidelines for Surveying Bats in Wind Farm Developments, Draft 3, 2012”, before authorization can be considered.

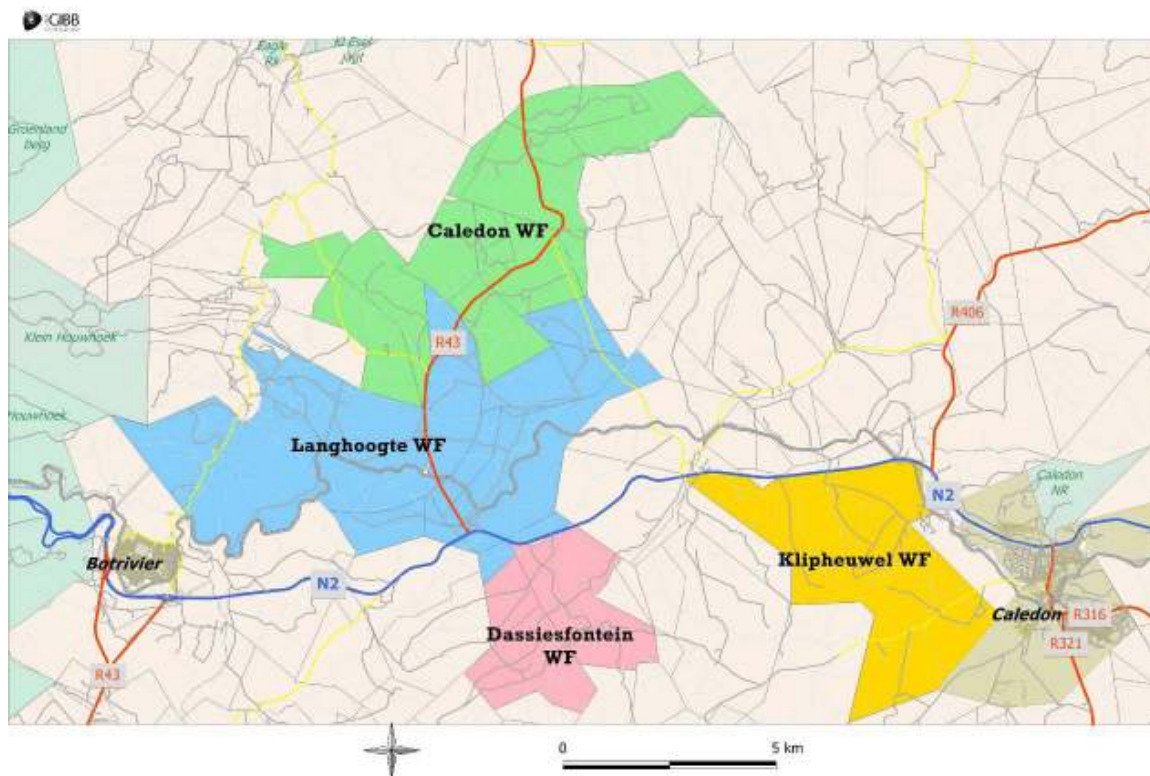
Fire

Western Cape Department of Environmental Affairs Comment (2.5): *“There are several other comments not responded to regarding fire management.”*

This question was answered only with regard to the Construction phase with no mention of fire management in the EMP for the Operational phase. Also not considered by the EAP and developers is the need for periodical fire regimens for the survival of fynbos and renosterveld as described by the Flora specialist.

Cumulative impacts

We reiterate our concerns regarding the cumulative impacts of several wind farm projects in the same area as shown in the map below.



General

The “Approval letter” from CapeNature. This is not an official approval of the project, simply a reiteration that a conservation programme is essential - “Formal conservation of the Renosterveld areas through the Stewardship programme must be a condition of authorization.”

Formal conservation agreements with CapeNature must be in perpetuity, not just for the lifetime of the lease as proposed by the Applicant, and must include all areas of renosterveld that are either pristine or capable of regeneration, not only the 300 hectares apparently identified by the EAP. The detailed baseline field studies recommended by the fauna and avifauna specialists have not been performed, therefore no data are available to the Competent and Commenting Authorities on which authorization decisions can be based. Performing them post-authorization, even if preconstruction, is simply unacceptable.

It is essential that the flora, fauna and avifauna specialist should reassess the project in the light of the latest revised layout (Map Rev-13), including a bat specialist study. All of this to be done before authorization is considered.

Have the comments received from CapeNature and DEADP been based on this revised layout ?

We expect that all comments in this letter will be taken into account by the Commenting and Competent Authorities and will be circulated to other I&APs. We reserve the right to revise these comments and to make more comments if considered necessary.

Yours sincerely,



Dr Stuart Shearer

References

1. Modelling power-line collision risk for the Blue Crane *Anthropoides paradiseus* in South Africa
Jessica M. Shaw, Andrew R. Jenkins, Jon J. Smallie, Peter G. Ryan: *Ibis* (2010), 152, 590–599
2. Best practice guidelines for avian monitoring and impact mitigation at proposed wind energy development sites in southern Africa.

http://www.birdlife.org.za/images/stories/conservation/birds_and_wind_energy/BLSA_EWT_%20Best%20Practice%20Monitoring%20Guidelines_2012.pdf

3. South African Good Practice Guidelines for Surveying Bats in Wind Farm Developments, Draft 3, 2012.

https://www.ewt.org.za/Portals/0/ewt/workgroups/WEP/WindSensitivity/South%20African%20Good%20Practice%20Guidelines%20for%20Surveying%20Bats%20in%20Wind%20Farm%20Developments%20_May2012.pdf

4. Avian Wind Farm Bird Sensitivity Map.

<http://www.birdlife.org.za/conservation/birds-and-wind-energy/windmap>

5. DEADP Guideline on Biodiversity Offsets. October 2011

Cc. WC DEADP
CapeNature
BirdLife South Africa
Endangered Wildlife Trust
BirdLife Overberg

Our Reference: J29164 Caledon Wind Farm
DEA Reference: 12/12/20/1701



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14 December 2012

Attention:

Dr Stuart Shearer
Interested and Affect Party

Dear Sir

RESPONSE TO YOUR COMMENTS SUBMITTED ON THE ADDITIONAL INFORMATION FOR THE CALEDON WIND FARM DATED 05 DECEMBER 2012

Your letter dated 05 December 2012 has reference. GIBB (Pty) Ltd (GIBB) would like to thank you for your inputs into the Environmental Process, and would like to respond to your letter as follows:

Concerns surrounding new listed activity

At the time of submission of the EIA report, the internal access roads did not cross any watercourses; however as stated, the EIA report and faunal specialist study did assess the potential impacts of access roads on watercourses. There where mitigation measures and recommendations made should any watercourse be affected. It is GIBB's opinion that the EIA report thus has address the potential impacts on watercourses throughout the report.

Based on the fact that there are now two watercourse crossings due to re-alignment of internal access roads (as per the requirements of the Western Cape Department of Agriculture), a water use license application (WULA) will be submitted to the Department of Water Affairs post this environmental application process. As part of the WULA process an aquatic study will be undertaken as supporting information. The WULA will detail the crossings and GIBB recommends that the WULA be a condition of this environmental authorisation (should a positive decision be issued). No construction may occur across these watercourses until a WUL is obtained.

GIBB has also made the recommendation for the involvement of a specialist aquatic scientist to assist the Environmental Control Officer, in the event that issues requiring specialist knowledge arise during construction. These commitments will be included in the approved EMP.

Concerns surrounding Layout Revision 10 vs Layout Revision 13:

The revisions to the micro – siting (revision 10 and 13) presented in August and September 2012 are the results of comments made by Cape Nature and the Western Cape Department of Agriculture respectively (as requested by the DEA in July 2012).



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Kind Regards



Sukie Paras
for GIBB (Pty) Ltd