



STRATEGIC ENVIRONMENTAL FOCUS

11 January 2007

Conservation Unit
 Botanical Society of South Africa
 Private Bag X10
 Claremont
 7735

Attention: Charl de Villiers

CONSIDERATION OF STAKEHOLDER COMMENTS AND BIODIVERSITY BY THE EIA PROCESS FOR THE ESKOM KUDU INTEGRATION PROJECT (SEF Project code: 6041)

Dear Mr De Villiers

Your letter regarding the above dated 22 November 2006 (received by e-mail on 23 November) and our letter of response dated 1 December 2006 refer. We have reviewed your concerns and would like to respond as follows.

Stage in the EIA process

SEF would like to point out that the EIA process has now progressed to the draft EIA Report stage, and it would have been appreciated if comments such as these, which relate mainly to the draft and final Scoping Reports, had been brought to our attention at the time when the draft Scoping Report was made available for comment. This would have enabled a quicker resolution of your concerns and would have ensured that the EIA process is not encumbered by delays.

The rights and responsibilities of interested and affected parties in this regard are indicated in the new EIA regulations (Government Notice No. R 385 of 2006), and although the current EIA process is still being undertaken in terms of the repealed EIA regulations of 1997, the 2006 regulations do provide valuable guidance and an indication of experience gained in the implementation of the old regulations. Section 58 of Government Notice No. R 385 of 2006 states that registered interested and affected parties are entitled to comment on all written submission, *provided that these comments are submitted within the timeframes that have been approved or set by the competent authority*. Clearly, the time frames during which the draft Scoping Report was provided for comment were accepted by the competent authority, since the Plan of Study for Scoping was approved by the Department of Environmental Affairs and Tourism.

Nevertheless, we believe that it is important to address the concerns you have raised and our response is contained below.

HEAD OFFICE GAUTENG:

ADDRESS:
 PO BOX 74785
 LYNNWOOD RIDGE
 PRETORIA
 0040

TEL: +27 12 349 1307
 FAX: +27 12 349 1229

CAPE REGIONAL OFFICE:

ADDRESS:
 PO BOX 1330
 DURBANVILLE
 CAPE TOWN
 7551

TEL: +27 21 979 3822
 FAX: +27 21 979 3830

MPUMALANGA REGIONAL OFFICE:

ADDRESS:
 PO BOX 2478
 NELSPRUIT
 1200

TEL: +27 13 752 8138
 FAX: +27 13 752 5014

WWW.SEFSA.CO.ZA
 SEF@SEFSA.CO.ZA

Terms of reference for the vegetation study

The terms of reference for the vegetation study, as for all other specialist studies, are drafted as early as possible during the EIA process with the intention of securing the correct specialists for the project. Specialists are often booked months in advance, and it is considered important to secure specialists that are knowledgeable about the conditions of the study area. This is done with the understanding that the terms of reference for the study may change as the EIA progresses, since new concerns may be identified at any stage of the EIA process. It is with this in mind that BOTSOC's comments on the ToR for the vegetation study were provided to the project ecologist with the instruction that they must be adhered to in the vegetation study. It is entirely correct that specific informants are not mentioned in the terms of reference for the vegetation study, but it was not considered necessary to re-draft the terms of reference to include these informants, since BOTSOC's recommendations with regard to the ToR had been forwarded to the ecological specialist directly.

Final scoping report

It is correctly stated that the biodiversity informants mentioned in BOTSOC's correspondence are not mentioned in the final Scoping Report. This is because the Botanical Society's (BOTSOC's) correspondence (as with all other interested and affected party correspondence) was attached as an appendix to the Scoping Report. It was therefore not considered necessary to mention the informants specifically in the text of the Scoping Report.

The ecological specialist, Nick Helme, was requested to follow the BOTSOC comments as a guideline. That included those individuals that BOTSOC mentioned as biodiversity informants. The biodiversity informants were not included on the I&AP database as the BOTSOC letter suggested contacting Dr Phillip Desmet and Dr Charlie Boucher regarding the biodiversity ToR. Nick Helme did indeed contact Dr Desmet on several occasions for advice, primarily with respect to specific information about biodiversity issues and the locations of sensitive species and sensitive vegetation communities.

Corridor workshop

It must be stated very clearly that the primary motivation behind the interdisciplinary workshop that was held was BOTSOC's recommendation for such a workshop on page 3 of their letter dated 27 January 2006. The issues raised by BOTSOC were discussed during the background information session (See section 4.8 of the meeting minutes attached) of the workshop. This discussion session revolved around the issues received from Cape Nature, SANParks and BOTSOC regarding the sensitivity of the areas around Lekkersing, Kleinzee and especially, the quartz patches of the Knersvlakte. As a result of this discussion, Nick Helme suggested new alternatives. It was also decided after taking BOTSOC's comments

into consideration, that the alternative passing through the Knersvlakte would be viewed unfavourably. All the attendees of this workshop were provided with a copy of BOTSOC's comments. Nick Helme was informed verbally after this workshop to follow the BOTSOC comments as guidelines – this is why this is not minuted. If BOTSOC's suggestions are not reflected in the minutes of this workshop it was unintentional. It is again emphasized that one of the prime motivations for the workshop was indeed BOTSOC's suggestion to hold such a workshop.

Sources identified by BOTSOC

BOTSOC mentions several sources of information with respect to the biodiversity assessment and recommended that these sources be consulted e.g. the SKEP (Succulent Karoo Ecosystem Programme) and the National Spatial Biodiversity Assessment and argues that these sources have not been considered. The biodiversity report, which has been included in the draft Environmental Impact Assessment, does in fact explicitly acknowledge these sources and others e.g. Dr Phil Desmet, who has been involved in the development of the SKEP and is acknowledged as an expert on Succulent Karoo flora. Various other specialists on the area's flora such as Annelise le Roux of Cape Nature, ecologists from SA National Parks, etc. have been registered as interested and affected parties and have interacted with the EIA team.

Response to BOTSOC comments

Your concern that BOTSOC's comments have not been adequately responded to refers. After review of the comments and response report, SEF acknowledges that the comments and response report has not provided an adequate reply to all BOTSOC's concerns and we apologise for omissions in this regard. We would like to assure you that the omission of appropriate text in the report does not reflect a real disregard for your opinions, and that BOTSOC's opinions have been considered in practice. A revised comments and response report is attached for your attention. We would like to give you an opportunity to review this revised comments and response report until the 31st of January 2007.

I would like to thank you for your valuable comments. SEF would like to continue with the EIA process in a spirit of co-operation and openness and we invite you to continue interacting with us throughout this process in the interests of identifying the most environmentally sustainable alternative.

Yours sincerely,



Reuben Heydenrych

For Strategic Environmental Focus (Pty) Ltd