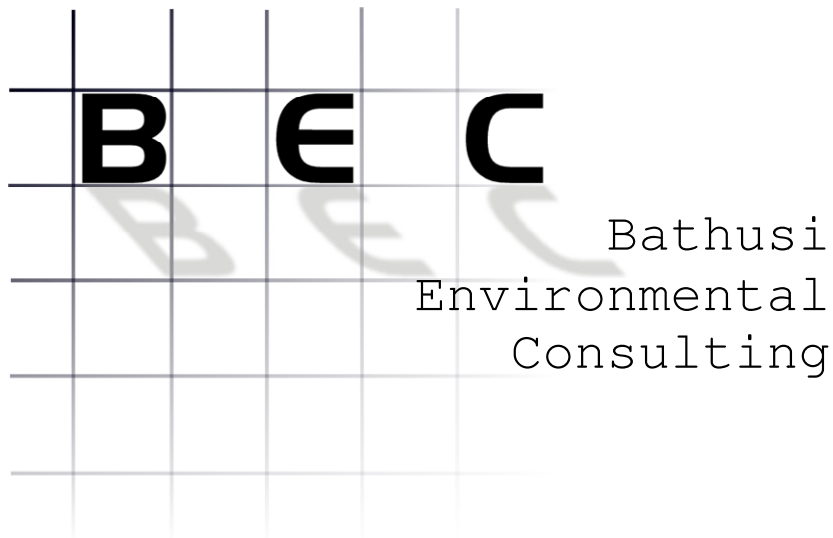






BEC Report Reference:	LDW - TCA - 2013/08
Version:	2012.10.30.2
Authority Reference	N/A

Strategic Biodiversity Scoping Assessment for
the Continuous Ash Disposal Facility at Tutuka
Power Station, Mpumalanga Province©

compiled by



September 2012

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I PROJECT DETAILS

Client:	Lidwala Consulting Engineers, on behalf of Eskom Holdings Limited (Generation Division)
Report name:	Strategic Biodiversity Scoping Assessment for the Continuous Ash Disposal Facility at Tutuka Power Station, Mpumalanga Province.
BEC Project number:	LDW – TCA – 2013/08
Report type:	Biodiversity Scoping Assessment
Report version:	2012.10.30.2
Authority Reference:	N/A
Compiled by:	Riaan A. J. Robbeson (Pr.Sci.Nat.), Bathusi Environmental Consulting

II SPECIALIST INVESTIGATORS

The Natural Scientific Professions Act of 2003 aims to *'provide for the establishment of the South African Council of Natural Scientific Professions (SACNASP), and for the registration of professional, candidate and certified natural scientists; and to provide for matters connected therewith'*.

Quoting the Natural Scientific Professions Act of 2003: *'Only a registered person may practice in a consulting capacity'* (20(1) – pg 14).

Table 1: Contributing Biodiversity Specialists	
Botanical Investigator:	Riaan Robbeson (Pr.Sci.Nat.)
Qualification:	M.Sc. (Botany), UP
Affiliation:	South African Council for Natural Scientific Professions
Fields of Expertise:	Botanical Scientist & Ecological Scientist
Registration Number:	400005/03
Affiliation:	Grassland Society of Southern Africa
Membership Status:	Professional Member
Membership Number:	667.08/08
Faunal Investigator:	Dewald Kamffer (Pr.Sci.Nat.)
Qualification:	M.Sc. (Conservation Biology), UP
Affiliation:	South African Council for Natural Scientific Professions
Fields of expertise:	Ecological Scientist & Zoological Scientist
Registration number:	400204/05

III RESERVED COPYRIGHT

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IV DECLARATION OF INDEPENDENCE

Individual declarations attached as addendums. All specialist investigators, project investigators and members of companies employed for conducting this biodiversity investigation declare that:

- We act as independent specialist consultants conducting the assessment and compiling the report;
- We consider ourselves bound to the rules and ethics of the South African council for natural scientific professions;
- Bathusi Environmental Consulting cc is not a subsidiary, legally or financially, of either Lidwala Consulting Engineers or Eskom Holdings Limited (Generation Division).
- At the time of completing this report, we did not have any interest, hidden or otherwise, in the proposed development or activity as outlined in this document, other than fair financial compensation for work performed in a professional capacity;
- We will not be affected in any manner by the outcome of the environmental process of which this assessment forms part of, other than being part of the general public;
- We do not necessarily object to or endorse the proposed development, but aim to present facts and recommendations based on scientific data and relevant professional experience; and
- We do not have any influence over decisions made by the governing authorities;
- Undertake to disclose, to the competent authority, any material information that have or may have the potential to influence the decision of the competent authority or the objectivity of any report, plan or document required in terms of the environmental impact assessment regulations, 2005;
- Will provide the competent authority with access to all information at my disposal regarding the application, whether such information is favourable to the applicant or not;
- Should we consider ourselves to be in conflict with any of the above declarations, we shall formally submit a Notice of Withdrawal to all relevant parties and register as an Interested and Affected Party.



Signature of principal ecologist:

Bathusi Environmental Consulting cc (CK1999/052182/23)

Name of company:

28th September 2012

Date:

V LIMITATIONS OF THIS INVESTIGATION

- Findings, results, observations, conclusions and recommendations presented in this report are based on the authors' best scientific and professional knowledge as well as information available to them at the time of compiling this report.
- This company, the consultants and/or specialist investigators do not accept any responsibility for conclusions, suggestions, limitations and recommendations made in good faith, based on the information presented to them, obtained from the surveys or requests made to them at the time of this report.
- Results presented in this report are based on a snapshot investigation of the study area and not on detailed and long-term investigations of all environmental attributes and the varying degrees of biological diversity that may be present in the study area.
- In particular, rare and endemic species normally do not occur in great densities and, because of customary limitations in the search and identification of Red Listed species, the detailed investigation of these species was not possible. Results are ultimately based on estimations and specialist interpretation of imperfect data.
- It is emphasised that information, as presented in this document, only have bearing on the site as indicated on accompanying maps. This information cannot be applied to any other area, however similar in appearance or any other aspect, without proper investigation.
- Furthermore, additional information may become known during a later stage of the process or development. The authors therefore reserve the right to modify aspects of the report including the recommendations should new information may become available from ongoing research or additional work in this particular area, or pertaining to this investigation.
- This report should always be considered as a whole. Reading and representing portions of the report in isolation could lead to incorrect conclusions and assumptions. In case of any uncertainty, the authors should be contacted to clarify any viewpoints, recommendations and/ or results.
- Not all areas could be accessed during the respective site investigations. Results are extrapolated to include these properties, but no responsibility could be taken should discrepancies be indicated at a later stage. It is strongly recommended that these areas be subjected to a basic site investigation to confirm initial results.

VI LEGISLATION

This report has been prepared in terms of the *National Environmental Management Act* No. 107 of 1998 (NEMA) and is compliant with Regulation 385 Section 33 – Specialist reports and reports on specialised processes under the Act. Relevant clauses of the above regulation include:

Regulation 33.(1): An applicant or the EAP managing an application may appoint a person who is independent to carry out a specialist study or specialised process.

Regulation 33.(2): A specialist report or a report on a specialised process prepared in terms of these Regulations must contain:

- (a) Details of
 - (i) The person who prepared the report, and
 - (ii) The expertise of that person to carry out the specialist study;
- (b) A declaration that the person is independent as may be specified by the competent authority;
- (c) An indication of the scope of, and the purpose for which, the report was prepared;
- (d) A description of the methodology adopted in preparing the report of carrying out the specialised process;
- (e) A description of any assumptions made and any uncertainties or gaps in knowledge;
- (f) A description of the findings and potential implications of such findings on the impact of the proposed activity, including identified alternatives, on the environment;
- (g) Recommendations in respect of any mitigation measures that should be considered by the applicant and the competent authority;
- (h) A summary and copies of any comments that were received during any consultation process;
- (i) Any other information requested by the competent authority.

Compliance with provincial, national and international legislative aspects is strongly advised during the planning, assessment, authorisation and execution of this particular project. Legislative aspects of which cognisance were taken during the compilation of this report are summarised, but not necessarily limited to, in Table 2.

Table 2: Legislative guidance for this project

Biodiversity Act (No. 10 of 2004)	To provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.
Conservation of Agricultural Resources Act 43 of 1983	The conservation of soil, water resources and vegetation is promoted. Management plans to eradicate weeds and invader plants must be established to benefit the integrity of indigenous life.
Constitution of the Republic of South Africa (Act 108 of 1996)	The Bill of Rights, in the Constitution of South Africa (No. 108 of 1996), states that everyone has a right to a non-threatening environment and requires that reasonable measures are applied to protect the environment. This protection encompasses preventing pollution and promoting conservation and environmentally sustainable development. These principles are embraced in NEMA and given further expression.
Convention on Biological Diversity, 1995	International legally binding treaty with three main goals; conserve biological diversity (or biodiversity); ensure sustainable use of its components and the fair and equitable sharing of benefits arising from genetic resources.
Convention on International Trade in Endangered Species of Wild Life and Fauna	International agreement between governments, drafted because of a resolution adopted in 1963 at a meeting of members of the International Union for Conservation of Nature (IUCN). Its aim is to ensure that international trade in specimens of wild animals and plants does not threaten their survival and it accords varying degrees of protection to more than 33,000 species of animals and plants.
Environmental Conservation Act (No. 73 of 1989)	To provide for the effective protection and controlled utilization of the environment and for matters incidental thereto.
Mineral and Petroleum Resources Development Act (Act No.28 of 2002) (MPRDA)	Compilation of Environmental Impact Assessment (EIA) and Environmental Management Programme (Reports) (EMPR).
Mpumalanga Environmental Management Act (Act No. 10 of 1998)	
Mpumalanga Tourism and Parks Agency Act (Act No. 5 of 2005)	To provide for the establishment of the Mpumalanga Tourism and Parks Agency and for the management thereof by a Board; to provide for the sustainable development and improvement of the tourism industry in Mpumalanga; to provide for conservation management of the natural resources of Mpumalanga; to confer powers and functions upon the Agency; to provide for the registration of certain persons and entities directly involved in tourism; to provide for transitional arrangements; and to provide for matters incidental thereto
Mpumalanga Parks Board Act of 1995	
National Veld & Forest Act Fire Act (Act No. 101 of 1998)	To prevent and combat veld, forest and mountain fires throughout the Republic, to provide for a variety of institutions, methods and practices for achieving the purpose.
National Environmental Management Act (No. 107 of 1998)	Requires adherence to the principles of Integrated Environmental Management (IEA) in order to ensure sustainable development, which, in turn, aims to ensure that environmental consequences of development proposals be understood and adequately considered during all stages of the project cycle and that negative aspects be resolved or mitigated and positive aspects enhanced.
National Environmental Management: Biodiversity Act (Act No. 10 of 2004)	To provide for matters relating to threatened or protected species regulations
National Environmental Management Protected Areas Act (No. 57 of 2003)	To provide for the protection and conservation of ecologically viable areas representative of South Africa's biological diversity and its natural landscapes and seascapes; for the establishment of a national register of all national, provincial and local protected areas; for the management of those areas in accordance with national norms and standards; for intergovernmental co-operation and public consultation in matters concerning protected areas; and for matters in connection therewith.
White Paper on Conservation and Sustainable Use of South Africa's Biological Diversity (July 1997)	Identifies a number of strategies to be developed to give effect to the specific policies, including the enhancement of the protected area network, development of specific strategies such as conservation and sustainable use of reptiles and amphibians. Promotes a "Prosperous, environmentally conscious nation, whose people are in harmonious co-existence with the natural environment, and which derives lasting benefits from the conservation and sustainable use of its rich biological diversity"