



DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

**Chief Directorate: Environmental Impact Management
Directorate: Directorate: Environmental Impact Assessment
Sub-Directorate: Parastatals & National**

Private Bag X447, Pretoria, 0001- Fedsure Building, 315 Pretorius Street, Pretoria, 0002

FAX COVER SHEET

DATE: 11 November 2007

TO:	Ms M Mafumo Ms R Thomas	Eskom Bohlweki	(011) 800-3917 (011) 798-6010
FROM:	Wayne Hector		
TEL:	(012) 310-3001		
FAX:	(012) 320 7539		
E-MAIL:	Whector@deat.gov.za		
NO PAGES:	11 (including this page)		
SUBJECT:	RECORD OF DECISION FOR THE PROPOSED CONSTRUCTION OF A 400KV TRANSMISSION LINE BETWEEN MERCURY SUBSTATION AND FERRUM SUBSTATION, TRAVERSING THE NORTH WEST, FREE STATE AND THE NORTHERN CAPE PROVINCES		
MESSAGE:	<p>Dear Madams,</p> <p>The above matter refers. Please see attached documents for your attention and/or records.</p> <p>Regards</p> <p>W. Hector</p>		



environment & tourism

Department:
Environmental Affairs and Tourism
REPUBLIC OF SOUTH AFRICA

Private Reg X447, Pretoria, 0001 • Fedsure Building, 315 Pretorius Street, Pretoria, 0002. Tel: (+27 12) 310 3911 Fax: (+27 12) 322 2662

Ref: 12/12/20/755

Enquiries: Mr. W. Hector

Tel: 012 310 3001 Fax: 012 320 7539 E-mail: WHector@deat.gov.za

Attention: Ms M Mafumo
Eskom Holdings Limited
PO Box 1091
JOHANNESBURG
2000

Tel: 011-800-2621

Fax: 011-800-3917

Dear Madam

RECORD OF DECISION FOR THE CONSTRUCTION OF A 400KV TRANSMISSION LINE BETWEEN MERCURY SUBSTATION AND FERRUM SUBSTATION, TRAVERSING THE NORTH WEST, FREE STATE AND THE NORTHERN CAPE PROVINCES

Your application for authorisation, in terms of section 22 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) in respect of an activity identified in terms of section 21 of the said Act, regarding the above matter refers.

By virtue of the power delegated to me in terms of section 33(1) of the Environment Conservation Act, 1989 (Act No. 73 of 1989) I hereby, in terms of section 22(3) of the Act, authorise:

Schedule 1

- Activity 1** **The construction, erection, and the upgrading of –**
- (a) facilities for commercial electricity generation with an output of at least 10 megawatts and infrastructure for bulk supply
- Activity 2** **The change of land use from-**
- (c) agricultural or zoned undetermined use or an equivalent zoning to any other land use.

Enclosed please find the record of decision and the conditions under which your application is authorised.

Appeals must comply with the provisions of regulation 11 of the environmental impact assessment regulations, (Government Notices No. R. 1182 and 1183 of 5 September 1997), which reads as follows:

- (1) An appeal to the Minister or the provincial authority under section 35(3) of the act must be done in writing within 30 days from the date on which the record of decision was issued to the applicant in terms of regulation 10(1);

Muhesho we zwa Vhupo na Vhuandlamashango • Litiko le Tesimondzawo netekuVakasha • Isabe lemiCimbi yokusiNgqodileyo noKhenketho
Ndzawulo ya Tlnhoko & Mbango • Department: Omgevingsake en Toerisme • Lefapha la Tikoloho le Bohlenlaudl • Lefapha la Bojanala
Kgato ya Tikologo le Boell • UmNyango wazaBhuduluko nokuVakajha • Umnyango Wezemvelo Nokuvakaha

(2) An appeal must set out all the facts as well as the grounds of appeal, and must be accompanied by all relevant documents or copies of them.

(3) An appeal questionnaire may be used in the lodging of an appeal. It is obtainable from:

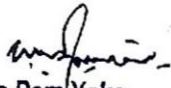
Mr PKM Retief, Appeals Administrator, Tel: 012 310 3705, pretief@deat.gov.za; or
Mr H Grové, Appeals Administrator, Tel: 012 310 3070, hgrové@deat.gov.za, at the
Department.

Should the applicant decide to appeal, the applicant must serve a copy of its notice of intention to appeal on all registered I&AP's as well as a notice indicating where, and for what period, the appeal submission will be available for inspection.

Please include the Department, attention of the Director: Environmental Impact Evaluation, in the list of I&AP's, notified through your notification letter of the decision, for record purposes.

You are strongly advised to refrain from the initiation of any construction activities prior to the conclusion of the appeals process. All construction activities initiated during the appeals process will be done solely at your risk.

Yours sincerely



Ms Pam Yako

Director - General

Department of Environmental Affairs and Tourism

Signed by: Mr Wynand Fourie

Designation: Acting Chief Director: Environmental Impact Management

Date: 7/11/2007.

Cc:
Ms R Thomas
Mr P Retief

Bohlweki Environmental
DEAT

Fax: (011) 798-6010

RECORD OF DECISION

RECORD OF DECISION FOR PROJECT REFERENCE 12/12/20/755, THE PROPOSED CONSTRUCTION OF A 400KV TRANSMISSION LINE BETWEEN MERCURY SUBSTATION AND FERRUM SUBSTATION, TRAVERSING THE NORTH WEST, FREE STATE AND THE NORTHERN CAPE PROVINCES

By virtue of the power delegated by the Minister in terms of section 33(1) Environment Conservation Act, (Act 73 of 1989) ("the Act"), I hereby, in terms of section 22(3) of the Act, authorise **Eskom Holdings Limited** to undertake the activity specified/ detailed below subject to the indicated conditions as stipulated in Section 6 of this record of decision.

1. DESCRIPTION OF ACTIVITY:

The construction and operation of a 400kV transmission power line of approximately 380km length between the Mercury and Ferrum substations, traversing the North West, Free State and the Northern Cape provinces. The servitude width of the 400kV transmission line is approximately 55m and 27,5m on either side of the centre line and 10m from any anchor.

The project falls within the ambit of regulations 1(a) and 2(c) of Government Notice No. R.1182 of 5 September 1997, (as amended) promulgated under sections 21, 26 and 28 of the Act and read as follows:

Activity 1 The construction, erection, and the upgrading of -

- (a) facilities for commercial electricity generation with an output of at least 10 megawatts and infrastructure for bulk supply.

Activity 2 The change of land use from-

- (c) agricultural or zoned undetermined use or an equivalent zoning to any other land use.

2. LOCATION:

- 2.1 **Mercury 400kV power line**
Provinces : Northern Cape, North West and Free State
Extent of Development : Approximately 380km in length
- 2.2 **Mercury Substation**
Province : Free State
- 2.3 **Ferrum Substation**
Province : Northern Cape
- 2.4 **District Municipalities Involved** : Klerksdorp, Viljoenskroon, Bothasville, Wolmaransstad, Schweizer-Reineke, Taung, Vryburg, Kudumane and Postmasburg
3. **APPLICANT:**
Eskom Holdings Limited
PO Box 1091
Johannesburg
2000

Contact person: **Mamokete Mafumo**
Tel: 011-800-2621
Fax: 011-800-3917
E-mail: Mamokete.mafumo@eskom.co.za

4. **CONSULTANT:**
Bohlweki Environmental (Pty) Ltd
P O Box 11784
Vorna Valley
MIDRAND
1686

Contact person: **Rebecca Thomas**
Tel: (011) 466-3841
Fax: (011) 466-3849

5. **KEY FACTORS INFORMING THE DECISION:**

- 5.1 In reaching its decision in respect of the application, the Department has, *inter alia*, taken the following information into consideration:

DOCUMENT	COMPILED BY	DATE
a) Scoping Report	Bohlweki Environmental	December 2006
b) Comments on SR	Dept of Tourism Environment and Conservation (Northern Cape)	19 September 2006
b) Environmental Impact Report (EIR)	Bohlweki Environmental	June 2007
c) Comments on EIR	Dept of Tourism Environment and Conservation (Northern Cape)	24 July 2007

- 5.2 In reviewing this Information, the Department made the following findings:

- 5.2.1 The requirements of section 24(4) of the National Environmental Management Amendment Act, 2004 (Act No. 8 of 2004) have been met.
- 5.2.2 The proposed development of the 400kV powerline from Mercury substation to Ferrum substation is required to meet customer load demands in the mining areas in the Northern Cape.
- 5.2.3 Three (3) alternative power line alignments were considered during the scoping phase but only two (2) were investigated during the EIR phase. The two that was investigated are as follows:

Alternative 1:

This alternative begins at Mercury substation and runs in a west-south-westerly direction. The line will then cross the Vaal River which is the border between the Free State and the North West Provinces. It is proposed that the line crosses the Vaal river perpendicular in order to limit the impact of the crossing. This corridor will then cross the N12 National Road and will pass just north of Wolmaransstad after crossing the Harts River. The line will follow a westward direction as it follows the R34 and passes south of Vryburg. From Vryburg the line continues in a south-westerly direction, following the N14 National Road to Kuruman. The line transverses the Kuruman Hills. Finally the line reaches the Ferrum substation, which is just south of Kathu.

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Alternative 2:

This proposed alternative diverges from Alternative 1, after alternative 1 has crossed the Vaal River where both the alternatives leave the R504. This alternative follows a fairly straight and more direct route compared to alternative 1. It crosses the N12 National Road, whilst running along the R504 Regional Road, it crosses the R505 and the R506 Regional roads and extends to Schweizer-Reineke. At this point the two route alternatives alignments converge. Alternative 2 follows a fairly straight west-south-westerly direction crossing both the R34 and R49 Regional Roads. The line then traverses the Dry Harts River and continues in a west-south-westerly direction towards the R371 Regional road. After passing Kuruman, the line continues to the Kuruman. The line then reaches the Ferrum Substation which is south of Kathu.

- 5.2.4 The approved route will be a combination of Alternative 1 & 2 and will be constructed along the following route:

The route will commence at the Mercury substation (near Orkney) and will follow the existing 132kV Sub-Transmission power line across the Vaal River. The line will continue parallel to the 132kV power line, as well as the R502 up until Leeudoringstad. The line will stay north of the town to avoid the small nature reserve outside Leeudoringstad. The power line will then continue in a westerly direction, north of Wolmaransstad and Schweizer-Reneke until the intersection and following the R 34 passing just south of Vryburg, avoiding the Kloof extending further south along the R49 towards Taung. When the line past Vryburg, the line will continue parallel and adjacent to the N14. This alignment will ensure that all the settlements are avoided and that the line is far enough away from the road to ensure that road servitude restrictions are met. The power line will deviate slightly south just before Kuruman to avoid a high visual impact on the town of Kuruman. The line will pass through the Kuruman Hills along the N14. The line bend south and westerly after it passed through Kuruman Hills to avoid the farm Hartnoll's, various heritage sites and the proclaimed Camel Thorn tree Natural Heritage site. The power line will then enter Ferrum Substation from the south-east.

- 5.2.5 The public participation process was undertaken by Bohlweki Environmental. On evaluation, it is hereby established that the consultant has satisfied the minimum requirements as prescribed in the EIA regulations.

- 5.2.6 The following issues were raised by the public:
- The impact of the activity on red data species
 - Impact of veld fires especially during construction
 - Visual impact on the game farming
 - Impact on birds in the proposed area
 - Impact on the heritage sites

All issues and comments raised during the public participation process were compiled into an issues trail. The project team responded to concerns and issues raised by the public. The issues that were not responded to by the consultant were addressed in the relevant specialist studies.

- 5.2.7 Specialist studies were done on both these recommended alternatives. The specialist studies indicated that there are not major differences between the two alternatives and both alternatives can be recommended.

- 5.2.8 Based on the above, the Department's conclusion is that this development, as authorised according to the provisions and conditions stipulated in Section 6 of this record of decision, will not lead to substantial detrimental impact on the environment, that potential negative impacts resulting from this

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development can be mitigated to acceptable levels and that the principles of section 2 of National Environmental Management Act (Act no. 107 of 1998) can be upheld.

- 5.3 The Department has accordingly decided to grant **Eskom Holdings Ltd** authorisation in terms of regulations under Government Notice No. R. 1183 (as amended) promulgated under section 22, 26 and 28 of the Environment Conservation Act (Act 73 of 1989), subject to the conditions and provisions stipulated in Section 6 of this record of decision.

6 CONDITIONS

6.1 DESCRIPTION AND EXTENT OF THE ACTIVITY

The authorisation applies in respect of the Mercury - Ferrum 400kV power line, as described further in Section 1 of this record of decision (ROD).

6.2 SPECIFIC CONDITIONS

- 6.2.1 The route of the Mercury - Ferrum 400kV overhead power lines shall comply with the route which follows and/or incorporates alternatives 1 and 2 as contained in the map of the study area included in Environmental Impact Report, Figures 13.1 and 13.2 dated June 2007, prepared by Bohlweki Environmental.
- 6.2.2 Where the transmission line crosses the Vaal River, Dry Harts and other associated drainage lines and/or flood plains, the applicant is responsible for instituting the appropriate mitigation measures during the construction and operational phases in order to ensure that damages to the environment and the transmission line and infrastructure is avoided.
- 6.2.3 The applicant must ensure that:
- a) the spans between the towers must be increased to the maximum necessary to meet technical and safety requirements, in order to limit the impact on sensitive vegetation areas.
 - b) sections of the powerline crossing or traversing adjacent to any dams and open water courses are marked with bird flappers on the earth wires.
 - c) all sections of the power line crossing the Vaal River, as well as other drainage lines and other bird sensitive areas as determined by the Endangered Wildlife Trust, are marked with bird flappers on the earth wires.
 - d) apart from the river and drainage line crossings, but where the powerline runs parallel to riverine, riparian and wetland areas, powerline design should be in accordance to the requirement of the National Water Act, 1998 (Act 36 of 1998).
 - e) the presence of red data floral species and other sensitive vegetation are identified and/or verified by a suitably qualified specialist. The areas occupied by these species and vegetation must be avoided at all times, and portions of the proposed line affecting these areas must be re-aligned to avoid these sensitive areas.
 - f) the heritage and ecology specialist reports must inform the nature and positioning of the power lines to ensure that no sensitive environmental features are impacted upon.
 - g) mitigation measures for affected sensitive areas, inclusive of bird mitigation measures, are applied equally to existing lines, especially in areas or sections where the proposed powerlines run adjacent and/or in proximity to existing powerlines, in order to minimise cumulative adverse impacts.
 - h) existing indigenous vegetation, particularly intact natural habitats, including rare and threatened plant species along the power line alignment are preserved.

- i) wetland areas, riverine vegetation and other environmentally sensitive areas are suitably and visibly demarcated and cordoned off using red and white barrier tape to restrict vehicle access during construction.
 - j) excluded areas from development including important stands of vegetation or grassland are protected by temporary fencing (during construction) and limitations on access for vehicles, machinery and materials storage.
 - k) the three woodland classes classified by DWAF near Kathu, must be excluded from any development.
 - l) power collisions by birds must be properly mitigated as indicated in the bird study by Endangered Wildlife Trust dated February 2007.
 - m) all proposed mitigation measures included in the FEIR dated 15 June 2007 must be implemented.
- 6.2.4 Marking of the powerline should be according to the technical specifications contained in the chapter entitled "Recommended Mitigation Measures", as contained in the Bird Impact Assessment Study dated February 2007, prepared by the Endangered Wildlife Trust, as contained in Appendix P of the Environmental Impact Report, Book 2, dated 16 April 2007, prepared by Bohlwek Environmental.
- 6.2.5 The applicant is responsible for the ongoing monitoring of the powerline along sensitive areas (river crossings, riparian areas and other sensitive areas as determined by the Endangered Wildlife Trust) for incidents of bird collisions and electrocutions. The applicant must submit these monitoring reports to this Department every six months, during the operation of the powerline, for a period of two years. If no incidents are recorded during that time, the mitigation measures implemented to prevent animal interactions will be deemed effective. No further reporting will be required.
- 6.2.6 The applicant must minimize habitat destruction and disturbance during all construction, maintenance and decommissioning activities. Vegetation must only be removed as required for construction and operation for the line. The applicant is responsible for avoiding the removal or trimming of any vegetation along the servitude during construction and operation. DWAF permits must be obtained for these individual plants before they are removed.
- 6.2.7 Construction work must be confined to the construction site(s) and interference with indigenous plant and animal species, particularly rare and threatened species and their habitats is prohibited.
- 6.2.8 All construction camps, sites and equipment storage areas must be established on existing built-up/developed areas. It is strictly forbidden for construction camps/sites and equipment storage areas to be allowed or established on or in areas of high ecological and archaeological sensitivity.
- 6.2.9 No construction and development activities are permitted in wetland areas.
- 6.2.10 The Environmental Management Plan (EMP) that was included in the EIR dated 15 June 2007 is approved by this Department. The EMP must form part of the contractor's tender documentation for all contractors working on the project and must be endorsed contractually.
- 6.2.11 The construction EMP must be seen as a dynamic document. However, any changes to the EMP, which is environmentally defensible, must be submitted to DEAT for acceptance before such changes could be effected. The EMP is regarded as an extension of the ROD and shall be treated as such in terms of compliance monitoring.
- 6.2.12 All contractors working on site must be informed with regard the contents of the EMP.
- 6.2.13 Compliance with other legislation
- a) Compliance with the requirements of Section 38(1), (3) and (7) of the National Heritage Resources Act, Act 25 of 1999, including the comments and recommendations of the relevant heritage resources authority responsible for the area in which the development is proposed.

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- b) The Applicant must comply with the National Water Act, 1998 (Act 36 of 1998).
- c) The Applicant must comply with the National Forests Act, 1998 (Act No.84 of 1998)

6.3 GENERAL CONDITIONS

- 6.3.1 This authorisation is granted only in terms of section 22 of the Environment Conservation Act, 73 of 1989, and does not exempt the holder thereof from compliance with any other legislation including any legislation administered by the relevant local authorities.
- 6.3.2 This authorisation refers only to the activity as specified and described in Section 1 of this record of decision. Any other activity listed under sections 24 and 24D of the National Environmental Management Act, 1998 (Act No. 107 of 1998), which is not specified above, is not covered by this authorisation, and must therefore comply with the requirements of the National Environmental Management Act, 1998 (Act No. 107 of 1998), Government Notice No. R. 385 of 21 April 2006.
- 6.3.3 The applicant is responsible for compliance with the provisions for *Duty of Care and Remediation of Damage* in accordance with Section 28 of the National Environmental Management Act, Act 107 of 1998.
- 6.3.4 The applicant must, within 7 (seven) calendar days of receipt of this record of decision inform all interested and affected parties of the following:
 - i) That an authorisation with conditions has been issued to the applicant to proceed with the construction and operation of the activity.
 - ii) That any appeals against the issuing of the authorisation must be lodged with the Minister of Environmental Affairs and Tourism within 30 (thirty) days from the date on which this ROD has been issued to the applicant at the address stipulated in this ROD.
 - iii) That an appeal questionnaire may be used in the lodging of an appeal. A copy of the official appeal form can be obtained from:
Mr PKM Retief, Appeals Administrator, Tel: 012 310 3705, prelief@deat.gov.za ; or
Mr H Grové, Appeals Administrator, Tel: 012 310 3070, hgrove@deat.gov.za, at the Department.
 - iv) That an appeal must include the date on which the ROD was issued to the applicant in terms of regulation 10(1) and the date by which appeals must reach the Minister.
- 6.3.5 One week's notice, in writing, must be given to this Directorate: Environmental Impact Evaluation for attention Ms Lebogang Molefe, before commencement of construction activities.
- 6.3.6 Failure to inform interested and affected parties within the stipulated time period will be regarded as a breach of the ROD conditions and will be dealt with in accordance with all applicable legal mechanisms
- 6.3.7 The applicant shall be responsible for ensuring compliance with the conditions contained in this ROD by any person acting on his behalf, including but not limited to, an agent, servant, or employee or any person rendering a service to the applicant in respect of the activity, including but not limited to, contractors and consultants.
- 6.3.8 The applicant must notify the Department in writing, within 24 (twenty four) hours if any condition of this authorisation cannot, or is not, adhered to. The notification must be supplemented with reasons for non-compliance.
- 6.3.9 The applicant must ensure that the conditions of this authorisation are brought to the attention of the developer(s), contractor(s), sub-contractor(s), operators and/or other relevant management or implementing body or agency.

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- 6.3.10 Notwithstanding clause 6.3.8 above, a copy of the authorisation, ROD and the EMP shall be available on site during construction and all staff, contractors and sub-contractors shall be familiar with, or be made aware of, the contents of this authorisation, ROD and the EMP.
- 6.3.11 Compliance/non-compliance records must be kept and shall be made available on request from the authorities within five days of receipt of the request.
- 6.3.12 Any changes to, or deviations from, the project description set out in this letter must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations.
- 6.3.13 This Department may on own initiative amend this authorisation where necessary or desirable, in terms of Chapter 4, Part 2 of Government Notice No. 385 of 21 April 2006.
- 6.3.14 In the event of any dispute concerning the significance of a particular impact, the opinion of the Department of Environmental Affairs and Tourism (DEAT) in respect of its significance will prevail.
- 6.3.15 The applicant may at any time apply to the Department for the amendment of this authorisation in terms of Chapter 4, Part 1 of Government Notice No. R.385 of 21 April 2006.
- 6.3.16 Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/or telephonic details, the applicant must notify the Department within 10 days from when the new details become known to the applicant.
- 6.3.17 National government, provincial government, local authorities or committees appointed in terms of the conditions of this application or any other public authority or authorisation shall not be held responsible for any damages or losses suffered by the applicant or his successor in title in any instance where construction, or operation subsequent to construction, is temporarily or permanently stopped for reasons of non-compliance by the applicant with the conditions of authorisation, as set out in this document or any other subsequent document emanating from these conditions of authorisation.
- 6.3.18 If any condition imposed in terms of this authorisation is not complied with, the authorisation may be withdrawn in terms of Chapter 4, Part 3 of Government Notice No. 385 of 21 April 2006.
- 6.3.19 The applicant shall be responsible for all necessary costs incurred as a result of compliance with these conditions, unless otherwise specified.
- 6.3.20 Any complaint from the public during construction must be acknowledged within 48 hours and action must be taken to address the complaint to the satisfaction of the parties concerned. A complaints register must be kept up to date and should be produced upon request.
- 6.3.21 Departmental officials shall be given access to the construction areas for the purpose of assessing and/or monitoring compliance with the conditions contained in this document at all times.
- 6.3.22 All outdoor advertising associated with this activity, whether on or off the property concerned, must comply with the South African Manual for Outdoor Advertising Control (SAMOAC) available from this Department.

6.4 DURATION OF AUTHORISATION

If the activity authorised by this letter does not commence within 48 months from the date of signature of this letter, this authorisation will be deemed to have lapsed and will no longer be valid. The applicant will need to reapply in terms of the applicable legislation or any amendments thereto.

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7 SEQUENCES OF NON-COMPLIANCE

The applicant must comply with the conditions set out in this record of decision. Failure to comply with any of the above conditions may result in, *inter alia*, the Department withdrawing the authorisation, issuing directives to address the non-compliance – including an order to cease the activity – as well as instituting criminal and/or civil proceedings to enforce compliance.

8 APPEALS

Appeals in respect of this decision must be lodged with the Minister of Environmental Affairs and Tourism within 30 (thirty) days of the date of this decision. Appeals can be submitted utilising one of the following methods:

By facsimile: (012) 322 0082
By post: Private Bag X447, Pretoria 0001
By hand: 2nd Floor, Fedsure Forum Building, North Tower, cnr. Van der Walt and Pretorius Streets, Pretoria.

Appeals must comply with the provisions of Regulation 11 of Government Notice No. R. 1183 which reads as follows:

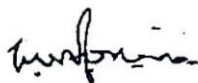
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An appeal questionnaire may be used in the lodging of an appeal. It is obtainable from:
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Mr H Grové, Appeals Administrator, Tel: 012 310 3070, hgrové@deat.gov.za, at the Department.

Should the applicant wish to appeal any aspect of this decision, the applicant must notify and furnish copies of the appeal that will be submitted to the Minister, to all registered interested and affected parties. Proof of such notification must be submitted to the Minister with the appeal. Failure to comply with this provision may result in the Minister refusing to consider the appeal.

Yours sincerely



Ms Pam Yako
Director – General
Department of Environmental Affairs and Tourism
Signed by: Mr Wynand Fourie
Designation: Acting Chief Director: Environmental Impact Management
Date: 7/11/2007

Cc:
Ms R Thomas
Mr P Retief

Bohlwesi Environmental
DEAT

Fax: (011) 798-6010



environment & tourism

Department:
Environmental Affairs and Tourism
REPUBLIC OF SOUTH AFRICA

Private Bag X447, Pretoria, 0001 • Fedsure Building, 315 Pretorius Street, Pretoria, 0002. Tel: (+27 12) 310 3911 Fax: (+27 12) 322 2682

Ref: 12/12/20/752

Enquiries: Mr. W. Hector

Tel: 012 310 3001 Fax: 012 320 7539 E-mail: WHector@deat.gov.za

Attention: Ms M Mafumo

Eskom Holdings Limited

PO Box 1091

JOHANNESBURG

2000

Tel: 011-800-2621

Fax: 011-800-3917

Dear Madam

RECORD OF DECISION FOR THE CONSTRUCTION OF A 400KV TRANSMISSION LINE BETWEEN GARONA SUBSTATION AND FERRUM SUBSTATION, TRAVERSING THE NORTHERN CAPE PROVINCES

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- Activity 1** *The construction, erection, and the upgrading of –*
- (a) facilities for commercial electricity generation with an output of at least 10 megawatts and infrastructure for bulk supply
- Activity 2** *The change of land use from-*
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Enclosed please find the record of decision and the conditions under which your application is authorised.

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You are strongly advised to refrain from the initiation of any construction activities prior to the conclusion of the appeals process. All construction activities initiated during the appeals process will be done solely at your risk.

Yours sincerely



Ms Pam Yako

Director – General

Department of Environmental Affairs and Tourism

Signed by: Mr Wynand Fourie

Designation: Acting Chief Director: Environmental Impact Management

Date: 16/11/2007.

Cc:

Ms R Thomas

Mr P Retief

Bohliweki Environmental
DEAT

Fax: (011) 798-6010

**APPEALS PROCEDURE IN TERMS OF CHAPTER 7 OF R. 385 OF 2006 TO BE FOLLOWED BY
THE APPLICANT AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF
NOTIFICATION OF AN ENVIRONMENTAL AUTHORISATION**

APPLICANT	INTERESTED AND AFFECTED PARTIES (IAPs)
1. Receive notice of Environmental Authorisation from the relevant Competent Authority	1. Receive notice of Environmental Authorisation from Applicant/Consultant
2. Within 10 days of receipt of notification, notify the relevant Competent Authority and all IAPs of intention to appeal	2. Within 10 days of receipt of notification, notify the relevant Competent Authority of intention to appeal
3. Notification served by the Applicant must include: 3.1. A copy of the notice of intention to appeal; and 3.2. A notice indicating where and for what period the appeal submission will be available for inspection by all IAPs	3. Appellant must serve on the Applicant 3.1. A copy of the notice of intention to appeal 3.2. A notice indicating where and for what period the appeal submission will be available for inspection by the applicant
4. The appeal must be submitted to the relevant Competent Authority or delegated organ of State within 30 days of lodging of the notice of intention to appeal	4. The appeal must be submitted to the relevant Competent Authority or delegated organ of State within 30 days of lodging of the notice of intention to appeal
5. A person or organ of state that receives notice of an appeal may submit a responding statement to the relevant Competent Authority or delegated organ of state within 30 days from the date that the appeal submission was made available for inspection by the appellant	5. An Applicant that receives notice of an appeal may submit a responding statement to the relevant Competent Authority or delegated organ of State within 30 days from the date the appeal submission was made available for inspection by the appellant

NOTES:

1. An appeal against a decision must be lodged with:-

- a) the Minister if the decision was issued by the Director- General (or another official) acting in his/ her capacity as the delegated Competent Authority
- b) the MEC if the decision was issued by the Head of Department (or another official) acting in his/ her capacity as the delegated Competent Authority
- c) the delegated organ of state where relevant.

2. An appeal lodged with:-

- a) the Minister must be submitted to the Department of Environmental Affairs and Tourism
- b) the MEC must be submitted to the provincial department responsible for environmental affairs
- c) the delegated organ of state, where relevant, must be submitted to the delegated organ of state

3. An appeal must be:-

- a) on an official form obtainable or published by the relevant department
- b) accompanied by:
 - a statement setting out the grounds of appeal
 - supporting documentation which is referred to in the appeal and is not available to the relevant Competent Authority
 - a statement that the appellant has complied with regulation 62 (2) or (3) together with copies of the notices referred to in regulation 62
 - the prescribed appeal fee, if any.

4. A copy of the official appeal form can be obtained from:

See authorisation cover letter.

RECORD OF DECISION

RECORD OF DECISION FOR PROJECT REFERENCE 12/12/20/752, THE PROPOSED CONSTRUCTION OF A 400KV TRANSMISSION LINE BETWEEN FERRUM SUBSTATION AND GARONA SUBSTATION, TRAVERSING THE NORTHERN CAPE PROVINCES

By virtue of the power delegated by the Minister in terms of section 33(1) Environment Conservation Act, (Act 73 of 1989) ("the Act"), I hereby, in terms of section 22(3) of the Act, authorise **Eskom Holdings Limited** to undertake the activity specified/ detailed below subject to the indicated conditions as stipulated in Section 6 of this record of decision.

1. DESCRIPTION OF ACTIVITY:

The construction and operation of a 400kV transmission power line of approximately 155km length between the Ferrum and Garona substations, traversing the Northern Cape Province. The servitude width of the 400kV transmission line is approximately 55m and 27,5m on either side of the centre line and 10m from any anchor.

The project falls within the ambit of regulations 1(a) and 2(c) of Government Notice No. R.1182 of 5 September 1997, (as amended) promulgated under sections 21, 26 and 28 of the Act and read as follows:

Activity 1 The construction, erection, and the upgrading of –

- (a) facilities for commercial electricity generation with an output of at least 10 megawatts and infrastructure for bulk supply.

Activity 2 The change of land use from-

- (c) agricultural or zoned undetermined use or an equivalent zoning to any other land use.

2. LOCATION:

- 2.1 Ferrum 400kV power line
Provinces : Northern Cape, North West and Free State
Extent of Development : Approximately 155km in length
- 2.2 Garona Substation
Province : Northern Cape
- 2.4 District Municipalities
Involved : Postmasburg and Gordonia

3. APPLICANT:

Eskom Holdings Limited
PO Box 1091
Johannesburg
2000

Contact person: **Mamokete Mafumo**
Tel: 011-800-2621
Fax: 011-800-3917

4. **CONSULTANT:**

Bohlweki Environmental (Pty) Ltd
P O Box 11784
Vorna Valley
MIDRAND
1686

Contact person: **Rebecca Thomas**

Tel: (011) 466-3841

Fax: (011) 466-3849

5. **KEY FACTORS INFORMING THE DECISION:**

5.1 In reaching its decision in respect of the application, the Department has, *inter alia*, taken the following information into consideration:

DOCUMENT	COMPILED BY	DATE
a) Scoping Report	Bohlweki Environmental	November 2006
b) Environmental Impact Report (EIR)	Bohlweki Environmental	July 2007
c) Comments on EIR	Dept of Tourism Environment and Conservation (Northern Cape)	22 August 2007

5.2 In reviewing this information, the Department made the following findings:

5.2.1 The requirements of section 24(4) of the National Environmental Management Amendment Act, 2004 (Act No. 8 of 2004) have been met.

5.2.2 The proposed development of the 400kV power line from Ferrum substation to Garona substation is required to meet customer load demands in the mining areas in the Northern Cape.

5.2.3 Three (3) alternative power line alignments were considered during the scoping phase but only two (2) were investigated during the EIR phase. The three that was investigated are as follows:

Alternative 1:

This alternative starts off at Ferrum substation and runs in a south-westerly direction parallel to an existing 400kV transmission line for the entire length of its route. It passes north of Sishen mining and prospecting area and then bends southwards and crosses the N14 National road just before the Korannaberg Mountain. The line then traverses the Korannaberg Mountain Range, adjacent to the existing transmission line and the existing railway line from that point on the transmission power line continues in a south-westerly direction in a fairly straight line towards the Skeuweberge, where it crosses and continues into Garona substation, just north of Groblershoop.

Alternative 2:

This alternative diverges from the alternative 1, just after alternative 1 passes the eastern boarder of the Sishen mining and prospecting area. The line then follows roughly a similar alignment to that of alternative 1 but runs slightly north of alternative and follows the N14 National Road through the Korannaberg Mountain range. Once west of the Korannaberg Mountains the transmission line runs south-west from the N14, still north of alternative 1 until just before the Skeuweberge, where this alternative follows the same route as alternative 1 into Garona substation of Groblershoop.

R.

Alternative 3

During the public participation process the landowners of Dingleton indicated that they would like the power line to exit Ferrum substation from the south, instead of the north as it is the case with the previous alternatives. This alignment would follow the N14 national road to the south of Kathu, turning west-south-west with the N14 before linking up with the two investigated alternative routes.

This alternative was discarded as unfeasible during the public participation process, as it was found that during consultation with I&AP's that the not only is it extensive open-cast mining taking place in the area that would be traversed by this alternative south of Kathu, but a number of mining houses have mining rights in the area and are planning to commence with additional mining activities in the foreseeable future.

5.2.4 The approved route will be an Alternative 1 as described in section 5.2.3:

5.2.5 The public participation process was undertaken by Bohlweki Environmental. On evaluation, it is hereby established that the consultant has satisfied the minimum requirements as prescribed in the EIA regulations.

5.2.6 The following issues were raised by the public:

- The impact of the activity on red data species
- Impact of veld fires especially during construction
- Visual impact on the game farming
- Impact on birds in the proposed area
- Impact on the heritage sites

All issues and comments raised during the public participation process were compiled into an issues trail. The project team responded to concerns and issues raised by the public. The issues that were not responded to by the consultant were addressed in the relevant specialist studies.

5.2.7 Specialist studies were done on two of these recommended alternatives. The specialist studies indicated that there are no major differences between the two alternatives and both alternatives can be recommended.

5.2.8 Based on the above, the Department's conclusion is that this development, as authorised according to the provisions and conditions stipulated in Section 6 of this record of decision, will not lead to substantial detrimental impact on the environment, that potential negative impacts resulting from this development can be mitigated to acceptable levels and that the principles of section 2 of National Environmental Management Act (Act no. 107 of 1998) can be upheld.

5.3 The Department has accordingly decided to grant **Eskom Holdings Ltd** authorisation in terms of regulations under Government Notice No. R. 1183 (as amended) promulgated under section 22, 26 and 28 of the Environment Conservation Act (Act 73 of 1989), subject to the conditions and provisions stipulated in Section 6 of this record of decision.

6 CONDITIONS

6.1 DESCRIPTION AND EXTENT OF THE ACTIVITY

The authorisation applies in respect of the Ferrum- Garona 400kV power line, as described further in Section 1 of this record of decision (ROD).

6.2 SPECIFIC CONDITIONS

- 6.2.1 The route of the Ferrum - Garona 400kV overhead power lines shall comply with the route which follows alternatives 1 as contained in the map of the study area included in Environmental Impact Report, Figures 1.1 dated July 2007, prepared by Bohlweki Environmental.
- 6.2.2 Where the transmission line crosses drainage lines and/or flood plains, the applicant is responsible for instituting the appropriate mitigation measures during the construction and operational phases in order to ensure that damage to the environment and the transmission line and infrastructure is avoided.
- 6.2.3 The applicant must ensure that:
- a) the spans between the towers must be increased to the maximum necessary to meet technical and safety requirements, in order to limit the impact on sensitive vegetation areas.
 - b) sections of the powerline crossing or traversing adjacent to any dams and open water courses are marked with bird flappers on the earth wires.
 - c) apart from the river and drainage line crossings, but where the powerline runs parallel to riverine, riparian and wetland areas, powerline design should be in accordance to the requirement of the National Water Act, 1998 (Act 36 of 1998).
 - d) The areas occupied by red data species and vegetation must be avoided at all times, and portions of the proposed line affecting these areas must be re-aligned to avoid these sensitive areas.
 - e) the heritage and ecology specialist reports must inform the nature and positioning of the power lines to ensure that no sensitive environmental features are impacted upon.
 - f) mitigation measures for affected sensitive areas, inclusive of bird mitigation measures, are applied equally to existing lines, especially in areas or sections where the proposed powerlines run adjacent and/or in proximity to existing powerlines, in order to minimise cumulative adverse impacts.
 - g) existing indigenous vegetation, particularly intact natural habitats, including rare and threatened plant species along the power line alignment are preserved.
 - h) wetland areas, riverine vegetation and other environmentally sensitive areas are suitably and visibly demarcated and cordoned off using red and white barrier tape to restrict vehicle access during construction.
 - i) excluded areas from development including important stands of vegetation or grassland are protected by temporary fencing (during construction) and limitations on access for vehicles, machinery and materials storage.
 - ✓ j) the three woodland classes classified by DWAF near Kathu, must be excluded from any development.
 - k) power collisions by birds must be properly mitigated as indicated in the bird study by Endangered Wildlife Trust dated February 2007.
 - l) all proposed mitigation measures included in the FEIR dated July 2007 must be implemented.
 - m) There are sufficient portable chemical toilets on site and at the construction camp.
 - n) Refuse are remove from the site on regular intervals and disposed of at an approved waste disposal site.

- 6.2.4 Marking of the powerline should be according to the technical specifications contained in the chapter entitled "Recommended Mitigation Measures", as contained in the Bird Impact Assessment Study dated February 2007, prepared by the Endangered Wildlife Trust, as contained in Appendix P of the Environmental Impact Report, Book 3, dated July 2007, prepared by Bohlweki Environmental.
- 6.2.5 The applicant is responsible for the ongoing monitoring of the powerline along sensitive areas (river crossings, riparian areas and other sensitive areas as determined by the Endangered Wildlife Trust) for incidents of bird collisions and electrocutions. The applicant must submit these monitoring reports to this Department every six months, during the operation of the powerline, for a period of two years. If no incidents are recorded during that time, the mitigation measures implemented to prevent animal interactions will be deemed effective. No further reporting will be required.
- 6.2.6 The applicant must minimise habitat destruction and disturbance during all construction, maintenance and decommissioning activities. Vegetation must only be removed as required for construction and operation for the line. The applicant is responsible for avoiding the removal or trimming of any vegetation along the servitude during construction and operation. DWAF permits must be obtained for these individual plants before they are removed.
- 6.2.7 Construction work must be confined to the construction site(s) and interference with indigenous plant and animal species, particularly rare and threatened species and their habitats is prohibited.
- 6.2.8 All construction camps, sites and equipment storage areas must be established on existing built-up/developed areas. It is strictly forbidden for construction camps/sites and equipment storage areas to be allowed or established on or in areas of high ecological and archaeological sensitivity.
- 6.2.9 No construction and development activities are permitted in wetland areas.
- 6.2.10 A demobilisation plan must be developed and implemented to ensure that construction workers move out of the area upon completion of the construction phase.
- 6.2.11 The Draft Environmental Management Plan (DEMP) that was included in the EIR dated July 2007 is approved by this Department.
- 6.2.12 A Final Environmental Management Plan must be submitted to DEAT for acceptance before such changes could be effected. The EMP is regarded as an extension of the ROD and shall be treated as such in terms of compliance monitoring.
- 6.2.13 All contractors working on site must be informed with regard the contents of the EMP.
- () 6.2.14 Compliance with other legislation
- a) Compliance with the requirements of Section 38(1), (3) and (7) of the National Heritage Resources Act, Act 25 of 1999, including the comments and recommendations of the relevant heritage resources authority responsible for the area in which the development is proposed.
 - b) The Applicant must comply with the National Water Act, 1998 (Act 36 of 1998).
 - c) The Applicant must comply with the National Forests Act, 1998 (Act No.84 of 1998)

6.3 GENERAL CONDITIONS

- 6.3.1 This authorisation is granted only in terms of section 22 of the Environment Conservation Act, 73 of 1989, and does not exempt the holder thereof from compliance with any other legislation including any legislation administered by the relevant local authorities.
- 6.3.2 This authorisation refers only to the activity as specified and described in Section 1 of this record of decision. Any other activity listed under sections 24 and 24D of the National Environmental Management Act, 1998 (Act No. 107 of 1998), which is not specified above, is not covered by this

authorisation, and must therefore comply with the requirements of the National Environmental Management Act, 1998 (Act No. 107 of 1998), Government Notice No. R. 385 of 21 April 2006.

- 6.3.3 The applicant is responsible for compliance with the provisions for *Duty of Care and Remediation of Damage* in accordance with Section 28 of the National Environmental Management Act, Act 107 of 1998.
- 6.3.4 The applicant must, within 7 (seven) calendar days of receipt of this record of decision inform all interested and affected parties of the following:
- i) That an authorisation with conditions has been issued to the applicant to proceed with the construction and operation of the activity.
 - ii) That any appeals against the issuing of the authorisation must be lodged with the Minister of Environmental Affairs and Tourism within 30 (thirty) days from the date on which this ROD has been issued to the applicant at the address stipulated in this ROD.
 - iii) That an appeal must include the date on which the ROD was issued to the applicant in terms of regulation 10(1) and the date by which appeals must reach the Minister.
- 6.3.5 One week's notice, in writing, must be given to this Directorate: Environmental Impact Evaluation for attention Ms Lebogang Molefe, before commencement of construction activities.
- 6.3.6 Failure to inform interested and affected parties within the stipulated time period will be regarded as a breach of the ROD conditions and will be dealt with in accordance with all applicable legal mechanisms
- 6.3.7 The applicant shall be responsible for ensuring compliance with the conditions contained in this ROD by any person acting on his behalf, including but not limited to, an agent, servant, or employee or any person rendering a service to the applicant in respect of the activity, including but not limited to, contractors and consultants.
- 6.3.8 The applicant must notify the Department in writing, within 24 (twenty four) hours if any condition of this authorisation cannot, or is not, adhered to. The notification must be supplemented with reasons for non-compliance.
- 6.3.9 The applicant must ensure that the conditions of this authorisation are brought to the attention of the developer(s), contractor(s), sub-contractor(s), operators and/or other relevant management or implementing body or agency.
- 6.3.10 Notwithstanding clause 6.3.8 above, a copy of the authorisation, ROD and the EMP shall be available on site during construction and all staff, contractors and sub-contractors shall be familiar with, or be made aware of, the contents of this authorisation, ROD and the EMP.
- 6.3.11 Compliance/non-compliance records must be kept and shall be made available on request from the authorities within five days of receipt of the request.
- 6.3.12 Any changes to, or deviations from, the project description set out in this letter must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations.
- 6.3.13 This Department may on own initiative amend this authorisation where necessary or desirable, in terms of Chapter 4, Part 2 of Government Notice No. 385 of 21 April 2006.
- 6.3.14 In the event of any dispute concerning the significance of a particular impact, the opinion of the Department of Environmental Affairs and Tourism (DEAT) in respect of its significance will prevail.
- 6.3.15 The applicant may at any time apply to the Department for the amendment of this authorisation in terms of Chapter 4, Part 1 of Government Notice No. R.385 of 21 April 2006.

- 6.3.16 Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/or telephonic details, the applicant must notify the Department within 10 days from when the new details become known to the applicant.
- 6.3.17 National government, provincial government, local authorities or committees appointed in terms of the conditions of this application or any other public authority or authorisation shall not be held responsible for any damages or losses suffered by the applicant or his successor in title in any instance where construction, or operation subsequent to construction, is temporarily or permanently stopped for reasons of non-compliance by the applicant with the conditions of authorisation, as set out in this document or any other subsequent document emanating from these conditions of authorisation.
- 6.3.18 If any condition imposed in terms of this authorisation is not complied with, the authorisation may be withdrawn in terms of Chapter 4, Part 3 of Government Notice No. 385 of 21 April 2006.
- 6.3.19 The applicant shall be responsible for all necessary costs incurred as a result of compliance with these conditions, unless otherwise specified.
- 6.3.20 Any complaint from the public during construction must be acknowledged within 48 hours and action must be taken to address the complaint to the satisfaction of the parties concerned. A complaints register must be kept up to date and should be produced upon request.
- 6.3.21 Departmental officials shall be given access to the construction areas for the purpose of assessing and/or monitoring compliance with the conditions contained in this document at all times.
- 6.3.22 All outdoor advertising associated with this activity, whether on or off the property concerned, must comply with the South African Manual for Outdoor Advertising Control (SAMOAC) available from this Department.

6.4 DURATION OF AUTHORISATION

If the activity authorised by this letter does not commence within 48 months from the date of signature of this letter, this authorisation will be deemed to have lapsed and will no longer be valid. The applicant will need to reapply in terms of the applicable legislation or any amendments thereto.

7 SEQUENCES OF NON-COMPLIANCE

The applicant must comply with the conditions set out in this record of decision. Failure to comply with any of the above conditions may result in, *inter alia*, the Department withdrawing the authorisation, issuing directives to address the non-compliance – including an order to cease the activity – as well as instituting criminal and/or civil proceedings to enforce compliance.

8 APPEALS

Appeals in respect of this decision must be lodged with the Minister of Environmental Affairs and Tourism within 30 (thirty) days of the date of this decision. Appeals can be submitted utilising one of the following methods:

By facsimile: (012) 322 0082
By post: Private Bag X447, Pretoria 0001
By hand: 2nd Floor, Fedsure Forum Building, North Tower, cnr. Van der Walt and Pretorius Streets, Pretoria.

Appeals must comply with the provisions of Regulation 11 of Government Notice No. R. 1183 which reads as follows:

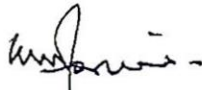
An appeal to the Minister or provincial authority under section 35(3) of the Act must be done in writing within 30 days from the date on which the ROD was issued to the applicant in terms of regulation 10(1);

An appeal must set out all the facts as well as the grounds of appeal, and must be accompanied by all relevant documents or copies of them that are certified as true by a commissioner of oaths.

An appeal questionnaire may be used in the lodging of an appeal. It is obtainable from:
Mr PKM Retief, Appeals Administrator, Tel: 012 310 3705, pretief@deat.gov.za ; or
Mr H Grové, Appeals Administrator, Tel: 012 310 3070, hgrové@deat.gov.za, at the Department.

Should the applicant wish to appeal any aspect of this decision, the applicant must notify and furnish copies of the appeal that will be submitted to the Minister, to all registered interested and affected parties. Proof of such notification must be submitted to the Minister with the appeal. Failure to comply with this provision may result in the Minister refusing to consider the appeal.

Yours sincerely



Ms Pam Yako
Director – General
Department of Environmental Affairs and Tourism
Signed by: Mr Wynand Fourie
Designation: Acting Chief Director: Environmental Impact Management
Date: 15/11/2007

Cc:
Ms R Thomas
Mr P Retief

Bohlweki Environmental
DEAT

Fax: (011) 798-6010



DEPARTMENT OF TOURISM
ENVIRONMENT AND CONSERVATION

ISEBE LEZOKHENKETHO, INDALO
NOLONDOLOZO

LEFAPHA LA BOJANALA, TIKOLOGO
LE TSHOMARELO

DEPARTEMENT VAN TOERISME
OMGEWING EN BEWARING

22 Du Toitspan Road
Private Bag X6102
KIMBERLEY
8300

224 Du Toitspan Road
Inqowa yeposi X6102
KIMBERLEY
8300

Tel: (053) 807 4800

224 Mmilla wa Du Toitspan
Kgatsanaposi X6102
KIMBERLEY
8300

Du Toitspanweg 224
Privaatsak X6102
KIMBERLEY
8300

Fax: (053) 831 3530
(053) 832 1035



Enquiries :
Dipatlisislo : Basani Mkhombo
Navrae :
Imibuzo :

Reference :
Tshupelo : NNO 25/19
Verwysing : NAT/SUBST/KATHU/GROB/2007
Isalathiso :

Date :
Letha : 03. 08. 2007
Datum:
Umhla :

Ms. Nicole Venter

Bohlweki Environmental Consultants (Pty)

P.O. Box 11784

Vorna Valley

Midrand

1686

Fax no: (011) 466 3841

Dear Madam

APPLICATION FOR ENVIRONMENTAL AUTHORISATION: THE PROPOSED CONSTRUCTION OF A NEW 400KV TRANSMISSION POWER LINE BETWEEN THE EXISTING FERRUM SUBSTATION (NEAR KATHU/SISHEN) AND THE EXISTING GARONA SUBSTATION (NEAR GROBLERSHOOP) NORTHERN CAPE PROVINCE.

The final environmental impact assessment report which was submitted by you in respect of the abovementioned application and received by the Department on 03 August 2007 has been accepted by the Department.

The Department will notify the applicant and yourself of its decision in respect of the application within 45 days.

Yours faithfully

M. Mbanjwa

Deputy Director: Impact and Coastal Management

cc: Ms. Mamokete Mafumo: Eskom Holding (Pty) Ltd

Fax: (011) 800 3917



Ref: 12/12/20/752

Enquiries: Mr. W. Hector

Tel: 012 310 3001 Fax: 012 320 7539 E-mail: WHector@deat.gov.za

Attention: Ms M Mafumo

Eskom Holdings Limited
PO Box 1091
JOHANNESBURG
2000

Tel: 011-800-2621

Fax: 011-800-3917

Dear Madam

RECORD OF DECISION FOR THE CONSTRUCTION OF A 400KV TRANSMISSION LINE BETWEEN GARONA SUBSTATION AND FERRUM SUBSTATION, TRAVERSING THE NORTHERN CAPE PROVINCES

Your application for authorisation, in terms of section 22 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) in respect of an activity identified in terms of section 21 of the said Act, regarding the above matter refers.

By virtue of the power delegated to me in terms of section 33(1) of the Environment Conservation Act, 1989 (Act No. 73 of 1989) I hereby, in terms of section 22(3) of the Act, authorise:

Schedule 1

- Activity 1** **The construction, erection, and the upgrading of –**
(a) facilities for commercial electricity generation with an output of at least 10 megawatts and infrastructure for bulk supply
- Activity 2** **The change of land use from-**
(c) agricultural or zoned undetermined use or an equivalent zoning to any other land use.

Enclosed please find the record of decision and the conditions under which your application is authorised.

Appeals must comply with the provisions of regulation 11 of the environmental impact assessment regulations, (Government Notices No. R. 1182 and 1183 of 5 September 1997), which reads as follows:

- (1) An appeal to the Minister or the provincial authority under section 35(3) of the act must be done in writing within 30 days from the date on which the record of decision was issued to the applicant in terms of regulation 10(1);

- (2) An appeal must set out all the facts as well as the grounds of appeal, and must be accompanied by all relevant documents or copies of them.
- (3) An appeal questionnaire may be used in the lodging of an appeal. It is obtainable from:

Mr PKM Retief, Appeals Administrator, Tel: 012 310 3705, pretief@deat.gov.za ; or
Mr H Grovè, Appeals Administrator, Tel: 012 310 3070, hgrovè@deat.gov.za, at the
Department.

Should the applicant decide to appeal, the applicant must serve a copy of its notice of intention to appeal on all registered I&AP's as well as a notice indicating where, and for what period, the appeal submission will be available for inspection.

Please include the Department, attention of the Director: Environmental Impact Evaluation, in the list of I&AP's, notified through your notification letter of the decision, for record purposes.

You are strongly advised to refrain from the initiation of any construction activities prior to the conclusion of the appeals process. All construction activities initiated during the appeals process will be done solely at your risk.

Yours sincerely



Ms Pam Yako

Director – General

Department of Environmental Affairs and Tourism

Signed by: Mr Wynand Fourie

Designation: Acting Chief Director: Environmental Impact Management

Date: 16/11/2007.

Cc:

Ms R Thomas
Mr P Retief

Bohlweki Environmental
DEAT

Fax: (011) 798-6010

**APPEALS PROCEDURE IN TERMS OF CHAPTER 7 OF R. 385 OF 2006 TO BE FOLLOWED BY
THE APPLICANT AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF
NOTIFICATION OF AN ENVIRONMENTAL AUTHORISATION**

APPLICANT	INTERESTED AND AFFECTED PARTIES (IAPs)
1. Receive notice of Environmental Authorisation from the relevant Competent Authority	1. Receive notice of Environmental Authorisation from Applicant/Consultant
2. Within 10 days of receipt of notification, notify the relevant Competent Authority and all IAPs of intention to appeal	2. Within 10 days of receipt of notification, notify the relevant Competent Authority of intention to appeal
3. Notification served by the Applicant must include: 3.1. A copy of the notice of intention to appeal; and 3.2. A notice indicating where and for what period the appeal submission will be available for inspection by all IAPs	3. Appellant must serve on the Applicant 3.1. A copy of the notice of intention to appeal 3.2. A notice indicating where and for what period the appeal submission will be available for inspection by the applicant
4. The appeal must be submitted to the relevant Competent Authority or delegated organ of State within 30 days of lodging of the notice of intention to appeal	4. The appeal must be submitted to the relevant Competent Authority or delegated organ of State within 30 days of lodging of the notice of intention to appeal
5. A person or organ of state that receives notice of an appeal may submit a responding statement to the relevant Competent Authority or delegated organ of state within 30 days from the date that the appeal submission was made available for inspection by the appellant	5. An Applicant that receives notice of an appeal may submit a responding statement to the relevant Competent Authority or delegated organ of State within 30 days from the date the appeal submission was made available for inspection by the appellant

NOTES:

1. An appeal against a decision must be lodged with:-

- a) the Minister if the decision was issued by the Director- General (or another official) acting in his/her capacity as the delegated Competent Authority
- b) the MEC if the decision was issued by the Head of Department (or another official) acting in his/her capacity as the delegated Competent Authority
- c) the delegated organ of state where relevant.

2. An appeal lodged with:-

- a) the Minister must be submitted to the Department of Environmental Affairs and Tourism
- b) the MEC must be submitted to the provincial department responsible for environmental affairs
- c) the delegated organ of state, where relevant, must be submitted to the delegated organ of state

3. An appeal must be:-

- a) on an official form obtainable or published by the relevant department
- b) accompanied by:
 - a statement setting out the grounds of appeal
 - supporting documentation which is referred to in the appeal and is not available to the relevant Competent Authority
 - a statement that the appellant has complied with regulation 62 (2) or (3) together with copies of the notices referred to in regulation 62
 - the prescribed appeal fee, if any.

4. A copy of the official appeal form can be obtained from:

See authorisation cover letter.

RECORD OF DECISION

RECORD OF DECISION FOR PROJECT REFERENCE 12/12/20/752, THE PROPOSED CONSTRUCTION OF A 400KV TRANSMISSION LINE BETWEEN FERRUM SUBSTATION AND GARONA SUBSTATION, TRAVERSING THE NORTHERN CAPE PROVINCES

By virtue of the power delegated by the Minister in terms of section 33(1) Environment Conservation Act, (Act 73 of 1989) ("the Act"), I hereby, in terms of section 22(3) of the Act, authorise **Eskom Holdings Limited** to undertake the activity specified/ detailed below subject to the indicated conditions as stipulated in Section 6 of this record of decision.

1. DESCRIPTION OF ACTIVITY:

The construction and operation of a 400kV transmission power line of approximately 155km length between the Ferrum and Garona substations, traversing the Northern Cape Province. The servitude width of the 400kV transmission line is approximately 55m and 27,5m on either side of the centre line and 10m from any anchor.

The project falls within the ambit of regulations 1(a) and 2(c) of Government Notice No. R.1182 of 5 September 1997, (as amended) promulgated under sections 21, 26 and 28 of the Act and read as follows:

Activity 1 The construction, erection, and the upgrading of –

- (a) facilities for commercial electricity generation with an output of at least 10 megawatts and infrastructure for bulk supply.

Activity 2 The change of land use from-

- (c) agricultural or zoned undetermined use or an equivalent zoning to any other land use.

2. LOCATION:

2.1 Ferrum 400kV power line

Provinces : Northern Cape, North West and Free State
Extent of Development : Approximately 155km in length

2.2 Garona Substation

Province : Northern Cape

2.4 District Municipalities

Involved : Postmasburg and Gordonia

3. APPLICANT:

Eskom Holdings Limited
PO Box 1091
Johannesburg
2000

Contact person: **Mamokete Mafumo**

Tel: 011-800-2621

Fax: 011-800-3917

4. **CONSULTANT:**
Bohlweki Environmental (Pty) Ltd
P O Box 11784
Vorna Valley
MIDRAND
1686

Contact person: **Rebecca Thomas**
Tel: (011) 466-3841
Fax: (011) 466-3849

5. **KEY FACTORS INFORMING THE DECISION:**

5.1 In reaching its decision in respect of the application, the Department has, *inter alia*, taken the following information into consideration:

DOCUMENT	COMPILED BY	DATE
a) Scoping Report	Bohlweki Environmental	November 2006
b) Environmental Impact Report (EIR)	Bohlweki Environmental	July 2007
c) Comments on EIR	Dept of Tourism Environment and Conservation (Northern Cape)	22 August 2007

5.2 In reviewing this information, the Department made the following findings:

5.2.1 The requirements of section 24(4) of the National Environmental Management Amendment Act, 2004 (Act No. 8 of 2004) have been met.

5.2.2 The proposed development of the 400kV power line from Ferrum substation to Garona substation is required to meet customer load demands in the mining areas in the Northern Cape.

5.2.3 Three (3) alternative power line alignments were considered during the scoping phase but only two (2) were investigated during the EIR phase. The three that was investigated are as follows:

Alternative 1:

This alternative starts off at Ferrum substation and runs in a south-westerly direction parallel to an existing 400kV transmission line for the entire length of its route. It passes north of Sishen mining and prospecting area and then bends southwards and crosses the N14 National road just before the Korannaberg Mountain. The line then traverses the Korannaberg Mountain Range, adjacent to the existing transmission line and the existing railway line from that point on the transmission power line continues in a south-westerly direction in a fairly straight line towards the Skeuweberge, where it crosses and continues into Garona substation, just north of Groblershoop.

Alternative 2:

This alternative diverges from the alternative 1, just after alternative 1 passes the eastern boarder of the Sishen mining and prospecting area. The line then follows roughly a similar alignment to that of alternative 1 but runs slightly north of alternative and follows the N14 National Road through the Korannaberg Mountain range. Once west of the Korannaberg Mountains the transmission line runs south-west from the N14, still north of alternative 1 until just before the Skeuweberge, where this alternative follows the same route as alternative 1 into Garona substation of Groblershoop.

Alternative 3

During the public participation process the landowners of Dingleton indicated that they would like the power line to exit Ferrum substation from the south, instead of the north as it is the case with the previous alternatives. This alignment would follow the N14 national road to the south of Kathu, turning west-south-west with the N14 before linking up with the two investigated alternative routes.

This alternative was discarded as unfeasible during the public participation process, as it was found that during consultation with I&AP's that the not only is it extensive open-cast mining taking place in the area that would be traversed by this alternative south of Kathu, but a number of mining houses have mining rights in the area and are planning to commence with additional mining activities in the foreseeable future.

- 5.2.4 The approved route will be an Alternative 1 as described in section 5.2.3:
- 5.2.5 The public participation process was undertaken by Bohlweki Environmental. On evaluation, it is hereby established that the consultant has satisfied the minimum requirements as prescribed in the EIA regulations.
- 5.2.6 The following issues were raised by the public:
- The impact of the activity on red data species
 - Impact of veld fires especially during construction
 - Visual impact on the game farming
 - Impact on birds in the proposed area
 - Impact on the heritage sites

All issues and comments raised during the public participation process were compiled into an issues trail. The project team responded to concerns and issues raised by the public. The issues that were not responded to by the consultant were addressed in the relevant specialist studies.

- 5.2.7 Specialist studies were done on two of these recommended alternatives. The specialist studies indicated that there are no major differences between the two alternatives and both alternatives can be recommended.
- 5.2.8 Based on the above, the Department's conclusion is that this development, as authorised according to the provisions and conditions stipulated in Section 6 of this record of decision, will not lead to substantial detrimental impact on the environment, that potential negative impacts resulting from this development can be mitigated to acceptable levels and that the principles of section 2 of National Environmental Management Act (Act no. 107 of 1998) can be upheld.
- 5.3 The Department has accordingly decided to grant **Eskom Holdings Ltd** authorisation in terms of regulations under Government Notice No. R. 1183 (as amended) promulgated under section 22, 26 and 28 of the Environment Conservation Act (Act 73 of 1989), subject to the conditions and provisions stipulated in Section 6 of this record of decision.

6 CONDITIONS

6.1 DESCRIPTION AND EXTENT OF THE ACTIVITY

The authorisation applies in respect of the Ferrum- Garona 400kV power line, as described further in Section 1 of this record of decision (ROD).

6.2 SPECIFIC CONDITIONS

- 6.2.1 The route of the Ferrum - Garona 400kV overhead power lines shall comply with the route which follows alternatives 1 as contained in the map of the study area included in Environmental Impact Report, Figures 1.1 dated July 2007, prepared by Bohlweki Environmental.
- 6.2.2 Where the transmission line crosses drainage lines and/or flood plains, the applicant is responsible for instituting the appropriate mitigation measures during the construction and operational phases in order to ensure that damage to the environment and the transmission line and infrastructure is avoided.
- 6.2.3 The applicant must ensure that:
- a) the spans between the towers must be increased to the maximum necessary to meet technical and safety requirements, in order to limit the impact on sensitive vegetation areas.
 - b) sections of the powerline crossing or traversing adjacent to any dams and open water courses are marked with bird flappers on the earth wires.
 - c) apart from the river and drainage line crossings, but where the powerline runs parallel to riverine, riparian and wetland areas, powerline design should be in accordance to the requirement of the National Water Act, 1998 (Act 36 of 1998).
 - d) The areas occupied by red data species and vegetation must be avoided at all times, and portions of the proposed line affecting these areas must be re-aligned to avoid these sensitive areas.
 - e) the heritage and ecology specialist reports must inform the nature and positioning of the power lines to ensure that no sensitive environmental features are impacted upon.
 - f) mitigation measures for affected sensitive areas, inclusive of bird mitigation measures, are applied equally to existing lines, especially in areas or sections where the proposed powerlines run adjacent and/or in proximity to existing powerlines, in order to minimise cumulative adverse impacts.
 - g) existing indigenous vegetation, particularly intact natural habitats, including rare and threatened plant species along the power line alignment are preserved.
 - h) wetland areas, riverine vegetation and other environmentally sensitive areas are suitably and visibly demarcated and cordoned off using red and white barrier tape to restrict vehicle access during construction.
 - i) excluded areas from development including important stands of vegetation or grassland are protected by temporary fencing (during construction) and limitations on access for vehicles, machinery and materials storage.
 - j) the three woodland classes classified by DWAF near Kathu, must be excluded from any development.
 - k) power collisions by birds must be properly mitigated as indicated in the bird study by Endangered Wildlife Trust dated February 2007.
 - l) all proposed mitigation measures included in the FEIR dated July 2007 must be implemented.
 - m) There are sufficient portable chemical toilets on site and at the construction camp.
 - n) Refuse are remove from the site on regular intervals and disposed of at an approved waste disposal site.

- 6.2.4 Marking of the powerline should be according to the technical specifications contained in the chapter entitled "Recommended Mitigation Measures", as contained in the Bird Impact Assessment Study dated February 2007, prepared by the Endangered Wildlife Trust, as contained in Appendix P of the Environmental Impact Report, Book 3, dated July 2007, prepared by Bohlweki Environmental.
- 6.2.5 The applicant is responsible for the ongoing monitoring of the powerline along sensitive areas (river crossings, riparian areas and other sensitive areas as determined by the Endangered Wildlife Trust) for incidents of bird collisions and electrocutions. The applicant must submit these monitoring reports to this Department every six months, during the operation of the powerline, for a period of two years. If no incidents are recorded during that time, the mitigation measures implemented to prevent animal interactions will be deemed effective. No further reporting will be required.
- 6.2.6 The applicant must minimise habitat destruction and disturbance during all construction, maintenance and decommissioning activities. Vegetation must only be removed as required for construction and operation for the line. The applicant is responsible for avoiding the removal or trimming of any vegetation along the servitude during construction and operation. DWAF permits must be obtained for these individual plants before they are removed.
- 6.2.7 Construction work must be confined to the construction site(s) and interference with indigenous plant and animal species, particularly rare and threatened species and their habitats is prohibited.
- 6.2.8 All construction camps, sites and equipment storage areas must be established on existing built-up/developed areas. It is strictly forbidden for construction camps/sites and equipment storage areas to be allowed or established on or in areas of high ecological and archaeological sensitivity.
- 6.2.9 No construction and development activities are permitted in wetland areas.
- 6.2.10 A demobilisation plan must be developed and implemented to ensure that construction workers move out of the area upon completion of the construction phase.
- 6.2.11 The Draft Environmental Management Plan (DEMP) that was included in the EIR dated July 2007 is approved by this Department.
- 6.2.12 A Final Environmental Management Plan must be submitted to DEAT for acceptance before such changes could be effected. The EMP is regarded as an extension of the ROD and shall be treated as such in terms of compliance monitoring.
- 6.2.13 All contractors working on site must be informed with regard the contents of the EMP.
- 6.2.14 Compliance with other legislation
- a) Compliance with the requirements of Section 38(1), (3) and (7) of the National Heritage Resources Act, Act 25 of 1999, including the comments and recommendations of the relevant heritage resources authority responsible for the area in which the development is proposed.
 - b) The Applicant must comply with the National Water Act, 1998 (Act 36 of 1998).
 - c) The Applicant must comply with the National Forests Act, 1998 (Act No.84 of 1998)

6.3 GENERAL CONDITIONS

- 6.3.1 This authorisation is granted only in terms of section 22 of the Environment Conservation Act, 73 of 1989, and does not exempt the holder thereof from compliance with any other legislation including any legislation administered by the relevant local authorities.
- 6.3.2 This authorisation refers only to the activity as specified and described in Section 1 of this record of decision. Any other activity listed under sections 24 and 24D of the National Environmental Management Act, 1998 (Act No. 107 of 1998), which is not specified above, is not covered by this

authorisation, and must therefore comply with the requirements of the National Environmental Management Act, 1998 (Act No. 107 of 1998), Government Notice No. R. 385 of 21 April 2006.

- 6.3.3 The applicant is responsible for compliance with the provisions for *Duty of Care and Remediation of Damage* in accordance with Section 28 of the National Environmental Management Act, Act 107 of 1998.
- 6.3.4 The applicant must, within 7 (seven) calendar days of receipt of this record of decision inform all interested and affected parties of the following:
- i) That an authorisation with conditions has been issued to the applicant to proceed with the construction and operation of the activity.
 - ii) That any appeals against the issuing of the authorisation must be lodged with the Minister of Environmental Affairs and Tourism within 30 (thirty) days from the date on which this ROD has been issued to the applicant at the address stipulated in this ROD.
 - iii) That an appeal must include the date on which the ROD was issued to the applicant in terms of regulation 10(1) and the date by which appeals must reach the Minister.
- 6.3.5 One week's notice, in writing, must be given to this Directorate: Environmental Impact Evaluation for attention Ms Lebogang Molefe, before commencement of construction activities.
- 6.3.6 Failure to inform interested and affected parties within the stipulated time period will be regarded as a breach of the ROD conditions and will be dealt with in accordance with all applicable legal mechanisms
- 6.3.7 The applicant shall be responsible for ensuring compliance with the conditions contained in this ROD by any person acting on his behalf, including but not limited to, an agent, servant, or employee or any person rendering a service to the applicant in respect of the activity, including but not limited to, contractors and consultants.
- 6.3.8 The applicant must notify the Department in writing, within 24 (twenty four) hours if any condition of this authorisation cannot, or is not, adhered to. The notification must be supplemented with reasons for non-compliance.
- 6.3.9 The applicant must ensure that the conditions of this authorisation are brought to the attention of the developer(s), contractor(s), sub-contractor(s), operators and/or other relevant management or implementing body or agency.
- 6.3.10 Notwithstanding clause 6.3.8 above, a copy of the authorisation, ROD and the EMP shall be available on site during construction and all staff, contractors and sub-contractors shall be familiar with, or be made aware of, the contents of this authorisation, ROD and the EMP.
- 6.3.11 Compliance/non-compliance records must be kept and shall be made available on request from the authorities within five days of receipt of the request.
- 6.3.12 Any changes to, or deviations from, the project description set out in this letter must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations.
- 6.3.13 This Department may on own initiative amend this authorisation where necessary or desirable, in terms of Chapter 4, Part 2 of Government Notice No. 385 of 21 April 2006.
- 6.3.14 In the event of any dispute concerning the significance of a particular impact, the opinion of the Department of Environmental Affairs and Tourism (DEAT) in respect of its significance will prevail.
- 6.3.15 The applicant may at any time apply to the Department for the amendment of this authorisation in terms of Chapter 4, Part 1 of Government Notice No. R.385 of 21 April 2006.

- 6.3.16 Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/or telephonic details, the applicant must notify the Department within 10 days from when the new details become known to the applicant.
- 6.3.17 National government, provincial government, local authorities or committees appointed in terms of the conditions of this application or any other public authority or authorisation shall not be held responsible for any damages or losses suffered by the applicant or his successor in title in any instance where construction, or operation subsequent to construction, is temporarily or permanently stopped for reasons of non-compliance by the applicant with the conditions of authorisation, as set out in this document or any other subsequent document emanating from these conditions of authorisation.
- 6.3.18 If any condition imposed in terms of this authorisation is not complied with, the authorisation may be withdrawn in terms of Chapter 4, Part 3 of Government Notice No. 385 of 21 April 2006.
- 6.3.19 The applicant shall be responsible for all necessary costs incurred as a result of compliance with these conditions, unless otherwise specified.
- 6.3.20 Any complaint from the public during construction must be acknowledged within 48 hours and action must be taken to address the complaint to the satisfaction of the parties concerned. A complaints register must be kept up to date and should be produced upon request.
- 6.3.21 Departmental officials shall be given access to the construction areas for the purpose of assessing and/or monitoring compliance with the conditions contained in this document at all times.
- 6.3.22 All outdoor advertising associated with this activity, whether on or off the property concerned, must comply with the South African Manual for Outdoor Advertising Control (SAMOAC) available from this Department.

6.4 DURATION OF AUTHORISATION

If the activity authorised by this letter does not commence within 48 months from the date of signature of this letter, this authorisation will be deemed to have lapsed and will no longer be valid. The applicant will need to reapply in terms of the applicable legislation or any amendments thereto.

7 SEQUENCES OF NON-COMPLIANCE

The applicant must comply with the conditions set out in this record of decision. Failure to comply with any of the above conditions may result in, *inter alia*, the Department withdrawing the authorisation, issuing directives to address the non-compliance – including an order to cease the activity – as well as instituting criminal and/or civil proceedings to enforce compliance.

8 APPEALS

Appeals in respect of this decision must be lodged with the Minister of Environmental Affairs and Tourism within 30 (thirty) days of the date of this decision. Appeals can be submitted utilising one of the following methods:

By facsimile: (012) 322 0082
By post: Private Bag X447, Pretoria 0001
By hand: 2nd Floor, Fedsure Forum Building, North Tower, cnr. Van der Walt and Pretorius Streets, Pretoria.

Appeals must comply with the provisions of Regulation 11 of Government Notice No. R. 1183 which reads as follows:

An appeal to the Minister or provincial authority under section 35(3) of the Act must be done in writing within 30 days from the date on which the ROD was issued to the applicant in terms of regulation 10(1);

An appeal must set out all the facts as well as the grounds of appeal, and must be accompanied by all relevant documents or copies of them that are certified as true by a commissioner of oaths.

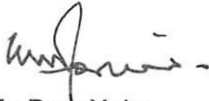
An appeal questionnaire may be used in the lodging of an appeal. It is obtainable from:

Mr PKM Retief, Appeals Administrator, Tel: 012 310 3705, pretief@deat.gov.za ; or

Mr H Grové, Appeals Administrator, Tel: 012 310 3070, hgrové@deat.gov.za, at the Department.

Should the applicant wish to appeal any aspect of this decision, the applicant must notify and furnish copies of the appeal that will be submitted to the Minister, to all registered interested and affected parties. Proof of such notification must be submitted to the Minister with the appeal. Failure to comply with this provision may result in the Minister refusing to consider the appeal.

Yours sincerely



Ms Pam Yako

Director – General

Department of Environmental Affairs and Tourism

Signed by: Mr Wynand Fourie

Designation: Acting Chief Director: Environmental Impact Management

Date: 15/11/2007

Cc:

Ms R Thomas

Mr P Retief

Bohlweki Environmental

DEAT

Fax: (011) 798-6010





environment & tourism

Department:
Environmental Affairs and Tourism
REPUBLIC OF SOUTH AFRICA

Private Bag X447, Pretoria, 0001 • Fedure Building, 315 Pretorius Street, Pretoria, 0002. Tel: (+27 12) 310 3911 Fax: (+27 12) 322 2882

Ref: 12/12/20/752

Enquires: Mr. W. Hector

Tel: 012 310 3001 Fax: 012 320 7539 E-mail: WHector@deat.gov.za

Attention: Ms M Mafumo

Eskom Holdings Limited
PO Box 1091
JOHANNESBURG
2000

Tel: 011-800-2621

Fax: 011-800-3917

FAX TO: MAMOKETE

COMPANY: _____ PAGE: _____ OF: _____

FAX NO: 018 299 2726 DATE: _____

FROM: GIFT

COMPANY: BOHLWEK I PHONE NO: 011 798 6435

FAX NO: _____  FAX PAD 7551

Dear Madam

RECORD OF DECISION FOR THE CONSTRUCTION OF A 400KV TRANSMISSION LINE BETWEEN GARONA SUBSTATION AND FERRUM SUBSTATION, TRAVERSING THE NORTHERN CAPE PROVINCES

Your application for authorisation, in terms of section 22 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) in respect of an activity identified in terms of section 21 of the said Act, regarding the above matter refers.

By virtue of the power delegated to me in terms of section 33(1) of the Environment Conservation Act, 1989 (Act No. 73 of 1989) I hereby, in terms of section 22(3) of the Act, authorise:

Schedule 1

- Activity 1** *The construction, erection, and the upgrading of –*
- (a) facilities for commercial electricity generation with an output of at least 10 megawatts and infrastructure for bulk supply
- Activity 2** *The change of land use from–*
- (c) agricultural or zoned undetermined use or an equivalent zoning to any other land use.

Enclosed please find the record of decision and the conditions under which your application is authorised.

Appeals must comply with the provisions of regulation 11 of the environmental impact assessment regulations, (Government Notices No. R. 1182 and 1183 of 5 September 1997), which reads as follows:

- (1) An appeal to the Minister or the provincial authority under section 35(3) of the act must be done in writing within 30 days from the date on which the record of decision was issued to the applicant in terms of regulation 10(1);

Muhesho wa zwa Vhupo na Vhundredsiamashango • Litiko la Tsamandzawo netokuVakasha • Imbe lem/Cimbi yokusiNgongileya noKhenketho
Ngazwule ya Tlithaka a Mibango • Department: Omgewingsake ca Toerisme • Lefapha la Tikoloho la Bohanhlandi • Lefapha la Bojanale
Kgoro ya Tikoloho la Boeti • UmNyango waza@huduluko netokuVakasha • UmNyango Wabemvelo Nokuvakasha

- (2) An appeal must set out all the facts as well as the grounds of appeal, and must be accompanied by all relevant documents or copies of them.
- (3) An appeal questionnaire may be used in the lodging of an appeal. It is obtainable from:

Mr PKM Retief, Appeals Administrator, Tel: 012 310 3705, pretief@deat.gov.za; or
Mr H Grové, Appeals Administrator, Tel: 012 310 3070, hgrove@deat.gov.za, at the
Department.

Should the applicant decide to appeal, the applicant must serve a copy of its notice of intention to appeal on all registered I&AP's as well as a notice indicating where, and for what period, the appeal submission will be available for inspection.

Please include the Department, attention of the Director: Environmental Impact Evaluation, in the list of I&AP's, notified through your notification letter of the decision, for record purposes.

You are strongly advised to refrain from the initiation of any construction activities prior to the conclusion of the appeals process. All construction activities initiated during the appeals process will be done solely at your risk.

Yours sincerely



Ms Pam Yako
Director - General
Department of Environmental Affairs and Tourism
Signed by: Mr Wynand Fourie
Designation: Acting Chief Director: Environmental Impact Management
Date: 16/11/2007.

Cc:
Ms R Thomas
Mr P Retief

Bohlweki Environmental
DEAT

Fax: (011) 798-6010

**APPEALS PROCEDURE IN TERMS OF CHAPTER 7 OF R. 385 OF 2006 TO BE FOLLOWED BY
THE APPLICANT AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF
NOTIFICATION OF AN ENVIRONMENTAL AUTHORISATION**

APPLICANT	INTERESTED AND AFFECTED PARTIES (IAPs)
1. Receive notice of Environmental Authorisation from the relevant Competent Authority	1. Receive notice of Environmental Authorisation from Applicant/Consultant
2. Within 10 days of receipt of notification, notify the relevant Competent Authority and all IAPs of intention to appeal	2. Within 10 days of receipt of notification, notify the relevant Competent Authority of intention to appeal
3. Notification served by the Applicant must include: 3.1. A copy of the notice of intention to appeal; and 3.2. A notice indicating where and for what period the appeal submission will be available for inspection by all IAPs	3. Appellant must serve on the Applicant 3.1. A copy of the notice of intention to appeal 3.2. A notice indicating where and for what period the appeal submission will be available for inspection by the applicant
4. The appeal must be submitted to the relevant Competent Authority or delegated organ of State within 30 days of lodging of the notice of intention to appeal	4. The appeal must be submitted to the relevant Competent Authority or delegated organ of State within 30 days of lodging of the notice of intention to appeal
5. A person or organ of state that receives notice of an appeal may submit a responding statement to the relevant Competent Authority or delegated organ of state within 30 days from the date that the appeal submission was made available for inspection by the appellant	5. An Applicant that receives notice of an appeal may submit a responding statement to the relevant Competent Authority or delegated organ of State within 30 days from the date the appeal submission was made available for inspection by the appellant

NOTES:

1. An appeal against a decision must be lodged with:-

- a) the Minister if the decision was issued by the Director- General (or another official) acting in his/ her capacity as the delegated Competent Authority
- b) the MEC if the decision was issued by the Head of Department (or another official) acting in his/ her capacity as the delegated Competent Authority
- c) the delegated organ of state where relevant.

2. An appeal lodged with:-

- a) the Minister must be submitted to the Department of Environmental Affairs and Tourism
- b) the MEC must be submitted to the provincial department responsible for environmental affairs
- c) the delegated organ of state, where relevant, must be submitted to the delegated organ of state

3. An appeal must be:-

- a) on an official form obtainable or published by the relevant department
- b) accompanied by:
 - a statement setting out the grounds of appeal
 - supporting documentation which is referred to in the appeal and is not available to the relevant Competent Authority
 - a statement that the appellant has complied with regulation 62 (2) or (3) together with copies of the notices referred to in regulation 62
 - the prescribed appeal fee, if any.

4. A copy of the official appeal form can be obtained from:

See authorisation cover letter.

RECORD OF DECISION

RECORD OF DECISION FOR PROJECT REFERENCE 12/12/20/752, THE PROPOSED CONSTRUCTION OF A 400KV TRANSMISSION LINE BETWEEN FERRUM SUBSTATION AND GARONA SUBSTATION, TRAVERSING THE NORTHERN CAPE PROVINCES

By virtue of the power delegated by the Minister in terms of section 33(1) Environment Conservation Act, (Act 73 of 1989) ("the Act"), I hereby, in terms of section 22(3) of the Act, authorise Eskom Holdings Limited to undertake the activity specified/ detailed below subject to the indicated conditions as stipulated in Section 6 of this record of decision.

1. DESCRIPTION OF ACTIVITY:

The construction and operation of a 400kV transmission power line of approximately 155km length between the Ferrum and Garona substations, traversing the Northern Cape Province. The servitude width of the 400kV transmission line is approximately 55m and 27,5m on either side of the centre line and 10m from any anchor.

The project falls within the ambit of regulations 1(a) and 2(c) of Government Notice No. R.1182 of 5 September 1997, (as amended) promulgated under sections 21, 26 and 28 of the Act and read as follows:

Activity 1 The construction, erection, and the upgrading of -

- (a) facilities for commercial electricity generation with an output of at least 10 megawatts and infrastructure for bulk supply.

Activity 2 The change of land use from-

- (c) agricultural or zoned undetermined use or an equivalent zoning to any other land use.

2. LOCATION:

- 2.1 Ferrum 400kV power line
Provinces : Northern Cape, North West and Free State
Extent of Development : Approximately 155km in length
2.2 Garona Substation
Province : Northern Cape
2.4 District Municipalities
Involved : Postmasburg and Gordonia

3. APPLICANT:

Eskom Holdings Limited
PO Box 1091
Johannesburg
2000

Contact person: Mamokete Mafumo
Tel: 011-800-2621
Fax: 011-800-3917

Handwritten mark resembling the number 18.

4. CONSULTANT:

Bohlweki Environmental (Pty) Ltd
 P O Box 11784
 Vorna Valley
 MIDRAND
 1686

Contact person: **Rebecca Thomas**

Tel: (011) 466-3841

Fax: (011) 466-3849

5. KEY FACTORS INFORMING THE DECISION:

5.1 In reaching its decision in respect of the application, the Department has, *inter alia*, taken the following information into consideration:

DOCUMENT	COMPILED BY	DATE
a) Scoping Report	Bohlweki Environmental	November 2006
b) Environmental Impact Report (EIR)	Bohlweki Environmental	July 2007
c) Comments on EIR	Dept of Tourism Environment and Conservation (Northern Cape)	22 August 2007

5.2 In reviewing this information, the Department made the following findings:

5.2.1 The requirements of section 24(4) of the National Environmental Management Amendment Act, 2004 (Act No. 8 of 2004) have been met.

5.2.2 The proposed development of the 400kV power line from Ferrum substation to Garona substation is required to meet customer load demands in the mining areas in the Northern Cape.

5.2.3 Three (3) alternative power line alignments were considered during the scoping phase but only two (2) were investigated during the EIR phase. The three that was investigated are as follows:

Alternative 1:

This alternative starts off at Ferrum substation and runs in a south-westerly direction parallel to an existing 400kV transmission line for the entire length of its route. It passes north of Sishen mining and prospecting area and then bends southwards and crosses the N14 National road just before the Korannaberg Mountain. The line then traverses the Korannaberg Mountain Range, adjacent to the existing transmission line and the existing railway line from that point on the transmission power line continues in a south-westerly direction in a fairly straight line towards the Skeuweberge, where it crosses and continues into Garona substation, just north of Groblershoop.

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This alternative diverges from the alternative 1, just after alternative 1 passes the eastern boarder of the Sishen mining and prospecting area. The line then follows roughly a similar alignment to that of alternative 1 but runs slightly north of alternative and follows the N14 National Road through the Korannaberg Mountain range. Once west of the Korannaberg Mountains the transmission line runs south-west from the N14, still north of alternative 1 until just before the Skeuweberge, where this alternative follows the same route as alternative 1 into Garona substation of Groblershoop.

Alternative 3

During the public participation process the landowners of Dingleton indicated that they would like the power line to exit Ferrum substation from the south, instead of the north as it is the case with the previous alternatives. This alignment would follow the N14 national road to the south of Kathu, turning west-south-west with the N14 before linking up with the two investigated alternative routes.

This alternative was discarded as unfeasible during the public participation process, as it was found that during consultation with I&AP's that the not only is it extensive open-cast mining taking place in the area that would be traversed by this alternative south of Kathu, but a number of mining houses have mining rights in the area and are planning to commence with additional mining activities in the foreseeable future.

- 5.2.4 The approved route will be an Alternative 1 as described in section 5.2.3;
- 5.2.5 The public participation process was undertaken by Bohlweki Environmental. On evaluation, it is hereby established that the consultant has satisfied the minimum requirements as prescribed in the EIA regulations.
- 5.2.6 The following issues were raised by the public:
- The impact of the activity on red data species
 - Impact of veld fires especially during construction
 - Visual impact on the game farming
 - Impact on birds in the proposed area
 - Impact on the heritage sites

All issues and comments raised during the public participation process were compiled into an Issues trail. The project team responded to concerns and issues raised by the public. The issues that were not responded to by the consultant were addressed in the relevant specialist studies.

- 5.2.7 Specialist studies were done on two of these recommended alternatives. The specialist studies indicated that there are no major differences between the two alternatives and both alternatives can be recommended.
- 5.2.8 Based on the above, the Department's conclusion is that this development, as authorised according to the provisions and conditions stipulated in Section 6 of this record of decision, will not lead to substantial detrimental impact on the environment, that potential negative impacts resulting from this development can be mitigated to acceptable levels and that the principles of section 2 of National Environmental Management Act (Act no. 107 of 1998) can be upheld.
- 5.3 The Department has accordingly decided to grant **Eskom Holdings Ltd** authorisation in terms of regulations under Government Notice No. R. 1183 (as amended) promulgated under section 22, 26 and 28 of the Environment Conservation Act (Act 73 of 1989), subject to the conditions and provisions stipulated in Section 6 of this record of decision.

6 CONDITIONS

6.1 DESCRIPTION AND EXTENT OF THE ACTIVITY

The authorisation applies in respect of the Ferrum- Garona 400kV power line, as described further in Section 1 of this record of decision (ROD).

6.2 SPECIFIC CONDITIONS

- 6.2.1 The route of the Ferrum - Garona 400kV overhead power lines shall comply with the route which follows alternatives 1 as contained in the map of the study area included in Environmental Impact Report, Figures 1.1 dated July 2007, prepared by Bohlweki Environmental.
- 6.2.2 Where the transmission line crosses drainage lines and/or flood plains, the applicant is responsible for instituting the appropriate mitigation measures during the construction and operational phases in order to ensure that damage to the environment and the transmission line and infrastructure is avoided.
- 6.2.3 The applicant must ensure that:
- a) the spans between the towers must be increased to the maximum necessary to meet technical and safety requirements, in order to limit the impact on sensitive vegetation areas.
 - b) sections of the powerline crossing or traversing adjacent to any dams and open water courses are marked with bird flappers on the earth wires.
 - c) apart from the river and drainage line crossings, but where the powerline runs parallel to riverine, riparian and wetland areas, powerline design should be in accordance to the requirement of the National Water Act, 1998 (Act 36 of 1998).
 - d) The areas occupied by red data species and vegetation must be avoided at all times, and portions of the proposed line affecting these areas must be re-aligned to avoid these sensitive areas.
 - e) the heritage and ecology specialist reports must inform the nature and positioning of the power lines to ensure that no sensitive environmental features are impacted upon.
 - f) mitigation measures for affected sensitive areas, inclusive of bird mitigation measures, are applied equally to existing lines, especially in areas or sections where the proposed powerlines run adjacent and/or in proximity to existing powerlines, in order to minimise cumulative adverse impacts.
 - g) existing indigenous vegetation, particularly intact natural habitats, including rare and threatened plant species along the power line alignment are preserved.
 - h) wetland areas, riverine vegetation and other environmentally sensitive areas are suitably and visibly demarcated and cordoned off using red and white barrier tape to restrict vehicle access during construction.
 - i) excluded areas from development including important stands of vegetation or grassland are protected by temporary fencing (during construction) and limitations on access for vehicles, machinery and materials storage.
 - j) the three woodland classes classified by DWAF near Kathu, must be excluded from any development.
 - k) power collisions by birds must be properly mitigated as indicated in the bird study by Endangered Wildlife Trust dated February 2007.
 - l) all proposed mitigation measures included in the FEIR dated July 2007 must be implemented.
 - m) There are sufficient portable chemical toilets on-site and at the construction camp.
 - n) Refuse are remove from the site on regular intervals and disposed of at an approved waste disposal site.

- 6.2.4 Marking of the powerline should be according to the technical specifications contained in the chapter entitled "Recommended Mitigation Measures", as contained in the Bird Impact Assessment Study dated February 2007, prepared by the Endangered Wildlife Trust, as contained in Appendix P of the Environmental Impact Report, Book 3, dated July 2007, prepared by Bohiweki Environmental.
- 6.2.5 The applicant is responsible for the ongoing monitoring of the powerline along sensitive areas (river crossings, riparian areas and other sensitive areas as determined by the Endangered Wildlife Trust) for incidents of bird collisions and electrocutions. The applicant must submit these monitoring reports to this Department every six months, during the operation of the powerline, for a period of two years. If no incidents are recorded during that time, the mitigation measures implemented to prevent animal interactions will be deemed effective. No further reporting will be required.
- 6.2.6 The applicant must minimise habitat destruction and disturbance during all construction, maintenance and decommissioning activities. Vegetation must only be removed as required for construction and operation for the line. The applicant is responsible for avoiding the removal or trimming of any vegetation along the servitude during construction and operation. DWAF permits must be obtained for these individual plants before they are removed.
- 6.2.7 Construction work must be confined to the construction site(s) and interference with indigenous plant and animal species, particularly rare and threatened species and their habitats is prohibited.
- 6.2.8 All construction camps, sites and equipment storage areas must be established on existing built-up/developed areas. It is strictly forbidden for construction camps/sites and equipment storage areas to be allowed or established on or in areas of high ecological and archaeological sensitivity.
- 6.2.9 No construction and development activities are permitted in wetland areas.
- 6.2.10 A demobilisation plan must be developed and implemented to ensure that construction workers move out of the area upon completion of the construction phase.
- 6.2.11 The Draft Environmental Management Plan (DEMP) that was included in the EIR dated July 2007 is approved by this Department.
- 6.2.12 A Final Environmental Management Plan must be submitted to DEAT for acceptance before such changes could be effected. The EMP is regarded as an extension of the ROD and shall be treated as such in terms of compliance monitoring.
- 6.2.13 All contractors working on site must be informed with regard the contents of the EMP.
- 6.2.14 Compliance with other legislation
- a) Compliance with the requirements of Section 38(1), (3) and (7) of the National Heritage Resources Act, Act 25 of 1999, including the comments and recommendations of the relevant heritage resources authority responsible for the area in which the development is proposed.
 - b) The Applicant must comply with the National Water Act, 1998 (Act 36 of 1998).
 - c) The Applicant must comply with the National Forests Act, 1998 (Act No.84 of 1998)

6.3 GENERAL CONDITIONS

- 6.3.1 This authorisation is granted only in terms of section 22 of the Environment Conservation Act, 73 of 1989, and does not exempt the holder thereof from compliance with any other legislation including any legislation administered by the relevant local authorities.
- 6.3.2 This authorisation refers only to the activity as specified and described in Section 1 of this record of decision. Any other activity listed under sections 24 and 24D of the National Environmental Management Act, 1998 (Act No. 107 of 1998), which is not specified above, is not covered by this

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authorisation, and must therefore comply with the requirements of the National Environmental Management Act, 1998 (Act No. 107 of 1998), Government Notice No. R. 385 of 21 April 2006.

- 6.3.3 The applicant is responsible for compliance with the provisions for *Duty of Care and Remediation of Damage* in accordance with Section 28 of the National Environmental Management Act, Act 107 of 1998.
- 6.3.4 The applicant must, within 7 (seven) calendar days of receipt of this record of decision inform all interested and affected parties of the following:
- i) That an authorisation with conditions has been issued to the applicant to proceed with the construction and operation of the activity.
 - ii) That any appeals against the issuing of the authorisation must be lodged with the Minister of Environmental Affairs and Tourism within 30 (thirty) days from the date on which this ROD has been issued to the applicant at the address stipulated in this ROD.
 - iii) That an appeal must include the date on which the ROD was issued to the applicant in terms of regulation 10(1) and the date by which appeals must reach the Minister.
- 6.3.5 One week's notice, in writing, must be given to this Directorate: Environmental Impact Evaluation for attention Ms Lebogang Molefe, before commencement of construction activities.
- 6.3.6 Failure to inform interested and affected parties within the stipulated time period will be regarded as a breach of the ROD conditions and will be dealt with in accordance with all applicable legal mechanisms
- 6.3.7 The applicant shall be responsible for ensuring compliance with the conditions contained in this ROD by any person acting on his behalf, including but not limited to, an agent, servant, or employee or any person rendering a service to the applicant in respect of the activity, including but not limited to, contractors and consultants.
- 6.3.8 The applicant must notify the Department in writing, within 24 (twenty four) hours if any condition of this authorisation cannot, or is not, adhered to. The notification must be supplemented with reasons for non-compliance.
- 6.3.9 The applicant must ensure that the conditions of this authorisation are brought to the attention of the developer(s), contractor(s), sub-contractor(s), operators and/or other relevant management or implementing body or agency.
- 6.3.10 Notwithstanding clause 6.3.8 above, a copy of the authorisation, ROD and the EMP shall be available on site during construction and all staff, contractors and sub-contractors shall be familiar with, or be made aware of, the contents of this authorisation, ROD and the EMP.
- 6.3.11 Compliance/non-compliance records must be kept and shall be made available on request from the authorities within five days of receipt of the request.
- 6.3.12 Any changes to, or deviations from, the project description set out in this letter must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations.
- 6.3.13 This Department may on own initiative amend this authorisation where necessary or desirable, in terms of Chapter 4, Part 2 of Government Notice No. 385 of 21 April 2006.
- 6.3.14 In the event of any dispute concerning the significance of a particular impact, the opinion of the Department of Environmental Affairs and Tourism (DEAT) in respect of its significance will prevail.
- 6.3.15 The applicant may at any time apply to the Department for the amendment of this authorisation in terms of Chapter 4, Part 1 of Government Notice No. R.385 of 21 April 2006.

- 6.3.16 Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/or telephonic details, the applicant must notify the Department within 10 days from when the new details become known to the applicant.
- 6.3.17 National government, provincial government, local authorities or committees appointed in terms of the conditions of this application or any other public authority or authorisation shall not be held responsible for any damages or losses suffered by the applicant or his successor in title in any instance where construction, or operation subsequent to construction, is temporarily or permanently stopped for reasons of non-compliance by the applicant with the conditions of authorisation, as set out in this document or any other subsequent document emanating from these conditions of authorisation.
- 6.3.18 If any condition imposed in terms of this authorisation is not complied with, the authorisation may be withdrawn in terms of Chapter 4, Part 3 of Government Notice No. 385 of 21 April 2006.
- 6.3.19 The applicant shall be responsible for all necessary costs incurred as a result of compliance with these conditions, unless otherwise specified.
- 6.3.20 Any complaint from the public during construction must be acknowledged within 48 hours and action must be taken to address the complaint to the satisfaction of the parties concerned. A complaints register must be kept up to date and should be produced upon request.
- 6.3.21 Departmental officials shall be given access to the construction areas for the purpose of assessing and/or monitoring compliance with the conditions contained in this document at all times.
- 6.3.22 All outdoor advertising associated with this activity, whether on or off the property concerned, must comply with the South African Manual for Outdoor Advertising Control (SAMOAC) available from this Department.

6.4 DURATION OF AUTHORISATION

If the activity authorised by this letter does not commence within 48 months from the date of signature of this letter, this authorisation will be deemed to have lapsed and will no longer be valid. The applicant will need to reapply in terms of the applicable legislation or any amendments thereto.

7 SEQUENCES OF NON-COMPLIANCE

The applicant must comply with the conditions set out in this record of decision. Failure to comply with any of the above conditions may result in, *inter alia*, the Department withdrawing the authorisation, issuing directives to address the non-compliance – including an order to cease the activity – as well as instituting criminal and/or civil proceedings to enforce compliance.

8 APPEALS

Appeals in respect of this decision must be lodged with the Minister of Environmental Affairs and Tourism within 30 (thirty) days of the date of this decision. Appeals can be submitted utilising one of the following methods:

By facsimile: (012) 322 0082
 By post: Private Bag X447, Pretoria 0001
 By hand: 2nd Floor, Fedsure Forum Building, North Tower, cnr. Van der Walt and Pretorius Streets, Pretoria.

Appeals must comply with the provisions of Regulation 11 of Government Notice No. R. 1183 which reads as follows:

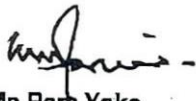
An appeal to the Minister or provincial authority under section 35(3) of the Act must be done in writing within 30 days from the date on which the ROD was issued to the applicant in terms of regulation 10(1);

An appeal must set out all the facts as well as the grounds of appeal, and must be accompanied by all relevant documents or copies of them that are certified as true by a commissioner of oaths.

An appeal questionnaire may be used in the lodging of an appeal. It is obtainable from:
Mr PKM Retief, Appeals Administrator, Tel: 012 310 3705, pretief@deat.gov.za; or
Mr H Grové, Appeals Administrator, Tel: 012 310 3070, hgrove@deat.gov.za, at the Department.

Should the applicant wish to appeal any aspect of this decision, the applicant must notify and furnish copies of the appeal that will be submitted to the Minister, to all registered interested and affected parties. Proof of such notification must be submitted to the Minister with the appeal. Failure to comply with this provision may result in the Minister refusing to consider the appeal.

Yours sincerely



Ms Pam Yako
Director - General
Department of Environmental Affairs and Tourism
Signed by: Mr Wynand Fourie
Designation: Acting Chief Director: Environmental Impact Management
Date: 19/11/2007

Cc:
Ms R Thomas
Mr P Retief

Boh/weki Environmental
DEAT

Fax: (011) 798-6010





Ref: 12/12/20/755

Enquiries: Mr. W. Hector

Tel: 012 310 3001 Fax: 012 320 7539 E-mail: WHector@deat.gov.za

Attention: Ms M Mafumo

Eskom Holdings Limited

PO Box 1091

JOHANNESBURG

2000

Tel: 011-800-2621

Fax: 011-800-3917

Dear Madam

RECORD OF DECISION FOR THE CONSTRUCTION OF A 400KV TRANSMISSION LINE BETWEEN MERCURY SUBSTATION AND FERRUM SUBSTATION, TRAVERSING THE NORTH WEST, FREE STATE AND THE NORTHERN CAPE PROVINCES

Your application for authorisation, in terms of section 22 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) in respect of an activity identified in terms of section 21 of the said Act, regarding the above matter refers.

By virtue of the power delegated to me in terms of section 33(1) of the Environment Conservation Act, 1989 (Act No. 73 of 1989) I hereby, in terms of section 22(3) of the Act, authorise:

Schedule 1

- Activity 1** *The construction, erection, and the upgrading of –*
- (a) facilities for commercial electricity generation with an output of at least 10 megawatts and infrastructure for bulk supply
- Activity 2** *The change of land use from-*
- (c) agricultural or zoned undetermined use or an equivalent zoning to any other land use.

Enclosed please find the record of decision and the conditions under which your application is authorised.

Appeals must comply with the provisions of regulation 11 of the environmental impact assessment regulations, (Government Notices No. R. 1182 and 1183 of 5 September 1997), which reads as follows:

- (1) An appeal to the Minister or the provincial authority under section 35(3) of the act must be done in writing within 30 days from the date on which the record of decision was issued to the applicant in terms of regulation 10(1);

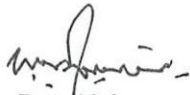
- (2) An appeal must set out all the facts as well as the grounds of appeal, and must be accompanied by all relevant documents or copies of them.
- (3) An appeal questionnaire may be used in the lodging of an appeal. It is obtainable from:
- Mr PKM Retief, Appeals Administrator, Tel: 012 310 3705, pretief@deat.gov.za ; or
Mr H Grové, Appeals Administrator, Tel: 012 310 3070, hgrové@deat.gov.za, at the Department.

Should the applicant decide to appeal, the applicant must serve a copy of its notice of intention to appeal on all registered I&AP's as well as a notice indicating where, and for what period, the appeal submission will be available for inspection.

Please include the Department, attention of the Director: Environmental Impact Evaluation, in the list of I&AP's, notified through your notification letter of the decision, for record purposes.

You are strongly advised to refrain from the initiation of any construction activities prior to the conclusion of the appeals process. All construction activities initiated during the appeals process will be done solely at your risk.

Yours sincerely



Ms Pam Yako

Director – General

Department of Environmental Affairs and Tourism

Signed by: Mr Wynand Fourie

Designation: Acting Chief Director: Environmental Impact Management

Date: 7/11/2007.

Cc:

Ms R Thomas
Mr P Retief

Bohlweki Environmental
DEAT

Fax: (011) 798-6010

RECORD OF DECISION

RECORD OF DECISION FOR PROJECT REFERENCE 12/12/20/755, THE PROPOSED CONSTRUCTION OF A 400KV TRANSMISSION LINE BETWEEN MERCURY SUBSTATION AND FERRUM SUBSTATION, TRAVERSING THE NORTH WEST, FREE STATE AND THE NORTHERN CAPE PROVINCES

By virtue of the power delegated by the Minister in terms of section 33(1) Environment Conservation Act, (Act 73 of 1989) ("the Act"), I hereby, in terms of section 22(3) of the Act, authorise **Eskom Holdings Limited** to undertake the activity specified/ detailed below subject to the indicated conditions as stipulated in Section 6 of this record of decision.

1. DESCRIPTION OF ACTIVITY:

The construction and operation of a 400kV transmission power line of approximately 380km length between the Mercury and Ferrum substations, traversing the North West, Free State and the Northern Cape provinces. The servitude width of the 400kV transmission line is approximately 55m and 27,5m on either side of the centre line and 10m from any anchor.

The project falls within the ambit of regulations 1(a) and 2(c) of Government Notice No. R.1182 of 5 September 1997, (as amended) promulgated under sections 21, 26 and 28 of the Act and read as follows:

Activity 1 The construction, erection, and the upgrading of –

- (a) facilities for commercial electricity generation with an output of at least 10 megawatts and infrastructure for bulk supply.

Activity 2 The change of land use from-

- (c) agricultural or zoned undetermined use or an equivalent zoning to any other land use.

2. LOCATION:

2.1 Mercury 400kV power line

Provinces : Northern Cape, North West and Free State
Extent of Development : Approximately 380km in length

2.2 Mercury Substation

Province : Free State

2.3 Ferrum Substation

Province : Northern Cape

2.4 District Municipalities Involved

: Klerksdorp, Viljoenskroon, Bothasville, Wolmaransstad, Schweizer-Reineke, Taung, Vryburg, Kudumane and Postmasburg

3. APPLICANT:

Eskom Holdings Limited
PO Box 1091
Johannesburg
2000



Contact person: **Mamokete Mafumo**
Tel: 011-800-2621
Fax: 011-800-3917
E-mail: Mamokete.mafumo@eskom.co.za

4. CONSULTANT:

Bohlweki Environmental (Pty) Ltd
P O Box 11784
Vorna Valley
MIDRAND
1686

Contact person: **Rebecca Thomas**
Tel: (011) 466-3841
Fax: (011) 466-3849

5. KEY FACTORS INFORMING THE DECISION:

5.1 In reaching its decision in respect of the application, the Department has, *inter alia*, taken the following information into consideration:

DOCUMENT	COMPILED BY	DATE
a) Scoping Report	Bohlweki Environmental	December 2006
b) Comments on SR	Dept of Tourism Environment and Conservation (Northern Cape)	19 September 2006
b) Environmental Impact Report (EIR)	Bohlweki Environmental	June 2007
c) Comments on EIR	Dept of Tourism Environment and Conservation (Northern Cape)	24 July 2007

5.2 In reviewing this information, the Department made the following findings:

5.2.1 The requirements of section 24(4) of the National Environmental Management Amendment Act, 2004 (Act No. 8 of 2004) have been met.

5.2.2 The proposed development of the 400kV powerline from Mercury substation to Ferrum substation is required to meet customer load demands in the mining areas in the Northern Cape.

5.2.3 Three (3) alternative power line alignments were considered during the scoping phase but only two (2) were investigated during the EIR phase. The two that was investigated are as follows:

Alternative 1:

This alternative begins at Mercury substation and runs in a west-south-westerly direction. The line will then cross the Vaal River which is the border between the Free State and the North West Provinces. It is proposed that the line crosses the Vaal river perpendicular in order to limit the impact of the crossing. This corridor will then cross the N12 National Road and will pass just north of Wolmaransstad after crossing the Harts River. The line will follow a westward direction as it follows the R34 and passes south of Vryburg. From Vryburg the line continues in a south-westerly direction, following the N14 National Road to Kuruman. The line transverses the Kuruman Hills. Finally the line reaches the Ferrum substation, which is just south of Kathu.

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Alternative 2:

This proposed alternative diverges from Alternative 1, after alternative 1 has crossed the Vaal River where both the alternatives leave the R504. This alternative follows a fairly straight and more direct route compared to alternative 1. It crosses the N12 National Road, whilst running along the R504 Regional Road, it crosses the R505 and the R506 Regional roads and extends to Schweizer-Reineke. At this point the two route alternatives alignments converge. Alternative 2 follows a fairly straight west-south-westerly direction crossing both the R34 and R49 Regional Roads. The line then traverses the Dry Harts River and continues in a west-south-westerly direction towards the R371 Regional road. After passing Kuruman, the line continues to the Kuruman. The line then reaches the Ferrum Substation which is south of Kathu.

- 5.2.4 The approved route will be a combination of Alternative 1 & 2 and will be constructed along the following route:

The route will commence at the Mercury substation (near Orkney) and will follow the existing 132kV Sub-Transmission power line across the Vaal River. The line will continue parallel to the 132kV power line, as well as the R502 up until Leeudoringstad. The line will stay north of the town to avoid the small nature reserve outside Leeudoringstad. The power line will then continue in a westerly direction, north of Wolmaransstad and Schweizer-Reneke until the intersection and following the R 34 passing just south of Vryburg, avoiding the Kloof extending further south along the R49 towards Taung. When the line past Vryburg, the line will continue parallel and adjacent to the N14. This alignment will ensure that all the settlements are avoided and that the line is far enough away from the road to ensure that road servitude restrictions are met. The power line will deviate slightly south just before Kuruman to avoid a high visual impact on the town of Kuruman. The line will pass through the Kuruman Hills along the N14. The line bend south and westerly after it passed through Kuruman Hills to avoid the farm Hartnoll's, various heritage sites and the proclaimed Camel Thorn tree Natural Heritage site. The power line will then enter Ferrum Substation from the south-east.

- 5.2.5 The public participation process was undertaken by Bohlweki Environmental. On evaluation, it is hereby established that the consultant has satisfied the minimum requirements as prescribed in the EIA regulations.

- 5.2.6 The following issues were raised by the public:

- The impact of the activity on red data species
- Impact of veld fires especially during construction
- Visual impact on the game farming
- Impact on birds in the proposed area
- Impact on the heritage sites

All issues and comments raised during the public participation process were compiled into an issues trail. The project team responded to concerns and issues raised by the public. The issues that were not responded to by the consultant were addressed in the relevant specialist studies.

- 5.2.7 Specialist studies were done on both these recommended alternatives. The specialist studies indicated that there are not major differences between the two alternatives and both alternatives can be recommended.

- 5.2.8 Based on the above, the Department's conclusion is that this development, as authorised according to the provisions and conditions stipulated in Section 6 of this record of decision, will not lead to substantial detrimental impact on the environment, that potential negative impacts resulting from this

development can be mitigated to acceptable levels and that the principles of section 2 of National Environmental Management Act (Act no. 107 of 1998) can be upheld.

- 5.3 The Department has accordingly decided to grant **Eskom Holdings Ltd** authorisation in terms of regulations under Government Notice No. R. 1183 (as amended) promulgated under section 22, 26 and 28 of the Environment Conservation Act (Act 73 of 1989), subject to the conditions and provisions stipulated in Section 6 of this record of decision.

6 CONDITIONS

6.1 DESCRIPTION AND EXTENT OF THE ACTIVITY

The authorisation applies in respect of the Mercury - Ferrum 400kV power line, as described further in Section 1 of this record of decision (ROD).

6.2 SPECIFIC CONDITIONS

- 6.2.1 The route of the Mercury - Ferrum 400kV overhead power lines shall comply with the route which follows and/or incorporates alternatives 1 and 2 as contained in the map of the study area included in Environmental Impact Report, Figures 13.1 and 13.2 dated June 2007, prepared by Bohlweki Environmental.
- 6.2.2 Where the transmission line crosses the Vaal River, Dry Harts and other associated drainage lines and/or flood plains, the applicant is responsible for instituting the appropriate mitigation measures during the construction and operational phases in order to ensure that damage to the environment and the transmission line and infrastructure is avoided.
- 6.2.3 The applicant must ensure that:
- a) the spans between the towers must be increased to the maximum necessary to meet technical and safety requirements, in order to limit the impact on sensitive vegetation areas.
 - b) sections of the powerline crossing or traversing adjacent to any dams and open water courses are marked with bird flappers on the earth wires.
 - c) all sections of the power line crossing the Vaal River, as well as other drainage lines and other bird sensitive areas as determined by the Endangered Wildlife Trust, are marked with bird flappers on the earth wires.
 - d) apart from the river and drainage line crossings, but where the powerline runs parallel to riverine, riparian and wetland areas, powerline design should be in accordance to the requirement of the National Water Act, 1998 (Act 36 of 1998).
 - e) the presence of red data floral species and other sensitive vegetation are identified and/or verified by a suitably qualified specialist. The areas occupied by these species and vegetation must be avoided at all times, and portions of the proposed line affecting these areas must be re-aligned to avoid these sensitive areas.
 - f) the heritage and ecology specialist reports must inform the nature and positioning of the power lines to ensure that no sensitive environmental features are impacted upon.
 - g) mitigation measures for affected sensitive areas, inclusive of bird mitigation measures, are applied equally to existing lines, especially in areas or sections where the proposed powerlines run adjacent and/or in proximity to existing powerlines, in order to minimise cumulative adverse impacts.
 - h) existing indigenous vegetation, particularly intact natural habitats, including rare and threatened plant species along the power line alignment are preserved.

- i) wetland areas, riverine vegetation and other environmentally sensitive areas are suitably and visibly demarcated and cordoned off using red and white barrier tape to restrict vehicle access during construction.
 - j) excluded areas from development including important stands of vegetation or grassland are protected by temporary fencing (during construction) and limitations on access for vehicles, machinery and materials storage.
 - k) the three woodland classes classified by DWAF near Kathu, must be excluded from any development.
 - l) power collisions by birds must be properly mitigated as indicated in the bird study by Endangered Wildlife Trust dated February 2007.
 - m) all proposed mitigation measures included in the FEIR dated 15 June 2007 must be implemented.
- 6.2.4 Marking of the powerline should be according to the technical specifications contained in the chapter entitled "Recommended Mitigation Measures", as contained in the Bird Impact Assessment Study dated February 2007, prepared by the Endangered Wildlife Trust, as contained in Appendix P of the Environmental Impact Report, Book 2, dated 16 April 2007, prepared by Bohlweki Environmental.
- 6.2.5 The applicant is responsible for the ongoing monitoring of the powerline along sensitive areas (river crossings, riparian areas and other sensitive areas as determined by the Endangered Wildlife Trust) for incidents of bird collisions and electrocutions. The applicant must submit these monitoring reports to this Department every six months, during the operation of the powerline, for a period of two years. If no incidents are recorded during that time, the mitigation measures implemented to prevent animal interactions will be deemed effective. No further reporting will be required.
- 6.2.6 The applicant must minimize habitat destruction and disturbance during all construction, maintenance and decommissioning activities. Vegetation must only be removed as required for construction and operation for the line. The applicant is responsible for avoiding the removal or trimming of any vegetation along the servitude during construction and operation. DWAF permits must be obtained for these individual plants before they are removed.
- 6.2.7 Construction work must be confined to the construction site(s) and interference with indigenous plant and animal species, particularly rare and threatened species and their habitats is prohibited.
- 6.2.8 All construction camps, sites and equipment storage areas must be established on existing built-up/developed areas. It is strictly forbidden for construction camps/sites and equipment storage areas to be allowed or established on or in areas of high ecological and archaeological sensitivity.
- 6.2.9 No construction and development activities are permitted in wetland areas.
- 6.2.10 The Environmental Management Plan (EMP) that was included in the EIR dated 15 June 2007 is approved by this Department. The EMP must form part of the contractor's tender documentation for all contractors working on the project and must be endorsed contractually.
- 6.2.11 The construction EMP must be seen as a dynamic document. However, any changes to the EMP, which is environmentally defensible, must be submitted to DEAT for acceptance before such changes could be effected. The EMP is regarded as an extension of the ROD and shall be treated as such in terms of compliance monitoring.
- 6.2.12 All contractors working on site must be informed with regard the contents of the EMP.
- 6.2.13 Compliance with other legislation
- a) Compliance with the requirements of Section 38(1), (3) and (7) of the National Heritage Resources Act, Act 25 of 1999, including the comments and recommendations of the relevant heritage resources authority responsible for the area in which the development is proposed.

- b) The Applicant must comply with the National Water Act, 1998 (Act 36 of 1998).
- c) The Applicant must comply with the National Forests Act, 1998 (Act No.84 of 1998)

6.3 GENERAL CONDITIONS

- 6.3.1 This authorisation is granted only in terms of section 22 of the Environment Conservation Act, 73 of 1989, and does not exempt the holder thereof from compliance with any other legislation including any legislation administered by the relevant local authorities.
- 6.3.2 This authorisation refers only to the activity as specified and described in Section 1 of this record of decision. Any other activity listed under sections 24 and 24D of the National Environmental Management Act, 1998 (Act No. 107 of 1998), which is not specified above, is not covered by this authorisation, and must therefore comply with the requirements of the National Environmental Management Act, 1998 (Act No. 107 of 1998), Government Notice No. R. 385 of 21 April 2006.
- 6.3.3 The applicant is responsible for compliance with the provisions for *Duty of Care and Remediation of Damage* in accordance with Section 28 of the National Environmental Management Act, Act 107 of 1998.
- 6.3.4 The applicant must, within 7 (seven) calendar days of receipt of this record of decision inform all interested and affected parties of the following:
 - i) That an authorisation with conditions has been issued to the applicant to proceed with the construction and operation of the activity.
 - ii) That any appeals against the issuing of the authorisation must be lodged with the Minister of Environmental Affairs and Tourism within 30 (thirty) days from the date on which this ROD has been issued to the applicant at the address stipulated in this ROD.
 - iii) That an appeal questionnaire may be used in the lodging of an appeal. A copy of the official appeal form can be obtained from:
Mr PKM Retief, Appeals Administrator, Tel: 012 310 3705, pretief@deat.gov.za ; or
Mr H Grové, Appeals Administrator, Tel: 012 310 3070, hgrove@deat.gov.za, at the Department.
 - iv) That an appeal must include the date on which the ROD was issued to the applicant in terms of regulation 10(1) and the date by which appeals must reach the Minister.
- 6.3.5 One week's notice, in writing, must be given to this Directorate: Environmental Impact Evaluation for attention Ms Lebogang Molefe, before commencement of construction activities.
- 6.3.6 Failure to inform interested and affected parties within the stipulated time period will be regarded as a breach of the ROD conditions and will be dealt with in accordance with all applicable legal mechanisms
- 6.3.7 The applicant shall be responsible for ensuring compliance with the conditions contained in this ROD by any person acting on his behalf, including but not limited to, an agent, servant, or employee or any person rendering a service to the applicant in respect of the activity, including but not limited to, contractors and consultants.
- 6.3.8 The applicant must notify the Department in writing, within 24 (twenty four) hours if any condition of this authorisation cannot, or is not, adhered to. The notification must be supplemented with reasons for non-compliance.
- 6.3.9 The applicant must ensure that the conditions of this authorisation are brought to the attention of the developer(s), contractor(s), sub-contractor(s), operators and/or other relevant management or implementing body or agency.

- 6.3.10 Notwithstanding clause 6.3.8 above, a copy of the authorisation, ROD and the EMP shall be available on site during construction and all staff, contractors and sub-contractors shall be familiar with, or be made aware of, the contents of this authorisation, ROD and the EMP.
- 6.3.11 Compliance/non-compliance records must be kept and shall be made available on request from the authorities within five days of receipt of the request.
- 6.3.12 Any changes to, or deviations from, the project description set out in this letter must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations.
- 6.3.13 This Department may on own initiative amend this authorisation where necessary or desirable, in terms of Chapter 4, Part 2 of Government Notice No. 385 of 21 April 2006.
- 6.3.14 In the event of any dispute concerning the significance of a particular impact, the opinion of the Department of Environmental Affairs and Tourism (DEAT) in respect of its significance will prevail.
- 6.3.15 The applicant may at any time apply to the Department for the amendment of this authorisation in terms of Chapter 4, Part 1 of Government Notice No. R.385 of 21 April 2006.
- 6.3.16 Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/or telephonic details, the applicant must notify the Department within 10 days from when the new details become known to the applicant.
- 6.3.17 National government, provincial government, local authorities or committees appointed in terms of the conditions of this application or any other public authority or authorisation shall not be held responsible for any damages or losses suffered by the applicant or his successor in title in any instance where construction, or operation subsequent to construction, is temporarily or permanently stopped for reasons of non-compliance by the applicant with the conditions of authorisation, as set out in this document or any other subsequent document emanating from these conditions of authorisation.
- 6.3.18 If any condition imposed in terms of this authorisation is not complied with, the authorisation may be withdrawn in terms of Chapter 4, Part 3 of Government Notice No. 385 of 21 April 2006.
- 6.3.19 The applicant shall be responsible for all necessary costs incurred as a result of compliance with these conditions, unless otherwise specified.
- 6.3.20 Any complaint from the public during construction must be acknowledged within 48 hours and action must be taken to address the complaint to the satisfaction of the parties concerned. A complaints register must be kept up to date and should be produced upon request.
- 6.3.21 Departmental officials shall be given access to the construction areas for the purpose of assessing and/or monitoring compliance with the conditions contained in this document at all times.
- 6.3.22 All outdoor advertising associated with this activity, whether on or off the property concerned, must comply with the South African Manual for Outdoor Advertising Control (SAMOAC) available from this Department.

6.4 DURATION OF AUTHORISATION

If the activity authorised by this letter does not commence within 48 months from the date of signature of this letter, this authorisation will be deemed to have lapsed and will no longer be valid. The applicant will need to reapply in terms of the applicable legislation or any amendments thereto.

7 SEQUENCES OF NON-COMPLIANCE

The applicant must comply with the conditions set out in this record of decision. Failure to comply with any of the above conditions may result in, *inter alia*, the Department withdrawing the authorisation, issuing directives to address the non-compliance – including an order to cease the activity – as well as instituting criminal and/or civil proceedings to enforce compliance.

8 APPEALS

Appeals in respect of this decision must be lodged with the Minister of Environmental Affairs and Tourism within 30 (thirty) days of the date of this decision. Appeals can be submitted utilising one of the following methods:

By facsimile: (012) 322 0082
By post: Private Bag X447, Pretoria 0001
By hand: 2nd Floor, Fedsure Forum Building, North Tower, cnr. Van der Walt and Pretorius Streets, Pretoria.

Appeals must comply with the provisions of Regulation 11 of Government Notice No. R. 1183 which reads as follows:

An appeal to the Minister or provincial authority under section 35(3) of the Act must be done in writing within 30 days from the date on which the ROD was issued to the applicant in terms of regulation 10(1);

An appeal must set out all the facts as well as the grounds of appeal, and must be accompanied by all relevant documents or copies of them that are certified as true by a commissioner of oaths.

An appeal questionnaire may be used in the lodging of an appeal. It is obtainable from:

Mr PKM Retief, Appeals Administrator, Tel: 012 310 3705, pretief@deat.gov.za ; or

Mr H Grové, Appeals Administrator, Tel: 012 310 3070, hgrové@deat.gov.za, at the Department.

Should the applicant wish to appeal any aspect of this decision, the applicant must notify and furnish copies of the appeal that will be submitted to the Minister, to all registered interested and affected parties. Proof of such notification must be submitted to the Minister with the appeal. Failure to comply with this provision may result in the Minister refusing to consider the appeal.

Yours sincerely



Ms Pam Yako

Director – General

Department of Environmental Affairs and Tourism

Signed by: Mr Wynand Fourie

Designation: Acting Chief Director: Environmental Impact Management

Date: 7/11/2007

Cc:
Ms R Thomas
Mr P Retief

Bohlweki Environmental
DEAT

Fax: (011) 798-6010