

From: "Thamsanqa ZWane" <tzwane@environment.gov.za>
To: "Belinda Roos" <Belinda.Roos@eskom.co.za>
CC: "Dumisane Mthembu" <DMthembu@environment.gov.za>, "Tebogo Kekane" <TKeka...>
Date: 2010/11/29 08:05 AM
Subject: Re: Kusile Railway EIA: Appeal Decision Letter (dated 24October 2010)

Belinda;

After consultations with my peers, it has emerged that there is no need to physical amend the original EA to reflect the condition as stated in the appeal decision. The fact that the appeal decision direct an amendment of the EA that in itself sufficient, as the appeal decision is effectively part of the EA.

Regards;

Mr T. Zwane

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>>> "Belinda Roos" <Belinda.Roos@eskom.co.za> 11/25/2010 5:24 pm >>>
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Hi Mr Zwane,

This email serves to confirm our telephonic discussion earlier, there were two aspects of concern relating to the attached Appeal Decision (24 October 2010) from the Minister (to the appeal received for the Kusile Railway EIA) that clarity was requested on:

- 1) Firstly, page 8 of the appeal decision (dated 24 October 2010), section 4.3.3 states that "I direct that the Environmental Authorisation of 23 April 2010 to be amended by the insertion of the paragraph after paragraph 1.6". Clarity was requested on how we obtain this amended EA (as it is not stated that the EA be read in conjunction with the appeal decision, and is clear that an amended EA be received). You indicated that the process after the appeal decision is that it is sent to DEA EIE to amend and resubmit the EA (we can follow up with Tebogo Kekane and Dumisane Mthembu regarding the amended EA, as the decision has been sent to them to amend the EA). Thank you, we will follow up with the suggested persons.
- 2) Secondly, section 4.2.2.9 of the appeal decision on page 7, following to page 8, the Minister indicates that "...I have further noted that the applicant has made a commitment in the appeal response report in that they would continuously involve the I&APs after the EIA process with regard to the finalisation of the railway designs..."

Whereas the appeal response report (dated 28 May 2010, section 2.4 response 1.4.2 page 10, attached) the EAP stated "...However it is always recommended that the developer (in this case Eskom) maintains good relationships with their neighbours by involving them continuously after the EIA process with regards to the finalisation of designs... "

Clarity on the interpretation of the ministers response stated above was requested. You clarified that the Ministers response indicating the involvement of the I&APs during the finalisation of the railway designs is to be interpreted as the involvement of only those directly affected parties along or neighbouring the corridor of the railway route (inclusive of Dr Meulenbeld, the appellant) during the determination of the final design (NOT the involvement of the entire I&APs listed in the database from the Kusile railway EIA process).

Thank you for the clarity.

Kind Regards,

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