
3 ENVIRONMENTAL IMPACT ASSESSMENT PROCESS

The EIA process can be divided into the following phases:

- The Scoping Phase;
- The Impact Assessment Phase; and
- The Environmental Authorisation Phase.

Each of these phases is explained in detail below.

3.1 Scoping Phase

The Scoping Phase consists of a technical process and a public participation process. Although these processes are interlinked and cannot be undertaken in isolation, in order to provide a detailed explanation the steps within each of these processes they are explained separately below.

3.1.1 Technical (EIA) Process

For the Scoping Phase of this EIA, the following technical process was followed:

Consultation with authorities, application forms and landowner consent

The DEA EIA application form (**Appendix A**) for the proposed project was submitted to the DEA on 8 April 2009. Copies of the application form and notification of this application form were forwarded to the GDARD³ and the MDALA as commenting authorities. As a point of departure, the I&AP database developed through the Kusile EIA process was used for initial project notification and groundtruthed by the Zitholele team to identify additional I&APs. During the Scoping Phase the list of landowners were confirmed and landowner consent forms (**Appendix C**) were signed.

Site Visit

An initial site visit was conducted by on 15 April 2009 and 9 June 2009 with the objective of familiarising the project team with the study area.

Draft Scoping Report and Plan of Study for EIA

The Draft Scoping Report (DSR) was prepared with information and issues identified during the Scoping Phase activities. The Plan of Study (PoS) for EIA and the Terms of Reference (ToR) for the envisaged specialist studies were also included in the report.

Final Scoping Report

The DSR and PoS were updated based on comments obtained from I&APs and were consolidated into the Final Scoping Report and the PoS for EIA. This report was submitted to the DEA for acceptance on the 17 September 2009 and approval which was received on the 8 October 2009.

³ Previously referred to as the Gauteng Department of Agriculture, Conservation and Environment. – GDACE.

3.1.2 Public Participation Process (PPP)

Public participation is an essential and legislative requirement for environmental authorisation processes. The principles that demand communication with society at large are best embodied in the principles of the National Environmental Management Act (Act 107 of 1998, Chapter 1), South Africa's overarching environmental law. In addition, Section 24 (5), Regulation 56 of GNR 385 under the National Environmental Management Act, guides the public participation process that is required for an Environmental Impact Assessment (EIA) process.

The public participation process for the proposed Kusile railway project has been designed and undertaken to satisfy the requirements laid down in the above legislation and guidelines. Figure 3-1 provides an overview of the EIA technical and public participation processes, and shows how issues and concerns raised by the public were used to inform the technical investigations of the EIA at various milestones during the process. This section of the report highlights the key elements of the public participation process to date.

The key objective of public participation is to ensure transparency throughout the process and promote informed decision making.

Objectives of public participation in the Scoping Phase

The objectives of public participation in an EIA are to provide sufficient and accessible information to I&APs in an objective manner so as to:

- During Scoping:
 - Encourage the I&APs to provide issues of concern and suggestions for enhanced benefits and alternatives.
 - Contribute their local knowledge and experience.
 - Verify that their issues have been considered and to help define the scope of the technical studies to be undertaken during the Impact Assessment.

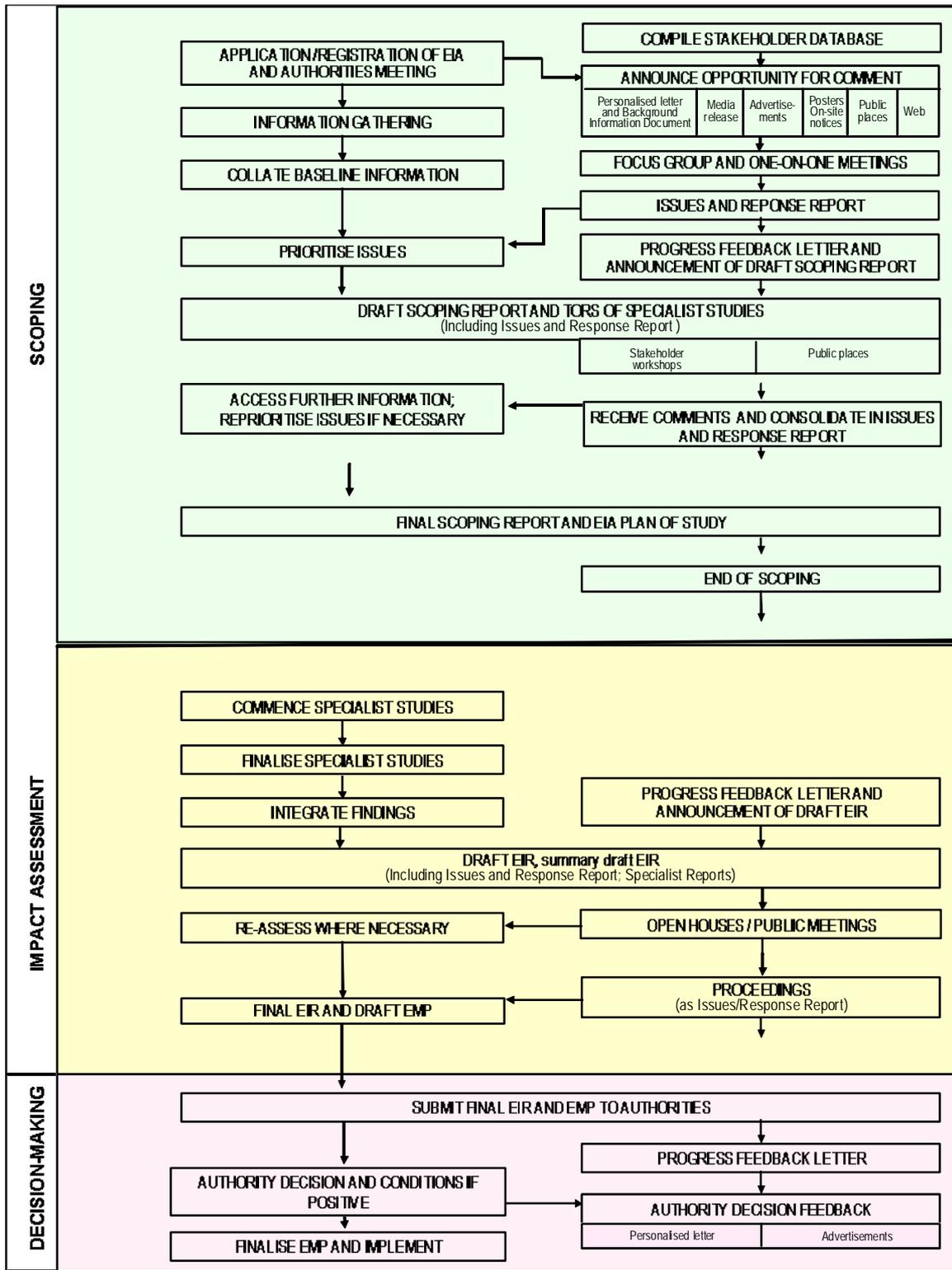


FIGURE 3-1: TECHNICAL AND PUBLIC PARTICIPATION PROCESS AND ACTIVITIES THAT COMPRISE THE ENVIRONMENTAL IMPACT ASSESSMENT FOR THE PROPOSED KUSILE RAILWAY PROJECT.

Identification of Interested and Affected Parties

The identification of stakeholders is ongoing and is refined throughout the process. As the on-the-ground understanding of affected stakeholders improves through interaction with various stakeholders in the area the database gets updated. The identification of key stakeholders and community representatives (land owners and occupiers) for this project is important as their contributions are valuable in informing the EIA process. The identification of key stakeholders was done in collaboration with Eskom (through the I&AP database for the Kusile Power Station), the local municipalities and other organisations in the study area.

The stakeholders' details are captured on Maximiser 9, an electronic database management software programme that automatically categorises every mailing to stakeholders, thus providing an ongoing record of communications - an important requirement by the authorities for public participation. In addition Maximiser 9 allows for comments and contributions received from stakeholders to be recorded, linking each comment to the name of the person who made it.

According to the NEMA EIA Regulations under Section 24(5) of NEMA, a register of I&APs must be kept by the public participation practitioner. Such a register has been compiled and is being kept updated with the details of involved I&APs throughout the process (See **Appendix E**)

Announcement of opportunity to become involved

The opportunity to participate in the EIA was announced in June 2009 as follows:

- Distribution of a letter of invitation to become involved, addressed to individuals and organisations, accompanied by a Background Information Document (BID) containing details of the proposed project, including a map of the project area and the alternative corridors, and a registration/comment sheet (Figure 3-2 and **Appendix F**). The BID and registration/comment sheet was distributed to stakeholders on the database, but the project team also visited the homesteads of landowners and occupiers in the project study area to hand out the documents.



FIGURE 3-2: BACKGROUND INFORMATION DOCUMENTS WERE DISTRIBUTED IN THE AREA.

- Advertisements were placed in the following newspapers (**Appendix H**) and dates:

TABLE 3-1: ADVERTISEMENTS PLACED DURING THE ANNOUNCEMENT PHASE.

NEWSPAPER	DATE
Middelburg Herald	12 June 2009
Middelburg Observer	12 June 2009
Beeld	10 June 2009
Witbank News	12 June 2009
Streeknuus	12 June 2009
Citizen	10 June 2009
Beeld	11 June 2009

- Notice boards were positioned at prominent localities during June 2009. These notice boards were placed along each alternative corridor, at conspicuous places and at various public places (**Appendix G**). Site notices were placed prominently to invite stakeholder participation (Figure 3-3).



FIGURE 3-3: SITE NOTICE BOARDS WERE PUT UP IN THE STUDY AREA.

Obtaining comment and contributions

The following opportunities were available during the Scoping phase for contribution from the I&APs:

- Completing and returning the registration/comment sheets on which space was provided for comment.
- Providing comment telephonically or by email to the public participation office.
- Provide comment to project team while visiting homesteads to hand out BIDs and making stakeholders aware of the proposed project.
- Attending an Open House Session and Public Meeting (6 August 2009) that was widely advertised (see table below) and raise comments there.

Issues relevant to the current project configuration were considered and were carried forward into the Impact Assessment phase.

TABLE 3-2: STAKEHOLDER MEETING AND OPEN HOUSE THAT WAS ADVERTISED AND HELD AS PART OF THE PUBLIC REVIEW PERIOD OF THE DRAFT SCOPING REPORT.

DATE	VENUE
Thursday, 6 th August 2009 at 17:30	Kaia Manzi Resort

The minutes of the public meetings for both the Scoping and Impact Assessment Phases are attached to this [Final](#) Environmental Impact Report (Appendix J).

Issues and Response Report (IRR) and acknowledgements

The issues raised during the announcement, were captured in an Issues and Response Report Version 1, which was appended to the Draft SR. This report was updated to include additional I&AP contributions that were received as part of the Scoping phase process. The issues and comments raised during the public review period of the Draft Scoping Report were added to the report as Version 2 of the Issues and Response Report which was appended to the Final SR. The contributions made by I&APs were and will continue to be acknowledged in writing.

Draft Scoping Report

The purpose of the Public Participation Process (PPP) in the scoping phase was to enable I&APs to verify that their contributions were captured, understood and correctly interpreted, and to raise further issues, alternatives to be investigated and proposed mitigation measures. At the end of Scoping, the issues identified by the I&APs and by the environmental technical specialists, were used to define the Terms of Reference for the Specialist Studies that were conducted during the Impact Assessment Phase of the EIA. A period of four weeks was available for public review of the DSR (from 27 July to 27 August 2009).

In addition to media advertisements and site notices that announced the opportunity to participate in the EIA, the opportunity for public review was announced as follows:

- In the Background Information Document (June 2009).
- In advertisements published (see Table 3-2 above and **Appendix H**) to advertise the proposed project.

TABLE 3-2: ADVERTISEMENTS PLACED TO ANNOUNCE THE PUBLIC REVIEW OF THE DRAFT SCOPING REPORT.

NEWSPAPER	DATE
Middelburg Herald	24 July 2009
Middelburg Observer	24 July 2009
Beeld	22 July 2009
Witbank News	24 July 2009
Streeknuus	2 July 2009
Citizen	23 July 2009

- In a letter sent out on 8 June 2009, and addressed personally to all individuals and organisations on the stakeholder database.

The Draft Scoping Report, including the Issues and Response Report Version 1, and the Plan of Study for EIA, was distributed for comment as follows:

- Lodged in identified public venues within the vicinity of the project area. (these are listed in Table 3-3 below);
- Mailed to registered key stakeholders;
- Mailed to I&APs who requested the report;
- Available on the Eskom and Zitholele websites; and
- Electronic copies were made available at the Open House and Public Meeting session.

I&APs could comment on the report in various ways, such as completing the comment sheet that accompanied the report, at the Open House and Public Meeting session that was held on 6 August 2009 and submitting individual comments in writing or by email.

TABLE 3-3: LIST OF PUBLIC PLACES WHERE THE DRAFT SCOPING REPORT WAS MADE AVAILABLE

PLACE	CONTACT PERSON	TELEPHONE
Witbank Public Library	Ms Lindi Van Papendorp - Librarian	(013) 690 6229
Kungwini Public Library	Mrs Brenda Smith - Librarian	(013) 932 6305

Final Scoping Report

The Final Scoping Report was updated with additional issues raised by I&APs and contained new information that was generated as a result of the process. The FSR was submitted to the Authorities (DEA) and key I&APs, and to those individuals who specifically requested a copy. I&APs were notified of the availability of the report in a letter that was distributed to all stakeholders on 14 September 2009.

3.2 Impact Assessment Phase

As with the Scoping Phase, the Impact Assessment Phase consists of a technical process and a public participation process. These processes are explained separately below.

3.2.1 Technical Process

Undertaking of Specialist Studies

In the Impact Assessment Phase of the EIA, specialist studies were conducted to assess the potential positive and negative impacts of the proposed project, and to recommend appropriate measures to enhance positive impacts and avoid or reduce negative ones. The specialist reports are appended to this Final EIR as **Appendix L**.

Development of Draft Environmental Impact Report and Environmental Management Plan

The Draft Environmental Impact Report (EIR) was prepared with information and issues identified during the Scoping Phase activities, comments from the DEA and other commenting authorities and the findings from the specialist studies. Appended to this Final EIR is the Environmental Management Plan.

The Environmental Impact Assessment Phase comprises of:

- The completion of the specialist studies and reports;
- The finalisation of the impact assessment;
- The compilation of the draft Environmental Management Plan (EMP); and
- The submission of the Environmental Impact Assessment report.

The Final EIR includes:

- A detailed description of the proposed development;
- A detailed description of the proposed development corridors;
- A description of the environment that may be affected by the activity and the manner in which physical, biological, social, economic and cultural aspects of the environment may be affected by the proposed development;
- The methodology of the stakeholder engagement process is described;
- The Issues Report and Stakeholder Database is provided as an appendix to the EIR;
- A description of the need and desirability of the proposed development and the identified potential alternatives to the proposed activity;
- A summary of the methodology used in determining the significance of potential impacts;
- A description and comparative assessment of all alternatives identified during the environmental impact assessment process;
- A summary of the findings of the specialist studies;
- A detailed assessment of all identified potential impacts;
- A list of the assumptions, uncertainties and gaps in knowledge;
- An opinion by the consultant as to whether the development is suitable for approval within the proposed corridor;
- An Environmental Management Plan that complies with regulation 34 of Act 107 of 1998; and
- Copies of all specialist reports appended to the EIR.

Environmental Management Plan

The Environmental Management Plan highlights the most significant potential impacts and provides mitigation measures for these impacts to ensure that the risk of impact is reduced and that the activity generating the impact is suitably managed. The EMP includes:

- Recommended management plans and detailed measures for environmental objectives identified to manage impacts, in order to facilitate the monitoring and control of the activity generating the impact; and
- The identification of the responsible person for the mitigation and monitoring of impacts.

3.2.2 Public Participation Process

Objectives of public participation in the Impact Assessment Phase

The objectives of public participation in an EIA are to provide sufficient and accessible information to I&APs in an objective manner so as to:

- During Impact Assessment:
 - Verify that their issues have been considered either by the EIA Specialist Studies, or elsewhere.
 - Comment on the findings of the EIA, including the measures that have been proposed to enhance positive impacts and reduce or avoid negative ones.

Public participation during the impact assessment phase of the EIA mainly involves a review of the findings of the EIA, presented in a Draft Environmental Impact Report (DEIR), the Draft Environmental Management Plan (DEMP) and the specialist studies.

Public review of the Draft Environmental Impact Report and Environmental Management Plan

A period of four weeks was made available for public review of the DEIR and DEMP (from 11 November to 11 December 2009).

The opportunity for public review of the DEIR and DEMP was announced as follows:

- In advertisements published (see **Appendix H**) to advertise the public review period of the DEIR and DEMP.

TABLE 3-4: ADVERTISEMENTS PLACED TO ANNOUNCE THE PUBLIC REVIEW OF THE DRAFT ENVIRONMENTAL IMPACT REPORT AND DRAFT ENVIRONMENTAL MANAGEMENT PLAN.

NEWSPAPER	DATE
Middelburg Herald	13 Nov 2009
Middelburg Observer	13 Nov 2009
Witbank News	13 Nov 2009
Streeknuus	11 Nov 2009
Citizen	10 Nov 2009
Beeld	9 Nov 2009

- In a letter distributed on 3 November 2009, and addressed personally to all individuals and organisations on the stakeholder database.

The DEIR and DEMP, including the Issues and Response Report Version 3, was distributed for comment as follows:

- Lodged in identified public venues within the vicinity of the project area. (these are listed in Table 3-3 above – the same venues were used as during the scoping phase);
- Mailed to key stakeholders;
- Mailed to I&APs who requested the report;
- Available on the Eskom and Zitholele websites; and
- Electronic copies were made available at the open house and public meeting.

I&APs can comment on the report in various ways, such as completing the comment sheet that accompanies the report, at the open house and public meeting (26 November 2009 at Kaia Manzi Lodge) and submitting individual comments in writing or by email.

Final Environmental Impact Report and Environmental Management Plan

The Final EIR and EMP have been updated with additional issues raised by I&APs and contains new information that was generated as a result of the public review process. The FEIR and EMP is being submitted to the Authorities (DEA) and key I&APs, and copies sent to those individuals who specifically requested a copy. I&APs have been notified of the availability of the final reports in a letter that was distributed to all stakeholders towards in January 2010.

Announce authorities' decisions on authorisation

Once the DEA has provided positive or negative decision for the proposed project, stakeholders will be notified according to the requirements set by DEA in their authorisation letter. A personalised letter will be faxed and emailed to the listed stakeholders. Advertisements will be published in the same newspapers as listed in Tables 0-2 and 0-4.