

Private Bag X 447 PRETORIA 0001 Environment House 473 Steve Biko Road, Arcadia PRETORIA

DFFE Reference: 14/12/16/3/3/1/2488
Enquiries: Mr Jay-Jay Mpelane
Telephone: (012) 399 9404, E-mail: Jmpelane@dffe.gov.za

Mr Itumeleng Moeng Eskom Holdings SOC Limited P.O Box 1091 Sunninghill JOHANNESBURG 2000

Tel number:

+2711 800 4114

Cell number:

082 477 2865

E-mail address:

Moengl@eskom.co.za

PER EMAIL / MAIL

Dear Mr Moeng

ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT NO. 107 OF 1998, AS AMENDED: FOR THE PROPOSED 2 X POWER LINES OF 400KV EACH FROM ARIES SUBSTATION NEAR KENHARDT TO UPINGTON SUBSTATION NEAR UPINGTON AND THE LINE LENGTH IS 145KM, IN THE KAI !GARIB AND KHARA HAIS LOCAL MUNICIPALITY, MGCAWU DISTRICT MUNICIPALITY, NORTHERN CAPE PROVINCE

With reference to the above application, please be advised that the Department has decided to grant environmental authorisation. The Environmental Authorisation (EA) and reasons for the decision are attached herewith.

In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014, as amended (the EIA Regulations), you are instructed to notify all registered interested and affected parties, in writing and within fourteen (14) days of the date of the decision as well as the provisions regarding the submission of appeals that are contained in the Regulations.

In terms of the Promotion of Administrative Justice Act, Act No. 3 of 2000, you are entitled to the right to fair, lawful and reasonable administrative action; and to written reasons for administrative action that affects you negatively. Further your attention is drawn to the provisions of the Protection of Personal Information Act, Act No. 4 of 2013 which stipulates that the Department should conduct itself in a responsible manner when collecting, processing, storing and sharing an individual or another entity's personal information by holding the Department accountable should the Department abuses or compromises your personal information in any way.

Your attention is drawn to Chapter 2 of National Environmental Management Act, Act No. 107 of 1998 National Appeal Regulations published under Government Notice R993 in Government Gazette No. 38303 dated 08 December 2014 (National Appeal Regulations, 2014), which prescribe the appeal procedure to be followed. Kindly include a copy of this document (National Appeal Regulations, 2014) with the letter of notification to interested and affected parties in this matter.

Should any person wish to lodge an appeal against this decision, he/she must submit the appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party, and any organ of state with interest in the matter within 20 days from the date that the notification of the decision was sent to the registered interested and affected parties by the applicant; or the date that the notification of the decision was sent to the applicant by the Department, whichever is applicable.

Appeals must be submitted in writing in the prescribed form to:

The Director: Appeals and Legal Review of this Department at the below mentioned addresses.

By email:

appeals@environment.gov.za

By hand:

Environment House

473 Steve Biko Road ARCADIA

0083; or

By post:

Private Bag X447

Pretoria 0001

Please note that in terms of Section 43(7) of the National Environmental Management Act, Act No. 107 of 1998, as amended, the lodging of an appeal will suspend the environmental authorisation, or any provision or condition attached thereto. In the instance where an appeal is lodged, you may not commence with the activity until such time that the appeal is finalised.

To obtain the prescribed appeal form and for guidance on the submission of appeals, please visit the Department's website at https://www.environment.gov.za/documents/forms#legal_authorisations or request a copy of the documents at appeals@environment.gov.za.

Yours faithfully,

Misdomans

Ms Milicent Solomons

Acting Chief Director: Integrated Environmental Authorisations

Department of Forestry, Fisheries and the Environment

Date: 15/01/2082.

cc:	Mr Edzisani Siphugu	Mr Edzisani Siphugu Vombe Consulting Pty Ltd	
	Mr J Blom	!Kheis Local Municipality	jacobusb@kheis.co.za
	Mr Olebogeng Gaobonegwe	Department of Agriculture, Land Reform and	Olebogeng.gaobonegwe@drdlr.gov.za
0		Rural Development (Northern Cape)	



Environmental Authorisation

In terms of Regulation 25 of the Environmental Impact Assessment Regulations, 2014, as amended

PROPOSED 2 X POWER LINES OF 400KV EACH FROM ARIES SUBSTATION NEAR KENHARDT TO

UPINGTON SUBSTATION NEAR UPINGTON AND THE LINE LENGTH IS 145KM, IN THE KAI !GARIB

AND KHARA HAIS LOCAL MUNICIPALITY, NORTHERN CAPE PROVINCE

MGCAWU DISTRICT MUNICIPALITY

Authorisation register number:	14/12/16/3/3/1/2488	
Last amended:	First issue	
Holder of authorisation:	Eskom Holdings SOC Limited	
Location of activity:	Northern Cape Province: within the Kai	
	!Garib and Khara Hais Local Municipalities	
	from Aries substation near Kenhardt Town	
	to Upington substation near Upington tow	

This authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.

Decision

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this Environmental Authorisation, that the applicant should be authorised to undertake the activities specified below.

Non-compliance with a condition of this Environmental Authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, Act No. 107 of 1998, as amended and the EIA Regulations, 2014, as amended.

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

Activities authorised

By virtue of the powers conferred on it by the National Environmental Management Act, Act No. 107 of 1998, as amended and the Environmental Impact Assessment Regulations, 2014, as amended, the Department hereby authorises –

ESKOM HOLDINGS SOC LIMITED

(Hereafter referred to as the **holder of the authorisation**). with the following contact details –

Mr Itumeleng Moeng
Eskom Holdings SOC Limited
P.O Box 1091,
Sunninghill,

JOHANNESBURG

2000

Tel number:

+2711 800 4114

Cell number:

082 477 2865

E-mail address:

Moengl@eskom.co.za

þ.

to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notice 1, 2 and 3 of the EIA Regulations, 2014 as amended:

Activity number	Activity description
Listing Notice 1, Item 47:	
The expansion of facilities or infrastructure for the	The proposed project entails the development of 2 X
transmission and distribution of electricity where the	145km 400kV lines from Aries to Upington. None of
expanded capacity will exceed 275 kilovolts and the	the exclusions in relation to bypass infrastructure
development footprint will increase.	apply to the activities of the project.
Listing Notice 2, Item 9:	
The development of facilities or infrastructure for the	The proposed project entails the development of 2 X
transmission and distribution of electricity with a	145km 400kV lines from Aries to Upington. The
capacity of 275 kilovolts or more, outside an urban	project will include the construction of the power line
area or industrial complex.	and associated infrastructure such as tower
	assembly and erection, etc. The project is located
	outside an urban area.
Listing Notice 3, Item 12:	
The clearance of an area of 300 square metres or	The proposed development will require the clearance
more of indigenous vegetation, "except where such	of an area of 300 square meters or more of
clearance of indigenous vegetation is required for	indigenous vegetation within a Critical Biodiversity
maintenance purposes undertaken in accordance	Areas (CBA). The proposed project could entail the
with a maintenance management plan"	construction of access road for use during the
g. Northern Cape:	construction phase and operational phase (for
ii. Within critical biodiversity areas identified in	maintenance purposes). In the absence of existing
bioregional plans.	roads, new access roads will need to be constructed,
	which could traverse areas declared as critical
	biodiversity areas or watercourses.

As described in the Basic Assessment Report (BAR) dated June 2019 at:

Overall power line coordinates: From Aries substation to Upington substation				
2 x power lines of 400kV	Latitude	Longitude		
Starting Point	29.494275'S	20.793520'E.		
Middle Point	28.915266'S	20.714831'E.		
End Point	28.545723'S	21.137282'E.		

Deviation Coordinates	s: Start and End point	21 SG numbers	
Deviation 1		1	
Latitude	Longitude		
29°25'0.01"S	20°45'51.24"E	C03600000000016300001	
29°18'1.71"S	20°45'19.19"E	C03600000000016200007	
Deviation 2		-1	
Latitude	Longitude		
28°46'45.59"S	20°41'59.44"E	C03600070000239900000	
28°44'11.93"S	20°40'44.10"E	C02800000000047500007	
Deviation 3		1	
Latitude	Longitude		
28°38'14.59"S	20°56'28.94"E	C02800060000115200000	
28°32'57.74"S	21° 8'15.81"E	C02800060000108000000	

- for the proposed 2 x power lines of 400kV each from Aries substation near Kenhardt to Upington substation near Upington and the line length is 145km, in the Kai !Garib and Khara Hais Local Municipality, Mgcawu District Municipality, Northern Cape province, hereafter referred to as "the property".

Supporting onsite infrastructure will comprise the following:

- · Roads (existing and proposed);
- · Contractor site establishment;
- · Survey and pegging of tower positions;
- · Gate installation and vegetation clearing;
- · Foundation excavation and installation;
- · Tower assembly and erection; and
- Servitude clean-up and rehabilitation.

Conditions of this Environmental Authorisation

Scope of authorisation

- 1. The proposed 2 x power lines of 400kV each from Aries substation near Kenhardt to Upington substation near Upington and the line length is 145km, in the Kai! Garib and Khara Hais Local Municipality, Mgcawu District Municipality, Northern Cape Province is approved as per the geographic coordinates cited in the table above. All three Deviations (1, 2, and 3) are approved.
- 2. Authorisation of the activity is subject to the conditions contained in this Environmental Authorisation, which form part of the Environmental Authorisation and are binding on the holder of the authorisation.
- 3. The holder of the authorisation is responsible for ensuring compliance with the conditions contained in this Environmental Authorisation. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the authorisation.
- 4. The activities authorised may only be carried out at the property as described above.
- 5. Any changes to, or deviations from, the project description set out in this Environmental Authorisation must be approved, in writing, by the Department before such changes or deviations may be affected. 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 and it may be necessary for the holder of the authorisation to apply for further Environmental Authorisation in terms of the regulations.
- 6. The holder of an Environmental Authorisation must apply for an amendment of the Environmental Authorisation with the Competent Authority for any alienation, transfer or change of ownership rights in the property on which the activity is to take place.
- 7. Commencement with one activity listed in terms of this Environmental Authorisation constitutes commencement of all authorised activities.

Notification of authorisation and right to appeal

8. The holder of the authorisation must notify every registered interested and affected party, in writing and within 14 (fourteen) calendar days of the date of this Environmental Authorisation, of the decision to authorise the activity.



- 9. The notification referred to must -
 - 9.1. specify the date on which the authorisation was issued;
 - 9.2. inform the interested and affected party of the appeal procedure provided for in the National Appeal Regulations, 2014;
 - 9.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
 - 9.4. give the reasons of the Competent Authority for the decision.

Commencement of the activity

10. The authorised activity shall not commence until the period for the submission of appeals has lapsed as per the National Appeal Regulations, 2014, and no appeal has been lodged against the decision. In terms of Section 43(7), an appeal under Section 43 of the National Environmental Management Act, Act No. 107 of 1998, as amended will suspend the Environmental Authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged you may not commence with the activity until such time that the appeal has been finalised.

Management of the activity

- 11. The Environmental Management Programme (EMPr) submitted as part of the BAR dated May 2022 is approved and must be implemented and adhered to.
- 12. The EMPr must be implemented and strictly enforced during all phases of the project. It shall be seen as a dynamic document and shall be included in all contract documentation for all phases of the development when approved.
- 13. Changes to the approved EMPr must be submitted in accordance with the EIA Regulations applicable at the time.
- 14. The Department reserves the right to amend the approved EMPr should any impacts that were not anticipated or covered in the EIAr be discovered.

Frequency and process of updating the EMPr

15. The EMPr must be updated where the findings of the environmental audit reports, contemplated in Condition 28 below, indicate insufficient mitigation of environmental impacts associated with the

- undertaking of the activity, or insufficient levels of compliance with the environmental authorisation or EMPr.
- 16. The updated EMPr must contain recommendations to rectify the shortcomings identified in the environmental audit report.
- 17. The updated EMPr must be submitted to the Department for approval together with the environmental audit report, as per Regulation 34 of the EIA Regulations, 2014 as amended. The updated EMPr must have been subjected to a public participation process, which process has been agreed to by the Department, prior to submission of the updated EMPr to the Department for approval.
- 18. In assessing whether to grant approval of an EMPr which has been updated as a result of an audit, the Department will consider the processes prescribed in Regulation 35 of the EIA Regulations, 2014 as amended. Prior to approving an amended EMPr, the Department may request such amendments to the EMPr as it deems appropriate to ensure that the EMPr sufficiently provides for avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.
- 19. The holder of the authorisation must apply for an amendment of an EMPr, if such amendment is required before an audit is required. The amendment process is prescribed in Regulation 37 of the EIA Regulations, 2014, as amended. The holder of the authorisation must request comments on the proposed amendments to the impact management outcomes of the EMPr or amendments to the closure objectives of the closure plan from potentially interested and affected parties, including the competent authority, by using any of the methods provided for in the Act for a period of at least 30 days.

Monitoring

- 20. The holder of the authorisation must appoint an experienced Environmental Control Officer (ECO) for the construction phase of the development that will have the responsibility to ensure that the mitigation/rehabilitation measures and recommendations referred to in this environmental authorisation are implemented and to ensure compliance with the provisions of the approved EMPr.
 - 20.1. The ECO must be appointed before commencement of any authorised activities.
 - 20.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director:*Compliance Monitoring of the Department.
 - 20.3. The ECO must keep record of all activities on site, problems identified, transgressions noted, and a task schedule of tasks undertaken by the ECO.
 - 20.4. The ECO must remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.

Recording and reporting to the Department

- 21. All documentation e.g., audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this environmental authorisation, must be submitted to the *Director:*Compliance Monitoring of the Department.
- 22. The holder of the environmental authorisation must, for the period during which the environmental authorisation and EMPr remain valid, ensure that project compliance with the conditions of the environmental authorisation and the EMPr are audited, and that the audit reports are submitted to the *Director: Compliance Monitoring* of the Department.
- 23. The frequency of auditing and of submission of the environmental audit reports must be as per the frequency indicated in the EMPr, considering the processes for such auditing as prescribed in Regulation 34 of the EIA Regulations, 2014 as amended.
- 24. The holder of the authorisation must, in addition, submit environmental audit reports to the Department within 30 days of completion of the construction phase (i.e., within 30 days of site handover) and a final environmental audit report within 30 days of completion of rehabilitation activities.
- 25. The environmental audit reports must be compiled in accordance with Appendix 7 of the EIA Regulations, 2014 as amended and must indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the environmental authorisation conditions as well as the requirements of the approved EMPr.
- 26. Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.

Notification to authorities

27. A written notification of commencement must be given to the Department no later than fourteen (14) days prior to the commencement of the activity. The notice must include a date on which it is anticipated that the activity will commence, as well as a reference number.

Operation of the activity

28. A written notification of operation must be given to the Department no later than fourteen (14) days prior to the commencement of the activity operational phase.



Site closure and decommissioning

29. Should the activity ever cease or become redundant, the holder of the authorisation must undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and Competent Authority at that time.

Specific conditions

- 30. Anti-collision devices such as bird flappers must be installed where powerlines cross avifaunal corridors, as recommended by the Avifaunal specialist. The input of an avifaunal specialist must be obtained for the fitting of the anti-collision devices onto specific sections of the line once the exact positions of the towers have been surveyed and pegged.
- 31. Furthermore, Bird Flight Diverters must be placed from tower/pylon to tower/pylon instead of 60% placement along the collision risk areas. The relevant sections of power line requiring this mitigation should be confirmed by an avifaunal walk down once the exact route and tower positions are confirmed just prior to construction.
- 32. The applicant must ensure that search and rescue is conducted prior to the construction phase of the project to search and relocate the animals and plants of conservation concern.
- 33. The proposed development must be restricted to the required footprint and must not disturb/ or alter areas outside the developmental boundaries.
- 34. Ensure that access roads are kept clear, and that construction and operational activities do not interfere with agricultural activities.
- 35. The applicant must maintain security of the sites during the construction phase by appointing guards and provide support to the local farmers.
- 36. The applicant must spray water on roads to reduce dust pollution, especially during harvest time.
- 37. Should archaeological materials or human burial remains be exposed during subsurface construction work on any section of the proposed development laydown sites, work should cease on the affected area and the discovery must be reported to the heritage authorities immediately so that an investigation and evaluation of the finds can be made.

General

- 38. A copy of this Environmental Authorisation, the audit and compliance monitoring reports, and the approved EMPr, must be made available for inspection and copying-
 - 38.1. at the site of the authorised activity;
 - 38.2. to anyone on request; and
 - 38.3. where the holder of the Environmental Authorisation has a website, on such publicly accessible website
- 39. National government, provincial government, local authorities or committees appointed in terms of the conditions of this authorisation or any other public authority shall not be held responsible for any damages or losses suffered by the holder of the authorisation or his/her successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the holder of the authorisation with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Date of Environmental Authorisation: 15 01 2022.

Ms Milicent Solomons

Acting Chief Director: Integrated Environmental Authorisations

Department of Forestry, Fisheries and the Environment

Annexure 1: Reasons for Decision

1. Information considered in making the decision

In reaching its decision, the Department took, inter alia, the following into consideration-

- a) The listed activities as applied for in the amended application form received on 18 May 2022.
- b) The information contained in the BAR dated May 2022.
- c) The comments issued by this Department on 22 March 2022.
- d) Mitigation measures as proposed in the BAR, specialist studies, and the EMPr.
- e) The information contained in the specialist studies contained within the appendices of the BAR dated May 2022 and as appears below:

Title	Prepared by	Date
Ecological Impact Assessment Report	Takalani Mudau (Specialist): Ecological	11 February
	Consultant.	2022.
Avifauna Impact Assessment	Mokgatla Molepo: MORA Ecological	September
	Services (Pty) Ltd.	2021.
Archaeological and Heritage Impact	Trust Milo (Archaeology and Heritage	September
Assessment Report	Specialist): Integrated Specialist	2021.
	Services (Pty) Ltd.	

2. Key factors considered in making the decision

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below.

- a) The findings of all the specialist studies conducted and their recommended mitigation measures.
- b) The need for Eskom to provide sustainable electricity solutions to grow the economy and improve the quality of life of the people in South Africa and in the region. This is a strategic project to enable connection to Independent Power Producer (IPP)'s in the future.
- c) The BAR dated May 2022 identified all legislation and guidelines that have been considered in the preparation of the BAR.
- d) The location of the proposed three deviations for the proposed 2 x power lines of 400kV.
- e) The need for the implementation of the existing Environmental Authorisation in place for the 2 X 400kV line (DEA ref no.12/12/20/2606).



- f) The methodology used in assessing the potential impacts identified in the BAR dated May 2022 and the specialist studies have been adequately indicated.
- g) A sufficient public participation process was undertaken, and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2014 as amended for public involvement.

3. Findings

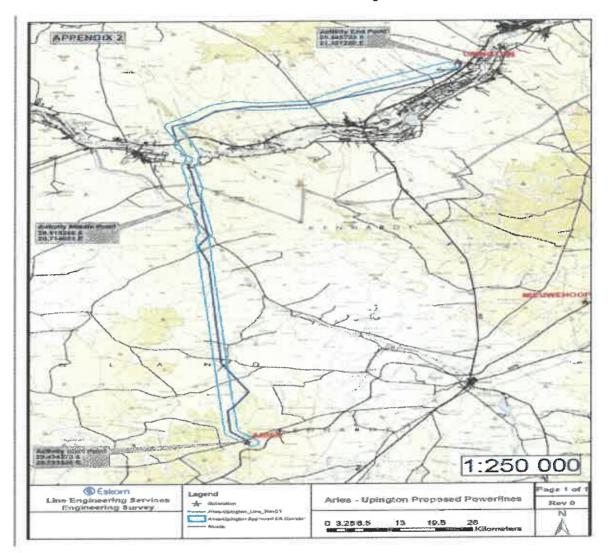
After consideration of the information and factors listed above, the Department made the following findings -

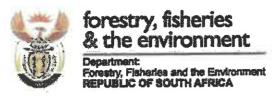
- a) The identification and assessment of impacts are detailed in the BAR dated May 2022 and sufficient assessment of the key identified issues and impacts have been completed.
- b) The procedure followed for impact assessment is adequate for the decision-making process.
- c) The information contained in the BAR is deemed to be accurate and credible.
- d) The findings of the specialist reports conducted for this project.
- e) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- f) EMPr measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the BAR and will be implemented to manage the identified environmental impacts during the construction phase.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the authorised activities will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 and that any potentially detrimental environmental impacts resulting from the authorised activities can be mitigated to acceptable levels. The environmental authorisation is accordingly approved.



Annexure 2: Locality Plan





Private Bag X447 PRETORIA 0001 Environment House • 473 Steve Biko Road, Arcadia · PRETORIA Tei(+27 12) 399 9000

Enquirles; Devinagis Bendeman Telephone; 012 399 9337 E-mail: vbendeman@dffe.gov.za

Ms. Milicent Solomons
Director: Prioritized Infrastructure Projects

Dear Mrs Solomons

APPOINTMENT AS ACTING CHIEF DIRECTOR: INTEGRATED ENVIRONMENTAL AUTHORIZATIONS FOR THE PERIOD OF 25 APRIL 2022 UNTIL 31 OCTOBER 2022

I hereby inform you that I have decided to appoint you as the Acting Chief Director: Integrated Environmental Authorizations for the period of 25 April to 31 October 2022 whilst Mr Sabelo Malaza is fulfilling his temporary reassignment function at the Forestry Branch.

All the correspondence and other documents that are usually signed by the Chief Director: Integrated Environmental Authorizations must be signed under Acting Chief Director: Integrated Environmental Authorizations during the above-mentioned period.

Your appointment in the above acting position remains subject to the provisions of the Public Service Act, 1994 (Proclamation No. 103 of 1994), as amended, the Government Employees Pension Fund Act, 1996 (Proclamation No. 21 of 1996), the regulations promulgated under these Acts and relevant circulars.

In the execution of your duties and the exercising of the powers delegated to you, you will furthermore be subjected to the provisions of the Public Finance Management Act, compliance with the Promotion of Access to Information Act, Promotion of Administrative Justice Act, the Minimum Information Security Standard, Departmental Policies and other applicable legislations with the Republic of South Africa. You are therefore advised to make yourself familiar with the provisions of these legislations and policies and the amendments thereof. (Copies of Departmental policies can be obtained from the Human Resource Office).

Please accept my heartfelt gratitude for all your assistance on behalf of the department.

Yours sincerely

Ms Devinagle Bengeman

Deputy Director-General: RCSM (Regulatory Compliance and

Sector Monitoring)

Date

pril 2022

ACKNOWLEDGEMENT

I ACCEPT / DO NOT ACCEPT appointment as Acting Chief Director: Integrated Environmental Authorizations

Signed:

Date:

300 of 3000