

APPROACH TO UNDERTAKING THE ENVIRONMENTAL SCOPING STUDY

CHAPTER 3

An Environmental Impact Assessment (EIA) process refers to that process (as per the EIA Regulations) which involves the identification of and assessment of direct, indirect and cumulative environmental impacts associated with the proposed project. The EIA process comprises two phases: **Scoping Phase** and **EIA Phase**. The Scoping process culminates in the submission of a Scoping Report to the competent authority (DEAT in this case) for review and acceptance before proceeding onto the next phase of the process. The EIA culminates in the submission of an EIA Report (including an Environmental Management Plan (EMP)) to the competent authority for decision-making.

The phases of the EIA process are as follows:



The Environmental Scoping Study for the proposed Mokopane Integration Project has been undertaken in accordance with the EIA Regulations published in Government Notice 28753 of 21 April 2006, in terms of Section 24(5) of the National Environmental Management Act (NEMA; No 107 of 1998). This Environmental Scoping Study aimed at identifying potential issues associated with the proposed project, and defining the extent of studies required within the EIA. This was achieved through an evaluation of the proposed project, involving the project proponent, specialists with experience in EIAs for similar projects, and a consultation process with key stakeholders that included both relevant government authorities and interested and affected parties (I&APs). This chapter serves to outline the process which was followed during the Scoping Phase of the EIA process.

3.1. Objectives of the Scoping Process

This Scoping process aimed to:

- » identify and evaluate potential environmental (biophysical and social) impacts and benefits of all phases of the proposed development (including design,

- construction, operation and decommissioning) through a desk-top review of existing baseline data and specialist studies, and
- » to provide the authorities with sufficient information in order to make a decision regarding the scope of issues to be addressed in the EIA process, as well as regarding the scope and extent of specialist studies that will be required to be undertaken as part of the EIA Phase of the process.

The objectives of the Scoping process were to:

- » Clarify the scope and nature of the proposed activities and the reasonable and feasible alternatives to be considered within the EIA process;
- » Ensure due consideration of alternative options in regard to the proposed development, including the 'do nothing' option.
- » Identify and evaluate key issues associated with the proposed project and identify issues to be addressed in the Environmental Impact Assessment Phase of the EIA, through a process of broad-based consultation with stakeholders and desk-top specialist studies;
- » Conduct an open, participatory and transparent public participation process and facilitate the inclusion of stakeholders' concerns regarding the proposed project in the decision-making process;

3.2. Overview of the Environmental Scoping Process undertaken for the Proposed Mokopane Integration Project

Key tasks undertaken within the environmental scoping process included:

- » Consultation with relevant decision-making and regulating authorities
- » Submission of a completed application form for authorisation in terms of Government Notice No. R.385 of 2006 to the competent authority.
- » Undertaking of a public participation process throughout the Scoping process in accordance with the EIA Regulations in order to identify issues and concerns associated with the proposed project.
- » Preparation of a Draft Scoping Report and Plan of Study for EIA in accordance with the requirements of the EIA Regulations.
- » Preparation of an Issues and Responses Report detailing key issues raised by I&APs as part of the EIA Process.

These tasks are discussed in detail below.

3.2.1. Authority Consultation and Application for Authorisation in terms of GN No R385 of 2006

As Eskom is a Statutory body (i.e. an Organ of State), the National Department of Environmental Affairs and Tourism (DEAT) will act as the relevant competent

authority for this proposed project. As the project falls within the Limpopo Province, the Limpopo Department of Economic Development, Environment and Tourism (DEDET) will act as a commenting authority for the project. Consultation with these authorities has been undertaken throughout the Scoping process. This consultation has included the following:

- » Pre-application consultation regarding the proposed project and the EIA process to be undertaken
- » Submission of an application for authorisation to DEAT, with a copy submitted to DEDET. This application was approved and the reference numbers 12/12/20/1187 (substation and turn-in lines) and 12/12/20/1140 (transmission lines). Authorisation was thus granted to continue with the Scoping Phase of the project.
- » A consultation meeting with DEAT and DEDET once the final scoping report has been submitted to DEAT in order to discuss the proposed project, alternatives identified, public consultation process undertaken and the issues identified for consideration in the EIA process.

A record of all authority consultation undertaken within the Scoping Phase is included within Appendix A.

3.2.2. Notification of the EIA Process

In order to notify and inform the public of the proposed project and invite members of the public to register as interested and affected parties (I&APs), the project and EIA process was advertised in a number of local publications, as follows:

- » Agri Spectrum on 31 July 2008
- » Northern Review Midweek on 20 May 2008
- » Mogol Post on 16 May 2008
- » Polokwane Observer on 22 May 2008
- » Seipone on 28 May 2008

In addition, site adverts were placed at various locations throughout the study area, i.e.:

- » Crossway Shopping Mall in Mokopane (2 notices).
- » Township at Substation 1 – Liquor Restaurant (Mashashane/Rietfontein).
- » Polokwane – Library (Hans van Rensburg road).
- » Polokwane – Department of Environmental Affairs and Department of Land Affairs.
- » Marken – Farmers Hall
- » Lephalale – Agri Lephalale Offices.

In addition to the above advertisements and notices, key stakeholders were notified of the commencement of the EIA process, including:

- » *Municipalities*
 - * Lephalale Local Municipality
 - * Waterberg District Municipality
 - * Polokwane Local Municipality
 - * Mokopane Local Municipality

- » *Organs of State*
 - * Department of Education
 - * Department of Health
 - * Department of Environmental Health
 - * Department of Minerals and Energy
 - * Department of Transport and Roads
 - * Department Traditional and Government Affairs
 - * Department of Environmental Affairs and Tourism
 - * Department of Public Works
 - * Department of Water Affairs and Forestry
 - * Roads Agency Limpopo
 - * SAHRA

Copies of the advertisements placed and notices distributed are contained in Appendix **B** of this report.

3.2.3. I&AP identification, Registration and the Creation of an Electronic Database

The first step in the public participation process was to identify key stakeholders and interested and/or affected parties (I&APs). This process was undertaken through existing contacts and databases, responses to site notices and newspaper advertisements, and networking. Stakeholder groups identified include:

- » Provincial and local government departments (including DEAT, DEDET, SAHRA, DWAF, LIHRA, District and Local Municipalities etc);
- » Government Structures (including the Provincial Roads Authority, municipal planning departments, etc)
- » Potentially affected and neighbouring landowners on all proposed alternative routes;
- » Traditional authorities;
- » Industry and mining;

All I&AP information (including contact details), together with dates and details of consultations and a record of all issues raised have been recorded within a comprehensive database of affected parties (refer to Appendix C). While I&APs have been encouraged to register their interest in the project from the start of the process, following the public announcements, the identification and registration of I&APs will be ongoing for the duration of the EIA process. The project database will, therefore, be updated on an on-going basis throughout the project process, and will act as a record of the communication and involvement process.

3.2.4. Public Involvement and Consultation

The public involvement and consultation process during the scoping process was undertaken by **Iliso Consulting** who are specialist public participation consultants. This process was designed to provide sufficient and accessible information to I&APs in an objective manner to assist them to:

- » raise issues of concern and suggestions for enhanced benefits and alternatives;
- » assist the environmental specialist in identifying issues that needs to be assessed during the scoping phase; and
- » verify that their issues have been captured

In order to provide information regarding the proposed project and the EIA process, a background information document (BID) for the project was compiled at the outset of the process (refer to Appendix D). The BID was distributed to all identified stakeholders and I&APs together with a map and a comment sheet inviting I&APs to register for the proposed project and submit details of any issues and concerns.

Through consultation with key stakeholders and I&APs, issues for inclusion within the issues-based scoping study were identified and confirmed. In order to accommodate the varying needs of stakeholders and I&APs within the study area, as well as capture their views, issues and concerns regarding the project, various opportunities were provided for I&APs to have their issues noted prior to the release of the Draft Scoping Report for public review, as follows:

- » Focus group meetings
- » One-on-one consultation meetings
- » Telephonic consultation sessions
- » Written, faxed or email correspondence

Table 3.1 below provides details of the focus group meetings held during the scoping phase of the public consultation process.

Table 3.1: Details of the meetings held during the scoping phase of the public consultation process

Date	Parties present	Venue
10 June 2008	Batlokwa T/A, Bakone T/A, Lebelo T/A	Bakone Traditional Council Office
11 June 2008	Nkidikitlane T/A, Babirwa T/A	Babirwa Traditional Council Office
12 June 2008	Dikgale T/A ¹ , Bakone T/A, Maraba T/A, Mashashane T/A	Capricorn DM Office
12 June 2008	Lekalakala T/A	Lekalakala Traditional Council Office
13 June 2008	Langa (Bekenburg) T/A, Langa (Mapela) T/A, Mokopane T/A	Mapela Traditional Council Office
17 June 2008	Public meeting	The Golden, Pillow Hotel Polokwane
18 June 2008	Public meeting	The Protea Park Hotel, Mokopane
19 June 2008	Public meeting	Marken Primary School Hall, Marken
20 June 2008	Public meeting	The Mogol Club, Lephhalale
29 July 2008	Seleka Traditional Authority	Seleka Traditional Authority's Office
29 July 2008	Laka Traditional Authority	Laka Traditional Authority's Office
30 July 2008	Shongoane Traditional Council	Shongoane Traditional Council's Office
4 August 2008	Lephhalale Focus Group Meeting	Lephhalale College
4 August 2008	Lephhalale Municipality	Lephhalale Municipality- Civic Centre (social services)
5 August 2008	Vaalwater Focus Group Meeting	Vaalwater Farmers Hall
5 August 2008	Polokwane Municipality	Polokwane- Environmental Management Office
6 August 2008	Marken Focus Group Meeting	Marken Farmers Hall
6 August 2008	Mokopane Focus Group Meeting	Potgietusrus- DLU Chamber of Business
7 August 2008	Waterberg District Municipality	Waterberg DM municipal office

Public meetings were advertised in the Northern Review Midweek, Mogol Post, Polokwane Observer and Seipone. Registered parties were invited to attend these meetings by letter. Stakeholders were invited to attend Focus Group

¹ Moletsli T/A were invited to attend this meeting, but sent an apology

Meetings by letter and through the local Tribal Authority structures and Farmer's Associations.

Networking with I&APs will continue through-out the duration of the EIA process. Records of all consultation undertaken are included within Appendix E.

A landowner consultation map indicating the landowners identified and contacted during the public participation process for the project was compiled (refer to Appendix F). This map indicates the landowners in the study area identified and consulted on a one-to-one basis and those consulted telephonically.

3.2.5. Identification and Recording of Issues and Concerns

Issues and concerns raised by I&APs during the scoping process have been synthesised into the Issues and Response Report (refer to Appendix G). The Issues and Response Report includes responses from members of the EIA project team (and, in some cases, the project proponent) where possible. In general, the responses indicate how the issues will be addressed in the EIA process. In some cases, immediate responses and clarification are provided. Where issues are raised that the EIA team considers beyond the scope and purpose of this EIA process, clear reasoning for this view is provided.

3.2.6. Evaluation of Issues Identified through the Scoping Process

Potential direct, indirect and cumulative impacts associated with the proposed project identified within the scoping process have been evaluated through desk-top studies. In evaluating potential impacts, Savannah Environmental has been assisted by the following specialist team members:

Specialist	Area of Expertise
Riaan Robbeson of Bathusi Environmental Consulting	Flora, fauna and ecology
Megan Diamond of EWT	Avifauna
Garry Paterson of the ARC: ISCW	Agricultural potential
Anita Bron and Nonka Byker of MasterQ	Social Impact Assessment, land use and tourism potential assessment
Julius Pistorius	Heritage Impact Assessment
Lourens du Plessis of MetroGIS	Visual Impact Assessment

In order to evaluate issues and assign an order of priority, it was necessary to identify the characteristics of each potential issue/impact:

- » *the nature*, which includes a description of what causes the effect, what will be affected and how it will be affected;

- » *the extent*, wherein it is indicated whether the impact will be local (limited to the immediate area or site of development) or regional

The evaluation of the issues resulted in a statement regarding the potential significance of the identified issues, as well as recommendations regarding further studies required within an EIA.

Specialist Scoping Reports are contained within Appendices H – M.

3.2.7. Public Review of Draft Scoping Report and Feedback Meeting

This is the **current stage** of the scoping process. The draft Environmental Scoping Report has been made available for review from [REDACTED] at the following locations:

- » www.savannahSA.com
- » www.eskom.co.za/eia

Comment [J1]: To advise

Formatted: Bullets and Numbering

The availability and duration of the public review process were advertised in the Mogol Post, Northern Review Midweek, Polokwane Observer, Seipone and Agri Spectrum. In addition, all registered I&APs were notified of the availability of the report by e-mail or letter. There were people who requested that adverts be placed in the Citizen and the other one was requested in Mokopane (Local Paper)

3.2.8. Final Scoping Report

The final stage in the Scoping Study process will entail the capturing of responses from I&APs on the draft Scoping Report in order to refine this report. It is this final report upon which the decision-making Environmental Authorities provide comment, recommendations and acceptance to undertake the EIA phase of the process.

3.3. Legislation and guidelines that have informed the preparation of this report

The scope and content of this Draft Scoping Report has primarily been informed by the following legislation and guidelines:

- » National Environmental Management Act (NEMA), Act 107 of 1998;
- » EIA Regulations, published under Chapter 5 of the NEMA (GN R385, GN R 386 and GN R387 in Government Gazette 28753 of 21 April 2006);
- » Guidelines published in terms of the NEMA EIA Regulations, in particular:
 - * Guideline 3: General Guide to Environmental Impact Assessment Regulations, 2006 (DEAT, June 2006);

- * Guideline 4: Public Participation in support of the Environmental Impact Assessment Regulations, 2006 (DEAT, May 2006);
- * Guideline 5: Assessment of alternatives and impacts in support of the Environmental Impact Assessment Regulations, 2006 (DEAT, June 2006);

Several other Acts, standards or guidelines have also informed the scope of issues to be addressed in the EIA (particularly in terms of the scope and methodology of specialist studies). An initial listing of such legislation is provided in Table 3.1. A more detailed review of legislative requirements applicable to the specialist studies and this EIA process will be undertaken in the EIA phase.

Table 3.1: Initial review of relevant policies, legislation, guidelines and standards applicable to the Mokopane Integration Project EIA

Legislation	Applicable Sections
Constitution of the Republic of South Africa (Act No 108 of 1996)	<ul style="list-style-type: none"> » Bill of Rights (S2) » Environmental Rights (S24) – i.e. the right to an environment which is not harmful to health and well-being » Rights to freedom of movement and residence (S22) » Property rights (S25) » Access to information (S32) » Right to just administrative action (S33)
National Environmental Management Act (Act No 107 of 1998)	<ul style="list-style-type: none"> » Strategic environmental management goals and objectives of the government applicable throughout the Republic to the actions of all organs of state that may significantly affect the environment (S2) » NEMA EIA Regulations (GN R385, 386 & 387 of 21 April 2006) (Chapter 5) » Duty of Care (S28) requiring that reasonable measures are taken to prevent pollution or degradation from occurring, continuing or recurring, or, where this is not possible, to minimise & rectify pollution or degradation of the environment » Procedures to be followed in the event of an emergency incident which may impact on the environment (S30)
National Heritage Resources Act (Act No 25 of 1999)	<ul style="list-style-type: none"> » Stipulates assessment criteria and categories of heritage resources according to their significance (S7) » Provides for the protection of all archaeological and palaeontological sites, and meteorites (S35)

Legislation	Applicable Sections
	<ul style="list-style-type: none"> » Provides for the conservation and care of cemeteries and graves by SAHRA where this is not the responsibility of any other authority (S36) » Requires the compilation of a Conservation Management Plan as well as a permit from SAHRA for the presentation of archaeological sites as part of tourism attraction (S44)
Conservation of Agricultural Resources Act (Act No 43 of 1983)	<ul style="list-style-type: none"> » Prohibition of the spreading of weeds (S5) » Classification of categories of weeds & invader plants (Regulation 15 of GN R1048) » Requirement to implement control measures for alien and invasive plant species (Regulation 15E of GN R1048)
National Water Act (Act No 36 of 1998)	<ul style="list-style-type: none"> » Duty of Care to prevent and remedy the effects of pollution to water resources (S19) » Procedures to be followed in the event of an emergency incident which may impact on a water resource (S20)