

COMMENTS & RESPONSES REPORT

Eskom Dagbreek Bypass Project

COMMENT RECEIVED ON THE DRAFT BAR

Distributed for a 30-day commenting period (31 July 2017 – 4 September 2017)

Department of Environmental Affairs: Chief Director – Integrated Environmental Authorisations: Mr Sabelo Malaza Enquiries to Mr Vincent Chauke

Comment on the Draft BAR

- a. All relevant listed activities must be applied for.
- b. A full description of the public participation process followed must be provided in the Final BAR in terms of the EIA Regulations 2014, as amended.
- c. The EMPr is not a generic document and must incorporate a good quality final layout plan. The EMPr must comply with Appendix 4 of the EIA Regulations, 2014 as amended.
- d. All comments received on the Draft BAR must be included in the Final BAR.
- e. Proof of correspondence with stakeholders must be included in the final BAR as well as attempts made to obtain comment.
- f. The public participation must be conducted in terms of the EIA Regulations 2014, as amended.
- g. The BAR must include the period for which environmental authorisation is required and the date on which the activity will be concluded.
- h. The Final BAR must include an undertaking under oath or affirmation (administered by a Commissioner of Oaths) by the EAP.

General

- Regulation 19(1)(a) must be complied with.
- Should there be any significant changes or new information that has been added to the BAR or EMPr, stipulations as per Regulation 19(1)(b) should be followed.
- The final report to be submitted to the Department must comply with all the requirements of Appendix 1 of the EIA Regulations 2014, as amended.
- No activity may commence prior to an EA being granted by the Department.

Response from Landscape Dynamics

Comment on Draft BAR

- a. *Only one listed activity is applicable to this project, namely Listing Notice 1, item 11 (also refer to Section A.1(b) of this Final BAR.*
- b. *A full description of the public participation process followed is included under Section C of this Final BAR. All stipulations as per the EIA Regulations 2014, as amended have been followed.*
- c. *The EMPr was amended to include limited site specific mitigation measures and certain mitigation measures that weren't applicable to this project were deleted. A final layout plan is included. Please note that certain aspects of the EMP are applicable to all projects, i.e. Roles & Responsibilities and general mitigation measures to protect fauna, flora and water sources. The Dagbreek Bypass Project is a very small project and will take place in a highly disturbed environment and very little impact is foreseen. The application of general mitigation measures as provided in the EMP should however ensure the protection of the biophysical (even highly disturbed) and social environments.*

- d. All comment received on the Draft BAR is adequately addressed under Section C in this Final BAR.
- e. Proof of correspondence, and attempts made to obtain comment, are all included under Appendix E of this Final BAR.
- f. The public participation process was conducted in terms of Regulation 39 to 44 of the EIA Regulations 2014, as amended.
- g. This information is supplied under Section E "Recommendation of Practitioner" of this Final BAR where it is stated that the period for which the EA is required is 10 years. It is unknown at this stage when exactly construction will commence so it is not possible to state on which date the activity will be concluded. Construction should however commence within the validity period of the EA.
- h. An affirmation is included under Section E of this Final BAR. Please note that, according to the EIA Regulations 2014, as amended, an affirmation does not need to be administered by a Commissioner of Oaths.

General

- All timeframes as per Regulation 19(1)(a) were complied with.
- No significant changes or new information has been added to the BAR and another public participation process is not required.
- All the requirements as per Appendix 1 of the EIA Regulations 2014, as amended are being adhered to.
- No activity will commence prior to an EA being granted by the Department.

Western Cape Department of Environmental Affairs & Development Planning: Head of Department: Mr D Matthews

- The listed notices as contained in GN 327, 325 and 324 should be consulted and all activities should be included. It must be indicated on how the impact of the additional activities has been adequately addressed and all IAPs must be informed of any new listed activities that may have been triggered.
- Clarity is required in terms of the applicability of Activity 11 as listed in the BAR since the activity excludes the development of bypass infrastructure that is 2km or shorter in length.
- The Final BAR must contain all information as per Appendix 1 of GN 326.
- The activity may not commence prior to the EA being issued.

Response from Landscape Dynamics

- This Application was made in August 2017 and the April 2017 amended listing notices was applied.
- Activity 11 states that the following is excluded:
 - (a) temporarily required to allow for maintenance of existing infrastructure;
 - (b) 2 kilometres or shorter in length;
 - (c) within an existing transmission line servitude; AND
 - (d) will be removed within 18 months of the commencement of development.

The word AND means that all for exclusions should apply and not only one. This activity is definitely applicable to this project.

- The Final BAR does contain all information as per Appendix 1 of GN 326.
- The activity will not commence prior to the EA being issued.
- The DEADP confirmed in an email dated 8 September 2017 that above-mentioned interpretation is acceptable to them.

CapeNature: Manager (Scientific Services): Alana Duffell-Canham

1. The area in which the proposed bypass is located was historically covered by Atlantis Sand Fynbos with Swartland Shale Renosterveld occurring nearby. Most of the proposed powerline servitude has been previously ploughed however, it must be noted that several Species of Conservation Concern (SCC) have been identified in the road and railway reserves close to the bypass site.
2. CapeNature does not object to the proposed bypass provided that it is not located further to the south-west than indicated in Appendix A. Even though we agree that the likelihood of SCC occurring within the disturbance footprint of the bypass is low, no clearing of vegetation should take place without the supervision of the ECO who must ensure that only invasive alien vegetation is removed and that SCC are not accidentally or intentionally removed.
3. The Environmental Management Programme (EMPr) is quite generic and we recommend removing some of the generic mitigation measures that are not applicable to this site so that the site-specific mitigation measures are given greater emphasis.
4. CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.

Response from Landscape Dynamics

1. *The BAR was amended to reflect this statement.*
2. *The power line will not be constructed outside of the proposed route corridor. This stipulation is included in the EMP*
3. *The EMPr was amended to include limited site specific mitigation measures and certain mitigation measures that weren't applicable to this project were deleted. Please note that certain aspects of the EMP are applicable to all projects, i.e. Roles & Responsibilities and general mitigation measures to protect fauna, flora and water sources. The Dagbreek Bypass Project is a very small project and will take place in a highly disturbed environment and very little impact is foreseen. The application of general mitigation measures as provided in the EMP should however ensure the protection of the biophysical (even highly disturbed) and social environments.*
4. *Comment noted.*

Heritage Western Cape: Mr Andrew September

- They received the Notification of Intend to Developed and commented that there is no reason to believe that the proposed power line will impact on heritage resources and no further action is therefore required.
- However, should any heritage resources, including evidence of graves and human burials, archaeological material and paleontological material be discovered during the execution of the activities, all works must be stopped immediately and Heritage Western Cape must be notified without delay.

Response from Landscape Dynamics

- *Comment noted*
- *It is stipulated as such in the EMP.*

Drakenstein Municipality: Personal Assistant to the Municipal Manager: Ms Melany Brown

Ms Brown acknowledges receipt of the email (distribution of the Draft BAR) on behalf of the Municipal Manager, Mr Johan Leibbrandt

Response from Landscape Dynamics

- *Even though a hard copy of the Draft BAR was send via courier to the Municipal Manager, no further comment from the Drakenstein Municipality was received.*

Western Cape Transport and Public Works: Head of Office: Head of Department: Sharonette Webb-Olivier

The email that was sent out by Landscape Dynamics where the Draft BAR was distributed for comment had the wrong attachments and another email was sent to rectify this mistake.

Ms Webb-Olivier acknowledged receipt thereof.

Response from Landscape Dynamics

- *No further comment from the Department was received.*

Hermon Landbouvereeniging: Mr Johan Strauss

Mr Straus informed Landscape Dynamics that the wrong documents were attached to the email.

Response from Landscape Dynamics

- *The correct documents and addendums were emails to Mr Straus*
- *No further comment was received.*

(Adjacent landowner) Mr P L Bester, Portion 6 of the Farm Botmaskloof 661, Malmesbury

Mr Bester contacted Landscape Dynamics telephonically and requested that the location and route maps be emailed to him.

Response from Landscape Dynamics

- *The maps were emailed to Mr Bester and no further comment was received.*
