

Appendix 12: Comments and Responses Report (CRR)

EMKHIWENI SUBSTATION AND 400KV LINE FROM EMKHIWENI SUBSTATION TO SILIMELA

Comments and Responses Report

May 2018

Draft

Prepared for: Eskom Holdings (SOC) Ltd



Environmental, Social and OHS Consultants

P.O. Box 1673 147 Bram Fisher Drive Tel: 011 781 1730
Sunninghill Ferndale Fax: 011 781 1731
2157 2194 Email: info@nemai.co.za

1 PURPOSE OF THIS DOCUMENT

This Comments and Responses Report (CRR) summarises the correspondence received by Interested and Affected Parties (IAPs) and Organs of State, completed via the Reply Forms, Comments Sheets, letters, faxes and emails. This report captures all the significant issues and queries raised, any statements that were made, and a record of all IAPs that registered. This report also attempts to address every comment through responses and input provided by the project team.

2 PUBLIC PARTICIPATION – SCOPING PHASE

Nemai Consulting commenced with public notification in April 2018 in which the direct and adjacent landowners, key regulatory authorities, stakeholders and the public were informed of the proposed Emkhiweni Substation and 400KV Line from Emkhiweni Substation to Silimela. An IAP database was developed by identifying any interested and/or affected person which includes the following:

- Directly Adjacent Landowners/Occupiers
- Relevant Organs of State/Authorities, including:
 - DEA
 - Limpopo Department of Economic Development, Environment and Tourism (LEDET)
 - Mpumalanga Department of Economic Development, Environment and Tourism
 - Department of Roads and Transport (Mpumalanga and Limpopo)
 - DAFF – Mpumalanga and Limpopo Regional Office
 - DWS – Mpumalanga and Limpopo Regional Office
 - South African Heritage Resource Authority (SAHRA)
 - Provincial Heritage Resources Authority - Mpumalanga and Limpopo
 - Steve Tshwete, Elias Motsoaledi and Ephraim Mogale LM's
 - Mayor and City Manager
 - Roads and Stormwater
 - Electricity
 - Environmental
 - Ward Councillors
- Other Organs of State that may bear interest in the project
- Stakeholders and the affected service providers affected by the development
- Game Farms in the surrounding area
- Businesses in the surrounding area

IAPs identified in the IAP Database were notified via a Background Information Document (BID). The BID contained a brief overview of the project, a locality map, an overview of how the Scoping and EIA Process works, and the details on how a person can register as an IAP. In order to ensure all other possible IAPs (that were potentially not identified on the database) were notified and informed about the project, site notices were placed around the site area on road intersections fences and newspaper adverts were placed in several local newspapers.

The Draft Scoping Report was made available for the public and authorities to review and provide further comments on during the 30-Day Draft Scoping Report review period which took place from 16 April 2018 to 17 May 2018. The comments received from IAPs during the Draft Scoping Report review period have been considered and included in the Final Scoping Report.

3 PUBLIC PARTICIPATION – EIA PHASE

The CRR is continuously updated throughout the process and thus registered IAPs will have a chance to review this CRR during the 30-Day public and authority review period of the Draft EIA Report. Again, the public and authorities will be provided with the Final EIA Report in which further comments received by registered IAPs (as well as the minutes of the Public Meetings) will be forwarded to the relevant DEA Official to consider when making the decision whether to grant Environmental Authorisation (EA) or not.

4 COMMENTS AND RESPONSES

The CRR has captured all comments received in writing and has captured all action items that have been recorded in minutes of any meetings. The project team have also provided a response to each comment which may provide clarity on a query or may provide a resolution to an issue/concern. IAPs must engage with the EAP if they feel their comments have not been addressed accurately. The CRR for the proposed Emkhiweni Substation and 400KV Line from Emkhiweni Substation to Silimela has been separated into the following main categories, based on comments received:

1. Registration of IAPs;
2. General Enquiries; and
3. Comments from Authorities.

4.1 Registration of IAPs

A record of all IAPs that registered are included in **Table 1** below.

Table 1: Registration of IAPs

No.	Comment/Query	Raised by	Source and Date	Response
1.1.	Registered as an IAP.	Lucas de Clercq Rietfontein Distrik Middelburg	Reply Form 10/04/2018	Added to Database
1.2.	Registered as an IAP. Refer to Table 2 for further comments.	Danny Private	Email 13/04/2018	Added to Database
1.3.	Registered as an IAP.	Bernard Enslin SERVITUDEWATCH CC	Email and Reply Form 02/05/2018	Added to Database

4.2 General Enquiries

Refer to **Table 2** below for the general enquires raised by registered IAPs.

Table 2: General enquires

No.	Comment/Query	Raised by	Source and Date	Response
2.1	I think this is a good idea because I believe the power line would be very useful in future changes and also opening employment opportunities and i would love to know your employment stream for some of us who stay here at Middelburg and have interest in working there in case the construction	Private Danny	Email 13/04/2018	Thank you for your email. We will include your comments into the Final Report, and I will ensure you are added to the Database.

No.	Comment/Query	Raised by	Source and Date	Response
	starts, please feel free to contact me anytime my number is [REDACTED] my name is Danny alternative you can use email address ([REDACTED])			

4.3 Comments from Authorities

Refer to **Table 3** below for the comments raised by organs of state.

Table 3: Comments from Authorities

No.	Comment/Query	Raised by	Source and Date	Response
3.1.	<p>Acknowledgement of Receipt of Application Form.</p> <p>Reference Number assigned for the project: 14/12/16/3/3/2/1063</p> <p>The Department confirms having received the Application for Environmental Authorisation and Draft Scoping Report for the abovementioned project on 13 April 2018. You have submitted these documents to comply with the Environmental Impact Assessment (EIA) Regulations, 2014, as amended.</p> <p>Please take note that Regulation 40(3) of the EIA Regulations, 2014, as amended, which stated that potential Interested & Affected Parties, including the Competent Authority, may be provided with an opportunity to comment on reports and plans contemplated in Regulation 40(1) of the EIA Regulations, as amended, prior to the submission of an</p>	<p>Department of Environmental Affairs (DEA):</p> <p>Azrah Essop</p> <p>012 399 8529</p> <p>aessop@environment.gov.za</p>	<p>Letter</p> <p>16/04/2018</p>	<p>Acknowledgment received. It was confirmed with Azrah on 17/04/2018 that DEA received the original signed Application Form and thus we do not need to submit the original declarations as per the letter.</p> <p>Reference Number to be included on future email notification to IAPs.</p>

No.	Comment/Query	Raised by	Source and Date	Response
	<p>application but must be provided an opportunity to comment on such reports once an application has been submitted to the Competent Authority.</p> <p>Note that in terms of Regulation 45 of the EIA Regulations, 2014, as amended, this application will lapse if the applicant fails to meet any of the time-frames prescribed in terms of these Regulations, unless an extension has been granted by the Department in terms of Regulation 3(7) of the EIA Regulations, 2014, as amended.</p> <p>All documentation delivered to the physical address contained in this form must be delivered during the official Departmental Officer Hours which are available on the Departmental Website (https://www.environment.gov.za/contacts/national_office). No faxed and e-mailed applications; applications delivered to Security or applications placed in the Departmental Tender Box will be accepted.</p> <p>Kindly note, that you have not attached original signed documentation under Appendix 8 and 9 of the application form and are required to submit this in hard copy to our offices. For future reference, please ensure that the application form is placed at the front of all new applications submitted to the Department and not as an appendix within the document.</p> <p>You are hereby reminded of Section 24F of the National Environmental Management Act, Act No. 107 of 1998, as amended, that no activity may commence prior to an Environmental Authorisation being granted by the Department.</p>			
3.2.	I'm councillor Phorothoe of ward 12 Elias Motsoaledi Local Municipality in Sekhukhune District of Limpopo. Does this involve or concerns me or	Councillor Phorothoe	Email 11/04/2018	The proposed powerline passes through a section of your ward (Ward 12) and therefore

No.	Comment/Query	Raised by	Source and Date	Response
	does it need my response ma'am?	Elias Motsoaledi Municipality: Ward 12		we must inform all Councillors affected. If you would like to provide comments on the proposed powerline project, you are more than welcome to send them through to me. You will be informed of any public meetings that take place as well as the opportunity to comment on reports in future.
3.3.	Please remove me from your I&AP list. Your PPP will form part of your report which you will submit to the Department for comments and decision-making, therefore you don't have to send these emails to the Department.	DEA: Wayne Hector	Email 11/04/2018	Removed from IAP Database.
3.4.	You are kindly requested to send an unsecured CD of the draft scoping report (Emkhiweni substation and 400kV line from Emkhiweni substation to Silimela) to DEA: biodiversity and conservation.	DEA: Biodiversity and Conservation	Email 16/04/2018	A CD was submitted to the DEA: Biodiversity and Conservation Unit on 17/04/2018.
3.5.	<p>The application form and draft Scoping Report (SR) dated April 2018, received by this Department on 13 April 2018 refers.</p> <p>This Department has the following comments on the abovementioned application:</p> <p>Alternatives</p> <ul style="list-style-type: none"> Please provide a description of any identified alternatives for the proposed activity that are feasible and reasonable, including the advantages and disadvantages that the proposed activity or alternatives will have on the environment and on the community that may be affected by the activity as per Appendix 2, (2) (1) (h) (i-xi), of GN R.982 of 2014, as amended. Alternatively, you should submit written proof of an investigation and motivation if no reasonable or feasible alternative exist as per 	<p>DEA: Mr Thando Boo</p> <p>012 399 9387</p> <p>TBooi@environment.gov.za</p>	<p>Letter 09/05/2018</p>	<p>Alternatives</p> <p>Refer to Appendix 13 of the Scoping Report for the letter by Eskom which explains the proof of an investigation and motivation for why no reasonable or feasible alternative exist as per the requirements of Appendix 2, (2) (1) (h) (x).</p> <p>Refer to Section 5 of the Scoping Report for the coordinates of the powerline in degrees, minutes and seconds (from the start of the activity, midpoint and the end point of the activity). Refer to Appendix 4 of the Scoping Report for the list of coordinates of the tower</p>

No.	Comment/Query	Raised by	Source and Date	Response
	<p>the requirements of Appendix 2, (2) (1) (h) (x).</p> <ul style="list-style-type: none"> Please provide coordinates of both the preferred power line route alternative as well as proposed other alternative route in degrees, minutes and seconds from the start of the activity, midpoint and the end point of the activity. <p>Impacts Assessment This Department requests the EAP to familiarise themselves with the requirements of Appendix 2 of GNR 982 of the EIA Regulations, 2014 (as amended) and ensure that the final SR submitted to this Department for consideration meets the requirements in terms of identifying, assessing and providing mitigation measures of the impacts on the alternatives and preferred site</p> <p>Maps <u>A3 Layout map</u></p> <ul style="list-style-type: none"> A detailed site layout must be prepared incorporating all the alternatives (preferred and other proposed alternatives). It must be attached as Appendix 3 of the final Scoping Report (FSR). The site or route plans must indicate the following: <ul style="list-style-type: none"> The property boundaries and numbers of all the properties within 50 metres of the site; The current land use as well as the land use zoning of the site and the properties adjoining the site; The exact position of each listed activity applied for (including alternatives); A legend explaining the contents of the map; and A north arrow. It has been noted that the proposed substation and powerlines were authorized in 2011, however, the Environmental Authorisation 			<p>positions along the proposed line.</p> <p>No coordinates are provided for any alternatives as there are no feasible alternatives.</p> <p>Impacts Assessment The requirements for Appendix 2 of the 2014 EIA Regulations (as amended) are listed in Section 1 and Table 1 (Document Roadmap). The requirements of Appendix 2, applicable to this comment, are as follows: A full description of the process followed to reach the proposed preferred activity, site and location within the site, including: (v)The impacts and risks which have informed the identification of each alternative including the nature, significance, consequence, extent, duration and probability of such identified impacts, including the degree to which these impacts can be reversed, may cause irreplaceable loss of resources; and can be avoided, managed or mitigated; (vii)Positive and negative impacts that the proposed activity and alternatives will have on the environment and on the community that may be affected focusing on the geographical, physical, biological, social, economic, heritage and cultural aspects. (vii)The possible mitigation measures that could be applied and level of residual risk.</p>

No.	Comment/Query	Raised by	Source and Date	Response
	<p>(EA) lapsed. Therefore, you are requested to show the approved route and substation location on the map, taking into consideration areas where there will be deviation from the approved route.</p> <p>A3 Sensitivity Map</p> <ul style="list-style-type: none"> • The layout/route plan as indicated above must be overlain with a sensitivity map that indicates all the sensitive areas associated with the site, including, but not limited to: <ul style="list-style-type: none"> • Watercourses; • The 1:100 year flood line (where available or where it is required by the Department of Water and Sanitation: DWS); • Ridges; • Cultural and historical features; • Areas with indigenous vegetation (even if it is degraded or infested with alien species); • Critical biodiversity areas; • Build up areas; and • No-go areas (if any). • The sensitivity map must not only overlay the sensitivity of the preferred site, however; must also include all the identified alternatives and the existing infrastructure. <p>Public Participation Process</p> <ul style="list-style-type: none"> • Please ensure that all the issues raised and comments received during the circulation of the SR from registered I&APs and organs of the state which have jurisdiction (inclining this Departments Biodiversity Section) in respect of the proposed activity are 			<p>Section 14 (Environmental Issues), Table 15 and 16, and Section 16 (Plan of Study for EIA) of the Scoping Report include the potential impacts that the project may have and the recommended Specialist Studies to be undertaken in the EIA Phase to assess and identify the exact impacts, and propose the relevant mitigation measures for these impacts.</p> <p>Maps</p> <p>The route plans are contained in Appendix 3, as per DEAs requirements. However, no feasible alternatives are available for inclusion in the assessment, and thus no alternatives are displayed on the maps. Refer to Appendix 13 of the Scoping Report for the letter by Eskom which explains the proof of an investigation and motivation for why no reasonable or feasible alternative exist.</p> <p>A map showing the previously approved route and substation, in relation to the deviation of the proposed route and substation) is included in Appendix 3 of the Scoping Report.</p> <p>The sensitivity map in Appendix 3 of the Scoping Report is based on desktop information, a more detailed sensitivity map will be developed in the EIA Phase with</p>

No.	Comment/Query	Raised by	Source and Date	Response
	<p>adequately addressed in the final SR.</p> <ul style="list-style-type: none"> • Proof of correspondence with the various stakeholders must be included in the final SR, should you be unable to obtain comments, proof of the attempts that were made to obtain comments must be submitted to the Department. • The Public Participation Process must be conducted in terms of Regulation 39, 40, 41, 42, 43, & 44 of the EIA Regulations 2014, as amended. <p><u>General Comments</u></p> <ul style="list-style-type: none"> • You are further reminded that the final SR to be submitted to this Department must comply with all the requirements in terms of the scope of assessment and content of Scoping reports in accordance with Appendix 2 and Regulation 21(1) of the amended EIA Regulations, 2014. • Further note that in terms of Regulation 45 of the EIA Regulations 2014, this application will lapse if the applicant fails to meet any of the timeframes prescribed in terms of these Regulations, unless an extension has been granted by the Department in terms of Regulation 3(7). • You are hereby reminded of Section 24F of the National Environmental Management Act, Act No. 107 of 1998, as amended, that no activity may commence prior to an Environmental Authorisation being granted by the Department. 			<p>delineated sensitive areas by the Specialist Studies. For example, the delineated areas of indigenous vegetation can only be investigated by the Terrestrial Ecological Specialist in the EIA Phase. No feasible alternatives are available for inclusion in the assessment, and thus no alternatives are displayed on the maps. Refer to Appendix 13 of the Scoping Report for the letter by Eskom which explains the proof of an investigation and motivation for why no reasonable or feasible alternative exist.</p> <p>The 1:100 floodline will be sourced and delineated for the application to DWS, when the Water Use License Application (WULA) proceeds.</p> <p><u>Public Participation Process</u> All comments received during the review period of the Draft Scoping Report are included in Appendix 12 (Comments and Responses Report).</p> <p>Refer to Appendix 14 of the Scoping Report for comments received during the review period of the Draft Scoping Report.</p> <p>The Public Participation Process has been conducted in terms of Regulation 39, 40, 41, 42, 43, & 44 of the EIA Regulations 2014, as</p>

No.	Comment/Query	Raised by	Source and Date	Response
				amended. General The Scoping Report has complied with the requirements of Appendix 2 and Regulation 21(1) of the amended EIA Regulations, 2014.
3.6.	<p>We acknowledge and note the receipt of your scoping report regarding eMakhazeni substation and 400kv line from Emkhiweni to Silimela Mpumalanga Province</p> <p>The MHRA reserves the comment on the above until receipt of a comprehensive Environment Assessment report which will include the Heritage Impact Assessment (HIA).</p> <p>Assessments reports must be uploaded on www.sahra.org.za/sahris for comments</p>	<p>Mpumalanga Heritage Resource Authority: Ms LL Mokoena 013 766 5196</p>	<p>Letter 11/05/2018</p>	<p>The HIA will be submitted for comment with the EIA Report in the EIA Phase. The HIS will also be uploaded to the SAHRA system.</p>
3.7.	<p>This refers to your letter with project number 106743.</p> <p>The proposed project should adhere to the regulations of Conservation of Agricultural Resources Act 43 of 1983, (CARA) with special attention to the following:</p> <p>(1) Regulation 7: Utilization and Protection of vleis, marshes, water sponges and water courses. -Except on authority with written permission by the executive office, no land user shall: - (a) drain or cultivate any vlei, marsh or water sponge or a portion thereof on his farm unit or (b) cultivate any land on his farm unit within the flood area of a water course or within 10 metres horizontally outside the flood area of a water</p>	<p>Department of Agriculture, Forestry and Fisheries (DAFF): Nkopodi Kgobalale</p> <p>015 287 9946/0</p> <p>StevenK@nda.agric.za</p>	<p>Letter 18/04/2018</p>	<p>The Regulations of CARA stated are acknowledged.</p> <p>An Agricultural Impact Assessment has been recommended in the Plan of Study for the EIA which will assess the high and medium potential agricultural soils affected by the proposed powerline and substation.</p>

No.	Comment/Query	Raised by	Source and Date	Response
	<p>course. (2) Regulation 8: Regulating of the flow pattern of run-off water. - No land user shall in any manner whatsoever divert any run-off water from a water course on his farm unit to any other watercourse, except on authority of a written permission by the executive officer.</p> <p>The applicant's should also note that the High and medium potential agricultural soils should be identified and no disturbance on those soils should occur without written permission from this office.</p> <p>The directorate has no objection against the proposed project on the above mentioned farm provided the above stated conditions and other provisions of the regulations of the Act are adhered to.</p>			