



forestry, fisheries & the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

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DFFE Reference: 14/12/16/3/3/2/2120

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PER E-MAIL

Dear Ms Guy

COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT ASSESSMENT REPORT FOR THE PROPOSED DEVELOPMENT OF THE KOUP 1 WIND ENERGY FACILITY (WEF) AND ASSOCIATED INFRASTRUCTURE NEAR BEAUFORT WEST IN THE WESTERN CAPE PROVINCE

The draft Environmental Impact Assessment Report (EIAR) dated September 2021 and received by this Department on 29 April 2022, refers.

This Department has the following comments on the abovementioned application:

(a) Specific comments

- (i) Please provide a concise, but complete, summary and bullet list of the project description and associated infrastructure (or project scope) to be included in the decision (or as it should appear in the decision), should a positive Environmental Authorisation be granted. This must include a list of all development components and associated infrastructure.
- (ii) The EIAR must clearly provide a detailed section which addresses the site sensitivity verification requirements where a specialist assessment is required but no specific assessment protocol has been prescribed as well as the site sensitivity verification and minimum report content requirements for all specialist assessments undertaken which was included in the screening tool report.
- (iii) The final EIAR must comply with all conditions of the acceptance of the scoping report and must address all comments contained in the FSR and this letter.
- (iv) The recommendations provided by the specialist reports must be considered and used to inform the preferred layout.
- (v) All associated infrastructure must be clearly indicated in the EIAR and its associated layout plans.
- (vi) The EAP must identify and provide a map which shows this development and its associated infrastructure in relation to other proposed facilities in the area.
- (vii) All specialist studies must be final, and provide detailed/practical mitigation measures for the preferred alternative and recommendations, and must not recommend further studies to be completed post EA.

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- (viii) Please ensure that all mitigation recommendations are in line with applicable and most recent guidelines.
- (ix) The final EIAr must provide the technical details of the proposed facility in a table format as well as their description and/or dimensions.
- (x) The EIAr must contain a detailed process flow of how the facility will operate and all components required once operational.
- (xi) The EAP must clearly identify and provide a final list of all applicable listed activities. If any activities are to be removed, motivation for their removal must be included in the EIAr.

(b) Listed Activities

- (i) Please ensure that all relevant listed activities are applied for, are specific and can be linked to the development activity or infrastructure as described in the project description. Only activities applicable to the development must be applied for and assessed.
- (ii) If the activities applied for in the application form differ from those mentioned in the final EIAr, an amended application form must be submitted. Please note that the Department's application form template has been amended and can be downloaded from the following link <https://www.environment.gov.za/documents/forms>.
- (iii) It is imperative that the relevant authorities are continuously involved throughout the basic assessment process as the development property possibly falls within geographically designated areas in terms of numerous GN R. 985 Activities. Written comments must be obtained from the relevant authorities and submitted to this Department. In addition, a graphical representation of the proposed development within the respective geographical areas must be provided.
- (iv) The EIAr must provide an assessment of the impacts and mitigation measures for each of the listed activities applied for.

(c) Public Participation

- (i) Please ensure that comments from all relevant stakeholders are submitted to the Department with the final EIAr. This includes but is not limited to the Western Cape Department of Environmental Affairs and Development Planning (WC DEADP), the provincial Department of Agriculture, the Provincial Department of Transport, the Central Karoo District Municipality, the Beaufort West and Prince Albert Local Municipalities, the Department of Water and Sanitation (DWS), the South African Heritage Resources Agency (SAHRA), the Department of Rural Development and Land Reform (DRDLR), and the Department of Forestry, Fisheries and the Environment: Directorate Biodiversity.
- (ii) Please ensure that all issues raised and comments received during the circulation of the draft EIAr from registered I&APs and organs of state which have jurisdiction in respect of the proposed activity are adequately addressed in the final EIAr.
- (iii) Proof of correspondence with the various stakeholders must be included in the final EIAr. Should you be unable to obtain comments, proof should be submitted to the Department of the attempts that were made to obtain comments.
- (iv) A Comments and Response trail report (C&R) must be submitted with the final EIAr. The C&R report must incorporate all comments for this development. The C&R report must be a separate document from the main report and the format must be in the table format as indicated in Appendix 1 of this letter. Please refrain from summarising comments made by I&APs. All comments from I&APs must be copied verbatim and responded to clearly. Please note that a response such as "noted" is not regarded as an adequate response to I&AP's comments.
- (v) Comments from I&APs must not be split and arranged into categories. Comments from each submission must be responded to individually.
- (vi) The Public Participation Process must be conducted in terms of Regulation 39, 40, 41, 42, 43 & 44 of the EIA Regulations, 2014, as amended.

(d) Alternatives

- (i) Please provide a clear description of each of the preferred alternatives and provide a detailed assessment and motivation on why it is preferred. This must include the advantages and disadvantages that the proposed activity or alternatives will have on the environment and on the community.

(e) Layout & Sensitivity Maps

- (i) The final EIAR must provide coordinate points for the proposed development site (note that if the site has numerous bend points, at each bend point coordinates must be provided) as well as the start, middle and end point of all linear activities.
- (ii) A copy of the final layout map must be submitted with the final EIAR. All available biodiversity information must be used in the finalisation of the layout map. Existing infrastructure must be used as far as possible, e.g. roads. The layout map must indicate the following:
 - a) The envisioned area for the infrastructure, i.e. placing of infrastructure and all associated infrastructure should be mapped at an appropriate scale.
 - b) Location of turbines;
 - c) All supporting onsite infrastructure required such as laydown areas, roads etc. (existing and proposed);
 - d) Substation(s) and/or transformer(s) sites including their entire footprint;
 - e) Connection routes (including pylon positions) to the distribution/transmission network; and
 - f) All necessary details regarding all possible locations and sizes of the infrastructure.
 - g) All existing infrastructure on the site, especially internal road infrastructure.
- (iii) Please provide an environmental sensitivity map which indicates the following:
 - a) The location of sensitive environmental features on site, e.g. CBAs, protected areas, heritage sites, wetlands, drainage lines etc. that will be affected by the facility and its associated infrastructure;
 - b) Buffer areas; and
 - c) All “no-go” areas.
- (iv) The above layout map must be overlain with the sensitivity map and a cumulative map which shows existing infrastructure.
- (v) Google maps will not be accepted.

(f) Specialist assessments

- (i) The final EIAR and all the attached specialist studies must indicate and adequately assess a consistent number of turbines.
- (ii) The EAP must ensure that the terms of reference for all the identified specialist studies include the following:
 - a) A detailed description of the study’s methodology; indication of the locations and descriptions of the development footprint, and all other associated infrastructures that they have assessed and are recommending for authorisation.
 - b) Provide a detailed description of all limitations to the studies. All specialist studies must be conducted in the right season and providing that as a limitation will not be allowed.
 - c) Please note that the Department considers a ‘no-go’ area, as an area where no development of any infrastructure is allowed; therefore, no development of associated infrastructure including access roads is allowed in the ‘no-go’ areas.
 - d) Should the specialist definition of ‘no-go’ area differ from the Department’s definition; this must be clearly indicated. The specialist must also indicate the ‘no-go’ area’s buffer if applicable.
 - e) **All specialist studies must be final, and provide detailed/practical mitigation measures for the preferred alternative and recommendations, and must not recommend further studies to be completed post EA.**

- f) **Bird and Bat specialist studies must have support from Birdlife South Africa and SABAA.**
- g) Should a specialist recommend specific mitigation measures, these must be clearly indicated.
- (iii) Should the appointed specialists specify contradicting recommendations, the EAP must clearly indicate the most reasonable recommendation and substantiate this with defensible reasons; and where necessary, include further expert advice.
- (iv) Please ensure that all mitigation recommendations are in line with applicable and most recent guidelines.
- (v) It is further brought to your attention that Procedures for the Assessment and Minimum Criteria for Reporting on identified Environmental Themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998, when applying for Environmental Authorisation, which were promulgated in Government Notice No. 320 of 20 March 2020 (i.e. "the Protocols"), and in Government Notice No. 1150 of 30 October 2020 (i.e. protocols for terrestrial plant and animal species), have come into effect. **Please note that specialist assessments must be conducted in accordance with these protocols.**
- (vi) As such, the Specialist Declaration of Interest forms must also indicate the scientific organisation registration/member number and status of registration/membership for each specialist.

(g) Cumulative Assessment

- (i) If there are any other similar facilities within a 30km radius of the proposed development site, a cumulative impact assessment must be conducted for all identified and assessed impacts which must indicate the following:
 - a) Identified cumulative impacts must be clearly defined, and where possible the size of the identified impact must be quantified and indicated, i.e. hectares of cumulatively transformed land.
 - b) Detailed process flow and proof must be provided, to indicate how the specialist's recommendations, mitigation measures and conclusions from the various similar developments in the area were taken into consideration in the assessment of cumulative impacts and when the conclusion and mitigation measures were drafted for this project.
 - c) The cumulative impacts significance rating must also inform the need and desirability of the proposed development.
 - d) A cumulative impact environmental statement on whether the proposed development must proceed.

(h) The EMPr must include the following:

- (i) The EMPr must comply with Appendix 4 of the Environmental Impact Assessment Regulations, 2014, as amended.
- (ii) The EMPr must also include the following:
 - a) All recommendations and mitigation measures recorded in the EIAR and the specialist studies conducted.
 - b) The final site layout map.
 - c) Measures as dictated by the final site layout map and micro-siting.
 - d) An environmental sensitivity map indicating environmental sensitive areas and features identified during the EIA process.
 - e) A map combining the final layout map superimposed (overlain) on the environmental sensitivity map.
 - f) An alien invasive management plan to be implemented during construction and operation. The plan must include mitigation measures to reduce the invasion of alien species and ensure that the continuous monitoring and removal of alien species is undertaken.
 - g) A plant rescue and protection plan which allows for the maximum transplant of conservation important species from areas to be transformed. This plan must be compiled by a vegetation

- specialist familiar with the site and be implemented prior to commencement of the construction phase.
- h) A re-vegetation and habitat rehabilitation plan to be implemented during construction and operation. Restoration must be undertaken as soon as possible after completion of construction activities to reduce the amount of habitat converted at any one time and to speed up the recovery to natural habitats.
 - i) A traffic management plan to ensure that no hazards would result from the increased traffic and that traffic flow would not be adversely impacted. This plan must include measures to minimize impacts on local commuters.
 - j) A storm water management plan to be implemented during construction and operation. The plan must ensure compliance with applicable regulations and prevent off-site migration of contaminated storm water or increased soil erosion. The plan must include the construction of appropriate design measures that allow surface and subsurface movement of water along drainage lines so as not to impede natural surface and subsurface flows.
 - k) A fire management plan to be implemented during the construction.
 - l) An effective monitoring system to detect any leakage or spillage of all hazardous substances during their transportation, handling, use and storage. This must include precautionary measures to limit the possibility of oil and other toxic liquids from entering the soil or storm water systems.
 - m) Measures to protect hydrological features such as streams, rivers, pans, wetlands, dams and their catchments, and other environmental sensitive areas from construction impacts including the direct or indirect spillage of pollutants.

(i) Undertaking of an Oath

- (i) Please note that the final EIAR must have an undertaking under oath/affirmation by the EAP.
- (ii) Based on the above, you are therefore required to include an undertaking under oath or affirmation by the EAP (administered by a Commissioner of Oaths) as per Appendix 3 of the NEMA EIA Regulations, 2014, as amended, which states that the EIAR must include:
“an undertaking under oath or affirmation by the EAP in relation to:
(i) the correctness of the information provided in the reports;
(ii) the inclusion of comments and inputs from stakeholders and I&APs;
(iii) the inclusion of inputs and recommendations from the specialist reports where relevant; and
(iv) any information provided by the EAP to interested and affected parties and any responses by the EAP to comments or inputs made by interested and affected parties”.

(j) General

Please also ensure that the final EIAR includes the period for which the Environmental Authorisation is required and the date on which the activity will be concluded as per Appendix 3 of the NEMA EIA Regulations, 2014, as amended.

You are further reminded to comply with Regulation 23(1)(a) of the NEMA EIA Regulations, 2014, as amended, which states that: *“The applicant must within 106 days of the acceptance of the scoping report submit to the competent authority - (a) an environmental impact assessment report inclusive of any specialist reports, and an EMP, which must have been subjected to a public participation process of at least 30 days and which reflects the incorporation of comments received, including any comments of the competent authority.”*

Should there be significant changes or new information that has been added to the EIAR or EMP which changes or information was not contained in the reports or plans consulted on during the initial public participation process, you are required to comply with Regulation 23(1)(b) of the NEMA EIA Regulations, 2014, as amended, which states: *“The applicant must within 106 days of the acceptance of the scoping report submit to the*

competent authority – (b) a notification in writing that the reports, and an EMPr, will be submitted within 156 days of acceptance of the scoping report by the competent authority, or where regulation 21(2) applies, within 156 days of receipt of application by the competent authority, as significant changes have been made or significant new information has been added to the environmental impact assessment report or EMPr, which changes or information was not contained in the reports or plans consulted on during the initial public participation process contemplated in subregulation (1)(a) and that the revised environmental impact assessment report or EMPr will be subjected to another public participation process of at least 30 days”.

Should you fail to meet any of the timeframes stipulated in Regulation 23 of the NEMA EIA Regulations, 2014, as amended, your application will lapse.

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.

Yours sincerely



Ms Millicent Solomons

Acting Chief Director: Integrated Environmental Authorisations

Department of Forestry, Fisheries and the Environment

Signed by: Mr Coenrad Agenbach

Designation: Deputy-Director: Priority Infrastructure Projects

Date: 23 May 2022

cc:	Davin Chown	Genesis Enertrag Koup 1 Wind Farm (Pty) Ltd	E-mail: Parin.davin@genesis-eco.com
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Annexure 1

Format for Comments and Response Trail Report:

Date of comment, format of comment name of organisation/I&AP	Comment	Response from EAP/Applicant/Specialist
14/05/2021 Email Department of Forestry, Fisheries and the Environment: Priority Infrastructure Projects (John Soap)	Please record C&R trail report in this format Please update the contact details of the provincial environmental authority	EAP: (Noted) The C&R trail report has been updated into the desired format, see Appendix K EAP: Details of provincial authority have been updated, see page 16 of the Application form