



forestry, fisheries & the environment

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

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

DFFE Reference: 14/12/16/3/3/1/2354

Enquiries: Ms Constance Musemburi

Telephone: (012) 399 9416, E-mail: cmusemburi@environment.gov.za

Mr Andrew Woghiren
GA Environment (Pty) Ltd
PO Box 6723
Halfway House
MIDRAND
1685

Tel number: (011) 312 2537
Email address: environment@gaenvironment.com and
andrew@gaenvironment.com

PER MAIL / E-MAIL

Dear Mr Woghiren

COMMENTS ON THE DRAFT BASIC ASSESSMENT REPORT FOR THE PROPOSED UPGRADE OF NATIONAL ROAD R101 SECTION 8 FROM BELA-BELA (KM 0.0) TO MODIMOLLE (KM 26.8), WATERBERG DISTRICT MUNICIPALITY, LIMPOPO PROVINCE

The draft Basic Assessment Report (DBAR) dated June 2021 and received by this Department on 15 June 2021, refers.

This letter serves to inform you that the following information must be included in the final BAR (FBAR):

(a) Listed activities and required information

- Please provide a clear and detailed project description. The description in the application form and the DBAR is not consistent. Should the application form be amended to be in line with the BAR, an amended application form must be submitted together with the FBAR.
- Please ensure that all relevant listed activities are applied for. The activities must be 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.
- If the activities applied for in the application form differ from those mentioned in the FBAR, 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>
- 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.
- The Environmental Assessment Practitioner (EAP) is required to provide the potential impacts and mitigation measures of the proposed infrastructure.

MS

- The EMPr must include mitigation and monitoring measures to all the environmental impacts identified and assessed for the above-mentioned proposed activity. Furthermore, the EMPr must include all recommendations and mitigation measures recorded in the final BAR.
- (b) The FBAR must include the following design and construction activities which deem to be associated to the proposed project:
- Route surveys and pegging;
 - Detailed design of the road alignment, geometry and infrastructure;
 - Transportation of construction materials and staff;
 - Material laydown and stockpiling;
 - Traffic diversions; access, and haul roads;
 - Demolition of existing infrastructure;
 - Clearing of vegetation and building of temporary site camps;
 - Site establishment including storm water controls;
 - Stripping and stockpiling of soil resources in accordance with a soil management plan;
 - Bulk earthworks (cut and fill); grading and layer works;
 - Construction of engineered base layers and storm water infrastructure;
 - Road surfacing, painting and signage (including recovery of existing layer works and asphalt);
 - Collection, storage and removal of construction related waste;
 - Perimeter fencing; landscaping and rehabilitation.
- (c) **Layout & Sensitivity Maps**
Please provide a layout map which indicates the following:
- All supporting onsite infrastructure that will support the proposed development, e.g. roads (existing and proposed), camp sites, and etc.
 - The preferred design/layout alternative of the proposed project.
 - The location of sensitive environmental features on site e.g. Critical Biodiversity Areas (CBAs), heritage sites, wetlands, drainage lines, anticipated erosion, farming activities, existing substation, etc, that will be affected.
 - Buffer areas; and, all "no-go" areas.
 - The above map must be overlain with a sensitivity map and a cumulative map which shows neighbouring developments and all existing infrastructure that will be affected by the proposed project.
 - The total footprint and centre coordinates of the area and exact location of the proposed development and associated infrastructure must be mapped at an appropriate scale.
- (d) **Specialist Declaration of Interest**
Specialist Declaration of Interest forms must be attached to the FBAR. You are therefore requested to submit original signed Specialist Declaration of Interest forms for each specialist study conducted. The forms are available on Department's website (please use the Department's template).
- (e) **Specialist Assessments**
- i. Specialist studies to be conducted must provide a detailed description of their methodology, as well as all other associated infrastructure that they have assessed and are recommending for the authorisation.
 - ii. The specialist studies must also provide a detailed description of all limitations to their studies. All specialist studies must be conducted in the right season and providing that as a limitation, will not be accepted.
 - 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 expertise advice.

(f) Alternatives

Please note that you are required to provide a full description of the process followed to reach the proposed preferred alternative within the site, in terms of Appendix 1(3)(1)(h) of the NEMA EIA Regulations 2014, as amended, including the following content:

- (a) details of all the alternatives considered;
 - (b) details of the public participation process undertaken in terms of regulation 41 of the NEMA EIA Regulations 2014, as amended, including copies of the supporting documents and inputs;
 - (c) a summary of the issues raised by interested and affected parties (I&APs), and an indication of the manner in which the issues were incorporated, or the reasons for not including them;
 - (d) the environmental attributes associated with the alternatives focusing on the geographical, physical, biological, social, economic, heritage and cultural aspects;
 - (e) the impacts and risks identified for each alternative, including the nature, significance, consequence, extent, duration and probability of the impacts, including the degree to which these impacts—
 - can be reversed;
 - may cause irreplaceable loss of resources; and
 - can be avoided, managed or mitigated;
 - (f) the methodology used in determining and ranking the nature, significance, consequences, extent, duration and probability of potential environmental impacts and risks associated with the alternatives;
 - (g) 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;
 - (h) the possible mitigation measures that could be applied and level of residual risk;
 - (i) the outcome of the site selection matrix;
 - (j) if no alternatives, including alternative locations for the activity were investigated, the motivation for not considering such; and
 - (k) a concluding statement indicating the preferred alternatives, including preferred location of the activity.
- (l) Written proof of an investigation and motivation is required if no reasonable or feasible alternatives exist in terms of Appendix 1.

(g) Undertaking of an Oath

- i. The Department has noted that the submitted application form has an undertaking under oath or affirmation by the EAP. However, the aforementioned oath was not included in the DBAR, but rather an appendix of the application form attached to the BAR. Please note that the FBAR must also 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 1(3)(r) of the NEMA EIA Regulations, 2014, as amended, which states that the BAR must include:
"an undertaking under oath or affirmation by the EAP in relation to:
 - a) *the correctness of the information provided in the reports;*
 - b) *the inclusion of comments and inputs from stakeholders and I&APs;*
 - c) *the inclusion of inputs and recommendations from the specialist reports where relevant; and*
 - d) *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".*

(h) Details and Expertise of the EAP

You are required to include the details and expertise of the EAP in the FBAR, including a curriculum vitae, in order to comply with the requirements of Appendix 1(3)(1)(a) of the NEMA EIA Regulations, 2014, as amended.

(i) Public Participation Process

- i. The following information must be submitted with the FBAR:
 - a) A list of registered I&APs as per Regulation 42 of the NEMA EIA Regulations, 2014, as amended;

MS.

- b) Copies of all comments received during the DBAR comment period; and
 - c) A comment and response report which contains all comments received and responses provided to all comments and issues raised during the public participation process for the DBAR. Please note that comments received from this Department must also form part of the comment and response report.
- ii. Please ensure that all issues raised and comments received during the circulation of the DBAR from registered I&APs and organs of state which have jurisdiction (including this Department's Biodiversity Section) in respect of the proposed activity are adequately addressed in the FBAR.
 - iii. Proof of correspondence with the various stakeholders must be included in the FBAR. Should you be unable to obtain comments, proof should be submitted to the Department of the attempts that were made to obtain comments. The public participation process must be conducted in terms of Regulation 39, 40, 41, 42, 43 & 44 of the NEMA EIA Regulations 2014, as amended.

(j) Environmental Management Programme

You are required to comply with the content of the EMPr in terms of Appendix 4 of the NEMA EIA Regulations 2014, as amended.

(k) Environmental Impact Statement

It is noted that an environmental impact statement is not included in the DBAR, therefore you are kindly requested to include an environmental impact statement which contains –

- a) a summary of the key findings of the environmental impact assessment;
- b) a map at an appropriate scale which superimposes the proposed activity and its associated structures and infrastructure on the environmental sensitivities of the site indicating any areas that should be avoided, including buffers; and
- c) a summary of the positive and negative impacts and risks of the proposed activity and identified alternatives.

Please also ensure that the FBAR includes the period for which the Environmental Authorisation is required and the date on which the activity will be concluded as per Appendix 1(3)(1)(q) of the NEMA EIA Regulations, 2014, as amended.

You are further reminded to comply with Regulation 19(1)(a) of the NEMA EIA Regulations, 2014, as amended, which states that: *"Where basic assessment must be applied to an application, the applicant must, within 90 days of receipt of the application by the competent authority, submit to the competent authority -*

(a) a basic assessment report, inclusive of specialist reports, an EMPr, and where applicable a closure plan, which 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 BAR or EMPr 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 19(b) of the NEMA EIA Regulations, 2014, as amended, which states: *"the applicant must, within 90 days of receipt of the application by the competent authority, submit to the competent authority – (b) a notification in writing that the basic assessment report, inclusive of specialist reports an EMPr, and where applicable, a closure plan, will be submitted within 140 days of receipt of the application by the competent authority, as significant changes have been made or significant new information has been added to the basic assessment report or EMPr or, where applicable, a closure plan, 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 reports or, EMPr or, where applicable, a closure plan 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 19 of the NEMA EIA Regulations, 2014, as amended, your application will lapse.

MS

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,



Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries and the Environment
Signed by: Ms Milicent Solomons
Designation: Director: Priority Infrastructure Projects
Date: 14/07/2021.

cc:	Progress Hlahla	SANRAL	E-mail: Hlahlap@nra.co.za
	Mr LP Makhura	LEDET	E-mail: makhuramp@ledet.gov.za