

FULL SCOPING AND ENVIRONMENTAL IMPACT ASSESSMENT PROCESS

Agricultural Development of Portion 15 of the Farm 203 Logan Braes, in the Nelson Mandela Bay Municipality

BACKGROUND INFORMATION DOCUMENT, FEBRUARY 2016



INTRODUCTION

The project proponent, Habata Boerdery, intends to expand existing agricultural activities on the farm known as Badlands by transforming the indigenous vegetation on Portion 15 of Farm 203 Logan Braes (~44.6 ha in extent), for the rotational planting of a variety of crops predominantly for the local market (e.g. melons, butternut, cabbage and maize). The farm portion under assessment falls within the Nelson Mandela Bay Municipal area (NMBM) however the nearest town is Addo, which is approximately 10km north of the site.

In terms of the NEMA EIA Regulations, 2014, GN R982, 983, 984 and 985 promulgated under Chapter 5 of the National Environmental Management Act (Act 107 of 1998) ("NEMA"), and published in Government Gazette 38282 on the 4 December 2014 the project requires full Scoping and Environmental Impact Assessment (S&EIR). The applicant has appointed Public Process Consultants as the independent Environmental Assessment Practitioner to undertake the assessment including public participation for this project.

PROJECT LOCALITY

While the site is located in the Nelson Mandela Bay Municipality, the nearest town to the area under assessment is Addo, located approximately 8.5 kilometres north of the site. The site can be accessed off the gravel "Barkley Bridge" road which extends between Addo and Colchester. The nearest boundary of the Addo Elephant National Park is located approximately 3 km north east of the site. The locality map attached provides an overview of the location of the property under assessment.

HOW CAN I PARTICIPATE IN THIS ENVIRONMENTAL ASSESSMENT PROCESS?

In terms of regulation 42 (b) of Government Notice R 982 interested and affected parties (I&APs) are to request in writing that their names be placed on the register of interested and affected parties. In order to register on the database complete the comment and registration form attached to this correspondence or submit your contact details (via fax or email), stating your full name, address and contact numbers to the consultant indicated in this documentation. In terms of regulation 43 (1) a registered I&AP is entitled to comment in writing on all reports and plans submitted as part of the public participation process and raise any issues which may be of significance to the consideration of the application. I&APs are required to state any direct, business, financial, personal or other interest they may have in the approval or refusal of the application. By registering on the project database you will be notified as and when information on the project is available for I&AP review and comment.

WHAT DOES THIS DOCUMENT TELL YOU

This document provides you, as an interested and or affected party (I&AP), with background information on the proposed agricultural development as well as the Scoping and Environmental Impact Assessment and public participation process. It indicates how you can become involved in the project, receive information and raise issues that may interest and/or concern you. The sharing of information forms an important component of the public participation process and provides you with the opportunity to become actively involved in the environmental assessment process from the outset. The input received from I&APs together with scientific and technical investigations assists the responsible authority, in this instance the Eastern Cape Department of Economic Development, Environmental Affairs and Tourism (DEDEAT), with their decision-making.

ALTERNATIVES AND SITE SELECTION

A key component of the Environmental Impact Assessment process is the identification and assessment of reasonable and feasible alternatives. The following alternatives have been identified and will be considered in the assessment process:

- No-go alternative

- Layout alternatives

Reasonable and feasible alternatives as raised by I&APs, specialists and the technical team will be considered in the assessment process.

WHAT DOES THE PROJECT ENTAIL

The area under assessment is adjacent to an existing farm (Badlands) south of Addo, although it falls within the Nelson Mandela Bay Municipality. The applicant intends to transform the indigenous vegetation on Portion 15 of the Farm 203 Logan Braes, measuring approximately 45ha in extent. The farm portion under assessment is currently zoned for agriculture. The proposed additional agricultural area can be readily tied into the access and irrigation infrastructure of the existing farming operations on the adjacent farm.

The proposed development will entail the following activities on the site:

- Clearing of vegetation from portions of the site proposed for agriculture (~44.6 ha)
- Levelling and landscaping the site to provide runoff control
- Establishment of internal roads to provide access to cultivated area
- Installation of a drip irrigation system
- Installation of a pivot irrigation system
- Planting crops

Once the necessary infrastructure has been established, the area will be used for the cultivation of a variety of vegetable crops including melons, butternut, cabbage and maize to be planted on a rotational basis. The applicant proposes to use existing offices and service buildings on the adjacent farm (Badlands), thus negating the need for any additional associated services infrastructure such as electricity, sanitation or water, other than that which is required for the irrigation of the crops. Water for the development will be supplied from the Lower Sundays River Water Users Association canals, via an existing storage dam located north of the site, which services properties adjacent to the site, owned by the same applicant. It must however be noted that the expansion of the existing storage dam on Portion 8 of Farm 203 Logan Braes, is currently subject to a S24G application, and a separate assessment process as well as environmental authorisation, should such be received.

The final design and layout of the development will be informed by technical and environmental specialist input during the Environmental Assessment process.

OVERVIEW OF THE SCOPING AND ENVIRONMENTAL IMPACT ASSESSMENT (S&EIR) PROCESS

In terms of the NEMA EIA regulations, 2014: GN R982, 983, 984 and 985 published in Government Gazette 38282 on the 4 December 2014, the project requires full Scoping and Environmental Impact Assessment because it includes, amongst others, the following listed activity in GN R 984:

NEMA EIA Regulations, 2014, GN R 984, requiring Full Scoping and EIA	
Listed Activity	Description of Project Activity
<i>"15. The clearance of an area of 20 hectares or more of indigenous vegetation, excluding where such clearance of indigenous vegetation is required for -..."</i>	The proposed agricultural development will require the removal of more than 20 ha of indigenous vegetation.

In addition, the following listed activity contained in GN R985, requiring Basic Assessment, will also be triggered by the proposed development:

NEMA EIA Regulations, 2014, GN R 985, requiring Basic Assessment	
Listed Activity	Description of Project Activity
<i>"4. The development of a road wider than 4 metres</i>	The proposed development is located outside of an

<p><i>with a reserve less than 13,5 metres. (b) In Eastern Cape:</i></p> <p><i>ii. Outside urban areas, in:</i></p> <p><i>(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</i></p> <p><i>(gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core areas of a biosphere reserve, excluding disturbed areas; or”</i></p>	<p>urban area, in the Eastern Cape and is within 3km of the boundary of the Addo Elephant National Park. The area under assessment has been identified as an aquatic CBA (ABLMC 2b) in terms of the Eastern Cape Biodiversity Conservation Plan (ECBCP).</p> <p>Internal access roads wider than 4 meters may be created to facilitate access and agricultural production at the site.</p>
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The listed activities above require environmental authorisation from the DEDEAT prior to the commencement of any activities on the site. The environmental assessment needs to show the responsible authority, DEDEAT, and the project proponent, Habata Boerdery, what the consequences of their choices will be in biophysical, social and economic terms.

Public Process Consultants has been appointed as the independent Environmental Assessment Practitioner (EAP) to undertake the Scoping and Environmental Impact Assessment for the project. Public involvement forms an important component of this process, by assisting in the identification of issues and alternatives to be evaluated. The Environmental Assessment Process being implemented can be divided into four phases namely:

- Pre-Application Phase
- Application and Scoping Phase
- Environmental Impact Assessment Phase
- Decision Making and Appeal Period

In order to meet the timeframes as prescribed in the EIA Regulations, 2014, specialist studies to be included as part of this assessment process will commence in parallel to the Scoping Process. The following specialist studies are proposed to be undertaken for this assessment:

- Vegetation and Aquatic Assessment
- Soil Suitability Assessment
- Phase 1 Archaeological and Palaeontological Assessment
- Technical - confirmation of water use entitlements from the project applicant

Alternatives proposed to be included in the assessment process are:

- The No-Go Alternative
- Layout Alternatives
- Alternatives as identified by I&APs

Stage 1: Pre-Application Phase

- **Notification to Authorities and I&APs**

The first stage in the process entails notification to the DEDEAT as well as interested and affected parties (I&APs) of the intention to proceed with the Scoping and EIA process. Identified I&APs are provided with a Background Information Document (BID) on the project, a locality map and a comment form. An advertisement will be placed in a local newspaper and a site notice board will be erected at the site so as to inform potential I&APs of the assessment process. I&APs are required to register their interest in the project to receive further project information. One-on-one meetings will be conducted with key stakeholders during this phase of the process should these be requested. I&APs will be provided with a **30 day** period within which to raise any issues for inclusion in the Draft Consultation Scoping Report.

- **Draft Consultation Scoping Report**

A Draft Consultation Scoping Report (DSR) will be compiled which will include an Issues and Responses Trail – indicating the issues and concerns raised by I&APs during the 30 day notification period as well as the Plan of

Study for EIA. The Plan of Study for EIA will outline the specialist studies proposed to be undertaken for this assessment process as well as the methodology for the identification, and rating of impacts. In terms of the NEMA EIA Regulation, 2014, the Scoping process is to, amongst others, through a consultative process:

- *identify relevant policies and legislation relevant to the activity;*
- *motivate the need and desirability of the proposed activity and its location*
- *identify and confirm the preferred activity, technology alternative and/ or site alternative; or if no alternatives, including location alternatives were investigated, the motivation for such;*
- *identify the key issues to be addressed in the assessment phase;*
- *agree on the level of assessment, methodology and expertise required as well as the extent of further consultation to be undertaken to determine the impacts and risks the activity will impose on the preferred site to inform the location of the development footprint within the preferred site; and*
- *identify suitable measures to avoid, manage or mitigate identified impacts and to determine the extent of the residual risks that need to be managed and monitored.*

The **Draft Consultation Scoping Report** will be released for a **30 day** comment period. All registered I&APs on the project database will be notified in writing of the opportunity to comment. In order to assist I&APs with their understanding of the project and to facilitate the identification of issues for inclusion in the Consultation Scoping Report I&APs will be provided with an executive summary of the Draft Consultation Scoping Report as well as a Comment Form. Copies of the report will also be made available on the website www.publicprocess.co.za.

Stage 2: Application and Scoping Phase

An **application form** for Scoping and EIA will be compiled based on the relevant project information provided by the proponent, Habata Boerdery, and will be submitted to the Provincial Department of Economic Development, Environmental Affairs and Tourism (DEDEAT). In parallel to the compilation and submission of the application form, the Consultation Scoping Report (DSR) will be compiled which will include an Issues and Responses Trail – indicating the issues and concerns raised by I&APs during the 30 day review of the Draft Consultation Scoping Report as well as the Plan of Study for EIA.

The applicant must, within 44 days of receipt of the application form by the competent authority, submit to the competent authority a Scoping Report which has been subjected to a public participation process of at least 30 days. Therefore a **Consultation Scoping Report** will be released for a mandatory **30 day** comment period after submission of the application form to the competent authority. All registered I&APs on the project database will be notified in writing of the opportunity to comment. In order to assist I&APs with their understanding of the project and to facilitate the identification of issues for inclusion in the Final Scoping Report I&APs will be provided with an executive summary of the Consultation Scoping Report as well as a Comment Form. Copies of the report will also be made available on the website www.publicprocess.co.za.

The comments received from I&APs, the competent authority and other organs of state, during the review process are included in the **Final Scoping Report** before it is submitted to DEDEAT for their consideration. All I&APs on the project database will be notified in writing of the submission of the Final Scoping Report to the authorities. The Final Scoping Report will include the Plan of Study for EIA (PSEIA) and Terms of Reference for specialist studies to be undertaken as part of the EIA process. The Final Scoping Report and the PSEIA is subject to consideration by the competent authority.

Stage 3: Environmental Impact Assessment Phase

Once DEDEAT accepts the Final Scoping Report, with or without conditions, and upon receipt of the approval thereof, the Environmental Impact Assessment Phase may proceed or continue with the tasks contemplated in the Plan of Study for EIA. The purpose of this stage of the EIA is to undertake specialist investigations to address the issues identified through the Scoping Process which may be of significance to the consideration of the application. The specialists will build on the information that was gathered for stage 1, but will focus their studies on the area under assessment. The specialist studies will include the assessment of alternatives, identification of impacts and the determination of the significance of impacts. Specialists will, where appropriate, formulate mitigatory measures to maximise positive benefits or avoid/ minimise potential negative impacts.

The **Draft EIA Report and Environmental Management Programme** (EMPr) will be prepared and released for a **30 day** review period and will include, amongst others, the following:

- Address issues that have been raised through the Scoping Process
- Assess alternatives in relation to the proposed activity, including different means of meeting the general purpose and requirements of the activity (including No Go Option)
- Assess potential impacts
- Recommend management actions to enhance positive benefits or avoid/minimise negative impacts.

All registered I&APs will be notified of the 30 day comment period in writing. All comments received from I&APs and authorities via meetings held or written correspondence during this period are compiled into a Comments and Responses Trail for inclusion in the Final EIA Report. The Comments and Responses Trail will indicate the nature of the comment, when and who raised the comment as well as indicate how the comment received has been considered in the Final EIA Report, in the project design or the EMPr for the project.

The **Final EIA Report**, including the Comments and Responses Trail and EMPr will be compiled for submission to the competent authority for their consideration (DEDEAT). The applicant must within **106 days of acceptance of the scoping report** submit to the competent authority an environmental impact report, inclusive of specialist studies and an EMPr which has been subjected to a 30 day public participation process. All I&APs on the project database will be notified in writing of the submission of the Final EIA Report.

Stage 3: Decision Making and Appeal Period

All I&APs on the project database will be notified in writing regarding the outcome of the decision by the DEDEAT (granting or refusal of environmental authorization) for the project and the appeal period, as well as the manner of appeal. Commencement of the development may only proceed once approval has been received from the DEDEAT.

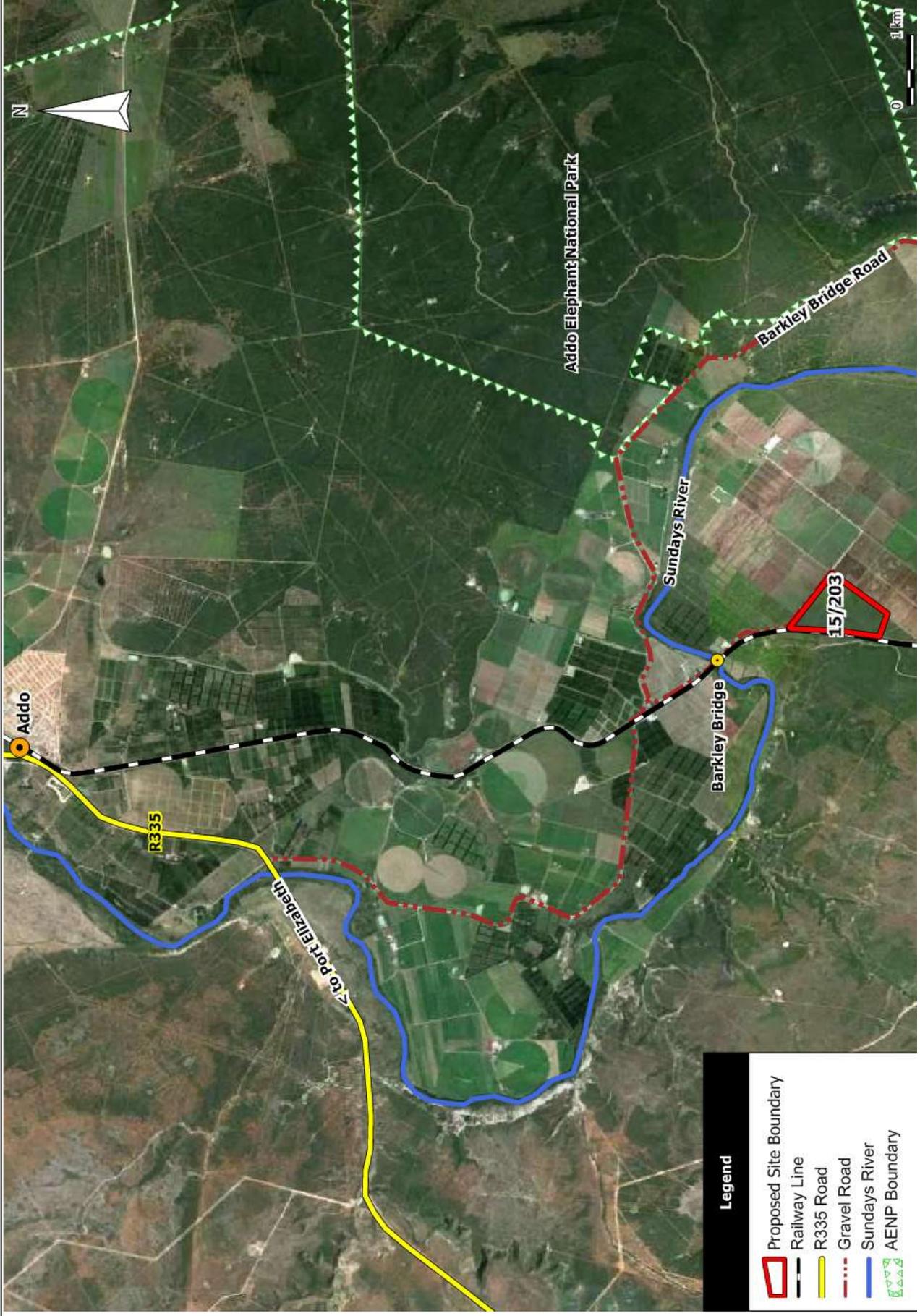
WHAT IS YOUR ROLE AS AN I&AP?

1. I&APs are required to respond to the letters of notification and/or newspaper advertisements and register their interest on the project database
 - By emailing, faxing or mailing a comment form to the participation consultant indicated below.
 - By registering your interest in the project you will be kept informed of the process and will be notified of any opportunities to comment
2. I&APs are required to state their area of interest and/or concern in the matter
 - By emailing, faxing or mailing a comment form to the public participation consultant indicated below.
3. By telephonically contacting the public participation consultant if you have a query, comment, or require further project information.
4. By reviewing the Draft Scoping and EIA Reports and submitting any comments within the specified comment periods.

WHO SHOULD YOU CONTACT?

Sandy Wren, Public Process Consultants
 PO Box 27688, Greenacres, 6057.
 Phone 041-374 8426
 Fax 041-373 2002
 Email sandy@publicprocess.co.za

Information on the project can be downloaded from the following website: www.publicprocess.co.za



Locality Map for the Proposed Site (Portion 15 of Farm 203 Logan Braes, NMBM)