

APPENDIX B: CORRESPONDENCE WITH DEDEAT

Notice of Intention to Commence with Scoping and EIA submitted to DEDEAT

PO Box 27688 Greenacres 6057
120 Diaz Road Adcockvale, PE 6001
Phone 041-3748426 Fax 041-3732002
Email sandy@publicprocess.co.za
Ck 97/32984/23 VAT 44601 68273

11 April 2017

Attention: Mr Andries Struwig

Department of Economic Development, Environmental Affairs and Tourism
Private Bag X 5001
Greenacres
6057

Dear Sir,

RE: NOTICE OF INTENTION TO COMMENCE WITH A SCOPING AND ENVIRONMENTAL IMPACT ASSESSMENT PROCESS: AGRICULTURAL EXPANSION ON PORTION 2 OF FARM 92 TREGARON, KNOWN AS SYLVANIA, SUNDAYS RIVER VALLEY MUNICIPALITY.

In terms of the NEMA EIA Regulations, 2014: GN R 982, 983, 984 and 985 promulgated under Chapter 5 of the National Environmental Management Act (as amended), and published in Government Gazette 38282 on 4 December 2014, this serves as notification to the competent authority, in this case the Provincial Department of Economic Development, Environmental Affairs and Tourism, Cacadu Region, that a Scoping and Environmental Impact Assessment Process is being conducted on behalf of San Miguel Fruits SA (Pty) Ltd (the project proponent) for the proposed agricultural expansion on Portion 2 of Farm 92 Tregaron, also referred to as Sylvania, in the Sundays River Valley Municipality. Sylvania is currently a working farm and the proponent proposes to transform an area measuring approximately 115ha, on the western section of the farm. The area to be cultivated will be informed by the various specialist assessments which will be undertaken during the EIA process. Irrigation of the proposed agricultural development requires the construction of a new dam, with a capacity of approximately 30 000m³ (0.5ha footprint) and the installation of irrigation pipelines of varying diameters.

PROJECT PROPONENT

San Miguel Fruits SA (Pty) Ltd

PROJECT NAME

Agricultural Expansion on Portion 2 of Farm 92 Tregaron, known as Sylvania, Sundays River Valley Municipality.

PROJECT LOCALITY

The nearest town to Sylvania is Kirkwood, in the Sundays River Valley Municipality, located approximately 9.3km to the northwest of the farm. The site can be accessed off the gravel "Tregaron" road (DR01983) which extends between Sunland and Enon/ Bersheba. The nearest boundary of the Addo Elephant National Park is located approximately 7.5 km north of the farm. The locality map attached provides an overview of the location of the property under assessment.

BRIEF PROJECT DESCRIPTION

The area under assessment forms part of a working farm, known as Sylvania just outside of Kirkwood within the SRVM. The proponent intends to transform the indigenous vegetation located along the western eastern boundary of the farm. It is proposed that an area of approximately 115ha will be investigated for transformation for the agricultural expansion of existing farming operations on the farm. In addition to the



establishment of citrus orchards, the proponent proposes to construct an irrigation dam with an estimated capacity of approximately 30 000m³ and install irrigation pipelines with varying diameters in order to supply irrigation water to the proposed orchards.

Sylvania is currently zoned for agriculture. The existing infrastructure on Sylvania will be used to provide technical and logistical support to the proposed expanded farming operation. The proposed development will entail the following activities on the site:

- Vegetation Clearing
- Levelling and landscaping the site to provide runoff control
- Establishment of unpaved internal roads to provide internal access within the orchards
- Construction of a new irrigation dam
- Installation of irrigation infrastructure
- Planting orchards and windbreaks

Water for the development will be supplied from the Lower Sundays River Water Users Association canals, via the proposed new irrigation dam.

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

APPLICABLE LEGISLATION

The Scoping and EIA process is being undertaken in terms of the NEMA EIA Regulations, 2014: GN R 982, 983, 984 and 985 promulgated under Chapter 5 of the National Environmental Management Act (as amended), and published in Government Gazette 38282 on 4 December 2014. The need for Scoping and EIA is triggered by the inclusion of activities listed in GN R 984, in particular:

“15. The clearance of an area of 20 hectares or more of indigenous vegetation, excluding where such clearance of indigenous vegetation is required for -...”

Public Process Consultants has been appointed by San Miguel Fruits SA (Pty) Ltd (the proponent), as the Environmental Assessment Practitioner to undertake the Scoping and Environmental Impact Assessment process, including Public Participation. The purpose of this letter is to notify the competent authority and other relevant organs of state that have jurisdiction over any aspect of the proposed project, of the intention to submit an application for Environmental Authorisation in respect of the above project, as well as commence with the Scoping and EIA process for the proposed project. The other organs of state to which this notification is being sent are indicated below.

Please find attached with this correspondence the following documentation:

- Background Information Document including the Approach to the Assessment process and Locality Map
- Comment Form

We trust that you will find the above in order. Please do not hesitate to contact Sandy or Marisa at the contact details above should you have any comments or queries with regards to this submission.

Regards,



Sandy Wren
Environmental Assessment Project Leader

cc. Mr Sello Mokhanya, Eastern Cape Provincial Heritage Resources Agency
Mr Ruffus Maloma, Department of Rural Development and Agrarian Reform
Ms Marisa Bloem, Department of Water and Sanitation

SCOPING AND ENVIRONMENTAL IMPACT ASSESSMENT

Pre-Application Comment and Registration Form

Proponent: San Miguel Fruits SA (Pty) Ltd
Project: Agricultural Expansion on Portion 2 of Farm 92 Tregaron, known as Sylvania, Sundays River Valley Municipality.
Primary Listed Activity: GN R 984 (Listing Notice 2) Activity No 15.

Return Completed Reply Form to:

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

Complete all Relevant Sections Below and Return by: 16 May 2017

Please provide your full contact details:

FIRST NAME:	SURNAME:
ORGANISATION:	TITLE/ POSITION:
POSTAL ADDRESS:	
CODE:	
PHONE:	FAX:
CELL:	EMAIL:

Would you like to register as an interested and affected party? (please tick the appropriate box)

NOTE: You are required to register as an I&AP in order to receive further correspondence regarding the EIA process.

YES

NO

Please clearly state any interest you may have in the project and/or list your issues and comments or questions you may have (use additional pages if required)

FULL SCOPING AND ENVIRONMENTAL IMPACT ASSESSMENT PROCESS

Agricultural Expansion on Portion 2 of Farm 92, Tregaron, known as Sylvania, Sundays River Valley Municipality

BACKGROUND INFORMATION DOCUMENT, APRIL 2017



INTRODUCTION

The proponent, San Miguel Fruits SA (Pty) Ltd proposes to expand citrus production at their existing operations on Sylvania, which measures approximately 243.82ha in extent. Portion 2 of Farm 92 is currently a working farm and the proponent proposes to transform a portion on the western section of the farm, which measures approximately 115 ha. The area to be cultivated will be informed by the various specialist assessments which will be undertaken during the assessment process. Irrigation of the proposed agricultural development requires the construction of a new dam with a capacity of approximately 30 000m³ (0.5ha footprint) and the installation of irrigation pipelines of varying diameters. The farm portion under assessment falls within the Sundays River Valley Municipal area (SRVM) and the nearest town is Kirkwood, which is located approximately 9.3km northwest 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 proponent has appointed Public Process Consultants as the independent Environmental Assessment Practitioner to undertake the assessment including public participation for this project.

PROJECT LOCALITY

The nearest town to Sylvania is Kirkwood, in the Sundays River Valley Municipality, located approximately 9.3km to the northwest of the farm. The site can be accessed off the gravel "Tregaron" road (DR01983) which extends between Sunland and Enon/Bersheba. The nearest boundary of the Addo Elephant National Park is located approximately 7.5 km north of portion 2 of farm 92. 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 including 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), Cacadu Region, 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
- Property / Location Alternatives – reason for elimination
- Land Use Alternatives – citrus versus grazing

- Design and Layout alternatives
 - Access alternatives
 - Orchard 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 forms part of a working farm, known as Sylvania just outside of Kirkwood within the SRVM. The proponent intends to transform the indigenous vegetation located along the western eastern boundary of Portion 2 of Farm 92, referred to as Sylvania. It is proposed that an area of approximately 115ha will be investigated for transformation for the agricultural expansion of existing farming operations on Sylvania. In addition to the establishment of citrus orchards, the proponent proposes to construct an irrigation dam with an estimated capacity of approximately 30 000m³ and install irrigation pipelines with varying diameters in order to supply irrigation water to the proposed orchards.

The farm portion under assessment is currently zoned for agriculture. The existing infrastructure on Sylvania will be used to provide technical and logistical support to the proposed expanded farming operation. The proposed development will entail the following activities on the site:

- Vegetation Clearing
- Levelling and landscaping the site to provide runoff control
- Establishment of unpaved internal roads to provide internal access within the orchards
- Construction of a new irrigation dam
- Installation of irrigation infrastructure
- Planting orchards and windbreaks

Water for the development will be supplied from the Lower Sundays River Water Users Association canals, via the proposed new irrigation dam.

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, ..."</i>	The proposed agricultural development will entail the clearance of up to 115ha of vegetation, most of which is anticipated to be indigenous.

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>"2. The development of reservoirs for bulk water supply with a capacity of more than 250 cubic metres. (b) In Eastern Cape: iii. Outside urban areas, in: (dd) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (ff) 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 area of a biosphere reserve; or</i>	In order to ensure sufficient supply of irrigation water for the proposed agricultural development, it is proposed that a new irrigation dam, with an anticipated capacity of approximately 30 000m ³ , be constructed. The area under assessment is located outside of an urban area, in the Eastern Cape and approximately 7.5km from the nearest boundary of the Addo Elephant National Park. The area under assessment has been identified as a Terrestrial CBA (BLMC2) and an Aquatic CBA (ABLMC 2b) in terms of the Eastern Cape Biodiversity Conservation Plan.
<i>"4. The development of a road wider than 4 metres</i>	A number of unpaved, internal vehicle tracks will be

<p><i>with a reserve less than 13,5 metres.</i></p> <p><i>(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>required to provide access within the orchards. The width of these roads will be established by the relevant technical specialists during the assessment, but it is anticipated that they may be wider than 4 metres in some instances.</p> <p>The area under assessment is located outside of an urban area, in the Eastern Cape and approximately 7.5km from the nearest boundary of the Addo Elephant National Park. The area under assessment has been identified as a Terrestrial CBA (BLMC2) and an Aquatic CBA (ABLMC 2b) in terms of the Eastern Cape Biodiversity Conservation Plan.</p>
<p><i>12. The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</i></p> <p><i>(a) In Eastern Cape, ...</i></p> <p><i>i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;</i></p>	<p>The proposed agricultural development will entail the clearance of up to 115ha of vegetation, most of which is anticipated to be indigenous.</p> <p>A portion of the vegetation which is proposed for transformation has been identified as Albany Alluvial Vegetation in terms of the NSBA mapping resources. This vegetation type has been listed as an Endangered ecosystem in terms of section 52 of the NEMBA.</p> <p>The vegetation type that occurs on the site and therefore the applicability of this listed activity will be confirmed through the assessment process.</p>

A conservative approach has been adopted towards the identification of listed activities which might be triggered by the proposed development. The applicability of all the listed activities indicated above will be determined through the assessment process. The listed activities 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, San Miguel Fruits SA (Pty) Ltd, 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 Scoping Phase**
 - Identification, notification to and registration of I&APs (30 days) (**We Are Here Now**)
 - Preliminary specialist input
 - Draft Consultation Scoping Report review (30 days)
- **Application Form and Scoping Phase**
 - Application Form for submission to DEDEAT
 - Consultation Scoping Report review (30 days)
 - Final Scoping Report for submission to DEDEAT
- **Environmental Impact Assessment Phase (EIA Phase)**
 - Draft EIA (30 days)
 - Final EIA for submission to DEDEAT
- **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
- Heritage Impact Assessment (to include a Phase 1 Archaeological Assessment)
- Traffic Impact Assessment

Phase 1: Pre-Application Scoping Phase (Current Stage)

- **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. I&APs are required to register their interest in the project to receive further project information. I&APs will be provided with a **30 day** period to register their interest on the project database and raise any issues for inclusion in the Draft Consultation Scoping Report.

- **Draft Consultation Scoping Report**

A Draft Consultation Scoping Report (DCSR) 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. This report will include the Plan of Study for EIA, which 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 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.

Phase 2: Application Form and Scoping Phase

- **Application Form**

An application form for Scoping and EIA will be compiled based on the relevant project information provided by the proponent, San Miguel Fruits SA (Pty) Ltd, and will be submitted to the Provincial Department of Economic Development, Environmental Affairs and Tourism (DEDEAT).

- **Consultation Scoping Report**

In parallel to the compilation and submission of the application form, the Consultation Scoping Report (CSR) will be compiled which will include an Issues and Responses Trail – indicating the issues and concerns raised by I&APs during the 30 day registration period as well as the 30 day review of the Draft Consultation Scoping Report (Phase 1: Pre-application phase).

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.

- **Final Scoping Report**

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 competent authority. 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.

Phase 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 phase 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.

- **Draft EIA and Environmental Management Programme (EMPr)**

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 an Issues and Responses Trail for inclusion in the Final EIA Report. The Issues 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.

- **Final EIA**

The Final EIA Report, including the Issues 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.

Phase 4: 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.

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 Reports and submitting any comments/issues 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 2 of Farm 92 Tregaron, known as Sylvania, Kirkwood, SRVM)