



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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

DEA Reference: 12/16/3/3/1/1871

Enquiries: Ms Zesipho Makhosayafana

Telephone: 012-399-8741 **E-mail:** zmakhosayafana@environment.gov.za

Ms Diedre Herbst
Eskom Holdings SOC Ltd
P.O. Box 1091
JOHANNESBURG
2000

Tel: (011) 800 3501
Email: herbstdl@eskom.co.za

PER E-MAIL / MAIL

Dear Ms Herbst

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998), AS AMENDED (NEMA); GOVERNMENT NOTICES. R982, R983 AND R985, AS AMENDED: PROPOSED REHABILITATION OF WETLANDS IDENTIFIED IN THE KUSILE WETLAND OFFSET PLAN

With reference to the above application, please be advised that the Department has decided to grant an environmental authorisation to you. The Environmental Authorisation (EA) and reasons for the decision are attached herewith.

In terms of Regulation 4(2) of the National Environmental Management Act: the Environmental Impact Assessment Regulations, 2014, as amended (the EIA Regulations), you are instructed to notify all registered interested and affected parties, in writing within 14 (fourteen) days of the date of this EA, of the Department's decision as well as the provisions regarding the submission of appeals that are contained in the Regulations.

In terms of the Promotion of Administrative Justice Act, 2000 (Act No 3 of 2000), you are entitled to the right to fair, lawful and reasonable administrative action; and to written reasons for administrative action that affects you negatively. Further your attention is drawn to the provisions of the Protection of Personal Information Act, 2013 (Act no. 4 of 2013) which stipulates that the Department should conduct itself in a responsible manner when collecting, processing, storing and sharing an individual or another entity's personal information by holding the Department accountable should the Department abuses or compromises your personal information in any way.

Your attention is drawn to Chapter 2 of National Environmental Management Act, 1998 (Act No. 107 of 1998) National Appeal Regulations published under Government Notice R993 in Government Gazette No. 38303 dated 08 December 2014 (National Appeal Regulations, 2014), which prescribe the appeal procedure to be followed. Kindly include a copy of this document (National Appeal Regulations, 2014) with the letter of notification to interested and affected parties in this matter.

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Should any person wish to lodge an appeal against this decision, he/she must submit the appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party, and any organ of state with interest in the matter within 20 days from the date that the notification of the decision was sent to the registered interested and affected parties by the applicant; or the date that the notification of the decision was sent to the applicant by the Department, whichever is applicable.

Appeals must be submitted in writing in the prescribed form to:

Director: Appeals and Legal Review of this Department at the below mentioned addresses.

By email: appealsdirector@environment.gov.za;

By hand: Environment House
473 Steve Biko Street
Arcadia
Pretoria
0083; or

By post: Private Bag X447
Pretoria
0001

Please note that in terms of Section 43(7) of the NEMA, the lodging of an appeal will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged, you may not commence with any activity authorised in the EA until such time that the appeal is finalised.

To obtain the prescribed appeal form and for guidance on the submission of appeals, please visit the Department's website at https://www.environment.gov.za/documents/forms#legal_authorisations or request a copy of the documents at appealsdirector@environment.gov.za.

Yours faithfully


Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs
Date: 27/07/2018

CC:	Mr J. Mulders	Prime Africa Consulting	Tel: 012-348-0317	Email: j.mulders@primeafrica.net
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environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

In terms of Regulation 25 of the Environmental Impact Assessment Regulations, 2014

The rehabilitation of wetlands identified in the Kusile Wetland Offset Plan on portion 3 of Klipfontein 566, portion 1 & 2 of Dwaalfontein 565 and portions Re. 1, 2, 4, 5, 6 & 7 on Hartbeestfontein 537, Victor Khanye Local Municipality Mpumalanga, Province

Nkangala District Municipality

Authorisation register number:	14/12/16/3/3/1/1871
Last amended:	First issue
Holder of authorisation:	Eskom Holdings SOC Ltd
Location of activity:	Ward 9, Portion 3 of Klipfontein 566, portion 1 & 2 of Dwaalfontein 565 and portions re. 1, 2, 4, 5, 6 & 7 on Hartbeestfontein 537, Victor Khanye Local Municipality, Mpumalanga Province.

This authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.

Decision

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this environmental authorisation, that the applicant should be authorised to undertake the activities specified below.

Non-compliance with a condition of this environmental authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the EIA regulations.

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

Activities authorised

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No.107 of 1998) and the Environmental Impact Assessment Regulations, 2014 the Department hereby authorises

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ESKOM HOLDINGS SOC LIMITED

(hereafter referred to as the **holder of the authorisation**)

with the following contact details —

Eskom Holdings SOC Ltd

Ms Diedre Herbst

P. O. Box 1091

JOHANNESBURG

2000

Telephone Number: (011) 800 3501

Cell phone Number: 083 660 1147

Email Address: herbstdl@eskom.co.za

to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notice 1, Listing 983 and 985):

Listed activities	Activity/Project description
<p><u>GN R. 983, item 12.</u></p> <p><i>"The development of –</i></p> <p>(i) <i>dams or weirs, where the dam or weir including infrastructure and water surface area, exceeds 100 square metres; or</i></p> <p>(ii) <i>infrastructure or structures with a physical footprint of 100 square metres or more. Exclusions for this listed activity is not applicable"</i></p> <p><i>Where such development occurs:</i></p> <p>a) <i>Within a water course;</i></p>	<p>Combined area of engineering structures for wetland rehabilitation measures is expected to be >100m².</p> <p>Changes will be made to drainage lines or eroding water channels if the wetland systems are to be returned to their original statuses. The following may be necessary:</p> <ol style="list-style-type: none"> 1. The construction of concrete or gabion weirs within watercourses (wetlands); and 2. The formalisation of stream crossings to ensure that the integrity of wetland systems downstream and upstream of the crossings are protected from further degradation.
<p><u>GN R. 983, item 19.</u></p> <p><i>"The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse."</i></p>	<p>Excavation into channels is estimated to not exceed 500 m² depositing of materials into the water course.</p> <p>The following measures will be implemented to stabilise the banks, in orders for the wetland systems to be returned to their original statuses:</p> <ol style="list-style-type: none"> 1. The removal or addition of material to stabilise stream banks. 2. The construction of earth berms to correct water flow paths in artificial drainage lines, diverted stream channels or watercourses;
<p><u>GN R. 983, item 30.</u></p> <p><i>"Any process or activity identified in terms of section 53(1) of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004)"</i></p>	<p>The study area contains threatened ecosystems listed in Biodiversity Act (Act 10 of 2004), some of which are classified as vulnerable.</p>

Listed activities	Activity/Project description
	All vegetation types identified are listed as Vulnerable on a national scale.
<p><u>GN R. 983, item 12.</u></p> <p><i>"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>(f) Mpumalanga</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; (ii) Within critical biodiversity areas identified in bioregional plans"</i></p>	<p>The study area contains threatened ecosystems listed in Biodiversity Act (Act 10 of 2004), or Critical Biodiversity Areas (CBAs).</p> <p>To achieve the objectives of wetland rehabilitation, the cumulative clearance of more than 300m² of wetland vegetation may be necessary to construct a number of interventions throughout the wetland system.</p> <p>Removal of indigenous vegetation is estimated to not exceed 500 m².</p>
<p><u>GN R. 985, item 14.</u></p> <p><i>"The development of—</i></p> <p><i>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area exceeds 10 square meters;</i></p> <p><i>(ii) infrastructure or structures with a physical footprint of 10 square metres or more;</i></p> <p><i>where such development occurs</i></p> <p><i>(a) within a watercourse;</i></p> <p>(f) Mpumalanga</p> <p><u>i. Outside urban areas:</u></p> <p><i>(dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;</i></p>	<p>The total area re-flooded (upstream of weirs) is estimated to exceed 10 square meters but not to exceed 5000 m².</p> <p>Combined area of vegetation clearance is expected to be >10m² and the study area contains threatened ecosystems listed in Biodiversity Act (Act 10 of 2004), or Critical Biodiversity Areas (CBAs).</p> <p>The following comprise the rehabilitation objectives for wetlands:</p> <p>1) To address channel incision of the main active channel as much as is practically possible.</p>

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Listed activities	Activity/Project description
(ff) <i>Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</i>	2) To re-route channel diversions back to the original alignment/s. 3) To promote dispersal and retention of flow in areas where this is beneficial to wetlands.
<p><u>GN R. 985, item 23.</u></p> <p><i>"The expansion of dams and weirs where the dam or weir is expanded by 10 square metres or more;</i></p> <p><i>where such expansion occurs</i></p> <p>(a) <i>within a watercourse</i></p> <p>(f) <u>Mpumalanga</u></p> <p>(i) <u>Outside urban areas</u></p> <p>(cc) <i>Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent Authority; and</i></p> <p>(ee) <i>Critical biodiversity areas or ecosystem service areas as identified in Systematic biodiversity plans adopted by the competent authority or in bioregional plans.</i></p>	<p>During the construction phase, existing rehabilitation infrastructure will be expanded when necessary.</p> <p>Combined area of vegetation clearance is expected to be >10m² and the study area contains threatened ecosystems listed in Biodiversity Act (Act 10 of 2004), or Critical Biodiversity Areas (CBAs).</p>

as described in the Basic Assessment Report (BAR) dated April 2018

Farm Names:

Portion 3 of Klipfontein 566,

Portion 1 & 2 of Dwaalfontein 565

Portions Re 1, 2, 4, 5, 6 & 7 on Hartbeestfontein 537,

21 Digit SG Code:

T	O	J	R	0	0	0	0	0	0	0	0	0	5	3	7	0	0	0	0	0
T	O	J	R	0	0	0	0	0	0	0	0	0	5	3	7	0	0	0	0	2
T	O	J	R	0	0	0	0	0	0	0	0	0	5	3	7	0	0	0	0	4

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T	O	J	R	0	0	0	0	0	0	0	0	0	5	3	7	0	0	0	0	5
T	O	J	R	0	0	0	0	0	0	0	0	0	5	3	7	0	0	0	0	6
T	O	J	R	0	0	0	0	0	0	0	0	0	5	3	7	0	0	0	0	7
T	O	J	R	0	0	0	0	0	0	0	0	0	5	6	5	0	0	0	0	1
T	O	J	R	0	0	0	0	0	0	0	0	0	5	6	5	0	0	0	0	2
T	O	J	R	0	0	0	0	0	0	0	0	0	5	6	6	0	0	0	0	3

Site alternative (preferred)	Latitude	Longitude
Ecological Management Unit (EMU) A	25°53'46.92"S	28°54'13.74"E
(EMU) B	25°55'44.50"S	28°53'10.22"E
(EMU) F	25°54'20.15"S	28°55'43.57"E
(EMU) G	25°55'25.74"S	28°54'3.91"E

the location indicated in the locality plan, attached as Annexure 2 of this authorisation.

- for the rehabilitation of wetlands identified in the Kusile Wetland Offset Plan at the Kusile Power Station in the same sub-quaternary catchment (East of Bronkhorstspuit along the border of Mpumalanga and Gauteng Provinces) as the 60 year Ash Disposal Facility for the Kusile Power Station Within the Victor Khanye Local Municipality Mpumalanga, Province, hereafter referred to as "the property".

Project Name	Wetland Site Reference	Size of Site (Ha)	Size of Wetland on Site (Ha)
Kusile Offset Rehabilitation	A	586	177
	B	1 111	294
	F	656	126
	G	977	85
TOTAL	-	3330	682

The objectives of the proposed activities include the following:

- The restoration of the hydrological integrity of impacted wetlands; and
- The promotion and restoration of natural wetland habitats.

Two key approaches are to be utilised to achieve these objectives. These include a) the construction of (Hard) interventions, b) the application of non-constructed (Soft) interventions and the management of wetlands, buffers and, where possible, adjacent terrestrial areas.

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Constructed (Hard) intervention types are proposed for the rehabilitation of the stream beds where bed incisions and changes to the natural flow regime have occurred. These include the following:

- In-stream drop-structures (to halt stream bed incision and to raise water levels);
- Stream diversion structures (to re-direct stream flow back to its natural course); March 2018 Final: Basic Assessment Report-Kusile Wetland Rehabilitation 19
- Flow distribution systems (to spread the stream flow from a single bed channel to a wider flow regime);
- Stream plugs, simple gabion plugs in minor streams or entry channels (to prevent erosion of the side channel);
- Mac mat soil protection systems (to stabilise embankments); and
- Flow dispersion structure (to divert high flows onto flood plains).

The non-constructed (Soft) interventions and management approaches proposed to be part of the overall rehabilitation and management of the target wetlands and terrestrial zones include the following:

- Removal and control of alien invasive plant species
 - This includes management approaches for both annual and perennial species;
 - Reduce abundance of alien species in wetlands and grasslands, improve natural species composition and habitats and promote growth of grasses or wetland plants in heavily invaded areas.
- Rehabilitation of anthropogenic scars, terraces, canals and agricultural disturbance
 - Identified areas will be landscaped to match expected and surrounding profiles.
- Management of past and present agricultural fields;
 - Current agricultural activities will be ceased within wetlands in order to promote the establishment of secondary grassland. This will reduce favorable conditions for alien weeds species, which in turn will reduce their abundance, will promote infiltration of precipitation (important for seeps) with a concurrent reduction in erodibility, and will retard the loss of topsoil. All artificial mounds will be levelled and eroded areas rectified. Where fields are completely denuded indigenous grass seed may be collected from surrounding areas and spread onto the soil surface during the rainy season. Crops that may arise from seed banks will be treated as alien species.
- Removal of rubble and debris
 - All rubble and debris removed offsite.

- Removal of old / unnecessary fences
 - The removal of all internal fences is so that grazers are not restricted to an area other than the entire area.
- Grazing regime management
 - A reduction in grazing pressure in places and an increase in others, but not complete removal.
- Fire regime management
 - Fire will be considered as a valuable option for management.
- Land Management Philosophy
 - Once interventions have been installed, both constructed and non-constructed, the focal areas will be managed according a specific management strategy that will outline appropriate management, monitoring and review.

Conditions of this Environmental Authorisation

Scope of authorisation

1. The rehabilitation of approximately 682 ha of wetlands identified in the Kusile Wetland Offset Plan as described above are hereby approved as cited at the table reflected in page 6 above.
2. Authorisation of the activity is subject to the conditions contained in this environmental authorisation, which form part of the environmental authorisation and are binding on the holder of the authorisation.
3. The holder of the authorisation is responsible for ensuring compliance with the conditions contained in this environmental authorisation. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the authorisation.
4. The activities authorised may only be carried out at the property as described above.
5. Any changes to, or deviations from, the project description set out in this environmental authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further environmental authorisation in terms of the regulations.
6. The holder of an environmental authorisation must apply for an amendment of the environmental authorisation with the competent authority for any alienation, transfer or change of ownership rights in the property on which the activity is to take place.
7. This activity must commence within a period of five (05) years from the date of issue of this environmental authorisation. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.
8. Construction must be completed within 08 years of the commencement of the activity on site.
9. Commencement with one activity listed in terms of this environmental authorisation constitutes commencement of all authorised activities.

Notification of authorisation and right to appeal

10. The holder of the authorisation must notify every registered interested and affected party, in writing and within 14 (fourteen) calendar days of the date of this environmental authorisation, of the decision to authorise the activity.
11. The notification referred to must –
 - 11.1. specify the date on which the authorisation was issued;
 - 11.2. inform the interested and affected party of the appeal procedure provided for in the National Appeal Regulations, 2014;
 - 11.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
 - 11.4. provide the reasons of the competent authority for the decision.
12. The holder of the authorisation must publish a notice –
 - 12.1. informing interested and affected parties of the decision;
 - 12.2. informing interested and affected parties where the decision can be accessed; and
 - 12.3. drawing the attention of interested and affected parties to the fact that an appeal may be lodged against this decision in terms of the National Appeal Regulations, 2014.

Commencement of the activity

13. The authorised activity shall not commence until the period for the submission of appeals has lapsed as per the National Appeal Regulations, 2014. In terms of section 43(7), an appeal under section 43 of the National Environmental Management Act, 1998 will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged you may not commence with the activity until such time that the appeal has been finalised.

Management of the activity

14. An Environmental Management Programme (EMPr) that complies with GN R.982 (33) was integrated as part of the BAR. The EMPr is approved and must be adhered to.
15. The EMPr must be included in all contract documentation for the construction phase of the development.

16. The provisions of the EMPr are an extension to the conditions of the environmental authorisation and therefore non-compliance with the EMPr shall constitute non-compliance with the environmental authorisation.
17. A detailed and site specific Wetland Rehabilitation Plan (WRP) must be submitted for approval by the Department before commencement of construction activities.
- 17.1. The findings and recommendations of the Kusile Wetland Offset Rehabilitation Design Report (Deliverable 5: Finalisation of the Rehab Reports), dated 11 December 2017, must inform the site specific WRP.
- 17.2. The above mentioned WRP must include a detailed Monitoring and Management plan, the plan must specify roles, responsibilities and frequency of monitoring.
- 17.3. All identified role players in the WRP must adhere to the requirements of the plan and the successful implementation thereof.

Frequency and process of updating the EMPr

18. The EMPr must be updated where the findings of the environmental audit reports, contemplated in Condition 26 below, indicate insufficient mitigation of environmental impacts associated with the undertaking of the activity, or insufficient levels of compliance with the environmental authorisation or EMPr.
19. The updated EMPr must contain recommendations to rectify the shortcomings identified in the environmental audit report.
20. The updated EMPr must be submitted to the Department for approval together with the environmental audit report, as per Regulation 34 of GN R. 982. The updated EMPr must have been subjected to a public participation process, which process has been agreed to by the Department, prior to submission of the updated EMPr to the Department for approval.
21. In assessing whether to grant approval of an EMPr which has been updated as a result of an audit, the Department will consider the processes prescribed in Regulation 35 of GN R.982. Prior to approving an amended EMPr, the Department may request such amendments to the EMPr as it deems appropriate to ensure that the EMPr sufficiently provides for avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.
22. The holder of the authorisation may apply for an amendment of an EMPr, if such amendment is required before an audit is required. The holder must notify the Department of its intention to amend the EMPr at least 60 days prior to submitting such amendments to the EMPr to the Department for

approval. In assessing whether to grant such approval or not, the Department will consider the processes and requirements prescribed in Regulation 37 of GN R. 982.

Monitoring

23. The holder of the authorisation must appoint an experienced independent Environmental Control Officer (ECO) for the construction phase of the development that will have the responsibility to ensure that the mitigation/rehabilitation measures and recommendations referred to in this environmental authorisation are implemented and to ensure compliance with the provisions of the approved EMPr.
- 23.1. The ECO must be appointed before commencement of any authorised activities.
- 23.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department at Directorcompliance@environment.gov.za.
- 23.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a schedule of tasks undertaken by the ECO.
- 23.4. The ECO must remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.
24. The ECO must be appointed for the duration of the project and thereafter for a six month rehabilitation period.

Recording and reporting to the Department

25. All documentation e.g. audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this environmental authorisation, must be submitted to the *Director: Compliance Monitoring* of the Department at Directorcompliance@environment.gov.za.
26. The holder of the environmental authorisation must, for the period during which the environmental authorisation and EMPr remain valid, ensure that project compliance with the conditions of the environmental authorisation and the EMPr are audited, and that the audit reports are submitted to the *Director: Compliance Monitoring* of the Department at Directorcompliance@environment.gov.za.
27. The frequency of auditing and of submission of the environmental audit reports must be as per the frequency indicated in the EMPr, taking into account the processes for such auditing as prescribed in Regulation 34 of GN R. 982.
28. The holder of the authorisation must, in addition, submit an environmental audit report to the Department within 30 days of completion of the construction phase (i.e. within 30 days of site

handover) and a final environmental audit report within 30 days of completion of rehabilitation activities.

29. The environmental audit reports must be compiled in accordance with appendix 7 of the EIA Regulations, 2014 and must indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the environmental authorisation conditions as well as the requirements of the approved EMPr.
30. Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.
31. The ECO appointed to oversee the rehabilitation activities must table all audit reports and monitoring outcomes at the Kusile EMC Meetings.

Notification to authorities

32. A written notification of commencement must be given to the Department no later than fourteen (14) days prior to the commencement of the activity. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence, as well as a reference number.

Operation of the activity

33. A written notification of operation must be given to the Department no later than fourteen (14) days prior to the commencement of the activity operational phase.

Site closure and decommissioning

34. Should the activity ever cease or become redundant, the holder of the authorisation must undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and competent authority at that time.

Specific conditions

35. The holder of the authorisation, ECO and the contractor must ensure that all site workers understand the content of the EMPr, Rehabilitation Plan and this EA prior construction.
 36. All mitigation measures identified in the EMPr must be adhered to.
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37. Applicant must ensure that all the residual construction materials, equipment and/ or refuse are completely removed after construction.
38. Storm water runoff from the Kusile power plant must be appropriately managed in order to control pollution and erosion within the wetlands.
39. The activities associated with this environmental authorisation must commence once the necessary water use authorisations have been obtained from the Department of Water and Sanitation.
40. A Phase 1 Heritage Impact Assessment which includes a Palaeontological Desktop Assessment as per section 38(2)b and 38(3) of the National Heritage Resources Act (NHRA) must be conducted, prior to commencement of any construction related activities, the recommendations from aforementioned study must be included in the site specific WRP.
41. Should any archaeological or cultural heritage resources, including human remains / graves, as defined and protected under the National Heritage Resources Act, 1999, be identified during the construction phase, construction activities within the vicinity of the findings must immediately cease and be reported to the relevant heritage resources authority and should human remains be found on site, the South African Police Service must also be notified.
42. The removal of alien plant species must be done by trained personnel to avoid trampling and damage to indigenous and/ or vulnerable species.
43. The recommendations of the Environmental Assessment Practitioner and Specialist must be adhered to.
44. EMU F the key head-cut at B20F FH 005 must be monitored post construction.
45. EMU G at GH 004 there is a natural riffle dominated by shallow cobble and gravel and is acting as a hydraulic control to prevent incision at this point and upstream of it. This point is important for conserving channel stability and must be monitored so that function is conserved and not lost due to incision or sedimentation.
46. In areas where livestock depends on wetland areas for grazing and drinking, a livestock management plan should be established. This plan should be developed and implemented before the rehabilitation program commences to avoid conflict during the rehabilitation process.
47. An agreed buffer where applicable, should be maintained between any agricultural lands and wetland areas so as to limit impacts associated with sedimentation, pollutant runoff and where intensive cultivation is undertaken as preferred by specialist.

General

48. A copy of this environmental authorisation, the audit and compliance monitoring reports, and the approved EMP, must be made available for inspection and copying-
- 48.1. at the site of the authorised activity;
 - 48.2. to anyone on request; and
 - 48.3. where the holder of the environmental authorisation has a website, on such publicly accessible website.
49. National government, provincial government, local authorities or committees appointed in terms of the conditions of this authorisation or any other public authority shall not be held responsible for any damages or losses suffered by the holder of the authorisation or his/her successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the holder of the authorisation with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Date of environmental authorisation: 27/07/2018



Mr Sabelo Malaza

Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs

Annexure 1: Reasons for Decision

1. Information considered in making the decision

In reaching its decision, the Department took, *inter alia*, the following into consideration -

- a) The information contained in the BAR dated April 2018;
- b) The comments received from Interested and affected parties as included in the BAR dated April 2018;
- c) Mitigation measures as proposed in the BAR dated April 2018 and the EMP; and
- d) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No.107 of 1998).

2. Key factors considered in making the decision

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below.

- a) The findings of all the specialist studies conducted and their recommended mitigation measures.
- b) Eskom identified that wetlands in the area are generally modified and degraded and the predominant cause of this deviation is historical and current agricultural activities, storm water runoff from the Kusile Power Station which has increased erosion and turbidity in many of these wetlands and existence of plentiful alien plant species as a result species composition has been drastically altered. Furthermore, significant channel erosion and incision have occurred within some of the valley bottom wetlands. These wetlands therefore, need to be rehabilitated to/ close to their original state.
- c) The BAR dated April 2018 identified all relevant environmental legislation and guidelines that have been considered in the preparation of the BAR dated April 2018.
- d) The methodology used in assessing the potential impacts identified in the BAR dated April 2018 and the specialist studies have been adequately indicated.
- e) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2014 for public involvement.

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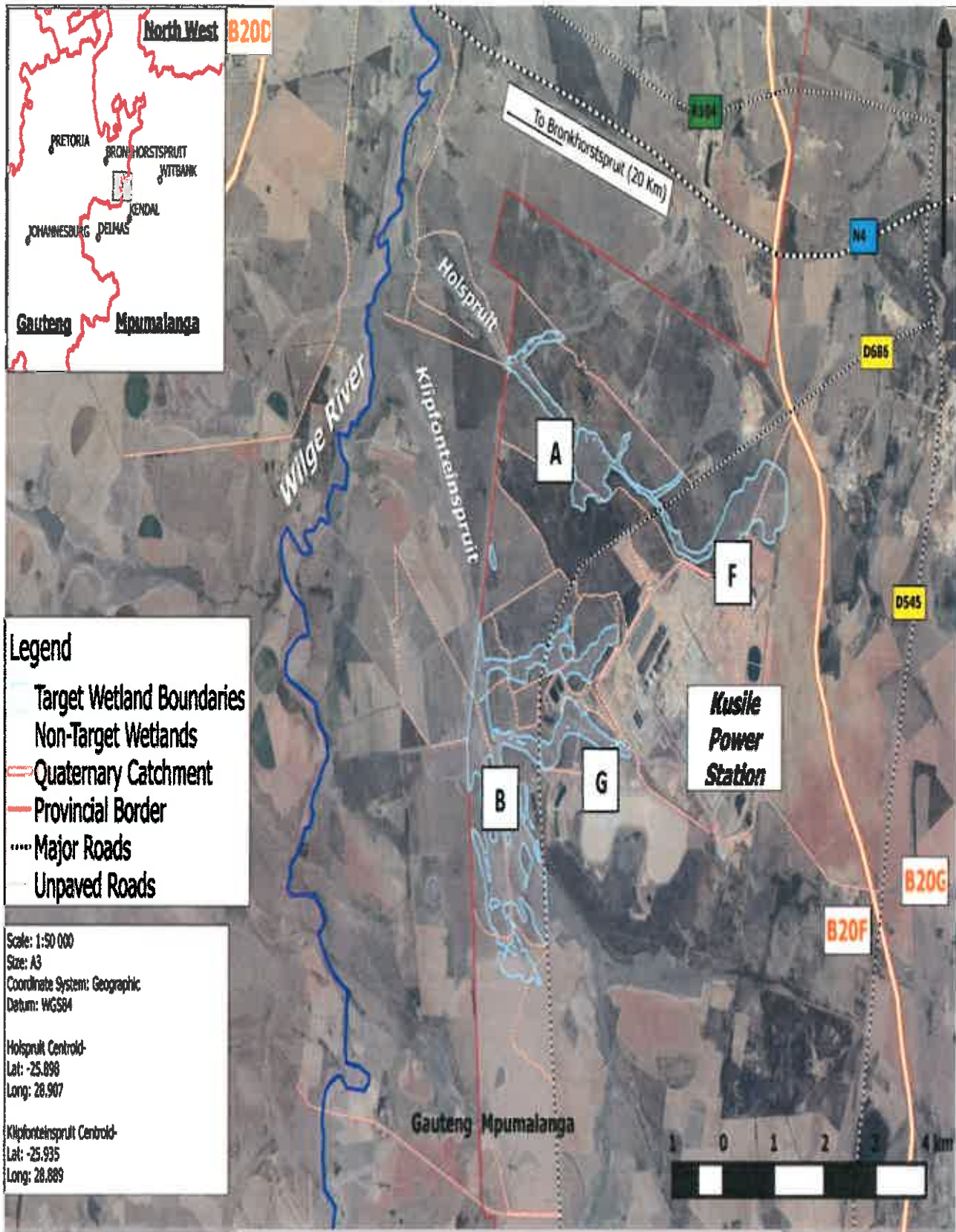
3. Findings

After consideration of the information and factors listed above, the Department made the following findings -

- a) The identification and assessment of impacts are detailed in the BAR dated April 2018 and sufficient assessment of the key identified issues and impacts have been completed.
- b) The procedure followed for impact assessment is adequate for the decision-making process.
- c) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- d) According to the independent EAP, the information contained in the BAR dated April 2018 is accurate and credible.
- e) EMPr measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the BAR and will be implemented to manage the identified environmental impacts during the construction phase.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the authorised activities will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 and that any potentially detrimental environmental impacts resulting from the authorised activities can be mitigated to acceptable levels. The environmental authorisation is accordingly granted.

ANNEXURE 2: Locality Map



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