

COMMENTS AND RESPONSE REPORT
THE PROPOSED MAINTENANCE ACTIVITIES OF TRUNK ROAD 33/4 BETWEEN KM 4.6 AND KM 14.4,
MEIRINGSPOORT, WESTERN CAPE PROVINCE.
July 2020



COMMENT	ORGANISATION/NAME	DATE	RESPONSE
2nd Round of PPP			
1. All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use must be adhered to. 2. This office confirm that the General Authorisation in terms of section 39 of the National Water Act (Act 36 of 1998), was already confirmed for mentioned activity. 3. The applicant should prepare a Maintenance and Management Plan, as these are permanent structures that will require maintenance from time to time.	Breede-Gouritz Catchment Management Agency Carlo Abrahams	27 May 2020	1. Thank you, we have indicated as such in the EMPr and BAR. 2. Thank you, we are awaiting the issuing of the GA, we have received notification that it has been completed however due to technical difficulties we are still waiting to receive the registration certificate. 3. We applied to undertake the activities in accordance with an MMP however it was not deemed appropriate, it can therefore be said that further maintenance activities, as proposed within the FBAR, will have to undergo a Basic Assessment Process.
The Directorate: Biodiversity Conservation reviewed and evaluated the aforementioned draft report. After the evaluation of amended DBAR and the specialist reports submitted for the proposed development, it is recommended that the following be considered in the Final Basic Assessment Report - Lay-down and other temporary infrastructure must be located within low-sensitivity areas; - Vegetation clearance must be limited to the footprint of the proposed development;	Department of Environmental Affairs: Biodiversity and Conservation Stanley Tshitwamulomoni	9 June 2020	Thank you for your comments on the Revised draft BAR, it will be ensured that the recommended mitigation measures are incorporated into the EMPr, in addition an Alien Management Plan will be appended to the EMPr with the submission of the final BAR.

COMMENTS AND RESPONSE REPORT
THE PROPOSED MAINTENANCE ACTIVITIES OF TRUNK ROAD 33/4 BETWEEN KM 4.6 AND KM 14.4,
MEIRINGSPOORT, WESTERN CAPE PROVINCE.
July 2020



• High sensitivity areas in close proximity to the development footprint must be demarcated as “No-Go” areas. • All disturbed and cleared areas must be re-vegetated with indigenous perennial shrubs and grasses from the local area; • An alien invasive management plan to prevent the spread and new invasions must be developed in terms of Conservation of Agricultural Resources Act (CARA) and the National Environmental Management Biodiversity Act and submitted as part of the final report; follow up actions for at least five years need to take place; and • Concurrent rehabilitation and alien vegetation control program within all sensitive areas must be implemented. The Section of the maintenance route falls within the Protected Swartberg Nature Reserve and the Proclaimed Meiringspoort World Heritage Site as part of the Public Participation Process you are required to obtain comments from the Department of Environmental Affairs, Fisheries & Forestry following Directorates: 1. World Heritage Site Directorate Ms. Thumeka Ntloko Tel: 012 399 9531 Email: tntloko@environment.gov.za			Comment was received by DEFF: Protected Areas Directorate and incorporated into this Comments and Response Report. No comment was received from the DEFF: World Heritage Site Directorate.
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THE PROPOSED MAINTENANCE ACTIVITIES OF TRUNK ROAD 33/4 BETWEEN KM 4.6 AND KM 14.4,
MEIRINGSPOORT, WESTERN CAPE PROVINCE.
July 2020



2. Protected Areas Directorate Mr. Thivhulawi Nethononda Tel: 012 399 9553 Email: tnethononda@environment.gov.za			
The Directorate: Protected Areas Planning and Management Effectiveness, would like to thank you for the opportunity to review the proposed Draft Basic Assessment Report and wish to make the following comments and the our comments are specific to protected areas Act and its regulations.	Department of Environmental Affairs: Protected Areas Mr. Thivhilawi Nethononda	15 May 2020	Thank you for your comments on the proposed maintenance activities.
We have noted that the majority of the maintenance activities of the trunk road will be happening in the declared road reserve, however the draft integrated management plan of the Cape Floral region World Heritage Sites as well as the Swartberg Nature Reserve must be adhered to when it concern the watercourse areas or different types of zonation plan.			The Management Plans have been considered in the BAR, however as the proposal is for the maintenance of existing infrastructure, only the prevention of pollution of the natural systems is applicable to the proposal. This potential impact will be mitigated through the implementation of the Environmental Management Plan during the construction/maintenance phase.
Pollution and soil contamination could also occur from general waste, fuel, oil, chemical toilets, cement mixing directly on the soil and stormwater runoff may flow over the site camp area and carry contaminants into the river. Uncontrolled runoff could pick up contaminants and spread them into the Groot River.			In terms of pollution prevention, the implementation of the EMPr will mitigate the potential impacts associated with pollution.

COMMENTS AND RESPONSE REPORT
THE PROPOSED MAINTENANCE ACTIVITIES OF TRUNK ROAD 33/4 BETWEEN KM 4.6 AND KM 14.4,
MEIRINGSPOORT, WESTERN CAPE PROVINCE.
July 2020



Section 50(5) of NEMPAA states that “no development, construction or farming may be permitted in a national park, nature reserve, or world heritage site without prior written approval of the management authority.”			In terms of Section 50(5) of NEMPAA, written permission will be sourced from the CapeNature CEO to undertake the maintenance within the World Heritage Site.
The management authority is assigned to manage the protected area in terms of Section 38 of NEMPAA. The management authority approval letter, in terms of NEMPAA section 50 sub section 5, must be approved by the management authority through all its formal process and procedures (Chief Executive and Cape Nature Board). In terms of Section 19 of the regulations for the Proper Administration of Special Nature Reserves, National Parks, and World Heritage Sites, no development contemplated in Section 50(5) of the Act Shall be implemented in any area other than an area designated for such development in the Integrated Management Plan.			

COMMENTS AND RESPONSE REPORT
THE PROPOSED MAINTENANCE ACTIVITIES OF TRUNK ROAD 33/4 BETWEEN KM 4.6 AND KM 14.4,
MEIRINGSPOORT, WESTERN CAPE PROVINCE.
July 2020



An Environmental Control Officer (ECO) must be appointed to monitor the construction phase and report on the level of compliance with the Environmental Authorisation and the Environmental Management Programme (EMPr) and the appointed ECO must work hand in hand with the reserve manager or designated official from the Swartberg Complex Nature Reserves which is part of the Cape Floral Region World Heritage Site.			The proposed mitigation measures have been incorporated into the EMPr.
All comments listed by the management authority (Cape Nature) and other affected parties must be implemented and addressed in the final report. The report indicated that non maintenance activities will be required of the major culverts within the declared protected area.			All comments by the management authority (CapeNature) and other affected parties have been implemented and addressed in this final Comments and Response Report and the Final Basic Assessment Report.
The Groot River has cut through the Swartberg Mountain range creating the Meiringspoort, as such the Groot River and Trunk Road 33/4 is surrounded by steep, rocky, mountainous topography and extra care must be implemented to avoid the accident that may cause water contamination.			The proposed mitigation measures to avoid contamination have been incorporated into the EMPr.
The suggested mitigation measures proposed within this Draft BAR must adhered to in order to minimize the potential impact.			The proposed mitigation measures have been incorporated into the EMPr and as such must be complied with during the construction/maintenance phase.

COMMENTS AND RESPONSE REPORT
THE PROPOSED MAINTENANCE ACTIVITIES OF TRUNK ROAD 33/4 BETWEEN KM 4.6 AND KM 14.4,
MEIRINGSPOORT, WESTERN CAPE PROVINCE.
July 2020



The developer is not allowed to extract water from the rivers without the approved water use license which need to be applied from the department of Human Settlement, Water and Sanitation.			As indicated in the BAR and EMPr, the proponent must comply with all other applicable legislation. In addition, extraction of water from the Groot River will not be required to undertake the proposed maintenance activities.
1. You are reminded that the following comments related to the application form must be addressed in the final BAR, as stated in the Comments and Response Report.	Department of Environmental Affairs Bathandwa Ncube	26 March 2020	1: These comments are addressed in this Comments and Response Report attached to the FINAL BAR.
2. Appendix 4 of the submitted application form includes contact details of organs of state that are insufficient and incorrect in some instances. Please ensure that the list of registered interested and affected parties , as per Regulation 42 of the NEMA EIA Regulations, 2014 (as amended), contains the correct contact details.			2. These details have been corrected.
3. Appendix 12 of the Application form includes an incomplete undertaking under oath or affirmation by EAP. You are therefore required to include an undertaking of oath or affirmation.			3. The complete undertaking of oaths has been appended to the appropriate documents with this submission of the Final BAR.

COMMENTS AND RESPONSE REPORT
THE PROPOSED MAINTENANCE ACTIVITIES OF TRUNK ROAD 33/4 BETWEEN KM 4.6 AND KM 14.4,
MEIRINGSPOORT, WESTERN CAPE PROVINCE.
July 2020



4. Please note that the final BAR must also have an undertaking under oath or affirmation by the EAP. You are requested to use the Dept. Template and ensure that it is original.			4. The Departmental Template has been used and is original.
5. Please ensure that the all relevant listed activities are applied for, are specific and can be linked to the development activity or infrastructure as described in the project description.			5. The relevant listed activities have been linked to the activity and/or infrastructure.
6. In terms of Listing Notice 3; ensure that the activities relate to the relative triggers specific to the Western Cape Province and only indicate the relevant sub activities triggered by the proposed maintenance activities.			6. The changes to the listed activities have been made to the BAR and the activities relate to the relative triggers.

COMMENTS AND RESPONSE REPORT

**THE PROPOSED MAINTENANCE ACTIVITIES OF TRUNK ROAD 33/4 BETWEEN KM 4.6 AND KM 14.4,
MEIRINGSPOORT, WESTERN CAPE PROVINCE.**

July 2020



7. Comments must be obtained from the following section within this Department: a. Biodiversity and Conservation Attention Mr. Stanely Tshitwamulomoni Tel: 012 399 9587 Email: StanleyT@environment.gov.za b. Protected Areas Attention: Mr. Thivhulawi Nethononda Tel: 012 3999 9553 Email: TNethononda@environmant.gov.za Further to that, these comments must be addressed and incorporated in the final Basic Assessment Report.			7. Comments have been obtained from these entities, please see comments provided by Protected Areas and Biodiversity and Conservation from the Department of Environmental Affairs.
8. The PPP must be conducted in terms of Reg 39 to 44 of the EIA regulations 2014, as amended.			8. Please refer to Appendix F for the Proof of PPP conducted for this proposal.
9. Please ensure that all issues raised and comments received during the circulation of the amended draft BAR from registered I&APs and organs of state, which have jurisdiction in respect of the proposed activity are submitted to the Department with the Final BAR.			9. All comments received have been incorporated and addressed in this Comments and Response Report (Appendix F3 of the BAR).

COMMENTS AND RESPONSE REPORT

THE PROPOSED MAINTENANCE ACTIVITIES OF TRUNK ROAD 33/4 BETWEEN KM 4.6 AND KM 14.4, MEIRINGSPOORT, WESTERN CAPE PROVINCE.

July 2020



10. Copies of original comments received from I&AP's and organs of state, which have jurisdiction in respect of the proposed activity are submitted to the Department with the Final BAR.			10. All comments, as submitted have been attached to this BAR as Appendix F.
11. Proof of correspondence with the various stakeholders must be included in the final BAR. Should you be unable to obtain comments. In terms of Regulation 41(2)(b) of the EIA regulations, 2014, as amended, please provide proof of written notice for the availability of the BAR for comment.			11. Proof has been provided where comment could not be obtained.
12. All issues raised comments received during the circulation of the draft BAR from I&APs and organs of State which have jurisdiction in respect of the proposed activity are adequately addressed in the final BAR, including comments from this Department, and must be incorporated into a Comments and Response Report (CRR).			12. Comment will be incorporated into the Comments and Response report.
13. Please refrain from summarizing comments made by I&APs. All comments from I&APs must be copied verbatim and responded to clearly. Please note that a response such as "noted" is not regarded as an adequate response to an I&AP's comments			13. We will not use noted in our responses to comments and will record comments received verbatim.
14. The attendance register and minutes of any meetings held by the EAP with I&AP's and other role players must be included in the final BAR.			14. An attendance register will be provided if we have a meeting but with COVID-19 ,physical meetings are a huge

COMMENTS AND RESPONSE REPORT

**THE PROPOSED MAINTENANCE ACTIVITIES OF TRUNK ROAD 33/4 BETWEEN KM 4.6 AND KM 14.4,
MEIRINGSPOORT, WESTERN CAPE PROVINCE.**

July 2020



			risk and it's probably better to use electronic mediums, if required.
15. You are requested to submit original signed Specialists Declaration of Interest Forms (completed in full) for each specialist study conducted. The forms have been updated and are available on Departments website (please use the Departments template).			15. Original signed declarations will be submitted with the final BAR.
16. The comments and response report states that the EMPr has been amended to as per response of the EAP, however, this amended has not been incorporated into the amended draft BAR. Please ensure that this information is included in the final BAR.			16. This has been rectified.
17. Ensure that the EMPr complies with Appendix 4 of the EIA regulations 2014 (as amended).			17. The EMPr has been compiled in accordance with the EIA Regulations and Appendix 4 of the Regulations to ensure compliance.
Following a review of the application and appendices, and given the above mentioned sensitivity of the site, CapeNature would like to make the following comments/recommendations: 1. Meiringspoort falls within the Swartberg Complex World Heritage Site (not the Meiringspoort World Heritage Site as mentioned in the reports), which forms part of the Cape Floral Region Protected Areas World Heritage Site, the highest status that a protected area can be designated as globally. The river system in Meiringspoort harbours the biggest viable population	CapeNature Colin Fordham	16 April 2020	1. Reference in the BAR have been adjusted to reflect the Swartberg Complex World Heritage Site. Thank you for the information regarding the smallscale redbin and chubbyhead barb. This information in addition to your recommended mitigation measures will be included into the Final BAR and EMPr. Regarding the vegetation of conservation concern within 20-40m from the trunk road, all activities will remain within

COMMENTS AND RESPONSE REPORT

THE PROPOSED MAINTENANCE ACTIVITIES OF TRUNK ROAD 33/4 BETWEEN KM 4.6 AND KM 14.4, MEIRINGSPOORT, WESTERN CAPE PROVINCE.

July 2020



of the smallscale redbfin (<i>Pseudobarbus asper</i>), a species listed as Vulnerable according to the IUCN redlist for fish species. This species is extremely vulnerable to the impacts of pollution events. In addition, there are a number of plant species of conservation concern relatively close to the trunk road (within 20-40 m) through Meiringspoort – some of these occur in rock crevices or on steep cliff faces.			the road reserve and according to the botanical survey of the site, no vegetation species of conservation concern were noted at the proposed sites within the Meiringspoort and as such it is not expected that they will be impacted by the proposal. The applicant will be require to check each new maintenance site before disturbance commences to ensure any permits are obtained for protect vegetation species and/or for species which search and rescue successfully for rehabilitation of the disturbed areas once maintenance activities conclude.
2. The Groot River that runs through Meiringspoort also houses both redbfin species that occur in the area and the chubbyhead barb, in the reach where the works are to take place. Details of which are contained in the Swartberg Complex World Heritage Site & Nature Reserves: Protected Area Management Plan (downloadable from www.capenature.co.za) (CapeNature 2020) and the post diesel spill fish report (Jordaan 2019), sent via email. <i>Pseudobarbus asper</i> (Vulnerable threat status, with populations declining) are present right through the poort, with			2. Thank you for the information, as requested the information has been incorporated into the BAR and EMPr.

COMMENTS AND RESPONSE REPORT
THE PROPOSED MAINTENANCE ACTIVITIES OF TRUNK ROAD 33/4 BETWEEN KM 4.6 AND KM 14.4,
MEIRINGSPOORT, WESTERN CAPE PROVINCE.
July 2020



<i>Pseudobarbus tenuis</i> (Near Threatened, wider spread species distribution) joining in the section where the works are to take place. The chubbyhead barb <i>Enteromius anoplus</i> is also present in the lower sections of the Groot River in Meiringspoort. This species is under taxonomic review and if the Gouritz population turns out to be genetically unique then this will be a very important population to conserve. CapeNature therefore insists that this information is included in any further considerations for this project. Where any diversions will take place, or damming and digging, fish rescues should take place.			
2.1. Extra care should be taken during construction phase to not destroy the instream habitat where possible. CapeNature therefore recommends that a suitable fish rescue plan be compiled and appended to (or included into), the EMPr. The scouring effect from the current road design, has resulted in pools often developing downstream of the current crossings. These pools are currently inhabited by various indigenous protected fish species (as aforementioned). These fish need to be safely captured and relocated to similar habitat within the immediate vicinity of the proposed construction site, prior to the commencement of construction phase activities at each specified site. Given the specific habitat requirements for each species, it is not feasible to			2.1 Thank you for your mitigation recommendations, they have been incorporated into the BAR and EMPr.

COMMENTS AND RESPONSE REPORT
THE PROPOSED MAINTENANCE ACTIVITIES OF TRUNK ROAD 33/4 BETWEEN KM 4.6 AND KM 14.4,
MEIRINGSPOORT, WESTERN CAPE PROVINCE.
July 2020



remove all fish at once throughout the system's construction footprints, and this plan must be done individually, at each specific site. The aim of this plan would be to ensure all fish are removed from the footprint of a specified construction site and relocated safely in suitable habitat nearby. The fish rescue plan should detail how the fish relocation procedure must be implemented. In addition to which, a suitable impermeable fish net must be placed at a predefined nearby location, upstream of the construction site. This net is to prevent fish from re-entering the site following relocation. A silt net/fence is also required to be placed downstream of the construction site, to prevent unnecessary siltation of the downstream habitat. The actual physical identification of nearby suitable habitat for fish to be transferred to should be done individually per site, in consultation with, and approved by, CapeNature and the ECO. The ECO is to ensure contractor compliance in this regard and the ECO must liaise with Conservation Manager of the Swartberg Nature Reserve and World Heritage Site (Mr Kgaugelo Shadung kshadung@capenature.co.za) prior to the commencement of the fish site rescue operations. The ECO monitoring report should also capture all details regarding this process throughout the construction phase activities.			
2.2. The river system is largely in a pristine to near pristine condition. Invasive alien plants in the poort are largely limited to certain disturbed areas directly			2.2 Thank you for your mitigation recommendations, they have been incorporated into the BAR and EMPr.

COMMENTS AND RESPONSE REPORT
THE PROPOSED MAINTENANCE ACTIVITIES OF TRUNK ROAD 33/4 BETWEEN KM 4.6 AND KM 14.4,
MEIRINGSPOORT, WESTERN CAPE PROVINCE.
July 2020



adjacent to the road. It is very important to limit any disturbance to the river system to the absolute minimum when the maintenance activities are undertaken. Absolutely no heavy machines may enter the river system to clear vegetation from the riverbed or from the within the culverts, where this can be avoided. If any heavy machinery is required to enter the system this cannot be done, without CapeNature's consent, please liaise with Mr Kgaugelo Shadung kshadung@capenature.co.za, if this is required.			
2.3. CapeNature also recommends that the specialists consider also limiting the number of structures to be worked on at any one time, to preserve refugia for fish should any contamination occur as a result of the construction phase. It is recommended that a maximum number of five bridges or culvert structures be worked on at any moment during the construction phase. Also that the contractor work in a singular direction, either from north to south or south to north to limit disturbance to only one section of the river at any moment during the construction phase.			2.3. We have included into the EMPr the limiting of active construction sites to 5 and that the contractor must work in a singular direction to limit disturbance.
3. An experienced and suitably qualified Environmental Control Officer (ECO) must be appointed for the duration of the contract to oversee and report on the environmental management of the construction work			3. Thank you for your mitigation recommendations, they have been incorporated into the BAR and EMPr. The ECO requirements as well as other requirements have been included in the EMPr.

COMMENTS AND RESPONSE REPORT
THE PROPOSED MAINTENANCE ACTIVITIES OF TRUNK ROAD 33/4 BETWEEN KM 4.6 AND KM 14.4,
MEIRINGSPOORT, WESTERN CAPE PROVINCE.
July 2020



taking place in the Meiringspoort and the following comments relate to those duties: 3.1. A compulsory site induction meeting must be held, prior to commencement of the project with the applicant, CapeNature, the contractor and relevant neighbouring farmers accordingly. 3.2. The ECO must submit a report to the Conservation Manager of the Swartberg Complex World Heritage Site (Mr Kgaugelo Shadung, kshadung@capenature.co.za) once every two weeks in which he/she provides feedback on all relevant environmental aspects. 3.3. Fires (e.g. for preparation of food or drinks) are only allowed at the designated sites at some of the existing picnic areas in the poort; nowhere else. Fynbos is a fire-prone ecosystem and any fire has the potential of getting out of hand and causing serious destruction. 3.4. Absolutely no toileting in the veld is allowed. The existing well-managed toilets in the Meiringspoort must rather be used or a portable SANITECH toilets. 3.5. It is understood that the large boulders in and adjacent to the river will not be disturbed or destroyed. 3.6. Any invasive alien plants within the disturbed areas (such as <i>Pennisetum clandestinum</i>, <i>Ricinus communis</i>, etc.) must be cleared and removed from Meiringspoort. Monitoring of the spread and clearing of invasive alien plants must be carried out on a continual basis throughout the period of the contract.			
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COMMENTS AND RESPONSE REPORT
THE PROPOSED MAINTENANCE ACTIVITIES OF TRUNK ROAD 33/4 BETWEEN KM 4.6 AND KM 14.4,
MEIRINGSPOORT, WESTERN CAPE PROVINCE.
July 2020



3.7. Cutting down of larger riparian trees must be avoided. 3.8. Only seed or cuttings of locally indigenous species may be used for propagation of plants to use for restoration work, should this be required. The cuttings and/or seed must be planted in 16tabilizat soil in nursery bags in order to ensure that no foreign or alien seeds are introduced into Meiringspoort. Please do not use the grass seed mix containing <i>Poa annua</i>, <i>Lolium</i> sp. Or other alien grass species for landscaping or soil 16tabilization. Only use <i>Cynodon dactylon</i> or <i>Digitaria eriantha</i> seed for 16tabilization. 3.9. A clearly demarcated site camp for stockpiling material and storage of vehicles must be selected outside of the boundaries of the Swartberg World Heritage Site. CapeNature will also not support the location of any cement batching plants within the extent of the poort or WHS, and only supports the location of such facilities at the construction site camp outside the WHS, at a CapeNature approved location. In addition to which no washing of tools or implements within the poort's water or adjacent watercourses should be permitted. If such actions are required at the various construction sites, the contractor must ensure all water used for such purposes is not discharged into a watercourse of the poort. The location of this site camp must be discussed and approved by the Conservation Manager of the Swartberg Nature Reserve and World Heritage Site (Mr Kgaugelo			
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COMMENTS AND RESPONSE REPORT
THE PROPOSED MAINTENANCE ACTIVITIES OF TRUNK ROAD 33/4 BETWEEN KM 4.6 AND KM 14.4,
MEIRINGSPOORT, WESTERN CAPE PROVINCE.
July 2020



Shadung kshadung@capenature.co.za), prior to site establishment. 3.10. There is a requirement to remove excess material from the various crossings. It is recommended that a suitable site be selected and this has to be located outside of the WHS. There is a possible site located outside of De Rust where there is a truck rest area, please contact Mr Kgaugelo Shadung kshadung@capenature.co.za, for more details on this location. The impact of the dumping of the material should also be assessed accordingly and even other potential dump sites assessed, where the material could also be used for erosion rehabilitation measures. 3.11. Absolutely no driving, parking or turning of vehicles may take place in the natural veld, within the poort. 3.12. It is understood that the necessary warning signs and traffic safety measures will be implemented during the construction period. 3.13. It is vitally important that the contractors and their staff are briefed about 'leave no trace' principles in a sensitive environment before the start of the contract. These principles must be emphasized and repeated on a continual basis throughout the contract period.			
			4. The mentioned legislation has been incorporated into the BAR and EMPr.

COMMENTS AND RESPONSE REPORT
THE PROPOSED MAINTENANCE ACTIVITIES OF TRUNK ROAD 33/4 BETWEEN KM 4.6 AND KM 14.4,
MEIRINGSPOORT, WESTERN CAPE PROVINCE.
July 2020



4. No mention is made that this mountain catchment falls into one of SA's Water Source Areas. Legislation such as namely the Mountain Catchment Areas Act (Act 63 of 1970), National Protected Areas Act (NEM: PAA) (Act 57 of 2003) and World Heritage Convention Act (Act 49 of 1999) must also be referenced, adhered to and referred to accordingly.			
5. It should be noted that as per National Environmental Management Protected Areas Act (NEM:PAA) Section 50 (5): Commercial and community activities in nature reserve and world heritage site: <i>"50(5) No development, construction or farming may be permitted in a nature reserve or world heritage site without the written approval of the management authority."</i> The proposed scope of works requires written approval from CapeNature's Chief Executive Officer (CEO) prior to the issuing of the Environmental Authorisation (EA). It is recommended that the applicant compile this letter as soon as possible, as due to the capital value of this project the CEO will require CapeNature board approval prior to signing any such documentation.			5. The letter for permission to undertake the proposed activities has been sent to CapeNature for their response.
6. The Swartberg Complex World Heritage Site & Nature Reserves: Protected Area Management Plan has received final CapeNature board approval and it now only requires ministerial and national approval.			6. The Swartberg Complex World Heritage Site & Nature Reserves: Protected Area Management Plan has not been approved yet however the report has been considered and incorporated into the BAR.

COMMENTS AND RESPONSE REPORT
THE PROPOSED MAINTENANCE ACTIVITIES OF TRUNK ROAD 33/4 BETWEEN KM 4.6 AND KM 14.4,
MEIRINGSPOORT, WESTERN CAPE PROVINCE.
July 2020



This version should however be referenced and used accordingly in all documentation, available for download at www.capenature.co.za .			
7. CapeNature understands that any indigenous vegetation that requires removal will be rescued and used for rehabilitation purposes. CapeNature would like to reiterate that all endangered species or protected species listed in Schedules 3 and 4 respectively, in terms of the Western Cape Nature Conservation Laws Amendment Act, 2000 (Act No. 3 of 2000) may not be picked or removed without the relevant permit, which must be obtained from CapeNature. This is also to ensure that rescued plant material is accounted for and used in the rehabilitation or relocation process. To obtain such permits please contact the relevant Conservation Services Officials at the George CapeNature Regional Office or use the following website address http://www.capenature.co.za/permits-information/ .			7. As indicated in the BAR and Botanical Survey, there are no endangered or protected species in the areas which will be subjected to maintenance activities.
1st Round of PPP			
<u>Application Form</u> 1. Appendix 4 of the submitted application form includes contact details of organs of state that are	Department of Environmental Affairs	10 December 2019	1. The list of I&AP's has been corrected, please see the list as per Appendix F of this Final BAR.

COMMENTS AND RESPONSE REPORT
THE PROPOSED MAINTENANCE ACTIVITIES OF TRUNK ROAD 33/4 BETWEEN KM 4.6 AND KM 14.4,
MEIRINGSPPOORT, WESTERN CAPE PROVINCE.
July 2020



insufficient and incorrect in some instances. Please ensure that the list of registered I&As, as per Regulation 42 of the NEMA EIA Regulations, 2014 (as amended), contains the correct contact details.	Bathandwa Ncube		
2. Appendix 12 of the application form includes incomplete undertaking under oath or affirmation by EAP. You are therefore required to include an undertaking under oath or affirmation, administered by a Commissioner of Oaths, as per Appendix 1(3)(1)(r) of the EIA regulations, 2014 (as amended).			2. An amended application form containing an undertaking under oath with be submitted with the final BAR.
3. Please note that the final BAR must also have an undertaking under oath or affirmation by the EAP. You are requested to use the Departmental template and ensure that it is original.			3. The Final BAR will also have the undertaken of oath of the EAP. The relevant changes to the listed activities have been made in the Final BAR.
4. please ensure that all relevant listed activities are applied for, are specific and can be linked to the development activity or infrastructure as described in the project description.			
5. In terms of Listing Notice 3; ensure that the activities relate to the relative triggers specific to the Western Cape province and only indicate the relevant sub activities triggered by the proposed maintenance activities.			
6. Kindly distinguish between the areas of land to be cleared that are already disturbed and the indigenous areas (m ²).			6. The entire site has been previously disturbed as the entire proposal is within the road reserve. Please note that only a small amount of vegetation and some trees' branches which are encroaching on the road or road shoulder in a manner that poses a threat to road users will be cut out of the way, as such, this vegetation will not be completely removed and instead in some instances only branches will be cut back from the road.

COMMENTS AND RESPONSE REPORT

THE PROPOSED MAINTENANCE ACTIVITIES OF TRUNK ROAD 33/4 BETWEEN KM 4.6 AND KM 14.4, MEIRINGSPOORT, WESTERN CAPE PROVINCE.

July 2020



			Clearance will however be undertaken within the maintenance sites of causeways 4, 5, 7, 14 and 15 with an approximate total of 320m ² from within the watercourses mostly on the downstream sides of the structures and within close proximity to the structures to ensure their effectiveness and longevity.
7. An amended application form must be submitted with the final BAR.			7. As requested, an amended application form will be submitted with the final BAR.
<u>Coordinates</u> 8. you are requested to provide coordinates for the location of the fifteen causeways listed in the project description on page 14 of the draft BAR.			8. Please see the revised Project description which now includes the coordinates of each bridge which forms part of the proposal.
Alternatives 9. you are requested to discuss the “No-Go alternative.” This entails discussing the positive and negative impacts of the proposed maintenance activities not taking place.			9. The No-Go alternative has been expanded upon within the BAR. Please refer to Section E.1.f of the BAR
10. The CBA and ESA status of the Trunk Road route cannot be determined on the Biodiversity Map provided in Appendix D of the draft BAR, as the BSP protected areas layer is superimposed on the other biodiversity layers.			10. A Protected Area (PA) is one of five categories of the Biodiversity Spatial Plan Map, the others being CBA, ESA, ONA and NN. As such there is no CBA mapping for the site as it is classified as a Protected Area, which is a higher level of protection/conservation status than a CBA.
11. A topographical map with the positions of the fifteen causeways on Trunk Road proposed for Maintenance, must be superimposed on the environmental sensitivity map and submitted with the final BAR.			11. Please refer Appendices A and B.
12. Please note that the Department considers a “no-go” area, as an area where no development or any infrastructure is allowed; therefore, no development			12. We concur with your point, No development in a No-Go area.

COMMENTS AND RESPONSE REPORT
THE PROPOSED MAINTENANCE ACTIVITIES OF TRUNK ROAD 33/4 BETWEEN KM 4.6 AND KM 14.4,
MEIRINGSPOORT, WESTERN CAPE PROVINCE.
July 2020



or associated infrastructure is allowed in the 'No-Go' areas.			
Public Participation Process 13. Comments must be obtained from the following sections within this department: a. Biodiversity and Conservation b. Protected Areas Further to that, these comments must be addressed and incorporated in the final Basic Assessment Report.			13. The Draft BAR has been submitted to the requested departments for comment, they have been added to the I&AP list and sent the Revised Draft BAR for comment. Their comments have been incorporated into this Comments and Response Report and the Final BAR.
14. the Public Participation Process must be conducted in terms of Regulation 39, 40, 41, 42, 43, & 44 of the EIA Regulations 2014, as amended.			14. The Public Participation Process has been conducted in terms of Regulation 39, 40, 41, 42, 43, & 44 of the EIA Regulations 2014, as amended
15. Please ensure that all issues raised and comments received during the circulation of the draft BAR from registered I&APs and organs of State which have jurisdiction in respect of the proposed activity are adequately addressed and included in the final BAR.			15. All issues raised by I&AP's have been addressed in the Comments and Response Report in Appendix F and have been incorporated into the relevant sections in the BAR.
16. Copies of original comments received from I&APs and organs of state, which have jurisdiction in respect of the proposed activities are submitted to the Department with the Final BAR.			16. Copies of original comments received from I&APs and organs of state have been included in Appendix F of the BAR.
17. Proof of correspondence with the various stakeholders must be included in the final BAR, Should you be unable to obtain comments. In terms of Regulation 41 (2)(b) of the EIA regs, Please provide proof of written notice for the availability of the BAR for comment.			17. Please refer to Appendix F of the final BAR for the Proof of correspondence.
18. All issues raised and comments received during the circulation of the draft BAR from I&APs and organs of state which have jurisdiction in respect of the			18. Please refer to Appendix F of the BAR for the Comments and response report.

COMMENTS AND RESPONSE REPORT
THE PROPOSED MAINTENANCE ACTIVITIES OF TRUNK ROAD 33/4 BETWEEN KM 4.6 AND KM 14.4,
MEIRINGSPOORT, WESTERN CAPE PROVINCE.
July 2020



proposed activity are adequately addressed in the final BAR, including comments from this Department, and must be incorporated into a Comments and Response Report (CRR).			
19. The CCR must be a separate document from the main report and the format must be in the table format as indicated in Annexure 1 of this comments letter.			19. Please refer to Appendix F of the BAR for the Comments and response report.
20. Please refrain from summarizing comments made by I&APs. All comments from I&APs must be copied verbatim and responded to clearly. Please note that a response such as 'noted' is not regarded as an adequate response to an I&AP's comments.			20. Please refer to Appendix F of the BAR for the Comments and response report. We have refrained from summarizing comments and note that we do not use the word "noted" on its own.
21. The attendance register and minutes of any meetings held by the EAP with I&APs and other role players must be included in the final BAR.			21. Please refer to Appendix F of the BAR for the Comments and response report.
22. Please submit photo evidence and GPS coordinates of on site notices, in degrees, minutes and seconds.			22. Please refer to Appendix F of the BAR for the proof of notices. For your quick reference the Site Notice was placed at the following coordinates: 33°26'30.33"S 22°33'50.07"E
23. please submit a full page of the newspaper containing the advertisement, ensuring that the information in the advert is legible and that the name of the newspaper and date are visible.			23. Please refer to Appendix F of the BAR for the proof of notices.
Specialist Assessments 24. An Aquatic Specialist Study has been conducted to assess impacts of the proposed maintenance works on the aquatic CBA 1 and Aquatic CBA 2 drainage systems. You are required to conduct a vegetation study; to assess the impacts of clearing Central Inland Shale			24. Please refer to Appendix G2 and the relevant vegetation section in the BAR for the Botanical Survey of the site compiled by Mark Berry Environmental Consultants, dated February 2020.

COMMENTS AND RESPONSE REPORT

THE PROPOSED MAINTENANCE ACTIVITIES OF TRUNK ROAD 33/4 BETWEEN KM 4.6 AND KM 14.4, MEIRINGSPOORT, WESTERN CAPE PROVINCE.

July 2020



Band Vegetation and south Swartberg Sandstone Fynbos within a protected area; to determine the indigenous and disturbed vegetation to be cleared; as well as provide mitigation and management measures. The vegetation/Ecology assessment report must be included in the final BAR			
25. you are requested to submit original signed Specialist Declaration of Interest forms for each specialist study conducted. The forms have been updated and are available on Departments website.			25. The updated original signed Specialist Declaration of Interest forms for each specialist study conducted will be submitted with in the Final BAR.
26. Should the appointed specialists specify contradicting recommendations, the EAP must clearly indicate the most reasonable recommendation and substantiate this with defensible reasons; and where necessary, include further expert advice.			26. The specialists' findings have been incorporated in the BAR and there are no contradicting recommendations.
EMPr 27. The listed activities identified on page 4 to 7 of the draft EMPr and MMP dated September 2019 differ from those identified in the application form and draft BAR. Please explain the reason for this discrepancy.			27. The section has been reworded, especially at the end of the section to indicate the activities authorized by the EA (to be issued) and activities that they could trigger if they do not comply with the EMPr and exceed certain thresholds
28. The EMPr and MMP must include all recommendations and mitigation measures recorded in the BAR and Specialist studies conducted.			28. All recommendations by specialists were worked into the mitigation tables. A new section 7.6 has been included into the EMPr which specifically lists the specialists recommendations.
29. The EMPr must include the plans required as management measures, which include (but not limited to) a./ emergency response plan b. Invasive alien plant management plan c. Traffic management plan			29. Please note that an alien management plan has been attached to the EMPr. In terms of an emergency response plan and Traffic Management Plan, those will be compiled by the contractor which is awarded the tender. We hereby request that it be written into the EA as a condition that the Emergency Response Plan and traffic Management Plan be submitted to your Department for approval/adoption be construction

COMMENTS AND RESPONSE REPORT
THE PROPOSED MAINTENANCE ACTIVITIES OF TRUNK ROAD 33/4 BETWEEN KM 4.6 AND KM 14.4,
MEIRINGSPOORT, WESTERN CAPE PROVINCE.
July 2020



			activities commence. We have however also included an Emergency Preparedness section (Section 11) in the EMPr.
30. Ensure that the EMPr complies with Appendix 4 of the EIA regulations 2014			30. Attached to the EMPr please find a list that breaks down compliance of the EMPr with Appendix 4
31. The EMPr must not contain any ambiguity. Where applicable, statements containing the word should or may are to be amended to must.			31. It has been ensured that the EMPr does not contain any ambiguity.
The BGCMA has no objection to the proposed development, subject to adherence to the following conditions: - The Freshwater Habitat Impact Assessment dated 30 July 2019 compiled for this development has been submitted for specialist review by the BGCMA Freshwater Ecologist in order to confirm if the proposed relevant activities categorized as water use in terms of Section 21(c) & (i) of the National Water Act 36 of 1998 require a Water Use Licence in terms of Section 40 of the National Water Act 36 of 1998 (NWA) or if the activities fall within the ambit of the General Authorisation in terms of Section 39 of NWA as contemplated in Government Gazette No. 40229, Notice No. 509, dated 26 August 2016 (hereinafter referred to as the GA). - The outcome of the above mentioned internal specialist review will be communicated to you in due course.	Breede-Gouritz Catchment Management Agency	RM Mphahlele	An Acknowledgement Receipt for the application was received on 21 October 2019, the letter indicated that a response would be received in 30 days. We are however yet to receive such a response. Further correspondence will be included into the EIA process as and when available.

COMMENTS AND RESPONSE REPORT
THE PROPOSED MAINTENANCE ACTIVITIES OF TRUNK ROAD 33/4 BETWEEN KM 4.6 AND KM 14.4,
MEIRINGSPOORT, WESTERN CAPE PROVINCE.
July 2020



• Should the GA found to be applicable, you must apply for the registration and confirmation of the said section 21 (c) & (i) water uses before the activities can commence as required in terms of Section 13(3) of the GA. • If a licence is required for the proposed activities, the Water Use licence must be approved before the said activities commence. • Registration and confirmation of the water uses as contemplated in the GA or the lodging of a Water Use Licence must be done through the following online platform: (e-WULAAS) • Further, please note that lodging a water use authorization does not guarantee that an authorization will be approved. • Kindly be informed that commencement with any water use activity listed under section 21 of the NWA without an authorization as required in terms of Section 22 NWA constitutes a criminal offence in terms of Section 151(1). Moreover, section 151(2) of the NWA provides that a person who contravenes section 151(1) of NWA is guilty of an offence and is liable on first conviction to a fine or to imprisonment for a period not exceeding 5 years or to both such a fine and such imprisonment.			
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