

Proposed Environmental Impact Assessment (BAR) and Environmental Maintenance Management Plan (eMMP) for Lower Sundays River Water User Association, Eastern Cape

BACKGROUND INFORMATION DOCUMENT

Notification Of Intention To Apply For Environmental Authorisation

Dear Interested and/or Affected Party (I&AP)

You are receiving this document as you have been identified as a person or organisation that might be affected by, or interested in, the above development.

This I&AP notification process is being carried out as part of the environmental impact assessment processes being undertaken for the proposed development; and the purpose of this Background Information Document (BID) is to inform you of the proposed project and to provide you with the opportunity to register as an I&AP and/or to provide comments.

Should you wish to register or comment, kindly complete the registration form at the end of this document and return it to Zutari (contact details below) before 7 April 2025.

Contact details:

Theuns Duvenhage or Tanushri Govender

Tel: 041 503 3900

Email: enviroEC@zutari.com

Postal: Zutari, PO Box 5328, Walmer, 6065

PROJECT BACKGROUND

The Lower Sundays River Water User Association (LSRWUA) oversees the distribution and use of water for a number of users, including the Nelson Mandela Bay Municipality. In order to ensure an adequate and reliable supply of water one of the duties of the LSRWUA is to maintain the canal infrastructure system in working order. The maintenance and associated repairs required for the upkeep of the canals may require environmental authorisation as per the National Environmental Management Act, NEMA (No 107 of 1998). In order to avoid repeated future applications for authorisation LSRWUA thus appointed Zutari (Pty) Ltd to compile an

Environmental Maintenance Management Plan (eMMP) to obtain an environmental authorisation for all future maintenance work on existing canal infrastructure in the Sundays River Valley. This eMMP will be subjected to an environmental authorisation process in the form of a Basic Assessment as defined in the NEMA 2014 regulations.

PROJECT LOCATION

The eMMP applies to the approximately 290km of existing canal infrastructure operated and managed by LSRWUA within the Sundays River Valley. The canal infrastructure starts from Korhaans Drift weir and runs east through Kirkwood towards the Addo Elephant National Park until the canal system heads in a southerly direction towards Colchester. The system ends downstream of the Barkley Bridge, where it discharges remaining water back into the Sundays River.

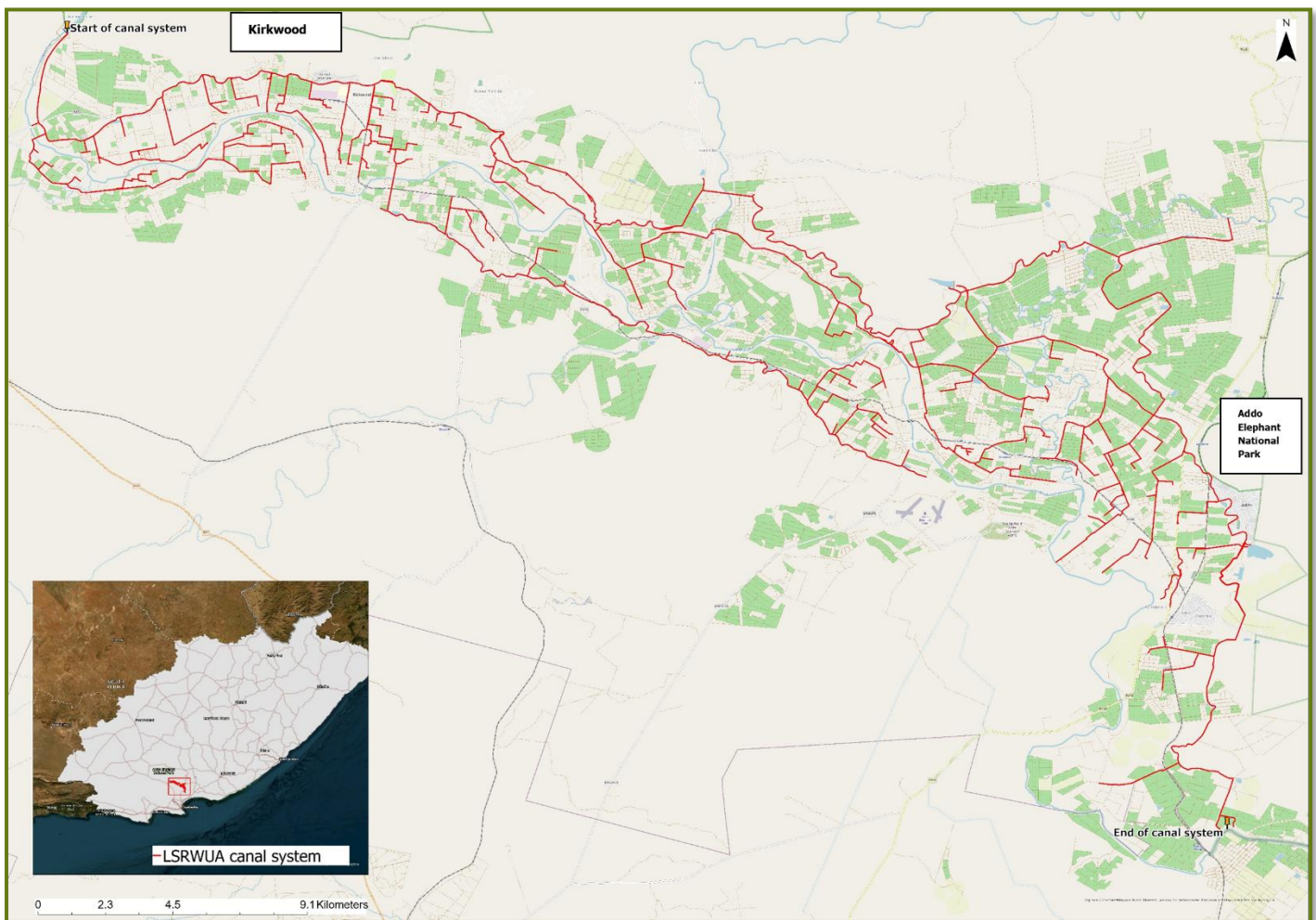


Figure 1. General locality of existing canal infrastructure

For a detailed layout of existing infrastructure please refer to Annexure 1.

PROJECT ACTIVITY

The aim of the eMMP is to obtain authorisation in terms of the NEMA 2014 regulations for all the planning, construction, operational and rehabilitation activities for the maintenance and replacement of existing canal

infrastructure and services under LSRWUA jurisdiction. Therefore, a public participation process is being carried out as part of the authorisation application procedures.

LEGAL REQUIREMENTS

The proposed eMMP requires environmental approval before it may proceed, and the following legal requirements are triggered:

National Environmental Management Act (NEMA) (No. 107 of 1998) – The Environmental Impact Assessment (EIA) Regulations of 2014 (as amended), identify certain activities which “could have a substantial detrimental effect on the environment” and which therefore require authorisation from the relevant environmental authority before they may proceed. The proposed maintenance potentially triggers a number these activities, and application for environmental authorisation is thus being made to the relevant environmental authority i.e. the provincial Department of Economic Development, Environmental Affairs and Tourism (DEDEAT) Sarah Baartman region. A basic environmental assessment process will be followed.

National Water Act (NWA) (No. 36 of 1998) - Maintenance activities are likely to involve work within the regulated area of a watercourse and application for a Water Use Licence in terms of the National Water Act will thus be required. Water uses to be applied for are S21(c) and S21(i), i.e. “impeding or diverting flow in a watercourse”; and “altering, impacting or disturbing the bed, banks and/or flow of a watercourse” respectively. The Department of Water and Sanitation (DWS) will be included in the Public Participation Process as a Commenting Authority and an Interested & Affected Party and they will advise on the way forward.

National Environmental: Biodiversity Management Act (NEM:BA) (No.10 of 2004) – The provisions of this Act may potentially be triggered if the removal or destruction of protected species and management of alien invasive species in the proposed area is required. A servitude is maintained along the canal which makes this unlikely.

National Heritage Resources Act (NHRA) (No. 25 of 1999) - Section 38(1) (c) may be applicable to this project. Although a heritage authorization is unlikely as areas were previously disturbed, the Eastern Cape Provincial Heritage Resources Authority (ECPHRA), would determine whether a Heritage Impact Assessment is required.

THE BASIC ENVIRONMENTAL ASSESSMENT PROCESS

The purpose of the basic assessment is to identify and describe potential positive and negative environmental impacts associated with the proposed project and its feasible alternatives, and to investigate and assess those alternatives and impacts. A simplified flow chart of the process is shown below.

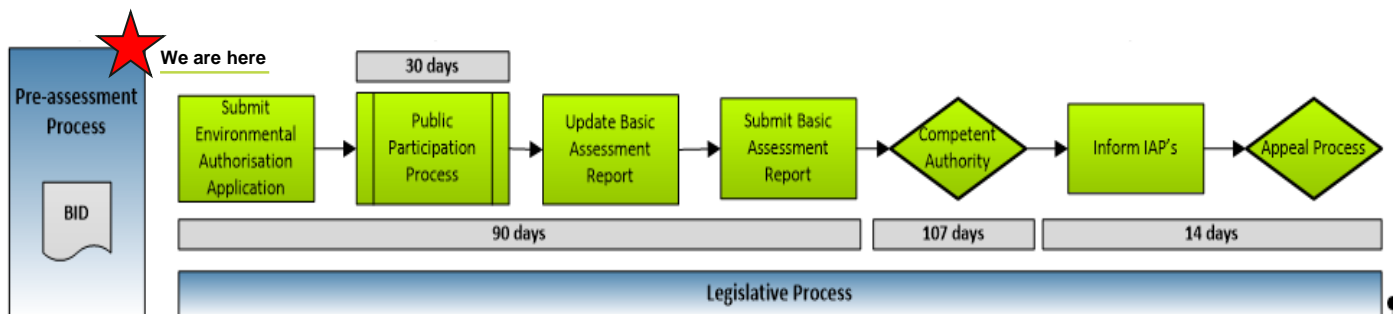


Figure2: Basic Assessment Process (2014 EIA regulations, as amended)

Stakeholder engagement is a key component of the environmental assessment process, and is incorporated in the following stages:

- Pre-application stakeholder notification (adverts, notices, this BID document) with provision of a 30-day comment/registration period.
- Providing all registered I&APs with a 30-day opportunity to comment on the Draft Basic Assessment Report (DBAR).
- Incorporating all I&AP comments into the final Basic Assessment Report.
- Informing stakeholders of the decision taken by DEDEAT to approve or not approve the project and of the opportunity for appeal.

YOUR INVOLVEMENT IN THE PROCESS

As a potentially Interested and/or Affected Party (I&AP), you may become involved in the process by registering your interest in the project and/or providing comments. A registration form is provided on the following page. Alternatively, you may email us directly, but please ensure that you provide all of the information required in the form.

Should you wish to become involved, please be aware of the following responsibilities that the EIA regulations (2014, as amended) places on I&APs:

- a) Comments must be submitted within the approved timeframes (30 days) or within any extension of a timeframe agreed to by the applicant or EAP;
- b) Any direct business, financial, personal or other interest which that party may have in the approval or refusal of the application must be disclosed.

Should you have any questions, please do not hesitate to contact us.

Contact details

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Postal: Zutari, PO Box 5328, Walmer, 6065

Protection of Personal Information Act (POPIA)

Please note that by requesting to be registered as an I&AP or by submitting comments, your name, organisation, contact details and comments will be captured to allow us to comply with the requirements of the EIA regulations and to contact you going forward. The full register of contact details is not released into the public domain; but will be provided to the relevant environmental authorities. Comments (and names/organisations of commenting parties) are included in the environmental reports, which are public documents and are submitted to the relevant environmental authorities to enable informed decision-making. Should you have any objections to this, kindly let us know.

Interested and/or Affected Party Response Form

PROPOSED ENVIRONMENTAL IMPACT ASSESSMENT (BAR) AND ENVIRONMENTAL MAINTENANCE MANAGEMENT PLAN (eMMP) FOR LOWER SUNDAYS RIVER WATER USER ASSOCIATION, EASTERN CAPE

NAME		DESIGNATION	
ORGANISATION		TEL	
FAX		EMAIL	
POSTAL ADDRESS			
INTEREST IN DEVELOPMENT			
COMMENTS			
ANY OTHER STAKEHOLDERS THAT SHOULD BE INVOLVED? IF SO, PLEASE PROVIDE THEIR NAME AND CONTACT DETAILS			

Contact details

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Annexure 1 – Location of the proposed canal system infrastructure

