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Ref: EC121&EC137/HO/LN1&3/M/02-2019



Date: 2020/05/28

Attention: Mr. Keketso Chabana
Applicant: Eastern Cape Department of Transport

Dear Sir

AMENDMENT OF AN ENVIRONMENTAL AUTHORIZATION FOR THE PROPOSED UPGRADING OF APPROXIMATELY 20KM OF DISTRICT ROAD DR08035, FROM THE INTERSECTION WITH THE N2 TO THE INTERSECTION WITH R61 (CLARKEBURY) EASTERN CAPE IN TERMS OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS OF 2014 PROMULGATED UNDER SECTION 24(5) OF NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO.107 OF 1998), AS AMENDED

1. With reference to the above-mentioned application, please be advised that the Department has decided to grant Environmental Authorization. The Environmental Authorization and reasons for the decision are attached herewith.
2. In terms of Regulation 4(2) you are instructed to notify all registered interested and affected parties, in writing and within 14 calendar days of the date of this letter, of the Department's decision in respect of your application as well as the provisions regarding the making of appeals that are provided for in the Regulations.
3. Your attention is drawn to Chapter 2 of the National Appeal Regulations which regulate appeal procedures. Should you wish to appeal any aspect of the decision, you must, lodge an appeal with the MEC within 20 days of receiving this letter, by means of one of the following methods: By post: Private Bag x0054, Bhisho, 5605; By hand: **Old Safety and Liaison Building (Global Life Complex) Opposite Engen Garage, Bhisho**
4. Should you decide to appeal, you must serve a copy of your appeal on all registered interested and affected parties as well as a notice indicating where and for what period the appeal submission will be available for inspection.

Yours faithfully

**S. GQALANGILE: MANAGER
ENVIRONMENTAL IMPACT MANAGEMENT**

Date 27/08/2020

The case officer must please fax copies of this letter and the attached Environmental Authorization, as follows:

Organization	Contact Person	Email	Telephone number
CES-COASTAL & ENVIRONMENTAL SERVICES (Pty)Ltd	Ms. C Clarke Dr A.R. Carter	c.clarke@cesnet.co.za a.carter@cesnet.co.za	043 726 7809
DEPARTMENT OF TRANSPORT	Chabana Keketso	Keketso.chabana@ectransport.gov.za	043 604 7400 0793441736 (cell)

 Mrs. C. Gyan
 071 875 0022
 Cecilia.gyan@dedea.gov.za
Ref: EC121&EC137/HO/LN1&3/M/02-2019



Environmental Authorization

AUTHORISATION REGISTER NUMBER	NOTICE	EC121&EC137/HO/LN1&3/M/02-2019 ECP/EIA/0000875/2019
LAST AMENDED		27 August 2020
HOLDER OF AUTHORISATION		Eastern Cape Department of Transport
LOCATION OF ACTIVITY		The project falls within the Chris Hani District Municipality (CHDM) and the Amathole District Municipality (ADM), and within two local municipalities; the Mbashe Local Municipality and the Engcobo Local Municipality. (20KM ROAD UPGRADE DR08035 road from Clarkebury to the Mjanyana Hospital. N2 & R61 INTERSECTION)

DEFINITIONS:

The following definitions are applicable to this Environmental Authorization:

"CBA"- Critical Biodiversity Area

"EIA Regulations" – These are the 2014 Environmental Impact Assessment Regulations as amended published in Government Notice R326 of 07 April 2017 in terms of Chapter 5 of the National Environmental Management Act, Act 107 of 1998 as amended.

"Commencement" – Any physical activity on site that can be viewed as associated with the clearing of vegetation inclusive of initial site preparation and site camp establishment.

"EAP" – refers to the appointed Environmental Assessment Practitioner represented by Ms. C Clarke of AGES Omega (Pty) Ltd

"ECO" – Environmental Control Officer.

EMPR – Environmental Management Programme, as contained in Appendix F on the BAR

"FBAR" - refers to the Final Basic Assessment Report titled "Final Basic Assessment report for "The Chris Hani District Municipality (CHDM) and the Amathole District Municipality (ADM), and within two local municipalities: the Mbashe Local Municipality and the Engcobo Local Municipality

"Department" – The Department of Economic Development, Environmental Affairs and Tourism, Eastern Cape Province.

1. Decision

The Department is satisfied, based on the information available to it and subject to compliance with the Conditions of the Environmental Authorization, that the applicant should be authorized to undertake the activities specified below. Details regarding the basis on which the Department reached this decision are set out in Chapter 5 of this authorization.

2. Activities and regulations for which authorization has been granted

By virtue of the powers conferred on it by the National Environmental Management Act, Act 107 of 1998 and the NEMA Environmental Impact Assessment Regulations 2014 as amended, the Department hereby authorise the Eastern Cape Department of Transport being the legal or natural person who has applied for this Authorization, with the following contact details:

Name	Eastern Cape Department of Transport		
Address	Indwe House, Old Pick n Pay Building, Bhisho or Private Bag X0023, Bhisho	Postal Code	5605
Telephone	043 604 7400	Cell	079344 1736
Contact	Chabana Keketso	E-mail	Keketso.chabana@ectransport.gov.za

To undertake the following activity (hereafter referred to as "the activity"), in terms of the scheduled activities or activities listed in the table below:

Detailed description of activity

The Eastern Cape Department of Transport (ECDT) proposes to upgrade portions of the gravel district roads DR08034 and DR08035 to a tarred surface, and has been divided into three (3) distinct phases:

- Phase 1 is from the N2 Intersect the DR08034 to start of DR08035;
- Phase 2 is from start of DR08035 and ends where the R61 intersect with DR08034;
- Phase 3 (this application) is from the start of DR08035 or (Intersection of DR08034 with DR08035) for approximately 20km.

The application only concerns Phase 3 - the upgrade a 20 km section of the DR08035 road from Clarkebury to the Mjanyana Hospital in the Eastern Cape. This will include the upgrade of bridges (Bridges 1 and 2) and culverts along the road. The aim of the road upgrade is to provide easy access to the hospital for villagers along the route of DR08035 from Clarkebury and surrounding areas.

The project falls within the Chris Hani District Municipality (CHDM) and the Amathole District Municipality (ADM), and within two local municipalities; the Mbashe Local Municipality and the Engcobo Local Municipality. The project includes the use of various mining sites associated with the road upgrade, but these sites are being assessed



through a separate Environmental Impact Assessment (EIA) for submission to the Department of Mineral Resources (DMR).

The affected road portion is approximately 20 km long and 6-7 m wide and will be upgraded from gravel to black top surface standards. The road upgrading activities will take the form of minimum mass earthworks for the improvement of existing vertical and horizontal alignments where necessary, additional pavement layers and seals. The upgrading action, in addition to the construction of the road pavement structure, will also include the installation of surface and subsurface drainage, traffic calming facilities, etc.

The road upgrade will cross two major watercourses and several smaller drainage channels. This will include the upgrade of existing smaller bridges and culverts, and the construction of two new bridges along the road. The decommissioning of the existing bridges will be dependent on the age of the structures (possible heritage features) and on the conditions of the Water Use License. The existing bridges do not meet the 1:100-year floodline safety requirements, and therefore, two new bridges have been proposed

Listed Activities in terms of the NEMA EIA Regulations 2014 as amended (Listing Notices 1(GRN 327) and 3 GRN 324)

<p>GNR. 327 No 12(ii)a(c): The development of infrastructure or structures with a physical footprint of 100 square metres or more, where such development occurs – (a) Within a watercourse. (c) If no development setback exists, within 32 metres of a watercourse, measured from the edge of the water course</p>	<p>The road upgrade will involve the construction and upgrading of bridge and culverts within the watercourses along the road route.</p>
<p>GNR. 327 No 19: The infilling of depositing of any material of more than 10 cubic metres into or, the dredging, excavation, removal or moving of sand, soil, shells, shell grit, pebbles, or rock of more than 10 cubic metres from a watercourse</p>	<p>The road upgrade will involve the construction of bridges and culverts, within watercourses (removal/infilling of more than 10 cubic metres).</p>
<p>GNR 327 No 31: The decommissioning of existing facilities, structures or infrastructure for— (i) any development and related operation activity or activities listed in this Notice, Listing Notice 2 of 2014 or Listing Notice 3 of 2014; (ii) any expansion and related operation activity or activities listed in this Notice, Listing Notice 2 of 2014 or Listing Notice 3 of 2014; (v) any activity regardless the time the activity was commenced with, where such activity: a) is similarly listed to an activity in (i) or (ii) above; and b) is still in operation or development is still in progress;</p>	<p>The road upgrade will involve the decommissioning of existing bridges (which do not meet the 1:100 year flood design requirements), where new bridges have been proposed.</p>
<p>GRN 327 No 56(i)(ii): The widening of a road by more than 6 metres, or the lengthening of a road by more than 1 kilometre- (i) Where the existing reserve is wider than 13.5 metres: or (ii) Where no reserve exists, where the existing road is wider than 8 metres.</p>	<p>The road upgrade will include widening the road by more than 6 metres and lengthening the road by more than 1 Kilometre.</p>

<p>GRN 324: No 4(a)(i) (ee) The development of a road wider than 4 metres, with a reserve less than 13,5 metres (a) Eastern Cape (i) Outside urban area: (ee) critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or bioregional plans adopted by the competent authority</p>	<p>The road upgrade (wider than 4 metres) is located in CBA2 area, with a portion of the road located in CBA1 area.</p>
<p>GRN 324 No 12 a (ii): The clearance of an area of 300 square metres or more indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with maintenance management plan (a) Eastern Cape Within critical biodiversity areas identified in bioregional plans</p>	<p>The road upgrade will require the clearance of more than 300m² of indigenous vegetation located in a CBA2 area, with a Portion of the road located in CBA1 area.</p>
<p>GRN 324 No 14 (ii)(a)(c)(a)(i)(ff) The development of- (i) Infrastructure or structures with a physical footprint of 10 square metres or more, where such development occurs – (a) Within watercourse, (c) within 32 metres of watercourse in (a) Eastern Cape (i) outside urban areas in (ff)critical biodiversity area or ecosystem services area identified in systematic biodiversity plans adopted by the competent authority</p>	<p>The road upgrade will involve the construction of bridges and culverts within watercourses in CBA1 and CBA2 area.</p>
<p>GRN 324 No 18(a) (i) (ee) The widening of a road by more than 4 metres, or the lengthening of a road by more than 1 kilometre in (a) eastern Cape, (i) outside urban areas in (ee) critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority</p>	<p>The project involves widening of a road by more than 4 metres in CBA1 and CBA2</p>

At the locality defined in the Table below, and hereafter referred to as “the property”:

District	Chris Hani District Municipality and Amathole District Municipality
Municipal Area	Mbashe LM and Engcobo LM
Farm Name	Clarkebury
Farm Number and Portion	District Road DR08035 N2 & R61 intersection Clarkebury

Erf Number and Township Extension or Suburb		DR08035 N2 & R61 intersection Clarkebury
POINT	Latitude (S) (DDMMSS)	Longitude (E) (DDMMSS)



1-START	31°48'41.41"S;	28°15'56.97"E
2	31°49'35.92"S;	28°14'27.93"E
3	31°49'51.89"S;	28°11'34.80"E
4	31°49'34.86"S;	28° 9'40.76"E
5	31°49'18.17"S;	28° 8'43.18"E
6	31°49'33.83"S;	28° 8'27.28"E
7	31°49'38.62"S;	28° 7'6.74"E
8	31°49'48.03"S;	28° 6'32.71"
9	31°50'27.31"S;	28° 5'59.55"E
10-END	31°51'30.76"S;	28° 6'16.86"E
Physical address		N/A

This Environmental Authorization is granted subject to the conditions set out below.

3. Departmental Declarations and Conditions

3.1 Scope of authorization

The Department of Economic Development, Environmental Affairs and Tourism may from time to time review this Environmental Authorization and on good grounds and after written notice to the holder thereof, suspend or amend such Environmental Authorization.

- 3.1.1 This application is for the establishment of road upgrade which is approximately 20km of district road DR08035 from N2 intersection to R61 intersection to a tarred standard surface. The route follows an existing gravel road that will be upgraded to black top surface standard and is hereby approved.
- 3.1.2 Once commencement of the activity/ies begin the applicant must complete such activities within sixty (60) months of having been commenced with.
- 3.1.3 Construction of the road upgrade inclusive all service infrastructure to be completed within 60months from the date of commencement.
- 3.1.4 An application for the amendment of an Environmental Authorization must be submitted to the relevant competent authority on condition that Environmental Authorization is valid on the date of receipt of such amendment application.
- 3.1.5 If no request for amendment is received prior to the expiry of this Environmental Authorization, Environmental Authorization will be deemed to have lapsed.
- 3.1.6 On receipt of any such application for amendment, the Department reserves the right to request such information as it may deem necessary to consider the application for the amendment which may include but not limited to:
 - a) An updated CEMP; and
 - b) Such public participation process as may be deemed necessary at the time of the application for extension.



3.1.7 Conditions relating to the operation of the project are valid perpetuity

3.2 Departmental Declarations and Standard Conditions

3.2.1 Authorization of the activities is subject to the Conditions as contained in this authorization and is binding on the holder of the authorization.

3.2.2 This Environmental authorization applies only to the activities described therein

The environmental authorization does not negate the holder thereof of his/her responsibility to **comply to with any other statutory requirements** that may be applicable to the undertaking of the activity, relevant legislation that must be complied with the holder of this authorization includes inter alia, but not limited to the following:

3.2.2.1 Chris Hani & Amathola District Municipalities (SDF & IDP framework)

3.2.2.2 Constitution Act (Act No. 108 of 1996)

3.2.2.3 Eastern Cape Biodiversity Conservation Plan (DEDEAT, 2007)

3.2.2.4 Environmental Conservation Act (ECA Act 73 of 1983)

3.2.2.5 The National Environmental Management: Biodiversity Act, Act 10 of 2004

3.2.2.6 The National Environmental Management: Protected Areas Act

3.2.2.7 National Waste Act (Act No. 59 of 2008)

3.2.2.8 National Water Act

3.2.2.9 National Heritage Resources Act

3.2.2.10 Mineral Resources Act

3.2.2.11 Occupational Health and Safety Act, 1993 (Act 85 of 1993)

3.2.3 The holder of the authorization shall be responsible for ensuring compliance with the Conditions as contained in the environmental authorization. This includes any person acting on the holder's behalf, including but not but not limited to, an agent, contractor, sub-contractor, employee, consultant, or any person rendering a service to the holder of the authorization.

3.2.4 Should any environmental damage be detected, that in the opinion of this Department, is the result of the development, then the applicant shall be required to make good that damage to the satisfaction of the said authority at his/her own expense.

3.2.5 In the event of any dispute as to what constitutes environmental damage, this Department's opinion will prevail.

3.2.6 This Authorization applies strictly to the project description as outlined in Section 2 of this Authorization. Should the Applicant wish to amend any competent or aspect of the project hereby authorized then approval will be required from this Department. The Department will advise what information is required as well as the process that must be followed in order to apply for an amendment to this Environmental Authorization or, if needed, for authorization in terms of the applicable EIA Regulation promulgated in terms of the National Environmental Management Act, Act 107 of 1998.

3.2.7 This Environmental Authorization must be made available to any interested and affected party who has registered their interest in the proposed development. The applicant is responsible for ensuring that a copy of this Environmental Authorization is given to any such interested and affected party including the neighboring landowners within **fourteen (14) days** of receiving this Environmental Authorization.



- 3.2.8 This Environmental Authorization must be produced to any duly authorized official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorization who works or undertakes work at the site. In this regard, the Environmental Authorization or a certified copy thereof must be kept on site for the duration of the construction period.
- 3.2.9 Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.
- 3.2.10 In all cases, the holder of the Environmental Authorization must notify the Department, in writing, within 30 days if a condition of this authorization is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
- 3.2.11 Non-compliance with a condition of this Environmental Authorization may result in criminal prosecution or other actions provided for in the National Environmental Management Act, Act 107 of 1998 and the regulations.
- 3.2.12 A permit application for the removal of any of the Provincially Protected Plant Species must be submitted to the EC DEDEAT and it must be approved prior to removal

3.3 Commencement of the activity

- 3.3.1 The authorized activity/ies shall not commence within (20) days of the date of signature of his authorization in order to allow for potential appeals to be submitted.
- 3.3.2 Section 43(7) of NEMA states that submission of an appeal automatically suspends the authorized activities until the appeal is concluded in favor of the proposed development.

3.4 Notification to authorities of commencement

- 3.4.1 Fourteen (14) days written notice must be given to the Department that the activity will commence.
- 3.4.2 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.

3.5 Site closure and decommissioning.

Should the activity ever cease or become redundant, the applicant shall undertake the required actions as prescribed by the legislation at the time and comply with all relevant legal requirements administered by the relevant competent authority at that time.

3.6 Monitoring

- 3.6.1 The applicant must appoint a suitably qualified, environmental Control Officer (ECO) that will have the responsibility to ensure that the mitigation\rehabilitation measures and conditions referred to this authorization are implemented and to ensure compliance with the provisions of the EMPr.



- 3.6.2 Should fossil remains such as fossil fish, reptiles or petrified wood be exposed during construction, these objects should be carefully safeguarded and the relevant heritage resources authority (SAHRA) should be notified immediately so that the appropriate action can be taken by a professional paleontologist.
- 3.6.3 A conservation buffer of at least 20m around the site with fossils should be implemented and monitored by the ECO.
- 3.6.4 Implement a heritage conservation buffer of at least 50m and where it is impractical implement a conservation buffer of 10m from graves subject to the erection of a temporary construction barricade along areas where construction might encroach on the 50m buffer and monitor during construction the road.
- 3.6.5 Burial sites affected in such a way should be monitored on a bi-weekly basis by the ECO.
- 3.6.6 All relevant permits and authorizations including Water Use Licenses, and plant removal permits must be in place prior to commencement of construction. The design and location of the construction site must ensure minimal impacts to the aquatic environment and residential houses surrounding the site.
- 3.6.7 Appropriate stormwater structures must be designed to minimize erosion and sedimentation of watercourses.
- a. All road sections situated on slopes must incorporate stormwater diversion.
 - b. Stormwater design must be in line with DWS requirements.
- 3.6.8 All culverts must be designed in such a manner to not impede or divert natural baseflows or increase upstream flood inundation.
- 3.6.9 The design and layout of the road upgrade and associated borrow pits must avoid unnecessary loss of natural vegetation.
- 3.6.10 A Rehabilitation and Alien Vegetation Management Plan must be developed to mitigate the establishment and spread of undesirable alien plant species during all phases of the project.
- 3.6.11 The construction site must be demarcated and communicated with the contractor prior to commencement of construction. All No-Go areas must be clearly demarcated during the planning and design.
- 3.6.12 Construction works and infrastructure must be kept within the demarcated construction footprint. Regular monitoring of construction works and placement of the associated infrastructure for the road upgrade must be conducted by a qualified ECO throughout the duration of construction.
- 3.6.13 Material stockpiles must be located 32m away from any watercourse, and they must be monitored in order to prevent them from being washed away by rainwater or blown away by wind and giving rise to or seeding alien vegetation.
- 3.6.14 Material stockpile locations must be approved by the ECO. The ECO must keep and maintain a detailed incident and complaints register (inclusive to any spillages of hazardous substance and other materials) indicating how these issues were addressed (including any rehabilitation measures implemented) and implement measures to avoid re-occurrence of such incidents.
- 3.6.15 The ECO must obtain and keep records of all documentation including permits, licenses and this authorization on the project site



- 3.6.16 Department of Transport will be held liable in the event of non-compliance with any condition of this Authorization Notice or any stipulation of the EMPr by any contractors associated with this activity.
- 3.6.17 Non-compliance with any stipulation in the EMPr will be regarded as non-compliance in terms of this Environmental Authorization.
- 3.6.18 Notwithstanding the provisions of any of these conditions, all recommendations, guidelines and standard conditions contained in the FBAR must be adhered to.

3.7 Recording and Reporting to the Department

The holder of the authorization must submit a quarterly environmental monitoring report to the Department for the duration of the construction and rehabilitation activities until completion. The environmental monitoring report must:

3.7.1 Indicate the date, the name of the ECO and the outcome of the monitoring in terms of compliance with environmental authorization (EA) Conditions as well as the requirements of the Environmental Management Programme (EMPr).

3.7.2 Keep records relating to monitoring on site and these must be made available for inspection by the Department in respect of this development.

3.8 Management of the activity

The EMPr for the construction phase which was submitted as part of the application for this Environmental Authorization is hereby approved, subject to the following:

3.8.1 The recommendations and mitigation measures recorded in the FBAR, including the specialist reports therein, must be adhered to and incorporated as part of the EMPr. Any updates or amendments to the EMPr must be submitted to the Department of Economic Development, Environmental Affairs and Tourism (DEDEAT) and must be decided upon within a period of 30 days of the submission.

3.8.2 All conditions contained within the EA with respect to the construction and rehabilitation must be incorporated into the EMPr. The conditions set within EA are to prevail where similar conditions are given within the EMPr.

3.8.3 Contingency plans must be included for any emergencies that may affect the watercourse during the construction such as fuel spills from the construction equipment and any temporary sanitation facilities.

3.8.4 Cognizance of the general principle of environmental management as applicable to the construction activities including environmental best practice, erosion prevention and control, minimization of dust must be adhered to.

3.8.5 All correspondence regarding this application must be forwarded for attention of: Manager: EIM- Environmental Affairs, Head Office.



4. Project Specific Conditions

Fourteen (14) days written notice must be given to the Department that the activity will commence. Commencement for the purpose of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence

4.1.1 Any recommendations/ mitigations measures contained in the FBAR and its appendices and not explicitly covered under the conditions contained in this Environmental Authorization are regarded as conditions in terms of this Environmental Authorization.

4.1.2 The CEMPr is to be regarded as a living document and as such must be revised and updated when necessary and relevant. The CEMPr submitted as part of the EMPr is approved for the construction phase. The CEMPr to include amongst others, the following if not included in Applicable conditions of this Environmental Authorization.

- All recommendations, mitigation measures, responsibilities, key actions and other provisions contained in the FBAR.
- General principles of environmental management as applicable to construction activities including environmental best practice, erosion prevention and control, and rehabilitation measures of the development footprint etc.
- A general code of conduct for any contractor that may be carried out any work on the relevant development site.
- A clear description of the construction activities to be carried out on the site.
- Details regarding the storage of construction material on the site;
- A framework of all contracts associated with the construction phase of the development and the Environmental Method Statements that will be associated with such contracts;
- General principles of environmental management as contemplated to include amongst others the following if not already included in the CEMPr;
- No cement/concrete mixing to take place on the soil surface. Cement mixtures to be placed on a large tray to accidental spills from coming contact with the soil surface;
- Generators and fuels supply needed during construction must be placed on clean sand. Once construction has been completed, this sand must be removed from site and disposed of at a registered waste disposal site;
- Any substrate contaminated by the spillage of hydrocarbons or other pollutants to be removed from the site and disposed of at a registered waste disposal site;
- All excess construction material and any waste generated during construction must be removed from the site on ongoing basis;
- Adequate waste disposal and sanitation facilities to be removed and the applicator must ensure that these facilities are properly used and maintained;



- Clear stipulation as to who is responsible and accountable for what actions;
 - An Environmental Control Officer to be appointed to oversee implementation of the EMPr as well as adherence to the conditions contained within this Environmental Authorization. Confirmation of the appointment of the ECO to be provided to the Department together with the notice of commencement contemplated in Condition 4.1. The ECO is amongst others responsible for the following:
 - ✓ Pre-commencement report to be compiled and kept by contractor in the event of an inspection being needed;
 - ✓ To keep all records of all activities on site, problems identified, transgression noted as well as schedule of tasks undertaken by the ECO;
 - ✓ To conduct monthly monitoring during the construction and submit a quarterly summarized report to DEDEAT until the construction is completed;
 - ✓ To keep and maintain a detailed incident and complaints register (inclusive of any spillages of hazardous substances and other materials) indicating how these issues were addressed (including rehabilitation measures implemented) and preventative measures implemented to avoid re-occurrence of such incidents. to keep all copies of all reports submitted to the Department on site; and
 - ✓ To obtain and keep all documentation, permits, licenses and authorizations relevant for the project on site.
- 4.1.3 Plant "search and rescue", to be conducted by the suitably qualified botanical specialist prior to the commencement of any vegetation clearing for all the protected species and species of the special concern that may be affected by the development, as well as other indigenous plant specimen which can be relocated. Such specimen is to be relocated appropriately and transplanted including in rehabilitation initiatives, where applicable and practical on site.
- 4.1.4 Any protected species which need to be removed or relocated require the necessary permits to be obtained from DEDEAT for those species protected under NEMBA, i.e. ToPS species. A suitably qualified individual is to carry out a faunal "search and rescue" in terms of which fauna are to be relocated to a suitable protected natural area prior commencement of vegetation clearing.
- 4.1.5 Should any injured fauna be found, they are to be taken to a veterinarian and if deemed suitable for rehabilitation to a Centre, in consultation with the Department's Biodiversity Unit. Any species protected in terms of NEMBA, Act 10 of 2004 which need to be removed or relocated require the necessary permits to be obtained from DEDEAT.
- 4.1.6 All construction activities to be restricted to normal working hours being 08:00 to 17:00 on weekdays. No construction to take place on weekends and public holidays
- 4.1.7 The disposal of waste to take place at a registered waste disposal site.



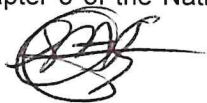
- 4.1.8 Any construction camp site that may be necessary must be identified with the help of the ECO to ensure that they are in an area within the development footprint but low ecological and /or environmental sensitive areas.
- 4.1.9 All sand, gravel, stone or other building material to be used are to be obtained from a *bona fide* source and the building contractor is not allowed to source any such material illegally.
- 4.1.10 Any areas disturbed as result of construction activities to be rehabilitated within 14 days using vegetation that endemic to the area.
- 4.1.11 The South African Heritage Resource Agency (SAHRA) Eastern Cape Province Heritage Resource Agency (ECPHRA) must be contacted immediately should any archaeological findings be discovered during the development.**
- 4.1.12 Non-compliance with any stipulation in the EMPr will be regarded as non-compliance in terms of this Environmental Authorization.
- 4.1.13 Notwithstanding the provisions of any of these conditions, all recommendations, guidelines and standard conditions contained in the Final Basic Assessment Report must be adhered to.

5. Reasons for Decisions

Information considered in making the decision

In reaching its decision, the Department took, *inter alia*, the following into consideration the information contained in the following documentation.

- 5.1.1 Application form, dated October 2019 and received on the 30 October 2019
- 5.1.2 The DBAR dated November 2019 and received on the 29 November 2019, the Department's comments letter dated 10 February 2020.
- 5.1.3 The Final Basic Assessment Report compiled by Coastal and Environmental Services titled, Final Basic Assessment Report for the Proposed upgrading of approximately 20km of district road DR08035, N2&R61 intersection Clarkebury, Eastern Cape Mbashe Local Municipality & Engcobo Local Municipality, Dutywa and Engcobo, dated February 2020 and received on 14 February 2020;
- 5.1.4 Observation made during the site visit conducted by Ms K. Leve and Mrs C. Gyan during the phase 1 site visit
- 5.1.5 The EIA Regulations of 2014 as amended and published in Government Notice R326 of 07 April 2017 in terms of Chapter 5 of the National Environmental Management Act, Act 107 of 1998 as amended.



5.2 Key factors considered in making the decision

All information presented on 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 significant is set out below.

- 5.2.1 The BAR included a description of the environment that may be affected by the activity and the manner which the physical, biological, social, economic and cultural aspects of the environment may be affected by the proposed activity.
- 5.2.2 The BAR identified all the legislation and guidelines that have been considered in the preparation of the BAR.
- 5.2.3 The proposed methodology used in assessing the potential impacts identified in the BAR, adequately covered the minimum requirements as prescribed by the EIA Regulations, 2014 as amended.
- 5.2.4 Adequate public participation was undertaken, and the applicant has satisfied the minimum requirements for public involvement as prescribed in the EIA regulations, 2014 as amended.

5.3 Findings

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

- 5.3.1 The negative environmental impacts associated with proposed activity will be manageable and not unacceptable provided the Conditions of this Environmental Authorization are adhered to and fully implemented.
- 5.3.2 The identification and assessment of impacts are detailed in the FBAR, and adequate assessment of the key identified issues and impacts have been completed.
- 5.3.3 The procedure followed for impact assessment is found to be sufficient for the decision-making process
- 5.3.4 The proposed mitigation measures of impacts identified and assessed were adequate.
- 5.3.5 All legal and procedural requirements have been met.
- 5.3.6 The information contained in the FBAR is accurate and credible.
- 5.3.7 EMPr measures for pre-construction, construction and rehabilitation phases of the development to manage the identified and included in the FBAR and will be implemented to manage the identified environmental impacts during the construction process.

In general, the environmental process followed is deemed to be satisfactory. It is the opinion of the Department that the information at hand is sufficient and adequate to make an informed decision. In this regard the Department is satisfied that, subject to compliance with the conditions contained in the Environmental Authorization, the proposed activity will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, Act 107 of 1998, and that any potentially detrimental environmental impacts resulting from the proposed activities can be mitigated to acceptable levels.



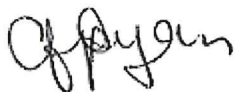
6 Appeal of Authorization

- 6.1 In terms of Regulations 4(2) in the Environmental Impact Assessment Regulations, 2014 as amended, you are instructed to notify all registered the affected parties, in writing and within fourteen (14) calendar days of the date of this letter, of the Departments decision in respect of your application.
- 6.2 The written notification referred to condition 6.1 above must –
- 6.2.1 Specify the date on which the authorization was issued;
- 6.2.2 Inform the interested and affected parties of the appeal procedure provided for by the Appeal Regulations published in **GN993 of 8 December 2014** in terms of **Section 44** read together with Section 43 of the National Environmental Management Act, Act 107 of 1998 as amended; and
- 6.2.3 Advise interested and affected parties that a copy of the Environmental Authorization and reasons for the decision will be furnished on request.
- 6.3 An appeal against the decision contained in this Authorization must be addressed in writing, to the MEC of the Economic Development, Environmental Affairs and Tourism (hereinafter referred to as the MEC in terms of Regulation 4(1) of the NEMA Appeal Regulations and within 20 (twenty) days after the appellant has been notified in terms of the condition 6.1 and 6.2, of the decision.
- 6.4 In the event that an appeal is lodged, copies of such appeal must be served on the applicant (if not the appellant), all registered interested and affected parties as well as state departments (Organ of state with interest in the matter) within 20 (twenty) days of having been notified in accordance with the requirements stipulated in paragraph 6.1 and 6.2 of the decision
- 6.5 The addressed to which the originals of any such an appeal and ant other documents pertaining to the appeal must be emailed is outlined below as outlined below. Please note that originals may also be delivered per hand or courier.

Department	Economic Development, Environmental Affairs and Tourism
Attention	General Manager: Environmental Affairs
Postal address	Private Bag X005, BISHO, 5605
By hand	Global Life, Ilitha Building, Bisho, King Williams Town
In order to facilitate efficient administration of appeals copies of appeal documentation must also be submitted as follows:	
General Manager, Environmental Affairs	albert.mfenyana@dedea.gov.za
Office of the Appeal Administrator	phumeza.gxala@dedea.gov.za



In the event that an appeal is lodged with regard to this Authorization, the listed activities described in this Authorization may not commence prior to the resolution of the appeal and prior to the Departments written confirmation of compliance with all conditions that must be met before construction can commence, whichever the event is latter.



Mrs C. A. Gyan
Assistant Manager: ENVIRONMENTAL IMPACT MANAGEMENT

27/08/2020
Date

Approved by



Mr S Gqalangile
MANAGER: ENVIRONMENTAL IMPACT MANAGEMENT
BHISHO; HEAD OFFICE

27/08/2020
Date