

APPENDIX D2 - COMMENTS AND RESPONSE REPORT FOR DRAFT EIR

COMMENTS RECEIVED FROM DFFE AFTER DRAFT EIR SUBMISSION (ALL EMAILS)

DFFE COMMENT	RESPONSE
<p>07/03/2023 Kamogelo Mathetja DFFE Directorate: Biodiversity Conversation Department of Forestry, Fisheries and the Environment</p>	
<p>DFFE Directorate: Biodiversity Conservation hereby acknowledge receipt of the invitation to review and comment on the project mentioned on the subject line. Kindly note that the project has been allocated to Mrs P Makitla and Ms M Mudau (Both copied on this email). In addition, kindly share the shapefiles of the development footprints/application site with the Case Officers.</p> <p>Please note: All Public Participation Process documents related to Biodiversity EIA review and any other Biodiversity EIA queries must be submitted to the Directorate: Biodiversity Conservation at Email: BCAdmin@environment.gov.za for attention of Mr Seoka Lekota</p>	<p>CES replied: Thank you, this serves as confirmation that we have received your email. Kindly find the shapefiles for Mulilo Newcastle Wind Power and Wind Power 2 attached.</p>
<p>08/03/2023 Lydia Kutu Integrated Environmental Authorisations: Coordination, Strategic Planning and Support Tel: (012) 399 9370 Email: LKutu@dffe.gov.za</p>	
<p>14/12/16/3/3/2/2212 ACKNOWLEDGEMENT OF RECEIPT OF THE DRAFT ENVIRONMENTAL IMPACT ASSESSMENT REPORT FOR THE PROPOSED MULILO NEWCASTLE WIND POWER (PTY) LTD - 200 MW WIND ENERGY FACILITY, IN THE KWAZULU-NATAL PROVINCE.</p> <p>The Department confirms having received the Draft Environmental Impact Assessment Report for the abovementioned project on 06 March 2023. You have submitted these documents to comply with the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment (EIA) Regulations, 2014, as amended.</p> <p>Please take note of Regulation 40(3) of the EIA Regulations, 2014, as amended, which states that "Potential or registered interested and affected parties, including the competent authority, may be provided with an opportunity to comment on reports and plans contemplated in subregulation (1) prior to submission of an application but must be provided with an</p>	<p>EAP Response received 08/03/2023</p>

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<p>opportunity to comment on such reports once an application has been submitted to the competent authority.”</p> <p>Further note that in terms of Regulation 45 of the EIA Regulations, 2014, as amended, this application will lapse if the applicant fails to meet any of the time-frames prescribed in terms of these Regulations, unless an extension has been granted in terms of Regulation 3(7) of these Regulations.</p> <p>You are hereby reminded of Section 24F of the National Environmental Management Act 1998 (Act No. 107 of 1998), as amended, that no activity may commence prior to an Environmental Authorisation being granted by the Department.</p>	
<p>06/04/2023 Coenrad Agenbach DFFE CAgenbach@dffe.gov.za 012 399 9403</p>	
<p>COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT ASSESSMENT REPORT FOR THE PROPOSED MULILO NEWCASTLE WIND POWER (PTY) LTD 200MW WIND ENERGY FACILITY (WEF) WITHIN THE NEWCASTLE LOCAL MUNICIPALITY IN THE KWAZULU-NATAL PROVINCE</p> <p>The Application for Environmental Authorisation and Draft Environmental Impact Assessment Report (EIAR) received by the Department on 20 September 2022 and 06 March 2023, respectively, refer.</p> <p>This letter serves to inform you that the following information must be included in the final EIAR:</p>	
<p>(a) Specific comments</p>	
<p>(i) The maps included in the Avifaunal Specialist Assessment Report are difficult to interpret. Furthermore, the maps illustrate information on both Mulilo Newcastle Wind Power Wind Energy Facilities. The maps should be specific to the Mulilo Newcastle Wind Power Wind Energy Facility and the wind turbines should be numbered to reference placements of specific wind turbines if need be. There is no overall avifaunal sensitivity map included in the report, therefore it is difficult to comment on the information provided as one cannot see the no-go areas, buffer areas or sensitive areas in relation to the proposed development. The avifaunal sensitivity map overlain by the proposed development should be included in the final EIAR.</p>	<p>Avifaunal specialist</p> <p>Maps 4, 5, 6, 7 and 8 have been revised to improve interpretation by redefining the field of view to include only the WEF considered in each application. Maps 1 and 3 remain as submitted to provide context of the study.</p> <p>The Avifaunal Sensitivity Map is presented in Figure 8 “Avifaunal Sensitivity Map” that includes the proposed development overlay. This has been updated to be specific for each project area.</p>
<p>(ii) It is noted that the development footprint is located within a CBA 1 Irreplaceable that is required to meet biodiversity conservation targets and where there are no alternative sites available. The development footprint falls within an</p>	<p>Ecological specialist</p> <p>CBA maps are derived to delineate areas of biodiversity that are required to meet national biodiversity targets that have been set for ecosystems</p>

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<p>environmentally sensitive area and as such the motivation for development that 69% of the CBA is degraded due to the land owner not implementing duty of care as per NEMA is insufficient. The applicant is advised to relocate all turbines to outside the CBA1 Irreplaceable and all sensitive 'no-go' areas.</p>	<p>or species. These maps are developed at very coarse scale and should therefore be used as a guideline for decision-making and assessment and not as definitive NO-GO areas, but rather to indicate areas for intensive investigation in terms of threatened biodiversity. Due to the coarse scale of the map, it is imperative that specialists are appointed to:</p> <ul style="list-style-type: none"> • Assess the actual condition of the project area; • Determine the presence of the biodiversity feature(s) in the project area; • Map, at a project level, sensitive NO-GO areas to avoid biodiversity features; and • Assess the impact of the proposed project on the biodiversity feature(s) and provide mitigation measures to reduce this impact. <p>For the Mulilo WEF1 the following applies:</p> <ul style="list-style-type: none"> • Where possible, turbines were placed to avoid CBA areas. • Some turbines remained within CBA. These turbines were assessed against the detailed PROJECT LEVEL surveys and sensitivity assessments to ensure that all turbines were placed in LOW sensitive areas to avoid impacts on biodiversity. • During the Terrestrial Biodiversity Assessment, the CBAs were assessed for the biodiversity features that was driving the irreplaceability index. • Several threatened avifaunal (bird) species were identified as the irreplaceable biodiversity features that require conservation to meet national targets. • Therefore, the Terrestrial Biodiversity Assessment focused on the outcomes of the avifaunal impact assessment in terms of assessing the sensitivity and impact on threatened species. • At a project level, the Avifaunal Impact Assessment applied the appropriate assessment guidelines and protocols and used these to map NO-GO areas and recommended mitigation measures to reduce the impact on all bird species. • The Avifaunal Impact Assessment determined that impacts that could all be mitigated to LOW. Therefore, the irreplaceable biodiversity feature for which conservation targets are being achieved in this CBA are NOT being affected significantly. • The point made regarding the CBA being degraded (severely modified) was to outline that the landscape is already fragmented (e.g., due to the presence of large stands of Black Wattle, an alien invasive tree species), and is currently not in a condition to support threatened biodiversity in

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	<p>other taxonomic groups, such as plants, through loss of ecosystem functioning and fragmentation.</p> <p>The CBA classification (i.e. irreplaceable) of the site is being driven primarily by avifaunal (bird) species. A suite of potential plant and animal SCC are also represented in these CBAs. All the taxonomic groups have been assessed and the outcomes of the assessments were considered in the Terrestrial Biodiversity assessment.</p> <p>Please refer to the Technical Guidelines for CBA maps (2017), page 21: “in general, severely modified areas (as it the case in Mulilo WEF1) cannot contribute to meeting biodiversity targets for representation of biodiversity pattern or ecological process, except in areas where no other options are available.”</p> <p>There is significant potential to rehabilitate and restore the site by clearing alien invasive trees, especially for plant and mammal SCC in the project area. This has therefore been outlined an important mitigation measure/activity that will be implemented as a condition of authorisation.</p> <p>Notwithstanding the above discussion relating to the CBA area being linked to avifauna, the following should be noted:</p> <ul style="list-style-type: none"> • 20 turbines are located outside a CBA. • 3 turbines are on the edge of a CBA and can be moved slightly depending on micro-siting. • 20 turbines are located inside a CBA where appropriate mitigation is possible.
<p>(iii)The development footprint is located within 1km of the Grasslands Important Bird Area (SA020) and within 35km of the Chemsfort Nature Reserve IBA (SA059). The wind energy facility poses a very high collision risk to priority species; and the proposed mitigation measures do not guarantee reduced mortality numbers. The applicant must ensure that the avifauna specialist studies have support from Birdlife South Africa.</p>	<p>Avifaunal specialist</p> <p>The development footprint is located within the Grasslands IBA (approx. 5 km to the south-eastern boundary) as indicated by Figure 1 and the Reconnaissance Study / Pre-application Avifaunal Monitoring Plan attached as Appendix A and Section 3 of the Avifaunal Scoping Report. Figure 1 has been updated to make this more clear.</p> <p>The WEF was determined to have a Moderate Impact Significance for Collision Risk to Priority Species prior to the implementation of mitigation measures and a Low Significance after mitigation as per the Avifaunal Specialist Assessment Section 4.</p> <p>While the efficacy of individual mitigation measures is difficult to guarantee if implemented in isolation, the combination of multiple strategies being employed</p>

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	<p>simultaneously has a high probability of effectively reducing potential mortality numbers.</p> <p>Based on the relatively low passage rates/incidences of avifaunal Species of Conservation Concern (SCCs) recorded across the site during the avifaunal monitoring programme, combined with the nature of the species that could potentially interact with the facility (i.e. easy to visually detect) it is the specialist's opinion that the listed mitigation measures are likely to be highly effective at reducing mortality numbers. In addition, multiple levels of mitigation have been recommended to provide a layered protection strategy to safeguard the avifaunal populations of the receiving environment. For example, should the avoidance mitigation applied at the design phase and blade painting applied at the construction phase prove to be less effective than anticipated, additional mitigation requirements would be triggered including observer-based shut-down-on-demand. Curtailment strategies would be developed should they be required thereafter.</p> <p>Applicant The avifaunal specialist study has concluded that the facility will not pose a very high risk of collision to priority species.</p> <p>BLSA have provided comment on the avifaunal specialist studies, and the specialist has responded accordingly. The avifaunal studies were completed to be in line with the requirements of the BLSA best practice guidelines (Jenkins et al, 2015).</p>
<p>(iv)It is unclear as to why the composite sensitivity map only reflects bird and ecological no-go areas? What about the bat and aquatic no-go areas? Please take note that all no-go areas should be reflected in the sensitivity maps in the final EIAr.</p>	<p>EAP Please refer to Section 9: Sensitivity analysis where the following specialist sensitivity information was used to inform the preferred layout.</p> <ul style="list-style-type: none"> ● Terrestrial Ecological Impact Assessment ● Aquatic Impact Assessment ● Avifaunal Impact Assessment ● Bat Impact Assessment ● Noise Impact Assessment ● Heritage Impact Assessment <p>The composite sensitivity map at Figure 9.1 has been updated. It distinguishes between:</p> <ul style="list-style-type: none"> ● No-Go for turbines ● No-Go for all infrastructure

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<p>(v) Recommendations provided by specialist reports must be considered and used to inform the preferred layout alternative.</p>	<p>EAP Please refer to Section 9: Sensitivity analysis where the following specialist sensitivity information was used to inform the preferred layout.</p> <ul style="list-style-type: none"> • Terrestrial Ecological Impact Assessment • Aquatic Impact Assessment • Avifaunal Impact Assessment • Bat Impact Assessment • Noise Impact Assessment • Heritage Impact Assessment <p>All specialist reports were considered. Please refer to Section 7: Key Findings of Specialist Studies.</p>
<p>(vi) A generic Environmental Management Programme (EMPr) for the proposed substation must be submitted in the final EIAr. Kindly ensure all sections of the generic Environmental Management Programme (EMPr) are complete and filled out correctly. Failure to submit all the required information that forms part of the generic EMPr will be regarded as non-compliance.</p>	<p>EAP A generic Environmental Management Programme (EMPr) for the proposed substation has been included at Appendix G2.</p>
<p>(vii) You are further reminded that the final EIAr to be submitted to this Department must comply with all the requirements in terms of the scope of assessment and content of the EIAr in accordance with Appendix 3 of the EIA Regulations, 2014 as amended.</p>	<p>EAP The EIAr complies with the requirements.</p>
<p>(b) Listed Activities</p>	
<p>(i) 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. Only activities applicable to the development must be applied for and assessed.</p>	<p>EAP Table 2.6 provides list of all relevant listed activities applied for with description of the specific development activity or infrastructure as described in the project description.</p>
<p>(ii) If the activities applied for in the application form differ from those mentioned in the final EIAr, an amended application form must be submitted. Please note that the Department's application form template has been amended and can be downloaded from the following link https://www.dffe.gov.za/documents/forms.</p>	<p>EAP The listed activities have not changed from the Application.</p>
<p>(iii) It is imperative that the relevant authorities are continuously involved throughout the environmental impact assessment process as the development property possibly falls within geographically designated areas in terms of numerous GN R. 985 Activities. Written comments must be obtained from the relevant authorities and submitted to this Department. In addition, a graphical representation of the proposed development within the respective geographical areas must be provided.</p>	<p>EAP Comments have been received from:</p> <ul style="list-style-type: none"> • Portia Makitla - DFFE: Biodiversity Conservation • Kamogelo Mathetja - DFFE Directorate: Biodiversity Conversation
<p>(iv) The EIAr must provide an assessment of the impacts and mitigation measures for each of the listed activities applied for</p>	<p>EAP Please refer to:</p>

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	<ul style="list-style-type: none"> Section 7: Key findings of specialist studies Section 8: Impact Assessment
(c)Public Participation Process	
(i) The final EIAR must comply with all the conditions of the acceptance of the SR signed on 09 December 2022 and must address all comments contained in the final SR, the draft EIAR and this letter.	<p>EAP</p> <p>All comments and conditions have been addressed in the Comments and Response Reports (CRR) at Appendix D:</p> <ul style="list-style-type: none"> Scoping - Appendix D1 Draft EIAR – Appendix D2
(ii)The Public Participation Process must be conducted in terms of Regulation 39, 40, 41, 42, 43 and 44 of the EIA Regulations, 2014, as amended.	<p>EAP</p> <p>Please refer to Section 10: Public Participation, of the Final EIAR.</p>
(iii) Please ensure that comments from all relevant stakeholders are submitted to the Department with the final EIAR. This includes but is not limited to the KZN Department of Economic Development, Tourism and Environmental Affairs, the Newcastle Local Municipality, the Department of Water and Sanitation (DWS), the South African Heritage Resources Agency (SAHRA), Ezemvelo KZN Wildlife, the Endangered Wildlife Trust (EWT), BirdLife SA, the South African Bat Assessment Association (SABAA), the Department of Mineral Resources, the Department of Environment, Forestry and Fisheries: Directorate Biodiversity and Conservation.	<p>EAP</p> <p>Comments received from:</p> <ul style="list-style-type: none"> Endangered Wildlife Trust (EWT) BirdLife SA DFFE: Directorate Biodiversity and Conservation. South African Heritage Resources Agency (SAHRA) DFFE Protected Area Section (responded to Draft Scoping Report) <p>Comments NOT received from:</p> <ul style="list-style-type: none"> KZN Department of Economic Development Tourism and Environmental Affairs (DETEA) (spoke to a Mr Poovie Moodley <Poovie.Moodley@kznedtea.gov.za>. He promised to provide comment by the 12th April but these did not come. CES did send them DFFE’s comments on the draft EIAR (see Proof at Appendix C10). South African Bat Assessment Association (SABAA) (sent Notice of the Submission of draft EIAR and will notify of Final EIAR) (see Proof at Appendix C10). Newcastle Local Municipality (no response) Department of Water and Sanitation (DWS) (no response) Ezemvelo KZN Wildlife (no response) Department of Mineral Resources (DMR) (no response)
(iv)Please ensure that all issues raised and comments received during the circulation of the draft SR and draft EIAR from registered Interested and Affected Parties (I&APs) and organs of state (including this Department’s Biodiversity and Protected Area Sections), as listed in your I&APs Database, and others that have jurisdiction in respect of the proposed activity are	<p>EAP</p> <p>All comments and conditions have been addressed in the Comments and Response Reports (CRR) at Appendix D:</p> <ul style="list-style-type: none"> Scoping - Appendix D1 Draft EIAR – Appendix D2

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adequately addressed and included in the final EIAr and are incorporated into a Comments and Response Report (CRR).	
(v) Copies of original comments received from I&APs and organs of state, which have jurisdiction in respect of the proposed activity are submitted to the Department with the final EIAr.	<p>EAP Please refer to Appendix C of the Final EIAr.</p> <ul style="list-style-type: none"> Appendix C9 - PROOF OF EMAIL NOTIFICATION AND DELIVERY FOR SCOPING PHASE AND PROOF OF EMAIL NOTIFICATION AND DELIVERY FOR DRAFT EIR Appendix C10 - PROOF OF EMAIL CORRESPONDENCE FOR SCOPING PHASE AND PROOF OF EMAIL CORRESPONDENCE FOR DRAFT EIR
(vi) Proof of correspondence with the various stakeholders must be included in the final EIAr. Should you be unable to obtain comments, proof should be submitted to the Department of the attempts that were made 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 EIAr for comment.	<p>EAP Please refer to Appendix C of the Final EIAr.</p> <ul style="list-style-type: none"> Appendix C9 - PROOF OF EMAIL NOTIFICATION AND DELIVERY FOR SCOPING PHASE AND PROOF OF EMAIL NOTIFICATION AND DELIVERY FOR DRAFT EIR Appendix C10 - PROOF OF EMAIL CORRESPONDENCE FOR SCOPING PHASE AND PROOF OF EMAIL CORRESPONDENCE FOR DRAFT EIR
(vii)The CRR report 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.	<p>EAP Please refer to Comments and Response Report (CRR) at Appendix D:</p> <ul style="list-style-type: none"> Scoping - Appendix D1 Draft EIAr – Appendix D2
(viii)Please refrain from summarising 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 I&AP’s comments.	<p>EAP Comments have not been summarized in the CRRs.</p>
(ix)Minutes and attendance registers (where applicable) of any physical/virtual meetings held by the Environmental Assessment Practitioner (EAP) with Interested and Affected Parties (I&APs) and other role players must be included in the final EIAr.	<p>EAP Please refer to Comments and Response Report (CRR) for minutes of Pre-application meeting.</p>
(d)Layout & Sensitivity Maps	
(i)Several of the specialist studies fail to include a layout plan with numbered turbines such as the Avifaunal Specialist Assessment Report and the Terrestrial Biodiversity Impact Assessment. This makes it difficult to reference the placement of specific wind turbines, therefore it is essential that all specialist studies include a layout plan that clearly numbers each WTG, and the layout plan must be overlain with the sensitivity map of each specialist study.	<p>EAP Both the Avifaunal Specialist Assessment Report and the Terrestrial Biodiversity Impact Assessment have been updated. Please refer to:</p> <ul style="list-style-type: none"> Appendix E3 - Terrestrial Ecological Impact Assessment Appendix E4 - Avifaunal Impact Assessment <p>Please also refer to Section 9: Sensitivity analysis where the following specialist sensitivity information was used to inform the preferred layout.</p>

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	<ul style="list-style-type: none"> ● Terrestrial Ecological Impact Assessment ● Aquatic Impact Assessment ● Avifaunal Impact Assessment ● Bat Impact Assessment ● Noise Impact Assessment ● Heritage Impact Assessment <p>Avifaunal specialist Thank you for highlighting this. The WTG numbers for MNWP1 failed to render in the Figure 8 “Avifaunal Sensitivity Map” submitted. Figure 8 has now been revised to display WTG numbers and the layout plan is overlain with the sensitivity map for the WEF under consideration.</p>
(ii)The final EIAR must provide coordinate points for the proposed development site (note that if the site has numerous bend points, at each bend point coordinates must be provided) as well as the start, middle and end point of all linear activities.	<p>EAP Please refer to Appendix I: Project coordinates.</p>
(iii)The EIAR must provide a copy of the final preferred layout map. All available biodiversity information must be used in the finalisation of the layout map. Existing infrastructure must be used as far as possible e.g., roads. The layout map must indicate the following: a) A clear indication of the envisioned area for the proposed wind energy facility; b)Position of the wind turbines(wind turbines to be numbered); c)Internal roads; d)All supporting onsite infrastructure such as laydown area, guard house and control room etc.; e) Substations, transformers, switching stations and inverters; f)Connection routes (including pylon positions) to the distribution/transmission network; g)All existing infrastructure on the site, especially railway lines and roads; and h)Buildings, including accommodation.	<p>EAP Please refer to Section 9: Sensitivity analysis where the following specialist sensitivity information was used to inform the preferred layout.</p> <ul style="list-style-type: none"> ● Terrestrial Ecological Impact Assessment ● Aquatic Impact Assessment ● Avifaunal Impact Assessment ● Bat Impact Assessment ● Noise Impact Assessment ● Heritage Impact Assessment
(iv)Please provide an environmental sensitivity map which indicates the following: a) The location of sensitive environmental features identified on site, e.g. CBAs, protected areas, heritage sites, wetlands, drainage lines, nest and roost site set c. that will be affected by the facility and its associated infrastructure; b) Buffer areas; and c) All “no-go” areas.	<p>EAP Please refer to Section 9: Sensitivity analysis where the following specialist sensitivity information was used to inform the preferred layout.</p> <ul style="list-style-type: none"> ● Terrestrial Ecological Impact Assessment ● Aquatic Impact Assessment ● Avifaunal Impact Assessment ● Bat Impact Assessment ● Noise Impact Assessment ● Heritage Impact Assessment <p>The composite sensitivity map at Figure 9.1 has been updated. It distinguishes between:</p> <ul style="list-style-type: none"> ● No-Go for turbines

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	<ul style="list-style-type: none"> No-Go for all infrastructure
(v)The above layout map must be superimposed (overlain) with the sensitivity map and a cumulative map which shows neighbouring and existing infrastructure.	<p>EAP Please refer to Section 9: Sensitivity analysis</p>
(vi)Google maps will not be accepted	<p>EAP Google maps was not used.</p>
(e)Cumulative Assessment	
<p>(i)Should there be any other similar projects within a 30km radius of the proposed development site, the cumulative impact assessment for all identified and assessed impacts must be refined to indicate the following:</p> <p>a)Identified cumulative impacts must be clearly defined, and where possible the size of the identified impact must be quantified and indicated, i.e. hectares of cumulatively transformed land.</p> <p>b) Detailed process flow and proof must be provided, to indicate how the specialist’s recommendations, mitigation measures and conclusions from the various similar developments in the area were taken into consideration in the assessment of cumulative impacts and when the conclusion and mitigation measures were drafted for this project.</p> <p>c)The cumulative impacts significance rating must also inform the need and desirability of the proposed development.</p> <p>d)A cumulative impact environmental statement on whether the proposed development must proceed.</p>	<p>EAP Please refer to Section 8.1.1: Cumulative Impact Approach.</p> <p>In addition, cumulative impacts have been considered throughout the impact assessment process. Please refer to:</p> <ul style="list-style-type: none"> Section 8.2: General impacts Section 8.3: Specialist impacts <p>Section 8.2.2: Cumulative general impacts, summarises the cumulative impact assessment determined by the EAP.</p> <p>Section 8.3.2: Cumulative specialist impacts, summarises the cumulative impact assessment determined by the specialist studies.</p> <p>Cumulative impacts have also been considered in Section 9: Sensitivity analysis.</p>
(f)Specialist Declaration of Interest	
<p>(i)Specialist Declaration of Interest forms must be attached to the final EIAR. You are therefore requested to submit original signed Specialist Declaration of Interest forms for each specialist study conducted. The forms are available on Department’s website (please use the Department’s template).</p>	<p>EAP Please refer to Specialist Declarations at Appendix F.</p>
<p>(ii)It is further brought to your attention that Procedures for the Assessment and Minimum Criteria for Reporting on identified Environmental Themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998, when applying for Environmental Authorisation, which were promulgated in Government Notice No. 320 of 20 March 2020 (i.e. “the Protocols”), and in Government Notice No. 1150 of 30 October 2020 (i.e. protocols for terrestrial plant and animal species), have come into effect. Please note that specialist assessments must be conducted in accordance with these protocols.</p>	<p>EAP All Specialist Studies have been conducted in accordance with the relevant protocols, where applicable.</p>
(g)Undertaking of an Oath	
<p>(i)Please note that the final EIAR must have an undertaking under oath/ affirmation by the EAP.</p>	<p>EAP Please refer to EAP Oath of Completeness of EIAR at Appendix A2.</p>

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<p>(ii)Based on the above, you are therefore required to include an undertaking under oath or affirmation by the EAP (administered by a Commissioner of Oaths) as per Appendix 3 of the NEMA EIA Regulations, 2014, as amended, which states that the EIAR must include: “an undertaking under oath or affirmation by the EAP in relation to:(i)the correctness of the information provided in the reports; (ii)the inclusion of comments and inputs from stakeholders and I&APs; (iii)the inclusion of inputs and recommendations from the specialist reports where relevant; and (iv)any information provided by the EAP to interested and affected parties and any responses by the EAP to comments or inputs made by interested and affected parties”</p>	<p>EAP Please refer to EAP Oath of Completeness of EIAR at Appendix A2.</p>
<p>(h)Details and Expertise of the EAP</p>	
<p>(i)You are required to include the details and expertise of the EAP in the EIAR, including a curriculum vitae, in order to comply with the requirements of Appendix 3 of the NEMA EIA Regulations, 2014, as amended.</p>	<p>EAP Please refer to EAP CV at Appendix B.</p>
<p>(i)Environmental Management Programme</p>	
<p>(ii) The EMPr must also include the following: a)All recommendations and mitigation measures recorded in the EIAR and the specialist studies conducted. b)An environmental sensitivity map indicating environmental sensitive areas and features identified during the assessment process. c)Measures to protect hydrological features such as streams, rivers, pans, wetlands, dams and their catchments, and other environmental sensitive areas from construction impacts including the direct or indirect spillage of pollutants.</p>	<p>EAP Please refer to:</p> <ul style="list-style-type: none"> ● Appendix G1 - Draft WEF EMPr ● Appendix G2 - Draft Generic Substation EMPr
<p>(ii)In addition to the above, the EMPr must comply with Appendix 4 of the EIA Regulations, 2014, as amended. (iii)It is drawn to your attention that for substation and overhead electricity transmission and distribution infrastructure, when such facilities trigger activity 11 or 47 of the Environmental Impact Assessment Regulations Listing Notice 1 of 2014, as amended, and any other listed and specified activities necessary for the realisation of such facilities, the generic Environmental Management Programme, contemplated in the Regulations must be used and submitted with the final report over and above the EMPr for the facility</p>	<p>EAP As above</p>
<p>General</p>	
<p>The EIAR must provide the technical details for the proposed facility in a table format as well as their description and/or dimensions. A sample of the minimum information required is listed under Annexure 2of the EIA information required for wind energy facility as requested in the acceptance of the SR dated 09 December 2022.</p> <p>Please also ensure that the final EIAR includes the period for which the Environmental Authorisation is required and the</p>	<p>EAP Please refer to Section 2: Project description:</p> <ul style="list-style-type: none"> ● Table 2.1: Turbine specification ● Table 2.2: WEF component descriptions ● Table 2.3: WEF component footprints

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<p>date on which the activity will be concluded as per Appendix 3 of the NEMA EIA Regulations, 2014, as amended.</p> <p>You are further reminded to comply with Regulation 23(1)(a) of the NEMA EIA Regulations, 2014, as amended, which states that: “The applicant must within 106 days of the acceptance of the scoping report submit to the competent authority-(a) an environmental impact assessment report inclusive of any specialist reports, an EMPr, a closure plan in the case of a closure activity and where the application is a mining application, the plans, report and calculations contemplated in the Financial Provisioning Regulations, which must have been subjected to a public participation process of at least 30 days and which reflects the incorporation of comments received, including any comments of the competent authority.”</p>	
<p>Should there be significant changes or new information that has been added to the EIAR or EMPr which changes or information was not contained in the reports or plans consulted on during the initial public participation process, you are required to comply with Regulation 23(1)(b) of the NEMA EIA Regulations, 2014, as amended, which states: “The applicant must within 106 days of the acceptance of the scoping report submit to the competent authority – (b) a notification in writing that the documents contemplated in subregulation 1(a) will be submitted within 156 days of acceptance of the scoping report by the competent authority or where regulation 21(2) applies, within 156 days of receipt of the application by the competent authority, as significant changes have been made or significant new information has been added to the documents, which changes or information was not contained in the original documents consulted on during the initial public participation process contemplated in subregulation (1)(a), and that the revised documents contemplated in subregulation 1(a) will be subjected to another public participation process of at least 30 days”. Should you fail to meet any of the timeframes stipulated in Regulation 23 of the NEMA EIA Regulations, 2014, as amended, your application will lapse.</p>	<p>EAP There have not been any significant changes or new information that have needed to be added to the EIAR or EMPr.</p>
<p>You are hereby reminded of Section 24F of the National Environmental Management Act, Act No. 107 of 1998, as amended, that no activity may commence prior to an Environmental Authorisation being granted by the Department. Yours sincerely</p> <p>Ms Millicent Solomons Acting Chief Director: Integrated Environmental Authorisations Department of Forestry, Fisheries and the Environment Signed by: Mr Coenrad Agenbach</p>	<p>EAP The Applicant is aware of this requirement.</p>

DFFE COMMENT	RESPONSE						
<p>Annexure 1</p> <p>Format for Comments and Response Trail Report:</p> <table border="1" data-bbox="110 216 841 447"> <thead> <tr> <th data-bbox="110 216 354 279">Date of comment, format of comment name of organisation/I&AP</th> <th data-bbox="354 216 597 279">Comment</th> <th data-bbox="597 216 841 279">Response from EAP/Applicant/Specialist</th> </tr> </thead> <tbody> <tr> <td data-bbox="110 279 354 447">27/01/2016 Email Department of Forestry, Fisheries and the Environment: Priority Infrastructure Projects (John Soap)</td> <td data-bbox="354 279 597 447">Please record C&R trail report in this format Please update the contact details of the provincial environmental authority</td> <td data-bbox="597 279 841 447">EAP: (Noted)The C&R trail report has been updated into the desired format, see Appendix K EAP: Details of provincial authority have been updated, see page 16 of the Application form</td> </tr> </tbody> </table>	Date of comment, format of comment name of organisation/I&AP	Comment	Response from EAP/Applicant/Specialist	27/01/2016 Email Department of Forestry, Fisheries and the Environment: Priority Infrastructure Projects (John Soap)	Please record C&R trail report in this format Please update the contact details of the provincial environmental authority	EAP: (Noted)The C&R trail report has been updated into the desired format, see Appendix K EAP: Details of provincial authority have been updated, see page 16 of the Application form	
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<p>13/04/2023</p> <p>Portia Makitla</p> <p>DFFE: Biodiversity Conservation</p>							
<p>Please find the comments attached:</p> <p>COMMENTS ON THE FINAL SCOPING REPORTS FOR THE PROPOSED DEVELOPMENT OF MULILO WIND ENERGY FACILITY NEAR NEWCASTLE, KWAZULU-NATAL PROVINCE</p> <p>The Directorate: Biodiversity Conservation has reviewed and evaluated the report.</p>	<p>Thank you for your comments, they will be included in the CRR in the final EIR.</p>						
<p>It is noted during review that the proposed study area located within a classified Critical Biodiversity area (CBA): Irreplaceable and Optimal areas, these areas must be maintained in a natural state with limited to no biodiversity loss. Irreplaceable CBAs areas are considered as critical for meeting biodiversity targets and thresholds, and which are required to ensure the persistence of viable populations of species and the functionality of ecosystems, However, there has been degradation within MNWP due to alien invasive plantations, fallow land, etc. The remaining (CBA): Irreplaceable area must be marked as ‘no-go’ areas of the development site and excluded from the final layout plan. Optimal CBAs are considered as areas that represent an optimized solution to meet the required biodiversity conservation targets while avoiding areas where the risk of biodiversity loss is high Category driven primarily by process but is also formed by expert input.</p> <p>In overall, many of the anticipated project-specific impacts during the construction and operational phases and cumulative impacts with mitigation measures can be successfully mitigated from moderate, to low impact significant post mitigation, and are thus acceptable. To minimize potential negative impacts that might occur because of the proposed development, the proposed mitigation measures and recommendations as outlined in the draft EIR and the EMPr must be implemented and adhered to.</p>	<p>Ecological specialist</p> <p>CBA maps are derived to delineate areas of biodiversity that are required to meet national biodiversity targets that have been set for ecosystems or species. These maps are developed at very course scale and should, therefore, be used as a guideline for decision-making and assessment and not as definitive NO-GO areas. Due the course scale of the map, it is imperative that specialists are appointed to:</p> <ul style="list-style-type: none"> • Assess the actual condition of the project area • Determine the presence of the biodiversity feature(s) in the project area • Map, at a project level, sensitive NO-GO areas to avoid biodiversity features • Assess the impact of the proposed project on the biodiversity feature(s) and provide mitigation measures to reduce this impact. <p>For the MNWP WEF the following applies:</p> <ul style="list-style-type: none"> • Several threatened avifaunal (bird) species were identified as the irreplaceable biodiversity features, the conservation target of which is achieved in these CBA irreplaceable areas. • For this reason, it is required that the avifaunal impact assessment becomes the focus of the Terrestrial Biodiversity Assessment. • At a project level, the Avifaunal Impact Assessment applied the appropriate assessment guidelines and protocols and used these to determine NO-GO areas to avoid negative impacts as well as 						

DFFE COMMENT	RESPONSE
	<p>mitigation measures to reduce the impact on all birds.</p> <ul style="list-style-type: none"> • The Avifaunal Impact Assessment determined that impacts that could all be mitigated to LOW. Therefore, the irreplaceable biodiversity feature for which conservation targets are being achieved in this CBA are NOT being affected significantly. • The point made regarding the 69% of the CBA being degraded (severely modified) was to outline that the landscape is already fragmented and is currently not in a condition to support threatened biodiversity in other taxonomic groups, such as plants, through loss of ecosystem functioning and fragmentation.
<p>NB: The Public Participation Process documents related to Biodiversity EIA for review and queries should be submitted to the Directorate: Biodiversity Conservation at Email; BCA@environment.gov.za for attention of Mr. Seoka Lekota</p>	

COMMENTS RECEIVED FROM STAKEHOLDERS, I&APS, LANDOWNERS OR NEIGHBOURING LANDOWNERS AFTER DRAFT EIR SUBMISSION

STAKEHOLDER/I&AP COMMENT	RESPONSE
<p>07/03/2023 Samantha Naicker Land & Rights Officer (ST 1569) ESKOM Asset Creation: Land Development KZN Operating Unit Tel: 031-710 5183 Fax: 086 592 3232 Cell: 072 957 1007</p>	
<p>Kindly forward this application and ALL future applications to KZNOU-L&R@eskom.co.za Please refer to the attached requirements when making applications to Eskom and forward the Cover Letter and Digital Layout Plans to the above email</p>	<p>Thank you for your email. We have also notified KZNOU-L&R@eskom.co.za</p>
<p>07/08/2023 Dominic Wieners KZN Wildlife</p>	
<p>Kindly advise whether a hardcopy will be provided for our review?</p>	<p>Thank you for your email. A hardcopy for your review (flashstick) has been dispatched via courier at the beginning of this week (08/03/2023).</p>
<p>16/03/2023 Reuben Maroga Permitting Specialist Solagroup</p>	
<p>We would like to register as an Interested and Affected Party (I&AP) for the proposed Mulilo Newcastle Wind Power 2 (200MW) Wind Energy Facility and Associated Infrastructure within the Newcastle Local Municipality in the KwaZulu-Natal Province. For the registration, please capture this email address: iap@solagroup.co.za</p> <p>Furthermore, could you kindly share the KML files of the proposed development extent and the grid connection corridor route assessed to the nearest ESKOM substation.</p> <p>Lastly, we would also like to request that CES registers us as an I&AP for all renewable energy projects. We are continuously developing sites across various Provinces so it would be great to have sight of other projects that we can include in our own stakeholder databases for our projects, as well as take into consideration from a technical perspective.</p>	<p>This email serves as confirmation that we have received your request. Kindly find the KML of the proposed Mulilo Newcastle Wind Power and Wind Power 2 attached. Please note that the Basic Assessments for the OHLs have not commenced yet. The layouts will be provided upon request during the Basic Assessment 30 public commenting period. We have also included you on the I&AP databases as requested.</p>
<p>22/03/2023 Thembisile Sibiya Eskom Holdings SOC Limited KZN Operations Unit Land Development Department</p>	
<p>Please send the polygon for the area of the proposed activity in KMZ/KML file</p>	<p>Please find the KMZ files attached. (EMAIL ATTACHMENT)</p>
<p>23/03/2023 Natasha Higgitt Manager: Development Applications</p>	

STAKEHOLDER/I&AP COMMENT	RESPONSE
<p>SAHRA</p> <p>SAHRA REPLIED: Thank you for the email. Please note that these development applications are located in the KZN Province. SAHRA does not have jurisdiction within the KZN province with regards to Section 38 development applications.</p> <p>I note that you have paid the SAHRA fee to the SAHRA bank account. @Dumisani Bhambatha and @Paul Tiyago, please note that the applicant has paid SAHRA when they should have paid AMAFA for these applications. Please can you arrange for a refund to the applicant. The Proof of Payment is attached to the SAHRIS Cases as indicated in the email below.</p> <p>CES, please contact Ros Devereux regarding payment to AMAFA for these applications and for future KZN development applications.</p>	<p>Please note that 2 new applications have been made on SAHRIS portal for section 38(8) for Mulilo Newcastle Wind Power and Mulilo Newcastle Wind Power 2 in accordance with the email notification below. The application status on SAHRIS has been changed to 'submitted'.</p> <p>Mulilo Newcastle Wind Power - Case ID: 20916 Mulilo Newcastle Wind Power 2 - Case ID: 20918</p>
<p>05/05/2023 Tanya Joubert ALSGroup www.alsgroup.co.za tanyaj@alsgroup.co.za 0716868753</p>	
<p>I would like to enquire whether my company will be able to help with any earth movement required for the success of the project I am part of the ALS GROUP and also farmers in the area with a wide variety of machinery available www.alsgroup.co.za</p> <p>Furthermore I would also like to enquire as to what road we can take to also erect some wind turbines on our farms We currently own about 10,000 ha East of Memel right on the KZN and Free state border which I would like to survey for wind turbines.</p>	<p>Thank you for your email, I will forward your details on to the developer.</p>
<p>10/04/2023 William Whipp Chairman of Sneeuberg Protected Environment William@whippswilderness.co.za</p>	
<p>It is with concern that I write this mail as chairman of the Sneeuberg Protected Environment which will very definitely be impacted upon by the Mulilo Newcastle Wind And Power proposed development. To my knowledge no one from the Sneeuberg P E has been contacted for comment.</p>	<p>Dear Mr Whipp.</p> <p>We are in receipt of your email dated 10 April 2023 with comments on the draft EIA Reports for the two proposed Mulilo Newcastle Wind Farm projects.</p> <p>We have sent out stakeholder and I&AP notifications to multiple Birdlife SA stakeholders for comment during the commenting period, including Mr Nick Theron (nick.theron@birdlife.org.za) as we are of the understanding that Birdlife SA provides support to the Management Authority and</p>

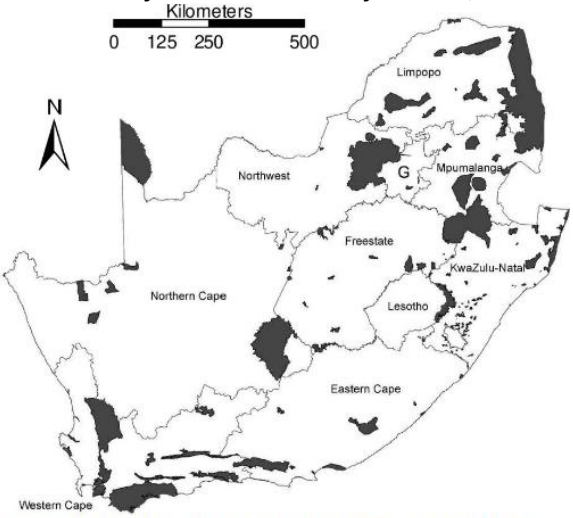
STAKEHOLDER/I&AP COMMENT	RESPONSE
	<p>Administration for the Sneeuberg Protected Environment. We have also received comments from Birdlife SA, including Carina Pienaar.</p> <p>While your comment was received after the cut-off date of 6th April 2023, we will none the less include your comments and provide responses from the avifaunal specialist and CES as the EAP, in the Comments and Response Report (CRR) of final EIA Report.</p>
<p>I am going to set out some of the impacts and concerns that we have in note form. The SPE is an important breeding area for endangered and highly endangered species that are currently enjoying protection. However this sort of highly impactful development will definitely undo the good work done so far in turning the tide for species that for long have been fighting the odds.</p>	<p>EAP Comment acknowledged</p> <p>Applicant The proposed development is not located within the SPE. In fact the SPE, at its closest point is about 7 km away, while the majority of farms that form the SPE range between about 10-12 km away.</p>
<p>The pans, grasslands, valleys, cliffs and wetlands that are crucial habitat for the breeding and feeding zones of the following species are crucial and 10 km is not nearly enough of a buffer zone for the birds.</p> <p>Black Eagle, Martial Eagle, Long Crested Eagle, Cape Vultures, Jackal Buzzards, Red Breasted Sparrow Hawks and in summer dependant on season large flocks of Amur Falcons.</p> <p>Then there are very important breeding habitats for the Giant eagle owls and the Spotted Eagle owls. Being nocturnal feeders they are exceptionally vulnerable to the blades.</p> <p>Next are the Cranes. All 3 species are represented within the SPE and their habitat and environment will definitely be disturbed.</p>	<p>Avifaunal specialist The avifaunal community of the receiving environment has been taken into consideration, including a Site Ecological Importance determination for Species of Conservation Concern (SCCs). Data were obtained from multiple sources including historic records and a 12-month, site-specific pre-application avifaunal monitoring programme. These include the species referred to in the comments amongst others.</p> <p>The presence of Wattled Crane and Grey Crowned Crane were recorded in suitable habitats beyond the site boundary. Buffers were applied to suitable habitats to restrict activities in those areas to reduce the likelihood of disturbance. The lack of suitable habitat across the proposed development site further reduces the risk of disturbance impacts to these species.</p>
<p>The properties chosen are important feeding zones for the raptors.</p>	<p>Applicant To our knowledge, Spotted Eagle Owl and “Giant” Eagle Owl (i.e. Verreaux’s Eagle Owl), are not threatened and have not been negatively impacted upon by any operational wind farms to date. These species were not raised as being a concern for the development by the specialist report.</p>

STAKEHOLDER/I&AP COMMENT	RESPONSE
<p>Our next major concern is fires in winter. Will adequate fire breaks be burnt to protect the surrounding properties. Fires are a major hazard for our area as the escarpment area is prone to very high winds which you are aware of.</p>	<p>EAP The EIAR includes mitigation measures to reduce the risk of fires.</p>
<p>The inadvertent transport of disease such as Foot and Mouth needs to be addressed. Easy to spread but disastrous for livestock. The visual disturbance for tourism will also be a negative factor as birding routes are becoming popular in the region.</p>	<p>EAP</p> <ul style="list-style-type: none"> • The issue of disease is addressed in the specialist Socio-economic Impact Assessment. • The Issue of visual impacts is addressed in the specialist Visual Impact Assessment.
<p>These concerns apply for both proposed developments.</p> <p>It will be highly appreciated if we as the SPE committee could get a prompt response on this important matter as your EIA is incomplete without our input.</p>	<p>EAP Comment acknowledged</p>
<p>06/04/2023 Bradley Gibbons Endangered Wildlife Trust Email: bradleyg@ewt.org.za Phone: +2782 566 5803</p>	
<p>Response to the Mulilo Newcastle Wind Power WEF2 (200 MW) with DFFE Ref: 14/12/16/3/3/2/2213</p>	<p>Thank you, this email serves as confirmation that we have received your attached comments.</p>
<p>The Endangered Wildlife Trust (EWT) is a non-governmental, non-profit, conservation organisation, founded in 1973 and operating throughout southern Africa. The EWT conserves threatened species and ecosystems in southern Africa by initiating research and conservation action programmes, implementing projects that mitigate threats facing species diversity and supporting sustainable natural resource management. The EWT furthermore communicates the principles of sustainable living through awareness programmes to the broadest possible constituency for the benefit of the region. While the EWT supports the just transition to renewable energy, these proposed developments are only considered feasible if they follow the mitigation hierarchy and the species environmental assessment guideline and avoid unnecessary and unsustainable environmental impacts. We further support wind energy but only where all possible options for avoiding, reducing, minimising, and offsetting of impacts (in that order) have been considered and implemented. Please refer to the links embedded in this paragraph for further insight into the EWT's perspectives, concerns, and considerations linked to renewable energy in general, and wind energy in particular.</p>	<p>Avifaunal specialist Thank you for your comments.</p> <p>Applicant Thank you for the comments. The applicant would also like to record that the EWT was approached, in 2020/21 during the early planning/feasibility stages of the project, and the applicant met with Mr Gibbons in Newcastle to discuss and show the EWT the site and to discuss possible development in the area more broadly.</p>
<p>The demand for energy is increasing globally and Wind Energy Facilities (WEFs) are considered a viable option for renewable energy production. There are, however, concerns over the impacts of wind farms on wildlife in three key aspects: the disturbance or displacement of species from their habitats due to the construction of the associated WEF infrastructure; bird and bat collisions with turbine blades; and collisions and electrocutions on energy infrastructure associated with WEFs. This concern is compounded</p>	<p>EAP Comment acknowledged</p> <p>The Needs and Desirability of the project is outlined in detail in Section 3 of the Final EIAR.</p>

STAKEHOLDER/I&AP COMMENT	RESPONSE
<p>by the potential cumulative impacts of ongoing wind energy developments posing a direct risk to collision-prone species across sensitive areas, and an amplified level of disturbance and loss of habitat for wildlife in areas that overlap with WEFs.</p>	<p>Based on the various specialist assessment, the impacts are MODERATE to LOW with effective mitigation.</p> <p>The cumulative impacts have been compressively assessed. There are no other known planned wind farms within a 30km radius of the two Mulilo Newcastle WEF projects.</p>
<p>The EWT believes that some of the impacts of WEFs can be avoided and reduced using suitable remedial actions and mitigation measures. Accordingly, we recommend four priority measures that must be considered and implemented to ensure minimum impact of wind energy on wildlife, for details of these four priority measures click here.</p> <p>The National Web-based Environmental Screening Tool is a geographically based web-enabled application that allows a proponent intending to submit an application for environmental authorisation in terms of the Environmental Impact Assessment (EIA) Regulations 2014, as amended, to screen their proposed site for any environmental sensitivity.</p>	<p>Avifaunal specialist</p> <p>The specialist agrees that some of the impacts of the WEFs can be avoided and reduced using suitable remedial actions and mitigation measures and these have been detailed in the assessment. The use of the National Web-based Environmental Screening Tool was conducted (see Appendix A).</p>
<p>Avifaunal Impacts:</p>	
<ul style="list-style-type: none"> Arguably, six large, globally and/or regionally threatened, impact sensitive species are potentially the most heavily affected by wind farms and are likely to account for much of the bird impact profile of any given proposed WEF. Of these, the three large eagle species - Verreaux's Eagle <i>Aquila verreauxii</i>, Martial Eagle <i>Polemaetus bellicosus</i>, and Crowned Eagle <i>Stephanoetus coronatus</i>, one vulture species, the Cape Vulture <i>Gyps coprotheres</i>, one Harrier species, the Black Harrier <i>Circus</i> and the Secretary bird 	<p>Avifaunal specialist</p> <p>These species were included in the assessment as submitted.</p>
<ul style="list-style-type: none"> We highly recommend a shut down on demand system is implemented, either through on the ground observers, or automated systems, to shut down turbines when collision prone birds enter wind farms and are heading within rotor sweep zones. These species include, but are not limited to, Cape Vultures, Verreaux's Eagles and Secretary birds. These species are known to occur within the region. 	<p>Avifaunal specialist</p> <p>This mitigation measure was included as submitted.</p>
<ul style="list-style-type: none"> It is critical that no human disturbance associated with any construction activity occurs within these buffers near active breeding eagle nests in the peak breeding period between May and September, i.e. construction vehicles, labourers on foot, etc. All other human disturbance should also be minimized or avoided during this breeding period. 	<p>Avifaunal specialist</p> <p>Disturbance and Displacement has been considered and mitigation measures were included in the original submission. No active breeding eagle nests were observed across the site.</p>
<ul style="list-style-type: none"> Although the power line design will minimise bird electrocution incidents due to satisfactory phase clearances, collisions with shield wires or conductors are still likely to occur. With regards to the transmission lines fitting Bird Flight Diverters (BFDs) may mitigate collisions involving large raptors but it will not mitigate all collisions of large birds. Due to the fact that lines are likely to be handed over 	<p>Avifaunal specialist</p> <p>Agreed, this was mentioned in the report as a mitigation as submitted, for any overhead lines, however, the majority of MV connector lines will be buried.</p>

STAKEHOLDER/I&AP COMMENT	RESPONSE
<p>to Eskom (for long term management as per standard power purchase agreements), they need to be constructed to specification as determined by Eskom and fitted with approved BDFs at the Eskom recommended intervals.</p>	<p>EAP Please note that the separate applications for Environmental Authorization for powerlines will be submitted to the KZN DETEA.</p> <p>Applicant The proposed application does not include any grid connection/transmission infrastructure.</p>
<p>•New power lines need to be placed, as far as possible, in areas where linear infrastructure already exists and ideally as close to the existing lines as possible.</p>	<p>Avifaunal specialist Agreed, this was included in Section 4 in the assessment as submitted.</p> <p>EAP As indicated above, the WEF applications do not include the grid connection. The only power lines are those connecting turbines etc. and these will mostly be buried where possible.</p>
<p>•Should new, more effective BDFs come available the developer needs to be ready to procure and fit these. The EWT is in the process of expanding its current long-term line marking experiment near De Aar where a further 4 BFD designs will be tested, specifically to reduce Ludwig’s Bustard collisions. If this development proceeds, we urge the developer to contact the EWT Wildlife and Energy Programme directly and to participate in this important and ongoing research. In the event that a more effective BFD is identified and approved, this must be applied to the line. Possibly including the replacement of old BDFs where possible.</p>	<p>Avifaunal specialist This was included in Section 4 in the assessment as submitted.</p>
<p>•Lines need to be seasonally monitored (according to the ESKOM/EWT partnership protocol) for fatalities and these fatalities should be reported to the Eskom/EWT Strategic partnership.</p>	<p>Avifaunal specialist This was included in Section 4 in the assessment as submitted.</p>
<p>Cape Vulture Collision Risk:</p>	
<p>•Cape Vultures are known to frequent the landscape within the proposed wind farm envelopes – especially in the area between Newcastle and Memel, thus it is recommended that a carcass management system is implemented on site to remove food sources that will certainly attract birds to the site, even from extensive distances away.</p>	<p>Avifaunal specialist This has been included in Section 4 in the assessment.</p> <p>Applicant During long-term bird monitoring there were very few observations of this species.</p>
<p>•The current Cape Vulture and Windfarms guidelines recommend that a buffer of approximately 50 km around all colonies, and regular or seasonal/occasional roosts should be considered as high to very high sensitivity (with sensitivity influenced by distance from the roost/colony, as well as its size and location).</p>	<p>Avifaunal specialist The potential use of nearby transmission infrastructure for perching or temporary roosting has been considered and mitigation measures to reduce the risk to this species are outlined in the assessment. These include a multi-layered approach including carcass management and blade painting, operational monitoring and provision for potential shutdown-on-demand and curtailment should significant impacts occur.</p>

STAKEHOLDER/I&AP COMMENT	RESPONSE
<p>Verreaux's Eagle Collision Risk:</p> <ul style="list-style-type: none"> •For Verreaux's Eagles, space use is dependent on not only the distance from an individual eagle's nest site, but also the local density or distribution of conspecific nest sites, the topographic slope and the elevation. In line with BLSA (2017) absolute minimum guidance. BLSA (2017) in fact recommends 3 km buffers, and these have since been updated to 5.2 km buffers or VERA modelling (Ralston-Paton & Murgatroyd, 2021), although these buffers are briefly discussed they are not implemented. 	<p>Avifaunal specialist No Verreaux's Eagle nests or core territories were located in proximity to the proposed development.</p>
<ul style="list-style-type: none"> •The Verreaux's Eagle Risk Assessment (VERA) tool has been developed to reduce Verreaux's Eagle collisions on wind farms. VERA modelling represents the latest available methods for the assessment of wind turbine collision risk potential for Verreaux's Eagles. It has been widely accepted as the primary tool in assessing the spatial distribution of collision risk for this species and has been adopted into the most recent version of BirdLife South Africa's Verreaux's Eagles and Wind Farm guidelines for impact assessments (Ralston-Paton & Murgatroyd, 2021). Although the publication of the guidelines only occurred in 2021, VERA modelling has been available in some format since 2018. The first publication on the modelling methods it was made available in January 2021 (Murgatroyd, Bouten, & Amar, 2021), and since then VERA has been applied to 15 wind energy developments. 	<p>Avifaunal specialist Not applicable. There are no Verreaux's Eagle territories that are overlapping the proposed development.</p>
<ul style="list-style-type: none"> •VERA uses the locations of Verreaux's Eagle nests and the topography of the site to determine collision risk. The risk is classified into three levels; high, medium and low. It is recommended that as a minimum requirement no turbines should be built within high-risk locations. Furthermore, for optimal conservation, medium risk locations should also be avoided by developments, however with additional site-specific specialist input or mitigation methods a limited amount of development in these areas may be permissible (Murgatroyd et al., 2021). These recommendations have since been expanded on in the updated guidelines following the same approach (Ralston-Paton & Murgatroyd, 2021). <p>VERA predicts collision risk for Verreaux's eagles on a 90 x 90m grid square resolution and it is the best tool available for understanding the likely impacts of wind energy development pre-construction. In comparison to circular buffers, it has been used to correctly predict 11 of the 14 collisions which have occurred. Thus, we recommend that this tool is applied to the development site to determine turbine layout in a way which minimises risk to this species rather than any circular buffers. This demonstrates a 3 km circular nest buffer to be inadequate and that a dynamic 5.2 km buffer is more realistically required to reduce fatalities. We also know that raptor space use around a nest site is not even or circular.</p>	<p>Avifaunal specialist Not applicable.</p> <p>Applicant It appears that this may be a standard, "cut and paste" comment used by EWT on various WEF comments. This suggestion is not applicable as there are no Verreaux's Eagle nests have been found on or in proximity to the site that would warrant use of the VERA model.</p>
<ul style="list-style-type: none"> •The EWT will make the VERA tool available to recalculate buffers and adjust design if required. 	<p>EAP NA</p>

STAKEHOLDER/I&AP COMMENT	RESPONSE
<p>Regarding the area being considered for prospecting for Newcastle Wind Power Wind Energy Facility 2 (200 MW) with DFFE Ref 14/12/16/3/3/2/2212 by Mulilo Newcastle Wind Power (Pty) Ltd, we would like to bring it to your attention that on page 78 of the Draft Environmental Impact Assessment Report, the following statement is written regarding Important Bird Areas (IBAs): “Irrelevant. The study site does not occur within 10 km of any Important Bird Areas.” We would like to bring it to your attention that the Newcastle Wind Power study site does in fact occur in an IBA. See Figure 1. In addition, “Regardless of the fact that the study site does not fall within 10 km of an IBA”, is also written.</p>  <p>Figure 1. The location of the Important Bird Areas of South Africa</p> <p>Therefore, your statement on page 78 of the EIAr shows that there has not been sufficient research into the study site.</p>	<p>Avifaunal specialist This is an error in the EIAr and the position of the proposed development within the IBA has been known and considered by all parties from the outset of the initial avifaunal desktop study.</p> <p>EAP This was an error made by the Terrestrial Ecological Specialist which the EAP included in the draft EIAr. It has been rectified.</p>
<p>A wind farm and associated infrastructure could have negative consequences which pose a direct threat to this area and wildlife in the area including birds.</p> <p>1. Page 126 of the EIAr has a poor summary of avifaunal species. A full avifaunal study, undertaken by an independent avifaunal specialist needs to be completed for this area. The statement regarding species such as Southern Bald Ibis, Amur Falcon and Cape Vulture says “should they occur”. However, all three species do occur in the area as well as additional red data species such as Secretary birds according to <i>The 2015 Eskom Red Data Book of Birds of South Africa, Lesotho and Swaziland</i>.</p>	<p>Avifaunal specialist An independent avifaunal specialist study was undertaken that considered multiple data sources including a site-specific avifaunal pre-application monitoring programme. The assessment included site ecological importance evaluation (presented during the scoping phase) for relevant species derived from an extensive avifaunal desktop study and informed by monitoring data. The desktop study included (but not limited to) data obtained from nine SABAP2 pentads, CAR, CWAC, IBA descriptions, local knowledge as well as iNaturalist records and habitat suitability models obtained from BirdLife South Africa and the Endangered Wildlife Trust.</p>
<p>2. Based on limited information regarding birds in the area, the statement on page 126: “the avifaunal specialist’s informed opinion that the proposed development will not likely have a significant negative impact on the viability or persistence of avifaunal populations” may be too early to make. A statement like this can</p>	<p>Avifaunal specialist The avifaunal study was not based on limited information. The study was conducted and followed the relevant guidelines and considered robust data set collected during long-term bird monitoring, as well as various desk-based</p>

STAKEHOLDER/I&AP COMMENT	RESPONSE
<p>only be made once a significant amount of time is spent surveying the area for the avifaunal study.</p>	<p>sources including but not limited to: SABAP2; CAR; CWAC; Local information; high level input from BLSA and EWT during pre-feasibility info gathering.</p>
<p>3. The proposed prospecting area is located close to a National Strategic Water Source area. Strategic Water Source Areas are the catchment areas that provide us with 50% of our nation's water needs and only cover 8% of our countries surface area. These areas are therefore vitally important water provisioning areas and disturbance should be kept to a minimum.</p>	<p>EAP Water related issues and mitigation measures have been dealt with in the Specialist Aquatic Impact Assessment. In addition, water resources are protected in terms of the National Water Act. The project will also remove various alien wattle stands which will contribute to the state of the water resources in the area.</p>
<p>The EWT is greatly concerned about the constant loss of biodiversity in these areas and it is not clear whether there will be minimum disturbance to the area during the construction phase and operational phase.</p>	<p>EAP Comment acknowledged</p>
<p>The EWT appreciates the opportunity provided by the developer to comment and we look forward to the opportunity to participate in the process of informing the responsible placement of turbines or alternatively avoidance if no environmentally responsible options are available. We would value the opportunity to provide our detailed landscape planning data and to assist through negotiation to inform decision making, but we cannot support high-risk options. We further request that the relevant competent authority and Department of Forestry, Fisheries, and the Environment (DFFE) need to take these concerns into consideration, including the associated powerlines and other infrastructure that will be required as a result of the proposed wind energy development.</p>	<p>EAP Comment acknowledged</p>
<p>The EWT reserves the right to revise initial comments presented here, if additional information becomes available.</p> <p>We request that our issues are taken into consideration and failing which, the EWT will oppose the proposed activity.</p> <p>Further reading:</p> <ul style="list-style-type: none"> •BirdLife South Africa. 2018. Cape Vulture and Wind Farms: Guidelines for impact assessment, monitoring, and mitigation (compiled by Pfeiffer M and Ralston-Paton S). •BirdLife South Africa. 2020. Black Harriers and Wind Energy: Guidelines for impact assessment, monitoring, and mitigation (compiled by Simmons RE, Ralston-Paton S, Colyn R and Garcia-Heras M-S). •Boshoff, A.F. 1993., Density, active performance and stability of Martial Eagles Polemaetus bellicosus active on electricity pylons in the Nama-Karoo, South Africa. In: Wilson, R.T. (Ed.). Proceedings of the Eighth Pan-African Ornithological Congress. Musee Royal de l'Afrique Centrale, Tervuren. pp95-104. 	<p>EAP Comment acknowledged</p>

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<ul style="list-style-type: none"> •Cervantes, F., Martins, M., & Simmons, R. E. (2022). Population viability assessment of an Endangered raptor using detection / non-detection data reveals susceptibility to anthropogenic impacts. Royal Society of Open Science. •Machange, R.W., Jenkins, A.R. & Navarro, R.A. 2005. Eagles as indicators of ecosystem health: Is the distribution of Martial Eagle nests in the Karoo, South Africa, influenced by variations in land-use and rangeland quality? Journal of Arid Environments 63: 223-243. •Murgatroyd, M., Bouten, W., & Amar, A. (2021). A predictive model for improving placement of wind turbines to minimise collision risk potential for a large soaring raptor. Journal of Applied Ecology, 1–12. •Murgatroyd, M., Underhill, L. G., Bouten, W., & Amar, A. (2016). Ranging behaviour of Verreaux’s Eagles during the pre-breeding period determined through the use of high temporal resolution tracking. Plos One, 11(10), e0163378. •Ralston-Paton, S., & Murgatroyd, M. (2021). Verreaux’s Eagle and wind farms: Guidelines for impact assessment, monitoring and mitigation. BirdLife South Africa, Johannesburg, South Africa. •Reid, T., Krüger, S., Whitfield, D. P., & Amar, A. (2015). Using spatial analyses of Bearded Vulture movements in southern Africa to inform wind turbine placement. Journal of Applied Ecology, 52(4), 881–892. •Simmons, R. E., Ralston-Paton, S., Colyn, R., & Garcia-Heras, M.-S. (2020). Black Harriers and Wind Energy guidelines for impact assessment, monitoring and mitigation. BirdLife South Africa, Johannesburg. •Taylor, M.R., Peacock, F. & Wanless, R.M. 2015. The 2015 Eskom Red Data Book of Birds of South Africa, Lesotho and Swaziland. BirdLife South Africa, Johannesburg. •Tikkanen, H., Rytönen, S., Karlin, O. P., Ollila, T., Pakanen, V. M., Tuohimaa, H., & Orell, M. (2018).Modelling Golden Eagle habitat selection and flight activity in their home ranges for safer wind farmplanning. Environmental Impact Assessment Review, 71, 120–131. •Van Eeden, R., Whitfield, D. P., Botha, A., & Amar, A. (2017). Ranging behaviour and habitat preferences of the Martial Eagle: Implications for the conservation of a declining apex predator. PLoS ONE, 12(3), 1–22. •Watson, J. W., Duff, A. A., & Davies, R. W. (2014). Home range and resource selection by GPS-monitored adult Golden Eagles in the Columbia Plateau Ecoregion: Implications for wind power development. Journal of Wildlife Management, 78(6), 1012–1021. 	

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<p>12/4/2023 Samantha Ralston-Paton & Carina Pienaar Birdlife South Africa</p> <p>Re:Draft Environmental Impact Assessment Reports and EMPs for the proposed:</p> <p>1.Mulilo Newcastle Wind Power WEF (200 MW) DFFE ref. no.: 14/12/16/3/3/2/2212; and</p> <p>2.Mulilo Newcastle Wind Power 2 WEF(200 MW) DFFE ref. no.: 14/12/16/3/3/2/2213</p> <p>BirdLife South Africa supports the responsible development of renewable energy. This requires that wind turbines are located outside of areas important for biodiversity and that the necessary safeguards are put in place to minimise residual negative impacts. We understand that we have missed the deadline for submissions, but we wish to place the following comments and recommendations on record. We trust that you will consider our feedback.</p>	<p>Thank you for submitting your comments as BirdLife SA’s insights are valued by the specialist and the feedback has been considered. It is unfortunate, however, that comments were not received on the previously submitted Scoping Report. The specialist has nevertheless endeavored to address the concerns raised as thoroughly as possible given the late submission.</p>
<p>Desired state of the area: Before delving into the finer details of the application, it is useful to consider the desired state of the habitat. This helps set a benchmark against which the proposed development should be assessed.</p>	<p>Avifaunal specialist The Reconnaissance Study (and the resultant pre-application avifaunal monitoring plan) included in the previously submitted Scoping Phase Report considered the desired state of the habitat and identified factors for improvement of the status-quo for avifauna (Section 3). These were carried over the Avifaunal Specialist Assessment (Sections 3.3 and 5).</p> <p>EAP It should be noted that BLSA did not review or provide input or comment on documents made available during the scoping phase.</p>
<p>In this regard, it is important to note that the site falls within the Grasslands Important Bird and Biodiversity Area (IBA) and within the proposed KZN Escarpment Key Biodiversity Area (KBA). KBAs are <i>“the most important places in the world for species and their habitats”</i> (see https://www.keybiodiversityareas.orgfor more information).</p>	<p>Avifaunal specialist The IBA and improving the functionality thereof through habitat management/restoration was considered by the assessment. Particularly with respect to the control and removal of woody alien vegetation which alter the integrity of grasslands and downstream wetland environments beyond the project site (Sections 3, 4 and 5).</p>
<p>The Environmental Impact Reports incorrectly claim that the “study site does not occur within 10 km of any Important Bird Areas”. Appendix A of the Avifaunal Assessment Report suggests otherwise, albeit ambiguously, noting that the <i>“proposed development site lies near the southern boundary of the Grasslands Important Bird Area (IBA SA020, Figure 1 inset)”</i>.</p>	<p>Avifaunal specialist This seems to be an error in the EIAR that conflated the IBA with the Sneeuwberg Protected Environment.</p> <p>The ambiguity in the Avifaunal Report was unintended and the text has been revised <i>“The</i></p>

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	<p><i>proposed development site lies within the Grasslands Important Bird Area (IBA SA020), near its southern boundary (Figure 1 inset)."</i> Figure 1 has also been revised to reduce ambiguity.</p>
<p>While an IBA does not imply that development is incompatible, it points to the need to carefully assess and avoid impacts on trigger species. The compatibility of the proposed development with the IBA/KBA status needs to be highlighted or further evaluated.</p>	<p>Avifaunal specialist A section has been included in Section 5 - Discussion to address the compatibility of the proposed development with the goals and objectives of the IBA.</p>
<p>The site also falls within a Protected Area Expansion Strategy Area, is located near Strategic Water Source areas and is close to protected areas that are important for a range of biodiversity features, including critically endangered and endangered species. Sneeuwberg Protected Environment is about 10 km to the west of the site.</p>	<p>EAP Comment acknowledged. These issues have been addressed in the Terrestrial Ecological Impact Assessment and the Aquatic Impact Assessment.</p>
<p>Much of the proposed development site is a Critical Biodiversity Area (CBA), and a number of threatened plant and animal species are likely to occur on site. Although parts of the CBA are degraded, we do not support the Terrestrial Biodiversity Specialists' suggestion that these areas are "technically not contributing towards the conservation of biodiversity features" and should, therefore, not be considered CBAs. The potential to rehabilitate or restore habitat (e.g. by managing grazing and invasive alien plants) should first be assessed before such drastic decisions are contemplated, especially for irreplaceable CBAs.</p>	<p>Avifaunal specialist With reference to the Avifaunal Assessment, consideration was given to the removal of alien vegetation to improve avifaunal habitats both on site (e.g. grasslands) and off-site (e.g. downstream environments that rely on hydrological regimes in grassland catchments). It is the avifaunal specialist's opinion that avifaunal habitat would be improved through the required activities regarding alien clearing associated with the proposed development. These were included in Sections 4 and 5.</p>
<p>In light of the above considerations, the desired state of the habitat is that it be retained or restored to a natural or near-natural condition. The compatibility of the proposed development with this state should therefore be assessed, and a risk-averse, precautionary approach should be adopted when assessing and mitigating impacts. With this in mind, we are concerned that the survey effort was not commensurate with the sensitivity of the habitat or the species at risk.</p>	<p>Avifaunal specialist With reference to the Avifaunal Assessment at least, the desired state was used during the impact assessment and determination of mitigation measures (Section 4).</p>
<p>Survey effort, site sensitivity verification and significance of impacts (avifauna)</p> <p>The output from the National Environmental Screening Tool indicates that the site is of high and medium sensitivity due to the known or likely, presence of at least 14 threatened bird species. While the avifaunal assessments confirmed that some of these species use the area, the reports should include clear descriptions and maps of impact receptors (e.g. breeding and foraging habitat) used by these species. The likelihood of other species flagged in the Environmental Screening Tool utilising the area and potentially impacted by the proposed developments remains unclear. In other words, the site sensitivity verification needed to be completed.</p>	<p>Avifaunal specialist Consideration and mapping of habitats were included in the Site Ecological Importance (SEI) determinations presented in the previously submitted scoping phase report. The results of the SEI exercise were then used as a basis to inform the avifaunal sensitivity map (Figure 8). The reconnaissance study served to determine the initial sensitivity upon which the pre-application avifaunal monitoring plan was derived. The scoping phase report and specialist assessment report served to verify the avifaunal sensitivity.</p>

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<p>Data collection for impact assessment can only provide a snapshot of some of the conditions likely to be experienced over the 20-year lifespan of the proposed wind farms. Yet the avifaunal assessment seems to imply that if no flights of threatened species were recorded in the surveys, there is no or at least minimal risk of fatalities for those species. For example, the avifaunal report states: “Notably, no Black Harrier activity was recorded across the site during the monitoring period, nor were any flights recorded of several other important species such as Cape Vulture, Black Stork, Secretary bird, Blue Korhaan, flamingos or cranes”. Survey data collected for impact assessments should complement, not replace, other sources of baseline data (e.g. SABAP1 and 2, habitat suitability models and local knowledge). The limitations of the surveys (season, time of day, duration, frequency etc.) must be taken into account before the risk of negative impacts on these species can be confidently excluded.</p>	<p>Avifaunal specialist</p> <p>The limitations of avifaunal monitoring and assessments are known and accepted. Indeed, The Birds and Wind Energy Best Practice Guidelines acknowledge that pre-construction monitoring protocols “<i>represent a compromise between practicality (time and cost) and statistical rigour</i>” and that “[...] <i>there will always be a degree of uncertainty and risk associated with assessments.</i>”</p> <p>The survey data was used to compliment and not replace baseline data from multiple sources and there was no implication intended from the avifaunal assessment that there was no or minimal risk to SCCs. SABAP and Habitat Suitability Models were incorporated into the assessment, used to inform the pre-application avifaunal monitoring programme and presented throughout the scoping phase report. This was addressed in the assessment report in Section 3.3 – Avifaunal Sensitivity, e.g. “<i>Despite the relatively low SCC passage rates recorded across the site, the probability of individual collisions of these species occurring nevertheless remains distinct</i>”. Similarly, areas with the <i>potential</i> to be utilized by avifaunal SCCs not directly recorded across the site were included in the SEI determinations and ultimately the avifaunal sensitivity map.</p> <p>While no implication that there was no or limited risk to avifaunal SCCs was intended, the results of the pre-application avifaunal monitoring programme cannot be dismissed. The intended implication was that the development site did not represent an area of high activity for these species during the survey period and the risk is therefore considered lower than if high levels of activity were recorded.</p>
<p>No map indicating viewsheds and vantage point radius was provided. However, the 3 vantage points (for both proposed wind farms) were clearly not enough to ensure vantage points surveys covered the entire proposed development footprints. For example, it appears that the north-western cluster of turbines (Newcastle 1) was not surveyed. The reports should indicate the areas and the proportion of proposed turbine locations not covered by vantage point surveys (this should be shown for each wind farm separately). The reports should also include an explanation of how these shortcomings were addressed in the impact assessment.</p>	<p>Avifaunal specialist</p> <p>The viewsheds of the vantage points were not included in the assessment report submitted. This has since been revised and added to Figure 3 – Indicative Layout and Survey Locations and the approach to address coverage limitations has been included in Section 3.1 – Assumptions and Limitations.</p> <p>The total combined area provided for both proposed developments was approximately</p>

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	<p>2 871 ha, the vantage point survey was designed to provide coverage of 2 332 ha (81 %) of that area given the state of the access roads available and topography of the site. This is above the minimum of 75 % of the potential developable area recommended by the Birds and Wind Energy Best Practice Guidelines. At the individual WEF and WTG level this resulted in 35 of the 45 (78 %) indicative WTG positions being within a viewshed for MNWP1, and 32 of the 35 (91 %) indicative WTG positions being within a viewshed for MNWP2.</p> <p>The specialist is therefore satisfied that the coverage and effort conducted during the pre-application avifaunal monitoring programme was sufficient to inform the impact assessment with a suitable level of confidence.</p>
<p>While we understand that surveys for the two proposed wind energy facilities were undertaken together, the data presented in the avifaunal reports appear to include data for both proposed developments combined. While it is essential to consider the broader context, we suggest that data for each proposed development should be presented separately.</p>	<p>Avifaunal specialist</p> <p>Data presentation has been revised compared to that submitted as suggested. This includes WEF focused maps for avifaunal activity records.</p> <p>However, given the proximity of the developments, relative uniformity of the available habitats across each site and movement ability of the SCCs of particular relevance in the area the specialist considers the data collected for both proposed WEFs to be relevant to inform the assessment. The passage rates associated with each WEF were considered at the resolution of individual VPs, seasons and sites as well as over the whole monitoring area.</p>
<p>The location of the proposed development within the broader landscape and the potential for seasonal bird movements through the site requires more attention and robust assessment. The escarpment is a flyway for many species that may be at risk of collisions, and the assessment does not take into account the fact that the same wind they are hoping to harness is also used by birds using the air currents during north-south migrations. Some species are also likely to move altitudinally (e.g. cranes often move altitudinally between the Free State and KZN).</p> <p>Wetlands are scattered throughout the region, and there are a number of important breeding sites and foraging sites for critically endangered (e.g. White-winged Flufftail and Wattled Crane) and endangered species (Grey Crown Crane) within the landscape. (Although the definition of "immediate" surrounds may be the source of confusion, this is at odds with the specialist's suggestion that the "immediate surrounds do not represent optimal habitat for</p>	<p>Avifaunal specialist</p> <p>Flyways and migratory species were considered in the assessment report (Section 3 and Figure 8) and scoping phase report Sections 3 and 5 including the use of the prevailing wind along the escarpment, as can be seen by the designation of No-Go areas around cliffs, ridges and prominent topographic features (Figure 8).</p> <p>Potential habitats for cranes and flufftails were identified off-site and buffered accordingly. The immediate surrounds was in reference to the area covered by the pre-application avifaunal monitoring programme where the majority of the survey effort was concentrated in and around the proposed development.</p>

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other large terrestrial bird species of conservation concern, such as cranes and korhaans”).	
No night surveys were conducted, although many waterbirds migrate at night (and may use the escarpment as a flyway). African Grass Owls(vulnerable) have also been recorded in the nearby Seekoeivlei Nature Reserve) and the National Site Screening Tool indicated that suitable habitat might also occur on site.	Avifaunal specialist Night surveys were not considered necessary due to the existing habitat present across the site.
The surveys missed the mid-winter breeding season for Verreaux's and Martial Eagle (laying dates in the area are May to July)	Avifaunal specialist Monitoring was conducted in May 2022 and August 2022 during the period of expected breeding activity including laying and chick provisioning. A nest survey was conducted in late April 2022 to coincide with expected nest-refurbishment activity.
Yellow-breasted Pipit (listed as Vulnerable) and Rudd's Lark (Endangered) stop breeding when there is too much rain (Colyn et al. in review). December 2021 was during a very wet season, and this may have influenced detectability. This should be taken into account in the assessment.	Avifaunal specialist Thank you for this information. The assessment considered the position of the proposed developments in relation to Habitat Suitability Models for these species and was not contingent solely on their detection during the surveys. This limitation has nevertheless been included in Section 3.
Critically endangered White-winged Flufftails have been recorded in the broader area, specifically Ingula and Seekoeivlei Nature Reserve. The risk to this species is difficult to predict and mitigate, but the assessment should note this	Avifaunal specialist This has been included in Section 5.
Cape Vultures (Vulnerable) were recorded roosting on the 400 kV Pegasus-Tutuka Overhead Power Line, and a known roost is approximately 25km from the proposed wind farms. We are concerned that the likelihood of Cape Vultures using the site and the associated risk of turbine collisions was not robustly interrogated in the assessment (e.g. through local knowledge, comparing SABAP1 and 2 data, surveys for roosts in the surrounding area, increasing survey effort).	Avifaunal specialist The likelihood of Cape Vulture interacting with the proposed development was considered during the impact assessment based on the low SABAP reporting rates (for an expanded number of pentads), the distance to known permanent roosts, temporary perches and areas that may be utilized for social behaviors such as feeding or bathing combined with the activity observed during all the survey methodologies (walk transects, drive transects, nest surveys and vantage point monitoring). The risk was not, however, considered to be zero and it is the specialist's opinion that the mitigation measures will be effective at limiting the impact to the species, noting their conservation status, current mortality rates and apparent susceptibility to collisions.
The risk to Amur Falcon has also not been adequately assessed or mitigated. This species is not threatened but is listed in CITES Appendix II, CMS Appendix II, Raptors MOU Category 3. Local	Avifaunal specialist Multiple levels of mitigation have been recommended that will have a high likelihood of reducing the potential risk and impact to Amur

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monitors have counted up to 5000 Amur Falcons, which roost in Newcastle. A roost is also located in Volksrust.	Falcon as they were included as Priority Species for the monitoring programme and areas of risky flight behavior were used to inform the avifaunal sensitivity map. Should blade painting be less effective than predicted, shut-down-on-demand and curtailment during appropriate periods are available.
Black-rumped Buttonquail, Endangered, was recorded during transect surveys but not mentioned further in the assessment.	Avifaunal specialist Black-rumped Buttonquail was only recorded on a single occasion along a drainage line at the foot-hills of the escarpment outside of the proposed development area. Upstream habitat management (i.e. on the WEF) will likely improve downstream habitats by restoring grassland functionality and water provision through alien removal.
In light of the above, we are concerned that data collection was inadequate to assess the impact on migrating and other bird species. We are of the opinion that these limitations have not been adequately considered in the impact assessment and that the significance of potential impacts may have been underestimated.	Avifaunal specialist The various concerns referred to have been addressed above. It is acknowledged that the report lacked clarity in certain instances that likely contributed to this opinion. The extent of the data collection coverage has been clarified to address these concerns. The specialist is confident that the data collection used to inform the impact assessment and mitigation measures was adequate and the opportunity to provide additional clarity in this regard is appreciated.
Layout (avoidance) The Grey Crowned Crane roost, and buffer has been recommended as a no-go area, but the location of this site is not clearly indicated in the EIR. For continuity and clarity, this must be provided to the decision-makers.	Avifaunal specialist The location was mapped during the scoping phase.
Turbines are proposed as close as 1.5 km from the 400 kV Pegasus-Tutuka Overhead Power Line, where Cape Vultures have been recorded roosting. We suggest that a buffer between the powerline and the nearest turbines should be recommended. We are concerned that 1.5 km is woefully inadequate in this regard.	Avifaunal specialist It is the specialist's opinion that the mitigation measures provided are sufficient to reduce risk of this impact given the topography and relative position of the 400 kV line to the nearest turbine.
A no-go buffer of 100 meters for cliffs has been proposed. This also seems too little, given the possibility of vultures using the cliffs to roost. Lanner Falcon and Verreaux's Eagle may also use these features for nesting during the lifespan of the proposed facilities	Avifaunal specialist The vegetated nature of the escarpment at this location reduces its suitability for roosting and foraging. The buffer remains to further reduce the risk for species that may utilize orographic lift and slope-soaring.
Mitigation The avifaunal impact assessment suggests that with mitigation, the significance of impacts associated with collisions could be reduced from medium to low. The recommended mitigation includes 1) painting turbine blades and 2) shutdown on demand.	Avifaunal specialist This is accurate.

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<p>We are concerned that evidence to support blade painting as mitigation is limited to one small study in Smola, Norway. This approach has not been demonstrated to work in South African environments or for the species at risk. It is also is contingent on CAA approval. While we encourage further trials of this potential mitigation measure, confidence in the effectiveness and feasibility of this approach is limited. It is unclear if and when this measure should be implemented (e.g. before or after construction), which turbines should be marked or how. Further details need to be provided.</p>	<p>Avifaunal specialist Blade painting is to be implemented on all turbines within medium and high sensitivity areas prior to operation (Section 4). (i.e. the applicable turbines will have one blade painted prior to construction, and will be constructed with the painted blade).</p> <p>Applicant Blade painting has now been implemented on an operational wind farm in south Africa (i.e., Hopefield wind farm). CAA approval was obtained. SAWEA continues to work closely with CAA to promote the use of blade painting as an effective and achievable mitigation option.</p>
<p>The avifaunal assessment also recommends Shutdown on Demand as mitigation for all turbines located (or encroaching on) high or medium sensitivity areas. In contrast, the EIR only recommends that Shutdown on Demand be applied if significant impacts are observed. No reasons or motivation were provided for this subtitle, but significant change to the specialists' recommendations. Furthermore, no timeframes or definition of "significant impact" has been provided. Without specific, time-bound and measurable indicators and actions, we are concerned that this provision is ambiguous and unlikely to be implemented or effective.</p> <p>Bearing the desired state of the habitat in mind, we also suggest that waiting for "significant impacts" to occur is not a risk-averse or precautionary approach</p>	<p>Avifaunal specialist It is unclear where the avifaunal assessment report recommends Shutdown-on-Demand from the outset. But this would be an error on the specialist's side, as it is the specialist's intention for Shutdown-on-Demand to be triggered following evidence indicating that avoidance mitigation and blade-painting measures are inadequate to prevent potential significant impacts on the local populations of avifaunal SCCs in the receiving environment. There have been no undue changes by the EAP to the specialist's recommendation or intentions in this regard.</p> <p>Waiting for significant impacts to occur is also not the intention of the mitigation proposed. Rather, should it become apparent that the mitigation measures implemented from the outset (I,e at commencement of operations, e.g informed siting of turbines, blade painting, and carcass management) have been less effective than anticipated, then the potential for significant impacts to occur is to be re-evaluated together with the applicability and scope of a Shutdown-on-Demand programme required to prevent significant impacts from occurring. This process has been provided for and detailed in Section 4 of the specialist report.</p>
<p>We suggest further that limiting shutdown on demand to areas of medium sensitivity is not appropriate. This will not be adequate to mitigate the risk for eruptive species or species' with more unpredictable flight paths (e.g. Cape Vulture and Amur Falcon). We suggest that a more nuanced approach to shut down on demand</p>	<p>Avifaunal specialist This provision has been provided for in Section 4 <i>"If one or more avifaunal SCC carcasses are located and determined likely to have resulted from collisions with infrastructure in any sensitivity area over the lifespan of the facility,</i></p>

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<p>might be appropriate and should be considered (e.g. linked to season and/or time of day and/or other indicators of risk).</p>	<p><i>the fatality is to be appropriately recorded and reported to an avifaunal specialist to determine the most appropriate action”.</i></p>
<p>The recommended approach to shut down on demand has also not been specified -i.e. observer-led, technology-based, or a combination thereof. Will shutdowns be limited to daylight hours, or is the intention to mitigate risk to nocturnal species? Which species should trigger shutdowns? Will impacts on Amur Falcon and Jackal Buzzard ,for example, be mitigated? How often are shutdowns likely to be required, and for how long? These details are essential to unpack as they could have significant cost implications and affect the feasibility of this mitigation option.</p>	<p>Avifaunal specialist The specifics of the Shutdown-on-Demand programme that would be most appropriate/effective to reduce residual impacts would vary depending on the species for which the mitigation action is primarily intended to address. Libby Hirshon from BTE Renewables presented their experience with Shutdown-on-Demand at three facilities indicating that <u>energy loss was significantly lower than expected despite higher than anticipated success at avoiding collisions</u> (Windaba October 2022).</p> <p>Applicant The project will be able to implement the SDoD programme if required. There is precedent of such programmes being implemented and being highly effective in South Africa, while at the same time resulting in limited energy losses to the facility. The applicant has a good understanding of the requirements of SDoD (both financial and HR/logistical requirements), and will be able to implement the programme if required.</p>
<p>Additional mitigation measures should also be considered. For example, by setting a minimum distance between the turbine blade and the ground, the risk of fatalities for species such as Southern Bald Ibis (Vulnerable) that regularly occur site but that mostly fly below the rotor swept area could be minimised.</p>	<p>Avifaunal specialist This mitigation measure was considered by the specialist but ultimately decided against due to the rapid technological advances in turbine design. Such a requirement has the potential to limit the options available to reduce the overall number of turbines deployed to meet generation capacity. The below rotor-swept-height flight class was already considered to be < 20 m.</p>
<p>The use of barbed wire on fencing should be avoided as far as possible to prevent bird entanglement. The fences should be maintained in good condition.</p>	<p>Avifaunal specialist This has been included.</p>
<p>EMPr</p> <p>The draft EMPr is incomplete and inadequate. No environmental management objectives or activities have been defined in the draft EMPr (or EIR, for that matter). The EMPr does not include any explicit requirements for layout, design or operational phase monitoring or mitigation, although these have been proposed by relevant specialists.</p>	<p>EAP</p> <p>The Draft EMPrs have been updated. Please refer to Appendix G1 and G2.</p>
<p>Conditions of approval</p>	<p>EAP</p> <p>Comment acknowledged.</p>

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<p>Section 11 or the EIR does not explicitly recommend conditions of approval that may be necessary to mitigate risk to biodiversity. Instead, these are imbedded in earlier sections of the report. It would be helpful if the recommended conditions of approval were summarised. The following should be detailed:</p> <ol style="list-style-type: none"> 1. Where development is and is not permitted (e.g. no turbines should be permitted within no high, or very-high sensitivity areas). 2. The permissible extent of above-ground collector lines (e.g. this should be limited to no more than 5% of the total length). 3. The design of powerlines (structures must be bird-friendly and eliminate the risk of electrocutions and prevent roosting of raptors). 4. Design of turbines (e.g. one turbine blade must be marked black prior to construction, and the rotor swept area must not be closer than 35 meters from the ground). 5. Requirements for shutdown on demand (which turbines should be shutdown, and when, or what the environmental management objective related to shutdown on demand should be). 6. Monitoring and reporting requirements (e.g. monitoring should be conducted in accordance with the latest version of BirdLife South Africa and EWT's Best Practice Guidelines and the avifaunal specialists' recommendations) 	<p>Please refer to Section 9: Sensitivity analysis of the final EIAR where turbines have been moved to avoid areas determined to be No-Go locations.</p> <p>Powerlines will be addressed under a separate application to the KZN DETEA.</p> <p>Avifaunal specialist</p> <ol style="list-style-type: none"> 1. WTGs are not permitted within very-high sensitivity areas and this recommendation has been complied with during the design phase. 2. Above-ground collector lines will be buried as far as practically feasible where the underlying topography and geology permits. 3. This was included in the mitigation measures. 4. It is the specialist's opinion that placing restrictions on the final design specifications of the turbines at this stage would reduce the future options available that may reduce the risk to avifauna more effectively than restrictions. E.g. if fewer turbines can be developed to reach target generation capacity. The assessment included a height category of <20 m with precautionary scoring into the above category for margins of height estimation error. 5. The shutdown-on-demand strategy would be tailored to the particular management objective under consideration based on the nature of residual impacts observed. 6. This was included in Section 6 of the avifaunal specialist report as submitted.
<p>Conclusion</p> <p>In light of the above considerations, we do not support the applications in their current format. The Impact Assessment Reports and EMPr need to be revisited and updated to more accurately reflect and address the risk to biodiversity.</p>	<p>EAP</p> <p>The final EIAR and EMPr have been updated as required.</p> <p>The EIAR is based on the inputs of 11 specialist impact assessments that have determined that all impacts can be mitigated to an acceptable level and that none of the impacts are of a magnitude that causes the proposed WEFs to be fatally flawed.</p> <p>Based on the outcome of the sensitivity analysis presented in the draft EIAR, certain turbines were either removed or relocated to avoid high</p>

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	sensitive no-go areas determined by specialist inputs.