

## Background Information Document

### Pre-Application Notice: Rectification of the unlawful commencement of activities identified in terms of the Environmental Impact Assessment Regulations under the National Environmental Management Act, and the National Water Act

9 September 2020

CEN Integrated Environmental Management Unit  
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Dale Stock operates a grass farm, with pivots and required water storage and abstraction infrastructure for irrigation on Portions 62, 95, 243 and 244 of Farm Kragga Kamma No. 23 in the Theesecombe area, Nelson Mandela Bay Municipality. Figure 1 is an aerial image showing the relative location of the farm portions (central co-ordinates 33°57'50.92"S 25°26'2.45"E). The following activities have been done on the properties without obtaining the necessary approvals in terms of the National Environmental Management Act and EIA Regulations, and the National Water – clearing vegetation and establishing pivots and grazing areas, modifying/upgrading existing dams, abstracting surface water for irrigation, and groundwater abstraction. Consequently, Dale Stock is in non-compliance and needs to apply to the Department of Economic Development, Environmental Affairs and Tourism, and Department of Water and Sanitation for rectification of the unlawful activities.

CEN Integrated Environmental Management Unit has been appointed as the independent environmental assessment practitioner to prepare and submit an application to the competent authorities for rectification of the unlawful activities in terms of Section 24 G read together with sections 24 (F) and 7 of the National Environmental Management Amendment Act (Act No 62 of 2008) as amended, and to apply for a Water Use Authorisation in terms of the National Water Act. The application will include a retrospective assessment of impacts associated with the activities, and public participation.

#### How Do I Participate

This is a pre-application notice whereby Interested and Affected Parties (IAPs) are invited to participate in the process by registering and submitting written comment to CEN IEM Unit within 30 days of this notice (i.e. by **12 October 2020**) to the details below. Further notices will follow once a draft report is available:

#### CEN IEM Unit – Dr Mike Cohen

36 River Road, Walmer, Port Elizabeth. 6070

Phone (041) 581 2983 / 082 320 3111 Fax (086) 504 2549

Email (preferred): steenbok@aerosat.co.za

A registration form is attached at the end of this BID. Upon submission of your registration and comments to CEN IEM Unit, you will be registered as an IAP, and will be included in the project database which will ensure that you receive future project information.

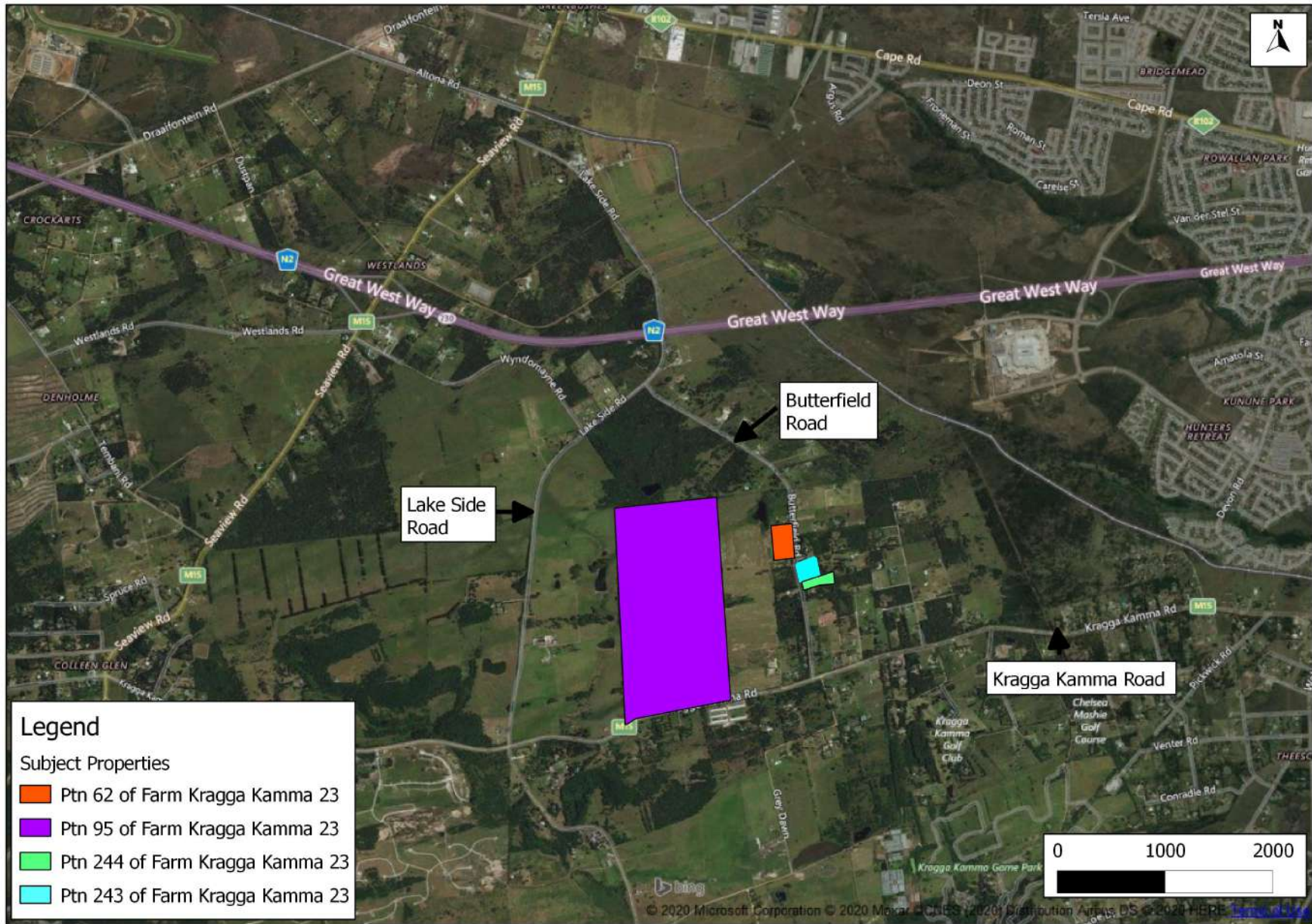


Figure 1: Aerial image showing the location of the four farm portions in Thesecombe included in the application and assessment.

## **Project Description and the Need for the Application**

Mr Dale Stock operates a grass farm in the Theesecombe area. The following activities have been undertaken as part of the operations on four farm portions:

- **Establishment of Pivots, modifications to an existing dam, and abstraction of surface water for irrigation:**
  - Property: Ptn 95 of Kamma Kamma 23
  - Activities:
    - Abstraction of water from an in-stream dam (part of the Seaview Stream) for irrigation purposes. Water is pumped from the dam on Ptn 95 to an irrigation dam on Ptn 62. The dam on Ptn 95 was established many years ago by the landowner, but Mr Stock upgraded it in ~2016 by widening the wall, clearing out silt, and removing vegetation at the edges of the inlet. Rock and soil material was placed in the drainage area downstream of the dam, to change the flow path around the dam wall to alleviate erosion during high flow conditions.
    - A raft and solar energy, pipes, and a pump house were installed to transfer water to the farm dam on Ptn 62.
    - Vegetation (combination of alien trees and indigenous grassy fynbos) was cleared to establish 2 pivots in ~2017/2018. The pivot sizes are 8.5 and 6.5 ha each. Planting of the second pivot is not yet complete.
- **Farm dam:**
  - Property: Ptn 62 of Farm Kragga Kamma 23
  - Activities:
    - The farm dam has been on the property for more than 80 years. Mr Stock started abstracting water from the dam for his business ~12 years ago.
    - The dam is filled with water from runoff from roofs of structures, surface runoff from the surrounding 'catchment', water pumped from the dam on Ptn 95, and groundwater abstracted from a nearby borehole.
- **Clearing of vegetation to establish pastures/grazing area:**
  - Properties: Ptn 243 and 244 of Farm Kragga Kamma 23
  - Activities:
    - Vegetation clearing (~3.3 ha) to establish grazing areas in ~2016
- **Abstraction of groundwater from an existing borehole**
  - Property: Ptn 62 of Farm Kragga Kamma 23
  - The borehole was sunk ~30 years ago.
  - Current abstraction rate: 800 – 1000 litres per hour (estimated), pumped 24/7

- Groundwater is pumped into the farm dam on Ptn 62, and used for irrigation.
- Borehole details from test pumping and water quality testing are not available at this stage, and will be provided in the assessment report and application.

We have reviewed the location of the above activities in relation to available desktop environmental information<sup>1</sup>, to check for 'sensitive environments' referred to in the listed activities under the EIA Regulations, and the National Water Act. This is necessary to determine what activities have been triggered under the Regulations, and what applications are required to the competent authorities. A summary of environmental sensitivities is given below (refer to Figures 2 and 3):

- A 1:50 000 watercourse runs through Ptn 95 in a NE-SW, and W-E direction. The pivot dam is situated within the drainage area.
- Several wetlands are mapped within 500 m of the activities on all properties.
- The national vegetation type (pre-transformation) is classified as Algoa Sandstone Fynbos, and the national threatened ecosystem status is 'vulnerable'.
- Royalston Nature Reserve is a formal Protected Area, and is situated within 5 km of the sites.
- All of the sites fall within a Terrestrial Critical Biodiversity Area (CBA) 1 in terms of the East Cape Biodiversity Conservation Plan. This is the Province's systematic biodiversity plan referred to in Listing Notice 3 of the EIA Regulations. The sites are not within an Aquatic CBA.
- The NMBM's Bioregional Plan classifies vegetation (pre-transformation) on the sites as Colleen Glen Grassy Fynbos (critically endangered). A portion of the CBA network occurs in the NE corner of Ptn 95, where the pivot has been established. The watercourse that drains through Ptn 95 is part of a critical ecological process area (riverine corridor)

Establishment and operations at the grass farm therefore triggered Activities 19 and 27 under Listing Notice 1 and Activities 12 and 14 under Listing Notice 3 of the EIA Regulations (2014 as amended), and required a Basic Assessment Application to the DEDEAT for approval prior to commencement. Further, approvals were required from the Department of Water and Sanitation for Activities related to groundwater abstraction, water storage, irrigation, and disturbance within the regulated area of a watercourse and within 500 m of wetlands.

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<sup>1</sup> Note that this information will be 'tested' in detailed site surveys, as part of the assessment process.

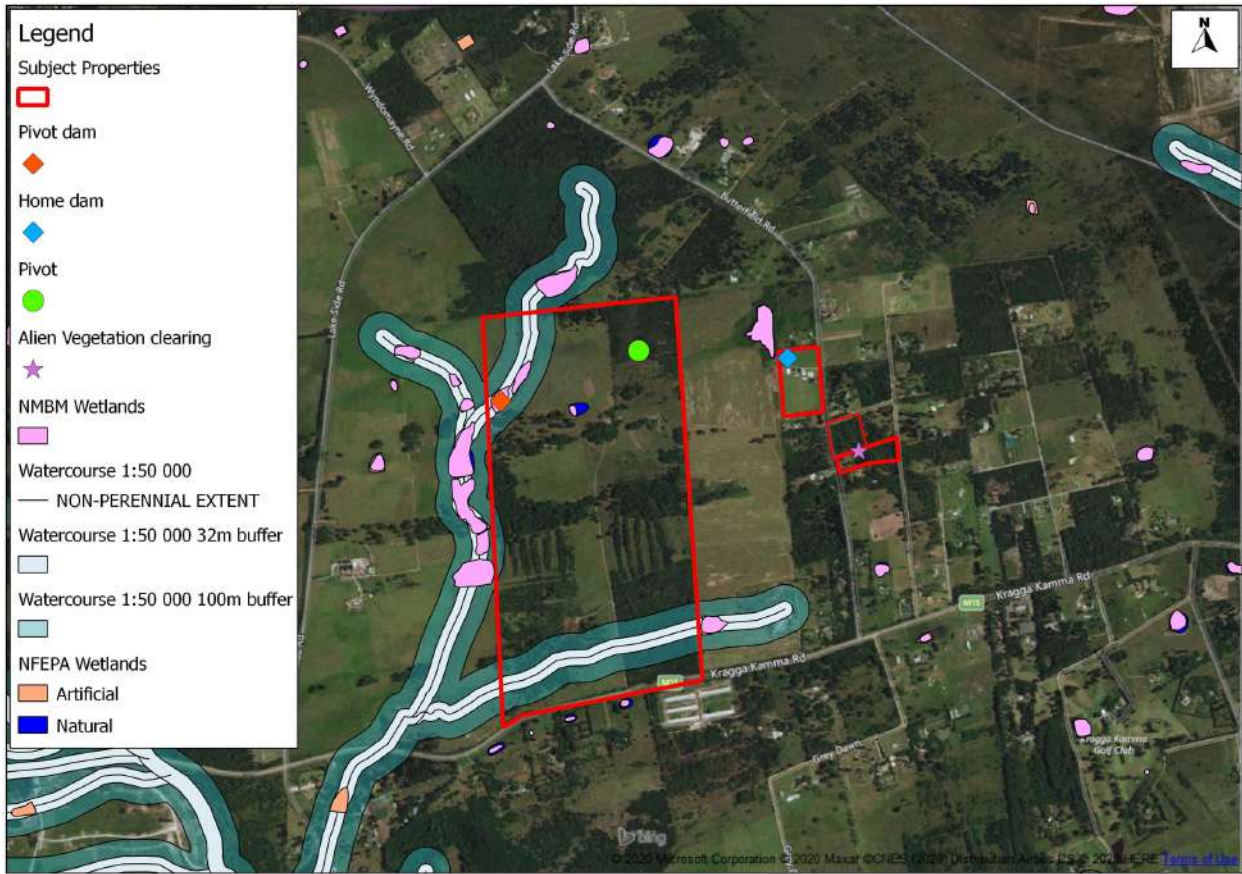


Figure 2: Location of activities in relation to aquatic environments.



Figure 3: Location of activities in relation to Critical Biodiversity Areas and Ecological Process areas in the NMBM's Bioregional Plan.

## Description of the way forward

The way forward is to undertake a retrospective assessment of impacts associated with the above activities, and submit an application to the two authorities (i.e. DEDEAT and the DWS) for rectification of unlawful commencement. This will include:

- A detailed site investigation of impacted areas
- An assessment of impacts associated with activities
- Public participation, where surrounding landowners and other interested stakeholders have opportunity to submit comment on the activities. Comments submitted are included in the assessment report, and need to be responded to
- A specialist aquatic study, in support of the above and the WUA application
- A groundwater study to address borehole abstraction and the impact on the geohydrological environment, in support of the above and the WUA application
- An assessment report and Section 24 G application form that addresses the above, with recommendations. IAPs will have an opportunity to review a draft report and submit comments before submission to the authorities for review.
- Submission of a WUA application via the DWS on-line E-WULAA system

This BID is being distributed to stakeholders who may be affected by or interested in the application. This includes relevant state departments, non-government agencies, community representatives and leaders, and surrounding landowners and facilities. Posters advertising the development will be placed at visible locations near the site. The project will be advertised under the legal section of the *Herald* and *Die Burger*. This round of public participation is part of the pre-application process.

The next step will be to submit a formal application form to the authorities for registration. Once registered, a draft application report inclusive of a retrospective assessment of impacts will be compiled and sent to registered interested and affected parties (IAPs) and state departments for a 30 day comment period. The report will describe the project activities and the surrounding environment, and will identify and assess the significance of impacts of the activities on the environment. Comments received on the draft report will be collated, and the report updated to a final Section 24 G application for submission to the DEDEAT for their review.

## Registration / Comment Sheet

### Rectification of the unlawful commencement of activities identified in terms of the Environmental Impact Assessment Regulations under the National Environmental Management Act and the National Water Act

I wish to register as an Interested and / or Affected Party and request that the following issues receive attention during the assessment process

**Closing Date for Comments: 12 October 2020**

Name of Respondent: \_\_\_\_\_

Organisation / Company: \_\_\_\_\_

Address: \_\_\_\_\_

Fax Number: \_\_\_\_\_

Tel Number: \_\_\_\_\_

Email: \_\_\_\_\_

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Please use additional sheets as necessary

Signature: \_\_\_\_\_ Date: \_\_\_\_\_