

APPENDIX I: DFFE CORRESPONDENCE



forestry, fisheries
& the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

Private Bag X 447· PRETORIA ·0001· Environment House 473 Steve Biko Road, Arcadia· PRETORIA

DEA Reference: 14/12/16/3/3/2/319/AM3

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PER EMAIL

Dear Ms Behrens

APPROVAL OF THE REQUEST IN TERMS OF REGULATION 3(7) OF THE EIA REGULATIONS, 2014, AS AMENDED FOR THE PROPOSED MANGANESE EXPORT FACILITY AND ASSOCIATED INFRASTRUCTURE IN THE COEGA INDUSTRIAL DEVELOPMENT ZONE (IDZ) PORT OF NGQURA AND TANKATARA AREA, PORT ELIZABETH, EASTERN CAPE PROVINCE.

The Environmental Authorisation (EA) for the above-mentioned project dated 27 March 2015, subsequent amendments including the amendment application received by the Department on 14 July 2023, the draft amendment reports received by the Department on 11 September 2023, the acknowledgement letter on the draft amendment reports dated 13 September 2023, the Department's comments dated 12 October 2023 and the your request letter in terms of Regulation 3(7) of the NEMA EIA Regulations, 2014, as amended refer.

This Department commented on the draft amendment reports on 12 October 2023 and is awaiting the submission of the final amendment reports by 16 October 2023.

This Department received correspondence from CEN: Integrated Environmental Management Unit on 13 October 2023 requesting an extension of the prescribed timeframes within which the final amendments reports are to be submitted to the Department.

The motivation provided by the EAP is that comments on the draft amendment reports received from this Department included the request to address specialist reports, *inter-alia*, the Air Quality Specialist Report. However, the Air Quality specialist is currently unavailable to address the comments as requested and is only available from 16 October 2023.

Given the need for more time to sufficiently address the comments, assess the amendments, update all the specialist reports, undertake the required Public Participation Process (PPP) and to update the final amendment reports the Applicant formally requests the consideration of an extension of the prescribed timeframes.

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Regulation 3(7) of the NEMA EIA Regulations, 2014, as amended states that *"in the event where the scope of work must be expanded based on the outcome of an assessment done in accordance with these Regulations, which outcome could not be anticipated prior to the undertaking of the assessment, or in the event where exceptional circumstances can be demonstrated, the competent authority may, prior to the lapsing of the relevant prescribed timeframe, in writing, extend the relevant prescribed timeframe and agree with the applicant on the length of such extension."*

The Applicant requested a 30-day extension in the timeframe to submit the final amendment reports by 15 November 2023, which the Applicant deems to be sufficient time to enable finalisation of the specialist's impact assessment, as well as conduct a PPP on the draft amendment reports before submitting the final amendment report to the Department.

Based on the outstanding issues that require to be addressed, this Department has decided to grant the extension of the timeframes to submit the final amendment reports on or before 14 December 2023. Failure to submit the final amendment reports on or before 14 December 2023, will result in the applications lapsing in terms of the NEMA EIA Regulation 2014, as amended.

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.

Should you have any queries or wish to discuss the points raised above, please do not hesitate to contact our offices.

Yours faithfully



Ms Olivia Letlalo
Acting Director: Prioritised Infrastructure Projects
Department of Forestry, Fisheries & the Environment
Date: 16/10/2023

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