

28 February 2020

Dear Stakeholder,

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) FOR ENVIRONMENTAL AUTHORISATION THROUGH A BASIC ASSESSMENT PROCESS: PROPOSED SEABASED AQUACULTURE DEVELOPMENT ZONE IN ALGOA BAY, EASTERN CAPE

This letter serves as a notification that the Department of Environmental Affairs (hereinafter referred to as the Department) approved and issued an Environmental Authorisation (EA) to the Department of Agriculture, Forestry and Fisheries: Aquaculture and Economic Development (DAFF) on 26 February 2020 (note that the date the decision was received is 28 February 2020). All interested and affected parties were given the opportunity to respond and provide feedback on the proposed seabased aquaculture development zone and the Department issued the EA after thorough review of the documentation that was submitted as required in terms of the Environmental Impact Assessment Regulations 2014 (as amended), promulgated under the National Environmental Management Act (Act No. 107 of 1998) (NEMA).

The EA was issued in terms of Section 24 of the NEMA to the DAFF and has the reference number 14/12/16/3/3/1/2055. A copy of the EA and record of decision has been attached to this document. Details of the holder of the EA are provided below:

Ms Zimasa Jika
Department of Agriculture, Forestry and Fisheries: Aquaculture and Economic development
Private Bag X2
Vlaeberg
8018
Phone: 021 402 3116
Cell: 082 332 7943
Email: zjika@environment.gov.za

You are advised that an appeal to the decision taken by the Department may be lodged in terms of the National Appeal Regulations 2014 (as amended) promulgated in terms of the National Environmental Management Act (NEMA) (Act No. 107 of 1998). Please find a copy of the regulations attached to this document.

The regulations stipulate that the appellant must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs –

1. *Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and*
2. *Submit a copy of the appeal to the holder of the decision, any registered I&AP, any organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.*

The appeal must be submitted in writing to:

The Director: Appeals and Legal Review
Department of Environmental Affairs

By email:
Appeals@environment.gov.za

By post:
Private Bag X447
Pretoria
0001

By hand:
Environment House
473 Steve Biko
Arcadia
Pretoria
0083

Background information pertinent to the decision-making process:

The DAFF, as the lead agent for aquaculture management and development, intends to establish and manage a seabased Aquaculture Development Zone (ADZ) in Algoa Bay, Eastern Cape. The construction and operation of this facility triggers a number of Listed Activities in the Environmental Impact Assessment (EIA) Regulations, 2014 (as amended by Government Notice No. 40772 of 7 April 2017), promulgated in terms of the National Environmental Management Act (Act No. 107 of 1998) (NEMA). DAFF was therefore required to apply for Environmental Authorisation to the Department of Environmental Affairs. DAFF appointed Anchor Environmental Consultants (Pty) Ltd (Anchor) as the Environmental Assessment Practitioner to undertake the Basic Assessment (BA) process.

A Basic Assessment process must be undertaken in compliance with Government Notice (GN) R. 326 of 2017 (2014 Environmental Impact Assessment (EIA) Regulations as amended) and with the guideline documents for EIA processes and stakeholder consultation, as produced by the Department of Environmental Affairs.

The application for EA was submitted on 19 July 2019 and the Final Basic Assessment Report (BAR) was received by the Department on 21 October 2019. Considering the information at hand, the Department issued the Environmental Authorisation in terms Section 24 of the NEMA on 26 February 2020 to the Department of Agriculture, Forestry and Fisheries. In reaching its decision, the Department took, inter alia, the following into consideration (Excerpt from the EA issued on 26 February 2020, Ref: 14/12/16/3/3/1/2055):

“After consideration of the information and factors listed above, the Department made the following findings –

- a) The identification and assessment of impacts are detailed in the Basic Assessment Report dated October 2019 and sufficient assessment of the key identified issues and impacts have been completed.*
- b) The procedure followed for impact assessment is adequate for the decision-making process.*
- c) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.*
- d) According to the independent Environmental Assessment Practitioner, the information contained in the final BAR dated October 2019 is accurate and credible.*
- e) EMPr measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the final BAR and will be implemented to manage the identified environmental impacts during the construction phase.*

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the authorised activities will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 and that any potentially detrimental environmental impacts resulting from the authorised activities can be mitigated to acceptable levels. The environmental authorisation is accordingly granted.”

Available documentation

The following documentation is available to I&APs (1) the Environmental Authorisation and record of decision (Ref: 14/12/16/3/3/1/2055); (2) the Final BAR and appendices; and (3) the National Appeal Regulations 2014.

These documents can be obtained from Anchor Environmental via:

Contact person: Safiyya Sedick

Website: <https://anchorenvironmental.co.za/node/344>

Email: info@anchorenvironmental.co.za

Facsimile: (021) 701 5280

Telephone: (021) 701 3420

Post: Suite 8, Steenberg House, Silverwood Close, Tokai 7945

Please note that the closing date for submission of appeals is 19 March 2020. This appeal period takes into consideration Regulation 1(2) of the Appeal Regulations, which prescribes that *“When a period of days must be reckoned in terms of these Regulations, the period must be reckoned as from*

the start of the day following that particular day to the end of the last day of the period, but if the last day of the period falls on a Saturday, Sunday or public holiday, that period must be extended to the end of the next day which is not a Saturday, Sunday or public holiday, and the period of 15 December to 5 January must be excluded from the reckoning of days."

Please do not hesitate to contact me should you have any queries.

DISCLAIMER: Any I&AP who decides to appeal the decision taken by the Department shall be solely responsible for ensuring compliance with the conditions as set out in the National Appeal Regulations 2014 (as amended) promulgated in terms of the National Environmental Management Act (NEMA) (Act No. 107 of 1998).

Yours faithfully

A handwritten signature in black ink, appearing to read 'Safiyya Sedick', is written over a light grey rectangular background.

Safiyya Sedick
Anchor Environmental Consultants (Pty) Ltd.