**WESSA Algoa Bay Branch Appeal Guide:**

**Appealing the decision to give environmental authorization to the Algoa Bay Aquaculture Development Zone**

*Please note that this is a guide based on our correspondence with DEFF and the EAP and our own interpretation of what is required. Any input is the sole responsibility of the person/s making the input. The below will be the basis on which we make our appeal to the authorities. AFTA (apologies for the acronyms)*

1. Go through these questions in putting your appeal together:
   1. **Are you a registered Interested and Affected Party (I&AP)?** *If* ***YES****, see our guide below and submit your appeal by the 19th March. If* ***NO****, there appears to be some ambiguity as to who can be an appellant in the regulations, we would encourage you to submit an appeal AND to send your reasons to an organization that is a registered I&AP before the 17th so that they can incorporate your comments. You are welcome to send it to WESSA ABB (*[*garyk22@me.com*](mailto:garyk22@me.com)*) and we will incorporate it into our comments, but you may be a member of organization that is already a registered I&AP? It’s really important that as many registered I&AP’s as possible submit an appeal.*
   2. **Have you addressed your appeal to the appeals administrator and copied the decision-maker, the applicant and key I&AP’s?** *See below for details. You can submit the appeal via e-mail alone. But obviously sending it by mail will ensure it is received.*
   3. **Have you cited the correct reference number?** *See below for details*
   4. **Have you completed the TWO forms and included the statement?** *Please check below for details. It is very onerous, but please make sure to do so, so that your appeal can’t be rejected on technical grounds.*
   5. **Does your appeal raise new/missed/incorrectly considered details that the EAP or decision-maker didn’t apply their minds to?** *Simple statements of being opposed to ADZ won’t be considered. You must show good reason for the decision to be reconsidered. Read through the EA record of decision and build your argument in response.*

**In brief:** The idea of the appeal is to point out/raise with the appeal administrator (and decision-maker), ***issues or aspects you believe the EAP***. (Environmental Assessment Practitioner) who compiled the BAR (basic assessment report) ***has missed or not considered properly when they presented the evidence to the decision-maker;*** and/or issues/aspects the decision-maker, DEFF (Dept of Environment, Forestry and Fisheries), failed to consider or added in when coming to a positive decision. It’s important to help DEFF understand who you are, and the relevance of your input to this specific EA appeal – why should listen to you?

1. **Your appeal must include the following:**
2. *Address it to*:

**The Director: Appeals and Legal Review**

*By e-mail*: [appeals@environment.gov.za](mailto:appeals@environment.gov.za)

*By post*: Private Bag X447, Pretoria, 0001

1. And it’s ***essential*** ***to copy*** in the following persons:
   1. *The EAP*: (Contact person) Safiyya Sedick at [info@anchorenvironmental.co.za](mailto:info@anchorenvironmental.co.za)
   2. *The Applicant* (DAFF: Aquaculture & Economic Development) : Ms Zimasa Jika at [zjika@environment.gov.za](mailto:zjika@environment.gov.za)
   3. *The Decision-Maker*: (DEFF) Mr Sabelo Malaza; Chief Director: Integrated Environmental Authorisations at [smalaza@environment.gov.za](mailto:smalaza@environment.gov.za)
   4. And the following key *I&AP’s\**:
      1. Mr. D Govender; Eastern Cape DEDEAT at [dayalan.govender@dedea.gov.za](mailto:dayalan.govender@dedea.gov.za)
      2. Mr. J Mkosana, NMBM, at [JMkosana@mandelametro.gov.za](mailto:JMkosana@mandelametro.gov.za)

\**Note: the appeal administrator has agreed that it would be impractical for appellants to copy ALL the interested and affected parties (I&AP’s) involved in this process, and ALL the relevant government departments. But feel free to add in further I&AP’s that you are aware of e.g. WESSA ABB (at* [*garyk22@me.com*](mailto:garyk22@me.com)*).*

1. Quote this reference number in the correspondence: **Ref # 14/12/16/3/3/1/2055 – Algoa Bay ADZ**
2. ***Include a statement*** at the beginning of your appeal along the lines of:

*As per 4.(1) of the National Appeal Regulation (No. R. 993, 08 December 2014) and as per correspondence between Director Rakgogo and WESSA ABB (04 March. 2020) on the matter of informing all I&AP’s specifically in this case\*, I hereby confirm that this appeal represents the views of myself/ [or insert organization name] that I represent, and that a copy of the appeal has been sent on this day [insert date] via [email/letter/hand delivered] to the decision-maker, the applicant, the EAP and the both the Eastern Cape’s DEDEAT and the NMB municipality (as key I&AP’s) in compliance with the appeal regulations*.

1. **Documents to submit:** Please use BOTH **DEFF’s appeal response form** and **appeal questionnaire** *(it’s at the end of the “guidelines” document)* in submitting your appeal (attached). It’s complicated, we know, but it’s important to ensure you comply with all the requirements. WESSA ABB will consolidate our appeal into one document and then reference our document in completing DEFF’s forms.
2. **Deadline for appeal:** The appeal must be made before close of business on **19 March 2020**. We suggest all appeals are submitted by 14:00 on the 19 March.
3. It’s important to note the following when considering your appeal:
   1. The approved ADZ consists of **three different zones** (see the attached DEFF authorization for further detail) within Algoa Bay:
      1. **Algoa 1 Option 1 – Summerstrand** (284.4 ha) is authorized for **Bivalve** (mussels and oysters) ONLY. The finfish component **has been dropped. Thus, no FISH farm off the southern beaches.**
      2. **Algoa 6 – Port Elizabeth Harbour** (479ha) is authorized for Bivalve (mussels and oysters) ONLY. Essentially it is an extension of the existing oyster farm area, north of PE harbor
      3. **Algoa 7 – Ngqura Harbour** (355ha) is authorized for Finfish (carnivorous fish grown in commercial cages) on a precautionary basis - the first year will be on a pilot operation basis of no more than 3 operators and restricted to 1000 tonnes of finfish to assess bio-physical and socio-economic impacts. If impacts are within acceptable impact limits, operators will be permitted to go full commercial up to between 3 555 and 4 947 tonnes depending on the species being farmed.
   2. The authorization is for **five years** from the date of the authorization (thus by 26 February 2025). If the authorized activity isn’t started within that period, the authorization lapses and a new application must be made.
   3. The activity cannot commence if an appeal is lodged and the activity is *suspended* until such appeals are resolved.
   4. The authorization is given on the basis of a detailed **Environmental Management Programme** (EMPr – a plan of how to manage the area in an environmentally responsible way) which must be strictly adhered to, and individual EMPr’s must be compiled for each individual farm that is subsequently given a lease within the ADZ.
   5. The ADZ is managed via two management bodies:
      1. **ADZ Management Committee** (AMC) that consists of DEFF, DEDEAT, NMBM, Transnet National Port Authority, SA Civil Aviation, Dept’s of Sport and Recreation (national, provincial and municipal). The purpose of the AMC is oversee, facilitate, manage and monitor the operations within the ADZ
      2. **Consultative Forum** that consists of other relevant government departments and relevant local/public interest organisations on a voluntary basis, this body will review the environmental monitoring data, and act as an advisory/make recommendations to the AMC (*please note WESSA ABB has been identified as a potential member of this forum amongst others, we will only decide on our participation post finalization of the appeal*)
   6. The authorization sets in place specific conditions that the applicant and subsequent operators must adhere to. By example point #. 50 “*Benthic Mapping/survey of the area under the individual farms must be undertaken by prospective operators before the commencement of the operational phase in order to establish baseline conditions for monitoring purposes*.” ***Please read through the EA document (attached) for more such important detail***

*Please note*: **WESSA ABB intends to appeal the Algoa 7 (Ngqura Harbour) finfish farm component of the authorization on several scientific and technical grounds** (we’ll communicate those under a separate cover). **While concerned about the bivalve zones, we think it will be within the bounds of sustainable development principles if the EMPr is strictly adhered to.**

*We encourage every appellant to take the time to go through the detail of the environmental authorization and decide for themselves what grounds they consider good reason for the EA to be appealed*. Please don’t be discouraged by all the documents and forms. It’s really, really important that our city’s citizens voice their views with the authorities.