

## MEETING WITH DEA, SANPARKS AND ESKOM REGARDING THE KUDU INTEGRATION PROJECT

(Juno -Gromis – Oranjemond 400kV)

Date: 18 November 2016

Place: DEA offices in Pretoria

Time: 10h00 – 13h00

### ATTENDANCE REGISTER

NAME	ORGANISATION	CONTACT NUMBER	E-MAIL
WAYNE HECTOR	DEA:SID	0123999416	whector@environment.gov.za
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### MINUTES OF THE MEETING

#### OPENING AND WELCOME

Mr Wayne Hector officially welcomed everyone to the meeting.

#### DECLARATION OF INTEREST

Everyone did their declaration of interest.

#### EMERGENCY PROCEDURES

Wayne Hector took the meeting through the emergency procedure for the boardroom and evacuation procedures in case of an emergency.

#### BACKGROUND TO THE KUDU INTEGRATION PROJECT

John Geeringh gave a detailed background to the project and the need for the 400kV power line to be constructed to evacuate power from the proposed Kudu. An EIA was done in 2006 and authorisation was received in 2007 for the Kudu Integration Project (Power line from Oranjemond substation near Alexander Bay to Gromis substation near Kleinsee and then on to Juno substation near Vredendal, with extensions to the Oranjemond and Gromis substations to accommodate the 400kV power line). Two subsequent extensions of the EA was applied for and granted by DEA, one in 2011 and one in 2014. The current extension has given validity to the EA until 2017. The line will be constructed at 400kV and operated at 220kV. Once the line is built, Eskom will re-construct / refurbish the existing 220kV power line.

Eskom has commenced with construction on the Oranjemond – Gromis section of the power line, thus the EA will be valid even after the date of lapsing of the EA in 2017. Although the power line

construction is done in two sections, Eskom treats the project as one 400kV power line as per the original description for the Kudu Integration Project. Eskom has been made aware of the specifics regarding offsets as included in the EA in sections 3.2.14 and 3.2.15. Eskom has embarked on a process to obtain land to comply with the EA offset requirements, however Eskom has been informed that the offset being acquired may not satisfy the EA conditions. EA (RoD):

#### EXTENTIONS of the RoD (EA)

Extension of the original RoD (EA) issued on 6 November 2007 (4 years validity) was applied for by Eskom and granted on the following dates: 22 September 2011 (3 year extension) and 20 March 2014 (3 year extension). The EA is thus valid until 20 March 2017. Construction has commenced thus the EA is valid in perpetuity.

#### CONDITIONS REGARDING OFFSETS

There are two conditions in the EA which refer to biodiversity offsets that are required as part of the authorisation of the Kudu Integration project. Below find an extract of the RoD

<p><b>3.2.14</b> An offset must be considered to compensate for the loss of biodiversity and visual intrusion within the park as the line cross the Namaqua National Park.</p> <p><b>3.2.15</b> An offset in the ratio of 1ha: 10-20ha must be considered because of the uniqueness of the vegetation that will be impacted on in the northernmost section (Oranjemund-Gromis). This offset must be linked to the Orange River Mouth Ramsar site, which is in the process of being proclaimed a protected area (letter from Department of Tourism, Environment and Conservation, dated 28 March 2007).</p>
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#### BIODIVERSITY OFFSET:

#### PROCESS TO IDENTIFY OFFSET AREA

Eskom engaged with SANPARKS on determining an offset area to comply with the EA conditions and to ensure that land will be formally protected and managed into the future. The area around the RAMSAR site has been assessed and no really suitable land is available to acquire and add to the RAMSAR site due to disturbed nature of the land in proximity to the site as well as development status of the land. Eskom is also treating the total project as one power line although construction was split up into two sections with Gromis substation near Kleinsee as the common endpoint for the two sections between Oranjemond and Juno substations.

Eskom and SANPARKS officials looked at the option to add land of importance to an already established Parks area to ensure it will add value and to ensure protection of the area. At a meeting on 29 January 2013 Eskom met with SANPARKS officials at the SANPARKS Head Office in Pretoria. The offset issue was discussed and options were looked at for adding land to an Existing Park area. The choice was made for land around Kleinduin and Oograbies farms as Part of the Richtersveld National Park, as some of this land has been earmarked as priority areas by SANPARKS.

## STATUS OF OFFSET AREA ACQUISITION

Eskom has engaged with landowners of the land surrounding the SANPARKS owned properties at Kleinduin and Oograbies, Mr. Kotze and the Port Nolloth Municipality. Eskom has reached an agreement with the Municipality to buy a portion of the Farm Oograbies on which 15 Myl se Berg is situated and is in the process of acquiring this land for transfer to SANPARKS. The landowner for the small portion below the Municipality land area does not want to sell the land to Eskom; however he has in principle agreed that this land can be incorporated into the Park area although it will remain his property.

## SANPARKS REQUIREMENTS FOR SERVITUDES ON PARK LAND

A servitude has to be registered in the name of Eskom. Option forms to acquire the servitudes were handed to SANPARKS on 29 January 2013 at the meeting at their head office for six properties where SANPARKS control the land / own the title.

## NEMPAA REQUIREMENTS TO BE MET

Mr. Willem Louw has pointed out that NEMPAA section 50 (5) require that the management authority of land that forms part of a Protected area, has to give permission for infrastructure to cross the land. In this case it will be the Namaqua National Park where the power line from Gromis to Juno will cross through a section of the Park along the Hondeklip Bay road. Eskom requires a servitude to be granted through this area as well as the area where the line traverse the Kleinduin property of the Richtersveld National Park (not yet proclaimed however managed by SANPARKS and treated as such by Eskom). Mr Louw indicated that the SANPARKS Management must be approached to get such permission and that he would require all information relevant to this case.

## PROCESS TO AMEND EA IF REQUIRED

The two conditions in the EA place a requirement that Eskom has to fulfill in terms of doing an offset to mitigate for the loss of biodiversity on a section of the proposed new 400kV power line in the section between Oranjemond and Gromis substations and the visual intrusion into SANPARKS property as part of the Namaqua National Park in the section between Gromis and Juno substations.

Eskom will have to request an amendment of the EA to remove / reword the two conditions regarding the offsets to be done. Eskom will not be able to meet condition 3.2.14 as mentioned above due to the offset area being acquired next to the Richtersveld National Park and not at the RAMSAR site. Eskom is of the opinion that the offset area currently being acquired will suffice for offsetting the total area of land occupied by the Eskom servitude in the Park areas (55 hectares) as per the EA condition 3.2.15 mentioned above since the total area being proposed to be added to the Parks areas is roughly 930 hectares. The area contains highly sensitive vegetation and is thus also seen as meeting the requirements for biodiversity offset as per EA condition 3.2.14 mentioned above. The amendment process will be done in accordance with the Regulations 2014 requirements and all relevant role players will be engaged and required to participate.

## GENERAL

### Action items from the meeting:

1. Eskom to investigate whether SANPARKS officials were involved during the EIA Process and supply proof of such engagements.
2. Eskom to request the specialist Ecologist to confirm if the offset area will meet his requirements as stipulated in the specialist study done as part of the original EIA from which the requirement stipulated in condition 3.2.14 of the EA was sourced.
3. Eskom to obtain confirmation from the National Department dealing with biodiversity and protected areas regarding the relevance of the offset area currently being acquired to comply with the conditions of the EA (RoD).
4. SANPARKS to give permission letter to ESKOM for crossing of the Namaqua National Park as per the authorised EIA route.
5. SANPARKS to finalise servitude option forms so that the servitude can be registered in favour of Eskom.
6. Once all parties are in agreement, Eskom will initiate an application for amendment of the EA to remove / reword the two conditions regarding biodiversity and visual intrusion offsets. DEA will determine process to be followed and all relevant parties will be involved in the process.
7. Eskom and SANPARKS to further pursue options with the landowner Mr Kotze regarding the additional piece of land to be added to the Park formally (Buy, lease, stewardship, etc as per the SANPARKS / NEMPAA requirements).

## CLOSURE OF MEETING

Mr Wayne Hector thanked everybody for their participation and closed the meeting.