

08 April 2019

Dear Stakeholder,

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 FOR ENVIRONMENTAL AUTHORISATION THROUGH A BASIC ASSESSMENT PROCESS: PROPOSED PORT NOLLOTH SEA FARMS RANCHING (PTY) LTD ABALONE HOLDING AND PROCESSING FACILITY SOUTH OF KLEINZEE, NORTHERN CAPE (REF NO: NC/BA/21/NAM/NAM/POR1/2018)

This letter serves as a notification that the Northern Cape Provincial Department of Environment and Nature Conservation (hereinafter referred to as the Department) approved and issued an Environmental Authorisation (EA) to Port Nolloth Sea Farms Ranching (Pty) Ltd on 28 March 2019 (note that the date of decision is also the 28 March 2019). All interested and affected parties were given the opportunity to respond and provide feedback on the proposed abalone holding and processing facility 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 Port Nolloth Sea Farms Ranching (Pty) Ltd and has the reference number NC/BA/21/NAM/NAM/POR1/2018. 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:

Port Nolloth Sea Farms Ranching (Pty) Ltd
Operation Director: Quiry Snethlage
PO Box 1540
NorthCliff 2115
Johannesburg
Phone: 027 877 0937
Cell: 082 565 3421
Email: qsnetlage@mweb.co.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:

By post:

The Member of the Executive Council
Ministry of Environment & Nature Conservation
Private Bag X6102
Kimberley
8300

By facsimile:

(053) 832 1026

Background information pertinent to the decision-making process:

PNSFR intends to construct and operate an abalone holding and processing facility south of Kleinzee, Northern 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). PNSFR was therefore required to apply for Environmental Authorisation to the Northern Cape Department of Environment and Nature Conservation (DENC). PNSFR 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 11 October 2018 and the Final Basic Assessment Report (BAR) was received by the Department on 26 November 2018. Considering the information at hand, the Department issued the Environmental Authorisation in terms Section 24 of the NEMA on 28 March 2019 to Port Nolloth Sea Farms Ranching (Pty) Ltd. In reaching its decision, the Department took, inter alia, the following into consideration (Excerpt from the EA issued on 28 March 2019, Ref: NC/BA/21/NAM/NAM/POR1/2018):

“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 November 2018*
- b) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.*
- c) The proposed development is necessary to address unemployment in Kleinzee and surrounding towns.*
- d) The procedure followed for impact assessment is adequate for decision-making process.*
- e) All issues presented by interested and affected parties were attended to and addressed accordingly.*

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the proposed activity 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 proposed activity can be mitigated to acceptable levels. The application is accordingly granted.”

Available documentation

The following documentation is available to I&APs (1) the Environmental Authorisation and record of decision (Ref: NC/BA/21/NAM/NAM/POR1/2018); (2) the Final BAR and appendices; and (3) the National Appeal Regulations 2014.

These documents can be obtained from Anchor Environmental via:

Contact person: Vera Massie
Website: <https://anchorenvironmental.co.za/node/328>
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 29 April 2019. 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



Vera Massie
Anchor Environmental Consultants (Pty) Ltd.