

ENVIRONMENTAL IMPACT ASSESSMENT

**FOR THE PROPOSED ISUNDU 765/400 KV SUB-STATION AND
TURN-IN TRANSMISSION LINES (DEA EIA REF: 14/12/16/3/3/2/745)**

PROCEEDINGS OF A KEY STAKEHOLDER MEETING

13 March 2017

AFRICAN BIRD OF PREY SANCTUARY - RELOCATION MEETING

1. ATTENDANCE

Attendance was as follows:

Name	Organisation
Ben Hoffman	Raptor Rescue
Shannon Hoffman	African Bird of Prey Sanctuary/African Raptor Trust
Ian Cockbain	Support Representative - African Bird of Prey Sanctuary
Mike Webster	Hornby, Smyly, Glavovic Inc
Karl Hoffmann	Hornby, Smyly, Glavovic Inc
Mbali Zikalala	Hornby, Smyly, Glavovic Inc
Vuyolwethu Dingiswayo	Eskom – Senior Acquisition Advisor
Annah Kawadza	Eskom – Senior Environmental Advisor and Acting Programme Manager
Steven van Houten	Eskom – Project Development Manager
Paul Scherzer	ACER (Africa) Environmental Consultants

2. INTRODUCTION

Mr Paul Scherzer, ACER (Africa) Environmental Consultants, facilitated introductions and stated that the meeting had been requested by Hornby, Smyly, Glavovic Inc and was aimed at further discussing the relocation of African Bird of Prey Sanctuary/Raptor Rescue (ABOPS) and the terms of reference which had been prepared. Ms Hoffman introduced her legal representatives from Hornby, Smyly, Glavovic Inc (HSG) and confirmed that Mr Karl Hoffmann was no relation.

3. DISCUSSION

Mr Karl Hoffmann stated that they were new to the project and wished to understand where we were in terms of the decision-making and the negotiation process. He said that the relocation of ABOPS was probably different from normal relocations and, whilst Ms Hoffman had indicated that she did not wish to be obstructive, HSG was interested in ensuring that ABOPS was treated fairly and that any relocation was successful, for both the organization and the conservation of raptors.

HSG stated that in order to work towards an amicable settlement it was important to understand the EIA and the construction timeframes. It was also important to bear in mind that there were various other parties and issues involved, such as the landowner, lease agreements, conservation permits, etc.

Mr Scherzer updated everyone briefly on the status of the EIA process and how the need for the terms of reference arose as a result of Eskom's previous meeting with ABOPS. Mr Scherzer also mentioned that as the Environmental Assessment Practitioner (EAP), it was not really his role to deal with the negotiations between Eskom and ABOPS.

Mr van Houten stated that the EIA report had recommended that the relocation of ABOPS be a condition of any approval. Thus, this is what the Department of Environmental Affairs would require and Eskom would not be able to proceed with the sub-station if it did not meet the various conditions of its environmental authorization (EA). Thus, it was important for Eskom to adhere to these conditions.

Mr Karl Hoffmann asked if there was still an opportunity for Eskom to state that they did not believe ABOPS needed to be relocated. Mr Scherzer clarified that various other stakeholders, such as EKZN Wildlife, as well as the avi-fauna specialist had raised similar the concerns and recommended relocation. Thus, the focus of discussion was no longer on whether relocation should or should-not occur but rather if the sub-station is authorised, how could Eskom implement relocation successfully.

Various timeframes were discussed. Mr Scherzer estimated that the EIA authorization process could continue into 2018, assuming there were appeals that needed to be resolved. Construction will take approximately three years. Ideally, Eskom wanted to have already constructed and commissioned the sub-station. Mr van Houten said that once they receive environmental authorization, Eskom would send out evaluators to negotiate with landowners. Eskom could only proceed with final designs once environmental authorization is granted. Eskom's corporate governance rules do not allow Eskom to access funds for any further phases of a project, such as negotiations and relocations, until environmental authorization has been granted. Mr van Houten estimated that it would take approximately two years from the date they have authorization until they would actually wish to break ground. Thus, the soonest ABOPS would need to be relocated would be by 2020 or 2021 if all goes according to plan.

Ms Hoffman stated that although Eskom kept stating that ABOPS was not directly affected, they were in fact now being directly affected by these timeframes. She gave an example of a funder who said they would wait until ABOPS knew where their new location was, before committing their funds. She said she had also started looking at other sites which took up her time.

Ms Kawadza stated though the timeframes seemed long now, this meeting was not a fruitless exercise and that the terms of reference made future evaluation and negotiation much easier. Ms Kawadza reminded everyone that if the authorisation was granted but then appealed, Eskom would still effectively not have an EA nor the ability to proceed and finalise negotiations until a decision on the appeals had been made by the Minister.

Mr K Hoffmann said that the important thing from these timelines was that between when the EA is granted and when construction would start, there was some time for these negotiations. Although ideally, they should time any negotiations to be nearly finalized once the authorization was issued as it would not be possible to identify land, purchase it, rebuild and relocate ABOPS within six months or so. It would take longer. However, the problem this created is that they would be so much further down the road with the Bearded Vulture Breeding Programme by then. Ideally, one would want to move the Bearded Vulture breeding section as soon as possible, as the more birds one moved, the more risk there is in disrupting their breeding.

Mr van Houten stated that he understood these risks, but unfortunately could not agree or commit to anything until the EA was granted. However, it still worth identifying potential alternative sites now, as a few months after the EA is issued, there would be funds available to commence land-negotiations. However, what they could do is prioritize the ABOPS relocation early in the process. Normally most relocations only occur just before the construction programme proceeds in an area, to avoid land sitting vacant for any length of time.

Ms Hoffman reiterated that already with the time she had put into the terms of reference and considering alternative sites, her business was suffering, and she may even have to get to the stage where she says to Government authorities that she cannot continue with

the Bearded Vulture Programme. This would place the species in even more trouble. She said although Eskom continued to say she must continue as usual, it was extremely difficult.

Mr van Houten reminded her that there was still a chance that Eskom would not get authorization. Therefore, she needs to continue with her plans and additional cages as needed. Whatever cages or facilities were in existence, if ABOPS needs to be relocated, will not have been a waste of funders donations, as they will be replaced by Eskom at the new site.

Mr K Hoffman asked if there was any value in going through the TOR now and looking for alternative sites.

Mr van Houten reiterated that the TOR gave them a positive start in being able to work out what to consider and approximate costs. This was positive as well as the process of trying now to identify alternative sites. Mr van Houten said that if it is all managed properly, then the relocation of ABOPS should not necessarily be the factor that delays Eskom starting to break ground for construction. However, the more that can be done now, the better.

Ms Kawadza said that Eskom had understood and took note from the previous meeting that ABOPS staff did not feel they had sufficient resources or time to consider alternative sites. Ms Kawadza said that Eskom was considering ACER's submission to assist ABOPS investigate alternative sites.

Mr Scherzer clarified that the proposed suggestion was that Eskom could allocate funds through ACER's existing appointment to assist in moving this process forward. ACER could then work together with ABOPS to appoint GIS or other specialists, such as land-surveyors, etc. to assist in identifying alternative sites. However, the intention was never for ACER to identify sites on their own and suggest alternative sites, as ABOPS staff are the raptor experts.

Mr Cockbain concurred that this was one of the issues that came out of the last meeting. Mr Cockbain said that they were in the same position as Eskom in that they did not wish to commit a large amount of resources into finding an alternative site which they may not need. Therefore, there is a limit to how much ABOPS or Eskom could each commit to such a process. However, at the same time, no-one wanted to do absolutely nothing, until it is too late. Mr Cockbain said that this is basically what they asked for at the first meeting, to share the costs and effort of identifying alternative sites.

Ms Kawadza said that at the milestone the project is now, Eskom could only appoint specialists through ACER. ACER had structured the proposal to first do a desktop GIS study of various alternatives areas and sites. Potentially feasible sites could then be considered by ABOPS and, therefore, when negotiations needed to start over a particular site, suitable farms may have already have been identified and considered. Ms Kawadza said that they also would need a couple of alternatives to consider rather than just a single option or farm, as ABOPS might like a farm but the owner may not wish to sell.

Mr Webster mentioned to Ms Hoffman that this was a positive angle for her as she had been considering properties that were available and on the market. However, Eskom were now suggesting they assist in searching for exactly what ABOPS requires and then Eskom could approach the owner to negotiate the purchase of the farm, even if it was not for initially up for sale.

Mr Scherzer said that the aim of the GIS study was primarily to identify general areas that could be considered. Then one could start to weigh up the various pros and cons of each area, for example, a site around Pietermaritzburg would allow ABOPS to keep their staff, but a site good for the Bearded Vultures near Clarens could have some advantages for the breeding programme, but other negative ones for the current clients and staff of ABOPS. Such factors and potential trade-offs would need to be considered for the successful relocation but it was difficult without having potential suitable areas already identified.

Mr Webster asked for a copy of all the current EIA documentation. Mr Scherzer directed him to the ACER (Africa) website where he would be able to download all the documents. Mr Scherzer would also ensure his details were added to the database.

Mr Scherzer reiterated that the aim of the additional budget was not for ACER to completely take over the process of identifying alternative sites. ACER, together with ABOPS, would need to decide on what would be the best approach, if GIS was the way, or if other land specialist input was needed, and then together agree on how to best move the process forward with the resources available.

Ms Hoffman raised her concern about the risk that, potentially, they could talk and agree on things, the sub-station could be authorised, and then later Eskom could turn around and state there was only R 2 million budget available for relocation when it had been calculated that they may need R 10 million. Then ABOPS could be placed at risk by agreeing to things now.

Mr Scherzer and Ms Kawadza explained that the current budget ACER had requested for approval was only to move forward the investigation for alternative sites. Only once suitable alternatives sites were identified and evaluated along with all the relocation and reconstruction costs would a budget be known. Also, there is a safety backstop for ABOPS in that the EA would be based on the condition that ABOPS must be successfully relocated and, therefore, without having met that condition, Eskom would not be able to start construction. Mr Scherzer also stated that Eskom would not wish to run the risk of having an appointed contractor delayed on site, whilst authorities insist on the relocation of ABOPS first, as the contractor would then charge Eskom significant penalties.

Mr Scherzer also reiterated that EDTEA and EKZN Wildlife had also raised red flags on the relocation of ABOPS, so it was not only Ms Hoffmann arguing for the Bearded Vultures.

4. CLOSURE

Mr Scherzer agreed to get back to everyone once Eskom had approved the additional budget for the identification of alternative sites. Mr Scherzer thanked all present for their input and participation, and closed the meeting.