

**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**

**8 December 2016**

**AFRICAN BIRD OF PREY SANCTUARY**

## 1. ATTENDANCE

Attendance was as follows:

Name	Organisation
Ben Hoffman	Raptor Rescue
Shannon Hoffman	African Bird of Prey Sanctuary/African Raptor Trust
Jan de Waal	African Bird of Prey Sanctuary
Ian Cockbain	Support Representative - African Bird of Prey Sanctuary
Mal Singh	Support Representative - African Bird of Prey Sanctuary
Vuyolwethu Dingiswayo	Eskom – Senior Acquisition Advisor
Annah Motalane	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 there was no formal agenda, but that the purpose of the meeting was for the African Bird of Prey Sanctuary (ABOPS) to outline their concerns in regard to the proposed relocation and for Eskom to understand key aspects that would need to be taken into account.

## 3. DISCUSSION

Ms Hoffman stated that they ideally did not wish to move. It had taken 16 years to develop the ABOPS where it was ideally located. However, if they needed to move, it would need to be done with caution and care (it would be possible to do it right but also it could be done wrong) and asked for Eskom to translate what the move entails.

A general discussion was held about how the relocation process would work. Eskom stated that they accepted that they needed to relocate the ABOPS and that Eskom would pay for the relocation. Mr Dingiswayo said that a registered independent valuator would be appointed who would do a valuation on the property. Once the valuation is done, then a relocation agreement will be signed with the ABOPS. This would then be submitted for approval by Eskom's tender committee and then Eskom would pay 80% of the costs upfront and the remaining 20% of the costs once the relocation was complete, and the current structures were demolished. He stated that demolition was required in terms of Eskom's policies to ensure that the structures relocated were not inhabited again.

The ABOPS would need to manage the contractors and relocation process as Eskom did not oversee this. However, the evaluation report would include all of the necessary associated costs for replacement buildings, transport, project management fees, etc.

Ms Hoffman asked about the intangible assets such as the view, the sense of place, the ABOPS location as related to the main city areas of KwaZulu-Natal and schools, the N3, the relationships with local farmers who provide free food sources, etc. Mr van Houten stated that there was a *solatium* payment made that would cover these costs but that the value of the *solatium* was fixed by Government regulations.

Ms Hoffman said they would need to find another site with similar characteristics which could work for them but that this was likely to be quite difficult and the management of operational variables was going to be site specific. Mr van Houten said Eskom would require that they go and identify feasible alternatives sites which may be suitable and then Eskom would look at facilitating similar arrangements to what they currently have, i.e. Eskom purchases the land and leases it back to the Sanctuary based on the same lease conditions that they currently have.

Mr Singh asked how much discretion Eskom had in regard to compensation of these intangible assets or if everything was defined by relatively inflexible Government standards. Eskom indicated that whilst there was a little flexibility, they did have to comply and remain within conditions associated with the Public Finance Management Act and Eskom's policies.

Ms Motalane explained that ABOPS could also challenge the Eskom appointed evaluator's report and appoint their own evaluator. If the two reports differed then there were industry standards governing evaluators and resolving differences between separate evaluators.

Mr Cockbain said that one of their main concerns was that the evaluator would not understand the complexity of the ABOPS and its raptor conservation requirements.

Mr Singh asked if Eskom would be open to a terms of reference being prepared for the evaluator that would ensure that all the various aspects were addressed, for example, the intangible assets, the need to construct special transport boxes during relocation, etc. Eskom agreed that this would be fine and the meeting agreed that a terms of reference would be prepared by ABOPS to ensure the appointed evaluator included all the necessary considerations.

Mr Cockbain stated that one of the issues that would need to be covered was the breach of contract with the Mayibuye Community Trust. The demolition of any buildings, some which existed prior to the Sanctuary starting, would need to be negotiated between Eskom and the Mayibuye Community Trust.

The identification of an alternative site was discussed. Ms Hoffman explained that there were challenges, but the Sanctuary could not move too close to the coast as the Bearded Vultures needed cooler weather. Mr Hoffman added a move into the Midland mist belt area could also be problematic as the mist would result in increased raptor infections.

Mr Cockbain said that the relocation action should not put burden on the Sanctuary. Ms Hoffman reiterated this, saying that she was worried about their lack of time and resources necessary to identify an alternative site. She said the Sanctuary staff did not have this capacity at present as they needed to keep their existing programmes running, plus commence with the next phase of the Bearded Vulture Conservation Breeding programme. Thus, they would not have additional funds and time to appoint people to assist them, lawyers to review agreements, etc.

Mr van Houten stated he did not have an answer for this question as, in terms of the current process which would not happen overnight, the Sanctuary would need to identify alternative sites and only then the evaluation could be done and then, once agreed, the money could be paid out. Mr Dingiswayo said that he would follow up and look into what relocation arrangements were normally made with previously

disadvantaged households if they did not have the skills and funds to manage the process themselves. Mr van Houten stated the ABOPS just needed to work around this problem, but that Eskom would 'come to the party' as far as possible. The possibility of ABOPS making application to Eskom's corporate environmental support programs was also broached.

Ms Hoffman said she was concerned about the new site specific variables, and that if not identified and managed correctly, could all become risk factors. For example, they may find another site at a popular tourist venue, but it may be too far from food sources and qualified veterinary care, or if the new suitable site was not easily accessible then their visitor numbers would drop and an alternate revenue stream would be required. And so, going forward currently easily available requirements could become more challenging and vice versa. All these would affect the viability and sustainability of the Sanctuary and its conservation programmes.

Mr Singh said that there would need to be a preamble to the terms of reference which outlined the broad principles and approach for the relocation that addressed these overarching risks and a process whereby they could be addressed.

The timing of actions was discussed. Mr Scherzer stated that although the minutes would form part of the final EIAR, ideally ABOPS should submit any concerns or conditions by 15 December 2016. The meeting agreed that ABOPS would start to prepare draft terms of reference what would be ready for further discussion towards the end of January/early February 2017.

#### **Meeting Actions**

1. Ms Hoffman to submit a copy of their lease agreement to Mr Dingiswayo.
2. Mr Dingiswayo to investigate relocation options and compensation processes that could help ABOPS overcome resource constraints prior to the valuator's payment being made for relocation.
3. ABOPS to commence the preparation of terms of reference.
4. ABOPS to start to consider and investigate alternative sites.
5. ABOPS to submit any concerns or conditions to be considered for incorporation into the final EIAR.

#### **4. CLOSURE**

Mr Scherzer thanked all present for their input and participation, and closed the meeting.