

## **EXECUTIVE SUMMARY – THYSPUNT ALLIANCE**

**07 August 2011**

Comments on the Second Draft of the Environmental Impact Assessment Report.

This document is an Executive Summary of some of the most important points we would like to highlight.

Due to the fact that we only received the comments on our first submission at the same time that the second draft was issued we have not responded to each of your responses on the various documents that we presented. This should not be interpreted as a concession on our part that we accept the correctness of the response. On the contrary, unless otherwise indicated, the absence of a specific response to the EAP's comments indicates that we are of the opinion that our original arguments are still valid.

Please note that this document must be read with:

1. The comments submitted on behalf of the Thyspunt Alliance and its members in respect of the draft Environmental Impact Assessment Report ("DEIAR") on 30 June 2010 which are still applicable
2. The comments on the revised DEIAR submitted by Earthlife Africa and Greenpeace in response to the revised DEIAR, which are endorsed by the Thyspunt Alliance and its member organisations.
3. Lengthy submissions with regard to individual assessment reports

### **1. GENERAL:**

#### **1.1 Failure to allow for constructive engagement**

We believe that the Public Participation Process for the Second Draft of the Environmental Impact Report has not allowed for constructive engagement. As an organisation we have undertaken to approach this EIA as unemotionally as possible and therefore we went out of our way to get specialists to review the various studies presented to us. This approach was followed to enable the Department to get a very clear view of all relevant issues. We specifically requested that the Key Focus Group meeting be held in time for our specialists to complete their reports. This opportunity was denied to us and constitutes a serious flaw in the process. The second draft should have been treated no differently from the first draft. We are not at fault that the first draft was riddled with mistakes and omissions. We are now presented with a so-called second draft where most of the mistakes were not rectified and attention was only given to a few of the more glaring holes in the report.

## **1.2 Failure to address shortcomings in the First DEIAR**

We believe that the second DEIAR has not sufficiently addressed the serious shortcomings of the first DEIAR. It is also apparent that all the specialists were not notified about the revised methodology for impact assessments as most of the specialists studies still contains the same tables as in the previous DEIAR.

We do not believe that the consultants are addressing the majority of the problems and queries that we have raised from the very beginning of the process. They seem to constantly be moving the goal-posts. The majority of the studies have not changed and most of our concerns were not addressed. The current report is still riddled with uncertainties, areas not covered and vague references.

The report still contains no detailed designs, cross sections or layouts for any of the planned new access roads, sea tunnels, pumping tunnels, the Open Cycle Gas Turbine, desalination plants or waste water works. We cannot comment on information that is not available to us and specialists cannot comment on possible impacts.

## **1.3 Final Rating Criteria Flawed**

We believe that the final rating criteria is flawed in favour of the developer and does not sufficiently consider the impact on the affected environments both from a social and biophysical sense. We request the following:

- Any future integration meetings be held independently of any Eskom involvement.
- The names of the Arcus Gibb Project Team as well as the minutes of the Project Team Meeting where the final rating were done.

## **1.4 Manipulation of process**

It becomes more and more obvious that the process is being manipulated in order to suit the outcome preferred by the developer. We object to statements made by representatives from the developer that they do not want to expose the specialists to the general public and from the consultant that it is a costly exercise to organise the Key Focus group meetings with the specialists.

### **1.4.1 Specialist Integration Meeting**

Further manipulation of the outcomes are clear from the notes of the Specialist Integration meeting held in November 2009. (See Addendum 1). Firstly we find it very strange that no minutes were taken at a meeting of this importance. We believe that it would have been far more transparent if these notes were included in the DEIAR. Secondly we find it unacceptable that at a meeting of the independent specialists there was a total of thirteen Eskom employees present.

#### **1.4.2 Independence of the consultants**

We would like to state that the fact that Eskom is paying for the EIA does not allow them to manipulate the process. The fact that the developer is responsible for appointing consultants to conduct an EIA is part of the NEMA and the whole notion that this allows the developer to have more say in the process than I&AP's should not be allowed. The consultants are responsible to keep the process independent. We do not believe that this is the case in this EIA. We are of the opinion that Eskom, as the developer, is too integrated into the EIA team and that the consultants have therefore lost control of the process.

#### **1.4.3 ESKOM statements pre-empting outcome**

We would like to place on record that we object to statements made by senior Eskom officials at a recent public meeting held in St Francis to the effect that the "development is going ahead no matter what." This statement clearly indicates that senior officials in Eskom are of the opinion that the EIA is nothing more than a rubber stamp. The amount of disrespect this indicates for the constitution and the law of the country should not be tolerated.

### **2. EUR'S & Generation III**

We believe that the use of the so-called EUR exclusion zones throughout the current document constitutes a clear bias towards the client. The European Utility requirements group was created in the early nineties by a small group of European utilities participating in the US advanced Light Water Reactor programme. Safety relevant requirements, though reflecting a common analysis and understanding of some safety issues, were never contemplated as substitutes to National Safety Authority Requirements. The EUR is not a regulatory body.

Eskom would have us believe that these emergency protection zones as proposed by them will be accepted by the National Nuclear Regulator. This is simply not true, in fact the zones proposed by Eskom are not used anywhere else in the world. The bias towards the client is clear when you consider that they are basing the EIR on an "envelope of information". The use of an "envelope of information" allows the developer to dream about a Generation III Reactor but gives them enough lee-way in case they have to accept a Generation II design. If they were to be allowed to use this approach, they should use either the planning zones currently relevant at Koeberg or follow the IAEA recommendations. It is clear that Eskom is allowed to manipulate the process to favour them and to the detriment of the communities who will be affected even in the "unlikely event of an accident."

### 3. Squid Industry

In spite of the fact that we have alerted the consultants about the possible impacts of the development on the squid fishing industry as far back as the original scoping phase, they chose to ignore this industry until after the second draft of the EIR was issued. The first meeting with the Scientific Squid Working group only took place on 20 June 2011 with follow-up meetings on 8 July and 02 August 2011. The consultants are now expecting comments from this industry before 7 August 2011. We believe that this situation is completely unfair and smacks of manipulation.

### 4. Power Line Issue

The very selective inclusion of the Power Lines in this DEIAR also needs some interrogation. Eskom chose to conduct a separate EIA for the 400kVA power lines as well as the 132kVA power line. We believe that this is in contravention of the NEMA regulations that clearly states that all related infra-structure should be included. Be that as it may, during the entire EIA both the consultants and Eskom selectively include the power lines if and when it suits them. This selective inclusion cannot be allowed.

In the final rating exercise Thyspunt scores the highest score due to the ease of integration into the national grid. This assumption is based on a 12 page document produced by Eskom in 2008. This means that an outdated 12 page document submitted by the developer carries more weight than any of the independent specialist reports that forms part of this DEIAR. One of the key assumptions and considerations in this Eskom report states:

- No EIA fatal-flaws exist on any of the sites & associated corridors

If the EIA for the power-lines is not even completed, how do they know that there are no fatal flaws? Furthermore the document states the following:

Factor	Thyspunt Site	Bantamsklip Site	Koeberg Site
Line length required	500km of 400kV lines	990km (400kV and 765kV combined)	190km (400kV line combined with Cable)
Infrastructure Cost (R' Billion)	5.3	12.72	5.1
EIA and Servitude difficulty	Medium	High due to extensive 765kV network	Medium (but high between Acacia and Philippi)

We fail to understand how technical people with no knowledge whatsoever of the affected environment can make a statement that the EIA and servitude will only be of medium difficulty.

This report is not an independent report the fact that the consultants used this report as the basis for rating Thyspunt higher than the other sites clearly indicates bias towards the needs of the developer.

## 5. Improved Conservation value:

We would like to object to the very absurd notion in the DEIAR that placing a Nuclear Power Station in an area of critical biodiversity would raise the level of protection and conservation value. None of the specialist takes cognisance of the fragmentation impact of a project of this scale. It is only mentioned in the Vertebrate Faunal report. This notion would only hold truth if there was 100% certainty that the very dynamic, integrated system at work in the landscape would not be affected. It is clear from most of the specialist studies that **no such an assurance can be provided.**

We highlight this with a few examples:

Dune Geomorphology:-

“Final recovery of the natural surface water & groundwater dynamics will probably take decades.”

“Special rehabilitation techniques may have to be developed to ensure that the wetlands, surface water & groundwater dynamics fully recover.”

Fresh Water Ecology:

### 4.4.9 Cumulative impacts associated with the NPS development at Thyspunt

The cumulative impact of the proposed NSP development and its associated pylons (within the site) and access roads, even assuming in each case that the alternative that is associated with the least ecological impact in terms of wetland systems is selected, would be of **high negative significance**, resulting in loss of individual wetlands and net degradation of a wetland system of international conservation importance, that is considered a one-of-a-kind system.

Botany & Dune Ecology:

*“If compromising the functioning of the wetlands at **Thyspunt** cannot be avoided, then this is regarded as a fatal flaw, especially as these systems are endemic to this coast, and the Langfontein wetland is a “one-of-a-kind” system.”*

Vertebrate Faunal Assessment:

**An important negative factor is the lack of definitive information on whether adequate engineering solutions are available to avoid serious negative impacts on groundwater flows and sensitive wetlands at Thyspunt. There**

*“These provided further evidence of the **ecological importance, as well as the richness and sensitivity of the coastal wetlands.** To our knowledge, the largest number of Cape Clawless Otters ever filmed together in the wild – six adults and juveniles – were filmed at Thyspunt”*

*“While the Leopard is not a Threatened species, its occurrence in coastal environments has become rare. **This species is symbolic of the wild, unspoilt nature of the site, and of an ecosystem that is intact and functioning in, or quite close to, its original condition.**”*

*“This has given rise to an ecosystem with a pattern of resource utilization that is atypical and unusual. These ecological patterns, quite apart from the species themselves, are rare, of scientific interest and ecologically important, and therefore should be viewed as conservation worthy and of high significance. The same logic applies to aquatic and semi-aquatic communities in the dune field.”*

## **5. The “land sale threat”**

We object to the statement by the majority of the specialists that if Eskom is not allowed to build the Nuclear Power Station at Thyspunt, the land will be sold off and there will be no control over development. Any developer will have to conduct an EIA for any development on the site and we would be as rigorous in our oversight as we would be for this EIA.

Furthermore the new Integrated Coastal Management Act combined with the over reaching NEMA regulations will make it very difficult to for any developer to have a development of the size and impact of a Nuclear Power Station, especially if you consider the cumulative impacts.

No consideration is given to the possibility of establishing a National Park. The establishment of a national park will not only protect a system that is deemed to be of global importance and situated within an area of critical bio-diversity, but it would also protect the heritage value of the site. This will allow for long term gain from tourism development instead of the possible short term gain from a power station (60 years).

## **6. Heritage**

One of the new studies in the revised draft is a Heritage Mitigation study. In the introduction to the study the following statement is made: *“We have however conducted significant amount of consultation with respect to mitigation of archaeological sites”* We find it unacceptable that none of the specialist or affected parties in the Eastern Cape was even invited to this discussion and we therefore does not consider this consultation as significant.

The days where academics can sit in conference rooms and make decisions on the protection afforded to the heritage of a nation, without involving the affected parties on a national level, is over. We have alerted the consultants that the KhoiSan structures in the country must be involved in this assessment on a national level and not just on a local level, it would seem that they have chosen to ignore this recommendation.

We further contest the following statement: ***“Both Arcus GIBB and ACO have indicated to SAHRA (as reflected in the EIA report) that the Thyspunt site is not well understood, and that there remains a possibility that a minimal damage scenario may exist”***

This statement is untruthful and should be treated with the necessary contempt. The mere fact that Arcus Gibb and ACO can even make a statement like this indicates clear bias to the developer.

We are of the opinion that there should be no difficulty in understanding the Thyspunt site. In actual fact it is fairly easy to understand – **THE SITE IS OF INTERNATIONAL HERITAGE VALUE AND SHOULD BE AFFORDED THE PROTECTION OF AN UNESCO WORLD HERITAGE SITE.**”

We have a copy of a written response from the Minister of Arts and Culture, Parliamentary file number 7/1/2/B to written question number 360. This states that: “As indicated above, the HIA (Heritage Impact Assessment) is not approved by SAHRA (South African Heritage Resource Agency), so the development will not proceed.” We are greatly concerned that Eskom and the EAP appears to assume that they are above the law and are carrying on as if this ministerial decision is of absolutely no value or consequence.

It is clear from the Heritage Assessment that allowing any development of this magnitude on this site will be a continuation of the disregard for the KhoiSan heritage. We believe that the conservation of this area would not only create more job opportunities, but would also safeguard the heritage of the “First Nation”. We believe that the area should be declared a National Heritage site and that a Coastal Cradle of Humankind Centre should be established as part of the KhoiSan Heritage Route.

## **7. Dune Geomorphology**

We will be submitting a report conducted by Prof Fred Ellery with regard to the Dune Geomorphology report and the possible impacts of the very dynamic system on infra-structure. It is clear that both the consultants and Eskom are not willing to take a “whole systems” view, instead they divide the study area into a western and eastern system - with the site for the nuclear power station site in the western watershed, and dismissing the eastern watershed section.

We are of the opinion that the complexity of this very dynamic system is understated in the DEIAR.

## **8. Specialist studies of concern:**

We believe that the following assessments should be rejected and re-done:

- Agricultural Assessment
- Social Assessment
- Marine Ecology Assessment
- Economic Assessment
- Transport Assessment

These studies does not provide all the relevant information, contains outdated information and does not reflect all the relevant impacts. The shortcomings of these studies will be discussed in lengthy submissions.

## 8.1 Social Impact Assessment

We believe that this study is a flawed study based on out-dated information and filled with perceptions and assumptions without any realistic discussion of facts and impacts. The SIA contains long descriptive paragraphs, some copied directly from the Kouga Draft IDP, but very little ground truthing. Most of the mitigation measures suggested are theoretical in nature but not practical at all. Alerting the Education Department to the shortage of schools is not a mitigation measure. The current social conditions in the Thyspunt area are not reflected in this SIA at all and therefore the real impact of adding more strain onto a system that is already far over-capacity is not recorded. The SIA does therefore not address the principles of sustainable development.

Nowhere in the SIA is any mention made of the impacts related to loss of employment. We maintain that the development of Nuclear 1 at Thyspunt poses a serious threat to the viability of the Squid Industry. The Economic Impact Assessment clearly states that there will be an expected drop in tourism figures during the construction phase. The impacts of these possible job losses should be discussed as part of the SIA.

The SIA makes the following statement:

- Different people tend to view the realities of life differently and therefore the impact that may be perceived negatively by one individual or community could be perceived as the best and most positive impact by the next individual;

To avoid this confusion about the realities of life it is necessary that the studies conducted as part of this EIA should be based on fact. The department will base their response not on perceptions and the specialist therefore has the responsibility to provide both the department as well as I&AP's with a clear and truthful description of the social situation as it is currently reflected in the affected environment. Whether people perceive Nuclear as good or bad as a very small role to play in the social impact assessment and although these perceptions can be recorded the social impact assessment should focus on the actual impact of a development of this size on the society at present.

## 9. Peer Review:

The only Peer Review in the revised draft report is reflected in App H, which makes it clear in its very first paragraph that it is only concerned with the process, and not with the specialist reports:

*"It is principally a process review and is not intended as a means of verifying the scientific accuracy or completeness of the specialist studies that were prepared for the investigation. Specialist reviews have been undertaken for that purpose."*

We find it unacceptable that, according to a recent verbal communication between the EAP and a member of the Alliance, no peer reviews of specialist reports have taken place in this EIA since the earliest draft stage in 2008. The EAP specifically stated that she relies on I & APs for this kind of monitoring. This totally overlooks the fact that the "specialist reports" are just that, and that it will not often be the case that I&APs are sufficiently well-informed to monitor these reports. Under these circumstances, therefore there is no adequate monitoring of the scientific accuracy or completeness of the special studies. This has to be a fatal flaw in the process.