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21st April 2017

Ecosense
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Attention: Kozette Myburgh

**Re: Letter of Objection – Basic Assessment Report - Molapong Aquaculture project
Saldanha Bay (DEADP) REF # 16/3/3/1/F4/17/3014/17**

This Letter of Objection is submitted without prejudice.

We, the membership of the Save Langebaan Lagoon Action Group (SLL), representing over 1000 Langebaan residents, hereby lodge our outright objection to the proposal for an aquaculture development zone in the areas as demarcated and explicated in the Basic Assessment Report (BAR), Molapong Aquaculture project Saldanha Bay (DEADP) REF # 16/3/3/1/F4/17/3014/17

We wish to state that we are not opposed to aquaculture developments *per se* and recognise the industry's potential to contribute to food security, job creation and BBBEE. However, we are opposed to the current scope and scale of the development, in the sites proposed.

This Letter of Objection is to be read in conjunction with and in addition to the objections already submitted by stakeholders / I&APs and incorporated by Ecosense Consultants in the "Comments and Responses" report of the BAR, with particular reference to:

- Submission by South African Sailing (Pg. 19)
- Response by South African National Parks (Pg. 27)

Further, to be read in conjunction with email from Christo van Wyk – Saldanha Bay Water Quality Forum Trust (SBWQFT), submitted to you, 19th April 2017 and the submission by Organic Aqua, Appendix 1, attached to this Letter of Objection

Our objections are as follows:

1. Public Participation

We contend that the public participation process conducted by Ecosense Consultants (Ecosense) to date falls short of the legal requirements and intentions as set out in the National Environmental Management Act (107 of 1998) as amended (NEMA) and the EIA Regulations GNR 982 of 2014.

- 1.1. Tourism is a critically important economic contributor to the town of Langebaan. Thus it should have been foreseeable by Ecosense that due to the popular holiday destination of the

town, a high percentage of home owners do not live permanently in Langebaan and therefore would have been excluded in the stakeholder engagement process (advertisement placement, notification sites,) as detailed in the BAR, Section C, Pg.22. As such, the legal requirement contained in section 40 (2) (d) of the EIA Regulations (2014) that the public participation process “must provide access to all information...and must include consultation with all potential, or, where relevant interested and affected parties” could not be fulfilled.

- 1.2 Section 40 (2) requires “consultation” with prescribed stakeholders. How has this requirement been interpreted in the public participation process to date? It is unclear /absent from the BAR the manner in which Ecosense consulted with the stakeholders to the full extent envisaged by section 40(2) (b) and (c) of the EIA Regulations and giving full effect to the purpose of public participation.

Page 10 of the Comments and Responses Report of the BAR refers: Was this the full extent of the placement of notifications of the proposed development? If so, notification placement was biased towards those having access to the Saldanha Bay area. From the photographs depicted on page 10, it appears that the only notification placement in Langebaan was at the Langebaan Yacht Club. Were there other notification placements in more accessible public sites in Langebaan that would attract a broader demographic, more representative of the Langebaan community?

Consultation is clearly contemplated in the preamble to NEMA and in section 4(f). The guidelines for interpretation of the wording of the Act require that interpretation “is consistent with the purpose of this Act” (section 1 (3)). In this context then, Ecosense failed to facilitate an inclusionary process, by removing all barriers to full involvement with all potential I&APs, so as to engender understanding and thereby promote active participation and contribution by the potential I&APs.

Thus the approach to engaging with the I&AP’s, as envisaged by the legislation, the courts and the regulatory guidelines, is procedurally deficient and as such, the incompleteness of a material process cannot be used in the assessment of the merits of the BAR.

- 1.3 What “reasonable alternative methods”, as required by section 41 (2) (e) (iii) of the EIA Regulations, were used to ensure that those home owners who do not live permanently in Langebaan, and are therefore disadvantaged in their ability to participate, were informed?

What “reasonable alternative methods” were used for those potential I&Aps who may be illiterate, or who have “any other disadvantage” in being able to participate in the public participation process as per section 41 (2) (e) (i) – (iii)?

- i) Is the Weslander an “appropriate newspaper in terms of accessibility” for all potential I&Aps? (Section 41.1 (c) Public Participation Guidelines (2012) GNR 807). The content of the Weslander is approximately 80% Afrikaans and 20% English (Source: Editor of the Weslander). Is this the language breakdown of the potential I&APs?
- ii) Given that many home and business owners do not live permanently in Langebaan, why was there no attempt to place a notification in a national newspaper?

- iii) What research was conducted by Ecosense to assess the number of residents in the affected area who speak an official language other than Afrikaans or English?
- iv) What research was conducted by Ecosense to establish the level of illiteracy amongst the Langebaan community to ensure that all potential I&As could participate meaningfully in the public participation process?
- v) Section 41 (6) (b) of the EIA Regulations refers. Given the socio-economic diversity of the area, the material fluctuations of the Langebaan population during weekends and holidays, and the complexity and volume of the technical and scientific aspects of the proposal under consideration, additional, more accessible public participation measures should have been implemented e.g. advertisement placed in a regional newspaper; use of radio in local languages; public open day held in a venue closer to the economically marginalised community.

We would like to know why Ecosense elected such a narrow interpretation of this requirement, despite the inherent complexities of all aspects of the proposed development and therefore the real risk of exclusion of potential I&As.

- vi) Section 41 (6) (a) of the EIA Regulations refers. The BAR is lacking/inadequate in comprehensively elucidating the full impact of the aquaculture development on all aspects that may be affected by such project e.g. (and not limited to) a detailed expert and independent assessment of the socio-economic impact of the proposal; a detailed analysis of the projected revenue and employment opportunities likely to be created by the proposed project, measured against the perceived loss of revenue and employment opportunities as a result of the proposed project; a more detailed visual impact assessment report specifically for Langebaan.
 - vii) Further, we contend that the shortened timeframes for I&A response to the BAR (2014 EIA Regulations) militate against effective and full public participation, in contravention of the requirement and intention of the law. As such, Ecosense should have facilitated a broader, more imaginative and inclusive approach to public participation, to ensure that I&As are able make informed appraisals about and fully participate in the project proposal.
 - viii) It is clear from the Comments and Responses Report that there has been a poor response to date by individual I&As, (i.e. those not directly solicited), who nevertheless have a material interest in proposed developments that are likely to negatively affect the town of Langebaan. This strongly suggests an insufficiently executed public participation process.
- 1.4 Given the scale of the proposed aquaculture project and the volume of technical and scientific information contained in the BAR, and given the gaps in the public participation process, why did Ecosense refuse a request for an extension of the commentary deadline from Save Langebaan Lagoon? (Refer request for extension email sent and received, with a follow up phone-call, 20th April 2017).

SLL contends that we have been given an unreasonably narrow timeframe for considered commentary, as the window for response negates a comprehensive interrogation and understanding of the large volume of expert information contained in the BAR. The Public

Participation process unambiguously requires that I&APs are not only given access to relevant information with regard to a proposed activity, but are able to comprehend such information. I&APs must have both access to the information and the opportunity to interrogate the meaning to ensure that all aspects, and therefore impacts, of a proposed development can be critically evaluated. In this context, the deadline for commentary on the BAR has excluded numerous I&APs from meaningful participation in and contribution to the proposed development.

It is unreasonable and procedurally flawed to expect that our public interest group would be able to timeously and thoroughly respond to the BAR for the Molapong project proposal, due to the overlapping EIA timeframes of the Proposed Saldanha Bay Aquaculture Development Zone (Refer SRK Project Number 4990220).

2. Socio-economic Considerations

Page 19 of the BAR refers:

We contend that the interpretation of this requirement was too narrowly applied. The assessment conducted is both linear and superficial in its consideration and fails to account for the disparate “character” of the Saldanha Bay Municipality’s towns.

Both Saldanha Bay and Langebaan will be impacted by the proposed aquaculture development, but likely with different outcomes. Albeit that both Langebaan and Saldanha Bay fall under the Saldanha Bay Municipality, the two towns are materially distinct in their character, their economy, their social diversity, population size and their physical settings. Saldanha Bay has a well-developed industrialised footprint, whereas Langebaan has negligible industry, but a mature, vigorous and regionally important tourism sector.

By persistently conflating the two towns’ socio-economic landscape under the municipal description “Saldanha Bay” throughout the BAR, a more thorough scrutiny of the unique distinguishing features and attributes of Langebaan and therefore, the scale of the potential impact of the development on the town, is conveniently avoided by SRK.

Ecosense’s “one size fits all” approach to the socio-economic aspect will prevent an objective assessment by the competent authority in the decision-making process.

Services and Tourism are high growth sectors, outperforming manufacturing sectors in terms of job creation. Langebaan Tourism has provided the following top-line employment figures for the sector for 2016:

Approximately 2000 permanent jobs and 750 part-time (seasonal) jobs in 2 hotels, 2 resorts, 95 guest-houses, 1150 holiday home rentals – a total of 9500 beds – and 55 eateries. These current figures need to be seen in the context of the Spatial Development Plan for the area

Further, it is estimated by Langebaan Tourism that the various water-sport clubs and businesses currently support 161 permanent jobs.

At the time of writing we do not have the employment figures for Langebaan's construction industry which is experiencing high growth levels due to the desirability of Langebaan, both as a residential as well as holiday destination.

The BAR does not include a specific economic impact assessment for Langebaan, including a breakdown of current and projected employment figures. Further, there is lack of quality information regarding the employment statistics of the current aquaculture enterprises in Saldanha Bay over time, and the projected employment figures should the proposed project be authorised. As such, the I&APs and other stakeholders do not have adequate comparative information with which to assess the socio-economic benefits of the development and are therefore excluded from fully participating in such assessment.

We therefore note with interest the findings by the Minister of Environmental Affairs in the (successful) appeal against the EA issued to DAFF for the Algoa Fish Farm development (Reference: LSA138222 – 18 August 2015), that required the applicant to submit “[a] detailed analysis of the projected revenue and employment opportunities likely to be created by the proposed project, measured against the perceived loss in revenue and employment opportunities as a result of the proposed project...” (Pg.4, clause 4.2.2).

It would be counter-productive and misleading to deny that the economic contribution of the tourism and related service industries in Langebaan is inextricably linked to the natural, non-industrialised lagoon vistas, largely unrestrained lagoon and bay access for water-sports and activities and the surrounding ecological integrity i.e. Langebaan has a high value natural sense of place. The Molapong proposal threatens these key attractions and attributes which is likely to precipitate the erosion of a currently healthy, growing, sustainable economy.

It is relevant to our objection that the guideline for EIAs from the Department of Environmental Affairs (DEA) states that “[w]hen considering how the development may affect or promote justifiable economic and social development, the relevant spatial plans must be considered, including Municipal Integrated Development Plans (IDP), Spatial Development Frameworks (SDF) and Environmental Management Frameworks (EMF)”. (Pg. 4 DEA (2017), Guideline on Need and Desirability). And further, “[w]hat is needed and desired for a specific area should primarily be strategically and democratically determined beyond the spatial extent of individual EIAs (Pg 7.)

It is not evident from the BAR if the socio-economic aspect of the Molapong proposal harmonises with the Integrated Development and Spatial Development Framework specifically for Langebaan, as envisaged by the above guideline.

3. Visual Impact Assessment

Our comments with regard to the unique, unspoilt attractions of Langebaan, and its obviously visual distinction from Saldanha Bay, as stated in point 3 above, have equal application to our objection to the lack of visual impact assessment in the BAR.

It is clear from the Molapong sites and the type of fish farm structure proposed that this development will be highly visible to many residents and visitors on land as well as those who use the lagoon and bays for recreation. Nevertheless, the scope of the BAR conveniently side-steps this responsibility to fully interrogate the visual impact of the

proposed development. This material lacuna indicates a lack of appreciation of the unique topography of Langebaan and the value of this appeal to investors and tourists.

Currently there are few and immaterial visual disturbances experienced by Langebaan residents from the existing aquaculture operations. The importance of the Cape West Coast Biosphere Reserve and the three Marine Protected Areas in the Langebaan Lagoon are internationally recognised and regulated as areas of high conservation value. The Langebaan lagoon is rated nationally as a “biodiversity hotspot”. The undisturbed natural integrity of these areas is a major contributor to sense of place and visual quality. Hence, the visual resource value of the residential areas in close proximity to the proposed development is rated as being high. In contrast, much of the town of Saldanha Bay has an industrialised landscape.

Whilst the proposed development in Big Bay will be less visible to residents and holidaymakers in the Langebaan town itself, the uninterrupted long-range views that many such residents currently enjoy (e.g. Myburg Park), and the very same lagoon and bay view aesthetics that have attracted them to invest and settle in the area, will be irrevocably impaired by the industrialisation of their outlook.

“To maintain and protect the natural character values of the coastal environment fish farming activities should avoid high visual audience areas where close views are gained” (Pg. iii. Natural Character and Visual Impact Assessment of Potential Finfish Farming Development (for the Waikato Regional Council). Bernard Brown Associates Ltd. May 2008)

This specialist assessment is supported by the Minister of Environmental Affairs in the Algoa Bay Fish Farm authorisation appeal. The Directorate: Appeals and Legal Review conducted a site visit in 2015 to an existing aquaculture farm in Saldanha and found that “... this facility was situated a long distance from tourist facilities and outside of public scrutiny. In many ways, it is an ideal location for a floating fish farm”. (Pg. 7. Clause 4.6.6). The finding clearly recognises the negative visual impact of fish farms and the need to avoid same.

4. Ecological Impacts

We are gravely concerned that the mitigation measures recommended in the BAR do not adequately address the myriad site specific risk potential, especially with regard to (but not limited to) carrying capacity, water contamination, site specific hydrography over time, tide movements and variations of the lagoon and bay system over time, post production rehabilitation, the independence and frequency of oversight management, the bias of experts, scientific uncertainty, lack of quality impact data, biofouling, impacts on local fauna and flora habitats, breeding and migratory paths. However, the timeframes for submission of our objection do not permit a thorough assessment of these important influencers.

“The 2011 National Biodiversity assessment indicated that Langebaan, South Africa’s only lagoon ecosystem is vulnerable and recommended that this habitat should not be placed under any additional anthropogenic pressure.” (Pg. 51 DAFF Strategic Environmental Assessment – Identification of Potential Marine ADZ for Fin Fish Cage Culture. October 2011)

With this in mind, the scale and type of mitigation factors contained in the BAR to address the identified ecological impact risks of the proposed aquaculture project, are of grave concern.

Further, we contend that the probability of proactive and successful implementation of such mitigation measures is unlikely and unfeasible.

If the project was to be “phased in”: Given the time scale needed to monitor and assess the site specific ecosystems once operations have commenced, as well as the time scale to effectively address any deterioration in the quality of the site specific ecosystems, the implementation of each phase of the project could only happen over considerable timeframe. How does this impact on the feasibility of the project in its entirety?

Further, sea-based aquaculture is a high risk activity in terms of its potential for irreversible negative impact on the environment in which it is based. We assert that the Molapong project sites, the scale of proposed farms, the proposed type of farming and type of species farmed will have an untenable deleterious impact on the lagoon and bay systems with minimal potential for ecological rehabilitation. The current mitigation measures recommended in the BAR require a rigorous interrogation as to their site-specific feasibility, and especially in the context of the high ecological value of the lagoon and bay.

4.1 Monitoring, Compliance and Enforcement

It is of particular concern that there currently is an absence of enforceable, clearly elucidated, site and species specific norms and standards for aquaculture farming in South Africa. The sector is governed by various regulatory regimes and various organs of state making the monitoring, compliance and enforcement mechanisms weak. Poor coordination of frameworks poses a high risk of ecological degradation where aquaculture developments are situated. Guidelines exist, but are broad-based, lacking in detail and are not enforceable.

There is a paucity of detailed information in the BAR with regard to site specific monitoring systems that meet or exceed best practice international standards.

As a result, there is insufficient interrogation of this critical aspect of the BAR which will impact the quality and impartiality of the decision-making process.

4.2 Specific ecological impact concerns

4.2.1 Interaction between farmed animals and wild fish:

The mitigation measures recommended in the BAR cannot guarantee that there will be no fish escapes and therefore no impact on wild populations.

“The probability of fish escaping from traditional aquaculture systems is so large that the FAO (1995) stated that a new species introduced to aquaculture will be seen as a new species introduced to the wild, no matter how secure the system is. There is convincing evidence from literature that farmed fish can have a significant influence on the genetic profile of associated wild populations. Given the paucity of data regarding actual population consequences of escaped farmed fish on wild populations...it seems prudent to treat farmed fish as exotic species with potentially negative consequences for wild populations, particularly when the latter are of conservation concern. (Pg. 10. Marine Fish Farming Environmental Impact Information. Marine Finfish Farmer’s Association of South Africa (MFFASA) 28 July 2011).

4.2.2 Fish Feed:

We require a full explanation as to the composition of the feed to be used for the fin fish and the fish-in-fish-out ratio. Does the proposed ADZ plan to use wild stocks of pelagic fish for feed of the caged stocks? If so, are these wild stocks currently under stress or are they currently harvested by subsistence / small scale fishers? How then does this support a key aim of the proposed ADZ which is to support food security needs?

The Saldanha Bay Municipality's EMF clearly supports our concerns with regard to foreseeable ecological threats: "Big Bay and Outer Bay form part of "Zone 2 – Be Careful" identified in the EMF, as Big Bay is deemed important from a marine ecological perspective, which is deemed likely to increase in importance. Aquaculture is listed as an activity that could be considered for public interest reasons but are likely to have significant negative impacts (scale dependent) in Zone 2".

In conclusion: As a result of noted unacceptably high risks of irreversible ecological damage, associated with "limits of current knowledge" and too many gaps and inconsistencies in the scientific data, the precautionary principle must apply, as mandated in section 24 of the Constitution and Section 2(4)(a)(vii) NEMA, which requires a risk-averse and cautious approach. This legal requirement therefore demands further wider and a far more rigorous enquiry into the risks acknowledged in the BAR, without which any decision-making process with regard to an environmental authorisation will be procedurally and substantively flawed.

We trust that Molapong Aquaculture / Ecosense will apply its mind to our Letter of Objection in full compliance with and in support of the tenets of administrative justice.

Please note that all current members of Save the Langebaan Action Group (SLL) are registered I&APs and further, that all current members have given SLL proxy to represent them in this objection (proof of letters of proxy on request).

Please ensure that all correspondence with regard to the Molapong aquaculture project is emailed to savelangebaanlagoon@gmail.com

Yours sincerely

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Appendix 1



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31 March 2017

Re: Pollution due to aquaculture projects in a lagoon or harbour - current state of the Macquarie harbour in Tasmania & the Swedish Supreme Environmental Court banning open water aquaculture

To Whom It May Concern

This letter is to confirm that Organic Aqua PTY LTD 2016/179161/07 is a registered manufacturing and wholesaling business specialising in organic water cleaning products for the aquaculture and ornamental fish keeping industries. The products are made from carefully selected 100% natural plant extracts, essences & minerals in South Africa. We provide environmental rehabilitation engineering services with the focus on rehabilitating polluted water due to the harmful impact of aquaculture industries.

The most recent project includes the rehabilitation of Tasmania Macquarie Harbour, due to aquaculture pollution. (Salmon farming)

- This is a historic site with endangered species
- The impact of aquaculture in this bay resulted in a dead zone polluted area
- All fish were removed out of the Franklin lease during Feb / March 2017 and environmental rehabilitation is currently in progress.

Impact of the Aquaculture projects on the Macquarie harbour:

- Low levels of dissolved oxygen due to a build-up of fish waste (droppings, food and artificial food colouring in order to dye the fish meat pink)
- Sulphur build up in the sedimentary layer of the ocean floor
- Increase of toxic gas levels and toxins
- Increased Eutrophication which results in severe “red tide” & algal blooms
- Breakout of harmful pathogens and bacteria – in this case of Macquarie harbour, the bacteria “*beggiatoa*”

All of the above resulted in:

- Dead zone pollution
- Increased fish mortality
- Destroying the immediate sea ecology, including the fragile sea bed, marine protozoa, reefs, other forms of fragile marine life
- 85000 instant fish deaths when a storm surge hit the Macquarie harbour and the oxygen levels plummeted

<http://www.abc.net.au/news/2015-05-22/petuna-salmon-deaths-storms/6490138>

<http://www.abc.net.au/news/2017-03-15/huon-aquaculture-not-happy-with-epas-macquarie-harbour-limits/8355020>

Recently the Swedish Supreme Environmental Court has decided to ban and stop fish farming in cages in open water. This is taken from their website: “The court questioned whether cages in open water are the best technique and they also question the possibility for the affected waters to break down the amounts of nutrients delivered by the farming without being eutrophicated. This judgement will probably bring to an end all fish farming in open water cages affecting waters not having reached good ecological status.”

<http://sverigesradio.se/embed/publication/6652477>

<http://sverigesradio.se/embed/publication/6651508>

<http://sverigesradio.se/sida/artikel.aspx?programid=110&artikel=6652202>

With all the facts taken into consideration as well as the fragility of the Langebaan lagoon’s endangered fish species, the aquaculture projects will definitely hold a risk of dead zone pollution in the Langebaan lagoon within due time. This area relies mainly on its tourism industry for water sports and recreational purposes and it will be highly affected if dead zone pollution occurs in the Langebaan lagoon. Its fragile sea life and endangered fish species will be negatively impacted (if not killed off) due to aquaculture pollution - especially if taken into consideration the current situation of the Tasmania Macquarie harbour.

Kind Regards

Lemanja Mears
CEO of Organic Aqua