

3 July 2014

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**DEA Ref. No. 14/12/16/3/3/2/275**  
**PROPOSED EXPANSION OF BERTHS 203 TO 205, PIER 2 CONTAINER TERMINAL**  
**PORT OF DURBAN**

**COMMENT ON THE AMENDED ENVIRONMENTAL IMPACT REPORT (EIR)**

The following comments on the proposed deepening, widening and lengthening of berths 203 to 205 at Pier 2 Container Terminal, Durban harbour, are submitted on behalf of **Coastwatch** and **WESSA Durban Branch**. These non-governmental organisations are formed by volunteers and they operate with support of people interested and/or affected by issues relating to the area. The organisations share interest in development and change of land use applications in the eThekweni area and serve to ensure that development in the eThekweni area is appropriate, sustainable and legally compliant.

Thank you for the opportunity to provide further comment on the application. The proposed development design has been significantly improved however it is still likely to have residual impacts on Durban Bay even if not considered to be significant within the thresholds of significance decided upon for this project. The direct and indirect impacts on the ongoing ecological health of the Bay remain a serious concern. While we accept necessary repair, maintenance and upgrade activities to ensure and improve safety of the berths we raise the following issues relating to extending the facilities.

**1. Environmental Authorisation for EIA Reference A24/16/3/114**

The project entailed a four phase development plan for additional container facilities and authorisation was issued, in part, on 29 July 1999. In authorising Phase 3 of the plan Condition 1.3 was set and it reads as follows: *"Authorisation is granted on condition that there is no further loss of water area in the future as a result of infilling"*.

In response to this issue we are informed that based on clarification of the Record of Decision (RoD) the current application for work at Berths 203 – 205 is legal as the infill proposed is less than the order of magnitude of Phase 3 of EIA A24/16/3/114. This interpretation does not take into consideration incremental infill with several individual projects, each with a magnitude of less than Phase 3, which over a period could in total exceed the magnitude of Phase 3.

While clarification around the RoD for the port in 1999 has been provided, we remain concerned that this aspect of the actual RoD remains vague and unmeasurable. There must be a process through the Department of Environmental Affairs to amend the RoD to provide clear and enforceable conditions that are in line with the Department's intention.

## **2. Ecological Implications**

The Department acknowledges in its correspondence dated 22/04/2014 (included as Appendix A2) its position that offsets are not a first choice although they may become necessary to ensure that biodiversity loss in one place is compensated elsewhere. In the event that the Sandbank Expansion mitigation is not successful (after a five year period of monitoring from the date that it is constructed) and does not reach 80% of the average level measured at the control sites on the undisturbed area of the Sandbank it has been agreed (meeting with the Department on 28 February 2014) that Transnet will enter into discussions with the DEA regarding the *potential* for an offset plan.

Given that there has been a reduction to only 14% of the original extent of intertidal sandflats habitat in the Port of Durban and the remaining area is of critical importance to the ecological functioning of the Durban Bay estuary (Allan *et al*, 1999) failed mitigation will result in a prolonged period of habitat loss and ecological function before an Offset Plan (also without 100% guarantee of success) achieves the desired result, that is if the potential exists.

We consider it to be of vital importance that studies are undertaken prior to dredging operations in order to determine whether a suitable area of offset occurs within Durban harbour, taking into account the bigger picture for Transnet's Port Expansion proposals. Should these vital discussions for an Offset Plan (should it be required) begin only after the five year monitoring period it will result in an extended lag time before offset mitigation is

realised, which is unacceptable from an ecological perspective. The 'back-up' plan needs attention prior to any construction taking place.

### 3. Specific Points from the EIR

- Environmental Management Committee

Discussion on the management of the proposed activities includes the formation of an Environmental Management Committee (EMC) to ensure compliance. Will the role of the EMC continue into the operational phase and longer term monitoring of the Sandbank? What stakeholders will be represented on the EMC and what are the terms of reference? To whom will the EMC be accountable?

- *"A significant portion of Central Sandbank must remain untouched during dredging"*  
What is a "significant portion"?

- Economic Considerations

The Ecological Risk Assessment states that *"Consideration needs to be given as to how realistic and practical the mitigation measure is and what costly commitment and assurances have been provided by the applicant to implement this measure."*

Taking into consideration the Environmental Management Plan for Durban Bay (MER/ERM 2011. *Development of the Bay of Natal Estuarine Management Plan: Situation Assessment*) wherein it is clearly articulated that this estuarine system has reached a critical point and is now very close to collapse without significant intervention we find the statement inappropriate from the perspective of the costly commitment by the applicant.

It remains a concern that a resource economics study is not considered to be within the scope of an EIA of this size and nature. The value of the goods and services provided by the natural habitats of the Bay are likely to be highly relevant in decisions around the development and use of the Bay, even relative to the value of the economic benefits of the proposed development.

## CONCLUSION

A single Environmental Impact Assessment is unlikely to be able to resolve broader, long-standing concerns and the long-term development strategy for the port remains intangible. Without a clear understanding of how this proposed development fits into the medium- and long-term, it remains difficult to gauge the significance of any residual impacts on the ecological health of the Bay (ie those impacts that cannot be fully addressed through mitigation), relative to the proposed future configuration of the port.

It remains a concern that the proposed development is in contradiction of the draft Estuary Management Plan for the Bay even though, to some extent, this has been addressed through the proposed mitigation.

Yours faithfully

A handwritten signature in black ink, appearing to read 'C. Schwegman', written in a cursive style.

C SCHWEGMAN