

MINUTES OF THE MEETING BETWEEN MEMBERS OF THE DEPARTMENT OF WATER AFFAIRS AND FORESTRY (DWAF) AND THE MOOI RIVER IRRIGATION BOARD (MRIB) WITH REGARDS TO COMMENT ON THE FIRST DRAFT REPORT OF THE MMTS-2: BRIDGING STUDY NO. 5: STOCHASTIC HYDROLOGY AND DETERMINATION OF YIELD AND TRANSFER CAPACITY OF THE MMTS AND OPERATING RULES OF THE MOOI AND MGENI SYSTEMS WITH MMTS IN PLACE STUDY HELD AT 09H30 ON 17 JULY 2007 AT THE MOOI RIVER FARMERS ASSOCIATION HALL, MOOI RIVER.

PRESENT:

Mr JJ Geringer	JJG	DWAF: Chief Engineer Options Analysis (East)
Mr Norman Ward	NW	DWAF: Deputy Chief Engineer Water Resources Management (KZN Regional Office)
Mr G de Jager	GDJ	WRP Consulting Engineers - (DWAF Consultant)
Mr James Kean	JK	Joint Irrigation Board
Mr Derek Green	DG	Big Mooi Irrigation Board
Mr G Armstrong	GA	(Dams)
Mr G Caldecott	GC	Mooi River Farmers Association
Mr G Simmons	GS	Little Mooi River Irrigation Board
Mr M Fiford	MF	Project Coordinator - (Scribe)

1. OPENING

The various representatives of each party attending the meeting were introduced to each other by JJG and JK.

Once everyone was introduced to each other JJG remarked to JK that JK had informed him over the telephone when JJG was setting up the meeting that only three representatives from the MRIB would attend the meeting but now there are six. JK responded that he knew JJG would bring more people and therefore he thought he should do the same.

2. PURPOSE OF MEETING

JJG stated that he arranged the meeting with JK in order to establish where the MRIB has concerns with the first draft of the report in order to rectify the situation in the second draft. It was the intention to go through the report in a page by page manner to ensure that the second draft of the report would capture all the concerns of the MRIB.

JJG explained to the members of the meeting that the situation with the report was brought about when Mr Wayne Schäfer, originally responsible for conducting the study, left his employer, WRP Consulting Engineers, during the course of the study and emigrated to Australia. When he left, the report was only partially written and in no shape to be published. GDJ took over from Mr Schäfer and produced an excellent first draft report that could at least be passed on for comment by others. Although a good job, the report still lacks important "words", i.e. text to explain certain important aspects of the report. It was the purpose of this meeting to identify all concerns on clarity that the MRIB may have. The concerns could vary from aspects that are not mentioned to aspects that needs further explanation. It is realised that this is a specialist report that may not always be followed by laymen without the necessary training in hydrology and yield analysis.

3. DISCUSSIONS

3.1 Context of the MMTS-2: Bridging Study No. 5

JJG stated that DWAF commissioned the study mainly to bring the yields of the MMTS-2 on the same level as that of the Mgeni System. The Mgeni System is based on stochastic yields while the work done during the original MMTS-2 Feasibility Study (2000 to 2003) was based on historical yields only. The study was therefore primarily focused on determining the stochastic yields of the Mooi River in order to link it with the stochastic yields of the Mgeni System.

JJG stated that the additional work on the MRIB dams was done in support of the MRIB to help them with the water shortage situation they experienced in the Little Mooi River as well as to determine the yield they would require from their own proposed dams on the Little Mooi and Hlatikulu rivers to expand their current irrigation. This, however, was a secondary task. Shortages in the Little Mooi River were already discovered during the original MMTS-2 Feasibility Study when the MRIB approached DWAF to participate in the Spring Grove Dam project in order to increase their current assurance of supply and, secondly, to secure water for new irrigation development.

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3.2 Background to DWAF/MRIB involvement

JJG stated that DWAF was officially approached by the MRIB during the MMTS-2 Feasibility Study (2000 to 2003) to participate in the project. This participation comprised obtaining water from Spring Grove Dam to increase the assurance of supply of existing MRIB irrigation and to support new irrigation planned by the MRIB. The DWAF immediately engaged with the MRIB and performed the necessary investigations to indicate the cost of water to the MRIB to assist them in making a decision on whether they would want to participate or not.

The actual water use of the MRIB was however not certain and as a result DWAF requested the MRIB to provide DWAF with this information. To achieve this, the MRIB appointed Mr Dodson to make an assessment of the situation. Mr Dodson's report documented most of the MRIB's water use but not that outside of the MRIB's area of jurisdiction, i.e. irrigation from farm dams, etc. The Dodson report also gave crop factors for the various crops grown in the area. The results of the Dodson report, which was discussed with the MRIB, were then used in the DWAF study. (Note: the Dodson report was done many years ago, and although MRIB has offered up to date detail to DWAF this has not been used)

However, when the DWAF study for MRIB participation in Spring Grove Dam was completed by about 2002, the results were discussed with the MRIB during a meeting held in the Mooi River Farmers Association Hall. During that meeting the MRIB found that the cost of water from Spring Grove Dam was not affordable to the members of the MRIB. (JJG remarked that at current (2007) land and construction costs, the cost of water would today be much higher than what was originally quoted at that meeting). Since publication of the National Raw Water Pricing Strategy all commercial farmers in future would have to pay the full cost of water. Towards the conclusion of that meeting one of the MRIB members mentioned that perhaps the MRIB should consider building their own dam. At the time JJG supported this suggestion and added that if that could be done the water from such a dam would become much cheaper in the long run for the MRIB since, once the initial capital was paid back after a repayment period of 15 to 25 years, only a small annual O&M cost would need to be paid in the years thereafter. This would be a much cheaper option than getting water from a state dam where the water tariff will remain high in future in accordance with DWAF's National Raw Water Pricing Strategy and will carry on in this manner indefinitely. The return on asset (ROA) charge forms the greatest portion of DWAF's water tariff and this will be

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charged indefinitely along with the O&M and all other charges. At the end of that meeting, JJG stated that it appeared as though the MMTS-2 (Spring Grove Dam) would only be required by about 2014 and that the MRIB should go ahead in the meantime and investigate the possibility of developing its own dam. JJG also added that once it becomes clear that the MMTS-2 needs to be implemented, DWAF will again contact the MRIB and resume discussions with the MRIB with regards to their possible participation in the MMTS-2 in order to finalise the matter.

This undertaking of DWAF was honoured, round about 2004, when it became clear that the MMTS-2 was now urgently required as the water demand within the Mgeni System was growing faster than the savings that could be achieved with water conservation and demand management within the eThekweni Metropolitan area. DWAF immediately contacted the MRIB by mail and set up the necessary meetings to pursue the talks on participation of the MRIB in Spring Grove Dam.

However, when these talks started the MRIB had not yet done any planning for their own dam and was indecisive on how to proceed. JJG stated that as a result of this DWAF offered support to the MRIB in determining the yields of their proposed dams in order to assist the MRIB to establish the feasibility of their proposed dam development. The MRIB hastily identified two sites in the Little Mooi catchment. One on the Little Mooi River and the other on the Hlatikulu River. JJG provided further support in attending a site visit requested by the MRIB for JJG to view the suitability of these sites from an engineering perspective. JJG even arranged that an engineering geologist for the Council of Geoscience accompany him on the site visit to get the latter's opinion of the foundation conditions of these sites. Additionally JJG wrote a guideline document for the MRIB for the approach to be taken with the planning of their dams. All of this was intended to fast-track the process of the MRIB to make a decision on their proposed dam project so that DWAF could proceed finalizing the planning of the MMTS-2. Once the MRIB gave DWAF's consultant (i.e. WRP Consulting Engineers) the storage-capacity of the dams, WRP Consulting Engineers proceeded determining the yields of these dams.

However, during the course of the study the WRP Consulting Engineers found that the existing water use (i.e. irrigation water requirements, streamflow reductions due to commercial afforestation and farm dam development, etc.) in the Mooi catchment, but especially the Little Mooi catchment, has substantially grown since 1994 is much greater than previously assumed. Additionally, although already determined, no Reserve has been formally implemented in the Mooi River catchment yet. Still, once this occurs, any dams in the catchment would have to release their fair share of the Reserve. In terms of the National Water Act, 1998 (Act 36 of 1998) (NWA) any new dam has to release its share of the Reserve right from the start. This is a license condition for all new dams; even for the proposed Spring Grove Dam. With this in mind, it was therefore realised that the yields calculated for the MRIB dams in the normal way do not reflect the true picture of the future efficiency of a dam. It is also likely that, as a result of the reduction in runoff associated with the current high water use activities in the catchment the potential to extend the MRIB irrigation through dam construction may, in fact, not exist.

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In order to assist the MRIB to understand the situation, WRP Consulting Engineers then embarked on a scenario analysis to assess what changes in existing water use in the catchment would be required to improve the MRIB dam situation. The method used was based on the assumption that the current water use activities in the catchment would in future have to be rectified by the so-called process of compulsory licensing. This would amongst other things require a formal process of verification and validation of existing water use, a re-assessment of the catchment's natural water availability (after accounting for the Reserve) and a process of re-allocation of catchment water based on various principles including racial and gender equity, future growth in the catchment, etc. This process will follow at some future date and is not part of the current study. Thus the method used for the assessment of the future benefit of the MRIB dams simply assumed that existing water use within the catchment would have to be curtailed in some way or another. This curtailment was

implemented in a progressive manner until no further changes occurred. Three scenarios were considered for different dam sizes and for two different assurances of supply from the proposed MRIB dam on the Little Mooi River.

The results showed that even if the current water use in the catchment above the MRIB dam is reduced by as much 50%, the dams would definitely bring relief to the existing MRIB users but it would still be necessary to reduce some of the existing Little Mooi irrigation downstream of the dam. The results also showed that it would be more beneficial for the MRIB to build as large a dam as possible on the Little Mooi River to increase the benefits.

These results clearly indicated that the construction of even a 15 million m³ storage dam on the Little Mooi River would not be able to allow new irrigation development in the area as it would only be capable of bringing some relief to existing irrigation.

It was also established that the negative effect of the current water use in especially the Little Mooi catchment was carried further downstream in the Mooi River to more or less the Middelrus area.

There was still room for further development in the area downstream of Middelrus.

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The results of the scenario analyses were presented to the MRIB at a meeting held, possibly sometime in 2006, at the Mooi River Farmers Association Hall.

JJG again stressed that the curtailments used in the analyses are purely illustrative and cannot be used to curtail current water use in the area. Actual curtailments can only be implemented during a future process commonly referred to as “compulsory licensing”.

JK commented that the MRIB’s participation in Spring Grove Dam involved sustaining existing irrigation and the provision of additional water for developing a further 1 400 ha of irrigation while the report suggests that a dam on the Little Mooi River would only sustain the MRIB’s existing irrigation. ~~AND REQUIRED IRR CURTAILMENT~~

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JJG replied that this is the conclusion drawn by the report.

3.3 The Reserve

JJG stated that the Reserve for the Mooi River has already been determined as part of the Thukela Reserve Determination Study. Although already signed off for implementation on the Thukela River and most of its tributaries, the Reserve for the Mooi River has not yet been implemented as it is anticipated that its immediate implementation would have serious economic consequences for the catchment. The impact of the Reserve on the catchment’s economy should first be established before being implemented. This is most likely to happen as part of the compulsory licensing process at some future date. In the process, consideration will also have to be given to adopt a lower Ecological Management Classes (EMC) for the Reserve than is currently proposed. JJG, however, warned that the adoption of lower EMCs would not necessary result in lower flow volume requirements.

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3.4 Releases from Spring Grove Dam

JJG stated that the MMTS-2 Feasibility Study and the MMTS-2: Bridging Study No. 5 (this study) assumed that the Spring Grove Dam will release its share of the Reserve from the day it becomes operational. The dam’s river outlets have been designed to accommodate Reserve releases even at the lowest water levels of the dam in times of droughts. In the analyses of the MMTS-2: Bridging

Study No. 5 it has been assumed that the applicable Reserve to be released by the dam is that determined by the Thukela Reserve Determination Study.

JJG continued that Spring Grove Dam will also release its share of water to existing lawful water users downstream in the Mooi River. In fact, such water would be supplied at a higher assurance of supply than what is currently the case as such water would be released whenever shortfalls occur in the river downstream of the dam. This operating rule is indicated in the system configuration model in the appendices of the report.

Spring Grove Dam will only transfer water to the Mgeni System that is available after making releases for its share towards the Reserve and existing lawful use in the Mooi River downstream of the dam. (Note; The water in the Mooi River has been successfully managed by the MRIB over the past 20 years.)

3.5 Existing farm dam development in the catchment

GA queried the statement of JJG that more dams have been built in the catchment than what was on record although no new dams have been built in the catchment since 2004.

JJG replied that he was referring to 1994 development levels when the Mooi-Mgeni-Mkomazi Hydrology Study was conducted for DWAF by BKS Consulting Engineers. The increase in farm dam development is quite apparent when one compares the results of the BKS study with the farm dams indicated on aerial photography obtained of the Mooi River area in 2003. The situation for afforestation is similar.

3.6 Existing water use of MRIB

JK stated that the MRIB irrigators are only using 60% (14.35 million m³/a) of their allocation of 23.5 million m³/a and the lowest annual flow recorded at Mearns Weir is 55.27 million m³/a. How can it therefore be stated that the runoff from the catchment has become less.

[Post meeting note: Although not presented at the meeting, the following record of actual irrigation water use measured by the MRIB were included in the draft minutes of the meeting prepared by the MRIB to support the statement made by JK.]

		UPPER	LOWER	LITTLE	
17.28	JULY 02-JUN 03	2.36	8.66	6.26	
14.52	JUL 03 -JUN 04	2.19	6.24	6.09	
11.63	JUL 04 -JUN 05	2.38	4.62	4.62	
13.08	JUL 05 -JUN 06	2.45	5.79	4.84	
	06 TO DATE	2.43	4.62	3.96	
14.35	AVERAGE	2.50	6.35	5.50	
23.50	SCHEDULE	5.40	10.83	7.27	
61.06%	PERC	46.37%	58.60%	75.64%	

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JJG replied that the study considered existing lawful allocations because this is what is currently available for use by the MRIB. In fact the MRIB should consider this situation as being to their benefit. **Of course, flows measured at Mearns include flows from both the Little Mooi and Upper Mooi rivers.** (Note: MRIB figures supplied are irrigation and not flow, these are however available)

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GA reacted by stating that even with these flows being measured at Mearns the report is suggesting that the development of more dams and afforestation in the catchment would result in curtailments.

JJG stated that, if allowed, further development of farm dams and afforestation in stressed parts of the catchment would definitely impact on their current water availability, especially in the Little Mooi catchment.

JK stated that the MRIB has a 15-year record of flows measured at Mearns Weir that further supports his argument that there are more flows available in the Mooi River than suggested by the report.

GDJ enquired whether this is a record of monthly flows.

JK stated that it was indeed a record of monthly flows. JK further added that he requested DWAF to consider this flow record but nothing to the effect has been mentioned in the report.

GDJ responded by stating that the recorded flows at Mearns Weir were in fact used as the basis for the hydrological analysis undertaken in the original BKS study. This data covers the 70-year period from 1925 to 1994 and is therefore considered to accurately represent the hydrological characteristics of the catchment.

GDJ asked whether he could obtain these records from JK so that he could compare it with simulated flows in the model at the same point in the system in order to establish whether these numbers are comparable.

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JK stated that he would provide GDJ with the all the MRIB data straight after the meeting.

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~~In order not to delay the DWAF officials, GDJ was returning to FMS with JJG and since he works in FMS he will contact JK to arrange a meeting in Mooi River to discuss and collect the information from JK and MRIB~~

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NW stated that the DWAF KZN Regional Office would also like to see the MRIB's monthly distribution of irrigation requirements.

JK stated that MRIB has such figures for the past 5 years and this can be made available to NW.

3.7 Verification of existing water use

JJG observed that there is a possibility that some registered water use in the catchment may actually not be used, in which case the water situation in the catchment may improve if such water could be deregistered and made available to other users in the catchment.

JK responded that it has been verified that there are some farm that have used very little water, but that some has been transferred to other farms with the authorization of the MRIB and DWAF.

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3.8 Future development in the Mooi River catchment area Edited to here 18/8 JK

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JJG stated that from the foregoing discussion it should be clear that the proposed MMTS-2, and also this study, does not intend to take away any existing lawful water use from the current users. In fact the proposed Spring Grove Dam will release its share of the Reserve and that required by existing lawful users downstream from the dam from the onset. This is also clearly indicated in the system model in the appendices of the MMTS-2: Bridging Study No. 5 report.

At this point GS passed on a note to JK after which JK requested a short caucusing break for the MRIB representatives and asked the DWAF representatives to leave the room.

The DWAF representatives returned after about 10 minutes.

GS stated that DWAF should realize that if the MRIB and DWAF can not reach consensus on these issues, then it would be the duty of the MRIB to oppose the proposed scheme on behalf of the public of the Mooi River catchment. To quote his exact words: "If every "i" was not dotted and every "t" not crossed, then it is our duty to oppose DWAF's plans on behalf of the Mooi catchment area."

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JK added that DWAF should realize that the MRIB intends to go ahead with their plans to develop a dam on the Little Mooi River. He added that the MRIB will be looking for compensation and that such compensation would be for DWAF to fund their proposed dam. He further stated that a pre-feasibility study for the dam has already been done for the MRIB by Mr Wayne Schäfer of WRP Consulting Engineers some time ago. The MRIB has already done a considerable amount of work on planning for the dams. The MRIB now plans to do a feasibility study for a catchment management plan.

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JJG expressed his surprise as he was not aware of the fact that Wayne Schafer of WRP Consulting Engineers had conducted such a pre-feasibility study or that MRIB had done any further work on planning.

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GA stated that the water users and farming community of the Mooi catchment cannot just sit and accept that growth and viability in the area, comprising prime agricultural land, will be curtailed.

JJG responded by stating that the limited water availability in the upper Mooi catchment is an unfortunate reality that was highlighted by the analyses described in the draft MMTS-2: Bridging Study No. 5 report. He added, however, that a shortcoming of the draft report is that it did not highlight those catchments with surpluses, such as in the lower Mooi catchment, where there is potential for further development.

NW added that the government will not allow the catchment to suffer. It is not government policy to cause economic harm in donor catchments. This is, however, relative to existing conditions and not to possible future development.

JK stated that the MRIB cannot sell the idea of developing a dam on the Little Mooi River to the irrigators of the catchment if they are not fully informed of the benefits/dis-benefits of such a project. The concern that the MRIB has is that they cannot understand that "there is insufficient water for growth in the Mooi River" when the MRIB measures an average flow of 228 million m³ over Mearns Weir every year.

GDJ stated that he was a little puzzled by this figure but that he would compare it with the mean annual runoffs (MARs) of the various catchments after the meeting. (See earlier note that GDJ will contact K to obtain these figures)

3.9 Compulsory licensing process

JJG again mentioned that the contents of the current draft report should not be confused with the future process of compulsory licensing that would require about 3 years to complete as it entails a very detailed investigation that would amongst other things consider the existing water use and development levels in the catchment, the ecological management class of the Reserve that would be suitable for the catchment, the potential for future development, re-allocation of water in terms of racial and gender equity, etc. The latter is a completely different process.

GA stated that the statement of JJG scared him more than anything else as it implies that this process will only be completed after dam construction (referring to the MMTS-2) has started.

JJG responded by stating that one should realize that the process of compulsory licensing is a very expensive exercise and that it has to be implemented in many other catchments within the country and as a result such expenditures must be executed within the government's budget programme. Therefore priority has been given to implement the process of compulsory licensing first in those catchments where the need is the most urgent.

GA enquired after the time scales of the various processes.

JJG informed him that he is not sure when the process of compulsory licensing would start in the Mooi River catchment but he thought he had seen something that indicated that the process may start in about 2 years time. He may, however, be mistaken and would have to follow this up with other officials of DWAF that are driving these processes.

3.10 Basin management plan of MRIB

JK reported that a special task team has been formed by the MRIB and other parties within the catchment to prepare a basin management plan for the Mooi catchment. He stated that this involves all role players within the catchment which includes emerging farmers, industry and business, tourism, etc. He stated that Adv. Duard Barnard has been appointed to drive the process. JK further stated that the MRIB and associates have been in contact with DWAF's Mr Derek Weston who has indicated that they are doing the correct thing.

JJG responded that this is a good step of the MRIB as it could provide valuable input for the process of compulsory licensing that will follow in future.

NW stated that it should be kept in mind that current government policy requires that all new irrigation and dam license applications would have to clearly indicate the BEE component otherwise such applications will not be approved.

There was a general concurrence from the MRIB representatives that they understood and are aware of the BEE requirements.

JK indicated that JJG should become involved with this process and also launch some catchment economic studies.

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JJG stated that he would only be able to act as a stakeholder with limited involvement as he is currently short of staff. Furthermore, these types of studies are the responsibility of other DWAF

units who should be the major players from DWAF's side. JJG also indicated that he cannot launch such studies as this type of work falls under the jurisdiction of other DWAF directorates.

JK indicated to JJG that if DWAF is not going to support them the MRIB will object to the implementation of the MMTS-2.

GS added that the MRIB would oppose the Springrove Dam if it was not in the long-term interests of the Mooi River community.

JJG stated that it is a right the MRIB and associates have.

JK stated that since so many changes have occurred in the preceding period (2002 to 2007) that all previous DWAF reports are outdated by now and should be replaced by new investigations.

JJG stated that he did not agree with this point of view as it was unlikely that any changes would have come about in a number of areas such as the Biophysical Impact Assessment (BIA), Hydrology, Engineering, etc. The current EIA process has been implemented by request of DEAT to capture any major impact that has come about as a result of social changes that may have occurred in the area (directly affected by the MMTS-2) since the original EIA was conducted

JK stated that he is not aware of any socio economic study ever being conducted for the area.

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JJG disagreed and stated that a social impact assessment (SIA) was indeed conducted as part of the original EIA a number of years ago. In fact the study was conducted by Dr Greg Huggins.

JK enquired from MF whether he has seen the report to which MF responded that he had not.

JJG stated that the SIA formed one of the four EIA reports comprising a Main Report, a Social Impact Assessment (SIA) Report, a Biophysical Impact Assessment (BIA) Report and a proposed Sustainable Utilisation Plan (SUP) Report. The SUP Report just provided some guidelines for the zoning of the dam as this can only be implemented once the dam has been completed. The name of SUP has recently been changed to Water Resource Management Plan (WRMP).

MF enquired where he could get a copy of the old SIA report.

JJG stated that he should look on the website of the current EIA process or contact BKS.

Post meeting note: The name of the website is: www.mmts2.co.za

JK stated that another SIA should be done as a lot of development has recently taken place within the catchment.

JJG replied that updating the SIA is part of the current EIA review process.

JK stated that the economic development that has taken place since the feasibility study can also be seen in the way the stock of dairy farmers has increase since 2002 when the major dairy farmers only had about 400 cows each while today there are several dairy farmers that have herds of up to 1 200 cows. Furthermore, the number of centre pivots being used for irrigating pastures has increased from an initial 4 to about 100 today, making water utilization so much more efficient.

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GS stated that to prove this one should just go to Bruntville in the early mornings to see how many labourers are being picked up by farmers in the area.

GA stated that 95% of activities within the Mooi River catchment are of an agricultural nature. He also stated that the KZN Department of Agriculture has now stopped all residential development on agricultural land within the Mooi catchment.

3.11 MRIB's dissatisfaction with current EIA process for the MMTS-2

JK stated that the MRIB was not listed as an interested and affected party (IAP) for the current EIA process and wanted to know why?

JJG enquired whether the MRIB and associates had filled in any EIA registration forms.

JK responded that they had not. No one had contacted them. The first time he heard of it was indirectly from Nottingham Road Landowners Association before the first public meeting of 16 April 2007.

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JJG indicated that he was quite surprised by this fact as the process was widely advertised by means of advertisements in several newspapers and posters had been put up at various places, some as far as the Post Office post boxes at the farm store on the Kamberg Road.

JK responded that DWAF should have registered the MRIB as an IAP as the MRIB is the most important IAP in the catchment area and represents a large no of highly affected farmers, he felt that we should have been contacted by the environmental consultants at a very early stage.

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JK stated that he had informed Cymbian Consulting at the public meeting of 16 April 2007 that a meeting should be held with the MRIB. Such a meeting was never convened until Cymbian Consulting phoned him on 19 June 2007 enquiring when the requested meeting could take place. As a result a meeting was scheduled for the morning of 25 June 2007 at the Nottingham Road Farmers Association Hall during the MMTS-2 EIA Open Day and Public Meeting. JK stated that he was quite surprised to learn that morning that JJG was not even informed of this meeting which indicates how poor the EIA process is being handled.

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3.12 EIA focus group meeting on 25 June 2007

JJG stated that at the EIA focus group meeting held with the MRIB at the Nottingham Farmers Association Hall on the morning of 25 June 2007, the MRIB's legal representative, advocate Duard Barnard, stated that he is in the process of writing a letter in which he would state all the issues of the MRIB. JJG enquired from JK whether this letter has already been written for JJG has not yet received any letter yet.

JK replied that the letter is being finalized after the current meeting and will be mailed shortly.

3.13 MRIB enquiry after current EIA process

GA wanted to know how the current EIA process works and what the time scales are.

JJG stated that he does not have all the facts with him but as he understands it all the information gathered in the current process will be recorded in the draft Environmental Impact Report (EIR) that will be available for public review for a certain period of time. Once this process is finished the report will be submitted to the Department of Environment Affairs and Tourism (DEAT) for a Record of Decision (ROD). Once DEAT has issued a ROD, the ROD must be advertised for public review

and comment for a statutory period of 30 days. In parallel DWAF will also advertise the project for public comment in the Government Gazette for a 60-day response period. To ensure that both DEAT's ROD and DWAF's advertisements for comment closes at the same date, the latter, having the longer comment period, will be published 30 days before the DEAT ROD advertisement.

JJG added that the EIA process was described by Mr Teurlings of BKS at the public meetings.

JJG however undertook to obtain more correct information on the subject after the meeting and pass it on to the MRIB.

[Post meeting note: JJG has obtained the promised information from his consultants which is provided below to enhance these minutes for the sake of completeness.]

A draft EIR will be available for public review and comment for a period of about 4 weeks. After this period the EIR will be updated to cover the comment received during the review period. The updated EIR will then become the final EIR which will again become available for public review for a period of about 3 weeks. The final EIR is also submitted to DEAT for the department to make a decision on the project. If DEAT is happy with the contents of the EIR then DEAT will issue a record of decision (ROD) for the project. The ROD then has to be advertised for public comment on the conditions set by the ROD which will refer back to the final EIR and the conditions described in the environmental management plan (EMP). The commenting period is 30 days. If any, appeals can then be lodged against the project. An appeal to the Minister under section 35 (3) of the Environment Conservation Act (Act 73 of 1989), must be done in writing within 30 days from the date on which the ROD was issued to the applicant in terms of regulation 10(1). An appeal must set out all the facts as well as the grounds of appeal, and must be accompanied by all relevant documents or copies of them that are certified as true by a commissioner of oaths. The Minister of DEAT shall, after considering all relevant facts and supportive documents:

- Uphold the original decision; or
- Uphold the original decision with modifications; or
- Reverse the original decision.

In circumstances where the original decision is not upheld, a revised record of decision should be issued.]

3.14 Water wastage in Durban

JK stated that R600 million worth of water is being wasted in the Durban Metropolitan (eThekweni Metro) area within one year. If this is the case why should water be taken from the Mooi River to augment this area?

NW agreed with this and stated that the water wastage figure has not come down.

JJG stated that the eThekweni Metro has all kinds of difficulties to overcome but this would not happen overnight.

3.15 Availability of second draft report for the MMTS-2: Bridging Study 5

GS enquired when the second draft report for the MMTS-2: Bridging Study 5 will be available.

JJG stated that it is hoped to have the second draft report available by about the 1 August 2007.

GA enquired how DWAF's report system works.

JJG stated that several drafts of a report are usually produced before DWAF will be prepared to sign a report off. In the process DWAF submits copies of these drafts to important stakeholders for their comment within the focus and content of the report and once all has been dealt with to DWAF's satisfaction, the reports are signed off. This is really a quality control measure. Reports usually contain conclusions and recommendations for further action based on the findings at the time of the investigation. It is, however, possible that DWAF may for many reasons not want to accept and follow up on all the recommendations made in the report. The reasons why the recommendations of reports can become obsolete are for instance the following: new information becoming available at the end or after the investigation may change the recommendations; new circumstances may develop, etc. In the end, one must understand that recommendations are time and circumstance related.

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3.16 Expert review of reports

There are some investigations that DWAF consider to be of great importance in which case external expert reviewers, professionals considered to be experts in their fields of expertise, are appointed to review reports. The importance may be either because of the technical difficulty of the investigation or for other reasons.

DWAF has decided to obtain an expert review for the MMTS-2: Bridging Study No.5 mainly to check the technical approach taken by the WRP Consulting Engineers in order to ensure that the findings of the report are solid. Such a review can, however, only be done once the report is in such a state that the reviewer will have a good understanding of what the report intended to achieve. It is for this reason that all possible comment from stakeholders should first be worked into a draft report before it is submitted to the expert reviewer. DWAF does not consider the first draft of the current report as being adequate for external review and therefore it is hoped that after receiving all the comment on the second draft that a third draft can be produced that will be adequate for such expert review.

It is DWAF's intention to include the report of the expert reviewer in the final report.

3.17 Further concerns of the MRIB

JJG enquired whether the MRIB had any further concerns that they wanted to raise at the meeting.

JK stated that he had all the points of concern discussed during a meeting of the Mooi River Committee the previous day listed on a piece of paper.

When JJG requested the list JK stated that he had written something on it but would rather provide the written list after the meeting. JK then mentioned the following points:

- The MRIB feels that they have been discriminated against and have been largely ignored in the planning process of Spring Grove Dam;
- The MRIB has been told that their irrigation will have to be cut back while the MRIB actually needs to expand its irrigation;
- The MRIB wants to be allowed to build extra dams in its area wherever this is feasible, and
- The MRIB wants to record its disappointment that it has not yet received any replies to its previous letters to DWAF on this issue.

JJG replied that the previous MRIB letter (2006) was a MRIB response to DWAF's request for the MRIB to comment on the first draft report. This letter was shortly after receipt passed on to WRP Consulting Engineers so that it could be used to improve the second draft of the report.

3.18 Future liaison with regards to the MMTS-2: Bridging Study No.5 report

GA enquired who should be liaised with in future regarding this report.

JJG stated that he would be the only one that should be liaised with in connection with the report. EIA related issues should be discussed with BKS.

3.19 Way forward

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JJG stated that after this meeting the first draft of the report will be improved and hopefully this would clear up all the issues raised to date. However, a copy of the second draft of the report will again be submitted to the MRIB for comment.

JK enquired when this second draft will be finished and passed on to the MRIB.

JJG stated that he can't promise the exact date but the aim is to have the second draft of the report available by about 1 August 2007. He added that the early receipt of the minutes of this meeting would help to attain this goal.

GDJ TO CONTACT JK AS HE WORKS IN PME TO OBTAIN MRIB DATA

MF stated that he would provide the minutes of the meeting either by the evening of 17 July 2007 (day of the meeting) or by the morning of 18 July 2007 once the Mooi Committee has approved them.

The MRIB representatives enquired about the time that it would take to finalise the report.

JJG responded that this would depend, amongst other things, how quickly comment on the second draft of the report will be received from the MRIB. As mentioned, the report will be submitted to an external reviewer and it would be more efficient to get all comments raised included in the scope of work for the reviewer.

The MRIB representatives agreed to provide their comment to DWAF within two weeks from receiving the report.

JJG then specifically requested that it be minuted that once the MRIB had received the second draft of the report, that they will restrict their comment to what is written in the report and not make general statements that are outside the scope of the report. Comments should be directed to specific paragraphs, tables, graphs, pages, figures, etc. of the report.

4. NEXT MEETING

There was no discussion on the need for a follow-up meeting with regards to MRIB comment on the second draft of the report.

5. CLOSURE

The meeting closed at 11:40.