



## environmental affairs

Department:  
Environmental Affairs  
**REPUBLIC OF SOUTH AFRICA**

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Reference: 12/12/20

Enquiries: Fatima Rawjee

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### **TO WHOM IT MAY CONCERN**

### **PROTOCOL FOR THE ADMINISTRATION OF ENVIRONMENTAL IMPACT ASSESSMENT (EIA) APPLICATIONS DURING THE FESTIVE SEASON 2010/2011**

1. The Department hereby wishes to inform all stakeholders of the protocol for the administration of EIA applications over the festive season 2010/2011.
2. Regulation 1(3) of the EIA Regulations, 2010 (Government Notice No. R. 543 of 18 June 2010) ("NEMA EIA Regulations, 2010"), promulgated in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") states that "for any action contemplated in terms of these regulations for which a timeframe is prescribed, the period 15 December to 02 January must be excluded in the reckoning of days". Therefore, after due consideration of the aforementioned provision of the NEMA EIA Regulations, 2010, applicable Departmental guidelines when they come into operation at the time endorsed by the Minister; and furthermore to ensure a fair appeal and public participation process, the Department hereby wishes to inform all stakeholders of the following protocol that will apply over the 2010/2011 festive season:

#### **2.1 Environmental Decisions**

- 2.1.1. The Department will issue the last environmental decisions (i.e. Records of Decision or Environmental Authorisations) for this year in terms of the Environment Conservation Act, 1989 (Act No. 73 of 1989, as amended) ("ECA") and the NEMA EIA Regulations (promulgated in 2006 and 2010) on Friday, 3 December 2010.
- 2.1.2. The Department will resume the issuing of decisions on Monday, 03 January 2011.

## **2.2. Administration of applications**

2.2.1. The Department recommends that applicants and / or their appointed environmental assessment practitioners ("EAP's") refrain from submitting application forms and reports (Basic Assessment, Scoping and Environmental Impact Assessment) during the period Wednesday, 01 December 2010 until Friday, 31 December 2010.

2.2.2. The Department recommends that the submission of such documents should resume again from 03 January 2011.

## **2.3. Public Participation Process**

2.3.1. To ensure compliance with Regulation 1(3) of the NEMA EIA Regulations and to facilitate a transparent public participation process ("PPP"), the Department reminds applicants and / or EAP's not to conduct PPP over the festive season, i.e. between Wednesday, 15 December 2010 and Monday, 03-2 January 2011.

2.3.2. In exceptional circumstances, the applicant and / or EAP may conduct the PPP over the festive season. However, if the applicant and / or EAP wishes to conduct PPP during this period, permission must be sought from the Department by means of a motivation prior to conducting the PPP. For example, an exceptional circumstance may include the possibility of the proposed activity being located in a recognised holiday destinations such as coastal towns. If the Department agrees to extend the PPP over the festive season, an additional 14 day period (or equivalent period) should be factored into the PPP, so that potential interested and affected parties (I&AP's) have sufficient time to partake in the PPP.

## **2.4. Enquiries**

2.4.1. Any enquiries with regard to the above protocol may be directed to:

Mr Dumisani Mthembu

Director: Environmental Impact Evaluation

**Tel:** 012-310-3268

**Fax:** 012-320-7539

## 2.5. Appeals

2.5.1 Please note that the content of this letter does not affect the administration and finalisation of environmental appeal decisions by the Minister of Water and Environmental Affairs.

Yours faithfully



Ms Lize McCourt

**CHIEF DIRECTOR: ENVIRONMENTAL IMPACT MANAGEMENT**

Department of Environmental Affairs

**DATE:** 29 November 2010