



ALLRISE

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Attention:

Mr. I. Semanya

EnviroXcellence Service

By email: projects@enviroxcellence.co.za

REF NO. 12/1/9/2-V19

NEAS REF NO.: LIM/EIA/0000793/2019

Copied to:

Mr. A. Khorommbi

MEC: Limpopo Department of Economic Development, Environment and Tourism

By email: KhorommbiA@ledet.gov.za

Limpopo Department of Economic Development, Environment and Tourism

Mr. Errol Moeng

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The Limpopo Economic Development Agency

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Mr L. Fenn

Limpopo Economic Development Agency

By Email: Laurence.Fenn@lieda.co.za

15 September 2021

Dear Mr. Semanya,

RE: ENVIRONXCELLENCE MMSEZ FINAL ENVIRONMENTAL IMPACT REPORT (FEIR)

1. We are a registered interested and affected party (I&AP) in respect of the environmental impact assessment (EIA) for the site clearance for the Musina Makhado Special Economic Zone (MMSEZ) Southern site, with Limpopo Economic Development, Environment and Tourism (LEDET) reference number LIM/EIA/0000793/2019.
2. We submitted comment to the EAP on the draft EIA report on 22 October 2020, to which we have yet to receive a response. I have attached a copy of our submission for ease of reference.
3. Today we received notice of the FEIR that has been made available for further comment.
4. Please provide us with a copy of the Comments and Response report so that we can see how and where our comments submitted on 22 October 2020, as well as those comments submitted by other I&APs have been addressed to date in the latest version of the EIA Report. This is a requirement required not only in terms of Appendix 3 of the EIA Regulations, but also in terms of Regulation 13(1)(f).

All Rise Attorneys for Climate and Environmental Justice is a non-profit company with registration number 2019/305876/08 and NPO Ref. 232-020 and an accredited law clinic in terms of section 34(8)(b)(iv) of the Legal Practice Act, 2014

Directors: Jeanne Fick, (non-executive), Renee Kirkham (non-executive), Mawande Mazibuko (non-executive), Trudie Nichols (non-executive), Dineo Skosana-Ngwenya (non-executive), Janice Tooley (executive), Kirsten Youens (chief executive) Attorneys: Kirsten Youens, Janice Tooley

5. According to Regulation 43 of the EIA Regulations, all I&APs are entitled to comment on all reports or plans and Regulation 3(8) of the EIA regulations requires the commenting period to be at least 30 days. The Promotion of Administrative Justice Act (PAJA) also requires a reasonable and fair administrative process, requiring proper notification to the public and a commenting process. We advise that since numerous I&APs have been excluded from the present EIA process and all relevant documents, including the EIA documents, have not been made available to the public, the current public participation process is defective, and does not meet the NEMA and the EIA regulation requirements, or reasonable administrative decision making process requirements in terms of PAJA.
6. We undertake to submit our comments within 30 days of receipt of the Comments and Response Report being provided.
7. We look forward to your response as soon as possible.

Yours truly,

Kirsten Youens

(sent electronically and therefore unsigned)