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5 December 2013

Dear Mr Muller

Re: Busingatha cableway

With the collapse of the Tongaat Mall so fresh in our minds, it is with extreme concern that we note disturbing similarities in the way the proposed Drakensberg cableway and the Tongaat Mall is being fast-tracked. One can only wonder whether the same reasons for the extreme haste apply in this instance and how many lives might be potentially at stake if this proposal is allowed to go ahead without ensuring that the laws and regulations of the land are stringently adhered to. Without an in-depth independent EIA, that takes into account all the valid concerns raised by IAPs, an even more serious tragedy appears to be in the making.

Even the calling of this public meeting, on 5 December 2013, with an advert appearing in the newspaper only two days prior to the meeting, blatantly violates the EIA regulations. The time is totally inadequate for IAPs to make arrangements to attend or to put concerns in writing. We join with other IAPs in strongly objecting to the short notice of this meeting which has effectively meant that a WAG representative is unable to attend.

Herewith a few hastily compiled concerns and questions submitted by the Wilderness Action Group (WAG). Please also refer to our email of 30 October 2013 that was sent to you and the letter to Ms Xoli Madiba, Head Compliance Wing, Department of Environment, PMB, emailed to her on 14 November 2013 that accompanies this letter.

1. We again reiterate our call for a thorough analysis and evaluation of the financial plan by an independent expert, as this document appears to be seriously flawed.
2. Where precisely are the locations of the proposed stations and the reasons why these sites are being selected as the preferred locations and what are the alternative sites?
3. We were advised by Ms Madiba that Sisonke District Municipality in Kokstad (!) being responsible for the proposal and not DEA in Pietermaritzburg. What is the rationale and justification for this when the cableway has the potential to impact on the Maloti Drakensberg World Heritage Site, an area of recognized international importance? Surely the project should be a provincial if not a national concern? And why Kokstad?

4. Who exactly is the main official dealing with the authorization of this project, what is his/her designation, and what are his/her contact details and qualifications?
5. We hereby draw attention to the **Precautionary Principle** that applies in terms of South Africa's EIA legislation, and want the assurance that the Principle is being considered and will be applied to the proposed cableway development, viz.:

The Principle states that if an action or policy has a suspected risk of causing harm to the public or to the environment, in the absence of scientific consensus that the action or policy is harmful, the burden of proof that it is not harmful falls on those taking action. It emphasizes public participation and stakeholder collaboration in long-term environmental decision-making and introduces five key elements aimed at preventing irreversible harm to people and damage to the environment:

1. **Anticipatory Action:** There is a duty to take anticipatory action to prevent harm. Government, business, and community groups, as well as the general public, share this responsibility.
2. **Right to Know:** The community has a right to know complete and accurate information on potential human health and environmental impacts associated with a proposed action or plans. The burden to supply this information lies with the proponent, not with the general public.
3. **Alternatives Assessment:** An obligation exists to examine a full range of alternatives and select the alternative with the least potential impact on human health and the environment, including the alternative of doing nothing.
4. **Full Cost Accounting:** When evaluating potential alternatives, there is a duty to consider all the reasonably foreseeable costs, including raw materials, transportation, cleanup, eventual disposal, and health costs even if such costs are not reflected in the initial price.
5. **Participatory Decision Process:** Decisions applying the Precautionary Principle must be transparent, participatory, and informed by the best available science and other relevant information.

We look forward to acknowledgement of our letter and confirmation that our expressed concerns are receiving due consideration and attention.

Yours sincerely

Sheila Berry

WAG Deputy Chairperson

From: Sheila Berry [mailto:sheila.bee@gmail.com]
Sent: 15 November 2013 11:04 AM
To: xoli.madiba@kzndae.gov.za
Subject: Fwd: Cableway proposed for Northern Drakensberg (Busingatha valley)

Ms. Xoli Madiba
Assistant Manager

Head Compliance Wing
Department of the Environment, Pietermaritzburg

Dear Ms. Madiba,

For your information and records attached are copies of the comments of both the African Conservation Trust (ACT) and the Wilderness Action Group (WAG) on the Busingatha cableway that is currently envisaged for the Maloti-Drakensberg World Heritage site. As you will note these letters were sent to the consultants following an inordinately short period for comments for a proposed development in an internationally important World Heritage Site.

We would appreciate it if you would give serious consideration to both sets of comments and ensure that no attempt is made to fast-track the proposed development and consequently end up with non-compliance in terms of the international, national, provincial or local legislation and/or insufficient studies or studies lacking the required in-depth investigations for such an important site. Too much is at stake to push through a development of this magnitude and cost.

We also wish to place on record our concern that Interested and Affected Parties have not been properly consulted to date. Furthermore, a site visit promised earlier this year never took place and it seems that even members of the Steering Committee appear to be somewhat confused as to the exact location of the lower and upper stations and the legal process that must be followed.

We submit a full EIA is required and request that all the investigations referred to in the attached comments be undertaken by suitably qualified and experienced people including the mandatory public participation process, a comprehensive Environmental Audit, a Value of Ecosystems Economics Evaluation and a detailed analysis of long-term synergistic and cumulative impacts.

Thank you for your attention to this matter.

Kind regards,
Yours faithfully,
Sheila Berry
WAG Deputy Chairperson

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