

BACKGROUND INFORMATION DOCUMENT (BID)

& INVITATION TO COMMENT FOR ENVIRONMENTAL IMPACT ASSESSMENT

**PROJECT NAME: EIA PROCESS FOR SUBDIVISION AND INFRASTRUCTURES
DEVELOPMENT, USAKOSTOWNLAND, ERONGO REGION**

**Prepared for:
Digits Investments cc**

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1. BACKGROUND

Digist Investment cc wants to provide the basic service such water and sewerage system to portion of land in Usakos townland in Erongo Region, Namibia, hereafter referred to as the Proponent.

The Proponent commissioned this EIA and appointed Extra Times Consulting CC to undertake the necessary activities to enable an application for an Environmental Clearance with the Environmental Commissioner as prescribed by the Environmental Management Act (No. 7 of 2007) and Environmental Impact Assessment Regulations (Government Notice No. 30 of 2012).

1.1 Aim of the study

The aims of the EIA for the proposed project are to;

- Evaluate the suitability of the proposed development against the biophysical and socio-economic sensitivities of the area;
- Minimize the negative environmental impacts of the proposed areas establishment and the supporting infrastructure during construction and operational phases, as well as maintenance rounds;
- provide a brief background on the proposed project;
- explain the process to be followed during the Environmental Impact Assessment (EIA) Study
- Consult all Interested and Affected Parties (I&AP's), with specific emphasis on the communities in the affected area to ensure that their needs and concerns are taken into account; and
- comply with Namibian Environmental legislation (EMA, 2007)

2. STUDY AREA

2.1 Locality & size

-Proposed development located on Usakos Townland in Usakos , its development will trigger negative impacts on the environment, the size of the proposed land is +-25 ha

2.2. Need for the proposed development

The rate with economic development in Erongo has increased has drastically increased since 1990s when Namibia obtained independence. The largely informal expansion of the settlement since the 1990s has seen the need for formal land use planning in Erongo. This Plan encompasses spatial development planning.

The limited nature of natural resources is becoming increasingly apparent hence the development of sustainable settlements is (and will become more) important.

The provision of affordable proper infrastructures and tourism attraction places are paramount importance in the region as it will contribute to socio economic development while it mobilize needs of a community.

A number of potential investors have approached the headman and regional council for requesting land to develop economically activities

It is therefore a matter of some urgency that this facility should be officially established.

3. CONTROLLING NAMIBIAN LEGISLATION

3.1.Procedural Overview

The acts and policies listed below outline a simple process through which a prospective developer may obtain a mining license. Legally, the decision as to whether an applicant receives a mining license rests in the sole discretion of the Minister of Mines and Energy. The prospective developer must include in his application a summary of the current environmental situation of the proposed site, an estimation of the impact that mining would have on that site, and proposed methods for mitigating the adverse effects of the mining operation. This scope of the information required, however, does not legally have to reach that of an Environmental Assessment. The difference in scope between the summary that is legally required in the application process and that of an Environmental Assessment is significant. For example, the Minerals Act of 1992 does not require the identification of alternatives or the notification of affected and interested parties, as would an Environmental Assessment.

Additionally, if the mining is to take place in a protected area, written permission from the Minister of Mines and Energy is needed in addition to a license. Presumably, if the proposed area was fully enclosed within an existing protected area, the permission to mine in that area

would be granted simultaneously with the mining license. If the protected area in question is located within a game reserve or nature reserve, the prospector would also need to obtain permission from the Directorate of Parks and Wildlife Management, which is the modern-day equivalent of the Executive Committee referred to in Nature Conservation Ordinance of 1975 listed above.

3.2. The Role of the Different Ministries in EA Process

The general framework of the process for allowing mining in a protected area is well delineated. The Minister must both grant a mining license and written permission for the prospector to use that license in the protected area. Depending on the nature of the protected area, the law also requires the signature of the Directorate of Parks and Wildlife, in order for any mining to occur. In most cases, a full Environmental Assessment is required of the applicant.

The pursuit of sustainability, with respect to any development, is guided by a sound legislative and policy framework. This section provides a review of applicable and relevant Namibian legislation, policies and guidelines. This review serves to inform the proponent of the requirements and expectations, as laid out in terms of these instruments, to be fulfilled before the proposed project may commence. The findings of the abovementioned review are summarised below.

Table 3.1: Namibian Legislation Relevant To The Project

LEGISLATION/ GUIDELINE	RELEVANT PROVISIONS	IMPLICATIONS FOR THIS PROJECT
– Namibian Constitution First Amendment Act 34 of 1998	<i>"The State shall actively promote... maintenance of ecosystems, essential ecological processes and biological diversity of Namibia and utilization of living natural resources on a sustainable basis for the benefit of all Namibians, both present and future" (Article 95(l)).</i>	Ecological sustainability should inform and guide this EA and the proposed development.
1) The Minerals (Prospecting and Mining) Act of 1992, Section 91(f)	any application for a mining license shall include (i) the condition of, and any existing damage to, the environment in the area to which the application relates; (ii) an estimate of the effect which the proposed prospecting operations and mining operations may have on the environment and the proposed steps to be taken in order to minimize or prevent such effect; and (iii) the manner in which it is intended to prevent pollution, to deal with	Ecological sustainability should inform and guide this EA and the proposed development.

	any waste, to safeguard the mineral resources, to reclaim and rehabilitate land disturbed by way of the prospecting operations and mining operations and to minimize the effect of such operations on land adjoining the mining area.	
2) Proposed Legislation: The Parks and Wildlife Management Bill	Would require attainment of, and accordance with, written authorization from the Minister of Environment and Tourism. Such authorization would not be permitted unless (a) a detailed environmental assessment, allowing for sufficient public participation, was performed; (b) the Minister is satisfied that allowing the activity would not significantly prejudice the attainment of the management objectives of the protected area; and (c) the permit was subject to enforceable terms and conditions to safeguard against the risk of adverse effects and consequences relating to the proposed activity.	Ecological sustainability should inform and guide this EA and the proposed development.
3) The Environmental Assessment Policy	States that "mining, mineral extraction and mineral beneficiation" are activities requiring an Environmental Assessment. The Policy for Prospecting and Mining in Protected Areas and National Monuments (passed a full 5 years after the Environmental Assessment Policy) states that a full Environmental Assessment will usually be required for mining in a Protected Area and/or National Monument. It is interesting that the requirements set out in the later policy concern lands that are of a much greater national interest, and yet the language requiring an Environmental Assessment is actually softened.	Ecological sustainability should inform and guide this EA and the proposed development
4) The Nature Conservation Ordinance (No. 4 of 1975), Section 18(1(d)	The Nature Conservation Ordinance (No. 4 of 1975), Section 18(1(d)) states that "(N)o person shall without the written permission of the Executive Committee, will fully or negligently cause any damage to any object of geological, ethnological,	The EMA and its regulations should inform and guide this EA process.

	archaeological, historical or other scientific interest within a game park or a nature reserve.”	
5) The Policy for Prospecting and Mining in Protected Areas and National Monuments (1999)	<p>says the following about granting mining licenses in such areas:</p> <ul style="list-style-type: none"> • Granting of [Exclusive Prospecting Licenses and Mining Licenses]: Is generally permitted in Protected Areas and National Monuments . . . except areas within parks and monuments, which are particularly sensitive or are of special ecological or touristic importance. Each application would be considered on a case by case basis. • A full EA will usually be required for any prospecting or mining in a Protected Area and/or National Monument. The EA shall be conducted according to the procedures as stated in the Environmental Management Act. Should the [Minerals (Prospecting and Mining Rights) Committee] agree to recommend approval (after reviewing the EA) an Environmental Management Plan and an Environmental Contract shall be concluded before prospecting or mining may commence. 	
<ul style="list-style-type: none"> – Forestry Act 12 of 2001 – Nature Conservation Ordinance 4 of 1975 	<ul style="list-style-type: none"> – Prohibits the removal of any vegetation within 100 m from a watercourse (Forestry Act S22 (1)). – Prohibits the removal of and transport of various protected plant species. 	Even though the Directorate of Forestry has no jurisdiction within townlands, these provisions will be used as a guideline for conservation of vegetation.
<ul style="list-style-type: none"> – Labour Act 11 of 2007 	Details requirements regarding minimum wage and working conditions (S39-47).	The proponent should ensure that all contractors involved during the mining, operation and maintenance of the proposed project comply with the provisions of these legal instruments.
<ul style="list-style-type: none"> – Health and Safety Regulations GN 156/1997 (GG 1617) 	Details various requirements regarding health and safety of labourers.	
Public Health Act 36 of 1919	Section 119 states that “no person shall cause a nuisance or shall suffer to exist on any land or premises owned or occupied by him or of which he is in	

	charge any nuisance or other condition liable to be injurious or dangerous to health.”	
National Heritage Act 27 of 2004	Section 48(1) states that “A person may apply to the [National Heritage] Council [NHC] for a permit to carry out works or activities in relation to a protected place or protected object”.	Any heritage resources (e.g. human remains etc.) discovered during mining requires a permit from the NHC for relocation.
Burial Place Ordinance 27 of 1966	Prohibits the desecration or disturbance of graves and regulates how bodies may be unearthed or dug up.	Regulates the exhumation of graves.
Water Act 54 of 1956	The Water Resources Management Act 24 of 2004 is presently without regulations; therefore, the Water Act No 54 of 1956 is still in force: <ul style="list-style-type: none"> – Prohibits the pollution of underground and surface water bodies (S23 (1)). – Liability of clean-up costs after closure/ abandonment of an activity (S23 (2)). 	The protection of ground and surface water resources should be a priority. The main threats will most likely be concrete and hydrocarbon spills during construction and hydrocarbon spills during operation and maintenance.
Town Planning Ordinance 18 of 1954	Subdivision of land situated in any area to which an approved Town Planning Scheme applies must be consistent with that scheme (S31).	The proposed use of the project site must be consistent with the Karibib Town Planning Scheme (2012).
Townships and Division of Land Ordinance 11 of 1963	Details the functions of the Township Board including what they consider when receiving an application for Township Establishment (S3).	The proposed layout and land uses should be informed by environmental factors such as water supply, soil etc. as laid out in Section 3.
Road Ordinance 1972 (Ordinance 17 Of 1972)	<ul style="list-style-type: none"> – Width of proclaimed roads and road reserve boundaries (S3.1) – Control of traffic on urban trunk and main roads (S27.1) – Rails, tracks, bridges, wires, cables, subways or culverts across or under proclaimed roads (S36.1) – Infringements and obstructions on and interference with proclaimed roads. (S37.1) – Distance from proclaimed roads at which fences are erected (S38) 	The limitations applicable on RA proclaimed roads should inform the proposed layout and zonings where applicable.

4.1. ENVIRONMENTAL PRIORITIES AND RECOMMENDATIONS

The June 2020 Feasibility Study by Namland Consultants cc included an assessment of the environmental and social impacts of the Project at a regional scale .While the assessment was based on limited field work it was built upon a relatively comprehensive community consultation program which provides a good baseline, particularly with respect to scoping of environmental and local community concerns for the current ESIA and EIA study.

A brief summary of the major findings is presented below. The issues raised and recommendations made by the Namland Consultants were taken on board and addressed in more detail as part of the current investigation.

4.2. Environmental priorities

(a) Balance resource utilization and sustainability

Resource utilization must be controlled in order to ensure that resources are utilized in a sustainable manner.

(b) Prevent “urban sprawl”

The expansion of the area through the establishment of the area must take place in a sustainable manner. This will ensure that all newly developed areas can be adequately serviced and that environmental impacts are minimized.

(c) River protection

The River must be protected in order to ensure the continued use of riparian resources. These resources include: water, fish, reeds for traditional shelter, sand for construction, rocks, transport, clay for pots, wildlife for tourism and general amenity.

(d) Protection of agricultural resources and Protection and sustainable use of natural resources

A number of wild plants can be utilized commercially. It is important that this use take place in a controlled and sustainable manner.

Valuable plants include, but are not limited to: Devil’s Claw, Perfume Plant, Melon Seed, Monkey Orange, Sourplum, Sausage Tree, and Omangheti Tree

(e) Promotion of tourism developments

Tourism has the potential to generate a great deal of revenue for the region (HAN 2014)

4.5.2 Broader environmental objectives

The Structure Plan provides broader environmental objectives (regional and national priority areas). These are:

- **Community Forests and Conservancies**

The structure plan takes into account the planned community forests (such as the Kahenge Community Forest) and create ecological linkages. The expansion of areas under conservation management is a major benefit of communal conservancies, particularly in areas with no formal protected areas.

Fragmentation of the natural environment can be highly detrimental to conservation efforts. The promotion of connectivity is therefore a priority as the areas is being established.

- **Allow expansion of wildlife populations**

The existence of wildlife populations (hippo, crocodile, birds etc.) must be respected and sufficient space is to be preserved for the continued existence of wildlife population even though urban development takes place.

- **Link environmental protection to the private sector**

Linking environmental protection to the private sector, particularly through tourism, can ensure that the process is adequately managed and controlled.

- **Trans-border linkages**

It is important that planning for the Areaship establishment does not take place in isolation. Linking land use planning to that of surrounding areaships and planning on the other side of the river (Angola) will create greater integration and will maximize planning benefits.

- Promote conservation & Prevent *development within floodline areas*

5. IDENTIFIED MICRO ENVIRONMENTAL & SOCIAL IMPACTS

5.1 ENVIRONMENTAL CONDITIONS

With regards the identified area for the proposed area ship establishment, the findings are addressed below. The issues raised and recommendations made by the Namland Consultants CC were taken on board and addressed in more detail as part of the current investigation.

5.1.1 Solid Waste and Debris

Generated solid waste should be collected in a proper covered container and disposed of properly. The proponent should co-ordinate with the settlement to select a proper site and method to be used for disposal.

5.1.2 Access Roads

The assessment recommended an access road to be used by the Project. The road should regulate low speed limits, to be abided to thereby minimising damage on the surrounding environment.

5.1.3 Waste Water

Water hygiene should be established for workers to prevent sanitation issues and the proponent should help locals in this regard to minimise water pollution in the surrounding area during the construction phase.

5.1.4 Safety

It was recommended to secure the identified construction area to protect people and the natural environment. If this situation is handled negligently, negative impacts may lead to serious accidents to people and the natural environment. The feasibility of fencing in combination with the use of other methods including education will be further investigated during the current EIA process.

5.1.5 Noise

Workers should be provided with ear protection equipment such as earplugs to prevent noise pollution.

5.1.6 Dust

All Project dust generating units should be sprayed with water 2-3 times per day including storage areas, access roads etc.

5.1.7 Solid Waste

Solid waste generated by the workers should be collected in covered containers and disposed off at a site to be chosen by the Proponent in full cooperation with the Environmental consultant.

5.1.8 Waste Water

Proper sanitation units should be constructed for workers.

5.2 PUBLIC HEALTH

5.2.1 Health and Safety

The Feasibility assessment proved that noise levels will be higher from construction vehicles and machinery and every effort should be taken to address the noise pollution at the site and immediate environs. Additionally, heavy trucks should be used during daytime only and the drivers should abide by low speed instructions and speed humps.

5.3 SOCIO-ECONOMIC CONDITIONS

5.3.1 Employment

Local employment is important to Kameels Nek in the vicinity of the proposed Areaship Establishment and the Feasibility Assessment recommended a hiring policy of 30% locals (i.e. those people directly affected by the Project), to start with and to increase this during the course of the Project. This policy will be reviewed during the current EIA process following consultation with locals to determine their skill levels/work experience.

5.3.2 Access roads

The proposed areas will be connected to the roads in accordance with Regional Authority Act 23 of 1992. Proposed development should be drivable access across all created erven, connected to new gravel roads linking the shop adjacent to the valley on each side.

5.3.3 Business Prosperity

The assessment recommended that the Project should buy some of their building materials and services needs from local suppliers and contractors respectively to capacitate the locals and promote locals. The project aims to create the erven including the business erven.

5.3.4 Rehabilitation of the Site

The Proponent should ensure that the Contractor rehabilitates the site upon termination of quarrying activities at the site.

5.3.5 Local Training

The Contractor should provide locals with appropriate training to match their skill levels with the project.

5.3.6 Employment requirements/opportunities on the Project.

The socio-economic profiling of local communities to be undertaken under the present study will further look at this issue.

5.3.7 Generated Debris

All debris generated from project activities including access road construction must be disposed of at a proper site selected in coordination with the Environmental Management Plan (EMP).

5.3.8 Water Resources

The Feasibility assessment estimates that there will be no significant impact exerted on the aquifers and any water sources. However, the Consultant recommended that a detailed study be undertaken to identify potential sites that might be affected and to propose mitigation measures to protect them.

6. SCOPE AND OBJECTIVES OF ESIA

According to the World Bank any project that affects the biodiversity has to be considered as to be a category "A" project and as such a full Environmental and Social Impact Assessment (ESIA) including an Environmental Management Plan (EMP) are required.

6.1 The objectives of the ESIA :

- Identify the probable positive and negative impacts of the Project on the physical and social environment prior to, during and post construction.
- Provide technical information and recommendations to help select and design the best alternative, and;
- Prepare an environmental management plan (EMP) which includes: a mitigation program,
- Monitoring plan, program of technical assistance; and describes institutional arrangements for implementation of the EMP.

The ESIA has been prepared in accordance with the requirements of the government of Namibia policies. It will be disclosed in accordance with the procedures of the Namibia disclosure policy

7. PROJECT PROGRAM

This EIA process started in June 2023 and is intended to be finalized by end of July 2023, culminating with the production of a Scoping Report and Environmental Management Plan or (EMP / EMS). This report will be distributed to all registered stakeholders. The construction of this project will only commence after the Directorate of Environmental Affairs (DEA) in Ministry of the environment and tourism has granted the Environmental Clearance Certificate

8.PUBLIC PARTICIPATION

Public consultation is an essential part of the EIA process. This provides you as stakeholder or interested member of the public an opportunity to find out more about what is being proposed, and to raise any issues or concerns.

As part of the public participation process, Namland Consultants has placed an advertisement in two national newspapers inviting I&APs to register as such and submit their input.

To enable access to this communication process, you need to either request that your name be added to the register or submit your comments in writing to us (see contact details) on or before the 30 July 2023

As soon as you have registered as an interested and affected party you will receive ongoing communication about the progress and the findings of the study