

15 July 2013

Mr Stanley Damane
Director of Environment
Lesotho

By email: stanleydamane@hotmail.com

By fax: +266 223 11139

Dear Mr Damane

Proposed Letseng Wind Farm: Final Submission of EIS (amended)

It has come to our attention that an “Amendment to the EIS” for the proposed Letseng Wind Farm has been provided to the Government of Lesotho and that the application is now with the Department of Environment for a decision. While the applicant and their environmental consultant recognise that the *“site is problematic with regards to Avifauna components and that further site specific surveys are necessary”* they suggest that *“the EIS is comprehensive and complete”*. BirdLife South Africa is of the strong opinion that these statements are contradictory, mutually exclusive and the approach is seriously flawed.

If one studies the EIS, it is clear that there are unresolved issues and there is a strong likelihood of negative impacts on bird life (especially Cape Vultures and Bearded Vultures) and that these impacts will be of high significance at a national and even global scale.

We know that there are a number of known Bearded Vulture and Cape Vulture nest and roost sites near the proposed wind farm and that these birds will pass through the area of wind turbines on a regular basis (Jenkins, 2013).

We also know that Bearded Vultures are listed as regionally Endangered (Barnes, 2000). As a result of ongoing and significant population declines, this status is likely to change to Critically Endangered in the new Red Data Book (currently being finalised).

We know that Cape Vultures are endemic to Southern Africa, are classified regionally as “Vulnerable” and their population has also suffered measured declines (Barnes, 2000). The limited distribution means that the population of Cape Vultures potentially affected by the wind farm is globally significant.

We know also that vultures are particularly prone to colliding with wind turbines (see, for example, Carrete et al., 2012).

Lastly, **we know** that Bearded Vultures and Cape Vultures are long-lived, slow breeding birds and that a relatively small increase in mortality is likely to cause the local populations to crash (see Rushworth & Krüger *in review*, 2013) and this could possibly lead to local extinctions.

In light of the above, we are confident that **there is significant and well-grounded cause for extreme concern**. As is apparent from the sources quoted above, our concerns are not founded on merely “inconclusive academic views”. Our concerns are based on empirically verifiable practical field studies; none of which have been identified, addressed or dismissed by the applicant on the basis of equally persuasive research.

What **we do not know** is if and how the potential impacts of the proposed Letseng wind farm can be mitigated without compromising the objectives of the project. While the applicant and its consultants have proposed mitigation measures, they have not been able to convincingly demonstrate that it will be possible to reduce these impacts to acceptable levels.

The primary mitigation proposed is use of DeTect’s MERLIN Avian Radar System and MERLIN SCADA automated collision risk assessment and mitigation technology. This *could* be a solution. However DeTect’s letter dated 29 May 2013 provided little reassurance that it is. While DeTect suggests that “*there is no apparent reason why the proposed MERLIN radar solution will not perform as needed*”, it appears that this assertion is based on little interrogation of the context of the project or the species involved. As far as we understand, there has been no site visit conducted by DeTect and there has been little consultation with the avifaunal specialist. DeTect even fails to correctly list the species of concern (they omit to refer to what is perhaps the most important species, the Bearded Vulture). Our concerns around how the proposed mitigation might compromise the objectives of the project have also not been addressed by DeTect.

BirdLife South Africa does see the value of the proposed radar monitoring. This should form part of intensive avifaunal monitoring over a period of at least 12 months. Such preconstruction monitoring (albeit not necessarily using radar) is considered international best practice. The first two phases of radar monitoring, as has been proposed by DeTect, should be used to inform the impact assessment process and should not be considered mitigation in itself. This information should be used to help assess the risk, identify what, if any, mitigation is possible and, critically, it should be used to help inform if the proposed mitigation is feasible.

There are many unanswered questions, including (but not limited to) how often and for how long the turbines will have to be shut down, what margin of error (incorrect shutdowns or failure to shut down) may be expected, how many bird mortalities can be anticipated and of which particular species, how this will affect the regional populations of the species concerned, how will the shutdowns influence the various manufacturers’ guarantees and whether interested and affected parties will have access to (and the opportunity to review) the additional information?

BirdLife South Africa is concerned that without sufficient additional information it is impossible to evaluate the risks (both to the developer and to birds), consequences, alternatives and options for mitigation. It has not been demonstrated that the **mitigation hierarchy** has been followed (i.e. first avoid, then minimise, then mitigate). It is also impossible to determine whether any mitigation measures that will be required to reduce the impacts to acceptable levels (assuming this is even possible) will be considered feasible by the applicant.

We remind you that as signatory to the following agreements, Lesotho's has committed to:

- *“promote the protection of ecosystems, natural habitats and the maintenance of viable populations of species in natural surroundings”*, (United Nations Convention on Biological Diversity),
- *“ensure that activities within its jurisdiction or control do not cause damage to the wildlife resources of other states or in areas beyond the limits of national jurisdiction”*, (SADC Protocol on Wildlife Conservation and Law Enforcement).
- *“not to take any deliberate measures which might damage directly or indirectly the cultural and natural heritage”* of World Heritage Sites situated on the territory of other States who are parties to the World Heritage Convention, (World Heritage Convention).

As you wisely suggested in your email dated 9 July 2013 (addressed to “SEO-EIA a.i” and copied to various stakeholders), absent persuasive information that might motivate the sustainability of the project, your department must apply the **precautionary principle**. In light of the above, we suggest that the precautionary approach requires your Department to either refuse the application or defer the decision, pending the outcome of further monitoring and critical assessment of the data so generated. We are of the opinion that to authorise this application under the current level of knowledge, with the full appreciation that there is a real risk of causing the local extinction of Bearded Vultures and Cape Vultures, without any certainty that mitigation will even be possible and feasible, would constitute incremental decision making. BirdLife South Africa will not hesitate to appeal such a decision.

As the first wind farm in Lesotho, we would like to remind you that this application is likely to set a **precedent** for future similar developments and will likely set the course for the development of wind energy in Lesotho. We urge you to ensure that this course is informed by international best practice (see for example Jenkins et al., 2012 and SNH, 2010), as this will help ensure that renewable energy is developed in Lesotho in a truly sustainable manner.

In closing, BirdLife South Africa would like to reiterate that we support the responsible development of renewable energy. We recognise that there are enormous challenges to developing renewable energy in Lesotho and we are committed to assisting Lesotho wherever we can to help find truly sustainable solutions. It must, however, also be recognised that it is precisely Lesotho's special topography that informs the very presence of the threatened bird species. In the instance, we are collectively faced with a rather unique

situation of balancing the respective interests; a situation that will no doubt require creative and responsible decision making. We once again suggest that a Strategic Environmental Assessment for renewable energy will help chart a way forward and BirdLife South Africa would value the opportunity to provide input into such a process.

Yours sincerely,



Mark D. Anderson
Chief Executive Officer

References

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Cc: CEMS
(Christine Kneidinger, chris@classicalems.co.za)
PowerNET
(A.J. van der Merwe, At.vanderMerwe@aurecongroup.com)
BirdLife International
(Dr Julius Arinaitwe, Julius.arinaitwe@birdlife.org and Ken Mwathe, Ken.mwathe@birdlife.org)
Durban Natural Science Museum
(David Allan, alland@durban.gov.za)
Andrew Jenkins
(andrew@avisense.co.za)
Royal Society for the Protection of Birds
(Chris Magin, Chris.Magin@rspb.org.uk)
The Endangered Wildlife Trust
(Andrew Pearson, andrewp@ewt.org.za)
EzemveloKZN Wildlife
(Ian Rushworth, ianr@kznwildlife.com, Jenny Longmore, longmorej@kznwildlife.com and Sonja Krüger, skruger@kznwildlife.com)
The Peregrine Fund
(Rick Watson, RWatson@Peregrinefund.org)