



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

In terms of regulation 36 of the Environmental Impact Assessment Regulations, 2010

Construction of a 10 MW Photovoltaic Solar Facility on a Site near Kakamas, within Khai Gariep

Local Municipality, Northern Cape Province

Siyanda District Municipality

Authorisation register number:	12/12/20/2179
NEAS reference number:	DEA/EIA/0000181/2011
Last amended:	First issue
Holder of authorisation:	INCA KAKAMAS SOLAR (PTY) LTD
Location of activity:	NORTHERN CAPE PROVINCE: On the Remaining Portion of the farm 1178 (Kakamas Suid Nedersetting) within the Khai Gariep Local Municipality

This authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.

Decision

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this environmental authorisation, that the applicant should be authorised to undertake the activities specified below.

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

Activities authorised

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Regulations, 2010 the Department hereby authorises –

INCA Kakamas Solar (Pty) Ltd

with the following contact details –

Mr. Ian McGregor

INCA Kakamas Solar (Pty) Ltd

PO Box 654

MELROSE ARCH

2076

Tel: (011) 684 2116

Fax: (011) 684 1079

E-mail: ian.mcgregor@inca-energy.com

to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notice 1 (GN R 544):

Listed activities	Activity/Project description
GN R. 544: Item 1(ii)	The construction of facilities or infrastructure for the generation of electricity where the output is 10 megawatts or less but the total extent of the facility covers an area in excess of 1 hectare.
GN R. 544: Item 10 (i)	The construction of facilities or infrastructure for the transmission and distribution of electricity outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts.
GN R. 544: Item 11	The construction of infrastructure or structures covering 50 square metres or more where such construction occurs within a watercourse or within 32 meters of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.
GN R. 544: Item 13	The construction of facilities or infrastructure for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80 but not exceeding 500 cubic metres.
GN R. 544: Item 23 (ii)	The transformation of undeveloped, vacant or derelict land to residential, retail, commercial, recreational, industrial, or institutional use, outside an urban area, and where the total area to be transformed is bigger than 1 hectare or more but less than 20 hectares.
GN R. 544: Item 13	The construction of facilities or infrastructure for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80 but not exceeding 500 cubic metres.

-as described in the Basic Assessment Report (BAR) dated September 2011 at:

Alternative	Latitude	Longitude
Preferred Site (Portion of the Remainder of the Farm 1178 (Kakamas Suid Nedersetting))	S 28 46' 20"	E 20 35' 15"



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DEA Reference: 12/12/20/2179

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Mr. Ian McGregor
INCA Kakamas Solar (Pty) Ltd
P.O. Box 654
MELROSE ARCH
2076

Fax no: 011 684 1079

PER FACSIMILE / MAIL

Dear Mr. McGregor

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R.543/544: PROPOSED CONSTRUCTION OF A 10 MW PHOTOVOLTAIC SOLAR FACILITY ON A SITE NEAR KAKAMAS, NORTHERN CAPE PROVINCE

With reference to the above application, please be advised that the Department has decided to accept the final Basic Assessment Report (BAR) dated September 2011 and grant authorisation. The environmental authorisation (EA) and reasons for the decision are attached herewith.

In terms of regulation 10(2) of the Environmental Impact Assessment Regulations, 2010 (the Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 12 (twelve) days of the date of the EA, of the Department's decision in respect of your application as well as the provisions regarding the submission of appeals that are contained in the Regulations.

Your attention is drawn to Chapter 7 of the Regulations, which prescribes the appeal procedure to be followed. This procedure is summarised in the attached document. Kindly include a copy of this document with the letter of notification to interested and affected parties.

Should the applicant or any other party wish to appeal any aspect of the decision a notice of intention to appeal must be lodged by all prospective appellants with the Minister, within 20 days of the date of the EA, by means of one of the following methods:

By facsimile: 012 320 7561;
By post: Private Bag X447,
Pretoria, 0001; or
By hand: 2nd Floor, Fedsure Building, North Tower,
cnr. Van der Walt and Pretorius Streets,
Pretoria.

If the applicant wishes to lodge an appeal, it must also serve a copy of the notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection, should you intend to submit an appeal.

Please include the Department (*Attention: Director: Environmental Impact Evaluation*) in the list of interested and affected parties, notified through your notification letter to interested and affected parties, for record purposes.

Appeals must be submitted in writing to:

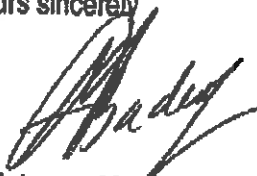
Mr T Zwane, Senior Legal Administration Officer (Appeals) of this Department at the above mentioned addresses or fax number. Mr Zwane can also be contacted at:

Tel: 012-310-3929

Email: tzwane@environment.gov.za

The authorised activities shall not commence within twenty (20) days of the date of signature of the authorisation. Further, please note that the Minister may, on receipt of appeals against the authorisation or conditions thereof suspend the authorisation pending the outcome of the appeals procedure.

Yours sincerely



Mr Ishaam Abader
Deputy Director-General: Environmental Quality and Protection
Department of Environmental Affairs

Date: 21/10/2011

CC:	Ms J Thomas	Savannah Environmental (Pty) Ltd	Tel: 011 234 6621	Fax: 086 684 0547
	Ms A Yaphi	DENC	Tel: 053 807 7430	Fax: 053 831 3530
	Mr J Mackay	Khai Gariep Local Municipality	Tel: 054 431 8328	Fax: 054 461 6401
	Mr T Zwane	Appeals Authority (DEA)	Tel: 012 310 3929	Fax: 012 320 7561

APPEALS PROCEDURE IN TERMS OF CHAPTER 7 OF THE NEMA EIA REGULATIONS, 2010 (THE REGULATIONS) AS PER GN R. 543 OF 2010 TO BE FOLLOWED BY THE APPLICANT AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF NOTIFICATION OF AN ENVIRONMENTAL AUTHORISATION (EA)

APPLICANT	INTERESTED AND AFFECTED PARTIES (IAPs)
1. Receive EA from the relevant Competent Authority (the Department of Environmental Affairs [DEA])	1. Receive EA from Applicant/Consultant
2. Within 12 days of date of the EA notify all IAPs of the EA and draw their attention to their right to appeal against the EA in terms of Chapter 7 of the Regulations.	2. N/A
3. If you want to appeal against the EA, submit a notice of intention to appeal within 20 days of the date of the EA, with the Minister of Water and Environmental Affairs (the Minister).	3. If you want to appeal against the EA, submit a notice of intention to appeal within 20 days of the date of the EA, with the Minister of Water and Environmental Affairs (the Minister).
4. After having submitted your notice of intention to appeal to the Minister, provide each registered IAP with a copy of the notice of intention to appeal within 10 days of lodging the notice	4. After having submitted your notice of intention to appeal to the Minister, provide the applicant with a copy of the notice of intention to appeal within 10 days of lodging the notice
5. The Applicant must also serve on each IAP: <ul style="list-style-type: none"> • a notice indicating where and for what period the appeal submission will be available for inspection. 	5. Appellant must also serve on the Applicant within 10 days of lodging the notice, <ul style="list-style-type: none"> • a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.
6. The appeal must be submitted in writing to the Minister within 30 days after the lapsing of the period of 20 days provided for the lodging of the notice of intention to appeal.	6. The appeal must be submitted to the Minister within 30 days after the lapsing of the period of 20 days provided for the lodging of the notice of intention to appeal.
7. Any IAP who received a notice of intention to appeal may submit a responding statement to that appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister.	7. An Applicant who received notice of intention to may submit a responding statement to the appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister.

NOTES:

1. **An appeal against a decision must be lodged with:-**
 - a) the Minister of Water and Environmental Affairs if the decision was issued by the Director- General of the Department of Environmental Affairs (or another official) acting in his/ her capacity as the delegated Competent Authority;
 - b) the Minister of Justice and Constitutional Development if the applicant is the Department of Water Affairs and the decision was issued by the Director- General of the Department of Environmental Affairs (or another official) acting in his/ her capacity as the delegated Competent Authority;
2. **An appeal lodged with:-**
 - a) the Minister of Water and Environmental Affairs must be submitted to the Department of Environmental Affairs;
 - b) the Minister of Justice and Constitutional Development must be submitted to the Department of Environmental Affairs;
3. **An appeal must be:-**
 - a) submitted in writing;
 - b) accompanied by:
 - a statement setting out the grounds of appeal;
 - supporting documentation which is referred to in the appeal; and
 - a statement that the appellant has complied with regulation 62 (2) or (3) together with copies of the notices referred to in regulation 62.



- for the proposed construction of a 10 MW Photovoltaic Solar Energy Facility on the Remaining Portion of the Farm 1178 (Kakamas Suid Nedersetting) located approximately 2.5 km west of Kakamas, which falls within the jurisdiction of the Khai Gariep Local Municipality in the Northern Cape Province, hereafter referred to as "the property"

Other infrastructure associated with the facility will include:

- An on-site generator transformer and a small substation to facilitate the connection between the renewable energy facility and the Eskom electricity grid;
- A hole with concrete to support the PV panels;
- Cabling between the project components, to be laid underground where practical;
- An overhead power line (22 kV) of approximately 100 m in length feeding into the Eskom electricity network at the existing Taaiput Substation;
- Internal access road; and
- Workshop area for maintenance and storage.

Conditions of this Environmental Authorisation

Scope of authorisation

1. The preferred site located on the Remaining Portion of the Farm 1178 (Kakamas Suid Nedersetting) and the Photovoltaic technology are approved.
2. Authorisation of the activity is subject to the conditions contained in this authorisation, which form part of the environmental authorisation and are binding on the holder of the authorisation.
3. The holder of the authorisation shall be responsible for ensuring compliance with the conditions contained in this environmental authorisation. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the authorisation.
4. The activity authorised may only be carried out at the property as described above.
5. The recommendations and mitigation measures recorded in the BAR dated September 2011 must be adhered to.

6. Any changes to, or deviations from, the project description set out in this authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further authorisation in terms of the regulations.
7. This activity must commence within a period of three (03) years from the date of issue of this authorisation. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.
8. Commencement with one activity listed in terms of this authorisation constitutes commencement of all authorised activities.
9. This authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.
10. Relevant legislation that must be complied with by the holder of this authorisation includes, *inter alia*: Relevant legislation that must be complied with by the holder of this authorisation includes, *inter alia*:
 - The National Heritage Resources Act, 1999 (Act 25 of 1999) protecting the archaeological remains, artificial features and structures older than 60 years. Should any archaeological artefacts be exposed during excavation for the purpose of construction, construction in the vicinity of the finding must be stopped immediately. A registered Heritage Specialist must be called to the site for inspection. Under no circumstances shall any heritage material be destroyed or removed from the site and the relevant heritage resource agency must be informed about the finding. Heritage remains uncovered or disturbed during earthworks must not be disturbed further until the necessary approval has been obtained from the South African Heritage Resources Agency and/or any of their delegated provincial agencies.
 - Relevant provisions of the Occupational Health and Safety Act, 1993 (Act 85 of 1993).
 - Relevant provisions of the National Water Act, 1998 (Act 36 of 1998).
 - Relevant provisions of the National Forests Act, 1998 (Act 84 of 1998).
 - Relevant provisions of the National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004).
 - Relevant provisions of the National Environmental Management: Protected Areas Act, 2003 (Act 57 of 2003) and its Regulations.

- Should fill material be required for any purpose, the use of borrow pits must comply with the provisions of the Minerals and Petroleum Resources Development Act, 2002 (Act 28 of 2002) administered by the Department of Mineral Resources.
 - Relevant provisions of the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983).
11. The holder of an environmental authorisation must notify the competent authority of any alienation, transfer and change of ownership rights in the property on which the activity is to take place.

Notification of authorisation and right to appeal

12. The holder of the authorisation must notify every registered interested and affected party, in writing and within 12 (twelve) calendar days of the date of this environmental authorisation, of the decision to authorise the activity.
13. The notification referred to must –
- 13.1 specify the date on which the authorisation was issued;
 - 13.2 inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the Environmental Impact Assessment Regulations, 2010;
 - 13.3 advise the interested and affected party that a copy of the authorisation will be furnished on request; and
 - 13.4 give the reasons of the competent authority for the decision.
14. The holder of the authorisation must publish a notice –
- 14.1 informing interested and affected parties of the decision;
 - 14.2 informing interested and affected parties where the decision can be accessed; and
 - 14.3 drawing the attention of interested and affected parties to the fact that an appeal may be lodged against this decision in the newspaper(s) contemplated and used in terms of regulation 54(2)(c) and (d) and which newspaper was used for the placing of advertisements as part of the public participation process.

Management of the activities

15. The Environmental Management Programme (EMPr) submitted as part of the Application for EA is hereby approved. This EMPr must be implemented and adhered to.

Monitoring

16. The applicant must appoint a suitably experienced independent Environmental Control Officer (ECO) for the construction phase of the development that will have the responsibility to ensure that the mitigation/rehabilitation measures and recommendations referred to in this authorisation are implemented and to ensure compliance with the provisions of the EMPr.
17. The ECO shall be appointed before commencement of any authorised activity/ies.
18. Once appointed, the name and contact details of the ECO must be submitted to the Director: Compliance Monitoring of the Department.
19. The ECO shall keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
20. The ECO shall remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.
21. Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.

Recording and reporting to the Department

22. All documentation e.g. audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this authorisation, must be submitted to the *Director: Compliance Monitoring* at the Department.
23. The holder of the authorisation must submit an environmental audit report to the Department within 30 days of completion of the construction and rehabilitation activities.
24. The environmental audit report must indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the environmental authorisation conditions as well as the requirements of the EMPr.

Commencement of the activities

25. The authorised activities shall not commence within twenty (20) days of the date of signature of the authorisation.
26. An appeal under section 43 of the National Environmental Management Act (NEMA), Act 107 of 1998 (as amended), does not suspend an environmental authorisation or exemption, or any

- provisions or conditions attached thereto, or any directive, unless the Minister, MEC or delegated organ of state directs otherwise.
27. The applicant must submit a final layout plan for the entire solar facility for approval to the Department and the layout should indicate the following:
- Positions of solar facilities;
 - Foundation footprint;
 - Permanent laydown area footprint;
 - Construction period laydown footprint;
 - Internal roads indicating width (construction period width and operation period width) and with numbered sections between the other site elements which they serve (to make commenting on sections possible);
 - Wetlands, drainage lines, rivers, stream and water crossing of roads and cables indicating the type of bridging structures that will be used;
 - Substation(s) and/or transformer(s) sites including their entire footprint;
 - Cable routes and trench dimensions (where they are not along internal roads);
 - Connection routes to the distribution/transmission network;
 - Cut and fill areas along roads and at substation/transformer sites indicating the expected volume of each cut and fill;
 - Borrow pits;
 - No-go areas;
 - Spoil heaps (temporary for topsoil and subsoil and permanently for excess material); and
 - Buildings including accommodation.
28. The above layout plan must be adjusted to avoid the natural drainage lines on site and to maintain a buffer area of 50 m from the edge of such drainage lines.
29. Should you be notified by the Minister of a suspension of the authorisation pending appeal procedures, you may not commence with the activities until such time that the Minister allows you to commence with such an activity in writing.

Notification to authorities

30. Fourteen (14) days written notice must be given to the Department that the activities will commence. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence, as well as a reference number. This notification period may coincide with the period contemplated in 2525 above.

Operation of the activities

31. Fourteen (14) days written notice must be given to the Department that the activity operational phase will commence.

Site closure and decommissioning

32. Should the activities ever cease or become redundant, the applicant shall undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and competent authority at that time.

Specific conditions

33. No activities will be allowed to encroach into a water resource without a water use licence authorisation (WULA) being in place from the Department of Water Affairs.
34. The applicant must obtain a wayleave from the Department of Public Transport Roads and Works prior to construction.
35. Vegetation clearing must be kept to an absolute minimum. Mitigation measures must be implemented to reduce the risk of erosion and the invasion of alien species.
36. A permit must be obtained from the relevant Department for the removal or destruction of indigenous protected and endangered plant species.
37. The two individual species of *Boscia albitrunca* occurring on the banks of the drainage line must be left undisturbed.
38. Alien invasive plants must be controlled on site by establishing an on-going monitoring program to detect and quantify any alien species that may become established and identify the problem species. Ongoing alien vegetation clearing must be implemented.

39. Appropriate dust suppression techniques must be implemented on all exposed surfaces during periods of high wind. Such measures may include wet suppression, chemical stabilization, the use of a wind fence, covering surfaces with straw chippings and re-vegetation of open areas.
40. Erosion and loss of soil must be prevented by minimizing the construction site exposed to surface water run-off. Where necessary erosion stabilizing actions such as gabions or re-vegetation must be implemented to prevent further habitat deterioration.
41. The area surrounding the Photovoltaic (PV) plant must be protected and managed to prevent further transformation or degradation of pristine endangered vegetation.
42. Construction must include appropriate design measures that allow surface and sub-surface movement of water along drainage lines so as not to impede natural surface and sub-surface flows. Drainage measures must promote the dissipation of storm water run-off.
43. Hazardous and flammable substances must be stored and used in compliance to the applicable regulations and safety instructions. Hazardous substances must not be stored where there could be accidental leakage into subterranean water.
44. The applicant must ensure that an effective monitoring system is put in place to detect any leakage or spillage of all hazardous substances.
45. Hazardous and flammable substances must be stored and used in compliance to the applicable regulations and safety instructions.
46. Potential fire hazards must be managed by ensuring that no open fires are permitted on site and that the construction personnel are aware of the consequences of starting a fire on site to avoid damage to the neighbouring farms.
47. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste shall be disposed of at a landfill licensed in terms of section 20 (b) of the National Environment Management Waste Act, 2008 (Act 59 of 2008).
48. All recommendations and mitigation measures detailed in the BAR dated September 2011 and the specialist reports forms part of this environmental authorisation and must be implemented as part of the EMP.
49. Any changes to, or deviations from, the layout of the proposed development must be approved, in writing, by the Department before such changes or deviations may be effected

General

50. A copy of this authorisation and the approved EMPr must be kept at the property where the activity will be undertaken. The authorisation and approved EMPr must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property.
51. Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.
52. The holder of the authorisation must notify the Department, in writing and within 48 (forty eight) hours, if any condition of this authorisation cannot be or is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance. Non-compliance with a condition of this authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the regulations.
53. National government, provincial government, local authorities or committees appointed in terms of the conditions of this authorisation or any other public authority shall not be held responsible for any damages or losses suffered by the applicant or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the applicant with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Date of environmental authorisation: 31 OCTOBER 2011



Mr Ishaam Abader

Deputy Director-General: Environmental Quality and Protection
Department of Environmental Affairs

Annexure 1: Reasons for Decision

1. Information considered in making the decision

In reaching its decision, the Department took, *inter alia*, the following into consideration -

- a) The information contained in the BAR dated September 2011;
- b) The comments received from the Department of Water Affairs, the South African Heritage Resource Agency, the Department of Agriculture, Forestry and Fisheries and interested and affected parties as included in the BAR dated September 2011;
- c) Mitigation measures as proposed in the BAR dated September 2011 and the EMPr;
- d) The information contained in the specialist studies contained within Appendix D1 to Appendix D5 of the BAR.
- e) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998).

2. Key factors considered in making the decision

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below.

- a) Details provided of the qualifications of the EAP indicate that the EAP is competent to carry out the environmental impact assessment procedures.
- b) The findings of all the specialist studies conducted and their recommended mitigation measures.
- c) The need for the proposed project stems from the need to expand electricity generation capacity in South Africa based on national policy and is informed by on-going strategic planning undertaken by the Department of Energy.
- d) The BAR dated September 2011 included a description of the environment that may be affected by the activity and the manner in which the physical, biological, social, economic and cultural aspects of the environment may be affected by the proposed activity.
- e) The BAR dated September 2011 identified all legislation and guidelines that have been considered in the preparation of the BAR dated September 2011.

- f) The methodology used in assessing the potential impacts identified in the BAR dated September 2011 and the specialist studies have been adequately indicated.
- g) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2010 for public involvement.

3. Findings

After consideration of the information and factors listed above, the Department made the following findings -

- a) The identification and assessment of impacts are detailed in the BAR dated September 2011 and sufficient assessment of the key identified issues and impacts have been completed.
- b) The procedure followed for impact assessment is adequate for the decision-making process.
- c) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- d) All legal and procedural requirements have been met.
- e) The information contained in the BAR dated September 2011 is accurate and credible.
- f) EMPr measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the BAR and will be implemented to manage the identified environmental impacts during the construction process.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the proposed activity will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated to acceptable levels. The application is accordingly granted.

