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FOR THE ATTENTION OF:

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Dear Sirs

INVESTIGATE MANUFACTURED CRISIS AT HELEN PUMP STATION

We, from the Ugu Community Alliance, are a public organization to represent members of the Ugu community which entrusts monies, and the health of our environment, to our local municipality.

It has come to our attention that a great injustice is being carried out against the community of the Ugu district, as well as all taxpayers to the government of South Africa, as public funds have been involved in the manufactured crisis at the St Helen's Rock pump station of the Umzimkulu River, (collectively known as the Bhothoyi water scheme,) which is supposed to supply hundreds of thousands of people with usable water.

This crisis could have been avoided, and can still be stopped from causing further damage, with your interception, which we are asking as a matter of urgency.

The damage we are referring to, is to the uMzimhulu River bed, bank and flow. The cause of this damage, and the misdiagnosis of the cause of this damage, is laid out below, and the result of this damage is three fold:

1. The lack of usable water to Ugu residents
2. The misapplication of public funding
3. Permanent destruction of marine and wildlife of the lower south coast estuaries.

We ask the Priority Crimes Unit of the SAPS to investigate:

1. Which private company benefits most from the millions of monies used to construct berms and a concrete weir on the uMzimkulu River
2. Who authorized the financing of these berms and weir mentioned
3. On what legal grounds such authorization was based

To note, the Cooperative Governance and Traditional Affairs (Cogta) department under the leadership of MEC, Siphso Hlomuka has transferred R19 million in grant funding to the Ugu District Municipality as part of efforts to improve the provision of water within the District, of which R15 400 000 (excess of fifteen million rand) was earmarked for repairing the Bhozhoyi water scheme (St Helen's Rock pump station).

This is a wastage of money because the root cause of the damage which is creating the crisis is not addressed.

The root cause is the manufactured damage to the river bed, banks and water flow of the uMzimkulu River from unlawful sand mining below the St Helen's Rock pump station, which destroys the natural sand barriers against the infiltration of saline water, and over extraction of water during the dry seasons for agriculture above the St Helen's Rock pump station.

There have been eight berms constructed on these river banks to haul quarry from higher reaches which would not normally be accessible, for industrial purposes, and to serve an industrial sand mining company. The damage these weirs have caused to the uMzimkulu river is clearly visible to the naked eye. This damage removed the natural insulation against saline water which the river beds offered for the St Helen's Rock pump station. The approval of these weirs, their financing, and who they benefit the most, has not been investigated.

A concrete weir has been proposed to alleviate the saline water flow to the St Helen's Rock pump station, at great expense to the public, without the necessary Root Cause Analysis conducted, and the initiation of this weir has begun without the consent of the National Department of Water and Sanitation (DWS) as is legally required.

The information we provide herein was made public during a podcast on The Water Hour presented by Brigetti Limbanda, in which she engaged with Sputnik Rantau, while still in his position of spokesperson for the National Department of Water and Sanitation. During this public interview, he promised that the DWS would attend to the questions raised on the effect of the manufactured erosion of uMfolozi River, and the effect thereof on the Bhozhoyi water scheme.

Unfortunately, we still await answers to our questions, as set out in this letter.

We call for the investigation of the proposed concrete Weir at St Helens Rock on the uMzimkhulu River

It is with deep concern that we call for an investigation on the proposed concrete weir at the St Helens Rock on the uMzimkhulu River as this would cause permanent damage to the estuaries which the uMzimkhulu River feeds, and will not solve the problem of saline intrusion to the Helen Rock pump station - which is the reason used by those calling for the construction of this weir.

URGENCY

The Helen's Rock pump station is at risk from the upstream migration of the saline wedge because of major alteration of the beds, banks and flow of the river.

Building a concrete weir across the uMzimkhulu River will create a hypersaline estuary which will destroy our marine life at the estuaries.

Due to the urgency of this matter, we ask for a reply within the reasonable time period of 21 working days. We pray that the Mayor of the Ugu district draw up a task team to perform this investigation effectively.

Such an investigation could prevent further damage to the flow of the uMzimkhulu River, and secure the future of the lower reaches of the uMzimkhulu River, which provides water to residents in wards 3,5,6,12,13,14,15,16,17,18,19,20-28, sustains a wide biodiversity, and has the potential for job creation in an ecotourism market, which affects our local economy.

Furthermore, such an investigation could prevent wastage of the R15 million which CoGTA provided the Ugu municipality to correct this issue.

Root Cause Analysis

The weir at St Helen's Rock pump station was proposed to alleviate saline intrusion to the Helen Rock pump station even though no Root Cause Analysis (RCA) has been carried out to define the core drivers of the saline intrusion, as well as the effects such a weir would have on the marine life at the estuaries of the uMzimkhulu River.

Manufactured Crisis

The industrial sand mining on the banks downstream of the uMzimkhulu River at the Helens Rock Pump Station, and the over abstraction of water users upstream of this pump station has been altering the bed, bank and flow of the uMzimkhulu River to the extent that it has caused saline intrusion.

The saline intrusion equates to a manufactured crisis needed to trigger the release of public funds.

Where private funds might have been used, as suggested by some media reports, this provides additional forensic evidence that the berms were built in contravention of Section 21 (c) and (i) of the National Water Act, and beyond the legal mining right that normally defines such activities.

We are requesting that the use of public funds for the construction of the proposed weir be investigated by the Priority Crimes Unit of the SAPS, the Auditor General, the Green Scorpions and the Public Protector.

Upstream water abstraction

At St Helens Rock the upstream abstraction is in excess of the registered ELU (Existing Lawful water Use), which causes a diminished flow at the end of the winter season, just before the first rains. This altered flood pulse happens when seasonal agricultural production kicks off with larger than normal abstraction. The impact of this excessive abstraction is a diminished streamflow at the St Helens Rock Pump Station, which exacerbates the upstream migration of a saline wedge. The remedy for this is regulatory intervention to enforce ELU – not a permanent weir on the river.

Downstream sand mining

The alteration of the bed, bank and flow immediately downstream of the pump station has removed sand banks that used to act as the upper limit to the natural tidal pulse. Before those sand banks were removed by mining, they created a natural barrier over which (and through which) freshwater flowed in times of extreme low flow. That barrier was sufficient to keep the saline wedge associated with any tidal pulse away from the pumps.

Industrial scale dredging wherein a string of dredgers, operating on an industrial scale, occurred downstream and adjacent to the St Helens Pump Station, directly in the channel from which the pumps abstract water.

Alterations in the sand banks for purposes of loading sand which has been mined from the riverbed is also notable.

The remedy for this is regulatory intervention to limit the damage caused by industrial scale sand mining – not a permanent weir on the river.

CONTRAVENTION OF THE LAW

This sand mining is in contravention of Section 21 (c) and (i) of the National Water Act (NWA).

Precedence exists that the Department of Water and Sanitation (DWS) issued a directive against sand mining activities in a riverbed on 13 November 2014 citing Section 21 (c) and (i) of the NWA. Refer to Annexure “A” – entitled “Directive in Terms of Section 53 (1) of the National Water Act, 1998 (Act No 36 of 1998): Engaging in Water Use Activities in Terms of Section 21 (c) and (i) without Authorization (Sand Mining Activity in Mvoti River): Remainder of Farm Welverdient No. 2632: Magisterial District of Stanger, KwaZulu Natal”.

Berms

Eight berms have been constructed over the river to establish the haul road to the river banks for the mining of the mineral resource upstream of the pump station, on the pretext for the mitigation of saline intrusion.

These berms have, and continue to alter the bed, bank and flow of the river, so it is also subject to Section 21 (c) and (i) of the NWA.

Each of these eight berms would require authorisation from DWS in terms of Section 21 (c) and (i) of the NWA.

All eight berms have failed to mitigate intrusion of saline water into the pumps. These berms fail, cause extensive erosion to the river banks, and serve only to allow access for the extraction of natural minerals, including quarry, which would not be accessible to the industries mining these banks presently.

We request that the Department of Water and Sanitation (DWS):

1. Verify the Lawful Use (ELU) upstream of St Helens Rock pump station
2. Supply the Root Cause Analysis (RCA) to define the core drivers of the saline intrusion at the St Helens Rock pump station.
3. Ban industrial sand mining on the banks of the uMzimkhulu River until all investigations have been completed.
4. Verify the Existing Lawful Use (ELU) of the water extracted upstream of St Helens Rock.

Furthermore,

We ask the Municipal Mayor to investigate:

1. Who authorized the construction of these eight berms in the uMzimkhulu River
2. What plans have been put in place to rectify the damage already done by these eight berms to the flow, banks and beds of the uMzimkhulu River
3. Who financed the construction of these berms
4. What guarantees were provided by the construction companies of these berms and to which extent can they be held accountable for the failure of the operation of these berms.

In conclusion, we hope that the saline intrusion is not a smokescreen for commercial activity involving the benefit accrued from the deployment of public funds to enable commercial enterprise.

We remain in anticipation of your speedy response.

Kind Regards



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Chairman
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