



agriculture, forestry & fisheries

Department:
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

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Date: 16 January 2017
Ref: 40.8.14.2/NC/65

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ATTENTION: Mr. Peet Botes (peet@enviroafrica.co.za; admin@enviroafrica.co.za)

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RE: COMMENTS ON FINAL SCOPING REPORT FOR THE PROPOSED HENKRIES MEGA-AGRI-PARK ON THE REMAINDER OF THE FARM STENKOPF 22, SPRINGBOK, NAMA KHOI MUNICIPALITY, NORTHERN CAPE (DENC REF: NC/BA/28/NAM/NAM/STE1/2016)

1. DEPARTMENTAL MANDATE

The Directorate: Forestry Management (Other Regions) in the Department of Agriculture, Forestry and Fisheries (DAFF) is responsible for implementation of the **National Forests Act, Act 84 of 1998 (NFA)** and the **National Veld and Forest Fires Act, Act 101 of 1998** as amended. The developer must take note of the following sections of the NFA:

1.1 Section 12(1): "The Minister may declare-

- (a) a particular tree,
- (b) a particular group of trees,
- (c) a particular woodland; or
- (d) trees belonging to a particular species, to be a protected tree, group of trees, woodland or species.

1.2 Section 15(1): "No person may-

- (a) **Cut, disturb, damage or destroy any protected tree;** or
- (b) Possess, collect, remove, transport, export, purchase, sell, donate or in any other manner acquire or dispose of any protected tree, or any forest product derived from a protected tree, **except-**
 - (i) **under a license** granted by the Minister; or
 - (ii) in terms of an exemption from the provision of this subsection published by the Minister in the Gazette on the advice of the Council."

1.3 "Any person who contravenes the prohibition on-

- (i) The cutting, disturbance, damage or destruction of temporarily protected trees or groups of trees referred to in section 14(2) or protected trees referred to in section 15(1)(a); or

- (ii) The possession, collection, removal, transport, export, purchase or sale of temporarily protected trees or groups of trees referred to in section 14(2) or protected trees referred to in section 15(1)(b), or any forest product derived from a temporarily protected tree, group of trees or protected tree, is guilty of a first category offence.

1.4 Section 58 (1): "Any person who is guilty of a first category offence referred to in sections 62 and 63 may be sentenced to a fine or imprisonment for a period of up to three years, or to both a fine and such imprisonment."

1.5 The list of protected tree species under section 12(1) (d) of the National Forests Act, 1998 (Act No. 84 of 1998) was published in GN1161 of 20 November 2015.

2. COMMENTS ON FINAL SCOPING REPORT

2.1 Page 13 of the Final Scoping Report (FSR), number 2.6 refers to the NFA. It stated in the second paragraph that a license must be applied for under Section 1591 of the NFA. Kindly note there is no s1591 in the NFA. Page 29 of the FSR refers to the list of protected tree species and mentioned GN 908 of 21 November 2014. The list of protected tree species is published annually. Please see number 1 above for applicable sections of the NFA and the most recent list of protected tree species and amend the reports accordingly. See also page 9 of the biodiversity and botanical scan report.

2.2 Page 15 mentioned that upgrades will be made at the water abstraction point, but it is not clear what the impact will be on the riparian vegetation. It should be noted that *Euclea pseudebenus* are often found in the endangered Lower Gariep Alluvial Vegetation type (riparian vegetation), which is one of the protected tree species that may not be destroyed or disturbed without a valid Forest Act License.

2.3 Page 21 stated that the proposed development site is located within the proposed Critical Biodiversity Area (CBA) 1 and CBA 2 and the unprotected Eastern Gariep Rocky Desert vegetation type, thus comments should be obtained from Nature Conservation in Springbok, contact person Mr. Peter Cloete.

3. BIODIVERSITY AND BOTANICAL SCAN

3.1 The Biodiversity and Botanical Scan Report confirmed that 16 *Boscia albitrunca* trees are present in the larger study site, of which seven (7) are within the proposed footprint. All possible efforts should be made to minimize impacts on these slow growing protected tree species. Where individuals cannot be avoided, a license must be applied for and obtained prior to any disturbance.

3.2 Page 23 refers to the endemic small tree, *Ozoroa namaquensis* associated with the affected Eastern Gariep Rocky Desert vegetation type. It should be noted that this species is one of the NFA Listed Protected Tree Species. If found on site in the development footprint, it must be included in the NFA License application.

Regards,



Jacoline Mans
Chief Forester: NFA Regulation

Please note my DAFF e-mail is currently out of order.

