



agriculture, forestry & fisheries

Department:
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

Directorate: Forestry Management (Other Regions)
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Date: 06 April 2016
Ref: 40.8.14.2/NC/12

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ATTENTION: Mr. Clinton Geyser (Clinton@enviroafrica.co.za)

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RE: COMMENTS ON DRAFT BASIC ASSESSMENT REPORT FOR THE PROPOSED BULK WATER SUPPLY SYSTEM ONSEPKANS, KHAI MA LOCAL MUNICIPALITY, NORTHERN CAPE (DENC REF: NOT SUPPLIED)

1. DEPARTMENTAL MANDATE

The Directorate: Forestry Management (Other Regions) in the National 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 Section 62(2)(c): "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 DRAFT BASIC ASSESSMENT REPORT

- 2.1 The proposed development is said to be located in a Critical Biodiversity Area (CBA) and it may affect the Endangered Lower Gariep Alluvial Vegetation type, therefore it is important to include Nature Conservation as a key stakeholder and authority in the public participation process. They were not included in the lists provided on pages 39 and 40.
- 2.2 The proposed development would have a total footprint of ± 6 ha, consisting of a pump station (new water extraction point), storage reservoir or dam (footprint 3 ha) and a solar plant (footprint 2 ha). The report stated that the pipeline distance is 2.2 km (no indication was given of the width to be cleared of vegetation for installation of the pipeline). Page 15 of the Draft Basic Assessment Report (BAR) refers to the length of linear activity alternative A1 as 14 km. Please clarify.
- 2.3 Page 18 of biodiversity assessment refers to one of the affected vegetation types, namely Eastern Gariep Rocky Desert. Page 19 refers to plant species generally associated with this vegetation type. Two of the species mentioned, *Euclea pseudebenus* and *Ozoroa namaquensis* are listed as 'protected' under the NFA as alluded to in the report. The developer should also be on the look-out for provincially protected tree species such as *Olea europaea* subsp. *africana* and *Combretum erythrophyllum* associated with the riparian vegetation on the banks of the Orange River in the vicinity of Onseepkans. Impacts on indigenous and endangered riparian vegetation should be limited to the absolute minimum and if any protected trees are encountered, permits and license must be obtained prior to disturbance of such trees.
- 2.4 Page 49 recommended the use of herbicides to treat exotic trees growing in the riparian zone. The use of herbicides in a vegetation type classified as 'endangered' should be used with great caution to avoid accidental spills and harm to non-target indigenous plants and trees. The people applying herbicides must have the necessary AVCASA registration.
- 2.5 The report stated that no NFA listed protected tree species are present in the proposed development footprint areas. If so, this Department (Forestry Branch) has no objection against the proposed development.

Kind Regards,

J. Mans

Jacoline Mans (Chief Forester: NFA Regulation)

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

