



# agriculture, forestry & fisheries

Department:  
Agriculture, Forestry and Fisheries  
REPUBLIC OF SOUTH AFRICA

Directorate: Forestry Management (Other Regions)  
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Enviro Africa CC  
P.O. Box 5367  
Helderberg  
7135

ATTENTION: Mr. Clinton Geyser ([clinton@enviroafrica.co.za](mailto:clinton@enviroafrica.co.za))

RE: PROPOSED LOUBOS OXIDATION PONDS, REMAINDER OF FARM MIER 585, LOUBOS, DAWID KRUIPER LOCAL MUNICIPALITY, NORTHERN CAPE (DENC REF: NOT SUPPLIED)

## 1. DEPARTMENTAL MANDATE

The Directorate: Forestry Management (Other Regions) in the Department of Agriculture, Forestry and Fisheries (DAFF) is responsible for administration 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) is published annually; the most recent publication was in GN536 of 7 September 2018.

## 2. GENERAL COMMENTS

- 2.1 The Department received your letter dated 19 October 2018, about the NEMA Public Participation Process for construction of Loubos Oxidation Ponds. Scattered protected trees are known to occur in the vicinity of Loubos. Kindly assess the six (6) site alternatives in terms of the number of protected trees per site alternative. Protected trees must be avoided as far as possible. No protected tree may be damaged or disturbed without a valid Forest Act License.
- 2.2 Trees with bird nests may not be disturbed without a valid Fauna Permit from the provincial Department of Environment and Nature Conservation (DENC), if affected.

Kind Regards,



Jacoline Mans  
Chief Forester: NFA Regulation  
DATE: 26/11/2018

