



agriculture, forestry & fisheries

Department:
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

Directorate: Forestry Management (Other Regions)
P.O. Box 2782, Upington, 8800, Tel 054 338 5909, Fax 054 334 0030

Enquiries: J. Mans (Cell 060 973 1660)

E-mail: JacolineMa@daff.gov.za

Date: 01 April 2020

Ref: 40.8.14.2/NC/171

Enviro Africa CC
P.O. Box 5367
Helderberg
7135

Attention: Mr. Emile Esquire (emile@enviroafrica.co.za)

RE: COMMENTS ON DRAFT SCOPING REPORT FOR THE PROPOSED FORMALISATION OF LOW COST GAMAKOR HOUSING DEVELOPMENT ON PORTIONS 0 AND 128 OF FARM KOUSAS NO. 459 AND ERVEN 1470, 1474 AND 1480 KEIMOES, KAI !GARIB LOCAL MUNICIPALITY

1. NATIONAL FORESTS ACT, ACT 84 OF 1998 (AS AMENDED)

1.1 The Directorate: Forestry Management (Other Regions) in the Department of Environment, **Forestry** and Fisheries (DEFF) 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 (NVFFA) as amended.

1.2 Section 12(1) read with s15(1) of the NFA stated that the Minister may declare a particular tree, group of trees, woodland; or trees belonging to a particular species, to be a protected tree, group of trees, woodland or species. A list of protected tree species was gazetted in GN 635 of 6 December 2019. The effect of the declaration is that no person may (a) cut, disturb, damage or destroy; 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 under a license granted by the Minister; or in terms of an exemption published by the Minister in the Gazette.

1.3 Any person who contravenes the prohibition on the cutting, disturbance, damage or destruction of protected trees referred to in section 15(1)(a); or the possession,

collection, removal, transport, export, purchase or sale of any forest product derived from a protected tree referred to in section 15(1)(b), is guilty of a first category offence and may be sentenced to a fine or imprisonment for a period of up to three years, or to both See Section 58(1) of the NFA read with s62 and s63.

2. COMMENTS ON DRAFT SCOPING REPORT

2.1 The Department of Forestry studied the Draft Scoping Report (DSR) and Biodiversity Impact Assessment Report and take note of the fact that the development affecting Bushmanland Arid Grassland, is located in a Critical Biodiversity Area. However, the site is partially disturbed. There are only three (3) individuals of protected *Vachellia erioloba* present on the 104 ha site. The developer must make an effort to conserve these three trees by incorporating it into the layout design.

2.2 If authorisation is granted for the development, no protected tree may be damaged or disturbed without a valid Forest Act License from the Department of Environment, Forestry and Fisheries. In addition, trees with active bird nest or other significant biodiversity features, may not be damaged or disturbed without a valid **Fauna Permit** from the provincial Department of Environment and Nature Conservation under the Northern Cape Nature Conservation Act (NCNCA), Act 9 of 2009 (if affected).

Kind Regards,

A handwritten signature in black ink, appearing to read 'J. Mans', written in a cursive style.

Jacoline Mans
Chief Forester: Regulations
DATE: 01/04/2020

From: Emile Esquire <emile@enviroafrica.co.za>
Sent: Thursday, 02 April 2020 4:20 PM
To: 'Jacoline Mans'
Cc: 'Jackie | Enviro Africa'
Subject: RE: DRAFT SCOPING REPORT AVAILABLE FOR COMMENT: PROPOSED FORMALIZATION OF GAMAKOR LOW COST HOUSING DEVELOPMENT ON PORTIONS 0 AND 128 OF FARM KOUSOUS NO. 459, AND ERVEN 1470, 1474 AND 1480, KEIMOES, KAI !GARIB LOCAL MUNICIPALITY, NORTHERN CAPE

Dear Jacoline Mans,

I hereby acknowledge receipt of the attached comment from the Department dated 01 April 2020.

Please note that the contents of the aforementioned correspondence dated 01 April 2020 is duly noted.

Kindly see responses to your points raised below:

- 1.1. Noted. The Environmental Assessment Practitioner (EAP) takes cognisance of the applicable legislation.
- 1.2. Noted. The EAP takes cognisance of the of the applicable legislation.
- 1.3. Noted. The EAP takes cognisance of the applicable legislation.
- 2.1. Noted. The three protected *Vachellia erioloba* present will be incorporated into the layout design.
- 2.2. Noted. The recommendations regarding the protected trees will be inserted into the Environmental Management Programme (EMPr).

Thank you for providing comment on the Draft Scoping Report for the aforementioned proposal.

Kind regards,

Emile Esquire



EnviroAfrica

Environmental Consultant

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w: www.enviroafrica.co.za e: emile@enviroafrica.co.za

From: Jacoline Mans <JacolineMa@daff.gov.za>

Sent: Wednesday, 01 April 2020 1:39 PM

To: Emile Esquire <emile@enviroafrica.co.za>

Subject: Re: DRAFT SCOPING REPORT AVAILABLE FOR COMMENT: PROPOSED FORMALIZATION OF GAMAKOR LOW COST HOUSING DEVELOPMENT ON PORTIONS 0 AND 128 OF FARM KOUSOUS NO. 459, AND ERVEN 1470, 1474 AND 1480, KEIMOES, KAI !GARIB LOCAL MUNICIPALITY, NORTHERN CAPE

Dear Mr. Esquire

Attached please find comments from the Department of Forestry. Thank you for notifying this Department of the proposed development.

Kind Regards,

Jacoline Mans

Chief Forester: Regulations

Cell 060 973 1660

From: Emile Esquire <emile@enviroafrica.co.za>

Sent: 20 March 2020 02:20 PM

To: Jacoline Mans

Cc: 'Jackie | Enviro Africa'

Subject: DRAFT SCOPING REPORT AVAILABLE FOR COMMENT: PROPOSED FORMALIZATION OF GAMAKOR LOW COST HOUSING DEVELOPMENT ON PORTIONS 0 AND 128 OF FARM KOUSOUS NO. 459, AND ERVEN 1470, 1474 AND 1480, KEIMOES, KAI !GARIB LOCAL MUNICIPALITY, NORTHERN CAPE

EXTERNAL EMAIL: This email originated outside of "DAFF Environment".

Dear Ms Jacoline Mans,

Notice is hereby given of the submission of a NEMA application, and the public participation process ("PPP"), in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended ("NEMA"), Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended). The proposed Gamakor housing development includes activities listed in terms of the NEMA EIA Regulations, 2014 (as amended). EnviroAfrica cc has been appointed by the Kai !Garib Local Municipality to undertake the NEMA Application for Environmental Authorisation process.

Application for environmental authorization to undertake the following activities:

Government Notice R327 (Listing Notice 1): Activity No. **9, 10, 12, 19, 24 and 28**

Government Notice R325 (Listing Notice 2): Activities No. **15**

Government Notice R324 (Listing Notice 3): Activities No. **4, 12, 14**

Public Participation: Your department has 30 days to comment on the Draft Scoping Report (as per DEA requirement). Should comments not be received within the prescribed timeframes, it would be assumed that no comments are forthcoming and DENC will continue to process the application in the absence of your department's comments. The commenting period is from **27 March 2020 – 30 April 2020**.

All comments are to be copied to the Environmental Assessment Practitioner – see details below:

EnviroAfrica CC

ATT: Emile Esquire

P.O. Box 5367

Helderberg

7135

Fax: 086 512 0154 / Tel: 021 8511616 / E-mail: info@enviroafrica.co.za / emile@enviroafrica.co.za

Please note that an electronic copy of the Draft Scoping Report is available on our website at <https://enviroafrica.co.za/projects/for-public-participation/> ,under projects for public participation.

Please do not hesitate to contact us for any further information.

Yours sincerely,

Emile Esquire



EnviroAfrica

Environmental Consultant

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