



# forestry, fisheries and the environment

Department:  
Forestry, Fisheries and the Environment  
REPUBLIC OF SOUTH AFRICA

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**COMMENTS ON DRAFT SCOPING REPORT OF THE PROPOSED FORMALISATION OF BLAAUWSKOP SETTLEMENT LOW COST HOUSING DEVELOPMENT ON PORTION 30 OF FARM BLAAUWSKOP NO. 36, BLAAUWSKOP SETTLEMENT, KENHARDT ROAD, KAI !GARIB LOCAL MUNICIPALITY, ZF MGCAWU DISTRICTMUNICIPALITY, NORTHERN CAPE PROVINCE**

### 1. DEPARTMENTAL MANDATE

The Directorate: Forestry Management (Other Regions) in the Department of Environment, Forestry, Fisheries 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.

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

2.1 Section 12(1) read with s15(1) of the National Forests Act, Act 84 of 1998 (NFA) states 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.

2.2 A list of protected tree species was gazetted in GN 635 of 6 December 2019, including Camel thorn (*Vachellia erioloba*), Grey Camel thorn (*Vachellia haematoxylon*) and Shepherd's tree (*Boscia albitrunca*), to name but a few.

2.3 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.

2.4 Section 58(1) of the NFA read with s62 and s63 states that any person who contravenes the prohibition on the cutting, disturbance, damage or destruction of protected trees referred to in section 15(1)(a) of the NFA; 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 both.

### 3. COMMENTS ON DRAFT SCOPING REPORT

- 3.1 The area to be developed is said to be 50 ha, consisting of formalisation of 500 erven of existing informal dwellings. The site is in a Critical Biodiversity Area, but is already transformed. The report stated that the vegetation observed in the study area include protected *Vachellia erioloba*. It is not clear from the report if any of the protected trees on site will be disturbed. If so, the developer must take note of the need to apply for and obtain a valid Forest Act License, prior to disturbing protected trees. An effort must be made to avoid protected trees as far as possible.
- 3.2 For construction of residential homes, individual stand owners can apply to the Department for licenses. They will have to supply copies of approved building plans, showing the location of all protected trees on site. The Department will do site inspections prior to issuing/refusing licenses. The normal turnaround time for a license is about 30 days. License application forms can be obtained from the Forestry Offices in Upington or Kimberley.
- 3.3 Trees with active bird nests or other significant biodiversity features, may not be damaged or disturbed without a valid **Fauna Permit** from the provincial conservation authority under the Northern Cape Nature Conservation Act (NCNCA), Act 9 of 2009 (if affected).

Kind Regards,



Jacoline Mans  
Chief Forester: Regulations  
**DATE: 24 August 2020**