



Conservation Unit

Private Bag X10, Claremont, 7735

Tel: 027-21-799-8824 Fax: 027-21-761-5983: e-mail: paisley@botanicalsociety.org.za

21 November 2007

Dear Environmental Assessment Practitioner

Revised EIA commenting function for BotSoc Conservation Unit

Please take note that for strategic and capacity reasons we will only be commenting on:

- Applications for the cultivation of virgin soil that would also require authorisation in terms of Items 12 of GN R.386¹ of 21 April 2006 or Item 2 of GN R.387² of 21 April 2006; and, more broadly,
- Farm-related applications (including NEMA s 24G 'rectification' applications) in the Greater Cederberg, Breede River and Gourits biodiversity corridors.

We shall no longer comment on applications for prospecting or mining rights under the Minerals and Petroleum Resources Development Act 28 of 2002.

All other requests for comment must therefore please be referred to our Head Office for distribution to the BotSoc branches (see postal address above).

We apologise for any inconvenience this may cause. Unfortunately we do not command the resources or personnel that would permit us to sustain the level of input that you may have become to expect on the basis of past experience. Our shift in focus is also informed by the realisation that more than 40% of our landscapes outside protected areas need to be specially managed if we are to meet national targets for biodiversity conservation in the Cape Floristic Region – and that most of these ecosystems occur on privately owned farms.

¹ The transformation or removal of indigenous vegetation of 3 hectares or more or of any size where the transformation or removal would occur within a critically endangered or an endangered ecosystem listed in terms of section 52 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004).

² Any development activity, including associated structures and infrastructure, where the total area of the developed area is, or is intended to be, 20 hectares or more.

In this context, environmental assessment becomes an important complementary tool to the Biodiversity and Wine Initiative, CapeNature's stewardship programme and LandCare area-wide planning – three highly effective strategies for mainstreaming biodiversity priorities into the agricultural domain.

Basic terms of reference and biodiversity guidelines

Please note that in line with the requirements of Section B of DEA&DP's basic assessment questionnaire, we expect that planning and environmental assessment processes as a minimum pay close attention to avoiding irreversible impacts on biodiversity³ in:

- Threatened ecosystems
- Ecological corridors and vegetation boundaries; and
- Special habitats such as quartz patches or seasonal wetlands.

Basic assessment reports that fail, where relevant, to identify and contextualise impacts in terms of these key biodiversity informants, or do not explicitly reflect that project planning has proactively attempted to avoid, minimise and remedy such impacts through the identification of appropriate alternatives, should come into contention for rejection by the competent authority on the basis of non-compliance with Regulation 23, GN R. 385 of 21 April 2006. The same would apply to reporting in the course of applications requiring a full EIA.

Therefore, in order to ensure that the strategic, landscape-scale biodiversity implications of development proposals are timeously identified and factored into project planning and environmental assessment, we strongly recommend that environmental assessment practitioners and biodiversity specialists routinely refer to the following resources:

- The SANBI Biodiversity GIS Unit website for conservation plans and the National Spatial Biodiversity Assessment <http://bgis.sanbi.org/> or BGISHelp@sanbi.org
- The Basic Terms of Reference for the Consideration of Biodiversity in Environmental Assessment (Appendix II of the *Fynbos Forum Ecosystem Guidelines for Environmental Assessment in the Western Cape*) [http://www.capenature.co.za/docs/409/Guidelines%20for%20Biodiversity%20Assessments%20\(81kb\).pdf](http://www.capenature.co.za/docs/409/Guidelines%20for%20Biodiversity%20Assessments%20(81kb).pdf);
- *The Fynbos Forum Ecosystem Guidelines for Environmental Assessment in the Western Cape* http://bgis.sanbi.org/wces/FF_Ecosystem_Guidelines.pdf
- CapeNature's *Commenting Role in EIAs and Development Applications* (CapeNature, 17 August 2006) [http://www.capenature.co.za/docs/408/Cape%20Nature%20Requirements%20\(77kb\).pdf](http://www.capenature.co.za/docs/408/Cape%20Nature%20Requirements%20(77kb).pdf);
- *Guideline for Involving Biodiversity Specialists in EIA Processes* (DEA&DP) <http://www.capecoast.gov.za/eng/yourgovernment/gsc/406/services/11537/10199#guidelines>; and

³ i.e. as defined by appropriate surrogates for 'biodiversity', such as mapped vegetation types, ecosystems or special habitats.

- *The Western Cape Provincial Spatial Development Framework* (Department of Environmental Affairs and Development Planning)
<http://www.capegateway.gov.za/eng/pubs/guides/W/120505>

All applications that may result in the type of impacts outlined above should be referred automatically to CapeNature's Land-use Advisory Unit for comment: landuse@capenature.co.za, Ph (021) 866 8017.

Instruction in the use of biodiversity plans and guidelines

The BotSoc Conservation Unit can, on request, offer training in the use of biodiversity plans and guidelines. The SANBI Biodiversity GIS Unit can also offer training for organisations wanting more specialised instruction in the use of GIS-based products. We also have capacity to review the biodiversity policy and planning aspects of environmental reports.

Please note that bound copies of the Fynbos Forum guidelines can be obtained directly from the BotSoc Conservation Unit by filling in the attached order form. The form must please be e-mailed to Paisley@botanicalsociety.org.za or sent by fax to (021) 761 5983.

Please contact the undersigned in the event of queries.

Yours sincerely,



CHARL DE VILLIERS
Biodiversity in Environmental Assessment Project

ORDER FORM

FYNBOS FORUM ECOSYSTEM GUIDELINES – 2ND PRINTING

Kindly complete the below information when ordering the book:

Name:.....

Postal

Address:.....

.....

.....

Telephone:.....

Fax:

Email:.....

VAT number (*essential if registered for VAT*).....

PLEASE INDICATE YOUR REQUIREMENTS:

1. Number of books ordered.....

2. Please post me the book.....

OR:

3. I Will collect the book.....

Total Costs:

Book = R130 (if collected)

Postage = R14.63

Packaging = R5.4

TOTAL: R150.00 (total if posted)

NOTE 1 – INVOICING

An Invoice will be e-mailed (or faxed/posted if necessary) to you. Banking details are on the bottom left hand corner of the invoice. Proof of payment is required and can either be e-mailed to Wendy Paisley paisley@botanicalsociety.org.za OR sent by fax to 021 761 5983

NOTE 2 – PROOF OF PAYMENT

Proof of payment is required before the book will be posted. This should be from the bank, and can either be e-mailed to Wendy Paisley paisley@botanicalsociety.org.za OR sent by fax to 021 761 5983

**THE BOOK WILL BE POSTED/OR IT MAY BE COLLECTED,
UPON RECEIPT OF PROOF PAYMENT**