

**Western Cape Provincial Government: Department of Transport
and Public Works
Upgrade of the DR 1797
Site Sensitivity Protocol Motivation**

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1. Introduction

As of 4th October 2019, it became a compulsory requirement to submit a report generated by the national web-based environmental screening tool in terms of section 24(5)(h) of the National Environmental Management Act (Act No. 107 of 1998) (NEMA) and Regulation 16(1)(b)(v) of the NEMA Environmental Impact Assessment (EIA) Regulations, 2014 (as amended 2017), when submitting an application for environmental authorisation in terms of regulation 19 and regulation 21 of the EIA Regulations.

Furthermore, procedures¹ for the assessment and minimum criteria for reporting on identified environmental themes in terms of sections 24(5)(a) and (h) and 44 of the NEMA when applying for environmental authorisation, were promulgated by the Department of Environment, Forestry and Fisheries (DEFF) on 20 March 2020 (the “procedures”). These procedures prescribe general requirements for undertaking site sensitivity verification and for protocols for the assessment and minimum report content requirements of environmental impacts for environmental themes for activities requiring environmental authorisation. When the requirements of a protocol apply, the requirements of Appendix 6 of the EIA Regulations, are replaced by these requirements.

This report serves as a motivation for the required specialist assessments based on the Environmental Screening Tool Report generated for the proposed project, as well as the applicable environmental themes which do not require a specialist assessment, but rather a Compliance Statement.

1.1 Location of the DR 1797 and Surrounding Land Users

The DR 1797 is located just over 25 km from the town of Plettenberg Bay, within the Garden Route District Municipality (formally Eden District Municipality), in the Western Cape Province (refer to Figure 1-1). The proposed upgrade activities will entail converting the current 4.85 km gravel road (Class 4) to a tarred road (Special Class 4).

This project forms part of the Western Cape Government’s (WCG) maintenance projects within this area.

The predominant land use within the surrounding area of the DR 1797, is classified as Agriculture. The following landcover activities have been observed:

- Cultivated fields / orchards / vines: Several farming activities occur along the existing DR 1797 road. These activities range from cattle farming to viticulture and crop cultivation.
- Natural vegetation: The existing DR 1797 road runs through a Critical Biodiverse Area (CBA) and several Ecological Support Areas (ESAs), as well as an indigenous forest at km 3.5.

¹ Procedures for the assessment and minimum criteria for reporting on identified environmental themes in terms of sections 24(5)(a) and (h) and 44 of the national environmental management act, 1998, when applying for environmental authorisation, Governmental Gazette No. 43110, 20 March 2020.

- Accommodation: Accommodation facilities observed, appear to be accessed via the existing DR 1797 road.
- Residential: Small holdings were observed along the existing DR 1797 road, these appear to be accessed via the existing DR 1797 road.
- Forestry: The existing DR 1797 road ends at a forestry plantation. Timber trucks access the plantation via the exiting DR 1797 road.

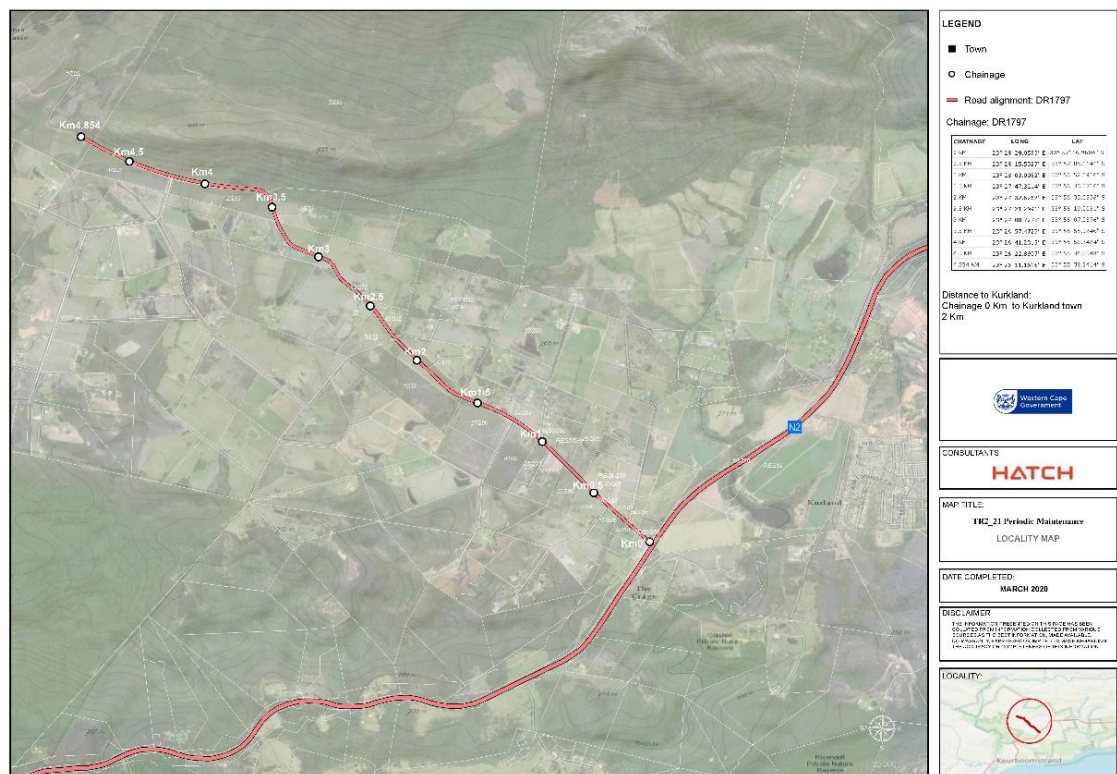


Figure 1-1: Locality Map of the DR 1797 Road

There are some areas which will be expropriated by the WCG to ensure the road is aligned correctly and safe to drive (refer to Figure 1-2). The overall total footprint area of these expropriation areas is 4,110 m², with the majority of the road upgrade remaining within the road reserve. There are some areas where the current landowners have encroached on the road reserve. The Hatch engineering team avoided these areas where possible.

Consultation with these landowners has already commenced by the WCG to ensure that all parties are aligned and informed. Letters are currently being drawn up, which will be signed by the relevant landowners indicating that they have been informed of the upgrade activities. No public consultation has commenced yet as part of the required Environmental Authorisation process.

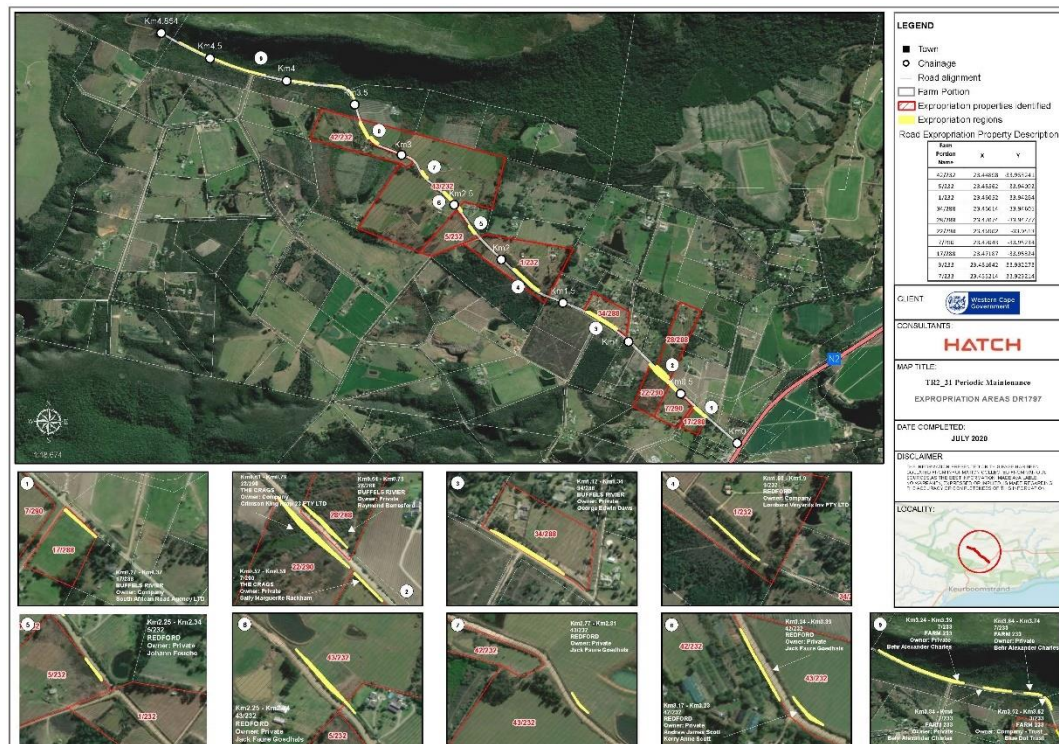


Figure 1-2: Areas along the DR 1997 Road to be expropriated

2. Environmental Assessment Practitioner (EAP) and Specialists' Details

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3. Environmental Themes

Based on the procedures, the DEFF Web Based Environmental Screening Tool was used to identify sensitivities around the areas to be expropriated. The generated Site Sensitivity Report indicated two areas of “Very High” Sensitivity, namely Agriculture, Aquatic and Terrestrial Biodiversity. Freshwater and botanical specialists have been appointment to undertake the necessary specialist studies.

The following section summarises the sensitivities of the ‘environmental themes’ along the DR 1797, and motivation is given to negate the need for undertaking specialist assessments for those themes with lower sensitivities.

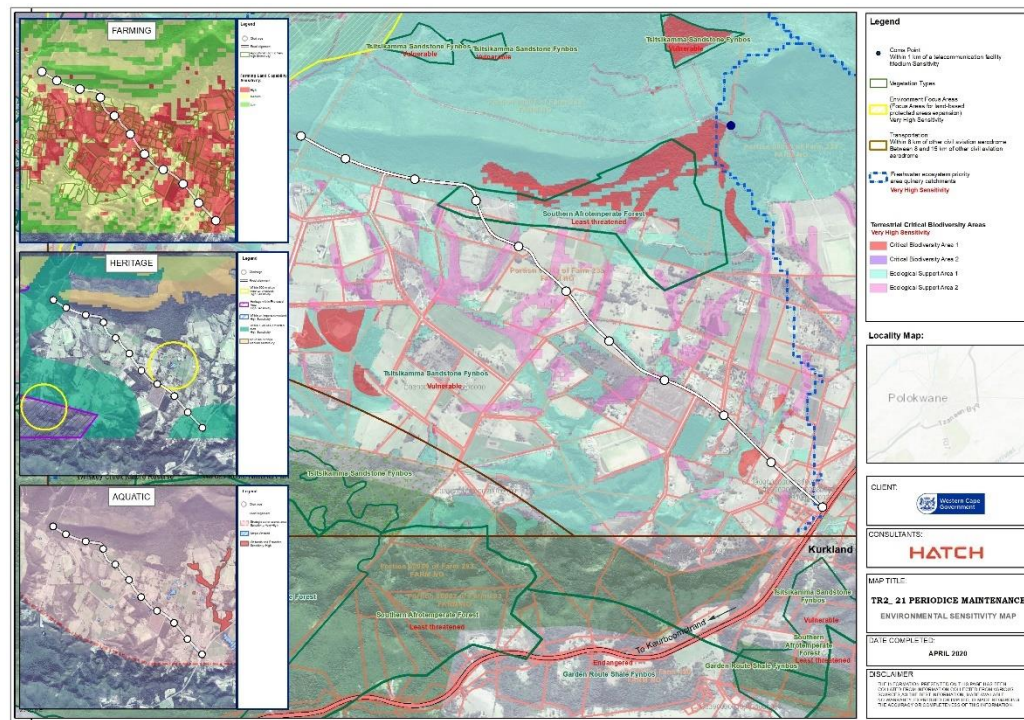


Figure 3-1: Map of Environmental Sensitivity Themes

3.1 Agriculture

The DEFF Web Based Environmental Screening Tool identified that the areas which are to be expropriated along the DR 1797, range between a “Medium” sensitivity and a “Very High” sensitivity. Based on a desktop assessment, as well as consulting with the engineering team, it has been determined that the expropriation areas will not affect agricultural land. The areas which have been identified for expropriation will remain on the property verges, which is already disturbed land (maximum 3m from the road reserve) and not destroy any agricultural area. A desktop assessment was conducted of the area classified as a :Very High “ Sensitivity. The area is classified as Viticulture, however, after a desktop analysis there are no vines within the expropriation area.

Due to this, the EAP is motivating that an Agricultural Agro-Ecosystems Assessment is not required for this project. However, an Agricultural Compliance Statement will be submitted by a soil scientist or agricultural specialist registered with the South African Council for Natural Scientific Professionals (SACNASP).

3.2 Animal Species

According to the DEFF Web Based Environmental Screening Tool, the DR 1797 expropriation areas fall within a “Medium” terrestrial animal sensitivity. The DR 1797 is an existing road and the areas to be expropriated have been chosen to reduce the negative impact on the natural environment along the road. The majority of the area to be expropriated is disturbed, with very little or no natural vegetation remaining.

Due to this, the EAP is motivating that a Terrestrial Animal Species Impact Assessment is not required for this project. During construction, a procedure will be included in the

Construction Environmental Management Plan (CEMP) to relocate any possible animal species indicated in the DEFF We Based Environmental Screening report (as well as other important species).

3.3 Aquatic Biodiversity

The DR 1797 falls within a Freshwater Ecosystem Priority Area, as well as a Strategic Water Source Area. In addition to these areas, there are some culverts which will be replaced as part of the upgrade activities, which has resulted in the need for a specialist study.

There will also be a major culvert constructed due to the realignment and raising of the road at Km 0.75. This culvert will be constructed to accommodate Whiskey Creek.



Figure 3-2: Location of Major Culvert Construction and Road Raising

A freshwater specialist has been appointed to conduct a freshwater assessment of the area in accordance with the procedures. The freshwater assessment will be provided to DEA&DP once available, and will be included as part of the Basic Assessment Report.

3.4 Archaeological and Cultural Heritage

Based on the DEFF Environmental Screening Tool, there are three areas which have a "High" Sensitivity classification. Two out of the three "High" sensitivity areas is due to being within 1 km of a protected area and the remaining sensitive area is within 500 m of an Important Wetland.

The DR 1797 is an existing road and the majority of the upgrade activities will remain within the road reserve. No major excavation will be conducted.

A Notice of Intent to Develop (NID) (Appendix A) was submitted to Heritage Western Cape (HWC) outlining the project, as well as the history of the area.

HWC indicated that there is no reason to believe that the proposed upgrade of the existing DR 1797 road will impact on heritage resources, and as such, no further action under Section 38 of the National Heritage Resources Act (Act No. 25 of 1999) is required (refer to response in Appendix A).

However, should any heritage resources, including evidence of graves and human burials, archaeological material and paleontological material be discovered during the execution of the activities above, all works will be stopped immediately and HWC notified.

Due to this, the EAP is motivating that a Heritage Specialist Study is not required for this project. During construction, a 'Chance Find Procedure' will be included in the CEMP.

3.5 Civil Aviation

The DEFF Environmental Screening Tool identified the area as a "Medium" sensitivity, as the DR 1797 is within 15 km from a Civil Aviation Aerodrome. Based on a desktop assessment, the closest aerodrome to the project site is in Plettenberg Bay.

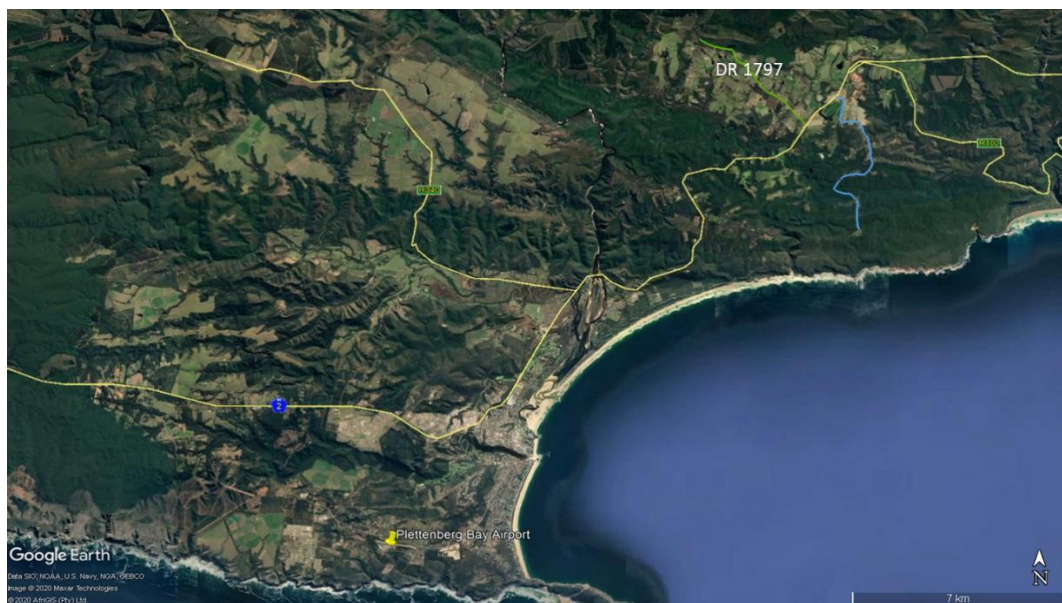


Figure 3-3: Google Image of the Plettenberg Bay Airport in relation to the DR 1797 Road

The upgrade of the DR 1797 is not anticipated to have any negative impacts on civil aviation installations, as the road is existing. During the upgrade of the road, the largest machinery which will be used will be an excavator.

The South African Civil Aviation Authority (SACAA) has been emailed and the EAP is waiting for a written comment.

3.6 Paleontology

The Paleontology Sensitivity has been classified as "Medium" in terms of sensitivity due to the rock units found within the area. Thus, there is a chance that fossils may be found within the area. However, based on the proposed activities, the majority of the work will remain within the existing road reserve, which is predominately disturbed. A procedure will be included in the CEMP in the case of any fossils being found during the upgrade activities. The area where expropriation will occur, is already transformed by the previous landowners.

Due to this, the EAP is motivating that no additional studies will be required.

3.7 Defense

The DR 1797 is an existing road within a rural area. According to the DEFF Environmental Screening Tool, the area is within a “Low” sensitivity with regards to Defense. As the road is existing and the expropriation areas are not more than 3 m in total, it anticipated that there will be no negative impact on defense installations.

The Obstacle Evaluation Committee (OEC) has been emailed and the EAP is waiting for a written comment.

3.8 Terrestrial

According to the DEFF Environmental Screening Tool, The DR 1797 road intersects with the following terrestrial biodiversity sensitivities:

- Terrestrial CBA and ESA
- Indigenous forest
- Strategic Water Source
- Freshwater Ecosystem.

There are many CBAs and ESAs which the DR 1797 crosses. Due to this, a botanical specialist was appointed to conduct a specialist assessment on the surrounding areas of the DR 1797, as well as the expropriation areas.

North of the DR 1797 road, the DEFF Environmental Screening Tool indicated a small area where indigenous forest occurs. A Areas of expropriation will occur within already disturbed areas (areas cleared as a fire break). No indigenous forest will be cleared as part of this project.



Figure 3-4: Cleared area along the DR 1797

The Strategic Water Source and Freshwater Ecosystem have been assessed by the appointed freshwater specialist, as indicated in Section 3.3.

A botanical specialist has been appointed to conduct a terrestrial assessment in accordance with the procedures. The terrestrial assessment will be provided to DEA&DP once available, as well as included as part of the Basic Assessment Report.

Appendix A – HWC Response to NID