

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. 9

10 JANUARY 2020

**NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998
(ACT NO. 107 OF 1998)****PROCEDURES TO BE FOLLOWED FOR THE ASSESSMENT AND MINIMUM CRITERIA FOR REPORTING OF IDENTIFIED ENVIRONMENTAL THEMES IN TERMS OF SECTION 24(5)(a) AND (h) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998, WHEN APPLYING FOR ENVIRONMENTAL AUTHORISATION**

I, Barbara Dallas Creecy, Minister of Environment, Forestry and Fisheries, hereby give notice of my intention to prescribe protocols for the assessment and minimum report content requirements of environmental impacts for environmental themes for activities requiring environmental authorisation, as contained in the Schedule hereto. When the requirements of these protocols apply, the requirements of Appendix 6 of the Environmental Impact Assessment Regulations, 2014, published under Government Notice No. R. 982 in Government Gazette 38282 of 04 December 2014, as amended, and promulgated under sections 24(5) and 44 of the National Environmental Management Act, 1998 (Act No. 107 of 1998), are replaced by these requirements.

Each protocol applies exclusively to the environmental theme identified within its scope. Multiple themes may apply, and assessments for these themes must be undertaken in accordance with the relevant protocol, or, where no specific protocol has been prescribed, in accordance with the requirements of the EIA Regulations, as amended.

Members of the public are invited to submit written comments or inputs to the Minister, within 30 days of publication of this Notice in the *Gazette*, to the following addresses:

By post to: The Director-General:
 Department of Environmental Affairs
 Attention: Ms D Fischer
 Private Bag X447
 PRETORIA
 0001

By hand at: Reception, Environment House, 473 Steve Biko Road, Arcadia, Pretoria, 0083
By email: DFischer@environment.gov.za

Any inquiries in connection with the Notice can be directed to Tel: (012) 399 9315.

Comments received after the closing date may not be considered.



BARBARA DALLAS CREECY
MINISTER OF ENVIRONMENT, FORESTRY AND FISHERIES

3. TERRESTRIAL ANIMAL SPECIES

3(c) - PROTOCOL FOR THE ASSESSMENT AND REPORTING OF ENVIRONMENTAL IMPACTS ON TERRESTRIAL ANIMAL SPECIES

1. SCOPE

This protocol provides the criteria for the assessment and reporting of impacts on terrestrial animal species for activities requiring environmental authorisation. The assessment requirements of this protocol are associated with a level of environmental sensitivity identified by the national web based environmental screening tool for terrestrial animal species, which is based on species of conservation concern as provided by the South African National Biodiversity Institute (SANBI). If any part of the proposed development falls within an area of “very high”, “high” or “medium” sensitivity, the requirements prescribed for such sensitivity apply.

The national web based environmental screening tool can be accessed at: <https://screening.environment.gov.za/screeningtool>

2. REQUIREMENTS FOR THE INITIAL SITE SENSITIVITY VERIFICATION

Requirements for the assessment and reporting of impacts on terrestrial animal species for activities requiring environmental authorisation are set out in Table 1 below and correlate to the sensitivity ratings contained in the national web based environmental screening tool. Prior to beginning the assessment, the current use of the land and the potential environmental sensitivity of the site as identified by the national web based environmental screening tool must be confirmed by undertaking an initial site sensitivity verification.

- 2.1 The initial site sensitivity verification must be undertaken by an environmental assessment practitioner or a specialist registered with the South African Council for Natural Scientific Professionals (SACNASP) with expertise in the relevant environmental theme being considered.
- 2.2 The initial site sensitivity verification must be undertaken through the use of:
 - (a) a desk top analysis, using satellite imagery and other available and relevant information; and
 - (b) a preliminary on-site inspection to identify if there are any discrepancies with the current use of land and environmental status quo versus the environmental sensitivity as identified on the national web based environmental screening tool, such as new developments, infrastructure, indigenous/pristine vegetation, etc.
- 2.3 The outcome of the initial site sensitivity verification must be recorded in the form of a report that—
 - (a) confirms or disputes the current use of the land and environmental sensitivity as identified by the national web based environmental screening tool;
 - (b) contains a motivation and evidence (e.g. photographs) of either the verified or different use of the land and environmental sensitivity; and
 - (c) is submitted together with the relevant assessment report prepared in accordance with the requirements of the Environmental Impact Assessment Regulations, as amended, promulgated under sections 24(5) and 44 of the National Environmental Management Act, 198 (Act No. 107 of 1998).

3. REQUIREMENTS FOR ENVIRONMENTAL ASSESSMENT

TABLE 1: CRITERIA FOR THE ASSESSMENT AND REPORTING OF IMPACTS ON TERRESTRIAL ANIMAL SPECIES FOR ACTIVITIES REQUIRING ENVIRONMENTAL AUTHORISATION	
<p>VERY HIGH SENSITIVITY RATING – for terrestrial animal species</p> <ol style="list-style-type: none"> 1. Critical habitat for range restricted species of conservation concern that have a global range of less than 10 km². 2. Species of conservation concern listed on the IUCN Red List of Threatened Species¹ or South Africa's National Red List website² as Critically Endangered, Endangered or Vulnerable according to the IUCN Red List 3.1. Categories and Criteria or listed as Nationally Rare. <p>These areas are irreplaceable in terms of species of conservation concern.</p>	<p>1. General Information</p> <ol style="list-style-type: none"> 1.1 An applicant, intending to undertake an activity as identified in the scope of this protocol on a site identified as being of "very high", "high" or "medium" sensitivity for terrestrial animal species on the national web based environmental screening tool must submit a Terrestrial Animal Species Impact Assessment Report. 1.2 However, where the information gathered from the initial site sensitivity verification identified in section 2 of this protocol or the specialist assessment differs from the designation of "very high", "high", or "medium" terrestrial animal species sensitivity from the national web based environmental screening tool and it is found to be of a "low" sensitivity, then a Terrestrial Animal Species Impact Assessment is not required. 1.3 Should paragraph 1.2 apply, a Terrestrial Animal Species Compliance Statement must be submitted. An environmental assessment practitioner or a suitably qualified taxon relevant specialist, registered with the South African National Council for Natural Scientific Professionals (SACNASP), must append to the Terrestrial Animal Species Compliance Statement a motivation and evidence (e.g. photographs) of the different terrestrial animal species sensitivity. <p>2. Terrestrial Animal Species Impact Assessment</p> <ol style="list-style-type: none"> 2.1 The assessment must be undertaken by a suitably qualified taxon relevant SACNASP registered specialist aligned with the taxa identified in the report generated from the national web based environmental screening tool on the site being submitted as the preferred development site. 2.2 The Terrestrial Animal Species Impact Assessment must include the results of a site assessment undertaken on the preferred development site. 2.3 The Terrestrial Animal Species Impact Assessment must be undertaken in accordance with the <i>Species Environmental Assessment Best Practice Guidelines</i>³ and must identify the following: <ol style="list-style-type: none"> 2.3.1 The species of conservation concern which were found on site; 2.3.2 The distribution, location, viability (ability to survive and reproduce in future) and detailed description of population size of the species of conservation concern identified on the preferred development site; 2.3.3 The nature and the extent of the potential impact of the proposed development on the species of conservation concern on the proposed development site; 2.3.4 The importance of the conservation of the population of the species of special concern identified on the proposed development site based on information available in national and international databases including the IUCN Red List of Threatened Species, South African Red List of Species, and/or other relevant databases; 2.3.5 The potential impact of the proposed development on the habitat of the species of conservation concern;
<p>HIGH SENSITIVITY RATING – for terrestrial animal species</p> <ol style="list-style-type: none"> 1. Confirmed habitat for species of conservation concern. 2. Species of conservation concern listed on the IUCN Red List of Threatened Species or South Africa's National Red List website as Critically Endangered, Endangered or Vulnerable according to the IUCN Red List 3.1. Categories and Criteria. <p>These areas are unsuitable for development due to a very likely impact on species of conservation concern.</p>	

¹ <https://www.iucnredlist.org/>

² <http://bgis.speciesstatus.sanbi.org/>

³ <http://bgis.sanbi.org/>

<p>MEDIUM SENSITIVITY RATING – for terrestrial animal species</p> <ol style="list-style-type: none"> 1. Suspected habitat for species of conservation concern based either on there being records for this species collected in the past prior to 2002 or being a natural area included in a habitat suitability model. 2. Species of conservation concern listed on the IUCN Red List of Threatened Species or South Africa's National Red List website as Critically Endangered, Endangered or Vulnerable according to the IUCN Red List 3.1. Categories and Criteria. 	<ol style="list-style-type: none"> 2.3.6 Any dynamic ecological processes occurring within the site and its surrounds that might be disrupted by the proposed development and resulting impact on the identified species of conservation concern; for example, fires in fire-prone systems; 2.3.7 Any potential impact of ecological connectivity (on site, and in relation to the broader landscape) and resulting impact on the identified species of conservation concern; 2.3.8 Buffer distances as per the <i>Species Environmental Assessment Best Practice Guidelines</i> used for the population of each species of conservation concern; 2.3.9 The likelihood of other threatened species, undescribed species or highly localised endemics, migratory species, or species of conservation concern, occurring in the vicinity; and 2.3.10 Identify any alternative development footprints within the preferred development site which would be of "low" sensitivity as identified by the national web based environmental screening tool and verified through the initial site sensitivity verification. <p>3. The findings of the Terrestrial Animal Species Impact Assessment must be written up in a Terrestrial Animal Species Impact Assessment Report.</p> <p style="padding-left: 20px;">This report must include as a minimum the following information:</p> <ol style="list-style-type: none"> 3.1 Contact details and curriculum vitae of the specialist including SACNASP registration number and fields of expertise; 3.2 A signed statement of independence by the specialist; 3.3 Duration, date and season of the site investigation and the relevance of the season to the outcome of the assessment; 3.4 A description of the methodology used to undertake the impact assessment and site inspection, including equipment and modelling used where relevant; 3.5 A description of the assumptions made and any uncertainties or gaps in knowledge or data as well as a statement of the timing and intensity of site inspection observations; 3.6 Areas not suitable for development, to be avoided during construction and operation where relevant; 3.7 Additional environmental impacts expected from the proposed development based on those already evident on the site and a discussion on the cumulative impacts; and 3.8 Impact management actions and impact management outcomes proposed by the specialist for inclusion in the Environmental Management Programme (EMPr); 3.9 A reasoned opinion, based on the findings of the specialist assessment, regarding the acceptability or not of the proposed development and if the proposed development should receive approval or not, and any conditions to which the opinion is subjected; 3.10. A motivation must be provided if there were development footprints identified as per paragraph 2.3.10 above that were identified as having a "low" terrestrial animal species sensitivity and were not considered appropriate. <p>4. The findings of the Terrestrial Animal Impact Assessment must be incorporated into the Basic Assessment Report (BAR) or the Environmental Impact Assessment Report (EIAR), including the mitigation and monitoring measures as identified, which must be incorporated into the EMPr. A signed copy of the assessment must be appended to the BAR or EIAR.</p>
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<p>LOW SENSITIVITY RATING – for terrestrial animal species</p> <ol style="list-style-type: none"> 1. Areas where no natural habitat remains. 2. Natural areas where there is no suspected occurrence of species of conservation concern. 	<ol style="list-style-type: none"> 1. General Information <ol style="list-style-type: none"> 1.1 An applicant, intending to undertake an activity as identified in the scope of this protocol, on a site identified as being of “low sensitivity” for terrestrial animal species on the national web based environmental screening tool must submit a Terrestrial Animal Species Compliance Statement, unless <ol style="list-style-type: none"> 1.1.1 the information gathered from the initial site sensitivity verification identified in section 2 of this protocol differs from that identified as having a “low” terrestrial animal species sensitivity by the national web based environmental screening tool and it is found to be of a “very high” “high” and/or “medium” sensitivity. 1.2 Should 1.1.1 apply, a Terrestrial Animal Species Impact Assessment is to be undertaken and a report should be prepared in accordance with the requirements of a Terrestrial Animal Impact Assessment. 2. Terrestrial Animal Species Compliance Statement <ol style="list-style-type: none"> 2.1 The Terrestrial Animal Species Compliance Statement must be prepared by a suitably qualified, taxon relevant SACNASP registered specialist, on the site being submitted as the preferred development site and must verify: <ol style="list-style-type: none"> 2.1.1 That the site is of “low” sensitivity for terrestrial animal species; and 2.1.2 Whether or not the proposed development will have any impact on the terrestrial animal species. 3. The Terrestrial Animal Species Compliance Statement, must contain, as a minimum, the following information: <ol style="list-style-type: none"> 3.1 Contact details and curriculum vitae of the specialist including SACNASP registration number and field of expertise; 3.2 A signed statement of independence by the specialist; 3.3 Methodology used to undertake the site survey and prepare the compliance statement, including equipment and modelling used where relevant; 3.4 Where required, proposed impact management outcomes or any monitoring requirements for inclusion in the EMPr; 3.5 A description of the assumptions made and any uncertainties or gaps in knowledge or data as well as a statement of the timing and intensity of site inspection observations; and 3.6 Any conditions to which the statement is subjected. 4. A signed copy of the full Terrestrial Animal Species Compliance Statement must be appended to the BAR or EIAR.
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3(d) - PROTOCOL FOR THE ASSESSMENT AND REPORTING OF ENVIRONMENTAL IMPACTS ON TERRESTRIAL PLANT SPECIES

1. SCOPE

This protocol provides the criteria for the assessment and reporting of impacts on terrestrial plant species for activities requiring environmental authorisation. The assessment requirements of this protocol are associated with a level of environmental sensitivity identified by the national web based environmental screening tool for terrestrial plant species, which is based on species of conservation concern as provided by the South African National Biodiversity Institute (SANBI). If any part of the proposed development falls within an area of “very high”, “high” or “medium” sensitivity, the requirements prescribed for such sensitivity apply.

The national web based environmental screening tool can be accessed at: <https://screening.environment.gov.za/screeningtool>

2. REQUIREMENTS FOR THE INITIAL SITE SENSITIVITY VERIFICATION

Requirements for the assessment and reporting of impacts on terrestrial plant species for activities requiring environmental authorisation are set out in Table 1 below, and correlate to the sensitivity ratings contained in the national web based environmental screening tool. Prior to beginning the assessment, the current use of the land and the potential environmental sensitivity of the site as identified by the national web based environmental screening tool must be confirmed by undertaking an initial site sensitivity verification.

- 2.1 The initial site sensitivity verification must be undertaken by an environmental assessment practitioner or a specialist registered with the South African Council for Natural Scientific Professionals (SACNASP) with expertise in the relevant environmental theme being considered.
- 2.2 The initial site sensitivity verification must be undertaken through the use of:
 - (a) a desk top analysis, using satellite imagery and other available and relevant information; and
 - (b) a preliminary on-site inspection to identify if there are any discrepancies with the current use of land and environmental status quo versus the environmental sensitivity as identified on the national web based environmental screening tool, such as new developments, infrastructure, indigenous/ pristine vegetation, etc.
- 2.3 The outcome of the initial site sensitivity verification must be recorded in the form of a report that-
 - (a) confirms or disputes the current use of the land and the environmental sensitivity as identified by the national web based environmental screening tool;
 - (b) contains a motivation and evidence (e.g. photographs) of either the verified or different use of the land and environmental sensitivity; and
 - (c) is submitted together with the relevant assessment report prepared in accordance with the requirements of the Environmental Impact Assessment Regulations, as amended, promulgated under sections 24(5) and 44 of the National Environmental Management Act, 1998 (Act No. 107 of 1998).

3. REQUIREMENTS FOR ENVIRONMENTAL ASSESSMENT

TABLE 1: CRITERIA FOR THE ASSESSMENT AND REPORTING OF IMPACTS ON TERRESTRIAL PLANT SPECIES FOR ACTIVITIES REQUIRING ENVIRONMENTAL AUTHORISATION	
<p>VERY HIGH SENSITIVITY RATING – for terrestrial plant species</p> <ol style="list-style-type: none"> 1. Critical Habitat for range restricted species of conservation concern that have a global range of less than 10 km². 2. Species of conservation concern listed on the IUCN Red List of Threatened Species¹ or South Africa's National Red List website² as Critically Endangered, Endangered or Vulnerable according to the IUCN Red List 3.1. Categories and Criteria or listed as Nationally Rare. <p>These areas are irreplaceable in terms of species of conservation concern.</p>	<p>4. General Information</p> <ol style="list-style-type: none"> 1.1 An applicant, intending to undertake an activity as identified in the scope of this protocol on a site identified as being of “very high”, “high” or “medium” sensitivity for terrestrial plant species on the national web based environmental screening tool must submit a Terrestrial Plant Species Impact Assessment Report. 1.2 However, where the information gathered from the Initial Site Sensitivity Verification identified in section 2 of this Protocol or the specialist assessment differs from the designation of “very high”, “high”, or “medium” terrestrial plant species sensitivity from the national web based environmental screening tool and it is found to be of a “low” sensitivity, then a Terrestrial Plant Species Impact Assessment is not required. 1.3 Should paragraph 1.2 apply, a Terrestrial Plant Species Compliance Statement must be submitted. An environmental assessment practitioner or a suitably qualified, taxon relevant specialist, registered with the South African Council for Natural Scientific Professionals must append to the Terrestrial Plant Species Compliance Statement a motivation and evidence (e.g. photographs) of the different Terrestrial Plant Species sensitivity. <p>2. Terrestrial Plant Species Impact Assessment</p> <ol style="list-style-type: none"> 2.1 The assessment must be undertaken by a taxon relevant SACNASP registered specialist aligned with the taxa identified in the screening report on the site being submitted as the preferred development site. 2.2 The Terrestrial Plant Species Impact Assessment must include the results of a site assessment undertaken on the preferred development site. 2.3 The Terrestrial Plant Species Impact Assessment must be undertaken in accordance with the <i>Species Environmental Assessment Best Practice Guidelines</i>³ and must identify the following: <ol style="list-style-type: none"> 2.3.1 The species of conservation concern which were found on site; 2.3.2 The distribution, location, viability (ability to survive and reproduce in future) and detailed description of population size of the species of conservation concern identified on the proposed development site; 2.3.3 The nature and the extent of the potential impact of the proposed development on the species of conservation concern on the proposed development site; 2.3.4 The importance of the conservation of the population of the species of special concern identified on the proposed development site based on information available in national and international databases including the IUCN Red List of Threatened Species, South African Red List of Species, and/or other relevant databases; 2.3.5 The potential impact of the proposed development on the habitat of the species of conservation concern; 2.3.6 Any dynamic ecological processes occurring within the site and its surrounds, that might be disrupted by the proposed development and resulting impact on the identified species of conservation concern; for example, fires in fire-prone systems;
<p>HIGH SENSITIVITY RATING – for terrestrial plant species</p> <ol style="list-style-type: none"> 1. Confirmed habitat for species of conservation concern. 2. Species of conservation concern listed on the IUCN Red List of Threatened Species or South Africa's National Red List website as Critically Endangered, Endangered or Vulnerable according to the IUCN Red List 3.1. Categories and Criteria. <p>These areas are unsuitable for development due to a very likely impact on species of conservation concern.</p>	

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<p>MEDIUM SENSITIVITY RATING – for terrestrial plant species</p> <ol style="list-style-type: none"> 1. Suspected habitat for species of conservation concern based either on there being records for this species collected in the past prior to 2002 or being a natural area included in a habitat suitability model. 2. Species of conservation concern listed on the IUCN Red List of Threatened Species or South Africa's National Red List website as Critically Endangered, Endangered or Vulnerable according to the IUCN Red List 3.1. Categories and Criteria. 	<p>2.3.7 Any potential impact of ecological connectivity (on site, and in relation to the broader landscape) and resulting impact on the identified species of conservation concern;</p> <p>2.3.8 Buffer distances as per the <i>Species Environmental Assessment Best Practice Guidelines</i> used for the population of each species of conservation concern; and</p> <p>2.3.9 The likelihood of other threatened species, undescribed species or highly localised endemics, migratory species, or species of conservation concern, occurring in the vicinity.</p> <p>2.3.10 Identify any alternative development footprints within the preferred development site which would be of "low" sensitivity" as identified by the national web based environmental screening tool and verified through the initial site sensitivity verification.</p> <p>3. The findings of the Terrestrial Plant Species Impact Assessment must be written up in a Terrestrial Plant Species Impact Assessment Report which contains a collation of the Terrestrial Plant Species Impact Assessment that have been conducted by taxon relevant SACNASP registered specialist.</p> <p>This report must include as a minimum the following information:</p> <ol style="list-style-type: none"> 3.1 Contact details and curriculum vitae of the specialist including SACNASP registration number and fields of expertise; 3.2 A signed statement of independence by the specialist; 3.3 Duration, date and season of the site investigation and the relevance of the season to the outcome of the assessment; 3.4 A description of the methodology used to undertake the impact assessment and site inspection, including equipment and modelling used where relevant; 3.5 A description of the assumptions made and any uncertainties or gaps in knowledge or data as well as a statement of the timing and intensity of site inspection observations; 3.6 Areas not suitable for development, to be avoided during construction and operation where relevant; 3.7 Additional environmental impacts expected from the proposed development based on those already evident on the site and a discussion on the cumulative impacts; 3.8 A motivation must be provided if there were development footprints identified as per paragraph 2.3.10 above that were identified as having a "low" terrestrial plant species sensitivity and were not considered appropriate; and 3.9 Impact management actions and impact management outcomes proposed by the specialist for inclusion in the Environmental Management Programme (EMPr). 3.10A reasoned opinion, based on the findings of the specialist assessment, regarding the acceptability or not of the proposed development and if the proposed development should receive approval or not, and any conditions to which the opinion is subjected. <p>4. The findings of the Terrestrial Plant Impact Assessment must be incorporated into the Basic Assessment Report (BAR) or the Environmental Impact Assessment Report (EIAR), including the mitigation and monitoring measures as identified, which must be incorporated into the EMPr. A signed copy of the assessment must be appended to the BAR or EIAR.</p>
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LOW SENSITIVITY RATING – for terrestrial plant species

1. Areas where no natural habitat remains.
2. Natural areas where there is no suspected occurrence of species of conservation concern.

1. General Information

- 1.1 An applicant, intending to undertake an activity as identified in the scope of this protocol, on a site identified as being of “low sensitivity” for terrestrial plant species on the national web based environmental screening tool must submit a Terrestrial Plant Species Compliance Statement to the competent authority, unless
 - 1.1.1 the information gathered from the initial site sensitivity verification identified in section 2 of this Protocol differs from that identified as having a “low” terrestrial plant species sensitivity by the national web based environmental screening tool and it is found to be of a “very high,” “high” or “medium” sensitivity.
- 1.2 Should 1.1.1 apply, a Terrestrial Plant Species Impact Assessment is to be undertaken and a report should be prepared in accordance with the requirements of a Terrestrial Plant Species Impact Assessment.

2. Terrestrial Plant Species Compliance Statement

- 2.1 The Terrestrial Plant Species Compliance Statement must be prepared by a taxon relevant SACNASP registered specialist, on the site being submitted as the preferred development site and must verify:
 - 2.1.1 That the site is of “low” sensitivity for terrestrial plant species; and
 - 2.1.2 Whether or not the proposed development will have any impact on the terrestrial plant species.
3. The Terrestrial Plant Species Compliance Statement, must contain, as a minimum, the following information:
 - 3.1 Contact details and curriculum vitae of the specialist including SACNASP registration number and field of expertise;
 - 3.2 A signed statement of independence by the specialist;
 - 3.3 Methodology used to undertake the site survey and prepare the compliance statement, including equipment and modelling used where relevant;
 - 3.4 Where required, proposed impact management outcomes or any monitoring requirements for inclusion in the EMPPr;
 - 3.5 A description of the assumptions made and any uncertainties or gaps in knowledge or data as well as a statement of the timing and intensity of site inspection observations; and
 - 3.6 Any conditions to which the statement is subjected.
4. A signed copy of the full Terrestrial Plant Species Compliance Statement must be appended to the BAR or EIAR.

¹ <https://www.iucnredlist.org/>

² <http://bgis.speciesstatus.sanbi.org/>

³ <http://bgis.sanbi.org/>