

N2 WILD COAST TOLL HIGHWAY PROJECT

MINUTES OF ENVIRONMENTAL MONITORING COMMITTEE MEETING NUMBER 16

Date: 18 November 2020

Time: 10h30

Venue: Microsoft Teams Online

No.	Item	Action
1.	<u>OPENING AND WELCOME</u>	
1.1	Opening Mr Drew (NMA) opened the meeting and welcomed everybody present. <i>Refer to attendance register for list of attendees</i>	
1.2	Apologies Apologies were given for Mr Mapiya (ECPTA), Ms Hlongwane and Mr Dlamini (DEFF Environment - Compliance), Dean Ricketts (DEDEAT), Mr Willis (SANBI), Mr McCall (SMC) and Mr Viljoen (Concor Mota Engil JV). Ms Oarabile Magapa (DEFF Environment - Compliance) is standing in for Ms Hlongwane and Mr Dlamini.	
1.3	Observers Mr Drew welcomed Mr Goss and Ms Pretorius as observers to the meeting.	
2.	<u>ADOPTION OF AGENDA</u>	
2.1	The agenda was adopted as a suitable guide for the proceedings of the meeting without any amendments or additions.	
3.	<u>PROGRESS UPDATE ON N2 WILD COAST TOLL HIGHWAY PROJECT - SANRAL</u>	
3.1	Mr McLachlan (SANRAL) gave a presentation on progress on the project (<i>Refer to Annexure I</i>).	
4.	<u>UPDATE ON IMPLEMENTATION OF THE BIODIVERSITY OFFSET AGREEMENT – ECPTA</u>	
4.1	Mr Nombembe (ECPTA) presented on the implementation of the BOA (<i>Refer to Annexure II</i>).	
5.	<u>ENVIRONMENTAL CONTROL OFFICER (ECO) REPORTS</u>	
5.1	Southern Section (Ndwalane to Msikaba)	
5.1.1	Mr Kriel (EIMS) gave a presentation on the ECO report for the southern greenfield section - Msikaba River Bridge and haul roads. (<i>Refer to Annexure III</i>).	
5.2	Northern Section (Msikaba to Mtamvuna)	
5.2.1	Mr Lepono (Ecosolve Consulting) gave a presentation on the ECO report for the northern greenfield section - Mtentu River Bridge and haul roads. (<i>Refer to Annexure IV</i>).	
6.	<u>ENVIRONMENTAL AUDIT REPORT</u>	
6.1	Ms Ntene (Letsolo) gave a presentation on the environmental audit report. (<i>Refer to Annexure V</i>).	
7.	<u>ADOPTION OF PREVIOUS EMC MINUTES</u>	
7.1	The minutes were adopted as an accurate reflection of the proceedings of the previous meeting without any amendments or additions.	
8.	<u>MATTERS ARISING</u>	
	Matters Arising from the Minutes of EMC Meeting No 15 on 19 August 2020	
8.1	<i>Item 8.1: SANRAL requested DEFF Enforcement to close off the first pre-compliance notice from the March 2018 site inspection and asked for further information regarding the second notice.</i> Ms Magapa (DEFF Environment - Enforcement) said that the second pre-compliance notice was	

	<p>issued because there were outstanding issues from the first notice which had not been completed and additional information was required. The written response from DEFF Environment - Enforcement has been completed and is only awaiting signature before it can be sent to SANRAL. She also raised the matter of a letter addressed to SANRAL and copied to DEFF from the local community in August regarding lack of consultation and access to jobs.</p> <p>Mr McLachlan said SANRAL has two officials on the ground in the Pondoland area who meet with the community and try to address issues as and when they arise.</p> <p>Ms Magapa said she will forward the letter to the EMC chairperson and Ms Hlongwane and she requested that the response from SANRAL should also be copied to DEFF so that they know it has been dealt with and will not come back to them again.</p> <p>Mr Drew said that most of the complaints raised by the community do not concern environmental compliance and are dealt with directly by SANRAL and it is questionable whether they should be brought to the attention of DEFF Environment – Compliance.</p> <p>Mr McLachlan said that if Ms Magapa sends the correspondence to SANRAL they can inform DEFF how the matter was addressed as he is not sure which letter is being referred to.</p>	<p>DEFF / SANRAL</p>
8.2	<p><i>Item 8.2: The Community Property Association to ratify the agreement on the Mzamba / R61 interchange with its full membership.</i></p> <p>Mr McLachlan reported that the CPA managed to meet individually with its membership to have the agreement ratified and that agreement was signed off a few weeks ago enabling the service providers to go on site and do their investigations. SANRAL has a preferred design for the interchange but site investigations need to be carried out to determine whether it will work before it can be finalised.</p>	<p>DEFF</p> <p>DEFF SANRAL</p> <p>SANRAL</p>
8.3	<p><i>Item 8.3: The letter on the control of illegal structures along the N2 corridor will be presented to the N2 Wild Coast Toll Highway Political Oversight Committee meeting the following day and will be sent to all the members of the POC and Technical Committee which includes the relevant Heads of Departments and Municipal Managers.</i></p> <p>Mr Drew said it was reported in the ACC meeting that the letter was tabled and discussed by the MECs and mayors and it was agreed that a task team would be established comprising the HODs of the relevant departments and the MMs of the municipalities to address the issue. The Eastern Cape Socio Economic Consultative Council (ECSECC) was requested to establish the task team but it has not been done yet due to difficulties in coordinating the different members calendars. The discussion in the POC also indicated that this issue needs to be addressed through the Eastern Cape Spatial Development Framework (ECSDF) and the relevant MSDFs. Mr Drew said he would contact Mrs Somfongo from COGTA to determine the current status of the ECSDF.</p>	<p>SANRAL</p> <p>NMA</p>
8.4	<p><i>Item 8.4: Summary of the site analysis and situational analysis reports to be sent to EMC members with the minutes.</i></p> <p>Mr Drew said this had not been done yet as he was still awaiting a report from Mr Nombembe.</p>	<p>ECPTA</p>
8.5	<p><i>Item 8.6: SANRAL to comment on the proposal for the grassland species at the Mtentu plant holding areas to be replanted in the no-go areas around the bridge sites. A proposal for the grassland species at the Msikaba bridge site also to be prepared.</i></p> <p>Mr Drew said it was reported in the ACC meeting that SANRAL had approved the proposal to replant the grassland species in the no-go areas around the bridge site at Mtentu and is currently considering to do the replanting in the first week of December.</p> <p>Mr Fredericks (SLR) said the replanting proposal for Msikaba was sent to SANBI who provided comments. The proposal was also discussed with SANBI on the recent site visit. Discussions are now taking place between SANRAL, SANBI and the plant search and rescue service provider at Msikaba on the timing of the replanting.</p>	<p>SANBI</p> <p>SANBI</p>
8.6	<p><i>Item 9.1: The heritage practitioner to complete the final report on the repair works to the relocated graves at Msikaba North.</i></p>	

	<p>Mr Fredericks said the report has not yet been submitted and the heritage practitioner had been experiencing problems getting to site due to Covid-19. He said he would follow up to determine when the heritage practitioner will be able to complete the report.</p>	SLR
8.7	<p><i>Item 9.2: SLR to forward the latest report from the plant search and rescue service provider for the Mtentu sites to Mr van der Merwe of DEFF Forestry.</i></p> <p>Mr Drew said this had been done and he had been copied on the correspondence.</p>	
8.8	<p><i>Item 9.3: The BOA team to meet with DEDEAT's Compliance Office prior to each EMC meeting to discuss any issues so that these can be reported on in the meeting.</i></p> <p>Mr Nombembe said that several meetings took place due to reports of planned land invasions and economic activities in several of the BOA receiving areas and it was necessary to determine whether any applications had been made to DEDEAT as these areas fall within the coastal conservation area.</p> <p>Mr Drew asked whether ECPTA was liaising with the local municipalities regarding these issues.</p> <p>Mr Nombembe said that the local municipalities are represented on the PSC for the BOA so there is a continual dialogue with the municipalities. He said the main area where land invasions are a problem is in Port St John's, particularly in the Mount Thesiger State Forest, and there is a Land Invasion Committee in Port St Johns which meets quarterly and as and when necessary to deal with land invasions and ECPTA is part of that committee. These issues are also being dealt with through the Conservation Committees for each BOA area because the members work very closely with the traditional authorities.</p> <p>Mr De Villiers said that the BOA receiving areas are a priority for DEDEAT Compliance and Enforcement and if anybody sees any illegal activity taking place in these areas they should inform DEDEAT immediately and they will take action. There was an illegal structure being erected in the Msikaba - Lambasi area and DEDEAT responded through Operation Phakisa and the construction was stopped and a criminal case has now been opened. He has heard through the grapevine that there may be more illegal structures planned for this area where the grasslands are critical for the BOA. He said he will discuss the other areas where invasions are planned with Mr Nombembe outside the meeting to ensure that DEDEAT is on top of the situation.</p>	DEDEAT
	<p>Mr van der Merwe (DEFF Forestry) said if there are land invasions in state forests then himself and the DEFF estate manager for the forest should be informed. He said that all the land invasion hotspots in the BOA areas should be mapped and he can get a report from the estate managers on where there are problems in the state forests.</p>	DEDEAT / DEFF
8.9	<p>Mr Drew reinforced the importance of a three-way dialogue between ECPTA, DEDEAT and DEFF Forestry about land invasions in the BOA receiving areas so that everyone is kept up-to-date and informed immediately when adverse situations arise. He also asked DEDEAT and DEFF Forestry to ensure they are represented on the Land Invasion Committee in Port St Johns.</p> <p><i>Item 9.4: DEDEAT to report on the pre-compliance notice relating to the 75 ha of eucalyptus plantation on the Tracor land adjacent to Mkambathi.</i></p> <p>Mr De Villiers said that since the last EMC meeting a compliance notice was issued to the Mkambathi Land Trust and copied to SAPPI who planted the trees and DEDEAT is now awaiting an overlay map from ECPTA of the land that was earmarked as an extension to Mkambathi Nature Reserve as part of the BOA as well as the area that was authorised for afforestation. He will report at the next EMC meeting on progress with this case.</p>	DEDEAT
8.10	<p><i>Item 9.5: ECPTA to ensure that the BOA receiving areas are included in the Municipal SDFs.</i></p> <p>Mr Drew said this was just a reminder for ECPTA to engage with the local municipalities and ensure that the BOA receiving areas are included in the current review process for the MSDFs as protected areas as this will also assist with enforcement.</p>	
8.11	<p><i>Item 9.6: ECPTA to get assistance from Dr Shwababa of DALRRD regarding the approval of the voter marshall approach for the land rights holders resolution.</i></p>	

8.12	<p>Mr Nombembe said that due to the change in the Covid-19 alert level ECPTA will be revising its approach to obtaining the land rights holders resolution and will then engage with DALRRD.</p> <p>Mr Drew said that Dr Shwababa is the DALRRD representative on the EMC and should be contacted for assistance when ECPTA engages with DALRRD.</p> <p><i>Item 10.1: A Microsoft Teams meeting invitation will be sent out two weeks before the next EMC meeting.</i></p> <p>Mr Drew said this was done. It was also agreed that the next EMC and ACC meetings should take place online in early March. He said he would send out the date for the next meeting together with the dates for the rest of the year with the minutes of the meeting.</p>	ECPTA NMA
9.	<u>OTHER ISSUES / GENERAL</u>	
9.1	<p>Mr De Villiers said that the SANRAL presentation showed access roads that SANRAL is going to upgrade in Goso Forest, Mbotyi and Ntafufu. He said DEDEAT have outstanding cases in each of those areas for unauthorised roads going into the state forests and SANRAL should first check that the roads they intend to upgrade are properly proclaimed roads.</p> <p>Mr McLachlan said all the roads earmarked for upgrading are long-standing roads which act as the main roads in those areas. The current alignments are maintained with only minor adjustments so that EIA's are not triggered and a 6m wide cross-section is surfaced using labour-intensive methods and SMMEs from the local area. The model for SANRAL's Community Development Programme has recently changed and a consultant is now appointed to check the designs and do a full scoping of the project. Any issues around the legality of the road would be uncovered at this stage before the training and mentoring contractor is appointed to supervise the local SMMEs to construct the road.</p> <p>Mr van der Merwe said that there are a number of municipal roads which encroach illegally into state forests and natural forests and SANRAL must just verify that the roads they are planning to upgrade do not fall into this category.</p> <p>Mr De Villiers said that DEDEAT has issued compliance notices to the local authorities in such cases requesting them to cease construction and rehabilitate any damage that they have done but the municipalities are bankrupt and unable to do any rehabilitation work.</p> <p>Mr McLachlan asked Mr van der Merwe and Mr De Villiers to send him a list and geo-referenced map showing all the illegal road sections so that SANRAL does not consider upgrading them in the future. If some of them are close to where SANRAL is or will be working on the project then they can investigate doing the required rehabilitation work in consultation with DEDEAT and DEFF.</p>	DEFF / DEDEAT
9.2	<p>Mr De Villiers said that in relation to Mr Kriel's presentation and the issue of illegal sand mining there was an extensive discussion in the ACC meeting and it was agreed that a task team headed initially by Mr Gabula of DEDEAT would be established to address this problem and that DMR as the responsible authority would be approached to head this task team once it is established.</p>	
9.3	<p>Mr De Villiers said that in Mr Lepono's presentation there were photographs of gabions that were quite an eyesore and he was concerned that these were at Pier 8. However, when Ms Ntene gave her presentation she indicated that there had been no work carried out at Pier 8. He said an expert in rehabilitation ecology should look at the rehabilitation of the cliffs around Pier 8 as it is an important area from both an ecological and visual perspective.</p> <p>Mr Fredericks said that Mr Lepono reported on the rehabilitation on the north bank of the Mtentu and a contractor is currently carrying out the rehabilitation work on the south bank of the Mtentu.</p>	
9.4	<p>Mr De Villiers requested a copy of the amended minutes from the previous EMC meeting as he only has the version without the amendment.</p> <p>Mr Drew said he did send out the amended version to all EMC members and he would resend it to Mr De Villiers.</p>	NMA
9.5	<p>Mr Vatsha (Delta Environmental Centre) requested SANRAL to investigate the possibility of completing some of the local roads which stop in the middle of nowhere without connecting to the rest of the local road network. He mentioned the road that cuts across Makwadini just before the Mnyameni River and stops 3 km from another road where SANRAL has identified a Community</p>	


























	<p>Development Project. In terms of connectivity for the local communities it would make sense to complete this road and he will provide the details of this road to SANRAL.</p> <p>Mr McLachlan said he does not recognise the road from the description but if Mr Vatsha sends him the information SANRAL will investigate.</p> <p>9.6 Mr van der Merwe said the plant search and rescue report for Mtentu as well as the presentation mentioned that some of the larger forest plants have outgrown their bags and need to be re-bagged. He asked what the timelines were for this and also for replanting them as the longer they have to wait before being replanted the greater the chance that they will not survive.</p> <p>Mr Fredericks said the service provider has previously identified the need for re-bagging of the relevant forest plants and may already have begun the re-bagging as per their recommendation. The service provider has also been propagating these plants from seeds and cuttings. He said he will establish the envisaged timelines for this work and will communicate with Mr van der Merwe in this regard.</p> <p>9.7 Mr van der Merwe said it was not possible from the presentation to ascertain the success or otherwise of the alien vegetation removal from the forest on the north bank of the Mtentu and also whether the erosion of the road into the forest has been addressed and whether access on that road has been closed off.</p> <p>Mr Lepono said the eradication of alien vegetation started about a week ago and has been completed on the south bank and work has now begun on the north bank. Those plants that are suitable for firewood are being left next to the road for the community and those that bear seeds are being stored in a container for safe disposal off site. This process is being documented and all the species that are being removed are recorded. The repair work to all the erosion spots has been completed except for the cleaning of the silt dams and nets. The road into the forest has been secured with fencing and a gate which is kept locked and there is security at the gate 24/7. However, he has observed cattle in the forest and is not sure how they get there because there is no access from the site camp or along the haul road.</p> <p>Mr Drew suggested speaking to the security guard on the next site visit to find out how the cattle are accessing the forest with a view to finding a way to prevent this.</p> <p>9.8 Mr Vatsha asked whether SANRAL are informed when other government departments or agencies are doing work in the vicinity of the N2 because it could happen that someone like Eskom is working in the area and creates a problem and then SANRAL gets blamed for this.</p> <p>Mr McLachlan said he does not get informed about such activity but the people on the ground working on the project may well be aware of other work taking place in the area. The PLCs deal with any community issues relating to the project and they would certainly be able to differentiate between problems related to SANRAL and any other work taking place in the area.</p>	<p><i>Mr Vatsha</i></p> <p><i>SLR</i></p> <p><i>Ecosolve</i></p>
<p>10.</p> <p>10.1</p>	<p><u>WAY FORWARD AND CLOSURE</u></p> <p>Mr Drew said that the date for the next meeting and for the rest of 2021 will be sent out with the minutes of the meeting. He then thanked everybody for attending and closed the meeting.</p> <p>The dates for the 2021 ACC and EMC meetings are as follows:</p> <ul style="list-style-type: none"> • Wednesday 3 March 2021 • Wednesday 19 May 2021 • Wednesday 18 August 2021 • Wednesday 17 November 2021 	<p><i>NMA</i></p>

N2 WILD COAST TOLL HIGHWAY ENVIRONMENTAL MONITORING COMMITTEE MEETING NUMBER 16


Date: 18 November 2020
Time: 10h30
Venue: Online Microsoft Teams Meeting

 Julian Drew renamed the meeting to N2 Wild Coast Toll Highway - Environmental Monitoring Committee Meeting Number 16

November 18, 2020


-  Miyelani Ngobeni (Guest) joined the meeting.
-  Ntlahla Mfingwana joined the meeting.
-  GP Kriel joined the meeting.
-  Oarabile Magapa joined the meeting.
-  Pat (Guest) joined the meeting.
-  Nenekazi Songxaba (SR) joined the meeting.
-  Nomama Mei joined the meeting.
-  Sakhiwo Nombembe joined the meeting.
-  Sizakele Gabula joined the meeting.
-  Daniel How (Guest) joined the meeting.
-  Henry Du Preez joined the meeting.
-  Div DeVilliers joined the meeting.
-  mossie joined the meeting.
-  Nyiko Nkosi joined the meeting.
-  Roger PURCHASE joined the meeting.
-  Portia Makitla joined the meeting.
-  Mogole joined the meeting.
-  Margie Pretorius joined the meeting.
-  Tsepo Lepono joined the meeting.
-  Fuad Fredericks joined the meeting.
-  Nosinodi Ntola joined the meeting.
-  Craig Mclachlan (SR) joined the meeting.
-  Joyi Vuysa (Guest) joined the meeting.
-  Mbulelo (Guest) joined the meeting.
-  Dr Danie Smi (Guest) joined the meeting.


-  Malusi Vatsha (Guest) joined the meeting.
-  Nomi Muthialu joined the meeting.
-  Wiseman Yako joined the meeting.

 Nwabisa Gxumisa (SR) joined the meeting.

 SelloM (Guest) joined the meeting.

 Sizakele Gabula joined the meeting.

 Izak (Guest) joined the meeting.

 Mongezi Langa (Guest) joined the meeting.