





Development Through Participation

N2 WILD COAST TOLL HIGHWAY PROJECT

MINUTES OF ENVIRONMENTAL MONITORING COMMITTEE MEETING NUMBER 17

Date: 3 March 2021

Time: 10h30

Venue: Microsoft Teams Online

No.	Item	Action
1.	OPENING AND WELCOME	
1.1	Opening Mr Drew (NMA) opened the meeting and welcomed everybody present. Refer to attendance register for list of attendees	
1.2	Apologies Apologies were given for Mr Willis (SANBI), Mrs Somfongo (COGTA), Mr Smit (DEFF), Mr Gabula (DEDEAT), Mr Langa (ECPTA) and Mr Viljoen (CMEJV). Mr Kgope (DEFF) is no longer involved in the project and requested to be removed from the database.	
1.3	Observers Mr Drew welcomed Mr Goss and Ms Pretorius as observers to the meeting.	
2.	ADOPTION OF AGENDA	
2.1	The agenda was adopted as a suitable guide for the proceedings of the meeting without any amendments or additions.	
3.	PROGRESS UPDATE ON N2 WILD COAST TOLL HIGHWAY PROJECT - SANRAL	
3.1	Mr McLachlan (SANRAL) gave a presentation on progress on the project (Refer to Annexure I).	
4.	UPDATE ON IMPLEMENTATION OF THE BIODIVERSITY OFFSET AGREEMENT – ECPTA	
4.1	Mr Nombembe (ECPTA) presented on the implementation of the BOA (Refer to Annexure II).	
5.	ENVIRONMENTAL CONTROL OFFICER (ECO) REPORTS	
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.	ENVIRONMENTAL AUDIT REPORT	
6.1	Ms Ntene (Letsolo) gave a presentation on the environmental audit report. (Refer to Annexure V).	
7.	ADOPTION OF PREVIOUS EMC MINUTES	
7.1	The minutes were adopted as an accurate reflection of the proceedings of the previous meeting without any amendments or additions.	
8.	MATTERS ARISING	
	Matters Arising from the Minutes of EMC Meeting No 16 on 18 November 2020	
8.1	Item 8.1: DEFF Environment - Enforcement has completed its written response to SANRAL which is only awaiting signature before it can be sent.	
	Ms Hlongwane (DEFF Environment - Compliance) said she was informed that the correspondence is still awaiting signature and will be sent to SANRAL as soon as it has been signed.	DEFF

	Ms Magapa (DEFF Environment - Compliance) recommended that SANRAL liaise directly with DEFF Environment - Enforcement as the matter is out of her directorate's hands.	
	Mr Mphahlele (SANRAL) said that Ms Magapa is representing DEFF at the meeting and she should report back to her colleagues at DEFF Environment - Enforcement that SANRAL has still not received the correspondence. He said SANRAL speaks with one voice as an organisation at the EMC and the representatives of DEFF Environment should do likewise.	DEFF
8.2	Item 8.1: DEFF Environment - Enforcement to send the correspondence addressed to SANRAL from the local community to the EMC chairperson and SANRAL so that SANRAL can provide DEFF with the response that was provided as SANRAL do not know which letter is being referred to.	
	Ms Magapa said that the correspondence was sent to SANRAL's CEO and she will ask Ms Hlongwane to forward it to SANRAL after the meeting.	DEFF
	Mr McLachlan said that once he has the correspondence he will provide the response that was sent.	SANRAL
8.3	Item 8.2: SANRAL has a preferred design for the Mzamba / R61 interchange but site investigations need to be carried out to determine whether it will work before it can be approved.	
	Mr McLachlan said that part of the site investigations include the drilling contract which is currently out on tender so this matter is still a work in progress.	SANRAL
8.4	Item 8.3: The Eastern Cape Socio Economic Consultative Council (ECSECC) was requested to establish a task team to address the control of illegal structures along the N2. This must also be addressed through the Eastern Cape Spatial Development Framework (ECSDF) and relevant MSDFs and Mr Drew will contact Mrs Somfongo (COGTA) to determine the status of the ECSDF.	
	Mr Drew said it was reported in the ACC meeting that due to the holidays the task team had still not been convened. It was agreed that a letter from the ACC / EMC should be sent to the Political Oversight Committee requesting the establishment of the task team as soon as possible to address the issue of illegal structures. Mrs Somfongo reported that the ECSDF still requires an Exco resolution before it can be gazetted. It was agreed that the letter to the Political Oversight Committee should also request that the ECSDF be gazetted as soon as possible.	NMA
8.5	Item 8.4: Summary of the site analysis and situational analysis reports to be sent to EMC members.	
	Mr Drew said that Mr Nombembe had sent the reports but the email did not arrive in his inbox. They were subsequently re-sent to his Gmail address and will be sent out with the minutes.	NMA
8.6	Item 8.5: SANRAL is currently in discussions with SANBI regarding the replanting of the grassland plants in the no-go areas around the two bridge sites.	
	Mr Drew said it was reported in the ACC meeting that the grassland plants in the temporary plant holding areas would only be replanted in September when the rainy season begins again as it is now too late in the year for the plants to re-establish themselves successfully.	
8.7	Item 8.6: The heritage practitioner to complete the final report on the repair works to the relocated graves at Msikaba North.	
	Mr Fredericks said feedback received from the heritage practitioner indicates that the report has been completed but the heritage practitioner is just waiting for some information from the engineer before the report can be submitted.	SLR
8.8	Item 8.8: Mr De Villiers to discuss the areas where invasions are planned with Mr Nombembe to ensure that DEDEAT is on top of the situation.	
	Mr De Villiers (DEDEAT) said this is an ongoing issue and it is critical that reports of any illegal structures or land invasions in the BOA receiving areas or any other protected areas are sent to DEDEAT Compliance and Enforcement Unit as soon as possible so that action can be taken. He said the coastal area and the BOA receiving areas are priorities for DEDEAT and Mr Ndlovu who is responsible for that area can provide an update on what is happening there.	
	Mr Ndlovu (DEDEAT) said that Mbotyi and the area around Port St John's are the biggest problem	

in terms of illegal structures and land invasions.

Mr Drew suggested that Mr De Villiers, Mr Ndlovu, Mr van der Merwe and Mr Nombembe have a discussion after the meeting about which are the critical areas that need to be addressed and send a description in writing to him so that it can be included in the letter to the POC.

ECPTA / DEDEAT / DEFF

8.9 Item 8.8: All the land invasion hotspots in the BOA areas to be mapped and DEFF Forestry estate managers to report on where there are problems in the state forests.

Mr van der Merwe (DEFF Forestry) said that Mr De Villiers prepared a report on the issue of encroachment in protected areas and state forests for DEFF Working Group 4 which deals with environmental enforcement and he also received input from DEFF Forestry regional offices. The report indicated that there has been slight encroachment on the northern boundary of the Mt Thesiger state forest and that on the eastern side the encroachment is now very close to the state forest. The situation is similar in the Mbotyi area with structures close to the Ntsubane state forest. He said there are hundreds of structures close to the Mt Thesiger state forest and if something is not done soon there will be an ecological disaster.

Mr Drew asked whether it would be possible to prepare a GIS map or at least the coordinates for the areas which Mr De Villiers, Mr Ndlovu, Mr van der Merwe and Mr Nombembe are going to describe so that these can be sent with the letter.

ECPTA / DEDEAT / DEFF

Mr van der Merwe said he could mark them on Google Earth or Google Maps as an interim measure while his GIS team prepare a proper map as this could take time.

DEFF

Mr De Villiers commended ECPTA on the progress being made with the BOA offset areas and asked whether the concrete beacons that were shown in Mr Nombembe's presentation could not be fast tracked in the land invasion hot spot areas like Mt Thesiger, Lambasi and Mbotyi. He said communities often ask for the protected areas to be properly delineated as they don't know where the boundaries are and this could help in keeping people out of these areas.

Mr Nombembe suggested that this problem should be addressed in a similar manner to the illegal sand mining where a task team was established. He said himself and the BOA outreach team, Mr van der Merwe, Mr De Viliers and Mr Ndlovu could meet on a regular basis to discuss these issues to try and address them in a proactive manner rather than being reactive once a problem has occurred. He said the problem is not always about land invasion and it is often simply about competition for the use of the land with other competing land uses having been given equal status from other government departments. He said the meetings could be coordinated by Mr De Villiers.

ECPTA / DEDEAT / DEFF

Mr Drew said the task team that is to be established by ECSECC will deal with the broader issue of illegal structures throughout the Wild Coast in terms of SPLUMA and this will require the participation of COGTA, the Department of Agriculture, Land Reform and Rural Development, DEDEAT, the local and district municipalities and the traditional authorities. The control of illegal structures in protected areas would be one of the key priorities for this task team and the forum suggested by Mr Nombembe could be a sub-group to the task team. The contact details of the key people of this sub-group could be included in the letter to the POC so that the task team is able to establish contact with them as soon as it is established.

NMA

Mr van der Merwe agreed with Mr Nombembe that the information should be coordinated through Mr De Villiers and said he would send his information to Mr De Villiers.

DEFF

Mr De Villiers said that he was happy to be part of this sub-group but he believes that Mr Nombembe should chair the forum as ECPTA is responsible for the BOA offset areas.

Mr Nombembe said this discussion should be taken outside the EMC. He said he already chairs the PSC for the BOA and this sub-group should report to the PSC as well as the EMC.

Item 8.9: DEDEAT to report on the eucalyptus plantation on the Tracor land adjacent to Mkambathi.

Mr De Villiers said that the Mkambathi Land Trust identified 150 ha of grassland to set aside as an offset for the 75 ha of grassland that was planted with eucalyptus trees. This land was then assessed by ECPTA and it has been accepted as a suitable replacement for the 75 ha. He said the 75 ha was just outside the area that had already been legally planted with eucalyptus trees and so this additional 150 ha is actually a very good compromise in terms of grassland conservation.

8.10

DEDEAT has given its approval for the investigation to be completed. DEDEAT'S OR Tambo Environmental Quality Management Section must now ensure that the necessary changes are made to the maps and inform DALLRD of the changes in land use.

Mr Nombembe said that ECPTA was tasked with compiling the overlay maps as part of their work. He said 7800 ha of the Tracor land will become part of the Mkambathi Nature Reserve, 8408 ha will remain as offset area and 1081 ha will be used for afforestation. The overlay maps capturing this information have been completed and the report documenting this has been sent to DEDEAT.

8.11 Item 8.11: ECPTA to engage with DALRRD regarding the approval of their approach for the land rights holders resolution.

Mr Nombembe said that due to the continual changes in the Covid-19 alert levels ECPTA will wait until the pandemic is over and everybody has been vaccinated before continuing with the land rights holders resolution meetings in the normal manner. This will avoid any confusion as these decisions are usually taken collectively in a public meeting.

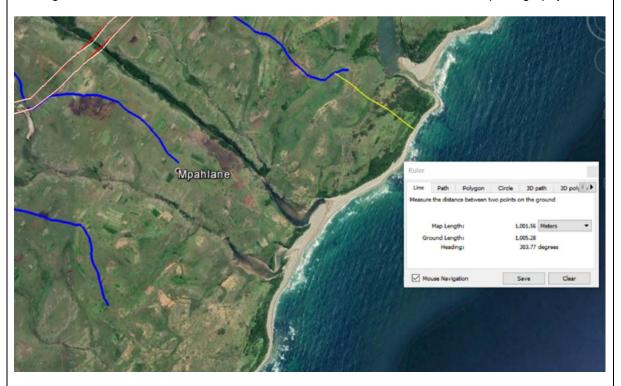
8.12 Item 8.12: Mr Drew to send out the date for the next meeting together with the dates for the rest of the year with the minutes of the meeting.

Mr Drew said this was done.

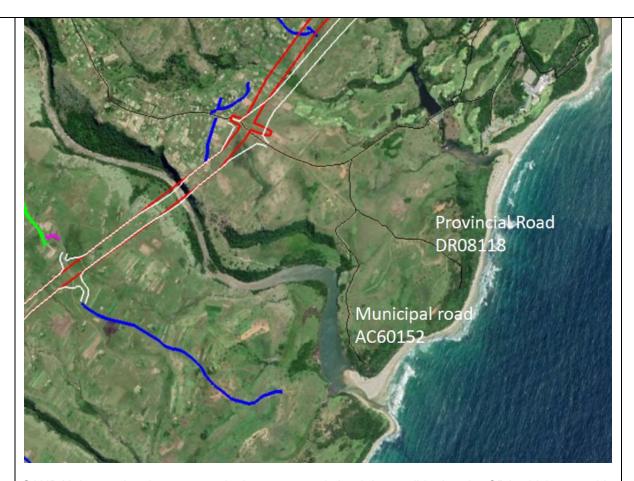
8.13 Item 9.1: A list and geo-referenced map to be sent to SANRAL showing all the illegal road sections so that SANRAL does not consider upgrading them in the future.

Mr Drew said that Mr Gabula sent a map and Mr McLachlan will present some slides to facilitate the discussion around these roads.

Mr McLachlan said the roads of greatest concern to Mr Gabula were within the coastal conservation zone and it is only in package 7 that some of the community roads come close to the coast. At this stage they are just a concept design featuring existing tracks that lead to clusters of houses or farming areas and they have not been presented to the community for their input. Only one of them comes within 1 km of the coast (between the Mzamba and Mphahlane rivers) and care would have to be taken if it is built to ensure it doesn't encroach within the 1 km exclusion zone. They are all existing roads that have been in use for some time based on the historical aerial photography.



Possibly of more concern are the two roads on the northern side of the Mzamba Gorge. DR08118 is a proclaimed provincial road which goes down to the high watermark and municipal road AC60152 goes down to the estuary. The AC prefix indicates that this road has been there for at least 30 years.



SANRAL is not planning to upgrade these two roads but it is possible that the CPA which owns this land will request SANRAL to upgrade these roads as part of the agreement for SANRAL to acquire the road reserve for the N2 through their land. When these discussions take place SANRAL can invite DEDEAT and ECPTA if they would like to be part of the discussions.

SANRAL

Mr De Villiers said it would be important to ensure that the roads depicted in blue are not within the BOA offset areas as the presence of roads often encourages further sprawl and environmental damage. He said the original concerns were around the Mbotyi, Goso and Ntafufu roads which, although proclaimed T roads, were extended illegally in the past into the indigenous forests. It is those roads specifically that should not be upgraded as they are now becoming overgrown and largely impassable.

Mr van der Merwe said SANRAL will need to provide information on how the roads are to be upgraded and whether they are to be widened because on the Mbotyi road for example, which passes through the state forest, this would require the removal of trees

Mr McLachlan said that none of the roads that Mr De Villiers mentioned are going to be upgraded. The road to the Goso clinic will be upgraded but not any further beyond that and the road to Mbotyi will not be widened. The only other roads through forest areas are the roads to provide access to the construction sites for the bridge across the Mzimvubu River. On the Ntafufu side this will follow an existing gravel road which will be re-gravelled and will possibly include some new concrete sections. The existing forest in this area between Ntill's Neck and the Mzimvubu is extremely degraded and is nearly entirely alien vegetation along the route of the road.

Mr Drew requested SANRAL to present any road upgrade plans to DEDEAT and DEFF Forestry once it has been determined that the roads will be upgraded so that they can provide comment and ensure there are no issues of concern.

SANRAL

Mr Drew also requested Mr van der Merwe to ask his GIS specialist to create a map showing the three roads leading into state forests that must not be upgraded so that SANRAL can have these on record.

DEFF

Item 9.4: A copy of the amended minutes from the previous EMC meeting to be sent to Mr De Villiers.

8.14

Mr Drew said this was done.

8.15

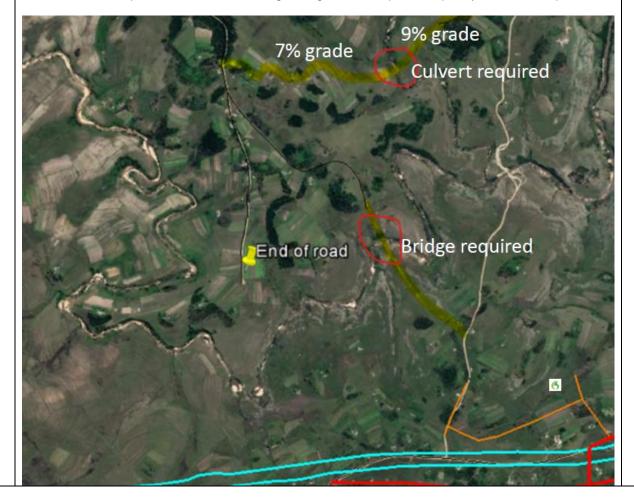
Item 9.4: SANRAL to investigate extending the road that cuts across Makwathini just before the Mnyameni River. Mr Vatsha to send a map showing the road to SANRAL.

Mr Drew said Mr Vatsha sent the map and Mr McLachlan will present some slides to discuss this proposal.

Mr McLachlan said the problem is that the road would need to cross the Mnyameni River to connect up with the local road and the cost of such a bridge and its environmental impact would not justify such a connection.



He said there is an existing road along the ridge that runs parallel to the road in question which has recently been extended by the municipality to connect with the local road on the other side of the Mnyameni River and it would be possible to make a connection to this road as shown in the map below. It would require a culvert and although the grades are quite steep they are still acceptable.



Normally this road would have to be constructed by the municipality but as part of the N2WCTH project each community can choose a legacy project that SANRAL will provide and if the community in this area selects this road as its priority project then it could be built by SANRAL.

Mr Vatsha thanked Mr McLachlan for the presentation and said he will wait for SANRAL to engage with the local community to see which project they select as a legacy project in that area.

8.16 Item 9.6: SLR to determine the timelines for the re-bagging and replanting of plants in the temporary plant holding areas.

Mr Fredericks said that earlier in the meeting it was stated that the grassland plants would only be replanted in September when the rainy season begins. He said the re-bagging is an ongoing process that is currently underway.

8.17 Item 9.7: Ecosolve to speak to the security guard to find out how the cattle are accessing the forest on the north bank of the Mtentu in the vicinity of Pier 9.

Mr Lepono said he spoke to the security guard who indicated that the cattle are going around the sides of the gate and he does not see them when they go into the forest.

Mr Drew requested Mr Lepono to speak with the security guard and ask him to talk to the cattle owners to ask them to try and keep their cattle out of the forest.

Ecosolve

Mr van der Merwe said the presentation did not include photographs of the road and forest at Pier 9 so it is difficult to ascertain the state of erosion on the road and the extent of alien species in the forest. He requested Mr Lepono to take photos of the forest on his next site visit and include them in his next EMC presentation.

Mr De Villiers said he missed the ACC meeting and requested feedback to the EMC on the discussions about the illegal sand mining. He said he has received reports in the past quarter of an increase in sand mining in the KwaDlambu area and just north of Mkambathi. He said he is not sure if it is related to the construction of the N2 or just general construction activity.

Mr Drew said it was reported at the ACC meeting that Mr Gabula had distributed Terms of Reference and an Action Plan for comment in December and the first meeting of the task team on illegal sand mining took place on 19 February where it was agreed that DMR would provide feedback on matters previously referred to it by DEDEAT by the following week. The DEDEAT Regions were requested to update illegal mining cases for submission to Head Office and provide priority illegal sand mining sites with GPS coordinates that can be attended to by DMR in the following week. It was also recommended that DMR conduct an aerial survey over the coastal areas and develop a georeferenced map of the approximately 180 illegal sand mining sites. The priority should be the Wild Coast but, where appropriate, regions could make arrangements for urgent sites outside the coastal area to be addressed. DMR went out into the field to conduct enforcement in the following week but there has been no feedback since then. It was recommended that the participants in the meeting of 19 February request DMR to convene a follow-up meeting so that the momentum can be maintained. Ms Thabang Mogapi was nominated by DMR to chair the task team and she was also invited to attend the ACC and EMC meetings. He said it was unlikely that the increase in sand mining around Mkambathi was related to the N2 because SANRAL has a very strict procurement policy in terms of only sourcing material from legally registered sources. Mr Lepono reported in a previous meeting that the traditional authority is charging local people to mine sand and the sign that Mr De Villiers saw is probably the sign for the traditional authority that was referred to previously.

Mr De Villiers said an urgent assessment of the Mkambathi area is required and particularly the KwaDlambu Gorge as there has been a big increase in illegal sand mining in this area which is not sustainable. He said the assessment should look at whether there is a feasible and sustainable sand mining site in the area which can be permitted for the use of the community so that the rest of the area, which falls within the offset area, can be protected.

Mr Drew said this should be the main area of focus for the next meeting of the task team because if the community is not provided with a legally permitted site then they will continue to mine at illegal sites no matter what action is taken. If a legal site can be provided then the ECPTA BOA outreach team can work with the local community to sensitise them about the problems associated with illegal mining.

DEDEAT / ECPTA / DMR

Ecosolve

DEDEAT / ECPTA / **DMR**

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8.18

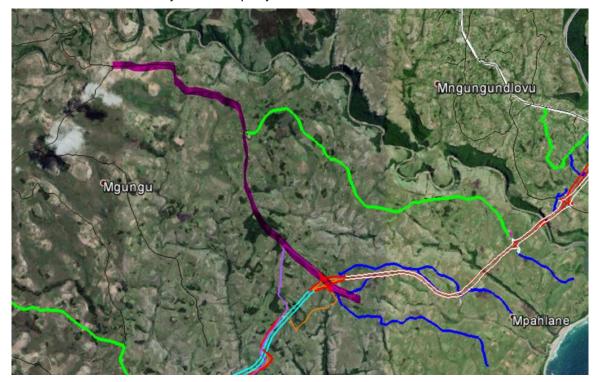
9. OTHER ISSUES / GENERAL

9.1 Ms Pretorius (Sustaining the Wild Coast) sent two questions by email and the first one said that SANRAL has been convening public meetings with Mfundo Dimane in Mdatya. On 9 February 2021 the trial of Mr Dimane on charges of attempted murder and assault commenced. Is SANRAL aware of the trial and will SANRAL continue to partner with Mr Dimane?

Mr McLachlan said it is extremely disappointing that Ms Pretorius demonstrates clear preconceived biases and asks the question in a prejudicial manner designed to try and cast SANRAL in a poor light based on incorrect information and assumptions. SANRAL did not convene the Mdatya meeting and came as an invitee of the municipality. All other attendees were also invited either by the municipality or the traditional authority. SANRAL is aware through media reports of the trial of Mr Dimane and his co-accused and if he is found guilty he will be sentenced accordingly. SANRAL is certainly not partnering with Mr Dimane. There are a lot of social and economic dynamics in the area and SANRAL has to work with all stakeholders and their leaders. SANRAL must walk a fine line and deal with the leaders of all stakeholder groups in good faith. The municipality has told SANRAL that community meetings fall under their mandate and SANRAL will continue with the current agreement that community meetings will be arranged by the local municipality together with the local traditional leadership.

9.2 The second question from Ms Pretorius asked how was the route of the Mdatya access road determined, who was consulted and what were the factors that were considered?

Mr McLachlan said the Mdatya access road is a municipal road which appears to be a typical watershed alignment and probably evolved from cattle and pedestrian tracks to vehicle tracks and then to a road constructed by the municipality.

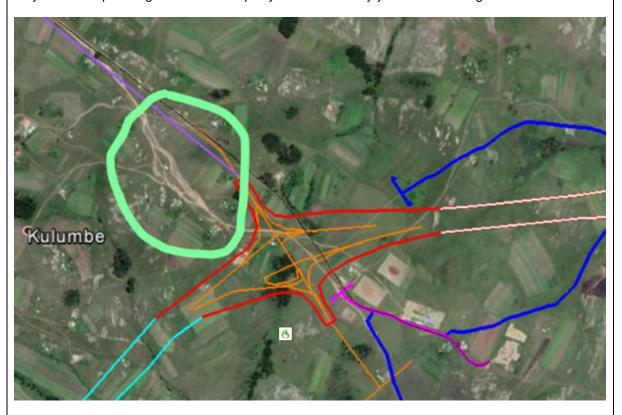


The Mdatya access road is marked in purple on the map and the black line beyond where the road begins is a provincial road.





Mr McLachlan said the road exhibits one of the worst cases of "spreading" he has ever encountered and when it rains the mud makes the road nearly impassable. At one of the community meetings in Mdatya the community complained about the road and asked SANRAL to do something about it as they had been pleading with the municipality to fix it for many years and nothing had been done.



When the Mdatya interchange is built care will be taken to maintain the integrity of the wetland and rehabilitate the area where the "spreading" has taken place which is circled in green on the map.

- 9.3 Mr van der Merwe said he wanted to know whether the boundaries of the state forests were taken into account by ECPTA when determining the location of the beacons and how many beacons will be used in each area. He said he would liaise with Mr Nombembe outside the meeting to discuss this in order to save time.
- 9.4 Mr De Villiers said that Mr McLachlan mentioned a number of new borrow pits in his presentation and he wanted assurance that these will still be located inland of the Pondoland Centre of Endemism as agreed previously and that proper flora specialist studies will be undertaken as part of the basic assessments for these borrow pits.

Mr McLachlan said that none of the borrow pits are in sensitive areas. Two of the borrow pits are to the south of the N2 but they are in old provincial borrow pits that SANRAL has requested permits for because they are not licensed. There are a few borrow pits next to the Vellem settlement for package 4 and the borrow pits which are located outside the N2 corridor have just been subject to a public participation process which is still in progress. He said all the correct procedures have been followed in terms of the borrow pits.

9.5	Mr De Villiers asked whether the contractor's site camps that are built as part of this project will be demolished and rehabilitated once the project is completed.	
	Mr Fredericks said that it is an EMP requirement that all disturbed areas for temporary infrastructure be rehabilitated after the project is completed and that will include the site camps.	
9.6	Mr De Villiers said he wanted to congratulate the plant search and rescue team who established the new plant holding areas at Msikaba as they are a vast improvement on what was there before.	
10.	WAY FORWARD AND CLOSURE	
10.1	Mr Drew said that the date for the next meeting is 19 May and it is likely that it will be an online meeting. He said this situation will continue until society has returned to normal following the vaccination programme which will be at least into the middle of next year. He then thanked everybody for attending and closed the meeting.	

N2 WILD COAST TOLL HIGHWAY ENVIRONMENTAL MONITORING COMMITTEE MEETING NUMBER 17

Date: 3 March 2021

Time: 10h30

Venue: **Online Microsoft Teams Meeting**

Julian Drew named the meeting to N2 Wild Coast Toll Highway - Environmental Monitoring Committee Meeting Number 17.

Wednesday, 03 March 2021				
G	Daniel How (Guest) was invited to the meeting.			
G	Dean Ricketts was invited to the meeting.			
G	Vuyisa Joyi (Guest) was invited to the meeting.			
	Roger PURCHASE was invited to the meeting.			
	Sithembiso Israel Ndlovu was invited to the meeting.			
G	Mogole Mphahlele (HO) (External) was invited to the meeting.			
G	Nyiko Nkosi (External) was invited to the meeting.			
	GP Kriel (External) was invited to the meeting.			
G	Mpati Makoa (HO) (External) was invited to the meeting.			
G	malusi was invited to the meeting.			
6	Mossie (Guest) was invited to the meeting.			
•	N Hlongwane (Guest) was invited to the meeting.			
•	Div DeVilliers was invited to the meeting.			
6	Fuad Fredericks (External) was invited to the meeting.			
6	Nomama Mei was invited to the meeting.			
6	Oarabile Magapa was invited to the meeting.			
G	Margie Pretorius was invited to the meeting.			
G	Nenekazi Songxaba was invited to the meeting.			
G	pat goss (Guest) was invited to the meeting.			
G	John MCCALL was invited to the meeting.			
G	Mbulelo (Guest) was invited to the meeting.			
G	Tsepo Lepono (Guest) was invited to the meeting.			
G	Izak (Guest) was invited to the meeting.			
•	Sello Mokhanya (External) was invited to the meeting.			

G Craig Mclachlan (SR) (External) was invited to the meeting.

欰 Henry Du Preez joined the meeting.

曲 Nomi Muthialu joined the meeting.

