

N2 WILD COAST TOLL HIGHWAY PROJECT

MINUTES OF ENVIRONMENTAL MONITORING COMMITTEE MEETING NUMBER 18

Date: 19 May 2021

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 Willis (SANBI), Ms Gxumisa (SANRAL), Mr Mokhanya (ECPHRA) and Mr Viljoen (CMEJV). Mr Seoka Lekota from DFFE Biodiversity Conservation has replaced Stanley Tshitwamulomoni, Ms Skumsa Ntshanga – DFFE Chief Director Biodiversity Management and Planning is attending the meeting for the first time, Mr Shadrack Nkuna - Director: Criminal Enforcement at DMRE has replaced Thabang Mogapi who was the acting director at the request of Nqobile Khanyile - Regional Manager DMRE KwaZulu-Natal. Mr Nkuna was unable to attend this meeting and is being represented by Mr Aaron Kharivhe. Mr Chris Kleynhans has replaced Daniel How as Lead Site ECO at Msikaba.	
1.3	Observers Ms Pretorius of Sustaining the Wild Coast couldn't attend the meeting and was being represented by Ms Kate Davies. Mr Drew welcomed Mr Goss and Ms Davies 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.	

<p>8.</p> <p>8.1</p> <p>8.2</p> <p>8.3</p> <p>8.4</p> <p>8.5</p> <p>8.6</p>	<p><u>MATTERS ARISING</u></p> <p>Matters Arising from the Minutes of EMC Meeting No 17 on 3 March 2021</p> <p><i>Item 8.1: The written response from DFFE Environment - Enforcement is still awaiting signature before it can be sent to SANRAL.</i></p> <p>Ms Makoa (SANRAL) said the correspondence from DFFE Environment - Enforcement made reference to the site inspection of March 2018 and SANRAL's response was to request DFFE to finalise and close off that pre-compliance notice as the issues have all been addressed and the second pre-compliance notice raised new issues which had nothing to do with the site inspection in March 2018. The current correspondence does not address any activities relating to SANRAL and is concerned with the mining permit that was discussed in the ACC meeting which was issued to a third party. SANRAL would like to request further information on this permit once the responsible departments have access to the same so that SANRAL can understand what the impacts of this will be on the road project and the work that is being undertaken for the BOA.</p> <p>Mr Drew requested Mr Kharivhe and Mr Nkuna from DMRE to correspond with DFFE regarding the mining permit which was discussed in the ACC meeting so that this matter can be resolved and to copy SANRAL on the correspondence.</p> <p><i>Item 8.2: DFFE Environment - Enforcement to send the correspondence addressed to SANRAL from the local community to the EMC chairperson and SANRAL so that SANRAL can provide DFFE with the response that was provided as SANRAL do not know which letter is being referred to.</i></p> <p>A letter from the Public Protector's Office in Mthatha on behalf of the Msikaba, Lambasi, Nkunzimbini, Mateko, Malangeni and Mbotyi communities calling themselves the Msikaba Bridge Forum was sent to SANRAL and copied to DFFE Environment. Ms Hlongwane sent the letter to SANRAL who sent a response to the Public Protector's Office on 26 March and copied DFFE.</p> <p><i>Item 8.3: SANRAL has a preferred design for the Mzamba / R61 interchange but site investigations, including a drilling contract which is currently out on tender, need to be carried out to determine whether it will work before it can be approved.</i></p> <p>Mr McLachlan said that the drilling contract has been awarded and this is still a work in progress.</p> <p>Mr Ricketts (DEDEAT) said that in discussions with the Wild Coast Sun they had requested to be kept updated on the design of the interchange and the work to be done between the R61 and the Mzamba River as they have concerns around water security and the maintenance of wildlife corridors and they requested SANRAL to engage with them.</p> <p><i>Item 8.4: A letter from the ACC / EMC should be sent to the Political Oversight Committee requesting the establishment of the task team on illegal structures as soon as possible and the approval of the ECSDF by EC Exco so it can be gazetted.</i></p> <p>Mr Drew said that this letter was sent to SANRAL and Mr McLachlan reported in the ACC meeting that a meeting of the POC was scheduled for the following day, 20 May, in Port St Johns but this had been postponed the previous day, 18 May, as the chairperson was no longer available and it will now be rescheduled as a virtual meeting within the next week or so. It was agreed that the letter would be sent to the POC and tabled at the next meeting as it is critical that the ECSDF is gazetted and SPLUMA is rolled out with stakeholders along the Wild Coast so that enforcement on the illegal developments can commence and that this can be coordinated by the task team to be established by ECSECC.</p> <p>Mrs Somfongo (COGTA) reported that EC Exco have approved the ECSDF and it must now be gazetted.</p> <p><i>Item 8.5: Summary of the site analysis and situational analysis reports to be sent to EMC members.</i></p> <p>Mr Drew said that this was done.</p> <p><i>Item 8.7: The heritage report on the repair works to the relocated graves at Msikaba North has been completed but the heritage practitioner is just waiting for some information from the engineer before the report can be submitted.</i></p>	<p>DFFE</p> <p>DMRE / DFFE</p> <p>DMRE</p> <p>SANRAL</p> <p>SANRAL</p>
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	Mr Fredericks (SLR) said the archaeologist is still awaiting information from the engineer.	SLR
8.7	<p><i>Item 8.8: Mr De Villiers, Mr Ndlovu, Mr van der Merwe and Mr Nombembe to have a discussion to confirm the critical conservation areas under threat of land invasion that need to be addressed and send a description in writing to Mr Drew so that it can be included in the letter to the POC.</i></p> <p>Mr Drew said he received a report prepared by Mr van der Merwe identifying the forest areas that are under threat. The letter to the POC included the names of the places under threat but not a full description and indicated that once the ECSECC task team is established it should work with the EMC members to address illegal encroachment in protected areas and the BOA areas. Mr Nombembe also reported that there was a potential threat at Port St Johns stretching from KwaNonyevu settlement towards the military base. The BOA site starts from the military base towards Mt Thesiger and therefore encroachment is right on the boundary of the offset area. At Caguba there has not been any observable encroachment to date. He said the Port St Johns Environmental and Land Committee (PSJELC) had made several prosecutions against those who were encroaching and the invasions now seem to have been brought to a halt. The BOA land is therefore currently free from land invasions.</p>	
8.8	<p><i>Item 8.9: Prepare a GIS map or the coordinates for the above areas to be described so that these can be sent with the letter. 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.</i></p> <p>Mr Drew said Mr van der Merwe's report had good photo's showing the affected forest sites and Mr van der Merwe said he will have them captured on GIS once his GIS specialist is available. He said Mr Nombembe also reported that the demarcation of the BOA sites was planned for June and priority would be given to the land which has already been surveyed such as Port St Johns, Lambasi and Mkambathi.</p>	
8.9	<p><i>Item 8.9: The BOA outreach team, Mr van der Merwe, Mr De Villiers and Mr Ndlovu to meet on a regular basis to discuss land invasion issues to try and address them in a proactive manner.</i></p> <p>Mr Drew said Mr Nombembe reported that a joint meeting coordinated by Mr Gabula was held between DEDEAT, DFFE, DMRE and the Ndluzula and Mvumelwano Traditional Authorities regarding coastal and general environmental development control and protection matters where it was determined that there should be a strong partnership with traditional authorities to address illegal sand mining, forestry resource use and destruction. This will be an ongoing process and the BOA offset sites will benefit from this initiative. Mr van der Merwe reported that the Forestry Estate Manager at Mt Thesiger, Mr Sabelo Mgudlwa, passed away from Covid and he was DFFE's representative on the Land Invasion Committee in Port St Johns. Mr van der Merwe said he submitted his report to Working Group IV of DFFE, which deals with enforcement issues, and in addition presented the challenges facing the Branch: Forestry Management.</p>	
8.10	<p><i>Item 8.13: Should the CPA request that roads DR08118 and AC60152 be upgraded, SANRAL will invite DEDEAT and ECPTA to be part of the discussions.</i></p> <p>Mr Drew said this was just a reminder for SANRAL.</p>	
8.11	<p><i>Item 8.13: SANRAL to present any local road upgrade plans to DEDEAT and DFFE Forestry so that they can provide comment and ensure there are no issues of concern.</i></p> <p>Mr Drew said this was just a reminder for SANRAL.</p>	
8.12	<p><i>Item 8.13: 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.</i></p> <p>Mr Drew said Mr van der Merwe's report provided good information and photos of these roads and he will forward it to Mr McLachlan after the meeting.</p>	NMA
8.13	<p><i>Item 8.17: 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.</i></p> <p>Mr Lepono said he spoke to the Resident Engineer and he was still going to speak to the security guards to try and get them to prevent the cattle coming down along the sides of the site camp as this is how they access the area but it is very difficult to prevent cattle getting in to the forest.</p>	

8.14	<p><i>Item 8.17: Mr Lepono to take photos of the forest on his next site visit and include them in his next EMC presentation.</i></p> <p>Mr Drew said this was done as could be seen from Mr Lepono's presentation.</p>	
8.15	<p><i>Item 8.18 The participants in the meeting of the illegal sand mining task team of 19 February to request DMR to convene a follow-up meeting so that the momentum can be maintained.:</i></p> <p>Mr Drew said Mr Gabula (DEDEAT) reported that follow-up was made with the DMRE representative Ms Mogapi and that DEDEAT, through Mr Stegman and Mr Ndlovu, submitted a report to DMRE identifying all illegal sand mining cases, with geographic references, for their attention. He said the DMRE Regional Manager in Port Elizabeth and the Regional Mining Development Environmental Committee (REMDEC) are handling matters relating to licensing and they have planned workshops with the affected communities. He said DMRE now have a permanent Director: Criminal Enforcement, Mr Shadrack Nkuna, who has replaced the acting director Ms Mogapi and he is represented in this meeting by Mr Aaron Kharivhe. Mr Kharivhe reported in the ACC that a meeting between DMRE, DEDEAT and ECPTA was held the previous Friday, 14 May, to discuss the illegal sand mining on the Wild Coast. A meeting was scheduled for the following day, 20 May, to engage with the illegal operators as the traditional authority and SAPS had requested DMRE to first engage with the perpetrators before commencing with enforcement. An Operation Phakisa enforcement operation is scheduled for the area during the following week and the first week of June and these illegal sand mining sites will be monitored and if illegal activity is encountered then criminal enforcement will take place. Feedback will be awaited on what happens at the meeting the following day and on Operation Phakisa the following week and the illegal sand mining task team should then meet to determine how to move forwards based on the results of these engagements.</p>	DMRE / DEDEAT / ECPTA
8.16	<p><i>Item 8.18 An urgent assessment is required of the KwaDlambu Gorge as there has been a big increase in illegal sand mining in this area which is not sustainable.</i></p> <p>Mr Drew said that hopefully the KwaDlambu Gorge will be one of the areas visited during Operation Phakisa and feedback can be provided in the next EMC meeting.</p>	DMRE / DEDEAT
9.	<p><u>OTHER ISSUES / GENERAL</u></p> <p>9.1 Ms Mei (SANBI) said Mr Lepono mentioned in his presentation that the survival rate of the grassland species at the Mtentu temporary plant holding area is 57% and she wanted to know why the survival rate is so low and what can be done to increase it.</p> <p>Mr Lepono said these plants were removed at the end of 2016 and have now been in bags for four and a half years. There have also been sporadic community protests throughout this period when members of the plant search and rescue service providers team were unable to access the site to take care of the plants.</p> <p>Mr Fredericks said there was a serious flooding event in 2019 and the grassland species in particular were affected by the silt which inundated the temporary plant holding area. The survival rate of 57% only applies to the temporary plant holding area on the northern bank of the Mtentu which is where the flooding and the community protests took place. The survival rate at the temporary plant holding area on the southern bank of the Mtentu is much higher. The plants are currently being re-bagged into larger bags and the grassland species will be replanted into the no-go areas around the bridge sites once the rainy season commences later in the year.</p> <p>9.2 Mr Drew said that Margie Pretorius asked the following question by email: Is SANRAL planning to move the N2 entrance into Sigidi via the Mzamba bridge closer to the coast than the gazetted route? If so, how many metres to the east? Where is the new suggested stretch of road? Please provide the GPS coordinates.</p> <p>Mr McLachlan said unfortunately he did not entirely understand the question but he has answered it as best he can. He said the planned route through Sigidi remains as per the route gazetted in 2004 based on the route which was proposed initially. At that time an at grade intersection was proposed for the entrance to Sigidi and this has now been improved to a grade separated quarter link interchange linking up with the existing Sigidi access road as shown below. (Centre point coordinates: -31.099027, 30.147762).</p>	

Proposed Sigidi interchange



Planned N2 roadworks (red), pedestrian walkways (yellow), local roads (blue) and temporary haul roads (green)

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This is still a concept design which needs to be presented to the community along with concept pedestrian walkways and discussions around any additional underpasses for livestock before the designs can be finalised. For a low volume interchange like this a quarter link design takes up much less space than a diamond interchange while still ensuring there are no turning movements across oncoming traffic on the freeway. Pedestrian walkways (indicated in yellow) are proposed alongside the freeway, including across the Mzamba and Mpahlane River bridges. The green line shows the temporary haul road needed to gain access to the banks of the Mzamba River.

9.3 Mr Drew read out an email sent by Mr Goss as follows: I'm becoming increasingly concerned about the inability of ECPTA to enforce the laws that need to be enforced in maintaining the integrity of the polygons that have been identified for protection, in terms of the BOA. If we consider the 200 or so (according to the recent aerial survey that Div deVilliers and his team undertook) illegal sand mining operations for one thing. Everything has to be referred to DMRE and that's where a reference number is logged and nothing further appears to happen. The same applies to the appalling attempts by small contractors to upgrade registered roads through these polygons, especially when it comes to construction through wetland areas. In these instances, the PSC refers the matter to the municipality concerned and little or no evidence of remedial action is discernible – the only response that has reached me is that there is a stand-off between Ingquza Hill Municipality and the contractor. It's all too haphazard to instil any confidence that the damaged areas will be suitably repaired. I'm not sure what the answer is but unless we are able to establish a properly coordinated law enforcement capability, all these onward referrals to other departments are unlikely to be very effective.


Mr Drew responded that the N2WCTH POC has delegated ECSECC to establish a task team for the control of illegal development along the Wild Coast. At the forthcoming meeting in the next week or so the POC will also be requested to expedite the gazetting of the ECSDF. Mr De Villiers reported in the ACC on the re-establishment of the Wild Coast Illegal Development Task Team, which was defunct for a number of years, and he has been appointed as one of the co-chairs of this structure. DMRE are also now active with an illegal sand mining task team. These structures will need to work in a coordinated and sustained manner going forwards to ensure that the Wild Coast retains its unique environment which is the main attraction for the tourism which, it is anticipated, will underpin the economy in the area.

Mr De Villiers said that Mr Goss's question asked whether ECPTA has sufficient capacity to prevent unlawful activity taking place within the BOA offset areas. At the previous meeting concerns were raised about the illegal sand mining taking place at the KwaDlambu Gorge and inside the

	<p>Mkambathi offset area. The Wild Coast Illegal Development Task Team will try and address these issues, but DMRE as the lead agency will need to be on board.</p> <p>Mr Nombembe said he was concerned about Mr Goss's question because ECPTA has no mandate in terms of compliance and enforcement. ECPTA is an agency of DEDEAT and it is they who are mandated to undertake compliance and enforcement. ECPTA is only responsible for the provincial nature reserves such as Mkambathi and Silaka. The offset areas will continue to fall under the land holding entities like the community trusts in cases where the areas have been subjected to a successful land claim. ECPTA is facilitating the declaration and land rehabilitation process but where there is a transgression, such as with the illegal wood lot in Mkambathi, DEDEAT is responsible for enforcement and ECPTA assists and cooperates with the investigation</p> <p>Mr De Villiers agreed and said the key agencies responsible for enforcement in the BOA offset areas are DEDEAT, DFFE, DMRE and SAPS depending on which activities are taking place. ECPTA will only be responsible for enforcement if those areas are assigned to ECPTA after they have been proclaimed. DEDEAT has three enforcement officers for the whole of the OR Tambo region, DFFE Forestry had one forest manager who has just passed away and now has two forest guards covering the whole area. DMRE reported earlier that it has one officer in the Mthatha office and other officials based in Pretoria and Port Elizabeth. It is clear, therefore, that there is insufficient capacity to enforce compliance in the BOA offset areas and in order for them to be a success, a plan must be made to appoint more personnel on the ground along the Wild Coast.</p> <p>Mr Drew said the EMC cannot really assist in this regard and suggested that DEDEAT, DFFE Forestry and DMRE make representation through these new forums that are being established to try and get additional people appointed.</p>	
9.4	<p>Mr De Villiers said Mr Nombembe's presentation made mention of the appointment of a land rehabilitation project manager and he wanted to clarify that this is for work in the BOA offset areas and not the rehabilitation of the road reserve which should be SANRAL's responsibility.</p> <p>Mr Nombembe confirmed that this rehabilitation work is only for the BOA offset areas.</p>	
9.5	<p>Mr Ricketts said Mr McLachlan's presentation made reference to access roads that SANRAL will be building to tourist destinations. He said he wanted to caution against providing access into pristine areas where people should not be allowed to go. There must be a balance between supporting responsible tourism and protecting sensitive areas and this must be taken into consideration when developing the tourism plan for the area and the access that is provided.</p>	
9.6	<p>Ms Makoia said there are two long outstanding issues from the EMC, which are the six outstanding Water Use Licences and the pre-compliance notice issued by DFFE following the site inspection in March 2018. If these issues are still outstanding by the time of the next EMC meeting, they should be escalated to the ACC to deal with as they have been discussed in the EMC for a very long time without being resolved.</p> <p>Mr Fredericks said the Water Use Licences were raised in the previous ACC meeting and to date there has still been no progress in this regard.</p> <p>Mr Drew said Ms Gwentshe from DWS was in the meeting earlier on but now appears to have left. He said correspondence should be sent from the ACC, requesting feedback on why these applications are taking so long. The issue of the first pre-compliance notice from 2018 can also be raised at the next ACC meeting if it has not been resolved by then.</p>	<p>NMA NMA</p>
10.	<p><u>WAY FORWARD AND CLOSURE</u></p>	
10.1	<p>Mr Drew said that the date for the next EMC meeting is 18 August and it will be an online meeting. He then thanked everybody for attending and closed the meeting.</p>	

N2 WILD COAST TOLL HIGHWAY ENVIRONMENTAL MONITORING COMMITTEE MEETING NUMBER 18


Date: 19 May 2021
Time: 10h30
Venue: Online Microsoft Teams Meeting


 Julian Drew named the meeting to N2 Wild Coast Toll Highway - Environmental Monitoring Committee Meeting Number 18


Wednesday, 19 May 2021


 Meeting started 05/19 10:22 am


 Craig Mclachlan (SR) (External) has temporarily joined the chat.


 Div DeVilliers (Guest) has temporarily joined the chat.


 GP Kriel (External) has temporarily joined the chat.


 Mogole Mphahlele (HO) (External) has temporarily joined the chat.

 Henry Du Preez (Guest) has temporarily joined the chat.


 Pat (Guest) has temporarily joined the chat.


 kate Davies (Guest) has temporarily joined the chat.


 John MCCALL (Guest) has temporarily joined the chat.


 Ntombekhaya Somfongo (External) has temporarily joined the chat.


 Roger PURCHASE (Guest) has temporarily joined the chat.

 Tsepo Lepono (External) has temporarily joined the chat.


 Nomi Muthialu (Guest) has temporarily joined the chat.


 Nenekazi Songxaba (Guest) has temporarily joined the chat.


 Dean Ricketts (Guest) has temporarily joined the chat.


 Aaron Kharivhe (Guest) has temporarily joined the chat.


 Nonhlakanipho Hlongwane (External) has temporarily joined the chat.


 Nyiko Nkosi (External) has temporarily joined the chat.

 Fuad Fredericks (External) has temporarily joined the chat.


 N. Gwentshe (Guest) has temporarily joined the chat.


 Phila DEFFE (Guest) has temporarily joined the chat.

 Seoka Lekota (External) has temporarily joined the chat.

 Mpati Makoa (HO) (External) has temporarily joined the chat.


 "\\\\"Mossie (Guest)\\\\\\" has temporarily joined the chat.


 Dr Danie Smit" (Guest) has temporarily joined the chat.


 Portia Makitla (Guest) has temporarily joined the chat.


 Sakhwo Nombembe (External) has temporarily joined the chat.

 Nomama Mei (Guest) has temporarily joined the chat.

 "Siposetu S (Guest)" has temporarily joined the chat.

 Skumsa Ntshanga (Guest) has temporarily joined the chat.

 Mongezi Langa (External) has temporarily joined the chat.

 Joyi Vuyisa (Guest) has temporarily joined the chat.