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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NO. 5234

27 September 2024

NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998)

NOTICE OF THE INTENTION TO ADOPT THE GENERIC ENVIRONMENTAL MANAGEMENT PROGRAMME FOR THE KRUGER NATIONAL PARK AS AN ENVIRONMENTAL MANAGEMENT INSTRUMENT FOR THE PURPOSE OF EXCLUDING IDENTIFIED ACTIVITIES

I, Dr Dion Travers George, Minister of Forestry, Fisheries and the Environment, hereby give notice of the intention to adopt the *Generic Environmental Management Programme for the Kruger National Park 2024, revision 1* as an environmental management instrument and based on compliance with this instrument, in terms of section 24(2)(e) of the National Environmental Management Act, 1998 (Act No. 107 of 1998), to exclude the South African National Parks (SANParks), subject to certain conditions, from the requirement to obtain environmental authorisation for identified activities as set out in the Schedule.

The adoption of the generic environmental management programme as an environmental management instrument and the exclusion of identified activities has been considered to facilitate and simplify the implementation of maintenance, upgrading, expansion and new developments within the Kruger National Park. The exclusion of these projects and the identified activities associated with them, will speed up implementation and ease the cost of doing business.

This exclusion does not exclude SANParks from complying with any other applicable and relevant legislation when undertaking projects within the Kruger National Park.

Members of the public are invited to submit written comments or input, within 30 days from the date of the publication of this Notice in the *Government Gazette*, to any of the following addresses:

By post to: Department of Forestry, Fisheries and the Environment
The Director-General
Attention: Dr Dee Fischer
Private Bag X447
PRETORIA
0001

By hand at: Reception, Environment House, 473 Steve Biko Road, Arcadia, Pretoria.

By e-mail: dfischer@dfre.gov.za

A hard copy of any document associated with this Notice may be requested from Ms M Masondo at tel: 012 399 9277, email: mmasondo@dfre.gov.za or collected at Environment House, 473 Steve Biko Road, Arcadia, Pretoria. The Generic Environmental Management Programme can be downloaded from the Department's website at https://www.dfre.gov.za/projectprogrammes/environmental_management_instruments and the

Government Notice can be downloaded from the Department's website at https://www.dffe.gov.za/legislation/gazetted_notices.

This Notice contains a revised version of the documents contained in Government Notice No. 4386 published on 16 February 2024 in Government Gazette No. 50138 for public comment and reflects the incorporation of amendments made based on the first call for public comment.

Any inquiries in connection with the Notice can be directed to Dr Dee Fischer by phone at 012 399 8843 or by e-mail at dfischer@dffe.gov.za.

Comments or input received after the closing date may be disregarded.

The Department of Forestry, Fisheries and the Environment complies with the Protection of Personal Information Act, 2013 (Act No. 4 of 2013). Comments received and responses thereto are collated into a comments and response report which will be made available to the public as part of the consultation process. If a commenting party has any objection to his or her name, or the name of the represented company/ organisation, being made publicly available in the comments and responses report, such objection should be highlighted in bold as part of the comments submitted in response to this Government Notice.



DR DION TRAVERS GEORGE
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

SCHEDULE

1. Introduction

Section 24(2)(e) of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (the Act) enables the Minister responsible for environmental affairs (the Minister) to exclude activities identified in terms of sections 24(2)(a) and (b) of the Act from the requirement to obtain an environmental authorisation based on an environmental management instrument adopted in the prescribed manner.

The Department of Forestry, Fisheries and the Environment has prepared a *Generic Environmental Management Programme for the Kruger National Park 2024, revision 1* (the Generic EMPr). The Generic EMPr stipulates measures to avoid, manage and mitigate the environmental impacts and risks associated with the implementation of activities contained in paragraph 2.1.

The Generic EMPr has been prepared based on:

- the assessment of environmental sensitivities associated with the various *use zones* within the Kruger National Park, which have been determined by assessments undertaken over several years through the preparation of a number of Park Management Plans for the Kruger National Park. These assessments have considered the biophysical, heritage and scenic resources, the regional context and the Park's current and planned infrastructure and tourism products and needs;
- a number of site specific environmental impact assessments conducted since 1997, which have identified that the management and mitigation measures associated with environmental impacts for projects undertaken in the park are predictable, standard and routine; and
- the expertise of the Kruger National Park's scientists and technical staff who are familiar with the environment of the park and the mandate of the South African National Parks (SANParks), which is to conserve and protect the biodiversity and environmental resources within the park.

The Generic EMPr is intended to be adopted as an environmental management instrument in terms of section 24(5)(bA) of the Act, read with the Regulations Laying Down the Procedures to be Followed for the Adoption of Environmental Management Instruments, for the purposes of excluding SANParks from the requirement to obtain an environmental authorisation for implementing activities identified in terms of sections 24(2)(a) and (b) of the Act, as contemplated in paragraph 2.1 when undertaken within the Kruger National Park, subject to the limitations contained in paragraph 2.2 and the conditions contained in paragraph 3.

2. Scope of the Exclusion

This exclusion applies to activities as follows:

2.1 Identified activities associated with–

- 2.1.1 new developments or expansions within the Kruger National Park which do not fall within the scope of paragraphs 2.2.6.1 or 2.2.7.1 and fall below the thresholds as contained in paragraphs 2.2.6.2, 2.2.7.2, 2.2.7.3 or 2.2.8;
- 2.1.2 maintenance and upgrading projects, including the extraction of gravel, sand and stone;
- 2.1.3 projects which relate to conservation¹ or rehabilitation of the land resources of the Kruger National Park; and
- 2.1.4 emergency activities required to reinstate infrastructure and structures or to maintain safety of tourists and park officials, related to floods and natural disasters; or

¹ Projects which would retain or enhance the conservation estate and could include: the removal of alien vegetation, burning of fire breaks, litter picking, erosion control measures, cutting or trimming of overhanging trees, etc.

2.1.5 the combating of animal poaching.

2.2 The following activities do not form part of this exclusion:

- 2.2.1 activities related to projects for which an atmospheric emission licence is required in terms of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004);
- 2.2.2 waste management activities for which a waste management licence is required in terms of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008);
- 2.2.3 mining activities for which a permission, right or permit is required in terms of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002);
- 2.2.4 Activity 1 of the Environmental Impact Assessment Regulations (EIA Regulations) Listing Notice 1 of 2014 and activity 1 of the EIA Regulations Listing Notice 2 of 2014 related to the development of wind energy facilities;
- 2.2.5 Activity 2 of the EIA Regulations Listing Notice 1 of 2014 and activity 2 of the EIA Regulations Listing Notice 2 of 2014 related to the generation of electricity from a non-renewable source;
- 2.2.6 the clearance of indigenous vegetation—
 - 2.2.6.1 in the wilderness and remote “use zones”; or
 - 2.2.6.2 in excess of 3 hectares in the primitive, low intensity leisure or high intensity leisure “use zones”;
- 2.2.7 the development of hospitality² facilities—
 - 2.2.7.1 in the wilderness and remote “use zones”;
 - 2.2.7.2 which cater for more than 15 people in the primitive use zone; or
 - 2.2.7.3 which cater for more than 30 people in the low intensity leisure and high intensity leisure “use zones”; and
- 2.2.8 the expansion of hospitality facilities to cater for an additional—
 - 2.2.8.1 15 people or more in the primitive “use zone”; or
 - 2.2.8.2 30 people or more in the low intensity leisure or high intensity leisure “use zones”;

in which case an application for an environmental authorisation is required, if any identified activity is triggered.

2.3 The reference to 3 hectares in paragraph 2.2.6.2 is inclusive of any associated activities but does not include associated linear infrastructure.

3. Conditions of Exclusion

3.1 The following conditions will be applicable to projects contemplated in paragraphs 2.1.1 and 2.1.5 of the proposed exclusion:

- 3.1.1 Projects must be located in the appropriate “use zone” contemplated in the zoning scheme for the Kruger National Park depicted in the zone maps included as Appendix 1- 4.
- 3.1.2 Projects must be given a project number and be included on a project register to be kept and updated by SANParks;
- 3.1.3 Prior to the commencement of any project a site sensitivity confirmation of the proposed development site must be undertaken by means of a walkthrough by the relevant Kruger

² Hospitality facilities include resorts, lodges or hotels facilities but do not include ranger, security and defense camps.

National Park specialists³ as well as representatives from the Conservation Management and the Technical Services departments, as appropriate, to identify any areas that are unsuitable for development which must be cordoned off during construction and any species of conservation concern that must be either taken to the Kruger National Park nursery or relocated to other suitable areas in the park in consultation with the relevant experts in the park; and

- 3.1.4 SANParks must conduct quarterly compliance audits and prepare quarterly compliance audit reports to be submitted with the annual audit report contemplated in paragraph 3.4.
- 3.2 All projects undertaken within the Kruger National Park must comply with the requirements of the Generic EMPr which requirements are binding.
- 3.3 SANParks must conduct an annual environmental audit to monitor compliance of all project undertaken within the Kruger National Park with—
- 3.3.1 paragraph 2 of the exclusion; and
- 3.3.2 the requirements of the Generic EMPr.
- 3.4 The audit contemplated in 3.3 must culminate in an annual audit report, commencing within 12 months of the coming into effect of this exclusion,
- 3.5 The audit report is to be submitted to the compliance monitoring unit within the national department responsible for environmental affairs within 2 months of completion and must be uploaded to the website of SANParks.
- 3.6 Failure to comply with the conditions contained in this Schedule or the Generic EMPr constitutes an offence in terms of section 49A(1)(c) and 49A(1)(d) of the Act.

³ The specialist would be determined based on the sensitivity of the areas and could include specialists qualified in the fields of ecology, biodiversity, heritage, animal or plant species as relevant.

APPENDIX 1: Kruger National Park – Nxanatseni North

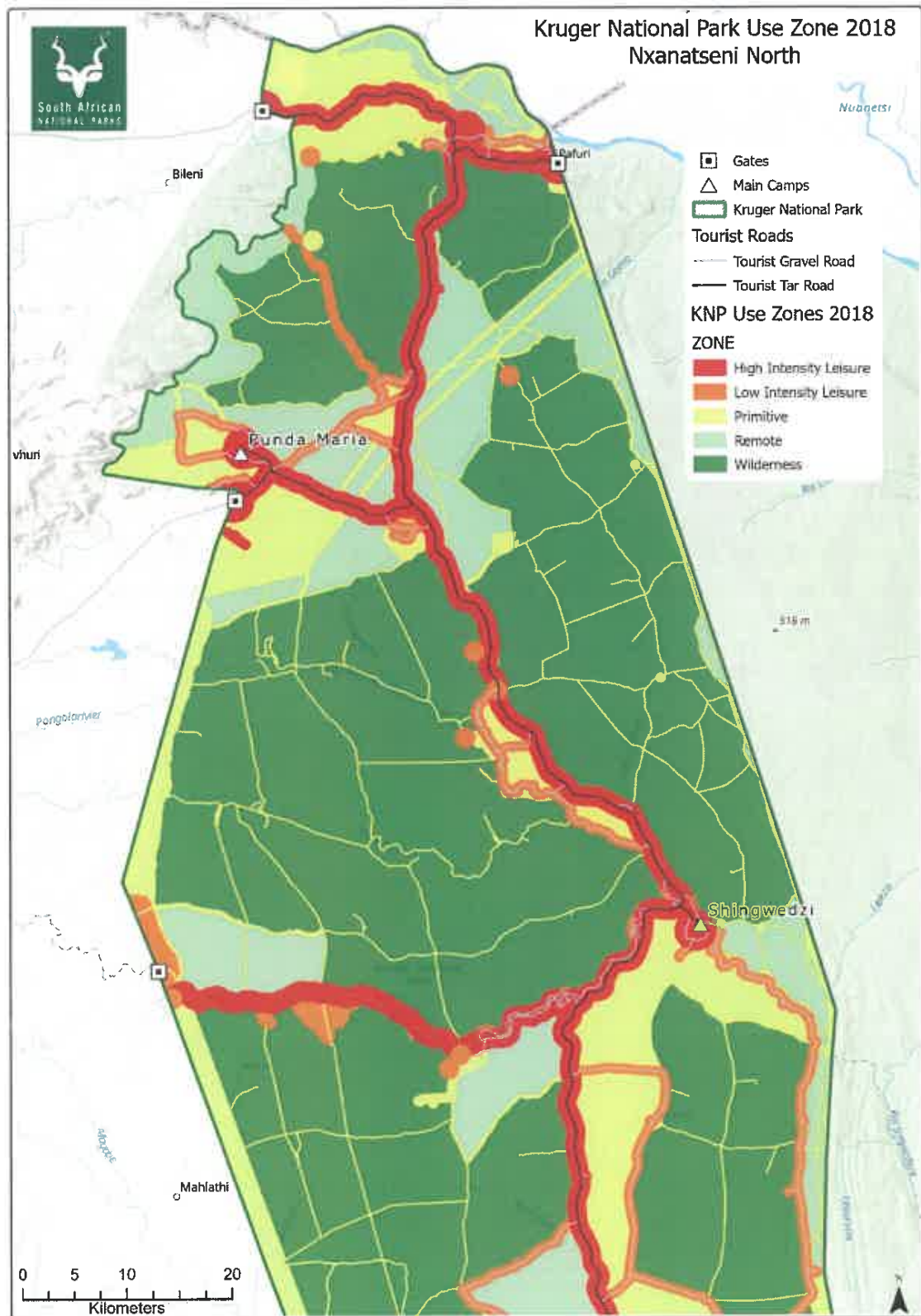


Figure 1: Kruger National Park - Use Zone Nxanatseni North

APPENDIX 2: Kruger National Park – Nxanatseni South

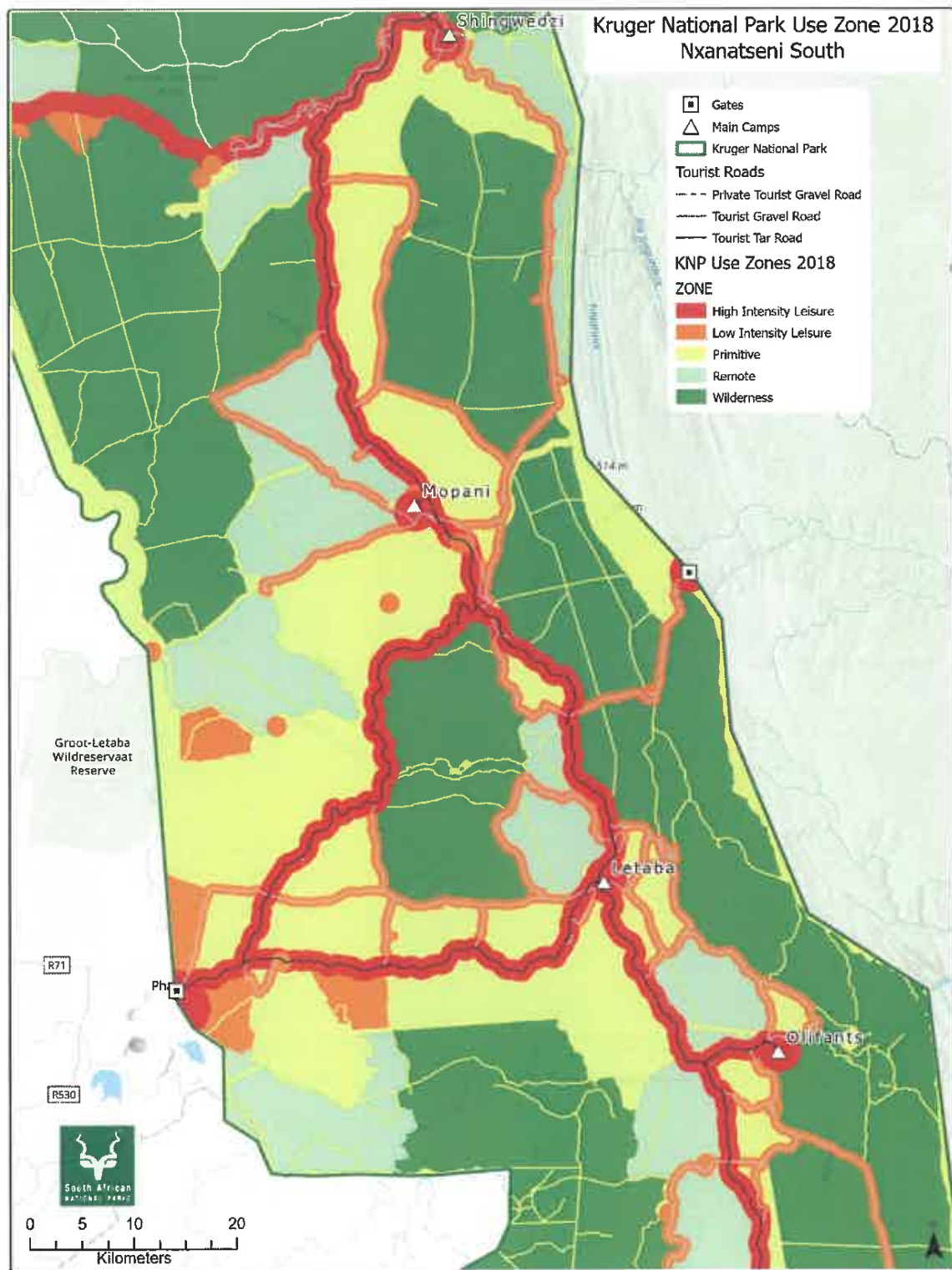


Figure 2: Kruger National Park -Nxanatseni South

APPENDIX 3: Kruger Park Use Zones – Marula North

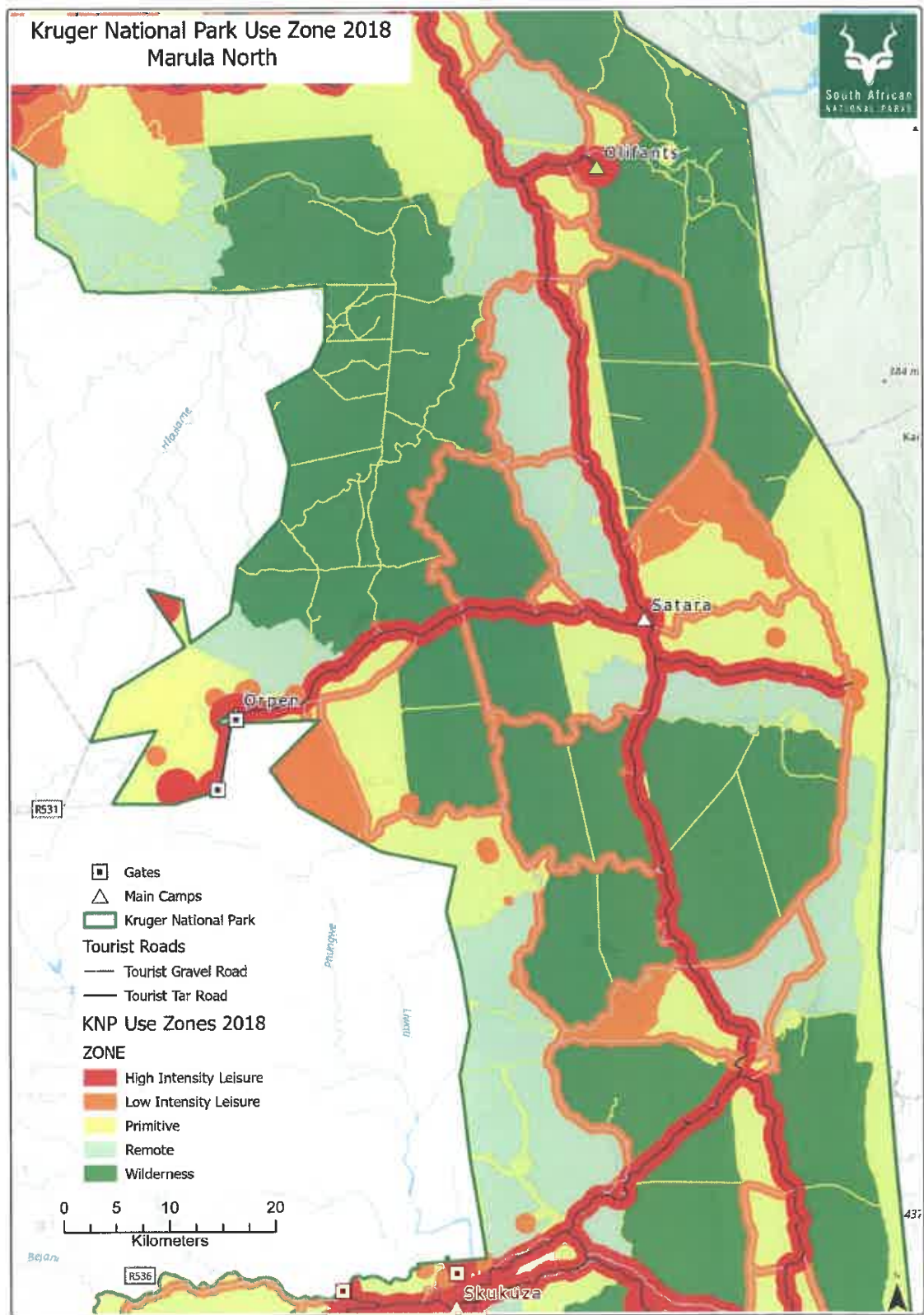


Figure 3: Kruger National Park -Marula North

APPENDIX 4: Kruger National Park Use Zones – Marula South

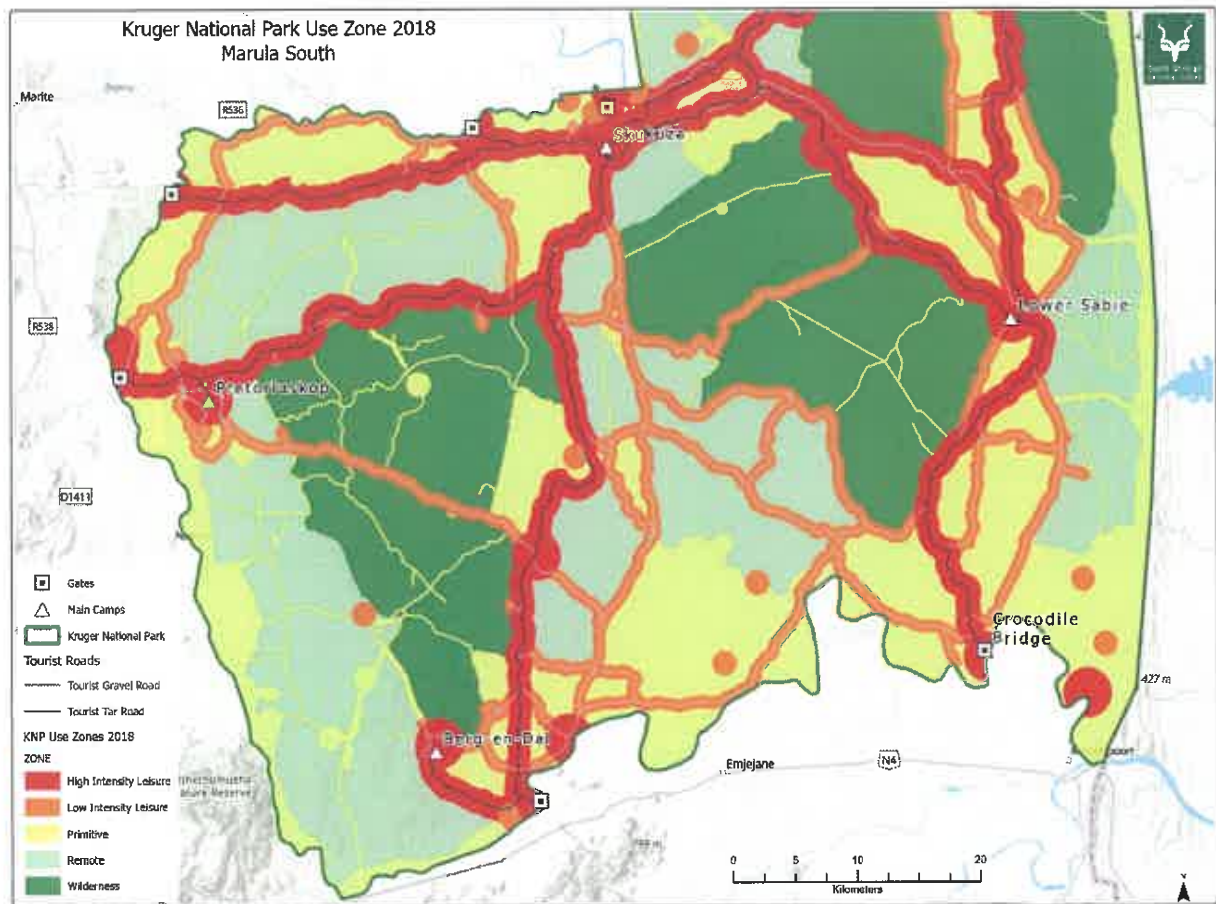


Figure 4: Kruger National Park -Marula South

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