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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

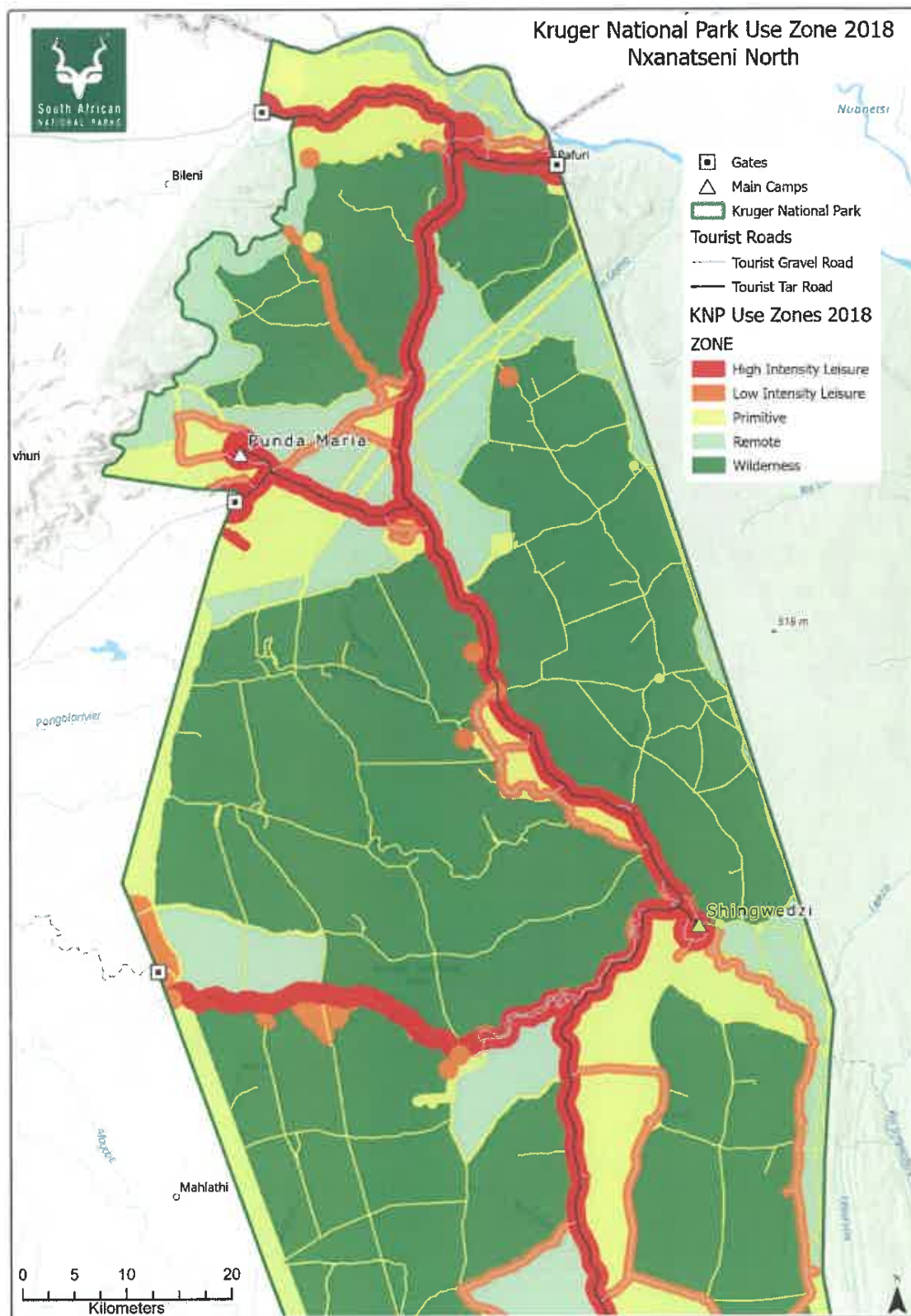


Figure 1: Kruger National Park - Use Zone Nxanatseni North

APPENDIX 2: Kruger National Park – Nxanatseni South

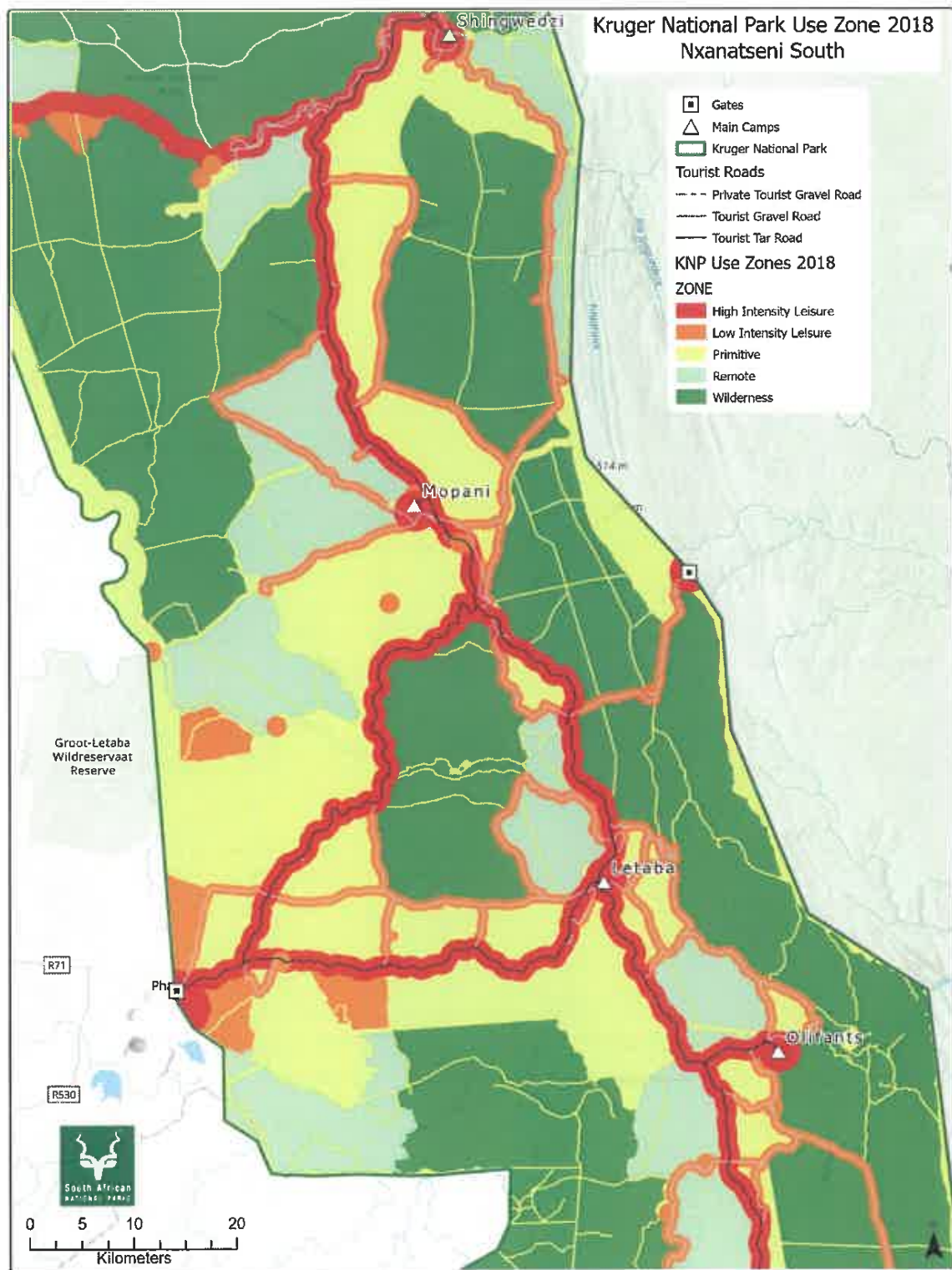


Figure 2: Kruger National Park -Nxanatseni South

APPENDIX 3: Kruger National Park Use Zones – Marula North

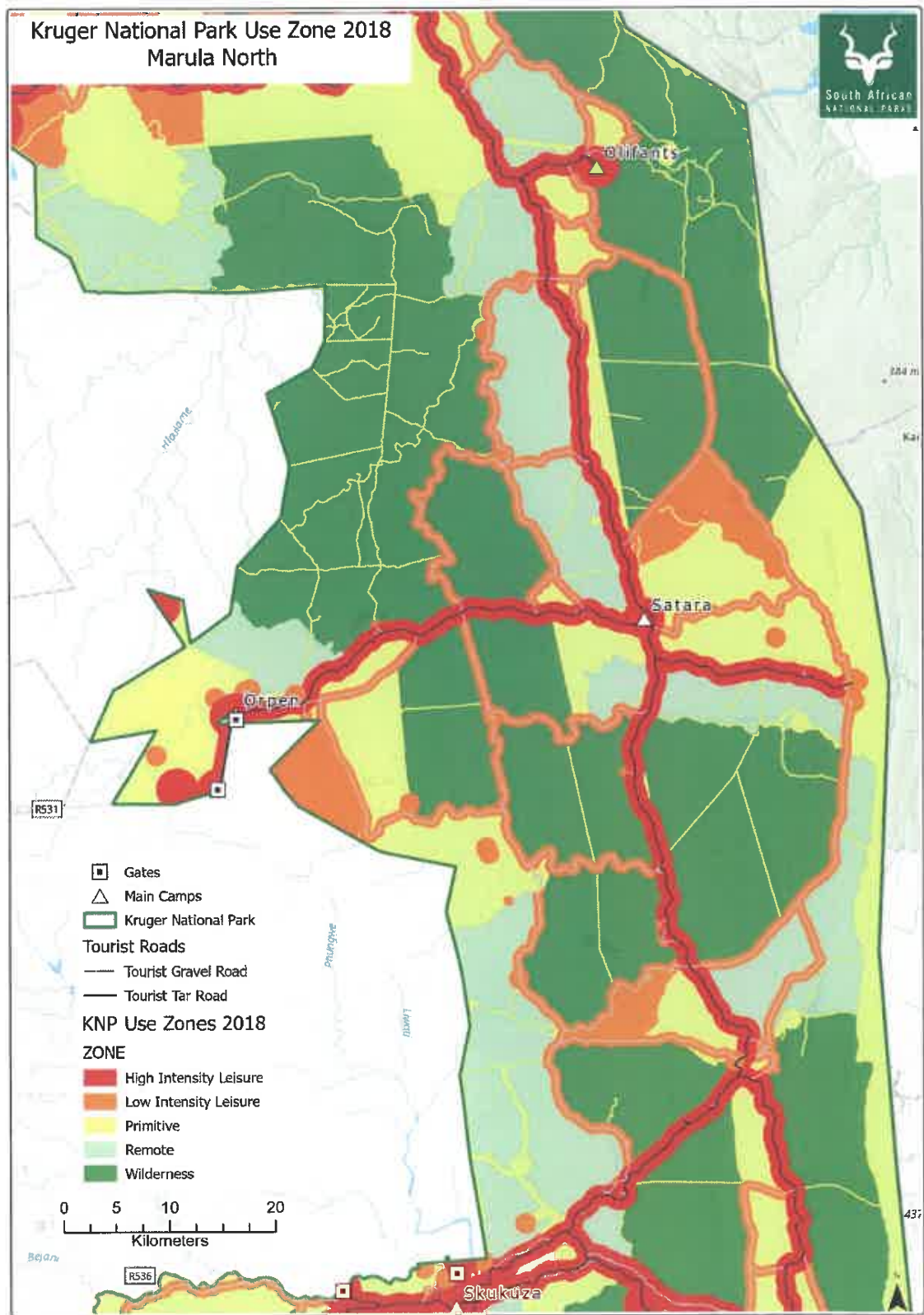


Figure 3: Kruger National Park -Marula North

APPENDIX 4: Kruger National Park Use Zones – Marula South

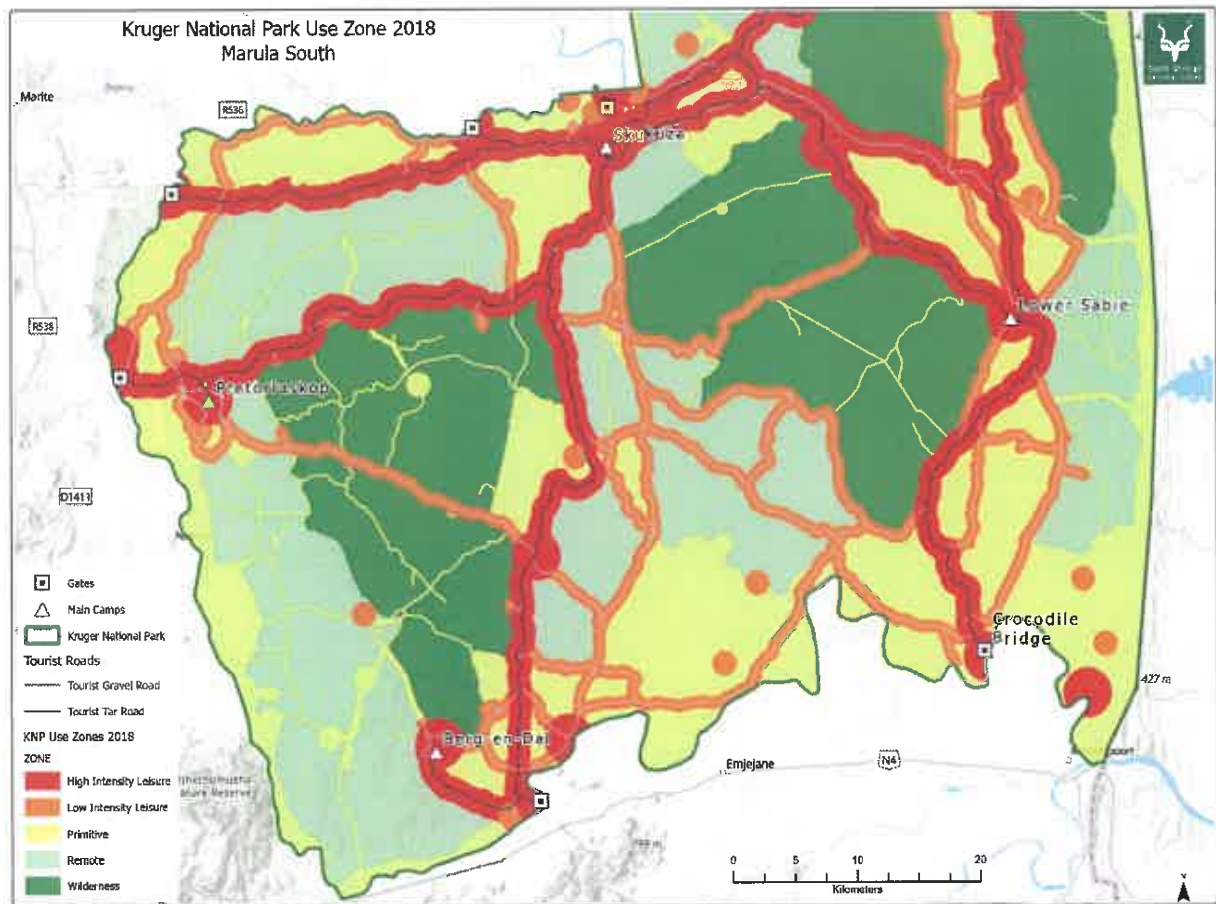


Figure 4: Kruger National Park -Marula South

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Generic Environmental Management Programme for the Kruger National Park

Prepared by: Department of Forestry, Fisheries and the Environment

Prepared for: South African National Parks (SANParks)

Generic Environmental Management Programme to be cited as:

Department of Forestry, Fisheries and the Environment, 2024 Generic Environmental Management Programme for the Kruger National Park (version 1 of July 2024).

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DEFINITIONS AND TERMINOLOGY

Definition	Description
Archaeological material/ remains	Material remains (such as tools, pottery, jewellery, stone walls, and monuments) of past human life and activities.
Competent authority	Competent authority means the organ of state that would have been designated by section 24C of the National Environmental Management Act, 1998 (Act No. 107 of 1998) with considering an application for environmental authorisation in respect of a listed or specified activity.
Development	Development means the building, erection, construction or establishment of a facility, structure or infrastructure, including associated earthworks or borrow pits, that is necessary for the undertaking of a listed or specified activity, but excludes any modification, alteration or expansion of such a facility, structure or infrastructure, including associated earthworks or borrow pits, and excluding the redevelopment of the same facility in the same location, with the same capacity and footprint.
Environmental Control Officer	During the implementation of projects, the Environmental Control Officer is the specific person who will ensure the implementation of tasks in line with the approved Generic Environmental Management Programme to ensure projects and activities achieve overall environmental objectives in line with the Generic Environmental Management Programme.
Environmental Monitor	Appointed by SANParks to offer conservation assistance and working in conjunction with the Section Ranger responsible for a range of functions including: undertaking routine patrols on foot, bicycle or vehicle; close liaison with and reporting to the Section Ranger; assisting the Section Ranger with monthly administrative and other tasks; gathering conservation-related information and reporting back on those; executing anti-poaching operations, including field deployments; and assisting with other conservation tasks such as alien plant control; as well as compiling progress reports on key deliverables.
Exclusion Notice	Means the Government Notice which identifies the Minister's intention to adopt the <i>Generic Environmental Management Programme for the Kruger National Park 2024, revision 1</i> as an environmental management instrument and on the basis of this adoption, to exclude identified activities contemplated in the Schedule from the requirement to obtain an environmental authorisation prior to commencement.
Expansion	Means the modification, extension, alteration or upgrading of a facility, structure or infrastructure at which an activity takes place in such a manner that the capacity of the facility or the footprint of the activity is increased.
General authorisation	An authorisation to use water without a licence, provided that the water use is within certain limits and complies with conditions set out in the gazetted general authorisation. This authorisation requires a registration with the Department of Water and Sanitation prior to exercising the water use(s).
Heritage Resources	Heritage resource means any place or object of cultural significance.
Identified activities	The activities identified in Listing Notices 1, 2 and 3 of the Environmental Impact Assessment Regulations, 2014 for which environmental authorisation is required in terms of section 24(1) of the Act prior to the commencement thereof.
Impact management action	Impact management actions are basically the methods one uses to achieve the desired outcome.

Impact management outcome	The intended outcome of a specific set of actions that will individually or collectively result in the achievement of the desired outcome of management interventions.
Indigenous vegetation	Indigenous vegetation refers to vegetation consisting of indigenous plant species occurring naturally in an area, regardless of the level of alien infestation and where the topsoil has not been lawfully disturbed during the preceding ten years.
Invasive alien plant	Invasive alien plant species are species whose introduction and/or spread outside their natural distribution threaten biological diversity. They are non-native to an ecosystem and may cause economic or environmental harm.
Kruger National Park	Kruger National Park is a South African National Park, established in terms of the National Parks Act, 1976 (Act No. 57 of 1976), and is in terms of section 20(5) of the Protected Areas Act now regarded as having been established in terms of the Protected Areas Act, including any additional areas that are from time to time declared to be part of the Kruger National Park in terms of section 20(1)(a)(ii) of the Protected Areas Act.
Listing Notices	In accordance with section 24(2) of the National Environmental Management Act, 1998 (Act No. 107 of 1998), the Environmental Impact Assessment Regulations Listing Notices 1, 2 and 3 of 2014 contain activities identified by the Minister, or an MEC with the concurrence of the Minister.
Maintenance	Maintenance means actions performed to keep a structure or system functioning or in service on the same location, capacity and footprint.
Mitigation measures	Mitigation measures are means to prevent, reduce or control adverse environmental effects of a project, and include restitution for any damage to the environment caused by those effects through replacement, restoration, compensation or any other means.
Palaeontological	Relating to fossils and the structure and evolution of extinct animals and plants and the age and conditions of deposition of the rock strata in which they are found.
Park Environmental Compliance Officer	Park Environmental Compliance Officer means an official appointed by SANParks and working in similar role to the Environmental Control Officer who is responsible for assessing proposed developments and activities within the Kruger National Park, monitoring compliance with environmental legislation, auditing the requirements of the Generic Environmental Management Programme, as well as assessing developments and review of management plans.
SANParks	SANParks means the South African National Parks, the state-owned entity, charged with the responsibility of the management of national parks in the country in terms of section 38(1)(Aa) of the Protected Areas Act.
The Environmental Impact Assessment Regulations, 2014	The Environmental Impact Assessment Regulations, 2014 means the Environmental Impact Assessment Regulations, 2014, published under Government Notice No. R. 982 in Government Gazette No. 38282 of 4 December 2014, as amended from time to time.
The Park Management Plan	The Park Management Plan means the Kruger National Park: Park Management Plan for the period 2018 – 2028, as approved by Mr D.A. Hanekom, MP, Acting Minister of Environmental Affairs, 22 November 2018, in terms of sections 39, 40 and 41 of the Protected Areas Act, and updated every 10 years. ¹
The Protected Areas Act	The Protected Areas Act means the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003).

¹ The Park Management Plan can be accessed at website of the Department of Forestry, Fisheries and the Environment at https://www.dffe.gov.za/projectprogrammes/environmental_management_instruments

Watercourse	In the context of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Listing Notices, "watercourse" means - (a) a river or spring; (b) a natural channel in which water flows regularly or intermittently; (c) a wetland, pan, lake or dam into which, or from which, water flows; and any collection of water which the Minister may, by notice in the Gazette, declare to be a watercourse as defined in the National Water Act, 1998 (Act No. 36 of 1998); and a reference to a watercourse includes, where relevant, its bed and banks.
Water use licence	A water use licence is required when the risk of impact to a water resource is too high and the proposed activity does therefore not comply with the conditions of any gazetted general authorisation published by the Minister responsible for water and sanitation.
Wetland	Wetland means land which is transitional between terrestrial and aquatic systems where the water table is usually at or near the surface, or the land is periodically covered with shallow water, and which land in normal circumstances supports or would support vegetation typically adapted to life in saturated soil.
Zoning scheme	Zoning scheme refers to the protected area zoning which is legally required in terms of section 41(2)(g) of the Protected Areas Act.

ACRONYMS AND ABBREVIATIONS

Acronym	Descriptions
AEL	Atmospheric emission licence
DFFE	Department of Forestry, Fisheries and the Environment
DWS	Department of Water and Sanitation
EA	Environmental authorisation
ECO	Environmental Control Officer
EIA	Environmental impact assessment
EIA Regulations	Environmental Impacts Assessment Regulations, 2014
EM	Environmental Manager
EMPr	Environmental management programme
ERAP	Emergency Response Action Plan
GA	General authorisation
GEMPr	Generic Environmental Management Programme
IAP	Invasive alien plant
I&AP	Interested and affected party
KNP	Kruger National Park
MEC	Member of the Executive Council
MSDS	Material safety data sheets
MS	Method statement
NEMA	National Environmental Management Act, 1998 (Act No. 107 of 1998)
NEM: BA	National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004)
NEM: WA	National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008)
NFA	National Forest Act, 1998 (Act No. 84 of 1998)
NHRA	National Heritage Resources Act, 1999 (Act No. 25 of 1999)
NWA	National Water Act, 1998 (Act No. 36 of 1998)
OHS Act	Occupational Health and Safety Act, 1993 (Act No. 85 of 1993)
PECO	Park Environmental Compliance Officer
PMP	Park Management Plan
PPE	Personal protective equipment
SANParks	South African National Parks
WML	Waste management licence
WUL	Water use licence

1 PART A: BACKGROUND

The Minister has declared a number of protected areas and national parks as provided for in sections 9, and 20 of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003) (the Protected Areas Act), respectively. The Minister has assigned the South African National Parks (SANParks) as the management authority charged with the management of national parks in terms of section 38(1)(aA) of the Protected Areas Act, which provides that the Minister must assign the management of a national park to SANParks. As the assigned management authority, SANParks must, in terms of sections 39, 40 and 41 of the Protected Areas Act prepare Park Management Plans (PMPs) for all protected areas under their management, and SANParks has complied with this requirement. The PMPs are required to ensure that the parks are protected, conserved and managed in accordance with objectives of the Protected Areas Act and the purpose for which they were declared.

Part of the management actions undertaken by SANParks within the national parks include, among others, the development of facilities including a variety of accommodation options, the development of infrastructure including access roads, picnic spots, bird hides, lookout and viewing points, water pipelines as well as the undertaking of maintenance and vegetation management and rehabilitation. These actions and the presence of tourists in these protected areas may result in undesirable impacts on the environment. These negative impacts must be avoided where possible, managed where avoidance is not possible, and rehabilitated if necessary.

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 to exclude activities identified in terms of sections 24(2)(a) and (b) of the Act from the requirement to obtain 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 EMP_r), which stipulates measures to avoid, manage and mitigate the environmental impacts and risks associated with implementing projects within the Kruger National Park (KNP), some of which trigger identified activities within the KNP

The Generic EMP_r has been prepared based on:

- the assessments of environmental sensitivities associated with the various *use zones* within the KNP, which have been determined by assessments undertaken over several years through the preparation of previous Park Management Plans for the KNP. 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 of projects undertaken in the park are predictable, standard and routine; and
- the expertise of the KNP'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.

2 PURPOSE OF THE GENERIC ENVIRONMENTAL MANAGEMENT PROGRAMME

This document constitutes a Generic Environmental Management Programme (GEMPr) for the avoidance, management and rehabilitation of environmental impacts that would result from implementing projects undertaken in the KNP, some of which would trigger identified activities.

This GEMPr has been prepared in line with the requirements of section 24N of NEMA and Appendix 4 of the Environmental Impact Assessment Regulations, 2014, as amended, and must be read in conjunction with Government Notice No. 5234 published in Government Gazette No. 51307 on the 27 of September 2024.

This GEMPr prescribes and pre-approves generally accepted impact management outcomes and impact management actions, which can commonly and repeatedly be used for the avoidance, management and mitigation of impacts and risks associated with the implementation of projects within the KNP.

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 projects within the KNP which trigger identified activities under certain conditions.

The requirement to obtain permits or licences in terms of other legislation such as the National Heritage Resources Act, 1999 (Act No. 25 of 1999) (NHRA), National Water Act, 1998 (Act No. 36 of 1998) (NWA), National Forests Act, 1998 (Act No. 84 of 1998) (NFA), National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004), National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) and National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) (NEM: BA), will still apply as required by these laws, unless decisions have been issued indicating otherwise.

3 ROLES AND RESPONSIBILITIES

The effective implementation of this GEMPr is dependent on establishing clear roles, responsibilities, and reporting lines. This section of the GEMPr gives guidance on the various environmental roles and responsibilities, however, project-specific requirements will ultimately determine the need for the designation of specific person(s) to undertake specific roles and responsibilities. The SANParks is ultimately responsible for the successful implementation of this GEMPr, while non-compliance is an offence in terms of the Act.

Responsible person (s)	Roles and Responsibilities
Competent authority	<p>Role:</p> <p>The Minister of Forestry, Fisheries and the Environment is the competent authority for development activities within the boundaries of national parks in terms of section 24C(2)(e) of NEMA. The provincial environmental MECs are the competent authorities when activities are undertaken in private game reserves or contractual game reserves that are adjacent to national parks.</p> <p>Responsibilities:</p> <ul style="list-style-type: none"> • The compliance unit of the competent authority will receive, through the annual audit, a register of projects as identified in paragraph 4.1 signed off by the Managing Executive or the relevant manager in the KNP who is responsible for the sign off of these projects, which are developed within the KNP as well as copies of the site project files and GEMPr consolidated file as relevant. • Compliance monitoring of any projects being undertaken within the KNP. • Review of annual environmental audit reports submitted by SANParks. • Where there is evidence of non-compliance with the GEMPr or the exclusion notice, enforcement against the parties at fault. Non-compliance with the GEMPr constitutes an offence in terms of section 49A(1)(c) and 49A(1)(d) of NEMA.
Proponent/ SANParks	<p>Role:</p> <p>SANParks is responsible to ensure compliance with the GEMPr for all projects undertaken within KNP.</p> <p>Responsibilities:</p> <ul style="list-style-type: none"> • Implement or manage all infrastructure development and maintenance in the park. • Implementation and ensure compliance with the GEMPr.

Environmental Manager (EM) or the relevant designated official	<p>Role:</p> <p>The EM or relevant designated official and the Environmental Control Officer (ECO) or Park Environmental Compliance Officer (PECO) as the case may be, must, on behalf of SANParks, ensure the compliance of all projects undertaken within the KNP to the GEMPr during all phases of implementation.</p> <p>Responsibilities:</p> <ul style="list-style-type: none"> • Ensure that the contractor and subcontractors receive the necessary induction and environmental awareness training. • Ensure that the contractor and subcontractors receive all the documentation prior to signing the GEMPr template and all contract documents where relevant. • Receive and assess all incident reports from the ECO/PECO and ensure that appropriate remedial action is taken timeously. • Ensure implementation of the GEMPr by all contractors and staff working on projects in the KNP. • Approve and sign off method statements (MSs)².
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² MSs are detailed plans that outline the steps and procedures to be followed for a specific task or project. These statements are commonly used in industries such as development, manufacturing, and engineering to ensure that work is carried out safely and efficiently. The purpose of MSs is to ensure that work is done in a consistent and controlled way, reducing the risk of accidents, errors, or delays.

<p>Park Environmental Compliance Officer (PECO)</p>	<p>Role:</p> <p>Appointed by SANParks and working closely with the EM or designated official, the PECO oversees monitoring of all projects undertaken within the KNP to ensure that projects comply with all environmental specifications as well as best-practice environmental measures as practiced in the park (i.e. in line with all park environmental management policies and rules). The PECO is responsible for the implementation of the GEMPr, environmental monitoring and reporting, and liaison with the contractor and subcontractors as well as general staff working on projects within the KNP.</p> <p>Responsibilities:</p> <p>Among other things, the PECO is responsible for:</p> <ul style="list-style-type: none"> • Being conversant with the GEMPr and all the mitigation measures and be able to implement them. • Monitor the implementation of the mitigation and management measures in the GEMPr. • Undertake quarterly compliance monitoring of all projects, other than for the contracted out projects, for which the ECO is responsible for the quarterly compliance monitoring and quarterly audits. • Receive and assess compliance monitoring reports and audit reports from the ECO and assess quality thereof. • Prepare an annual audit report for all projects being undertaken in the KNP, including the projects for which an ECO has been appointed (for these projects the PECO will include the annual audits reports prepared by the ECO into the overall annual audit report prepared). • Ensure that all stipulations in the GEMPr are communicated to contractors and subcontractors and complied with fully. • Assist the ECO appointed by any external contractor, where relevant to address environmental challenges on site. • Assist park officials in incident management (i.e. assist park officials to investigate environmental incidents and compile investigation reports). • Conduct environmental awareness training and induction to all park officials working on projects within the KNP. • Maintain ongoing communication with the ECO linked to projects being implemented by external contractors to ensure full compliance of projects with the GEMPr.
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Environmental Control Officer (ECO)	<p>Role:</p> <p>An ECO is appointed by the contractor, for any project which are implemented by an external contractor. The ECO must have appropriate training and experience in the implementation of environmental management specifications. The PECO must ensure that an ECO is appointed for each project implemented by an external contractor within the KNP. For projects implemented by SANParks for which no ECO is in place, the PECO or the relevant Section Ranger with suitable induction training in environmental procedures and specifications will fulfil the role of the ECO.</p> <p>The primary role of the ECO is to act as a quality controller and monitoring agent regarding all environmental concerns and associated environmental impacts. In this respect, the ECO will conduct site inspections, attend regular site meetings, pre-empt problems and suggest mitigation measures and be available to advise on incidental issues that arise.</p> <p>Responsibilities:</p> <ul style="list-style-type: none"> • The ECO shall ensure full compliance with the requirements of the GEMPr. • The ECO shall prepare a project file for the project for which he/she is responsible for and keep the project file updated. • Be conversant with environmental legislation, policies and procedures and ensure full compliance with them. • Undertake environmental awareness training of contractor and subcontractors staff, to convey the contents of the GEMPr through an induction process. • The ECO will also conduct general environmental awareness training to clarify all environmental issues that may be unclear. • The ECO will be available on site and will be responsible for managing the implementation of projects to ensure compliance with the GEMPr. • Keep a record of deviations and incidents on the incidents register. • Conduct compliance inspections of all project sites. • Conduct at least quarterly audits for the project for which the ECO has been appointed. • Prepare an annual audit report for the project for which the ECO has been appointed within the KNP highlighting any non-compliance issues as well as satisfactory or exceptional compliance with the GEMPr.
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Contractor	<p>Role:</p> <p>The contractor is responsible for implementation of projects in the KNP where projects have been outsourced. In some cases, the contractor may bring in subcontractors to work on projects.</p> <p>Responsibilities:</p> <ul style="list-style-type: none"> • Sign acceptance and understanding of conditions of projects as per the contractual agreements and the GEMPr. • Prepare and sign MSs to ensure appropriate implementation of projects with the guidance of the PECO /ECO where necessary. • Project implementation in keeping with the impact management outcomes and impact management actions in the KNP GEMPr.
Scientific Services	<p>Role:</p> <p>There are various subject matter experts in the KNP within the Scientific Services section who support policy development and input of scientific information into biodiversity conservation in the park.</p> <p>Responsibilities:</p> <ul style="list-style-type: none"> • Confirm the zoning of sites identified for proposed projects as part of the site sensitivity confirmation and suitability assessment exercise undertaken during the preparation of the site plan for each proposed development site. • Where requested, specialist scientists to accompany the team conducting the site walkthrough as part of the site sensitivity confirmation for identified project sites with the EM, Section Rangers, heritage experts, as well as any other personnel who may be deemed relevant based on the specific circumstances of each park. • Assist with data layers required for the preparation of the final site layout maps and where relevant assist the contractor or technical services/planning and implementation unit to prepare the site plans.

Technical Services and Planning/ Implementation Unit.	<p>Role:</p> <p>The final design layout of any new development projects or expansion projects are to be prepared by the Technical Services and Planning department and the Development and Environmental Committee of the KNP (where this is in place).</p> <p>Responsibilities:</p> <ul style="list-style-type: none"> • Prepare final layout maps of any new development or expansion sites showing the location of sensitive features.
Park officials working on projects	<p>Role:</p> <p>Some project activities are undertaken by park officials on a day-to-day basis. This includes repair work and general maintenance and conservation activities within the KNP. The Section Ranger and Technical Services project manager are the lead persons supervising the implementation of activities supported by Field Rangers, Environmental Monitors and general workers. The Section Ranger or the PECO will ensure full compliance with the requirements of the GEMPr.</p> <p>Responsibilities:</p> <ul style="list-style-type: none"> • Repair work on roads and other facilities in the park. • Undertake general maintenance, upgrade, expansion and conservation activities under supervision of the PECO or the relevant officials in the park. • Implement impact management actions and outcomes as articulated in the GEMPR and other relevant park plans/documents.

4 ENVIRONMENTAL DOCUMENTATION AND REPORTING OF COMPLIANCE WITH THE PARK MANAGEMENT PLAN AND THE GEMPR

4.1 Register of projects

The KNP EM must provide each project identified under paragraphs 2.1.1 and 2.1.5 of the exclusion notice with a project number and name and must maintain a register of the relevant projects. The register must be updated at the commencement and sign-off of the projects by the PECO. The register will also serve to provide a status update on the implementation of the projects.

4.2 GEMPr consolidated project file

The PECO must prepare a consolidated GEMPr file for all projects identified under paragraphs 2.1.2, 2.1.3 and 2.1.4 of the exclusion notice. The GEMPr consolidated project file must contain the following information for each project-

- A project name;
- A project description including the project type, for example maintenance and upgrading;
- A general location of the project; and
- Commencement and finalisation date of the project.

For all ongoing projects the PECO must include in the file a consolidated quarterly compliance monitoring report. A copy of the consolidated GEMPr file must be kept in the offices of the EM and made available to officers from the competent authority's compliance section on request.

4.3 Site project file

Each project identified under paragraphs 2.1.1 and 2.1.5 of the exclusion notice must have a site project file created and updated quarterly by the PECO or by the ECO where an external contractor is appointed starting from the commencement to the finalisation of the project. A copy of the site project file must be submitted to the KNP EM at the commencement of the project and at the sign off of the rehabilitation by the PECO.

The site project file must contain the following information:

- The project number as provided by the KNP EM;
- A project description;
- Name of contractor;
- A site plan including the information identified in paragraph 4.4;
- A report on the site sensitivity confirmation, based on the walkthrough by the relevant KNP environmental theme specialists;
- A baseline photolog for each site, which must include the following:
 - Photos taken from all compass directions taken from the centre of the development footprint;
 - A photographic record of the development site, recording especially the condition of the proposed development footprint, which will be used to show the state of the environment on the site before, during and after the development as well as once the rehabilitation activities have been finalised;

- Any areas of specific environmental sensitivity³ that must be cordoned off as “no go” areas, and photographs showing the barriers throughout construction;
- All areas designated as work areas, camp areas, development sites and storage / lay-down areas and temporary construction waste sites must be photographed before the set-up of the site, during the construction phase and after the decommissioning of the site;
- An up-to-date environmental incident log;
- A copy of all corrective actions signed off (i.e. the corrective actions must be filed in such a way that a clear reference is made to the non-compliance record);
- Complaints register (i.e. complaints from community members or tourists) including how complaints were follow up on and resolved;
- Copies of any applicable permits or authorisations other than the PMP and GEMPr;
- Confirmation of environmental training sessions held including the date of training;
- Where the project is to be undertaken by an external Contractor, the Declaration of Compliance form (Appendix 1) signed and dated by the Contractor to confirm that they understand and will comply with the contents of the GEMPr Template (Part B) and that such compliance is legally binding;
- Completed **GEMPr template (Part B)** with each page signed and dated; and
- Signed MSs with the code used for the MSs consistent with the paragraph numbers in the GEMPr template⁴ and copies of Standard Operating Procedures (SOPs) (if relevant).

If a new Contractor is employed during site establishment or construction, the Declaration of Compliance form (Appendix 1) must be signed by the new Contractor and a copy of the new declaration included in the site project file.

4.4 Site plan

The GIS unit or the Technical Planning Services are required to prepare the site plan for the projects identified in the register contemplated in paragraph 4.1. The site plan is to confirm that the project is located in the appropriate *use zone* in terms of the zoning scheme included as Appendix 1 – 4 in the exclusion notice. The site plan must indicate any specific environmentally sensitive features on the proposed development site based on the site sensitivity confirmation as determined by the walkthrough.

The site plan for the proposed project must include the following, as a minimum, at a resolution which allows for legibility:

- Site locality;
- Site layout map indicating the project site, access point(s),
- Areas of environmental sensitivity which are “no go” areas to be avoided and cordoned off during construction as identified through the site walk through;
- The position of developments on the site, including:
 - temporary versus permanent structures and infrastructure;
 - temporary waste storage sites including any stormwater drainage that may be required;
 - temporary storage of hazardous materials indicating temporary bunding if required;
 - location of ablution facilities; and
 - identifying any phasing of development if required.

³ Specific environmental sensitivity would be identified by the relevant specialist through their expertise and experience as a no go development area that must be cordoned off during construction.

⁴ A Microsoft Word version of the GEMPr template will be made available for completion.

4.5 Method Statements (MSs)

MSs must identify the plant, materials, labour and methods that the contractor will use to carry out an activity. MSs must contain sufficient detail to enable the EM/ ECO to assess whether the contractor's proposal is in accordance with the requirements of the GEMPr. The contractor must sign each MS along with the EM/ ECO to formalise and approve the MS.

Any changes to the method of works must be reflected by amendments to the original approved MSs and changes in this regard must be approved by the ECO in consultation with the EM on the understanding that such changes are environmentally acceptable and in line with the requirements of this GEMPr and the principles of the KNP PMP.

MSs must address the following aspects:

- **What** – a brief description of the work to be undertaken;
- **How** – a detailed description of the process of work, methods and materials;
- **Where** – a description of the location of the work (if applicable); and
- **When** – the sequencing of actions with commencement and completion date estimates.

MSs may be replaced by SOPs for specific development types or aspects at the discretion of the contractor/ECO. This may for instance be of value to multiple development sites under one contractor's control. Such SOPs should be approved upfront following the same requirements as per the MS.

If a new Contractor is employed the MSs must be re-signed by all relevant parties and a re-signed copy included in the site project file.

An example of a method statement is provided in Table 1.

4.6 Notification of commencement

For projects identified in paragraph 4.1, the EM must notify the compliance unit of the competent authority 14 days prior to the commencement of the construction activities. The notification must include the project number and a copy of the site project file.

4.7 Compliance monitoring

Once the GEMPr template (Part B) has been signed by the PECO and the construction have commenced or the GEMPr template (Part B) has been signed by the Contractor and the construction has commenced, the SANParks and the Contractor are required to comply with **Part B of the GEMPr**. The requirements of the GEMPr are binding for projects undertaken in the KNP. Compliance with the requirements of **Part B of the GEMPr** must be monitored by the PECO/ECO. The frequency of the compliance inspections and preparation of compliance monitoring reports for projects will be quarterly as a minimum. The competent authority will also monitor compliance as required. Non-compliance will constitute an offence in terms of section 49A(1)(c) and (d) of NEMA.

The following must take place as far as compliance monitoring is concerned:

- Incidents of non-compliance must be recorded in the incidents register by the ECO or the PECO.
- In the event of non-compliance, the principle is to resolve issues as quickly as possible. Where there is non-compliance, the following is proposed:

- **Step 1:** The ECO/PECO will discuss issues with the contractor/ subcontractor or park officials and identify corrective measures to be implemented. Timeframes are then decided upon and the date for follow up site inspections agreed upon.
- **Step 2:** If non-compliance persists, the ECO/PECO will discuss the problem with the EM and determine the manner in which to rectify the situation. The non-compliance will be recorded in the site file.
- A complaints register must be maintained during all phases of developments for projects contemplated in paragraph 4.1 and one combined complaints register for all other projects, to document complaints received from all stakeholders. The register must contain a detailed description of each complaint with supporting documentation where relevant, a written response to each complaint with a description of any associated corrective action, and the responsible official or authority who implemented the corrective action.

The contractor (or subcontractors) is deemed not to have complied with the GEMPr if:

- Within the boundaries of the site, site extensions and haul / access roads there is evidence of contravention of the GEMPr confirmed and verified by the ECO/PECO;
- Environmental damage ensues due to negligence;
- The contractor fails to comply with corrective or other instructions issued by the ECO/EM within a specific time; or
- The contractor fails to respond adequately to complaints from the general stakeholders or tourists in line with the requirements of the GEMPr.

Over and above the internal compliance inspections undertaken in the Park, the competent authority may undertake a compliance inspection on the site at any time.

4.8 Annual audit

It is required that the following tasks must take place with respect to the annual audit:

- For projects contemplated in paragraph 4.1 the following is required-
 - Review of the project register;
 - Review of the site project file;
 - Compliance with the exclusion notice;
 - Compliance with the GEMPr;
 - Implementation of corrective measures identified;
- For projects contemplated in paragraph 4.2 the following is required-
 - Review of the GEMPr consolidated project file;
 - Compliance with the exclusion notice;
 - Compliance with the GEMPr;
 - Identify any incidents and corrective measures implemented;
- The audit outcomes must be collated into an annual audit report the content of which is identified in paragraph 4.8.1.
- The annual audit report must be submitted to the compliance section of the CA together with copies of any relevant supporting documentation;
- The compliance unit of the competent authority may visit project sites at any time without warning and will require that inspection and monitoring reports for project sites be accessible.

- The KNP must conduct an annual audit, commencing within 12 months of the coming into effect of this exclusion and which audit report is to be submitted to the compliance monitoring unit of the competent authority within 2 months of completion of such an audit.

4.8.1 Requirements of an annual audit report

The following must be included in the annual audit reports:

- The register of projects identified in paragraph 4.1;
- A statement that all projects have been undertaken in compliance with the zone use areas;
- A summary of complaints received from stakeholders/ tourists and actions taken;
- Copies of the site project files and GEMPr consolidated file as relevant;
- A summary of environmental incidents, such as oil spills, concrete spills, etc. and actions taken; and
- For projects under 4.1, the level of performance against the GEMPr requirements for each site.
- For projects under 4.2 the consolidated statement on the level of performance against the GEMPr requirements.

5 ENVIRONMENTAL MANAGEMENT PROGRAMME

5.1 Impact Management Outcomes and actions

The GEMPr contains general interventions applicable to all project sites as well as specific activities associated with certain types of development activities. Impact management outcomes are fixed while impact management actions can be amended, where necessary, to achieve the impact management outcomes. Impact management actions refer to the methods one uses to achieve the outcome. The outcomes in the GEMPr are fixed (e.g. no excessive dust or pollution), but the impact management actions or methods to achieve this outcome may vary according to what is best on the site or based on advanced technologies that may be available to achieve a desired outcome (e.g. dust suppression may be achieved in a variety of ways such as wetting of soils in development areas, mulching to minimise dust pollution, etc.).

For projects under 4.1 the GEMPr template (Part B) is to be completed, signed and dated on each page by the ECO or the PECO, and contractor where relevant before commencement with the project. The MSs must be appended to the template with each MS duly signed and dated. This template, once signed and dated, is legally binding. Should any amendments to the impact management actions be necessary the amended pages should be resigned and dated by the ECO, PECO and contractor where relevant and included in the project file.

For the projects in paragraph 4.2 the GEMPr template (Part B) applies as is. Where amendments are required, it can be made by the PECO.

The main impacts associated with development and maintenance activities will include, among others the following:

- The destruction of biodiversity (impacts on natural vegetation, fauna and flora, the risk of spread of invasive alien species, etc.) because of a whole suite of activities such as:
 - maintenance of tracks, construction of boardwalks and decks;
 - maintenance of pipelines;
 - repair work after fires and floods;
 - upgrading of tourism facilities;

- development of picnic facilities in transformed areas;
- development of infrastructure; and
- stabilisation of embankments.
- Impacts on watercourses (rivers, wetlands, groundwater);
- Soil erosion, degradation and sedimentation;
- The generation of dust;
- The generation of noise;
- Negative impacts on the heritage/ archaeological/ palaeontological and the conservation value of the park;
- Visual impacts;
- Traffic and movement of vehicles in development and maintenance sites (i.e. vehicles moving in and out of the park and impacting on the sense of place and the experience of tourists or visitors in the park);
- Pollution through disposal of materials, leakage and/or spillage of liquid waste and/or hazardous substances; and
- Stormwater pollution through litter clogging stormwater drains, chemical seepage, and contamination of groundwater resources.

5.2 Planning phase

The pre-development phase is the planning phase for developments and refers to the period leading up to and just before commencement of construction activities related to projects. This phase is included to inform proactive planning and incorporation of best-case environmental practices at the outset to ensure optimal environmental performance throughout all phases of construction. The bulk of the measures will go into the development phase of the project.

As part of the planning phase for projects, the following will be undertaken:

- Appointment of service providers and signing of contracts where the following sets of information will be made available where relevant:
 - Standard Health and Safety Policy;
 - The GEMPr for KNP;
 - The PMP;
 - Local Beneficiation Goals (if applicable);
 - Ensure environmental protection measures form part of the technical specifications for projects;
 - Site map reflecting the location of the project in the appropriate use zone and the final design layout;
 - Sustainable Procurement Policy (if there is any in place);
 - Disaster Management Plan;
 - Invasive Alien Species Management Programme (if applicable);
 - Code of Conduct for the KNP;
 - Fire Management Programme;
 - Bush Encroachment Programme; and
 - Park Waste Management Plan/SOP.

5.3 Development phase

The management and mitigation measures of this GEMPr relate to the planning and development phase of projects that take place within the appropriate *zone use* scheme of the PMP. Most of the impacts associated with projects are likely to occur during the development phase (i.e. noise generation, clearing of vegetation, generation of dust, water pollution, spills, littering and the accumulation of rubble, etc.). The successful implementation of the management measures identified in the GEMPr in the planning phase as well as the development phase will ensure environmental protection and sustainable development in the park in line with the objectives of approved PMP.

5.4 Decommissioning and rehabilitation phase

The decommissioning and rehabilitation phase includes activities following cessation of the construction phase and may be associated with dismantling and removal of materials and infrastructure as well as rehabilitation of sites that may have been transformed or modified during construction activities. Rehabilitation of the disturbed area must then commence. The end point of the rehabilitation phase is to re-establish conditions that pre-existed before the establishment of infrastructure or structures. The objectives of decommissioning will be aligned with those of the PMP.

The important measures to consider during the decommissioning and rehabilitation phase include the following:

- Implementation of restoration/ rehabilitation activities and maintenance of biodiversity.
- Socio-economic activities.
- Air quality issues arising out of the dismantling of infrastructures.
- Waste management and handling of leftover material from the dismantling of structures/infrastructure.
- Sustainable development post closure of the operational phases of development.

5.5 Operational phase (including maintenance related activities)

The operational phase commences when developments are used for their intended purpose. This will for the most part entail good housekeeping and best-case environmental management practices in the installed structures and built infrastructure.

6 PART B - PRE-APPROVED GENERIC ENVIRONMENTAL MANAGEMENT PROGRAMME TEMPLATE

6.1 Induction and Environmental awareness training

Impact management outcome: Contractors, subcontractors and all onsite staff are aware of and understand their individual responsibilities in terms of the PMP and this GEMPr.						
Impact Management Actions	Implementation			Monitoring		
	Person responsible	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> All staff must receive environmental awareness training prior to commencement of the activities that should cover, among others the following: <ul style="list-style-type: none"> Description of environmental impacts related to work activities; Mitigation measures to be implemented; Familiarise staff with the contents of the GEMPr as well as MSs; Emergency preparedness and response procedures; and Procedures to be followed when working in or near sensitive areas. Water usage and water conservation measures to be practiced on all project sites. Good hygiene and sanitation measures to be practised on project sites in line with the KNP Code of Conduct for the KNP. Training to be made accessible to all contractors and staff by using the appropriate language and medium relevant to the target groups. Induction training on the Standard and Code of Conduct for the KNP. All staff are aware of the controls in the GEMPr and made aware of their individual roles and responsibilities in achieving compliance with the GEMPr. Training on basic fauna and flora and common types of species in the national park that may be encountered during operations and what to do. General measures to prevent pollution and control the spread of litter outlined. 						

<ul style="list-style-type: none"> • Training on Occupational, Health and Safety. • Social responsibility training (no excessive noise, no alcohol or illegal substances in the development sites, good housekeeping, and clean-up of site, etc.). 						
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6.2 Site establishment

Impact management outcome: Negative impacts on the environment are avoided as far as possible and minimised where avoidance is not possible during site establishment and the development footprint is limited to the demarcated development area.						
Impact Management Actions	Implementation			Monitoring		
	Person responsible	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> • The site plan must show the layout of the development camp and all key infrastructure and services including: offices, overnight vehicle parking areas, stores, the workshop, stockpile and laydown areas, hazardous material storage areas including fuels, the batching plant, designated access routes, equipment cleaning areas and placement of staff accommodation, cooking and ablution facilities, waste and wastewater management. • Location of camps must be within approved areas to ensure that the site does not impact on sensitive sites identified in the site map. • Camps must be fenced in accordance with 6.5 (Fencing and demarcation of sites) • Sites must be located on previously disturbed area or within existing camps. • Site to be demarcated with construction tape or other suitable demarcation material such as netting and all development equipment. • Labour to remain within the boundaries of the development sites. • Where feasible, chemical toilets to be used and must not be placed adjacent to any watercourses or areas of high sensitivity. 						

<ul style="list-style-type: none"> • Development workers will not eat outside of the demarcated development or work areas and to avoid feeding animals. • The work teams will always adhere to the SANParks Occupational Health and Safety Policy with a safety rep on site. • The use of existing accommodation for contractor staff is encouraged. 						
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6.3 Access restricted areas

Impact management outcome: Access to restricted areas prevented and controlled.						
Impact Management Actions	Implementation			Monitoring		
	Person responsible	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> • The identification of access restricted areas to be informed by site assessment, site walkthrough as well as any sensitive areas that may be identified during development. • Erect, demarcate and maintain a temporary barrier with clear signage around the perimeter of any access restricted areas with colour coding used as appropriate. • Unauthorised access and any development related activities inside access restricted areas is prohibited. 						

6.4 Access roads and traffic management

Impact management outcome: Minimise negative impacts when using access roads through planned and restricted movements of vehicles in the park.						
Impact Management Actions	Implementation			Monitoring		
	Person responsible	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> Access roads and paths shall be maintained in an acceptable condition for safe travel. Tourist traffic in the park not to be allowed access to development sites. Roads to be maintained in such a way as to minimise erosion and surface damage. No off-road driving is permitted unless allowed by the Park Conservation Manager or relevant Section Ranger. Spills of chemicals and oils onto access roads to be always prevented. Vehicle speeds to be managed or controlled so as not to lead to dust generation or emissions. Vehicles on development sites to be well maintained and serviced so as not to cause excessive emissions and nuisance. Protection services department – fines for people who exceed speed limits and the rules in the Code of Conduct for the KNP for working in national parks to be strictly enforced. All contractors to receive induction training on driving in the park (rules for working and driving in national parks). Use must be made of existing access routes in the park and no new roads to be created unless unavoidable. 						

6.5 Fencing and demarcation of development sites

Impact management outcome: Avoiding impacts where possible and minimising impacts on the environment where avoidance is not possible to ensure safe and controlled access to the park and fencing off development areas where required.						
Impact Management Actions	Implementation			Monitoring		
<ul style="list-style-type: none"> Vehicles used for development activities to be restricted to the demarcated areas except when driving in and out of the park but ought to do so only during the visitor access hours in the park, unless authorised by EM/ Section Ranger/ or the designated person to exit the Park outside official gate closing hours (i.e. 06:00 – 18:00). Use existing gates to gain access to the park and all parts of the development area. All gates must be fitted with locks and be kept locked at all times during the development phase unless special provision has been given by the park. All demarcation fencing and barriers must be maintained in good working order for the duration of the development activities. Suitable fencing must be erected around the development camp, batching plants, hazardous substances storage areas, and all designated access restricted areas where applicable. Any temporary fencing to restrict the movement of game must only be erected with the permission of the relevant Section Ranger and/or Biodiversity Manager The use of razor wire as fencing must be avoided. On completion of the development phase, all temporary fences and demarcation must be removed. 	Person responsible	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance

6.6 Water supply management

Impact management outcome: Responsible water usage and conservation measures are implemented to prevent pollution of water resources.						
Impact Management Actions	Implementation			Monitoring		
	Person responsible	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> All abstraction points or boreholes must be registered with the DWS and suitable water meters installed to ensure that the abstracted volumes are measured on a daily basis. The Contractor must ensure that: <ul style="list-style-type: none"> Vehicles abstracting water from a river does not enter or cross it and does not operate from within the river; No damage occurs to the riverbed or banks and the abstraction of water does not entail stream diversion; All reasonable measures taken to limit pollution or sedimentation of the downstream watercourse are implemented. Ensure water conservation is practiced by: <ul style="list-style-type: none"> Minimising water use during cleaning of equipment; Undertaking regular audits of water systems, and Include discussion of water usage and conservation during the awareness training sessions, as well as good sanitation and hygiene practices in line with appropriate Health and Safety standards in all project sites Place bulk fuel storage tanks away from watercourses in areas where they do not pose a threat of leaking and contamination of the environment. Where practical, use recycled, treated wastewater for non-consumptive activities such 						

<p>as dust suppression and cleaning of equipment and vehicles.</p> <ul style="list-style-type: none"> • Development activities not to be allowed in water crossings where there will be negative impacts on water resources unless properly planned for and impacts adequately controlled and managed. • During development, stockpiled topsoil and subsoil to be stored away from water resources such as wetlands and rivers. • Where activities are to take place in watercourses or across river crossings or wetlands, excavations to be avoided at all costs so as not to trigger the requirement for water use licences (WULs). • Maintenance work to only be allowed in river crossings and across watercourses when there is a WUL or a General Authorisation (GA) from the DWS. The mitigation and management measures stipulated in the WUL or GA ought to be followed and implemented to protect biodiversity. • Implementation of anti-erosion and stormwater control measures in areas that are susceptible to erosion. • No ablution, disturbance of natural habitat, waste storage or disposal may be permitted in any wetland, watercourses, or riparian areas. • Ensure that water in camps within the park is regularly tested for pollution and the necessary interventions implemented where the test results show contamination by <i>E. Coli</i> or other undesirable substances. 						
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6.7 Storm and wastewater management

Impact management outcome: Impacts on the environment caused by stormwater and wastewater discharges during development are avoided.						
Impact Management Actions	Implementation			Monitoring		
	Person responsible	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> A stormwater management plan shall be developed to prevent erosion and the contamination of water, and deal with stormwater release into the environment. Runoff from the cement/ concrete batching areas must be strictly controlled and contaminated water must be collected, stored and either treated or disposed of offsite at a location approved by the EM or relevant official. All spillage of oil onto concrete surfaces must be controlled by the use of an approved absorbent material to be disposed of at an appropriate waste disposal facility. Natural stormwater runoff not contaminated during the development and clean water can be discharged directly to watercourses and water bodies subject to approval by the relevant management authority. Install drainage diversion system to divert runoff from areas of potential pollution. Reduce impervious surfaces; install permeable pavement. Stormwater shall be directed towards stabilised areas which can dissipate the energy of the water flow. No handling of hazardous substances in close proximity to water resources and storm water drains. 						

6.8 Solid and hazardous waste management

Impact management outcome: Wastes are appropriately stored, handled and safely disposed of at a licenced waste facility						
Impact Management Actions	Implementation			Monitoring		
	Person responsible	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> An integrated waste management approach must be followed. The waste collection site must be maintained in a clean and orderly manner. Waste must be segregated into separate bins and clearly marked for each waste type for recycling and safe disposal. Staff must be trained in waste segregation. Bins must be emptied regularly. Sufficient, covered waste collection bins (scavenger and weather-proof) must be provided. General waste produced on site must be disposed of at a registered waste disposal sites/recycling company. Records shall be kept of all waste generated and what proportions thereof are reused or recycled, disposed of at landfill sites, with disposal certificates or receipts obtained from the landfill sites where the waste is disposed of. Provide sufficient closed containers in strategic locations around the development site to handle the amount of litter, waste, rubble, debris and all waste generated on the site. No burying of any waste on development sites or in the surrounding bushes. General waste shall be stored separately from hazardous waste with general waste stored in weather-proof bins or skips or similar containers. 						

<ul style="list-style-type: none"> • All officials handling hazardous substances must always wear Personal Protective Equipment (PPE). • Store hazardous wastes in leak-proof, secured storage containers, clearly labelled, indicating the contents and safety requirements in well-ventilated areas. • All hazardous substances should be kept under lock and key and in a bunded, impenetrable, fire-proof area. • Display required safety signs on the development sites depicting “No smoking”, “No naked lights”, “Danger”. • Firefighting equipment must be available at all hazardous substances’ storage areas. • Provide training to all employees handling hazardous substances for safe use of the substances and potentially hazardous impacts if not correctly handled. • Maintain alphabetical Hazardous Chemicals Substances control sheet on a continuous basis. • Store hazardous substances not in use in bunded storage areas at least 32 m away from watercourses to prevent soil and groundwater contamination. • Remove hazardous substances when required and dispose of at a hazardous waste disposal facility in line with the park’s hazardous waste management guidelines and policies. • Contaminated material to be disposed of at a registered hazardous waste facility approved by the relevant management authority. • Should any asbestos waste material be discovered on site in the park, rehabilitation of the sites should be conducted in conjunction with the National Department of Labour. 						
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<ul style="list-style-type: none"> All herbicides and pesticides to be used under the supervision of a Pest Control officer in terms of the Fertilisers, Farm Feeds, Seeds and Remedies Act, 1947 (Act No. 36 of 1947) and its Regulations. 						
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6.9 Protection of watercourses and wetlands

Impact management outcome: Pollution and contamination of watercourses and wetlands prevented.						
Impact Management Actions	Implementation			Monitoring		
	Person responsible	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> All watercourses must be protected from spillage of pollutants such as solid waste, sewerage, cement, soils, fuels, chemicals, aggregate tailings, wash and contaminated water or organic materials from Contractors' activities. In the event of a spill, prompt action must be taken to clear the polluted or affected areas. Where possible, no development equipment must traverse any seasonal or permanent wetlands. There must not be any impact on the long-term morphological dynamics of watercourses or wetlands. Existing crossing points must be favoured over the new crossings (including for temporary access). When working near watercourses, the following controls and considerations must be taken: <ul style="list-style-type: none"> Water levels during period of development – no altering of the bed, banks, course or characteristics of a watercourse. During the execution of the works, appropriate measures to prevent pollution must be implemented, including ensuring 						

<p>that development equipment is well maintained.</p> <ul style="list-style-type: none"> ○ Where earthwork is being undertaken in close proximity to any watercourses, slopes must be stabilised using suitable material, i.e., sandbags, or geotextile fabric, to prevent sand or rock from entering the channel. ○ Appropriate rehabilitation and revegetation measures for the watercourse banks must be implemented timeously. The banks must be appropriately and incrementally stabilised as soon as development allows. 						
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6.10 Vegetation clearance

Impact management outcome: Vegetation clearance is restricted to the development footprint.						
Impact Management Actions	Implementation			Monitoring		
	Person responsible	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> Site map for each development site to display spatial layout and location of sensitive species to be protected from developments. Indigenous vegetation which does not interfere with the development/ maintenance/ expansion activity must be left undisturbed. Special care must be taken to protect endangered or protected species that may occur close to development sites. Search and rescue and replanting of all protected and endangered species by the curator of the nursery in the park before commencement of development activities. The environmental audit report must confirm that all identified species have been rescued and replanted and that the location of planting is compliant with the types of species and their natural habitats. Trees felled during development must be documented and form part of the Environmental Audit Report. Trees and shrubs to be screened off from development activities by building around them as much as possible. Clearance of trees and herbaceous vegetation to be avoided as much as possible and only allowed where mapping has confirmed that areas are disturbed and contain fewer sensitive plant species. No introduction of IAP because of development related activities. 						

<ul style="list-style-type: none"> • Limit introduction of foreign gravel material to the development areas. • The clearance of IAP from all development and adjacent areas in the park following cessation of development activities. • Removal or treatment of IAP using herbicides, mechanical methods or biological agents. • Maintenance of rehabilitated areas to ensure that vegetation composition is re-established as per the rehabilitation plans and interventions under site rehabilitation in 6.31 Landscaping and rehabilitation. 						
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6.11 Biodiversity management

Impact management outcome: Biodiversity is maintained in line with the Park Management Plan.						
Impact Management Actions	Implementation			Monitoring		
	Person responsible	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> • No unnecessary cutting of trees and shrubs in development areas. • Topsoil stockpiles are monitored for the presence of IAP. • Mechanical control of IAPs (i.e. using chain saws, brush cutters, hand cutters). • Chemical control of IAPs (using herbicides) where such herbicides shall be biodegradable. The use of such herbicides shall be at the supplier's recommended application rates and in accordance with the regulatory requirements (i.e. such as the Fertiliser, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947). • Biological control of IAPs (i.e. biological control agents). • Where possible, if extra materials are brought onto site for use in development, this material must not contain topsoil that might contain 						

seeds of exotic plant species that will lead to spread of IAPs on site. <ul style="list-style-type: none"> • Mechanical control of trees to prevent encroachment (manually through use of chain saws, etc.) • Chemical control of bush encroachment through use of herbicides that may already be in use in the park to control known tree species with bush encroachment potential. 						
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6.12 Protection of fauna

Impact management outcome: Disturbance of fauna is avoided where possible and minimised where avoidance is not possible.						
Impact Management Actions	Implementation			Monitoring		
	Person responsible	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> • Poaching, hunting and/or intentional killing of any animals is strictly prohibited and constitute a criminal offence and offenders are subject to arrest by law enforcement officials. • The breeding sites of raptors and other wild bird species must be taken into consideration during the planning of the development activities. • Qualified people to be called in to remove wildlife and snakes in houses or built infrastructure for safe release into the wild. • No threatened protected fauna species as listed according to the National Environmental Management: NEM:BA and relevant provincial Ordinances may be removed or relocated without appropriate authorisations or permits. 						

6.13 Protection of heritage resources

Impact management outcome: Impact on heritage, archaeological and palaeontological resources avoided or where it cannot be avoided are minimised.						
Impact Management Actions	Implementation			Monitoring		
	Person responsible	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> Identify, demarcate and prevent impact on all known sensitive heritage features on site (see Access Restricted Areas 6.3). All heritage resources encountered during development shall be avoided and a heritage specialist consulted to offer advice on what to do. Carry out general monitoring of excavations for potential fossils, artefacts and material of heritage importance. All staff to be trained on chance encounters and what they need to do should such be found during excavation processes. Under no circumstances must archaeological artefacts be destroyed when found and work must cease, and the advice of the park heritage specialist sought on what to do. Record must be kept of all heritage/ archaeological/ palaeontological finds. All work must cease immediately if any human remains and/ other archaeological, palaeontological and historical material are uncovered. Such material if uncovered must be reported to the nearest museum, archaeologist, palaeontologist so that a systemic and professional investigation can be undertaken. 						

6.14 Safety of the public (health and safety)

Impact management outcome: All precautions are taken to minimise risks of injury, harm or complaints.						
Impact Management Actions	Implementation			Monitoring		
	Person responsible	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> Identify fire hazards, demarcate and restrict public access to these areas and put danger signs to alert tourists of any potential threats. All unattended open excavations must be adequately fenced or demarcated. Adequate protective measures must be implemented to prevent unauthorised access to and climbing of partly constructed towers and protective scaffolding. All staff to always wear PPE in the development sites. Members of the workforce on projects should refrain from taking alcohol or narcotic substances while operating vehicles and equipment in development sites. Safety training shall be provided to all staff and workers on projects. Ensure compliance with the Occupational Health and Safety Act, 1993 (Act No. 85 of 1994) (OHS Act) and all relevant Regulations. Access to the development sites by people not involved in the project shall be controlled. 						

6.15 Sanitation

Impact management outcome: Clean and well-maintained ablution facilities are available to all staff to minimise risk of the spread of diseases and impacts on the environment.						
Impact Management Actions	Implementation			Monitoring		
	Person responsible	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> Mobile chemical toilets are installed onsite if no other ablution facilities are available. Ablution facilities and/or mobile toilets must be always used. The use of the veld for ablutions purposes is prohibited. Where mobile toilets are required, the following to be ensured: <ul style="list-style-type: none"> The toilet facilities must be maintained by a qualified service provider. Toilets are located no closer than 32 meters to any watercourse. Toilets are secured to the ground to prevent them from toppling over due to wind or any other cause. No spillages occur when toilets are cleaned or emptied and the contents are managed in terms of the EMP. Toilets have an external closing mechanism and are closed and secured from the outside when not in use to prevent toilet paper from being blown off. Toilets are emptied before long weekends and workers holidays and must be locked after working hours. Toilets are serviced regularly and the ECO/ PECO must inspect toilets to ensure compliance with health standards. The Code of Conduct for the KNP must be followed for guidance on toilets and ablution in the park. 						

6.16 Prevention of diseases

Impact management outcome: All precautions linked to the spread of diseases are taken.						
Impact Management Actions	Implementation			Monitoring		
	Person responsible	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> Undertake environmentally friendly pest control measures in the development camp areas. Ensure that the workforce is sensitised of the effects of sexually transmitted diseases and HIV-Aids. Malaria control measures such as wearing protective clothes, malaria prophylaxis, taking anti-malaria pills, using appropriate insect repellents, etc. to be practiced. The contractor must ensure that information posters on AIDS are displayed in the contractor camp area. Information and education relating to sexually transmitted diseases to be made available to both development workers and tourists, where applicable. Medical support and primary health care must be provided in all project sites. Provide access to voluntary HIV Testing and Counselling Services. Provide sanitisers and material for COVID-19. 						

6.17 Emergency procedures

Impact management outcome: Emergency procedures are in place to enable rapid and effective responses to all types of environmental emergencies.						
Impact Management Actions	Implementation			Monitoring		
	Person responsible	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> Compile an Emergency Response Action Plan (ERAP) prior to commencement of the proposed project. An emergency plan must deal with accidents, potential spillages and fires in line with relevant legislation. All staff must be made aware of emergency procedures as part of environmental awareness training. The relevant local authority or Fire Protection Association (FPA) must be made aware of a fire as soon as it starts. In the event of an emergency, the necessary mitigation measures to contain the spill or leak must be implemented (see Hazardous Substances section 6.18). 						

6.18 Hazardous substances

Impact management outcome: Safe storage, handling and disposal of hazardous substances.						
Impact Management Actions	Implementation			Monitoring		
	Person responsible	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> The use and storage of hazardous substances to be minimised and non-hazardous and nontoxic alternatives substituted where possible. All officials handling hazardous substances must always wear PPEs. Store hazardous wastes in leak-proof, secured storage containers, clearly labelled, indicating the contents and safety requirements in well-ventilated areas. 						

<ul style="list-style-type: none"> • Containers of hazardous material must be disposed of at registered landfill sites outside the National Parks. • All hazardous substances should be kept under lock and key and in a bunded, impenetrable, fire-proof area. • All hazardous chemicals that will be used on site must have Material Safety Data Sheets (MSDS). • An Alphabetical Hazardous Chemical Substance (HCS) control sheet must be drawn up and kept up to date on a continuous basis. • Display required safety signs on the development sites depicting “No smoking”, “No naked lights”, “Danger”. • Firefighting equipment must be available at all hazardous substances’ storage areas. • Provide training to all employees handling hazardous substances for safe use of the substances and potentially hazardous impacts if not correctly handled. • Store hazardous substances not in use in bunded storage areas at least 32 m away from watercourses to prevent soil and groundwater contamination. • Remove hazardous substances when required and dispose of at a hazardous waste disposal facility in line with the parks’ hazardous waste management guidelines and policies. • Sufficient number of and type of spills to be provided at all development work sites. • Spills to be contained and removed by suitably trained staff. • Contaminated material to be disposed of at a registered hazardous waste and fill facility approved by or used by the park (or located close to the park if details of the facility currently being used by the park is not readily available). 						
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<ul style="list-style-type: none"> • Should any asbestos waste material be discovered on site in the park, rehabilitation of the sites should be conducted in conjunction with the National Department of Labour. • All herbicides and pesticides to be used under the supervision of a Pest Control officer in terms of the Fertilisers, Farm Feeds, Seeds and Remedies Act, 1947 (Act No. 36 of 1947) and its Regulations. • Appropriate number of spill kits must be available and must be located in all areas where activities are being undertaken. • In the event of a spill, contaminated soil must be collected in containers and stored in a central location and disposed of according to the NEM: WA (refer to Storm and wastewater management section 6.7). 						
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6.19 Workshop, equipment maintenance and storage

Impact management outcome: Soil, surface and groundwater contamination is avoided or where avoidance is not possible, minimised.						
Impact Management Actions	Implementation			Monitoring		
	Person responsible	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> • All maintenance and repair work to be carried out within areas designated for this purpose and equipped with the necessary pollution control measures (i.e. in the workshop area). • A suitable drip tray must be used to prevent spills onto the soil. • The workshop area must be monitored for oil and fuel spills. • The workshop area must have a bunded concrete slab that is sloped to facilitate runoff into a collection sump or suitable oil/water separator where maintenance work on vehicles and equipment can be performed. • Water drainage from the workshop must be contained and managed in accordance with Storm and wastewater management in Section 6.7. • The OHS Act to be complied with in the handling of material and equipment used in development sites. • Petrochemicals, oils and identified hazardous substances to be stored under controlled conditions. • Storage of hazardous substances in suitable containers approved by the ECO and in line with the Hazardous Waste policy of SANParks. • All spillages are to be immediately reported to the ECO and a spill-kit should be on standby according to nature and quantity of hazardous material present. 						

<ul style="list-style-type: none"> Fuel to be stored in a secured area in a steel tank supplied and maintained by the fuel suppliers. Gas welding cylinders and LPG cylinders should be stored in a secure, well-ventilated area. The ground under the servicing and refuelling areas must be protected against pollution by spills and tank overfills. Development vehicles are to be maintained in an acceptable state of repair. No vehicles or equipment with leaks or causing spills will be permitted to operate in the development sites. 						
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6.20 Batching plants

Impact management outcome: Avoid spillages and contamination of soil, surface water and groundwater.						
Impact Management Actions	Implementation			Monitoring		
	Person responsible	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> Concrete mixing must be carried out on an impermeable surface. Batching plants must be fitted with a containment facility for the collection of cement laden water. Dirty water from the bathing plant must be contained to prevent soil and groundwater contamination. Bagged cement must be stored in an appropriate facility and at least 10 meters away from watercourses. Hardened concrete from the washout facility or concrete mixer can either be reused or disposed of at an appropriate licenced disposal facility. 						

<ul style="list-style-type: none"> • Empty cement bags must be secured with adequate binding material if these will be temporarily stored on site. • Sand and aggregate containing cement must be kept damp to prevent the generation of dust (refer to Dust Emissions 6.21). • Any excess sand, stone and cement must be removed or reused on site on completion of development and disposed of at a licenced disposal facility. • Temporary fencing of development camps must be erected around batching camps in accordance with 6.5 Fencing and demarcation of development sites). 						
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6.21 Dust emissions

Impact management outcome: Dust prevention measures are applied to avoid, or where avoidance is not possible minimise, the generation of dust.						
Impact Management Actions	Implementation			Monitoring		
	Person responsible	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> • Take all reasonable measures to avoid or where avoidance is not possible minimise the generation of dust because of project development activities. • Excavation, handling and transport of erodible materials must be avoided under high wind conditions or when a visible dust plume is present. • Monitoring of dust fallout to be conducted as prescribed in the National Environmental Management Air Quality Act, 2004 (Act No. 39 of 2004) - National Dust Control Regulations of 2018. • Dust generating material in the development sites shall be covered when transported. • Strict dust control to limit impacts on sensitive receptors (i.e. nearby camps and built-up areas for instance). 						

<ul style="list-style-type: none"> • Dust suppression techniques such as wetting of soils in development areas, mulching to minimise dust pollution, etc. • Potable water to not be used for dust suppressions and alternative measures must be sourced. • Water and/ or spray roads and development areas with environmentally friendly dust suppressant chemical during dry and windy conditions to control dust fallout. • Clearance of indigenous vegetation to be avoided at all costs and where it cannot be avoided it should be kept to an absolute minimum to prevent exposed surfaces where soil may be blown off. • Where erosion of stockpiles becomes a problem, erosion control measures must be implemented at the discretion of the ECO/PECO. • Vehicle speeds must not exceed the specified speed limit along dust roads when traversing unconsolidated and non-vegetated areas (i.e. speed limit on the tourist roads is 50km/h, and on the gravel roads 40km/h). • Straw stabilisation must be applied at a rate of one bale /10m² and harrowed into the top 100mm of top material for all completed earthworks. 						
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6.22 Blasting

Impact management outcome: Impacts on the environment minimised through safe blasting practices.						
Impact Management Actions	Implementation			Monitoring		
	Person responsible	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> Any blasting activity must be conducted by licenced blasting contractor, and Notification of tourists in surrounding camps, emergency services site personnel of blasting activity 24 hours prior to such activity taking place on site. 						

6.23 Noise

Impact management outcome: Prevent unnecessary noise levels in the park through ensuring that the noise from the development activity is mitigated.						
Impact Management Actions	Implementation			Monitoring		
	Person responsible	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> The contractor must keep noise levels within acceptable limits (i.e. the acceptable sound rating levels for the park as defined in their Code of Conduct for the KNP and reduce the use of sound amplification equipment for communication and emergency only. Where feasible, all vehicles and machinery to be fitted with appropriate silencing technology and must be properly maintained. Any complaints received by the Contractor regarding noise must be recorded and communicated. The Code of Conduct for the KNP and the stipulated noise levels must be adhered to at all times by Contractors. 						

6.24 Fire prevention

Impact management outcome: Prevention of uncontrolled fires in the park.						
Impact Management Actions	Implementation			Monitoring		
	Person responsible	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> Take all reasonable steps to ensure that fires are not started as a result of development or maintenance activities on sites. No fires for heating or cooking will be permitted on site. Liaise with and join the local Fire Protection Association and the fire management programme for the park. Fire extinguishers shall be made available at all points of storage of flammable products. Fire extinguishers shall be checked monthly to confirm they are properly serviced and in good conditions. All staff involved in projects to undergo basic firefighting training as part of the induction and environmental awareness training. A designated fire control officer to be responsible for actions during the event of a fire, including contacting emergency services for assistance. Grass in the vicinity of development sites shall be trimmed at regular intervals to reduce risk of fire. Conduct fire emergency drills often with one coinciding with the onset of the fire season. Ensure that all the materials and equipment for dealing with oil, fuel and hazardous substance spills and leaks are on site and up to date. 						

6.25 Stockpiling and stockpile areas

Impact management outcome: Avoid erosion and where avoidance is not possible reduce erosion and sedimentation of stockpiles.						
Impact Management Actions	Implementation			Monitoring		
	Person responsible	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> All materials that are excavated during the project must be stored appropriately on site in order to minimise impacts on watercourses and water bodies. Stockpiles and storage yards should be demarcated in areas already disturbed where they will cause minimum disturbance. All stockpiled material must be maintained and kept clear of weeds and alien vegetation by undertaking regular weeding and implementing suitable control methods. 						

6.26 Civil works

Impact management outcome: Access to restricted areas prevented.						
Impact Management Actions	Implementation			Monitoring		
	Person responsible	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> The identification of access restricted areas to be informed by site assessment, site walkthrough as well as any sensitive areas that may be identified during development. Erect, demarcate and maintain a temporary barrier with clear signage around the perimeter of any access restricted areas with colour coding used as appropriate. Unauthorised access and any development related activities inside access restricted areas is prohibited. 						

6.27 Excavation of foundations, cable trenching and drainage systems

Impact management outcome: Access to restricted areas prevented.						
Impact Management Actions	Implementation			Monitoring		
	Person responsible	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> The identification of access restricted areas to be informed by site assessment, site walkthrough as well as any sensitive areas that may be identified during development. Erect, demarcate and maintain a temporary barrier with clear signage around the perimeter of any access restricted areas with colour coding used as appropriate. Unauthorised access and any development related activities inside access restricted areas is prohibited. 						

6.28 Visual impacts

Impact management outcome: No negative visual impacts (i.e. unsightly structures) as a result of development activities.						
Impact Management Actions	Implementation			Monitoring		
	Person responsible	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> Development works to be restricted to daylight hours so as not to impact negatively on game in the park. Where lighting is used or considered necessary, lights must face down and not into the surrounding environment to provide adequate lighting for health and safety requirements. Lights should not be mounted very high, i.e. 3m above ground. There must be proper disposal of litter and control of dust, neatness and tidiness at all times in development sites. 						

<ul style="list-style-type: none"> • Rehabilitation and reinstatement of soils to be done as soon as development related activities have been finalised. • Equipment and material to be neatly packed. • All vehicles to travel at speeds that will not generate dust. • Waste to be properly managed as per the solid waste management plan to make sure there is no unsightly litter and rubble. • Alien invasive plant species to be cleared from all development sites. 						
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6.29 Socio-economic impacts

Impact management outcome: Enhanced socio-economic impacts of the developments.						
Impact Management Actions	Implementation			Monitoring		
	Person responsible	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> • Create work and training opportunities for local communities and stakeholders. • As much as possible, prioritise the sourcing of materials and equipment from surrounding communities to the park. • Develop and implement a collaborative and constructive approach to conflict resolution as part of external stakeholder engagement process. • Sustain continuous communication and liaison with neighbouring communities and residents. 						

6.30 Dismantling of old equipment

Impact management outcome: Impacts on the environment to be avoided or where avoidance is not possible, minimised during dismantling, storage and disposal of old equipment.						
Impact Management Actions	Implementation			Monitoring		
	Person responsible	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> All equipment removed during the project must be stored in such way as to prevent pollution. Prioritise the separation and recycling of materials in sites being decommissioned. Dispose of unusable materials that cannot be recycled in line with the solid waste disposal policies of the park and into licenced waste disposal sites. Trucks transporting materials to have appropriate cover to reduce risks of material being blown off by wind. Denuded sites to be watered to reduce risks of wind and dust. Anti-erosion measures to be implemented in all decommissioned sites where materials are being removed. Following cessation of the operational phase, all the old structures, materials and equipment shall be removed and recycled or disposed of in line with appropriate environmental standards. The disposal contractor must ensure that any equipment containing pollution causing substances is dismantled and transported in such a way as to prevent spillage and pollution of the environment. 						

6.31 Landscaping and rehabilitation

Impact management outcome: Areas disturbed during the development phase are returned to a state that approximates the original condition.						
Impact Management Actions	Implementation			Monitoring		
	Person responsible	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> Landscaping and all construction activities to be implemented in line with a soil conservation plan that will prioritise the rehabilitation and restoration measures for dongas, trenches and other disturbed areas. All areas disturbed by development activities must be subject to landscaping and rehabilitation. All spoil and waste must be disposed of at a registered waste site. All soils shall be reinstated in the reverse order in which they have been removed to restore the original soil profiles (i.e., with intact seedbanks and natural viability). All disturbed areas shall be reseeded using approved seed mix of locally occurring indigenous species (where necessary the approved seed mixes can be supplemented with seed mixes obtained from the SANParks Nursery or the nearest nursery available where there is no SANParks nursery). The clearance of IAP re-establishing on cleared areas, stockpiles and through rehabilitated areas shall be undertaken using methods referred to in 6.11 in the Biodiversity Management section regarding the control of IAP. Anti-erosion measures shall be implemented on all rehabilitated areas. Following completion of development or maintenance works, the sites shall be cleared 						

of all equipment and materials emanating from the works.						
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Table 1: Example of method statement

Ref no. MS_EMPr template biodiversity protection - vegetation clearance					
Activity or intervention: Biodiversity is maintained or protected in line with the management plan for the park					
Environmental Impact: Vegetation removal					
Impact Management Outcome: No indiscriminate removal of natural vegetation in development areas					
Location of the works: Satara camp, KNP			Plant (equipment needed): N/A		
Materials: Danger tape for development footprint demarcation, chain saws, fertilizer, seed mix			Labour: As needed		
Impact Management Actions	Implementation of intervention		Monitoring		
<ul style="list-style-type: none"> • Work is contained/ restricted to the approved development footprint • Site demarcation is maintained for the duration of development works • Vegetation clearance is limited in the sensitive areas • No site camps, laydown or stockpile areas in high sensitivity areas • Plants of conservation concern are relocated where possible and feasible • Temporary footprint areas as rehabilitated once work in an area has been completed • Topsoil is removed and managed properly to aid in successful rehabilitation 	Responsible Person	Timeframe for Implementation	Responsible Person	Frequency	Evidence of Compliance

<ul style="list-style-type: none">• Search and rescue• Walkthrough of sites and demarcation• Screening of trees, sensitive ecosystems• Control of invasive alien species• Excavation and stockpiling of topsoil					
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7 APPENDIX 1: DECLARATION OF COMPLIANCE WITH THE GENERIC EMPR OF THE KRUGER NATIONAL PARK

The Park Environmental Manager and the Contractor in their capacities as indicated in paragraph 3 must sign the declaration of compliance as confirmation of their understanding of the requirements of the Generic EMPr and the need to implement its provisions.

I, _____, in my capacity an Environmental Manager for the Kruger National Park,
I, _____, in my capacity as Contractor;
I, _____, in my capacity as subcontractor

hereby declare that:

- I will abide by and implement all the prescribed impact management outcomes and impact management actions, whichever are relevant to my specific project;
- I understand that the impact management outcomes and actions are legally binding
- I am fully aware of my responsibilities in terms of the Act and failure to comply with these requirements may constitute an offence. I am aware of what constitutes an offence in terms of the Notice and that a person convicted of an offence is liable to the penalties as contemplated in section 49A(1)(c) and 49A(1)(d) of the Act.

Contractor/subcontractor/EM KNP/PECO (Name and Surname)_____

Name of Company (If Applicable)_____

Designation _____

Signature_____

Date_____ Place_____



forestry, fisheries & the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

GENERIC EMPR FOR THE KRUGER NATIONAL PARK

PUBLIC COMMENT:

CLOSING DATE FOR COMMENTS: 16 March 2024

CIRCULATION: EXTERNAL

PUBLIC COMMENT

COMPILED BY: Patricia Hood
Rhulani Kubayi

CHIEF DIRECTORATE: Appeals and Strategic
Environmental Instruments

Disclaimer: Organisations/People whose comments are below were made aware that their names/organisation name will be aligned to their comments and will be included on the Departments website as part of the transparency of the commenting process.

COMMENTS AND RESPONSE REPORT

	STAKEHOLDER	COMMENT	RECOMMENDATION	RESPONSE
PART 1: COMMENTS ON THE NOTICE OF THE INTENTION TO ADOPT AN ENVIRONMENTAL MANAGEMENT INSTRUMENT FOR THE PURPOSE OF EXCLUDING IDENTIFIED ACTIVITIES FROM THE REQUIREMENT TO OBTAIN ENVIRONMENTAL AUTHORISATION				
DEFINITIONS AND TERMINOLOGY				
1.1	Envato Element	<p>Annual Infrastructure Project Implementation Plan: What about scientific research in the park?</p> <p>Nowhere in the PMP does the Annual Infrastructure Project Implementation Plan appear. The PMP speaks of Annual Performance Plan or Annual Plan of operations. It is misleading to coin and define concepts that are not covered or reflected in the approved PMP.</p>		<p>Scientific research would not trigger listed activities as they are not associated with construction.</p> <p>The need to adopt the Park Management Plan (PMP) has been reconsidered. The activities to be excluded have now been specifically listed and thresholds provided. The “use zones” determined through the PMP update process have been included in the Exclusion Notice.</p>
ROLES AND RESPONSIBILITIES				

ENVIRONMENTAL DOCUMENTATION AND REPORTING OF COMPLIANCE WITH THE PARK MANAGEMENT PLAN AND THE GENERIC EMPR				
2.1	Envato Element	<p>4.1: Section 24C(2) is clear on who the authority is for protected areas. Unless the register envisaged here is for KNP admin purposes only. The established principle of the environment instrument is that prior to commencement, the proponent (KNP) must register the proposed facility with the competent authority, which in this case is the Minister or her delegated official. Section 24O(1)(b)(viii) reinforces the argument that the authority to make decisions on KNP GEMPr (my emphasis) is the Minister and not the KNP EM. It would be absurd (an absurdity) to formulate a new regime that allows the KNP EM to be the authority or decision-maker on the KNP GEMPr. If you have intended for KNP EM to be the decision maker, the applicable authority to gazette this KNP GEMPr should be section 23A as a sector-based instrument. It must be clarified if the authority to maintain the register is the KNP EM or the management authority (please refer to Regulations 19 (1)(b) and 19(2) of the Regulations for the Proper Administration of Special Nature Reserves, National Parks, and World Heritage Sites).</p>		<p>Neither the NEMA nor the Regulations laying down the procedures to be followed for the adoption of Environmental Management Instruments (Instrument Regulations) make the registration of projects to be excluded mandatory. The Instrument Regulations make provision for such registration where deemed appropriate. In this case, it is not deemed to be necessary to register each project with the competent authority before commencement, as all the projects will be implemented in the KNP and a register of projects is required to be prepared and submitted to the CA annually through the annual audit. Therefore, the public will be aware of where new developments or expansions will be undertaken within the KNP.</p> <p>The keeping of a register is to ensure that there is documentation of compliance with the conditions associated with new developments and expansions of developments. The register will be forwarded to the CA with the annual audit for record keeping purposes and to allow for compliance monitoring.</p> <p>It should also be noted that section 24O of NEMA is applicable to environmental authorisations. In the case where activities are excluded from the requirement to obtain environmental authorisation, section 24O of NEMA is not applicable.</p> <p>With regard to regulations 19(1)(b) and 19(2) of the Regulations for the Proper Administration of Special Nature Reserves, National Parks, and World Heritage Sites, it should be noted that the management authority, SANParks would still give effect to regulations 19(1)(b)</p>

				and (2) by indicating, in writing, that the exclusion and Generic EMPr is applicable to the developments which fall within the scope of the exclusion.
2.2	Envato Element	4.3: Not to appear repetitive, you are introducing a self-regulation regime with this instrument. The process is already established to cater for this in both the Act and the Regulation. Regulation 16(1)(v) of the EIA Regulations requires that a screening report accompany application for the EIA, and in this case, registration for the exclusion of activities based on the adoption of an environmental management instrument. Is what you are prescribing not having the unintended consequences of limiting local communities with rights, co-management agreements and contractual agreements with private landowners in the park.		<p>We are not introducing a self-regulation regime as claimed but pursuing a streamlined process for the implementation of identified projects under the scope of the exclusion and as detailed in paragraph 2.1 of the Exclusion Notice, in line with all the conditions and stipulations in the Notice.</p> <p>There is ongoing engagement between communities and park management with regard to the current process for the exclusion and adoption of the Generic EMPr for KNP to allow communities to be informed of the intentions as well as general matters that affect the community.</p>
2.3	Envato Element	4.5: Please clarify the implementation of the park buffer zone.		No developments in the buffer zone are envisaged as part of the exclusion. The exclusion and the implementation of the generic EMPr is applicable within the KNP and not in the buffer zones or protected area expansion areas. Projects located within the park buffer zone are subject to an EIA process. The exclusion is also only applicable to SANParks.
2.4	Envato Element	Conditions of exclusion: The KNP Generic Environmental Management Programme does not appear to contain detailed conditions applicable to the exclusions. This is an important requirement, as it would outline what needs to be complied with prior to the commencement of any activities in the KNP. It is important to include the conditions of exclusion in the KNP GEMPr, as the Gazette notice under 5.3 places an obligation		The conditions for exclusion are included in paragraph 3 of the Exclusion Notice. However, the impact management outcomes and actions of the Generic EMPr must be complied with as a condition of the exclusion. Therefore avoidance, management and mitigation of impacts are covered through the Generic EMPr.

		on Kruger National Park to comply with the KNP GEMPr. Conditions of exclusion must therefore be included in the KNP Generic Environmental Management Programme in detail		
2.5	Envato Element	<p>Zoning scheme (Zoning plan): Zoning regulates the use of land by local governments (municipalities) to control the development of land within their jurisdiction. As you may be aware, the KNP is uniquely located in a diverse district and local municipalities boundaries and therefore institutional arrangement and co-operative governance to attain compatible land uses that creates sustainable conservation, economic and social outcomes without impacting on the ecosystem integrity is key. In addition, the zoning plan for protected areas in the main is to promote sustainable utilisation of protected areas for the benefit of people, in a manner that would preserve the ecological character of such areas and as a result institutional arrangement and co-operative governance is key to achieve that. How does this zoning plan be applied to fully comply with section 24 (1A) which obliges applicants for environmental authorisations to comply with an application process, and the procedures, reporting requirements and processes associated with it. It is important that you consider the legal framework of the zoning plan or conservation activities as a whole and in relation to NEMPA and NEMA objectives.</p>		<p>Zoning for protected areas is distinct from municipal land use zoning in terms of both role and legal status. Protected area zoning is legally required in terms of section 41(2)(g) of NEM: Protected Areas Act which stipulates that a protected area management plan must contain “a zoning of the area indicating what activities may take place in different sections of the area and the conservation objectives of those sections...” Municipal zoning records all land-use rights on properties in the area of jurisdiction of that municipality and includes regulations and restrictions on how those rights can be exercised. It should be noted that the management and development of National Parks is an exclusive functional area of the national government and therefore falls outside the jurisdiction of municipalities.</p>
PART B: ENVIRONMENTAL MANAGEMENT PROGRAMME				

3.1	Envato Element	<p>5.1: The main impacts associated with development and maintenance activities will include the following:</p> <p>It appears from the reading of sections 24(2)(a) and (b), and section 24(2)(c) that the exclusion of activities is explicitly those provided for or outlined in the Listing Notices. The Gazette notice appears to be providing for a generic exclusion of activities that contradict both the Act and the Regulations. The scope of exclusion in paragraph 4 must explicitly indicate the listed activities that are being proposed for exclusions instead of providing for generic exclusions, which are not provided for by the Act and the Regulations. This is important for general approach, uniformity and/ or consistency, as it has been applied to all published or gazetted environmental instruments. To illustrate the flaws, paragraph 4.1.2 indicates exclusion for activities related to maintenance. Listing Notice 1 Activities 19, and 27 are explicitly listed activities applicable to maintenance and therefore may not be loosely excluded.</p> <p>At 5.1 you seem to have a detailed list of activities that you deem unimportant to include in the Gazette notice and instead opt for a generic list. In any event, the PMP, in its current version (2018 -2028) proposes the following projects:</p>		<p>The activities to be excluded have been identified in the Exclusion Notice contemplated in paragraph 2 under the heading - Scope of Exclusion. The exclusion of the activities is subject to the conditions for exclusion contemplated in paragraph 3.</p> <p>The intention is to list the types of projects for which all identified activities that are triggered will be excluded from the EA requirement. The GEMPr has been developed to, not only provide impact management outcomes and objectives for identified activities, but for entire developments/projects to simplify the management of impacts.</p> <p>It should be noted that it is not the first time that the above-mentioned approach, to not mentioned the specific numbers of identified activities in the Listing Notices to be excluded, is being followed. The same approach was followed for the different "Working For" GEMPrs.</p> <p>The Exclusion Notice clearly identifies the activities which do not form part of the exclusion and will need to obtain an environmental authorisation prior to commencement, should any identified activities be triggered.</p>
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		<ul style="list-style-type: none"> • Administrative infrastructure development in the park. • Visitor facility development in the park. • Accommodation development in the park. • Concession development in the park. • Cultural heritage product development in the park. <p>There must be a link between what the PMP envisages as a project to be undertaken and the interpretation of what the projects are about. It would be easier to link infrastructure development to development activities (listed or specific activities, for example) instead of applying the generic exclusions of your understanding of what infrastructure development entails.</p>		
3.2	Envato Element	<p>The PMP contains a section titled Environmental management programme which seeks to “mitigate potentially negative environmental impacts of development and operational activities on the park through effective risk management and assessment, legislative compliance and the implementation of environmental management tools.” It is evidently clear that the purpose of the GEMPr differs completely with that of the PMP and one wonders why! This is because on the one hand the PMP is also being gazetted as an instrument and therefore this would clearly create an absurdity in the application and implementation of these two sought to be adopted instruments.</p> <p>The PMP further elaborates that “the park will develop an Environmental Management</p>		<p>It is no longer intended to adopt the PMP as an environmental management instrument. The concerns raised around the PMP not being an ideal instrument for exclusion purposes have been acknowledged. The PMP has been approved through a separate process, being the NEM: Protected Areas Act, serves a different purpose and does not need to be adopted for purposes of this proposed exclusion. Although it is no longer intended to adopt the PMP as an environmental management instrument, one of the conditions for exclusion requires that activities forming part of a proposed project must be located in the appropriate “use zone” contemplated in the zoning scheme for the KNP.</p> <p>The GEMPr is intended to be the EMPr as identified in the PMP. No other EMPr had been developed by SANParks for the Kruger National Park.</p>

		<p>System (EMS) to manage their operational impacts. Such a system will provide the framework for the formulation and implementation of proper impact management that are required for all activities within the park.” Clearly the GEMPr you propose to adopt as an instrument for exclusion is unnecessary given the clear articulation on what the PMP envisages here and the fact that you are also seeking to adopt it (PMP) as an instrument. These duplicities approach you are introducing violate the already established clear legal framework on the environmental instrument. The clear framework is that the exclusion instrument must be based on an adopted environmental instrument. In this case the PMP tells you they will develop an EMS which may be deemed as an environmental instrument to manage their operational impacts and therefore from the EMS as and when adopted you are then able to develop an exclusion or to exclude for all activities in the park. This GEMPr ‘exclusion excitement’ is a clear committal of a material error of the established environmental instrument legal framework.</p> <p>How is the PMP EMP to be applied juxtaposed to your proposed GEMPr as both are deemed as instruments once adopted. Which one must be applied by the proponent in the park, and which one takes precedence over the other.</p>		
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3.3	Envato Element	The KNP Generic Environmental Management Programme does not appear to contain detailed conditions applicable to the exclusions. This is an important requirement, as it would outline what needs to be complied with prior to the commencement of any activities in the KNP. It is important to include the conditions of exclusion in the KNP GEMPr, as the Gazette notice under 5.3 places an obligation on Kruger National Park to comply with the KNP GEMPr. Conditions of exclusion must therefore be included in the KNP Generic Environmental Management Programme in detail.		<p>The conditions which apply to activities which are excluded are best placed in the Exclusion Notice as they are not related to mitigation and management but rather conditions which are required before the exclusion can be applied and related to the applicability of the exclusion. The conditions emphasise what must be complied with prior to commencement of the activity. The need for all projects to comply with the Generic EMPr is one of the conditions of the exclusion.</p> <p>The Generic EMPr outlines impact management outcomes and actions. The applicable impact management outcomes and actions in the Generic EMPr apply to all projects that fall within the scope of the exclusion.</p>
PRE-APPROVED GEMPR TEMPLATE TO BE COMPLETED				
GENERAL COMMENTS ON THE ADOPTION OF AN ENVIRONMENTAL MANAGEMENT TOOL AND THE EXCLUSION OF ACTIVITIES				
4.1	Envato Element	The notice as it appears below does not give the reader where (KNP) and what (the PMP and the GEMPR) the exclusion is applicable to. this may be deliberate in order to mislead members of the public to ignore the notice and therefore not submit comments. NOTICE OF THE INTENTION TO ADOPT ENVIRONMENTAL MANAGEMENT INSTRUMENTS FOR THE PURPOSE OF EXCLUDING IN TERMS OF SECTION 24(2)(C) AND (E) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998), IDENTIFIED ACTIVITIES FROM THE REQUIREMENT TO OBTAIN ENVIRONMENTAL		<p>The heading has been amended to indicate that the instrument is a Generic EMPr for the Kruger National Park.</p> <p>The public Notice now reads as follows 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 FROM THE REQUIREMENT TO OBTAIN AN ENVIRONMENTAL AUTHORISATION</p>

		AUTHORISATION [G 50138 – GON 4386].		
4.2	Envato Element	<p>THE REGULATIONS LAYING DOWN THE PROCEDURE TO BE FOLLOWED FOR THE ADOPTION OF SPATIAL TOOLS OR ENVIRONMENTAL MANAGEMENT INSTRUMENTS: In addition, a provision to enable the setting of a registration requirement is proposed. Although the Instrument Regulations provide for the process of adopting environmental management instruments for the purposes of excluding activities from the requirement to obtain environmental authorisation, it is often desirable to identify some procedures to be followed, and conditions to be applicable, as part of the exclusion. It is now intended to specifically provide for the inclusion of a registration process. The purpose of the Regulations also provides for the process of adoption of environmental management instruments contemplated in section 24(2)(c) and (e) of the Act and to provide for registration requirements, <u>where deemed appropriate</u>, for the exclusion of activities based on the adoption of an environmental management instrument in terms of these Regulations,". Where deemed appropriate, would be determined by the competent authority.</p>		<p>The exclusion Notice has been updated and includes a list of projects, for which all identified activities associated with such projects, will be part of the exclusion. The list of activities that will be excluded is as contemplated in paragraph 2.1 in the Exclusion Notice. Furthermore, the conditions of exclusion is included in paragraph 3 of the Exclusion Notice. This information is stated upfront to allow interested and affected parties to know, should the Exclusion Notice be implemented, the nature of the projects that would fall within the scope of the exclusion. The activities that will not be excluded are also explicitly listed in section 2.2. of the Exclusion Notice.</p> <p>The methodology followed is in line with that in the Instrument Regulations. The Instrument Regulations require the Minister to state the purpose for which the instrument is to be adopted, as well as the exclusion resulting from the environmental management instrument, which would include the geographical areas where the exclusion applies. The Exclusion Notice does clarify the specific activities to be excluded, the geographical areas within the park to which the exclusion applies, activities that do not qualify for exclusion, as well as conditions for exclusion.</p> <p>The Instrument Regulations enable the inclusion of a registration requirement in an environmental management instrument. It however does not make such registration requirement compulsory. The competent authority may, on a case-by-case basis, decide whether a registration requirement is necessary for a specific environmental management instrument.</p>

4.3	Envato Element	<p>NEMA: It appears from the reading of sections 24(2)(a) and (b), and section 24(2)(c) that the exclusion of activities is explicitly those provided for or outlined in the Listing Notices. The gazette notice appears to be providing for a generic exclusion of activities that contradict both the Act and the Regulations. The scope of exclusion at paragraph 4 must explicitly indicate the listed activities that are being proposed for exclusions instead of providing for generic exclusions, which are not provided for by the Act and the Regulations. This is important for general approach or consistency, as it has been applied to all published or gazetted environmental instruments. To illustrate the flaws in applying the generic approach, paragraph 4.1.2 indicates exclusion for activities related to maintenance. Listing Notice 1 Activities 19, and 27 are explicitly listed activities applicable to maintenance and therefore may not be loosely excluded.</p>		<p>Although the Exclusion Notice does not mention specific activity numbers of activities that will be excluded, it does specify the identified activities that will be excluded from the EA requirements. These are all identified activities associated with the projects mentioned in paragraph 2.1 of the Exclusion Notice. The Exclusion Notice also indicates activities that do not qualify for exclusion.</p>
4.4	Envato Element	<p>CONDITIONS FOR EXCLUSIONS: It is necessary to adopt the phrasing that activities related to the zoning instead of projects related to the zoning be preferred. In addition, the zoning where the excluded activities are being proposed should be included (mentioned) in the gazette applicable to the Generic EMPr as intended by the notice through section 24(5)(bA) instead of referring the reader to the Park Management Plan. This is important and would make the reader understand that the exclusion of activities contemplated in the</p>		<p>The conditions are in the Exclusion Notice and not the generic EMPr. The question about zoning has already been responded to above in response to #2.5. The use zones have been appended to the Exclusion Notice. The wording has been amended and refers to identified activities.</p>

		Generic EMPr is the exclusion contemplated in section 24(2)(c) or (e). For a better understanding, read Regulation 7 (c) of the Regulations, which lays down the procedure to be followed for the adoption of environmental management instruments. The KNP Generic Environmental Management Programme does not appear to contain detailed conditions applicable to the exclusions. This is an important requirement as it would outline what needs to be complied with prior to the commencement of any activities in the KNP. It is important to include the conditions of exclusion in the KNP GEMPr, as the Gazette notice under 5.3 places an obligation on Kruger National Park to comply with the KNP GEMPr.		The need to adopt the KNP PMP has been reviewed and the PMP will no longer be adopted for purposes of this proposed exclusion.
4.5	Richard Summers INC.	Members of the public have a legitimate expectation that they will be provided a reasonable opportunity to engage meaningfully in the substance of information being presented to the public by the Department in the aforesaid Notice. The bare minimum 30-day period for public comment on the Notice and associated documentation is unreasonably short in the circumstances, as explained herein.		The Department does comply with the 30 day comment period and this is deemed sufficient for purposes of this proposed exclusion. Comments received have been considered and it was deemed necessary to make adjustments to the initial proposed exclusion, thus the revised documents will be gazetted for a further round of public comments.
4.6	Richard Summers INC.	The Department is proposing to introduce a materially different environmental management regime applicable to Listed Activities in the world-renowned Kruger National Park that otherwise would be subject to the prescripts of the EIA Regulations. The Department ought to have been aware that a commenting period of more than 30-days would have been		Please see the response to #4.5 above.

		reasonable and prudent in relation to the documentation given the material changes contemplated and the voluminous reports made available to in the link provided in the Notice.		
4.7	Richard Summers INC.	The purpose of this letter is to record a serious concern with the limited opportunity for public comment period. Members of the public will be prejudiced by limiting the opportunity to comment to a period of 30 days. For this reason, we hereby request that the public be afforded a further 30 days within which to comment on the proposed regulatory intervention.		The public participation process was in keeping with legislated timeframes (30 days). However, due to substantive amendments being made to the GEMPr and Exclusion Notice, as a result of comments received during the first public consultation process, these documents will be published for a further round of public comments.
4.8	Richard Summers INC.	The request for an additional 30-days within which to comment on the proposed intervention must be contextualised and considered in terms of the Public Trust Doctrine for the reasons set out more fully below:		Richard Summers INC was afforded significantly more time to submit comments. There were no other requests for extension of time. Also see the response to #4.7 above.
4.9	Richard Summers INC.	With 2 million hectares of unrivalled biodiversity and historical and cultural significance the Kruger National Park is the flagship of the South African National Parks. This magnificent park is one of the most popular public-entry game parks in the world and as such a precautionary approach is required to the environmental management regime applied to the Park.		The condition that projects must be implemented in the appropriate use zones in the Park will ensure that the majority of the park is not allowed to be developed. Only those areas in the high intensity leisure and low intensity leisure use zones will be allowed open for additional infrastructure development. Very limited developments will be allowed in the wilderness, primitive and remote use zones in keeping with the development limits and guidelines in the PMP as well as the section 2.2. of the Exclusion Notice.
4.10.	Richard Summers INC.	The public trust doctrine in South Africa has its foundation not only in various environmental law statutes but also in the constitutional environmental rights clause. The KNP is undeniably subject to the public trust doctrine. The land comprising the KNP		One of the park objectives is to allow facilities for tourism in designated areas in keeping with the use zones and development objectives of the park. Comments are being invited from interested and affected parties as part of the process of the proposed adoption of the instrument to exclude activities from the requirement for

		has been protected since 1898 for this specific purpose.		environmental authorisations in line with the thresholds and conditions set in the Exclusion Notice.
4.11	Richard Summers INC.	Implicit in the Public Trust Doctrine is that there is a fiduciary duty on the Department and all organs of State to protect and preserve the integrity of natural resources and to facilitate the long-term protection of such resources for the public at large in perpetuity. The duty and associated obligations are called into question by the proposed intervention and the full ramifications of what Government Notice No. 4386 contemplates.		SANParks and the DFFE are committed to protecting the integrity of the Park as has been the case since the gazetting of the protection status of the Park. There is also opportunity for the public to ensure that this is the case through the ability to comment on the current process of exclusion of activities as identified in the Exclusion Notice as well as adoption of the Generic EMPr.
4.12	Richard Summers INC.	With ownership and trusteeship by the State comes the responsibility to manage the National Park and natural resources not for sectarian interests but in the public good by preserving the integrity of the resource. In terms of Environmental Law that is a perpetual and continuous supervisory duty imposed on the State.		Please see the response to #4.11 above.
4.13	Richard Summers INC.	The proposed new management regime for the KNP – the public trust resource in this instance – must be tested against whether the proposed regulatory intervention in any way detracts from the integrity of the resource, or the purpose behind the original declaration of the KNP as a National Park. In this instance, the original declaration was specifically intended to protect the land in question from degradation as a result of inappropriate land use and development thereby ensuring that the resource is not lost to posterity, or its integrity compromised by inappropriate development or land use.		The application of the use zones which have been determined through a number of scientific studies and environmental assessments undertaken within the park over many years, and the Generic EMPr which is based on the mitigation and management measures that have been employed within the park since its inception, will ensure that the exclusion will not have a negative impact on the environmental resources in the park.

4.14	Richard Summers INC.	The right that vests in the general public as the beneficiaries of the Public Trust Doctrine is one that relates to preserving the integrity of the land and landscape of KNP. The only practicable interpretation is that this right was not intended to be undermined or affected by the proposed exemptions under the NEMA and the associated Regulations.		Please review the response to #4.13 above. The SANParks has as their major mandate the conservation and preservation of the environmental resources of the park.
4.15	Richard Summers INC.	It is clear therefore that the Department - as custodian of the KNP – should adopt a very cautious and conservative approach to the proposed measures contemplated in the Notice		The extensive assessment work that has been undertaken by Park officials in the Scientific Services and conservation departments have informed the zoning and park management plans prepared and revised over the years. The exclusion relied on this background information. In addition, there is oversight from both the park management and the competent authority.
4.16	Richard Summers INC.	<p>The measures contemplated in the Notice raise Constitutional implications as follows:</p> <p>The amenity-value of the KNP as a 'place' goes to the heart of the right to an environment contemplated in section 24(a) of the Constitution in the sense that the preservation of the natural, scenic, visual, aesthetic, social and historical integrity of this resource is necessary for the 'well-being' contemplated in the environmental right.</p> <p>It hardly needs stating that the environmental right is a justiciable right which citizens may freely invoke in the form of public trust litigation in order to enforce the general public right to change or restrict the access or use of public resources, or in any other way</p>		<p>The use zone scheme in the Park has considered the natural, scenic, visual, aesthetic, social and historical integrity of the conservation resource.</p> <p>This is noted and consultation is part of the process the Department is embarking on for the adoption of the Generic EMP and the exclusion of identified activities from the requirement for EA before commencement.</p>

		<p>undermine the integrity of the natural resource.</p> <p>The integrity of environmental resources (including National Parks) is paramount so that they may be bequeathed to future generations in accordance with the environmental law principle of intergenerational equity.</p> <p>The KNP's distinctive, outstanding natural beauty, its overwhelming scenic value and the amenity-value of the place all have a direct and contributory relevance to the constitutional right to the environment.</p>		<p>This is noted and responded to in #4.13 and #4.15 above.</p>
4.17	Richard Summers INC.	<p>The environmental management implications of the Notice are not clear from the face of the documents made available in the link in the Notice. In order to understand the full practical implications of what is being proposed, interested and affected parties (I&APs) will be required to peruse and consider the Generic Environmental Management Programme and the Annual Infrastructure Project Implementation Plan. In addition, I&APs will be required to predict and anticipate the potential nature scope and extent of activities identified in terms of Section 24 (2)(a)(b) of NEMA that may arise in relation to not only the Annual Infrastructure Project Implementation Plan but also general maintenance activities and general activities relating to all conservation projects or rehabilitation.</p>		<p>The revised Exclusion Notice identifies activities that are to be excluded from the requirement to obtain an EA in paragraph 2.1. In addition, the Exclusion Notice is explicit on activities that do not form part of the scope of the exclusion, including setting thresholds as contemplated in paragraph 2.2. The exclusions are also subject to conditions identified in paragraph 3 of the Exclusion Notice, which includes development within the appropriate use zones and compliance to the Generic EMPr. The Generic EMPr can be downloaded and reviewed. It presents management and mitigation measures as well as roles and responsibilities of various function and audit requirements which are employed within the Park.</p> <p>It is important to note that not every project will be excluded from the requirement for environmental authorisation. The updated notice does clarify the full suite of activities which will not qualify for exclusion.</p>
4.18	Richard Summers INC.	<p>In other words, the potential scope and potential impact and ramifications of the</p>		<p>More clarity has been provided on the nature of identified activities that will be excluded and the type of</p>

		proposed regulatory intervention are broad and potentially significant. Given the environmental implications of what is potentially at stake, it is not unreasonable for members of the public to be provided with additional time within which to comment. It is simply not reasonable nor possible to undertake the level of analysis required within a 30-day timeframe.		projects that would form part of the exclusion. Thresholds have also been included which will allow for a better understanding of the scope of the proposed identified activities. Activities to be excluded are now identified in sufficient detail and will be implemented in the appropriate use zones which are the outcome of many years of research and updating and are based on significant environmental assessment and the consideration of the tourist product which must align with the mandate of the park, which remains biodiversity conservation and environmental protection.
4.19	Richard Summers INC.	Against this backdrop of the applicable constitutional rights, duties and responsibilities, what we find gravely concerning is the apparent absence of any meaningful reference to the risks to the KNP's protected area status or the conservation in the Notice.		The use zones in the Park Management Plan are the means through which the status and the conservation mandate of the park is protected. In addition, the mitigation measures in the GEMPr will also ensure protection of the environment and conservation in the Park. The proposed exclusion will not impact on the protected area status of the park, as the exclusion is in line with the management objectives of the park as identified in the Park Management Plan.
4.20	Richard Summers INC.	The Department has not put forward any compelling reasons for why the minimum 30-day commenting period is adequate or reasonable in the circumstances of a new management regime proposed for the Kruger National Park as the flagship of the South African National Parks.		The DFFE consults for 30 days on most legislation. The Exclusion Notice and GEMPr will be published for a further 30 day comment period, due to substantive amendments having been made to these documents.
4.21	Richard Summers INC.	Limiting the comment period to the bare minimum of 30 days flies in the face of procedural fairness and offends our clients' rights to administrative justice. In light of the above, we hereby request that the Department grant a general an extension of an additional 30-days for the consideration of the Notice (and associated documentation)		A 30-day commenting period was deemed appropriate in this instance. Only one request for extension to submit comments has been received. The DFFE has a large stakeholder database of consultants and stakeholders, and the gazetted documents are immediately brought to the attention of these stakeholders.

		and the submission of comments in relation thereto.		
4.22	Richard Summers INC.	We note that as matters currently stand, comments are due on Friday, 16 March 2024. We therefore request that the Department provides us with a response as a matter of utmost urgency.		An extension of additional time was provided.
4.23	Envato Element	Adoption of the Park Management Plan and Generic Environmental Management Programme as Environmental Management Instruments: You seem to be introducing new (or establishing) general principles for the adoption of instruments by referencing sections applicable to the Protected Areas. The principles for Environmental Management Instruments are contained in sections 2, 24(1) and 24N of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (the Act).		<p>The intention to adopt the Kruger Park Management Plan has been reconsidered as it is merely the “use zoning” scheme that is used as part of the conditions in the exclusion notice.</p> <p>The content of the Generic EMP is in line with section 24N of NEMA and Appendix 4 of the Environmental Impact Assessment Regulations, 2014. In addition, section 24(2)(e) of NEMA provides for the exclusion of identified activities from the requirement to obtain an environmental authorisation based on an environmental management instrument adopted in the prescribed manner. The above section should be read with the definition of “environmental management instrument” in NEMA, which includes an “environmental management programme”. The activities must also be developed in line with the identified zoning scheme of the Kruger Park which has been developed through the preparation of the Park Management Plan and included in the Exclusion Notice. The assessments undertaken which informed updates in the Park Management Plan were used as part of the information on which the Generic EMP was prepared as well as the motivation for the exclusion.</p>
4.24	Envato Element	It appears from the reading of sections 24(2)(a) and (b), and section 24(2)(c) that the exclusion of activities is explicitly those provided for or outlined in the Listing Notices. The Gazette notice appears to be providing		There is no contradiction in the activities identified in NEMA and the activities related to projects implemented in the park which are proposed to be excluded in terms of the Exclusion Notice. NEMA makes provision for exclusion from the EA requirement prior to

	<p>for a generic exclusion of activities that contradict both the Act and the Regulations. The scope of exclusion at paragraph 4 must explicitly indicate the listed activities that are being proposed for exclusions instead of providing for generic exclusions, which are not provided for by the Act and the Regulations. In this regard, please refer to Regulation 1 of the Regulations which defines “activity” in the sense conveyed in section 24 (2) (a) of NEMA as “an activity identified in any notice published by the Minister or MEC in terms of section 24D(1)(a) of the Act as a listed activity or specified activity”.</p> <p>This is important for general approach or consistency, and in giving effect to legislation which empowers the Competent Authority to place limits on the environmental impact of an activity. To illustrate the flaws in applying the generic approach, paragraph 4.1.2 indicates exclusion for activities related to maintenance. Listing Notice 1 Activities 19, and 27 are explicitly listed activities applicable to maintenance and therefore may not be loosely excluded. At 5.1 you seem to have a detailed list of activities that you deem unimportant to include in the Gazette notice and instead opt for a generic list. In any event, the PMP, in its current version (2018 - 2028) proposes the following projects:</p> <ul style="list-style-type: none"> • Administrative infrastructure development in the park. • Visitor facility development in the park. 	<p>commencement and identifies an EMPr as an environmental management instrument. The EIA Regulations make provision for a Generic EMPr.</p> <p>It is the intention that a wide range of activities associated with projects to be undertaken in the Park are to be excluded, therefore the activities have not been identified as per the Listing Notices, however the activities that do not form part of the scope of this exclusion have been specifically identified.</p> <p>The projects, with which the identified activities to be excluded are associated, are identified in paragraph 2.1 and include:</p> <ul style="list-style-type: none"> • new developments or expansions within the Kruger National Park that fall below identified thresholds and outside specific zones; • maintenance and upgrading projects, including the extraction of gravel, sand and stone; • projects which relate to conservation or rehabilitation of the land resources of the Kruger National Park; • emergency activities required to reinstate infrastructure and structures or to maintain the safety of tourists and park officials related to floods and natural disasters; and • the combating of animal poaching. <p>All projects and the associated identified activities must be developed in areas which align with the use zones in the Park Management Plan and in line with the conditions of the proposed exclusion. In addition, the exclusion is based on compliance with the Generic EMPr which is being consulted through this process.</p> <p>It is intended that the exclusion apply to a wide range of activities. Maintenance in many instances will not trigger</p>
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		<ul style="list-style-type: none"> • Accommodation development in the park. • Concession development in the park. • Cultural heritage product development in the park <p>There must be a link between what the PMP envisages as a project to be undertaken and not the interpretation of what the projects are about. It would be easier to link infrastructure development to development activities (listed or specific activities, for example) instead of applying the generic exclusions of your understanding of what infrastructure development entails.</p>	<p>any listed activities as maintenance projects are undertaken on existing structures and infrastructure, however they could trigger a listed activity depending on the area where the maintenance is being undertaken. The same would apply to upgrades. Conservation projects in most cases will also not trigger any listed activities, however there are instances where listed activities could be triggered. These activities are however undertaken to protect and conserve the environment in the Park, which is the core mandate of SANParks and are subject to the management and mitigation measures in the proposed Generic EMPr. Numerous specialist scientists and technicians qualified in the fields of biodiversity, natural sciences, heritage, and various other environmental related fields are located in the park and make input in the protection and management of biodiversity and natural resources in the park. The location of new projects and expansion projects is determined by the zoning scheme of the park and the impacts associated with implementing the projects would also be subject to the Generic EMPr.</p> <p>The identified activities related to the projects in the Exclusion Notice would range from the clearance of indigenous vegetation and infilling activities related to the provision of services, for example, water, and the possible development of additional roads. Expansion of structures or infrastructure could also be undertaken.</p> <p>Certain activities are not part of this proposed exclusion. These would be activities related to landfill development, wind energy facilities and the installation of incinerators for example.</p> <p>Impacts related to the activities to be excluded do not change. They are constant and predictable, and the management and mitigation of these impacts have been</p>
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				considered through the measures proposed in the Generic EMPr. The sense of place and visual impacts have been considered in the use zone scheme. Maintenance and conservation projects would be subject to the requirements of the Generic EMPr and would be undertaken for infrastructure already developed, which would be in the correct use zones.
4.25	Envato Element	Site sensitivity verification: Regulation 16(1)(v) of the EIA Regulations requires that a screening report accompany application for the EIA, and in this case, registration for the exclusion of activities based on the adoption of an environmental management instrument. The whole paragraphs 5.1.2 and 5.1.3 should be rephrased to align with what the Regulations provide.		<p>Regulation 16(1) of the Environmental Impact Assessment Regulations, 2014 relate to applications for environmental authorisation. An exclusion based on an adopted environmental management instrument in terms of NEMA requires a different process to an environmental authorisation application process. The exclusion is from the requirement to undertake an environmental impact assessment process and to obtain environmental authorisation. The requirement of regulation 16(1)(v) is therefore not applicable to the exclusion.</p> <p>The term site sensitivity verification has been changed to “site sensitivity confirmation,” which is what was intended.</p>
4.26	Erasmus Law	<p>Section 5.7 is both superfluous and void for vagueness:</p> <ol style="list-style-type: none"> 1. A failure by a management authority to properly fulfil its duties in terms of a management plan is expressly and adequately dealt with by section 44 of the NEM: Protected Areas Act. 2. Item 5.7 seeks to make non-compliance an offence. By whom? SANParks? An official acting in the course of his/her employment? Someone else? 	Section 5.7 should be deleted.	<p>Section 5.7 relates to the implementation of projects in line with the exclusion and the Generic EMPr. If a project violates the impact management actions and outcomes, this is an offence. There is no harm in stating what is required in terms of the law and what the consequences are where there is non-compliance.</p> <p>SANParks is responsible for compliance in terms of both the Generic EMPr and the conditions of the exclusion.</p>

GENERAL COMMENTS

5.1	Richard Summers Inc.	<p>The Management Plan is a broad, high-level, 10-year plan that is inappropriate to serve as an environmental management instrument due to its lack of appropriate scientific and empirical data foundations that can sustain an overarching management strategy that alleviates or dispenses of an Environmental Impact Assessment (“EIA”). The basic understanding of tiered levels of decision-making and the need for different information requirements at different levels of decision making is essential for effective environmental governance. The rejection of such, through the exclusion of the EIA process, particularly in the context of a National Park, militates against a basic and fundamental understanding of how environmental governance and environmental decision-making works.</p>		<p>The comment is noted and amendments have been made to the Exclusion Notice based on the inputs received. It is no longer intended to adopt the PMP as an environmental instrument. Only the zonation plan which was generated as part of the development of the PMP is to be used in the exclusion and the maps are appended to the Exclusion Notice.</p> <p>The process of preparing the zonation scheme for the KNP does not lack an appropriate scientific and empirical data foundation. The environmental information that has informed the PMP and the zonation scheme has been collected over the life of the KNP. Several peer reviewed studies have been done on vegetation types, soils, rainfall, animal impacts on vegetation, plants etc. The information from the different research projects have been overlaid, and sensitivity ratings applied to prepare the Biodiversity Sensitivity layer (BioSense), which is equivalent to the Critical Biodiversity Areas (CBA) prepared by provinces.</p> <p>This BioSense layer played a vital role in the generation of the various “use zones” in the park. The use zones determine the kind of activities and the level of disturbance that can be allowed in the various zones. All developments within the KNP must be in line with the use zone mapping. Two of the zones, being “wilderness and remote”, allow no development of infrastructure or structures, and access to the area is on foot only.</p> <p>With respect to tiered decision-making, it is agreed that this is a very important concept in integrated environmental management, and the DFFE believes that such a tiered decision-making process is displayed</p>
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				<p>in this exclusion process. In this regard extensive environmental assessment work was undertaken to prepare the zonation scheme for the park as identified in the paragraph above. This work in the KNP has been based on many years of very in-depth investigation by appropriately qualified professionals. This work has provided the activities that can take place in certain areas and the geographical boundaries for these areas. It has also determine the level of acceptable change and identified no development areas based on environmental sensitivity as well as sense of place and the tourist product intended to be offered. The Exclusion Notice, which is the second tier in decision-making, then further identifies activities that are routinely undertaken within the park to maintain the level of environmental protection and tourist product. Activities which do not form part of the exclusion are also specifically identified as these are not routinely undertaken within the KNP and their impacts cannot be anticipated. In addition, the Exclusion Notice also identifies thresholds for new developments and expansions. All projects that are undertaken in the park are then subjected to avoidance, management and mitigation measures as identified in the Generic EMPr. This is the third tier of decision-making. As a fourth tier of decision making, a compliance and auditing mechanism is built into the exclusion process.</p> <p>The adoption of environmental management instruments and the exclusion of identified activities based on these adopted instruments is provided for in NEMA, as is the EIA process. Either of the two processes can be applied in certain circumstances. Based on the pre-assessment of environmental sensitivity within the KNP, and the tiered decision-making process that this adoption and exclusion process allows, the regulatory framework provided for in</p>
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				<p>NEMA is being implemented. The process proposed simply allows SANParks to implement the activities that they routinely implement without needing to go through an EIA process which would provide limited additional information.</p> <p>SANParks is also accountable to the public through Parliament's oversight.</p>
5.2	Richard Summers Inc.	<p>The proposed regime deprives interested and affected parties and stakeholders of an opportunity to meaningfully participate in decisions regarding activities in the Kruger National Park that they have, as citizens of the Republic, a vested interest in. Protected areas are held in trust by the relevant authorities for the benefit of present and future generations, thus any measure that erodes civil society's ability to meaningfully participate must be rejected. This deprivation is contrary to the importance placed on public participation in environmental decision-making which runs contrary to Section 33 of the Constitution of the Republic of South Africa, 1996 ("Constitution").</p>		<p>The activities that form part of the exclusion, for example, maintenance, upgrades, emergency activities in the case of floods, activities related to anti-poaching operations and expansions are activities which are undertaken in the park on an ongoing basis, these activities can trigger identified activities. In addition, new activities within identified thresholds are identified in this proposed Exclusion Notice. Not all maintenance, upgrades, emergency activities and anti-poaching activities trigger listed activities and would not be subject to public consultation, they would however be listed when they are undertaken within 32m from a water course. So, there are activities which are the same as unlisted activities being undertaken in the Kruger which are not generally subject to public consultation.</p> <p>Thresholds have been provided to ensure that larger developments which could have an impact on either the site or the sense of place do go through an assessment and consultation process as the impacts related to such project may not be predictable.</p> <p>There are ongoing engagements with communities that surround the park and any developments or issues that would affect their rights are discussed directly.</p> <p>There is a complaints register maintained at the park,</p>

				<p>where stakeholders can raise issues with park management. A summary of the complaints register is submitted to the CA as part of the annual audit.</p> <p>The adoption of an environmental management instrument follows a prescribed process through the Instrument Regulations. This process does require consultation. The Exclusion Notice and GEMPr have been through one consultation process and the revised documents will be consulted on again.</p>
5.3	Richard Summers Inc.	<p>The proposed regime envisages SANParks as both the decision-maker and the implementing organisation without imposing the appropriate checks and balances to guard against institutional bias. This is in direct contravention of the basic tenets of administrative justice as supported by South African courts.</p>		<p>The comment is noted but not supported.</p> <p>The Minister has approved the PMP in terms of NEM: Protected Areas Act and therefore the zonation scheme which forms part of the exclusion notice.</p> <p>The Minister is to adopt the proposed Generic EMPr and the exclusion in terms of section 24(2)(e) of NEMA and the procedures in the Instrument Regulations. SANParks does not make any decisions. The decision will be made if the instrument is adopted.</p> <p>SANParks will be required to submit an annual audit to the CA which will include a list of new developments and expansions that have been undertaken in the KNP. This audit will identify the manner in which the conditions of the exclusion and Generic EMPr have been complied with.</p>
5.4	Richard Summers Inc.	<p>The proposed regime strips away remedies that would otherwise be available to interested and affected parties and stakeholders that wish to challenge decisions on activities or projects to take place in the Kruger National Park which is contrary to section 33 of the Constitution, the Promotion</p>		<p>Please see the response to #5.2.</p>

		of Administrative Justice Act 3 of 2000 ("PAJA") and the regulations published thereunder.		
5.5	Richard Summers Inc.	The proposed regime removes those project-specific anticipatory and predictive benefits associated with the EIA process which heightens the risk of inappropriate and unsustainable development. This also relates to the dismantling of a tiered environmental governance system, as a direct result of the proposed regime.		<p>The extensive process followed to delineate the use zones in the KNP has identified the environmental sensitivities based on a number of detailed assessments in the park. To undertake additional environmental assessments for the activities that fall within the scope of the exclusion as identified in #4.24 would provide little additional information which has not already been identified or would be identified through the walkthrough by relevant scientists that must be undertaken as a condition of exclusion. The walkthroughs will be undertaken by the many full-time scientists in SANParks employ, which include the following expertise: 5 PhDs, 8 MSc, and 3 BVSc. These scientists are supported by a number of research assistants. These scientists are experts in vegetation, soil science, water, conservation, mammals, plants and birds among other specialisations.</p> <p>The tiered approach to integrated environmental management is fully supported and demonstrated by the exclusion process envisaged and this process does not reduce the rigour of an environmental impact assessment process, but merely does the assessment work upfront at scale. In the case of this proposed Exclusion Notice, the upfront assessment would be the work that has been undertaken to support the two iterations of the PMP.</p> <p>The identified activities must meet the environmental principles identified for SANParks which include the suitability of infrastructure and the sustainability of infrastructure projects.</p>

5.6	Richard Summers Inc.	Pursuit of the proposed regime will result in the deprivation of benefits afforded by the use of EIA in the highly sensitive Kruger National Park, together with the disregard for the principles on which sound environmental governance and management are predicated.		<p>Please refer to the response to #5.5 above.</p> <p>The proposed process to adopt an environmental management instrument is facilitated by and anticipated in NEMA, and the proposed exclusion contains sufficient safeguards to ensure that projects are implemented in an environmentally responsible and sustainable manner.</p>
5.7	Richard Summers Inc.	Internationally, EIA is recognised as being an integral part of a tiered governance and decision-making system in pursuit of effective environmental governance and management. In South Africa, EIA is a fundamental tool in giving effect to environmental management principles and achieving integrated environmental management as set out in Section 2 and Chapter 5, respectively, of the National Environmental Management Act 107 of 1998 ("NEMA"). The proposed exclusion of EIA from the Kruger National Park is problematic for several reasons.		<p>Please refer to the response to #5.1.</p> <p>Stakeholders and CAs have voiced their frustration at the EIA being the only instrument that is used to achieve the objectives of integrated environmental management while so many other options are available to be used in appropriate circumstances. The Environmental and impact assessment and Management Strategy which was concluded in late 2013 called for the use of other environmental management instruments and made a number of recommendations to achieve this objective. In addition, the CA's have, over the past three years, investigated alternative tools to achieve environmentally sustainable management and have produced a report and implementation plan which have been approved by Heads of Departments for the environmental function in provinces and the Director-General of DFFE.</p> <p>It is noted from the above discussion that the EIA process is not the only process that can achieve the objectives of sustainable development and integrated environmental management. This exclusion is one of several instruments that have been developed and implemented since 2014.</p>
5.8	Richard Summers Inc.	The Management Plan is, by definition, "a broad strategic and operational framework for the management of the park". The Management Plan is a high level, 10-year		<p>The comment is noted and it has been acknowledged that the list of activities identified in the PMP are too high level for the purposes of the exclusion. The exclusion notice has therefore been amended to more specifically</p>

		<p>planning document that broadly sets out information on the biophysical context, desired state, programmes at strategic and operational levels, and costing relevant to the management of the Kruger National Park. The Management Plan is not a document that was drafted nor designed as an appropriate substitute for the type of environmental information and decision-making criteria which would otherwise be available in the context of an EIA. The Management Plan is not a document that enables one to anticipate project-specific impacts of an activity to be mitigated in the implementation of that activity. Although the Management Plan recognises impacts may occur, this recognition is high-level, as would be the case for a planning document, and can hardly be said to be appropriate in finding application to specific projects.</p>		<p>identify the activities which will fall within the scope of the exclusion as well as the activities that do not form part of the proposed exclusion. The zonation scheme which was specifically designed and developed to identify the appropriate location of different developments are based on environmental, visual and socio-economic attributes of the site.</p> <p>The zonation plan can be used to anticipate potential impacts of certain developments, this is one of the purposes for which the zonation scheme has been prepared. In addition, the management and mitigation measures contained in the Generic EMP which have been prepared based on years of experience gained by SANParks managing development projects within the KNP as well as the experience of the DFFE officials that review the many EIAs over the past years, will deal with project specific environmental impacts.</p> <p>Based on the zonation plan, the identified activities which fall within and outside of the scope of the exclusion, the conditions in the Exclusion Notice, the management measures contained in the Generic EMP, the walkthrough required to be undertaken on every site for any new development or expansion project, the audit and reporting requirement and the general principles that apply to SANParks as identified in the PMP which are binding on SANParks, it is the view of the DFFE that the basis for sustainable development within the KNP would be in place</p>
5.9	Richard Summers Inc.	<p>In the absence of an EIA that contains the requisite scientific and empirical data to sustain an overarching management strategy of alleviating or dispensing of an EIA, the decision-maker does not have the requisite</p>		<p>Please refer to #5.1, #5.5 and #5.8.</p> <p>Exclusion from the requirement to obtain environmental authorisation, based on an adopted instrument is provided for, and anticipated under, NEMA as long as</p>

		informational basis upon which to take informed decisions regarding projects or activities which could impact significantly on the environment. The desired approach by government in the proposed regime culminates in the usage of a high-level management plan that is to substitute an in-depth investigation into the impacts of an activity on the Kruger National Park environment. This will inevitably result in extensive gaps, omissions, and speculation in the implementation of projects that are included in the Annual Infrastructure Plan at the expense of this highly sensitive and strategically important environment. The absence of information regarding known impacts of specific projects to the receiving environment permeates throughout the Management Plan further indicating that it cannot support reasonable or rational decision-making by the competent authority. This desired approach falls foul of the principles in Section 2 of NEMA, the prescripts of integrated environmental management in Chapter 5 of NEMA, and Section 24 of the Constitution.		undertaken in the prescribed manner and there are sufficient controls to protect the environment.
5.10	Richard Summers Inc.	In elevating the Management Plan to the level of an environmental management instrument that solely informs project-level decisions in the Kruger National Park, a situation is created where all the core facets of an EIA are disposed of, such as public participation and the bare minimum of assessing the impacts of an activity in a sensitive environment, and one is then left with a Management Plan that is not		Please see the response to #5.1 and #5.5. The exclusion and Generic EMPr are based on detailed assessment information and years of lived experience in the management projects within the KNP and reviewing EIAs for projects within the KNP.

		appropriate nor relevant nor contemporaneous in the context of project-level decision-making. The Management Plan is not a fit for purpose document upon which to base significant or material decisions, such as those involving activities in the Kruger National Park, which stand to have potentially long-lasting impacts which are presently unknown and unassessed. The Management Plan broadly covers an area that is too vast and there remains extensive uncertainties at a project level which is contrary to section 2(4)(a)(viii) of NEMA that requires a risk-averse and cautious approach that accounts for the limits of current knowledge about the consequences of decisions and actions to be applied.		
5.11	Richard Summers Inc.	We submit that reliance on the Management Plan, in its current form, in the absence of detailed impact assessments to verify and/or ground-truth environmental impacts to ensure that decision to be taken within Kruger National Park are informed by contemporaneous empirical information, the Management Plan provides insufficient information to support responsible decision making in accordance with constitutional, administrative and environmental law principles. The Management Plan and the Annual Infrastructure Plan do not address fundamental project level issues to inform decision making such as alternatives and site layout and design and can thus not be considered as providing the requisite information to inform decision making as		<p>The comment is noted and the adoption of the PMP has been reconsidered and the exclusion notice has been amended. It is not agreed that the EIA is the only instrument that can consider environmental impacts.</p> <p>The preparation of the use zones developed as part of the PMP, represents a strategic approach of identifying areas suitable for developments while maximising conservation and fulfilling the mandate of SANParks. Identified activities that fall within the scope of the exclusion and within the identified thresholds, will only be allowed in the identified use zone which allows for these activities. Furthermore, the mandatory walkthroughs of sites, which fall under the category of proposed new or expansion projects provides the ground-truthing as identified in the comment.</p> <p>Each project will also need to comply with the Generic EMP. Should the exclusion be implemented the</p>

		envisaged in terms of the section 2 principles of NEMA.		<p>exclusion would have been based on baseline information contained in the PMP, a Generic EMPr and thresholds and conditions identified in the exclusion notice, which documents would all have been subjected to public consultation and input. The proposed Exclusion Notice and Generic EMPr will be subject to an additional consultation process due to the substantive changes made.</p> <p>EAs will be required where necessary i.e. for those identified activities associated with projects not excluded. In addition, only SANParks and not concessioners are the subject of this proposed exclusion.</p>
5.12	Richard Summers Inc.	The accepted intention of EIA exclusion is to allow for streamlining in instances where impacts from activities are well-known and are not in areas that are particularly sensitive. The application of this thinking in a highly sensitive environment such as the Kruger National Park, where all impacts are to be considered significant, is a contortion of the concept beyond its original and conceived intent.		<p>Please refer to the response to #5.5.</p> <p>The use zoning in the park has zoned the park into High Impact Use, Low Impact Use, Primitive, Remote, and Wilderness zones based on sensitivity which has been determined through assessments. Developments are accordingly prioritised in the high impact leisure and low impact leisure zones. The exclusion instrument requires site sensitivity confirmation regardless of the zone that the project would be located in for projects which would fall within the category identified as new developments or expansions, as well as cordoning off of sensitive areas on sites and the translocation of species of conservation value prior to commencing with any proposed development.</p> <p>Proposed developments will be prioritised around camps and already disturbed areas in the Park. Not all projects are excluded from the requirement for EIAs.</p>
5.13	Richard Summers Inc.	A core function of the EIA process is to enable and accommodate the participation of key stakeholders and interested and affected		Please see the response to #5.5. The identified activities which do require additional information based on their size or nature of the activity will go through an EIA

		<p>parties in the assessment of and decision-making regarding an activity that impacts those peoples prior to that activity being implemented. The participation of various parties not only enables compliance with constitutional administrative rights held in Section 33 of the Constitution, but it also provides an oversight function critical to a constitutional democracy that ensures that the requisite environmental safeguards are in place when implementing a project. The value of public participation in a constitutional democracy cannot be gainsaid as it proactively works against abuses of power and mitigates the potential for poor environmental decision-making. The public participation during an EIA process may, in certain circumstances, be the only regulatory measure to regulate development within protected areas outside of the management authority's mandate. Furthermore, public participation is critical to community empowerment in protected areas in which communities have historically been disempowered from their involvement in park management.</p>		<p>process and require environmental authorisation. These are as contemplated in the Exclusion Notice.</p> <p>Stakeholders can participate in the preparation of the Generic EMPr as well as the proposed adoption process of the proposed exclusion through the public consultation process. The annual audits will be available on the SANParks website.</p> <p>There is also ongoing consultation between the management of the KNP and local communities through community forums so communities are engaged on matters which affect them.</p>
5.14	Richard Summers Inc.	<p>The legislative framework applicable to environmental governance leaves no room to doubt the necessity of public participation in environmental decision-making. Section 2(4)(f) of NEMA requires the promotion of all interested and affected parties in environmental governance, and further requires that all people have the opportunity to develop the understanding, skills, and capacity necessary for achieving equitable</p>		<p>Related to consultation please see the response to #5.5 and 15 above.</p> <p>It is also agreed that stakeholders must have the opportunity to develop the understanding, skills and capacity necessary to achieve effective participation. In this regard there is also ongoing consultation between the park and local communities through community forums so communities are engaged on matters which affect them.</p>

		<p>and effective participation. According to the Public Participation Guideline of 2017, at a minimum public participation must provide an opportunity to all role players that stand to be impacted by a decision to participate in that decision for the following reasons, inter alia:</p> <ul style="list-style-type: none"> • To obtain clear, accurate and understandable information about the impacts of an activity or implications of a decision; • To offer an opportunity for various interested and affected parties and stakeholders to suggest ways to reduce negative impacts of a project on the environment and to enhance those positive impacts; • To offer an opportunity to resolve misunderstandings and reconcile conflicting interests so as to avoid extensive appeal processes; and • To encourage transparency, accountability, and a healthy democracy. 		<p>Stakeholders are able to influence the content of the Generic EMP which has been developed to ensure that the negative impacts are avoided, reduced and managed through this consultation process.</p> <p>Consultation in this context is proactive i.e. through this exclusion process, and this reduces the need to undertake consultation for each individual project, as these projects have predictable and standard impacts based on the location of projects within the park. Mitigation measures have also been identified through the experience gained from managing the park since its inception. This experience has been used to identify the impact management outcomes and actions in the Generic EMP.</p> <p>Exclusion based on an instrument that has been adopted in the prescribed manner (subject to public participation) is provided for as anticipated under NEMA.</p>
5.15	Richard Summers Inc.	<p>Against the legislative backdrop, the following distinctions between public participation at a planning level, as available in the context of the Management Plan, and at a project level, as available in the context of an EIA, are what render the public participation available in the proposed regime insufficient, inappropriate and constitutionally non-compliant:</p> <ul style="list-style-type: none"> • At a planning level, it stands to reason that public participation only occurs when 		<p>Please refer to the response provided in #5.5. In addition, please note that all areas in the Park are sensitive by virtue of the status of the Park as a proclaimed nature reserve.</p> <p>The activities that form part of the exclusion are undertaken on a regular basis within the KNP and in many cases do not trigger a listed activity but could trigger a listed activity if they are undertaken within 32m of a watercourse or break the flow of stormwater or would infill a drainage channel that carries rainwater from time to time. These activities include maintenance,</p>

		<p>the 10-year Management Plan is drafted for adoption. The opportunity to participate in this context is limited and the content arising from the participation in relation to a specific project, should the project be included in the Management Plan, could feasibly be outdated by the time the project is implemented.</p> <ul style="list-style-type: none"> • At a project level, the shorter lead time in which an EIA process occurs ensures that interested and affected parties and stakeholders are provided with enough opportunity to provide inputs relevant to the specific project and ensures that the inputs are contemporary when influencing the implementation of the project. • Public participation at a planning level relates to the entirety of the Management Plan as opposed to detailed projects therein, if any are contained therein, and so the level at which the public can engage with a specific project is slim to none. For example, the Management Plan sets out in section 9 a “Concept Development Plan” that briefly sets out the name of the proposed development, the status of the development, the zone in which the development will occur, and the probability of the development occurring. It is not possible for members of the public to meaningfully comment on these projects given the lack of information to do so. • There is no express provision for public participation in the drafting of the Annual 	<p>upgrading and the expansion of current projects, there are also emergency projects that must be undertaken in the KNP due to flood events or fires. These activities do not impact negative on the rights of tourists that frequent the park as maintenance, upgrades and general conservation must be undertaken in the Kruger Park to maintain the tourist experience. New developments and expansion are restricted to size and accommodation thresholds, which provides stakeholders with a sense of the size of potential projects to be undertaken proactively.</p> <p>Stakeholders who are directly impacted on by the activities undertaken in the Park, are consulted on an ongoing basis. Other stakeholders can provide input at the planning phase of the Park Management plan in relation to confirming the use zone scheme every 10 years and on the proposed Exclusion Notice and the Generic EMPr.</p> <p>All the sensitivities of the Park have been considered in detail when determining the use zones, and any development undertaken within the Park must fit within the identified zone use. Once the project and identified activities are to be implemented the Generic EMPr is in place to ensure that the mitigation measures are put in place as agreed with the public, in addition for new developments and expansions which comply with the thresholds identified in the Exclusion Notice, the SANParks specialists are on the site to do a walkthrough to ensure specific sensitivities are avoided or species of importance are relocated and protected.</p> <p>Consultation is taking place prior to the adoption of the Generic EMPr and the proposed implementation of the Exclusion Notice.</p>
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		Infrastructure Plan and, even if there was, the Plan is devoid of information as to the extent, significant impacts, and mitigation measures relevant to each project that would allow the public to proactively participate in a meaningful way with the specific projects.		
5.16	Richard Summers Inc.	<p>It is common cause that the EIA process governed by the prescripts of NEMA and associated EIA Regulations of 2014 ensures that the public is presented with enough information to meaningfully participate in decisions that they stand to be impacted by. Project-level public participation therefore includes essential information such as the extent of any activity, possible significant impacts, mitigation measures to lessen those harsh impacts, precise spatial implications, site-specific attributes, and detailed physical development attributes. By way of illustration, we note the following:</p> <ul style="list-style-type: none"> • The development of the Shangoni Gate in the Kruger National Park illustrates the constitutionally appropriate extent of project-level public participation. The EIA process for the Shangoni Gate offered the public highly technical and heavily assessed information that far transcends the way in which the Management Plan describes the same project. • During the Shangoni Gate EIA process, the public were provided compliance monitoring reports, various maps with differing subject-matter (such as 		In relation to the Shangoni Gate project, please note that this activity would not fall within the scope of the Exclusion Notice. The final Basic Assessment report prepared for the project indicates that the clearance of indigenous vegetation and the accommodation provided would exceed both thresholds identified in the proposed Exclusion Notice. This project would therefore need to be assessed under an EIA process. Please also refer to response #5.5 and #5.15 above.

		<p>hydrology, wetland sensitivity, and vegetation sensitivity, among others), facility illustrations, and specialist reports that relate specifically to the development. As a result, the interested and affected parties and stakeholders were appropriately informed about the precise parameters of the project and its impacts on the surrounding environment and were therefore better equipped to participate in the decision on whether to go ahead with the development of the Shangoni Gate.</p> <ul style="list-style-type: none"> • Had the Shangoni Gate project been exempt from the EIA process, as envisaged by the proposed regime in GNR No. 4386, the public would not have been provided key information on which to make a balanced decision on the development and would not have been provided sufficient opportunity to participate in the decision to develop the Shangoni Gate despite having a vested interest in doing so. 		
5.17	Richard Summers Inc.	<p>We submit that the envisaged exclusion of public participation processes in the proposed regime is contrary to administrative rights and deprives the Kruger National Park of a critical oversight function that ensures that the requisite environmental safeguards are in place when implementing a project. Public participation is integral to a constitutional democracy, particularly within environmental governance given the consistent legislative provision for public</p>		<p>The comment is noted but not supported, safeguards are in place and consultation on the Exclusion Notice and the Generic EMPr which sets the scope of the proposed exclusion are being consulted on. The PMP is also consulted when it is updated and stakeholders can contribute. There is a limit to the area which can be disturbed for new development or expansions of existing projects and the number of tourists that can be accommodated in such new or expanded developments. There are also restriction on the location of facilities related to the sensitivity of the environmental</p>

		participation in environmental management throughout environmental legislation. We submit that planning-level public participation is an inappropriate substitute for project-level public participation, particularly in the context of a sensitive environment such as the Kruger National Park where the consequences of environmental damage could be long-lasting.		<p>and the sense of place of the area. Projects that do not fit within these limitations must be considered through an EIA process where required.</p> <p>The difference with the exclusion process is that the limits are set up front and SANParks will be allowed to undertake work within the park in relation to the limits of the Exclusion Notice, the Generic EMPr and the framework of the PMP. Please consider the responses to #5.15 and #5.16.</p>
5.18	Richard Summers Inc.	A fundamental tenet behind the EIA process is the separation between those who have decision-making powers and those who implement those decisions. The purpose of this is to further strengthen the oversight offered by the public participation process by including the oversight of an independent body such as the Department of Forestry, Fisheries and the Environment in decisions that could have a significant impact on the environment. The existence of a body tasked with the initiation and implementation a project that is distinct from the body that decides on whether the project should proceed ensures a balanced and unbiased decision and promotes transparency and accountability which are key pillars of a constitutional democracy. As it stands, the decision as to what and where to develop vests with select individuals and is devoid of any form of public and regulatory scrutiny other than a high-level description and indication of the location within a particular development zone.		<p>Engagement with the communities who can be directly affected by the activities in the Park is ongoing. Oversight of compliance to the conditions of the exclusion as well as the implementation of the Generic EMPr will be ongoing should the exclusion be implemented, through the submission of annual audit reports to the DFFE. The DFFE is also able to do compliance inspections. SANParks needs to fulfil its primary mandate which is identified as conservation and environmental protection. Please refer to the response to #5.15 and #5.16.</p> <p>These processes do ensure accountability and transparency.</p>
5.19	Richard Summers Inc.	The proposed regulatory regime envisages SANParks as both the decision-maker and		The Minister of Forestry, Fisheries and the Environment is the decision maker in that the Minister will adopt the

		the implementing organisation with little checks and balances to prevent institutional bias from materialising. This removes the decision-making power from the Department of Forestry, Fisheries and the Environment as an impartial and independent decision maker and rather vests the decision around developments within the Kruger National Park to the management authority. This is in direct conflict with the constitutionally enshrined right to administrative justice and easily falls short of the judicial test for bias in administrative decision-making as set out by South African courts in <i>S v Roberts</i> .		proposed generic EMPr and the exclusion based on compliance with the Generic EMPr and certain conditions set in the exclusion. SANParks will be the implementer of identified activities and projects which will be subject to compliance inspections and will be responsible for the mandatory submission of audit reports to the competent authority. Non-compliance with the instrument is an offence under NEMA and can be sanctioned by DFFE.
5.20	Richard Summers Inc.	In dispensing of the EIA process and the associated regulatory framework, the use of the high-level Management Plan (as opposed to detailed site-specific impact assessments) strips away remedies that would otherwise be available to interested and affected parties and stakeholders during the EIA process, particularly the opportunities to appeal decisions made in relation to a specific project.		The comment is noted, however, it is not agreed that the proposed adoption of the Generic EMPr and the proposed exclusion dispense with the regulatory framework. The adoption of environmental management instruments and the exclusion of identified activities based on these adopted tools is provided for in NEMA as is the EIA process. Either of the two processes can be applied in certain circumstances. Due to the pre-assessment of environmental sensitivity associated with this proposed process, and the tiered decision-making process that this adoption and exclusion process allows, the regulatory framework provided for in NEMA is being implemented. The process proposed just allows SANParks to implement the projects which could trigger identified activities that have been agreed to in this exclusion process, which allows for a more proactive and streamlined approach. SANParks is also accountable to the public through Parliament's oversight to protect the environmental resources of the Kruger National Park.
5.21	Richard Summers Inc.	The lack of an internal appeal mechanism in the proposed regulatory framework leaves an		The proposed adoption and exclusion process is in terms of NEMA and interested and affected parties are

		expensive and drawn-out judicial review as the only recourse for members of public seeking to challenge specific projects or activities to take place in the Kruger National Park in which they have a vested interest. This is in conflict with the constitutional right to just administrative action that is procedurally fair as enshrined in section 33 of the Constitution and given effect by the PAJA and the relevant regulations published thereunder. According to the audi alteram partem rule, those persons who are affected by decisions must be afforded a reasonable opportunity to make representations and sufficient information must be provided to ensure meaningful representations are made by members of the public. Having stripped away internal remedies as the proposed regime effectively does, vulnerable people such as those that the EIA system seeks to protect do not have means to challenges decisions or have their concerns addressed which is procedurally unfair. Once again, this gives rise to a situation that flies directly in the face of the NEMA section 2 principles.		<p>being consulted for comments on the proposal. The adoption of the instrument, should it be decided to adopt the instrument, would constitute the decision.</p> <p>The EIA process is but one of the methods used for the consideration of environmental impacts. In cases where strategic level planning and sensitivity assessments have been conducted and enough information is available about the sensitivity of sites and measures that can be put in place to address potential impacts of projects through mitigation and management measures, exclusion of activities is provided for under NEMA, which is what this proposed process is pursuing in this instance.</p>
5.22	Richard Summers Inc.	Foregoing the need for an EIA for projects removes the anticipatory and predictive benefits associated with the EIA process that aid in improving environmental decision making and enhancing the way we go about integrating environmental considerations into park management in the Kruger National Park.		<p>Please refer to the response in #5.5.</p> <p>There are several opportunities provided to adapt the mitigation measures should the measures identified be found not to achieve the mitigation and management measures anticipated. The management action can be amended at any time. Should there need to be a change of the impact management actions, this could be done at any time as identified in paragraph 5.1 of the GEMPr.</p>
5.23	Richard Summers Inc.	The anticipatory aspects of an EIA enable one to identify the potential impacts of an		The impacts related to the activities undertaken in the KNP are predictable and standard. The Generic EMPr

		<p>activity in advance of those impacts occurring so that the impacts can be guarded against or enhanced, depending on whether or not they are harmful or helpful, during the implementation of the project. The proposed regime published by government does not enable this. The Management Plan, as a proposed environmental management instrument, in no way enables one to anticipate the impacts of those projects within the Annual Infrastructure Plan on the Kruger National Park environment. This stance to environmental management promotes reactive environmental governance in the context of an incredibly valuable and sensitive environment.</p>		<p>has been prepared based on the implementation of projects within the KNP since its inception as well as the assessments undertaken in the preparation of Park Management plans. These assessments have been used to identify a use zone scheme for the Park which considers the environmental sensitivity, sense of place and visual integrity. The Park's specialists and scientists are available for site specific walkthroughs before any projects are commissioned and throughout the construction.</p>
5.24	Richard Summers Inc.	<p>An EIA has the function of predicting the impacts of an activity so that corrective behaviour may be implemented during the implementation of a project in order to avoid or mitigate those impacts that are harmful to the environment. This is critical to ensuring informed environmental decision making, sustainable development as well as integrated environmental management. In the absence of the predictive quality of an EIA, and a lack of an equivalent mechanism contemplated in the proposed regime, there is the heightened risk of inappropriate and unsustainable development that breaches the thresholds of capacity for acceptable change.</p>		<p>The EIA is not the only tool that can be used to identify environmental sensitivities or impacts. The use zones included in the PMP and now transferred into the exclusion, have been used to identify environmental sensitivities and to avoid potential impacts within the Park. The exclusion process requires that stakeholders consider the developments at the planning phase, which in this case is the current process where the revised Exclusion Notice is being made available for comments. Stakeholders are furthermore required to consider the management and mitigation measures as identified in the GEMPr prior to its adoption by the Minister, i.e. when the Minister publishes the intention to adopt the GEMPr.</p> <p>Consultation with the communities that will be directly impacted by construction activities on the site is ongoing through community liaison forums (i.e. such as the People and Parks Forum for Marula and Nxanetseni Region; Park Forums for each of the 7 municipalities, the meetings of which are held bi-monthly; as well as</p>

				other specific groups such as Youth Groups and Parks Groups).
5.25	Richard Summers Inc.	In predicting a full spectrum of impacts and placing those before a decision-maker prior to implementing the activity, one is ensuring informed environmental decision-making that promotes sustainable development and integrated environmental management. In the absence of an EIA, there is no equivalent mechanism contemplated in terms of the approach published by government that anticipates the impacts of proposed activities established in the Annual Infrastructure Plan that can then either be mitigated or enhanced in the implementation of those activities.		<p>A full spectrum of impacts have been considered through the years of development in the Park. Impacts do not change over time but are predictable and standard for the activities undertaken. These impacts have been considered and mitigation and management measures proposed in the Generic EMPr. The difference is just that these impacts are not considered for every project undertaken but considered holistically as is provided for in NEMA and the EIA Regulations.</p> <p>The EIA process is not the only process that can anticipate impacts, the process being followed in this proposed exclusion emphasises impact avoidance through appropriate planning which has considered the environmental sensitivity including sense of place, the desired state of the environment, and the acceptable levels of change (the use zone scheme), and has proactively identified management and mitigation measures identified through the implementation of numerous projects throughout the life of the park. Where projects have unpredictable impacts, for example waste landfills which could impact on groundwater, an EA process is still required. This is expressly indicated in paragraph 2.2. of the amended Exclusion Notice where activities that do not qualify for exclusion have been listed.</p> <p>The zoning has identified the compatibility of the development in relation to sensitivity and sense of place and the Generic EMPr is in place to ensure that general impacts will be mitigated and managed. Scientists and specialists are on site to consider any site-specific aspects during the walkthroughs on individual sites and the preparation of sites maps where required where the</p>

				activity will fall into the category of a new or expansion project. Certain thresholds also apply to such activities.
5.26	Richard Summers Inc.	<p>It is acknowledged that the purpose of the proposed regime is to streamline decision-making which is an acceptable practice but only in those instances where the receiving environment has been the subject of extensive assessments making impacts on that environment known. The Management Plan does not offer the requisite scientific and empirical informational basis from which to streamline environmental decision-making in the Kruger National Park which is a strategically important and sensitive area that should not be subject to the risks imposed by the proposed regime. This issue is compounded by the deprivation of interested and affected parties and stakeholders of an opportunity to meaningfully participate in decisions regarding projects outlined annually in the Annual Infrastructure Plan as well as the deprivation of those parties of effective remedies should they wish to challenge decisions made relating to those projects. We are left with a situation in which all the key facets of an EIA process such as public participation, the anticipation of impacts that can be mitigated or enhanced during implementation, the separation between the body that makes decisions and the body that implements those decisions, and internal remedies are stripped away and substituted with a Management Plan that is not fit for purpose upon which to base significant decisions that have an impact on the Kruger National Park. The proposed</p>		<p>The environmental sensitivity of the KNP has been studied in-depth through the work of the SANParks scientists and specialists as well as through the development of PMPs. This assessment work has been translated into a use zone scheme for the park which directs the type of development that would be acceptable for the area. In addition, on a site level the SANParks specialists and scientists must undertake a walkthrough before any construction may commence for new and expansion projects.</p> <p>Public consultation is provided through the preparation of the PMP in which the zonation is confirmed, this exclusion process and the generic EMPr. There is ongoing consultation with the communities which surround the park and who would be directly impacted by the activities within the Park.</p> <p>The Generic EMPr for the KNP has been gazetted for public comment to ensure that the management and mitigation measures are consulted upon. This is done at park level rather than a site level as the impacts associated with the projects to be implemented in the Park are predictable and standard. The use zone scheme has identified areas in which different types of development must be placed and other areas that must be left in their pristine state. For site specific sensitivities, the SANParks scientists and specialists are on site and will cordon off any sensitive sites and no-go areas in which development should not take place.</p> <p>NEMA makes provision for the use of exclusions and anticipates the use of instruments.</p>

		<p>regime therefore runs contrary to those principles of sound environmental management held in section 2 of NEMA, the right to administrative justice held in section 33 of the Constitution and given effect to in PAJA, and the environmental right held in section 24 of the Constitution.</p>		
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