

## DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NO. 3717

28 July 2023

**NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998  
(ACT NO. 107 OF 1998)****AMENDMENT TO THE PROTOCOLS FOR THE SPECIALIST ASSESSMENT AND MINIMUM REPORT CONTENT REQUIREMENTS FOR ENVIRONMENTAL IMPACTS ON TERRESTRIAL ANIMAL AND PLANT SPECIES IN TERMS OF SECTIONS 24(5)(a) AND (h) AND 44 OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998.**

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, hereby amend the protocols in respect of specialist assessment and minimum report content requirements for environmental impacts on terrestrial animal and terrestrial plant species, by removing the reference to "terrestrial" where it occurs in these protocols. This amendment would allow the protocols to apply to all animal and plant species and not just terrestrial animal and plant species. There are also minor adjustments to the requirements of a compliance statement based on the comments received from the public comment process.

The amendment is necessary to allow for the protocols to apply to freshwater species, since many of these species are threatened. The requirements of these protocols will apply to freshwater species from the date of publication, except where the applicant provides proof to the competent authority that the specialist assessment affected by the amendments to these protocols had been commissioned by the date of publication of the amended protocols in the Government Gazette, in which case Appendix 6 of the Environmental Impact Assessment Regulations, 2014, as amended, will apply to such applications.

Each protocol applies exclusively to the environmental theme identified within its scope. Multiple themes may apply to a single application for environmental authorisation, and assessments for these themes must be undertaken in accordance with the relevant protocol.



**BARBARA DALLAS CREECY**  
**MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT**

## SCHEDULE

### **Amendment of the protocol for the specialist assessment and minimum report content requirements for environmental impacts on terrestrial animal species.**

1. The protocol for specialist assessment and minimum report content requirements for environmental impacts on terrestrial animal species, published under Government Notice No. 1150 in Government Gazette No. 43855 on 30 October 2020, is hereby amended–

(a) by the substitution for–

- (i) “terrestrial animal species” of “animal species”;
- (ii) “Terrestrial Animal Species Specialist Assessment” of “Animal Species Specialist Assessment”;
- (iii) “Terrestrial Animal Species Specialist Assessment Report” of “Animal Species Specialist Assessment Report”; and
- (iv) “Terrestrial Animal Species Compliance Statement” of “Animal Species Compliance Statement”;

wherever these expressions occur;

(b) by the substitution for the word “a” of the word “an” before the word “animal” wherever the word “terrestrial” is deleted between the words “a” and “animal”;

(c) by the substitution for footnote 6 of the following footnote:

“<sup>6</sup> Available at <http://speciesstatus.sanbi.org/>”;

(d) by the insertion of a new footnote 7 at the end of paragraph 2 after the words “Nationally Rare”, under “**VERY HIGH SENSITIVITY RATING**”

“<sup>7</sup> This category includes the categories Extremely Rare, Critically Rare and Rare”;

(e) by the substitution for footnote numbers 7 to 10 of footnote numbers 8 to 11;

(f) by the insertion, at the end of the newly numbered footnote 9 after the words “virtual museum”, of the words “may be used as long as it is properly referenced”;

(g) by the insertion of footnote 12 in paragraph 2.2.11 immediately after the newly numbered footnote 11:

“<sup>12</sup> In the case of hyper-diverse and/or taxonomically poorly resolved invertebrate groups, the designation of an undescribed species as “High Significance” should be at the discretion of the specialist, provided that sound, reasoned arguments are included”;

(h) by the deletion of footnote 11 after “**3. Animal Species Specialist Assessment Report**”;

- (i) by the substitution for footnote number 12 of footnote number 13;
- (j) by the insertion of a new footnote 14 at the end of paragraph 3.1.7 after the words “appropriately reported”:

<sup>14</sup> The actual name of the sensitive species may not appear in the final EIA report nor any of the specialist reports released into the public domain. It should be referred to as a sensitive plant or animal and its IUCN extinction risk category should be included e.g. Critically Endangered sensitive plant or Endangered sensitive butterfly”;

- (k) by the substitution for footnote numbers 13 to 15 of footnote numbers 15 to 17;
- (l) by the substitution in paragraph 4.7 for the word “Similarly” of the word “Conversely”;
- (m) by the insertion after paragraph 5.3.5 of the following paragraphs;

“5.3.5A verifiable evidence from the specialist’s site inspection, including as a minimum:

5.3.5A.1 a map showing the specialist’s GPS track in relation to the study area; and

5.3.5A.2 at least 4 spatially representative sample site descriptions from across the study area that include as a minimum:

- (a) precise geographical coordinates of the sample site;
- (b) at least one in situ photograph<sup>18</sup> of the sample site; and
- (c) a habitat description of the sample site;” and

- (n) by the insertion of a new footnote 18 in paragraph 5.3.5A.2(b) after the word “photograph”:

<sup>18</sup> The photograph must be taken on site by the specialist during the site inspection”.

#### **Amendment of the protocol for the specialist assessment and minimum report content requirements for environmental impacts on terrestrial plant species**

2. The protocol for the specialist assessment and minimum report content requirements for environmental impacts on terrestrial plant species, published under Government Notice No. 1150 in *Government Gazette* No. 43855 on 30 October 2020, is hereby amended—

- (a) by the substitution for—
  - (i) “terrestrial plant species” of “plant species”;
  - (ii) “Terrestrial Plant Species Specialist Assessment” of “Plant Species Specialist Assessment”;
  - (iii) “Terrestrial Plant Species Specialist Assessment Report” of “Plant Species Specialist Assessment Report”; and
  - (iv) “Terrestrial Plant Species Compliance Statement” of “Plant Species Compliance Statement”;

wherever these expressions occur;

- (b) by the substitution for footnote numbers 16 to 26 of footnote numbers 1 to 11;
- (c) by the substitution for the newly numbered footnote 6 of the following footnote:

"<http://redlist.sanbi.org/>";

- (d) by the insertion, at the end of the newly numbered footnote 9 after the words "virtual museum", of the words "may be used as long as it is properly referenced";
- (e) by the deletion of footnote 27 after "**3. Plant Species Specialist Assessment Report**";
- (f) by the substitution for footnote number 28 of footnote number 12;
- (g) by the insertion of a new footnote 13 at the end of paragraph 3.1.7 after the words "appropriately reported":

"<sup>13</sup> The actual name of the sensitive species may not appear in the final EIA report nor any of the specialist reports released into the public domain. It should be referred to as a sensitive plant or animal and its IUCN extinction risk category should be included e.g. Critically Endangered sensitive plant or Endangered sensitive butterfly";

- (h) by the substitution for footnote numbers 29 to 31 of footnote numbers 14 to 16;
- (i) by the substitution in paragraph 4.7 for the word "Similarly" of the word "Conversely";
- (j) by the insertion after paragraph 5.3.4 of the following paragraphs:

"5.3.4A verifiable evidence from the specialist's site inspection, including as a minimum:

- 5.3.4A.1 a map showing the specialist's GPS track in relation to the study area; and
- 5.3.4A.2 at least 4 spatially representative sample site descriptions from across the study area that include as a minimum:
  - (a) precise geographical coordinates of the sample site;
  - (b) at least one in situ photograph<sup>17</sup> of the sample site; and
  - (c) a habitat description of the sample site;" and

- (k) by the insertion of a new footnote 17 in paragraph 5.3.4A.2(b) after the words "in situ photograph":

"<sup>17</sup> The photograph must be taken on site by the specialist during the site inspection"; and

- (l) by the substitution for footnote number 32 of footnote number 18.