

DEPARTMENT OF ENVIRONMENT, FORESTRY AND FISHERIES

NO. 106

5 February 2021

**NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998
(ACT NO. 107 OF 1998)****ADOPTION OF A GENERIC ENVIRONMENTAL MANAGEMENT PROGRAMME FOR THE MANAGEMENT AND MITIGATION OF ENVIRONMENTAL IMPACTS RESULTING FROM THE IMPLEMENTATION OF WORKING FOR WATER PROJECTS AND THE EXCLUSION OF THESE PROJECTS FROM THE REQUIREMENT TO OBTAIN AN ENVIRONMENTAL AUTHORISATION**

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, hereby adopt, as an environmental management instrument, the *Generic Environmental Management Programme for Working for Water Programme (version 0 of October 2020)* and based on compliance with this generic environmental management programme, exclude, in terms of section 24(2)(e) of the National Environmental Management Act, 1998 (Act No. 107 of 1998), identified activities, including the associated activities related to the implementation of the Working for Water Programme, from the need to obtain environmental authorisation as set out in the Schedule.



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

SCHEDULE

1. Section 24(2)(e) of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (the Act) allows for the Minister to exclude activities identified in terms of sections 24(2)(a) and (b) of the Act from the need to obtain environmental authorisation based on an environmental management instrument adopted in the prescribed manner.
2. The Department of Environment, Forestry and Fisheries has prepared a *Generic Environmental Management Programme for the Working for Water Programme (version 0 of October 2020)* (the EMPr), to avoid, manage and mitigate the environmental impacts and risks associated with the activities of the programme including those activities identified in terms of section 24(2)(a) and (b) of the Act.
3. The Working for Water Programme is implemented by the Department of Environment, Forestry and Fisheries under the National Resource Management Programme specifically, or in partnership with the Department responsible for water affairs in relation to dams and State Owned Entities responsible for national parks and protected areas and environments.
4. The EMPr which has been developed by a multi-disciplinary team of specialists based on 25 years of experience in implementing the programme, has been reviewed and has been found to meet the requirements and principles contained in sections 2, 24(1) and 24N of the Act.
5. The EMPr is therefore adopted as an environmental management instrument for the purposes of excluding the identified activities associated with the Working for Water programme, from the need to obtain environmental authorisation prior to commencement in terms of section 24(2)(e) of the Act.
6. Based on compliance with the impact management outcomes and actions contained in of Part C of the EMPr and the registration requirements contained in this paragraph and paragraph 7 of this Schedule, any activities falling within the scope as provided in paragraph 1.4 of Part A of the EMPr and which is identified in the Environmental Impact Assessment Regulations, Listing Notice 1¹, Listing Notice 2² or Listing Notice 3³ of 2014, as amended, are hereby excluded from the need to obtain environmental authorisation in terms of section 24(2)(e) of the Act.
7. In order for this exclusion to apply, at least 30 days⁴ prior to the commencement of a Working for Water project, the Regional Deputy Director responsible for the implementation of the programme must register the project with the competent authority by submitting to the competent authority the signed registration form together with the declaration of compliance.
8. Within 10 days of receipt of the correctly completed registration form and supporting documentation described in paragraph 7 of this Schedule, the competent authority must register the project and provide the Regional Deputy Director responsible for the implementation of the Working for Water programme with a registration number.
9. The competent authority must maintain a record of all registered projects and provide access to the record through their website.
10. Failure to obtain a registration number prior to commencement of the project and failure to comply with the impact management outcomes and actions set out for identified activities in Part C of the EMPr, constitutes an offence in terms of section 49A(1)(d) of the Act.
11. Any amendments to the EMPr will be required to be consulted on through publication in the *Government Gazette*.
12. The Literature Review, Activities and Impacts Document and EMPr template which provided a base on which the EMPrs were prepared can be accessed at https://www.environment.gov.za/projectprogrammes/environmental_management_instruments
13. The *Government Gazette* notice can be accessed at https://www.environment.gov.za/legislation/gazetted_notices and the generic EMPr can be accessed at https://www.environment.gov.za/projectprogrammes/environmental_management_instruments

¹ Published under Government Notice R983 in *Government Gazette* 38282 of 4 December 2014 and amended

² Published under Government Notice R984 in *Government Gazette* 38282 of 4 December 2014 and amended

³ Published under Government Notice R985 in *Government Gazette* 38282 of 4 December 2014 and amended

⁴ Days means calendar days