

DEPARTMENT OF ENVIRONMENT, FORESTRY AND FISHERIES

NO. 837

31 JULY 2020

NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998

(ACT NO. 107 OF 1998)

CONSULTATION ON THE 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 consult on the intention to adopt, as an environmental management instrument, the *Generic Environmental Management Programme for Working for Water Programme (version 0 of June 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.

Members of the public are invited to submit written comments or inputs, within 30 days after the publication of this Notice in the *Government Gazette*, to the following address:

By post to: The DirectorGeneral
Department of Environment, Forestry and Fisheries
Attention: Dr Dee Fischer
Private Bag X447
PRETORIA
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By hand at: Reception, Environment House, 473 Steve Biko Road, Arcadia, 0083
By e-mail: dfischer@environment.gov.za
Enquiries: Dr Dee Fischer 012 399 8843

Comments or inputs received after the closing date may not be considered.


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 June 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 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 section 2, 24(1) and 24N of the Act.
5. The EMPr is therefore, to be 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 mitigation measures contained in of Part C of the EMPr and the registration requirements contained in this paragraph and paragraph 7 of this Schedule, the activities described in paragraph 1.4 of Part 1 of the EMPr and which is identified in the Environmental Impact Assessment Regulations, Listing Notice 1, Listing Notice 2 or Listing Notice 3 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 days¹ 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 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 mitigation measures 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 *Government Gazette* notice can be accessed at https://www.environment.gov.za/legislation/gazetted_notices and the Generic EMPr can be accessed at http://www.environment.gov.za/projectprogrammes/environmental_management_instruments.
13. A hard copy of the document can be viewed in the Departments library located at Environment House, 473 Steve Biko Road, corner Soutpansberg and Steve Biko Road, Arcadia, Pretoria.
14. Hard copies of the document can also be requested from Ms M Masondo at +27 12 399 9277/9280; email mmasondo@environment.gov.za.

¹ Days means calendar days