

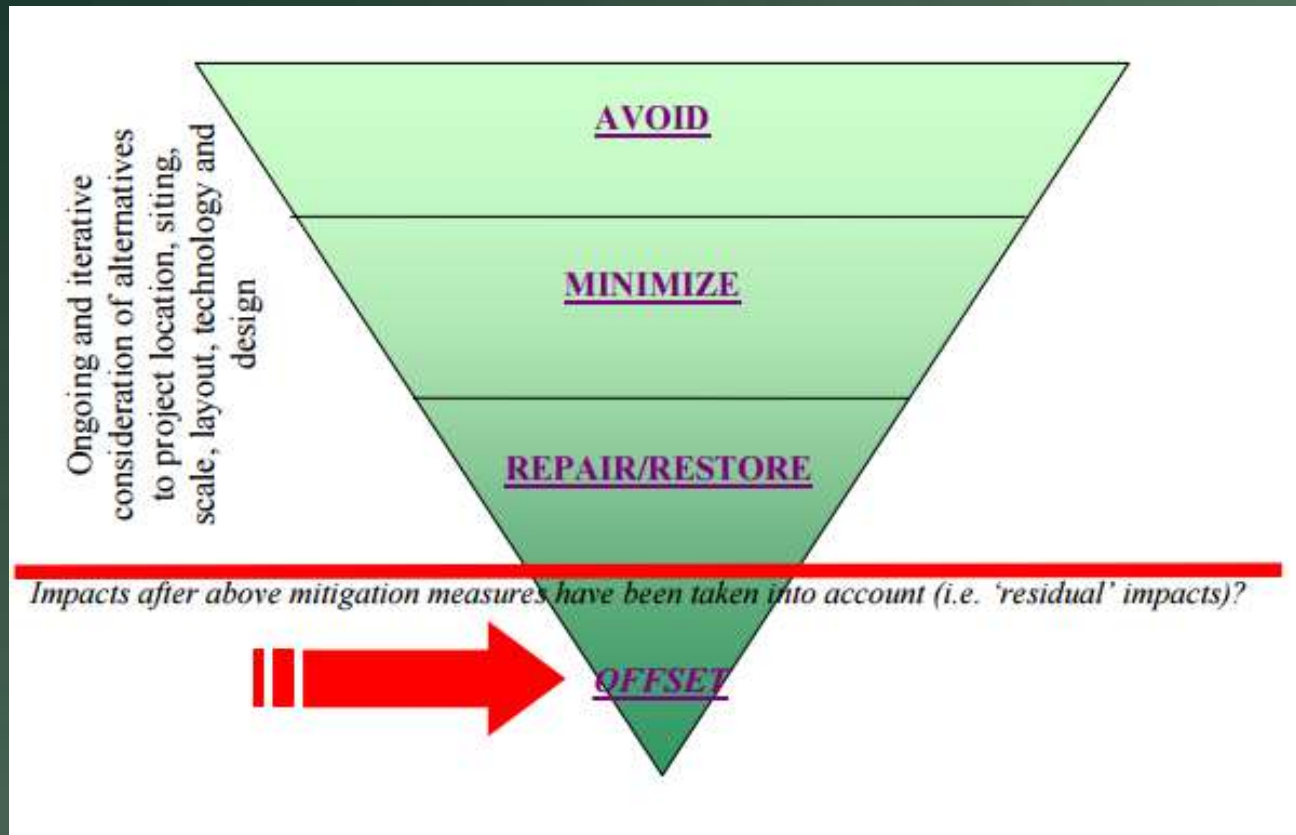
Biodiversity offset implementation in the Western Cape: Policy versus practice

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The Reaction to offsets by decision makers



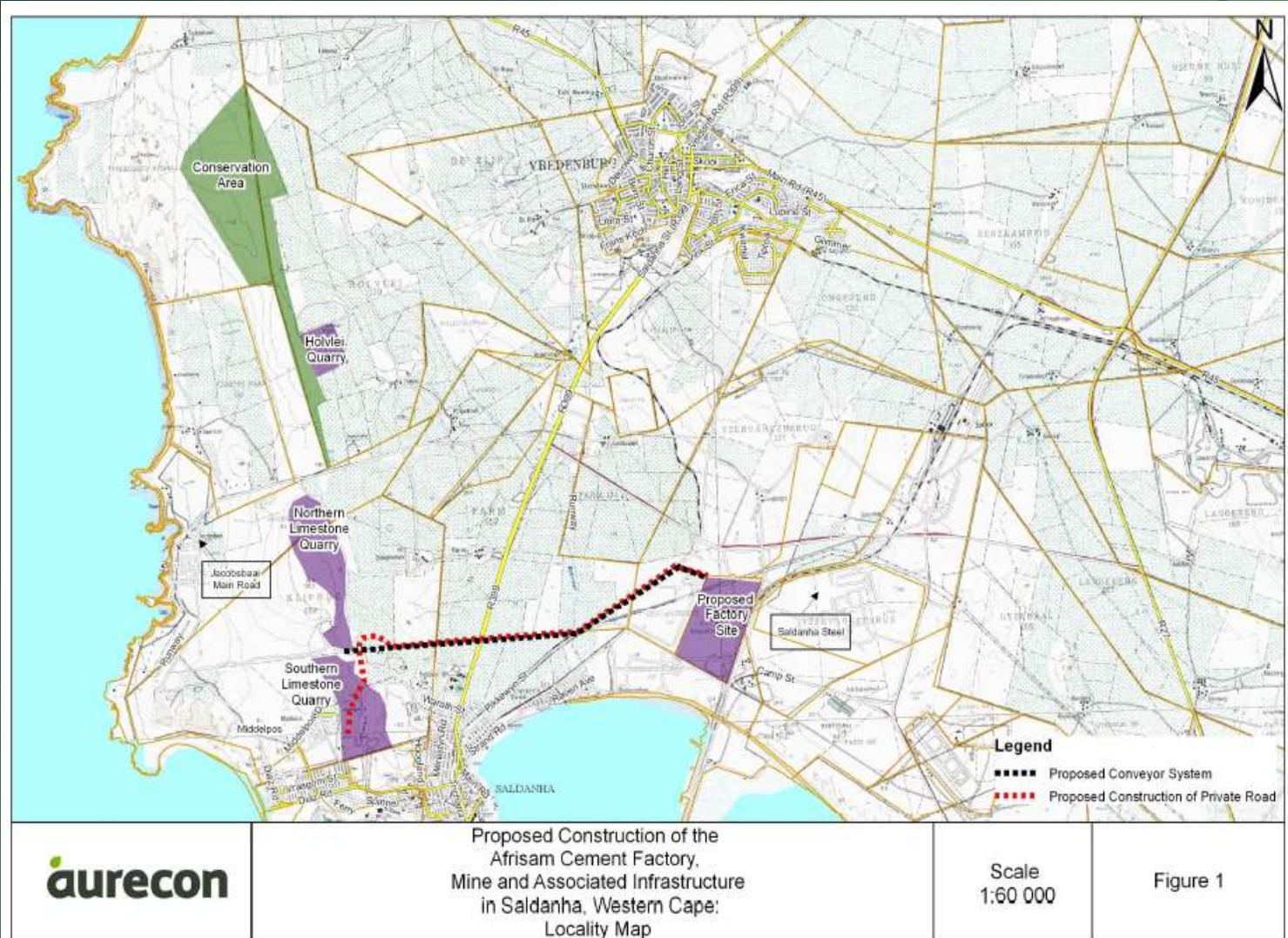
CapeNature also initially reluctant to accept offset as anything but an absolute last resort BUT...

- What about when avoiding is impossible and minimising and mitigating is not enough?
- There is always pressure for development and economic growth (especially for mining as well as low cost housing).
- Options in the landscape are becoming increasingly limited.
- “Political over-rulings”?
- Offsets as conditions do not guarantee success.

**WE NEED TO CHANGE OUR MINDS
ABOUT OFFSETS**



Case study 1: Afrisam, Saldanha Bay



Initial objection based on

- In CBA
- Vegetation type has small remaining extent
- Irreplaceable features i.e. many SCC with very limited distribution (from initial information some species thought to be only within mining footprint)
- Alternative sites do exist in W. Cape for mining of limestone
- Relatively large footprint
- Long term impact > 80 years



Ferraria
densepunctula
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Next steps

- CapeNature objected in comments on Final EIR
- DEA&DP rejected FEIR and requested a biodiversity offset study and an alternatives study.
- This added approx. 13 months to the process.
- Good offset report produced (von Hase & Brownlie) and amended EIR provided for comment (Jan 2015).
- Extensive consultation with local experts and CapeNature to determine species localities, appropriate offset sites, mechanisms for implementation etc.
- CapeNature no longer objected to application subject to the determined offset being successfully implemented (with conditions).
- Concurrent to this applicant already investigating viability of including certain properties as part of the offset.
- EA not issued yet (as of June 2015).



Positives:

- Applicant actively involved in seeking offset properties
- Open discussions
- DEA&DP providing detailed and precise requirements
- Willingness to use Western Cape biodiversity offset guidelines (still in draft) and best available science to determine an appropriate offset

Not so good:

- Getting past initial expectations of applicant

Negatives:

- Getting the right properties at the right price
- Timeframes for implementation



Daubenya zeyheri

Case study 2: Shaw's Pass

- Not going to go into detail regarding background as this case has been used quite extensively as a case study.
- But how is the implementation going?

Positives:

- Precedent setting, use of financial offset to create a management fund
- Several parties cooperating to reach initial agreement

Negatives:

Planning approval delays

Landowner indecision (what to keep for farming in the future)

Concerns for successful implementation of biodiversity offsets

- Legislative interpretations of the requirement for offsets.
- Getting everyone thinking the same about offsets – do they form part of mitigation as required by NEMA or are they an “extra requirement”?
- Inter-governmental agreement on target areas for offsets.
- The “One Environmental System” and timeframes for decision-making.
- The level of detail provided in conditions of authorisation (different authorities have different standards).

Concerns for successful implementation of biodiversity offsets cont.

- Subjectivity of impact ratings during EIA.
- Use of best available science vs legislation.
- Artificial property price inflation.
- Most developers don't want to be in the business of conservation – they want to hand over the money or land.
- Capacity constraints in all departments (long intensive process, skilled input required).

Future approach to offsets

- Amend definition of mitigation.
- Provide clear guidelines on what constitutes unacceptable development (“the usual” mitigation measures are not always enough).
- Don’t consider offsets as a last resort but as a “mitigation alternative” (especially for projects which are known to have perceived socio-economic benefits where the site is of high conservation importance).
- Allow applicants to investigate offsets earlier in the application so feasibility can be ascertained before EA.
- Land banking (lead authority, money..?)

Birdlife Annual Report 2014:

“There is perhaps little else in the world of environmental management with greater potential for good or evil than offsetting”

Acknowledgements

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Questions?

