

MINIMUM REQUIREMENTS FOR BIODIVERSITY IN ENVIRONMENTAL IMPACT ASSESSMENTS

Biodiversity Planning Forum,
Wilderness, 8 June 2016



Biodiversity and Conservation



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Background

2014:

- Draft *Guidelines for minimum requirements for biodiversity considerations in land use planning* developed
- Consultations at several stakeholder forums, e.g. **Biodiversity Planning Forum**
- A need to develop the guidelines into a **legal tool** (NEMA) identified



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Rationale

A major shortcoming in EIA's is that biodiversity considerations are usually inadequately reflected in the EIA process, especially with respect to how local site specific issues impact on the broader/regional context

- Draws on the principles of integrated environmental management (IEM)-
to motivate how best available information about biodiversity priorities can be used proactively to promote ecologically and socio-economically sustainable development when undertaking:
 - ✓ Basic Assessments and
 - ✓ Scoping and EIA Reports
- Biodiversity requirements drawn from –
 - ✓ Existing guidelines and in accordance to the CBD COP8 Decision VIII/28 Impact Assessment: Voluntary Guidelines on Biodiversity-inclusive Impact Assessment
 - ✓ CBD's Strategic Plan for Biodiversity 2011-2020 and Aichi Biodiversity Targets



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Purpose

Purpose of standards/MRs:

- To present a standard (minimum) approach – premised on the principles of integrated environmental management (IEM) relating to:
 - development planning
 - impact assessment and
 - decision making geared towards finding a defensible balance between ecological sustainability and justifiable socio-economic development
- Complement/strengthen existing provincial guidelines for biodiversity
- Publish as additional NEMA EIA Regulation requirements – to close the gap in legislation for ensuring biodiversity is adequately considered

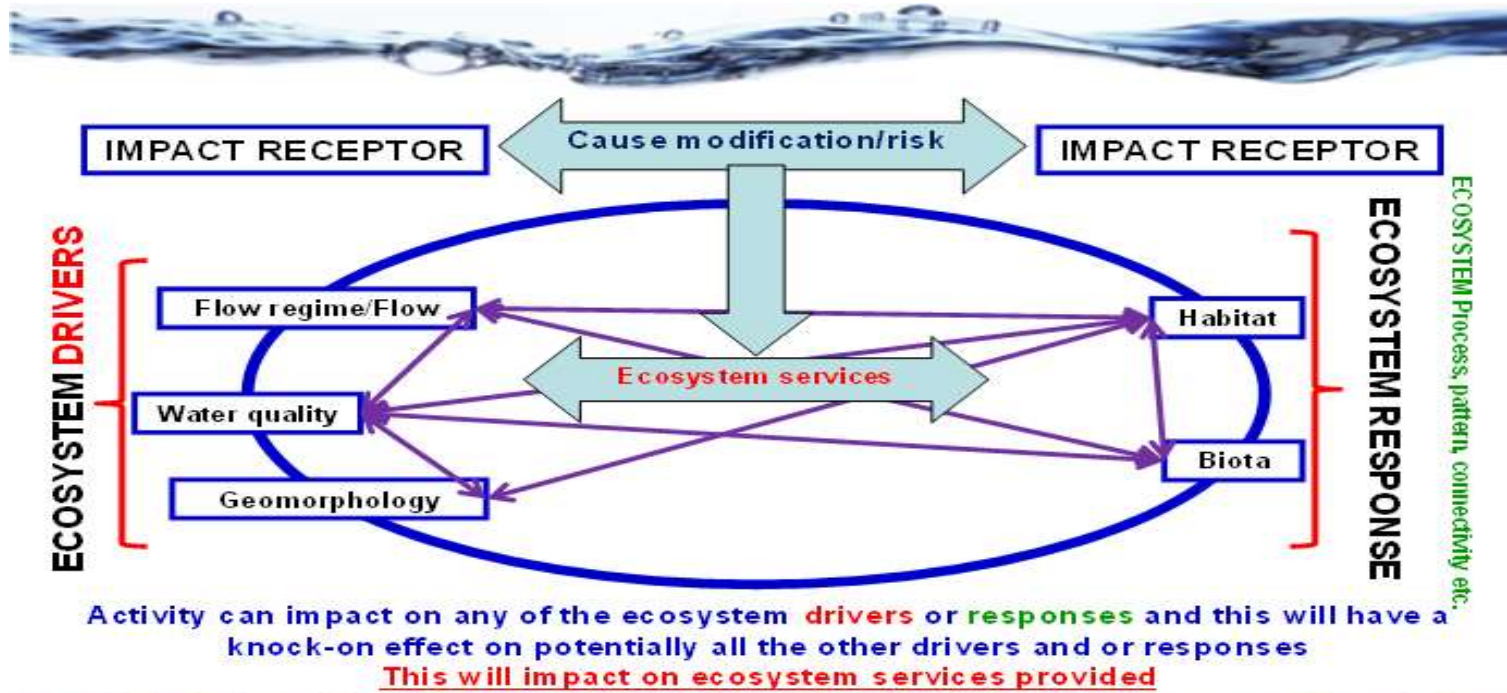


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Minimum requirements - Principle approach



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WULA and EIA must provide mitigation for these impacts

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Biodiversity Triggers

- Typical triggers for an EIA:
 - ✓ A **protected area**
 - ✓ A **threatened ecosystem** located outside a protected area
 - ✓ Areas identified as being important for **key ecological & evolutionary processes**, incl. high levels of endemism (i.e. regional or local ecological corridors, important habitat for threatened, protected or commercially valuable species, highly dynamic or unstable systems, or the need to maintain key processes which 'drive' ecosystems)
 - ✓ Habitat for **threatened, protected or local endemic species**
 - ✓ Habitats that provide important **ecosystem services** (e.g. wetlands regulating water supply)
 - ✓ Areas traditionally used **by local communities** for natural goods and services
 - ✓ **Downstream** ecosystems (e.g. water storage or dam)
 - ✓ **Integrity** of ecosystems (e.g. introduction/removal of species)



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Legal Implications

Biodiversity specific minimum requirements to be brought into NEMA EIA Regulations-

- Additional information required in Specialist Assessment Report (Appendix 6 of EIA 2014 Regulations)
- Applicable to any EIA potentially impacting on any biodiversity sensitive area measured against levels of biodiversity sensitivity
- Mandatory requirement for:
 - Competent Authorities
 - Project developers and
 - EAPs to demonstrate application thereof (Specialist Report)
- DEA spatial web-based screening tool:
 - MRs/biodiversity information requirements to be included into screening tool to strengthen legal requirements for applicants and Competent Authorities to use for all EIAs (2013 Mining and Biodiversity Guidelines already incorporated)



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Content of MRs – Additional information to Specialist Report

The following sensitivity features should be addressed to provide reliable **baseline information** against which **potential impacts** of the proposed activity/ies on biodiversity and ecosystem services can be **assessed** and their significance evaluated:

✓ Areas of strategic biodiversity significance:

- Indicate if the proposed project could impact any of the following priority areas for biodiversity conservation:
 - **Critical Biodiversity Areas (CBAs), Ecological Support Areas (ESAs)-**
 - Critical Biodiversity Areas (or areas of equivalent status such as irreplaceable and highly significant areas, from provincial spatial biodiversity or 'C' plans)
 - Ecological Support Area (ESA)
 - Other Natural Vegetation



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Additional information to Specialist Report

- Freshwater priority areas
- Site specific - latest SANBI wetland data, google map, wetland delineation guidelines, Land Type Database
- Protected areas (in terms of the NEM: Protected Areas Act):
 - National Parks
 - Special Nature Reserves
 - Provincial Nature Reserves
 - World Heritage Sites
 - Marine Protected Areas
 - Specially Protected Areas
 - Mountain catchments
 - Buffer zones of PAs



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Additional information to Specialist Report

- Other important areas for biodiversity conservation:

- Transfrontier Conservation Areas
- High water yield areas
- Focus areas for protected area expansion in terms of the National Protected Areas Expansion Strategy (NPAES)

✓ Ecosystem drivers

- Key ecological drivers of ecosystem on site/in vicinity (e.g. waterflow/quality, geomorphology)

✓ Ecosystem responses

- Biodiversity pattern
 - Main vegetation map
 - Ecosystems listed in terms of the NEMBA List of Ecosystems that are Threatened or in need of Protection
 - Threatened or Protected Species Regulations
- Other pattern issues
 - Landscape features that may have significance
 - Current or previous land uses, direct, indirect, cumulative impacts



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Additional information to Specialist Report

- ✓ Ecosystem goods and services
 - Access to & direct use of biodiversity by local communities
 - Extent to which local communities depend on site for ecosystem services (e.g. reliable freshwater supply, protection against flooding)

- ✓ Preliminary assessment of
 - Significant impacts
 - Early changes or alternatives to proposed activities
 - Desirability of proposed project
 - Anticipated need for biodiversity offsets through application of the mitigation hierarchy

- ✓ Spatial information (use of Land Sat, SPOT, Google Earth)
- ✓ Spatial overlays



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Additional information to Specialist Report

- Identify **reasonable** and **feasible alternatives** (e.g. different locations, types of activity, layouts or designs, technology and/or phasing options) that could avoid, prevent or minimise negative impacts on biodiversity and/or ecosystem goods and services
- Identify any **biodiversity ‘show-stoppers’, ‘fatal flaws’** and/or key risks to the outcome of the application
- Identify **the need for specialist studies** to address potentially significant impacts on biodiversity and key ecosystem goods and services
- Draw up **appropriate Terms of Reference** for specialist studies as part of the Environmental Impact Assessment phase, where the proposed activities triggers permit requirements in terms of e.g. NEMA or NEMBA



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Additional information to Specialist Report

In addition:

- Timing of specialist assessments must be done within the flowering season – flora assessments & migratory season (e.g. birds, bats)
- Methodology must be used in accordance to the Provincial guidelines for biodiversity assessment in EIAs or
- Set standard methodology to be used in the specialist studies in the Specialist Report



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MRs – Measuring level of significance

- Biodiversity sensitivity (priority areas) rated on a scale:
 - Very high
 - High
 - Medium
 - Low
- Based on spatial sensitivity data (most recent & in accordance with Provincial guidelines to sensitivity mapping) or
- Set minimum requirements for sensitivity mapping (in Specialist Report)



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Way Forward

- Submit through MINMEC approval process to publish for public comments
- Publish MRs (Gazette Notice - 30 day comment period) as additional information required in terms of Appendix 6 of the NEMA EIA Regulations



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Thank You

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