

**GEORGE****TEL:** +27 (0) 44 873 4923 **FAX:** +27 (0) 44 874 5953**EMAIL:** info@sesc.net **WEBSITE:** www.sesc.net**ADDRESS:** 102 Merriman Street, George 6530**PO BOX:** 9087, George , 6530**CAPE TOWN****TEL:** +27 (0) 21 554 5195 **FAX:** +27 (0) 86 575 2869**EMAIL:** betsy@sesc.net **WEBSITE:** www.sesc.net**ADDRESS:** Tableview, Cape Town, 7441**PO BOX:** 443, Milnerton, 7435

TERMS OF REFERENCE FOR AGRICULTURAL IMPACT ASSESSMENT OR COMPLIANCE STATEMENT

Dear Specialist,

PROPOSED REHABILITATION OF THE ROAD TR75/1 (N12 HIGHWAY) NEAR OUDTSHOORN, OUDTSHOORN LOCAL MUNICIPALITY, GARDEN ROUTE DISTRICT MUNICIPALITY, WESTERN CAPE.

1. INTRODUCTION

Sharples Environmental Services cc (SES) has been appointed by the Western Cape Government: Department of Public Works – Roads Branch (hereafter referred to as the applicant), as the independent Environmental Assessment Practitioner (EAP) to conduct the Application for Environmental Authorisation, in terms of the National Environmental Management Act (NEMA), 1998 (Act No. 107 of 1998) and the 2014 Environmental Impact Assessment (EIA) Regulations of 2014, as amended (GNR 326 of 2017), for the Proposed rehabilitation of the road TR75/1 (N12 Highway), near Oudtshoorn within the Oudtshoorn Local Municipality, which forms part of the Garden Route District Municipality, Western Cape (see Figure 1).

TOR FOR AGRICULTURAL ASSESSMENT: PROPOSED REHABILITATION OF THE ROAD TR75/1 (N12 HIGHWAY) NEAR OUDTSHOORN, OUDTSHOORN LOCAL MUNICIPALITY, GARDEN ROUTE DISTRICT MUNICIPALITY, WESTERN CAPE.

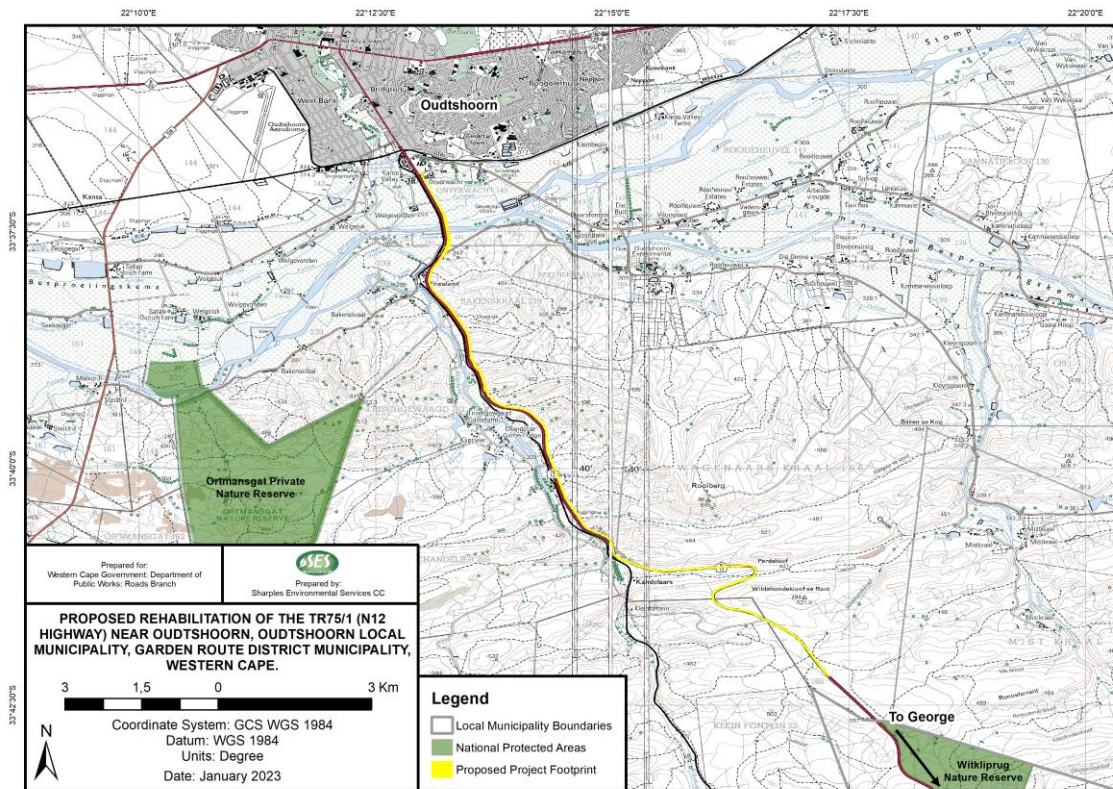


Figure 1. Locality map of the proposed project.

These terms of reference define all the requirements for the Agricultural Specialist Assessment and the deliverables expected of the specialist.

1.1 Screening tool report

A screening report was completed on the 12th of January 2023. A **“HIGH”** agricultural sensitivity rating was indicated (See Figure 2 below).

As per the procedures for the assessment and minimum criteria for reporting on identified environmental themes (Agriculture) in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998, when applying for Environmental Authorisation (March 2020), *“1.1. An applicant intending to undertake an activity identified in the scope of this protocol on a site identified on the screening tool as being of “very high” or “high” sensitivity for agricultural resources must submit an Agricultural Agro-Ecosystem Specialist Assessment unless”.*

Therefore, Specialist input is required.

Sensitivity Features:

Sensitivity	Feature(s)
High	Land capability;09. Moderate-High/10. Moderate-High
High	Annual Crop Cultivation / Planted Pastures Rotation;Land capability;09. Moderate-High/10. Moderate-High
High	Annual Crop Cultivation / Planted Pastures Rotation;Land capability;06. Low-Moderate/07. Low-Moderate/08. Moderate
Low	Land capability;01. Very low/02. Very low/03. Low-Very low/04. Low-Very low/05. Low
Medium	Land capability;06. Low-Moderate/07. Low-Moderate/08. Moderate

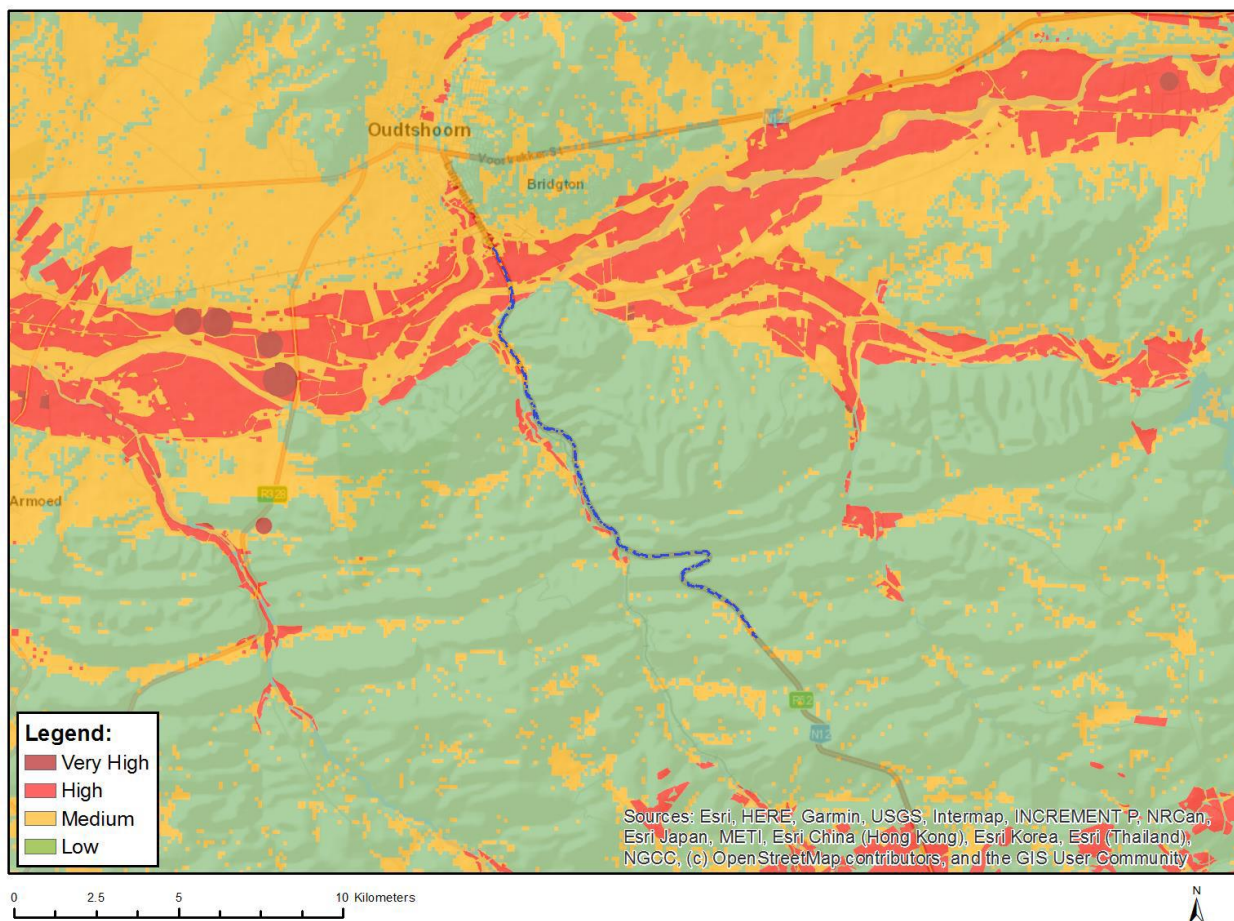


Figure 2: Suggested DEA Screening Tool sensitivity (2022).

2. Specialist involvement

The purpose of this study is to determine if an Agricultural Impact Assessment or an Agricultural Compliance Statement is required to assess the potential impact of the proposed development on the agricultural environment. Thereafter, either an Agricultural Impact Assessment or an Agricultural Compliance Statement should be undertaken, as per the Gazetted Protocol:

https://screening.environment.gov.za/ScreeningDownloads/AssessmentProtocols/Gazetted_General_Agriculture_Assessment_Protocols.pdf

The report should not be limited to this brief. Where the specialist sees the necessity for providing other vital information or investigations, this should be included.

The specialist conducting this study must:

- Be independent and have expertise in conducting similar assessments.
- Have a suitable academic qualification in the relative field.
- Be registered with the South African Council for Natural Scientific Professionals (SACNASP).
- Be familiar with the assessment criteria commonly used in the EIA Process to assess and evaluate impacts, as well as the newly promulgated Procedures for the Assessment and Minimum Criteria for Reporting on Identified Environmental Themes (March 2020).
- Have good knowledge relating to assessment techniques and to relevant legislation, policies and guidelines.
- Perform the work in an objective manner, even if this results in views and findings that are not favourable to the applicant.

2.1 Terms of Reference

The assessment of the proposal will necessitate specialist input which will need to be undertaken within the Terms of Reference listed below and relevant specialist guidelines. In addition to meeting the requirements of the relevant legislation, the compliance statement should also meet those of the Guideline for involving Specialists in EIA Processes and the relevant Gazetted Protocols. The Agricultural specialist must have no financial or other vested interest in the proposed development and must be professionally registered with the South African Council for Natural Scientific Professionals (SACNASP).

Phase 1 (Status quo of study area)

- ✓ A baseline description of the agro-ecosystem must be provided. The Baseline description must explain any current agricultural activities, the existing environmental attributes and impacts on any alternative sites.
- ✓ Identify and list all legislation and permit requirements that are relevant to the development proposal in context of the study.
- ✓ Detailed features required of the baseline description is provided in the Gazetted Protocols, this includes:
 - The assessment must be undertaken based on a site inspection as well as an investigation of the current production figures, where the land is under cultivation or has been within the past 5 years, and must identify:
 - the extent of the impact of the proposed development on the agricultural resources; and
 - whether or not the proposed development will have an unacceptable impact on the agricultural production capability of the site, and in the event where it does, whether such a negative impact is outweighed by the positive impact of the proposed development on agricultural resources.
 - The status quo of the site must be described, including the following aspects which must be considered as a minimum in the baseline description of the agroecosystem:
 - the soil form/s, soil depth (effective and total soil depth), top and sub-soil clay percentage, terrain unit and slope;
 - where applicable, the vegetation composition, available water sources as well as agro-climatic information;
 - the current productivity of the land based on production figures for all agricultural activities undertaken on the land for the past 5 years, expressed as an annual figure and broken down into production units;
 - the current employment figures (both permanent and casual) for the land for the past 3 years, expressed as an annual figure; and
 - existing impacts on the site, located on a map (e.g. erosion, alien vegetation, non-agricultural infrastructure, waste, etc.).
 - Confirm Medium or Low Sensitivity of the Site.

Phase 2 (Compliance Statement Content)

- ✓ The compliance statement must be prepared by a soil scientist or agricultural specialist registered with the SACNASP.
- ✓ be applicable to the preferred site and proposed development footprint;
- ✓ confirm that the site is of "low" or "medium" sensitivity for agriculture; and
- ✓ indicate whether or not the proposed development will have an unacceptable impact on the agricultural production capability of the site.
- ✓ The compliance statement must contain, as a minimum, the following information:

- contact details and relevant experience as well as the SACNASP registration number of the soil scientist or agricultural specialist preparing the assessment including a curriculum vitae;
- a signed statement of independence;
- a map showing the proposed development footprint (including supporting infrastructure) with a 50m buffered development envelope, overlaid on the agricultural sensitivity map generated by the screening tool;
- confirmation from the specialist that all reasonable measures have been taken through micro-siting to avoid or minimise fragmentation and disturbance of agricultural activities;
- a substantiated statement from the soil scientist or agricultural specialist on the acceptability, or not, of the proposed development and a recommendation on the approval, or not, of the proposed development;
- any conditions to which the statement is subjected;
- in the case of a linear activity, confirmation from the agricultural specialist or soil scientist, that in their opinion, based on the mitigation and remedial measures proposed, the land can be returned to the current state within two years of completion of the construction phase;
- where required, proposed impact management outcomes or any monitoring requirements for inclusion in the EMP; and
- a description of the assumptions made as well as any uncertainties or gaps in knowledge or data.
- A signed copy of the compliance statement must be appended to the Basic Assessment Report or Environmental Impact Assessment Report.

2.2 General

- ✓ Reference all sources of information and/or data used.
- ✓ Indicate limitations and assumptions, particularly in relation to seasonality.
- ✓ Description of the methodology adopted in preparing the report.
- ✓ Provide a reasoned opinion as to whether the proposed activity should be authorised.
- ✓ The specialist and the report must comply with the following guidelines and legislation:
 - ✓ Procedures for the assessment and minimum criteria for reporting on identified environmental themes in terms of Sections 24(5)(A) and (H) and 44 of the National Environmental Management Act, 1998, when applying for Environmental Authorisation
- ✓ The report should be prepared in a suitable font and submitted to SES in draft form.
- ✓ Ensure it is clear that the mitigation hierarchy has been applied, in order, when recommendations and mitigation is applied.
- ✓ Ensure that there are no conflicting recommendations or conclusions.

2.3 Quotation Details

Please provide a written quote for all applicable phases of the Agricultural Assessment, providing a break-down of the costs for a full Agricultural Impact Assessment scenario and the costs for an Agricultural Compliance Statement scenario.

All quotes must clearly state whether the quoted amount includes or excludes VAT.

3. Expected deliverables

If deemed necessary to undertake an Agricultural Compliance Statement, an initial draft compliance statement covering the above requirement must be submitted to SES **two weeks after the notice to proceed with the above scope of work.** **The final compliance statement** (which shall include any

reasonable amendments in response to the EAP's comments on the initial draft, if necessary), as well as field survey, shall be delivered within **one week** after receiving comments from the EAP.

If deemed necessary to undertake a full Agricultural Impact Assessment, an initial draft report must be submitted to SES **four weeks after the notice to proceed with above scope of work**. The final report (which shall include any reasonable amendments in response to the EAP's comments on the initial draft, if necessary) shall be delivered **two weeks** after receiving comments on the draft report from the EAP.

The report must be prepared in a suitable font (such as Arial 12) and the format and content must comply with Appendix 6 of the amended EIA Regulations, 2017, as well as the Promulgated Protocols relating to Agricultural Biodiversity (dated March 2020).

If any of the mitigation measures recommended in the specialist report require additional plans for implementation that need to form a part of the Environmental Management Programme (EMPr), the specialist is required to compile the report or provide support to the EAP in terms of reviewing the plan that the EAP compiles.

The specialist is further expected to provide responses (specialist input) on the comments received from I&APs during the public participation process.