



forestry, fisheries & the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

Demar Centre, Main Road, Knysna, WC, Contact Number: 066 374 7795
Enquiries: TF Gwala, E-mail: TGwala@dfpe.gov.za

EIA-WC-GR-0013-2026-27

RE: COMMENT ON THE PROPOSED DRAFT BASIC ASSESSMENT REPORT (BAR) FOR DIVISION ROAD (DR) 1602 KM 8.48, KLEINPLAAS ROAD, CROSSING FARM 338 AND PORTION 6 OF FARM 220 IN MOSSEL BAY

DATE: 10 June 2026

Attention: Mrs. J. Gossman
Email: jessica@sescc.net

Dear Sir/ Madam

I refer to your e-mail notification of 14 May 2026 refers.

Please receive comments from the Branch: Forestry Management, Directorate: Forest Resource Protection in the Department of Forestry, Fisheries and the Environment (DFPE) on the above-mentioned proposed Draft BAR.

The mandate of the Forestry Branch in the Department of Forestry, Fisheries and the Environment (DFPE), as a commenting authority, is to ensure control over developments that affect State forests, natural forests, forest nature reserves and protected trees.

1. The applicant must assess and quantify the anticipated impacts on the indigenous forests. The National Forests Act of 1998 (as amended) provides the strongest and most comprehensive legislation and mandate for the protection of all natural forests in South Africa. The principles of the Act in Section 3 state clearly that "...natural forests may not be destroyed save in exceptional circumstances where, in the opinion of the Minister, a proposed new land use is preferable in terms of its economic, social or environmental benefits".

2. Section 7 of the National Forest Act (NFA), act no 84 of 1998 as amended provides for the prohibition of the destruction of indigenous trees in any natural forest without a license. Under section 62 (1) of the NFA any person who contravenes the prohibition of certain acts in relation to trees in natural forests referred to in Section 7 (1) is guilty of a second category offence. A person who is guilty of a second category offence may be sentenced on a first conviction for that offence to a fine or imprisonment for a period of up to two years, or to both a fine and such imprisonment. Section 15 of the NFA, prohibits the destruction of protected trees without a license- "No person may cut, damage, destroy or remove any protected tree; or collect, remove, transport, export, purchase, sell donate or in any other manner acquire or dispose of any protected tree....." Anyone contravening this prohibition, is guilty of a first category offence, and can be sentenced to up to 3 years imprisonment, or a fine, or both.

3. Section 7 of the Act prohibits the cutting, disturbance, destruction or removal of any indigenous living or dead tree in a forest without a licence, while Section 15 places a similar prohibition on protected tree species listed under the Act, some of which are also forest species.

4. Cutting or disturbing an indigenous tree in a natural forest without a valid Forest Act Licence is a criminal offence and a transgression of the National Forests Act, 1998 (Act No. 84 of 1998) and carries a fine or imprisonment or both.



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5. Indigenous trees with active bird nests or other significant biodiversity features may not be destroyed without a valid Fauna Permit from the provincial conservation authority, the Western Cape Department of Agriculture, Environmental Affairs, Rural Development and Land Reform ("DAERL"), if these would be affected.

DDFE studied the supporting documents for the above-mentioned proposed Draft BAR report and the following points related to Forestry's mandate i.e. the implementation of the NFA are applicable

6. According to the information provided: "The existing low-level causeway was significantly damaged during the November 2021 flood events, resulting in structural failure, erosion of embankments, and compromised road safety. The proposed development forms part of a broader provincial flood damage repair programme aimed at improving infrastructure resilience, ensuring continued access, and reducing future risks to both ecological systems and transport infrastructure. The total development footprint is approximately 1,646 m². proposal is for the removal, replacement, and realignment of the existing causeway and associated road infrastructure along Divisional Road (DR) 1602 (Kleinplaas Road) at km 8.48, over the Varings River. The site is located on Farm 338 and Portion 6 of Farm 220 within the Mossel Bay. The site is located within a rural agricultural landscape and crosses the Varings River, which supports riparian habitat and associated ecological functions. The surrounding area includes indigenous vegetation classified as Garden Route Granite Fynbos, identified as sensitive in regional biodiversity planning frameworks". Forestry request that should protected trees occur according to the NFA, that these be rescued and relocated.

Forestry has the following comments:

- i. Forestry has a co-operative governance relationship with various Authorities as well as stakeholders, and thus will take their concerns into consideration if such should arise
- ii. Forestry request the following:
 1. Forestry request that protected trees be rescued and transplanted (where possible) of an offset should be looked into.
 2. Forestry should be contacted timeously to apply for a Section 7 licence under the NFA should removal be required. Forestry may only issue such a licence with conditions under the NFA for the pruning of protected/ indigenous trees overhanging the footprint of the proposed development, once Building Plans are approved as well as all Municipal prescriptions are met. Applicant to comply with all Environmental Laws as well as Municipal prescriptions
- iii. Kindly note that this letter is not a NFA licence
- iv. Section 15 of the National Forest Act (NFA) (Act No. 84 of 1998) as amended prohibits the cutting, disturbing, damaging or destroying of protected tree species without a licence. Section 7 of the National Forest Act (NFA), act no 84 of 1998 as amended provides for the prohibition of the destruction of indigenous trees in any natural forest without a license.

Note: The Department reserves the right to revise the initial comment based on any additional information that may be received

Should you wish to correspond further on this matter, quote Reference EIA-WC-GR-0013-2026-27. Enquiries may be directed to Ms. TF Gwala at TGwala@dfe.gov.za, Cell 066 374 7795.

Yours Faithfully,



SIGNATURE OF DELEGATED AUTHORITY

Department of Forestry, Fisheries and the Environment

Letter signed by: Ms. T. Gwala

Designation: Deputy Director Forest Resource Protection

Branch: Forestry Management

