

<b>Module 3.1 THREATENED, CRITICAL AND PROTECTED SPECIES AND ECOSYSTEMS</b>		<b>STATEMENT OF INTENT</b> <b>Threatened, critical and protected species and ecosystems are protected</b>
<b>Measures</b>		<b>Notes</b>
<b>Legal requirement</b>	<p><b>Threatened and protected species</b></p> <ul style="list-style-type: none"> <li>No natural forest, or indigenous tree in that forest, or any trees deemed protected tree in terms of the National Forests Act 84 of 1998 and as identified in the <i>Government Gazette</i> may be cut, damaged or destroyed except under a licence.</li> </ul>	<p>There are two Acts that regulate the protection of listed plants and animals. These are the National Forest Act (NFA) which protects certain tree species only, while the National Environmental Management: Biodiversity (NEM: BA) protects certain animal and plant species that are in need of special protection measures.</p> <p>The NFA provides for the protection of a particular tree, a particular group of trees, particular woodlands or trees belonging to a particular species. The list is largely confined to indigenous species, but occasionally the Minister may declare alien species such as oaks, pines and gum trees of historical importance or exceeding a certain size but in a separate declaration. The declaration of a list of protected species under this Act is made annually in the Government Gazette and a copy of the latest list of protected trees can be found in the Department of Forestry website: <a href="http://www.daff.gov.za">www.daff.gov.za</a>.</p> <p>The effect of a declaration means that no person may cut, disturb, damage or destroy any protected tree or possess, collect, remove, transport purchase, sell, donate any protected tree, unless under a license or in terms of an exemption.</p> <p>The NFA also allows the Minister to declare a list of National Forest Types as Natural Forests. These types comprise seven Forest Groups and one azonal forest type. The effect of this notice is that no person may cut, disturb, damage or destroy any indigenous tree, or remove or receive any such tree from a natural forest except in terms of a licence or an exemption published by the Minister in the Gazette.</p> <p>The NEM:BA provides for the listing of species that are threatened or in need of protection (which are further classified as critically endangered, endangered, vulnerable or threatened). The most recent regulation was published in April 2004 and the main purpose is to provide for the implementation of restricted activities involving listed threatened or protected species.</p>

<b>Legal requirement</b>	<ul style="list-style-type: none"> <li>• Farmers are to comply with the requirements of the National Environmental Management: Biodiversity Act, 10 of 2004 in terms of any identified restricted activity (section 57), a threatening process or a listed threatened species (section 53).</li> <li>• Farmers are to comply with the requirements for protected and specially protected species as prescribed in terms of provincial legislation.</li> </ul>	<p>Restricted activities involving listed threatened or protected species include:</p> <ul style="list-style-type: none"> <li>(i) hunting, capturing or killing;</li> <li>(ii) gathering or plucking;</li> <li>(iii) picking, damaging or destroying;</li> <li>(iv) possessing or exercising physical control over;</li> <li>(v) growing, breeding or propagating;</li> <li>(vi) moving or translocating</li> </ul> <p>Should a farmer wish to carry out a restricted activity involving any of the listed threatened or protected species, application for a permit must be made to the relevant authority. A restricted activity may only take place with a permit and under any conditions attached to the permit. A risk assessment would be required before a permit would be issued.</p> <p>The list of threatened species that would typically occur in a forest management unit would be oribi, Cape Parrot, the three species of cranes, blue swallow, various aloes, cycads, stag beetles, vultures, some mole species, black stork, bald ibis, grass owl, blue duiker, baboon spiders, bullfrogs, dwarf chameleon, Denham's bustard, southern ground hornbill, serval, reedbuck and various clivia species.</p> <p><b>Regionally protected species</b>  Various provincial Acts or Ordinances give protection to certain plants and animals. Provincial legislation generally prohibits certain conduct relating to protected species, such as keeping of certain animals, hunting, setting of snares or traps, sale and purchase of game. Farmers should be aware of and comply with these prohibitions. Generally speaking, national legislation trumps provincial legislation.</p>
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