



Outeniqua Game Farm

Report compiled by Outeniqua Game Farm
in consultation with *Andrew West Environmental Consultancy & Gorra Water*

Date: 12 June 2019

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EXECUTIVE SUMMARY

Introduction:

Following the Pre- Compliance Notice, issued after the Environmental investigation on Outeniqua Game Farm by Environmental Law Enforcement and officials from the Mossel Bay Municipality, Outeniqua Game Farm, in consultation with Environmental Representative Mr Andrew West, Mr Retief Kleynhans from Gorra water and specialist Botanist Mr Jan Vlok, has prepared written representation to the Department as to why the Compliance Notice should not be issued.

Background information:

Outeniqua Game farm is historically an Agricultural farm. Alien vegetation was possibly mismanaged by the previous foreign owner from 2010 onwards, when he no longer lived on the farm, and the farm became severely overrun by Alien vegetation.

In 2016 the Farm was extensively burnt causing

- loss of grazing for herds,
- soil erosion
- and mass germination of Black Wattle.

The drought which followed the fire resulted in very little natural vegetation coming through.

Management Plan

Outeniqua Game farm has suffered under the Environmental disasters it has faced in the past and we are trying to recover from these by restoring and rehabilitating the land to the best of our current financial ability.

Our farm management plan has divided the farm into sections and rehabilitation and management plans have been put into place to speedily remediate and protect what is left of the biodiversity on the land.

Alleged Illegal activities

- **Activity No 19**

The infilling or depositing of Material of more than 10 cubic meters into, or the dredging, excavation, removal or moving of soil, sand, shellgrit, pebbles or rock of more than 10 cubic meters from a watercourse

- **Activity 27**

The clearance of an area 1ha or more but less than 20 ha of indigenous vegetation

- **Activity 28**

Residential, mixed, Retail, commercial, Industrial developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development will occur outside an urban area, where the land to be developed is bigger than 1 Ha

- **Activity 2**

The development of reservoirs, excluding dams, with a capacity of more than 250 m³

- **Activity 4**

The development of a road wider than 4 m with a reserve less than 13,5 m

- **Activity 12**

The clearance of an area of 300 m² or more of indigenous vegetation within a critically endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004

Conclusion

As owners of the above property, it is our contention that the allegations of illegal commencement of certain Listed Activities as contained in GN.R.983 and GN.R.985, pertaining to the *National Environmental Management Act (Act 107 of 1998)*, are unwarranted.

Your attention is drawn to the attached Botanical Assessment (June 2019) by *Regalis Environmental Services cc* where it states, amongst other conclusions, that no natural vegetation of any significance to conservation was disturbed where alien vegetation was cleared and that the general ecological state of disturbance areas was not healthy prior to activities taking place. In most areas, the vegetation was slashed and not 'cleared' as per definition.

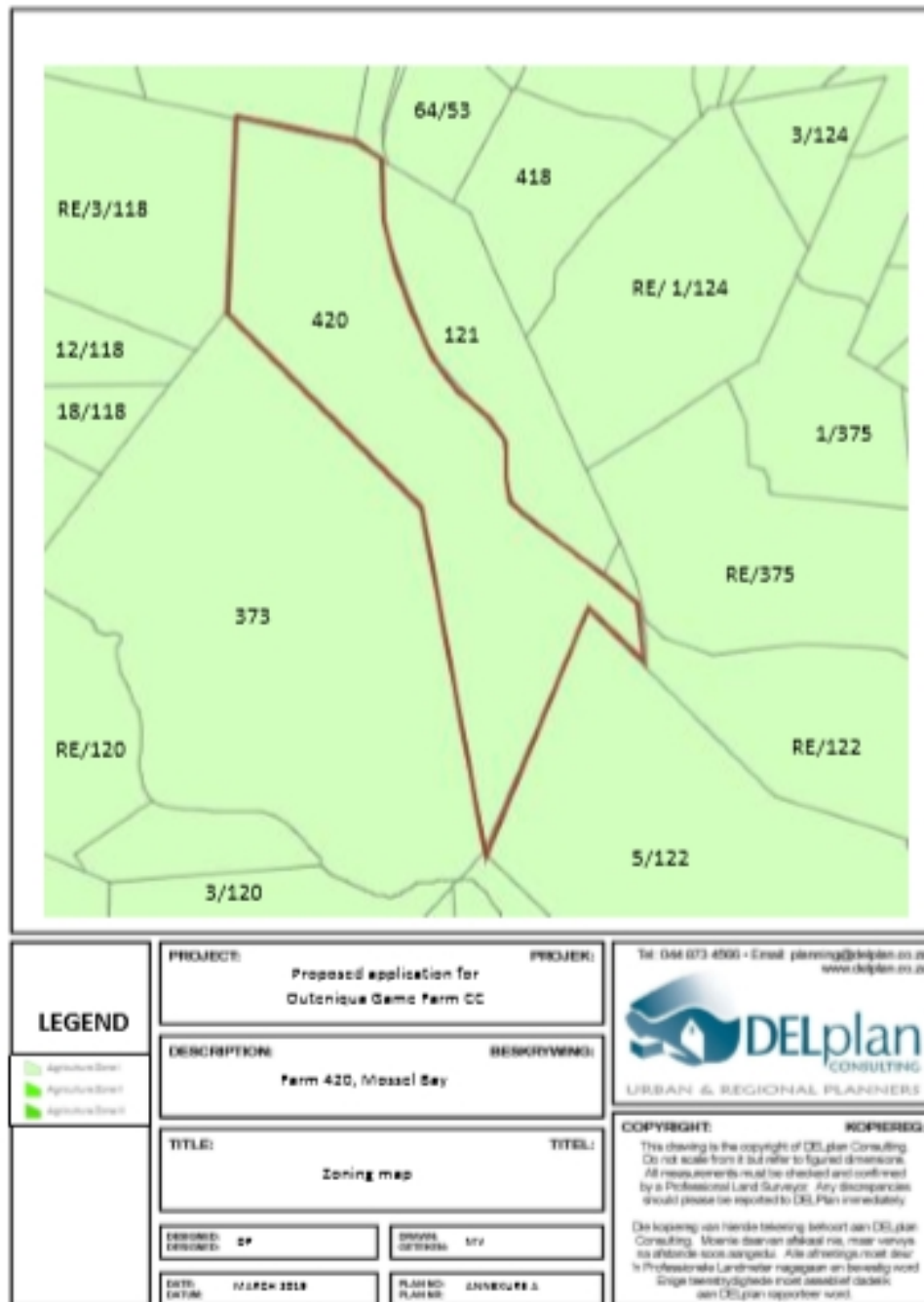
The Specialist's Report further goes on to state that it is quite clear that the blanket Critical Biodiversity Area (CBA) classification for this Farm is not correct as many of the mapped CBA's consisted of old agricultural lands that was overgrown with invasive aliens, nl *Acacia cyclops* (Rooikrans) and *Acacia mearnsii* (Black Wattle).

1.PREFACE

1.1 Background Information on Outeniqua Game Farm

The property was purchased on 1st March 2015 under the pretence of it being zoned as a Resort. This zoning had in fact lapsed in Nov 2014 and to our dismay the farm had reverted back to Agricultural zoning.

See below zoning map.



(Pic 1 Zoning map supplied by Delplan)

In 2016 Owners got advice from a Fire and Disaster Management Expert, Mr Craig Viljoen who started assisting in the Clearing of Alien Vegetation to make OGF less of a fire risk.

(A legal responsibility of landowners- NEMBA ACT)

See attached Environmental Fire Management Plan, compiled and implemented by Mr Viljoen . -not submitted (Appendix 1)

Outeniqua Game Farm became a member of SCFPA (Membership certificate - Appendix 2)

1.2 FIRE 2016

**In December 2016 Outeniqua Game Farm Burnt down- by virtue of other parties transgressions
(+R10 million loss suffered)**

See attached Satellite Image from SANSA (SA National Space Agency) showing the total area burnt.



Figure 12 – Sentinel 2 data of 29 December 2016 with the farm boundaries in yellow and total fire scar in red.

3.3.3 A fire scar is visible on 29 December 2016.

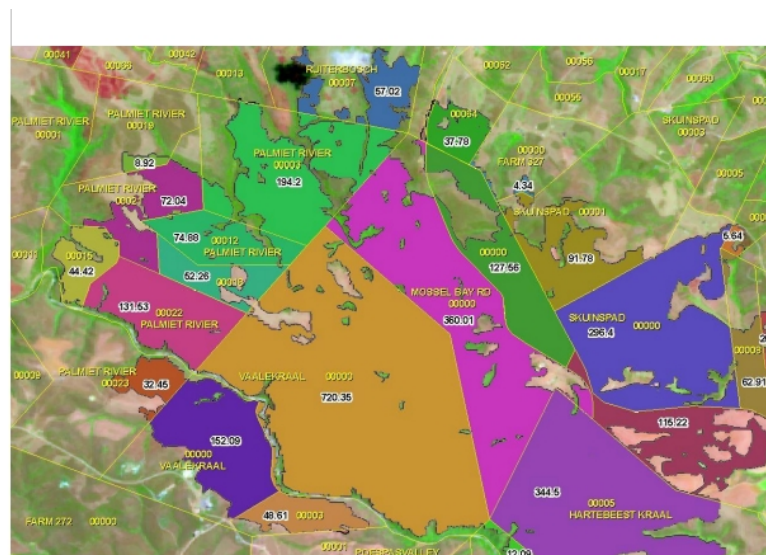


Figure 14 - Fire scar in the portions per farm in different colours.

In figure 14 and 15, the final fire scar (figure 13) was divided into the different portions of the farms. The areas are given in hectares. The areas given are the total area per farm – all portions calculated together.

(Pic 2) Images taken from Report compiled by Mr W Voster, SANSA , 2017 (APPENDIX 3 - SANSA Report 2017)

Total Area of Farm 420 and Farm 375 : 1278.40 Ha

Total Area Burnt: 1080.36 Ha

Total Area not Burnt 198.04 Ha

After 2, unsuccessful applications made to the government for assistance for feed for the ±150 livestock left on the farm (±63 Cattle burnt in the Fire). The burnt areas had to be cleared of Debris and planted with grazing for the livestock.

SPCA came to the farm to assist with recovery and nursing of injured animals
(APPENDIX 4- Boere In Nood, Application for Disaster Relief)

Due to the fact that prior to the fire, the farm was badly overrun by Alien Vegetation (Black wattle, Hakia, Bluegum) the fire was very intense. This resulting in the mass germination of Black wattle seeds.

PHOTOS SHOWING EFFECT OF ON ENVIRONMENT:

1.2.1 Photos showing fire damage:



(Pic 3) Photo Taken Date 9 January (GPS Co-ord -34.0008, 22.0467)



(Pic
4)

Taken On OGF Date 9 January 2017 (GPS co-ord -33.98497,22.02736)



(Pi
5)

Taken on OGF, Date 9 January 2017 GPS Co-ord 33,98062, 22.022391



(Pic6) Photo taken 9 January 2017, GPS Co-ord -33.9828, 22.0242)



(Pic7) Taken 9 January 2017, (GPS co-ord -34.0009, 22.0481)

The devastating blow of

- the lack of Natural vegetation regrowth, due to the damaged seed bed as a result of the intensity of the fire as well as the drought conditions which followed the fire;
 - the threatening long term damage caused by alien vegetation regrowth and erosion;
 - and the need to feed the remaining livestock on the farm;
- prompted the clearing and planting of the areas.

1.2.2 **Photos showing clean up operation after the fire**

Black wattle regrowth after the fire which stimulated the germination of the seeds.



(Pic 8)



(Pic 9) Taken 9 August 2018



(pic 10) Photo taken on Outeniqua Game Farm. Date not recorded.

The magnitude of the task to eliminate the rapid regrowth of the alien vegetation and the clearing of the remaining burnt wattle trees was immense.

In order to manage this the owners:

- Evaluated, mapped and identified areas on the farm (Appendix 5 , submitted to Kegomoditswe Tsiane).,
- Registered for the Government Herbicide assistance programme Monitored by Kegomoditswe Tsiane, Project co-ordinator, Ktsiane@environment.gov.za ,Tel: 021 941 6014, Cell: 072 694 0040)

The owners undertook to clear the alien vegetation and burnt debris in the following ways:

- 1) Employing dedicated teams to cut/pull and poison Black wattle in the riverine areas. These teams were trained and supervised. (Appendix 6: Affidavits and Competency certificates of Bush clearers)
- 2) Mechanically clear burnt debris under which the new black wattle seedlings started to grow and plant perennial grasses .Advice was taken from HygroSA and Agricol. Natural Perennial grass mixes were planted. (Appendix 7 :Attached Invoices)
- 3) Mechanically clear burnt debris to allow regrowth of natural vegetation.



Pile of Dead Trees scraped together by a Bulldozer for Burning

Undergrowth visible after clearing Showing that the top soil and seed bed were not damaged

(Pic 11)

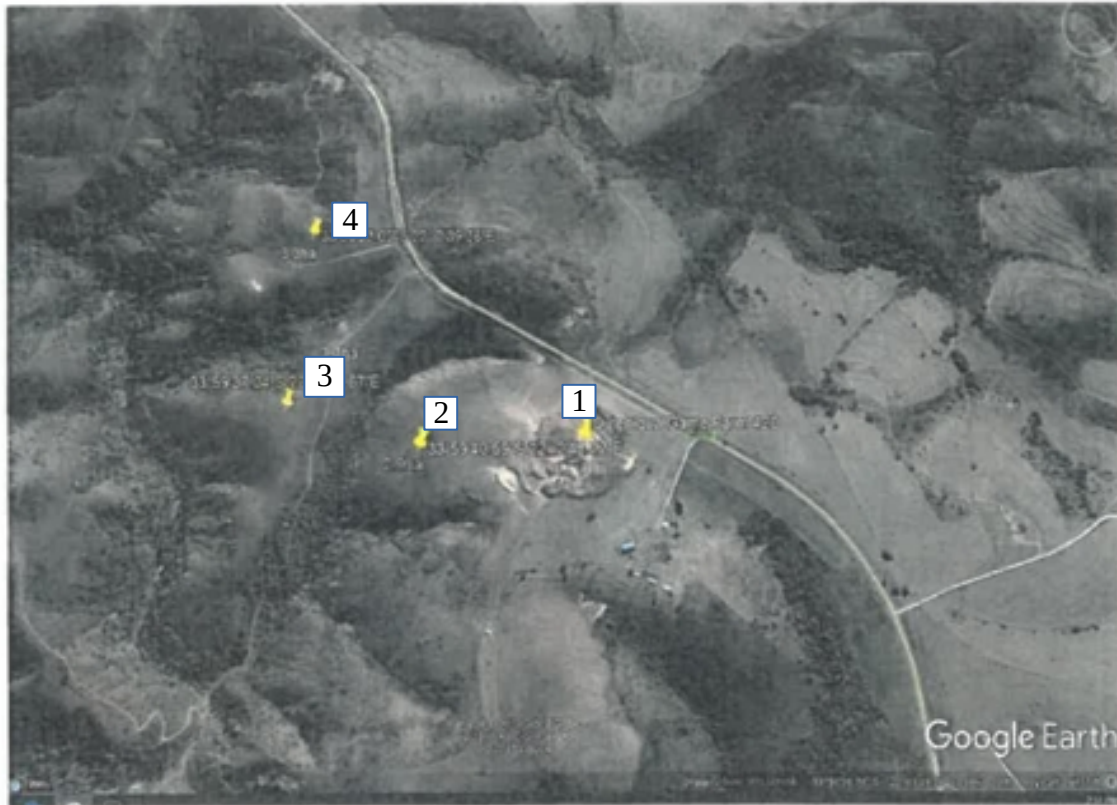
Photo taken on Outeniqua Game Farm 13 April 2018

Dead, dried , burnt wood was pushed into piles for burning (Fire Management Plan). Please take note of the scrub in the forefront of the above picture . The valuable topsoil and seedbed were not disturbed during the mechanical process in the hope that the Natural vegetation would recover. (Appendix 6: Affidavit from Bulldozer driver)

2. ALLEGED AREAS OF ILLEGAL ENVIRONMENTAL ACTIVITY

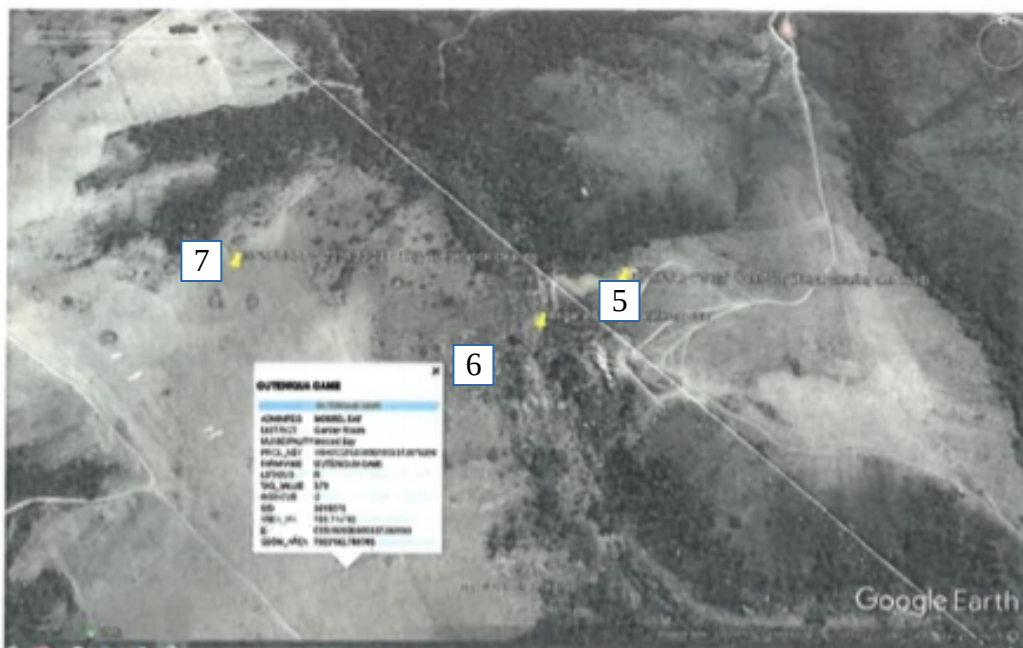
Areas pinned as allegedly being unlawfully managed, numbered for ease of reference.

(Taken from Pre-Compliance notice Reference 14/1/1/E3/9/10/3/L1019/19)



Aerial map 1: Location of some of the areas that have allegedly unlawfully been cleared on Farm No. 420 (Outeniqua Game Farm), Mossel Bay

(Pic 12)



Aerial map 2: Location and Indication of alleged illegal vegetation clearing, illegal construction of a road and illegal infilling within a watercourse on Farm No 420 and 373, Mossel Bay.

(Pic13)

3. LISTED ALLEGED UNLAWFUL ACTIVITIES

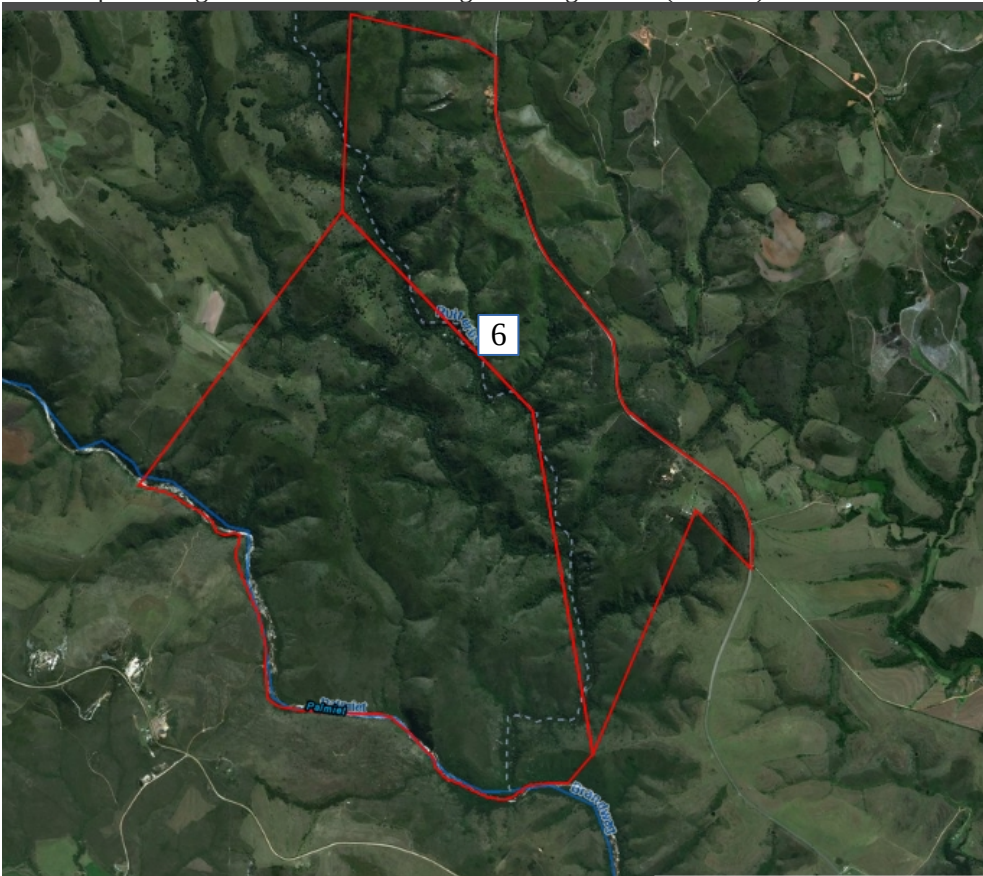
(Taken from Pre-Compliance notice Reference 14/1/1/E3/9/10/3/L1019/19)

3.1 ACTIVITY 19 (pin 6)

The infilling or depositing of any material more than 10 cubic meters into, or the dredging, excavation, removal or moving of soil of more than 10 cubic meters from a water course.

The Ruiterbos River runs through the property dividing the 2 farm portions 373 and 420. The Palmiet River flows along the South Western Boundary of the farm. River crossing marked point 6 will not stop the natural flow of the river (see pictures below). This river crossing and access road was on the farm when we bought the farm in 2015. The previous owner had a 4x4 route running through the farm with many trails cleared. (Appendix 8 Mapped area of 4X4 track - Google Earth 2005)

3.1.1 Map showing rivers on OGF and alleged Transgressions(Point 6)



(Pic 14) Map taken from Elsenberg,Cape Farm Mapper Showing the rivers on and around OGF

3.1.2 Images showing River crossing

RIVER CROSSING AT PIN 6



Picture 15 Taken On Outeniqua Game Farm (GPS -33.9823, 22.0299) DATE 21 March 2019

This is a picture of the road crossing of the dry river bed. (Pin 6 on Pre-compliance Notice map- Pic 10) This road is currently used to assist with the clearing of Black wattle.



Image showing in Fill Height



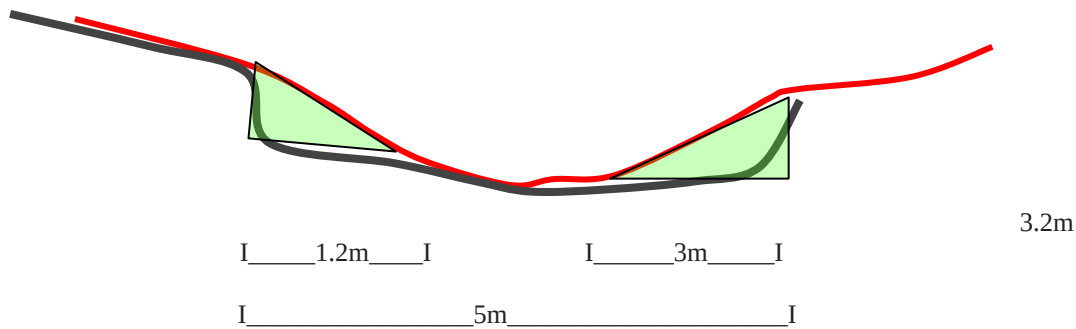
Image showing road length across river(5m dumpy staff)



Image showing road width

Picture 16 taken on Outeniqua Game Farm on 9 May 2019(GPS co-ord -33.9822, 22.0297)

This more recent picture clearly shows the flowing river



Pic 17 Cross section Illustration of road across river

Road Width	3.2m	3.2m
Road Length across river bed	1.2 m	3 m
Infilling height	47 cm	60cm
TOTAL CUBIC METERS	0.903m ³	2.88m ³

3.2 Activity 27 (Pin 1,2)

The Clearance of an area of 1 Ha or more, but less than 20 Ha of indigenous Vegetation

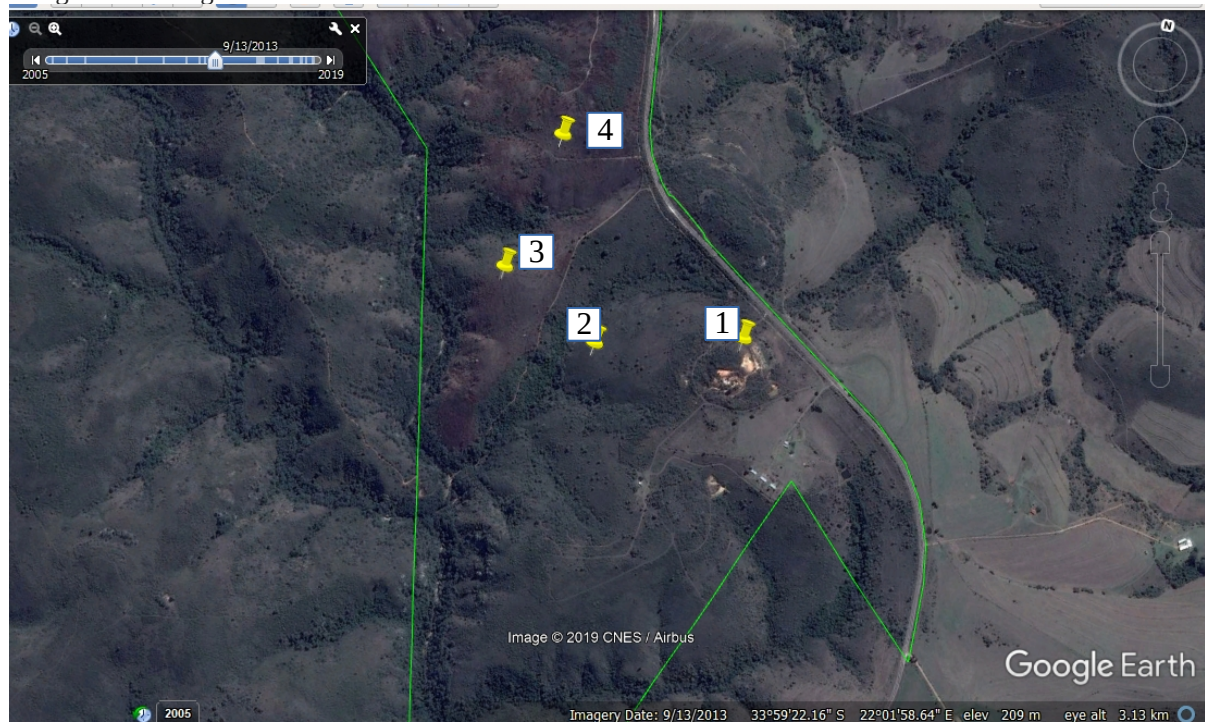
Areas Pinned as unlawfully cleared 1,2,3,4,7

(Taken from Pre-Compliance notice Reference 14/1/1/E3/9/10/3/L1019/19)

(Refer to Above Google Image Map)

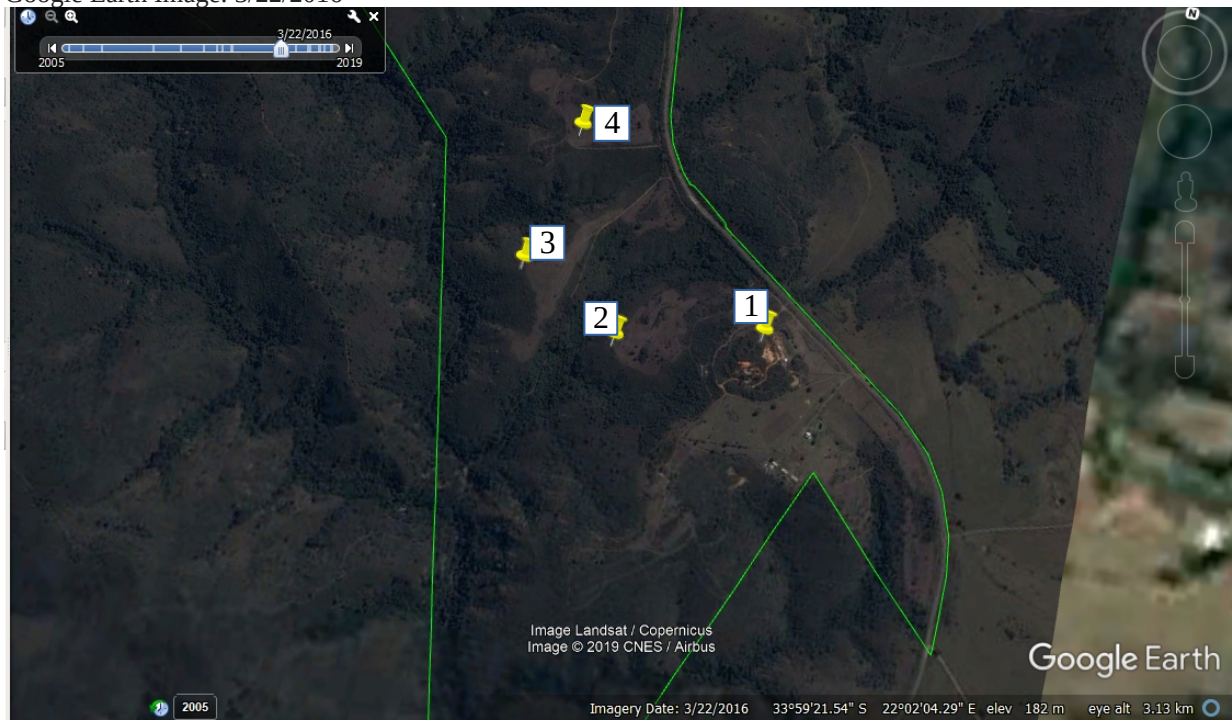
3.2.1HISTORICAL IMAGES TAKEN FROM GOOGLE EARTH (pinned 1,2,3,4)

Google Earth Image: 9/13/2013



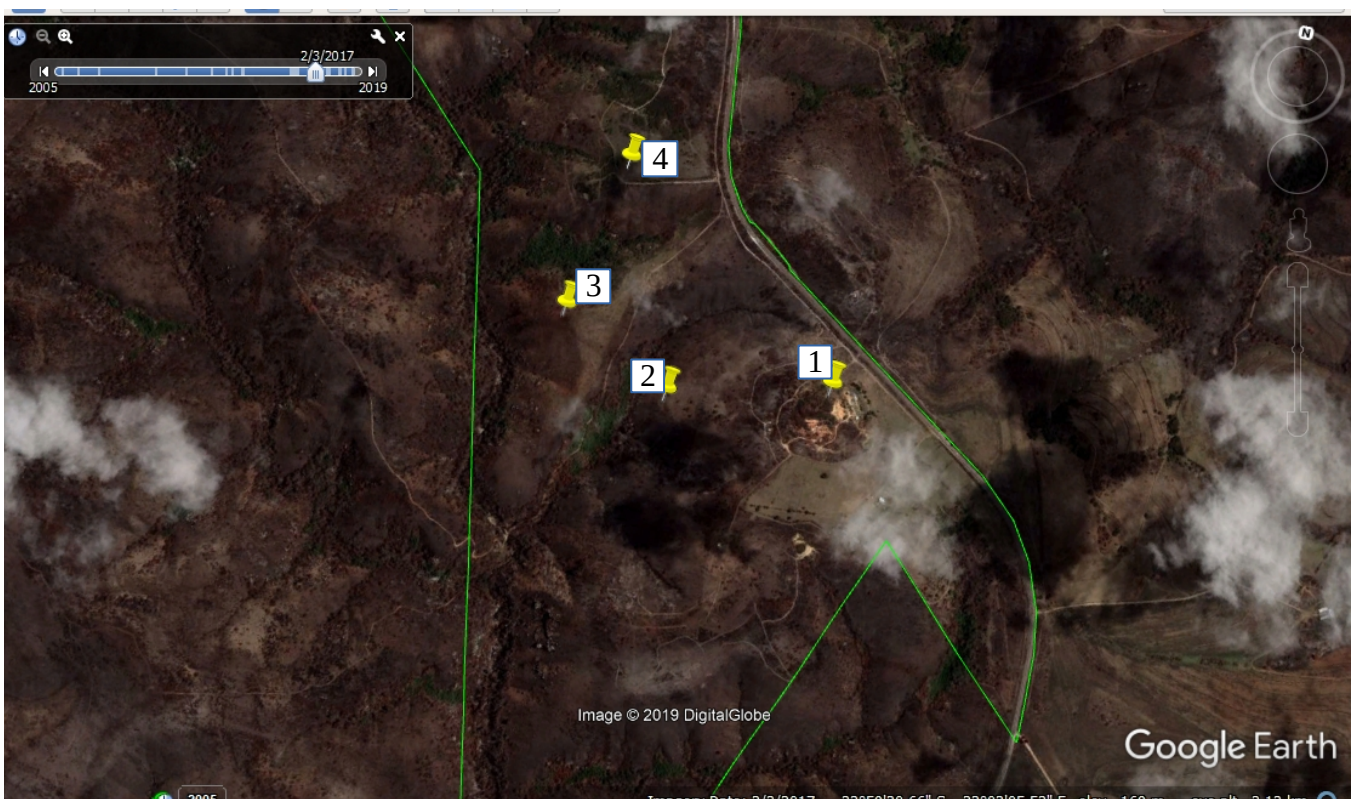
(Pic 18) Cleared areas visible on map. This was before we owned the farm

Google Earth Image: 3/22/2016



(Pic 19)Cleared areas visible on map at pins 1- 4

Google Earth Image: 2/03/2017 (After the fire)



(Pic20) Cleared areas visible on map. Fire damage from Dec 2016 Fire evident.

Google Earth Image: 8/11/2018



(Pic21) Cleared areas still visible on map. Dead stumps and trees removed and lands planted for grazing post fire. See attached Seed invoices and planting records

Google Earth Image:1/7/2019



(Pic 22) Cleared areas visible on map.

At a closer historical inspection of the area it can be seen that the areas were in fact cleared and used in farming operations as recent as 2013 (Appendix 9 Rental agreement and affidavit from Previous Tenant)
Photo below taken in 2018 shows existing land being ploughed/slashed and prepared for planting.

The Google Earth image from January 2019 highlights the fact that the Ruiterbos area is currently very dry and all lands planted are extremely dry showing up very clearly as much lighter in colour.

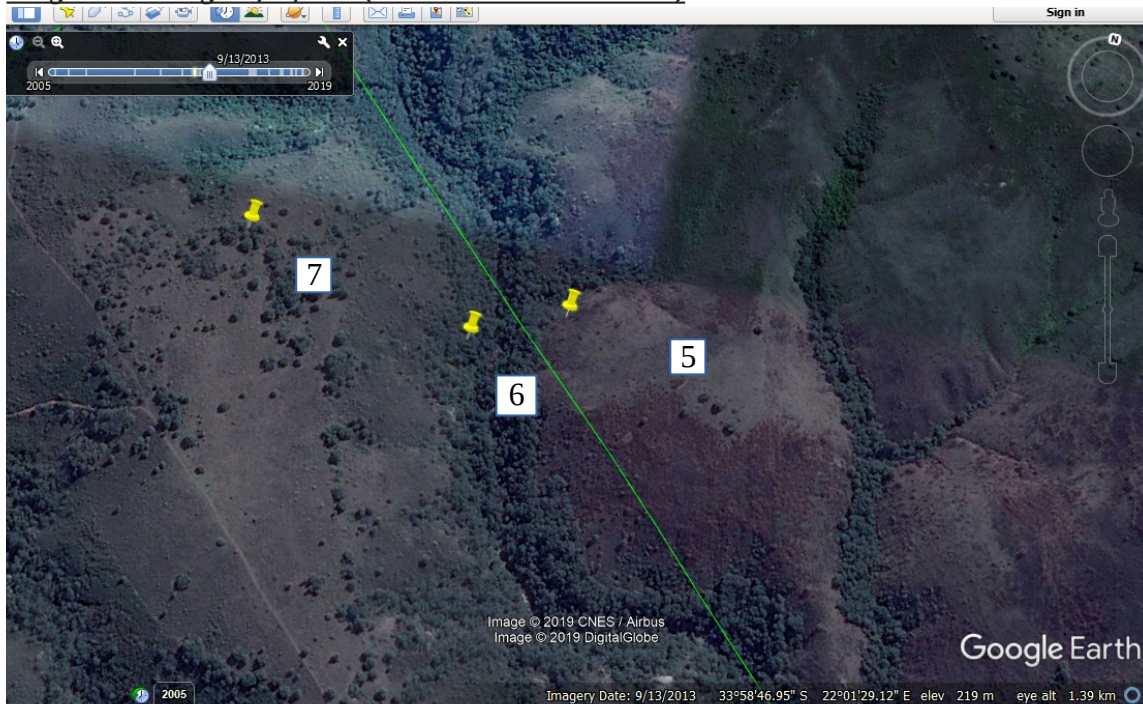


Pic 23 Photo taken in Feb 2018 (GPS Co Ord -33.9922, 22.0450)

3.2.2 Areas pinned No 5, No 6 and No 7

HISTORICAL IMAGES TAKEN FROM GOOGLE EARTH

Google Earth Image : 9/13/2013 (Before we owned the Farm)



(Pic24) Farm land used as grazing visible on the map pin 7, Black wattle growth in riverine evident

Google Earth Image 3/22/2016



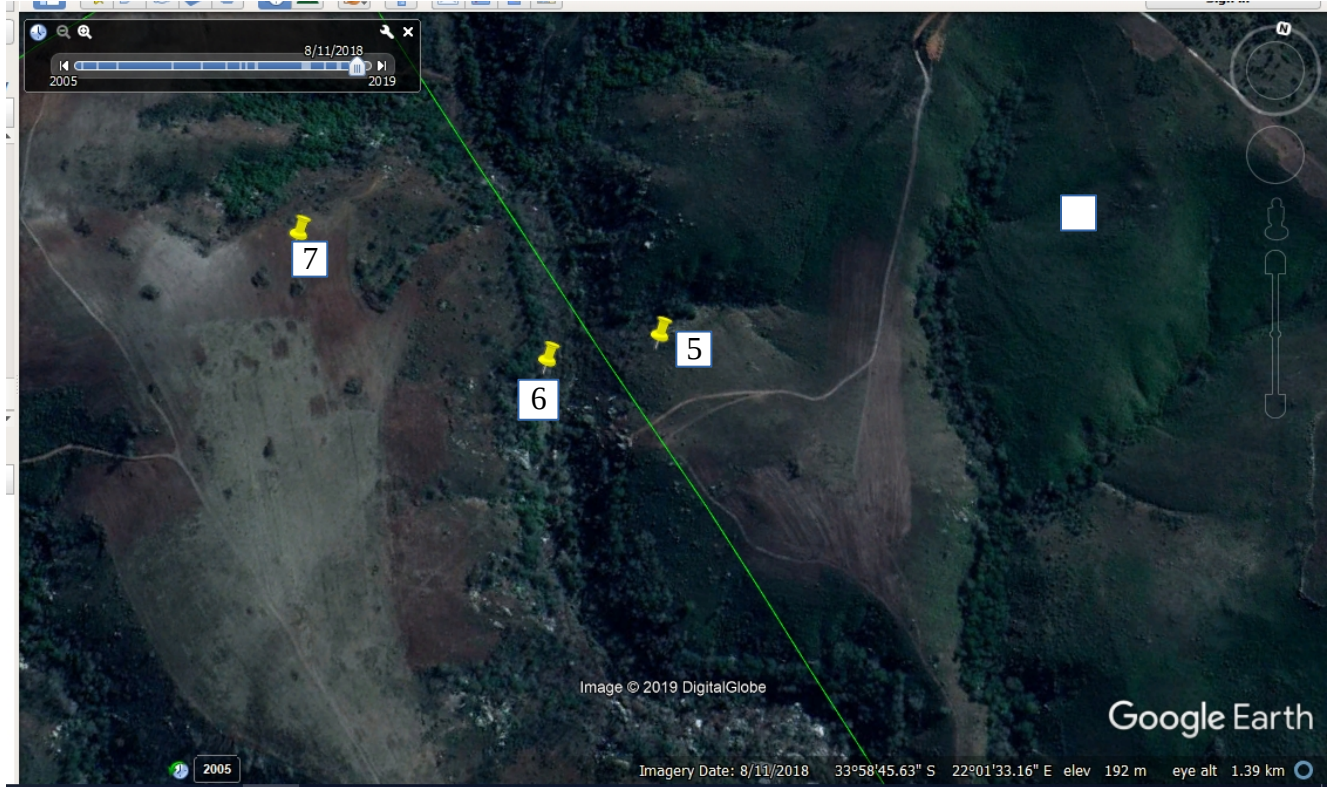
(Pic25) Farm land used as grazing visible on the map pin 7,

Google Earth Image : 2/3/2017 (After the Fire)



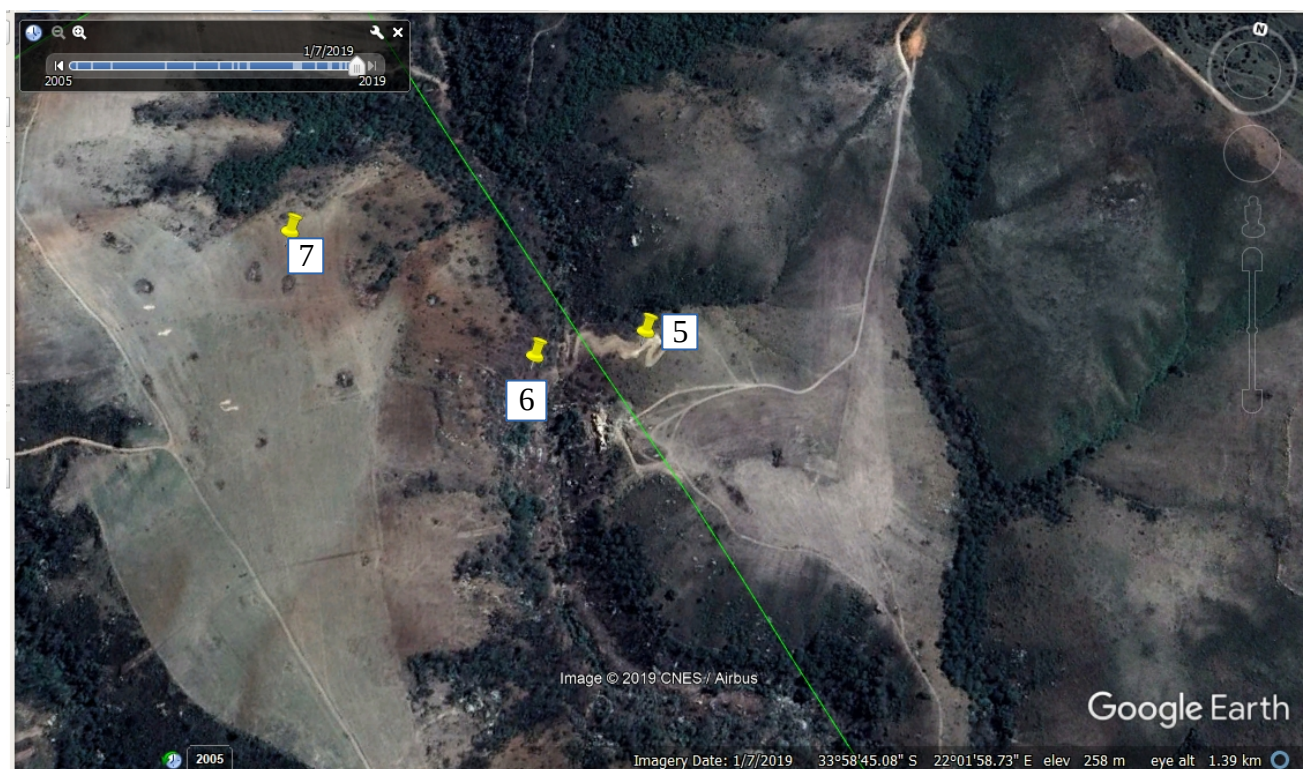
(Pic 26) Farm land used as grazing visible on the map pin 7, extensive Fire damage evident

Google Earth : 8/11/2018



Pic 27 Area cleared of Dead trees and Alien vegetation - see affidavit made by Alien Bush clearers

Google Earth Image :1/7/2019



(Pic 28) Dry lands clear evidence of drought in Ruiterbos area

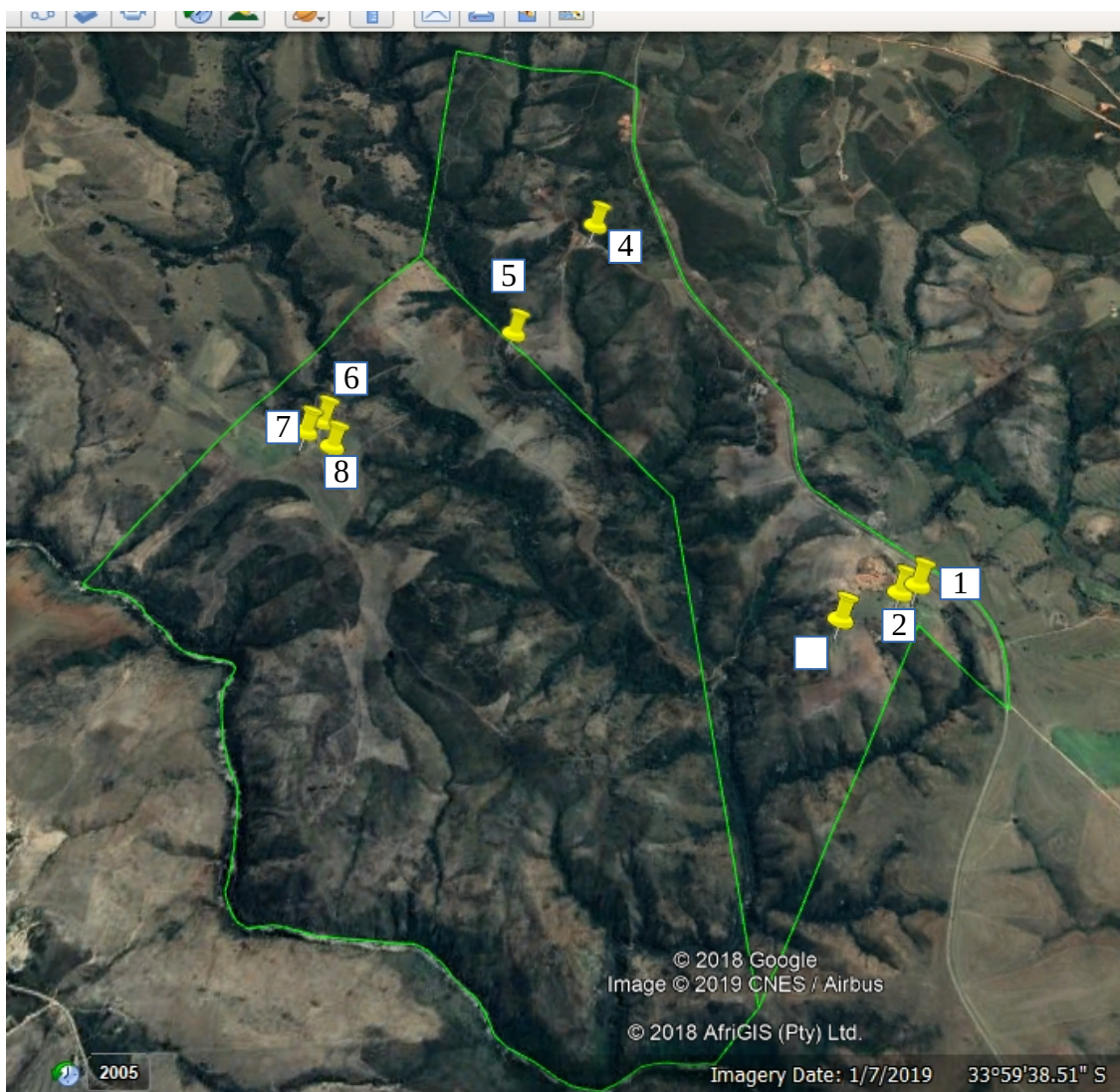
The above photos highlight the fact that the area has been severely altered by the devastation of the fire and drought. The CBA has not been adopted by the province into their Legal Regulations. CBA mapping was originally done on a 'broad scale' and needs to be verified on the ground. The classification of the indigenous vegetation according to VEGMAP 2009, needs to be verified by a specialist Botanist. Outeniqua Game Farm appointed a Specialist Botanist, Jan Vlok, to verify this. See attached report

Alien Vegetation is being cleared in accordance with the Fire Management Plan (APPENDIX 1) and a Government Herbicide Assistance Programme by Competent Trained Staff (APPENDIX 6)

3.3 Activity 28

Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 1 April 1998

3.3.1 Map Showing Positions of current dwellings On OGF



(Pic 29)

3.3.2LIST OF BUILDINGS ON OGF

FARM 420

PIN No:	DESCRIPTION	FOOTPRINT (m ²)
1	Primary dwelling	283 m ²
2	Store1	551 m ²
3	Workers house	46 m ²
4	Store 2	551m ²
	CUMULATIVE FOOTPRINT	1431 m ²

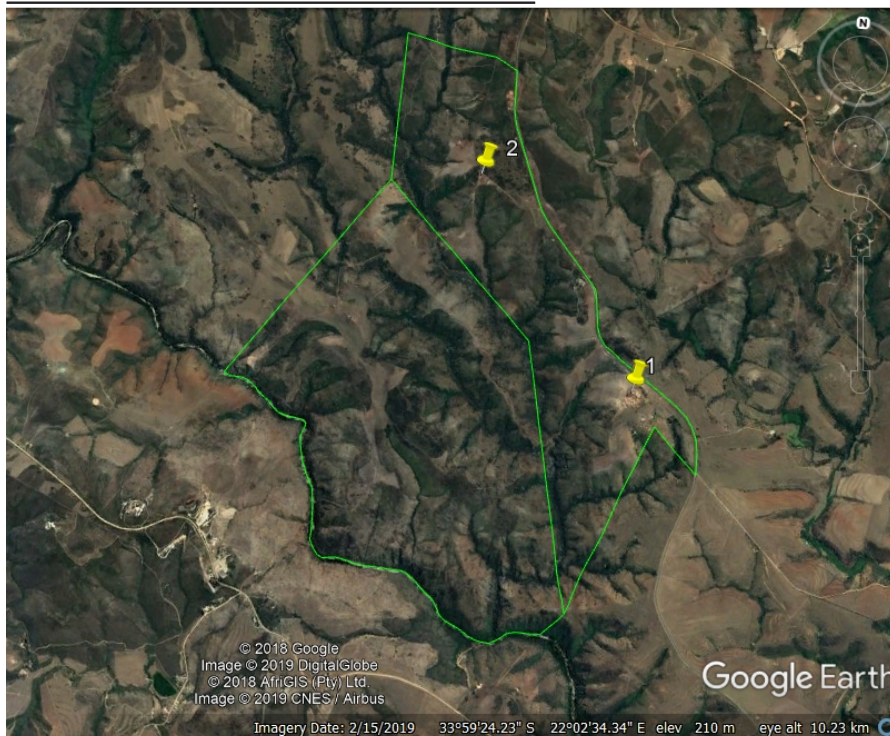
FARM 373

PIN No:	DESCRIPTION	FOOTPRINT (m ²)
5	Primary dwelling Appendix 7 Approved plans (construction in progress)	487m ²
6	Secondary dwelling	220 m ²
7	Staff Accommodation	92 m ²
8	Store 3	551 m ²
	CUMULATIVE FOOTPRINT SIZE	1350 m ²

3.4 ACTIVITY 2 (Pin 1 and Pin 4)

The development of Reservoirs, excluding dams, with a capacity of more than 250 cubic meters

MAP SHOWING POSITION OF STEEL DAMS



(pic 30) Google Image showing Positions of Steel Dams

STEEL DAMS ON FARM No 420

	Height	Max. Fill Height	Diameter	Surface Area	Capacity(Litres).
<u>Dam 1</u>	2.5 m	2.4 m	11.4m	102.07m ²	245 000 l
<u>Dam 2</u>	1.3 m	1.15 m	16 m	201.06 m ²	231 221 l
					486 272 l

Dam 1 (GPS Co-ordinate -33.99443, 22.0501)



Picture 31 Dam 1 Overflow 15 cm from top



Picture 32 : Dam 1 height 2.5 m

Dam 2 (GPS Co-ordinate -33.9767, 22.0337)



Picture 33: Dam 2 overflow 15 cm from top



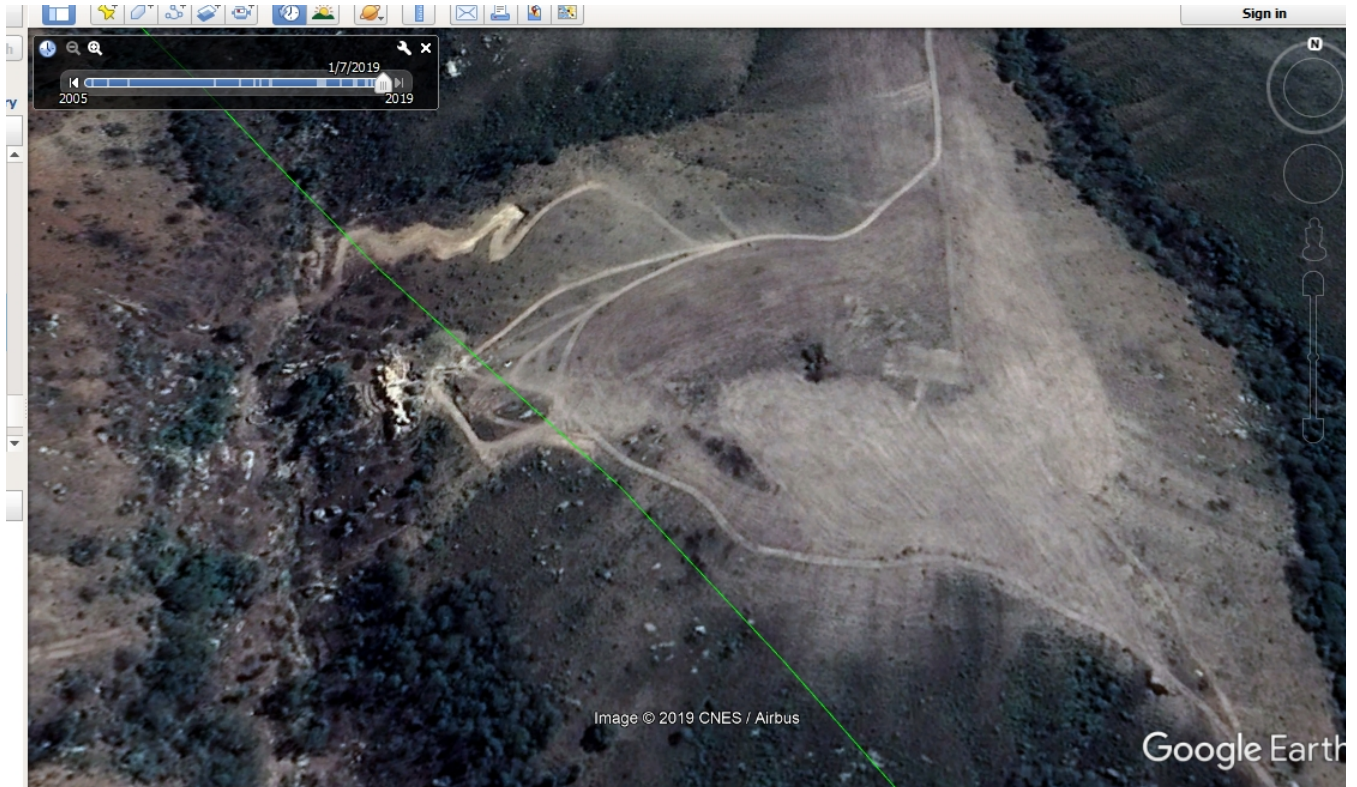
Picture 34 : Dam 2 height

APPENDIX 9 Dam Specifications from Fish River Irrigation

3.4 ACTIVITY 4

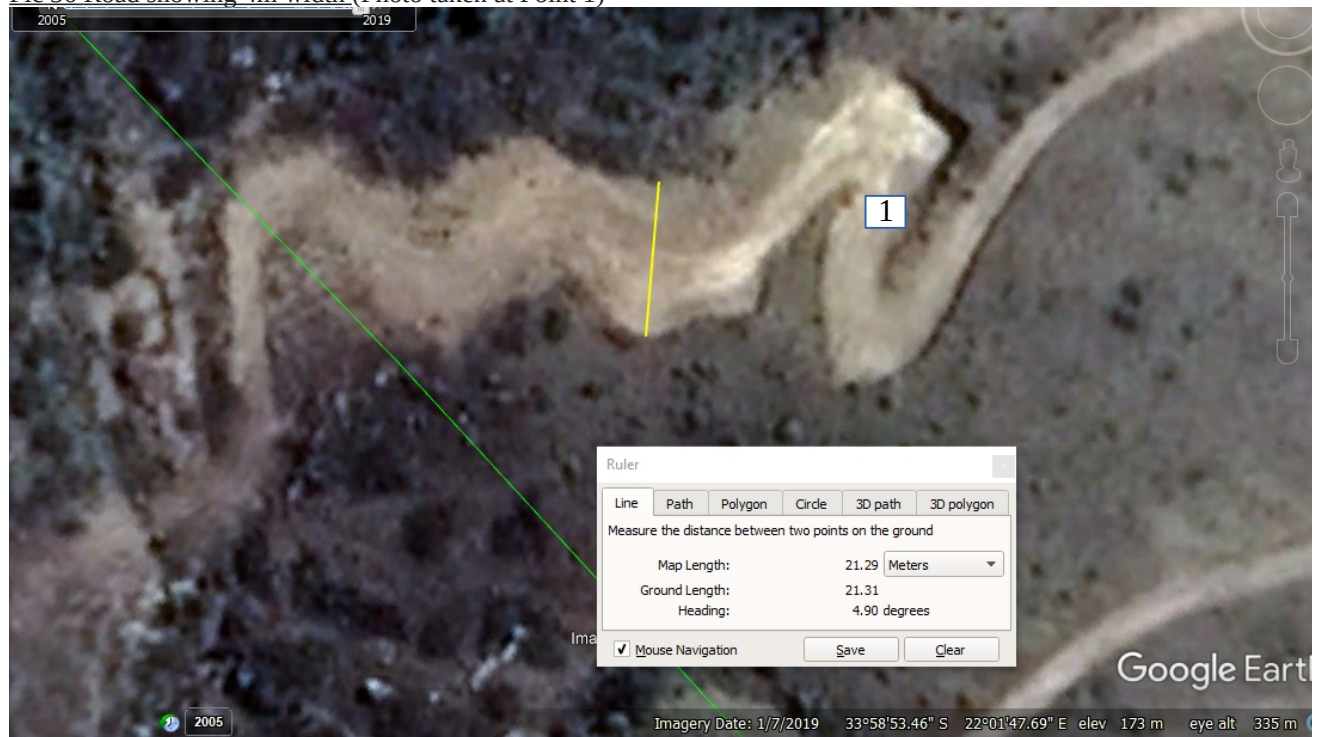
The development of a road wider than 4 metres with a reserve less than 13.5 meters

Google Earth Image: 1/7/2019



Road Cleared (Pic 35)

Pic 36 Road showing 4m width (Photo taken at Point 1)





pic 37 Photo taken 21 March 2019 GPS co-ord -33.9818, 22.0308

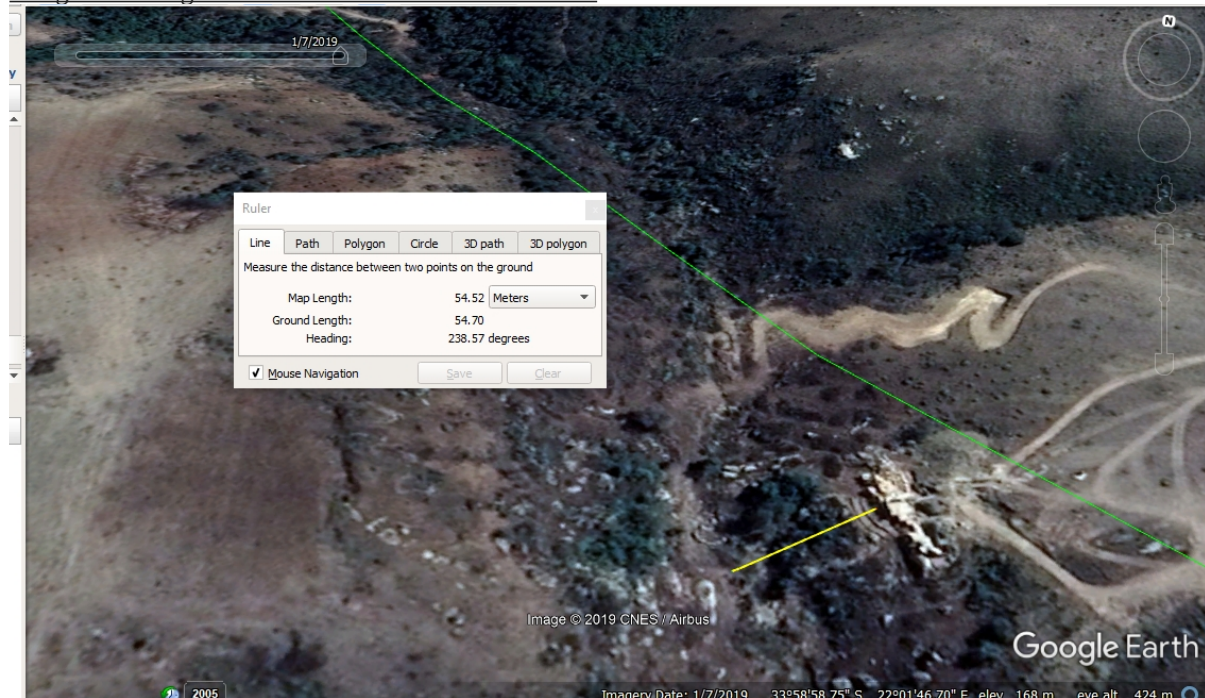
The vegetation classification of the area surrounding the road has been investigated by a Specialist Botanist. (See attached Report)

The use of the road is vital in the wattle clearing programme implemented by OGF. The road surface and retainers will be stabilised and planted to prevent soil erosion.

3.5 ACTIVITY 12

The Clearance of an area of 300m² or more of indigenous vegetation except where such clearance of indigenous vegetation is required for Maintenance purposes undertaken in accordance with a Maintenance management plan.

Alleged dwelling closer than 32 m from a water source



(Pic 38) This picture of Primary Dwelling 1 taken from Google Earth image clearly shows that the dwelling is 54.52 meters from the edge of a water source. The river is currently dry but the measurement was taken up to the usual stream flow line.

4. CONSERVATION EFFORTS

The shareholders of Outeniqua Game Farm have a passionate desire to create and implement management practices that will ensure long term environmental and financial sustainability on Outeniqua Game Farm.

- We are investing in the future of this farm by protecting the plants and animals and water sources from the damaging effects of alien vegetation and erosion and Fire.
- We are progressively and prudently working towards conserving energy by means of solar investment.
- We have been and are planting and re-introducing Indigenous vegetation to the farm.
- We have been and are correcting the highly acidic soils by bringing them back to favorable PH levels with the professional guidance of local agronomists. (APPENDIX 11 Invoices)
- We hold strongly to ethical efficient conservation practices and believe that we are working with the values and principles of Nature Conservation.
- We are actively implementing an Alien Vegetation Removal Programme with Competent and qualified staff. (APPENDIX 6 - Certificates)

Knowing the value of preparing for the future: this as a result of being forced to rehabilitate the farm after the devastating fires which wiped out approximately 90% of the farm and Fencing in 2016. We, as Outeniqua Game farm owners, have made a huge investment in trying to turn the farm around after the devastating fire, we employ approx. 80 staff and house a large portion of these with their families from the surrounding areas, we are making every effort to fight the causes of decay, erosion, and deterioration so as to preserve the future of this amazing farmland. We will continue to plan and prepare the farm to the best of our ability for any natural disasters such as drought and floods and fires that might threaten this portion of land in Ruitersbos in the future.