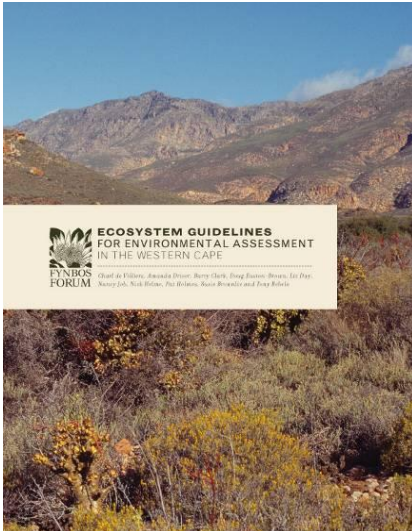




m&e case study

Using EIAs and EMFs to include biodiversity conservation in land use decision making

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The C.A.P.E. partnership is building capacity in local institutions in order to equip them to make wise decisions and establish regulations that will help conserve the biodiversity of the Cape Floristic Region. The clearing of virgin land is the greatest threat to the globally important biodiversity of this region. At a project level, such land use changes are largely regulated through Environmental Impact Assessments (EIAs).

One of the C.A.P.E. partners, the Botanical Society of South Africa (BotSoc), recognised the potential of EIAs for “mainstreaming” biodiversity into development planning. In 2004 they initiated a project, led by Charl de Villiers, which aimed to align EIAs, and resulting land use decisions, with conservation of biodiversity priorities in the Western Cape. The project evolved through four distinct phases as it responded to a changing EIA context and to an improved understanding of the implementation environment.

BUILDING RELATIONSHIPS AND IDENTIFYING ISSUES

Environmental Impact Assessments (EIAs) are a key interface for evaluating development proposals against environmental objectives. The inception phase of the project therefore focused on identifying the major biodiversity-related issues in environmental assessment in the Western Cape. This phase ran from 2004 to 2006, with BotSoc contributing detailed inputs to 61 EIAs¹. The BotSoc project interacted with approximately 10% of all applications initiated during this period. It reached nearly 40% of the province’s environmental assessment practitioners (EAPs)². Through these interactions BotSoc built up a case record that provided direction for subsequent phases.

During this period, De Villiers was also chairing the International Association of Impact Assessors - South Africa in the Western Cape. This contributed to the building of relationships between EAPs and the broader biodiversity sector.

DEVELOPING GUIDELINES

It emerged that the fundamental obstacle to effective incorporation of biodiversity factors into decisions was a limited capacity to identify and evaluate key biodiversity considerations. It became apparent that there was a need to develop “best practice” guidelines for biodiversity assessment. Charl de Villiers was tasked with leading the production of the *Fynbos Forum Ecosystem Guidelines for Environmental Assessment in the Western Cape*³. For this he drew on the knowledge of a wide range of experts. The resulting guidelines include concise, user-friendly overviews of the main ecological ‘drivers’ of Western Cape ecosystems, the major issues, and how these should be dealt with in project planning and impact assessment. These Fynbos Forum guidelines have been well received. Since late 2005 their use has been formally encouraged by the provincial Department of Environmental Affairs and Development Planning (DEA&DP). Key biodiversity questions have now also been added to the basic assessment questionnaire, which is applied to 80% of development applications.

BUILDING CAPACITY

The third phase of the project focused on the implementation of the Guidelines. Training workshops⁴ formed the backbone of the strategy. These workshops are ongoing, continuing to build capacity in this field. The appointment of an intern⁵, Jeff Manuel, in January 2006, made a major contribution to the project’s ‘outreach’ activities. He was then placed by C.A.P.E. within DEA&DP as a biodiversity advisor where he drove training and the assessment of Spatial Development Frameworks.

LEARNING THROUGH REVIEW

A formal assessment of the impact of BotSoc’s engagement with EIAs was undertaken by Susie Brownlie⁶. Findings include the observation that BotSoc’s inputs were most effective when made early in the EIA process and that repeated inputs throughout the EIA further improved outcomes. BotSoc’s comments were recognized as a critical supplement to the over-stretched provincial conservation authority, CapeNature, which is legally mandated to comment on biodiversity issues in EIAs. As an NGO, Botsoc does not have the legal mandate to force a response to its comments. Brownlie suggested that BotSoc work around this by appealing decisions which ‘short-change’ biodiversity.

The Botanical Society EIA project adapted to lessons learnt during implementation and was able to strengthen institutions and improve regulation by:

- **Contributing to a better system for incorporating biodiversity into EIAs**
- **Building capacity of consultants, municipalities, DEA&DP and SANBI**
- **Facilitating enforceable incorporation of biodiversity into agricultural planning**



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“Building relationships with decision makers, and the sectors they regulate, is the key to implementation”

The Brownlie review, together with BotSoc’s experience in the EIA domain, initiated an important shift in approach in 2007, which also marked the final phase of the project. The emphasis changed to building relationships around strategic instruments that would facilitate biodiversity mainstreaming in agriculture.

Until the promulgation of the NEMA⁷ EIA regulations in July 2006, the incorporation of biodiversity conditions into ploughing permits had proved difficult. BotSoc used the advent of the NEMA EIA regulations as an opportunity for initiating its next major intervention, namely to support the development of Environmental Management Frameworks (EMFs) to inform and expedite agri-environmental decision making.

This initiative was convened by the Western Cape LandCare programme with BotSoc’s assistance⁸. The work entailed using fine-scale biodiversity plans to prioritise and inform LandCare Area-wide Planning for places where agricultural potential and biodiversity priorities are potentially in conflict⁹. The area-wide plans were developed in close consultation with local people and consequently had strong buy-in. The objective was then to formalise these Area-wide Plans, giving them enforceable legal status by having the DEA&DP adopt them as EMFs, in terms of the NEMA EIA regulations¹⁰.

These ‘agri-EMFs’ are potentially the most effective way of screening farm-level EIAs in high priority areas¹¹. They should assist in preventing approvals for the clearing of virgin land in conservation priority areas. At the same time, they should expedite decisions about sustainable land use in agricultural contexts. The first such EMF, with terms of reference drafted by BotSoc and its agri-environmental partners, has been commissioned by DEA&DP for the Northern Sandveld, an area threatened by rapid expansion of the potato industry.

In this exciting project BotSoc experienced the efficacy of working directly with those responsible for, and also with those most affected by, decisions on land-use, being sympathetic to their needs and supporting their internal processes with advice, information, guidelines and training.

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Key Words:

EIA, biodiversity assessment, mainstreaming, Area-wide Plans, clearing virgin land, Environmental Management Frameworks, capacity building

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- 1 BotSoc based its comments on legislation, conservation plans, the National Spatial Biodiversity Assessment and CapeNature terms of reference
 - 2 Environmental Assessment Practitioners are environmental experts employed by developers to write environmental impact assessments.
 - 3 A collaborative project funded by BotSoc, the Fynbos Forum, the Table Mountain Fund and the South African National Biodiversity Institute (SANBI).
 - 4 The training workshops involved BotSoc, SANBI’s Biodiversity GIS Unit, DEADP, CapeNature and the Western Cape Department of Agriculture’s LandCare programme.
 - 5 Sponsored by the Table Mountain Fund.
 - 6 Brownlie S., Manual J., and de Villiers, C. 2006. Review of the effectiveness of the Botanical Society’s input into environmental impact assessments in the Western Cape, South Africa: In IAIA’s 2006 Conference Proceedings, 28-30 August, KwaMaritane, Pilanesberg, Northwest Province. This review was supported by the IAIA’s Capacity Building for Biodiversity in Impact Assessment project with funding from the Dutch Government, and the TMF.
 - 7 Government Notice. R385 of 21 April 2006.
 - 8 Other key role-players were: Agri Western Cape, representing organised agriculture; CapeNature; DEADP; the National Department of Agriculture; and the Department of Water Affairs and Forestry.
 - 9, 10 & 11 De Villiers CC and RC Hill (2008) Environmental Management Frameworks as an alternative to farm-level EIA in a global biodiversity hotspot: A proposal from the Cape Floristic Region, South Africa. *Journal of Environmental Assessment Policy and Management*. Vol 10(4), pp 333-360.