

	Technical Instruction	KZN OU
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Trees and Plants in KZN OU**

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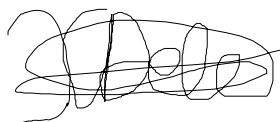
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1. Introduction

Vegetation management forms part of distribution's asset creation and maintenance operations. KZN OU in the past has had a number of tree cutting incidents by contractors (and others) which has exposed the OU to legal, financial and reputational risks.

This Technical Instruction must be read in conjunction with the *Eskom Environmental Procedure, 32-247: Procedure for Vegetation Clearance and Maintenance within overhead powerline servitudes and Eskom-owned land* and the Eskom Standard, *Vegetation Management and Maintenance within Eskom land, servitudes and rights of way, 240-70172585*.

Supporting Clauses

1.1 Scope

Indigenous trees in a natural forest are often habitats (or islands of biodiversity) for an array of species, such as birds, insects, reptiles, small mammals, etc.

Trees also fulfil an aesthetic, cultural and a sentimental function for individuals and local communities, e.g. a tree used by indigenous peoples as a meeting point, or trees planted to beautify a property.

Trees are often removed (cut, trimmed/pruned) during the construction of electrical infrastructure such as powerlines and substations.

Trees encroaching into servitudes, causing dangerous safety hazards and quality of supply problems, also need to be trimmed (pruned) or cut regularly.

1.1.1 Purpose

The purpose of this document is to outline the KZN OU requirements for vegetation management thus ensuring legal compliance.

1.1.2 Applicability

This document shall apply throughout the KZN OU.

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1.1.3 Effective date

01 July 2019

1.2 Normative/Informative References

Parties using this document shall apply the most recent edition of the documents listed in the following paragraphs.

1.2.1 Normative

- [1] 240-133087117: Environmental Incident Management Procedure
- [2] 32-247: Procedure for Vegetation Clearance and Maintenance within overhead powerline servitudes and on Eskom owned land
- [3] 240-52456757: Contract Specification For Vegetation Management Services On Eskom Networks
- [4] Guidelines for protected tree cutting applications in terms of the National Forest Act, No 84 (Act No. 84 of 1998), 12/04/2013, Rudi Kruger
- [5] 240-70172585, Eskom Standard, Vegetation Management and Maintenance within Eskom land, servitudes and rights of way

1.2.2 Informative

- [6] **Occupational Health and Safety Act** (Act 85 of 1993): Electrical Machinery Regulations, 1988 which states under *Section 15. Clearances of power lines*
- [7] Section 7 and 15 of the **National Forest Act** (Act 84 Of 1998) (NFA)
- [8] Section 28 (1): Duty of Care of the **National Environmental Management Act** (Act 107 of 1998)
- [9] Section 57 of the National Environmental Management Biodiversity Act (Act 10 of 2004)
- [10] **Natal Nature Conservation Ordinance**, No. 15 of 1974
- [11] ISO 14001 Environmental Management Systems

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1.3 Definitions

- (a) **Indigenous tree** means a tree that is native, or originated in South Africa
- (b) **Natural forest** means
- a group of indigenous trees whose crowns are largely contiguous: or
 - which have been declared by the Minister to be a natural forest under section 7(2): (xxviii) of the NFA
- (c) **Protected tree** means a tree declared to be protected, or belonging to a group of 50 trees, woodland or species declared to be protected, under section 12(1) or 14(2): (i) or 15 of the NFA.
- (d) **Specially protected indigenous plants** means indigenous plants mentioned in Schedule 12 of the Natal Nature Conservation Ordinance (NO. 15 of 1974).
- (e) **Threatened or Protected Species (TOPS)** refers to list of Threatened and Protected Species Issued in Terms of Section 56(1) of The National Environmental Management: Biodiversity Act, 2004.

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1.4 Abbreviations

Abbreviation	Explanation
BA	Basic Assessment
CNC	Customer Network Centre (formerly Technical Service Centres, TSCs)
DAFF	Department of Agriculture, Forestry and Fisheries
DESD	Distribution Environmental Screening Document
EIA	Environmental Impact Assessment
EMP	Environmental Management Plan
NFA	National Forest Act (Act 84 of 1998)
TI	Technical Instruction
TOPS	Threatened or Protected Species

1.5 Roles and Responsibilities

Table 1: New Projects (Asset Creation)

Task/Action	Stage of project	Person responsible
Identification of the need for a tree cutting license or permit.	Basic Assessment (Sub transmission projects)	EIA Consultant
Identification of the need for a tree cutting license or permit.	Distribution Environmental Screening Document (Reticulation projects)	Surveyor or Eskom environmental practitioner who undertakes DESD
Inform the relevant Eskom Officer, Environmental Management or Area Surveyor in Land Development of the need to apply for the above-mentioned license and/or permits;	Planning phase (no construction yet)	EIA Consultant (Sub-transmission) Surveyor (Reticulation projects)
Initiate the application of the required license and/or permit.	Planning phase (no construction yet)	Eskom Environmental Officer. (Responsible to engage with botanist and project manage the application process).

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Issue task order to Vegetation Management contractor	When the licence and/or permit has been received.	Project co-ordinator
Discuss licence and/or permit with project stakeholders.	Kick off meeting/ site meeting prior the commencement of any bush clearing and construction activity.	Project Management (also responsible for inviting all project stakeholders)
Read license and/permit conditions, discuss, and understand them.	Kick off meeting/ site meeting prior the commencement of any bush clearing and construction activity.	All project stakeholders Project Management Botanist Bush clearing contractor (Management staff, team supervisor and team)
Monitoring of compliance to licence and/or permit conditions.	Bush clearing phase	Project execution (Project coordinators and Clerk of Works)

Table 2: New Projects (Maintenance and Operations)

Task/Action	Stage of project	Person responsible
Identify need for cutting or pruning of trees.	Routine line patrols	CNC
Engage bush clearing contractor for services and take them to site (where CNC will not do the cutting).	Planning phase	CNC
Share a copy of this (TI) and EMP of the line with the bush clearing contractor and comply with section 4.2 (c) of this TI.	Planning phase	CNC
Identify the need for tree cutting license and/or permit	Planning phase	Bush clearing contractor CNC (where CNC does the cutting)
Engage botanist for assistance with license application (if required)	Planning phase	Bush clearing contractor CNC (where CNC does the cutting)
Apply for license and/or permit	Planning phase	Bush clearing contractor

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		CNC (where CNC does the cutting) Botanist (if required)
Read license and/permit conditions, discuss, and understand them.	Prior the commencement of any bush clearing and construction activity.	Bush clearing contractor (Management staff, Team Supervisor and team) CNC (even when bush clearing contractor does the cutting)
Monitoring of compliance to licence and/or permit conditions.	Bush clearing phase	CNC

1.6 Process for Monitoring

- a) Project Managers, Project Managers and Clerk of Works to monitor compliance on new projects.
- b) CNC Supervisor or designation representative to monitor compliance of vegetation management on during operations and maintenance of lines.
- c) Environmental Management, SHEQS department, will monitor, investigate and report on legal contraventions arising from non-compliance.

1.7 Related/Supporting Documents

This document supersedes KZN13TGTI141; Environmental Management of Trees and Plants in KZN OU.

2. Requirements

2.1 Legal Requirements

The National Forest Act (Act 84 Of 1998) prohibits the destruction of indigenous trees in any natural forest, declared protected forests and any declared tree or group of trees, viz.

- (a) Section 7 "prohibits the destruction of indigenous trees in any natural forest without a licence.

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This means that “no person may cut, disturb, damage or destroy any indigenous, living tree in, or remove or receive any such tree from, a natural forest unless a licence is issued by the Minister.”

(b) Section 15 states that “no person may cut, disturb, damage, destroy or remove any protected tree or collect, remove, transport, export, purchase, sell, donate any protected tree except under a licence granted by the minister”.

(c) Section 57 of the National Environmental Management Biodiversity Act (Act 10 of 2004) requires that a permit be obtained if any of the Threatened or Protected Species (TOPS) will need to be cut, trimmed/pruned by Eskom activities.

(d) Section 28 (1): Duty of Care of the National Environmental Management Act (Act 107 of 1998) states, inter alia,

“Every person who causes has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring,

“or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment.”

Any and all tree cutting undertaken by Eskom staff or Eskom's designated Vegetation Management Contractors, must only take place, once the tree licence or plant permit has been received from the Department of Agriculture, Forestry and Fisheries (DAFF) for indigenous trees in a natural forest and/or protected trees, or a permit from Ezemvelo KZN Wildlife for threatened or protected species (TOPS) and/or specially protected indigenous plants (where applicable).

2.2 Bush Clearing/Tree Cutting for New Projects (Asset Creation)

- (a) For all new projects, the Basic Assessment (BA) or the Distribution Environmental Screening Document (DESD) must identify the need for any indigenous trees in a natural forest, protected trees, threatened or protected species (TOPS) and specially protected indigenous plants to be trimmed or cut and advise that the necessary tree permits must be obtained prior to commencement of any work, in the specific area or section of line, that has such trees/plants;

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- (b) The EIA consultant, who undertakes the Basic Assessment for sub-transmission projects or the Surveyor who compiles the DESD for minor, reticulation, scheme, customer connection projects must inform the relevant Eskom Officer, Environmental Management or Area Surveyor in Land Development of the need to apply for the above-mentioned license and/or permits;
- (c) Land Development will initiate the application of the necessary license and/or permits with the assistance of a botanist on Eskom's panel of approved service providers;
- (d) Only when the license and/or permit is in place, can a task order be issued to an Eskom contracted Vegetation Management Contractor to trim/prune or cut trees in that particular area/section of the line;
- (e) Project Managers must invite botanists or other environmental specialists, e.g. the appointed Environmental Control Officer (ECO), where applicable, to the Project Kick-Off meetings to present and discuss the license and/or permits and conditions therein to the project team;
- (f) Project Execution (Projects Managers, Clerk of Works) must read and understand the conditions of the tree license and/or permits and must monitor compliance of all conditions therein;
- (g) The Vegetation Management Contractor must read all conditions of the license and/or permit, educate all relevant staff on the conditions, and comply to ALL the conditions;
- (h) Task orders for construction must highlight areas where indigenous trees in a natural forest, protected trees, threatened or protected species (TOPS) and specially protected indigenous plants are found. Such trees/plants can only be trimmed/ pruned or cut only after the permit has been obtained;
- (i) Construction and Electrical Contractors are not permitted to cut/trim any indigenous trees in a natural forest, protected trees, threatened or protected species (TOPS) and specially protected indigenous plants;

2.3 Bush Clearing/Tree Cutting for Existing Projects (Operations and Maintenance)

- (a) CNC identifies need for bush clearing or tree cutting or pruning/trimming from line patrols;
- (b) The task order issued to the Vegetation Management Contractor by CNC must contain information on any identified sensitivities or difficult landowners (where known by CNC);

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- (c) The CNC Senior Supervisor must provide a copy of this Technical Instruction to the contractor and bring to the attention of the contractor sections 3.2 (d), (e), and (g) especially;
- (d) The Vegetation Management Contractor (or the CNC Supervisor, where tree cutting is undertaken by CNC) to identify indigenous trees in a natural forest, protected trees, threatened or protected species (TOPS) and specially protected indigenous plants, and obtain necessary licence from DAFF and/or permit from Ezemvelo KZN Wildlife, with the assistance of a botanist (if required), before commencement of any work;
- (e) The Vegetation Management Contractor to read all conditions of the licence or permit, educate all relevant staff (team) on the conditions, and comply to ALL the conditions therein;
- (f) The CNC Supervisor must request a copy of the license or permit from the contractor (where applicable) for the CNC Environmental Files;
- (g) The Vegetation Management Contractor has the right to refuse to undertake work that will cause serious environmental damage e.g. removal or damage of indigenous trees in a natural forest, protected trees, threatened or protected species (TOPS) and specially protected indigenous plants, if no licence or permit is available;
- (h) The CNC Senior Supervisor must also familiarise her/himself with the conditions of the DAFF license and Ezemvelo KZN Wildlife permit (where applicable)
- (i) The CNC Senior Supervisor to ensure compliance to conditions of the license and/or permit by the Contractor, before invoices are signed off for payment to Vegetation Management Contractors

2.4 Communicating with customers and/or landowners

All Eskom staff must

- (a) avoid informing customers/landowners, that the delay in supply or maintenance of the line is due to trees or the awaiting of the tree licence and/or permits from authorities, in such a manner that the customer/landowner is motivated to remove the trees her/himself;
- (b) Advise customers, that should any customer/landowner cut protected and indigenous trees without the necessary tree licence and/or permit, DAFF will stop the project for a full investigation and the customer/landowner will be liable for criminal charges; this is likely to delay the supply or the maintenance of the line even more.

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3. Acceptance

This document has been seen and accepted by:

Name	Designation
Lee Mchunu	Middle Manager, Project Portfolio
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4. Revisions

Date	Rev.	Complier	Remarks
June 2019	E	A. Debe	Format to align with 32-4. New identifier Change of Acceptance table to include new managers. Minor setting and language changes
June 2015	D	T. Govender	Format Minor setting and language changes
May 2014	C	A. Debe	4.1 (e) Project Managers must invite botanists or other environmental specialists to Project Kick-Off meetings to present environmental permits and licence requirements to the project team; (f) Project Execution (Projects Managers, Clerk of Works) must read and understand the tree licence and/or permits and monitor compliance of all conditions therein; 4.2 (d) and/or 4.3 Communicating with customers and/or landowners

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Date	Rev.	Complier	Remarks
			All Eskom staff must (a) avoid informing customers/landowners, that the delay in supply or maintenance of the line is due to trees or the awaiting of the tree licence and/or permits from authorities, in such a manner that the customer/landowner is motivated to remove the trees her/himself; (b) Advise customers, that should any customer/landowner cut protected and indigenous trees without the necessary tree licence and/or permit, DAFF will stop the project for a full investigation and the customer/landowner will be liable for criminal charges; this is likely to delay the supply or the maintenance of the line even more.
November 2013	B	T. Govender	New template + Unique Identifier
June 2010	A	T. Govender	First issue - EI-141-EMS Bush Clearing in Eastern Region

5. Development Team

The following people were involved in the development of this document:

- Troy Govender, Manager, Environmental Management, KZN OU SHEQS
- Asanda Debe, Environmental Advisor, KZN OU SHEQS

6. Acknowledgements

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