

Protected Tree Cutting Incidents in Eskom: Key Lessons Learnt

Factsheet

1. The Importance of Protecting Trees

- Forests cover one third of the earth's land mass and perform vital functions.
- Trees play a key role in our battle against climate change, help to regulate the impact of storms and floods, stabilise the land and reduce soil erosion, harbour biologically-diverse ecosystems, and provide shelter, food, jobs and security for forest-dependent populations.
- Within our cities trees purify the air and ground water, regulate temperatures, provide shade, and encourage pride of place.
- South Africa is richly endowed with approximately 1200 species of indigenous trees
- There are 47 species of Protected trees in SA protected under the National Forests Act, 1998

2. Governance of Protected Trees in South Africa

- The Department of Agriculture, Forestry and Fisheries (DAFF) is the custodian of South Africa's trees and forest resources, which cover over 40 million ha of the country's land surface area.
- The National Forests Act, 1998 (Act 84 of 1998) set out rules for protected trees, indigenous trees in natural forests and champion trees.
- Protected trees may not be cut; damaged, destroyed or possessed; collected; removed; transported; exported; purchased; sold; donated or in any other way acquired or disposed of except under a license granted by the Minister or in terms of an exemption.

on criteria such as size, age, cultural and historical value. They include the Tsitsikamma Big Tree along the Garden Route, the Post Office milkwood tree of Mossel Bay, the Sagole baobab in Limpopo and camphor trees planted at Vergelegen Estate in the Western Cape three centuries ago.

3. Why should Eskom care???

- Eskom owns vast extents of land to operate power stations and has km's of registered servitudes throughout South Africa ■ Responsibility of "minimizing the impact of Eskom's activities on ecosystems and endeavoring to enhance ecosystem services through responsible land management services"
- Eskom clears sites to build new infrastructure ■ continued electrical development to support the growth of South Africa.
- Vegetation management is undertaken on Eskom land/ servitudes/Way leaves to reduce operational, technical and safety risks ■ continued supply of electricity to customer.
- Eskom is required to comply with South African legislation that protects certain plant/tree species ■ Eskom MUST first obtain a license to trim/cut/disturb protected trees AND trim/cut/disturb indigenous trees in a natural forest in terms of the National Forests Act, 1998.

4. Trending of Protected Tree Cutting Incidents in Eskom

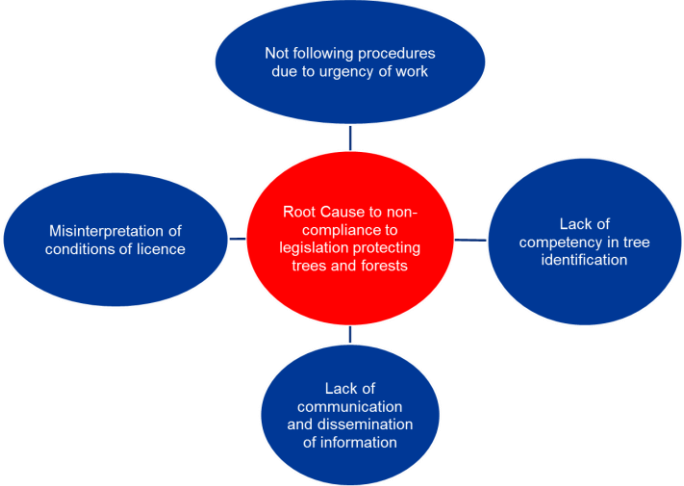


- Over the last 33 months (2 years and 9 months) Eskom has had **58 environmental legal contraventions**
- **10** of these Legal Contraventions related to the cutting of protected trees (17%) without a licence.

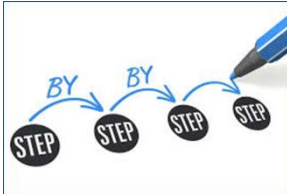
5. Let's see what went wrong



6. Analysis of the Root Causes of the Incidents



7. Let's move from Legal Contraventions to Compliance



WHY THE NEED TO TRIM OR CUT PROTECTED TREES

- Site clearance for new projects
- Maintenance of servitudes
- Maintenance of site



STEP 1 IDENTIFY AND UNDERSTAND

- All applicable Eskom requirements

Eskom Land and Biodiversity Standard:
http://hypervave.eskom.co.za/edc_documents/32-815]

Eskom Vegetation Management and Maintenance within Eskom Land, Servitudes and Rights Of Way Standard (240-70172585)

Contract Specification for Vegetation Management Services On Eskom Networks (240-252456757)

- All applicable National AND Provincial legislation
http://discover.sabinet.co.za/webx/access/ggcz_pdf/2007/jul/gg30183_nn773_pg57-59.pdf
- Identify the trees that need to be cut or trimmed
- If in doubt, consult a specialist

STEP 2 APPLY

- If identified trees are protected in terms of National AND Provincial legislation apply for a licence
- Make sure YOU understand what is being applied for
- Read the Basic Guidelines for the handling of EIA's and Licence Applications for Eskom's linear infrastructure affecting natural forests, protected trees or state forests (Compiled by DAFF and Eskom)

http://sustainability.eskom.co.za/sites/en_viro/EICCA_lists/EICCAgenda/Attachments/31/Briefing%20report%20DAFF%20guidelines%20for%20protected%20tree%20cutting%20applications%202013.pdf

Step 3 KNOW YOUR LICENCE

- On receipt of a licence check that it covers what was applied for (if not request amendment)
- Interpret and understand every condition of the licence
- If in doubt, consult within Eskom and/or issuing authority

Step 4 COMMUNICATE AND IMPLEMENT

- Ensure the licence and its conditions are effectively communicated to all those that must implement and comply to.
- Provide the contractor with a copy of the licence
- Ensure applicable staff is informed of the licence AND can easily access the licence

Step 5 MONITOR & EVALUATE

- Evaluate compliance to licence by the contractor
- Ensure consistent monitoring of licences to determine applicability (expiry date, conditions etc.)
- Assess and share corrective and preventative actions

9. Remember

- No operating condition or urgency of service can justify endangering a person's life or causing injury or damage to the environment – as per Eskom's [SHEQ Policy](#) (32-727).
- Your environmental duty of care as per [section 28](#) of NEMA: *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...*
- Employees to follow process when exercising their right of protection of workers refusing to do environmentally hazardous work as per [section 29](#) of NEMA

10. Where can I view Protected Trees Management documents?

EDC Search



- To view the Eskom Biodiversity Standard, 32-815 [click here](#)
- To view the Eskom Vegetation Management and Maintenance within Eskom land, servitude and right of way, 240-70172585 [click here](#)
- To view Eskom Contract specification for vegetation management services on Eskom networks 240- 52456757 [click here](#)
- To view the Eskom/DAFF guidelines for protected tree cutting applications [Click here](#)
- To find Protected Tree poster to print and share with staff [click here](#)

9. Let's Share

- Supervisors must communicate this presentation to all employees, including those without access to computers, and contractors perming

such activities and before they undertake such activities.

- Please share this at your meetings and encourage staff to tell their own stories and have a discussion about incidents/experiences similar to these incidents so as to avoid them.

For more information:

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