



agriculture, land reform
& rural development

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Agriculture, Land Reform and Rural Development
REPUBLIC OF SOUTH AFRICA

Directorate: Land and Soil Management

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DEA&DP REF NO.: 16/3/3/6/7/1/E4/4/1346/23

RE: COMMENT ON THE PROPOSED CONSTRUCTION OF A NEW DAM, EXPANSION OF AN EXISTING DAM AND THE EXPANSION OF THE EXISTING CULTIVATION AREAS, ON PORTION 3 OF FARM 781 (ERIN DE VIGNE), BOT RIVER, WESTERN CAPE PROVINCE.

Department of Agriculture, Land Reform and Rural Development Directorate: Land and Soil Management administer and implement the Conservation of Agricultural Resources Act, (CARA) 43 of 1983. The Act is regarded as one of the principal Acts governing the protection of agricultural and other natural resources. The main aim of the Act is to control the utilization of natural agricultural resources to ensure the conservation of soil, water and vegetation, as well as the combating of alien and invasive plants. According to Section 1 of the Act, the conservation of natural agricultural resources includes the protection, restoration as well and reclamation thereof.

The objectives of CARA are to provide for the conservation of natural agricultural resources through maintaining the production potential of the land, combating and preventing erosion, preventing the weakening or destruction of the water resources, protecting the vegetation and combating weeds and invader plants.

The aforementioned proposed activities include the construction of a new dam situated directly downstream of the existing Dam One and the excavation of a new open channel spillway on the

embankment left flank. Furthermore, this includes the expansion of Dam Two with a new core and cut-off trench and the cultivation of a new irrigated land of approximately 10ha. Hence, the proposed development will trigger activities regulated by the CARA and its regulations. The land owner is advised to observe and adhere to the following requirements and recommendations.

- The land owner must apply for a cultivation permit for the proposed cultivation of newly irrigated land from this office if the land is virgin soil and has not been cultivated in the last 10 years as per the definition in terms of the CARA.
- Regulation 2(1) of the Conservation of Agricultural Resources Act (Act 43 of 1983), "Except on authority of written permission by the executive officer, no land user shall cultivate any virgin soil: Provided that such authority shall not be required in respect of virgin land for which an approval has been granted in terms of section 4A of the Forest Act, 1972 (Act 68 of 1972).
- The land owner must put measures in place to protect the newly proposed irrigated land effectively against waterlogging and salination. Measures applicable may include feeder channels, irrigation furrows and storage and catchment dams for irrigation water must be impermeable, the land should not be irrigated excessively or with water with too high a salt content, suitable soil conservation work must be constructed and thereafter be maintained to draw off excess surface and subterranean water and dispose thereof safely to prevent waterlogging and salination of lower lying land as per regulation 6.
- The land owner must ensure the constructed dams are impermeable and measures are put in place during the construction and operational phase, to prevent excessive soil erosion and sedimentation downstream the Bot River. According to regulations 4, 5 and 6 of the CARA, every land user shall by means of as many as necessary follow measures in his/her situation, protect the land on the farm unit effectively against excessive soil loss as a result of erosion through the action of water and wind: Measures applicable may include continuous monitoring for signs of soil erosion, repairing, rehabilitation, the establishment of indigenous vegetation on dam banks, to construct a suitable soil conservation work and thereafter maintaining it to divert run-off water from other land or to restrict the run-off speed of run-off water if necessary.
- Kindly note any rehabilitation and remedial action concerning soil erosion or restoration of eroded land needs to be per Regulations 13 and 14 of the CARA.
- According to Regulation 13 (1) "Every land user shall by means of as many of the measures set out in regulations 4, 5 and 9 as are necessary in his situation, effectively

restore or reclaim the land on his farm unit on which excessive soil loss due to erosion occurs or has occurred.”

- According to Regulation 14 (1) “If a land user disturbs or denudes any land on his farm unit for purposes other than prospecting or mining activities; (c) - such land user shall by means of as many of the following measures as are necessary in his situation, effectively restore and reclaim that disturbed or denuded land. (i) Topsoil shall be removed and kept separate with a view to replacing it later on the disturbed or denuded land. (ii) Topsoil shall be used to stabilize the sides of a hollow that has been caused by the exploitation or removal of material and, where possible, to reclaim part of the disturbed or denuded land. (iv) The flow pattern of run-off water, the topography and the slope shall, depending on the volume of material exploited or removed, be restored as closely as possible to the original condition. (v) Suitable vegetation shall be established on the land concerned in order to expedite the restoration and reclamation thereof. (vii) A suitable soil conservation work shall be constructed and thereafter be maintained in order to protect the land concerned against excessive soil loss through the action of water and wind or in order to collect sediment from run-off water.”
- Moreover, any activities or rehabilitation in any watercourse on the proposed land should be in a manner that will not constitute an obstruction during a flood that could cause excessive soil loss as a result of erosion through the action of water.
- Furthermore, according to Regulation 7 (1) “Subject to the provisions of the Water Act, 1956 (Act 54 of 1956), and sub-regulation (2) of this regulation, no land user shall utilise the vegetation in a vlei, marsh or water sponge or within the flood area of a watercourse or within 10 metres horizontally outside flood area in a manner that causes or may cause the deterioration of or damage to the natural agricultural resources.” Hence, the land owner is advised to establish a buffer zone of 32m from the edge of the Bot River when establishing the proposed new irrigated cultivated areas.
- The draft BAR report indicates weeds and invasive plants are present on the property. According to Regulation 15 of the CARA, the weeds fall under category 1 in terms of the CARA. These plants are prohibited and thus not tolerated on any land or inland water surface. The invasive plants fall under category 2 which may not occur on any land or inland water surface other than in a demarcated area authorized by the executive officer.
- The weeds and invasive plants present on the farm need to be controlled and removed annually through continuous monitoring and maintenance programs as they can cause damage to the surrounding natural vegetation. According to the Conservation of

Agricultural Resources Act, (Act 43 of 1983), Regulation 15E methods of controlling weeds and alien plants are as follows:

- Uprooting; felling; cutting or burning
- Treatment with a weed killer that is registered for use in connection with such plants per the directions for the use of such
- Biological control is carried out per the stipulations of the Agricultural Pests Act, (Act no 36 of 1983)

A combination of one or more methods mentioned above, and any action taken to control alien plants shall be executed with caution and in a manner that will cause the least possible damage to the environment.

- Kindly note, that clearing weeds and invasive plants in a water course needs to be done per clearing methods that will have the least environmental damage.

The Department reserves the right to revise its initial comments and request further information from you based on any new or revised information received.

Yours sincerely



pp. EXECUTIVE OFFICER: Act No 43 OF 1983

Director: Land and Soil Management