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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF ENVIRONMENT, FORESTRY AND FISHERIES

NO. 1339

11 DECEMBER 2020

**NATIONAL FOREST ACT, 1998
(ACT NO. 84 OF 1998)****DECLARATION OF THE GREY DELL AND FORT GREY FORESTS AREAS AS A NATURAL FOREST UNDER SECTION 7(2) OF THE NATIONAL FORESTS ACT, 1998 (ACT NO. 84 OF 1998)**

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, hereby declare, under section 7(2) of the National Forests Act, 1998 (Act No. 84 of 1998), to be a natural forest, all indigenous tree cover, in any stage of development, occurring on the indicated properties in the Grey Dell and Fort Grey Forests areas, set out in the Schedule hereto, with the incorporation of interspersed open land, degraded forest and planted forest serving as nursery crop.

Section 2(1) of the National Forest Act, 1998 (Act No. 84 of 1998) defines "forest" to include "the ecosystem which it makes up". It must be noted that the forest ecosystem on the indicated properties must be viewed as an integrated functioning ecosystem. These forests consist of a mosaic of degraded and well-developed intact primary natural forest belonging to the type: Scarp Forest (VEGMAP type: FOz 5) which is seamlessly intermingled with Buffalo Thicket (VEGMAP type: AT 12) and Albany Coastal Belt Thicket (VEGMAP type: AT 9) with possible interspersed elements of Southern Afrotemperate Forest (VEGMAP type FOz 1). Furthermore, it is recognized that ecological interface exists between forest and natural open vegetation in proximity to extant forest cover, as well as the small pockets of plantation of exotic species that provide extended habitat for some forest fauna and a nursery forest stand.

The declaration is an urgent measure to prevent further deforestation due to illegal activities and to enable forest rehabilitation in the affected areas. Due to illegal activities on the affected land, some of the natural tree cover had been degraded, so that contiguous canopy cover may no longer exist in parts, whereas some areas previously wooded may also now be completely denuded as a result of deforestation. Degradation due to invasion of exotic species also occurs.

The areas and properties that fall within the scope of the declaration are thus viewed as an integrated functioning ecosystem, of which some parts have been degraded and deforested, and include all natural wooded land, interspersed open land and plantation patches on the designated properties.



**BARBARA DALLAS CREECY
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT**

SCHEDULE**Fort Grey / Grey Dell natural forest declared in terms of section 7(2) of the National Forests Act, 1998 (Act No. 84 of 1998)**

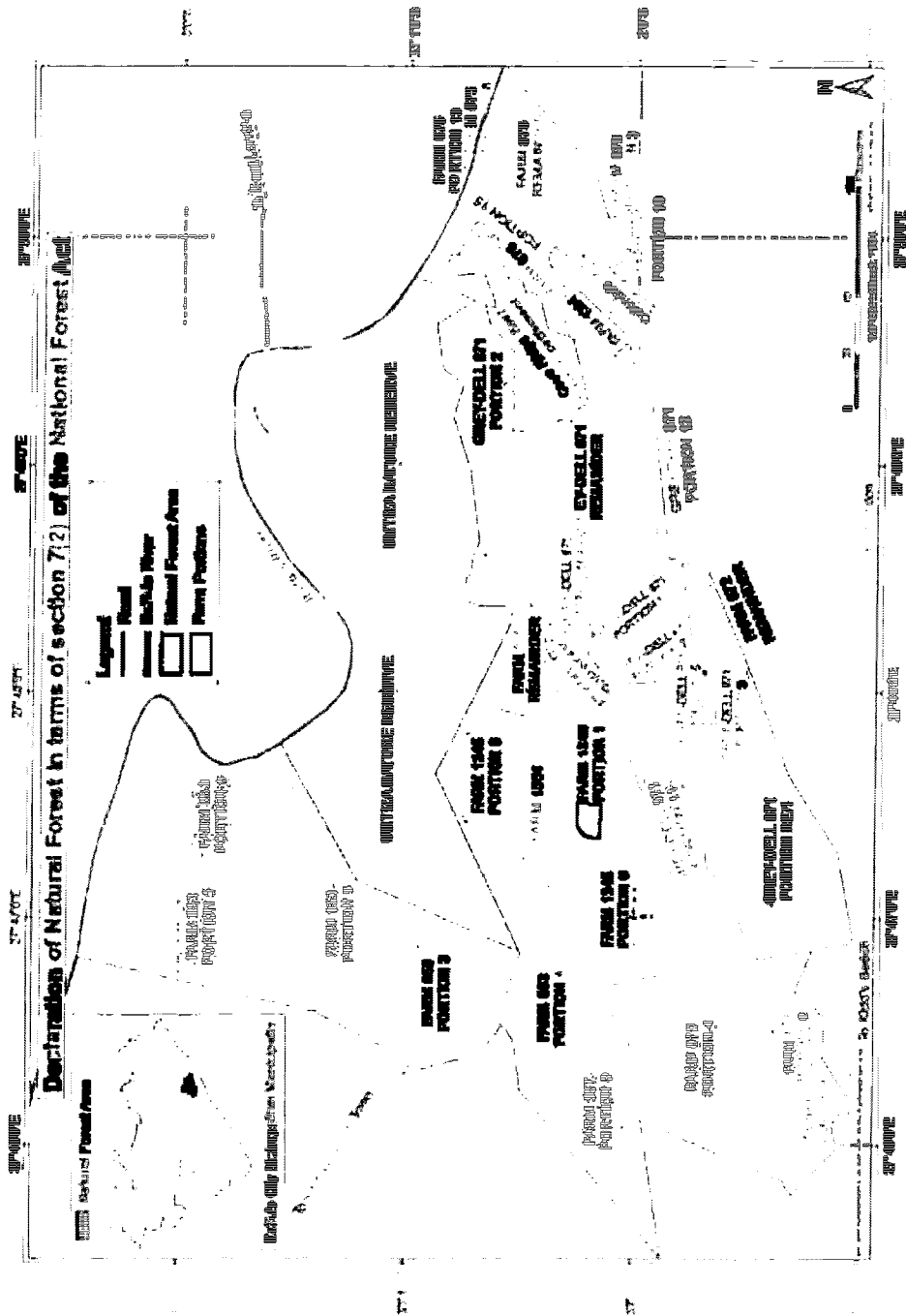
Location: Eastern Cape Province

Local Municipality: Buffalo City Metropolitan Municipality

Properties included:

- Umtiza Nature Reserve
- Farm 853: Portions 3; 4; 5; 8; and 9
- Farm 856: Remainder
- Farm 857: Portion 0
- Farm 870: Portions 4; 8; and 9
- Farm 871: Remainder and Portion RE/1
- Farm 871: Portions 2; 3; 6; 6; 7; 9; 11; and 12
- Farm 872: Remainder
- Farm 875: Portions 3; 8; 10; 13; and 15
- Farm 875: Remainder
- Farm 1304
- Farm 1345: Portions 0 and 1
- Farm 1504

Figure: Map of the properties covered by natural forest



DEPARTMENT OF ENVIRONMENT, FORESTRY AND FISHERIES

NO. 1340

11 DECEMBER 2020

**NATIONAL FOREST ACT, 1998
(ACT NO. 84 OF 1998)****DECLARATION OF THE GREY DELL AND FORT GREY FORESTS AREAS AS A
CONTROLLED FOREST AREA UNDER SECTION 17(2) OF THE NATIONAL FORESTS ACT,
1998 (ACT NO. 84 OF 1998)**

I, Barbara Dallas Creegy, Minister of Forestry, Fisheries and the Environment, hereby declare, under section 17(2) of the National Forests Act, 1998 (Act No. 84 of 1998), the Grey Dell and Fort Grey forest areas and associated land as a controlled forest area for the purposes of preventing deforestation and for rehabilitation of natural forest and associated habitat that was damaged and degraded. The background, effective period, description of the area, location, local municipality, prohibitions and steps to be taken by the owner of the land, as well as the properties that form part of the controlled forest area, are set out in the Schedule hereto.

**BARBARA DALLAS CREEGY
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT**

SCHEDULE**PART A: BACKGROUND, EFFECTIVE PERIOD, DESCRIPTION OF THE AREA, LOCATION, LOCAL MUNICIPALITY, LAND OWNERSHIP, PROHIBITIONS AND STEPS TO BE TAKEN BY THE OWNER**

- Background:** The locality forms the principal part of the global distribution of an endemic tree species: *Umtiza listeriana*. A number of rare forest fauna species also occur within this landscape of diverse types of forest cover. The conservation value of this area has long been recognized. The first portion of Fort Grey State forest was proclaimed prior to the Union of South Africa and subsequently expanded. Umtiza Nature Reserve was declared within the Fort Grey State forest on 5 July 1985 (Government Notice No. 1453 in Government Gazette No. 9830 of 5 July 1985). In recent years an illegal settlement has sprung up in the proximity of this forest and has gradually encroached into the natural forest areas during the last decade. This encroaching informal settlement results in illegal harvesting of forest produce within the forest, degradation of the forest and in some parts have led to deforestation. This invasion of the forest threatens the future existence of the forest and priority species.
- Effective time period:** The declaration will be valid for a period of 5 (five) years with effect from the date of publication of this Notice in the Government Gazette.
- Description:** The description of the area to be declared is as follows:
The controlled forest area covers 1 858.48ha. It consists of natural forest that incorporates lesser areas of planted forest and open land. The natural vegetation consists of Scarp Forest (forest type: FOz 5); Buffalo Thicket (type AT 12) and incorporate embedded portions of Albany Coastal Belt Thicket (type AT 9) as well as possible interspersed elements of Southern Afrotemperate Forest (type FOz 1). This vegetation mosaic functions as an integrated ecosystem with the natural forest.
- Location:** Eastern Cape Province.
- Local Municipality:** Buffalo City Metropolitan Municipality
- Properties:** The controlled forest area includes the properties listed in Part B of this Schedule to this Notice (also depicted in a map below).
- Landownership:** State and Private
- Prohibitions:** No person may-
- (i) access the land to which this Notice applies except for:
 - (a) owners of enclosed private properties, their legal tenants, authorized visitors and workers;

- (b) legitimate functionaries performing authorized work in relation to the steps to be taken by the owner of the land outlined below;
- (c) legitimate functionaries performing normal activities associated with the management of the forest;
- (d) persons authorized to access the forest for recreation in terms of section 20(3) of the National Forest Act, 1998 (Act No. 84 of 1998), subject to the condition that such persons must be accompanied by somebody in the employ of the land owner/manager; and
- (e) persons authorized to conduct legitimate research with provision for licenses to be issued in terms of section 7(4) of the National Forest Act, 1998 (Act No. 84 of 1998) for research purposes only;
- (ii) cut, disturb, damage or destroy any indigenous trees;
- (iii) collect and remove any forest produce, including wood and any other plant material, as well as forest wildlife;
- (iv) construct any building, structure or road, including the opening up of informal access pathways;
- (v) destroy or damage any official fence, beacon, signposting or warning signs established and/or maintained by the Department of Environment, Forestry and Fisheries or any agency authorized to manage and secure the area;
- (vi) ignite fire in the open air and cause fire to spread within the area;
- (vii) deposit of waste, other than owners of the affected properties, in designated areas; and
- (viii) conduct any activities which may cause deterioration of indigenous trees or prevent authorized rehabilitation works;
- Steps that must be taken by the owner of the land:
- (i) Control access to the land covered by this declaration to prevent entry of unauthorized persons and vehicles;
- (ii) Ensure the removal of unauthorized structures, dwellings and artefacts associated with informal/legal settlement, subject to the applicable laws;
- (iii) Fire protection;
- (iv) Collection and removal of refuse and other waste illegally dumped in the area;
- (v) Rehabilitation of degraded areas, including soil remediation, fencing, transplanting of vegetation and control of invasive species; and
- (vi) Drafting of a sustainable management plan for the area.

PART B: MAP AND PROPERTIES THAT FORM PART OF THE CONTROLLED FOREST AREA**Properties included in the Fort Grey / Grey Dell Controlled Forest Area declared in terms of section 17(2) of the National Forests Act, 1998 (Act No. 84 of 1998)**

- Farm 853: Portions 3; 4; 5; 6; and 9
- Farm 858: Remainder (excluding the part falling within the Umtiza Nature Reserve)
- Farm 857: Portion 0
- Farm 870: Portions 4; 8; and 9
- Farm 871: Remainder (excluding the part falling within the Umtiza Nature Reserve) and Portion RE/1
- Farm 871: Portions 2; 3; 5; 6; 7; 9; 11; and 12
- Farm 872: Remainder
- Farm 875: Portions 3; 8; 10; 13; and 15
- Farm 875: Remainder
- Farm 1304
- Farm 1345: Portions 0 and 1
- Farm 1504

Map of the location and properties included in the Grey Dell – Fort Grey Controlled Forest Area

