

# ARE MELONS A THREAT TO SUNDAYS RIVER THICKET

Div de Villiers

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Province of the  
**EASTERN CAPE**  
DEPARTMENT OF ECONOMIC DEVELOPMENT &  
ENVIRONMENTAL AFFAIRS



*Ikamva eliqaqambileyo!*

# DEDEAT: Compliance and Enforcement Unit Thicket Cases

- 2011 presented Melville case: NEMA 107/98
- Administrative action: Contr. listed activity: Transformation or removal of >3ha indigenous vegetation (25ha) in Addo
- Compliance Notice issued
- S24G application for rectification submitted
- R275 500 administrative fine paid



2010/03/31





# Criminal Case

- Continued non compliance
- Register criminal case
- Count 1: Contr. S24F: commenced with a listed activity without authorisation
- Counts 2-4: Contr. S31N: failed to comply with a compliance notice

# S105A Plea Bargain November 2010

- Count One: Money was no object therefore:
- 18 months prison sentence suspended for a period of five years on condition that the accused is not convicted of the contravention of Section 24F of NEMA and on condition that
- The accused at his cost appoint an Environmental Assessment Practitioner (EAP) to compile an environmental assessment report and a restoration/rehabilitation plan.
- Such restoration/rehabilitation plan to be implemented by the accused at his cost.

# S105A Continued

- Count Two to Four (ignoring compliance notice) were taken together for the purpose of sentence.
- R30, 000-00 or six months imprisonment of which R10, 000 or two months imprisonment suspended for a period of five years on condition that the accused is not convicted of the contravention of 31 N (1) during the period of suspension.

# RESULTS OF ACTION

- Improved awareness of legislation (media and word of mouth)
- Improved consultation between Department Agriculture in Cacadu and DEDEAT prior to issuing land clearing permits
- Unfortunately further non-compliance by the farmer
- Another case registered
- Farm sold



# 2012 CLEARING

- New NEMA Regulations 2010: listing notice 3 even stricter for clearing indigenous vegetation in critical biodiversity areas (includes thicket) – cannot clear > 1ha without authorisation
- May 2012 informed of Sundays River Thicket clearing: Badlands Farm, Addo
- Verified contravened Listing Notice 3, Activity 13
- *Clearance of an area of 1 hectare or more of vegetation where 75% or more vegetative cover constitutes indigenous vegetation, In Eastern Cape outside urban areas, within 10 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve.*
- Issued compliance notice

# BADLANDS CASE

- Immediate response to notice by Habata Farms (own Badlands)
- Apparent misunderstanding that authorisation was issued as a BAR had been submitted
- Apply for S24G rectification – about 40ha to be cleared
- R80 000 fine paid
- So what is the problem?

# MELON FARMING

- Habata Farms is a big melon producer
- Employs 800 people directly
- Produces 4000 tons of melons/annum
- Contract with Bakkavor and Dynamic Commodities, Coega distributors
- Distribute Nationally and Internationally – Woolworths and Mark and Spencers etc.
- Bakkavor do quality control – noticed fungi
- Associated with replanting on same lands

# BAKKAVOR

- Notified Habata to plant on virgin land or land that has been fallow for 3 years
- Failure to comply = termination of contract (R20 million annually)
- Potential loss of jobs
- Higher melon prices
- Habata owns 5084ha of thicket and 3000 ha on the Addo Park boundary
- Habata is conserving 44% of the 5084ha and does not want to clear any of the 3000ha
- But what if the market demands blemish free melons?

# CONCLUSION

- We have made progress with implementation of legislation and awareness
- DEDEAT can only do so much
- It appears that melon farming can have a devastating impact on virgin Thicket
- Need a strategy to address this issue with Bakkavor, Dynamic Commodities, Woolworths, and other supermarkets