

**INVITATION TO MAKE SUBMISSIONS:
AMATHOLE FORESTRY COMPANY (PTY) LTD (“AFC”)
PROGRAM FOR REVIEW OF PUBLIC ACCESS ROUTES, FACILITIES
AND ASSOCIATED RULES AT HOGSBACK STATE FOREST (“the Forest”)
IN TERMS OF SECTIONS 19 AND 20 OF THE NATIONAL FORESTS ACT**

To: Members of the Public and Stakeholders having an interest in access to the Forest for purposes of recreational, educational, cultural, and spiritual activities (“RECS activities”) as contemplated in Sections 19 and 20 of the National Forests Act, 1998 (“NFA”)

You are invited to provide written submissions on access routes, facilities, and rules for purposes of RECS Activities, in the form and manner set out below, in order to inform a proposed amended designation of routes and facilities in the Forest in due course, and rules applicable thereto.

This document is in five parts, and deals with the following:

1. Part 1: A brief background the legal framework for the right of members of the public to enjoy access to State Forests for recreational, educational, cultural, and spiritual purposes (RECS activities), and the restrictions on these rights.
2. Part 2: A section for you to describe yourself, your interest in RECS activities, whether you make submissions as an individual or on behalf of a RECS organisation or other community or group.
3. Part 3: A section for you to describe in more detail the facilities you would like to make use of in the Forest for RECS activities, and the routes you would propose using to access those facilities.
4. Part 4: A section where you provide your views on the permit system and appropriate rules to resolve conflicting interests or concerns, such as overcrowding, safety and security, poaching, environmental harm, crime, fire and other hazards, affordability of fees for permits, information availability and access for disabled or other vulnerable groups.
5. Part 5: Note on the collection of personal information for purposes of the Protection of Personal Information Act (POPIA). And finally, confirmation of interest and request to be sent an invitation to the hearing.

1. PART 1: BACKGROUND:

Relevant Provisions of the National Forests Act

The following provisions of the NFA are relevant for purposes of this invitation and the review:

- 1.1. **Chapter 4** in general relates to the use of State forests and is divided into Part 1 (access to State forests for purposes of recreation, education, culture and spiritual fulfilment), and Part 2 (rights to use of State forests for a specific activity or purpose).



- 1.2. The **preamble to Part 1** (sections 19 to 21) records that:
 - 1.2.1. Part 1 sets out the right of everyone to have access to State forests for the purpose of **recreation, education, culture or spiritual fulfilment ("RECS activities")**;
 - 1.2.2. this right may be restricted; and
 - 1.2.3. the procedure for imposing such restrictions is provided for.
- 1.3. **Section 19** provides that "*Everyone has reasonable access to State forests for purposes of recreation, education, culture or spiritual fulfilment*", but also provides that such right of access is restricted.
- 1.4. **Section 20** deals with regulating and restricting the public access right, in the following way:
 - 1.4.1. the "owner" (defined as being the person vested with control of the forest management unit in question – in the present case, AFC) has the power and duty to regulate access by:
 - 1.4.1.1. designating areas in the forest for RECS purposes - once designated the public has a right to access these areas ("**public access rights**");
 - 1.4.1.2. preparing a map of such designated areas - this is to show the access route(s) to such areas, and their location and boundaries; and
 - 1.4.1.3. preparing a set of written rules which regulate access, and which may provide for payment of reasonable fees and reasonable restrictions on the public access rights, including (**but not limited to**):
 - (i) limitations on the **number of people** allowed in the forest at any one time;
 - (ii) restrictions on the **mode of transport** in a forest;
 - (iii) restrictions to prevent **fires**;
 - (iv) provision for **closure of forests for specific periods**;
 - (v) restrictions to **prevent harm to any person or property**;
 - (vi) restrictions in a plantation to **ensure that its proper management for commercial purposes is not frustrated**;
 - (vii) restrictions in a **protected area** to ensure that the purposes for which the area was declared as such, are not frustrated; and
 - (viii) **different restrictions for different forest types**.



1.4.2. The rules must be approved by the Director General.

1.4.3. The owner must make the map and rules available to any person exercising the public access rights (i.e. the persons accessing the areas designated for recreational, educational, cultural or spiritual purposes). The current map and rules are attached.

2. PART 2: DETAILS OF RESPONDER:

Item	Information Required	Information Provided
2.1.	<p>Details of Responder: Please provide your details so that AFC is able to identify if you are responding as an individual member of the public, or on behalf of an organisation, group or community</p>	<p>Full names: _____ Full names of the organisation/group/community you represent (if any) – _____ Position in organisation/group/community _____ Email address for further purposes of contact and meeting invitation – _____ Physical address/locality? (to determine if Hogsback resident / neighbouring community / more remote user) _____</p>
2.2.	<p>Interest in RECS Activities: Please describe in general the types of RECS activities and facilities you or your organisation pursue or would like to</p>	<p>Current RECS Activities/Facilities used in the Forest: Type? (religious, educational, cultural or spiritual) _____ _____ _____ How often? _____ Number of persons per visit? _____ Duration of visit? _____</p>



	<p>would like to use.</p> <p>NB: If there is more than one such designated area or facility, provide the requested information in this format in an annexure.</p>	<p>Suggestions for improvements at the Facility –</p> <hr/> <hr/> <hr/> <p>Possible hazards, safety issues and other concerns at the Facility –</p> <hr/> <p>Comment on use of Facility by disabled or vulnerable groups –</p> <hr/>
<p>3.2.</p>	<p>Route to and from the Facility:</p> <p>Please describe in detail the routes used or proposed to be used to access the facility referred to in 3.1 above.</p>	<p>Remoteness, difficulty of access and necessity of a particular transport method to and from the Facility</p> <hr/> <hr/> <p>The specific route or routes to be used to gain access to the Facility, and details of other users and uses for which that route is required (NB please mark the route on the attached Map, as accurately as possible, including route start and end points)</p> <hr/> <hr/> <p>The mode(s) of transport proposed to be used to traverse the route and access the area, and any parking and security implications.</p> <hr/> <hr/> <p>Distances and estimated time required to traverse the route for intended modes of travel.</p> <hr/> <hr/> <p>In the case of transport other than pedestrians, the required width of the road/path and measures to remove any hazard to pedestrians and other route users, or conflicts in use.</p> <hr/> <hr/> <p>The means by which the security and safety of users are proposed to be adequately protected.</p> <hr/> <hr/> <p>Required signage, notices and other markings that will be required on the route and at the area.</p> <hr/> <hr/>



		<p>Your views on the likely cost of catering for your suggestions above, and ways of mitigating such costs.</p> <hr/> <hr/> <p>Other remarks</p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
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4. PART 4: COMMENTS ON PERMITS AND RULES:

Item	Information Required	Information Provided
4.1.	Permits:	<p>Permits are currently issued on first-come first-served basis, to prevent blocking and illegal or black-market sale of permits. Do you agree with this or propose a different basis?</p> <hr/> <hr/> <p>Permits are presently issued free of charge. If the cost of providing, maintaining and managing access and facilities is increased through new and upgraded areas, facilities and routes, are you prepared to pay a fee for such access and facilities, and if so, what would you be willing and able to pay for a day permit? –</p> <hr/> <hr/> <p>Permits are presently issued for daily access, in order to properly control daily numbers and variations in availability of facilities and routes. Do you think longer term permits are necessary, and if so, what are your reasons and proposed terms and conditions (including reasonable fees) applicable to longer term permits? –</p> <hr/>



		<hr/> <hr/> <p>Permits are issued at the AFC offices in Hogsback, in order to ensure that users are properly briefed on current conditions, provided with rules and a map, sign appropriate indemnities and other practical considerations. Do you have any proposals on a different system of issuing permits, and if so provide details on the practical implementation, operation, costing and implications of such a system –</p> <hr/> <hr/> <hr/>
4.2.	<p>Hazards, Safety and Security:</p> <p>Please describe your concerns about overcrowding, safety and security, poaching, environmental harm, crime, fire and other hazards in the Forest.</p>	<p>It is imperative to take reasonable measures to protect AFC's employees and members of the public from controllable hazards in the Forest, to prevent crime, poaching, fires, and other environmental harm, and manage other risks. The existence of these hazards and risks is the reason why AFC requires indemnities from those requesting access permits. Such hazards and risks used to be managed by government authorities such as SAPS, environmental enforcement officers and government appointed forest officers, but these were substantially withdrawn from the Forest a few years ago, leaving AFC to employ private security to manage the risks and hazards. Do you think the government should re-instate these protection services, or that AFC should continue with its private security and recover the cost through the permit fee system?</p> <hr/> <hr/> <p>Your comments and concerns relating to safety, security, poaching, environmental harm, crime, fire, and other hazards, would be appreciated -</p> <hr/> <hr/> <p>Other remarks regarding rules -</p> <hr/> <hr/> <hr/>



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5. USE OF PERSONAL INFORMATION

- 5.1. AFC is committed to protecting the Responder's privacy and recognises that it needs to comply with statutory requirements in collecting, processing, and distributing of Personal Information. The Constitution of the Republic of South Africa provides that everyone has the right to privacy and the Protection of Personal Information Act, 4 of 2013 ("**POPIA**") includes the right to protection against unlawful collection, retention, dissemination and use of personal information as defined in POPIA ("**Personal Information**").
- 5.2. In terms of section 18 of POPIA, if Personal Information is collected, AFC, as responsible party, must take reasonably practical steps to ensure that the Responder is made aware of the information being collected.
- 5.3. In order to conduct its public review process and allow for meaningful participation of the Responder's views and that such views are made available to relevant decision-makers, AFC needs to process the Responder's Personal Information, and may have to share such Personal Information with third parties.
- 5.4. In accordance with POPIA, AFC accordingly hereby provides the following information:

5.4.1.	Type of Personal Information Processed may include:	Full names, email, and physical address, contact numbers, personal preferences regarding recreational, educational, cultural and spiritual activities.
5.4.2.	Nature / Category of Personal Information:	Personal information regarding the Responder's views as a member of the public in exercising rights under sections 19 and 20 of the NFA, and restrictions on such rights
5.4.3.	Purpose:	Gathering information from members of the public in reviewing access rights to the Forest under sections 19 and 20 of the NFA, and restrictions on such rights.
5.4.4.	Source:	From the Responder or the organization, group or community represented by the Responder.
5.4.5.	Voluntary / Mandatory:	The Responder is requested to provide the information voluntarily and is advised that participation is not mandatory.
5.4.6.	Legal Requirement:	AFC may be required, directly or indirectly, in terms of the NFA and/or its lease or certification requirements, to collect the Personal Information in order to facilitate verification of stakeholder engagement, for informing or reporting to



		Government structures and for responsible record keeping and statistical purposes.
5.4.7.	Contractual Requirement:	The Responder, by signing or submitting this form, contractually agrees to the processing of their Personal Information.
5.4.8.	Consequences of failure to provide:	Failure to provide the Personal Information will result in AFC being unable to present accurate stakeholder information to relevant authorities and bodies for appropriate decision-making regarding their rights under the NFA. The submissions may be rejected or disregarded.
5.4.9.	Cross border transfer:	None.
5.4.10.	Recipients of Personal Information:	AFC, AFC Employees, experts, verification and certification bodies, legal advisors, the Department of Forestry Fisheries and the Environment, and its employees and officials.
5.4.11.	Access and right to amend:	The Responder has the right to access and amend his / her / its Personal Information at any reasonable time on reasonable written notice.
5.4.12.	Right to object:	The Responder is entitled to object to the use of information. However, such objection may lead to the Responder's submissions being deleted or disregarded and relevant invitations being withdrawn.
5.4.13.	Complaints:	All complaints regarding the use of Personal Information may be directed to the Information Officer at stakeholders@rancetimber.co.za .
5.4.14.	Form availability:	If the notice is viewed on a public notice board, copies of the form can be requested from stakeholders@rancetimber.co.za or on the Rance Timber website (Rancetimber.co.za) or hard copies can be collected from AFC office in the main road of Hogsback.

5.5. The Responder, by signing this document, hereby consents to the use of the Responder's Personal Information and confirms that:

5.5.1. the information is supplied voluntarily, without undue influence from any party and not under any duress; and



- 5.5.2. the information which is supplied is required for the purposes of the public information submission process and that without such information, AFC will not be able to achieve the objects stated above.

Request to attend meeting for purposes of presentations on submissions received:

I, the undersigned,

representing (where applicable)

hereby request an invitation to the meeting to be convened in due course to hear presentations on submissions received from responders. I acknowledge that invitations will be limited to a maximum of two representatives per group, community, or organisation, as the case may be. I confirm by my signature above that I am authorised to represent the organisation, group or community referred to above (if applicable) and that I consent to the provision of my personal information as referred to above for purposes of this review and related processes.

Signature

Date

*[Note on use of form – Please submit information requested in the form above either in hard copy to the Amathole Forestry Company offices situated in Main Road Hogsback or by email to Stakeholders@rancetimber.co.za **by no later than the 7th June 2024**, please include any additional information in equivalent format on additional pages attached to this form, otherwise your submissions may not be processed during the collation and review process.]*

ACCESS TO FORESTS: General Rules and Conditions (the "Rules")

1. These Rules apply to access to the State Forests known as Cata, Cwencwe, Dontsa, Evelyn Valley Hogsback, Izeleni/Ndakana, Kubusi, Isidenge, Qacu, Fort Cunnyngame, Rabula, Zingcuka (the "State Forests") and are issued by Amathole Forestry Company (Pty) Ltd ("AFC") in terms of the authority vested in it by the National Forest Act, 1998 (the "Act").
2. Access to the State Forests is governed by and is subject to these Rules and the Act and no person may access the State Forests unless he/she has been issued with a valid licence (the "Licence") and a valid map showing the area(s) designated for access by the Licensees (the "Map") which shall form part of the Licence. The Licence shall not become valid until the names of all persons to whom access is granted is listed on the Licence, the prescribed fees are paid and the Licence is signed by all licensees or their guardians. All persons thus listed become Licensees.
3. Access is granted only to the areas designated on the Map and Licensees shall not deviate from such designated areas. However AFC may close certain designated areas to access by Licensees from time to time in terms of the Act by means of notice boards or signage and Licensees shall not enter such closed areas.
4. All Licensees recognize the inherent dangers associated with commercial forestry plantations such as but not limited to harvesting operation, falling trees, dangerous roads, wild animals, unexpected wild fires and/or adverse weather conditions. Each Licensee or guardian by signing the Licence indemnifies AFC or any of its employees, shareholders, subsidiaries and/or independent contractors and shall keep them indemnified against all damages, costs (including legal costs), losses and claims for injuries, or loss of life which he or she may sustain or which may arise out of or as a consequence of him or her being present on AFC property.
5. All roads and/or routes on AFC administered land are specifically designed for specialized forestry operations, not for public access. Any access to AFC land on what might appear to be roads or routes does not confer that these roads or routes are "public roads" in terms of the Road Traffic Act or common law.
6. All notice boards and signage must be obeyed at all times.
7. Access permitted only between sunrise and sunset unless specifically approved by AFC in the Licence..
8. Only those activities which are specifically listed on the Licence may be conducted by Licensees.
9. Hunting is prohibited.
10. The lighting of fires is prohibited, except in places and during times specifically designated for this purpose. Fires may not be left unattended and must be completely extinguished after use.
11. No litter, refuse or empty containers shall be discarded on the State Forest. Licensees must make use of the refuse containers specifically provided for this purpose.
12. All wildlife and vegetation is protected. No person may damage, remove, deface, mark, carve, drill or interfere with any plant species, animal species, rock or structure on State Forests.
13. The feeding of wildlife is prohibited.
14. No person may interfere with forestry or management activities on AFC property, and no unauthorized access is allowed to any area where personnel or equipment are at work irrespective of whether such area is designated as a work area.
15. Access for dogs and other pets is not permitted unless specifically authorized in writing by AFC.
16. Swimming and fishing are only allowed in areas designated for that purpose.
17. Smoking is not permitted inside any plantation area and shall only be allowed on designated areas. **PLEASE NOTE:** All tobacco products must be completely extinguished and license holders shall not dispose of their tobacco products on AFC property.
18. Licensees shall be liable for any damage caused to AFC property as a result of any act or omissions on their /his/her part, whether directly or indirectly.
19. Special conditions, licenses or fees may be applicable to specific activities, places, times and events.
20. This License must be produced and shown to any authorized person on request.
21. Entry to the State Forests without a valid Licence or failure by a Licensee to comply with the Rules shall constitute trespass and will result in charges be laid against offending parties.