



UMBABAT

Umbabat Private Nature Reserve regularisation and application i.t.o Protected Areas Act (NEMPAA) November 2017

Report back from the Umbabat Steering Committee

Protected Areas Project Progress Report 14 November 2017

Background

1. The Umbabat Steering Committee was created to manage the project of regularising the properties making up the Umbabat in terms of the new National Environmental Management: Protected Areas Act No. 57 of 2003 (NEMPAA).
2. These properties already proclaimed as part of a Nature Reserve (most of Umbabat) are automatically included as Protected Areas: Private Nature Reserves under NEMPAA.
3. However, NEMPAA has additional requirements in order to maintain this Protected Area status, the main requirements and thus the focus of the Steerco, are
 - a. Have an updated formal **Cooperative agreement** between Umbabat, KNP and other entities within the Greater Kruger Area (the previous agreement was last signed and updated in 1995)
 - b. Get a **written agreement between the individual landowners making up the Umbabat and the MEC** (the MEC indicated their desire to engage at reserve level only, and thus the respective landowners are to provide power of attorney to Umbabat Management Authority). This agreement requires:
 - i. a **Management Authority** for the Umbabat Private Nature Reserve;
 - ii. an updated **Constitution** that amongst others satisfactorily addresses the need for Protected Area status and adherence to NEMPAA, its regulations, norms and standards, adherence to the cooperative agreement, member participation, voting, funding and operational management of the reserve;
 - iii. an updated **Management Plan** for the reserve that is aligned with
 1. the Greater KNP Management Plan,
 2. the cooperative agreement (previous management plan with the APNR was in 2009) and
 3. contains a 5-year sustainable funding and financial plan;
 - c. The **endorsement** as a Protected Area on the **individual title deeds**;



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- d. With the above concluded and upon receipt of the MEC's approval, **proclaim, with the new boundaries defined**, and **re-publish** the Nature Reserve via **Gazette notice**, then ensure its inclusion and or update of the Department of Environmental Affairs **Protected Areas Register and Database**.
- e. Thereafter the ongoing monitoring, measurement and reporting on the Management Plan.
4. Properties not previously proclaimed as Protected Area, including Rietvlei, Op Goedehoop and Sibon, are to be included in the above process with an additional action, namely:
 - a. The proclamation of the Nature Reserve in the Gazette with these additional properties included in Umbabat Private Nature Reserve.
5. In parallel, the Municipal Rates introduced by municipalities (Umbabat falls within Bushbuckridge Municipality, Mpumalanga) are impacted by the Protected Area status of each title deed. These rates and possible rebates requires collective engagement with the municipality.
6. The Steerco is considering and engaging advice on the interpretation and implications of other legislative changes, including for example: SPLUMA (Spatial Planning and Land Use Management Act 16 of 2013)

With the above in mind the Umbabat Exco, represented by Lenny Willson (Chairman) from UWCA and Theo van Wyk (Vice Chairman) from Nkorho, established an Umbabat Steering Committee, made up by representatives from properties within the Umbabat. Bruce Simpson from Ingwelala, and Gois Fouché from Ndlopfu, are the additional Steering Committee members.

The Steerco is supported by experienced resources, through a signed Memorandum of Undertaking with Kruger to Canyons Biosphere Region (K2C), part of the GEF PA (United Nations Global Environmental Facility Protected Area) project and where applicable by expert legal advisors, e.g. Norton Rose.

Activities are divided into 8 work streams, governed by a milestone plan that seeks to conclude the regularization by no later than the end of 2018.

Below is an update on the various work streams.

WS1 – **Constitution** (Lenny Willson & Theo van Wyk, supported by Greg Martindale from GEF PA programme and legal advice from Elmién le Roux of Norton Rose)

1. **A funding model** is necessary to both run the Umbabat and is also required in the Constitution: An updated single funding model and 5-year budget (required for the Management Plan) for the Umbabat has been prepared by TvW and LW, and was presented and discussed at the Steerco meeting on 25 October 2017 and further amended.
2. The funding model will be shared with the respective stakeholders for consideration and comment.
 - a. The model proposes a hybrid principle in that costs will be recovered through multiple channels
3. **5-Year Financial Plan:**



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- a. 5-Year plan includes contributions for community projects (required in Management Plan)
 - b. It is envisaged that a dedicated full time Warden will be required for the Umbabat. (As per Cooperative Agreement and Management Plan requirements)
4. **Voting model:**
The voting allocation and proportions, currently being considered based on hectares, is still being addressed and will be concluded in the process of discussions within the Steerco
5. The intention is to be able to distribute the **funding and voting model** to all landowners by end January 2018.
6. **Constitution:**
- a. The constitution is currently being updated and redrafted by Elmien le Roux from Norton Rose, and is based on best practices from Timbavati, Klaserie and Sabie Sand, and that Norton Rose has assisted with.
 - b. The plan is to distribute the updated Umbabat Constitution by end January 2018, with an expectation that members adopt and sign by the Constitution by end March 2018.

WS2 – **Management plan** (Theo van Wyk and Lenny Willson, supported by Greg Martindale from GEF PA Advise, Marissa Coetzee from SANPARKS and Mike Peel from GEF PA Support)

1. We are still awaiting KNP to conclude the proposed standards for the Management Plan template for all Protected Areas.
2. The indications are that the Management Plan template will be ready by February 2018.
3. Dr Mike Peel is fully engaged with the process at KNP, and Umbabat are to approach him to prepare the Umbabat Management Plan, so that we will be fully aligned with KNP.

WS3 – **Communications** (Gois Fouché, supported by Marissa Coetzee from SANPARKS and Wehncke van der Merwe from GEF PA and Lowveld PA)

1. The communication on NEMPAA process and intent was distributed to all Umbabat landowners through their respective Boards on 6 October 2017
2. Other than the Luttig Trust, responses received were all in support and showed their intent to participate in the process. Positive responses currently represent 73% of the Umbabat area.
3. It has been decided that a quarterly progress report will be distributed to all Umbabat landowners, through their respective Boards, so that the message being shared is the same and is consistent within the Umbabat and the respective landowners.
4. Upcoming communication expected:
 - a. Cooperative Agreement, November 2017
 - b. Funding and Voting Model, end November 2017
 - c. Constitution, end January 2018



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WS4 – **Local Authority Engagement (Rates)** (Gois Fouché, supported by Wehncke van der Merwe from GEF PA and Lowveld PA)

1. Based on past experiences, Wehncke van der Merwe has strongly advised and requested that the local authority engagement regarding municipal rates be done as a collective, preferably at APNR level or above. Individual landowners are requested, and advised, not to engage independently.
2. Due to other pressing matters this topic was unfortunately not considered at the recent APNR meeting in October.
3. In the meantime, the work stream continues to cautiously collect relevant outstanding policies and information from the municipality and other sources.
4. At a point in time, specific legal advice will have to be obtained, preferably at APNR level, about the definition and classification of residential and commercial versus improvements, as it pertains to protected areas for rates purposes. Share Blocks require additional interpretation, especially with reference to residential.
5. Share Blocks should note that rates are levied on the company/owner of the land, per title deed and not per individual member. It is up to each Share Block to determine how rates will be recovered from members, within the rules of their respective MOI's.
6. Bushbuckridge rates for protected areas have been gazetted for rates year ending June 2017 and June 2018.
7. Property description, valuation (per valuation roll) of land and improvements are available as per a database developed for this process and Steerco assessment.

It is **important that no individual landowner should approach the authorities at this stage**. It is imperative that the Protected Areas Regularisation is formally concluded.

WS5 – **UPNR Database** (Gois Fouché, supported by Wehncke van der Merwe from GEF PA and Lowveld PA)

1. A database has been compiled and continues to be updated from various sources including:
 - a. Bushbuckridge Municipality valuation roll
 - b. Windeed records
 - c. Department of Environmental Affairs Protected Area Database
 - d. GIS Map
 - e. Original proclamations of 1969 and 1991
 - f. Owner updates provided.



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2. The general observation is that names of legal entities that have changed have not been updated with all authorities e.g. title deeds and municipality.
3. Most members have provided updated information or confirmation on the details at the time of sharing their letter of intent to participate, and the changes have been incorporated in the database.

WS6 – Regularisation of UPNR i.t.o PA Act (Gois, supported by Greg Martindale from GEF PA and Marissa Coetzee from SANPARKS)

1. Obtain intent to participate from Umbabat landowners
 - a. In October 2017 correspondence was sent to all Umbabat landowners, through their respective Boards, containing
 - i. A Risk and Benefit Memorandum of participating in NEMPAA prepared by Elmien le Roux from Norton Rose in conjunction with Steerco
 - ii. Memorandum of intent, amongst others, setting out the requirements specific to Umbabat prepared by Elmien le Roux from Norton Rose in conjunction with Steerco
 - iii. Summary of property info on hand and
 - iv. Acknowledgement of receipt, confirmation of property info and indication of intent to participate
 - b. To date landowners representing
 - i. 73% of Umbabat hectares (total 17 910ha) indicated their intent to participate.
 - ii. 16% of Umbabat hectares indicated no intent to participate (Luttig Trust)
 - iii. 11% has not responded to date (5% independent and 6% UWCA)
 - c. Based on the majority support, Umbabat Steerco is continuing with the regularisation process
2. An alternative opinion, provided by a legal firm (Steve Raney), and who engage in protected area matters regarding the proposed NEMPAA process and requirement, was provided to all members, as received from Ntsiri via their Chairman Don Millar.
 - a. The opinion, amongst others, stated that there is no need for further action if an area was already proclaimed in 1969 and 1991.
 - b. It was circulated to Dr Marissa Coetzee (KNP and GEFPA) and Greg Martindale (GEFPA) for their views. Dr Marissa Coetzee responded in line with the views from Norton Rose, in that additional actions to regularise are required.
 - c. All landowners have been asked to consider the opinions and comment
3. Key milestone dependencies, and triggers for process to engage with authorities, are the adoption of an updated Umbabat Constitution and the appointment of a Management Authority.
4. The submission of a complete set of documents to authorities (MTPA) is targeted at the beginning of third quarter 2018.

WS7 – KNP Cooperative agreement (Bruce Simpson, supported by Marissa Coetzee from SANPARKS, Greg Martindale from GEF PA and A Rossaak from GEF PA)



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1. Draft cooperation agreement received from KNP end October 2017, following the meeting on 23 October 2017 in Skukuza.
2. The final comments and feedback are due by end November 2017.
3. The final draft agreement is expected end January 2018.

WS8 – Alternative Funding/Marketing (TBA, supported by TBA)

1. This work stream aims to source alternative funding (other than levies, commercial and hunting), preferably from international donors.
2. The Constitution is to allow for the correct legal structure e.g. Section 21 entity, to receive and disburse donor funding.
3. The funding is intended not just for community projects, but also for general conservation and security (refer Klaserie Trust Fund and Save the Rhino Fund)
4. The Steerco appeals to all members to participate in this process.
5. Again, the complete protected area status of Umbabat, with appropriate governance structure, is a pre-requisite.