

# Guidelines for freshwater aquaculture and inland fisheries



agriculture,  
forestry & fisheries

Department:  
Agriculture, Forestry and Fisheries  
**REPUBLIC OF SOUTH AFRICA**

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## ACRONYMS

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| DAFF   | Department of Agriculture, Forestry and Fisheries  |
| DEA    | Department of Environmental Affairs                |
| DWA    | Department of Water Affairs                        |
| EAP    | Environmental Assessment Practitioner              |
| EIA    | Environmental Impact Assessment                    |
| FAO    | Food and Agriculture Organization                  |
| NEMA   | National Environmental Management Act              |
| NEM:BA | National Environmental Management Biodiversity Act |
| NWA    | National Water Act                                 |
| OIE    | Office International des Epizooties                |
| SADC   | Southern African Development Community             |

## 1. INTRODUCTION

DAFF: Directorate Animal Production, Subdivision freshwater aquaculture provides a range of core functions of each of these fields are to:

- To provide information and advice on production to internal and external clients.
- To co-ordinate production data inputs for country reports to SADC and to the FAO
- To coordinate the various fields activities such as National Working Groups
- Liaison within stakeholders such as Provincial Departments of Agriculture, producer organizations and others;
- To develop technical info packs in the form of manuals, production guideline etc.
- Identify potential activities for the resource poor and new entrant farming sector;
- Input on issues such as breed evaluation, integrated farmer settlement plans etc.
- Service International Joint Commissions;
- Farmer support and development,
- Structured agricultural training,
- Sustainable resource management and
- Veterinary services.

The primary legislative frameworks used by the Department of Agriculture in relation to aquaculture are the:

- a) Animal Diseases Act, 1984 (Act No. 35 of 1984)
- b) Animal Health Act, 2002 (Act No. 7 of 2002),
- c) Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983),

- d) Animal Improvement Act, 1998 (Act No. 62 of 1998),
- e) The International Animal Health Code of the World Organisation for Animal Health (OIE - *Office International des Epizooties*).

## **2. THE OBJECTIVES OF THE GUIDELINE**

- a) To provide guidance on the processes, steps and procedures to follow for the authorisation of an aquaculture activity and inland fisheries;
- b) To ensure sustainable use of aquatic resources; and
- c) To provide guidance on the process in terms of other legislation(s) required or to be considered when an aquaculture activity is considered.

## **3. AUTHORISATION REQUIREMENTS AND PROCESS BY DAFF**

In terms of aquaculture development, DAFF has a regulatory function over the protection of agricultural resources and animal health matters. The authorisation of any aquaculture activity is an integrated process in which various stakeholders have a role to play and the process is governed by NEMA. In this regard the following broad guidelines apply:

- a) The Plant Protection Services (Directorate: Plant Health) and Veterinary Services (Directorate: Animal Health) must be engaged for the import of live aquaculture organisms. The following application form must be completed and submitted to obtain the necessary approval:
  - Application for the importation of animals and genetic material in terms of the Animal Improvement Act, 1998 (Act No. 62 of 1998).
- b) The Veterinary Services of the Provincial Department(s) of Agriculture must be engaged for the export/import of live freshwater aquatic organisms.

#### **4. STEPS TOWARDS THE PROCESS OF STARTING AQUACULTURE**

**STEP 1: SELECTION OF SPECIES.** This step consists of the consultant deciding upon an appropriate species for an aquaculture activity which includes crocodile farming. The consultant may require consultation with Nature Conservation, DEA and DAFF and its Veterinary Services section to enquire whether the species is legal at the proposed area. In all cases where the use of an exotic species is considered, these authorities must be approached to obtain the necessary authorizations and legal frameworks in terms of species choice are primarily provided by the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) (NEM: BA). Species choice and the above legal frameworks inform the EIA authorisation process in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA).

**STEP 2: LAND USE PLANNING AND ACCESS.** This step consists of ensuring that the land assigned for a proposed aquaculture activity is rightfully owned by the applicant or that the applicant obtains consent for the use of the land. And ensuring that the land use planning for a proposed aquaculture activity is in place or that it is in the process of being addressed. These land use planning aspects include:

- Ensuring that the land is correctly zoned as an agriculture zone area and it is zoned as sustainable for aquaculture or that an application for rezoning has been lodged with the applicable local authority
- Ensuring that the intended aquaculture activities are in compliance with the Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983).

**STEP 3: IMPACT ASSESSMENT.** EIA authorisation process in terms of NEMA is informed by the consultant's service planning the. The requirement for an EIA in some cases is based on the projected production level of the aquaculture farm.

EIA is mostly required when the consulter will be producing 10 tonnes and above per annum. This step consists of ensuring that the necessary services and infrastructure (electricity, water, roads, sewerage, ect.) are available at the required capacities, or that an application has been made for the service to the applicable service providers or local authorities to ensure that whatever facility is used is acceptable to the community.

## **IMPACT ASSESSMENT AUTHORISATION REQUIREMENTS AND PROCESS**

It is the consulter's right to appoint an independent and suitably qualified Environment Assessment Practitioner (EAP) as required for the completion of the EIA authorisation process. The consulter should ensure that the appointed EAP is qualified for conducting the required EIA assessment and authorisation process and also providing the authorized Department (DEA) with access to all information at their disposal, regarding the proposed activities and the application for EIA authorisation. The consulter is responsible for all costs of the EIA authorisation process.

**STEP 4: WATER USE.** This step consists of determining the need for a water use authorisation in terms of the National Water Act, 1998 (Act No. 36 of 1998) (NWA) from DWA which is the primary legislative framework used by DWA to protect, use, develop, conserve, manage and control South Africa's water resources. If established that a water use authorisation is required, an application must be made for this to DWA. Water use planning and the water use authorisation inform the EIA authorisation process in terms of NEMA. In this, the reasonable strengthening of aquaculture must take place without unnecessary impacts on water resources, on the fitness for use of water by other activities and on the greater environment.

## **WATER USE AUTHORISATION REQUIREMENTS AND PROCESS IN TERMS OF NWA**

In terms of using water for aquaculture purposes, such a use is categorised in the NWA as one of the following, for which authorisation is required:

- a) taking water from a water resource,
- b) storing water,
- c) impeding or diversion of waterflow of water in a watercourse,
- d) discharging of waste or water containing waste into a water resource through a pipe, canal, sewer, ect.
- e) disposing of waste in a manner which may damagingly impact on a water resource whether rivers, groundwater ect.
- f) altering of the bed, banks, course or characteristics of a watercourse.
- g) Using water for recreational purposes

If any of the above water uses are incorporated into any planned aquaculture activity, one of the following authorisation types will apply:

- a) A predetermined authorisation by means of the water use being classified as a Schedule 1 Use as defined in the NWA. This is limited to aquaculture activities wherein the use of water is integrated into the reasonable domestic use of water. This typically applies to very small aquaculture activities and requires no application for the authorisation of the water use.
- b) A predetermined authorisation by means of the water use being classified as an Existing Lawful Use as defined in the NWA. This typically applies to the use of water, which was authorised prior to, and took place in the 2-year period preceding, the promulgation and commencement of the NWA. Although no application is required in this regard, it may be

necessary to have a competent authority recognise such an Existing Lawful Use.

c) A predetermined authorisation by means of the water use being classified as a General Authorisation as defined in the NWA. General Authorisations intend to facilitate the legal access to water resources by eliminating the need for licence applications in instances where the potential harm to the water resources or the potential impact of pollution sources, are limited. In order to determine the applicability of this type of authorisation. In the event of a General Authorisation, a standardised registration form must be submitted to DWA

d) An authorisation process to obtain a Water Use Licence as defined in the NWA. A licence is required in the event that a particular planned use of water for aquaculture does not meet the criteria for a Schedule 1 Use, an Existing Lawful Use or a General Authorisation. If a licence is required, a standardised licence application form must be submitted to DWA together with a report containing at least the following information, which pertains to the proposed aquaculture activity:

- The aquaculture type in terms of water based activity (freshwater)
- The intended aquaculture species, whether the intended production species are exotic, indigenous, or indigenous but extralimital to the area,
- The intended production capacity in tons per annum (round weight and unprocessed),
- The type of aquaculture production system in which the water will be used (e.g. tank culture, raceways, pond culture or cage culture),
- The type of internal water management system (e.g. through flow, re-circulation or cage culture),
- The type of post production water management system (e.g. biological filtration, settlement systems, drum filters etc.), and
- The intended feed quantity per annum and the feed type.

## 5. STEPS TOWARDS THE AUTHORIZATION OF INLAND FISHERIES

**STEP 1: PERMITTING.** This is a legal requirement when capture, import, export, keeping and general transport of aquatic organisms. A private individual who want to harvest a pre-determined yield from a dam is granted right to use at a provincial level by the Nature Conservation. Mechanisms allowable for harvest include certain type(s) of net(s) depending whether it is for commercial, recreational or subsistence use. Permits may be required from the Plant Protection Services and Veterinary Services for the import of live aquatic organisms. Each type of fishing has its own permit. These permits fall under the auspices of the Animal Health Act, 2002 (Act No. 7 of 2002) and the International Animal Health Code of the World Organisation for Animal Health (i.e. *OIE Office International des Epizooties*). The following application form must be completed and submitted to obtain the necessary approval:

- Application for the importation of animals and genetic material in terms of the Animal Improvement Act, 1998 (Act No. 62 of 1998).

Provincial(s) Nature Conservation/wildlife for the capture or transport of all live aquatic organisms from one province to another (depending at the province) should be engaged.

**STEP 2: POST ASSESSMENTS.** Once the necessary authorisations have been obtained, there may be a requirement for the implementation of ongoing checks and balances, and in certain cases, renewal of the authorizations to ensure effective and timely execution and ongoing legal compliance. These may include environmental audits, reporting, record keeping, permitting and renewals as required by the respective authorities. Un-renewal of permits may occur if an applicant did not comply with the conditions stated in the regulation/ penalties may be given.

## CONTACTS

### National

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