

SECTION B**PERMIT CONDITIONS: MARINE AQUACULTURE 2010****1. GENERAL**

1.1 This permit is issued subject to the following laws (including regulations):

- (a) The Marine Living Resources Act, 1998 (Act No. 18 of 1998), (“the Act”);
- (b) The National Environmental Management Act, 1998 (Act No. 107 of 1998),
- (c) The National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004),
- (d) The National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003),
- (e) The Seashore Act, 1935 (Act No. 21 of 1935) and the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) once commenced by proclamation by the President...

The following legislation is applicable to the culture of organisms intended for human consumption and must be complied with where relevant:

- (f) The National Health Act, 2003 (Act No. 61 of 2003),
- (g) The Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972),

- (h) The National Regulator for Compulsory Specifications Act, 2008 (Act No. 5 of 2008),
- (i) The Standards Act, 2008 (Act No. 8 of 2008).

1.2 The Delegated Authority shall be entitled to amend these permit conditions.

1.3 Any reference to the Permit Holder in these permit conditions includes the entity person, his/her/its employees (whether permanent, full-time or part-time), his/her/its contractors, agents or advisers, in the course and scope of their contractual relationship.

1.4 Any contractual agreements between the Permit Holder and an external entity should be reported to the Department in writing.

1.5 A failure to comply with the provisions of the Act or these permit conditions by the Permit Holder may result in, but not limited to, the initiation of legal proceedings (civil or criminal) in terms of the Act. A breach includes:

- (a) furnishing information to which the Department of Agriculture, Forestry and Fisheries (the Department) is entitled, which is not true or complete or accurate;
- (b) contravening or failing to comply with a permit condition or with the provisions of the Act;
- (c) being convicted of an offence in terms of the Act, or
- (d) failing to effectively utilise the permit.

1.6 The Delegated Authority may refuse to issue a subsequent permit should the conditions stipulated in this permit not be adhered to.

- 1.7 These permit conditions do not in any way absolve the Permit Holder from adhering to the remaining provisions of the Act.
- 1.8 The Permit Holder shall store at their authorised marine aquaculture site the original permit issued for the current operational year. The Permit Holder shall at all times, have available an original **certified copy** of this permit which should be produced on demand by any Fishery Control Officer or any other authorised official.
- 1.9 This permit authorises the Permit Holder to undertake marine aquaculture activities for those species specified in Section A. The Permit Holder may not possess, keep, collect from the wild, culture, transport, import, export or process any other species or undertake those activities not specified in Section A of this permit.

2. **SPECIFIC CONDITIONS**

- 2.1 The Permit Holder shall comply with the specific conditions attached in **ANNEXURE**.

3. **TRANSPORT**

- 3.1 The Permit Holder may in terms of this permit possess and transport the species referred to in **Section A**.
- 3.2 The Permit Holder shall only transport the specified species in the nominated vehicles and/or vessels listed in this permit the event where a temporary vehicle and/or trailer/ vessel is used which has not been nominated in **Section A** then the Regional Fishery Control Office in the local area should receive prior written notification..

- 3.3 Relocation of stocks for grow out other than on the premises detailed in Section A must be done with the prior written approval of the Department.

4. VESSELS (if applicable)

- 4.1 The Permit Holder's nominated vessel(s) (**NAME OF VESSEL(S)**) shall be authorized to conduct marine aquaculture activity (**TYPE OF ACTIVITY**) in the (**LOCATION**)
- 4.2 The Permit Holder shall not use any vessel unless it bears the registration letters and numbers assigned thereto by the Director General. Such letters and numbers shall be painted in white on a black background or in black on a white background on both bows in characters not less than 15cm in height, 10cm in breadth and 2cm in thickness (width of stroke). The space between adjacent letters and figures shall be between 2cm and 5cm.
- 4.3 Radio call signs must be clearly visible and displayed as stipulated in terms of Regulation 78 (Regulation GNR 1111 of 2 September 1998) promulgated under the Act.
- 4.4 The Permit Holder shall allow a Fishery Control Officer to enter and inspect the nominated vessel if required.
- 4.5 The Permit Holder, and all persons employed on the vessel shall immediately comply with any instruction or request given by a Fishery Control Officer, facilitate his or her safe entry and inspection of the vessel, records, documents, fish and fish products and take all measures necessary to ensure the safety of a Fishery Control Officer in the performance of this or his/her duties.

5. INSPECTION OF PREMISES

- 5.1 The Permit Holder shall, when requested by the Department or its agent, allow access to a Fishery Control Officer/s or any other authorised official at its place of business.
- 5.2 The Permit Holder shall allow the Fishery Control Officer/s or authorised official unrestricted access to monitor marine aquaculture activities and compliance with permit conditions and all applicable laws, and shall facilitate safe entry and inspection of the sites/areas, records, documents, animals, and sampling.
- 5.3 Should the Department reasonably believe that a Fishery Control Officer/s or any authorised official is threatened or being prevented from carrying out his/her obligations in any way, the Department may immediately suspend the marine aquaculture activities being undertaken by the Permit Holder(s).
- 5.4. In the event of cultivation and harvesting being undertaken in restricted areas (e.g. mining areas), the Permit Holder shall obtain the necessary authorisation from the relevant authorities to allow access to these sites/areas by a Fishery Control Officer/s or authorised official/s of the Department.

6. ENVIRONMENTAL MONITORING (where applicable)

- 6.1 The Permit Holder may be required to comply with an approved Environmental Management Plan that will involve monitoring of marine aquaculture activities (e.g. discharge of effluents, disease, receiving waters, and the benthos). The Environmental Management Plan shall be drawn up by the Permit Holder in consultation with the Department and other stakeholders.

7. HEALTH SURVEILLANCE (where applicable)

- 7.1 The Permit Holder may be required to comply with an approved Disease Surveillance/Management Plan or any specific disease management directions issued by the Department and the relevant Veterinary Authority, after consultation with the Permit Holder and other stakeholders.
- 7.2 The Permit Holder is to obtain Health Certification indicating screening methods and pathogens that were tested for, if selling/ supplying animals to other farms and is encouraged to implement a biosecurity programme.
- 7.3 The Permit Holder must ensure that an animal health inspection is undertaken by a qualified animal health practitioner at least once a year and ensure that all health status reports are submitted to the Department, which will apply to abalone, prawn and finfish operations.
- 7.4 The Permit Holder shall allow any disease or pathogens related investigation of their growing area/ hatchery to be conducted if deemed necessary by the Department and/ or veterinary authority.
- 7.5 The Permit Holder shall co-operate with the Department on stock health inspections by the Department.
- 7.6 The Permit Holder shall notify the Department immediately if any diseases or abnormal mortalities occur on the marine aquaculture farm.

8. SPECIAL CONDITIONS: ABALONE FUNGUS DISEASE CONTROL

- 8.1 All suspected cases of Abalone Tubercle Mycosis even in the absence of clinical signs should be reported to the Department immediately.

8. SAMPLING & ANALYTICAL COSTS (where applicable)

- 8.1 The Permit Holder shall be responsible for the sampling and analytical costs related to compliance with paragraphs 6 and 7 above.
- 8.2 The Permit Holder shall be responsible for the microbiological, marine biotoxin, other toxic and hazardous substance testing in the Molluscan Shellfish Monitoring and Control Programme..

9. MOVEMENT OF ANIMALS BETWEEN FARMS

- 9.1 A record of the movement of animals between farms should be kept by the Permit Holder and prior notice of such movement should be reported to the Department (Attention: Deputy Director: Marine Aquaculture Environmental Interactions, Asanda Njobeni, fax (021) 402 3420, tel. (021) 402 3409 and e-mail asandan@nda.agric.za).

10. SUBMISSION OF INFORMATION AND REPORTS

- 10.1 The Permit Holder shall submit to the Department (Right Holder Information, Customer Services Centre, ground floor, Foretrust Building, Foreshore or Private Bag X2, Roggebaai, 8012,) a clearly marked notification of any change of their contact details (including postal address and contact telephone numbers) within 30 days of such change.
- 10.2 The Permit Holder shall submit to the Department the transformation profile of their operation relating to the shareholding, spheres of ownership and management annually by 30 November.

- 10.3 The Permit Holder is required to submit a monthly report by the 7th day of every month, in the format of the monthly report determined by the Department (Annexure MR1, MR2, MR3 and/ or MR4 where applicable) (Attention: Principal Environmental Officer: Marine Aquaculture Development, Keagan Halley, fax (021) 402 3420, tel. (021) 402 3326 and e-mail keaganh@nda.agric.za).
- 10.4 The Permit Holder shall submit a broodstock collection form to the Department when collecting broodstock which should be signed and authorised by a local Fishery Control Officer (FCO) (Annexure AB1 and FB1) and submitted to the Department (Attention: Principal Environmental Officer: Marine Aquaculture Development, Keagan Halley, fax (021) 402 3420, tel. (021) 402 3326 and e-mail keaganh@nda.agric.za).
- 10.4 The Permit Holder shall notify the Department in writing of proposed future expansion plans, including illustrations depicting the layout of all additional structures on the farm.
- 10.5 The Permit Holder shall provide any information relating to the right or permit including but not limited to economic, socio-economic, financial, or statistical information requested by the Department. The information shall be supplied in the format requested and shall be submitted within 21 days of the date of request (Attention: Principal Environmental Officer: Marine Aquaculture Development, Keagan Halley, fax (021) 402 3420, tel. (021) 402 3326 and e-mail keaganh@nda.agric.za).
- 10.6 Should the Permit Holder fail to submit the above information or submit false or incorrect information, the Department may institute proceedings under section 28 of the Act. In addition, the Department may refuse to issue a subsequent permit until such time as the required information has been received, verified and processed.

11. COMPLIANCE

- 11.1 The Permit Holder shall not collect any wild species or engage in any other fishing or other activity using this permit.
- 11.2 The Permit Holder may not cultivate or be in possession of any species at the authorised marine aquaculture site other than those species listed in Section A of this permit.
- 11.3 The Permit Holder may on request by the Department be required to ensure that an Operational Plan is in place for the authorized farming activity. The plan shall give an account of operations for the next two calendar years/production cycles. Detailed records must be kept that allow a systematic and current appraisal of farming operations.
- 11.4 In terms of the Act, the Permit Holder is obliged to report to the Minister any contravention of the provisions of the Act by any other person. Any such contravention must be reported to the Department of Environmental Affairs in writing (Attention: Chief Director: Monitoring, Control and Surveillance, Ms Suzen Liseke, fax (021) 425 7324 and tel. (021) 402 3550).
- 11.5 Any diving activities to be undertaken in areas where diving is prohibited, must be authorised via a permit in terms of the Regulations for the Protection of Wild Abalone (*Haliotis midae*) as published in the Government Notice R62 of 1 February 2008.

12. TRACEABILITY

- 12.1 The Permit Holder may be requested to implement a traceability protocol before any sale of stock and make it available to the Department on request.

13. FISH PROCESSING ESTABLISHMENT

- 13.1 Any on site fish processing establishment shall be subject to specific conditions as set out in Annexure FPE.
- 13.2 If processing takes place off site, the Permit Holder shall only allow such fish to be processed at a fish processing establishment which has a valid processing permit and is authorised to process cultured species.

14. VALIDITY OF PERMIT

- 14.1 This permit shall automatically expire and become invalid should the right allocated by the Minister or his/her delegate be cancelled or revoked in terms of Section 28 of the Act.
- 14.2 This permit shall be valid from the date stipulated in Section A until **31 December 2010**.



