

## SECTION B

### PERMIT CONDITIONS: STANDARD MARINE AQUACULTURE 2017

#### 1. GENERAL

1.1 This Permit is issued subject to, but not limited to, the provisions and regulations of the following South African legislation:

- (a) Marine Living Resources Act, 1998 (Act No. 18 of 1998) ("the Act"),
- (b) National Environmental Management Act, 1998 (Act No. 107 of 1998),
- (c) National Environmental Management Act, 1998 (Act No. 107 of 1998): Environmental Impact Assessment Regulations, 2014 (GN 38282),
- (d) National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004): Alien and Invasive Species Regulations, 2014 (GN 37885),
- (e) National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003),
- (f) Seashore Act, 1935 (Act No. 21 of 1935),
- (g) National Environmental Management: Integrated Coastal Management Amendment Act, 2014 (Act No. 36 of 2014) (GN 38171),
- (h) Animal Diseases Act, 1984 (Act No. 35 of 1984),
- (i) Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947),
- (j) National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008),
- (k) National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004),
- (l) Animal Protection Act, 1972 (Act No. 71 of 1962) and
- (m) Medicines and Related Substances Act, 1965 (Act No. 101 of 1965).

The following South African legislation is applicable to the culture of organisms intended for human consumption and shall be complied with, where relevant;

- (n) National Health Act, 2003 (Act No. 61 of 2003),
- (o) Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972), and
- (p) National Regulator for Compulsory Specifications Act, 2008 (Act No. 5 of 2008).

This Permit does not exempt the Permit Holder from complying with any other applicable legislation.

1.2 The Delegated Authority shall be entitled to amend these Permit conditions when deemed necessary.

- 1.3 Any reference to the Permit Holder in these Permit conditions includes the entity or person, his/her/its employees (whether permanent, full-time or part-time), his/her/its contractors, agents, clearing agents or advisers, in the course and scope of their contractual relationship.
- 1.4 The Permit Holder shall store at his/her/its registered office the original Permit issued for the current operational year. The Permit Holder shall at all times, have available an original or true certified copy of this Permit which should be produced on demand by any Fishery Control Officer(s) or any other authorised official(s).
- 1.5 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 any activity not specified in **Section A**.

2. SPECIFIC CONDITIONS

- 2.1 The Permit Holder shall comply with the specific conditions attached in the relevant attached ANNEXURES.

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 and in 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.

4. VESSELS (if applicable)

- 4.1 The Permit Holder's nominated vessel(s) as per **Section A** shall be authorised to conduct marine aquaculture activity in the area specified in **Section A**.
- 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 2 cm in thickness (width of stroke). The space between adjacent letters and figures shall be between 2 cm and 5 cm.

- 4.3 Radio call signs shall 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(s) or other authorized official to enter and inspect the nominated vessel if required.
- 4.5 The Permit Holder, and all persons employed on the vessel shall comply with an instruction or request given by a Fishery Control Officer(s), 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(s) in the performance of this or his/her duties.

## 5. INSPECTION OF FACILITIES

- 5.1 The Permit Holder shall, when requested by the Department of Agriculture, Forestry and Fisheries (herein referred to as "the Department") or its agent, allow access to a Fishery Control Officer(s) or any other authorised official(s) at its place of business.
- 5.2 The Permit Holder shall allow the Fishery Control Officer(s) or any other authorised official(s) unrestricted access to monitor marine aquaculture activities and compliance with Permit conditions and all applicable laws, and shall facilitate safe entry for inspection of the sites/areas, records, documents, animals, and for sampling.
- 5.3 Should the Department reasonably believe that a Fishery Control Officer(s) or any other authorised official(s) 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 any other authorised official(s).
- 5.5 A Fishery Control Officer or authorized official(s) may be allowed to give instructions which the Permit Holder shall adhere to in terms of any Food Safety Programmes implemented by the Department.

## 6. ENVIRONMENTAL MONITORING (if applicable)

- 6.1 The Permit Holder may be required to comply with an approved Environmental Management Programme (e.g. which may include monitoring of effluent discharge, receiving waters, and benthos etc.) according to the requirements of a marine aquaculture Right or an Environmental Authorisation or License/ Permit issued by the relevant Competent Authority.

- 6.2 The Permit Holder shall provide proof of compliance with Section 69 of the National Environmental Management: Integrated Coastal Management Amendment Act, 2014 prior to discharge of effluent into the marine environment.

## 7. AQUATIC ANIMAL HEALTH MANAGEMENT

- 7.1. The Permit Holder may be required to comply with an approved Animal Health Surveillance or Disease Management Program, or with specific disease management directives issued by the Department. Approved Animal Health Surveillance Programs are in place for abalone and bivalves and compliance with these is compulsory.
- 7.2. The Permit Holder may be required to implement a biosecurity program on the premises of the marine aquaculture site to mitigate disease risk.
- 7.3. The Permit Holder shall allow any disease or pathogen related investigation of the marine aquaculture site to be conducted if deemed necessary by the Department.
- 7.4. The Permit Holder shall cooperate with any stock inspections that may be conducted by the Department.
- 7.5. The Permit Holder shall notify the Department in writing within 24 hours, if any mortalities of significance are present, or if the presence of a disease listed by the World Organisation for Animal Health (OIE) is suspected or confirmed, or if aquatic animals are found showing signs of any disease that the Department has deemed significant. For further enquiries please contact the Directorate: Sustainable Aquaculture Management (SAM), Aquaculture Animal Health and Environmental Interactions, Dr Sasha Saugh, tel. (021) 430 7052/ 7038, fax (021) 434 2899 and e-mail [AquaHealth@daff.gov.za](mailto:AquaHealth@daff.gov.za).
- 7.6 Diseases that shall be reported to the Department include, but are not limited to, infection with abalone herpesvirus, *Candidatus Xenohalotis californiensis*, *Marteilia refringens*, *Perkinsus marinus* or *Perkinsus olseni*, *Ostreid Herpesvirus 1* microvariants and *Halitotida noduliformans*.

## 8. SAMPLING & ANALYTICAL COSTS (if applicable)

- 8.1 The Permit Holder shall be responsible for sampling, couriering and analytical costs related to compliance with these Permit conditions and the South African Molluscan Shellfish and Marine Fish Monitoring and Control Programme(s).

9. MANAGEMENT OF CHEMICAL USAGE

- 9.1 The Permit Holder shall ensure that non - biodegradable chemicals (including therapeutants etc.) used on the premises are disposed of responsibly and not into the environment.
- 9.2 The Permit Holder shall keep a record of all chemicals used on the premises and indicate the standard method of disposal.
- 9.3 The Permit Holder shall keep a record of therapeutants as outlined in the South African Molluscan Shellfish and Marine Fish Monitoring and Control Programme(s).

10. MOVEMENT OF LIVE AQUATIC ANIMALS

- 10.1. The Permit Holder shall keep a record of the movement of aquatic animals both onto and from the farm. This record shall be electronic and contain the following information:
- date on which animals were received or dispatched
  - purpose of translocation
  - number of animals being moved
  - batch identification of animals
  - for animals received, their origin
  - for animals dispatched, their destination
  - mode of transport.

The Permit Holder shall retain these records for five years. The Permit Holder shall make the records available to the Department on request and may be required to furnish additional information such as contact details for places of origin and destinations.

- 10.2. The Permit Holder shall comply with any Movement Protocols or directives that the Department may issue. Approved Movement Protocols are in place for abalone and bivalves and compliance with these is compulsory. In the absence of a specific Movement Protocol, the Permit Holder shall notify the Department five working days prior to the intended movement of aquatic animals. For further enquiries please contact the Directorate: SAM, Aquaculture Animal Health and Environmental Interactions, Dr Sasha Saugh, tel. (021) 430 7052/ 7038, fax (021) 434 2899 and e-mail [AquaHealth@daff.gov.za](mailto:AquaHealth@daff.gov.za).

- 10.3 High disease risk animals<sup>1</sup> shall be subjected to a isolation<sup>2</sup> period determined by an attending veterinarian. During this period the stock shall be examined/ tested by a veterinarian registered with the South African Veterinary Council, for signs of disease, unusual or excessive mortalities, or behavioural disorders. For further enquiries please contact the Directorate: SAM, Aquaculture Animal Health and Environmental Interactions, Dr Sasha Saugh, tel. (021) 430 7052/ 7038, fax (021) 434 2899 and e-mail [AquaHealth@daff.gov.za](mailto:AquaHealth@daff.gov.za).
- 10.4 The Permit Holder shall complete the relevant sections of the movement document obtained from the Department when transporting live shellfish in accordance with the South African Molluscan Shellfish Monitoring and Control Programme. For further enquiries please contact the Directorate: Sustainable Aquaculture Management (SAM), Food Safety, John Foord, tel. (021) 430 7003/ 7076, fax (021) 434 2899 and e-mail [SAMSanitation@daff.gov.za](mailto:SAMSanitation@daff.gov.za).

## 11. SUBMISSION OF INFORMATION AND REPORTS

- 11.1 The Permit Holder shall submit to the Department notification of any change of contact details (including postal address and contact telephone numbers) within 30 (thirty) calendar days of such change. For attention of the Directorate: SAM, Aquaculture Authorisations, Zimasa Jika, tel. (021) 402 3356 and e-mail [ZimasaJ@daff.gov.za](mailto:ZimasaJ@daff.gov.za).
- 11.2 The Permit Holder shall submit to the Department the transformation profile of their operation relating to the shareholding, ownership and management annually by 30<sup>th</sup> November. For attention of the Directorate: SAM, Aquaculture Authorisations, Zimasa Jika, tel. (021) 402 3356 and e-mail [ZimasaJ@daff.gov.za](mailto:ZimasaJ@daff.gov.za).
- 11.3 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 marine aquaculture site on an annual basis. For attention of the Directorate: SAM, Aquaculture Authorisations, Zimasa Jika, tel. (021) 402 3356 and e-mail [ZimasaJ@daff.gov.za](mailto:ZimasaJ@daff.gov.za).
- 11.4 The Permit Holder shall submit a monthly report by the 15<sup>th</sup> day of every month, in the format requested by the Department. For attention of the Directorate: Aquaculture Technical Services (ATS), Siphe Raxothi, tel. (021) 402 3243 and Pontsho Sibande, tel. (012) 319 7404 and e-mail [Aquaculturedata@daff.gov.za](mailto:Aquaculturedata@daff.gov.za) (Cc [SipheR@daff.gov.za](mailto:SipheR@daff.gov.za) and [PontshoS@daff.gov.za](mailto:PontshoS@daff.gov.za)).
- 11.5. The Permit Holder shall submit animal health reports to the Department in compliance with any Veterinary

<sup>1</sup> High Disease Risk Animals: Animals originating from the wild or originating from an area where there has been a suspect or confirmed case of an OIE listed disease or other disease of national significance, to which the species of animal is susceptible.

<sup>2</sup> Isolation: keeping animals apart so that they may be readily identified and observed, in order to facilitate the early identification of disease so that appropriate diagnostic and control measures can be taken. This does not require that animals be held in a separate water body from other animals.

Procedural Notices issued by the Department. Approved Veterinary Procedural Notices are in place for abalone and bivalves for facilitating export certification. In the absence of a specific Veterinary Procedural Notice, the Permit Holder shall submit to the Department an annual animal health report in the format requested by the Department, which does not automatically qualify the farm to export. The certifying official must advise on whether the annual report is sufficient and approval can be given. For attention of the Directorate: SAM, Aquaculture Animal Health and Environmental Interactions, Dr Sasha Saugh, tel. (021) 430 7052/ 7038, fax (021) 434 2899 and e-mail [AquaHealth@daff.gov.za](mailto:AquaHealth@daff.gov.za)

- 11.6 The Permit Holder subject to an Environmental Management Programme shall submit environmental monitoring data annually to the Department. For attention of the Directorate: SAM, Aquaculture Animal Health and Environmental Interactions, Michelle Pretorius, tel. (021) 430 7034, fax (021) 434 2144 and email [EnvironAssessments@daff.gov.za](mailto:EnvironAssessments@daff.gov.za).
- 11.7 The Permit Holder shall provide any information relating to the Right or Permit including but not limited to economic, socio-economic, financial, transformation 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 to the relevant official.
- 11.8 The Permit Holder shall submit when requested by the Department, detailed information of clients to whom sales are being made in the relevant format requested by the Department which shall remain confidential in accordance with the Promotion of Access to Information Act 2 of 2000 (PAIA).

## 12. TRACEABILITY AND FOOD SAFETY

- 12.1 The Permit Holder shall comply with the traceability protocols implemented by the Department for food safety and compliance purposes, where applicable.
- 12.2 The Permit Holder shall adhere to the South African Aquacultured Marine Fish Monitoring and Control Programme and South African Molluscan Shellfish Monitoring and Control Programme. For additional information you may access the programme manual available on the website [www.daff.gov.za](http://www.daff.gov.za) or contact the Directorate: SAM, Food Safety, John Foord, tel. (021) 430 7003/ 7076 and e-mail [SAMSanitation@daff.gov.za](mailto:SAMSanitation@daff.gov.za)
- 12.3 The Permit Holder shall fully complete a movement document obtained from the Department when transporting live shellfish from the authorised site to an authorised Fish Processing Establishment (FPE) as mentioned in clause 10.4 above.

**13. FISH PROCESSING ESTABLISHMENT (If applicable)**

- 13.1 Any on - site fish processing shall be subject to specific conditions as set out in Section B of the Marine Aquaculture Fish Processing Establishment (FPE) Permit conditions.
- 13.2 If fish processing takes place off site, the Permit Holder shall only allow such fish to be processed at a Fish Processing Establishment (FPE) which has a valid Permit and is authorised to process cultured species.

**14. COMPLIANCE**

- 14.1 The Permit Holder shall not engage in any fishing or other regulated activity not stipulated in Section A.
- 14.2 The Permit Holder shall not engage in marine aquaculture in a location or site not stipulated in Section A.
- 14.3 The Permit Holder may not cultivate or harvest commercially at the authorised marine aquaculture site any species other than those listed in Section A.
- 14.4 The Minister or Delegated Authority may refuse to issue a subsequent Permit should the conditions stipulated in this Permit not be adhered to.
- 14.5 The Permit Holder may on request by the Department be required to ensure that an operational plan is in place for the authorised activity. The operational plan shall give an account of operations for the next two calendar years/production cycles. Detailed records shall be kept that allow for a systematic and current appraisal of farming operations.
- 14.6 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) withholding information to which the Department is entitled, or furnishing information, which is not true, 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.
- 14.7 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 in writing for attention of the Chief Directorate: Monitoring, Control and Surveillance, Fatima Savel, tel. (021) 402 3539, fax (021) 402 3663 and e-mail [FatimaSA@daff.gov.za](mailto:FatimaSA@daff.gov.za).



## ANNEXURE F3: FINFISH GROW OUT – LAND BASED 2017

### 2. SPECIFIC CONDITIONS

#### 2.1 CULTIVATED SPECIES AND LOCATION

- (a) Cultivation and harvesting of **SPECIES** shall only be undertaken as per **Section A**.

#### 2.2 STOCKING

- (a) The juveniles shall be procured and transported as per **Section A**.
- (b) The Permit Holder shall comply with the Hatchery Management Protocol (Annexure 4) in the case of Dusky Kob (*Argyrosomus japonicus*) and Silver Kob (*Argyrosomus inodorus*).
- (c) The Permit Holder shall notify the Department in writing within 24 hours, if any mortalities of significance are present, which includes mortalities due to any suspected or confirmed case(s) of a World International Organisation for Animal Health (OIE) listed disease or other disease of national importance; a suspected infectious agent; ongoing or unusually high mortalities.

#### 2.3 ANIMAL MOVEMENT: DISEASES

- (a) Refer to clause 10.1 and 10.2 of the Standard Marine Aquaculture Permit conditions 2017.

#### 2.4 FOOD SAFETY MONITORING

- (a) Refer to clause 12.2 of the Standard Marine Aquaculture Permit conditions 2017.

#### 2.5 ENVIRONMENTAL MONITORING

- (a) The effluent water quality requirements in Table 1. of clause 2.7 b) are not applicable if the Permit Holder is compliant with the ICM Amendment Act (Refer to clause 6.1 and 6.2 of the Standard Marine Aquaculture Permit conditions 2016).
- (b) The following effluent water quality requirements shall form part of an Environmental Management Programme (EMP) as required by the Department and provided in Table 1.:

**Table 1. EMP Effluent Monitoring Requirements for Finfish**

Effluent monitoring requirements for	Water to be sampled monthly
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Sampling frequency

- i) Monthly water samples should be taken for all parameters in Table 1.
- ii) A running median is to be calculated from the most recent 12 monthly values and updated as new data become available.

**2.6 HARVESTING AND PROCESSING**

- (a) Refer to clause 13.1 of the Standard Marine Aquaculture Permit conditions 2017.

**2.7 RECEIPT AND MARKETING**

- (a) Cultured finfish harvested in terms of **Section A** may be marketed and sold.
- (b) The Permit Holder shall keep a copy of all original invoices issued for any sales of cultured finfish from the establishment for no less than 60 (sixty) months and such invoices shall contain at least the following details:
  - (i) The names and addresses of the parties to the transaction;
  - (ii) the name of the product;
  - (iii) the date of delivery/receipt; and
  - (iv) the quantity (number or mass) of product sold.

**2.8 OTHER CONDITIONS**

- (a) The Permit Holder shall put systems in place to minimize the escape of animals into the marine environment and if any animals have escaped, the Department shall be notified. No animals shall be deliberately released into the marine environment.

**2.9 VALIDITY OF PERMIT**

- (a) 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.
- (b) This Permit shall be valid for 12 months from the date of issue.