

## GENERAL NOTICES

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### NOTICE 313 OF 2009

#### DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

#### MARINE LIVING RESOURCES ACT, 1998 (ACT NO. 18 OF 1998)

#### INVITATION TO APPLY FOR RIGHTS TO ENGAGE IN MARICULTURE ACTIVITIES (EXCLUDING MARINE RANCHING) IN TERMS OF SECTION 18 OF THE MARINE LIVING RESOURCES ACT, 1998 (ACT NO. 18 OF 1998)

I, Marthinus van Schalkwyk, Minister of Environmental Affairs and Tourism, hereby publish for general information my intention to allocate rights to engage in mariculture activities in terms of section 18 of the Marine Living Resources Act, 1998 (Act No. 18 of 1998) ("the Act"). Interested parties are hereby invited to apply as set out in the Schedule hereto.

**MARTHINUS VAN SCHALKWYK**  
**MINISTER OF ENVIRONMENTAL AFFAIRS AND TOURISM**

## SCHEDULE

1. Applications to apply for rights to engage in mariculture activities will be received at any time during the year and will be adjudicated by the department's Marine Aquaculture Working Group (MAWG).
2. All current Exemption Holders will have to lodge an application to engage in mariculture activities and pay the prescribed application fee.
3. Current rights holders will have to lodge an application to engage in mariculture activities for any additional species, which have been authorised in terms of an exemption and is not included in a current right.

### *Important Information*

4. The department through the Marine Aquaculture Management sub-directorate will undertake any relevant investigative measure to verify or ascertain information submitted in any application.
5. Applicants must note that in terms of section 28 of the Act, a right may be cancelled, suspended or revoked if the document that was presented or the statement that was made to the department was false or misleading in any material respect.

### *Duration of Rights*

6. Rights to engage in mariculture activities will be awarded for a period of **up to 15 years**.

### *Application fees*

7. An application fee, determined by the Minister in terms of section 25 of the Act, will be charged for lodging an application for a right to engage in mariculture activities.

8. All applicants are herewith informed that any application submitted without proof of payment of the stipulated fee at the time of lodgement, will not be considered.
9. Monies must be paid to the Marine Living Resources Fund and proof of such deposit, by way of a deposit slip, must be attached to each Application Form.

#### **BANKING DETAILS FOR THE MARINE LIVING RESOURCES FUND**

**BRANCH CODE: 204-109**

**ACCOUNT TYPE: Current**

**BANK: First National Bank (FNB)**

**ACCOUNT No.: 62 123 256 382**

**BRANCH NAME: Corporate Account Services**

**ACCOUNT NAME: Marine Living Resources Fund**

**BRANCH: Cape Town**

**Reference No. : Call Customer Service Center (0861 123 626)**

10. Application fees are not refundable. Only in exceptional circumstances, may application fees be refunded.

#### ***Application Forms***

11. The Application Forms and Policy Guidelines will be made available upon request and may be collected at any time during office hours from the department: Branch: Marine and Coastal Management: Sub-Directorate: Marine Aquaculture (Mrs B Taylor at telephone 021-4023036 or e-mail [Betsie@deat.gov.za](mailto:Betsie@deat.gov.za)). The documents will also be available for collection at Customer Services, Ground Floor, Foretrust Building, Foreshore. The documents can also be downloaded on the website - [www.environment.gov.za](http://www.environment.gov.za)
12. While the information that the department will make available will to the best of its knowledge, be true and correct at the time of preparation, it will be up to the applicants to ensure that they are aware of any additional information, any changes or developments and to satisfy themselves of the veracity of the information supplied.

**Submission of Applications**

13. Applications must be made on the approved original Application Forms supplied by the department. Applications submitted in any form other than on the approved Application Form will not be considered.
14. Applications transmitted by facsimile will not be accepted.
15. No amendments, alterations or additions can be made to an application, except where such amendment, alteration or addition is in response to a specific request from the department.
16. Applications may be posted to the address below and should be marked **for the attention of Ms Betsie Taylor** and the department will accept delivery during week days from 08:00 until 16:00 at the following address:

**MARINE AQUACULTURE APPLICATION****ATTENTION: MS BETSIE TAYLOR**

Department of Environmental Affairs and Tourism or  
Private Bag X2  
ROGGEBAAI  
8012

Ground Floor  
Customer Services Centre  
Department of Environmental Affairs and  
Tourism  
Foretrust Building  
Martin Hammerschlag Way  
Foreshore  
CAPE TOWN  
8001  
telephone : 021-4023036 or  
                  : 021-4023180  
e-mail : [betsie@deat.gov.za](mailto:betsie@deat.gov.za)

**ENQUIRIES**

## 17. Assessment Criteria for New Applications

The following criteria (category 1-4) will be utilised by the Marine Aquaculture Working Group when assessing all marine aquaculture rights. Applications will be lodged and assessed on a continuous basis. Currently the Marine Aquaculture Working Group makes recommendations to the delegated authority. The applicants will be required to complete an application form. The application form should be supported by a business plan.

### 17.1 Category 1: Environmental Issues

17.1.1 The applicant must submit a report for the Marine Aquaculture Working Group that addresses:

- (a) Conflicting and complementary uses of the area (marine/land) proposed for marine aquaculture activities;
- (b) The key ecological impacts arising from the project;
- (c) Compliance with all other legislations related to the governance of marine aquaculture activity issues arising from the proposal;
- (d) Any other missing information or gaps in the proposal presented by the applicant will be identified, and additional information may be requested if necessary;
- (e) The kind of studies that would be required to provide more information on the potential long-term environmental impacts;
- (f) The distance between farms.
  - o To prevent risk of the spread of disease among fish or shellfish there should be at least a 1-km distance between farms. Consideration will be given to species and/or size (total production) of farm(s) eg 1X200tons farms would be the equivalent of 4X50tons farms.

17.1.2 A marine aquaculture right may not be granted if the facility—

- (a) will risk the spread of disease among fish or pollution. A risk management plan must be submitted;
- (b) has an inappropriate location with potential conflicting issues in relation to the surrounding environment, defined shipping lanes or other forms of traffic lanes in

the area.

## 17.2 Category 2: Non-environmental issues

The MAWG will consider the following non-environmental issues:

- (a) The economic attributes of the proposed project;
- (b) Job creation (direct and indirect);
- (c) Transformation and empowerment according to Broad Based Black Economic Empowerment (BBBEE) codes;
- (d) Direct Empowerment:
  - (i) Equity Ownership- .....%;
  - (ii) Management-.....%;
- e) Indirect Empowerment:
  - (i) Employment Equity- .....%;
  - (ii) Skills Development- .....%;
  - (iii) Preferential Procurement- .....%;
  - (iv) Enterprise Development- .....%;
  - (v) Residual Element/Corporate Social Investment- .....%;
- (f) The costs and benefits of the project.

## 17.3 Category 3: Management and Training

17.3.1 Applicants should identify appropriate management instruments for the zone/area of operation once a fully established farm activity is in place.

17.3.2 Make proposals on a possible independent environmental monitoring of the farm in the long term.

17.3.3 The applicants must also have potential (eg exposure or training received in the field or related field) or experience in marine aquaculture.

17.3.4 A business and financial plan(s) to be submitted.

17.3.5 If necessary, enclose documentation authorising access to the land or sea area selected for the proposed marine aquaculture activity.

**17.4 Category 4: General**

17.4.1 Application form should be completed.

17.4.2 Stipulated application fee paid.

17.4.3 Submit a project proposal and business plan.

17.4.4 Environmental Authorisation granted by competent authority in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA) if required.

17.4.5 Environmental Management Plan.

17.4.6 Environmental Monitoring Plan.

17.4.7 Valid lease agreement for land/sea space or title deed.

17.4.8 Company registration certificates and or copies of Identity documents of applicants.

17.4.9 Tax Clearance Certificate from SARS.

17.4.10 Traceability protocol may also be required for finfish farming and abalone farming applicants. The template will be made available where appropriate.