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GOVERNMENT NOTICE

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

No. 72

28 January 2005

NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT, 2004 (ACT 10 of 2004)

I, Marthinus Christoffel Johannes van Schalkwyk, Minister of Environmental Affairs and Tourism, hereby in terms of Section 100 of the Act, publish for public information and comments the following:

1. THE DRAFT NATIONAL NORMS AND STANDARDS FOR THE SUSTAINABLE USE OF LARGE PREDATORS ISSUED IN TERMS OF SECTION 9(1) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT, 2004
2. THE DRAFT REGULATIONS RELATING TO THE KEEPING AND HUNTING OF *ACINONYX JUBATUS*, *HYAENA BRUNNEA*, *CROCUTA CROCUTA*, *LYCAON PICTUS*, *PANTHERA LEO* AND *PANTHERA PARDUS*, IN TERMS OF SECTION 97 (1)(b)(iii) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT, 2004

To ensure that all the relevant stakeholders are consulted and to streamline the consultation process, interested and affected stakeholders are invited to submit **written** comments to the department:

Please submit all written comments to:

The Director-General
Department of Environmental Affairs and Tourism
Private Bag X447
PRETORIA
0001

For Attention: Dr Pieter Botha

Enquiries should be directed to Dr Pieter Botha Tel. (012) 310 3575, or Ms Sonja Meintjes Tel. (012) 310 3545, or e-mail: pbotha@deat.gov.za or smeintjes@deat.gov.za, or fax number (012) 320 7026.

Closing date: 15 March 2005



MINISTER OF ENVIRONMENTAL AFFAIRS AND TOURISM

DATE: 26/01/2005

DRAFT NATIONAL NORMS AND STANDARDS FOR THE SUSTAINABLE USE OF LARGE PREDATORS ISSUED IN TERMS OF SECTION 9(1) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT (ACT NO 10 OF 2004)

The Minister of Environmental Affairs and Tourism hereby publishes for public information and comment in terms of section 9(1) of the National Environmental Management Biodiversity Act, 2004 (Act No. 10 of 2004), the norms and standards set out in the Schedule hereto for the sustainable utilisation of large predators.

SCHEDULE

1. DEFINITIONS

Large predator: A large predator means a specimen of the following species:

- *Acinonyx jubatus*: cheetah;
- *Hyaena brunnea*: brown hyaena
- *Crocuta crocuta*: spotted hyaena
- *Lycaon pictus*: wild dog
- *Panthera leo*: lion
- *Panthera pardus*: leopard

Wild: A large predator is considered to be wild if:

- it is free-ranging,
- it lives on wild prey populations, which do not require to be supplemented in numbers or with food,
- its own diet is not supplemented with food artificially,
- it occurs in its natural habitat within the historical distribution range of the particular species, and
- the particular species' social requirements must be met at all times.

Managed wild populations: A large predator population is considered to be a managed wild population if:

- it is free-ranging,
- it lives on wild prey populations whose numbers may require to be supplemented,
- it occurs in its natural habitat within the historical distribution range of the particular species, and
- the particular species' social requirements must be met at all times

Captive: A large predator is considered captive if any of the criteria of the definitions for wild or managed wild populations are absent.

Captive-bred: A large predator bred under controlled unnatural conditions is considered to be captive-bred.

Canned hunting: Canned hunting is considered to be any form of hunting where:

- a large predator is tranquillised, artificially lured by sound, scent, visual stimuli, feeding, bait, other animals of its own species, or another species, or any other method, or
- captive large predators are hunted.

2. MANAGEMENT OF WILD LARGE PREDATORS

- These norms and standards apply to predators, which occur naturally in the wild and those that have been acceptably re-established in the wild within their natural distribution range.
- The following criteria shall apply when re-establishing wild large predators in the wild:
 - enough suitable habitat must be available to accommodate a viable group;
 - sufficient suitable prey must be available to sustain the predators through natural hunting;
 - adequate fencing as prescribed by the provincial conservation authority in whose area of jurisdiction the intended action falls, must be erected;
 - only truly wild or properly rehabilitated large predators may be utilised for re-establishment purposes.
- The establishment or re-establishment of any large predator will be subject to an environmental assessment and feasibility study by the applicant, which will be reviewed by the provincial conservation authority in whose area of jurisdiction the intended action falls, and which will lead to the development of a formal ecological management plan.
- Wild large predators may only be temporarily kept in a release camp prior to release. A release camp shall be subject to fencing specifications prescribed by the provincial conservation authority in whose area of jurisdiction the intended action falls.
- Capture and temporary keeping of large predators for any other reasons is subject to authorisation by the provincial conservation authority in whose area of jurisdiction the intended action falls.
- The written comments of adjacent landowners will be considered by the provincial conservation authority in whose area of jurisdiction the intended action falls when establishing or re-establishing large predators.

3. HUNTING OF WILD AND MANAGED WILD INDIGENOUS LARGE PREDATORS

- No large predator may be hunted without authorisation issued by the provincial conservation authority in whose area of jurisdiction the intended action falls.
- No human-imprinted predators may be hunted.
- The large predator must be wild as defined above
- Hunting of a specific animal will only be considered six months after introduction of the particular animal.
- The area in which the hunt will take place must be fenced according to the requirements of the provincial conservation authority in whose area of jurisdiction the action falls.
- No large predator may be artificially lured by sound, scent, visual stimuli, feeding, bait, other animals of its own or another species or any other method.
- No dogs may be used, except where the predator has been wounded in the hunt and needs to be traced.
- No large predator under the influence of any tranquilliser or similar drug may be hunted.
- No large predator may be hunted at night.
- The methods of hunting of leopard will be dealt with at the discretion of the provincial conservation authority in whose areas of jurisdiction the action falls.
- Hunting must be done on foot and at least 200 metres from the vehicle used for the hunt (except disabled hunters)
- Hunting is only allowable using legal hunting methods.
- The provincial conservation authority in whose area of jurisdiction the action falls must be informed regarding the date and time of hunt and may reserve the right to be present at the hunt.
- The hunter must be in possession of all permits, licences and relevant documentation and must present these upon request.
- No large predator should be hunted in a pride situation

- Wounded and hunted animals must be reported to the provincial conservation authority in whose area of jurisdiction the action falls within 24 hours.
- The conservation authority in whose area of jurisdiction the action falls may specify the calibre of fire-arm or weapon used during the hunt.
- Special permits are required from the provincial conservation authority in whose area of jurisdiction the action falls for hunting with bow and arrow.

4. KEEPING AND BREEDING OF CAPTIVE LARGE PREDATORS

Large predators kept captive for species conservation and commercial purposes are subject to the following conditions.

- The establishment of a captive operation of large predators will be subject to an environmental assessment in terms of the National Environmental Management Amendment Act, 2004 (Act No 8 of 2004).
- Should the Record of Decision following the appropriate environmental assessment indicate that the establishment of the captive breeding operation will not have detrimental environmental consequences, the issuing of the necessary permits will require submission and approval of:
 - a management plan, and
 - a business planto the relevant provincial conservation authority.
- No large predator may be kept under captive circumstances unless the applicant satisfies the provincial conservation authority in whose area of jurisdiction the action falls that the capture, keeping and/or breeding of the predator/s has a conservation, commercial, rehabilitation or education objective or forms part of a *bona fide* research programme or project attached to a recognised institution of research or higher learning.
- No large predators may be kept as pets.
- Exhibition of large predators must conform to the Performing Animals Protection Act, 1935 (Act No 24 of 1935) (PAA), the Animals Protection Act, 1962 (Act No 71 of 1962) and the NSPCA Act, 1993. The issuance of licenses in terms of the PAA must take into account the guidelines as set out in this document.
- All large predators in a captive operation shall be subject to micro-chipping. The applicant will be responsible for the costs of such micro-chipping. Such information will be housed in a national database, to be established by Department of Environmental Affairs and Tourism (DEAT) for this purpose, to ensure standardisation. Standardised micro-chips to be used as prescribed by DEAT.

- Fencing specifications as prescribed by the provincial conservation authority in whose area of jurisdiction the action falls for the management of wild large predators must be adhered to (see section 3).
- The written comments of adjacent landowners will be considered when establishing a captive facility for large predators.
- No permit for the keeping of large predators in captivity will be issued before the facility has been inspected and approved by the provincial conservation authority in whose area of jurisdiction the action falls.

5. HUNTING OF CAPTIVE LARGE PREDATORS

- Hunting of captive large predators (i.e. canned hunting as defined in section 1) is prohibited.
- Hunting of captive-bred large predators will only be permitted once they have been certified as rehabilitated to wild status (wild as defined in section 1) by the provincial conservation authority in whose area of jurisdiction the action falls as defined in this document.

6. CONTROL OF DAMAGE CAUSING LARGE PREDATORS

- The most effective control measures, taking into consideration the conservation status of the animal, should be applied at all times.
- Permits for the capture or destruction of large predators causing damage to property or which is a threat to human life will only be issued after the provincial conservation authority in whose area of jurisdiction the action falls has been satisfied that the capture or killing of the animal is warranted.
- The control of large predators causing damage shall be treated as prescribed by the provincial legislation in whose area of jurisdiction the action falls.
- The provincial conservation authority in whose area of jurisdiction the action falls will decide on the disposal of the carcass or the skin.
- Damage caused by large predators is an inherent agricultural risk and therefore the onus is on the landowner to use non-lethal preventative measures to protect his property from large predators that might cause damage.

7. IMPORT, EXPORT AND TRANSPORTATION OF LARGE PREDATORS

- No large predator shall be imported or exported or transported without the necessary national or provincial permits and without being micro-chipped.
- Exemption from permit requirements for the transport of large predators will only be allowed in the case of sick or injured animals in need of urgent medical treatment at an animal medical facility provided a veterinary surgeon at such medical facility has certified that the animal is in need of urgent medical attention.
- Crates for the translocation of large predators must comply with International Air Transport Association (IATA) regulations for air transport and the requirements specified by the provincial conservation authority in whose area of jurisdiction the action falls.
- Where an application is received for the import of non-indigenous wild large predators into the country, the applicant will have to prove, by means of appropriate Deoxyribonucleic acid (DNA) testing, that the predators are genetically sufficiently dissimilar to local predators to the extent that it precludes the possibility of the hybridisation of subspecies, species, or other taxa.
- A certificate of health must be issued by a veterinary surgeon prior to the import of any large predator and such certificate must indicate that each predator is free from diseases such as feline Acquired Immune Deficiency Syndrome (AIDS), Tuberculosis (TB) or any other disease, which may threaten local populations. Any other requirements by veterinary and other authorities must also be met.

DRAFT REGULATIONS RELATING TO THE KEEPING AND HUNTING OF ACINONYX JUBATUS, HYAENA BRUNNEA, CROCUTA CROCUTA, LYCAON PICTUS, PANTHERA LEO AND PANTHERA PARDUS, IN TERMS OF SECTION 97(1) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT, 2004 (ACT NO 10 OF 2004)

The Minister of Environmental Affairs and Tourism has under section 97(1) of the National Environmental Management: Biodiversity Act, 2004 (Act No 10 of 2004), made the regulations set out in the Schedule.

SCHEDULE

**PART I
INTERPRETATION**

In these Regulations, unless the context otherwise indicates, every word takes the meaning as defined in the Act, and –

“canned hunting” means any form of hunting where:

- a large predator is tranquillised, artificially lured by sound, scent, visual stimuli, feeding, bait, other animals of its own species, or another species, or any other method, for the purpose of hunting that predator; or
- captive large predators are hunted.

“captive” means a large predator lacking any of the criteria of the definitions for wild or managed wild populations;

“captive breeding operation” means an operation where large predators are bred under controlled unnatural conditions;

“large predator” means a specimen of the following species:

- *Acinonyx jubatus*: cheetah;
- *Hyaena brunnea*: brown hyaena
- *Crocuta crocuta*: spotted hyaena
- *Lycaon pictus*: wild dog
- *Panthera leo*: lion
- *Panthera pardus*: leopard

“managed wild population” means a large predator population that:

- is free-ranging,
- lives on wild prey populations whose numbers may require to be supplemented,
- occurs in its natural habitat within the historical distribution range of the particular species, and
- the particular species’ social requirements is met;

“wild” means a large predator:

- that is free-ranging;
- that lives on wild prey populations, which do not require to be supplemented in numbers or supported with food;
- whose own diet is not supplemented with food artificially;
- that occurs in its natural habitat within the historical distribution range of the particular species; and
- whose social requirements are met.

PART II LISTING OF SPECIES

Establishment of threatened or protected species in terms of section 56(1)

1. (1) The following species is listed as a vulnerable species in terms of section 56(1)(c):

(i) *Acinonyx jubatus* (cheetah)

(2) The following species are listed as protected species in terms of section 56(1)(d):

(i) *Crocuta crocuta* (spotted hyaena)

(ii) *Hyaena brunnea* (brown hyaena)

(iii) *Lycaon pictus* (wild dog)

(iv) *Panther leo* (lion)

(v) *Panthera pardus* (leopard)

PART III MANAGEMENT OF LARGE PREDATORS

Establishment of new holding facilities

2. The establishment of new holding facilities for keeping large predators shall be subject to the issuing of a permit, issued in terms of Chapter 7 of the Act, by the provincial conservation authority in whose area of jurisdiction the proposed facility is located.

Conditions for permits relating to the keeping of large predators

3. (1) A provincial conservation authority referred to in regulation 2, may only issue a permit as contemplated in Chapter 7 of the Act to establish a holding or captive breeding facility for large predators, if -

(i) sufficient suitable habitat is available to accommodate a viable population of the species;

(ii) sufficient suitable prey animals are available to sustain the large predators through natural hunting;

(iii) adequate fencing as prescribed by the provincial conservation authority referred to in regulation 2 is erected;

(iv) written comments of adjacent landowners have been considered by the provincial conservation authority referred to in regulation 2 when establishing or re-establishing large predators;

(v) an environmental assessment in terms of National Environmental Management Amendment Act, 2004 (Act No 8 of 2004) has been submitted;

(vi) in the case where the Record of Decision following the appropriate environmental assessment indicates that the establishment of the holding or captive breeding operation will not have detrimental environmental consequences;

- (a) a management plan, and
 - (b) a business plan
- have been submitted;
- (vii) the large predators concerned are not intended to be kept as pets.

(2) Every large predator in a captive breeding operation shall be fitted with a micro-chip for the purpose of identification of the predator concerned.

(3) The Department shall maintain a database of all large predators in captive operations. The provincial conservation authorities referred to in regulation 2 must provide the relevant information to the Department on a quarterly basis.

Conditions for permits relating to hunting of large predators

4. (1) A large predator may not be hunted unless the hunter of that predator is in possession of a permit issued in terms of Chapter 7 of the Act, issued by the provincial conservation authority referred to in regulation 2.

(2) The permit issued by the provincial conservation authority referred to in regulation 2, is subject to the following conditions:

- (i) The provincial conservation authority concerned must be informed of the date and time of hunt and may reserve the right to be present at the hunt;
- (ii) The hunter must be in possession of all permits, licences and relevant documentation required in terms of the provincial legislation of the province concerned and must present these upon request;
- (iii) The large predator to be hunted may not be human-imprinted;
- (iv) The area in which the hunt will take place must be fenced according to the requirements of the provincial conservation authority concerned;
- (v) The permit does not authorise canned hunting;
- (vi) Despite subparagraph (v), the conservation authority in whose area of jurisdiction the intended hunt takes place may in the case of the hunting of leopard, determine special conditions for that hunt but those conditions may not authorise the use of any tranquilliser or similar drug;
- (vii) No dogs may be used to hunt the large predator concerned, except where that predator has been wounded in the hunt and needs to be traced.
- (viii) No large predator may be hunted at night, except in the case of the hunting of leopard, in which case the conservation authority in whose area of jurisdiction the intended hunt takes place may determine special conditions for that hunt;
- (ix) Hunting of a large predator must take place on foot and at least 200m from the vehicle used for the hunt; except in the case of a disabled hunter for whom the conservation authority in whose area of jurisdiction the intended hunt takes place, may determine special conditions;
- (x) Only hunting methods authorised by the legislation of the province concerned is allowed;

- (xi) No large predator may be hunted in a pride situation;
- (xii) Wounded and hunted large predators must be reported to the provincial conservation authority in whose area of jurisdiction the action falls within 24 hours after the hunt or the wounding of that predator.

(3) The provincial conservation authority in whose area of jurisdiction the intended hunting will take place may specify type of weapon to be used for the hunt and in the case of a fire-arm, the calibre of that fire-arm.

(4) If required in terms of a provincial law, a large predator may only be hunted with a bow and arrow under the authorisation of a special permit issued in terms of Chapter 7 of the Act.

PART IV

IMPORT, EXPORT AND TRANSLOCATION OF LARGE PREDATORS

Conditions subject to which a permit for the import, export or translocation of large predators may be issued

5. A permit for the import, export or translocation of large predators is subject to the following conditions:

- (i) Every imported large predator shall be fitted with a micro-chip for the purpose of identification of that predator;
- (ii) The submission of a certificate of health issued by a veterinary surgeon, indicating that the animal is free from diseases such as feline Acquired Immune Deficiency Syndrome (AIDS), Tuberculosis (TB) or any other disease, which may threaten local populations;
- (iii) Every container for the translocation of large predators must comply with International Air Transport Association (IATA) regulations for air transport and the requirements specified by the provincial conservation authority in whose area of jurisdiction the action falls.

Exemption

6. Transportation of large predators for the purposes of urgent medical treatment at an animal medical facility is exempt from permit conditions, prescribed by regulation 5 if a veterinary surgeon at that medical facility has certified that the large predator is in need of urgent medical attention.
