
GENERAL NOTICE

NOTICE 44 OF 2015

NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT, 2004 (ACT NO. 10 OF 2004)

NORMS AND STANDARDS FOR THE TRANSLOCATION OF INDIGENOUS SPECIES IN SOUTH AFRICA

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby, in terms of section 9, read with section 100 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) publish for public comment the norms and standards for translocation of indigenous species in South Africa, as set out in the Schedule hereto.

Any person who wishes to submit representations or comments in connection with the proposed norms and standards is invited to do so within 30 days of the date of this notice. All representations and comments must be submitted in writing to the Director-General of the Department of Environmental Affairs:

By post to: The Director-General: Department of Environmental Affairs
Attention: Ms Mamelato Ngoasheng
Private Bag X447
PRETORIA
0001

By hand at: Reception, Environmental House, Conner Steve Biko and Soutpansberg Streets, Pretoria.

By e-mail to mngoasheng@environment.gov.za

Comments received after the closing date may not be considered.



BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS

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**CHAPTER 1
INTERPRETATION, PURPOSE AND APPLICATION****Definitions**

1. (1) In this Schedule, unless the context indicates otherwise, a word or expression defined in the Biodiversity Act has the same meaning, and—

“applicable legal requirements” means—

- (a) all legislation and instruments mentioned in section 88(3) of the Biodiversity Act;
- (b) any norms and standards which apply to the implementation of these norms and standards;
- (c) any management plans;
- (d) any prohibitions issued in terms of section 57(2) of the Biodiversity Act;
- (e) any exemptions issued in terms of section 57(4) of the Biodiversity Act; and
- (f) any applicable provincial legislation;

“applicable provincial legislation” means any provincial act or ordinance that regulates biodiversity matters within a particular province;

“Biodiversity Act” means the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004);

“controlled environment” means an enclosure as defined in the TOPS Regulations;

“exemption certificate” means a document issued in terms of applicable provincial legislation that facilitates the translocation of species without the further requirement of a permit;

“extensive wildlife system” means a system as defined in the TOPS Regulations;

“genetic fitness” means the ability of a breeding population to remain adapted to its natural environment;

“genetic manipulation” means the intentional intervention in the process of selecting genetic material in order to artificially enhance the frequency of appearance of a specific genetic trait within a population;

“hybridization” means the cross-breeding between individuals from different recognised species or subspecies, whether intentional or not;

“introduction” means the translocation of a specimen of an indigenous species to an area that falls outside the natural distribution range of such species;

“natural distribution range” means the area in which a specimen of an indigenous species occurs naturally, and of which the boundaries may be determined by natural factors;

“registered game farm” means a game farm registered in terms of the TOPS Regulations;

“re-introduction” means the establishment of an indigenous species in an area which was once part of its natural distribution range, but from which it has become extinct;

“re-stocking” means the translocation of a number of individuals of a particular indigenous species to a habitat where a population of such species already occurs, with the intention of supplementing the numbers such existing population;

“TOPS Regulations” means the Threatened or Protected Species Regulations, promulgated in terms of section 97 of the Biodiversity Act;

“translocation” means the deliberate process of capturing an individual of an indigenous species at a particular location, and transporting and releasing such individual at another location; and

“wildlife translocator” means a person who translocates live specimens of indigenous species for commercial purposes on behalf of another person, and may include the purchasing, selling or temporary possession of such live specimens.

Purpose and application

2. (1) The purpose of these norms and standards is to—
- (a) provide a national approach to the translocation of indigenous mammal species in South Africa, including the translocation of indigenous species that are also alien species; and
 - (b) mitigate or minimise the risks associated with the translocation of indigenous species.

(2) The provisions of these norms and standards apply to the translocation of certain indigenous mammal species that are listed as threatened or protected in terms of section 56(1) of the Biodiversity Act, as well as certain indigenous mammal species that are listed in terms of any applicable provincial legislation, and which are included in Annexures 1 and 2.

(3) The provisions of these norms and standards apply to the translocation of the indigenous species contemplated in subparagraph (2) from one extensive wildlife system to another extensive wildlife system.

(4) The provisions of these norms and standards must be applied in conjunction with distribution maps (if any) for the indigenous species listed in Annexures 1(b) and 2, and published as part of these norms and standards as contemplated in Annexure 3.

- (5) The provisions of these norms and standards do not apply to—
- (a) domestic or stock species that have become wild; or
 - (b) the translocation of indigenous species for introduction to controlled environments.

- (6) These norms and standards are informed by the—
- (a) The Convention of Biological Diversity (CBD); and
 - (b) IUCN Guidelines for Re-introductions, prepared by the IUCN Species Survival Commission (SSC) Re-introduction Specialist Group.

- (7) These norms and standards must be read in conjunction with—
- (a) the Biodiversity Act;
 - (b) the TOPS Regulations; and
 - (c) any applicable provincial legislation.

Guiding Principles

3. Any person involved in the translocation of an indigenous species must do so with due consideration to the following principles—
- (a) translocation should be based on sound ecological principles and should consider all risks associated with such translocation;
 - (b) translocation should take into account sound economic principles;
 - (c) the protection of indigenous species occurring within their natural distribution ranges, their genetic integrity and their natural habitats should take preference over commercial considerations if risks associated with translocation cannot be mitigated;
 - (d) the translocation of species should not be harmful to—
 - (i) the source population;
 - (ii) the species already occurring in a particular habitat,
 - (iii) the species being released into a particular habitat, or
 - (iv) to the particular habitat itself;
 - (e) the translocation of species should not lead to the hybridization of species;

- (f) indigenous species should only be translocated if adequate and suitable habitat is available;
- (g) the translocation of species should not result in the spreading of diseases;
- (h) the translocation of species should not result in human-wildlife conflict; and
- (i) the owner of the translocated species, and/ or the person responsible for the translocation of the species, may be held responsible for the rectification of any negative environmental impact arising from unlawful and/ or negligent translocation.

CHAPTER 2 TRANSLOCATION MANAGEMENT

Risks associated with the translocation of indigenous species

4. The following risks may be associated with the translocation of indigenous species, including an indigenous species that is also an alien species—

- (a) ecological risks, which may include—
 - (i) damage to, or destruction of, the habitat into which the indigenous species will be released;
 - (ii) competition between an indigenous species to be released in a particular habitat and an indigenous species already occurring in that particular habitat, for living space and/ or resources; or
 - (iii) an adverse climatic effect on the translocated indigenous species;
- (b) genetic risks, which may result in the loss of the genetic fitness of populations of indigenous species;
- (c) pathogenic risks, which may result in the spreading of diseases to livestock or other indigenous species;
- (d) social risks, which may result in human-wildlife conflict; and
- (e) financial risks, which may arise from remedial action as a result of any damage caused by the translocated species.

Introduction or re-introduction of indigenous species

5. (1) Prior to the introduction of live specimens of an indigenous species, an assessment of risks should be carried out, if deemed necessary by the issuing authority or relevant conservation authority, in accordance with paragraphs 8(2)(a) and 9(2)(a) below, to ascertain whether—

- (a) any of the risks contemplated in paragraph 4 exists;
- (b) in the case of any of the risks contemplated in paragraph 4 existing, measures as indicated in the risk management plan have been implemented to mitigate such risks; and
- (c) the ecological habitat requirements of the translocated species will be met.

(2) The introduction of specimens of an indigenous species may be considered if—

- (a) there is no scientific evidence to indicate that such species has caused an unmanageable negative impact on the environment of the area where it has been introduced; and
- (b) no factor is present in the new habitat outside its natural distribution range that may be detrimental to the ability of such species to adapt to such habitat.

(3) Indigenous species should only be re-introduced into a habitat if the factors causing the local disappearance or extinction of the species have been mitigated on the property to which the re-introduction applies.

Translocation of indigenous species

6. (1) A live specimen of an indigenous species may be translocated if—
- (a) the measures that are implemented to mitigate the risks contemplated in paragraph 4, are adequate to minimise any harmful effect to—
 - (i) the species to be translocated;
 - (ii) any indigenous species already occurring in the receiving habitat; or
 - (iii) to the receiving habitat itself; and
 - (b) all other applicable legal requirements have been complied with.

Translocation of indigenous species listed in Annexure 1(a)

7. The translocation of a listed threatened or protected species listed in Annexure 1(a) of these norms and standards is subject the prior issuance of a permit in terms of Chapter 7 of the Biodiversity Act, and applicable provincial legislation.

Translocation of indigenous species listed in Annexure 1(b)

8. (1) A specimen of an indigenous species listed in Annexure 1(b) of these norms and standards may be translocated within its natural distribution range, provided that—
- (a) such species is translocated within its natural distribution range as indicated in the relevant distribution map;
 - (b) such species is included in both the exemption certificates of the game farms where the species is translocated from and the game farm where the species is to be translocated to;
 - (c) a basic habitat assessment has been carried out by the relevant provincial authority as part of the process to exempt the game farm onto which the species is to be released, prior to the translocation of such species;
 - (d) the translocation of the species is done by a wildlife translocator registered or authorised by the relevant provincial authority; and
 - (e) the registered wildlife translocator contemplated in subparagraph (1)(d) and the owner of the game farm onto which the species is released, keep a register of such translocation.

(2) A specimen of an indigenous species listed in Annexure 1(b) of these norms and standards may be translocated within an area, or to an area, outside its natural distribution range, provided that—

- (a) an assessment of risks has been conducted for the game farm onto which such species is to be released, if required by the relevant provincial authority, and for the cost of the owner of the game farm onto which the species is to be released;
- (b) such species is included in both the exemption certificates of the game farm where the species is translocated from and the game farm where the species is to be translocated to;
- (c) a basic habitat assessment has been carried out by the issuing authority as part of the process to exempt the game farm onto which the species is to be released, prior to the translocation of such species;
- (d) the translocation of the species is done by a wildlife translocator registered or authorised by the relevant provincial authority; and
- (e) the registered wildlife translocator contemplated in subparagraph (2)(d) and the owner of the game farm onto which the species is released, keep a register of such translocation.

(3) The register contemplated in subparagraphs (1)(e) and (2)(e) should include the information contained in paragraph 10.

(4) The assessment of risks contemplated in subparagraph (2)(a) should include, as a minimum, the information contained in paragraph 11.

(5) Notwithstanding subparagraph (2)(a), in the case where a provincial conservation authority has previously authorised the translocation of an indigenous species to a specific extensive system in terms of applicable provincial legislation or the Biodiversity Act, an assessment of the risks contemplated in Paragraph 4 should not be required, provided that such translocation was done in accordance with the conditions of the authorisation.

Translocation of indigenous species listed in Annexure 2

9. (1) A specimen of an indigenous species listed in Annexure 2 of these norms and standards may be translocated within its natural distribution range without a permit issued in terms of Chapter 7 of the Biodiversity Act, provided that—

- (a) such species is translocated within its natural distribution range as indicated in the relevant distribution map;
- (b) such species is included in both the registration certificates of the registered game farm where the species is translocated from and the registered game farm where the species is to be translocated to;
- (c) a basic habitat assessment has been carried out by the issuing authority as part of the process to register the game farm onto which the species is to be released, prior to the translocation of such species;
- (d) the translocation of the species is done by a registered wildlife translocator; and
- (e) the registered wildlife translocator contemplated in subparagraph (1)(d) and the owner of the registered game farm onto which the species is released, keep a register of such translocation.

(2) A specimen of an indigenous species listed in Annexure 2 of these norms and standards may be translocated within an area, or to an area, outside its natural distribution range without a permit issued in terms of Chapter 7 of the Biodiversity Act, provided that—

- (a) an assessment of risks has been conducted for the game farm onto which such species is to be released, if required by the issuing authority, and for the cost of the owner of the game farm onto which the species is to be released;
- (b) such species is included in both the registration certificates of the registered game farm where the species is translocated from and the registered game farm where the species is to be translocated to;
- (c) a basic habitat assessment has been carried out by the issuing authority as part of the process to register the game farm onto which the species is to be released, prior to the translocation of such species;
- (d) the translocation of the species is done by a registered wildlife translocator; and
- (e) the registered wildlife translocator contemplated in subparagraph (2)(d) and the owner of the registered game farm onto which the species is released, keep a register of such translocation.

(3) The register contemplated in subparagraphs (1)(e) and (2)(e) should include the information contained in paragraph 10.

(4) The assessment of risks contemplated in subparagraph (2)(a) should include, as a minimum, the information contained in paragraph 11.

(5) Notwithstanding the provisions of subparagraphs (1)(c) and (2)(c), a basic habitat assessment is not required if it has been conducted previously in terms of applicable provincial legislation.

(6) Notwithstanding the provision of subparagraph (2)(a), in the case where a provincial conservation authority has previously authorised the translocation of an indigenous species to a specific extensive system in terms of applicable provincial legislation or the Biodiversity Act, an assessment of the risks contemplated in Paragraph 4 should not be required, provided that such translocation was done in accordance with the conditions of the authorisation.

(7) Notwithstanding the provisions of subparagraphs (1) and (2), the translocation of a listed threatened or protected species is subject the prior issuance of a permit in terms of Chapter 7 of the Biodiversity Act, if any of the conditions contemplated in subparagraphs (1) or (2) cannot be met.

Registers to be kept

10. The register contemplated in paragraphs 8(1)(e), 8(2)(e), 9(1)(e) and 9(2)(e) should include the following information—

- (a) name and residential address of the registered wildlife translocator;
- (b) name and residential address of the owner of the registered game farm or exemption farm on which the indigenous species is to be captured;
- (c) registered name and number of the property on which the indigenous species is to be captured;
- (d) name and residential address of the owner of the registered game farm to where the indigenous species is to be transported and released;
- (e) registered name and number of the property onto which the indigenous species is to be released;
- (f) particulars of the indigenous species, number and sex to be translocated;
- (g) date on which the indigenous species has been captured, transported and released.

Assessment of risks

11. The assessment of risks contemplated in paragraphs 8(2)(a) and 9(2)(a) should include, as a minimum, the following information—

- (a) registered name and number of the extensive or semi-extensive wildlife system onto which the species is to be released;
- (b) a list of indigenous species already occurring on the extensive or semi-extensive wildlife system onto which the species is to be released;
- (c) in the case where an extensive or semi-extensive wildlife system is also an exempted or registered game farm—
 - (i) a list of species included in the exemption certificate or registration certificate of the game farm onto which the species is to be released;
 - (ii) the fencing specifications of the exempted or registered game farm onto which the species is to be released;
- (d) reasons why the indigenous species that is to be translocated has disappeared or has become extinct from the area where such species will be re-introduced (if applicable);
- (e) measures to prevent the species contemplated in subparagraph (d) from disappearing from the registered game farm again after re-introduction;
- (f) the potential risks associated with the translocation of the particular species and a specific population of such species, or to any other species or ecosystems, including—
 - (i) degradation and fragmentation of the habitat of a species;

- (ii) creation of a significant change in an ecosystem caused by the removal or addition of keystone species;
- (iii) over-exploitation of a species; and
- (iv) hybridisation of species;
- (g) evaluation of the risk identified under paragraph (f) in terms of—
 - (i) the likelihood of the risk being realised; and
 - (ii) the severity of the risk and consequences of the realisation of the risk for the particular species as well as for other species, habitats and ecosystems;
- (h) any management measures that have been implemented to minimise potential risks;
- (i) how permissible restricted activities will be carried out to prevent or minimise potential risks; and
- (j) any other information as the issuing authority may determine.

CHAPTER 3 MONITORING

Monitoring the consequences of the translocation of indigenous species

12. (1) The translocation of indigenous species must be closely monitored to ascertain whether—

- (a) the introduced or re-introduced indigenous species has adequately adjusted to its new environment;
- (b) a translocated alien indigenous species has a negative impact on—
 - (i) the receiving habitat; or
 - (ii) the indigenous species already occurring within the receiving habitat;
- (c) measures to mitigate threats as identified in the risk assessment and risk management plan, have been successfully implemented; and
- (d) the release of an indigenous species that has been subject to genetic manipulation, has a negative impact on the population of the same species already occurring within the receiving habitat.

(2) If an introduced indigenous species develops invasive qualities at any stage after such introduction, the owner of such species must implement mitigation measures to prevent any negative impact to the environment.

CHAPTER 4 GENERAL

Short title and commencement

13. These norms and standards are called the Norms and Standards for the translocation of indigenous species in South Africa, and will take effect on a date determined by the Minister by Notice in the *Gazette*.

ANNEXURE 1

Annexure 1 (a) includes indigenous species to which the provisions relating to exemption from a permit requirement in terms of the Biodiversity Act do not apply.

Annexure 1(b) includes indigenous species to which the provisions relating to exemption from a permit requirement in terms of applicable provincial legislation may considered to be applied.

(a) Species listed as threatened or protected in terms of section 56(1) of the Biodiversity Act:
African elephant (*Loxodonta africana*) - whole of the Republic of South Africa to be regarded as natural distribution range

African lion (*Panthera leo*)

Black rhinoceros (*Diceros bicornis bicornis* and *Diceros bicornis minor*) – natural distribution range as per the Biodiversity Management Plan for black rhinoceros

White rhinoceros (*Ceratotherium simum simum*)

Blue duiker (*Philantomba monticola*)

Oribi (*Ourebia ourebi*)

Suni (*Neotragus moschatus*)

(b) Species listed in terms of applicable provincial legislation:

Burchell zebra (*Equus quagga burchelli*)

Bushpig (*Potamochoerus larvatus*)

Cape buffalo (*Cyncerus caffer caffer*)

Eland (*Tragelaphus oryx*)

Gemsbok (*Oryx gazelle gazella*)

Giraffe (*Giraffa camelopardalis giraffa*)

Kudu (*Tragelaphus strepsiceros*)

Hippopotamus (*Hippopotamus amphibious*)

Grey rhebuck (*Pelea capreolus*)

Grey duiker (*Sylvicapra grimmia*)

Impala (*Aepyceros melampus*)

Klipspringer (*Oreotragus oreotragus*)

Mountain reedbuck (*Redunca fulvorufula*)

Natal red duiker (*Cephalophus natalensis*)

Nyala (*Tragelaphus angasii*)

Southern reedbuck (*Redunca arundinum*)

Springbok (*Antidorcas marsupialis*)

Steenbok (*Raphicercus campestris*)

Warthog (*Phacochoerus africanus*)

Waterbuck (*Kobus ellipsiprymnus*)

ANNEXURE 2

Annexure 2 includes indigenous species, listed in terms of Section 56(1) of the Biodiversity Act, and to which the provisions relating to exemption from a permit requirement in terms of the Biodiversity Act, contemplated in paragraph 9, apply:

Black wildebeest (*Connochaetes gnou*)

Blesbok (*Damaliscus pygargus phillipsi*)

Blue wildebeest (*Connochaetes taurinus taurinus*)

Bontebok (*Damaliscus pygargus pygargus*)

Cape mountain zebra (*Equus zebra zebra*)

Hartmann zebra (*Equus zebra hartmannae*)

Roan (*Hippotragus equines equinus*)

Sable (*Hippotragus niger niger*)

Tsessebe (*Damaliscus lunatus lunatus*)

ANNEXURE 3

The distribution maps of indigenous species included in Annexures 1(b) and 2, contemplated in paragraph 2(4), are published on the departmental website:

Printable maps: <http://egis.environment.gov.za>

GIS Maps: <http://mapservice.environment.gov.za/tomviewer/>