

Aquaculture Application Form & Information Checklist

All applicants for an aquaculture license must provide the information prescribed below as a minimum. Failure to provide the minimum prescribed information may result in an application being refused or a decision on it being delayed pending receipt of a properly completed application.

Part A: Type of Application

The applicant must indicate the **type of application** for which it is seeking authorization as it would have different documentary and fee obligations.

- A1. Application for a new commercial or research aquaculture operation:**
Complete Parts 1-12

- A2. Application to change the geographic location of a current licensed aquaculture operation:** Complete Parts 1-8, 11, 12

- A3. Application to change fish species being farmed or to add additional species to those currently being farmed under licence:** Complete Parts 1, 5, 6, 7, 8

- A4. Application to increase the fish biomass being farmed and/or increase in the water space currently being utilized:** Complete Parts 1, 5, 6, 7, 8

- A5. Application to transfer an aquaculture licence to a third party:**
Complete Parts 1, 5, 9, 11, 12

- A6. Application to amend fish farming technologies or any other technical changes to the licenced aquaculture operation:** Complete Parts 1, 5, 7, 8, 9 (where applicable)

1. Details of the applicant

1.1. Name of applicant

1.2. Legal status of applicant: Person; Company; Cooperative; (as relevant) and details of all shareholders (if company) / members (if a close corporation) / trustees and beneficiaries (if a trust)

1.3. Nationality of applicant

1.4. Identity of applicant (personal ID; company register no; tax register no; (as relevant)

1.5. Contact details –

1.5.1. Telephone

1.5.2. Mobile phone

1.5.3. Fax

1.5.4. E-mail address

1.5.5. Physical address

1.6. Authorised contact person for applicant and contact details

1.7. Applicant's professional staff details

1.7.1 Names and qualifications of applicant's top management;

1.7.2 Names and qualifications of applicant's appointed farm manager and assistant farm manager;

1.7.3 Name and qualification of applicant's appointed operations manager.

Documents required for this part:

- * **Copy of applicant incorporation documents;**
- * **Copy of proof of nationality;**

- * **Tax clearance and compliance certificate; and**
- * **Detailed curriculum vitae for each of the applicant's professional staff listed under 1.7**

2. Site applied for

2.1. District & municipality (as applicable)

2.2. Name of water-body

2.3. Name of site

2.4. Specification of geographical coordinates (format to be specified) of proposed fish farm center position. Perimeter positions of the proposed fish farm and of associated planned mooring/anchoring system to be set out in a map attached to the application

Documents required for this part:

- * **Map of the proposed citing of the aquaculture operation, including following zones**

3. Status of site area in terms of zoning and/or other planning

3.1. Details to be specified and annexes to be attached as applicable.

4. Other user interests associated to the area of the site applied for

4.1. Current occupation and use details of adjacent land

4.2. Details of all local authorities concerned and affected

- 4.3. Details of other fish-farming activities in the vicinity
- 4.4. Details of other commercial activities in the vicinity
- 4.5. Details of subsistence and/or recreational fisheries in the vicinity
- 4.6. Details of other recreational activities in the vicinity
- 4.7. Existing or planned utilization of the water itself as a product or a service
- 4.8. Information on any known environmental protection schemes
- 4.9. Other interests

5. Payment of applicable fees

- 5.1. Proof of payment of all prescribed license fees

Documents required for this part:

- * **Copy of Electronic Fund Transfer payment document or other proof of payment.**

6. Environmental Impact Assessment (EIA) & Project Briefs

- 6.1. Details to be specified/documented with reference to specific EIA regulations and project brief documentation as required under the Environment Act of 2008.
- 6.2. A full EIA is required for any application seeking to undertake aquaculture where annual production is anticipated to exceed 100 tons and the species to be farmed have not been farmed in Lesotho previously or currently.

6.3. A Project Brief is required as specified in the Environment Act of 2008 where annual production will not exceed 100 tons and the species to farmed have been previously farmed or are currently farmed in Lesotho and there is no known or anticipated risk of serious harm to the environment.

Documents required for this part:

- * **Copy of the final and complete EIA / project brief documentation which is signed off by the applicable environmental consultant and whose full professional and contact details are provided.**

7. Considerations in respect of animal health, food safety and public health

7.1. The application must convincingly demonstrate that the selected site of the fish-farming operation and the construction and layout thereof is such that it will accommodate the environmental requirements of the species applied for and that there is a low risk of unforeseen incidents resulting in damage or distress for the farmed animals to occur.

7.2. The application must specify details on discharges or seepage into the water-body within five kilometers of the planned fish-farming site from all sources of pollutants including (but not confined to) other fish farms, industry, agriculture and sewage. The position/location of any such discharges or seeps must be set out in an annexed map.

7.3. A system of internal operational control routines must be annexed to the application, setting out how operational responsibilities and key parameters will be monitored, logged, documented and kept on record, including (but not confined to) –

7.3.1. Ensuring that regulations pertaining to fish farming are easily available to and understood by all staff.

7.3.2. Ensuring that all staff is adequately trained in and familiar with the internal operational control system.

7.3.3. Ensuring that all staff members are familiar with the organizational structure of the operation and with their respective roles and responsibilities therein, including (but not confined to) –

- (a) Inspection, cleaning and other maintenance of aquatic and terrestrial operational infrastructure/equipment;
- (b) Introduction of additional seedlings/fingerlings/juveniles into the fish farm;
- (c) Feeding of fish;
- (d) Sorting of fish including the removal of dead or deceased fish;
- (e) Harvesting and killing/slaughtering of fish for marketing;
- (f) Processing of fish;
- (g) Transporting of fish;
- (h) Monitoring of animal health, *i.e.* the disease status of the fish as documented by risk-based veterinary health control;
- (i) Monitoring of water dynamics¹ and quality (such as temperature, P and N) including microbiology;

7.3.4. Identification of operational problems and associated risks and on that basis development of plans to reduce those risks or to mitigate adverse effects in the event of problematic operational incidents.

7.3.5. Reviewing of the internal control system on a regular basis to ensure its adequate functioning according to purpose.

7.4. An emergency plan specifying preventative or mitigating measures and their practical implementation to deal with events of e.g. outbreak/spreading of infectious disease, mass mortality, breakdown

¹ Flow of water; direction and speed of flow recorded over a twelve month period.

of moorings, cages, nets or other operational infrastructure, changes in water quality or water surface level, or other critical situations

8. Considerations in respect of environmental integrity

8.1. The application must convincingly demonstrate that the fish-farming operation will –

8.1.1. Result in minimal or least possible conflict with other legitimate user or interest groups.

8.1.2. Not compromise the environmental integrity of the aquatic or terrestrial surroundings whether at its site or in the vicinity or further away thereof. Essential information that must be specified includes (but it is not confined to) –

- (a) Data on water exchange/dynamics at the site (direction and speed of currents at the surface, mid-water and bottom);
- (b) Water depth and variability thereof during a twelve-month period;
- (c) Bottom topography, type and condition;
- (d) Planned annual production of fish and its distribution over a twelve-month calendar;
- (e) Planned feed type, food conversion ration (FCR) for fish to be cultured and annual use thereof, and distribution of the use over a twelve-month calendar.

9. Business plan

9.1. A business plan must be attached to the application, minimally indicating –

9.1.1. A detailed description of planned aquatic and terrestrial operational infrastructure and equipment, the source/producers of same and a sketch of its layout.

9.1.2. Source of ova, hatchery operation, transporting and keeping of and introduction into the fish-farm of fry/seedlings/fingerlings/juveniles (as applicable).

9.1.3. Type and source/producer of planned fish-feed.

9.1.4. Scale/volume of production of fish in tons round weight as planned for the first five years of operation.

9.1.5. Investment and financing plan for the first five years of operation.

9.1.6. Planned products to be delivered from the site of the operation.

9.1.7. Planned processing of fish and geographical location of such processing.

9.1.8. Planned markets on a per-product basis.

9.1.9. Product price estimate on a per-market and per-product basis.

9.1.10. Staffing plan for the operation, qualifications required at the various operational stages/phases, specification of staff expected to be recruited from Lesotho (Lesotho nationals).

10. National Economic Empowerment

The applicant must show how it complies or will comply with the policy of National Economic Empowerment issued by the Ministry of Trade and Industry, Co-operatives and Marketing.

11. Job Creation

The applicant must detail the number of staff it will employ, their respective skills, payment levels and what number of staff will be or currently are Lesotho nationals.

12. Community Beneficiation & Empowerment

The applicant must specify in detail how local communities surrounding the proposed aquaculture operations will stand to benefit.

Schedule 2: Regulation 11(3)

Application and decision making processes

The application and decision-making process for aquaculture licenses are overseen by the committee. The committee will act as the "one-stop" clearing house for all applications by receiving applications and thereafter consulting with all applicable government departments and parastatals as required by law.

This schedule describes the application and decision-making process for aquaculture licences.

Lodging of application

1. The applicant shall lodge its application with the committee either by email or by hand delivery of its application. The committee will not accept or consider faxed applications.
2. Emailed applications shall be submitted to _____ and shall comprise a signed application and all applicable annexures which have been certified as true copies of the original (where applicable).
3. Hard-copy applications shall be submitted at _____ and shall include the signed original and 4 copies which shall be assumed to be exact duplicates of the original. All annexures attached to the original application and that are copies of original documents must be certified as true copies of the original.
4. Applications must be accompanied with proof of payment of the prescribed license application fee. Should this proof not be included, the application will not be considered until such time as proof of payment has been provided to the committee.

Initial consideration of application by committee

5. The committee shall provisionally assess the application to ensure that it complies with the formal application requirements as set out in Schedule 1.
6. Should the application not comply with the formal application requirements as set out in Schedule 1, the committee shall immediately but not later than 2 weeks after lodgement, notify the applicant in writing of the deficiencies and the applicant shall be requested to correct the deficiencies.

Substantive evaluation of application by committee

7. Should the application comply with the formal application requirements as set out in Schedule 1, it shall be considered to be a properly completed license application. The committee shall then circulate through members of the committee the properly completed application to the following government departments, parastatals and stakeholders to seek their comment on, recommend for or objection to the application:
 - 7.1 The Department of Environment, in so far as authorization is required for an environmental impact assessment or project brief and compliance with any environmental legislation, including compliance with Convention on Biological Diversity.
 - 7.2 The Ministry of Trade and Industry, Co-operatives and Marketing, in so far as any authorizations are required for the carrying on of trade, food safety, standards or tax exemptions.
 - 7.3 The Ministry of Agriculture and Food Security, in so far as any authorization is required pertaining to fisheries legislation.
 - 7.4 Local authorities in terms of the Local Government Act, 1996.

- 7.5 Non-governmental organizations, existing operators, environmental organizations and any other interest group that has identified itself as such in writing with the committee.
8. Should the consulted parties listed above not provide their written comment or detail the nature of their objections within 42 calendar days from the date on which they received the properly completed licence application, the committee shall then proceed with the determination of the application based on the best information available to it.
9. The committee shall evaluate the application against each of the criteria prescribed in Chapter 3 and Schedule 1.
10. Where the committee receives more than one application for the same area or within one kilometer of each other, then the committee shall evaluate each application on a competitive basis.

Decision

10. Upon completion of the evaluation process, the committee shall communicate its decision in writing to the applicant's nominated representative.
11. The committee shall communicate its decision to the applicant, together with its reasons, as well as any comments and objections received from the parties consulted in terms of this schedule.

Appeals

12. Should the committee refuse an applicant's application, the applicant shall have the right to appeal the committee's decision and to lodge such appeal with the Authority within 30 days of receiving the committee's written decision complete with reasons.

13. The applicant shall submit the appeal in writing by either email or by submission of a hard copy to the following addresses:

Email: _____

Hard-copy: _____

14. The Authority shall consider and decide the appeal within 60 days of receiving the written appeal. The Authority shall thereafter inform the applicant of the decision in writing, together with the reasons for the decision.