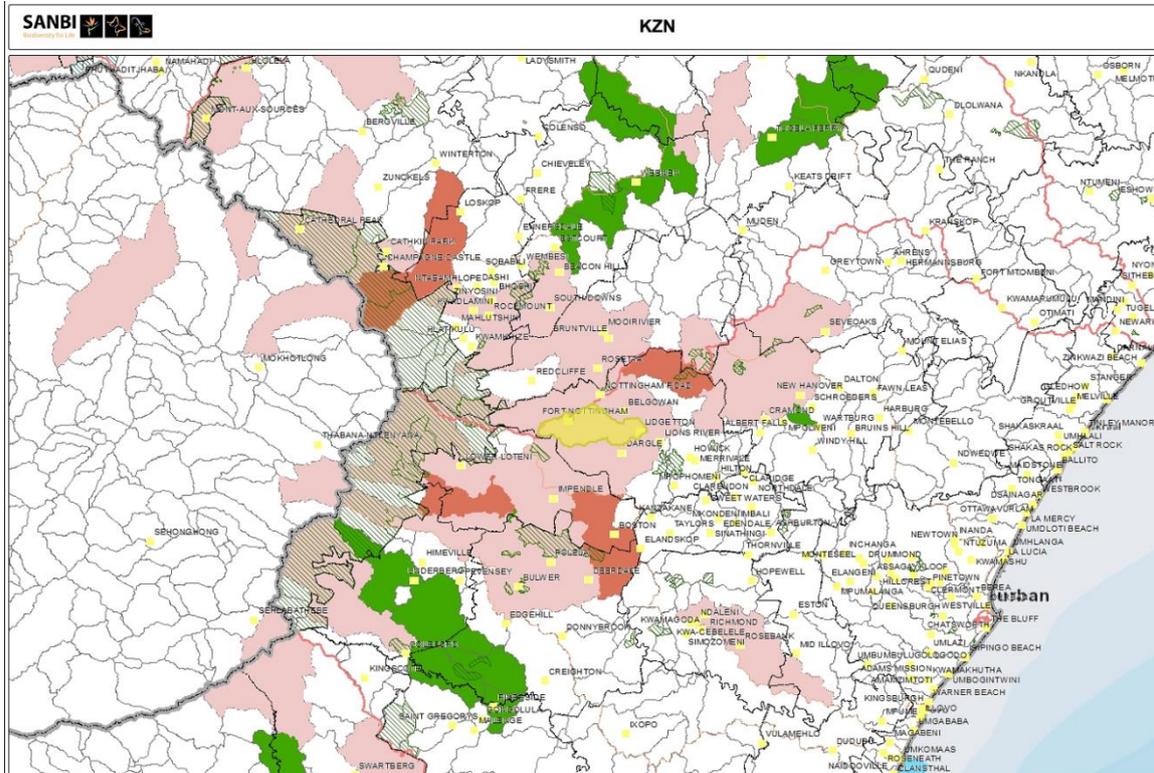


Trout And Biodiversity

By Ian Cox



The deadline for making submissions to the Department of Environmental Affairs on the proposed new alien and invasive species lists and regulations has been extended until 8 April 2014. I would think you really want to object to these. If the DEA get away with this one its goodbye fly fishing. The DEA has finally revealed its fish sanctuary areas and they include most of the trout waters of KwaZulu Natal and indeed the country. Trout are to be declared invasive in those areas and must be combatted by eradication or stocking. This is will be the legal duty of every landowner in those areas if this becomes law. The major hatchery owners have already said they can't survive this and without them it's goodbye stocking. Without stocking most trout waters will cease to exist. Trout SA and FOSAF will be making a supplementary submission. For how to object click [here](#).

Trout SA and FOSAF made a joint submission in time for the deadline. A summary and the full submission can be accessed [here](#). If you want to learn about this with reference to a simple list of FAQ's click [here](#).

If you want to access the maps click [here](#). If that proves too difficult (and getting round these maps is hard) [click](#) here to access the DFT website where we have published some easy access read PDF's of some of these maps.

The map shows those fish sanctuary areas in pink orange and red. It also shows reserves and what are described as fish corridors in various iterations of green. Trout will be treated as invasive in reserves as well. I am not sure about fish corridors.

This is only the start. These areas will be expanded and there is also a plan to expand mountain catchment reserves. This is pretty much the case throughout the country.

The DEA has been coy about revealing these maps. Instead it has gone about telling the press that:

“In most parts of the country - where the species already occur - there will be no restrictions on the farming of trout species in dams. Trout will also be allowed to be fished in most parts of the country, including catching and releasing the species, without a permit”

Dr Guy Preston Sunday Tribune 23 March 2014

Now that is a bit like Bill Clinton telling the world he did not have sex with Monica. Technically it is not a lie. But it is not the truth either. The truth is that the DEA is only paying lip service to the idea that the contribution trout make to the health and wellbeing of South Africans must be protected. The DEA may say this but its actions tell a very different story. It is hell bent on destroying trout and the DEA does not seem to care about the economic consequences of doing so.

The fact that the DEA tried to declare trout invasive throughout the country back in July last year and now these fish sanctuary areas maps clearly indicated this. Actions speak more loudly than words.

The irony of this is that if the DEA applied the NEM:BA properly it would be impossible to declare trout as invasive. This is because invasive species must cause harm to human health and wellbeing and trout do the opposite.

The invasive species sections of the NEM:BA would also have been in operation years ago and the environment would be better for it. What's more the DEA would enjoy wide public support instead of what is ever increasing opposition.

It is becoming increasingly obvious is that those responsible for running the DEA have never properly understood this law nor do they want to. They are like the child who has begged for a complicated toy and finally been given it. Like that child they think they know what they have got and have consequently rushed off and started playing with it without reading the instructions. Of course it isn't working because they have not got what they think they have.

To be blunt, they have completely lost the plot. What is even worse is the more they begin to realize this, the more irrational they become. I think we are dealing with a government department that has gone rogue and trout true to its role as the canary in the coal mine is at the forefront of showing this to the country. But we are not alone. Other organisations, even environmental xenophobes (they call themselves purists but that is a matter of perspective), have pointed this out.

The rules that determine what is invasive are very conservative and very simple. A species is only invasive if it harms human health and wellbeing. Species that threaten indigenous species but do not harm human health and wellbeing are not invasive. Invasive species must be

eradicated either in the positive sense of active extermination or the passive one of preventing their regrowth or propagation. The law is pretty uncompromising.

The obligation to wipe out invasive species is placed on every landowner as well as government. You can't duck it. If you are the owner of an a invasive specimen, you must eradicate it and if you don't anyone can go to court and get a court order to see that you do. The obligation is peremptory.

So you would think that the DEA would be cautious what they declare as invasive. After all you don't want to declare anything invasive if you have no hope of combatting it. That would be building a stick that will be used to beat landowners and government to a pulp.

That would assume that they have read the instruction manual. That would be a big mistake. They have declared hundreds of species as invasive. So many in fact that the DEA acknowledges that no ordinary South Africans are likely to have the faintest idea of what is invasive or what is not. And they intend to add to these lists every six months!

This is as about as far away as lawmaking 101 as you can get. It breaks every rule in the book. But one must remember the DEA has not read the instruction manual. This is why their numerous attempts to get this law off the ground have failed.

The DEA's actions are not completely arbitrary. They are playing to some rules albeit subject to change as they change their minds, but there is a rule book of sorts. It seems their rule book is the very new world of what is called environmental science.

Now science is a lousy platform on which to build laws. Science isn't even a platform. It is a system of knowledge. And it is questionable if environmental science is a science at all. It is more of a multidisciplinary academic field of science that has coalesced around the environmental movement. So this is a case of ivory tower academia applied to law making. Small wonder it isn't working!

The DEA's version of that science sees invasive in a different way to the law.

- The environment must not be protected for the benefit of human health and wellbeing. Instead humans must be treated as alien to that environment which must be protected against the alien impact of human beings.
- Alien species are bad and must be managed.
- Invasive species are species that threaten indigenous species. Trout are invasive because they predate on indigenous species.
- Invasive species including the commercial exploitation thereof must be managed by a strict process of permitting and where resources permit must be eradicated or controlled.
- Human beings must not be allowed profit from the environment. They must pay for the consequences of their impacts.
- Rich people must be treated with suspicion because rich people are likely to be environmental profiteers.

Now this is a long way from what is stated in the Constitution or the NEM:BA. In fact it's worse than that. If you interpret the Constitution as the DEA want you destroy human rights. After all aliens do not have rights. The Environment does and humans are alien to the environment.

Now who hasn't heard an environmentalist say that humans are the problem and that we must save the environment from human beings?

This thinking is embedded in the DEA's thinking and it has been this way from the start. It is what the DEA has told the trout industry and others at various times over the past few years. Here is one example.

Trout are invasive in South Africa. They are predators that feed on (indigenous) fresh-water fish, amphibian and invertebrate species. The extent of their invasion is influenced by factors such as water temperature, flow and water quality, but in waters to which they are adapted (i.e. where they would be found) freshwater fish experts confirm they are invasive in our country.

This is why the DEA say trout are invasive. Crazy isn't it?

But the madness continues. Not only has the DEA got the law wrong they are also applying it badly.

We pointed out to the DEA that they had not published the notice properly in that it did not appear in a newspaper and was not accompanied by sufficient information to enable members of the public to make meaningful representations. The acknowledged this to be true and said they would publish a new notice fixing this. That was on 6 March 2014. On 8 March and notice appeared in the Post Newspaper extending the deadline to make comments to 8 April.

But that isn't the Notice that the NEM:BA says must be published in a newspaper. It also wasn't accompanied by the information needed in order to consult. In the DEA went so far as to say that the fish sanctuary area maps were not available but that these would be made available at a later date. Those maps were only made available on 24 March 2014 and again without the necessary information to interpret them properly.

We have pointed this out to the DEA but they have said they are going ahead anyway. This is not a department who understands that laws must be applied equally. Applied against them laws is legalese or legal nitpicking that can be ignored. Laws that operate in their favour are important rules that must be strictly complied with if one wants to avoid a jail term or financial ruin.

This is how they managed to declare trout as invasive back in July 2014 without any lawful process. Of course those laws are unenforceable but the DEA doesn't like being told that. They prefer the fiction that they are being replaced.

So once again we have the DEA trying to build a house without any foundations. There is an election on the horizon and the DEA has said that it must try and promulgate this law before that election. The fact that they won't be able to enforce the law because it will be illegal does

not seem to worry the DEA. Take us to court they say where they will apply Stalingrad defense tactics and tax payers' money to spend you out of court. That is what they are doing to the Kloof Conservancy.

The mind simply boggles! Don't make the mistake of thinking this is due to cadre deployment or simply a lack of capacity. You could not be more wrong. The directorate in the DEA responsible for this is one of the better resourced departments in Government. It is run by a PhD qualified scientist with decades of experience in government. It has a budget in the region of ten billion rands per annum and employs or funds the work of dozens of scientists and environmentalists. It is trusted by cabinet as the department that has delivered Government's only truly successful rural poverty alleviation programs. This isn't due to a lack of capacity. This is deliberate.

This is a Department is abusing the trust that has been placed in them and has gone rogue in pursuit of goals that are not backed by law.
