

DEPARTMENT OF WATER AFFAIRS AND FORESTRY
Recreational Water Use Manual
Guideline

Subject:	Pro Forma Letter to Existing Commercial Operations
Purposes:	To assist responsible authorities in addressing existing commercial operations, in particular those with a safety risk, until a regularisation process is initiated.
Authority:	Government Notice R654, National Water Act, 1998 (Act No. 36 of 1998), Public Finance Management Act, 1999 (Act No. 1 of 1999).
Approval:	Director General: Department of Water Affairs and Forestry.
Contact:	Department of Water Affairs and Forestry, Sub-directorate Environment and Recreation, Private Bag X 313, PRETORIA, 0001, Republic of South Africa, Tel: (012) 336 8224; Fax: (012) 336 6608; E-mail: deb@dwaf.gov.za .

<Letterhead>

<Operator's Contact Details>

Dear <Name of Operator>

<NAME> DAM: ACCESS AND USE FOR RECREATIONAL PURPOSE: COMMERCIAL OPERATIONS.

<References>

1. In terms of the Regulations set out in Government Notice R.654 dated 1 May 1964, trading is not allowed within a Storage Area and a person may not use a boat of any description on any Government dam in a Storage Area except with the written permission of the Minister of Water Affairs and Forestry and only on such terms and conditions as the Minister may deem fit to impose. Furthermore only the Minister may issue a permit for a boat to ply for hire, subject to such conditions the Minister may from time to time determine.
2. Since no such approval has been afforded to any commercial operation on <Add> Dam, the Department of Water Affairs and Forestry thus regards your operation as unlawful.
3. The Department intends to take legal steps against all commercial operations that operate at <Add> Dam without the approval of the Minister. However, in the interest of just administration, the Department will regulate operations in an equitable manner in terms of the requirements of the Public Finance Management Act, 1999 (Act No. 1 of 1999) and the National Treasury's Public Private Partnership Toolkit for Tourism.
4. You are hereby requested to present to the Department's <Add> Office Manager the following information within 30 days of receipt of this notice:
 - 4.1 Water-worthy and vessel safety certification issued by a qualified Marine Surveyor experienced in the survey of small vessels to the norms and standards

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set by the Marine Notice No. 11 of 2002 issued by the South African Maritime safety Authority (SAMSA). The following organizations may be approached to assist you in this regards:

- SAMSA
161 Lynwood Road, Brooklyn, Pretoria
P.O. Box 13186 Hatfield, 0028
Tel: 012-3662600
Fax: 012-3662601

 - Any other suitable marine consultancy with valid survey experience.
- 4.2 A waste disposal and pollution management plan prepared by a qualified and professional scientist. Vessels must preferably have contained waste, waste water, and sanitation facilities. Waste and waste water streams must be separated. Waste or waste water may not be discharged into the water resource and must be disposed of on land to an authorized sewage works/regulated site.
- 4.3 Proof of lawful access. A letter from the property owner authorizing access to the water accompanied by certified copies of the owner's identification document and title deed description to the property.
- 4.4 Written agreement by you to adhere to Government Notice R654. Departmental official will conduct inspections/investigation at undetermined intervals or as the need may arise to ensure compliance to the stipulations of Government Notice R.654. Such investigations/inspections will be conducted in terms of Section 125 of the National Water Act, 1998 (Act 36 of 1998).
5. The contact particulars of the <Add> Office Manager are as follows:

<Add>
6. If you comply with the above requirements the Department will, until further notice, reserve its rights to take steps against you. You will further be liable to submit to the Brits Area Manager annual performance and compliance audits performed by independent qualified professionals regarding the above conditions, failure which will result in cancellation of this concession.
7. If you do not, comply you will be required to immediately remove your vessels and related infrastructure from the Storage Area at your own cost.
8. Please note that in reserving its rights to take steps against you for the illegal operation, the Department does not create an expectation that your operation will be approved by the Minister of Department of Water Affairs and Forestry. The Department will also not be liable for any costs incurred by you in your operations.

Yours faithfully

REGIONAL DIRECTOR: <ADD>

DATE