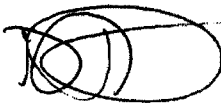


**DEPARTMENT OF WATER AFFAIRS AND FORESTRY
DEPARTEMENT VAN WATERWESE EN BOSBOU****No. 999****19 September 2008****NATIONAL WATER ACT, 1998****DRAFT REGULATIONS¹ FOR THE
ESTABLISHMENT OF A WATER RESOURCE CLASSIFICATION SYSTEM**

The Minister of Water Affairs and Forestry intends to make in terms of sections 12(1), read together with section 69 of the National Water Act, 1998 (Act No. 36 of 1998), the Regulations set out in the Schedule.

In terms of sections 69(1)(a) and (b) of the National Water Act, 1998, interested parties are invited to submit written comments in connection with the proposed Regulations to the Acting Director-General, Water Affairs and Forestry, Private Bag X313, Pretoria, 0001; Fax No. (012) 336 7575; e-mail qin@dwaf.gov.za (for the attention of the Chief Director: Resource Directed Measures, Mr. Harrison Pienaar) by 30TH April 2008.

November**ACTING DIRECTOR-GENERAL: WATER AFFAIRS AND FORESTRY****Date: 04/02/2008**

¹ The Regulations are available on the Departments website <http://www.dwaf.gov.za> in two other languages.

SCHEDULE

Definitions

1. (a) In this Act, unless the context shows that another meaning is intended, any word or expression to which a meaning has been assigned in the National Water Act 1998, (Act No. 36 of 1998) has the meaning assigned to it in these Regulations, and -

“Ecological category” means a letter ranging from A to F that is assigned to a resource that reflects the ecological condition of the water resource in terms of the deviation of its biophysical components from a pre-development condition;

“Ecological Sustainability Base Configuration (scenario)” means the lowest acceptable level of protection required for the sustainable use of the entire Integrated Unit of Analysis;

“Ecological Water Requirements” means water that is specifically left in a water resource or released from an impoundment to maintain the said water resource in a desired ecological category;

“Ecosystem Goods, Services and Attributes” means the goods, services and attributes that ecological systems provide that are critical to the functioning of the earth’s life-support system, and which contribute both directly and indirectly to human welfare, and therefore have economic value;

“Integrated Unit of Analysis” means a catchment that incorporates a socio-economic zone, but is defined by a watershed;

“Pre-development condition” means the condition of a water resource prior to significant human water use, water resource infrastructural development or human land use modification;

“Significant water resource” means a water resource that is deemed to be significant from an economic, social and ecological perspective;

“Socio-economic zone” means a relatively homogenous area within which there are similar land tenure patterns, similar land use patterns, similar aquatic ecosystems and rainfall patterns, or within which there are similar socio-economic characteristics which create a pattern;

“Socio-economic framework” means a system to predict changes in socio-economic values with changes in yield and ecosystem characteristics for catchment configuration scenarios;

“Water Resource Classification System method documents,” means the documents of the Department, as amended from time to time, upon which the Classification System was based and are:

Volume	Reference
1	DWAF 2007. The development of the Water Resource Classification System (WRCS). Volume 1. Overview and 7-step classification procedure.
2	DWAF 2007. The development of the water resource classification system (WRCS). Volume 2. Ecological, hydrological and water quality guidelines for the 7-step classification procedure..
3	DWAF 2007. The development of the Water Resource Classification System (WRCS). Volume 3. Socio-economic guidelines for the 7-step classification procedure.
4	DWAF 2007: The development of the Water Resource Classification System (WRCS). Volume 4. Decision-analysis (including the stakeholder engagement process) guidelines for the 7-step classification procedure.

“Water Resource Classification Procedure” means a stepwise procedure that is applied in the Water Resource Classification Process;

“Water Resource Classification Process” means the application of the Water Resource Classification System to determine the class of a water resource;

“Water Resource Classification System” means the stepwise procedure for determining the class of a water resource, together with a definition of the classes that are to be used;

“Watershed” means a line of separation between waters flowing to different rivers, basins or seas.

“Water User Water Quality Requirements” means a stepwise procedure to assess the water quality requirements of other water users;

CHAPTER 1**DETERMINATION AND DESCRIPTION OF THE WATER RESOURCE CLASSES****Determination of water resource classes**

2. (1) The Water Resource Classification System must take into consideration-

- (a) the social and economic needs of competing interests; and
- (b) ensure the ecological sustainability of the water resource.

(2) The outcome of the Water Resource Classification Process will be-

- (a) the setting of the class;
- (b) the determination of the Reserve; and
- (c) the determination of the water user water quality requirements,

by the Minister for every significant water resource.

(3) The class of a water resource must describe-

- (a) the volume of water in a water resource;
- (b) the Reserve; and
- (c) The water user water quality requirements

Description of the water resource classes

3. (1) Significant water resources must be classified into the following classes-

- (a) Class I;
- (b) Class II; or
- (c) Class III.

(2) A Class 1 is one –

- (a) which is minimally used; and

- (b) the configuration of ecological categories of the water resources within a catchment results in an overall water resource condition that is minimally altered from its pre-development condition.
- (3) A Class II is one-
 - (a) which is moderately used; and
 - (b) the configuration of ecological categories of the water resources within a catchment results in an overall water resource condition that is moderately altered from its pre-development condition.
- (4) A Class III is one-
 - (a) which is heavily used; and
 - (b) the configuration of ecological categories for the water resources within a catchment results in an overall water resource condition that is significantly altered from its pre-development condition.

CHAPTER 2

PROCEDURE FOR DETERMINING CLASSES OF WATER RESOURCES

Water Resource Classification Procedure

4. (1) The Water Resource Classification Procedure, must be used to determine the class for each significant water resource.
- (2) The Water Resource Classification Procedure as set out in the Water Resource Classification System method documents, must be-
 - (a) undertaken according to the public participation guidelines of the Department as contained in the method documents, and
 - (b) comprises the 7 steps set out below.

STEPS:

- 1:** Delineate the units of analysis and describe the status quo of the water resources.
- 2:** Link the value and condition of the water resource.
- 3:** Quantify the Ecological Water Requirements and changes in non-water quality Ecosystem Goods, Services and Attributes.

- 4: Determine an Ecologically Sustainable Base Configuration scenario and establish the starter configuration scenarios.
- 5: Evaluate scenarios within the Integrated Water Resource Management process.
- 6: Evaluate the scenarios with stakeholders.
- 7: Gazette the class configuration.

CHAPTER 3

THE RESERVE

Procedure for determining the Reserve

5. (1) For each water resource class, the generic procedure for the determination of the Reserve comprises the 7 steps set out below.

STEPS:

- 1: Initiate the Ecological Water Requirements assessment.
- 2: Determine Ecoregions, delineate resource units, elect study sites, and where appropriate, align with Step 1 of the Water Resource Classification Procedure.
- 3: Determine the reference condition of each of the selected study sites.
- 4: Determine the present ecological status of each of the selected study sites.
- 5: Determine the ecological importance and sensitivity of each of the selected study sites.
- 6: Determine the Ecological Water Requirement scenarios for each of the selected study sites, and where appropriate, align with Step 3 of the Water Resource Classification Procedure.
- 7: Design appropriate monitoring programme.

CHAPTER 4

WATER USER WATER QUALITY REQUIREMENTS

Procedure for determining water user water quality requirements

6. (1) For each water resource class, the generic procedure for establishing the water user water quality requirements comprises the 5 steps set out below.

STEPS:

1: Identify water users within each water resource management unit, and where appropriate, align with Step 1 of the Water Resource Classification Procedure.

2: Determine the present state per water user, and where appropriate, align with Step 5 of the Water Resource Classification Procedure.

3: Determine the desired water quality per user, and where appropriate, align with Step 6 of the Water Resource Classification Procedure.

4: Determine water user specifications, and where appropriate, align with Step 6 of the Water Resource Classification Procedure.

5: Determine water users water quality requirements, and where appropriate, align with Step 6 of the Water Resource Classification Procedure.

CHAPTER 5

IMPLEMENTATION SCHEDULE

Implementation schedule

6. The Minister must every three years publish through a notice in the Gazette, a priority list of water resources earmarked for the Water Resource Classification Process.

Title

7. These Regulations shall be called Regulations for the Establishment of the Water Resource Classification System.