

SECTION B

PERMIT CONDITIONS: WEST COAST ROCK LOBSTER (NEARSHORE): **2010/2011 FISHING SEASON**

1. GENERAL

1.1 This permit is issued subject to the provisions and regulations of the following laws but not limited to:

- (a) The Marine Living Resources Act, 1998 (Act No. 18 of 1998) ('the MLRA') and the Regulations promulgated in terms thereof;
- (b) The National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Regulations promulgated in terms thereof;
- (c) The National Biodiversity Act, 2004 (Act No. 10 of 2004);
- (d) The National Protected Areas Act, 2003 (Act No. 57 of 2003);
- (e) The Sea Birds and Seals Protection Act, 1973 (Act No. 46 of 1973);
and
- (f) The International Convention for the Prevention of Pollution from Ships Act, 1986 (Act No. 2 of 1986).

1.2 This permit is issued subject to the further provisions of the –

- (a) General Policy on the Allocation and Management of Long-Term Commercial Fishing Rights; and
- (b) West Coast Rock Lobster Nearshore Fishery Policy.



- 1.3 The Director: Inshore Fisheries Management shall be entitled to amend these permit conditions.
- 1.4 Any reference to the Permit Holder in these permit conditions includes the person in whose name the long-term commercial fishing right is allocated ("the Right Holder").
- 1.5 A breach of the provisions of the MLRA or these permit conditions by the Permit Holder, or his/her employees (whether permanent, full-time or part-time), his/her contractors, agents or advisers and the skipper of the vessel, may result in the initiation of legal proceedings (which may include section 28 proceedings and or criminal proceedings). A breach includes:
- (a) furnishing information to which the Department of Agriculture, Forestry and Forestry ("the Department") is entitled to, which is not true or complete;
 - (b) contravening or failing to comply with a permit condition imposed
 - (c) contravening or failing to comply with a provision of the MLRA;
 - (d) being convicted of an offence in terms of the MLRA; or
 - (e) failing to effectively utilise the permit.
- 1.6 The Department shall refuse to issue a subsequent permit should the conditions stipulated in this permit not be adhered to.
- 1.7 The Permit Holder shall not land, sell, receive or process any fish taken by any means in contravention of the MLRA and Regulations. In terms of Regulation 49(1) of the MLRA: "A holder of a commercial West Coast Rock Lobster permit shall not engage in fishing, collecting or disturbing of, or be in possession of, any West Coast Rock Lobster of which the length of the

carapace is less than 75 mm or the length of the second segment along the dorsal midline of such tail is less than 19 mm."

- 1.8 The Permit Holder shall store at his/her registered address the original permit issued to it for the current fishing season. The Permit Holder shall at all times over the duration of the right have available a certified copy of this permit on board the vessel utilised to harvest West Coast Rock Lobster.
- 1.9 The Permit Holder shall safely store all inorganic waste material, garbage and pollutants on board the vessel. Should the Permit Holder discard any inorganic waste material, garbage or pollutants into the sea and/or not put such waste into dedicated waste bins at the landing site, this permit will be suspended for a period determined by the Department and the Permit Holder shall take those steps considered necessary in terms of NEMA to remedy any pollution caused.
- 1.10 There shall be no transshipment of catches without the written authorisation from the Department. Should the Permit Holder tranship any catches, the Permit Holder shall have his/her commercial fishing rights revoked.
- 1.11 The Permit Holder may only harvest the mass of West Coast Rock Lobster allocated to him/her under **Section A (the Permit)**. Fishing over or under these limits may result in, but are not limited to, the initiation of proceedings under section 28 of the MLRA.
- 1.12 The Permit Holder shall immediately cease fishing once the whole mass of West Coast Rock Lobster as indicated in Section A (Permit) and in conjunction with the Inter Area Schedule hereof is caught and shall hand his/her original permit and certified copies to a Fishery Control Officer for cancellation. Should the inter-area schedule be amended, it is the responsibility of the Permit Holder to obtain the updated schedule.
- 1.13 In the event that the allocation of the Permit Holder is discovered to have been exceeded at the landing site upon return from the last fishing trip and

verification by the Fishery Control Officer or Marine Resource Monitor, the excess may be transferred to another Permit Holder by mutual agreement between the parties, provided the transferee has been issued with a valid permit, has not yet caught his/her full allocation and provided they have been fishing on the same day.

- 1.14 Commercial West Coast Rock Lobster vessels engaged in rock lobster fishing shall not carry any other fishing permit whilst fishing for rock lobster (e.g. traditional line fish or recreational fishing).
- 1.15 Vessels operational in this fishery may only land West Coast Rock Lobster for one Right Holder per landing.

2. SUBMISSION OF INFORMATION

The Permit Holder is obliged to provide the Department with information upon request.

3. CATCH STATISTICS

- 3.1 The Permit Holder shall be responsible for the completion of the West Coast Rock Lobster landing slips. A letter of authorisation for completing the landing slips must be kept in the landing book at all times (even if completed by the Right Holder). A copy of this letter must also be forwarded to the Department (Attention: Fisheries Research; Tel (021) 402 3128; Fax (021) 402 3034 prior to the commencement of fishing operations by the relevant Permit Holder.
- 3.2 The Permit Holder shall ensure that all West Coast Rock Lobster caught in terms of this permit is discharged and weighed at the point of landing in the presence of a Fishery Control Officer or a Marine Resource Monitor and in such a manner as stipulated by the Department before any such rock lobster is removed or transported from the point of landing.

- 3.3 The Permit Holder shall ensure that all West Coast Rock Lobster is only removed from the landing site, after he/she has completed and signed the prescribed **"West Coast Rock Lobster Landing Form (OM/EN 26/12/2 (Bakkies – Any vessel operating with ring/ hoop nets))"**. Attention is drawn to the fact that the Fishery Control Officer or the Marine Resource Monitor must first sign the original form(s) and then remove it from the book for further administrative processing.
- 3.4 Attention is drawn to the fact that all information recorded on the forms referred to above will be regarded as final and that the Director: Inshore Fisheries Management will only consider requests for changes on receipt of a written application supported by an acceptable explanation which has been endorsed in writing by the appropriate Fishery Control Officer. This request must be submitted to Marine Resource Management (Attention: Director: Inshore Fisheries Management Tel (021) 402 3562; Fax (021) 402 3086).

4. FISHING AREA/TIME/LANDING RESTRICTIONS/LANDING SITES/GEAR

- 4.1 This Permit is only valid for fishing within the following areas during the period of validity as indicated per area:

4.2 **Zone A:**

The area between a line in the north (approximately 234° true bearing) drawn from the mouth of the Orange River, as indicated on chart SAN FZ1 and a line in the south (270° true bearing), drawn from the mouth of the Brak River.

4.2.1 **Period of validity: Date of issue to 30 April 2011.**

4.2.2 Gear Restrictions: Ring nets only.

4.2.3 Landing sites:

(a) Port Nolloth - the jetty of Hickson's Canning Company;

(b) Hondeklip Bay – the jetty of Namaqua Canning Company; and

(c) The Fish Club slipway at Koiningnaas.

4.2.4 Permit Holders may use a mother/tow vessel on condition that:

4.2.4.1 The mother/tow vessel is registered as a mother/tow vessel, i.e. must have a “KK” licence.

4.2.4.2 The Permit Holder must be on board the vessel and responsible for catching his /her own lobsters.

4.2.4.3 The Permit Holder must be present at all times when his/her catch is landed.

4.3 Zone B:

The area between a line in the north (270° true bearing) drawn from the mouth of the Brak River and a line in the south (330° true bearing) drawn from the water tower at Dwarskersbos.

4.3.1 **Period of validity: Date of issue to 30 June 2011.**

4.3.2 Gear Restrictions: Ring nets only.

4.3.3 Landing sites:

(a) Doring Bay- the seashore and jetty between the beacons marked B1, indicating the northern boundary, and B2, indicating the southern boundary, and situated near the fish processing establishment of North Bay Canning Company;

(b) Lamberts Bay – the main landing quay in the fishing harbour;

- (c) Elands Bay – the four landing quays near the old military camp on Bobbejaanpunt.

4.4 Zone C:

The area between a line in the north (270° true bearing) from the water tower at Dwarskersbos, and a line in the south (330° true bearing) drawn from the co-ordinate 33°15'00"S and 18°07'00"E, situated at Abrahamskraal.

4.4.1 **Period of validity: Date of issue to 30 June 2011.**

4.4.2 Gear Restrictions: Ring nets only.

4.4.3 Landing sites:

- (a) St Helena Bay – the rock lobster landing quay situated in the fishing harbour at Sandy Point;
- (b) Paternoster – the seashore between the beacons marked P1 and P2, situated to the east and to the west respectively, of the fish processing establishment of Paternoster Visserye at Paternoster;
- (c) Abdols Bay – the seashore between the beacons marked E1, indicating the northern boundary, and E2, indicating the southern boundary;
- (d) Jacobs Bay – the seashore between the beacons marked F1, indicating the northern boundary, and F2, indicating the southern boundary;
- (e) Saldanha Bay – the rock lobster landing quay in the fishing harbour at Pepper Bay;



(f) Laaiplek – at the quay adjacent to the Fisheries Control office.

4.5 Zone D:

The area between a line in the north (270° true bearing) at the co-ordinate $33^{\circ}15'00''\text{S}$ and $18^{\circ}07'00''\text{E}$ in respect of Zone C above and a line in the south (180° true bearing) drawn from the light house at Cape Hangklip, excluding the area described as Zone E.

4.5.1 Area 8: The area with a northern boundary, a line (270° true bearing) drawn from the beacon HD1 of the Cape Peninsula Rock Lobster Sanctuary and as eastern boundary a line (180° true bearing) drawn from the light house at Cape Hangklip.

4.5.1.1 **Period of validity: Date of issue to 30 June 2011.**

4.5.1.2 Gear restrictions: Ring nets only.

4.5.1.3 Landing sites:

(a) Hout Bay – the two fish landing quays in the fishing harbour;

(b) Kalk Bay – the fish landing quay in the fishing harbour;

(c) Gordons Bay – the fish landing quay in the fishing harbour;

(d) Witsand – the landing place to the south of Kommetjie situated between the beacons marked H1 and H2 respectively.



4.6 Zone E:

4.6.1 Area 11: The area north of a straight line drawn from the lighthouse at Cape Point to the light house at Cape Hangklip excluding the area within 1 nautical mile from the high-water mark in the area bounded by –

- (a) Northern boundary – a line (270° true bearing) drawn from the mouth of the Buffels River; and
- (b) Southern boundary – a line (270° true bearing) drawn from the light house at Cape Hangklip.

4.6.1.1 **Period of validity: Date of issue to 30 June 2011.**

4.6.1.2 Gear restrictions: Ring nets only.

4.6.1.3 Landing sites:

- (a) Kalk Bay – the fish landing quay in the fishing harbour;
- (b) Gordons Bay – the fish landing quay in the fishing harbour.

4.7 Zone F:

The area with a western boundary, a line (180° true bearing) drawn from the lighthouse at Cape Hangklip and a line drawn (180° true bearing) from the light house at Danger point as an eastern boundary.

4.7.1 Area 12: The area between a line drawn due south (180° true bearing) at a beacon B4 (Jock se Baai) and a line drawn due south (180° true bearing) of the mouth of the Kleinmond lagoon.

4.7.1.1 **Period of validity: Date of issue to 30 June 2011.**



4.7.1.2 Gear restrictions: Ring nets only.

4.7.1.3 Launch and Landing sites:

(a) Kleinmond - at the municipal slipway.

4.7.2 Area 13: The area between a line drawn due south (180° true bearing) at Mudge Point and a line drawn due south (180° true bearing) of a beacon HR2 at Rietfontein.

4.7.2.1 Period of validity: Date of issue to **30 June 2011**.

4.7.2.2 Gear restrictions: Ring nets only.

4.7.2.3 Landing sites:

(a) Hermanus new harbour slipway/finger quay.

4.7.3 Area 14: The area between a line drawn due south at Danger Point Lighthouse and a line drawn 240° from the coordinates **$34^\circ 27.0'S$, $19^\circ 20.0'E$** at Soepiesklip.

4.7.3.1 **Period of validity: Date of issue to 30 June 2011.**

4.7.3.2 Gear restrictions: Ring nets only.

4.7.3.3 Landing sites:

(a) Gansbaai - the fish landing quay situated at the old part of the harbour.

4.8 Landings of West Coast Rock Lobster may only occur on week days (Monday to Friday) between 08h00 and 16h00 at all landing points. Permit Holders



shall not be in breach of this permit condition if the vessel is at the landing site before 16:00 and is waiting to land his/her catch.

- 4.9 No fishing/landings will be permitted on Public Holidays.
- 4.10 The fishing vessel's registration number must be recorded on every buoy for each ring/hoop net.
- 4.11 The Permit Holder shall not use a carrier vessel to transport his/her West Coast Rock Lobster catches to the landing point (see permit condition 4.2.4).

5. VESSEL MONITORING SYSTEM (VMS)

- 5.1 The Permit Holder's nominated fishing vessel shall be fitted with a functional vessel monitoring system ("VMS") approved by the Chief Director, Monitoring, Control and Surveillance.
- 5.2 The Permit Holder must ensure that the VMS is fully operational and that the VMS continues to transmit to the Department's Operations Room. The Permit Holder shall establish that the VMS unit is functional by contacting the **Operations Room** at the Branch: Fisheries on telephone numbers **(021) 402-3076** or **(021) 402-3077**, prior to sailing.
- 5.3 The VMS shall report a minimum of 4 times a day. Should the power supply to the satellite-tracking system be interrupted or the equipment not be operational for any reason whatsoever for a period exceeding six hours, the nature of the problem shall be reported immediately by fax to the Department at **fax number (021) 425 6497**. Should the problem persist for more than 24 hours, the vessel shall immediately return to landing site to have the VMS equipment repaired
- 5.4 The following Permit Holders are exempted from condition 5.1 to 5.3:
 - 5.4.1 All Permit Holders operating with ring/hoop nets in Zone A and B,

5.4.2 All Permit Holders fishing with vessels less than 5m in length,

5.4.3 All Permit Holders fishing with vessels with one outboard with a capacity of 30 Horse Power or less.

6. VESSEL SPECIFICATIONS

6.1 The Permit Holder shall ensure that the vessel is clearly marked in accordance with the provisions of Regulation 77 promulgated under the Act.

6.2 The Permit Holder shall affix the letter “K” on his vessel used for the catching of rock lobster and the letter must at all times be clear and legible.

7. CATCHING LIMITATION AND CONTROLS

7.1 The Permit Holder must notify the appropriate local Fishery Control Officer before 09h00 on a daily basis as to the movement of his/her vessel(s), i.e. whether his/her vessel(s) intend fishing and the estimated time of docking of the vessel(s). If the Permit Holders intends to start fishing before 08h00 he/she must notify the Fisheries Control Officer before 16h00 on the day prior to going to sea. Notification can also be put in the notification box at the appropriate landing site prior going to the sea. Notification should reflect name and landing code of Right Holder, vessel name/number, crew list, fishing area, time of departure and estimated time of arrival.

FISHERY CONTROL OFFICE	TELEPHONE NUMBER	FACSIMILE NUMBER	CELL NUMBER	CONTACT PERSON
ELANDS BAY	022-972 1706	022-972 1706	082321 2381	Wally Cockrill
GANSBAAI	028-384 0321	028-3841546/ 0866901202	0833518295	Gilbert Mmerekhi
GORDONS BAY	021-856 1482	021-856 5222	0742105622	Lungelwa Titi
HERMANUS	028-312 2609	021-313 0502	0732645953	Nomboniso Jozi

KLEINMOND	0282715256	028-271 5256	0792667274	Percy Mabunda
DORINGBAAI	027-215 1211	027-215 1211	0736717797	Peter Horn
HOUT BAY	021-790 2530	021-7902808 086 528 3771	0736606280	Lucas Finnish
KALK BAY	021-788 7463	021-788 1038	082771 8890	Anel Nortier
KOMMETJIE	021-783 2295	021-783 5853	082829 3922	Johan De Witt
LAMBERTS BAY	027-432 1631/1303/1920	027-432 1228	082321 2381	Wally Cockrill
PATERNOSTER/ ABDOLSBAAI/ JACOBSBAAI	022 -736 1125 / 1118/1188 022-714 1710/ 714 2226	022-736 1530 022-714 3997	078714 7422 0827718910	Willem Basson Wade Theron
PORT NOLLOTH	027-851 8363	027-8518053	0828293923	Zalisile Kewana (until further notice)
SALDANHA BAY	022-7141710/ 7142226	022-7143997	082771 8910	Wade Theron
ST HELENA BAY	022-7361118/ 1125/1188	022-7361530	078714 7422	Willem Basson
VELDRIFT/LAAI- PLEK	0227831035	0227830407	0827846970	William Shilubani

- 7.2 The fax and telephone numbers may change and it is the responsibility of the Right Holder to obtain the correct numbers from the local Fishery Control Officer before commencing with fishing.
- 7.3 No person shall retain or use West Coast Rock Lobster caught in terms of this permit for own consumption.
- 7.4 The Permit Holder ("Right Holder") shall be responsible for any transgression onboard the vessel.
- 7.5 The Permit Holder shall not use the vessel(s) as indicated in Section A (Permit) hereof to catch or transport West Coast Rock Lobster caught on the

authority of a recreational fishing permit during the period of validity of this permit.

- 7.6 The Permit Holder shall sort the catch in each and every net and immediately return all under-sized rock lobster to sea prior to the hauling of the next net.
- 7.7 The Right Holder must be on board the nominated vessel during fishing operations. Written permission must be obtained from the Director: Inshore Fisheries Management to deviate from this permit condition and appoint an authorised representative. The Right Holder may be held responsible for any infringements of the permit conditions by the authorised representative.
- 7.8 Once the whole mass of West Coast Rock Lobster has been caught, the Permit Holder shall immediately remove all ring/hoop nets from the sea.

8. REWARDS TAGGING

The Permit Holder shall ensure that all tagged West Coast Rock Lobster caught and/or tags collected/found are handed over to the local Fishery Control Officer for which a reward of R10,00 per tagged West Coast Rock Lobster and R1,00 per tag shall be payable.

9. LEVIES

- 9.1 The Permit Holder must pay the prescribed levies for the fish landed for prescribed species as stipulated in the Government Gazette No.33518 published on 10 September 2010.
- 9.2 All levies and fees must be paid annually in arrears and by the last working day of the month following the closure of the 2010/11 West Coast Rock Lobster (nearshore) commercial fishing season. Non-compliance will result in a 10% penalty being charged.



- 9.3 The Permit Holder must submit together with all levy payments a levy declaration form.
- 9.4 The Department may refuse to issue fishing permits to Right Holders who have any levies or fees outstanding for a period in excess of 30 days, or may suspend the Right Holder's fishing permit until all outstanding levies have been paid to the Department.
- 9.5 Forms must be submitted to the Directorate: Revenue Management by either of the following:
- 9.5.1 Facsimile – 086 613 6256
 - 9.5.2 Electronic mail – revenue@daff.gov.za
 - 9.5.3 Postage – Private Bag x2, Roggebaai, 8012
 - 9.5.4 By hand – Customer Service Centre, Ground Floor, Martin Hammerschlag Way, Foretrust Building, Foreshore, 8001.
- 9.6 The information required in condition 9.3 must be submitted when paying levies to the cashier at the Branch: Fisheries, Customer Service Centre , Ground Floor, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town. Alternatively, payment can be made via direct deposit at any First National Bank (FNB) branch or electronic funds transfer to the following banking details:

Branch code – 204109

Account name – Marine Living Resources Fund

Account number – 62123256382

Deposit reference -



Kindly contact the Department, Branch: Fisheries on Tel nr: 021 402 3016 or revenue@daff.gov.za for the Deposit reference.

- 9.7 Failure to comply with 9.1 – 9.6 may result in proceedings in terms of section 28 of the MLRA.

10. COMPLIANCE

- 10.1 The Permit Holder is obliged in terms of the MLRA to report to the Minister any contravention of the MLRA or Permit conditions by any other person.
- 10.2 Such contravention must be reported to the Department in writing and should be faxed to (021) 425-7324, Attention: The Chief Director: Monitoring, Control and Surveillance.

11. VALIDITY OF PERMIT

- 11.1 This permit shall be valid from the date of issue until the end of the fishing season.
- 11.2 This permit shall automatically expire and be invalid should one or more of the following occur -
- 11.2.1 The allocation specified by the Department to the Permit Holder is caught;
- 11.2.2 The right allocated by the Minister or his delegate is cancelled or revoked in terms of section 28 of the MLRA;



SECTION C

MANAGEMENT MEASURES: WEST COAST ROCK LOBSTER: 2010/11

1. PERFORMANCE MEASURING

- 1.1 The West Coast Rock Lobster Fishing Policy stipulates that Right Holders in this fishery will be measured against certain criteria in order to ensure that management methodologies and procedures remain current and suitable for this fishery.
- 1.2 The Department will consult with Right Holders in due course to determine the criteria against which Right Holders will be measured.
- 1.3 The Permit Holder shall be obliged to provide the Department with information required to carry out performance measuring exercise.

2. CONSULTATIONS AND COMMUNICATION

- 2.1 The Department will prefer to consult and communicate with the Recognised Industrial Body (Bodies) representative of Right Holders in this fishery.
- 2.2 Communication regarding all permits and licences shall be addressed to the Department's Customer Service Centre, Ground Floor, Foretrust Building, Foreshore, Cape Town. The Customer Service Centre may be contacted on (021) 402-3443/ 402-3180.



3. ECOSYSTEM CONSIDERATIONS

- 3.1. The Department will, in consultation with Right Holders, implement measures to minimise the impact of destructive fishing practises on ecosystems.



DIRECTOR: INSHORE FISHERIES MANAGEMENT

DATE: 10 February 2011

