



# Government Gazette

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**AIDS HELPLINE: 0800-0123-22 Prevention is the cure**

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## GENERAL NOTICE

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### NOTICE 3386 OF 2003

#### DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

#### **INVITATION TO APPLY FOR PERMITS TO UNDERTAKE EXPERIMENTAL FISHING OF OCTOPUS (*OCTOPUS VULGARIS*) IN TERMS OF SECTIONS 13 AND 83 OF THE MARINE LIVING RESOURCES ACT, 1998 (ACT NO. 18 OF 1998)**

The Department of Environmental Affairs and Tourism hereby announces for general information that it is the intention of the Minister of Environmental Affairs and Tourism to allocate a total of 16 permits to undertake experimental fishing of octopus and to conduct a practical experiment to assess the fishing technique, economics, population biology and management options for a possible future commercial octopus fishery. The allocation of the experimental permits will be in terms of Sections 13 and 83 of the Marine Living Resources Act, 1998 (Act No. 18 of 1998).

#### **REQUIREMENTS FOR THE COMPLETION AND SUBMISSION OF THE APPLICATION FORM**

##### ***Important***

Every applicant will be required to complete the stipulated application form. A specimen application form forms part of this Notice. The completion and submission of an application form must be in terms of this Notice. Clear instructions are also provided as part of the application form itself.

**Failure to adhere to the requirements will result in the sanction provided being applied.**

##### ***Policy and Criteria***

All applicants are strongly advised to apply their minds to the *Policy and Criteria for the Evaluation of Applications in the Experimental Octopus Fishery*, which is **Annexure A** to this Notice prior to completing the specimen Application Form, which is **Annexure B** to this Notice.

##### ***Who May Apply***

Only South African persons may apply for an experimental octopus permit. A South African person includes any one of the following:

- a South African citizen in terms of the South African Citizenship Act, 1995 (Act No. 88 of 1995);
- a company registered in terms of the Companies Act, 1973 (Act No. 61 of 1973), in which the majority of the shareholders, as prescribed by the Minister, are South African persons;
- a Close Corporation in terms of the Close Corporations Act, 1984 (Act No. 69 of 1984), of which the majority of members are South African persons; or
- a trust in which -
  - the majority of trustees, having the controlling power, are South African citizens; or
  - a majority of the beneficial interest is held by South African citizens.

**IMPORTANT:** Persons that had previously applied for an experimental octopus fishing permit in response to a prior Government Notice in 2002, will be required to re-apply using the specimen application form in **Annexure B**. These persons must pay the full application fee of R65 as required by this Notice.

#### ***Duration of Permit***

The allocation of an experimental octopus fishing permit will be for a period of one year, renewable for a maximum of five years.

#### ***Fishing Areas / Landing Sites***

Interested persons are hereby invited to apply for the following areas. Prospective applicants may apply for more than one area on the same application form:

- (a) Saldanha Bay (2 experimental permits)
- (b) Simonstown / Kalk Bay (2 experimental permits)
- (c) Gordons Bay (2 experimental permits)
- (d) Hermanus / Gansbaai (2 experimental permits)
- (e) Arniston / Struisbaai (2 experimental permits)
- (e) Mossel Bay (2 experimental permits)
- (f) Port Elizabeth (2 experimental permits)
- (g) East London (2 experimental permits)

**NOTE:** Persons that are domiciled or whose registered place of business is in close proximity to the above mentioned areas will be given priority over those persons that are not domiciled or whose registered place of business is not in close proximity to these areas.

### ***Collecting Application Forms and Policies***

The Department, through its Branch: Marine and Coastal Management, will make available application forms (see the specimen application included as **Annexure B**) for collection from its offices located on the 6<sup>th</sup> Floor, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town.

Applications, together with Policies, will be made available from 10h30 on 10 December 2003 until 16h00 on 30 January 2004. Applications will not be faxed, emailed or posted to any prospective applicant.

### ***Completing the Applications***

The application form requires specific and detailed information. All information requested must be completed and / or submitted as annexures to the application form. The application form requires the minimum information from applicants. Should applicants believe it necessary, further information may be submitted as annexures to the application form.

Failure to provide the information required in the application form will result in the application of the sanctions provided for in the particular parts to the application form.

Applicants must make their respective applications on the application forms. **Failure to submit applications on the requisite application form will result in the application being refused.**

### ***Lodging Applications***

As stated above, all applications must be submitted on the application form provided by the Department. **Failure to submit applications on the requisite application form will result in the application being refused.**

Each applicant may only lodge one application form. Should an applicant lodge more than one application and these are received by the Department at approximately the same time (ie. the same day) **then both applications will be refused.** Should an applicant lodge an application and thereafter (but before the closing date) lodge a second or further application, then the second or further application will be the application considered, provided it meets the various other peremptory requirements. The initial or first application will not be considered.

Applicants are advised that the obligation rests entirely with them to ensure that all information, which they believe is necessary for the evaluation of the application is provided in the application form and/or attached as clearly marked annexures to the application form. The Department will not receive any further information, annexures, other supplementary information or amendments after the closing date. The Department does reserve its right to call for further information pertaining to a specific application.

**Applications must be lodged at or before 16h00 on Monday, 02 February 2004 ("the closing date").** Failure to lodge an application on or before this date will result in the late application being refused. Applicants who lodge applications after the closing date will be entitled to a refund of their application fees paid to the Department.

Applicants may only lodge applications in one of the following two ways. **Applications transmitted by facsimile or electronic mail will be refused.**

1. Hand deliver applications to the offices of Marine and Coastal Management, which are located on the 6<sup>th</sup> Floor, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town. Hand delivered applications must be lodged between 10h30 on 02 February 2004 and 16h00 on 02 February 2004.
2. Post applications **registered** mail to reach the Department by no later than 16h00 on 02 February 2004. Prospective applicants may commence with the mailing of completed applications forms with effect from 10 December 2003. These applications must be addressed as follows:

**The Department of Environmental Affairs and Tourism: Branch Marine and  
Coastal Management  
Octopus Experimental Fishing Permit Application  
Chief Directorate: Resource Management  
Private Bag X2  
Roggebaai  
8012**

***Form in which Applications must be Lodged***

Applicants must lodge an original application form (whether with or without annexures), and one electronic copy (either on stiffy disk or CD-rom).

The purpose of the above requirement is the following. The original application will be securely stored at the Department's offices and will be used for the purposes of evaluation.

The electronic version will be used by the Department's staff for the purposes of creating a database for each applicant, recording certain pertinent information for future use, including information verification by the Rights Verification Unit.

**Failure to adhere to this requirement will result in an application being refused.**

***Payment of application fees***

**The lodgement of an application for an experimental octopus fishing permit requires the payment of a fee of R65 (Sixty five rand only).**

Application fees must be paid at or before 16h00 on 02 February 2004, at the 6<sup>th</sup> Floor (Directorate: Finance and Procurement), Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town.

All applicants must properly and timeously pay the full application fee of R65 (Sixty five rand only) **and** must attach proof of payment to its original application form at or before 16h00 on 02 February 2004 will. **Failure to adhere to this requirement will result in the application being refused.**

### ***Signature and Commissioning***

Part N of the Application Form (see **Annexure B**) requires the applicant (and if the application was prepared or completed by a third party or on the advice of a third party, then this third party or its authorised representative) to sign the Application Form as instructed in Part N. The applicant must have its signature commissioned by a Commissioner of Oaths.

**Failure to carry out the instructions in Part N of the Application Form will result in the application being refused.**

### ***No Right***

Applicants are informed that should their application be considered to warrant the granting of an experimental octopus fishing permit, the granting of such an experimental fishing permit shall in no way create any expectation that –

- ☐ a commercial octopus fishery shall be established at all; or
- ☐ should a commercial octopus fishery be established, the permit holder will in any way be entitled to a commercial octopus fishing right.

### ***Verification***

Applicants are informed that it remains the prerogative of the Department to verify any or all information submitted by applicants in their applications, including information attached as annexures. The Department will verify the information submitted by every applicant that is granted a permit. The Department reserves its right to randomly verify information submitted by other applicants.

By completing and submitting the application form, the applicant authorises the Department or the Rights Verification Unit to enter upon any property owned by the applicant or to which the applicant has a right to use (such as in terms of a lease agreement and so forth) to conduct verification activities pertaining to the submission of an application for an experimental octopus fishing permit.

***Withdrawal from the experiment***

Permit holders may only be able to withdraw from the experiment after making written application to the Chief Director: Resource Management providing detailed reasons why he/she should allow the permit holder to withdraw from the experiment and after demonstrating exceptional circumstances as to why such a withdrawal is required.

***Helplines***

Should any applicant require advice of a technical or fishery specific nature, then applicants are requested to contact Mr. C Smith in writing at fax number (021) 425 6977.

Queries of a legal nature should be forwarded in writing to Mr Dennis Fredericks on fax number (021) 425 7324.

Telephonic queries will not be considered or responded to. All queries submitted must be signed by the prospective applicant.



**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM**  
**BRANCH MARINE AND COASTAL MANAGEMENT**

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**POLICY AND CRITERIA FOR THE EVALUATION OF  
APPLICATIONS IN THE EXPERIMENTAL OCTOPUS  
FISHERY**

**03 December 2003**



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## 1. Introduction

The common octopus *Octopus vulgaris*, which is intended to be the species of octopus for which experimental fishing permits are to be allocated, is an under exploited resource in South Africa. At present, in South Africa this species is mainly harvested in the intertidal during spring low tide for use as bait, whereas the same species is considered a delicacy in many countries including Japan, Portugal and Spain.

It is the intention of the Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management to begin the process of determining the feasibility of developing a twenty third South African commercial fishery – a commercial octopus fishery that will sustain the harvesting of sufficiently large quantities of octopus using sustainable catching methods and to export harvested octopus to countries that consider this resource a delicacy for human consumption.

The Department therefore intends inviting prospective applicants to make application to it on the specimen application form attached as **Annexure B** so that a partnership of research into the viability of an octopus fishery and the possible development of a directed commercial fishery may begin between an anticipated 16 successful applicants and the Department.

### **IMPORTANT: YOU MUST READ THIS**

It is important to note from the outset that the policy and criteria contained in this Annexure will be used to evaluate applications for permits to participate in the experimental octopus fishery.

The weighting, if any, to be attached to the criteria will be determined by the Department once it has received all properly lodged applications.

## 2. Background to the *Octopus vulgaris* species

Octopuses belong to the class Cephalopoda and are closely related to squid and cuttlefish. These animals have been harvested by artisanal fisheries since classical times and currently form an

important component of the total fish landings in Portugal, Spain, Japan, Mauritania and Mexico. Octopuses are ideal candidates for commercial exploitation as they are short-lived, fast growing and have firm textured meat with a high meat recovery of 70-85%.

Octopuses may be caught in a variety of ways, including diving, trawling, spearing, long-lining using hooks and long-lining using pots. The latter has proven to be the most efficient technique in catching octopus by small-scale / artisanal fisheries in other parts of the world and hence accounts for the highest landings of octopus worldwide by these directed fisheries. The successful permit applicants will only be entitled to harvest octopus by means of long lining using pots.

A total of 39 species of octopus have been identified in South African waters. Of these, two species are significantly exploited, namely the common octopus *Octopus vulgaris* and the giant octopus *Octopus magnificus*. *O. vulgaris* occurs along the entire coastline of South Africa and is found from the intertidal to depths of over 200 m. It is currently mainly harvested in the intertidal during spring low tides by artisanal fisheries. As noted above, this species, although it has a high commodity value as a food species, is mainly used as bait. In contrast, *O. magnificus* is a deepwater (100 – 300 m) species and is caught as a by-catch in bottom trawl nets, south coast rock lobster traps and hake long-lining fisheries operating along the south coast. This species is exported to foreign markets where it is also used as bait. Of the two species *O. vulgaris* is considered to be the most suitable for exploitation by small-scale fisheries, due to its accessibility in shallow water and higher market value.

### **3. The Purpose and Objective of the experimental Octopus fishery**

First and foremost, it is the intention of the Department to develop a carefully planned and regulated experimental fishery that could possibly develop into a commercial fishery.

The purposes and objectives of allocating experimental permits in the octopus fishery comprise two primary and numerous secondary objectives.

The first primary objective is to assess the fishing technique using pots attached to long lines and to modify the methodology if necessary, thereby making it more suitable for conditions prevalent in South African waters. The second primary objective is to identify ways of conducting meaningful octopus stock assessments or ways in which to obtain abundance indicators of the stock so as to estimate a sustainable fishing effort for the resource.

The secondary objectives include economic and octopus population biology studies, which will be essential for effective management of a future commercial fishery if the experimental fishery is found to be viable.

#### **4. Duration**

It is the intention of the Department to grant permits in this experimental fishery annually for a period not exceeding five years. It is anticipated that within 5 years sufficient data will be collected by the Department from permit holders to determine the economic and environmental viability of developing a commercial octopus fishery in South Africa and to determine appropriate management strategies for such a fishery. It is important to note that although annually renewable for a period of five years, a failure by the permit holder to comply with one or more permit conditions could result in the refusal to grant a further permit.

#### **5. Number of Permits to be allocated**

The Department has identified eight potentially viable fishing grounds in which the experimental octopus fishery is to operate. Having regard to a number of factors, such as the high degree of risk posed by an experimental fishery, the capital investment required for a 5 year experiment, and the potential number of applicants, the Department has decided to allocate a maximum of 16 experimental permits for the octopus fishery.

## **6. The Landing Sites**

The Department has identified certain fishing grounds as being potentially viable. The nearest landing sites to these grounds are as follows:

- ☐ Saldanha Bay
- ☐ Simonstown / Kalk Bay
- ☐ Gordons Bay
- ☐ Hermanus / Gansbaai
- ☐ Arniston / Struisbaai
- ☐ Mossel Bay
- ☐ East London
- ☐ Port Elizabeth

Priority will be given to those applicants domiciled or whose registered places of businesses are closest to these landing sites.

## **7. Harvesting the Octopus**

It is proposed that at this stage the octopus should be harvested by means of pots using long lines. This method is currently considered to be efficient, effective and the by-catch will be negligible.

Pot fishing is a passive technique, which exploits the need for the octopus to seek shelter. Therefore no bait or active fishing is required. When the pots are retrieved by means of a hydraulic line-hauler, any octopus inside the pots will remain as their natural tendency is to cling to their immediate substrate when disturbed. Additional benefits of this fishing method are:

- ☐ No by-catch will be landed; and
- ☐ It preserves the quality of the octopus.

The permit-holders will only be entitled to harvest octopus by means of long lining using pots. Each experimental permit-holder will initially be restricted to 2 000 pots. Of these a minimum of 900 pots will be reserved solely for experimental fishing for the duration of the 5 years. The reserved pots

should at this stage include 2 standard pot-types of two different sizes. The exact pot types and sizes will be finalised with permit-holders. A total of 300 pots (150 of each pot-type) will be deployed per depth range. The number of pots to be attached to a main line (and hence the number of main lines) will be left to the discretion of the permit holder. These pots are to be attached in an alternating sequence to the main line. Main line(s) (containing 300 pots) will be deployed parallel to the coast between 15 - 20 m depth. Similarly, another set (containing 300 pots) will be deployed further offshore at 20 - 30 m depth and a third set (containing 300 pots) deeper than 30 m. The pots will be spaced 7 m apart on the main line in an attempt to minimise territorial conflict and cannibalism between octopuses in adjacent pots and hence resulting in equal probability of catching octopus in adjacent pots compared to catching octopus in non-adjacent pots. All pots used in this stringent experimental design will be numbered to determine the spatial distribution of octopuses.

The fishing area will be determined from sea charts and by consulting with experimental permit-holders. Any lost, stolen or damaged gear will be immediately replaced by the experimental permit-holder. This structured experiment will be used to determine the most efficient pot-type by season. Also by fishing simultaneously at different depths will give an indication of the seasonal onshore-offshore movements of octopus. As an observer will accompany the experimental permit-holder when lifting experimental lines, all catch rates will be verified and all octopuses caught will be weighed and sexed.

Furthermore, when lines are lifted the first 15 animals caught at each depth zone will be retained for biological analysis. Hence, accurate data on depth, substrate type, GPS, catch rates, sex ratios, population size structure, diet, size at maturation and spawning seasons will be obtained.

Experimental lines should be retrieved approximately every 7 days (weather permitting and excluding weekends and public holidays).

As far as the remaining 1 100 pots are concerned, the experimental permit-holder will be allowed to choose any pot-type design. If the permit-holder chooses to use more than one pot design for the extra pots then for consistency of data, each main line should consist of the same pot-type (one

pot-type per main line). No trap doors or baiting will be allowed. The experimental permit-holder may fish these pots in any manner it chooses, including changing pot spacing on a main line, soak times and depth of fishing, provided that fishers keep accurate records of the number of pots fished, pot spacings, the soak times, catches per pot type, depth fished, GPS position and substrate type. However, at no stage will the experimental permit-holder be allowed to deploy these pots within 1 mile of the experimental lines. At the harbour or slipway the entire catch will be weighed in the presence of a fishery control officer or observer and the fishery control officer or observer must be notified of any tagged animals. Although the lifting of additional pots will not be monitored on a regular basis spot checks will be conducted from time to time.

## **8. Economic Viability**

For the purposes of determining whether a viable commercial octopus fishery may exist, permit holders will be required to complete those economic questionnaires as may be determined by the Department.

## **9. Empowerment**

One of the objectives of allocating experimental fishing permits in this fishery is to empower those persons who have been historically disadvantaged under apartheid (and includes all black South Africans, white females and all persons with disabilities). A further component of empowerment will be to benefit those persons domiciled or whose registered place of business is closest to the identified landing sites.

The Department does not intend to endorse any particular form of empowerment. The empowerment must however result in –

- Substantive transfer of skill and know-how, both in the areas of harvesting the resource and managing a business; and
- Beneficial HDP ownership of the financial rewards from the sale of the resource. In other words, HDP's must beneficially own the resource harvested in terms of the permit granted.

The most obvious ways by which this would occur are where HDP's beneficially own any equity or interest in a company or close corporation or are unambiguously defined as beneficiaries and trustees in terms of a properly registered South African trust.

#### **10. Investment in the experimental Octopus fishery**

Applicants will have to demonstrate their commitment to enter and share in the risks of this experimental fishery. Investments and involvement in vessels, gear, processing establishments and marketing of the resource internationally will have to be clearly demonstrated. However, having regard to the fact that an octopus fishery does not currently exist, the Department will also recognise as investments, research undertaken and invested in and which pertains to this fishery (both locally and internationally), the knowledge of international octopus markets, and links with international buyers and networks.

It is important to note that ownership of an appropriate vessel will not be essential. However, every applicant will have to demonstrate a clear right of access to a vessel suitable for the harvesting of the resource.

A suitable vessel for the harvesting of octopus will be a vessel having a minimum length of 7 (seven) metres and a maximum length of 24 (twenty four) metres. The vessel must furthermore be fitted with a line hauler, functioning Vessel Monitoring System (VMS), Global Positioning System (GPS) and an echo-sounder.

#### **11. Conditions**

As this is an experimental fishery, the Department will require all successful applicants to adhere strictly to numerous permit conditions. The purpose of these conditions will substantially be to ensure proper, effective and reliable data gathering and compliance.

Experimental octopus permit-holders will be entitled to sell all octopuses landed provided that all the necessary biological and fishery data has been obtained. Experimental permit-holders will not



be restricted to sell their catch to any particular market. Initially, no size limits or closed seasons will apply. However, as more data becomes available it may be necessary to impose a total allowable catch or applied effort. At the conclusion of the fifth year, all experimental permits will automatically lapse. The experimental permit does not in any way guarantee the permit holder a commercial fishing right if a commercial octopus fishery is to be established.

Permit holders, including their crew, who fail to adhere to the permit conditions and to any provision of the Marine Living Resources Act, 1998, could have their permits revoked, cancelled or withdrawn under section 28 of the Marine Living Resources Act, 1998.

## **12. Compliance and Monitoring**

Observers will be employed to collect data and to monitor the fishery in the specified areas, with the exception of Simonstown/Kalk Bay where Departmental personnel will monitor the fishing operations. Both on-board and shore-based observers will be appointed. Fishery control officers and/or shore-based observers will weigh catches at harbours and slipways.

The effects of the experimental fishing operations on the environment and ecosystem will be monitored. The effects of this fishery on other existing fisheries will also be monitored. Should the operations of the experimental fishery cause any significant adverse effects, such as on the octopus stock, on the environment or ecosystem or on other fishing sectors, the Department reserves the right to terminate the fishery.

## **13. Management of the Fishery**

The Department will deploy a project manager to co-ordinate and manage the implementation of the experimental octopus fishery. The New Fisheries / Small Invertebrates Working Group will be responsible for making scientific recommendations regarding the Octopus fishery. These recommendations will be submitted to the Department.

**Every applicant will be required to pay an application fee of R65 (sixty five rand).**

In addition, every successful applicant will have to lodge security with the Department in the amount of R100 000 (one hundred thousand rand) prior to a permit being granted. Failure to lodge such security in the manner and time required by the Department will result in the permit not being issued and the permit will instead be allocated to the next best applicant.

The following, read with the above policy, will be used in evaluating applications for experimental octopus permits.

Every applicant will have to demonstrate a right of access to a suitable vessel for the harvesting of octopus. This will be a vessel of minimum length of 7 metres and a maximum length of 24 metres. The vessel should furthermore be fitted with a line hauler, functioning Vessel Monitoring System (VMS), Global Positioning System (GPS) and an echo-sounder. Failure to demonstrate a right of access to a suitable vessel and the ability to procure at least 900 pots will result in an application being rejected.

It must be noted that no weighting or precedence is implied by the criteria stated below. The following criteria will be used to comparatively balance applicants.

- **Investment and involvement:** Applicants must demonstrate the nature and degree of their respective current investments and involvement in the octopus fishery. While it is recognised that this is an experimental fishery, the Department wants applicants to demonstrate some investment and involvement, such as demonstrating a clear right of access to an appropriate vessel for the harvesting of octopus, involvement or investment in the processing of octopus or the ability to market the octopus in international markets.

**התאחדות העובדים**

- ❑ **Access to sufficient finance or capital:** Permit holders will be required to invest in a large number of harvesting pots (in excess of 900), will have to demonstrate a right of access to an appropriate vessel and will have to assume the various other risks associated with being involved in an experimental fishery. Accordingly, applicants must clearly demonstrate that they have access to sufficient finance or capital. Applicants will be required to commence harvesting of the octopus within six months of being granted a permit. Failure to commence harvesting of octopus within the first six months pursuant to the granting of the permit, will result in the permit being revoked.
- ❑ **Proximity to the identified landing sites:** It is the Department's intention to grant permits to applicants who, *inter alia*, are domiciled or whose registered place of business is located closest to the identified landing sites.
- ❑ **Empowerment:** The aim of empowerment is to ensure that those persons who have been historically disadvantaged under apartheid gain beneficial access to the resource and the financial benefits associated with the harvesting of the resource. In this regard, the Department will examine applications to determine –
  - ❑ Whether HDP's will benefit from any transfers of skill and know-how, both in the areas of harvesting the resource and managing a business;
  - ❑ The degree of beneficial HDP ownership and management within each applicant.
- ❑ **Involvement in commercial fishing:** It is the Department's intention to affirm those applicants that are currently not holders of commercial fishing rights. However, commercial right holders are encouraged to establish valid and empowering joint ventures with HDP's that are not commercial fishing right holders;
- ❑ **Harvesting of octopus:** Applicants will be required to demonstrate that they have the capability and capacity to harvest the octopus as set out in the Departmental policy statement above. Applicants must demonstrate that they would have the capacity, finances and capabilities to deploy minimum of 900 pots and a maximum of 2000 pots.
- ❑ **Collection of data:** Applicants will be required to demonstrate their ability to collect and provide relevant data that will enable the Department to properly study the octopus resource. The Department will require the following data:
  - Economic data;
  - Scientific data; and

- Environmental and ecosystems data; and
- **Lodging of security:** Successful applicants will be required to lodge security in the amount of R100 000 (one hundred thousand rand) with the Department prior to being issued with a permit. Failure to lodge such security with the Department will result in the permit being allocated to the next best applicant.

B



**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND  
TOURISM  
REPUBLIC OF SOUTH AFRICA**

**APPLICATION  
FOR AN EXPERIMENTAL FISHING  
PERMIT:**

**OCTOPUS FISHERY**



**Instructions to Applicants: You must read these carefully**

***linkukacha zezicelo: Fundisise ngononophelo***

**Lees asseblief sorgvuldig**

1. Before completing this application form, you must read the Policy and Criteria for the Evaluation of Applications in the Experimental Octopus Fishery. This Policy is available from the Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management and on the Department's website – [www.environment.gov.za](http://www.environment.gov.za). This Policy forms part of this application form and will be used by the Minister and/or his delegate during the process of evaluating applications for commercial abalone fishing rights.
2. You must fill in this application form as required and attach all annexures as instructed in the application form.
3. This application form must be completed in English only. Should you have any difficulties in understanding any part or any question in this application form, then you are welcome to write to the Department at the fax numbers provided below for advice and support.
4. The application forms are laid out in terms of a specific format to aid data capturing, evaluation and decision-making. You may not submit an application in any format other than on this application form. **Should you submit an application on a form other than the stipulated (official) application form, then your application will be refused.**
5. It is your responsibility to ensure that all pages of this application form are properly completed and all the required documents and annexures are provided.
6. Every applicant must attach to their respective application forms the annexures required by the application form. Each annexure must be clearly marked indicating the question number it is answering.
7. Every applicant must submit 1 (one) original application form and 1 (one) electronic copy of the original, inclusive of all annexures. The electronic copy may either be a CD-ROM or stiffy disk. **Should you fail to adhere to this requirement, then your application will be refused.**
8. All copies of documents attached must be true and certified copies the originals.
9. The application form must be lodged with the Department in only one of the following two ways:
  - a. By hand; or
  - b. By registered mail.
10. Should you decide to post the application form, then you **must**:
  - Post it by registered mail to -

**THE DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM  
OCTOPUS EXPERIMENTAL FISHING PERMIT APPLICATION  
CHIEF DIRECTORATE: RESOURCE MANAGEMENT  
PRIVATE BAG X2  
ROGGEBAAI  
8012**

- Post it to reach the above address by not later than 16h00 on 02 February 2004. You may commence with the mailing of applications with effect from 10 December 2003; and
- Attach proof of payment of the full application fee to the original application.

**Should you fail to post your application as required, then your application will be refused.**

11. Should you decide to hand deliver you application, then you **must**:
  - Hand deliver your application to -

**THE DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM: BRANCH  
MARINE AND COASTAL MANAGEMENT  
6<sup>TH</sup> FLOOR, FORETRUST BUILDING, MARTIN HAMMERSCHLAG WAY  
FORESHORE  
CAPE TOWN**

- Hand deliver your application by no later than 16h00 on 02 February 2004. You may commence with the handing in off applications at the above venue from 10:30 on 02 February 2004; and
- Attach proof of payment of the full application fee to the original application.

12. You may not fax or email an application form. Should you submit your application in any form or manner not provided for above, **then your application will be refused.**
13. You must pay the full application fee of R65,00 (sixty five rand) at the Department's Foreshore Offices (6<sup>th</sup> Floor, Finance and Procurement Directorate, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town) by not later than 16h00 on 02 February 2004.
14. You must pay the full application fee of R65,00 before the closing date of 16h00 on 02 February 2004. **If you do not pay your application fee as required, then your application will be refused.**
15. **Application fees are not refundable.**
16. If you furnish any information that is not true your application may be refused, or, if a permit is granted it may be revoked or suspended. Information is not true if you provide false or misleading information or documentation, or if you fail to disclose material information.
17. Information submitted may be verified. In order to allow for the proper verification of this application, you are required to authorise any institution, organ of state, person or body, who possesses or acquires any information concerning or related to your application, to disclose or make available such information to the Minister, his delegate or a duly authorised official of the Department of Environmental Affairs and Tourism.
18. This Application Form must be signed by the Applicant in the presence a Commissioner of Oaths. If this application is prepared or compiled by, in consultation with, or on the advice of, any person other than the applicant, its employees, members, trustees or directors, the reasons for this and the details of that person must be provided. **If you do not comply with this requirement, your application will be refused.**
19. Should you require any help in completing this application form or should you not understand any of the requirements or any other matter, then you are most welcome to fax the Department at (021) 425-6977 (Attention Craig Smith for technical and fishery specific matters) or (021) 425-7324 (Attention Dennis Fredericks for queries of a legal nature).

**NOTE: Your attention is specifically drawn to the requirements stipulated in the Government Gazette and Policy, which must be read and understood BEFORE completing this application form.**

**A. APPLICANT'S CONTACT DATA**

**1. Full Name of Applicant:**

The "name of applicant" refers to the person in whose name the permit is to be allocated. "Applicants" can only be South African citizens, South African companies, South African Trusts and close corporations. Partnerships, fishing fora and co-operatives cannot be "applicants".

**2. Please state the Applicant's Identity Number, Close Corporation Registration Number, Company Number or Trust Deed Registration Number:**

➡ **\*Note: You must provide certified copies of the documents confirming the above requested information. Failure to provide such proof will result in the application being adversely affected.**

**3. Please state the Applicant's Physical and Postal Addresses**

Postal

Physical

**4. What is the Applicant's:**

**4.1 Telephone Number:** \_\_\_\_\_

**4.2 Facsimile Number:** \_\_\_\_\_

**4.3 Cell Phone Number:** \_\_\_\_\_

**4.3 e-mail Address:** \_\_\_\_\_

**4.4 web-site address:** \_\_\_\_\_



**\*Please mark the box adjacent to the contact details you wish the Department to use, in addition to Applicant's postal address.**

**5. Nominated Contact Person:**

**5.1 Name:** \_\_\_\_\_

**5.2 Position Occupied:**

### 5.3 Contact Details:

**5.3.1 Telephone Number:** 

□

**5.3.2 Facsimile Number:** 

11

**5.3.3 Cell Phone Number:**

11

**5.3.4 e-mail Address:**

**\*Please mark the box adjacent to the contact details you wish the Department to use, in addition to Applicant's postal address. \*Note, you must provide proof demonstrating that the above named person is authorised to act on behalf of the Applicant (such as a power of attorney or directors' resolution).**

## B. LANDING SITES

**6. Which landing site is located nearest to where the Applicant is domiciled or where its registered place of business is located (Indicate only one). You must also state the approximate distance to your nearest landing site:** Domiciled means where the applicant is domiciled or where its registered place of business is located.

Domiciled means where the applicant lives or from where the applicant carries on work.

**6.1 Saldanha Bay**   **kms**

8

10

kms

**6.2 Simons Town / Kalk Bay**   kms

11

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**kms**

- 6.3 Gordons Bay   kms
- 6.4 Hermanus / Gansbaai   kms
- 6.5 Arniston / Struisbaai   kms
- 6.6 Mossel Bay   kms
- 6.7 Port Elizabeth   kms
- 6.8 East London   kms

### **C. INVESTMENT IN A SUITABLE FISHING VESSEL**

Please Note: Should you have access to more than one vessel or intend using a second vessel, then please provide the details of these further vessels as an annexure to this application form.

7. **Please provide the following details in respect of the vessel the Applicant has a right to use:** The Applicant must demonstrate that it has a right of access to a vessel that is suitable for the harvesting of Octopus.

7.1 **Name of vessel:** \_\_\_\_\_

7.2 **Vessel SAMSA Number:** \_\_\_\_\_

7.3 **Vessel Area Number:** \_\_\_\_\_

7.4 **Length of Vessel (in metres):** \_\_\_\_\_

7.5 **Name and Details of Owner of Vessel:**

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- ➡ **7.8 Nature of Right of Access to Vessel: Please tick the appropriate box and you must provide the required agreements and documentation.**
- ➡ **7.8.1 Ownership (100%) (you must provide proof indicating ownership)** ☐
- ➡ **7.8.2 Shareholder (state percentage currently owned and provide proof to this effect) \_\_\_\_\_ %** ☐
- ➡ **7.8.3 Purchase Agreement (attach a certified copy of this agreement)** ☐
- ➡ **7.8.4 Charter Agreement (attach a certified copy of this agreement)** ☐
- ➡ **7.8.5 Catching Agreement (attach a certified copy of this agreement)** ☐
- ➡ **7.8.6 Any other right of access (please specify and provide proof thereof)** ☐
- 7.9 Replacement value of the Vessel (if applicant is the vessel owner): R \_\_\_\_\_**

➡ **\*Note: You must provide a certified copy of the latest issued SAMSA Certificate pertaining to the nominated vessel. The specific information and agreements requested in this Part of the application must also be provided. Failure to provide such proof will result in the application being adversely affected.**

#### **D. INVOLVEMENT IN COMMERCIAL FISHING**

- 8. Does the Applicant, or any of its shareholders, members, or trustees currently hold a commercial fishing right granted under section 18 of the Marine Living Resources Act of 1998?**

**Yes**

☐

**No**

☐

9. If yes, please specify the fisheries or fishery in which commercial rights are held and provide the information in the table below:

<u>Name of shareholder, member or trustee, as the case may be</u>	<u>Percentage or degree of control in or over the applicant</u>	<u>Sector</u>

➡ Please include copies of the permits. \*Note: Failure to provide these permits could result in the application being adversely affected.

10. It is the Department's policy to give preference to those applicants who do not hold commercial fishing rights. If the Applicant is a holder of one or more commercial fishing rights, please motivate why the Department should consider granting an experimental octopus permit to you.

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**F. HARVESTING OF OCTOPUS**

- 12. How many pots attached to long lines does the applicant intend using:**

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- 13. Describe the types of pots that the applicant intends using, including the diameter of the openings and the material from which the pots are manufactured:**

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- 14. Describe in detail how the applicant intends setting the lines and the distribution of pots along each of the main lines (only in respect of the first 900 pots):**

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- 15. Describe in detail how the applicant intends setting the lines and the distribution of pots along each of the main lines (only in respect of the remaining 1100 pots). This will only apply if the Applicant intends using more than 900 pots. Please indicate the intended pot-type design for these pots as well.**

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**G. EMPOWERMENT**

16. **Is the Applicant an Historically Disadvantaged Person as defined in section 1 of the Marine Living Resources Act of 1998:**

An HDP applicant is a South African natural person, a close corporation, South African company or South African trust, whose majority shareholders, members or trustees, as the case may be, have been previously disadvantaged by unfair discrimination, and includes Black South Africans, white females and all persons with disabilities.

Yes

No

☒
☐

17. **If the Applicant is a legal entity (such as a company, close corporation or trust), state who are the applicant's shareholders, members or trustees, as the case may be:**

<u>Name of shareholder, member or trustee, as the case may be</u>	<u>State whether historically disadvantaged person</u>	<u>State equity interest (if applicable) currently owned by historically disadvantaged persons</u>





18. Does the Applicant or any of its shareholders, members or trustees, as the case may be, own any interest or shares or are trustees of any other applicant or commercial fishing right holder:

Yes

☐

No

☐

19. If yes, please provide full details regarding the name(s) of the legal entities and what commercial fishing right(s), if any, they currently hold:

<u>Name of company, close corporation or trust</u>	<u>Nature of interest, including percentage shares or interest held</u>	<u>Does the entity currently hold commercial fishing rights and in which sectors</u>

20. Who is responsible for managing the affairs of the applicant (ie, who is allowed to hire and dismiss employees, who may sign negotiable instruments (cheques) on behalf of the applicant, who can bind the applicant to a suretyship and so forth):

<u>Name of manager</u>	<u>State whether historically disadvantaged person</u>	<u>State roles, responsibilities and powers</u>


21. If the applicant was formed as result of a joint venture between previously advantaged persons and HDP's or the Applicant is not majority HDP owned and managed, then explain in detail the steps that will be taken to empower the HDP shareholders or members:

SPECIMEN

- 22. Please provide proof of compliance with the Skills Development Act of 1998 and the Skills Levies Act of 1999.**



**\*Note: Failure to provide such proof will result in the application being adversely affected.**

23. What percentage of applicant's employees (at all levels, including its directors and shareholders, trustees or members, as the case may be) are:

(a) White women

(b) Black women;

(c) Black males;

(d) White males; and

(e) Persons with disabilities.

#### **H. FINANCIAL INFORMATION**

24. What is the Applicant's annual turnover or income: \_\_\_\_\_

25. What is/are the source(s) of this turnover or income:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

26. State what percentage of this income is derived from fishing activities and, if any, state which fisheries and how the income is derived (eg, does the Applicant process, market or so forth certain resources):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

27. Please provide a certified true copy of your latest financial statements.



\*Note: Failure to provide such certified copies will result in the application being adversely affected.

- NAME \_\_\_\_\_

29. Has the Applicant or any of its shareholders, members or trustees ever applied for and/or been granted an experimental fishing permit in the last five years? If yes, please provide details, including the name of the applicant and the experimental permit applied for and/or that was granted:

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31. Upon the conclusion of the experimental fishery, was a commercial fishery developed:

Yes

☐

No

☐

32. If yes, did the permit-holder (the current Applicant or its shareholders / members / trustees) apply for commercial fishing right:

Yes

☐

No

☐

33. If yes, was the Applicant (previously the permit-holder) successful:

Yes

☐

No

☐

34. If no to question 32, please explain why the permit-holder did not apply for a commercial fishing right:

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**J. DATA**

35. Applicants are required to provide the names, qualifications and *curriculum vitae* of those persons who will be responsible for the collection of data required by the Department. The Department requires specific and reliable data. Applicants must state briefly below what they understand by each of the three sets of data groups that will be required:

- (a) Economic data;
- (b) Scientific data; and
- (c) Environmental and ecosystem effects data.

**K. PROCESSING AND MARKET DEVELOPMENT**

36. Please provide details regarding how any octopus harvested by the applicant will be processed.

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37. Please provide the following details regarding the processor (if not the applicant)

Name: \_\_\_\_\_ Trade Name: \_\_\_\_\_

Address: \_\_\_\_\_ Contact Person: \_\_\_\_\_

Tel No. \_\_\_\_\_

Fax No. \_\_\_\_\_

Rate at which processing of the octopus will be levied: \_\_\_\_\_

NOTE: You must attach a certified copy of the processing agreement.

38. Please explain in detail how any octopus harvested will be marketed by the applicant.

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**L. TRANSGRESSIONS**

39. Has the Applicant or any of its members, directors, shareholders or trustees (as the case may be) been convicted of any transgression of the Marine Living Resources Act, 18 of 1998.

Yes

☐

No

☐

40. If yes, please provide details, including details pertaining to the conviction and penalty:

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**M. SECURITY**

41. Every applicant that is considered for a permit must lodge security in the amount of R100 000 with the Department. Is the applicant prepared to lodge such security with the Department?

Yes

☐

No

☐

42. If yes, please state in what form such security will be lodged.

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43. Please provide proof that the form of security that stated above is indeed capable of being provided by the applicant.

➔ \*Note: Failure to provide such proof will result in the application being adversely affected.



## **N. SIGNATURE AND COMMISSIONING**

**IMPORTANT:** This part of the application requires the Applicant AND any third person (such as a consultant, lawyer or accountant) to sign this application form. The signature of the Applicant or its authorised representative must be commissioned by a Commissioner of Oaths. Failure to adhere to this instruction will result in the application being rejected.

### **Declaration By Applicant and Third Party (where applicable)**

I, the undersigned, do hereby make oath / affirmation, and declare that the information submitted with and in this application is true, correct, and complete, and that the copies of the documents submitted are true and certified copies of the original documents. I understand that if any information furnished in this application is not true or complete, including providing false documentation, the falsification of any document, the making of any misleading or false statements, or the non-disclosure of material information or information which may materially affect the evaluation of this application, this may disqualify the application, or lead to it being refused, or to the revocation, suspension, cancellation of, or amendment of the terms and conditions pertaining to, a permit granted on the merits of this application.

**Signature of the applicant**

.....

**Full Name**

.....

.....

.....

THUS SIGNED IN MY PRESENCE

**Commissioner of Oaths** .....

**Full Name** .....

**Designation** .....

**Office** .....

**Address** .....

.....

**Signed at (place).....on the.....day of**

**..... in the year.....**

If this application has been prepared or completed by, or on the advice of, any person other than the applicant, then this third party must complete the following as well:

**Signature of the third party**

THUS SIGNED IN MY PRESENCE

**Commissioner of Oaths** .....**Full Name** .....**Designation** .....**Office** .....**Address** .....**Full Name****Telephone Number****Address****Cell Number****Fax Number****Occupation****Email Address**

How much did you charge the applicant to fill in this application form?

If you did not require payment upfront, how is the applicant supposed to pay you for filling in this application form?

Signed at (place).....on the .....day of

.....in the year.....