
GENERAL NOTICE

NOTICE 1292 OF 2005

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

INVITATION TO APPLY FOR RIGHTS TO UNDERTAKE COMMERCIAL FISHING FOR KWAZULU-NATAL SARDINE BEACH SEINE, OYSTERS, WHITE MUSSELS AND BEACH-SEINE (TREK-NET) AND GILLNET (DRIFT-NET, SET-NET) IN TERMS OF SECTION 18 OF THE MARINE LIVING RESOURCES ACT 18 OF 1998

Applications for rights to undertake commercial fishing are invited in the following (Cluster D) sectors:

1. KwaZulu-Natal Sardine Beach Seine
2. Oysters
3. White Mussels
4. Beach Seine (Trek-net) and Gillnet (Drift-net, Set-net).

Commercial fishing rights in the Cluster D sectors will be allocated by delegated authorities in terms of section 18 of the Marine Living Resources Act, 1998 (Act No. 18 of 1998). The following schedules are also published herewith:

1. Schedule A: the Fishery Specific Policies for KwaZulu-Natal Sardine Beach-Seine, Oysters, White Mussels and Beach Seine (Trek-net) and Gillnet (Drift-net, Set-net) in English, Afrikaans, isiXhosa and isiZulu.

- Ebenhaeser
- Veldrift
- Langebaan
- Kalk Bay
- Arniston
- Mossel Bay

- Groot Brak
- Knysna
- Port Nolloth
- Hondeklipbaai
- Port Elizabeth
- Durban

SCHEDULE A

FISHERY SPECIFIC POLICIES



DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM
BRANCH MARINE AND COASTAL MANAGEMENT

**POLICY FOR THE ALLOCATION AND MANAGEMENT OF COMMERCIAL FISHING
RIGHTS IN THE OYSTER FISHERY: 2005**

**THIS POLICY MUST BE READ WITH THE GENERAL POLICY ON THE ALLOCATION
AND MANAGEMENT OF LONG TERM COMMERCIAL FISHING RIGHTS: 2005 (available
at www.mcm-deat.gov.za)**

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1. Introduction

This policy on the allocation and management of fishing rights in the Oyster Commercial Sector is issued by the Minister of Environmental Affairs and Tourism ("the Minister"). This policy must be read with the General Policy on the Allocation and Management of Long Term Commercial Fishing Rights: 2005 ("the General Policy").

The purpose of this policy is to set out the considerations that will apply to the allocation of commercial oyster harvesting rights. Many of these considerations are not new. They have been applied by the Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management ("the Department") in the past when allocating rights and to an extent this policy documents those considerations.

Certain post rights allocation management policy considerations are broadly elaborated on in this policy. An Oyster Sector Management Manual will be finalised with all right holders during the course of 2006. This manual will stipulate in detail the management methodology and procedures for the fishery.

The Minister intends to delegate the section 18 power to allocate commercial Oyster harvesting rights in terms of section 79 of the Marine Living Resources Act 18 of 1998 ("the MLRA") to an official of the Department. This policy document will guide the delegated authority in taking decisions on applications in this sector.

2. Biological Status of Oysters

The Cape Rock oyster, which is targeted in this fishery, has an extensive geographic distribution occurring on rocky reefs from Cape Agulhas to Mozambique. These oysters are found in the intertidal zone and up to about 6m water depths. The Cape Rock oyster is found naturally and is sold as "wild oysters" in South African restaurants. A cheaper oyster is the Pacific oyster which is imported and widely used in mariculture.

Oysters along the KwaZulu-Natal coast have been found to take 33 months (almost 3 years) to reach marketable size (60 mm Right Valve Length). Oysters are broadcast spawners. Oysters along the KwaZulu-Natal coast spawn throughout the year with peaks during spring and summer.

Harvesting takes place during spring low tides and traditionally was restricted to the intertidal zone, however in recent years there has been a gradual expansion of harvesting depth towards the fringes of the subtidal zone.

This is due to a decline in oyster density in the intertidal zone and a gradual increase in gear efficiency ("creeping effort"). Oysters are dislodged from rocks by means of a pointed steel crowbar.

3. Sector Profile

The oyster fishery was previously managed as two separate fisheries according to their areas of operation, namely the KwaZulu-Natal coast and the Southern Cape coast. Since 2002 the oyster fishery has been managed as a single national fishery. Under the new management system, four commercial oyster-harvesting areas are officially recognised, namely KZN North, KZN South, Port Elizabeth and the Southern Cape. Differences between the regulations and harvesting patterns in the regions continue to exist.

In KwaZulu-Natal (North and South coasts), the management approach previously adopted by the KwaZulu-Natal Provincial Government was retained. This entailed maintaining a system of effort limitations whereby the numbers of pickers are restricted and a daily bag limit of 190 oysters per picker per day is enforced. The KZN North and South coasts are further sub-divided into five zones each, which are harvested on a rotational basis. This requires that zones remain fallow for at least three years at a time (the optimal length of time required for oyster recruits to reach marketable size) thereby allowing for recovery of the oyster stock. This system applies to both the commercial and recreational sectors.

The oyster fishery along the Southern Cape coast is not managed by means of rotational harvesting, but by means of limiting the number of pickers, with no daily bag limit. Furthermore, effort has been split across areas in accordance with the extent of accessible oyster reef. The Southern Cape fishery is also controlled by a closed season from 15 December – 05 January. The closed season has been imposed to limit conflict between holidaymakers and the commercial oyster sector. In Port Elizabeth, no harvesting of oyster beds is practised, and only washed-up oysters are being collected.

The Total Applied Effort ("TAE) for the oyster fishery is currently not informed by scientific considerations or even the status of the resource, but is based on pre-2002 effort levels. Advancements in research and stock assessments for the oyster resource are required in order to properly determine sustainable harvesting levels. The current TAE (2005 season) was set at 145 pickers and is apportioned as follows:

- KZN North (25 pickers);
- KZN South (15 pickers);
- Southern Cape (102 pickers); and
- Port Elizabeth (3) pickers.

The TAE along the Southern Cape coast is further divided across zones, based on the extent of accessible oyster reef, and more specifically as follows:

- Heidelberg("Witsand"): 10 pickers;
- Riversdale/Mossel Bay: 58 pickers; and
- George/Knysna: 34 pickers.

Limited commercial oyster rights were allocated in 2002 to empower a number of former subsistence fishers who were previously prevented from selling their subsistence harvests.

4. The Medium Term Rights Allocation Process

In 2002 commercial rights to harvest oysters were awarded to 34 applicants employing a total of 114 pickers. Of these, 88% were allocated limited commercial rights. Rights have been mainly awarded to natural persons (individuals). Individuals hold 91%, close corporations 3% and companies 6% of the rights.

Black persons hold only 25,8% of the individual rights, which is extremely poor for a fishery that is easily accessible, and requires minimal gear and capital outlay. Moreover, only 25,8% of the individual right holders are women.

Although the TAE was set at 145 pickers, only 114 pickers currently harvest oysters.

5. Over-all Sectoral Objectives

Read with the General Fisheries Policy, the purpose of this policy is to determine the criteria in terms of which oyster harvesting rights will be allocated. The objectives of allocating commercial fishing rights in this sector are to:

- Notably improve the transformation profile of this sector;
- Allocate oyster rights to those who depend on oyster harvesting for their livelihood;
- Empower oyster pickers;
- Ensure that rights are allocated in all the areas where oysters can be harvested; and
- Support the economic viability and environmental sustainability of the sector.

The Department is aware of and concerned about certain monopolistic practices in this sector (**see further paragraph 9 below**).

6. Duration of Rights

Commercial fishing rights will be allocated for a period not exceeding three (3) years. Long-term rights will only be considered when there *is* sufficient information on the status of the resource and when the transformation profile of the sector has improved significantly. The Department will also institute a socio-economic study in this fishery during the three year period in an attempt to address present imbalances in the sector.

7. New Entrants

Although the sector as a whole is currently overexploited, a number of oyster harvesting areas are currently not exploited at all. The Department requires that these areas be exploited in order to gain valuable information about the oysters in those areas. In addition, the sector is untransformed and dominated by a few persons to the detriment of others operating in the sector.

The delegated authority should therefore endeavour to allocate rights to new entrants in the areas where no medium term commercial oyster rights were allocated (but a **TAE** was set) and where the introduction of new entrants will improve the transformation profile of the sector,

8. Evaluation criteria

Applications for commercial oyster rights will be evaluated in terms of a number of exclusionary and balancing criteria.

8.1 Exclusionary Criteria

In addition *to* the exclusionary criteria stated in the General Fisheries Policy relating to improper lodgments and material defects, the following exclusionary criteria will be applied to both right holder applicants and new entrant applicants:

- (a) **Form of the Applicant:** Rights will only be allocated to natural persons (ie. individuals) who are pickers or who will employ pickers. The delegated authority should not allocate rights to oyster pickers who are listed in the applications of employers.
- (b) **Applications from families:** In general, only one right will be allocated per household. Where more than one application is received from family members who live at the same address, then all the applications may be excluded. More than one right may be allocated per family if applicants clearly and convincingly demonstrate that they have established separate small commercial operations.
- (c) **Compliance:** Applicants that have been convicted of a serious transgression of the MLRA the regulations, permit conditions or other serious fishery related offences, will not be allocated a right. Applicants that have had a right cancelled or revoked in terms of the Marine Living Resources Act will also not be allocated a right. If the applicant was a member of a close corporation or a shareholder of a company that held a medium term right, then the applicant will not be granted a right if the medium term right holder or one of its members, directors or controlling shareholders was convicted of a serious transgression or had a right cancelled or revoked. Other breaches of the Marine Living Resources Act will adversely affect applications, as set out below.
- (d) **Paper Quotas:** A paper quota as defined in the General Policy will be excluded. Large groups of identical or very similar applications that are sponsored by consultants or commercial fishing companies and other entities will be excluded as fronts (paper quotas) regardless of the merits of individual applications.
- (e) **Non-utilisation of the resource:** Right holders that have failed to utilise their medium term commercial oyster right between 2002 and 2004 will not be re-allocated a right.
- (f) **Personal Involvement:** Applicants will be required to demonstrate that will be personally involved in the harvesting of oysters.
- (g) **Multi-sector Involvement:** Applicants in this fishery may not hold any other commercial fishing right, whether directly or indirectly as a shareholder or director of a company or member of a close corporation, in the Cluster A or Cluster B fisheries. Applicants in this

fishery may also not hold rights in other Cluster C and D fisheries, except in traditional line fish and hake handline.

8.2 *Balancing Criteria*

Right-holder applicants and potential new entrants will be evaluated in terms of the following balancing criteria which will be weighted to assess the strength of each application:

(a) **Transformation**

The delegated authority will affirm black applicants as the transformation profile of this sector is particularly poor. Gender may be applied as a tie-breaking factor, if necessary.

(b) **Investment in the Fishery**

The delegated authority may consider investments made by applicants in the sector, including investments in processing or in the form of marketing, locally and internationally.

(c) **Harvesting Performance**

Right holder applicants will be assessed having regard to their oyster harvesting performance and record during the medium term rights allocation process.

New entrant applicants will be assessed having regard to their ability, knowledge and skill to harvest oysters.

(d) **Reliance on Oysters**

The delegated authority may prefer applicants who rely on oyster harvesting for a significant proportion of their gross annual income. Applicants who derive income from sources outside of the fishing industry may be negatively scored. Potential new entrants may be required to demonstrate their historical dependency on the oyster sector for their livelihood.

(e) Local **Economic** Development

The delegated authority should prefer those applicants who live near the area where the oysters are harvested. In this regard, the delegated authority should require the applicant to have lived in that area for a minimum period of four years.

(f) Compliance

Less than serious infringements of the **MLRA**, including its Regulations, by the applicant, should be negatively scored.

9. Monopolies and the Registration of Buyers

The Department is of the view that the potential of this sector has not been fully achieved due to the monopolisation of this sector by one or two groupings.

Not only has the growth of this sector been detrimentally affected as a result of the existence of monopolies, but pickers have been exploited. The existence of monopolies in this sector is unacceptable and should not be allowed to continue.

All persons intending to purchase oysters from right holders (pickers) **will** be required to register with the Department. The Department will not register buyers who have had a right or permit cancelled or revoked under the **MLRA** or buyers that have been convicted of an offence under the **MLRA**. Should the Department determine that registered buyers are colluding in the setting of prices for oysters, ~~the~~ Department shall intervene and act as the sole purchaser of oysters from oyster pickers.

10. Harvesting Oysters

Right holders and pickers will be allowed to harvest oysters using:

- wetsuits;
- weight-belts;
- masks; and
- snorkels.

Right holders and pickers may not use:

- fins;
- artificial breathing apparatus; and
- floating devices.

11. **Application Fees**

The fee payable on application for an oyster right is R100 (one hundred rand). This fee is non-refundable and must be paid in full.

The annual levies payable with effect from 1 January 2006 will be determined after consultation with right holders. The levies payable will be utilised by the Department for mitigating the annual costs of management, compliance and research.

12. **Provisional Lists**

Before the delegated authority makes a final decision on the allocation of oyster rights, he or she may issue a provisionallist of applicants for each area for comment.

13. **Permit Conditions**

Permit conditions for this sector will be issued annually. The permit conditions will be determined after consultation with right holders in the sector and will be subject to revision as and when it may be necessary.



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

**POLICY FOR THE ALLOCATION AND MANAGEMENT OF COMMERCIAL
FISHING RIGHTS IN THE KWAZULU-NATAL SARDINE BEACH-SEINE
COMMERCIAL FISHERY: 2005**

**THIS POLICY MUST BE READ WITH THE GENERAL POLICY ON THE ALLOCATION
AND MANAGEMENT OF LONG-TERM COMMERCIAL FISHING RIGHTS: 2005 (available
at www.mcm-deat.gov.za)**

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1. Introduction

This policy on the allocation and management of fishing rights in the KwaZulu-Natal (KZN) sardine commercial beach-seine fishery is issued by the Minister of Environmental Affairs and Tourism (‘the Minister’). This fishery will also be referred to as the KZN beach-seine fishery. This policy must be read with the General Policy on the Allocation and Management of Long-term Commercial Fishing Rights: 2005 (‘the General Fisheries Policy’).

The purpose of this policy is to set out the considerations that will apply to the allocation of long-term KZN sardine beach-seine fishing rights. Many of these considerations are not new. They have been applied by the Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management (‘the Department’) when allocating rights in the past and to an extent this policy documents those considerations.

Certain post-rights allocation management policies are also presented in this policy. A KZN Beach-seine Fishery Management Manual will be finalised with all right-holders during the course of 2006. This manual will stipulate in detail the management methodology and procedures for the fishery.

The Minister intends to delegate the section 18 power to allocate commercial fishing rights in this sector in terms of section 79 of the Marine Living Resources Act 18 of 1998 (‘the MLRA’) to an official of the Department. This policy document will guide the delegated authority in taking decisions on applications in this fishery.

2. Biology and resource dynamics

The KZN sardine beach-seine fishery is highly seasonal. During the winter months large shoals of sardines (*Sardinops sagax*) enter the waters of KwaZulu-Natal from the south. This classical spawning migration is referred to as the KZN ‘sardine run’.

The annual sardine run corresponds with an offshore movement of the warm Agulhas Current in the region of the Wild Coast during autumn through to winter and its replacement by a cool, narrow band of water inshore. This event provides a corridor for cold-water-loving sardines to migrate northward in large shoals that may be 15 kilometres long, three kilometres wide and 40 metres deep. The shoals attract thousands of predators such as gannets, dolphins and sharks.

The KZN sardine beach-seine fishery relies entirely on the sardine run. Moreover, KwaZulu-Natal's tourism industry is geared towards capitalizing on the spectacle of the sardine run, including the excitement of beach-seine operations. There are, however, years when the intrusion of cold water does not occur or sardines do not appear inshore. Catches in the KwaZulu-Natal sardine beach-seine fishery have been close to zero in some years.

The KZN sardine beach-seine fishery has been regulated since the 1970s. Prior to the commencement of the MLRA, permits were issued by the KZN Fisheries Licensing Board. A maximum of 35 permits were allocated annually. Permits, and nowadays rights, were issued exclusively for the capture of sardines; all other fish had to be returned to the water alive,

3. Sector profile

The commercial sardine beach-seine fishery is restricted to KwaZulu-Natal. Due to it being a short, seasonal fishery which is only activated during the sardine run, most of the participants are employed in other fishing sectors for the remainder of the year.

Although sardines are a TAC-controlled species, targeted predominantly by the pelagic fishing industry, the KZN beach-seine fishery is managed on the basis of Total Applied Effort ("TAE"). This is because the biomass landed by beach-seines in KZN is less than 0.1 percent of the total national catch. Effort is not restricted to any particular beaches or areas, thereby allowing the fishers to follow the sardines along the coast and catch the fish as they move inshore. Gear restrictions apply and fishing in marine protected areas is prohibited. The TAE (the number of nets that may be used), is set by the Minister each year.

The sardine beach-seine nets are laid using converted ski-boats. Teams of fishers - approximately 20 per net - then haul the net shoreward by hand. Sardines are sold locally by the right-holder, or buyers purchase the contents of the net while it is still on the beach. The bulk of the catch is used for bait but a limited amount of sardines are consumed by the locals. In years when the sardine run occurs, an average of 20 000 crates or 500 tons are landed, with an annual catch value of between R1.5 and R2 million.

The present right-holders are mainly commercial fishers, split equally among black and white persons. In the past few years, two rights have been fished by squid right-holders from the Eastern Cape. These right-holders have introduced technologically more advanced procedures to the fishery. Their use of a spotter plane and superior fishing gear has resulted in them out-competing the other fishers.

All teams employ temporary labour during the season. Consequently, approximately 700 workers may be employed for a one- to two-month season each year.

4. The medium-term rights allocation process

The sardine beach-seine fishery has not changed much since the revision of the TAE and the allocation of rights in 2001. Medium-term fishing rights introduced a degree of stability to the fishery. In previous years permit-holders entered or exited the fishery each year. The TAE was set at 35 right-holders in 2001. Only 27 applications were received, 26 of which were granted.

This fishery is relatively capital intensive due to the capital required for a powered ski-boat, beach-seine net and 4X4 vehicle, as well as the risk associated with the short, unpredictable sardine season. The fishery is currently 50 percent black-owned and managed.

5. Over-arching sectoral objectives

The objectives of allocating long-term rights in the sardine beach-seine fishery are to:

- Improve the transformation profile of this fishery;
- Allocate rights to sardine beach-seine fishers who are traditionally reliant on sardines and resident in KZN;
- Sustain the economic viability of the fishery
- Ensure the environmental sustainability of the fishery.

6. Duration of rights

Having regard to the above objectives, commercial fishing rights will be allocated for a period of ten years (1 January 2006 – 31 December 2015). The Department will regularly evaluate right holders against predetermined performance criteria.

7. New entrants

Surplus effort is available for allocation in this fishery. The delegated authority will seek to accommodate new entrants. Non-performing right-holders and untransformed entities may be replaced.

8. Evaluation criteria

Applications will be screened in terms of a set of "exclusionary criteria", and thereafter evaluated in terms of a set of weighted "*comparative* balancing criteria". A cut-off score or rank will then be determined in order to select the successful applicants.

8.1 Exclusionary criteria

Apart from the criteria described in the General Policy pertaining to the lodgement of applications and material defects, the delegated authority will exclude applicants that fail to meet the following requirements:

- (a) **Form of right-holder:** Although the General Policy generally prohibits companies and close corporations from holding rights in the Cluster D fisheries, the **KZN** Beach-seine fishery is an exception. The delegated authority may allocate rights in this fishery to individuals as well as close corporations (not companies). As far as individuals are concerned, more than one right will not ordinarily be granted to a household (spouses, parents and children). In addition, a right **will** not be granted to a close corporation and its members or employees separately.
- (b) **Traditional sardine beach-seine:** Rights will only be allocated to traditional sardine beach-seine fishers or to close corporations whose members are traditional sardine beach-seine fishers. A traditional sardine beach-seine fisher is someone who has been active in the fishery for the past ten years.
- (c) **Access to nets and boats:** Applicants will be required to demonstrate that they have access to the appropriate nets and a suitable boat required to operate in this fishery.
- (d) **Compliance:** Applicants that have been convicted of a serious transgression of the MLRA (leading, for example, to a sentence of imprisonment without the option of the payment of a fine) will not be allocated a right. Applicants that have had a right cancelled or revoked in terms of the Marine Living Resources Act will **also** not be allocated a right. Other breaches of the Marine Living Resources Act will adversely affect applications, as set out below.
- (e) **Paper quotas:** Paper quotas (as defined in the General Policy) will be excluded. Large groups of identical or very similar applications that are sponsored by consultants or commercial fishing

companies and other entities will be excluded as fronts (paper quotas) regardless of the merits of individual applications.

- (f) **Non-utilisation:** Right-holders who did not utilise their right during the period 2002 to 2004 will be excluded.
- (g) **Multi-sector involvement:** Applicants in this fishery may not hold any other commercial fishing right, whether directly or indirectly as a shareholder or director of a company or member of a close corporation, in the Cluster A or Cluster B fisheries. Applicants in this fishery may also not hold rights in other Cluster C and D fisheries, except in traditional line fish and the oyster fishery.
- (h) **Personal involvement in harvesting of the resource:** Applicants, or their members, will be required to demonstrate that they have been personally involved in sardine beach-seine fishing during the fishing season and have participated in the operation of the business.
- (i) **Dependency on the resource:** Whilst the limited season, unpredictability and risk associated with this fishery is recognised, applicants will be required to demonstrate a degree of historical dependency on the sardine beach-seine fishery for their livelihoods.

8.2 *Comparative balancing criteria*

Right-holder applicants and potential new entrants will be evaluated in terms of the following balancing criteria which will be weighted to assess the strength of each application:

a) **Transformation:**

To improve the transformation profile of the KZN sardine beach-seine fishery, applicants should be scored positively if they are black (Africans, Coloureds and Indians). Applicants that are close corporations will be assessed and scored on the percentage of the membership owned by blacks.

b) **Jobs**

Right-holder applicants who can demonstrate that they have provided employment - temporary or permanent - will be rewarded.

c) Historical Involvement

The delegated authority will consider how long an applicant has been involved in the sardine beach-seine fishery.

d) Fishing Performance

Right-holder applicants will be assessed by having regard to their fishing performance during the medium-term period.

New entrant applicants will be assessed by having regard to whether they have the ability, knowledge and skill to fish using nets.

e) Compliance

Less than serious infringements of the **MLRA**, the Regulations and permit conditions, will be negatively scored.

9. Provisional lists

Before the delegated authority makes a final decision on the allocation of beach seine rights, he or she may issue a provisional list of applicants for each area for comment.

10. Management and co-management of the **KZN** sardine beach-seine fishery

The commercial sardine beach-seine fishery will be managed in accordance with the ecosystem approach to fisheries ("EAF"). An ecosystem approach to fisheries management is a holistic and integrated policy, which recognises that fishing and associated land-based activities impact on the broader marine environment.

A new Operational Management Plan for the fishery will be implemented within the next two to three years.

11. Application fees

The fee payable on application for a **KZN** beach seine right is R200 (two hundred rand). This fee is non-refundable and must be paid in full,

The annual levies payable with effect from 1 January 2006 will be determined after consultation with right holders. The levies payable will be utilised by the Department for mitigating the annual costs of management, compliance and research.

12. Vehicle use in the coastal zone

Many right-holders in the KZN sardine beach-seine fishery have sought permission to use vehicles in the coastal zone following the prohibition of unregulated vehicle use on beaches in 2002. In 2004, the Minister of Environmental Affairs and Tourism amended the regulations that control vehicle use in the coastal zone (see www.mcm-deat.gov.za for the Regulations and Implementation Guideline),

Right-holders in the KZN sardine beach-seine fishery must apply to the Deputy Director-General of Marine and Coastal Management for a permit to use a vehicle in the coastal zone if required for fishing.

Application forms for vehicle use in the coastal zone will be made available, along with the application forms for rights in the KZN sardine beach-seine fishery. These application forms for vehicle use are also available from www.mcm-deat.gov.za.

13. Permit conditions

Permit conditions for this fishery will be issued annually. The permit conditions will be determined after consultation *with* right holders in this fishery and will be subject to revision as and when it may be necessary.



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

**POLICY FOR THE ALLOCATION AND MANAGEMENT OF COMMERCIAL
FISHING RIGHTS IN THE BEACH-SEINE (TREKNET) AND GILLNET (DRIFT-
NET, SET-NET) COMMERCIAL FISHERY: 2005**

**THIS POLICY MUST BE READ WITH THE GENERAL POLICY ON THE ALLOCATION
AND MANAGEMENT OF LONG-TERM COMMERCIAL FISHING RIGHTS: 2005 (available
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1. Introduction

This policy on the allocation and management of fishing rights in the commercial beach-seine (treknet) and gillnet (drift-net, set-net) fisheries is issued by the Minister of Environmental Affairs and Tourism ("the Minister"). These fisheries will also be collectively referred to as the beach-seine and gillnet fisheries. This policy must be read with the General Policy on the Allocation and Management of Long-term Commercial Fishing Rights: 2005 ("the General Fisheries Policy"). A separate policy is issued for the KwaZulu-Natal beach-seine fishery.

The purpose of this policy is to set out the considerations that will apply to the allocation of long-term commercial beach-seine and gillnet fishing rights. Many of these considerations are not new. They have been applied by the Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management ("the Department") when allocating rights in the past and to an extent this policy documents those considerations.

Certain post-rights allocation management policies are also presented in this policy. A Beach-Seine and Gillnet Fishery Management Manual will be finalised with all right-holders during the course of 2006. This manual will stipulate in detail the management methodology and procedures for the fishery.

The Minister intends to delegate the section 18 power to allocate commercial beach-seine and gillnet fishing rights in terms of section 79 of the Marine Living Resources Act 18 of 1998 ("the MLRA") to an official of the Department. This policy document will guide the delegated authority in taking decisions on applications in this fishery.

2. Biology and resource dynamics

The beach-seine and gillnet fisheries are South Africa's oldest commercial fisheries, having been established in the early 1700s and mid 1800's respectively. Besides a minimum mesh size and an area restriction that was originally designed to reduce conflict between beach-seine and gillnet fishers, there were no controls in the fishery until the early 1970's. Since then, both fisheries have been restricted to catching harders (*Liza richardsonii*) and St Joseph sharks (*Callorhynchus capensis*), with a limited by-catch allowance of linefish species. In False Bay, however, right-holders in the beach-seine fishery are entitled to target certain linefish species.

3. Sector Profile

The gillnet fishery is restricted to Yzerfontein northwards whereas the beach-seine fishery is restricted to the west of Gordon's Bay. The estuarine gillnet fishery (namely the Olifants Estuary) will be phased out over a 5- to 10-year period.

As part of the management strategy, the coast and Total Applied Effort ("TAE") is subdivided into "beach-seine and gillnet" areas, effort is limited by gear restrictions, and fishing by means of nets is prohibited in Marine Protected Areas. In essence, the beach-seine and gillnet fishery is set a TAE (number of nets that may be used in each area along the west and south east coasts) on an area basis by the Minister each year.

Prior to the 2001 medium-term right allocation process, the fishery landed approximately 6 000 tons of fish per annum, of which only 1 400 tons were reported on compulsory monthly catch return forms.

A survey of more than 50 percent of permit-holders revealed that less than 10 percent regarded themselves as beach-seine or gillnet fishers while only eight percent were *bona fide*, full-time netfishers who acquired more than 50 percent of their income from the fishery. Permit holders in most areas operated at a loss of between R1 900 and R5 500 per annum, the exceptions being the gillnet fishery in Saidanha-Langebaan, where 50 percent of operators were full time net fishers and the beach-seine fishery in False Bay, where 70 percent of operators were full time netfishers.

The main target species, the harder, is currently over-exploited. There is a direct negative correlation between the degree of effort and stock status. The export market for the secondary target species, St Joseph shark has collapsed, but there is potential for a local market. There is a substantial linefish by-catch comprising mostly over-exploited or collapsed species. Consequently, the management of the netfishery cannot be considered separately from the traditional linefish sector.

There exists a substantial illegal gillnet fishery directed at high value species throughout the west, south and east coasts. Illegal gillnetting on the west coast is mostly directed at galjoen (*Dichistius capensis*) and smooth-hound shark (*Mustelus mustelus*) in the sea and harders, springer / flathead mullet (*Mugil cephalus*) and elf (*Pomatomus saltatrix*) in estuaries. Illegal gillnetting on the south and east coasts is largely confined to estuaries and directed at, amongst others, dusky kob (*Argyrosomus japonicus*), spotted grunter (*Pomadasys commersonii*) and a range of mullet species.

4. The medium-term rights allocation **process**

Prior to the revision of the TAE and allocation of rights in 2001, the fishery was completely over-subscribed with 147 beach-seine and 293 gillnet permits issued between Port Nolloth on the West Coast and Nature's Valley on the South Coast. There were a further 120 and 100 gillnet permit-holders in the Olifants and Berg River estuaries respectively. Consequently, effort had to be reduced to levels that would facilitate the recovery of the harder stock and ensure economically viable ventures for the remaining *bona fide* full-time fishers. The TAE was accordingly set at 58 beach-seine rights and 162 gillnets. In the 2001 medium-term rights allocation process, 12 beach-seine net rights and 55 small net (gillnet) rights were allocated. A further 58 netfishers were granted exemptions to fish.

5. Over-arching sectoral objectives

The objectives of allocating long-term rights in the beach-seine and gillnet fishery are to:

- Improve the transformation profile of this sector;
- Allocate rights to traditional beach-seine and gillnet fishers in traditional fishing areas along the west and southeast coasts;
- Facilitate the management of the main target species caught by beach-seine and gillnet right holders, such as harders and St Joseph sharks, in manner which will ensure their recovery from current levels of over-exploitation;
- Support the economic viability of the fishery; and
- Ensure the environmental sustainability of the fishery.

6. Duration of rights

Having regard to the above objectives, commercial fishing rights will be allocated for a period of 10 years (1 January 2006 to 31 December 2015). The Department will regularly evaluate right holders against predetermined performance criteria.

7. New entrants

Although the beach-seine and gillnet fishery is currently oversubscribed, with many more netfishers than nets available for allocation, a number of non-performing netfishers may be replaced with traditional netfishers who were not allocated medium-term rights.

8. Evaluation criteria

Applications will be screened in terms of a set of "exclusionary criteria", and thereafter applications will be evaluated in terms of a set of "comparative balancing criteria". A cut-off score or rank will then be determined in order to select the successful applicants.

8.7 Exclusionary criteria

Apart from the criteria described in the General Policy pertaining to the lodgement of the applications and material defects, the delegated authority will exclude applicants that fail to meet the following requirements:

- (a) **Form of the applicant:** Rights will only be allocated to natural persons. Right-holders who previously operated in the form of juristic persons (i.e. close corporations, trusts or companies) will have to apply in their individual capacities, but may be considered to be "right-holders" for purposes of the allocation process.

A household (comprising a couple, their parents and their children) may not be granted more than one right so as to avoid fronts and monopolies and to broaden access to the netfish resource. Applicants may be required to disclose their relationship to applicants in treknet and gillnet fishery as well as in other commercial fisheries. If more than one member of a household applies for a right, all the applications from the family may be excluded, unless the applicants clearly and convincingly demonstrate that they have established separate small commercial operations.

- (b) **Traditional beach-seine & gillnet fishers:** Rights should only be allocated to traditional netfishers. A traditional netfisher is someone who has netfished for a living for at least the past ten years.
- (c) **Access to nets:** Applicants will be required to demonstrate that they have access to the appropriate nets and boats required to operate in this fishery.
- (c) **Compliance:** Applicants that have been convicted of a serious transgression of the MLRA the regulations, permit conditions or other serious fishery related offences, will not be allocated a right. Applicants that have had a right cancelled or revoked in terms of the Marine Living Resources Act will also not be allocated a right. If the applicant was a member of a close corporation or a shareholder of a company that held a medium term right, then the applicant will not be granted a right if the medium term

right holder or one of its members, directors or controlling shareholders was convicted of a serious transgression or had a right cancelled or revoked. Other breaches of the Marine Living Resources Act will adversely affect applications, as set out below.

- (d) **Paper quotas:** Paper quotas as defined in the General policy will be excluded. Large groups of identical or very similar applications that are sponsored by consultants or commercial fishing companies and other entities will be excluded as fronts (paper quotas) regardless of the merits of individual applications.
- (e) **Non-utilisation:** Right-holders who did not regularly utilise their right during the medium-term period (2002 to 2004) will be excluded.
- (f) **Multi-sector involvement:** Applicants in this fishery may not hold any other commercial fishing right, whether directly or indirectly, as a shareholder or director of a company or member of a close corporation, in the Cluster A or Cluster B fisheries. Right holders in this fishery may also **not** hold commercial rights in the Cluster C or the other Cluster D fisheries, other than white mussels and west coast rock lobster.
- (g) **Personal involvement in harvesting of the resource:** Applicants will be required to demonstrate that they will be personally involved in beach-seine or gillnet fishing.
- (h) **Resident in fishing zone:** Applicants who do not live adjacent to the fishing zone where they have applied for rights should be excluded. Applicants will be required to demonstrate that they have lived adjacent to the fishing zone for at least four years. Successful right-holders in the beach-seine and gillnet fishery will be restricted to designated fishing zones or areas.

8.2 *Comparative balancing criteria*

Right-holder applicants and potential new entrants will be evaluated in terms of the following balancing criteria, which will be weighted to assess the strength of each application:

a) **Transformation**

In order to improve the transformation profile of the beach-seine and gillnet fishery, black applicants will be scored positively. Gender may be used as a tie-breaking factor, i.e. where more than one applicant scores the same, a female applicant will be preferred over a male applicant.

b) Jobs

Right-holder applicants who can demonstrate that they have provided temporary *or* permanent employment during the medium-term period, will be rewarded.

c) Historical involvement

The delegated authority should consider the length and nature of the applicant's involvement in the commercial beach-seine and gillnet fishery.

d) Fishing performance

Right-holder applicants will be assessed by having regard to their fishing performance during the medium-term period (2002 to 2004).

New entrant applicants will be assessed by having regard to whether they have the ability, knowledge and skill to fish using **nets**.

e) Reliance on net fishing

The delegated authority should prefer applicants who rely on net fishing for a significant proportion of their gross annual income. Applicants or their members who derive income from sources outside of the fishing industry may be penalised. Potential new entrants will be required to demonstrate their historical dependency on the net fishery for their livelihood.

f) Compliance

Less than serious infringements of the MLRA, the regulations and permit conditions, will be negatively scored.

9. Provisional lists

Before the delegated authority makes a final decision on the allocation of treknet and gillnet rights, he or she may issue a provisional list of applicants for each area for comment.

10. Management and co-management of the net fisheries

The beach-seine and gillnet fishery will be managed in accordance with the ecosystem approach to fisheries ("EAF"). An ecosystem approach to fisheries is a holistic and integrated policy which recognises that fishing and associated land-based activities impact on the broader marine environment.

A new Operational Management Plan for the fishery will be implemented within the next two to three years. It is the intention of the Department to promote co-management of the resource by re-enforcing the TURF (Territorial User Rights Fishery) system.

Further, the Department may in future adopt a net fishing day restriction to further manage effort in the net fishery. The reduction of fishing time may be more appropriate than simply reducing the number of nets that may be used in particular areas.

11. Application fees

The fee payable on application for a net fish right is R200 (two hundred rand). This fee is non-refundable and must be paid in full.

The annual levies payable with effect from 1 January 2006 will be determined after consultation with right holders. The levies payable will be utilised by the Department for mitigating the annual costs of management, compliance and research.

12. Vehicle use in the coastal zone

Many beach-seine right holders sought permission to use vehicles in the coastal zone since the prohibition of unregulated vehicle use on beaches in 2002. In 2004, the Minister of Environmental Affairs and Tourism amended the regulations that control vehicle use in the coastal zone (see www.mcm-deat.gov.za for the Regulations and Implementation Guideline),

Beach-seine fishers must apply to the Deputy Director-General of Marine and Coastal Management for a permit to use a vehicle in the coastal zone if required for fishing.

Application forms for vehicle use in the coastal zone will be made available along with the application forms for commercial fishing rights in the beach-seine and gillnet fishery. The application forms for vehicle use are also available from www.mcm-deat.gov.za.

13. Permit conditions

Permit conditions for this fishery will be issued annually. The permit conditions will be determined after consultation with right holders in this fishery and will be subject to revision as and when it may be necessary.



DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

BRANCH MARINE AND COASTAL MANAGEMENT

**POLICY FOR THE ALLOCATION AND MANAGEMENT OF COMMERCIAL FISHING
RIGHTS IN THE WHITE MUSSEL FISHERY: 2005**

**THIS POLICY MUST BE READ WITH THE GENERAL POLICY ON THE ALLOCATION
AND MANAGEMENT OF LONG-TERM COMMERCIAL FISHING RIGHTS: 2005 (available
at www.mcm-deat.gov.za)**

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1. Introduction

This policy on the allocation and management of fishing rights in the white mussel commercial sector is issued by the Minister of Environmental Affairs and Tourism ("the Minister"). This policy must be read with the General Policy on the Allocation and Management of Long-term Commercial Fishing Rights: 2005 ("the General Policy").

The purpose of this policy is to set out the considerations that will apply to the allocation of commercial white mussel sector rights. Many of these considerations are not new. They have been applied by the Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management ("the Department") when allocating rights in the past and to an extent this policy documents these considerations.

Certain post-rights allocation management policies are also presented in this policy. A White Mussel Sector Management Manual will be finalised with all right-holders during the course of 2006. This manual will stipulate in detail the management methodology and procedures for the fishery.

The Minister intends to delegate the section 18 power to allocate commercial white mussel sector rights in terms of section 79 of the Marine Living Resources Act 18 of 1998 ("the MLRA") to an official of the Department. This policy document will guide the delegated authority in taking decisions on applications in this sector.

2. Biology and resource dynamics

White mussels (*Donax serra*) occur between northern Namibia and the Wild Coast. They are present in high numbers on the sandy beaches of the west and south coasts of South Africa. The zonal distribution of the mussel changes with the tidal cycle. On the west coast, juveniles are found high up on the beach, whereas adults are distributed around and below the mean spring low tide mark. On the east and south coasts, adults are found in the mid-tide region.

White mussels are dominant burrowers on sandy beaches, favouring temperate shores. They are bivalve molluscs that filter-feed and grow to a shell length of 60 millimetres in about five years. The mussels migrate up and down the beach in response to tidal cycles, with juveniles migrating more frequently than the adults.

Commercial exploitation is limited to the west coast where white mussels are particularly abundant owing to the nutrient rich Benguela Current that washes these shores.

3. Sector profile

The commercial harvesting of white mussels is limited to seven areas along the west coast. The sector started in the late 1960s but in 1966 it was negatively affected by a red tide that caused massive mortalities of white mussels. The recovery of the population took more than 10 years and led to a dramatic reduction in the catch per unit effort ("CPUE").

The total number of white mussels harvested per year has declined steadily since the 1980s. This has largely been as a result of the sector's lack of economic viability. Surveys conducted in 1988 and 1989 showed that the annual landings amounted to less than one percent of the standing biomass in the relevant areas. Preliminary results from surveys undertaken in 2003 and 2004 support these findings. The resource is therefore considered to be under-exploited.

Currently, commercial right-holders are permitted to collect 2 000 white mussels per month. White mussels are harvested as bait and not for human consumption. A market for human consumption needs to be investigated.

The white mussel sector is catch- and effort-controlled. A Total Applied Effort ("TAE") of seven right-holders, with bag limits of 2 000 mussels per month and a minimum legal size of 35 millimetres, is enforced. The right-holders either own retail outlets or sell their catch to retail outlets where white mussels are sold at a price of between R1.00 and R1.50 each.

4. The medium-term rights allocation process

Currently, there are seven commercial right-holders located in seven areas along the west coast. Each right-holder is permitted to harvest 2 000 mussels per month. Each right-holder employs between six and eight harvesters who are paid between R0.15 and R0.80 per mussel, depending on the number of mussels harvested.

5. Over-arching sectoral objectives

The over-arching objectives of allocating commercial fishing rights in the white mussel fishery are to:

- Notably improve the transformation profile of the fishery;

- Allocate white mussel rights to those individuals who depend on white mussel harvesting for their livelihood;
- Ensure that rights are allocated in all the areas where white mussels can be harvested;
- Support the economic viability of the fishery; and
- Ensure the environmental sustainability of the fishery.

6. Duration of rights

Commercial harvesting rights for white mussels will be allocated for a period not exceeding *two* years. Long-term rights will only be considered once there is sufficient information on the status of the resource and greater clarity about the marketability of white mussels for human consumption,

7. New entrants

The resource is not optimally exploited in a number of areas. The Department requires these areas to be exploited in order to gain valuable information about white mussels in those areas. In addition, the sector is untransformed.

The delegated authority should endeavour to allocate rights to new entrants in the areas where a **TAE** was set, **but** no commercial white mussel rights were **allocated** in the medium-term rights allocation. Furthermore, the delegated authority should allocate rights to new entrants in order to improve the transformation profile of the sector.

8. Evaluation criteria

Applications will be screened in terms of a set of "*exclusionary criteria*", and thereafter evaluated in terms of a set of weighted "*balancing criteria*". A cut-off score or rank will then **be** determined in order to select the successful applicants.

8.1 Exclusionary criteria

Apart from the criteria described in the General Policy pertaining to the lodgement of applications and material defects, the delegated authority will exclude applicants that fail to meet the following requirements:

- (a) **Form of the applicant:** Rights will only be allocated to natural persons (i.e. individuals) who are mussel harvesters or who employ mussel harvesters. The delegated authority should not allocate rights to mussel harvesters who are listed in the applications of employers.
- (b) **Applications from families:** In general, only one right will be allocated per household. Where more than one application is received from family members who live at the same address, then all the applications may be excluded. More than one right may be allocated per family if applicants clearly and convincingly demonstrate that they have established separate small commercial operations.
- (c) **Compliance:** Applicants that have been convicted of a serious transgression of the MLRA the regulations, permit conditions or other serious fishery related offences, will not be allocated a right. Applicants that have had a right cancelled or revoked in terms of the Marine Living Resources Act will also not be allocated a right. If the applicant was a member of a close corporation or a shareholder of a company that held a medium term right, then the applicant will not be granted a right if the medium term right holder or one of its members, directors or controlling shareholders was convicted of a serious transgression or had a right cancelled or revoked. Other breaches of the Marine Living Resources Act will adversely affect applications, as set out below.
- (d) **Paper quotas:** Paper quotas as defined in the General policy will be excluded. Large groups of identical or very similar applications that are sponsored by consultants or commercial fishing companies and other entities will be excluded as fronts (paper quotas) regardless of the merits of individual applications.
- (e) **Non-utilisation:** Those right-holders that have failed to utilise their medium-term commercial white mussel right between 2002 and 2004 will not be re-allocated a right.
- (f) **Personal Involvement:** Applicants will be required to demonstrate that they will be personally involved in the harvesting of mussels.
- (g) **Multi-sector involvement:** Applicants in this fishery may not hold any other commercial fishing right, whether directly or indirectly as a shareholder or director of a company or member of a close corporation, in the Cluster A or Cluster B fisheries. Applicants in this

fishery may also not hold rights in other Cluster C and D fisheries, except in traditional line fish and the west coast rock lobster fishery.

8.2 Balancing criteria

Right-holder applicants and potential new entrants will be evaluated in terms of the following balancing criteria which will be weighted to assess the strength of each application:

(a) Transformation

In order to improve the transformation profile of the white mussel fishery, black applicants should be positively scored. Gender may be applied as a tie-breaking factor, i.e. where more than one applicant scores the same, a female applicant will be preferred over a male applicant.

(b) Investment in the fishery

The delegated authority should consider what investments, if any, applicants have made in the sector.

(c) Harvesting performance

Right-holder applicants should be assessed by having regard to their performance in the white mussel sector over the medium-term period (2002 to 2004).

New entrant applicants should be assessed by having regard to their ability, knowledge and skills to harvest white mussels.

(d) Reliance on white mussels

The delegated authority should prefer applicants who rely on mussel harvesting for a notable proportion of their gross annual income. Applicants who derive income from sources outside of the fishing industry may be negatively scored. Potential new entrants should be required to demonstrate their historical dependency on the white mussel sector for part of their livelihood.

(e) Local economic development

The delegated authority should prefer those applicants who live near the area where the white mussels are harvested. In this regard, the delegated authority should require the applicant to have lived in that area for a minimum period of four years.

(9) Compliance

Less than serious infringements of the MLRA, including its regulations, **by** the applicant, will be negatively scored.

9. Application fees

The fee payable on application for a white mussel right is **R100** (one hundred rand). This fee **is** non-refundable and must **be** paid in full.

The annual levies payable with effect from 1 January 2006 will be determined after consultation with right holders. The levies payable will be utilised by the Department for mitigating the annual costs of management, compliance and research.

10. Provisional lists

Before the delegated authority makes a final decision **on** the allocation **of** mussel rights, he or she may issue a provisional **list** of applicants for each area for comment.

11. Permit Conditions

Permit conditions for this sector will be issued annually. The permit conditions will be determined after consultation with right holders in this fishery and **will** be subject to revision **as** and when it may be necessary.

SCHEDULE B

SPECIMEN APPLICATION FORMS

APPLICATION NUMBER: OTRM

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



Oysters

Long Term Rights Allocation Process: 2005

Cluster D

Name of Applicant:		
Identification Number:		
Area you intend to pick Oysters in:	1	
	2	
	3	

I confirm that the applicant presented his / her original identification document:

Name of RVU Official:	
Signature of RVU Official:	
Date:	

IMPORTANT INFORMATION**INSTRUCTIONS****GENERAL**

- 1) This application form must be read together with these Instructions
- 2) You are advised to read the General Policy on the Allocation and Management of Long Term Fishing Rights, and to focus on the Oyster sector specific policy. These policies are available at the application centre. The policies guide the Minister or his delegate when considering the application.
- 3) You may request an official from the Department to assist you with the completion of the application form at the application centre. Should you have any queries regarding the completion of the application form, you may ask this official to answer your query. You or your representative may not communicate with the Minister, the delegated authority, or officials in the Department regarding your application other than at the application centre. Moreover, no reliance may be placed on any information given or obtained in any other manner.

ICONS

- 4) The application form makes use of the clipboard icon. The clipboard icon means that you must annex information as an annexure to the application form. The assistant at the application centre will tell you which information to put in the annexures. If you do not wish to be assisted you may compile your own annexures by using the Schedules to the application form.

COMPLETION OF APPLICATION FORM

- 5) You must complete all applicable sections of the application form. If any particular section does not apply to you, or if you cannot answer the section, the section may be marked "N/A." If you cannot answer a question because the information is not available, the section may be marked "unknown."
- 6) This form is designed to facilitate electronic capturing of the application into a database. You may not submit the application in any other form (for example by way of a letter written by yourself.) If you submit your application in any other form, the application will be refused.
- 7) You must sign and attest the declaration. If the declaration is not signed and attested, the application will be refused.

LODGEMENT OF APPLICATION

- 8) The application must be hand delivered to the application centre from which you collected your application before the closing date and time specified by the officials at the application centre. An application not submitted by hand within the times and dates specified by the officials, will be refused.
- 9) The application may not be submitted by post or by fax.

IMPROPER LODGEMENT

- 10) Improperly lodged applications will be refused. An application is improperly lodged if:
 - it is received late;
 - the applicant makes no payment, or short payment, or late payment of the application fee; or
 - the application is Lodged ("handed in") in a manner contrary to the instructions.

MATERIAL DEFECTS

- 1) Applications that are materially defective will be refused. An application is materially defective if:
 - the declaration is not signed and attested by the applicant.
 - more than one application is received for a right in the same sector; or
 - the applicant provides false information or documents, fails to disclose material information or attempts to influence the Minister or the delegated authority other than in the manner provided for in the General policy or in this application form.

Section 1

Applicant Details

1.1 Applicant Surname

1.2 Applicant First Name(s):

1.3 Identity Number:

1.4 Income Tax Number (if applicable):

1.5 Work Telephone Number: Area Code:

1.6 Cell Phone Number:

1.7 Fax Number:

1.8 E-mail address:

1.9 Residential Address
 Number and Street:
 Suburb:
 Town / City:
 Postal Code:

1.10 How long have you lived and/or worked in the area?
 Years

1.11 Postal Address: Number and Street / PO Box:
 Suburb:
 Town / City:
 Postal Code:

1.12 Are you historically disadvantaged in terms of race (i.e. African, Coloured or Indian)? Yes No

1.13 Please indicate your gender: Male Female

1.14 How old are you:
 Years

1.15 How long have you been involved in the fishing industry?
 Years

Section 2

Form of Applicant

2.6 If "Yes," complete the following table for all rights applied for (including this application for Oyster) in order of preference:

Name of Applicant for other right	Fishery	Application Number (if available)

2.7 Are you a member, director or shareholder of an applicant that applied *for* any commercial fishing right? Yes No

2.8 If "Yes," complete the following table for all rights applied *for* (including this application for Oysters) in order of preference:

Name of Applicant for other right	Fishery	Application Number (if available)

2.9 Have any of your family members applied *for* any other long-term commercial fishing rights (including Oysters)? Yes No

2.10 If "Yes," complete the following table:

Fishery	Application Number	Relationship to you (i.e. wife, husband, brother, cousin, mother etc)	Do they live in the same household as you? (Yes or No)



Section 3

Compliance

3.1 Have you :

- 3.1.1 been convicted of a contravention of the MLRA, or the regulations, or permit conditions during the medium term right period? Yes No
- 3.1.2 entered into a plea bargain under the Criminal Procedure Act 51 of 1977, for a contravention of the MLRA, or the regulations, or permit conditions during the medium term right period? Yes No
- 3.1.3 paid an admission of guilt fine for a contravention of the MLRA, the regulations, or the permit conditions during the medium term right period? Yes No
- 3.1.4 been charged with an offence under the MLRA, or the regulations or permit conditions during the medium term right period? Yes No
- 3.2 Has your fishing vessel, motor vehicle, premises or any of you assets been detained, arrested or seized under the MLRA or restrained, preserved, confiscated or forfeited under the Prevention of Organised Crime Act 121 of 1998 during the medium term right period? Yes No
- 3.3 Was your right or permit suspended, revoked, cancelled, reduced or altered under section 28 of the MLRA during the medium term right period? Yes No

You must answer yes to the above questions if you were a member, shareholder or director of a company or close corporation that held a commercial medium term Oyster right and this entity or one of its shareholders, members or directors were convicted, entered into a plea bargain, were charged, had an asset seized or a right or permit suspended.

Section 4

Investment

- 4.1 Have you made any investments in fishing gear to harvest oysters? Yes No
- 4.2 If "Yes," what amount have you invested?
- 4.3 Have you made any investments in processing or marketing of oysters either locally or internationally? Yes No
- 4.4 If "Yes," what amount have you invested?

Section 5

Catch Utilisation

5.1 Complete the following in relation to your medium term Oyster catch records.

Year	Name of medium term right holder	2001 Application Number	Number pickers allocated to applicant	Daily bag limit per picker	Actual Amount harvested in kilograms
2002					
2003					
2004					

Section 5

Catch Utilisation

5.2 If you were a member, director or shareholder of a medium term Oyster right holder complete the following in relation to this medium term right holder's catch records.

Year	Name of medium term right holder	2001 Application Number	Number pickers allocated to applicant	Daily bag limit per picker	Actual Amount harvested in kilograms
2002					
2003					
2004					

Section 6

Historical Involvement

6.1 Did you work as a harvester in the commercial Oyster fishery at any stage since the beginning of 2002?

Yes No

6.2 If "Yes," complete the following table:

Name of Right Holder	2004 Permit number	Duration that you worked for the right holder (from date to date)

6.3 Did you, as right holders, employ pickers in the commercial Oyster fishery at any stage since the beginning of 2002?

Yes No

6.4 If "Yes," complete the following table:

Name	ID Number	Duration

6.6 What Percentage of your annual income is generated through working in the Commercial Oyster Sector ?

Section 6

Historical Involvement

6.7 Describe any other sources of income you have:

	Sources of Income (other than Oysters)	Rand Value per year	Percentage of Total Income
1			
2			
3			
4			

Section 7

Skills, Knowledge, Processing & Marketing

- 7.1 Have you entered, or will you (if allocated a right) enter into a marketing agreement? Yes No
- 7.2 Have you entered, or **will** you (if allocated a right) enter into a processing agreement? Yes No
- 7.3 Will you be personally involved in harvesting the resource? Yes No
- 7.4 How will you harvest the resource? Yes No

Section 8

Pickers

8.1 Will you be employing others to pick the oysters? Yes No

8.2 Please provide the names of the pickers you will employ should you be granted a right in the table below:

	Name	Identity Number
1		
2		
3		
4		
5		
6		
7		
8		

I, the undersigned, do hereby make oath and declare that:

(a) I have read the instructions set out on page 2 of this application form

(b) To the extent that an official of the Department of Environmental Affairs and Tourism Branch: Marine and Coastal Management assisted me, I did so to be assisted and I accept that the official completed the form in accordance with my instructions.

(c) The information submitted in this application is true and correct and accurate.

(d) I accept that if any information in this Application is not true or correct or if false information is provided, or material information is not disclosed, that may lead to the Application being refused, or to the revocation, suspension, cancellation, alteration or reduction of any right, license or permit granted on the strength of this Application, in terms of Section 23 of the Marine Living Resources Act 3 of 1998.

(e) In order to allow for the proper verification of information submitted I hereby authorise any institution, organ of state, person of body, who possesses or acquires any information relevant to my application, to disclose or make the information available to the Minister, his delegate or an official of the Department of Environmental Affairs and Tourism or the Rights Verification Unit.

(f) I undertake to co-operate with any investigators by timeously submitting responses to written requests for information or explanations, by attending meetings with investigators, by answering questions satisfactorily at such meetings and where necessary, by granting investigators access to premises, vessels and documents. I accept that failure to co-operate in this regard will constitute an independent ground for refusing an application.

(g) I accept that any attempt to influence the decision of the delegated authority or appellate authority on the allocation of a right or quantum or effort, in any manner other than provided for in the General Policy or in this application form, will result in the application being refused.

Applicant Declaration

Signed at: _____

This _____ day of _____ 2005

Signature of Applicant: _____

Applicant's Full Name: _____

The deponent declares that he/she knows and understands the contents and implications of the above declaration.

Commissioner of Oaths _____

Full Name _____

Designation _____

Physical Address _____

Departmental Official Declaration

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



I, the undersigned, declare that, to the extent that I completed the form on behalf of the applicant I did so in accordance with the instructions of the applicant

Signed at: _____

This _____ day of _____ 2005

Signature: _____

Full Name: _____

Designation: _____

FOR OFFICIAL USE ONLY - DO NOT TEAR OFF
RECEIPT

Received by: _____

Date of Receipt: _____

Time of Receipt: _____ h _____

Application Number: _____

Departmental Stamp: 

Disclaimer: The receipting of this application does not imply an acknowledgement of the completeness of the application or the correctness *of its* contents.

RECEIPT - FOR APPLICANT TO RETAIN

Received by: _____

Date of Receipt: _____

Time of Receipt: _____ h _____

Application Number: _____

Departmental Stamp: 

Disclaimer: The receipting *of* this application does not imply an acknowledgement of the completeness of the application or the correctness of its contents.

APPLICATION NUMBER: KSBM

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



**KwaZulu-Natal Sardine
Beach-Seine**

Long Term Rights Allocation Process: 2005

Cluster D

Name of Applicant:

Identification Number:

I confirm that the applicant presented his / her original identification document:

Name of RVU Official:

Signature of RVU Official:

Date:

IMPORTANT INFORMATION**INSTRUCTIONS****GENERAL**

- 1) This application form must be read together with these Instructions.
- 2) You are advised to read the General Policy on the Allocation and Management of Long Term Fishing Rights, and to focus on the **KZN** Sardine Beach Seine sector specific policy. These policies are available at the application centre. The policies guide the Minister or his delegate when considering the application.
- 3) You may request an official from the Department to assist you with the completion of the application form at the application centre. Should you have any queries regarding the completion of the application form, you may ask this official to answer your query. You or your representative may not communicate with the Minister, the delegated authority, or officials in the Department regarding your application other than at the application centre. Moreover, no reliance may be placed on any information given or obtained in any other manner.

ICONS

- 4) The application form makes use of the clipboard icon. The clipboard icon means that you must annex information as an annexure to the application form. The assistant at the application centre **will** tell you which information to put in the annexures. If you do not wish to be assisted you may compile your own annexures by using the Schedules to the application form.

COMPLETION OF APPLICATION FORM

- 5) You must complete all applicable sections of the application form. If any particular section does not apply to you, or if you cannot answer the section, the section may be marked "N/A." If you cannot answer a question because the information is not available, the section may be marked "unknown."
- 6) This form is designed to facilitate electronic capturing of the application into a database. You may not submit the application in any other form (for example by way of a letter written by yourself.) If you submit your application in any other form, the application will be refused.
- 7) You must sign and attest the declaration. If the declaration is not signed and attested, the application will be refused.

LODGEMENT OF APPLICATION

- 8) The application must be hand delivered to the application centre from which you collected your application before the closing date and time specified by the officials at the application centre. An application not submitted by hand within the times and dates specified by the officials, will be refused.
- 9) The application may not be submitted by post or by fax.

IMPROPER LODGEMENT

- 10) Improperly lodged applications will be refused. An application is improperly lodged if:
- it is received late;
 - the applicant makes no payment, or short payment, or late payment of the application fee; or
 - the application is lodged ("handed in") in a manner contrary to the instructions.

MATERIAL DEFECTS

- 11) Applications that are materially defective will be refused. An application is materially defective if:
- the declaration is not signed and attested by the applicant.
 - more than one application is received for a right in the same sector; or
 - the applicant provides false information or documents, fails to disclose material information or attempts to influence the Minister or the delegated authority other than in the manner provided for in the General policy or in this application form.

Section 1

Applicant Details

1.1 Applicant Surname

1.2 Applicant First Name(s):

1.3 Identity Number:

1.4 Income Tax Number (if applicable):

Area Code:

1.5 Work Telephone Number:

1.6 Cell Phone Number:

1.7 Fax Number:

1.8 E-mail address:

1.9 Residential Address

Number and Street:

Suburb:

Town / City:

Postal Code:

1.10 How long have you lived and / or worked in the KZN province? Years

1.11 Postal Address: Number and Street / PO Box:

Town / City:

Postal Code:

1.12 Are you historically disadvantaged in terms of race (i.e. African, Coloured or Indian)? Yes No

1.13 Please indicate your gender: Male Female

1.14 How old are you: Years

1.15 How long have you been involved in the fishing industry? Years

1

Section 2

Applicant Details - Close Corporations

2.1 Name of Close Corporation:

2.4 Principal Place of Business

Number and Street:

Town / City:

Suburb:

Postal Code:

2.5 Postal Address: Number and Street / PO Box:

Suburb:

Town / City:

Postal Code:

2.6 Name of Authorised Contact Person:

2.7 Identity Number of Authorised Contact Person:

Area Code:

2.8 Telephone Number:

2.9 Cell Phone Number:

2.10 Fax Number:

2.11 E-mail address:

2.12 How long **has** the applicant operated in the KZN province?

Years

2.13 Complete the following table in relation to the applicant's members as at closing day:

Name of Member	ID Number of Member	Is the Member Black (Y/N)	Gender of the Member (M/F)	Percentage Interest Held by the Member

2.14 How long has the applicant been involved in the fishing industry?

Years



Section 3

Form of Applicant

3.1 Does the applicant have a KZN Sardine Beach-Seine ("Beach-Seine") medium term fishing right? Yes No

3.2 Is the applicant a shareholder, member or beneficiary of a Beach-Seine medium term right holder? Yes No

3.3 If "Yes," what is the name of the Beach-Seine medium term right holder of which the applicant is a member, shareholder or beneficiary?

3.4 Does a shareholder or member of the applicant hold a medium term KZN Sardine Beach Seine right? Yes No

3.5 If "Yes," complete the following table:

Name of Shareholder / Member	Percentage Shareholding or Membership Interest

3.6 Has the applicant, or any of its members, applied for any other long-term commercial fishing rights? Yes No

3.7 If "Yes," complete the following table for all rights applied for (including this application for Beach-Seine) in order of preference:

Name of Applicant for other right	Fishery	Application Number (if available)

3.8 Is the applicant a member, director or shareholder of an applicant that **applied** for any other commercial fishing right? Yes No

3.9 If "Yes," complete the following table for all rights applied for (including this application for Beach-Seine) in order of preference:

Name of Applicant for other right	Fishery	Application Number (if available)

Section 3

Form of Applicant

3.8 Have any of the applicant's family members or, if the applicant is a close corporation, a member's family members, applied for any other long-term commercial fishing rights? Yes No

3.9 If "Yes," complete the following table:

Fishery	Application Number	Relationship to you or member (i.e. wife, husband, brother, cousin, mother etc)	Do they live in the same household as you or the member? (Yes or No)

Section 4

Compliance

4.1 Has the applicant, or any of its members:

- 4.1.1 been convicted of a contravention of the MLRA, or the regulations, or permit conditions during the medium term right period? Yes No
- 4.1.2 entered into a plea bargain under the Criminal Procedure Act 51 of 1977, for a contravention of the MLRA, or the regulations, or permit conditions during the medium term right period? Yes No
- 4.1.3 paid an admission of guilt fine for a contravention of the MLRA, the regulations, or the permit conditions during the medium term right period? Yes No
- 4.1.4 been charged with an offence under the MLRA, or the regulations or permit conditions during the medium term right period? Yes No

4.2 Has a fishing vessel, motor vehicle, premises or any other assets of the applicant, or any of its members been detained, arrested or seized under the MLRA or restrained, preserved, confiscated or forfeited under the Prevention of Organised Crime Act 121 of 1998 during the medium term right period? Yes No

4.3 Was the applicant's or any of the applicant's members' right or permit suspended, revoked, cancelled, reduced or altered under section 28 of the MLRA during the medium term right period? Yes No

You must answer "yes" to the above questions also if the applicant was a shareholder or director of a company that held a commercial medium term Beach-Seine right and this entity or one of its shareholders or directors were convicted, entered into a plea bargain, were charged, had an asset seized or a right or permit suspended.

Section 5

Vessel Details and Investment

5.1 Fill in the table below regarding the nominated vessel:

Vessel name	
Nature of Access to Vessel (majority owner or charter agreement or catching agreement)	
Applicant's share of nominated vessel (percentage)	
Value of applicant's share of vessel (rand amount)	
Describe the nets that the applicant intends to use should it be granted a right	
Nature of Access to Nets (majority owner or agreement with owner)	
Applicant's share in nets (percentage)	
Value of applicant's share in nets (rand amount)	

Section 6

Catch Utilisation

6.1 Complete the following table in relation to the medium term right holder's catch records.

Year	Name of medium term right holder	2001 Application Number	Number of nets allocated to applicant	Actual amount caught in kilograms
2002				
2003				
2004				

Section 7

Historical Involvement

7.1 Have you been involved in KZN Sardine Beach Seine fishing before? Yes No

7.2 If "Yes," complete the following table:

Year (from date to date)	Nature of Involvement

7.3 What is the applicant's annual turnover ?

7.4 What percentage of the applicant's annual turnover is generated through harvesting Sardines ?

7.5 Describe any other sources of income :

	Sources of Income (other than involvement in Sardine Beach Seine)	Rand Value per year	Percentage of Total Income
1			
2			
3			
4			

Section 7

Historical Involvement

7.9 Describe any other work (other than KZN Sardine Beach Seining) that a member of the applicant does :

	Working Activities (other than involvement in Sardine Beach Seining)	Rand Value per Year	Percentage of Total Income
1			
2			
3			
4			

Section 8

Job Creation

8.1 How many people does the applicant employ on a permanent full-time basis?

8.2 How many people does the applicant employ on a seasonal or part-time basis?

Section 9

Skills, Knowledge, Processing & Marketing

9.1 Has the applicant entered, or will the applicant (if allocated a right) enter into a catching agreement? Yes No

9.2 Has the applicant entered, or will the applicant (if allocated a right) enter into a marketing agreement? Yes No

9.3 Has the applicant entered, or will the applicant (if allocated a right) enter into a processing agreement? Yes No

9.4 Will the applicant or its member be personally involved (on board) in catching the resource? Yes No

9.5 How will the applicant harvest the resource? Yes No

Section 10

Applicant Declaration

I, the undersigned do hereby make oath and declare that:

- a) I have read the instructions set out on page 2 of this application form.
- b) To the extent that an official of the Department of Environmental Affairs and Tourism Branch: Marine and Coastal Management assisted me, I consented to be assisted and I accept that the official completed the form in accordance with my instructions.
- c) The information submitted with and in this Application is true and correct and complete.
- d) I accept that if any information in this Application is not true or complete, or if false information is provided, or material information is not disclosed, this may lead to the Application being refused, or to the revocation, suspension, cancellation, alteration or reduction of any right, license or permit granted on the strength of this Application, in terms of Section 28 of the Marine Living Resources Act 18 of 1998.
- e) In order to allow for the proper verification of information submitted I hereby authorise any institution, organ of state, person or body, who possesses or acquires any information relevant to my application, to disclose or make the information available to the Minister, his delegate or an official of the Department of Environmental Affairs and Tourism or the Rights Verification Unit.
- f) I undertake to co-operate with any investigators by timeously submitting responses to written requests for information or explanations, by attending meetings with investigators by answering questions satisfactorily at such meetings and where necessary, by granting investigators access to premises, vessels and documents. I accept that failure to co-operate in this regard will constitute an independent ground for refusing an application.
- g) I accept that any attempt to influence the decision of the delegated authority or appellant authority on the allocation of a right or quantum or effort, in any manner other than provided for in the General Policy or in this application form, will result in the application being refused.

Signed at: _____

This _____ day of _____ 2005

Signature of Applicant: _____

Applicant's Full Name: _____

The deponent declares that he/she knows and understands the contents and implications of the above declaration

Commissioner of Oaths _____

Full Name _____

Designation _____

Physical Address _____

Departmental Official Declaration

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



I, the undersigned, declare that, to the extent that I completed the form on behalf of the applicant I did so in accordance with the instructions of the applicant.

Signed at: _____

This _____ day of _____ 2005

Signature: _____

Full Name: _____

Designation: _____

FOR OFFICIAL USE ONLY: DO NOT TEAR OFF

RECEIPT

Received by: _____

Date of Receipt: _____

Time of Receipt: _____ h _____

Application Number: _____

Departmental Stamp:

Disclaimer: The receipting of this application does not imply an acknowledgement of the completeness of the application or the correctness of its contents.

RECEIPT - FOR APPLICANT TO RETAIN

Received by: _____

Date of Receipt: _____

Time of Receipt: _____ h _____

Application Number: _____

Departmental Stamp:

Disclaimer: The receipting of this application does not imply an acknowledgement of the completeness of the application or the correctness of its contents.

APPLICATION NUMBER: NETM

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



Beach-Seine (Treknet) and Gillnet (Drift-Net, Set-Net)

Long Term Rights Allocation Process: 2005

Cluster D

Name of Applicant:

--	--

Identification Number:

--	--

Area you intend to harvest in:

1	
2	
3	

I confirm that the applicant presented his / her original identification document:

Name of RVU Official:	
Signature of RVU Official:	
Date:	

INFORMATION**INSTRUCTIONS**

- 1) This application form must be read together with these **Instructions**.
- 2) You are advised to read *the* General Policy on the Allocation and Management of Long Term Fishing Rights, and to focus on the Beach Seine and Gillnet sector specific policy. These policies are available at the application centre. The policies guide the Minister or his delegate when considering the application.
- 3) You may request an official from the Department to assist you with the completion of the application form at the application centre. Should you have any queries regarding the completion of the application form, you may ask this official to answer your query. You or your representative may not communicate with the Minister, the delegated authority, or officials in the Department regarding your application other than at the application centre. Moreover, no reliance may be placed on any information given or obtained in any other manner.

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**COMPLETION OF APPLICATION FORM**

- 5) You must complete all applicable sections of the application form. If any particular section does not apply to you, or if you cannot answer the section, the section may be marked "N/A." If you cannot answer a question because the information is not available, the section may be marked "unknown."
- 6) This form is designed to facilitate electronic capturing of the application into a database. You may not submit *the* application in any other form (for example by way of a letter written by yourself.) If you submit your application in any other form, the application will be refused.
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LODGEMENT OF APPLICATION

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IMPROPER LODGEMENT

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MATERIAL DEFECTS

- 11) Applications that are materially defective will be refused. An application is materially defective if:
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 - more than one application is received for a right in the same sector; or
 - the applicant provides false information or documents, fails to disclose material information or attempts to influence the Minister or the delegated authority other than in the manner provided for in the General policy or in this application form.

Section 1

Applicant Details

1.1 Applicant Surname
1.2 Applicant First Name(s):

1.3 Identity Number:
1.4 Income Tax Number (if applicable):

Area Code:
1.5 Work Telephone Number:

1.6 Cell Phone Number:

1.7 Fax Number:

1.8 E-mail address:

1.9 Residential Address
Number and Street:
Suburb:
Town/ City:
Postal Code:

1.10 How long have you lived and/ or worked in the area?
Years

1.11 Postal Address: Number and Street/ PO Box:
Suburb:
Town/ City:
Postal Code:

1.12 Are you historically disadvantaged in terms of race (i.e. African, Coloured or Indian)? Yes No

1.13 Please indicate your gender: Male Female

1.14 How old are you:
Years

1.15 How long have you been involved in the fishing industry?
Years



Section 2

Form of Application

2.1 Do you have a commercial Beach Seine or Gillnet mediumterm fishing right or an exemption?

Beach Seine Right Yes No Beach Seine Exemption Yes No
 Gillnet Right Yes No Gillnet Exemption Yes No

2.2 Are you a shareholder of a company or member of close corporation that held a commercial Beach Seine or Gillnet medium term fishing right or an exemption?

Beach Seine Right Yes No Beach Seine Exemption Yes No
 Gillnet Right Yes No Gillnet Exemption Yes No

2.3 If "Yes," what is the name of the company or close corporation?

2.4 If "Yes," to 2.2 who are the shareholders of the company or close corporation?

Name of Shareholder / Member	ID Number of Shareholder / Member	Percentage Shareholding or Interest	Is the Member or Shareholder also applying for a commercial Netfish right? (Yes/No)

2.5 Have you applied for any other long-term commercial fishing rights? Yes No

Section 2

Form of Applicant

2.6 If "Yes," complete the following table for all rights applied for (including this application for Netfish) in order of preference:

Name of Applicant for other right	Fishery	Application Number (if available)

2.7 Are you a member, director or shareholder of an applicant that applied for any commercial fishing right? Yes No

2.8 If "Yes," complete the following table for all rights applied for (including this application for Netfish) in order of preference:

Name of Applicant for other right	Fishery	Application Number (if available)

2.9 Do you hold an abalone right? Yes No

2.10 Are you a member of a close corporation or a shareholder of a company that holds an abalone right? Yes No

2.11 Have any of your family members applied for any other long-term commercial fishing rights (including Netfish)? Yes No

2.12 If "Yes," complete the following table:

Fishery	Application Number	Relationship to you (i.e. wife, husband, brother, cousin, mother etc)	Do they live in the same household as you? (Yes or No)

WV

Section 3

Compliance

3.1 Have you :

3.1.1 been convicted of a contravention of the MLRA, or the regulations, or permit conditions during the medium term right period? Yes No

3.1.2 entered into a plea bargain under the Criminal Procedure Act 51 of 1977, for a contravention of the MLRA, or the regulations, or permit conditions during the medium term right period? Yes No

3.1.3 paid an admission of guilt fine for a contravention of the MLRA, the regulations, or the permit conditions during the medium term right period? Yes No

3.1.4 been charged with an offence under the MLRA, or the regulations or permit conditions during the medium term right period? Yes No

3.2 Has your fishing vessel, motor vehicle, premises or any of you assets been detained, arrested or seized under the MLRA or restrained, preserved, confiscated or forfeited under the Prevention of Organised Crime Act 121 of 1998 during the medium term right period? Yes No

3.3 Was your right or permit suspended, revoked, cancelled, reduced or altered under section 28 of the MLRA during the medium term right period? Yes No

You must answer yes to the above questions if you were a member, shareholder or director of a company or close corporation that held a commercial medium term Netfish right and this entity or one of its shareholders, members or directors were convicted, entered into a plea bargain, were charged, had an asset seized or a right or permit suspended.

Section 4

Vessel & Gear Details

4.1 Fill in the table below regarding the vessel and gear the you intend to use:

Vessel name	
Nature of Access to Vessel (majority owner or charter agreement or catching agreement)	
Applicant's share of nominated vessel (percentage)	
Value of applicant's share of vessel (rand amount)	
Describe the nets that the applicant intends to use should it be granted a right	
Nature of Access to nets (majority owner or agreement with owner)	
Applicant's share in nets (percentage)	
Value of applicants's share in nets (rand amount)	

Section 5
Catch Utilisation

5.1 Complete the following in relation to your Netfish medium term catch records.

Year	Name of medium term/ exemption right holder	2001 Application Number (if applicable)	Number of nets allocated to applicant	Actual amount caught in kilograms
2002				
2003				
2004				

5.2 If you were a member, director or shareholder of a medium term Netfish right or exemption holder complete the following in relation to this medium term right holder's catch records.

Year	Name of medium term right / exemption holder	2001 Application Number (if applicable)	Number of nets allocated to applicant	Actual amount caught in kilograms
2002				
2003				
2004				

Section 6
Historical Involvement

6.1 Have you been involved in commercial netfishing before?

Yes No

6.2 If "Yes," complete the following table:

Year (from date to date)	Nature of involvement

6.3 What is your annual income ?

6.4 What percentage of your annual income is generated through working in the Commercial Netfish Sector ?

Section 6

Historical Involvement

6.5 Describe the other sources of income:

	Sources of income (other than Noffish)	Rand Value per year	Percentage of Total Income
1			
2			
3			
4			

Section 7

Job Creation

7.1 How many people do you employ on a permanent full-time basis?

--	--

7.2 How many people do you employ on a seasonal or part-time basis?

--	--

Section 8

Skills, Knowledge, Processing & Marketing

8.1 Have you entered, or will you (if allocated a right) enter into a catching agreement?

Yes No



8.2 Have you entered, or will you (if allocated a right) enter into a marketing agreement?

Yes No



8.3 Have you entered, or will you (if allocated a right) enter into a processing agreement?

Yes No



8.4 Will you be personally involved (on board) in catching the resource?

Yes No



8.5 How will you harvest the resource ?

Yes No



I, the undersigned, do hereby make oath and declare that:

Applicant Declaration

- (a) I have read the instructions set out on page 2 of this form
- (b) To the extent that an official of the Department of Environmental Affairs and Tourism Branch: Marine and Coastal Management assisted me, I consented to be assisted and I accept that the official completed the form in accordance with my instructions.
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- (e) In order to allow for the proper verification of information submitted I hereby authorise any institution, organ of state, person or body, who possesses or acquires any information relevant to my application, to disclose or make the information available to the Minister, his delegate or an official of the Department of Environmental Affairs and Tourism or the Rights Verification Unit.
- (f) I undertake to co-operate with any investigators by timeously submitting responses to written requests for information or explanations, by attending meetings with investigators, by answering questions satisfactorily at such meetings and where necessary, by granting investigators access to premises, vessels and documents. I accept that failure to co-operate in this regard will constitute an independent ground for refusing an application.
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Signed at: _____

This _____ day of _____ 2005

Signature of Applicant: _____

Applicant's Full Name: _____

The deponent declares that he/she knows and understands the contents and implications of the above declaration.

Commissioner of Oaths: _____

Full Name: _____

Designation: _____

Physical Address: _____

Departmental Official Declaration

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



I, the undersigned, declare that, to the extent that I completed the form on behalf of the applicant I did so in accordance with the instructions of the applicant.

Signed at: _____

This _____ day of _____ 2005

Signature: _____

Full Name: _____

Designation: _____

RECEIPT

Received by: _____

Date of Receipt: _____

Time of Receipt: _____ h _____

Application Number: _____

Departmental Stamp:

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RECEIPT - FOR APPLICANT TO RETAIN

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Date of Receipt: _____

Time of Receipt: _____ h _____

Application Number: _____

Departmental Stamp:

Disclaimer: The receipting of this application does not imply an acknowledgement of the completeness of the application or the correctness of its contents.

APPLICATION NUMBER: WMSM

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



White Mussels

Long Term Rights Allocation Process: 2005

Cluster D

Name of Applicant:

--

Identification Number:

--

Area you intend to harvest
White Mussels in:

1	
2	
3	


I confirm that the applicant presented his / her original identification document:

Name of RVU Official:	
Signature of RVU Official:	
Date:	

IMPORTANT**INSTRUCTIONS****GENERAL**

- 1) This application form must be read together with these Instructions.
- 2) You are advised to read the General Policy on the Allocation and Management of Long Term Fishing Rights, and to focus on the White Mussels sector specific policy. These policies are available at the application centre. The policies guide the Minister or his delegate when considering the application.
- 3) You may request an official from the Department to assist you with the completion of the application form at the application centre. Should you have any queries regarding the completion of the application form, you may ask this official to answer your query. You or your representative may not communicate with the Minister, the delegated authority, or officials in the Department regarding your application other than at the application centre. Moreover, no reliance may be placed on any information given or obtained in any other manner.

ICONS

- 4)  The application form makes use of the clipboard icon. The clipboard icon means that you must annex information as an annexure to the application form. The assistant at the application centre will tell you which information to put in the annexures. If you do not wish to be assisted, you may compile your own annexures by using the Schedules to the application form.

COMPLETION OF APPLICATION FORM

- 5) You must complete all applicable sections of the application form. If any particular section does not apply to you, or if you cannot answer the section, the section may be marked "N/A." If you cannot answer a question because the information is not available, the section may be marked "unknown."
- 6) This form is designed to facilitate electronic capturing of the application into a database. You may not submit the application in any other form (for example by way of a letter written by yourself.) If you submit your application in any other form, the application will be refused.
- 7) You must sign and attest the declaration. If the declaration is not signed and attested, the application will be refused.

LODGEMENT OF APPLICATION

- 8) The application must be hand delivered to the application centre from which you collected your application before the closing date and time specified by the officials at the application centre. An application not submitted by hand within the times and dates specified by the officials, will be refused.
- 9) The application may not be submitted by post or by fax.

IMPROPER LODGEMENT

- 10) Improperly lodged applications will be refused. An application is improperly lodged if:
 - it is received late;
 - the applicant makes no payment, or short payment, or late payment of the application fee; or
 - the application is lodged ("handed in") in a manner contrary to the instructions.

MATERIAL DEFECTS

- 11) Applications that are materially defective will be refused. An application is materially defective if:
 - the declaration is not signed and attested by the applicant.
 - more than one application is received for a right in the same sector; or
 - the applicant provides false information or documents, fails to disclose material information or attempts to influence the Minister or the delegated authority other than in the manner provided for in the General policy or in this application form.

Section 1

Applicant Details

1.1 Applicant Surname

1.2 Applicant First Name(s):

1.3 Identity Number:

1.4 Income Tax Number (if applicable):

Area Code:

1.5 Work Telephone Number:

1.6 Cell Phone Number:

1.7 Fax Number:

1.8 E-mail address:

1.9 Residential Address Number and Street:

Suburb:

Town / City:

Postal Code:

1.10 How long have you lived and / or worked in the area?
Years

1.11 Postal Address: Number and Street / PO Box:

Suburb:

Town / City:

Postal Code:

1.12 Are you historically disadvantaged in terms of race (i.e. African, Coloured or Indian)? Yes No

1.13 Please indicate your gender: Male Female

1.14 How old are you:
Years

1.15 How long have you been involved in the fishing industry?
Years



Section 2

Form of Applicant

2.1 Do you have a commercial White Mussel medium term fishing right? Yes No

2.2 Are you a shareholder of a company or member of close corporation that held a commercial White Mussel medium term fishing right? Yes No

2.3 If "Yes," what is the name of the company or close corporation?

2.4 If "Yes," to 2.2 who are the shareholders of the company or close corporation?

Name of Shareholder / Member	ID Number of Shareholder / Member	Percentage Shareholding or Interest	Is the Member or Shareholder also applying for a commercial White Mussel right? (Yes/No)

2.5 Have you applied for any other long-term commercial fishing rights? Yes No

Section 2

Form of Applicant

2.6 If "Yes," complete the following table for all rights applied for (including this application for White Mussels) in order of preference:

Name of Applicant for other right	Fishery	Application Number (if available)

2.7 Are you a member, director or shareholder of an applicant that applied for any commercial fishing right? Yes No

2.8 If "Yes," complete the following table for all rights applied for (including this application for White Mussels) in order of preference:

Name of Applicant for other right	Fishery	Application Number (if available)

2.9 Have any of your family members applied for any other long-term commercial fishing rights (including White Mussels)? Yes No

2.10 If "Yes," complete the following table:

Fishery	Application Number	Relationship to you (i.e. wife, husband, brother, cousin, mother etc)	Do they live in the same household as you? (Yes or No)



Section 3

Compliance

3.1 Have you :

3.1.1 been convicted of a contravention of the MLRA, or the regulations, or permit conditions during the medium term right period? Yes No

3.1.2 entered into a plea bargain under the Criminal Procedure Act 51 of 1977, for a contravention of the MLRA, or the regulations, or permit conditions during the medium term right period? Yes No

3.1.3 paid an admission of guilt fine for a contravention of the MLRA, the regulations, or the permit conditions during the medium term right period? Yes No

3.1.4 been charged with an offence under the MLRA, or the regulations or permit conditions during the medium term right period? Yes No

3.2 Has your fishing vessel, motor vehicle, premises or any of you assets been detained, arrested or seized under the MLRA or restrained, preserved, confiscated or forfeited under the Prevention of Organised Crime Act 121 of 1998 during the medium term right period? Yes No

3.3 Was your right or permit suspended, revoked, cancelled, reduced or altered under section 28 of the MLRA during the medium term right period? Yes No

You must answer yes to the above questions if you were a member, shareholder or director of a company or close corporation that held a commercial medium term White Mussel right and this entity or one of its shareholders, members or directors were convicted, entered into a plea bargain, were charged, had an asset seized or a right or permit suspended.

Section 4

Investment

4.1 Have you made any investments in fishing gear to harvest white mussels? Yes No

4.2 If "Yes," what amount have you invested?

Section 5

Catch Utilisation

5.1 Complete the following in relation to your medium term White Mussel catch records.

Year	Name of medium term right holder	2001 Application Number	Number of mussels allocated to applicant per annum (allocation per month x 12)	Actual Number of mussels harvested
2002				
2003				
2004				

Section 5

Catch Utilisation

5.2 If you were a member, director or shareholder of a medium term White Mussle right holder complete the following in relation to this medium term right holder's catch records.

Year	Name of medium term right holder	2001 Application Number	Number of mussels allocated to applicant per annum	Actual Number of mussels harvested
2002				
2003				
2004				

Section 6

Historical Involvement

6.1 Did you work as a harvester in the commercial White Mussel fishery at any stage since the beginning of 2002? Yes No

6.2 If "Yes," complete the following table:

Name of Right Holder	2004 Permit number	Duration that you worked for the right holder (from date to date)

6.3 Did you, as a right holder, employ harvesters in the commercial White Mussel fishery at any stage since the beginning of 2002? Yes No

6.4 If "Yes," complete the following table:

Name	ID Number	Duration

6.5 What is your annual income ?

6.6 What percentage of your annual income is generated through working in the Commercial White Mussel Sector ?

Section 6

Historical Involvement

6.7 Describe any other sources of income:

	Sources of Income (other than White Mussels)	Rand Value per year	Percentage of Total Income
1			
2			
3			
4			

Section 7

Skills, Knowledge, Processing & Marketing

7.1 Have you entered, or will you (if allocated a right) enter into a marketing agreement? Yes No

7.2 Have you entered, or will you (if allocated a right) enter into a processing agreement? Yes No

7.3 Will you be personally involved in harvesting the resource? Yes No

7.4 How will you harvest the resource? Yes No

Section 8

Harvesters

8.1 Will you be employing others to harvest the white mussels? Yes No

8.2 Please provide the names of the harvesters you will employ should you be granted a right in the table below:

	Name	Identity Number
1		
2		
3		
4		
5		
6		
7		
8		

Section 9

Applicant Declaration

I, the undersigned, do hereby make oath and declare that:

- (a) I have read the instructions set out on page 2 of this application form.
- (b) To the extent that an official of the Department of Environmental Affairs and Tourism Branch: Marine and Coastal Management assisted me, I consented to be assisted and I accept that the official completed the form in accordance with my instructions.
- (c) The information submitted with and in this Application is true and correct and complete.
- (d) I accept that if any information in this Application is not true or complete, or if false information is provided, or material information is not disclosed, this may lead to the Application being refused, or to the revocation, suspension, cancellation, alteration or reduction of any right, license or permit granted on the strength of this Application, in terms of Section 28 of the Marine Living Resources Act 18 of 1998.
- (e) In order to allow for the proper verification of information submitted I hereby authorise any institution, organ of state, person or body, who possesses or acquires any information relevant to my application, to disclose or make the information available to the Minister, his delegate or an official of the Department of Environmental Affairs and Tourism or the Rights Verification Unit.
- (f) I undertake to co-operate with any investigators by timeously submitting responses to written requests for information or explanations, by attending meetings with investigators, by answering questions satisfactorily at such meetings and where necessary, by granting investigators access to premises, vessels and documents. I accept that failure to co-operate in this regard will constitute an independent ground for refusing an application.
- (g) I accept that any attempt to influence the decision of the delegated authority or appellant authority on the allocation of a right or quantum of effort, in any manner other than provided for in the General Policy or in this application form, will result in the application being refused.

Signed at: _____

This _____ day of _____ 2005

Signature of Applicant: _____

Applicant's Full Name: _____

The deponent declares that he/she knows and understands the contents and implications of the above declaration

Commissioner of Oaths _____

Full Name _____

Designation _____

Physical Address _____

Departmental Official Declaration

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

BRANCH: MARINE AND COASTAL MANAGEMENT



I, the undersigned, declare that, to the extent that I completed the form on behalf of the applicant I did so in accordance with the instructions of the applicant

Signed at: _____

This _____ day of _____ 2005

Signature: _____

Full Name: _____

Designation: _____

FOR OFFICIAL USE ONLY: DO NOT TEAR OFF

RECEIPT

Received by: _____

Date of Receipt: _____

Time of Receipt: _____ h _____

Application Number: _____

Departmental Stamp:

Disclaimer: The receipting of this application does not imply an acknowledgement of the completeness of the application or the correctness of its contents.

RECEIPT - FOR APPLICANT TO RETAIN

Received by: _____

Date of Receipt: _____

Time of Receipt: _____ h _____

Application Number: _____

Departmental Stamp:

Disclaimer: The receipting of this application does not imply an acknowledgement of the completeness of the application or the correctness of its contents.

SCHEDULE C

**SCHEDULE OF FEES DETERMINED IN TERMS OF SECTION 25(2) AND SECTION 25(1) OF THE
MARINE LIVING RESOURCES ACT 18 OF 1998**

SCHEDULE C
SCHEDULE OF FEES DETERMINED IN TERMS OF SECTION 25(2) AND SECTION 25(1) OF THE
MARINE LIVING RESOURCES ACT 18 OF 1998

Fisheries	Past Fee (Rand)	Application Fee (S25(2)) (Rand)	Quota (Grant of Right) fee payable by successful applicants (S25(1)) (Rand)			
			Per ton	Per crewmember	Per vessel	Per area
Hake Deep Sea Trawl	7,000	32,400	54.0			
Hake Inshore Trawl (hake)'		8,800	54.0			
Hake Inshore Trawl (sole)'	7,000	2,000	135.0			
Horse Mackerel	7,000	21,900	33.0			
Small Pelagics(pilchard)*		6,400	6.4			
Small Pelagics(Anchovy)*	7,000	2,000	3.7			
Patagonian Tooth Fish	7,000	21,000	653.0			
South Coast Rock Lobster (wholemass)	7,000	8,800	788.0			
KZN Prawn Trawl	7,000	7,700			15,400.0	
West Coast Rock Lobster (Off shore)	7,000	2,000	540.0			
Hake Long Line	7,000	2,500	162.0			
Squid	7,000	5,200		703.0		
Tuna Pole	7,000	1,300		113.0		
Seaweed	7,000	1,900				400.0
Longline Demersal Shark	7,000	500			175.0	
Linefish Traditional	7,000	400		204.0		
Handline Hake	7,000	1,300		317.0		
West Coast Rock Lobster (Near shore)	585	300				
Oysters	585	100				
White Mussels	585	100				
Net Fishing (small nets/gill nets/beach seine/trek)	585	200				