

## **SECTION B**

### **Permit Conditions:**

KZN Commercial Mixed Shoaling Fish Beach-  
Seine:

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**Fishing season: 2024**

DATE OF APPROVAL: 12 March 2024

IKHE: IXARRA IIKE

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## 1. APPLICABLE ACTS, POLICIES AND DELEGATIONS

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

- (a) The Marine Living Resources Act, 1998 (Act No. 18 of 1998) (MLRA) and regulations promulgated thereunder;
- (b) The National Environmental Management Act, 1998 (Act No.107 of 1998) (NEMA), and regulations promulgated thereunder;
- (c) The National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) (NEMBA) and regulations promulgated thereunder;
- (d) The National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003) (NEMPA) and regulations promulgated thereunder;
- (e) The National Environmental Management: Integrated Coastal Management Act, 2008 (Act No.24 of 2008) (NEMA:ICMA) and regulations promulgated thereunder;
- (f) National Environmental Management Waste Act (Act No. 59 of 2008) (NEMWA) and the Regulations promulgated thereunder.
- (g) The Sea Birds and Seals Protection Act, 1973 (Act No. 46 of 1973) (SBSPA) and regulations promulgated thereunder;
- (h) The Fire Arms Controls Act, 2000 (Act No. 60 of 2000) (FACA) and regulations promulgated thereunder;
- (i) The International Convention for the Prevention of Pollution from Ships Act, 1986 (Act No. 2 of 1986) (ICPPSA) and regulations promulgated thereunder;
- (j) South African Maritime Safety Authority Act, 1998 (Act 5 of 1998) (SAMSAA) and regulations promulgated thereunder;
- (k) The Animals Protection Act, 1962 (Act No. 71 of 1962) (APA) and the Regulations promulgated thereunder;
- (l) The Standards Act, 2008 (Act No. 8 of 2008) (SA) and the Regulations promulgated thereunder;
- (m) The National Regulator for Compulsory Specifications Act, 2008 (Act No. 5 of 2008) (NRCSA) and the Regulations promulgated thereunder;



- (n) National Ports Authority Act, 2005 (Act No. 12 of 2005) (NPAA) and the Regulations promulgated thereunder; and
- (o) The Companies Act, 2008 (Act No. 71 of 2008) (CA) and the Regulations promulgated thereunder.
- (p) The Constitution of the Republic of South Africa, 1996.

1.2 The Director: Inshore Fisheries Management (D: SSFM) shall be entitled to amend these Permit Conditions after consultation with relevant stakeholders. In case of an emergency the D:SSFM shall be entitled to amend these conditions without consultation.

1.3 Any reference to the Permit Holder in these permit conditions includes the entity or person in whose name the commercial fishing exemption is granted to ("the Exemption Holder") by the Minister or the delegated authority.

## **2. VALIDITY OF PERMIT**

2.1 This permit shall be valid for the period indicated in Section A ("the permit")

2.2 This permit shall automatically expire and be invalid should one or more of the following occur:

- (a) the exemption be cancelled or revoked in terms of Section 81 (2) of the MLRA;
- (b) this permit be revoked, cancelled or suspended in terms of Section 28 of the MLRA; and
- (c) the fishing season is closed, terminated or ends.

## **3. FISHING AREAS AND RESTRICTED AREAS**

3.1 The permit is valid only in the KwaZulu-Natal seashore from Umgeni River mouth to North Pier excluding any Marine Protected Area (MPA), National Parks, tidal lagoons, tidal rivers and estuaries.

- 3.2 The Permit Holder or any of its employees or agents shall not undertake fishing, or take or destroy any fauna or flora, or in any way disturb, alter or destroy the natural environment, or carry out any activity which may adversely impact on the ecosystems in Marine Protected Areas (MPA's) except where so permitted by the legislation.
- 3.3 A vessel is not allowed to enter, to fish or to carry fishing gear on board in any Marine Protected Area, or any other similar marine protected or conservation area.
- 3.4 In case of emergency, the Permit Holder shall notify the Department before the fishing vessel enters or intends to enter into a Marine Protected Area or any other area closed for fishing. The notification shall describe the nature of the emergency and the reason requiring the vessel enter the Marine Protected Area. Such request shall be sent via e-mail to: [PMbonambi@dffe.gov.za](mailto:PMbonambi@dffe.gov.za) or call: 082 782 6921.

#### 4. NOTIFICATIONS

- 4.1 The Permit Holder shall inform the Fisheries Compliance Office, prior to the intended beach seine (trek) launching, by phone or sms at the following numbers:

| FISHERY CONTROL OFFICE | TELEPHONE/FAX NUMBER                       | E- MAIL ADDRESS | CELL NUMBER                                    | CONTACT PERSON  |
|------------------------|--|-----------------|--|---|
| Durban<br>Port Edward  | Tel: 031 264 0006<br><br>Fax: 039 311 1326 |                 | 0729881876<br><br>0828293907<br><br>0794449951 | Delricia<br>Augustus/Nomvuyiso<br>Dubazana<br>Thanduxolo<br>Ntshangashe |

#### 5. EFFORT LIMITATIONS AND GEAR RESTRICTIONS

- 5.1 The Permit Holder shall not operate more than one beach seine at any given time.



- 5.2 No beach-seine net shall be in the water between 18h00 in the evening and 04h30 the following morning during the summer months (1<sup>st</sup> September- 31<sup>st</sup> March) and between 18h00 in the evening and 06h00 the following morning during winter (1<sup>st</sup> April- 31<sup>st</sup> August).
- 5.3 The Permit Holder shall only have one net on the beach/ or within the designated vehicle or vessel at any one time.
- 5.4 The overall length, measured along the cork or lead line, of the Beach seine, including the bag shall not exceed 130m.
- 5.5 The depth, measured as the stretched distance between the lead and the cork line, of the Beach seine shall not exceed 8m.
- 5.6 The mesh- size of the bag (cod end) shall not be less than 13mm (stretched mesh).
- 5.7 The mesh-size of the wings on each side shall be 25 mm for the outer 40 m and may be reduced to 22 mm for the next 10 m and then to 4 mm for the balance of its length to the bag (cod end).
- 5.8 The Permit Holder shall not use motorised boats to deploy the beach-seine net.
- 5.9 The Permit Holder shall not use electric winches, fuel driven winches, vehicles and motorised boats to haul the beach-seine net. Hand powered mechanical winches; block-and-tackle and or pulley systems may be used to haul the beach-seine net.

## 6. CATCH CONTROLS AND LIMITATIONS

- 6.1 The Permit Holder shall only catch mixed shoal fish i.e. exploitable species that appear as designated for sale in Table 1 and Table 2 and as defined by the MLRA. Species appearing in Table 3 and Table 4 shall not be caught or sold.

**TABLE 1.** Exploitation categories and species lists indicating which fish may be caught and sold by the permit-holder. Where applicable, minimum size limits are included.

| SPECIES   | SIZE LIMIT | CATCH & TRADE |
|---|------------|---------------|
| <b>Exploitable &amp; protected lists</b>                                |            |               |
| Barbel (Sea catfish) <i>Galeichthys</i> spp.                            |            | Yes           |
| Bigeye tuna ( <i>Thunus obesus</i> )                                    | 3.2 Kg     | Yes           |
| Bludger (kingfish) ( <i>Carangoides gymnostethus</i> )                  |            | Yes           |
| Blue Hottentot (copper bream) ( <i>Pachymetopon aeneum</i> )            |            | Yes           |
| Blueskin (trawl soldier) ( <i>Polysteganus caeruleopunctatus</i> )      |            | Yes           |
| Cape gurnard (Cape sea robin) ( <i>Chelidonichthys capensis</i> )       |            | Yes           |
| Cape snoek ( <i>Thyrsites atun</i> )                                    | 60 cm      | Yes           |
| Cape yellowtail ( <i>Seriola lalandi</i> )                              |            | Yes           |
| Carpenter (silverfish) ( <i>Argyrozona argyrozona</i> )                 | 30 cm      | Yes           |
| Catfaced rockcod ( <i>Epinephalus andersoni</i> )                       | 50 cm      | Yes           |
| Dageraad ( <i>Chrysoblephus cristiceps</i> )                            | 40 cm      | Yes           |
| Dane ( <i>Porcostoma dentata</i> )                                      |            | Yes           |
| Dorado (dolphinfish) ( <i>Coryphaena hippurus</i> )                     |            | Yes           |
| Dusky kob ( <i>Argyrosomus japonicus</i> )                              | 50 cm      | Yes           |
| Englishman ( <i>Chrysoblephus anglicus</i> )                            | 40 cm      | Yes           |
| Geelbek (Cape salmon) ( <i>Atractoscion aequidens</i> )                 | 60 cm      | Yes           |
| Hake (stockfish) ( <i>Merluccius capensis</i> and <i>M. paradoxus</i> ) |            | Yes           |
| Hottentot ( <i>Pachymetopon blochii</i> )                               | 22 cm      | Yes           |
| Javelin grunter ( <i>Pomadasy kaakan</i> )                              |            | Yes           |
| King mackerel (couta) ( <i>Scomberomorus commerson</i> )                |            | Yes           |
| Panga ( <i>Pterogymnus lanarius</i> )                                   |            | Yes           |
| Poenskop (black musselcracker) ( <i>Cymatoceps nasutus</i> )            | 50 cm      | Yes           |
| Queen mackerel ( <i>Scomberomorus plurilineatus</i> )                   |            | Yes           |
| Red stumpnose (Miss Lucy) ( <i>Chrysoblephus gibbiceps</i> )            | 30 cm      | Yes           |
| Red tjor-tjor (sand soldier) ( <i>Pagellus natalensis</i> )             |            | Yes           |
| Rock cods (groupers) (family Serranidae)                                |            | Yes           |
| Roman ( <i>Chrysoblephus laticeps</i> )                                 | 30 cm      | Yes           |
| Santer (soldier) ( <i>Cheimerius nufar</i> )                            | 30 cm      | Yes           |
| Scotsman ( <i>Polysteganus praeorbitalis</i> )                          | 40 cm      | Yes           |
| Sharks and rays (subclass Elasmobranchii)                               |            | Yes           |
| Silver kob ( <i>Argyrosomus inodorus</i> )                              | 50 cm      | Yes           |
| Slinger ( <i>Chrysoblephus puniceus</i> )                               | 25 cm      | Yes           |
| Snapper salmon ( <i>Otolithes ruber</i> )                               |            | Yes           |
| Squaretail kob ( <i>Argyrosomus thorpei</i> )                           | 40 cm      | Yes           |
| Tunas (tunny)   |            | Yes           |
| White edged rockcod ( <i>Epinephalus albomarginatus</i> )               | 40 cm      | Yes           |
| White stumpnose ( <i>Rhabdosargus globiceps</i> )                       | 25 cm      | Yes           |
| Yellowbelly rockcod ( <i>Epinephalus marginatus</i> )                   | 60 cm      | Yes           |
| Yellowfin tuna ( <i>Thunnus albacares</i> )                             | 3.2 kg     | Yes           |



**TABLE 2.** Exploitation categories and species lists indicating which fish may be caught and sold by the permit-holder. Where applicable, minimum size limits are included.

| SPECIES   | SIZE LIMIT | CATCH & TRADE |
|---|------------|---------------|
| <b>Bait list</b>  |            |               |
| Anchovies (family Engraulidae)                                      |            | Yes           |
| Chub mackerel ( <i>Scomber japonicus</i> )                          |            | Yes           |
| Cutlassfish (walla walla) ( <i>Trichiurus lepturus</i> )            |            | Yes           |
| Fransdam (Karel groot oog) ( <i>Boopsoidea inornata</i> )           |            | Yes           |
| Garfishes (family Belonidae)  |            | Yes           |
| Glassies (family Ambassidae)  |            | Yes           |
| Halfbeaks (family Hemiramphidae)                                    |            | Yes           |
| Horse mackerel / maasbunker ( <i>Trachurus trachurus capensis</i> ) |            | Yes           |
| Mullets / harders (family Mugilidae)                                |            | Yes           |
| Pinky (piggy) ( <i>Pomadasys olivaceum</i> )                        | 7.5 cm     | Yes           |
| Sardines (pilchard, red-eye) (family Clupeidae)                     |            | Yes           |
| Sauries (family Scomberesocidae)                                    |            | Yes           |
| Scads ( <i>Decapterus</i> spp.)                                     |            | Yes           |
| Strepie (karanteen) ( <i>Sarpa salpa</i> )                          | 15 cm      | Yes           |
| Steentjie ( <i>Spondyliosoma emarginatum</i> )                      |            | Yes           |
| Wolfherring ( <i>Chirocentrus dorab</i> )                           |            | Yes           |

**TABLE 3.** Species lists indicating which fish may not be caught or sold by the permit-holder.

| SPECIES  | CATCH | TRADE |
|--|-------|-------|
| <b>Closed list</b>   |       |       |
| Basking shark ( <i>Cetorhinus maximus</i> )                  | No    | No    |
| Brindle bass ( <i>Promicrops lanceolatus</i> )               | No    | No    |
| Great white shark ( <i>Carcharodon carcharias</i> )          | No    | No    |
| Natal wrasse ( <i>Anchichoerops natalensis</i> )             | No    | No    |
| Potato bass ( <i>Epinephelus tukula</i> )                    | No    | No    |
| Sawfishes (family Pristidae)                                 | No    | No    |
| Seventy-four ( <i>Polysteganus undulosus</i> )               | No    | No    |
| Whale shark ( <i>Rhinocodon typus</i> )                      | No    | No    |
| Red steenbras (copper steenbras) ( <i>Petrus rupestris</i> ) | No    | No    |

**TABLE 4.** Species lists indicating which fish may not be caught or sold by the permit-holder.



| SPECIES  | CATCH | TRADE |
|--|-------|-------|
| <b>Decommercialised list</b>   |       |       |
| Baardmans (bellman, tasselfish) ( <i>Umbrina</i> spp)                  | No    | No    |
| Banded galjoen ( <i>Dichistius multifasciatus</i> )                    | No    | No    |
| Billfishes (marlin, sailfish) (family Istiophoridae)                   | No    | No    |
| Blacktail (dassie) ( <i>Diplodus sargus capensis</i> )                 | No    | No    |
| Bronze bream (bluefish) ( <i>Pachymetopon grande</i> )                 | No    | No    |
| Cape knifejaw ( <i>Oplegnathus conwayi</i> )                           | No    | No    |
| Cape stumpnose ( <i>Rhabdosargus holubi</i> )                          | No    | No    |
| Elf (shad) ( <i>Pomatomus saltatrix</i> )                              | No    | No    |
| Galjoen ( <i>Dichistius capensis</i> )                                 | No    | No    |
| Garrick (leervis) ( <i>Lichia amia</i> )                               | No    | No    |
| John Brown ( <i>Gymnocrotaphus curvidens</i> )                         | No    | No    |
| Kingfishes (genera <i>Caranx</i> or <i>Carangoides</i> )               | No    | No    |
| Large-spot pompano ( <i>Trachinotus botla</i> )                        | No    | No    |
| Leopard cat shark ( <i>Poroderma pantherinum</i> )                     | No    | No    |
| Natal knifejaw (cuckoo bass) ( <i>Oplegnathus robinsoni</i> )          | No    | No    |
| Natal stumpnose (yellowfin bream) ( <i>Rhabdosargus sarba</i> )        | No    | No    |
| Ragged tooth shark ( <i>Carcharias taurus</i> )                        | No    | No    |
| River bream (perch) ( <i>Acanthopagrus berda</i> )                     | No    | No    |
| River snapper (rock salmon) ( <i>Lutjanus argentimaculatus</i> )       | No    | No    |
| Southern pompano ( <i>Trachinotus africanus</i> )                      | No    | No    |
| Spotted grunter (tiger) ( <i>Pomadasys commersonii</i> )               | No    | No    |
| Spotted gulley shark ( <i>Triakis megalopterus</i> )                   | No    | No    |
| Springer (ten pounder) ( <i>Elops machnata</i> )                       | No    | No    |
| Stonebream ( <i>Neoscorpis lithophilus</i> )                           | No    | No    |
| Striped cat shark ( <i>Poroderma africanum</i> )                       | No    | No    |
| Swordfish ( <i>Xiphias gladius</i> )                                   | No    | No    |
| West coast steenbras ( <i>Lithognathus aureti</i> )                    | No    | No    |
| White musselcracker ( <i>Sparodon durbanensis</i> )                    | No    | No    |
| White steenbras (pignose grunter) ( <i>Lithognathus lithognathus</i> ) | No    | No    |
| Zebra (wildeperd) ( <i>Diplodus cervinus hottentotus</i> )             | No    | No    |

- 6.2 The Permit Holder or in the case of a company, close corporation or trust, a duly authorised representative, shall be on board the nominated vessel or at the site of fishing during fishing operations. Written permission shall be obtained from the Director: Inshore Fisheries Management to deviate from this permit condition.
- 6.3 Whilst operating in terms of the provisions of this permit, the Permit Holder or any of the Permit Holder's employees or agents may not activate any other right and/

or exemption granted to the Permit Holder in terms of the MLRA including recreational fishing permits.

- 6.4 The Permit Holder shall comply with the regulations issued in terms of the NEMA, 1998 (Act No. 107 of 1998) as set out in Government Notice 1399 of 21 December 2001 (as amended) should vehicle access to the shore be necessary during launching and retrieval of the fishing vessel and nets:
- (a) In terms of the above, a maximum of three (3) vehicles are allowed on the beach at any one time for launching and the removal of fish.
  - (b) Permits for vehicle access to the shore are required and can be applied for from the Department of Environmental Affairs.
- 6.5 Should the Permit Holder fail to adhere to the above conditions, the Department may institute legal proceedings.

## **7. HANDLING OF OVER/UNDER CATCHES AND PROHIBITED SPECIES**

- 7.1 No fish designated as not for sale in Table 3 and Table 4 shall be retained or sold. Any other fish caught shall be released to sea either dead or alive. In the presence of a Fisheries Control Officer/ Law Enforcement Officer dead non retainable species shall be surrendered to the Fisheries Control Officer/ Law Enforcement Officer at the site of operation.

## **8. VESSEL SPECIFICATIONS**

- 8.1 Not applicable for KZN Commercial Mixed Shoaling Fish Beach-Seine fisheries sector.

## **9. LANDING OF FISH**

- 9.1 The Permit Holder shall ensure that all fish is discharged in accordance with the reasonable instructions of the Fishery Officer/ Law Enforcement Officer/ Marine Resource Monitor if the Fishery Officer/ Law Enforcement Officer/ Marine Resource Monitor are available at site of discharge/landing.



## 10. SUBMISSION OF INFORMATION

10.1 The Permit Holder shall submit to the Department (Permit Holder Information, Attention: Deputy Director: Line and Net Fisheries Management, The Customer Services Centre, Ground Floor, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town or Private Bag X2, Vlaeberg, 8018,) notification of any change of contact details within 30 days of such change by completing the application form available at the Customer Services Centre.

### 10.2. Catch Statistics:

10.2.1 The Exemption holder will be required to submit to the Department, Annual Catch Information a month after the closure of the fishing season.

10.2.2 The Permit Holder shall submit catch returns and shall be recorded in the KZN Commercial Mixed Shoaling Fish Beach-seine Catch Return Book issued for such purpose, in addition to that, the Permit Holder shall render statistics as defined in the Catch Return Book before the **15<sup>th</sup> of each month** in respect of the previous month as per instructions in the Catch Return Book.

10.2.3 A nil return must be submitted for the period where no fish has been harvested.

10.2.4 Catch return sheets may be hand delivered to: The Customer Services Centre (CSC), Ground Floor, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town or posted by registered mail to: **KZN Commercial Mixed Shoaling Fish Beach-seine Catch Statistics**, Private Bag X2, Vlaeberg, 8018.

10.2.5 In cases where the catch return sheets are submitted at CSC, receipt of delivery will be confirmed by the copy of the catch statistics in the Catch Return Book being stamped, dated and signed by an official of the Department.

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## 11. RECORD KEEPING

- 11.1 The Permit Holder shall store at its registered place of business the original permit issued to it over the duration of the exemption. The Permit Holder shall at all times have available a true certified copy of this permit in the area of net fishing operations and on board of the fishing vessel.
- 11.2 The Permit Holder shall retain the receipts for all submitted catch return books as well as duplicate copies of the said books for a minimum of 60 months after submission.

## 12. LEVIES

- 12.1 No levy fees are applicable for the KZN Mixed Shoaling Fish Beach Seine fisheries sector.

## 13. VIOLATIONS

- 13.1 A breach of the provisions of the MLRA, its regulations and/or these Permit Conditions by the Permit Holder, its employees (whether permanent or temporal), its contractors, agents, advisers or the skipper of the vessel may result in the initiation of legal proceedings.
- 13.2 A breach referred to in paragraph 14.1 includes, but is not limited to:
- (a) failure to provide information to which the Department is entitled to or to submit information which is not true or correct;
  - (b) failing to effectively utilise this permit.
- 13.3 The Permit Holder shall not land, sell, receive or process any fish taken by any means in contravention of the MLRA and applicable laws.
- 13.4 The Permit Holder shall not discard any waste material, garbage or pollutants into the sea or harbour or landing/launching site. The Permit Holder shall safely store all waste material, garbage and pollutants on board the vessel. All waste must be placed into dedicated waste bins at site of operation.



13.5 Failure to report any contravention of the provisions of the MLRA by a Permit Holder is a criminal offence. Any contravention shall immediately be reported telephonically to the Customer Service Centre at 086 000 3474 or faxed to 021 402 3362 and thereafter shall be faxed as well to 021 402 3037, for attention: The Chief Director: Monitoring, Control and Surveillance (MCS).

13.6 The Department may refuse to issue subsequent permits or may cancel existing fishing permits should these Permit Conditions not be adhered to.

#### **14. CONSULTATION AND COMMUNICATION**

14.1 The Department will prefer to consult and communicate with the recognised Industrial Bodies which are representative of Permit Holders in the KZN Commercial Mixed Shoaling Fish Beach-Seine fishery and Interest Groups in terms of the MLRA.

14.2 Communication regarding all permits and licenses shall be addressed to the Department's Customer Services Centre, Ground Floor, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town or Private Bag X2, Vlaeberg, 8018. The Customer Service Centre may be contacted 086 000 3474.

#### **15. OBSERVER PROGRAMME**

15.1 The Permit Holder shall, when requested by the Department or its agent, allow the Observer unrestricted access to monitor fishing activity and compliance with permit conditions and all applicable laws.

#### **16. PROCESSING AND SALE OF FISH**

16.1 Not applicable for KZN Commercial Mixed Shoaling Fish Beach-Seine fisheries sector.

#### **17. TRANSFER OF FISHING RIGHTS**

17.1 The exemption granted by the Department is not transferable.

**18. TRANSPORTATION OF FISH**

18.1 Not applicable for this permit

**19. FISHING PERFORMANCE MEASURING**

19.1 The Permit Holder shall be obliged to provide the Department with information required to carry out a performance measuring exercise, such information shall include but is not limited to:

- (a) data regarding transformation levels;
- (b) sustainable fishing practices;
- (c) data regarding investments made in the fishery and jobs created and sustained; and
- (d) data regarding compliance initiatives.



**DIRECTOR: SMALL-SCALE FISHERIES MANAGEMENT**

DATE: 12 March 2024

