

SECTION B

Permit Conditions: South Coast Rock
Lobster Fishery

FISHING SEASON: 2023/2024

DATE OF APPROVAL: 28.09.2023

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1. **APPLICABLE ACTS, POLICIES AND DELEGATIONS**

- 1.1 This permit is issued in terms of section 13 of the Marine Living Resources Act, 1998 (Act No. 18 of 1998) (MLRA) and Regulations promulgated thereunder.
- 1.2 The permit does not absolve the permit holder from complying with all other applicable laws, including but not limited to:
- (a) The National Environmental Management Act, 1998 (Act No.107 of 1998) (NEMA), and regulations promulgated thereunder;
 - (b) The National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) (NEMBA) and regulations promulgated thereunder;
 - (c) The National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003) (NEMPA) and regulations promulgated thereunder;
 - (d) The National Environmental Management: Integrated Coastal Management Act, 2008 (Act No.24 of 2008) (NEMA:ICMA) and regulations promulgated thereunder;
 - (e) The Sea Birds and Seals Protection Act, 1973 (Act No. 46 of 1973) (SBSPA) and Regulations promulgated thereunder;
 - (f) The Fire Arms Controls Act, 2000 (Act No. 60 of 2000) (FACA) and Regulations promulgated thereunder;
 - (g) The International Convention for the Prevention of Pollution from Ships Act, 1986 (Act No. 2 of 1986) (ICPPSA) and regulations promulgated thereunder;
 - (h) South African Maritime Safety Authority Act, 1998 (Act 5 of 1998) (SAMSAA) and regulations promulgated thereunder;
 - (i) The Animals Protection Act, 1962 (Act No. 71 of 1962) and the Regulations promulgated thereunder;

- (j) The Standards Act, 2008 (Act No. 8 of 2008) and the Regulations promulgated thereunder;
- (k) The National Regulator for Compulsory Specifications Act, 2008 (Act No. 5 of 2008) and the Regulations promulgated thereunder;
- (l) National Ports Authority Act, 2005 (Act No. 12 of 2005) and the Regulations promulgated thereunder; and
- (m) The Companies Act, 2008 (Act No. 71 of 2008) and the Regulations promulgated thereunder.
- (n) National Environmental Management Waste Act (Act No. 59 of 2008) (NEMWA) and the Regulations promulgated thereunder.

1.3 This permit is issued subject to the further provisions of the following policies:

- (a) General policy on the Allocation of Commercial Fishing Rights, 2021;
- (b) Policy for the Allocation and Management of Commercial Fishing Rights in the South Coast Rock Lobster Fishery: 2021; and
- (c) Policy for the transfer of Commercial Fishing Rights: 2009.

1.4 The Director: Inshore Fisheries Management (IFM) shall be entitled to amend these permit conditions after consultation with the relevant stakeholders.

1.5 Any reference to the Permit Holder in these permit conditions includes the entity or person in whose name the commercial fishing right is allocated to ("the Right 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:

- (a) The right be cancelled or revoked in terms of Section 81 of the MLRA;

- (b) The TAC (Total Allowable Catch) allocated to the Permit Holder is caught or;
- (c) The TAE (Total Applied Effort) allocated to the Permit Holder is reached;
- (d) The fishing season is terminated or ends; and
- (e) The permit be revoked, cancelled or suspended in terms of Section 28 of the MLRA.

3. FISHING AND RESTRICTED AREAS

- 3.1 The Permit Holder shall only harvest its South Coast rock lobster in the area between parallel lines of longitude passing through the mouth of the Great Kei River (28°20'E) and Cape Hangklip (18°40'E) and bounded by the South African Exclusive Economic Zone.
- 3.2 Should the Department reasonably suspect that the Permit Holder has fished for South Coast rock lobster outside the above described fishing area, the Department may initiate legal proceedings (which may include section 28 proceedings and or criminal proceedings).
- 3.3 In case of an emergency if a vessel intends to anchor, moor or stop in a restricted Marine Protected Area or any other area closed for fishing, the Permit Holder shall notify the Department. The notification shall describe the nature of the emergency and the reason required for anchoring, mooring or stopping in the area. Such request shall be sent via e-mail to: VMSops@dffe.gov.za or faxed to: (021) 425 6497 or phone to: 021 402 3077/76.
- 3.4 **The operating hours of the VMS Operations Center are as follows:**
 Monday to Friday office hours: 08:00 to 15:00
 Monday to Friday After Hours 15h00 to 23h00
 Weekends and public holidays 10:00 to 18:00
 The official on duty outside office hours is only contactable via cellphone and or email.

Table 1: VMS Operations Center contact information:

Contact	Contact details
Ops room office number	021-402 3077/76
Ops room fax number	021-425 6497

Ops room email	VMSops@dffe.gov.za
Sonwabo Mjelo	073 618 8800
Nqabisa Vumazonke	078 299 3174
Tobisa Gatyana	066 471 1336

4. FISHING AND MARINE PROTECTED AREAS

- 4.1 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 legislation.
- 4.2 A vessel is not allowed to stop or fish in any Marine Protected Area, or any other similar marine protected or conservation area, except where so permitted by legislation.
- 4.3 All traps, nets and ropes shall be on board, tied down and lashed to the fishing vessel, except where so permitted by legislation.

5. NOTIFICATIONS

- 5.1 The Permit Holder shall give the Department at least 24 hours' notice of the –
- 5.1.1 Date and estimated time of arrival of its vessel;
 - 5.1.2 Expected berthing position in Port or harbour;
 - 5.1.3 Estimated number of boxes, average weight packed in each box, and estimated number and weight of live South Coast rock lobster; and
 - 5.1.4 Expected date and time when discharging will commence.
- 5.2 Such notice shall be given to the Department between 08:00 and 16:00 on weekdays, excluding public holidays.
- 5.3 The Fishery Control Officers (FCO) must be notified by phone or fax or sms at the following numbers as set out in table 1 below.

5.4 In the event that a vessel needs to berth for any deemed emergency, the Permit Holder shall inform the FCO at least 1 hour prior to the vessel berthing (as per Table 1. Compliance regional offices contact details).

5.4.1 The vessel must be equipped to allow the hold(s) to be sealed.

5.4.2 When South Coast rock lobster is onboard, the FCO will seal the hold(s) upon the berthing of the vessel.

5.4.3 The vessel's seal(s) may only be broken prior to the discharge of the vessel, or alternatively prior to the vessel sailing from port to return to sea, to recommence fishing operations, in accordance with the instructions of the Fishery Control Officer or Monitor.

Table 2. Compliance regional offices contact details

FISHERY CONTROL OFFICE	TELEPHONE NUMBER	FACSIMILE NUMBER	CELL NUMBER	CONTACT PERSON	EMAIL
Cape Town	(021) 402 3361/3275/3429	(021) 402 3113	060 789 8031	Buyekezwa Polo	bmamaila@dffe.gov.za
Hout Bay	No landline		082 829 3918	Melchoir Sylvester	MSylvester@dffe.gov.za
Port Elizabeth	(041) 585 4051	(041) 586 0385	082 771 8906	Dennis Mostert	DMostert@dffe.gov.za
Mossel Bay	(044) 691 2939	(044) 691 1617	084 404 6483	Heslene October	HOctober@dffe.gov.za
East London	(043) 722 8176	(043) 722 2091	073 015 4588	Mphakamisi Fifane	MFifane@dffe.gov.za

5.5. If the Permit Holder / Vessel Owner wishes to fish in the Exclusive Economic Zones (EEZ) of another country (e.g., Mozambique) for part of the year, the Permit Holder / Vessel Owner is required to follow procedures as stipulated in point 5.6 to 5.9 of these permit conditions. Any

fish caught under this charter agreement will not accrue to South Africa. Furthermore, this performance will not be considered in any fishery performance reviews.

- 5.6 When fishing in Mozambique, notifications of exit and entry into South African EEZ (SA EEZ) must be sent via email to the Department's VMS Office (VMSops@dffe.gov.za) and to the Deputy Director: Large Crustaceans Fisheries Management (Ituko@dffe.gov.za).
- 5.7. When fishing in Mozambique, it is the Right Holder's responsibility to return the original catch permit(s) for that vessel to the Department (Attention: Assistant and Deputy Directors: Large Crustacean Fisheries Management) for cancellation. Upon cancellation of the permit the Department will provide written authorization for the vessel to exit the SA EEZ. It should be noted that the fish hold is to be cleared before departure and no fishing may take place on route to the chartering country (fishing gear to be appropriately stowed). Similarly, before returning to South Africa all fish caught under charter agreement must be discharged in the ports of the chartering country. No fishing is to take place while vessel is on route to South African ports (all fishing gear to be appropriately stowed).

6. EFFORT LIMITATIONS AND GEAR RESTRICTIONS

- 6.1 The Permit Holder shall only use approved South Coast rock lobster traps as described below on a longline vessel during catching operations. A South Coast rock lobster trap is a barrel-shaped trap made of moulded plastic. The many gaps in the walls of the traps may be circular or rectangular and of varying size and location, with the specific purpose of reducing drag and water retention.

Trap dimensions may vary according to the following ranges (see Figure 1):

Length: 555 mm to 810 mm

Width: 390 mm to 620 mm

Height: 400 mm to 615 mm

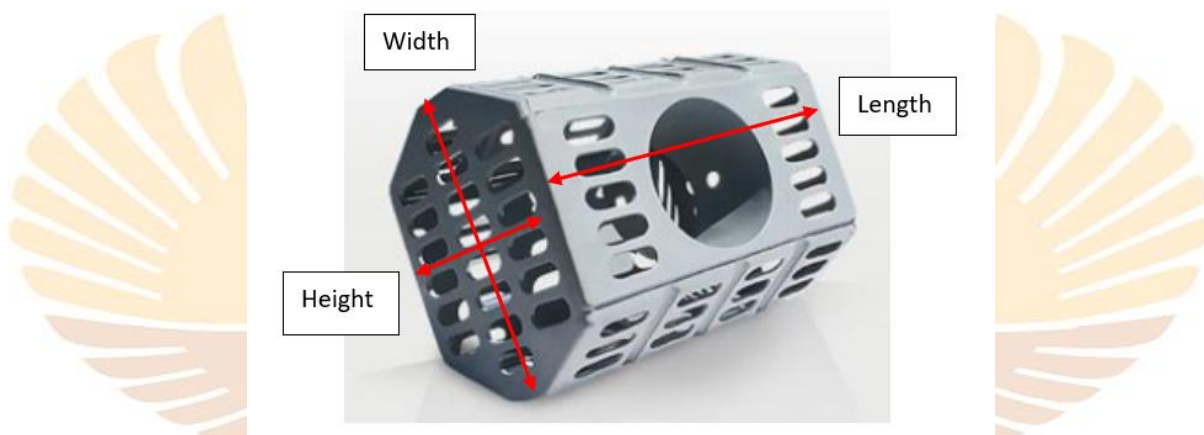


Figure 1: This idealised image of a South Coast Rock Lobster trap should only be used as an aid to interpret the width, height and length dimensions referred to in the text. The shape, size and location of water drainage gaps in some South Coast rock lobster traps may differ from those depicted here.

- 6.2 Longline lengths shall be limited to 2200m (length) with no more than 150 weighted traps attached.

7. **CATCH CONTROLS AND LIMITATIONS**

- 7.1 The Permit Holder is exempted from Regulation 44.1(c) of the Marine Living Resources Act (Act No. 18 of 1998) and may retain female *Palinurus gilchristi* in berry.
- 7.2 No dead South Coast rock lobster or any portion thereof shall be returned to or dumped into the sea unless it has been pulverized.
- 7.3 The Permit Holder must record and declare all by-catch caught to the Fishery Control Officers or Marine Resource Monitor (Monitor).
- 7.4 The Permit Holder shall ensure that all Kingclip (*Genypterus capensis*) and by-catch species of the Family Pisces are landed headed and gutted only. Octopus (*O. vulgaris* or *O. magnificus*) and Panga (*Pterogymnus laniarius*) must be landed gutted only.

- 7.5 The Permit Holder is allowed to land the following by-catch species Slipper lobster (*Scylliridae elizabethae*) and West Coast rock lobster (*Jasus lalandii*) provided that:
- (a) they are incidental catches during the South Coast rock lobster directed fishery; and
 - (b) the weight of the species does not exceed the landed mass of the target species.
- 7.6 The Permit Holder may not target any by-catch species. The Department will deem a by-catch species to have been targeted where the landed bycatch mass exceeds that of target species.
- 7.7 The targeting of by-catches is prohibited. By-catches which exceed the permitted limit will be confiscated by the Department.

8. HANDLING OF OVER/UNDER CATCHES AND PROHIBITED SPECIES

- 8.1 The Permit Holder may only harvest the mass of South Coast rock lobster allocated to it in terms of the total allowable catch (“TAC”) and total applied effort (“TAE”) allocated to it under **Section A**.
- 8.2 Should the Permit Holder exceed the allocated mass by less than 10%, the excess amount will be automatically deducted from the following season’s allocation while the excess of more than 10% may result in the initiation of legal proceedings through Section 28 of the MLRA in addition to the automatic deduction.

9. VESSELS SPECIFICATIONS

- 9.1 The vessel registration letters and numbers (i.e. area number), followed by the letters “SCF” (“SC” for South Coast Rock Lobster, and “F” for Fish Processing Establishment), must be affixed to the vessel according to the specifications in Regulation 77 and Annexure 14 promulgated under the MLRA.
- 9.2 Radio call signs must be clearly visible and displayed for all vessels with an overall length of 25 meters or more (as per the SAMSA approved measurement), as stipulated in terms of Regulation 78 promulgated under the MLRA.

9.3 Any factory vessel operated by the Permit Holder in terms of this permit must be licensed in terms of the MLRA and must comply with the standard specifications stipulated by the National Regulator for Compulsory Specifications (NRCS) in terms of Standards Act, 1982 (Act No. 30 of 1982) in respect of the packing/processing facilities on board the fishing vessel.

9.4 Any vessel(s) operated by the Permit Holder shall be fitted with a hammer mill, which must at all times be in a working condition.

10. **VESSEL MONITORING SYSTEM (VMS)**

10.1 The Permit Holder's nominated fishing vessel(s) shall be fitted with a functional vessel monitoring system(s) (VMS) approved by the Chief Director: Monitoring, Control and Surveillance (CD: MCS).

10.2 It is the responsibility of the Permit Holder/ Right Holder / Vessel Owner/Skipper to ensure that the VMS is fully operational and that the VMS continues to transmit to the Department's Operations Room prior to sailing and whilst at sea. The Permit Holder shall establish that the VMS unit is functional by contacting the **Operations Room** at the Branch: Fisheries Management on telephone numbers **(021) 402 3076 or (021) 402 3077** and/or via email: VMSops@dffe.gov.za prior to sailing.

10.3 Vessels fitted with Inmarsat C VMS units, wishing to switch their units off whilst alongside in port, shall only do so a minimum of six hours after berthing, and the units shall be switched on a minimum of six hours prior to their estimated time of departure from port. Should the power supply be interrupted, or the equipment become non-functional (for whatever reason), and the problem persists, the vessel shall return to port within twenty-four (24) hours of being informed of the problem, unless special arrangements have been made with VMS OPS Room to allow the vessel to continue fishing. Such arrangements shall include:

- (a) Three (3) hourly reporting of the vessel's position emailed to: VMSops@dffe.gov.za
- (b) Notice of estimated time of arrival to port,
- (c) Notice of port of arrival,
- (d) Inspection of the catch by a Fishery Control Officer.

- 10.4 Should the Permit Holder/Right Holder/Vessel Owner/Skipper not adhere to the provisions of the above, the Department may detain the vessel once in port, and initiate legal proceedings (which may include Section 28 proceedings and or criminal proceedings).
- 10.5 In cases where VMS units are non-functional due to technical problems and such Permit Holders/ Right Holders', Vessel Owners/ Skippers wish to proceed to sea without a VMS unit onboard, an "Application for an exemption to undertake fishing without a VMS" form must be completed. This form, together with a letter from the Company undertaking the repairs (which must include the fishing vessel's name, area number and estimated time that it will take to repair and re-install the unit), must be faxed to the Department's Customer Care Services, fax number 021- 402 3362, for attention CD: MRM. Only once written permission has been granted by the Department, may the vessel proceed to sea. The VMS exemption must be kept onboard the vessel for the duration of each trip undertaken within the period of validity of the exemption. For each fishing trip undertaken during the exemption validity period, the Permit Holders/ Right Holders, Vessel Owner/ Skipper of such vessels shall notify the Department's Operations Room on telephone numbers 021 – 402 3076 or 021 – 402 3077 that they are proceeding to sea, and upon arrival back in port or launching site for the duration of the exemption. Please refer to 3.1 and Table 1 for additional contact information.

11 LANDING OF FISH

- 11.1 The Permit Holder shall ensure that all South Coast rock lobster caught in terms of this permit are discharged and weighed at the point of landing in the presence of a Fishery Control Officer or Monitor and in such a manner as stipulated by the Department before any such rock lobster is removed or transported from the point of landing. The entire catch of rock lobster made during a single trip must be discharged during one continuous discharge operation in the above manner and immediately after completion of the discharge the skipper must declare in the presence of a Fishery Control Officer / Monitor, in writing, that the entire catch was discharged. A vessel may not depart for its next fishing trip with any South Coast rock lobster on board.

12 SUBMISSION OF INFORMATION

- 12.1 The Permit Holder shall submit to the Department (Right Holder Information, Attention: Deputy Director: Large Crustacean Fisheries Management, 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.
- 12.2 Catch Statistics
- (a) The Permit Holder shall provide accurate catch statistics which must be completed on a daily basis on the form “**V1/3/5/2/1 S Daily Catch Rate – South Coast Rock Lobster**”.
 - (b) The form must be signed and submitted by the Skipper to the Fishery Control Officer or Monitor on arrival in Port.
 - (c) Attention is drawn to the fact that the section referring to “*total repacked in factory*” on the above-mentioned form may only be completed by a Fishery Control Officer or Monitor after having recorded the landed mass.
- 12.3 Landing declaration
- (a) The Monitor / Fishery Control Office (FCO) shall complete the landing declaration form in the “SOUTH COAST ROCK LOBSTER LANDING TALLY AND DECLARATION BOOK”, per Right Holder and tally form indicating the total weight by species during offload, and shall ensure that the landing declaration form is countersigned by the skipper and/or FPE representative. The completed countersigned forms shall be submitted with the catch statistics (Clause 12.2). Copies of the completed landing declaration form and tally form shall be retained for 60 months.
 - (b) Any corrections made on a landing declaration form have to be countersigned by either the Monitor / Fishery Control Officer in order for the form to be valid. (No tipex shall be used to correct mistakes).
- 12.4. Marine mammal interactions
- (a) The Permit Holder shall submit to the Department (Deputy Director Large Crustaceans Fisheries Management) ltuko@dfre.gov.za, by 30 April 2024 for the period 1 October

2023 to 31 March 2024, and by 30 October 2024 for the period 1 April 2024 to 30 September 2024, the report on marine mammal interactions (SCRLIA Mammal Report - V1 - April 2022.xlsx). The electronic format/form can be obtained from the following officials, ltuko@dfpe.gov.za and or hcoetzee@dfpe.gov.za

12.5 All information recorded on the forms referred to above in 12.2 and 12.3 will be regarded as final and the Director: Inshore Fisheries Management will only consider requests for changes on receipt of a written application supported by an acceptable explanation. This request must be submitted to Marine Resources Management (Attention: Director: Inshore Fisheries Management, Tel (021) 402 3187; Fax (021) 402 3734).

12.6 Socio-Economic Information
The Permit Holder shall provide, on request, any economic, socio-economic or financial information in the format as requested by the Department.

13 RECORD KEEPING

13.1 The Permit Holder shall store at its registered place of business the original permit issued to it over the duration of the right. The Permit Holder shall at all times have available a true certified copy of this permit on board the vessel utilised to harvest the South Coast rock lobster.

13.2 The Permit Holder shall keep the second copy of all landings for a minimum period of sixty (60) months.

14 LEVIES

14.1 The Permit Holder shall submit a levy declaration form by the last working day of the month following the harvesting periods.

14.2 The Permit Holder shall pay the prescribed levies for the fish landed for prescribed species as stipulated in the Government Gazette No.33518 published on 10 September 2010.

- 14.3 Non-compliance will result in a 10% penalty being charged on the late submission of the prescribed levy declaration form.
- 14.4 The Permit Holder must submit together with all levy payments a levy declaration form.
- 14.5 A “NIL” return must be submitted for every month where no fish has been landed.
- 14.6 The Department may refuse to issue fishing permits to Right Holders who have any levies or fees outstanding for a period in excess of 30 days, or may suspend the Right Holder’s fishing permit until all outstanding levies have been paid to the Department.
- 14.7 It is the responsibility of the Permit Holder to ensure that levies are fully submitted as stated in par 14.1 and that the account is paid up.
- 14.8 All declarations forms shall be submitted to the Directorate: Revenue Management by either of the following:
- 14.8.1 Facsimile – 086 613 6256
 - 14.8.2 Electronic mail – revenue@dffe.gov.za
 - 14.8.3 Postage – Private Bag x2, Vlaeberg, 8018
 - 14.8.4 By hand – Department of Forestry, Fisheries and the Environment (DFFE), Branch: Fisheries Management, Customer Service Centre, Ground Floor, Martin Hammerschlag Way, Foretrust Building, Foreshore, 8001.
 - 14.8.5 All enquiries related to levy accounts must be directed to Sbaartman@dffe.gov.za or Sqaziyana@dffe.gov.za or telephone numbers: 021 402 3016/3209.
- 14.9 The information required in paragraph 14.4 shall be submitted when paying levies to the cashier at the Department of Forestry, Fisheries and the Environment, Branch: Fisheries Management, Customer Service Centre, Ground Floor, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town. Alternatively, payment can be made via direct deposit at any First National Bank (FNB) branch or Electronic Funds Transfer (EFT) to the following banking details:

Branch code – 210554

Account name – Marine Living Resources Fund

Account number – 62123256382

Deposit reference – (Party Number)

The Permit Holder must use its Customer (Party) Number as a deposit reference. The Permit Holder must ensure that proof of the payment together with a levy declaration is faxed to 086 613 6256 or email to revenue@dffe.gov.za

15 VIOLATIONS

- 15.1 A breach of the provisions of the MLRA, the Regulations promulgated thereunder and or permit conditions by a right holder or a permit holder or a licence holder, his or her or its employees (whether permanent or temporal), his or her or its contractors, agents, advisers or the skippers may result in the initiation of legal proceedings, which may include section 28 proceedings and or criminal proceedings.
- 15.2 A breach referred to in paragraph 15.1 includes, but not limited to:
- a) failure to provide information to which the Department of Forestry, Fisheries and the Environment (“the Department”) is entitled to or to submit information which is not true or complete; or
 - (b) failing to effectively utilise the permit.
- 15.3 The Permit Holder shall not land, sell, receive or process any fish taken by any means in contravention of the MLRA.
- 15.4 The Permit Holder shall hold at its registered place of business the original permit issued to him/her for the current fishing season. The Permit Holder shall at all times over the duration of the right have available a certified copy of this permit on board each vessel utilised to harvest South Coast rock lobster.
- 15.5 The Permit Holder shall safely store all waste material, garbage and pollutants on board the vessel. Should the Permit Holder discard any waste material, garbage or pollutants into the sea

or landing sites, this permit will be suspended for a period determined by the Department and the Permit Holder shall take the necessary steps to remedy the situation.

15.6 There may be no transshipment of catches. Should the Permit Holder transship any catches without the written authorisation of the Department, the Permit Holder may have its commercial fishing right revoked.

15.7 The Permit Holder may only harvest the amount of South Coast rock lobster allocated to it in terms of the total allowable catch (“TAC”) and total applied effort (“TAE”) allocated to it under **Section A**. Fishing over or under these limits may result in, but not limited to, the initiation of legal proceedings under Section 28 of the MLRA.

15.8 In terms of the Act, the Permit Holder is obliged to report to the Minister any contravention of the provisions of the Act by any other person.

16 **CONSULTATION AND COMMUNICATION**

16.1 The Department will consult and communicate with the recognised bodies and interested groups in terms of the MLRA which are representative of Right Holders in this fishery.

16.2 Communication regarding all permits and licenses shall be addressed to the Department’s Customer Service Centre, Ground Floor, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town. The Customer Service Centre may be contacted on **086 000 3474**.

16.3 The Chief Director: Marine Resources Management will consult with Permit Holders when conducting performance reviews to determine further criteria against which Permit Holders will be measured.

17. **OBSERVER PROGRAMME**

17.1 The Permit Holder shall, when requested by the Department or its agent, accommodate an observer on board the Permit Holder’s vessel, and shall ensure that accommodation and food is provided at the standard of “*officer*”.

17.2 The Permit Holder shall allow the observer unrestricted access to monitor fishing activity and compliance with permit conditions and all applicable laws.

17.3 Should the Department reasonably believe that an Observer is being prevented from carrying out his/her functions in any way or threatened in any way while on board, the Department may call the vessel into Port and take necessary steps to remedy the situation.

18. PROCESSING AND SALE OF FISH

The Permit Holder shall issue an invoice to the purchaser indicating the particulars of the Fish Processing Establishment, Purchaser, Permit Holder, the mass of rock lobster sold, the date of delivery, and a copy of this receipt shall be kept for a period of sixty (60) months at the registered place of business as indicated in this permit.

19. TRANSFER OF RIGHTS

19.1 The Permit Holder may only transfer the long-term commercial fishing right allocated to it in terms of Section 21 of the MLRA read together with the Policy for the Transfer of Commercial Fishing Rights (Gazette No 32449).

19.2 The Department must be notified within 30 days of any transfer of shares or sale of shares and/or membership interest that results in a change in control or ownership or transformation of the Permit Holder and must be approved by the Department in terms of Section 21 of the MLRA read together with the Policy for the Transfer of Commercial Fishing Rights (Gazette No 32449).

19.3 Failing to comply with 19.1 and/or 19.2 may lead to the initiation of further legal proceedings including but not limited to proceedings in terms of Section 28 of the MLRA.

20. TRANSPORTATION OF FISH

20.1 The Permit Holder shall only load the harvested South Coast rock lobster onto the vehicle indicated in the transport permit after it has been weighed.

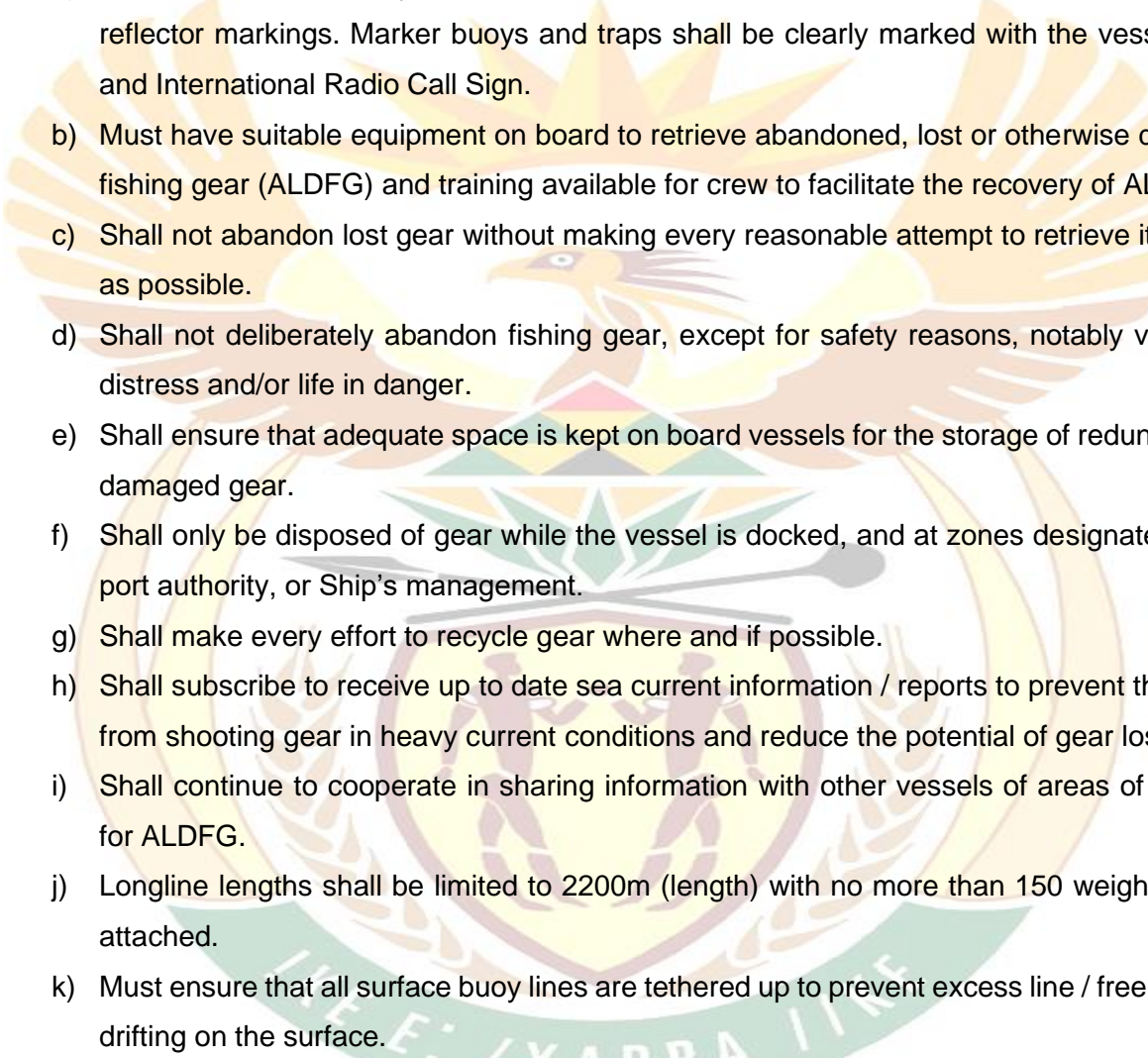
- 20.2 The Permit Holder shall not transport South Coast rock lobster without being in possession of the following:
- (a) a valid South Coast rock lobster transport permit and
 - (b) a duly completed South Coast rock lobster Landing Form signed by the Permit Holder/authorized representative and an FCO/Monitor.
- 20.3 The Permit Holder shall transport and deliver the South Coast rock lobster in whole and/or tails to the Fish Processing Establishment as stipulated in the catch permit only.

21. FISHING PERFORMANCE MEASURING

- 21.1 The Permit Holder shall be obliged to provide the Department with information required to carry out a performance measuring exercise, which information may include but not limited to:
- 21.1.1 Data regarding transformation levels;
 - 21.1.2 Sustainable fishing practices and the impacts of trap fishing on the ecosystem;
 - 21.1.3 Data regarding investments made in the fishery and jobs created; and sustained
 - 21.1.4 Data regarding compliance initiatives;
 - 21.1.5 Data regarding catch performance; and
 - 21.1.6 Data regarding levies paid.
- 21.2 Should the Permit Holder fail or refuse to provide the information required to carry out the performance measuring exercise, the Department may initiate legal proceedings, which may include but not limited to Section 28 proceedings.

22. ECOSYSTEM EFFECTS OF FISHING

- 22.1 The Permit Holder must take cognisance of sustainable fishing practices and impacts of trap longline operations on the ecosystem. A specific concern is the entanglement of whales in the ropes that are attached to the marker buoys and traps.
- 22.2. Marine Mammal Interaction Mitigation Measures
- 22.2.2. Vessels operated by the Permit Holder:

- 
- a) Shall have marker buoys that are visible at a distance of at least two nautical miles with reflector markings. Marker buoys and traps shall be clearly marked with the vessel name and International Radio Call Sign.
 - b) Must have suitable equipment on board to retrieve abandoned, lost or otherwise discarded fishing gear (ALDFG) and training available for crew to facilitate the recovery of ALDFG.
 - c) Shall not abandon lost gear without making every reasonable attempt to retrieve it as soon as possible.
 - d) Shall not deliberately abandon fishing gear, except for safety reasons, notably vessels in distress and/or life in danger.
 - e) Shall ensure that adequate space is kept on board vessels for the storage of redundant and damaged gear.
 - f) Shall only be disposed of gear while the vessel is docked, and at zones designated by the port authority, or Ship's management.
 - g) Shall make every effort to recycle gear where and if possible.
 - h) Shall subscribe to receive up to date sea current information / reports to prevent the vessel from shooting gear in heavy current conditions and reduce the potential of gear loss.
 - i) Shall continue to cooperate in sharing information with other vessels of areas of high risk for ALDFG.
 - j) Longline lengths shall be limited to 2200m (length) with no more than 150 weighted traps attached.
 - k) Must ensure that all surface buoy lines are tethered up to prevent excess line / free line from drifting on the surface.
 - l) Must ensure that anchor lines from the buoys to the seabed shall be fitted with weights to sufficiently sink the line in a vertical position and maintain tension on the line.
 - m) Must ensure that all traps are weighted to prevent drifting and dragging in the current.
 - n) Shall only fish with traps according to the specifications as per paragraph 6.1 above.
 - o) Shall sufficiently space the fishing gear and not overcrowd areas to help reduce the number of lines in a specific area.

22.3. Interactions with Marine Mammals and Release Procedures

22.3.1. Upon sighting an entangled marine mammal, the vessel shall notify the DFFE Branch: Oceans and Coasts (Steven McCue 083 4625 345) , the South African Whale Disentanglement Network (SAWDN, Mike Meyer 082 578 7617) or the National Sea Rescue Institute (NSRI, Craig Lambinon 082 380 3800) with the following information at hand:

- a) the name and contact number of the person reporting;
- b) the time and position of the sighting;
- c) the species name of the entangled mammal (or a picture) (see Identification Guide in Annexure A);
- d) whether the animal is locked to the bottom or if it is free swimming (if the latter, what course and speed is it swimming at); and
- e) what gear the animal is entangled in and the colour of the buoys or registration number on the gear.

22.3.2. Vessels' crew shall not cut the ropes from the animal unless they have been trained and the vessel shall maintain a safe distance to keep the animal calm.

22.3.4. Vessels are to remain in range of the entangled marine mammal, where possible.



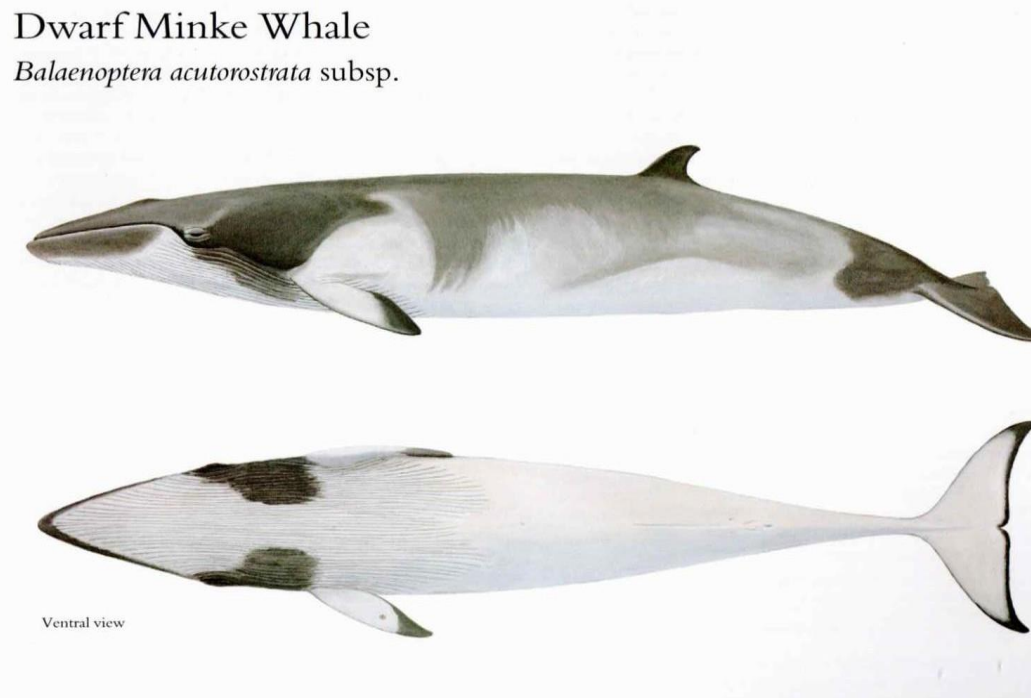
DIRECTOR: INSHORE FISHERIES MANAGEMENT

DATE: 28.09.2023

ANNEXURE A



SOUTH AFRICAN WHALE DISENTANGLEMENT NETWORK WHALE IDENTIFICATION CHART



Minke whales are the second smallest baleen whale.

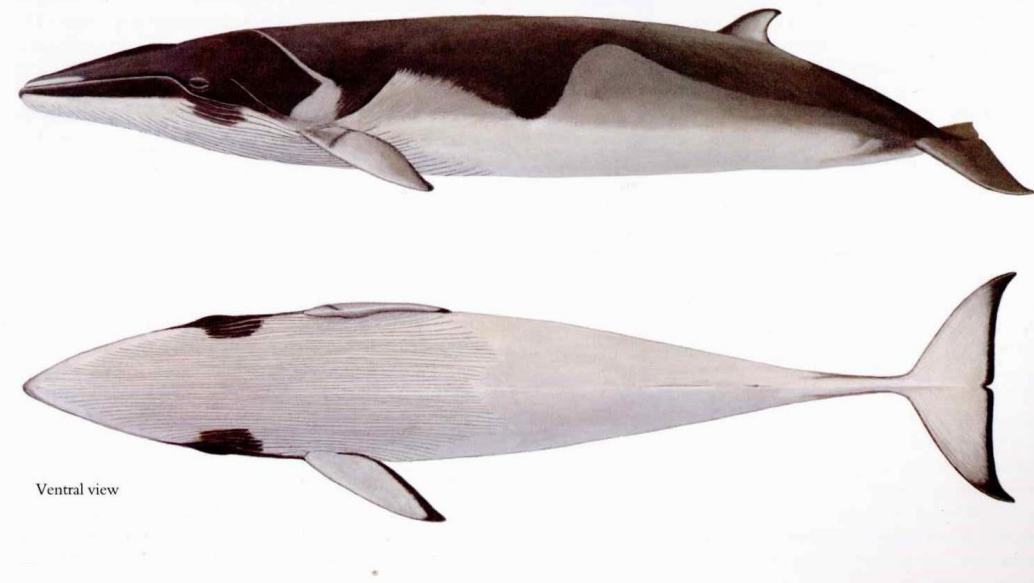
The dwarf minke whale has a conspicuously sabre-like grey crescent extending up above the flipper and onto the back, and by the lack of a grey flank patch. When particularly close to the observer the grey rostrum (the upper jaw in front of the blowhole) may be seen. The white band on the flipper is more conspicuous than in the Antarctic minke whale. In coloration, **the dwarf minke whale**



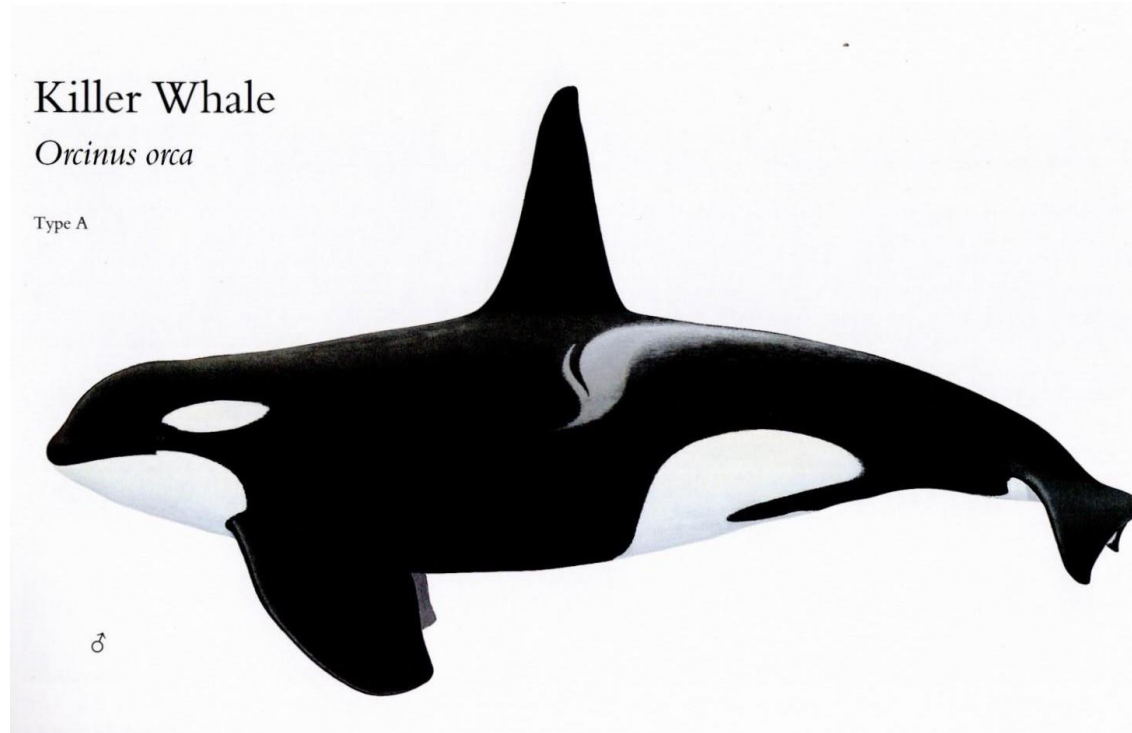
is characterized by a flipper with a black tip but a pure white base as opposed to the Antarctic minke whale which does not have a black tip. It is also a little smaller with both sexes not exceeding 7.77m.

Antarctic Minke Whale

Balaenoptera bonaerensis



Antarctic Minker whales can easily be confused with the dwarf minke whale. The main distinguishing feature is a light grey flank patch extending high up the back in front of the dorsal fin, higher than a similarly coloured patch on the side of the chest. Such a patch is not so prominent in dwarf (common minke whales). The dorsal fin of the **Antarctic Minke whale may carry a grey flare on its trailing half (not seen on the dwarf minke whale)**. **The dorsal fin is situated further back in the Antarctic Minke whale than the dwarf minke whale**. Maximum size depending on sex is 7 -8m. Both species are often attracted to vessels. **If seen at sea and you are unsure if it is a dwarf or Antarctic minke whale – please describe it as a Minke whale only.**



Unlikely to be confused with any other whale, given the large dorsal fin, prominent white eye patch and grey post dorsal fin saddle but there has been confusion with long finned pilot whales – however a long-finned pilot whale has an extremely convex (rounded) dorsal fin. The killer whale, however, has a white lower jaw and throat connected to a white belly patch extending backwards. Large males have large erect dorsal fins while females have more curved dorsal fins. Mature females are around 5m and males around 6m.

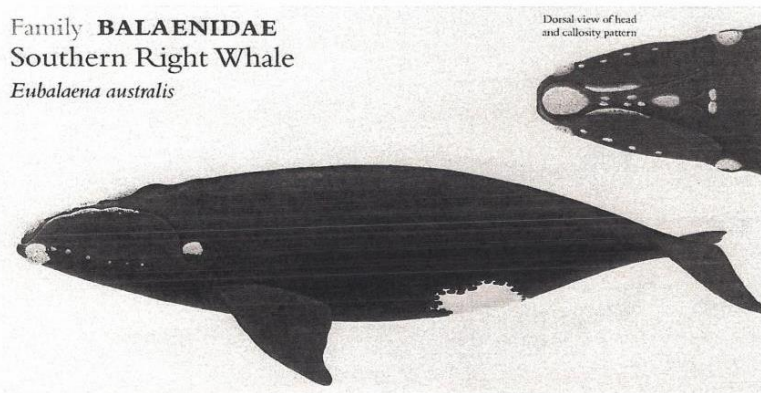


APPENDIX 2:

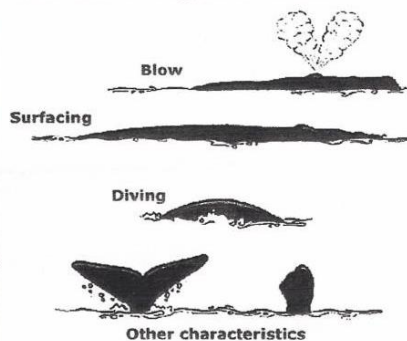
SOUTHERN RIGHT WHALE

(*Eubalaena australis*)

Family **BALAENIDAE**
Southern Right Whale
Eubalaena australis



Southern Right Whale



19

Status: Near Threatened

Found between about 30° to 55° south

Length: Average 15m to 18m

Description: Colour black with occasional white markings along back and underside. Body stocky and fat. No throat grooves or dorsal fin. Has distinctive white outgrowths of skin (callosities) on head and jaw. Flukes and flippers broad and black.

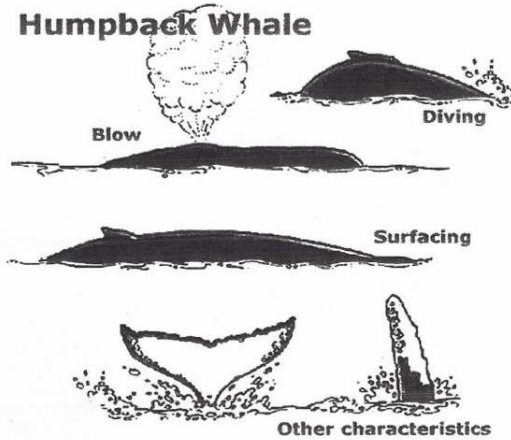
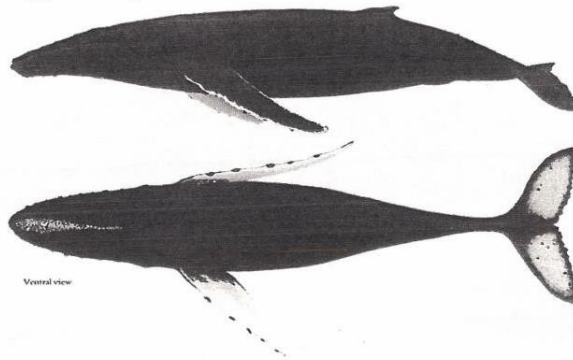
Behaviour: In winter and spring found very close to shore. Travels singly, in pairs or small pods. Floats higher in water than any other baleen whale. Frequently breaches and often smacks flukes and flippers on water. Blow is V-shaped rising to 5 meters. Exposes flukes in terminal dive and submerges from 10-20 minutes. Cruises at 2-3 knots

APPENDIX 3:

HUMPBACK WHALE

(*Megaptera novaeangliae*)

Family **BALAENOPTERIDAE**
Humpback Whale
Megaptera novaeangliae



Status: vulnerable
Found in all oceans

Length: Averages 14.6m to 15.2m

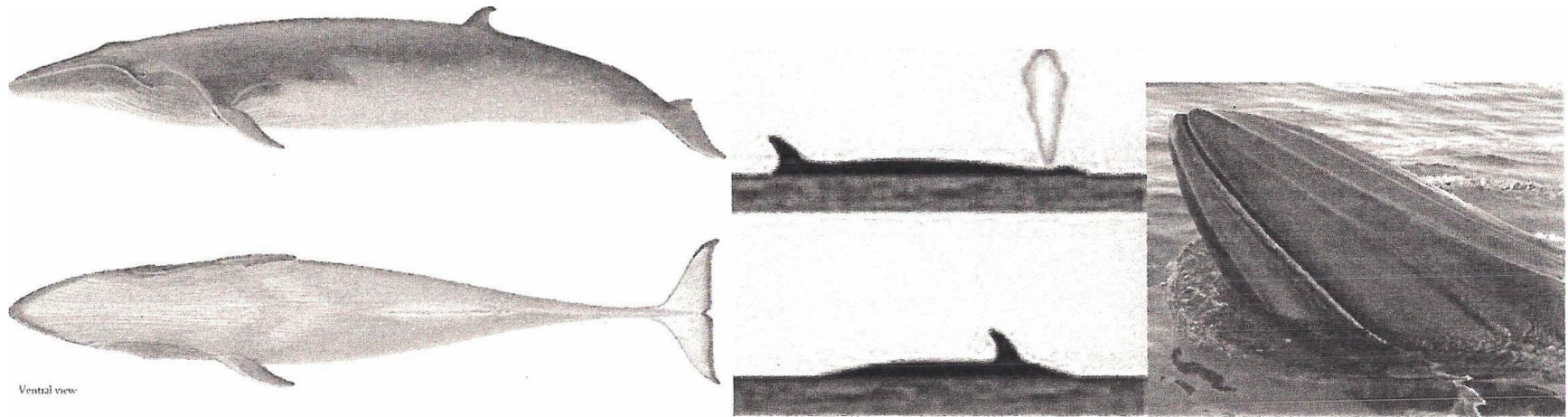
Description: A robust whale with fleshy tubercles or wartlike knobs on head. Throat grooves. Colour black, brown or grey with light underside. Very large white flippers measuring one third of body length. Dorsal fin small, triangular shaped, mounted on distinct fleshy platform. Flukes large with white-patterned underside.

Behaviour: Travel singly or in pods of 6 – 8. Do not fear ships. Often leap out of the water (breach). Blow is upright, resembling a broad, bushy balloon about 3m high. They raise their tail flukes before diving and remain submerged between 3-28 minutes. They often slap the water with flukes or flippers. Speed 3-4 knots, up to 6 knots.



BRYDE'S WHALE (sometimes pronounced Broodis whale)

(*Balaenoptera brydei*)



Large whale found in tropical and sub-tropical waters of Atlantic, Indian and Pacific Oceans. Often seen quite close inshore off coast of South Africa.

Status: Insufficiently known

Length: Averages 12m to 14.3m

Description: Very similar to sei whale, but slightly more slender. Throat grooves present. Colour bluish dark-grey, merging into lighter underside. **Has 3 distinct ridges on head** from blowhole to tip of snout. Dorsal fin far back, pointed and triangular shaped, 45cm in height, sometimes frayed or notched on trailing edge.

Behaviour: Travel singly or in loosely knit groups of 2-6. Will often approach ships or smaller craft. Blow resembles a thin, upright column about 4m in height. They seldom show flukes when diving. Submerges for about 5-20 minutes. Cruising speed 5-6 knots.