

SECTION B

Permit Conditions: Squid (commercial fishery)

Fishing season: 2023/2024

DATE OF APPROVAL: 29 MAY 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).

1.2 This Permit does not absolve the Permit Holder from complying with all other applicable laws, including but not limited to:

1.2.1 the National Environmental Management Act, 1998 (Act No.107 of 1998);

1.2.2 the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004);

1.2.3 the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003) (NEMPAA);

1.2.4 the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No.24 of 2008);

1.2.5 the National Environmental Management Waste Act (Act No. 59 of 2008);

1.2.6 the Sea Birds and Seals Protection Act, 1973 (Act No. 46 of 1973);

1.2.7 the Firearms Control Act, 2000 (Act No. 60 of 2000) (FACA);

1.2.8 the International Convention for the Prevention of Pollution from Ships Act, 1986 (Act No. 2 of 1986);

1.2.9 the South African Maritime Safety Authority Act, 1998 (Act 5 of 1998);

1.2.10 the Animals Protection Act, 1962 (Act No. 71 of 1962);

1.2.11 the Standards Act, 2008 (Act No. 8 of 2008) (SA)

1.2.12 the National Regulator for Compulsory Specifications Act, 2008 (Act No. 5 of 2008);

1.2.13 the National Ports Authority Act, 2005 (Act No. 12 of 2005); and

1.2.14 the Companies Act, 2008 (Act No. 71 of 2008) (CA),

including all subordinate legislation published under the aforementioned statutes.

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

(a) the General policy on the Allocation of Fishing Rights, 2021;

(b) the Policy for the Allocation and Management of Fishing Rights in the Squid Fishery: 2021; and

(c) the Policy for the transfer of Commercial Fishing Rights: 2009.

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

1.5 Any reference to the Permit Holder in these Permit Conditions includes the entity or person in whose name the Permit has been issued and includes any employees (whether permanent or temporary), agents/contractors, divers or skippers of the Permit Holder.

2. VALIDITY OF PERMIT

2.1 This Permit shall be valid for the period indicated in Section A of the Permit (the Permit).

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

- (a) the right pursuant to which this permit is issued is cancelled or revoked in terms of Section 18 of the MLRA;
- (b) this permit is revoked or cancelled in terms of Section 28 of the MLRA;
- (c) the fishing season is closed, terminated or ends; and
- (d) the validity period in 2.1 expires.

3. FISHING AREAS AND RESTRICTED AREAS

3.1 This Permit is valid only in South African waters (excluding tidal lagoons, tidal rivers and estuaries).

3.2 The Permit Holder shall not undertake fishing; take or destroy any fauna or flora; 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 (MPAs) except where so permitted by way of legislation.

3.3 A vessel may not enter; fish or carry fishing gear on board in any MPA, or any other similar protected or conservation area, except where permitted by way of legislation.

3.4 Fishing and the removal or disturbance of any marine life in the Tsitsikamma National Parks Marine Protected Area is prohibited. Fishing in other marine and estuarine areas controlled by the South African National Parks, is subject to regulations promulgated under the NEMPAA.

3.5 In case of an emergency, the Permit Holder shall notify the Department before the fishing vessel enters or intends to enter into a MPA or any other area closed for fishing. The notification shall describe the nature of the emergency and the reason requiring the vessel enter the area. Such request shall be sent via e-mail to: VMSops@dffe.gov.za or faxed to: (021) 425 6497 or phone: 021 402 3077/76.

4. NOTIFICATIONS

4.1 The Permit Holder shall inform the local Fishery Control Officer by fax on 041 586 0385 or email DMostert@dffe.gov.za (Port Elizabeth) or sms: 082 771 8906 or email MtMaziko@dffe.gov.za (Jeffrey's Bay) or fax: 042 293 2968 or SMS: 071 962 7860/065 741 2843 two hours prior to the intended time of discharge/landing of fish and provide the following details:

- (a) The vessel details;
- (b) Permit Holder(s) on behalf of whom the catch is to be allocated/apportioned;
- (c) the estimated mass of catch on board; and
- (d) the estimated time of arrival, and the port of arrival.

4.2 Where a Permit Holder is granted permission to conduct fishing without a functional Vessel Monitoring System (VMS) in terms of condition 9 below, the Permit Holder must notify the Department's Operations Room for each fishing trip undertaken during the permission validity period. Notification must be given to the Operations Room prior proceeding to sea, and upon arrival back in port on telephone number(s) 021 402 3076 or 021 402 3077.

5. EFFORT LIMITATIONS AND GEAR RESTRICTIONS

5.1 The Permit Holder may only operate within the Total Allowable Effort (TAE) as set out in section A of the Permit.

- 5.2 The Permit Holder shall only utilise the maximum number of crew approved for the vessel, as set out in the Permit. For this purpose, “crew” includes any person on board such vessel.
- 5.3 Only squid jigging gear may be utilised when harvesting squid. (a squid jig is defined as a lure like object with a row or number of rows of barbless “hooks” at one end and an “eye” at the opposite end). Jigging operations involve the use of one or more jigs attached to a handline at the “eye” of the jig and moved up and down in a series of short movements in the water.
- 5.4 Only squid jigging gear is permitted on board the vessel when the vessel is catching squid. No other fishing gear, including bait sticks, is permitted on board the vessel.
- 5.5 Whilst operating in terms of the provisions of this permit, the Permit Holder shall not utilise recreational fishing permit(s) or any other fishing right/exemption allocated to it.

6. CATCH CONTROLS AND LIMITATIONS

6.1 Catch Limitations

There shall be no other fish onboard the vessel other than squid. Any other fish caught shall be released to sea either dead or alive.

6.2 Closed Seasons

6.2.1 The fishing year runs from 1 May until 30 April each year. There shall be three closed fishing seasons for squid (*Loligo reynaudii*) during this period as follows:

6.2.1.1 the first closed season shall be from 12h00 noon on 1 May 2023 to 12h00 noon on 1 July 2023; and

6.2.1.2 the second closed season shall be from 12h00 noon on 19 October to 12h00 noon on 23 November in any year. The second squid closed season is stipulated in Government Notice No. R.728, Gazette No. 34596 published on 16 September 2011.

6.2.1.3 the third closed season will be from 12h00 noon on 1 April 2024 until 12h00 midnight on 30 April 2024. The commencement date of this closed season may be varied by the Department up to one month in either direction, after consultation with industry, and in the light of an assessment of the level of effort exerted up until the 31 January 2024.

6.2.2 On 19 October 2023 and 01 April 2024 respectively, at 12h00 noon (closure of the season) catching of squid shall cease and all vessels must proceed directly to port and shall be monitored by VMS.

6.2.3 No vessels may have squid onboard 24 hours following closure of the squid fishing season unless the vessels' holding facilities are sealed and the person in control of the vessel is in possession of written authorisation from the local Fishery Control Officer (FCO).

6.2.4 Catching of squid shall commence only after 12 noon on 1 July and 23 November in any year.

6.3 Catch Controls

6.3.1 From 12 noon until midnight on the day before the squid fishing season opens (after any closed season in any one year) vessels may prepare for the opening of the season and may sail and anchor outside the harbour at which they are based and within a radius of 2 nautical miles from the Port Elizabeth harbour (the centre of the radius being GPS position 33° 57. 166' S 25° 38.622' E), or 1 nautical mile from the St Francis Bay harbour (the centre of the radius being GPS position 34° 10. 963' S 24° 51. 114' E).

6.3.2 From 12 noon until midnight on the day before a fishing season opens, squid fishing vessels may move directly between Port Elizabeth and St Francis Harbour if the right holder so wishes and anchor outside the respective harbour, within a 1 nautical mile radius of the harbour entrance in the case of St Francis Bay (the centre of the radius being GPS position 34° 10. 963' S 24° 51. 114' E) or 2 nautical miles of the harbour entrance (the centre of the radius being GPS position 33° 57. 166' S 25° 38.622' E) in the case of Port Elizabeth. No movement of squid fishing vessels between these harbours or any other harbours is permitted after midnight until 12 noon on the day the squid fishing season opens.

6.3.3 Any movement between ports with crew and squid gear on board prior to the opening of the squid fishing season remains limited to the day before the season opens and no fishing may occur prior to 12 noon on 1 July or 23 November as the case may be.

6.3.4 Notwithstanding the contents of paragraph 6.3.1 to 6.3.3 above, vessels that wish to exit or enter the specific harbour in front of which it is on anchor, will be allowed to do so at any time, provided that when exiting it shall anchor and remain on anchor within the distances set out in paragraphs 6.3.1 and 6.3.2 until 12 noon on the day the season opens.

6.3.5 Squid vessels based in a Western Cape port may from 12 noon until midnight on the day before the squid fishing season opens after a closed season in any one year move directly to Struis Bay if the right holder so wishes, and anchor outside the Struis Bay harbour within a 1 nautical mile radius of the harbor entrance until 12 noon on the day the season opens.

7. HANDLING OF OVER/UNDER CATCHES AND PROHIBITED SPECIES

7.1 No upper catch limit is set for the squid commercial fishing sector and only squid is permitted on board the vessel.

7.2 No prohibited species may be landed whilst operating in terms of the Permit.

7.3 In the event that the Permit Holder catches any fish which may not be landed or possessed, such fish must be returned to the sea immediately, irrespective if it is dead or alive.

7.4 All incidentally caught fish/animals which may not be landed should be treated according to best practice to increase post-release survival.

8. VESSELS SPECIFICATIONS

8.1 The Permit Holder shall only utilise a vessel that is compliant with all requirements as set out by the South African Maritime Safety Authority (SAMSA).

8.2 The vessel shall be fitted with an approved and functional VMS.

8.3 The letters "C" and "F" must be displayed on the vessel next to the area number. The area number shall correspond to the area number set out in this permit.

8.4 The Permit Holder shall not use the nominated fishing vessel unless it bears the registration letters and numbers assigned thereto by the Director-General. Such letters and numbers shall be painted in white on a black background or in black on a white background on both bows in characters not less than 15 cm in height, 10 cm in breadth (figure "1" exempted) and 2 cm in thickness (width of stroke). The space between adjacent letters and figures shall be between 2 cm and 5 cm.

8.5 All vessels with an overall length of 25 metres or more shall display the letters and numbers of the radio call-sign on each side of the superstructure at the highest practical point above the gunwale, or main deck where it can best be seen as stipulated in regulation 78 (1) of the MLRA.

8.6 Only the SAMSA approved measurement is regarded as the "vessel length".

9. VESSEL MONITORING SYSTEM (VMS)

9.1 The Permit Holder shall ensure that the fishing vessel is fitted with a functioning VMS, which is approved by the Department.

9.2 It is the responsibility of the Permit Holder 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 throughout whilst at sea.

9.3 The Permit Holder shall establish that the VMS unit is functional by contacting the Department's Operations Room on telephone numbers 021 402 3076 or 021 402 3077, prior to sailing. Should the power supply be interrupted or the equipment become non-functional (for whatever reason), and the problem persists, the vessel shall proceed to port within 24 hours of becoming aware of the problem.

9.4 Vessels fitted with Inmarsat C VMS units, wishing to switch their units off whilst alongside in port, may not switch off the VMS units until at least six hours after berthing, and must ensure that the units shall be switched on a least six hours prior to the estimated time of departure from port.

- 9.5 Whilst at sea the VMS shall report continuously and uninterruptedly to the Department's Operations Room. Should the power supply be interrupted or the equipment become non-functional (for whatever reason), and the problem persists, the vessel shall proceed to port within 24 hours of being informed of the problem, unless special arrangements have been made with the Department's Operations Room to allow the vessel to continue fishing. The Special Arrangements (if permitted) must require at least the following:
- 9.5.1 Three-hourly recording of the vessel's positions;
 - 9.5.2 reporting of the three-hourly records of the vessel positions to the Department's Operations Room on fax number 021 425 6497 or email to VMSops@dffe.gov.za; once every 24 hours;
 - 9.5.3 notice of estimated time of arrival;
 - 9.5.4 notice of port of arrival; and
 - 9.5.5 inspection of the catch by a Fishery Control Officer and/ or Marine Resource Monitor
- 9.6 The Department will keep a record of the frequency of the VMS breakdowns in order to discourage repeated use/abuse of this special arrangements dispensation.
- 9.7 For the vessels not fitted with Inmarsat C VMS unit, should the power supply to the VMS be interrupted whilst at sea, or the equipment not be operational for any reason whatsoever, the Permit Holders shall inform the Department's Operations Room, and should the problem persist, the vessel shall return to port within 24 hours. Prior written permission shall be obtained from the Department's Operations Room to deviate from this condition.
- 9.8 In cases where VMS units are non-functional due to "technical" problems, and Permit Holders wishes to proceed to sea without a functional VMS unit on board the Permit Holders shall obtain prior written permission from the Department's Operations Room.
- 9.9 The Permit Holder shall contact the Department's Operations Room to obtain requirements necessary to apply for permission to proceed to sea without a functional VMS. The Operations Room can be contacted on telephone numbers 021 402 3076 or 021 402 3077, fax number 021 425 6497 and/or email VMSops@dffe.gov.za.

9.10 The permission to operate without a functional VMS shall be kept onboard the vessel for the duration of each trip undertaken within the period of its validity of the permission.

10. LANDING OF FISH

The Permit Holder shall ensure that all fish is discharged from the vessel in accordance with the instructions of the Fishery Control Officer; Marine Resource Monitor or authorized Law Enforcement Officer if such person is available on site of discharge/landing.

11. SUBMISSION OF INFORMATION

11.1 The Permit Holder shall submit to the Department's Customer Services Centre, Ground Floor, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town or Private Bag X2, Vlaeberg, 8018, or 21 Stanley Street, Central, Port Elizabeth 6000 notification of any change of contact details within 30 days of such change by completing the application form available at the Customer Services Centre.

11.2 Catch Statistics:

11.2.1 The properly completed and signed Squid Jigging Catch Book and accompanying Factory sheet shall be hand delivered to the Department's Port Elizabeth offices at 21 Stanley Street, Central, Port Elizabeth within 21 days after docking where it will be validated, receipted and registered. This Squid Jigging Catchbook and Factory sheet hardcopies should also be scanned and emailed to the following addresses: Dntiyantiya@dfre.gov.za and PPSQUID@dfre.gov.za

11.2.2 A **NIL RETURN** shall be submitted for any month when no fishing takes place; for example: closed season, personnel strikes or refit/vessel breakdown. The **Nil Return** form can be obtained from the Department's Port Elizabeth offices at 21 Stanley Street, Central, Port Elizabeth or requested *via* email from SquidJ@dfre.gov.za.

11.2.3 The Permit Holder must submit to the Department an electronic summary of fishing trips to squidj@dfre.gov.za for the periods 1 January – 30 June 2023 and 1 July - 31 December 2023 by 31 July 2023 and 31 January 2024 respectively.

The form shall list all landings as well as months/periods when a vessel has not fished.

12. RECORD KEEPING

- 12.1 The Permit Holder shall store at its registered place of business the original Permit issued to it. The Permit Holder shall, at all times, have available a true certified copy of this Permit on board the vessel utilised to harvest squid or if it is operating under an exemption, a copy of the exemption and of its granting of rights letter and/or the GPR for squid as issued on 28 February 2021.
- 12.2 The Permit Holder shall retain the receipts for all submitted Squid Jigging Catch Books as well as duplicate copies of said books for a minimum of 60 months after submission.

13. LEVIES

- 13.1 The Permit Holder shall pay the prescribed levies for the squid landed as stipulated in the Government Gazette No. 33518 published on 10 September 2010.
- 13.2 The Permit Holder shall submit a levy declaration form on or before the last working day of the month following the month in which squid was landed.
- 13.3 The Permit Holder shall pay all levy fees on or before the last working day of the month following the month in which squid levies were declared.
- 13.4 A nil levy declaration must be submitted for every month where no fish has been landed.
- 13.5 Late payment of levies and/or submission of the levy declarations will result in a penalty of **10%** of the levies payable being charged.
- 13.6 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 levy fees have been paid to the Department.
- 13.7 All declaration forms shall be submitted to the Directorate: Revenue Management via fax number **086 613 6256** or email to revenue@dffe.gov.za or hand delivered to:

Department of Agriculture, Forestry and Fisheries, Branch: Fisheries Management, Customer Service Centre, Ground Floor, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town, 8001, or post to: Marine Living Resources Fund Revenue Management, Private Bag x2, Vlaeberg, 8018. All enquiries related to levy accounts shall be directed to revenue@dffe.gov.za or telephone numbers: (021) 402 3209/3016.

- 13.8 Levies are payable 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 may be made via direct deposit at any First National Bank (FNB) branch or Electronic Funds Transfer (EFT) to the following banking details:

Bank:	First National Bank
Branch code:	210554
Account name:	Marine Living Resources Fund
Account number:	62123256382
Deposit reference:	Customer (Party) Number + LEV (e.g. P12345LEV) to be used as a deposit reference where an invoice has not been issued, invoice number to be used as a deposit reference where the Department has issued an invoice.

- 13.9 The Permit Holder must ensure that proof of payment together with the levy declaration form is faxed to 086 613 6256 or emailed to revenue@dffe.gov.za.
- 13.10 Request for invoices, receipts, and statements should be directed to rmenquiries@dffe.gov.za.

14. NON-COMPLIANCE

- 14.1 A breach of the provisions of the MLRA, its regulations and/or these Permit Conditions by the Permit Holder may result in the initiation of legal proceedings (which may include MLRA section 28 proceedings and or criminal proceedings).
- 14.2 A breach referred to in paragraph 14.1 includes, but is not limited to:
- 14.2.1 failure to provide information to which the Department is entitled or to submit information which is not true or correct;
- 14.2.2 failing to effectively utilise this permit.

- 14.3 The Permit Holder shall not land, sell, receive or process any fish taken by any means in contravention of the MLRA and applicable laws.
- 14.4 The Permit Holder shall not discard any waste material, garbage or pollutants into the sea; harbour; landing or 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 port.
- 14.5 No squid jigging jigs, jigging lines, box strapping or plastics may be discarded. Squid jigging jigs must be removed from any by-catch before it is returned to sea, except where the removal of squid jigging jigs from live discards (e.g. sharks) may endanger the safety of the crew or be detrimental to the survival of the animal.
- 14.6 No transshipment of catches is allowed.
- 14.7 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).
- 14.8 The Department may refuse to issue a subsequent permit or may cancel this Permit, should these Permit Conditions not be adhered to.

15. CONSULTATION AND COMMUNICATION

- 15.1 The Department will prefer to consult and communicate with the recognised industrial bodies and/ or interest groups in terms of the MLRA, which are representatives of Right Holders in the squid fishery.
- 15.2 Communication regarding all permits and licences 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 or 21 Stanley Street, Central, Port Elizabeth, 6000. The Customer Service Centre may be contacted on 086 000 3474 (Cape Town) and 041 582 1871 (Port Elizabeth).

16. OBSERVER PROGRAMME

- 16.1 The Permit Holder shall, when requested by the Department or its agent, accommodate an Observer on board the Permit Holder's nominated vessel(s).
- 16.2 The Observer shall be fully accommodated on board the vessel and provided with food and facilities of a level accorded to officers.
- 16.3 The Permit Holder shall bear the costs of the observer deployment.
- 16.4 The Permit Holder shall allow the Observer unrestricted access to monitor fishing activity and compliance with Permit Conditions and all applicable laws.

17. PROCESSING AND SALE OF FISH

- 17.1 All squid landed shall be delivered to a Fish Processing Establishment authorised in terms of the MLRA to process squid caught by the Permit Holder.
- 17.2 The Permit Holder shall issue an invoice/receipt to the purchaser indicating but not limited to the particulars of the FPE, Purchaser, Permit Holder, the mass of squid sold and the date of delivery/sale. A copy of this receipt shall be kept for a period of sixty (60) months at the registered place of business or the physical address of the Permit Holder as indicated in the permit.
- 17.3 The squid and the squid products shall be exported in terms of the export permit and its conditions issued in terms of the provisions of section 13 of the MLRA.

18. TRANSFER OF FISHING RIGHTS

- 18.1 The Right Holder shall only transfer the long-term commercial fishing right allocated to it in terms of section 21 of the MLRA, in accordance with the Policy for the Transfer of Commercial Fishing Rights (Government Gazette No 32449, 31 July 2009).
- 18.2 Any transfer of shares or sale of shares and/or membership interest shall be communicated to the Department within 30 days.

18.3 Any transfer of shares or sale of shares and/or membership interest that results in a change in control of the Right must be approved by the Department in terms of the Policy for the Transfer of Fishing Rights, 2009.

19. TRANSPORTATION OF FISH

All squid caught and landed in terms of the permit to undertake commercial fishing of squid in the 2023/2024 fishing season shall be transported in accordance with the 2023/2024 Squid Transport Permit and Permit Conditions thereof.

20. MEASURING FISHING PERFORMANCE

20.1 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:

20.1.1 data regarding transformation levels;

20.1.2 sustainable fishing practices;

20.1.3 data regarding investments made in the fishery and jobs created and sustained;

20.1.4 data regarding compliance initiatives.



ODWA DUBULA

DIRECTOR: INSHORE FISHERIES MANAGEMENT

DATE: 29.05.2023