

Permit Conditions: West Coast Rock Lobster (Offshore) Fishery

Fishing season: 2023/2024

DATE OF APPROVAL: 10.11.2023

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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 the Regulations promulgated thereunder;
 - (b) The National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) (NEMBA) and the Regulations promulgated thereunder;
 - (c) The National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003) (NEMPA) and the Regulations promulgated thereunder;
 - (d) The Sea Birds and Seals Protection Act, 1973 (Act No. 46 of 1973) (SBSPA) and the Regulations promulgated thereunder;
 - (e) Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) (ICMA) and the Regulations promulgated thereunder;
 - (f) The International Convention for the Prevention of Pollution from Ships Act, 1986 (Act No. 2 of 1986) (ICPPSA) and the Regulations promulgated thereunder.
 - (g) The Fire Arms Control Act, 2000 (Act No. 60 of 2000) (FACA) and the Regulations promulgated thereunder;
 - (h) South African Maritime Safety Authority Act, 1998 (Act No. 5 of 1998) (SAMSA) and the Regulations promulgated thereunder;
 - (i) The Animals Protection Act, 1962 (Act No. 71 of 1962) (APA) and the Regulations promulgated thereunder;
 - (j) The Standards Act, 2008 (Act No. 8 of 2008) (SA) and the Regulations promulgated thereunder;
 - (k) The National Regulator for Compulsory Specifications Act. 2008 (Act No. 5 of 2008) (NRCSA) and the Regulations promulgated thereunder;
 - (l) National Ports Authority Act, 2005 (Act No. 12 of 2005) (NPA) and the Regulations promulgated thereunder; and

- (m) The Companies Act, 2008 (Act No. 71 of 2008) (CA) 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 –
- (a) General Policy on the Allocation of Commercial Fishing Rights, 2021;
 - (b) West Coast Rock Lobster (Offshore) Fishery Policy, 2015; and
 - (c) 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 the relevant stakeholders.
- 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, or skippers of the Permit Holder.
- 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 28 of the MLRA;
 - (b) the quantum of the West Coast Rock Lobster to the Permit Holder is caught;
 - (c) the fishing season is terminated or ends; and
 - (d) the permit be revoked, cancelled or suspended in terms of Section 28 of the MLRA.
 - (e) the right granted to the Permit Holder in terms of Section 18 of the MLRA terminates.
- 2.3 The permit is valid for the following periods in each Zone or Area:
- 2.3.1. Zone B: this permit is valid from **15 November 2023** until **15 April 2024**;
 - 2.3.2. Area 7: this permit is valid from **15 November 2023** until **15 April 2024**;
 - 2.3.3. Areas 8 and 11: this permit is valid from **1 December 2023** to **30 April 2024**;
 - 2.3.4. Area 8: Deepwater: this permit is valid from **1 May 2024** until **30 June 2024**.

3. FISHING AREAS

3.1 The Permit Holder shall only harvest its West Coast Rock Lobster (offshore) allocation in the zone as set out in the permit and or Inter Area Schedule (IAS) within the following areas during the period of validity as indicated in the permit. In the event that the schedule is updated, the permit holder shall harvest the WCRL allocation according to the latest schedule.

3.2 Zone B:

The area between a line in the north (270° true bearing) drawn from the mouth of the Brak River and a line in the south (330° true bearing) drawn from the water tower at Dwarskersbos.

3.2.1 The Permit Holder shall not operate traps within a distance of 500 meters measured from the high water mark in the area westwards from, as a northern boundary, a line drawn (270° true bearing) from the Eland Hotel ($32^{\circ} 18.6'S$, $18^{\circ} 20.4'E$) at Elands Bay, and, as a southern boundary, a similar line drawn from the reef ($32^{\circ} 20.2'S$, $18^{\circ} 18.6'E$) situated at Mossel Bay in the Elands Bay area.

3.2.2 For the period **15 November 2023 – 15 April 2024** vessels in Zone B may set their traps on Sundays on condition that they launch from 12h00. The Permit Holder must adhere to the provisions of paragraphs 6.7, 6.8, 6.11 and 6.12.

3.3 Zone C:

The area between a line in the north (270° true bearing) from the water tower at Dwarskersbos, and a line in the south (330° true bearing) drawn from the co-ordinate $33^{\circ}15'00''S$ and $18^{\circ}07'00''E$, situated at Abrahamskraal.

3.4 Zone D:

The area between a line in the north (270° true bearing) at the co-ordinate $33^{\circ}15'00''S$ and $18^{\circ}07'00''E$ in respect of Zone C above and a line in the south (180° true bearing) drawn from the lighthouse at Cape Hangklip, excluding the area described as Zone E.

- 3.4.1 **Area 7:** The area between a line in the north (270° true bearing) drawn from the co-ordinate $33^{\circ}15'00''\text{S}$ and $18^{\circ}07'00''\text{E}$ in respect of Zone C above and as a southern boundary the northern beacon MB1 of the rock lobster sanctuary at Melkbos Point.
- 3.4.2 **Area 8:** The area with a northern boundary, a line (330° true bearing) drawn from the beacon HD1 of the Cape Peninsula Rock Lobster Sanctuary and as eastern boundary a line (180° true bearing) drawn from the lighthouse at Cape Hangklip.
- 3.4.3 The Permit Holder may not undertake fishing within 100 metres of the high-water mark between, as a northern boundary, a line drawn (330° true bearing) from Schusters Bay ($34^{\circ}12.1'\text{S}$, $18^{\circ}22.4'\text{E}$), and, as a southern boundary, a similar line drawn from Hoek van Bobbejaan ($34^{\circ}18.5'\text{S}$, $18^{\circ}24.2'\text{E}$). The Permit Holder shall remove only West Coast Rock Lobster from the area beyond 100 metres and must immediately return any other organism to the sea.
- 3.4.4 **Area 8 (Deep Water):** This area is a sub-area of the already described Area 8. Fishing will only be permitted from **1 May 2024** until **30 June 2024** in the area south of a straight line between Cape Point and Hangklip Lighthouse with a line due south 180° , at Hangklip Lighthouse as an eastern boundary and the western boundary moved to include the south of a straight line joining the coordinates $34^{\circ}24.0'\text{S}$, $18^{\circ}29.9'\text{E}$, $34^{\circ}23.2'\text{S}$, $18^{\circ}27.0'\text{E}$, $34^{\circ}18.6'\text{S}$, $18^{\circ}20.0'\text{E}$, and a line drawn 270° from $34^{\circ}18.6'\text{S}$, $18^{\circ}20.0'\text{E}$. No fishing within 2 nautical miles from Cape Point and Hangklip Lighthouse will be permitted.
- 3.4.5 For the period **15 November 2023 – 15 April 2024** vessels in Zone D may set their traps on Sundays on condition that they launch from 12h00. The Permit Holder must adhere to the provisions of paragraphs 6.7, 6.8, 6.11 and 6.12.
- 3.5 **Zone E: Area 11:** The area north of a straight line drawn from the lighthouse at Cape Point to the lighthouse at Cape Hangklip excluding the area within 1 nautical mile from the high-water mark in the area bounded by –

- (a) Northern boundary – a line (270° true bearing) drawn from the mouth of the Buffels River; and
- (b) Southern boundary – a line (270° true bearing) drawn from the lighthouse at Cape Hangklip.

3.6 The Permit Holder or any of its employees or agents shall not undertake commercial fishing in the Marine Protected Areas as stipulated in Section 43 of the MLRA.

4. 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 and ropes shall be on board, tied down and lashed to the fishing vessel, except where so permitted by legislation.

4.4 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 notification shall be sent via e-mail to: VMSops@dfpe.gov.za or faxed to: (021) 425 6497 or phone to: 021 402 3077/76.

4.5 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

5. **NOTIFICATIONS**

The Permit Holder shall only launch its vessel after having informed the relevant Fishery Control Officer before 16:00 on the day before going to sea and providing the relevant Fishery Control Officer (FCO) with full details of the vessel (name/number), name and landing code of the Right Holder, crew list, fishing area, the time he/she expects to launch and the expected time of landing the catch.

If the Permit Holder or authorized representative intends to cancel the planned fishing after notification, he or she must still notify the relevant Fishery Control Officer of the cancellation before 13:00 on the day that he or she planned to launch for fishing.

- 5.3 If the Permit Holder or authorized representative intends to change landing port after notification, he or she must notify both the relevant Fishery Control Officers of the affected landing ports before 14:00 on the day of fishing.
- 5.4 For the purpose of the activities mentioned in paragraphs 5.1, 5.2 and 5.3, the FCO must be notified in one of the following ways:
- 5.4.1 Dropping a notification in the notification box; or
 - 5.4.2 Sending a sms to the mobile cellphone number of the relevant FCO listed in Table 1; or
 - 5.4.3 Faxing a notification to the relevant fax number provided in Table 1.

Table 2. Compliance office contact details

FISHERY CONTROL OFFICE	FACSIMILE NUMBER	CELLPHONE NUMBER	CONTACT PERSON	EMAIL
DORINGBAAI	027-2151882	083 250 3413	Peter Horn	CHorne@dffe.gov.za
ELANDS BAY	022-972 1706	066 471 1288	Jacques Southey	JSouthey@dffe.gov.za
GANSBAAI	028-3841546	066 471 1509	Siseko Ndashe	SNdashe@dffe.gov.za
GORDONS BAY	021-856 5222 / 086 5058292	066 471 0774	Nomboniso Jozi	NNtlanganiso@dffe.gov.za
HERMANUS	028-3130502	071 581 1581 079 787 5681	Mzwandile Grootboom	MGrootboom@dffe.gov.za
HOUT BAY	No landline	071 977 1575 / 071 749 3858	Lebo Sekoboto	LSekoboto@dffe.gov.za
KALK BAY	021-788 1038	082 771 8890	Anel Nortier	ANortier@dffe.gov.za
KLEINMOND	028-271 5256	079 433 2952	Happy Mitileni	TMitileni@dffe.gov.za
KOMMETJIE	021-783 5853	071 977 1575 / 071 749 3858	Lebo Sekoboto	LSekoboto@dffe.gov.za
LAMBERTS BAY	027-432 1228	066 471 1552	Wally Cockrill	WCockrill@dffe.gov.za
PORT NOLLOTH	027-8518053	083 284 8525	Thulani Mthombeni	ThMthombeni@dffe.gov.za
SALDANHA BAY	022-7143997	066 471 1300	Wade Theron	WTheron@dffe.gov.za
ST HELENA BAY	022-7361530	083 250 9907	Willem Basson	WBasson@dffe.gov.za
VELDDRIFT / LAAIPEK	0227830407	066 471 1542	William Shilubane	WShilubane@dffe.gov.za

5.5 The fax and telephone numbers may change and it is the responsibility of the Right Holder to obtain the correct numbers from the relevant FCO before commencing with fishing. The Customer Services Centre may be contacted via email address CSCenquiries@dffe.gov.za for this purpose.

5.6 The Permit Holder must notify the Department must within 30 days of any change to its status, directors or members through the submission of an updated, valid and effective company/closed corporation certificate of confirmation (COR39) obtained from the Companies and Intellectual Property Commission (CIPC).

6. EFFORT LIMITATIONS AND GEAR RESTRICTIONS

6.1 The Permit Holder shall only harvest rock lobster from Monday to Friday (Weekdays including public holidays).

6.2 The Permit Holder shall only harvest the mass of West Coast Rock Lobster allocated to the Right Holder in its permit.

6.3 Commercial West Coast Rock Lobster vessels engaged in rock lobster fishing shall not carry any other fishing permit whilst fishing for Commercial and or small-scale West Coast Rock Lobster Offshore (e.g., traditional line fish (commercial, interim relief and small-scale permits), recreational fishing, etc.).

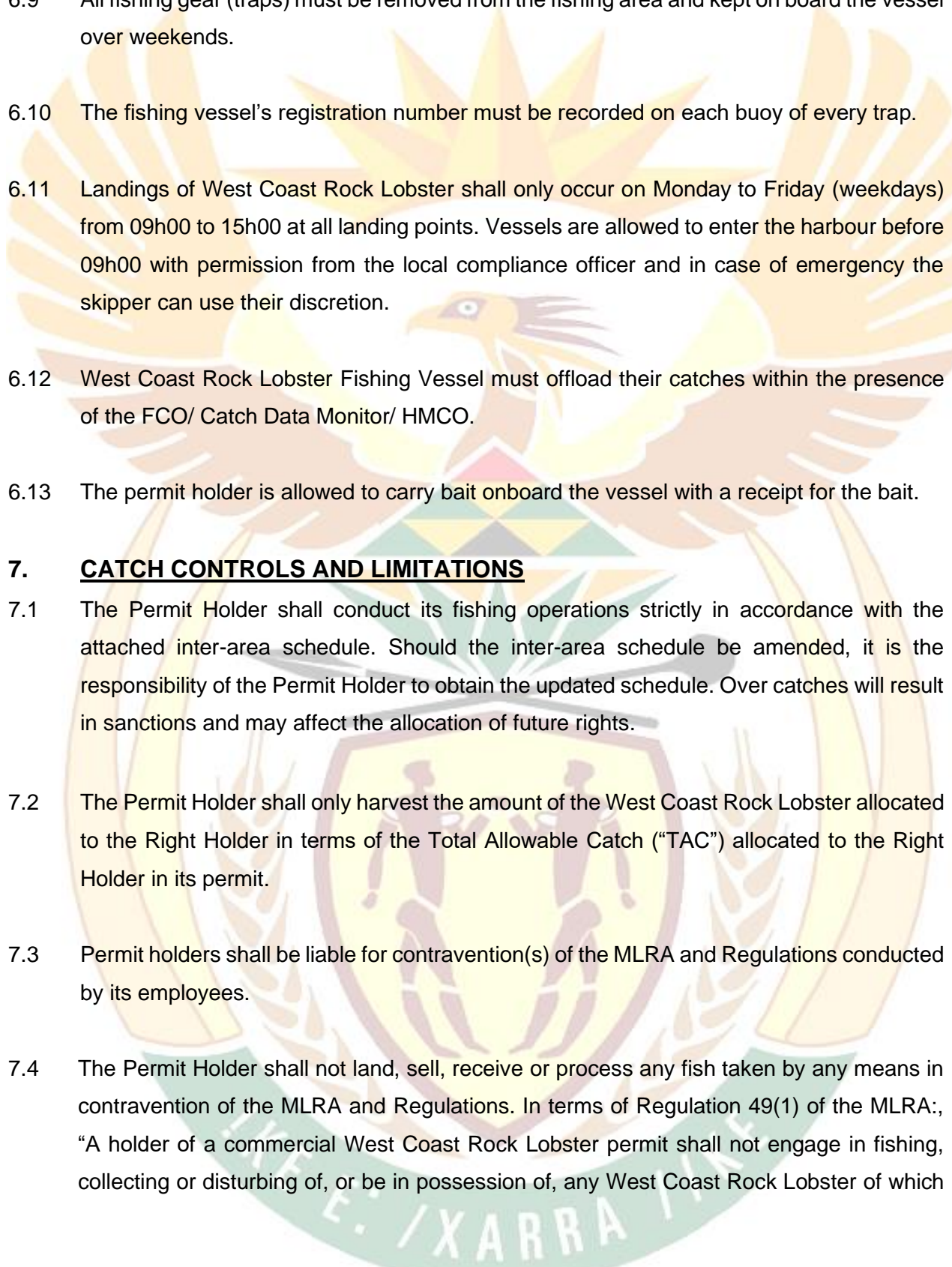
6.4 West Coast Rock Lobster vessel(s) may land for more than one Right Holders at any given time provided that such vessel has relevant fishing permits for all the Right Holders on board the vessel at the time of the landing.

6.5 The number of persons including a Permit Holder on board the vessel shall not exceed the number stated in the Fishing Vessel Licence.

6.6 Permitted gear is West Coast Rock Lobster traps only.

6.7 Traps may only be hauled between sunrise and sunset.

6.8 All right holders are responsible for safeguarding of their West Coast Rock Lobster fishing gear.

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- 6.9 All fishing gear (traps) must be removed from the fishing area and kept on board the vessel over weekends.
- 6.10 The fishing vessel's registration number must be recorded on each buoy of every trap.
- 6.11 Landings of West Coast Rock Lobster shall only occur on Monday to Friday (weekdays) from 09h00 to 15h00 at all landing points. Vessels are allowed to enter the harbour before 09h00 with permission from the local compliance officer and in case of emergency the skipper can use their discretion.
- 6.12 West Coast Rock Lobster Fishing Vessel must offload their catches within the presence of the FCO/ Catch Data Monitor/ HMCO.
- 6.13 The permit holder is allowed to carry bait onboard the vessel with a receipt for the bait.

7. CATCH CONTROLS AND LIMITATIONS

- 7.1 The Permit Holder shall conduct its fishing operations strictly in accordance with the attached inter-area schedule. Should the inter-area schedule be amended, it is the responsibility of the Permit Holder to obtain the updated schedule. Over catches will result in sanctions and may affect the allocation of future rights.
- 7.2 The Permit Holder shall only harvest the amount of the West Coast Rock Lobster allocated to the Right Holder in terms of the Total Allowable Catch ("TAC") allocated to the Right Holder in its permit.
- 7.3 Permit holders shall be liable for contravention(s) of the MLRA and Regulations conducted by its employees.
- 7.4 The Permit Holder shall not land, sell, receive or process any fish taken by any means in contravention of the MLRA and Regulations. In terms of Regulation 49(1) of the MLRA:, "A holder of a commercial West Coast Rock Lobster permit shall not engage in fishing, collecting or disturbing of, or be in possession of, any West Coast Rock Lobster of which

the length of the carapace is less than 75 mm or the length of the second segment along the dorsal midline of such tail is less than 19 mm”.

- 7.5 There shall be no transshipment of catches without the written authorisation from the Department. Should the Permit Holder tranship any catches, then proceeding in terms of Section 28 of the MLRA shall be instituted against the Permit Holder.
- 7.6 The Permit Holder shall immediately cease fishing once the whole mass of West Coast Rock Lobster as indicated in its permit is caught.
- 7.7 West Coast Rock Lobster caught in terms of this permit shall be weighed prior it being removed from the landing site of the landing port.
- 7.8 The Permit Holder/ Right Holder shall be responsible for any transgression onboard the vessel.
- 7.9 The Permit Holder shall not use the vessel(s) as indicated in its permit to catch or transport any fish caught on the authority of a recreational fishing permit during the period of validity of its permit.
- 7.10 The Permit Holder shall sort the catch in each and every trap and immediately return all under-sized rock lobster to sea prior to the hauling of the next trap.
- 7.11 Once the whole mass of West Coast Rock Lobster has been caught, the Permit Holder shall immediately remove all its traps from the sea.

8. REWARDS TAGGING

The Permit Holder shall ensure that all tagged West Coast Rock Lobster caught and/or tags collected/found are handed over to the relevant FCO/ Catch Data Monitor/ HMCO for which a reward of R10,00 per tagged West Coast Rock Lobster and R1,00 per tag shall be payable.

9. HANDLING OF OVER/UNDER CATCHES

- 9.1 In the event that the allocation of the Permit Holder is discovered to have been exceeded at the landing site upon return from the last fishing trip and verification by FCO/ Catch Data Monitor/ HMCO the excess may be transferred to another Permit Holder by mutual agreement between the parties, provided the transferee has been issued with a valid permit, has not yet caught its full allocation and provided they have been fishing on the same day and in the same Zone/Area.
- 9.2 The Permit Holder must return the excess caught West Coast Rock Lobster to sea in the event that there is no right holder to transfer it to as set out in paragraph 8.1.
- 9.3 Should the Permit Holder catch more than the allocated mass as set out in Section A of the permit, the excess mass will be automatically deducted from the Permit Holder's allocation for the following season. Should the Permit Holder catch more than ten percent (10%) of the allocated mass as set out in Section A of the permit, it may result, in addition to the automatic deduction, in the initiation of legal proceedings, which may include Section 28 proceedings and/or criminal proceedings against the Permit Holder/Right Holder and his/her employees (whether permanent, full-time or part-time), his/her contractors, agents or advisers or authorised representatives, the owner and/or the skipper of the vessel.
- 9.4 In the event that the Permit Holder does not harvest its allocation in full, the Department will not consider any application for rollovers.

10. VESSELS SPECIFICATIONS

- 10.1 The Permit Holder shall only use a suitable vessel to harvest rock lobster, i.e. a suitable vessel in the West Coast Rock Lobster (offshore) fishery is a vessel that:
- (a) has a SAMSA registered length of approximately 30 metres and a minimum length of approximately 8 metres;
 - (b) has a functioning vessel monitoring system; and
 - (c) is geared for trap fishing.

10.2 The Permit Holder shall ensure that the vessel is clearly marked in accordance with the provisions of Regulation 77 promulgated under the MLRA.

10.3 The Permit Holder shall affix the letter “K” on all vessels used for the catching of rock lobster and the letter must at all times be clear and legible.

11. VESSEL MONITORING SYSTEM (VMS)

11.1 The Permit Holder’s nominated fishing vessel shall be fitted with a functional vessel monitoring system ("VMS") approved by the Department.

11.2 It is the responsibility of the Permit Holder and/or Right Holder and or the authorised representative and or the Vessel 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 throughout whilst at sea.

11.3 The Permit Holder and/or Right Holder and/or the authorised representative and/or the relevant Vessel Skipper shall establish and ensure 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. Please refer to 3.1 and Table 1 for additional contact information.

11.4 Should the power supply be interrupted or the equipment become non-functional (for whatever reason), and the problem persist, the vessel shall proceed to the designated fishing harbour and/or port within twenty four hours of being informed of the problem by the Department.

11.5 Vessels fitted with Inmarsat C VMS units, wishing to switch off their units whilst alongside in port, shall do so only after a minimum of one (1) hour after berthing, and must switch on their units a minimum of one (1) hour prior to the 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.

- 11.6 The right holder and or Skipper, and or authorised representative shall ensure that their Vessels do not go to sea without a functional Vessel Monitoring System (VMS) as mentioned in paragraph 10.2 above.
- 11.7 The Permit Holder and/or vessel owner and/or skipper must inform the Departments Operations VMS Room at **021 402 3077** before 16h00, that the vessel is laying over.
- 11.8 Should the Permit Holder and/or Right Holder and/or the authorised representative not adhere to the provisions of the above, the Department may detain the vessel once in port and implement legal proceedings which may include application of Section 28 of the MLRA.

12. LANDING OF FISH

- 12.1 The Permit Holder shall only land its catches at the following designated landing sites:

12.1.1 Zone B:

- (a) Doring Bay- the seashore and jetty between the beacons marked B1, indicating the northern boundary, and B2, indicating the southern boundary, and situated near the fish processing establishment of Doring Bay Abalone Farm.
- (b) Lamberts Bay – the main landing quay in the fishing harbour; and
- (c) Elands Bay – the four landing quays near the old military camp on Bobbejaanpunt.

12.1.2 Zone C

- (a) St Helena Bay – the rock lobster landing quay situated in the fishing harbour at Sandy Point; and
- (b) Saldanha Bay – the rock lobster landing quay in the fishing harbour at Pepper Bay

12.1.3 Zone D: Area 7

- (a) Saldanha Bay – the rock lobster landing quay in the fishing harbour at Pepper Bay; and

- (b) Hout Bay - the two fish landing quays in the fishing harbour.

12.1.4 Zone D: Area 8

- (a) Hout Bay – the two fish landing quays in the fishing harbour;
(b) Kalk Bay – the fish landing quay in the fishing harbour;
(c) Gordons Bay -the fish landing quay in the fishing harbour;
(d) Hermanus - the finger quay between the main quay and breakwater wall;
and
(e) Gansbaai - the fish landing quay situated at the old part of the harbour.

12.1.5 Zone D: Area 8 (Deep Water)

- (a) Hout Bay – the two fish landing quays in the fishing harbour;
(b) Kalk Bay – the fish landing quay in the fishing harbour;
(c) Gordons Bay the fish landing quay in the fishing harbour;
(d) Hermanus - the finger quay between the main quay and breakwater wall;
and
(e) Gansbaai - the fish landing quay situated at the old part of the harbour.

12.1.6 Zone E: Area 11

- (a) Kalk Bay – the fish landing quay in the fishing harbour; and
(b) Gordon’s Bay – the fish landing quay in the fishing harbour.

12.2 The Permit Holder and/or the authorized representative shall at all times be present on the vessel used to harvest rock lobster.

12.3 The Permit Holder shall only land West Coast Rock Lobster (offshore) in a whole state in the presence of a FCO/ Catch Data Monitor/ HMCO at a designated landing site.

12.4 The Permit Holder shall ensure that all rock lobster landed is of a legal size of the length of the carapace of not less than 75 mm or the length of the second segment along the dorsal midline of such tail of not less than 19 mm.

- 12.5 The Permit Holder shall be deemed to have landed all the rock lobster once the vessel has been berthed. All rock lobster must be weighed and recorded over a calibrated mass meter situated at the landing site prior to the removal of such West Coast Rock Lobster from the landing site. The West Coast Rock Lobster Landing Form must be fully completed and signed. The original form must be submitted to the FCO/ Catch Data Monitor/ HMCO.
- 12.6 All catches must be weighed at the landing site. No weight loss allowance for water loss will be allowed when the rock lobster is weighed at the landing site. The weight at the landing site will be the recorded weight for the purposes of quantum control.
- 12.7 The onus is on the Permit Holder to ensure that all information including the weights that are recorded at the landing site is correctly recorded on the West Coast Rock Lobster Landing Form (i.e., the weight of holding bin was deducted).
- 12.8 Landings of West Coast Rock Lobster may only occur on Monday to Friday (week days, including public holidays) between 09h00 and 15h00 at all landing points.

13 SUBMISSION OF INFORMATION

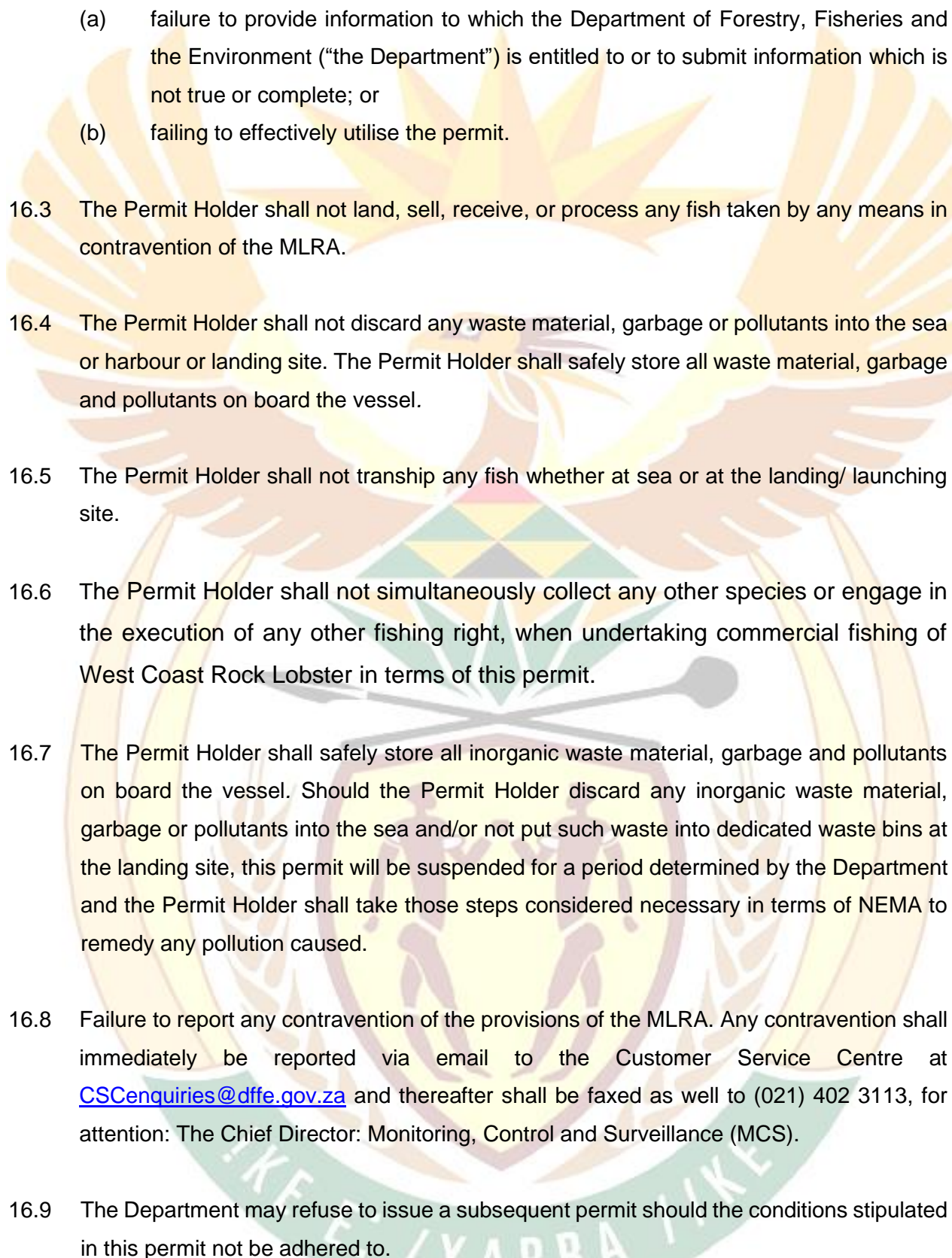
- 13.1 The Permit Holder shall submit to the Department (Right Holder Information, Attention: Deputy Director: Large Crustacean Fisheries Management, Customer Services Centre, Ground Floor, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town or Private Bag X2, Vlaeberg, 8018) notification of any change of contact details (including telephone, cellphone, email and address details) within 30 days of such change by completing the application form available at the Customer Services Centre.
- 13.2 Catch Statistics:
- (a) The Permit Holder shall be responsible for the completion of the West Coast Rock Lobster Landing Form/Slips. The form shall be signed by the Permit Holder or its authorised representative and the FCO/ Catch Data Monitor/ HMCO once all rock lobster have been weighed.
 - (b) The West Coast Rock Lobster Landing Form shall clearly reflect the Right Holder and shall be fully completed by the Permit Holder or authorised representative.

- (c) The properly completed and signed “**West Coast Rock Lobster Landing Form {(OM/EN 26/12/3 (Trap vessels – Any vessel operating with traps))}**”, shall be handed to the FCO/ Catch Data Monitor/ HMCO at the landing site.
 - (d) The Right Holder must submit a letter of permission for completing the landing slips which must be kept in the landing book at all times. A copy of the letter must also be forwarded to the Department (Attention: Fisheries Research; Tel (021) 402 3128; Fax (021) 402 3034) prior to the commencement of fishing operations by the relevant Permit Holder.
 - (e) The FCO/ Catch Data Monitor/ HMCO must first sign the original form(s) and then remove it from the book for further administrative processing.
 - (f) All information recorded on the forms referred to above will be regarded as final and that the Director: IFM will only consider requests for changes on receipt of a written application supported by an acceptable explanation which has been endorsed in writing by the appropriate FCO/ Catch Data Monitor/ HMCO. This request must be submitted to Marine Resources Management (Attention: Director: Inshore Fisheries Management Tel (021) 402 3187; Fax (021) 402 3734).
 - (g) The Permit Holder shall provide the first copy of all landings to the nominated Fish Processing Establishment(s) (FPE).
 - (h) All cancelled slips must be handed to the FCO/ Catch Data Monitor/ HMCO.
- 13.3 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.
- 14. RECORD KEEPING**
- 14.1 The Permit Holder shall store at its registered place of business the original permit(s) 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(s) on board the vessel utilised to harvest the West Coast Rock Lobster.
- 14.2 The Permit Holder shall keep the copy that is in the landing book for the duration of the right.

15. LEVIES

- 15.1 The Permit Holder shall submit a levy declaration form with all levy payments by the last working day of the month following the harvesting periods.
- 15.2 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.
- 15.3 Non-compliance will result in a 10% penalty being charged on the late submission of the prescribed levy declaration form.
- 15.4 The permit holder must submit together with all levy payments a levy declaration form.
- 15.5 A “NIL” return must be submitted for every month where no West Coast Rock Lobster has been landed once the permit has been activated until the end of the fishing season and or the expiry date of the permit.
- 15.6 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.
- 15.7 It is the responsibility of the Permit Holder to ensure that the levy declaration form(s) are submitted as stated in paragraph 14.1 and its account is paid up.
- 15.8 All declarations forms shall be submitted to the Directorate: Revenue Management by either of the following:
- 15.8.1 Facsimile – 086 613 6256
 - 15.8.2 Electronic mail – revenue@dffe.gov.za
 - 15.8.3 Postage – Private Bag x2, Vlaeberg, 8018
 - 15.8.4 By hand – Department of Forestry, Fisheries and the Environment, Branch: Fisheries Management, Customer Service Centre, Ground Floor, Martin Hammerslag Way, Foretrust Building, Foreshore, 8001.

- 15.8.5 All enquiries related to levy accounts must be directed to sbaartman@dfpe.gov.za, [sranqayi@dfpe.gov.za](mailto:srangayi@dfpe.gov.za) or sqaziyana@dfpe.gov.za or telephone numbers: 021 402 3016/3334.
- 15.9 The information required in condition 15.4 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 -
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@dfpe.gov.za.
- 15.10 Requests for statements and or receipts and or invoices should be directed to RMEnquiries@dfpe.gov.za.
- 16 VIOLATIONS**
- 16.1 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 authorised representatives, his or her or its employees (whether permanent or temporal), his or her or its contractors, agents, advisers or the skippers including walskippers may result in the initiation of legal proceedings, which may include section 28 proceedings and or criminal proceedings.
- 16.2 A breach referred in paragraph 15.1 includes, but is 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.
- 16.3 The Permit Holder shall not land, sell, receive, or process any fish taken by any means in contravention of the MLRA.
- 16.4 The Permit Holder shall not discard any waste material, garbage or pollutants into the sea or harbour or landing site. The Permit Holder shall safely store all waste material, garbage and pollutants on board the vessel.
- 16.5 The Permit Holder shall not tranship any fish whether at sea or at the landing/ launching site.
- 16.6 The Permit Holder shall not simultaneously collect any other species or engage in the execution of any other fishing right, when undertaking commercial fishing of West Coast Rock Lobster in terms of this permit.
- 16.7 The Permit Holder shall safely store all inorganic waste material, garbage and pollutants on board the vessel. Should the Permit Holder discard any inorganic waste material, garbage or pollutants into the sea and/or not put such waste into dedicated waste bins at the landing site, this permit will be suspended for a period determined by the Department and the Permit Holder shall take those steps considered necessary in terms of NEMA to remedy any pollution caused.
- 16.8 Failure to report any contravention of the provisions of the MLRA. Any contravention shall immediately be reported via email to the Customer Service Centre at CSCenquiries@dffe.gov.za and thereafter shall be faxed as well to (021) 402 3113, for attention: The Chief Director: Monitoring, Control and Surveillance (MCS).
- 16.9 The Department may refuse to issue a subsequent permit should the conditions stipulated in this permit not be adhered to.

17. CONSULTATION AND COMMUNICATION

- 17.1 The Department will prefer to consult and communicate with the recognised bodies and interested groups in terms of the MLRA and which are representative of Right Holders in this fishery.
- 17.2 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**.
- 17.3 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.

18. OBSERVER PROGRAMME

- 18.1 The Permit Holder shall, when requested by the Department or its agent, accommodate an Observer on board the Permit Holder's nominated vessel.
- 18.2 The Observer shall be fully accommodated on board the vessel and provided with food and facilities of a level accorded to officers.
- 18.3 The Permit Holder shall bear the costs of the observer deployment.
- 18.4 The Permit Holder shall allow the Observer unrestricted access to monitor fishing activity and compliance with permit conditions and all applicable laws.
- 18.5 Should the Department reasonably believe that an Observer is being prevented from carrying out his/her obligations in any way or threatened in any way while on board, the Department may implement proceedings under Section 28 of the MLRA.

19. PROCESSING AND SALE OF FISH

The Permit Holder shall issue an invoice to the purchaser only after permit condition 11 (Landing of fish) was completed. The invoice must indicate the particulars of the Fish Processing Establishment, Purchaser, Permit Holder, the whole mass of rock lobster sold, the date of delivery, and a copy of this receipt shall be kept for duration of the right at the registered place of business as indicated in this permit.

20. TRANSFER OF FISHING RIGHTS

- 20.1 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).
- 20.2 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). In addition, the Department's approval is required for all cases in which the sale or transfer of shares or a member's interest in a right holder result in a change of control of the entity, or in the entity being less transformed than it was at the date on which rights are allocated, with particular regard to any decrease in black ownership of such entity.
- 20.3 Approval for transfer of a right is not required if the sale of shares/members' interest does not result in change in control of the company or close corporation and the company or close corporation remains at least as transformed as at allocation of the long-term right. The Right Holder (except in the case of a public company) will still be required to inform the Department within 30 days so that the change in shareholding/members' interest can be recorded.
- 20.4 The Right Holder shall inform the Department of the deceased member and/or shareholder, in writing within 30 days, after such member and/or shareholder is deceased.

20.5 Failing to comply with condition 19.1 to 19.4 may lead to the initiation of further legal proceedings including but not limited to proceedings in terms of Section 28 of the MLRA.

21. TRANSPORTATION OF FISH

21.1 The Permit Holder shall only load the harvested West Coast Rock Lobster onto the vehicle indicated in the transport permit after it has been weighed.

21.2 The Permit Holder shall not transport West Coast Rock Lobster without being in possession of the following:

- (a) a valid West Coast Rock Lobster transport permit; and
- (b) a duly completed West Coast Rock Lobster Landing Form (the first copy – pink slips) in the **West Coast Rock Lobster Landing Book** signed by the Permit Holder and / or authorised representative and/or an FCO/ Catch Data Monitor/ Honorary Marine Conservation Officer (HMCO).

21.3 The Permit Holder shall transport and deliver the West Coast Rock Lobster only to the Fish Processing Establishment as stipulated in the catch permit in a whole state.

21.4 The Permit Holder shall deliver the West Coast Rock Lobster harvested to the Fish Processing Establishment on the same day that it has been landed using the shortest main route between the landing site and the Fish Processing Establishment.

22. FISHING PERFORMANCE MEASURING

22.1 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:

22.1.1 Data regarding transformation levels.

22.1.2 Sustainable fishing practices.

22.1.3 Data regarding investments made in the fishery and jobs created; and sustained.

22.1.4 Data regarding compliance initiatives.

22.1.5 Data regarding catch performance.

22.1.6 Data regarding levies paid.

22.2 Should the Permit Holder fail or refuse to provide information required to carry out a performance measuring exercise, the Department may initiate legal proceedings, which may include but not limited to Section 28 proceedings.

23. ECOSYSTEM EFFECTS OF FISHING

23.1 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.

23.2 Mitigation Measures for Marine Mammal Interactions:

23.2.1 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 shall be clearly marked with the vessel number.
- b) Shall endeavor, where the vessel's winch capacity will allow, to make use of a longline technique to reduce the number of horizontal marker buoy lines in the water column.
- 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 only be disposed of gear while the vessel is docked, and at zones designated by the port authority.
- f) Shall make every effort to recycle gear where and if possible.
- g) Shall cooperate with sharing information on the presence of marine mammals with other vessels in areas of high risk for abandoned, lost and discarded fishing gear (ALDFG).
- h) Must ensure that all surface buoy lines are tethered up to prevent excess line / free line from drifting on the surface (commonly referred to as "dog boning", Annexure A).
- i) 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.

23.3. Interactions with Marine Mammals and Release Procedures:

23.3.1. 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 B);
- 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.

23.3.2. 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.

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



DIRECTOR: INSHORE FISHERIES MANAGEMENT

DATE: 10.11.2023

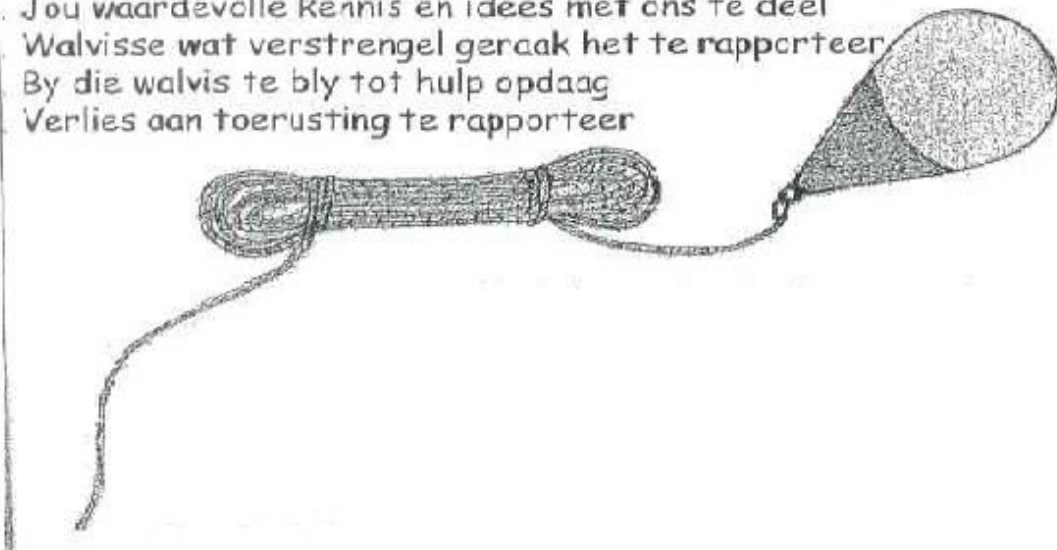
Annexure A



**Walvis getalle styg jaarliks, dus gaan dié
probleem nie weggaan nie...
Word deel van die oplossing!**

Help asb. deur:

- Die extra tou in 'n bondel op die water te bind (sogenaamde "dog-boning")
- Jou waardevolle kennis en idees met ons te deel
- Walvisse wat verstrengel geraak het te rapporteer
- By die walvis te bly tot hulp opdaag
- Verlies aan toerusting te rapporteer

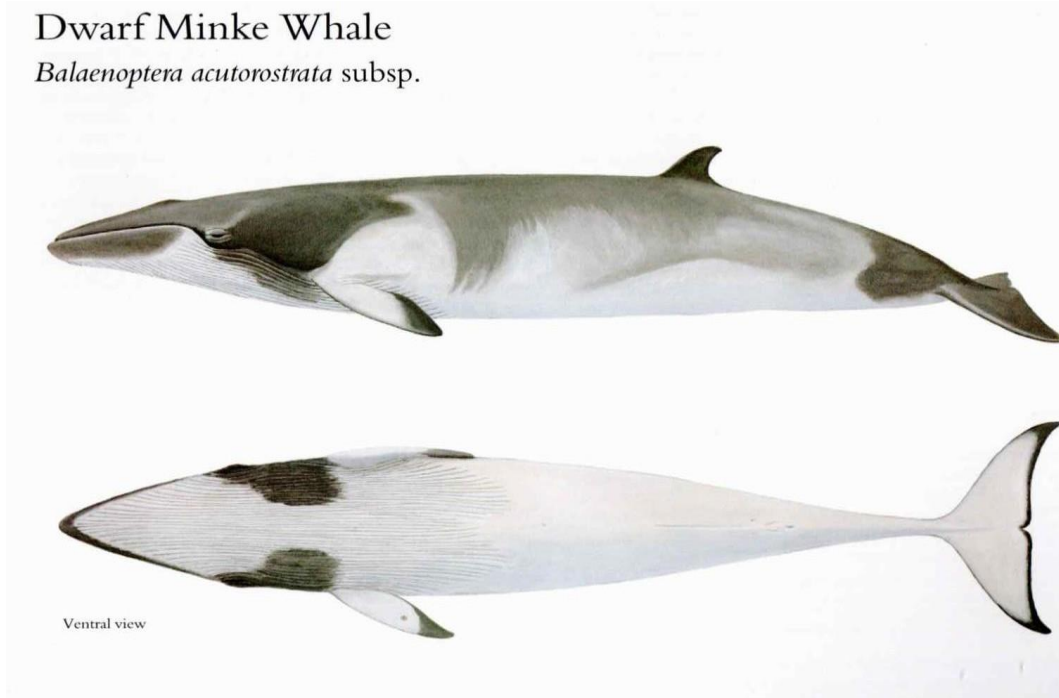


Annexure B

SOUTH AFRICAN WHALE DISENTANGLEMENT NETWORK WHALE IDENTIFICATION CHART

Dwarf Minke Whale

Balaenoptera acutorostrata subsp.

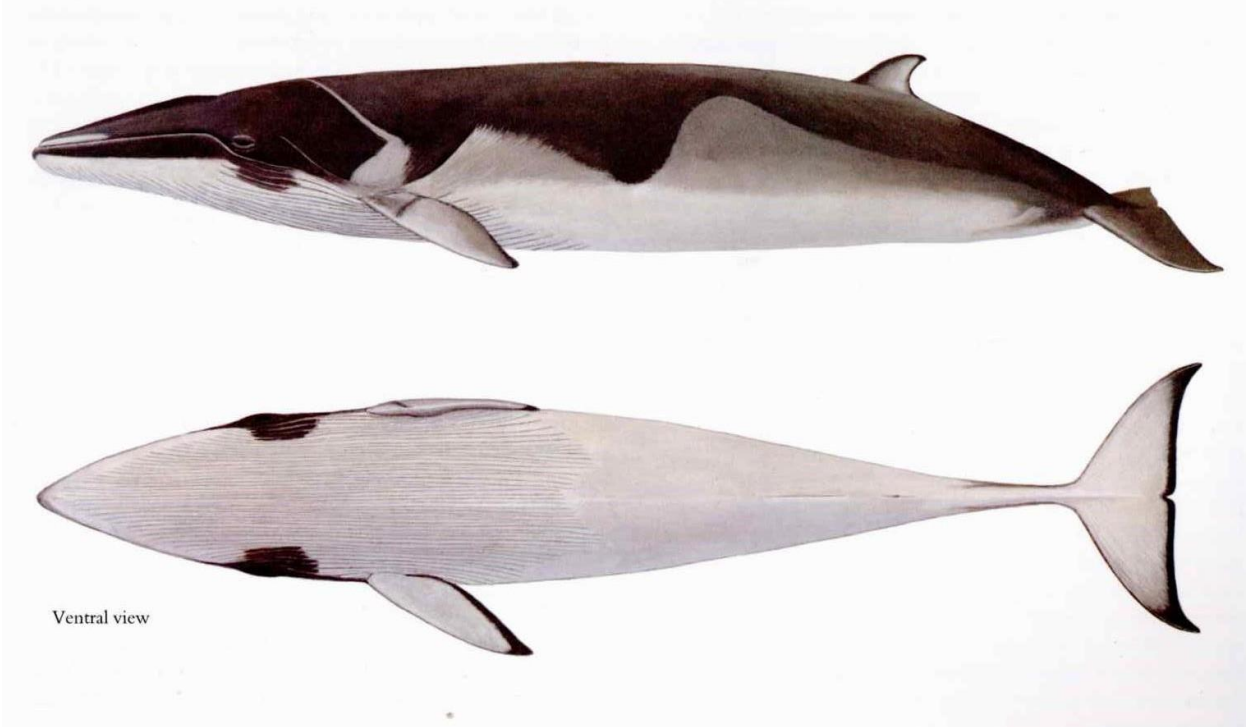


Minke whales are the second smallest baleen whale.

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.

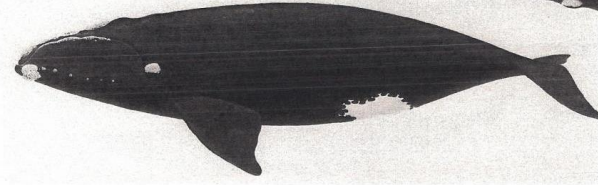
APPENDIX 2:

SOUTHERN RIGHT WHALE

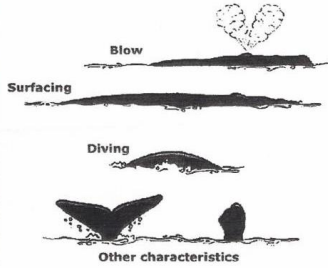
(*Eubaleana australis*)

Family **BALAENIDAE**
Southern Right Whale
Eubaleana australis

Dorsal view of head and callosity pattern



Southern Right Whale



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

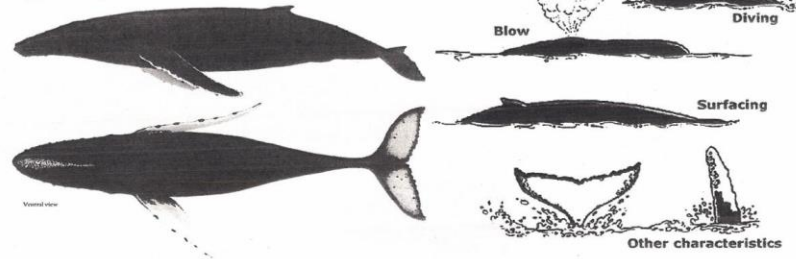
APPENDIX 3:

HUMPBACK WHALE

(*Megaptera novaeangliae*)

Family **BALAENOPTERIDAE**
Humpback Whale
Megaptera novaeangliae

Humpback Whale



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.

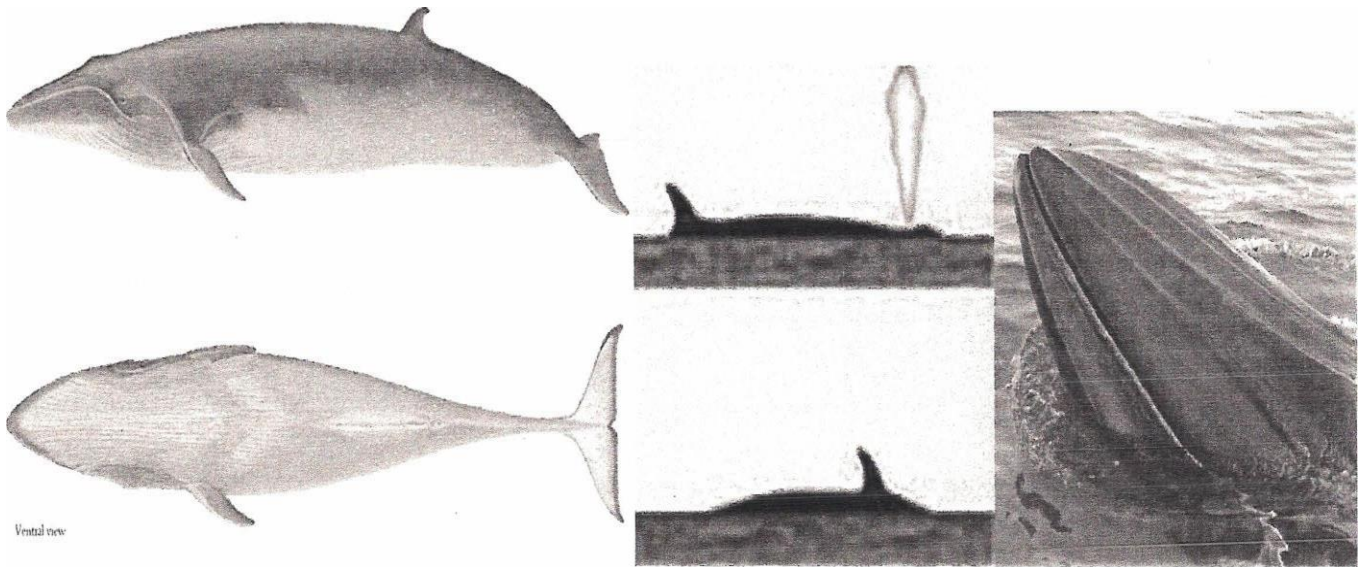
Behaviour: Travel singly or in pods of 6 – 8. Do not fear ships. Often leap out of the water (breach). Blow is upright, resembling a broad, bushy balloon about 3m high. They raise their tail flukes before diving and remain submerged between 3-28 minutes. They often slap the water with flukes or flippers.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