

SECTION B

Permit Conditions: Tuna Pole Fishery

Fishing season: 2013/2014

DATE OF APPROVAL: 30 December 2013

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agriculture, forestry & fisheries

Department:
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

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1. APPLICABLE ACTS, POLICIES AND DELEGATIONS

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

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

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- (k) The Standards Act, 2008 (Act No. 8 of 2008) (SA) and the Regulations promulgated thereunder;
 - (l) The National Regulator for Compulsory Specifications Act, 2008 (Act No. 5 of 2008) (NRCSA) and the Regulations promulgated thereunder;
 - (m) National Ports Authority Act, 2005 (Act No. 12 of 2005) (NPA) and the Regulations promulgated thereunder; and
 - (n) The Merchant shipping (Act, Act 57 of 1951) and the Regulations promulgated thereunder
 - (o) The Companies Act, 2008 (Act No. 71 of 2008) (CA) and the Regulations promulgated thereunder; and
 - (p) The Conservation Measures and Resolutions adopted by the:
 - i. International Commission for the Conservation of Atlantic Tunas;
 - ii. Indian Ocean Tuna Commission;
 - iii. Commission for the Conservation of Southern Bluefin Tuna.

1.2 This permit is issued subject to the further provisions of the –

- (a) General Policy on the Allocation and Management of Long-Term Commercial Fishing Rights, 2005;
- (b) Policy for the Allocation and Management of Commercial Fishing Rights of the Tuna Pole Fishery: 2005
- (c) Policy for the Transfer of Commercial Fishing Rights, 2009.

1.3 The Director: **Offshore and High Seas Fisheries Management** (D: OHFSM) shall be entitled to amend these permit conditions after consultation with the relevant stakeholders.

1.4 Any reference to the Permit Holder in these permit conditions includes the entity or person in whose name the long-term commercial fishing right is allocated to ("the Right Holder") by the Minister or the delegated authority.

- 1.5 Any reference to the Department in these permit conditions means the Department of Agriculture, Forestry and Fisheries.

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 if one or more of the following occur:
- (a) the right be cancelled or revoked in terms of Section 28 of the MLRA;
 - (b) the fishing season is terminated or ends; and
 - (c) the permit be revoked, cancelled or suspended in terms of section 28 of the MLRA.

3. FISHING AREAS

- 3.1 The permit is valid in South African waters (excluding tidal lagoons, tidal rivers and estuaries) and may be used on the high seas in conjunction with a high seas vessel licence.
- 3.2 The Permit Holder or any of his/her or its employees shall not undertake fishing, or take or destroy any fauna and flora, or in any way disturb alter or destroy the natural environment, or carry on any activity which may adversely impact on the ecosystems in Marine Protected Areas except where so permitted by the Minister in writing.
- 3.3 Fishing in other marine areas controlled by the South African National Parks, is subject to regulations, promulgated under the National Parks Act, 1976 (Act No. 57 of 1976) as amended.

4. NOTIFICATIONS

- 4.1 Prior to any fishing trip, the permit holder shall inform the local Fisheries, Fishery Control Office as per Annex 1.

- 4.2 The Permit Holder must inform the local Fishery Control Officer (**see Table 1**) either by SMS or Fax (A minimum of two hours) prior to the intended time of landing of the following:
- (a) The estimated time of arrival of the vessel;
 - (b) The harbour/port of arrival. If place of departure differs to the place of arrival then the local Fishery Control Office at both the departure and arrival port/harbour port should be notified of berthing details;
 - (c) The estimated total catch (all species combined) on board;
 - (d) The intended time of discharge of the fish and/or fish products; and
 - (e) Whether bigeye tuna is on board.
- 4.3 If the Permit Holder/ Vessel Owner wishes to fish in the EEZ of another country (e.g. Namibia) for part of the year the Permit Holder/ Vessel Owner is required to follow procedures as stipulated in Annex 2 of these permit conditions. Any fish caught under this charter arrangement will not accrue to South Africa. Furthermore, this performance will not be considered in any fishery performance reviews.

Table 1: Designated landing sites for the landing of catches made by tuna pole permit holders.

<u>LANDING SITES: COMMERCIAL TUNA POLE</u>		
Designated Landing Sites	Addresses for FCO Offices	RESPONSIBLE OFFICER
Cape Town Harbour	Foretrust Building Cape Town	Mr X. Wellem /Ms T.G. Polo 078 7063 194/ 073 323 2364 / 021 402 3428 / 3361 Fax: 021 402 3113/3367
Hout Bay Harbour	Harbour Road Fisheries office Hout Bay	Mr Lucas Finnish 021 790 1440 / 073 323 2364 / 083 443 5462 Fax: 021 790 2808
Mossel Bay Harbour	Aqua Plaza Mars Street Office 104, Mossel Bay	Mr. T.G. Fono 044 691 2939 / 083 957 7148 Fax: 044 691 1617
Kalkbay Harbour and Miller's Point slipway	Kalk Bay Harbour Fisheries Office Main Road, Kalk Bay	Ms A. Nortier 021 788 8313 / 021 788 1038 / 082771 8890 Fax: 021 788 1038
Gordons Bay Harbour	Kusweg 1 Gordons Baai Hawe Gordons Baai; 7140	Mr. H Stevens 021 856 1482 / 082 771 8892 Fax: 021 856 5222
Saldanha Bay Harbour	Saldanha Bay Harbour President Street; Saldanha	Mr. W. Theron 022 714 1710 / 082 771 9910 Fax:022 714 3997
St Helena Bay	Sandy Point Harbour	Mr W. Basson 022 736 1188 / 022 736 1530 /

<u>LANDING SITES: COMMERCIAL TUNA POLE</u>		
Designated Landing Sites	Adresses for FCO Offices	RESPONSIBLE OFFICER
		078 714 7422 022 736 1530
Hermanus Harbour	Hermanus New Harbour	Ms N. Jozi 073 264 5953 / 028 312 2609 Fax: 028 313 0502
Gansbaai Harbour	Gansbaai Harbour Office	Mr. Gilbert Mereki 083 351 8295/ 082 972 2062 028 384 0321 Fax: 028 384 1546
Port Elizabeth Harbour	21 Stanley Street Central P.E	Mr. D. W. Mostert – 041 586 4051 / 082 771 8906 Fax: 041 585 0385
Port Nolloth Harbour	Beach Road Way Port Nolloth 8280	Mr H.J De Kock 082 770 4207 027 851 8604 Fax: 027 851 8053

5. EFFORT LIMITATIONS AND GEAR RESTRICTIONS

- 5.1 The Permit Holder shall utilize handline / pole / rod and reel fishing gear only.
- 5.2 Other fishing gear, such as nets, may not be carried on board the vessel, unless the Permit holder has been issued with an exploratory live bait permit. In this case the vessel may have a net onboard as specified by the permit conditions of the exploratory live bait permit.
- 5.3 The use of any line or connected lines or fishing gear to which a total of more than 10 fishing hooks is attached, is prohibited.

6. CATCH CONTROLS AND LIMITATIONS

- 6.1 The maximum number of crew as stipulated on the permit shall not be exceeded. For this purpose, “crew” includes any person on board such vessel.
- 6.2 The Permit Holder shall primarily target tuna of the family Scombridae (excluding southern bluefin tuna and the genus *Scomberomorus* which are prohibited) by way of the handline / pole / rod and reel method;
 - (a) The catching of bigeye tuna and yellowfin tuna with a mass less than 3.2 kg is prohibited.
 - (b) Other species including snoek, angel fish, oil fish, escolar, dorado, wahoo and squid (excluding Chokka *Loligo vulgaris*) are permitted, but are not considered to be primary target species – no catch limits applies for these species.
 - (c) The Permit Holder may also land yellowtail by the handline / pole / rod and reel method, but shall not exceed the daily bag limit of 10 yellowtail (*Seriola lalandi*) per crew member. As daily bag limits shall not be accumulated over the duration of the trip, daily bag limits are in essence trip limits and shall apply to vessels fishing in South Africa’s EEZ and on the high seas.

- (d) Annex 3 gives an explanation of procedures for permit holders to be granted a concession to catch up to 50 yellowtail per crew member per trip.
- (e) On the high seas the greater amberjack (*S. dumerili*) and five fingerfin may also be landed subject to the permit holder having a high seas licence (no bag limits apply for these species. However, the greater amberjack shall only be landed whole, or gilled and gutted with head on).
- (f) Permit Holders in possession of an exploratory live bait permit may also catch sardine and anchovy in accordance with the limits prescribed by the exploratory live bait permit.

6.3 No other species of fish shall be retained by the Permit Holder.

6.4 No fishing hooks, fishing line or plastics may be discarded. All fishing hooks must be removed from offal before the offal is dumped. All fishing hooks must be removed from discards, save where the removal of hooks from live discards (e.g. sharks) may endanger the safety of the crew or be detrimental to the survival of the animal.

6.5 Whilst operating in terms of the provisions of this permit, the Permit Holder or any of his/her or its employees shall not activate the right afforded to him/her in terms of any other permit including recreational fishing permits. The only other permit that may be activated whilst operating under the provisions of this permit is the exploratory live bait permit.

6.6 No vessel registered as a commercial tuna pole vessel shall be used for recreational charters, i.e. only *bona fide* commercial South African fishers, who are in possession of valid SAMSA accredited pre-sea (PSSR) certificate, are allowed to make up the crew compliment.

7. HANDLING OF OVER/UNDER CATCHES AND PROHIBITED SPECIES

Not applicable

8. VESSELS SPECIFICATIONS

- 8.1 The Permit Holder shall display, on the vessel next to the registration letters and numbers (area code) assigned to the vessel by the Director-General, the letters “ **TP**” (Tuna Pole) followed by the number of crew reflected in Section A of this permit (e.g. **TP 12**).
- 8.2 The registration letters and numbers assigned to the vessel by the Director-General (the area code), must 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 (the number “1” excepted) and 2 cm in thickness (width of stroke). The space between adjacent letters and figures shall be between 2 cm and 5 cm.
- 8.3 Radio call signs must be clearly visible and displayed as stipulated in terms of regulation 78 of the Regulations promulgated under the Act.

9. VESSEL MONITORING SYSTEM (VMS)

- 9.1 The Permit Holder’s nominated fishing vessel shall be fitted with a functional vessel monitoring system (“VMS”), which is approved by the Chief Director, Monitoring, Control and Surveillance (CD: MCS).
- 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. The Permit Holder shall establish that the VMS unit is functional by contacting the **Operations Room** at the Branch: Fisheries Management during office hours (Monday to Friday 07:30-16:30) on telephone numbers **+27 21 402-3076** or **+27 21) 402-3077**, or via email daffops@daff.gov.za prior to sailing.
- 9.3 Whilst at sea, the VMS shall report continuously and uninterruptedly to the Operations Room. Should the power supply to the VMS be interrupted or the equipment not be operational for any reason whatsoever and the problem persists, the vessel shall return to port within 24 (twenty-four) 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. Such special arrangements shall include:

- (a) 3-hourly reporting of the vessel's position on email daffops@daff.gov.za or faxed to **+2721-425 6497**, and shall include the following: date; time (UTC); latitude and longitude degrees minutes and decimal minutes e.g. 36° 32.786' S; course (true direction), and; speed (knots).
- (b) Notice of estimated time of arrival;
- (c) Notice of port of arrival;
- (d) Inspection of the catch by a Fishery Control Officer/Monitor; and
- (e) A copy of the vessel track for the voyage for verification purposes.

The Department will keep a record of the frequency of VMS breakdowns in order to discourage repeated use/abuse of this special arrangements dispensation.

9.4 Vessels fitted with Inmarsat C VMS units, wishing to switch off their VMS units whilst alongside in port, shall do so only after a minimum of six (6) hours after berthing, and switch on their units a minimum of 6 (six) hours prior to their estimated time of departure from port.

9.5 In cases where VMS units are non-functional due to "technical" problems, and such Permit Holders'/ Rights 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 Operations Room Centre, fax number 021- 425 6497 or emailed to daffmcmops@daff.eat.gov.za

Only once written permission has been received from the Department (i.e. an exemption has been granted), 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/ Rights Holders, Vessel Owner/ Skipper of such vessels shall notify the Department's Operations Room on telephone numbers +2721 – 402 3076 or +2721 –

402 3077 or email daffops@daff.gov.za that they are proceeding to sea, and upon arrival back in port or launching site for the duration of the exemption

- 9.6 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 implement proceedings under Section 28 of the MLRA.

10. LANDING OF FISH

- 10.1 The permit holder shall ensure that all catches are discharged only at landing points approved by the Department (Table 1). The entire catch (including any by-catch) shall only be discharged at one landing point.
- 10.2 The Permit Holder must ensure that all fish is discharged from the vessel in accordance with the reasonable instructions of the Fishery Control Officer.
- 10.3 Either a Fishery Control Officer/ Monitor shall monitor the discharge if the catch includes species that require statistical documents for export, e.g. bigeye tuna. A completed landing declaration is required when applying for the necessary statistical documents. For further enquiries in this regard please contact Mr Craig Smith, tel no +2721 402 3048, cell: 082 481 8600.
- 10.4 The Permit Holder shall keep a record of all fish landed and sold, and such records shall at all times be available for inspection at the registered place of business by a Fishery Control Officer or authorised person.

11 SUBMISSION OF INFORMATION

- 11.1 The Permit Holder shall submit to the Department:
- (a) any change of contact details within 30 days of such change by completing the application form available at the Customer Services Centre and address the form to Right Holder Information, Attention: Deputy Director: Pelagic and High Seas Fisheries Management, Customer Services Centre, Ground Floor,

Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town or Private Bag X2, Roggebaai, 8012. .

- (b) performance statistics as stipulated in paragraph 20

11.2. Catch Statistics:

- (a) The Permit Holder shall render statistics as required in the prescribed numbered catch return book. Before the 15th of each month in respect of the previous month fished, the Permit Holder must complete one catch return sheet (including a “nil” return when trips are undertaken but no fish were caught) and deliver it, still attached to the catch return book by hand to the Customer Service Centre (Ground Floor, Foretrust Building, Martin Hammerschlag Rd). Certification and receipt of delivery will be confirmed by the copy of the catch statistics in the catch return book being stamped, dated and signed by an official of the Branch: Fisheries.
- (b) If a vessel has not been fishing for a particular month on this permit then a “No Fishing” catch return form must be submitted as prescribed in paragraph 11.2 (a).
- (c) Random fork length measurements are to be taken for 20% of the yellowfin catches made. This information is to be submitted together with the catch return book to the Department (Attention: Large Pelagic Research Section c/o Linefish Section).

11.3 Landing declarations

- (a) The Permit Holder shall complete a manual landing declaration form (Annex 4) by indicating the total weight by species as soon as possible after each trip and shall ensure that the form is countersigned by either the Factory Manager/ Monitor / FCO. The completed countersigned form shall be submitted by the 15th day of the following month to the Customer Service Centre, Fisheries, for attention Pelagic and High Seas Fisheries Management. Copies of the completed landing declaration form shall be retained for 60 months.

- (b) All manual landing declarations (including for January 2013) have to be updated on an electronic monthly summary as per Annex 5 and e-mailed in Excel format to PheobiusM@daff.gov.za and CraigS@daff.gov.za by the 15th of every month (For example all landings in January need to be reported by 15 February). The file must be saved in the companies' abbreviated name; month and year e.g. The Oceans submitting data in February would save the file name as follows TO022013. The e-mail subject heading shall be addressed as follows:
- (i) If one attachment – the abbreviated company name – Tuna pole, data and Month eg **Braveheart Fishing CC** for the Month of January = BFCC Tuna pole MS Jan
 - (ii) If more than one – the same as in (i) – take the first company name of the first attachment only and add a **V** at the beginning of the subject eg if **Braveheart Fishing CC** and **Zimbini 20 (Pty) Ltd** data are include in the same email = VBFCC Tuna pole MS Jan.
- (c) If no fishing or no catches have been made in a month then this too shall be reported on the electronic monthly summary.
- (d) Failure to comply with conditions 11.3 (a,b,c) shall result in criminal proceedings being instituted against the Permit Holder which may be in the form of a fine being issued. Furthermore the Department may detain the vessel until the outstanding information has been provided as set out in paragraph 11.3 (a) and (b) above. In addition the Department may institute section 28 proceedings against the Permit Holder for failing to comply with the permit conditions as set out in 11.3(a) and (b);
- (e) Any corrections made on a landing declaration form has to be countersigned by either the Factory Manager / Monitor / Fishery Control Officer in order for the form to be valid. (No typex shall be used to correct mistakes).

11.4 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.

12. RECORD KEEPING

12.1 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 Tuna using tuna pole gear.

12.2 The Permit Holder shall keep the second copy of all catch returns and landing declarations for a minimum period of sixty (60) months.

13. LEVIES

13.1 The Permit Holder must pay the prescribed levies for the fish landed, according to the weight declared on the landing declaration for species as stipulated in the Government Gazette No. 33518, published on 10 September 2010.

13.2 The Permit Holder shall submit a levy declaration form (Annex 6) with all levy payments by the last working day of the month following the harvesting periods stated below in paragraph 13.3.

13.3 All levies and fees shall be paid monthly in arrears and by the last working day of the month following the harvesting period (e.g. February 2013 levies are due by the 30 March 2013) for the 2013/2014 fishing season as stated below:

(a) 1 February 2013 to 31 January 2014.

13.4 Non-compliance will result in a 10% penalty being charged on the late submission of the prescribed levy declaration form.

- 13.5 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.
- 13.6 A "NIL" levy declaration form must be submitted for every month where no fish has been landed.
- 13.7 All levy declaration forms shall be submitted to the Directorate: Revenue Management by either of the following:
- (a) Facsimile – 086 613 6256
 - (b) Electronic mail – revenue@daff.gov.za
 - (c) Postage – Private Bag x2, Roggebaai, 8012
 - (d) By hand – Department of Agriculture, Forestry and Fisheries, Branch: Fisheries Management, Customer Service Centre, Ground Floor, Martin Hammerschlag Way, Foretrust Building, Foreshore, 8001
 - (e) Enquiries can be directed to SarahB@daff.gov.za or SiyasangaQ@daff.gov.za or via telephone on numbers +2721 402 3016/3209.
- 13.8 The information required in condition 13.2 shall be submitted when paying levies to the cashier at the Department of Agriculture, Forestry and Fisheries, Branch: Fisheries Management, 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 – 204109**
- 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@daff.gov.za.**

14. VIOLATIONS

- 14.1 A breach of the provisions of the MLRA or these permit conditions by the Permit Holder, or its employees (whether permanent, full-time or part-time), its contractors, agents or advisers and the skipper of the vessel, may result in the initiation of legal proceedings (which may include section 28 proceedings and or criminal proceedings).
- 14.2 A breach referred in paragraph 14.1 includes, but is not limited to:
- (a) failure to provide information to which the Department is entitled to or to submit information which is not true or complete; or
 - (b) failing to effectively utilise the permit.
- 14.3 The Permit Holder shall not land, sell, receive or process any fish taken by any means in contravention of the MLRA.
- 14.4 No transshipment at sea shall be permitted. Transshipment in port shall be permitted subject to the issuing of a transshipment permit; should the permit holder tranship without the written authorisation of the Department may institute legal proceedings including but not limited to proceedings in terms of section 28 of the MLRA.
- 14.5 The Permit Holder may only harvest the fish in terms of the total applied effort (“TAE”) allocated to it under **Section A**. Fishing over these limits will result in the initiation of legal proceedings.
- 14.6 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 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.
- 14.6 Any contravention of the MLRA shall immediately be reported telephonically to the Customer Service Centre at **(021) 402 3180/402 3443** or faxed to **(021) 402 3663**, Attention: The Chief Director: Monitoring, Control and Surveillance (MCS).

- 14.7 The Department may refuse to issue a subsequent permit should the conditions stipulated in this permit not be adhered to.

15. CONSULTATION AND COMMUNICATION

- 15.1 The Permit Holder may contact the Department in one of the following ways (all correspondence must be clearly marked as to subject matter:

<p><u>By mail</u></p> <p>Subject: Customer Services Centre, Private Bag X2, Roggebaai, 8012 Attn: Craig Smith/ Johan De Goede/ Pheobius Mullins</p>	<p><u>By Hand</u></p> <p>Subject: Customer Services Centre, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town Attn: Craig Smith/ Johan De Goede/ Pheobius Mullins</p>	<p><u>By Email</u></p> <p>CraigS@daff.gov.za JohannesDG@daff.gov.za PheobiusM@daff.gov.za</p> <hr/> <p><u>By Fax</u></p> <p>021 402 3622 021 402 3618</p> <hr/> <p><u>By Telephone</u></p> <p>021 402 3048 (082 481 8600) 021 402 3683 (083 461 4522) 021 402 3633 (084 332 2292)</p>
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- 15.2 The Department will prefer to consult and communicate with the recognised bodies, which are currently the South African Tuna Association (SATA) and the Fresh Tuna Exporters Association (FTEA), and interested groups in terms of the MLRA.
- 15.3 Communication regarding collection of all permits and licences 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.
- 15.4 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.

16. OBSERVER PROGRAMME

- 16.1 The Department may require the Permit Holder to carry one or more scientific observers on board its vessel at times during the fishing season.

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 scientific observer deployment.

16.4 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.

16.5 The Department will progressively increase the land-based Observer coverage of this fishery.

17. **PROCESSING AND SALE OF FISH**

17.1 The Permit Holder (or vessel owning company where catch agreements) shall keep at its registered place of business records of invoices issued for all fish sold for a maximum period of 60 months. The invoice shall reflect the name of the permit holder (or vessel owning company where there is a catch agreement), the name and address of the buyer, the date of delivery, the quantity of fish species sold by total weight and number.

18. **TRANSFER OF FISHING RIGHTS**

18.1 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).

18.2 Any transfer of shares or sale of shares and/or or membership interest that results in a change in control or ownership of the Permit Holder must be approved by the Department in terms of section 21.

18.3 Failing to comply with 18.1 or 18.2 may lead to the initiation of further legal proceedings including but not limited to proceedings in terms of section 28 of the MLRA.

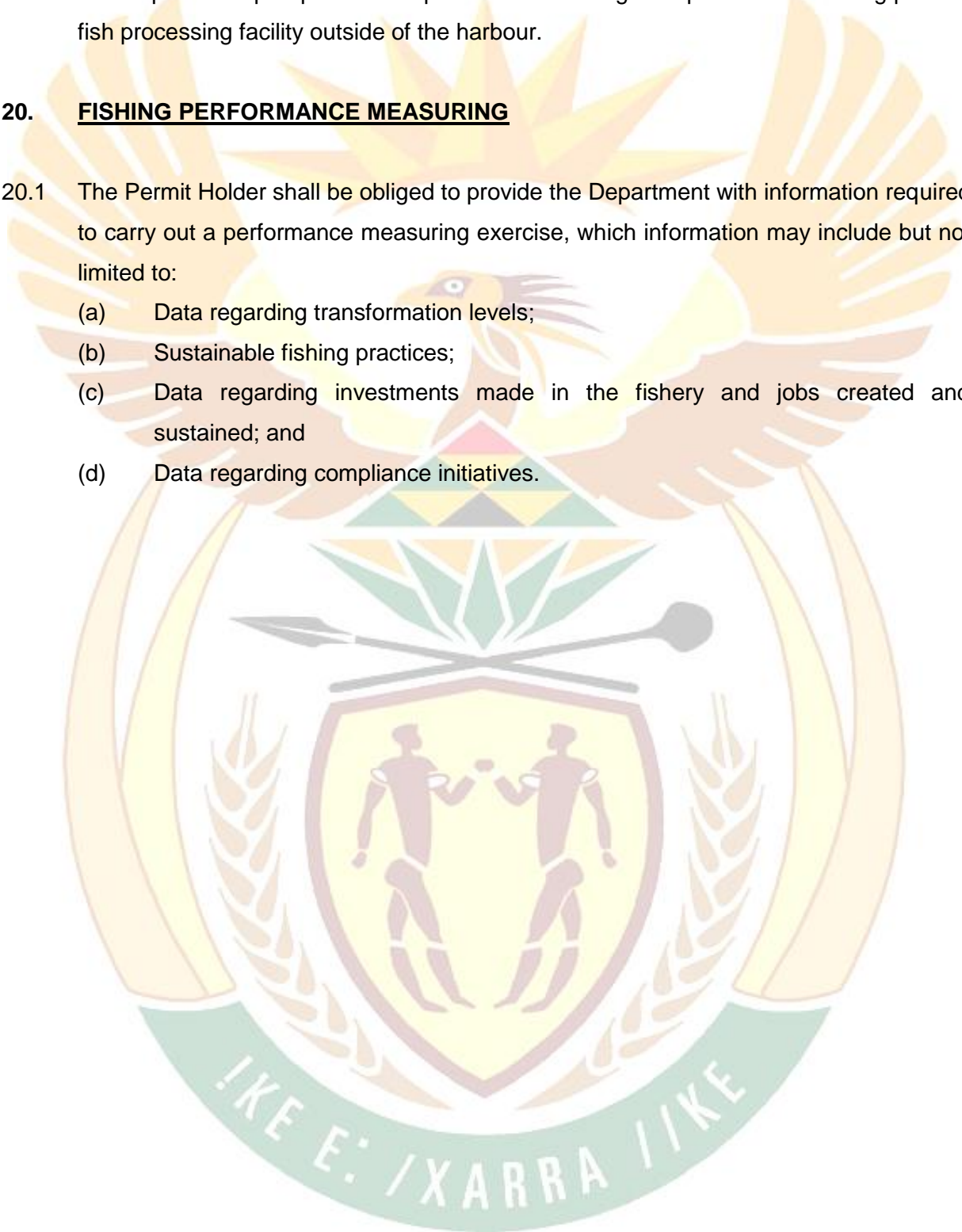
19. TRANSPORTATION OF FISH

A tuna pole transport permit is required if fish is being transported from landing point to fish processing facility outside of the harbour.

20. FISHING PERFORMANCE MEASURING

20.1 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:

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



21 ECOSYSTEM EFFECTS OF FISHING

- 21.1 The deliberate killing of seabirds is prohibited. If a seabird is caught while trolling then the Permit Holder shall immediately stop the vessel. The greatest care must be taken to ensure the survival of the seabird during the unhooking and releasing process.
- 21.2 The Permit Holder must take cognisance of sustainable fishing practices and impacts of tuna pole operations on the ecosystem. A specific concern is the impact of lost “strops” (cords used to hang fish during freezing) during discharge procedures. Cape fur seals subsequently become entangled in these strops resulting in mutilation of these mammals and in many cases a slow agonising death. In order to solve this problem the Permit Holder is to ensure that “strops” used during freezing and discharge are to be constructed according to the following specifications;
- a) A double strand of polypropylene cord (or better still any biodegradable material) rather than being made into one large circle is to be restricted to a maximum size of circle by knotting the rope to limit the hole size to a maximum of 80mm between knots. (See Figure 1 for clarity).

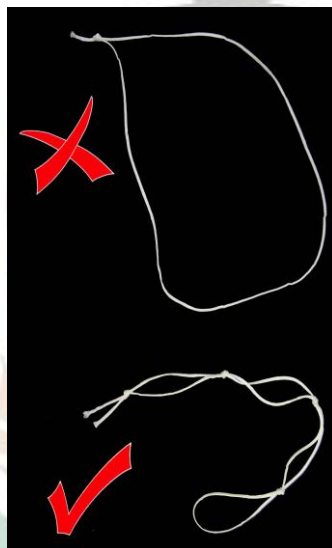


Figure 1. An example of correct “strops” to use to avoid seal entanglement.

- b) The minimum stretch length between knots may not exceed the stipulated 80mm. This design allows the application of the strops as originally used but will ensure that seals cannot become entangled in the loops.

21.3 Marine protected areas: The Department intends declaring offshore marine protected areas in the future.



DIRECTOR: OFFSHORE AND HIGHSEAS FISHERIES MANAGEMENT

DATE: 30 December 2013



Annexure 1



**DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES
REPUBLIC OF SOUTH AFRICA**

TUNA POLE NOTIFICATION FORM IN TERMS OF PERMIT CONDITION 4.1

Vessel name: _____

Registration No: _____

Right Holder: _____

Permit No: _____

Skipper Name: _____

Skipper Cell No: _____

Alternate Person's No (land based): _____

Vessel Type: (Ice boat or Freezer vessel): _____

Departure Date: _____

Expected date of return: _____

Expected port of return: _____

Important information

1. All fields of this notification form are to be completed.
2. The notification form shall be submitted prior to the vessel departing.
3. The notification form may only be faxed to the local Fishery Control Office where the vessel will be departing from or alternatively the notification box at the local Fishery Control Office may be used to hand deliver the notification.
4. The following fax numbers are to be used: Cape Town (021 4023113), Hout Bay (021 7902808), Mossel Bay (044 6911617), Kalk Bay/ Millers Point (021 7881038), Gordons Bay (021 8565222), Saldanha Bay (022 7143997), St Helena Bay (022 7361530), Hermanus (028 3130502), Gansbaai (028 3841546), Port Elizabeth (041 5850385), Port Nolloth (021 8518053).
5. You may address all queries pertaining to the new monitoring protocols for the tuna pole sector to the local station manager.

Annexure 2

**PROCEDURES FOR CHARTERING OF SOUTH AFRICAN VESSELS
BY OTHER COUNTRIES**

Some South African tuna pole vessels, in particular, have for many years engaged in fishing operations in Namibia under charter agreement. As these operations were done on an informal basis it has resulted in the duplication of catch reporting to the International Commission for the Conservation of Atlantic Tunas (ICCAT) and has jeopardized the management of the fishery. This notice serves to formalize chartering procedures for South African vessels by other countries so that South Africa can comply with the reporting requirements of ICCAT Rec [02-21]. The following procedures shall apply:

- 1) The Fisheries Authority of the chartering country is to inform the Department (Marine Resource Management: Pelagic and High Seas Fisheries Management) of the company the South African vessel will be fishing for and that the chartering country will take full responsibility for managing the South African vessel for the duration of the charter period (a realistic charter period should be provided). The management of the vessel will include VMS reporting, observer coverage, port inspection, size sampling, and catch reporting to the relevant Regional Fisheries Management Organisations. It is only upon this request from the Fisheries Authority of the chartering country that the Department will consider approving the charter operation and giving consent for catches to accrue to the chartering country. It should be noted that the intention for chartering foreign vessels is to develop a countries fishery and should not persist indefinitely.
- 2) It is the Right Holder's responsibility to return the original catch permit to the Department (Attention: Craig Smith/Johan De Goede/ Pheobius Mullins, Pelagics and High Seas Fisheries Management) for cancellation. Upon cancellation of the permit the Department will provide written authorization for the vessel to be chartered. 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).

- 3) Should the charter period straddle two fishing seasons then the Right Holder shall notify the Department of the vessels intention to fish in the South African fishery later in the new fishing season by submitting relevant permit applications prior to 1 February of the new season. (On the application the Right Holder should inform the Department that the vessel is currently chartered in a foreign country and will only collect the permit upon the vessel's return to South Africa.)
- 4) Prior to the issuing of the South African catch permit the permit holder would need to demonstrate that the vessel's VMS is reporting to Department base station (an updated certificate from the Department's operations office is required). In addition, a FCO has to inspect the vessel on docking to ensure that no fish is on board. Lastly, the Right holder shall provide an electronic overall catch summary by species as per Annex 4 in Excel format to the Department (CraigS@daff.gov.za and PheobiusM@daff.gov.za) of catches made under charter. These catch statistics have to indicate that the fish was caught under charter so as to avoid duplication of reporting.
- 5) Catches made while chartering for another country will not be accepted by the Department when conducting the sector-specific performance reviews. Moreover, permit holders who primarily fish for other countries may have their South African fishing rights revoked.
- 6) In terms of the EU catch certificates for fish caught under charter the following requirements needs to be adhered to:
 - a) The vessel needs to have a valid fishing vessel licence issued by the flag state and released on the South African web-based EU IUU Catch Certificate System.
 - b) The exporter of the fish products caught under charter needs to be registered on the South African web-based EU IUU Catch Certificate System (www.catchcertificate.co.za).
 - c) A South African catch certificate must be used to export fish product from a South African flagged vessel.

Annexure 3**MANAGEMENT MEASURES APPLICABLE TO THE CONCESSION TO CATCH****50 YELLOWTAIL PER CREW MEMBER**

This temporary concession has been adopted solely to improve South Africa's tuna catch performance by improving the economic feasibility of tuna vessels searching for tuna (particularly albacore) north of Cape Columbine.

Management measures:

- 1) Only the Fresh Tuna Exporters Association (FTEA) and the South African Tuna Association may make nominations to the Department (Attention Craig Smith/ Johan De Goede/ Pheobius Mullins).
- 2) The concession shall allow the Permit Holder to catch a maximum of 50 yellowtail per crew member per trip if the vessel has only fished north of Cape Columbine (i.e. north of 32° 45' S) for that particular trip.
- 3) Any fishing south of Cape Columbine will nullify the concession.
- 4) The individual concessions shall only be valid for a maximum period of 1 month from date of issue. If a concession is not being utilized it may be returned to the Department to be issued to another Permit Holder.
- 5) Permit Holders in possession of the concession are required to notify their associations immediately of the geographic co-ordinates where tuna is caught.
- 6) The Permit Holder has to land the yellowtail together with all the other fish species at one of the designated landing sites (Table 1) within the validity period of the concession.
- 7) All Permit Holders in possession of a valid concession shall have their discharges monitored by a Fishery Control Officer/ Fishery Monitor.
- 8) All landing declarations of fish landed during the validity period of the concession must be submitted within one week via the association to the Department (Attention Craig Smith/ Johan De Goede/ Pheobius Mullins).
- 9) The Department may implement proceedings under section 28 of Act against any Permit Holder that has not adhered to these management measures.

Annexure 4



DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES
REPUBLIC OF SOUTH AFRICA

Branch: Fisheries Management
Tel: 021-402 3048 Fax: 021-402 3622

TUNA POLE
LANDING DECLARATION SHEET

Vessel name: _____ Registration No: _____
 Right Holder: _____ Permit No: _____
 Factory Name: _____ Date: _____
 Harbour Name: _____ Gear Type: _____
 Cell Number: _____

SPECIES	NUMBER OF FROZEN FISH	NUMBER OF FRESH FISH	TOTAL WEIGHT PER SPECIES (kg)
Bigeye Tuna			
Yellowfin Tuna			
Longfin Tuna (albacore)			
Yellowtail			
Snoek			
Dorado			
Oilfish			
Angel Fish			
Other			

Declaration: *To the best of my knowledge, the figures reported are correct and are the true reflection of the vessel's landed catch.*

	Print Name	Signature	Date
Skipper/Owner:	_____	_____	_____
Monitor:	_____	_____	_____
Fishery Control Officer:	_____	_____	_____
Factory Manager:	_____	_____	_____

Comments:

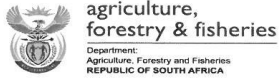
Annexure 5

Electronic monthly summary of landing declarations

Cell number:

Permit Holder	Vessel	Trip	Port	Trip start	Trip end	Albacore	Yellowfin	Yellowtail	Snoek	Other (please specify)				
										Name	No	Landed	Date	date
Lucky Trading	Swift	1	Hout Bay	1/5/2009	13/5/2009	100	1560	3000	0					
Lucky Trading	Swift	2	Cape Town	29/5/2009	10/6/2009	200	3030	1210	75					

Annexure 6



**DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES
FISHERIES MANAGEMENT
SECTION 10(2)(g) MARINE LIVING RECOURCES ACT, 1998 (NO. 18 OF 1998)**

TUNA (POLE OR LINE METHOD)

1 CATCH LEVY RETURN FOR THE MONTH:20.....

2 CUSTOMER REFERENCE NUMBER:

3 NAME OF PERMIT HOLDER:

4 ADDRESS:

5 Telephone number:

6 Season:

7 Particulars of Tuna caught:

Product Category	Total Mass in kg	Tarriff per kg	Levy Payable
Tuna		R 0.142 per kg	
Tuna bycatch		R 0.111 per kg	
TOTAL			

8 My remittance of R is attached.

9 I certify that the particulars above are correct and true in all respects.

.....
SIGNATURE DATE

FOR OFFICIAL USE ONLY						
RECEIPT NUMER	RECEIPT DATE	AMOUNT RECEIVED R	INVOICE DATE	MAST INVOICE	PENALTY INVOICE	PARTY NUMBER

- Note:** Payment of the above levy on fish or fish products may be made as follows:
1. **Cheque, postal order or cash** - at our cash hall, Customer Services Centre, Foretrust Building, Martin Hammerschlag Way, Foreshore, 8001 or post, Attention: Revenue Management, Private Bag X2, Roggebaai, 8012.
 2. **Direct deposit or Electronic Funds Transfer (EFT)** - Marine Living Resources Fund Deposit Account, First National Bank, Branch Code: 204109, Account Number: 62123256382. Kindly contact (021) 402 3016 to receive your unique reference number. Proof of payment must be attached to the monthly levy declaration form. Submission of this form may be made per point 1 or via electronic mail to revenue@daff.gov.za or via facsimile to 086 613 6256.
 3. For general levy enquiries, you may forward your correspondence to revenue@daff.gov.za or 086 613 6256 or simply call (021) 402 3016.
 4. A penalty of 10% will be imposed on the late submission of this document.
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