

SECTION B

Permit Conditions:

KZN Commercial Mixed Shoaling Fish Beach-Seine:
Durban Seine Netters


Fishing season: 2012/2013

DATE OF APPROVAL: 27/3/2012

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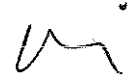
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1. APPLICABLE ACTS, POLICIES AND DELEGATIONS

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

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



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

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

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

2. VALIDITY OF PERMIT

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

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

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

3. FISHING AREAS AND RESTRICTED AREAS

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

3.2 The Permit Holder or any of its employees or agents shall not undertake fishing, or take or destroy any fauna or flora, or in any way disturb, alter or destroy

the natural environment, or carry out any activity which may adversely impact on the ecosystems in Marine Protected Areas (MPA's) except where so permitted by the legislation.

- 3.3 A vessel is not allowed to enter, to fish or to carry fishing gear on board in any Marine Protected Area, or any other similar marine protected or conservation area.
- 3.4 In case of emergency, the Permit Holder shall notify the Department before the fishing vessel enters or intends to enter into a Marine Protected Area or any other area closed for fishing. The notification shall describe the nature of the emergency and the reason requiring the vessel to enter the Marine Protected Area. Such request shall be sent via e-mail to: daffops@daff.gov.za or faxed to: 021 425 6497.

4. NOTIFICATIONS

- 4.1 The Permit Holder shall inform Ezemvelo KwaZulu Natal Wildlife (KZN-Wildlife) prior intended beach seine (trek) launching by phone or sms to Sam Ndlovu at 082 559 3843.

5. EFFORT LIMITATIONS AND GEAR RESTRICTIONS

- 5.1 The Permit Holder shall not operate more than one beach seine at any given time.
- 5.2 No beach-seine net shall be in the water between 18h00 in the evening and 04h30 the following morning during the summer months (1st September- 31st March) and between 18h00 in the evening and 06h00 the following morning during winter (1st April- 31st August).
- 5.3 The Permit Holder shall only have one net on the beach/ or within the designated vehicle or vessel at any one time.



- 5.4 The overall length, measured along the cork or lead line, of the Beach seine, including the bag shall not exceed 130m.
- 5.5 The depth, measured as the stretched distance between the lead and the cork line, of the Beach seine shall not exceed 8m.
- 5.6 The mesh- size of the bag (cod end) shall not be less than 13mm (stretched mesh).
- 5.7 The mesh-size of the wings on each side shall be 25 mm for the outer 40 m and may be reduced to 22 mm for the next 10 m and then to 4 mm for the balance of its length to the bag (cod end).
- 5.8 The Permit Holder shall not use motorised boats to deploy the beach-seine net.
- 5.9 The Permit Holder shall not use electric winches, fuel driven winches, vehicles and motorised boats to haul the beach-seine net. Hand powered mechanical winches; block-and-tackle and or pulley systems may be used to haul the beach-seine net.
- 6. CATCH CONTROLS AND LIMITATIONS**
- 6.1 The Permit Holder shall only catch mixed shoal fish i.e. exploitable species that appear as designated for sale in Table 1 and as defined by the MLRA.

TABLE 1. Exploitation categories and species lists indicating which fish may or may not be caught and sold by the permit-holder. Where applicable, minimum size limits are included.

SPECIES	SIZE LIMIT	CATCH & TRADE
Closed list		
Basking shark (<i>Cetorhinus maximus</i>)		No
Brindle bass (<i>Promicrops lanceolatus</i>)		No
Great white shark (<i>Carcharodon carcharias</i>)		No

Natal wrasse (<i>Anchichoerops natalensis</i>)		No
Potato bass (<i>Epinephelus tukula</i>)		No
Sawfishes (family Pristidae)		No
Seventy-four (<i>Polysteganus undulosus</i>)		No
Whale shark (<i>Rhinocodon typus</i>)		No
<u>Decommercialised list</u>		
Baardmans (bellman, tasselfish) (<i>Umbrina</i> spp)	40 cm	No
Banded galjoen (<i>Dichistius multifasciatus</i>)		No
Billfishes (marlin, sailfish) (family Istiophoridae)		No
Blacktail (dassie) (<i>Diplodus sargus capensis</i>)	20 cm	No
Bronze bream (bluefish) (<i>Pachymetopon grande</i>)	30 cm	No
Cape knifejaw (<i>Oplegnathus conwayi</i>)		No
Cape stumpnose (<i>Rhabdosargus holubi</i>)	20 cm	No
Elf (shad) (<i>Pomatomus saltatrix</i>)	30 cm	No
Galjoen (<i>Dichistius capensis</i>)	35 cm	No
Garrick (leervis) (<i>Lichia amia</i>)	70 cm	No
John Brown (<i>Gymnocrotaphus curvidens</i>)		No
Kingfishes (genera <i>Caranx</i> or <i>Carangoides</i>)		No
Large-spot pompano (<i>Trachinotus botla</i>)		No
Leopard cat shark (<i>Poroderma pantherinum</i>)		No
Natal knifejaw (cuckoo bass) (<i>Oplegnathus robinsoni</i>)		No
Natal stumpnose (yellowfin bream) (<i>Rhabdosargus sarba</i>)	25 cm	No
Ragged tooth shark (<i>Carcharias taurus</i>)		No
River bream (perch) (<i>Acanthopagrus berda</i>)	25 cm	No
River snapper (rock salmon) (<i>Lutjanus argentimaculatus</i>)	40 cm	No
Southern pompano (<i>Trachinotus africanus</i>)		No
Spotted grunter (tiger) (<i>Pomadasys commersonnii</i>)	40 cm	No
Spotted gulley shark (<i>Triakis megalopterus</i>)		No
Springer (ten pounder) (<i>Elops machnata</i>)		No
Stonebream (<i>Neoscorpis lithophilus</i>)		No
Striped cat shark (<i>Poroderma africanum</i>)		No
Swordfish (<i>Xiphias gladius</i>)	25 kg	No
West coast steenbras (<i>Lithognathus aureti</i>)	40 cm	No
White musselcracker (<i>Sparodon durbanensis</i>)	60 cm	No
White steenbras (pignose grunter) (<i>Lithognathus lithognathus</i>)	60 cm	No
Zebra (wildeperd) (<i>Diplodus cervinus hottentotus</i>)	30 cm	No
<u>Exploitable & protected lists</u>		
Barbel (Sea catfish) <i>Galeichthys</i> spp.		Yes
Bigeye tuna (<i>Thunus obesus</i>)	3.2 Kg	Yes

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

Cutlassfish (walla walla) (<i>Trichiurus lepturus</i>)		Yes
Fransmadam (Karel groot oog) (<i>Boopsoidea inornata</i>)		Yes
Garfishes (family Belonidae)		Yes
Glassies (family Ambassidae)		Yes
Halfbeaks (family Hemiramphidae)		Yes
Horse mackerel / maasbunker (<i>Trachurus trachurus capensis</i>)		Yes
Mulletts / harders (family Mugilidae)		Yes
Pinky (piggy) (<i>Pomadasys olivaceum</i>)	7.5 cm	Yes
Sardines (pilchard, red-eye) (family Clupeidae)		Yes
Sauries (family Scomberesocidae)		Yes
Scads (<i>Decapterus</i> spp.)		Yes
Strepie (karanteen) (<i>Sarpa salpa</i>)	15 cm	Yes
Steentjie (<i>Spondylisoma emarginatum</i>)		Yes
Wolfherring (<i>Chirocentrus dorab</i>)		Yes

- 6.2 The Permit Holder or in the case of a company, close corporation or trust, a duly authorised representative, shall be on board the nominated vessel or at the site of fishing during fishing operations. Written permission shall be obtained from the Director: Inshore Fisheries Management to deviate from this permit condition.
- 6.3 Whilst operating in terms of the provisions of this permit, the Permit Holder or any of the Permit Holder's employees or agents may not activate any other right and/or exemption granted to the Permit Holder in terms of the MLRA including recreational fishing permits.
- 6.4 The Permit Holder shall comply with the regulations issued in terms of the NEMA, 1998 (Act No. 107 of 1998) as set out in Government Notice 1399 of 21 December 2001 (as amended) should vehicle access to the shore be necessary during launching and retrieval of the fishing vessel and nets:
- 6.5.1 In terms of the above, a maximum of three (3) vehicles are allowed on the beach at any one time for launching and the removal of fish.
- 6.5.2 Permits for vehicle access to the shore are required and can be applied for from the Department of Environmental Affairs.
- 6.5 Should the Permit Holder fail to adhere to the above conditions, the Department may institute legal proceedings.

7. HANDLING OF OVER/UNDER CATCHES AND PROHIBITED SPECIES

- 7.1 No fish designated as not for sale in Table 1 shall be retained or sold. All incidental by catch are to be released to the water unharmed or, if dead, declared and handed to the Fishery Control Officer as appointed in terms of the MLRA.

8. VESSEL SPECIFICATIONS

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

10. LANDING OF FISH

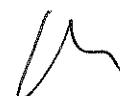
- 10.1 The Permit Holder shall ensure that all fish is discharged in accordance with the reasonable instructions of the Fishery Control Officer/Marine Resource Monitor if the Fishery Control Officer/Marine Resource Monitor is available at the site of discharge/landing.

11. SUBMISSION OF INFORMATION

- 11.1 The Permit Holder shall submit to the Department (Permit Holder Information, Attention: Deputy Director: Line and Net Fisheries Management, The Customer Services Centre, Ground Floor, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town or Private Bag X2, Roggebaai, 8012,) notification of any change of contact details within 30 days of such change by completing the form available at the Customer Services Centre.

11.2. Catch Statistics:

- (a) Catch returns shall be recorded in the KZN Commercial Mixed Shoaling Fish Beach-seine Catch Return Books issued for such purpose.
- (b) The Permit Holder shall render statistics as required in the Catch Return Book. before the end of each month in respect of the previous month fished. The Permit Holder must complete one catch return sheet and deliver it, still attached to the Catch Return Book by hand to the KwaZulu-Natal district Conservation Officer at 3 Elton Place, Congella, 4013. 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 and a receipt issued by the KwaZulu-Natal district Conservation Officer.

- (c) The Permit Holder shall retain the duplicate copies of the above sheets for a minimum of 60 months.

12. RECORD KEEPING

12.1 The Permit Holder shall store at its registered place of business the original permit issued to it for the duration of the exemption. The Permit Holder shall at all times have available a true certified copy of this permit in the area of net fishing operations

12.2 The Permit Holder shall retain the receipts for all submitted catch return books as well as duplicate copies of the said books for a minimum of 60 months after submission.

13. LEVIES

13.1 No levy fees are applicable to the KZN Mixed Shoaling Fish Beach Seine fisheries sector.

14. VIOLATIONS

14.1 A breach of the provisions of the MLRA, its regulations and/or these Permit Conditions by the Permit Holder, its employees (whether permanent or temporal), its contractors, agents, advisers or the skipper of the vessel may result in the initiation of legal proceedings.

14.2 A breach referred to in paragraph 14.1 includes, but is not limited to:

- (a) failure to provide information to which the Department is entitled to or to submit information which is not true or correct;
- (b) failing to effectively utilise this permit.

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- 14.3 The Permit Holder shall not land, sell, receive or process any fish taken by any means in contravention of the MLRA and applicable laws.
- 14.4 The Permit Holder shall not discard any waste material, garbage or pollutants into the sea or harbour or landing/launching site. The Permit Holder shall safely store all waste material, garbage and pollutants on board the vessel. All waste must be placed into dedicated waste bins site of operation.
- 14.5 Failure to report any contravention of the provisions of the MLRA by a Permit Holder is a criminal offence. Any contravention shall immediately be reported telephonically to the Customer Service Centre at 021 402 3180 or faxed to 086 505 8180 and thereafter shall be faxed as well to 021 425 7324, for attention: The Chief Director: Monitoring, Control and Surveillance (MCS).
- 14.6 The Department may refuse to issue subsequent permits or may cancel existing fishing permits should these Permit Conditions not be adhered to.

15. CONSULTATION AND COMMUNICATION

- 15.1 The Department will prefer to consult and communicate with the Recognised Industrial Bodies which are representative of Permit Holders in the KZN Commercial Mixed Shoaling Fish Beach-Seine fishery and Interest Groups in terms of the MLRA.
- 15.2 Communication regarding all permits and licenses shall be addressed to the Department's Customer Services Centre, Ground Floor, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town or Private Bag X2, Roggebaai, 8012. The Customer Service Centre may be contacted on 021 402-3443/402-3180 or toll free number 086 000 3474.



16. OBSERVER PROGRAMME

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

17. PROCESSING AND SALE OF FISH

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

18. TRANSFER OF FISHING RIGHTS

18.1 The exemption granted by the Department is not transferable.

19. TRANSPORTATION OF FISH

19.1 Not applicable for this permit

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, such information shall include but is not limited to:

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



DIRECTOR: INSHORE FISHERIES MANAGEMENT (ACTING)

DATE: 27/3/2012