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Department:
Environment & Nature Conservation
NORTHERN CAPE PROVINCE
REPUBLIC OF SOUTH AFRICA

Private Bag X6102, Kimberley, 8300, Metlife Towers, T-Floor, Tel: 053 807 7300, Fax: 053 807 7328

Enquiries: Mr DM Paulse

Ref: L2.R

Date: 26th May 2015

DPL 07/2015

Ms R Burgess

Director Research

Department of Agriculture, Land Reform and Rural Development

Dear Ms Burgess

RE: SASACC VANDERKLOOF DAM FISHERIES PROJECT QUERY

1. Your letter with reference no. L5.6.1 dated 21st May 2015 has bearing on this matter.
2. We take notice of the contents of your letter and reserve the right to comment thereon.
3. In response to your letter, the following;
 - a. Ad your letter point i and ii.
 - i. The content of the letter is correct, however, the Department is of the view that a permit can be issued for research purposes. Article 95 (2) (c) (iv) of the Northern Cape Nature Conservation Act 9 of 2009 makes provision for the Department to issue a permit for research purposes. *"The Director may only issue a permit to utilise a net for the harvesting of fish if - he or she determines specific conditions for the harvesting of fish regarding – research and reporting on fish to be harvested"*.
 - ii. The Department therefore suggests that the scope of the project is changed from being an *"experimental permit"* to a *"research permit"*. With DEA being the issuing authority for organs of state this then should aid in discussions with DEA regarding the issuing of a permit for research purposes.
 - iii. Section 57 and Chapter 7 of the NEM: Biodiversity Act (Act 10 of 2004), in no way prohibits the issuing of a permit for harvesting fish with gill nets.
 - b. Ad your letter referencing SASACC's two queries
 - i. The Department is not in agreement with regards to the interpretation of the new proposed TOPS amendments as article 83 (8) of the proposed TOPS regulations states that *"the issuing authority may issue a permit in accordance with these regulations in relation to the catching and killing of a specimen of a listed threatened or protected fish species for conservation purposes by a registered low escape-risk research facility"*.
 - ii. This would allow for a research project for the Rural Fisheries Programme. Part of this research could be determining the best type of gill net inflicting minimal damage and/or mortality for yellowfish.

4. Consultation will still, however, have to take place between all interested and affected organs of state. These discussions are critical for the success of Operation Phakisa and for the success of the fisheries project at Vanderkloof Dam.
5. When the time comes with the conclusion of the research pilot project and to hand the project over to recipients is something which must be discussed and agreed upon between all spheres of government.
6. The limiting factors with regard to the proposed TOPS amendments can be dealt with at national level when comments are provided to DEA and the final ratification of the TOPS amendments takes place.
7. Another option is issuing a permit for 36 months which is the maximum period allowed for a standing permit in this regard. This then secures the project viability even if the proposed TOPS amendments are ratified by DEA and published for implementation.

Please contact me should you have any queries.

Kind Regards,



AL Mabunda
Chief Director: Biodiversity Management

28/05/2015

Date

