



DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

BRANCH MARINE AND COASTAL MANAGEMENT

POLICY FOR THE ALLOCATION AND MANAGEMENT OF COMMERCIAL
FISHING RIGHTS IN THE WHITE MUSSEL FISHERY: 2005

THIS POLICY MUST BE READ WITH THE GENERAL POLICY ON THE
ALLOCATION AND MANAGEMENT OF LONG-TERM COMMERCIAL FISHING
RIGHTS: 2005

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1. Introduction

This policy on the allocation and management of fishing rights in the white mussel commercial fishery is issued by the **Minister of Environmental Affairs and Tourism ("the Minister")**. This policy must be read with the General Policy on the Allocation and Management of Long-term Commercial Fishing Rights: 2005 ("the General Policy").

The purpose of this policy is to set out the considerations that will apply to the allocation of commercial white mussel fishing rights. Many of these considerations are not new. They have been applied by the **Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management ("the Department")** when allocating rights in the past. This policy documents these considerations, but includes a few changes and additions.

Certain post-rights allocation management policies are also presented in this policy. A White Mussel Fishery Management Manual will be finalised with all right-holders during the course of 2006. This manual will stipulate in detail the management methodology and procedures for the fishery.

The **Minister** intends to delegate the section 18 power to allocate commercial white mussel fishing rights in terms of section 79 of the Marine Living Resources Act 18 of 1998 ("the MLRA") to an **official of the Department**. This policy document will guide the delegated authority in taking decisions on applications in this fishery.

2. Biology and resource dynamics

White mussels (*Donax serra*) occur between northern Namibia and the Wild Coast. They are present in high numbers on the sandy beaches of the west and south coasts of South Africa. The zonal distribution of the mussel changes with the tidal cycle. On the west coast, juveniles are found high up on the beach, whereas adults are distributed around and below the mean spring low tide mark. On the east and south coasts, adults are found in the mid-tide region.

White mussels are dominant burrowers on sandy beaches, favouring temperate shores. They are bivalve molluscs that filter-feed and grow to a shell length of 60 millimetres in about five years.

The mussels migrate up and down the beach in response to tidal cycles, with juveniles migrating more frequently than the adults.

Commercial exploitation is limited to the west coast where white mussels are particularly abundant owing to the nutrient rich Benguela Current that washes these shores.

3. Sector profile

Commercial harvesting of white mussels is limited to seven areas along the west coast. The fishery started in the late 1960's but in 1966 it was negatively affected by a red tide that caused massive mortalities of white mussels. The recovery of the population took more than 10 years and led to a dramatic reduction in catch per unit effort ("CPUE"). The total number of white mussels harvested per year has declined steadily since the 1980's. This has largely been as a result of the fishery's lack of economic viability. Surveys conducted in 1988 and 1989 showed that the annual landings amounted to less than one percent of the standing biomass in the relevant areas. Preliminary results from surveys undertaken in 2003 and 2004 support these findings. The resource is therefore considered to be under-exploited.

Currently, commercial right-holders are permitted to collect 2 000 white mussels per month. White mussels are harvested as bait and not for human consumption. A market for human consumption needs to be investigated.

The white mussel fishery is catch- and effort-controlled. A Total Applied Effort ("TAE") of seven right-holders, with bag limits of 2 000 per month and a minimum legal size of 35 millimetres, is enforced. The right-holders either own retail outlets or sell their catch to retail outlets where white mussels realise a price of between R1.00 and R1.50 each.

4. The medium-term rights allocation process

Currently, there are seven commercial right-holders located in seven areas along the west coast. Each right-holder is permitted to harvest 2 000 mussels per month. Each right-holder employs

between six and eight harvesters who are paid between R0.15 and R0.80 per mussel, depending on the number of mussels harvested.

5. Over-arching sectoral objectives

The over-arching objectives of allocating commercial fishing rights in the white mussel fishery are to:

- Significantly increase the transformation profile of the fishery;
- Allocate white mussel rights to those individuals who depend on white mussel harvesting for their livelihood;
- Encourage the development of a market for the human consumption of white mussels;
- Ensure that rights are allocated in all the areas where white mussels can be harvested;
- Support the economic viability of the fishery; and
- Ensure the environmental sustainability of the fishery.

6. Duration of rights

Commercial fishing rights for white mussels will be allocated for a period not exceeding two years. Long-term rights will only be considered once there is sufficient information on the status of the resource and greater clarity about the marketability of white mussels for human consumption.

7. New entrants

The resource is not optimally exploited in a number of areas. The Department requires these areas to be exploited in order to gain valuable information about white mussels in those areas. In addition, the fishery is untransformed.

Therefore, the Department will endeavour to allocate rights to new entrants in the areas where a TAE was set, but no commercial white mussel rights were allocated in the medium-term rights allocation. Furthermore, the Department will allocate rights to new entrants who will improve the transformation profile of the fishery.

8. Evaluation criteria

Applications will be screened in terms of a set of "*exclusionary criteria*", and thereafter weighted in terms of a set of "*balancing criteria*". A cut-off score or rank will then be determined in order to select the successful applicants.

8.1 *Exclusionary criteria*

Apart from the criteria described in the General Policy pertaining to the lodgement of applications and material defects, the Department will exclude applicants that fail to meet the following requirements:

- (a) **Form of the applicant:** Only natural persons (i.e. individuals) may apply for rights in the white mussel fishery. If a white mussel harvester who is employed by an existing right-holder would like to apply for a white mussel fishing right, he/she should ensure that he/she is not listed as a harvester on the application of his/her current employer.
- (b) **Applications from families:** In general, only one right will be allocated per family. Where more than one application is received from family members who live at the same address, then all the applications may be excluded. More than one right may be allocated per family where applicants clearly and convincingly demonstrate that they have established separate small commercial operations.
- (c) **Compliance:** Applicants that have been convicted of a serious infringement of the MLRA (leading, for example, to a sentence of imprisonment without the option of the payment of a fine) will not be allocated a right. Applicants that have had any fishing right cancelled or revoked in terms of the MLRA will also not be

allocated a right. Other breaches of the MLRA will adversely affect an application.

- (d) **Paper quotas:** Paper quotas (as defined in the General Policy) will be excluded. Large groups of identical, or very similar applications, that are sponsored by consultants or commercial fishing companies and other entities, will be excluded as fronts for paper quotas, regardless of the merits of individual applications.
- (e) **Non-utilisation:** Those right-holders that have failed to utilise their medium-term commercial white mussel right between 2002 and 2004 will not be re-allocated a right.
- (f) **Personal Involvement:** Applicants will have to be personally involved in the harvesting of mussels.

8.2 *Balancing criteria*

Although the following criteria will generally be applied to both right-holder applicants and new entrant applicants, the weighting that will be applied to each category will differ.

- (a) **Transformation**

In order to improve the transformation profile of the white mussel fishery, applicants will be scored on whether or not they are black. Gender may be used as a tie-breaking factor, i.e. where more than one applicant scores the same, a female applicant will be preferred over a male applicant.
- (b) **Investment in the fishery**

The Department will consider what investments, if any, applicants have made in the fishery.
- (c) **Harvesting performance**

Right-holder applicants will be assessed by having regard to their performance in the white mussel fishery over the medium-term period (2002 to 2004).

New entrant applicants will be assessed by having regard to their ability, knowledge and skills to harvest white mussels.

(d) Reliance on white mussels

The Department will prefer applicants who rely on mussel harvesting for a significant proportion of their gross annual income. Applicants who derive any income from sources outside of the fishing industry may be penalised. Potential new entrants will be required to demonstrate their historical dependency on the mussel fishery for their livelihood.

(e) Local economic development

The Department will prefer to allocate rights to those applicants who live adjacent to those areas where white mussels are harvested. Applicants will be required to demonstrate that they have lived adjacent to the white mussel harvesting area for at least four years.

(f) Jobs

White mussel harvesters who are employed by an existing right-holder may apply for a right. Applicants who intend to employ people to harvest their white mussel allocation will be preferred if they provide, or intend to provide:

- Full-time employment for harvesters;
- Medical aid and pension;
- Any other benefits; and
- Safe working conditions.

(g) Non-payment of levies

The Department requires every right-holder to pay a levy on the white mussels harvested.

Where the levies have not been paid, the right-holder applicant will be negatively scored. However, should right-holder applicants still qualify for a right, a permit will not be issued until the total amount of levies payable (plus interest) has been paid to the Department.

(h) Compliance

Minor infringements of the MLRA, including its regulations, by the applicant, will be negatively scored.

9. Application fees

The fee payable on application for a white mussel right is R100 (one hundred rand). This fee is non-refundable and must be paid in full.

The annual levies payable with effect from 01 January 2006 will be determined after consultation with right holders. The levies payable will be utilised by the Department for mitigating the annual costs of management, compliance and research.

10. Provisional lists

Before the Department makes a final decision on who will be allocated rights to participate in the commercial white mussel fishery, it will issue a provisional list of successful applicants. The provisional list will be circulated to each harvest area. Interested and affected parties in these areas may then inform the Department if any persons who historically harvested white mussels on a commercial basis have been excluded from the provisional list and whether any person included on the provisional list is not a mussel harvester.

11. Permit Conditions

Permit conditions for this fishery will be issued annually. The permit conditions will be determined after consultation with right holders in this fishery and will be subject to revision as and when it may be necessary.