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**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM  
BRANCH MARINE AND COASTAL MANAGEMENT**

**POLICY FOR THE ALLOCATION AND MANAGEMENT OF  
COMMERCIAL FISHING RIGHTS IN THE BEACH-SEINE (TREKNET)  
AND GILLNET (DRIFT-NET, SET-NET) COMMERCIAL FISHERY: 2005**

**THIS DRAFT POLICY MUST BE READ WITH THE DRAFT GENERAL  
POLICY ON THE ALLOCATION AND MANAGEMENT OF LONG-  
TERM COMMERCIAL FISHING RIGHTS: 2005 (available at  
[www.mcm-deat.gov.za](http://www.mcm-deat.gov.za))**

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## 1. Introduction

This policy on the allocation and management of fishing rights in the commercial beach-seine (treknet) and gillnet (drift-net, set-net) fisheries is issued by the Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management (*“the Department”*) for public comment. (These fisheries will also be referred to as the beach-seine and gillnet fisheries). This policy must be read with the Draft General Policy on the Allocation and Management of Long-term Commercial Fishing Rights: 2005 (*“the General Fisheries Policy”*). A separate policy is issued for the KwaZulu-Natal beach-seine fishery.

As stated in the General Policy, the Department will hold public meetings at coastal venues to consult with the general public, and interested and affected parties in particular, with respect to this beach-seine and gillnet fisheries policy. At these public meetings, comments on this policy will be invited. Written comments must be submitted to the Department by 11 April 2005. Comments submitted after this date will not be considered. Comments shall be submitted as follows:

<p><b>By Fax:</b>            Fax Number: (021) 670-1782            Attention: The Deputy Director-General            Beach-Seine and Gillnet Policy Comments</p>	<p><b>By Mail:</b>            Attention: Mr Horst Kleinschmidt            The Deputy Director-General            The Department of Environmental Affairs            and Tourism            P.O Box 44963            Claremont            7735            Beach-Seine and Gillnet Policy Comments</p>	<p><b>By E-mail:</b>  <a href="mailto:RVU@deloitte.co.za">RVU@deloitte.co.za</a>            Attention: The Deputy Director-General            Beach-Seine and Gillnet Policy            Comments</p>
		<p><b>By Hand</b>            Attention: The Deputy Director-General            The Rights Verification Unit            11 Landsdown Road            Claremont            Beach-Seine and Gillnet Policy            Comments</p>

The purpose of this policy is to set out the considerations that will apply to the allocation of long-term commercial beach-seine and gillnet fishing rights. Many of these considerations are not new. They have been applied by 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 draft policy. A Beach-Seine and Gillnet 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 of Environmental Affairs and Tourism intends to delegate the section 18 power to allocate commercial beach-seine and gillnet fishing rights in terms of section 79 of the Marine Living Resources Act 18 of 1998 (“*the MLRA*”) to a senior official of the Department.

## **2. Biology and resource dynamics**

The beach-seine and gillnet fisheries are South Africa’s oldest commercial fisheries, having been established in the early 1700’s and mid 1800’s respectively. Besides a minimum mesh size and an area restriction that was originally designed to reduce conflict between beach-seine and gillnet fishers, there were no controls in the fishery until the early 1970’s. Since then, both fisheries have been restricted to catching harders (*Liza richardsonii*) and St Joseph sharks (*Callorhynchus capensis*), with a limited by-catch allowance of linefish species. In False Bay, however, right-holders in the beach-seine fishery are entitled to target certain linefish species.

## **3. Sector profile**

The gillnet fishery is restricted to Yzerfontein northwards whereas the beach-seine fishery is restricted to the west of Gordon’s Bay. The estuarine gillnet fishery (namely Olifants Estuary) will be phased out over a five- to 10-year period.

As part of the management strategy, the coast and Total Applied Effort (“TAE”) is subdivided into “beach-seine and gillnet” areas, effort is limited by gear restrictions and fishing by means of nets is prohibited in Marine Protected Areas. Essentially, the beach-seine and gillnet fishery is set a TAE (number of nets that may be used in each area along the west and south east coasts) on an area basis by the Minister each year.

Prior to the 2001 medium-term right allocation process, the fishery landed approximately 6 000 tons of fish per annum, of which only 1 400 tons were reported on compulsory monthly catch return forms.

A survey of more than 50 percent of permit-holders revealed that less than 10 percent regarded themselves as beach-seine or gillnet fishers while only eight percent were *bona fide*, full-time netfishers who acquired more than 50 percent of their income from this fishery. Permit holders in most areas operated at a loss of between R1 900 and R5 500 per annum, the exceptions being the gillnet fishery in Saldhana-Langebaan, where 50 percent of operators were full time net fishers and the beach-seine fishery in False Bay, where 70 percent of operators were full time netfishers.

The main target species, the harder, is currently over-exploited. There is a direct negative correlation between the degree of effort and stock status. The export market for the secondary target species, St Joseph shark has collapsed, but there is potential for a local market. There is a substantial linefish by-catch comprising mostly over-exploited or collapsed species. Consequently, the management of the netfishery cannot be considered separately from the line fishery.

There exists a substantial illegal gillnet fishery directed at high value species throughout the west, south and east coasts. Illegal gillnetting on the west coast is mostly directed at galjoen (*Dichistius capensis*) and smooth-hound shark (*Mustelus mustelus*) in the sea and harders, springer / flathead mullet (*Mugil cephalus*) and elf (*Pomatomus saltatrix*) in estuaries. Illegal gillnetting on the south and east coasts is largely confined to estuaries and directed at, amongst others, dusky kob (*Argyrosomus japonicus*), spotted grunter (*Pomadasys commersonii*) and a range of mullet species.

#### **4. The medium-term rights allocation process**

Prior to the revision of the TAE and allocation of rights in 2001, the fishery was completely over-subscribed with 147 beach-seine and 293 gillnet permits issued between Port Nolloth on the west coast and Nature's Valley on the south coast. There were a further 120 and 100 gillnet permit-holders in the Olifants and Berg River estuaries respectively. Consequently, effort had to be reduced to levels that would facilitate the recovery of the harder stock and ensure economically viable ventures for the remaining *bona fide* full-time fishers. The TAE was accordingly set at 58

beach-seine rights and 162 gillnets. In the 2001 medium-term rights allocation process, 12 beach-seine net rights and 55 small net (gillnet) rights were allocated. A further 58 netfishers were granted exemptions to fish.

## **5. Over-arching sectoral objectives**

The objectives of allocating long-term rights in the beach-seine and gillnet fishery are to:

- Increase the transformation profile of this sector;
- Allocate rights to traditional beach-seine and gillnet fishers in traditional fishing areas along the west and southeast coasts;
- Manage the fishery in a way that ensures that the main target species caught by beach-seines and gillnets, such as harders and St Joseph sharks, recover from current levels of over-exploitation;
- Support the economic viability of the fishery; and
- Ensure the environmental sustainability of the fishery.

## **6. Duration of rights**

Having regard to the above objectives, the Department will allocate commercial fishing rights for a period of 10 years (01 January 2006 to 31 December 2015) and subject to regular review against predetermined performance criteria, including the attainment of agreed transformation goals

## **7. New entrants**

Although the beach-seine and gillnet fishery is oversubscribed, with many more netfishers than nets available for allocation, the Department may replace a number of non-performing netfishers with traditional netfishers who were not allocated medium-term rights.

## 8. Evaluation criteria

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

### 8.1 *Exclusionary criteria*

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

- (a) **Form of the applicant:** Only natural persons will be considered. Right-holders who previously operated in the form of juristic persons (i.e. close corporations, trusts or companies) will have to apply in their individual capacities, but will be considered to be “*right-holders*” for purposes of the allocation process.

A nuclear family (comprising a couple, their parents and their children) may not be granted more than one right so as to avoid monopolies and to broaden access to the netfish resource. Applicants may be required to disclose their relationship to applicants in other commercial fisheries. If more than one member of a household applies for a right, all the applications from the family may be excluded, unless the applicants clearly and convincingly demonstrate that they have established separate small commercial operations.

- (b) **Traditional beach-seine & gillnet fishers:** Rights will only be allocated to traditional netfishers. The Department considers a traditional netfisher to be someone who netfishes for a living and has done so for at least the past ten years.
- (c) **Access to nets:** applicants will be required to demonstrate that they have access to the appropriate nets and boats required to operate in this fishery.

- (c) **Compliance:** Applicants that perpetrated serious infringements of the MLRA or the regulations will be excluded.
- (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. The onus will be on the applicants to provide sufficient proof that they are not fronts for paper quotas.
- (e) **Non-utilisation:** Right-holders who did not regularly utilise their right during the medium-term period (2002 to 2004) will be excluded.
- (f) **Multi-sector involvement:** Applicants who hold rights in other commercial fisheries, or have interests - including shares and membership interests - in right-holders in other commercial fisheries will be excluded. Applicants who are the beneficiaries of right-holder trusts will be excluded.
- (g) **Personal involvement in harvesting of the resource:** Applicants will have to have been involved on a full-time basis in beach-seine or gillnet fishing and accordingly have participated in the operation of the business.
- (h) **Dependency on the resource:** Right-holder applicants who are currently not dependant on beach-seine or gillnet fishing for at least 75 percent of their annual gross income will be excluded. Potential new entrants will be required to demonstrate their historical dependence on beach-seine or gillnet fishing for a livelihood. Applicants that derive any of their income from sources outside the fishing industry (except pensions or annuities) will be excluded.
- (i) **Resident in fishing zone:** Applicants who do not live adjacent to the fishing zone where they have applied for rights will be excluded. Applicants will be required to demonstrate that they have lived adjacent to the fishing zone for at least four years. Commercial beach-seine and gillnet fishing rights will only be granted to residents who live adjacent to

a fishing zone or area. Successful right-holders in the beach-seine and gillnet fishery will be restricted to designated fishing zones or areas.

## **8.2 Comparative balancing criteria**

Right-holder applicants and potential new entrants will be evaluated in terms of the following balancing criteria, which will be weighted to assess the strength of each application:

- (a) **Transformation:** In order to improve the transformation profile of the beach-seine and gillnet fishery, black applicants (includes Africans, Coloureds and Indians) will score additional points
- (b) **Jobs:** Right-holder applicants who can demonstrate that they have provided temporary or permanent employment during the medium-term period, will be rewarded.
- (c) **Historical involvement:** the Department will consider how long an applicant has been dependent on the beach-seine and gillnet fishery for a living.
- (d) **Fishing performance:** Right-holder applicants will be assessed by having regard to their fishing performance during the medium-term period (2002 to 2004).

New entrant applicants will be assessed by having regard to whether they have the ability, knowledge and skills to fish using nets.

- (e) **Compliance:** Minor infringements of the MLRA, the regulations and permit conditions, will be negatively scored. Right-holder applicants who cannot demonstrate that they comply with the Skills Development Act 97, of 1998, and the Skills Development Levies Act 9 of 1999 and the Occupational Health and Safety Act, 1993, and the Compensation for Occupational Injuries and Diseases Act, 1993, may be negatively scored where these laws are applicable.

## **9. Provisional lists**

Before the Department makes a final decision on who will be allocated rights to participate in the beach-seine and gillnet fishery, it will issue a provisional list of successful applicants. The provisional list will be circulated to each fishing area. Interested and affected parties in these areas may then inform the Department if any persons who historically participated in the beach-seine and gillnet fishery have been excluded from the provisional list.

## **10. Management and co-management of the net fisheries**

The beach-seine and gillnet fishery will be managed in accordance with the ecosystem approach to fisheries ("EAF"). An ecosystem approach to fisheries is a holistic and integrated policy which recognises that fishing and associated land-based activities impact on the broader marine environment.

A new Operational Management Plan for the fishery will be implemented within the next two to three years. It is the intention of the Department to promote co-management of the resource by re-enforcing the TURF (Territorial User Rights Fishery) system.

## **11. Application fees**

Application fees for this fishery will not be more than R500. The Department is currently assessing the cost of the allocations process for this sector. The Department will inform right-holders and interested parties once it has determined an application fee.

## **12. Vehicle use in the coastal zone**

Many beach-seine sought permission to use vehicles in the coastal zone since the prohibition of unregulated vehicle use on beaches in 2002. In 2004, the Minister of Environmental Affairs and

Tourism amended the regulations that control vehicle use in the coastal zone (see [www.mcm-deat.gov.za](http://www.mcm-deat.gov.za) for the Regulations and Implementation Guideline).

Beach-seine fishers must apply to the Deputy Director-General of Marine and Coastal Management for a permit to use a vehicle in the coastal zone if a vehicle is required for fishing.

Application forms for vehicle use in the coastal zone will be made available along with the application forms for commercial fishing rights in the beach-seine and gillnet fishery. These application forms are also available from [www.mcm-deat.gov.za](http://www.mcm-deat.gov.za).

### **13. Permit conditions**

Permit conditions for this fishery will be issued annually. The permit conditions applicable to this fishery for the 2005 season are attached as **Annexure A**. These may be amended annually after consulting with right-holders in the fishery. Right-holders and interested parties are invited to comment on these permit conditions.