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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 WHITE MUSSEL 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)**

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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 Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management (*“the Department”*) for public comment. This policy must be read with the Draft General Policy on the Allocation and Management of Long-term Commercial Fishing Rights: 2005 (*“the General Policy”*).

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 draft white mussel 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:

By Fax: Fax Number: (021) 670-1782 Attention: The Deputy Director-General White Mussel Policy Comments	By Mail: Attention: Mr Horst Kleinschmidt The Deputy Director-General The Department of Environmental Affairs and Tourism P.O Box 44963 Claremont 7735 White Mussel Policy Comments	By E-mail: RVU@deloitte.co.za Attention: The Deputy Director-General White Mussel Policy Comments
		By Hand Attention: The Deputy Director-General The Rights Verification Unit 11 Landsdown Road Claremont White Mussel Policy Comments

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 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 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 of Environmental Affairs and Tourism intends to delegate the section 18 power to allocate commercial white mussel fishing rights in terms 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

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 oysters 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) **Dependence on the resource:** Right-holder applicants who are not dependent on the harvesting of white mussels for at least 75 percent of their annual gross income will be excluded. Applicants that derive any of their income from sources outside the fishing industry will be excluded.

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 white mussel harvesting for 75 percent and more of their gross annual income. As stated above, applicants who earn any income from sources outside the fishing industry will be excluded.

(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

Right-holders, who are being investigated for breaches of the MLRA, whether criminal or administrative, will not be allocated a white mussel right until the outcome of the investigation is known.

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

9. 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 fishery and will inform right-holders and interested parties once it has determined an application fee.

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.

11. 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.