

DEPARTMENT OF ENVIRONMENT, FORESTRY AND FISHERIES

NO. 1129

23 OCTOBER 2020

**MARINE LIVING RESOURCES ACT, 1998
(ACT NO. 18 OF 1998)****INVITATION TO COMMENT ON THE PROPOSED RESOURCE SPLIT BETWEEN LOCAL COMMERCIAL AND SMALL-SCALE FISHING IN THE TRADITIONAL LINEFISH, SQUID AND ABALONE FISHING SECTORS**

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, hereby invite public comments on the proposed resource split between local commercial and small-scale fishing in the Traditional Linefish, Squid and Abalone fishing sectors, in terms of section 14(2) of the Marine Living Resources Act, 1998 (Act No. 18 of 1998) ("the Act") as set out below.

Section 14(2) of the Act empowers the Minister to determine the portions of the total allowable catch (TAC), the total applied effort (TAE), or a combination thereof, to be allocated in any year to small-scale, recreational, local commercial and foreign fishing, respectively. The Traditional Linefish, Squid and Abalone fishing sectors have been identified as eligible for small-scale fisheries and as a result, it is proposed that the resource split between local commercial and small-scale fishing occur as follows:

- 1. Traditional Linefish fishing sector to be split between Local Commercial fishing, which shall receive 50% of the TAE apportionment, and Small-Scale fishing, which shall receive 50 % of the TAE apportionment.**
- 2. Abalone fishing sector to be split between Local Commercial fishing, which shall receive 50% of the TAC apportionment, and Small-Scale fishing, which shall receive 50 % of the TAC apportionment.**
- 3. Squid fishing sector to be split between Local Commercial and Small-Scale fishing on the following basis: Local Commercial shall receive 75% of the TAE apportionment and Small-Scale fishing shall receive 25% of the TAE apportionment, respectively.**

The principles and objectives in section 2 of the Act guide the interpretation, administration and implementation of the Small-Scale Fisheries Policy. The purpose of these principles and objectives is to ensure that decision-makers have due regard to the need to promote marginalised groups such as women, youth and persons living with disabilities. It also serves to highlight the importance of food security, socio-economic development, alleviation of poverty and the recognition of the allocation of a basket of species to small-scale fishers, as opposed to single species allocations. Other objectives in section 2 of the Act must be taken into account as they are important to the consistent and sound development of the fishing industry as a whole. This approach aligns with the development objectives of the national government including transformation of the economy.

The proposed TAC and TAE splits will transform the fishing industry in a substantial manner. The proposed split will positively impact on the lives of small-scale fishers, improve food security and advance vulnerable

groups such as women, youth and persons living with disabilities. The small-scale fishing communities will also be enabled to participate in the whole value chain and to benefit substantially from their equitable apportionments and allocations. This will create more economic possibilities for these communities.

In terms of section 14(2) of the MLRA, the TAC and/or the TAE for the 2019/2020 fishing season in the Traditional Linefish, Squid and Abalone fishing sectors is currently apportioned as follows:

- (a) Traditional Linefish fishing sector is determined at 455 vessels and 3450 crew, in which 395 vessels and 3007 crew is apportioned to Local Commercial fishing, whilst 60 vessels and 443 crew is apportioned to Small-Scale fishing. The apportionment of the TAE in respect of vessels is currently split as follows: 86.8% - Local Commercial fishing and 13.2% - Small-Scale fishing and the TAE for the Traditional Linefish fishing sector in respect of crew is currently split as follows: 87.16% - Local Commercial fishing and 12.84% - Small-Scale fishing.
- (b) Squid fishing sector is determined at 2443 crew (295 000 person days) in which 75% of the 295 000 person days (221 250 person days) is apportioned to Local Commercial fishing and 25% of 295 000 person days (73 750 person days) is apportioned to Small-Scale fishing.
- (c) Abalone fishing sector is determined at 50.5 tons in which 100% of the TAC is apportioned to Local Commercial fishing, only.

The Commercial Rights Holders in the Traditional Linefish and Squid fishing sectors will be allowed to continue harvesting their allocations in these fishing sectors until their rights expire on 31 December 2020. The current Commercial Exemption Holders who hold exemptions in the Abalone fishing sector will be allowed to continue harvesting their allocations until the expiry of their exemptions. The **individual** Commercial Rights and/or Exemption Holders in the Traditional Linefish and Abalone fishing sectors may elect to operate in the Small-Scale Fisheries sector as declared members of the Small-Scale Fisheries Cooperatives as per the Small-Scale Fisheries Regulations as contained in Government Notice No. 229 published in *Government Gazette* No. 39790 dated 8 March 2016 ("**Small-Scale Fishing Regulations**"). Alternatively, the individual Commercial Rights and/or Exemption Holders may register a Small-Scale Fisheries Cooperative which may be declared by the Minister as a Small-Scale Fisheries Cooperative once the registration process commences in the near future as per the Small-Scale Fishing Regulations.

The proposed resource split between Local Commercial and Small-Scale fishing in the Traditional Linefish, Squid and Abalone fishing sectors is intended to take effect from 1 January 2021 unless otherwise notified.

The public is invited to submit written representations on the proposed resource split to the Department of Environment, Forestry and Fisheries within 30 calendar days from the date of publication of this notice in the *Government Gazette*, by mail, by hand, e-mail, or telefax transmission as stipulated below. Please note that written comments received after that date may not be considered.

Written comments that were submitted in response to Government Notice No. 660 published in *Government Gazette* No. 42457 of 13 May 2019 relating to the proposed resource split between Local Commercial and Small-Scale fishing in the Traditional Linefish and Squid fishing sectors will also be considered. Those who submitted comments in response to that notice may supplement their comments in response to this notice.

Written comments and supplementary comments on the proposed resource split between Local Commercial and Small-Scale fishing in the Traditional Linefish, Squid and Abalone fishing sectors should be directed to:		
By mail Department of Environment, Forestry and Fisheries Private Bag 2 VLAEBERG 8018 Attention: Mr Msimelelo Mdledle Deputy Director: Administration (FRAP).	By Hand Department of Environment, Forestry and Fisheries No 3 Martin Hammerschlag Way Foreshore CAPE TOWN Attention: Mr Msimelelo Mdledle Deputy Director: Administration (FRAP).	By e-mail FRAP2020resourcesplit@daff.gov.za By Telefax 021 421 5151 Enquiries (telephone) Mr Msimelelo Mdledle 021 402 3422/3727/3238 Cell Nr. 084 3040 170



BARBARA DALLAS CREECY
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

DEPARTMENT OF ENVIRONMENT, FORESTRY AND FISHERIES

NO. 1130

23 OCTOBER 2020

MARINE LIVING RESOURCES ACT, 1998
(ACT NO. 18 OF 1998)INVITATION TO COMMENT ON THE PROPOSED RECLASSIFICATION OF THE WHITE MUSSEL,
OYSTER AND HAKE HANDLINE FISHING SECTORS AS SMALL-SCALE FISHING SPECIES

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, hereby invite the public to comment on the proposal to reclassify the White Mussel, Oyster and Hake Handline fishing sectors as Small-Scale fishing sector species, as contemplated in terms of section 14(2) of the Marine Living Resources Act, 1998 (Act No 18 of 1998), which empowers the Minister to determine the portions of the total allowable catch, the total applied effort, or a combination thereof, to be allocated in any year to small-scale, recreational, local commercial and foreign fishing, respectively.

The White Mussel, Oyster and Hake Handline fishing sectors have been identified as eligible for Small-Scale Fisheries and therefore the reclassification of the White Mussel, Oyster and Hake Handline fishing sectors as Small-Scale Fishing sectors is proposed. Therefore, no commercial fishing rights will be allocated in these three fishing sectors during the Fishing Rights Allocation Process proposed for 2020.

The current Commercial Rights Holders who hold rights in the White Mussel, Oyster and Hake Handline fishing sectors will be allowed to continue harvesting their allocations until expiry of their rights on 31 December 2020. These individual Commercial Rights Holders in the White Mussel, Oyster and Hake Handline fishing sectors may elect to operate in the Small-Scale Fisheries sector as declared members of the Small-Scale Fisheries Cooperatives as per the Regulations relating to Small-Scale Fishing, 2015 published in Government Notice No. 229 in *Government Gazette* No. 39790 of 8 March 2016 ("**Small-Scale Fishing Regulations**"). Alternatively, the current individual Commercial Rights Holders may register a Small-Scale Fisheries Cooperative, which shall be declared by the Minister as a Small-Scale Fisheries Cooperative once the registration process commences in the near future as per the Small-Scale Fishing Regulations.

The proposed classification of the White Mussel, Oyster and Hake Handline fishing sectors as small-scale fishing species is proposed to effect on 1 January 2021 unless affected stakeholders are informed otherwise.

The public may submit written representations on the proposed reclassification to the Department within 30 calendar days of the publication of this notice in the *Gazette* by mail, by hand, e-mail, or telefax transmission. Please note that written comments received after that date may not be considered.

Written comments that were submitted in response to Government Notice No. 660 published in *Government Gazette* No. 42457 of 13 May 2019 relating to the proposed reclassification of the White Mussel, Oyster and Hake Handline fishing sectors as small-scale fishing species, will also be considered. Those who submitted comments in response to that notice may supplement their comments in terms of this notice.

Written comments on the proposed reclassification of the White Mussel, Oyster and Hake Handline fishing sectors as small-scale fishing sectors should be directed to:		
<p><u>By mail</u> Department of Environment, Forestry and Fisheries Private Bag 2 VLAEBERG 8018 Attention: Mr Msimelelo Mdledle Deputy Director: Administration (FRAP)</p>	<p><u>By Hand</u> Department of Environment, Forestry and Fisheries No 3 Martin Hammerschlag Way Customer Service Centre Ground Floor, Foretrust Building FORESHORE Attention: Mr Msimelelo Mdledle Deputy Director: Administration (FRAP)</p>	<p><u>By e-mail</u> FRAP2020resourcesplit@daff.gov.za</p> <p><u>By Telefax</u> 021 421 5151</p> <p><u>Enquiries (telephone)</u> Mr Msimelelo Mdledle 021 402 3422/3727/3238</p>



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MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT