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GOVERNMENT NOTICE

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

No. 242

20 February 2004

THE MARINE LIVING RESOURCES ACT (ACT NO. 18 OF 1998)

INVITATION TO APPLY FOR ONE EXPERIMENTAL FISHING PERMITS FOR THE CATCHING OF NATAL EASTERN DEEPWATER ROCK LOBSTER (*PALINURUS DELAGOAE*) IN TERMS OF THE MARINE LIVING RESOURCES ACT (ACT NO. 18 OF 1998)

The Department of Environmental Affairs and Tourism announces that it is the intention of the Honourable Minister of Environmental Affairs and Tourism to issue 1 (**one**) experimental fishing permit for the catching of *Palinurus Delagoae* (Natal Eastern Deepwater Rock Lobster) **valid for a period of 1 year to commence on 1 April 2004 and terminate on 31 March 2005.**

Introduction

The Department desires to assess the fisheries potential of deep-water rock lobster *P. delagoae* by conducting an experimental trap-fishery off the coast of Kwazulu-Natal.

An experimental *P. delagoae* fishery was conducted from 1994 to 1997. Following the experiment, it was determined that *P. delagoae* could not be fished sustainably by traps and trawl in the traditional sense. However, pulse fishing, in which a fish stock is repetitively fished down and allowed to recover may be an alternative. The Department would need to know how often this stock can be fished, and how much can be taken each time. Amongst the parameters that must be determined are the extent of recovery after the previous (1994-1997) exploitation, and the rate of depletion of the imminent exploitation.

A commercial phase will only be implemented if the research undertaken, in the opinion of the Department, in terms of the experiment shows that the distribution; catches; catch rates; size composition; sex ratios; size at maturity; fecundity and growth rates are sufficient to allow for the sustainable commercial exploitation of the resource. The allocation of an experimental permit should not in any way be considered to mean that a commercial fishery will be established, and if so, that the successful applicant will be allocated a right to participate in the commercial fishery, if established.

Criteria

In assessing applications the Minister will have regard to the following:

- (a) Proven competence in long-line trap-fishing for crustaceans. Applicants must set out their previous history and demonstrate a capacity to engage in the exploitation of *P. delagoae*;
- (b) Access to a South African registered long-line trap-fishing vessel capable of carrying a minimum of 1200 standard (south coast rock lobster) plastic barrel-traps or equivalent metal bee-hive. Details

- of the fishing vessel to be utilised must be set out. It is a requirement that a South African registered fishing vessel is utilised. Full information of the vessels record of past involvement in the lobster and/or longline sector must also be provided;
- (c) A fully operational electronic Vessel Monitoring System on-board the vessel for the duration of the experiment;
 - (d) Provision of on-board officer-class accommodation and food, and funding, for a full-time fisheries observer for the duration of the experiment;
 - (e) An undertaking to follow closely, a pre-determined grid survey pattern as required by MCM, and any other conditions imposed by the Department. The applicant will be required to carry out the experimental fishing in accordance with the research methods and requirements of the Department. This includes the placing of an independent researcher onboard the vessel for monitoring of all catching operations and to take sufficient samples. The parameters of the research required to be undertaken is to be finalised by the Department. The successful applicant will be required to pay for the full cost of the research;
 - (f) An undertaking to extend the experiment into Mozambican waters, if required, after self obtaining the necessary authorisation from the authorities in that country, under the same conditions as imposed locally;
 - (g) An undertaking to provide all catch, fishing effort and other related fisheries information for the period to the Department as it becomes available. To offset the costs incurred by the successful applicant during the experiment, catches (apart from that required by the Department for research purposes) will become the property of the successful permit holder property and may be sold;
 - (h) Transformation profile (management and equity) of the applicant. Full details of the applicant and its directors / members and shareholding must be provided;
 - (i) Any catching or joint venture agreement pertinent to this application. If applicable, a certified copy must be attached;
 - (j) Details of other fishing rights held by the applicant in South Africa;
 - (k) Whether or not the applicant, or any of its shareholders or joint venture partners, have or has been involved in any illegal fishing;
 - (l) The experience and technical ability of the applicant to carry out the experimental fishery;
 - (m) Information as to where and how the fish products will be distributed and marketed;
 - (n) The extent of sea-borne and shore-based facilities to support fishing operations;
 - (o) The extent of participation by South Africans in the fishing operations.

IMPORTANT

- 1. In making the application, applicants must answer each of the criteria set out above, supplying full information and documentation where applicable.**
 - 2. All information submitted by the applicant must be true and correct and not misleading in any material respect. This must be stated under oath by a duly authorised representative of the applicant before a Commissioner of Oaths.**
 - 3. Before a permit will be issued to the successful applicant, the Department must be satisfied that applicant is able to satisfy the following requirements:**
 - (i) The mandatory use of a South African registered vessel to catch the fish equipped with a satellite vessel monitoring systems approved by the Department;**
 - (ii) That the full cost of the research can be borne by the successful applicant. The cost of this research is estimated to be in the region of R350 000-00 to R500 000-00, and is guaranteed by the Department not to exceed R500 000-00 (five hundred thousand rand). Security for the funding of this research to the value of R500 000-00 must be provided to the Department in a form acceptable to the Department before a permit will be issued;**
 - (iii) The Department will have sole discretion to allocate the maximum catch and allowable catch and to determine the fishing areas to the successful applicant. If the resource is considered by the Department, in its sole discretion, to be overexploited at any stage of the experiment, then the Department will immediately cause the fishing to be suspended and will cancel the permit issued. The Department will on no account be liable for any wasted costs incurred by the applicant in the event of such cancellation.**
 - (v) All lobster caught under the authority of the permit issued must be discharged at port in South Africa;**
 - (vi) The permit holder will be required to supply fishery data to the Department in the manner and format required by the Department.**
 - 4. Applications must be submitted before 16h00 on Friday 19th March 2004 to the offices of the Deputy Director-General: Marine and Coastal Management, 7th Floor, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town, 8001 / Private Bag X2, Roggebaai, 8012 (Attention: Mr. P. Buthelezi). Applications submitted after the closing date and time will not be considered.**
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