SECTION B

PERMIT CONDITIONS: COMMERCIAL HANDLINE/POLE TUNA FISHERY: 2007

1. GENERAL

1.1 This permit is issued subject to the provisions and regulations of the following laws:

(a) The Marine Living Resources Act, 1998 (Act No. 18 of 1998) ("the Act"), and in particular, the regulations that designate marine protected areas;

(b) The National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"), and in particular, the regulations that control vehicle use in the coastal zone (as amended);

(c) The National Biodiversity Act, 2004 (Act No. 10 of 2004);

(d) The National Environment Management Protected Areas Act, 2003 (Act No. 57 of 2003);

(e) The Sea Birds and Seals Protection Act, 1973 (Act No. 46 of 1973); and

(f) Marine Pollution (prevention of pollution from ships) Act. Act No. 2 of 1986.

1.2 For the 2007 (01 January 2007 to 31 December 2007) and subsequent fishing seasons, permits in this fishery shall be issued subject to the further provisions of the –

(a) General Policy on the Allocation of Long-Term Commercial Fishing Rights; and

(b) The Policy for the Management and Allocation of Commercial Fishing Rights in the Tuna Pole Fishery: 2005.

1.3 The Chief Director: Resource Management (Marine) shall be entitled to amend these permit conditions.

1.4 Any reference to the Permit Holder in these permit conditions includes the entity or person in whose name the commercial fishing right is allocated ("the Right Holder"), its employees (whether permanent, full-time or part-time), its agents and the skipper of the vessel.

1.5 A breach of the provisions of the Act or these permit conditions by the Permit Holder will result in the initiation of proceedings under section 28 of the Act. A breach includes:

(a) furnishing information to which the Department of Environmental Affairs and Tourism ("the Department") is entitled to, which is not true, complete or submitted by the required scheduled deadline;

(b) contravening or failing to comply with a permit condition imposed or with the provisions of the Act;

(c) being convicted of an offence in terms of this Act; or

(d) failing to effectively utilise the permit.

1.6 The Department may refuse to re-issue a subsequent permit should the conditions stipulated in this permit not be adhered to.

1.7 The Permit Holder shall not land, sell, receive or process any fish taken by any means in contravention of the Act.

1.8 The Permit Holder shall hold at its registered place of business the original permit issued for the current fishing season. The Permit Holder shall at all times over the duration of the right have available a true certified copy (co-signed by the Local Fishery Control Officer) of this permit on board the nominated vessel utilised to harvest Tuna Pole.

1.9 The Permit Holder shall safely store all inorganic waste material, garbage and pollutants on board the vessel. Should the Permit Holder discard any waste material,(excluding offal derived from dressing the fish e.g. guts) garbage or pollutants into the sea, this permit will be suspended for a period determined by the Department and the Permit Holder shall take those steps considered necessary in terms of NEMA to remedy any pollution caused.

1.10 There shall be no transshipment without written authorisation from the Department. Should the Permit Holder transship any catches without the written authorisation of the Department, the Permit Holder may have its commercial fishing right revoked.

1.11 The Permit Holder may only harvest the amount of fish allocated to it in terms of the total applied effort ("TAE") allocated to it under **Section A**. Fishing over these limits will result in the initiation of legal proceedings.

2. CONSULTATION AND COMMUNICATION

The Permit Holder may contact the Department in one of the following ways (all correspondence must be clearly marked as to subject matter:

By mail	By Hand	By Email permits@deat.gov.za
Subject: Customer Services Centre, Private Bag X2, Roggebaai, 8012	Subject: Customer Services Centre, 2nd Floor, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town	By Fax 021 402 3362
		By telephone 086 112 3626

2.1 The Department will prefer to consult and communicate with the Recognised Industrial Body (Bodies) representative of Right Holders in this fishery.

2.2 Communication regarding all permits and licences must be addressed to the Department and clearly marked *Permits and Licences*.

3. SUBMISSION OF INFORMATION

3.1 The Permit Holder must submit to the Department:

(a) notification (clearly marked *Right Holder Information*) of any change of contact details (including postal address and contact telephone numbers) and changes of ownership and shareholding within 30 days of such change;

(b) catch statistics as stipulated in paragraph 4; and

(c) performance statistics as stipulated in paragraph 5.

3.2 The Permit Holder must provide any other economic, socio-economic or financial information in the format as requested by the Department.

3.3 Should the Permit Holder fail to timeously submit the above information or submit false or incorrect information, the Department may-

(a) refuse to re-issue a permit under section 13 of the Act for the following year until such time as the required information has been receipted; or

(b) proceed under section 28 of the Act.

4. CATCH STATISTICS

4.1 The Permit Holder shall render statistics as required in the Blue Book for catch returns. Before the 15th of each month in respect of the previous month fished, the Permit Holder must complete one catch return sheet and deliver it, still attached to the Blue Book by hand to the regional Marine & Coastal Management office. Certification and receipt of delivery will be confirmed by the copy of the catch statistics in the Blue Book being stamped, dated and signed by an official of Marine & Coastal Management, or such catch returns may alternatively be hand

delivered to; The Customer Services Centre, 1st Floor, Foretrust Building) or posted by registered mail (*Tuna Pole Catch Statistics,* Department of Environmental Affairs and Tourism, Private Bag X2, Rogge Bay, Foreshore, Cape Town, Attention: Large Pelagics Research Section c/o Linefish Section).

4.2 The duplicate copies of the catch returns shall be retained by the Permit Holder for a period of 12 months.

5. PERFORMANCE MEASURING

5.1 The Permit Holder shall be obliged to provide the Department, on request, with information required to carry out a performance measuring exercise during 2007, which information may include:

5.1.1 The transformation profile of the Right Holder both within the spheres of ownership and management;

5.1.2 Sustainable fishing practices;

5.1.3 The quanta of fish harvested;

5.1.4 Investments made in the fishery and jobs created and sustained;

5.1.5 Compliance initiatives;

5.1.6 Duration of chartering activities in other countries; and

5.1.7 The Chief Director: Resource Management (Marine) will consult with Right Holders during the course of 2007 to determine further criteria against which Right Holders will be measured.

5.2 Should the Permit Holder fail to timeously submit the above information or submit false or incorrect information, the Department may:

(a) refuse to re-issue a permit under section 13 of the Act for the following year until such time as the required information has been receipted; or

(b) proceed under section 28 of the Act.

6. FISHING AREA

6.1 The permit is valid in South African waters (excluding tidal lagoons, tidal rivers and estuaries) and may be used on the high seas in conjunction with a high seas licence.

6.2 The Permit Holder or any of his/her or its employees shall not undertake fishing, or take or destroy any fauna and flora, or in any way disturb alter or destroy the natural environment, or carry on any activity which may adversely impact on the ecosystems in Marine Protected Areas except where so permitted by the Minister in writing.

6.3 Fishing in other marine areas controlled by the South African National Parks, is subject to regulations, promulgated under the National Parks Act, 1976 (Act No. 57 of 1976) as amended.

7. VESSEL MONITORING SYSTEM (VMS)

7.1 The Permit Holder shall ensure that the fishing vessel is fitted with a functioning vessel monitoring system ("VMS"), which is approved by the Chief Director: Monitoring, Control and Surveillance.

7.2 It is incumbent on the Permit Holder to ensure that the VMS is fully operational and that the VMS continues to transmit to the Department's Operations room. The Permit Holder shall establish that the VMS unit is functional by contacting the Operations Room on telephone numbers (021) 402-3076 or (021) 402-3077, prior to sailing.

7.3 Whilst at sea, the VMS shall report continuously and uninterruptedly to the Operations Room. Should the power supply to the VMS be interrupted or the equipment not be operational for any reason whatsoever for a period exceeding 6 (six) hours, the nature of the problem shall be reported immediately by fax to the Department at fax number (021) 425 6497. Should the problem persist the Department shall request the vessel to return to Port immediately to have the VMS equipment repaired.

7.4 Vessels wishing to switch off their VMS units whilst alongside in port, shall do so only after a minimum of six (6) hours after berthing, and switch on their units a minimum of six (6) hours prior to the estimated time of departure from the port. For smaller vessels, which use slipways as access points, the VMS unit shall be turned on prior to launching once the vessel is on the slip. After the fishing trip the VMS unit may only be turned off once the vessel is again on the trailer.

7.5 Should the Permit Holder not adhere to the provisions of paragraphs 7.3 and 7.4, the Department will detain the vessel once in port and will implement proceedings under section 28 of the Act.

8. VESSEL SPECIFICATIONS

8.1 The Permit Holder shall display, on the vessel next to the registration letters and numbers (area code) assigned to the vessel by the Director-General, the letters " **TP**" (Tuna Pole) followed by the number of crew reflected in Section A of this permit (e.g. **TP 12**).

8.2 The registration letters and numbers assigned to the vessel by the Director-General (the area code), must be painted in white on a black background or in black on a white background on both bows in characters not less than 15 cm in height, 10 cm in breadth (figure "1" expected) and 2 cm in thickness (width of stroke). The space between adjacent letters and figures shall be between 2 cm and 5 cm.

8.3 Radio call signs must be clearly visible and displayed as stipulated in terms of regulation 78 of the Regulations promulgated under the Act.

9. GEAR RESTRICTIONS

9.1 The use of any line or connected lines or fishing gear to which a total of more than 10 fishing hooks is attached, is prohibited.

9.2 Only handline / pole / rod and reel fishing gear may be used. Other fishing gear, such as nets, may not be carried on board the vessel.

10. CATCH LIMITATIONS AND CONTROLS

10.1 The maximum number of crew as stipulated on the permit shall not be exceeded. For this purpose, "crew" includes any person on board such vessel.

10.2 The Permit Holder shall primarily target tuna of the family Scombridae (excluding the genus Scomberomorous) by way of the handline / pole / rod and reel method. Other species, including snoek, angel fish, oil fish, escolar, dorado, wahoo and squid (excluding Chokka *Loligo vulgaris*) are permitted, but are not considered to be primary target species. The Permit Holder may also land yellowtail by the handline / pole / rod and reel method, but shall not exceed the daily bag limit of 10 yellowtail (*Seriola lalandi*) per crew member. As daily bag limits shall not be accumulated over the duration of the trip, daily bag limits are in essence trip limits. On the high seas giant yellowtail (*S. dumerili*) and five fingerfin may also be landed subject to the permit holder having a high seas licence (no bag limits apply for these species).

10.3 No other species of fish shall be retained by the Permit Holder.

10.4 No fishing hooks, fishing line or plastics may be discarded. All fishing hooks must be removed from offal before the offal is dumped. All fishing hooks must be removed from discards, save where the removal of hooks from live discards (e.g. sharks) may endanger the safety of the crew or be detrimental to the survival of the animal.

10.5 Whilst operating in terms of the provisions of this permit, the Permit Holder or any of his/her or its employees shall not activate the right afforded to him/her in terms of any other permit including recreational fishing permits.

10.6 No vessel registered as a commercial tuna pole vessel shall be used for recreational charters, i.e. only *bona fide* commercial South African fishers are allowed to make up the crew compliment.

10.7 The Permit Holder must comply with the regulations issued in terms of the National Environment Management Act, 1998 (Act No. 107 of 1998) as set out in Government Notice 1399 of 21 December 2001 should vehicular access to the shore be necessary during launching and retrieval of the fishing vessel.

11. LANDING OF FISH

11.1 Prior to any fishing trip, the Permit holder shall inform the local Marine and Coastal Management Fishery Control Office (Annexure 1) of date and time of departure, and estimated date and time of arrival.

11.2 At least two hours prior to berthing the Permit Holder shall confirm berthing details (i.e. estimated time of berthing / landing and harbour/ port where berthing / landing will take place) to the local Fishery Control Office as provided in **Annexure 1**. If place of departure differs to the place of arrival then the local Fishery Control Office at both the departure and arrival port/harbour port should be notified of berthing details.

11.3 Catches shall be discharged only at landing points approved by the Department. The entire catch (including any by-catch) must be discharged at one landing point only.

11.4 The Permit Holder shall ensure that all fish is discharged from the vessel in accordance with the reasonable instructions of the Fishery Control Officer/ Marine Resources Monitor.

11.5 It is the responsibility of the Permit Holder to obtain a **landing declaration** sheet from the local Fishery Control Office. The Permit Holder shall ensure that a landing declaration sheet is completed and countersigned by the factory manager and the local Fishery Control Officer, after each trip, in the event that the discharge is not monitored by an FCO or Monitor. The Permit Holder shall submit the completed form to the local Fishery Control Officer immediately after discharge. If this is not possible the form should be submitted before the next fishing trip

11.6 Should a Permit Holder fail to adhere to the above requirements, the Department will confiscate all fish landed and implement proceedings under section 28 of the Act.

12. ECOSYSTEM EFFECTS OF FISHING

Plastic Pollution Interaction With Cape Fur Seals

12.1 The Permit Holder must take cognisance of sustainable fishing practices and impacts of tuna pole operations on the ecosystem. A specific concern is the impact of lost "strops" (cords used to hang fish during freezing) during discharge procedures. Cape fur seals subsequently become entangled in these strops resulting in mutilation of these mammals and in many cases a slow agonising death. In order to solve this problem the permit holder is to ensure that "strops" used during freezing and discharge are to be constructed according to the following specifications:

A double strand of polypropylene cord (or better still any biodegradable material) rather than being made into one large circle is to be restricted to a maximum size of circle by knotting the rope to limit the hole size to a maximum of 80mm between knots. (See Figure 1 for clarity). The minimum stretched length between knots may not exceed the stipulated 80mm. This design allows the application of the strops as originally used but will ensure that seals cannot become entangled in the loops.

13. LEVIES

13.1 The Permit Holder shall pay the prescribed levies payable for the fish landed.

13.2 All levies shall be paid monthly in arrears by the 7th day of the month.

13.3 Permit Holders who presently have levies outstanding for a period in excess of 60 days, will not be issued their 2008 fishing permits or may have their 2007 fishing permits cancelled until all outstanding levies have been paid to the Department.

14. OBSERVER PROGRAMME

14.1 The Department may require the Permit Holder to carry one or more Observers on board its vessel at times during the fishing season.

14.2 The Observer shall be fully accommodated on board the vessel and provided with food and facilities of a level accorded to officers.

14.3 The Permit Holder shall bear the costs of the observer deployment.

14.4 Should a Permit Holder hinder the duties and functions of the Observer, the Department will implement proceedings under section 28 of the Act.

15. COMPLIANCE

15.1 The Permit Holder is obliged in terms of the Act to report to the Minister any contravention of the Act or permit conditions by any other person. Any such contravention must be reported to the Department in writing and should be faxed to (021) 425-7324, Attention: The Chief Director: Monitoring, Control and Surveillance.

16. VALIDITY OF PERMIT

16.1 This permit shall be valid from the date if issue until the 31st December 2007.

16.2 This permit shall automatically expire and be invalid should the right allocated by the Minister or his delegate be cancelled or revoked in terms of section 28 of the Act.

SECTION C

MANAGEMENT MEASURES

TUNA POLE: 2007

1. GENERAL

1.1 This permit is issued subject to the further provisions of the following once finalised and/or promulgated (See also Paragraph 1.2 of Section B):

1.1.1 Tuna Pole Fisheries Manual (to be developed), and;

1.1.2 National Plans of Action for sharks (NPOA-sharks) and seabirds (NPOA-seabirds).

2. OBSERVERS

2.1 The Department will progressively increase the land-based Observer coverage of this fishery.

3. ECOSYSTEM EFFECTS OF FISHING

3.1 The Department intends declaring open ocean marine protected areas in the future to protect representative habitats and ecosystems.

3.2 The Permit Holder must take cognisance of sustainable fishing practices and impacts of tuna pole operations on the ecosystem. A specific concern is the impact of lost “strops” (cords used to hang fish during freezing) during discharge procedures. Cape fur seals subsequently become entangled in these strops resulting in mutilation of these mammals and in many cases a slow agonising death. In order to solve this problem the permit holder is to ensure that “strops” used during freezing and discharge are to be constructed according to the following specifications:

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3.3 No fishing hooks, fishing line or plastics may be discarded. All fishing hooks must be removed from offal before the offal is dumped. All fishing hooks must be removed from discards, save where the removal of hooks from live discards (e.g. sharks) may endanger the safety of the crew or be detrimental to the survival of the animal.

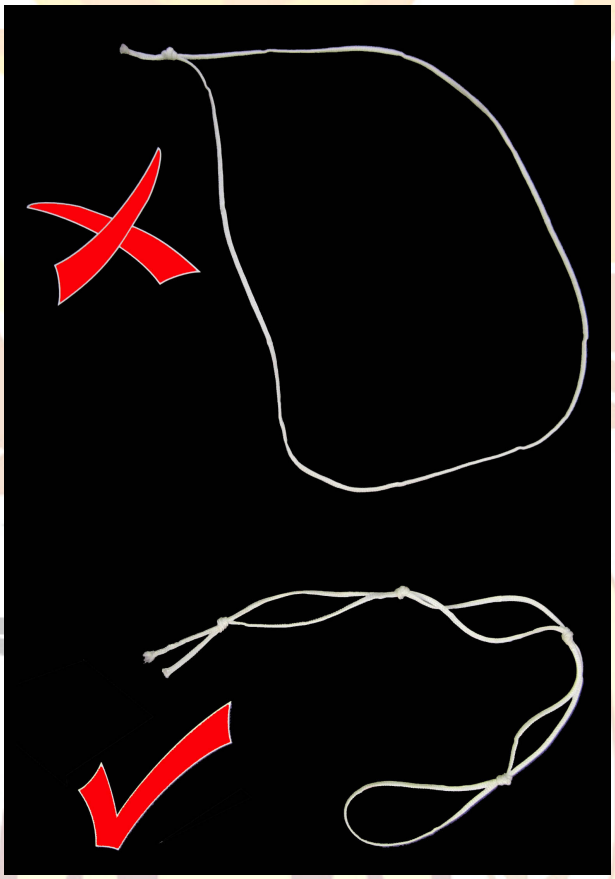

Figure 1. An example of correct "strops" to use to avoid seal entanglement.

ANNEXURE 1

Designated landing sites for the landing of catches made by tuna pole permit holders

LANDING SITES: COMMERCIAL TUNA POLE		
Designated Landing Sites	**Adresses for FCO Offices**	**RESPONSIBLE OFFICER**
Cape Town Harbour	Marine and Coastal Management Foretrust Building Cape Town	Mr M.L Jack 0827793670 /021 402 3430/3361 Fax: 021 402 3113/3367
Hout Bay Harbour	Harbour Road M&CM office Hout Bay	Ms Polo 021 790 1163/073 225 9424 Fax: 021 790 1792
Mossel Bay Harbour	Aqua Plaza Mars Street Office 104, Mossel Bay	Mr. D Wessels 044693 2367/082 829 3924 Fax: 044 691 1617
Kalkbay Harbour and Miller's Point slipway	KAlk Bay Harbour M&CM Office Main Road Kalk Bay	Mr. P Stacey 021 788 1038/082 829 3919 Fax: 021 788 8313
Gordons Bay Harbour	Kusweg 1 GordonsBaaihawe Gordons Baai 7140	Mr. H Stevens 021 856 1481/82 771 8892 Fax: 021 856 5222
Saldanha Bay Harbour	Saldanha Bay Harbour President Street Saldanha	Mr. GJL du Toit 022 714 1710/ 082 555 1788 Fax:022 714 3997
St Helena Bay	Sandy Point Harbour St Helena Bay	Mr W. Basson 022 736 1188 022 736 1530
Gansbaai Harbour	Gansbaai Harbour Office	Mr. H. Smit 072 4426877 028 384 0321 Fax: 028 384 1546
Port Elizabeth Harbour	21 Stanley Street Central P.E	Mr. D. W. Mostert – 041 586 4051 Fax: 041 585 0385
Port Nolloth Harbour	Beach Road Way Port Nolloth 8280	Mr H.J De Kock 082 770 4207 027 851 8604 Fax: 027 851 8053