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AIDS HELPLINE: 0800-0123-22 Prevention is the cure

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GENERAL NOTICE ALGEMENE KENNISGEWING

NOTICE 592 OF 2005

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

INVITATION TO COMMENT ON THE DRAFT POLICY CONCERNING THE ALLOCATION AND MANAGEMENT OF LONG TERM FISHING RIGHTS IN THE TRADITIONAL LINE FISHERY, 2005.

The Minister of Environmental Affairs and Tourism hereby issues for notice and comment a draft fisheries policy on the allocation and management of long term commercial fishing rights in the Traditional Line Fishery. Interested and affected parties are invited to submit written comment on this Draft Policy on the Allocation and Management of Long Term Fishing Rights 2005 in the manner set out in this Notice.

This policy must be read with the Draft General Policy on the Allocation and Management of Long Term Fishing Rights, 2005 (available at www.mcm-deat.gov.za)

In order to solicit comments from members of communities who may need special assistance in order to participate, a series of public meetings will be held where the applicable policies and their consequences will be explained, questions will be answered, written comments will be invited, oral comments will be recorded and views from members of the audience will be minuted.

Port Nolloth Venue: Port Nolloth City Hall Date: 18 April 2005 Time: 09h00	Hondeklipbaai Venue: Hondeklipbaai Community Centre Date: 18 April 2005 Time: 13h00	Lamberts Bay Venue: Lamberts Bay Community Hall Date: 19 April 2005 Time: 09h00
Saldanha Bay Venue: Diazville Community Hall Date: 20 April 2005 Time: 12h00	Cape Town Venue: Good Hope Centre Date: 21 April 2005 Time: 14h00	Hermanus Venue: Moffat Community Hall Date: 22 April 2005 Time: 12h00
Arniston Venue: Die Vissers Unie Saal Date: 25 April 2005 Time: 09h00	Vermaaklikheid Venue: Vermaaklikheid Community Hall Date: 25 April 2005 Time: 14h00	Mossel Bay Venue: Delmade Community Hall Date: 26 April 2005 Time: 09h00
Plettenberg Bay Venue: Simunye Hall Date: 26 April 2005 Time: 14h00	Port Elizabeth Venue: PE City Hall Date: 27 April 2005 Time: 10h00	Port St Johns Venue: Port St Johns Town Hall Date: 28 April 2005 Time: 12h00
Port Edwards Venue: Ebenezer Hall, Mzamba Date: 29 April 2005 Time: 09h00	Durban Venue: NSRI Hall Date: 30 April 2005 Time: 09h00	

Participants will be required to register on arrival at the venue, and are requested to arrive half an hour prior to the start of the meeting.

Interested parties may also submit written comments to the Department by 17h00 on Friday 20 May 2005 in the following manner:

By Fax: Fax Number: (021) 670-1782 Attention: The head Rights Allocation Unit Traditional Linefish Comments	By Mail: Attention: The Head Rights Allocation Unit The Deputy Director-General The Department of Environmental Affairs and Tourism P.O Box 44963 Claremont 7735 Traditional Linefish Policy Comment	By E-mail: RVU@deloitte.co.za Attention: The Head Rights Allocation Unit Traditional Linefish Policy Comments
		By Hand Attention: The Head Rights Allocation Unit The Rights Verification Unit 11 Lansdown Road Claremont Traditional Linefish Policy Comments

The draft policy is also available on Marine and Coastal Management's website www.mcm-deat.gov.za. Hard copies may also be collected from the Department's fishery control offices along the coast. More information regarding the Long Term Rights Allocation Process can be obtained from the following helpline: 0861 123 626. Please note that comments received after the closing date may be disregarded. Telephonic queries regarding the submission of comments may be directed to the Rights Verification Unit at (021) 670-3669.

DRAFT



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

DRAFT TRADITIONAL LINE FISH POLICY

**POLICY FOR THE ALLOCATION AND MANAGEMENT OF
COMMERCIAL FISHING RIGHTS IN THE
TRADITIONAL LINE FISHERY: 2005**

This Policy is also available at www.mcm-deat.gov.za

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1. Introduction

This is a draft policy on the allocation and management of commercial fishing rights in the traditional line fishery and is issued by the Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management ("the Department") for public comment. Interested and affected parties must submit written comment by **20 May 2005**. Comments submitted after this date will not be considered. Comments shall be submitted as follows:

By Fax: (021) 670-1782

Attention: The Deputy Director-General
Traditional Line Fish Policy Comments

By Mail

Attention: Deputy Director-General
The Department of Environmental Affairs and
Tourism
PO Box 44963, Claremont, 7735
Traditional Line Fish Policy Comments

It is important to note that the General Fisheries Policy issued for public comment in March 2005 **will apply to this policy**. The traditional line fishery is the only commercial fishery subject to an environmental emergency declared by the Minister of Environmental Affairs and Tourism. This draft policy sets out the criteria in terms of which commercial applications for traditional line fish rights will be evaluated.

In addition to this policy, the Department will develop a Traditional Line Fishery Management Manual in consultation with the fishery's recognised industrial body (ies) during the course of 2006. This manual will stipulate in detail the management methodology and procedures for the sector. In particular, the Manual will detail the management procedure to manage this fishery on a regional basis.

Finally, with respect to allocating commercial traditional line fishing rights, the Minister of Environmental Affairs and Tourism intends delegating his section 18 powers in terms of section 79 of the Marine Living Resources Act 18 of 1998 (*"the MLRA"*) to a senior official of the Department.

2. Profile of the Line Fishery

The origins of the South African boat-based line fishery can be traced back to the fishing activities of European seafarers in the 1500s. The Dutch colonised the Cape in 1652, but because of various restrictions, the fishery was slow to develop despite an abundance of fish. When the British captured the Cape Colony in 1795, all fishing restrictions were removed, and by the mid-1800s the commercial line fishery had become a thriving industry. The next spurt in the growth of the fishery occurred after the Second World War when both fishing effort and line fish catches increased substantially as a result of the simultaneous introduction of motorised vessels, the construction of small boat harbours along the coast and the availability of echo-sounding technology.

In spite of the 200 year history of the fishery, the basic life histories of many species have only recently been described. The first attempts at managing line fish resources were marked by the introduction of minimum size limits for selected species in 1940. However, the absence of life-history information about line fish stocks meant that these regulations were determined on a fairly arbitrary basis. As a result of growing concerns for the line fish resources, biological studies on a few important species (e.g. *seventy four*, *hottentot*, *carpenter*) were initiated in the 1960's. With the exception of a closed season for *elf* in KwaZulu-Natal, and *snoek* in the Cape, no other restrictions were promulgated until a comprehensive management framework was introduced for the line fishery in early 1985.

The 1985 management framework included revised minimum size limits, daily bag limits, closed seasons, commercial fishing bans for certain species and the capping of the commercial effort at the 1984 level. Owing to a lack of biological and fisheries data, the level of protection afforded to each species depended largely on qualitative indications of its vulnerability to exploitation, rather than on quantitative evaluations. Furthermore, the absence of clear management guidelines and the existence of strong lobby groups resulted in considerable compromise between managers and fishers regarding the implementation of management action for certain species.

The South African line fishery is a multi-user, multi-species fishery consisting of approximately 200 species of which 95 contribute significantly to commercial and recreational catches. The user groups may be broadly divided into recreational, commercial and subsistence components. The

recreational component consists of approximately 450 000 users and may be divided into estuarine anglers, who fish from boats or river banks, rock and surf anglers and a recreational skiboat sector which operates in a similar environment to the commercial component. The subsistence sector is a new component, having first been recognised by the Marine Living Resources Act of 1998. The subsistence sector exists along the east coast from the Eastern Cape to Northern KwaZulu-Natal and comprises shore-based and estuarine fishing activity. Due to high operating costs, the boat-based fishery does not include a subsistence sector. This policy concerns the commercial fishery only.

The traditional line fishery is a boat-based activity and currently consists of 3450 crew operating from about 450 commercial vessels of between 4.5m and 15m in length. These vessels use hand line or rod-and-reel to target approximately 200 species of marine fish along the full 3000 km coastline, of which 50 species may be regarded as economically important. To distinguish between line fishing and long lining, line fishers are restricted to a maximum of 10 hooks per line. Target species include resident reef-fish, coastal migrants and nomadic species. Annual catches prior to the reduction of the commercial effort were estimated at 16000 tons for the traditional commercial line fishery. Almost all of the traditional line fish catch is consumed locally.

Owing to the large number of users, launch sites, species targeted and the operational range, the line fishery is managed in terms of a total applied effort ("TAE"), bag limits for species, closed areas, limitations of the gear used and restraints on the trade of collapsed and over-exploited species.

Geographically, line fishing takes place from Port Nolloth on the west coast to Richards Bay on the east coast. The fishery is not capital intensive and exceptionally traditional in nature with fisher families having participated, in many instances, for generations and centuries. The fishery is, however, characterised by high levels of insecure labour relations, including *ad hoc* employment.

3. The Biological Status of Line Fish Stocks

Stock assessments conducted since the mid 1980's have revealed that with the exception of fast growing species, such as *snoek* and *yellowtail*, most commercially exploited traditional line fishes have been depleted to dangerously low levels. One of the problems with reducing fish populations to such low levels is that productivity and hence annual catch are much lower than they could be; with obvious ramifications for job creation, tourism and conservation. Apart from these losses, the risk of stock collapse and commercial extinction, as has occurred for *seventy-four*, is extremely high.

Taking cognisance of the poor status of most traditional line fish resources, the Minister of Environmental Affairs and Tourism declared an environmental emergency in this fishery in December 2000. In terms of the emergency, the Minister determined that no more than 3450 persons may fish commercially for traditional line fish. The TAE allocated to the traditional commercial line fishery is an attempt to stabilise the declining trends in the fishery and then re-build over-exploited species.

Given their long life span and complex life histories and continuing fishing pressures, it is unlikely that significant positive changes will occur within a decade. During the World Summit on Sustainable Development ("WSSD"), countries undertook to maintain or rebuild fish stocks to levels that can produce the maximum sustainable yields. The goal is to be achieved on an urgent basis for depleted stocks, and if possible, by not later than 2015.

4. The Medium Term Rights Allocation Process

Commercial fishing rights for the traditional line fishery were allocated for the very first time in July 2003. Of the 3450 crew available for allocation, the Department accommodated 2048 line fishers on 346 boats. The Minister of Environmental Affairs and Tourism subsequently accommodated a further 448 fishers. On 28 August 2003, the Minister issued a statement that addressed the particular challenges faced in allocating commercial line fish rights. He stated:

"In evaluating the appeals, it became abundantly clear that the majority of appellants fell into one of the following categories:

- ❖ *They are right holders in other commercial fisheries.* This fact was particularly evident amongst appellants from Arniston, Kalk Bay and Hout Bay. Some appellants hold two, three and even four commercial rights such as hake long line, pelagic and squid; or
- ❖ *They are weekend fishers.* Many appellants unashamedly stated that they are employed in fulltime employment as consultants, undertakers, teachers or managers but their lifestyles require the additional income which they derive from line fishing. The commercial line fishery, which is in state of environmental crisis, is not intended to supplement and support such lifestyles."

In the end, 2496 commercial line fishers were accommodated. However, 954 crew remained unallocated. The Department then undertook an extensive coastal consultation process to determine which line fishers were excluded by the commercial process. This process endured for the remainder of 2003. In 2004, the balance of the crew TAE was allocated by way of exemptions under section 81 of the Marine Living Resources Act.

5. Objectives of Allocating Commercial Traditional Line Fish Rights

The over-all objectives of allocating long term fishing rights in this fishery are to:

- Increase the participation levels of black traditional line fishers;
- Allocate rights to traditional line fishers reliant on traditional line fishing for their income;
- Affirm fishing communities and coastal regions who depend on traditional line fishing;
- Ensure fair labour practices are adhered to;
- Carefully manage the effort to which line fish stocks are currently subjected to ensure that over-exploited and collapsed fish stocks recover;
- Lay the foundations for the management of this fishery on a regional basis; and
- Ensure substantially higher levels of compliance by fishers.

6. Empowerment of Line Fish Crew

To empower line fish crew, the Department will require all traditional line fish crew to register on a "line fish crew list". All right holders requiring crew for their vessels will be obliged to crew their vessels from persons registered on the crew list. The Department will only register persons on the crew list if they have successfully undertaken a SAMSA safety training course, establish a reliance on line fishing and are able to demonstrate some form of historical involvement in line fishing.

In turn, the traditional line fish crew registered on the crew list may only fish from vessels authorised to catch line fish.

7. Duration of Rights

Having regard to the biological status of line fish stocks, the need to encourage higher levels of compliance and adherence to fisheries laws and the need to affirm line fishers from traditional line fish villages along our entire coast, rights will be allocated for a period of 8 years (01 January 2006 to 31 December 2013). However, as will be explained below, each right holder will be tested at regular intervals against predetermined performance criteria.

8. New Entrants

The traditional line fishery is oversubscribed. The Department estimates that the ratio of oversubscription (fishers:TAE) may be as high as 2:1. In addition, this fishery remains in a state of environmental emergency. Finally, the TAE set by the Minister remains at 3450 crew and 450 vessels. Accordingly, the Department will not allocate additional fishing rights (including exemptions) in this fishery. The Department will however, replace current right holders and exemption holders who do not rely on line fishing for their income, have not fished in accordance with their permit conditions or who have failed to transform their businesses as undertaken in their applications for rights or exemptions, as the case may be.

The Department will look to replace these fishers with traditional line fishers who were unsuccessful in applying for a medium term right in 2003 or line fish exemption in 2003/2004.

9. Full Commercial & Limited Commercial Rights and Exemptions

The Department will not allocate "limited commercial" and "full commercial" long term line fish commercial rights. The Department will only allocate commercial fishing rights in terms of section 18 of the Marine Living Resources Act.

Exemptions and limited commercial fishing rights will not be re-allocated. Instead, exemption holders and limited commercial fishing right holders must apply for commercial fishing rights. Commercial fishing rights are intended for small scale commercial line fishers who rely on line fishing for their income or a substantial part of their income.

10. Evaluation Criteria

All applications for commercial line fish rights will be considered in terms of a set of "*exclusionary criteria*". All applicants will thereafter be separately scored in terms of a set of "*comparative balancing criteria*". A cut-off will then be determined in order to select the successful applicants.

10.1 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 Right Holder:** 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 line fish. 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. Applications from trusts, close corporations and companies will not be considered.

- (b) **Compliance:** Applicants that have been convicted of an offence in terms of the Marine Living Resources Act (without the option of the payment of a fine) will not be allocated a traditional line fish right. Applicants that have had any fishing right cancelled or revoked in terms of the Marine Living Resources Act will also not be allocated a traditional line fish right. Other breaches of the Marine Living Resources Act will adversely affect the evaluation of applications.
- (c) **Paper Quota Applicants:** 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.
- (d) **Non-utilisation:** Those right holders that have failed to utilise their medium term commercial traditional fishing right or traditional line fish exemption between 2003 and 31 December 2004 will not be allocated a line fish right. The Department will have particular regard to the frequency and regularity of the submission of catch effort data by right and exemption holders.
- (e) **Personal involvement in harvesting of the resource:** Applicants will have to be involved on a full-time basis in traditional line fishing, be on board the nominated line fish vessels and accordingly participate in the operation of the business.

- (f) **Dependency on the resource:** Right and exemption holder applicants who are presently not dependant on the harvesting of traditional line fish for at least 50% of their annual gross income will be excluded. Potential new entrants will be required to demonstrate their historical dependency on traditional line fishing for a livelihood.
- (g) **Vessel access:** Applicants will have to demonstrate that they have access to a suitable line fish vessel (*see further paragraph 11 below*).

10.2 **Balancing Criteria**

All applicants will be evaluated in terms of the following balancing criteria, which will be weighted in order to assess the strength of each application:

(a) **Transformation**

To increase the transformation profile of the traditional line fishery, applicants will be scored positively if 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).

Applicants will also be assessed and scored on –

- Affirmative procurement; and
- Corporate social investment.

(b) **Investment in the Fishery**

Applicants will be evaluated having regard to investments made in the traditional line fishery.

Applicants will be considered having regard to whether they had invested in a suitable vessel as at 31 December 2004 and whether they invested in any line fish processing initiatives or intend investing in any line fish processing initiatives. The Department will have regard to whether the applicant has invested or intends

investing in processing initiatives to add further value to traditional line fish caught.

(c) Deck Boats

Applicants resident along the west and south east coasts who intend to use their traditional wooden deck boats (provided they are 10m or less) will be rewarded.

(d) Fishing Performance

Right holder applicants will be assessed having regard to their traditional line fishing performance and record during the medium term rights allocation process.

New entrant applicants will be assessed having regard to whether they have the ability, knowledge and skills to fish for traditional line fish stocks.

(e) Job creation

Job creation and the nature of jobs provided in this fishery are of concern to the Department. The Department will reward right holder and exemption holder applicants that have provided employees with –

- Full time secure employment;
- Medical and pension benefits;
- Safe working conditions;
- Any other employment benefits.

As far as new entrant applicants are concerned, the Department will have regard to how many crew they intend to employ and under what conditions.

(f) Traditional Fishing Communities

A number of traditional fishing communities along South Africa's coast have historically been the centres of traditional line fishing.

The Department will reward those applicants that have been resident in a

traditional line fishing community for at least the past 10 years and who intend to fish from a local harbour or slipway only. Along the KwaZulu-Natal coast, the Department will prefer those applicants who intend to fish off the KwaZulu-Natal coastline only.

(g) Historical involvement

All applicants will be rewarded for demonstrating historical involvement in the traditional line fishing industry, such as being a skipper or a crew member in the fishery.

(h) Reliance on line fishing

The Department will prefer those traditional line fishers who are exclusively or substantially reliant on traditional line fishing for their gross annual income (ie. more than 75%).

(i) Compliance:

Minor infringements of Marine Living Resources Act, the Regulations and permit conditions will be negatively scored. Applicants who cannot demonstrate that they comply with the Skills Development Act, 97 of 1998, the Skills Development Levies Act, 9 of 1999, and the Occupational Health and Safety Act 85 1993, will be negatively scored.

10.3 Effort Allocations

The Department will allocate a maximum of 450 vessels capable of carrying a maximum of 3450 crew. Each successful applicant will be allocated one vessel. If all 450 vessels are not allocated, the Department will allocate the remaining vessels to those who scored the most points in the comparative balancing process and who nominated more than one suitable line fish vessel to which they have a right of access.

The number of crew that may fish from any vessel will depend on the SAMSA safety certificate for that vessel.

The Department intends to allocate the 450 vessels along the coastline as follows. The numbers of vessels allocated to each area is calculated having regard to the levels of sustainable effort to which line fish in that area may be subjected:

- Port Nolloth to Cape Point: 123 vessels
- False Bay to Breede River: 172 vessels
- Breede River to Port St Johns: 103 vessels
- KwaZulu-Natal: 52 vessels

11. Suitable Vessels

All applicants need to demonstrate access to a suitable line fish vessel. A suitable vessel in the traditional line fishery is a vessel that:

- is either a skiboat or traditional wooden deck boat of 10m or less that is currently operating in the fishery. These vessels must be certified by SAMSA as being safe for fishing; and
- is geared for hand line fishing.

The Department may require each right holder to invest in an acceptable vessel monitoring system pursuant to the allocation of fishing rights.

12. Multi-sector Involvement

Right holders in the traditional line fishery may not hold (whether directly or as a shareholder, member or beneficiary) or be involved in the management of any right holder in the Cluster A or Cluster B fisheries. Right holders in the traditional line fishery may however hold the following rights, in addition to their line fishing right:

-
- Right holders domiciled between Port Nolloth and Gansbaai may hold west coast rock lobster fishing rights (near shore only), provided that the person does not hold an abalone right as well;
 - Right holders domiciled between the Breede River and Port St Johns may hold hake handline fishing rights; and
 - Right holders in KwaZulu-Natal may hold net fishing rights (such as shove nets etc), including beach seine rights.

The provisions of Government Notice 4727 of 29 December 2000, in so far as it prohibits the holder of a commercial section 18 traditional line fishing right from holding any other commercial fishing right, is hereby amended by authorising the holders of a traditional line fish right to hold the following fishing rights only:

- West coast rock lobster (near shore);
- Hake handline; and
- KwaZulu-Natal Beach seine nets (including shove nets).

Traditional line fishing right holders who are also allocated lobster fishing rights will not be permitted to carry any gear for the harvesting of lobster while traditional line fishing. Traditional line fishing right holders who also hold a hake handline fishing right will not be permitted to fish for both hake and line fish on the same fishing trip. While traditional line fishing, the right holder shall only be permitted to carry on board its original traditional line fishing permit. All other original commercial fishing permits shall be lodged with the local fishery control officer.

13. Regional management

The Department intends to manage this fishery on a regional basis, restricting the movement of vessels from one region to the next. Applicants in this fishery will have to nominate certain licensed

landing sites¹ or harbours from which they will operate within a nominated region. Should an applicant be successful in its application, the right holder will then be restricted to operating from that region. In addition, the Department will prohibit the harvesting of line fish stocks that are either over-exploited or collapsed in particular regions.

The Department will allocate traditional line fish rights in the following four regions:

- Port Nolloth to Cape Point
- False Bay to Breede River
- Breede River to Port St Johns
- KwaZulu-Natal

Traditional line fishers domiciled in KwaZulu-Natal may only operate in waters adjacent to KwaZulu Natal and may launch from any licensed landing site or beach along the KwaZulu-Natal coast.

14. Application Fees and Levies

The Department has proposed a two part application fee for this fishery as follows. An upfront application fee, applicable to all applicants for a traditional line fish right, of R400 (four hundred rand) is proposed. Thereafter, should an applicant be successful in applying for a line fish right, the right holder will have to pay a further R204 (two hundred and four rand) per crew member.

The Department is currently reviewing its levies for traditional line fish.

¹ A licenced boat launching site is a boat launching site licenced under regulation 7 of the Off Road Vehicle Regulations (GN Regulation 1399 of 21 December 2001, as amended). See <http://www.mcm-deat.gov.za/4x4/regulations.html>

15. Management Measures

The management measures discussed below reflect a number of the Department's principal post right allocation management intentions for this fishery.

15.1 Ecosystem Approach to Fisheries Management

This fishery will be managed in accordance with the ecosystem approach to fisheries ("EAF"). An ecosystem approach to fisheries management is an holistic and integrated policy which recognises that fishing and various land based activities impacts on the broader marine environment. The EAF will be detailed further in the Fishery Management Manual for the traditional line fishery. South Africa remains committed to the target date of 2010 for the implementation of an EAF in the commercial fisheries.

15.2 Access to Snoek

The Department will continue to permit traditional line fishers access to *snoek*. The Department had previously stated that a separate *snoek* fishery is not viable as *snoek* is a highly nomadic species, as is presently evident.

15.3 Marine Protected Areas

Further marine protected areas will be designated during the duration of the line fish rights. In particular, during 2005, the Minister will designate the Namaqualand Marine Protected Area. The Department remains committed to protecting 20% of its marine area from fishing.

16. Performance Measuring

The Department will institute a number of formal performance measuring exercises for the duration of the commercial fishing rights. It is intended that the first set of performance measuring exercises

may take place on the first anniversary of the right, and thereafter every three years.

Although the Department will finalise the precise criteria against which right holders will be measured after the allocation of commercial fishing rights, and after consulting with right holders, the following broad performance-related criteria may be used:

- crew empowerment;
- investment in processing and value adding to line fish stocks;
- job creation; and
- compliance with applicable laws and regulations.

17. Provisional lists

Before the Department makes a final decision on who will be allocated rights to participate in the traditional line fishery, it will issue a provisional list of successful applicants. The provisional lists will be circulated in each fishing region. Interested and affected parties in these areas may then inform the Department if any persons on the list are not traditional line fishers.

18. Observer and Monitoring Programme

The Department's current monitoring programme will be expanded to this fishery. Right holders will be required to bear the costs of a land-based observer monitoring programme.

19. Permit Conditions

Permit conditions for this fishery will be issued annually. Permit conditions may be amended at any time during the season but after consulting with right holders and/or any recognised industrial body(ies) or interest group(s).

KENNISGEWING 592 VAN 2005 DEPARTEMENT VAN OMGEWINGSKE EN TOERISME

UITNODIGING OM KOMMENTAAR TE LEWER OOR DIE TOEKENNING EN BESTUUR VAN LANGTERMYN VISVANGREGTE IN DIE TRADISIONELE LYNVIS VISSERY: 2005.

Die Minister van Omgewingsake en Toerisme reik hiermee, vir kennisname en kommentaar, 'n konsepvisseryebeleid uit oor die toekenning en bestuur van langtermyn kommersiële visvangregte in die tradisionele lynvis vissery. Belanghebbende en geaffekteerde partye word uitgenooi om skriftelike kommentaar oor hierdie Konsep Beleid rakende die die Toekenning en Bestuur van Langtermyn Kommersiële Visvangregte 2005 in te dien op die wyse soos aangedui in hierdie kennisgewing.

Hierdie beleid moet saam gelees word met die Konsep Algemene Beleid oor die Toekenning en Bestuur van Langtermyn Kommersiële Visvangregte 2005 (beskikbaar by www.mcm-deat.gov.za).

Ten einde kommentaar te ontsluit van lede van gemeenskappe wat spesiale bystand mag benodig ten einde deel te neem aan hierdie proses, sal 'n reeks openbare vergaderings gehou word waar die toepaslike beleide en hulle gevolge verduidelik sal word. By hierdie vergaderings sal vrae beantwoord word, die betrokke gemeenskap sal uitgenooi word om skriftelike kommentaar te lewer en mondelinge kommentaar sal van rekord gehou word en menings van die gehoor sal genotuleer word.

Port Nolloth Lokaal: Port Nolloth Stadsaal Datum: 18 April 2005 Tyd: 09h00	Hondeklipbaai Lokaal: Hondeklipbaai Gemeenskapssentrum Datum: 18 April 2005 Tyd: 13h00	Lambertsbaai Lokaal: Lambertsbaai Gemeenskapssentrum Datum: 19 April 2005 Tyd: 09h00
Saldanhabaai Lokaal: Diazville Gemeenskapssentrum Datum: 20 April 2005 Tyd: 12h00	Kaapstad Lokaal: Gooie Hoop Sentrum Datum: 21 April 2005 Tyd: 14h00	Hermanus Lokaal: Moffat Gemeenskapssentrum Datum: 22 April 2005 Tyd: 12h00
Arniston Lokaal: Die Vissers Unie Saal Datum: 25 April 2005 Tyd: 09h00	Vermaaklikheid Lokaal: Vermaaklikheid Gemeenskapsaal Datum: 25 April 2005 Tyd: 14h00	Mosselbaai Lokaal: Delmade Gemeenskapssentrum Datum: 26 April 2005 Tyd: 09h00
Plettenbergbaai Lokaal: Simunye Saal Datum: 26 April 2005 Tyd: 14h00	Port Elizabeth Lokaal: PE Stadsaal Datum: 27 April 2005 Tyd: 10h00	Port St Johns Lokaal: Port St Johns Stadsaal Datum: 28 April 2005 Tyd: 12h00
Port Edwards Lokaal: Ebenezer saal, Mzamba Datum: 29 April 2005 Tyd: 09h00	Durban Lokaal: NSRI Saal Datum: 30 April 2005 Tyd: 09h00	

Deelnemers aan hierdie openbare vergaderings sal gevra word om te registreer met hulle aankoms by die lokaal en word versoek om 'n half uur voor die aanvang van die vergadering op te daag.

Belanghebbende party kan ook skriftelike kommentaar indien by die Departement teen 17h00 op Vrydag 20 Mei 2005, soos volg:

Per Faks: Faks Nummer: (021) 670-1782 Aandag: Die Hoof Regte Toekennings Eenheid Tradisionele Lynvis Kommentaar	Per Pos: Aandag: Die Hoof Regte Toekennings Eenheid Die Departement van Omgewingsake en Toerisme Privaatsak 44963 Claremont 7735 Tradisionele Lynvis beleid kommentaar	Per E-pos: RVU@deloitte.co.za Aandag: Die Hoof Regte Toekennings Eenheid Tradisionele Lynvis beleid kommentaar
		Per Hand Aandag: Die Hoof Regte Toekennings Eenheid Die Regte Verifieeringseenheid 11 Landsdowne Straat Claremont Tradisionele Lynvis beleid kommentaar

Hierdie konsep beleid is ook beskikbaar op Mariene en Kusbestuur se webruimte by www.mcm-deat.gov.za. Skriftelike kopieë kan ook afgehaal word by die Departement se vissery beheerkantore langs die kus. Meer inligting rakende die Lang Termyn Regte Toekenningsproses kan gekry word by die volgende hulplyn : 0861 123 626. Geliewe daarop te let dat kommentaar ontvang na die sluitingsdatum geignoreer mag word. Telefoniese navrae rakende die indiening van kommentaar kan gerig word aan die Regte Verifikasie Eenheid by (021) 670-3669.

KONSEP



DEPARTEMENT VAN OMGEWINGSAKE EN TOERISME TAK MARIENE EN KUSBESTUUR

KONSEP TRADISIONELE LYNVIS BELEID

BELEID VIR DIE TOEKENNING EN BESTUUR VAN KOMMERSIËLE VISVANGREGTE IN DIE TRADISIONELE LYNVIS VISSERY: 2005

Hierdie beleid is ook beskikbaar by www.mcm-deat.gov.za

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1. Inleiding

Hierdie is 'n konsepbeleid oor die toekenning en bestuur van kommersiële visvangregte in die tradisionele lynvis vissery en word uitgereik deur die Departement van Omgewingsake en Toerisme: Tak Mariene en Kusbestuur ("die Departement") vir openbare kommentaar. Belanghebbende en geaffekteerde partye moet skriftelike kommentaar indien teen **20 Mei 2005**. Kommentaar wat na hierdie datum ontvang word sal nie in aanmerking geneem word nie. Kommentaar moet as volg ingedien word.

Per Faks: (021) 425-7324

Aandag: Die Regtetoekenningseenheid
Tradisionele Lynvisbeleid Kommentaar

Per Pos

Die Departement van Omgewingsake en
Toerisme: Die Regtetoekenningseenheid
Privaatsak X2, Roggebaai, 8012
Aandag: Horst Kleinschmidt
Tradisionele Lynvisbeleid Kommentaar

Dit is belangrik om daarop te let dat die Algemene Visserybeleid wat uitgereik is vir openbare kommentaar in Maart 2005 **van toepassing sal wees op hierdie beleid**. Die tradisionele lynvis vissery is die enigste kommersiële vissery wat onderworpe is aan 'n omgewings-noodsituasie soos verklaar deur die Minister van Omgewingsake en Toerisme. Hierdie konsepbeleid stel die kriteria daar waarvolgens kommersiële aansoeke vir tradisionele lynvis visvangregte beoordeel sal word.

'n Bestuurshandboek vir hierdie vissery sal na oorleg met al die regtehouers in die loop van 2006 gefinaliseer word. Hierdie handboek sal in die fynste besonderhede die bestuursmetodes en prosedures vir die vissery uitstippel. Die Bestuurshandboek sal, in besonder, die bestuur van die vissery op 'n streeksbasis, volledig uiteensit.

Die Minister van Omgewingsake en Toerisme is voornemens om die artikel 18-magte, om kommersiële visvangregte vir die tradisionele lynvis vissery toe te ken, ingevolge artikel 79 van die Wet op Lewende Mariene Hulpbronne 18 van 1998 ("*die WLMH*") aan 'n senior beampte van die Departement te delegeer

2. Profiel van die Lynvis Vissery

Die oorsprong van die Suid-Afrikaanse bootgebaseerde vissery kan terug herlei word na die visvang aktiwiteite van Europese seevaarders in die 1500s. Die Nederlanders het die Kaap gekolonialiseer in 1652, maar as gevolg van sekere beperkings was die vissery stadig om te ontwikkel, ten spyte van 'n oormaat vis. Met die Britse besetting van die Kaap Kolonie in 1795, is alle visvangbeperkings verwyder en teen die middel 1800s was die kommersiele lynvis vissery 'n florerende bedryf. Die volgende versnelling in die groei van die vissery het plaasgevind na die Tweede Wêreld Oorlog toe beide vangspoging en lynvisvangste aansienlik toegeneem het as gevolg van die gebruik van gemotoriseerde vaartuie, die konstruksie van hawens vir klein bote langs die kus en as gevolg van die beskikbaarheid van eggo-peiling tegnologie.

Ten spyte van die 200 jaar geskiedenis van die vissery is die basiese lewens-geskiedenis van verskeie spesies eers onlangs beskryf. Die eerste pogings tot bestuur van die lynvis bron was gekenmerk deur die infasering van minimum-groote beperkings in 1940, ten opsigte van sekere gekose spesies. Die gebrek aan lewens-geskiedenis inligting van lynvisbronne het egter tot gevolg gehad dat hierdie reguleringspoging op 'n taamlike arbitrêre basis vasgestel is. As gevolg van groeiende kommer oor die lynvis bronne is biologiese studies geloods in die 1960's ten opsigte van sekere belangrike spesies (*seventy four*, *hottentot*, *carpenter*). Behalwe vir 'n geslote seisoen vir *elf* in KwaZulu-Natal en *snoek* in die Kaap, was geen ander beperkings gepromulgeer nie, totdat 'n verreikende bestuurs raamwerk vir die lynvis vissery vroeg in 1985 ingestel is.

Die 1985 bestuursraamwerk het gewysigde minimum groottes, daaglikse sak-limiete, geslote seisoene, kommersiële vangsverbotte vir sekere spesies en die beperking van vangspoging tot die 1984 vlak, ingestel. As gevolg van 'n gebrek aan biologiese en visserydata was die vlak van beskerming wat aan elke spesie gegun is oorwegend bereken op grond van kwalitatiewe indikasies van die spesie se vatbaarheid vir eksploitasie, eerder as op kwantitatiewe evalueringe. Die gebrek aan duidelike bestuursriglyne en die bestaan van sterk belangegroepe het 'n groot mate van kompromis tussen bestuurders en vissers as gevolg gehad met betrekking tot die implementering van bestuursplanne vir sekere spesies.

Die Suid Afrikaanse lynvis vissery is 'n multi-gebruiker, multi-spesie vissery bestaande uit ongeveer

200 spesies waarvan 95 aansienlik bydra tot kommersiële- en ontspanningsvisvangs. Die gebruiksgroepe kan breedweg verdeel word in ontspannings-, kommersiële- en bestaansgrondslag komponente. Die ontspanningsvisserij komponent bestaan uit ongeveer 450 000 gebruikers en kan verdeel word in riviermond hengelaars, wat visvang vanaf bote en rivieroewers, rots- en strand-hengelaars en die ontspannings skiboot sektor wat op soortgelyke wyse as die kommersiële sektor visvang. Die bestaansgrondslagvisserij is 'n nuwe komponent wat vir die eerste keer erken is deur die Wet op Lewende Mariene Hulpbronne van 1998. Die bestaansgrondslagvisserij bestaan langs die ooskus vanaf die Oos-Kaap tot Noord KwaZulu-Natal en bestaan uit oewer gebaseerde en riviermond hengel aktiwiteite. As gevolg van die aansienlike bedryfskoste daaraan verbonde het die bootgebaseerde visserij nie 'n bestaansgrondslag komponent nie. Hierdie beleid handel slegs oor die kommersiële visserij.

Die tradisionele lynvis visserij is 'n boot-gebaseerde aktiwiteit en bestaan tans uit ongeveer 3450 bemanning wat ongeveer 450 kommersiële vaartuie bedryf, van tussen 4.5m en 15m in lengte. Hierdie vaartuie gebruik handlyne of stok-en-katrol om ongeveer 200 spesies vis langs die hele 300km kuslyn te teiken. Van die 200 spesies kan ongeveer 50 as ekonomies belangrik geag word. Ten einde te onderskei tussen lynvisvangs en langlynvangs word vissers beperk tot 'n maksimum getal van 10 hoeke per lyn. Teiken spesies sluit in rif-visse, migreerende en nomadiese spesies. Jaarlikse vangste voor die vermindering van vangspoging was geskat op ongeveer 16000 ton vir die tradisionele kommersiële lynvis visserij. Feitelik al die tradisionele lynvisvangste word plaaslik verbruik.

As gevolg van die groot aantal gebruikers, te-waterlating lokale en geteikende spesies asook operasionele afstande word die lynvis visserij bestuur aan die hand van 'n Totale Ontplooiende Vangspoging ("TOV"), sak limiete vir spesies, geslote areas, beperkings op toerusting en beheer oor die handeldryf in oor-ontginde spesies en spesies waar die bron in duie gestort het.

Geografies vind lynvisvangs plaas vanaf Port Nolloth op die Weskus tot Richardsbaai op die Ooskus. Die visserij is nie kapitaal intensief nie en buitengewoon tradisioneel van aard, met visser-families wat al deelneem aan die visserij vir generasies en eeue in sommige gevalle. Die visserij word egter gekenmerk deur hoë vlakke van onsekerheid betreffende arbeidsverhoudinge

insluitend *ad hoc* indiensneming.

3. Die Biologiese Status van Lynvis Bronne.

Bron berekenings sedert die middel 1980's wys daarop dat met die uitsluiting van vinnig groeiende spesies soos *snoek* en *geelstert*, is die meeste kommersiële lynvisse gereduseer tot gevaarlike lae vlakke. Een van die probleme met die vermindering van visbevolkings tot sulke lae vlakke is dat produktiwiteit en gevolglik, jaarlikse vangste, baie minder is met ooglopende gevolge vir werkskepping, toerisme en bewaring. Buiten hierdie verliese, is die risiko van die ineenstorting van die bron en die kommersiële uitsterwing van die bron (soos wat gebeur het met *seventy-four*) uiters hoog.

In ag genome die swak status van die meeste tradisionele lynvis bronne het die Minister van Omgewingsake en Toerisme 'n omgewings-noodsituasie in hierdie vissery verklaar in Desember 2000. In terme van die noodsituasie het die Minister bepaal dat nie meer as 3450 persone kommersieel tradisionele lynvis mag vang nie. Die TOV wat toegeken word aan die kommersiële lynvis vissery is 'n poging om die afwaartse neiging van die visbronne te stabiliseer en ook om oorontginde spesies weer op te bou.

In ag genome hulle lang lewensduur, ingewikkelde lewensgeskiedenis en die deurlopende visvang druk is dit onwaarskynlik dat positiewe veranderings binne 'n dekade sal plaasvind. Gedurende die Wêreld Beraad oor Volhoubare Ontwikkeling (WBVO) het lande onderneem om visbronne te bestuur tot vlakke waar hulle maksimum volhoubare opbrengste kan lewer. Hierdie doel moet op 'n dringende basis bereik word ten opsigte van oorontginde bronne, en indien moontlik, teen nie later as 2015 nie.

4. Die Proses van Medium-termyn Regtetoekenning

Kommersiële visvangregte vir die tradisionele lynvis vissery is vir die eerste keer toegeken in Julie 2003. Van die beskikbare 3450 bemanning, het die Departement 2048 lynvisseers op 346 vaartuie geakkomodeer. Die Minister van Omgewingsake en Toerisme het later 'n verdere 448 visseers geakkomodeer. Op 28 Augustus 2003 het die Minister 'n verklaring uitgereik waarin hy die besondere uitdagings by die toekenning van kommersiële handlyn visvangregte uiteengesit het. Die Minister se verklaring was as volg:

"Gedurende die proses van beoordeling van Appelle het dit heel duidelik geword dat die meerderheid van Appellante het in een van die volgende kategorieë val:

- ❖ *Hulle is regtehouers in ander kommersiële visserye.* Hierdie feit was besonder duidelik onder appellante van Arniston, Kalkbaai en Houtbaai. Sommige appellante hou twee, drie en selfs vier kommersiële visvangregte soos langlyn stokvis, pelagies, en inkvis; of
- ❖ *Hulle is naweekvisseers.* Baie appellante het onbeskaamd verklaar dat hulle voltyds in betrekkings staan as konsultante, begrafnisondernemers, onderwyseers of bestuurders, maar hulle lewenstyle vereis addisionele inkomste wat hulle genereer uit visvangbedrywighede. Die kommersiële lynvis vissery, wat homself in 'n krisis situasie bevind is nie bedoel om sulke lewenstyle aan te vul of te ondersteun nie."

Uiteindelik is 2497 kommersiële visseers geakkomodeer, maar 954 bemanning was nie geallokeer nie. Die Departement het toe 'n uitgebreide kuslyn konsultasie proses geloods ten einde te bepaal watter visseers uitgesluit was deur die kommersiële proses. Hierdie proses het vir die res van 2003 geduur. In 2004 is die balans van die beskikbare bemanning deur middel van vrystellings in terme van artikel 81 van WLMH toegeken.

5. Doelwitte met die toekenning van Langtermyn Kommersiële Visvangregte

Die oorkoepelende doelwitte met die toekenning van langtermyn visvangregte in hierdie vissery is as volg:

- Vermeerder die betrokkenheid van swart tradisionele lynvisseers;

- Die toekenning van regte aan lynvisser wat afhanklik is van die tradisionele lynvis vissery vir hulle inkomste;
- Die ondersteuning van gemeenskappe en kusstreke wat staatmaak op die tradisionele lynvis vissery;
- Om te verseker dat billike arbeidspraktyke toegepas word;
- Die versigtige bestuur van die ontplooië vangspoging waaraan visbronne blootgestel word ten einde te verseker dat oorontginde en ineengestorte visbronne kan herstel;
- Om die fundamente te lê vir die bestuur van hierdie vissery op 'n streeksbasis;en
- Om hoër vlakke van wetsnakoming te verseker onder vissers;

6. Bemagtiging van lynvisbemanning

Ten einde lynvis bemanning te bemagtig sal die Departement vereis dat alle lynvis bemanning geregistreer word op 'n "Lynvis Bemanningslys". Alle regtehouers wat bemanning benodig vir hulle vaartuie sal verplig wees om vaartuie te beman met persone geregistreer op die bemanningslys. Die Departement sal slegs persone registreer wat suksesvol 'n SAMVV veiligheidsopleidingskursus afgeleë het, afhanklik is van lynvis en wat 'n vorm van historiese betrokkenheid in die lynvisvissery kan aantoon.

Die tradisionele lynvis bemanning sal slegs kan visvang op vaartuie wat gemagtig is om lynvis te vang.

7. Tydsduur

In ag genome die biologiese status van lynvisbronne, die behoefte om hoër vlakke van voldoening en gehoorsaamheid aan vissery wette te verseker en die belangrikheid om tradisionele lynvis dorpe langs ons kus te ondersteun, sal regte toegeken word vir 'n periode van 8 jaar (1 Januarie 2006 tot 31 Desember 2013). Elke regtehouer sal egter gereeld getoets word teen vooropgestelde

prestasiemettings kriteria.

8. Nuwe inkomelinge

Die tradisionele lynvis vissery is oorvol. Die Departement skat dat die verhouding van vissers tot vangspoging so hoog kan wees as 2:1. Boonop verkeer hierdie vissery in 'n omgewings noodsituasie. Die TOV vasgestel deur die Minister bly gevolglik op 3450 bemanning en 450 vaartuie. Die Departement sal dus nie addisionele visvangregte (insluitend vrystellings) in hierdie vissery toeken nie. Die Departement sal egter bestaande regtehouers en vrystellingshouers vervang wat nie van lynvis afhanklik is vir hulle inkomste nie, wat nie visgevang het ooreenkomstig hulle permitvoorwaardes nie of wat versuim het om hulle besighede te transformer ooreenkomstig hulle aansoeke vir visvangregte of vrystellings.

Die Departement sal ook poog om hierdie vissers te vervang met tradisionele lynvissers wat onsuksesvol was in hulle aansoek vir mediumtermynregte in 2003 of vrystellings in 2003/2004.

9. Vol Kommersiële en Beperkte Kommersiële Regte en Vrystellings

Die Departement sal nie "beperkte kommersiële" en "vol kommersiële" langtermyn lynvis regte toeken nie. Die Departement sal slegs kommersiële visvangregte in terme van artikel 18 van die Wet op Lewende Mariene Hulpbronne toeken.

Vrystellings en beperkte kommersiële visvangregte sal nie weer toegeken word nie. Houers van vrystellings en beperkte kommersiële visvangregte sal moet aansoek doen vir kommersiële visvangregte. Kommersiële visvangregte is bedoel vir klein skaal kommersiële vissers wat afhanklik is van lynvis vir hulle inkomste of 'n wesentlike deel van hulle inkomste.

10. Evalueringskriteria

Alle aansoeke vir kommersiële visvangregte sal oorweeg word in terme van 'n stel "uitsluitingskriteria". Alle aansoekers sal daarna apart punte toegeken word in terme van 'n stel "vergelykende balanseringskriteria". 'n Afsnypunt sal dan bepaal word ten einde die suksesvolle aansoekers te kies.

10.1 Uitsluitingskriteria

Buiten die kriteria beskryf in die Algemene Beleid, wat betrekking het op die onbehoorlike indiening van aansoeke en wesenlike tekortkominge, sal die Departement aansoekers wat versuim om aan die volgende vereistes te voldoen, uitsluit:

- (a) **Vorm van Aansoeker:** Slegs natuurlike persone sal oorweeg word. Regtehouers wat voorheen betrokke was in die vorm van regspersone (bv. beslote korporasies, trusts of maatskappye) sal moet aansoek doen in hulle persoonlike hoedanighede, maar sal as "regtehouers" geag word vir doeleindes van die toekenningsproses.

'n Kern-familie (bestaande uit 'n egpaar, hulle ouers en kinders) kan die toekenning van meer as een reg geweier word ten einde monopolieë te voorkom en om toegang tot die bron so veel moontlik te verbreed. Aansoekers kan versoek word om hulle verhoudings met aansoekers in ander kommersiële visserye te verklaar. As meer as een lid van 'n huishouding aansoek doen vir 'n reg kan al die aansoeke van die familie uitgesluit word, tensy die aansoekers duidelik en oortuigend kan aantoon dat hulle aparte klein kommersiële bedrywe gevestig het.

Aansoeke van trusts, beslote korporasies en maatskappye sal nie oorweeg word nie.

- (b) **Wetsnakoming:** Aansoekers wat skuldig bevind is aan 'n oortreding in terme van die Wet op Lewende Mariene Hulpbronne (sonder die opsie van betaling van 'n boete) sal nie 'n tradisionele lynvis reg toegeken word nie. Aansoekers wie se visvangregte gekanselleer of ingetrek is in terme van die Wet op Lewende Mariene Hulpbronne sal nie 'n tradisionele

lynvis reg ontvang nie. Ander oortredings van die Wet of Lewende Mariene Hulpbronne sal die aansoek negatief beïnvloed.

- (c) **Papierkwotas:** Papierkwotas soos omskryf in die Algemene Beleid sal uitgesluit word. Ongeag die meriete van die individuele aansoeke sal groot groepe identiese of wesentlik soortgelyke aansoeke wat deur konsultante of kommersiële visvangmaatskappye en ander entiteite geborg word, uitgesluit word as fronte vir papierkwota's.
- (d) **Nie-gebruik:** Daardie regtehouers wat versuim het om hulle medium termyn kommersiële visvangregte of vrystellings tussen 2003 en 31 Desember 2004 te benut sal nie 'n lynvis reg toegeken word nie. Die Departement sal spesifiek ag slaan op die frekwensie en gereeldheid van indiening van vangspogingdata deur regte- en vrystellingshouers.
- (e) **Persoonlike betrokkenheid by oes van hulpbron:** Aansoekers sal op 'n voltydse basis betrokke moet wees in die tradisionele lynvis vissery, sal aanboord die nomineerde vaartuig moet wees en deelneem in die bedryf van die besigheid.
- (f) **Afhanklikheid van hulpbron:** Bestaande regte- en vrystellingshouers wat nie huidiglik afhanklik is van tradisionele lynvis vir ten minste 50% van hulle bruto jaarlikse inkomste nie sal uitgesluit word. Potensiële nuwe inkomelinge sal hulle historiese afhanklikheid van die tradisionele lynvis vissery vir hulle bestaan moet kan aantoon.
- (g) **Toegang tot vaartuig:** Aansoekers sal moet kan aantoon dat hulle toegang het tot 'n geskikte vaartuig (sien paragraaf 11 hieronder).

10.2 **Balanseringskriteria**

Alle aansoekers sal evalueer word in terme van die volgende stel balanseringskriteria, wat gelaai sal word ten einde die sterkte van elke aansoek te bepaal:

(a) Transformasie

Ten einde die transformasie profiel van die vissery te verander sal punte toegeken word aan swart aansoekers. Geslag kan gebruik word as 'n val-byl faktor (maw. waar meer as een aansoeker dieselfde punte het sal 'n vroulike aansoeker verkies word bo 'n manlike een).

Aansoekers sal ook beoordeel en punte toegeken word vir

- Regstellende aankope;en
- Korporatiewe sosiale belegging

(b) Belegging in die vissery

Aansoeker sal beoordeel word aan die hand van beleggings gemaak in die tradisionele lynvisvissery.

Aansoekers sal beoordeel word aan die hand van of hulle belê het in 'n geskikte vaartuig op 31 Desember 2004 en of hulle belê het, of van voorneme is om te belê in enige lynvis prosesseringsinisiatiewe. Die Departement sal in aanmerking neem of die aansoeker van voornemens is om te belê ten einde waardie toe te voeg tot die lynvisvangste.

(c) Dekbote

Aansoekers wat woonagtig is langs die weskus en suid-ooskus sal beloon word indien hulle aantoon dat hulle tradisionele houtvaartuie sal benut (solank die vaartuie 10m of korter is).

(d) Visvangprestasie

Regtehouer aansoekers sal beoordeel word met verwysing na hulle tradisionele lynvis vangsprestasie en rekord gedurende die mediumtermyn regtetoekennings proses.

Nuwe inkomelinge sal beoordeel word met verwysing na of hulle oor die nodige vermoë, kennis en vaardigheid beskik om tradisionele lynvis te vang.

(e) Werkskepping

Werkskepping en die aard van die werk wat verskaf word in hierdie visserij is 'n bron van kommer vir die Departement. Die Departement sal regte- en vrystellinghouers beloon wat hulle werknemers met die volgende verskaf het-

- Voltydse versekerde betrekkinge;
- Mediese- en pensioenvoordele;
- Veilige werksomstandighede;
- Enige ander diensvoordele;

Met betrekking tot nuwe inkomelinge sal die Departement in ag neem hoeveel bemanning hulle van plan is om in diens te neem en onder watter omstandighede.

(f) Tradisionele visvang gemeenskappe

'n Aantal tradisionele visvanggemeenskappe langs die Suid-Afrikaanse kus was die historiese middelpunt van tradisionele lynvisvangsbedryf.

Die Departement sal daardie aansoekers beloon wat woonagtig was in 'n tradisionele lynvis gemeenskap vir ten minste die laaste 10 jaar en wat van voorneme is om slegs van 'n plaaslike hawe of lanseringsstrook vis te vang. Langs die KwaZulu-Natal kus sal die Departement aansoekers verkies wat van voorneme

is om slegs vis te vang vanaf die KwaZulu-Natal kuslyn.

(g) Historiese Betrokkenheid

Alle aansoekers sal beloon word indien hulle historiese betrokkenheid in die tradisionele lynvis vissery kan aantoon, soos dat hulle 'n kaptein of bemanningslid in die vissery was.

(h) Afhanklikheid van die vissery

Die Departement sal tradisionele lynvissers verkies wat uitsluitlik of wesentlik afhanklik is van tradisionele lynvisvangs vir hulle bruto jaarlikse inkomste (maw. meer as 75%).

(i) Wetsnakoming

Geringe oortredings van die WLMH, die Regulasies en permitvoorwaardes sal negatiewe punte ontvang. Aansoekers, wat nie kan aantoon dat hulle voldoen aan die Wet op Vaardigheidsontwikkeling, 97 van 1998, die Wet op Heffings van Vaardigheidsontwikkeling, 9 van 1999 en die Wet op Beroepsgesondheid en Veiligheid, 85 van 1993 nie, sal 'n negatiewe punttoekenning ontvang.

10.3 Toekenning van vangspoging

Die Departement sal 'n maksimum van 450 vaartuie toeken wat 'n maksimum van 3450 bemanning kan dra. Een vaartuig sal aan elke suksesvolle aansoeker toegeken word. Indien al 450 vaartuie nie toegeken word nie sal die Departement die oorblywende vaartuie toeken aan daardie aansoekers wat die meeste punte in die vergelykende balanseringskriteria behaal het en wat meer as een vaartuig genomineer het en 'n reg tot toegang tot sodanige vaartuig het.

Die aantal bemanning wat kan visvang vanaf 'n betrokke vaartuig sal afhang van die

SAMVV veiligheids sertifikaat vir daardie vaartuig.

Die Departement is van voorneme om 450 vaartuie langs die kus toe te ken en op die volgende manier. Die getal vaartuie toegeken aan elke area is bereken aan die hand van die vlakke van volhoubare vangspoging wat in daardie area ontplooi kan word:

- | | |
|-----------------------------------|--------------|
| ▪ Port Nolloth tot Kaappunt: | 123 vaartuie |
| ▪ Valsbaai tot Breederivier | 72 vaartuie |
| ▪ Breederivier tot Port St Johns: | 103 vaartuie |
| ▪ KwaZulu-Natal: | 52 vaartuie |

11. Geskikte Vaartuie

Alle aansoekers moet toegan tot 'n geskikte lynvis vaartuig aantoon. 'n Geskikte vaartuig in die tradisionele lynvis vissery is 'n vaartuig wat:

- of 'n skiboot of tradisionele houtdek boot, van 10m of minder is, wat tans werksaam is in die vissery. Hierdie vaartuie moet deur SAMVV gesertifiseer wees as veilig vir visvang;en
- toegerus is vir handlyn visvangs.

Die Departement mag versoek dat 'n regtehouer belê in 'n aanvaarbare vaartuig moniterings stelsel nadat regte toegeken is.

12. Multi-sektorale Betrokkenheid

Regte houers in die tradisionele lynvis vissery mag nie regte hou (hetsy direk of as aandeelhouer,lid of begunstigde) of betrokke wees by die bestuur van enige regtehouers in die Groep A of Groep B visserye nie. Regtehouers in die tradisionele lynvis vissery mag egter die volgende regte hou, bo en behalwe hulle tradisionele lynvis regte:

- Regtehouers gedomisillieërd tussen Port Nolloth en Gansbaai mag ook weskus kreef regte hou (slegs kuslyn), indien daardie regtehouers nie ook 'n houer van 'n perlemoenreg is nie;
- Regtehouers permanent woonagtig tussen die Breederivier en Port St Johns mag ook stokvis handlyn visvangregte hou; en
- Regtehouers in KwaZulu-Natal mag ook netvis regte hou (soos stootnet ens.), insluitend strand-seine regte.

Die bepalings van Staatskennisgewing 4727 van 29 Desember 2000, sover as wat dit houers van kommersiële artikel 18 tradisionele lynvis regte verbied om enige ander kommersiële regte the hou, word hiermee gewysig deur die nodige magtiging te verleen aan 'n houer van 'n tradisionele lynvisreg om ook die volgende visvangregte te hou:

- Weskuskreef (kuslyn);
- Stokvis handlyn; en
- KwazuluNatal Strand-seine net (insluitend stootnet)

Tradisionele lynvis regtehouers aan wie kreef visvangregte toegeken word, sal nie toegelaat word om, enige toerusting vir die vang van kreef aan boord die vaartuig te dra nie, terwyl sulke regtehouers besig is om tradisionele lynvis te vang. Tradisionele lynvis regtehouers, wat ook 'n stokvis handlyn visvangreg hou, sal nie toegelaat word om beide stokvis en lynvis op dieselfde vaart te vang nie. Terwyl 'n regtehouer besig is met tradisionele lynvisvangs, sal so 'n regtehouer slegs toegelaat word om sy tradisionele lynvispermit aanboord die vaartuig te dra. Enige ander kommersiële visvangpermitte moet ingegee word by die plaaslike visserybeheerbeampte.

13. Streeksbestuur

Die Departement is van voorneme om hierdie vissery op 'n streeksbasis te bestuur, met 'n beperking op die beweging van vaartuie van een streek tot die volgende. Aansoekers in hierdie vissery sal sekere gelisensieerde landings-lokale¹ moet nomineer, alternatiewelik die hawe van waar hulle werksaam wil wees in 'n genomineerde streek. Sou 'n aansoeker suksesvol wees met sy aansoek, sal die regtehouer beperk werk tot sy genomineerde streek. Die Departement sal verder die oes van lynvisbronne in 'n betrokke streek verbied, waar daardie bronne in die relevante streek oorontgin is of ineengestort het.

Die Departement sal tradisionele lynvis regte in die volgende vier streke toeken:

- Port Nolloth tot Kaappunt
- Valsbaai to Breederivier
- Breederivier tot Port St Johns
- KwaZulu-Natal

Tradisionele lynvissers permanent woonagtig in KwaZulu-Natal sal slegs toegelaat word om werksaam te wees in waters langs die KwaZulu-Natal kus en kan hulle vaartuie te water laat vanaf gelisensieerde lokale of strande langs die KwaZulu-Natal kus.

14. Aansoek fooie en heffings

Die Departement het 'n tweeledige aansoekfooie as volg vir hierdie vissery voorgestel. 'n Aanvanklike aansoekfooie, van toepassing op alle aansoekers vir 'n tradisionele lynvisreg, van R400 (vier honderd rand). Daarna, en indien die aansoeker suksesvol sou wees met sy aansoek vir 'n lynvisreg, sal die aansoeker 'n verdere R204 (twee honderd en vier rand) per bemanningslid moet betaal.

¹ 'n Gelisensieerde landings-lokaal is 'n lokaal wat gelisensieerd is in terme van regulasie 7 Staatskennisgewing GN 1399 van 21 Desember 2001 (soos gewysig). Sien verder <http://www.mcm-deat.gov.za/4x4/regulations.html>

Die Departement is tans besig om sy heffings vir tradisionele lynvis te hersien.

15. Bestuursmaatreëls

Die bestuursmaatreëls wat hier onder bespreek word is 'n paar van die Departement se hoofdoelstellings met die bestuur van die vissery, na die toekenning van regte.

15.1 Ekosisteembenadering tot bestuur van visserye

Hierdie vissery sal bestuur word ooreenkomstig die ekosisteembenadering tot die vissery (EBV). 'n Ekosisteembenadering tot die bestuur van visserye is 'n holistiese en geïntegreerde beleid wat erken dat visvang en aanverwante aktiwiteite 'n impak het op die groter mariene omgewing. Die EBV sal verder uiteen gesit word in die Bestuurshandboek van die tradisionele lynvis vissery. Suid-Afrika bly verbind tot die teikendatum van 2010 om 'n EBV in die kommersiële visserye in werking te stel.

15.2 Toegang tot snoek

Die Departement sal aanhou om tradisionele lynvisserse toe te laat om toegang te hê tot snoek. Die Departement het al voorheen verklaar dat 'n aparte snoek vissery nie lewensvatbaar is nie as gevolg van die feit dat snoek 'n hoogs nomadiese spesie is, soos huidiglik blyk.

15.3 Mariene Beskermde Gebiede

Verdere mariene beskermde gebiede sal verklaar word oor die tydsduur van lynvis regte. In besonder, die Minister sal gedurende 2005 die Namakwaland Mariene Beskermde Gebied verklaar. Die Departement bly toegewyd tot die oogmerk om 20% van sy marienearea te beskerm van visvangs.

16. Prestasiemeting

Die Departement sal prestasiemeting toepas vir die duur van die kommersiële visvangregte. Daar word beoog dat die eerste prestasiemeting na 'n jaar en daarna na elke drie jaar sal plaasvind.

Hoewel die Departement die presiese kriteria waarteen regtehouers gemeet word na die toekenning van die kommersiële visvangregte en na oorlegpleging met regtehouers sal finaliseer, kan die volgende breë prestasie-verwante kriteria gebruik word:

- Bemagtiging van bemanning;
- Belegging in prosessering en waardetoevoeging tot lynvisbronne;
- werkskepping; en
- voldoening aan toepaslike wette en regulasies.

17. Voorlopige lys

Voordat die Departement finaal besluit aan wie regte toegeken sal word om deel te neem aan die tradisionele lynvis visserij, sal 'n voorlopige lys van suksesvolle aansoekers uitgereik word. Die voorlopige lys sal na alle visvanggebiede gesirkuleer word. Belanghebbende en geaffekteerde partye in hierdie gebiede kan dan die Departement inlig of enige persone wat op die voorlopige lys verskyn, nie tradisionele lynvisser is nie.

18. Waarnemer- en monitoringsprogram

Die Departement se huidige monitoringsprogram sal na hierdie vissery uitgebrei word. Van regtehouers sal vereis word om die koste van 'n landgebaseerde monitoringsprogram te dra.

19. Permit Voorwaardes

Permitvoorwaardes vir hierdie vissery sal jaarliks uitgereik word. Permitvoorwaardes kan enige tyd gedurende die seisoen verander word, maar na konsultasie met regtehouers en/of bedryfsliggame of belanghebbende groepe.



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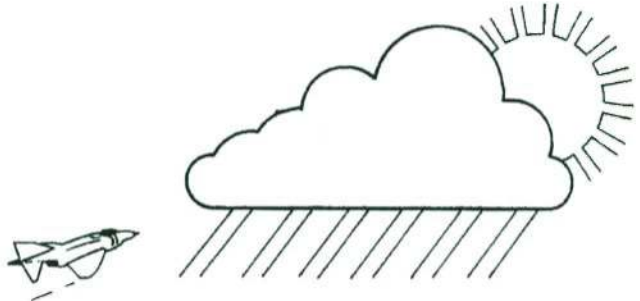
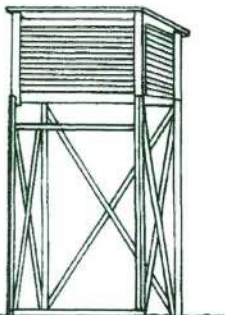
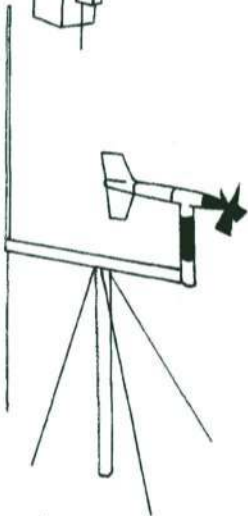
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