



**DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES
BRANCH FISHERIES MANAGEMENT**

**DRAFT REVISED KWAZULU-NATAL PRAWN TRAWL POLICY ON THE ALLOCATION
AND MANAGEMENT OF FISHING RIGHTS: 2013**

**THIS POLICY MUST BE READ WITH THE GENERAL POLICY ON THE ALLOCATION AND
MANAGEMENT OF FISHING RIGHTS: 2013 (available at www.daff.gov.za)**

This document is also available in Afrikaans, isiXhosa and isiZulu
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1. Introduction

This policy on the allocation and management of fishing rights in the KwaZulu-Natal prawn trawl fishery (hereafter also the “KZN prawn trawl fishery”) is issued by the Minister of Agriculture, Forestry and Fisheries (“the Minister”). This policy must be read with the General Policy: 2013 on the Allocation and Management of Fishing Rights: 2013 (“the General Fisheries Policy”).

The purpose of this policy is to set out the considerations that will apply to the allocation and management of the KZN prawn trawl fishing rights. Many of these considerations are not new. They have been applied by the Minister and delegated authorities from the Department of Agriculture, Forestry and Fisheries: Branch Fisheries Management (“the Department”) when allocating rights in the past and to an extent this policy documents those considerations.

Certain post-rights allocation management policies are also presented in this policy. A KZN Prawn Trawl Fishery Management Manual will be finalised with all right-holders during the course of 2015. This manual will stipulate in detail the management methodology and procedures for the fishery.

The Minister intends to delegate the section 18 power to allocate commercial KZN prawn trawl fishing rights in terms of section 79 of the Marine Living Resources Act 18 of 1998 (“the MLRA”) to a senior official of the Department. This policy document will guide the delegated authority in taking decisions on applications in this fishery.

2. Biology and resource dynamics

White prawns (*Penaeus indicus*), brown prawns (*Metapenaeus monoceros*) and tiger prawns (*Penaeus monodon*) occur on the shallow water mud banks along the north east coast of KwaZulu-Natal. Bamboo prawns (*Penaeus japonicus*) are also occasionally trawled on the St Lucia grounds. These prawn species grow fast and have a life-span of approximately one year. Eggs are carried on the abdomen of females. Larvae hatch during the second half of the year, and are transported by currents into estuaries along the KZN coast, where they remain up to the first quarter of the following year and grow into juveniles. Juvenile prawns move out of estuaries and recruit onto the mud banks, where they grow to maturity and reproduce, thus completing the life cycle.

Deep water species include pink (knife) and red prawns *Haliporoides triarthrus* and *Aristaeomorpha foliacea*, langoustines *Metanephrops mozambicus* and *Nephropsis stewartii*,

red crab *Chaceon macphersoni*, and deep-water rock lobster *Palinurus delagoae*. The life cycles of these species are diverse, but some (such as rock lobster) are slow-growing and long-lived, making them more vulnerable to fishing. Little is known about the biology of the deep-water prawns and langoustines.

3. Sector profile

The KZN prawn trawl fishery is based in KwazuluKwaZulu-Natal and consists of two components: i.e., an inshore fishery which takes place on the Thukela Bank and at St. Lucia targeting shallow-water (< 50m) penaeid prawns; and an offshore deep-water (200-500m) fishery that is extending extends from Cape Vidal in the north to Amanzimtoti in the south, targeting pink prawns (*Haliporoides triarthrus*), langoustines (*Metanephrops mozambicus*), rock lobsters (*Palinurus delagoae*) and red crab (*Chaceon macphersoni*).

Up to the 1960s, trawling was sporadic, but thereafter the sector comprised up to 12 companies and 21 vessels, many of which also fished in Mozambique. Regular statistics were collected from 1988 onwards.

Catches and catch rates of individual species or groups of species fluctuate widely, sometimes as a result of fishing strategy (targeting of specific species) rather than fluctuations in abundance. The abundance of shallow-water prawns depends on rainfall patterns and their effects on the flushing of estuaries where larval and juvenile prawns develop. In general, the last two decades have seen declines in the landings of white prawns, pink prawns, langoustines, rock lobster and red crab.

The fishery is managed using a Total Applied Effort (“TAE”) strategy, which limits the number of vessels permitted to fish on the inshore and offshore fishing grounds. A TAE of eight fishing permits has been maintained for the past decade.

The sector is capital-intensive and its infrastructure, marketing and product distribution are dominated by established companies. The fishery requires specialised trawling vessels and equipment and is suitable for commercial fishing only. Fishing grounds are on the South African continental shelf and no foreign fishing vessels are allowed. Vessels are *ex side* trawl vessels trawling over the stern with a *single net boom vessels* trawling with a single or with twin nets per boom, and *stern* trawlers operating with single, twin or triple nets over the stern. Trawl net sizes range from 25- to 72-metre footrope length, with a minimum of 60mm mesh size

measured from knot to knot. Trawling takes place on a 24-hour basis, at speeds of two to three knots and an average drag duration of four hours. Trawlers carry about 15 crew and remain at sea for two to three weeks at a time.

Catches (by mass) of the KZN prawn trawl fisheries consist of roughly 20 percent target species, 10 percent retained by-catch, and 70 percent discarded by-catch. The retained by-catch includes cephalopods (octopus, squid and cuttlefish), molluscs, and substantial quantities of several fish species. The discarded by-catch (juvenile or small fish, low-value crustaceans, elasmobranchs and molluscs) amounts to about 1 000 to 2 000 tons per annum.

The inshore trawling is seasonal due to seasonal variations in abundance of the target species as well as a mandatory closed period, while the offshore trawling takes place year-round. The boundary between the inshore and offshore fisheries is situated seven nautical miles from the shore between the St. Lucia lighthouse (28° 30.9'S 32° 24.0'E) and Zinkwazi Green Point (30° 15.0'S 30° 46.8'E).

Catches are size-sorted, graded, packed and blast-frozen at sea. Little value is added on land. Modest shore-based infrastructure, including berthing, re-packing, storage and marketing facilities, is situated in Durban. Frozen products are sold on local markets. The landed catch sales in the KZN prawn fishery is worth approximately R6.566 million and the revenue generated is worth approximately 51 million however of this 51 million only 20 thousand is generated by Black right holders.

4. The 2005 Long-term rights allocation process

Fishing rights were allocated in 2005 for a long-term period of eight years. Rights are currently held by four fishing companies (with a total of seven vessels), of which two right-holders (with five vessels) may fish in both the inshore and offshore fisheries, and the other two right-holders (with two vessels) are restricted to the offshore fishery only.

The allocation records show that:

- 4.1 The KZN Prawn Trawl fishery has 50 percent of right holders with greater than 50 percent black-shareholding;
- 4.2 The black shareholder ownership in the KZN Prawn Trawl fishery has increased from 30 percent to 67 percent;

- 4.3 The KZN Prawn Trawl is a male dominated fishery as currently there is none right holder with 50 percent female shareholding;
- 4.4 The average female shareholder ownership in the KZN Prawn Trawl fishery has decreased by 9.65 percent;
- 4.5 Only 30 percent of the right holders in this fishery have an employee share scheme;
- 4.6 Black Directors has increased from below 10 percent to 72 percent however the average female directorship has decreased from 17 percent to 14.2 percent in this fishery; and
- 4.7 The number of employees in this fishery has decreased from 150 to 80 individuals of which 60 percent of employees are employed by Black right holders in this fishery.

5. Over-arching sectoral objectives

The over-arching objectives of allocating fishing rights in this fishery are to:

- 5.1 Notably improve and maintain the transformation profile of the KZN prawn trawl fishery;
- 5.2 Ensure that steps are taken to mitigate against avoidable by-catch, particularly catches of linefish species that are listed on recreational and prohibited species lists;
- 5.3 Ensure that, where possible, by-catches are landed and resources are not wasted;
- 5.4 Create an environment that attracts investment and stimulates job creation;
- 5.5 Support the economic viability of the fishery; and
- 5.6 Ensure the environmental sustainability of the fishery.

Transformation will be a particularly important consideration for the allocation of the fishing rights in this fishery. Although it is probable that the current number of vessels in the fishery (eight) will be maintained, the need for transformation will mean that it may not necessarily be existing right-holders that will be granted rights. Existing right holders may be replaced with new entrant applications.

The rate of by-catch and the effect of prawn trawling on the benthic habitat are issues of great concern and the delegated authority will reward applicants in this fishery who are able to indicate their intentions to introduce mitigating measures in this regard. The Department will increasingly insist that by-catch is landed, that resources are not wasted, and that right-holders seek markets for by-catch. However, the sale of by-catch that comprises linefish species that are listed on recreational and prohibited species lists will not be permitted.

6. Allocation of rights

6.1 Duration of rights

Having regard to the transformation profile of the fishery; the capital intensity of the fishery; the need to maintain the economic stability and increase the competitiveness of the fishery; and the lack of scientifically reliable resource assessments due to the high number of species involved in this fishery, together with a very high by-catch percentage, rights will be allocated for a period of seven years (1 January 2014 to 31 December 2020). The Department will regularly evaluate right holders against predetermined performance criteria (see paragraph 14 below).

7. New entrants

The number of participants will not be increased in this fishery. New entrant applicants may be preferred over existing right-holders, particularly if their inclusion will assist in the transformation of the KZN prawn trawl fishery.

8. Evaluation criteria

Applications will be screened in terms of a set of “exclusionary criteria”, and thereafter assessed in terms of a set of weighted “comparative balancing criteria”. A cut-off score or rank will then be determined in order to select the successful applicants. A proportion of the effort will be allocated to each successful applicant.

8.1 Exclusionary criteria

Apart from the criteria described in the general policy pertaining to the lodgement of the applications and material defects, the delegated authority will exclude applicants that fail to meet the following requirements:

- (a) Form of the applicant:** Rights will only be granted to entities incorporated in terms of the Close Corporations Act 69 of 1984 and the Companies Act 61 of 1973 as well as Cooperatives established in terms of the Small-scale fisheries policy; trusts and Community Associations. Rights will not be granted to natural persons (i.e. individuals or sole proprietors).
- (b) Compliance:** Right-holders, including their members, directors or controlling shareholders that have been convicted of an offence in terms of the MLRA will not be allocated a KZN Prawn trawl right. This does not include the payment of an admission of guilt fine. Right-holder applicants, including their members, directors or controlling shareholders that have had a fishing right cancelled, suspended or revoked in terms of the MLRA, or assets seized under the

Prevention of Organised Crime Act 21 of 1998 or the MLRA, will also not be allocated a KZN Prawn trawl fishing right.

Decisions may be reserved on applications from right-holders that are being investigated for breaches of the MLRA. A decision on such an application will be made after the completion of the investigation.

The Department requires every right-holder to pay a levy on targeted fish landed. Right-holders that have under-reported catches to, *inter alia*, avoid the payment of levies will be excluded. Right-holders that have not paid levies or will be penalised in the comparative balancing process as set out below. Should such an applicant nevertheless qualify for a right, a fishing permit will not be issued until the outstanding monies have been paid to the Department.

- (c) **Paper quotas:** Paper quotas as defined in the General Policy will be excluded.
- (d) **Access to a suitable vessel:** Applicants will have to demonstrate a right of access to a suitable vessel (see paragraph 9 below).

8.2 **Comparative balancing criteria**

Right-holder applicants and new entrant applicants will be evaluated in terms of the following balancing criteria, which will be weighted to assess the strength of each application. The criteria stated below must be read with the corresponding criteria in the General Policy for further detail. This applies in particular to the “transformation” criterion.

(a) **Transformation:**

As stipulated in the General Fisheries Policy, 2013, applicants will be assessed and scored on –

- (i) The percentage black and women ownership and black and women representation at top salary, board of directors and senior official and management levels;
- (ii) Whether employees (other than top salary earners) benefit from an employee share scheme;
- (iii) Affirmative procurement;
- (iv) Compliance with the Employment Equity Act 55 of 1998 and the representivity of blacks and women at the various levels of employment below senior official and management level. The

delegated authority may also have regard to the wage differentials between the highest and lowest paid employees;

- (v) Compliance with legislation on skills development and the amounts spent on the training of blacks and participation in learnership programmes; and
- (vi) Corporate social investment.

(b) Investment in the fishery

As far as right-holder applicants are concerned, the delegated authority will specifically consider:

- (i) Investments in suitable vessels and other fixed assets. In respect of vessels, investment in the form of shareholding will also be considered;
- (ii) Investments in processing and marketing infrastructure.

As far as new entrant applicants are concerned, the delegated authority will consider investments made in other sectors in the form of vessels, fixed assets, processing and marketing infrastructure. All new entrant applicants will be required to demonstrate that they have the knowledge, skill and capacity to participate in the hake deep-sea trawl fishery.

(c) Jobs

Job creation and increases in jobs as a result of the allocation of the 2005 long term fishing rights will be rewarded, and in particular, applicants that have provided their employees with –

- (i) Full time employment;
- (ii) Medical aid and pension; and
- (iii) Safe working conditions.

(d) Performance

Financial performance will be measured, as indicated in the General Policy: 2013. In addition, the delegated authority will have regard to the applicant's fishing performance, where possible, particularly with respect to the number of days spent fishing in South African waters as opposed to fishing in Mozambique or Tanzania.

(e) Payment of fish levies

Right-holder applicants will be penalised if their levies are outstanding for a period longer than 60 days at the date of application.

(f) Compliance

If the applicant, its members or its directors or controlling shareholders have paid admission of guilt fines for contraventions of the MLRA, its Regulations or permit conditions, the applicant will be penalised.

(g) By-catch

The delegated authority will seek to reward those right-holder applicants that have invested in and implemented measures to reduce the landing of by-catch species. The delegated authority will also positively score applicants that land by-catch and have found markets for by-catch species (other than linefish species on recreational and prohibited species lists.)

8.3 Quantum allocation

The TAE is split between inshore and offshore areas of operation. Applicants will be permitted to apply for both inshore and offshore rights on the same vessel or on two different vessels. It must be noted that offshore vessels will not be permitted to fish inshore. Inshore vessels may, however, fish offshore.

9. Suitable vessels

The KZN prawn trawl fishery is a specialised fishery and applicants must have access to large ocean-going fishing vessels that are rigged to trawl for prawns. Fishing should be by bottom trawling with single net stern, or boom-operated twin or triple nets. Trawl nets shall have a maximum footrope length of 72 metres with a minimum of 60mm mesh size measured from knot to knot. Vessels must be fitted with functioning vessel monitoring systems.

10. Multi-sector involvement

Right-holders in the KZN prawn trawl fishery are not precluded from holding rights in any fishery in the Cluster A and Cluster B fisheries. Right-holders in the KZN prawn trawl fishery (including their controlling shareholders and members of their executive management team) will not be allowed to hold fishing rights in the Cluster C and Cluster D fisheries, and in traditional line fish.

Vessels employed in the KZN prawn trawl fishery may not be used in other sectors.

11. Landing sites

The South African ports of Durban and Richards Bay must be used to land catches. No other ports may be used.

12. Application fees and levies

The application fee for this fishery will be determined having regard to:

- 12.1 The cost of the entire rights allocation process, including consultation, receipting, evaluation of applications, verification, appeals and reviews; and
- 12.2 The value of the fish being allocated over the duration of the right.

The annual levies payable with effect from 01 January 2014 will be determined after consultation with right holders. The levies payable will be utilised by the Department to mitigate the annual costs of management, compliance and research.

13. Management measures

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

13.1 Ecosystem approach to fisheries management

During 2012, the Department conducted the Ecological Risk Assessment in this fishery and several ecosystem approach to fisheries ("EAF") priority points were identified. A ERA review for this fishery will be conducted by the Department in the next three years. Right holders in this fishery will be required to participate in the ERA review for this fishery, failing which the Department may initiate section 28 proceedings.

This fishery will strictly be managed in accordance with the EAF. An ecosystem approach to fisheries management is a holistic and integrated policy which recognises that fishing and associated land based activities impact on the broader marine environment. This part of the KZN prawn trawl fishery fishing policy does not attempt to provide a policy statement on EAF in the KZN prawn trawl fishery. The EAF in the KZN prawn trawl fishery will be detailed further in the Fishery Management Manual for the KZN prawn trawl fishery. South Africa remains committed to the target date of 2010 for the implementation of an EAF in the commercial fisheries.

13.2 By-catch

Bycatch in the KZN prawn trawl fishery is the subject of several research projects which have focused on the quantification of by-catch species; the impacts on linefish species and ecosystems; the effects of excluder devices on by-catch rates; and the impact of a closed fishing season in the inshore fishery. All retained (but not discarded) by-catch species and quantities must be declared by skippers. No spotted grunter (*Pomadasys commersonii*) that is caught by the KZN prawn trawl fishery may be sold. Sector specific regulations regarding discarded by-catch will follow the completion of the research projects.

13.3 Vessels

Eight vessels are presently authorised to fish in this sector. The current TAE (in terms of vessels) has been maintained for a decade. However, only 50 to 60 percent of the available effort is applied in KZN; the remainder is latent. Some of the vessels fish in Mozambique for most of the year. No more than eight vessels will be permitted to participate in this sector.

13.4 Nationality of catch

Fish caught in Mozambique may be landed in Durban or Richards Bay, but must be accompanied by documentation stating the origin of the catch, i.e. the co-ordinates of the positions where fishing was undertaken, the fishing effort expended and the quantities landed and a Mozambique fishing permit.

13.5 Precautionary principle and sustainability

This is a specialised fishery open to local commercial fishing only. The fishery is comparatively small and no reliable stock assessments of the target species have been conducted. The KZN trawling grounds are small and unlikely to expand. A precautionary approach towards managing effort in the fishery will be taken until satisfactory assessments of the stocks and the ecological impacts of fishing have been assessed.

The Department is not in favour of increasing fishing effort in the inshore area because of large by-catches of juvenile fish. For this reason, the Department does not intend merging the inshore and offshore components of this fishery.

The Department recognises that the variability and unpredictability of the resource limits the profitability of the fishery. The performance of the fishery will be closely monitored and the objective is to manage it effectively and sustainably.

14. Performance measuring

The Department will institute a number of formal performance measuring exercises for the duration of the commercial fishing rights. It is envisaged that the first performance measuring exercise will take place after two years and thereafter every four 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:

- 14.1 transformation;
- 14.2 investment in vessels and gear;
- 14.3 sustainable utilisation, and in particular the ecological impacts of trawl fishing;
- 14.4 compliance with applicable laws and regulations.

The purpose of performance measuring will be to ensure that the objectives of the fishery are being met and that management methodologies and procedures remain current and suitable for the fishery. Right holders in this fishery will be required to participate in the performance measuring exercises for this fishery, failing which the Department may initiate section 28 proceedings.

15. Observer programme

The Department's observer programme will be expanded to include compliance observation. In addition, the Department will progressively increase the observer coverage of this fishery. Right-holders will be required to bear the costs of the observer programme.

16. Permit conditions

Permit conditions for this fishery will be issued annually. The permit conditions will be determined after consultation with right holders in this fishery and will be subject to revision as and when it may be necessary.