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GOVERNMENT NOTICES

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES

No. 352

21 April 2011

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

CRITERIA FOR ALLOCATING RIGHTS FOR ABALONE RANCHING OR STOCK ENHANCEMENT PILOT PROJECTS

I, Tina Joemat-Pettersson, Minister of Agriculture, Forestry and Fisheries, hereby under the Marine Living Resources Act, 1998 (Act No. 18 of 1998) ("MLRA") publish the criteria for allocating rights to engage in abalone ranching or stock enhancement pilot projects as set out in the schedule hereto, for general information.

TINA JOEMAT-PETTERSSON

MINISTER OF AGRICULTURE, FORESTRY AND FISHERIES

SCHEDULE**CRITERIA FOR ALLOCATING RIGHTS FOR ABALONE RANCHING OR STOCK ENHANCEMENT PILOT PROJECTS.****EXCLUSIONARY CRITERIA (to be applied in Phase 1 of the application process)**

CRITERIA	RATIONALE
(a) Application form	All applicants must complete an application form. Applications will not be considered if the application forms are incorrectly completed or incomplete. All applicants are required to pay the application fee as required by the Department and the proof of payment must be attached to the application form. Applications that do not have the proof of payment attached to their application will not be considered. All applications must be accompanied by a valid tax clearance certificate from SARS.
(b) Compliance	<p>A right to engage in a Pilot Project for abalone Ranching or Stock Enhancement will not be allocated to an applicant if the applicant, or its members, directors or controlling shareholders, had any fishing and/ or aquaculture right cancelled, suspended or revoked in terms of the MLRA, or if their assets were seized under the MLRA or the Prevention of Organised Crime Act, 1998 (Act No. 121 of 1998).</p> <p>If an applicant, or its members, directors or controlling shareholders have been convicted of any offence in terms of the MLRA or any other fishery-related and/ or aquaculture legislation the applicant will not be allocated a Marine Ranching or Stock Enhancement Pilot Project right.</p> <p>Applicants that have been convicted of one of the offences as listed above, and that have paid an admission of guilt fine will not be disqualified in their application for a Marine Ranching or Stock Enhancement Pilot Project right.</p>
(c) Access to finance	The applicant(s) must demonstrate that they will have access to finance in order to implement the project.

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- (d) Access to seed/ spat The applicant(s) must demonstrate that they have access to spat/ seed from a reputable hatchery that is authorized by the Department. A hatchery seed supply agreement must be signed and submitted to the Department.
- (e) Transformation The participation of historically disadvantaged individuals ("HDI") in the marine aquaculture industry, i.e. BEE, BBBEE and including BBBEE SMME, is a national priority and therefore applicants who accommodate this priority will be preferred. Compliance with the Employment Equity Act, 1998 (Act No. 55 of 1998) and the representativity of HDI's at the various levels of employment will be a requirement.

BALANCING CRITERIA (to be applied in Phase 2 of the application process)**CRITERIA****RATIONALE**

(a) Equity and job creation

Inequalities of the past and the decline in fish stocks have compromised the viability of coastal livelihoods resulting in hardships for coastal communities. These communities should thus be the primary beneficiaries and partners of opportunities for the marine-based component of Ranching and Stock Enhancement of abalone Pilot Projects. Although the nature of the Pilot Projects for Marine Ranching and Stock Enhancement of abalone activities are recognised, provision for permanent jobs or greater levels of job security for lower level skilled and unskilled staff is promoted. Applicants who are able to create or indicate how they will create significant amounts of jobs per tonnage harvested will score higher.

(b) Capacity (Technical)

Pilot Projects for Marine Ranching and Stock Enhancement of abalone require a widespread, level of technical ability (involvement in related fishing sector, fish farming, diving e.t.c.) and an understanding of the marine aquaculture sector. A successful Marine Ranching or Stock Enhancement Pilot Project enterprise will need to display a well-rounded technical capability and capacity.

(c) Future Investment in the sector

Applicants must be able to demonstrate plans to invest in fixed assets and research done in the development of marine ranching products. Applicants will have to show how they intend to process and market marine ranching

products and whether they have invested in any research into the harvesting and marketing of these products.

(d) Environment considerations

The applicant should be able to identify key environmental risks and demonstrate how the risks will be managed by a specialist. A copy of an agreement for the appointment of a specialist to monitor environmental impacts should be attached to the application.

MARINE LIVING RESOURCES ACT, 1998 (ACT NO. 18 OF 1998)**INVITATION TO APPLY FOR RIGHTS TO ENGAGE IN ABALONE RANCHING AND STOCK
ENHANCEMENT PILOT PROJECTS IN TERMS OF SECTION 18 OF THE MARINE LIVING
RESOURCES ACT, 1998 (ACT NO. 18 OF 1998)**

I, Tina Joemat-Pettersson, Minister of Agriculture, Forestry and Fisheries, hereby publish for general information my intention to allocate rights to engage in abalone ranching and stock enhancement pilot projects in terms of section 18 of the Marine Living Resources Act, 1998 (Act No. 18 of 1998) ("the Act"). Interested parties are hereby invited to apply as set out in the Schedule hereto.

TINA JOEMAT-PETTERSSON

MINISTER OF AGRICULTURE, FORESTRY AND FISHERIES

SCHEDULE

Submission of Applications

1. Applications to apply for rights to engage in abalone ranching or stock enhancement pilot projects should be forwarded to the Department on the approved original Application Form supplied by the Department. Applications submitted in any form other than on the approved Application Form will not be considered. **Applications transmitted by facsimile will not be accepted.**
2. Interested parties must specify their preferred concession area in the application form. Different applications should be submitted for different concession areas. The Department will allocate one pilot project right on each concession area. The beneficiaries of this right can be more than one entity and or person. A list of the proposed concession areas for abalone pilot projects is contained in the Abalone Ranching Guidelines and is also provided in paragraph 15 below.
3. No amendments, alterations or additions can be made to an application, except where such amendment, alteration or addition is in response to a specific request from the Department.
4. The application process shall be done in two phases (see paragraph 16 below for the application process flow diagram); i.e. Phase 1 and Phase 2.

Phase 1 involves the submission of the application forms with the relevant documentation specified in the Application form. At this phase, the application will be evaluated based on the Exclusionary Criteria. After the initial screening of applications by the Department, the applicant will be informed on whether to proceed with Phase 2.

Phase 2 involves the Public Participation process and the submission of a full proposal as outlined in the Ranching Guidelines. At this phase, the full proposal will be evaluated against the Balancing Criteria.

5. The Department, through the Aquaculture Management Directorate, will undertake any relevant investigative measure to verify or ascertain information submitted in any application.
6. Applicants must note that in terms of section 28 of the Act, a right may be cancelled, suspended or revoked if the document that was presented or the statement that was made to the Department was false or misleading in any material respect.
7. Applications may be posted to the address below. The Department will also accept applications delivered during week days from 08:00 until 16:00 at the following address:

Department of Agriculture, Forestry and Fisheries
Attention: Khumo Morake
Deputy Director: Marine Aquaculture Authorisation and Development
Ground Floor
Customer Services Centre
Foretrust Building
Martin Hammerschlag Way
Foreshore
CAPE TOWN
8001

8. Interested parties must submit their applications to the Department by 16h30 on Tuesday 30 June 2011.

Application Forms, Ranching Guidelines and Evaluation Criteria

9. The Application Forms, Ranching Guidelines and the Evaluation Criteria will be made available upon request and may be collected at any time during office hours from the Department's Fisheries Branch: Marine Aquaculture Authorizations Sub-Directorate (Zimasa Jika at telephone 021-4023356 or e-mail ZimasaJ@daff.gov.za). The documents will also be available for collection at Customer Services, Ground Floor, Foretrust Building, Foreshore. The documents can also be downloaded on the website - www.daff.gov.za

10. While the information that the Department will make available will to the best of its knowledge, be true and correct at the time of preparation, it will be up to the applicants to ensure that they are aware of any additional information, any changes or developments and to satisfy themselves of the veracity of the information supplied.

Application fees

11. An application fee, determined by the Minister in terms of section 25 of the Act, will be charged for lodging an application for a right to engage in abalone ranching or stock enhancement pilot projects.
12. All applicants are herewith informed that any application submitted without proof of payment of the stipulated fee at the time of lodgment, will not be considered.
13. Monies must be paid to the Marine Living Resources Fund and proof of such deposit, by way of a deposit slip, must be attached to each Application Form.

BANKING DETAILS FOR THE MARINE LIVING RESOURCES FUND

BRANCH CODE: **204-109**

ACCOUNT TYPE: **Current**

BANK: **First National Bank (FNB)**

ACCOUNT No.: **62 123 256 382**

BRANCH NAME: **Corporate Account Services**

ACCOUNT NAME: **Marine Living Resources Fund**

BRANCH: **Cape Town**

14. Application fees are not refundable.

Proposed Concession Areas for Abalone Pilot Projects

15. The areas outlined below will be considered for pilot projects.

Northern Cape:**Area NC 1**

+- 60 km

	Boundaries	Latitude	Longitude
NC1a	Boegoeberg Noord	28°45'41,35"S	16°33'41,93"E
NC1b	Beach north of North Point	29°14' 7,65" S	16°51'14,08"E

Area NC 2

+- 32 km

	Boundaries	Latitude	Longitude
NC2a	Rocks outside south end of McDougall Bay	29°17'34,23"S	16°52'32,08"E
NC2b	Rob Island	29°43' 7,12"S	16°59'50,45"E

Area NC 3

+- 43 km

	Boundaries	Latitude	Longitude
NC3a	Beach at Kleinzee	29°40'43,9"S	17° 3' 3,5" E
NC3b	Swartduine	30° 2'52,04S	17°10'39,69E

Area NC4

+- 40 km

	Boundaries	Latitude	Longitude
NC4a	Skulpfontein	30° 6' 8,15S	17°11' 8,03E
NC4b	2 small rocks 200m from shore	30°25'56,26"S	17°20' 5,43E

Western Cape:**Area WC 1**

Maasbaai +- 8km

	Boundaries	Latitude	Longitude
WC1a	Sandy beach north of Cape Hangklip	34°22'52,35"S	18°49'33,91"E
WC1b	Sandy beach east of Maasbaai	34°22'49,44"S	18°51'22,82"E

Area WC 2

Betty's bay +-10km

	Boundaries	Longitude	Latitude
WC2a	Jock-se-baai	34°21'22,65"S	18°56'14,53"E
WC2b	Sandy Beach at Bettys bay	34°20'34,38"S	19° 2'16,02"E

Area WC 3

Hawston +- 8km

	Boundaries	Longitude	Latitude
WC3a	Sandy beach west of Hawston	34°23'58,68"S	19° 7'27,22"E
WC3b	Sandy beach at Onrus	34°25'12,00"S	19°10'49,17"E

Eastern Cape:**Area EC 1**

+- 15km

	Boundaries	Latitude	Longitude
EC 1a	Skoenmakerskop MPA	34° 2' 46,05" S	25° 32' 33,39" E
EC 1b	Cape Recife	34° 2' 0,33" S	25° 42' 18,43" E

Area EC 2

+- 50 km

	Boundaries	Latitude	Longitude
EC 2a	Hamburg	33° 17' 1,94" S	27° 29' 31,54" E
EC 2b	East London	33° 1' 28,13" S	27° 55' 50,53" E

Area EC 3

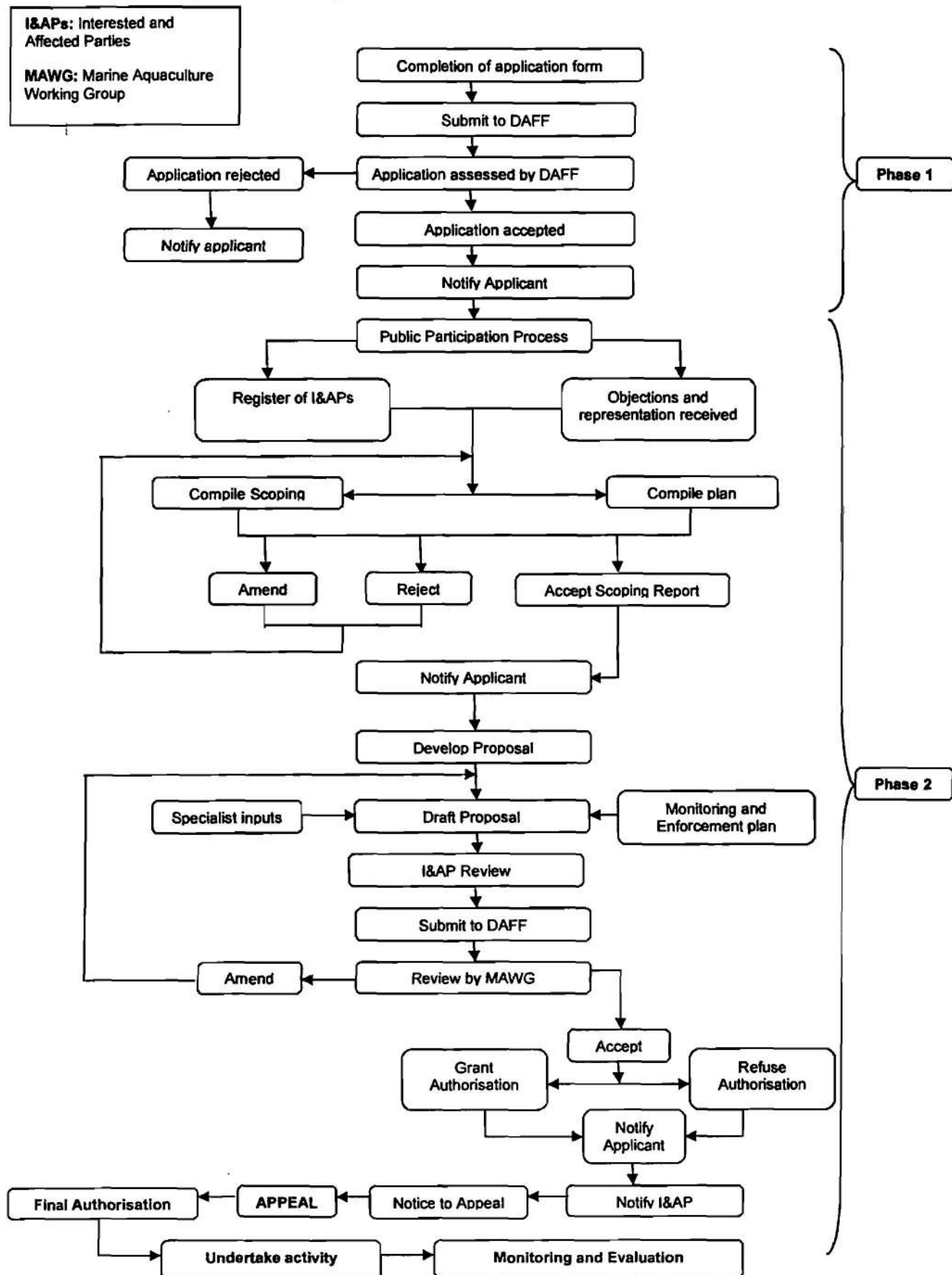
+- 65 km

	Boundaries	Latitude	Longitude
EC 3a	Cintsa	32° 50' 2,61" S	28° 6' 56,0" E
EC 3b	Mazeppa Bay	32° 9' 25,28" S	28° 39' 19,91" E

APPLICATION PROCESS FLOW DIAGRAM

16. The following application process flow diagram outlines the application process that will be followed during the application process. The application process flow diagram outlined below will take precedence over the application process flow diagram published in the Government Gazette No. 729 of 20 August 2010.

16. Application process flow diagram



Enquires should be directed to Khumo Morake, Tel: 021 402 3038; Email:
KhumoM@daff.gov.za
