



## forestry, fisheries & the environment

Department:  
Forestry, Fisheries and the Environment  
REPUBLIC OF SOUTH AFRICA

Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town, 8001

Reference: Res2022-42  
Enquiries: L Swart (permit administrator)  
Tel: 021-819 5056  
E-mail : [researchpermits@dfffe.gov.za](mailto:researchpermits@dfffe.gov.za)

Attention: Dear Mr. Gibbs Kuguru

### **PERMIT FOR THE PURPOSES OF A SCIENTIFIC INVESTIGATION OR PRACTICAL EXPERIMENT IN TERMS OF SECTION 83 OF THE MARINE LIVING RESOURCES ACT, 1998 (ACT NO. 18 OF 1998).**

I, the undersigned, Director: Biodiversity and Coastal Research, Branch Oceans and Coasts, Department of Forestry, Fisheries and Environment (DFFE) (the Director) acting in pursuance of the delegated authority conferred upon me by the Honourable Minister of Forestry, Fisheries and Environment as contemplated in terms of Section 79 of the Marine Living Resources Act of 1998 (Act No. 18 of 1998) ("the Act") hereby permit, in terms of Section 83 of the Act, the following person(s)/institution to engage in the scientific investigation or practical experiment referred to below:

**PERMIT REFERENCE NUMBER:** Res2022-42

**PERSON(S):** Mr. Gibbs Kuguru

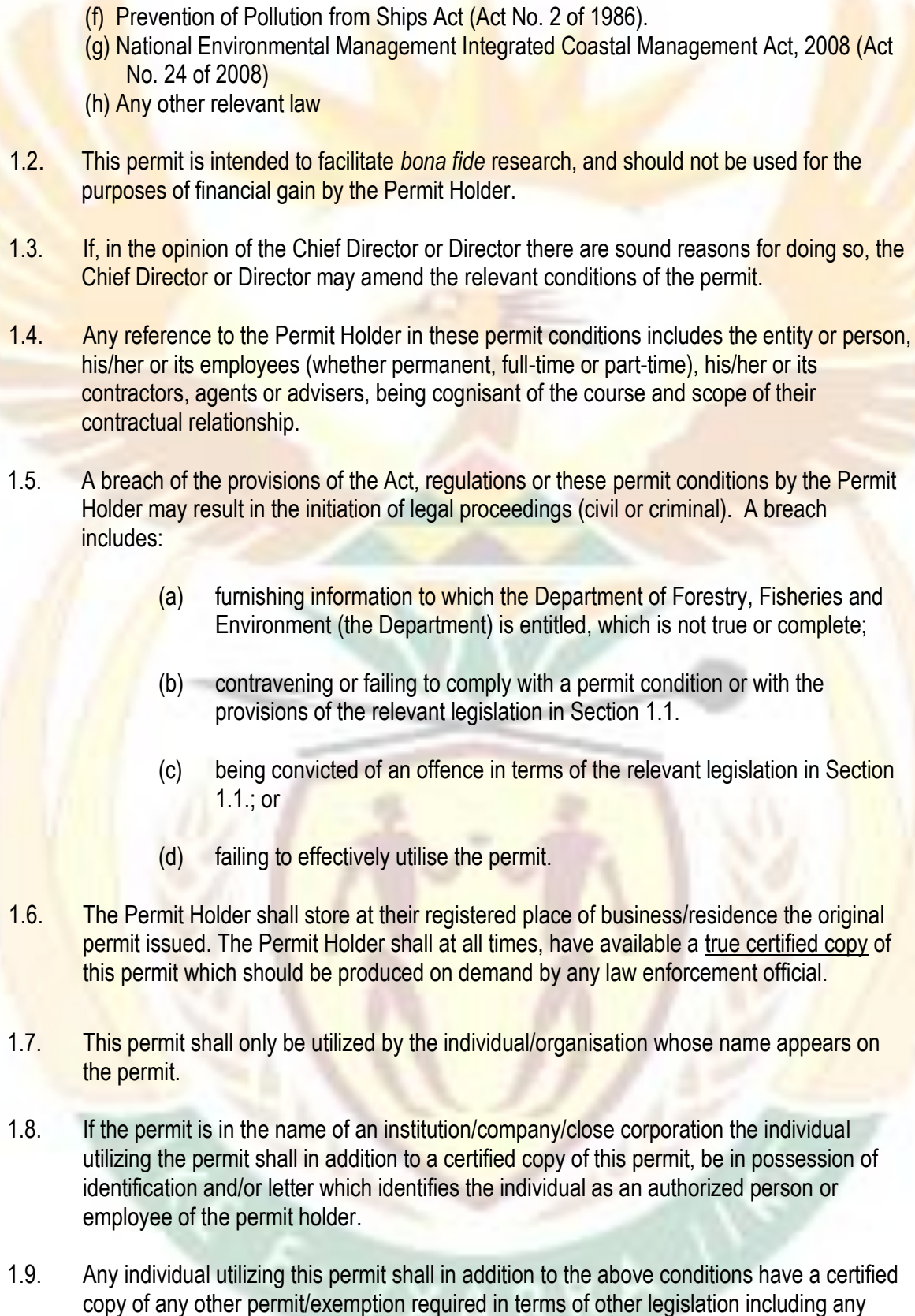
**INSTITUTION:** Stellenbosch University

**SCIENTIFIC INVESTIGATION OR PRACTICAL EXPERIMENT:** to collect water samples for eDNA collection for the purposes of research,

subject to the following conditions:

#### **1. GENERAL CONDITIONS**

- 1.1. This permit is issued subject to the provisions and regulations of the following laws:
  - (a) The Marine Living Resources Act, 1998 (Act No. 18 of 1998) ("the Act"), and all regulations published in terms thereof;
  - (b) The National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"), and in particular, the regulations that control vehicle use in the coastal zone (as amended);
  - (c) The National Environmental Management Biodiversity Act, 2004 (Act No. 10 of 2004);
  - (d) The National Environmental Management Protected Areas Act, 2003 (Act No. 57 of 2003);
  - (e) The Sea Birds and Seals Protection Act, 1973 (Act No. 46 of 1973); and

- 
- (f) Prevention of Pollution from Ships Act (Act No. 2 of 1986).
- (g) National Environmental Management Integrated Coastal Management Act, 2008 (Act No. 24 of 2008)
- (h) Any other relevant law
- 1.2. This permit is intended to facilitate *bona fide* research, and should not be used for the purposes of financial gain by the Permit Holder.
- 1.3. If, in the opinion of the Chief Director or Director there are sound reasons for doing so, the Chief Director or Director may amend the relevant conditions of the permit.
- 1.4. Any reference to the Permit Holder in these permit conditions includes the entity or person, his/her or its employees (whether permanent, full-time or part-time), his/her or its contractors, agents or advisers, being cognisant of the course and scope of their contractual relationship.
- 1.5. A breach of the provisions of the Act, regulations or these permit conditions by the Permit Holder may result in the initiation of legal proceedings (civil or criminal). A breach includes:
- (a) furnishing information to which the Department of Forestry, Fisheries and Environment (the Department) is entitled, which is not true or complete;
  - (b) contravening or failing to comply with a permit condition or with the provisions of the relevant legislation in Section 1.1.
  - (c) being convicted of an offence in terms of the relevant legislation in Section 1.1.; or
  - (d) failing to effectively utilise the permit.
- 1.6. The Permit Holder shall store at their registered place of business/residence the original permit issued. The Permit Holder shall at all times, have available a true certified copy of this permit which should be produced on demand by any law enforcement official.
- 1.7. This permit shall only be utilized by the individual/organisation whose name appears on the permit.
- 1.8. If the permit is in the name of an institution/company/close corporation the individual utilizing the permit shall in addition to a certified copy of this permit, be in possession of identification and/or letter which identifies the individual as an authorized person or employee of the permit holder.
- 1.9. Any individual utilizing this permit shall in addition to the above conditions have a certified copy of any other permit/exemption required in terms of other legislation including any



- permit or exemption in terms of the Marine Living Resources Act, 1998 ( Act No. 18 of 1998).
- 1.10. An application for a future permit may be refused if the conditions of this permit are not adhered to.
  - 1.11. In terms of the Marine Living Resources Act, the Permit Holder is obliged to report to the Minister any contravention of the provisions of the MLRA by any other person.
  - 1.12. The Permit Holder must safely store all inorganic waste material, garbage and pollutants on board the vessel or at the site of research activities if on land. Should the Permit Holder discard any inorganic waste material, garbage or pollutants into the sea or coastal environment, the Department may institute legal proceedings (civil or criminal) which may include suspension of the permit for a period determined by the Department and the Permit Holder shall take those steps considered necessary in terms of relevant legislation to remedy any pollution caused.
  - 1.13. This permit does not in any way absolve the Permit Holder from the obligations of and adhering to the remainder of the provisions and conditions of the MLRA, regulations or any other law.
  - 1.14. Any installations must be removed on termination of the project(s).
  - 1.15. Specimens collected in terms of this permit shall not be sold or offered for sale.
  - 1.16. This permit may not be used in marketing materials of the Permit Holders, or in any way to contract business to the Permit Holder.
  - 1.17. No harmful chemicals are to be used when collecting marine species. Limited use of fish anaesthetics (including rotenone) is permitted if no other suitable technique is available to collect fishes, and should be kept to a minimum. Local authorities should be advised when rotenone is to be used to collect fish.
  - 1.18. No vehicle may be used in the coastal zone in terms of this permit unless the permit holder is in possession of a valid permit to use a vehicle in the coastal zone in terms of the Regulations for the Control of Use of Vehicles in the Coastal Zone (GNR 1426 of 7 December 2004).
  - 1.19. Reports as stipulated in the 'Specific Conditions' must be submitted to The Directorate: Biodiversity and Coastal Research, Attention: L Swart by email to [researchpermits@dffe.gov.za](mailto:researchpermits@dffe.gov.za). Such reports must be submitted within the timeframes provided, before any renewal of this permit or application for any other permit will be considered.
  - 1.20. The report, as required under Condition 1.19, should provide details of the dates, locations, species and quantities collected on the template provided by the Department.

- 1.21. This permit may not be utilised within a marine protected area for collecting, monitoring or any other activity which is prohibited in terms of section 43 of the Act and regulations unless such activity is specifically authorised in the section 2 of this permit.

## **2. SPECIFIC CONDITIONS FOR MARINE PROTECTED AREAS/HABITATS AND PROTECTED SPECIES**

- 2.1. This permit allows to attract white sharks for the purpose of eDNA water sample collection only for bona fide research projects of Mr. Gibbs Kuguru of Stellenbosch University
- 2.2. This permit allows for collection of water samples for EDNA analysis.
- 2.3. If attractant will be used; only bony fish shall be used as solid bait and/or as chum (to a maximum of 5kg per day per collection site.
- 2.4. The permit holder must inform other researchers working on white sharks before operating within the same areas, at least 72 hours before conducting research activities authorised in terms of this permit. It must be emphasised that operations of Permitted Commercial Operators in the respective areas (mainly WSCD designated diving areas and MPAs), may not be negatively impacted by the permitted research activities. Thus, the Permit Holder must coordinate with other researchers and the operators in the respective areas to minimize impacts on the protected and endangered species..
- 2.5. In white shark cage diving designated areas, the vessel permitted in terms of this permit to participate in survey sampling, is not allowed to approach a white shark cage diving operation within a distance of 500m without their consent.
- 2.6. The holder of this permit will not sample in any MPA without their explicit written approval or permit issued by the managing authority.
- 2.7. The holder of this permit shall inform the relevant MPA management authority of the sampling date(s) and area(s) prior to each collection within a MPA and must lodge a copy of this permit with the relevant MPA Managing Authority.
- 2.8. The holder of this permit shall inform the relevant MPA management authority of the sampling date(s) and area(s) 72 hours prior to each collection within a MPA and must lodge a copy of this permit with the relevant MPA Managing Authority.
- 2.9. No mammals, turtles, marine birds or any protected marine species (TOPS listed) may be collected or disturbed.
- 2.10. This permit does not allow for any specimens to be used in any way in a bioprospecting context
- 2.11. This permit does not allow collection within Marine Protected Areas.

2.12. The Permit Holder must submit a progress report to [researchpermits@dffe.gov.za](mailto:researchpermits@dffe.gov.za) by end October 2022.

**3. PERMIT VALIDITY PERIOD**

This permit is valid from **date of issue** until **28 February 2023**.



**DR GERHARD CILLIERS**  
**DIRECTOR: BIODIVERSITY AND COASTAL RESEARCH**  
**BRANCH: OCEANS AND COASTS**  
**DATE: 15/02/2022**



IKHE: IXARRA IKHE