



**MINISTER  
ENVIRONMENT, FORESTRY AND FISHERIES  
REPUBLIC OF SOUTH AFRICA**

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Dear Ms Falcon

**OCTOPUS TRAPPING IN THE FALSE BAY, HOW TO MOVE FORWARD**

I refer to your letter of 23 September 2019.

Thank you for your further correspondence on this matter, which raises a number of issues.

Indeed, the research on which the establishment of the experimental fishery for octopus was based was conducted some time ago. The current exploratory fishery for octopus aims to provide more up-to-date scientific and market information, conservatively test the productivity of the octopus resource and therefore its potential to create a sustainable commercial fishery, and to gauge the current status of the resource.

It is correct that attempts to properly execute an experimental or exploratory fishery for octopus have been 20 years in the making. This has been conducted over a number of 5-year phases. For most of this time, however, active fishery did not take place as there were many hurdles to overcome, such as finding participants willing to make the considerable investment required, both the Department and participants learning how to fish for octopus effectively, and experimentation with various types of traps, pots and other gear over the years. The challenges have resulted in only one permit holder having been able to actively participate in the current 5-year phase of the exploratory fishery, despite provision being made for broader participation (16 opportunities around the coast). This attests to the complexities associated with attempting such a venture, and hence the time that it has taken in reaching this point.

The exploratory fishery is controlled by strict conditions and formal protocols concerning fishing areas, types of gear that may be utilised, restrictions on fishing effort to be applied, and reporting requirements. Compliance with the permit conditions is monitored by the Department's Chief Directorate of Monitoring, Control and Surveillance.



## OCTOPUS TRAPPING IN THE FALSE BAY, HOW TO MOVE FORWARD

The fishing gear utilised by the exploratory fishery is currently under review by the Department. While the Department recognises that traps may be a non-specific method of capture, the shelter pots utilised by this fishery differ from the traps used in other fisheries in that these are open pots which allow escapement of mobile species. Besides, the fishery is not permitted to retain any species other than octopus, and organisms such as starfish or sea urchins which may be brought up with the pots are returned immediately to the sea. There is thus no mortality of incidental by-catch in this fishery. Concerning the non-selectivity in terms of size of octopus caught, it should be noted that octopus are short-lived, with extremely high growth rates and productivity. Size-selectivity is thus not a crucial factor affecting long-term sustainability (as it would be in counter-point for organisms such as abalone which are long-lived, slow-growing, late-maturing and exhibit very low levels of productivity).

Of greater concern concerning gear in this fishery is incidental entanglement, specifically of whales. Although various measures had previously been introduced into the fishery to mitigate against such entanglements, it became clear earlier in 2019 that these were insufficient. As your letter indicates, of particular concern were entanglements of resident Bryde's Whales, although the Department also finds the levels of entanglement of other whale species unacceptable. To this end, the Department has engaged with permit holders and relevant stakeholders and is in the process of considering further measures recommended to mitigate against whale entanglements in this fishery. Should the Department consider that the proposed further mitigation measures will result in a significant positive impact on reducing whale entanglements, then the Department may consider lifting of the temporary suspension of the exploratory octopus fishery in False Bay to allow the conclusion of the collection of the scientific data required to make a properly informed decision on the future of such a fishery in South Africa.

The Department has a mandate to implement the Marine Living Resources Act, which confers the responsibility for ensuring sustainable utilisation of marine living resources and protection of the broader ecosystems in which such utilisation may take place, while also achieving social and economic goals, as was re-iterated in the judgement in the West Coast rock lobster case referred to. As a public trustee, I am bound to uphold this legislation and to ensure that the objectives of the Marine Living Resources Act are achieved in a balanced manner.

Yours sincerely



**MS B D CREECY, MP**  
**MINISTER OF ENVIRONMENT, FORESTRY AND FISHERIES**

DATE: 9/11/2022